



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, July 5, 2022

Pocahontas Building

Senate Room A

Richmond, VA

Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=mf7fbell772e8067ea20b3b02b2e27eb8>

Meeting password: dhJBv8Atp23

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2435 655 5913

1:00 P.M.



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Tuesday, July 5, 2022
LOCATION: 900 E Main St.
Pocahontas Building – Senate Room A
Richmond, VA 23219

TELECONFERENCE:
+1-517-466-2023 US Toll
+1-866-692-4530 US Toll Free
Access code: 2435 655 5913

VIDEO CONFERENCE:
<https://covaconf.webex.com/covaconf/j.php?MTID=mf7fbe11772e8067ea20b3b02b2e27eb8>
Password: dhJBv8Atp23
TIME: 1:00 P.M.

I. CALL TO ORDER

Robert Brink, Chairman

II. APPROVAL OF MINUTES

Georgia Alvis-Long, Secretary

- A. May 24, 2022
- B. June 21, 2022

III. COMMISSIONER'S REPORT

Susan Beals
Commissioner

IV. CERTIFICATION OF PRIMARY ELECTION RESULTS

Paul Saunders
Elections and Registration Supervisor

**V. CONSIDERATION OF REVISED VIRGINIA ABSENTEE
BALLOT APPLICATION FORM (SBE-701/703.1)**

Zakia Williams
ELECT Registrar Liaison

**VI. CONSIDERATION OF REVISED VIRGINIA PERMANENT
ABSENTEE VOTER CHANGE FORM (SBE-703.1C)**

Zakia Williams
ELECT Registrar Liaison

VII. SPLIT PRECINCT WAIVER
A. Henrico County

Daniel Davenport
ELECT Policy Analyst

VIII. PUBLIC COMMENT

IX. CLOSED SESSION

X. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=34699>

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.

SBE Board Working Papers



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS

1 The State Board of Elections (“the Board”) meeting was held on Tuesday,
2 May 24, 2022, in Senate Room A of the Pocahontas Building in Richmond,
3 Virginia. The meeting also offered public participation through electronic
4 communication so the remote public could view and hear the meeting. In
5 attendance: Robert Brink, Chairman; John O’Bannon, Vice Chairman; Georgia
6 Alvis-Long, Angela Chiang, and Delegate Donald Merricks, members; represented
7 the State Board of Elections (“the Board”). Susan J. Beals, Commissioner,
8 represented the Department of Elections (“ELECT”), and Joshua Lief represented
9 the Office of the Attorney General (“OAG”). Chairman Brink called the meeting to
10 order at 1:00 P.M.

11 Chairman Brink opened the floor for secretarial nominations. Vice Chair
12 O’Bannon moved *that the Board nominate Mrs. Alvis-Long for Secretary*.
13 Delegate Merricks seconded the motion and the motion passed unanimously. A roll
14 call vote was taken:

- 15 Chairman Brink – Aye
- 16 Vice Chair O’Bannon – Aye
- 17 Mrs. Alvis-Long – Aye
- 18 Ms. Chiang – Aye
- 19 Delegate Merricks – Aye

20 The first item of business was the approval of the minutes presented by,

21 Chairman Brink. Chairman Brink *moved that the Board approve the amended*
22 *minutes from April 13, 2022 Board Meeting.*

23 Chairman Brink – Aye

24 Vice Chair O’Bannon – Aye

25 Secretary Alvis-Long – Aye

26 Ms. Chiang – Aye

27 Delegate Merricks – Aye

28 (Secretary Alvis-Long was recorded as voting "Aye." She intended to
29 abstain on this vote.)

30 The second item of business was the Commissioner’s Report presented by
31 Commissioner Beals. Commissioner Beals informed the Board that on May 17,
32 ELECT conducted a Continuity of Operations (“COOP”) meeting for Election
33 Day. The Commissioner stated that ELECT had made progress on implementing
34 the legislative changes such as Same Day Registration, Pre-Registration of 16 year
35 olds, and Absentee Reporting by Precincts. Commissioner Beals informed the
36 Board that ELECT’s Policy team will be releasing a new General Registrar and
37 Electoral Board (“GREB”) Handbook this summer. The Commissioner advised the
38 Board of deadlines for registration, early voting and requesting absentee ballots
39 related to the June 21 Primary Election.

40 Chairman Brink stated that the Board directed him to write letters to the

41 Chairs of the Democratic and Republican parties of Virginia regarding the local
42 political party's recommendation for the appointment to local Electoral Boards.
43 This letter appears as APPENDIX: A. The Chairman stated that the Board directed
44 him to write a letter to the Chief Justice of the Supreme Court of Virginia asking
45 for assistance in making local circuit courts aware of the importance of those
46 appointed. This letter appears as APPENDIX: B.

47 The third item of business was the Split Precinct Waiver for Bedford
48 County, presented by Daniel Davenport, ELECT Policy Analyst. *These documents*
49 *are in the Working Papers for the May 24, 2022 Meeting.* Chairman Brink deferred
50 consideration of the waiver for precinct 104. Delegate Merricks moved *to approve*
51 *the waiver for precincts 303 and 503 of Bedford County.* Vice Chair O'Bannon
52 seconded the motion and the motion passed unanimously. A roll call vote was
53 taken:

54 Chairman Brink – Aye
55 Vice Chair O'Bannon – Aye
56 Secretary Alvis-Long – Aye
57 Ms. Chiang – Aye
58 Delegate Merricks – Aye

59 The fourth item of business was the Electronic Poll Book Standards and
60 Certification Overview, presented by Karen Hoyt-Stewart, Locality Security

61 Program Manager. *This PowerPoint presentation is in the Working Papers for the*
62 *May 24, 2022 Meeting.* No motion was heard.

63 The fifth item of business was the Elections System & Software Expresspoll
64 7.2.4.0 Certification, presented by Karen Hoyt-Stewart, Locality Security Program
65 Manager. *This report is in the Working Papers for the May 24, 2022 Meeting.*
66 Delegate Merricks *moved that the Board certify the use of Election Systems &*
67 *Software ExpressPoll 7.2.4.0 electronic pollbook in elections in the*
68 *Commonwealth of Virginia, pursuant to the Virginia State Certification of*
69 *Electronic Pollbooks: Requirements and Procedures.* Ms. Chiang seconded the
70 motion and the motion passed unanimously. A roll call vote was taken:

71 Chairman Brink – Aye

72 Vice Chair O’Bannon – Aye

73 Secretary Alvis-Long – Aye

74 Ms. Chiang – Aye

75 Delegate Merricks – Aye

76 The sixth item of business was the Advisory Review Workgroup
77 Presentation, presented by Lisa Koteen Gerchick. *This PowerPoint presentation is*
78 *in the Working Papers for the May 24, 2022 Meeting.* No motion was heard.

79 Chairman Brink opened the floor to public comment. Christopher Page
80 asked to have his statement put into the minutes. His statement appears as

81 APPENDIX: C. Mae Tucker, Vice Chairwoman of Nottoway County Electoral
82 Board asked to have her statement put into the minutes. Her statement appears as
83 APPENDIX: D. Rodney Reynolds, Nottoway County General Registrar asked to
84 have his statement put into the minutes. His statement appears as APPENDIX: E.
85 Thomas Crews, Chairman of the Nottoway County Democratic Committee
86 asked to have his statement put into the minutes. His statement appears as
87 APPENDIX: F. Christine Brim, Fairfax County Republican Committee Elections
88 Integrity Working Group asked to have her statement put into the minutes. Her
89 statement appears as APPENDIX: G. Sarah Allen, Ann Grigorian, Diana-Lynn
90 Wilkson, James Nachman, Chairman of Richmond City Electoral Board; and
91 Susan Hogge, President of Republican Woman of Greater Richmond addressed the
92 Board.

93 At 2:18 P.M., Delegate Merricks moved, *pursuant to Virginia Code Section*
94 *2.2-3711(A)(7), that the Board go into closed session for the purpose of discussing*
95 *pending and threatened litigation. In accordance with Section 2.2-3712(F), Susan*
96 *Beals, Commissioner of Elections, Daniel Davenport, ELECT Policy Analyst, and*
97 *Joshua Lief of the Office of the Attorney General will attend the closed session*
98 *because their presence will reasonably aid the Board in its consideration of the*
99 *subject of the meeting.* Vice Chair O'Bannon seconded the motion and the motion
100 passed unanimously. A roll call vote was taken:

101 Chairman Brink – Aye

102 Vice Chair O’Bannon – Aye

103 Secretary Alvis-Long – Aye

104 Ms. Chiang – Aye

105 Delegate Merricks – Aye

106 At 3:07 P.M., Delegate Merricks moved *to reconvene in open session, and*
107 *take a roll call vote certifying that to the best of each member’s knowledge (i) only*
108 *such public business matters lawfully exempted from open meeting requirements*
109 *under this chapter and (ii) only such public business matters as were identified in*
110 *the motion by which the closed meeting was convened were heard, discussed, or*
111 *considered.* Vice Chair O’Bannon seconded the motion and the motion passed
112 unanimously. A roll call vote was taken:

113 Chairman Brink – Aye

114 Vice Chair O’Bannon – Aye

115 Secretary Alvis-Long – Aye

116 Ms. Chiang – Aye

117 Delegate Merricks – Aye

118 Vice Chair O’Bannon moved *to approve the waiver for split precinct 104 of*
119 *Bedford County.* Delegate Merricks seconded the motion and the motion passed
120 unanimously. A roll call vote was taken:

121 Chairman Brink – Aye

122 Vice Chair O’Bannon – Aye

123 Secretary Alvis-Long – Aye

124 Ms. Chiang – Aye

125 Delegate Merricks – Aye

126 Ms. Chiang moved *to adjourn the meeting*. Delegate Merricks seconded the
127 motion and the motion passed unanimously. The meeting adjourned at 3:09 P.M.

128 _____
129 Chairman

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131 _____
132 Vice-Chairman

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135 Secretary

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138 Board Member

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141 Board Member

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APPENDIX: A
Letters to the Chair of the
Democratic and Republican Parties of Virginia



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

April 29, 2022

Mr. Richard Anderson, Chairman
Republican Party of Virginia
115 East Grace Street
Richmond, Virginia 23219

Ms. Susan Swecker, Chairwoman
Democratic Party of Virginia
919 East Main Street Suite 2050
Richmond, Virginia 23219

Dear Chairman *Rich* Anderson and Chairwoman *Susan* Swecker:

Under § 24.2-103 of the Code of Virginia, the State Board of Elections is responsible for supervising and coordinating the work of local Electoral Boards. I am writing, at the direction of the State Board, to request your assistance in highlighting the importance of appointments to those Boards. Recent unfortunate events involving Electoral Board members have demonstrated the sensitivity of those positions.

Virginia's 133 local Electoral Boards play a critical role in the conduct of elections in the Commonwealth. The authority for the administration of all aspects of elections for each locality, including oversight of the General Registrar/Director of Elections, rests with those Electoral Boards.

Local parties have an important responsibility when recommending members to serve on their locality's Electoral Board, and local party chairs should take into consideration the qualities and duties of an Electoral Board member when choosing the names of individuals to submit to the Circuit Court for consideration.

Electoral Board members must be customer-service oriented in dealing with voters. They need to possess basic knowledge of legal concepts, judicial proceedings, and parliamentary procedure. They must be willing to become deeply familiar with United States Code Title 52 and Virginia Code Title 24.2, governing elections. Hopefully, they will use this knowledge to serve an educational function – informing the general public about how elections are administered in the Commonwealth, the processes in place to ensure an accurate count, and the safeguards that detect and correct irregularities. They should possess public speaking ability to conduct training or address groups and writing ability to produce training materials, legislative positions or analyses.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Chairman Richard Anderson
Chairwoman Susan Swecker
April 29, 2022
Page 2

Although the bipartisan board is appointed by the Circuit Court based on local party recommendations, each member must carry out their official duties in a nonpartisan manner. Electoral Board members must demonstrate the ability to work collaboratively with the other members of their board in the conduct of elections and in making decisions regarding budget, employment and election law issues.

I request that you communicate the significance of positions on local Electoral Boards to your local party chairs and encourage them to demonstrate that understanding when they make recommendations to the Circuit Court for appointments to those boards.

Thank you for your attention to this important matter.

Sincerely,

Robert H. Brink
Chairman

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APPENDIX: B
Letter to the Chief Justice of the Supreme Court of Virginia



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

June 3, 2022

The Honorable S. Bernard Goodwyn
Chief Justice
Supreme Court of Virginia
P.O. Box 1315
100 North Ninth Street
Richmond, VA 23218-1315

Dear Chief Justice Goodwyn:

Under § 24.2-103 of the Code of Virginia, the State Board of Elections is responsible for supervising and coordinating the work of local Electoral Boards to obtain uniformity in their practices and proceedings and legality and purity in all elections. I am writing, at the direction of the State Board, to request your assistance in emphasizing the importance of appointments to those Boards. Recent unfortunate events involving Electoral Board members have demonstrated the sensitivity of those positions. Two key aspects required of a board member are that they take all required training and are able to grasp both the laws governing elections and the duties of assuming public office.

Virginia's 133 local Electoral Boards play a critical role in the conduct of elections in the Commonwealth. The authority for the administration of all aspects of elections for each locality, including oversight of the General Registrar/Director of Elections, rests with those Electoral Boards.

By the attached letter, I have written to the chairs of the two state parties, reminding them of the important responsibility held by local parties in recommending members to serve on their locality's Electoral Board. I have asked them to reinforce these expectations with their local party chairs. Similarly, I am respectfully asking for your assistance in reminding the Circuit Courts of their responsibility in appointing Electoral Board members. I request that you communicate the significance of positions on local Electoral Boards to the Chief Judges of local Circuit Courts and encourage them to demonstrate that understanding when they make appointments to those boards.

Thank you for your attention to this important matter.

Sincerely,

Robert H. Brink
Chairman

Encl: Letter to DPVA/RPV

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APPENDIX: C
Christopher Page

Madam Commissioner, members of the board, thank you for allowing me to speak today.

My name is Christopher Page. I am the former secretary of the Nottoway County Electoral Board. My term ended on December 31st. Early last year, I sued the Nottoway County Electoral Board over FOIA issues and while I will say that the board was inexperienced early last year, I will also concede that the previous registrar and her most loyal followers did not make it easy on the board at that time either. There seemed to be zero intention from certain people including the registrar of working with the board to achieve the business of the people and an almost 100% intention to disrupt or misinform new members of the board.

Speaking of misinformation, last month several people, including the new secretary of the Nottoway County Electoral Board spoke to you and made allegations against not only the current board in Nottoway, but also against the previous board, which I served on. While I fully support the right of each citizen to bring forth their grievances of the government, I am here to tell you that the issues brought forth at your last meeting were presented in a way to cause shock, create public outrage, and specifically designed to cause this board to act. The information was twisted in a way to fit a narrative and provide only a fraction of the facts if any facts at all. Some information provided was just simply untruthful. Yes, you were lied to at times. One of those times, you were told that the previous registrar was removed from office without cause. That was a lie. You were told that the integrity of Nottoway County Elections is nonexistent. But Nottoway had an error free Election in November with very high turnout and not one complaint to the state or to this board about how the election operated.

You were told that "documents are being shredded daily". However, not once, did anyone allege that a document outside of the normal retention schedule had been shredded. Not one person claimed that they sought to inspect or copy a document and was unable to inspect or copy that document. I provided each of you a detailed response to these allegations in advance and I hope that all of you have had an opportunity to review it, I simply do not have time today to discuss every allegation in this speech.

However, I do support an investigation by the attorney general's office in this matter. It is my hope that this investigation would include matters referred by the

Electoral Board mid-late last year to the Nottoway County Commonwealth Attorneys office, who in turn referred those matters to the Bureau of Criminal Investigations. These matters include documents and multiple allegations made by the board or its members against the previous registrar (who now works in another county) and a former officer of election. I ask that this board vote and ask the attorney generals office to expand its scope of the investigation to include these matters as well.

I would also like the board to ask the Attorney General to investigate why these same folks including the New Secretary have been attending the Sussex County Electoral Board meetings and causing turmoil for that board and weather there is a connection between the matters in Nottoway County and the matters in Sussex County.

Personally, I am ready to litigate all these matters and defend against any action I may have taken as Secretary of the Nottoway County Electoral Board. Until then, I am available to speak to any of you at your request and provide the board with any information I can so that you can have accurate information before any decisions are made.

Again, Thank you for your time.

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APPENDIX: D
Mae Tucker
Vice Chairwoman of Nottoway County Electoral Board

Good afternoon honorable board members, Thank you for allowing me to speak today.

My name is Mae Tucker, I am Vice Chair of the Nottoway Electoral Board, and I did not come in that capacity to speak to you today. I came as a citizen of the commonwealth without board approval. I want to thank you for turning everything that concerns the Nottoway Electoral Board over to the Attorney General's office. I sincerely welcome an in-dept and fair investigation into all allegations including matters that the board itself referred to the commonwealth attorney. The allegations brought to you last month were presented by a small group of Republicans from Nottoway. Two concerns that I am most concerned about are the allegations made by Barbra Tabb and Clarabelle Wheeler. At my first board meeting in April of 2021, I met Barbra Tabb and haven't seen her at a meeting since. Clarabelle Wheeler was at one meeting earlier in the year, I haven't seen here since. How do they know so much about what is going on about the Nottoway Electoral Board when they have not even been there? If they have facts that they know of and not just hearsay, then they should bring them forward.

Unfortunately, when accusations are made against public entities, they are unable to speak in their defense due to it being a possible legal matter or due to an active investigation. This means that only one side of the story is provided. One side can get up and say whatever they want. That is the price you pay for public service. I have faith that the Attorney General's office will complete an open, honest, and fair investigation, that they will interview both sides and review all evidence on all matters before making any determination.

Thank you for allowing me to speak today

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APPENDIX: E
Rodney Reynolds
Nottoway County General Registrar

Department
Of
State Police



Bureau
of
Criminal
Investigation

609-5480
Office: 804-568-3411
Fax: 804-371-3234
Communications: 804-553-3445

Jeffrey W. Carter
Special Agent

Richmond Field Office
~~8900 Brook Road~~
Glen Allen, VA 23060

From: Rodney Reynolds
Sent: Tuesday, February 22, 2022 11:18 AM
To: Sarah Allen
Cc: ncvmarie@gmail.com
Subject: Meeting with Agent Carter

Good morning to all!

Wanted to provide a recap of the meeting/interview I had with Agent Jeffrey Carter of the Criminal Investigation Bureau of the Virginia State Police on last Friday February 18, 2022. Our meeting lasted about two hours during which I was asked a variety of questions about the ballots and the room containing them. Agent Carter also inquired about the actual voting process, the relationship between myself and the former Registrar and the relationship between the former Registrar and the Electoral Board.

He was also interested in the storage of the voting machines and poll books. Agent Carter suggested the we find an alternate location for the voting machines and poll books preferable a room in the school that does not have windows. Possibly one of the inner offices in the current Registrar's office.

We discussed in detail the condition of the room containing the ballots both before and after the requested inventory was performed. I provided him with the pictures I took of the room that I shared with the Electoral Board at the December 20th meeting. We went through those photos and Agent Carter marked each of them as pieces of evidence. He also wanted to see the Blackstone Courier newspaper article that he had been advised of as having photos of the room taken that night on December 20th when the Electoral Board invited the public in attendance to see the ballots and information in question. I was unable to locate a copy of the actual paper in the Registrar's office but advised Agent Carter that I would locate a copy of that week's paper and forward a copy of the article and pictures once it's found.

Agent Carter took pages of notes from our discussion and advised that he was going back to share the information, my inventory and pictures with the prosecutor. He mentioned that he may need to come back to obtain some additional information and interview Electoral Board members and the County Clerk.

Regards! Rodney

Rodney M. Reynolds
Nottoway County Registrar
434-767-2135 (Phone)
434-480-1384 (Cell)
Sent from Mail for Windows

After compiling the voter materials found in the Registrar's Office and in one of the locked classrooms adjacent to the Registrar's office located at Burkeville Elementary School 507 Miller Street Burkeville, VA, the following are my findings:

Pertaining to year 2021 (Found in the Registrar's Office):

- Ten #2 election envelopes from the precincts for the June 8, 2021 Primary election along with State Board of Election poll book sheets. The majority of the #2 envelopes were sealed, but I did notice that the seal was broken on one of them and the seal was partially torn on another.
- A manila envelope labeled "L&A Testing Tapes and Ballots. The envelope was not sealed just fastened closed. Did not open so unable to advise on the exact contents.
- November General Election Poll Books

Pertaining to year 2020 (Found in the Registrar's Office):

- A taped closed enveloped labeled June 23, 2020 "Absentee Ballots Received After the Election and Not Counted".
- An unsealed envelope with a small number of marked and unmarked ballots from the November 2020 General Election.
- Three packs of unopened ballots from the November 3, 2020 General Election
- Both 2020 Primary and General Election Pollbooks and loose polling machine tapes

Pertaining to year 2019 (Found in the Registrar's Office):

- One unsealed Absentee Ballot Applications envelope and one November 2020 General Election envelope containing marked ballots.

Pertaining to year 2018 (Found in the Registrar's Office):

- Marked and unmarked Republican Primary ballots along with a few test ballots.

Pertaining to year 2021 (Found in adjacent classroom):

- June 2021 Democratic Primary pollbook for all precincts
- Binder containing early voting information
- Cardboard boxes sealed with packing tape from what appears to be every voting precinct in the county. One of the boxes is dated 4/28/21, but believe they are all from the June 8, 2021 Primary election. Did not open any sealed and/or taped boxes. Unable to provide definitive answer on contents.
- Folder containing early voting numbers.
- Approximately 500 or more unmarked/unopened ballots.

Pertaining to year 2020 (Found in adjacent classroom):

- Pollbooks for the November General Election.
- A box containing a small amount of marked and unmarked ballots from the November General Election.
- A box containing mail-in ballot envelopes, spoiled and voided ballots.
- Nine boxes sealed and labeled and two marked and unsealed plastic storage containers with copies of election envelopes taped to the side and/or the top of the boxes from the March 3, 2020 Democratic Primary election.
- Three sealed and labeled plastic storage containers and one unsealed/unopened box holding marked ballots from the November 2020 General election; one box sealed and taped but pushed open from the top containing marked ballots from the November 2020 General election; one unsealed and untaped plastic container of marked ballots from the November 2020 General election; one box sealed and double labeled containing marked ballots from the November 2020 General election; one cardboard box labeled but opened containing marked ballots from the November General election.
- A substantial number of unused and unopened ballots.

