



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Thursday, September 14, 2023
Martha Brissette Conference Room
Washington Building
Richmond, VA
Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=m89fbaab9662904e1b30c6c62350b73f8>

Meeting password: e3zJhQnzP79

Teleconference:

1-517-466-2023 US Toll
1-866-692-4530 US Toll-Free
Access Code: 2435 136 9508

1:00 P.M.



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Thursday, September 14, 2023

LOCATION: 1100 Bank St.

Washington Bldg – Room B-27

Richmond, VA 23219

TELECONFERENCE:

+1-517-466-2023 US Toll

+1-866-692-4530 US Toll Free

Access code: 2435 136 9508

VIDEO CONFERENCE:

<https://covaconf.webex.com/covaconf/j.php?MTID=m89fbaab9662904e1b30c6c62350b73f8>

Password: e3zJhQnzP79

TIME: 1:00 P.M.

I. CALL TO ORDER

John O'Bannon, Chairman

**II. APPROVAL OF MINUTES
A. AUGUST 15, 2023**

Georgia Alvis-Long, Secretary

III. PUBLIC COMMENT

IV. COMMISSIONER'S REPORT

*Susan Beals
Commissioner*

**V. CERTIFICATION OF AUGUST 29, 2023 SPECIAL
ELECTION**

*Paul Saunders
Elections and Registration Services
Supervisor*

**VI. FINALIZATION OF STAND BY YOUR AD DECISIONS
FROM THE AUGUST 15TH MEETING**

*Tammy Alexander
Campaign Finance Compliance and
Training Supervisor*

VII. VOTING SYSTEM CERTIFICATION

*Londo Andrews
Voting Systems Security Program
Manager*

VIII. STATE BOARD OF ELECTIONS REPORT

Ashley Coles
ELECT Policy Analyst

IX. PETITION FOR RULEMAKING

Ashley Coles
ELECT Policy Analyst

X. SPLIT PRECINCT A. NORTHUMBERLAND COUNTY

Claire Scott
ELECT Policy Analyst

XI. CLOSED SESSION

XII. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?meetingid=37229>

Re. Entrance to the Washington Building

All members of the public will be required to show his/her driver's license, passport or other government issued ID to enter the building. All State employees must have on his/her state ID badge on at all times while in the building.

Re. Public comment

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

Re. limitation on individual participation in public comment

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

Re. individual requests for additional information

Citizens seeking additional information related to matters on this agenda may submit questions to info@elections.virginia.gov

Re. How to Participate in Public Comment

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

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

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

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



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS

1 The State Board of Elections (“the Board”) meeting was held on Wednesday, July 5, 2023
2 in Senate Room A of the Pocahontas Building in Richmond, Virginia. The meeting also offered
3 public participation through electronic communication so the remote public could view and hear
4 the meeting. In attendance: John O’Bannon, Chairman; Georgia Alvis-Long, Secretary, Delegate
5 Merricks, and Matthew Weinstein; member; represented the State Board of Elections (“the
6 Board”). Rosalyn R. Dance; Vice Chair attended the meeting electronically. Susan J. Beals,
7 Commissioner, represented the Department of Elections (“ELECT”), and Travis Andrews
8 represented the Office of the Attorney General (“OAG”). Chairman O’Bannon called the meeting
9 to order at 1:00 P.M.

10 The first item of business was the approval of the minutes from the June 27, 2023 and
11 July 5, 2023 Board Meetings, presented by Secretary Alvis-Long. Delegate Merricks moved *that*
12 *the Board approve the minutes from the June 27, 2023 and July 5, 2023 Board Meetings*. Mr.
13 Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

14 Chairman O’Bannon – Aye

15 Vice Chair Dance – Aye

16 Secretary Alvis-Long – Aye

17 Delegate Merricks – Aye

18 Mr. Weinstein - Aye

19 The Chairman opened the floor to public comment. Michael Allers, Elizabeth Burneson
20 on behalf of Trudy Berry, Irene Churins, Shyam Raman; Democratic Party of Virginia, Phyllis

21 R., Darrel Bow, Jasmine Lipscomb, Daphne Portis, Ned Jones, and Ann Grigorian addressed the
22 Board.

23 The second item of business was the Commissioner’s Report. Commissioner Beals stated
24 that ELECT has finished the National Change of Address mailing for this calendar year for the
25 second time. The Commissioner informed the Board that a Special Election will be held on
26 August 29, 2023. Commissioner Beals stated that ballots are being delivered this week and early
27 voting begins Saturday, August 19th. The Commissioner expressed her appreciation to the
28 General Registrars of Wythe County; Lennon Counts, Smith County; Shannon Williams, and
29 Carroll County; Stacey Reavis.

30 The third item of business was the Locality Elections Security Standards, presented by
31 Arielle A. Schneider, ELECT Policy Officer and Chair of Virginia Voter Registration
32 System Security Advisory Group (VRSS).

33 At 1:47 P.M., Delegate Merricks pursuant to Virginia Code Section 2.2-3711(A)(34), I
34 move *that the Board go into closed session for the purpose of discussing voting security matters*
35 *made confidential pursuant to 24.2-410.2. In accordance with Section 2.2-3712(F), Susan Beals,*
36 *Commissioner of Elections, Travis Andrews of the Office of the Attorney General, Arielle A.*
37 *Schneider, ELECT Data Privacy Officer and VRSS Chair, and VRSS Advisory Members, John*
38 *Harrison, Vanetta Pledger, Jeff Waters, Suzanne Tills, Elizabeth Lo, Jason Corwin, Gretchen*
39 *Reinemeyer, and Kirk Lortz, will attend the closed session because their presence will reasonably*
40 *aid the Board in its consideration of the subject of the meeting.* Secretary Alvis-Long seconded
41 the motion and the motion passed unanimously. A roll call vote was taken:

42 Chairman O’Bannon – Aye

43 Vice Chair Dance – Aye

44 Secretary Alvis-Long – Aye

45 Delegate Merricks – Aye

46 Mr. Weinstein - Aye

47 At 2:27 P.M., Delegate Merricks moved *to reconvene the meeting in open session, and*
48 *take a roll call vote certifying that to the best of each member’s knowledge (i) only such public*
49 *business matters lawfully exempted from open meeting requirements under this chapter and (ii)*
50 *only such public business matters as were identified in the motion by which the closed meeting*
51 *was convened were heard or discussed by the State Board of Elections.* Mr. Weinstein seconded
52 the motion and the motion passed unanimously. A roll call vote was taken:

53 Chairman O’Bannon – Aye

54 Vice Chair Dance – Aye

55 Secretary Alvis-Long – Aye

56 Delegate Merricks – Aye

57 Mr. Weinstein - Aye

58 The fourth item of business was the CAP Policy presented by Rachel Lawless,
59 Confidential Policy Advisor. *This report is in the Working Papers for the August 15, 2023*
60 *Meeting.* Mr. Weinstein moved *that the Board adopt the proposed policy regarding the counting*
61 *and reporting of absentee ballots in a central absentee voter precinct.* Delegate Merricks
62 seconded the motion and the motion passed unanimously. A roll call vote was taken:

State Board of Elections
Tuesday, August 15, 2023
FINAL Meeting Minutes

63 Chairman O'Bannon – Aye

64 Vice Chair Dance – Aye

65 Secretary Alvis-Long – Aye

66 Delegate Merricks – Aye

67 Mr. Weinstein - Aye

68 The fifth item of business was the Risk Limiting Audit presented by Rachel Lawless,
69 Confidential Policy Advisor. *This report is in the Working Papers for August 15, 2023 Meeting.*
70 No motion was made.

