



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Wednesday, January 18, 2023
Martha Brissette Conference Room
Washington Building
Richmond, VA
Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=mde074f29c715af5dd2c02aa9d584a3d2>

Meeting password: w88Wib83muH

Teleconference:

1-517-466-2023 US Toll
1-866-692-4530 US Toll-Free
Access Code: 2428 078 4638

1:00 P.M.



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Wednesday, January 18, 2023

LOCATION: 1100 Bank St.

Washington Bldg – Room B-27

Richmond, VA 23219

TELECONFERENCE:

+1-517-466-2023 US Toll

+1-866-692-4530 US Toll Free

Access code: 2428 078 4638

VIDEO CONFERENCE:

**[https://covaconf.webex.com/covaconf/j.php?MTID=md
e074f29c715af5dd2c02aa9d584a3d2](https://covaconf.webex.com/covaconf/j.php?MTID=md
e074f29c715af5dd2c02aa9d584a3d2)**

Password: w88Wib83muH

TIME: 1:00 P.M.

I. CALL TO ORDER

Robert Brink, Chairman

II. APPROVAL OF MINUTES

Georgia Alvis-Long, Secretary

A. December 5, 2022

III. COMMISSIONER'S REPORT

*Susan Beals
Commissioner*

**IV. CERTIFICATION OF JANUARY 10, 2023
SPECIAL ELECTIONS**

*Paul Saunders
Elections and Registration Services
Supervisor*

**V. SPLIT PRECINCT WAIVER
A. CHESTERFIELD COUNTY**

*Claire Scott
ELECT Policy Analyst*

VI. RISK LIMITING AUDIT REPORT

*Karen Hoyt-Stewart
Locality Security (Voting Tech)
Program Manager
Claire Scott
ELECT Policy Analyst*

VII. STAND BY YOUR AD

*Tammy Alexander
Campaign Finance Compliance and
Training Supervisor*

A. PRINT MEDIA

1. Campaign Committee for Renee Dial for School Board for IWCS - CC-22-00396
2. Children Advocates For Ward 3 Candidate Mark S. Askew Sr. - CC-22-00461
3. Chris Daniels for School Board - CC-22-00235
4. Friends of Evan Clark – CC-18-00245
5. Jackson For Roanoke - CC-22-00140
6. Joyner for Council - CC-22-00455
7. Leigh Carley for School Board - CC-22-00128
8. Michael Storrs - CC-22-00093
9. Monica for City Council - CC-22-00316
10. Roanoke Forward - PAC-22-00026
11. Vote Mady for Ward 4 - CC-22-00132

B. TV & VIDEO

12. Rick Nagel for City Council - CC-22-00416

VIII. PUBLIC COMMENT

IX. CLOSED SESSION

X. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=34703>

Re. Entrance to the Washington Building

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

Re. 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. individual requests for additional information

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

Re. How to Participate in Public Comment

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

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

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

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



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STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS

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

11 The first item of business was the approval of the minutes, presented by
12 Secretary Alvis-Long. Delegate Merricks moved that the Board approve the
13 minutes from the November 16, 2022 Board Meeting. Ms. Chiang seconded the
14 motion and the motion passed unanimously. A roll call vote was taken:

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

20 The second item of business was the Commissioner’s Report, presented by

21 Commissioner Beals. Commissioner Beals expressed her appreciation to the
22 General Registrars and Electoral Board Members of Southwest Virginia that
23 participated in the Risk Limiting Audit. The Commissioner stated that District 9
24 was randomly selected during the November 16th State Board Meeting. The
25 participating counties were Bedford, Bland, Buchanan, Carroll, Craig, Dickenson,
26 Floyd, Franklin, Giles, Grayson, Henry, Lee, Montgomery, Patrick, Pulaski,
27 Roanoke, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe, and the
28 participating cities were Bristol, Galax, Martinsville, Norton, and Radford.

29 Commissioner Beals informed the Board that on November 17th ELECT
30 held its first meeting with the vendor for the new statewide voter registration
31 system. The Commissioner stated that ELECT has started its three month planning
32 portion of the voter registration project. Commissioner Beals advised the Board
33 that ELECT is analyzing all the list maintenance practices and data handling
34 procedures related to the voter registration system. The Commissioner informed
35 the Board that ELECT is also looking into the data exchange procedures with other
36 agencies that release data to ELECT to keep our voter rolls updated. Commissioner
37 Beals advised the Board that two special elections are coming up on January 10th
38 for the old 35th District House of Delegate and the old 7th District Virginia Senate.

39 The third item of business was the Certification of the November 8, 2022,
40 General Election, presented by Paul Saunders, Elections and Registration Services

41 Supervisor. *This memo is in the Working Papers for the December 5, 2022*
42 *Meeting.* Vice Chair O’Bannon stated that after reviewing the abstracts of votes
43 cast in the 2022 November General Election, I move *that the Board certify the*
44 *statements to be correct and sign the statements and certificates of Elections.* Ms.
45 Chiang seconded the motion and the motion passed unanimously. A roll call vote
46 was taken:

- 47 Chairman Brink – Aye
- 48 Vice Chair O’Bannon – Aye
- 49 Secretary Alvis-Long – Aye
- 50 Ms. Chiang – Aye
- 51 Delegate Merricks – Aye

52 The fourth item of business was the Risk Limiting Audit results, presented
53 by Karen Hoyt-Stewart, Locality Security (Voting Tech) Program Manager. *This*
54 *memo is in the Working Papers for the December 5, 2022 Meeting.* As this was an
55 information item, no motion was required.

56 The fifth item of business was the Proposed Regulation 1VAC20-20-90,
57 presented by Arielle Schneider, ELECT Policy Officer and Virginia Voter
58 Registration System Security Advisory Group (VRSS). *This memo is in the*
59 *Working Papers for the December 5, 2022 Meeting.* Delegate Merricks moved *that*
60 *the State Board of Elections submit the proposed regulation, 1VAC20-20-90, for*

61 *consideration under the Virginia Administrative Process Act.* Secretary Alvis-Long
62 seconded the motion and the motion that passed unanimously. A roll call vote was
63 taken:

64 Chairman Brink – Aye

65 Vice Chair O’Bannon – Aye

66 Secretary Alvis-Long – Aye

67 Ms. Chiang – Aye

68 Delegate Merricks – Aye

69 The sixth item of business was the Delegation of Authority, presented by
70 Claire Scott, ELECT Policy Analyst. *This memo is in the Working Papers for the*
71 *December 5, 2022 Meeting.* Ms. Chiang moved *that the Board approve the*
72 *proposed Delegations of Authority 2022 from the State Board of election to the*
73 *Department of Elections, pursuant to the Virginia Administrative Process Act.*
74 Delegate Merricks seconded the motion and the motion passed unanimously. A roll
75 call vote was taken:

76 Chairman Brink – Aye

77 Vice Chair O’Bannon – Aye

78 Secretary Alvis-Long – Aye

79 Ms. Chiang – Aye

80 Delegate Merricks – Aye

81 Chairman Brink opened the floor to public comment. Anne Kinney and
82 Shelley Oberlander addressed the Board.

83 At 1:32 P.M., Delegate Merricks moved pursuant to Virginia Code Section
84 2.2-3711(A)(7), *that the Board go into closed session for the purpose of discussing*
85 *pending and threatened litigation. In accordance with Section 2.2-3712(F), Susan*
86 *Beals, Commissioner of Elections, Joshua Lief and Travis Andrews of the Office of*
87 *the Attorney General, and will attend the closed session because their presence*
88 *will reasonably aid the Board in its consideration of the subject of the meeting.*

89 Ms. Chiang seconded the motion and the motion passed unanimously. A roll call
90 vote was taken:

91 Chairman Brink – Aye

92 Vice Chair O’Bannon – Aye

93 Secretary Alvis-Long – Aye

94 Ms. Chiang – Aye

95 Delegate Merricks – Aye

96 1:55 P.M., Vice Chair O’Bannon moved *to reconvene the meeting in open*
97 *session, and take a roll call vote certifying that to the best of each member’s*
98 *knowledge (i) only such public business matters lawfully exempted from open*
99 *meeting requirements under this chapter and (ii) only such public business matters*
100 *as were identified in the motion by which the closed meeting was convened were*

101 *heard or discussed by the State Board of Elections.* Secretary Alvis-Long seconded
102 the motion and the motion passed unanimously. A roll call vote was taken:

103 Chairman Brink – Aye

104 Vice Chair O’Bannon – Aye

105 Secretary Alvis-Long – Aye

106 Ms. Chiang – Aye

107 Delegate Merricks – Aye

108 Delegate Merricks moved *to adjourn the meeting.* Secretary Alvis-

109 Long seconded the motion and the motion passed unanimously. The meeting

110 adjourned at 1:56 P.M.

111

112 _____

113 Chairman

114 _____

115 Vice-Chairman

116 _____

117 Secretary

118 _____

119 Board Member

120 _____

121 Board Member

122



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Susan Beals
Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Certification of Special Elections – HOD 35th, SOV 7th, HOD 24th

BOARD WORKING PAPERS
Paul G. Saunders, III
Elections and Registration Services Supervisor



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary Alvis-Long, Angela Chiang, and Delegate Merricks
From: Paul G. Saunders, III, Election and Registration Services Supervisor
Date: January 18, 2023
Re: **Certification of Results for the January 10, 2023 Special Elections**

Suggested Motion For A Board Member To Make:

"After reviewing the Abstracts of Votes Cast in the January 10, 2023 Special Elections for Member, House of Delegates 35th District, Member Senate of Virginia 7th District and Member, House of Delegates 24th District I move that the Board certify the results as presented and declare the winners."

Applicable Code Sections:

- Va. Code § 24.2-679.
 - A. "... The Board shall... make statements of the whole number of votes given... The Board members shall certify the statements to be correct and sign the statements. The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office. The Board members shall endorse and subscribe on such statements a certificate of their determination."
 - B. "The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A."
- Va. Code § 24.2-680.

"Subject to the requirements of § 24.2-948.2, the State Board shall without delay complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office... The names of members elected to the General Assembly shall be certified by the State Board to the clerk of the House of Delegates or Senate, as appropriate."

Attachments:

Abstract and winner Certificates of Election for Member, House of Delegates 35th District, Member Senate of Virginia 7th District and Member, House of Delegates 24th District.

Background:

- The House of Delegates, 35th District seat became vacant upon the resignation of The Honorable Mark Keam. A special election was called to fill the vacancy.
- The Senate of Virginia, 7th District seat became vacant upon the resignation of The Honorable Jennifer A. Kiggans. A special election was called to fill the vacancy.
- The House of Delegates, 24th District seat became vacant upon the passing of The Honorable Ronnie R. Campbell. A special election was called to fill the vacancy.
- There is one (1) locality in 35th House of Delegates District; Fairfax County.
- There are two (2) localities in the 7th Senate of Virginia District; The city of Virginia Beach and the city of Norfolk.
- There are six (6) localities in the 24th House of Delegates District; Amherst County, Augusta County, Bath County, the city of Buena Vista, the city of Lexington, and Rockbridge County.
- Upon completion of the election, local General Registrars entered all relevant election data into the Virginia Election and Registration System (VERIS).
- In accordance with Va. Code § 24.2-671, the local Electoral Boards conducted their provisional ballot meeting and canvass to ascertain and certify election results for the locality.
- Upon completion of canvass, the General Registrars forwarded the locality's certified Abstract of Votes to the Department of Elections.
- Upon receipt of the locality's Abstracts, ELECT's Elections Administration staff checked for errors and accepted the ascertained results as presented.

