★ VIRGINIA ★
STATE BOARD of ELECTIONS

BOARD MEETING

Wednesday, April 13, 2022

Martha Brissette Conference Room

Washington Building

Richmond, VA

Video and Teleconference

Videoconference:

https://covaconf.webex.com/covaconf/j.php?MTID=mc45253387239f7ae46c88851a210b455

Meeting password: ixNJVAKK838

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2423 778 4929

1:00 P.M.

STATE BOARD OF ELECTIONS
AGENDA

***DATE*: Wednesday April 13, 2022**
***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: 2423 778 4929
VIDEO CONFERENCE:
https://covaconf.webex.com/covaconf/j.php?MTID=mc45253387239f7ae46c88851a210b455
Password: ixNJVAKK838
***TIME*: 1:00 P.M.**

I. CALL TO ORDER — *Robert Brink, Chairman*

II. APPROVAL OF MINUTES — *Jamilah LeCruise, Secretary*
- **A. March 1, 2022**

III. COMMISSIONER'S REPORT — *Susan J. Beals, Commissioner*

IV. SPLIT PRECINCT WAIVER — *Ashley Coles, ELECT Policy Analyst*
- **A. Southampton County (Old Business)**
- **B. Fairfax County**
- **C. Hanover County**
- **D. Chesterfield County**
- **E. Prince William County**
- **F. Roanoke County**

V. 2022 GENERAL ASSEMBLY LEGISLATIVE SESSION — *Ashley Coles, ELECT Policy Analyst*

VI. PROPOSED AMENDMENT TO 1VAC20-70-40 — *Daniel Davenport, ELECT Policy Analyst*

VII. KNOWINK ELECTRONIC POLLBOOK CERTIFICATION

Karen Hoyt-Stewart
Locality Security Program Manager

VIII. DRAWING FOR CANDIDATE BALLOT ORDER

Paul Saunders
Election Administration
Supervisor

IX. DRAWING FOR PARTY ORDER ON THE BALLOT FOR GENERAL AND SPECIAL ELECTIONS

Paul Saunders
Election Administration
Supervisor

X. PUBLIC COMMENT

XI. CLOSED SESSION

XII. ADJOURNMENT

NOTE: https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=34697

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 Washington Building. Each person will go through the x-ray machine and follow the Expect the Check rules.

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

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

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

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

Re. How to Participate in Public Comment

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

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

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

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

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS
Secretary LeCruise

The State Board of Elections ("the Board") meeting was held on Tuesday, March 1, 2022, in the Martha Brissette Conference Room of the Washington Building in Richmond, Virginia. The meeting also offered public participation through electronic communication so the remote public could view and hear the meeting. In attendance: Robert Brink, Chairman, John O'Bannon, Vice Chairman, Jamilah LeCruise, Secretary, Angela Chiang, and Delegate Donald Merricks, represented the State Board of Elections ("the Board"). Christopher E. "Chris" Piper, Commissioner, represented the Department of Elections ("ELECT"), Carol Lewis and Joshua Lief represented the Office of the Attorney General ("OAG"). Chairman Brink called the meeting to order at 1:00 P.M.

The first item of business was the approval of minutes presented by Secretary LeCruise. Delegate Merricks *moved that the Board approve the amended minutes from the January 18, 2022 Board Meeting*. Ms. Chiang seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

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

Commissioner Piper. Commissioner Piper advised the Board that ELECT is in the middle of redistricting. The Commissioner stated that ELECT staff has been working overtime to assist the registrars in their redistricting process to ensure they are ready for candidate qualification forms in March and the June Primary Election. Commissioner Piper informed the Board that ELECT continues to conduct the Request For Proposals for the new voter registration system.

The Commissioner expressed his appreciation to Chairman Brink, Vice Chair O'Bannon, Secretary LeCruise, Ms. Chiang, and Delegate Merricks. Commissioner Piper expressed his appreciation for a great partnership between Virginia Registrar Association of Virginia ("VRAV") former Presidents Walt Latham, and Allison Robbins, and current President Brenda Cabrera, and Virginia Electoral Board Association ("VEBA") former President Robin Lind and current President Barbara Tabb. The Commissioner expressed his appreciation to Carol Lewis, and her predecessor Heather Hays Lockerman, as well as Joshua Lief with the OAG. Commissioner Piper stated that one of the most complex parts about not continuing the job is leaving the ELECT Staff. The Commissioner expressed his appreciation to ELECT veteran staff Rise Miller, Garry Ellis, and Andrea Walker, who have been with the agency since 2000.

Commissioner Piper expressed a special appreciation to former Deputy Commissioner Jessica Bowman; former Confidential Policy Advisor James Heo;

current Confidential Policy Advisor Rachel Lawless; and DJ Geiger, Director of Operations. The Commissioner expressed a special appreciation to former Governor Ralph Northam, former Secretaries of Administrations Keyanna Conner, and Grindly Johnson.

Chairman Brink presented the Board with a formal Resolution commending Christopher E. Piper for his service as Commissioner of the Department of Elections. The Chairman opened the floor to public comment. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The Resolution is included in the minutes as APPENDIX: A.

The next item of business was the Stand By Your Ad violations, presented by Tammy Alexander, Campaign Finance Compliance and Training Specialist. Mrs. Alexander requested the Board finalize the previously assessed penalties for the 17 hearings heard during the January 18, 2022 Board Meeting. Vice Chair O'Bannon moved *to reaffirm the Board decision made previously during the January 18, 2022 Board meeting regarding the 17 violations on the agenda.*

Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next item of business was the Delegation of Authority 24.2-307, presented by Ashley Coles, ELECT Policy Analyst. *This report is in the Working Papers for the March 1, 2022 Meeting*. Chairman Brink opened the floor to public comment. Kate Hanley, Secretary of Fairfax County Electoral Board, addressed the Board. Secretary LeCruise moved *that the Board approve the proposed Amendment to the Delegations of Authority 2021 relating to § 24.2-307 of the Code of Virginia.* Vice Chair O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next item of business was the Split Precinct Waiver Requests, presented by Ashley Coles, ELECT Policy Analyst. Albermarle County requested the first split precinct waiver. *These documents are in the Working Papers for the March 1, 2022 Meeting*. James Heilman, Secretary of the Albermarle Electoral Board, addressed the Board. Secretary LeCruise moved *to approve the waiver request for Albermarle County*. Delegate Merricks seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

Caroline County requested the second split precinct waiver. *These documents are in the Working Papers for the March 1, 2022 Meeting*. Vice Chair O'Bannon moved *to approve the waiver request for Caroline County.* Ms. Chiang seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

Henrico County requested the third split precinct waiver. *These documents are in the Working Papers for the March 1, 2022 Meeting*. Mark Coakley, General Registrar for Henrico County, addressed the Board. Delegate Merricks moved *to approve the waiver request for Henrico County.* Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The City of Chesapeake requested the fourth split precinct waiver. *These documents are in the Working Papers for the March 1, 2022 Meeting*. Mary Lynn Pinkerman, City of Chesapeake General Registrar, addressed the Board. Vice Chair O'Bannon moved *to approve the waiver request for the City of Chesapeake.* Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

Southampton County requested the fifth split precinct waiver. Mrs. Coles informed the Board that Southampton County is requesting a split precinct waiver for this year but will resolve the split once local redistricting is completed. Chairman Brink moved *to defer the Southampton County split precinct waiver until the next Board meeting.* Secretary LeCruise seconded the motion and the motion passed unanimously.

The next item of business was the presentation of the Risk Limiting Audit Report, presented by Karen Hoyt-Stewart, Locality Security Program Manager. Mrs. Hoyt-Stewart reiterated that the 75th district was successful in the first round and accurately reflected the results of the November 2020 Election. She informed the Board that a second round was needed to complete the 13th district successfully. Mrs. Hoyt-Stewart informed the Board that 4,520 ballots were pulled in the second round. She stated that the second round results accurately reflected the results of the November 2020 Election.

Chairman Brink opened the floor to public comment. Ned Jones addressed the Board.

The next item of business was the Unisyn Voting Solutions Version 2.2

Certification, presented by Karen Hoyt-Stewart, Locality Security Program Manager. *This report is in the Working Papers for the March 1, 2022 Meeting*. Chairman Brink opened the floor to public comment. Elizabeth Block addressed the Board. Secretary LeCruise moved *that the Board certify the use of Unisyn Voting Solutions voting system –version 2.2 in elections in the Commonwealth of Virginia, pursuant to the State Certification of Voting Systems: Requirements and Procedures.* Ms. Chiang seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

Chairman Brink opened the floor to public comment. Susan Hogge, President of Republican Woman of Greater Richmond and Kate Henley, Secretary of the Fairfax County Electoral Board, addressed the Board

At 2:07 P.M. Vice Chair O'Bannon moved *pursuant to Virginia Code Section 2.2-3711(A)(8); I move that the Board go into closed session for the purpose of discussing ongoing and potential investigations of local electoral boards and the State Board of Elections' responsibilities to supervise and*

coordinate the work of local electoral boards under Virginia Code section 24.2-103. In accordance with Section 2.2-3712(F), Christopher Piper, Commissioner of Elections, and Joshua Lief and Carol Lewis 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. Secretary LeCruise seconded the motion and the motion passed unanimously.

At 2:50 P.M., Vice Chair O'Bannon moved *to reconvene 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, discussed, or considered.* Delegate Merricks seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

Secretary LeCruise *moved to adjourn the meeting.* Ms. Chiang seconded the motion and the motion passed unanimously.

The meeting adjourned at 2:51 P.M.

_____
Chairman

_____
Vice-Chairman

_____
Secretary

_____
Board Member

_____
Board Member

APPENDIX: A

RESOLUTION OF THE VIRGINIA STATE BOARD OF ELECTIONS COMMENDING CHRISTOPHER E. PIPER FOR HIS SERVICE AS COMMISSIONER OF THE DEPARTMENT OF ELECTIONS

WHEREAS, Christopher E. (Chris) Piper's service to the Commonwealth as Commissioner of Elections will end on March 11, 2022;

WHEREAS, Commissioner Piper has a distinguished record as a veteran administrator within Virginia state government, as Deputy Director of the Virginia Tobacco Region Revitalization Commission and Executive Director of the Virginia Conflict of Interest and Ethics Advisory Council in addition to his previous service in elections administration;

WHEREAS, since 2018 Commissioner Piper has led the Department of Elections with unquestioned professionalism and integrity;

WHEREAS, in that position Commissioner Piper guided the Department and the Commonwealth's elections community through the challenge of adapting to changes in election processes due to a global public health emergency;

WHEREAS, at the same time Commissioner Piper took steps to improve the efficiency and effectiveness of agency operations, including the development of training and certification programs for local elections officials and upgrading of the agency's outdated information technology;

WHEREAS, recognizing the threat to voters' trust in the election process, Commissioner Piper led the agency in conducting Virginia's first risk-limiting audits, developing first-in-the-nation security standards for local access to the statewide voter registration database, and overseeing a voter education and outreach program to promote transparency in elections and combat misinformation; and

WHEREAS, Commissioner Piper is a distinguished leader in election administration nationally through his participation in organizations including the National Association of State Election Directors (NASED), the Election Registration and Information Center (ERIC), and the Standards Board of the federal Election Assistance Commission; now, therefore be it:

RESOLVED that the State Board of Elections commends Christopher E. Piper for his skillful management of the Department of Elections and thanks him for his service to the Board and Department, the Virginia elections community, and the Commonwealth.

Adopted this 1st day of March, 2022.

Robert H. Brink, Chairman

John O'Bannon M.D., Vice Chairman

Jamilah D. LeCruise, Secretary

Donald W. Merricks, Member

Angela Chiang, Member

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Susan Beals
Commissioner

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Split Precinct Waiver

BOARD WORKING PAPERS
Ashley Coles
ELECT Policy Analyst

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise, Delegate Merricks, and Ms. Chiang
From: Ashley Coles, Policy Analyst
Date: April 13, 2022
Re: Split Precinct Waivers

Suggested Motion

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

Split Precincts Background

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

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

Attachments and References

- Split Precinct Waiver Requests For:
    - Southampton County (Deferred from March 1, 2022 Meeting)
    - Fairfax County
    - Hanover County
    - Chesterfield County
    - Prince William County
    - Roanoke County
- Va. Code § 24.2-307

Recommendation of Staff

Staff recommendations will be addressed for each individual request.

Commonwealth of Virginia

Coles, Ashley <ashley.coles@elections.virginia.gov>

Fwd: Waiver

4 messages

Ellis, Garry <garry.ellis@elections.virginia.gov> Thu, Feb 24, 2022 at 10:56 AM
To: Ashley Coles <ashley.coles@elections.virginia.gov>

Hi Ashley,

I'm forwarding this waiver request for appropriate action..

Thanks

Garry

---------- Forwarded message ---------
From: **Lynn Burgess** <lburgess@southamptoncounty.org>
Date: Thu, Feb 24, 2022 at 10:26 AM
Subject: Waiver
To: Ellis, Garry (ELECT) <Garry.Ellis@elections.virginia.gov>

Greetings Gary,

In order to move forward in a timely manner for a possible June 21, 2022 Congressional Primary I have taken steps to proceed with Congressional and State redistricting setup in VERIS. Southampton County will not have the local ordinance complete by the March 21, 2022 deadline set in place for my office.

Southampton County is now going to be split Congressionally using the new Supreme Court of Virginia ordered lines. This new congressional line will create one split precinct using the existing precincts for the Primary. Southampton County is requesting a Waiver to Administer a Split Precinct for the June 21, 2022 Primary. This issue will be resolved once the local redistricting is completed.

Your guidance and assistance in this matter is greatly appreciated. I have attached a copy of the resolution which was passed Tuesday, February 22, 2022. Board of Supervisor minutes are not available at this time. I await notification of the date and time it will be presented to the State Board of Elections.

Thank You for Your Service,
Lynn Burgess

Lynn H. Burgess
Director of Elections, Southampton County/Registrar
Southampton County
lburgess@southamptoncounty.org
(757) 653-9280

--
Garry E. Ellis
Registrar Liaison Supervisor, CGRV
Certified Virginia Registered Election Official [VREO VA-196]
Virginia Department of Elections
1100 Bank St
Richmond, VA 23219
garry.ellis@elections.virginia.gov

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Waiver to Administer a Split Precinct

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

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

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

Locality: Southampton County ____175_____ Date: February 23, 2022_____

Contact Name/Title: Lynn H. Burgess, Director of Elections, Southampton_ Phone Number: 757-653-9280_

Email Address: lburgess@southamptoncounty.org _____

Date the Governing Body's Meeting Occurred: February 22, 2022_____

Supporting Documentation (Please Attach):

☒ Governing Body's Resolution

☐ Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted? ☐Yes ☒ No

If Yes, When? _____

Was it Granted? ☐ Yes ☐ No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
702	Newsoms	Southampton County is now going to be split Congressionally using the new Supreme Court of Virginia ordered lines. In order to move forward in a timely manner for a possible June Primary need to proceed with Congressional and State updates. The local ordinance will not be completed in time for the March 21, 2022 deadline set in place for my office. This issue will be resolved once local redistricting is completed. There are 1028 voters in the Newsoms Precinct.