Pertaining to year 2019 (Found in adjacent classroom):

- Sealed and labeled plastic storage container containing marked ballots from the May 2019 Town of Crewe election.
- An open box with a written date of June 8, 2021 on top and labeled "All Recount Material" but containing 2019 dated absentee ballot applications.
- Two sealed election envelopes from the June 2019 Republican Primary marked "Counted Absentee Ballots" and "Empty Absentee Ballot Envelopes".
- Nine labeled and sealed extra-large plastic zip lock bags containing marked/counted ballots from the June 2019 Republican Primary election.
- An open envelope containing signed voting machine tapes for the November 2019 General Election.
- A substantial amount (approximately over 1,500) of marked ballots from the November 2019 election General Election. These marked ballots were not found in a box or any type of container.
- One unsealed storage container containing "Write-In" and marked ballots from the November 2019 General Election.
- Two labeled and unsealed storage containers containing marked ballots from the November 2019 General Election.
- Two labeled and sealed storage containers containing marked ballots from the November 2019 General Election.
- A substantial amount (approximately over 2,500) of unused and unopen ballots from all elections held in 2019.

Pertaining to year 2018 (Found in adjacent classroom):

- One sealed and labeled envelope from the May 2018 General Election for the Town of Blackstone.
- One marked and sealed election envelope from the May 2018 Town of Blackstone General election.

- One signed and unsealed election envelope from the May 2018 General election.
- One sealed and labeled election envelope containing marked ballots from the Republican Party Primary held on June 12, 2018.
- Two cardboard boxes containing marked ballots from the May, June and November 2018 General Elections.
- Two envelopes labeled "Absentee Ballots Received After the Election" for the November 2018 and General and Special Election.
- What appears to be all of the other marked ballots for all the elections held in 2018. These were found loose, unpacked and unlabeled. Total amount could be 5,000 to 8,000.
- Almost as many unmarked and unopened ballots from all the 2018 elections held in the county (approximately 10,000).

Pertaining to year 2017 (Found in adjacent classroom):

- A box of opened election envelopes with what appears to be marked ballots from the November 2017 General Election.
- A sealed and labeled box of marked ballots.
- Approximately 150 marked ballots from the November 2017 General Election. These were found loose and unboxed.
- Approximately 150 unused ballots from the November 2017 General Election.

Pertaining to year 2016 (Found in adjacent classroom):

- Approximately 250 unused unopened ballots from the November 2016 General Election.
- One unsealed box of marked ballots from the November 2016 General Election.

RECORDS RETENTION

Status update on voting materials discovered at 507 Miller Street, Burkeville, VA.

- Subsequent to the Electoral Board meeting held on December 20, 2021, the General Registrar, per Electoral Board instruction, began the process of inventorying the voting materials in question.
- Upon completion of the coordination and inventory of the voting material, the Registrar created a physical list of what was found. That list was shared with the Electoral Board.
- On 1-12-22, the Registrar was contacted by Leanne Watrous, Commonwealth Attorney, and was advised that Agent Jeff Carter of the Virginia State Police would contact the office to begin the formal investigation into the aforementioned voting materials.
- When I didn't hear from Agent Carter, at 9:50am I tried contacting him 1-25-2022. Wasn't able to connect with him then. Did leave a voicemail requesting a return phone call.
- On 1-25-22 at 1:15pm Agent Carter contacted the Registrar's office. During the call, the Registrar advised Agent Carter of the situation. Agent Carter did not appear to have prior knowledge of the incident and questioned what the Registrar's Office had turned up at that point.
- The Registrar advised Agent Carter that the office was not engaged in an investigation and it was the Registrar's understanding that his organization (VA State Police) would handle the investigative aspects in regards to this issue.
- At the request of Agent Carter, the Registrar provided him with specific Virginia Election Law that the Registrar believed to have been violated.
- Agent Carter concluded the conversation by stating that he would check out what the VA Code actually states, talk to his supervisor and get back in touch with me.
- A new deadbolt lock has been placed on registrar's office and classrooms containing ballots and voting machines by school board employees.

- On February 14, 2022 at 9:50am, Agent Carter contacted the Registrar's Office and advised that he had still not heard back from the prosecutor who will determine whether the investigation will continue.
- During the 2-14-22 phone call, Agent Carter also questioned what and how information has shown up in the local newspapers. He questioned how pictures of the room got into the papers and who allowed the public access to the room. He also asked whether I felt that Mr. Page violated the law by allowing the public access to the room where the ballots are stored. I stated that I wasn't in a position to make that type of determination and that I was only doing what the Board directed me to do.
- Agent Carter also asked about other information on this issue showing up in the local papers on the 2-14-22 phone call. I advised him that the Electoral Board meetings are open to the public and that updated information on the discovered ballots discussed at these public meetings is in fact ending up in the local papers. I also advised him that minutes of the Electoral Board's meetings are accessible on the county's website to anyone and that that seems to be what was used to generate the recent story in the February 9th edition of the Blackstone Courier.
- Received another call from Agent Carter on 2-14-22 around 2:50 and he advised that he had in fact heard from the prosecutor and that he is planning to come to the Registrar's office on Friday, February 18th to view the room and the inventory of the room.
- Had the meeting/interview with Agent Jeffrey Carter of the Criminal Investigation Bureau of the Virginia State Police on last Friday February 18, 2022. Our meeting lasted about two hours during which I was asked a variety of questions about the ballots and the room containing them. Agent Carter also inquired about the actual voting process, the relationship between myself and the former Registrar and the relationship between the former Registrar and the Electoral Board.
- Agent Carter was also interested in the storage of the voting machines and poll books. Agent Carter suggested the we find an alternate location for the voting machines and poll books preferable a room in the school that does not have windows. Possibly one of the inner offices in the current Registrar's office.

- We discussed in detail the condition of the room containing the ballots both before and after the requested inventory was performed. I provided him with the pictures I took of the room that I shared with the Electoral Board at the December 20th meeting. We went through those photos and Agent Carter marked each of them as pieces of evidence. He also wanted to see the Blackstone Courier newspaper article that he had been advised of as having photos of the room taken that night on December 20th when the Electoral Board invited the public in attendance to see the ballots and information in question. A copy of that December 29, 2021 article was emailed to him and the Electoral board on February 22, 2022.
- Agent Carter took pages of notes from our discussion and advised that he was going back to share the information, my inventory and pictures with the prosecutor. He mentioned that he may need to come back to obtain some additional information and interview Electoral Board members and the County Clerk.
- Agent Carter called on February 22, 2022 and provided his appreciation for sharing the December 29, 2021 Blackstone Courier Record article containing pictures of room before the inventory was performed. He asked for confirmation when I saw the room and when I was instructed to perform an inventory. I advised that I was instructed to do so at the December 20, 2021 Electoral Board meeting.
- Lastly stated he would still consulting with the prosecutor to determine what action will be taken going forward.
- No further contact or communication since.

To the esteemed members of the Virginia State Board of Elections I extend greetings for the Nottoway County Registrar's Office. I first want to thank you all for affording me this opportunity to offer for your consideration "The Other Side of the Nottoway County Conversation". The current Secretary of the Nottoway County Board of Elections and a few concerned citizens attended your April 13th meeting and shared a perspective of the General Registrar's office and myself that I'm here to address.

First, I find it extremely disheartening that Secretary Thomas Reynolds would in essence share what I would deem an interim assessment of my performance without having any discussion of my performance with me prior to that assessment being shared publicly. And while I am not now, nor have I ever been a personnel specialist, I believe my personnel rights as an employee of the State of Virginia could have possibly been violated. But again, since I myself am not a personnel specialist, I imagine we will see how that's addressed by actual personnel professionals sometime in the near future.

And since specifics of my alleged incompetency were previously provided to you, I stand here to advise that any performance assessment coming after only five months of employment in a new position where the issues that required improvement were not relayed to the employee before being distributed to others could itself be construed as an unfair employment/labor practice by myself and anyone truly seeking a fair and equal employment opportunity. In my thirty plus years of service as an employee of United States of America in the financial management field, the focus on fair and equal employment was a regular practice as well as a requirement of the Federal Government. And since Virginia has always shown itself to be a stellar member of this great union of states, I am unable to believe that the State's employment practices would deviate from those of our great nation.

In regards to statements about my handling of voting materials found at the location of the current General Registrar's office, I am stating now that any accusation that I opened any sealed box or container of these found voting materials is in fact a false allegation. I submit documented accounts of findings submitted to the Nottoway Electoral Board and an account of the interview conducted by a special agent with the Virginia State Police. I also submit for your

review final minutes of the December 20, 2021 meeting where the allegation about me stating that I opened at least one sealed box of documents would have been first offered. And in none of these official documents is there any statement supporting the allegation provided by Ms. Janet Brunnell. So aside from her unofficial account, I formally request today in the presence of this esteemed body that Ms. Brunnell provide any official account that deviates from the ones being provided today.

I also want to speak to a statement made concerning the Registrar calling a meeting of the County's Electoral Board. I want to state that I don't believe I possess that level of authority. I am required to advise the board members of issues that I believe require their immediate attention. And that's what was done in regards to finding a room full of marked and unmarked ballots dating back to 2016. The Board, as was the case in this instance, makes a determination of whether what I'm providing warrants calling a meeting. And again, that's what occurred in regards to this issue.

My staff and I, by my account, have made tremendous strides in establishing a functional, efficient and courteous work environment. Something other concerned citizens of Nottoway County have acknowledged on multiple occasions when visiting or contacting the office was not exhibited in prior encounters with the Registrar's Office. Properly securing voting equipment, extending outreach to eligible high school voters, developing a comprehensive voting security plan, and overseeing the administering of a security assessment while legally and efficiently administering the use of budgeted funding are examples of other accomplishments of the current Nottoway County Registrar's Office and staff over the past five months. Pardon me if I speak out of turn, but I see these as items worth articulating to this board rather than baseless accusations about our performance.

It also appears to me that it would be somewhat impossible to evaluate an individual on his/her performance relating to an election without an actual election occurring. But that is what has also been conveyed to this Board in regards to Nottoway's Office of the General Registrar.

I'm only asking to be treated in the same manner that the concerned citizens of Nottoway desire for the County's elections. And that is to be treated fairly and honestly.

Thank you for your attention and patience and for allowing me to be heard!

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Rodney M. Reynolds". The signature is fluid and cursive, with the first name "Rodney" and last name "Reynolds" clearly legible.

Rodney M. Reynolds

General Registrar/Director of Elections

Nottoway County, VA



Nottoway County Electoral Board
507 Miller St.
Burkeville, Va. 23922
434-767-2135 – Telephone
Vote@nottoway.org

Electoral Board Members: Sarah Allen – Chair Mae Tucker – Vice-Chair Chris Page, Sr.- Secretary

December 19th, 2021

EMERGENCY MEETING NOTICE

The Nottoway County Electoral Board will hold an Emergency Meeting Monday December 20th, 2021, at 6 pm.

The meeting will be held at the office of the Director of Elections located at 507 Miller St. Burkeville, Va. 23922. (The former Burkeville Elementary School) inside classroom # 11.

The purpose of this meeting is to discuss how to move forward with moving illegally held election documents including marked and unmarked ballots, election results envelopes (sealed and unsealed) and other elections documents that were found in the registrar's office from past elections, including the 2020 Presidential election, to either the proper authorities to investigate or to the clerk's office. The emergency standards are met since these documents are illegally being stored at the registrar's office and keeping them there would violate election code which could include possible criminal violations according to §24.2-1017 amongst other more serious violations.

Public commit will not be available during Emergency Meetings.

Agenda will be released once approved and available to members.

This meeting is open to public, and all citizens are encouraged to attend. § 2.2-3707

Christopher C. Page, Sr.
Secretary
Nottoway County Electoral

Posted: Nottoway County Website, Nottoway Courthouse and in the office of the Director of Elections.

FINAL Minutes

AT A SPECIAL MEETING OF THE NOTTOWAY COUNTY ELECTORAL BOARD OF NOTTOWAY COUNTY, VIRGINIA, HELD AT THE OFFICE OF THE GENERAL REGISTRAR LOCATED AT 507 MILLER STREET, BURKEVILLE, VA. ON DECEMBER 20, 2021:

PRESENT:

SARAH ALLEN, CHAIR

MAE TUCKER, VICE CHAIR

CHRISTOPHER PAGE, SR. – SECRETARY

RODNEY REYNOLDS - DIRECTOR OF ELECTIONS

CHAIR ALLEN CALLED THE MEETING TO ORDER AT 06:00 P.M.

MR. RODNEY REYNOLDS PROVIDED THE INVOCATION. SECRETARY PAGE LED EVERYONE IN THE PLEDGE OF ALLEGIANCE TO OUR FLAG.

SECRETARY PAGE - MOTIONS TO APPROVE THE AGENDA. MOTION WAS SECONDED BY - CHAIR ALLEN

THE VOTE IS AS FOLLOWS:

SARAH ALLEN- YES

MAE TUCKER- YES

CHRISTOPHER PAGE- YES

MOTION CARRIED 3-0

SECRETARY PAGE MOTIONS TO APPROVE THE FINAL MINUTES FROM THE DECEMBER 7TH, 2021 MEETING.

THE MOTION SECONDED BY VICE-CHAIR TUCKER.

THE VOTE WAS AS FOLLOWS:

SARAH ALLEN- YES

MAE TUCKER- YES

CHRISTOPHER PAGE- YES

MOTION CARRIED 3-0

SECRETARY PAGE INTRODUCED THE NEW GENERAL REGISTRAR MR. RODNEY REYNOLDS FOR A PRESENTATION OF ELECTION DOCUMENTS FOUND IN THE VOTING MACHINE ROOM OF THE ELECTIONS OFFICE. (SEE ATTACHED STATEMENT)

SECRETARY PAGE ASKED WHY CANDIDATE INFORMATION INCLUDING SOCIAL SECURITY NUMBERS HAD BEEN FOUND IN THE ROOM AND NOT FILED AWAY.

MR. REYNOLDS REPLIED "I'M ASKING THE SAME QUESTION"

CHAIR ALLEN SAID SHE WOULD LIKE TO SEE WHAT MR. REYNOLDS IS TALKING ABOUT

SECRETARY PAGE SAID, I'M NOT GOING INTO CLOSED SESSION SO IF WE ARE GOING TO GO LOOK THEN WE ARE ALL GOING. EVERYONE THEN LEFT TO GO LOOK AT THE ROOM THAT HELD ALL THE BALLOTS.

UPON RETURN

SECRETARY PAGE MADE THE FOLLOWING MOTION

I MOTION THAT THE NOTTOWAY COUNTY ELECTORAL BOARD DIRECT THE GENERAL REGISTRAR TO CONDUCT A FORMAL INVESTIGATION INTO THE OPENED MARKED AN UNMARKED BALLOTS FOUND IN THE REGISTRARS OFFICE AND FUTRHTER TO INVENTORY AND DOCUMENT WHAT IS THERE, FROM WHAT ELECTIONS AND WHICH ENVELOPES HAVE A BROKEN SEAL AND TO DETERMINE IF THOSE ENVELOPES ARE STILL UNDER THE RETENTION SCHEDULE, I FURTHER MOTION THAT HE PUT HIS FINDINGS INTO A REPORT, STATE WHAT CODES HE BELIEVE WE ARE IN VIOLATION OF (IF AN) AND PROVIDE A COPY OF SAID REPORT TO THE CLERK OF COURTS, THE DISTRICT ATTORNEY AND TO THE VIRGINIA BUEARU OF CRIMINAL INVESTAGATIONS.

MOTION WAS SECONDED BY Chair Allen

THE VOTE WAS AS FOLLOWS:

SARAH ALLEN- YES

MAE TUCKER- YES

CHRISTOPHER PAGE- YES

MOTION CARRIED 3-0

NEXT MEETING WAS ANNOUNCED AS THE FIRST TUESDAY OF JANUARY 2022

SECRETARY PAGE MAKES A MOTION TO ADJOURN

MOTION WAS SECONDED BY MAE TUCKER THE VOTE WAS AS FOLLOWS

SARAH ALLEN- YES

MAE TUCKER- YES

CHRISTOPHER PAGE- YES

MOTION CARRIED 3-0

MEETING ADJOURNED

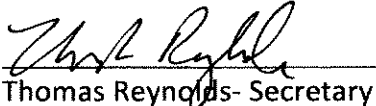
RESPECTFULLY SUBMITTED:



Sarah Allen- Chairman



Mae Tucker- Vice Chair



Thomas Reynolds- Secretary

Nottoway County Registrar's Office
507 Miller Street
Burkeville, VA 23922

January 11, 2022

While going through files and rooms under the control of the Registrar's Office, we discovered a tremendous number of ballots, (voted and unused), and polling machine tapes dating back to the November 2017 Election through the June 2021 Primary, along with the #2 Envelopes for the 2021 June Primary.

The discovery of these documents in the Registrar's Office was alarming, to say the least, as all of the aforementioned documents, per Code 24.2-668 & 24.2-669, should have been in the control of the Clerk of Circuit Court. (See attachments)

We immediately notified the Electoral Board, by contacting the Secretary, of our findings.

We sought guidance as to the disposition of the above noted Official Election Documents from Dave Nichols of the Department of Elections.

Mr. Paige, former Secretary of the Electoral Board, contacted the Clerk of Circuit Court, the Commonwealth's Attorney, and ultimately the Bureau of Investigation. My staff and I are awaiting further guidance on this issue from one or all of the officials previously stated.

Rodney M. Reynolds, Nottoway County Registrar

Re: Disposition of Election Ballots Discovered

David Nichols <david.nichols@elections.virginia.gov>

12/14/2021 8:57 AM

To: Chris Page Copy Nottoway County Voter Registration, Nan Lambert

Reply Reply all Forward Delete Add to Safe Senders Add to Blocked Senders

Rodney,

I appreciate and understand the concern here. My further suggestion would be to separate the ballots into proper envelopes and provide them to the Clerk. Then the Clerk can determine whether or not anything can be destroyed according to the retention schedule. It's obviously troubling that these ballots are in the office. If you believe further investigation may be warranted or fruitful, you should contact local law enforcement or your Commonwealth's Attorney. There's also nothing that would prevent you from asking folks who worked for the previous GR (or the previous GR herself) if they know why these ballots were not at the Clerk's office as required. There may be a logical (though likely insufficient) explanation.

Barring any formal investigation, your obligation will have been met by returning the ballots to the Clerk.

-dave

Dave Nichols (he/him)

Election Services Manager
Virginia Department of Elections
1100 Bank St 1st Floor
Richmond, VA 23219
804.864.8952 (office)
304.444.3418 (mobile)
elections.virginia.gov | Follow us @vaElect

FREE TO VOTE ABSENTEE!



Department of Elections Email Disclaimer

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On Mon, Dec 13, 2021 at 4:18 PM Chris Page <chrispageneb@gmail.com> wrote:

I have concerns with this too. We have envelopes with torn seals from the 2020 election and marked ballots kept out in the open. Lots of interesting things

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APPENDIX: F
Thomas Crews
Chairman of the Nottoway County Democratic Committee



Nottoway County Democratic Committee

Thomas Matthew Crews
Chairman, Nottoway County Democratic Committee

Remarks to the May 24, 2022, Virginia State Board of Elections

Madam Commissioner and Honorable Members of the State Board of Elections, I want to thank you for granting me the opportunity to address you this afternoon. My name is Thomas Crews, and I am the Chairman of the Nottoway County Democratic Committee.

Due to my limited time to speak and address the Board, I have written a rigorous response that addresses each of Secretary Reynolds' inflammatory accusations. Those accusations range from the completely false to a radical mischaracterization of events.

I have been involved in elections in Nottoway County since November 2019. I have had a front row seat to everything that has transpired. I have only missed a small handful of Electoral Board meetings since that time, and the Electoral Board meets nearly every single month in Nottoway County.

If the Virginia State Board of Elections is interested in knowing what has previously taken place in Nottoway County and wants to understand the context of current events the only way to get that is to extend the scope of the investigation and recenter it on the former Registrar of Nottoway County, Angela Stewart. Mrs. Stewart was terminated in a unanimous bipartisan vote last year by the Nottoway County Electoral Board. It is widely known that the Electoral Board worked in close consultation with the Virginia Department of Elections, the Nottoway County Administrator's Office, and with the Nottoway County Attorney as they worked their way through the process.

The termination of a Registrar, especially right before an election, is a major event. I believe it would be prudent for the Board to instruct the Attorney General's Office to look into why she was terminated, and all of the problems and conflicts that were happening prior to her termination – dating all the way back to at least 2019 in some cases.

Without this context, it is next to impossible to understand the conflict and controversy in Nottoway County.

It may also be prudent for this Board to investigate why some of the individuals who have appeared before you to make salacious accusations against the Electoral Board, are now appearing in Sussex County to disrupt their Electoral Board meetings. Among those individuals include, to the best of my knowledge, Secretary Thomas Reynolds himself. It may also be prudent to know, once again to the best of my knowledge, that the former Registrar was hired – at least temporarily – in Sussex County after her termination in Nottoway.

I am happy to assist the State Board in whatever way that I can to provide evidence and testimony to what I have witnessed. I believe strongly that so long as an investigation is open, fair, and transparent, that the truth will vindicate the Nottoway County Electoral Board. Thank you for allowing me to address the Board this afternoon.



Nottoway County Democratic Committee

Chairman Thomas Matthew Crews
1019 Old Shore Road
Blackstone, VA. 23824
ncdcchair@gmail.com
540-254-0488

May 24, 2022

Virginia State Board of Elections
Washington Building – First Floor
1100 Bank Street
Richmond, VA 23219

Madame Commissioner and Honorable Members of the Board,

I am writing you in response to your April 13, 2022, meeting in my capacity as the Chairman of the Nottoway County Democratic Committee. I was an individual named by the Republican Secretary of the Nottoway County Electoral Board, Thomas Reynolds, in both his public and written statement delivered to you. I am writing to address the accusations made by the Secretary on the aforementioned date.

CLAIM 1: "April 2022, Nottoway Electoral Board (NEB) Chair Sarah Allen and Vice-Chair Mae Tucker voted NOT to go into closed session to discuss pending legal action against the Board. At the end of the meeting, Chair Allen read two motions rejected the claims of the plaintiff's attorneys. Allen proceeded to name the Plaintiffs, and then read a list of the Plaintiffs claims for damages in open session."

