



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, May 24, 2022

Pocahontas Building

Senate Room A

Richmond, VA

Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=m8e6lde604dad5d3cfa77873da726c181>

Meeting password: STnadWC4U36

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2420 944 1173

1:00 P.M.



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Tuesday, May 24, 2022

LOCATION: 900 E Main St.

Pocahontas Building – Senate Room A

Richmond, VA 23219

TELECONFERENCE:

+1-517-466-2023 US Toll

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Access code: 2420 944 1173

VIDEO CONFERENCE:

<https://covaconf.webex.com/covaconf/j.php?MTID=m8e61de604dad5d3cfa77873da726c181>

Password: STnadWC4U36

TIME: 1:00 P.M.

I. CALL TO ORDER

Robert Brink, Chairman

II. APPROVAL OF MINUTES

Robert Brink, Chairman

A. April 13, 2022

III. COMMISSIONER'S REPORT

*Susan Beals
Commissioner*

IV. SPLIT PRECINCT WAIVER

A. Bedford County

*Daniel Davenport
ELECT Policy Analyst*

**V. ELECTRONIC POLL BOOK STANDARDS AND CERTIFICATION
OVERVIEW**

*Karen Hoyt-Stewart
Locality Security Program Manager*

**VI. ELECTIONS SYSTEM & SOFTWARE EXPRESSPOLL 7.2.4.0
CERTIFICATION**

*Karen Hoyt-Stewart
Locality Security Program Manager*

VIII. PUBLIC COMMENT

IX. CLOSED SESSION

X. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=34698>

Re. Entrance to the Pocahontas Building

All members of the public will be required to show his/her driver's license, passport or other government issued ID to enter the Pocahontas Building. Each person will go through the x-ray machine and follow the Expect the Check rules.

All State employees must have on his/her state ID badge on at all times while in the building. Each employee will go through the x-ray machine and follow the Expect the Check rules.

Re. Face Mask

A face mask is required to enter the building if you have NOT been fully vaccinated. A face mask is NOT required if you are fully vaccinated.

Re. public comment

Public comment will first be heard from those persons participating in person as per the sign-up list. Next, we will hear from the persons who requested to speak via chat on the WebEx. Last, we will hear from persons who provided their name and phone number to FOIA@elections.virginia.gov.

Re. limitation on individual participation in public comment

Due to the large number of persons who may wish to speak, we encourage you to be as brief as possible, with a maximum of THREE minutes per person. We also ask that you be prepared to approach the podium or unmute yourself if you hear your name announced as the next participant.

Re. How to Participate in Public Comment

If you are a member of the public and wish to participate, you must sign up in order to be recognized to speak. Please note the following:

If you are attending in person, please ensure your name is on the sign-up list at the front door.

If you are participating virtually using WebEx, sign up using the chat feature, located on the bottom right part of the WebEx application, to add your participant name.

If you are participating virtually using a phone and cannot access WebEx's chat feature, please send an email with your name and your phone number to FOIA@elections.virginia.gov. You will need to provide your first and last name and the phone number you've used to call in.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS

1 The State Board of Elections (“the Board”) meeting was held on
2 Wednesday, April 13, 2022, in the Martha Brissette Conference Room of the
3 Washington Building in Richmond, Virginia. The meeting also offered public
4 participation through electronic communication so the remote public could view
5 and hear the meeting. In attendance: Robert Brink, Chairman; John O’Bannon,
6 Vice Chairman; Jamilah LeCruise, Secretary; Angela Chiang, and Delegate Donald
7 Merricks, members; represented the State Board of Elections (“the Board”). Susan
8 J. Beals, Commissioner, represented the Department of Elections (“ELECT”), and
9 Joshua Lief represented the Office of the Attorney General (“OAG”). Chairman
10 Brink called the meeting to order at 1:00 P.M.

11 The first item of business was the approval of minutes, presented by
12 Secretary LeCruise. Delegate Merricks *moved that the Board approve the amended*
13 *minutes from the March 1, 2022 Board Meeting.* Vice Chair O’Bannon seconded
14 the motion and the motion passed unanimously. A roll call vote was taken:

15 Chairman Brink – Aye

16 Vice Chair O’Bannon – Aye

17 Secretary LeCruise – Aye

18 Ms. Chiang – Aye

19 Delegate Merricks – Aye

20 The next item of business was the Commissioner’s Report, presented by

21 Commissioner Beals. The Commissioner expressed her appreciation to the Board
22 for welcoming her to her first State Board of Elections meeting as the
23 Commissioner. Commissioner Beals stated that the Virginia Elections Registration
24 Information System (“VERIS”) replacement project procurement timeline had
25 originally suggested that a contract would be awarded by September of 2021. The
26 Commissioner advised the Board that due to its classification as a high-risk
27 contract, the procurement timeline has been pushed back and is subject to
28 additional approvals from both the OAG and the Virginia Information Technology
29 Agency (“VITA”). Commissioner Beals stated that ELECT had enlisted additional
30 assistance, and both teams are working to secure the best system for the
31 Commonwealth.

32 The Commissioner advised the Board that ELECT is in the middle of
33 processing information related to redistricting. Commissioner Beals stated that the
34 ELECT is in the process of updating VERIS to reflect the redistricting changes and
35 that redistricting is a partnership between the local registrars and the ELECT
36 team. The Commissioner expressed her appreciation to the General Registrars for
37 their hard work and patience. Commissioner Beals introduced new ELECT
38 employees Johnathan Barbette, Chief Information Officer; Michael Nicholas,
39 Chief Technology Officer; Victoria (“Viki”) Mainwaring; Taylor O’Sullivan,
40 External Affairs Assistant; and Mark Hammer, Quality Assurance Analyst.

41 The next item of business was Split Precinct Waiver Request, presented by
42 Ashley Coles, ELECT Policy Analyst. Southampton County requested the first
43 precinct waiver. *These documents are in the Working Papers for the April 13, 2022*
44 *Meeting.* Lynn Burgess, Southampton County General Registrar, addressed the
45 Board. Vice Chair O’Bannon moved *to approve the waiver for Southampton*
46 *County.* Secretary LeCruise seconded the motion and the motion passed
47 unanimously. A roll call vote was taken:

- 48 Chairman Brink – Aye
- 49 Vice Chair O’Bannon – Aye
- 50 Secretary LeCruise – Aye
- 51 Ms. Chiang – Aye
- 52 Delegate Merricks – Aye

53 The second split precinct waiver request was from Fairfax County. *These*
54 *documents are in the Working Papers for the April 13, 2022 Meeting.* Martin
55 Desjardins, Assistant County Attorney to the Board of Supervisors, and Jeffery
56 McKay, Chairman of Fairfax County Board of Supervisors, addressed the Board.
57 Delegate Merricks moved *to approve the waiver for Fairfax County.* Vice Chair
58 O’Bannon seconded the motion and the motion passed unanimously. A roll call
59 vote was taken:

- 60 Chairman Brink – Aye

61 Vice Chair O'Bannon – Aye

62 Secretary LeCruise – Aye

63 Ms. Chiang – Aye

64 Delegate Merricks – Aye

65 The third split precinct waiver request was from Hanover County. *These*

66 *documents are in the Working Papers for the April 13, 2022 Meeting.* Vice Chair

67 O'Bannon moved *to approve the waiver for Hanover County.* Secretary LeCruise

68 seconded the motion and the motion passed unanimously. A roll call vote was

69 taken:

70 Chairman Brink – Aye

71 Vice Chair O'Bannon – Aye

72 Secretary LeCruise – Aye

73 Ms. Chiang – Aye

74 Delegate Merricks – Aye

75 The fourth split precinct waiver request was from Chesterfield County.

76 *These documents are in the Working Papers for the April 13, 2022 Meeting.*

77 Secretary LeCruise moved *to approve the waiver for Chesterfield County.* Delegate

78 Merricks seconded the motion and the motion passed unanimously. A roll call vote

79 was taken:

80 Chairman Brink – Aye

81 Vice Chair O'Bannon – Aye

82 Secretary LeCruise – Aye

83 Ms. Chiang – Aye

84 Delegate Merricks – Aye

85 The fifth split precinct waiver request was from Prince William County.

86 *These documents are in the Working Papers for the April 13, 2022 Meeting.* Vice

87 Chair O'Bannon moved *to approve the waiver for Prince William County.*

88 Secretary LeCruise seconded the motion and the motion passed unanimously. A

89 roll call vote was taken:

90 Chairman Brink – Aye

91 Vice Chair O'Bannon – Aye

92 Secretary LeCruise – Aye

93 Ms. Chiang – Aye

94 Delegate Merricks – Aye

95 The sixth split precinct waiver request was from Roanoke County. *These*

96 *documents are in the Working Papers for the April 13, 2022 Meeting.* Delegate

97 Merricks moved *to approve the waiver for Roanoke County.* Ms. Chiang seconded

98 the motion and the motion passed unanimously. A roll call vote was taken:

99 Chairman Brink – Aye

100 Vice Chair O'Bannon – Aye

101 Secretary LeCruise – Aye

102 Ms. Chiang – Aye

103 Delegate Merricks – Aye

104 The next item of business was the 2022 General Assembly Legislative
105 Session presented by Ashley Coles, ELECT Policy Analyst. *This report is in the*
106 *Working Papers for the April 13, 2022 Meeting.* Ms. Coles informed the Board of
107 election related legislation that passed during the Assembly Session and no motion
108 was heard.

109 The next item of business was the Proposed Amendment to 1VAC20-70-40,
110 presented by Daniel Davenport, ELECT Policy Analyst. *This regulation is in the*
111 *Working Papers for the April 13, 2022 Meeting.* Secretary LeCruise moved that
112 *the Board approve the Department’s proposal for regulatory action regarding the*
113 *pre-processing of absentee ballots.* Ms. Chiang seconded the motion and the
114 motion passed unanimously. A roll call vote was taken:

115 Chairman Brink – Aye

116 Vice Chair O’Bannon – Aye

117 Secretary LeCruise – Aye

118 Ms. Chiang – Aye

119 Delegate Merricks – Aye

120 The next item of business was the KnowInk Electronic Pollbook

121 Certification, presented by Karen Hoyt-Stewart, Locality Security Program
122 Manager. *This report is in the Working Papers for the April 13, 2022 Meeting.* Ned
123 Jones, Christine Brim, and Mr. Jeffery of Fairfax County addressed the Board
124 regarding concerns. Vice Chair O'Bannon moved *that the Board certify the use of*
125 *Knowink Poll Pad version 2.5.8 and Poll Pad Plus version 3.0.1 in elections in the*
126 *Commonwealth of Virginia, pursuant to the State Certification of Electronic*
127 *Pollbooks: Requirements and Procedures and that the Commissioner report back*
128 *to the Board regarding the specific issues about this equipment that were*
129 *presented to the Board.* Secretary LeCruise seconded the motion and the motion
130 passed unanimously. A roll call vote was taken:

- 131 Chairman Brink – Aye
- 132 Vice Chair O'Bannon – Aye
- 133 Secretary LeCruise – Aye
- 134 Ms. Chiang – Aye
- 135 Delegate Merricks – Aye

136 The next item of business was the Drawing for Candidate Ballot Order,
137 presented by Paul Saunders, Elections Administration Supervisor. *This memo is in*
138 *the Working Papers for the April 13, 2022 Meeting.* Mr. Saunders conducted the
139 drawing of the names. The ballot order for Republican Member, House of
140 Representative, 2nd District is as follows:

- 141 1. Jarome Bell
142 2. Andrew G. “Andy Baan
143 3. L. Tommy Altman III
144 4. Jen A. Kiggans

145 The ballot order for Republican Member, House of Representative, 7th District is as
146 follows:

- 147 1. Gina R. Ciarcia
148 2. Derrick M. Anderson
149 3. David Ross
150 4. Crystal L. Vanuch
151 5. Bryce E. Reeves

152 The ballot order for Democratic Member, House of Representative, 8th District is
153 as follows:

- 154 1. Victoria I. Virasingh
155 2. Donald S. Beyer, Jr.

156 Vice Chair O’Bannon moved *that the Board certify the determinations by lot*
157 *of the order of candidates on the ballot for primary elections to be held on June 21,*
158 *2022.* Secretary LeCruise seconded the motion and the motion passed
159 unanimously. A roll call vote was taken:

160 Chairman Brink – Aye

161 Vice Chair O'Bannon – Aye

162 Secretary LeCruise – Aye

163 Ms. Chiang – Aye

164 Delegate Merricks – Aye

165 The next item of business was the Drawing for Party Order on the Ballot for

166 General and Special Elections, presented by Paul Saunders, Elections

167 Administration Supervisor. *This memo is in the Working Papers for the April 13,*

168 *2022 Meeting.* Chairman Brink informed the Board that after discussions with

169 staff, he believed the appropriate time frame for the ballot order would be from

170 April 30, 2022 through January 31, 2023. Mr. Saunders conducted the drawing for

171 the political party order. The ballot order is as follows:

172 1. Democratic

173 2. Republican

174 Secretary LeCruise moved *that the Board certify the determination by lot of*

175 *the ballot order for all general and special elections being held April 30, 2022*

176 *through January 31, 2023.* Vice Chair O'Bannon seconded the motion and the

177 motion passed unanimously. A roll call vote was taken:

178 Chairman Brink – Aye

179 Vice Chair O'Bannon – Aye

180 Secretary LeCruise – Aye

181 Ms. Chiang – Aye

182 Delegate Merricks – Aye

183 The next item of business is the Candidate Filing Extension, presented by
184 David Nichols, Elections Services Manager. *This report is in the Working Papers*
185 *for the April 13, 2022 Meeting.* Mr. Jamaal Jackson and Luke Priddy, Chair of the
186 Roanoke City Democratic Committee, addressed the Board. No motion was heard.