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

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info@elections.virginia.gov

Telephone: (804) 864-8901
Toll Free: (800) 552-9745
Fax: (804) 371-0194

BOARD OF SUPERVISORS
SOUTHAMPTON COUNTY, VIRGINIA

RESOLUTION 0222-15A

At a meeting of the Board of Supervisors of Southampton County, Virginia, on Tuesday, February 22, 2022 at 6:00 p.m. in the Southampton County Office Center:

PRESENT
The Honorable Alan W. Edwards, Chairman
The Honorable William Hart Gillette, Vice Chairman
The Honorable Christopher D. Cornwell, Sr.
The Honorable Carl J. Faison
The Honorable Lynda T. Updike
The Honorable Robert T. White

ABSENT
The Honorable Dallas O. Jones

IN RE: RESOLUTION IN SUPPORT OF SPLIT PRECINCT WAIVER

Motion by Supervisor Gillette:

WHEREAS, it is necessary for the Southampton County Director of Elections to move forward with the Southampton County Congressional and State Election Districts; and

WHEREAS, the Supreme Court of Virginia has ordered new lines as to Congressional and State Election Districts; and

WHEREAS, the Southampton County Director of Elections must move forward in a timely manner because of the possibility of a June 21, 2022 Congressional Primary and this requires that the Southampton County Director of Elections promulgate the changes for Congressional and State Districts for Southampton County as ordered by the Supreme Court of Virginia; and

WHEREAS, the changes as ordered by the Supreme Court of Virginia, under Southampton County's now existing election lines will create a split in the Newsoms District; and

WHEREAS, §24.02-307 of the 1950 Code of Virginia, as amended, mandates that split districts 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 of Elections; and

WHEREAS, in order to apply for a waiver as to a split district, it is necessary that the Board of Supervisors of Southampton County pass a resolution in support of said waiver and that said resolution be received at least two (2) weeks prior to the next scheduled State Board of Elections meeting.

NOW, THEREFORE, be it resolved by the Southampton County Board of Supervisors that the Southampton County Board of Supervisors supports a waiver which would allow the Director of Elections of Southampton County to administer a split precinct; and

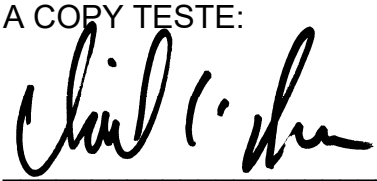
BE IT FURTHER RESOLVED that the Southampton County Board of Supervisors hereby supports the Application for Waiver to be filed by the Southampton County Director of Elections.

Seconded by Supervisor White.

VOTING ON THE ITEM: YES – Supervisor(s) Edwards, Gillette, Cornwell, Faison, Updike and White

NO – None

A COPY TESTE:



Michael W. Johnson, County Administrator/
Clerk, Southampton County Board of Supervisors

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STATE BOARD of ELECTIONS

Waiver to Administer a Split Precinct

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

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

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

Locality: FAIRFAX Date: March 9, 2022

Contact Name/Title: Scott O. Konopasek Phone Number: 703-324-4715

Email Address:
Scott.Konopasek@fairfaxcounty.gov

Date the Governing Body's Meeting Occurred: March 8, 2022

Supporting Documentation (Please Attach):

☒ Governing Body's Resolution

☐ Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted? ☐Yes ☒ No

If Yes, When? _____

Was it Granted? ☐ Yes ☐ No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
409	Pioneer/Lee District	This small portion shares no electoral attributes with any adjacent precinct. No voters impacted.
417	Garfield/Lee District	This portion shares no electoral attributes with any adjacent precinct. No voters impacted.
856	Penderbrook/Springfield District	This small portion shares no electoral attributes with any adjacent precinct. No voters impacted.
861	Burke #2/Springfield District	This small portion shares no electoral attributes with any adjacent precinct. No voters impacted.

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

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RESOLUTION TO APPLY FOR A WAIVER TO ADMINISTER PIONEER AND GARFIELD PRECINCTS IN THE LEE DISTRICT, AND THE PENDERBROOK AND BURKE NO. 2 PRECINCTS IN THE SPRINGFIELD DISTRICT, AS SPLIT PRECINCTS

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on March 8, 2022, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Virginia Code Section 24.2-307 requires each precinct to be wholly contained within a single congressional, Senate, House of Delegates, and local election district throughout the County for each election year, and

WHEREAS, in accordance with Virginia Code Section 24.2-304.1 and following the 2021 decennial census, the Board of Supervisors adopted an ordinance reapportioning the magisterial districts in the County on December 7, 2021, and

WHEREAS, in accordance with Virginia Code Section 24.2-129(D), that ordinance was given effect on January 10, 2022, after the County received a certification of no objection from the Virginia Attorney General, and

WHEREAS, in accordance with Virginia Code Section 30-399 and following the 2021 decennial census, the Virginia Supreme Court entered an order approving and adopting a plan reapportioning the House of Delegates, State Senate, and Virginia Congressional districts in the County on December 28, 2021, and

WHEREAS, in accordance with Virginia Code Section 24.2-307, the Board of Supervisors adopted an ordinance on March 8, 2022 to adjust certain precinct boundaries, create new election precincts and establish polling places for those new precincts, consolidate certain election precincts and their polling places, and relocate polling places for certain election precincts in the Braddock, Hunter Mill, Dranesville, Lee, Mason, Mount Vernon, Providence, Springfield, and Sully Districts, in response to the 2021 decennial redistricting ("Reprecincting Ordinance"); and

WHEREAS, in accordance with 24.2-129(D), the County attorney will submit a request for a certification of no objections in relation to the Reprecincting Ordinance; and

WHEREAS, the Pioneer and Garfield precincts in the Lee District now contain district line splits resulting from the district boundaries established by the Virginia Supreme Court's redistricting of state and Congressional districts, and

WHEREAS, the Penderbrook and Burke No. 2 precincts in the Springfield District now contain district line splits resulting from the district boundaries established by the Virginia Supreme Court's redistricting of state and Congressional districts, and

WHEREAS, those four split precincts include a portion of a state or Congressional district with no registered voters, and

WHEREAS, Virginia Code Section 24.2-307 further requires that County precincts have no fewer than 100 registered voters, and

WHEREAS, eliminating the splits in the Pioneer, Garfield, Penderbrook, and Burke No. 2 precincts would result in precincts containing no voters; and

WHEREAS, Virginia Code Section 24.2-307 further requires that a locality's governing body apply to the State Board of Elections for a waiver to administer a split precinct if a split cannot be eliminated without creating a precinct that has fewer than the permitted, minimum number of voters, and

WHEREAS, the State Board of Elections will permit Office of Elections staff to submit such a waiver application on behalf of the Board of Supervisors if the Board has adopted a resolution confirming its decision to seek a waiver,

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors, in accordance with Virginia Code Section 24.2-307, shall apply to the State Board of Elections for a waiver to administer the Pioneer, Garfield, Penderbrook, and Burke No. 2 precincts as split precincts for any elections held in 2022; and

BE IT FURTHER RESOLVED that Office of Elections staff may file the Board's waiver application, in accordance with the procedures of the State Board of Elections.

GIVEN under my hand this 8th day of March, 2022.

A Copy – Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Ordinance 22-04
Modifications to Redistricting Plan approved by the Board of Supervisors

Public Hearing

February 23, 2022

Timeline of events - Redistricting

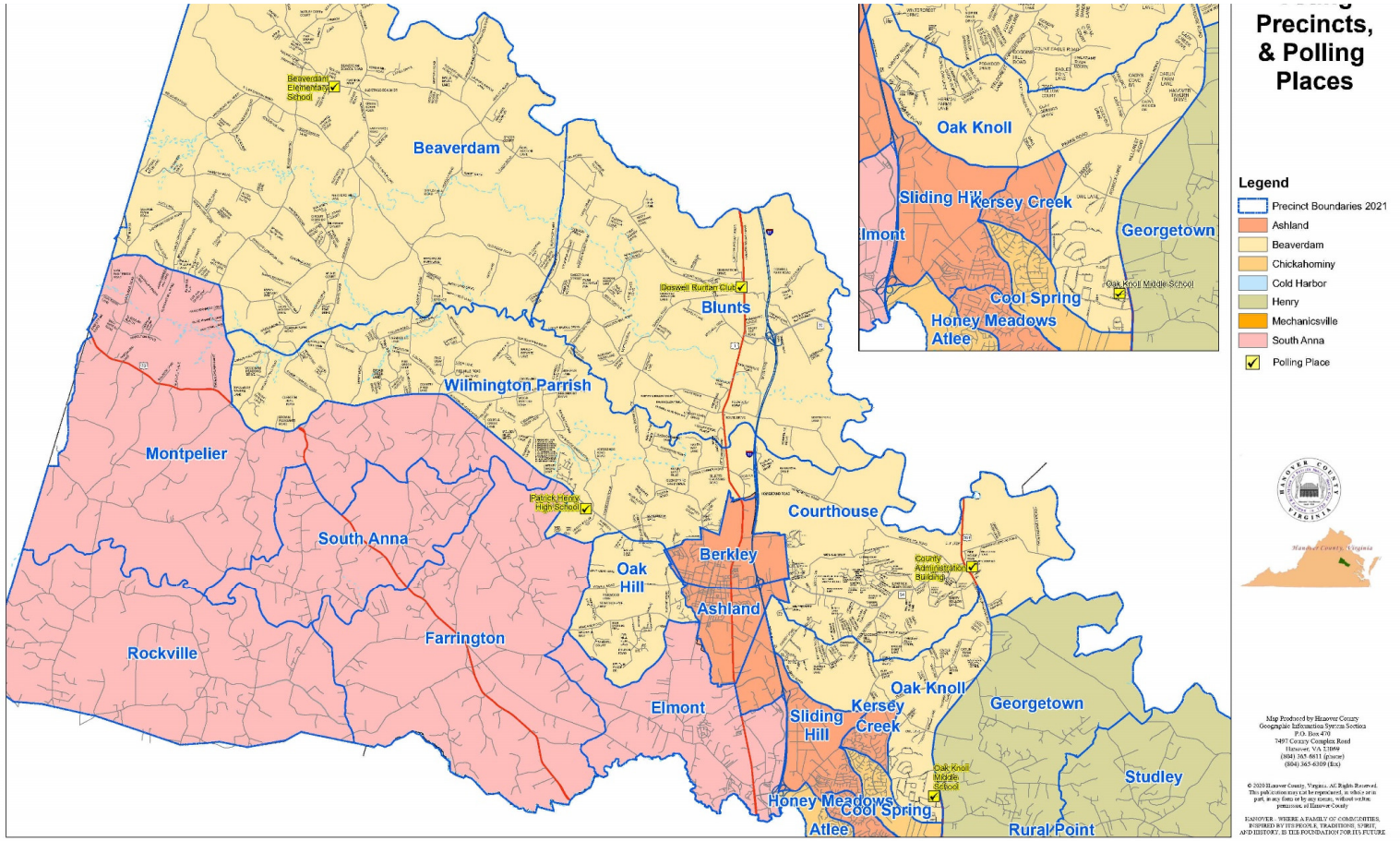
- U.S. Census conducted – April 2020
- Release of data – late August 2021 (revised late September 2021)
- Board Approval of Outreach Plan - September 8, 2021
- Public meetings and input (including meetings at four high schools)
- Public Hearing – December 8, 2021
- Adoption of Ordinance 21-12

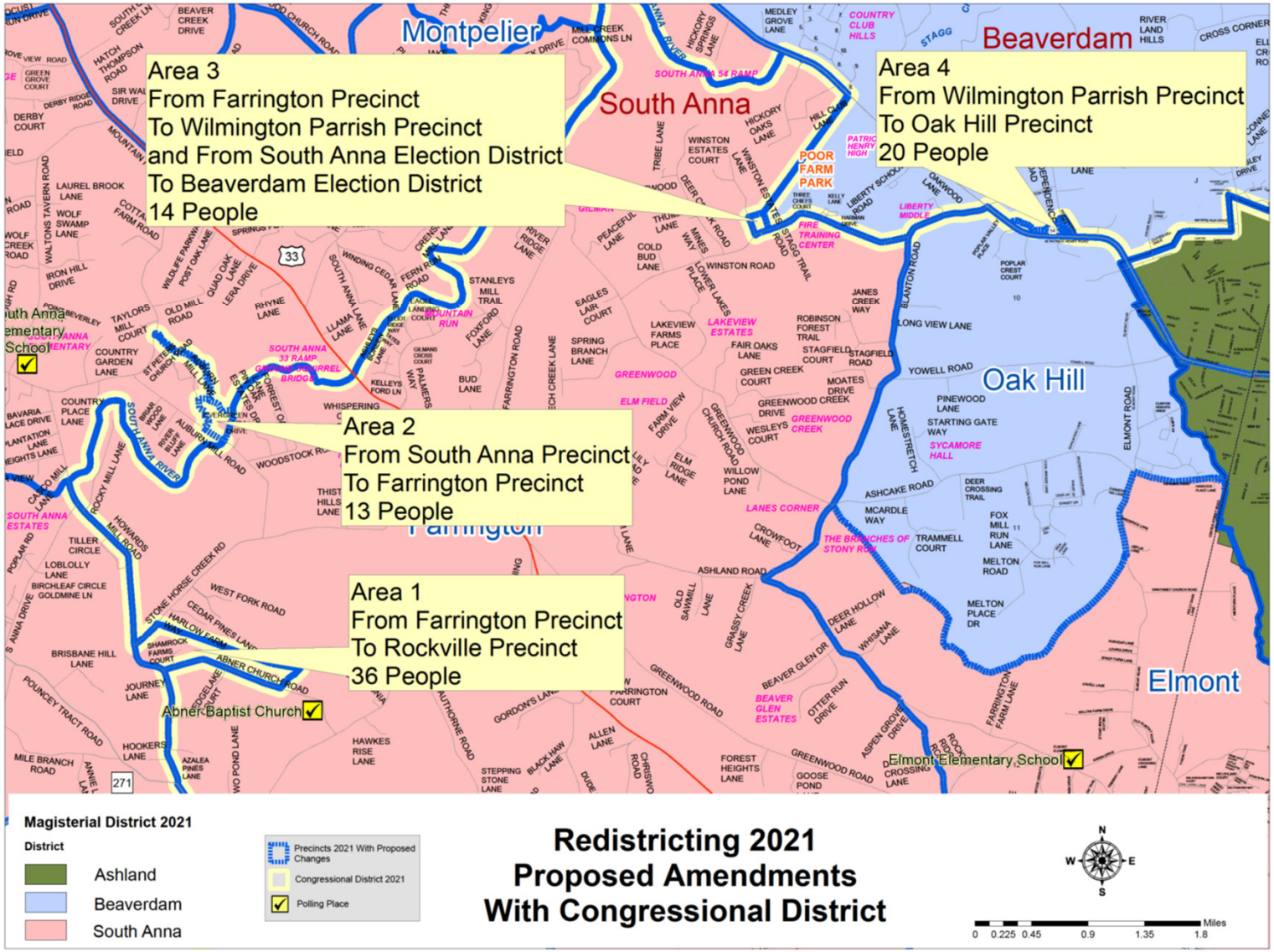
Events since December 8, 2021

- Redistricting Commission could not agree on maps for boundaries of
  - U.S. House of Representative districts
  - Senate of Virginia
  - House of Delegates
- Supreme Court of Virginia appointed special masters to draw maps
  - Order issued December 28, 2021
  - Largely follow precinct or district boundaries in Hanover County
    - Four exceptions
    - One split district
- Submission to the Office of the Attorney General
  - Request for Certification of No Objection – January 2022

