



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Tuesday, June 22, 2021  
Patrick Henry Building  
East Reading Room

Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=mdac614685cd36325d18dbcd59627b585>

Meeting password: 44tSuMVaAY5

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 178 529 5452

Richmond, VA

1:00 P.M.

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**STATE BOARD OF ELECTIONS  
AGENDA**

**DATE: Tuesday, June 22, 2021**

**LOCATION: Patrick Henry Building - East Reading Room  
1111 E Broad St  
Richmond, VA 23219**

**TELECONFERENCE:  
+1-517-466-2023 US Toll  
+1-866-692-4530 US Toll Free  
Access code: 178 529 5452**

**VIDEO CONFERENCE:  
<https://covaconf.webex.com/covaconf/j.php?MTID=mdac614685cd36325d18dbcd59627b585>**

**Password: 44tSuMVaAY5**

**TIME: 1:00 P.M.**

**I. CALL TO ORDER**

*Robert Brink, Chairman*

**II. APPROVAL OF MINUTES**

*Jamilah LeCruise, Secretary*

- A. March 31, 2021
- B. April 20, 2021
- C. June 1, 2021

**III. COMMISSIONER'S REPORT**

*Christopher E. Piper  
Commissioner*

**IV. CERTIFICATION OF PRIMARY ELECTION – June 8, 2021**

*Paul Saunders  
Elections Administration  
Supervisor*

**V. VOTING SYSTEMS CERTIFICATION: Election Systems & Software, Unisyn Voting Solutions, Hart Intercivic Verity Voting, Dominion and Robis Elections**

*Karen Hoyt-Stewart  
Voting Technology Program  
Manager*

**VI. STATEWIDE VOTER REGISTRATION SYSTEM REQUEST FOR PROPOSAL UPDATE**

*Gail Gilstrap  
Project Manager*



**VII. RANKED CHOICE VOTING REGULATIONS AND SUPPORTING DOCUMENTS**

*Samantha Buckley  
ELECT Policy Analyst*

**VIII. DELEGATIONS OF AUTHORITY**

*Rachel Lawless  
Confidential Policy Assistant  
Ashley Coles  
ELECT Policy Analyst*

**IX. CAMPAIGN FINANCE REGULATIONS FOR PRINT MEDIA ADVERTISEMENTS**

*Daniel Davenport  
ELECT Policy Analyst*

**X. ABSENTEE WITNESS SIGNATURES DURING STATE OF EMERGENCY**

*Daniel Davenport  
ELECT Policy Analyst*

**XI. ABSENTEE 3rd PARTY VENDOR REGULATIONS**

*Daniel Davenport  
ELECT Policy Analyst*

**XII. REVISED STAND BY YOUR AD POLICY 2021-001**

*Tammy Alexander  
Campaign Finance Compliance  
and Training Specialist*

**XIII. DRAWING FOR PARTY ORDER ON THE BALLOT**

*Paul Saunders  
Elections Administration  
Supervisor*

**XIV. REVISED ABSENTEE BALLOT APPLICATION**

*David Nichols  
Elections Administration Manager*

**XV. ELECT'S NEW ORGANIZATIONAL CHART**

*Christopher E. Piper  
Commissioner*

**XVI. OFFICE OF ATTORNEY GENERAL INVESTIGATION – CITY OF RICHMOND ELECTORAL BOARD**

*Carol Lewis  
Office of Attorney General*

**XVII. CANDIDATE FILING EXTENSION**

*David Nichols  
Elections Administration Manager*

**XVIII. GR CERTIFICATION EXTENSION**

*David Nichols  
Elections Administration Manager*

**XIX. PUBLIC COMMENT**

**XX. ADJOURNMENT**

**NOTE:** <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=31938>

**Re. Entrance to the Patrick Henry Building (PHB)**

All members of the public will be required to show his/her driver's license, passport or other government issued ID to enter PHB. 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 PHB. Each employee must follow the Expect the Check rules and sign in and out of PHB.

**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](mailto: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](mailto:FOIA@elections.virginia.gov). You will need to provide your first and last name and the phone number you've used to call in.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Approval of Minutes

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BOARD WORKING PAPERS  
Secretary LeCruise

1           The State Board of Elections (“the Board”) meeting was held by electronic  
2 communication on Wednesday, March 31, 2021. In attendance: Robert Brink, Chairman,  
3 John O’Bannon, Vice Chairman, and Jamilah LeCruise, Secretary, represented the State  
4 Board of Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner, represented  
5 the Department of Elections (“ELECT”) and Carol Lewis represented the Office of the  
6 Attorney General (“OAG”). Chairman Brink called the meeting to order at 1:00 P.M.

7           Chairman Brink informed the Board that on March 12, 2020, Governor Ralph S.  
8 Northam declared that a state of emergency exists in the Commonwealth as the result of the  
9 potential spread of COVID-19, a communicable disease presenting a threat to public health.  
10 On March 30, 2020, the Governor issued an executive order requiring all individuals in  
11 Virginia to remain at their place of residence, with certain enumerated exceptions.

12           This meeting was conducted consistent with the requirements for electronic meetings  
13 by public bodies set forth in Items 4-0.01 of House Bills 29 and 30, as passed by the General  
14 Assembly (“GA”) and signed by the Governor in April of this year. The purpose of the  
15 meeting is to transact the statutorily required business of the Board. Chairman Brink stated  
16 that the Board would receive public comments on agenda items prior to its action on that  
17 item. An open public comment period would be offered prior to adjournment.

18           The first item of business was the approval of the minutes from the February 23, 2021  
19 Board meeting, presented by Secretary LeCruise. Chairman Brink requested to include the  
20 statement of Susan Swecker, the Chair of the Democratic Party of Virginia, provided at the  
21 previous Board meeting. Secretary LeCruise *moved that the Board approve the minutes from*

22 *the February 23, 2021 Board meeting with the addendum.* Chairman Brink seconded the  
23 motion and the motion passed unanimously. A roll call vote was taken:

24 Chairman Brink – Aye

25 Vice Chair O’Bannon – Aye

26 Secretary LeCruise – Aye

27 The next item of business was the Commissioner’s Report, presented by  
28 Commissioner Piper. Commissioner Piper informed the Board that ELECT will began  
29 receiving request for proposals to replace the 2007 Voter Registration Election Information  
30 System (“VERIS”) on Friday, April 2, 2021. The Commissioner stated that ELECT will  
31 update the Board as they process the proposals.

32 Commissioner Piper introduced the new employees to the Board, Ashley Coles,  
33 Policy Analyst; Elizabeth “Libby” Johnson, List Maintenance Data Analyst; Larry D.  
34 Arcangelo, QA Analyst; Jeff Bracewell, Director of Software Development; Amudha  
35 Udayakumar newly promoted to the Information Security Engineer developer, and Rachel  
36 Lawless, Confidential Policy Assistant. The Commissioner informed the Board that on April  
37 10<sup>th</sup>, Karen Hoyt-Stewart will start her new position as the Voting Technology Program  
38 Manager and Yolanda Andrews, as the Senior Office Administrator. Commissioner Piper  
39 informed the Board that a new Training and Development Specialist will start on April 25th.  
40 The Commissioner stated that ELECT will be increasing training with the General Registrars  
41 and within the Department. Commissioner Piper stated that the General Registrar

42 Certification Program has been a great success and soon 133 general registrars will be  
43 certified. The Commissioner stated that ELECT currently has several positions to be filled  
44 including the Director of Operations role.

45 Commissioner Piper informed the Board that a special election was held Tuesday,  
46 March 23, 2021 in the 38th district and another in Culpeper, VA on March 30, 2021. The  
47 Commissioner stated that the localities had a successful election. Commissioner Piper  
48 informed the Board that April 23rd starts the “45-day: early voting,” for the June 8th Primary  
49 Election. The Commissioner advised the Board that ELECT will be providing additional  
50 Personal Protective Equipment for those localities to safely conduct the primary.  
51 Commissioner Piper stated that the June 8th Primary would carry out some of the changes  
52 that were implemented in the budget provided by the 2020 General Assembly. This is  
53 assuming that the budget is signed and passed as it is currently drafted.

54 The Commissioner stated that ELECT is working with the localities to ensure they  
55 have the information they need to be prepared for the election. Commissioner Piper stated  
56 that the bills passed in the 2020 General Assembly will go in effect on July 1, 2021. The  
57 Commissioner stated that he was recently asked about redistricting in Virginia.  
58 Commissioner Piper referred to his statement in the Richmond Times Dispatch. “The job of  
59 Department of Elections is to administer Elections on the lines that are currently in the law.  
60 Currently the lines in law have not changed since the previous Elections. ELECT is  
61 preparing to administer the primaries for both House of Delegates and local elections on the

62 existing lines which is the existing law and we will continue to administer elections lines  
63 until it's changed.”

64 The next item of business is the Delegation of Authority Va. Code §24.2-307  
65 presented by Ashley Coles, ELECT Policy Analyst. Ms. Coles informed the Board that the  
66 General Assembly passed Senate Bill 740 during the 2020 General Assembly session  
67 amending Va. Code §24.2-307, with the goal of eliminating split precincts in 2021. She  
68 advised the Board that due to the extensive administrative process and the potential volume  
69 of the request, localities can apply to the Board for a waiver under certain circumstances.  
70 *This report is in the Working Papers for the March 31, 2021 meeting.* Chairman Brink asked  
71 Ms. Coles how many requests are likely to be sent to ELECT. Ms. Coles advised that there  
72 would be a significant amount of requests, due to the number of split precincts in Virginia.  
73 The request will be accepted starting in June.

74 Chairman Brink opened the floor to public comment. No public comment was given.  
75 Secretary LeCruise *moved that the Board approve the proposed Amendment to the*  
76 *Delegations of Authority 2019 relating to Va. Code §24.2-307.* Vice Chair O’Bannon  
77 seconded the motion and the motion passed unanimously. A roll call vote was taken:

78 Chairman Brink – Aye

79 Vice Chair O’Bannon – Aye

80 Secretary LeCruise – Aye

81           The next item of business is the Certification of the Special Election for Virginia  
82 Senate district presented by Paul Saunders, Elections Services Manager. Mr. Saunders stated  
83 that 11 localities in the 38<sup>th</sup> district include Norton City, Radford City, Bland County,  
84 Buchanan County Dickenson County Montgomery County, Pulaski County, Russell County,  
85 Smyth County, Tazewell County, and Wise County. *This report is in the Working Papers for*  
86 *the March 31, 2021 meeting.* Chairman Brink opened the floor to public comment. No public  
87 comment was given. Vice Chair O’Bannon *moved that the Board certify the results as*  
88 *presented and declare the winner T. Travis Hackworth.* Secretary LeCruise seconded the  
89 motion and the motion passed unanimously. A roll call vote was taken:

90           Chairman Brink – Aye

91           Vice Chair O’Bannon – Aye

92           Secretary LeCruise – Aye

93           The next item of business on our agenda is Consideration of Candidate Filing  
94 Extension of Va. Code §24.2-503 presented by David Nichols, Elections Services Director.  
95 Mr. Nichols advised the Board that candidates who have failed to file either their Certificate  
96 of Candidate Qualification or their Statement of Economic Interest on time with ELECT may  
97 request an extension from the Board. The deadline for that filing was 5:00 o'clock p.m. on  
98 March 25, 2021. Mr. Nichols informed the Board that two candidates have filed for an  
99 extension with the department. *This report is in the Working Papers for the March 31, 2021*  
100 *meeting.* Chairman Brink opened the floor to public comment. David Pala, representing 69<sup>th</sup>  
101 House of Delegates candidate Mike Jones, Matt Rogers, candidate Mike Jones, and Luke



102 Priddy addressed the Board. The Chair asked if any members of the Board wished to make a  
103 motion. Hearing none, the Chair moved to the next item on the agenda.

104 The next item of business was the Drawing for Candidate Ballot Order presented by  
105 Paul Saunders, Elections Services Manager. *This report is in the Working Papers for the*  
106 *March 31, 2021 meeting.* Mr. Saunders conducted the drawing of names. The ballot order for  
107 Democrat Governor is as follows:

- 108 1. Terry R. McAuliffe
- 109 2. Jennifer L. McClellan
- 110 3. Jennifer Carroll Foy

111 The ballot order for Democrat Lieutenant Governor is as follows:

- 112 1. Hala Ayala
- 113 2. S “Sam” Rasoul
- 114 3. Andria P. McClellan
- 115 4. Elizabeth Guzman
- 116 5. Sean Perryman

117 The ballot order for Democrat Attorney General is as follows:

- 118 1. Jerrauld C. “Jay” Jones
- 119 2. Mark R. Herring

120 The ballot order for Republican House of Delegates 9<sup>th</sup> district is as follows:

- 121 1. Charles D. Poindexter

122        2. Wren M. Williams

123        The ballot order for Democrat House of Delegate 31<sup>st</sup> district is as follows:

124        1. Roderick Hall

125        2. Elizabeth Guzman

126        3. Kara Pitek

127        The ballot order for Democrat House of Delegates 45<sup>th</sup> district is as follows:

128        1. Mark H. Levine

129        2. Elizabeth Bennett-Parker

130        The ballot order for Democrat House of Delegates 68<sup>th</sup> districts is as follows:

131        1. Kyle R. Elliott

132        2. Dawn Marie Adams

133        The ballot order for Democrat House of Delegates 86<sup>th</sup> district is as follows:

134        1. Ibraheem Samirah

135        2. Irene Shin

136        Vice Chair O'Bannon *moved that the Board certify the determination by lot of the order*

137        *of candidates on the ballot for primary elections to be held on June 8, 2021.* Secretary

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

139        taken:

140        Chairman Brink – Aye

141 Vice Chair O'Bannon – Aye

142 Secretary LeCruise – Aye

143 The next item of business is the Risk Limiting Audit Report (“RLA”) presented by  
144 Karen Hoyt-Stewart, Voting Technology Program Manager. Ms. Hoyt-Stewart informed the  
145 Board that Virginia held its first statewide risk limiting audit and it was a great success. She  
146 stated that ELECT is dedicated to ensuring a secure and accurate election. *This report is in the*  
147 *Working Papers for the March 31, 2021 meeting.* Commissioner Piper expressed his  
148 appreciation to Ms. Hoyt-Stewart, Rachel Lawless, Andrea Gaines, and Daniel Davenport for  
149 gathering the information and putting the report together. Chairman Brink opened the floor to  
150 public comment. No public comment was given.

151 The next item of business is staff recommendations on the Certification of Voting  
152 Equipment and Electronic Pollbook presented by Karen Hoyt-Stewart, Voting Technology.  
153 Ms. Hoyt Stewart informed the Board that Virginia has over 7,000 voting equipment units  
154 supported by 4 voting system vendors and over 8000 electronic poll books supported by 5  
155 vendors. She explained that the code of Virginia requires the voting systems to be in  
156 compliance with the federal and state certification standards. Ms. Hoyt-Stewart advised the  
157 Board that in 2020 the Voting Systems Certification Standards were reviewed, updated, and  
158 approved by the Board. She stated that the current vendors for voting systems and electronic  
159 pollbooks are in the certification process and is scheduled to be completed by the July 2021  
160 deadline. *This report is in the Working Papers for the March 31, 2021 meeting.*

161 Chairman Brink asked Ms. Hoyt-Stewart if she could provide a 30,000-foot picture of  
162 how ELECT guides the localities and let them know what is going to be required by them  
163 with their budget and financial process. Ms. Hoyt-Stewart stated that the Vendors are  
164 reaching out to the localities and providing them with budgetary estimates. Commissioner  
165 Piper advised the Board that based on the approval set by the Board in 2020, ELECT has  
166 upgraded all localities to the latest versions of voting equipment and electronic pollbooks.  
167 Chairman Brink opened the floor to public comment. Dr. Clara Belle Wheeler addressed the  
168 Board.

169

170 The next item of business is the appointment of a new member to the Advisory  
171 Review Workgroup (“the Workgroup”) presented by Chairman Brink. The Chairman  
172 informed that Board that he has recommended Tammy Johnson Beard, Henrico County.  
173 Chairman Brink *moved to appoint Tammy Johnson Beard to the Workgroup*. Secretary  
174 LeCruise seconded the motion and the motion passed unanimously. A roll call vote was  
175 taken:

176 Chairman Brink – Aye

177 Vice Chair O’Bannon – Aye

178 Secretary LeCruise – Aye

179 Chairman Brink opened the floor to public comment. James Nachman, and Joyce  
180 Smith, Richmond City Electoral Board Chairman and Vice Chairwoman asked to have their  
181 statement put into the minutes. Their statement appears as Appendix: A. Elizabeth Butler,

182 Ames Russell, and Starlet Stevens of the Richmond City Republican Committee asked to  
183 have their statement put into the minutes. Their statement appears as Appendix: B. Diana  
184 Mitchell asked to have her statement put into the minutes. Her statement appears as  
185 Appendix: C. Nancy Presley, Secretary Nottoway Electoral Board and Angela Stewart,  
186 Director of Elections with the Nottoway County Electoral Board asked to have their  
187 statements put into the minutes. Their statement appears as Appendix: D. Clara Belle  
188 Wheeler, and Ned Jones addressed the Board.

189 At 3:22 P.M., Chairman Brink *moved that the Board go into closed session for the*  
190 *purpose of discussing its legal authority with respect to oversight as to local electoral*  
191 *boards, specifically the Richmond City electoral board and the Nottoway County electoral*  
192 *board, as authorized by Section § 2.2-3711(A)(7) of the Virginia Code. Christopher Piper,*  
193 *Commissioner of Elections, Daniel Persico, Chief Information Officer of the Department of*  
194 *Elections, Franchelle Tyson, Administrative Program Specialist of the Department of*  
195 *Elections, Ashley Coles, Policy Analyst with the Department of Elections, Taylor Melton, and*  
196 *Keith Balmer, Registrar Liaisons with the Department of Elections and Carol Lewis of the*  
197 *Office of the Attorney General will attend the closed session because their presence will*  
198 *reasonably aid the Board in its consideration of the subject of the meeting. Vice Chair*  
199 O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was  
200 taken:

201 Chairman Brink – Aye

202 Vice Chair O'Bannon – Aye

203 Secretary LeCruise – Aye

204 At 4:33 P.M., Chairman Brink *moved to reconvene in open session, and take a roll*  
205 *call vote certifying that to the best of each member’s knowledge (i) only such public business*  
206 *matters lawfully exempted from open meeting requirements under this chapter and (ii) only*  
207 *such public business matters as were identified in the motion by which the closed meeting*  
208 *was concerned were heard, discussed, or considered.* Vice Chair O’Bannon seconded the  
209 motion and the motion passed unanimously. A roll call vote was taken:

210 Chairman Brink – Aye

211 Vice Chair O’Bannon – Aye

212 Secretary LeCruise – Aye

213 Chairman Brink stated “Over the past several weeks, the Board has received  
214 voluminous material alleging irregularities in the operations of two local electoral boards: the  
215 City of Richmond and Nottoway County. The Board takes these allegations very seriously. If  
216 any member of the public has any additional information they wish to provide on this matter,  
217 they should do so by April 13 at [info@elections.virginia.gov](mailto:info@elections.virginia.gov). The Board will meet on April  
218 20 to determine the appropriate course of action going forward. In addition, I am asking the  
219 Commissioner to convene a workgroup of Electoral Board stakeholders -- including the  
220 leadership of the Virginia Electoral Boards Association, the state parties, and others -- to  
221 determine what changes in training, selection and otherwise would foster greater cooperation  
222 within local Electoral Boards, and to make recommendations to that end.”

223 Secretary LeCruise moved *to adjourn the meeting*. Vice Chair O'Bannon seconded  
224 the motion and the motion passed unanimously. A roll call vote was taken:

225 Chairman Brink – Aye

226 Vice Chair O'Bannon – Aye

227 Secretary LeCruise – Aye

228 The meeting adjourned at 4:33 P.M.

229

230 \_\_\_\_\_  
231 Chairman  
232

233 \_\_\_\_\_  
234 Vice Chair  
235

236 \_\_\_\_\_  
237 Secretary

238

239

APPENDIX: A

240

James Nachman, Chairman and Joyce Smith, Vice Chairwoman of

241

Richmond City Electoral Board

242



  
**JAMES M. NACHMAN**  
Attorney at Law

April 12, 2021

**VIA EMAIL ONLY:**

info@elections.virginia.gov

Virginia State Board of Elections  
Attention: Franchelle Tyson  
ELECT Administrative Program Specialist  
The Washington Building-Capitol Square  
1100 Bank Street, 1st Floor  
Richmond, Virginia 23219

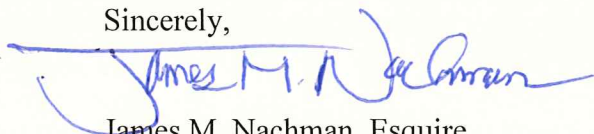
Re: Amended Response of James M. Nachman and Joyce K. Smith of the City of  
Richmond Electoral Board to Republican Allegations of improper actions

Dear Ms. Tyson:

Please find attached the 7 page amended response of James M. Nachman, Chair and Joyce K. Smith, Vice-Chair of the City of Richmond Electoral Board to the Richmond City Republican Committee Chairman Hayden Fisher's complaint of alleged recent improper actions.

Should you have any questions, please feel free to contact me at 804-399-5555.

Sincerely,



James M. Nachman, Esquire  
Chair, City of Richmond Electoral Board

**AMENDED RESPONSE OF JAMES M. NACHMAN, CHAIR AND JOYCE K. SMITH,  
VICE-CHAIR OF THE CITY OF RICHMOND ELECTORAL BOARD TO THE  
RICHMOND CITY REPUBLICAN COMMITTEE CHAIRMAN HAYDEN FISHER'S  
COMPLAINT OF ALLEGED RECENT IMPROPER ACTIONS**

**RETRIBUTION:**

This one word sums up Hayden Fisher's letter, dated February 15, 2021, and his attached summary of alleged "improper actions." All of these stated allegations are untrue.

**The time of this Complaint is suspect:**

Most of the allegations stated in Mr. Fisher's complaint predated the removal of J. Kirk Showalter by the City of Richmond Electoral Board on February 1, 2021. Why didn't Mr. Fisher and the other complainants make their complaints in November 2020? Why did they wait to make their complaints until after J. Kirk Showalter was removed on February 1, 2021?

**The allegations in Hayden Fisher's complaint are not only false, but are primarily based on unreliable double or triple hearsay.**

None of these allegations, with the exception of C. Starlet Steven's illegal statements regarding a closed session of the City of Richmond Electoral Board are based on firsthand knowledge or observation.

**C. Starlet Stevens, Secretary of the City of Richmond Electoral Board, has violated the closed session policy of the City of Richmond Electoral Board and violated Virginia Code sections 2.2-3711, 3712 regarding closed sessions.**

Ms. Stevens has violated this above policy and the aforementioned statutes by specifically mentioning some of the confidential substance of the closed session involving the removal of J. Kirk Showalter as General Registrar of the City of Richmond on February 1, 2021. (See Fisher Complaint # 3). I will be careful not to make the same mistake that Ms. Stevens made and will not comment on the substance of what was a confidential personnel matter discussed in closed session. I do, however, want to state a few things about the nature of the meeting. I was not verbally aggressive or disrespectful towards Ms. Stevens. In fact, the opposite is true. Ms. Stevens was rude, obnoxious and disrespectful towards me as Chair, and towards Joyce K. Smith, as Vice Chair. Ms. Stevens did not respect the rules of the meeting and would not listen when she was ruled out of order. Ms. Stevens stated that, "she was not going to listen to me or Joyce Smith and she was going to say whatever she wanted to say, whenever she wanted to say it."

Ms. Stevens and J. Kirk Showalter's Attorney, Linda Woods were disruptive. I asked them to please stop. They persisted. They wanted to disrupt the closed session so that the Board could not go forward regarding the removal of Ms. Showalter. They screamed that Ms. Showalter was not being afforded due process and that the Board, could not go forward. The security and the

police that were present were aghast. They didn't know what to do? We had arranged for security and police to be there because we expected a contentious meeting.

In keeping with the guidelines outlined in Robert's Rules of Order, I called a recess to try to diffuse the situation. Security asked me if Ms. Joyce Smith and I wanted them removed. I sought legal counsel and called Tabrica C. Rentz with the City of Richmond's Attorney's Office. I had discussed this potential problem with her in the days leading up to the February 1, 2021 meeting. Ms. Rentz suggested a compromise. The compromise was that we would allow everyone to stay in the meeting, including Ms. Woods, Ms. Showalter's attorney, on the condition that everyone was allowed to talk uninterrupted. Ms. Rentz would be allowed to participate in the meeting via the telephone and would monitor the closed meeting. I offered this plan in the spirit of compromise. Everyone present at the closed meeting agreed to this suggested compromise. This is how the closed meeting was conducted from then on. Everyone was able to say whatever they wanted for as long as they wanted and they were not interrupted.

After the Board came out of closed session a vote was taken to remove Ms. Showalter as General Registrar for the City of Richmond. Again, Ms. Stevens and Ms. Woods were angry, rude, obnoxious and disrespectful. They called Ms. Smith and I names, said that we would be sorry, and said what goes around comes around. They promised to seek an injunction, to sue us and to bring the matter before the State Board of Elections.

**Therefore, Mr. Fisher's complaint # 3 is false.**

After the meeting ended, I left and went home. There was no meeting between me and Ms. Joyce K. Smith. It is my understanding that Ms. Smith stayed behind after the February 1, 2021 Board meeting, accompanied by security, to make sure Ms. Showalter turned over her keys and other credentials. According to Ms. Smith, Ms. Stevens and Ms. Woods' unruly behavior continued and they berated Ms. Smith and the security officials present.

Ms. Jerry Richardson, was Deputy General Registrar at this time and took over as acting Registrar, not interim Registrar, on February 1, 2021, because Ms. Showalter had been removed. Ms. Richardson's position as Acting Registrar was formalized at our Board meeting held on February 26, 2021 by an unanimous vote including the vote of Ms. C. Starlet Stevens.

**Therefore, Mr. Fisher's complaint # 4 is false.**

**Joyce Smith and I did not violate Virginia Code Section 24.2-671.**

There were eight chief election officers from eight precincts in the City of Richmond who did not report their election results on the evening of the election on November 3, 2020. (precincts 206, 510, 603, 606, 708, 814, 903, and 910).

We called the above Chief Election Officers and Assistant Chiefs and they did **not** reply.

Ms. J. Kirk Showalter was focused on reporting the results of the City of Richmond Mayor's race. A programming error had been made by her and the head of her technical staff. They could report the Mayor's race in aggregate, but could not report the results by council districts.

This was important in Richmond, because the winner had to take five out of the nine council districts in order to win the race. Tyler Links, with Print Elect, was helping Ms. Showalter solve this problem.

In the past, police officers helped us find chief election officers who didn't show up with their materials or communicate results on election night. They would on rare occasion help us find them so we could get the needed information. All of our police officers had been released.

After the polls closed, the Electoral Board members who had been visiting the precincts on Election Day came back to the Registrar's Office. The Board instituted a policy, where each Board member visited one third of the precincts in the City on Election Day and each Chief Election Officer on election night was supposed to bring in their election materials and check in with their respective Electoral Board member assigned to their precinct. This procedure was conducted on November 3, 2020.

Starlet Stevens checked in her precincts and at the conclusion of her check in, Ms. Steven's stated that she was tired and angry about everyone complaining about Kirk Showalter and left the registrar's office before midnight. Ms. Stevens left on November 3, 2020.

Ms. Smith and I stayed behind because there was more work to be done.

After midnight, on Wednesday, November 4, 2020, Ms. Smith and I went to Ms. Showalter and asked her advice about what we could do to get the election results from the aforementioned precincts (precincts 206, 510, 603, 606, 708, 814, 903, and 910). Ms. Showalter, Joyce Smith and I looked at Virginia Code section 24.2-671, and Ms. Showalter said, "it's the next day, the day after election, November 4, 2020, you are the Electoral Board, you can open up the envelopes and get the results."

Based on our reading of the statute and Ms. Showalter's advice, we proceeded accordingly. We called Starlet Stevens to inform her about how we were going to proceed and she did **not** answer her phone.

Ms. Smith and I at approximately 1:00 a.m. on November 4, 2021, **the day after the election**, opened up the # 2 envelopes containing the final voting tapes from the voting machines of the following precincts (precincts 206, 510, 603, 606, 708, 814, 903, and 910). These were the precincts where the Chief Election Officers did **not** call in their election results. Ms. Smith and I, opened up the envelopes, pulled the tapes out, looked at them, wrote down the results, put the tapes back in the envelopes, resealed the envelopes with new seals and signed our names to the new seals.

**We did all of these described things in the presence of the then Deputy Registrar, Jerry Richardson, (now Acting Registrar), Adriene Davis, Executive Assistant to the City of Richmond Electoral Board and Cynthia Johnson of the General Registrar's staff.**

**There is no video evidence. There were no cameras operable at any time before or after election.**

**Therefore allegation # 1 of Mr. Fisher's complaint is false.**

Ms. Smith and I did **not** open the # 2 envelope of Precinct 115 on November 4, 2020, or at any other time. Mr. Ames Russell was the Chief Election Officer of Precinct 115 in the City of Richmond. Both Ms. Smith and I spoke to Mr. Ames Russell separately and explained to him what I have previously described in this response. He refuses to believe our explanation despite the physical evidence and the witnesses that can attest to what occurred.

It has been stated that Ms. Smith and I removed Mr. Russell as Chief Election Officer in retaliation for him making a complaint to the State Board of Elections. This is not true.

I did not become aware of Mr. Russell's complaint or any of the other complaints outlined by Hayden Fisher until I was contacted by Jeremy Lazarus, with the Richmond Free Press on Friday, March 26, 2021. The City of Richmond Electoral Board voted to dismiss Mr. Russell at our Board meeting on March 11, 2021. I did not know of Mr. Russell's complaint on March 11, 2021. Also, the matter concerning Mr. Russell was discussed in a closed session of the Board. It would be inappropriate to discuss the reasons for Mr. Russell's dismissal, but I can state that Mr. Russell was not removed because he made a complaint to the State Board of Elections.

As was previously stated, Ms. C. Starlet Stevens went home on election night, November 3, 2020 before midnight. Ms. Smith and I stayed to complete the City of Richmond Electoral Board's business. Ms. Smith was at the registrar's office until approximately 3:00 a.m. on Wednesday, November 4, 2020 and I was there until approximately 3:45 a.m. In this last general election the canvass was not designed to start all at one time at 8:30 a.m. or 9:00 a.m. on November 4, 2020. Chief Election Officers were supposed to come in at appointed staggered times. The Board agreed that we all did not have to come in at the same time. Ms. Stevens said she would be in at around 9:00 a.m. On November 4, 2020, Ms. Smith informed me that she arrived at approximately 10:30 a.m. and was told that Ms. Stevens had arrived around 10:00 a.m. I arrived at approximately 11:00 a.m.

It is alleged as part of Mr. Fisher's complaint # 2, that I completed the canvass at my home on November 8, 2020, Nothing can be further from the truth. By the weekend of the Election (November 6-8, 2020) everyone on the City of Richmond Electoral Board was getting sick. Many people in the Registrar's Office were getting sick. We all went and took COVID-19 tests. We were all quarantined. I took my COVID test on Friday, November 6, 2020. The City of Richmond Registrar's Office was shut down because of the pandemic.

The canvass process in the City of Richmond is a multi faceted process: Basically, it proceeds in this order: Chief Election Officers bring in all of their envelopes, ballots, and materials on election night, November 3, 2020. Chief Election Officers come back the next day, November 4, 2020, and we make sure that their envelopes contain everything that they should (i.e. final voting tapes). There are a minimum of three sets of final voting tapes that are printed from each voting machine at every precinct. There are also three sets produced from the CAP (The Central Absentee Precinct). One set of tapes goes to the Clerk's Office at the City of Richmond Circuit Court by noon, the day after the election, on November 4, 2020. The second set of final voting tapes goes to the Registrar. The third set of tapes goes to the Electoral Board. The Registrar, along with her staff, produces a spreadsheet of the voting results from the Registrar's set of final

voting tapes. After a spreadsheet is produced, the Electoral Board checks the work of the Registrar's spreadsheet to check for errors using its set of final voting tapes.

The next step is for the Board to conduct a provisional ballot meeting to decide which provisional ballots to count so that they can be included in the final voting tally.

I consulted with Ms. Showalter about what we could do to move the vote count and certification process forward. Please remember, the Registrar's Office was closed, and all the Board members were sick and quarantined, including my wife Kelly, who also had to quarantine. Ms. Showalter suggested that she bring the Electoral Board's set of final voting tapes to my house and that she could swear my wife in as an Election Officer and that we could look at the tapes and see if her spreadsheet was correct. Ms. Showalter said she would inform the other Board members of this process and I called both Ms. Smith and Ms. Stevens and they stated that they were fine with proceeding in this manner.

**Looking at the final voting tapes and checking the Registrar's spreadsheet doesn't complete the canvass, doesn't constitute a meeting, and does not violate Virginia Code Sections 24.2-671 and 24.2-107 as alleged.**

I was willing and able to do this work as suggested by Ms. Showalter, even though I was sick and under quarantine. Ms. Stevens stated that, "she was so ill that it was an effort to talk on the phone or even to get out of my bed."

With the help of my wife, Kelly, we were able to catch a number of mistakes and were able to move the final vote count and certification process forward.

After we had made this review of the Registrar's spreadsheet, **we did not complete or finalize anything.** Both Board members C. Starlet Stevens and Joyce Smith were given an opportunity to view the Board's final voting tapes and to compare them with the drafts of the Registrar's spreadsheets.

Ms. C. Starlet Stevens stated to me that the Richmond Republican Committee, especially Ms. Elizabeth Bulter, were questioning her why she or some other Republican hadn't viewed the tapes. I offered to bring Ms. Stevens the tapes and a copy of the spreadsheets to her condo at the Mount Vernon which is blocks away from my office and my house. Ms. Stevens told me that she didn't need me to, that she was still feeling unwell.

The City of Richmond Electoral Board still needed to finalize the last part of the process of counting votes and conduct our provisional ballot meeting. At this juncture, the Registrar's Office was still shut down due to a second wave of COVID-19 infections.

Ms. Stevens and I were released from quarantine on Sunday, November 15, 2020, but now our Registrar, Kirk Showalter, was in quarantine. Ms. Joyce Smith, Vice Chair, was also still in quarantine.

We were able to hold our provisional ballot meeting on Tuesday, November 17, 2020 at 2:00 p.m. at Humphrey Caulder Community Center in their gym on Thompson Street in Richmond, Virginia. I talked to Ms. Stevens and she told me that the Richmond Republican Committee, especially Elizabeth Butler, was still questioning her about the tapes. We agreed that I would bring her the Electoral Board's set of final voting tapes and copies of the spreadsheets to the provisional ballot meeting. I told her she could take them home and look at them all she wanted to and I would come and get them and return them to the Registrar's Office.

I took all of the described materials to Ms. Stevens (the Board's set of final voting tapes and the spreadsheets) to the provisional ballot meeting at Humphrey Caulder gym on Tuesday, November 17, 2020 at 2:00 p.m.

Ms. Stevens made a random cursory review of the materials and stated that everything was in order. She stated that the Richmond Republican Committee's concerns, especially Ms. Butler's concerns were overblown. Ms. Stevens stated "the tapes don't lie." The provisional ballot meeting lasted thirteen hours. It didn't end until 3:00 a.m. on Wednesday, November 18, 2020. We were able to complete our work due to the fine work of Ms. Constance Hargrove, General Registrar of Chesterfield County and her staff who helped us through the process with Ms. Showalter helping us via telephone.

Again, at the conclusion of the provisional ballot meeting, I offered to take all the above described materials to Ms. Steven's car so she could take them home for further review. She declined. I took the materials back to my office, locked them up, and returned everything back to the registrar's office later that day on Wednesday, November 18, 2020, where they were received by the Deputy Registrar, Jerry Richardson, who had come out of quarantine and was the only person at the Registrar's Office, at that time.

**Therefore, Mr. Fisher's complaint # 2 is false.**

**In conclusion, all of the allegations that are outlined in Mr. Hayden Fisher's complaint on behalf of the Richmond Republican Committee are unsubstantiated and are false.**

These complaints are not credible and are based on double and triple hearsay. The timing of these complaints are suspect given the recent removal of J. Kirk Showalter as General Registrar for the City of Richmond on February 1, 2021. C. Starlet Stevens, Ames Russell, Elizabeth Butler, are all angry that Ms. Smith and I voted to remove Ms. Showalter and now they want to see us removed. **Retribution** is their operative mandate.

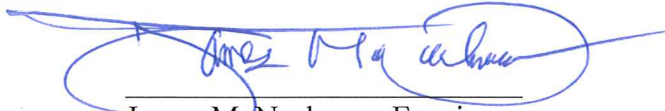
It is a sad commentary, that today it seems that some people will say and do anything to meet their political objectives. They don't care who they hurt. They are willing to smear peoples' reputations and impugn peoples' integrity.

Ms. Smith and I take our oaths as elected board members very seriously. We don't do improper or illegal things and we do not lie! I took this job as an Electoral Board member, as a public service in order to serve the City of Richmond and our Commonwealth. I know Ms. Smith did as well. I am an attorney, and have been a practicing active member of the Virginia State Bar for nearly 25 years, where I also took a similar oath to uphold the Constitution of the United States,

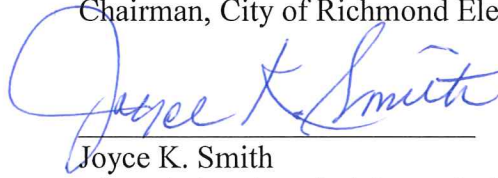
the Constitution of the Commonwealth of Virginia and the laws of the United States and the Commonwealth of Virginia. Ms. Smith and I have not broken our promise. We have done nothing illegal or improper. We did our job in an exemplary manner under very difficult circumstances.

Ms. Smith and I would like the opportunity to defend ourselves against these baseless allegations. We have many witnesses who are available to testify who have firsthand knowledge and who can corroborate that what we say is the truth. We would be happy to answer any questions the Board might have regarding these allegations.

Respectfully submitted,



James M. Nachman, Esquire  
Chairman, City of Richmond Electoral Board



Joyce K. Smith  
Vice Chair, City of Richmond Electoral Board



243

APPENDIX: B

244

Elizabeth Butler, Ames Russell, and Starlet Stevens

245

Richmond City Republican Committee

246



## Richmond City Republican Committee

Reagan Building, 25 East Main St, Richmond, VA 23219

April 12, 2021

Dear Virginia Board of Elections Members and Commissioner Piper,

Thank you for the opportunity to pull together all of the information we have about recent improper actions of certain members of the Richmond City electoral board. As I review the documentation presented here, I am struck by the persistent pattern of disregard for the Code of Virginia. The code provides instructions on what to do if a precinct's results haven't been reported on election night. It also provides a process to replace an electoral board member who is temporarily ill. Most importantly it spells out a process for the electoral board to meet regularly with all of its members and the public to conduct formal business. Unfortunately, certain members of the Richmond electoral board have proven that they can't be trusted to follow the Code of Virginia. I urge you on behalf of the citizens of Richmond to recommend the removal of Chairman Nachman and Vice-Chairman Joyce Smith.

Thank you in for your consideration of these serious matters.

Sincerely,

Hayden Fisher, Esq

Richmond City Republican Committee, Chairman

**1. Electoral Board members James Nachman and Joyce Smith opened sealed returns of some precincts in the early morning hours of November 4<sup>th</sup>, without a proper meeting of the Electoral Board and without party observers. Joyce Smith subsequently lied about her participation. Code of Virginia 24.2-671**

- a. The electoral board is required to meet at the Registrar’s office before 5pm on the day after the election to ascertain the results of the election (Virginia Code 24.2-671)
- b. Every electoral board member must be notified if there is going to be a meeting of the electoral board. (Virginia Code 24.2-107) Starlet Stevens was not notified before the envelopes were opened.
- c. Each political party is entitled to have representatives present when the local electoral board meets to ascertain the results of the election (Virginia Code 24.2-671). The Republican party was not notified that the returns were being opened in the early morning hours of November 4<sup>th</sup>.
- d. Chairman Nachman testified on March 31, 2021 at the Board of Elections meeting that he and Joyce Smith opened the sealed envelopes of some of the precincts in the early morning hours of November 4<sup>th</sup>.
- e. Ames Russell, Chief Election officer of Richmond precinct 115, states:

Statement of Ames Russell: I am resident of the city of Richmond, Chief Election Officer of Precinct 115. I have served as an officer for over 8 years.

When we canvassed our Precincts results the morning after the election, we found signed seals broken, crucial machine print outs of results missing and another Precinct material among ours.

I later learned Electoral Board Members Mr. Nachman and Ms. Smith opened our sealed envelopes and removed our tapes in the middle of the night, in violation of the Code of Virginia.

Despite video evidence, Ms. Smith claimed:

“The Board didn't open those envelopes. We know NOT to do that. Kirk is using the board to cover herself. She does that to others as well to cover her mistakes.”

I contacted Registrar Showalter with this information, and she said:

“contrary to Ms. Smith’s assertions, it was she and Mr. Nachman who opened those envelopes. I was not present at the time nor were they opened at my direction.”

Why did Mr. Nachman and Ms. Smith disregard Code, and why did Ms. Smith state the Board did not open envelopes when the Chairman claimed he did?

I feel this matter requires a thorough and impartial review to ensure the integrity of our electoral process and hold our officials accountable for their conduct.

- f. Statement of Robley Jones, employee of the Richmond registrar's office, who served as a Canvass officer during the Canvass of precinct 115's returns.

Dear Mr. Piper:

I recently became aware that the State Board of Elections is investigating election irregularities that may have occurred in Richmond City on the evening of November 3. I was one of the two canvas officers who attempted to canvas the report from Ames Russell's precinct, I believe it was 115, on the morning of November 4.

I have been a canvas officer for some years, and at that time, I was training Laticia Gaines, and the two of us were conducting the canvas. Chief Russell was accompanied by the assistant chief, Ann Pane.

Although we had reported to start the canvas at eight, the necessary number of Richmond Board members were not present, so we did not get underway until around nine. The packet from Mr. Russell's precinct was the first one presented to us.

I immediately noticed that the seal on the envelope containing the report was broken. I asked Ames if it had been broken when it was submitted. He said, "No." We noted this on the canvas form.

Then when we opened the envelope, I pulled out envelope #3. It as not from precinct 115. I cannot recall the number of the precinct that it came from. At that point, I called over Ms. Showalter. I informed her of the problem. She seemed surprised, and Johanna McKee and Kirk conferred with us. They took the envelope and told us to wait until the correct envelope #13 could be found. We waited for over a half hour.

Ames and his assistant, Ann Pane, were then told that they would be called back in when the missing envelope was found, and we were told to begin canvassing other precincts.

I have been a canvas officer for many years, and this is the first time I ever encountered an irregularity regarding the security of a precinct report.

When I learned that Mr. Russell was dismissed from his duties as chief, I was shocked. I have canvassed his precinct from time to time in the past, and he is an excellent chief, whose reports are accurate and meticulously organized.

If he was fired for voicing concern regarding the irregularities that occurred regarding his precinct report on November 4, he was wrongfully fired. Election officers should seek out the truth in such instances. Such a firing will have a chilling effect on reports of irregularities from local election officials, and I do not believe that is in the best interest of election integrity in our beloved Commonwealth.

Sincerely,

Robley Jones

g. Statement of Ann W. Pane, Assistant Chief, Precinct 115

On election night, I heard Chief Ames Russell call downtown to report our results at approximately 7:20pm. As is our practice, we each kept a copy of the results tapes just in case there was difficulty downtown.

During the canvass, on the morning of Nov. 4th, it was noted that our pollbook information did not match the SOR numbers. Chief Ames and I were both confused.

I asked to see the information from Robley, as I had packaged it, and had stapled the tapes in a particular spot in two different places on the form, and the materials he was handling had NO staples. It is then that we discovered the manila #13 Envelope in OUR #2 Envelope was NOT FROM OUR Precinct #115.... BUT WAS FROM Precinct #203!!!

This should have been impossible, as the envelopes are NOT to be opened once they are delivered to the registrar's office UNTIL canvas the next day.

Upon finding this out, we motioned for Kirk Showalter, Registrar, to come over to our table and asked her about it after explaining the situation. Her comments surprised us. To the best of my recollection I will recount what I remember her stating:

"She said that she was not surprised, that 'some' envelopes were opened the morning of the 4th at appx. 3:30-4:00am, because some of the precincts had not reported their results."

She was informed that our results had been CALLED IN, and there should have been NO reason to open our envelope 2.

IN ADDITION, why did whoever opened it RETURN THE WRONG Precinct 203 Envelope 13, in our Precinct #115 Envelope 2?

NOTE: the manila Envelopes 13 DID NOT contain any results tapes!!! But only tapes and summary of the Pollbooks and voters names and addresses.

"She replied that it was, after all, 3:30am and they had been there all day and were very tired, and she could see how this could have happened. That they were receiving a multitude of phone calls -every 15 minutes- from some candidates and they were trying to get the results totaled."

Kirk Showalter took the manila Envelope 13 and said she would check on it. We waited and waited. In about an hour Johanna McKee, came back to us with the Precinct #203 envelope, and informed us that they "could not find" the correct manila Envelope 13 for our Precinct #115, and that they did not know where it was, AND we should leave canvassing (not complete it) and leave the building.

h. Statement of Letitia Gaines, Chief Officer, Precinct 304

On November 4, 2020, was my first day of Canvassing for the City of Richmond. I was training with Chief officer Mr. Robley Jones. Our first precinct for the day was precinct 115, upon our checklist, we are asked to ask for how many workers, how many people

turned out for the precinct and etc. Upon, asking the questions, we noticed the answers that was given by Chief Ames Russell and assistant Chief Anne Pane of precinct 115 was incorrect of what they had in their envelope which was sealed and signed by Mr. Russell and Ms. Pane.

Mr. Russell and Ms. Pane, asked to see the envelope and tapes, in which everything that was in the envelope was not theirs and belong to precinct 203, and stated this is not our tapes or our workers. We do not know any of the workers and this is not our signatures on the tapes.

Mr. Jones and myself reported the problem to Johanna and it was escalated.

Along, with Mr. Russell and Ms. Pane, Mr. Jones and myself questioned how did precinct 203 tapes and information ended up in precinct 115 envelope. When, the envelope was signed and sealed when it was turned in the night of November 10, 2020 and was not to be open until the next day at canvassing.

Until today, we have not heard how 203 information was in 115 envelope.

With the climax across the United States concerning voting suppressions, this is a serious matter.

Also, with all of the training that was given by The Electoral Board and security around the Voter Registrar office this is very alarming.

i. Statement of Johanna McKee, Chief Officer, Central Absentee Precinct


On the evening of the Presidential Election after the polls closed Kirk Showalter and I were completing the Statement of Results for the Central Absentee Precinct 999, Jim Nachman approached Kirk Showalter to tell her that 6 precinct election results were missing. Kirk Showalter instructed Lisa Cosby to call the chiefs and she stated "they turned in their phones". I said that Adriene has all the phone numbers and contact info and Kirk said send the police to get the tapes. Lisa Cosby walked away with Jim Nachman.

Again, Jim Nachman approached Kirk Showalter and told her that the police were gone and Kirk Showalter asked who released them and Jim Nachman stated that they were going to go get the results from the #2envelope, Kirk Showalter stated to check the closing tapes that were turned in by the chiefs.

Later, Jerry Richardson spoke with Kirk Showalter that they got the election results from the #2envelopes.

j. Statement of Kirk Showalter regarding why the envelopes were opened:

Re: Personnel Matters from Board Meeting on March 11, 2021

 jkds2010@verizon.net  
To haydenfisher@mac.com  
Cc cbwhandsur@aol.com; ames@hotsouthernhoney.com; lowva13@aol.com; lindawoods@earthlink.net; elizabethbentley@msn.com

Reply Reply All Forward ...  
Fri 3/12/2021 4:23 PM

I do, in fact know why they were ransacking the envelopes. My Voter Registration Services coordinator was supposed to be monitoring the results system to make sure that all the precincts reported on election night. She did not. I was tied up with Central Absentee because the Democrats were pushing hard to have everything that we'd received by that day counted that night (despite the state saying to stop at 11 PM). Shortly after midnight, I took a break and reviewed my emails. DIT had sent me one to remind me that the automatic upload from the City system stopped (as it always does) at midnight. They also alerted me to the fact that there were about six precincts for which no results were reported. I verified that they were correct, then sent word by (I believe it was my deputy) to the Board (who were downstairs receiving supplies) that the precincts were outstanding and that the Board needed to call the Chiefs for the results. If they couldn't contact the Chief, then they should send one of the police drivers to the Chiefs' homes to get the results. I made it clear that we could not leave until the results were posted.

The rest of the story is hearsay as reported to me by staff. (I was still upstairs, the entire time.) Apparently, no one downstairs collected the 4th extra voting machine tape when the Chiefs brought their supplies in, (we collect that extra tapes when the Chiefs return their supplies just for these situations) so the extra tapes weren't available to report the unofficial results. Someone had apparently released the police drivers before checking to make sure all the results were in, so going to the Chiefs' houses wasn't an option at that standpoint (which is SOP when the tapes aren't available). That left calling the Chiefs. Apparently there was a conversation about whether or not to call the Chiefs and one or more members of the Board decided not to do so due to the lateness. Apparently, one or more members of the Board decided to, instead, open the #2 envelope.

I speculate as to their "paranoia" about this situation. Envelopes sealed by the officers on Election Day may only be opened under certain circumstances (for security of the results). Most envelopes can only be opened with a court order and the majority of the election officers present. The #2, however, may be opened during canvass, but canvass doesn't start until the next day. Therefore, going into the #2 envelope before the canvass begins is questionable procedure at best. Case in point: whomever put the materials back in the envelopes after the results were done mixed up some of the contents, and we have the situation before us. You can check with Starlet, but I believe she was not present when all of this happened. It was just the two Democratic Board members. One of the Board members (Joyce Smith) later tried to tell Ames that I told them to do into the envelopes. Since I wasn't even present, that would have been impossible.

Kirk

k. As reported in the The Richmond Free Press, ([State elections board investigating allegations involving city Electoral Board's handling of Nov. 3<sup>rd</sup> election](#))

“Mr. Nachman denied opening Mr. Russell’s envelope during the search for precinct election results...”

Chairman Nachman also stated to the Board of Elections on March 31<sup>st</sup> that he never opened the envelopes of Precinct 115 or 203, which were involved in Ames Russell’s claims. If that happens to be true, then there is a bigger problem where a third person was opening sealed envelopes also.

**2. The Canvass on the morning of November 4<sup>th</sup> was not overseen by the Electoral Board, but by a single member.**

- a. The electoral board is required to meet at the Registrar’s office before 5pm on the day after the election to ascertain the results of the election (Virginia Code 24.2-671). The Richmond Electoral Board refers to this as the Canvass.
- b. “The Board shall open the returns delivered by the officers” (Virginia Code 24.2-671).
- c. Starlet Stevens was the only Electoral Board Member present when the Canvass began.  
Statement of Starlet Stevens:

I arrived at the Voter Registration office on Wednesday, November 4, 2020 shortly before 8:00 a.m. for the canvass of the previous day’s election.

When I arrived, I inquired if Vice Chair Joyce Smith or Chairman Jim Nachman had arrived and found out I was the only one there. As a general rule, Chairman Nachman is usually not in attendance the first thing on canvass day because he always says he has a court case. In the past, Joyce has always been present with me for the canvass to start. I went ahead and had the canvass start thinking Joyce maybe was caught in traffic, etc.

I tried several times throughout the course of the morning to call Joyce and the calls went into voice mail. I left messages but received no response. Joyce finally showed up at the office at approximately 12:00 p.m. and I told her that I was worried about her and asked if there was a problem. She said that she and Nachman had been at the office until 3:30 a.m. going into #2 envelopes looking for tapes. I was totally shocked to hear this as I thought both of them had left when I did the night before. At any rate, I told Joyce that at least two Board members were to be present at the canvass. Her response to me was that Nachman told her she did not need to be there. I told her that he was wrong, that the canvass always starts at 8:00 a.m. and no matter how late we were there on election night, we had to be there for the canvass to start.

Nachman showed up somewhere between 12:30 p.m. and 1:00 p.m. and I told him that I had been the only one there until around 12:00 when Joyce finally arrived. He told me that they had been there until 3:30 in the morning looking for missing tapes.

- d. Statement of Johanna McKee, Chief Officer, Central Absentee Precinct

On Wednesday November 4, 2020, Joyce Smith arrived late for canvass. She approached me to tell me " Jim and I did not leave until 3:30 am and he said I didn't need to be here."



**3. The Canvass was continued at Chairman Nachman’s home on the evening of November 8<sup>th</sup>. This should have been a proper meeting of the Electoral Board, a quorum was not present, and political parties were not given the opportunity to observe.**

- a. “The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed seven calendar days from the date of the election. Written directions to the location of any room other than the clerk’s and general registrar’s offices where the board will meet shall be posted at the doors of the clerk’s and general registrar’s offices prior to the beginning of the meeting.” (Virginia Code 24.2-671)
- b. “Two members shall constitute a quorum.” (Virginia Code 24.2-107) Chairman Nachman was the only member present for the meeting on the evening of November 8<sup>th</sup>.
- c. Each political party is entitled to have representatives present when the local electoral board meets to ascertain the results of the election (Virginia Code 24.2-671). The Republican party was not notified that there was a meeting at Chairman Nachman’s home on the evening of November 8<sup>th</sup>.
- d. Statement of Starlet Stevens:

“On Sunday evening, November 8, I received a call from Chairman Nachman. He said that he and his wife, Kelly were doing the canvass at their house on Stuart Av. He indicated that Registrar Showalter had sworn Kelly in and she was assisting him in reviewing the tapes and the SOR’s from Tuesday’s election.

I questioned why this was being done at his house and Jim indicated that our whole office was shut down due to COVID-19. No one was allowed in the building due to this. At this point in time, I did not discuss any further. I was so ill that it was an effort to talk on the phone or even to get out of my bed.”

**4. Jim Nachman was verbally aggressive and disrespectful towards board member Starlet Stevens during the Richmond Electoral Board meeting on 2/1/2021.**

- a. Statement of Starlet Stevens describing events leading up to the closed session discussion of 2/1/2021:

“When we go into closed session, our Executive Assistant, Adriene Davis gives me a statement to read which states that the Board is going into closed session to discuss personnel matters. It also cites the Code of Virginia law that this relates to.

As I was ready to start reading said statement, Chairman Nachman stopped me and handed me a different statement to read. I asked why I was being asked to read something different and he gave me no answer. He said something to the effect of “just read it”. I refused to do this without an explanation from him. He then removed the statement from me and handed it to Co-Chair, Joyce Smith who struggled to read it.

The recorder was turned off by Adriene and she along with staff members Jerry Ingram, Liz Wilson, Johanna McKee left the room.

At this point, Jim shouted across the room to Kirk's attorney, Linda Woods that she also must leave. Ms. Woods stated that she was there to represent Kirk and she would not leave.

I spoke up and said "Jim, Ms. Woods has a right to be here, let her stay." He yelled at me to "shut up, you stay out of this!" My response was, "I will not stay out of this, I have a duty to be here." I added that Kirk had a right to legal representation in this proceeding.

Jim again yelled loudly at me to "shut up "or he would make me leave the meeting. I said no way would I leave the meeting.

At this time, Jim got up and went into the hallway to make a phone call. He also at this time ordered the Security Officer to get the RPD officer and for them to remove Ms. Woods from the building. I spoke to the officers and asked them not to do this and added that Kirk had a right to have her lawyer there. I even added that if they were in a similar scenario, wouldn't they also want their attorney present? They agreed with me and Jim again yelled at the officers to get Ms. Woods out of the building.

Jim yelled at me to "shut up and stay out of this." I said "no way" and he said he would have me removed from the building also. My response was, "I would advise you against doing that ". During this, Jim was on the phone and it was my understanding that he was talking with Attorney Tabrika who is with the City of Richmond.

Jim again ordered the officers to remove Ms. Woods and if she refused, they were to arrest her. I said I was not going to allow this to happen. It was apparent to me that the officers really had no interest in going to the extremes that Jim was ordering.

I then suggested it would be a good idea for the Board to come out of closed session and go back into open session and take care of the last two items on the meeting agenda. I suggested we schedule another meeting to address the issue of whether or not to remove Kirk. Jim yelled "no way, this is going to get done tonight!"

- b. Statement of Kirk Showalter regarding events that occurred at the City of Richmond Electoral Board meeting on February 1, 2021.

I have worked for various governmental agencies in the past 30 years. I have never - in all that time - witnessed the behavior exhibited by Mr. Jim Nachman, Chairman of the Electoral Board, in general and toward Ms. Stevens in particular. One of the items on the agenda was consideration of the removal of me from the appointed position of General Registrar. At no time prior to that meeting was I informed of

any specific cause for removal. (The General Registrar is not an at will employee; they can only be removed from office for failure to perform their duty according to law.) As such, believing that there was no event that occurred that met that standard, and believing that I was entitled to due process in the proceedings, I requested that my attorney remain during the closed session so that she could advise me, if necessary, during the course of any conversation that might ensue. Mr. Nachman vehemently and loudly objected to allowing my attorney to remain. When my attorney refused to leave, Mr. Nachman threatened to have her arrested. Ms. Stevens came to my defense and supported my request to have legal counsel present during the closed session. Mr. Nachman screamed at her and became verbally aggressive. While I do not remember the exact words that he said at that point (I was too shocked), the effect of the communication was such that it was clear that he did not wish to allow Ms. Stevens to have any input into the matter, completely disregarding her equal standing as a member of the Electoral Board. He also threatened to have her removed by the security staff that were present. It should be noted that I, the then General Registrar, had not arranged for the security staff to be present at the meeting. I can only conclude that the security staff were pre-arranged at the behest for either Mr. Nachman or Ms. Joyce Smith, Vice-Chairman, or both.

While the Freedom of Information Act precludes me from communicating exactly what was said during the closed session, I can say that Mr. Nachman's attempt to muzzle Ms. Stevens continued during the closed session. It was also obvious that he did not intend to allow for any sort of real due process to occur before the Board acted in open session to vote on the question of removing me from office. I will also add, that while Ms. Smith's behavior was not as loud or aggressive as Mr. Nachman's, it was clear that she fully supported and condoned his.

**5. After the public electoral board meeting on 2/1/2021, Acting Interim Registrar Jerry Richardson was named without a proper meeting of the Electoral Board because Starlet Stevens was not notified and neither was the public.**

- a. Every electoral board member must be notified if there is going to be a meeting of the electoral board. (Virginia Code 24.2-107) Starlet Stevens was not notified before the meeting occurred to name Jerry Richardson as interim Registrar.
- b. Notice shall be given to the public as required by 2.2-3707. No public notice was given for this impromptu meeting.

**6. Ames Russell was fired as an election officer in retaliation for his whistleblower action mentioned in #1 above.**

- a. On March 11, 2021, the Richmond Electoral Board voted to no longer allow Ames Russell to serve as an election officer. Starlet Stevens voted against removing Mr. Russell.
- b. Mr. Russell, a long standing and well-regarded election officer, was terminated without any acceptable due process. He was never directly questioned by either Chairman Nachman or Ms. Smith regarding this matter.

It appears that the sole reason for his removal is his complaint about the actions of the Electoral Board in the early morning hours of November 4, 2020.

As reported in the The Richmond Free Press, (State elections board investigating allegations involving city Electoral Board's handling of Nov. 3<sup>rd</sup> election)

“Mr. Nachman... denied Mr. Russell was fired for filing the complaint”

“Ms. Smith said Mr. Russell was dismissed because he refused to accept her and Mr. Nachman’s statements that they had nothing to do with the premature opening of his envelope.”

- c. Also on March 11, 2021, the Richmond Electoral Board voted to no longer allow Linda Woods to serve as an election officer. It appears that the sole reason for Linda’s removal is her position as Kirk Showalter’s attorney at the previous Electoral Board meeting on 2/1/2021.

7. **Jim Nachman was pressured by Senator Morrissey and Susan Schwecker of the Democratic Party of Virginia to fire the Richmond Registrar. He commits to follow the direction of Morrissey and the Democratic Party – when he should be discussing this matter with the Richmond Electoral Board and making an independent decision.**

FOIA 5

From: **Jim Nachman** nachmanlaw@msn.com  
Subject: Re: Xerox Scan\_11062020183158.pdf  
Date: November 7, 2020 at 9:21 AM  
To: Susan Swecker <susanswecker@me.com>



i would be happy to talk to him and tell him the real facts if it would do any good. Y'all already know what I know. The part about the RCDC requesting a meeting with me, Joyce or the Board is bogus. And as we have discussed earlier, would it have been wise to take her out in a year right before a major election? We would have had to start from scratch. Nobody ever said anything to me or Joyce about her reappointment. I am flabbergasted. Please let Joe that I have been working with the Party and am willing to follow your and the leadership's direction.  
Jim Nachman  
399-5555

Sent from my iPhone

On Nov 7, 2020, at 9:06 AM, Susan Swecker <susanswecker@me.com> wrote

You should not respond. Let me get with Andrew on this. I guess he mailed it bc I had not seen it.

> On Nov 7, 2020, at 8:58 AM, Jim Nachman <nachmanlaw@msn.com> wrote:

>

> WOW! Joe is misinformed!

> Jim Nachman

> 399-5555

>

>

>

> Sent from my iPhone

<Xerox Scan\_11062020183158.pdf>

# SENATE OF VIRGINIA

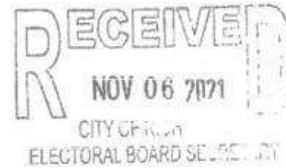
**JOSEPH D. MORRISSEY**  
18th SENATORIAL DISTRICT  
ALL OF THE CITIES OF HOPEWELL AND  
PETERSBURG; PART OF CHESTERFIELD,  
DINWIDDIE, AND PRINCE GEORGE COUNTIES;  
AND PART OF THE CITY OF RICHMOND  
  
701 GERMAN SCHOOL ROAD  
RICHMOND, VIRGINIA 23225  
(804) 797-1426



COMMITTEE ASSIGNMENTS:  
AGRICULTURE, CONSERVATION AND NATURAL  
RESOURCES  
JUDICIARY  
LOCAL GOVERNMENT  
REHABILITATION AND SOCIAL SERVICES

November 2, 2020

James Nachman, Chair  
Richmond Electoral Board  
2134 West Laburnum Avenue  
Richmond, VA 23227



Dear Mr. Nachman,

As you know, on Monday, October 26, 2020, the Democratic Party of Virginia filed suit against Richmond Registrar, J. Kirk Showalter, regarding her failure to respond to a **Freedom of Information Act (FOIA)** request for a list of those voters with ballots that may contain errors. Notwithstanding Showalter's statutory duty to respond to a FOIA request in a timely fashion, it wasn't until 17 days later that Showalter responded by stating: "We don't have a list". Showalter's behavior is unacceptable.

