



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, August 20, 2024
General Assembly Building
Senate Room A – 3rd Floor
Richmond, VA
Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=m6ff56c7ba92c46bcdaa06cfa0401f88d>

Meeting password: mBckq8xZv72

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2428 809 9803

1:00 P.M.



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Tuesday, August 20, 2024
LOCATION: General Assembly Building
201 N. Ninth St. Richmond, VA 23219
Senate Room A – 3rd Floor

TELECONFERENCE:
+1-517-466-2023 US Toll
+1-866-692-4530 US Toll Free
Access code: 2428 809 9803

VIDEO CONFERENCE:
<https://covaconf.webex.com/covaconf/j.php?MTID=m6ff56c7ba92c46bcdaa06cfa0401f88d>
Password: mBckq8xZv72
TIME: 1:00 P.M.

I. CALL TO ORDER

John O'Bannon, Chairman

II. APPROVAL OF MINUTES
A. July 2, 2024

Georgia Alvis-Long, Secretary

III. PUBLIC COMMENT

IV. COMMISSIONER'S REPORT

Susan Beals
Commissioner

V. PARTY ABBREVIATIONS

John Cronin
Election and Registration
Services Supervisor

VI. SBE REPORT

Claire Scott
ELECT Policy Analyst

VII. CITY OF WINCHESTER

Brandon Smith
Chief Technology Officer

VIII. CLOSED SESSION

IX. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=40016>

Re. Entrance to the General Assembly Building

All members of the public visiting the General Assembly Building may enter the building through the doors marked public entrance on the south side of the building (Broad Street Entrance). Visitors with special needs may use the wheelchair accessible entrance.

To ensure the safety of employees and visitors, all non-credentialed visitors are required to pass through a security screening and have their personal items screened by an x-ray machine prior to entry to the building. Please note that all packages and bags are subject to physical search.

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

Re. 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.

Citizens **MUST** activate their camera, with their face fully visible, before they will be given the opportunity to participate in public comment. Face coverings, which are not worn for religious reasons, are prohibited.

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 Tuesday,
2 July 2, 2024 in Senate Room A of the General Assembly Building in Richmond,
3 Virginia. The meeting also offered public participation through electronic
4 communication so the remote public could view and hear the meeting. In
5 attendance: John O’Bannon, Chairman; Rosalyn R. Dance, Vice Chair; Georgia
6 Alvis-Long, Secretary; Delegate Donald Merricks, member; and Matthew
7 Weinstein, member; represented the State Board of Elections (“the Board”). Susan
8 J. Beals, Commissioner, represented the Department of Elections (“ELECT”), and
9 Andrew Murphy and Dennis Polio represented the Office of the Attorney General
10 (“OAG”). Chairman O’Bannon called the meeting to order at 1:00 P.M.

11 The first item of business was the Approval of the Minutes from the May 28,
12 2024 and June 18, 2024 Board Meeting, presented by Secretary Alvis-Long. Vice
13 Chair Dance moved *to approve the minutes from the May 28, 2024 and June 18,*
14 *2024.* Mr. Weinstein seconded the motion and the motion passed unanimously. A
15 roll call vote was taken:

16 Chairman O’Bannon – Aye

17 Vice Chair Dance – Aye

18 Secretary Alvis-Long – Aye

19 Delegate Merricks – Aye

20 Mr. Weinstein – Aye

21 The Chairman opened the floor to public comment. Miriam Crews, Richard
22 Lister, Dale Dunn, Orange County Electoral Board Member, Shelly Oberlander,
23 Loudoun County Electoral Board Member, Marianne McKay, Norfolk Electoral
24 Board Member, Curtis Stoldt, James City County Electoral Board Member, Daniel
25 Bruce, Clara Belle Wheeler, Albemarle County Electoral Board Member, Jim
26 Buttolph, Frank Lusby, Ned Jones, Roy Mabry, Ann Grigorian, Chris Rohland,
27 David Law, Thomas Kasperek, Howard Hempenius and Douglas Clark addressed
28 the Board.

29 The second item of business was Commissioner’s Report, presented by
30 Commissioner Beals. Commissioner Beals expressed her appreciation to the local
31 General Registrars (“GR”), staff members, local Electoral Boards (“EB”), Officers
32 of Elections and ELECT staff who worked together to administer the successful
33 June Primary Election. The Commissioner stated that all 133 cities and counties in
34 Virginia participated. Commissioner Beals advised the Board that every local
35 election office provided 45-days of early voting and every polling place was
36 opened and fully staffed. The Commissioner stated that Virginia is one of the only
37 states that have multiple Elections every year.

38 The third item of business was the Request for Petition for Removal of an
39 Electoral Board Member, presented by Steven Koski, Compliance Advisor. *These*

40 *documents are in the Working Papers for the July 2, 2024 meeting.* The motion was
41 addressed after the closed session.

42 At 2:02 P.M., Delegate Merricks moved *pursuant to Virginia Code Sections*
43 *2.2-3711(A)(1) & 2.2-3711(A)(7), that the Board go into closed session for the*
44 *purpose of discussing the petition for removal of an appointed member of an*
45 *Electoral Board. In accordance with Section 2.2-3712(F), Susan Beals,*
46 *Commissioner of Elections, Steven Koski, ELECT Compliance Advisor and Andrew*
47 *Murphy and Dennis Polio of the Office of the Attorney General, will attend the*
48 *closed session because their presence will reasonably aid the Board in its*
49 *consideration of the subject of the meeting.* Vice Chair Dance seconded the motion
50 and the motion passed unanimously. A roll call vote was taken:

51 Chairman O'Bannon – Aye

52 Vice Chair Dance – Aye

53 Secretary Alvis-Long – Aye

54 Delegate Merricks – Aye

55 Mr. Weinstein – Aye

56 At 2:13 P.M., Delegate Merricks moved *to reconvene the meeting in open*
57 *session, and take a roll call vote certifying that to the best of each member's*
58 *knowledge (i) only such public business matters lawfully exempted from open*
59 *meeting requirements under this chapter and (ii) only such public business matters*

60 *as were identified in the motion by which the closed meeting was convened were*
61 *heard or discussed by the State Board of Elections.* Vice Chair Dance seconded the
62 motion and the motion passed unanimously. A roll call vote was taken:

63 Chairman O'Bannon – Aye

64 Vice Chair Dance – Aye

65 Secretary Alvis-Long – Aye

66 Delegate Merricks – Aye

67 Mr. Weinstein – Aye

68 Delegate Merricks moved *pursuant to § 24.2-103 of the Code of Virginia, I*
69 *move that the State Board of Elections direct its legal representation to prepare a*
70 *petition to the Circuit Court of Charles City County for the removal of Maria A.*
71 *Kinney from the Charles City County Electoral Board for failure to discharge her*
72 *official duties under Virginia law.* Vice Chair Dance seconded the motion and the
73 motion passed unanimously. A roll call vote was taken:

74 Chairman O'Bannon – Aye

75 Vice Chair Dance – Aye

76 Secretary Alvis-Long – Aye

77 Delegate Merricks – Aye

78 Mr. Weinstein – Aye

79 The fourth item of business was the RCV Regulations presented by Steven
80 Koski, Compliance Advisor. *This memo is in the Working Papers for the July 2,*
81 *2024 meeting.* Mr. Weinstein moved *that the State Board of Elections approve the*
82 *proposed amendments to regulatory actions IVAC20-100-10 and IVAC20-100-50.*
83 Vice Chair Dance seconded the motion and the motion passed unanimously. A roll
84 call vote was taken:

85 Chairman O’Bannon – Aye

86 Vice Chair Dance – Aye

87 Secretary Alvis-Long – Aye

88 Delegate Merricks – Aye

89 Mr. Weinstein – Aye

90 The fifth item of business was the Campaign Finance Report, Record, and
91 Review Introduction to SBE presented by Tammy Alexander, Campaign Finance
92 Compliance and Training Supervisor. *This memo is in the Working Papers for the*
93 *July 2, 2024 meeting.* No action was required by the Board.

94 The sixth item of business was Split Precinct Waiver Request for
95 Chesapeake City, presented by Claire Scott, ELECT Policy Analyst. These
96 documents are *in the Working Papers for the July 2, 2024 meeting.* Delegate
97 Merricks moved *that the State Board of Elections approve the split precinct waiver*

98 *for Chesapeake City.* Vice Chair Dance seconded the motion and the motion
99 passed unanimously. A roll call vote was taken:

100 Chairman O'Bannon – Aye

101 Vice Chair Dance – Aye

102 Secretary Alvis-Long – Aye

103 Delegate Merricks – Aye

104 Mr. Weinstein – Aye

105 The seventh item of business was the Delegation of Authority presented by
106 Claire Scott, Elect Policy Analyst. *This report is in the Working Papers for the July*
107 *2, 2024 meeting.* Vice Chair Dance moved *that the Board approve the proposed*
108 *2024 Delegations of Authority, pursuant to the Virginia Administrative Process Act,*
109 *and I further move that all prior Delegations of Authority be rescinded.* Mr.
110 Weinstein seconded the motion and the motion passed unanimously. A roll call
111 vote was taken:

112 Chairman O'Bannon – Aye

113 Vice Chair Dance – Aye

114 Secretary Alvis-Long – Aye

115 Delegate Merricks – Aye

116 Mr. Weinstein – Aye

117 The eighth item of business was the RLA Manual presented by Rachel
118 Lawless, Confidential Policy Advisor. *This manual is in the Working Papers for the*
119 *July 2, 2024 meeting.* Vice Chair Dance moved *the State Board of Elections adopt*
120 *the proposed amendments to the Risk-Limiting Audit Manual.* Mr. Weinstein
121 seconded the motion and the motion passed unanimously. A roll call vote was
122 taken:

123 Chairman O’Bannon – Aye

124 Vice Chair Dance – Aye

125 Secretary Alvis-Long – Aye

126 Delegate Merricks – Aye

127 Mr. Weinstein – Aye

128 The ninth item of business was the Ballot Order Drawing for elections
129 occurring July 2, 2024 through July 31, 2025 presented by Matthew Abell, Election
130 Service Senior Advisor. *This memo is in the Working Papers for the July 2, 2024*
131 *meeting.* Mr. Abell conducted the drawing for the political party order. The ballot
132 order is as follows:

133 1. Democratic

134 2. Republican

135 3. Social Equality (US)

136 4. Green

137 5. Constitutional

138 6. Libertarian

139 7. Forward

140 8. Independent Green

141 Delegate Merricks moved *that the Board certify the determination by lot of the*
142 *ballot order for all general and special elections being held July 2, 2024 through*
143 *July 31, 2025.* Vice Chair Dance seconded the motion and the motion passed
144 unanimously. A roll call vote was taken:

145 Chairman O'Bannon – Aye

146 Vice Chair Dance – Aye

147 Secretary Alvis-Long – Aye

148 Delegate Merricks – Aye

149 Mr. Weinstein – Aye

150 The tenth item of business was the Certification of the June 18, 2024

151 Primary Election result presented by Matthew Abell, Election Services Senior
152 Advisor. *This memo is in the Working Papers for the July 2, 2024 meeting.* Vice
153 Chair Dance move *that the Board certify the results of the June 18, 2024*
154 *Republican and Democratic Primary Elections as presented and declare the*
155 *winners of each primary to be that party's nominee for the November 5, 2024*

156 *General Election.* Delegate Merricks seconded the motion and the motion passed
157 unanimously. A roll call vote was taken:

158 Chairman O'Bannon – Aye

159 Vice Chair Dance – Aye

160 Secretary Alvis-Long – Aye

161 Delegate Merricks – Aye

162 Mr. Weinstein – Aye

163 At 2:52 P.M., Delegate Merricks moved *pursuant to Virginia Code Section*
164 *2.2-3711(A)(7), I move that the Board go into closed session for the purpose of*
165 *discussing pending threatened litigation. In accordance with Section 2.2-3712(F),*
166 *Susan Beals, Commissioner of Elections, and Andrew Murphy and Dennis Polio of*
167 *the Office of the Attorney General, will attend the closed session because their*
168 *presence will reasonably aid the Board in its consideration of the subject of the*
169 *meeting.* Mr. Weinstein seconded the motion and the motion passed unanimously.

170 A roll call vote was:

171 Chairman O'Bannon – Aye

172 Vice Chair Dance – Aye

173 Secretary Alvis-Long – Aye

174 Delegate Merricks – Aye

175 Mr. Weinstein – Aye

176 At 2:59 P.M., Delegate Merricks moved *to reconvene the meeting in open*
177 *session, and take a roll call vote certifying that to the best of each member's*
178 *knowledge (i) only such public business matters lawfully exempted from open*
179 *meeting requirements under this chapter and (ii) only such public business matters*
180 *as were identified in the motion by which the closed meeting was convened were*
181 *heard or discussed by the State Board of Elections.* Vice Chair Dance seconded the
182 motion and the motion passed unanimously. A roll call vote was taken:

183 Chairman O'Bannon – Aye

184 Vice Chair Dance – Aye

185 Secretary Alvis-Long – Aye

186 Delegate Merricks – Aye

187 Mr. Weinstein – Aye

188 The meeting adjourned at 3:00 P.M.

State Board of Elections
Tuesday, July 2, 2024
FINAL Meeting Minutes

189

190

191 Chairman

192

193

194 Vice Chairman

195

196

197 Secretary

198

199

200 Board Member

201

202

203 Board Member



★ 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

Party Abbreviations

BOARD WORKING PAPERS
John Cronin
Election and Registration Supervisor



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STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O’Bannon, Vice-Chair Dance, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein
From: John Cronin, Elections and Registration Services Supervisor
Date: August 20, 2024
Re: Political Party Abbreviations for General and Special Elections Ballots

Suggested motion for a Board member to make:

“I move that the Board approve the party abbreviations as presented by staff for general and special elections being held through July 31, 2025.”

Applicable Code Section:

Va. Code § 24.2-613 A – “The ballots shall comply with...the standards prescribed by the State Board.”

Applicable Board Ballot Standards Section:

Page 33 - Party abbreviations must be in accordance with the SBE determination made at the time of the party order drawing.

Attachments:

SBE Ballot Standards rev. 08/2022

Background:

Political Parties	Recognized Political Parties	Independent Candidates
(with current abbreviations)	(With recommended abbreviations)	(with current abbreviations)
Democratic - D	Socialist Equality – S	Independent – I
Republican – R	Green – G	
	Constitution – C	
	Libertarian – L	
	Forward – F	
	Independent Green - IG	

ELECT Staff Recommendation:

ELECT Staff recommends that the Board vote to use the current and recommended abbreviations presented for general and special elections being held through July 31, 2025.

Ballot Standards

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

August 2022

Virginia State Board of Elections
1100 Bank Street
Richmond, Virginia 23219

Authority and Scope

The State Board of Elections (SBE) has the authority to prescribe ballot standards for elections within the Commonwealth (Va. Code § 24.2-613). Ballots must comply with all applicable Va. Code sections and these standards. These standards apply to all official ballots within the Commonwealth unless stated otherwise.

What's in this document

Code requirements

C Ballots must comply with these.

State Board requirements

B Ballots must comply with these.

Best practice recommendations

P Ballots should follow best practice recommendations to support voter performance.

- Best practices are strongly preferred, but are not required.
- If technical constraints prevent compliance with best practices, please contact ELECT. We will work with you to meet the intent of the recommendation.

Examples

Illustrate how to meet the code requirements and best practice recommendations.

Resources and references

Guidelines based on research by the Election Assistance Commission (EAC) and the Center for Civic Design. You can download copies here:

[Designing polling place materials](#) (eac.gov)

[Field Guides To Ensuring Voter Intent, Vols. 01-10](#) (civicdesign.org)

Who should use this document

General registrars

To ensure that you are meeting all of the requirements for ballot design and layout, including order of offices and for proofing ballots.

Ballot layout specialists

To ensure that ballots show the right content in the correct order.

You will also find best practice recommendations useful when you are making tradeoffs in formatting. The best practices represent the best possible design for ensuring voter intent is communicated.

ELECT staff

As a reference for proofing ballots.

How to use this document

Each major section includes three visual elements including: examples/illustrations, and indicators to differentiate requirements from recommended best practices:

①

Examples /
Illustration(s)

B

Commonwealth of Virginia, Official Ballot

City of Richmond

C

Pct. 101 – City Hall

Republican Party Presidential Primary

Tuesday, March 1, 2016

P

Requirements vs. Best practice recommendations:

②

Indicators for
illustrations

C

These symbols identify requirements and best practices illustrated in visual examples. Best practice recommendations are taken from evidence-based studies by the EAC, NIST, and the Center for Civic Design.

B

P

③

Headers for
text

Requirements and best practices found in text are identified with these headers:

Code requirements

Board requirements

Best practice recommendations

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Overall Ballot Design

Overall Ballot Design

Fonts and Targets

Board requirements for fonts

Items required by Code
or the State Board

- B** Items required to appear on the ballot – either by code or the State Board – must be no less than 10-point font.

Best practice recommendations for fonts

Font size

- P** Minimum font size of 12 points on the entire ballot.
Ballot headers should be the biggest content on the ballot, preferably at 18 points.

Use sans serif fonts

- P** Vendors and printers may select any highly readable sans serif font. Some examples are Calibri (the font used throughout this document), Arial (used in all of the examples), and Helvetica.
Avoid serif fonts, such as: Times New Roman, Georgia, Cambria.

Target ovals or boxes

- P** Ovals are preferred as targets for marking ballots rather than squares, rectangles, or arrows. Squares, rectangles or arrows may be used, so long as targets marked without filling in the target area entirely – including with a line, check mark, or “X” – always capture voter intent.
Line weight for the target oval or rectangle should provide adequate contrast to cue the voter.



Overall Ballot Design

The lines making up ovals or rectangles (to be filled in by the voter) should be black, not red. The emphasis is distracting and does not improve voter performance.

Order of Major Elements on the Ballot

**The ballot must be laid out
in this order**

- B** 1. Ballot Header (page 13)
- B** 2. Instructions for voters (page 16)
- B** 3. Offices and issues (starting on page 23)
- C** 4. Locality Seal (page 38)