Polling Places

- Proposed polling place locations discussed at earlier meetings:
  - Ashland Town Hall (either for Ashland precinct or Berkeley precinct)
  - New Highland Baptist Church (Sliding Hill precinct – to replace #10 Chickahominy Fire Station)
  - New Bethesda Baptist Church (Totopotomoy precinct – to replace #3 Eastern Hanover Fire Station)
  - Far West End Seventh Day Adventist Church (Rockville precinct – to replace Rockville Library)


Precincts, & Polling Places
Legend
Precinct Boundaries 2021
Ashland
Beaverdam
Chickahominy
Cold Harbor
Henry
Mechanicsville
South Anna
Polling Place
Beaverdam
Blunts
Wilmington Parrish
Montpelier
South Anna
Courthouse
Berkley
Oak Hill
Ashland
Farrington
Rockville
Elmont
Oak Knoll
Kersey Creek
Sliding Hill
Georgetown
Studley
Honey Meadows
Cool Spring
Atlee
Rural Point
Oak Knoll
Sliding Hill
Kersey Creek
Georgetown
Cool Spring
Honey Meadows
Atlee


Area 3
From Farrington Precinct
To Wilmington Parrish Precinct
and From South Anna Election District
To Beaverdam Election District
14 People
Area 4
From Wilmington Parrish Precinct
To Oak Hill Precinct
20 People
Area 2
From South Anna Precinct
To Farrington Precinct
13 People
Area 1
From Farrington Precinct
To Rockville Precinct
36 People
Montpelier
South Anna
Beaverdam
Oak Hill
Elmont
Abner Baptist Church
Elmont Elementary School
South Anna Elementary School
Magisterial District 2021
District
Ashland
Beaverdam
South Anna
Precincts 2021 With Proposed Changes
Congressional District 2021
Polling Place
Redistricting 2021
Proposed Amendments
With Congressional District
N
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0 0.225 0.45 0.9 1.35 1.8

Precincts and Polling Places – South Anna

Precinct Name	Change in boundaries?	Polling place
Rockville	Expanded to include the area bounded by Stone Horse Creek Road, a power line, Abner Church Road, and Howards Mill Road (area removed from the Farrington Precinct)	~~• Rockville Library (current polling place)~~ • Far West End Seventh Day Adventist Church ~~• Rockville Community Center~~
South Anna	Area bounded by Taylors Creek, South Anna River, Auburn Mill Lane, and Auburn Mill Road added to the Farrington Precinct	Unchanged

Precincts and Polling Places – South Anna

Precinct Name	Change in boundaries?	Polling place
Farrington	1. Expanded to area bounded by Taylors Creek, South Anna River, Auburn Mill Lane, and Auburn Mill Road (area removed from the South Anna Precinct) 2. Area the bounded by Stone Horse Creek Road, a power line, Abner Church Road, and Howards Mill Road added to the Rockville Precinct 3. Area bounded by Winston Road, Winston Estates Lane, and a power line added to the Wilmington Parrish Precinct in the Beaverdam District	Unchanged

Precincts and Polling Places – Beaverdam

Precinct Name	Change in boundaries?	Polling place
Wilmington Parrish	Expanded to include area bounded by Winston Road, Winston Estates Lane, and a power line (area removed from the Farrington Precinct in the South Anna District)	Unchanged
Oak Hill	Expanded to include the area bounded by Independence Road, Falling Creek, and West Patrick Henry Road (area removed from the Wilmington Parrish Precinct)	Unchanged

Precincts and Polling Places – Ashland

Precinct Name	Change in boundaries?	Polling place
Ashland	No	~~• Ashland Library (current polling place)~~ • Ashland Town Hall
Sliding Hill	No	~~• Chickahominy Fire Station (current polling place)~~ • New Highland Baptist Church

Precincts and Polling Places – Henry

Precinct Name	Change in boundaries?	Polling place
Totopotomoy	No	~~• Eastern Hanover Fire Station (current polling place)~~ • New Bethesda Church

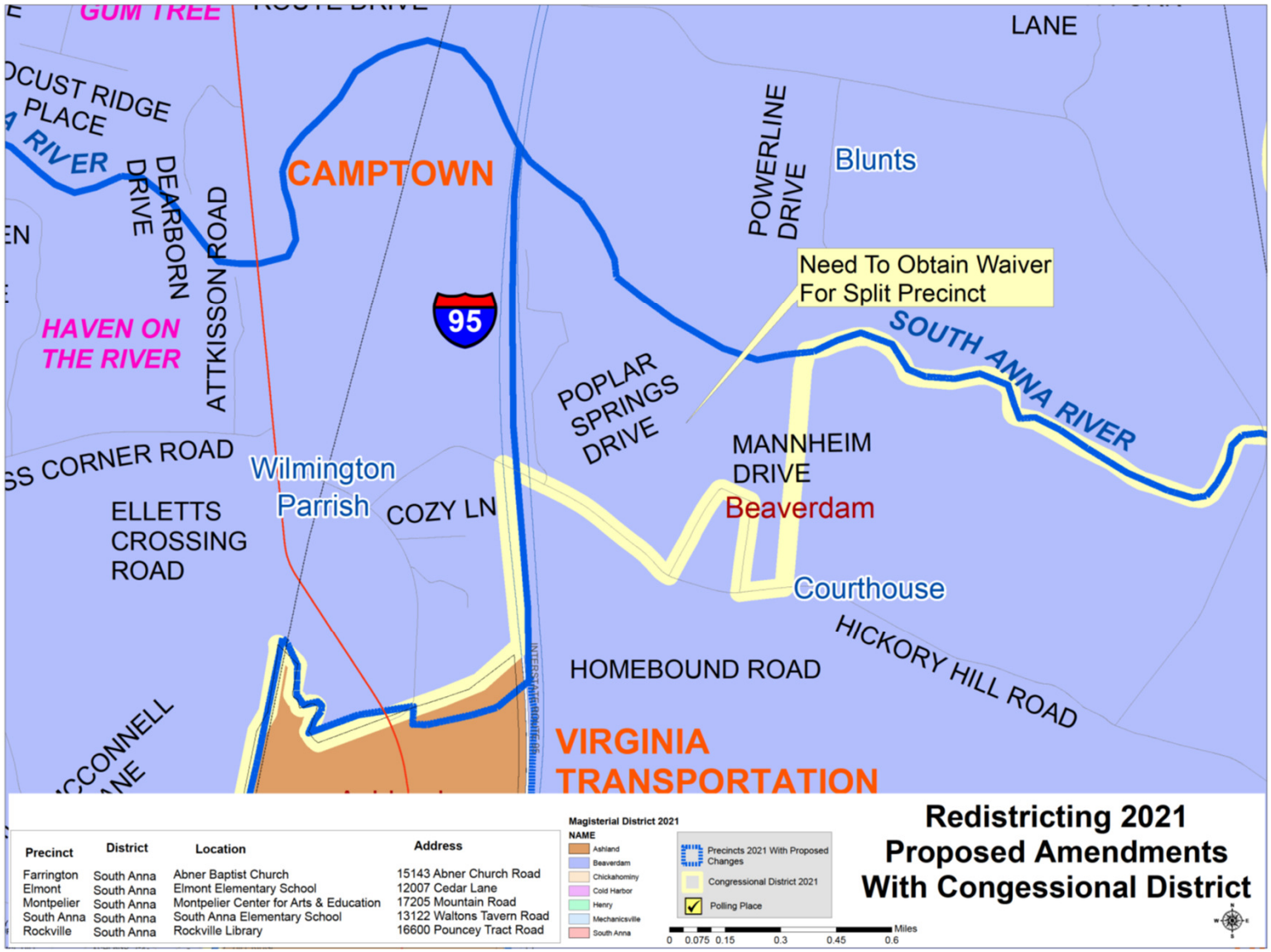
Proposed District Data

		2020		Percent deviation from
Election District		Post-redistricting Population	Deviation from Target Population	Deviation from Target Population
Ashland		16,099	+386	+2.46
Beaverdam		15,384	-329	-2.09
		15,398	***-315***	***-2.00***
Chickahominy		16,001	+288	+1.83
Cold Harbor		15,451	-262	-1.67
Henry		15,871	+158	+1.01
Mechanicsville		15,860	+147	+0.94
South Anna		15,325	-388	-2.47
		15,311	***-402***	***-2.55***

- Target Population – 15, 713
- ±2.5% of Target Population - between 15,320 and 16,106

Next steps

- Public hearing on proposed changes
- Submission to Attorney General – supplement filing on overall Redistricting Plan approved in December 2021
- Request waiver for split precinct



Precinct	District	Location	Address
Farrington	South Anna	Abner Baptist Church	15143 Abner Church Road
Elmont	South Anna	Elmont Elementary School	12007 Cedar Lane
Montpelier	South Anna	Montpelier Center for Arts & Education	17205 Mountain Road
South Anna	South Anna	South Anna Elementary School	13122 Waltons Tavern Road
Rockville	South Anna	Rockville Library	16600 Pouncey Tract Road

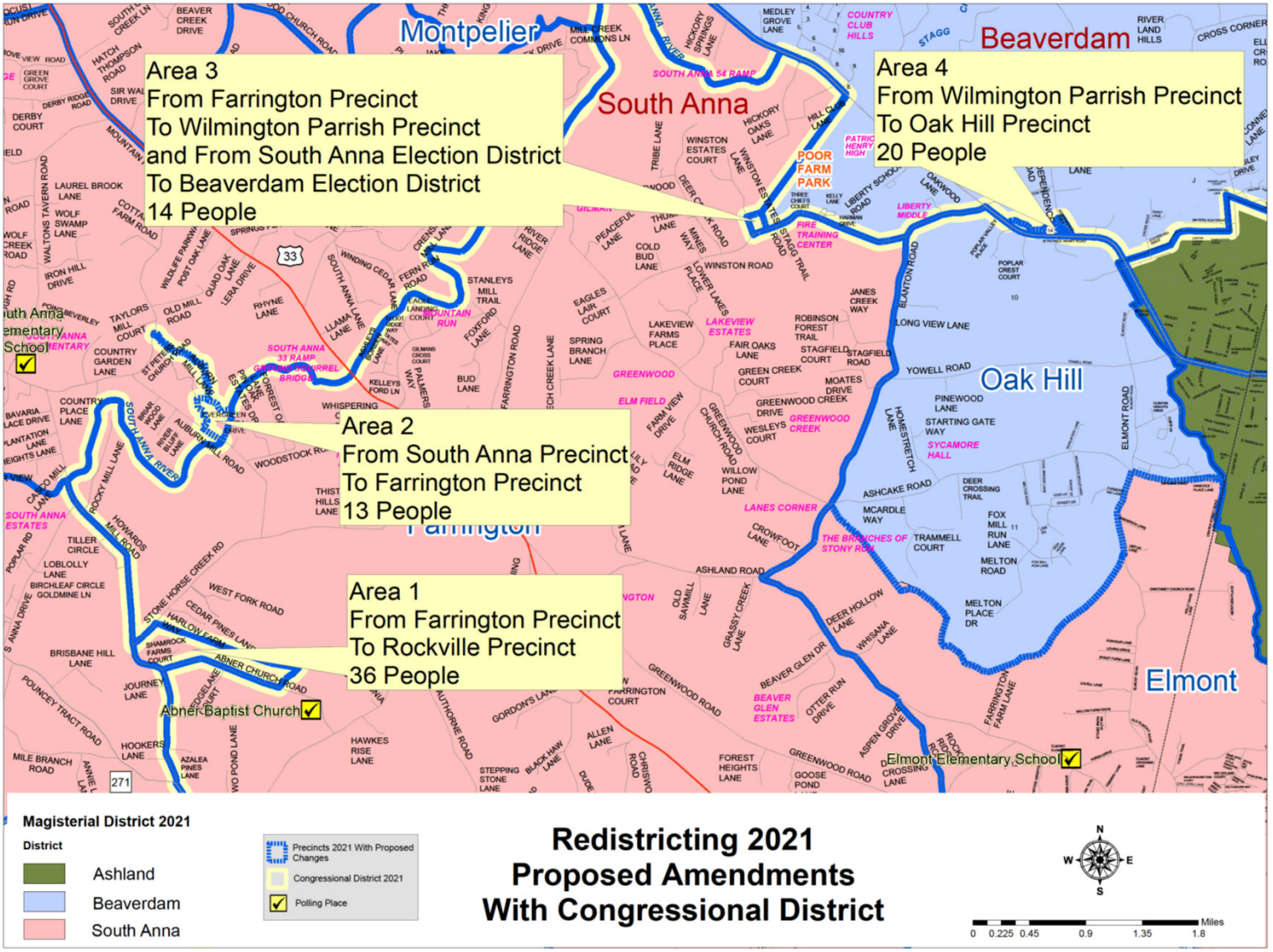
Recommended Motion

At conclusion of the public hearing:

- Motion to approve Ordinance 22-04: Modifications to the Redistricting Plan approved by the Board of Supervisors, as presented.

Should the Board adopt Ordinance 22-04, staff also requests:

- Motion to authorize the submission of a request to the Department of Elections for approval of a split precinct in the Courthouse precinct of the Beaverdam Magisterial District.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13 People
Area 1
From Farrington Precinct
To Rockville Precinct
36 People
Montpelier
South Anna
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Abner Baptist Church
Elmont Elementary School
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District
Ashland
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South Anna
Precincts 2021 With Proposed Changes
Congressional District 2021
Polling Place
Redistricting 2021
Proposed Amendments
With Congressional District
N
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S
Miles
0 0.225 0.45 0.9 1.35 1.8

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Waiver to Administer a Split Precinct

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

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

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

Locality: **85 Hanover County** Date: March 22, 2022.