71 The sixth item of business was the Split Precinct Waiver request for Bedford County
72 presented by Claire Scott, ELECT Policy Analyst. *This report is in the Working Papers for*
73 *August 15, 2023 Meeting.* Delegate Merricks moved *that the State Board of Elections approve*
74 *the split precinct waiver for Bedford County.* Mr. Weinstein seconded the motion and the motion
75 passed unanimously. A roll call vote was taken:

76 Chairman O'Bannon – Aye

77 Vice Chair Dance – Aye

78 Secretary Alvis-Long – Aye

79 Delegate Merricks – Aye

80 Mr. Weinstein - Aye

81 The seventh item of business was the Officer of Elections Training Standards presented
82 by Sarah Dally, Training and Development Supervisor. *This report is in the Working Papers for*

83 *August 15, 2023 Meeting.* Mr. Weinstein moved *that the Board approve the Department's*
84 *proposed changes to the training standards and training materials for officers of election.*

85 Delegate Merricks seconded the motion and the motion passed unanimously. A roll call vote was
86 taken:

87 Chairman O'Bannon – Aye

88 Vice Chair Dance – Aye

89 Secretary Alvis-Long – Aye

90 Delegate Merricks – Aye

91 Mr. Weinstein - Aye

92 The eighth item of business was the Recount Standards presented by Steve Koski,
93 ELECT Policy Analyst. *This report is in the Working Papers for August 15, 2023 Meeting.*

94 Delegate Merricks moved *that the Board adopt the Recount Step-by-Step Instructions, as revised.*

95 *Mr. Weinstein seconded the motion and the motion passed unanimously.* A roll call vote was
96 taken:

97 Chairman O'Bannon – Aye

98 Vice Chair Dance – Aye

99 Secretary Alvis-Long – Aye

100 Delegate Merricks – Aye

101 Mr. Weinstein - Aye

102 The ninth item of business was Stand By Your Ad presented by Tammy Alexander,
103 Campaign Finance Compliance and Training Supervisor. The first complaint was against Clinton
104 for VA. Mrs. Alexander informed the Board that one complaint was submitted for four
105 undisclosed banners. Mr. Clinton addressed the Board. Delegate Merricks moved *subject to the*
106 *Board's authority under the Code of Virginia §24.2-955.3, to find Clinton Jenkins in violation of*
107 *§24.2-956 Stand By Your Ad print media disclosure requirements with regard to four print media*
108 *advertisements and assess a \$400 civil penalty.* Mr. Weinstein seconded the motion and the
109 motion passed unanimously. A roll call vote was taken:

110 Chairman O'Bannon – Aye

111 Vice Chair Dance – Aye

112 Secretary Alvis-Long – Aye

113 Delegate Merricks – Aye

114 Mr. Weinstein - Aye

115 The next complaint was against Committee to Elect Kim Sudderth. Mrs. Alexander
116 informed the Board that one complaint was submitted for one undisclosed yard sign. Ms.
117 Sudderth addressed the Board. Chairman O'Bannon moved *subject to the Board's authority*
118 *under the Code of Virginia §24.2-955.3, to find Kim Sudderth in violation of §24.2-956 Stand By*
119 *Your Ad print media disclosure requirements with regard to one print media advertisement and*
120 *assess a \$100 civil penalty.* No second was given.

121 The next complaint was against O'Brien for Delegate. Mrs. Alexander informed the
122 Board that two complaints was submitted for two yard signs and one car magnet with no

123 disclosure. Delegate Merricks moved *subject to the Board's authority under the Code of Virginia*
124 *§24.2-955.3, to find Kenneth O'Brien in violation of §24.2-956 Stand By Your Ad print media*
125 *disclosure requirements with regard to three print media advertisements and assess a \$300 civil*
126 *penalty.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call vote
127 was taken:

128 Chairman O'Bannon – Aye

129 Vice Chair Dance – Aye

130 Secretary Alvis-Long – Aye

131 Delegate Merricks – Aye

132 Mr. Weinstein - Aye

133 The next complaint was against Rod Thompson for HD-84. Mrs. Alexander informed the
134 Board that one complaint was submitted for five undisclosed yard signs. Mr. Thompson
135 addressed the Board. Mr. Weinstein moved *subject to the Board's authority under the Code of*
136 *Virginia §24.2-955.3, to find Rod Thompson in violation of §24.2-956 Stand By Your Ad print*
137 *media disclosure requirements with regard to three print media advertisements and assess a*
138 *\$500 civil penalty.* Delegate Merricks seconded the motion and the motion passed unanimously.
139 A roll call vote was taken:

140 Chairman O'Bannon – Aye

141 Vice Chair Dance – Aye

142 Secretary Alvis-Long – Aye

143 Delegate Merricks – Aye

144 Mr. Weinstein - Aye

145 The next complaint was against GR Metz for Supervisor. Mrs. Alexander informed the
146 Board that one complaint was submitted for one undisclosed yard sign. Dawn Stultz-Vaughn
147 addressed the Board. Delegate Merricks moved *subject to the Board's authority under the Code
148 of Virginia §24.2-955.3, to find Gordon Metz in violation of §24.2-956 Stand By Your Ad print
149 media disclosure requirements with regard to one print media advertisement and assess a \$25
150 civil penalty*. Secretary Alvis-Long seconded the motion and a roll call vote was taken. Because a
151 unanimous vote was required to asses the \$25 civil penalty the motion failed.

152 Chairman O'Bannon – Aye

153 Vice Chair Dance – Aye

154 Secretary Alvis-Long – Aye

155 Delegate Merricks – Aye

156 Mr. Weinstein - Nay

157 Delegate Merricks moved *subject to the Board's authority under the Code of Virginia §24.2-
158 955.3, to find Gordon Metz in violation of §24.2-956 Stand By Your Ad print media disclosure
159 requirements with regard to one print media advertisement and assess a \$50 civil penalty*. Mr.
160 Weinstein seconded the motion and the motion passed unanimously. A roll vote was taken:

161 Chairman O'Bannon – Aye

162 Vice Chair Dance – Aye

163 Secretary Alvis-Long – Aye

164 Delegate Merricks – Aye

165 Mr. Weinstein - Aye

166 The next complaint was against Friends of Candidate Stone. Mrs. Alexander informed the
167 Board that one complaint was submitted for two signs. Secretary Alvis-Long moved *subject to*
168 *the Board's authority under the Code of Virginia §24.2-955.3, to find Kell Stone in violation of*
169 *§24.2-956 Stand By Your Ad print media disclosure requirements with regard to two print media*
170 *advertisements and assess a \$25 civil penalty.* Delegate Merricks seconded the motion and a roll
171 call vote was taken. Because a unanimous vote was required to asses the \$25 civil penalty the
172 motion failed.

173 Chairman O'Bannon – Aye

174 Vice Chair Dance – Aye

175 Secretary Alvis-Long – Aye

176 Delegate Merricks – Aye

177 Mr. Weinstein - Nay

178 Mr. Weinstein moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to*
179 *find Kell Stone in violation of §24.2-956 Stand By Your Ad print media disclosure requirements*
180 *with regard to two print media advertisements and assess a \$100 civil penalty.* Delegate
181 Merricks seconded the motion and the motion passed unanimously. A roll call vote was taken:

182 Chairman O'Bannon – Aye

183 Vice Chair Dance – Aye

184 Secretary Alvis-Long – Aye

185 Delegate Merricks – Aye

186 Mr. Weinstein - Aye

187 The next complaint was against Friends of John Stanmeyer. Mrs. Alexander informed the
188 Board that one complaint was submitted for one flyer with no disclosure. Thomas Reyner and
189 John Stanmeyer addressed the Board. Mr. Weinstein moved *subject to the Board's authority*
190 *under the Code of Virginia §24.2-955.3, to find John Stanmeyer in violation of §24.2-956 Stand*
191 *By Your Ad print media disclosure requirements with regard to one print media advertisement*
192 *and assess a \$50 civil penalty.* Vice Chair Dance seconded the motion and a roll call vote was
193 taken. Because a unanimous vote was required to assess the \$50 civil penalty the motion failed.

194 Chairman O'Bannon – Aye

195 Vice Chair Dance – Aye

196 Secretary Alvis-Long – Nay

197 Delegate Merricks – Aye

198 Mr. Weinstein - Aye

199 The next complaint was against Friends of Kenn Knarr. Mrs. Alexander informed the
200 Board that one complaint was submitted for two online ads with no disclosure. Kenn Knarr
201 addressed the Board. Delegate Merricks moved *subject to the Board's authority under the Code*
202 *of Virginia §24.2-955.3, to find Kenneth Knarr in violation of §24.2-956 Stand By Your Ad print*

203 *media disclosure requirements with regard to two print media advertisements and assess a \$25*
204 *civil penalty.* Secretary Alvis-Long seconded the motion and a roll call vote was taken. Because a
205 unanimous vote was required to assess the \$25 civil penalty the motion failed.