Overall Ballot Design

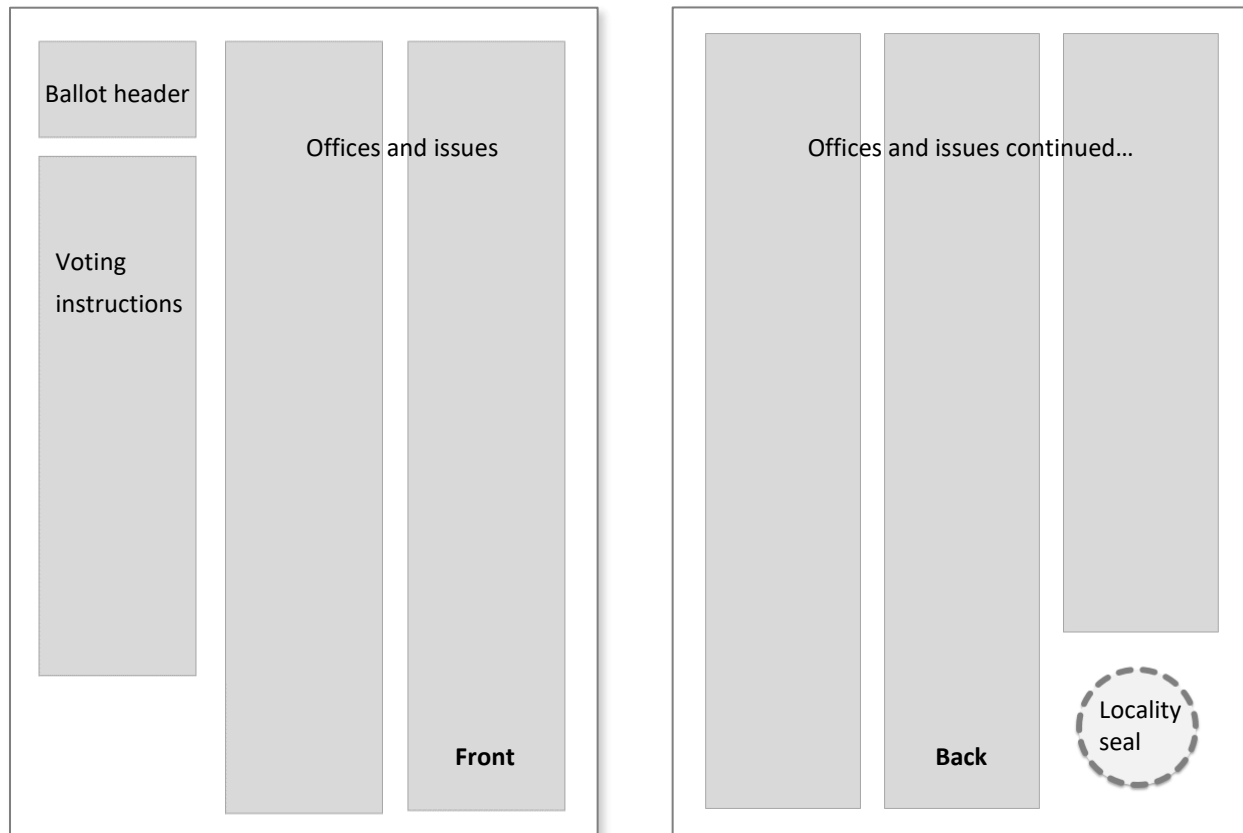
Acceptable Layouts

B You may use one of the two ballot layouts below (images are not to scale). If you would like to use a different layout, please request a requirements waiver (see page 40).

Ballot Layout 1: Best practice

(Instructions in left column)

P



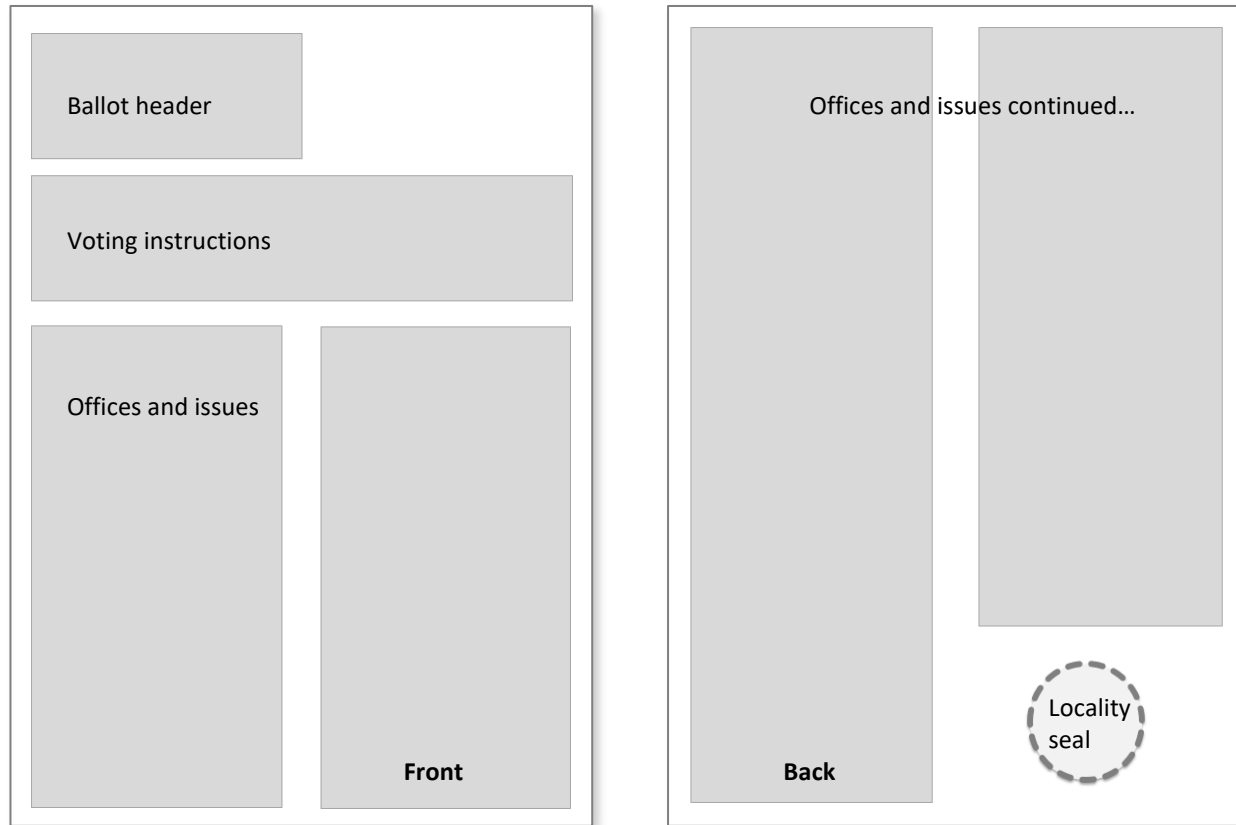


Overall Ballot Design

Ballot Layout 2

This layout is also acceptable, but not best practice to convey instructions to voters.

(Instructions across top)





Overall Ballot Design

Best practice recommendations for ballot design

Type case	Use mixed case (avoid using all capital letters).
Justification	Left-justify text (avoid centered text).
Fonts	Use a single sans serif font family throughout the ballot.
Adding emphasis	Use emphasis sparingly. Never use italics or underlining on a ballot. Use big enough type – but not too big.
Help voters know what to do and where to go next	Put instructions where voters need them. Use contrast and color functionally. Decide what is most important (not everything should be bold or large type). Don't split offices across columns.
Two-sided ballots	On 2-sided ballots, include instructions on the front of the ballot, at the bottom of the right-hand column to continue voting, like this:

Turn the ballot over



Overall Ballot Design

Best practice recommendations for instructions to voters

Illustrations	Use accurate instructional illustrations.
Language and formatting	<p>Use clear, simple language in a positive voice.</p> <p>Write in the active voice, where the person doing the action comes before the verb.</p> <p>Use emphasis sparingly. Never use italics or underlining on a ballot.</p> <p>Use big enough type – but not too big.</p>
Content	<p>Include instructions on how to request a new ballot, and how voters may write in a candidate.</p> <p>Include information that will prevent voters from making errors.</p> <p>Keep paragraphs and sentences short.</p> <p>Use short, simple everyday words.</p> <p>When giving instructions that are more than one step, make each step an item in a numbered list.</p> <p>Separate paragraphs by a space so each paragraph stands out on the page or screen.</p>



Ballot Headers

Ballot Headers

Ballot header examples

B Commonwealth of Virginia
Official Ballot
City of Richmond
C Pct. 101 - City Hall
General and Special Elections
Tuesday, November 7, 2017

OR

B Commonwealth of Virginia, Official Ballot
City of Richmond, Pct. 101 - City Hall
C Republican Party Presidential Primary
Tuesday, March 1, 2016

P — *“Commonwealth of Virginia”
and “Official Ballot” in 18-point.
The rest of the information in 12-
point.*

B Adding precinct number and
precinct name is a Board
requirement



Ballot Headers

Code requirements for ballot headers

Non-presidential primaries	Must include the political party name before the words ‘Primary Election’.
(Va. Code § 24.2-529)	For example: Republican Party Primary Election Democratic Party Primary Election

Board requirements for ballot headers

Title	“Commonwealth of Virginia” and “Official Ballot” on one or two lines.	
Locality	Name of locality	
Precinct	Name of Precinct and Precinct Number (Can also be included in ballot footer)	
Name of election	General election without specials, referendum, or amendments	General Election
	General election with specials, referendum, or amendments	General and Special Elections
	Special Elections	Special Election
	Primaries	Republican Party Primary Democratic Party Primary
	Presidential Primaries	Republican Party Presidential Primary Democratic Party Presidential Primary



Ballot Headers

Date of election Must be written as day of the week, month date, and year.
For example, **Tuesday, November 7, 2017.**

Best practice recommendations for ballot headers

Font Size No smaller than 12-point and should not be larger than 18-point.
In the example, “Commonwealth of Virginia” and “Official Ballot” are 18-point.
The rest of the information is 12-point.

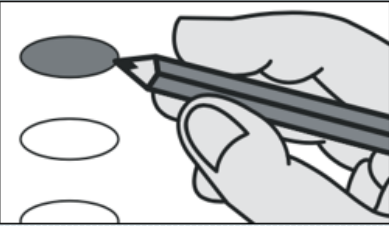
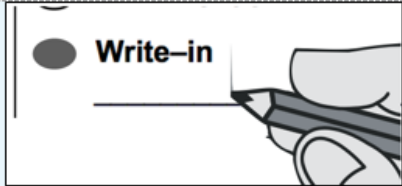


Voting Instructions

Voting instructions

Voting instruction examples

Best practice: instructions in the leftmost column of a 3-column layout

Instructions	
P	<p>Making selections</p> 
B	<p>To vote for a candidate, fill in the oval next to the name.</p> <p>To vote on an issue, fill in the oval next to YES or NO.</p>  <p>Write-in</p>
	<p>To write in a qualified candidate who is not already on the ballot, fill in the oval and write the name of the person on the line.</p> <p>If you want to change a vote or if you have made a mistake, ask an election worker for another ballot.</p> <p>If you make marks on the ballot besides filling in the oval, your votes may not be counted.</p>

Remember:

Voters perform best when instructions are close to where they are needed.

Voters are more likely to read and use instructions when they appear in the left column of a multi-column ballot than when the instructions are across the top of the ballot.