Contact Name/Title: Teresa Smithson, General Registrar Phone Number: (804) 365-6080

Email Address: tfsmithson@hanovercounty.gov

Date the Governing Body's Meeting Occurred: February 23, 2022

Supporting Documentation (Please Attach):

☐ Governing Body's Resolution

☐ Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted? ☐Yes ☒ No

If Yes, When? _____

Was it Granted? ☐ Yes ☐ No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
206	**Courthouse – Beaverdam Magisterial**	**See attached.**

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

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Washington Building – First Floor
Richmond, VA 23219-3947
www.elections.virginia.gov
info@elections.virginia.gov

Telephone: (804) 864-8901
Toll Free: (800) 552-9745
Fax: (804) 371-0194

The Redistricting Order entered by the Supreme Court of Virginia on December 28, 2021 created the district boundaries for the U.S. House of Representatives, the Senate of Virginia, and the House of Delegates. The boundaries established for the Congressional, Virginia Senate, and House of Delegates districts largely matched the district or precinct boundaries created by the Board of Supervisors during the 2010 Redistricting process. There were a few instances where the boundaries differed, and the Board of Supervisors was able to amend its Redistricting Plan in February 2022 to conform the district or precinct boundaries to those established by the Supreme Court of Virginia in most places. However, in one area (generally north of the Town of Ashland, along the boundary between the Wilmington Parrish Precinct and the Courthouse Precinct), there is an area where the boundaries between Congressional districts 1 and 5 and the boundaries between Districts 59 and 60 for the House of Delegates create an area where 24 registered voters have different representation than all other voters in the Wilmington Parrish and Courthouse precincts (the boundaries for the Senate of Virginia districts – involving Senate Districts 10 and 26 – do not create any issues) . The voters in this area are represented by House of Delegates District 60 and Congressional District 5. All other voters in the Courthouse precinct are represented by Congressional District 1, and all other voters in the Wilmington Parrish precinct are represented by House of Delegates District 59.

A split precinct is needed as there is no permissible way to include those 24 voters in their own precinct or to move them in a way that will prevent a split precinct.

Attached to this request is a copy of the PowerPoint presentation given at the February 23, 2022 meeting of the Hanover County Board of Supervisors. Page 14 includes a map of the area for which the split precinct is requested, and page 15 includes the motion that was requested (and adopted) by the Board of Supervisors. Meeting minutes for that meeting are not yet available; however, the video of that meeting can be found at https://hanovercova.civicclerk.com/Web/Player.aspx?id=658&key=-1&mod=-1&mk=-1&nov=0 (the presentation, which includes the public hearing on the Board of Supervisors' Redistricting Ordinance, begins at the 46:11 mark, and the motion to approve the request for a split precinct is at the 58:15 mark).

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STATE BOARD of ELECTIONS

Waiver to Administer a Split Precinct

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

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

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

Locality: Prince William County

Date: March 31, 2022

Contact Name/Title: Eric Olsen

Phone Number: 703-798-8514

Email Address: eolsen@pwcgov.org

Date the Governing Body's Meeting Occurred: March 1, 2022

Supporting Documentation (Please Attach):

☒ Governing Body's Resolution

☐ Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted? ☐Yes ☒ No

If Yes, When? _____

Was it Granted? ☐ Yes ☐ No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
208	Colgan (Coles District)	The boundary separating the 7th and 10th Congressional districts and the boundary between the 24th and 25th Virginia House districts create a small split in Precinct 208 that cannot be remedied. Only 48 voters currently reside in this area. (Picture next page)
604	Gar-Field (Neabsco District)	Both Virginia House and Senate boundaries (that follow Gideon Drive and Dale Boulevard) and the intersection of three magisterial districts create a small pocket with Precinct 604. It is a largely commercial area and only 27 voters in short term/temporary housing reside in this area. (Picture next page)

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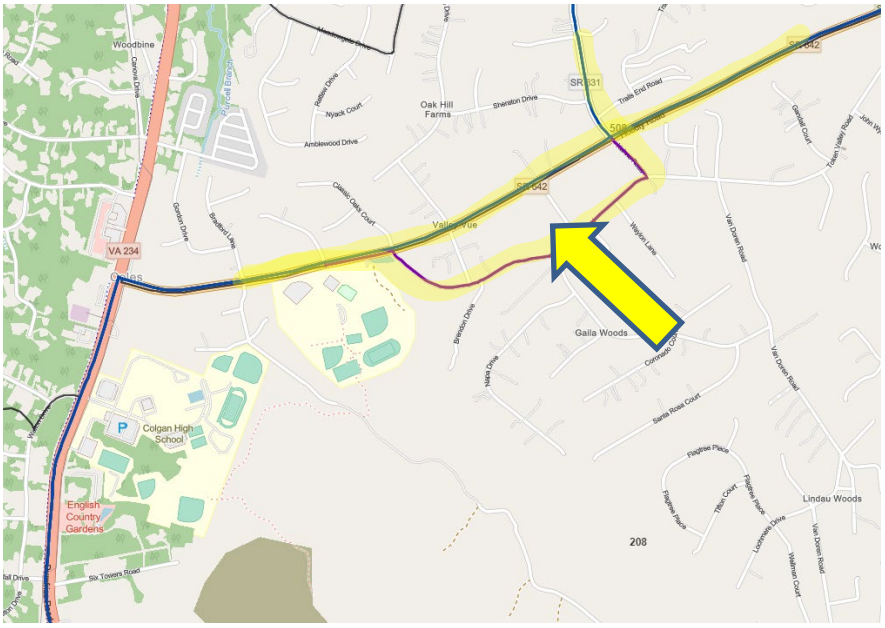
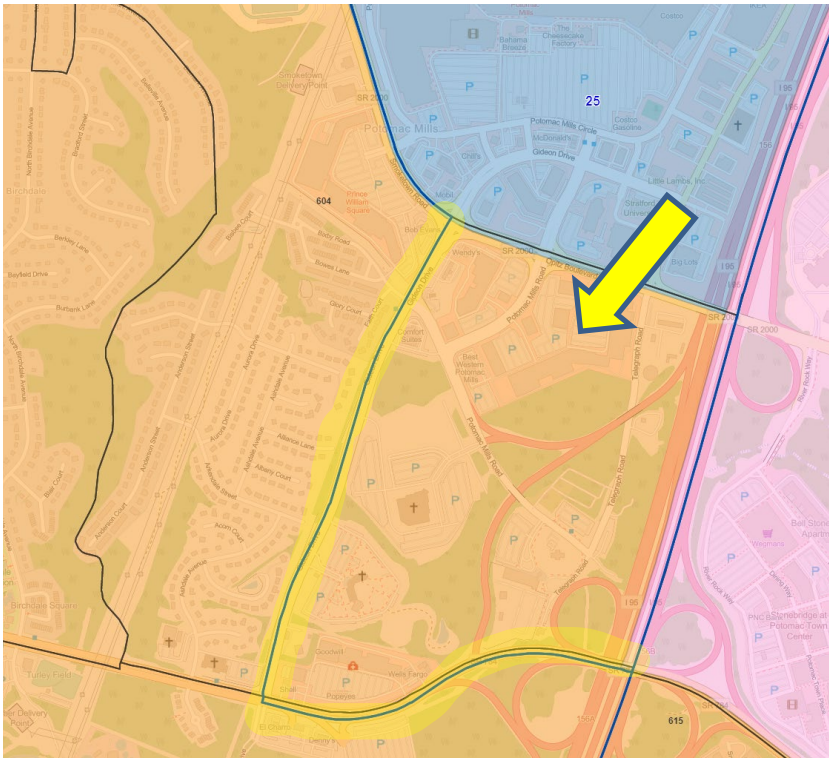
Prince William County - Pct 208



Prince William County - Pct 604



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★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Waiver to Administer a Split Precinct

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

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

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

Locality: Roanoke County Date: 03/24/2022

Contact Name/Title: Anna Cloeter Phone Number: 540-772-7500

Email Address: acloeter@roanokecountyva.gov

Date the Governing Body's Meeting Occurred: 03/22/2022

Supporting Documentation (Please Attach):

☒ Governing Body's Resolution

☐ Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted? ☐ Yes ☒ No

If Yes, When? _____

Was it Granted? ☐ Yes ☐ No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
103	Glenvar (N. Glenvar after 07/01/2022)	Please see attached. Currently affects 8 voters.
106	Green Hill (S. Glenvar after 07/01/2022)	Please see attached. Currently affects 2 voters.

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

- **Attachment 1**: Certified Resolution Approving the Submission of Waivers to the Virgina Deparrtment of Elections to Administer Split Precincts
- **Attachment 2**: Agenda, Item D(2) Details, and Proposed Resolution Approving the Submission of Waivers to the Virginia Department of Elections to Administer Split Precincts from Roanoke County Board of Supervisors' March 22, 2022 Meeting Packet
- **Attachment 3**: Maps and Detailed Explanation of Virginia Senate District Splits in Roanoke County Precincts 103 and 106

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Attachment 1

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER, MARCH 22, 2022

RESOLUTION 032222-2 APPROVING THE SUBMISSION OF WAIVERS TO THE VIRGINIA DEPARTMENT OF ELECTIONS TO ADMINISTER SPLIT PRECINCTS

WHEREAS, pursuant to Virginia Code § 24.2-307, each voting precinct "must be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the locality"; and

WHEREAS, split precincts must be eliminated by the 2022 November election, unless a waiver is granted by the Virginia Department of Elections; and

WHEREAS, under the proposed redistricting maps for 2022, Roanoke County will have two voting precincts that contain splits between two different election districts – (1) Precinct 103 – North Glenvar, which includes a portion of Senate District 3 and Senate District 4, and (2) Precinct 106 – South Glenvar, which includes a portion of Senate District 3 and Senate District 4; and

WHEREAS, it is proposed that the Board of Supervisors apply to the Virginia Department of Elections for waivers to administer Precinct 103 and Precinct 106 as split districts pursuant to Virginia Code § 24.2-307.

NOW THEREFORE, BE IT RESOLVED that the Board authorizes the Roanoke County Registrar to submit waiver requests to the Virginia Department of Elections to enable the County to administer Precinct 103 and Precinct 106 as split precincts pursuant to Virginia Code § 24.2-307.

On motion of Supervisor Hooker to adopt the resolution, seconded by Supervisor Peters and carried by the following recorded vote:

AYES: Supervisors Peters, Hooker, North, Radford, Mahoney

NAYS: None

A COPY TESTE:

Deborah C. Jacks
Chief Deputy Clerk to the Board of Supervisors

cc: Anna Cloeter, General Registrar and Director of Elections
Peter Lubeck, County Attorney

Attachment 2

Roanoke County
Board of Supervisors

March 22, 2022

NOTE: **There is no 7:00 p.m. session as there are no public hearings scheduled for that time.**

INVOCATION: Pastor Allen James
Cave Spring Baptist Church

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

Disclaimer:

"Any invocation that may be offered before the official start of the Board meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Board. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Board and do not necessarily represent the religious beliefs or views of the Board in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Board."

Roanoke County
Board of Supervisors
Agenda

March 22, 2022

Good afternoon and welcome to our meeting for March 22, 2022. Regular meetings are held on the second and fourth Tuesday at 3:00 p.m. Public hearings are held at 7:00 p.m. on the fourth Tuesday of each month. Deviations from this schedule will be announced. The meetings are broadcast live on RVTV, Channel 3, and will be rebroadcast on Friday at 7:00 p.m. and on Sunday from 10:00 a.m. until 5 p.m. Board of Supervisors meetings can also be viewed online through Roanoke County's website at www.RoanokeCountyVA.gov. Our meetings are closed-captioned, so it is important for everyone to speak directly into the microphones at the podium. Individuals who require assistance or special arrangements to participate in or attend Board of Supervisors meetings should contact the Clerk to the Board at (540) 772-2005 at least 48 hours in advance. Please turn all cell phones off or place on silent.

A. OPENING CEREMONIES

1. Roll Call

B. REQUESTS TO POSTPONE, ADD TO OR CHANGE THE ORDER OF AGENDA ITEMS

C. BRIEFINGS

1. Briefing by the Roanoke Regional Partnership (John Hull, Executive Director, Roanoke Regional Partnership)

D. NEW BUSINESS

1. Resolution authorizing the execution of amendments to Memoranda of Understanding with the Town of Vinton for the Vinton/East County Hotel, Vinyard Station, and Gish Mill redevelopment projects (Jill Loope, Director of Economic Development)

2. Resolution approving the submission of waivers to the Virginia Department of Elections to administer split precincts (Peter S. Lubeck, County Attorney)

E. REQUEST FOR PUBLIC HEARINGS AND FIRST READING OF REZONING ORDINANCE-CONSENT AGENDA: *Approval of these items does not indicate support for, or judge the merits of, the requested zoning actions but satisfies procedural requirements and schedules the Public Hearings which will be held after recommendation by the Planning Commission:*

1. The petition of ABoone Real Estate, Inc., to rezone approximately 32.32 acres from R-1, Low Density Residential District, to C-2, High Intensity Commercial District, and R-3, Medium Density Multi-Family Residential District, to construct a hotel, professional/medical offices, and townhouses located in the 1300 and 1400 blocks of Edgebrook Road, Catawba Magisterial District

2. The petition of Ronald Moran and Michael Boynton to rezone approximately 3.145 acres from R-1, Low Density Residential District, to I-1, Low Intensity Industrial District, located at 4038, 4056, and 4066 Crossmill Lane, Catawba Magisterial District

3. The petition of WECO LLC to obtain a special use permit to operate a short term rental on approximately 2.28 acres on property zoned R-1, Low Density Residential District, located at 910 Paint Bank Road, Catawba Magisterial District

4. The petition of Wild Partners to obtain a special use permit to operate a car wash on 1.03 acres on property zoned C-2C, High Intensity Commercial District with conditions, located at 3250 Electric Road, Cave Spring Magisterial District

F. PUBLIC HEARINGS AND ADOPTION OF RESOLUTIONS

1. Public hearing for citizen comments on the maximum 2022 calendar year tax rates for Real Estate, Personal Property and Machinery and Tools Taxes (Laurie Gearheart, Director of Finance and Management Services)

2. Resolutions to set the following maximum tax rates for calendar year 2022 to support the fiscal year 2022-2023 operating budget:

   (a) Resolution to set the Real Estate maximum tax rate for calendar year 2022;

   (b) Resolution to set the Personal Property maximum tax rate for calendar year 2022;

   (c) Resolution to set the Machinery and Tools maximum tax rate for calendar year 2022

G. PUBLIC HEARING

1. Public hearing for citizen comments on the Real Estate effective tax rate for calendar year 2022 (Laurie Gearheart, Director of Finance and Management Services)

2. Public hearing to receive citizen comments regarding proposed amendments to the fiscal year 2021-2022 budget in accordance with Code of Virginia Section 15.2-2507 (Laurie Gearheart, Director of Finance and Management Services)

H. SECOND READING OF ORDINANCES

1. Ordinance accepting and appropriating $5,157,837.51 in additional grants for Roanoke County Public Schools (Susan Peterson, Director of Finance - Roanoke County Public Schools)

I. PUBLIC HEARING AND SECOND READING OF ORDINANCES

1. Ordinance reapportioning the representation in the Board of Supervisors of Roanoke County, Virginia, by altering the boundaries of the election districts, establishing voting precincts therefor, incorporating a map showing the boundaries of said districts and precincts, and designating new polling places for certain precincts (Peter S. Lubeck, County Attorney)