206 Chairman O'Bannon – Aye

207 Vice Chair Dance – Nay

208 Secretary Alvis-Long – Aye

209 Delegate Merricks – Aye

210 Mr. Weinstein – Nay

211 Mr. Weinstein moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to*
212 *find Kenneth Knarr in violation of §24.2-956 Stand By Your Ad print media disclosure*
213 *requirements with regard to two print media advertisements and assess a \$100 civil penalty.* Vice
214 Chair Dance seconded the motion and the motion passed unanimously. A roll call vote was taken:

215 Chairman O'Bannon – Aye

216 Vice Chair Dance – Aye

217 Secretary Alvis-Long – Nay

218 Delegate Merricks – Nay

219 Mr. Weinstein – Aye

220 The next complaint was against Friends of Tim Sansone for Sheriff. Mrs. Alexander
221 informed the Board that three complaints were submitted for three flyers with no disclosure. Tim

222 Sansone addressed the Board. Secretary Alvis-Long *moved to dismiss the complaint.* Mr.

223 Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

224 Chairman O'Bannon – Aye

225 Vice Chair Dance – Aye

226 Secretary Alvis-Long – Aye

227 Delegate Merricks – Aye

228 Mr. Weinstein - Aye

229 The next complaint was against Friends of Tom McKenna. Mrs. Alexander informed the

230 Board that one complaint was submitted for one yard sign and one website with no disclosure.

231 Tom McKenna addressed the Board. Mr. Weinstein moved *subject to the Board's authority under*

232 *the Code of Virginia §24.2-955.3, to find Tom McKenna in violation of §24.2-956 Stand By Your*

233 *Ad print media disclosure requirements with regard to two print media advertisements and*

234 *assess a \$50 civil penalty.* Delegate Merricks seconded the motion and the motion passed

235 unanimously. A roll call vote was taken:

236 Chairman O'Bannon – Aye

237 Vice Chair Dance – Aye

238 Secretary Alvis-Long – Aye

239 Delegate Merricks – Aye

240 Mr. Weinstein - Aye

241 The next complaint was against Kyle Matt Moore for Sheriff. Mrs. Alexander informed
242 the Board that one complaint was submitted for one truck sign with no disclosure. Kyle Moore
243 addressed the Board. Delegate Merricks moved *subject to the Board's authority under the Code*
244 *of Virginia §24.2-955.3, to find Kyle Matt Moore in violation of §24.2-956 Stand By Your Ad*
245 *print media disclosure requirements with regard to one print media advertisement and assess a*
246 *\$50 civil penalty.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll
247 call vote was taken:

248 Chairman O'Bannon – Aye

249 Vice Chair Dance – Aye

250 Secretary Alvis-Long – Aye

251 Delegate Merricks – Aye

252 Mr. Weinstein - Aye

253 The next complaint was against McCracken for BOS. Mrs. Alexander informed the Board
254 that two complaint was submitted for three yard signs and one door hanger without a disclosure.
255 Tom McCracken addressed the Board. Mr. Weinstein moved *subject to the Board's authority*
256 *under the Code of Virginia §24.2-955.3, to find Tom McCracken in violation of §24.2-956 Stand*
257 *By Your Ad print media disclosure requirements with regard to four print media advertisements*
258 *and assess a \$200 civil penalty.* Vice Chair Dance seconded the motion and the motion passed
259 unanimously. A roll call vote was taken:

260 Chairman O'Bannon – Aye

261 Vice Chair Dance – Aye

262 Secretary Alvis-Long – Aye

263 Delegate Merricks – Aye

264 Mr. Weinstein - Aye

265 The next complaint was against Re-elect Laurel Garrelts. Mrs. Alexander informed the
266 Board that one complaint was submitted for two yard signs with no disclosure. Laurel Garrelts
267 and Michael Petersen addressed the Board. Delegate Merricks moved *subject to the Board's*
268 *authority under the Code of Virginia §24.2-955.3, to find Laurel Garrelts in violation of §24.2-*
269 *956 Stand By Your Ad print media disclosure requirements with regard to two print media*
270 *advertisements and assess a \$ 100 civil penalty.* Vice Chair Dance seconded the motion and the
271 motion passed unanimously. A roll call vote was taken:

272 Chairman O'Bannon – Aye

273 Vice Chair Dance – Aye

274 Secretary Alvis-Long – Aye

275 Delegate Merricks – Aye

276 Mr. Weinstein - Aye

277 The next complaint was against Tonya Sibert for Commissioner of the Revenue. Mrs.
278 Alexander informed the Board that one complaint was submitted for one staff shirt with no
279 disclosure. Tonya Sibert addressed the Board. Vice Chair Dance moved *subject to the Board's*
280 *authority under the Code of Virginia §24.2-955.3, to find Tonya Sibert in violation of §24.2-956*
281 *Stand By Your Ad print media disclosure requirements with regard to one print media*

282 *advertisement and assess a \$50 civil penalty.* Chairman O’Bannon seconded the motion and the
283 motion passed unanimously. A roll call vote was taken:

284 Chairman O’Bannon – Aye

285 Vice Chair Dance – Aye

286 Secretary Alvis-Long – Aye

287 Delegate Merricks – Aye

288 Mr. Weinstein - Aye

289 At 4:00P.M., Delegate Merricks pursuant to Virginia Code Section 2.2-3711(A)(7), I
290 *move that the Board go into closed session for the purpose of discussing pending and threatened*
291 *litigation. In accordance with Section 2.2-3712(F), Susan Beals, Commissioner of Elections, and*
292 *Travis Andrews of the Office of the Attorney General, will attend the closed session because their*
293 *presence will reasonably aid the Board in its consideration of the subject of the meeting. Mr.*
294 *Weinstein seconded the motion and the motion passed unanimously.* A roll call vote was taken:

295 Chairman O’Bannon – Aye

296 Vice Chair Dance – Aye

297 Secretary Alvis-Long – Aye

298 Delegate Merricks – Aye

299 Mr. Weinstein - Aye

300 At 4:09 P.M., Delegate Merricks moved *to reconvene the meeting in open session, and*
301 *take a roll call vote certifying that to the best of each member’s knowledge (i) only such public*

302 *business matters lawfully exempted from open meeting requirements under this chapter and (ii)*
303 *only such public business matters as were identified in the motion by which the closed meeting*
304 *was convened were heard or discussed by the State Board of Elections.* Mr. Weinstein seconded
305 the motion and the motion passed unanimously. A roll call vote was taken:

306 Chairman O'Bannon – Aye

307 Vice Chair Dance – Aye

308 Secretary Alvis-Long – Aye

309 Delegate Merricks – Aye

310 Mr. Weinstein - Aye

311 The meeting adjourned at 4:10 P.M.

312

313 _____

314 Chairman

315 _____

316 Vice-Chair

317 _____

318 Secretary

319 _____

320 Board Member

321 _____

322 Board Member

323



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Public Comment

BOARD WORKING PAPERS



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Susan Beals
Commissioner



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STATE BOARD *of* ELECTIONS

Certification of August 29, 2023 Special Elections

BOARD WORKING PAPERS
Paul Saunders
Elections and Registration Supervisor



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Matthew Weinstein, and Delegate Merricks
From: Paul G. Saunders, III, Elections and Registration Services Supervisor
Date: September 12, 2023
Re: **Certification of Results for the August 29, 2023 Special Election**

Suggested Motion for A Board Member to Make:

"After reviewing the Abstracts of Votes Cast in the August 29, 2023 Special Election for Member, House of Delegates, 6th District, I move that the Board certify the results as presented and declare the winner."

Applicable Code Sections:

- Va. Code § 24.2-679.
 - A. "... The Board shall... make statements of the whole number of votes given... The Board members shall certify the statements to be correct and sign the statements. The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office. The Board members shall endorse and subscribe on such statements a certificate of their determination."
 - B. "The State Board 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."
- Va. Code § 24.2-680.

"Subject to the requirements of § 24.2-948.2, the State Board 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... The names of members elected to the General Assembly shall be certified by the State Board to the clerk of the House of Delegates or Senate, as appropriate."

Attachments:

Abstract and winner Certificate of Election for Member, House of Delegates 6th District.

Background:

- There are three (3) localities in the 6th House of Delegates District: Wythe County, Smyth County, and Carroll County.
- Upon completion of the election, local General Registrars entered all relevant election data into the Virginia Election and Registration System (VERIS).
- In accordance with Va. Code § 24.2-671, the local Electoral Boards conducted their provisional ballot meeting and canvass to ascertain and certify election results for the locality.
- Upon completion of canvass, the General Registrars forwarded the locality's certified Abstract of Votes to the Department of Elections.
- Upon receipt of the locality's Abstracts, ELECT's Elections Administration staff checked for errors and accepted the ascertained results.

ELECT Staff Recommendation:

ELECT staff recommends that the Board certify the results as presented and declare the winner.

COMMONWEALTH Of VIRGINIA

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETING:

This is to certify, that at a meeting of the State Board of Elections, held in Richmond, Virginia on Tuesday the twelfth day of September, two thousand and twenty three, on examination of the official abstracts of votes on file with the Department of Elections it was determined that at the special election held on the twenty ninth day of August, two thousand and twenty three,

Jonathan E. "Jed" Arnold

was duly elected

Member House of Delegates, 6th District

for the unexpired term ending on January 9, 2024.