I also note that the Democratic Party of Virginia had previously requested such error lists from approximately fifty (50) other localities...all without a hitch. Why is it that the Richmond Registrar's office continues to perform its job in such a miserable fashion?

Equally troubling was your response - as reported in the Richmond Times Dispatch - that "the City's Elections office did not intend to 'hide' any reference or 'stonewall' request for them". Indeed, the Richmond Registrar's office did just that. Why wait seventeen (17) days before saying "we don't have a list." Why not do it immediately - simple stonewalling! You go on to say that the Richmond Registrar's office has an operation that is "tremendously ramped" - I have no clue as to what that means. What it sounds like is that you are making excuses for an office that is performing in a wildly abysmal fashion.

Showalter has shown repeatedly that she is unfit to lead the Richmond Registrar's office. How many times has she been sued? How many hundreds of thousands of dollars in attorneys fee has she had to pay out? Earlier, this year the Richmond City Democratic Committee requested a hearing with your Board in order to present overwhelming evidence of ineptitude on the part of Showalter. You prevented that from happening by reappointing her without the requisite hearing. Your singular action - which prevented the Richmond City Democratic Party from

*Nachman says this is bogus*

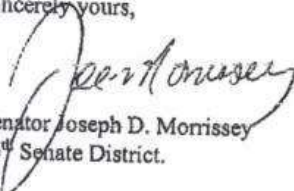
Page2  
November 2, 2020  
James Nachman, Chair, Richmond Electoral Board

presenting Showalter's defalcations over the last several years – was unprecedented and in violation of your responsibilities as a Chair of the Richmond Electoral Board.

I also note that you stated in the Richmond Times Dispatch that there is an unprecedented number of absentee ballots in Virginia and that "people are working really hard; they are under a lot of stress". Mr. Nachman, there are a lot of Registrar's Offices throughout the Commonwealth that are "under stress" and they are all "working very hard". However, unlike the Richmond Registrar, the other Registrar Offices are performing their job in stellar fashion. Mr. Nachman, you need to run a tighter ship and if you can't do your job, then you should resign.

Finally, stop covering up for Showalter's incompetence. It just underscores both the problems that we are having in the Richmond Registrar's office as well as your poor leadership of the Richmond Electoral Board.

Sincerely yours,

  
Senator Joseph D. Morrissey  
16<sup>th</sup> Senate District.

cc: Jamie Nolan, Chairperson  
16<sup>th</sup> Senate District Committee  
1021 East Cary Street, Suite 1275  
Richmond, Virginia 23219

Virginia State Board of Elections  
1100 Bank St.  
Richmond, VA 23219

Susan Swecker, Chair  
Democratic Party of Virginia  
919 E Main St #2050  
Richmond, VA 23219

Joyce K. Smith, Vice Chairman  
Richmond Electoral Board  
2134 West Laburnum Avenue  
Richmond, VA 23227

C. Starlet Stevens, Secretary  
Richmond Electoral Board  
2134 West Laburnum Avenue  
Richmond, VA 23227

J. Kirk Showalter, Registrar  
Richmond City Registrar's Office  
2134 West Laburnum Avenue  
Richmond, VA 23227



8. **Richmond electoral board members, Jim Nachman and Joyce Smith, were plotting together to build a case against the Richmond Registrar and they anticipate they will be sued for discharging her. These discussions are inappropriate and should have involved the full board, not just two members.**

From: **Jim Nachman** nachmanlaw@msn.com  
Subject: **Re: Removal of General Registrar**  
Date: **December 3, 2020 at 5:47 PM**  
To: **Joyce Smith** gdzdiva1@gmail.com



I tried calling you yesterday in response yesterday to your text, but you did not answer. I do plan to call a meeting to address the concerns outlined in the letter received from Susan Swecker and Jamie Nolan. As you and I discussed last week, there is much to be done before we have a meeting. We must be ready and have all the facts, information, documentation, and witnesses if we are to make a case for Kirk Showalter's removal. I wanted to talk to a number of individuals including but not limited to Chris Piper, Bob Brink, Haskell Brown, Nancy Rodrigues, and other witnesses. I have consulted with Chairwoman Susan Swecker and told her that I thought we would need until January 2021 before we could be ready. Remember, we had better be prepared and be able to make a case against Kirk Showalter that will be able to pass judicial muster in the likely event that she sues us for discharging her. I would have thought you would have called me and discussed this with me before emailing me in this manner? Please call me! You know how to reach me. Thank you!

Jim Nachman  
399-5555

Sent from my iPhone

On Dec 3, 2020, at 4:53 PM, Joyce Smith <gdzdiva1@gmail.com> wrote

Dear James Nachman, Chairperson  
Richmond Electoral Board

I am following up on my requests for a meeting in order to address the concerns of the citizens of Richmond, VA, (voters) the letters received from the Chairman of the State Democratic Committee, Ms. Swecker as well as the local Democratic Committee Chairperson, Jamie Nolan regarding major concerns with our November 3, 2020 elections. We have also received concerns from State Senator, Joseph Morrissey.

Of great concern to me is the account of activities at our polling places, specifically the concern Ames Russell, Chief Officer for precinct 115 has raised in writing to you and I. These matters are serious, and they cannot be ignored.

Upon review of Virginia State Code Section 24-2-109, the Appointment and removal of the general registrar, it states that the Electoral Board shall remove from office, on notice, any general registrar or officer of election who fails to discharge the duties of his/her office according to law.

I have requested on numerous occasions as the Vice-Chairperson of the Electoral Board, we convene to determine how we will move forward in the electoral processes of this City. I am now requesting in writing that we schedule an Electoral Board meeting, an emergency Electoral Board meeting in keeping with open meeting laws, to discuss this matter expeditiously.

Please advise as to when you will schedule the meeting.

Thank you for your support in this matter.

Joyce Smith  
Vice-Chairperson  
Richmond Electoral Board



**9. Fraudulent application to the Virginia Employment Commission for unemployment compensation by electoral board member Joyce Smith**

- a. In her email to you dated 3/7/2021, Starlet Stevens reported that Richmond Electoral Board Vice -Chairman, Joyce Smith, filed false claims for unemployment compensation with the VEC on three different occasions during 2020.
- b. Kirk Showalter's letter to VEC:



**Office of the General Registrar**

City of Richmond

2134 West Laburnum Avenue, Richmond, Virginia 23227

P.O. Box 61037, Richmond, Virginia 23261-1037

(804) 646-5950

[VoterRegistration@richmondgov.com](mailto:VoterRegistration@richmondgov.com)

November 30, 2020

Virginia Employment Commission  
6606 Wet Broad Street  
P.O. Box 27887  
Richmond, VA 23261

Re: VEC Employer's Report of Separation and Wage Information – Account #

Dear Virginia Employment Commission:

We received three Virginia Employment Commission Employer's Report of Separation and Wage Information forms to be completed for account number [REDACTED] for Joyce K. Smith. Please be advised that Ms. Smith is not a wage or salaried employee of the City of Richmond. She was, and continues to be, the Vice-Chairman of the City of Richmond Electoral Board.

Under §24.2-122 of the Code of Virginia, Electoral Board members are "...employees of the county or city in which they serve except as otherwise specifically provided by state law." However, their compensation for this is a flat annual fee. Per the attached letter, Ms. Smith's annual compensation is \$4,428. Because of this status, I was unable to answer most of the questions on the forms (enclosed).

Please be advised that Ms. Smith has not separated from this position. She continues to receive this fee, paid in bi-weekly installments.

Please call me at (804) 646-5950 or email me at [VoterRegistration@richmondgov.com](mailto:VoterRegistration@richmondgov.com) if you have any further questions.

Sincerely,

J. Kirk Showalter  
General Registrar

6. Ames Russell was fired as an election officer in retaliation for his whistleblower action mentioned in #1 above. a. On March 11, 2021, the Richmond Electoral Board voted to no longer allow Ames Russell to serve as an election officer. Starlet Stevens voted against removing Mr. Russell. b. Mr. Russell, a long standing and well-regarded election officer, was terminated without any acceptable due process. He was never directly questioned by either Chairman Nachman or Ms. Smith regarding this matter. It appears that the sole reason for his removal is his complaint about the actions of the Electoral Board in the early morning hours of November 4, 2020. As reported in the The Richmond Free Press, (State elections board investigating allegations involving city Electoral Board's handling of Nov. 3rd election) "Mr. Nachman... denied Mr. Russell was fired for filing the complaint" "Ms. Smith said Mr. Russell was dismissed because he refused to accept her and Mr. Nachman's statements that they had nothing to do with the premature opening of his envelope."

To this I add, neither Mr. Nachman nor Ms. Smith ever questioned me directly about my statement or theirs's. To state I "refused" to accept their statements is unfounded.

Beyond this, will current and future election officers be liable for dismissal by Electoral Board members because they don't agree with Board Members interpretation of events?

Thank you,  
Ames

247

APPENDIX: C

248

Diana Mitchell

249

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# Illegal Electoral Board Meeting February 26,2021

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email: "ironik4bstone@yahoo.com Diana Wilkins-Mitchell"

Monday, March 22, 2021 at 8:40:06 AM Eastern Daylight Time

To: email: "jamilah.lecruise@elections.virginia.gov" , email: "robert.brink@elections.virginia.gov" , email: "john.obannon@elections.virginia.gov John OBannon" , email: "david.nichols@elections.virginia.gov David Nichols" , email: "christopher.piper@electins.virgina.gov" , email: "chris.piper@elections.virginia.gov" , email: "info@elections.virginia.gov" , email: "info@commonwealthva.com"

I strongly recommend you take the time to listen to this recording of a meeting that took place and was not sanctioned. In this recording of the illegal board meeting you can hear many irregular activities that clearly violate policy. The chair of the Democratic Committee in Nottoway is acting as secretary. He put the agenda together, typed it, opened files and proposed policy change. He is not a board member and should not have been part of any decision making concerning the electoral board. Public comment was rejected and the public was told they would be removed unless they complied. The two board members scoffed at the training offered to help navigate their responsibilities and openly acknowledged they had attended that training...the training is designed to prevent irregularities. Motions were made and executed without the third member of the board being present during a meeting that had not been announced with a three day minimum advertising, nor had it been publicly advertised as required. A personal discussion took place concerning the Registrar without her knowledge and not in closed session. We, the Concerned Citizens for Fair Election Practices have contacted you in order to protect our rights and those of our entire community. Please remember bipartisanship is mandatory for all those who participate as members of the Electoral board.

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**Attachments:**

**Illegal Electoral Board Meeting February 26,2021.m4a** 6.9M

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250

APPENDIX: D

251

Angela Stewart,

252

Director of Elections, Nottoway County

Angela Stewart, Registrar

Issues with the Democrat members of the Nottoway Electoral Board:

1. Violate Code: Voting to approve two motions: first to require the Registrar to respond to all FOIA requests within 24 hours all without charging any costs and 2) that only "healthy" Officers of Election could work on election-day.
2. Conduct a meeting without proper notice, without the Republican member; although she had given notice of not being available during the day due to work hours and generally speaking holding those meetings during the mid-morning.
3. Failure to sign documents: Canvas, Receipt of notice of an Error Free Election and requesting assistance from the Registrar for Cyber Security.
4. On voting day: Traveling with the Democratic Chair to complain about one Officer of Election not wearing a mask. (Note: Person had medical evidence not to wear a mask). Mitigated by holding a mask over her face when out of her work station.
5. Violate Code: Interfere with Officers of Election and voters while claiming all her questions weren't answered. Claiming identification cards were thrown back at electors.
6. Calling an Officer of Election a "Karen." (A very negative name)
7. Based on the number of emails sent not dealing with meetings it appears to be a violation of the meeting/talking to part of the code.
8. Failure to follow Cyber Security directions from the Virginia Department of Elections.
9. Telling people that the Registrar works at the "pleasure of the Electoral Board."
10. Democratic Chair tells the Democratic board members not to sign anything provided by the Registrar.

1           The State Board of Elections (“the Board”) meeting was held by electronic  
2 communication on Tuesday, April 20, 2021. In attendance: Robert Brink, Chairman, John  
3 O’Bannon, Vice Chairman, and Jamilah LeCruise, Secretary, represented the State Board of  
4 Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner, represented the  
5 Department of Elections (“ELECT”) and Carol Lewis represented the Office of the Attorney  
6 General (“OAG”). Chairman Brink called the meeting to order at 1:00 P.M.

7           Chairman Brink informed the Board that on March 12, 2020, Governor Ralph S.  
8 Northam declared that a state of emergency exists in the Commonwealth as the result of the  
9 potential spread of COVID-19, a communicable disease presenting a threat to public health.  
10 On March 30, 2020, the Governor issued an executive order requiring all individuals in  
11 Virginia to remain at their place of residence, with certain enumerated exceptions.

12           This meeting was conducted consistent with the requirements for electronic meetings  
13 by public bodies set forth in Items 4-0.01 of House Bills 29 and 30, as passed by the General  
14 Assembly (“GA”) and signed by the Governor in April of this year. The purpose of the  
15 meeting is to transact the statutorily required business of the Board. Chairman Brink stated  
16 that the Board would receive public comments on agenda items prior to its action on that  
17 item. An open public comment period would be offered prior to adjournment.

18           The only item on the agenda was the consideration of alleged irregularities in the  
19 operations of two local Electoral Boards, Richmond City and Nottoway County. At  
20 1:05P.M., Chairman Brink moved *that the Board go into closed session for the purpose of*

21 *discussing alleged improprieties by local electoral boards, specifically the Richmond City*  
22 *electoral board and the Nottoway County electoral board, as authorized by Section 2.2-*  
23 *3711(A)(7) of the Code of Virginia. Christopher Piper, Commissioner of Elections, Daniel*  
24 *Persico, Chief Information Officer, Department of Elections, Ashley Coles, FOIA Officer and*  
25 *Policy Analyst, Department of Elections and Carol Lewis and Heather Hays Lockerman of*  
26 *the Office of the Attorney General will attend the closed session because their presence will*  
27 *reasonably aid the Board in its consideration of the subject of the meeting. Secretary*  
28 *LeCruise seconded the motion and the motion passed unanimously. A roll call vote was*  
29 *taken:*

30 Chairman Brink – Aye

31 Vice Chair O’Bannon – Aye

32 Secretary LeCruise – Aye

33

34 At 1:53 P.M., Vice Chair O’Bannon moved *to reconvene in open session, and take a*  
35 *roll call vote certifying that to the best of each member’s knowledge (i) only such public*  
36 *business matters lawfully exempted from open meeting requirements under this chapter and*  
37 *(ii) only such public business matters as were identified in the motion by which the closed*  
38 *meeting was concerned were heard, discussed, or considered. Secretary LeCruise seconded*  
39 *the motion and the motion passed unanimously. A roll call vote was taken:*

40 Chairman Brink – Aye

41 Vice Chair O’Bannon – Aye

42 Secretary LeCruise – Aye



43           As it relates to Nottoway County Electoral Board, Secretary LeCruise moved *that*  
44 *after a thorough review of the comments received, the Nottoway County Electoral Board*  
45 *needs to have additional consultation with the Department of Elections as it relates*  
46 *specifically to the Freedom of Information Act (“FOIA”) and to the limitations on political*  
47 *activities permissible by Electoral Board members; also that all Electoral Board members*  
48 *complete the ELECT Electoral Board training in addition to the FOIA training and provide*  
49 *proof of completion of both trainings within 90 days of today’s meeting.* Vice Chair  
50 O’Bannon seconded the motion and the motion passed unanimously.

51           Chairman Brink opened the floor to public comment on Nottoway County Electoral  
52 Board before taking a roll call vote. Diana Mitchell asked to have her statement put into the  
53 minutes. Her statement appears as APPENDIX: A. Sara Allen, Chairwoman of Nottoway  
54 County Electoral Board spoke. Erwin “Sonny” Abbott asked to have his statement put into  
55 the minutes. His statement appears as APPENDIX: B. Carolyn A. Davis, Sharon Caldwell  
56 and Thomas Crews, Chairman of the Nottoway County Democratic Committee addressed the  
57 Board. Angela Stewart, Director of Elections with Nottoway County asked to have her  
58 statement put into the minutes. Her statement appears as APPENDIX: C.

59           Secretary LeCruise asked if a member of the Nottoway County Electoral Board can  
60 confirm if the allegations Ms. Stewart presented to the Board regarding Nottoway County not  
61 completing the Cyber Security training are correct. Commissioner Piper informed the Board  
62 that he can confirm Nottoway County complied with the requirement. A roll call vote was  
63 taken:

64           Chairman Brink – Aye

65 Vice Chair O'Bannon – Aye

66 Secretary LeCruise – Aye

67 Vice Chair O'Bannon stated after due consideration of the allegations raised

68 regarding members of the Richmond City Board of Elections, including, but not limited to,

69 1. Opening sealed returns of certain precincts and improper conduction of a canvass on

70 the morning of November 4, 2020, without a proper meeting of the Electoral Board

71 and without party observers;

72 2. Abdicating responsibilities delegated under Articles 3 and 4 of Title 24.2 of the Code

73 of Virginia; and

74 3. Violating the Virginia Freedom of Information Act by communicating regarding

75 board business while not in a publicly noticed meeting;

76 he moved *that the Board delegate authority to Chairman Brink to draft a letter requesting*

77 *that the Commonwealth's Attorney for the City of Richmond investigate allegations relating*

78 *to alleged improper actions in violation of Title 24.2 of the Virginia Code and the Virginia*

79 *Freedom of Information Act by members of the Richmond City Electoral Board. Secretary*

80 LeCruise seconded the motion and the motion passed unanimously.

81 Chairman Brink opened the floor to public comment on the City of Richmond

82 Electoral Board before taking a roll call vote. James Nachman, Chairman, and Joyce Smith,

83 Vice Chairwoman of the Richmond City Electoral Board asked to have their statement put

84 into the minutes. Their statement appears as APPENDIX: D. Yolanda Stokes asked to have

85 her statement put into the minutes. Her statement appears as APPENDIX: E. Hayden Fisher

86 and Elizabeth Butler of the Richmond Republican Committee asked to have their statement  
87 put into the minutes. Their statement appears as APPENDIX: F. A roll call vote was taken:

88 Chairman Brink – Aye

89 Vice Chair O’Bannon – Aye

90 Secretary LeCruise – Aye

91 Chairman Brink opened the floor to public comment. Ebony Lofton addressed the Board.

92 Vice Chair O’Bannon moved to adjourn the meeting. Secretary LeCruise seconded the  
93 motion and the motion passed unanimously. A roll call vote was taken:

94 Chairman Brink – Aye

95 Vice Chair O’Bannon – Aye

96 Secretary LeCruise – Aye

97 The meeting adjourned at 2:40 P.M.

98

99

100 \_\_\_\_\_  
Chairman

101

102

103 \_\_\_\_\_  
Vice Chair

104

105

106 \_\_\_\_\_  
Secretary

107

State Board of Elections  
FINAL Meeting minutes  
Tuesday, April 20, 2021

108  
109  
110

APPENDIX: A  
Diana Mitchell

March 31, 2021  
State Board of Elections Meeting

Diane Mitchell

I strongly recommend you take the time to listen to this recording of a meeting that took place and was not sanctioned. In this recording of the illegal board meeting you can hear many irregular activities that clearly violate policy. The chair of the Democratic Committee in Nottoway is acting as secretary. He put the agenda together, typed it, opened files and proposed policy change. He is not a board member and should not have been part of any decision making concerning the electoral board. Public comment was rejected and the public was told they would be removed unless they complied. The two board members scoffed at the training offered to help navigate their responsibilities and openly acknowledged they had attended that training...the training is designed to prevent irregularities. Motions were made and executed without the third member of the board being present during a meeting that had not been announced with a three day minimum advertising, nor had it been publicly advertised as required. A personal discussion took place concerning the Registrar without her knowledge and not in closed session. We, the Concerned Citizens for Fair Election Practices have contacted you in order to protect our rights and those of our entire community. Please remember bipartisanship is mandatory for all those who participate as members of the Electoral board.

111  
112  
113

APPENDIX: B  
Erwin "Sonny" Abbott

December 28, 2020

The Honorable Paul W. Cella, Chief Judge  
Virginia: In the Circuit Court of the County of Nottoway

Sir, I write to share concerns relating to the appointment to the Nottoway County Electoral Board effective with the first of the New Year. I believe one position on the Board requires appointment. This position is currently held by Ms. Sarah Allen, appointed November 1, 2020 to replace Mr. Tony Burgess who resigned.

Ms. Allen has said some very disparaging words about Officers of Election and may have violated Virginia Election Laws 24.2-607(A). On November 3, 2020 at Blackstone Primary Voting Precinct Ms. Allen seemed to interfere with Officers of Election and voters as they were being processed to vote. When asked to stop she indicated she wasn't through asking questions. Days later, on social media, she called one Officer of Election "A Karen" that believed had more power/authority than she did due to her position on the Electoral Board. Sir, this is how Time Magazine defines "Karen" as "a white woman weaponizing her privilege, often at the expense or well-being of a BIPOC." (Another explanation from Time Magazine – Black, Indigenous and other people of color.) The Blackstone Police were called and responded. Ms. Allen stopped doing whatever was her intent.

She has failed to work with the Registrar and learn or understand her responsibilities. She has failed to participate in a positive way to learn and support the duties of Officers of Election and failed to follow the Code of Virginia in regards to not meeting with another Board member (2 Board Members makes a quorum) without appropriate notice, etc.

She does not avoid partisan politics as outlined by the Oath of Office taken by each member of the Board.

Thank you, for your time and attention to my concerns. I have no personal ill will toward Ms. Allen. I believe her current approach will not positively contribute to assisting the citizens of Nottoway County in meeting the goals and objectives set forth by the Law, Virginia Department of Elections or in working with the local Registrar.

Respectfully,

Erwin B. Abbott, Jr.  
2149 Little Creek Road  
Crewe, Virginia 23930

114

APPENDIX: C

115

Angela Stewart

116

Director of Elections, Nottoway County

117



Angela Stewart, Registrar

Issues with the Democrat members of the Nottoway Electoral Board:

1. Violate Code: Voting to approve two motions: first to require the Registrar to respond to all FOIA requests within 24 hours all without charging any costs and 2) that only "healthy" Officers of Election could work on election-day.
2. Conduct a meeting without proper notice, without the Republican member; although she had given notice of not being available during the day due to work hours and generally speaking holding those meetings during the mid-morning.
3. Failure to sign documents: Canvas, Receipt of notice of an Error Free Election and requesting assistance from the Registrar for Cyber Security.
4. On voting day: Traveling with the Democratic Chair to complain about one Officer of Election not wearing a mask. (Note: Person had medical evidence not to wear a mask). Mitigated by holding a mask over her face when out of her work station.
5. Violate Code: Interfere with Officers of Election and voters while claiming all her questions weren't answered. Claiming identification cards were thrown back at electors.
6. Calling an Officer of Election a "Karen." (A very negative name)
7. Based on the number of emails sent not dealing with meetings it appears to be a violation of the meeting/talking to part of the code.
8. Failure to follow Cyber Security directions from the Virginia Department of Elections.
9. Telling people that the Registrar works at the "pleasure of the Electoral Board."
10. Democratic Chair tells the Democratic board members not to sign anything provided by the Registrar.

118  
119  
120  
121

APPENDIX: D  
James Nachman, Chairman; Joyce Smith, Vice Chairwoman  
City of Richmond Electoral Board

  
**JAMES M. NACHMAN**  
Attorney at Law

April 12, 2021

**VIA EMAIL ONLY:**

info@elections.virginia.gov

Virginia State Board of Elections  
Attention: Franchelle Tyson  
ELECT Administrative Program Specialist  
The Washington Building-Capitol Square  
1100 Bank Street, 1st Floor  
Richmond, Virginia 23219

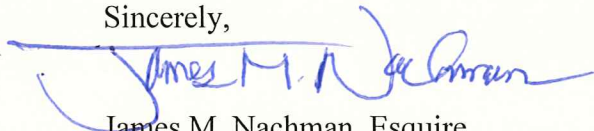
Re: Amended Response of James M. Nachman and Joyce K. Smith of the City of  
Richmond Electoral Board to Republican Allegations of improper actions

Dear Ms. Tyson:

Please find attached the 7 page amended response of James M. Nachman, Chair and Joyce K. Smith, Vice-Chair of the City of Richmond Electoral Board to the Richmond City Republican Committee Chairman Hayden Fisher's complaint of alleged recent improper actions.

Should you have any questions, please feel free to contact me at 804-399-5555.

Sincerely,



James M. Nachman, Esquire  
Chair, City of Richmond Electoral Board

**AMENDED RESPONSE OF JAMES M. NACHMAN, CHAIR AND JOYCE K. SMITH,  
VICE-CHAIR OF THE CITY OF RICHMOND ELECTORAL BOARD TO THE  
RICHMOND CITY REPUBLICAN COMMITTEE CHAIRMAN HAYDEN FISHER'S  
COMPLAINT OF ALLEGED RECENT IMPROPER ACTIONS**

**RETRIBUTION:**

This one word sums up Hayden Fisher's letter, dated February 15, 2021, and his attached summary of alleged "improper actions." All of these stated allegations are untrue.

**The time of this Complaint is suspect:**

Most of the allegations stated in Mr. Fisher's complaint predated the removal of J. Kirk Showalter by the City of Richmond Electoral Board on February 1, 2021. Why didn't Mr. Fisher and the other complainants make their complaints in November 2020? Why did they wait to make their complaints until after J. Kirk Showalter was removed on February 1, 2021?

**The allegations in Hayden Fisher's complaint are not only false, but are primarily based on unreliable double or triple hearsay.**

None of these allegations, with the exception of C. Starlet Steven's illegal statements regarding a closed session of the City of Richmond Electoral Board are based on firsthand knowledge or observation.

**C. Starlet Stevens, Secretary of the City of Richmond Electoral Board, has violated the closed session policy of the City of Richmond Electoral Board and violated Virginia Code sections 2.2-3711, 3712 regarding closed sessions.**

Ms. Stevens has violated this above policy and the aforementioned statutes by specifically mentioning some of the confidential substance of the closed session involving the removal of J. Kirk Showalter as General Registrar of the City of Richmond on February 1, 2021. (See Fisher Complaint # 3). I will be careful not to make the same mistake that Ms. Stevens made and will not comment on the substance of what was a confidential personnel matter discussed in closed session. I do, however, want to state a few things about the nature of the meeting. I was not verbally aggressive or disrespectful towards Ms. Stevens. In fact, the opposite is true. Ms. Stevens was rude, obnoxious and disrespectful towards me as Chair, and towards Joyce K. Smith, as Vice Chair. Ms. Stevens did not respect the rules of the meeting and would not listen when she was ruled out of order. Ms. Stevens stated that, "she was not going to listen to me or Joyce Smith and she was going to say whatever she wanted to say, whenever she wanted to say it."

Ms. Stevens and J. Kirk Showalter's Attorney, Linda Woods were disruptive. I asked them to please stop. They persisted. They wanted to disrupt the closed session so that the Board could not go forward regarding the removal of Ms. Showalter. They screamed that Ms. Showalter was not being afforded due process and that the Board, could not go forward. The security and the

police that were present were aghast. They didn't know what to do? We had arranged for security and police to be there because we expected a contentious meeting.

In keeping with the guidelines outlined in Robert's Rules of Order, I called a recess to try to diffuse the situation. Security asked me if Ms. Joyce Smith and I wanted them removed. I sought legal counsel and called Tabrica C. Rentz with the City of Richmond's Attorney's Office. I had discussed this potential problem with her in the days leading up to the February 1, 2021 meeting. Ms. Rentz suggested a compromise. The compromise was that we would allow everyone to stay in the meeting, including Ms. Woods, Ms. Showalter's attorney, on the condition that everyone was allowed to talk uninterrupted. Ms. Rentz would be allowed to participate in the meeting via the telephone and would monitor the closed meeting. I offered this plan in the spirit of compromise. Everyone present at the closed meeting agreed to this suggested compromise. This is how the closed meeting was conducted from then on. Everyone was able to say whatever they wanted for as long as they wanted and they were not interrupted.

After the Board came out of closed session a vote was taken to remove Ms. Showalter as General Registrar for the City of Richmond. Again, Ms. Stevens and Ms. Woods were angry, rude, obnoxious and disrespectful. They called Ms. Smith and I names, said that we would be sorry, and said what goes around comes around. They promised to seek an injunction, to sue us and to bring the matter before the State Board of Elections.

**Therefore, Mr. Fisher's complaint # 3 is false.**

After the meeting ended, I left and went home. There was no meeting between me and Ms. Joyce K. Smith. It is my understanding that Ms. Smith stayed behind after the February 1, 2021 Board meeting, accompanied by security, to make sure Ms. Showalter turned over her keys and other credentials. According to Ms. Smith, Ms. Stevens and Ms. Woods' unruly behavior continued and they berated Ms. Smith and the security officials present.

Ms. Jerry Richardson, was Deputy General Registrar at this time and took over as acting Registrar, not interim Registrar, on February 1, 2021, because Ms. Showalter had been removed. Ms. Richardson's position as Acting Registrar was formalized at our Board meeting held on February 26, 2021 by an unanimous vote including the vote of Ms. C. Starlet Stevens.

**Therefore, Mr. Fisher's complaint # 4 is false.**

**Joyce Smith and I did not violate Virginia Code Section 24.2-671.**

There were eight chief election officers from eight precincts in the City of Richmond who did not report their election results on the evening of the election on November 3, 2020. (precincts 206, 510, 603, 606, 708, 814, 903, and 910).

We called the above Chief Election Officers and Assistant Chiefs and they did **not** reply.

Ms. J. Kirk Showalter was focused on reporting the results of the City of Richmond Mayor's race. A programming error had been made by her and the head of her technical staff. They could report the Mayor's race in aggregate, but could not report the results by council districts.

This was important in Richmond, because the winner had to take five out of the nine council districts in order to win the race. Tyler Links, with Print Elect, was helping Ms. Showalter solve this problem.

In the past, police officers helped us find chief election officers who didn't show up with their materials or communicate results on election night. They would on rare occasion help us find them so we could get the needed information. All of our police officers had been released.

After the polls closed, the Electoral Board members who had been visiting the precincts on Election Day came back to the Registrar's Office. The Board instituted a policy, where each Board member visited one third of the precincts in the City on Election Day and each Chief Election Officer on election night was supposed to bring in their election materials and check in with their respective Electoral Board member assigned to their precinct. This procedure was conducted on November 3, 2020.

Starlet Stevens checked in her precincts and at the conclusion of her check in, Ms. Steven's stated that she was tired and angry about everyone complaining about Kirk Showalter and left the registrar's office before midnight. Ms. Stevens left on November 3, 2020.

Ms. Smith and I stayed behind because there was more work to be done.

After midnight, on Wednesday, November 4, 2020, Ms. Smith and I went to Ms. Showalter and asked her advice about what we could do to get the election results from the aforementioned precincts (precincts 206, 510, 603, 606, 708, 814, 903, and 910). Ms. Showalter, Joyce Smith and I looked at Virginia Code section 24.2-671, and Ms. Showalter said, "it's the next day, the day after election, November 4, 2020, you are the Electoral Board, you can open up the envelopes and get the results."

Based on our reading of the statute and Ms. Showalter's advice, we proceeded accordingly. We called Starlet Stevens to inform her about how we were going to proceed and she did **not** answer her phone.

Ms. Smith and I at approximately 1:00 a.m. on November 4, 2021, **the day after the election**, opened up the # 2 envelopes containing the final voting tapes from the voting machines of the following precincts (precincts 206, 510, 603, 606, 708, 814, 903, and 910). These were the precincts where the Chief Election Officers did **not** call in their election results. Ms. Smith and I, opened up the envelopes, pulled the tapes out, looked at them, wrote down the results, put the tapes back in the envelopes, resealed the envelopes with new seals and signed our names to the new seals.

**We did all of these described things in the presence of the then Deputy Registrar, Jerry Richardson, (now Acting Registrar), Adriene Davis, Executive Assistant to the City of Richmond Electoral Board and Cynthia Johnson of the General Registrar's staff.**

**There is no video evidence. There were no cameras operable at any time before or after election.**

**Therefore allegation # 1 of Mr. Fisher's complaint is false.**

Ms. Smith and I did **not** open the # 2 envelope of Precinct 115 on November 4, 2020, or at any other time. Mr. Ames Russell was the Chief Election Officer of Precinct 115 in the City of Richmond. Both Ms. Smith and I spoke to Mr. Ames Russell separately and explained to him what I have previously described in this response. He refuses to believe our explanation despite the physical evidence and the witnesses that can attest to what occurred.

It has been stated that Ms. Smith and I removed Mr. Russell as Chief Election Officer in retaliation for him making a complaint to the State Board of Elections. This is not true.

I did not become aware of Mr. Russell's complaint or any of the other complaints outlined by Hayden Fisher until I was contacted by Jeremy Lazarus, with the Richmond Free Press on Friday, March 26, 2021. The City of Richmond Electoral Board voted to dismiss Mr. Russell at our Board meeting on March 11, 2021. I did not know of Mr. Russell's complaint on March 11, 2021. Also, the matter concerning Mr. Russell was discussed in a closed session of the Board. It would be inappropriate to discuss the reasons for Mr. Russell's dismissal, but I can state that Mr. Russell was not removed because he made a complaint to the State Board of Elections.

As was previously stated, Ms. C. Starlet Stevens went home on election night, November 3, 2020 before midnight. Ms. Smith and I stayed to complete the City of Richmond Electoral Board's business. Ms. Smith was at the registrar's office until approximately 3:00 a.m. on Wednesday, November 4, 2020 and I was there until approximately 3:45 a.m. In this last general election the canvass was not designed to start all at one time at 8:30 a.m. or 9:00 a.m. on November 4, 2020. Chief Election Officers were supposed to come in at appointed staggered times. The Board agreed that we all did not have to come in at the same time. Ms. Stevens said she would be in at around 9:00 a.m. On November 4, 2020, Ms. Smith informed me that she arrived at approximately 10:30 a.m. and was told that Ms. Stevens had arrived around 10:00 a.m. I arrived at approximately 11:00 a.m.

It is alleged as part of Mr. Fisher's complaint # 2, that I completed the canvass at my home on November 8, 2020, Nothing can be further from the truth. By the weekend of the Election (November 6-8, 2020) everyone on the City of Richmond Electoral Board was getting sick. Many people in the Registrar's Office were getting sick. We all went and took COVID-19 tests. We were all quarantined. I took my COVID test on Friday, November 6, 2020. The City of Richmond Registrar's Office was shut down because of the pandemic.

The canvass process in the City of Richmond is a multi faceted process: Basically, it proceeds in this order: Chief Election Officers bring in all of their envelopes, ballots, and materials on election night, November 3, 2020. Chief Election Officers come back the next day, November 4, 2020, and we make sure that their envelopes contain everything that they should (i.e. final voting tapes). There are a minimum of three sets of final voting tapes that are printed from each voting machine at every precinct. There are also three sets produced from the CAP (The Central Absentee Precinct). One set of tapes goes to the Clerk's Office at the City of Richmond Circuit Court by noon, the day after the election, on November 4, 2020. The second set of final voting tapes goes to the Registrar. The third set of tapes goes to the Electoral Board. The Registrar, along with her staff, produces a spreadsheet of the voting results from the Registrar's set of final

voting tapes. After a spreadsheet is produced, the Electoral Board checks the work of the Registrar's spreadsheet to check for errors using its set of final voting tapes.

The next step is for the Board to conduct a provisional ballot meeting to decide which provisional ballots to count so that they can be included in the final voting tally.

I consulted with Ms. Showalter about what we could do to move the vote count and certification process forward. Please remember, the Registrar's Office was closed, and all the Board members were sick and quarantined, including my wife Kelly, who also had to quarantine. Ms. Showalter suggested that she bring the Electoral Board's set of final voting tapes to my house and that she could swear my wife in as an Election Officer and that we could look at the tapes and see if her spreadsheet was correct. Ms. Showalter said she would inform the other Board members of this process and I called both Ms. Smith and Ms. Stevens and they stated that they were fine with proceeding in this manner.

**Looking at the final voting tapes and checking the Registrar's spreadsheet doesn't complete the canvass, doesn't constitute a meeting, and does not violate Virginia Code Sections 24.2-671 and 24.2-107 as alleged.**

I was willing and able to do this work as suggested by Ms. Showalter, even though I was sick and under quarantine. Ms. Stevens stated that, "she was so ill that it was an effort to talk on the phone or even to get out of my bed."

With the help of my wife, Kelly, we were able to catch a number of mistakes and were able to move the final vote count and certification process forward.

After we had made this review of the Registrar's spreadsheet, **we did not complete or finalize anything.** Both Board members C. Starlet Stevens and Joyce Smith were given an opportunity to view the Board's final voting tapes and to compare them with the drafts of the Registrar's spreadsheets.

Ms. C. Starlet Stevens stated to me that the Richmond Republican Committee, especially Ms. Elizabeth Bulter, were questioning her why she or some other Republican hadn't viewed the tapes. I offered to bring Ms. Stevens the tapes and a copy of the spreadsheets to her condo at the Mount Vernon which is blocks away from my office and my house. Ms. Stevens told me that she didn't need me to, that she was still feeling unwell.

The City of Richmond Electoral Board still needed to finalize the last part of the process of counting votes and conduct our provisional ballot meeting. At this juncture, the Registrar's Office was still shut down due to a second wave of COVID-19 infections.

Ms. Stevens and I were released from quarantine on Sunday, November 15, 2020, but now our Registrar, Kirk Showalter, was in quarantine. Ms. Joyce Smith, Vice Chair, was also still in quarantine.



We were able to hold our provisional ballot meeting on Tuesday, November 17, 2020 at 2:00 p.m. at Humphrey Caulder Community Center in their gym on Thompson Street in Richmond, Virginia. I talked to Ms. Stevens and she told me that the Richmond Republican Committee, especially Elizabeth Butler, was still questioning her about the tapes. We agreed that I would bring her the Electoral Board's set of final voting tapes and copies of the spreadsheets to the provisional ballot meeting. I told her she could take them home and look at them all she wanted to and I would come and get them and return them to the Registrar's Office.

I took all of the described materials to Ms. Stevens (the Board's set of final voting tapes and the spreadsheets) to the provisional ballot meeting at Humphrey Caulder gym on Tuesday, November 17, 2020 at 2:00 p.m.

Ms. Stevens made a random cursory review of the materials and stated that everything was in order. She stated that the Richmond Republican Committee's concerns, especially Ms. Butler's concerns were overblown. Ms. Stevens stated "the tapes don't lie." The provisional ballot meeting lasted thirteen hours. It didn't end until 3:00 a.m. on Wednesday, November 18, 2020. We were able to complete our work due to the fine work of Ms. Constance Hargrove, General Registrar of Chesterfield County and her staff who helped us through the process with Ms. Showalter helping us via telephone.

Again, at the conclusion of the provisional ballot meeting, I offered to take all the above described materials to Ms. Steven's car so she could take them home for further review. She declined. I took the materials back to my office, locked them up, and returned everything back to the registrar's office later that day on Wednesday, November 18, 2020, where they were received by the Deputy Registrar, Jerry Richardson, who had come out of quarantine and was the only person at the Registrar's Office, at that time.

**Therefore, Mr. Fisher's complaint # 2 is false.**

**In conclusion, all of the allegations that are outlined in Mr. Hayden Fisher's complaint on behalf of the Richmond Republican Committee are unsubstantiated and are false.**

These complaints are not credible and are based on double and triple hearsay. The timing of these complaints are suspect given the recent removal of J. Kirk Showalter as General Registrar for the City of Richmond on February 1, 2021. C. Starlet Stevens, Ames Russell, Elizabeth Butler, are all angry that Ms. Smith and I voted to remove Ms. Showalter and now they want to see us removed. **Retribution** is their operative mandate.

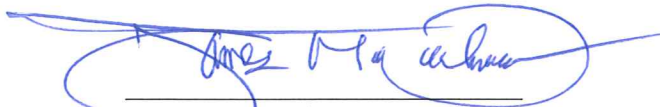
It is a sad commentary, that today it seems that some people will say and do anything to meet their political objectives. They don't care who they hurt. They are willing to smear peoples' reputations and impugn peoples' integrity.

Ms. Smith and I take our oaths as elected board members very seriously. We don't do improper or illegal things and we do not lie! I took this job as an Electoral Board member, as a public service in order to serve the City of Richmond and our Commonwealth. I know Ms. Smith did as well. I am an attorney, and have been a practicing active member of the Virginia State Bar for nearly 25 years, where I also took a similar oath to uphold the Constitution of the United States,

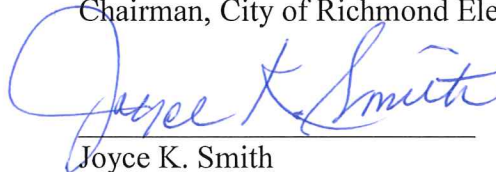
the Constitution of the Commonwealth of Virginia and the laws of the United States and the Commonwealth of Virginia. Ms. Smith and I have not broken our promise. We have done nothing illegal or improper. We did our job in an exemplary manner under very difficult circumstances.

Ms. Smith and I would like the opportunity to defend ourselves against these baseless allegations. We have many witnesses who are available to testify who have firsthand knowledge and who can corroborate that what we say is the truth. We would be happy to answer any questions the Board might have regarding these allegations.

Respectfully submitted,



James M. Nachman, Esquire  
Chairman, City of Richmond Electoral Board



Joyce K. Smith  
Vice Chair, City of Richmond Electoral Board

State Board of Elections  
FINAL Meeting minutes  
Tuesday, April 20, 2021

122  
123  
124

APPENDIX: E  
Yolanda Stokes



Tyson, Franchelle &lt;franchelle.tyson@elections.virginia.gov&gt;

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**Fwd: Support of Joyce Smith**

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**SBE - INFO, rr** <info@elections.virginia.gov>

Tue, Apr 20, 2021 at 8:52 AM

To: Franchelle Tyson &lt;franchelle.tyson@elections.virginia.gov&gt;

Hey Franchelle,

I'm forwarding you this email intended for the Board Members. Please handle accordingly.

Department of Elections  
1100 Bank Street, 1st Floor  
Richmond, Virginia 23219  
804 864-8901  
804 552-9745

**Disclaimer:** This message, including any attachments, may summarize laws, regulations and policies of the Virginia Department of Elections or the Commonwealth of Virginia. Furthermore, this message and any responses sent to this email address may be subject to public disclosure under FOIA. For more information, please call the Virginia Department of Elections at 1-800-552-9745 or visit <http://elections.virginia.gov/index.php/email-disclaimer>.

----- Forwarded message -----

From: **Yolanda Stokes** <Yolonda440@live.com>  
Date: Tue, Apr 20, 2021 at 8:12 AM  
Subject: Support of Joyce Smith  
To: [info@elections.virginia.gov](mailto:info@elections.virginia.gov) <[info@elections.virginia.gov](mailto:info@elections.virginia.gov)>

Dear Chairman Brink, Vice – Chairman O'Bannon and Secretary LeCruise

I reviewed the minutes of the State Board of Elections meeting where a complaint was lodged against two Democratic members of the Richmond Electoral Board. I am writing this letter in support of Vice-Chairman Joyce Smith of the Richmond Electoral Board.

I just recently had an opportunity to work with Vice-Chairman Smith regarding elections in the City of Richmond, Virginia. I was impressed by her eagerness to improve upon elections in the City of Richmond. She solicited my resume' for the position of General Registrar for the City of Richmond, Virginia. In dealing with Ms. Smith I found her to be the type of Board member that carries out the duties of the office in a non partisan fashion. She researches to the best of her abilities and shows a genuine concern for equal and fair elections in the City of Richmond. She has been faced with many obstacles during her tenure and has worked diligently to find the answers she needed to make a "sound" decision.

Ms. Joyce Smith as Vice-Chairperson works hard and she works smart. She has been with the Electoral Board approximately two years and her knowledge of what it takes to move the City of Richmond's Electoral process forward is invaluable. It would not be in the best interest of elections within the City of Richmond to "remove" Ms. Smith as the Democratic appointee at this time. I find that she makes decisions fairly, wisely and impartially.

In short, I think that Vice-Chairperson Joyce Smith would continue to be an invaluable asset to the City of Richmond's election process. She would continue to grow and move forward the State Board of Elections objectives to the

4/30/2021

Commonwealth of Virginia Mail - Fwd: Support of Joyce Smith

administration of elections in the Commonwealth for many years to come.

Please feel free to contact me should you have any questions or concerns. I can be reached at (804) 475-2773.

Respectfully submitted,

Yolanda W. Stokes

Sent from [Mail](#) for Windows 10

125  
126  
127

APPENDIX: F  
Elizabeth Butler, and Hayden Fisher, Chairman  
Richmond Republican Committee



## Richmond City Republican Committee

Reagan Building, 25 East Main St, Richmond, VA 23219

April 12, 2021

Dear Virginia Board of Elections Members and Commissioner Piper,

Thank you for the opportunity to pull together all of the information we have about recent improper actions of certain members of the Richmond City electoral board. As I review the documentation presented here, I am struck by the persistent pattern of disregard for the Code of Virginia. The code provides instructions on what to do if a precinct's results haven't been reported on election night. It also provides a process to replace an electoral board member who is temporarily ill. Most importantly it spells out a process for the electoral board to meet regularly with all of its members and the public to conduct formal business. Unfortunately, certain members of the Richmond electoral board have proven that they can't be trusted to follow the Code of Virginia. I urge you on behalf of the citizens of Richmond to recommend the removal of Chairman Nachman and Vice-Chairman Joyce Smith.

Thank you in for your consideration of these serious matters.

Sincerely,

Hayden Fisher, Esq

Richmond City Republican Committee, Chairman

**1. Electoral Board members James Nachman and Joyce Smith opened sealed returns of some precincts in the early morning hours of November 4<sup>th</sup>, without a proper meeting of the Electoral Board and without party observers. Joyce Smith subsequently lied about her participation. Code of Virginia 24.2-671**

- a. The electoral board is required to meet at the Registrar’s office before 5pm on the day after the election to ascertain the results of the election (Virginia Code 24.2-671)
- b. Every electoral board member must be notified if there is going to be a meeting of the electoral board. (Virginia Code 24.2-107) Starlet Stevens was not notified before the envelopes were opened.
- c. Each political party is entitled to have representatives present when the local electoral board meets to ascertain the results of the election (Virginia Code 24.2-671). The Republican party was not notified that the returns were being opened in the early morning hours of November 4<sup>th</sup>.
- d. Chairman Nachman testified on March 31, 2021 at the Board of Elections meeting that he and Joyce Smith opened the sealed envelopes of some of the precincts in the early morning hours of November 4<sup>th</sup>.
- e. Ames Russell, Chief Election officer of Richmond precinct 115, states:

Statement of Ames Russell: I am resident of the city of Richmond, Chief Election Officer of Precinct 115. I have served as an officer for over 8 years.

When we canvassed our Precincts results the morning after the election, we found signed seals broken, crucial machine print outs of results missing and another Precinct material among ours.

I later learned Electoral Board Members Mr. Nachman and Ms. Smith opened our sealed envelopes and removed our tapes in the middle of the night, in violation of the Code of Virginia.

Despite video evidence, Ms. Smith claimed:

“The Board didn't open those envelopes. We know NOT to do that. Kirk is using the board to cover herself. She does that to others as well to cover her mistakes.”

I contacted Registrar Showalter with this information, and she said:

“contrary to Ms. Smith’s assertions, it was she and Mr. Nachman who opened those envelopes. I was not present at the time nor were they opened at my direction.”

Why did Mr. Nachman and Ms. Smith disregard Code, and why did Ms. Smith state the Board did not open envelopes when the Chairman claimed he did?



I feel this matter requires a thorough and impartial review to ensure the integrity of our electoral process and hold our officials accountable for their conduct.

- f. Statement of Robley Jones, employee of the Richmond registrar's office, who served as a Canvass officer during the Canvass of precinct 115's returns.

Dear Mr. Piper:

I recently became aware that the State Board of Elections is investigating election irregularities that may have occurred in Richmond City on the evening of November 3. I was one of the two canvas officers who attempted to canvas the report from Ames Russell's precinct, I believe it was 115, on the morning of November 4.

I have been a canvas officer for some years, and at that time, I was training Laticia Gaines, and the two of us were conducting the canvas. Chief Russell was accompanied by the assistant chief, Ann Pane.

Although we had reported to start the canvas at eight, the necessary number of Richmond Board members were not present, so we did not get underway until around nine. The packet from Mr. Russell's precinct was the first one presented to us.

I immediately noticed that the seal on the envelope containing the report was broken. I asked Ames if it had been broken when it was submitted. He said, "No." We noted this on the canvas form.

Then when we opened the envelope, I pulled out envelope #3. It as not from precinct 115. I cannot recall the number of the precinct that it came from. At that point, I called over Ms. Showalter. I informed her of the problem. She seemed surprised, and Johanna McKee and Kirk conferred with us. They took the envelope and told us to wait until the correct envelope #13 could be found. We waited for over a half hour.

Ames and his assistant, Ann Pane, were then told that they would be called back in when the missing envelope was found, and we were told to begin canvassing other precincts.

I have been a canvas officer for many years, and this is the first time I ever encountered an irregularity regarding the security of a precinct report.

When I learned that Mr. Russell was dismissed from his duties as chief, I was shocked. I have canvassed his precinct from time to time in the past, and he is an excellent chief, whose reports are accurate and meticulously organized.

If he was fired for voicing concern regarding the irregularities that occurred regarding his precinct report on November 4, he was wrongfully fired. Election officers should seek out the truth in such instances. Such a firing will have a chilling effect on reports of irregularities from local election officials, and I do not believe that is in the best interest of election integrity in our beloved Commonwealth.

Sincerely,

Robley Jones

g. Statement of Ann W. Pane, Assistant Chief, Precinct 115

On election night, I heard Chief Ames Russell call downtown to report our results at approximately 7:20pm. As is our practice, we each kept a copy of the results tapes just in case there was difficulty downtown.

During the canvass, on the morning of Nov. 4th, it was noted that our pollbook information did not match the SOR numbers. Chief Ames and I were both confused.

I asked to see the information from Robley, as I had packaged it, and had stapled the tapes in a particular spot in two different places on the form, and the materials he was handling had NO staples. It is then that we discovered the manila #13 Envelope in OUR #2 Envelope was NOT FROM OUR Precinct #115.... BUT WAS FROM Precinct #203!!!

This should have been impossible, as the envelopes are NOT to be opened once they are delivered to the registrar's office UNTIL canvas the next day.

Upon finding this out, we motioned for Kirk Showalter, Registrar, to come over to our table and asked her about it after explaining the situation. Her comments surprised us. To the best of my recollection I will recount what I remember her stating:

"She said that she was not surprised, that 'some' envelopes were opened the morning of the 4th at appx. 3:30-4:00am, because some of the precincts had not reported their results."

She was informed that our results had been CALLED IN, and there should have been NO reason to open our envelope 2.

IN ADDITION, why did whoever opened it RETURN THE WRONG Precinct 203 Envelope 13, in our Precinct #115 Envelope 2?

NOTE: the manila Envelopes 13 DID NOT contain any results tapes!!! But only tapes and summary of the Pollbooks and voters names and addresses.

"She replied that it was, after all, 3:30am and they had been there all day and were very tired, and she could see how this could have happened. That they were receiving a multitude of phone calls -every 15 minutes- from some candidates and they were trying to get the results totaled."

Kirk Showalter took the manila Envelope 13 and said she would check on it. We waited and waited. In about an hour Johanna McKee, came back to us with the Precinct #203 envelope, and informed us that they "could not find" the correct manila Envelope 13 for our Precinct #115, and that they did not know where it was, AND we should leave canvassing (not complete it) and leave the building.

h. Statement of Letitia Gaines, Chief Officer, Precinct 304

On November 4, 2020, was my first day of Canvassing for the City of Richmond. I was training with Chief officer Mr. Robley Jones. Our first precinct for the day was precinct 115, upon our checklist, we are asked to ask for how many workers, how many people

turned out for the precinct and etc. Upon, asking the questions, we noticed the answers that was given by Chief Ames Russell and assistant Chief Anne Pane of precinct 115 was incorrect of what they had in their envelope which was sealed and signed by Mr. Russell and Ms. Pane.

Mr. Russell and Ms. Pane, asked to see the envelope and tapes, in which everything that was in the envelope was not theirs and belong to precinct 203, and stated this is not our tapes or our workers. We do not know any of the workers and this is not our signatures on the tapes.

Mr. Jones and myself reported the problem to Johanna and it was escalated.

Along, with Mr. Russell and Ms. Pane, Mr. Jones and myself questioned how did precinct 203 tapes and information ended up in precinct 115 envelope. When, the envelope was signed and sealed when it was turned in the night of November 10, 2020 and was not to be open until the next day at canvassing.

Until today, we have not heard how 203 information was in 115 envelope.

With the climax across the United States concerning voting suppressions, this is a serious matter.

Also, with all of the training that was given by The Electoral Board and security around the Voter Registrar office this is very alarming.

i. Statement of Johanna McKee, Chief Officer, Central Absentee Precinct


On the evening of the Presidential Election after the polls closed Kirk Showalter and I were completing the Statement of Results for the Central Absentee Precinct 999, Jim Nachman approached Kirk Showalter to tell her that 6 precinct election results were missing. Kirk Showalter instructed Lisa Cosby to call the chiefs and she stated "they turned in their phones". I said that Adriene has all the phone numbers and contact info and Kirk said send the police to get the tapes. Lisa Cosby walked away with Jim Nachman.

Again, Jim Nachman approached Kirk Showalter and told her that the police were gone and Kirk Showalter asked who released them and Jim Nachman stated that they were going to go get the results from the #2envelope, Kirk Showalter stated to check the closing tapes that were turned in by the chiefs.

Later, Jerry Richardson spoke with Kirk Showalter that they got the election results from the #2envelopes.

j. Statement of Kirk Showalter regarding why the envelopes were opened:

Re: Personnel Matters from Board Meeting on March 11, 2021

 jkds2010@verizon.net  
To haydenfisher@mac.com  
Cc cbwhandsur@aol.com; ames@hotsouthernhoney.com; lowva13@aol.com; lindawoods@earthlink.net; elizabethbentley@msn.com

Reply Reply All Forward

Fri 3/12/2021 4:23 PM

I do, in fact know why they were ransacking the envelopes. My Voter Registration Services coordinator was supposed to be monitoring the results system to make sure that all the precincts reported on election night. She did not. I was tied up with Central Absentee because the Democrats were pushing hard to have everything that we'd received by that day counted that night (despite the state saying to stop at 11 PM). Shortly after midnight, I took a break and reviewed my emails. DIT had sent me one to remind me that the automatic upload from the City system stopped (as it always does) at midnight. They also alerted me to the fact that there were about six precincts for which no results were reported. I verified that they were correct, then sent word by (I believe it was my deputy) to the Board (who were downstairs receiving supplies) that the precincts were outstanding and that the Board needed to call the Chiefs for the results. If they couldn't contact the Chief, then they should send one of the police drivers to the Chiefs' homes to get the results. I made it clear that we could not leave until the results were posted.

The rest of the story is hearsay as reported to me by staff. (I was still upstairs, the entire time.) Apparently, no one downstairs collected the 4th extra voting machine tape when the Chiefs brought their supplies in, (we collect that extra tapes when the Chiefs return their supplies just for these situations) so the extra tapes weren't available to report the unofficial results. Someone had apparently released the police drivers before checking to make sure all the results were in, so going to the Chiefs' houses wasn't an option at that standpoint (which is SOP when the tapes aren't available). That left calling the Chiefs. Apparently there was a conversation about whether or not to call the Chiefs and one or more members of the Board decided not to do so due to the lateness. Apparently, one or more members of the Board decided to, instead, open the #2 envelope.

I speculate as to their "paranoia" about this situation. Envelopes sealed by the officers on Election Day may only be opened under certain circumstances (for security of the results). Most envelopes can only be opened with a court order and the majority of the election officers present. The #2, however, may be opened during canvass, but canvass doesn't start until the next day. Therefore, going into the #2 envelope before the canvass begins is questionable procedure at best. Case in point: whomever put the materials back in the envelopes after the results were done mixed up some of the contents, and we have the situation before us. You can check with Starlet, but I believe she was not present when all of this happened. It was just the two Democratic Board members. One of the Board members (Joyce Smith) later tried to tell Ames that I told them to do into the envelopes. Since I wasn't even present, that would have been impossible.

Kirk

k. As reported in the The Richmond Free Press, (State elections board investigating allegations involving city Electoral Board's handling of Nov. 3<sup>rd</sup> election)

“Mr. Nachman denied opening Mr. Russell’s envelope during the search for precinct election results...”

Chairman Nachman also stated to the Board of Elections on March 31<sup>st</sup> that he never opened the envelopes of Precinct 115 or 203, which were involved in Ames Russell’s claims. If that happens to be true, then there is a bigger problem where a third person was opening sealed envelopes also.

**2. The Canvass on the morning of November 4<sup>th</sup> was not overseen by the Electoral Board, but by a single member.**

- a. The electoral board is required to meet at the Registrar’s office before 5pm on the day after the election to ascertain the results of the election (Virginia Code 24.2-671). The Richmond Electoral Board refers to this as the Canvass.
- b. “The Board shall open the returns delivered by the officers” (Virginia Code 24.2-671).
- c. Starlet Stevens was the only Electoral Board Member present when the Canvass began.  
Statement of Starlet Stevens:

I arrived at the Voter Registration office on Wednesday, November 4, 2020 shortly before 8:00 a.m. for the canvass of the previous day’s election.

When I arrived, I inquired if Vice Chair Joyce Smith or Chairman Jim Nachman had arrived and found out I was the only one there. As a general rule, Chairman Nachman is usually not in attendance the first thing on canvass day because he always says he has a court case. In the past, Joyce has always been present with me for the canvass to start. I went ahead and had the canvass start thinking Joyce maybe was caught in traffic, etc.

I tried several times throughout the course of the morning to call Joyce and the calls went into voice mail. I left messages but received no response. Joyce finally showed up at the office at approximately 12:00 p.m. and I told her that I was worried about her and asked if there was a problem. She said that she and Nachman had been at the office until 3:30 a.m. going into #2 envelopes looking for tapes. I was totally shocked to hear this as I thought both of them had left when I did the night before. At any rate, I told Joyce that at least two Board members were to be present at the canvass. Her response to me was that Nachman told her she did not need to be there. I told her that he was wrong, that the canvass always starts at 8:00 a.m. and no matter how late we were there on election night, we had to be there for the canvass to start.

Nachman showed up somewhere between 12:30 p.m. and 1:00 p.m. and I told him that I had been the only one there until around 12:00 when Joyce finally arrived. He told me that they had been there until 3:30 in the morning looking for missing tapes.

- d. Statement of Johanna McKee, Chief Officer, Central Absentee Precinct

On Wednesday November 4, 2020, Joyce Smith arrived late for canvass. She approached me to tell me " Jim and I did not leave until 3:30 am and he said I didn't need to be here."

**3. The Canvass was continued at Chairman Nachman’s home on the evening of November 8<sup>th</sup>. This should have been a proper meeting of the Electoral Board, a quorum was not present, and political parties were not given the opportunity to observe.**

- a. “The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed seven calendar days from the date of the election. Written directions to the location of any room other than the clerk’s and general registrar’s offices where the board will meet shall be posted at the doors of the clerk’s and general registrar’s offices prior to the beginning of the meeting.” (Virginia Code 24.2-671)
- b. “Two members shall constitute a quorum.” (Virginia Code 24.2-107) Chairman Nachman was the only member present for the meeting on the evening of November 8<sup>th</sup>.
- c. Each political party is entitled to have representatives present when the local electoral board meets to ascertain the results of the election (Virginia Code 24.2-671). The Republican party was not notified that there was a meeting at Chairman Nachman’s home on the evening of November 8<sup>th</sup>.
- d. Statement of Starlet Stevens:

“On Sunday evening, November 8, I received a call from Chairman Nachman. He said that he and his wife, Kelly were doing the canvass at their house on Stuart Av. He indicated that Registrar Showalter had sworn Kelly in and she was assisting him in reviewing the tapes and the SOR’s from Tuesday’s election.

I questioned why this was being done at his house and Jim indicated that our whole office was shut down due to COVID-19. No one was allowed in the building due to this. At this point in time, I did not discuss any further. I was so ill that it was an effort to talk on the phone or even to get out of my bed.”

**4. Jim Nachman was verbally aggressive and disrespectful towards board member Starlet Stevens during the Richmond Electoral Board meeting on 2/1/2021.**

- a. Statement of Starlet Stevens describing events leading up to the closed session discussion of 2/1/2021:

“When we go into closed session, our Executive Assistant, Adriene Davis gives me a statement to read which states that the Board is going into closed session to discuss personnel matters. It also cites the Code of Virginia law that this relates to.

As I was ready to start reading said statement, Chairman Nachman stopped me and handed me a different statement to read. I asked why I was being asked to read something different and he gave me no answer. He said something to the effect of “just read it”. I refused to do this without an explanation from him. He then removed the statement from me and handed it to Co-Chair, Joyce Smith who struggled to read it.

The recorder was turned off by Adriene and she along with staff members Jerry Ingram, Liz Wilson, Johanna McKee left the room.

At this point, Jim shouted across the room to Kirk's attorney, Linda Woods that she also must leave. Ms. Woods stated that she was there to represent Kirk and she would not leave.

I spoke up and said "Jim, Ms. Woods has a right to be here, let her stay." He yelled at me to "shut up, you stay out of this!" My response was, "I will not stay out of this, I have a duty to be here." I added that Kirk had a right to legal representation in this proceeding.

Jim again yelled loudly at me to "shut up "or he would make me leave the meeting. I said no way would I leave the meeting.

At this time, Jim got up and went into the hallway to make a phone call. He also at this time ordered the Security Officer to get the RPD officer and for them to remove Ms. Woods from the building. I spoke to the officers and asked them not to do this and added that Kirk had a right to have her lawyer there. I even added that if they were in a similar scenario, wouldn't they also want their attorney present? They agreed with me and Jim again yelled at the officers to get Ms. Woods out of the building.