J. APPOINTMENTS

1. Library Board (appointed by District)

2. Parks, Recreation and Tourism Advisory Commission (appointed by District)

3. Roanoke County Economic Development Authority (EDA) (appointed by District)

K. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED BY THE BOARD TO BE ROUTINE AND WILL BE ENACTED BY ONE RESOLUTION IN THE FORM OR FORMS LISTED BELOW. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY

1. Approval of minutes – November 17, 2021; November 19, 2021; November 29, 2021

2. Request to accept and allocate funds in the amount of $27,664.70 from the Commonwealth of Virginia for the Library of Virginia's Records Preservation Program

3. Request to accept and allocate funds in the amount of $2,804.66 to the Clerk of the Circuit Court from the Commonwealth of Virginia

4. Request to accept and allocate the Washington/Baltimore High Intensity Drug Trafficking Grant funds in the amount of $64,375 to the Roanoke County Police Department for the Roanoke Valley Regional Drug Unit

5. Ratification of appointment to the Community Policy and Management Team (CPMT)

L. CITIZENS' COMMENTS AND COMMUNICATIONS

M. REPORTS

1. Unappropriated, Board Contingency and Capital Reserves Report

2. Outstanding Debt Report

3. Comparative Statement of Budgeted and Actual Revenues as of February 28, 2022

4. Comparative Statement of Budgeted and Actual Expenditures and Encumbrances as of February 28, 2022

5. Accounts Paid – February 28, 2022

6. Statement of Treasurer's Accountability per Investment and Portfolio Policy as of February 28, 2022

N. REPORTS AND INQUIRIES OF BOARD MEMBERS

1. P. Jason Peters
2. Martha B. Hooker
3. Phil C. North
4. David F. Radford
5. Paul M. Mahoney

O. WORK SESSIONS

1. Work session to review with the Board of Supervisors the County Administrator's Proposed Fiscal Year 2022-2023 Operating Budget (Laurie Gearheart, Director of Finance and Management Services;)

P. CLOSED MEETING, pursuant to the Code of Virginia as follows:

1. Section 2.2-3711(A) (5) of the Code of Virginia, to discuss a prospective business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the

community. Specifically, the Board will discuss the proposed location of a new business in the Center for Research Technology

2. Section 2.2-3711(A) (5) of the Code of Virginia, to discuss a prospective business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community. Specifically, the Board will discuss construction of a facility in a Roanoke County park

Q. CERTIFICATION RESOLUTION

R. ADJOURNMENT

ACTION NO. _____

ITEM NO. D.2

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER

MEETING DATE: March 22, 2022

AGENDA ITEM: Resolution approving the submission of waivers to the Virginia Department of Elections to administer split precincts

SUBMITTED BY: Peter S. Lubeck
County Attorney

APPROVED BY: Richard L. Caywood
County Administrator

ISSUE:

Under the proposed redistricting maps for 2022, Roanoke County will have two voting precincts that contain splits between two different election districts. Split precincts in Roanoke County must be eliminated by the 2022 November election unless a waiver is granted by the Virginia Department of Elections.

BACKGROUND:

Pursuant to Virginia Code Section 24.2-307, each voting precinct "must be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the locality." The Board of Supervisors will need to apply for a waiver by the Virginia Department of Elections to administer split precincts.

DISCUSSION:

Under the proposed redistricting maps for 2022, Roanoke County will have two voting precincts that contain splits between two different election districts:

- Precinct 103 - North Glenvar, which includes a portion of Senate District 3 and Senate District 4; and
- Precinct 106 - South Glenvar, which includes a portion of Senate District 3 and Senate District 4.

It is proposed that the Board apply to the Virginia Department of Elections for waivers to administer these two precincts as split districts pursuant to Virginia Code Section 24.2-307.

FISCAL IMPACT:

There is no fiscal impact associated with this resolution.

STAFF RECOMMENDATION:

Staff recommends that the Board adopt the proposed resolution.

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER, MARCH 22, 2022

RESOLUTION APPROVING THE SUBMISSION OF WAIVERS TO THE VIRGINIA DEPARTMENT OF ELECTIONS TO ADMINISTER SPLIT PRECINCTS

WHEREAS, pursuant to Virginia Code § 24.2-307, each voting precinct "must be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the locality"; and

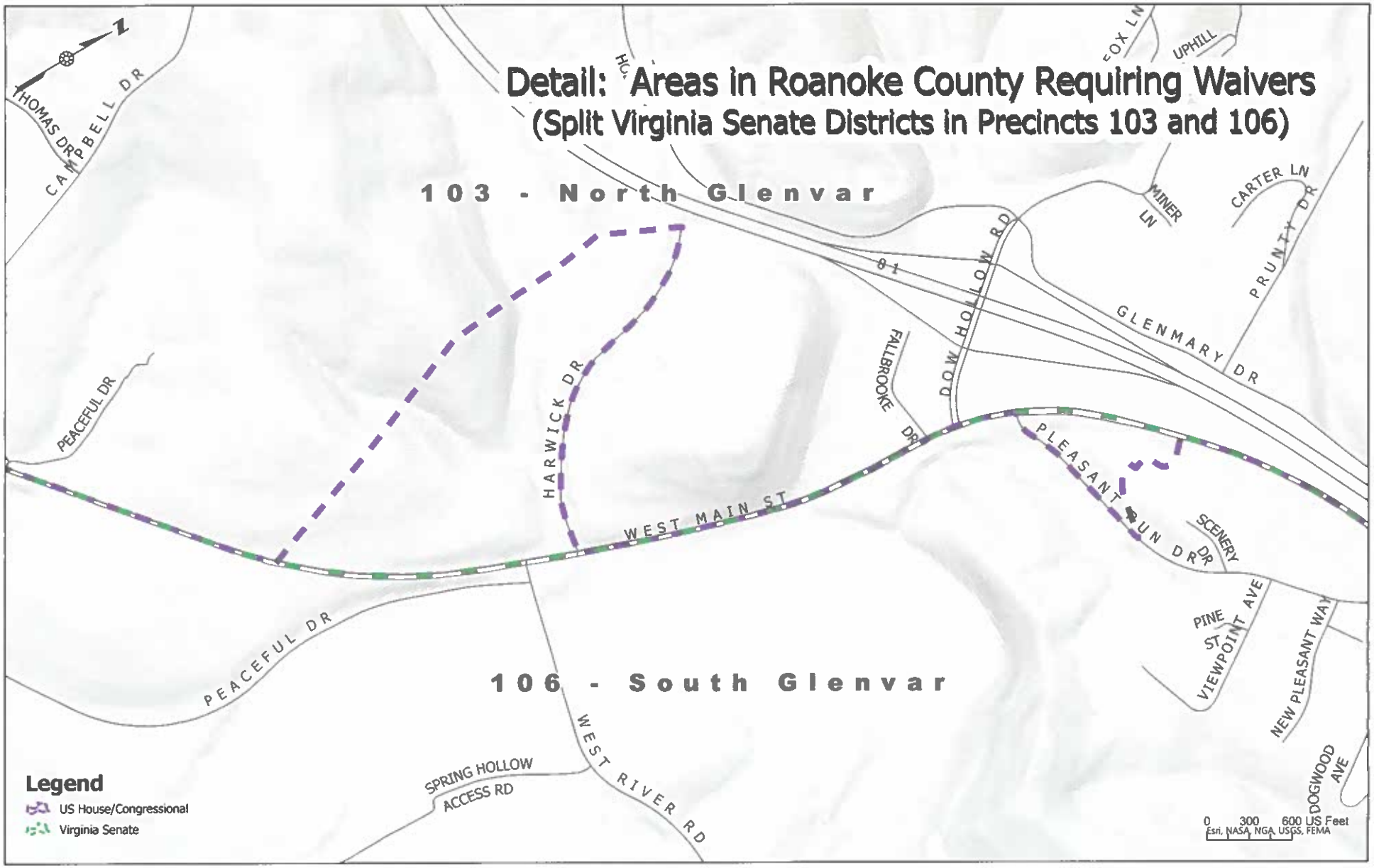
WHEREAS, split precincts must be eliminated by the 2022 November election unless a waiver is granted by the Virginia Department of Elections; and

WHEREAS, under the proposed redistricting maps for 2022, Roanoke County will have two voting precincts that contain splits between two different election districts – (1) Precinct 103 – North Glenvar, which includes a portion of Senate District 3 and Senate District 4, and (2) Precinct 106 – South Glenvar, which includes a portion of Senate District 3 and Senate District 4; and

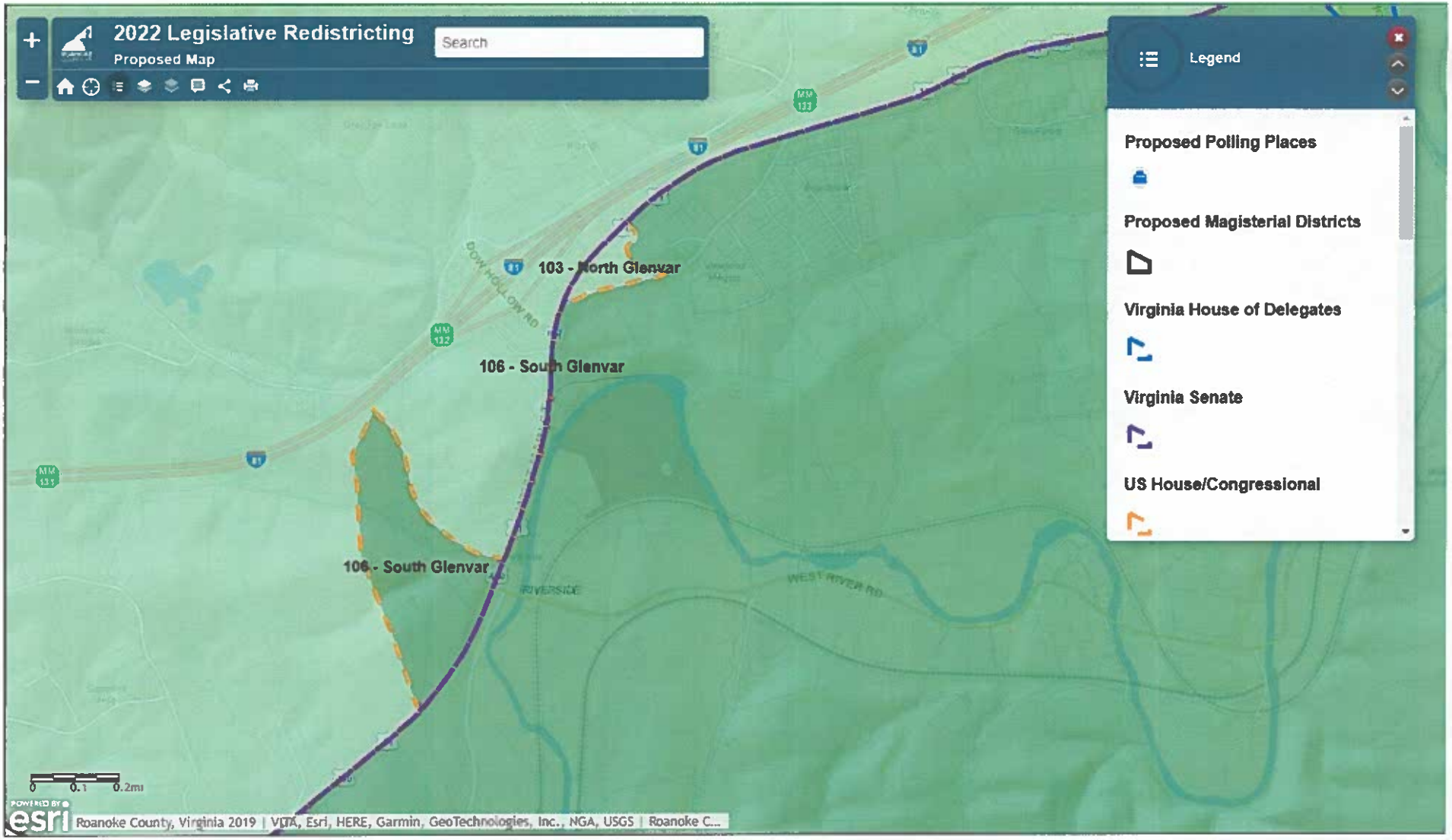
WHEREAS, it is proposed that the Board of Supervisors apply to the Virginia Department of Elections for waivers to administer Precinct 103 and Precinct 106 as split districts pursuant to Virginia Code § 24.2-307.

NOW THEREFORE, BE IT RESOLVED that the Board authorizes the Roanoke County Registrar to submit waiver requests to the Virginia Department of Elections to enable the County to administer Precinct 103 and Precinct 106 as split precincts pursuant to Virginia Code § 24.2-307.

Attachment 3


Detail: Areas in Roanoke County Requiring Waivers
(Split Virginia Senate Districts in Precincts 103 and 106)
103 - North Glenvar
106 - South Glenvar
CAMPBELL DR
THOMAS DR
PEACEFUL DR
HARWICK DR
FALLBROOKE DR
DOW HOLLOW RD
MINER LN
CARTER LN
PRUNTY DR
GLENMARY DR
WEST MAIN ST
PLEASANT RUN DR
SCENERY DR
PINE ST
VIEWPOINT AVE
NEW PLEASANT WAY
DOGWOOD AVE
WEST RIVER RD
SPRING HOLLOW ACCESS RD
UPHILL
Legend
US House/Congressional
Virginia Senate
0 300 600 US Feet
Esri, NASA, NGA, USGS, FEMA