ELECT Staff Recommendation:

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

COMMONWEALTH Of VIRGINIA

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETING:

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

Ellen H. Campbell

was duly elected

*Member Virginia House of Delegates, 24th District
for the unexpired term ending on January 9, 2024.*

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

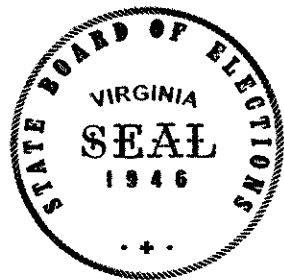
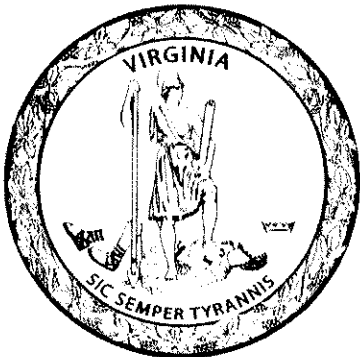
.....
Chairman

.....
Vice Chairman

.....
Secretary

.....
Member

.....
Member



COMMONWEALTH Of VIRGINIA

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

Holly M. Seibold

was duly elected

*Member Virginia House of Delegates, 35th District
for the unexpired term ending on January 9, 2024.*

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

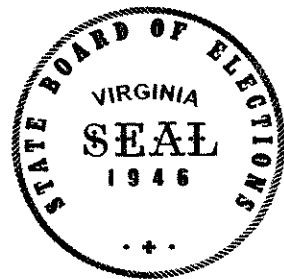
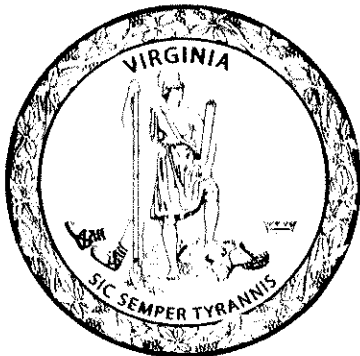
.....
Chairman

.....
Vice Chairman

.....
Secretary

.....
Member

.....
Member



COMMONWEALTH Of VIRGINIA

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETING:

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

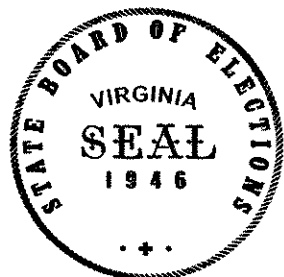
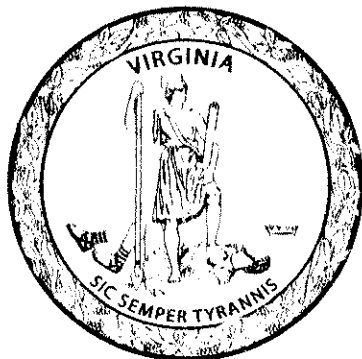
Aaron R. Rouse

was duly elected

Member Senate of Virginia, 7th District

for the unexpired term ending on January 9, 2024.

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



.....
Chairman

.....
Vice Chairman

.....
Secretary

.....
Member

.....
Member



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Split Precinct Wavier

BOARD WORKING PAPERS

Claire Scott

ELECT Policy Analyst



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O’Bannon, Secretary Alvis-Long, Delegate Merricks, and Ms. Chiang
From: Claire Scott, Policy Analyst
Date: January 18, 2023
Re: Split Precinct Waiver for Chesterfield County

Suggested Motion:

“I move that the State Board of Elections approve the split precinct waiver for Chesterfield County pursuant to §24.2-307.”

Applicable Code Sections:

§24.2-307 Requirements for county and city precincts

Split Precinct Background:

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

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

Chesterfield’s Split Precinct Request:

Previously, Chesterfield County requested a waiver for the Genito (402) and the Clover Hill (412) precincts, which was approved by the SBE in April of 2022. Chesterfield is now requesting to renew this waiver to administer split precincts in these same precincts for this calendar year.

Attachments:

Split Precinct Waiver Request from Chesterfield County
Split Precinct Waiver Resolution from Chesterfield County Board of Supervisors

ELECT Staff Recommendation:

Staff recommends approving Chesterfield County’s split precinct waiver request.



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: Chesterfield County, Virginia Date: December 20, 2022

Contact Name/Title: Missy Vera, General Registrar & Director of Elections

Phone Number: 804-751-2247

Email Address: VeraM@chesterfield.gov

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

Supporting Documentation (Please Attach):

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

Any Previous Waiver Requests Submitted? Yes No

If Yes, When? March 23, 2022

Was it Granted? Yes No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
402	Genito	The State's 2021 congressional redistricting split the Genito precinct (402) between Congressional Districts 1 and 4. The portion of the Genito precinct split by the State's congressional redistricting cannot be merged into adjacent precincts without creating new splits between election districts, and the number of registered voters in the split portions of those precincts is less than 100. Specifically, the number of registered voters in the split portion of Genito is 94.
412	Clover Hill	The State's 2021 congressional redistricting split the Clover Hill precinct (412) between Congressional Districts 1 and 4. The portion of the Clover Hill precinct split by the State's congressional redistricting cannot be merged into adjacent precincts without creating new splits between election districts, and the number of registered voters in the split portions of those precincts is less than 100.

		Specifically, the number of registered voters in the split portion of Clover Hill is 5.

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

CHESTERFIELD COUNTY: At a regular meeting of the Board of Supervisors, held in the Public Meeting Room at the Chesterfield Administration Building on December 14, 2022 at 6 p.m.

13.B.1.g. RESOLUTION AUTHORIZING THE GENERAL REGISTRAR AND DIRECTOR OF ELECTIONS OF CHESTERFIELD COUNTY TO FILE AN APPLICATION WITH THE STATE BOARD OF ELECTIONS FOR A WAIVER TO ADMINISTER SPLIT VOTING PRECINCTS

On motion of Mr. Holland, seconded by Mr. Carroll, the Board adopted the following resolution authorizing the General Registrar and Director of Elections of Chesterfield County to file an application with the State Board of Elections for a waiver to administer split voting precincts:

WHEREAS, Section 24.2-307 of the Code of Virginia, 1950, as amended, requires each voting precinct in the County of Chesterfield to be wholly contained within a single congressional district, Senate district, House of Delegates district, and magisterial district;

WHEREAS, Section 24.2-307 of the Code of Virginia, 1950, as amended, further provides that the Board of Supervisors may request the State Board of Elections to grant a waiver from the above-stated requirement if a congressional, Senate, or House of Delegates district splits a voting precinct and the Board is unable to establish a precinct containing at least 100 registered voters that is wholly contained within a single congressional district, Senate district, House of Delegates district, and magisterial district;

WHEREAS, the State's redistricting of congressional districts split the following existing voting precincts in the County:

- 1) Genito Voting Precinct (402) - split by Congressional Districts 1 and 4
- 2) Clover Hill Voting Precinct (412) - split by Congressional Districts 1 and 4

WHEREAS, the portions of the Genito Voting Precinct and Clover Hill Voting Precinct that are split by the State's congressional redistricting cannot be merged into adjacent precincts without creating new splits between election districts; and

WHEREAS, the number of registered voters in the portions of the Genito Voting Precinct and Clover Hill Voting Precinct that are split by the State's congressional redistricting is less than 100;


WHEREAS, the County previously applied for and was granted a waiver by the State Board of Elections to administer the Genito and Clover Hill Voting Precincts as split precincts for all elections held in 2022;

WHEREAS, a waiver granted by the State Board of Elections only covers one election year, and the County must apply for a new waiver for subsequent election years.

NOW, THEREFORE, BE IT RESOLVED that the Board does hereby authorize the General Registrar and Director of Elections of Chesterfield County to submit a request for a waiver from the State Board of Elections pursuant to Section 24.2-307 of the Code of Virginia, 1950, as amended, to administer the split precincts listed above for all elections held in 2023.

Ayes: Winslow, Holland, Ingle, Carroll, Miller.
Nays: None.

Certified By:



Sara Hall
Clerk to the Board of
Supervisors



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Risk Limiting Audit Report

BOARD WORKING PAPERS
Karen Hoyt-Stewart
Locality Security (Voting Tech) Program Manager
Claire Scott
ELECT Policy Analyst



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Ms. Chiang

From: Karen Hoyt-Stewart, Locality Security (Voting Tech) Program Manager, Claire Scott, Policy Analyst

Date: January 18, 2023

Re: The November 2022 Risk-Limiting Audit Report

Applicable Code Sections

§24.2-671.2 Risk-limiting audits

Overview

Pursuant to §24.2-671.2 of the Code of Virginia, the Virginia Department of Elections(ELECT) is required to coordinate a pre-certification risk-limiting audit of ballot scanner machines in the Commonwealth. ELECT announced the successful completion of the audit of the United States House of Representatives District 9 on December 1, 2022 and provided the results of the audit on December 5, 2022 at the State Board of Election's public meeting. The results confirmed with over 99% confidence that the machines accurately reported the results of the race. In addition to facilitating the audit each year, §24.2-671.2 also requires ELECT to submit a report to SBE that details the results of the audit and provides analysis of any detected discrepancies. The report is attached to this memorandum.

Results and Findings

A representative sample of 60 ballots cast in the election were chosen at random and counted by hand to verify the accuracy of machine counts. The results indicated that there was a .0000004864% chance that the audit of the United States House of Representatives District 9 contest was inaccurate, providing election officials with strong evidence and confidence in the reported outcome of the election. The audit result fell significantly below the 10 percent risk limit, confirming the result for the District 9 race accurately portrayed the winner of the election.

Attachments

The November 2022 Risk-Limiting Audit Report



November 2022 Risk-Limiting Audit Report

JANUARY 18, 2023

VIRGINIA DEPARTMENT OF ELECTIONS

EXECUTIVE SUMMARY

Pursuant to [§24.2-671.2](#) of the Code of Virginia, the Virginia Department of Elections is required to coordinate a pre-certification risk-limiting audit of ballot scanner machines in the Commonwealth.¹ The 2022 November General Election Risk-Limiting Audit (RLA) took place in the three weeks following the general election for the United States House of Representatives. During the November 16th meeting of the State Board of Elections (SBE) United States House of Representatives District 9 was randomly chosen by the Chairman of the SBE to be audited. The Virginia Department of Elections (ELECT) announced the successful completion of the audits on December 1, 2022. The results confirmed with over 99% confidence that the machines accurately reported the results of the race.

In addition to facilitating the audit each year, §24.2-671.2 also requires ELECT to submit a report to SBE that details the results of the audit and provides analysis of any detected discrepancies.² The following report gives a comprehensive overview of the history, practice, and process of risk-limiting audits in the Commonwealth to both provide these essential details as well as promote transparency, knowledge, and confidence in Virginia elections and the RLA process.

WHAT IS A RISK-LIMITING AUDIT?

A risk-limiting audit (RLA) means an audit protocol conducted after an election and prior to the certification of the election results with a pre-specified minimum probability of requiring a full hand count of votes cast, if the outcome reported by the voting system differs from the outcome that would be found by a full hand count of the votes in a contested race. While RLAs do not guarantee that every vote was counted correctly, they provide strong statistical evidence that the declared winner of a contest actually received more votes.

RLAs provide a more cost effective and efficient alternative to other forms of post-election audits by reducing the total number of paper ballots needed to confirm election results. In order to conduct an RLA, a voting system must be in place that produces paper ballots. RLAs analyze a random sample of hand counted ballots to confirm election results. If the margin of an election is wide, less votes are audited; if the margin is narrow, more votes will be audited until enough evidence can confirm the results of the contest.³ The ballots sampled must, then, be tallied and meet the preset risk-limit. A *risk-limit* means the largest probability that the risk-limiting audit will fail to correct an election outcome that differs from the outcome that would be found by a full manual tabulation of the votes on all ballots cast in the contested race. For example, a 10% risk-limit means that there is as a 90% chance that the audit will correct an incorrect outcome.

There are three types of risk-limiting audits: *ballot comparison*, *batch comparison*, and *ballot polling*.