Jim yelled at me to "shut up and stay out of this." I said "no way" and he said he would have me removed from the building also. My response was, "I would advise you against doing that ". During this, Jim was on the phone and it was my understanding that he was talking with Attorney Tabrika who is with the City of Richmond.

Jim again ordered the officers to remove Ms. Woods and if she refused, they were to arrest her. I said I was not going to allow this to happen. It was apparent to me that the officers really had no interest in going to the extremes that Jim was ordering.

I then suggested it would be a good idea for the Board to come out of closed session and go back into open session and take care of the last two items on the meeting agenda. I suggested we schedule another meeting to address the issue of whether or not to remove Kirk. Jim yelled "no way, this is going to get done tonight!"

- b. Statement of Kirk Showalter regarding events that occurred at the City of Richmond Electoral Board meeting on February 1, 2021.

I have worked for various governmental agencies in the past 30 years. I have never - in all that time - witnessed the behavior exhibited by Mr. Jim Nachman, Chairman of the Electoral Board, in general and toward Ms. Stevens in particular. One of the items on the agenda was consideration of the removal of me from the appointed position of General Registrar. At no time prior to that meeting was I informed of

any specific cause for removal. (The General Registrar is not an at will employee; they can only be removed from office for failure to perform their duty according to law.) As such, believing that there was no event that occurred that met that standard, and believing that I was entitled to due process in the proceedings, I requested that my attorney remain during the closed session so that she could advise me, if necessary, during the course of any conversation that might ensue. Mr. Nachman vehemently and loudly objected to allowing my attorney to remain. When my attorney refused to leave, Mr. Nachman threatened to have her arrested. Ms. Stevens came to my defense and supported my request to have legal counsel present during the closed session. Mr. Nachman screamed at her and became verbally aggressive. While I do not remember the exact words that he said at that point (I was too shocked), the effect of the communication was such that it was clear that he did not wish to allow Ms. Stevens to have any input into the matter, completely disregarding her equal standing as a member of the Electoral Board. He also threatened to have her removed by the security staff that were present. It should be noted that I, the then General Registrar, had not arranged for the security staff to be present at the meeting. I can only conclude that the security staff were pre-arranged at the behest for either Mr. Nachman or Ms. Joyce Smith, Vice-Chairman, or both.

While the Freedom of Information Act precludes me from communicating exactly what was said during the closed session, I can say that Mr. Nachman's attempt to muzzle Ms. Stevens continued during the closed session. It was also obvious that he did not intend to allow for any sort of real due process to occur before the Board acted in open session to vote on the question of removing me from office. I will also add, that while Ms. Smith's behavior was not as loud or aggressive as Mr. Nachman's, it was clear that she fully supported and condoned his.

**5. After the public electoral board meeting on 2/1/2021, Acting Interim Registrar Jerry Richardson was named without a proper meeting of the Electoral Board because Starlet Stevens was not notified and neither was the public.**

- a. Every electoral board member must be notified if there is going to be a meeting of the electoral board. (Virginia Code 24.2-107) Starlet Stevens was not notified before the meeting occurred to name Jerry Richardson as interim Registrar.
- b. Notice shall be given to the public as required by 2.2-3707. No public notice was given for this impromptu meeting.



**6. Ames Russell was fired as an election officer in retaliation for his whistleblower action mentioned in #1 above.**

- a. On March 11, 2021, the Richmond Electoral Board voted to no longer allow Ames Russell to serve as an election officer. Starlet Stevens voted against removing Mr. Russell.
- b. Mr. Russell, a long standing and well-regarded election officer, was terminated without any acceptable due process. He was never directly questioned by either Chairman Nachman or Ms. Smith regarding this matter.

It appears that the sole reason for his removal is his complaint about the actions of the Electoral Board in the early morning hours of November 4, 2020.

As reported in the The Richmond Free Press, (State elections board investigating allegations involving city Electoral Board's handling of Nov. 3<sup>rd</sup> election)

“Mr. Nachman... denied Mr. Russell was fired for filing the complaint”

“Ms. Smith said Mr. Russell was dismissed because he refused to accept her and Mr. Nachman’s statements that they had nothing to do with the premature opening of his envelope.”

- c. Also on March 11, 2021, the Richmond Electoral Board voted to no longer allow Linda Woods to serve as an election officer. It appears that the sole reason for Linda’s removal is her position as Kirk Showalter’s attorney at the previous Electoral Board meeting on 2/1/2021.

7. **Jim Nachman was pressured by Senator Morrissey and Susan Schwecker of the Democratic Party of Virginia to fire the Richmond Registrar. He commits to follow the direction of Morrissey and the Democratic Party – when he should be discussing this matter with the Richmond Electoral Board and making an independent decision.**

FOIA 5

From: **Jim Nachman** nachmanlaw@msn.com  
Subject: Re: Xerox Scan\_11062020183158.pdf  
Date: November 7, 2020 at 9:21 AM  
To: Susan Schwecker <susanswecker@me.com>



i would be happy to talk to him and tell him the real facts if it would do any good. Y'all already know what I know. The part about the RCDC requesting a meeting with me, Joyce or the Board is bogus. And as we have discussed earlier, would it have been wise to take her out in a year right before a major election? We would have had to start from scratch. Nobody ever said anything to me or Joyce about her reappointment. I am flabbergasted. Please let Joe that I have been working with the Party and am willing to follow your and the leadership's direction.  
Jim Nachman  
399-5555

Sent from my iPhone

On Nov 7, 2020, at 9:06 AM, Susan Schwecker <susanswecker@me.com> wrote

You should not respond. Let me get with Andrew on this. I guess he mailed it bc I had not seen it.

> On Nov 7, 2020, at 8:58 AM, Jim Nachman <nachmanlaw@msn.com> wrote:

>  
> WOW! Joe is misinformed!  
> Jim Nachman  
> 399-5555

>  
>  
>  
> Sent from my iPhone

<Xerox Scan\_11062020183158.pdf>

# SENATE OF VIRGINIA

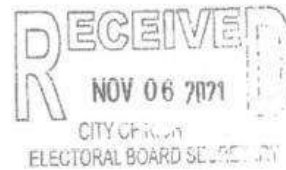
**JOSEPH D. MORRISSEY**  
18th SENATORIAL DISTRICT  
ALL OF THE CITIES OF HOPEWELL AND  
PETERSBURG; PART OF CHESTERFIELD,  
DINWIDDIE, AND PRINCE GEORGE COUNTIES;  
AND PART OF THE CITY OF RICHMOND  
  
701 GERMAN SCHOOL ROAD  
RICHMOND, VIRGINIA 23225  
(804) 797-1426



COMMITTEE ASSIGNMENTS:  
AGRICULTURE, CONSERVATION AND NATURAL  
RESOURCES  
JUDICIARY  
LOCAL GOVERNMENT  
REHABILITATION AND SOCIAL SERVICES

November 2, 2020

James Nachman, Chair  
Richmond Electoral Board  
2134 West Laburnum Avenue  
Richmond, VA 23227



Dear Mr. Nachman,

As you know, on Monday, October 26, 2020, the Democratic Party of Virginia filed suit against Richmond Registrar, J. Kirk Showalter, regarding her failure to respond to a **Freedom of Information Act (FOIA)** request for a list of those voters with ballots that may contain errors. Notwithstanding Showalter's statutory duty to respond to a FOIA request in a timely fashion, it wasn't until 17 days later that Showalter responded by stating: "We don't have a list". Showalter's behavior is unacceptable.

I also note that the Democratic Party of Virginia had previously requested such error lists from approximately fifty (50) other localities...all without a hitch. Why is it that the Richmond Registrar's office continues to perform its job in such a miserable fashion?

Equally troubling was your response - as reported in the Richmond Times Dispatch - that "the City's Elections office did not intend to 'hide' any reference or 'stonewall' request for them". Indeed, the Richmond Registrar's office did just that. Why wait seventeen (17) days before saying "we don't have a list." Why not do it immediately - simple stonewalling! You go on to say that the Richmond Registrar's office has an operation that is "tremendously ramped" - I have no clue as to what that means. What it sounds like is that you are making excuses for an office that is performing in a wildly abysmal fashion.

Showalter has shown repeatedly that she is unfit to lead the Richmond Registrar's office. How many times has she been sued? How many hundreds of thousands of dollars in attorneys fee has she had to pay out? Earlier, this year the Richmond City Democratic Committee requested a hearing with your Board in order to present overwhelming evidence of ineptitude on the part of Showalter. You prevented that from happening by reappointing her without the requisite hearing. Your singular action - which prevented the Richmond City Democratic Party from

*Nachman says this is bogus*

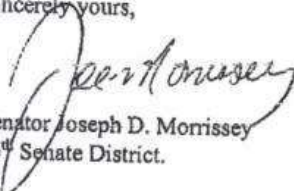
Page2  
November 2, 2020  
James Nachman, Chair, Richmond Electoral Board

presenting Showalter's defalcations over the last several years – was unprecedented and in violation of your responsibilities as a Chair of the Richmond Electoral Board.

I also note that you stated in the Richmond Times Dispatch that there is an unprecedented number of absentee ballots in Virginia and that "people are working really hard; they are under a lot of stress". Mr. Nachman, there are a lot of Registrar's Offices throughout the Commonwealth that are "under stress" and they are all "working very hard". However, unlike the Richmond Registrar, the other Registrar Offices are performing their job in stellar fashion. Mr. Nachman, you need to run a tighter ship and if you can't do your job, then you should resign.

Finally, stop covering up for Showalter's incompetence. It just underscores both the problems that we are having in the Richmond Registrar's office as well as your poor leadership of the Richmond Electoral Board.

Sincerely yours,

  
Senator Joseph D. Morrissey  
16<sup>th</sup> Senate District.

cc: Jamie Nolan, Chairperson  
16<sup>th</sup> Senate District Committee  
1021 East Cary Street, Suite 1275  
Richmond, Virginia 23219

Virginia State Board of Elections  
1100 Bank St.  
Richmond, VA 23219

Susan Swecker, Chair  
Democratic Party of Virginia  
919 E Main St #2050  
Richmond, VA 23219

Joyce K. Smith, Vice Chairman  
Richmond Electoral Board  
2134 West Laburnum Avenue  
Richmond, VA 23227

C. Starlet Stevens, Secretary  
Richmond Electoral Board  
2134 West Laburnum Avenue  
Richmond, VA 23227

J. Kirk Showalter, Registrar  
Richmond City Registrar's Office  
2134 West Laburnum Avenue  
Richmond, VA 23227

8. **Richmond electoral board members, Jim Nachman and Joyce Smith, were plotting together to build a case against the Richmond Registrar and they anticipate they will be sued for discharging her. These discussions are inappropriate and should have involved the full board, not just two members.**

From: **Jim Nachman** nachmanlaw@msn.com  
Subject: **Re: Removal of General Registrar**  
Date: **December 3, 2020 at 5:47 PM**  
To: **Joyce Smith** gdzdiva1@gmail.com



I tried calling you yesterday in response yesterday to your text, but you did not answer. I do plan to call a meeting to address the concerns outlined in the letter received from Susan Swecker and Jamie Nolan. As you and I discussed last week, there is much to be done before we have a meeting. We must be ready and have all the facts, information, documentation, and witnesses if we are to make a case for Kirk Showalter's removal. I wanted to talk to a number of individuals including but not limited to Chris Piper, Bob Brink, Haskell Brown, Nancy Rodrigues, and other witnesses. I have consulted with Chairwoman Susan Swecker and told her that I thought we would need until January 2021 before we could be ready. Remember, we had better be prepared and be able to make a case against Kirk Showalter that will be able to pass judicial muster in the likely event that she sues us for discharging her. I would have thought you would have called me and discussed this with me before emailing me in this manner? Please call me! You know how to reach me. Thank you!

Jim Nachman  
399-5555

Sent from my iPhone

On Dec 3, 2020, at 4:53 PM, Joyce Smith <gdzdiva1@gmail.com> wrote

Dear James Nachman, Chairperson  
Richmond Electoral Board

I am following up on my requests for a meeting in order to address the concerns of the citizens of Richmond, VA, (voters) the letters received from the Chairman of the State Democratic Committee, Ms. Swecker as well as the local Democratic Committee Chairperson, Jamie Nolan regarding major concerns with our November 3, 2020 elections. We have also received concerns from State Senator, Joseph Morrissey.

Of great concern to me is the account of activities at our polling places, specifically the concern Ames Russell, Chief Officer for precinct 115 has raised in writing to you and I.  
These matters are serious, and they cannot be ignored.

Upon review of Virginia State Code Section 24-2-109, the Appointment and removal of the general registrar, it states that the Electoral Board shall remove from office, on notice, any general registrar or officer of election who fails to discharge the duties of his/her office according to law.

I have requested on numerous occasions as the Vice-Chairperson of the Electoral Board, we convene to determine how we will move forward in the electoral processes of this City. I am now requesting in writing that we schedule an Electoral Board meeting, an emergency Electoral Board meeting in keeping with open meeting laws, to discuss this matter expeditiously.

Please advise as to when you will schedule the meeting.

Thank you for your support in this matter.

Joyce Smith  
Vice-Chairperson  
Richmond Electoral Board



**9. Fraudulent application to the Virginia Employment Commission for unemployment compensation by electoral board member Joyce Smith**

- a. In her email to you dated 3/7/2021, Starlet Stevens reported that Richmond Electoral Board Vice -Chairman, Joyce Smith, filed false claims for unemployment compensation with the VEC on three different occasions during 2020.
- b. Kirk Showalter's letter to VEC:



**Office of the General Registrar**

City of Richmond

2134 West Laburnum Avenue, Richmond, Virginia 23227

P.O. Box 61037, Richmond, Virginia 23261-1037

(804) 646-5950

[VoterRegistration@richmondgov.com](mailto:VoterRegistration@richmondgov.com)

November 30, 2020

Virginia Employment Commission  
6606 Wet Broad Street  
P.O. Box 27887  
Richmond, VA 23261

Re: VEC Employer's Report of Separation and Wage Information – Account #

Dear Virginia Employment Commission:

We received three Virginia Employment Commission Employer's Report of Separation and Wage Information forms to be completed for account number [REDACTED] for Joyce K. Smith. Please be advised that Ms. Smith is not a wage or salaried employee of the City of Richmond. She was, and continues to be, the Vice-Chairman of the City of Richmond Electoral Board.

Under §24.2-122 of the Code of Virginia, Electoral Board members are "...employees of the county or city in which they serve except as otherwise specifically provided by state law." However, their compensation for this is a flat annual fee. Per the attached letter, Ms. Smith's annual compensation is \$4,428. Because of this status, I was unable to answer most of the questions on the forms (enclosed).

Please be advised that Ms. Smith has not separated from this position. She continues to receive this fee, paid in bi-weekly installments.

Please call me at (804) 646-5950 or email me at [VoterRegistration@richmondgov.com](mailto:VoterRegistration@richmondgov.com) if you have any further questions.

Sincerely,

J. Kirk Showalter  
General Registrar

6. Ames Russell was fired as an election officer in retaliation for his whistleblower action mentioned in #1 above. a. On March 11, 2021, the Richmond Electoral Board voted to no longer allow Ames Russell to serve as an election officer. Starlet Stevens voted against removing Mr. Russell. b. Mr. Russell, a long standing and well-regarded election officer, was terminated without any acceptable due process. He was never directly questioned by either Chairman Nachman or Ms. Smith regarding this matter. It appears that the sole reason for his removal is his complaint about the actions of the Electoral Board in the early morning hours of November 4, 2020. As reported in the The Richmond Free Press, (State elections board investigating allegations involving city Electoral Board's handling of Nov. 3rd election) "Mr. Nachman... denied Mr. Russell was fired for filing the complaint" "Ms. Smith said Mr. Russell was dismissed because he refused to accept her and Mr. Nachman's statements that they had nothing to do with the premature opening of his envelope."

To this I add, neither Mr. Nachman nor Ms. Smith ever questioned me directly about my statement or theirs's. To state I "refused" to accept their statements is unfounded.

Beyond this, will current and future election officers be liable for dismissal by Electoral Board members because they don't agree with Board Members interpretation of events?

Thank you,  
Ames

1           The State Board of Elections (“the Board”) meeting was held by electronic  
2 communication on Tuesday, June 1, 2021. In attendance: Robert Brink, Chairman, John  
3 O’Bannon, Vice Chairman, and Jamilah LeCruise, Secretary, represented the State Board of  
4 Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner, represented the  
5 Department of Elections (“ELECT”) and Carol Lewis represented the Office of the Attorney  
6 General (“OAG”). Chairman Brink called the meeting to order at 1:00 P.M.

7           Chairman Brink informed the Board that on March 12, 2020, Governor Ralph S.  
8 Northam declared that a state of emergency exists in the Commonwealth as the result of the  
9 potential spread of COVID-19, a communicable disease presenting a threat to public health.  
10 On March 30, 2020, the Governor issued an executive order requiring all individuals in  
11 Virginia to remain at their place of residence, with certain enumerated exceptions.

12           This meeting was conducted consistent with the requirements for electronic meetings  
13 by public bodies set forth in Items 4-0.01 of House Bills 29 and 30, as passed by the General  
14 Assembly (“GA”) and signed by the Governor in April of this year. The purpose of the  
15 meeting is to transact the statutorily required business of the Board. Chairman Brink stated  
16 that the Board would receive public comments on agenda items prior to its action on that  
17 item. An open public comment period would be offered prior to adjournment.

18           The only item on the agenda was the consideration of the alleged irregularities in the  
19 operations of the City of Richmond Electoral Board. Chairman Brink stated that during the  
20 April 20, 2021 board meeting, the Board directed the Chairman to request that the



21 Commonwealth Attorney for the City of Richmond investigate the allegations of violations  
22 of Title 24.2 and Title 2.2, Freedom of Information Act (“FOIA”), under the Virginia Code.  
23 The Chairman informed the Board that on April 26, 2021, he provided a letter to the  
24 Commonwealth’s Attorney, Colette Wallace McEachin. *See Appendix: A. Chairman Brink*  
25 *stated that Ms. McEachin provided a response on April 30, 2021. This response is in the June*  
26 *1, 2021 Board Working Papers.*

27 Vice Chair O’Bannon stated after due consideration of the allegations raised  
28 regarding members of the Richmond City Board of Elections including but not limited to, 1)  
29 opening sealed returns of certain precincts, improper conductions of a canvas on the morning  
30 of November 4, 2020 without a proper meeting of the Electoral Board and without party  
31 observers, and 2) abdicating responsibilities delegated under Articles 3 and 4 of Title 24.2 of  
32 the Virginia code; *I move that the Board delegate authority to Chairman Brink to draft a*  
33 *letter requesting that the Office of Attorney General investigate alleged improper actions in*  
34 *violation of Title 24.2 of the code.* The Vice Chair requested that Chairman Brink ask for an  
35 official report back to the Board with their findings. Secretary LeCruise seconded the motion  
36 and the motion passed unanimously.

37 Chairman Brink opened the floor to public comment. Elizabeth Butler of the  
38 Richmond City Republican Committee addressed the Board. A roll call vote on the motion  
39 was taken:

40 Chairman Brink – Aye

41 Vice Chair O’Bannon – Aye

42 Secretary LeCruise – Aye

43 Vice Chair O’Bannon advised that there should be a specific timeframe for the OAG  
44 to provide a timely response. Chairman Brink stated that the OAG would provide an  
45 assessment at the June 22, 2021 State Board of Elections board meeting.

46 The Chairman opened the floor to public comment. Chairman Brink stated, “Tuesday,  
47 June 8, at 7:00 P.M., is the deadline for candidates to file two forms that are required under  
48 Title 24.2 of the Code: the Statement of Qualification (§ 24.2-501) and the Statement of  
49 Economic Interests (§ 24.2-502). Under § 24.2-504 of the Code, this requirement must be  
50 met in order for a candidate to have their name printed on the ballot. It applies to all  
51 candidates for local offices not participating in a primary, who are to be elected at the  
52 General Election on Tuesday, November 2.

53 § 24.2-503 of the Virginia Code authorizes the Board to grant an extension of the  
54 deadline for filing either or both statements. In the past, due to the failure of multiple  
55 candidates to comply with the Code’s requirements, the State Board has granted such  
56 extensions. However, as I made clear earlier this year, *there is no assurance that the Board*  
57 *will grant an extension of the deadline in the future.* A candidate who has any questions  
58 about the filing of these forms should consult the “Candidate Bulletins” on the Department of  
59 Elections’ website: [https://www.elections.virginia.gov/candidatepac-info/candidate-](https://www.elections.virginia.gov/candidatepac-info/candidate-bulletins/)  
60 [bulletins/](https://www.elections.virginia.gov/candidatepac-info/candidate-bulletins/)”

61 Vice Chair O'Bannon stated that in consistency with what was required of the  
62 Nottoway Electoral Board regarding FOIA, *I move that the Richmond City Electoral Board*  
63 *require additional consultation with the Department of Elections related to the Freedom of*  
64 *Information Act, and the City of Richmond Electoral Board attain additional training and*  
65 *provide proof of completion.* Secretary LeCruise seconded the motion and the motion passed  
66 unanimously. A roll call vote was taken:

67 Chairman Brink – Aye

68 Vice Chair O'Bannon – Aye

69 Secretary LeCruise – Aye

70 Chairman Brink opened the floor to public comment. No public comment was given.

71 Vice Chair O'Bannon moved *to adjourn the meeting.* Secretary LeCruise seconded  
72 the motion and the motion passed unanimously. A roll call vote was taken:

73 Chairman – Aye

74 Vice Chairman – Aye

75 Secretary LeCruise – Aye

76 Meeting adjourned at 1:19 P.M.

77

78

State Board of Elections  
FINAL Meeting minutes  
Tuesday, June 1, 2021

79 Chairman \_\_\_\_\_

80 Vice Chairman \_\_\_\_\_

81 Secretary \_\_\_\_\_

82

83

84

APPENDIX: A

85

Chairman Brink letter to Commonwealth's Attorney

86

Colette Wallace McEachin



April 26, 2021

The Honorable Colette Wallace McEachin  
Commonwealth's Attorney  
City of Richmond  
John Marshall Courts Building  
400 N. 9th Street, Room 100  
Richmond, Virginia 23219

Re: Allegations of unlawful conduct under Titles 24.2 and 2.2 of the Code of Virginia

Dear Ms. McEachin:

On behalf of the Virginia State Board of Elections, I am writing to request that you investigate allegations of election law offenses committed by members of the Richmond City Electoral Board. The allegations include, but are not limited to:

1. Allegations that Electoral Board members opened sealed elections returns and improperly conducted a canvass on November 4, 2020, without a properly noticed meeting of the Electoral Board and without party observers as required by Title 24.2;
2. Allegations that the Electoral Board abdicated responsibilities delegated under Articles 3 and 4 of Chapter 1 of Title 24.2 of the Code of Virginia relating to appointment and removal of a general registrar; and
3. Allegations that Electoral Board members violated the Virginia Freedom of Information Act by communicating regarding board business while not in a publicly noticed meeting.

Attached are the documents that were sent to the State Board of Elections and the Department of Elections regarding these allegations. We hope that your office will devote the appropriate resources to investigating these allegations and provide us with updates at reasonable intervals. If further information is required, the Commissioner of the Department of Elections, Christopher Piper, may be contacted at (804) 864-8901.

The Honorable Colette Wallace McEachin  
April 26, 2021  
Page 2

The members of the State Board of Elections appreciate your cooperation in assisting the Board in carrying out its responsibility to ensure “legality and purity in all elections” under Title 24.2 of the Code.

Sincerely,



Robert H. Brink  
Chairman

cc: John O'Bannon, M.D., Vice-Chair  
Jamilah D. LeCruise, Secretary  
Christopher E. Piper, Commissioner, Virginia Department of Elections



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STATE BOARD *of* ELECTIONS

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# Commissioner's Report

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BOARD WORKING PAPERS  
Christopher Piper  
Commissioner





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STATE BOARD *of* ELECTIONS

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# Certification of Primary Election – June 8, 2021

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BOARD WORKING PAPERS  
Paul Saunders  
Elections Administration Supervisor



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

## Memorandum

To: Chairman Brink, Vice Chair O’Bannon, and Secretary LeCruise  
From: Paul G. Saunders, III, Elections Administration Supervisor  
Date: June 22, 2021  
Re: Certification of Election Results for the June 8, 2021 Democratic and Republican Primary Elections

**Suggested motion for a Board member to make:**

“I move that the Board certify the results of the June 8, 2021 Democratic and Republican Primary Elections as presented and declare the winners of each primary to be that party’s nominee for the November 2, 2021 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:

<b>Democratic Primary Offices</b>	<b>Winners</b>
Governor	Terry R. McAuliffe
Lieutenant Governor	Hala S. Ayala
Attorney General	Mark R. Herring
Virginia House of Delegates, 2 <sup>nd</sup> District	Candi P.M. King
Virginia House of Delegates, 7 <sup>th</sup> District	Derek W. Kitts
Virginia House of Delegates, 31 <sup>st</sup> District	Elizabeth R. Guzman
Virginia House of Delegates, 34 <sup>th</sup> District	Kathleen J. Murphy
Virginia House of Delegates, 36 <sup>th</sup> District	Kenneth R. “Ken” Plum
Virginia House of Delegates, 38 <sup>th</sup> District	L. Kaye Kory
Virginia House of Delegates, 45 <sup>th</sup> District	Elizabeth B. Bennett-Parker
Virginia House of Delegates, 49 <sup>th</sup> District	Alfonso H. Lopez
Virginia House of Delegates, 50 <sup>th</sup> District	Michelle E. Lopez-Maldonado
Virginia House of Delegates, 66 <sup>th</sup> District	Katie A. Sponsler
Virginia House of Delegates, 68 <sup>th</sup> District	Dawn M. Adams
Virginia House of Delegates, 71 <sup>st</sup> District	Jeffrey M. Bourne
Virginia House of Delegates, 74 <sup>th</sup> District	Lamont Bagby
Virginia House of Delegates, 79 <sup>th</sup> District	Nadarius E. Clark
Virginia House of Delegates, 84 <sup>th</sup> District	Kimberly A. Melnyk

Virginia House of Delegates 86 <sup>th</sup> District	Irene Shin
Virginia House of Delegates 89 <sup>th</sup> District	Jerrauld C. "Jay" Jones
Virginia House of Delegates 99 <sup>th</sup> District	Linwood T. Blizzard II
<b>Republican Primary Offices</b>	<b>Winners</b>
Virginia House of Delegates, 9 <sup>th</sup> District	Wren M. Williams
Virginia House of Delegates, 22 <sup>nd</sup> District	Kathy J. Byron
Virginia House of Delegates, 24 <sup>th</sup> District	Ronnie R. Campbell
Virginia House of Delegates, 51 <sup>st</sup> District	Tim D. Cox
Virginia House of Delegates, 68 <sup>th</sup> District	Mark L. Earley Jr.
Virginia House of Delegates, 72 <sup>nd</sup> District	Christopher T. Holmes
Virginia House of Delegates, 83 <sup>rd</sup> District	Timothy V. Anderson

**Background:**

Two primary elections, a Democratic and a Republican, were held on June 8, 2021 for the purpose of selecting candidates to be the Virginia political parties' nominees for the November 2, 2021 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 8, 2021 Democratic and Republican Primaries as presented and declare the winners of each primary to be that party's nominee for the November 2, 2021 election.



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STATE BOARD *of* ELECTIONS

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# Voting System Certification

Election Systems & Software, Unisyn Voting Solutions, Hart  
Intercivic Verity Voting, Dominion and Robis Elections

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BOARD WORKING PAPERS  
Karen Hoyt-Stewart  
Voting Technology Program Manager



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DEPARTMENT *of* ELECTIONS

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**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon and Secretary LeCruise

From: Karen Hoyt-Stewart, Voting Technology Program Manager

Date: June 22, 2021

Re: Election Systems & Software – Voting System Certification – 6.1.1.0

---

**Suggested motion for Board Member to make:**

I move that the Board certify the use of Election Systems & Software voting system – version 6.1.1.0 in elections in the Commonwealth of Virginia, pursuant to the State Certification of Voting Systems: *Requirements and Procedures*.

**Applicable Code Section:** § 24.2- Chapter 6 - 629

**Attachments:**

Your Board materials include the following:

- Election Systems & Software 6.1.1.0 Certification letter provided by SLI Compliance
- Chesterfield County April 6, 2021 Mock Election correspondence
- Virginia State Certification of Voting Systems: *Requirements and Procedures*

**Background:**

Following the steps prescribed in the Virginia State Certification of Voting Systems: *Requirements and Procedures*, Election Systems & Software initiated the certification evaluation to the Department of Elections on January 27, 2021. Election Systems & Software provided their Technical Data Package and Corporate Information (required under step 2 of the *Requirements and Procedures*). Both of these submissions were deemed complete and in sufficient detail to warrant step 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. Election Systems & Software provided the certification fee and the testing/evaluation was conducted on March 8 through March 12, 2021 at the ELECT facilities in Virginia. In addition, the voting system was successfully tested in a Mock Election in Chesterfield County on April 6, 2021. The Election Systems & Software voting system presented for certification under 6.1.10 successfully completed the Virginia Voting Systems Certification requirements.



May 19, 2021

Commissioner Chris Piper  
1100 Bank Street, 1st Floor  
Richmond, VA 23219-3947

**Re:** Audit of the ES&S EVS 6.1.1.0 voting system

Dear Mr. Piper,

SLI Compliance is submitting this report as a summary of the auditing efforts for **ES&S EVS 6.1.1.0** voting system.

The evaluation was conducted on March 8-12, 2021 in the Virginia Department of Elections offices in Richmond, Virginia.

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

SLI also confirmed that a VVSG 1.0 source code review was performed and a penetration test report for the **EVS 6.1.1.0** voting system was given to Virginia for their acceptance.

The voting system does not have any wireless communication or modem capabilities available.

It has been determined that the **ES&S EVS 6.1.1.0** voting system meets the audited acceptance criteria of the State of Virginia's Voting System Standard, January 2020, version 2.0.

**EVS 6.1.1.0** voting system components audited were comprised of:

**Election Management System (EMS)**

- Electionware version 6.0.1.0
- Election Reporting Manager (ERM) version (Incorporated into Electionware)
- Removable Media Service version 2.0.0.0
- Event Log Service version 2.0.0.0

**Tabulators**

- DS200 Precinct Tabulator (HW 1.2 & 1.3) version 2.30.0.0
- DS850 Central Tabulator (HW 1.0) version 3.4.0.0
- DS450 Central Tabulator (HW 1.0) version 3.4.0.0

**Ballot Marking Devices**

- ExpressVote (Marker Mode) version 4.0.0.0 (HW 1.0)
- ExpressVote (Marker Mode) version 4.0.0.0 (HW 2.1)

Sincerely,

Michael Santos  
Senior Test Manager  
SLI Compliance

## Office of the General Registrar

General Registrar and  
Director of Elections

Constance L. Hargrove

Karen Hoyt-Stewart  
Voting Technology Program Manager  
Department of Election

April 14, 2021

Dear Mrs. Hoyt-Stewart,

Section 24.2-629 of the Code of Virginia requires voting manufacturing vendors to participate in a mock election to certify voting equipment. The Chesterfield County electoral board and the director of elections observed and participated in a mock election conducted by Election Systems and Software (ESS) on April 5, 2021. According to the requirement of §24.2-629 of the Code of Virginia, the vendor performed the mock election.

The vendor explained and demonstrated upgrades to the ExpressVote, the DS200, the DS450, and the election management system. I certify that all systems functioned properly, and the results were also accurately reported.

Sincerely,



Constance L. Hargrove



9848 Lori Road  
P. O. Box 1690  
Chesterfield, VA 23832

PHONE (804) 748-1471  
FAX (804) 751-0822  
EMAIL [registrar@chesterfield.gov](mailto:registrar@chesterfield.gov)  
WEBSITE [www.chesterfield.gov/registrar](http://www.chesterfield.gov/registrar)



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DEPARTMENT *of* ELECTIONS

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**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon and Secretary LeCruise

From: Karen Hoyt-Stewart, Voting Technology Program Manager

Date: June 22, 2021

Re: Unisyn Voting Solutions – Voting System Certification – 2.1.1

---

**Suggested motion for Board Member to make:**

I move that the Board certify the use of Unisyn Voting Solutions voting system – version 2.1.1 in elections in the Commonwealth of Virginia, pursuant to the State Certification of Voting Systems: *Requirements and Procedures*.

**Applicable Code Section:** § 24.2- Chapter 6 - 629

**Attachments:**

Your Board materials include the following:

- Unisyn Voting Solutions 2.1.1 Certification letter provided by SLI Compliance
- Arlington County April 27, 2021 Mock Election correspondence
- Virginia State Certification of Voting Systems: *Requirements and Procedures*

**Background:**

Following the steps prescribed in the Virginia State Certification of Voting Systems: *Requirements and Procedures*, Unisyn initiated the certification evaluation to the Department of Elections on March 19, 2021. Unisyn provided their Technical Data Package and Corporate Information (required under step 2 of the *Requirements and Procedures*). Both of these submissions were deemed complete and in sufficient detail to warrant step 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. Unisyn provided the certification fee and the testing/evaluation was conducted on March 23 through March 24, 2021 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Arlington County on April 27, 2021. The Unisyn voting system presented for certification under 2.1.1 successfully completed Virginia Voting Systems State Certification requirements.





May 19, 2021

Commissioner Chris Piper  
1100 Bank Street, 1st Floor  
Richmond, VA 23219-3947

**Re:** Audit of the Unisyn OVS 2.1.1 voting system

Dear Mr. Piper,

SLI Compliance is submitting this report as a summary of the auditing efforts for **Unisyn Voting Solution’s (UVS) OpenElect Voting System (OVS) 2.1.1.**

The evaluation was conducted on March 22-24, 2021 in the Virginia Department of Elections offices in Richmond, Virginia.

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

SLI also confirmed that a VVSG 1.0 source code review was performed and a penetration test report for the **UVS OVS 2.1.1** voting system was given to Virginia for their acceptance.

The voting system does not have any wireless communication or modem capabilities available.

It has been determined that the **Unisyn OVS 2.1.1** voting system meets the audited acceptance criteria of the State of Virginia’s Voting System Standard, January 2020, version 2.0.

**OVS 2.1.1** voting system components audited were comprised of:

**Election Management System (EMS)**

- OpenElect Central Suite (OCS) version 2.1.1
- Ballot Layout Manager (BLM) version 2.1.1
- Election Manager (EM) version 2.1.1
- Tabulator Client (TC) version 2.1.1
- Tabulator (Tab) version 2.1.1
- Auditor version 2.1.1
- Tabulator Reports (TR) version 2.1.1

**Unisyn Scanners**

- OpenElect Voting Optical Scan (OVO) version 2.1.1
- OpenElect Voting Center Scan (OVCS) version 2.1.1
- OpenElect mini-Voting Central Scan (mini-OVCS) version 2.1.1

**Ballot Marking Devices**

- OpenElect Voting Interface(OVI-VC) version 2.1.1
- FreedomVote Tablet (FVT) version 2.1.1

Sincerely,  
Michael Santos  
Senior Test Manager  
SLI Compliance



GRETCHEN REINEMEYER  
DIRECTOR OF ELECTIONS

**ARLINGTON COUNTY, VIRGINIA**  
**ELECTORAL BOARD**  
**OFFICE OF VOTER REGISTRATION**  
 2100 CLARENDON BOULEVARD, SUITE 320  
 ARLINGTON, VIRGINIA 22201  
 (703) 228-3456 • FAX (703) 228-3659  
 EMAIL: voters@arlingtonva.us  
 www.vote.arlingtonva.us



MATTHEW WEINSTEIN  
CHAIRMAN  
 KIMBERLY PHILLIP  
VICE CHAIRMAN  
 W. SCOTT MCGEARY  
SECRETARY

May 12, 2021

Chris Piper, Commissioner  
Virginia Department of Elections

Dear Commissioner Piper,

Thank you for the invitation and opportunity to assist the State's Certification of Unisyn Voting Solutions 2.1.1 software upgrade. We appreciate the opportunity to have the first look at the upgraded software and equipment.

Arlington County currently uses the Unisyn voting systems for ballot scanners, ADA ballot marking devices and the OVCS central count voting system. On April 27, 2021, we participated in the Mock Election for the state certification process for Unisyn Voting Systems. These present were, from Arlington County, Kimberly Phillip (Vice Chairman of the Electoral Board), Jackie Letizia and Stuart Naguraka (Arlington Election Staff), myself and ELECT's representative Karen Hoyt-Stewart.

The voting equipment models used in the Mock Election were: Freedom Vote Terminal (FVT), OpenElect Interface (OVI), OpenElect Precinct Scanner (OVO), the OpenElect Voting Count System (OVCS) and the mini OpenElect Central Count (OVC) with the 2.1.1 software upgrade.

We currently use OVO as our ballot scanners and OVI ADA units in all of our precincts and use the OVCS for Absentee ballot processing.

During the Mock Election, there were no incidents of any kind or any issues. The machines worked as predicted. The tabulation results were accurate for the ballots cast. The write-ins were separated and ballot images were printed as required. We tested the overvote, undervotes, all the ballot styles and ballot types that were presented for the Mock Election.

After reviewing the new software upgrades and voting systems, our recommendation is for approval for the Unisyn Voting Systems 2.1.1 certification.

Sincerely,

Gretchen Reinemeyer  
Director of Elections



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DEPARTMENT *of* ELECTIONS

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**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon and Secretary LeCruise

From: Karen Hoyt-Stewart, Voting Technology Program Manager

Date: June 22, 2021

Re: Hart InterCivic Verity Voting – Voting System Certification – 2.5.1

---

**Suggested motion for Board Member to make:**

I move that the Board certify the use of Hart InterCivic Verity Voting system – version 2.5.1 in elections in the Commonwealth of Virginia, pursuant to the State Certification of Voting Systems: *Requirements and Procedures*.

**Applicable Code Section:** § 24.2- Chapter 6 - 629

**Attachments:**

Your Board materials include the following:

- Hart InterCivic Verity Voting 2.5.1 Certification recommendation letter provided by SLI Compliance
- Essex County May 7, 2021 Mock Election letter correspondence
- Virginia State Certification of Voting Systems: *Requirements and Procedures*

**Background:**

Following the steps prescribed in the Virginia State Certification of Voting Systems: *Requirements and Procedures*, Hart InterCivic initiated the certification evaluation to the Department of Elections on February 23, 2021. Hart InterCivic provided their Technical Data Package and Corporate Information (required under step 2 of the *Requirements and Procedures*). Both of these submissions were deemed complete and in sufficient detail to warrant step 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. Hart InterCivic provided the certification fee and the testing/evaluation was conducted on March 29 through April 1, 2021 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Essex County on May 7, 2021. The Hart InterCivic Verity Voting system presented for certification under 2.5.1 successfully completed the Virginia Voting Systems Certification requirements.



May 19, 2021

Commissioner Chris Piper  
1100 Bank Street, 1st Floor  
Richmond, VA 23219-3947

**Re:** Audit of the Hart Verity Voting 2.5.1 voting system

Dear Mr. Piper,

SLI Compliance is submitting this report as a summary of the auditing efforts for **Hart InterCivic Verity Voting 2.5.1** voting system.

The evaluation was conducted on March 23-26, 2021 in the Virginia Department of Elections offices in Richmond, Virginia.

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

SLI also confirmed that a VVSG 1.0 source code review was performed and a penetration test report for the **Verity Voting 2.5.1** voting system was given to Virginia for their acceptance.

The voting system does not have any wireless communication or modem capabilities available.

It has been determined that the **Hart InterCivic Verity Voting 2.5.1** voting system meets the audited acceptance criteria of the State of Virginia's Voting System Standard, January 2020, version 2.0.

**Verity Voting 2.5.1** Components audited were comprised of:

**Election Management System (EMS)**

- Verity Data version 2.5.0
- Verity Build version 2.5.0
- Verity Count version 2.5.0

**Tabulators**

- Verity Central with a Hi-Speed Scan version 2.5.1
- Verity Scan version 2.5.1

**Ballot Marking Devices**

- Verity Touch Writer with Access version 2.5.1
- Verity Duo and Controller version 2.5.1
- Verity Duo Standalone version 2.5.1
- Verity Print version 2.5.1

Sincerely,  
Michael Santos  
Senior Test Manager  
SLI Compliance



## Essex County Virginia

Voter Registrations & Elections  
205 S. Cross ST, Suite B  
PO Box 1561  
Tappahannock, Virginia 22560

(804) 443-4611  
Fax (804) 443-4157  
govote@essex-virginia.org

May 7, 2021 (May 10, 2021- Correction)

Chris Piper, Commissioner  
Karen Hoyt-Stewart, Voting Technology Program Manager  
Virginia Department of Elections

**Correction:** The letter below refers to software version 3.0.1. This is an error on my part. The version I observed and that has gone through the certification process is 2.5.1.

Thank you for the opportunity to assist the State of Virginia's certification of the Hart InterCivic Verity Voting 3.0.1 software upgrade. I am proud to participate in this last step towards certification.

Essex County currently uses the VERITY voting system for ballot scanners and ADA ballot marking devices. The new software 3.0.1 upgrade applies to both systems.

I personally observed the casting and tallying of votes. The machines and election results were accurate and as projected. After the vote tally, Cory Hinkle demonstrated the VERITY Count Software. I do not currently use Count, but I am impressed with the software's reporting, transparency and accountability capabilities.

Please feel free to reach out if you have questions. Thanks again for including me in the process.

**M. Kelly LaFollette,**  
Director of Elections/General Registrar

(via Integra upload)



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon and Secretary LeCruise

From: Karen Hoyt-Stewart, Voting Technology Program Manager

Date: June 22, 2021

Re: Dominion – Voting System Certification – 5.5-C

---

**Suggested motion for Board Member to make:**

I move that the Board certify the use of Dominion voting system – version 5.5-C in elections in the Commonwealth of Virginia, pursuant to the State Certification of Voting Systems: *Requirements and Procedures*.

**Applicable Code Section:** § 24.2- Chapter 6 - 629

**Attachments:**

Your Board materials include the following:

- Dominion 5.5-C Certification letter provided by SLI Compliance
- Amelia County June 1, 2021 Mock Election correspondence
- Virginia State Certification of Voting Systems: *Requirements and Procedures*

**Background:**

Following the steps prescribed in the Virginia State Certification of Voting Systems: *Requirements and Procedures*, Dominion initiated the certification evaluation to the Department of Elections on April 16, 2021. Dominion provided their Technical Data Package and Corporate Information (required under step 2 of the *Requirements and Procedures*). Both of these submissions were deemed complete and in sufficient detail to warrant step 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. Dominion provided the certification fee and the testing/evaluation was conducted on May 3 through May 6, 2021 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Amelia County on June 1, 2021. The Dominion voting system presented for certification under 5-5.C successfully completed the Virginia Voting Systems Certification requirements.



May 27, 2021

Commissioner Chris Piper  
1100 Bank Street, 1st Floor  
Richmond, VA 23219-3947

**Re:** Audit of the Dominion Democracy Suite 5.5-C voting system

Dear Mr. Piper,

SLI Compliance is submitting this report as a summary of the auditing efforts for the **Dominion Voting Systems Democracy Suite 5.5-C** voting system.

The evaluation was conducted on May 3<sup>rd</sup> to 6<sup>th</sup>, 2021 in the Virginia Department of Elections offices in Richmond, Virginia.

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

SLI also confirmed that a VVSG 1.0 source code review was performed and a penetration test report for the **Democracy Suite 5.5-C** system was given to Virginia for their acceptance.

The voting system does not have any wireless communication or modem capabilities available.

It has been determined that the **Dominion Democracy Suite 5.5-C** voting system meets the audited acceptance criteria of the State of Virginia’s Voting System Standard, January 2020, version 2.0.

**Democracy Suite 5.5-C** and **5.5-CS\*** components audited were comprised of:

**Election Management System (EMS)**

- Election Management System (EMS) version 5.5.40.2
- Adjudication (component of the EMS) version 5.5.40.1

**Tabulators and Ballot Marking Devices**

- ICE with single monitor and dual monitor version 5.5.6.5
- \*ICP with BMD/Audio Station version 5.5.41.3

**Tabulator**

- ICC with Canon Image Server version 5.5.41.000.2

Sincerely,  
Michael Santos  
Senior Test Manager  
SLI Compliance





Amelia County Department of Elections  
9127 Washington Street, Suite 102  
P.O. Box 481  
Amelia, VA 23002  
Phone: (804) 561-3460 Fax: (804)-561-3490  
govote007@tds.net



June 2, 2021

Karen Hoyt-Stewart  
Voting Technology Program Manager  
Virginia Department of Elections  
1100 Bank Street, 1<sup>st</sup> Floor  
Richmond, VA 121`9

Dear Ms. Hoyt-Stewart:

I had the great pleasure to participate in a mock election conducted here in Amelia yesterday morning by Ian Piper of Dominion Voting Systems, and Jay Overbey and associate Darren Livezey from Atlantic Election Services. The mock election was observed by myself, members of the Amelia County Electoral Board, and of course, yourself as the representative/observer from the Virginia Department of Elections.

As you know, Amelia uses the ImageCast Evolution model from Dominion Voting. I did appreciate having the operational differences of the three models Dominion Voting offers explained and demonstrated. The careful descriptions of how all three tabulator models work, and the thorough and detailed answers to our questions was welcomed. As expected, all machines performed flawlessly, and the resulting tabulations were correct.

I am pleased to have participated in this mock election in support of the re-certification process for the Dominion Voting ballot scanner/tabulators. I fully endorse re-certification of all three Dominion Voting Systems machines: ImageCast Scan Version 5.5-C, ImageCast Evolution Version 5.5-C, and ImageCast Central Version 5.5-C.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Hathorn".

Deborah Hathorn  
Director of Elections / General Registrar  
Amelia County





★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon and Secretary LeCruise

From: Karen Hoyt-Stewart, Voting Technology Program Manager

Date: June 22, 2021

Re: Robis Elections – Electronic Pollbook 3.4.139.0

---

**Suggested motion for Board Member to make:**

I move that the Board certify the use of Robis Elections electronic pollbooks version 3.4.139.0 in elections in the Commonwealth of Virginia, pursuant to the State Certification of Electronic Pollbooks: *Requirements and Procedures*.

**Applicable Code Section:** § 24.2- Chapter 6 –611

**Attachments:**

Your Board materials include the following:

- Robis Elections 3.4.139.0 Certification letter provided by SLI Compliance
- Montgomery County June 15, 2021 Mock Election correspondence
- Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*

**Background:**

Following the steps prescribed in the Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*, Robis initiated the certification evaluation to the Department of Elections on June 2, 2021. Robis provided their Technical Data Package and Corporate Information (required under step 2 of the *Requirements and Procedures*). Both of these submissions were deemed complete and in sufficient detail to warrant step 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. Robis provided the certification fee and the testing/evaluation was conducted on June 8<sup>th</sup> at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Montgomery County on June 15, 2021. The Robis Elections electronic pollbook presented for certification under 3.4.139.0 successfully completed Virginia Electronic Pollbook State Certification requirements.



June 15, 2021

Commissioner Chris Piper  
1100 Bank Street, 1st Floor  
Richmond, VA 23219-3947

**Re:** Audit of the Robis Elections AskED ePollbook v 3.4.139.0

Dear Mr. Piper,

SLI Compliance is submitting this report as a summary of the auditing efforts for the **Robis Elections AskED ePollbook v 3.4.139.0**.

The evaluation was conducted on June 8<sup>th</sup>, 2021 in the Virginia Department of Elections offices in Richmond, Virginia.

The scope of the audit included verifying compliance with the requirements/test assertions contained in appendix D (Test Assertions) in the latest version of the Virginia Electronic Pollbook Certification Standard (December 2019), which is currently accepted for testing and certification by the Virginia Department of Elections.

SLI also confirmed that a VVSG 1.0 source code review was performed and a penetration test report for the **AskED** system was given to Virginia for their acceptance.

It has been determined that the **Robis Elections AskED ePollbook v 3.4.139.0** system meets the audited acceptance criteria of the State of Virginia's Virginia Electronic Pollbook Certification Standard (December 2019), with one minor exception. Only in the case of unmasking passwords at text entry was the **Robis AskED ePollbook v 3.4.139.0** found to not be compliant.

Sincerely,  
Michael Santos  
Senior Test Manager  
SLI Compliance

# MONTGOMERY COUNTY

CONNIE M. VIAR, DIR. OF ELECTIONS & GENERAL REGISTRAR  
MONTGOMERY COUNTY • VIRGINIA  
WWW.MONTGOMERYCOUNTYVA.GOV



755 ROANOKE ST, SUITE 1F  
CHRISTIANSBURG, VA 24073  
PHONE: 540.382.5741

Date: June 16, 2021

To: Karen Stewart-Hoyt  
State Board of Elections

From: Connie Viar, General Registrar/Director of Elections for Montgomery County

Re: ROBIS/AskED Certification

---

The parties present on June 15, 2021 for Robis/AskED Certification were Aaron Davis, ROBIS, Karen Stewart-Hoyt, ELECT, Charles “Zeke” Bleakley, Deputy Registrar and Connie Viar, Director of Elections/General Registrar.

During the mock election for the Robis software version 3.4.139.0, we went through the checklist for Check-In Processes, Reports, Connectivity, Data/Media and an additional section. That section covered that messages would appear for low battery, verify ability to manage voter list and count by party in a partisan election, any changes in state procedures they would provide the updates, etc.

We went through the checklist and had no issues with any of the sections.

Please accept this memo as our small contribution in the certification process for Robis/AskED, software version 3.4.139.0.

If approved, we look forward to using the system in the November 2021 early voting.

Thank you.



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon and Secretary LeCruise

From: Karen Hoyt-Stewart, Voting Technology Program Manager

Date: June 22, 2021

Re: Certification Expirations – July 2021

---

**Applicable Code Section:** § 24.2- Chapter 6 - 629

**Attachments:**

Your Board materials include the following:

- Virginia State Certification of Voting Systems: *Requirements and Procedures*
- Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*

**Background:**

Vendors with voting equipment/systems and electronic pollbooks in operation in Virginia must present their voting equipment/systems and/or electronic pollbooks to be certified to the new voting system and electronic pollbook standards by July 31, 2021. Certification expires for any voting equipment/systems and/or electronic pollbooks that are not certified to the new standards by July 31, 2021.

Voting equipment/systems or electronic pollbooks that have expired certifications are not approved for use at elections sites in Virginia under section §24.2 – 629.

The following certification for voting system equipment expire July 31, 2021:

Election Systems & Software – Voter Assisted Terminal - AutoMark (HW 1.0, 1.1 and 1.3) firmware 1.8.6.0 - version 5.2.0.2

The following certifications for electronic pollbooks expire July 31, 2021:

VR Systems – EVID - electronic pollbook - version 2012.21.106

Election Systems & Software – ExpressPoll 5000 – electronic pollbook - version 3.2.0.0



# Electronic Pollbook Certification Standard

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December 2019

<b>Chapter 1: Introduction .....</b>	<b>3</b>
1.1. Purpose of Procedures.....	3
1.2. Specific Requirements .....	3
1.3. Decertification .....	3
1.4. Recertification .....	5
<b>Chapter 2: Basis for Certification.....</b>	<b>6</b>
2.1. State Certification Testing .....	6
2.2. EPB Hardware, Firmware, Infrastructure, or Component Elements.....	7
2.3. EPB System Software Elements .....	8
2.4. Early Voting Connection Requirements .....	8
<b>Chapter 3: Review and Approval Process .....</b>	<b>9</b>
3.1. Summary of Process .....	9
3.2. Certification Review Process.....	9
<b>Phase 1: Certification Request from Vendor .....</b>	<b>9</b>
<b>Phase 2: Preliminary Review .....</b>	<b>14</b>
<b>Phase 3: Technical Data Package to Voting Systems Test Laboratory .....</b>	<b>15</b>
<b>Phase 4: Certification Test Report from VSTL .....</b>	<b>15</b>
<b>Phase 5: On-Site Testing in Mock Election.....</b>	<b>15</b>
<b>Phase 6: Approval by the SBE .....</b>	<b>16</b>
3.3. Incomplete Certification Process .....	16
<b>Appendices .....</b>	<b>17</b>
A – Glossary.....	17
B - Contacts .....	19
C – Acceptance Test.....	20
D – Test Assertions .....	22
E – Software Patching Guidelines.....	33
F – Recertification Guidelines .....	34
G – Hardware Guidelines.....	35
H – EPB System Modifications & Product End of Life Planning .....	36
I – EPB Certification Application Form.....	37
J – De Minimis Change Guideline .....	39
K – Early Voting Connection Requirements .....	41

## Chapter 1: Introduction

### 1.1. Purpose of Procedures

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

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

### 1.2. Specific Requirements

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

### 1.3. Decertification

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

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

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

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



#### **1.4. Recertification**

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

## Chapter 2: Basis for Certification

### 2.1. State Certification Testing

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

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

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

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

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

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

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

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

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

### 2.3. EPB System Software Elements

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

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

### 2.4. Early Voting Connection Requirements

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

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

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

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

## Chapter 3: Review and Approval Process

### 3.1. Summary of Process

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

#### Six Phases of the Certification Review Process:

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

### 3.2. Certification Review Process

#### Phase 1: Certification Request from Vendor

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

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

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

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

### **Technical Data Package**

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

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

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

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



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

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

### **Corporate Information**

Corporate Information must contain the following items:

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

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

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

### ***Proprietary Information***

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

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

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

### **Phase 2: Preliminary Review**

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

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

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

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

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

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

### **Phase 3: Technical Data Package to Voting Systems Test Laboratory**

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

### **Phase 4: Certification Test Report from VSTL**

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

### **Phase 5: On-Site Testing in Mock Election**

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

### **Phase 6: Approval by the SBE**

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

### **3.3. Incomplete Certification Process**

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

ELECT reserves the right to terminate the certification process when:

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

## Appendices

### A – Glossary

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

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

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

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

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

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

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

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

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

## **B - Contacts**

### **The Department of Elections**

The certification request package should be sent to:

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

All other inquiries should be sent to:

Email: [info@elections.virginia.gov](mailto:info@elections.virginia.gov)

### C – Acceptance Test

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

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

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

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



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

### **Audit and Validation of Certification**

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

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

**D – Test Assertions**

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

**F – Recertification Guidelines**

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

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

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

**G – Hardware Guidelines**

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

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

## H – EPB System Modifications & Product End of Life Planning

### EPB System Modifications

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

### Product End of Life Planning

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

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

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

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

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

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

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

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



**I – EPB Certification Application Form**

Certification <input type="checkbox"/>	Recertification <input type="checkbox"/>
--	--

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

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

Name of Company: \_\_\_\_\_

Name and Title of Corporate Officer: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Primary Address of Company: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Name of EPB System to be certified: \_\_\_\_\_

Version Number/Name of EPB System to be certified: \_\_\_\_\_

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

Signature of Corporate Officer: \_\_\_\_\_

Date: \_\_\_\_\_



## **J – De Minimis Change Guideline**

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

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

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

### **VSTL Endorsed Changes**

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

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

### **VSTL Review**

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

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

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

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

#### **ELECT's Action**

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

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

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

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

## K – Early Voting Connection Requirements

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

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

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



# Voting System Certification Standard

January 2020

Version 2.0

## Change History

<b>Version</b>	<b>Brief Description of Change</b>	<b>Date</b>	<b>Author</b>
1.0	Adoption by the State Board of Elections Primary changes were to improve clarity, security-related requirements, and document format; moving information that would likely change over time to appendices	09/17/2019	ELECT
2.0	Adoption by State Board of Elections Primary changes were in alignment with feedback and addition of Appendices I, & J	11/18/2019	ELECT

**Chapter 1: Introduction..... 3**

    1.1. Purpose of Procedures.....3

    1.2. Specific Requirements .....3

    1.3. Decertification.....4

    1.4. Recertification .....5

**Chapter 2: Basis for Certification..... 6**

    2.1. Federal Compliance Testing .....6

        2.1.1. Voting System Hardware, Firmware, Infrastructure or Component Elements .....7

        2.1.2. Voting System Software Elements .....7

    2.2. State Certification Testing .....7

**Chapter 3: Review and Approval Process ..... 9**

    3.1. Summary of Process .....9

    3.2. Certification Review Process .....9

        Phase 1: Certification Request from Vendor .....9

        Phase 2: Preliminary Review .....15

        Phase 3: Technical Data Package to Voting System Test Laboratory (VSTL) .....15

        Phase 4: Certification Test Report from VSTL.....15

        Phase 5: On-Site Testing in Mock Election .....16

        Phase 6: Approval by the SBE .....16

    3.3. Incomplete Certification Process .....16

**Appendices ..... 17**

    A – Glossary.....17

    B – Contacts .....19

    C – Acceptance Test .....20

    D – Test Assertions .....22

    E – Software Patching Guidelines.....32

    F – Recertification Guidelines.....33

    G – Hardware Guidelines .....34

    H – Voting System Modifications & Product End of Life Planning.....35

    I – Voting System Certification Application Form.....37

    J – De Minimis Change Guideline .....38

    K – Cast Vote Record Clarification.....41



## Chapter 1: Introduction

### 1.1. Purpose of Procedures

These procedures have been developed and issued as part of a continuing effort to improve the administration of elections in the Commonwealth of Virginia. They provide a formal and organized process for vendors to follow when seeking state certification for a new voting system or for improvements/modifications to a previously certified voting system in Virginia. To this end the procedures are designed to:

1. Ensure conformity with Virginia election laws relating to the acquisition and use of voting systems
2. Evaluate and certify voting systems marketed by vendors for use in Virginia
3. Evaluate and re-certify additional capabilities and changes in the method of operation for voting systems previously certified for use in Virginia
4. Standardize decertification and recertification of voting systems
5. Ensure that all voting systems operate properly and are installed and tested in compliance with the State Board of Elections' (SBE) procedures
6. Ensure accurate report of all election results from jurisdictions that use each certified system.

### 1.2. Specific Requirements

1. Compliance with the requirements contained in the latest version of the Voluntary Voting System Guidelines (VVSG) which are currently accepted for testing and certification by the U.S. Election Assistance Commission (EAC), or prior version if within the EAC transition period.
2. The voting system must comply with the provisions in the Code of Virginia relating to voting equipment (Article 3, [Chapter 6 of Title 24.2](#))
3. The voting system must comply with any applicable regulations or policies issued by the SBE or ELECT
4. The vendor must ensure that the voting system can accommodate an interactive visual and non-visual presentation of information to voters, and alternative languages when required. (See HAVA, 42 USC 15481(a)(3), (4), §203 of the Voting Rights Act (42 USC 1973aa-1a) and Virginia Code Section 24.2-626.1).

### 1.3. Decertification

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

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

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

- c. The voting system may still automatically be decertified as defined in Appendix H
5. Update all software with the latest patching and vulnerability updates in alignment with Appendix E.

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

#### **1.4. Recertification**

See Appendix F for ELECT's guidelines on when voting system must go through recertification.

## Chapter 2: Basis for Certification

The Code of Virginia requires a voting system to be in compliance with the Federal and State Certification Standards.

Federal Compliance Testing demonstrates that the voting system adheres to all requirements set in the most up-to-date version of the VVSG by the EAC. The primary evidence of compliance is the certification of the system by the EAC. Federal compliance may also be demonstrated through testing conducted by a federally certified Voting System Test Lab (VSTL) to the applicable VVSG. Meeting the requirements contained in the VVSG will substantiate compliance with the voting system requirements contained in Section 301 of the Help America Vote Act of 2002 (HAVA).

State certification testing will evaluate that the voting system complies with all applicable requirements of the Code of Virginia and SBE and ELECT regulations and policies.

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

### 2.1. Federal Compliance Testing

Federal Compliance Testing is performed to demonstrate compliance with the latest version of the VVSG currently accepted for testing and certification by the EAC, or prior version if within the EAC transition period. EAC certification serves as prima facie evidence of compliance; federal compliance may also be demonstrated through testing conducted by a federally certified VSTL to the applicable VVSG. ELECT will make the final decision on compliance based on all available information. If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue.

To support a review of Federal Compliance Testing, the following documents shall be provided to ELECT:

1. A full copy of the Technical Data Package (TDP) submitted for Federal compliance testing
2. A copy of the Test Plan, and Test Report used by the VSTL in performing EAC certification testing; or results of testing conducted by a federally certified VSTL to the applicable VVSG
3. A release to the VSTL to respond to any requests for information from the Commonwealth of Virginia
4. A release to other states which have decertified the system or prior versions of the system, to respond to any requests for information from the Commonwealth of Virginia

5. Any additional information ELECT believes is necessary to determine compliance with the applicable VVSG or Commonwealth of Virginia Voting System Certification Standards.

### **2.1.1. Voting System Hardware, Firmware, Infrastructure or Component Elements**

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

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

### **2.1.2. Voting System Software Elements**

Voting system software shall be examined and tested to ensure that it adheres to the performance standards specified in the latest version of the VVSG currently accepted for testing and certification by the EAC, or prior version if within the EAC transition period.

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

## **2.2. State Certification Testing**

State certification testing will evaluate the design and performance of a voting system seeking certification to ensure that it complies with all applicable requirements in the Code of Virginia and SBE and ELECT regulations and policies. ELECT will examine the essential system functions, operational procedures, user guides, documents, and reviews from product users. Hash testing will be conducted to confirm that the application software is identical to the certified versions of federal compliance testing.

ELECT will evaluate the user experience with the current and prior versions of the voting system and certification reports from other states. In addition, the security and reliability analysis of the product model will be reviewed to determine the usability of the voting system for Virginia Elections.

State Certification Testing will examine all system operations and procedures, not limited to:

1. Define ballot formats for primary elections, general elections, and special elections including all voting options defined by the Code of Virginia

2. Install applications and election-specific programs and data in the ballot counting device
3. Count ballots
4. Prepare to perform and conduct the Logic and Accuracy tests
5. Obtain voting data and audit data reports
6. Support recount or election audits
7. Address compliance with physical and language accessibility requirements
8. Display an appropriate message on the review screen if a voter does not follow the ballot instruction; allow the voter to override the warning messages for overvote, undervote, blank ballot, or invalid Write-in to cast voter's ballot
9. Create a Cast Vote Record (CVR) for each vote for all elections
10. Integrate CVRs in a readable format
11. Does not have a built-in function for wireless connections or communications
12. Comply with the encryption requirement(s) as stated in Appendix D
13. Comply with the password protection requirement(s) as stated in Appendix D
14. Harden the voting system using the vendor's procedures and specifications
15. Comply with the requirements for Write-in image and format.