187 Chairman Brink opened the floor to public comment. Jason Corwin, General
188 Registrar of Mecklenburg County; Tom Reynolds, Secretary Nottoway County
189 Electoral Board; Diana-Lynn Wilkins-Mitchell, Nottoway County; Erwin Abbot,
190 Former Nottoway County Electoral Board member; Barbara Tabb, former
191 president, Virginia Electoral Board Association; Luke Priddy, Roanoke City
192 Democratic Committee; Susan Hogge, President of Republican Woman of Greater
193 Richmond; Dr. Clara Belle Wheeler, and Walt Lathem, General Registrar of York
194 County, addressed the Board. Secretary LeCruise stated that this would be her last
195 meeting as she is resigning to become a District Judge, effective May 1, 2022.
196 Chairman Brink expressed his appreciation to Secretary LeCruise for her service to
197 the Board for over 2 ½ years.

198 Chairman Brink stated that a recently appointed Chairman of a local
199 Electoral Board made a vile racist post on social media a few months before being
200 appointed. The Chairman stated that the individual fortunately had resigned from

201 his position despite his initial refusal to step down. Chairman Brink commended
202 Governor Youngkin as head of his Party for acting quickly and decisively to secure
203 this individual’s removal. The Chairman expressed his concern, stating, “If the
204 responsible entities had done their job and exercised due diligence, this individual
205 would have never been appointed in the first place.” Vice Chair O’Bannon moved
206 *that the State Board of Elections direct the Chairman to write to the Chairs of the*
207 *Democratic Party of Virginia and the Republican Party of Virginia, emphasizing*
208 *the crucial role of local electoral boards in the efficient and even-handed*
209 *administration of elections, and seeking their assistance in ensuring that local*
210 *parties’ recommendations for appointments to such local boards under Va. Code §*
211 *24.2 106 recognize the importance of such positions and the responsibilities of that*
212 *office.* Vice Chair O’Bannon also moved that the Chairman *communicate with the*
213 *Chief Justice of the Supreme Court of Virginia to seek his assistance in ensuring*
214 *that the chief judges of the judicial circuit courts that appoint members of local*
215 *electoral boards under Va. Code § 24.2 106 recognize the importance of such*
216 *positions and the responsibilities of that office.* Secretary LeCruise seconded the
217 motion and the motion passed unanimously. A roll call vote was taken:

218 Chairman Brink – Aye

219 Vice Chair O’Bannon – Aye

220 Secretary LeCruise – Aye

221 Ms. Chiang – Aye

222 Delegate Merricks – Aye

223 At 2:48 P.M., Secretary LeCruise moved, pursuant to Virginia Code Section
224 2.2-3711(A)(7), *that the Board go into closed session for the purpose of discussing*
225 *pending and threatened litigation. In accordance with Section 2.2-3712(F), Susan*
226 *Beals, Commissioner of Elections, and Joshua Lief of the Office of the Attorney*
227 *General will attend the closed session because their presence will reasonably aid*
228 *the Board in its consideration of the subject of the meeting. Vice Chair O’Bannon*
229 *seconded the motion and the motion passed unanimously. A roll call vote was*
230 *taken:*

231 Chairman Brink – Aye

232 Vice Chair O’Bannon – Aye

233 Secretary LeCruise – Aye

234 Ms. Chiang – Aye

235 Delegate Merricks – Aye

236 At 3:48 P.M., Secretary LeCruise moved *to reconvene in open session, and*
237 *take a roll call vote certifying that to the best of each member’s knowledge (i) only*
238 *such public business matters lawfully exempted from open meeting requirements*
239 *under this chapter and (ii) only such public business matters as were identified in*
240 *the motion by which the closed meeting was convened were heard, discussed, or*

241 *considered.* Vice Chair O'Bannon seconded the motion and the motion passed
242 unanimously.

243 Chairman Brink – Aye

244 Vice Chair O'Bannon – Aye

245 Secretary LeCruise – Aye

246 Ms. Chiang – Aye

247 Delegate Merricks – Aye

248 Vice Chair O'Bannon moved *that the Board request that the Attorney*

249 *General's Office to conduct an investigation to determine if there were*

250 *irregularities or deviations from election administration procedures in Prince*

251 *William County during the 2020 General Election.* Secretary LeCruise seconded

252 the motion and the motion passed unanimously. A roll call vote was taken:

253 Chairman Brink – Aye

254 Vice Chair O'Bannon – Aye

255 Secretary LeCruise – Aye

256 Ms. Chiang – Aye

257 Delegate Merricks – Aye

258 Vice Chair O'Bannon moved *that the Board request that the Attorney*

259 *General's Office to conduct an investigation of the functioning of the Electoral*

260 *Board and General Registrar in Nottoway County.* Delegate Merricks seconded the

261 motion and the motion passed unanimously. A roll call vote was taken:

262 Chairman Brink – Aye

263 Vice Chair O’Bannon – Aye

264 Secretary LeCruise – Aye

265 Ms. Chiang – Aye

266 Delegate Merricks – Aye

267 Vice Chair O’Bannon moved *that the Board accept the report from the*

268 *Attorney General’s Office on Richmond City Electoral Board and direct the*

269 *Chairman of the Board to write an appropriate letter to the members of the*

270 *Richmond City Electoral Board regarding the investigation and its results. Ms.*

271 Chiang seconded the motion and the motion passed unanimously. A roll call vote

272 was taken:

273 Chairman Brink – Aye

274 Vice Chair O’Bannon – Aye

275 Secretary LeCruise – Aye

276 Ms. Chiang – Aye

277 Delegate Merricks – Aye

278 Secretary LeCruise moved *to adjourn the meeting*. Delegate Merricks

279 seconded the motion and the motion passed unanimously. The meeting adjourned

280 at 3:52 P.M.

281

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283 Chairman

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286 Vice-Chairman

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289 Secretary

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292 Board Member

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295 Board Member

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★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Susan Beals
Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Split Precinct Waiver

BOARD WORKING PAPERS

Daniel Davenport
ELECT Policy Analyst



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Delegate Merricks, Ms. Chiang, and Ms. Alvis-Long
From: Daniel Davenport, Policy Analyst
Date: May 24, 2022
Re: Split Precinct Waivers

Suggested Motion

The Department of Elections (ELECT) does not have one suggested motion as each request to administer a split precinct will be reviewed and addressed individually. The State Board may move to: (i) *approve the split precinct waiver*, (ii) *deny the split precinct waiver*; or (iii) *defer review of the split precinct waiver request for a later meeting*.

Split Precincts Background

The Code of Virginia authorizes the Board to grant a waiver to administer a split precinct, if the governing body of a locality is unable to establish a precinct with the minimum number of registered voters without splitting the precinct, pursuant to § 24.2-307. This is a result of SB 740 which passed during the 2020 General Assembly session.

Waivers must be requested by the governing body of a locality. This is often accomplished by a formal resolution passed by the governing body or by documenting the approval to request a waiver in the governing body's signed meeting minutes. These documents are submitted to ELECT by the general registrar of the locality along with the *SBE-307 Split Precinct Waiver* form on [FormsWarehouse](#). A locality may only administer a split precinct for elections held in the year the waiver is granted; therefore, a new waiver is required each calendar year.

Attachments and References

- Split Precinct Waiver Requests For:
 - Bedford County
- [Va. Code § 24.2-307](#)

Recommendation of Staff

Staff recommendations will be addressed for each individual request.



* VIRGINIA *
STATE BOARD of ELECTIONS

**Waiver to Administer a
Split Precinct**

Pursuant to Virginia Code § 24.2-307, split precincts must be eliminated in any congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city, unless a waiver is granted by the State Board.

A locality may only administer a split precinct for elections held in the year the waiver is granted (i.e. you must request a new waiver each year), and the governing body of the locality must approve to apply for a waiver to administer a split precinct.

Please type the information below. **Requests must be received at least two (2) weeks before the next scheduled State Board meeting to be heard at that meeting.**

Locality: Bedford County Date: April 26, 2022

Contact Name/Title: Barbara Gunter, General Registrar Phone Number: 540-586-7649

Email Address: bgunter@bedfordcountyva.gov

Date the Governing Body's Meeting Occurred: April 25, 2022

Supporting Documentation (Please Attach):

Governing Body's Resolution

Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted? Yes No

If Yes, When? 2021

Was it Granted? Yes No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
104	Stewartsville Rescue Squad/District 1	Census block lines and Congressional/Senate/House Districts place one house with two registered voters in different district than all others for that precinct. Number of voters impacted are not enough to create a new precinct.
303	Bethesda United Methodist Church	State-level redistricting split the precinct. This will be corrected with the local-level redistricting process. Waiver needed for June primary elections. Eighty-two people are impacted by this split.
503	Sedalia Center	State-level redistricting split the precinct. This will be corrected with the local-level redistricting process. Waiver needed for June primary elections. Twenty-nine people are impacted by this split.

**You may add additional pages/rows if more space is required.*



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Bedford County Administration Building on the 25th day of April 2022, beginning at 7:00 pm:

<u>MEMBERS:</u>	<u>VOTE:</u>
John Sharp, Chair	Yes
Edgar Tuck, Vice-Chair	Yes
Mickey Johnson	Yes
Tammy Parker	Yes
Charla Bansley	Yes
Tommy W. Scott	Yes
Bob Davis	Yes

On motion of Supervisor Johnson, seconded by Supervisor Scott, which carried by a vote of 7-0, the following was adopted:

A RESOLUTION

REQUESTING A WAIVER TO ADMINISTER EXISTING SPLIT PRECINCTS

WHEREAS, Section 24.2-307 of the Code of Virginia, 1950, as amended (the “Virginia Code”), mandates that “each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city”; and

WHEREAS, the County of Bedford, Virginia, (the “County”) has three split precincts, 104 – Stewartsville Rescue Squad, 303 – Bethesda United Methodist Church and 503 – Sedalia Center (together, the “Split Precincts”); and

WHEREAS, the Virginia Code requires that the Board of Supervisors (the “Board”) establish precinct boundaries to be consistent with any Congressional district, Senate district, House of Delegates district, and local election district; and

WHEREAS, with the late release of Census data and drawing of Congressional, Senate, and House districts by the Virginia Supreme Court, the County is unable to establish local redistricting boundaries that eliminate the Split Precincts prior to the June 21, 2022 primary; and

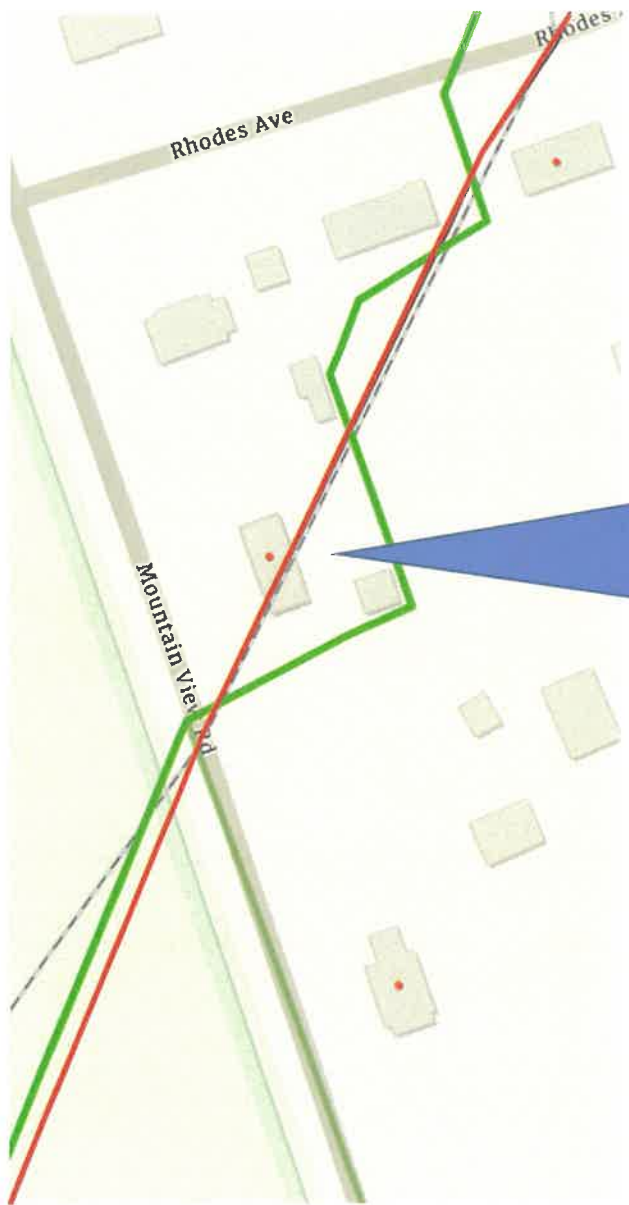
WHEREAS, Section 24.2-307 of the Virginia Code requires the Board apply for a waiver from the State Board of Elections to continue to administer the Split Precincts for any election held in 2022.

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors, that the Bedford County Director of Elections and General Registrar is authorized to submit a request for a waiver from the State Board of Elections pursuant to section 24.2-307 of the Code of Virginia to administer 104 – Stewartsville Rescue Squad, 303 – Bethesda United Methodist Church and 503 – Sedalia Center as split precincts for any election held in 2022.

