



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, May 28, 2024
General Assembly Building
Senate Room A
Richmond, VA
Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=m2ea17baa32c5ebala8b5c767b1a6c765>

Meeting password: piH3pfQpM32

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2439 219 5958

1:00 P.M.



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Tuesday, May 28, 2024

LOCATION: General Assembly Building

201 N. Ninth St. Richmond, VA 23219

Senate Room A – 3rd Floor

TELECONFERENCE:

+1-517-466-2023 US Toll

+1-866-692-4530 US Toll Free

Access code: 2439 219 5958

VIDEO CONFERENCE:

<https://covaconf.webex.com/covaconf/j.php?MTID=m2ea17baa32c5eba1a8b5c767b1a6c765>

Password: piH3pfQpM32

TIME: 1:00 P.M.

I. CALL TO ORDER

John O'Bannon, Chairman

II. APPROVAL OF MINUTES

Georgia Alvis-Long, Secretary

A. April 10, 2024

B. May 2, 2024

III. PUBLIC COMMENT

IV. COMMISSIONER'S REPORT

Susan Beals

Commissioner

V. OLD BUSINESS

A. Voting System Certification for Clear Ballot

Brandon Smith

Chief Technology Officer

B. KnowInk Electronic Pollbook Certification

Brandon Smith

Chief Technology Officer

C. Elections Systems & Software Electronic Pollbook Certification

Brandon Smith

Chief Technology Officer

VI. NEW BUSINESS

A. Locality Electronic System Standards (LESS)

*Brandon Smith
Chief Technology Officer*

B. CLOSED SESSION – LESS

C. Finalization of Stand By Your Ad Decision from the April 10th Meeting

*Tammy Alexander
Campaign Finance Compliance and
Training Supervisor*

D. Campaign Finance Regulations for Print Media Advertisement

*Steven Koski
ELECT Policy Analyst*

E. SBE Policy 2022-001 Electronic Participation in Meetings

*Catherine McFarland
FOIA and Record Retention Officer*

F. Request for Petition for Removal of an Electoral Board Member

*Matthew Abell
Elections Services Senior Advisor*

VII. CLOSED SESSION

VIII. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=39261>

Re. Entrance to the General Assembly Building

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

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

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

Re. public comment

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

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 num



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS

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

12 The first item of business was the Approval of the Minutes from the March
13 19, 2024 Board Meeting, presented by Secretary Alvis-Long. A roll call vote was
14 taken:

15 Chairman O’Bannon – Aye

16 Vice Chair Dance – Aye

17 Secretary Alvis-Long – Aye

18 Delegate Merricks – Aye

19 Mr. Weinstein – Aye

20 The Chairman opened the floor to public comment. James Manship and Ann

21 Grigorian addressed the Board.

22 The second item of business was the Commissioner’s Report, presented by
23 Commissioner Beals. Commissioner Beals informed the Board that the Virginia
24 Electoral Board Association (“VEBA”) held their annual meeting and she along
25 with Rachel Lawless; Confidential Policy Analyst and Brandon Smith; Chief
26 Technology Officer were presenters. The Commissioner congratulated newly
27 elected VEBA President, Mr. John Nunnally of Caroline County. Commissioner
28 Beals expressed her appreciation to Ms. JoAnne Speiden of Orange County for her
29 leadership as president of the organization for the past few years.

30 The Commissioner informed the Board that ELECT is currently conducting
31 a voter placement audit across the Commonwealth to ensure voters are registered
32 in their correct precinct prior to the Primary and General Elections. Commissioner
33 Beals stated that any corrections that are needed will be flagged, and individual
34 meetings will be set with the General Registrars. The Commissioner stated this will
35 ensure accurate voter registration and that every voter is in the correct precinct.
36 Commissioner Beals informed the Board that this is an annual check that was
37 recommended in the 2018 Joint Legislative Audit & Review (“JLARC”) report.
38 The Commissioner expressed her appreciation to ELECT staff Sarah Dally, Dale
39 Arnold, William Creasy, Sydney Bohn and Zach Knitter for their leadership on this
40 issue.

41 The third item of business was Ballot Drawing for Simultaneous Filers
42 presented by Matt Abell, Election Services Senior Advisor. *This memo is in the*
43 *Working Papers for the April 10, 2024 meeting.* Mr. Abell had the Board members
44 assist with drawing of the names. The ballot order for Republican Member, United
45 States Senate is as follows:

- 46 1. Hung Cao
- 47 2. Edward C. “Eddie” Garcia Jr

48 The ballot order for Democrat Member, House of Representatives, 2nd District is as
49 follows:

- 50 1. Jeremiah A. “Jake” Denton IV
- 51 2. Missy Cotter Smasal

52 The ballot order for Republican Member, House of Representatives, 7th District is
53 as follows:

- 54 1. Jon P. Myers
- 55 2. Derrick M. Anderson
- 56 3. Cameron D. Hamilton

57 The ballot order for Democrat Member, House of Representatives, 7th District is as
58 follows:

- 59 1. Eugene S. Vindman
- 60 2. Briana D. Sewell

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61 3. Elizabeth R. Guzman

62 4. Carl B. Bedell

63 5. Cliff D. Heinzer

64 6. Margaret Angela Franklin

65 The ballot order for Republican Member, House of Representative, 10th District is
66 as follows:

67 1. Mike W. Clancy

68 2. Alex H. Isaac Jr.