Voting Instructions

A conventional 2-column layout is acceptable if 3-columns will not work (for example, if candidate names are long). Instructions on this type of layout are placed across the top of the ballot, between the office header and the offices:

Example of voting instructions across the top of the ballot:

P Instructions to voters

To vote for a candidate, fill in the oval next to the name, like this: [illustration]

B **To vote on an issue**, fill in the oval next to YES or NO.

To write in a qualified candidate who is not already on the ballot, fill in the oval and write the name of the person on the line.

If you want to change a vote or if you have made a mistake, ask an election worker for another ballot.

If you make marks on the ballot besides filling in the oval, your votes may not be counted.



Voting Instructions

Board requirements for voting instructions

- Ballot types** All ballot types must include voting instructions.
- Voter intent** Voting instructions must present the voter with clear instructions on how to mark the ballot the way they intend.
- Primaries** Do not include instructions for write-ins on primary ballots.

Best practice recommendations for voting instructions

- Wording** Use the instructions in the example above, as closely as possible.
- Emphasize actions** Use bold to emphasize actions for voters.
- Illustrations** Include an illustration that shows how to mark the ballot correctly.
- Lists** Do not use numbered or bulleted lists. The emphasis in each sentence does not need a bullet. The sentences are not steps in a process.

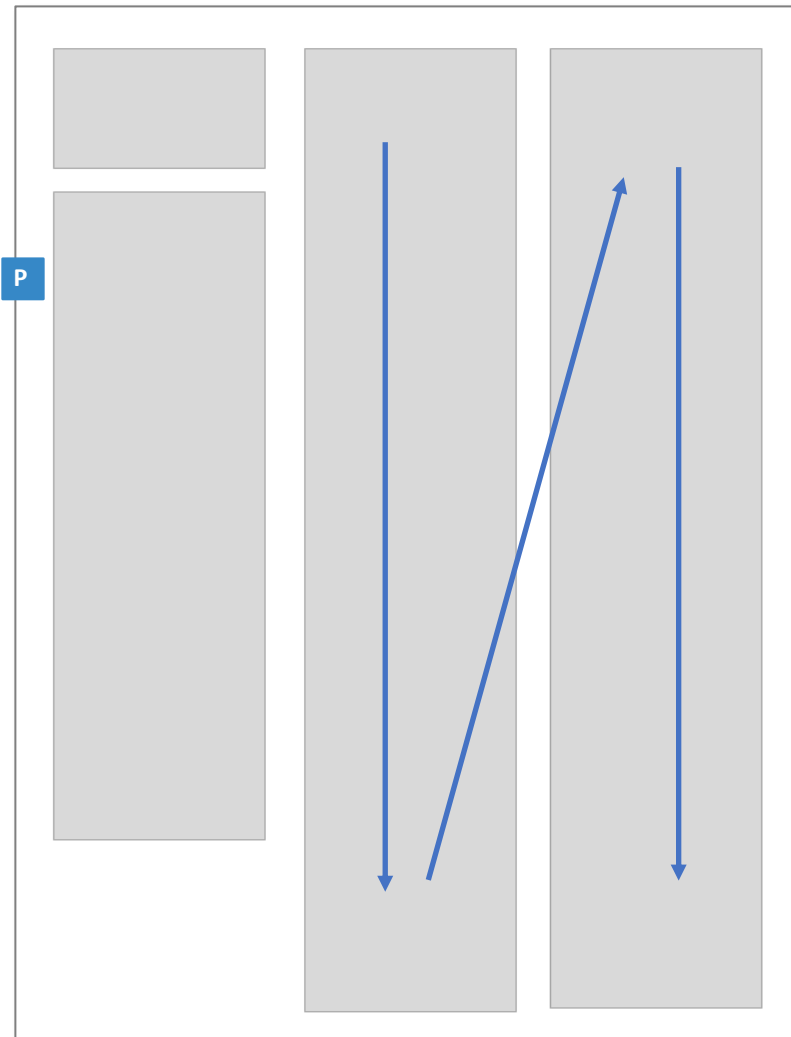


Ballot Order

Ballot Order

Board requirements for ballot order

You can list offices
down-then-across the ballot.
This layout is best practice:





Ballot Order

Code requirements for ballot order

(Va. Code §24.2-613) All offices to be elected must be placed before any question.

Board requirements for ballot order

Lay out the ballot with all of the offices, amendments, and issues as shown below.

If there is a general election and a special election for the same type of office, list the general election before the special. For example, this may happen when filling a vacated seat.

Offices must be placed in this order:

Ballot Placement	Office/Issue title
------------------	--------------------

Statewide Offices

- 1 President
- 2 Member United States Senate
- 3 Member House of Representatives
- 4 Governor
- 5 Lieutenant Governor
- 6 Attorney General

Regional Offices

- 7 Member Senate of Virginia
- 8 Member House of Delegates

Locality-wide Offices

- 9 Clerk of Court



Ballot Order

Ballot Placement	Office/Issue title
------------------	--------------------

Locality-wide Offices (continued)

- 10 Commonwealth's Attorney
- 11 Sheriff
- 12 Commissioner of Revenue
- 13 Treasurer
- 14 Chairman Board of Supervisors
County Board
Mayor, City
- 15 Member Board of Supervisors At Large
Member City Council At Large
- 16 Chairman School Board
- 17 Member School Board At Large

District/Magisterial/Ward Offices

- 18 Member Board of Supervisors
Member City Council Super District/Ward
Member City Council Election
- 19 Member School Board Super District/Ward
- 20 Member School Board
- 21 Soil and Water Conservation Director

Town Offices

- 22 Mayor
- 23 Member Town Council At Large



Ballot Order

Ballot Placement	Office/Issue title
------------------	--------------------

Town Offices (continued)

- 24 Member Town Council
- 25 Recorder
- 26 Treasurer

Statewide Issues, if applicable

- 27 Proposed Constitutional Amendment (statewide)
- 28 Proposed Bond Referendum (statewide)

Regional Issues, if applicable

- 29 Regional Referendum

Locality-wide Issues, if applicable

- 30 Bond Issues
- 31 Referendum

District/Ward Issues, if applicable

- 32 Referendum

Town Issues, if applicable

- 33 Referendum



Office Headers

Office Headers

Officer Header examples

General election

B	Member Senate of Virginia District 99 Vote for only one
C	Vote for only one

Special election, without designation

Member Senate of Virginia District 9 For unexpired term to end December 31, 2015 Vote for only one
--

P — Use shading to off-set the office headers and instructions for voting.

Special election, with designation

Member Senate of Virginia Special Election For unexpired term to end December 31, 2015 Vote for only one
--

Special election, with term on 2 lines

Member Senate of Virginia, Special Election For unexpired term to end December 31, 2015 Vote for only one



Office Headers

Officer Header examples, continued

Examples for
down-ballot
offices

**Member
School Board
Jack Jouett District**
Vote for only one

**Mayor
Town of Glasgow**
Vote for only one

**Member Town Council
Town of Brodnax**
Vote for not more than three

**Member Town Council – At Large
Town of Amherst**
Vote for only one

**Member Town Council, At Large
Town of Amherst**
Vote for only one



Office Headers

Officer Header examples, continued

Presidential elections

President and Vice President	
C	Vote for only one
C	Democratic Party Electors for <input type="radio"/> Anna Mae Sterner , President and Leslie Michelle Voiles , Vice President
	Republican Party Electors for <input type="radio"/> James X. Spool , President and Herbert Adams , Vice President
	<input type="radio"/> Write-in _____



Office Headers

Code requirements for office headers

“Vote for...” Instructions

(Va. code § 24.2-613(D))

For general, special, and primary elections, “Vote for...” instructions must not be smaller than 10-point type.

Must appear immediately below the title of any office.

Offices to which only one candidate can be elected must say:

“Vote for only one”

Instructions for offices to which more than one candidate can be elected must say:

“Vote for not more than *n*”

...where “*n*” is a number, written out. For example:

Vote for not more than three

“Electors for...”

(Va. Code § 24.2-614)

In Presidential elections, the words “Electors for” must appear between the party name and the name of the presidential candidate.



Office Headers

Board requirements for office headers

Order of elements in office blocks	Office title (such as “Governor”)
	Town, District, or Ward
	For special elections only: “For unexpired term to end June 20, 2019”
	“Vote for” instructions (see above)
	Candidate names
	Write-in line(s), except for primaries
Member offices	<p>Start with the word, “Member.”</p> <p>The word “Member” should be on its own line, space permitting.</p> <p>Include a “-” (hyphen) or “,” (comma) and the words “At Large” for an at-large seat.</p> <p>For example: Member Town Council - At Large Member Town Council, At Large</p> <p>Be consistent in usage of dashes or commas throughout the ballot.</p>
Special elections	The words “Special Election” are optional in the office title. If you choose to label the office with “Special Election” then use one of these formats:
Office title	<p>[Office name], Special Election</p> <p>[Office name] - Special Election</p>
Unexpired term	<p>Be consistent in usage of dashes or commas throughout the ballot.</p> <p>The text “For unexpired term to end June 20, 2019” must appear immediately preceding the “Vote for” instructions.</p>



Office Headers

Best practice recommendations for office headers

Shading Use shading to off-set the office headers and instructions for voting.
Shading should be 10% gray or cyan.

Separate candidate list You may also separate the headers from the candidate lists using a light horizontal rule of 0.25 point to 0.50 point.

Be consistent The examples on pages 23 - 25 show variations. Use the same variation throughout. The examples above show variations. Use the same variation throughout.

Term Expiration Wording for term expiration can include or exclude the preposition “on.”
For example: For unexpired term to end on December 31, 2015
For unexpired term to end December 31, 2015



Candidate Order and Name Formats

Candidate Order and Name Formats

Non-presidential candidate names

“Vote for” language is set in code. —

C

The Board sets standards for ballot names. —

B

Candidate order is set in code. —

C

Member

Board of Supervisors

For unexpired term to end on December 31, 2015

Vote for not more than three

Aaron J. Peskin II

Barb Jean Bush Jr.

G. Duane Kruse

Janice C. “Ginny” Redish

Erin J. Michael

Write-in

P

Candidate names should be in mixed case, bold type.