A Copy-Teste:



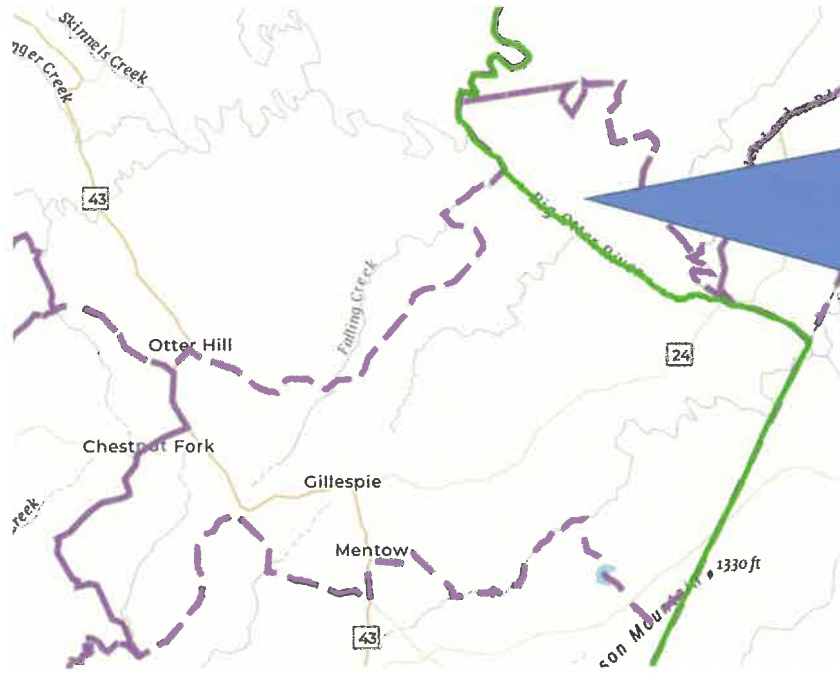
Robert Hiss
County Administrator



BEDFORD COUNTY

Precinct 104 – Stewartsville Rescue Squad

The County boundary line (red) and Congressional/Senate/House line (green) create a split precinct along the Bedford County/Roanoke County boundary line. This is the only residence in the precinct that is not included in CD 9. This residence is in CD 6. Two people are impacted by this split.



BEDFORD COUNTY

Precinct 303 – Bethesda United Methodist Church

The existing precinct boundary (purple) is split by the Congressional line (green). This puts part of the precinct in CD 5 and part in CD 9.

This split will be eliminated with local redistricting. Eighty-two people are impacted by this split.



BEDFORD COUNTY

Precinct 503 – Sedalia Center

The existing precinct boundary (purple) is split by the Congressional line (green). This puts part of the precinct in CD 5 and part in CD 9.

This split will be eliminated with local redistricting. Twenty-nine people are impacted by this split.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Electronic Poll Book Standards and Certification Overview

BOARD WORKING PAPERS
Karen Hoyt-Stewart
Locality Security Program Manager



Elections Poll Book Standards and Certification Overview

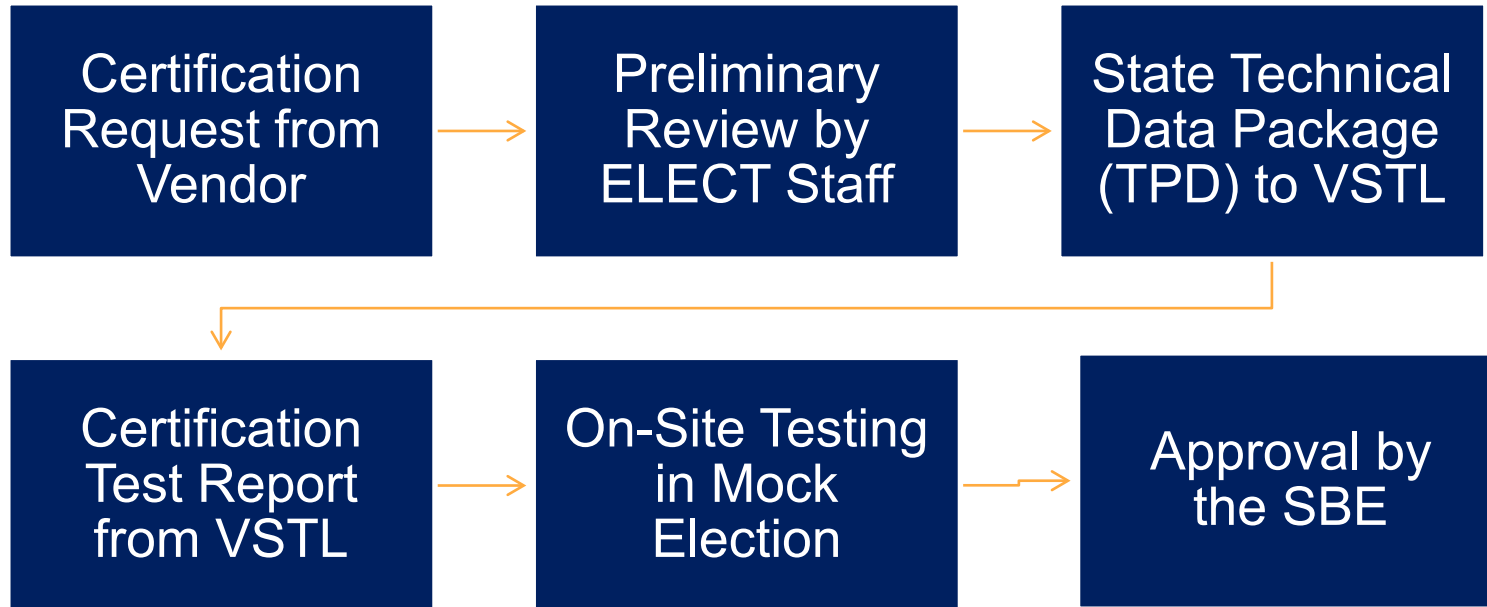


The Commonwealth has over **8,000 pollbooks** supported by three electronic pollbook vendors:

- **DemTech Solutions (Centerpoint)** – September 15, 2020
 - **KnowInk** - April 14, 2022
 - **Robis Elections** - June 22, 2021
- Virginia is one of **13 states** that certify electronic pollbooks (EPB) and has been certifying EPBs since 2015.
 - In November 2019, the SBE approved new standards for the use of EPBs in the Commonwealth.
 - As of **July 2022**, all voting systems and electronic pollbooks used in the Commonwealth of Virginia are certified to the new standards.
 - A vendor can request De Minimis change for a modification to the existing certified system, all vendors must be re-certified with any major changes.



Electronic Poll Book Certification Process





A vendor can request certification of the **EPB system, software, firmware, hardware, and/or a modification** to an existing certified EPB System. The request contains both the Technical Data Package (TDP) and Corporate Information.



After the vendor submits all of their paperwork and pays the appropriate fees, ELECT's Voting Technology Coordinator or designee completes a preliminary review of the materials provided.



What is Voting System Test Laboratories (VSTL)?

- A VSTL is a **federally** accredited independent test laboratory that evaluates voting systems and software to determine if they can provide basic functionality, accessibility, and security capabilities required of these systems.
- The EAC has developed the EAC's Voting System Laboratory Accreditation Program. The EAC considers for accreditation those laboratories evaluated and recommend by the [National Institute of Standards and Technology](#) (NIST) pursuant to HAVA Section 231(b)(1). However, consistent with HAVA Section 231(b)(2)(B), the Commission may also vote to accredit laboratories outside of those recommended by NIST upon publication of an explanation of the reason for any such accreditation.



The VSTL supervises the testing to confirm that all requirements (Functional, Systems and Audits) are met. There are **94 testing assertions**.

What are the Electronic Pollbook System Requirements?



- The EPB must not be required for the voting system to perform any functions, but may provide a digital code for the voter's ballot retrieval on Ballot Marking Devices.
- The EPB cannot connect to the voting system.
- The EPB must be networkable. Once networked together all EPB's must synchronize to the most current voter information.
- The EPB must provide data to report statistics on the duration of voter check-in process and the maximum number of votes the configuration can handle.
- The EPB must have a battery status indicator and a peripheral connectivity indicator.
- All passwords used by the EPB must follow the NIST SP 800-63B Standard at a minimum.
- The EPB utilize best practices for internet connectivity including network, wireless, and cloud services.
- EPBs must upgrade to a Modern Operating System and be kept up-to-date.
- EPBS must implement WPA2 on the wireless network.
- The EPB audit log must be encrypted, track all transactions and include a time/date stamp.
- If network connectivity is lost, once restored, all devices on the network must synchronize.
- Any failure of a device cannot impact the remaining units.
- The EPB must not connect to unauthorized networks.
- The EPB must not allow connections that are not IP whitelisted.



Follow up on comments at SBE meeting

Comment: *Unable to mask and unmask passwords.*

The Know Ink Poll Pad and Poll Pad Plus had an test exception. The first letter is unmask for a brief second as is standard with Apple products. The passwords are masked.

TO-061 The EPB must provide the option to mask or unmask passwords at text entry.



Follow up on comments at SBE meeting

Comment: *The poll books cannot be connected to a voting system and it is strongly recommended that strict configuration guidelines be applied to the jurisdiction to lock down the poll pad devices.*

TO-046 The EPB cannot connect to the voting system.

This functionality was listed as an exception. No voting systems were available in the testing area. EPBs were tested if other devices in the testing area could connect to them. They could not connect.



Follow up on comments at SBE meeting

Comment: *ELECT should make sure that local GR's and EB members are actually doing the kind of local practices that are needed on a network connectivity.*

Early Voting Absentee Voting Checklist is submitted by localities for all satellite locations with EPB connectivity.



Follow up on comments at SBE meeting

Early Voting Absentee Voting Checklist is submitted by localities for all satellite locations with EPB connectivity.

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Early Voting Absentee Voting Checklist

The Early Voting Absentee Checklist form confirms that the following security requirements for Satellite offices have been reviewed.

Date of Election (MM/DD/YYYY): _____ Election Title: _____

Name of Locality: _____

How many satellite location(s) will you be opening? _____

How many days before the election do you expect to open them? _____ (# of days prior to the election - 45, 28, 14, 7)

Note: If you require additional rows to complete the list of locations in any of the below tables, please see the appendix.

List Satellite Location(s):

ID Number	Location Name	Address	Does each location meet ADA Standards?	
			Yes <input type="checkbox"/>	No <input type="checkbox"/>
			Yes <input type="checkbox"/>	No <input type="checkbox"/>
			Yes <input type="checkbox"/>	No <input type="checkbox"/>

Satellite Voter Check-In Method

Please select which method you will be using to check-in voters for each location. **Note: the combined use of VERIS and connected EPBs is not allowed. If entering voter credit directly into VERIS or through the use of an offline EPB then a connected EPB cannot also be used within the locality.**

VERIS Electronic Pollbook Offline Electronic Pollbook and Input into VERIS

ID Number	Number of devices in satellite location



How Do Localities Monitor the Security of the Connectivity of EPB's?

- A. Monitors the information system to detect: (i) Attacks and indicators of potential attacks in accordance with Locality Election Security Standards (LESS); and (ii) Unauthorized local, network, and remote connections;
- B. Identifies unauthorized use of the information system through LESS approved methods and techniques;
- C. Deploys monitoring devices: (i) Strategically within the information system to collect organization-determined essential information; and (ii) At ad hoc locations within the system to track specific types of transactions of interest to the organization.
- D. Protects information obtained from intrusion-monitoring tools from unauthorized access, modification, and deletion;



Follow up on comments – EPB Security

Comment: *To find out what discrepancies or vulnerabilities are identified in the most recent assessment of the poll book*

EPBs are required to have penetration testing and a source code review of the software and those reports are provided to the state to review. During the testing and review periods, any discrepancies or vulnerabilities are identified and mitigated before certification.



Comments/Questions

We listen and hear you. We will respond to all follow-up comments after the meeting.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Elections System & Software ExpressPoll 7.2.4.0 Certification

BOARD WORKING PAPERS
Karen Hoyt-Stewart
Locality Security Program Manager



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary Alvis-Long,
Delegate Merricks and Chiang

From: Karen Hoyt-Stewart, Locality Security Program Manager

Date: May 24, 2022

Re: Election Systems & Software – ExpressPoll 7.2.4.0 Certification

Suggested motion for Board Member to make:

I move that the Board certify the use of Election Systems & Software ExpressPoll 7.2.4.0 electronic pollbook in elections in the Commonwealth of Virginia, pursuant to the Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*.

Applicable Code Section: § 24.2- Chapter 6 - 611

Attachments:

Your Board materials include the following:

- Election Systems & Software ExpressPoll 7.2.4.0 - Certification letter provided by SLI Compliance
- Richmond County May 13, 2022 - Mock Election correspondence
- Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*

Background:

Following the steps prescribed in the Virginia State Certification of Electronic Pollbooks: Requirements and Procedures, Election Systems & Software initiated the certification evaluation to the Department of Elections on March 22, 2022. Election Systems & Software provided their Technical Data Package and Corporate Information (required under step 2 of the Requirements and Procedures). Both of these submissions were deemed complete and in sufficient detail to warrant step 3, the Preliminary Review. During the preliminary review, the state designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. Election Systems & Software provided the certification fee and the testing/evaluation was conducted on May 9-11, 2022 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Richmond County on May 13, 2022. The Election Systems & Software electronic pollbook – ExpressPoll 7.2.4.0 presented for certification successfully completed Virginia State Certification of Electronic Pollbook requirements with the following exceptions:

- 1) Unable to search by District and Address fields (T0029)
- 2) Does not contain Additional Advance Search Capabilities (T0031) (*The EPB search options contains the ability to search by Last Name, First Name, Year of Birth and Voter ID*) Election Systems & Software has committed to add the advance search capabilities in the next release.
- 3) To unmask passwords at text entry (T0064).
- 4) EPB follow to the CIS Level 2 Guidelines instead of the NIST 800-53.