¹ Code of Virginia., [§24.2-671.2](#)

² *Id.*

³ Risk-Limiting Audits, Postelection Audits, A Summary, <https://www.ncsl.org/research/elections-and-campaigns/risk-limiting-audits.aspx>

Criteria	Ballot Comparison	Batch Comparison	Ballot Polling
Description	Cast vote record (CVR) totals are compared to contest results. Voter selections on randomly-selected individual paper ballots are compared with corresponding CVRs.	Sums of all batch subtotals are compared to contest results. Hand tallies from randomly-selected paper ballot batches are compared with corresponding machine counts.	Voter selections on randomly-selected paper ballots are interpreted manually.
Election Infrastructure	Voting system must export a machine readable CVR for each paper ballot.	Voting system must export machine readable batch tallies for each physical batch of paper ballots.	Does not require matching ballots to tallies.
Number of Ballots to Examine	Fewest ballots	More ballots but organized in batches	Comparable to ballot-level comparison for wide-margin contests, but grows rapidly as margin narrows.
Number of Ballot Containers to Open	Relatively few containers	Relatively few containers	Comparable to ballot-level comparison for wide-margin contests, but grows rapidly as margin narrows.
Workload predictability on reported margins	Number of ballots to sample is completely predictable from reported margin.	Number of batches is predictable. May be susceptible to hand counting errors.	Number to sample depends on “the luck of the draw,” even when the margin is known.
Identification of Misinterpreted Ballots	Always identifiable during audit.	May be possible with sufficient effort.	Not possible
Observability & Verifiability of Public	Easiest to observe ballot interpretation. Verifiability is more difficult than ballot polling.	May be difficult to observe tallies of all batches. Verifiability is more difficult than ballot polling.	Easy for public to observe ballot interpretation.

Table adapted from *Verified Voting*⁴

⁴ Verified Voting, [Risk-Limiting Audit Methods](#)

WHAT RLA METHOD DOES VIRIGNIA USE?

In 2018 a Risk-Limiting Audit Pilot took place in Fairfax City, which tested all three methods of conducting a RLA: Batch-Level Comparison Audit, Ballot-Level Comparison Audit, and Ballot Polling Audit. ELECT currently utilizes the ballot polling method to conduct RLAs in the Commonwealth. A ballot polling RLA is similar to an exit poll. In this case, ballots (people) are randomly selected and tabulated (polled).⁵ ELECT has utilized the ballot polling method to conduct the 2021 Risk-Limiting Audit of the 2020 General Election as well as the 2022 Risk-Limiting Audit of the 2021 General Election with great success.

WHY THE BALLOT POLLING METHOD?

ELECT believes, that given software limitations across jurisdictions and compressed timelines and staffing challenges, the ballot polling method is the best option of the three methods as it is both the easiest to uniformly administer pursuant §24.2-103(A) and the most efficient method of RLA to inspire confidence in our voting systems.⁶

Ballot Comparison Method

The ability to produce a cast vote record (CVR) is essential to conducting a ballot comparison audit. It is important to note that not all localities in the Commonwealth have voting machines that can produce a CVR. Pursuant to §24.2-626(A), the local governing body of a county or city is responsible for acquiring SBE-certified voting machines and software to be used in that jurisdiction.⁷ There are four different voting machine vendors that localities may purchase from: Dominion Voting Solutions, Election Systems and Software, Hart InterCivic, and Unisyn Voting Solutions. Each vendor has their own capabilities and software availability, and each fulfills the requirements set out by the Virginia Voting System Certification Standard, allowing for certification by the SBE. Neither the Code of Virginia nor the Virginia Voting System Certification Standard require the purchase of certain pieces of equipment nor the purchase of additional software. For example, each vendor must demonstrate the system is *capable* of producing a cast vote record (CVR). However, the software to produce a CVR is often an additional cost to the local governing body. Due to budget constraints or other factors, the governing body may forgo the software.

Additionally, for the ballot comparison method, localities would need to have polling places with high speed scanners as their voting systems. The ballots would be scanned in batches so that the ballot images and CVRs created could be matched. The high speed voting systems and software would be required by all localities in order to perform a ballot comparison RLA with statewide uniformity. Since a CVR and a high speed scanner would be required and not all localities have the software to produce a CVR, the ballot comparison RLA is not viable option for auditing most races for the sake of uniformity.

⁵ City of Fairfax Post-Election, Risk-Limiting Audit Pilot, 2018, [2018FairfaxPostElectionRLA.pdf \(virginia.gov\)](#)

⁶ Code of Virginia [§24.2-103\(A\)](#).

⁷ Code of Virginia [§24.2-626\(A\)](#).

Batch Comparison Method

While batch comparison could be an option for future RLAs, the process of conducting a batch comparison RLA comes with some challenges. Batch comparison RLAs introduce more human error into the audit and put more of a strain on a locality's resources. In order to create uniformity in a batch comparison RLA in the Commonwealth, the batch would have to be by precinct; the precincts would be randomly chosen by ARLO, the RLA software used by the Commonwealth, which tends to pick the larger precincts when selecting batches. The average amount of ballots cast in a precinct is about 800, and with multiple precincts possibly chosen in one locality, the number of ballots to be hand-counted by one locality could be several thousand. Additional audit review boards may be assigned to one precinct, lessening the burden and review time, but this may introduce even more human error and requires local election boards to recruit and pay more people to participate in audit review boards. Noting the short timeline, discussed later in this report, a batch comparison audit could increase the likelihood of human error, increase strain on locality resources, and increase the chance of a second round of the RLA.

Ballot Polling Method

Ballot polling checks if the outcome of an election is correctly reported rather than assessing if the tabulation was correct. Typically, ballot polling requires the smallest amount of ballots to produce strong evidence that a reported outcome was correct.⁸ Ballot polling requires little preparation and virtually nothing from the voting system itself. Thus far, the ballot polling method has given election officials high confidence that the elections were accurately reported.

Due to the diversity of the certified vendors, the limited time and manpower constraints for local electoral boards, and the interest of creating uniform procedures throughout the Commonwealth of Virginia, ELECT recommended the ballot polling method, and the SBE adopted this recommendation on September 27, 2022 during its monthly meeting when it approved the RLA Manual.⁹

WHAT IS NEW FOR VIRGINIA'S RLA?

In 2022, the Virginia General Assembly repealed the previous RLA statute (§24.2-671.1) and codified a new statute in §24.2-671.2 (*to reference the full text please see appendix.*)¹⁰ Below is a chart highlighting the major differences in the 2 statutes:

⁸ Bravo: Ballot-polling Risk-Limiting Audits to Verify Outcomes, Mark Lindeman, Phillip B.Stark, Vincent S. Yates, Department of Statistics, University of California Berkeley, <https://www.usenix.org/system/files/conference/ewtwote12/ewtwote12-final27.pdf>

⁹ Department of Elections, [Risk-Limiting Audit Manual](#); State Board of Elections, [Meeting Minutes](#) for September 27, 2022

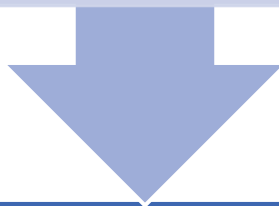
¹⁰ Code of Virginia, 24.2-671.2 [Risk-limiting audits](#),

Previous 2021 RLA statute (§24.2-671.1)

RLA to be conducted annually

Conducted after Certification

Procedures prescribed by
ELECT



Current 2022 RLA Statute (§24.2-671.2)

RLA to be conducted after certain elections

Conducted before Certification

Procedures prescribed by SBE

Local electoral boards may apply for an RLA

Difference in contest must be greater than 1%

ELECT to set date, time, and location of RLA

One member of each party on the electoral board must be present for the entire RLA

Certain contest audited in certain years

RLA Workgroup

In light of the new legislation, a workgroup was required by statute for the purpose of laying the foundation for the November 2022 General Election. This group included ELECT staff members and members from the Virginia election community; the group met twice over the past year, July 19th and August 23rd.¹¹ Members of the public were also invited and in attendance for each meeting.

A main focus of both meetings was the timeline of the RLA. As stated above, the RLA was required to be conducted before certification of the election, a new requirement for general registrars and electoral boards. The workgroup sought to create a balance with realistic expectations, hard deadlines, and public access. During the second meeting, the workgroup agreed that the RLA should take place the week after Thanksgiving and encourage the chosen localities to finish the RLA by a certain time, believing this to be the best option for all interested parties. These suggestions were incorporated into the RLA Manual.¹²

Additionally, a regulation was developed to provide a method of requesting an RLA by a local electoral and the criteria for approval of such an application. 1VAC20-60-80 states, “At the

¹¹ Town Hall, Risk Limiting Audit Workgroup Meeting Minutes, [July 19, 2022](#), [August 23, 2022](#)

¹² Department of Elections, [Risk-Limiting Audit Manual](#)

public canvass meeting following the election, an electoral board may elect to request an audit of a contested race, or multiple races, within its jurisdiction (risk-limiting audit) by a majority vote.”¹³ If the statements made on Form SBE 671.2(D), meet the criteria of 1VAC20-60-80 the SBE will grant the request. The criteria are as follows:¹⁴

“If a question to request a risk-limiting audit achieves a majority vote, an electoral board must complete Form SBE 671.2(D) to request State Board of Elections (SBE) approval of the audit.

3. The SBE will grant a request for a risk-limiting audit within a locality's jurisdiction if:

a. The submitted Form SBE 671.2(D) contains sufficient information for the SBE to determine that the local electoral board members cast a majority vote in favor of the audit request;

b. The submitted Form SBE 671.2(D) contains sufficient information for the SBE to determine which contested races are subject to the requested audit and that those races are in fact within the jurisdiction of the local electoral board;

c. The SBE concludes that the audit is permissible under § 24.2-671.2 of the Code of Virginia and all other relevant provisions of law; and

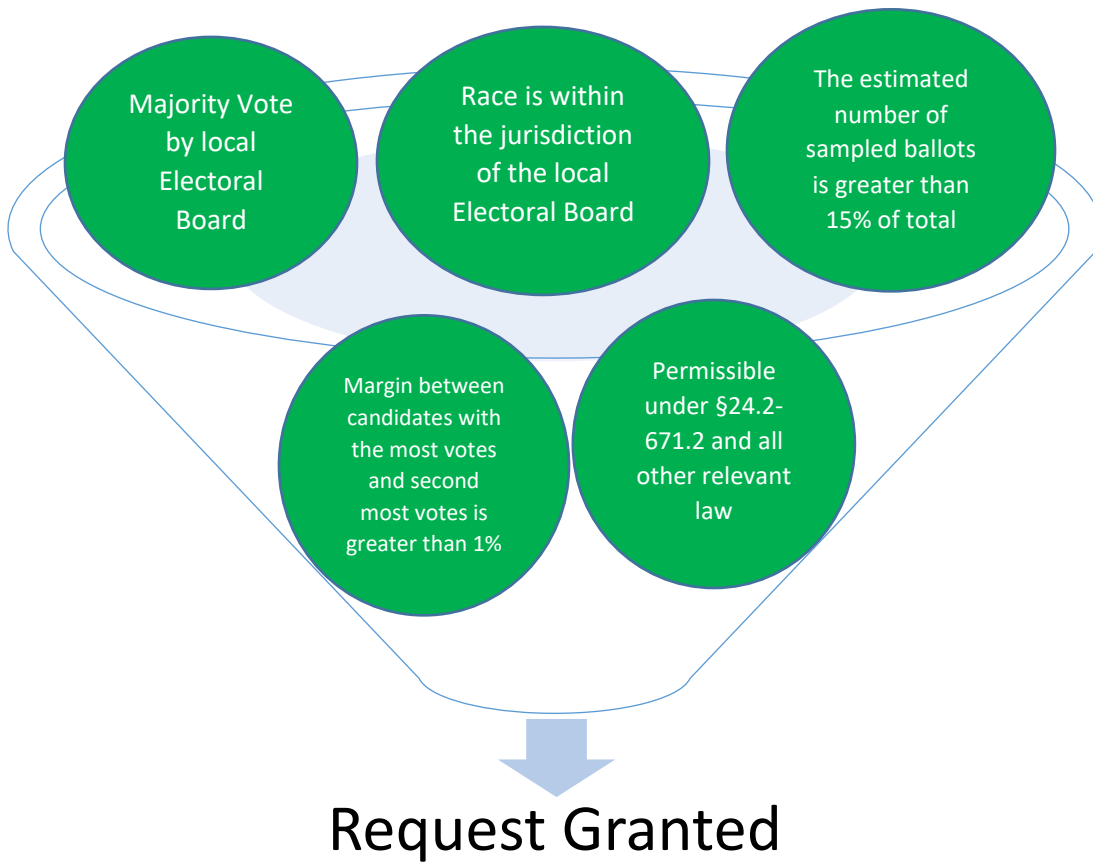
d. The following conditions are met:

(1) The margin of the candidate with the most votes and the second most votes is equal to or greater than 1.0%; and

(2) The number of estimated ballots to be sampled exceeds 15% of the total number of ballots cast.”