Code requirements for candidate names

(Va. Code §24.2-613)

All elections

The names of all candidates printed on the ballot must be in the same font, size, and style.

(Va. Code §24.2-529)

Primary elections

List names in the order in which the candidates completed filing.

In the event two or more candidates file simultaneously, the order of filing is determined by lot by the electoral board or the State Board as in the case of a tie vote for the office.

No write-in shall be permitted on ballots in primary elections.



Candidate Order and Name Formats

Board requirements for candidate names

For all offices *except president / vice president*, candidate names follow this formula on the ballot:

First name or initial + middle name or initial + (optional) “nickname” + last name + suffix.

Title Do not include a title with the name – neither before, nor after. Examples of titles include Rev., Dr., Mrs., Mr., etc.

Candidates must use their given name and not the name of their spouse. For example:

Mary L. Jones

Not: Mrs. John W. Jones

First name Must use first name or initial or familiar form of first name.

Middle name Must use middle name or initial or familiar form of middle name.

Initials Initials may be used instead of either the first or middle name or both.

Nickname Must be in double quotation marks, if used.

Last name Must use the last name as it appears on the candidate’s voter registration record.

Suffix Must be used if included on the candidate’s voter registration record.

NOTE: If a candidate’s name cannot meet the above requirements because there is no middle name – or for some other reason – contact ELECT for acceptable accommodations.



Candidate Order and Name Formats

Board requirements for candidate names, continued...

Examples of acceptable name formats

As an example, the candidate's full legal name is Thomas Wendell Smyth III. The candidate can specify any of these options:

Tom W. Smyth III
T. Wendell Smyth III
Thomas W. Smyth III
Thomas Wendell Smyth III
T.W. "Tom" Smyth III
T.W. "Sparky" Smyth III
T.W. Smyth III
TW Smyth III

Presidential / Vice Presidential Candidate Names

Presidential and vice-presidential candidate names appear on the ballot as specified to the State Board by the nominating party or candidate.

Fit the full candidate name on one line

The full candidate name must fit on one line of the ballot. This includes any punctuation and spaces.

If the candidate's name goes onto a second line, contact ELECT staff for support. They will suggest appropriate accommodations so that you can meet this requirement.



Candidate Order and Name Formats

Best Practice Recommendations

Candidate names should be in mixed case, bold type.

P

Member
House of Delegates
58th District
Vote for not more than three
<input type="radio"/> Aaron Peskin II (D)
<input type="radio"/> Barb Jean Bush Jr. (R)
<input type="radio"/> G. Duane Kruse (L)
<input type="radio"/> Janice C. “Ginny” Redish (G)
<input type="radio"/> Erin J. Michael (G)
<input type="radio"/> Write-in

<input type="radio"/> Write-in

<input type="radio"/> Write-in

C

Show party designation for federal, statewide, and General Assembly offices.



Political Party Order and Appearance

Political Party Order and Appearance

Code requirements for political party order and appearance

- Party designation** A political party name must identify candidates that have been nominated for federal, statewide, and General Assembly offices. Party identification is only present on ballots in federal, statewide, and General Assembly elections (Va. code § 24.2-613).
- Order of parties** *General and Special Elections*
The State Board determines by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties.
Independent candidates always appear last and in the order they filed all required paperwork (Va. code § 24.2-613).

Board requirements for political party order and appearance

- Appearance of political party names** Party abbreviations must be in accordance with the SBE determination made at the time of the party order drawing.

Best practice recommendations for political party order and appearance

- Party name format** If the SBE determines party names are to be spelled out, then the names of the parties should be mixed case, regular (non-bold) type, following candidate names in mixed case, bold type.
- Emphasis of party abbreviation** If you abbreviate the party name, it should appear in regular (non-bold) type, following the candidate name in mixed case, bold type.



Write-ins

Write-ins

Write-in Example

Write-ins are after the last candidate's name; show a target for each write-in space; include the words "Write-in" followed by a line for voters to write the name. Include the same number of write-in lines as the number of seats to be elected.

For the words, "Write-in," use the same font size and weight as candidate names.

The line for writing in the name is under the words "Write-in" with enough line space for the voter to write the name.

Member Board of Supervisors	
Vote for not more than three	
<input type="radio"/>	Aaron Peskin II (D)
<input type="radio"/>	Barb Jean Bush Jr. (R)
<input type="radio"/>	G. Duane Kruse (L)
<input type="radio"/>	Janice C. "Ginny" Redish (IG)
<input type="radio"/>	Erin J. Michael (I)
<input type="radio"/>	Write-in _____
<input type="radio"/>	Write-in _____
<input type="radio"/>	Write-in _____

B

P



Write-ins

Code requirements for write-ins

Scope	Write-in sections must be included on all ballots, except in primary elections.
(Va. Code § 24.2-529)	Write-ins are not permitted in primary elections.

Board requirements for write-ins

Where	After the last candidate's name.
Target	Write-in lines must show a target (oval, rectangle, etc.) for each write-in space.
Language	Include the words "Write-in" using a hyphen followed by a line for voters to write the name.
Number of write-in lines	There must be the same number of write-in lines as the number of seats to be elected. For example, an office with the instruction, 'Vote for not more than three' should have 3 lines for the voter to write in or leave enough space for voters to write in 3 separate names.

Best practice recommendations for write-ins

Font size and weight	For the words, "Write-in," use the same font size and weight as candidate names.
Location of line	Put the line for writing in the name under the words "Write-in" with enough line space for the voter to write the name. The line may also be next to or above the words "Write-in" if voting systems cannot accommodate the line underneath. If presented on the same line, the words "Write-in" should be to the left of the write-in line.



Amendments, Referendums, and Bonds

Amendments, Referendums, and Bonds

*Title,
then Question,
then Answer
options.*

C

Meals tax

Shall the County of Amelia be authorized to levy a tax, at a rate of 4% or less, on the amount charged for prepared food and beverages sold in the County, as provided by §58.1-3833 of the Code of Virginia, as amended, with the stipulation that the revenue from such a tax shall be used to fund operational expenses and capital projects related to fire protection and emergency medical services?

*Include content
exactly as it is
written in
legislation or
the Writ.*

C

This tax would be imposed in addition to the current general retail sales and use taxes collected on all purchases. Thus, if this food and beverage tax is adopted and the maximum rate of 4% is imposed, then the total tax on all prepared food and beverages will be 9.3%

*“Yes” and “No”
in individual
blocks or lines
after the text of
the question.*

C

Yes

P

No

*Issues in 12-point type,
mixed case, left justified.*

*“Yes” and “No” choices in
bold type.*



Amendments, Referendums, and Bonds

Code requirements for amendments, referendums, and bonds

Layout (Va. code § 24.2-684)

Amendments, referendums, and bonds should be laid out in the following order:

- Title
- Question
- Answer options: Place “Yes” and “No” in individual blocks or lines after the text of the question.

Language (Va. code § 24.2-684)

Referendums must:

- Include statewide and regional content exactly as it is written in the legislation passed by the General Assembly.
- Include local content exactly as it is written in the Circuit Court’s Writ.

Best practice recommendations for amendments, referendums, and bonds

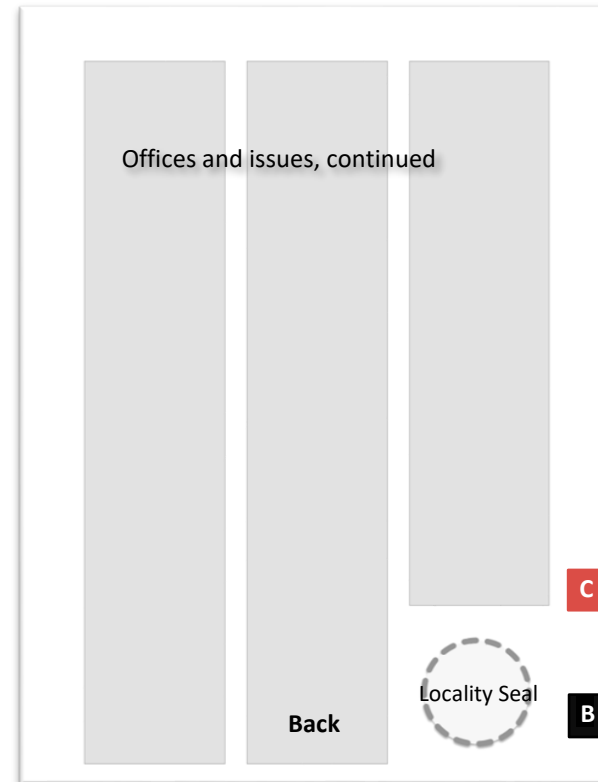
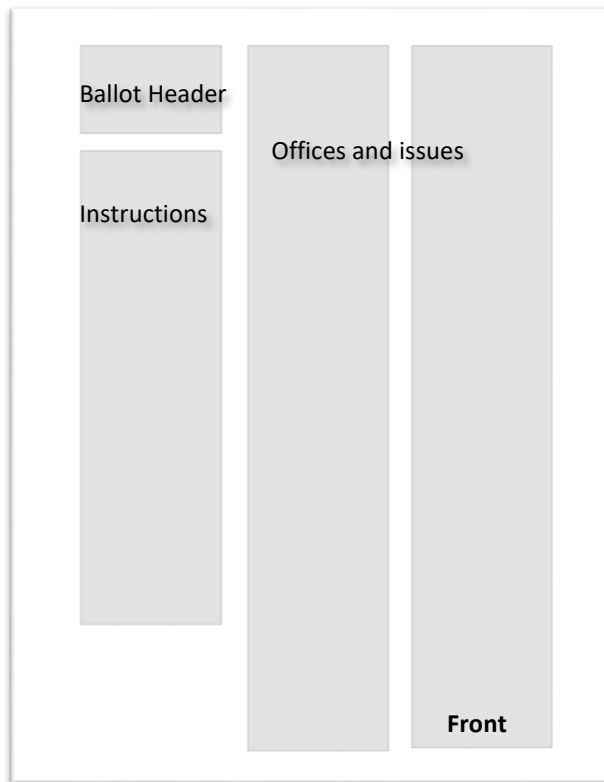
Text of issues should be in 12-point type, mixed case, and left justified (not fully justified).