May 17, 2022

Commissioner Susan Beals
1100 Bank Street, 1st Floor
Richmond, VA 23219-3947

Re: Audit of the ES&S ExpressPoll 7.2.4.0 Electronic Poll Book

Dear Ms. Beals,

SLI Compliance is submitting this report as a summary of the auditing efforts for ES&S ExpressPoll 7.2.4.0 Electronic Poll Book system.

The evaluation was conducted on May 9-11, 2022, in the Virginia Department of Elections offices in Richmond, Virginia.

The scope of the audit included verifying compliance with the requirements/test assertions contained in appendices D (Test Assertions) and G (Hardware Guidelines) in the appropriate VA Electronic Pollbooks Certification Standards and Virginia test cases, which is currently accepted for testing and certification by the Virginia Department of Elections.

SLI also confirmed that a source code review was performed and a penetration or security test report for the ES&S ExpressPoll 7.2.4.0 Electronic Poll Book system were provided to Virginia for their acceptance.

It has been determined that the ES&S ExpressPoll 7.2.4.0 Electronic Poll Book system meet the audited acceptance criteria of the State of Virginia's ePollBook Standard, meets the requirements of Virginia Election Laws §24.2, except for the following:

1. Unable to search by District and Address fields (T0029)
2. Does not contain Additional Advance Search Capabilities (T0031)
3. To unmask passwords at text entry (T0064)
4. EPB follows to the CIS Level 2 Guidelines instead of the NIST 800-53 (T0087, T0088, T0089)

ES&S ExpressPoll 7.2.4.0 Electronic Poll Book system components audited were comprised of:

Application	Version
Pollbook.exe	7.2.4.0

Device	Model
ES&S ExpressPoll	Microsoft Surface Go 2
EPSON Thermal Printer	M267D
ExpressVote Printer	4200

Sincerely,
Michael Santos
Senior Test Manager
SLI Compliance



Office of the General Registrar

City of Richmond
2134 W. Laburnum Ave
P.O. Box 61037
Richmond, Virginia 23261-1037
(804) 646-5950
vote@rva.gov

To The State Board of Elections:

I appreciate the opportunity to participate in the electronic pollbook certification process with a mock election for Election Systems & Software ExpressPoll 7.2.4.0 version. This mock election, which was held on the morning of May 13th, turned out to be a huge success. Two members of the Richmond City Electoral Board, Vice Chair Joyce Smith, and Secretary Starlet Stevens, as well as myself and members of my staff confirmed that the ExpressPoll performed all the required functions based on the EPB Standards of 2020. Additionally, they demonstrated how the ExpressPoll can be used with a printer to print a ballot on demand for their ExpressVote ADA unit.

In addition, the mock election demonstrated that the ExpressVote (ADA unit) and ExpressD200 (scanner) proved that there was no connectivity between the poll book and the voting system.

I'm thankful for the opportunity to host this mock election and I look forward to working with the State Board of Elections in the future.

Sincerely,

Keith Balmer

Keith G. Balmer
General Registrar



Electronic Pollbook Certification Standard

December 2019

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Chapter 1: Introduction

1.1. Purpose of Procedures

These procedures provide a formal and organized process for vendors to follow when seeking state certification for an electronic pollbook (EPB) system in Virginia. To this end, these procedures are designed to:

1. Ensure conformity with Virginia election laws relating to the acquisition and use of EPB systems
2. Evaluate and certify EPB systems marketed by vendors for use in Virginia
3. Evaluate and re-certify additional capabilities and changes in the method of operation for EPB systems previously certified for use in Virginia
4. Standardize decertification and recertification of EPB systems

1.2. Specific Requirements

1. Compliance with the Code of Virginia and the policies and regulations issued by the State Board of Elections (SBE) or Department of Elections (ELECT) must be substantiated through the State Certification Test conducted by an independent testing authority recognized by the National Institute of Standards and Technology (NIST); referred to in this document henceforth as VSTL
2. Any modification to the hardware, software, firmware, infrastructure or any component of a certified EPB will invalidate the prior certification unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability or accessibility of the system; see Appendix J for the De Minimis Change Guideline that is applicable for hardware
3. An EPB shall not contain the following voter registration data:
 - a. DMV Customer Number
 - b. Full or Partial Social Security Number
 - c. Birth Month and Day

1.3. Decertification

ELECT reserves the right to reexamine any previously certified EPB system for any reason at any time. Any EPB system that does not pass certification testing will be decertified. An EPB system that has been decertified by the SBE cannot be used for elections held in the Commonwealth of Virginia and cannot be purchased by localities to conduct elections.

In addition, the SBE reserves the right to decertify the EPB systems if the vendor does not comply with any of the following requirements:

1. Notify ELECT of any incident, anomaly or security-related breach experienced in an election jurisdiction, within 24 hours of knowledge
2. Report to ELECT within 30 calendar days of knowledge of any changes to Corporate Information, including:
 - a. Business Entity and Structure
 - b. Parent and Subsidiary companies
 - c. Capital or equity structure
 - d. Control; identity of any individual, entity, partnership, or organization owning a controlling interest
 - e. Investment by any individual, entity, partnership, or organization in an amount that exceeds 5% of the vendor's net cash flow from the prior reporting year
 - f. Location of manufacturing facilities; including names of the third-party vendor(s) employed to fabricate and/or assemble any component part of the voting and/or tabulating system being submitted for certification, along with the location of all of their facilities with manufacturing capability
 - g. Third-party vendors
 - h. Good Standing status
 - i. Credit rating
3. Submit any modifications to a previously certified EPB system to ELECT for review within 30 calendar days from modification; see Appendix H for appropriate reporting process
4. If the operating system or any component has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT:
 - a. ELECT must receive the upgrade plan at least 12 months before the Last Date of Mainstream Support
 - b. The Last Date of Mainstream Support cannot include any type of Extended Support, as defined in Appendix H
 - c. The EPB system may still automatically be decertified as defined in Appendix H
5. Update all software with the latest patching and vulnerability updates in alignment with Appendix E.

NOTE: The SBE reserves the right to require recertification when changes to regulations and/or standards occur.

1.4. Recertification

See Appendix F for ELECT's guidelines on when EPB systems must go through recertification.

Chapter 2: Basis for Certification

2.1. State Certification Testing

State certification testing will evaluate the design and performance of an EPB system seeking certification to ensure that it complies with all applicable requirements in the Code of Virginia and the SBE and ELECT regulations and policies. ELECT will examine the essential system functions, operational procedures, user guides, documents, certification reports from other states, and reviews from product users.

The EPB system must demonstrate accuracy, reliability, security, usability and accessibility throughout all testing phases.

State Certification Testing will examine all system operations and procedures, including:

1. Receive and process the voter registration and election information
2. Accurately maintain whole and separate count(s) of voters distinguishable by:
 - a. Ballot Style (Voter's Party/primary, Precinct, Precinct Split)
 - b. Curbside Voter
 - c. Challenged Voter
 - d. Voter Status
 - e. Provisional
 - f. Absentees
 - g. Early Votes
3. Provides an intuitive and easy to navigate user interface
4. Perform data and operational integrity safeguard tests including:
 - a. Ability to add or remove new units without disturbing the existing units
 - b. Power supply and battery life with an option to display power usage
 - c. Display an appropriate message when the EPB device is operating at less than 20% of remaining power
 - d. Display an appropriate error message when the EPB fails to check in a voter
5. Capacity/Load Test Report to include the maximum number of voters that the configuration/network setting can handle
6. Performance Report to include the optimal duration of check in process per voter
7. System monitoring and notification of system errors, including:
 - a. Perform a self-test for peripheral connectivity
 - b. Visible display indicating power supply/battery life
 - c. Visible display indicating system connections

8. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one to all of the EPBs become inoperable, and if there is not an alternate recovery means available then the removable storage must reflect the voter activity record at that moment and can be used to continue with election
9. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
10. Support the industry standard for clean wipe method remotely and manually
11. Transaction Logging and Audit Reports including the following details:
 - a. Log all changes to EPB post the initial download
 - b. Transactions at the polling places
 - c. Export logs in a readable format
 - d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
12. All modules and data are cryptographic and are FIPS 140-2 compliant including at rest and in transit
13. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
14. Harden the EPB system using the vendor's procedures and specifications.

2.2. EPB Hardware, Firmware, Infrastructure, or Component Elements

All equipment used in an EPB system shall be examined to determine its suitability for election use according to the appropriate procedures contained in this document. Equipment to be tested shall be identical in form and function with production units. Engineering or development prototypes are not acceptable. See Appendix G for hardware guidelines.

Any modification to existing hardware, firmware, infrastructure, or other components will invalidate the prior certification by the SBE unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system. See Appendix J for the De Minimis Change Guideline that is applicable for hardware.

EPB systems generally utilize vendor-designed software operating on a variety of commercial-off-the-shelf hardware devices. Certification shall be provided to only similarly identical, and previously designated, hardware and operating systems at the time of certification.

2.3. EPB System Software Elements

EPB system software shall be examined and tested to ensure that it adheres to the performance standards specified within this document. EPB Desktop applications must be compatible with all computers, devices, operating system, platforms as specified in the system requirements. See Appendix D for software requirement test assertions.

Any modifications to existing software will invalidate the prior certification by the SBE unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system. See Appendix J for the De Minimis Change Guideline that is applicable for software.

2.4. Early Voting Connection Requirements

Beginning in November 2020, pursuant to the Code of Virginia, Title 24.2 Elections, [Chapter 7, Absentee Voting](#), Virginia will have a no-excuse absentee in person voting period, referred to as Early Voting.

The new law also allows electoral boards the opportunity to provide additional locations within their locality for all Early Voting activities. Based on the number of registered voters, each locality's electoral board will determine whether to open additional Early Voting locations. Any registered voter within each locality can vote at any one of the Early Voting locations within the specified period prior to Election Day. This requires each locality to have secure connectivity to the voter registration information (VRI) throughout the Early Voting period to:

1. Confirm the person is eligible to vote in the election
2. Confirm the person has not previously voted in the election
3. Record voter history in real-time.

Reference Appendix K for an additional list of security-related requirements that are applicable only for those vendors choosing to host EPBs in the Cloud, as a part of their solution for managed connectivity to/from locality devices during this Early Voting period.

Chapter 3: Review and Approval Process

3.1. Summary of Process

The State certification is limited to the final products that have been used in full production environment and available for immediate installation. The certification review process goes through six phases. At the end of each phase, ELECT will evaluate the results to determine the certification status.

Six Phases of the Certification Review Process:

1. Certification Request from Vendor
2. Preliminary Review
3. State Technical Data Package (TDP) to VSTL
4. Certification Test Report from VSTL
5. On-Site Testing in Mock Election
6. Approval by the SBE.

3.2. Certification Review Process

Phase 1: Certification Request from Vendor

A vendor will request a certification for either a specific EPB system, software, firmware, hardware, and/or modification to an existing certified EPB system. This request should include the following information:

1. EPB Certification Application Form, signed by a company officer; see Appendix I
2. A copy of the certification(s) from other state(s) for the proposed EPB
3. Whether the proposed EPB system has ever been denied certification or had certification withdrawn in any state
4. Eight copies of a brief overview description of the EPB system
 - a. Typical marketing brochures are usually sufficient for the description
5. A list of all states where the proposed EPB system version is currently used
6. The vendor, VSTL and ELECT will review a statement of work that will result in the VSTL providing an estimate for the cost of testing. Testing will take place at the headquarters of the VSTL to limit the cost of testing. ELECT will give an estimate for their own staff to travel as well. Once this is agreed to, a check or money order for the non-refundable fee for an EPB system certification request and applicable fees for modifications to a previously certified EPB system, as applicable, will be paid.

- a. All fees must be collected before the certification will be granted
 - i. Make checks or money order payable to Treasurer of Virginia
7. TDP must clearly identify all items:
 - a. If the TDP is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
 - b. Upon the receipt of the corrected TDP from the vendor, the evaluation of the EPB system will be rescheduled
8. Corporate Information must clearly identify all items:
 - a. If the Corporate Information is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
 - b. The evaluation process will be rescheduled after the corrected package is received.

NOTE: The request package with the items above should be sent to the location indicated in Appendix B.