69 3. Aliscia N. Andrews

70 The ballot order for Democrat Member, House of Representatives, 10th District is
71 as follows:

72 1. Eileen Filler-Corn

73 2. Suhas Subramanyam

74 3. Atif M. Qarni

75 4. Dan I. Helmer

76 5. Marion Devoe Sr.

77 6. Krystle Veda Kaul

78 7. Jennifer B. Boysko

79 The ballot order for Democrat Member, House of Representatives, 11th District is
80 as follows:

81 1. Ahsan M. Nasar

82 2. Gerald E. “Gerry” Connolly

83 Delegate Merricks moved *that the Board certify the determinations by lot of the*
84 *order of candidates on the ballot for primary elections to be held June 18, 2024.*

85 Vice Chair Dance seconded the motion and the motion passed unanimously. A roll
86 call vote was taken:

87 Chairman O’Bannon – Aye

88 Vice Chair Dance – Aye

89 Secretary Alvis-Long – Aye

90 Delegate Merricks – Aye

91 Mr. Weinstein – Aye

92 The fourth item of business was the Split Precinct Waiver Request for Prince
93 William County presented by Claire Scott, ELECT Policy Analyst. *This memo is*
94 *in the Working Papers for the April 10, 2024 meeting.* Vice Chair Dance moved
95 *that the State Board of Elections approve the Split Precinct Waiver for Prince*
96 *William County.* Delegate Merricks seconded the motion and the motion passed
97 unanimously. A roll call vote was taken:

98 Chairman O’Bannon – Aye

99 Vice Chair Dance – Aye

100 Secretary Alvis-Long – Aye

101 Delegate Merricks – Aye

102 Mr. Weinstein – Aye

103 The fifth item of business was the Voter Registration Application presented

104 by Matt Abell, Election Services. *This memo is in the Working Papers for the*

105 *April 10, 2024 meeting.* Vice Chair Dance moved *that the State Board of Elections*

106 *approve the amended Virginia Voter Registration Application, pursuant to Acts of*

107 *Assembly Chapter 309, to be effective July 1, 2024.* Delegate Merricks seconded

108 the motion and the motion passed unanimously. A roll call vote was taken:

109 Chairman O’Bannon – Aye

110 Vice Chair Dance – Aye

111 Secretary Alvis-Long – Aye

112 Delegate Merricks – Aye

113 Mr. Weinstein – Aye

114 The sixth item of business was Stand By Your Ad presented by Tammy

115 Alexander, Campaign Finance Compliance and Training Supervisor. Mrs.

116 Alexander informed the Board the complaint was against Williamsburg – James

117 City County Republican Committee for inadequate disclosure and a false statement

118 memo. Mr. Chris Woodfin addressed the Board. Mrs. Alexander recommended a

119 \$100 penalty for this violation. Vice Chair Dance moved *subject to the Board’s*

120 *authority under the Code of Virginia §24.2-955.3 to find Williamsburg – James*

121 *City County Republican Committee in violation of §24.2-956.1 Stand By Your Ad*
122 *print media advertising requirements with regard to one advertisement and assess*
123 *a \$100 penalty.* Mr. Weinstein seconded the motion and the motion passed
124 unanimously. A roll call vote was taken:

125 Chairman O'Bannon – Aye

126 Vice Chair Dance – Aye

127 Secretary Alvis-Long – Aye

128 Delegate Merricks – Aye

129 Mr. Weinstein – Aye

130 The seventh item of business was the Finalization of the Stand By Your Ad
131 Decisions from the March 19, 2024 meeting presented by Tammy Alexander,
132 Campaign Finance Compliance and Training Supervisor. *This memo is in the*
133 *Working Papers for the April 10, 2024 meeting.* Vice Chair Dance moved *that the*
134 *Board finalize the decisions made on the eighteen Stand By Your Ad (SBYA)*
135 *violations assessed at the March 19, 2024 State Board of Elections (SBE) meeting*
136 *and dismiss the remaining matter.* Delegate Merricks seconded the motion and the
137 motion passed unanimously. A roll call vote was taken:

138 Chairman O'Bannon – Aye

139 Vice Chair Dance – Aye

140 Secretary Alvis-Long – Aye

141 Delegate Merricks – Aye

142 Mr. Weinstein – Aye

143 The eighth item of business was the Voting System Certification for Clear
144 Ballot presented by Londo Andrews, Voting Systems Security Manager. *This*
145 *report is in the Working Papers for the April 10, 2024 meeting.* Vice Chair Dance
146 moved *that the Board certify the use of Clear Ballot voting system – ClearVote 2.4*
147 *in elections in the Commonwealth of Virginia, pursuant to the State Certification of*
148 *Voting Systems: Requirements and Procedures.* Delegate Merricks seconded the
149 motion and the motion passed unanimously. A roll call vote was taken:

150 Chairman O’Bannon – Aye

151 Vice Chair Dance – Aye

152 Secretary Alvis-Long – Aye

153 Delegate Merricks – Aye

154 Mr. Weinstein – Aye

155 The ninth item of business was the KNOWink Electronic Pollbook
156 Certification presented by Londo Andrews, Voting Systems Security Manager.
157 *This report is in the Working Papers for the April 10, 2024 meeting.* Vice Chair
158 Dance moved *that the Board certify the use of KNOWink electronic pollbook*
159 *system-Pollpad 3.4.8, in elections in the Commonwealth of Virginia, pursuant to*
160 *the State Certification of Electronic Pollbooks: Requirements and Procedures.*

161 Mr. Weinstein seconded the motion and the motion passed unanimously. A roll
162 call vote was taken:

163 Chairman O'Bannon – Aye

164 Vice Chair Dance – Aye

165 Secretary Alvis-Long – Aye

166 Delegate Merricks – Aye

167 Mr. Weinstein – Aye

168 The tenth item of business was Election Systems & Software Electronic
169 Pollbook Certification presented by Londo Andrews, Voting Systems Security
170 Manager. *This report is in the Working Papers for the April 10, 2024 meeting.*
171 Vice Chair Dance moved *that the Board certify the use of Election Systems &*
172 *Software (ES&S) electronic pollbook system-ExpressPoll 7.2.6.0, in elections in*
173 *the Commonwealth of Virginia, pursuant to the State Certification of Electronic*
174 *Pollbooks: Requirements and Procedures.* Delegate Merricks seconded the
175 motion and the motion passed unanimously. A roll call vote was taken:

176 Chairman O'Bannon – Aye

177 Vice Chair Dance – Aye

178 Secretary Alvis-Long – Aye

179 Delegate Merricks – Aye

180 Mr. Weinstein – Aye

181 At 1:54 P.M. Delegate Merricks moved *Pursuant to Virginia Code Section*
182 *2.2-3711 (A)(7), that the Board go into closed session for the purpose of discussing*
183 *pending and threatened litigation. In accordance with Section 2.2-3712(F), Susan*
184 *Beals, Commissioner of Elections, and Dennis Polio of the Office of the Attorney*
185 *General, will attend the closed session because their presence will reasonably aid*
186 *the Board in its consideration of the subject of the meeting. Vice Chair Dance*
187 *seconded the motion and the motion passed unanimously. A roll call vote was*
188 *taken:*

189 Chairman O’Bannon – Aye

190 Vice Chair Dance – Aye

191 Secretary Alvis-Long – Aye

192 Delegate Merricks – Aye

193 Mr. Weinstein - Aye

194 At 2:23 P.M., Delegate Merricks moved *to reconvene the meeting in open*
195 *session, and take a roll call vote certifying that to the best of each member’s*
196 *knowledge (i) only such public business matters lawfully exempted from open*
197 *meeting requirements under this chapter and (ii) only such public business matters*
198 *as were identified in the motion by which the closed meeting was convened were*
199 *heard or discussed by the State Board of Elections. Vice Chair Dance seconded the*
200 *motion and the motion passed unanimously. A roll call vote was taken:*

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Wednesday, April 10, 2024
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201 Chairman O'Bannon – Aye

202 Vice Chair Dance – Aye

203 Secretary Alvis-Long – Aye

204 Delegate Merricks – Aye

205 Mr. Weinstein - Aye

206 Vice Chair Dance moved *that the Board rescind the actions taken on items*

207 *X, XI and XII on today's agenda and defer them for action on the May 28, 2024*

208 *Board meeting.* Delegate Merricks seconded the motion and the motion passed

209 unanimously. A roll call vote was taken:

210 Chairman O'Bannon – Aye

211 Vice Chair Dance – Aye

212 Secretary Alvis-Long – Aye

213 Delegate Merricks – Aye

214 Mr. Weinstein - Aye

215 Vice Chair Dance moved *to adjourn the meeting.* Delegate Merricks

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

217 taken:

218 Chairman O'Bannon – Aye

219 Vice Chair Dance – Aye

220 Secretary Alvis-Long – Aye

State Board of Elections
Wednesday, April 10, 2024
FINAL Meeting Minutes

221 Delegate Merricks – Aye

222 Mr. Weinstein - Aye

223 The meeting adjourned at 2:25 P.M.

224

225

226 _____
Chairman

227

228

229 _____
Vice-Chair

230

231

232 _____
Secretary

233

234

235 _____
Board Member

236

237

238 _____
Board Member

1 The State Board of Elections (“the Board”) meeting was held by electronic
2 communication Thursday, May 2, 2024. In attendance: John O’Bannon, Chairman; Rosalyn R.
3 Dance, Vice Chair; Georgia Alvis-Long, Secretary; Matthew Weinstein, and Delegate Donald
4 Merricks members; represented the State Board of Elections (“the Board”). Susan J. Beals,
5 Commissioner, represented the Department of Elections (“ELECT”), and Andrew Murphy
6 represented the Office of the Attorney General (“OAG”). Chairman O’Bannon called the
7 meeting to order at 1:03 P.M.

8 The first item of business was the Voter Registration Application presented by Matthew
9 Abell, Elections Services Senior Advisor. *This memo is in the Working Papers for the May 2,*
10 *2024 Meeting.* Vice Chair Dance moved *that the State Board of Elections approve the amended*
11 *Virginia Voter Registration Application, pursuant to Acts of Assembly Chapter 787, to be*
12 *effective July 1, 2024.* Mr. Weinstein seconded the motion and the motion passed; no audio could
13 be heard from Delegate Merricks. A roll call vote was taken:

14 Chairman O’Bannon – Aye

15 Vice Chair Dance – Aye

16 Secretary Alvis-Long – Aye

17 Mr. Weinstein – Aye

18 Delegate Merricks – *No Vote Due to No Audio*

19 Vice Chair Dance moved *to adjourn the meeting.* Mr. Weinstein seconded the motion and
20 the motion passed unanimously.

21 The meeting adjourned at 1:12 P.M.

State Board of Elections
Thursday, May 2, 2024
FINAL Meeting Minutes

22 _____
23 Chairman
24
25 _____
26 Vice-Chair
27
28 _____
29 Secretary
30
31 _____
32 Board Member
33
34 _____
35 Board Member
36



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Public Comment

BOARD WORKING PAPERS



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STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS

Susan Beals
Commissioner



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STATE BOARD *of* ELECTIONS

Voting Systems Certification for Clear Ballot

BOARD WORKING PAPERS
Brandon Smith
Chief Technology Officer



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

From: [Londo Andrews](#), Voting Systems Security Manager

Date: May 28, 2024

Re: Clear Ballot, LLC - Voting System Certification – ClearVote 2.4 version

Suggested motion for Board Member to make:

I move that the Board certify the use of Clear Ballot voting system – ClearVote 2.4 in elections in the Commonwealth of Virginia, pursuant to the State Certification of Voting Systems: *Requirements and Procedures*.

Applicable Code Section: § 24.2- Chapter 6 - 629

Attachments:

Your Board materials include the following:

- Clear Ballot, ClearVote 2.4 voting system Certification letter provided by SLI Compliance
- Petersburg City April 24, 2024 Mock Election correspondence
- Virginia State Certification of Voting Systems: *Requirements and Procedures*

Background:

Following the steps prescribed in the Virginia State Certification of Voting Systems: *Requirements and Procedures*, Clear Ballot initiated the certification evaluation to the Department of Elections on December 7, 2023. Clear Ballot provided their Technical Data Package (TDP) and Corporate Information (required under step 2 of the *Requirements and Procedures*). Both of these submissions were deemed complete and in sufficient detail to warrant step 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. Clear Ballot provided the certification fee and the testing/evaluation was conducted on January 22nd through January 25th, 2024 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Petersburg City on April 24th, 2024. Clear Ballot voting system presented for certification under ClearVote 2.4 successfully completed the Virginia Voting Systems Certification requirements.



COMMONWEALTH OF VIRGINIA

CITY OF PETERSBURG

OFFICE OF THE ELECTORAL BOARD AND GENERAL REGISTRAR



GENERAL REGISTRAR
DAWN E. WILLIAMS

MEMORANDUM

Date: April 30, 2024

To: Commissioner Susan Beals
Londo Andrews

From: David Matthews, Deputy General Registrar

Re: Mock Elections – Petersburg City

Good afternoon to you both. Thank you for allowing Petersburg City the opportunity to serve as a Host Locality.

The Mock Elections were both held on the same day being April 24th, 2024. The first being at the Elections Office located at 229 N. Market Street, Petersburg, VA 23803 from 9:00am to 11:30am. The second was held at the Train Station, 103 River Street, Petersburg, VA 23803 from 12:30pm – 3:00pm.

The Vendor participating in our Mock Elections was Clear Ballot. The version utilized was Clear Vote 2.4, which was being tested and audited in the two Mock Elections presented in Petersburg, Virginia.