RESPONSE 1: I was present at this meeting. I believe it is important to highlight the fact that this meeting took place on April 12, 2022, and the letter dated to the State Board of Elections is dated April 11, 2022. I believe the fact that the letter dated to the State Board of Elections was dated a day before the meeting even occurred proves that Secretary Reynolds planned his intent to disrupt the April 12, 2022, meeting in advance. I believe that assumption is further strengthened by the fact that Secretary Reynolds reframes what took place to such a degree that it removes the events from any semblance of their original context. ✓

First, it must be stated that Secretary Reynolds has no knowledge of what happened last year involving the former Registrar and the other individual that were terminated. He was not a member of the Board at the time, but he has shown an unusual (but not shocking) interest in the matter. Not only has he attempted to bring it up in the aforementioned Electoral Board meeting and complained about the meeting to your Board, but he has also ventured to Sussex County to interfere with the actions and activities of the Electoral Board there. It should be noted, to the best of my knowledge, that the former Registrar Nottoway County was employed there for at least a brief period and may still be employed in the county by the Registrar's Office there.

Second, I mentioned that his interest in the matter is not shocking to anyone from Nottoway County. Everyone knows that the former Republican Secretary of the Electoral Board, Christopher Page, was not renominated to serve on the Board because of his willingness to work with Chair Allen and Vice-Chair Tucker. All three of them voted unanimously in a bi-partisan manner to terminate the former Registrar and the other individual mentioned. All three of them also voted unanimously in a bi-partisan manner to hire the current Registrar, Rodney Reynolds. In fact, every single action that was taken in regard to this issue was handled in a unanimous bi-partisan fashion last year and done in conjunction with the County Attorney, the County Administrator, and the Virginia State Board of Elections. It was no secret that this angered many of the individuals who spoke before your Board, and it was no secret that Christopher Page would not be reappointed and the person who would replace him would do the things that the Republican Committee demanded of them. That person is Secretary Thomas Reynolds.

Third, Christopher Page was not the only Republican Secretary forced off the Electoral Board in Nottoway County when it displeased the Republican Committee. His immediate predecessor, Nancy Presley, was also forced off the Board by the Republican Committee Chairman. He actually showed up to her place of employment and attempted to force her to sign a resignation letter. I have attached the letter that she wrote to the Circuit Court Judge regarding the issue (**EXIBIT 1**).

Fourth, if there is any doubt about where the Republican Committee stands on the issue, then you need to look no further than the termination hearing that was scheduled for both of the aforementioned individuals. Neither chose to appear before the Board in closed session, but the Registrar was more than happy to have the Republican Chairman speak in closed session on her behalf as reported by one of our local newspapers, the *Courier-Record* (**EXIBIT 2**).

Each of these points may seem like non-sequiturs to the issue that Secretary Reynolds brought up. However, they were at the forefront of the mind of everyone who actually knows what is going on in Nottoway County. That makes them critical to the context of what actually happened – the context that Secretary Reynolds leaves out.

Secretary Reynolds also leaves out the sequence of events that took place at the meeting. He attempted to make a motion, which neither the Chair nor the Vice-Chair seconded. Motions for the Nottoway County Electoral Board have traditionally required a second, but seeing that he would not receive one, Secretary Reynolds then became loud and belligerent. He began to demand an up or down vote on the matter. The Chair attempted to remind him of the protocol that the Board has traditionally followed, but he only grew louder and hostile. The Chair then relented and allowed an up or down vote, clearly from my perspective to try and de-escalate the situation. It appeared to me as if Secretary Reynolds was prepared to derail the entire meeting if he did not receive what he wanted. After the vote to refuse to go into closed session was lost by Secretary Reynolds 2 to 1, the Chair then made her motions which were to reject the demands being made by the terminated employees. Both motions passed 2 to 1.

Secretary Reynolds clearly finds this objectionable. Why? Is there any point where he believed that the Board would vote to re-instate someone that the majority had terminated? Did he really believe that the Board would vote to accept any of the ridiculous demands being made? What did Secretary Reynolds honestly believe that he could discuss in closed session when the county attorney was not present? To the best of my knowledge Secretary Reynolds is not a lawyer. Furthermore, he was not involved in the termination process that happened last year, and to the best of my knowledge has limited knowledge to what actually happened.

Secretary Reynolds should be questioned about what he has been doing down in Sussex County. The Nottoway County Electoral Board never authorized him to go there in an official capacity as Secretary, and if he is speaking about the issues involving the former Registrar while down there – he is radically misrepresenting what he knows.

Secretary Reynolds should also be questioned why he did not recuse himself by abstaining to vote on the matter, especially when he has no knowledge of what took place, and everyone assumes that he was placed on the Board to deliberately cause problems in an attempt to invalidate the decision made by the Electoral Board regarding these two individuals last year.

CLAIM 2: "April 2022. Chair Sarah Allen and vice chair voted not to go into closed session to discuss numerous complaints regarding past bad behavior and code violations by two nominees for Officers of Election. NEB allowed a Board member and officer of Election to go into voting machine the night before the November election in 2018. The current chair and vice-chair refused to participate in closed session in April 2022 to discuss."

RESPONSE 2: Secretary Reynolds is fully aware of what took place in 2018. I know this for a fact because he and I both had a long phone conversation regarding the matter, and after our conversation we came to an understanding that the accusations being made were false. Both of the individuals in question are not nominees for Officers of Election, they are Officers of Election which he voted to approve.

The matter appeared to be settled until he wanted to reinstate one of the individuals that were terminated in a unanimous bi-partisan vote last year. In addition to working in the Registrar's Office she also worked as an Officer of Election. It appeared very clear to me that his resurfacing this issue – that by all accounts happened years ago – was an attempt to leverage their position as Democratic Officers of Election to get the individual he wanted reinstated.

I was informed about this issue in 2020 shortly after becoming Chair of the Nottoway County Democratic Committee. I conducted an investigation into the matter and here is the short version of events: several years earlier a Democratic Chief Officer of Election turned on a voting machine the day before election day. He believed, due to poor training, that this was an appropriate action. Poor training in Nottoway County for

Officers of Election was a constant battle I fought with the previous Registrar that was terminated. Issues worse than this have happened – for example, a Republican Chief Officer of Election opened up the voting machines on Election Night and took out all of the paper ballots and began hand counting them. I have not really witnessed anything in Nottoway County – either from Republican Officers of Election or Democratic Officers of Election – that would point to overt malicious intent. It usually points back to improper training. This was true in this case as well, because immediately upon turning on the machine, he believed that he saw a low toner message. So, he contacted the Registrar to notify her. Obviously, turning on a voting machine prior to an election is unacceptable, but if someone is acting maliciously, they do not contact the Registrar to notify them of what they were doing. The Registrar apparently became hostile, profane, and belligerent over the phone. At some point his grandmother, who was serving on the Electoral Board at the time, overheard what was happening because she worked down the hall in the building that serves as the polling location – where the machine was located. She got involved and told him to hang up the phone and unplug the machine as a result of the former Registrar's attitude and behavior.

The election went forward without any known issues, and to the best of my knowledge the voting machine tapes zeroed out in the morning when the machine was powered back on. Also, to the best of my knowledge there was no reporting of this incident at the time, and therefore it exists only as salacious rumor and gossip. When it was first relayed to me by the former Republican Secretary of the Electoral Board Bobby Wheeler, it was painted to me as if there was an attempt to steal an election. I took his accusations seriously, which is why I investigated.

For some reason they continuously want to paint a negative picture of the Chief Officers grandmother, who was on the Electoral Board at the time, even though she never touched the machine. Additionally, since I know her technical capabilities – which are very limited – I also know that she has no knowledge of how to even work one of the voting machines. In spite of this fact, I was told that her attempt to 'steal an election' was one of the reasons that she was removed from the Electoral Board. However, all of the evidence surrounding her removal points to the exact opposite. She was removed because she worked for the County (**EXIBIT 3**).

So, we are supposed to believe that an elderly woman in her seventies with limited technical ability colluded with her grandson to try and steal an election? The very same grandson, by the former Registrar's own admission (**EXIBIT 4**), called her up to notify her that he had turned on the machine? If this was an attempt to steal or interfere with an election, then I believe we should all cross our fingers and pray that all such attempts to steal or interfere with elections are this poorly executed in the future.

To the best of my knowledge there is no record of this even occurring at the time. So, let me be clear: if these folks who are making these accusations actually believed there was something nefarious going on at the time, then why was it not reported and investigated? If their accusations are to be taken at face value and believed to be truthful, then it would mean that they actively engaged in a coverup.

The alternative, of course, is that the entire issue is nothing but smoke and mirrors and an act of retaliation. As I said previously, I conveyed all of this to Secretary Reynolds over the phone. While I do not have a recording of that phone conversation, I do have a recording of the voice mail he left me asking me to call him back on the issue in early March (**EXIBIT 5**). At the time he seemed satisfied after our conversation, and he came to the same conclusion that I did – that there was no malicious intentions involved on behalf of the Chief Officer, and that it had no bearing or relevance to the former Electoral Board member who was his grandmother. It was not until after he brought up the potential of reinstating the former Officer of Election who was removed in the unanimous bipartisan vote last year that this issue was brought back up.

Reasonable people can draw their own conclusions about the Secretary's motivations. However, I do believe that he should be questioned as to why he felt it was appropriate to bring it up at all considering that he was not involved in her termination, presumably does not know why she was terminated, and knows that two members of the Board who terminated her last year would have zero interest in reinstating her as an Officer of Election considering that they had just previously voted to terminate her continued service.

However, as to the Chair and Vice-Chair voting not to go into closed session, I can only presume that it is my fault. I spoke to the former Electoral Board (now Officer of Election) in question. Because this has been a salacious rumor going on about her for some time, she informed me that she was tired of it, and was contemplating a defamation lawsuit. I called and notified both the Chair and Vice-Chair of the Board and expressed concern that Secretary Reynolds could be putting the Board in potential legal jeopardy, and I encouraged them to reach out to the County Attorney for advice to ensure that the Board was protected. My interest in doing so was to protect the integrity of the Board and the taxpayers of Nottoway County against the political stunts being performed by Secretary Reynolds.

CLAIM 3: "A former Board Secretary had the locks changed on the Registrar's building and the secure areas of the Registrar's office. The Secretary subsequently went into the secure areas when the registrar's office was closed with a key he obtained."

RESPONSE 3: I am not sure where the basis of this claim came from, but to the best of my knowledge the substance of the accusation is false. The Electoral Board did have the locks changed after the termination of the Registrar, as is appropriate, and to the best of my knowledge this was done in conjunction with the County Administrator's Office, the Nottoway County Public Schools (who own the building the Registrar's Office is in), and even the Virginia Department of Elections.

I am unsure of what "secure areas" that he entered into as no evidence was provided. Furthermore, I am not even sure why that would be an issue, considering at the time he was the Secretary of the Electoral Board.

The entire claim appears to be retaliation against the former Secretary of the Electoral Board, and an attempt to cast aspersions toward his reputation.

CLAIM 4: "A former NEB Secretary arranged and allowed for shredding of many documents from the Registrar's office in 2021 without the authorization of the Library of Virginia."

RESPONSE 4: Thankfully, this is one of the few accusations that were made that they actually provided some evidence for (**EXHIBIT 6**) – however, it does not implicate Secretary Page in any way. Fortunately, the letter they provided does include the name of the member of the office staff who was shredding documents.

Hearing that documents were being shredded is of obvious concern to me. However, if documents were being shredded they would have to be done under the authorization of the interim Registrar, Zackary Baldwin.

I am unsure where the basis of the claim that former interim Registrar Baldwin acted without "authorization of the Library of Virginia" came from, or how Secretary Page was inserted into the story – when the evidence they provided does not mention either his name or the interim Registrar's name.

I can only assume that this is another attempt to cast aspersions toward the former Secretary's reputation. I believe that it would be prudent for the State Board to investigate and ask the question why Secretary Reynolds has so heavily focused on former Secretary Page in these accusations when his name was not mentioned in the evidence that he provided.

CLAIM 5: "The NEB allowed campaigning and allowed the Democratic party to give away free lunches at the Registrar's office during the Sunday voting event in 2021. NEB Board members participated."

RESPONSE 5: As I was present for this and even organized the event, I can speak to it directly. At no point during our event did any member of the Nottoway County Electoral Board participate. In fact, the Nottoway County Electoral Board showed up and had the distance from the entrance measured out to make sure that we were an appropriate distance away.

The Nottoway County Democratic Committee offered everyone who showed up free hot dogs, regardless of their political affiliation, and that included every member of the Electoral Board. The Electoral Board members declined the hot dogs during the event and voting.

The Nottoway County Democratic Committee also handed out sample ballots. No member of the Nottoway County Electoral Board participated in handing out sample ballots.

The Nottoway County Democratic Committee, myself included, did speak to everyone who came to vote and the atmosphere was largely jovial and celebratory. However, for most of the event, the Electoral Board members kept their distance from us, and we only engaged with them when we walked over to speak to them or they walked over to speak to us. In fact, I was asked directly by members of the Electoral Board to keep my distance from them as to avoid even the appearance that they were participating in the event.

Therefore, the claim that Electoral Board members allowed campaigning or participated in any event that we held is completely false.

CLAIM 6: "A former Board member opened sealed boxes of election documents legally stored in the Registrar's office, then called in the press and allowed photographs."

RESPONSE 6: I was present for this and witnessed it happen. Secretary Reynolds is casting a false spin on events, which I will note he was not present to witness.

The Electoral Board had called a meeting after a discovery was made by the new Registrar, Rodney Reynolds. He discovered a vast sum of ballots from previous election cycles. In his presentation to the Board he showed them pictures that he had taken and printed out for them. Board members kept questioning him trying to quantify the exact scope and amount of ballots. At one point a member of the Board asked him a question along the lines of, 'more than a hundred?' The new Registrar responded in the affirmative.

It was at that point that Secretary Page stated that he needed to see, and he asked the Board whether they wanted to see as well. It was clear that they did, and he mentioned something about not being able to go into closed session. At that point everyone – including the press – followed the Registrar and the Electoral Board to the room where the ballots had been discovered. That is when we realized that there was an entire wall with cubby holes filled with ballots.

From my recollection only the Registrar and the Electoral Board fully entered the room. I further recall only the Registrar actually touching anything. The public – including myself – mostly took turns looking in from the doorway. I believe the press stepped fully through the threshold of the door to get a picture of the wall filled with ballots, but they didn't touch anything. I believe several times the Board, and specifically Secretary Page, asked the public to stand back and out of the room.

Once the Board had observed the proper scope and nature of what the new Registrar discovered, they returned to the meeting room and Secretary Page made a motion for the Registrar to conduct an investigation and hand over all the information and evidence to the County Attorney, the Clerk of Court, and the Virginia Bureau of Criminal Investigations.

Additionally, I was obviously concerned when all of this was uncovered, and I relayed my concerns to the Board privately. I was informed by all members of the Board that the Virginia Department of Elections was fully notified of what was discovered and that the Board was acting under the guidance of the Department.

The claims by Secretary Reynolds that the documents were "legally stored" are to the best of my knowledge false. It was the understanding of everyone at the time that all these documents should be held with the Clerk of Court. Even the former Registrar knew that because that was the reason we conducted canvass at the Clerk of Court's office. Therefore, to the best of my knowledge, the chain of custody for these documents had been broken and were being improperly stored, which is the best-case scenario.

CLAIM 7: "The NEB allowed Board members Sarah Allen and Carolyn Davis to protest and disrupt voting during the 2020 general election. The Democratic party Chair was also allowed to protest. The Board members listed were also handing out campaign literature within the 40-foot zone."

RESPONSE 7: The accusations made by Secretary Reynolds here are wildly false. First, there was no protest at any polling place during the 2020 general election. Second, no sitting member of the Electoral Board handed out Democratic campaign literature or similar materials on election day during the 2020 general election, and therefore could not have been doing so within the prohibited zone.

I believe the situation Secretary Reynolds is referring to is the incident in which the former Registrar called the police on a sitting member of the Electoral Board. I was present for that, and I can speak to it directly.

I had two individuals standing outside of the Blackstone Primary School, one of our polling locations, handing out sample ballots. They witnessed a young man that they knew leaving and appearing very upset. They called him over and spoke with him. He claimed that he had been refused the ability to vote. I was called immediately and since I was about ten to fifteen minutes away, I called both Carolyn Davis and Sarah Allen to notify them of the situation at the school. They both agreed to come over as well to try and sort out the situation.

I arrived just before each of them, and I was able to ascertain that the young man in question believed that he was registered to vote. However, he had been told that he was not in the poll book. So, the Chief Officer denied him the ability to vote. Moments after finding this out, Carolyn Davis arrived, and I informed her of the situation. We realized that he should have been given a provisional ballot to vote, so while I continued to talk with him, she went inside to explain that he should be given a provisional ballot to the Chief Officer. He went inside to vote while we stood outside trying to figure out why he wouldn't be on the poll book in spite of claiming to have registered earlier in the year, and it was at this time that Sarah Allen arrived.

It should be noted that this was Sarah Allen's first full day as a member of the Electoral Board. Sarah Allen was also the only black member of the Electoral Board at the time. As Carolyn and I were briefing Sarah on the situation, the young man came back out and complained that stuff had been pulled from his hand, and that he was treated horribly by the Chief Officer. Sarah Allen, who it should be noted has a background in mental health, informed Carolyn that she would speak to the Chief Officer while Carolyn and I continued to question the young man to try and ascertain what had happened.

He was in the process of showing me the e-mail he had received about his voter registration confirmation, which came from a third-party website. It was at that point we started to suspect that he had been scammed and disenfranchised. However, before we could discuss it any further – only about one or maybe two minutes after Sarah Allen had entered to speak to the Chief Officer – police started arriving. We were confused about what was happening, and we decided to follow them inside.

Inside, I could see the police speaking with Sarah Allen off to the side. Thankfully, I had made sure that she had a copy of her documentation from the Clerk's office that validated that she was a member of the Electoral Board. Once the police validated that she was a member of the Electoral Board, they left, and Sarah informed me that she was going to remain inside the polling place to watch things for a bit.

I learned later that apparently almost as soon as Sarah entered the polling location the Chief Officer, who it should be noted was also the Assistant Registrar, grew angry at being questioned. So, she called the Registrar to complain, and the Registrar's response was to call the police on a member of the Electoral Board in an attempt to get her arrested.

Those are the facts of what happened.

CLAIM 8: "The current Registrar did not post the Officers of Election list by March 1st as required. The registrar stated that he did not know the list had to be posted."

RESPONSE 8: Any delay in posting the list of Officers of Election was a direct result of the Republican Secretary and the Chairman of the Republican Committee. The Nottoway County Democratic Committee submitted its list of Officers of Election on time, but the Republican Chairman complained that he was unaware that he was supposed to submit a list. The Secretary pleaded that more time should be given, and the Electoral Board voted unanimously to extend the deadline to submit Officers of Election for both committees.

Despite this the Republican Committee did not submit additional officers. However, it did cause a delay in the process by what I believe was a single day. A delay that the Republican Secretary caused by his motion and is now complaining about.

CLAIM 9: "NEB did not properly inspect the polling places for ADA compliance prior to the 2021 general election. Some locations had no drive-up location or handicap voting

available. Remedial actions recommended by the previous Registrar were not implemented by the NEB."

RESPONSE 9: The accusation made by the Republican Secretary of the Board is false. Every single voting location has curbside voting. Some locations are more accessible than others, but the Registrar's "recommendation" at one of the August meetings to the best of my recollection was for the Electoral Board to pay to have a private parking lot paved.

It should be noted that this "recommendation" came up in the context of an advocacy for Sunday voting. It was part of the initial argument as to why Nottoway County couldn't afford to have Sunday voting, because the parking lot at Bellefonte Grange needed paving.

I have brought up ADA concerns about Bellefonte Grange in the past, and I recall being assured by the former Registrar that the Grange was ADA compliant because we had curb side voting at all of our locations. I also know for a fact that there was curb side voting at all of our locations, the Bellefonte Grange included, because I visited all of the polling locations on Election Day. It was one of the reasons I later attacked her argument regarding needing funding for the paving of the parking lot as ridiculous. Setting aside the fact that the Electoral Board cannot just vote to pave a private parking lot.

All of our other polling locations, aside from Bellefonte Grange, are held in public government buildings that require ADA compliance in their building codes. Even in spite of that, as I mentioned previously, we have curb side voting at all of those locations.

CLAIM 10: "Budgeted Dollars were moved from a line item for equipment purchase to a line for part time salaries. This may result in violations of election law in the 2022 elections."

RESPONSE 10: I am unsure about the basis of this claim, but it is my understanding that every action taken regarding the budget was taken in conjunction with the Electoral Board's knowledge as well as with the support of the Nottoway County Administrator and Financial Director.

However, further context is also necessary. The new Registrar is working off the budget that was created by the previous Registrar. To the best of my knowledge the previous Registrar left no detailed plan on how she planned to utilize the funds that she was provided by the Nottoway Board of Supervisors, aside from the very broad allocations on file with the Financial Director in Nottoway County.

It should be further noted that one of the major controversies that took place in 2021 was the former Registrar's refusal to work with the Electoral Board to create a budget. It was her refusal to work with the Board that led to the now infamous February budget

meeting with only Chair Sarah Allen, Vice-Chair Carolyn Davis, and the Nottoway Financial Director. It was also during this time that Barbara Tabb decided to get directly involved, and instructed the Board to 'pretend that the meeting didn't happen' and instructed them not to write the minutes, from what I was informed at the time. This is what led to the FOIA violation lawsuit, which then led to many of the same individuals complaining about the Nottoway County Electoral Board to appear before the State Board of Elections in 2021.

I would also point out that the State Board of Elections never notified the Nottoway County Electoral Board of an investigation, and as a result, the Nottoway County Electoral Board was never allowed to speak in its defense. Had they been able to do so, they would have been able to produce documentation demonstrating the fact that they were acting under the guidance of Barbara Tabb.

However, to the direct point of this accusation, to the best of my knowledge nothing has ever been done in regard to the budget of the Registrar's Office or the Electoral board without direct knowledge of the Electoral Board, the County Administrator, and the Financial Director of Nottoway County.

If Secretary Reynolds has ever felt that something untoward was happening, he has never mentioned it at any of the meetings. The first time anyone who attends the Electoral Board meetings heard about these accusations was in the documentation he delivered to the State Board of Elections, and I have attended every meeting involving Secretary Reynolds.

CLAIM 11: "A former NEB Secretary hired several employees to work in the office without Registrar approval. Said employees have not taken the oath as required."

RESPONSE 11: I am not even sure how this is possible. The Registrar has the power to hire and fire members of their staff. I can only assume that this accusation is directed toward Nan Lambert, the trainer hired by the Electoral Board – to help train the interim Registrar Zackary Baldwin and the new Registrar Rodney Reynolds.