¹³ Administrative Code of Virginia, [1VAC20-60-80](#)

¹⁴ *Id.*



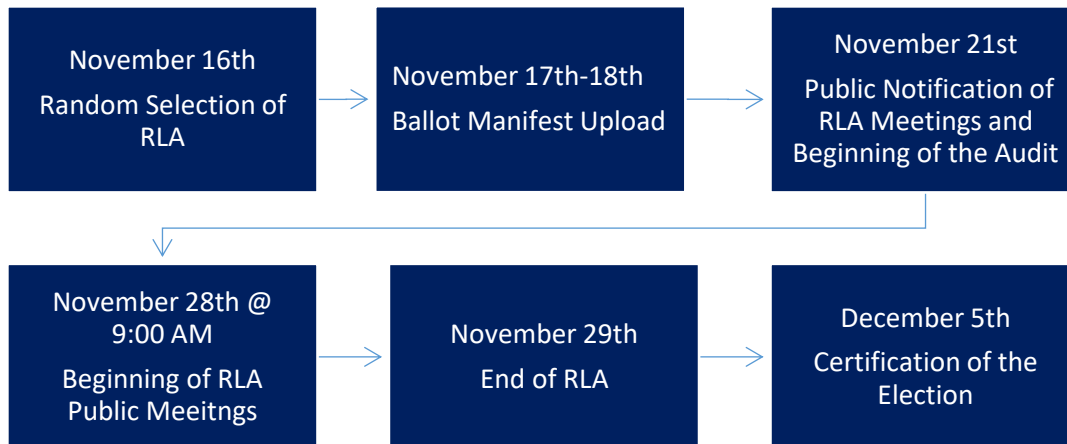
The regulation and accompanying Form SBE 671.2(D) were proposed at the August 16, 2022 SBE meeting and was unanimously approved by the SBE.¹⁵ Both the regulation and the form are available in the appendix of this report.

¹⁵ State Board of Elections, [Meeting Minutes](#) for August 16, 2022

WHAT IS THE RLA PROCESS?

Overview

The following is an illustrated timeline of the November 2022 audit:



Administrative Process

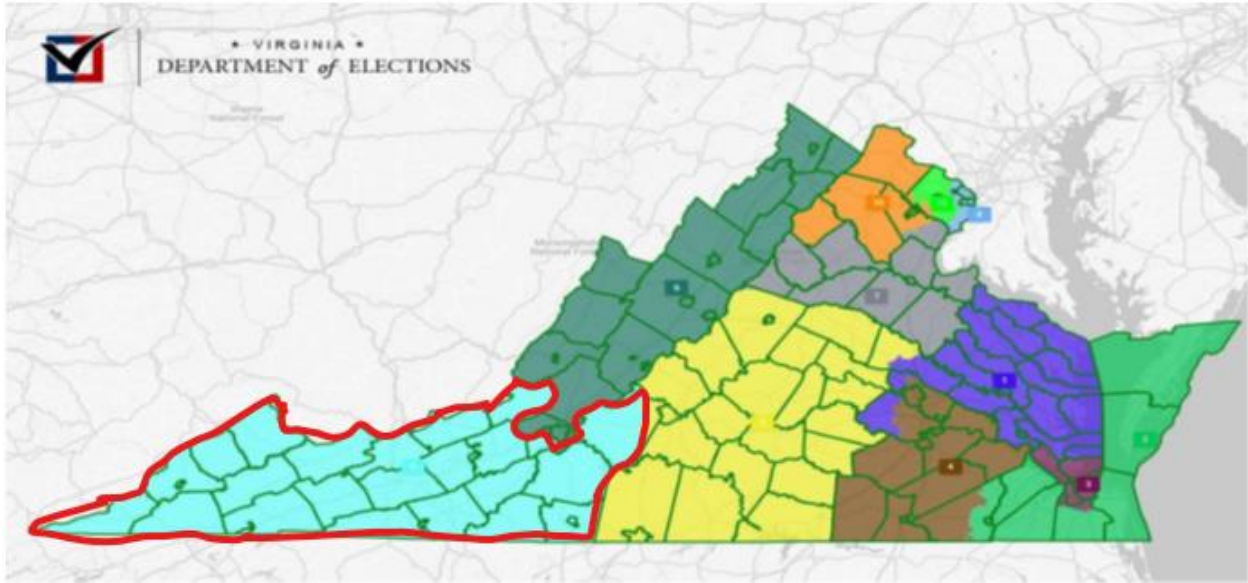
ELECT and localities used ARLO, an open-source audit software supported by VotingWorks, a non-profit, nonpartisan organization, to perform all the statistical calculations and manage the data for the audit.¹⁶ ARLO estimated that a sample size of 60 ballots would be officially required for the U.S. House of Representatives District 9. The sample size is relative to the margin in the election that is being audited; in this case, the margin of victory between the two candidates was well over 40%, leading to less ballots needed to statistically assess the accuracy of the election machines. This RLA was conducted using the *ballot polling method*, as was approved by the SBE in the RLA Manual pursuant to §24.2-671.2(B).¹⁷

On November 16, 2022 at 3:00PM, the SBE held an electronic meeting to randomly select a U.S. House of Representatives race, set the risk-limit, and generate the random seed number. A U.S. House of Representatives race was randomly selected from a bowl of film canisters; each canister had one district inside for a total of eleven canisters. Commissioner Beals mixed the bowl, and Chairman Brink selected the film canister containing U.S. House of Representatives District 9. The SBE voted unanimously to set *risk-limit* for the audit at 10%.¹⁸

¹⁶ VotingWorks, [VotingWorks](#)

¹⁷ Department of Elections, [Risk-Limiting Audit Manual](#)

¹⁸ State Board of Elections, [November 16, 2022 Electronic Meeting](#)



During this same meeting, four members of ELECT staff helped to generate the random seed number.¹⁹ The number was generated by rolling 20 ten-sided dice once each to create the 20 digit number. The random seed number was entered into the audit system software to generate the list of ballots needed to be examined by each locality.

The following steps were taken by ELECT and General Registrars to conduct the audit; for a more detailed overview of the administrative process please refer to the RLA Manual found on ELECT’s website:²⁰



Submit an ELECT 659: Prior to the audit, localities were required to submit an ELECT-659 form. An ELECT-659 is a request to Inspect Sealed Election Materials sent to ELECT for signature authorization to present to the Clerk of the Circuit Courts to access ballots from the 2022 November General Election. A copy of this form is listed in the appendix.

Create a Ballot Manifest: General registrars created a *ballot manifest*. A *ballot manifest* is a two column spreadsheet that includes a list of the “Batch Name” (column A) and the “Number of Ballots” (column B). All types of ballots are included (in person, mail-in, provisional, etc.) in the

¹⁹ *Id.*

²⁰ Department of Elections, [Risk-Limiting Audit Manual](#)

manifest. The ballot manifest creates an inventory of every ballot in a locality, see example below.

Batch Name	Number of Ballots
Pct 101	75
Pct102	112

Upload the Ballot Manifest: Once the ballot manifest was created, localities saved the manifest as a csv file and uploaded the spreadsheet into ARLO. General registrars were automatically enrolled in the open-source software to complete the audit.

Ballot Retrieval Lists: Localities received a list of ballots to review directly from ARLO. The lists included which batches to open and which ballot to audit. For example, see below:

Batch Name	Ballot Number
Pct 101	17
Pct 102	88

The ballot number reflects the numerical order of a specific ballot. In order to locate ballot number 17, a member of the audit board must count, starting at the top of the stack of ballots, each stored ballot until they reach the 17 ballot in the batch.

Ballot Retrieval Process: Localities hosted a public meeting, where ballots were retrieved, tallied and uploaded into ARLO. An Audit Board retrieved each specified ballot and recorded the results for the office on a tally sheet. The Audit Board inputs the results of the tally sheet into the audit software and submits their results.

WHAT WAS THE RESULT OF THE RLA?

The audit confirmed that the original count of the votes accurately reflected the winners in Virginia for U.S. House of Representatives District 9. The risk limit for the audit was met for the race with results falling significantly below 10%. The results indicated that there was a .0000004864% chance that the audit of the U.S House of Representatives District 9 contest was inaccurate, providing election officials with strong evidence and confidence in the reported outcome of the election.²¹

The results were publicly announced at the December 5th, 2022 State Board of Elections Meeting.²²

Applications pursuant to §24.2-671.2(D)

Loudon County Electoral Board submitted a request for an RLA, pursuant to §24.2-671.2(D), for their local school board race as well as for U.S. House of Representatives District 10 using the

²¹ Department of Elections, [Risk Limiting Audits](#)

²² State Board of Elections, December 5, 2022 [Meeting Agenda](#)

batch comparison for the requested RLA. The application for these races was withdrawn after the local electoral board was advised by ELECT that the U.S. House of Representatives District 10 was not wholly contained within the jurisdiction of the electoral board of Loudon County, making it ineligible for an application, and stating the only RLA method approved by the SBE is ballot polling.

Frederick County Electoral Board submitted a request for an RLA, pursuant to §24.2-671.2(D), for the U.S. House of Representatives District 6. This application was withdrawn as ELECT advised the electoral board that the U.S. House of Representatives District 6 is not wholly contained in their jurisdiction and is ineligible for an application.

A copy of the form used by electoral boards to apply for an RLA is available in the appendix.

WHAT WERE THE KEY TAKEAWAYS?

With the passage of new RLA legislation, localities were on a much tighter timeline than any previous RLA. Before, localities had until after certification to complete the RLA; now, they not only must conduct an RLA but also assure that they complete their vote abstracts by the deadline. Additionally, the RLA was conducted during the Thanksgiving holiday, a known holiday for increased travel. Several electoral boards and general registrars had to act quickly to fill electoral board seats for those members who were travelling during the Thanksgiving holiday, especially if they were the sole representative of a party whose presence is required under the new law.

Pursuant to §24.2-671.2, ELECT is required to set the time, date, and location of the RLA for the localities. While ELECT may set the date and time for the start of the RLA, ELECT worked with localities to set their locations as well as dates and times of their public meetings to best suit their needs and meet the deadlines set by ELECT and the law. For example, ELECT worked with localities who could not meet on Monday, November 28th by allowing 2 localities, Montgomery and Wythe County, to hold their RLA public meetings on Tuesday, November 29th due to electoral board members traveling for the holiday. More consideration should be given to the overall timing of the RLA.

As RLAs will continue to be used in the Commonwealth, ELECT should provide more education as to an RLA's purpose and how it fits into our overall goal to have safe, secure, fair, and free elections in the Commonwealth. Understanding how the RLA fits into the election security process will boost the public's confidence in not only the value of RLAs but also the election process as a whole.