All (3) three Electoral Board members for the City of Petersburg, Virginia were present and accounted for. Those being: Chairman Bossie Bonner, Vice-Chair Bridget Cuthbert and Secretary Patrick Washington.

Office staff present and attending in charge was David Matthews, Deputy General Registrar/Techician. Then Senior Deputy Registrar/AB Coordinator Joyce Bradshaw also witnessed the process while maintaining the Office if any situations were to arise.

Both the Electoral Board members and Staffing felt the Mock Elections were very informative and a complete success with exceptional reviews shared amongst the group. We were impressed with the simplistic use and felt overall Clear Ballot offered a cost-effective measure in the long run with not having to purchase ballots to operate.

Yours truly,

~David Matthews, Deputy General Registrar
City of Petersburg, Virginia

Petersburg City Office of Voter Registrations & Elections
229 N. Market Street, Petersburg, VA 23803
PO Box 1031, Petersburg, VA 23804-1031
804-733-8071, ext. #0 or 804-203-4026
804-733-8080 fax dmatthews@petersburg-va.org

MOCK ELECTION

CLEAR BALLOT LLC -ClearVote 2.4

<p>ORGANIZATIONS</p> <p>Department of Elections (ELECT), Petersburg City General Registrar Office, Petersburg City Electoral Board, Clear Ballot LLC</p>	<p>TIME</p> <p>9:00 AM - 11:30 AM</p>	<p>EVENT DATE</p> <p>Wednesday April 24, 2024</p>	<p>LOCATION -1st Poll Location</p> <p>Address: 229 N Market St, Petersburg, VA 23803 (GR office) Phone: <u>(804) 733-8071</u></p>
--	---------------------------------------	---	---

NAME	PHONE	EMAIL	DATE/TIME	SIGNATURE
Petersburg City Electoral Board				
Bossie Bonner			4/24/2024 (9:00am)	Bossie Bonner
Bridget Cuthbert			4/24/24 (9:00am)	Bridget Cuthbert
Patrick N. Washington			4/24/24 (9:00am)	Patrick N. Washington
Petersburg City Registrar's Office				
Joyce Bradshaw			4/24/24 (9:00am)	Joyce Bradshaw
David Matthews			4/24/24 10:59am	David Matthews
Elect Staff				
Lordy P. Andrew			4/24/2024	Lordy P. Andrew

MOCK ELECTION

CLEAR BALLOT LLC -CleavrVote 2.4

ORGANIZATIONS	TIME	EVENT DATE	LOCATION -2nd Poll Location
Department of Elections (ELECT), Petersburg City General Registrar Office, Petersburg City Electoral Board, Clear Ballot LLC	12:30 PM - 3:00 PM	Wednesday April 24, 2024	Address: 103 River Street, Petersburg, VA 23803 (Union Train station) Phone: <u>(804) 733-8071</u>

NAME	PHONE	EMAIL	DATE/TIME	SIGNATURE
Petersburg City Electoral Board				
Bossie Bonner			4/24/2024 - 12:30 PM	Bonnie Bonner
Bridget Cutnbert			4/24/24 - 12:30 p	Bridget Cutnbert
Patricia N. Washington			4/24/24 12:30	Patricia N. Washington
Petersburg City Registrar's Office				
Joyce Bradshaw			9:00am 4/24/24	Joyce Bradshaw
David Matthews			4/24/24 11:00am	David Matthews
ELECT Staff				
Lordy P. Anderson			4/24/2024	Lordy P. Anderson



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Voting System Certification Standard

March 2023

Version 2.1

Change History

Version	Brief Description of Change	Date	Author
1.0	Adoption by the State Board of Elections Primary changes were to improve clarity, security-related requirements, and document format; moving information that would likely change over time to appendices	09/17/2019	ELECT
2.0	Adoption by State Board of Elections Primary changes were in alignment with feedback and addition of Appendices I, & J	11/18/2019	ELECT
2.1	Adoption by the State Board of Elections Primary changes were the amount to be deposited by vendor for costs of travel, expense and billable hours by the VSTL for the certification process and specifics regarding the location and timeline of the certification.	03/07/2023	ELECT

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Chapter 1: Introduction

1.1. Purpose of Procedures

These procedures have been developed and issued as part of a continuing effort to improve the administration of elections in the Commonwealth of Virginia. They provide a formal and organized process for vendors to follow when seeking state certification for a new voting system or for improvements/modifications to a previously certified voting system in Virginia. To this end the procedures are designed to:

1. Ensure conformity with Virginia election laws relating to the acquisition and use of voting systems
2. Evaluate and certify voting systems marketed by vendors for use in Virginia
3. Evaluate and re-certify additional capabilities and changes in the method of operation for voting systems previously certified for use in Virginia
4. Standardize decertification and recertification of voting systems
5. Ensure that all voting systems operate properly and are installed and tested in compliance with the State Board of Elections' (SBE) procedures
6. Ensure accurate report of all election results from jurisdictions that use each certified system.