That is the only member of the staff, aside from the interim and current Registrar, that the Electoral Board has hired. The only other assumption that could be made here is that the Electoral Board voted to authorize the Registrar to hire an Assistant Registrar and has authorized the Registrar (which – as this Board knows – is already authorized by the Virginia Code) to hire as many individuals as necessary to conduct and fulfill the duties of the office.

To the best of my knowledge there has been no staff member who works for the Registrar's office that was not hired with the approval of the interim Registrar or the current Registrar. As far as I am aware, everyone who is required to take oaths have taken oaths. If Secretary Reynolds is aware of someone who needs to take an oath but has not yet done so, he has never come forward to inform the Nottoway County Electoral Board or – to the best of my knowledge – the current Registrar of this issue.

The first time anyone who attends regular meetings of the Electoral Board has heard about this issue is this complaint lodged by Secretary Reynolds in this document.

CLAIM 12: "In February 2021, the NEB held an illegal meeting by not posting notice as required by law. The NEB was reprimanded by the State Board for this and other infractions."

RESPONSE 12: The accusation made here contains false information. In February 2021 the Nottoway County Electoral Board called a meeting to deal with the budget. The Registrar refused to attend. Proper notification for the meeting was given.

The issue that the Nottoway County Electoral Board ran into was the fact that they did not post the minutes to the meeting. This ended up causing the Board to have to admit to a violation of FOIA, and it further led to complaints being lodged by many of the same individuals who spoke at the April 13, 2022, meeting of the State Board of Elections the prior year.

Here is what has not been shared. First and foremost, it was never shared with the State Board of Elections that the former Registrar actively worked to exclude the Electoral Board from participating in its own budget. Second, it was never shared with the State Board of Elections that the reason that the minutes were not posted in a timely manner was because Barbara Tabb, one of the individuals making the complaints, who at the time was acting in her position as the President of the Virginia Electoral Board Association held an illegal meeting which she called a "training" with the Nottoway County Electoral Board in which she instructed them to 'pretend that the meeting didn't happen'. She instructed them to not create the minutes and to vote to void the meeting. The reason she instructed them to do this is because there were two competing budgets that had been sent to the Financial Director of Nottoway County, one from the Electoral Board and one from the Registrar. Her argument, based on what I was told, centered around 'doing what was best for Nottoway' and 'deferring to the Registrar since she knows what the office needed.' The Electoral Board went along with Ms. Tabb precisely for those reasons; they wanted to do what was best for Nottoway Voters and they decided to defer to the Registrar's budget. They then proceeded later to void the meeting.

A few weeks later a request was made to the former Nottoway County Registrar by then citizen Christopher Page, prior to his appointment to the Nottoway County Electoral Board, requesting a copy of the minutes of the voided February meeting. The Registrar then refused his request, because no such minutes existed, and he filed a suit against Chair Sarah Allen, which then became a suit against the entire Nottoway County Electoral Board. The Board then came to a settlement agreement with Mr. Page, produced the minutes for that meeting, and the Judge ruled that there was no ill will or intentional malfeasance on the part of the Electoral Board. As part of the settlement the Electoral Board agreed to undergo FOIA training, which they completed.

When the complaints were made to the State Board of Elections, the Nottoway County Electoral Board was never informed of the complaints. The only reason they found out there were any complaints lodged at all, was because I accidentally found out from someone else, and I informed them a few days prior to the meeting in which the State Board of Elections ruled to have Commissioner Piper issue a letter and instruct the Nottoway County Electoral Board to undergo training.

Because the Nottoway County Electoral Board was not notified of the investigation, they were never allowed to submit any evidence in their defense. The Nottoway County Electoral Board has evidence that they were acting under the instructions of Barbara Tabb at the time. Therefore, if there is to be blame issued for the FIOA violation it should be directed toward Barbara Tabb.

In closing, I could spend time addressing some of the other complaints issued by other individuals. However, instead, I would encourage the State Board of Elections to request that the investigation being conducted by the Attorney General's Office be expanded.

I believe if this Board wants to know what is going on in Nottoway County, then it should conduct a thorough investigation of the activity of the former Registrar, Angela Stewart, and those who have associated with her, including the individuals making these scandalous accusations. In so doing, they will find that there are numerous individuals – some of which have made complaints – who have actively conspired to undermine the Nottoway County Electoral Board and its ability to oversee the Registrar's Office and conduct elections.

I have personally been involved with these issues since November 2019, and I became the Chairman of the Nottoway County Democratic Committee in December 2019. I have only addressed the direct complaints made by Secretary Reynolds in this letter. However, what I know and have personally witnessed could fill multiple books. At a minimum, the State Board of Elections should be aware that, in my opinion, the intent of these individuals is to cast doubt on the Nottoway County Electoral Board and its ability to carry out its duties. I fully believe that this is why they are also attempting to cast doubt on former Republican Secretary Page. He was the singular member of the Electoral Board, who was a Republican, who was willing to work in a bi-partisan manner and when he witnessed the things that were taking place, he did the right thing and worked in a bi-partisan fashion with the other members of the Board to terminate the Registrar and appoint the current Registrar.

I believe to the core of my being that the goal of these individuals is to try and have either the Chair or Vice-Chair of the Electoral Board removed, so that they can nominate a replacement, remove the current Registrar, and restore the former Registrar to the position in which she was terminated. It does not take a giant leap to see that is exactly what was going on, when at the April 13, 2022, meeting Dianna Mitchell herself asked the Board to "remove one or more" members of the Nottoway County Electoral Board and "the current Registrar." It does not take a rocket scientist to figure out that

was the intent of Clara Belle Wheeler when she asked the State Board to 'do what it had done in Hopewell.'

I do not oppose an investigation. In fact, I welcome any investigation that is fair, open, and transparent to the public. There is nothing that I desire more than for the people of Nottoway County to know exactly what has happened and continues to happen in Nottoway County. So, I strongly encourage the Board to expand the scope of its investigation, because the problems in Nottoway County are not recent – they are long standing, and they center around the former Registrar. Any investigation worth its salt will start with her and then work its way outward from there.

I am personally happy to cooperate in whatever way that I can in any investigation.

Sincerely,

Thomas Matthew Crews
Chairman, Nottoway County Democratic Committee

EXHIBIT 1

July 9, 2021

Honorable Chief Judge Paul N. Cella
% Clerk of the Circuit Court
328 West Courthouse Rd
PO Box 25
Nottoway, VA 23955

Re: Letter of Resignation

Dear Judge Cella -

With great reservation and hesitation, I am submitting my Resignation from the Nottoway County Electoral Board, to be effective Friday, July 16, 2021. This will allow me ample time to deliver items to the appropriate people and notification of my departure. I feel this is a legitimate request in order to make a smooth transition.

On Wednesday, July 7, 2021, Bill Outlaw, Republican Party Chairman, came to my place of employment and presented to me a Letter of Resignation to sign. I refused to sign because I didn't feel as if I did anything wrong. I preferred to write my own Letter. Mr. Outlaw stated the issues were lack of communication and minutes which I totally disagree with. I will be submitting a separate letter addressing these issues before my official Resignation Date.

I greatly thank you for appointing me as an Electoral Board Member which was an honor to me. I took the job serious and was a Member from February 23, 2021, until the present time. Hardly enough time to learn all that is necessary. I feel that during my short time I was able to make a few accomplishments. I will submit a letter showing what was done during this time.

If possible, I would like to meet with you before my Resignation Date. I feel it is necessary that I talk with you, discuss the issues and thank you in person for my appointment.

My Cell No. is 434-390-3797. Email is presleynancy@yahoo.com (Since I will be resigning I am giving my personal email not the Electoral Board email.)

Thanking you in advance.



Nancy I. Presley
1255 Indian Oak Road
PO Box 261
Crewe Va 23930

cc: Bill Outlaw – Republican Party Chairman

EXHIBIT 2

Closed Session Guest

GOP Chairman Outlaw was included in Friday's closed session for about 10 minutes, and he presented copies to Board members of a statement prepared by Mrs. Stewart which read:

"I find it very troubling that you amended Thursday's agenda to add a closed session meeting to discuss the possibility of terminating my employment as Nottoway's General Registrar. You had legal counsel to represent you and obviously had plenty of time to prepare yourselves. Yet you effectively gave me only seven hours to prepare myself and attempt to arrange legal counsel -- something you apparently do not want me to have. I and others have made numerous telephone calls in an attempt to obtain counsel for this afternoon. We were unsuccessful. Additionally, you spent hours discussing this and would allow me only 30 minutes to present my side of things.

"I request a continuance of these proceedings until after the Nov. 2, 2021 General Election. This will ensure that the citizens of Nottoway have a fair and honest election and give me adequate time to obtain legal counsel and prepare a defense to the charges you have made.

"In closing, your actions are appalling. That you would do this less than six weeks before the General Election is incomprehensible. This is nothing less than a planned attack to disrupt the elections process in Nottoway County."

EXHIBIT 3

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF NOTTOWAY

In re: Nottoway County Electoral Board

ORDER

WHEREAS, by order entered February 28, 2017, Arlene Robertson, a member of the Democratic Party, was appointed to serve a three-year term on the Electoral Board of Nottoway County beginning March 1, 2017, and expiring February 28, 2020; and

WHEREAS, it has been brought to the Court's attention that Arlene Robertson may have resigned from the Electoral Board of Nottoway County; and

WHEREAS, whether Arlene Robertson has in fact resigned from the Electoral Board of Nottoway County appears to be a matter of dispute; and

WHEREAS, even if Arlene Robertson has not resigned from the Electoral Board of Nottoway County, it has been brought to the Court's attention that she is, under Virginia Code §24.2-119, not eligible to serve on the Electoral Board of Nottoway County because her employer, the Amelia/Nottoway Technical Center, is funded by the governments of Amelia County and Nottoway County; and

WHEREAS, the Nottoway County Democratic Committee has identified Daphne Cole as a suitable replacement for Arlene Robertson;

NOW, THEREFORE, the Court hereby removes Arlene Robertson as a member of the Electoral Board of Nottoway County effective immediately and appoints Daphne Cole, effective immediately, to serve the remainder of Arlene Robertson's term on the Electoral Board of Nottoway County.

Enter this 31 day of May, 2019

Paul W. Cella

Paul W. Cella, Chief Judge

NOTTOWAY CIRCUIT CT.

A Copy Teste: Jane L. Brown, Clerk

By *[Signature]* _____ D.C.

EXHIBIT 4

Angela R. Stewart
912 W. Colonial Trail Hwy.
Blackstone, Va. 23824

April 12, 2022

To whom it may concern:

I received a call at approximately 5:36PM on November 5, 2018 (the day before the election) from EJay Farrar- Chief Officer at 302- Amelia/Nottoway Votech stating that the voting machine was out of toner. I informed him that he was not supposed to open a voting machine before all the officers were present the following day. I also told him that our machines did not use toner and to put the top back on the voting machine and I would call the voting machine tech who would be out there first thing in the morning to certify that machine. Electoral Board Member

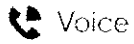
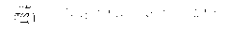
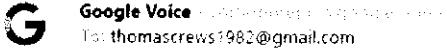
Arlene Robertson present with her Grandson and told him to hang the damn phone up. He hung up on me. (This conversation was all witnessed by Bruce Stewart who was with me delivering voting equipment to the town of Blackstone. I immediately called the voting machine custodian and informed him of the situation and requested that he be at Votech at 5:30AM the next morning. I then called Robert K. Wheeler the republican member of the board and informed him of the situation. Once the board was informed, I had no further input into this incident it was handled by the electoral board.

Angela R. Stewart
Former Nottoway County General Registrar

EXHIBIT 5



New voicemail from (804) 512-1346



Good afternoon Thomas, this is Tom Reynolds from the nodaway Electoral board. I'm calling in reference to officers of election. If you could give me a call when you get a chance. 804-512-1346. Thanks



[YOUR ACCOUNT](#) [HELP CENTER](#) [HELP FORUM](#)

To help protect your privacy, we've removed some information from this message. To see the full message, click on the link below: [Click here to view the full message.](#)

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EXHIBIT 6

To whom it might concern:

While I was working the early voting in the fall of 2021 a lady named Bea that was working in the registrar office came out where I was working + another lady with me + said she came out to speak while she was waiting for the shredder to cool down, since she had been shredding so much in the office.

May D. West

4-25-22

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APPENDIX: G
Christine Brim
Fairfax County Republican Committee Elections Integrity Working Group

Letter of Concern
Christine Brim
Fairfax GOP Election Integrity Committee
christinebrim@protonmail.com

(Links are pasted in the text in entirety throughout the document. Recommendations are in Red text).

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INTRODUCTION

This letter of concern addresses the April 13, 2022 certification by the Virginia State Board of Elections of the KNOWiNK Poll Pad versions 2.5.8 and Poll Pad Plus version 3.0.1, pursuant to the State Certification of Electronic Pollbooks: Requirements and Procedures, under the applicable code section 24.2-611. This document discusses issues that could require mitigation by ELECT or the vendor. The document also provides some background on electronic pollbooks (EPB) in Virginia for the general reader, to provide context for concerns raised here on KNOWiNK electronic pollbooks. The document will undergo revisions based on comments and corrections.

INSTALLED BASE OF KNOWiNK POLLPADS

The KNOWiNK PollPad version 2.5.8 and Poll Pad Plus version 3.0.1 were certified on April 13 by the SBE. The issues raised in this document focus on identifying possible risks for the installed base of KNOWiNK Pollpads in Virginia. I don't know the size of the installed base of the equipment across Virginia, other than the estimate provided on April 13 by Locality Security Program Manager Karen Hoyt-Stewart, who stated "I can't remember exactly how many localities but it's like, probably 20, 30 that have KNOWiNK..." (<https://www.youtube.com/watch?v=CZHcu6V8ac>). The largest county in the state, Fairfax, used KNOWiNK pollpads for 16 in-person absentee satellites in 2021 and 247 Election Day precincts.

TRANSPARENCY #1: PROVIDE THE KNOWiNK POLL PAD 2022 VSTL ASSESSMENTS

Citizens have access only to open source materials: state-provided equipment test results, acquisition documents, news reports, academic papers and so on. This document is based on those available resources.

Unfortunately, ELECT staff did not provide any detailed reports or test results for KNOWiNK Pollpads for the April 13, 2022 SBE meeting. ELECT provided only three pages: a memo describing the recertification process, a single page letter from SLI Compliance describing the testing process, and a letter stating that a mock election had been held with the new versions of the KNOWiNK Pollpad (https://townhall.virginia.gov/1/GetFile.cfm?File=meeting\151\34697\Agenda_ELECT_34697_v2.pdf).

The March 31, 2022 single page letter from SLI Compliance briefly summarized their ongoing concerns with the KNOWiNK Pollpads: "It has been determined that the KNOWiNK Poll Pad 2.5.8 & 3.0.1 ePollBook systems meet the audited acceptance criteria of the State of Virginia's ePollBook Standard, meets the requirements of Virginia Election Laws §24.2, except for masking/unmasking of passwords (T0065). Also, it was not verified that the Poll Pad Plus cannot be connected to a voting system. It is also strongly recommended that strict configuration guidelines be supplied to the jurisdiction to lock down the Poll Pad Plus devices to specific networks and systems."

The omission of detailed test reports was unexpected and concerning, because just two years ago ELECT had provided detailed test results in the public materials for the May 26, 2020 SBE meeting that certified KNOWiNK Poll Pad version 2.5.0. See https://townhall.virginia.gov/l/GetFile.cfm?File=Meeting%5C151%5C30344%5CAgenda_ELECT_30344_v1.pdf . Those 2020 tests were conducted using the Commonwealth of Virginia 2019 EPB Test Cases v3 and the Virginia Electronic Pollbook final standards 2020.

As a result of ELECT staff omitting the test results in the 2022 materials, the SBE and the public do not know if the risks cited in the May 26, 2020 test results have been remediated, or if new risks were identified in 2022. If the SBE was shown the results and the public was not, the SBE and ELECT staff might offer the public their reasoning for reducing election transparency in 2022 compared to 2020.

The 2020 Virginia Electronic Pollbook Standard has several requirements for the vendor to report to ELECT about electronic pollbook test results, but none for ELECT to report to the SBE about those same results. (See below for the 2015 EPB Standard, which did list requirements for ELECT to report to the SBE.)

When election equipment test results that were previously published in 2020 are no longer made public for new versions in 2022, voters' confidence in election integrity is understandably diminished. Other states such as California and Texas publish election equipment assessments, and Virginia itself has published detailed test results for election equipment in the past, including:

ES &S EVS 6.0.4.0 Certification, August 6, 2019

https://townhall.virginia.gov/l/GetFile.cfm?File=Meeting%5C151%5C29431%5CAgenda_ELECT_29431_v2.pdf

KNOWiNK Pollpad 2.5.0 Certification, May 26, 2020

https://townhall.virginia.gov/l/GetFile.cfm?File=Meeting%5C151%5C30344%5CAgenda_ELECT_30344_v1.pdf

Virginia should set an objective to become a national model for public transparency for all election equipment documents, as part of the mission of the Chief Transformation Officer's commitment to greater transparency and accountability.

TRANSPARENCY #2: PROVIDE TEST REPORTS FOR THE ES&S EXPRESSPOLL

Equipment test documentation for the "Elections System & Software Expresspoll 7.2.4.0 Certification" provided in advance of the May 24, 2022 SBE meeting is comparable to the three summary pages provided for the April 13, 2022 SBE meeting for the KNOWiNK Poll Pads. That omission is concerning, because the Expresspoll is not without problems.

The ES&S ExpressPoll equipment reportedly had software programming issues in the Pennsylvania primaries earlier this month in Berks County (see https://www.wfmz.com/news/area/berks/berks-distributing-paper-ballots-after-widespread-problems-with-new-electronic-poll-books/article_368aebf8-d5e6-11ec-9a3a-3396aa8275c2.html). Hardware problems are also a concern; ExpressPoll uses the Microsoft Surface Go as a tablet, which has had security issues (see for example the Surface Go 2 issue here <https://www.techpages.com/microsoft-surface-laptops-impacted-with-critical-bluetooth-vulnerability/>).

Counties using the 7.2.4.0 ES&S ExpressPoll will find useful information in the Pennsylvania certification for ExpressPoll 7.2.0.0 tablets (a slightly earlier version of the software). For practical deployment advice, see the recommendations starting on page 12. They seem even more relevant for the newer 7.2.4.0 version being certified in Virginia. For the Pennsylvania certification, see <https://www.dos.pa.gov/VotingElections/Documents/Voting%20Systems/ExpressPoll%207200/Electronic%20Poll%20Book%20Approval%20Report%20ExpressPoll%207200%20Final.pdf>

As a specific action to achieve the objective of transparency, ELECT staff should provide in the meeting materials for the June 2022 SBE meeting all VSTL test results and any other relevant documentation for the 2022 certification of KNOWiNK Poll Pads and the ES&S ExpressPoll equipment. ELECT should provide similar documentation in SBE meeting agenda materials for all other election equipment in the future.

GENERAL REGISTRARS AND LOCAL STAFF NEED MORE SUPPORT FROM ELECT TO MEET COMPLIANCE DEMANDS

Implementation of any electronic pollbook system across multiple locations can be challenging, as seen in the problems encountered with the ES&S ExpressPoll in Berks County, PA and with KNOWiNK Poll Pads in Franklin County, OH. In all states, both county election administrators and the vendors share responsibility for the logistics and security requirements for deploying EPB's, including initial programming of election definitions for the EPB system, voter database uploads and downloads, training, systems integration with peripherals, connectivity functionality and security, quality control and contingency planning.

The 2020 state-wide EPB Standard requires a minimal acceptance test for certification, a single "mock election" in one jurisdiction testing against a set of functional requirements. Certification does not address other issues essential to successful deployments of EPBs, including realistic stress tests of the EPBs, user experience (UX) tests with actual users (not vendor or IT employees), disaster recovery and contingency planning, and evaluations of training materials and methods.

In response to concerns raised at the April 13, 2022 SBE meeting about the ability of local election offices to deploy EPB's and their need for assistance, ELECT staff provided a one-page form in the May 24, 2022 SBE meeting materials (p. 39), a satellite voting security checklist. See the meeting materials here:

<https://townhall.virginia.gov/l/GetFile.cfm?File=meeting\151\34698\Agenda ELECT 34698 v4 .pdf>

According to the accompanying PowerPoint in the SBE meeting materials, election administrators must complete and submit the checklist (presumably) to ELECT staff for their review. The PowerPoint states, “Early Voting Absentee Voting Checklist is submitted by localities for all satellite locations with EPB connectivity”

The concerns raised on April 13 were more generally about General Registrar deployment of EPB’s, but the connectivity question is key, so let’s look at the utility of that Checklist. The full 10-page “Early Voting Absentee Voting Checklist,” not just the one page included in the meeting materials, is here: [https://www.elections.virginia.gov/media/formswarehouse/absentee-voting/Satellite-Early-Voting-Readiness-Checklist-FINAL-\(1\).pdf](https://www.elections.virginia.gov/media/formswarehouse/absentee-voting/Satellite-Early-Voting-Readiness-Checklist-FINAL-(1).pdf) .

The Checklist raises more questions than it answers, including:

- Do General Registrars and their staff have the training, tools and expertise to understand the technical citations in the Checklist and complete it accurately? Does ELECT provide them with assistance if they require it?
- Who in ELECT evaluates each Checklist once it is submitted, for accuracy and completeness? Is the Checklist shared with VITA staff for additional security review, or only reviewed by ELECT staff? What is the evaluation methodology? What is the expertise of the reviewer?
- If items are left off the Checklist or security problems are identified in review, who is responsible for remediating the problem? How is that remediation documented?
- Does the reviewer create a report about the data in all the Checklists? Who reads and evaluates that report if one is created? Is the report provided to the Secretary of Administration’s office? Can the report be posted online at the ELECT website for public review?
- Are Checklists kept as part of election materials for the prescribed time period? Are they in whole or part available to the public for inspection?
- Is the Checklist completed during a trial setting up and testing the technology for security compliance, or is it completed in the day prior to the start of early voting when staff are working long hours already?

If all localities had staff that were trained to understand and implement the requirements in the Checklist’s “Addendum – Secure Connection Requirements” and the following Appendix (pages 5 to 10), ELECT could be confident in the cybersecurity and networking expertise of local Registrars. The Addendum includes literally dozens of NIST specifications which must be understood and followed, as well as the HB2178 Minimum Security Checklist. As an example,

look at “CM-6 Configuration Settings” (p. 7). The Checklist makes the assumption that localities can meet the standards in the HB2178 Minimum Security Checklist.