Batch Comparison vs. Ballot Polling Debate

Despite the fact that ELECT received no public comment in the two workgroup meetings, composed of members of the general registrar and electoral board communities and ELECT staff, held in July and August of this year regarding the type of method used to conduct RLAs, inquiries were made regarding the method of RLA used in the Commonwealth in the month

leading up to the 2022 General Election. Some constituents raised the idea of changing or adding other methods, such as a batch comparison RLA, for the RLA method.

The manual, approved by the SBE in September of 2022 and vetted through the workgroup, details the ballot polling method only. Given the introduction of a new statutory requirements that introduced a shorter timeline to conduct this year’s RLA as well as several new election laws, such as the introduction of Same Day Registration as well as Absentee by Precinct Level Reporting that registrars had to implement, ELECT recommended that the SBE not expand the method of conducting the RLAs at the November 16 SBE meeting. Further, there was no time to create and train on new standards for conducting a batch comparison RLA or solicit recommendations to the field. Without the time to train and develop new standards, a last minute change to the process on such a short timeline would threaten the validity of the process and the results of the audit.

ELECT conducted a comparative analysis post-election between the batch comparison and ballot comparison audits for two United States House District Races to illustrate the difference between the two methods. ELECT estimated the number of batches/ballots ARLO would require for each type of RLA. ELECT compared United States House District 9, the most recent RLA subject with a margin of ~47%, to United States House District 2, a margin of ~3% in the November 2022 general election. The estimated numbers were also calculated with the risk limit set to 10%, the typical risk limit set by the SBE. The tables below *only* reflect a first round of the audit and do not factor in additional rounds, while not always necessary can add an unknown variable to the auditing process.

Batch Comparison Method Estimate

U.S. House District 9	U.S. House District 2
7 Precinct Batches or ~5,600 total ballots*	70 Precinct Batches or ~56,000 total ballots*

**based on the Commonwealth of Virginia average of 800 ballots per precinct*

Ballot Polling Method Estimate

U.S. House District 9	U.S. House District 2
60 Ballots	12,315 Ballots

Electoral boards conducting RLAs of the General Election have 9.5 business days, from the date of selection to the deadline for the RLA. It should be noted that the timeframe for an audit also encompasses the Thanksgiving holiday, which can create challenges in recruiting audit board members. As a reminder, audit boards are composed of two people, who are responsible for

completing the hand count of the randomly selected ballots. Audit boards can pull and review between 20-50 ballots per hour depending on the method. Multiple audit boards would be needed in order to complete the RLA by the statutory deadline.

The ballot polling method effectively balances the time, effort, and statutory requirements of local election officials. Ballot polling checks if the outcome of an election is correctly reported rather than assessing if the tabulation was correct.²³ Typically, ballot polling requires the smallest amount of ballots to produce strong evidence that a reported outcome was correct as illustrated in the table. Additionally, the Virginia elections community has been trained on the ballot polling method, have a practical understanding of this method, and have successfully performed several RLAs using this method. For these reasons and the other factors considered in this report, ballot polling is recommended as the most practical option for conducting RLAs in the Commonwealth of Virginia.

Increasing the Risk Limit

Requests were also made to reduce the risk limit of the RLA from 10% to 5%. While discussions were had on this topic, the SBE ultimately decided to maintain a risk limit of 10%. Decreasing the risk limit for future audits will result in additional ballots being pulled for each selected race. This will increase the workload of the RLA. It should also be noted that every RLA conducted in the Commonwealth has not only met the current risk-limiting of 10% but has fallen well below it, consistently displaying a risk of inaccuracy that falls well below 1%.

CONCLUSION

The audit of the U.S. House of Representative District 9 confirmed with over 99% confidence that the results were accurately reported. The results reflect the hard work of election administrators and further exemplifies the integrity and validity of the 2022 General Election. RLAs are an important tool in reassuring the public that every vote counts and provide an excellent check on the democratic process. ELECT remains a leader nationally in the administering of risk-limiting audits and intends to build on this success in the years to come to ensure safe, secure, fair, and free elections in the Commonwealth.

²³ Bravo: Ballot-polling Risk-Limiting Audits to Verify Outcomes, Mark Lindeman, Phillip B.Stark, Vincent S. Yates, Department of Statistics, University of California Berkeley, <https://www.usenix.org/system/files/conference/evtvote12/evtvote12-final27.pdf>

Appendix

§ 24.2-671.2. Risk-limiting audits.

A. For the purposes of this section:

"Contested race" means an election for an office where more names appear on the ballot than there are vacancies to be filled or a statewide referendum or proposed constitutional amendment. "Risk limit" means the largest probability that the risk-limiting audit will fail to correct an election outcome that differs from the outcome that would be found by a full manual tabulation of the votes on all ballots cast in the contested race. "Risk-limiting audit" means an audit protocol conducted after an election and prior to the certification of the election results with a pre-specified minimum probability of requiring a full hand count of votes cast if the outcome reported by the voting system differs from the outcome that would be found by a full hand count of the votes in a contested race. A "risk-limiting audit" requires a hand count of randomly sampled printed ballots that continues until there is either strong statistical evidence that the reported outcome is correct or, in the absence of such evidence, a full hand count of all ballots cast in the contested race that determines the outcome.

B. Risk-limiting audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars under the supervision of the Department and in accordance with the procedures prescribed by the State Board, including:

1. Processes for randomly selecting contested races and determining the risk limit.
2. Procedures for preparing for a risk-limiting audit, including guidelines for organizing ballots, selecting venues, and securing appropriate materials by local electoral boards and general registrars.
3. Procedures for ballot custody, accounting, security, and written record retention that ensure that the collection of cast ballots from which samples are drawn is complete and accurate throughout the audit.
4. Procedures for hand counting of the audited ballots.
5. Processes and methods for conducting the risk-limiting audit.
6. Procedures for ensuring transparency and understanding of the process by participants and the public, including guidelines for direct observation by members of the public, representatives of the candidates involved in the risk-limiting audit, and representatives of the political parties.

C. The Department shall provide that the following risk-limiting audits be conducted:

1. In the year of a general election for members of the United States House of Representatives, a risk-limiting audit of at least one randomly selected contested race for such office;

2. In the year of a general election for members of the General Assembly, a risk-limiting audit of at least one randomly selected contested race for such office;
 3. In any year in which there is not a general election for a statewide office, a risk-limiting audit of at least one randomly selected contested race for a local office, including constitutional offices, for which certification by the State Board is required under § 24.2-680;and
 4. In any year, any other risk-limiting audit of a 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 or that the State Board finds appropriate. Such audits must be approved by at least a two-thirds majority vote of all members of the Board.
- D. A local electoral board may request that the State Board approve the conduct of a risk-limiting audit for a contested race within the local electoral board's jurisdiction. The state board shall promulgate regulations for submitting such requests. The State Board shall grant an extension of the local electoral board's certification deadline under § 24.2-671 as necessary to accommodate the conduct of a risk-limiting audit conducted pursuant to this subsection. The Department may count a risk-limiting audit conducted pursuant to this subsection toward the requirement in subdivision C 4.
 - E. Notwithstanding the provisions of subsections C and D, no contested race shall be selected to receive a risk-limiting audit if the tabulation of the unofficial result for the contested race shows a difference of not more than one percent of the total vote cast for the top two candidates.
 - F. Upon the tabulation of the unofficial results of an election, the State Board shall determine, in accordance with subsection C, all the contested races for that election that will receive a risk-limiting audit and shall set the risk limit to be applied in such audits. As soon as practicable after selection of the contests to be audited, the Department shall publish a notice of the contested races in accordance with the requirements for public meetings in § 2.2-3707. The Department shall provide support to local electoral boards and general registrars in preparing to hold the risk-limiting audits.
 - G. The local electoral board and general registrar shall conduct a risk-limiting audit within their jurisdiction at the date, time, and location noticed by the Department. At least one member of the local electoral board representing each party shall participate in the risk-limiting audit and be present for the duration of the risk-limiting audit when ballots are being selected and counted and calculations are being made. All risk-limiting audits shall be conducted in a place and manner that is open to the public. At the conclusion of a risk-limiting audit, all audit materials, including ballots and any records generated during the course of the audit, shall be delivered to the clerk of the circuit court and retained as election materials pursuant to § 24.2-668.
 - H. The local electoral board in coordination with the general registrar shall promptly report the results of a risk-limiting audit of any contested races subject to § 24.2-680 in their jurisdiction to the Department. The results of any risk-limiting audit for a local contested

race shall also be retained by the local electoral board. At the conclusion of each risk-limiting audit requiring certification by the State Board, the Department shall submit to the State Board a report, which shall include all data generated by the risk-limiting audit and all information required to confirm that the risk-limiting audit was conducted in accordance with the procedures adopted by the State Board. The Department shall publish the results of all risk-limiting audits pursuant to this section on the Department's website.


- I. If a risk-limiting audit of a contested race escalates to a full hand count, the results of the hand count shall be used to certify the election in lieu of the tabulation of the unofficial results obtained prior to the conduct of the risk-limiting audit. A full hand count conducted pursuant to this section shall not be construed as a recount under Chapter 8 (§ 24.2-800 et seq.). Nothing in this section shall be construed to limit the rights of a candidate under Chapter 8.

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

Pursuant to § 24.2-671.2 D of the Code of Virginia, a local electoral board shall follow the process in this section to request a risk-limiting audit of a contested race within its jurisdiction:

1. At the public canvass meeting following the election, an electoral board may elect to request an audit of a contested race, or multiple races, within its jurisdiction (risk-limiting audit) by a majority vote.
2. If a question to request a risk-limiting audit achieves a majority vote, an electoral board must complete Form SBE 671.2(D) to request State Board of Elections (SBE) approval of the audit.
3. The SBE will grant a request for a risk-limiting audit within a locality's jurisdiction if:
 - a. The submitted Form SBE 671.2(D) contains sufficient information for the SBE to determine that the local electoral board members cast a majority vote in favor of the audit request;
 - b. The submitted Form SBE 671.2(D) contains sufficient information for the SBE to determine which contested races are subject to the requested audit and that those races are in fact within the jurisdiction of the local electoral board;
 - c. The SBE concludes that the audit is permissible under § 24.2-671.2 of the Code of Virginia and all other relevant provisions of law; and
 - d. The following conditions are met:
 - (1) The margin of the candidate with the most votes and the second most votes is equal to or greater than 1.0%; and
 - (2) The number of estimated ballots to be sampled exceeds 15% of the total number of ballots cast.
4. Upon granting an electoral board's request for a risk-limiting audit, the SBE may grant an extension not to exceed two weeks of the local electoral board's certification deadline pursuant to § 24.2-671 of the Code of Virginia if necessary for the conduct of the audit.

i. ELECT 659-Request to Inspect Sealed Election Materials



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DEPARTMENT *of* ELECTIONS

ELECT 659 - Request to Inspect Sealed Election Materials

Election Date: * Election Type: * Date of Request: *

Name of Requester *

Position *


Email Address * Phone Number *

Confirm Email Address *

Locality * Precinct Name * Precinct #: *

Specific Envelope which needs to be inspected:

The Envelope needs to be inspected to determine:

Powered by  formsite

Submit

ii. §24.2-671.2(D) Request for Risk-Limiting Audit



★ VIRGINIA ★
DEPARTMENT of ELECTIONS

**REQUEST FOR RISK-LIMITING
AUDIT**

PURPOSE OF THIS FORM

Under Code of Virginia § 24.2-671.2(D), "A local electoral board may request that the State Board approve the conduct of a risk-limiting audit for a contested race within the local electoral board's jurisdiction." The local electoral board may request an audit of such a race by completing and submitting this form to their Election Services Registrar Liaison prior to the State Board of Elections meeting to choose races to audit.