1.2. Specific Requirements

1. Compliance with the requirements contained in the latest version of the Voluntary Voting System Guidelines (VVSG) which are currently accepted for testing and certification by the U.S. Election Assistance Commission (EAC), or prior version if within the EAC transition period.
2. The voting system must comply with the provisions in the Code of Virginia relating to voting equipment (Article 3, [Chapter 6 of Title 24.2](#))
3. The voting system must comply with any applicable regulations or policies issued by the SBE or ELECT
4. The vendor must ensure that the voting system can accommodate an interactive visual and non-visual presentation of information to voters, and alternative languages when required. (See HAVA, 42 USC 15481(a)(3), (4), §203 of the Voting Rights Act (42 USC 1973aa-1a) and Virginia Code Section 24.2-626.1).

1.3. Decertification

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

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

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

- c. The voting system may still automatically be decertified as defined in Appendix H
5. Update all software with the latest patching and vulnerability updates in alignment with Appendix E.

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

1.4. Recertification

See Appendix F for ELECT's guidelines on when voting system must go through recertification.

Chapter 2: Basis for Certification

The Code of Virginia requires a voting system to be in compliance with the Federal and State Certification Standards.

Federal Compliance Testing demonstrates that the voting system adheres to all requirements set in the most up-to-date version of the VVSG by the EAC. The primary evidence of compliance is the certification of the system by the EAC. Federal compliance may also be demonstrated through testing conducted by a federally certified Voting System Test Lab (VSTL) to the applicable VVSG. Meeting the requirements contained in the VVSG will substantiate compliance with the voting system requirements contained in Section 301 of the Help America Vote Act of 2002 (HAVA).

State certification testing will evaluate that the voting system complies with all applicable requirements of the Code of Virginia and SBE and ELECT regulations and policies.

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

2.1. Federal Compliance Testing

Federal Compliance Testing is performed to demonstrate compliance with the latest version of the VVSG currently accepted for testing and certification by the EAC, or prior version if within the EAC transition period. EAC certification serves as prima facie evidence of compliance; federal compliance may also be demonstrated through testing conducted by a federally certified VSTL to the applicable VVSG. ELECT will make the final decision on compliance based on all available information. If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue.

To support a review of Federal Compliance Testing, the following documents shall be provided to ELECT:

1. A full copy of the Technical Data Package (TDP) submitted for Federal compliance testing
2. A copy of the Test Plan, and Test Report used by the VSTL in performing EAC certification testing; or results of testing conducted by a federally certified VSTL to the applicable VVSG
3. A release to the VSTL to respond to any requests for information from the Commonwealth of Virginia
4. A release to other states which have decertified the system or prior versions of the system, to respond to any requests for information from the Commonwealth of Virginia

5. Any additional information ELECT believes is necessary to determine compliance with the applicable VVSG or Commonwealth of Virginia Voting System Certification Standards.

2.1.1. Voting System Hardware, Firmware, Infrastructure or Component Elements

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

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

2.1.2. Voting System Software Elements

Voting system software shall be examined and tested to ensure that it adheres to the performance standards specified in the latest version of the VVSG currently accepted for testing and certification by the EAC, or prior version if within the EAC transition period.

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

2.2. State Certification Testing

State certification testing will evaluate the design and performance of a voting system seeking certification to ensure that it complies with all applicable requirements in the Code of Virginia and SBE and ELECT regulations and policies. ELECT will examine the essential system functions, operational procedures, user guides, documents, and reviews from product users. Hash testing will be conducted to confirm that the application software is identical to the certified versions of federal compliance testing.

ELECT will evaluate the user experience with the current and prior versions of the voting system and certification reports from other states. In addition, the security and reliability analysis of the product model will be reviewed to determine the usability of the voting system for Virginia Elections.

State Certification Testing will examine all system operations and procedures, not limited to:

1. Define ballot formats for primary elections, general elections, and special elections including all voting options defined by the Code of Virginia

2. Install applications and election-specific programs and data in the ballot counting device
3. Count ballots
4. Prepare to perform and conduct the Logic and Accuracy tests
5. Obtain voting data and audit data reports
6. Support recount or election audits
7. Address compliance with physical and language accessibility requirements
8. Display an appropriate message on the review screen if a voter does not follow the ballot instruction; allow the voter to override the warning messages for overvote, undervote, blank ballot, or invalid Write-in to cast voter's ballot
9. Create a Cast Vote Record (CVR) for each vote for all elections
10. Integrate CVRs in a readable format
11. Does not have a built-in function for wireless connections or communications
12. Comply with the encryption requirement(s) as stated in Appendix D
13. Comply with the password protection requirement(s) as stated in Appendix D
14. Harden the voting system using the vendor's procedures and specifications
15. Comply with the requirements for Write-in image and format.