Yet in a November 18, 2021 press release, ELECT itself publicized the problems that localities encounter with HB2178 compliance. The press release announced an award presented to ELECT’s former CIO/CISO Daniel Persico, stating “After the General Assembly passed HB2178, authorizing the creation of security standards for elections, he [Persico] oversaw the establishment of these election cybersecurity Minimum Security Standards. **When many localities could not meet these standards, he began searching for a way to bridge the gap without funding...**” Persico’s solution was to create “Cybernavigators,” college students who have passed a course in cybersecurity, who will help localities improve their election cybersecurity processes <https://www.elections.virginia.gov/news-releases/virginia-department-of-elections-ciociso-wins-award-for-strengthening-the-commonwealths-cybersecurity.html>.

In short, when the former ELECT CIO/CISO states that in reality, localities cannot meet the standards for HB2178, that problem isn’t solved by requiring localities to attest on a form that they have met the HB2178 standards (along with dozens of NIST standards...) for VPN and Secure Wireless connections. It’s also not fair to the localities and their employees.

General Registrars and their staff need realistic support to solve a myriad of potential security problems in order to achieve actual, not merely paper, compliance with the standards cited in the “Checklist” for electronic pollbooks.

LEARNING FROM OTHER STATES

Perhaps examples of test reports for KNOWiNK from other states would be helpful for a comparison with Virginia’s 2020 report on KNOWiNK, and the lack of any report in 2022. For example, look at the California’s “Staff Report Prepared by Secretary of State’s Office of Voting Systems Technology Assessment for KNOWiNK Poll Pad Version 2.5.0” from January 30, 2020. Testing was done by both staff and SLI over a period of seven days rather than Virginia’s two to three days of testing. https://verifiedvoting.org/wp-content/uploads/2020/09/CA_KNOWiNK_250-staff-rep.pdf . Multiple issues were found and the mitigation efforts by KNOWiNK were recorded for each. The level of detail provided in the report is far greater than in the Virginia reports. The same VSTL, SLI Compliance, is preparing the reports; the reports presumably vary because of different expectations in the state election offices.

California also posts the Source Code report on KNOWiNK for public review; see <https://votingsystems.cdn.sos.ca.gov/vendors/knownink/ki-2-5-0-source.pdf> , listing eight vulnerabilities in January 2020 including one involving a failure to use the encryption functionality that had been provided in the code. All of these were later resolved. Virginia receives a source code analysis from SLI but does not publish it. I don’t know if summary versions of these reports are provided to the SBE; if they are, but not provided to the public, we should at least know that SBE is receiving them.

The California Executive Summary for tests on a later KNOWiNK version - v2.5.2.01b, from Jun 2020 - is particularly helpful in concisely presenting important details, including problems and resolutions. A document like this Executive Summary would be helpful for the Virginia SBE and interested citizens. See

<https://votingsystems.cdn.sos.ca.gov/vendors/knowink/25201b/pollpad-exec.pdf> . This California Executive Summary lists issues in detail that were uncovered by the tests, and the status in resolving those issues. The Virginia ELECT/VSTL reports on the other hand provide a long list of all the tests that were passed, which is helpful and a necessary first step; but then the Virginia reports provide a minimum of information about actual problems, much less their resolution. This approach runs the risk of blindsiding the SBE or ELECT management later with problems that could have been remediated had they been identified earlier.

Pennsylvania state elections office provides a model set of implementation guidelines for localities for the ExpressPoll EPB, starting on page 12 in their certification document <https://www.dos.pa.gov/VotingElections/Documents/Voting%20Systems/ExpressPoll%207200/Electronic%20Poll%20Book%20Approval%20Report%20ExpressPoll%207200%20Final.pdf> . The recommendations could apply to any EPB system and include pilot tests, phased-in deployments, extensive training in advance of elections (p. 13), training to detect cyber attacks, proof-of-concepts for integrated systems, and disaster recovery plans.

In sum, other states are doing detailed testing, publishing results with greater transparency, engaging in a productive dialogue with vendors showing resolution of multiple issues identified across a longer testing period, and taking a realistic approach to the needs of localities installing new technology. There are useful lessons here for Virginia.

LACK OF FEDERAL STANDARDS

Electronic pollbooks, like other election equipment, are highly competitive products introducing new features and functionality for election administrators. But innovations that expand operational intelligence and networked efficiencies can also introduce new complexity and vulnerabilities. Election officials don't want to find themselves unexpectedly beta-testing new software upgrades or network patches, possibly with inadequate vendor documentation or training. The Election Assistance Commission is trying to resolve this problem of technology adoption with a proposed "Voluntary Voting System Guidelines Lifecycle Policy" for all election equipment (see <https://www.eac.gov/news/2022/04/05/eac-adopts-voluntary-voting-system-guidelines-lifecycle-policy>).

However, the VVSG Lifecycle Guidelines don't currently apply to electronic pollbooks because the EAC still does not set standards for electronic pollbooks. In November 2021, the EAC made a small first step and sponsored a roundtable discussion on E-Poll book testing for a pilot program (<https://www.eac.gov/events/2021/11/17/roundtable-discussion-e-poll-book-testing-pilot-program-considerations>), but years may pass before a final standard is approved. Given the EAC's delays in setting national voluntary standards for electronic pollbooks, Virginia and a handful of other states have set their own standards. The Virginia standard should be reviewed and amended as needed periodically by the SBE and ELECT.

RECOMMENDED ADDITIONS TO VIRGINIA STANDARD FOR ELECTRONIC POLLBOOKS

The January 2020 Virginia Electronic Pollbook (EPB) Certification Standard appears to be current. It was a revision on the earlier 2015 EPB Standard. See https://www.elections.virginia.gov/media/election-security/Virginia_Electronic-Pollbook-Certification-Standard-FINAL.pdf .

The 2020 EPB Standard could benefit from three additions.

On January 28, 2020, the PowerPoint presentation to the SBE describing the new 2020 EPB standard (p. 324) noted that the new standard eliminated two requirements that had been in the 2015 EPB Standard: the “Technical Requirements Evaluation” and the “Virginia Functional Configuration Audit.”

https://townhall.virginia.gov/L/GetFile.cfm?File=Meeting%5C151%5C30342%5CAgenda_ELECT_30342_v7.pdf

To review those two eliminated requirements, see the earlier 2015 version of the Virginia Electronic Pollbook Standard here

https://www.eac.gov/sites/default/files/eac_assets/1/28/Virginia%20EPB%20Certification%20Procedures%20and%20System%20Requirements%20REV-05151.pdf .

Technical Requirements Evaluation: On page 13, the 2015 EPB Standard specified the 3.2 “Technical Requirements Evaluation.” This set of requirements lists the documents to be submitted to the SBE, including:

1. A full copy of the Technical Data Package (TDP);
2. A copy of the Test Plan, Test Report and all Test Procedures and Test Cases from the VSTL;
3. A release to the VSTL to respond to any requests for information from all agencies in the Commonwealth of Virginia;
REV-0515 12
4. A release to other state election administration agencies which have certified the system or prior versions of the system to respond to any requests for information from the Commonwealth of Virginia.”

No equivalent list of documents to be submitted to the SBE is listed in the revised 2020 standard.

Section 3.2 also states “SBE will not allow any EPB software wholly or containing components utilizing Alpha or Beta versions of software or programs to be tested.” No equivalent requirement is in the 2020 standard.

Virginia Functional Configuration Audit: On page 15, the 2015 “Virginia Functional Configuration Audit” requirement recommended looking at the experiences of other states with the electronic pollbooks. ELECT should make this an ongoing initiative and report findings of best practices to the SBE for continuous improvements in the EPB Standard and

implementations. California and Pennsylvania publish electronic pollbook test reports with examples of best practices in deploying electronic pollbooks in election offices where staff experience levels may vary.

RECOMMENDATIONS:

1. The 2020 EPB Standard should be amended to add a requirement for ELECT to report to the SBE, modeled on the 2015 EPB “Technical Requirements Evaluation.”
2. The 2020 EPB Standard should be amended to add a prohibition against testing with Alpha or Beta versions of the software, as stated in the 2015 EPB “Technical Requirements Evaluation.”
3. The 2020 EPB Standard should be amended to require ELECT to learn about best practices for electronic pollbook testing, deployment and transparency used by other states.

Undoubtedly other aspects of the 2020 EPB Standard need to be reviewed and updated by ELECT, especially to conform to new requirements for “Same-Day Registration” and emerging requirements for the voter registration database replacing VERIS.

VIRGINIA ELECTION INFRASTRUCTURE PRESENTS UNRESOLVED COMPLEX AND INTERDEPENDENT RISKS

Efforts to mitigate electronic pollbook risks don’t occur in a vacuum. If they are to be used in Virginia, electronic pollbooks must function securely in the risky integrated system of systems of today’s highly computerized and networked elections. Many ongoing risks affect the IT security of elections in Virginia, including VERIS instability, state and county problems with IT project evaluation, staffing and training as identified in JLARC reports, recent state-level cybersecurity breaches including ransomware attacks in 2021 and 2022, insecure and non-compliant IT practices in some county election offices, localities’ lack of capacity to comply with HB2178 minimum cybersecurity standards, and potential threats from insiders with elevated privileges. General Registrars, legislators, the media and the general public are aware of these existing challenges to cybersecurity potentially affecting both ELECT and Virginia’s 133 political units. All stakeholders want to resolve these issues.

The next two years will increase the risk environment for EPB’s.

- Many counties will be replacing aging election equipment (including EPB’s) in the next two years, placing additional workload and learning curve demands on existing staffs. Seasonal workers who staff early voting as extensions of the General Registrar’s office will need additional training on operations, connectivity and security for new EPBs, but county managers may not have planned for the additional staff time in their election administration budgets. Pre-election training, test runs on equipment and disaster recovery planning are sometimes not adequately resourced by localities.
- “Same-day” voter registration starts in 2022, and it could impose a new set of requirements for updating EPB’s both across counties during early voting and nightly to the main VERIS database. Tests should begin as soon as possible for all localities on handling same-day registration, and training support provided to General Registrars and their staffs.

- Over the next two years, the VERIS voter registration system will be transitioning to its new replacement voter registration database. The VERIS transition may place additional functional requirements on both new and existing EPB's for uploads and daily updates, requiring recertification if the changes are not de minimus. The transition will be demanding for all involved, adding to existing workload.

EPB's will face significant future challenges that can be anticipated and planned for in advance. Therefore, in addition to the "cybernavigators" assistance, localities will need the financial resources and ongoing professional support to help with the connectivity and security challenges in deploying EPB's as well as other election equipment.

THE PAPER POLLBOOK BACKUP: ONLY A PARTIAL SOLUTION GIVEN VIRGINIA EARLY VOTING REQUIREMENTS

Given the risks with electronic pollbooks, some counties in other states are now returning to paper poll books. In 2020, Franklin County, OH - the largest county in the state with 1.34 million residents and over 830,000 registered voters at the time – had problems with KNOWiNK pollpads and switched to paper pollbooks. See <https://www.dispatch.com/story/news/politics/elections/2020/11/03/franklin-county-shifts-paper-pollbooks-after-data-upload-problem/6135788002/> Franklin County had problems again in their 2021 elections with KNOWiNK pollpads failing to update, and the county is now reporting weekly to the Secretary of State to fix the problems with KNOWiNK equipment. See <https://www.ohiosos.gov/media-center/press-releases/2021/2021-11-04/> .

Paper copies of pollbooks are required in Virginia in all precincts on Election Day by law. A March 15, 2021 ELECT Guidance marked "For Fairfax County Only" (filename EAA-36865738-250222-1539-112.pdf) stated "Under Virginia Code §§24.2-610 and 24.2-611, all of your precincts must have a paper copy of their pollbook available on Election Day, even if you use EPBs...Paper Pollbook Requirement (new, starting November 2020): While a paper copy of the absentee pollbook is not required for absentee voting, it is encouraged. Virginia Administrative Code does now require all of your precincts to have a paper copy of their pollbook available on Election Day, even if you use EPBs."

Paper pollbooks work as a backup on Election Day, but are impractical under current Virginia law mandating that in-person voting must start 45 days before Election Day, on a county-wide basis. The laws requiring in-person absentee voting (24.2-701.1, 24.2-701.2) do not require pollbooks as a backup at satellite polling places. Satellite polling places serve entire counties, not just precincts, and in large counties the number of registered voters makes it difficult or impossible to print a county-wide pollbook. In Fairfax we have over 780,000 registered voters.

ELECTRONIC POLLBOOKS REGULATIONS AT SATELLITE OFFICES

Election officers (or employees of the Registrar's office) have used laptops directly connected to the VERIS system as the backup for any failure of electronic pollbooks, as specified under

1VAC20-70-60 Security requirements for absentee satellite offices”

<https://law.lis.virginia.gov/admincode/title1/agency20/chapter70/section60/> .

Note in particular this section of VAC20-70-60, regarding the use of direct VERIS links as the pollbook backup: “4. Computer systems at the satellite office locations will be directly connected to the Virginia Electronic Registration Information System (VERIS). Electronic pollbooks connected to the cloud or to a virtual private network (VPN) will be linked to each other across various satellite office locations as well as the General Registrar's office. Voter credit will be uploaded into VERIS at the end of each day, and updated files will be uploaded at the beginning of each day to the electronic pollbooks.”

The 2020 Virginia Electronic Pollbook Standard also specifies connectivity requirements for in-person early voting (p. 8):

“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.”

Appendix K for EPB connectivity is a useful, but very general, set of requirements. See p. 40, https://www.elections.virginia.gov/media/election-security/Virginia_Electronic-Pollbook-Certification-Standard-FINAL.pdf

IF YOU CAN LOG IT, YOU CAN REPORT IT

Both the Virginia 2020 EPB Standard, and KNOWiNK functionality require EPB audit and system logs for the entire election season. This could a valuable source of exportable data, independent of the VERIS system, for identifying voter maintenance issues. The data could be helpful as well for identifying system and human performance issues with the EBP’s, as well as possible cybersecurity issues in each satellite and precinct location across Virginia. All EPB’s rely on some kind of Mobile Device Manager (MDM) that gives the General Registrar staff remote access to the EPB’s in the field, typically across an encrypted VPN. That same system should be capable of aggregating log data for encrypted transmission from all localities to ELECT.

The state should provide resources to ELECT for database design, warehousing and analysis for data from all logs for election equipment across the state, starting with the audit and system logs for EPB’s. A pilot project could start with KNOWiNK PollPad data from the 20 to 30 localities

estimated to be using that EPB system for the November 2022 election. Localized reports generated from the analysis can provide useful feedback to General Registrars and statewide reports should be provided to ELECT management, the SBE and the public.

KNOWiNK RISKS IDENTIFIED IN CALIFORNIA AND VIRGINIA REPORTS

Several issues with KNOWiNK Poll Pads are listed below. SLI Compliance conducted tests on KNOWiNK Poll Pads in 2020 for both Virginia and California, so there's some overlap in what was found. The California tests appear to have been much more thorough, or at least the reports have much more detail. Rather than excerpting the detailed California reports which identify dozens of individual issues in this document, it's better to read them in entirety for the full context:

- California Certification Security and Telecommunications Test Report for KNOWiNK version 2.5.0. <https://votingsystems.cdn.sos.ca.gov/vendors/knowink/ki-2-5-0-sec.pdf>
- California Source Code Review for KNOWiNK version 2.5.0 <https://votingsystems.cdn.sos.ca.gov/vendors/knowink/ki-2-5-0-source.pdf>
- California Staff Report for KNOWiNK version 2.5.0 https://verifiedvoting.org/wp-content/uploads/2020/09/CA_KNOWiNK_250-staff-rep.pdf
- California certification for KNOWiNK version 2.5.2.01b <https://votingsystems.cdn.sos.ca.gov/vendors/KNOWiNK/25201b/pollpad-approval.pdf>.
- California Executive Summary [including resolved issues] for KNOWiNK version 2.5.2.01b <https://votingsystems.cdn.sos.ca.gov/vendors/knowink/25201b/pollpad-exec.pdf>

On a positive note, the California documents appear to indicate that KNOWiNK tries to resolve identified issues quickly and simply.

Local configurations of Know Ink Poll Pads are a known risk

The California and Virginia 2020 tests, and that single sentence in the SLI Compliance letter to ELECT in 2022, all emphasize that local configurations of the KNOWiNK EPB system present the major risk for mistakes and security lapses. Let's look at how SLI presented this issue to ELECT in the SBE Virginia May 26, 2020 meeting materials:

“Per Test Case T0074: Data Transfer Outside Approved Network, without the restrictions put into place by the MDM the Poll Pad is able to connect to any network that the administrators or jurisdiction chooses to connect and will transmit data on any network that it is successfully connected to. This requires that strict configuration guidelines need to be supplied to the jurisdiction to lock down the Poll Pad devices to specific networks.”

“The KNOWiNK Poll Pad Plus Electronic Poll Book system relies heavily upon security measures that are dependent upon third party technology and services, including Apple native IOS Security, Cisco Meraki MDM, and Amazon Web Services. Due to this compromise to the individual systems and services could affect the overall security of the system.

The systems tested onsite can utilize wireless communications of any type. If the systems are not set up to the specific requirements of the Commonwealth [see above on localities being unable to comply with HB2178], then improper configuration could lead to compromise of the system. Utilization of unsecured/unauthorized wireless networks is an example....”

“While not full-blown vulnerabilities, the following items could lead to issues or compromise if not properly monitored / managed...”

“Any Wifi networking used by the jurisdictions is subject to processes and procedures set forth by the jurisdiction and was not specifically tested or reviewed. The Examination was conducted with attempts to circumvent or exploit vulnerabilities within the communication systems such as applicable and within legal boundaries in respect to third party services....”

“The KNOWiNK Poll Pad Plus version 2.5.0, presented for examination, meets the requirements of Virginia Election Laws §24.2, except for masking/unmasking of passwords (T0065).

Also, it was not verified that the Poll Pad Plus cannot be connected to a voting system.

It is also strongly recommended that strict configuration guidelines be supplied to the jurisdiction to lock down the Poll Pad Plus devices to specific networks and systems.”

Keep Pollpad In Kiosk Mode

Tests in California on the 2.5.x versions of the KNOWiNK Poll Pad by SLI Compliance emphasize the importance of keeping the tablets in Guided Access/single-use/kiosk mode. See for example the California certification for KNOWiNK version 2.5.2.01b <https://votingsystems.cdn.sos.ca.gov/vendors/KNOWiNK/25201b/pollpad-approval.pdf>. Locking the poll pad into kiosk mode may also prevent the following risk identified in the “California Certification Security and Telecommunications Test Report” for KNOWiNK version 2.5.0. (<https://votingsystems.cdn.sos.ca.gov/vendors/knowink/ki-2-5-0-sec.pdf>):

“The application fails to prevent users from connecting to it over unencrypted connections. An attacker able to modify a legitimate user's network traffic could bypass the application's use of SSL/TLS encryption, and use the application as a platform for attacks against its users. This attack is performed by rewriting HTTPS links as HTTP, so

that if a targeted user follows a link to the site from an HTTP page, their browser never attempts to use an encrypted connection. The sslstrip tool automates this process. To exploit this vulnerability, an attacker must be suitably positioned to intercept and modify the victim's network traffic. This scenario typically occurs when a client communicates with the server over an insecure connection such as public Wi-Fi, or a corporate or home network that is shared with a compromised computer.”

Additional Risks Identified in Virginia May 26, 2020 SLI Compliance Report

https://townhall.virginia.gov/l/GetFile.cfm?File=Meeting%5C151%5C30344%5CAgenda_ELECT_30344_v1.pdf

Supervisor ability to change voter status is necessary for election operations, but also something that audit logs should pick up for tracking.

The fo4.16 Test Case Identifier: T0016: 24.2-653, 24.2-651.1.II.Voted

The EPB must require a supervisor control

to change the voter status from VOTED or another status

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book requires supervisor access to change a voter's VOTED status to something else.

Supervisor ability to change absentee status is necessary for election operations, but also something that audit logs should pick up for tracking.

4.17 Test Case Identifier: T0017: 24.2-653, 24.2-711.II, 24.2-651.1.II.Absentee

VA.S. § 24.2-653, 24.2-711.II, 24.2-651.1.II.Absentee - The EPB must require a supervisor control to add the absentee status.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book requires supervisor access to add absentee status

Supervisor ability to change check-in status is necessary for election operations, but also something that audit logs should pick up for tracking.

4.22 Test Case Identifier: T0022: Check-In Cancellation.I.Supervisor role

VA.S. § Check-In Cancellation.I.Supervisor role - The EPB must have the ability to cancel a voter check-in, which requires Supervisor controls.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book requires supervisor controls to allow voter check-in cancellation.

The Elections Administrator's ability to change workflow requirements, as well as state and jurisdiction procedures is necessary for election operations, but also something that audit logs should pick up for tracking.

4.35 Test Case Identifier: T0035: Workflow Automation/Customization

VA.S. § Workflow Automation/Customization - The EPB must be customizable so changes in workflow requirements and/or the change State and/or jurisdiction

procedures in the voter check-in process can be accommodated.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book is able to customize workflow and procedure of the voter check-in process through the ePulse system

Since the EPB is continuously synchronizing across the EPulse network via an encrypted VPN, the security of the VPN and underlying internet connection must be properly configured, checked, logged and reported.

4.37 Test Case Identifier: T0037: Continuous Check-In Count, Network
VA.S. § Continuous Check-In Count, Network - The EPB must continuously display and automatically update the voter credits issued and synchronize with other units on a network

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book will automatically update and display the voter credits that have been issues and synchronize with other units on the network.

CRUD Capabilities At Pollbook Level need to be logged and reported, especially given limited training of pollbook operators.

4.40 Test Case Identifier: T0040: Retrieval of Voter Information.I

VA.S. § Retrieval of Voter Information.I - The EPB must be able to add, remove, update and delete stored information.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book can add, remove, update and delete stored information.

There's simply no reason for ELECT to test the Pollbook and not have a range of voting systems available to test this requirement. Failing to do so accomplishes nothing but the deterioration of public confidence.

4.48 Test Case Identifier: T0048: Voting System Not Required.II

VA.S. § Voting System Not Required.II - The EPB cannot connect to the voting system.

Summary of Testing: No voting system was available to functionally verify this requirement.

Since the EPB in early voting is continuously synchronizing across the EPulse network via an encrypted VPN, the security of the VPN and underlying internet connection must be properly configured, checked, logged and reported.