## Chapter 3: Review and Approval Process

### 3.1. Summary of Process

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

#### Six Phases of the Certification Review Process:

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

### 3.2. Certification Review Process

#### Phase 1: Certification Request from Vendor

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

1. Voting System Certification Application Form, signed by a company officer; see Appendix I

**NOTE:** This should clearly identify the specific voting system to be evaluated for certification, and:

- a. Each voting system or version of a voting system requires a separate request for certification
  - b. Each component of the hardware, firmware, software, and other components must be identified by version number
2. Copies of documents substantiating completion of federal compliance testing, including whether the proposed voting system has been certified under the latest version of the VVSG currently accepted for certification by the EAC or tested by a federally certified VSTL, or prior version if within the EAC transition period
  3. Whether the proposed voting system has ever been denied certification or had certification withdrawn in any state, or by the EAC
  4. Eight copies of a brief overview description of the voting system
    - a. Typical marketing brochures are usually sufficient for the description

5. A list of all states where the proposed voting system version is currently used
6. The vendor, VSTL and ELECT will review a statement of work that will result in the VSTL providing an estimate for the cost of testing. Testing will take place at the headquarters of the VSTL to limit the cost of testing. ELECT will give an estimate for their own staff to travel as well. Once this is agreed to, a check or money order for the non-refundable fee for a voting system certification request and applicable fees for modifications to a previously certified voting system, as applicable, will be paid.
  - a. All fees must be collected before the certification will be granted
    - i. Make checks or money order payable to Treasurer of Virginia
7. TDP must clearly identify all items:
  - a. If the TDP is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
  - b. Upon the receipt of the corrected TDP from the vendor, the evaluation of the voting system will be rescheduled
8. Corporate Information must clearly identify all items:
  - a. If the Corporate Information is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
  - b. The evaluation process will be rescheduled after the corrected package is received.

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

### **Technical Data Package**

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

1. *Hardware Schematic Diagrams*: Schematic diagrams of all hardware
2. *Hardware Theory of Operations*: Documentation describing the theory of operation of the hardware, not limited to power cords and backup battery
3. *Software System Design*: Documentation describing the logical design of the software
  - a. This documentation should clearly indicate the various modules of the software, such as:
    - i. The list of functions
    - ii. System flowchart
    - iii. Its interrelationships with each other
    - iv. The list of data formats that the voting system can import and export
  - b. Clearly specify the operating system and version with:
    - i. The Last Date of Mainstream Support, as defined in Appendix H



- ii. The latest operating system version, security patches available, SHA256 hash value, and modification
4. *Software Deviations*: Include any exception(s) to the Security Content Automation Protocol (SCAP) checklist; document the reason why there is an exception and the mitigating controls/tools in place to secure the system
5. *Software Source Code*: A source code evaluation conducted in accordance with Software Design and Coding Standards of the most current version of the VVSG approved after March 1, 2015
6. *Definition of Marked Oval*: Define the system thresholds used to declare a readable mark in an oval to be read by the scanner
7. *Independent Third-Party Application Penetration Analysis Report*: An accredited application penetration test conducted, within the past 12 months, to analyze the system for potential vulnerabilities according to current industry standards. Potential vulnerabilities may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the voting system, whether or not the vulnerabilities can be mitigated through compensating controls. Pursuant to Virginia Code § 24.2-625.1, the Penetration Analysis Report is confidential and excluded from inspection and copying under the Virginia Freedom of Information Act. If a penetration test has been conducted in another state within 12 months on the same version of the voting system, then that may be submitted to fulfill this requirement.
8. *Customer Maintenance, Repair & Troubleshooting Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will provide maintenance, repair and troubleshooting of the system
9. *Operations Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system. At a minimum, the manual should include the maximum volume and speed of the scanner, the maximum capacity of container bin, ballot box, storage units, electronic storage device, and instructions for the proper and safe operation of the system to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.
10. *User Guide and Documents*: The vendor should provide the following:
  - a. Quick reference guide with detailed instructions for a precinct election officer to set up, use, and shut down the voting system
  - b. ADA compliant training material that:
    - i. May be in written or video form

- ii. Must be in a format suitable for use at a polling place as a simple “how-to” guide(s)
  - c. Clear model of voting system architecture with the following documentations:
    - i. End-User Documentation
    - ii. System-Level and Administrator-Level Documentation
    - iii. Developer Documentation
  - d. Failsafe voting system data recovery procedures
    - i. For example: Recovery procedures for retrieving duplicated (contingency recovery) information from a different location within the device (or another device if networked capability is allowed and certified) in the event that access to the primary storage area is not possible for some unforeseen reason
  - e. A list of customers who are using or have previously used the voting system
    - i. The description of any known incidents or anomalies involving the functioning of the voting system, including how those incidents or anomalies were resolved with customer and date
  - f. If the operating system or any component (hardware and/or software) has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT; the Last Date of Mainstream Support cannot include any type of Extended Support, as defined in Appendix H.
11. *Recommended Security Practices*: CIS Security Best Practices, not limited to:
- a. System Security Architecture
  - b. System Event Logging
  - c. System Security Specification
  - d. Security Content Automation Protocol (SCAP)
  - e. Cryptography
  - f. Equipment and Data Security
  - g. Network and Data Transmission Security
  - h. Access control
  - i. Authentication procedure
  - j. Software
  - k. Physical Security
12. *Standard Contract, Product Support, and Service Level Agreement (SLA)*: Customer and Technical Support hours and contact information. SLA should specify the

- escalation timeline and procedures with contact information. Vendor's capacity to provide, not limited to:
- a. On-Site Support and Technical Support within SLA on:
    - i. Election Day (defined as the start of the in-person absentee voting period up to and including Election Day)
    - ii. Within 60 days before Election Day
  - b. Resolution to outstanding issue(s), repair, maintenance, and service requests within 30 days
13. *Maintenance Services, Pricing, and Financing Options*: A list of maintenance services with price. Terms for replacing a component or voting equipment. Available financing options for purchase or lease
14. *Warranty*: The vendor should provide a list of warranty specifications to include the following:
- a. The period and extent of the warranty
  - b. Repair or Replacement
    - i. The circumstances under which equipment is replaced rather than repaired
    - ii. The method by which a user requests such replacement
  - c. Warranty coverage and costs
  - d. Technical documentation of all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time
15. *Software License Agreement*
16. *Test Data and Software*: Vendor's internal quality assurance procedure, internal or external test data and reports, ballot decks, and software that can be used to demonstrate the various functions of the voting system. Vendor should also verify that the versions of the applications submitted are identical to the versions that have undergone federal compliance testing; for example, hash testing tools
17. *Non-Disclosure Agreement*: If applicable.

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

## **Corporate Information**

Corporate Information must contain the following items:

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

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

### ***Proprietary Information***

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

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

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

### **Phase 2: Preliminary Review**

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

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

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

### **Phase 3: Technical Data Package to Voting System Test Laboratory (VSTL)**

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

### **Phase 4: Certification Test Report from VSTL**

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

### **Phase 5: On-Site Testing in Mock Election**

ELECT will coordinate with the local jurisdiction to test the voting system at two polling places. With the vendor present, the Electoral Board members from the local jurisdiction along with ELECT will oversee the test use of the system in a mock election.

### **Phase 6: Approval by the SBE**

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

### **3.3. Incomplete Certification Process**

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

ELECT reserves the right to terminate the certification process when:

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

## Appendices

### A – Glossary

**The following terms are defined in the United States Election Assistance Commission (EAC), the Code of Virginia and Virginia General Registrars and Electoral Boards (GREB) Handbook.**

**ADA** – Americans with Disability Act (ADA) of 1990 broadly protects the rights of individuals with disabilities in employment, access to State and local government services, places of public accommodation, transportation, and other important areas of American life. The ADA also requires newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities.

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

**Cast Vote Record (CVR)** – Permanent record of all votes produced by a single voter.

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

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

**Election Assistance Commission (EAC)** – The Help America Vote Act (HAVA) directs the U.S. Election Assistance Commission (EAC) to provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories. HAVA also introduces different terminology for these functions. Under the EAC process, test labs are “accredited” and voting systems are “certified.” The term “standards” has been replaced with the term “Guidelines.” As prescribed by HAVA, the EAC process was initially based on the 2002 Voting Systems Standards and will transition to the latest standards issued.

**Help America Vote Act of 2002 (HAVA)** – The Help America Vote Act (HAVA) of 2002 made reforms to America’s voting process by establishing minimum standards for states regarding election administration. Title III of HAVA contains standards regarding voting systems, provisional voting and voting information, computerized statewide voter registration list, and

requirements for first-time voters who register by mail. HAVA standards are critical to the operation of an election.

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

**Logic and Accuracy Testing** – Logic and accuracy testing is an integral part of preparing for an election. Each machine (not a sampling of machines) that will be used in an election must be tested prior to that election to ensure it has been programmed correctly and is functioning properly. The logic and accuracy test will also uncover any ballot printing or coding issues that may affect accurate and complete tabulation. Each machine should be tested with a sufficient number of ballots or votes to substantiate that each machine recorded the correct number of votes for each candidate. An electoral board member, general registrar, or a designated representative, must be present during this process and must certify the results from each machine. Form ELECT-633 must be submitted electronically to the Department of Elections after logic and accuracy testing is complete.

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

**Voting System** – The total combination of mechanical, electromechanical, and electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment, that is used to define ballots, cast and count votes, report or display election results, recount votes and maintain and produce any audit trail information.

**Voting System Test Laboratory (VSTL)** – Test labs that are accredited to perform conformance testing of voting systems will use SBE approved voting system certification standard to guide the development of test plans, the testing of systems, and the preparation of test reports and recommendations for granting state certification.



## **B – Contacts**

### **The Department of Elections**

The certification request package should be sent to:

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

All other inquiries should be sent to:

Email: [info@elections.virginia.gov](mailto:info@elections.virginia.gov)

### **C – Acceptance Test**

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

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

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

1. Process simulated ballots for each precinct or polling place in the jurisdiction
2. Display an appropriate message on the review screen if a voter does not follow the ballot instruction.
  - a. Able to override the warning messages for overvote, undervote or blank ballot to cast the ballot
3. Handle Write-in votes
4. Create a Cast Vote Record (CVR) per each vote
5. Produce an input to or generate a final report of the election, and interim reports as required
6. Generate system status and error messages
7. Comply with and enable voter and operator compliance with all applicable procedural, regulatory, and statutory requirements
8. Produce an audit log

**Validation of Certification**

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

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

**D – Test Assertions**

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

<b>General Requirements</b>	
<i>Statutory Requirement</i>	<i>Test Assertions</i>
<p><i>§ 24.2-626.1. Acquisition and use of accessible voting devices.</i></p> <p><i>1. Provide for at least one voting system equipped for individuals with disabilities at each polling place, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.</i></p> <p><i>2. Provide alternative language accessibility when required by § 203 of the Voting Rights Act of 1965 (52 U.S.C. § 10503).</i></p>	I – The voting system must support audio ballots.
	II – Using the voting system, an individual voting by audio ballot does not require assistance by marking the ballot.
	III – The voting system must support multiple languages; including, English, Spanish, Vietnamese and allow future additions and support of other languages.
<p><i>§ 24.2-629 (1). State Board approval process of electronic voting systems.</i></p> <p><i>It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.</i></p>	I – Must be able to alter instructions on the voting system’s electronically displayed ballots and audio ballots.
<p><i>§ 24.2-629 (3). State Board approval process of electronic voting systems.</i></p> <p><i>It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate.</i></p>	I - The voting system must support multiple ballot styles on a single tabulator in a primary election.
	II – All voting systems must provide a voter-verifiable audit trail, a permanent paper record of each vote.
<p><i>§ 24.2-629 (5). State Board approval process of electronic voting systems.</i></p> <p><i>It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no</i></p>	I – The voting system can present an accurate ballot based on a voter’s geopolitical subdivision based on the districts, regions, cities or other boundaries defined by the Commonwealth of Virginia.

<b>General Requirements</b>	
<p><i>more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.</i></p>	<p>II – The voting system presents the voter only with candidates and contests that they are lawfully permitted to vote for.</p>
	<p>III – The voting system allows for the selection of multiple candidates or contest options. The voting system restricts the voter to select only a certain number of candidates or options in each contest. The voting system allows the voter to select a different number of candidates or options in each contest on the ballot.</p>
<p><i>§ 24.2-629 (7). State Board approval process of electronic voting systems.</i></p> <p><i>It shall provide the voter with an opportunity to correct any error before a ballot is cast.</i></p>	<p>I – For electronically displayed ballots, the voting system must provide the voter with a screen to review their selected choices prior to submitting the ballot.</p>
	<p>II - For electronically displayed ballots, the voting system must provide the voter the ability to return to a contest or question to make corrections. The system must also allow for an audio voter to return to any contest or question.</p>
	<p>III – The voting system must provide a warning or alert on the review screen to the voter for an incomplete or incorrect ballot; i.e. overvotes, undervotes, blank ballot.</p>
	<p>IV – ADA voting system must provide a voter-verifiable audit trail, a permanent record of each vote that can be checked for accuracy by the voter before the vote is submitted.</p>
<p><i>§ 24.2-629 (8). State Board approval process of electronic voting systems.</i></p> <p><i>It shall correctly register or record and accurately count all votes cast for candidates and on questions.</i></p>	<p>I – All component and system-level reports generated by the voting system provide accurate results that can be verified against known results.</p>

<b>General Requirements</b>	
<p><i>§ 24.2-657. Determination of vote on voting systems.</i></p> <p><i>In the presence of all persons who may be present lawfully at the time, giving full view of the voting systems or printed return sheets, the officers of election shall determine and announce the results as shown by the counters or printed return sheets, including the votes recorded for each office on the Write-in ballots, and shall also announce the vote on every question. The vote as registered shall be entered on the statement of results. When completed, the statement shall be compared with the number on the counters on the equipment or on the printed return sheets. If, on any ballot scanner, the number of persons voting in the election, or the number of votes cast for any office or on any question, totals more than the number of names on the poll books of persons voting on the machines, then the figures recorded by the machines shall be accepted as correct. A statement to that effect shall be entered by the officers of election in the space provided on the statement of results.</i></p>	<p>II – Public and private ballot counters increment for each accepted ballot. The ballot counters do not increment for ballots rejected by the system.</p>
	<p>III – The voting system records how many ballots are cast as overvotes, undervotes, Write-ins, and blank ballots for each contest and question.</p>
<p><i>§ 24.2-629 (9). State Board approval process of electronic voting systems.</i></p> <p><i>It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.</i></p>	<p>I – Each tabulator has a lifetime counter/ "protective counter" that cannot be reset without reloading the firmware.</p>
	<p>II – The "protective counter" increments correctly for each ballot accepted by the tabulator.</p>
	<p>III – The "protective counter" does not increment for ballots not accepted by the tabulator.</p>
<p><i>§ 24.2-629 (10). State Board approval process of electronic voting systems.</i></p>	<p>I – Each tabulator has a "public counter" which tracks the number of ballots processed and accepted for an election.</p>

<b>General Requirements</b>	
<p><i>It shall be provided with a counter that at all times during an election shall show how many persons have voted.</i></p>	<p>II – The “public counter” increments correctly for each ballot accepted by the tabulator.</p>
	<p>III – The “public counter” does not increment for ballots not accepted by the tabulator.</p>
<p>§ 24.2-629 (11). State Board approval process of electronic voting systems.</p> <p><i>It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.</i></p>	<p>I – The voter cannot be identified in any manner on a ballot.</p>
	<p>II – The voting system audit records contain no information on a specific voter.</p>
	<p>III – The voting system must provide a “privacy sleeve.”</p>
<p>§ 24.2-629 (12). State Board approval process of electronic voting systems.</p> <p><i>It shall be programmable to allow ballots to be separated when necessary.</i></p>	<p>I – All Write-ins can be segregated physically with a diverter or logically separated with an electronic Write-in Report.</p>
	<p>II – Voting systems that centrally process ballots must <u>physically separate Write-ins from other ballots</u> or logically separate ballots with Write-in votes electronically.</p>
<p>24.2-629 (13). State Board approval process of electronic voting systems.</p> <p><i>Ballot scanner machines shall report, if possible, the number of ballots on which a voter under voted or over voted.</i></p>	<p>I – The voting system must alert the voter when the ballot submitted has an overvote or undervote, or the ballot is blank.</p>
	<p>II – The voting system must allow the voter to submit a ballot with an overvote or undervote, or a blank ballot.</p>
	<p>III – The voting system must count ballots cast with an undervote, overvote, or blank ballot. The system must be capable of producing a human-readable report on the number of ballots on which a voter under voted, and the number of ballots on which a voter over voted.</p>

<b>General Requirements</b>	
	IV – All Write-ins are properly handled including segregation of Write-ins physically with a diverter or logically with electronic Write-in Report.
<p><i>§ 24.2-637. Furniture and equipment to be at polling places.</i></p> <p><i>Before the time to open the polls, each electoral board shall ensure that the general registrar has the voting and counting equipment and all necessary furniture and materials at the polling places, with counters on the voting or counting devices set at zero (000).</i></p>	I – The tabulation component of the voting system must have a public counter. Upon opening of the polls, the tabulator must print a zero-proof report and the voting system must provide a means by which the report and the counter can be reconciled.
<p><i>§ 24.2-658. If machines that print returns are used, the printed inspection sheet and two copies of the printed return sheet containing the results of the election for each machine.</i></p>	I – The voting system can support the ability to print multiple results tapes.
<p><i>§ 24.2-802. (Effective until July 1, 2020) Procedure for recount.</i></p> <p><i>The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.</i></p>	I – The voting system can be programmed to recount a single contest.



<b>General Requirements</b>	
<i>Functional</i>	<i>Test Assertions</i>
<p><i>Voting equipment must display an appropriate message if a voter does not follow the ballot instruction. Allow the voter to override the warning message to cast his/her ballot.</i></p>	<p>I – The voting system must provide written and audio instruction for electronically displayed ballots.</p>
	<p>II - The voting system must allow the voter to return to a contest or question to make corrections for electronically displayed ballots. The voting system must allow an audio voter to return to a contest or question to make corrections.</p>
	<p>III – The voting system must provide feedback to the voter for incomplete/ incorrect votes. i.e. overvotes, undervotes, blank ballot.</p>
	<p>IV – The voting system must allow the voter to override warning messages for incomplete/ incorrect votes. i.e. overvotes, undervotes, blank ballot.</p>
<p><i>Define ballot formats for a primary election, a general election, and special election including all voting options defined by the Code of Virginia.</i></p>	<p>For a Virginia Primary Election, the voting system must define the primary ballot as follows:</p> <ul style="list-style-type: none"> <li>• Open Primary</li> <li>• Two Parties</li> <li>• No Write-in candidates</li> <li>• Support split precincts</li> <li>• Voting for N of M contests</li> <li>• Support of all contests</li> <li>• Support for all candidates</li> <li>• Multi-language support (English, Spanish, Vietnamese)</li> <li>• Referendum/Question contests</li> </ul>
	<p>For a Virginia General Election, the voting system must define the general ballot as follows:</p> <ol style="list-style-type: none"> <li>1. Partisan contests</li> </ol>

<b>General Requirements</b>	
	<ol style="list-style-type: none"> <li>2. Non-partisan contests</li> <li>3. Write-in candidates</li> <li>4. Support for split precincts</li> <li>5. Voting for N of M contests</li> <li>6. Support of all contests</li> <li>7. Support for all candidates</li> <li>8. Multi-language support (English, Spanish, Vietnamese)</li> <li>9. Referendum/Question contests</li> </ol>
<i>The voting system must create a Cast Vote Record (CVR) defined as, a Permanent record of all votes produced by a single voter whether in electronic, paper or other form, for each ballot for all elections.</i>	I – The voting system must produce a CVR in human-readable format.
<i>The CVR must integrate in a readable format.</i>	I – The voting system can export the CVR to a portable transport media. The voting system must produce a CVR in human-readable format.
<i>The voting system must be able to perform the Logic and Accuracy Tests.</i>	I – The voting system can be programmed for a primary, general, or special election.
	II – The voting system can process a known test deck containing valid marks, non-valid marks, undervotes, overvotes, and Write-in votes.
	III – The voting system can report accurate results from the known test deck.
	IV – The voting system provides a verifiable means that all test data are removed after the completion of the Logic and Accuracy Test from the voting system.
	V – Test ballots can be produced by a Ballot Marking Device (BMD) and can be used in the known test deck.

<b>General Requirements</b>	
<i>The voting system must comply with the requirements for Write-in image and format.</i>	I – The voting system must make a copy of the voter’s Write-in vote; the copy must be as legible as the original.

<b>Security Requirements</b>	
<i>Statutory</i>	Test Assertions
<p>§ 24.2-625.2. <i>Wireless communications at polling places.</i>  <i>There shall be no wireless communications on election day, while the polls are open, between or among voting machines within the polling place or between any voting machine within the polling place and any equipment outside the polling place. For purposes of this section, the term wireless communication shall mean the ability to transfer information via electromagnetic waves without the use of electrical conductors.</i></p>	<p>I – The voting system will not transfer information between or among voting machines wirelessly. Here, wirelessly means “via electromagnetic waves without the use of electrical conductors.”</p>
	<p>II – The voting system will be unable to communicate wirelessly between devices inside and outside the polling place. Here, wirelessly means “via electromagnetic waves without the use of electrical conductors.”</p>
<p>§ 24.2-634. <i>Locking and securing after preparation.</i>  <i>When voting equipment has been properly prepared for an election, it shall be locked against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be retained in the custody of the general registrar and delivered to the officers of election as provided in § <a href="#">24.2-639</a>. After the voting equipment has been delivered to the polling places, the general registrar shall provide ample protection against tampering with or damage to the equipment.</i></p>	<p>I – The tabulation component of the voting system must have the ability to be physically locked and require a key.</p>
<i>Functional</i>	Test Assertions
<p><i>The voting system must allow instruction to voters to be modified through administrative rights.</i></p>	<p>I – Only those with administrative rights can alter the instruction to voters.</p>

<b>Security Requirements</b>	
<i>The voting system cannot have the built-in wireless communications abilities.</i>	I - No component of the voting system can have wireless communications hardware unless disabled in the BIOS (password protected/locked BIOS and non-default password is different for each locality). i.e. wireless network cards, Bluetooth, infrared.
<i>The voting system must comply with the latest encryption standard.</i>	I – All modules are cryptographic and are FIPS 140-2 v1 compliant.
	II – All stored images are digitally signed.
	III – All digital hashes use SHA256 hashing algorithm or higher.
<i>The voting system must comply with the latest password protection standards.</i>	I – The voting system must require for a minimum 8 character password.
<i>The voting system must be hardened using the voting system provider’s procedures and specifications.</i>	I – The Security Content Automation Protocol (SCAP) for the voting system must be provided.
	II – The voting system can be verified to be in compliance with the SCAP checklist and all manufacturer procedures and specifications.

<b>Audit Requirements</b>	
<b>Statutory</b>	<b>Test Assertions</b>
<p><i>§ 24.2-671.1. Audits of ballot scanner machines.</i></p> <p><i>A. The Department of Elections shall coordinate a post-election risk-limiting audit annually of ballot scanner machines in use in the Commonwealth. The localities selected for the audit shall be chosen at random with every locality participating in the Department's annual audit at least once during a five-year period. The purpose of the audits shall be to study the accuracy of ballot scanner machines.</i></p> <p><i>B. No audit conducted pursuant to this section shall commence until after the election has been certified and the period to initiate a recount has expired without the initiation of a recount. An audit shall have no effect on the election results.</i></p> <p><i>C. All audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars in accordance with the procedures prescribed by the Department. The procedures established by the Department shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits.</i></p> <p><i>D. The local electoral boards shall report the results of the audit of the ballot scanner machines in their jurisdiction to the Department. At the conclusion of each audit, the Department shall submit a report to the State Board. The report shall include a comparison of the audited election results and the initial tally for each machine audited and an analysis of any detected discrepancies.</i></p>	<p>I – The voting system must be capable of producing a CVR for purposes of conducting a post-election risk-limiting audit.</p>

**E – Software Patching Guidelines**

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

**F – Recertification Guidelines**

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

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

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

**G – Hardware Guidelines**

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

1. Must be fully wiped per the DoD 5220.22-M wiping standard to prevent any preloaded software from being inadvertently installed on the systems
2. Must be cryptographic and FIPS 140-2 v1 compliant
3. Must use SHA256 hashing algorithm or higher
4. Must comply with applicable Commonwealth information security standards
5. Must comply with applicable policies, guidelines, and directives as adopted and modified by the SBE from time to time.



## H – Voting System Modifications & Product End of Life Planning

### Voting System Modifications

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

### Product End of Life Planning

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

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

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

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

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

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

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

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



★ VIRGINIA ★  
DEPARTMENT of ELECTIONS

**Vendor Notification of “End of Life”**

We have certified equipment with the SBE and have determined that the following (hardware/software/components) in our certified system will, within 18 months, be at “End of Life” status. Complete this form (for the areas applicable), attach the upgrade plan and send to:

Secretary of SBE, 1100 Bank Street, 1<sup>st</sup> Floor, Richmond, VA 23219

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

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

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

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

Vendor \_\_\_\_\_ Date: \_\_\_\_\_

Certified Voting Systems Impacted: \_\_\_\_\_

Certified Version(s) Software: \_\_\_\_\_ Firmware: \_\_\_\_\_

Certified Product: \_\_\_\_\_

Certified EPB System Impacted: \_\_\_\_\_

Certified Version(s): \_\_\_\_\_

DATE(S) FOR “END OF LIFE”:

	Operating System (description) _____
	Software (Modules or Packages) (description) _____
	Product(s) (components) (description) _____

Vendor must submit an upgrade plan to the SBE 12 months in advance of “End of Life”. The plan should include timeline(s), list of impacted localities, estimated cost for localities (if any), and VSTL report(s) showing the upgrade(s) will ensure all systems operate properly with the new upgrade(s) and/or replacements(s).\*

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

ELECT Personnel Received and Reviewed by \_\_\_\_\_ Date: \_\_\_\_\_

EOL Upgrade Plan  Approved  REJECTED SBE Meeting: \_\_\_\_\_

**I – Voting System Certification Application Form**

Certification <input type="checkbox"/>	Recertification <input type="checkbox"/>
--	--

The company officer or designee who is responsible for the voting system should complete this form. With this signature, the company officer agrees to a release for the VSTL as well as other states that may have decertified the voting system to respond to any questions by ELECT. This application must be signed by a company officer and enclosed in the Voting System Certification Request Package.

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

Name of Company: \_\_\_\_\_

Name and Title of Corporate Officer: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Primary Address of Company: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Name of voting system to be certified: \_\_\_\_\_

Version Number/Name of Voting System to be certified: \_\_\_\_\_

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

Signature of Corporate Officer: \_\_\_\_\_

Date: \_\_\_\_\_

## **J – De Minimis Change Guideline**

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

1. Update a discrete component of the system and do not impact overall system functionality
2. Do not modify the counting or tally logic of a component or the system (formatting changes to reports are allowable)
3. Do not affect the accuracy of the component or system
4. Do not negatively impact the functionality, performance, accessibility, usability, safety, or security of a component or system
5. Do not alter the overall configuration of the certified system (e.g. adding ballot marking device functionality to a previously certified DRE component)
6. Can be reviewed and/or tested by VSTL personnel in a short amount of time (approximately less than 100 hours).

A vendor must submit the VSTL’s endorsed package to ELECT for approval along with a copy of the EAC determination. A proposed De Minimis Change may not be implemented to the certified voting system until the change has been approved in writing by ELECT.

### **VSTL Endorsed Changes**

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

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

### **VSTL Review**

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

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

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

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

#### **ELECT's Action**

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

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

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

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



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**Virginia State Board of Elections | Request for De Minimis Change**

In accordance with the State Certification of Voting System and Electronic Pollbook Requirements and Procedures, SBE has adopted guidelines to manage hardware/software related changes to certified Voting System and Electronic Pollbook System. To request a De Minimis Change the procedure begins with a letter, from the vendor to the Secretary of the State Board of Elections and the VSTL endorsed package for the De Minimis Change. This letter shall begin the process to evaluate whether the De Minimis Change will be approved for use on Voting Systems and/or Electronic Pollbooks certified in Virginia.

De Minimis Changes should have the following characteristics:

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

Vendor description of the De Minimis Change: \_\_\_\_\_

Description of the facts giving rise to or necessitating the change: \_\_\_\_\_

Document any potential impact to election official currently using the system and any required notifications to those officials. \_\_\_\_\_

VSTL endorsed package included.

Signature of Company Officer: \_\_\_\_\_ Date: \_\_\_\_\_

ELECT's Action: Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED

REJECTED

Vendor Notified of Status by: (initials) \_\_\_\_\_ Date: \_\_\_\_\_

**K – Cast Vote Record Clarification**

1. A permanent record of all votes produced by a single voter
2. Electronic CVRs are called ballot images
3. CVR is evidence that a ballot was available for review by the voter
4. CVR should have an identifier that can be linked to an identifier on the corresponding paper ballot provided; the scanner creating the CVR can impress an identifier on the ballot as it is scanned
5. CVR should include indications of what actions the scanner took if the scanner does contest-rule post-processing of the ballot selections
6. CVR has indications of marginal marks, mark quality/density (if scanner is capable).
7. A CVR can include signed/hashed references to an associated image of the ballot or images of write-ins made by the voter on a paper ballot



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# Statewide Voter Registration System Request for Proposal Update

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BOARD WORKING PAPERS  
Gail Gilstrap  
Project Manager





# Introductions

## Commissioner Piper





# **ELECT Board Meeting**

**June 22, 2021**

**The Statewide Voter Registration  
and  
Election Management System (SVRS)  
Request for Proposal (RFP) Project:**

## **SVRS RFP Overview and Status**



# Agenda

- Introductions
- SVRS RFP Project Background
- RFP 101
- Project Methodology
- Project Opportunities & Challenges
- Going Forward: RFP Posting to Award
- Future: RFP Award to SVRS Execution
- Questions



# Current Project Members

## RFP ARTIFACTS & PROCESS:

### ELECT

- Gary Finch, Governance Manager & RFP SPOC
- Wendi Mott, VERIS Product Manager

### RFP TEAM

- Gail Gilstrap, RFP Project Manager
- Georgiana Ball, RFP Technical Writer
- Wiley Rowsey, RFP Procurement Specialist

### VITA

## REVIEW & INPUT:

### LOCALITIES

- Mentors

### STATE

- Liaisons
- Information and Elections Services
- Security & Infrastructure
- Policy & Executives

### VITA

### OFFICE OF THE ATTORNEY GENERAL



# SVRS RFP Project

## Project Background





## Recap: Why procure a new Statewide Voter Registration and Election Management System (SVRS)?

- Replacement for the ELECT's aging Voter Registration System – VERIS (Virginia Election and Registration Information System)
  - Implemented in 2007
- Secure, modern technology that can adapt to election changes and meet performance demands
- User-friendly system, with workflow management features
- Reduce costs; utilize Cloud services





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# SVRS RFP Project

## RFP 101





# Request For Proposals: RFP 101

- During process, restricted contact and RFP information sharing with vendors and others
- ELECT must adhere to VITA's RFP template and procurement policies
- Considered a "High Risk" procurement, with additional requirements
- Vendors propose how they will meet ELECT's needs and provide pricing details, which requires a detailed evaluation following procurement protocols
- Award choice based on best overall proposal, rather than solely on price
- RFP files, notes and communications related to the RFP process are all FOIABLE
- Vendors may protest or appeal an award decision, causing significant delays





## “RFP Discussion” Guidance – A Must to Follow



- “RFP Discussion” Guidance is based on competitive procurement law and policy
- Conversations about or sharing RFP information internally or outside our organization, **MUST** be limited to your direct participation in a RFP process or what is publicly posted on the Commonwealth’s central electronic procurement system (eVA).
  - [www.eva.virginia.gov](http://www.eva.virginia.gov) and select “Business Opportunities,” click on VBO, and enter into search either the RFP Number ELECT-210326-SVRS or “Election”
- Do NOT talk to potential vendors that may reach out to ask questions, should someone approach you, or when in doubt, say nothing...
  - Uninformed conversations, even with the best of intentions, may sink the future solution being sought by ELECT through the competitive process
- Direct any and all questions, internal or external, by email, to: RFP SPOC – Gary Finch, ELECT Governance Manager: [SVRSinfohub@elections.virginia.gov](mailto:SVRSinfohub@elections.virginia.gov)



## What is a “High Risk” Procurement? What is involved?

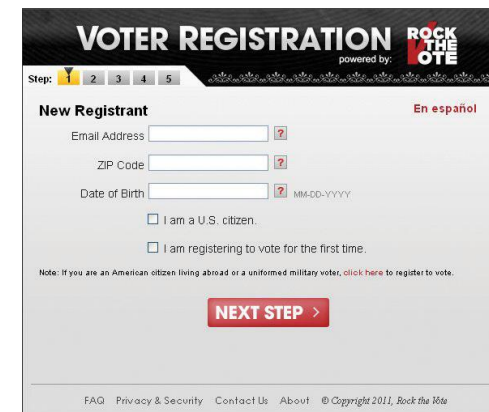
- Contracts with Costs > \$10M over the initial term of the contract
- Prior to award of a high risk contract the contract is reviewed by:
  - Office of the Attorney General (OAG)
  - VITA for IT Contracts
- ELECT’s Contract Administrator to follow VITA guidelines
- ELECT submits reports for public posting, to include:
  - Scheduled contract performance dates and actual completion dates
  - Contract award value and actual contract expenditures
  - Information on vendor performance including cure letters, formal complaints, and end of contract evaluations





# SVRS RFP Project

## SVRS Methodology Project Opportunities and Challenges





## SVRS RFP - Project Methodology

- Based on a collaborative approach between state and locality stakeholders, with transparency, active participation, user reviews and ongoing input
- Developed SVRS system requirements from the ground floor up
  - Created initial team with SME consultation and in-depth assessment of user needs, wants and pain points
- Through ELECT liaisons with localities, recruited election official “mentors” who serve as touchpoints in each of the 7 geographic regions of the Commonwealth
- Improve existing process by incorporating new processes and increasing adaptability





## Opportunities

- Increasing understanding and trust among groups and reducing “silo” effect
- Setting a new bar for communication and updates
- Excitement that the SVRS is a “Fresh Start” – an improved system utilizing modern technology, adaptable to future needs, and user-friendly
- Be a leader in an innovative election’s approach

## SVRS RFP

## Challenges

- Recognize that Stakeholders have competing priorities – SVRS Project versus elections to support
- Investment in people and time for a high priority multi-year project
- Ensuring organization understands and follows procurement requirements
- Communicating across organization about project status, while restricting discussion until after award
- Ensuring new result is not a VERIS 2.0
- Support of VERIS during transition will require two teams running in tandem



# SVRS RFP Project

*Going Forward . . . .*

**From RFP Posting to  
Vendor Award**





# Milestone Activity

Milestone Activity	Target Dates
RFP posts to eVA	March 26, 2021 - <i>Completed</i>
Registration for Pre-Proposal Conference	April 5 – 9, 2021 - <i>Completed</i>
Hold Pre-Proposal Conference (Leadership/IT)	April 15, 2021 - <i>Completed</i>
Deadlines for all Offeror Questions	May 12, 2021 - <i>Completed</i>
Proposals Due *	May 17, 2021 - <i>Completed</i>
Proposal Evaluations/Scoring (Eval Teams)	May 18 – June 25, 2021
Preliminary Consensus Scoring (Eval Teams)	June 28 – July 2, 2021
Demonstrations (Eval Teams)	July 12 – July 30, 2021
Consensus Scoring / Vendor Selection (Leadership/IT)	August 2 – 6, 2021
Negotiations (Leadership/IT)	August 9 – September 3, 2021
Finalize Vendor Selection (Leadership/Agency Head/IT)	September 13 – 24, 2021
Contract Award	TBD
Contract Start (Parallel VERIS / SVRS Teams)	TBD



## SVRS RFP Evaluation Process – *In Progress*

- 4 Evaluation Teams in the following categories, 3-5 participants per team, with participation from ELECT and Localities:
  - Functional
  - Technical
  - Financial / SWaM
  - Legal / Policy
- Evaluation criteria weighted between 1 -10 and publicly posted in eVA, prior to the RFP proposal due date
- RFP Project Team will reviewed submitted proposals for completeness and performed any necessary follow-up to Vendor



- *continued* -





## SVRS RFP Evaluation Process

- Each team will review designated areas of the proposal, score individually, and share scores during an Evaluation Review meeting
- The top vendors will be invited to prepare a demonstration, based on the preliminary consensus from the Evaluation teams
- After the demonstrations are complete, Evaluation team will confer and must select 2 or more vendors for negotiations





# SVRS RFP Negotiation Process

- Negotiations can continue :
  - Back/forth as many times as it takes to reach an agreement
  - Until either party withdraws from further consideration
  - Until ELECT rejects all proposals and resolicits
- Everything is on the table, including price, with the exception that most terms and conditions cannot be changed





# SVRS RFP Project

**FUTURE:  
RFP Award to SVRS Execution**



# The New SVRS and VERIS:

Two teams supporting SVRS project and VERIS during implementation

## Parallel Solutions

- SVRS Sprint planning; Data migration and MVP
- Implement MVP for SVRS
- Continue to support VERIS (Legislation / critical issues)
- VERIS and SVRS run in tandem
- VERIS to SVRS – transition team
- Multiple election types supported





# Questions?



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# Ranked Choice Voting Regulations and Supporting Documents

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BOARD WORKING PAPERS  
Samantha Buckley  
ELECT Policy Analyst



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**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise  
From: Samantha Buckley, Policy Analyst  
Date: June 22, 2021  
Re: Regulatory Action for the Adoption of Ranked Choice Voting Regulations and Ballot Standards

---

**Suggested motion for a Board member to make:**

"I move that the Board approve to put forward for public comment the Department's proposal for ranked choice voting regulations and ballot standards."

**Applicable Code Sections:** § 24.2-673.1

**Attachments:**

- Proposed regulation 1VAC20-100
- Ranked Choice Voting Ballot Standards

**Background:**

Pursuant to § 24.2-673.1 of the Code of Virginia, "the State Board may promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting, including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and for offices to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-613, notwithstanding the provisions of subsection E of that section."

This proposed regulatory action would put forward for public comment a process and standards for the administration of certain local seats elected by ranked choice voting or instant runoff voting. Additionally, this regulatory action would put forward for public comment ballot standards for localities that adopted ranked choice voting or instant runoff voting for a specified election.

In 2020 the General Assembly passed HB 1113, which established ranked choice voting as a method for the election of county board of supervisors and city council members. In 2020 the General Assembly also passed HB 506 which established instant runoff voting as a method for the election of board of supervisors in localities operating under the county manager plan. Further, HB 506 specifies that instant runoff voting is another name for ranked choice voting.

Ranked choice voting is a method of voting which permits voters to rank their preference of candidates. In ranked choice voting, a voter may rank as many or as few candidates starting with their first choice. Ranked choice voting may be used for single seat or multi seat offices.



**Discussion:**

A foundational principle of ranked choice voting is the ability for a voter to rank their candidate preferences. Currently voting equipment vendors in Virginia limit the number of candidates a voter may rank; ranging from 3 to 21 candidates.

The current intention of the ballot standards and the proposed RCV standard is to permit voters to rank for as many or as few candidates as they want. In light of the current restrictions that some vendors have, the State Board of Elections may choose to establish for uniformity purposes a maximum number of candidates that a voter may rank for a ranked choice voting election.





**Agency:** The State Board of Elections

**Virginia Administrative Code (VAC) citation(s):** 1VAC20-xx

**Regulation Title(s):** Chapter 100: Ranked Choice Voting

**Date before State Board of Elections:** June 22, 2021

**Brief Summary:** The purpose of this regulation is to establish a process and standards for the administration of ranked choice voting for certain local offices.

**Regulation Text:**

### **Chapter 100 Ranked Choice Voting**

#### **Section 10 Definitions**

- “Active ballot” means a ballot which counts toward an active candidate in the current round of counting.
- “Continuing candidate” means a candidate who has not been eliminated during a round-by-round vote count. In a count which lasts multiple rounds, the number of active candidates will decrease with each round.
- “Defective ranking” means a voter assigned more than one candidate the same ranking.
- “Duplicate ranking” means a voter has assigned one candidate multiple rankings.
- “Election threshold” means the percentage of votes a candidate must receive to guarantee to win a seat or remain within the election.
- “Eliminated candidate” means a candidate who has been eliminated during the round-by-round vote count.
- “Exhausted ballot” means a ballot that can no longer be counted due to the ballot having no continuing candidates in the round.
- “Instant runoff voting” means no more than one seat in the office must be filled by the election.
- “Ranked choice voting” means method of voting which permits voters to rank their preference for candidates. Ranked choice voting is also known as instant runoff voting.
- “Ranking” means the number preference a voter determines for a candidate.
- “Round” means a stage of the vote tabulation in which a candidate may be elected or eliminated.
- “Single transferable vote” means more than one seat in the office must be filled by the election.
- “Skipped ranking” means a voter has left at least one ranking order unassigned but ranks a candidate at a subsequent ranking order.



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- “Surplus vote” means the number of votes a candidate receives beyond the minimum needed in order to receive a seat in a single transferable vote race.
- “Inclusive Gregory Method of Reallocation” means vote counts are transferred fractionally. When a candidate wins a seat, votes for that candidate are re-weighted, multiplying their current weight by the quotient of their surplus vote divided by their total vote.

### **Section 20 Administration**

The Department of Elections shall publish on the website instructions on the administration of ranked choice voting elections.

### **Section 30 Ranked Choice Voting**

As prescribed by 24.2-673.1 a county board of supervisors or city council may elect by majority to conduct an election for its members by ranked choice voting. The adoption for ranked choice voting shall only be valid for the election specified in the ordinance signed by the governing body.

- A. Adoption to conduct an election by ranked choice voting must be enacted no later than 90 days prior to the date of the specified election.
- B. Any locality that adopts to conduct an election by ranked choice voting must electronically transfer the signed ordinance to the Department of Elections promptly.
- C. No ranked choice voting may be conducted for a primary with less than three (3) candidates.
- D. Notwithstanding 24.2-613(E), all ballot forms for an election conducted by ranked choice voting shall comply with the standards prescribed by the State Board of Elections.

### **Section 40 Ballot Treatment**

As prescribed by 24.2-673.1, ballots shall be tabulated in the following manner:

- A. Defective rankings
  - A ballot with a defective ranking shall be counted in the initial round if voter intent can be determined. The ballot shall not be counted in any round in which the ballot has a defective ranking.
  - A ballot with a duplicate ranking shall be counted unless the voter’s choice was eliminated.
  - In the event of a ballot with a skipped ranking, the next valid ranking shall be counted.
- B. Tie-Breaking
  - All candidates with the fewest number of votes at the end of a round shall be eliminated from the election.



### **Section 50 Reallocation of votes**

Vote reallocation will be conducted with the Inclusive Gregory Method of Reallocation.

### **Section 60 Paper Ballots**

For this section, “paper ballot” means a tangible ballot that is marked by a voter and must be manually counted.

In the event the general registrar receives a ballot that cannot be read by the ballot scanner machine, the general registrar or election official shall transpose the voter’s intent to a machine readable ballot.

### **Section 70 Election Results**

Results for all rounds must be publicly posted on the Department of Elections website.

### **Section 80 Outreach**

For the purposes of this section, educational information means non-partisan information that, in plain language, informs the public on the adoption of ranked choice voting for an election, a description of ranked choice voting, an unmarked official sample ranked choice voting ballot, and instructions on how to read and mark the ballot.

- A. The Department of Elections shall be required to post educational information about ranked choice voting on its website for the public.
- B. Any county board of supervisors or city council that adopts to conduct an election by ranked choice voting shall develop and distribute educational information about ranked choice voting no later than 60 days before the specified election.
  1. Educational information must be disseminated to the public through circulation in the local newspaper, posted on the locality’s website, or mailed to active and inactive voters eligible to vote in the specified election.
  2. Educational information must be posted in the office of the general registrar and made available for distribution if requested by the public.
  3. Educational information about ranked choice voting shall be posted in each satellite office and polling place operating for the election.

# Ballot Standards

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STATE BOARD *of* ELECTIONS

June 2021

**For Ballots with Ranked Choice Voting (RCV) Races**

Virginia State Board of Elections  
1100 Bank Street  
Richmond, Virginia 23219

## Authority and Scope

The State Board of Elections (SBE) has the authority to prescribe ballot standards for elections within the Commonwealth (Va. Code § 24.2-613). Ballots must comply with all applicable Va. Code sections and these standards. These standards apply to all official ballots within the Commonwealth unless stated otherwise.

## What's in this document

<b>Code requirements</b>	<b>C</b> Ballots must comply with these.
<b>State Board requirements</b>	<b>B</b> Ballots must comply with these.
<b>Best practice recommendations</b>	<b>P</b> Ballots should follow best practice recommendations to support voter performance. <ul style="list-style-type: none"><li>• Best practices are strongly preferred, but are not required.</li><li>• If technical constraints prevent compliance with best practices, please contact ELECT. We will work with you to meet the intent of the recommendation.</li></ul>
<b>Examples</b>	Illustrate how to meet the code requirements and best practice recommendations.
<b>Resources and references</b>	Guidelines based on research by the Election Assistance Commission (EAC) and the Center for Civic Design. You can download copies here: <a href="#">Designing polling place materials</a> (eac.gov) <a href="#">Field Guides To Ensuring Voter Intent, Vols. 01-10</a> (civicdesign.org) <a href="#">Design Principles for Ranked Choice Voting</a> (civicdesign.org)

## Who should use this document

**General registrars** To ensure that you are meeting all of the requirements for ballot design and layout, including order of offices and for proofing ballots.

**Ballot layout specialists** To ensure that ballots show the right content in the correct order.  
You will also find best practice recommendations useful when you are making tradeoffs in formatting. The best practices represent the best possible design for ensuring voter intent is communicated.

**ELECT staff** As a reference for proofing ballots.

## How to use this document

Each major section includes three visual elements including: examples/illustrations, and indicators to differentiate requirements from recommended best practices:

①

Examples /  
Illustration(s)

**B**

### Commonwealth of Virginia, Official Ballot

City of Richmond

**C**

Republican Party Presidential Primary

Tuesday, March 1, 2016

**P**

---

### Requirements vs. Best practice recommendations:

---

②

Indicators for  
illustrations

**C**

These symbols identify requirements and best practices illustrated in visual examples. Best practice recommendations are taken from evidence-based studies by the EAC, NIST, and the Center for Civic Design.

**B**

**P**

③

Headers for  
text

Requirements and best practices found in text are identified with these headers:

**Code requirements**

**Board requirements**

**Best practice recommendations**



# Table of Contents

Authority and Scope .....	2	<b>Candidate Order and Name Formats .....</b>	<b>33</b>
What’s in this document.....	3	Non-presidential.....	33
Who should use this document .....	4	Ballot layout examples .....	33
How to use this document.....	5	Code requirements.....	33
<b>Overall Ballot Design .....</b>	<b>7</b>	Board requirements .....	34-35
Fonts and Targets.....	7	Name examples .....	35
Board requirements and best practices ....	7	Presidential candidate names .....	35
Order of Major Elements on the Ballot .....	8	Best practice example .....	36
Acceptable Layouts .....	9-10	<b>Political Party Order and Appearance .....</b>	<b>37</b>
Best practices: overall design .....	11	Code and Board requirements .....	37
Best practices: instructions to voters .....	12	Best practices .....	37
<b>Ballot Headers.....</b>	<b>14</b>	<b>Write-ins .....</b>	<b>38</b>
Examples .....	14	Examples.....	38-39
Code and Board requirements.....	15	Code and Board requirements .....	40
Best practices.....	16	Best practices .....	41
<b>Voting instructions .....</b>	<b>17</b>	<b>Amendments, Referendums, and Bonds .....</b>	<b>42</b>
Examples.....	17-19	Examples.....	42
Board requirements and best practices.	20	Code requirements and best practices ...	43
<b>Ballot Order .....</b>	<b>21</b>	<b>Locality Seal .....</b>	<b>44</b>
Code requirements .....	21	Example .....	44
Board requirements.....	21-24	Code and Board requirements .....	45
<b>Office Headers.....</b>	<b>25</b>	<b>Waivers .....</b>	<b>46</b>
Non-presidential examples .....	25-27		
Presidential example.....	28		
Code requirements .....	29		
Board requirements.....	30-31		
Best practices.....	32		



## Overall Ballot Design

# Overall Ballot Design

## Fonts and Targets

### Board requirements for fonts

Items required by Code  
or the State Board

- B** Items required to appear on the ballot – either by code or the State Board – must be no less than 10-point font.

### Best practice recommendations for fonts

Font size

- P** Minimum font size of 12 points on the entire ballot.  
Ballot headers should be the biggest content on the ballot, preferably at 18 points.

Use sans serif fonts

- P** Vendors and printers may select any highly readable sans serif font. Some examples are Calibri (the font used throughout this document), Arial (used in all of the examples), and Helvetica.  
Avoid serif fonts, such as: Times New Roman, Georgia, Cambria.

Target ovals or boxes

- P** Ovals are preferred as targets for marking ballots rather than squares, rectangles, or arrows. Squares, rectangles or arrows may be used, so long as targets marked without filling in the target area entirely – including with a line, check mark, or “X” – always capture voter intent.  
Line weight for the target oval or rectangle should provide adequate contrast to cue the voter.



## Overall Ballot Design

The lines making up ovals or rectangles (to be filled in by the voter) should be black, not red. The emphasis is distracting and does not improve voter performance.

### Order of Major Elements on the Ballot

**The ballot must be laid out  
in this order**

- B** 1. Ballot Header (page 13)
- B** 2. Instructions for voters (page 16)
- B** 3. Offices (non-ranked choice voting (RCV)) (page 23)
- B** 4. RCV instructions for voters
- B** 5. RCV offices
- B** 6. Issues
- C** 7. Locality Seal (page 38)



# Overall Ballot Design

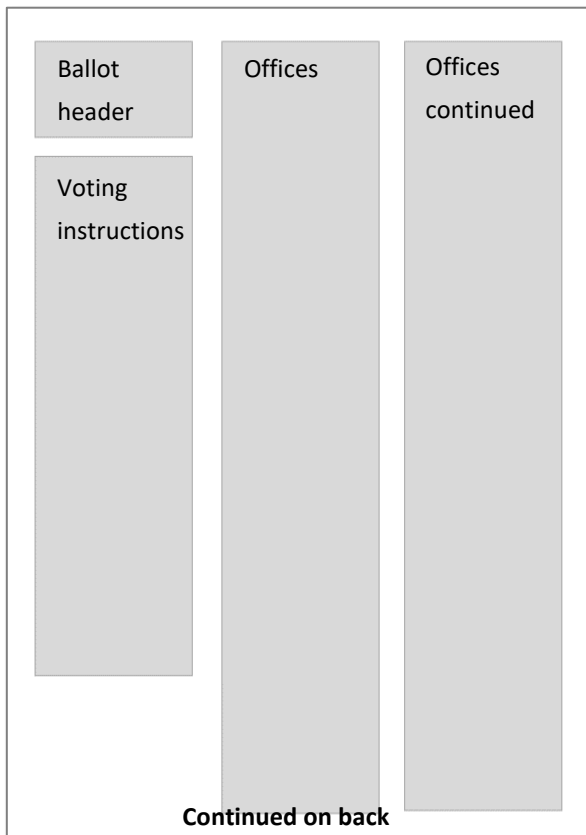
## Acceptable Layouts

**B** You may use one of the two ballot layouts below for non-RCV races (images are not to scale). If you would like to use a different layout, please request a requirements waiver (see page 46).

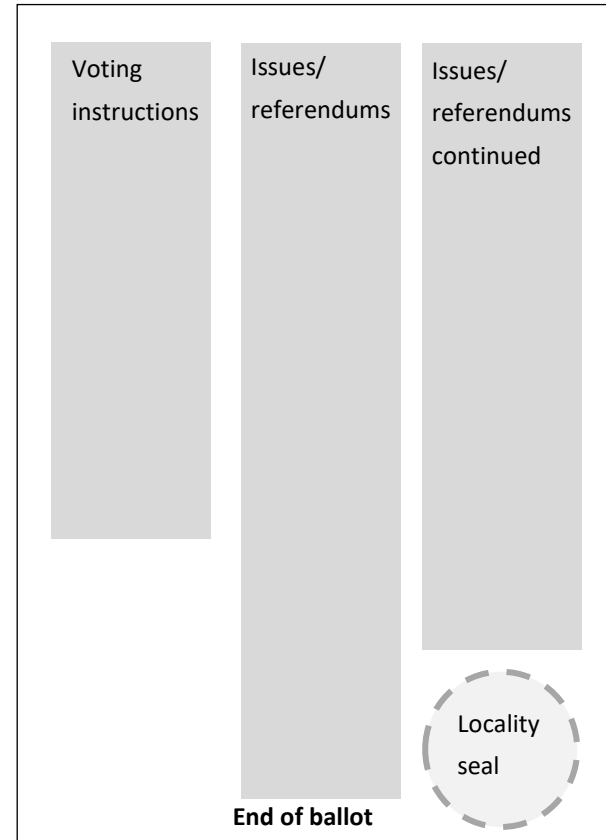
### Ballot Layout 1: Best practice

(Instructions in left column)

**P**



*RCV voting instructions and offices go on a page by themselves between the other offices and any issues/referendums. See page 11 below for RCV ballot layout.*



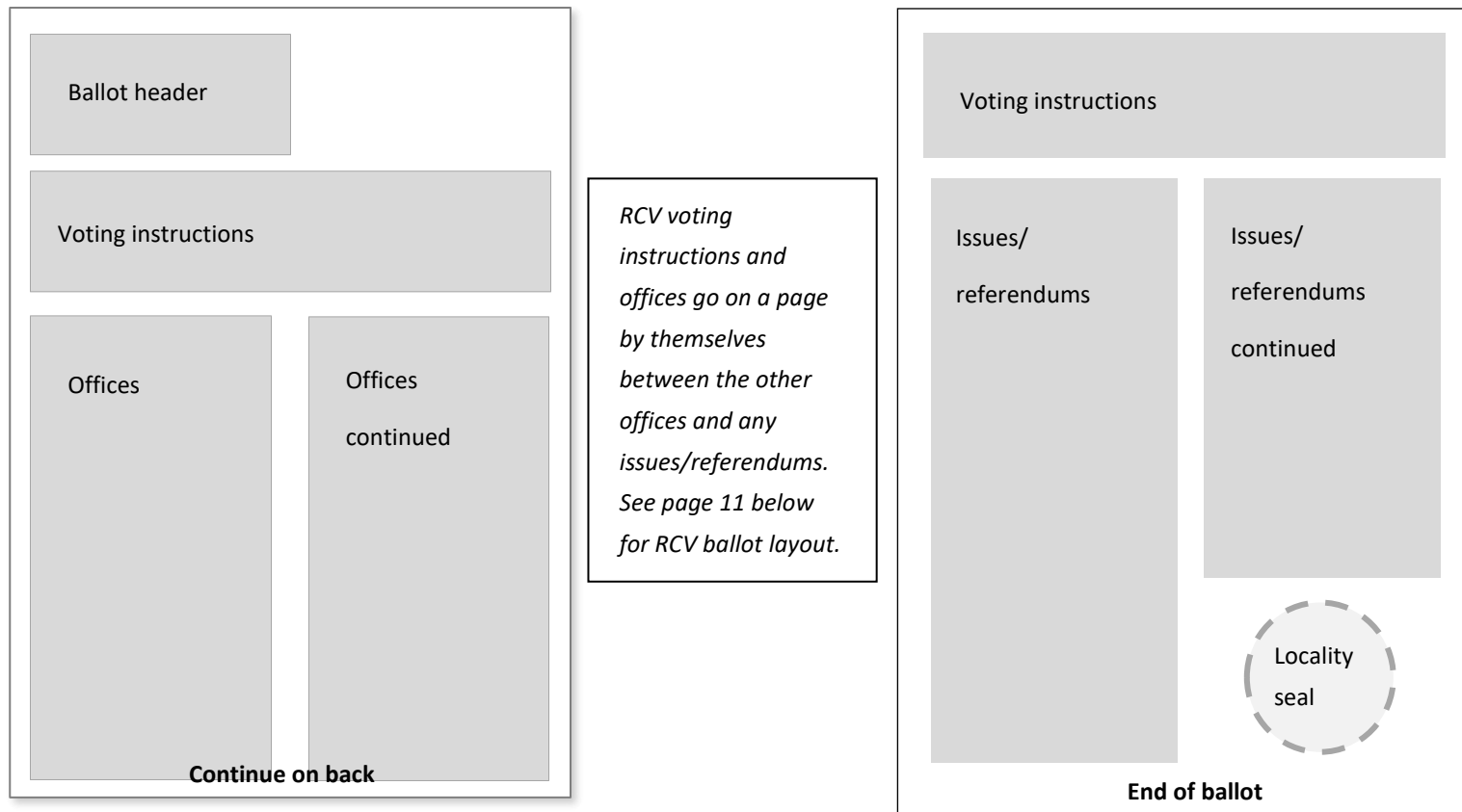


## Overall Ballot Design

### Ballot Layout 2

This layout is also acceptable, but not best practice to convey instructions to voters.

(Instructions across top)





## Overall Ballot Design

### Ballot Layout: RCV races

**B** You must use the following layout below for RCV races only.

The diagram shows a ballot layout within a rectangular border. At the top is a grey box labeled "Voting instructions". Below it is a larger grey box labeled "RCV offices". In the bottom right corner, there is a dashed circular seal labeled "Locality Seal\*". At the bottom center, the text "Continue on next page / End of ballot" is displayed.

*\*Only put the seal on this page if there will not be an issues/referendums page after. Seal only goes on the last page of the ballot.*



## Overall Ballot Design

### Best practice recommendations for ballot design

<b>Type case</b>	Use mixed case (avoid using all capital letters).
<b>Justification</b>	Left-justify text (avoid centered text).
<b>Fonts</b>	Use a single sans serif font family throughout the ballot.
<b>Adding emphasis</b>	Use emphasis sparingly. Never use italics or underlining on a ballot. Use big enough type – but not too big.
<b>Help voters know what to do and where to go next</b>	Put instructions where voters need them. Use contrast and color functionally. Decide what is most important (not everything should be bold or large type). Don't split offices across columns.
<b>Two-sided ballots</b>	On 2-sided ballots, include instructions on the front of the ballot, at the bottom of the right-hand column to continue voting, like this:

**Turn the ballot over**



## Overall Ballot Design

### Best practice recommendations for instructions to voters

<b>Illustrations</b>	Use accurate instructional illustrations.
<b>Language and formatting</b>	<p>Use clear, simple language in a positive voice.</p> <p>Write in the active voice, where the person doing the action comes before the verb.</p> <p>Use emphasis sparingly. Never use italics or underlining on a ballot.</p> <p>Use big enough type – but not too big.</p>
<b>Content</b>	<p>Include instructions on how to request a new ballot, and how voters may write in a candidate.</p> <p>Include information that will prevent voters from making errors.</p> <p>Keep paragraphs and sentences short.</p> <p>Use short, simple everyday words.</p> <p>When giving instructions that are more than one step, make each step an item in a numbered list.</p> <p>Separate paragraphs by a space so each paragraph stands out on the page or screen.</p>





## Ballot Headers

### Ballot Headers

#### Ballot header examples

**B** Commonwealth of Virginia  
**Official Ballot**  
City of Richmond  
**C** General and Special Elections  
Tuesday, November 7, 2017

**P** — *“Commonwealth of Virginia”  
and “Official Ballot” in 18-point.  
The rest of the information in 12-  
point.*

OR

**B** Commonwealth of Virginia, Official Ballot  
City of Richmond  
**C** Republican Party Presidential Primary  
Tuesday, March 1, 2016



## Ballot Headers

### Code requirements for ballot headers

<b>Non-presidential primaries</b>	Must include the political party name before the words ‘Primary Election’.
(Va. Code § 24.2-529)	For example:      Republican Party Primary Election Democratic Party Primary Election

### Board requirements for ballot headers

<b>Title</b>	“Commonwealth of Virginia” and “Official Ballot” on one or two lines.	
<b>Locality</b>	Name of locality	
<b>Name of election</b>	General election <b>without</b> specials, referendum, or amendments	General Election
	General election <b>with</b> specials, referendum, or amendments	General and Special Elections
	Special Elections	Special Election
	Primaries	Republican Party Primary Democratic Party Primary
	Presidential Primaries	Republican Party Presidential Primary Democratic Party Presidential Primary
	<b>Date of election</b>	Must be written as day of the week, month date, and year. For example, <b>Tuesday, November 7, 2017.</b>



## Ballot Headers

### Best practice recommendations for ballot headers

**Font Size** No smaller than 12-point and should not be larger than 18-point.  
In the example, “Commonwealth of Virginia” and “Official Ballot” are 18-point.  
The rest of the information is 12-point.

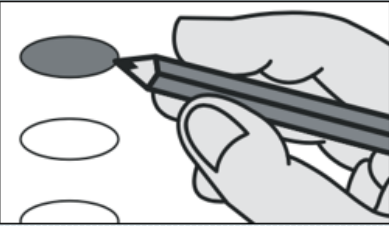
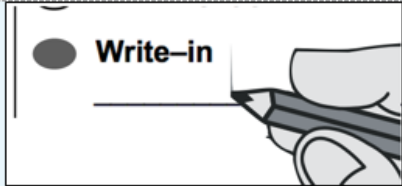


## Voting Instructions

### Voting instructions

#### Voting instruction examples (non RCV)

Best practice: instructions in the leftmost column of a 3-column layout

Instructions	
<b>P</b>	<p><b>Making selections</b></p> 
<b>B</b>	<p><b>To vote for a candidate</b>, fill in the oval next to the name.</p> <p><b>To vote on an issue</b>, fill in the oval next to YES or NO.</p> 
	<p><b>To write in</b> a qualified candidate who is not already on the ballot, fill in the oval and write the name of the person on the line.</p> <p><b>If you want to change a vote</b> or if you have made a mistake, ask an election worker for another ballot.</p> <p>If you make marks on the ballot besides filling in the oval, your votes may not be counted.</p>

*Remember:*

*Voters perform best when instructions are close to where they are needed.*

*Voters are more likely to read and use instructions when they appear in the left column of a multi-column ballot than when the instructions are across the top of the ballot.*



## Voting Instructions

A conventional 2-column layout is acceptable if 3-columns will not work (for example, if candidate names are long). Instructions on this type of layout are placed across the top of the ballot, between the office header and the offices:

Example of voting instructions across the top of the ballot:

### **P** Instructions to voters

**To vote for a candidate**, fill in the oval next to the name, like this: [illustration]

**B** **To vote on an issue**, fill in the oval next to YES or NO.

**To write in** a qualified candidate who is not already on the ballot, fill in the oval and write the name of the person on the line.