Technical Data Package

The TDP must contain the following items if they were not included in the TDP submitted:

1. *Hardware Schematic Diagrams*: Schematic diagrams of all hardware
2. *Hardware Theory of Operations*: Documentation describing the theory of operation of the hardware including power cords and backup battery
3. *System architecture with network and infrastructure connectivity*: Documentation to include system architecture, network, and data flow diagrams and to clearly specify all applicable components, cloud services and infrastructure connectivity
4. *Software Deviations*: Include any exception(s) to the Security Content Automation Protocol (SCAP) checklist; document the reason why there is an exception and the mitigating controls/tools in place to secure the system
5. *Software System Design*: Documentation describing the logical design of the software
 - a. This documentation should clearly indicate the various modules of the software, such as:
 - i. The list of functions
 - ii. System flowchart
 - iii. The interrelationships of modules
 - iv. The list of data formats that the EPB system can import and export
 - b. Clearly specify the operating system and version with:
 - i. The Last Date of Mainstream Support, as defined in Appendix H
 - ii. SHA256 hash value, and modification

6. *Software and Firmware Source Code*: A copy of the EPB, software and firmware source code including the operating system, directory structure of the source code, and a map to show how the source code was built into the final install files. If the operating system or any component has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT. The Last Date of Mainstream Support cannot include any type of Extended Support.
7. *Independent Third-Party Application Penetration Analysis Report*: An accredited application penetration test conducted, within the past 12 months, to analyze the system for potential vulnerabilities according to current industry standards. Potential vulnerabilities may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the EPB system, whether or not the vulnerabilities can be mitigated through compensating controls. Pursuant to Virginia Code § 24.2-625.1, the Penetration Analysis Report is confidential and excluded from inspection and copying under the Virginia Freedom of Information Act. If a penetration test has been conducted in another state within the past 12 months on the same version of the EPB system that may be submitted to fulfill this requirement.
8. *Customer Maintenance, Repair & Troubleshooting Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will provide maintenance, repair and troubleshooting of the system
9. *Operations Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system
10. *User Guide and Documents*: The vendor should provide the following:
 - a. A quick reference guide with detail instructions for a precinct election officer to set up, use, and shut down the EPB system
 - b. Clear model of EPB system architecture with the following documentations:
 - i. End User Documentation
 - ii. System-Level and Administrator-Level Documentation
 - iii. Developer Documentation
 - c. Failsafe data recovery procedures for information in the EPB system
 - d. A list of customers who are using or have previously used the EPB system
 - i. The description of any known incidents or anomalies involving the functioning of the EPB system, including how those incidents or anomalies were resolved with customer and date

11. *Recommended Security Practices*: CIS Security Best Practices, including:
 - a. System Security Architecture
 - b. System Event Logging
 - c. System Security Specification
 - d. Security Content Automation Protocol (SCAP)
 - e. Cryptography
 - f. Equipment and Data Security
 - g. Network and Data Transmission Security
 - h. Access control
 - i. Authentication procedure
 - j. Software
 - k. Physical Security
12. *Standard Contract, Product Support and Service Level Agreement (SLA)*: Customer and Technical Support hours and contact information. The SLA should specify the escalation timeline and procedure with contact information. Vendor's capacity to provide, including:
 - a. On-Site Support and Technical Support within the SLA on:
 - i. Election Day (defined as the start of the Early Voting period up to and including Election Day; see Appendix K)
 - ii. Within 60 days before Election Day
 - b. Resolution to outstanding issue(s), repair, maintenance and service requests within 30 days
13. *Maintenance Services, Pricing and Financing Options*: A list of maintenance services with price. Terms for replacing a component or EPB system. Available financing options for purchase or lease
14. *Warranty*: The vendor should provide a list of warranty specifications to include the following:
 - a. The period and extent of the warranty
 - b. Repair or Replacement
 - i. The circumstances under which equipment is replaced rather than repaired
 - ii. The method by which a user requests such replacement
 - c. Warranty coverage and costs
 - d. Technical documentation of all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time
15. *Software License Agreement*

16. *Test Data and Software*: Vendor's internal quality assurance procedure, internal or external test data and reports, and software that can be used to demonstrate the various functions of the EPB system. Vendor should also verify that the version of the applications submitted are identical to the versions that have undergone the certification testing; for example, hash testing tools.
17. *Non-Disclosure Agreement*: If applicable.

NOTE: If the EPB system is certified, ELECT will retain the TDP as long as the EPB system is marketed or used in the Commonwealth of Virginia.

Corporate Information

Corporate Information must contain the following items:

1. History and description of the business including the year established, products and services offered, areas served, branch offices, subsidiary and parent companies, capital and equity structure, identity of any individual, entity, partnership, or organization owning a controlling interest, and the identity of any investor whose investments have an aggregate value that exceeds more than 5% of the vendor's net cash flow in any reporting year
2. Management and staff organization, number of full time and part-time employees by category, and resumes of key employees who will assist Virginia localities in acquiring the system if it is authorized for use
3. Certified financial statements for current and past three (3) fiscal years
 - a. If the vendor is not the manufacturer of the EPB system, then submit the certified financial statements of the manufacturer for the past three (3) fiscal years
4. Bank Comfort Letter from the vendor's primary financial institution
 - a. If the vendor uses more than one financial institution, multiple Comfort Letters must be submitted
5. Certificate of Good Standing issued within 2 months
6. Credit rating issued within 2 months
7. If publicly traded, indexes rating of the business debt
8. Gross sales in EPB products and services for the past three (3) fiscal years and the percent of the vendor's total sales
9. The location of all facilities with manufacturing capability; including names of the third-party vendor(s) that are employed to fabricate and/or assemble any component part of the EPB system being submitted for certification, along with the location of all of their facilities with manufacturing capability

10. The location and servicing capability of each facility that will be used to service the EPB system for certification and the service limitation of the facility
11. Quality assurance process used in the manufacturing and servicing of the EPB system
12. Configuration management process used with the EPB system.

NOTE: If the EPB system is certified, ELECT will retain the Corporate Information as long as the EPB system is marketed or used in Virginia. ELECT will sign a statement of confidentiality for Corporate Information only.

Proprietary Information

Prior to or upon submission of its certification request, the vendor shall identify any information in its request and/or accompanying materials that it believes should be treated as confidential and proprietary. Furthermore, the vendor must state the reasons why such information should be treated as confidential and proprietary.

“Identify” means that the information must be clearly marked with a justification as to why the information should be treated as confidential and proprietary information. A vendor shall not designate as proprietary information (a) the entire certification request or (b) any portion of the certification request that does not contain trade secrets or proprietary information.

ELECT cannot guarantee the extent to which any material provided will be exempt from disclosure in litigation or otherwise. ELECT, however, agrees to provide the vendor with five (5) days’ notice prior to disclosing such material to third parties so that the vendor has the opportunity to seek relief from a court prior to the disclosure of such materials by ELECT.

Phase 2: Preliminary Review

The Voting Technology Coordinator or designee will review the TDP, Corporate Information and other materials provided, and notify the vendor of any deficiencies. Certification of the EPB system will not proceed beyond this phase until the TDP and Corporate Information are complete.

The Voting Technology Coordinator or designee will notify the vendor to submit the following for evaluation:

1. Production working model of the EPB to run through all phases of testing, including:
 - a. All hardware, software and firmware necessary to run the EPB
 - b. Software shall be provided in a format readable by the EPB hardware that is being submitted for certification

- c. All commercial-off-the-shelf software and necessary drivers, including the operating system, any software applications for logging, reporting, printing, etc.
 - d. All peripheral devices, including those required for usability and accessibility
 - e. Any other components recommended by the manufacturer for use
2. Copy of the Test documents from prior VSTL certification testing, including Test Plan, Test Report, Test Procedures, and Test Cases
 3. A release to the VSTL to respond to any requests for information from the Commonwealth of Virginia
 4. A release to other states which have decertified the system or prior versions of the system to respond to any requests for information from the Commonwealth of Virginia
 5. Any other materials and equipment deemed necessary by ELECT

The Voting Technology Coordinator or designee will conduct a preliminary analysis of the TDP and the EPB system with VSTL. The Voting Technology Coordinator or designee will also review the Corporate Information and other materials to prepare an Evaluation Proposal, which includes:

1. Components of the EPB system to be certified
2. Financial stability and sustainability of the vendor to maintain product support and contractual agreement for the EPB system
3. Preliminary analysis of TDP

Phase 3: Technical Data Package to Voting Systems Test Laboratory

In addition, the vendor should submit the TDP to the Voting Technology Coordinator, who shall provide the TDP to the VSTL following review.

Phase 4: Certification Test Report from VSTL

VSTL will work directly with the vendor and ELECT designee to complete all test assertions and test cases and the Certification Test Report will be sent to ELECT upon completion.

Phase 5: On-Site Testing in Mock Election

ELECT will coordinate with a local jurisdiction to test the EPB system in a Mock Election. With the vendor present, the Electoral Board members from the local jurisdiction along with ELECT will oversee the test use of the system in a Mock Election.

Phase 6: Approval by the SBE

Based on the report from the VSTL, the results from the On-Site Testing in Election and other information in their possession, the SBE will decide whether the EPB system will be certified for use in the Commonwealth of Virginia. The decision will be sent to the vendor.

3.3. Incomplete Certification Process

If the certification process is terminated, the vendor will forfeit all fees received by ELECT. Any certification process terminated under this provision must be re-initiated from Phase 1. The vendor is responsible to pay all outstanding balance due to ELECT before ELECT accepts subsequent requests from the vendor.

ELECT reserves the right to terminate the certification process when:

1. Vendor does not respond to a request from ELECT within 90 days
2. ELECT issues any concerns regarding the certification
3. The Vendor withdraws from the process
4. The system fails the VSTL certification test
5. The test lab cannot conduct the certification testing with the equipment on-hand

Appendices

A – Glossary

Anomaly – Any event related to the security or functioning of the EPB system that is out of the ordinary regardless of whether it is exceptional or not; a deviation from the norm.

De Minimis Change – A minimum change to a certified EPB system’s hardware, software, TDP, or data. The nature of changes will not materially alter the system’s reliability, functionality, capability, or operation. Under no circumstance shall a change be considered De Minimis Change, if it has reasonable and identifiable potential to impact the system’s performance and compliance with the applicable EPB Standard. Reference: EAC Testing & Certification Program Manual version 2.0 and Notices of Clarification.

Department of Elections (ELECT) – ELECT conducts the SBE's administrative and programmatic operations and discharges the board's duties consistent with delegated authority.

Election Officer – A registered voter in Virginia appointed by a local electoral board to serve at a polling place for any election. Officers of election must attend training conducted by the electoral board or the general registrar. Some of their duties on Election Day include identifying qualified voters and checking them in on the pollbooks; handing voters their correct ballots; telling voters the proper procedure for inserting ballots into the voting machine; and, when applicable, providing a voter with a provisional ballot.

Electronic Pollbook (EPB) System– A system containing an electronic list of registered voters that may be transported and used at a polling place. This is the official list of registered voters eligible to vote in the election; it is used to verify a voter’s eligibility to receive a ballot and captures voter history in real time to prevent double voting. The term “electronic pollbook system” refers to the total combination of mechanical, electro-mechanical, electronic and digital equipment (including the software, firmware, and documentation required to program, control, and support the equipment).

Incident – Any event related to the security or functioning of the EPB system that may have caused or caused an interruption to the Check-in and/or Reporting process.

Precinct – A precinct is a geographic area within a locality or a town, established by ordinance by the local governing body. As per the Code of Virginia § 24.2-307, the “governing body of each county and city may establish as many precincts as it deems necessary.” A precinct must be wholly contained in any district used to elect members of the local governing body. The local governing body also determines the location of the polling place where residents vote.

State Board of Elections (SBE) – The State Board of Elections is authorized to supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of election; to provide electronic application for voter registration and delivery of absentee ballots to eligible military and overseas voters; to establish and maintain a statewide automated voter registration system to include procedures for ascertaining current addresses of registrants; to prescribe standard forms for registration, transfer and identification of voters; and to require cancellation of records for registrants no longer qualified. [Code of Virginia, Title 24.2](#), Chapters [1](#), [4](#) and [4.1](#).

Voting Systems Test Laboratory (VSTL) – Test laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) to be competent to test EPB systems.

B - Contacts

The Department of Elections

The certification request package should be sent to:

Virginia Department of Elections
ATTN: EPB System Certification
1100 Bank Street, 1st Floor
Richmond, Virginia 23219-3497

All other inquiries should be sent to:

Email: info@elections.virginia.gov

C – Acceptance Test

As required by the Code of Virginia §24.2-629 (E) and the procurement process, the local jurisdiction with the assistance of state officials or consultants will conduct the Acceptance Test.

The local jurisdiction will examine that the purchased or leased system to be installed is identical to the certified system and that the installed equipment and/or software are fully functional and compliant with the administrative and statutory requirements of the jurisdiction. The state requires localities to perform hash testing of applications software, as well as, send a letter to ELECT, as required by the procurement process, to confirm that the versions of all software and model(s) of equipment received are identical to the certified system.

As part of the acceptance test the vendor will demonstrate the system's ability to execute its designed functionality as presented and tested during certification, including:

1. Mark voters as checked in, voted, and given a ballot only after specific actions
2. Provide the user notification and display an appropriate instruction based on the voter status:
 - a. Protected voters
 - b. Inactive voters
 - c. Absentee voters
 - d. Voters out of precinct
 - e. Voters that already voted
3. Perform data and operational integrity safeguard tests including:
 - a. Ability to add or remove new units without disturbing the existing units
 - b. Power supply and battery life with an option to display power usage
 - c. Display an appropriate message when the EPB device is operating at less than 20% of remaining power
 - d. Display an appropriate error message when the EPB fails to check in a voter
4. Performance Report to include the optimal duration of check in process per voter
5. System monitoring and notification of system errors, including:
 - a. Perform a self-test for peripheral connectivity
 - b. Visible display indicating power supply/battery life
 - c. Visible display indicating system connections
6. Comply with and enable voter and operator compliance with all applicable procedural, regulatory, and statutory requirements
7. Produce an audit log

8. Close the election and provide multiple secure files which are capable of providing voter credit to the Voter Registration System
9. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one to all of the EPBs become inoperable, and if there is not an alternate recovery means available, then the removable storage must reflect the voter activity record at that moment and can be used to continue with election
10. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
11. Secure the reliable data transfers and display appropriate message for each data transfer to outside of closed network including electronic data management system, central server and cloud data service (This is only for testing of EPBs that will be used for Early Voting)
12. Transaction Logging and Audit Reports including the following details:
 - a. Log all changes to EPB post the initial download
 - b. Transactions at the polling places
 - c. Export logs in a readable format
 - d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
13. All modules and data are cryptographic and are FIPS 140-2 compliant including at rest and in transit
14. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
15. Support the industry standard for clean wipe method remotely and manually.