4.49 Test Case Identifier: T0049: Network Interruption.I

VA.S. § Network Interruption.I - The EPB must be networkable. Once networked together all EPB's must synchronize to the most current voter information.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book when networked with other Poll Pod Plus version 2.5.0 Poll Books will synchronize to the most current voter information.

Since the EPB in early voting is continuously synchronizing across the EPulse network via an encrypted VPN, the security of the VPN and underlying internet connection must be properly configured, checked, logged and reported.

4.50 Test Case Identifier: T0050: Network Interruption.II

VA.S. § Network Interruption.II - If network connectivity is lost, once restored all devices on the network must synchronize.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book will synchronize all networked devices when connectivity is restored.

And that which is logged can be reported.

4.58 Test Case Identifier: T0058: Errors

VA.S. § Errors - The EPB must log all system errors and notify the user of errors that can be corrected by the user

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book will notify and log all system errors to the audit log

There is no reason this couldn't be verified during testing unless they just ran out of time. See above the comparison between California's 8 day test and Virginia's 2-3 day test.

4.59 Test Case Identifier: T0059: Clean Wipe.I

VA.S. § Clean Wipe.I - The EPB must support the ability to wipe clean the EPB via Industry standards, manually.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book can be wiped clean to factory default when the feature is enabled through the Apple Configurator. This was confirmed in the documentation but was not functionally verified during the examination.

FIPS 140-2 Level 1 is the encryption level specified in the standard. It's not a current problem but by 2026, FIPS 140-2 will be archived. Ask the vendor for their product encryption roadmap.

4.63 Test Case Identifier: T0063: Encryption.I.Data

VA.S. § Encryption.I.Data - All modules and data are cryptographic and are FIPS 140-2 compliant.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book modules and data are cryptographic and IPS 140-2 compliant.

Further investigation is needed on whether passwords are role-based or individual-user based. Were all Supervisors in a county using the same password to access the EPB's for early voting? Were all Chiefs using the same password to access the EPB's for Election Day? Password management is challenging and every solution has costs and risks. But ELECT needs to know, log and report. This is a far more important password question than the unmasking issue. Note the KNOWiNK PollPad default password in 2019 was "1234" <https://subscriber.politicopro.com/article/2019/12/popular-e-poll-books-default-password-is-1234-1847513>

4.65 Test Case Identifier: T0065: Authentication

VA.S. § Authentication –

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book employs the following password security techniques

I. All passwords used by EPB follow the NIST SP 800-63B Standard

II. All passwords used by the EPB must allow upper case, lower case, numbers, and special character

III. The same password cannot be reused within at least the past 10 times.

IV. The EPB requires passwords to be changed every 6 months

V. NOTE: The iOS on the Poll Pad Plus version 2.5.0 Poll Book does not have the ability to mask or unmask passwords at text entry

“Can be Locked” raises again the problems with local configuration compliance.

Who observes or tracks that it is in fact locked?

4.69 Test Case Identifier: T0069: Ports and Connected Devices

VA.S. § Ports and Connected Devices - The EPB must restrict all ports to only allow known system components to communicate with the EPB and not allow unknown device to connect.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book port can be locked using a third-party seal.

Is the security of the upload from VERIS to the Epulse server dependent on the security of the local county’s internet connection and VPN software? Is that independently tested?

4.70 Test Case Identifier: T0070: Data Synchronization.I

VA.S. § Data Synchronization.I - The EPB must be networkable. Once networked together all EPB’s must synchronize to the most current voter information.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Books can be networked with each other and synchronized to the most current voter information

“Can be restricted” once again raises the issue of locality configurations of the system.

4.72 Test Case Identifier: T0072: Data Synchronization.III

VA.S. § Data Synchronization.III - The EPB must not connect to unauthorized networks.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book can be restricted from connecting to unauthorized networks through the MDM

This test – a pretty important one – could not be performed because the equipment was not available. Connectivity with a voting machine also could not be performed because the equipment was not available. Were the March 2022 tests properly provisioned? We have no way of knowing because the detailed test reports were not provided.

4.73 Test Case Identifier: T0073: Data Synchronization.IV

VA.S. § Data Synchronization.IV - The EPB must not allow connections that are not IP whitelisted.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book can block nonwhitelisted

IPs through a Cradlepoint router with the appropriate features. Testing was not performed since the correct equipment was not received.

System security depends on the security of the Cisco Meraki MDM. More on potential risks for that device listed below, beyond the obvious one of an insider threat.

4.74 Test Case Identifier: T0074: Data Transfer Outside Approved Network
VA.S. § Data Transfer Outside Approved Network - The EPB must have success and failure message to the user for the transfer of data outside of the approved network.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book System allows for an MDM (Mobile Device Manager) to restrict the ability to connect the Poll Pad Plus version 2.5.0 Poll Book Devices to unauthorized networks. For this solution this prevents data transfers outside of the Approved networks. While this does not give specific success or failure messages to the user for transfer of data outside of approved networks. It does prevent the connection of the Poll Pad Plus version 2.5.0 Poll Book device to unauthorized networks which results in a message stating that the user is unable to connect to the unauthorized network. As such for this system the requirement for the system to have a success and failure messages presented to users for transferred data outside of the approved network is Not applicable.

Without the restrictions put into place by the MDM the Poll Pad Plus version 2.5.0 Poll Book is able to connect to any network that the administrators or jurisdiction chooses to connect and will transmit data on any network that it is successfully connected to. This requires that strict configuration guidelines are supplied to the Vendor to lock down the Poll Pad Plus version 2.5.0 Poll Book devices to specific networks.

Who is the “Customer” here – the Election Administrator at the Epulse controls uploading the VERIS data for distribution to the EPB’s, or the Supervisor at the satellite polling place in the morning syncing the latest updates? What is the source for the “given totals from the voter registration to detect any discrepancies”?

4.80 Test Case Identifier: T0080: Reconciliation of Data Load to EPB.II
VA.S. § Reconciliation of Data Load to EPB.II - The EPB must provide a verification that the data loaded for the election was successful, accurate, and any discrepancies in the process handled.

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book will display verification that data is loaded successfully and accurately. After the importing of data, the verification screen will display categories (Active, Inactive, Absentee, etc). Customers are instructed to compare those totals with the given totals from the voter registration to detect any discrepancies.

It appears that the test merely compared one set of written standards to another, rather than actually confirming that memory devices are wiped. Does the General Registrar confirm the wiping? The Supervisor/Chief? What’s the process to apply the standard?

4.82 Test Case Identifier: T0082: DoD 5220.22-M wiping standard

VA.S. § DoD 5220.22-M wiping standard - Memory devices or USB drives provided with the EPB system and/or supplied to localities must be fully wiped per the DoD 5220.22-M wiping standard to prevent any preloaded software from being inadvertently installed on the systems

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book wiping standards match the standards put in the DoD 5220.22-M, as referenced in the NIST Special Publication 800-88 Revision 1 in Table A-3: Mobile Device Sanitization

AWS is a good solution depending on the vendor’s connectivity and staff training. There’s no lack of AWS breaches (<https://securityboulevard.com/2021/12/worst-aws-data-breaches-of-2021/>). Misconfigured Amazon S3 buckets are the usual culprit.

4.86 Test Case Identifier: T0086: Security Best Practices for Internet Connectivity

VA.S. § Security Best Practices for Internet Connectivity - If the EPB Vendor utilizes the cloud to host EPBs for locality access during the Early Voting period they must utilize security best practices for internet connectivity including network, wireless, and cloud services

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book cloud hosting utilizes Amazon Web Services (AWS) which uses security best practices for its internet connectivity.

See above for recommendations on adding a requirement to the 2020 EPB Standard for ELECT to report to the SBE. At the least, a summary of methods and any issues identified in the Penetration Analysis Report should be provided to the SBE and General Registrars, to flag potential weaknesses. It’s not enough just to say it’s been reviewed – what was in it?

4.98 Test Case Identifier: T0098: Independent Third-Party Application Penetration Analysis Report

VA.S. § Independent Third-Party Application Penetration Analysis Report - Review of Documentation

Summary of Testing: The Poll Pad Plus version 2.5.0 Poll Book Independent Third-Party Application Penetration Analysis Report document has been reviewed.

Additional Password Issues

Password controls are subject to misconfiguration

“The Poll Pad application does not require a user specific username and password be entered when accessing the application. This was mitigated by adjusting the iPad settings to require a password anytime the iPad is accessed. However, user specific usernames and passwords are not available for the Poll Pad application.

From the January 30, 2020 California tests of 2.5.0 by SLI

https://verifiedvoting.org/wp-content/uploads/2020/09/CA_KNOWiNK_250-staff-rep.pdf

Cisco Meraki Mobile Device Manager Passwords

Meraki models MR 42, MR33 and MR 18 (a router) appear to be used in some KNOWiNK systems. Local configurations for these may need to be monitored because the default password for each is the serial number with no additional password, as of January 28, 2021. KNOWiNK typically installs these and would fix the problem with new credentials. If KNOWiNK doesn't do the installation, it's a potential risk. See the following:

<https://www.router-reset.com/default-password-ip-list/Meraki>

Default password for a Meraki MR42 Access Point is the serial number login, no password as of January 28 2021

https://documentation.meraki.com/MR/MR_Installation_Guides/MR42_Installation_Guide

Same default password for MR33

https://documentation.meraki.com/MR/MR_Installation_Guides/MR33_Installation_Guide

Meraki vulnerabilities are reported periodically but typically rapidly resolved by Cisco. Nonetheless, a communications process should be (already is?) in place with KNOWiNK defining how Cisco alerts them to Meraki issues, and how KNOWiNK will then alert ELECT. Because the Meraki MDM is the hub of each county's EPB network, it's a critical point of failure if breached.

CONCLUSION: 1.0 VERSION OF THIS DOCUMENT

I hope this document is helpful even in this draft version 1.0, possibly to the SBE but also to other citizens with concerns about electronic pollbooks in general or KNOWiNK in particular. The question at hand isn't whether the SBE and ELECT will certify, and counties purchase and install, EPB's including the KNOWiNK EPB. That was decided on April 13, 2022 and is at least partly codified under current Virginia law.

What is needed is a much higher standard for transparency, greater practical support for localities to comply with ELECT mandates, and proactive efforts to learn from other states that appear to be doing their testing more effectively and thoroughly than Virginia – especially California.

Finally, printed pollbooks by law must be available in precincts, and by common sense in early voting locations in smaller counties. Equally important, training is needed for Chiefs and Supervisors (the latter where practicable) on using the printed pollbooks as backups.

For additional reading, see the comprehensive paper on EPB's, "Enhancing the Security of Electronic Pollbooks is Essential for Election Integrity" presented by David Levine, Alliance for Securing Democracy and Edward Perez, OSET Institute in Lisbon last year:

https://securingdemocracy.gmfus.org/wp-content/uploads/2021/06/26Jun21_EPollbooks-Levine_Perez.pdf

1 The State Board of Elections (“the Board”) meeting was held was
2 held by electronic communication Tuesday, June 21, 2022. In attendance: Robert
3 Brink, Chairman; John O’Bannon, Vice Chairman; Georgia Alvis-Long, Secretary,
4 and Angela Chiang member; represented the State Board of Elections (“the
5 Board”). Susan J. Beals, Commissioner, represented the Department of Elections
6 (“ELECT”), and Joshua Lief represented the Office of the Attorney General
7 (“OAG”). Chairman Brink called the meeting to order at 10:15 A.M.

8 Chairman Brink informed the Board that the only item on the agenda was
9 oversight of the Primary Election and that there would be no opportunity for public
10 comment. At 10:16 A.M., the Board went into recess.

11 Chairman Brink opened the meeting from recess at 7:05 P.M. No business
12 was conducted during this meeting. Ms. Chiang moved to adjourn the meeting.
13 Vice Chair O’Bannon seconded the motion and the motion passed unanimously.

14 The meeting adjourned at approximately 7:06 P.M.

15
16 _____
17 Chairman
18
19 _____
20 Vice Chairman
21
22 _____
23 Secretary
24
25 _____
26 Board Member
27
28 _____
29 Board Member
30



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS

Susan Beals
Commissioner



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STATE BOARD *of* ELECTIONS

Certification of Primary Election Results

BOARD WORKING PAPERS
Paul Saunders
Elections Administration Supervisor



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STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary Alvis-Long, Angela Chiang, and Delegate Merricks
From: Paul G. Saunders, III, Elections and Registration Services Supervisor
Date: July 5, 2022
Re: Certification of Election Results for the June 21, 2022 Democratic and Republican Primary Elections

Suggested motion for a Board member to make:

"I move that the Board certify the results of the June 21, 2022 Democratic and Republican Primary Elections as presented and declare the winners of each primary to be that party's nominee for the November 8, 2022 General Election."

Applicable Code Section:

Va. Code § 24.2-534 – As soon as possible after receipt of the certified abstract and not later than fourteen days after the day of the election, the State Board shall open and tabulate the returns. Upon completion of the tabulation the Board shall declare the nominee in the manner and form as it does in general elections.

Attachments:

Abstracts of Votes for the following:

Republican Primary Offices	Winners
Member, House of Representatives, 2 nd District	Jen A. Kiggans
Member, House of Representatives, 3 rd District	Terry T. Namkung
Member, House of Representatives, 6 th District	Ben L. Cline
Member, House of Representatives, 7 th District	Yesli I. Vega

Democratic Primary Office	Winner
Member, House of Representatives, 8 th District	Donald S. Beyer, Jr.

Background:

Two primary elections, a Democratic and a Republican, were held on June 21, 2022 for the purpose of selecting candidates to be the Virginia political parties' nominees for the November 8, 2022 election.

- Upon completion of the election, local general registrars (GRs) entered all relevant election data into the Virginia Election and Registration Information System (VERIS).
- In accordance with Va. Code § 24.2-532, within six days after the election, local electoral boards conducted provisional ballot meetings and canvasses to ascertain and certify election results for their localities. Upon completion of canvass, the GRs forwarded their localities' certified Abstracts of Votes (Abstracts) to the Department of Elections (ELECT).

- To ensure accuracy of the results, ELECT staff performed the procedures below. Staff worked with localities to resolve and/or explain any issues identified. ELECT staff:
 - confirmed all required Abstracts were properly completed and submitted;
 - compared turnout to votes cast; and
 - compared results listed in the Abstracts to the results entered in VERIS.

ELECT Staff Recommendation:

ELECT staff recommends that the Board vote to certify the results of the June 21, 2022 Democratic and Republican Primaries as presented and declare the winners of each primary to be that party's nominee for the November 8, 2022 election.

ABSTRACT of VOTES

Cast in the 2022 June Republican Primary Election held on 06/21/2022 for,

Member House of Representatives

2nd District

NAMES OF CANDIDATES ON THE BALLOT

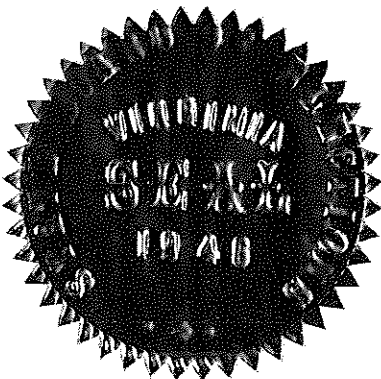
TOTAL VOTES RECEIVED
(IN FIGURES)

Jen A. Kiggans	23300
Jarome Bell	11330
L. Tommy Altman III	5972
Andrew G. "Andy" Baan	1237
Total Number of Overvotes for Office	31

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 06/21/2022, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member House of Representatives and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member House of Representatives.

Jen A. Kiggans

Given under our hands this _____ day of _____, _____



_____, Chairman
_____, Vice Chairman
_____, Secretary
_____, Member
_____, Member
_____, Acting Secretary

ABSTRACT of VOTES

Cast in the 2022 June Republican Primary Election held on 06/21/2022 for,

Member House of Representatives

3rd District

NAMES OF CANDIDATES ON THE BALLOT

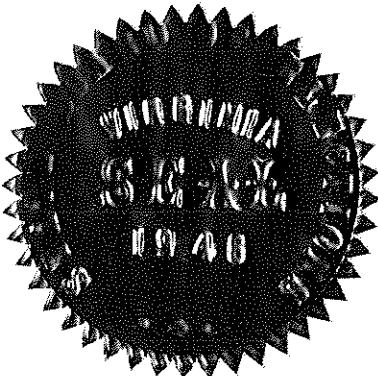
TOTAL VOTES RECEIVED
(IN FIGURES)

Terry T. Namkung	6293
Ted W. Engquist	4116
Total Number of Overvotes for Office	15

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 06/21/2022, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member House of Representatives and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member House of Representatives.

Terry T. Namkung

Given under our hands this _____ day of _____,



_____, Chairman
_____, Vice Chairman
_____, Secretary
_____, Member
_____, Member
_____, Acting Secretary

ABSTRACT of VOTES

Cast in the 2022 June Republican Primary Election held on 06/21/2022 for,

Member House of Representatives

6th District

NAMES OF CANDIDATES ON THE BALLOT

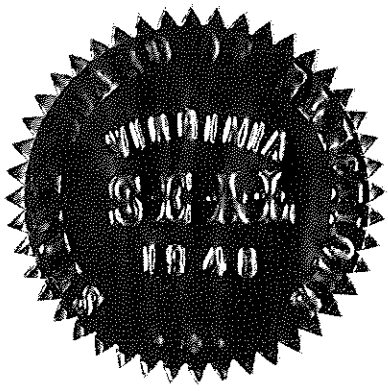
TOTAL VOTES RECEIVED
(IN FIGURES)

Ben L. Cline	19620
Merritt D. Hale	4264
Total Number of Overvotes for Office	3

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 06/21/2022, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member House of Representatives and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member House of Representatives.

Ben L. Cline

Given under our hands this _____ day of _____, _____



_____, Chairman
_____, Vice Chairman
_____, Secretary
_____, Member
_____, Member
_____, Acting Secretary

ABSTRACT of VOTES

Cast in the 2022 June Republican Primary Election held on 06/21/2022 for,

Member House of Representatives

7th District

NAMES OF CANDIDATES ON THE BALLOT

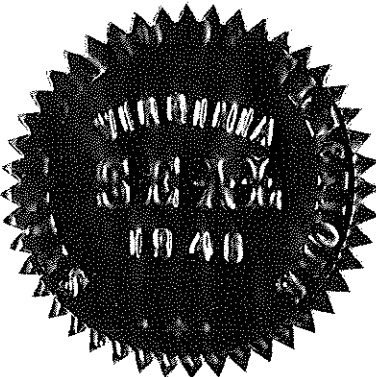
TOTAL VOTES RECEIVED
(IN FIGURES)

Yesli I. Vega	10913
Derrick M. Anderson	8966
Bryce E. Reeves	7580
Crystal L. Vanuch	6400
David Ross	2284
Gina R. Ciarcia	1565
Total Number of Overvotes for Office	15

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 06/21/2022, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member House of Representatives and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member House of Representatives.

Yesli I. Vega

Given under our hands this _____ day of _____,



_____, Chairman
_____, Vice Chairman
_____, Secretary
_____, Member
_____, Member
_____, Acting Secretary

ABSTRACT of VOTES

Cast in the 2022 June Democratic Primary Election held on 06/21/2022 for,

Member House of Representatives

8th District

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Donald S. Beyer, Jr.	39062
Victoria I. Virasingh	11583
Total Number of Overvotes for Office	11

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 06/21/2022, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member House of Representatives and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member House of Representatives.

Donald S. Beyer, Jr.

Given under our hands this _____ day of _____, _____



_____, Chairman
_____, Vice Chairman
_____, Secretary
_____, Member
_____, Member
_____, Acting Secretary



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STATE BOARD *of* ELECTIONS

Consideration of Revised Virginia Absentee Ballot Application Form (SBE-701/703.1)

BOARD WORKING PAPERS
Zakia Williams
ELECT Registrar Liaison



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DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary Alvis-Long, Ms. Chiang, and Delegate Merricks
From: Zakia Williams
Date: July 5, 2022
Re: Virginia Absentee Ballot Application Form (SBE-701/703.1)

Suggested motion for a Board member to make:

"I move that the Board adopt the revisions to the Virginia Absentee Ballot Application Form, and that the revised forms be effective for use immediately."

Applicable Code Sections:

- § 24.2-701 Application for absentee ballot

Attachments:

- Current SBE-701/703.1 Virginia Absentee Ballot Application Form
- DRAFT (for approval) SBE-701/703.1 Virginia Absentee Ballot Application Form

Background:

The Department of Elections and a workgroup of general registrars have collaborated to revise the Virginia Absentee Ballot Application Form (SBE-701/703.1). The revised Virginia Absentee Ballot Application will simplify the process for voters by streamlining the questions, refining language for clarity and addressing formatting issues.

SBE 701/701.3 Virginia Absentee Ballot Application Form

- GR's received several incomplete applications that excluded the last four digits of the voter's Social Security Number (SSN). The committee elected to reverse the "birth year" (which is optional) and "SSN" question to highlight that the SSN is required.
- In the Permanent Absentee Option section, the committee elected to replace the sentence "if none selected, we won't send primary ballots" with the sentence, "you may select one party designation under VA law." The change was implemented to encourage voters to select only one party primary ballot.
- For ease of use for voters, personal information questions were streamlined and the absentee ballot for one election question and permanent absentee option question were transposed.
- College students struggled with properly answering the "Address Where You Live" question. The committee elected to revise the language and replace with "Registration Address."



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DEPARTMENT *of* ELECTIONS

Recommendation: The Department of Elections recommends the State Board of Elections adopt the revisions for SBE-701/703.1 Virginia Absentee Ballot Application Form for use in elections in the Commonwealth beginning immediately.

Virginia Absentee Ballot Application Form

Print your Personal Information	1	Last Name: _____ First Name: _____
		Middle Name: _____ Suffix: _____
		Birth Year (optional): <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Social Security # (last 4 digits required): <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Permanent Absentee Option	2	Do you want to vote by mail for all future elections ? <input type="checkbox"/> Yes (do not complete #3) <input type="checkbox"/> No (skip to #3) If yes, which party primary ballots would you like to receive? <i>If none selected, we won't send primary ballots.</i> <input type="checkbox"/> Democratic Party <input type="checkbox"/> Republican Party <input type="checkbox"/> I do not wish to receive ballots for Primary Elections.
		I want to vote an absentee ballot in the: <input type="checkbox"/> General or Special Election <input type="checkbox"/> Democratic Primary <input type="checkbox"/> Republican Primary Date of Election: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> in the city/county of: _____
Address Where You Live	4	Address: _____ Apt/Suite #: _____ City: _____ VA Zip Code: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <i>If rural address or homeless, describe residence.</i>
Ballot Mailing Address if different from above	5	If you chose the Permanent Absentee Option in Section 2 above, do not fill out this section. Address: _____ Apt/Suite #: _____ City: _____ State: _____ Zip Code: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Country: _____
Contact info (Optional)	6	Telephone: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Email/Fax: _____

Section 7 only applies to some voters. Leave blank and skip to Section 8 if none of these apply to you.