The “Yes” and “No” choices should be in bold type.



Locality Seal

Locality Seal



C

Code stipulates the seal must be on the reverse side of the ballot.

B

See additional Board Requirements below.



Locality Seal

Code requirements for the locality seal

The official seal of the locality must go on the reverse side of the ballot (Va. code § 24.2-619).

Board requirements for the locality seal

If all issues and offices fit on the front of the ballot, the seal must still go on the back.

If the issues and offices use both the front and back of the ballot, include the seal on the back if it fits after the issues and offices.

There is no specified requirement for the size of the seal.



Waivers

Waivers

The State Board of Elections has adopted a waiver process from Board Requirements of the prescribed ballot standards for localities. The Board has delegated this authority, and any procedure related to it, to the Commissioner of Elections and the Department of Elections.

A locality seeking a waiver from Board Requirements of the Ballot Standards must receive approval from the Commissioner of Elections. A formal procedure for seeking a waiver will be released at a later date.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

State Board of Elections Report

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, and Matthew Weinstein
From: Claire Scott, Policy Analyst
Date: August 20, 2024
Re: SBE Annual Report 2023

Proposed Motion

"I move that the State Board of Elections approve the Annual State Board of Elections Report for 2023 as presented."

Applicable Statute

§24.2-103 Powers and duties in general; report

Background

Pursuant to §24.2-103 of the Code of Virginia, The State Board (the "Board" or SBE) supervises, coordinates, and adopts regulations governing the work of local electoral boards, registrars, and officers of election to ensure secure, uniform, and trustworthy elections. The SBE 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. During the 2023 calendar year (January 1, 2023 – December 31, 2023), the Board met a total of fourteen times, certifying six elections, approving one new regulation, adopting four amendments to existing regulations, and repealing 1 regulation in addition to addressing a variety of administrative matters. The attached report gives additional details on the activities of the Board. Upon approval, the Board will be submitted to the Governor and the General Assembly as well as made available to the public on ELECT's website

ELECT Recommendation

ELECT staff recommends the State Board of Elections approve the Annual Report for 2023 as presented.

Attachments and References

- State Board of Elections Annual Report 2023

State Board of Elections Annual Report

(January 1, 2023 – December 31, 2023)

AUGUST 20, 2024

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 the State Board of Elections Annual Report to the Governor and the Virginia General Assembly. 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 2023 calendar year (January 1, 2023 – December 31, 2023), the Board met a total of 14 times, certifying 6 elections, approving 1 new regulation, adopting 4 amendments to existing regulations, and repealing 1 regulation in addition to addressing a variety of administrative matters.



Introduction

The Virginia State Board of Elections (the Board) was created in 1946 as a non-political 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, amending 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 2023, ELECT proposed approximately 62 memorandums to the Board summarized in the table below.

Topic	Number of Memorandums
Regulations	8
Election Administration	23
Certification of Elections	6
Election Security	7
Risk-Limiting Audits (RLA)	7
Stand by Your Ad (SBYA)	5
Miscellaneous	6
Total	62

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. Pursuant to §2.2-4002(B)(8) of the Code of Virginia, all regulations proposed during 2023 were exempt from the regulatory administrative process set forth in the Administrative Process Act.²

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

² See Code of Virginia [§§2.2-4000](#) and [2.2-4002\(B\)\(8\)](#).



Approving New Regulations

Material Omissions from Officer Removal Petitions and Petition Signature Qualifications (1VAC20-60-90)

Acts of Assembly Chapters 663 and 664 passed during the 2023 Session of the General Assembly and set out the procedures by which an elected officer, or officer who has been appointed to fill an elective office, may be removed from office.³ The regulation outlined what constitutes a material omission on a removal petition. Along with a petition for removal form, the Board unanimously approved 1VAC20-60-90 on May 30, 2023.

Amending Existing Regulations

Request for a risk-limiting audit for a contested race within a jurisdiction (1VAC20-60-80)

These amendments clarified the process set out by a local electoral board to request an RLA pursuant to §24.2-671.2(D).⁴ A contested race was defined as “a contested race wholly contained within the jurisdiction of the county or city for which an electoral board requesting a risk-limiting audit serves.”⁵ Clarification was provided regarding the application for multiple RLAs as well as the required majority vote of a local electoral board. The amendments also removed the requirements for the number of estimated ballots to be sampled to exceed 15% of the total number of ballots cast. These amendments were unanimously approved by the Board on March 7, 2023.

Material Omissions from Federal Write-In Absentee Ballots (1VAC20-45-40)

These amendments brought 1VAC20-45-40 into compliance with the 2023 Acts of Assembly Chapter 785 by removing language regarding witness signatures, dates of the witness signatures, and the address of the witness.⁶ The amendments also added the requirement for the applicant to provide the last four digits of their social security number or, if the applicant was not issued a social security number, the unique identifier assigned to the applicant in the voter registration system. These amendments were unanimously approved by the Board on May 30, 2023.

Material Omissions from Absentee Ballots (1VAC20-70-20)

These amendments brought 1VAC20-70-20 into compliance with the 2023 Acts of Assembly Chapter 785 by removing language regarding witness signatures, dates of the witness signatures, and the addresses of the witness.⁷ The amendments also added the requirement for the applicant to provide

³ See 2023 Acts of Assembly Chapter [663](#) and [664](#).

⁴ See Code of Virginia [§24.2-671.2](#).

⁵ See Virginia Admin. Code [1VAC20-60-80](#).

⁶ See 2023 Acts of Assembly [785](#).

⁷ *Id.*



the last four digits of their social security number or, if the applicant was not issued a social security number, the unique identifier assigned to the applicant in the voter registration system. These amendments were unanimously approved by the Board on May 30, 2023.

Definitions (1VAC20-100-10)

These amendments created new definitions and amended existing definitions for ranked choice voting regulations (1VAC20-100-10 through 1VAC20-100-80). The amendments included a distinction between tabulation on the voting system in the first-choice ranking tabulation round and tabulation on software for the ranked choice voting rounds, clarification of the determination of election thresholds for candidates to win, and the addition and amendment of terms related to ballot treatment in the tabulation. These amendments were unanimously approved by the Board on May 30, 2023.

Repealing Regulations

Repeal of Absentee Ballot Witness Signatures During Qualifying State of Emergency (1VAC20-70-80)

Pursuant to 1VAC20-70-80, absentee voters were not required to have a witness signature during declared states of emergency or public health threats. 2023 Acts of Assembly Chapter 785 removed the requirement of a witness signature for absentee voters, whether or not a state of emergency or public health threat had been declared.⁸ As such, 1VAC20-70-80 was no longer compliant with the Code of Virginia, and ELECT recommended the repeal of the regulation. The Board unanimously approved the repeal of 1VAC20-70-80 on May 30, 2023.

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 2023 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.

⁸ *Id.*



Certification of Elections

During the 2023 Calendar year, the Board certified 6 elections. The Board certifies federal and state elections including but not limited to the Virginia General Assembly, the United States Congress, and Governor; local electoral boards certifies local elections including but not limited to city councils, boards of supervisors, and mayors.⁹These certifications included 51 nominees from the June 20, 2023, Primary Election and 185 winners from several special elections and the November 7, 2023, General Election.

- **January 18, 2023:** The Board certified the results of the January 10, 2023, Special Elections for House of Delegates District 35, Senate of Virginia District 7, and House of Delegates District 24 pursuant to Virginia Code §§24.2-679 and 24.2-680.¹⁰
- **March 7, 2023:** The Board certified the results of the February 21, 2023, Special Election for U.S. House of Representatives Congressional District 4. The winner was declared and would fill the office for the remainder of the term of that office.
- **April 11, 2023:** The Board certified the results of the March 28, 2023, Special Election for the Senate of Virginia District 9. The winner was declared and would fill the office for the remainder of the term of that office.
- **July 5, 2023:** The Board certified the results of the June 20, 2023, Primary Election. The 51 winners were declared the nominees for their respective parties for the offices to appear on the ballot for the November 7, 2023, General Election pursuant to Virginia Code §24.2-534.¹¹
- **September 12, 2023:** The Board certified the results of the August 29, 2023, Special Election for House of Delegates District 6. The winner was declared and would fill the office for the remainder of the term of that office.
- **December 4, 2023:** The Board certified the results of the November 7, 2023, General Election. The Board certified the results of all 40 Senate of Virginia districts, all 100 House of Delegates districts, and 39 shared constitutional offices, including Clerks of Court, Commonwealth's Attorneys, Sheriffs, Commissioners of Revenue, and Treasurers from various localities of the Commonwealth.

⁹ See Code of Virginia §§[24.2-676](#) and [24.2-679](#).

¹⁰ See Code of Virginia §§[24.2-679](#) and [24.2-680](#).

¹¹ See Code of Virginia [§24.2-534](#).



Ballot Order

If two or more candidates file simultaneously, the order of the filing is determined by the electoral board or the Board, pursuant to Virginia Code §24.2-529.¹² Additionally, the Board must determine by lot the order of political parties, pursuant to Virginia Code §24.2-613.¹³ On March 7, 2023, the Board certified the order of candidates on the ballot for all general and special elections to be held between April 1, 2023, and April 1, 2024.

On April 14, 2023, the Board certified the order of candidates on the ballot for primary elections to be held on June 20, 2023. On December 20, 2023, the Board certified the determinations by lot of the order of candidates on the ballot for the presidential primary election to be held on March 5, 2024.

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. 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.”¹⁴ 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 10 split precinct waivers for various counties and cities.

Candidate Filing Extensions

Pursuant to Va. Code § 24.2-503, the Board may grant an extension of the filing deadlines for the Certificate of Candidate Qualifications and a Statement of Economic Interests.¹⁵ Any extension granted may only be for 10 days following the time ELECT sends the notice of extension to the affected candidates. If the Board grants an extension, ELECT must notify all candidates who have failed to file one or both documents of the extension.