COMPLETE THE FOLLOWING:

Locality: _____

Date of Public Meeting: _____

Contested Race: _____

Town Name/District Number: _____

Date of RLA: _____

Location of RLA: _____

Preliminary Vote Totals: _____

Candidate A: _____

Candidate B: _____

Candidate C (if applicable): _____

Candidate D (if applicable): _____

On the lines below, please include any other relevant information:

**ELECT reserves the right to ask additional questions on behalf of the SBE, if necessary.*

***Please submit a form for each contested race your locality is requesting to have audited.*

iii. 2022 November General Election RLA: Potential Races

Congressional District 1	Congressional District 2	Congressional District 3	Congressional District 4	Congressional District 5	Congressional District 6
<p>James City, York, Gloucester, New Kent, Westmoreland, King William, Northumberland, Lancaster, Middlesex, Essex, Richmond, Mathews, King & Queen Counties; Cities of Williamsburg and Poquoson</p> <p><i>Partial: Henrico, Chesterfield, and Hanover Counties</i></p>	<p>Accomack, Isle of Wight, Northampton Counties; City of Virginia Beach, Suffolk, and Franklin</p> <p><i>Partial: Southampton County; City of Chesapeake</i></p>	<p>Cities of Norfolk, Hampton, Newport News, Portsmouth</p> <p><i>Partial: City of Chesapeake</i></p>	<p>Prince George, Dinwiddie, Brunswick, Greensville, Sussex, Charles City, Surry Counties; Cities of Richmond, Petersburg, Hopewell, Colonial Heights, and Emporia</p> <p><i>Partial: Chesterfield, Henrico, and Southampton Counties</i></p>	<p>Pittsylvania, Campbell, Louisa, Halifax, Amherst, Mecklenburg, Powhatan, Fluvanna, Goochland, Prince Edward, Buckingham, Nottoway, Appomattox, Nelson, Amelia, Lunenburg, Charlotte, Cumberland Counties; Cities of Lynchburg, Charlottesville, and Danville</p> <p><i>Partial: Albemarle, Bedford, and Hanover Counties</i></p>	<p>Frederick, Rockingham, Augusta, Harrisonburg, Shenandoah, Warren, Botetourt, Page, Rockbridge, Alleghany, Clarke, Bath, Highland Counties; Cities of Roanoke, Harrisonburg, Winchester, Staunton, Salem, Waynesboro, Lexington, Buena Vista, and Covington</p> <p><i>Partial: Roanoke County</i></p>

<p>Congressional District 7</p> <p>Stafford, Spotsylvania, Culpeper, Orange, Caroline, King George, Greene, Madison Counties; City of Fredericksburg</p> <p><i>Partial: Prince William and Albemarle Counties</i></p>	<p>Congressional District 8</p> <p>Arlington County; Cities of Alexandria and Falls Church</p> <p><i>Partial: Fairfax County</i></p>	<p>Congressional District 9</p> <p>Montgomery, Franklin, Washington, Henry, Tazewell, Wise, Pulaski, Smyth, Carroll, Wythe, Russell, Lee, Scott, Buchanan, Patrick, Giles, Floyd, Dickenson, Bland, Craig, Grayson Counties; Cities of Norton, Galax, Martinsville, Bristol, and Radford</p> <p><i>Partial: Bedford and Roanoke Counties</i></p>	<p>Congressional District 10</p> <p>Loudon, Fauquier, Rappahannock Counties; Cities of Manassas and Manassas Park</p> <p><i>Partial: Prince William and Fairfax Counties</i></p>	<p>Congressional District 11</p> <p>City of Fairfax</p> <p><i>Partial: Fairfax County</i></p>
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iv. Glossary of Terms

ARLO- The RLA software supported by VotingWorks and used by the Commonwealth of Virginia for all RLAs conducted.

Ballot-Comparison Audit- Cast vote record (CVR) totals are compared to contest results. Voter selections on randomly-selected individual paper ballots are compared with corresponding CVRs.

Ballot Manifest- a two column spreadsheet created by localities that includes a list of the “Batch Name” (column A) and the “Number of Ballots” (column B). All types of ballots are included (in person, mail-in, provisional, etc.) in the manifest. The ballot manifest creates an inventory of every ballot cast in a locality.

Ballot-Polling Audit- Voter selections on randomly-selected paper ballots are interpreted manually.

Batch Comparison Audit- Sums of all batch subtotals are compared to contest results. Hand tallies from randomly-selected paper ballot batches are compared with corresponding machine counts.

Random Seed Number- A random number sequence that is created and used to generate the ballots selected for auditing.

Risk-Limiting Audit (RLA)- an audit protocol conducted after an election and prior to the certification of the election results with a pre-specified minimum probability of requiring a full hand count of votes cast if the outcome reported by the voting system differs from the outcome that would be found by a full hand count of the votes in a contested race.

The Risk limit- the largest probability that the risk-limiting audit will fail to correct an election outcome that differs from the outcome that would be found by a full manual tabulation of the votes on all ballots cast in the contested race.

v. Arlo Results

Contest Name	Sample Size	Risk Limit Met?	P-Value	Audited Votes
U.S. House of Representatives 9 th District	60	Yes	0.0000004864	Taysha Lee DeVaughn: 8 H. Morgan Griffith: 51 Write-In: 1



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STATE BOARD *of* ELECTIONS

Stand By Your Ad

BOARD WORKING PAPERS
Tammy Alexander
Campaign Finance Compliance and Training Supervisor



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Stand By Your Ad

January 18, 2023

State Board of Elections Meeting

Print Media

1. Campaign Committee for Renee Dial for School Board for IWCS - CC-22-00396
2. Children Advocates For Ward 3 Candidate Mark S. Askew Sr. - CC-22-00461
3. Chris Daniels for School Board - CC-22-00235
4. Friends of Evan Clark – CC-18-00245
5. Jackson For Roanoke - CC-22-00140
6. Joyner for Council - CC-22-00455
7. Leigh Carley for School Board - CC-22-00128
8. Michael Storrs - CC-22-00093
9. Monica for City Council - CC-22-00316
10. Roanoke Forward - PAC-22-00026
11. Vote Mady for Ward 4 - CC-22-00132

TV and Video

12. Rick Nagel for City Council - CC-22-00416

Advertisement, 24.2-955.1

“Advertisement means any message appearing in the print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9.3”

Contribution or Expenditure, 24.2-945.1

“Contribution means money and services of any amount, in-kind contribution, and any other thing of value, given, advanced, loaned, or in any other way provided to a candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate ... Contribution includes money, services, or things of value in any way provided by a candidate to his own campaign ...”

“Expenditure means money and services of any amount, and any other thing of value, paid, loaned, provided or in any other way disbursed by any candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate ...”

Candidate, 24.2-101

“Candidate means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot. ...

For the purposes of Chapters 9.3 and 9.5, “candidate” shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 8 of Chapter 9.3.”

1VAC20-90-30. Express advocacy.

When used in Chapter 9.3 (§ 24.2-945 et seq.) and Chapter 9.5 (§ 24.2-955 et seq.) of Title 24.2 of the Code of Virginia, "expressly advocating" or any variation thereof shall mean any communication that uses phrases such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject," or any variation thereof or any communication when taken as a whole and with limited reference to external events, such as the proximity to the election, that could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates because (i) the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning and (ii) reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidates.

Schedule of Penalties

General Assembly and statewide offices

- \$100 per violation if first time before Board for SBYA
- \$300 per violation
- If advertisement disseminated or on display within 14 days prior to or on Election Day, penalty will be doubled

REVISED Schedule of Penalties *Local and Constitutional offices*

- \$50 per violation if first time before Board for SBYA
- \$100 per violation
- If advertisement disseminated or on display within 14 days prior to or on Election Day, penalty will be doubled
- If by unanimous vote, the Board agrees that both the seriousness of the offense and harm to the public are low, the Board may replace any penalties assessed under this schedule for violations of print media advertisements with a \$25 penalty, as long as the sponsor has not previously violated Stand By Your Ad

Print Media

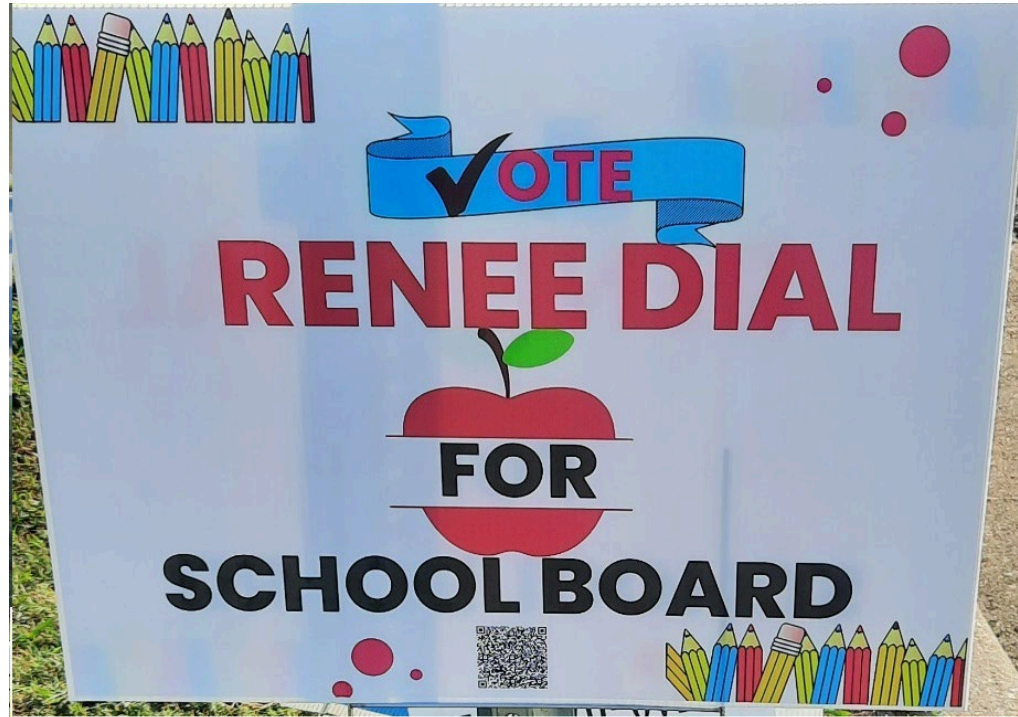
Advertisement sponsored by candidate or candidate committee

No Other Candidate Mentioned in Ad	Another Candidate Mentioned (who approved the ad)	Another Candidate Mentioned (did not approve the ad)	Jointly Sponsored Ad
“Paid for by John Doe.” OR “Authorized by John Doe.”	Paid for by John Doe. Authorized by Jane Smith, candidate for Delegate.	Paid for by John Doe. Not authorized by any other candidate.	Paid for by John Doe, Donald Duck and Jane Smith.

Substantial Compliance: An advertisement is only substantially compliant if the words used in the disclosure unambiguously convey the information required by Chapter 9.5. Under this standard, advertisement disclaimers must communicate to a reasonable person what is intended and may not admit to alternative interpretations.

Standard adopted at 11/16/16 SBE meeting: an advertisement bearing the disclosure legend “Sponsored by [Name of committee]” rather than the approved “Paid for” or “Authorized by” conveyed the information required by §24.2-956 and was therefore in substantial compliance.