Change of Name/ Address	7a	Former Full Name: _____ Former Address: _____ Date Moved: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> City: _____ State: _____ Zip code: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Military or Overseas Voters	7b	If you are a military/overseas voter OR a spouse/dependent, we need to know more: 1. Turn the form over to find your category under the Military and Overseas Section. 2. Print category letter code here: _____. If applicable, last date of residency: _____. 3. Deliver my ballot to: <input type="checkbox"/> Residence address from Section 4 <input type="checkbox"/> Email address from Section 6 <input type="checkbox"/> Ballot mailing address from Section 5 <input type="checkbox"/> Fax number from Section 6
Assistance with Ballot	7c	<input type="checkbox"/> I need assistance completing my ballot due to a disability, blindness, or an inability to read or write. <i>If checked, an assistance form will be sent with the ballot.</i> <input type="checkbox"/> I am a print-disabled voter and would like to receive my ballot electronically at the email address provided above in Section 6. <i>You will Receive your ballot electronically and your general registrar will send you the proper envelopes to return your ballot.</i>
Assistance with this Form	7d	Assistant, fill in your information below and sign if applicant is unable to sign due to disability: Assistant's Full Name: _____ Phone: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Assistant's Address: _____ Apt/Suite #: _____ City: _____ State: _____ Zip code: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <i>I swear/affirm, subject to felony penalties for making false statements pursuant to VA Code § 24.2-1016, that (1) the information provided in this form is true, and (2) I have written "Applicant unable to sign" on the applicant's signature line in Section 8.</i> Assistant, sign here: _____ Date: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>
Voter's Statement + Signature	8	<i>I swear/affirm, subject to felony penalties for making false statements pursuant to VA Code § 24.2-1016, that (1) the information provided in this form is true, (2) I am not requesting a ballot or voting in any other jurisdictions in the US, and (3) I am registered to vote in the city/county where I am applying to vote.</i> Voter, sign here (or mark if unable): <input checked="" type="checkbox"/> _____ Date: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/>

Office use only	Precinct: _____ District/Senate/House: _____ Application # _____	App accepted: <input type="checkbox"/> Yes <input type="checkbox"/> No
Date received: _____ Received by: _____	Method received: <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/> In person <input type="checkbox"/> Other	Reason not accepted
Ballot sent by: <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail		

Virginia Absentee Ballot Application Form

Privacy Act Notice: This form requires personal information. The last four (4) digits of your Social Security Number are required. Your application will be denied if you fail to provide the last four digits of your Social Security Number or if you fail to provide any other information required to determine your qualification to vote by mail. Federal law (the Privacy Act of 1974; the Help America Vote Act of 2002) and state law (Virginia Constitution, article II, § 2; § 24.2-701, Code of Virginia; the Government Data Collection and Dissemination Practices Act) authorize collecting this information and restrict its use to official purposes only.

Warning: Intentionally voting more than once in an election or making a materially false statement on this form constitutes the crime of election fraud. Intentionally voting more than once in an election is punishable under Virginia law as a Class 6 felony and is punishable by a term of imprisonment of up to five years, or confinement in jail for not more than 12 months, and/or a fine of not more than \$2,500. Making a materially false statement on this form is punishable under Virginia law as a Class 5 felony and is punishable by a term of imprisonment of up to ten years, confinement in jail for not more than 12 months, and/or a fine of not more than \$2,500.

Instructions

How to Apply to Vote an Absentee Ballot

To vote an absentee ballot, complete this form and **submit it to your local voter registration office**. You can find the contact information for your local voter registration office through the Department of Elections' website, <https://vote.elections.virginia.gov/VoterInformation/PublicContactLookup>.

If you prefer to vote in person, this form is not needed.

General Information

You can apply to vote absentee for all elections (Section 2) or for just one election (Section 3).

If you choose to vote absentee in one election, a separate form is required for each election. To apply to vote absentee in all future elections, please see the instructions for "Permanent Absentee Option (Section 2)."

Your local office must receive your application by mail, email, or fax by **5:00 pm on the eleventh (11th) day before the election**.

Ballots are available 45 days before an election. *(If you register to vote in person, you must wait five days before you can have your ballot mailed to you.)*

Your Personal Information (Section 1)

Provide your personal information. Your name and the last four digits of your Social Security number are required.

Permanent Absentee Option (Section 2)

If you checked the "Yes" box in Section 2, you are indicating that you wish to receive your ballot in the mail for every election in the future.

Ballots for all future elections will be sent to the address in your voter registration record. If you need your ballot sent to a different address or want to change the political party you've chosen for Primary Elections, please use form SBE-703.1C.

If you move to a new county or city, complete a new form and submit it to your new general registrar to continue receiving ballots.

If you want to receive a primary ballot, you must indicate a political party preference in Section 2. If you do not want a ballot for primary elections, please mark the last box or leave the answer to this question blank.

Absentee Ballot for One Election (Section 3)

Fill out Section 3 if you only want to receive an absentee ballot for one election. In the spaces provided, indicate for which election you would like to receive an absentee ballot (General Election, Special Election, Democratic Primary, or Republican Primary). Make sure to add the date of the election and include the county or city in which you live. By filling out Section 3, you will receive an absentee ballot only for the election you have indicated.

Address Where You Live (Section 4)

Provide the address where you live. If you have a rural address or are homeless, please describe where you live.

Ballot Mailing Address (Section 5)

Only fill out this section if

- you want to vote absentee in one election and have filled out Section 3; and
- you want your ballot mailed to a different address than the one in your voter registration record.

Your ballot can only be mailed to one of the following:

1. Your residence address
2. Your location while outside your city/county of residence
3. Your place of temporary confinement for illness, disability, misdemeanor conviction, or awaiting trial

Ballots cannot be forwarded or sent "in care of"/"to the attention of" another person.

Military and Overseas Voters (Section 7b)

The Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) entitles certain individuals to receive their vote by mail ballots by email or fax. If you meet one or more of the following UOCAVA voter categories, please enter the code(s) for that category in section **7b** of this form.

- A. I am an active duty merchant marine or in the armed forces.
- B. I am a spouse or dependent living with an active duty merchant marine or armed forces member.
- C. I am temporarily residing outside of the U.S. for a non-employment related reason. (Voter Registration Office: review [VA Code § 24.2-453](#))
If you have given up your address permanently or have no intent to return, enter your last date of residency in section 7b, line 2.
- D. I am temporarily residing outside of the U.S. for employment or a spouse or dependent living with a person temporarily residing outside of the U.S. for employment.

While UOCAVA voters may use this form, they are encouraged to use the **Federal Post Card Application (FPCA)** (which also serves as a voter registration application/update). If you do submit this Virginia Vote by Mail form (ELECT-701), it will be interpreted as a request by you to discontinue any FPCA you have previously submitted. For more information on or to obtain the FPCA, visit <https://www.fvap.gov/>.

If your ballot is being **emailed** to you, ensure you monitor your junk/spam email folders. If your ballot is being **faxed** to you, ensure you monitor your fax machine. The Department of Elections and your local voter registration office are **not** responsible for emailed or faxed ballots that are routed to a junk/spam folder or are not received by you.

Voter's Statement and Signature (Section 8)

In order for the application to be valid, you must sign the application or, if you are disabled and unable to sign, the person assisting you with filling out your application should write "Voter unable to sign" on the line and fill out Section 7d.

Virginia Absentee Ballot Application Form

Print your Personal Information	1	Last Name: _____ First Name: _____
		Middle Name: _____ Suffix: _____
		Social Security # (last 4 digits required): # # # # - # # # # Birth Year (optional): Y Y Y Y

Registration Address	2	Address: _____ Apt/Suite #: _____
		City: _____ VA Zip Code: # # # # #
		<i>If rural address or homeless, describe residence.</i>

Absentee Ballot for One Election	3	<input type="checkbox"/> General or Special Election <input type="checkbox"/> Democratic Primary <input type="checkbox"/> Republican Primary I want to vote an absentee ballot in the:
		Date of Election: <u>MM</u> / <u>DD</u> / <u>YYYY</u> in the city/county of: _____

Permanent Absentee Option	4	Do you want to vote by mail for all future elections ? <input type="checkbox"/> Yes <input type="checkbox"/> No
		If yes, which party primary ballots would you like to receive? <i>You may select one party designation under Virginia law.</i> <input type="checkbox"/> Democratic Party <input type="checkbox"/> Republican Party <input type="checkbox"/> I do not wish to receive ballots for Primary Elections.

Ballot Mailing Address if different from section 2	5	If you chose the Permanent Absentee Option in Section 4 above, do not fill out this section.
		Address: _____ Apt/Suite #: _____ City: _____ State: _____ Zip Code: # # # # # Country: _____

Contact info (Optional)	6	Telephone: # # # # - # # # # - # # # #
		Email/Fax: _____

Section 7 only applies to some voters. Leave blank and skip to Section 8 if none of these apply to you.

Change of Name/ Address	7a	Former Full Name: _____
		Former Address: _____ Date Moved: <u>MM</u> / <u>DD</u> City: _____ State: _____ Zip code: # # # # #

Military or Overseas Voters	7b	If you are a military/overseas voter OR a spouse/dependent, we need to know more:
		1. Turn the form over to find your category under the Military and Overseas Section. 2. Print category letter code here: _____. If applicable, last date of residency: _____. 3. Deliver my ballot to: <input type="checkbox"/> Residence address from Section 2 <input type="checkbox"/> Email address from Section 6 <input type="checkbox"/> Ballot mailing address from Section 5 <input type="checkbox"/> Fax number from Section 6

Assistance with Ballot	7c	<input type="checkbox"/> I need assistance completing my ballot due to a disability, blindness, or an inability to read or write. <i>If checked, an assistance form will be sent with the ballot.</i>
		<input type="checkbox"/> I am a print-disabled voter and would like to receive my ballot electronically at the email address provided above in Section 6. <i>You will Receive your ballot electronically and your general registrar will send you the proper envelopes to return your ballot.</i>

Assistance with this Form	7d	Assistant, fill in your information below and sign if applicant is unable to sign due to disability:
		Assistant's Full Name: _____ Phone: _____ Assistant's Address: _____ Apt/Suite: _____ City: _____ State: _____ Zip code: # # # # # <i>I swear/affirm, subject to felony penalties for making false statements pursuant to VA Code § 24.2-1016, that (1) the information provided in this form is true, and (2) I have written "Applicant unable to sign" on the applicant's signature line in Section 8.</i> Assistant, sign here: _____ Date: _____

Voter's Statement + Signature	8	<i>I swear/affirm, subject to felony penalties for making false statements pursuant to VA Code § 24.2-1016, that (1) the information provided in this form is true, (2) I am not requesting a ballot or voting in any other jurisdictions in the US, and (3) I am registered to vote in the city/county where I am applying to vote.</i>
		Voter, sign here (or mark if unable): X _____ Date: <u>MM</u> / <u>DD</u> / <u>YY</u>

Office use only	
Precinct: _____	District/Senate/House: _____ Application # _____
Date received: _____	App accepted: <input type="checkbox"/> Yes <input type="radio"/> No
Method received: <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/> In person <input type="checkbox"/> Other	Reason not accepted
Ballot sent by: <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Virginia Absentee Ballot Application Form

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Your local office must receive your application by mail, email, or fax by **5:00 pm on the eleventh (11th) day before the election**.

Ballots are available 45 days before an election. (*If you register to vote in person, you must wait five days before you can have your ballot mailed to you.*)

Your Personal Information (Section 1)

Provide your personal information. Your name and the last four digits of your Social Security number are required.

Registration Address (Section 2)

Provide the address listed in your voter registration record. If you have a rural address or are homeless, please describe where you live.

Absentee Ballot for One Election (Section 3)

Fill out Section 3 if you only want to receive an absentee ballot for one election. In the spaces provided, indicate for which election you would like to receive an absentee ballot (General Election, Special Election, Democratic Primary, or Republican Primary). Make sure to add the date of the election and include the county or city in which you live. By filling out Section 3, you will receive an absentee ballot only for the election you have indicated.

Permanent Absentee Option (Section 4)

If you checked the "Yes" box in Section 4, you are indicating that you wish to receive your ballot in the mail for every election in the future.

Ballots for all future elections will be sent to the address in your voter registration record. If you need your ballot sent to a different address or want to change the political party you've chosen for Primary Elections, please use form SBE-703.1C.

If you move to a new county or city, complete a new form and submit it to your new general registrar to continue receiving ballots.

If you want to receive a primary ballot, you must indicate a political party preference. If you do not want a ballot for primary elections, please mark the last box or leave the answer to this question blank.

Ballot Mailing Address (Section 5)

Only fill out this section if

- you want to vote absentee in one election and have filled out Section 3; and
- you want your ballot mailed to a different address than the one in your voter registration record.

Your ballot can only be mailed to one of the following:

1. Your residence address
2. Your location while outside your city/county of residence
3. Your place of temporary confinement for illness, disability, misdemeanor conviction, or awaiting trial

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Military and Overseas Voters (Section 7b)

The Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) entitles certain individuals to receive their vote by mail ballots by email or fax. If you meet one or more of the following UOCAVA voter categories, please enter the code(s) for that category in section **7b** of this form.

- A. I am an active duty merchant marine or in the armed forces.
- B. I am a spouse or dependent living with an active duty merchant marine or armed forces member.
- C. I am temporarily residing outside of the U.S. for a non-employment related reason. (Voter Registration Office: review [VA Code § 24.2-453](#))
If you have given up your address permanently or have no intent to return, enter your last date of residency in section 7b, line 2.
- D. I am temporarily residing outside of the U.S. for employment or a spouse or dependent living with a person temporarily residing outside of the U.S. for employment.

While UOCAVA voters may use this form, they are encouraged to use the **Federal Post Card Application (FPCA)** (which also serves as a voter registration application/update). If you do submit this Virginia Vote by Mail form (ELECT-701), it will be interpreted as a request by you to discontinue any FPCA you have previously submitted. For more information on or to obtain the FPCA, visit <https://www.fvap.gov/>.

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Voter's Statement and Signature (Section 8)

In order for the application to be valid, you must sign the application or, if you are disabled and unable to sign, the person assisting you with filling out your application should write "Voter unable to sign" on the line and fill out Section 7d.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Consideration of Revised Virginia Permanent Absentee Voter Change Form (SBE-703.1c)

BOARD WORKING PAPERS
Zakia Williams
ELECT Registrar Liaison



Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary Alvis-Long, Ms. Chiang, and Delegate Merricks
From: Zakia Williams
Date: July 5, 2022
Re: Virginia Permanent Absentee Voter Single Election Change Form (SBE-703.1C)

Suggested motion for a Board member to make:

"I move that the Board adopt the revisions to the Virginia Permanent Absentee Voter Change Forms, and that the revised forms be effective for use immediately."

Applicable Code Sections:

- § 24.2-703.1 Permanent absentee voter list

Attachments:

- Current SBE-703.1C Virginia Permanent Absentee Voter Single Election Change Form
- DRAFT (for approval) SBE-703.1C Virginia Permanent Absentee Voter Change Form

Background:

The Department of Elections and a workgroup of general registrars have collaborated to revise the Virginia Permanent Absentee Voter Single Election Change Form (SBE-703.1C).

The revised Virginia Permanent Absentee Voter Change Form now provides more concise instructions, an additional section for voters to clearly mark their changes, an option to cancel their permanent absentee voter status, and a new title to better reflect the form's intent. The Department made additional changes to this form to comply with stakeholder's feedback. Specific changes to the form is as follows:

SBE 703.1C: Virginia Permanent Absentee Voter Single Election Change Form

- GR's received several incomplete applications that excluded the last four digits of Social Security Number (SSN). The committee elected to reverse the "birth year" (which is optional) and "SSN" question to highlight that the SSN is required.
- College students struggled with properly answering the "Address Where You Live" question. The committee elected to revise the language and replace with "Registration Address."
- Added an "I'd like to" section to include reasons for voters to complete the form.
- Added an option to cancel permanent absentee voter status.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

- Addressed an error with the former form skipping from number 5 to 8. The form was corrected with sequential numbering.
- Revised instructions on back of the form to reflect the changes on the front.
- The name of the form was changed from Virginia Permanent Absentee Voter Single Election Change Form to Virginia Permanent Absentee Voter Change Form since voters can make changes for more than one election with the grouped “Primary and General Election” option.
- The color of the form was changed from blue to green per GR’s request to differentiate the form from the SBE-701/703.1 Virginia Absentee Ballot Application Form.

Recommendation: The Department of Elections recommends the State Board of Elections adopt the revisions for the SBE 703.1C Virginia Permanent Absentee Voter Change Form for use in elections in the Commonwealth beginning immediately.

Virginia Permanent Absentee Voter Single Election Change Form

Who should use this form? To use this form, you must already have selected the "Permanent Absentee Option" on the "Virginia Absentee Ballot Application Form." You may use this form to change where your ballot is sent for one election, change the political party primary ballot you receive for one election, or change the political party primary ballot you receive for all primary elections. Fill out only the sections that apply to the change(s) you want to make.

Print your personal information **1** Last Name: _____ First Name: _____
 Middle Name: _____ Suffix: _____
 Birth Year (optional): | Y | Y | Y | Y | Social Security # (optional): | # | # | # | - | # | # | - | # | # | # | # |

Address where you live **2** Address: _____ Apt/Suite #: _____
 City: _____ VA Zip Code: | # | # | # | # | # |
If rural address or homeless, describe residence.

I want to change the address where my ballot is sent. **3a** Your ballot will be mailed to the address on your voter registration record unless you indicate in this section that you want it sent to a different address.
 I want my ballot to be sent to the address in Section 3b for the following election:
 Primary Election General Election Primary and General Election Special Election
 Provide the date of the election for which you would like your ballot sent to a different address. If you selected "Primary and General Election" above, only enter the date of the Primary.
 Date of Election: MM / DD / YYYY

Ballot mailing address **3b** Provide the address where you would like your ballot(s) mailed for the election(s) indicated in Section 3a.
 Address: _____ Apt/Suite #: _____
 City: _____ State: _____ Zip Code: | # | # | # | # | # | Country: _____

I would like to change the ballot I receive for a Primary Election **4** Which party primary ballot would you like to receive?
 Democratic Party Republican Party I do not wish to receive ballots for Primary Elections.
 Is this change for the next Primary Election only or for all Primary Elections?
 Next Primary Only All Primaries

Contact info. (Optional) **5** Telephone: | # | # | # | # | - | # | # | # | # | - | # | # | # | # |
 Email/Fax: _____

Voter's Statement + Signature **8** *I swear/affirm, subject to felony penalties for making false statements pursuant to VA Code § 24.2-1016, that (1) the information provided in this form is true, (2) I am not requesting a ballot or voting in any other jurisdictions in the US, and (3) I am registered to vote in the city/county where I am applying to vote.*
Voter, sign here (or mark if unable): X _____ Date: MM / DD / YY

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Office use only
 Precinct: _____ District/Senate/House: _____ Application # _____ App accepted: Yes No
 Date received: _____ Received by: _____ Reason not accepted _____
 Method received: Email Fax Mail In person Other
 Ballot sent by: Email Fax Mail

Virginia Permanent Absentee Voter Change Form

Who should use this form?		To use this form, you must already have selected the "Permanent Absentee Option" on the "Virginia Absentee Ballot Application Form." You may use this form to change where your ballot is sent for an election, change the political party primary ballot you receive for one election, change the political party primary ballot you receive for all primary elections or cancel your permanent absentee voter status. Fill out only the sections that apply to the change(s) you want to make.
Print your personal information	1	Last Name: _____ First Name: _____ Middle Name: _____ Suffix: _____ Social Security # (last 4 digits optional): # # # # Birth Year (optional): Y Y Y Y
Registration Address	2	Address: _____ Apt/Suite #: _____ City: _____ VA Zip Code: # # # # # # <i>If rural address or homeless, describe residence.</i>
I'd like to	3	<input type="checkbox"/> Change ballot mailing address (complete sections 4a and 4b) <input type="checkbox"/> Change political party primary for one election (complete section 5) <input type="checkbox"/> Change political party primary for all elections (complete section 5) <input type="checkbox"/> Cancel Permanent Absentee Voter status (complete section 6)
I want to change the address where my ballot is sent for an upcoming election	4a	Complete this section if you want to change your ballot mailing address for one election or for one primary and general election. After the selected election, future ballots will go to your voter registration address unless you submit this form again. I want my ballot to be sent to the address in Section 4b for the following election: <input type="checkbox"/> Primary Election <input type="checkbox"/> General Election <input type="checkbox"/> Primary and General Election <input type="checkbox"/> Special Election Provide the date of the election for which you would like your ballot sent to a different address. If you selected "Primary and General Election" above, only enter the date of the Primary. Date of Election: MM / DD / YYYY
Ballot mailing address	4b	Provide the address where you would like your ballot(s) mailed for the election(s) indicated in Section 4a. Address: _____ Apt/Suite #: _____ City: _____ State: _____ Zip Code: # # # # # # Country: _____
I would like to change the ballot I receive for a Primary Election	5	Which party primary ballot would you like to receive? <input type="checkbox"/> Democratic Party <input type="checkbox"/> Republican Party <input type="checkbox"/> I do not wish to receive ballots for Primary Elections. Is this change for the next Primary Election only or for all Primary Elections? <input type="checkbox"/> Next Primary Only <input type="checkbox"/> All Primaries
I would like to be removed from the PAB Voter List	6	I would like to be removed from the Permanent Absentee Voter List. <input type="checkbox"/> Yes <input type="checkbox"/> No If you check "yes", future absentee ballots will not be sent without completing a new absentee ballot application. Do not check "yes" and add information in sections 4 or 5.
Contact info. (Optional)	7	Telephone: # # # - # # # - # # # # Email: _____
Voter's Statement + Signature	8	I swear/affirm, subject to felony penalties for making false statements pursuant to VA Code § 24.2-1016, that (1) the information provided in this form is true, (2) I am not requesting a ballot or voting in any other jurisdictions in the US, and (3) I am registered to vote in the city/county where I am applying to vote. Voter, sign here (or mark if unable): X _____ Date: MM / DD / YY

Office use only	Precinct: _____ District/Senate/House: _____ Application # _____ App accepted: <input type="checkbox"/> Yes <input type="checkbox"/> No Date received: _____ Received by: _____ Reason not accepted: _____ Method received: <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/> In person <input type="checkbox"/> Other Ballot sent by: <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail
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Virginia Permanent Absentee Voter Change Form

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Instructions

How do I submit this form?