During the 2023 calendar year, 9 candidates requested extensions to qualify for ballot access for the June 2023 Primary, and the Board *unanimously approved* the extensions on April 11, 2023.

¹² See Code of Virginia [§24.2-529](#).

¹³ See Code of Virginia [§24.2-613](#).

¹⁴ See Code of Virginia [§24.2-307](#).

¹⁵ See Code of Virginia [§24.2-503](#).



Additionally, 8 candidates requested extensions to qualify for ballot access for the November 2023 General Election; on July 5, 2023, the Board took *no action* on the requests.

Updating the Voter Registration Application

2023 Acts of Assembly Chapters 801 and 802 amended the Virginia Code provisions regarding the personal information of retired judges and magistrates; specifically, §24.2-418 was amended by permitting any active or retired magistrate to register as a protected voter.¹⁶ As such, the Virginia Voter Registration Application needed to be revised.

Additionally, pursuant to 1VAC20-40-10, an alternative mailing address may be included on a voter registration application when “the residence address of the applicant cannot receive mail.”¹⁷ However, the language on the previous voter registration application stated an alternative mailing address could be used if a residence address is “not serviced by the U.S. Postal Service”. Feedback from the general registrars suggested confusion among voters. ELECT evaluated the form and suggested the voter registration application be amended to match existing statutory language.

The Board unanimously approved these changes on April 14, 2023. The effective date of the changes was set to July 1, 2023, when the law requiring the change would come into effect.

2024 Presidential Primary Candidate Forms

Virginia Code § 24.2-545 requires candidates in a party presidential primary to file petitions signed by at least 5,000 qualified voters (minimum of 200 from each Congressional district) to qualify to have their name printed on the ballot.¹⁸ Further, Virginia Code § 24.2-520 requires primary candidates for any office (including President) to file a Declaration of Candidacy.¹⁹ In the past, the Board has adopted a separate SBE-505/520 specifically for candidates for president. ELECT presented updated versions of these forms to the Board, and the Board unanimously approved them on May 30, 2023.

Additionally, ELECT presented two forms to the Board during the May 20, 2023, meeting: Party Certification of Presidential Primary Candidates and Statement of Petition Signatures for Presidential Candidate. Based on communications from past Presidential Primary Elections, parties and candidates asked about the best way and format to communicate the information in these forms; ELECT determined providing an optional form and format the candidates could use would assist both parties and candidates in providing the information required by law. Neither of these forms required

¹⁶ See 2023 Acts of Assembly Chapters [801](#) and [802](#).

¹⁷ See Virginia Admin. Code [1VAC20-40-10](#).

¹⁸ See Code of Virginia [§24.2-545](#).

¹⁹ See Code of Virginia [§24.2-520](#).



approval by the Board, but ELECT provided them to the Board for informational purposes and to provide the Board with a greater understanding and knowledge of the entire suite of Presidential Primary forms.

Updating the Hand-Counting Standards

§24.2-103(A) of the Virginia Code states that the Board “shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws.”²⁰ To provide instructions and guidance for the process of manually counting votes, the Board approved Virginia’s Guide to Hand-Counting Ballots (hand-counting standards).

Due to the adoption and planned use of ranked choice voting in Virginia, revisions to the hand-counting standards were proposed to provide clarity on ballot treatment scenarios that arise in ranked choice elections. Like in traditional elections, the use of hand-counting will be used primarily in the event of a recount or when counting certain absentee ballots. The Board unanimously approved the updates to Virginia’s Guide to Hand-Counting Ballots on May 30, 2023.

Petition for Removal of an Officer

Acts of Assembly Chapters 663 and 664 passed during the 2023 Session of the General Assembly set out the procedures by which an elected officer, or officer who has been appointed to fill an elective office, may be removed from office.²¹ As it pertains to the Board and general registrars, these bills require that (i) the general registrar review a petition for removal on a form prescribed by the Board and determine its sufficiency; (ii) the general registrar certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court; and (iii) the certification state the number of signatures required, the number of signatures on the petition, the number of valid signatures, along with any signatures found to be invalid and any material omissions from the petition.

As a result, ELECT presented a new form along with the aforementioned 1VAC20-60-90 regulation. The Board unanimously approved the form and regulation on May 30, 2023.

²⁰ See Code of Virginia [§24.2-103](#).

²¹ See 2023 Acts of Assembly Chapter [663](#) and [664](#).



Central Absentee Precinct Policy

Chapter 152 of the 2023 Acts of Assembly of the Commonwealth of Virginia directed the Board to adopt a policy regarding the counting and reporting of absentee ballots in central absentee precincts (CAP) in order to ensure that (i) the results of absentee ballots cast early in person are reported separately from mailed absentee ballots and are posted promptly on the State Board website and (ii) the results of all absentee ballots cast by voters are reported by precinct in accordance with the law and are posted on the State Board website no later than noon on the seventh calendar day following the election.²² The bill required such policy to be adopted no later than September 1, 2023, and the Chairmen of the House and Senate Committees on Privileges and Elections to be notified of this policy within seven days of its adoption. ELECT presented a policy fulfilling the requirements of Chapter 152, and the Board unanimously approved it on August 15, 2023. The policy was immediately transmitted to the Chairmen of the House and Senate Committees on Privileges and Elections and publicly posted on ELECT’s website.

Officer of Election Training Standards

Pursuant to the Virginia Code §24.2-103(D), the Board is required to set the training standards for the officers of election and to develop standardized training programs to be conducted by the local electoral boards and the general registrars.²³ The Board is also required to provide standardized training materials for such training and an online course must be available on the ELECT website. The Board is required to review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office. ELECT presented the updated Officer of Election Training Standards and materials to the Board on August 15, 2023, and the Board unanimously approved them.

Recount Standards

Pursuant to 2023 Acts of Assembly Chapter 219, the Board must create additional standards and instructions for the conduct of recounts in elections for an office to which more than one candidate can be elected (“multi-winner race”).²⁴ ELECT provided revisions to the recount standards that satisfied the statutory requirements. Further, as the Code does not address recounts for ranked choice voting (RCV) based elections, ELECT proposed revisions to the recount standards to facilitate the recount of such elections. The Board unanimously approved the revisions on August 15, 2023.

²² See 2023 Acts of Assembly Chapter [152](#).

²³ See Code of Virginia [§24.2-103](#).

²⁴ See 2023 Acts of Assembly Chapter [219](#).



Election Security

The Board and ELECT consistently work to ensure the integrity and security of every election is upheld in the Commonwealth. Throughout the 2023 calendar year, the Board performed its role in election security by approving various updates related to pollbooks, voting systems, and voting system security.

Updating the Certification Process for Voting Systems and Electronic Pollbooks

Vendors requesting state certification for a voting system, software, firmware, hardware, or modification must follow a formal and organized process approved by the Board for their products to be used in the Commonwealth. As part of the Virginia Voting System Certification, ELECT utilizes the Voting System Test Laboratory (VSTL) to provide a third-party assessment of all voting systems and equipment; VSTLs are accredited by the US Election Assistance Commission (EAC), pursuant to section 231(b) of the Help America Vote Act (HAVA) of 2002, and are independent, non-federal laboratories qualified to test voting systems to Federal Standards.²⁵

The proposed changes allowed the VSTL to have enough time and hours to confirm the voting systems and EPBs meet both Virginia and Federal voting system standards, as well as write up the required test report. Additionally, ELECT would no longer supplement the cost of certifications as it did prior to 2019 since the fees were set higher than the actual VSTL invoices. Vendors would no longer be overcharged for testing and may receive refunds. The Board unanimously approved the amendments to the certification process on March 7, 2023.

Voting System Certification

Election Systems & Software 6.3.0.0 voting system

On March 7, 2023, ELECT requested the Board certify the use of the Election Systems & Software (ES&S) 6.3.0.0 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. ES&S provided the certification fee, and the testing/evaluation was conducted from January 9th through January 13, 2023, at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Spotsylvania County on February 17, 2023. The ES&S voting system presented for certification under 6.3.0.0 completed the Virginia Voting

²⁵ See U.S. Elections Assistance Commission, [Voting System Test Laboratories](#).



Systems State Certification requirements. The Board motioned and approved the use of the updated system by a unanimous vote.

Dominion D-Suite 5.17

On September 12, 2023, ELECT requested the Board certify the use of the Dominion D-Suite 5.17 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. Dominion provided the certification fee, and the testing/evaluation was conducted from August 21st 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 completed the Virginia Voting Systems State Certification requirements. The Board motioned and approved the use of the updated system by a unanimous vote.

Electronic Pollbook Certification

Knowink Poll Pad Plus version 3.4

On April 14, 2023, ELECT requested the Board certify the use of the Knowink Poll Pad Plus version 3.4. 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 from February 27th through March 1, 2023, at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Henrico County on March 2, 2023. The Knowink Poll Pad Plus presented for certification under version 3.4 completed the Virginia Electronic Pollbook State Certification requirements. The Board motioned and approved the use of the updated electronic pollbook by a unanimous vote.

Locality Election Security Standards

The purpose of the Locality Election Security Standards (LESS) is to ensure that each county and city meets election security standards designed to maintain the security and integrity of the Virginia voter registration system and supporting technologies through appropriate security controls, policies, practices, and procedures. To help all localities work toward improving their cybersecurity stance, the Virginia Voter Registration System Security Advisory Group (VRSS) worked to make limited changes to the standards, instead focusing on tools and resources localities can use to meet baseline requirements. On November 15, 2023, ELECT and VRSS presented revisions to the LESS, and the Board unanimously approved the revisions.



Risk-Limiting Audits

Pursuant to Virginia Code §24.2-671.2(B), the Board must promulgate rules and procedures for the conduct of risk-limiting audits (RLA).²⁶ The Board adopted amendments to 1VAC20-60-80 on March 7, 2023, regarding requests for RLAs pursuant to §24.2-671.2(D). Additionally, the Board approved a new SBE-671.2(D) form for a local electoral board to use to request an RLA pursuant to §24.2-671.2(D); the revisions included the use of batch comparison for those RLAs specifically requested by a local electoral board.