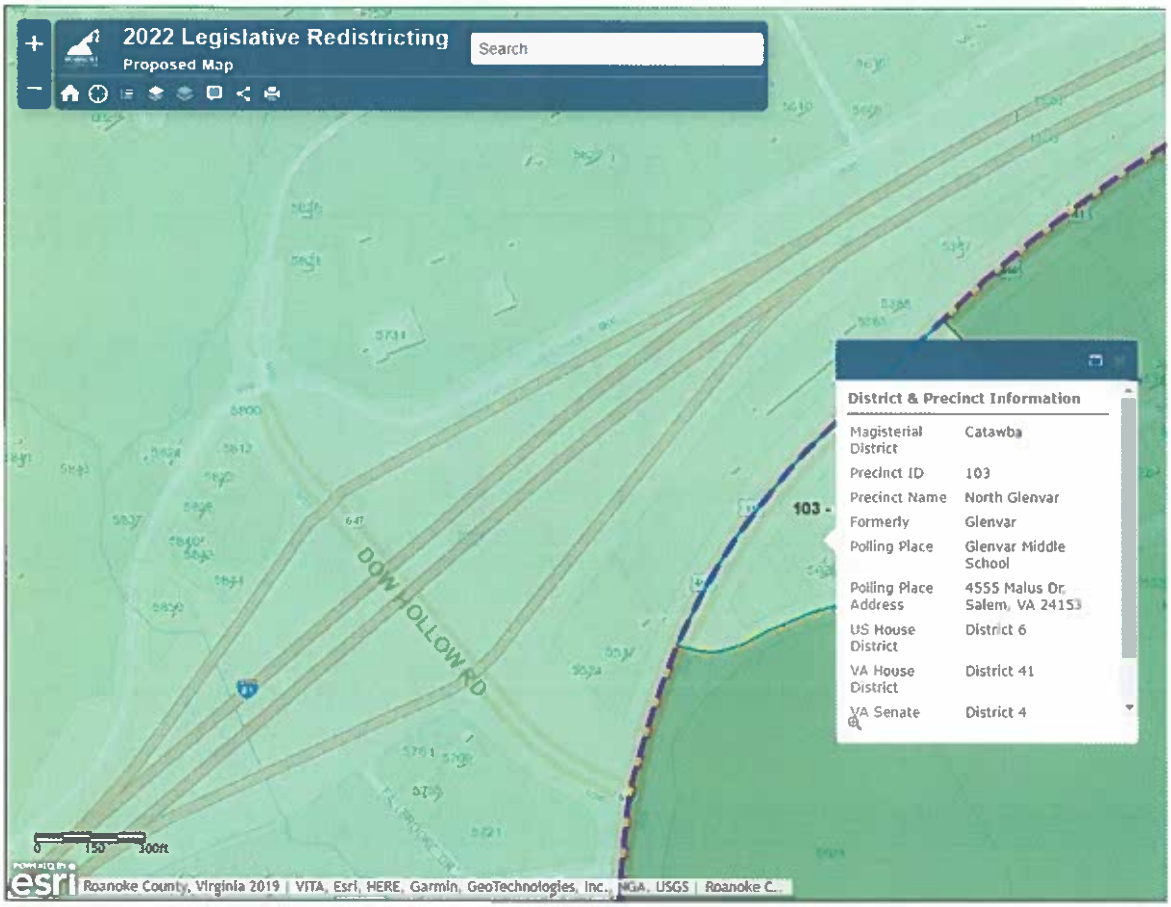
Virginia State Senate District Splits in the Catawba Magisterial District of Roanoke County

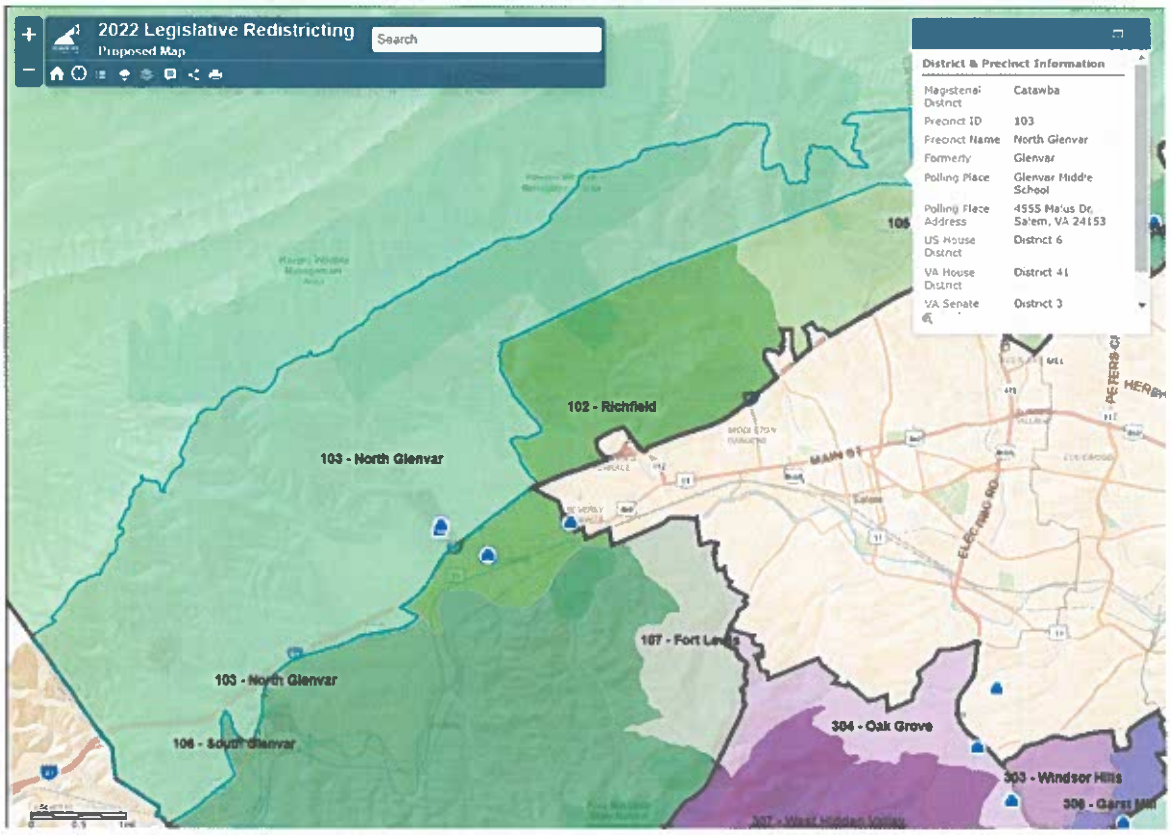


The Virginia Senate boundaries approved by the Virginia Supreme Court following the 2020 Decennial Census do not comport with established Congressional District or local election precinct boundaries, nor do they follow the major roadway that divides Precinct 103 – Glenvar (or North Glenvar, per Roanoke County's proposed Redistricting Plan) and Precinct 106 – Green Hill (or South Glenvar, per Roanoke County's proposed Redistricting Plan). This issue, in combination with the lack of clear paths through which a locality might seek reconciliation of any such unnecessary variations in political district boundaries enacted via the Commonwealth's new statewide redistricting process, has left Roanoke County with no other option than to request a waiver to administer future elections conducted under Virginia's 2020 Legislative Redistricting Plan in two local precincts containing Senate District splits.

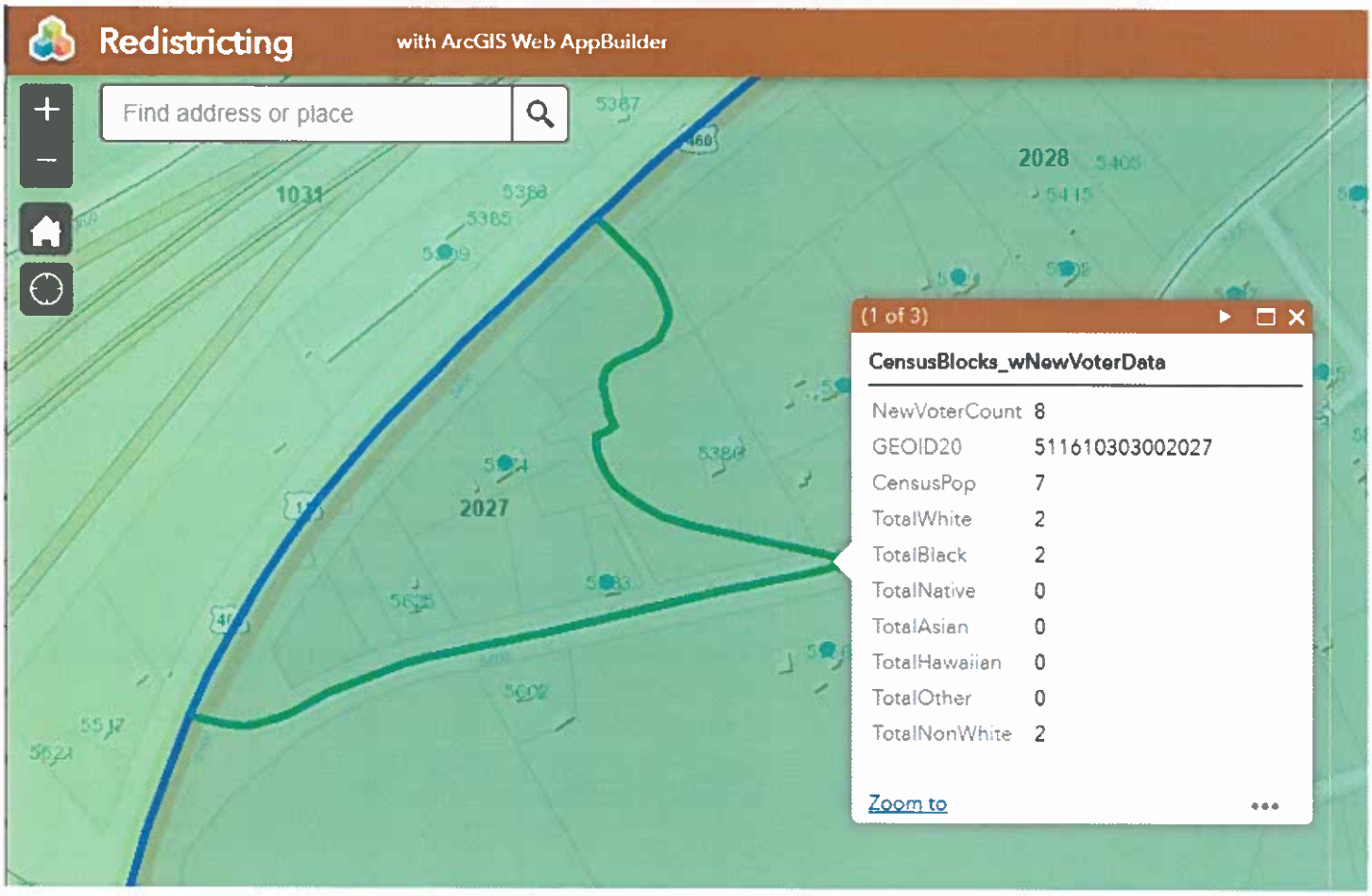
Precinct 103 – Glenvar

Precinct 103 – North Glenvar under proposed 2022 Redistricting Plan



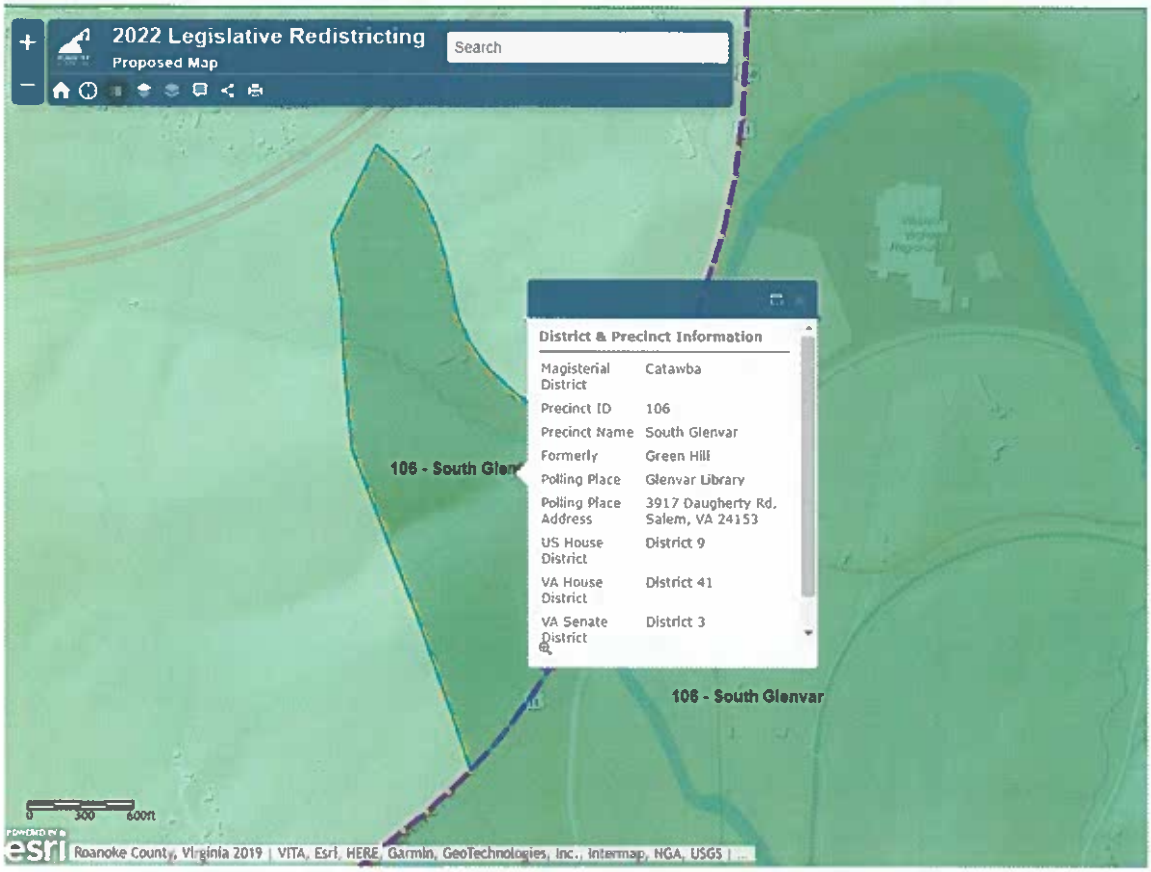


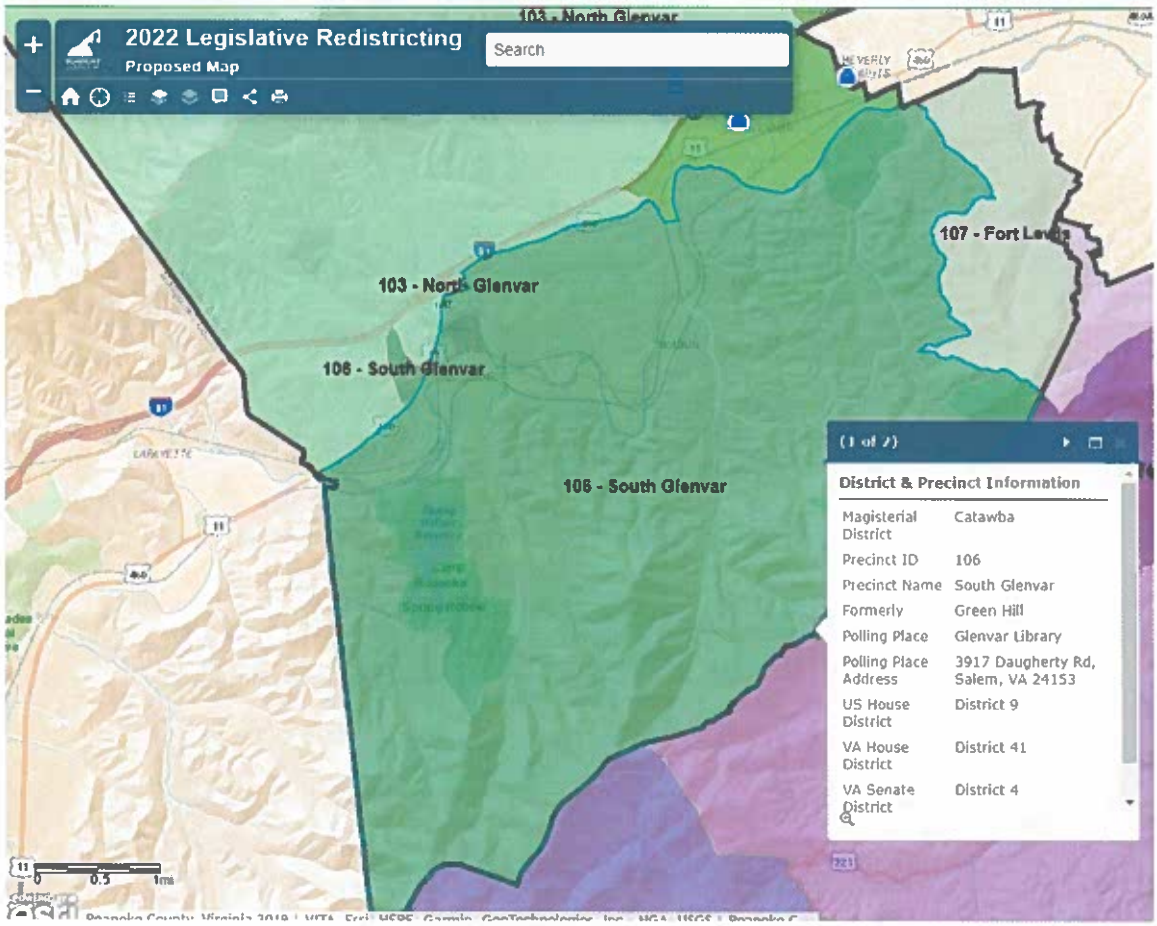
The 2020 Statewide Legislative Maps enacted by the Virginia Supreme Court include Census Block 2027 in the same Congressional District as the rest of Precinct 103 – Glenvar/N. Glenvar (light green area, Congressional boundary shown by blue line) but in the same Virginia Senate District as Precinct 106 – Green Hill/S. Glenvar (dark green area bounded by blue line to the left and a bright green State Senate line to the right).