Campaign Committee for Renee Dial for School Board for IWCS - CC-22-00396



Complaint: No disclosure

Complainant: Heidi Swartz

1 sign and 1 Sample Ballot

Violation Date: 9/22/2022 (sign)
& 11/8/2022 sample ballot

Election Date: 11/ 8/2022

Sample Ballot within
14 days of Election

Commonwealth of Virginia
Sample Ballot
 County of Isle of Wight
 Pct. 203 - Nike Park B
 General and Special Elections
 Tuesday, November 8, 2022

Instructions to voters

To vote for a candidate, use a black pen to fill in the oval next to the name, like this:

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

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

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

<p>Member House of Representatives 2nd District Vote for only one</p> <p><input type="radio"/> Elaine G. Luria - D <input type="radio"/> Jen A. Kiggans - R <input type="radio"/> Write-in</p>	SAMPLE
<p>Member School Board District 2 For unexpired term to end December 31, 2023 Vote for only one</p> <p><input type="radio"/> J. Mark Wooster <input checked="" type="radio"/> Renee Winston Dial <input type="radio"/> Write-in</p>	
END OF BALLOT	
<p>Ballot Style # 008 Typ:01 Seq:0008 Spl:01</p>	<p>203 - Nike Park B District 2</p>

Authorized by the Electoral Board of the County of Isle of Wight, 17106 Monument Circle, Building E, Isle of Wight, VA 23397
 The authority statement printed above must be removed and replaced with the appropriate authority statement for the candidate, committee, individual or group using this ballot for their own purposes. The authority statement used for this ballot must comply with the requirements of either federal or state law, as appropriate.
 For state requirements, see §24.2-955 et seq. of the Code of Virginia. For federal requirements, call the Federal Election Commission, 1-800-424-9530.

Authorized by the Electoral Board of the County of Isle of Wight, 17106 Monument Circle, Building E, Isle of Wight, VA 23397
 The authority statement printed above must be removed and replaced with the appropriate authority statement for the candidate, committee, individual or group using this ballot for their own purposes. The authority statement used for this ballot must comply with the requirements of either federal or state law, as appropriate.
 For state requirements, see §24.2-955 et seq. of the Code of Virginia. For federal requirements, call the Federal Election Commission, 1-800-424-9530.



Relevant Facts:

1 Sign	\$50
1 sample ballot	100
Total	<u>\$150</u>

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Renee Dial in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to two print media advertisements, and assess a \$150 civil penalty.

Children Advocates For Ward 3 Candidate Mark S. Askew Sr. - CC-22-00461

Complaint: No disclosure

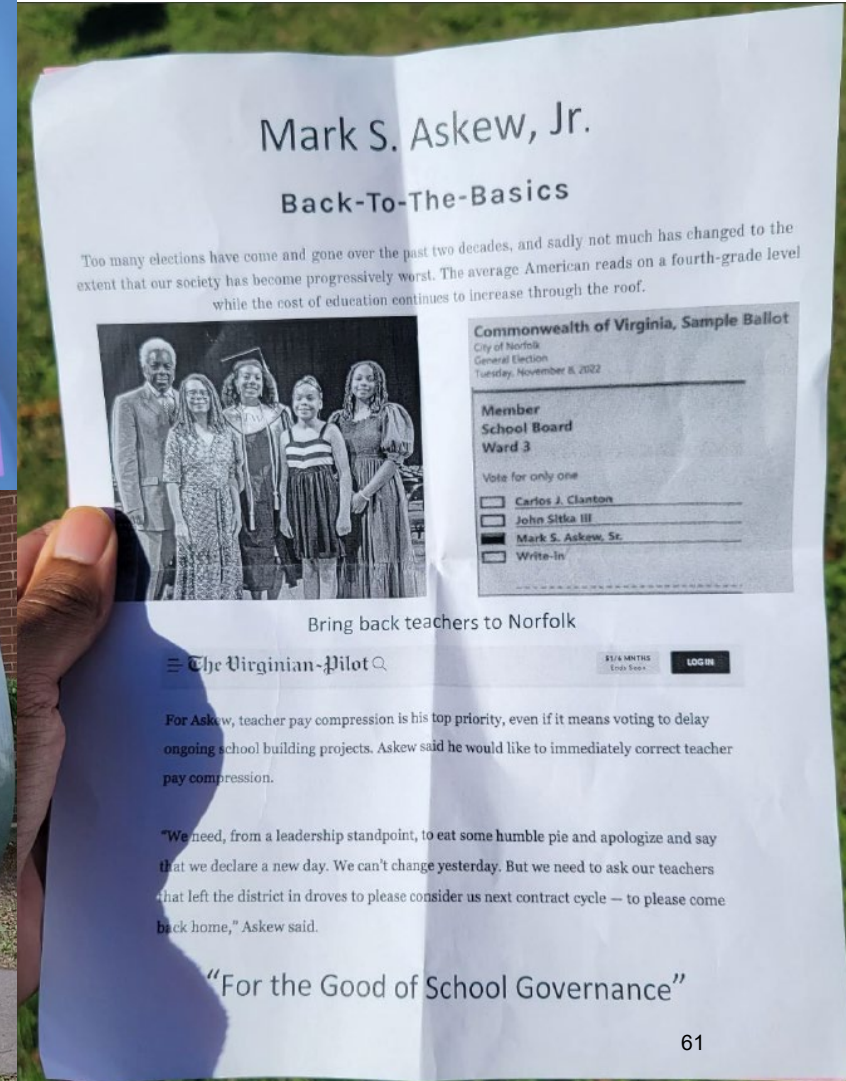
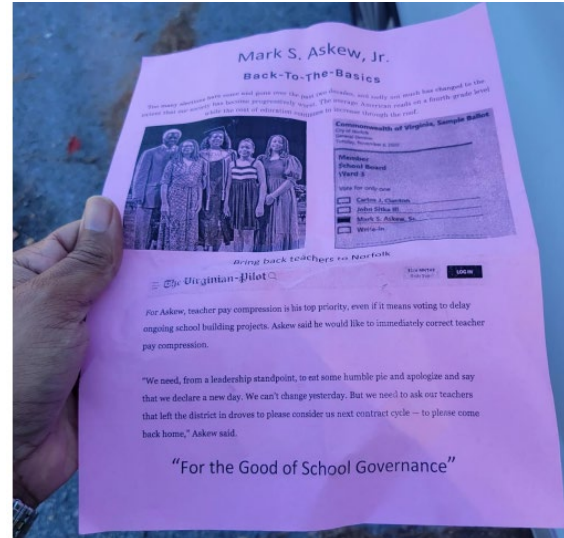
Complainant: Carlos Clanton

2 flyers and 1 banner

Violation Date: 11/8/2022

Election Date: 11/8/2022

Within 14 days of the election



Relevant Facts:

1 Banner \$100

2 flyers 100

Total \$200 (\$25 for first time violation if unanimous decision)

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Mark Askew in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to three print media advertisements, and assess a \$_____ civil penalty.

Chris Daniels for School Board - CC-22-00235

Complaint: No disclosure

Complainant: Donald Toms

1 t-shirt

Violation Date: 9/21/2022

Election Date: 11/8/2022



Relevant Facts:

1 T -shirt - \$50 (\$25 for first time violation if unanimous decision)

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Chris Daniels in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to one print media advertisement, and assess a \$____ civil penalty.

Friends of Evan Clark - CC-18-00245

Complaints: No Disclosure

Complainant: Jack Windle

1 Banner, 1 Newspaper Ad, 1 sign

Violation Date: See images

Election Date: 11/08/2022



— PMD POLITICAL ADVERTISEMENT —

Evan Clark for City Council

October 30, 2022

Meet and Greet & Trick or Treat
Frederick Douglass Park • 2-4 p.m.

617 Smithfield Ave., Winchester, VA 22601

65

Relevant Facts:

1 Newspaper ad	\$100
1 banner	50
1 sign	50
Total	<u>\$200</u> (\$25 for first time violation if unanimous decision)

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Evan Clark in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to three print media advertisements, and assess a \$_____ civil penalty.

Jackson For Roanoke - CC-22-00140

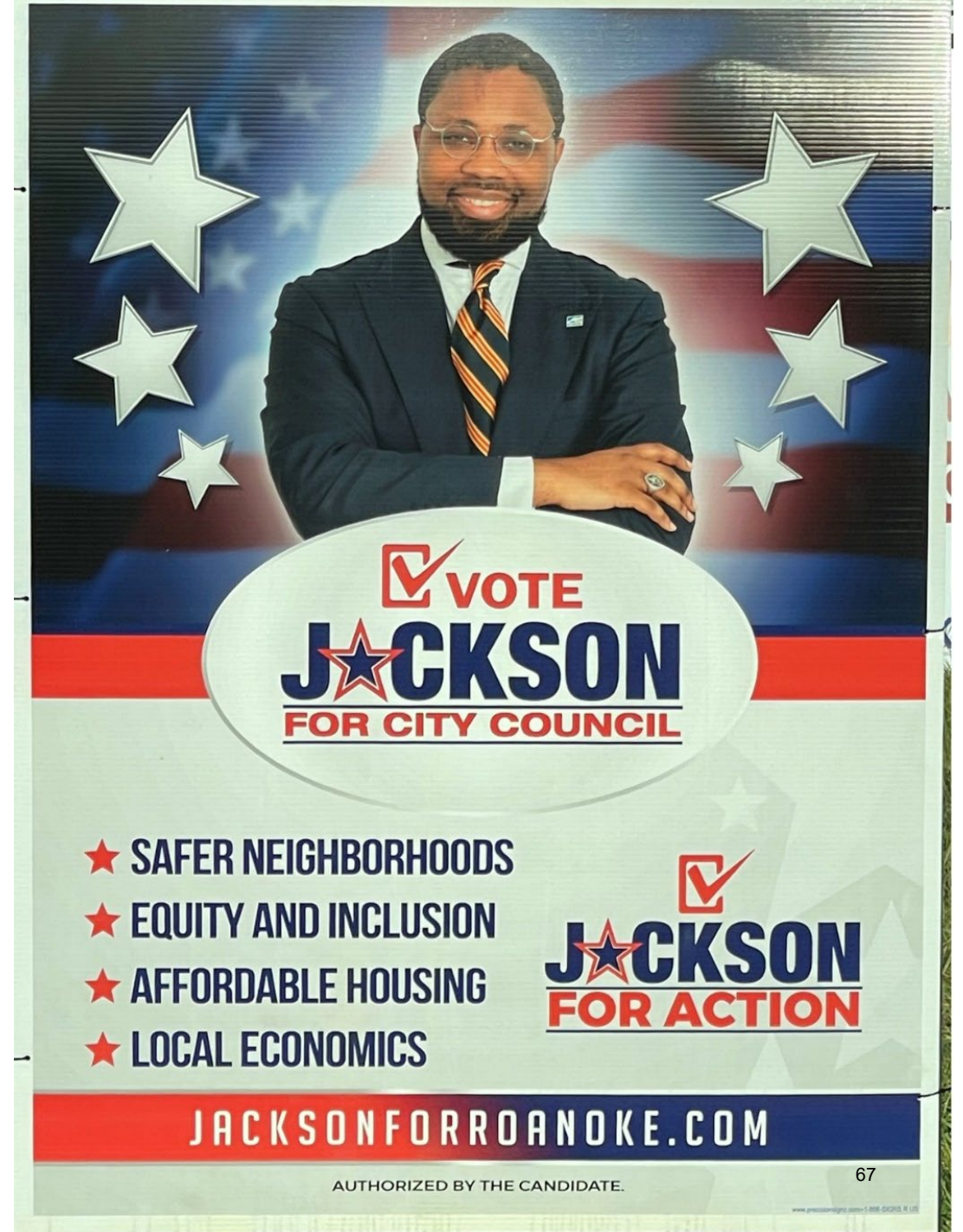
Complaint: Inadequate disclosure

Complainant: Matthew Jones

1 sign

Violation Date: 10/17/2022

Election Date: 11/8/2022



Relevant Facts:

1 Video - \$100 (2nd time before the Board)

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Jamaal Jackson in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to one print media advertisement, and assess a \$100 civil penalty.

Joyner for Council - CC-22-00455

Complaint: No disclosure

Complainant: Janice Denton

1 sign

Violation Date: 10/12/2022

Election Date: 11/8/2022



Relevant Facts:

1 sign - \$50 (\$25 for first time violation if unanimous decision)

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Rita Joyner in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to one print media advertisement, and assess a \$_____ civil penalty.