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 May 30, 2023, and unanimously approved. The RLA Manual can be found on ELECT's website as Chapter 19 of the General Registrar and Electoral Board Handbook.²⁷

June 2023 Primary

Pursuant to §24.2-671.2(D), the State Board of Elections approved a request from the Loudoun County Electoral Board for a risk-limiting audit for the June 2023 Democratic Primary for House of Delegates District 26.²⁸ The RLA began on June 27, 2023, at 10:00 AM. A representative sample of 10 precincts was randomly chosen and hand-tallied. The RLA successfully confirmed the reported election results with the 10% risk limit being met in the first round of counting. A report can be found on ELECT's website.²⁹

November 2023 General Election

Pursuant to §24.2-671.2, the November 2023 Risk-Limiting Audit of the Virginia Senate District 20 began on Monday, November 27th at 9 A.M.³⁰ This included Norfolk City, Virginia Beach City, Northampton County, and Accomack County. The RLA for the Virginia Senate District 20 used the ballot polling method. The RLA successfully confirmed the reported election results with the 10% risk limit being met in the first round of counting. A report can be found on ELECT's website.³¹

Pursuant to §24.2-671.2(D), the State Board of Elections approved requests from Loudoun County for House of Delegates District 27, Arlington County for Virginia Senate District 40, and Orange County for Orange County Sheriff.³² These localities requested and were approved to use the batch

²⁶ See Code of Virginia [§24.2-671.2\(B\)](#).

²⁷ See ELECT, [Risk-Limiting Audits](#).

²⁸ See Code of Virginia [§24.2-671.2](#).

²⁹ See ELECT, [Risk-Limiting Audits](#).

³⁰ See Code of Virginia [§24.2-671.2](#).

³¹ See ELECT, [Risk-Limiting Audits](#).

³² See Code of Virginia [§24.2-671.2](#).



comparison method for their RLAs. The RLAs in Arlington and Orange counties successfully confirmed the reported election results with the 10% risk limit being met in the first round of counting. A second round, which constituted a full hand tally, was required in Loudoun County but likewise confirmed the reported election results. A report can be found on ELECT’s website.³³

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.³⁴ 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.³⁵

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, 2023

The Board held a public hearing to assess the violations of Virginia Code §24.2-955 for the November 2022 general election. The Board heard 12 cases, dismissing 4, finding 7 guilty, and taking no action on 1. The Board assessed a total of \$250 in civil penalties. The Board affirmed their findings on March 7, 2023, during a public meeting.

August 15, 2023

The Board held a public hearing to assess the violations of Virginia Code §24.2-955 for the June 2023 primary election. The Board heard 14 cases, dismissing 1, finding 12 guilty, and taking no action on 1. The Board assessed a total of \$1,950 in civil penalties. The Board affirmed their findings on September 14, 2023, during a public meeting.

³³ See ELECT, [Risk-Limiting Audits](#).

³⁴ See Code of Virginia [§24.2-955](#).

³⁵ See Code of Virginia [§24.2-955.3](#).



SBYA Hearing Policy Revision

On December 20, 2023, ELECT proposed several changes to the SBYA Hearing Policy to the Board. The changes included clarifying that a determination of whether a communication constitutes an advertisement covered by SBYA is based upon the scope and definitions outlined in the Virginia Code, increasing the notice provided to respondents from 10 days to 21 days, requiring a continuance upon subpoena request if deemed necessary by the Chair, and requiring that the SBE meet twice per year for SBYA hearings but while removing specific January and August dates. The Board unanimously approved the revisions.

Miscellaneous

Advisory Review Workgroup

The Board established the Advisory Review Workgroup (“the Workgroup”) by resolution on October 29, 2019. The resolution expired on February 1, 2023. The Workgroup was comprised of three representatives from the Virginia Registrars Association, three representatives of the Virginia Electoral Board Association, one representative of the Virginia Association of Counties, one representative of the Virginia Municipal League, and five citizen members. A citizen member chaired the Workgroup. The assignment the Board gave to the Workgroup was to “develop benchmarks to measure the success of elections in Virginia.” The Workgroup submitted the final phase of their report on March 7, 2023. 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 March 7, 2023, at the Virginia Regulatory Town Hall website.³⁶

Delegations of Authority

During the 2023 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 July 5, 2023, the Board approved the retention of some aspects of authority while delegating some to ELECT. The Board retained 5 authorities regarding the removal of local election officials and elected or appointed officials and 1 authority regarding recounts; the Board delegated 2 authorities to ELECT regarding campaign finance. The document containing all delegations of authority from the Board to ELECT can be found on the Virginia Regulatory Town Hall website.³⁷

³⁶ See Virginia Department of Planning and Budget, [Virginia Regulatory Town Hall](#).

³⁷ See ELECT, [State Board of Elections Delegations of Authority](#).



Petition for Rulemaking: List of Unqualified Persons Provided to General Registrars

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.³⁸ 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 to the agency’s legal authority to take the action requested.

ELECT received a petition for rulemaking for the Board regarding the use of juror questionnaires for voter list maintenance. The petition requested that the Board “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 on July 10, 2023. ELECT received a total of 323 comments in support of the petition and no comments in opposition.

On September 12, 2023, ELECT recommended the SBE take no action on the petition. While ELECT supports diverse list maintenance practices that strengthen and revitalize list maintenance in Virginia, the Board does not have the statutory authority to mandate the requested practice. The Board took no action on this matter.

Request to Remove a Local Electoral Board Member

Pursuant to Virginia Code §24.2-234.1, “Any member of a local electoral board may be removed from office by the circuit court in whose jurisdiction he resides upon a petition signed by a majority of the members of the State Board as provided in § 24.2-103. The circuit court shall proceed with such removal in accordance with the provisions of § 24.2-235.”³⁹ The Board may petition a circuit court for the removal of a member of a local electoral board who fails to discharge the duties of his office in accordance with law.⁴⁰ On December 20, 2023, ELECT presented to the Board a request to remove Rene Rice from the Brunswick County Electoral Board. The Board reviewed the materials presented and unanimously moved to petition the Circuit Court of Brunswick County for the removal of Rene Rice from the Brunswick County Electoral Board.

³⁸ See Code of Virginia [§2.2-4007](#). See Virginia Admin. Code [1VAC20-10-50](#).

³⁹ See Code of Virginia [§24.2-234.1](#).

⁴⁰ See Code of Virginia [§24.2-103](#).



Conclusion

A wide variety of regulations, amendments, administrative policies and procedures, and election security updates were approved by the Board in 2023. 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 multiple primary, general, and special elections. The State Board of Elections, through the Department of Elections, will continue to supervise and coordinate the work of elections administrators in every locality in order to promote and support accurate, fair, open, and secure elections for the citizens of the Commonwealth.





★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

City of Winchester

BOARD WORKING PAPERS

Brandon Smith
Chief Technology Officer



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Members of the State Board of Elections

From: Londo Andrews, Voting Systems Security Manager

Date: August 20, 2024

Re: Experimental Use of Approved Voting Systems in City of Winchester

Suggested motion for a Board member to make:

I move that the Board approve the experimental use of the Unisyn OpenElect FreedomVote Scan with software version 2.2 and firmware version 2018 in the City of Winchester for early voting, absentee voting and the CAP precinct for processing mailed ballots, on election day for the period of September 20, 2024 - November 6, 2024, for the November 5, 2024 presidential election.

Applicable Code Sections: § 24.2-630.

Attachments:

Your Board materials include the following:

- Request from City of Winchester to trial the Unisyn OpenElect FreedomVote Scan with software version 2.2 and firmware version 2018

Background:

Virginia election law provides for the experimental use of certified voting systems during an election, with the approval of the State Board of Elections. The City of Winchester is seeking permission to trial the Unisyn OpenElect FreedomVote Scan with software version 2.2 and firmware version 2018, for the early and absentee voting period and election day of the Virginia presidential election to be held on November 5, 2024. This equipment has been previously certified by SBE. The vendor has agreed to participate in this trial that will be used to evaluate the purchase of the scanning voting equipment for the City of Winchester. The Department of Elections supports any efforts by localities to test certified voting systems not presently used in a locality. Localities may find through such test use cases, better ways to manage and improve election efforts and processes in their locality. This is an excellent option available to localities to test certified voting equipment prior to making a purchasing decision.



107-A North East Lane
Winchester, VA 22601
vote@winchesterva.gov

Telephone: (540) 545-7910
FAX: (540) 545-7925
Website: www.winchesterva.gov

July 25, 2024

Franchelle Tyson
Administrative Program Specialist
Virginia Department of Elections
1100 Bank St.
Richmond, VA 23219

Dear Ms. Tyson:

With this communication, we hereby request that consideration of the below be **added as an agenda item for the next meeting of the State Board.**

As covered in 24.2-630, we are requesting approval to use the Unisyn OpenElect FreedomVote Scan during the November 5 Election. This scanner is already approved and in use in Virginia and is part of the system we currently use (software version, ballot coding). We would like approval for its use in our office for Early Voting.

If SBE approval is not secured in time for the September 20 Early Voting start date, we would like to have approval for its use in our CAP precinct for processing the mailed ballots.

We currently use the other Unisyn OpenElect Voting devices, the OVO and the OVI, and would like to see the newer version scanner in action as we explore the options for eventually replacing our current scanners. With SBE approval this past winter, we completed some experimental use of this unit during the March Primary election, **however the remarkably low turnout did not offer a complete opportunity** to see its function demonstrated. We therefore would like to proceed with its use this fall.

Please contact me if you need additional information. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth W. Martin".

Elizabeth Martin
Director of Elections/General Registrar



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Closed Session

BOARD WORKING PAPERS

August 20, 2024

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 threatened litigation. In accordance with Section 2.2-3712(F), Susan Beals, Commissioner of Elections, and Andrew Murphy and Dennis Polio 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.