You may mail, deliver or scan the signed form and email it to your **local voter registration office**. You can find the contact information for your local voter registration office through the Department of Elections' website, www.elections.virginia.gov/LocalGR

If you prefer to vote in person, this form is not needed.

General Information

You may make change(s) only if you have already selected the "Permanent Absentee Option" on the "Virginia Absentee Ballot Application Form."

Your local office must receive your application by mail, email, or fax by **5:00 pm on the eleventh (11th) day before the election**.

Ballots are available 45 days before an election. *(If you register to vote in person, you must wait five days before you can have your ballot mailed to you.)*

Your Personal Information (Section 1)

Provide your personal information.

Your Registration Address (Section 2)

Provide the address listed on your voter registration record. If you have a rural address or are homeless, please describe where you live.

I'd like to (Section 3)

You may make change(s) only if you have already selected the "Permanent Absentee Option" on the "Virginia Absentee Ballot Application Form."

You may select one or more changes for the following:

- Where your ballot is sent for a Primary, General, or Special election, or for both a Primary and the corresponding General Election;
- The political party primary ballot for one election; or
- The political party primary ballot you receive for all primary elections.
- Cancel your permanent absentee voter status

I want to change the address where my ballot is sent (Section 4a)

You'll fill out this section if you want to change the mailing address where your ballot will be sent. If this section is not completed, your ballot will be mailed to the address on your voter registration record. You will need to select the specific election(s) for the change and include the date for the election(s).

Ballot Mailing Address (Section 4b)

Only fill out this section if

- You want your ballot mailed to a different address than the one in your voter registration record.

Ballots cannot be forwarded or sent "in care of"/"to the attention of" another person.

I would like to change the ballot I receive for a Primary Election (Section 5)

Only fill out this section if

- You want to change the party primary ballot you receive or discontinue receiving a party primary ballot.

You will need to indicate if your request is applicable for the next primary election or for all primaries.

I would like to be removed from the Permanent Absentee Voter List (Section 6)

Only fill out this section if

- You want to be removed from the Permanent Absentee Voter List.

You will no longer receive ongoing absentee ballots for every election.



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STATE BOARD *of* ELECTIONS

Split Precinct Waiver

BOARD WORKING PAPERS

Daniel Davenport
ELECT Policy Analyst



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DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Ms. Chiang
From: Daniel Davenport, Policy Analyst
Date: July 5, 2022
Re: Split Precinct Waiver

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. 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 Request For:
 - Henrico County
- Va. Code § 24.2-307

Staff Recommendation

Staff recommendations will be addressed for each individual request.



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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: County of Henrico Date: June 17, 2022

Contact Name/Title: Mark J Coakley/General Registrar Phone Number: 804-501-4345

Email Address: coa@henrico.us

Date the Governing Body's Meeting Occurred: June 14, 2022

Supporting Documentation (Please Attach):

- Governing Body's Resolution
- Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted? Yes No

If Yes, When? February 16, 2022

Was it Granted? Yes No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
311	Shady Grove/ HOD-57&59, Senate-10&16	The Shady Grove precinct is split between House Districts 57 & 59 and State Senate Districts 10 & 16. There are <u>3,769</u> voters in districts 57/16 and <u>43</u> voters in 59/10. The split was the result of the Commonwealth using a census boundary line instead of the actual boundary line between Henrico County and Hanover County.

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



**COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
MINUTE**

Agenda Item No. 178-22
Page No. 1 of 1

Agenda Title: RESOLUTION — Request for Waiver to Administer Split Voting Precinct Created by the 2021 Reapportionment of the Commonwealth’s Election Districts – Shady Grove Precinct

<p>For Clerk's Use Only:</p> <p>Date: <u>6/14/2022</u></p> <p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p> <p><input type="checkbox"/> Amended</p> <p><input type="checkbox"/> Deferred to:</p>	<p align="center">BOARD OF SUPERVISORS ACTION</p> <p>Moved by (1) <u>Nelson</u> Seconded by (1) <u>Schmitt</u></p> <p>(2) _____ (2) _____</p> <p>REMARKS: APPROVED</p>	<table border="0"> <tr> <td></td> <td align="center">YES</td> <td align="center">NO</td> <td align="center">OTHER</td> </tr> <tr> <td>Branin, T.</td> <td align="center">___</td> <td align="center">___</td> <td align="center"><u>absent</u></td> </tr> <tr> <td>Nelson, T.</td> <td align="center"><u>✓</u></td> <td align="center">___</td> <td align="center">___</td> </tr> <tr> <td>O'Bannon, P.</td> <td align="center"><u>✓</u></td> <td align="center">___</td> <td align="center">___</td> </tr> <tr> <td>Schmitt, D.</td> <td align="center"><u>✓</u></td> <td align="center">___</td> <td align="center">___</td> </tr> <tr> <td>Thornton, F.</td> <td align="center"><u>✓</u></td> <td align="center">___</td> <td align="center">___</td> </tr> </table>		YES	NO	OTHER	Branin, T.	___	___	<u>absent</u>	Nelson, T.	<u>✓</u>	___	___	O'Bannon, P.	<u>✓</u>	___	___	Schmitt, D.	<u>✓</u>	___	___	Thornton, F.	<u>✓</u>	___	___
	YES	NO	OTHER																							
Branin, T.	___	___	<u>absent</u>																							
Nelson, T.	<u>✓</u>	___	___																							
O'Bannon, P.	<u>✓</u>	___	___																							
Schmitt, D.	<u>✓</u>	___	___																							
Thornton, F.	<u>✓</u>	___	___																							

WHEREAS, pursuant to Section 24.2-307 of the Code of Virginia, the Board of Supervisors is required to fix any voting precincts split by the Commonwealth’s decennial reapportionment of Congressional, Senate, and House of Delegates districts; and,

WHEREAS, the Board must apply to the State Board of Elections for a waiver to administer any split precinct for which it is unable to create a precinct with at least 100 registered voters; and,

WHEREAS, the Shady Grove precinct is split between House of Delegates Districts 57 and 59 and Senate Districts 10 and 16 under the Commonwealth’s 2021 reapportionment plan, and the County’s Registrar reports that a new precinct containing at least 100 registered voters cannot be created to fix this split precinct.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors requests the State Board of Elections, or its designee, to grant the Board a waiver to administer the Shady Grove precinct as split precinct in each year in which the split remains and authorizes and directs the General Registrar to complete all required paperwork to obtain the necessary waiver in each year in which the split remains.

COMMENT: The Electoral Board requested approval of this Board paper at its meeting on April 25, 2022.

By Agency Head [Signature] By County Manager [Signature]

Copy to: _____

Certified: _____
A Copy Teste: _____
Clerk, Board of Supervisors

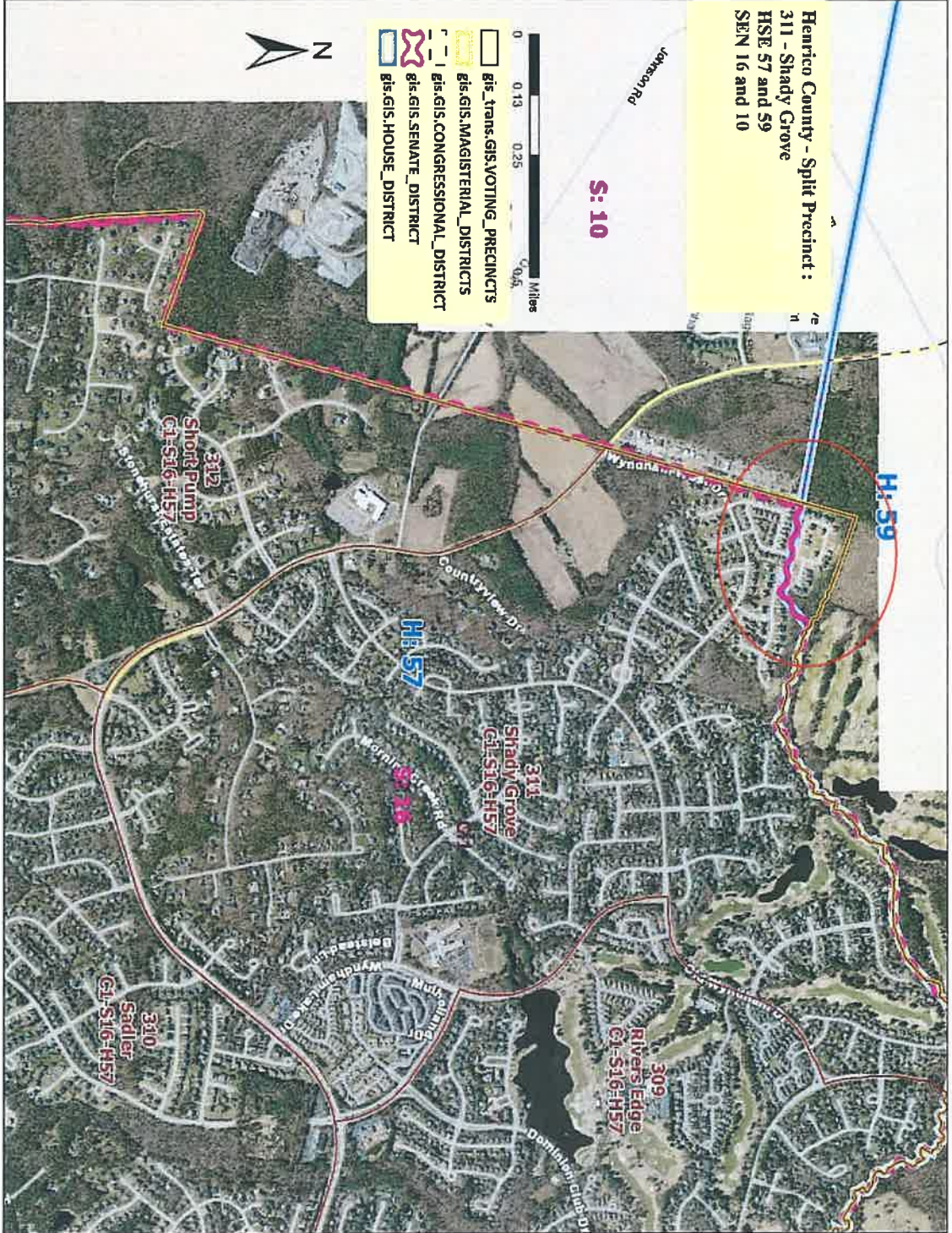
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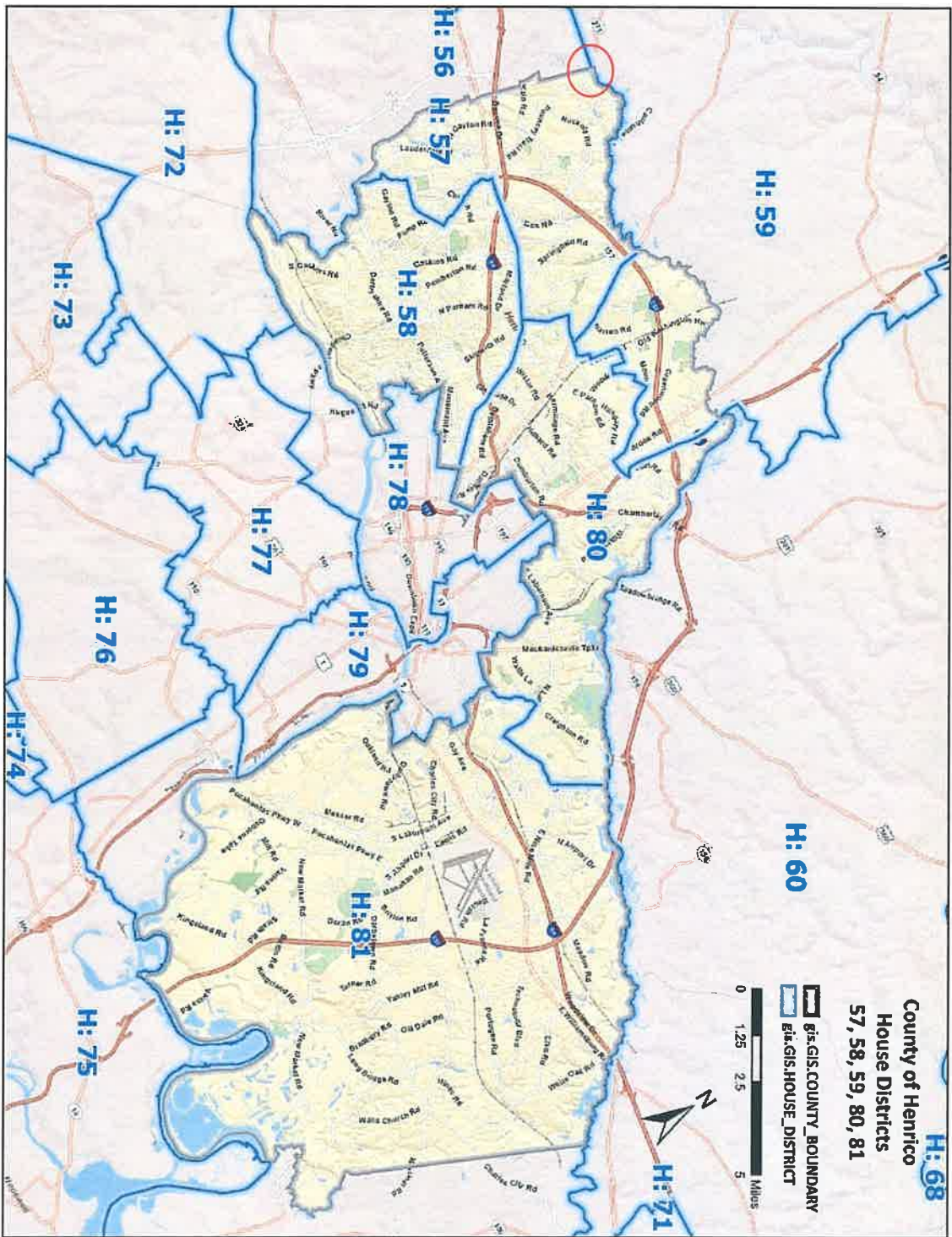


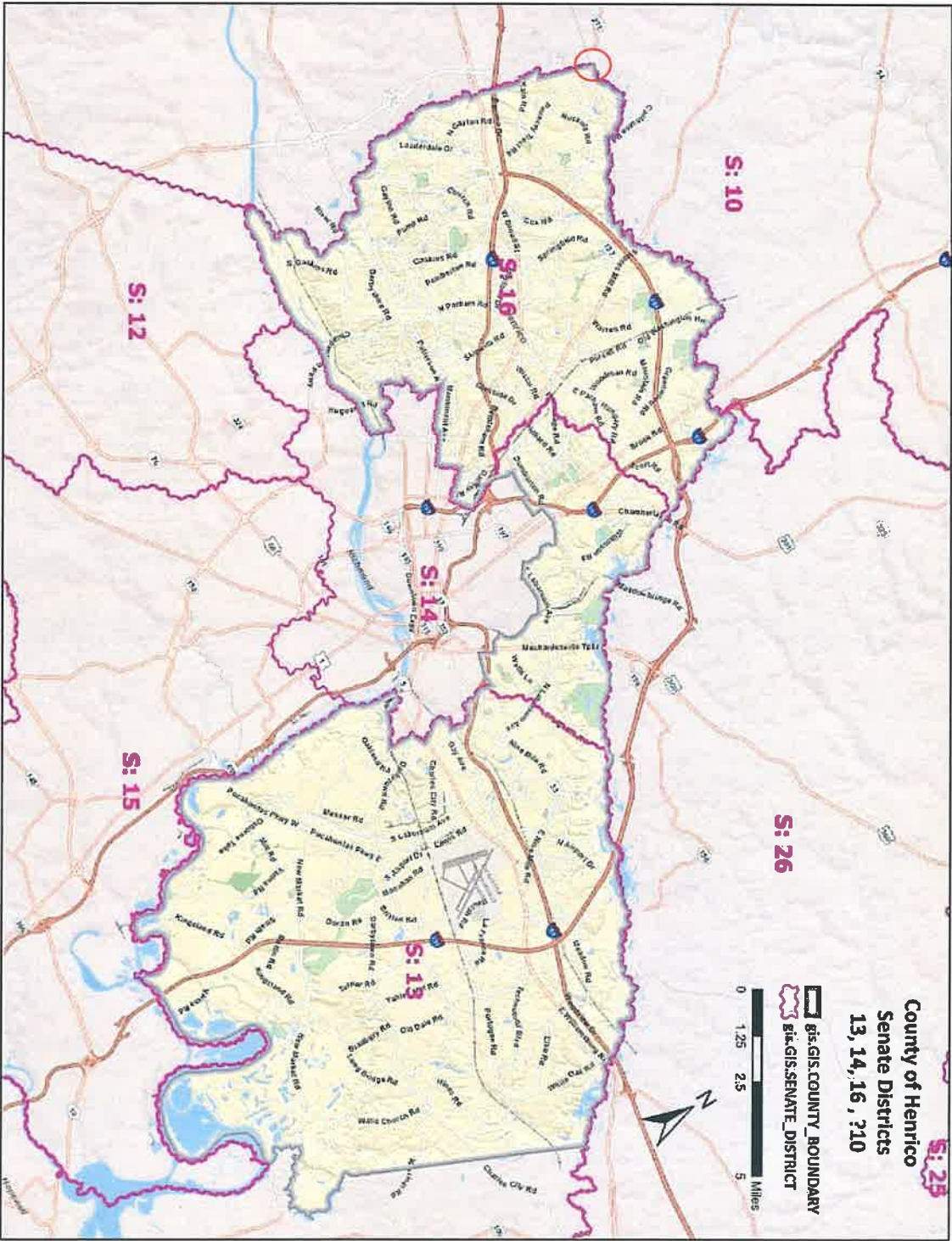


Henrico County - Split Precinct:
 311 - Shady Grove
 HSE 57 and 59
 SEN 16 and 10

S: 10

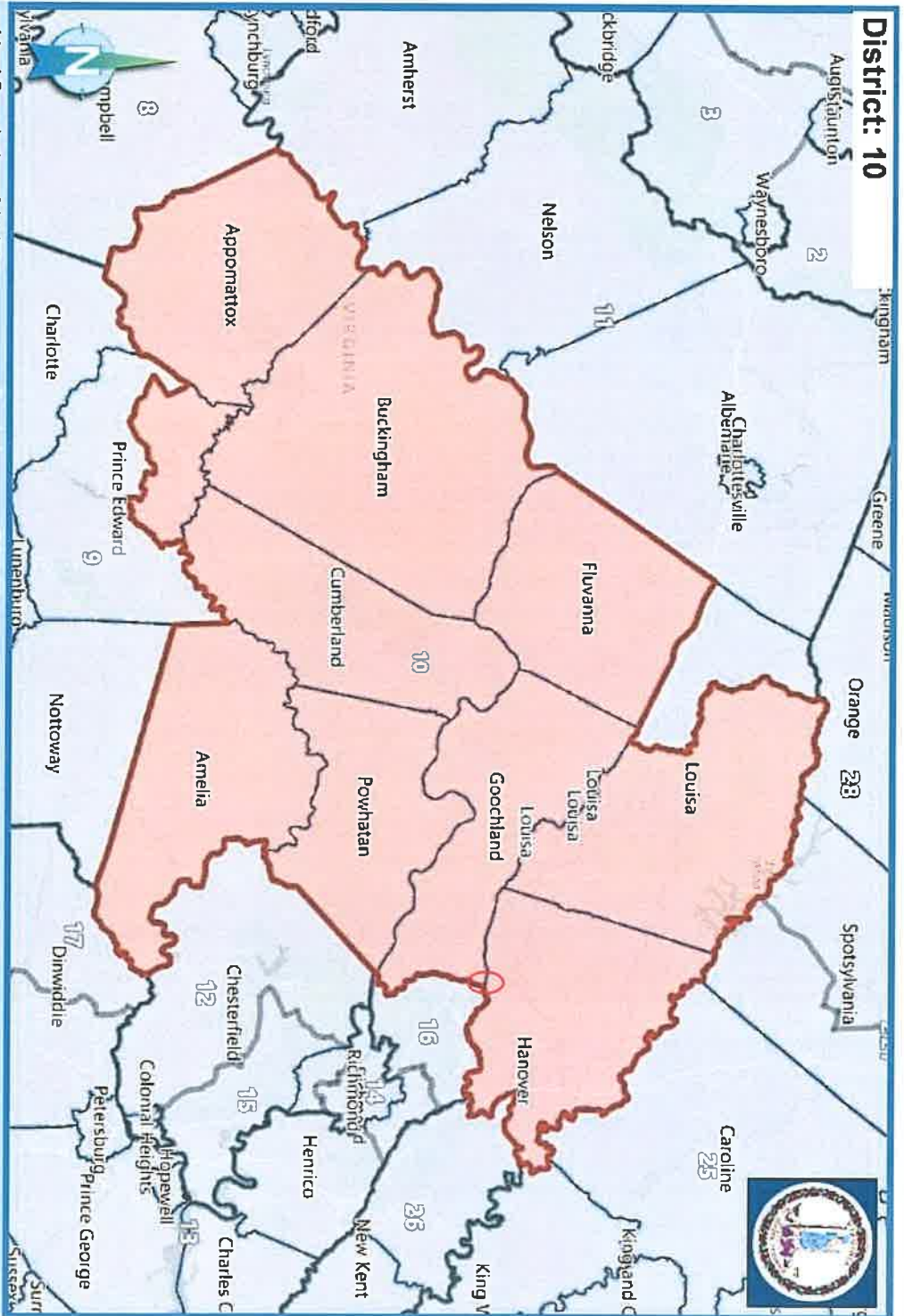






County of Henrico
 Senate Districts
 13, 14, 16, ?10

District 10



Ideal Population: 215,785

Deviation: -0.70 %

Total Population: 214,277

Based on: 2020 Census Geography, 2020 PL94-171

Map Date: 12/23/2021 2:21:46 PM Plan Last Edited on: 12/23/2021 2:10:58 PM





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Public Comment

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Closed Session

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