Audit and Validation of Certification

It is the responsibility of both the vendor and the local jurisdiction to ensure that an EPB system, that is supplied or purchased for use, in the Commonwealth of Virginia has been certified by the SBE. It is the responsibility of the vendor to submit any modifications to a previously certified EPB system to the ELECT for review.

If any questions arise involving the certification of an EPB system in use in Virginia, ELECT shall verify that the EPB system in use is identical to the EPB system submitted for certification. Any unauthorized modifications to a certified system may result in decertification of the system by the SBE or bar an EPB system vendor from receiving certification of EPB systems in the future with the Commonwealth of Virginia.

D – Test Assertions

The following test assertions will be executed by the ELECT designated VSTL.

<i>Statutory Requirement</i>	<i>Test Assertions</i>
<i>If EPBs are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list or registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth. § 24.2-404(A7)</i>	I – The EPB must display the voter's birth year, but no other birthday information.
<i>In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems. § 24.2-406(C)</i>	I – The EPB cannot have a field to display partial or complete Social Security Numbers.
<i>The EPB System shall have the ability to prepare a separate pollbook report for each party taking part in a primary election at the same time. § 24.2-531</i>	I – The EPB provides a report that can be filtered by party.
<i>Record the name and consecutive number of the voter at the time he offers to vote. Enter an EPB record for each voter and recording each voter's name, including voters unable to enter the polling place, and for verifying the accurate entry of the</i>	I – The EPB provides an input field to record name and consecutive number of a voter when they present themselves to vote.
	II – The EPB shall automatically enter consecutive numbers from a given starting point.

<p><i>EPB record for each registrant on the Virginia Voter Registration System. § 24.2-611(B)</i></p>	<p>III – The EPB System shall have the ability to indicate whether a voter voted “Outside Polls” or “OP.” The operator shall be allowed to notate independently or in conjunction with other notations set forth in these requirements. The EPB System shall have the ability to provide listings and counts of such voters.</p>
<p><i>The State Board shall incorporate safeguards to assure that the records of the election, including the pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted. § 24.2-611(C)</i></p>	<p>I – The EPB must produce an audit log that records data that has been successfully transferred.</p>
<p><i>In the event that the EPBs for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, in accordance with the instructions and materials approved by the State Board, shall (i) maintain a written list of the persons EPB and (ii) provide to each person EPB a provisional ballot to be cast as provided in § 24.2-653. § 24.2-611(E)</i></p>	<p>I – The EPB must be able to produce a data output in a format deemed necessary by the Commonwealth of Virginia.</p>
	<p>II – The EPB must maintain data preservation and redundancy so in the case where the EPB becomes inoperable the data that has been input can be retrieved.</p>
<p><i>If the person challenged refuses to sign the statement, he shall not be permitted to vote. If, however, he signs the statement, he shall be permitted to vote on the voting system in use at the precinct, unless he is required to cast a provisional ballot pursuant to § 24.2-651.1</i></p> <p><i>When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or</i></p>	<p>I – The EPB must have the capability to display an indication that a voter has been challenged.</p>
	<p>II – The EPB must have the functionality to identify a voter that cannot be processed as a regular voter. This functionality has to be configurable so that the election day reasons can be updated without a software update.</p>
	<p>III – The name of required document must be pre-loaded in EPB. Poll worker must be able to</p>

<p><i>shall enter that the voter has voted if the pollbook is in electronic form, and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</i></p> <p><i>If the envelope containing a voted absentee ballot has been properly signed by the voter, such ballot shall not be subject to challenge pursuant to this section. § 24.2-651</i></p>	<p>select from the voter check-in screen the name of document that the voter is required to sign.</p>
<p><i>Any person who offers to vote, who is listed on the pollbook, and whose name is marked to indicate that he has already voted in person in the election shall cast a provisional ballot as provided in § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots. § 24.2-651.1</i></p>	<p>I – The EPB must disable all check in options if the voter’s status is VOTED.</p> <p>II – The EPB must require a supervisor control to change the voter status from VOTED or add the absentee status.</p>
<p><i>The data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. § 24.2-668(C)</i></p>	<p>I – All reports produced by the EPB must contain election identification information.</p> <p>II – The removable media must be able to be sealed, transportable, and retain information as required.</p>
<p><i>Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the EPB record column on the pollbook. § 24.2-711</i></p>	<p>I – The EPB must notify and provide user instructions for absentee and early voters (“AB”).</p> <p>II – The EPB must require supervisor controls to change the absentee status of a voter.</p>

<i>Functional Requirement</i>	<i>Test Assertions</i>
<i>Allows user to cancel a voter check-in. Requires supervisor controls prior to cancellation of a voter check-in. Provides ability to select reason for cancellation.</i>	I – The EPB must have the ability to cancel a voter check-in.
	II – The EPB must provide the ability to select a reason for cancellation and provide an input for a supervisor password.
<i>At voter check in, provide notification of “inactive” voter status, including on-screen instructions and options for processing the “inactive” voter.</i>	I – The EPB must have the functionality to identify a voter that cannot be processed as a regular voter.
	II –The EPB displays on-screen instructions.
	III –The EPB allows selection of the appropriate document name that the voter is required to sign.
<i>Provides the voter address look-up to redirect voters to the correct polling place. Contains additional functionality to include driving directions.</i>	I – The EPB must contain a feature that allows the user to look-up voter’s address to redirect them to the correct polling place.
	II – The EPB must contain a feature that includes driving directions.
<i>Provides a variety of voter look-up capabilities, including first and last name, year of birth, address, District, and Voter ID. Enables each search to be filtered to reduce the number of records returned. Allows configuration of additional advanced search capabilities.</i>	I – All search for voters must have the capability for an advanced search so results can be filtered on any combination of the following data: last name, first name, year of birth, address, District and Voter ID.

<i>Maintain separate elections such as primary elections for multiple parties. Manage the voter list and counts by separate elections.</i>	I – The EPB must have the ability to manage the voter list and count by party in a partisan election.
<i>Allows configuration of on-screen poll worker instructions and messages without software changes.</i>	I – The EPB must have a feature that allows for messaging and instructions to be editable without requiring a software update.
<i>Allows configuration of document name(s) when a voter's status requires a document to be signed.</i>	I – The EPB must have a feature that allows for configuration of document name(s) prior to Election Day without requiring a software update.
<i>Ability to customize workflow requirements according to the State and/or jurisdiction requirements and preferences.</i>	I – The EPB must be customizable so changes in workflow requirements and/or the change State procedures in the voter check-in process can be accommodated.
<i>Provides the user with a continuous on-screen voter check-in count, customizable by specific category.</i>	I – The EPB must display and automatically update the voter credits issued and synchronize with other units on a network.
<i>Displays an opening screen to allow the user to confirm election date, polling place location, number of eligible voters, and zero voter check-in count prior to opening the polls.</i>	I – The EPB must have a verification screen that displays the election date, polling place location, the number of voters for the location, and zero voter have checked in.
<i>Users with minimal system knowledge should be able to configure and customize reports.</i>	I – The EPB reporting module should be configurable and customizable by a user with minimal system knowledge.
<i>Receive and process the voter registration and election information.</i>	I – The Administrator of the EPB must be able to add, remove, update, and delete stored information.

	II – The EPB must be able to retrieve a specific voter from a list of provided voters and issue voter credit.
	III – The EPB must provide a verification that the voter and election data are accurately loaded in the EPB.
<i>Accurately maintain whole and separate count(s) of voters distinguishable by Ballot Style (Voter’s Party/primary, Precinct, and Precinct Split), Curbside Voter, Challenged Voter, Voter Status, Provisional, Absentees and Early Votes.</i>	I – The EPB must be able to provide reports that distinguish voters by ballot style, party, precinct, precinct split, curbside voter, and voter status.
<i>The EPB shall have the ability and the option to scan the barcode of a Virginia driver’s license.</i>	I – The EPB must be able to scan the barcode from the Virginia State Issued IDs: Driver’s License.
	II – If the download is successful, display the voter name and address on the check-in screen.
	III – Display an appropriate message if the ID is not accepted.

<i>System Requirement</i>	<i>Test Assertions</i>
<i>EPBs cannot connect to a Voting System at any time.</i>	I – The EPB must not be required for the voting system to perform any functions, but may provide a digital code for the voter’s ballot retrieval on Ballot Marking Devices.
	II – The EPB cannot connect to the voting system.

<p><i>During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity.</i></p>	<p>I – The EPB must be networkable. Once networked together all EPB’s must synchronize to the most current voter information.</p> <p>II – If network connectivity is lost, once restored all devices on the network must synchronize.</p>
<p><i>Perform data and operational integrity safeguard tests including:</i></p> <ul style="list-style-type: none"> <i>i. Ability to add or remove new units without disturbing the existing units</i> <i>ii. Power supply and battery life with an option to display power usage</i> <i>iii. Display appropriate message when the EPB device is operating at less than 20% of remaining power</i> <i>iv. Display appropriate error message when a voter is not counted</i> <i>v. Capacity/Load Test report to include the maximum number of voters the configuration setting can handle</i> <p><i>Performance report to include the optimal duration of check in process per voter.</i></p>	<p>I – The EPB must have a report that provides statistics on the duration of voter check-in process and the maximum number of voters the configuration can handle.</p>
<p><i>System monitoring and notification of system errors including:</i></p> <ul style="list-style-type: none"> <i>i. Perform a self-test for peripheral connectivity</i> <i>ii. Visible display indicating power supply/battery life</i> <i>iii. Visible display indicating system connections.</i> 	<p>I – The EPB must have battery status indicator and a peripheral connectivity indicator.</p> <p>II – The EPB must log all system errors and notify the user of errors that can be corrected by the user.</p>

<i>Security Requirement</i>	<i>Test Assertions</i>
<i>Support the industry standard for clean wipe method remotely and manually.</i>	I -The EPB must support the ability to write ones and zeros or shred all removable media.
<i>Utilize security best practices for internet connectivity including network, wireless, and cloud services.</i>	I – The EPB must employ the following management techniques: <ul style="list-style-type: none"> • Upgrade to a Modern Operating System and keep it up-to-date • Exercise Secure User Habits • Leverage Security Software • Safeguard against Eavesdropping • Protect Passwords • Limited Use of the Administrator Account • Employ Firewall Capabilities • Implement WPA2 on the Wireless Network • Limit Administration to the Internal Network
<i>Comply with the latest encryption standard for all data including data-at-rest and data-in-transit. This requirement applies to all IT equipment including mobile and stand-alone.</i>	I – All modules and data are cryptographic and are FIPS 140-2 compliant.
	II – The EPB’s audit log must be encrypted, track all transactions and include a date/time stamp.
<i>Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.</i>	I – All passwords used by the EPB follow the NIST SP 800-63B Standard.
	II – All passwords used by the EPB must allow upper case, lower case, numbers, and special characters.
	III – The same password cannot be reused within at least the past 10 times.

	<p>IV – The EPB requires passwords to be changed every 6 months.</p>
<p><i>Comply with the Access Management best practices for System Administrator and Network Administrator.</i></p>	<p>V – The EPB must provide the option to mask or unmask passwords at text entry.</p> <p>I – The EPB must employ the following management techniques:</p> <ul style="list-style-type: none"> • Centralization of all components • Role Based Access Control • Employ Zero Trust Identity Security • Use the Principle of Least Privilege • Automated Onboarding • Automated Off-boarding • Orphaned Account Detection and Removal • Multifactor Authentication • Notification of failed logon attempts • Notification of use of Privileged Accounts.
<p><i>Harden the EPB System using the vendor’s procedures and specifications.</i></p>	<p>I – The EPB Vendor must provide a system hardening specification for the system.</p> <p>II – Assessed via automated scanning tools (i.e. CIS L1 benchmarks).</p>
<p><i>Restrict connections to EPBs from the specified devices such as the printer and authorized USB at the polling place. Reject all connections from other external devices.</i></p>	<p>I – The EPB must restrict all ports to only allow known system components to communicate with the EPB and not allow unknown device to connect.</p>
<p><i>EPBs should be configured to synchronize data within the defined network only. Disable connection to all unauthorized network including publicly</i></p>	<p>I – The EPB must be networkable. Once networked together all EPB’s must synchronize to the most current voter information.</p>

<p><i>accessible network. Any external connectivity must be IP whitelisted.</i></p>	<p>II - Any failure of a device can not impact the remaining units.</p>
	<p>III – The EPB must not connect to unauthorized networks.</p>
	<p>IV – The EPB must not allow connections that are not IP whitelisted.</p>
<p><i>Secure and reliable data transfers and display appropriate message for each data transfer to outside of the approved network including electronic data management system, central server and cloud data service.</i></p>	<p>I – The EPB must have success and failure message to the user for the transfer of data outside of the approved network.</p>
<p><i>When wireless is activated on an EPB device, there is a very visible means/mechanism that alerts others of this state.</i></p>	<p>I – The EPB effectively alerts others when the wireless state is activated on EPB device. (E.g. clearly visible indicator light on device, text alert, etc.)</p>

Audit Requirement	Test Assertions
<p><i>Transaction Logging and Audit Reports includes the following details:</i></p> <ul style="list-style-type: none"> <i>a. Audit trail of election data preparations</i> <i>b. Transactions at the polling places</i> <i>c. View and export logs in a readable format</i> <i>d. Identify and manage security incidents and fraudulent activities</i> <i>e. Track and resolve operational problems.</i> 	<p>I – The EPB must have a transaction log containing the following:</p> <ul style="list-style-type: none"> • Records of election preparation • Records of transactions in the polling place • Human-readable logs • Ability to export logs • Identify and manage security incidents and fraudulent activities • Track and resolve operational problems.