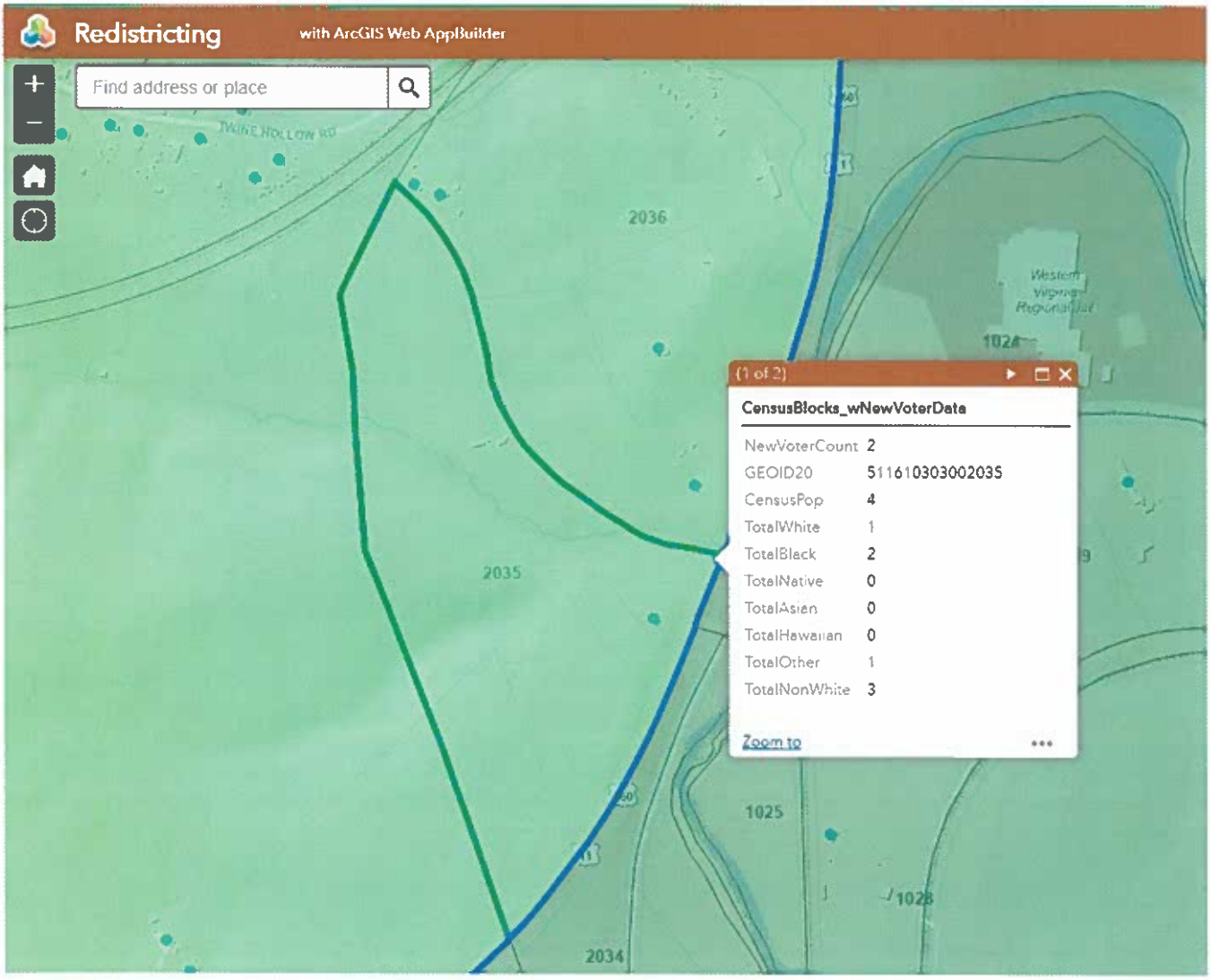
Precinct 106 – Green Hill

Precinct 106 – South Glenvar under proposed 2022 Redistricting Plan





The 2020 Statewide Legislative Maps enacted by the Virginia Supreme Court include Census Block 2035 in the same Congressional District as the rest of Precinct 106 – Green Hill/S. Glenvar (dark green area shown to the right of the blue Congressional District line) but in the same Virginia Senate District as Precinct 103 – Glenvar/N. Glenvar (light green area surrounding Census Block 2035 where it juts out from the blue line).



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

2022 General Assembly Legislative Session

BOARD WORKING PAPERS

Ashley Coles
ELECT Policy Analyst

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise, Delegate Merricks, and Ms. Chiang
From: Ashley Coles, Policy Analyst
Date: April 13, 2022
Re: 2022 General Assembly Legislative Session

Purpose

The Department of Elections (ELECT) is presenting a summary of legislation that was passed during the 2022 Session of the General Assembly, signed by the Governor, and will go into effect on July 1, 2022 (unless otherwise noted). This legislation is likely to affect the operations of general registrars, electoral board members, constituents, candidates, the State Board, the Department of Elections (ELECT), and all who are part of the elections community.

The summaries were prepared by the Policy Division of ELECT. These are only summaries that provide highlights of the legislation and are not intended to be a full accounting of the changes from every bill. Complete information on these bills is available on the Legislative Information System (http://lis.virginia.gov).

ELECT does not offer any suggested motions or recommendations as this presentation is solely intended to inform the Board of the legislative changes.

Attachments and References

- 2022 Changes to Virginia's Election Laws

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DEPARTMENT of ELECTIONS

2022 Changes to Virginia's Election Laws

The following legislation was passed during the 2022 Session of the General Assembly, signed by the Governor, and will go into effect on July 1, 2022 (unless otherwise noted). This legislation is likely to affect the operations of general registrars, electoral board members, constituents, candidates, the Department of Elections (ELECT), and all who are part of the elections community.

The summaries were prepared by the Policy Division of ELECT. These are only summaries that provide highlights of the legislation and are not intended to be a full accounting of the changes from every bill. Complete information on these bills is available on the Legislative Information System (http://lis.virginia.gov).

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Absentee Voting

SB 3 and HB 927 – Voting Systems; reporting absentee results by precinct.

Effective date: July 1, 2022

These identical bills require general registrars to report to the Department of Elections the results of absentee ballots cast by voters assigned to each precinct in the registrar's locality. The bills also include "on-demand ballot printing systems and ballot marking devices" in the definition of a voting system. The Department of Elections is also required to establish standards for ascertaining and reporting precinct level absentee results. The bills amend § 24.2-101 and § 24.2-667.1 of the Code of Virginia.

HB 439 – Absentee ballots; information on proposed constitutional amendments.

Effective date: July 1, 2022

This bill requires that whenever there is a proposed constitutional amendment or statewide referendum on the ballot, the printed instructions provided with the absentee ballot materials must include the Department of Elections' website address that explains the amendment or referendum. This bill amends § 24.2-706 of the Code of Virginia.

Campaigns and Campaign Finance

HB 125 – Elections; political campaign advertisements, illegal negative ads, civil penalties.

Effective date: July 1, 2022

This bill imposes a maximum $25,000 penalty for campaign finance disclosure violations related to advertisements or campaign telephone calls that expressly advocate the election or defeat of a clearly

identified candidate. Previously, the maximum penalty for campaign advertisement violations was $10,000. This bill amends § 24.2-955.3 of the Code of Virginia.

HB 492 – Campaign finance; record retention requirements and reviews of campaign finance disclosure reports.

Effective date: January 1, 2024

This bill requires the Department of Elections to review reports and records of all campaign committees for statewide office and a percentage of reports and records of campaign committees for all other offices within 180 days following the general election. Campaign committee treasurers are required to retain certain records that may be used in reviews of campaign committee accounts. No review is required for a campaign committee for any office that has received less than $25,000 in contributions during the campaign, including the transfer of surplus funds from a prior campaign. The Department of Elections is also required to generate a report regarding result of its reviews to the State Board, the Governor, and the General Assembly by July 1 of each year following the election. This bill amends multiple sections of the Code of Virginia.

Election Officials

SB 80 and HB 205 – Election officials, state and local; acceptance of certain gifts and funding prohibited.

Effective date: July 1, 2022

These identical bills prohibit the State Board, the Department of Elections, each local Electoral Board, and all offices of the general registrar from soliciting, accepting, using, or disposing of any money, grants, property, or services, given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The prohibition does not apply to: (i) the operation of polling places or voter satellite offices in a facility furnished by a prohibited entity; or (ii) the acceptance of federal government grants that have been funded in whole or part by donations from a prohibited entity. The bills add a new section § 24.2-124.1 to the Code of Virginia.

HB 542 – Elections administration; reclassification of assistant registrars.

Effective date: July 1, 2022

This bill reclassifies assistant registrars as deputy registrars, and makes no changes to the roles and responsibilities of a general registrar and/or their deputy. This bill amends multiple sections of the Code of Virginia.

Freedom of Information Act

HB 150 – Virginia Freedom of Information Act; local public bodies to post meeting minutes on its website.

Effective date: July 1 2022

This bill requires any local public body subject to the Freedom of Information Act to post meeting minutes on its official public government website within seven working days of final approval of the minutes. This bill adds a new section § 2.2-3707.2 to the Code of Virginia.

HB 444 – Virginia Freedom of Information Act; meetings conducted through electronic meetings.

Effective date: September 1, 2022

This bill amends existing provisions concerning electronic meetings held by public bodies. This bill allows all public bodies *other than* local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, to conduct all-virtual public meetings during situations other than declared states of emergency, where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are listed in the bill, along with technical amendments. This bill also adds section § 2.2-3708.3 to the Code of Virginia.

Miscellaneous

SB 698 – List of persons voting at elections; creating of searchable public lists prohibited.

Effective date: July 1, 2022

This bill prohibits the recipient of a list of registered voters from publishing on the internet any of the information contained in such a list as a database, list, or other similar searchable format. This bill also prohibits sharing a list of registered voters with any third party for such purpose. This bill amends § 24.2-405 of the Code of Virginia.

Precincts & Polling Places

HB 195 – Polling places; location requirements, waiver in certain circumstances.

Effective date: July 1, 2022

This bill provides that in the event that there is no suitable building that could be used for a polling place within a precinct or within one mile of the precinct boundary, the general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements. The Department of Elections may impose any conditions necessary or appropriate on the waiver to ensure accessibility and security of the polling place and

compliance with any other requirements of state or federal law. This bill amends § 24.2-310 of the Code of Virginia.

Risk-Limiting Audits

SB 370 and HB 895 – Elections; local electoral boards & general registrars to perform certain risk-limiting audits, etc.

Effective date(s): July 1, 2022; July 1, 2023; and July 1, 2024

These identical bills amend various sections of Virginia Code and adds section § 24.2-671.2, which sets new standards for the conduct of risk-limiting audits. The bills require risk-limiting audits to be performed *before* the certification of election results. The bills also extend the certification of the November election by the State Board from the fourth Monday in November to the first Monday in December. The Department of Elections is required to convene a workgroup to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests. While the bills are effective July 1, 2022, there are two provisions in the bills that have delayed effective dates.

Effective July 1, 2023, audits must be conducted for (i) at least one randomly selected contested race for the General Assembly in the year of a general election for members of the General Assembly; and (ii) any other contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years.

Effective July 1, 2024 audits must be conducted for at least one randomly selected contested race for a local office that requires certification by the State Board in any year in which there is not a general election for statewide office.

Voter Registration

SB 211 and HB 55 – Voter registration; list of decedent transmitted by St. Reg. of Vital Records to Dept. of Elections.

Effective date: July 1, 2022

These identical bills require the State Registrar of Vital Records to transmit a weekly list of decedents to the Department of Elections. Previously, the list of decedents was transmitted monthly. General registrars will be required to promptly cancel the registrations of person known to be deceased or otherwise disqualified to vote utilizing the information provided in the lists. The bills amend § 24.2-408 and § 24.2-427 of the Code of Virginia.

HB 1140 – Voter registration; cancellation of registration, notice requirement.

Effective date: July 1, 2022

This bill requires general registrars to provide notice of the cancellation of a voter's registration to the voter by mail and, if provided, by email. Previously, notice of cancellation was only required to be provided to a voter by mail, pursuant to § 24.2-427 of the Code of Virginia.

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Proposed Amendment To 1VAC20-70-40

BOARD WORKING PAPERS

Daniel Davenport
ELECT Policy Analyst

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary LeCruise, Delegate Merricks, and Ms. Chiang
From: Daniel Davenport, Policy Analyst
Date: April 13, 2022
Re: Proposed Amendments to 1VAC20-70-40

Suggested motion for a Board member to make:

"I move that the Board approve the Department's proposal for regulatory action regarding the pre-processing of absentee ballots."

Applicable Code Section: § 24.2-709.1

Attachments:

- Proposed regulation 1VAC20-70-40

Background:

Code of Virginia § 24.2-709.1, passed by the 2021 General Assembly, makes the pre-processing of absentee ballots mandatory beginning on the seventh day immediately preceding an election. This regulatory action formalizes some of the practices that were used to pre-process absentee ballots during the November 2021 General Election.

