

November 3, 2016

Virginia State Board of Elections
James B. Alcorn
Clara Belle Wheeler
Singleton B. McAllister
Washington Building
1100 Bank Street, First Floor
Richmond, VA 23219

Re: Request for Investigation into Sample Ballots Distributed by Joe Morrissey's Campaign for Mayor of Richmond

Members of the State Board of Elections:

Pursuant to the authority of the State Board of Elections under Sections 24.2-955.3 and 24.2-104 of the Virginia Code, this letter constitutes a formal complaint against Richmond mayoral candidate Joe Morrissey and his principal campaign committee, Elect Joe Morrissey, for distributing sample ballots that are misleading to voters and do not include the "paid for by" disclaimer required by Virginia law. Because the advertisements being distributed by Mr. Morrissey's campaigns are deceptive, the State Board should immediately investigate this violation and impose the maximum available penalties against Mr. Morrissey's campaign.

Mr. Joe Morrissey is currently running for Mayor of Richmond. Mr. Morrissey's campaign is distributing unofficial sample ballots to voters that do not include the necessary disclaimers required by Virginia law.¹ Instead, these sample ballots are being distributed along with a personal note from Mr. Morrissey himself, with no indication of who has paid for or authorized the sample ballots. As you know, unofficial sample ballots are treated as advertisements under Virginia law. *See* Va. Code Ann. § 24.2-622. For that reason, all unofficial sample ballots must, in a conspicuous manner, include the statement "Paid for by [name of political committee or candidate]" and, for those sample ballots supporting or opposing the election of one or more clearly identified candidates, the statement "Authorized by [Name of candidate], candidate for [Name of office]" or "Not authorized by a candidate." *Id.* §§ 24.2-956; 24.2-956.1. By failing to include this information, Mr. Morrissey's campaign has plainly violated Virginia law.

Additionally, the sample ballot claims to be the "Democratic Party Sample Ballot" despite the fact that neither the Democratic Party of Virginia nor the Richmond City Democratic Committee have had anything to do with the advertisement. Mr. Morrissey has not been endorsed by the Richmond Democratic Committee or the Democratic Party of Virginia. By implying that the Democratic Party is behind this advertisement or Mr. Morrissey's campaign, and by failing to include a disclaimer indicating that this mailer was paid for by a candidate's committee (and not a Democratic party-affiliated organization), the sample ballot misleads voters in violation of the letter and spirit of Virginia's disclaimer laws, which exist to give voters the information they need to determine who is attempting to influence their vote.

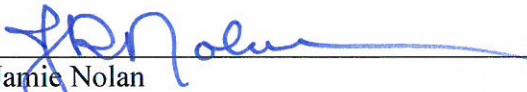
¹ See Attachment 1.

Because Mr. Morrissey's campaign is distributing sample ballots that fail to identify who paid for and authorized the advertisements, and because the sample ballots are deceptively labeled as "Democratic Party Sample Ballot[s]," we are requesting that Mr. Morrissey's campaign cease and desist distributing these sample ballots immediately. We also request that the State Board investigate this issue and impose a fine against Mr. Morrissey's campaign in the amount of the maximum permitted by law for these violations. *See* Va. Code Ann. §§ 24.2-622; 24.2-104(A); 24.2-955.3(D).

Sincerely,



Rebecca Slutzky
Executive Director
Democratic Party of Virginia



Jamie Nolan
Secretary
Richmond City Democratic Committee



Matthew Corridoni
Communications Director
Stoney for RVA

Attachment 1

A note from Joe Morrissey

November 1, 2016

*I hope you're enjoying this beautiful
afternoon! You may recall I campaigned
door-to-door in your neighborhood earlier this
year. I enjoyed meeting thousands of people.*

*For thirty years, I've been
fighting for the little guy ... the underdog and I
would love to earn your vote on Election Day!*



*Sincerely,
Joe Morrissey*

PHOTO AND GRAPHICS BY KYLE JOE BARNETT

Democratic Party

SAMPLE BALLOT

President: ● Hillary R. Clinton

4th District House
of Representatives: ● A. Donald McEachin

Mayor
Richmond City: ● Joseph D. Morrissey