<p><i>Reconciliation of data load to EPB to handle exceptions and discrepancies.</i></p>	<p>I – The EPB must provide a verification that the data loaded for the election was successful, accurate, and any discrepancies in the process handled.</p>
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E – Software Patching Guidelines

All vendors must comply with the policies, guidelines, and directives regarding software patching of EPB systems as adopted and modified by the SBE from time to time.

F – Recertification Guidelines

All vendors must comply with the policies, guidelines, and directives regarding recertification of EPB systems as adopted and modified by the SBE from time to time.

If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue, and ultimately the SBE reserves the right to decertify the EPB system.

An EPB system that has been decertified by the SBE cannot be used for elections held in the Commonwealth of Virginia and cannot be purchased by localities to conduct elections.

G – Hardware Guidelines

Memory devices or USB drives provided with the EPB system and/or supplied to localities must follow these standards:

1. Must be fully wiped per the DoD 5220.22-M wiping standard to prevent any preloaded software from being inadvertently installed on the systems
2. Must be cryptographic and FIPS 140-2 compliant
3. Must use SHA256 hashing algorithm or higher
4. Must comply with applicable Commonwealth information security standards
5. Must comply with applicable policies, guidelines, and directives as adopted and modified by the SBE from time to time.

H – EPB System Modifications & Product End of Life Planning

EPB System Modifications

The process for reporting modification will be determined by ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time.

Product End of Life Planning

“End-of-life” (EOL) is a term used with respect to product (hardware/software/component) supplied to customers, indicating that the product is in the end of its useful life (from the vendor’s point of view), and a vendor stops sustaining it; i.e. vendor limits or ends support or production for the product.

Product support during EOL varies by product. Depending on the vendor, EOL may differ from end of service life, which has the added distinction that a vendor of systems or software will no longer provide maintenance, troubleshooting or other support. For example, Extended Support is the period following end of Mainstream Support.

The definitions of Last Date of Mainstream Support and Extended Support, as applicable to decertification/recertification and associated policies and procedures, will be determined by ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time. As of initial adoption of this standard by the SBE, the definitions are as follows:

Mainstream Support: The first phase of the product lifecycle; when support is complimentary

Extended Support: The phase following Mainstream Support, in which support is no longer complimentary

Last Date of Mainstream Support: The last day of Mainstream Support

Policies and procedures applicable to decertification/recertification of EPB systems which contain software or hardware components that have and/or will reach the Last Date of Mainstream Support within 18 months, will be determined by ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time.

An EPB system could still be decertified even if an upgrade plan is submitted. This could happen for a variety of reasons, such as a vendor is not showing progress in meeting their upgrade plan.

I – EPB Certification Application Form

Certification <input type="checkbox"/>	Recertification <input type="checkbox"/>
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The company officer or designee who is responsible for the Electronic Pollbook System should complete this form. With this signature, the company officer agrees to a release for the VSTL as well as other states that may have decertified the EPB to respond to any questions by ELECT. This application must be signed by a company officer and enclosed in the EPB Certification Request Package.

Check if you prefer to have the VSTL testing performed at another site to be specified which may require additional cost for the testing.

Name of Company: _____

Name and Title of Corporate Officer: _____

Contact Phone Number: _____

Email Address: _____

Primary Address of Company: _____

City, State, Zip Code: _____

Name of EPB System to be certified: _____

Version Number/Name of EPB System to be certified: _____

I reviewed and confirmed that the EPB meets the requirements of the Virginia Electronic Pollbook Certification Standard. My company will comply with additional requests in a timely manner to complete this certification.

Signature of Corporate Officer: _____

Date: _____

J – De Minimis Change Guideline

The SBE has adopted the EAC's De Minimis Change Guideline and applicable EAC Notice of Clarification of De Minimis Change Guidelines to manage a minimal hardware and/or software related change to a certified EPB system in a consistent and efficient manner. Software De Minimis Changes should have the following general characteristics:

1. Update a discrete component of the system and do not impact overall system functionality
2. Do not affect the accuracy of the component or system
3. Do not negatively impact the functionality, performance, accessibility, usability, safety, or security of a component or system
4. Do not alter the overall configuration of the certified system
5. Can be reviewed and/or tested by VSTL personnel in a short amount of time (approximately less than 100 hours).

A vendor must submit the VSTL's endorsed package to ELECT for approval. A proposed De Minimis Change may not be implemented to the certified EPB system until the change has been approved in writing by ELECT.

VSTL Endorsed Changes

The vendor will forward to ELECT any change that has been endorsed as De Minimis Change by VSTL. The VSTL's endorsed package must include:

1. The vendor's initial description of the De Minimis Change, a narrative of facts giving rise to, or necessitating, the change, and the determination that the change will not alter the system's reliability, functionality, or operation.
2. The written determination of the VSTL's endorsement of the De Minimis Change. The endorsement document must explain why the VSTL, in its engineering judgment, determined that the proposed De Minimis Change meets the definition in this section and otherwise does not require additional testing and recertification.

VSTL Review

The vendor must submit the proposed De Minimis Change to a VSTL with complete disclosures, including:

1. Detailed description of the change
2. Description of the facts giving rise to or necessitating the change

3. The basis for its determination that the change will not alter the system's reliability, functionality, or operation
4. Upon request of the VSTL, the EPB system model at issue or any relevant technical information needed to make the determination
5. Document any potential impact to election officials currently using the system and any required notifications to those officials
6. Description of how this change will impact any relevant system documentation
7. Any other information the VSTL needs to make a determination.

The VSTL will review the proposed De Minimis Change and make an independent determination as to whether the change meets the definition of De Minimis Change or requires the EPB system to undergo additional testing as a system modification. If the VSTL determines that a De Minimis Change is appropriate, it shall endorse the proposed change as a De Minimis Change. If the VSTL determines that modification testing and recertification should be performed, it shall reclassify the proposed change as a modification. Endorsed De Minimis Change shall be forwarded to ELECT for final approval. Rejected changes shall be returned to the vendor for resubmission as system modifications.

ELECT's Action

ELECT will review the proposed De Minimis Change endorsed by a VSTL. ELECT has sole authority to determine whether any VSTL endorsed change constitutes a De Minimis Change under this section.

ELECT's Approval: ELECT shall provide a written notice to the vendor that ELECT accepted the change as a De Minimis Change. ELECT will maintain the copies of approved De Minimis Change and track such changes.

ELECT's Denial: ELECT will inform the vendor in writing that the proposed change cannot be approved as De Minimis Change. The proposed change will be considered a modification and requires testing and certification consistent with this Certification Standard.

De Minimis Change is not applicable to the EPB system currently undergoing the State Certification testing; it is merely a change to an uncertified system and may require an application update.

K – Early Voting Connection Requirements

The following additional requirements exist if the EPB Vendor utilizes the cloud to host EPBs for locality access during the Early Voting period:

1. Utilize security best practices for internet connectivity including network, wireless, and cloud services.
2. Utilize a cloud service provider (CSP) whose infrastructure and applications are NIST 800-53 certified through a third party entity.
3. Ensure that CSP SLA contains 3 major components: Service level objectives, Remediation policies, and penalties/incentives related to NIST compliance, exclusions, and caveats.
4. The connection via VPN must be FIPS 140-2 certified, whether it is a dedicated SSLVPN or just a dedicated connection. If a dedicated connection, thorough documentation must be provided.
5. If the EPB Vendor supplies the mobile devices, ensure compliance with NIST 800-53 in relation to these devices, as is done with the infrastructure.
6. Storage, processing, migration, access control, and detection to and from the cloud must be NIST 800-53 compliant.
7. Ensure the CSP is NIST certified by validating their credentials through their third-party certification provider. Ask for internal vulnerability/penetration testing reports, audit reports, incident reports, and evidence of remedial actions for any issues raised. Also verify tracking of mitigating action tracking mechanisms (POA&M tracking).

All vendors must comply with the policies, guidelines, and directives regarding Early Voting connection requirements as adopted and modified by the SBE from time to time.



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Advisory Review Workgroup Update

BOARD WORKING PAPERS
Lisa Koteen Gerchick



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Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Mr. Merricks, Ms. Chiang, and Mrs. Alvis-Long
From: Lisa Koteen Gerchick, Chair, Advisory Review Workgroup
Date: May 24, 2022
Re: Advisory Review Workgroup Report

Background

The State Board of Elections (“the Board”) established the Advisory Review Workgroup (“the Workgroup”) by resolution on October 29, 2019. The resolution expires February 1, 2023. The Workgroup is comprised of three representatives from the Virginia Registrars Association, three representatives of the Virginia Electoral Board Association, one representative of the Virginia Association of Counties, one representative of the Virginia Municipal League, and five citizen members. A citizen member chairs the Workgroup. A list of current members is attached.

The Workgroup first convened in February 2020 but, due to the Covid-19 health emergency, did not meet again until March 2021. The Workgroup paused its work between September 2021 and January 2022 because Workgroup members engaged in the general election and redistricting could not attend meetings. Since then, the Workgroup has met monthly. The Workgroup adopted Bylaws at its April 2021 meeting and appoints a secretary on a rotating basis. The first assignment the Board made was to “develop benchmarks to measure the success of elections in Virginia.” The Workgroup chair gave a status report to the Board on August 3, 2021.

Report on “Benchmarks to Measure a Well-Run Election” in Virginia

The Workgroup submitted the final report on April 25, 2022. The report identifies the key elements of a well-run election. The reason the Workgroup recast the project as measuring a “well-run” election, as opposed to a “successful” election, is that the Workgroup members assert that appropriate measures must be objective, based on items or actions within the control of the election’s administrators. Whether an election is “well-run” can be measured objectively. The concept of “success,” on the other hand, is prone to subjective interpretation.

According to the definition agreed upon by the Workgroup, a “well-run election must be “accessible,

efficient, transparent, secure, and accurate, so that the public can be confident in the election results.” Every element the report identifies is categorized according to one or more of these attributes: Accessibility, Efficiency, Transparency, Security, and Accuracy. Furthermore, the report indicates the relevant standards for each element, such as “clarity of information and instructions” when registering to vote or “comprehensibility” of the absentee ballot application form. The judge of “clarity” and “comprehensibility,” to use these examples, would be the voter.

Learning whether an election was well-run requires an overall, 360 degree review. Those involved in elections would provide data: the Department, the local electoral boards, the Directors of Elections/General Registrars and their staffs, Officers of Election, and, critically, voters. A prerequisite to any accurate analysis is measuring only discrete items or actions and direct personal experience. Personal opinions and perspectives are not relevant to the analysis.

Next Steps

The report concludes by recommending continuation of the project to a second phase, which would not only determine the appropriate measures but lay the groundwork for doing the work to determine whether an election was indeed well-run.

Much of the data needed for measurement are already routinely reported by localities and aggregated by the Department of Elections (“the Department”). The Department’s annual Post-Election Report is a good starting point for the Workgroup’s assessment of what data are available for measurement.

In addition, using methodology already proposed, the Workgroup is prepared to establish appropriate measures for each element, *i.e.*, whether the right measure is quantitative or qualitative, total numbers or percentages.

Finally, we are left with the questions of who will collect the data and who will decide whether an election was well-run. We are already exploring these questions and would expect to answer them before the resolution that created the Advisory Review Workgroup expires at the end of January 2023.

Conclusion

Under the terms of the resolution that established the Workgroup, the Board assigns projects to the Workgroup but the Workgroup may recommend assignments. The Workgroup reviewed a menu of potential projects to offer to the Board for consideration before deciding to make only one recommendation. If the Board assigns the Workgroup the tasks of setting the benchmarks and planning for actual implementation, the state will then have the tools to demonstrate that Virginia’s elections are run successfully.

***REPORT OF THE ADVISORY REVIEW WORKGROUP
TO THE VIRGINIA STATE BOARD OF ELECTIONS***

BENCHMARKS TO MEASURE A WELL-RUN ELECTION

INTRODUCTION

The State Board of Elections established the Advisory Review Workgroup on October 29, 2019. The State Board’s first assignment to the Workgroup was to develop benchmarks to measure a successful election. While Virginia elections are already well-regarded, the Report is intended to assist the State Board in overseeing performance of this basic and essential government function by identifying the key elements of a well-run election.

ELEMENTS OF A WELL-RUN ELECTION

A well-run election has two major aspects. The first is simply that the responsible election officials at both state and local levels perform their tasks correctly and competently—from communicating election information effectively to voters, candidates and the public, to registering voters, and to administering elections from early voting through election day and on through the canvass and final reporting.

The second aspect is that voters express their level of satisfaction with their experience while voting in a particular election. To avoid global subjective perceptions and attitudes, voter experience should be assessed in terms of specific, concrete election-related activities that this report identifies. As noted below, empirical data collected in the regular course of work can assist in evaluating these specific activities. Voters’ experience at a voting location might be measured by, among other things, how long the voter stood in line, speed and accuracy at check-in, and how well the steps in casting a ballot were explained. For those who cast ballots by mail, there might be data on, for example, whether the voter tracked the return ballot.

Definition of a Well-Run Election

The Workgroup defined a “well-run election” as: “**accessible, efficient, transparent, secure, and accurate, so that the public can be confident in the election results.**”

The Workgroup then identified elements of an election to be evaluated under each of these five key criteria.¹ Some elements may appear under more than one criterion. For instance, ballot tabulation must be transparent in methodology, secure in practice, and accurate by necessity.

¹ Statutory citations and references are not included in this report. The notion of a well-run election is predicated on the assumption that elections officials conduct the election in compliance with all applicable laws and regulations.