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Agency: The State Board of Elections

Virginia Administrative Code (VAC) citation(s): 1VAC20-70-40

Regulation Title(s): Alternative processing procedures for absentee ballots returned before Election Day.

Date before State Board of Elections: April 13, 2022

Brief Summary:

This regulatory action seeks 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, the Department of Elections 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 days before Election Day and additional requirements contained in the below proposed regulatory action.

Regulation Text:

1VAC20-70-40. Alternative processing procedures for absentee ballots returned before election day.

Each general registrar in taking the measures as needed to expedite counting absentee ballots under § 24.2-709.1 of the Code of Virginia shall ensure that:

1. The general registrar staff assigned follow ~~all previously prescribed~~ the instructions below for processing and verifying absentee ballots, as well as any additional instructions provided by the Department of Elections.

2. Each locality holds a mandatory pre-processing meeting on the seventh day immediately preceding the election and on either the Friday or Saturday immediately preceding the election. At each of those pre-processing meetings, the general registrar's office should pre-process all absentee ballots that were in their office's possession at the beginning of that day.

3. In the event that the general registrar's office is unable to process all ballots in their possession on the morning of either the Friday or Saturday before Election Day, then the general registrar's office should hold a final pre-processing meeting on the Monday immediately preceding the election.

~~2.~~4. All absentee ballots are secured at the end of each day following principles of dual control and chain of custody.

~~3.~~5. The general registrar staff assigned follow carefully all the requirements of § 24.2-709.1 of the Code of Virginia, including the requirement that at least two officers of election, one representing each party, be present during all hours that the expedited procedures are used.

~~4.~~ 6. Notice is given to the local political party chairs of the times and places for processing absentee ballots in sufficient time to allow for the authorized party representatives to be present.

Statutory Authority

§ 24.2-103 of the Code of Virginia.

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

KnowInk Electronic Pollbook Certification

BOARD WORKING PAPERS

Karen Hoyt-Stewart
Locality Security Program Manager

Memorandum

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

From: Karen Hoyt-Stewart, Locality Security Program Manager

Date: April 13, 2022

Re: Knowink – Poll Pad 2.58 & 3.0.1 versions

Suggested motion for Board Member to make:

I move that the Board certify the use of Knowink Poll Pad version 2.5.8 and Poll Pad Plus version 3.0.1 in elections in the Commonwealth of Virginia, pursuant to the State Certification of Electronic Pollbooks*: Requirements and Procedures*.

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

Your Board materials include the following:

- Knowink Poll Pad versions 2.5.8 & 3.0.1 Certification letter provided by SLI Compliance
- Fairfax City, March 25, 2022 Mock Election correspondence
- Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*

Background:
Following the steps prescribed in the Virginia State Certification of Electronic Pollbooks*: Requirements and Procedures*, Knowink initiated the certification evaluation to the Department of Elections on Feb. 22, 2022. Knowink 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. Knowink provided the certification fee and the testing/evaluation was conducted on March 23rd & 24th at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Fairfax City on March 25, 2022. The Knowink Poll Pad and Poll Pad Plus (electronic pollbooks) presented for certification under 2.5.8 & 3.0.1 successfully completed Virginia Electronic Pollbook State Certification requirements.

March 31, 2022

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

Re: Audit of the KNOWiNK Poll Pad 2.5.8 & 3.0.1 ePollBook systems

Dear Ms. Beals,

SLI Compliance is submitting this report as a summary of the auditing efforts for KNOWiNK Poll Pad 2.5.8 & 3.0.1 ePollBook systems**.**

The evaluation was conducted on March 22-24, 2022, in the Virginia Department of Elections offices in Richmond, Virginia.

The scope of the audit included verifying compliance with the requirements/test assertions contained in appendices D (Test Assertions) and G (Hardware Guidelines) in the appropriate VA Electronic Pollbooks Certification Standards and Virginia test cases, which is currently accepted for testing and certification by the Virginia Department of Elections.
SLI also confirmed that a source code review was performed and a penetration or security test report for the KNOWiNK Poll Pad 2.5.8 & 3.0.1 ePollBook systems were provided to Virginia for their acceptance.

> It has been determined that the KNOWiNK Poll Pad 2.5.8 & 3.0.1 ePollBook systems meet the audited acceptance criteria of the State of Virginia's ePollBook Standard, meets the requirements of Virginia Election Laws §24.2, except for masking/unmasking of passwords (T0065).
> Also, it was not verified that the Poll Pad Plus cannot be connected to a voting system.
> It is also strongly recommended that strict configuration guidelines be supplied to the jurisdiction to lock down the Poll Pad Plus devices to specific networks and systems.

KNOWiNK Poll Pad 2.5.8 & 3.0.1 ePollBook system components audited were comprised of:

Application/OS	Version
IOS (containing 3.0.1)	15.4
IOS (containing 2.5.8)	12.5
PollPad3-Release 2.5.8 (04)	2.5.8
PollPad3-Release 3.0.1 (04)	3.0.1

Device	Model
Pollpad VA Cert 001	iPad 9th Gen
Pollpad VA Cert 002	iPad Air
Pollpad VA Cert 003	iPad 9th Gen
Star receipt printer	TSP650 II

Sincerely,
Michael Santos
Senior Test Manager
SLI Compliance

OFFICE OF THE GENERAL REGISTRAR AND ELECTORAL BOARD
City of Fairfax

Brenda F. Cabrera
Director of Elections
General Registrar

Electoral Board
Secretary: Richard Herrington
Chairman: Jeffrey White
Vice Chairman: Jim McCall

March 31, 2022
To: Karen Hoyt-Stewart, Virginia Department of Elections
Re: KNOWiNK Mock Election & Certification

The City of Fairfax conducted a mock election on Friday, March 25, 2022, to assist with certification for KNOWiNK EPB versions 2.5.8 and 3.0.1.

During the mock election, a checklist was provided by the Department of Elections to document the functional requirements of the newest version(s). Using this checklist, the City of Fairfax performed acceptance testing for multiple functional areas, including check-in processing, reports, connectivity, data/media, and additional items. There were no major issues observed with any sections or requirements.

After performing this acceptance testing, the City of Fairfax Office of Elections attests that the versions functioned as expected and without issue.

We look forward to using KNOWiNK electronic pollbooks in future elections.

Best Regards,

Brenda J Cabrera

Brenda Cabrera
Director of Elections & General Registrar

10455 Armstrong St, Fairfax, VA 22030
703-385-7890

www.FairfaxVA.gov
Registrar@FairfaxVA.gov

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Electronic Pollbook Certification Standard

December 2019

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Chapter 1: Introduction

1.1. Purpose of Procedures

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

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

1.2. Specific Requirements

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

1.3. Decertification

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

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

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

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

1.4. Recertification

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

Chapter 2: Basis for Certification

2.1. State Certification Testing

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

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

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

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

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

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

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

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

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

2.3. EPB System Software Elements

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

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

2.4. Early Voting Connection Requirements

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

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

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

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

Chapter 3: Review and Approval Process

3.1. Summary of Process

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

Six Phases of the Certification Review Process:

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

3.2. Certification Review Process

Phase 1: Certification Request from Vendor

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

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

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

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

Technical Data Package

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

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

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

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

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

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

Corporate Information

Corporate Information must contain the following items:

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

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

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

Proprietary Information

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

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

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

Phase 2: Preliminary Review

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

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

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

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

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

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

Phase 3: Technical Data Package to Voting Systems Test Laboratory

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

Phase 4: Certification Test Report from VSTL

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

Phase 5: On-Site Testing in Mock Election

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

Phase 6: Approval by the SBE

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

3.3. Incomplete Certification Process

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

ELECT reserves the right to terminate the certification process when:

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

Appendices

A – Glossary

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

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

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

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

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

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

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

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

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

B - Contacts

The Department of Elections

The certification request package should be sent to:

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

All other inquiries should be sent to:

Email: info@elections.virginia.gov

C – Acceptance Test

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

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

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

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

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

Audit and Validation of Certification

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

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

D – Test Assertions

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

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

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

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

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

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

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

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

During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity.	I – The EPB must be networkable. Once networked together all EPB's must synchronize to the most current voter information.
	II – If network connectivity is lost, once restored all devices on the network must synchronize.
Perform data and operational integrity safeguard tests including: *i. Ability to add or remove new units without disturbing the existing units* *ii. Power supply and battery life with an option to display power usage* *iii. Display appropriate message when the EPB device is operating at less than 20% of remaining power* *iv. Display appropriate error message when a voter is not counted* *v. Capacity/Load Test report to include the maximum number of voters the configuration setting can handle* *Performance report to include the optimal duration of check in process per voter.*	I – The EPB must have a report that provides statistics on the duration of voter check-in process and the maximum number of voters the configuration can handle.
System monitoring and notification of system errors including: *i. Perform a self-test for peripheral connectivity* *ii. Visible display indicating power supply/battery life* *iii. Visible display indicating system connections.*	I – The EPB must have battery status indicator and a peripheral connectivity indicator.
	II – The EPB must log all system errors and notify the user of errors that can be corrected by the user.

Security Requirement	*Test Assertions*
Support the industry standard for clean wipe method remotely and manually.	I -The EPB must support the ability to write ones and zeros or shred all removable media.
Utilize security best practices for internet connectivity including network, wireless, and cloud services.	I – The EPB must employ the following management techniques: • Upgrade to a Modern Operating System and keep it up-to-date • Exercise Secure User Habits • Leverage Security Software • Safeguard against Eavesdropping • Protect Passwords • Limited Use of the Administrator Account • Employ Firewall Capabilities • Implement WPA2 on the Wireless Network • Limit Administration to the Internal Network
Comply with the latest encryption standard for all data including data-at-rest and data-in-transit. This requirement applies to all IT equipment including mobile and stand-alone.	I – All modules and data are cryptographic and are FIPS 140-2 compliant.
	II – The EPB's audit log must be encrypted, track all transactions and include a date/time stamp.
Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.	I – All passwords used by the EPB follow the NIST SP 800-63B Standard.
	II – All passwords used by the EPB must allow upper case, lower case, numbers, and special characters.
	III – The same password cannot be reused within at least the past 10 times.

	IV – The EPB requires passwords to be changed every 6 months.
	V – The EPB must provide the option to mask or unmask passwords at text entry.
Comply with the Access Management best practices for System Administrator and Network Administrator.	I – The EPB must employ the following management techniques: • Centralization of all components • Role Based Access Control • Employ Zero Trust Identity Security • Use the Principle of Least Privilege • Automated Onboarding • Automated Off-boarding • Orphaned Account Detection and Removal • Multifactor Authentication • Notification of failed logon attempts • Notification of use of Privileged Accounts.
Harden the EPB System using the vendor's procedures and specifications.	I – The EPB Vendor must provide a system hardening specification for the system.
	II – Assessed via automated scanning tools (i.e. CIS L1 benchmarks).
Restrict connections to EPBs from the specified devices such as the printer and authorized USB at the polling place. Reject all connections from other external devices.	I – The EPB must restrict all ports to only allow known system components to communicate with the EPB and not allow unknown device to connect.
EPBs should be configured to synchronize data within the defined network only. Disable connection to all unauthorized network including publicly	I – The EPB must be networkable. Once networked together all EPB's must synchronize to the most current voter information.

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

Audit Requirement	*Test Assertions*
Transaction Logging and Audit Reports includes the following details: *a. Audit trail of election data preparations* *b. Transactions at the polling places* *c. View and export logs in a readable format* *d. Identify and manage security incidents and fraudulent activities* *e. Track and resolve operational problems.*	I – The EPB must have a transaction log containing the following: • Records of election preparation • Records of transactions in the polling place • Human-readable logs • Ability to export logs • Identify and manage security incidents and fraudulent activities • Track and resolve operational problems.

Reconciliation of data load to EPB to handle exceptions and discrepancies.	I – The EPB must provide a verification that the data loaded for the election was successful, accurate, and any discrepancies in the process handled.

E – Software Patching Guidelines

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

F – Recertification Guidelines

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

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

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

G – Hardware Guidelines

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

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

H – EPB System Modifications & Product End of Life Planning

EPB System Modifications

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

Product End of Life Planning

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

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

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

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

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

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

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

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

I – EPB Certification Application Form

Certification ☐	Recertification ☐

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

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

Name of Company: _____

Name and Title of Corporate Officer: _____

Contact Phone Number: _____

Email Address: _____

Primary Address of Company: _____

City, State, Zip Code: _____

Name of EPB System to be certified: _____

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

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

Signature of Corporate Officer: _____

Date: _____

J – De Minimis Change Guideline

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

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

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

VSTL Endorsed Changes

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

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

VSTL Review

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

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

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

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

ELECT's Action

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

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

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

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

K – Early Voting Connection Requirements

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

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

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

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STATE BOARD *of* ELECTIONS

Drawing for Candidate Ballot Order

BOARD WORKING PAPERS

Paul Saunders
Election Administration Supervisor

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Memorandum

To:	Chairman Brink, Vice Chair O'Bannon, Secretary LeCruise, Delegate Merricks, and Ms. Chiang
From:	Paul G. Saunders, III, Elections Administration Supervisor
Date:	April 13, 2022
Re:	Candidate Ballot Order for June 2022 Primaries

Suggested motion for a Board member to make:
"I move that the Board certify the determinations by lot of the order of candidates on the ballot for primary elections to be held on June 21, 2022."

Applicable Code Sections:
Va. Code § 24.2-529 – "The primary ballots for the several parties taking part in a primary shall be composed, arranged, printed, delivered, and provided in the same manner as the general election ballots except that at the top of each official primary ballot shall be printed in plain black type the name of the political party and the words "Primary Election." The names of the candidates for various offices shall appear on the ballot in an order determined by the priority of the time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board or the State Board as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections."

Va. Code § 24.2-613.C – "… the State Board shall determine by lot the order of the political parties… 'recognized political parties' shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board…"

OFFICE	CANDIDATE

DRAFT

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Drawing for Party Order on the Ballot for General and Special Elections

BOARD WORKING PAPERS

Paul Saunders
Election Administration Supervisor

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Memorandum

To:	Chairman Brink, Vice Chair O'Bannon, Secretary LeCruise, Delegate Merricks, and Ms. Chiang
From:	Paul G. Saunders, III, Elections Administration Supervisor
Date:	April 13, 2022
Re:	Ballot Order Drawing for elections occurring April 30, 2022 through April 30, 2023

Suggested motion for a Board member to make:
"I move that the Board certify the determination by lot of the ballot order for all general and special elections being held April 30, 2022 through April 30, 2023."

Applicable Code Sections:
Va. Code § 24.2-613.B – "For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties."

Va. Code § 24.2-613.C – "… the State Board shall determine by lot the order of the political parties… 'recognized political parties' shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board…"

Applicable Dates:
All general and special elections between April 30, 2022 and April 30, 2023.

ELECT Staff Recommendation:
ELECT staff recommends that the Board determine by lot and then certify the ballot order for all general and special elections being held between April 30, 2022 and April 30, 2023.

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STATE BOARD *of* ELECTIONS

Public Comment

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Closed Session

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