Chapter 3: Review and Approval Process

3.1. Summary of Process

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

Six Phases of the Certification Review Process:

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

3.2. Certification Review Process

Phase 1: Certification Request from Vendor

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

1. Voting System Certification Application Form, signed by a company officer; see Appendix I

NOTE: This should clearly identify the specific voting system to be evaluated for certification, and:

- a. Each voting system or version of a voting system requires a separate request for certification
 - b. Each component of the hardware, firmware, software, and other components must be identified by version number
2. Copies of documents substantiating completion of federal compliance testing, including whether the proposed voting system has been certified under the latest version of the VVSG currently accepted for certification by the EAC or tested by a federally certified VSTL, or prior version if within the EAC transition period
 3. Whether the proposed voting system has ever been denied certification or had certification withdrawn in any state, or by the EAC
 4. Eight copies of a brief overview description of the voting system
 - a. Typical marketing brochures are usually sufficient for the description

5. A list of all states where the proposed voting system version is currently used
6. The vendor will provide a check for \$20,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor's if the difference of VSTL's invoices are less and the refund amount is over \$100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond. Certification is a week long event, starting Monday and ending on Friday. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.
 - a. Checks for \$20,000 must be received by ELECT before the certification will be started Make checks or money order payable to Treasurer of Virginia
 - i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219
7. TDP must clearly identify all items:
 - a. If the TDP is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
 - b. Upon the receipt of the corrected TDP from the vendor, the evaluation of the voting system will be rescheduled
8. Corporate Information must clearly identify all items:
 - a. If the Corporate Information is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
 - b. The evaluation process will be rescheduled after the corrected package is received.

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

Technical Data Package

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

1. *Hardware Schematic Diagrams*: Schematic diagrams of all hardware
2. *Hardware Theory of Operations*: Documentation describing the theory of operation of the hardware, not limited to power cords and backup battery
3. *Software System Design*: Documentation describing the logical design of the software
 - a. This documentation should clearly indicate the various modules of the software, such as:
 - i. The list of functions

- ii. System flowchart
 - iii. Its interrelationships with each other
 - iv. The list of data formats that the voting system can import and export
- b. Clearly specify the operating system and version with:
 - i. The Last Date of Mainstream Support, as defined in Appendix H
 - ii. The latest operating system version, security patches available, SHA256 hash value, and modification
- 4. *Software Deviations*: Include any exception(s) to the Security Content Automation Protocol (SCAP) checklist; document the reason why there is an exception and the mitigating controls/tools in place to secure the system
- 5. *Software Source Code*: A source code evaluation conducted in accordance with Software Design and Coding Standards of the most current version of the VVSG approved after March 1, 2015
- 6. *Definition of Marked Oval*: Define the system thresholds used to declare a readable mark in an oval to be read by the scanner
- 7. *Independent Third-Party Application Penetration Analysis Report*: An accredited application penetration test conducted, within the past 12 months, to analyze the system for potential vulnerabilities according to current industry standards. Potential vulnerabilities may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the voting system, whether or not the vulnerabilities can be mitigated through compensating controls. Pursuant to Virginia Code § 24.2-625.1, the Penetration Analysis Report is confidential and excluded from inspection and copying under the Virginia Freedom of Information Act. If a penetration test has been conducted in another state within 12 months on the same version of the voting system, then that may be submitted to fulfill this requirement.
- 8. *Customer Maintenance, Repair & Troubleshooting Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will provide maintenance, repair and troubleshooting of the system
- 9. *Operations Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system. At a minimum, the manual should include the maximum volume and speed of the scanner, the maximum capacity of container bin, ballot box, storage units, electronic storage device, and instructions for the proper and safe operation of the system to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

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10. *User Guide and Documents*: The vendor should provide the following:
- a. Quick reference guide with detailed instructions for a precinct election officer to set up, use, and shut down the voting system
 - b. ADA compliant training material that:
 - i. May be in written or video form
 - ii. Must be in a format suitable for use at a polling place as a simple “how-to” guide(s)
 - c. Clear model of voting system architecture with the following documentations:
 - i. End-User Documentation
 - ii. System-Level and Administrator-Level Documentation
 - iii. Developer Documentation
 - d. Failsafe voting system data recovery procedures
 - i. For example: Recovery procedures for retrieving duplicated (contingency recovery) information from a different location within the device (or another device if networked capability is allowed and certified) in the event that access to the primary storage area is not possible for some unforeseen reason
 - e. A list of customers who are using or have previously used the voting system
 - i. The description of any known incidents or anomalies involving the functioning of the voting system, including how those incidents or anomalies were resolved with customer and date
 - f. If the operating system or any component (hardware and/or software) has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT; the Last Date of Mainstream Support cannot include any type of Extended Support, as defined in Appendix H.
11. *Recommended Security Practices*: CIS Security Best Practices, not limited to:
- a. System Security Architecture
 - b. System Event Logging
 - c. System Security Specification
 - d. Security Content Automation Protocol (SCAP)
 - e. Cryptography
 - f. Equipment and Data Security
 - g. Network and Data Transmission Security
 - h. Access control
 - i. Authentication procedure