**If you want to change a vote** or if you have made a mistake, ask an election worker for another ballot.

If you make marks on the ballot besides filling in the oval, your votes may not be counted.



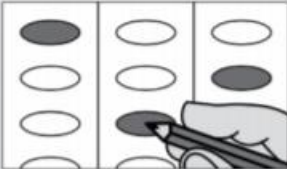
# Voting Instructions

## Voting Instruction examples for RCV races

**B** RCV races must have instructions placed at the top of the ballot page on which the race is placed.

**Instructions for Ranked Choice Voting**

1. Pick your 1st choice candidate and completely fill in the oval next to that candidate under First Choice.
2. If you have a 2nd choice candidate, fill in the oval next to that candidate under Second Choice.
3. Mark your 3rd choice candidate, if you have one, the same way under Third Choice. And so on.



- ! Mark **at least one candidate** for your vote to count.
- ! If you make a mistake ask for a new ballot. Otherwise your vote may not count.
- ! All choices must be different from each other.
- ! Don't mark more than one in each column.

**Instructions for Ranked Choice Voting**


**Making selections**

Rank candidates in the order of your choice.

You may rank as many or as few candidates as you wish.

**Fill in the oval...**

- In the 1st column for your first 1st choice.
- In the 2nd column for your 2nd choice.
- In the 3rd column for your 3rd choice.



Fill in the oval completely.

No more than 1 oval in a column.

No more than 1 oval for a candidate.



## Voting Instructions

### Board requirements for voting instructions

- Ballot types** All ballot types must include voting instructions.
- Voter intent** Voting instructions must present the voter with clear instructions on how to mark the ballot the way they intend.
- Primaries** Do not include instructions for write-ins on primary ballots.

### Best practice recommendations for voting instructions

- Wording** Use the instructions in the example above, as closely as possible.
- Emphasize actions** Use bold to emphasize actions for voters.
- Illustrations** Include an illustration that shows how to mark the ballot correctly.
- Lists** Do not use numbered or bulleted lists. The emphasis in each sentence does not need a bullet. The sentences are not steps in a process.



## Ballot Order

### Ballot Order

#### Ballot Order for RCV races

- B** Races for RCV must use the grid style layout. In the event you have multiple RCV races, RCV races must be listed down the ballot.

<b>Mayor</b>										
Rank up to 10 candidates. Mark no more than 1 oval in each column.	First choice	Second choice	Third choice	Fourth choice	Fifth choice	Sixth choice	Seventh choice	Eighth choice	Ninth choice	Tenth choice
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
<b>Frederick Sharp</b> Orange Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Luis Garcia</b> Orange Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Charles Layne</b> Yellow Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Andrew Kowalski</b> Yellow Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Alex Wallace</b> Purple Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Eric Savoy</b> Purple Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Barbara Williams</b> Tan Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Lillian Cohen</b> Lime Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Ann Windsock</b> Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Markos Miller</b> Silver Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Elizabeth Harp</b> Silver Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>City Council</b>										
Rank up to 6 candidates. Mark no more than 1 oval in each column.	First choice	Second choice	Third choice	Fourth choice	Fifth choice	Sixth choice				
	1st	2nd	3rd	4th	5th	6th				
<b>Valarie Altman</b> Orange Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				
<b>George Hovis</b> Yellow Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				
<b>Althea Sharp</b> Purple Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				
<b>Mary Tawa</b> Lime Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				
<b>Joe Li</b> Tan Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				
<b>Phil Wilkie</b> Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>				





## Ballot Order

### Code requirements for ballot order

(Va. Code §24.2-613) All offices to be elected must be placed before any question.

### Board requirements for ballot order for ballots with RCV races

Lay out the ballot with all of the offices, amendments, and issues as shown below.

If there is a general election and a special election for the same type of office, list the general election before the special. For example, this may happen when filling a vacated seat.

Offices must be placed in this order:

Ballot Placement	Office/Issue title
<b>Statewide Offices</b>	
1	President
2	Member United States Senate
3	Member House of Representatives
4	Governor
5	Lieutenant Governor
6	Attorney General
<hr/>	
<b>Regional Offices</b>	
7	Member Senate of Virginia
8	Member House of Delegates
<hr/>	
<b>Locality-wide Offices</b>	
9	Clerk of Court



## Ballot Order

Ballot Placement	Office/Issue title
------------------	--------------------

---

### Locality-wide Offices (continued)

- 10 Commonwealth's Attorney
- 11 Sheriff
- 12 Commissioner of Revenue
- 13 Treasurer
- 14 Mayor, City
- 15 Chairman School Board
- 16 Member School Board At Large
- 17 Member School Board Super District/Ward

---

### District/Magisterial/Ward Offices

- 18 Member School Board
- 19 Soil and Water Conservation Director
- 20 Mayor
- 21 Member Town Council At Large

---

### Town Offices

- 22 Member Town Council
- 23 Recorder
- 24 Treasurer

---

### RCV offices

- 25 Chairman Board of Supervisors  
County Board



## Ballot Order

Ballot Placement	Office/Issue title
------------------	--------------------

### RCV offices (continued)

- |    |  |
|----|--|
| 26 | Member Board of Supervisors At Large     |
|    | Member City Council At Large             |
| 27 | Member Board of Supervisors              |
|    | Member City Council Super District/ Ward |
|    | Member City Council Election             |
- 

### Statewide Issues, if applicable

- |    |   |
|----|---|
| 28 | Proposed Constitutional Amendment (statewide) |
| 29 | Proposed Bond Referendum (statewide)          |
- 

### Regional Issues, if applicable

- |    |                     |
|----|---------------------|
| 30 | Regional Referendum |
|----|---------------------|
- 

### Locality-wide Issues, if applicable

- |    |             |
|----|-------------|
| 31 | Bond Issues |
| 32 | Referendum  |
- 

### District/Ward Issues, if applicable

- |    |            |
|----|------------|
| 33 | Referendum |
|----|------------|
- 

### Town Issues, if applicable

- |    |            |
|----|------------|
| 34 | Referendum |
|----|------------|



## Office Headers

### Office Headers

#### Officer Header examples

General election

**B** **Member**  
**Senate of Virginia**  
 District 99  
**C** Vote for only one

Special election, without designation

**Member**  
**Senate of Virginia**  
 District 9  
 For unexpired term to end December 31, 2015  
 Vote for only one

**P** — Use shading to off-set the office headers and instructions for voting.

Special election, with designation

**Member**  
**Senate of Virginia**  
 Special Election  
 For unexpired term to end December 31, 2015  
 Vote for only one

Special election, with term on 2 lines

**Member**  
**Senate of Virginia, Special Election**  
 For unexpired term  
 to end December 31, 2015  
 Vote for only one



## Office Headers

### Officer Header examples, continued

Examples for  
down-ballot  
offices (non-RCV)

**Member  
School Board  
Jack Jouett District**  
Vote for only one

**Mayor  
Town of Glasgow**  
Vote for only one

**Member Town Council  
Town of Brodnax**  
Vote for not more than three

**Member Town Council – At Large  
Town of Amherst**  
Vote for only one

**Member Town Council, At Large  
Town of Amherst**  
Vote for only one



## Office Headers

### Officer Header examples, continued

#### **B** Examples for RCV-ballot offices

##### **Member City Council Ward B**

Rank candidates in the order of your choice.

Mark no more than 1 oval in each column.

##### **Member City Council**

Three candidates will be elected

Rank candidates in the order of your choice.

Mark no more than 1 oval in each column.



## Office Headers

### Presidential elections

#### President and Vice President

**C** Vote for only one

#### Democratic Party

**C** Electors for

- Anna Mae Sterner**, President and  
**Leslie Michelle Voiles**, Vice President

#### Republican Party

Electors for

- James X. Spool**, President and  
**Herbert Adams**, Vice President

**Write-in**  
\_\_\_\_\_



## Office Headers

### Code requirements for office headers

#### **“Vote for...” Instructions**

(Va. code § 24.2-613(D))

For general, special, and primary elections, “Vote for...” instructions must not be smaller than 10-point type.

Must appear immediately below the title of any office.

Offices to which only one candidate can be elected must say:

“Vote for only one”

Instructions for offices to which more than one candidate can be elected must say:

“Vote for not more than *n*”

...where “*n*” is a number, written out. For example:

Vote for not more than three

#### **“Electors for...”**

**(Va. Code § 24.2-614)**

In Presidential elections, the words “Electors for” must appear between the party name and the name of the presidential candidate.





## Office Headers

### Board requirements for office headers for RCV races

#### **“Rank...” instructions**

For general, special, and primary elections, “Rank...” instructions must not be smaller than 10-point type.

Must appear immediately below the title of any office.

Instructions for offices to which more than one candidate can be elected must say:

“*N* candidates will be elected”

...where “*n*” is a number, written out. For example: Three candidates will be elected

**\*\*Ranking limitations if applicable\*\***



## Office Headers

### Board requirements for office headers

<b>Order of elements in office blocks</b>	Office title (such as “Governor”)
	Town, District, or Ward
	For special elections only: “For unexpired term to end June 20, 2019”
	“Vote for” instructions (see above)
	RCV office blocks: “Rank” instructions (see above)
	Candidate names
	Write-in line(s), except for primaries
<b>Member offices</b>	<p>Start with the word, “Member.”</p> <p>The word “Member” should be on its own line, space permitting.</p> <p>Include a “-” (hyphen) or “,” (comma) and the words “At Large” for an at-large seat.</p> <p>For example: Member Town Council - At Large Member Town Council, At Large</p> <p>Be consistent in usage of dashes or commas throughout the ballot.</p>
<b>Special elections office title</b>	<p>The words “Special Election” are optional in the office title. If you choose to label the office with “Special Election” then use one of these formats:</p> <p>[Office name], Special Election [Office name] - Special Election</p> <p>Be consistent in usage of dashes or commas throughout the ballot.</p>
<b>Unexpired term</b>	<p>The text “For unexpired term to end June 20, 2019” must appear immediately preceding the “Vote for” instructions.</p>



## Office Headers

### Best practice recommendations for office headers

**Shading** Use shading to off-set the office headers and instructions for voting.  
Shading should be 10% gray or cyan.

**Separate candidate list** You may also separate the headers from the candidate lists using a light horizontal rule of 0.25 point to 0.50 point.

**Be consistent** The examples on pages 23 - 25 show variations. Use the same variation throughout. The examples above show variations. Use the same variation throughout.

**Term Expiration** Wording for term expiration can include or exclude the preposition “on.”  
For example: For unexpired term to end on December 31, 2015  
For unexpired term to end December 31, 2015



## Candidate Order and Name Formats

### Candidate Order and Name Formats

#### Non-presidential candidate names

“Vote for” language is set in code. ———

**C**

The Board sets standards for ballot names. ———

**B**

Candidate order is set in code. ———

**C**

#### Member

#### Board of Supervisors

For unexpired term to end on December 31, 2015

Vote for not more than three

**Aaron J. Peskin II**

**Barb Jean Bush Jr.**

**G. Duane Kruse**

**Janice C. “Ginny” Redish**

**Erin J. Michael**

**Write-in**

**P**

Candidate names should be in mixed case, bold type.

### Code requirements for candidate names

(Va. Code §24.2-613)

#### All elections

The names of all candidates printed on the ballot must be in the same font, size, and style.

(Va. Code §24.2-529)

#### Primary elections

List names in the order in which the candidates completed filing.

In the event two or more candidates file simultaneously, the order of filing is determined by lot by the electoral board or the State Board as in the case of a tie vote for the office.

No write-in shall be permitted on ballots in primary elections.



## Candidate Order and Name Formats

### Board requirements for candidate names

For all offices *except president / vice president*, candidate names follow this formula on the ballot:

First name or initial + middle name or initial + (optional) “nickname” + last name + suffix.

**Title** Do not include a title with the name – neither before, nor after. Examples of titles include Rev., Dr., Mrs., Mr., etc.

Candidates must use their given name and not the name of their spouse. For example:

Mary L. Jones

Not: Mrs. John W. Jones

**First name** Must use first name or initial or familiar form of first name.

**Middle name** Must use middle name or initial or familiar form of middle name.

**Initials** Initials may be used instead of either the first or middle name or both.

**Nickname** Must be in double quotation marks, if used.

**Last name** Must use the last name as it appears on the candidate’s voter registration record.

**Suffix** Must be used if included on the candidate’s voter registration record.

NOTE: If a candidate’s name cannot meet the above requirements because there is no middle name – or for some other reason – contact ELECT for acceptable accommodations.



## Candidate Order and Name Formats

### Board requirements for candidate names, continued...

#### Examples of acceptable name formats

As an example, the candidate's full legal name is Thomas Wendell Smyth III. The candidate can specify any of these options:

Tom W. Smyth III  
T. Wendell Smyth III  
Thomas W. Smyth III  
Thomas Wendell Smyth III  
T.W. "Tom" Smyth III  
T.W. "Sparky" Smyth III  
T.W. Smyth III  
TW Smyth III

#### Presidential / Vice Presidential Candidate Names

Presidential and vice-presidential candidate names appear on the ballot as specified to the State Board by the nominating party or candidate.

#### Fit the full candidate name on one line

The full candidate name must fit on one line of the ballot. This includes any punctuation and spaces.

If the candidate's name goes onto a second line, contact ELECT staff for support. They will suggest appropriate accommodations so that you can meet this requirement.



## Candidate Order and Name Formats

### Best Practice Recommendations

Candidate names should be in mixed case, bold type.

P

<b>Member</b>
<b>House of Delegates</b>
<b>58<sup>th</sup> District</b>
Vote for not more than three
<input type="radio"/> <b>Aaron Peskin II (D)</b>
<input type="radio"/> <b>Barb Jean Bush Jr. (R)</b>
<input type="radio"/> <b>G. Duane Kruse (L)</b>
<input type="radio"/> <b>Janice C. “Ginny” Redish (G)</b>
<input type="radio"/> <b>Erin J. Michael (G)</b>
<input type="radio"/> <b>Write-in</b>
_____
<input type="radio"/> <b>Write-in</b>
_____
<input type="radio"/> <b>Write-in</b>
_____

C

*Show party designation for federal, statewide, and General Assembly offices.*



## Political Party Order and Appearance

### Political Party Order and Appearance

#### Code requirements for political party order and appearance

- Party designation** A political party name must identify candidates that have been nominated for federal, statewide, and General Assembly offices. Party identification is only present on ballots in federal, statewide, and General Assembly elections (Va. code § 24.2-613).
- Order of parties** *General and Special Elections*  
The State Board determines by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties.  
Independent candidates always appear last and in the order they filed all required paperwork (Va. code § 24.2-613).

#### Board requirements for political party order and appearance

- Appearance of political party names** Party abbreviations must be in accordance with the SBE determination made at the time of the party order drawing.

#### Best practice recommendations for political party order and appearance

- Party name format** If the SBE determines party names are to be spelled out, then the names of the parties should be mixed case, regular (non-bold) type, following candidate names in mixed case, bold type.
- Emphasis of party abbreviation** If you abbreviate the party name, it should appear in regular (non-bold) type, following the candidate name in mixed case, bold type.





## Write-ins

### Write-ins

#### Write-in Example

*Write-ins are after the last candidate's name; show a target for each write-in space; include the words "Write-in" followed by a line for voters to write the name. Include the same number of write-in lines as the number of seats to be elected.*

*For the words, "Write-in," use the same font size and weight as candidate names.*

*The line for writing in the name is under the words "Write-in" with enough line space for the voter to write the name.*

Member Board of Supervisors	
Vote for not more than three	
<input type="radio"/>	<b>Aaron Peskin II (D)</b>
<input type="radio"/>	<b>Barb Jean Bush Jr. (R)</b>
<input type="radio"/>	<b>G. Duane Kruse (L)</b>
<input type="radio"/>	<b>Janice C. "Ginny" Redish (IG)</b>
<input type="radio"/>	<b>Erin J. Michael (I)</b>
<input type="radio"/>	<b>Write-in</b> _____
<input type="radio"/>	<b>Write-in</b> _____
<input type="radio"/>	<b>Write-in</b> _____

**B**

**P**



## Write-ins

### RCV Write-in Example

<b>Member City Council</b> Three candidates will be elected Rank candidates in the order of your choice. Mark no more than 1 circle in each column.	First Choice <b>1<sup>st</sup></b>	Second Choice <b>2<sup>nd</sup></b>	Third Choice <b>3<sup>rd</sup></b>	Fourth Choice <b>4<sup>th</sup></b>	Fifth Choice <b>5<sup>th</sup></b>
John Q. Public	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jane C. Doe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Write-In	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Write-In	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____ Write-In	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



## Write-ins

### Code requirements for write-ins

<b>Scope</b>	Write-in sections must be included on all ballots, except in primary elections.
(Va. Code § 24.2-529)	Write-ins are not permitted in primary elections.

### Board requirements for write-ins

<b>Where</b>	After the last candidate's name.
<b>Target</b>	Write-in lines must show a target (oval, rectangle, etc.) for each write-in space.
<b>Language</b>	Include the words "Write-in" using a hyphen followed by a line for voters to write the name.
<b>Number of write-in lines for non-RCV races</b>	There must be the same number of write-in lines as the number of seats to be elected. For example, an office with the instruction, 'Vote for not more than three' should have 3 lines for the voter to write in or leave enough space for voters to write in 3 separate names.
<b>Number of write-in lines for RCV races</b>	There must be the same number of write-in lines as the number of seats to be elected. For example, an office with 3 seats available to be elected must have 3 lines for the voter to write in or leave enough space for voters to write in 3 separate names.



## Write-ins

### Best practice recommendations for write-ins

- Font size and weight** For the words, “Write-in,” use the same font size and weight as candidate names.
- Location of line** Put the line for writing in the name under the words “Write-in” with enough line space for the voter to write the name. The line may also be next to or above the words “Write-in” if voting systems cannot accommodate the line underneath. If presented on the same line, the words “Write-in” should be to the left of the write-in line.



## Amendments, Referendums, and Bonds

### Amendments, Referendums, and Bonds

*Title,  
then Question,  
then Answer  
options.*

C

#### **Meals tax**

Shall the County of Amelia be authorized to levy a tax, at a rate of 4% or less, on the amount charged for prepared food and beverages sold in the County, as provided by §58.1-3833 of the Code of Virginia, as amended, with the stipulation that the revenue from such a tax shall be used to fund operational expenses and capital projects related to fire protection and emergency medical services?

*Include content  
exactly as it is  
written in  
legislation or  
the Writ.*

C

This tax would be imposed in addition to the current general retail sales and use taxes collected on all purchases. Thus, if this food and beverage tax is adopted and the maximum rate of 4% is imposed, then the total tax on all prepared food and beverages will be 9.3%

*“Yes” and “No”  
in individual  
blocks or lines  
after the text of  
the question.*

C

**Yes**

P

**No**

*Issues in 12-point type,  
mixed case, left justified.*

*“Yes” and “No” choices in  
bold type.*



## Amendments, Referendums, and Bonds

### Code requirements for amendments, referendums, and bonds

#### Layout (Va. code § 24.2-684)

Amendments, referendums, and bonds should be laid out in the following order:

- Title
- Question
- Answer options: Place “Yes” and “No” in individual blocks or lines after the text of the question.

#### Language (Va. code § 24.2-684)

Referendums must:

- Include statewide and regional content exactly as it is written in the legislation passed by the General Assembly.
- Include local content exactly as it is written in the Circuit Court’s Writ.

### Best practice recommendations for amendments, referendums, and bonds

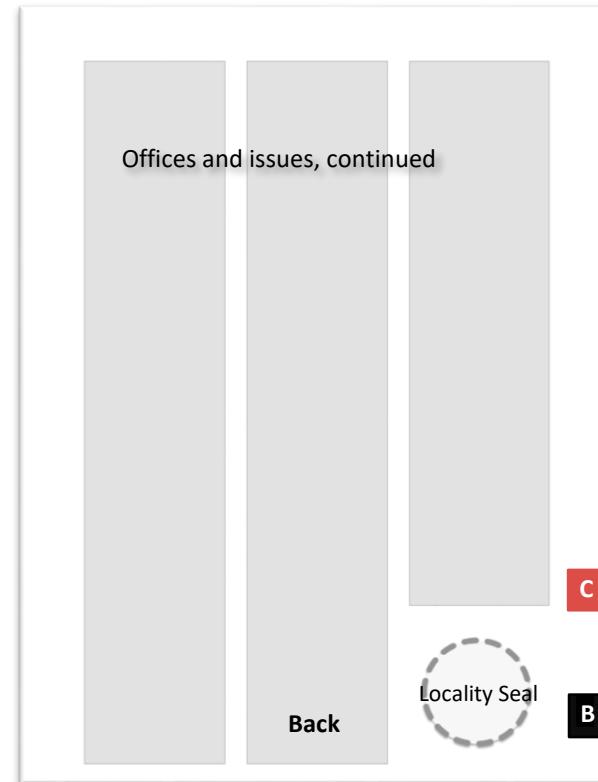
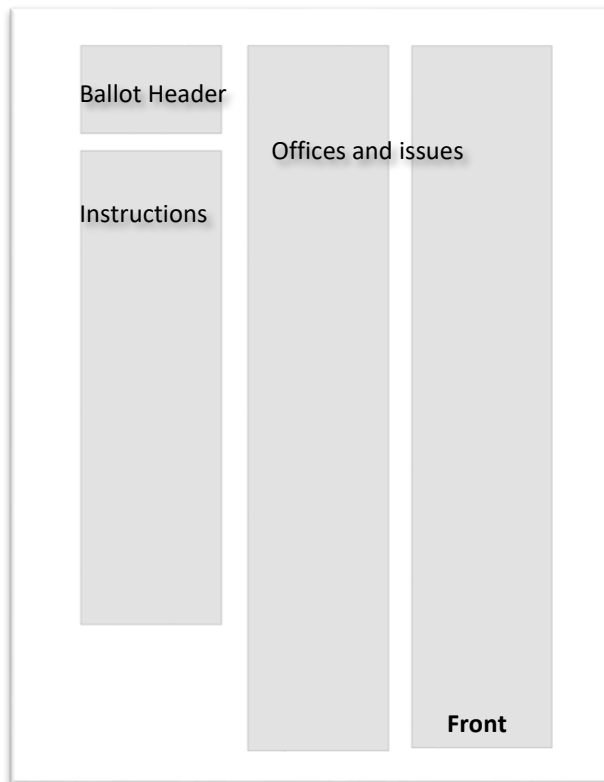
Text of issues should be in 12-point type, mixed case, and left justified (not fully justified).

The “Yes” and “No” choices should be in bold type.



## Locality Seal

### Locality Seal



**C**

*Code stipulates the seal must be on the reverse side of the ballot.*

**B**

*See additional Board Requirements below.*



## Locality Seal

### Code requirements for the locality seal

The official seal of the locality must go on the reverse side of the ballot (Va. code § 24.2-619).

### Board requirements for the locality seal

If all issues and offices fit on the front of the ballot, the seal must still go on the back.

If the issues and offices use both the front and back of the ballot, include the seal on the back if it fits after the issues and offices.

There is no specified requirement for the size of the seal.





## Waivers

### Waivers

The State Board of Elections has adopted a waiver process from Board Requirements of the prescribed ballot standards for localities. The Board has delegated this authority, and any procedure related to it, to the Commissioner of Elections and the Department of Elections.

A locality seeking a waiver from Board Requirements of the Ballot Standards must receive approval from the Commissioner of Elections. A formal procedure for seeking a waiver will be released at a later date.



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STATE BOARD *of* ELECTIONS

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# Delegations of Authority

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BOARD WORKING PAPERS

Rachel Lawless

Confidential Policy Assistant

Ashley Coles

ELECT Policy Analyst



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Rachel Lawless, Confidential Policy Advisor; Ashley Coles, Policy Analyst  
**Date:** June 22, 2021  
**Re:** Delegations of Authority 2021

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**Suggested Motion**

I move that the Board approve the proposed Delegations of Authority 2021 from the State Board of Elections to the Department of Elections, pursuant to the Virginia Administrative Process Act, and I further move that all prior Delegations of Authority be rescinded.

**Delegations Background**

The State Board of Elections ("Board") is authorized to prescribe standard forms for voter registration and elections, and to supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of election. The Department of Elections ("Department") is authorized to establish and maintain a statewide automated voter registration system to include procedures for ascertaining current addresses of registrants; to require cancellation of records for registrants no longer qualified; to provide electronic application for voter registration and absentee ballots; and to provide electronic delivery of absentee ballots to eligible military and overseas voters. The Department conducts the Board's administrative and programmatic operations and discharges the Board's duties consistent with delegated authority.

**Needed Revisions**

The current version of Delegation of Authorities was adopted in 2019, with one revision in March, 2021. Since the 2019 adoption of the delegations, the General Assembly has enacted many additions, deletions, and amendments to Virginia election law. The following documents reflect needed revisions from the 2020 and 2021 Legislative Sessions. Included with this packet are separate supporting memos for each chapter outlining changes to the delegations regarding new or amended Code provisions that did not exist in 2019 (divided into sections of those which should be delegated to the Department and those that should remain with the Board) and any recommendations the Department has for changing existing delegated authority, whether or not the language of the law was amended.

The information provided also includes a copy of the current version and a copy of the new version as recommended by the Department.

### **Attachments**

- Supporting memos for each chapter of Title 24.2 and the applicable chapter of Title 15.2
- Memo of administrative forms the Board has delegated
- Current Delegations of Authority
- Proposed Delegations of Authority 2021
- Change Log – shows corrections from prior version of Delegation on Authority 2019

### **Recommendation of Staff**

Staff recommends the Board adopt the Delegations of Authority 2021 as presented.



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DEPARTMENT *of* ELECTIONS

**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Ashley Coles, Policy Analyst  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Chapter 1

**Chapter 1: Delegations of Authority (regarding new or amended Code provisions)**

Delegated to the Department of Elections (ELECT)

24.2-105 <i>Amended</i> 2021	B. The <b>State Board</b> shall <u>prescribe voting and election materials in languages other than English</u> for use by a county, city, or town that is subject to the requirements of § 24.2-124	ELECT acts on SBE's behalf to fulfill this requirement.
24.2-105 <i>Amended</i> 2021	The <b>State Board</b> <u>may make available voting and election materials in any additional languages other than those required by subsection A of § 24.2-124 as it deems necessary and appropriate.</u> The <b>State Board</b> <u>may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter.</u>	ELECT acts on SBE's behalf to fulfill this requirement.

Retained by the Board

24.2-103 <i>Amended</i> 2020	C. The <b>State Board</b> , <u>through the Department of Elections, shall conduct a certification program for the general registrars and shall require each general registrar to receive certification through such program from the Department within 12 months of his initial appointment or any subsequent reappointment.</u> The <b>State Board</b> <u>may grant a waiver requested by a local electoral board to extend, on a case-by-case basis, this deadline by up to three months.</u> The <b>State Board</b> <u>shall develop a training curriculum for the certification program and standards for completing the program and maintaining certification, including required hours of annual training.</u> No fees shall be charged to a general registrar for any required training as part of the certification program. The <b>State Board</b> <u>shall review the certification program every four years, or more often as it deems appropriate.</u>	SBE retains authority to set training standards and certifications for general registrars.
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24.2-103 <i>Amended 2020</i>	J. The <b>State Board</b> <u>shall submit an annual report to the Governor and the General Assembly on the activities of the State Board and the Department of Elections in the previous year.</u> Such report shall be governed by the provisions of § 2.2-608.	SBE retains authority for the annual report.
24.2-106 <i>Amended 2020</i>	D. Each member of the electoral board <u>shall attend an annual training program provided by the State Board</u> during the first year of his appointment and the first year of any subsequent reappointment.	SBE retains authority to set training programs for electoral boards.
24.2-109 <i>Amended 2020</i>	The electoral board shall remove from office, on notice, any general registrar who fails to receive or maintain certification <u>as required by the State Board</u> pursuant to subsection C of § 24.2-103.	SBE retains authority over general registrar certification
24.2-128 <i>Amended 2021</i>	A. The <b>State Board</b> <u>shall designate a county, city, or town as a covered locality if it determines,</u> in consultation with the Director of the Census, based on the 2010 American Community Survey census data and subsequent American Community Survey data in five-year increments, or comparable census data that (i) either (a) more than five percent of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; (b) more than 10,000 of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; or (c) in the case of a county, city, or town containing all or any part of an Indian reservation, more than five percent of the American Indian citizens of voting age within the Indian reservation are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process and (ii) the illiteracy rate of the citizens of the language minority as a group is higher than the national illiteracy rate.	SBE retains authority to designate covered localities

**Chapter 1: Revised Delegations of Authority (relating to Code sections that require language updates)**

24.2-103 <i>Amended 2020</i>	A. The <b>State Board</b> , through the Department of Elections, <u>shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections.</u> Its supervision shall ensure that major risks to election integrity are (i) identified and assessed and (ii)	SBE has authority.
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	addressed as necessary to promote election uniformity, legality, and purity. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws.	
24.2-103 <i>Amended</i> 2020	Electoral boards and registrars <u>shall provide information requested by the State Board</u> and shall follow (a) the elections laws and (b) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law.	This is delegated to ELECT.
24.2-103 <i>Amended</i> 2020	B. The <b>State Board</b> , <u>through the Department of Elections, shall ensure that the members of the electoral boards are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards for the training.</u>	This is delegated to ELECT.
24.2-105 <i>Amended</i> 2020	A. The <b>State Board</b> <u>shall prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth.</u>	SBE has authority

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DEPARTMENT *of* ELECTIONS

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**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Rachel Lawless, Confidential Policy Advisor  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Chapter 2

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**Chapter 2: Delegations of Authority (regarding new or amended Code provisions)**

N/A

**Chapter 2: Revised Delegations of Authority (relating to Code sections that require language updates.)**

N/A





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DEPARTMENT *of* ELECTIONS

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**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Rachel Lawless, Confidential Policy Advisor  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Chapter 3

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**Chapter 3: Delegations of Authority (regarding new or amended Code provisions)**

N/A

**Chapter 3: Revised Delegations of Authority (relating to Code sections that require language updates.)**

N/A



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DEPARTMENT *of* ELECTIONS

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Memorandum

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Ashley Coles, Policy Analyst  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Chapter 4

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**Chapter 4: Delegations of Authority (regarding new or amended Code provisions)**

Delegated to the Department of Elections (ELECT)

24.2-411.3 <i>Amended 2020</i>	C. The Department of Motor Vehicles shall electronically transmit to the Department of Elections, <u>in accordance with the standards set by the State Board</u> , the information collected pursuant to subsection B for any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17 years of age or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the Department of Elections for voter registration purposes.	ELECT will act on behalf of the SBE
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Retained by the Board

N/A

**Chapter 4: Revised Delegations of Authority (relating to Code sections that require language updates)**

N/A



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DEPARTMENT *of* ELECTIONS

**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Rachel Lawless, Confidential Policy Advisor  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Chapter 5

**Chapter 5: Delegations of Authority (regarding new or amended Code provisions)**

Delegated to the Department of Elections (ELECT)  
NA

Retained by the Board  
NA

**Chapter 5: Revised Delegations of Authority (relating to Code sections that require language updates.)**

§ 24.2-506 <i>Amended 2020</i>	A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless <u>he shall file along with his declaration of candidacy a petition therefor, on a form prescribed by the State Board</u> , signed by the number of qualified voters specified in this subsection after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition.	ELECT acts on SBE's behalf to fulfill this requirement.
§ 24.2-521 <i>Amended 2020</i>	A. A candidate for nomination by primary for any office <u>shall be required to file with his declaration of candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board</u> , signed by the number of qualified voters specified in this section after January 1 of the year in which the election is held or before or after said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a	ELECT acts on SBE's behalf to fulfill this requirement.

	<p>person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition.</p>	
<p>§ 24.2-543 <i>Amended</i> 2020</p>	<p>A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice President by filing a petition pursuant to this section. <u>The petition shall be filed with the State Board</u> by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 5,000 qualified voters and include signatures of at least 200 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed either by a person who is a constitutionally qualified candidate for President of the United States, who may witness his own petition, or by a person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. Each such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant to this subsection.</p>	<p>ELECT acts on SBE's behalf to fulfill this requirement.</p>



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DEPARTMENT *of* ELECTIONS

**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Ashley Coles, Policy Analyst  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Chapter 6

**Chapter 6: Delegations of Authority (regarding new or amended Code provisions)**

Delegated to the Department of Elections (ELECT)

<p>24.2-649.1 <i>Amended</i> 2021</p>	<p>(a) The machine number, (b) the time that the machine was removed and the time that it was returned, (c) the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, (d) the names of the voters who used the machine while it was removed provided <u>that secrecy of the ballot is maintained in accordance with guidance from the State Board</u>, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.</p>	<p>ELECT provides guidance on behalf of the SBE.</p> <p>This is new code provision; language originally from 24.2-638 which is included in the 2019 delegations.</p>
<p>24.2-649.1 <i>Amended</i> 2021</p>	<p>The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § 24.2-646 or a machine-readable ballot in the ballot scanner machine in accordance <u>with the instructions of the State Board</u>.</p>	<p>ELECT acts on SBE's behalf to fulfill this requirement.</p> <p>This is a code section change from 24.2-649 which is included in the 2019 delegations.</p>
<p>24.2-652 <i>Amended</i> 2020</p>	<p>B. If the general registrar is not available or cannot state that the person is registered to vote, such person shall be allowed to vote by provisional ballot pursuant to § 24.2-653. The officers of election shall provide to him an application for registration. The <b>State Board of Elections</b> shall provide instructions to the electoral boards <u>for the handling and counting of such provisional ballots</u>.</p>	<p>ELECT acts on SBE's behalf to fulfill this requirement.</p>

Retained by the Board

<p>24.2-673.1 <i>Amended</i> 2020</p>	<p>C. The <b>State Board</b> <u>may promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting</u>, including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-613, notwithstanding the provisions of subsection E of that section.</p>	<p>SBE retains authority to promulgate regulations</p>
<p>24.2-673.1 <i>Amended</i> 2020</p>	<p>D. The <b>State Board</b> <u>may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting ranked choice voting pursuant to this section.</u></p>	<p>SBE retains authority to prescribe standards</p>

**Chapter 6: Revised Delegations of Authority (relating to Code sections that require language updates)**

<p>24.2-643 <i>Amended</i> 2020</p>	<p>A voter who does not show one of the forms of identification specified in this subsection and does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The <b>State Board of Elections</b> <u>shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.</u></p>	<p>This is delegated to ELECT</p>
<p>24.2-674 <i>Amended</i> 2020</p>	<p>If, prior to a recount, any two or more persons have an equal number of votes and a higher number than any other person for member of the General Assembly or of the Congress of the United States, or if any two or more persons have an equal number of votes and a higher number than any other person for elector of President and Vice President of the United States, the <b>State Board of Elections</b> <u>shall proceed publicly to determine by lot which of them shall be declared elected.</u> Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the <b>Board</b> <u>shall proceed so as to determine the election in their absence.</u></p>	<p>SBE retains authority</p>



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DEPARTMENT *of* ELECTIONS

**Memorandum**

**To:** Chairman Brink, Vice-Chair O’Bannon, Secretary LeCruise  
**From:** Rachel Lawless, Confidential Policy Advisor  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Chapter 7

**Chapter 7: Delegations of Authority (regarding new or amended Code provisions)**

Delegated to the Department of Elections (ELECT)

§ 24.2-701.2 <i>Amended 2020</i>	F. If an emergency makes a voter satellite office unusable or inaccessible, the electoral board or the general registrar <u>shall provide an alternative voter satellite office, subject to the approval of the State Board</u> , and shall give notice of the change in the location of the voter satellite office	ELECT acts on SBE’s behalf to fulfill this requirement.
§ 24.2-701.2 <i>Amended 2020</i>	C. The <b>State Board</b> <u>shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the acts.</u>	ELECT acts on SBE’s behalf to provide instructions to the local electoral boards and general registrars regarding voter satellite offices.

Retained by the Board

§ 24.2-703.1 <i>Amended 2020</i>	C. <b>The State Board</b> <u>shall prescribe the process by which a voter on the permanent absentee voter list may:</u> (1) Request that his absentee ballot for (i) a single election or (ii) a primary election and the following general election be sent to an address other than the address on his voter registration record. (2) Request a primary ballot for a political party other than the one he specified on his application for permanent absentee voter status for a single primary election. (3) Change his political party selection for all succeeding primary elections.	SBE retains authority.
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<p>§ 15.2-705.1 <i>Amended 2020</i></p>	<p>C. The <b>State Board</b> <u>may promulgate regulations for the proper and efficient administration of elections determined by instant runoff voting</u>, including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and for offices to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § <u>24.2-613</u>, notwithstanding the provisions of subsection E of that section</p>	<p>SBE to retain authority.</p>
<p>§ 15.2-705.1 <i>Amended 2020</i></p>	<p>D. The <b>State Board</b> <u>may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting instant runoff voting</u> pursuant to this section.</p>	<p>SBE to retain authority.</p>
<p>§ 24.2-706 <i>Amended 2021</i></p>	<p>2. That the <b>State Board of Elections</b> shall <u>promulgate regulations to implement the provisions of this act to be effective within 60 days of its enactment</u>. Such regulations shall include processes that ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors.</p>	<p>SBE to retain authority.</p>

**Chapter 7: Revised Delegations of Authority (relating to Code sections that require language updates)**

<p>§ 24.2-703.1 <i>Amended 2020</i></p>	<p>Any person who is eligible for an absentee ballot under § 24.2-700 and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. His first such application shall be accompanied by a statement, on a form prescribed by the <b>State Board</b> and signed by the voter, that the voter is eligible for an absentee ballot under § 24.2-700 and likely to remain so eligible for the remainder of the calendar year.</p>	<p>SBE retains authority to approve form.</p>
<p>§ 24.2-703.1 <i>Amended 2021</i></p>	<p>A. Any registered voter shall be eligible to file a special application to receive absentee ballots for all elections in which he is eligible to vote. <u>Such application shall be on a form approved by the State Board</u>. The absentee ballots sent to a voter on the permanent absentee voter list shall be sent to the address in the voter's registration record, except as provided in subdivision C 1.</p>	<p>SBE retains authority to approve form.</p>



<p>§ 24.2-703.1 <i>Amended 2020</i></p>	<p>B. <u>In accordance with procedures established by the <b>State Board</b>, the general registrar shall retain the application, enroll the applicant on a permanent absentee voter list, and process the applicant's request for an absentee ballot for each succeeding election.</u> The applicant shall specify by party designation the primary ballots he is requesting.</p>	<p>ELECT acts on SBE's behalf to for fill this requirement.</p>
<p>§ 24.2-705 <i>Amended 2020</i></p>	<p><u>The application shall be on a form prescribed by the <b>State Board</b> and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the eleventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the eleventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.</u></p>	<p>SBE retains authority to prescribe form.</p>
<p>§ 24.2-710 <i>Amended 2020</i></p>	<p>On the day before the election, the general registrar shall (i) <u>make out in triplicate on a form prescribed by the <b>State Board</b></u> the absentee voter applicant list containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person or applying to vote absentee pursuant to § 24.2-705 for delivery by 5:00 p.m. on the day before the election. <u>The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the <b>State Board</b>.</u> The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.</p>	<p>ELECT acts on SBE's behalf to for fill this requirement.</p>



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

**Memorandum**

**To:** Chairman Brink, Vice-Chair O’Bannon, Secretary LeCruise  
**From:** Ashley Coles, Policy Analyst  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Chapter 8

**Chapter 8: Delegations of Authority (regarding new or amended Code provisions)**

Delegated to the Department of Elections (ELECT)  
 N/A

Retained By the Board

<p>24.2-800 <i>Amended</i> 2020</p>	<p>B. When there is between any candidate apparently nominated or elected and any candidate apparently defeated a difference of not more than one percent of the total vote cast for the two such candidates <u>as determined by the State Board</u> or the electoral board, the defeated candidate may appeal from the determination of the <b>State Board</b> or the electoral board for a recount of the vote as set forth in this article. When there is between any write-in candidate apparently nominated or elected and any candidate apparently defeated, or between any candidate apparently nominated or elected and any write-in candidate apparently defeated, a difference of not more than five percent of the total vote cast for the two such candidates <u>as determined by the State Board</u> or the electoral board, the defeated candidate may appeal <u>from the determination of the State Board</u> or the electoral board for a recount of the vote as set forth in this article. In an election of electors for the President and Vice President of the United States, the presidential candidate shall represent the vice presidential candidate and slate of electors and be the party to the recount for purposes of this article.</p>	<p>SBE retains authority to determine recounts from appeals</p>
<p>24.2-802 <i>Amended</i></p>	<p>B. The <b>State Board</b> <u>shall promulgate additional standards and instructions for the conduct of</u></p>	<p>SBE retains authority to promulgate</p>

2020	<u>simultaneous recounts of two or more elections in a single election district.</u>	standards
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**Chapter 8: Revised Delegations of Authority (relating to Code sections that require language updates)**

24.2-802 <i>Amended</i> 2020	A. The <b>State Board of Elections</b> <u>shall promulgate standards for (i) the proper handling and security of voting systems, ballots, and other materials required for a recount, (ii) accurate counting of votes based upon objective evidence and taking into account the voting system and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount.</u>	SBE retains authority
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DEPARTMENT *of* ELECTIONS

**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Rachel Lawless, Confidential Policy Advisor  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Chapter 9

**Chapter 9: Delegations of Authority (regarding new or amended Code provisions)**

Delegated to the Department of Elections (ELECT)

§ 24.2-947.11  <i>Amended 2021</i>	A. Any single contribution of \$1,000 or more for a statewide office or the General Assembly knowingly received or reported by the candidate or his treasurer on behalf of his candidacy during the period beginning January 1 and ending on the day immediately before the first day of a regular session of the General Assembly shall be reported as provided in § 24.2-947.5, and the report shall be received by the <b>State Board</b> not later than January 15.	ELECT acts on SBE's behalf to fulfill this requirement.
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Retained by the Board

§ 24.2-956  <i>Amended 2020</i>	4. Any disclosure statement required by this section shall be displayed in a conspicuous manner in a font size proportionate to the size of the advertisement. The <b>State Board of Elections</b> shall promulgate standards for meeting the requirements of this subdivision.	SBE retains authority to prescribe standards.
§ 24.2-956.1  <i>Amended 2020</i>	5. (Effective until January 1, 2024) Any disclosure statement required by this section shall be displayed in a conspicuous manner in a minimum font size of seven point. The <b>State Board of Elections</b> shall promulgate standards for meeting the requirements of this subdivision.	SBE retains authority to prescribe standards

**Chapter 9: Revised Delegations of Authority (relating to Code sections that require language updates.)**

§ 24.2-947.5	B. Candidates for local or constitutional office in any locality shall file reports required by this article with the	ELECT acts on SBE's behalf to fulfill this
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<i>Amended 2020</i>	<b>State Board</b> by computer or electronic means in accordance with the standards approved by the <b>State Board</b> and shall not be required to file reports with the general registrar of the locality in which the candidate resides.	requirement.
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DEPARTMENT *of* ELECTIONS

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**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Ashley Coles, Policy Analyst  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Chapter 10

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**Chapter 10: Delegations of Authority (regarding new or amended Code provisions)**

N/A

**Chapter 10: Revised Delegations of Authority (relating to Code sections that remained the same)**

N/A



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DEPARTMENT *of* ELECTIONS

**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Ashley Coles, Policy Analyst  
**Date:** June 22, 2021  
**Re:** Delegations of Authority, Title 15.2 Subtitle 1. Chapter 7.

**Chapter 15: Delegations of Authority (regarding new or amended Code provisions)**

Delegated to the Department of Elections (ELECT)  
N/A

Retained by the Board

15.2-705.1 <i>Amended</i> 2020	C. The <b>State Board</b> <u>may promulgate regulations for the proper and efficient administration of elections determined by instant runoff voting</u> , including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and for offices to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-613, notwithstanding the provisions of subsection E of that section	SBE retains authority to promulgate regulations
15.2-705.1 <i>Amended</i> 2020	D. The <b>State Board</b> <u>may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting instant runoff voting pursuant to this section.</u>	SBE retains authority to prescribe standards related to instant runoff voting

**Chapter 1: Revised Delegations of Authority (relating to Code sections that require language updates)**

N/A



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DEPARTMENT *of* ELECTIONS

**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise  
**From:** Rachel Lawless, Confidential Policy Advisor; Ashley Coles, Policy Analyst  
**Date:** June 22, 2021  
**Re:** Forms and Delegations of Authority 2021

**Background**

As part of the update of the Delegations, ELECT staff is providing the areas of the Code of Virginia where the Board is given authority over forms and the Board currently maintains that authority rather than delegating to ELECT. The chart below identifies the existing areas in the Delegations of Authority 2021 document where the Board maintains authority over certain forms. If the Board chooses to delegate any or all of these to ELECT, a motion to amend the Delegations of Authority 2021 noting the Code sections to delegate would be the proper procedure.

Code Section	Form
24.2-416.6	Third party groups swear to follow VA law when registering voters
24.2-505	Declaration of Candidacy
24.2-506	Candidate Petition Forms (independent)
24.2-520	Declaration of Candidacy
24.2-521	Candidate Petition Forms (party primary)
24.2-545	Candidate Petition Forms (Presidential Primary)
24.2-643	Voter change of address form
24.2-644	Declaration of Intent for Presidential write-in candidates
24.2-649	Voter request for assistance in voting
24.2-703.1	Annual Absentee Ballot Application
24.2-703.2	Annual Absentee Ballot Application
24.2-946	All campaign finance filing forms

**Procedure**

If the Board chooses to delegate any of the sections to ELECT, a motion to amend the Delegations of Authority 2021 noting the Code sections to delegate would be the proper procedure. A motion would state as follows:

I move to amend the Delegations of Authority 2021 by delegating the responsibilities in the following sections to the Department of Elections: [name individual sections].





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DEPARTMENT *of* ELECTIONS

Delegations Change Log

Delegation	Change	Reason
24.2-610(A)	Section removed	Board requirement was changed to an ELECT requirement in the Code.
24.2-610(B)	Section removed	Board requirement was changed to an ELECT requirement in the Code.
24.2-611(B)	Section removed	Board requirement was changed to an ELECT requirement in the Code.
24.2-701(A)	Partial section removed	Board requirement was changed to an ELECT requirement in the Code.
24.2-701(A)	Partial section removed	Board requirement was changed to an ELECT requirement in the Code.
24.2-701(B)(2)	Partial section removed	Board requirement was changed to an ELECT requirement in the Code.
24.2-703.1	Partial section removed	Language is no longer effective after July 1, 2021
24.2-705	Section removed	Language that required the Board's authority was removed from the Code.
24.2-802	Partial section removed	Language that required the Board's authority was removed from the Code.

**Virginia State Board of Elections: Delegation of Authority 2021**

<u>Code §</u>	<u>Code Responsibility</u>	<u>Authority</u> B=Board D=ELECT	<u>Date</u>	<u>Comments</u>
24.2-103	A. The <b>State Board</b> , through the Department of Elections, <u>shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections.</u> Its supervision shall ensure that major risks to election integrity are (i) identified and assessed and (ii) addressed as necessary to promote election uniformity, legality, and purity. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws.	B	6/22/21	
24.2-103	Electoral boards and registrars <u>shall provide information requested by the State Board</u> and shall follow (a) the elections laws and (b) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law.	D	6/22/21	
24.2-103	A. ....The State Board shall post on the Internet within three business days any rules or regulations made by the State Board.	D	10/29/19	
24.2-103	Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.	D	10/29/19	
24.2-103	B. The <b>State Board</b> , <u>through the Department of Elections, shall ensure that the members of the electoral boards are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards for the training.</u>	B	6/22/21	
24.2-103	C. The <b>State Board</b> , <u>through the Department of Elections, shall conduct a certification program for the general registrars and shall require each general registrar to receive certification through such program from the Department within 12 months of his initial appointment or any subsequent reappointment. The State Board may grant a waiver requested by a local electoral board to extend, on a case-by-case basis, this deadline by up to three months. The State Board shall develop a training curriculum for the certification program and standards for completing the program and maintaining certification, including required hours of annual training. No fees shall be charged to a general registrar for any required training as part of the</u>	B	6/22/21	

	certification program. The <b>State Board</b> shall review the certification program every four years, or more often as it deems appropriate.			
24.2-103	<u>D. The State Board shall set the training standards for the officers of election and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars.</u>	B	10/29/19	
24.2-103	The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election.	D	10/29/19	
24.2-103	The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.	B	10/29/19	
24.2-103	<u>E. The <b>Board</b> may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law.</u>	B	10/29/19	
24.2-103	<u>The <b>Board</b> may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law</u>	B	10/29/19	
24.2-103	<u>The <b>Board</b> may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the <b>State Board</b> finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election.</u>	B	10/29/19	
24.2-103	<u>F. The <b>Board</b> may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.</u>	B	10/29/19	
24.2-103	<u>H. The <b>Board</b> shall adopt a seal for its use and bylaws for its own proceedings.</u>	B	10/29/19	
24.2-103	<u>J. The <b>State Board</b> shall submit an annual report to the Governor and the General Assembly on the activities of the State Board and the Department of Elections in the previous year. Such report shall be governed by the provisions of § 2.2-608.</u>	B	6/22/2021	
24.2-104	When the <b>State Board</b> is of the opinion that the public interest will be served, it may request the <u>Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth of any jurisdiction in which election laws have been violated.</u>	B	10/29/19	
24.2-104	When the <b>State Board</b> makes its request pursuant to a unanimous vote of all <u>members</u> , the Attorney General or other attorney designated by the Governor shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the elections laws, and report the results of the investigation to the <b>State Board</b> .	B	10/29/19	

24.2-105	<u>A. The State Board shall prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth.</u>	B	10/29/19	
24.2-105	<u>B. The <b>State Board</b> shall prescribe voting and election materials in languages other than English for use by a county, city, or town that is subject to the requirements of § 24.2-124</u>			
24.2-105	<u>The <b>State Board</b> may make available voting and election materials in any additional languages other than those required by subsection A of § 24.2-124 as it deems necessary and appropriate. The <b>State Board</b> may accept voting and election materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available to a county, city, or town, or any voter.</u>	D	6/22/2021	
24.2-105	<u>B. The <b>State Board</b> shall prescribe voting and election materials in languages other than English for use by a county, city, or town that is subject to the requirements of § 24.2-124. For purposes of this subsection, voting and election materials mean registration or voting notices, forms, and instructions. For purposes of this subsection, registration notices mean any notice of voter registration approval, denial, or cancellation, required by the provisions of Chapter 4 (§ 24.2-400 et seq.).</u>	D	6/22/2021	
24.2-105.1	<u>Beginning with the general election in November 1998, the <b>State Board</b> shall implement a system by which it shall furnish lists of candidates for all elections in the Commonwealth, and information on proposed constitutional amendments and statewide referenda prepared pursuant to §§ 30-19.9 and 30- 19.10, electronically through the Internet.</u>	D	10/29/19	
24.2-105.1	<u>The <b>Board</b> may list other referenda issues on the Internet.</u>	D	10/29/19	
24.2-105.1	<u>The <b>State Board</b> shall provide elections results and statistical information on its website. The information shall include voter turnout information which shall be calculated as the percentage of active voters who voted excluding voters assigned to inactive status pursuant to Chapter 4 (§ 24.2-400 et seq.)</u>	D	10/29/19	
24.2-106	<u>D. Each member of the electoral board shall attend an annual training program provided by the <b>State Board</b> during the first year of his appointment and the first year of any subsequent reappointment.</u>	B	6/21/2021	
24.2-106.01	<u>The <b>State Board</b> shall develop a description of the duties and responsibilities of the local electoral boards and update such description as needed. Such description shall include the statutory and regulatory duties and responsibilities of the electoral boards, prohibited activities of the electoral boards and members of electoral boards, and the qualifications and disqualifications of members of electoral boards.</u>	D	10/29/19	

24.2-107	No election record containing an individual's social security number shall be made available for inspection or copying by anyone. The <b>State Board</b> of Elections shall <u>prescribe procedures for local electoral boards and general registrars to make the information in certificates of candidate qualification available in a manner that does not reveal social security numbers.</u>	D	10/29/19	
24.2-109	The electoral board shall remove from office, on notice, any general registrar who fails to receive or maintain certification <u>as required by the State Board</u> pursuant to subsection C of § 24.2-103.	B	6/21/2021	
24.2-109.1	The electoral board shall conduct an annual performance review of the general registrar for years ending June 30, 2006, and thereafter. The electoral board shall complete the review by August 1 of each year, retain a copy of the performance review, and <u>provide a copy of the review to the State Board.</u>	D	10/29/19	
24.2-109.1	<u>The performance review shall be conducted in accordance with the format and forms provided by the State Board</u>	B	10/29/19	
24.2-111	Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. In case of a dispute, the <u>State Board shall approve or disapprove the reimbursement.</u>	D	10/29/19	
24.2-114	3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in <u>multijurisdictional staffing for voter registration offices, approved by the State Board</u> , that are located at facilities of the Department of Motor Vehicles.	B	10/29/19	
24.2-114	5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. <u>The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.</u>	D	10/29/19	

24.2-114	6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. <u>Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board</u> and shall forward the completed application or request to the registrar of the applicant's residence.	D	10/29/19	
24.2-114	8. <u>Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board</u> ; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.	D	10/29/19	
24.2-114	10. Verify the accuracy of the <u>pollbooks provided for each election by the State Board</u> , make the pollbooks available to the precincts,	D	10/29/19	
24.2-114	<u>And according to the instructions of the State Board return the pollbooks, or transfer a copy of the data from any electronic pollbooks, to the State Board</u> after each election for voting credit purposes.	D	10/29/19	
24.2-114	19. Attend an annual training program provided by the <b>State Board</b> . A general registrar may designate one member of his staff to attend such training program if he is unable to attend because of a personal or family emergency.	D	10/29/19	
24.2-115.2	A. Each officer of election shall receive training consistent with the standards set by the <b>State Board</b> pursuant to 24.2-103.	B	10/29/19	
24.2-115.2	This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials developed by the <b>State Board</b> for this purpose.	D	10/29/19	
24.2-115.2	C. Following any training conducted pursuant to this section, the electoral boards shall certify to the <b>State Board</b> that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.	D	10/29/19	
24.2-128	A. The State Board shall designate a county, city, or town as a covered locality if it determines, in consultation with the Director of the Census, on the basis of the 2010 American Community Survey census data and subsequent American Community Survey data in five-year increments, or comparable census data, that (i) more than five percent of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; (ii) more than 10,000 of the citizens of voting age of such county, city, or town are members of a single language minority	B	6/22/2021	

	and are unable to speak or understand English adequately enough to participate in the electoral process; or (iii) in the case of a county, city, or town containing all or any part of an Indian reservation, more than five percent of the American Indian citizens of voting age within the Indian reservation are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process.			
24.2-234	<u>The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a member of a local electoral board or general registrar upon a petition signed by a majority of the members of the <b>State Board</b> of Elections as provided in § 24.2-103.</u>	B	10/29/19	
24.2-307	<u>If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with less than the minimum number of registered voters as permitted by § 24.2-309.</u>	B	6/22/2021	
24.2-309	<u>The <b>State Board</b> shall make regulations setting procedures by which elections may be conducted in precincts in which all voters do not have the same choice of candidates at a general election.</u>	B	10/29/19	
24.2-309.2	If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-264, and <u>send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.</u>	D	10/29/19	
24.2-310	C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). <u>The <b>State Board</b> shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.</u>	D	10/29/19	

24.2-310	D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, <u>subject to the prior approval of the State Board.</u>	D	10/29/19	
24.2-310	F. Any local government, local electoral board, or the <b>State Board</b> may make monetary grants to any non-governmental entity furnishing facilities under the provisions of 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board or the State board to appropriate funds to any non-governmental entity,	D	10/29/19	
24.2-404	C. The <b>State Board</b> shall institute procedures to ensure that each requirement of this section is fulfilled.	B	10/29/19	
24.2-404	As part of its procedures, the <b>State Board</b> shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.	B	10/29/19	
24.2-404	D. The <b>State Board</b> shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.	B	10/29/19	
24.2-404	E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The <b>State Board</b> shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.	B	10/29/19	
24.2-406	B. The Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with <b>security policies approved by the State Board of</b>	B	10/29/19	"New" legislation amended 2007. Should remain a Board authority.