Witness the following official signatures and the seal of the State Board of Elections at Richmond, this Tuesday the twelfth day of September, two thousand and twenty three, in the two hundred and forty-eighth year of the Commonwealth.

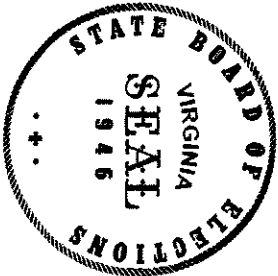
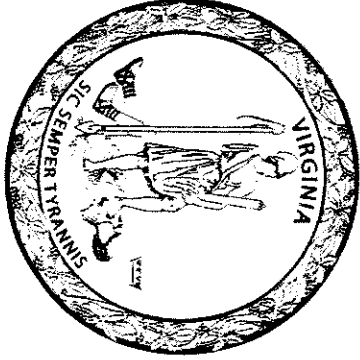
.....
Chairman

.....
Vice Chairman

.....
Secretary

.....
Member

.....
Member



ABSTRACT of VOTES

Cast in the August 29, 2023 Special Election held on August 29, 2023 for,

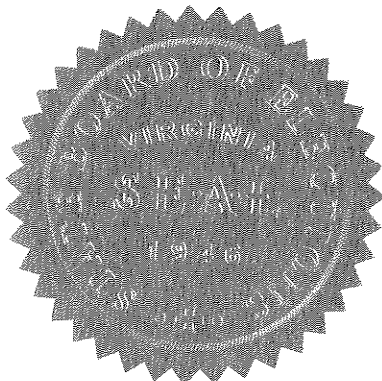
Member, House of Delegates (6th District)

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Jonathan E. "Jed" Arnold - Republican	1706
Write-In	409
Total Number of Overvotes for Office	0

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on August 29, 2023, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member, House of Delegates (6th District) and do, therefore, determine and declare the following person(s) has received the greatest number of votes cast for the Member, House of Delegates (6th District).

Jonathan E. "Jed" Arnold - Republican

Given under our hands this _____ day of _____, _____



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



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Finalization of Stand By Your Ad Decisions from the August 15th Meeting

BOARD WORKING PAPERS
Tammy Alexander
Campaign Finance Compliance and Training Supervisor



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Delegate Merricks, Matthew Weinstein

From: Tammy Alexander, Campaign Finance Compliance and Training

Supervisor Date: September 14, 2023

Re: Final Decisions for SBYA Hearings from August 15, 2023

Recommended Motion

I move that the Board finalize the decisions made on the fourteen Stand By Your Ad (SBYA) violations assessed at the August 15, 2023 State Board of Elections (SBE) meeting.

Background

August 15, 2023, the Department of Elections (ELECT) presented fourteen possible SBYA violations to the Board. The Board found the following:

1. Clinton For VA - CC-23-00693 (GA – SoV) --- in Violation **\$400**
2. Committee to Elect Kim Sudderth - CC-22-00660 (SoV) --- No second on motion **No Action Taken**
3. OBrien for Delegate - CC-22-00574 (HoD) --- in Violation **\$300**
4. Rod Thompson for HD-84 - CC-22-00639 (HoD) --- in Violation **\$500**
5. Gordon Metz (BoS) --- in Violation **\$50**
6. FRIENDS OF CANDIDATE STONE - CC-23-00369 (BoS) --- in Violation **\$100**
7. Friends of John Stanmeyer - CC-23-01054 (BoS) --- in Violation **\$50**
8. Friends of Kenn Knarr - CC-23-00798 (BoS) --- in Violation **\$100**
9. Friends of Tim Sansone for Sheriff - CC-23-00562 (Sheriff) --- **Dismissed**
10. Friends of Tom McKenna - CC-23-00778 (CA) --- in Violation **\$50**
11. Kyle Matt Moore for Sheriff - CC-22-00779 (Sheriff) --- in Violation **\$50**
12. McCracken for BOS - CC-23-00983 (BoS) --- in Violation **\$200**
13. Re-elect Laurel Garrelts - CC-23-00275 (SB) --- in Violation **\$100**
14. Tonya Sibert for Commissioner of the Revenue - CC-23-00665 (CoR) --- in Violation **\$50**

If the Board chooses to make and pass the recommended motion presented above, then final decision documents will be presented to the Board for their signatures at the end of the meeting.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Voting System Certification

BOARD WORKING PAPERS
Londo Andrews
Voting Systems Security Program Manager



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman O’Bannon, Vice Chair Dance, Secretary Alvis-Long, Delegate Merricks and
Mr. Matthew Weinstein

From: Londo Andrews, Voting Systems Security Manager

Date: September 12, 2023

Re: Dominion – Voting System Certification – D-Suite 5.17

Suggested motion for Board Member to make:

I move that the Board certify the use of Dominion voting system – version 5.17 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 5.17 Certification letter provided by SLI Compliance
- Amelia County August 25, 2023, 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 August 1, 2023. 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 August 21 through August 24, 2023 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Amelia County on August 25, 2023. The Dominion voting system presented for certification under 5.17 successfully completed the Virginia Voting Systems Certification requirements.



September 8th, 2023

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

Re: Audit of the Dominion D-Suite 5.17 Voting System

Dear Ms. Beals,

SLI Compliance is submitting this report as a summary of the auditing efforts for Dominion D-Suite 5.17 voting system.

The evaluation was conducted from August 22nd to 24th, 2023 in the Virginia Department of Elections offices in Richmond, Virginia.

The scope of the audit included verifying compliance with the requirements/test assertions contained in appendices D (Test Assertions) and G (Hardware Guidelines) in the appropriate Virginia Voting Equipment Certification Standards and Virginia test cases, which is currently accepted for testing and certification by the Virginia Department of Elections. SLI confirmed that a source code review was performed. A penetration test report for the Dominion D-Suite 5.17 voting system was provided.

It has been determined that the Dominion D-Suite 5.17 voting system meets the audited functional acceptance criteria of the State of Virginia's Voting Equipment Standard, meets the requirements of Virginia Election Laws §24.2.

Dominion D-Suite 5.17 Voting System components audited were comprised of:

Dominion D-Suite (EMS)	
Application	Version
Democracy Suite Election Management Suite (EMS) Express Server	5.17.17.1
Election Event Designer (EED)	5.17.17.1
Adjudication (ADJ)	5.17.14.1
Result Tally and Reporting (RTR)	5.17.17.1
Election Data Translator (EDT)	5.17.17.1
Audio Studio (AS)	5.17.17.1
EMS Logger (LGR)	V1.0
EMS Report Printer	HP M404dn Laser
Security Hardening Application (SHA)	5.17.17.1

Central Tabulators	
Device	Firmware
ICC with Canon Image Server	5.17.15.1

Tabulator and Ballot Marking Device	
Device	Firmware
ICE with Dual Monitor	5.17.15.1
ICE Primary Monitor (Single)	5.17.15.1

Sincerely,
Michael Santos
Director, VSTL
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

voter.registrar@ameliacova.com



August 31, 2023

Londo Andrews, M.S. CIS
Va. Voting Systems Security Program Manager
Virginia Department of Elections
1100 Bank Street, 1st Floor
Richmond, VA 121`9

Dear Mr. Andrews:

I had the great pleasure to participate in a mock election conducted here in Amelia on August 25, 2023 by Dominion Voting Systems and Jay Overbey of 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 models Dominion Voting offers explained and demonstrated. The careful descriptions of how the various tabulator models work, and the thorough and detailed answers to our questions were 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 their re-certification.

Sincerely,

A handwritten signature in blue ink that reads "Deborah Hathorn".

Deborah Hathorn, CGRV
Director of Elections / General Registrar



Voting System Certification Standard

March 2023

Version 2.1

Change History

Version	Brief Description of Change	Date	Author
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
2.1	Adoption by the State Board of Elections Primary changes were the amount to be deposited by vendor for costs of travel, expense and billable hours by the VSTL for the certification process and specifics regarding the location and timeline of the certification.	03/07/2023	ELECT

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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 will provide a check for \$20,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor's if the difference of VSTL's invoices are less and the refund amount is over \$100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond. Certification is a week long event, starting Monday and ending on Friday. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.
 - a. Checks for \$20,000 must be received by ELECT before the certification will be started Make checks or money order payable to Treasurer of Virginia
 - i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219
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

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.