Leigh Carley for School Board - CC-22-00128

Complaint: No disclosure

Complainant: Mather Leeds

1 banner

Violation Date: 10/24/2022

Election Date: 11/8/2022



Relevant Facts:

1 Banner - \$50 (\$25 for first time violation if unanimous decision)

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Leigh Carley in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to one print media advertisement, and assess a \$_____ civil penalty.

Michael Storrs - CC-22-00093

Complaint: No disclosure

Complainant: Janice Mallory

1 yard sign

Violation Date: 9/16/2022

Election Date: 11/8/2022



Relevant Facts:

1 yard sign - \$50 (\$25 for first time violation if unanimous decision)

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Michael Storrs in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to one print media advertisement, and assess a \$_____ civil penalty.

Monica for City Council - CC-22-00316

Complaint: No Disclosure

Complainant: David Briggman

Website

Violation Date: July 21, 2022

Election Date: November 8, 2022

MONICA ROBINSON
FOR HARRISONBURG CITY COUNCIL

[Home](#) [About](#) [Vision](#) [Testimonials](#) [Photos](#)

[Voter Information](#) [Donate](#)

EARLY VOTING
City Hall 409 S. Main Street, Harrisonburg, VA 22801

September 23 – November 5, Monday through Friday 8:30am - 4:30pm
Saturday, October 29th from 8:30am - 4:30pm / November 5th, from 8:30am to 5:00pm

**Monica Robinson
for Harrisonburg Ci
Council**

Our City Our Council **Mji wetu**
Halmashauri yetu **Nuestra Ciudad Nues**
Ayuntamiento **Bajarê Me Meclîsa Me**
مدینتتا مجلسنا **Notre ville Notre conseil**



Relevant Facts:

1 website - \$50 (\$25 for first time violation if unanimous decision)

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Monica Robinson in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to 1 website, and assess a \$_____ civil penalty.

Roanoke Forward - PAC-22-00026

Complaint: Inadequate or No disclosure

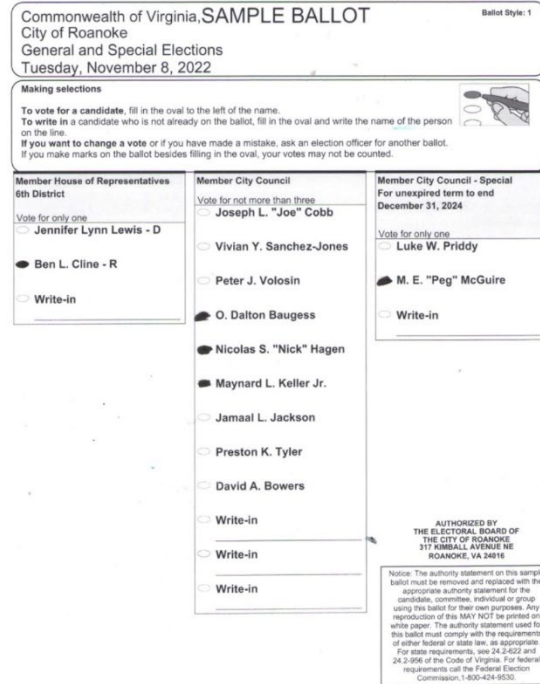
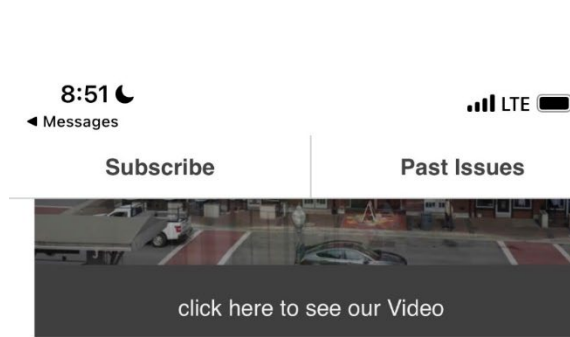
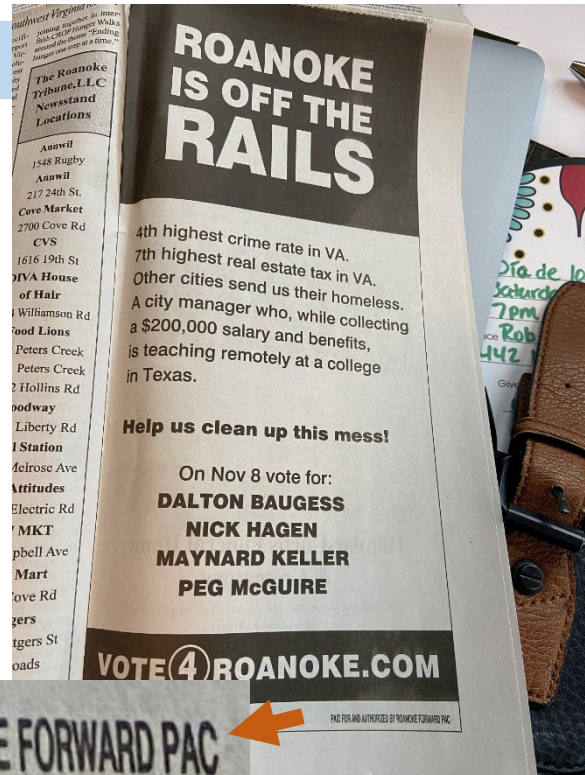
Complainant: Matthew Jones

1 ad, 1 webpage w/sample ballot, & 1 billboard,

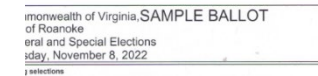
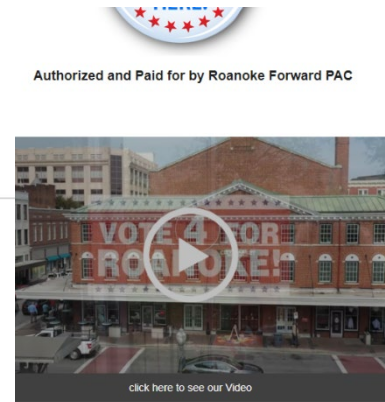
Violation Dates: 9/3, 10/2, 11/7/2022

Election Date: 11/8/2022

Webpage with Sample Ballot was within 14 days of the election



this is the ballot you will see, be careful, there are no party designations.



Notice: The authority statement on this sample ballot must be removed and replaced with the appropriate authority statement for the candidate, committee, individual or group using this ballot for their own purposes. Any reproduction of this MAY NOT be printed on white paper. The authority statement used for this ballot must comply with the requirements of either federal or state law, as appropriate. For state requirements, see 24.2-622 and 24.2-956 of the Code of Virginia. For federal requirements call the Federal Election Commission, 1-800-424-9530.



PAID FOR AND AUTHORIZED BY ROANOKE FORWARD PAC

PAID FOR AND AUTHORIZED BY ROANOKE FORWARD PAC

Relevant Facts:

1 Newspaper Ad \$50
1 Billboard + \$50
1 Sample Ballot + \$100
Total - \$200

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Roanoke Forward in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to three print media advertisements, and assess a \$200 civil penalty.

Vote Mady for Ward 4 - CC-22-00132

Complaints: No Disclosure

Complainant: Jack Windle

1 sign

Violation Date: 7/30/2022

Election Date: 11/8/2022



Relevant Facts:

1 Banner - \$50 (\$25 for first time violation if unanimous decision)

Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Mady Rodriguez in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to one print media advertisement, and assess a \$_____ civil penalty.

TV and Video

All TV and Video Advertisements

“shall include throughout the disclosure statement an unobscured, full-screen picture containing the candidate, either in photographic form or through the actual appearance of the candidate on camera.”



No Other Candidate Mentioned in Ad	Another Candidate Mentioned (who approved the ad)	Another Candidate Mentioned (did not approve the ad)	Jointly Sponsored Ad
<p>“Paid for by John Doe.” OR “Authorized by John Doe.”</p> <p>20 scan lines in size</p>	<p>Paid for by John Doe. Authorized by Jane Smith, candidate for Delegate.</p> <p>+ Spoken statement "I am John Doe (or 'This is John Doe'), candidate for [Name of] office, and I (or 'my campaign') sponsored this ad."</p>	<p>Paid for by John Doe. Not authorized by any other candidate.</p> <p>+ Spoken statement "I am John Doe (or 'This is John Doe'), candidate for [Name of] office, and I (or 'my campaign') sponsored this ad."</p>	<p>Paid for by John Doe, Donald Duck and Jane Smith.</p> <p>+ Spoken statement "I am John Doe (or 'This is John Doe'), candidate for [Name of] office, and I (or 'my campaign') sponsored this ad."</p>

Rick Nagel for City Council - CC-22-00416

Complaint: No Disclosure

Complainant: Alleyn Harned

1 Facebook Video

Violation Date: 9/12/2022

Election Date: 11/8/2022

Express advocacy begins at 2:13

- https://www.facebook.com/ricknagelcitycouncil/videos/804023564266078/?extid=NS-UNK-UNK-UNK-IOS_GK0T-GK1C

§ 24.2-957.1. Requirements for television advertisements sponsored by a candidate or candidate campaign committee.

It shall be unlawful for any candidate or a candidate campaign committee to sponsor a television advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met:

1. It bears the legend or includes the statement: "Paid for by _____ [Name of candidate or campaign committee as it appears on the statement of organization]." Alternatively, if the advertisement is supporting that candidate and the advertisement makes no reference to any other clearly identified candidate, then the statement "Paid for by _____ [Name of sponsor]" may be replaced by the statement "Authorized by _____ [Name of sponsor]."

The disclosure shall be made by visual legend, which shall constitute 20 scan lines in size. The content of these visual legends is specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 and this section.

5:30 m.facebook.com

Facebook Watch

Rick Nagel for Harrisonburg City Council
Independent Candidate for Harrisonburg City Council.

Rick Nagel for Harrisonburg City Council
September 11 at 5:32 PM · 🌐

"We need help to move Housing in Harrisonburg forward. Follow us!!!" - Rick Nagel

👍 🤔 13

👍 Like 💬 Comment ➦ Share

More from Rick Nagel for Harrisonburg City Council

"Let's move Housing in Harrisonburg forward!!!" ...
Rick Nagel for Harrisonburg City Council
867 views · September 11

82

Rick Nagel for Harrisonburg City Council
 Sponsored · Paid for by Rick Nagel for Harrisonburg

"We need help to move Housing in Harrisonburg forward. Follow us!!!!" - Rick Nagel



Rick Nagel for Harrisonburg City Council
 Independent Candidate for Harrisonburg City Council

Follow

Alex Cabrera and ... 1 comment · 3 shares

Like · Comment · Share

Guidelines

Pictures provided by Rick Nagel

https://business.facebook.com/admanager/manage/adsets?act=5286299328091745&business_id=578620670326239&global_scope_id=57862...

Ad sets Rick Nagel for Harrisonburg City Coun... Updated just now Discard drafts Review and publish (2)

Terms update is now available Updates to the Self-Serve Ad Terms are effective January 3, 2023 Read the terms

Search and filter This month: Jan 1, 2023 - Jan 5, 2023

Campaigns 1 selected Ad sets 1 selected Ads 1 selected

+ Create Duplicate Edit More View Setup Columns: Performance Breakdown Reports

Off / On	Ad Set	Delivery	Bid strategy	Budget	Last significant edit	Attribution setting	Results
Off	HOUSING HOW TO	Off	Highest volume Page Likes	\$10.00 Daily	Sep 11, 2022, 10...	7-day click or ...	
Results from 1 ad set							7-day click or ...

10:06 PM 1/3/2023

- Relevant Facts:
1 Video - \$50 (\$25 for first time violation if unanimous decision)
- Recommended Motion:
- I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Rick Nagel in violation of §24.32-957.1 Stand By Your Ad television and video disclosure requirements with regard to one video advertisement, and assess a \$___ civil penalty.



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Public Comment

BOARD WORKING PAPERS



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Closed Session

BOARD WORKING PAPERS