	<b>Elections.</b>			
24.2-410.2	A. The State Board shall promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information.	B	10/29/19	2019 legislation. Board authority
24.2-410.2	The State Board shall, in consultation with representatives of local government information technology professionals and general registrars, update the security standards at least annually.	B	10/29/19	2019 legislation. Board authority
24.2-410.2	In accordance with the <b>process prescribed by the State Board</b> , the Department of Elections may limit access to the Virginia voter registration system by any county or city that has failed to comply with the provisions of subsection B or the security standards established by the State Board pursuant to subsection A.	B	10/29/19	2019 legislation. Board authority
24.2-411.3	C. The Department of Motor Vehicles shall electronically transmit to the Department of Elections, in accordance with the standards set by the <b>State Board</b> , the information collected pursuant to subsection B for any person who (i) has indicated that he is a United States citizen, (ii) has indicated that he is 17 years of age or older, and (iii) at the time of such transaction did not decline to have his information transmitted to the Department of Elections for voter registration purposes.	D	6/22/2021	
24.2-416.2	Notwithstanding the provisions of § 24.2-418, the national mail voter registration application form promulgated by the Election Assistance Commission pursuant to the National Voter Registration Act (52 U.S.C. § 20501 et seq.) shall be accepted for the registration of otherwise qualified voters to vote in federal, state, and local elections. In addition to the national form promulgated by the Election Assistance Commission, the <b>State Board of Elections shall design</b>	B	10/29/19	
24.2-416.2	<u>And distribute a state mail voter registration application form.</u> Such state form shall include the eligibility requirements for registration as provided in this title, shall provide for a receipt for the applicant pursuant to § 24.2-418.1, and shall require each applicant to provide the information required subject to felony penalties for making false statements pursuant to § 24.2-1016.	D	10/29/19	
24.2-416.6	Such individuals or agents representing a group shall be required to receive training as approved by the <b>State Board</b> and sign a sworn affidavit on a form prescribed by the <b>State Board</b> attesting that such individuals or organizations will abide by all Virginia laws and rules regarding the registration of voters.	D	10/29/19	

24.2-416.7	A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote <b>by electronic means as authorized by the State Board</b> by completing an electronic registration application.	B	10/29/19	
24.2-416.7	B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence within the Commonwealth <b>by electronic means as authorized by the State Board</b> by completing an electronic registration application.	B	10/29/19	
24.2-416.7	H. The Department of Elections may use <b>additional security measures approved by the State Board</b> to ensure the accuracy and integrity of registration transactions performed under this article.	B	10/29/19	
24.2-418	Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. <u>The application to register shall be only on a form or forms prescribed by the State Board.</u>	B	10/29/19	
24.2-422	<u>The petitioner may file his petition by completing and filing a form which shall be prescribed by the State Board</u> and which shall be used by the general registrar to notify an applicant of the denial of his application to register and of the reasons for the denial.	B	10/29/19	
24.2-423	Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered. Such notice may be made in writing or <b>on a form approved by the State Board of Elections</b> , which may be electronic. The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.	B	10/29/19	
24.2-423	Notice may be provided <b>by electronic means as authorized by the State Board</b> and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The general registrar shall enter the new name on the registration records and issue the voter a new voter registration card.	B	10/29/19	
24.2-424	A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. <u>Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic.</u> The notice in writing may be provided by	B	10/29/19	

	mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.			
24.2-424	<b>Notice may be provided by electronic means as authorized by the State Board</b> and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be sufficient notice to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.	B	10/29/19	
24.2-501	It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must <u>file a written statement under oath, on a form prescribed by the <b>State Board</b>, that he is qualified to vote for and hold the office for which he is a candidate.</u>	D	10/29/19	
24.2-501	Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall <u>file the statement with the <b>State Board</b></u> . Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides.	D	10/29/19	
24.2-501	Each <u>general registrar shall transmit to the <b>State Board</b>, immediately after the filing deadline, a list of the candidates who have filed statements of qualification</u>	D	10/29/19	
24.2-501	The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, <u>all names printed on the ballot shall meet the criteria established by the <b>State Board</b>.</u>	B	10/29/19	
24.2-502	It shall be a requirement of candidacy that a written statement of economic interests shall be <b>filed</b> by (i) a candidate for Governor, Lieutenant Governor, or Attorney General and a candidate for the Senate or House of Delegates <b>with the State Board</b> , (ii) a candidate for a constitutional office with the general registrar for the county or city, and (iii) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city.	D	10/29/19	

24.2-503	The State Board may grant an extension of any deadline for filing either or both written statements and	B	10/29/19	
24.2-503	<u>Shall notify all candidates who have not filed their statements of the extension.</u> Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.	D	10/29/19	
24.2-505	A. Any person, other than a candidate for a party nomination or a party nominee, who intends to be a candidate for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district shall <u>file a declaration of candidacy with the State Board.</u>	D	10/29/19	
24.2-505	<u>On a form prescribed by the Board,</u> designating the office for which he is a candidate. The written declaration shall be attested by two witnesses who are qualified voters of the Commonwealth or of the congressional district, or acknowledged before some officer authorized to take acknowledgements to deeds. The declaration shall be signed by the candidate, but if he is incapable of writing his proper signature then some mark adopted by him as his signature shall be acknowledged before some officer authorized to take acknowledgments	D	10/29/19	
24.2-505	<u>The State Board shall notify the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed.</u>	D	10/29/19	
24.2-505	B. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate for election to the General Assembly shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, (i) deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the general registrars of the other counties or cities, if any, in the legislative district for delivery to the secretaries of the electoral boards and (ii) deliver the declaration and such petitions to the secretary of his electoral board. <u>He shall transmit the names of the candidates who have filed with him to the State Board Immediately after the filing deadline.</u>	D	10/29/19	

24.2-505	C. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate at any election for any other office shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the secretaries of the electoral boards of the counties or cities whose electors vote for the office. <u>He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.</u>	D	10/29/19	
24.2-506	A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless <u>he shall file along with his declaration of candidacy a petition therefor, on a form prescribed by the State Board</u> , signed by the number of qualified voters specified in this subsection after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition.	D	6/22/2021	
24.2-506	B. The <b>State Board</b> shall approve uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters as required in subsection A.	B	10/29/19	
24.2-506	<b>The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated regulations for reviewing and processing candidate petitions.</b> Such revisions shall provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration has been canceled and the reason for such cancellation. The process shall provide for the tracking of such information associated with each petition. The process shall provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the office of the attorney for the Commonwealth, as appropriate.	B	10/29/19	
24.2-506	C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal that determination within five calendar days of the issuance of the notice of disqualification pursuant to § 24.2-612 or notice from the <b>State Board</b> that the candidate did not meet the requirements to have his name appear on the ballot.	D	10/29/19	

24.2-506	Appeals made by candidates for a county, city, or town office shall be filed with the electoral board. Appeals made by candidates for all other offices shall be filed with the <b>State Board</b> .	D	10/29/19	
24.2-506	The appeal shall be heard by the <b>State Board</b> or the electoral board, as appropriate, within five business days of its filing.	B	10/29/19	
24.2-506	The electoral board shall notify the <b>State Board</b> of any appeal that is filed with the electoral board.	D	10/29/19	
24.2-506	The <b>State Board</b> shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the uniform standards approved by the <b>State Board</b> for the review of petitions.	B	10/29/19	
24.2-506	Immediately after the conclusion of the appeal hearing, the entity conducting the appeal shall notify the candidate and, if applicable, the State Board, of its decision in writing. The decision on appeal shall be final and not subject to further appeal.	D	10/29/19	
24.2-511	A. <u>The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer, along with the date of the nomination of the candidate, to the <b>State Board</b> not later than five days after the last day for nominations to be made.</u>	D	10/29/19	
24.2-511	<u>The <b>State Board</b> shall notify the general registrars of the names of the candidates to appear on the ballot for such offices.</u>	D	10/29/19	
24.2-511	B. The <u>party chairman</u> of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method <u>other than a primary to the <b>State Board</b></u> and to the general registrars of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to	D	10/29/19	

	be made.			
24.2-511	<u>Should the party chairman fail to make such certification, the <b>State Board</b> shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.</u>	D	10/29/19	
24.-516	<u>Each political party within the Commonwealth shall furnish to the <b>State Board</b> the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the <b>Board</b> of any changes in such names and addresses.</u>	D	10/29/19	
24.2-516	<u>At least 135 days prior to the regular date for a primary, the <b>Board</b> shall inquire of each state chairman and each county and city chairman whether a direct primary has been adopted.</u>	D	10/29/19	
24.2-516	<u>The <b>Board</b> shall advise each chairman that notification to the <b>Board</b> of the adoption of a direct primary is required and must be filed with the Board not more than 125 days and not less than 105 days before the date set for the primaries.</u>	D	10/29/19	
24.2-516	<u>Each chairman shall file timely written notice with the <b>Board</b> whether or not a primary has been adopted and identify each office for which a primary has been adopted.</u>	D	10/29/19	
24.2-516	<u>The requirement to notify the <b>Board</b> of the adoption of a direct primary shall be satisfied when the Board receives by the deadline (i) written notice from the appropriate party chairman or (ii) a copy of the written notice from an incumbent officeholder to his party chairman of the incumbent's selection, pursuant to § 24.2-509, of the primary as the method of nomination.</u>	D	10/29/19	
24.2-517	<u>The <b>State Board</b> shall order the holding of a primary election in any county, city, or other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is intended to be held.</u>	D	10/29/19	

24.2-517	The notice ordering the primary shall be sent to the secretary of the electoral board. Within five days of the issuance of the order by the State Board, each secretary shall forthwith post a copy of the notice on the official website of the county or city, or have notice of the election published at least once in a newspaper of general circulation in the county or city.	D	10/29/19	
24.2-520	A candidate for nomination by primary for any office shall be required to file a <u>written declaration of candidacy on a form prescribed by the State Board</u> . The declaration shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if defeated in the primary, his name is not to be printed on the ballots for that office in the succeeding general election. The declaration shall be acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district.	D	10/29/19	
24.2-521	A. A candidate for nomination by primary for any office <u>shall be required to file with his declaration of candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board</u> , signed by the number of qualified voters specified in this section after January 1 of the year in which the election is held or before or after said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition.	D	6/22/2021	
24.2-522	C. Any candidate for nomination for United States Senator, Governor, Lieutenant Governor, or Attorney General <u>shall file with the State Board</u> (i) his declaration of candidacy, (ii) the petitions for his candidacy, sealed in one or more containers to which is attached a written statement under oath by the candidate giving his name and the number of signatures on the petitions contained in the containers, and (iii) a receipt indicating the payment of his filing fee.	D	10/29/19	
24.2-522	The <b>State Board</b> shall transmit the material so filed to the <u>state chairman</u> of the party of the candidate within 72 hours and not later than the seventy-fourth day. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	10/29/19	
24.2-524	A. Candidates for United States Senators, for representatives in Congress, and for the offices of Governor, Lieutenant Governor, and Attorney General shall pay the primary fee to the <b>State Board</b> of Elections.	D	10/29/19	



24.2-524	The primary fees shall be credited by the <b>Board</b> to a fund to be known as the "state primary fee fund." The <b>Board</b> shall refund the fee by warrant upon the state primary fee fund in the event the prospective candidate does not become a candidate, becomes a candidate and is not opposed, or must refile for any reason. All other primary fees paid to the <b>Board</b> shall be paid or placed to the credit of the fund out of which the Board pays the Commonwealth's expenses for the primary.	D	10/29/19	
24.2-524	B. All other candidates shall pay the fee to the treasurer, or director of finance if there is no treasurer, of the city or county in which they reside. The treasurer or director of finance shall pay back the fee in the event the prospective candidate does not become a candidate, or becomes a candidate and must refile for any reason. In the event the candidate is unopposed, the <b>State Board</b> or the local electoral board, as appropriate, shall notify, no less than 60 days before the primary, the treasurer or director of finance to whom the fee was paid that the candidate is unopposed and shall provide the name and mailing address for returning the fee to the candidate. The treasurer or director of finance promptly shall return the fee to the candidate. All other primary fees paid a county or city treasurer or director of finance shall be paid or placed to the credit of the fund of the county or city out of which the expenses of the primary were paid by the county or city.	D	10/29/19	
24.2-527	It shall be the duty of the chairman or chairmen of the several committees of the respective parties to furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district to the <b>State Board</b> , and to furnish the name of any candidate for any other office to the <b>State Board</b> and to the general registrars charged with the duty of preparing and printing the primary ballots.	D	10/29/19	
24.2-527	In furnishing the name of any such candidate, the chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the <b>State Board</b> shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes. Each chairman shall comply with the provisions of this section not less than 70 days before the primary	D	10/29/19	
24.2-529	The primary ballots for the several parties taking part in a primary shall be composed, arranged, printed, delivered, and provided in the same manner as the general election ballots except that at the top of each official primary ballot shall be printed in plain black type the name of the political party and the words "Primary Election." The names of the candidates for various offices shall appear on the ballot in an order	B	10/29/19	

	determined by the priority of the time of filing for the office. <u>In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board or the State Board</u> as in the case of a tie vote for the office. No write-in shall be permitted on ballots in Primary elections.			
24.2-532	As soon as the electoral board shall determine the persons who have received the highest number of votes for nomination to any such office, the secretary of the board shall immediately make out abstracts and certificates of the votes cast as provided in § 24.2-675 and <u>forward certified copies thereof to the State Board</u> . The secretary in addition shall place certified copies thereof in an envelope and forward them in person or by certified mail (i) for members of the House of Representatives of the United States, to the chairman of the congressional district committee, (ii) for members of the General Assembly, to the chairman of the Senate or House of Delegates district committee, and (iii) for county and city and district officers, to the chairman of the county or city. "Chairman" means the chairman of the political party under whose auspices the primary is held.	D	10/29/19	
24.2-532	<u>If the abstract of votes shall not have been received by the State Board</u> from any county or city within six days after any state primary election, the <b>Board shall dispatch a law-enforcement officer to obtain them</b> as provided in § 24.2-678.	D	10/29/19	
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 <b>State Board shall open and tabulate the returns</b> .	D	10/29/19	
24.2-534	<u>Upon completion of the tabulation the Board shall declare the nominee in the manner and form as it does in general elections.</u>	B	10/29/19	
24.2-536	<u>If more than one person qualifies, the party chairman shall promptly certify their names to the State Board and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either...</u>	D	10/29/19	
24.2-537	If more than one person qualifies, <u>the party chairman shall promptly certify their names to the State Board</u> and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either: ...	D	10/29/19	

24.2-538	The party chairman or chairmen shall promptly certify the names of every such <u>person to the State Board</u> and appropriate electoral boards as having qualified under the provisions of this section.	D	10/29/19	
24.2-542	<u>In elections for President and Vice-President of the United States, the appropriate chairman or secretary of each political party shall furnish to the State Board</u> by noon of the seventy-fourth day before the presidential election (i) <u>the names of the electors</u> selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice- President for whom the electors are required to vote in the Electoral College and (ii) a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice-President nominated by the party that selected the elector, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee.	D	10/29/19	
24.2-543	A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice President by filing a petition pursuant to this section. <u>The petition shall be filed with the State Board</u> by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 5,000 qualified voters and include signatures of at least 200 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed either by a person who is a constitutionally qualified candidate for President of the United States, who may witness his own petition, or by a person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. Each such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant to this subsection.	D	6/21/2021	

24.2-543	The <b>State Board</b> may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.	D	10/29/19	
24.2-543	In the event of the death or withdrawal of a candidate for President or Vice President qualified to appear on the ballot by party name, that party may substitute the name of a different candidate before the <b>State Board</b> certifies to the county and city electoral boards the form of the official ballots.	D	10/29/19	
24.2-543	In the event that a group of qualified voters meets the requirements set forth in this section except that they cannot utilize a party name, the electors selected and the candidates for President and Vice President shall be identified and designated as "Independent" on the ballot. Substitution of a different candidate for Vice President may be made by the candidate for President before the <b>State Board</b> certifies to the county and city electoral boards the form of the official ballot.	D	10/29/19	
24.2-543	In the event of the death or disqualification of any person listed as an elector for candidates for President and Vice President on a petition filed pursuant to this section, the party or candidate for President, as applicable, may substitute the name of a different elector. Such substitution shall not invalidate any petition of qualified voters circulated with the name of the deceased or disqualified elector provided that <u>notice of the substitution is filed with the State Board by noon of the seventy-fourth day before the presidential election.</u>	D	10/29/19	
24.2-543	Notice of the substitution and the name of any substitute elector shall be submitted on a form prepared by the <b>State Board</b> .	D	10/29/19	
24.2-543	B. If the <b>State Board</b> determines that a candidate for President does not qualify to have his name appear on the ballot pursuant to this section by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal the determination to the <b>State Board</b> within seven calendar days of the issuance of the notice of disqualification.	D	10/29/19	

24.2-543	The notice of disqualification shall be sent by email or regular mail to the address on file for the candidate, and such notice shall be deemed sufficient.	D	10/29/19	
24.2-543	The <b>State Board</b> shall hear the appeal within three business days of its filing.	B	10/29/19	
24.2-543	The <b>State Board</b> shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the rules and procedures set forth by the <b>State Board</b> for checking petitions.	B	10/29/19	
24.2-543	Immediately after the conclusion of the appeal hearing, the <b>State Board</b> shall notify the candidate of its decision in writing. The decision on appeal shall be final and not subject to further appeal.	D	10/29/19	
24.2-544	B. The provisions of this title shall apply to the conduct of presidential year primaries including the time limits applicable to notices and candidate filing deadlines and the closing of registration records before the primary. The <b>State Board</b> shall provide a schedule for the notices and filing deadlines by the <u>August 1 prior to the March primary including a campaign finance disclosure report filing schedule</u> adjusted to reflect the differences between the June date for other primaries and the March date for the presidential primary, and primaries for the nomination of candidates for offices to be voted on at the general election date in May.	B	10/29/19	
24.2-545	A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice-President of the United States including a presidential primary or another method determined by the party. <u>The state chairman shall notify the <b>State Board</b></u> of the party's determination at least 90 days before the primary date. If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary.	D	10/29/19	

24.2-545	The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. <u>The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date and certified to, and approved by, the <b>State Board</b>.</u>	B	10/29/19	
24.2-545	B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, <u>may file with the <b>State Board</b> petitions</u> signed by at least 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. <u>Such petitions shall be filed with the <b>State Board</b> by the primary filing deadline.</u>	D	10/29/19	
24.2-545	<u>The petitions shall be on a form prescribed by the <b>State Board</b></u> and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of the national and state party.	D	10/29/19	
24.2-545	<u>The <b>State Board</b> shall transmit the material so filed to the state chairman of the party of the candidate immediately after the primary filing deadline.</u> The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	10/29/19	
24.2-545	<u>The state chairman of the party shall, by the deadline set by the <b>State Board</b>,</u>	B	10/29/19	
24.2-545	<u>Furnish to the <b>State Board</b> the names of all candidates</u> who have satisfied the requirements of this section. In furnishing the name of each such candidate, the state chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. Whenever only one candidate for a party's nomination for President of the United States has met the requirements to have his name on the ballot, he will be declared the winner and no presidential primary for that party will be held.	D	10/29/19	

24.2-545	C. <u>The names of all candidates in the presidential primary of each political party shall appear on the ballot in an order determined by lot by the <b>State Board</b>.</u>	B	10/29/19	
24.2-545	D. The <b>State Board</b> shall certify the results of the presidential primary to the state chairman. If the party has determined that its delegates and alternates will be selected pursuant to the primary, the slate of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed elected by the state party unless the party has determined another method for allocation of delegates and alternates. If the party has determined to use another method for selecting delegates and alternates, those delegates and alternates shall be bound to vote on the first ballot at the national convention for the candidate receiving the most votes in the primary unless that candidate releases those delegates and alternates from such vote.	B	10/29/19	
24.2-603.1	The <b>State Board</b> shall prescribe appropriate procedures to implement this section	D	10/29/19	
24.2-604.2	<u>If an emergency causes the dimensions of the prohibited area for a polling place to be perceived as increasing the risk of danger for persons outside the polling place, the electoral board may modify the distance requirements for the prohibited area, subject to the prior approval of the <b>State Board</b>.</u> For purposes of this section, an "emergency" includes a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States.	D	10/29/19	
24.2-610	C. <u>The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the <b>State Board</b> to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the proper official following the election.</u>	D	10/29/19	
24.2-611	A. <u>The following oath shall be on a form prescribed by the <b>State Board</b>, administered to all officers of election, and kept by the officers of election with the pollbook:</u>	D	10/29/19	

24.2-611	D. Any locality may expend its own funds to purchase electronic pollbooks that have been <u>approved for use in elections by the State Board.</u>	B	10/29/19	
24.2-611	E. In the event that the electronic pollbooks for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, <b>in accordance with the instructions and materials approved by the State Board,</b> shall (i) maintain a written list of the persons voting and (ii) provide to each person voting a provisional ballot to be cast as provided in § <u>24.2-653.</u>	D	10/29/19	
24.2-613	A. <u>The ballots shall comply with the requirements of this title and the standards prescribed by the <b>State Board.</b></u>	B	10/29/19	
24.2-613	<u>For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the <b>State Board,</b> have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties.</u> For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.	D	10/29/19	
24.2-613	C. Except as provided for primary elections, <u>the State Board shall determine by lot the order of the political parties,</u> and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § <u>24.2-614,</u> "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the	B	10/29/19	



	class shall follow the political parties as defined by § <u>24.2-101</u> and precede the independent class. Independent candidates shall be treated as a class under "Independent", and their names shall be placed on the ballot after the political parties and recognized political parties. Where there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office.			
24.2-613	D. In preparing the printed ballots for general, special, and primary elections, <u>the State Board</u> and general registrars shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates for whom votes may be cast for that office. For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than ____."	D	10/29/19	
24.2-613	F. Any locality that uses machine-readable ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.	D	10/29/19	
24.2-614	As soon as practicable after the seventy-fourth day before the presidential election, <u>the State Board shall certify</u> to the general registrar of each county and city the form of official ballot for the presidential election which shall be uniform throughout the Commonwealth. Each general registrar shall have the official ballot printed at least 45 days preceding the election.	D	10/29/19	
24.2-614	<u>Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the order of the groups shall be determined by lot by the State Board;</u> and the groups shall immediately precede the independent class on the ballot. The names of the candidates within the independent class shall be listed alphabetically.	B	10/29/19	
24.2-625.1	The general registrar and the State Board shall provide the electoral board assistance, upon request.	D	10/29/19	

24.2-625.1	D. The electoral board of each county and city that utilizes electronic voting systems shall develop and annually update written plans and procedures to ensure the security and integrity of its electronic voting systems. <u>The general registrar and the State Board shall provide the electoral board assistance, upon request.</u>	D	10/29/19	
24.2-626 (eff. 07/01/2020)	A. <u>The governing body of each county and city shall provide for the use of electronic voting systems, of a kind approved by the <b>State Board</b>, at every precinct and for all elections held in the county, the city, or any part of the county or city.</u>	B	10/29/19	2017: SBE decertifies DREs making current 24.2-626 obsolete.
24.2-626	Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such systems and may provide for the payment therefore in the manner it deems proper. <u>Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the <b>State Board</b>.</u>	D	10/29/19	
24.2-627	C. For purposes of applying this section, a general registrar may exclude persons voting absentee in his calculations, and if he does so shall send to the Department a statement of the number of voting systems to be used in each precinct. <u>If the <b>State Board</b> finds that the number of voting systems is not sufficient, it may direct the general registrar to use more voting systems.</u>	D	10/29/19	
24.2-629	A. <u>Any person, firm, or corporation hereinafter referred to as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting system and ballots designed to be used with such equipment may apply to the <b>State Board</b>,</u>	D	10/29/19	
24.2-629	<u>In the manner prescribed by the <b>Board</b>, to have examined a production model of such equipment and the ballots used with it.</u>	B	10/29/19	
24.2-629	The <b>Board</b> <u>may require the vendor to pay a reasonable application fee</u> when he files his request for testing or certification of new or upgraded voting equipment	B	10/29/19	
24.2-629	<u>Receipts from such fees shall be credited to the <b>Board</b> for reimbursement of testing and certification expenses.</u>	D	10/29/19	

24.2-629	In addition to any other materials that may be required, <u>a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the Board</u> ; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). <u>The Board shall require, at a site of its choosing, a demonstration of such equipment and ballots and may require that a production model of the system and a supply of ballots</u>	B	10/29/19	
24.2-629	be provided to the <b>Board</b> for testing purposes.	D	10/29/19	
24.2-629	<b>The Board</b> shall also require the vendor to provide documentation of the practices recommended by the vendor to ensure the optimum security and functionality of the system.	B	10/29/19	
24.2-629	<p>B. <b>The Board</b> may approve any kind of electronic voting system that meets the following requirements:</p> <ol style="list-style-type: none"> <li>1. It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.</li> <li>2. It shall provide facilities for voting for all offices at any election and on as many questions as may be submitted at any election.</li> <li>3. It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate.</li> <li>4. It shall require votes for presidential and vice presidential electors to be cast for the presidential and vice presidential electors of one party by one operation. The ballot shall contain the words "Electors for" preceded by the name of the party or other authorized designation and followed by the names of the candidates for the offices of President and Vice President.</li> <li>5. It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.</li> </ol>	B	10/29/19	

	<p>6. It shall enable the voter to cast a vote on any question on which he is lawfully permitted to vote, but no other.</p> <p>7. It shall provide the voter with an opportunity to correct any error before a ballot is cast.</p> <p>8. It shall correctly register or record and accurately count all votes cast for candidates and on questions.</p> <p>9. It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.</p> <p>10. It shall be provided with a counter that at all times during an election shall show how many persons have voted.</p> <p>11. It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.</p> <p>12. It shall be programmable to allow ballots to be separated when necessary.</p> <p>13. Ballot scanner machines shall report, if possible, the number of ballots on which a voter under voted or over voted.</p>			
24.2-629	<p>C. After its examination of the equipment, ballots, and other materials submitted by the vendors, <u>the Board shall prepare and file in its office a report of its finding as to (i) the apparent capability of such equipment to accurately count, register, and report votes; (ii) whether the system can be conveniently used without undue confusion to the voter; (iii) its accessibility to voters with disabilities; (iv) whether the system can be safely used without undue potential for fraud; (v) the ease of its operation and transportation by voting equipment custodians and officers of election; (vi) the financial stability of the vendor and manufacturer; (vii) whether the system meets the requirements of this title; (viii) whether the system meets federal requirements;</u></p>	D	10/29/19	
24.2-629	<p>(ix) Whether issues of reliability and security identified with the system by other state governments have been adequately addressed by the vendor; and (x) whether, in the opinion of <b>the Board</b>, the potential for approval of such system is such as to justify further examination and testing.</p>	B	10/29/19	
24.2-629	<p>D. If the <b>Board</b> determines that there is such potential and prior to its final determination as to <u>approval or disapproval of such system, the Board shall obtain a report by an independent electronics or engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii) whether it is capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election; (iii) the number of separate memory capabilities for the storage of recorded votes; (iv) its mechanical and electronic perfections and</u></p>	D	10/29/19	

	imperfections; (v) the audit trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the anticipated life of the equipment;(ix) its potential for fraudulent use; (x) its accessibility to voters with disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment custodians and officers of election;			
24.2-629	And (xii) any other matters deemed necessary by the <b>Board</b> .	B	10/29/19	Board delegated authority to obtain report but retained authority to determine "any other matters deemed necessary by the Board.
24.2-629	<u>The report of the consultant shall be filed in the office of the <b>Board</b>.</u>	D	10/29/19	
24.2-629	E. In preparing the reports cited in subsections C and D, <u>the <b>Board</b> shall require, as a condition of certification, that the system is comprehensively examined by individuals including at least one expert in election management and one in computer system security. <b>The Board</b> shall develop, in conjunction with the above listed individuals, a specific set of items to be examined and tested as part of the certification process to further elaborate on the requirements identified in this section.</u>	B	10/29/19	
24.2-629	F. <u>If the <b>Board</b> determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one or more counties or cities. Its use at such election shall be as valid for all purposes as if it had been legally approved by the Board and adopted by the counties or cities.</u>	B	10/29/19	
24.2-629	G. <u>If, following testing, the <b>Board</b> approves any voting system and its ballots for use,</u>	B	10/29/19	
24.2-629	<u>The <b>Board</b> shall so notify the electoral boards of each county and city. Systems so approved may be adopted for use at elections as herein provided. No form of electronic system and ballots not so approved shall be adopted by any county or city.</u>	D	10/29/19	

24.2-629	<u>Any electronic system and ballots approved for use by the <b>Board</b> shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.</u>	B	10/29/19	
24.2-629	<u>I. <b>The Board</b> shall have the authority to investigate, at its discretion, any voting system certified in Virginia to ensure that it continues to meet the standards outlined in subsections C and D.</u>	B	10/29/19	
24.2-629	<u><b>The Board</b> may, at its discretion, decertify any voting system based on significant problems detected with the voting system in Virginia or on reports provided by federal authorities or other state election officials.</u>	B	10/29/19	
24.2-630	<u>With the approval of the <b>State Board</b>, the governing body of any county, city, or town may provide for the experimental use at an election in one or more election districts or precincts of a voting or counting system which it might legally adopt without a formal adoption thereof, and its use at such election shall be valid for all purposes.</u>	B	10/29/19	
24.2-631	<u>The <b>State Board</b> is authorized to approve the experimental use of voting or counting systems and ballots for the purpose of casting and counting absentee ballots in one or more counties and cities designated by the <b>Board</b> (i) that have established central absentee voter election districts</u>	B	10/29/19	
4.2-631	<u>and (ii) whose electoral board submits to the <b>Board</b> for approval a plan for the use of such system and ballots.</u>	D	10/29/19	
24.2-631	<u>The <b>Board</b> is also authorized to approve the experimental use of voting or counting systems and ballots in one or more precincts in any county or city whose electoral board</u>	B	10/29/19	
24.2-631	<u>Submits to the <b>Board</b> for approval a plan for such use. The use of such systems and ballots at an election shall be valid for all purposes.</u>	D	10/29/19	

24.2-632	A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board shall employ one or more persons, to be known as custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. <u>With the approval of the <b>State Board</b>, the electoral board may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment.</u>	D	10/29/19	
24.2-643	A voter who does not show one of the forms of identification specified in this subsection and does not sign this statement shall be offered a provisional ballot under the provisions of § <u>24.2-653</u> . The <b>State Board</b> of Elections <u>shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.</u>	D	6/21/2021	
24.2-643	If the voter's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, <u>an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the <b>State Board</b></u> , or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.	D	10/29/19	
24.2-643	C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election <u>shall furnish the voter with a change of address form prescribed by the <b>State Board</b></u> . Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.) of this title.	D	10/29/19	
24.2-643	D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, <u>he shall be furnished with a voter</u>	B	10/29/19	

	registration form prescribed by the <b>State Board</b> to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.			
24.2-644	The declaration of intent shall be <u>on a form prescribed by the <b>State Board</b></u> and shall include a list of presidential electors pledged to those candidates which equals the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States. A write-in vote cast for candidates for President and Vice-President, or for a candidate for President only, shall be counted for the individual electors listed on the declaration of intent as pledged to those candidates.	D	10/29/19	
24.2-649	The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § 24.2-646 or a machine-readable ballot in the ballot scanner machine in accordance with the instructions of the State Board.	D	10/29/19	
24.2-649	The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. <u>The request and statement shall be on a single form furnished by the <b>State Board</b>.</u> If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature. If the voter being assisted is blind, neither the request nor the statement shall be required to be signed and an officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him	D	10/29/19	
24.2-649	<u>If a printed ballot is used, the officer or other person so designated shall deposit the ballot in the ballot container in accordance with § 24.2-646 or in the ballot scanner machine in accordance with the instructions of the State Board.</u>	D	10/29/19	
24.2-649.1	(a) The machine number, (b) the time that the machine was removed and the time that it was returned, (c) the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, (d) the names of the voters who used the machine while it was removed <u>provided that secrecy of the ballot is maintained in accordance with guidance from the <b>State Board</b></u> , and the name	D	6/22/2021	



	or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.			
24.2-649.1	The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § 24.2-646 or a machine-readable ballot in the ballot scanner machine in accordance <u>with the instructions of the State Board.</u>	D	6/22/2021	
24.2-651	The individual making the challenge shall complete and sign the following statement on a form provided by the State Board:	D	10/29/19	
24.2-651	When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, <u>and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	10/29/19	
24.2-651.1	The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.	D	10/29/19	
24.2-652	When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and <u>shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	10/29/19	
24.2-652	B. If the general registrar is not available or cannot state that the person is registered to vote, such person shall be allowed to vote by provisional ballot pursuant to § 24.2-653. The officers of election shall provide to him an application for registration. The <b>State Board of Elections</b> <u>shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.</u>	D	6/21/2021	
24.2-653	<u>The officers of election shall enter the appropriate information for the person precinct provisional ballot log in accordance with the instructions of the State Board</u> but shall not enter a consecutive number for the voter nor otherwise mark his name as having voted.	D	10/29/19	

24.2-653.1	B. Such person shall be given a printed ballot and be permitted to vote the provisional ballot in accordance with the provisions of § <u>24.2-653</u> and the instructions of the State Board.	D	10/29/19	
24.2-653.1	The electoral board shall process the ballot in accordance with the provisions of § <u>24.2-653</u> and the instructions of the State Board.	D	10/29/19	
24.2-654	<u>In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the <b>State Board</b>.</u>	D	10/29/19	
24.2-659	F. The voting systems described in subsections A, B, C, and D shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ <u>24.2-800</u> et seq.) has passed and, if any contest or recount is pending thereafter, until it has been concluded. <u>Such machines and any envelope containing data storage devices shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of <b>the State Board</b>, or the electoral board or general registrar at the direction of <b>the State Board</b>, in order to ensure the accuracy of the returns. In the event that machines and data storage devices are examined under clause (ii), each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. <b>The State Board</b>, local electoral board, or general registrar shall provide such parties and candidates reasonable advance notice of the examination.</u>	D	10/29/19	
24.2-666	<u>The State Board shall prescribe appropriate forms and procedures for use by the local electoral boards, general registrars, and officers of election to account for all paper ballots, used and unused.</u>	D	10/29/19	
24.2-668	A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets <u>in the envelopes provided by the <b>State Board</b></u> . The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.	D	10/29/19	

24.2-668	The clerk shall retain custody of the pollbooks until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks may be needed as evidence and there is no proceeding pending. After that time the clerk shall deliver the pollbooks to <u>the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board</u> as directed by § 24.2-114 for voting credit purposes.	D	10/29/19	
24.2-668	After the pollbooks are returned by the <b>State Board</b> , the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.	D	10/29/19	
24.2-668	C. If an electronic pollbook is used, the data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, <u>provided that the records for the election have been transferred or printed according to the instructions of the State Board.</u>	D	10/29/19	
24.2-669	The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal, deposit them in a secure place in his office, where they shall be kept for the time required by this section. <u>He shall not allow the ballots to be inspected except (i) by an authorized representative of the State Board</u>	D	10/29/19	
24.2-669	<u>or by the electoral board at the direction of the State Board to ensure the accuracy of the returns or the purity of the election,</u> (ii) by the officers of election, and then only at the direction of the electoral board in accordance with § 24.2-672 when the provisions of § 24.2-662 have not been followed, or (iii) on the order of a court before which there is pending a proceeding for a contest or recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a proceeding in which the ballots are necessary for use in evidence, , or (iv) for the purpose of conducting an audit as part of a post-election pilot program pursuant to § 24.2-671.1. In the event that ballots are inspected under clause (i), (ii), or (iv) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such inspection. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. <b>The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the inspection.</b>	D	10/29/19	

24.2-671	Beginning with the general election in November 2007, a report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent change to the official abstract of votes made by the local electoral board shall be <u>forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.</u>	D	10/29/19	
24.2-673.1	C. The <b>State Board</b> <u>may promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting, including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-613, notwithstanding the provisions of subsection E of that section.</u>	B	6/22/21	
24.2-673.1	D. The <b>State Board</b> <u>may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting ranked choice voting pursuant to this section.</u>	B	6/22/21	
24.2-674	If, prior to a recount, any two or more persons have an equal number of votes and a higher number than any other person for member of the General Assembly or of the Congress of the United States, or if any two or more persons have an equal number of votes and a higher number than any other person for elector of President and Vice President of the United States, the <b>State Board of Elections</b> <u>shall proceed publicly to determine by lot which of them shall be declared elected.</u> Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the <b>Board</b> <u>shall proceed so as to determine the election in their absence.</u>	B	6/22/2021	
24.2-675	The abstracts shall be certified and signed by the electoral board, attested by the secretary, and retained by the electoral board as part of its records. <u>A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or delivered by hand to the State Board.</u>	D	10/29/19	
24.2-675	The <b>State Board</b> <u>shall require the electoral board of any county or city to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.</u>	D	10/29/19	
24.2-677	The <b>State Board</b> , <u>on receipt of the certified abstracts of the votes given in the several counties and cities, shall open the abstracts and record and carefully preserve them.</u>	D	10/29/19	

24.2-678	<u>If the <b>State Board</b> has not received the abstracts of votes from any county or city within seven days after any election, it shall dispatch a law-enforcement officer to obtain a copy of the abstract from the official having charge thereof.</u>	D	10/29/19	
24.2-678	That official shall immediately, on demand of the officer, make out and deliver to him the copy required, and <u>the officer shall deliver the abstract to the <b>State Board</b> without delay.</u>	D	10/29/19	
24.2-679	A. The <b>State Board</b> <u>shall meet on the third Monday in November to ascertain the results of the November election.</u> If a majority of the <b>Board</b> is not present or if, for any other reason, the Board is unable to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than three days until a quorum is present and the Board has ascertained the results as provided in this section.	B	10/29/19	
24.2-679	The <b>Board</b> <u>shall examine the certified abstracts on file in its office and make statements of the whole number of votes given at any such election</u> for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice-President of the United States, and any officer shared by more than one county or city, or any combination thereof, or for so many of such officers as have been voted for at the election.	B	10/29/19	
24.2-679	The statement shall show, for each office and each county, city, and election district, the whole number of votes given to each candidate and to any other person elected to office. The <b>Board</b> <u>members shall certify the statements to be correct and sign the statements.</u>	B	10/29/19	
24.2-679	The <b>Board</b> <u>shall then determine those persons who received the greatest number of votes and have been duly elected to each office.</u>	B	10/29/19	
24.2-679	The <b>Board</b> <u>members shall endorse and subscribe on such statements a certificate of their determination.</u>	B	10/29/19	
24.2-679	The <b>Board</b> <u>shall record each certified statement and determination in a suitable book to be kept by it in its office.</u>	D	10/29/19	
24.2-679	B. The <b>State Board</b> <u>shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A.</u> If the returns have not been received within seven days of the election, the <b>Board</b> shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.	B	10/29/19	

24.2-680	Subject to the requirements of § 24.2-922, the <b>State Board</b> shall without delay <u>complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office.</u>	B D	10/29/19	Board to complete certificates and Department to transmit certificates.
24.2-680	<u>In the election of a member of the United States Congress, it shall also forward a certificate of election to the clerk of the United States Senate or House of Representatives, as appropriate.</u>	D	10/29/19	
24.2-680	<u>The names of members elected to the General Assembly shall be certified by the <b>State Board</b> to the clerk of the House of Delegates or Senate, as appropriate.</u>	B	10/29/19	
24.2-680	<u>The names of the persons elected Governor, Lieutenant Governor, and Attorney General shall be certified by the <b>State Board</b> to the clerks of the House of Delegates and Senate.</u>	B	10/29/19	
24.2-680	<u>The name of any officer shared by more than one county or city, or any combination thereof, shall be certified by the <b>State Board</b> to the clerk of the circuit court having jurisdiction in each affected county or city.</u>	B	10/29/19	
24.2-680	<u>The names of the persons elected to soil and water conservation districts shall be certified by the <b>State Board</b> to the Director of the Department of Conservation and Recreation.</u>	B	10/29/19	
24.2-701	<u>Electronic absentee ballot applications shall be in a form approved by the <b>State Board</b>.</u>	B	10/29/19	
24.2-701	B. The <b>State Board</b> of Elections <u>shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.</u>	B	10/29/19	Board approved Procedures on 4/26/05
24.2-701.1	The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § <u>24.2-653</u> and this section.	B	10/29/19	

24.2-701.2	C. The <b>State Board</b> shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the acts.	D	6/21/2021	
24.2-701.2	F. If an emergency makes a voter satellite office unusable or inaccessible, the electoral board or the general registrar shall provide an alternative voter satellite office, subject to the approval of the <b>State Board</b> , and shall give notice of the change in the location of the voter satellite office	D	6/21/2021	
24.2-703	The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the <b>State Board</b> . The applicant shall specify by party designation the primary ballots he is requesting.	D	10/29/19	
24.2-703.1	A. Any registered voter shall be eligible to file a special application to receive absentee ballots for all elections in which he is eligible to vote. Such application shall be on a form approved by the <b>State Board</b> . The absentee ballots sent to a voter on the permanent absentee voter list shall be sent to the address in the voter's registration record, except as provided in subdivision C 1.	B	6/21/2021	
24.2-703.1	B. In accordance with procedures established by the State Board, the general registrar shall retain the application, enroll the applicant on a permanent absentee voter list, and process the applicant's request for an absentee ballot for each succeeding election. The applicant shall specify by party designation the primary ballots he is requesting.	D	6/21/2021	
24.2-703.1	C. <b>The State Board</b> shall prescribe the process by which a voter on the permanent absentee voter list may: (1) Request that his absentee ballot for (i) a single election or (ii) a primary election and the following general election be sent to an address other than the address on his voter registration record. (2) Request a primary ballot for a political party other than the one he specified on his application for permanent absentee voter status for a single primary election. (3) Change his political party selection for all succeeding primary elections.	B	6/21/2021	
24.2-703.2	The voter and representative shall complete the form prescribed by the <b>State Board</b> to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.	D	10/29/19	

24.2-704	<u>On receipt of an application from an applicant marked to indicate he will require assistance, the general registrar shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649.</u>	D	10/29/19	
24.2-705	The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.	B	10/29/19	
15.2-705.1	C. The <b>State Board</b> <u>may promulgate regulations for the proper and efficient administration of elections determined by instant runoff voting</u> , including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and for offices to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § <u>24.2-613</u> , notwithstanding the provisions of subsection E of that section	B	6/22/2021	
15.2-705.1	D. The <b>State Board</b> <u>may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting instant runoff voting</u> pursuant to this section.	B	6/22/2021	
24.2-706	The <b>State Board</b> of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.	B	10/29/19	
24.2-706	2. That the <b>State Board of Elections</b> shall <u>promulgate regulations to implement the provisions of this act to be effective within 60 days of its enactment</u> . Such regulations shall include processes that ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors.	B	6/22/2021	
24.2-709	C. Notwithstanding the provisions of subsection A, any absentee ballot (i) <u>received after the close of the polls on any election day</u> , (ii) <u>received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title</u> , (iii) <u>requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612</u> , and (iv) <u>cast by a covered voter, as defined in § 24.2-452</u> , shall be counted pursuant to the procedures set forth	B	6/22/2021	



	<u>in this chapter if the voter is found entitled to vote.</u>			
24.2-709	<u>The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the <b>State Board</b> by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.</u>	D	10/29/19	
24.2-710	On the day before the election, the general registrar shall (i) <u>make out in triplicate on a form prescribed by the <b>State Board</b></u> the absentee voter applicant list containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person or applying to vote absentee pursuant to § 24.2-705 for delivery by 5:00 p.m. on the day before the election. <u>The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the <b>State Board</b>.</u> The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.	D	6/22/2021	
24.2-710	Upon request, the <b>State Board</b> shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain (i) any voter's social security number or any part thereof, (ii) any voter's day and month of birth, or (iii) the residence address of any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.	D	10/29/19	
24.2-711	Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the voting record column on the pollbook. The pollbook may be so marked prior to election day by the general registrar, the secretary of the electoral board, or staff under the direction of the general registrar or the secretary, or when the pollbook is produced by the <b>State Board</b> pursuant to § 24.2-404. If the pollbook has been marked prior to election day, before the polls open the officers of election at each precinct shall check the marks for accuracy and make any additions or corrections required.	D	10/29/19	

24.2-711.1	The electoral board of each county and city shall send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot is rejected within ninety days of the date on which the ballot is rejected. <u>The State Board of Elections shall promulgate instructions to implement the provisions of this section.</u>	D	10/29/19	
24.2-800	B. When there is between any candidate apparently nominated or elected and any candidate apparently defeated a difference of not more than one percent of the total vote cast for the two such candidates <u>as determined by the State Board</u> or the electoral board, the defeated candidate may appeal from the determination of the <b>State Board</b> or the electoral board for a recount of the vote as set forth in this article. When there is between any write-in candidate apparently nominated or elected and any candidate apparently defeated, or between any candidate apparently nominated or elected and any write-in candidate apparently defeated, a difference of not more than five percent of the total vote cast for the two such candidates <u>as determined by the State Board</u> or the electoral board, the defeated candidate may appeal <u>from the determination of the State Board</u> or the electoral board for a recount of the vote as set forth in this article. In an election of electors for the President and Vice President of the United States, the presidential candidate shall represent the vice presidential candidate and slate of electors and be the party to the recount for purposes of this article.	B		
24.2-801.1	Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so <u>notify the State Board</u> by letter as soon as possible after election day.	D	10/29/19	
24.2-801.1	If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 <u>the State Board shall</u> , within 24 hours of the certification of the results, <u>notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia</u> (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified.	D	10/29/19	
24.2-802	A. The <b>State Board of Elections</b> shall promulgate standards for (i) the proper <u>handling and security of voting systems, ballots, and other materials required for a recount</u> , (ii) <u>accurate counting of votes based upon objective evidence and taking into account the voting system and form of ballots approved for use in the</u>	B	6/21/2021	

	<u>Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount.</u>			
24.2-802	B. <u>The <b>State Board</b> shall promulgate additional standards and instructions for the conduct of simultaneous recounts of two or more elections in a single election district.</u>	B		
24.2-802	B. After the full court is appointed under § 24.2-801 or § 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. <u>The court shall call for the advice and cooperation of the Department, the <b>State Board</b>, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court.</u> The court shall fix procedures that shall provide for the accurate determination of votes in the election.	D	10/29/19	
24.2-813	In deciding any contest of a primary election, if the court can determine the candidate who has received a plurality of valid votes in the primary, it shall certify the name of that candidate to the State Board and the proper electoral board or boards.	B	10/29/19	
24.2-813	In deciding any contest of a primary election, if the court can determine the candidate who has received a plurality of valid votes in the primary, <u>it shall certify the name of that candidate to the <b>State Board</b></u> and the proper electoral board or boards.	B	10/29/19	
24.2-900 through 24.2-944	<i>Repealed by Acts 2006. Everything moved to 24.2-945 through 959.1.</i>			<i>Added to list 3/2019</i>
24.2-945.2	B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. <u>The reports shall be filed with the <b>State Board</b> if the funds were expended to support or oppose a candidate for statewide office or the <u>General Assembly</u> or with the general registrar of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for</u>	D	10/29/19	

	local office.			
24.2-945.2	C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing <u>on a form developed by the <b>State Board</b></u> . If the report is filed in writing, the report shall be (i) <u>received by the <b>State Board</b></u> or the general registrar, as appropriate, within 24 hours of the time when the funds were expended or (ii) <u>transmitted to the <b>State Board</b></u> or the general registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report <u>mailed to the <b>State Board</b></u> or the general registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended.	D	10/29/19	
24.2-946	A. <u>The <b>State Board</b> shall summarize the provisions of the election laws relating to the Campaign Finance Disclosure Act of 2006 and provide for distribution of this summary and prescribed forms</u> to each candidate, person, or committee on request or upon their first filing with the <b>State Board</b> pursuant to this chapter, whichever occurs first.	D	10/29/19	
24.2-946	B. <u>The <b>Board</b> shall designate the forms required for complying with this chapter</u> which shall be the only such forms used in complying with the provisions of this chapter.	D	10/29/19	
24.2-946	C <u>The <b>Board</b> shall provide, with the summary required by this section, instructions for persons filing reports pursuant to this chapter</u> to assist them in completing the reports. The instructions shall include directions for the reporting of filing fees for any party nomination method.	D	10/29/19	
24.2-946	D. <u>The <b>Board</b> shall provide instructions for candidates who seek election for successive terms in the same office</u> for the filing of reports within each appropriate election cycle for the office and for the aggregation of contributions within each election cycle.	D	10/29/19	
24.2-946	E. <u>The <b>Board</b> shall provide, with the summary required by this section,</u> to each candidate, person, or committee on request or upon their first filing with the <b>State Board</b> pursuant to this chapter, whichever occurs first, <u>a copy of a written explanation prepared by the Attorney General</u> of the provisions of the Act that prohibit the personal use of campaign funds.	D	10/29/19	

24.2-946.1	A. <u>The <b>State Board</b> of Elections shall review or cause to be developed and shall approve standards</u> for the preparation, production, and transmittal by computer or electronic means of the campaign finance reports required by this chapter.	B	10/29/19	
24.2-946.1	A ... <u>The <b>State Board</b> may prescribe the method of execution and certification of</u> ... electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board.	D	10/29/19	
24.2-946.1	A ... <u>The <b>State Board</b> may prescribe ...the procedures for receiving</u> electronically filed campaign finance reports required by this chapter in the office of the <b>State Board</b> or any local electoral board.	D	10/29/19	
24.2-946.1	A ... <u>The <b>State Board</b> may provide campaign finance report-creation software</u> to filers without charge or at a reasonable cost.	D	10/29/19	
24.2-946.1	B. <u>The <b>State Board</b> shall accept any campaign finance report filed</u> by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the <b>Board</b> and using software meeting standards approved by it.	D	10/29/19	
24.2-946.1	B. ... This information <u>shall be made available to the public promptly by the <b>Board</b></u> through the Internet.	D	10/29/19	
24.2-946.1	C. <u>The <b>State Board of Elections</b> shall develop and implement a centralized system to accept reports</u> from any candidate for local or constitutional office. Such reports shall be filed in accordance with, and using software that meets, standards approved by the <b>State Board</b> .	B	10/29/19	
24.2-946.1	C. ... <u>The <b>State Board</b> shall promptly notify the general registrar</u> of the locality in which a candidate resides and make the information contained in the report available to the general registrar.	D	10/29/19	
24.2-946.1	C. ... In the case of a former candidate who is no longer seeking election but has not yet filed a final report as required by § 24.2-948.4, <u>the <b>State Board</b> shall promptly notify the general registrar</u> of the locality in which he sought office and make the information contained in the report available to such general registrar.	D	10/29/19	

24.2-946.1	D. The <b>State Board</b> shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.	D	10/29/19	
24.2-946.1	E. Other campaign finance reports required by this chapter to be filed by a committee with the <b>State Board</b> or a general registrar, or both, may be filed electronically on terms agreed to by the committee and the <b>Board</b> .	D	10/29/19	
24.2-946.2	A ... Upon request from an individual granted protected voter status under the provisions of subsection B of § 24.2-418, the <b>State Board</b> shall replace the individual's residence address in copies of campaign finance reports available to the public with the individual's alternative mailing address found in the Virginia voter registration system.	D	10/29/19	
24.2-946.2	B. The following applies to campaign finance reports filed by candidate campaign committees: 2. The <b>State Board</b> shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain. Thereafter, the <b>State Board</b> shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).	D	10/29/19	
24.2-946.2	C. The following applies to campaign finance reports filed by political committees: 2. The <b>State Board</b> shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least four years after the reporting deadline or one year after the final report is filed. Thereafter, the <b>State Board</b> shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).	D	10/29/19	
24.2-946.3	A. It shall be the duty of the <b>State Board</b> to report any violation of the provisions of this chapter to the appropriate attorney for the Commonwealth. The <b>State Board</b> shall report to the attorney for the Commonwealth of the City of Richmond in the case of reporting requirements for campaign committees for statewide office and to the attorney for the Commonwealth of the county or city of the residence of a candidate for the General Assembly. For political committees, the <b>State Board</b> shall report the violation to the attorney for the Commonwealth of the City of Richmond. If all the officers of a political committee are residents of one county or city as shown on the statement of organization required by this chapter, the <b>State Board</b> shall report	D	10/29/19	

	violations for that political committee to the attorney for the Commonwealth of that county or city.			
24.2-946.3	C. In order to fulfill the duty to report violations pursuant to subsections A and B, <u>the Board shall establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the provisions of this chapter and for verifying that reports are complete and submitted on time.</u> As part of the system referred to in this subsection, the general registrar for each county and city shall be required, in accordance with instructions provided by the <b>Board</b> , to receive, catalog, and review the reports filed with the general registrar and to verify that the reports are complete and submitted on time.	D	10/29/19	
24.2-946.3	D. <u>The State Board</u> , and the general registrar in accordance with the instructions of the State Board, (i) shall assess and collect the civil penalties provided in Article 8 (§ 24.2-953 et seq.) and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the Commonwealth for enforcement.	D	10/29/19	
24.2-946.3	E. <u>The State Board</u> , or the general registrar in accordance with the instructions of the State Board, shall notify, no later than 21 days after the report due date, any person submitting an incomplete report of the need for additional information. <u>The State Board</u> , or the general registrar in accordance with the instructions of the State Board, may request additional information to correct obvious mathematical errors and to fulfill the requirements for information on the reports.	D	10/29/19	
24.2-946.3	F. Upon notice of a violation of this chapter, <u>the State Board</u> or the general registrar shall within 90 days of the report deadline notify the appropriate attorney for the Commonwealth, who shall initiate civil proceedings to enforce the civil penalties assessed by the <b>State Board</b> or the general registrar as provided herein. Any civil penalties collected pursuant to action by the <b>State Board</b> shall be payable to the State Treasurer for deposit to the general fund, and any civil penalties collected pursuant to action by a general registrar shall be payable to the treasurer of the locality for deposit to its general fund.	B	10/29/19	
24.2-946.3	G. In the case of any political committee that is required to file a statement of organization pursuant to this chapter, <u>the State Board shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.</u>	B	10/29/19	

24.2-946.3	H. <b>The State Board</b> shall notify the public through its official Internet website of any violation based on the failure to file a required report by a candidate for statewide office or the General Assembly and the identity of the violator.	D	10/29/19	
24.2-946.3	I. <b>The State Board</b> shall determine the schedule of civil penalties required to be followed by its staff and general registrars in assessing penalties under this chapter. No election official or staff may waive or reduce such penalties, except as provided in 24.2-946.4.	B	10/29/19	
24.2-946.4	A. <b>The State Board</b> shall provide instructions to filers for delivery of campaign finance reports within the time periods prescribed by law.	D	10/29/19	
24.2-946.4	B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this chapter shall be entitled to a 72-hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild, or sibling died within the 72 hours before the deadline. <b>The State Board</b> or the general registrar shall be authorized to grant an extension of the filing deadline for a period not to exceed five days for good cause shown by the filer and found by the Board or registrar sufficient to justify the granting of the extension.	D	10/29/19	
24.2-946.4	E. <b>The State Board</b> shall have authority to extend any deadline applicable to reports required to be filed by computer or electronic means in the event of a failure of the computer or electronic filing system that prevents timely filing. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.	D	10/29/19	
24.2-946.4	F. <b>The State Board</b> shall have authority also to grant extensions as provided in §§ 24.2-503 and 24.2-948.3.	B	10/29/19	
24.2-946.5	A. <b>The State Board</b> or the general registrar of any county or city may close the file of any candidate campaign committee or political committee required to file with it provided the committee and the Board or registrar cannot locate either the candidate or his campaign treasurer, or in the case of any political committee, the Board or registrar cannot locate the treasurer or custodian of the books of the committee. A candidate campaign committee file shall not be closed if the candidate has filed a report with the Board or registrar for any campaign for any office within the prior five years. A political committee file shall not be closed if the committee has filed a report within the prior five years.	B	10/29/19	



24.2-946.5	B. Once the committee's file has been closed, no more reports will be due and no additional penalties for failure to file will accrue. However, if the whereabouts of the candidate or his campaign treasurer, or in the case of any political committee, the treasurer or custodian of the books of the committee, later becomes known to <u>the Board</u> or registrar, it <u>may reopen the file and send notice to the candidate</u> , or in the case of any political committee, the treasurer or custodian of the books of the committee, requesting that he file the appropriate reports and pay any penalties that were levied before the file was closed by it.	B	10/29/19	
24.2-947.1	A. Any single contribution of \$1,000 or more for a statewide office or the General Assembly knowingly received or reported by the candidate or his treasurer on behalf of his candidacy during the period beginning January 1 and ending on the day immediately before the first day of a regular session of the General Assembly shall be reported as provided in § 24.2-947.5, and the <u>report shall be received by the State Board</u> not later than January 15.	D	6/22/2021	
24.2-947.1	B. <u>Candidates for statewide office shall file the statement with the State Board.</u> <u>Candidates for the General Assembly shall file the statement with the State Board</u> and a copy of the statement with the general registrar of the locality of the candidate's residence. <u>Candidates for local or constitutional office shall file the statement with the general registrar and, if the statement indicates that the candidate committee will be filing electronically, a copy with the State Board.</u>	D	10/29/19	
24.2-947.1	D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the <u>candidate shall file notice of any changes in the information provided on the form within 10 days of the change with the State Board</u> , local electoral board, or both, as appropriate.	D	10/29/19	
24.2-947.3	B. In the event of the death, resignation, removal, or change of the treasurer, <u>the candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the State Board</u> , general registrar, or both, as provided in subsection B of 24.2-947.1.	D	10/29/19	
24.2-947.3:1	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, <u>the candidate campaign committee shall</u> (i) request the federal political action committees or out-of-state political committee's State Board of Elections registration number from the committee and (ii) <u>verify that number with the State Board.</u>	D	10/29/19	

24.2-947.4	A. <u>The reports required by this article shall be filed on a form prescribed by the <b>State Board</b> and shall include all financial activity of the campaign committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-947.4	F. <u>The <b>State Board</b> shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-947.5	A. Candidates for statewide office and for the General Assembly shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.	D	10/29/19	
24.2-947.5	B. <u>Candidates for local or constitutional office in any locality shall file reports required by this article with the <b>State Board</b> by computer or electronic means in accordance with the standards approved by the <b>State Board</b> and shall not be required to file reports with the general registrar of the locality in which the candidate resides. Required to file reports with the general registrar of the locality in which the candidate resides.</u>	D	6/22/2021	
24.2-947.5	E. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.	D	10/29/19	
24.2-947.9	B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy on and after the eleventh day preceding (i) a primary and before the primary date, (ii) a general election and before the general election date, or (iii) any other election in which the individual is a candidate and before the election day, shall be reported in writing as provided in 24.2-947.4 and 24.2-947.5 or electronically pursuant to 24.2-946.1, and the report shall be received by the State Board or general registrar, as appropriate, by 11:59 p.m. on the following day or for a contribution received on a Saturday by 11:59 p.m. on the following Monday.	D	10/29/19	

24.2-948.1	A ... The request for an exemption shall be filed with the general registrar of the county or city where the candidate resides <u>on a form prescribed by the <b>State Board</b></u> and in accordance with <u>instructions by the <b>State Board</b></u> for the time for filing and the process for approval by the general registrar.	D	10/29/19	
24.2-948.1	D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, <u>may purchase voter lists from the <b>State Board</b></u> under the provisions of §§ <u>24.2-405</u> and <u>24.2-406</u> with a check drawn on the candidate's personal account.	D	10/29/19	
24.2-948.3	A ... For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) <u>the <b>State Board</b></u> or general registrar, whichever is appropriate, <u>has notified the candidate, at least 60 days prior to the applicable deadline for him to file his written statement of qualification</u> set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.	D	10/29/19	
24.2-948.3	B. <u>The authority of the <b>State Board</b> to grant an extension</u> of the deadline established in § <u>24.2-503</u> shall include the authority to grant such extension with respect to the requirements of this section.	B	10/29/19	
24.2-949.2	A. Except as provided in subsection B or C, <u>each political action committee</u> that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year <u>shall file with the <b>State Board</b> a statement of organization</u> within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this chapter. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.	D	10/29/19	
24.2-949.2	A ... <u>The <b>State Board</b> shall not register or issue a registration number to any political action committee that fails</u> to state pursuant to subdivision 3 that its primary purpose is to influence the outcome of nonfederal elections in Virginia.	D	10/29/19	
24.2-949.2	C. ... The State Board shall be required to provide a link from its Internet website to the federal political action committee's electronically displayed Federal Election Commission campaign finance disclosure reports.	D	10/29/19	

24.2-949.5	A. <u>The reports required by this article shall be filed on a form prescribed by the <b>State Board</b> and shall include all financial activity of the political action committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-949.5	G. <u>The <b>State Board</b> shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-949.6	A. <u>Political action committees shall file the prescribed campaign finance reports with the <b>State Board</b> in accordance with the applicable provisions of this section.</u>	D	10/29/19	
24.2-949.6	D. ... After September 30, or after the date a political action committee has filed its statement of organization if the political action committee has filed its statement of organization on or after October 1, and until the November election day, <u>the political action committee shall report any single contribution of \$500 or more to the <b>State Board</b> in writing or electronically pursuant to § 24.2-946.1, and the report shall be received by the <b>State Board</b> by 11:59 p.m. on the following day, or for a contribution received on a Saturday, by 11:59 p.m. on the following Monday.</u>	D	10/29/19	
24.2-949.7	In addition to the quarterly reports required by § 24.2-949.6, political action committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the <b>State Board</b> and shall be filed in writing or electronically in the same manner as the political action committee files its quarterly disclosure reports.</u>	D	10/29/19	
24.2-949.8	A. <u>Political action committees required to file reports by this article shall file all statements and campaign finance reports with the <b>State Board</b>.</u>	D	10/29/19	
24.2-949.8	B. <u>A political action committee that is required by this chapter to file reports with the <b>State Board</b>, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the <b>State Board</b> by computer or electronic means in accordance with the standards approved by the <b>State Board</b> until such time as the political action committee files a final report.</u>	D	10/29/19	

24.2-949.8	C. For political action committees that are not subject to the provisions of subsection B, any report required to be filed with the State Board shall be deemed to be filed by the deadline for the report if it is mailed and postmarked not later than the deadline for filing the report.	D	10/29/19	
24.2-949.8	B. ... <u>Any political action committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board,</u> to exempt the committee from the electronic filing requirement for the calendar year.	D	10/29/19	
24.2-949.9	A. <u>Any political action committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 shall so notify the State Board.</u>	D	10/29/19	
24.2-949.9:1	D. On the same day that an <u>out-of-state political committee submits its statement of organization to the State Board,</u> (i) it shall file a list of each contributor who has contributed to the committee \$2,500 or more in the aggregate between the immediately preceding January 1 and the date on which the statement of organization is filed with the contributor's name, address, occupation, employer, and place of business and the dates and amounts of the contributor's contributions during the period covered by the report; and (ii) it shall file a report of the contributions it has made to candidate campaign committees or political committees registered with the <b>State Board</b> between the immediately preceding January 1 and the date on which the statement of organization is filed.	D	10/29/19	
24.2-949.9:2	B. After the committee has met the requirements of § <u>24.2-949.9:1</u> and upon making any contribution to a candidate campaign committee or political committee registered in Virginia, <u>the committee shall report its contributions and contributors in accordance with subsection C to the State Board of Elections</u> by computer or electronic means as prescribed in § <u>24.2-946.1</u> .	D	10/29/19	
24.2-949.9:3	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any other out-of-state political committee, an <u>out-of-state political committee shall (i) request its State Board of Elections registration number from that other out-of-state political committee and (ii) verify that number with the State Board.</u>	D	10/29/19	
24.2-949.9:4	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, <u>a political committee shall (i) request the federal political action committee's or out-of-state political committee's State Board of Elections</u>	D	10/29/19	

	registration number from the committee and (ii) verify that number with the <b>State Board</b> .			
24.2-950.2	Except as provided in § 24.2-950.1, each <u>political party committee that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year shall file with the <b>State Board</b> a statement of organization</u> within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this article. <u>Any change in information previously submitted in a statement of organization shall be reported to the <b>State Board</b></u> within 10 days following the change.	D	10/29/19	
24.2-950.4	A. <u>The reports required by this article shall be filed on a form prescribed by the <b>State Board</b></u> and shall include all financial activity of the political party committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.	D	10/29/19	
24.2-950.4	G. <u>The <b>State Board</b> shall provide for a "no activity" report</u> that may be filed for any reporting period in which the filer has no activity to report.	D	10/29/19	
24.2-950.7	In addition to the quarterly reports required by § 24.2-950.6, political party committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the <b>State Board</b></u> and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.	D	10/29/19	
24.2-950.8	A ... <u>Any political party committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the <b>State Board</b>,</u> to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.	D	10/29/19	
24.2-950.8	C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or with	D	10/29/19	

	the State Board and the general registrar for its jurisdiction if filing campaign finance reports by nonelectronic means.			
24.2-950.9	A. <u>Any political party committee that</u> , after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 <u>shall so notify the State Board.</u>	D	10/29/19	
24.2-951.1	A. <u>Any referendum committee subject to the provisions of this article shall file with the State Board</u> a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of the pertinent amounts stated in the definition of referendum committee in § 24.2-945.1. <u>Any change in information previously submitted in a statement of organization shall be reported to the State Board</u> within 10 days following the change.	D	10/29/19	
24.2-951.3	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board</u> and shall include all financial activity of the referendum committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.	D	10/29/19	
24.2-951.3	F. <u>The State Board shall provide for a "no activity" report</u> that may be filed for any reporting period in which the filer has no activity to report.	D	10/29/19	
24.2-951.7	In addition to the reports required by §§ 24.2-951.4, 24.2-951.5 and 24.2-951.6, referendum committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board</u> and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.	D	10/29/19	
24.2-951.8	A. <u>Referendum committees required to file statements or reports by this article shall file all reports with the State Board.</u>	D	10/29/19	

24.2-951.8	B. A referendum committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the referendum committee files a final report or until subject to the provisions of subsection B of § 24.2-951.1.	D	10/29/19	
24.2-951.8	C. <u>Any referendum committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board,</u> to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.	D	10/29/19	
24.2-951.9	A. <u>Any referendum committee that disbands after having filed a statement of organization shall so notify the State Board.</u>	D	10/29/19	
24.2-952.1	Each inaugural committee shall file with the <b>State Board</b> a statement of organization within 10 days after its organization. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.	D	10/29/19	
24.2-952.3	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board</u> and shall include all financial activity of the inaugural committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.	D	10/29/19	
24.2-952.3	F. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-952.5	In addition to the reports required by § 24.2-952.4, inaugural committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board</u> and shall be filed in writing or electronically in the same manner as the committee files its quarterly disclosure reports.	D	10/29/19	



24.2-952.6	A. <u>Inaugural committees required to file reports by this chapter shall file all campaign finance reports with the <b>State Board</b>.</u>	D	10/29/19	
24.2-952.6	B. <u>An inaugural committee that is required by this chapter to file reports with the <b>State Board</b>, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the <b>State Board</b> by computer or electronic means in accordance with the standards approved by the State Board until such time as the committee files a final report.</u>	D	10/29/19	
24.2-952.6	C. <u>Any inaugural committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the <b>State Board</b>, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	D	10/29/19	
24.2-952.7	A. <u>Any inaugural committee that, after having filed a statement of organization, disbands shall so notify the <b>State Board</b>.</u>	D	10/29/19	
24.2-953	D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or a general registrar. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.	B	10/29/19	
24.2-953.3	G. <u>The <b>State Board</b> shall notify the public through its official Internet website of a failure to file a complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.</u>	D	10/29/19	
24.2-953.4	C. If the report or information required to complete the report is not filed within the seven-day period, the Commissioner shall assess against the candidate and treasurer, who shall be jointly and severally liable, a civil penalty of \$500 for each day that the violation continues on and after the eighth day following the date of mailing the written notice. The Commissioner may grant an additional period for compliance, not	D	10/29/19	

	to exceed two weeks, for good cause shown and in response to a request filed within the seven-day period. However, no additional period shall be granted for compliance with the requirement under subdivision A 8 of § <u>24.2-947.6</u> to file a report not later than the eighth day before the election. <u>The State Board shall notify the public through its official Internet website of the violation and identity of the violator.</u>			
24.2-953.5	C. <u>The State Board of Elections shall institute proceedings pursuant to § 24.2-104 against any committee that fails to comply with the provisions of § 24.2-947.3:1, 24.2-949.2, 24.2-949.9:1, 24.2-949.9:2, 24.2-949.9:3, or 24.2-949.9:4 and, after notice by the State Board, continues for more than five days to remain noncompliant.</u>	B	10/29/19	
24.2-955.3	D. <u>The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.</u>	B	10/29/19	
24.2-955.3	D. ... At least 10 days prior to such hearing, <u>the State Board shall send notice by certified mail to persons whose actions will be reviewed at such meeting and may be subject to civil penalty. Notice shall include the time and date of the meeting, an explanation of the violation, and the maximum civil penalty that may be assessed.</u>	D	10/29/19	
24.2-956.1	5. (Effective until January 1, 2024) Any disclosure statement required by this section shall be displayed in a conspicuous manner in a minimum font size of seven point. <u>The State Board of Elections shall promulgate standards for meeting the requirements of this subdivision.</u>	B	6/22/2021	
24.2-959.1	<u>The person making the telephone call shall disclose the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ 24.2-945 et seq.), the full name of the committee and a registration number provided by the State Board; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.</u>	D	10/29/19	
24.2-959.1	<u>The person making the telephone call shall disclose the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ 24.2-945 et seq.), the full name of the committee and a registration number provided by the State Board; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.</u>	D	10/29/19	