General Requirements	
<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>	<p>I – The voting system must support audio ballots.</p>
	<p>II – Using the voting system, an individual voting by audio ballot does not require assistance by marking the ballot.</p>
	<p>III – The voting system must support multiple languages; including, English, Spanish, Vietnamese and allow future additions and support of other languages.</p>
<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>	<p>I – Must be able to alter instructions on the voting system’s electronically displayed ballots and audio ballots.</p>
<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>	<p>I - The voting system must support multiple ballot styles on a single tabulator in a primary election.</p>
	<p>II – All voting systems must provide a voter-verifiable audit trail, a permanent paper record of each vote.</p>
<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>	<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.</p>

General Requirements	
<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>

General Requirements	
<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>

General Requirements	
<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><i>§ 24.2-629 (11). State Board approval process of electronic voting systems.</i></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><i>§ 24.2-629 (12). State Board approval process of electronic voting systems.</i></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><i>24.2-629 (13). State Board approval process of electronic voting systems.</i></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>

General Requirements	
	IV – All Write-ins are properly handled including segregation of Write-ins physically with a diverter or logically with electronic Write-in Report.
<p>§ 24.2-637. Furniture and equipment to be at polling places.</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>§ 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.</p>	I – The voting system can support the ability to print multiple results tapes.
<p>§ 24.2-802. (Effective until July 1, 2020) Procedure for recount.</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.

General Requirements	
<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"> • Open Primary • Two Parties • No Write-in candidates • Support split precincts • Voting for N of M contests • Support of all contests • Support for all candidates • Multi-language support (English, Spanish, Vietnamese) • Referendum/Question contests
	<p>For a Virginia General Election, the voting system must define the general ballot as follows:</p> <ol style="list-style-type: none"> 1. Partisan contests

General Requirements	
	<ol style="list-style-type: none"> 2. Non-partisan contests 3. Write-in candidates 4. Support for split precincts 5. Voting for N of M contests 6. Support of all contests 7. Support for all candidates 8. Multi-language support (English, Spanish, Vietnamese) 9. Referendum/Question contests
<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.

General Requirements	
<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.

Security Requirements	
<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 § 24.2-639. 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>

Security Requirements	
<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.

Audit Requirements	
Statutory	Test Assertions
<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, 1st 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"/>
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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.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

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 Minis 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



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

State Board of Elections Report

BOARD WORKING PAPERS
Ashley Coles
ELECT Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Matthew Weinstein, and Delegate Merricks
From: Ashley Coles, Policy Analyst & Claire Scott, Policy Analyst
Date: September 12, 2023
Re: SBE Annual Report: 2022

Purpose

Following the passage of Acts of Assembly Chapter 619 during the 2020 Session of the General Assembly, the State Board (the "Board") is required to submit an annual report to the Governor and the General Assembly on the activities of the Board and the Department of Elections (ELECT) in the previous year. This report will be posted on ELECT's website.

Pursuant to §24.2-103 of the Code of Virginia, the Board supervises, coordinates, and adopts regulations governing the work of local electoral boards, registrars, and officers of election to ensure secure, uniform, and trustworthy elections. During the 2022 calendar year (January 1, 2022 – December 31, 2022), the Board met a total of eleven times, certifying three elections, approving two new regulations, adopting one amendment to an existing regulation, assessing and addressing a variety of administrative matters, updating and ensuring election security, and defining penalties for Stand By Your Ad (SBYA) violations.

ELECT does not offer any suggested motions or recommendations.

Attachments and References

- State Board of Elections Annual Report; January 1, 2022 – December 31, 2022

State Board of Elections Annual Report

(January 1, 2022- December 31, 2022)

OCTOBER 1, 2023

Virginia Department of Elections



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Executive Summary

In accordance with the Code of Virginia §24.2-103(J) the State Board of Elections (the Board), through the Department of Elections (ELECT), is pleased to provide to the Governor and the Virginia General Assembly the State Board of Elections Annual Report. Pursuant to §24.2-103 of the Code of Virginia, the Board supervises, coordinates, and adopts regulations governing the work of local electoral boards, registrars, and officers of election to ensure secure, uniform, and trustworthy elections. During the 2022 calendar year (January 1, 2022 – December 31, 2022), the Board met a total of eleven times, certifying three elections, approving two new regulations, adopting one amendment to an existing regulation, assessing and addressing a variety of administrative matters, updating and ensuring election security, and defining penalties for Stand By Your Ad (SBYA) violations.



Introduction

The Virginia State Board of Elections (the Board) was created in 1946 as a nonpolitical agency responsible for ensuring fairness, accuracy, and uniformity in all elections in the Commonwealth of Virginia. The Board promotes the proper administration of election laws, campaign finance disclosure compliance, and voter registration processes in the state by promulgating rules, regulations, issuing instructions, and providing information to local electoral boards and general registrars. The Department of Elections (ELECT) was formed in 2014 to conduct the Board’s administrative operations and other duties consistent with its delegated authority. In 2022, ELECT proposed approximately 45 memorandums to the Board summarized in the table below.

Type	Number of Memorandum
New Regulations	2
Amended Regulations	1
Election Certification	3
Election Administration	16
Risk-Limiting Audit	7
Election Security	8
Stand By Your Ad	4
Miscellaneous	4
Total	45



Regulations

Pursuant to Virginia Code §24.2-103, the Board has the authority to make rules and regulations, issue instructions, and provide information consistent with election laws to the electoral boards and general registrars.¹ Electoral Boards and registrars must adhere to the rules and regulations of the Board, ensuring compliance with Virginia and federal laws.

New Regulations

Request for a Risk-Limiting Audit for a Contested Race within a Jurisdiction (1VAC20-60-80)

As per the Virginia Code §24.2-671.2(D), the Board must promulgate regulations for local electoral boards to submit a request to conduct a risk-limiting audit of a contested race within the local electoral board’s jurisdiction.² This regulatory action establishes the process through which a local electoral board may request a risk-limiting audit of a contested race in its jurisdiction. The Board unanimously passed this regulation on August 16, 2022.

Required Training for Virginia Voter Registration System Users. (1VAC20-20-90)

As per the Virginia Code §24.2-410.2, the Board is required to “promulgate regulations and standards necessary” to ensure the security of the Virginia voter registration system (VERIS).³ This law also requires ELECT to limit access to VERIS to address and resolve security risks or enforce compliance with the Locality Election Security Standards. This regulatory action restricts access to VERIS to individuals who have enrolled and completed security awareness training approved or provided by ELECT. The Board unanimously passed this regulation on December 5, 2022.

Amendments to Existing Regulations

Alternative Processing Procedures for Absentee Ballots Returned before Election Day (1VAC20-70-40)

This regulatory action sought to formalize the pre-processing steps that localities took during the 2021 General Election. These processes resulted in the efficient and timely processing and reporting of absentee ballots. For the November 2021 General Election, ELECT issued instructions to the local general registrars with certain additional requirements for the pre-processing of absentee ballots. These additional requirements included mandating at least two pre-processing meetings in the seven

¹ See the Code of Virginia, [§24.2-103](#).

² See the Code of Virginia, [§24.2-671.2](#).

³ See the Code of Virginia, [§24.2-410.2](#).



days before Election Day and other requirements. The Board unanimously passed this amendment on April 13, 2022.

Election Administration

Election Administration encompasses the proper administration of election laws, campaign finance disclosure compliance, and voter registration processes in Virginia. This includes creating rules, issuing instructions, and providing information consistent with state and federal election laws to promote the proper administration of elections and to obtain uniformity in the practices of election officials. The Board reviewed proposals from ELECT regarding election administration during the 2022 calendar year. Below is a summarization of items proposed to the Board including revisions to documents, certification of elections, and the form of ballots used in elections throughout the Commonwealth.

Minority Language Requirements

In 2021 the General Assembly passed HB1890, which established minority language accessibility requirements for certain localities. Effective September 1, 2021, the State Board of Elections “shall designate a county, city or town as a covered locality...” A “covered locality”, as defined by Virginia Code §24.2-128, is a locality that has:⁴

- (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 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.

Any locality that is designated a covered locality pursuant to Virginia Code §24.2-128 will be required to translate into the applicable minority language any voting or election materials available in English. Below is a table showing the localities that were designated on January 18, 2022 by the Board as meeting the minority language criteria.

⁴ See the Code of Virginia, [§24.2-128](#).



Locality	Language Required
Manassas City	Spanish
Manassas Park City	Spanish
Prince William County	Spanish
Fairfax County	Spanish, Vietnamese

Split Precinct Waivers

Pursuant to Virginia Code §24.2-307, “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.⁵ The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § 24.2-309.” The minimum number of voters for a county precinct is 100, and the minimum for a city precinct is 500. Split precinct waivers must be renewed by the governing body each year. The Board granted 15 split precinct waivers for various counties and cities.