Accessibility

Accessibility, used broadly, refers to the ease with which different categories of individuals can understand and use the voting process and procedures: Candidates seek inclusion on the ballot; new voters or those already registered but who need to update their voter registration information require access to the voter registration system; all voters need easy access to voting.

Accessibility has an additional, unique meaning for individuals with disabilities. In considering the degree to which an election meets the overall criterion of “accessibility,” the following specific elements should be evaluated

- ◆ Ballot access for prospective candidates
 - Clarity of filing requirements and process
 - Clearly stated filing deadlines
- ◆ Voter registration for new voters and voters who need to update their registration
 - How to apply, either to register to vote or to update a voter’s registration information
 - How to register before Election Day using online or paper application forms
 - How to register (and vote) on Election Day
 - Clarity of information and instructions re: the voter registration application process; procedure to update voter information; and deadlines to register before each election
 - Notification to rejected applicants and explanations of reasons
- ◆ Ease of voting generally for registered voters. Voter turnout has increased significantly over the past ten years, outpacing the state’s population growth.
 - Availability of information from the Department of Elections (ELECT) and/or localities about key election dates, *e.g.*,
 - Deadline to register to vote
 - Deadline to apply for an absentee ballot
 - Early voting dates and the location and hours of voting sites
 - Election Day hours and polling place locations
 - Deadline for the return of mail ballots
 - Availability and user-friendliness of voter lookup tools
 - Availability of notices, instructions, and signage in languages appropriate for a locality’s voters
 - Ballot design: clarity of contents, directions, and layout
- ◆ Ease of voting ballots mailed to the voter. After the sharp increase in absentee voting attributable to the Covid-19 health emergency, the number of ballots mailed to the voter remains higher than in prior years. It is not known whether this shift from Election Day to early voting will become permanent, nor the extent of the shift to use of mail ballots.
 - Availability and clarity of absentee ballot applications
 - Comprehensibility of the application form

- Voter acceptance and utilization of various methods to apply for an absentee ballot (online, email/fax, mail, in person, and from military and overseas voters²)
 - Voter acceptance of the permanent absentee list
 - Effectiveness in processing absentee ballot applications and mailing ballots
 - Response times
 - Application rejection rates and reasons for rejections
 - Casting a ballot voted at home
 - Clarity of instructions or voter confusion about absentee ballots
 - Information as to the return methods (mail, non-USPS delivery, drop off, by hand)
 - Ballot tracking availability and ease of use
 - Response to voters who decide to vote in person
 - Rate of ballot rejection because of omissions, both material and immaterial
 - Ballot curing availability, numbers of ballots “cured” and cast, both in total and relative to the number of ballots rejected
- ◆ Ease of voting in person at early voting locations and at precinct polling places. Early voting in person is technically absentee voting and differs from voting at a polling place on Election Day but the processes are similar.
 - Voting location convenience, proximity, transportation, and parking
 - For early voting in person
 - At precinct polling places
 - Length of wait times
 - Adequacy of facilities, including adequacy of space, lighting, tables and chairs, ventilation, restrooms, materials
 - Adequacy of signage
 - Placement for visibility
 - Clarity of content
 - Sufficiency of supplies, such as pens, “I Voted” stickers
 - Election officers and staff at early voting sites and precinct polling places:
 - Sufficiency in numbers of workers
 - Competence and helpfulness of the workers
 - Sufficiency in numbers of voting machines, electronic pollbooks (EPBs), and voting booths
 - Skillfulness of election officer in handling voter ID issues
 - Capability in management of provisional ballots in precinct polling places
 - Election officers’ capability in managing incidents inside the polling place and within the “Prohibited area” within 40 feet of the polling place
- ◆ Accessibility for voters with a disability, over 65, or during a declared health emergency, as statutorily required:
 - Availability of tools to vote and convenience of voting from home
 - Voting location accessibility, ADA compliance

² Also called UOCAVA voters, in reference to the Uniformed Overseas Citizens Absentee Voting Act.)

- Availability and convenience of curbside voting
- Availability of ballot marking devices (BMDs) in all voting locations

Efficiency

Efficiency refers to how rapidly and smoothly election-related operations are managed at the state and local level, including how adeptly various governmental entities interact with one another. Elections involve collaboration not only between ELECT and local offices of elections but also with the Department of Motor Vehicles, the Virginia Information Technology Agency, localities' IT departments, and local governing bodies, among others. Elements of operational efficiency include:

- ◆ ELECT's management and oversight
 - Robustness and user-friendliness of election management system/voter registration database
 - Clarity and timeliness of guidance to localities and responsiveness to localities' requests
 - Citizen Portal convenience
 - Availability and effectiveness of voter education and outreach
 - Oversight of cybersecurity of state and local systems
 - Facility in coordination among the relevant state agencies
 - Skill in managing incidents and complaints fielded at the state level
- ◆ Management and oversight by General Registrars/Directors of Elections (GRs) and/or local electoral boards (EBs)
 - Training and certification requirements met by election officials and staff
 - Ease of coordination between GRs/EBs and local governing bodies
 - Timeliness in handling applications to register and vote, and ballot mailings
 - Skill in resolving denials, including reasons and amelioration, of:
 - Voter registration applications
 - Mail ballot applications
 - Returned mail ballots
 - Timeliness and thoroughness of training for officers of election
 - Facility in set-up and management of early voting satellite locations and precinct polling places
 - Adequacy of facilities, such as sufficiency of space, lighting, furnishings, electrical outlets, connectivity for early voting locations, kitchen or other break area, and restrooms
 - Sufficiency of supplies for the workers and voters at the voting sites
 - Completeness of required materials (*e.g.*, manuals, keys, back-up paper pollbooks, and thumb drives)
 - Provision of sufficient numbers of fully functional equipment, including EPBs or other check-in devices, BMDs, and optical scanners
 - Execution of the provisional ballot process
 - Management of incidents and complaints locally

Transparency

- ◆ Voters' confidence in the fairness and accuracy of elections is enhanced when they know how their elections are conducted, how to cast their ballots, and how the ballots are counted. Most people vote infrequently and even a regular voter knows little about the intricacies of election administration. Clearly presented, understandable information about the process should be readily available to the public.
- ◆ Availability and clarity of election information through voter outreach and education
 - Clarity and thoroughness of information presented online and in print (on ELECT's and localities' websites, informational mailings, and utilization of media, including social media)
 - Basic information on voter registration and voting, as well as election information
 - "Plug and play" webpages for localities lacking websites
 - Clarity and timeliness of responses by ELECT and localities to disinformation and misinformation about the election, including training in how to respond to complaints and concerns.
- ◆ Notices—Clarity and sufficiency of online and printed material properly posted and distributed in languages required within the localities (*e.g.*, on websites, in print and on social media, and in mailings and on signs)
 - Election office information, GR and staff, EB members
 - Elections—time, date, all deadlines, locations and hours
 - Timely and effective notice of changes in polling locations
 - All public meetings, functions and events open to the public
- ◆ Public availability of reports, results, laws and regulations, forms, and such other data as:
 - Voter registration
 - Voting numbers, broken down by voting method
 - Percentages of eligible voters registered
 - Voter turnout
 - Ballot rejection rates and reasons for rejection
- ◆ Opportunities for authorized representatives of political parties and candidates to observe ballot processing and tabulation
- ◆ Timeliness of results reporting
 - At the statewide, local, and precinct level
 - Shown by the method of voting (early in person, by mail, in person on Election Day)
 - Explanation of results reporting by authorities
- ◆ Opportunities to observe and participate in post-election risk-limiting audits (RLAs) at local and state levels
- ◆ Openness of certification of the election
 - At the local level

- At the state level
- ◆ Timing and availability to public of information re: issues, incidents, and complaints in localities and at the state level, as well as issue resolution

Security

In the context of elections, security has several meanings. Cybersecurity has been the focus of attention within the past decade, ever since Americans became aware of vulnerabilities and external attempts to breach election systems. Virginia, however, has among the most robust standards for certification in the country, adopting the U.S. Election Assistance Commission's standards and adding heightened standards for election equipment in the Commonwealth, including standards for electronic pollbooks. Physical security is essential for ballots, equipment, and the structures that contain them. It is important to have standards to ensure safety and an unbroken chain of custody for ballots and equipment. Cyber- and physical security standards should be updated regularly. Appropriate confidentiality of security measures must be maintained. More recently, harassment, intimidation and even the physical safety of elections officials, election workers, and voters have become a significant issue. Security of the vote itself is a fundamental concern. Maintaining ballot secrecy ensures that voters can vote freely. Post-election auditing should increase public confidence that the outcomes of elections reflect the will of the voters. The key elements of security include:

- ◆ Cybersecurity
 - Maintenance of timely and updated state certification standards for cybersecurity of systems and voting equipment
 - Effectiveness of state oversight of localities' security measures
 - Establishment by localities of security plans
 - Effectiveness of collaboration between GRs, EBs, and local governments' IT departments in maintaining cybersecurity of systems and equipment
- ◆ Physical security
 - Localities' compliance with standards pertaining to equipment storage (*e.g.*, cages, locks, surveillance, access), ballots (printing, storage, handling in office and voting locations), removable media; and chain of custody of machines and ballots
- ◆ Physical security of election officials, election workers, and voters
 - Planning and exercises at the state and local levels to protect GRs, EBs, election staff and election workers from harassment, intimidation, and physical threats
 - Pursuit of best practices to protect voters from threats
 - Adequacy of training and preparation by election officials to rebut disinformation and misinformation
- ◆ Adequate local measures to ensure voters' ballot secrecy:
 - In the voting location

- In the Central Absentee Precinct
- After ballot is cast
- ◆ Timeliness and thoroughness of audits
 - Pre-election logic and accuracy (L&A) testing of voting equipment
 - RLAs at local, state levels

Accuracy

The ultimate test of an election is whether it accurately reflects the will of the voters and whether accuracy permeates the process. In the context of elections, the notion of accuracy also incorporates the completeness of necessary information. The responsibility of ensuring accuracy is shared by ELECT and local election officials.

- ◆ Accuracy elements within ELECT's responsibility include
 - Oversight of compliance with laws, regulations, and procedures
 - Validating information on websites and printed material
 - Preparing forms prepared for statewide use by GRs, EBs and the public
 - Maintaining the list of eligible voters
 - Ballot proofing
 - Reporting election results statewide
 - Overseeing statewide post-election audits
 - Creating and maintaining records and reports
- ◆ Accuracy elements within local GRs' and EBs' responsibilities
 - Uploading of voter and election data into the state election management system
 - Absentee by mail ballot management
 - Mailings of election material and requested ballots to voters
 - Mail ballot tracking
 - Mail ballot curing
 - Timely reporting of incidents of incorrect ballots given or mailed to voters
 - Training of election workers to ensure accuracy at check-in (*e.g.*, wrong voter, extra or wrong ballot, mishandling of voter ID or provisional ballot issues)
 - Election worker accuracy in completing all closing tasks
 - Ensuring that election workers can help voters understand the consequences of overvotes and undervotes
 - Timely and accurate counting and reporting of local election results
 - Properly conducting recounts
 - Properly conducting audits (L&A testing and RLAs)

NEXT STEPS: QUANTIFYING METRICS FOR A WELL-RUN ELECTION

Having identified the major criteria for a well-run election and the specific elements within each criterion, the next step would be to identify those elements for which data exist and are available to assess elections. The Post-Election Report that ELECT prepares after each general election

includes statistics and charts showing, for example, voter registration, voter turnout (including provisional ballots), methods of voting recorded in detail, web traffic, machine testing, results reporting, and complaints by type and locality. The Workgroup could obtain additional data that are already maintained. Most data needed to evaluate elections are available now.

Measuring the remaining elements is also possible. The extensive elections literature can assist in determining both methodology and baselines. Once accumulated, these data can be compared with past norms or averages, or with recognized benchmarks. To give one example, thirty minutes is generally acknowledged as the maximum acceptable length of time for voters to wait in line at a polling place.³ We already know when wait times are excessive in Virginia.

The State Board should also consider the time and resources needed if measuring a well-run election is to become routine practice. Having these metrics could enable the Commonwealth to continue its strong administration of elections and continuously improve.

³ Presidential Commission on Election Administration, *The American Voting Experience: Report and Recommendations of the Presidential commission on Election Administration*, January 2014. Available at: <https://www.eac.gov/assets/1/6/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.



Advisory Review Workgroup

Final Report: Benchmarks to Measure a Well-Run Election



Advisory Review Workgroup

- Established October 19, 2019
- Expires February 1, 2023
- 13 members
- Assignment to develop benchmarks to measure a successful election



Project Definition

- Defining a successful election
- Revision of scope to measure a well-run election
- Definition of a well-run election:
Assessible, efficient, transparent, secure, and accurate, so that the public can be confident in the election results



Project Process

- Identification of the elements of an election
- Vantage point
- Which entities can tell us if an election is well-run
- Ways to measure a well-run election



Elements of a Well-Run Election

- Identifying the elements of a well-run election
- Classification of the elements into categories aligned with the attributes of a well-run election
 - Accessibility
 - Efficiency
 - Transparency
 - Security
 - Accuracy



How to Measure an Election - I

- Vantage Point: Global
 - ELECT
 - Directors of Elections/General Registrars and staff
 - Local Electoral Boards
 - Election Workers
 - Voters



How to Measure an Election - II

- Determining appropriate measures
 - Quantity vs. quality
 - Numbers vs. percentages
 - Objective vs. subjective
- Finding available data
 - Already aggregated
 - Available but not gathered and aggregated



Advisory Review Workgroup Recommendation

Phase II

- Develop the measures applicable to each element
- Determine what data are aggregated and what else is available
- Determine the appropriate sources of information
- Ready for implementation



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Public Comment

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