10.1-528	The expenses of such elections shall be paid by the counties or cities concerned. <u>The State Board of Elections shall publish, or have published within the district, the results of the election.</u>	D	10/29/19	
15.2-705.1	C. The <b>State Board</b> <u>may promulgate regulations for the proper and efficient administration of elections determined by instant runoff voting</u> , including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and for offices to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-613, notwithstanding the provisions of subsection E of that section	B	6/21/2021	
15.2-705.1	D. The <b>State Board</b> <u>may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting instant runoff voting pursuant to this section.</u>	B	6/21/2021	
30-19.9	When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, <u>the State Board of Elections shall cause to be printed and distributed</u> to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. <u>The State Board shall post the explanation</u> on its site on the Internet. <u>It also shall cause such explanation to be published</u> by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for	D	10/29/19	

	registration and once during the week preceding the election at which the proposed amendment is to be presented to the people.			
30-19.10	Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to the voters by the General Assembly, <u>the <b>State Board of Elections</b> shall cause to be printed and distributed</u> to the general registrar of each county and city, not less than ninety days prior to the election, copies of information about the referendum to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. <u>The <b>State Board</b> of Elections also shall cause the information to be published</u> by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.	D	10/29/19	
30-19.10	<u>The <b>State Board</b> of Elections also shall cause the explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.</u>	D	10/29/19	
30-19.9	When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, the <b>State Board</b> of Elections shall cause to be printed and distributed to the <u>general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election.</u>	D	10/29/19	
30.19.9	<u>The <b>State Board</b> shall post the explanation on its site on the Internet. It also shall cause such explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the election at which the proposed amendment is to be presented to the people.</u>	D	10/29/19	



**Virginia State Board of Elections: Delegation of Authority 2019**

<b><u>Code §</u></b>	<b><u>Code Responsibility</u></b>	<b><u>Authority</u></b> B=Board D=ELECT	<b><u>Date</u></b>	<b><u>Comments</u></b>
24.2-103	A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulation and issue instructions and provide information to the electoral boards and registrars to promote the proper administration of election laws.	B	10/29/19	
24.2-103	Electoral boards and registrars shall provide <u>information requested by the Board</u> and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law.	D	10/29/19	
24.2-103	A. .... The State Board shall post on the Internet within three business days any rules or regulations made by the State Board.	D	10/29/19	
24.2-103	Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.	D	10/29/19	
24.2-103	B. ... The State Board shall set the training standards for the officers of election	B	10/29/19	
24.2-103	The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election.	D	10/29/19	
24.2-103	The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.	B	10/29/19	
24.2-103	C. The <b>Board</b> may <u>institute proceedings</u> pursuant to § 24.2-234 <u>for the removal of any member of an electoral board</u> who fails to discharge the duties of his office in accordance with law.	B	10/29/19	
24.2-103	The <b>Board</b> may <u>petition the local electoral board to remove from office any general registrar</u> who fails to discharge the duties of his office according to law	B	10/29/19	
24.2-103	The <b>Board</b> may <u>institute proceedings</u> pursuant to § 24.2-234 <u>for the removal of a general registrar</u> if the local electoral board refuses to remove the general registrar and the <b>State Board</b> finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election.	B	10/29/19	

24.2-103	D. The <b>Board</b> may <u>petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief</u> , for the purpose of ensuring that elections are conducted as provided by law.	B	10/29/19	
24.2-103	F. The <b>Board</b> shall <u>adopt a seal</u> for its use <u>and bylaws</u> for its own proceedings.	B	10/29/19	
24.2-104	When the <b>State Board</b> is of the opinion that the public interest will be served, it may <u>request the Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth</u> of any jurisdiction in which election laws have been violated.	B	10/29/19	
24.2-104	When the <b>State Board</b> makes its request pursuant to a unanimous vote of all members, the Attorney General or other attorney designated by the Governor shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the elections laws, and report the results of the investigation to the <b>State Board</b> .	B	10/29/19	
24.2-105	The State Board shall <u>prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth.</u>	B	10/29/19	
24.2-105.1	Beginning with the general election in November 1998, the <b>State Board</b> shall implement a system by which it shall <u>furnish lists of candidates for all elections in the Commonwealth, and information on proposed constitutional amendments and statewide referenda prepared pursuant to §§ 30-19.9 and 30- 19.10, electronically through the Internet.</u>	D	10/29/19	
24.2-105.1	<u>The <b>Board</b> may list other referenda issues on the Internet.</u>	D	10/29/19	
24.2-105.1	<u>The <b>State Board</b> shall provide elections results and statistical information on its website. The information shall include voter turnout information which shall be calculated as the percentage of active voters who voted excluding voters assigned to inactive status pursuant to Chapter 4 (§ 24.2-400 et seq.)</u>	D	10/29/19	
24.2-106.01	The <b>State Board</b> shall develop a description of the duties and responsibilities of the local electoral boards and update such description as needed. Such description shall include the statutory and regulatory duties and responsibilities of the electoral boards, prohibited activities of the electoral boards and members of electoral boards, and the qualifications and disqualifications of members of electoral boards.	D	10/29/19	
24.2-107	No election record containing an individual's social security number shall be made available for inspection or copying by anyone. The <b>State Board</b> of Elections shall <u>prescribe procedures for local electoral boards and general registrars to make the information in certificates of candidate qualification available in a manner that does not reveal social security numbers.</u>	D	10/29/19	

24.2-109.1	The electoral board shall conduct an annual performance review of the general registrar for years ending June 30, 2006, and thereafter. The electoral board shall complete the review by August 1 of each year, retain a copy of the performance review, and <u>provide a copy of the review to the <b>State Board</b>.</u>	D	10/29/19	
24.2-109.1	<u>The performance review shall be conducted in accordance with the format and forms provided by the <b>State Board</b></u>	B	10/29/19	
24.2-111	Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. In case of a dispute, the <b>State Board</b> shall approve or disapprove the reimbursement.	D	10/29/19	
24.2-114	3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in <u>multijurisdictional staffing for voter registration offices, approved by the <b>State Board</b></u> , that are located at facilities of the Department of Motor Vehicles.	B	10/29/19	
24.2-114	5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. <u>The general registrar shall fulfill this duty in accordance with the instructions of the <b>State Board</b> so that those persons who registered by mail are identified on the registration records</u> , lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.	D	10/29/19	
24.2-114	6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. <u>Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the <b>State Board</b></u> and shall forward the completed application or request to the registrar of the applicant's residence.	D	10/29/19	
24.2-114	8. <u>Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the <b>State Board</b></u> ; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.	D	10/29/19	
24.2-114	10. Verify the accuracy of the <u>pollbooks provided for each election by the <b>State Board</b></u> , make the pollbooks available to the precincts,	D	10/29/19	
24.2-114	<u>and according to the instructions of the <b>State Board</b> return the pollbooks, or transfer a copy of the data from any electronic pollbooks, to the <b>State Board</b></u> after each election for voting credit purposes.	D	10/29/19	



24.2-114	19. Attend an annual training program provided by the <b>State Board</b> . A general registrar may designate one member of his staff to attend such training program if he is unable to attend because of a personal or family emergency.	D	10/29/19	
24.2-115.2	A. Each officer of election shall receive training consistent with the standards set by the <b>State Board</b> pursuant to 24.2-103.	B	10/29/19	
24.2-115.2	This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials developed by the <b>State Board</b> for this purpose.	D	10/29/19	
24.2-115.2	C. Following any training conducted pursuant to this section, the electoral boards shall certify to the <b>State Board</b> that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.	D	10/29/19	
24.2-234	<u>The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a member of a local electoral board or general registrar upon a petition signed by a majority of the members of the <b>State Board</b> of Elections as provided in § 24.2-103.</u>	B	10/29/19	
			10/29/19	
24.2-309	<u>The <b>State Board</b> shall make regulations setting procedures by which elections may be conducted in precincts in which all voters do not have the same choice of candidates at a general election.</u>	B	10/29/19	
24.2-309.2	If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ <u>24.2-304.3</u> and <u>30-264</u> , and <u>send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.</u>	D	10/29/19	
24.2-310	C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). <u>The <b>State Board</b> shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.</u>	D	10/29/19	

24.2-310	D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, <u>subject to the prior approval of the State Board.</u>	D	10/29/19	
24.2-310	F. Any local government, local electoral board, or the <b>State Board</b> may make monetary grants to any non-governmental entity furnishing facilities under the provisions of 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board or the State board to appropriate funds to any non-governmental entity,	D	10/29/19	
			10/29/19	
24.2-404	C. The <b>State Board</b> shall institute procedures to ensure that each requirement of this section is fulfilled.	B	10/29/19	
24.2-404	As part of its procedures, the <b>State Board</b> shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.	B	10/29/19	
24.2-404	D. The <b>State Board</b> shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.	B	10/29/19	
24.2-404	E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The <b>State Board</b> shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.	B	10/29/19	
24.2-406	B. The Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with <b>security policies approved by the State Board of Elections.</b>	B	10/29/19	"New" legislation amended 2007. Should remain a Board authority.

24.2-410.2	A. The State Board shall promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information.	B	10/29/19	2019 legislation. Board authority
24.2-410.2	The State Board shall, in consultation with representatives of local government information technology professionals and general registrars, update the security standards at least annually.	B	10/29/19	2019 legislation. Board authority
24.2-410.2	In accordance with the <b>process prescribed by the State Board</b> , the Department of Elections may limit access to the Virginia voter registration system by any county or city that has failed to comply with the provisions of subsection B or the security standards established by the State Board pursuant to subsection A.	B	10/29/19	2019 legislation. Board authority
24.2-416.2	Notwithstanding the provisions of § 24.2-418, the national mail voter registration application form promulgated by the Election Assistance Commission pursuant to the National Voter Registration Act (52 U.S.C. § 20501 et seq.) shall be accepted for the registration of otherwise qualified voters to vote in federal, state, and local elections. In addition to the national form promulgated by the Election Assistance Commission, the <b>State Board of Elections shall design</b>	B	10/29/19	
24.2-416.2	<b>and distribute a state mail voter registration application form.</b> Such state form shall include the eligibility requirements for registration as provided in this title, shall provide for a receipt for the applicant pursuant to § 24.2-418.1, and shall require each applicant to provide the information required subject to felony penalties for making false statements pursuant to § 24.2-1016.	D	10/29/19	
24.2-416.6	Such individuals or agents representing a group shall be required to receive training as approved by the <b>State Board</b> and sign a sworn affidavit on a form prescribed by the <b>State Board</b> attesting that such individuals or organizations will abide by all Virginia laws and rules regarding the registration of voters.	D	10/29/19	
24.2-416.7	A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote <b>by electronic means as authorized by the State Board</b> by completing an electronic registration application.	B	10/29/19	
24.2-416.7	B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence within the Commonwealth <b>by electronic means as authorized by the State Board</b> by completing an electronic registration application.	B	10/29/19	
24.2-416.7	H. The Department of Elections may use <b>additional security measures approved by the State Board</b> to ensure the accuracy and integrity of registration transactions performed under this article.	B	10/29/19	

24.2-418	Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. <u>The application to register shall be only on a form or forms prescribed by the State Board.</u>	B	10/29/19	
24.2-422	<u>The petitioner may file his petition by completing and filing a form which shall be prescribed by the State Board</u> and which shall be used by the general registrar to notify an applicant of the denial of his application to register and of the reasons for the denial.	B	10/29/19	
24.2-423	Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered. Such notice may be made in writing or <b>on a form approved by the State Board of Elections</b> , which may be <u>electronic</u> . The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.	B	10/29/19	
24.2-423	Notice may be provided <b>by electronic means as authorized by the State Board</b> and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The general registrar shall enter the new name on the registration records and issue the voter a new voter registration card.	B	10/29/19	
24.2-424	A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. <u>Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic.</u> The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.	B	10/29/19	
24.2-424	<b>Notice may be provided by electronic means as authorized by the State Board</b> and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be sufficient notice to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.	B	10/29/19	

24.2-501	It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must <u>file a written statement under oath, on a form prescribed by the <b>State Board</b>, that he is qualified to vote for and hold the office for which he is a candidate.</u>	D	10/29/19	
24.2-501	Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall <u>file the statement with the <b>State Board</b></u> . Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides.	D	10/29/19	
24.2-501	Each <u>general registrar shall transmit to the <b>State Board</b></u> , immediately after the filing deadline, <u>a list of the candidates</u> who have filed statements of qualification	D	10/29/19	
24.2-501	The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, <u>all names printed on the ballot shall meet the criteria established by the <b>State Board</b></u> .	B	10/29/19	
24.2-502	It shall be a requirement of candidacy that a written statement of economic interests shall be <b>filed</b> by (i) a candidate for Governor, Lieutenant Governor, or Attorney General and a candidate for the Senate or House of Delegates <b>with the <b>State Board</b></b> , (ii) a candidate for a constitutional office with the general registrar for the county or city, and (iii) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city.	D	10/29/19	
24.2-503	The State Board may grant an extension of any deadline for filing either or both written statements and	B	10/29/19	
24.2-503	<u>shall notify all candidates who have not filed their statements of the extension</u> . Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.	D	10/29/19	
24.2-505	A. Any person, other than a candidate for a party nomination or a party nominee, who intends to be a candidate for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district shall <u>file a declaration of candidacy with the <b>State Board</b></u> ,	D	10/29/19	
24.2-505	<u>on a form prescribed by the <b>Board</b></u> , designating the office for which he is a candidate. The written declaration shall be attested by two witnesses who are qualified voters of the Commonwealth or of the congressional district, or acknowledged before some officer authorized to take acknowledgements to deeds. The declaration shall be signed by the candidate, but if he is incapable of writing his proper signature then some mark adopted by	D	10/29/19	

	him as his signature shall be acknowledged before some officer authorized to take acknowledgments			
24.2-505	The <b>State Board</b> shall notify the respective secretaries of the appropriate electoral boards of <u>the qualified candidates who have so filed.</u>	D	10/29/19	
24.2-505	B. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate for election to the General Assembly shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, (i) deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the general registrars of the other counties or cities, if any, in the legislative district for delivery to the secretaries of the electoral boards and (ii) deliver the declaration and such petitions to the secretary of his electoral board. <u>He shall transmit the names of the candidates who have filed with him to the <b>State Board</b> immediately after the filing deadline.</u>	D	10/29/19	
24.2-505	C. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate at any election for any other office shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the secretaries of the electoral boards of the counties or cities whose electors vote for the office. <u>He shall transmit the names of the candidates who have filed with him to the <b>State Board</b> immediately after the filing deadline.</u>	D	10/29/19	
24.2-506	A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy <u>a petition therefore, on a form prescribed by the <b>State Board</b></u> , signed by the number of qualified voters specified in this subsection after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a legal resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition.	D	10/29/19	

24.2-506	B. The <b>State Board</b> shall approve uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters as required in subsection A.	B	10/29/19	
24.2-506	<b>The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated regulations for reviewing and processing candidate petitions.</b> Such revisions shall provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration has been canceled and the reason for such cancellation. The process shall provide for the tracking of such information associated with each petition. The process shall provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the office of the attorney for the Commonwealth, as appropriate.	B	10/29/19	
24.2-506	C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal that determination within five calendar days of the issuance of the notice of disqualification pursuant to § 24.2-612 or notice from the <b>State Board</b> that the candidate did not meet the requirements to have his name appear on the ballot.	D	10/29/19	
24.2-506	Appeals made by candidates for a county, city, or town office shall be filed with the electoral board. Appeals made by candidates for all other offices shall be filed with the <b>State Board</b> .	D	10/29/19	
24.2-506	The appeal shall be heard by the <b>State Board</b> or the electoral board, as appropriate, within five business days of its filing.	B	10/29/19	
24.2-506	The electoral board shall notify the <b>State Board</b> of any appeal that is filed with the electoral board.	D	10/29/19	
24.2-506	The <b>State Board</b> shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the uniform standards approved by the <b>State Board</b> for the review of petitions.	B	10/29/19	
24.2-506	Immediately after the conclusion of the appeal hearing, the entity conducting the appeal shall notify the candidate and, if applicable, the State Board, of its decision in writing. The decision on appeal shall be final and not subject to further appeal.	D	10/29/19	

24.2-511	A. <u>The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer, along with the date of the nomination of the candidate, to the <b>State Board</b> not later than five days after the last day for nominations to be made.</u>	D	10/29/19	
24.2-511	<u>The <b>State Board</b> shall notify the general registrars of the names of the candidates to appear on the ballot for such offices.</u>	D	10/29/19	
24.2-511	B. The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method <u>other than a primary to the <b>State Board</b></u> and to the general registrars of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made.	D	10/29/19	
24.2-511	<u>Should the party chairman fail to make such certification, the <b>State Board</b> shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.</u>	D	10/29/19	
24.-516	<u>Each political party within the Commonwealth shall furnish to the <b>State Board</b> the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the <b>Board</b> of any changes in such names and addresses.</u>	D	10/29/19	
24.2-516	<u>At least 135 days prior to the regular date for a primary, the <b>Board</b> shall inquire of each state chairman and each county and city chairman whether a direct primary has been adopted.</u>	D	10/29/19	
24.2-516	<u>The <b>Board</b> shall advise each chairman that notification to the <b>Board</b> of the adoption of a direct primary is required and must be filed with the Board not more than 125 days and not less than 105 days before the date set for the primaries.</u>	D	10/29/19	
24.2-516	<u>Each chairman shall file timely written notice with the <b>Board</b> whether or not a primary has been adopted and identify each office for which a primary has been adopted.</u>	D	10/29/19	



24.2-516	The requirement to notify the <b>Board</b> of the adoption of a direct primary shall be satisfied <u>when the Board receives by the deadline</u> (i) written notice from the appropriate party chairman or (ii) a copy of the written notice from an incumbent officeholder to his party chairman of the incumbent's selection, pursuant to § 24.2-509, of the primary as the method of nomination.	D	10/29/19	
24.2-517	The <b>State Board</b> shall order the holding of a primary election in any county, city, or other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is intended to be held.	D	10/29/19	
24.2-517	<u>The notice ordering the primary shall be sent to the secretary of the electoral board.</u> Within five days of the <u>issuance of the order by the State Board</u> , each secretary shall forthwith post a copy of the notice on the official website of the county or city, or have notice of the election published at least once in a newspaper of general circulation in the county or city.	D	10/29/19	
24.2-520	A candidate for nomination by primary for any office shall be required to file a <u>written declaration of candidacy on a form prescribed by the State Board</u> . The declaration shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if defeated in the primary, his name is not to be printed on the ballots for that office in the succeeding general election. The declaration shall be acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district.	D	10/29/19	
24.2-521	A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy a <u>petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board</u> , signed by the number of qualified voters specified in this section after January 1 of the year in which the election is held or before or after said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself legal resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. whose affidavit to that effect appears on each page of the petition.	D	10/29/19	
24.2-522	C. Any candidate for nomination for United States Senator, Governor, Lieutenant Governor, or Attorney General shall file with the <b>State Board</b> (i) his declaration of candidacy, (ii) the petitions for his candidacy, sealed in one or more containers to which is attached a written statement under oath by the candidate giving his name and the number of signatures on the petitions contained in the containers, and (iii) a receipt indicating the payment of his filing fee.	D	10/29/19	

24.2-522	The <b>State Board</b> shall transmit the material so filed to the state chairman of the party of the candidate within 72 hours and not later than the seventy-fourth day. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	10/29/19	
24.2-524	A. Candidates for United States Senators, for representatives in Congress, and for the offices of Governor, Lieutenant Governor, and Attorney General shall pay the primary fee to the <b>State Board</b> of Elections.	D	10/29/19	
24.2-524	The primary fees shall be credited by the <b>Board</b> to a fund to be known as the "state primary fee fund." The <b>Board</b> shall refund the fee by warrant upon the state primary fee fund in the event the prospective candidate does not become a candidate, becomes a candidate and is not opposed, or must refile for any reason. All other primary fees paid to the <b>Board</b> shall be paid or placed to the credit of the fund out of which the Board pays the Commonwealth's expenses for the primary.	D	10/29/19	
24.2-524	B. All other candidates shall pay the fee to the treasurer, or director of finance if there is no treasurer, of the city or county in which they reside. The treasurer or director of finance shall pay back the fee in the event the prospective candidate does not become a candidate, or becomes a candidate and must refile for any reason. In the event the candidate is unopposed, the <b>State Board</b> or the local electoral board, as appropriate, shall notify, <u>no less than 60 days before the primary, the treasurer or director of finance to whom the fee was paid that the candidate is unopposed</u> and shall provide the name and mailing address for returning the fee to the candidate. The treasurer or director of finance promptly shall return the fee to the candidate. All other primary fees paid a county or city treasurer or director of finance shall be paid or placed to the credit of the fund of the county or city out of which the expenses of the primary were paid by the county or city.	D	10/29/19	
24.2-527	It shall be the duty of the chairman or chairmen of the several committees of the respective parties to <u>furnish the name of any candidate for nomination</u> for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district <u>to the <b>State Board</b>, and to furnish the name of any candidate for any other office to the <b>State Board</b></u> and to the general registrars charged with the duty of preparing and printing the primary ballots.	D	10/29/19	
24.2-527	In furnishing the name of any such candidate, the chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the <b>State Board</b> <u>shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such</u>	D	10/29/19	

	<u>purposes</u> . Each chairman shall comply with the provisions of this section not less than 70 days before the primary			
24.2-529	The primary ballots for the several parties taking part in a primary shall be composed, arranged, printed, delivered, and provided in the same manner as the general election ballots except that at the top of each official primary ballot shall be printed in plain black type the name of the political party and the words "Primary Election." The names of the candidates for various offices shall appear on the ballot in an order determined by the priority of the time of filing for the office. <u>In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board or the <b>State Board</b></u> as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections.	B	10/29/19	
24.2-532	As soon as the electoral board shall determine the persons who have received the highest number of votes for nomination to any such office, the secretary of the board shall immediately make out abstracts and certificates of the votes cast as provided in § 24.2-675 and <u>forward certified copies thereof to the <b>State Board</b></u> . The secretary in addition shall place certified copies thereof in an envelope and forward them in person or by certified mail (i) for members of the House of Representatives of the United States, to the chairman of the congressional district committee, (ii) for members of the General Assembly, to the chairman of the Senate or House of Delegates district committee, and (iii) for county and city and district officers, to the chairman of the county or city. "Chairman" means the chairman of the political party under whose auspices the primary is held.	D	10/29/19	
24.2-532	<u>If the abstract of votes shall not have been received by the <b>State Board</b> from any county or city within six days after any state primary election, the <b>Board shall dispatch a law-enforcement officer to obtain them</b></u> as provided in § 24.2-678.	D	10/29/19	
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 <b>State Board shall open and tabulate the returns</b> .	D	10/29/19	
24.2-534	<u>Upon completion of the tabulation the <b>Board</b> shall declare the nominee in the manner and form as it does in general elections.</u>	B	10/29/19	

24.2-536	If more than one person qualifies, the party chairman shall promptly certify their names to the <b>State Board</b> and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either:...	D	10/29/19	
24.2-537	If more than one person qualifies, the party chairman shall promptly certify their names to the <b>State Board</b> and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either: ...	D	10/29/19	
24.2-538	The party chairman or chairmen shall promptly certify the names of every such person to the State Board and appropriate electoral boards as having qualified under the provisions of this section.	D	10/29/19	
24.2-542	In elections for President and Vice-President of the United States, the appropriate chairman or secretary of each political party shall furnish to the <b>State Board</b> by noon of the seventy-fourth day before the presidential election (i) the names of the electors selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice-President for whom the electors are required to vote in the Electoral College and (ii) a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice-President nominated by the party that selected the elector, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee.	D	10/29/19	
24.2-543	A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice-President by filing a petition pursuant to this section. The petition shall be filed with the <b>State Board</b> by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 10,000 qualified voters and include signatures of at least 400 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed either by a person who is a constitutionally qualified candidate for President of the United States, who may witness his own petition, or by a person who is a resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and, whose affidavit to that effect appears on each page of the petition. The petition shall state the names of the electors	D	10/29/19	

	selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice-President for whom the electors are required to vote in the Electoral College.			
24.2-543	The <b>State Board</b> may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.	D	10/29/19	
24.2-543	In the event of the death or withdrawal of a candidate for President or Vice President qualified to appear on the ballot by party name, that party may substitute the name of a different candidate before the <b>State Board</b> certifies to the county and city electoral boards the form of the official ballots.	D	10/29/19	
24.2-543	In the event that a group of qualified voters meets the requirements set forth in this section except that they cannot utilize a party name, the electors selected and the candidates for President and Vice President shall be identified and designated as "Independent" on the ballot. Substitution of a different candidate for Vice President may be made by the candidate for President before the <b>State Board</b> certifies to the county and city electoral boards the form of the official ballot.	D	10/29/19	
24.2-543	In the event of the death or disqualification of any person listed as an elector for candidates for President and Vice President on a petition filed pursuant to this section, the party or candidate for President, as applicable, may substitute the name of a different elector. Such substitution shall not invalidate any petition of qualified voters circulated with the name of the deceased or disqualified elector provided that <u>notice of the substitution is filed with the State Board by noon of the seventy-fourth day before the presidential election.</u>	D	10/29/19	
24.2-543	Notice of the substitution and the name of any substitute elector shall be submitted on a form prepared by the <b>State Board</b> .	D	10/29/19	
24.2-543	B. If the <b>State Board</b> determines that a candidate for President does not qualify to have his name appear on the ballot pursuant to this section by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal the determination to the <b>State Board</b> within seven calendar days of the issuance of the notice of disqualification.	D	10/29/19	

24.2-543	The notice of disqualification shall be sent by email or regular mail to the address on file for the candidate, and such notice shall be deemed sufficient.	D	10/29/19	
24.2-543	The <b>State Board</b> shall hear the appeal within three business days of its filing.	B	10/29/19	
24.2-543	The <b>State Board</b> shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the rules and procedures set forth by the <b>State Board</b> for checking petitions.	B	10/29/19	
24.2-543	Immediately after the conclusion of the appeal hearing, the <b>State Board</b> shall notify the candidate of its decision in writing. The decision on appeal shall be final and not subject to further appeal.	D	10/29/19	
24.2-544	B. The provisions of this title shall apply to the conduct of presidential year primaries including the time limits applicable to notices and candidate filing deadlines and the closing of registration records before the primary. The <b>State Board</b> shall provide a schedule for the notices and filing deadlines by the <u>August 1 prior to the March primary including a campaign finance disclosure report filing schedule</u> adjusted to reflect the differences between the June date for other primaries and the March date for the presidential primary, and primaries for the nomination of candidates for offices to be voted on at the general election date in May.	B	10/29/19	
24.2-545	A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice-President of the United States including a presidential primary or another method determined by the party. <u>The state chairman shall notify the <b>State Board</b></u> of the party's determination at least 90 days before the primary date. If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary.	D	10/29/19	
24.2-545	The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. <u>The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date and certified to, and approved by, the <b>State Board</b>.</u>	B	10/29/19	

24.2-545	B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, <u>may file with the State Board petitions</u> signed by at least 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. <u>Such petitions shall be filed with the State Board by the primary filing deadline.</u>	D	10/29/19	
24.2-545	<u>The petitions shall be on a form prescribed by the State Board</u> and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of the national and state party.	D	10/29/19	
24.2-545	The <b>State Board</b> shall transmit the material so filed to the state chairman of the party of the <u>candidate immediately after the primary filing deadline.</u> The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	10/29/19	
24.2-545	The state chairman of the party shall, <u>by the deadline set by the State Board,</u>	B	10/29/19	
24.2-545	<u>furnish to the State Board the names of all candidates</u> who have satisfied the requirements of this section. In furnishing the name of each such candidate, the state chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. Whenever only one candidate for a party's nomination for President of the United States has met the requirements to have his name on the ballot, he will be declared the winner and no presidential primary for that party will be held.	D	10/29/19	
24.2-545	C. <u>The names of all candidates in the presidential primary of each political party shall appear on the ballot in an order determined by lot by the State Board.</u>	B	10/29/19	

24.2-545	D. The <b>State Board</b> shall certify the results of the presidential primary to the state chairman. If the party has determined that its delegates and alternates will be selected pursuant to the primary, the slate of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed elected by the state party unless the party has determined another method for allocation of delegates and alternates. If the party has determined to use another method for selecting delegates and alternates, those delegates and alternates shall be bound to vote on the first ballot at the national convention for the candidate receiving the most votes in the primary unless that candidate releases those delegates and alternates from such vote.	B	10/29/19	
24.2-603.1	The <b>State Board</b> shall prescribe appropriate procedures to implement this section	D	10/29/19	
24.2-604.2	If an emergency causes the dimensions of the prohibited area for a polling place to be perceived as increasing the risk of danger for persons outside the polling place, the electoral board may modify the distance requirements for the prohibited area, subject to the prior approval of the <b>State Board</b> . For purposes of this section, an "emergency" includes a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States.	D	10/29/19	
24.2-610	A. The <b>State Board</b> shall provide copies of this title to each member of the electoral boards and to each general registrar for each precinct in its county or city. The electoral board shall furnish a copy of this title to each precinct for the use of the officers of election on election day.	D	10/29/19	
24.2-610	B. Pursuant to subdivision A 7 of § 24.2-404, the <b>State Board</b> shall transmit to the general registrar of each county and city pollbooks for each precinct in which the election is to be held. The data elements printed or otherwise provided for each voter on the pollbooks shall be uniform throughout the Commonwealth.	D	10/29/19	
24.2-610	C. The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the <b>State Board</b> to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and	D	10/29/19	



	delivered to the proper official following the election.			
24.2-611	A. <u>The following oath shall be on a form prescribed by the <b>State Board</b>, administered to all officers of election, and kept by the officers of election with the pollbook:</u>	D	10/29/19	
24.2-611	B. <u>The <b>State Board</b> shall provide the pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. <u>The <b>State Board</b> shall make available a numerical check sheet</u> a numerical check sheet required to be used with pollbooks in printed form to determine the consecutive number to be recorded with the name of the voter by the officer of election. In electronic pollbooks, the consecutive number shall be entered automatically when the officer of election records that the voter has voted. When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, or on a separate form if an electronic pollbook is used, certifying the number of qualified registrants who have voted. The <b>State Board</b> shall provide instructions to the local electoral boards, general registrars, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and recording each voter's name including voters unable to enter the polling place and for verifying the accurate entry of the voting record for each registrant on the Virginia Voter Registration System.</u>	D	10/29/19	
24.2-611	D. <u>Any locality may expend its own funds to purchase electronic pollbooks that have been approved for use in elections by the State Board.</u>	B	10/29/19	
24.2-611	E. In the event that the electronic pollbooks for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, <b>in accordance with the instructions and materials approved by the State Board</b> , shall (i) maintain a written list of the persons voting and (ii) provide to each person voting a provisional ballot to be cast as provided in § <u>24.2-653</u> .	D	10/29/19	

24.2-613	A. <u>The ballots shall comply with the requirements of this title and the standards prescribed by the <b>State Board</b>.</u>	B	10/29/19	
24.2-613	<u>For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the <b>State Board</b>, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties.</u> For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.	D	10/29/19	
24.2-613	C. Except as provided for primary elections, <u>the <b>State Board</b> shall determine by lot the order of the political parties</u> , and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent", and their names shall be placed on the ballot after the political parties and recognized political parties. Where there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office.	B	10/29/19	
24.2-613	D. In preparing the printed ballots for general, special, and primary elections, <u>the <b>State Board</b> and general registrars shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates for whom votes may be cast for that office.</u> For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than	D	10/29/19	

	_____."			
24.2-613	F. Any locality that uses machine-readable ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.	D	10/29/19	
24.2-614	As soon as practicable after the seventy-fourth day before the presidential election, <u>the State Board shall certify</u> to the general registrar of each county and city the form of official ballot for the presidential election which shall be uniform throughout the Commonwealth. Each general registrar shall have the official ballot printed at least 45 days preceding the election.	D	10/29/19	
24.2-614	<u>Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the order of the groups shall be determined by lot by the State Board;</u> and the groups shall immediately precede the independent class on the ballot. The names of the candidates within the independent class shall be listed alphabetically.	B	10/29/19	
24.2-625.1	The general registrar and the State Board shall provide the electoral board assistance, upon request.	D	10/29/19	
24.2-625.1	D. The electoral board of each county and city that utilizes electronic voting systems shall develop and annually update written plans and procedures to ensure the security and integrity of its electronic voting systems. <u>The general registrar and the State Board shall provide the electoral board assistance, upon request.</u>	D	10/29/19	
24.2-626 (eff. 07/01/2020)	A. <u>The governing body of each county and city shall provide for the use of electronic voting systems, of a kind approved by the State Board,</u> at every precinct and for all elections held in the county, the city, or any part of the county or city.	B	10/29/19	2017: SBE decertifies DREs making current 24.2-626 obsolete.
24.2-626	Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such systems and may provide for the payment therefore in the manner it deems proper. <u>Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.</u>	D	10/29/19	

24.2-627	C. For purposes of applying this section, a general registrar may exclude persons voting absentee in his calculations, and if he does so shall send to the Department a statement of the number of voting systems to be used in each precinct. <u>If the <b>State Board</b> finds that the number of voting systems is not sufficient, it may direct the general registrar to use more voting systems.</u>	D	10/29/19	
24.2-629	A. <u>Any person, firm, or corporation hereinafter referred to as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting system and ballots designed to be used with such equipment may apply to the <b>State Board</b>,</u>	D	10/29/19	
24.2-629	<u>in the manner prescribed by the <b>Board</b>, to have examined a production model of such equipment and the ballots used with it.</u>	B	10/29/19	
24.2-629	The <b>Board</b> <u>may require the vendor to pay a reasonable application fee</u> when he files his request for testing or certification of new or upgraded voting equipment	B	10/29/19	
24.2-629	<u>Receipts from such fees shall be credited to the <b>Board</b> for reimbursement of testing and certification expenses.</u>	D	10/29/19	
24.2-629	In addition to any other materials that may be required, <u>a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the <b>Board</b></u> ; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The <b>Board</b> <u>shall require, at a site of its choosing, a demonstration of such equipment and ballots and may require that a production model of the system and a supply of ballots</u>	B	10/29/19	
24.2-629	<u>be provided to the <b>Board</b> for testing purposes.</u>	D	10/29/19	
24.2-629	<u>The <b>Board</b> shall also require the vendor to provide documentation of the practices recommended by the vendor to ensure the optimum security and functionality of the system.</u>	B	10/29/19	

24.2-629	<p>B. <u>The Board may approve any kind of electronic voting system that meets the following requirements:</u></p> <ol style="list-style-type: none"> <li>1. It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.</li> <li>2. It shall provide facilities for voting for all offices at any election and on as many questions as may be submitted at any election.</li> <li>3. It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate.</li> <li>4. It shall require votes for presidential and vice presidential electors to be cast for the presidential and vice presidential electors of one party by one operation. The ballot shall contain the words "Electors for" preceded by the name of the party or other authorized designation and followed by the names of the candidates for the offices of President and Vice President.</li> <li>5. It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.</li> <li>6. It shall enable the voter to cast a vote on any question on which he is lawfully permitted to vote, but no other.</li> <li>7. It shall provide the voter with an opportunity to correct any error before a ballot is cast.</li> <li>8. It shall correctly register or record and accurately count all votes cast for candidates and on questions.</li> <li>9. It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.</li> <li>10. It shall be provided with a counter that at all times during an election shall show how many persons have voted.</li> <li>11. It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.</li> <li>12. It shall be programmable to allow ballots to be separated when necessary.</li> <li>13. Ballot scanner machines shall report, if possible, the number of ballots on which a voter undervoted or overvoted.</li> </ol>	B	10/29/19	
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24.2-629	C. After its examination of the equipment, ballots, and other materials submitted by the vendors, <b>the Board</b> shall prepare and file in its office a report of its finding as to (i) <u>the apparent capability of such equipment to accurately count, register, and report votes;</u> (ii) <u>whether the system can be conveniently used without undue confusion to the voter;</u> (iii) <u>its accessibility to voters with disabilities;</u> (iv) <u>whether the system can be safely used without undue potential for fraud;</u> (v) <u>the ease of its operation and transportation by voting equipment custodians and officers of election;</u> (vi) <u>the financial stability of the vendor and manufacturer;</u> (vii) <u>whether the system meets the requirements of this title;</u> (viii) <u>whether the system meets federal requirements;</u>	D	10/29/19	
24.2-629	(ix) whether issues of reliability and security identified with the system by other state governments have been adequately addressed by the vendor; and (x) whether, in the opinion of <b>the Board</b> , the potential for approval of such system is such as to justify further examination and testing.	B	10/29/19	
24.2-629	D. If the <b>Board</b> determines that there is such potential and prior to its final determination as to <u>approval or disapproval of such system, the Board</u> shall obtain a report by an independent electronics or engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii) whether it is capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election; (iii) the number of separate memory capabilities for the storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the anticipated life of the equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment custodians and officers of election;	D	10/29/19	
24.2-629	and (xii) any other matters deemed necessary by the <b>Board</b> .	B	10/29/19	Board delegated authority to obtain report but retained authority to determine "any other matters deemed necessary by the Board.
24.2-629	<u>The report of the consultant shall be filed in the office of the Board.</u>	D	10/29/19	

24.2-629	E. In preparing the reports cited in subsections C and D, <b>the Board</b> shall require, as a <u>condition of certification, that the system is comprehensively examined by individuals including at least one expert in election management and one in computer system security. <b>The Board</b> shall develop, in conjunction with the above listed individuals, a specific set of items to be examined and tested as part of the certification process to further elaborate on the requirements identified in this section.</u>	B	10/29/19	
24.2-629	F. <u>If <b>the Board</b> determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one or more counties or cities. Its use at such election shall be as valid for all purposes as if it had been legally approved by the Board and adopted by the counties or cities.</u>	B	10/29/19	
24.2-629	G. <u>If, following testing, <b>the Board</b> approves any voting system and its ballots for use,</u>	B	10/29/19	
24.2-629	<u>the <b>Board</b> shall so notify the electoral boards of each county and city. Systems so approved may be adopted for use at elections as herein provided. No form of electronic system and ballots not so approved shall be adopted by any county or city.</u>	D	10/29/19	
24.2-629	<u>Any electronic system and ballots approved for use by <b>the Board</b> shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.</u>	B	10/29/19	
24.2-629	I. <u><b>The Board</b> shall have the authority to investigate, at its discretion, any voting system certified in Virginia to ensure that it continues to meet the standards outlined in subsections C and D.</u>	B	10/29/19	
24.2-629	<u><b>The Board</b> may, at its discretion, decertify any voting system based on significant problems detected with the voting system in Virginia or on reports provided by federal authorities or other state election officials.</u>	B	10/29/19	
24.2-630	<u>With the approval of the <b>State Board</b>, the governing body of any county, city, or town may provide for the experimental use at an election in one or more election districts or precincts of a voting or counting system which it might legally adopt without a formal adoption thereof, and its use at such election shall be valid for all purposes.</u>	B	10/29/19	

24.2-631	The <b>State Board</b> is authorized to approve the experimental use of voting or counting systems and ballots for the purpose of casting and counting absentee ballots in one or more counties and cities designated by the <b>Board</b> (i) that have established central absentee voter election districts	B	10/29/19	
4.2-631	and (ii) whose electoral board submits to the <b>Board</b> for approval a plan for the use of such system and ballots.	D	10/29/19	
24.2-631	The <b>Board</b> is also authorized to approve the experimental use of voting or counting systems and ballots in one or more precincts in any county or city whose electoral board	B	10/29/19	
24.2-631	submits to the <b>Board</b> for approval a plan for such use. The use of such systems and ballots at an election shall be valid for all purposes.	D	10/29/19	
24.2-632	A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board shall employ one or more persons, to be known as custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. <u>With the approval of the <b>State Board</b>, the electoral board may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment.</u>	D	10/29/19	
24.2-638	The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, the names of the voters who used the machine while it was removed provided that <u>secrecy of the ballot is maintained in accordance with guidance from the State Board</u> , and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.	D	10/29/19	
24.2-643	Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. <b>The State Board of Elections</b> shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count	D	10/29/19	



	<u>the ballot.</u>			
24.2-643	If the voter's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, <u>an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board</u> , or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.	D	10/29/19	
24.2-643	C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election <u>shall furnish the voter with a change of address form prescribed by the State Board</u> . Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.) of this title.	D	10/29/19	
24.2-643	D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, <u>he shall be furnished with a voter registration form prescribed by the State Board</u> to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.	B	10/29/19	
24.2-644	The declaration of intent shall be <u>on a form prescribed by the State Board</u> and shall include a list of presidential electors pledged to those candidates which equals the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States. A write-in vote cast for candidates for President and Vice-President, or for a candidate for President only, shall be counted for the individual electors listed on the declaration of intent as pledged to those candidates.	D	10/29/19	
24.2-649	The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § <u>24.2-646</u> or a machine-readable ballot in the ballot scanner machine in accordance with the instructions of the State Board.	D	10/29/19	

24.2-649	The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. <u>The request and statement shall be on a single form furnished by the State Board.</u> If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature. If the voter being assisted is blind, neither the request nor the statement shall be required to be signed and an officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him	D	10/29/19	
24.2-649	<u>If a printed ballot is used, the officer or other person so designated shall deposit the ballot in the ballot container in accordance with § 24.2-646 or in the ballot scanner machine in accordance with the instructions of the State Board.</u>	D	10/29/19	
24.2-651	The individual making the challenge shall complete and sign the following statement on a form provided by the State Board:	D	10/29/19	
24.2-651	When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, <u>and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	10/29/19	
24.2-651.1	The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.	D	10/29/19	
24.2-652	When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and <u>shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	10/29/19	
24.2-653	<u>The officers of election shall enter the appropriate information for the person precinct provisional ballot log in accordance with the instructions of the State Board</u> but shall not enter a consecutive number for the voter nor otherwise mark his name as having voted.	D	10/29/19	

24.2-653.1	B. Such person shall be given a printed ballot and be permitted to vote the provisional ballot in accordance with the provisions of § <u>24.2-653</u> and the instructions of the State Board.	D	10/29/19	
24.2-653.1	The electoral board shall process the ballot in accordance with the provisions of § <u>24.2-653</u> and the instructions of the State Board.	D	10/29/19	
24.2-654	<u>In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the <b>State Board</b>.</u>	D	10/29/19	
24.2-659	F. The voting systems described in subsections A, B, C, and D shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ <u>24.2-800 et seq.</u> ) has passed and, if any contest or recount is pending thereafter, until it has been concluded. <u>Such machines and any envelope containing data storage devices shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of <b>the State Board</b>, or the electoral board or general registrar at the direction of <b>the State Board</b>, in order to ensure the accuracy of the returns. In the event that machines and data storage devices are examined under clause (ii), each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. <b>The State Board, local electoral board, or general registrar shall provide such parties and candidates reasonable advance notice of the examination.</b></u>	D	10/29/19	
24.2-666	<u>The State Board shall prescribe appropriate forms and procedures for use by the local electoral boards, general registrars, and officers of election to account for all paper ballots, used and unused.</u>	D	10/29/19	
24.2-668	A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets <u>in the envelopes provided by the <b>State Board</b></u> . The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.	D	10/29/19	
24.2-668	The clerk shall retain custody of the pollbooks until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks may be needed as evidence and there is no proceeding pending. After that time the clerk shall deliver the pollbooks to <u>the general registrar who shall return the pollbooks or transfer a copy of the electronic data to <b>the State Board</b></u> as directed by § 24.2-114 for voting credit purposes.	D	10/29/19	

24.2-668	After the pollbooks are returned by the <b>State Board</b> , the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.	D	10/29/19	
24.2-668	C. If an electronic pollbook is used, the data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, <u>provided that the records for the election have been transferred or printed according to the instructions of the <b>State Board</b>.</u>	D	10/29/19	
24.2-669	The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal, deposit them in a secure place in his office, where they shall be kept for the time required by this section. <u>He shall not allow the ballots to be inspected except (i) by an authorized representative of the <b>State Board</b></u>	D	10/29/19	
24.2-669	<u>or by the electoral board at the direction of the <b>State Board</b> to ensure the accuracy of the returns or the purity of the election,</u> (ii) by the officers of election, and then only at the direction of the electoral board in accordance with § 24.2-672 when the provisions of § 24.2-662 have not been followed, or (iii) on the order of a court before which there is pending a proceeding for a contest or recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a proceeding in which the ballots are necessary for use in evidence, , or (iv) for the purpose of conducting an audit as part of a post-election pilot program pursuant to § 24.2-671.1. In the event that ballots are inspected under clause (i), (ii), or (iv) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such inspection. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. <u><b>The State Board</b> or local electoral board shall provide such parties and candidates reasonable advance notice of the inspection.</u>	D	10/29/19	
24.2-671	Beginning with the general election in November 2007, a report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent change to the official abstract of votes made by the local electoral board shall be <u>forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.</u>	D	10/29/19	

24.2-674	If any two or more persons have an equal number of votes and a higher number than any other person for member of the General Assembly or of the Congress of the United States, or elector of President and Vice-President of the United States, the <b>State Board</b> of Elections <u>shall proceed publicly to determine by lot which of them shall be declared elected.</u> Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the <b>Board</b> <u>shall proceed so as to determine the election</u> in their absence.	B	10/29/19	
24.2-675	The abstracts shall be certified and signed by the electoral board, attested by the secretary, and retained by the electoral board as part of its records. <u>A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or delivered by hand to the State Board.</u>	D	10/29/19	
24.2-675	The <b>State Board</b> <u>shall require the electoral board of any county or city to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.</u>	D	10/29/19	
24.2-677	The <b>State Board</b> , <u>on receipt of the certified abstracts of the votes given in the several counties and cities, shall open the abstracts and record and carefully preserve them.</u>	D	10/29/19	
24.2-678	<u>If the State Board has not received the abstracts of votes from any county or city within seven days after any election, it shall dispatch a law-enforcement officer to obtain a copy of the abstract from the official having charge thereof.</u>	D	10/29/19	
24.2-678	That official shall immediately, on demand of the officer, make out and deliver to him the copy required, and <u>the officer shall deliver the abstract to the State Board</u> without delay.	D	10/29/19	
24.2-679	A. The <b>State Board</b> <u>shall meet on the third Monday in November to ascertain the results of the November election.</u> If a majority of the <b>Board</b> is not present or if, for any other reason, the Board is unable to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than three days until a quorum is present and the Board has ascertained the results as provided in this section.	B	10/29/19	
24.2-679	The <b>Board</b> <u>shall examine the certified abstracts on file in its office and make statements of the whole number of votes given at any such election</u> for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice-President of the United States, and any officer shared by more than one county or city, or any combination thereof, or for so many of such officers as have been voted for at the election.	B	10/29/19	
24.2-679	The statement shall show, for each office and each county, city, and election district, the whole number of votes given to each candidate and to any other person elected to office. The <b>Board</b> <u>members shall certify the statements to be correct and sign the statements.</u>	B	10/29/19	
24.2-679	The <b>Board</b> <u>shall then determine those persons who received the greatest number of votes and have been duly elected to each office.</u>	B	10/29/19	

242-679	The <b>Board</b> members shall endorse and subscribe on such statements a certificate of their <u>determination.</u>	B	10/29/19	
24.2-679	The <b>Board</b> shall record each certified statement and determination in a suitable book to be kept by it in its office.	D	10/29/19	
24.2-679	B. The <b>State Board</b> shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A. If the returns have not been received within seven days of the election, the <b>Board</b> shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.	B	10/29/19	
24.2-680	Subject to the requirements of § 24.2-922, the <b>State Board</b> shall without delay complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office.	B D	10/29/19	Board to complete certificates and Department to transmit certificates.
24.2-680	In the election of a member of the United States Congress, it shall also forward a certificate of election to the clerk of the United States Senate or House of Representatives, as appropriate.	D	10/29/19	
24.2-680	The names of members elected to the General Assembly shall be certified by the <b>State Board</b> to the clerk of the House of Delegates or Senate, as appropriate.	B	10/29/19	
24.2-680	The names of the persons elected Governor, Lieutenant Governor, and Attorney General shall be certified by the <b>State Board</b> to the clerks of the House of Delegates and Senate.	B	10/29/19	
24.2-680	The name of any officer shared by more than one county or city, or any combination thereof, shall be certified by the <b>State Board</b> to the clerk of the circuit court having jurisdiction in each affected county or city.	B	10/29/19	
24.2-680	The names of the persons elected to soil and water conservation districts shall be certified by the <b>State Board</b> to the Director of the Department of Conservation and Recreation.	B	10/29/19	
24.2-701	A. The <b>State Board</b> shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.	D	10/29/19	

24.2-701	The <b>State Board</b> shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet.	D	10/29/19	
24.2-701	Electronic absentee ballot applications shall be in a form approved by the <b>State Board</b> .	B	10/29/19	
24.2-701	B. The <b>State Board</b> of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.	B	10/29/19	Board approved Procedures on 4/26/05
24.2-701	Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the <b>State Board</b> if a device is not available locally, or other means.	D	10/29/19	
24.2-701.1	The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.	B	10/29/19	
24.2-703	The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the <b>State Board</b> . The applicant shall specify by party designation the primary ballots he is requesting.	D	10/29/19	
24.2-703.1	Any person who is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. <u>His first such application shall be accompanied by a statement, on a form prescribed by the <b>State Board</b> and signed by the voter and his physician, provider as defined in § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under subdivision 4 of § 24.2-700 and likely to remain so eligible for the remainder of the calendar year.</u>	D	10/29/19	
24.2-703.1	<u>In accordance with procedures established by the <b>State Board</b>, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request</u> for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.	D	10/29/19	

24.2-703.2	<u>The voter and representative shall complete the form prescribed by the <b>State Board</b> to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-704	<u>On receipt of an application from an applicant marked to indicate he will require assistance, the general registrar shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649.</u>	D	10/29/19	
24.2-705	<u>The application shall be on a form prescribed by the <b>State Board</b> and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.</u>	B	10/29/19	
24.2-706	<u>The <b>State Board</b> of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.</u>	B	10/29/19	
24.2-709	<u>Notwithstanding the provisions of subsection A, absentee ballots (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the <b>State Board</b> meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter and, if the voter is found entitled to vote, included in the election returns.</u>	B	10/29/19	
24.2-709	<u>The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the <b>State Board</b> by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.</u>	D	10/29/19	
24.2-710	<u>On the day before the election, the general registrar shall (i) <u>make out in triplicate on a form prescribed by the <b>State Board</b> the absentee voter applicant list</u> containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person pursuant to §§ 24.2-705.1 and 24.2-705.2, or applying to vote absentee pursuant to § 24.2-705, for delivery by 5:00 p.m. on the day before the election. <u>The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the <b>State Board</b>.</u> The general</u>	D	10/29/19	



	registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.			
24.2-710	Upon request, the <b>State Board</b> shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain (i) any voter's social security number or any part thereof, (ii) any voter's day and month of birth, or (iii) the residence address of any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.	D	10/29/19	
24.2-711	Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the voting record column on the pollbook. The pollbook may be so marked prior to election day by the general registrar, the secretary of the electoral board, or staff under the direction of the general registrar or the secretary, or when the pollbook is produced by the <b>State Board</b> pursuant to § 24.2-404. If the pollbook has been marked prior to election day, before the polls open the officers of election at each precinct shall check the marks for accuracy and make any additions or corrections required.	D	10/29/19	
24.2-711.1	The electoral board of each county and city shall send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot is rejected within ninety days of the date on which the ballot is rejected. <u>The <b>State Board</b> of Elections shall promulgate instructions to implement the provisions of this section.</u>	D	10/29/19	
24.2-801.1	Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so <u>notify the <b>State Board</b></u> by letter as soon as possible after election day.	D	10/29/19	
24.2-801.1	If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 <u>the <b>State Board</b> shall</u> , within 24 hours of the certification of the results, <u>notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia</u> (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified.	D	10/29/19	

24.2-802	A. The <b>State Board of Elections</b> shall promulgate standards for (i) the proper handling and security of voting systems, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the voting system and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with <b>State Board of Elections</b> standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.	B	10/29/19	
24.2-802	B. After the full court is appointed under § 24.2-801 or § 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. <u>The court shall call for the advice and cooperation of the Department, the <b>State Board</b>, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court.</u> The court shall fix procedures that shall provide for the accurate determination of votes in the election.	D	10/29/19	
24.2-802	After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum.	B	10/29/19	
24.2-813	In deciding any contest of a primary election, if the court can determine the candidate who has received a plurality of valid votes in the primary, it shall certify the name of that candidate to the State Board and the proper electoral board or boards.	B	10/29/19	
24.2-813	In deciding any contest of a primary election, if the court can determine the candidate who has received a plurality of valid votes in the primary, <u>it shall certify the name of that candidate to the <b>State Board</b></u> and the proper electoral board or boards.	B	10/29/19	
24.2-900 through 24.2-944	<i>Repealed by Acts 2006. Everything moved to 24.2-945 through 959.1.</i>			<i>Added to list 3/2019</i>

24.2-945.2	B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. <u>The reports shall be filed with the <b>State Board</b> if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the general registrar of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office.</u>	D	10/29/19	
24.2-945.2	C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing <u>on a form developed by the <b>State Board</b></u> . If the report is filed in writing, the report shall be (i) <u>received by the <b>State Board</b></u> or the general registrar, as appropriate, within 24 hours of the time when the funds were expended or (ii) <u>transmitted to the <b>State Board</b></u> or the general registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report <u>mailed to the <b>State Board</b></u> or the general registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended.	D	10/29/19	
24.2-946	A. <u>The <b>State Board</b> shall summarize the provisions of the election laws relating to the Campaign Finance Disclosure Act of 2006 and provide for distribution of this summary and prescribed forms to each candidate, person, or committee on request or upon their first filing with the <b>State Board</b> pursuant to this chapter, whichever occurs first.</u>	D	10/29/19	
24.2-946	B. <u>The <b>Board</b> shall designate the forms required for complying with this chapter which shall be the only such forms used in complying with the provisions of this chapter.</u>	D	10/29/19	
24.2-946	C <u>The <b>Board</b> shall provide, with the summary required by this section, instructions for persons filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall include directions for the reporting of filing fees for any party nomination method.</u>	D	10/29/19	
24.2-946	D. <u>The <b>Board</b> shall provide instructions for candidates who seek election for successive terms in the same office for the filing of reports within each appropriate election cycle for the office and for the aggregation of contributions within each election cycle.</u>	D	10/29/19	
24.2-946	E. <u>The <b>Board</b> shall provide, with the summary required by this section, to each candidate, person, or committee on request or upon their first filing with the <b>State Board</b> pursuant to this chapter, whichever occurs first, a copy of a written explanation prepared by the Attorney General of the provisions of the Act that prohibit the personal use of campaign funds.</u>	D	10/29/19	

24.2-946.1	A. <u>The <b>State Board</b> of Elections shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of the campaign finance reports required by this chapter.</u>	B	10/29/19	
24.2-946.1	A. ... <u>The <b>State Board</b> may prescribe the method of execution and certification of ... electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board.</u>	D	10/29/19	
24.2-946.1	A. ... <u>The <b>State Board</b> may prescribe ...the procedures for receiving electronically filed campaign finance reports required by this chapter in the office of the <b>State Board</b> or any local electoral board.</u>	D	10/29/19	
24.2-946.1	A. ... <u>The <b>State Board</b> may provide campaign finance report-creation software to filers without charge or at a reasonable cost.</u>	D	10/29/19	
24.2-946.1	B. <u>The <b>State Board</b> shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the <b>Board</b> and using software meeting standards approved by it.</u>	D	10/29/19	
24.2-946.1	B. ... <u>This information shall be made available to the public promptly by the <b>Board</b> through the Internet.</u>	D	10/29/19	
24.2-946.1	C. <u>The <b>State Board of Elections</b> shall develop and implement a centralized system to accept reports from any candidate for local or constitutional office. Such reports shall be filed in accordance with, and using software that meets, standards approved by the <b>State Board</b>.</u>	B	10/29/19	
24.2-946.1	C. ... <u>The <b>State Board</b> shall promptly notify the general registrar of the locality in which a candidate resides and make the information contained in the report available to the general registrar.</u>	D	10/29/19	
24.2-946.1	C. ... <u>In the case of a former candidate who is no longer seeking election but has not yet filed a final report as required by § 24.2-948.4, the <b>State Board</b> shall promptly notify the general registrar of the locality in which he sought office and make the information contained in the report available to such general registrar.</u>	D	10/29/19	

24.2-946.1	D. The <b>State Board</b> shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.	D	10/29/19	
24.2-946.1	E. Other campaign finance reports required by this chapter <u>to be filed by a committee with the <b>State Board</b></u> or a general registrar, or both, may be filed electronically on terms <u>agreed to by the committee and the <b>Board</b></u> .	D	10/29/19	
24.2-946.2	A. ... Upon request from an individual granted protected voter status under the provisions of subsection B of § <u>24.2-418</u> , <u>the <b>State Board</b> shall replace the individual's residence address in copies of campaign finance reports</u> available to the public with the individual's alternative mailing address found in the Virginia voter registration system.	D	10/29/19	
24.2-946.2	B. The following applies to campaign finance reports filed by candidate campaign committees: 2. <u>The <b>State Board</b> shall file and preserve as part of its records the reports required to be filed with it by this chapter</u> for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain. Thereafter, <u>the <b>State Board</b> shall forward the reports it preserves to The Library of Virginia</u> for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).	D	10/29/19	
24.2-946.2	C. The following applies to campaign finance reports filed by political committees: 2. <u>The <b>State Board</b> shall file and preserve as part of its records the reports required to be filed with it by this chapter</u> for at least four years after the reporting deadline or one year after the final report is filed. Thereafter, <u>the <b>State Board</b> shall forward the reports it preserves to The Library of Virginia</u> for preservation under the Virginia Public Records Act (§ <u>42.1-76</u> et seq.).	D	10/29/19	
24.2-946.3	A. <u>It shall be the duty of the <b>State Board</b> to report any violation of the provisions of this chapter</u> to the appropriate attorney for the Commonwealth. <u>The <b>State Board</b> shall report to the attorney for the Commonwealth of the City of Richmond</u> in the case of reporting requirements for campaign committees for statewide office and <u>to the attorney for the Commonwealth of the county or city of the residence</u> of a candidate for the General Assembly. For political committees, <u>the <b>State Board</b> shall report the violation to the attorney for the Commonwealth of the City of Richmond</u> . If all the officers of a political committee are residents of one county or city as shown on the statement of organization required by this chapter, <u>the <b>State Board</b> shall report violations for that political committee to the attorney for the Commonwealth of that county or city</u> .	D	10/29/19	
24.2-946.3	C. In order to fulfill the duty to report violations pursuant to subsections A and B, <u>the <b>Board</b> shall establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the provisions of this chapter and for verifying that reports are complete and submitted on time</u> . As part of the system referred to in this subsection, the general registrar	D	10/29/19	

	for each county and city shall be required, in accordance with instructions provided by the <b>Board</b> , to receive, catalog, and review the reports filed with the general registrar and to verify that the reports are complete and submitted on time.			
24.2-946.3	D. <b>The State Board</b> , and the general registrar in accordance with the instructions of the State Board, (i) shall assess and collect the civil penalties provided in Article 8 (§ 24.2-953 et seq.) and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the Commonwealth for enforcement.	D	10/29/19	
24.2-946.3	E. <b>The State Board</b> , or the general registrar in accordance with the instructions of the State Board, shall notify, no later than 21 days after the report due date, any person submitting an incomplete report of the need for additional information. <b>The State Board</b> , or the general registrar in accordance with the instructions of the State Board, may request additional information to correct obvious mathematical errors and to fulfill the requirements for information on the reports.	D	10/29/19	
24.2-946.3	F. Upon notice of a violation of this chapter, <b>the State Board</b> or the general registrar shall within 90 days of the report deadline notify the appropriate attorney for the Commonwealth, who shall initiate civil proceedings to enforce the civil penalties assessed by the <b>State Board</b> or the general registrar as provided herein. Any civil penalties collected pursuant to action by the <b>State Board</b> shall be payable to the State Treasurer for deposit to the general fund, and any civil penalties collected pursuant to action by a general registrar shall be payable to the treasurer of the locality for deposit to its general fund.	B	10/29/19	
24.2-946.3	G. In the case of any political committee that is required to file a statement of organization pursuant to this chapter, <b>the State Board</b> shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.	B	10/29/19	
24.2-946.3	H. <b>The State Board</b> shall notify the public through its official Internet website of any violation based on the failure to file a required report by a candidate for statewide office or the General Assembly and the identity of the violator.	D	10/29/19	
24.2-946.3	I. <b>The State Board</b> shall determine the schedule of civil penalties required to be followed by its staff and general registrars in assessing penalties under this chapter. No election official or staff may waive or reduce such penalties, except as provided in 24.2-946.4.	B	10/29/19	
24.2-946.4	A. <b>The State Board</b> shall provide instructions to filers for delivery of campaign finance reports within the time periods prescribed by law.	D	10/29/19	