Certification of Elections

During the 2022 Calendar year, the Board certified 3 elections. On January 18, 2022, the Board certified the results of the January 5, 2021 Special Elections for House of Delegates District 89, pursuant to Virginia Code §§24.2-679 and 24.2-680.⁶

On July 5, 2022, the Board certified the results of the June 21, 2022 Democratic and Republican Primaries for United States House of Representatives Districts 2, 3, 6, 7, and 8. The winners of each primary were declared as that party's nominee for the November 8, 2022 election, pursuant to Virginia Code §24.2-534.⁷

Last, on December 5, 2022, the Board completed the certification of the November 8, 2022 General Election pursuant to Virginia Code § 24.2-679.⁸ The Board certified the election results for the 11 U.S. House of Representative Districts.

⁵ See the Code of Virginia, [§24.2-307](#).

⁶ See the Code of Virginia, [§§24.2-679](#) and [24.2-680](#).

⁷ See the Code of Virginia, [§24.2-534](#).

⁸ See the Code of Virginia, [§24.2-679](#).



Ballot Order

In the event that two or more candidates file simultaneously, the order of the filing is determined by the electoral board or the Board, pursuant to Virginia Code §24.2-529.⁹ Additionally, the Board must determine by lot the order of political parties, pursuant to Virginia Code §24.2-613.¹⁰

On April 13, 2022, the Board certified the determinations by lot of the order of candidates on the ballot for primary elections to be held on June 21, 2022. During the same meeting, the Board determined by lot and certified the ballot order for all general and special elections held between April 30, 2022 and January 31, 2023.

Party Abbreviations

Pursuant to Virginia Code §24.2-613(A), “[t]he ballots shall comply with...the standards prescribed by the Board.”¹¹ ELECT staff recommended on August 16, 2022 that the Board approve the recommended abbreviations for general and special elections being held through April 30, 2023. The memorandum included political parties, recognized political parties, and potential abbreviation options. The Board approved the party abbreviations by a unanimous vote.

Revisions to Virginia Absentee Ballot Application and Virginia Permanent Absentee Voter Change Form

ELECT and a workgroup of general registrars collaborated to revise the Virginia Absentee Ballot Application Form (SBE-701/703.1) and the Virginia Permanent Absentee Voter Single Election Change Form (SBE-703.1C). The revised forms simplified the process for voters by streamlining the questions, refining language for clarity, and addressing formatting issues. The Board unanimously approved the revisions on July 5, 2022.

Revision of State Board of Elections Ballot Standards

In the 2022 Session, the General Assembly passed and the Governor signed Senate Bill 3 and House Bill 927 requiring reporting of results from the Central Absentee Precinct by precinct. In conversations with general registrars and voting system vendors, it was determined that the best and easiest way to accomplish this legislative mandate is to produce a separate “ballot style” for each precinct.

Previously, if all of the contests and questions for multiple precincts were the same, one “ballot style” could be created and used in all of the precincts. However, that does not permit for the separation

⁹ See the Code of Virginia, [§24.2-529](#).

¹⁰ See the Code of Virginia, [§24.2-613](#).

¹¹ *Id.*



and reporting of the results from the Central Absentee Precinct by precinct. By creating a separate “ballot style” for each precinct, the voting systems can more easily determine in which precinct the votes cast for a single ballot can be allocated. On August 16, 2022, ELECT proposed revisions, reflecting these conversations, of the State Board of Elections Ballot Standards, and the Board unanimously approved the revisions.

Revision of the Board Electronic Meeting Policy

Acts of Assembly Chapter 597 from the 2022 Session of the General Assembly changed the provisions of the Virginia Freedom of Information Act (FOIA) concerning electronic meetings. Prior to September 1, 2022, the provisions concerning electronic meetings were found in Virginia Code §2.2-3708.2.¹² As of September 1, 2022, the FOIA provisions concerning electronic meetings are found in §2.2-3708.2 and §2.2-3708.3.¹³ These two Code sections separate electronic meetings into two general categories:

1. Electronic meetings held other than during a declared state of emergency, which includes both remote participation by individual members and all-virtual public meetings, in §2.2-3708.3; and,
2. Electronic meetings held during a declared state of emergency, in §2.2-3708.2.

ELECT proposed revisions to reflect these changes, and the Board unanimously approved the revisions on September 27, 2022.

Election Security

The Board and ELECT consistently work to ensure the integrity and security of every election is upheld in the Commonwealth. Throughout the 2022 calendar year, the Board performed its role in election security by approving various updates related to pollbooks, voting systems, and voting system security. Additionally, the Board approved the performance of a risk-limiting audit after the general election in November 2022.

VRSS Recommendations Regarding Locality Election Security Standards

Pursuant to Virginia Code §24.2-410.2, the Board is required to update the Locality Election Security Standards by November 30 annually, after consultation with the Voter Registration System Security (VRSS) Advisory Group, a group consisting of ELECT staff, representatives of local government

¹² See the Code of Virginia, [§2.2-3708.2](#).

¹³ See the Code of Virginia, §§[2.2-3708.2](#) and [2.2-3708.3](#)



information technology professionals, and general registrars.¹⁴ The VRSS reviewed the 2022 Locality Election Security Standards (LESS) and made a concerted effort to streamline and clarify the election security standards for all localities regardless of size. On November 16, 2022, ELECT and VRSS presented revisions to the LESS, and the Board unanimously approved the revisions. Previously, the LESS requirements included 446 controls and 23 control families; following the Board's action, these requirements for localities were reduced to 163 controls and 14 control families.

Ballot On Demand Standards and Certification

Pursuant to Virginia Code §24.2-101, the definition of a voting system includes Ballot on Demand (BOD) systems.¹⁵ Due to this change, the Board must provide a set of standards for the approval and certification of BOD, pursuant to Virginia Code §24.2-629.¹⁶ ELECT staff developed certification standards to ensure that BOD systems meet all necessary statutory standards. ELECT proposed these standards, and the Board unanimously approved the new standards on August 16, 2022.

Based on the BOD Standards approved by the Board, 4 voting systems vendors submitted their systems for certification by the Board. On September 27, 2022, the Board unanimously approved and certified the following BOD systems for use in the Commonwealth: DemTech Ballot on Demand System Certification 1.0, KNOWiNK Ballot of Demand Poll Print System Certification 3.0.1, Elections Systems & Software Ballot on Demand Systems Balotar 3.0.5.1 and BOD Printing System 1.0, and Hart InterCivic Ballot on Demand Systems Verity Print 2.5 and Verity Build versions.

Locality Extensions

In the Commonwealth, localities have over 8,000 electronic pollbooks (EPBs), which are supported by five vendors. In 2020, Electronic PollBook Certification Standards were approved by the State Board of Elections with an emphasis on providing secure connectivity for use in satellite locations. At the March 1, 2021 State Board of Elections meeting, a recommendation of a timeline for localities to upgrade was provided, with all systems to be upgraded by July 21, 2021. The fiscal impact had been difficult on localities purchasing upgraded EPBs. Some localities were not prepared to purchase the pollbooks in time for the upcoming November election. These localities only used EPBs on Election Day. ELECT worked with the localities and vendors to have the necessary upgrades ready by December 31, 2022, determining that there would be no impact on the security or connectivity of the old EPBs for the November election. ELECT proposed an extension to the upgraded timeline for the following localities: Accomack County, Bland County, Caroline County, Cumberland County, Giles

¹⁴ See the Code of Virginia, [§24.2-410.2](#).

¹⁵ See the Code of Virginia, [§24.2-101](#).

¹⁶ See the Code of Virginia, [§24.2-629](#).



County, Lancaster County, Nelson County, Northampton County, Poquoson City, Portsmouth City, Radford City, Roanoke City, Spotsylvania County, and Warren County. The Board unanimously approved the extension for these localities on September 27, 2022.

Unisyn Voting Solutions Version 2.2 Certification

On March 1, 2022, ELECT requested the Board certify the use of the Unisyn Voting Solutions 2.2 voting system. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. Unisyn provided the certification fee and the testing/evaluation was conducted on February 8 through February 10, 2022 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Loudoun County on February 11, 2022. The Unisyn voting system presented for certification under 2.2 successfully completed Virginia Voting Systems State Certification requirements. The Board motioned and approved the use of the updated system by a unanimous vote.

KNOWiNK Poll Pad 2.58 and 3.0.1 Certification

On April 13, 2022, ELECT requested the Board certify the use of the KNOWiNK Poll Pad 2.58 and 3.0.1. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. KNOWiNK provided the certification fee and the testing/evaluation was conducted on March 23 and 24, 2022 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Fairfax County on March 25, 2022. The KNOWiNK EPBs presented for certification under 2.5.8 and 3.0.1 successfully completed Virginia Electronic Pollbook State Certification requirements. The Board motioned and approved the use of the updated system by a unanimous vote.

Elections System & Software ExpressPoll 7.2.4.0 Certification

On May 24, 2022, ELECT requested the Board certify the use of Elections System & Software(ES&S) EPB ExpressPoll 7.2.4.0. SLI Compliance, an independent testing authority, determined that the ES&S ExpressPoll met the requirements of the Election Assistance Commission (EAC) Voluntary Voting System Guidelines (VVSG). During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. ES&S provided the certification fee and testing was conducted on May 9-11, 2022 at ELECT facilities in the Commonwealth. In addition, the system was successfully tested in a Mock Election in Richmond County on May 13, 2022. The ES&S ExpressPoll presented for certification under 7.2.4.0 successfully completed Virginia Electronic Pollbook State Certification requirements. The Board motioned and approved the use of the updated system by a unanimous vote.



Risk-Limiting Audit

Pursuant to Virginia Code §24.2-671.2(B), the Board must promulgate rules and procedures for the conduct of risk-limiting audits (RLA).¹⁷ ELECT staff developed an RLA Manual that encompassed all rules and procedures to conduct RLAs in the Commonwealth. This Manual was presented to the Board on September 27, 2022 and unanimously approved. The RLA Manual can be found on ELECT's website as Chapter 19 of the General Registrar and Electoral Board Handbook.¹⁸

Pursuant to Virginia Code §24.2-671.2(C), ELECT is required to conduct an RLA on certain races after each general election. For the November 2022 general election, an RLA of a U.S. House of Representatives race was statutorily required. On November 16, 2022, the Board met electronically to select the U.S. House of Representatives race, set the risk limit, and generate the random seed number. The Commissioner mixed a bowl of film canisters, each containing a U.S. House of Representatives race, and the Chairman of the Board selected a film canister. District 9 of the U.S. House of Representatives was chosen. The risk limit for the RLA was set by the Board to 10%.

ELECT utilizes an RLA software called Arlo to conduct RLAs. Arlo is an open-source software hosted by the non-profit organization VotingWorks. Arlo selected a representative sample of ballots cast in the election at random. These ballots were reviewed by hand to verify the accuracy of machine counts. The results from the RLA indicated that there was a .0000004864% chance that the audit of the U.S. House of Representatives 9th District contest was inaccurate, providing election officials with strong evidence and confidence in the reported outcome of the election. The audit result fell significantly below the 10 percent risk limit, confirming the result for the District 9 race accurately portrayed the winner of the election. A full report can be found on ELECT's website.¹⁹

Stand by Your Ad

Stand by Your Ad (SBYA) is a provision of the 2002 Bipartisan Campaign Reform Act, which requires any candidate running for federal political office to identify themselves on and approve any political advertisement. Virginia Code §24.2-955 states that any sponsor of print media, radio, television, or online platform advertising is required to disclose their sponsorship on said advertisement.²⁰ If a violation of Political Campaign Advertisement occurs, §24.2-955.3 states the penalties and in what manner the Board must handle the assessment of the violation.²¹

¹⁷ See the Code of Virginia, [§24.2-671.2\(B\)](#).

¹⁸ See ELECT, [RLA Manual](#).

¹⁹ See ELECT, [Risk-limiting Audits](#).

²⁰ See the Code of Virginia, [§24.2-955](#).

²¹ See the Code of Virginia, [§24.2-955.3](#).



SBYA Citations

For statewide or General Assembly offices, ELECT recommends a \$100 penalty for a first-time violation and \$300 thereafter, doubling the value if the violation is within 14 days of the election. For local or constitutional offices, ELECT recommends a \$50 penalty for a first-time violation, and \$100 thereafter, again doubling the penalty within 14 days of an election. If the Board unanimously agrees that the consequences of the ad are low, the Board may address a \$25 violation so long as the perpetrator is a first-time offender.

January 18, 2022

The Board held a public hearing to assess the violations of Virginia Code §24.2-955 for the November 2021 general election. The Board heard 17 cases, dismissing 1 and finding 16 guilty, assessing a total of \$3,100 in civil penalties. The Board affirmed their findings on March 1, 2022 during a public meeting.

August 16, 2022

The Board held a public hearing to assess the violations of Virginia Code §24.2-955 for the June 2022 primary election. The Board heard 2 cases, finding both guilty, and assessed a total of \$75 in civil penalties. The Board affirmed their findings on September 27, 2022 during a public meeting.

Miscellaneous

Delegations of Authority

During the 2022 calendar year, the Board also reviewed the Delegations of Authority. The Delegations specified the roles and responsibilities of ELECT as delegated by the Board. On March 1, 2022, the Board approved retaining the power to approve split precinct waivers. On December 5, 2022, the Board approved the retention of some aspects of authority while delegating some to ELECT; the document containing all delegations of authority from the Board to ELECT can be found on Virginia Regulatory Town Hall.²²

Advisory Review Workgroup

The Board established the Advisory Review Workgroup (“the Workgroup”) by resolution on October 29, 2019. The resolution expires February 1, 2023. The Workgroup is comprised of three representatives from the Virginia Registrars Association, three representatives of the Virginia Electoral Board Association, one representative of the Virginia Association of Counties, one

²² See ELECT, [State Board of Elections Delegations of Authority](#).



representative of the Virginia Municipal League, and five citizen members. A citizen member chairs the Workgroup. The first assignment the Board gave to the Workgroup was to “develop benchmarks to measure the success of elections in Virginia.” The Workgroup submitted the first phase of their report on April 25, 2022. The report identifies the key 5 elements of a well-run election: Accessibility, Efficiency, Transparency, Security, and Accuracy. The full report can be found in the Board’s agenda for May 24, 2022 on Virginia Regulatory Town Hall.²³

Conclusion

A wide variety of regulations, amendments, administrative policies and procedures, and election security updates were approved by the Board in 2022. The Board-certified new voting systems and electronic pollbooks in accordance with the state certification process. Furthermore, the Board accurately certified the election results of the 2022 primary and general elections as well as the special election for House of Delegates District 89. The elections community will continue to promote and support accurate, fair, open, and secure elections for the citizens of the Commonwealth.

²³ See Virginia Department of Planning and Budget, [Virginia Regulatory Town Hall](#).





★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Petition for Rulemaking

BOARD WORKING PAPERS

Ashley Coles
ELECT Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Matthew Weinstein, and Delegate Merricks
From: Ashley Coles, Policy Analyst
Date: September 12, 2023
Re: Petition for Rulemaking: List of Unqualified Persons Provided to General Registrars

Background

Under Virginia Code §2.2-4007 and 1VAC20-10-50, any person may petition an agency to adopt a new regulation or amend an existing regulation. The petition shall state (i) the substance and purpose of the rulemaking that is requested, including reference to any applicable Virginia Administrative Code sections, and (ii) reference the agency's legal authority to take the action requested.

The Department of Elections (ELECT) received a petition for rulemaking for the State Board of Elections (SBE) regarding the use of juror questionnaires for voter list maintenance. The petition requested that the SBE "establish a process that allows jury commissioners to relay, from lists of registered voters obtained from the Department of Elections under § 24.2-405, the information obtained from those persons not qualified to serve as jurors as a result of (i) not being a citizen of the United States, (ii) no longer being a resident of the Commonwealth, (iii) being a resident of another county or city in the Commonwealth, (iv) having been convicted of a felony and not having had voting rights restored, or (v) having been adjudicated incapacitated and disqualified to vote and not having had voting rights restored."

The petition was posted on Town Hall on May 26, 2023, and the public comment period ended July 10, 2023. ELECT received a total of 323 comments in support of the petition and no comments in opposition.

Agency Recommendation

ELECT recommends the SBE takes no action on the petition. While ELECT supports diverse list maintenance practices that strengthen and revitalize list maintenance in Virginia, the SBE does not have the statutory authority to mandate the requested practice.

Analysis

Jury questionnaires and lists of jurors are governed by §§ 8.01-345 and 8.01-346 of the Code of Virginia. This information is considered confidential and is subject to disclosure only at the discretion of a respective circuit court judge.¹ Additionally, the Supreme Court of Virginia has held that the "jury list is in no sense a public record to be exposed to the general public".² The Court concluded that "[e]ven when good cause is shown, the inspection of the list shall be permitted only under the "watchful eye" of the court, and copying or photostating the list is not to be permitted."³ As a result, the SBE does not have the authority to regulate the disclosure of such information to general registrars.