24.2-946.4	B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this chapter shall be entitled to a 72-hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild, or sibling died within the 72 hours before the deadline. <u>The State Board</u> or the general registrar shall be authorized to grant an extension of the filing deadline for a period not to exceed five days for good cause shown by the filer and found by the Board or registrar sufficient to justify the granting of the extension.	D	10/29/19	
24.2-946.4	E. <u>The State Board</u> shall have authority to extend any deadline applicable to reports required to be filed by computer or electronic means in the event of a failure of the computer or electronic filing system that prevents timely filing. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.	D	10/29/19	
24.2-946.4	F. <u>The State Board</u> shall have authority also to grant extensions as provided in §§ 24.2-503 and 24.2-948.3.	B	10/29/19	
24.2-946.5	A. <u>The State Board</u> or the general registrar of any county or city may close the file of any candidate campaign committee or political committee required to file with it provided the committee and the Board or registrar cannot locate either the candidate or his campaign treasurer, or in the case of any political committee, the Board or registrar cannot locate the treasurer or custodian of the books of the committee. A candidate campaign committee file shall not be closed if the candidate has filed a report with the Board or registrar for any campaign for any office within the prior five years. A political committee file shall not be closed if the committee has filed a report within the prior five years.	B	10/29/19	
24.2-946.5	B. Once the committee's file has been closed, no more reports will be due and no additional penalties for failure to file will accrue. However, if the whereabouts of the candidate or his campaign treasurer, or in the case of any political committee, the treasurer or custodian of the books of the committee, later becomes known to <u>the Board</u> or registrar, it may reopen the file and send notice to the candidate, or in the case of any political committee, the treasurer or custodian of the books of the committee, requesting that he file the appropriate reports and pay any penalties that were levied before the file was closed by it.	B	10/29/19	
24.2-947.1	B. Candidates for statewide office shall file the statement with the <b>State Board</b> . Candidates for the General Assembly shall file the statement with the <b>State Board</b> and a copy of the statement with the general registrar of the locality of the candidate's residence. Candidates for local or constitutional office shall file the statement with the general registrar and, if the statement indicates that the candidate committee will be filing electronically, a copy with the <b>State Board</b> .	D	10/29/19	
24.2-947.1	D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the candidate shall file notice of any changes in the information provided on the form within 10 days of the change with the <b>State Board</b> , local electoral board, or both, as appropriate.	D	10/29/19	

24.2-947.3	B. In the event of the death, resignation, removal, or change of the treasurer, <u>the candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the <b>State Board</b></u> , general registrar, or both, as provided in subsection B of 24.2-947.1.	D	10/29/19	
24.2-947.3:1	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, <u>the candidate campaign committee shall</u> (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) <u>verify that number with the <b>State Board</b></u> .	D	10/29/19	
24.2-947.4	A. <u>The reports required by this article shall be filed on a form prescribed by the <b>State Board</b></u> and shall include all financial activity of the campaign committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § <u>24.2-1016</u> .	D	10/29/19	
24.2-947.4	F. <u>The <b>State Board</b> shall provide for a "no activity" report</u> that may be filed for any reporting period in which the filer has no activity to report.	D	10/29/19	
24.2-947.5	A. Candidates for statewide office and for the General Assembly shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.	D	10/29/19	
24.2-947.5	B. <u>Candidates for local or constitutional office in any locality with a population of more than 70,000 shall file reports required by this article with the <b>State Board</b></u> by computer or electronic means in accordance with the standards approved by the <b>State Board</b> . <u>All other candidates for local or constitutional office may file reports required by this article with the <b>State Board</b></u> by computer or electronic means in accordance with the standards approved by the <b>State Board</b> . Candidates who file by electronic means with the <b>State Board</b> are not required to file reports with the general registrar of the locality in which the candidate resides.	D	10/29/19	
24.2-947.5	E. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.	D	10/29/19	
24.2-947.9	B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy on and after the eleventh day preceding (i) a primary and before the primary date, (ii) a general election and before the general election date, or (iii) any other election in which	D	10/29/19	



	the individual is a candidate and before the election day, shall be reported in writing as provided in 24.2-947.4 and 24.2-947.5 or electronically pursuant to 24.2-946.1, and the report shall be received by the State Board or general registrar, as appropriate, by 11:59 p.m. on the following day or for a contribution received on a Saturday by 11:59 p.m. on the following Monday.			
24.2-948.1	A. ... The request for an exemption shall be filed with the general registrar of the county or city where the candidate resides <u>on a form prescribed by the <b>State Board</b></u> and in accordance with <u>instructions by the <b>State Board</b></u> for the time for filing and the process for approval by the general registrar.	D	10/29/19	
24.2-948.1	D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, <u>may purchase voter lists from the <b>State Board</b></u> under the provisions of §§ <u>24.2-405</u> and <u>24.2-406</u> with a check drawn on the candidate's personal account.	D	10/29/19	
24.2-948.3	A. ... For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) <u>the <b>State Board</b></u> or general registrar, whichever is appropriate, <u>has notified the candidate, at least 60 days prior to the applicable deadline for him to file his written statement of qualification</u> set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.	D	10/29/19	
24.2-948.3	B. <u>The authority of the <b>State Board</b> to grant an extension of the deadline established in § 24.2-503</u> shall include the authority to grant such extension with respect to the requirements of this section.	B	10/29/19	
24.2-949.2	A. Except as provided in subsection B or C, <u>each political action committee</u> that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year <u>shall file with the <b>State Board</b> a statement of organization</u> within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this chapter. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.	D	10/29/19	
24.2-949.2	A. ... <u>The <b>State Board</b> shall not register or issue a registration number to any political action committee that fails</u> to state pursuant to subdivision 3 that its primary purpose is to influence the outcome of nonfederal elections in Virginia.	D	10/29/19	

24.2-949.2	C. ... The State Board shall be required to provide a link from its Internet website to the federal political action committee's electronically displayed Federal Election Commission campaign finance disclosure reports.	D	10/29/19	
24.2-949.5	A. <u>The reports required by this article shall be filed on a form prescribed by the <b>State Board</b> and shall include all financial activity of the political action committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-949.5	G. <u>The <b>State Board</b> shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-949.6	A. <u>Political action committees shall file the prescribed campaign finance reports with the <b>State Board</b> in accordance with the applicable provisions of this section.</u>	D	10/29/19	
24.2-949.6	D. ... After September 30, or after the date a political action committee has filed its statement of organization if the political action committee has filed its statement of organization on or after October 1, and until the November election day, <u>the political action committee shall report any single contribution of \$500 or more to the <b>State Board</b> in writing or electronically pursuant to § 24.2-946.1, and the report shall be received by the <b>State Board</b> by 11:59 p.m. on the following day, or for a contribution received on a Saturday, by 11:59 p.m. on the following Monday.</u>	D	10/29/19	
24.2-949.7	In addition to the quarterly reports required by § 24.2-949.6, political action committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the <b>State Board</b> and shall be filed in writing or electronically in the same manner as the political action committee files its quarterly disclosure reports.</u>	D	10/29/19	
24.2-949.8	A. <u>Political action committees required to file reports by this article shall file all statements and campaign finance reports with the <b>State Board</b>.</u>	D	10/29/19	
24.2-949.8	B. <u>A political action committee that is required by this chapter to file reports with the <b>State Board</b>, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the <b>State Board</b> by computer or electronic means in accordance with the standards approved by the <b>State Board</b> until such time as the</u>	D	10/29/19	

	political action committee files a final report.			
24.2-949.8	C. For political action committees that are not subject to the provisions of subsection B, any report required to be filed with the State Board shall be deemed to be filed by the deadline for the report if it is mailed and postmarked not later than the deadline for filing the report.	D	10/29/19	
24.2-949.8	B. ... <u>Any political action committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the <b>State Board</b>, to exempt the committee from the electronic filing requirement for the calendar year.</u>	D	10/29/19	
24.2-949.9	A. <u>Any political action committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 shall so notify the <b>State Board</b>.</u>	D	10/29/19	
24.2-949.9:1	D. On the same day that an <u>out-of-state political committee submits its statement of organization to the <b>State Board</b></u> , (i) it shall file a list of each contributor who has contributed to the committee \$2,500 or more in the aggregate between the immediately preceding January 1 and the date on which the statement of organization is filed with the contributor's name, address, occupation, employer, and place of business and the dates and amounts of the contributor's contributions during the period covered by the report; and (ii) it shall file a report of the contributions it has made to candidate campaign committees or political committees registered with the <b>State Board</b> between the immediately preceding January 1 and the date on which the statement of organization is filed.	D	10/29/19	
24.2-949.9:2	B. After the committee has met the requirements of § <u>24.2-949.9:1</u> and upon making any contribution to a candidate campaign committee or political committee registered in Virginia, <u>the committee shall report its contributions and contributors in accordance with subsection C to the <b>State Board of Elections</b> by computer or electronic means as prescribed in § 24.2-946.1.</u>	D	10/29/19	
24.2-949.9:3	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any other out-of-state political committee, an <u>out-of-state political committee shall (i) request its <b>State Board of Elections</b> registration number from that other out-of-state political committee and (ii) verify that number with the <b>State Board</b>.</u>	D	10/29/19	
24.2-949.9:4	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, a <u>political committee shall (i) request the federal political action committee's or out-of-state political committee's <b>State Board of Elections</b> registration number from the committee and (ii) verify</u>	D	10/29/19	

	that number with the <b>State Board</b> .			
24.2-950.2	Except as provided in § 24.2-950.1, <u>each political party committee that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year shall file with the State Board a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this article. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.</u>	D	10/29/19	
24.2-950.4	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the political party committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-950.4	G. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-950.7	In addition to the quarterly reports required by § 24.2-950.6, political party committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.</u>	D	10/29/19	
24.2-950.8	A. ... <u>Any political party committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	D	10/29/19	
24.2-950.8	C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or with the State Board and the general registrar for its jurisdiction if filing campaign finance reports by nonelectronic means.	D	10/29/19	

24.2-950.9	A. <u>Any political party committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 shall so notify the <b>State Board</b>.</u>	D	10/29/19	
24.2-951.1	A. <u>Any referendum committee subject to the provisions of this article shall file with the <b>State Board</b> a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of the pertinent amounts stated in the definition of referendum committee in § 24.2-945.1. Any change in information previously submitted in a statement of organization shall be reported to the <b>State Board</b> within 10 days following the change.</u>	D	10/29/19	
24.2-951.3	A. <u>The reports required by this article shall be filed on a form prescribed by the <b>State Board</b> and shall include all financial activity of the referendum committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-951.3	F. <u>The <b>State Board</b> shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-951.7	In addition to the reports required by §§ 24.2-951.4, 24.2-951.5 and 24.2-951.6, referendum committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the <b>State Board</b> and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.</u>	D	10/29/19	
24.2-951.8	A. <u>Referendum committees required to file statements or reports by this article shall file all reports with the <b>State Board</b>.</u>	D	10/29/19	
24.2-951.8	B. A referendum committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the referendum committee files a final report or until subject to the provisions of subsection B of § 24.2-951.1.	D	10/29/19	

24.2-951.8	C. <u>Any referendum committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the <b>State Board</b>, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	D	10/29/19	
24.2-951.9	A. <u>Any referendum committee that disbands after having filed a statement of organization shall so notify the <b>State Board</b>.</u>	D	10/29/19	
24.2-952.1	<u>Each inaugural committee shall file with the <b>State Board</b> a statement of organization within 10 days after its organization. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.</u>	D	10/29/19	
24.2-952.3	A. <u>The reports required by this article shall be filed on a form prescribed by the <b>State Board</b> and shall include all financial activity of the inaugural committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-952.3	F. <u>The <b>State Board</b> shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-952.5	<u>In addition to the reports required by § 24.2-952.4, inaugural committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the <b>State Board</b> and shall be filed in writing or electronically in the same manner as the committee files its quarterly disclosure reports.</u></u>	D	10/29/19	
24.2-952.6	A. <u>Inaugural committees required to file reports by this chapter shall file all campaign finance reports with the <b>State Board</b>.</u>	D	10/29/19	
24.2-952.6	B. <u>An inaugural committee that is required by this chapter to file reports with the <b>State Board</b>, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the <b>State Board</b> by computer or electronic means in accordance with the standards approved by the State Board until such time as the committee files a final report.</u>	D	10/29/19	

24.2-952.6	C. <u>Any inaugural committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the <b>State Board</b>, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	D	10/29/19	
24.2-952.7	A. <u>Any inaugural committee that, after having filed a statement of organization, disbands shall so notify the <b>State Board</b>.</u>	D	10/29/19	
24.2-953	D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or a general registrar. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.	B	10/29/19	
24.2-953.3	G. <u>The <b>State Board</b> shall notify the public through its official Internet website of a failure to file a complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.</u>	D	10/29/19	
24.2-953.4	C. If the report or information required to complete the report is not filed within the seven-day period, the Commissioner shall assess against the candidate and treasurer, who shall be jointly and severally liable, a civil penalty of \$500 for each day that the violation continues on and after the eighth day following the date of mailing the written notice. The Commissioner may grant an additional period for compliance, not to exceed two weeks, for good cause shown and in response to a request filed within the seven-day period. However, no additional period shall be granted for compliance with the requirement under subdivision A 8 of § 24.2-947.6 to file a report not later than the eighth day before the election. <u>The <b>State Board</b> shall notify the public through its official Internet website of the violation and identity of the violator.</u>	D	10/29/19	
24.2-953.5	C. <u>The <b>State Board of Elections</b> shall institute proceedings pursuant to § 24.2-104 against any committee that fails to comply with the provisions of § 24.2-947.3:1, 24.2-949.2, 24.2-949.9:1, 24.2-949.9:2, 24.2-949.9:3, or 24.2-949.9:4 and, after notice by the State Board, continues for more than five days to remain noncompliant.</u>	B	10/29/19	
24.2-955.3	D. <u>The <b>State Board</b>, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.</u>	B	10/29/19	

24.2-955.3	D. ... At least 10 days prior to such hearing, <u>the State Board shall send notice by certified mail to persons whose actions will be reviewed at such meeting and may be subject to civil penalty. Notice shall include the time and date of the meeting, an explanation of the violation, and the maximum civil penalty that may be assessed.</u>	D	10/29/19	
24.2-959.1	<u>The person making the telephone call shall disclose the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ 24.2-945 et seq.), the full name of the committee and a registration number provided by the State Board; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.</u>	D	10/29/19	
24.2-959.1	<u>The person making the telephone call shall disclose the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ 24.2-945 et seq.), the full name of the committee and a registration number provided by the State Board; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.</u>	D	10/29/19	
10.1-528	The expenses of such elections shall be paid by the counties or cities concerned. <u>The State Board of Elections shall publish, or have published within the district, the results of the election.</u>	D	10/29/19	
			10/29/19	
30-19.9	When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, <u>the State Board of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. The State Board shall post the explanation on its site on the Internet. It also shall cause such explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the election at which the proposed</u>	D	10/29/19	



	amendment is to be presented to the people.			
30-19.10	Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to the voters by the General Assembly, <u>the State Board of Elections shall cause to be printed and distributed</u> to the general registrar of each county and city, not less than ninety days prior to the election, copies of information about the referendum to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. <u>The State Board of Elections also shall cause the information to be published</u> by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.	D	10/29/19	
30-19.10	<u>The State Board of Elections also shall cause the explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.</u>	D	10/29/19	
30-19.9	When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, the <u>State Board of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election.</u>	D	10/29/19	
30.19.9	<u>The State Board shall post the explanation on its site on the Internet. It also shall cause such explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the election at which the proposed amendment is to be presented to the people.</u>	D	10/29/19	



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# Campaign Finance Regulations for Print Media Advertisements

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BOARD WORKING PAPERS  
Daniel Davenport  
ELECT Policy Analyst



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise  
From: Daniel Davenport, Policy Analyst  
Date: June 22, 2021  
Re: Campaign Finance Regulations for Print Media Advertisements

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**Suggested motion for a Board member to make:**

"I move that the Board approve the Department's proposal for regulatory action regarding print media requirements for political campaign advertisements"

**Applicable Code Section:** §§ 24.2-956 and 24.2-956.1

**Attachments:**

- Proposed regulation 1VAC20-90-40

**Background:**

House Bill 1238 from Virginia's 2020 General Assembly Session instructs the State Board of Elections to promulgate regulations for the implementation of the bill's provisions. The State Board is to implement these regulations no later than July 1, 2021 with enforcement delayed until January 1, 2024. This regulation shall be included in the provisions of law summarized by the State Board under § 24.2-946 of the Code of Virginia.



**Agency:** The State Board of Elections

**Virginia Administrative Code (VAC) citation(s):** 1VAC20-90-40

**Regulation Title(s):** Disclosure Statement Requirements on Print Media Advertisements

**Date before State Board of Elections:** June 22, 2021

**Brief Summary:** The purpose of this regulation is to guarantee that disclosure statements on certain political print media advertisements are displayed in a conspicuous manner and are proportionate to the size of the advertisement. The requirements in this proposed amendment are similar to federal print media advertisement requirements established by the Federal Election Commission under 11 CFR § 110.11.

The proposed regulation has a few key features. This regulation sets standards for the disclosure statements on print advertisements sponsored by a candidate campaign committee or by a person or political committee other than the candidate campaign committee. Print advertisements from these parties must have disclosure statements that are clear and conspicuous. For an advertisement that is 24x36 inches or smaller, 12 point font meets this requirement. The disclosure statement must be in a printed box set apart from the other contents of the communication. Further, the disclosure statement must have a reasonable degree of color contrast with the advertisement's background. Parties can meet this requirement by placing black print on a white background. Parties can also meet this requirement if the degree of contrast between a disclosure statement and an advertisement's background is no less than the contrast between the background and the largest text on the advertisement.

**Regulation Text:**

The following standards apply to print media advertisements under §§ 24.2-956 and 24.2-956.1 of the Code of Virginia.

A. Any disclosure statement required under either § 24.2-956 or §24.2-956.1 of the Code of Virginia must be presented in a clear and conspicuous manner to give the reader notice of the candidate, candidate campaign committee, person, or political committee that paid for and, where required, that authorized the communication. A disclosure statement is not clear and conspicuous if it is difficult to read or if the placement is easily overlooked.

B. The disclosure statement must be of sufficient type size to be clearly readable by the recipient of the communication. A disclosure statement in twelve (12)-point type size satisfies the requirements of this paragraph when it is used for signs, posters, flyers, newspapers, magazines, or other printed materials that measure no more than twenty-four (24) inches by thirty-six (36) inches.



C. The disclosure statement must be contained in a printed box set apart from the other contents of the communication.

D. The disclosure statement must be printed with a reasonable degree of color contrast between the background and the disclosure statement. A disclosure statement satisfies the color contrast requirement of this paragraph if it is printed in black text on a white background or if the degree of color contrast between the background and the text of the disclosure statement is no less than the color contrast between the background and the largest text used in the communication.

E. The disclosure statement need not appear on the front or cover page of the communication as long as it appears within the communication, except on communications, such as billboards, that contain only a front face.

F. A communication that would require a disclosure statement, if distributed separately, that is included in a package of materials, must contain the required disclosure statement.



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# Absentee Witness Signatures during State of Emergency

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BOARD WORKING PAPERS  
Daniel Davenport  
ELECT Policy Analyst



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise  
From: Daniel Davenport, Policy Analyst  
Date: June 22, 2021  
Re: Absentee Witness Signatures during State of Emergency

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**Suggested motion for a Board member to make:**

"I move that the Board approve this proposed regulatory action regarding absentee ballot witness signatures during a state of emergency"

**Applicable Code Section:**

§ 24.2-707

**Attachments:**

Proposed regulation 1VAC20-70-80

**Background:**

This proposed regulatory action would guide the Department of Elections and local election officials in administering Code of Virginia section § 24.2-707. Effective July 1, 2021, The General Assembly has amended this section of the Code of Virginia so that absentee voters are not required to obtain witness signatures on absentee ballot envelopes "for any election held during a declared state of emergency related to a communicable disease of public health threat."

The General Assembly passed this legislation in light of the COVID-19 pandemic, and this provision would apply to future emergencies. The regulation seeks to clarify the law to avoid ambiguity, allow election officials ample time to prepare for absentee balloting in advance of an election, and promote uniformity among absentee voters who submit absentee ballots during the 45-day absentee voting period leading up to Election Day.



**Agency:** The State Board of Elections

**Virginia Administrative Code (VAC) citation(s):** 1VAC20-70-80

**Regulation Title(s):** Absentee Ballot Witness Signatures during Qualifying State of Emergency

**Date before State Board of Elections:** June 22, 2021

**Brief Summary:** The purpose of this regulation is to clarify the absentee ballot witness signature requirements under §24.2-707 of the Code of Virginia. The regulation seeks to avoid ambiguity, allow election officials ample time to prepare for absentee balloting in advance of an election, and promote uniformity among absentee voters who submit absentee ballots during the 45-day absentee voting period leading up to Election Day.

**Regulation Text:**

A “declared state of emergency related to a communicable disease of public health threat” (“state of emergency”) means a state of emergency declared by the Governor of Virginia pursuant to his authority under Article V, Section 7 of the Constitution of Virginia in response to a communicable disease of public health threat, as defined in § 44-146.16 of the *Code of Virginia*.

If such a state of emergency is declared prior to the start of an election’s in person absentee voting under § 24.2-701.1 of the *Code of Virginia* and is ongoing at the beginning of the in person absentee voting period, then a witness signature is not required on any absentee ballot otherwise validly submitted for that election. This rule applies to all absentee ballots submitted for that election, including any absentee ballot submitted after the state of emergency has ended.

If the Governor of Virginia declares such a state of emergency during the in person absentee voting period preceding Election Day, no absentee ballot returned after such declaration of state of emergency requires a witness signature. This rule applies to any absentee ballots submitted after the state of emergency has ended.





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# Absentee 3rd Party Vendor Regulations

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BOARD WORKING PAPERS  
Daniel Davenport  
ELECT Policy Analyst



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise  
From: Daniel Davenport, Policy Analyst  
Date: June 22, 2021  
Re: Absentee 3<sup>rd</sup> Party Vendor Regulations

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**Suggested motion for a Board member to make:**

"I move that the Board approve the Department's proposed regulation regarding third parties assembling and mailing absentee ballots"

**Applicable Code Section:**

§ 24.2-706

**Attachments:**

Proposed regulation 1VAC20-70-90

**Background:**

Senate Bill 1239 from the 2021 General Assembly Special Session I modifies § 24.2-706 of the Code of Virginia by inserting a new subsection (D). The addition permits general registrars to contract with third parties for the "printing, assembly, and mailing..." of absentee ballot envelopes and supporting materials described under § 24.2-706(C). The bill further states, "The State Board of Elections shall promulgate regulations to implement the provisions of this act to be effective within 60 days of its enactment. Such regulations shall include processes that ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors."



**Agency:** The State Board of Elections

**Virginia Administrative Code (VAC) citation(s):** 1VAC20-70-90

**Regulation Title(s):** Requirements for Third Parties Mailing and Assembling Absentee Ballots

**Date before State Board of Elections:** June 22, 2021

**Brief Summary:** The purpose of this regulation is to prescribe processes that ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors.

**Regulation Text:**

Any agreement between a general registrar and a third party for the printing, assembling, and mailing of the items described in § 24.2-706(C) of the Code of Virginia pursuant to § 24.2-706(D) of the Code of Virginia must comply with the terms of this regulatory action.

1. To ensure the secure and timely delivery of voter information to third parties, general registrars must comply with the following:
  - a. General registrars shall not provide any voter information to a third party contracted with under § 24.2-706 of the Code of Virginia except for the information stated in § 24.2-706(D) and the minimum information necessary to timely print, assemble, and/or mail the documents listed under § 24.2-706(C) of the Code of Virginia.
  - b. In sending the names, addresses, precincts, and ballot styles of voters to a third party, the general registrar will comply with the timelines established under § 24.2-612 of the Code of Virginia and any timelines issued by the Department of Elections.
  - c. In sending the names, addresses, precincts, ballot styles, and other necessary voter information to a third party, the general registrar will comply with any information security standards set by the Department of Elections.
  - d. As a security measure, general registrars shall use the data export file provided by the Department of Elections for the purpose of contracting with a third party under § 24.2-706 of the Code of Virginia.
  - e. General registrars are responsible for keeping a copy of any agreement with a third party made pursuant to § 24.2-706(D) for the duration of the agreement plus an additional two years. These copies may be stored either in a hard copy or electronically.
  - f. The general registrar is ultimately responsible for guaranteeing compliance with all relevant requirements under the Code of Virginia, including but not limited to the requirements of § 24.2-612 and § 24.2-706.
  - g. Upon forming a contract with a third party for the purpose of this regulation, the general registrar will provide the Department of Elections with a copy of the signed contract.



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2. To ensure timely reports of mailed absentee ballots from third parties, any agreement with a third party pursuant to § 24.2-706(D) shall include the following terms:
  - a. A party contracted for the printing, assembly, and/or mailing of absentee ballots is responsible for meeting all relevant deadlines under § 24.2-612 and § 24.2-706 of the Code of Virginia.
  - b. A party contracted for the printing, assembly, and/or mailing of absentee ballots shall not use voter information relating to those absentee ballots for any reason other than those permitted under § 24.2-706 of the Code of Virginia.
  - c. A party contracted for the mailing of absentee ballots under § 24.2-706 of the Code of Virginia is responsible for obtaining ballot artwork by means designated by the Department of Elections.
  - d. A party contracted for the mailing of absentee ballots under § 24.2-706 of the Code of Virginia is responsible for obtaining a certificate or other evidence of either first class or expedited mailing or delivery from the USPS or other commercial delivery provider in accordance with § 24.2-706 of the Code of Virginia.
  - e. A party printing, assembling, and/or mailing the materials listed in § 24.2-706 shall sign a statement before the work is commenced agreeing, subject to felony penalties for making false statements pursuant to § 24.2-1016 of the Code of Virginia, that they will print, assemble, and mail, as applicable, the ballots requested by the general registrar in accordance with the instructions given by the general registrar and meet all relevant requirements of sections § 24.2-612 and § 24.2-706 of the Code of Virginia.
  - f. A party mailing absentee ballots pursuant to § 24.2-706 must provide a status report within twenty-four (24) hours of the general registrar sending an absentee voter data file to the third party. The third party must confirm the mailing of absentee ballots to the general registrar within forty-eight (48) hours of the general registrar sending an absentee voter data file.
  - g. The contract between the general registrar and the third party will include penalties for a third party's delay in mailing absentee ballots.



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# Revised Stand by Your Ad Policy 2021-001

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BOARD WORKING PAPERS  
Tammy Alexander  
Campaign Finance Compliance and  
Training Specialist



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## Memorandum

**To:** Robert Brink, Chairman; John O'Bannon, Vice Chair; Jamilah LeCruise, Secretary  
**From:** Tammy Alexander, Campaign Finance Compliance and Training Specialist  
**Date:** June 22, 2021  
**Re:** Standard Operating Procedures for "Stand by Your Ad" Complaints

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### Suggested Motion

I move that the Board adopt the enclosed process for the Department of Elections' handling of complaints alleging violations of Chapter 9.5 Stand by Your Ad.

### Background

In preparation for upcoming campaign finance hearings, and to ensure consistent adjudication of Chapter 9.5 Stand by Your Ad (SBYA) complaints, the Department of Elections (ELECT) has prepared this standard operating procedure memo for your review.

### Overview

ELECT reviews complaints for completeness and sufficiency, identifies allegations of SBYA violations and provides copies of the complaints to the SBE, confirms receipt, notices the accused sponsor of the complaint (and of the scheduled hearing date), schedules the hearing for an upcoming SBE meeting and notices sponsor, and prepares memos documenting staff recommendations in advance of the hearing.

### Standard Operating Procedures

1. **ELECT receives complaint** via online complaint form, phone, email, or by mail
  - a. ELECT staff should forward the complaint or complainant to the appropriate ELECT staff member handling campaign finance, the day the complaint is received.
  - b. ELECT directs the complainant to the SBYA complaint form on the Virginia Department of Elections website to ensure all information is gathered and is consistent in form.
  
2. **ELECT reviews complaints for completeness and sufficiency**
  - a. Anyone may file a complaint with the State Board of Elections regarding possible violations of Virginia's SBYA campaign finance laws.
  - b. To allege a violation of Chapter 9.5 (SBYA), a complaint must contain all of the following:
    1. The name of the sponsor (person or party against whom allegations are made) *discussed 9/1/2015 SBE meeting.*
    2. Statement of the alleged violation, related to SBYA *discussed 10/6/2015 meeting.*
    3. Evidence, typically photographic *"in the case of print media, we typically require photographic evidence; in the case of radio or TV should identify the station and time aired"*
      - a. Criteria identified and proposed to the SBE 10/6/2015 include *"related to advertisement disclosure (phone calls, broadcast media: radio, TV, print media: newspaper, internet, yard signs, etc.), allegation is accompanied by evidence."*
  - c. If the complaint is **incomplete**, ELECT staff will reach out to the complainant by phone or email to explain what elements are missing and provide the opportunity to provide any



outstanding information to complete the request. ELECT staff will document the status of incomplete complaints and efforts to communicate with the complainant.

- d. If the complaint is **complete**, ELECT staff will review for **sufficiency**. The disputed conduct must allege a violation of Chapter 9.5 (SBYA).
  - i. If the disputed conduct does not allege a violation of Chapter 9.5 (SBYA), ELECT staff will provide notice of receipt but will recommend the Board takes no action. “The disclosure requirements of [Chapter 9.5] ... apply to any sponsor of an advertisement in the print media or on radio or television the cost of value of which constitutes an expenditure or contribution required to be disclosed” except for an individual who makes independent expenditures under certain amounts or to an individual incurring expenses related to a referendum. (The Code §24.2-955, **introduction to SBYA and scope of disclosure requirements.**)
  - ii. For violations of Chapter 9.3, the Code §24.2-946.3 requires that the Board (delegated to ELECT on 10/29/19) report any violations to the appropriate attorney for the Commonwealth.
3. **ELECT identifies allegations of SBYA violations and provides copies of the complaints to the SBE**
  - a. ELECT staff will review Chapter 9.5 SBYA complaints to determine the issues contained in it and establish when and how the matter should proceed.
4. **ELECT confirms receipt, notices the accused sponsor of the complaint and includes a copy of the complaint submitted**
  - a. ELECT sends automated confirmation of receipt to complainant.  
Draft language for “Notice of Receipt to Complainant”:  
*Thank you for submitting a complaint about a possible violation of Virginia campaign finance laws. The Department of Elections will review your documentation and provide you notice if the State Board of Elections chooses to hear this matter at a public hearing.*
  - b. ELECT sends notice of receipt of complaint to the sponsor. ELECT includes a copy of the complaint filed against the sponsor. The notice of receipt may suffice if the notice contains all the information required to be provided to the sponsor as per §24.2-955.3 and as outlined in #6 below.  
Draft language for “Notice of Receipt to Sponsor”:  
*This is a notice about a possible violation of Virginia’s Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by [name of committee]. A copy of the complaint filed is included herein. The State Board of Elections will hold a public meeting to determine whether a violation has occurred. [If staff have already scheduled the hearing, instead state “The State Board of Elections is holding a public meeting on [Date] at [Time] to determine whether a violation has occurred.”] You may attend and/or provide additional information to the Board that may be helpful in regarding this matter.  
The Code of Virginia 24.2-955.3 provides the following:*
    - A violation of Article 2 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$1,000; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500.
    - A violation of Article 3 or 4 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$1,000 per occurrence; or (ii) in the case of a violation occurring within the



14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500 per occurrence. In no event shall the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed \$10,000.

- A violation of Article 5 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$2,500.

For more information, please visit the Department website:

<http://www.elections.virginia.gov/board>.

**5. ELECT schedules the hearing for an upcoming SBE meeting**

- Complaints received January 1 through June 30 will be schedule for hearing at the the August SBYA SBE meeting.
- Complaints received July 1 through December 31 will be scheduled for hearing at the January SBYA SBE meeting.

**6. If notice of receipt did not also provide notice of hearing, ELECT notices the accused and complainant of the scheduled hearing date**

- No later than 14 days before a hearing, ELECT provides notice of allegation to accused sponsor of the date and time of the SBE meeting at which the violation will be heard. This correspondence will also include a copy of the complaint filed against the sponsor. Language includes the maximum penalties that may be assessed under 24.2-955.3.

- Attention: Accused is entitled to 10 days notice prior to the public hearing as per the Code §24.2-955.3.

- The complainant will be provided notice of the hearing and has the right to provide information to staff in advance of the meeting.
- Draft language for “Notice of Hearing to Sponsor”

*This is a notice about a possible violation of Virginia’s Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by [name of committee]. A copy of the complaint is included. The State Board of Elections is holding a public meeting on [Date] at [Time] to determine whether a violation has occurred.” You may attend and/or provide additional information to the Board that may be helpful in regarding this matter.*

*The Code of Virginia 24.2-955.3 provides the following:*

- A violation of Article 2 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$1,000; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500.
- A violation of Article 3 or 4 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$1,000 per occurrence; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500 per occurrence. In no event shall the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed \$10,000.
- A violation of Article 5 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$2,500.

For more information, please visit the Department website:

<http://www.elections.virginia.gov/board>.

- Draft language for “Notice of Hearing to Complainant”

*Thank you for submitting a complaint about a possible violation of Virginia campaign finance laws. The State Board of Elections is holding a public meeting on [Date] at [Time] to determine whether a violation has occurred.*





**7. ELECT prepares materials in advance of the meeting**

- a. Materials will include the complaints filed, along with any evidence presented or follow-up information from either the accused or the complainant.
- b. Staff will prepare memorandums advising the Board of the Department's recommendation with regard to whether to find a violation and what penalty to assess.
- c. ELECT will provide these materials to the Board no fewer than seven (7) days before the hearing date.



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# Drawing for Party Order on the Ballot

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BOARD WORKING PAPERS  
Paul Saunders  
Elections Administration Supervisor



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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## Memorandum

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To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise  
From: Paul G. Saunders, III, Elections Administration Supervisor  
Date: June 22, 2021  
Re: Ballot Order Drawing for elections occurring July 1, 2021 through April 30, 2022

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**Suggested motion for a Board member to make:**

"I move that the Board certify the determination by lot of the ballot order for all general and special elections being held July 1, 2021 through April 30, 2022."

**Applicable Code Sections:**

Va. Code § 24.2-613.B – "For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties."

Va. Code § 24.2-613.C – "... the State Board shall determine by lot the order of the political parties... 'recognized political parties' shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board..."

**Applicable Dates:**

All general and special elections between July 1, 2021 and April 30, 2022.

**ELECT Staff Recommendation:**

ELECT staff recommends that the Board determine by lot and then certify the ballot order for all general and special elections being held between July 1, 2021 and April 30, 2022.



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# Revised Absentee Ballot Application

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BOARD WORKING PAPERS  
David Nichols  
Elections Administration Manager



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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## Memorandum

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To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise  
From: Dave Nichols, Elections Services Manager  
Date: June 22, 2021  
Re: Revised Virginia Absentee Ballot Application Form (SBE-701-703.1)

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### Suggested motion for a Board member to make:

"I move that the Board adopt the revised Virginia Absentee Ballot Application form and the Virginia Permanent Absentee Voter Single Election Change form as presented by staff to become effective on July 1, 2021."

### Applicable Code Sections:

- § 24.2-701 Application for absentee ballot
- § 24.2-703.1 (Effective July 1, 2021) Permanent absentee voter list

### Attachments:

- Current SBE-701/703.1 Virginia Vote by Mail Application
- DRAFT (for approval) revised SBE-701/703.1 Virginia Absentee Ballot Application
- DRAFT Virginia Permanent Absentee Voter Single Election Change Form (SBE-703.1C)

### Background:

The Department of Elections has consulted with a workgroup of General Registrars and staff to develop changes to the current SBE-701/703.1 to comply with additional changes to law by the Virginia General Assembly that go into effect July 1, 2021. Some of these changes were passed in 2021 while others were passed in 2020, but with a delayed enactment date. This form continues the efficiency of combining the former separate SBE-701 and SBE-703.1 forms this Board adopted in 2020. The following summarizes the major changes to the form from the current version:

- Sections 2 and 3 were rearranged to provide voters with additional clarity on their options and required information for each when filling out the form.
- The "Annual Vote by Mail" section (current Section 3) has been changed to "Permanent Absentee Option" to reflect the change to Va. Code § 24.2-703.1 that becomes effective July 1, 2021.
- Current Section 7b has been removed to reflect changes to law in HB 1888 (2021) to Va. Code § 24.2-

416.1.

- The “Assistance with Ballot” section was modified to add an option for print-disabled voters to self-designate to receive a ballot electronically per the provisions of SB 1331 (2021) that become effective on July 1, 2021.
- The “Voter’s Statement + Signature” in Section 8 was changed to reflect a change to Va. Code § 24.2-703.1 that becomes effective July 1, 2021.
- Instructions on the back of the form were updated to reflect the changes to the main portion of the application.

Also attached for review and approval is the Virginia Permanent Absentee Voter Single Election Change form (SBE-703.1C). Va. Code § 24.2-703.1(C) (as it will be effective July 1, 2021) requires the State Board of Elections to “prescribe the process by which a voter on the permanent absentee voter list may” change the political party for which they receive absentee ballots for one election or for all elections, and that an absentee ballot be sent to a different address than the address in their voter registration record for one election. If approved by the Board, the SBE-703.1C will be the form voters on the permanent absentee list use to make such changes.

In the case of both of these forms, the Department of Elections will incur the cost of printing and providing sufficient number to each locality in the Commonwealth.

**Recommendation:**

The Department of Election recommends the State Board of Elections adopt the draft SBE-701/703.1 and draft SBE-703.1C for use in elections in the Commonwealth beginning July 1, 2021.

# Virginia Absentee Ballot Application Form

<b>Print your Personal Information</b>	1	Last Name: _____ First Name: _____
		Middle Name: _____ Suffix: _____
		Birth Year (optional): <input type="checkbox"/> Y <input type="checkbox"/> Y <input type="checkbox"/> Y <input type="checkbox"/> Y Social Security # (last 4 digits required): <input type="checkbox"/> # <input type="checkbox"/> # <input type="checkbox"/> # <input type="checkbox"/> # - <input type="checkbox"/> # <input type="checkbox"/> # - <input type="checkbox"/> # <input type="checkbox"/> # <input type="checkbox"/> # <input type="checkbox"/> #
<b>Permanent Absentee Option</b>	2	Do you want to vote by mail for <b>all future elections</b> ? <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.
		<b>Absentee Ballot for One Election</b>
<b>Address Where You Live</b>	4	Address: _____ Apt/Suite #: _____ City: _____ VA Zip Code: <input type="text"/> # <input type="text"/> # <input type="text"/> # <input type="text"/> # <input type="text"/> # <i>If rural address or homeless, describe residence.</i>
		<b>Ballot Mailing Address</b> if different from above
<b>Contact info</b> (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"/> # Email/Fax: _____

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

<b>Change of Name/ Address</b>	7a	Former Full Name: _____ Former Address: _____ Date Moved: MM / DD City: _____ State: _____ Zip code: <input type="text"/> # <input type="text"/> # <input type="text"/> # <input type="text"/> # <input type="text"/> #
		<b>Military or Overseas Voters</b>
<b>Assistance with Ballot</b>	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>
<b>Assistance with this Form</b>	7d	<b>Assistant, fill in your information below and sign if applicant is unable to sign due to disability:</b> Assistant's Full Name: _____ Phone: _____ Assistant's Address: _____ Apt/Suite: _____ City: _____ State: _____ Zip code: <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: _____

<b>Voter's Statement + Signature</b>	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> <b>Voter, sign here (or mark if unable):</b> <input checked="" type="checkbox"/> _____ Date: MM / DD / YY
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<b>Office use only</b>			
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			

# 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 Permanent Absentee Voter Single Election Change Form

<b>Who should use this form?</b>	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.
<b>Print your personal information</b>	<b>1</b> Last Name: _____ First Name: _____ Middle Name: _____ Suffix: _____ Birth Year (optional):   Y   Y   Y   Y   Social Security # (optional):   #   #   #   -   #   #   -   #   #   #   #
<b>Address where you live</b>	<b>2</b> Address: _____ Apt/Suite #: _____ City: _____ VA Zip Code:   #   #   #   #   #   <i>If rural address or homeless, describe residence.</i>
<b>I want to change the address where my ballot is sent.</b>	<b>3a</b> 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: <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
<b>Ballot mailing address</b>	<b>3b</b> 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: _____
<b>I would like to change the ballot I receive for a Primary Election</b>	<b>4</b> 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
<b>Contact info. (Optional)</b>	<b>5</b> Telephone:   #   #   #   -   #   #   #   -   #   #   #   #   Email/Fax: _____
<b>Voter's Statement + Signature</b>	<b>8</b> <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>  <b>Voter, sign here (or mark if unable):</b> X _____ Date: MM / DD / YY

<b>Privacy Act Notice:</b> 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.	<b>Warning:</b> 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.
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<b>Office use only</b>	Precinct: _____ District/Senate/House: _____ Application # _____ 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 Ballot sent by: <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	App accepted: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason not accepted: _____
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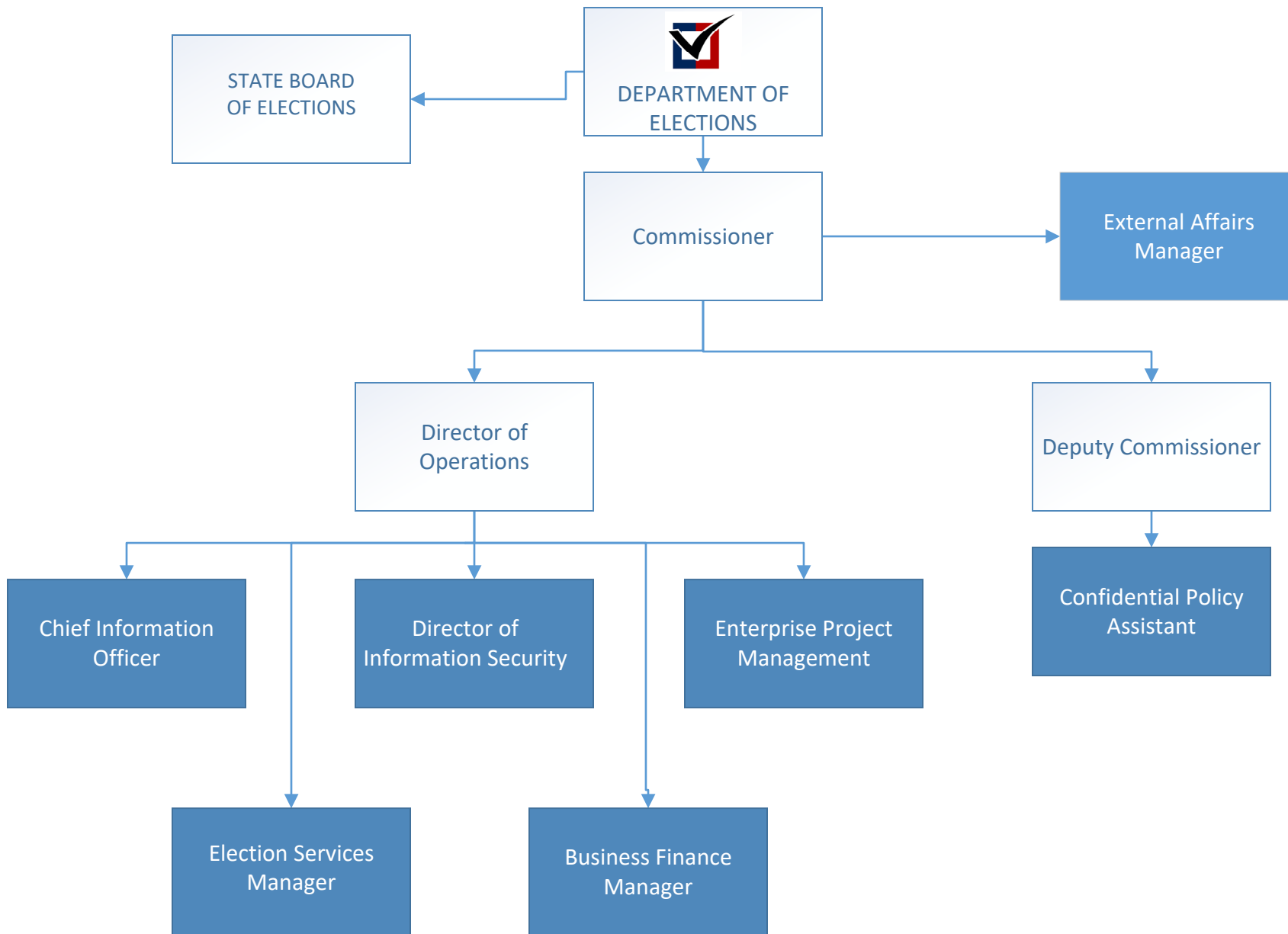
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STATE BOARD *of* ELECTIONS

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# ELECT's New Organizational Chart

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BOARD WORKING PAPERS  
Christopher Piper  
Commissioner





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STATE BOARD *of* ELECTIONS

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# Office of Attorney General Investigation – City of Richmond Electoral Board

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BOARD WORKING PAPERS  
Carol Lewis  
Office of Attorney General



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# Candidate Filing Extension

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BOARD WORKING PAPERS  
David Nichols  
Elections Administration Manager



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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**Memorandum**

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise  
From: Dave Nichols, Elections Services Manager  
Date: June 22, 2021  
Re: Candidate Filing Extension

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**Motion if Board DOES GRANT Extension:**

Move that the Board *grant* an extension pursuant to Virginia Code § 24.2-503 for candidates to file the Certificate of Candidate Qualification and/or Statement of Economic Interests in relation to the November 2021 General Election.

**Motion if Board DOES NOT Grant Extension:**

Move that the Board *does not grant* an extension pursuant to Virginia Code § 24.2-503 for candidates to file the Certificate of Candidate Qualification and/or Statement of Economic Interests in relation to the November 2021 General Election.

**Applicable Code Sections:** Va. Code § 24.2-501 and Va. Code § 24.2-503

**Background:** Pursuant to Va. Code § 24.2-501, an individual that wants to be a candidate for office must submit a Certificate of Candidate Qualifications and a Statement of Economic Interests. As these required elements of candidate filings, failure to submit one or both documents would prohibit an individual from having their name printed on the ballot and becoming a candidate.

Pursuant to Va. Code § 24.2-503, the State Board of Elections may grant an extension of the filing deadlines for the Certificate of Candidate Qualifications and a Statement of Economic Interests. Any extension granted may only be for a 10 day time period from the time the Department of Elections sends the notice of extension to affected candidates. If the State Board of Election grants an extension, the Department of Elections must notify all candidates who have failed to file one or both of the documents of the extension.

At this time, the Department of Elections has received requests for an extension from candidates. These letters are attached as part of your Working Papers.



Tyson, Franchelle &lt;franchelle.tyson@elections.virginia.gov&gt;

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**Fwd: Extension**

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**SBE - INFO, rr** <info@elections.virginia.gov>

Thu, Jun 10, 2021 at 4:21 PM

To: David Nichols &lt;david.nichols@elections.virginia.gov&gt;

Cc: Franchelle Tyson &lt;franchelle.tyson@elections.virginia.gov&gt;, Paul Saunders &lt;paul.saunders@elections.virginia.gov&gt;

Department of Elections  
1100 Bank Street, 1st Floor  
Richmond, Virginia 23219  
804 864-8901  
804 552-9745

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----- Forwarded message -----

From: **Greg Mullins** <gregmullins@live.com>

Date: Thu, Jun 10, 2021 at 4:21 PM

Subject: Extension

To: [info@elections.virginia.gov](mailto:info@elections.virginia.gov) <[info@elections.virginia.gov](mailto:info@elections.virginia.gov)>

**Gregory L. Mullins**  
**P. O. Box 911**  
**Abingdon, VA 24212**

June 8, 2021

Mr. Robert Brink, Chairman  
Virginia State Board of Elections  
Virginia Department of Elections  
Washington Building  
1100 Bank Street, First Floor  
Richmond, VA 23219

RE: Petition Signatures

Dear Mr. Brink:

I am a Independent candidate for the House of Delegates for the 4<sup>th</sup> District of Virginia. Because of the COVID 19 restrictions and location of the District, I could not get all my Signatures for the Petitions of Qualified Voters in by 7 pm Tuesday June 8, 2021. I am aware that the parties have until June 14 to get all their paperwork in, so I am requesting an extension to that date for me to file my Petition of Qualified Voters (SBE-506-521) in. I had people in the remote areas that could not

get the original forms to me by 7 pm Tuesday June 8, 2021 and was told by the local register that they could not be scanned and emailed to me. Please allow me to get my Petition of Qualified Voters to the register by end of the day Monday June 14, 2021. I think it is only fair that I be given the same date as the parties have to get their information in. Thank you and please allow me the same opportunity as the parties. It would not be fair to me if I am not given the same opportunity as the parties. I feel that I am being discriminated against just because I am running as an Independent.

Thank you for your cooperation in this matter.

If you have any questions or require or request any additional information, I can be reached at the address above.

Sincerely,

Gregory L. Mullins



State Board of Elections  
1100 Bank St.  
Richmond, VA 23219  
June 9, 2021

To Whom It May Concern

Hello, my name is Kellie Artrip and I am a candidate for the Commissioner of Revenue in my hometown of Radford, Virginia. This letter is to request an extension in order to file the necessary paperwork needed to deem me an official candidate for this office. I took this leap of faith in the hopes of becoming a bigger part of my community and its future. In doing so, I began the process of trying to navigate very unfamiliar territory with regard to running a campaign, filing documentation, and enlisting support from strangers.

I am supported by a local chairman and his committee who filed necessary paperwork on 6/3/21 to elect me as their candidate. In navigating the Department of Elections website and its vast amount of information, I proceeded to submit the Statement of Organization and received acceptance. This form was also mailed to the State Board of Elections (6/3/21) and an original copy was submitted to my local registrar's office (6/4/21). Upon arrival, the registrar was out for the day so I gave my documentation to the assistant registrar for processing. She reviewed the form and said everything looked in order. I then asked if this was the only form I needed to file to become an official candidate or were there any other forms I might need to submit; explaining that I was new to the process and wanted to make sure I was doing everything correctly. She stated that this was the only form I needed to turn in, so I trusted them, thanked them, and left feeling excited for the future.

On 6/8/21 at 7:50, my chairman supporter received a call from the local registrar stating I had been disqualified due to failure to file appropriate documentation within the filing deadline. Further discussion revealed I have unknowingly failed to submit the Certificate of Candidate Qualification and the Statement of Economic Interests. Devastated and panicked doesn't seem to cover the emotions felt as I scrambled to research my options, search and complete the missing forms, and reach out to anyone who I thought might be able to help.

I took a risk to try and make my corner of the world the best place it can be. I had to gain permission to run from my employer and break the news to my supervisor who is less than thrilled. I have two young children, my husband and I both work full time and are committed to putting in 110% to make this happen. All that said, I cannot let a few pieces of paper stand in my way without reaching out in the hopes that this Board will grant me an extension to file the additional documentation required which is completed and ready to be submitted. I appreciate your time and diligence to ensure the election process and its principles are upheld. I eagerly await your decision.

Thank You,



Kellie Artrip  
540-392-2852  
kb7899@msn.com

To Whom it May Concern

June 10<sup>th</sup> 20201

My name is Shaun C VanDyke, respectfully request an extension for filing paperwork to be placed on the ballot for School Board in Craig County VA Simmonsville District. I live at 8148 Little Mountain Road in New Castle VA 24127 and otherwise qualify to run for this office.

I intended to run for this office, however due to several Military Obligations due to my Service in the U.S. Army Reserves during the Months of April and May was unable to complete the required paperwork before the filing date. This has resulted in another individual running unopposed.

I do not feel this is how such an important position in our community should be filled. With the filing of some papers a mer hours before his potential opponent.

I am a First Sergeant in the U.S. Army Reserves holding a master degree in public administration. I believe that my experience and education can make a big difference in our local school system should I be given the opportunity to run.

Thank you for your consideration in this matter.

Shaun C VanDyke

8148 Little Mountain Rd

New Castle VA 24127

540-278-4893



Tyson, Franchelle &lt;franchelle.tyson@elections.virginia.gov&gt;

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**Fwd: 81st District, Va. House of Delegates Ballot Denial**

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**Election Administration, rr** <ea@elections.virginia.gov>  
To: Franchelle Tyson <franchelle.tyson@elections.virginia.gov>  
Cc: David Nichols <david.nichols@elections.virginia.gov>

Wed, Jun 16, 2021 at 9:15 AM

Requesting an extension.

**Elections Administration**

**Virginia Department of Elections**

**EA@Elections.Virginia.gov**

**Washington Building | 1100 Bank Street, 1st Floor, Richmond, VA 23219**

**(804) 864-8901**

**Fax: (804) 225-3706**



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----- Forwarded message -----

From: **Jeff Staples** <jeff4va@gmail.com>

Date: Tue, Jun 15, 2021 at 9:18 PM

Subject: 81st District, Va. House of Delegates Ballot Denial

To: <ea@elections.virginia.gov>

Cc: Jeff Staples <jeff4va@gmail.com>, Tyler Eldred <tylerjeldred@gmail.com>, John-Henry Doucette <jhd@princessanneindy.com>

Election Board,

It has come to my attention via a reporter, John-Henry Doucette, of the Princesse Anne Independent News, that the Board of Elections has said that I did not qualify for the ballot. That was a big surprise to me as I had been told by the Chesapeake Registrar, Mary Lynn Pinkerman that I was "good to go."

It seems that there was a mistake in filing the Statement of Economic Interest Form. I was delivering Ballot Petition Signatures to Ms. Pinkerman and she informed me that I had

not yet turned in my Statement of Economic Interest.

I have run for office three times before and I thought I knew the procedure, so I said, "I thought that went to Richmond." She replied that I should turn it in to her office.

On the morning of June 2, 2021, I emailed Ms. Pinkerman, informing her that I had the SOEI ready and planned to drop it off that day. I again asked in my email, if I needed to send a copy to Richmond? The reply email was "No, it just comes here." I have attached copies of this email exchange. I brought the signed forms on June 2, 2021 and left them with her office.

This is where the problem lies, I knew that there had been several changes in procedure this election cycle, mostly related to Covid - 19. For example the Electronic Ballot Petition that the Democrat Primary Candidates and then Statewide Candidates were allowed to use. Later, I finally saw a bulletin that was two weeks old, indicating that all Candidates would be able to use the Electronic petitions and that the Campaigns would be notified by email when the system was ready. I never received an email pertaining to that. So, when Ms. Pinkerman indicated that I needed to turn the SOEI form into the Chesapeake Registrar's Office. I did not question it beyond my initial and secondary encounters. I figured that Ms. Pinkerman would know better than me the changes that were going on with the procedures.

So I am asking you to certify my candidacy, on the ballot for the 81st District, Virginia House of Delegates. My volunteers and I worked through the Pandemic and inclement weather to gather the necessary signatures to qualify. With the pandemic, this was by far, the hardest we have had to work to garner those signatures. The people have signed, they want my campaign to be on the ballot and not be denied by a procedural mistake.

Ms. Pinkerman has done a masterful job, in her position. Her direction has led to a very fair re-division of precincts in Chesapeake. She has also directed flawless mail and in person voting for the citizens in Chesapeake. Every step has been designed to ensure that all voices were heard during the election cycles. I commend her performance immensely. Conversely, things happen, I understand.

I hope that you will grant my request to be certified on the ballot.

Thank you,

Jeff B. Staples  
[Jeff4Va@gmail.com](mailto:Jeff4Va@gmail.com)  
757-647-0410  
Jeff Staples  
[jeff4va@gmail.com](mailto:jeff4va@gmail.com)  
757-647-0410

----- Forwarded message -----

From: Mary Lynn Pinkerman <mlpinkerman@cityofchesapeake.net>  
To: Jeff Staples <jeff4va@gmail.com>  
Cc:  
Bcc:  
Date: Wed, 2 Jun 2021 15:01:25 +0000  
Subject: RE: Required forms

No it just comes here.

---

**From:** Jeff Staples <jeff4va@gmail.com>  
**Sent:** Wednesday, June 2, 2021 10:59 AM  
**To:** Mary Lynn Pinkerman <mlpinkerman@CityOfChesapeake.Net>  
**Subject:** Required forms

**ALERT:**External E-mail. Use caution when opening attachments or clicking links.

Good morning,

I have the

Statement of Economic Interest filled out and ready to deliver to you. Do I also need to send a copy to Richmond?

Thank you,

Jeff Staples

----- Forwarded message -----

From: Mary Lynn Pinkerman <mlpinkerman@cityofchesapeake.net>  
To: Jeff Staples <jeff4va@gmail.com>  
Cc:  
Bcc:  
Date: Wed, 2 Jun 2021 15:01:25 +0000  
Subject: RE: Required forms

No it just comes here.

---

**From:** Jeff Staples <jeff4va@gmail.com>  
**Sent:** Wednesday, June 2, 2021 10:59 AM  
**To:** Mary Lynn Pinkerman <mlpinkerman@CityOfChesapeake.Net>  
**Subject:** Required forms

**ALERT:**External E-mail. Use caution when opening attachments or clicking links.

Good morning,

I have the

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Thank you,

Jeff Staples

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**2 attachments**

 **2021 Required forms Email question response.eml**  
16K

 **2021 Required forms Email question response.eml**  
16K

## Subject: RE: Required forms

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**Mary Lynn Pinkerman** <mlpinkerman@cityofchesapeake.net>  
to Jeff Staples

You are viewing an attached message. Commonwealth of Virginia Mail can't verify the authentic

No it just comes here.

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**From:** Jeff Staples <[jeff4va@gmail.com](mailto:jeff4va@gmail.com)>  
**Sent:** Wednesday, June 2, 2021 10:59 AM  
**To:** Mary Lynn Pinkerman <mlpinkerman@CityOfChesapeake.Net>  
**Subject:** Required forms

**ALERT:**External E-mail. Use caution when opening attachments or clicking links.

---

Good morning,

I have the  
Statement of Economic Interest filled out and ready to deliver to you. Do I also need to send a copy to Richmond?  
Thank you,

Jeff Staples

Hi Dave,

I notice that we Radford Has a potential Candidate requesting an extension for the filing of Sel and CQ forms.

I'm out of town next week, so wanted to ask do I need to respond to the letter at all? Because this particular statement, is blaming my assistant for the lack of filing and I wish to address THAT issue.

“Upon arrival, the registrar was out for the day so I gave my documentation to the assistant registrar for processing. She reviewed the form and said everything looked in order. I then asked if this was the only form I needed to file to become an official candidate or were there any other forms I might need to submit; explaining that I was new to the process and wanted to make sure I was doing everything correctly. She stated that this was the only form I needed to tum in, so I trusted them, thanked them, and left feeling excited for the future.”

I did take that Friday off, to work the Saturday CAP. In fact I was available to Mrs. Artrip from the day of her nomination, throughout the week and weekend, until 7:00 pm primary night.

I found the Statement of Organization with a sticky that said, “hand delivered” with Date and time. There was no request to reach out to the candidate.

My assistant of 10 years, has been trained specifically to not certify paperwork completeness, but to inform the potential candidate to call me with their questions.

My assistant is one of the many small locality assistants who works 1 day a week, and she does not qualify or certify candidates.

Mrs. Artrip asserts that that my office told her the paperwork was complete. When, in fact, she was told to call the Registrar.

I have learned that she was told to reach out to me not only by my assistant, but by members of her party committee as well.

To date, I have never spoken to Mrs. Artrip, I've never seen Mrs. Artrip, and she has never called my office in the context of this candidacy.

This is a matter of a candidate simply not following through, failure to read and follow the simple instructions in the local candidate bulletin, then seeking to place blame where it does not belong.

It may be asked, why didn't I call the candidate?

I learned back in the 90's not to chase down candidate paper work, because it lends to appearance of favoritism. My office does NOT play that game.



If a candidate asks me, I will and always have, print, explain and, give them every piece of paper necessary to complete their candidacy, along with the candidate bulletins, instructions and will help any way I can.

This particular case is not one of extenuating circumstances, nor bad information from my assistant.

This is a case of placing blame for lack of follow through.

*Tracy D. Howard,*  
*CPGR, VREO, CGRV*  
General Registrar/ Director of Elections  
619 2<sup>nd</sup> St. Rm. 143  
Radford VA 24141



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# GR Candidate Extension

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BOARD WORKING PAPERS  
David Nichols  
Elections Administration Manager



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STATE BOARD *of* ELECTIONS

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**Memorandum**

**To:** Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise

**From:** Dave Nichols, Elections Services Manager

**Date:** June 22, 2021

**Re:** Request for Extension for General Registrar Certification

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**Suggested motion for a Board member to make:**

Move that the Board grant the request from the Electoral Board of Appomattox County for their General Registrar to have an additional three months until October 7, 2021 to complete the State Board of Elections Certification Program.

**Applicable Code Section:** VA. Code § 24.2-103 (C).

**Attachments:**

Your Board materials include the following:

- Copy of a formal request for extension from the Electoral Board of Appomattox County

**Background:**

Pursuant to VA Code § 24.2-103 (C), the State Board of Elections is required to “Provide for a certification program to be conducted by the State Board of Elections for the general registrars. Each general registrar is required to complete the certification program and receive his certification within the 12 months following initial appointment or any subsequent reappointment; failure to do so shall result in removal from office. **The State Board is authorized to grant a waiver requested by a local electoral board to extend, on a case-by-case basis, this deadline by up to three months.** The State Board is required to develop a training curriculum for the certification program and standards for completing the program and maintaining certification, including required hours of annual training.” [Emphasis added] The Electoral Board of Appomattox County has submitted a request to extend the deadline for their General Registrar to October 7, 2021.

**Recommendation:**

The Department of Elections recommends the State Board of Elections approve the requested extension.

ELECTORAL BOARD OF  
APPOMATTOX COUNTY  
APPOMATTOX, VIRGINIA 24522



State Board of Elections  
Washington Building  
1100 Band St., 1<sup>st</sup> Floor  
Richmond, VA 23219

June 16, 2021

Dear Sir or Madam,

This letter requests an extension to the time allowed for General Registrar certification for the Appomattox General Registrar, Patricia Morton. Please extend the time for three months, to October 7th, 2021.

Thank you for your consideration in this matter.

Sincerely,

Appomattox Electoral Board

Frank Poynter, Chair

Chuck Haney, Vice-Chair

Sharon Tenneil Beagle, Secretary



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# Public Comment

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BOARD WORKING PAPERS