¹ See [1997 Va. OP. Atty. Gen.](#) Re: Jury Lists (September 17, 1997)

² *Archer and Johnson v. Mayes* (213 Va. 633, 64041, 194 S.E.2d 707, 712 (1973))

³ *Id.*

Should a clerk of court decide to share the information contained on juror questionnaires, the SBE may not mandate that general registrars use such information to determine whether to cancel a voter's registration. § 24.2-427 of the Code of Virginia serves to either provide authority for general registrars to cancel voter registration records or details the process by which authorized cancellations occur. More specifically, § 24.2-427 expressly enumerates the five instances under which a record may generally be cancelled. General registrars must "promptly" cancel the registration of the following:⁴

1. All persons known by the registrar to be deceased;
2. All persons known by the registrar to be disqualified to vote by reason of a felony conviction or adjudication of incapacity;
3. All persons known by the registrar not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1 or from the Department of Elections based on information received from the Systematic Alien Verification for Entitlements Program (SAVE Program);
4. All persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and
5. All persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia.

As listed above, the Virginia General Assembly legislated very specific sources of information that general registrars may use in determining whether to cancel a voter's registration; this list does not include jury questionnaires. Therefore, as the use of jury questionnaires is not otherwise contemplated or permitted by the Code of Virginia for voter registration cancellations, it cannot be utilized for this purpose.

Lastly, § 24.2-428 of the Code of Virginia implements the federal requirement for a list maintenance program as required under the National Voter Registration Act (NVRA). This statutory provision requires the periodic review of registration records and mandates ELECT to "establish a voter list maintenance program using the change of address information supplied by the United States Postal Service ... or by other reliable sources to identify voters whose addresses may have changed." The aforementioned list maintenance program is based on changes in residence only and generates correspondence also known as voter confirmation notices. Once a voter confirmation notice is sent, a voter may confirm their change of address within 30 days or they shall be placed as inactive. However, the voter cannot be cancelled unless they remain inactive for two general elections for federal office.⁵ Therefore, information from jury commissioners provided directly to general registrars would expand the provisions of § 24.2-428 and it does not fall under a list maintenance program established by ELECT. As a result, the use of juror questionnaires is not applicable for this purpose.

In order to permit general registrars to utilize information from jury commissioners for list maintenance purposes that is not in potential conflict with the Code of Virginia §§ 8.01-345, 8.01-346, 24.2-427, and 24.2-428, a statutory change by the Virginia General Assembly is required.

Suggested Motion

"I move that the Board take no action on the proposed Petition for Rulemaking pursuant to §2.2-4007 and 1VAC20-10-50 of the Code of Virginia as the Board does not have the statutory authority to mandate the requested practice and that such decision be posted on Town Hall."

⁴ See the Code of Virginia § 24.2-427(B)

⁵ See 52 USC § 20507(d)(2)(A) and the Code of Virginia § 24.2-428.2



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Split Precinct

BOARD WORKING PAPERS
Claire Scott
ELECT Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Delegate Merricks, Mr. Matthew Weinstein
From: Claire Scott, Policy Analyst
Date: September 12, 2023
Re: Split Precinct Waiver Request for Northumberland County

Suggested Motion:

"I move that the State Board of Elections approve the split precinct waiver for Northumberland County."

Applicable Code Sections:

§24.2-307 Requirements for county and city precincts

Split Precinct Background

The Code of Virginia authorizes the State Board of Elections (SBE) to grant a waiver to administer a split precinct, if the governing body of a locality is unable to establish a precinct with the minimum number of registered voters without splitting the precinct, pursuant to §24.2-307. For a county, the minimum is 100 registered voters, and for a city, the minimum is 500 registered voters.

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

Attachments:

Split Precinct Waiver Request from Northumberland County
Split Precinct Waiver Resolution from the Board of Supervisors of Northumberland County

ELECT Staff Recommendation:

Staff recommends the approval of the split precinct waiver for Northumberland County.



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

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

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

Locality: Northumberland County Date: August 10, 2023

Contact Name/Title: E. Luttrell Tadlock, County Administrator Phone Number: 804-580-7666

Email Address: ltadlock@co.northumberland.va.us

Date the Governing Body's Meeting Occurred: August 10, 2023

Supporting Documentation (Please Attach):

Governing Body's Resolution

Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted? Yes No

If Yes, When? August 4, 2022

Was it Granted? Yes No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
0401/1390	District 4	A very small portion of the Town of Kilmarnock (approximately 53 voters) is within precinct 0401 of Northumberland County. The bulk of town voters are within Lancaster County.

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

SUPERVISORS

James W. Brann
Callao, VA 22435
District I
Richard F. Haynie
Heathsville, VA 22473
District II

James M. Long
Wicomico Church, VA 22579
District III

Thomas H. Tomlin
Wicomico Church, VA 22579
District IV

Ronald L. Jett
Heathsville, VA 22473
District V



COUNTY ADMINISTRATOR

E. Luttrell Tadlock
Heathsville, VA 22473
804-580-7666 (Voice)
804-580-7053 (Fax)
ltadlock@co.northumberland.va.us

Northumberland County, Virginia

Board of Supervisors
P. O. Box 129 • 72 Monument Place
Heathsville, Virginia 22473

**NORTHUMBERLAND COUNTY BOARD OF SUPERVISORS
RE: KILMARNOCK TOWN VOTERS**

WHEREAS a portion of the Town of Kilmarnock, Virginia, is located in Northumberland County, Virginia, while the majority of the Town of Kilmarnock is located in Lancaster, County, Virginia; and,

WHEREAS that portion of the Town of Kilmarnock located in Northumberland County is described as Tract # 020302 and Block #'s 3035, 3036, 3053, 3054, and 3055; and,

WHEREAS town elections were previously held in May; and


WHEREAS THE General Assembly established November as the date for town elections effective January 1, 2022; and,

WHEREAS approximately fifty (50) voters who reside in that portion of the Town of Kilmarnock that is located in Northumberland County are affected; AND,

WHEREAS establishing a split precinct for this small number of voters is not feasible (Code of Virginia 24.2-307);

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Northumberland County, Virginia, that those voters in the Town of Kilmarnock who reside in Northumberland County will vote in all elections at the Northumberland County District Four (4) polling place, Wicomico Parish Church, Wicomico Church, Virginia, and, the Northumberland County Electoral Board and General Registrar will prepare appropriate ballots, voting procedures, and reporting procedures to accommodate Town of Kilmarnock voters affected by this action, and, will ensure compliance with all relevant sections of the Code of Virginia pertaining to the conduct of elections.

Adopted: August 10, 2023


E. Luttrell Tadlock, Clerk and County Administrator for the
Northumberland County Board of Supervisors

SUPERVISORS

James W. Brann
Callao, VA 22435
District I
Richard F. Haynie
Heathsville, VA 22473
District II

James M. Long
Wicomico Church, VA 22579
District III

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Heathsville, VA 22473
District V



COUNTY ADMINISTRATOR

E. Luttrell Tadlock
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ltadlock@co.northumberland.va.us

Northumberland County, Virginia

Board of Supervisors
P. O. Box 129 • 72 Monument Place
Heathsville, Virginia 22473

INSERT OF MINUTES FROM AUGUST 10, 2023 BOARD OF SUPERVISORS MEETING

Action: D. Election Split Waiver

Motion to hereby approve the resolution and authorize the Northumberland County General Registrar to submit a request for a waiver from the State Board of Elections pursuant to Section 24.2-307 of the Code of Virginia to administer the District 4 precincts in Northumberland County located in the Town of Kilmarnock, Town Code 1390 as split precincts for the 2023 election.

**NORTHUMBERLAND COUNTY BOARD OF SUPERVISORS
RE: KILMARNOCK TOWN VOTERS**

WHEREAS a portion of the Town of Kilmarnock, Virginia, is located in Northumberland County, Virginia, while the majority of the Town of Kilmarnock is located in Lancaster, County, Virginia; and,

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Adopted: August 10, 2023

Motion by: Thomas H. Tomlin, seconded by: James M. Long.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

A true copy teste: 

E. Luttrell Tadlock, County Administrator



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Closed Session

BOARD WORKING PAPERS

September 14, 2023

Closed Session

1. **Into closed session:** “Pursuant to Virginia Code Section 2.2-3711(A)(7), I move that the Board go into closed session for the purpose of discussing pending and threatened litigation. In accordance with Section 2.2-3712(F), Susan Beals, Commissioner of Elections, and Travis Andrews of the Office of the Attorney General, will attend the closed session because their presence will reasonably aid the Board in its consideration of the subject of the meeting.”

a. After the motion is seconded, the Board members must vote (must be a roll call vote).

2. **Out of closed session:** “I move to reconvene the meeting in open session, and take a roll call vote certifying that to the best of each member’s knowledge (i) only such public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard or discussed by the State Board of Elections”

a. After the motion is seconded, poll the members for each vote. Each member must vote individually and not as a group.