- j. Software
 - k. Physical Security
12. *Standard Contract, Product Support, and Service Level Agreement (SLA)*: Customer and Technical Support hours and contact information. SLA should specify the escalation timeline and procedures with contact information. Vendor's capacity to provide, not limited to:
- a. On-Site Support and Technical Support within SLA on:
 - i. Election Day (defined as the start of the in-person absentee voting period up to and including Election Day)
 - ii. Within 60 days before Election Day
 - b. Resolution to outstanding issue(s), repair, maintenance, and service requests within 30 days
13. *Maintenance Services, Pricing, and Financing Options*: A list of maintenance services with price. Terms for replacing a component or voting equipment. Available financing options for purchase or lease
14. *Warranty*: The vendor should provide a list of warranty specifications to include the following:
- a. The period and extent of the warranty
 - b. Repair or Replacement
 - i. The circumstances under which equipment is replaced rather than repaired
 - ii. The method by which a user requests such replacement
 - c. Warranty coverage and costs
 - d. Technical documentation of all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time
15. *Software License Agreement*
16. *Test Data and Software*: Vendor's internal quality assurance procedure, internal or external test data and reports, ballot decks, and software that can be used to demonstrate the various functions of the voting system. Vendor should also verify that the versions of the applications submitted are identical to the versions that have undergone federal compliance testing; for example, hash testing tools
17. *Non-Disclosure Agreement*: If applicable.

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

Corporate Information

Corporate Information must contain the following items:

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

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

Proprietary Information

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

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

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

Phase 2: Preliminary Review

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

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

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

Phase 3: Technical Data Package to Voting System Test Laboratory (VSTL)

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

Phase 4: Certification Test Report from VSTL

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

Phase 5: On-Site Testing in Mock Election

ELECT will coordinate with the local jurisdiction to test the voting system at two polling places. With the vendor present, the Electoral Board members from the local jurisdiction along with ELECT will oversee the test use of the system in a mock election.

Phase 6: Approval by the SBE

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

3.3. Incomplete Certification Process

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

ELECT reserves the right to terminate the certification process when:

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

Appendices

A – Glossary

The following terms are defined in the United States Election Assistance Commission (EAC), the Code of Virginia and Virginia General Registrars and Electoral Boards (GREB) Handbook.

ADA – Americans with Disability Act (ADA) of 1990 broadly protects the rights of individuals with disabilities in employment, access to State and local government services, places of public accommodation, transportation, and other important areas of American life. The ADA also requires newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities.

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

Cast Vote Record (CVR) – Permanent record of all votes produced by a single voter.

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

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

Election Assistance Commission (EAC) – The Help America Vote Act (HAVA) directs the U.S. Election Assistance Commission (EAC) to provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories. HAVA also introduces different terminology for these functions. Under the EAC process, test labs are “accredited” and voting systems are “certified.” The term “standards” has been replaced with the term “*Guidelines*.” As prescribed by HAVA, the EAC process was initially based on the 2002 Voting Systems Standards and will transition to the latest standards issued.

Help America Vote Act of 2002 (HAVA) – The Help America Vote Act (HAVA) of 2002 made reforms to America’s voting process by establishing minimum standards for states regarding election administration. Title III of HAVA contains standards regarding voting systems, provisional voting and voting information, computerized statewide voter registration list, and

requirements for first-time voters who register by mail. HAVA standards are critical to the operation of an election.

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

Logic and Accuracy Testing – Logic and accuracy testing is an integral part of preparing for an election. Each machine (not a sampling of machines) that will be used in an election must be tested prior to that election to ensure it has been programmed correctly and is functioning properly. The logic and accuracy test will also uncover any ballot printing or coding issues that may affect accurate and complete tabulation. Each machine should be tested with a sufficient number of ballots or votes to substantiate that each machine recorded the correct number of votes for each candidate. An electoral board member, general registrar, or a designated representative, must be present during this process and must certify the results from each machine. Form ELECT-633 must be submitted electronically to the Department of Elections after logic and accuracy testing is complete.

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

Voting System – The total combination of mechanical, electromechanical, and electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment, that is used to define ballots, cast and count votes, report or display election results, recount votes and maintain and produce any audit trail information.

Voting System Test Laboratory (VSTL) – Test labs that are accredited to perform conformance testing of voting systems will use SBE approved voting system certification standard to guide the development of test plans, the testing of systems, and the preparation of test reports and recommendations for granting state certification.

B – Contacts

The Department of Elections

The certification request package should be sent to:

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

All other inquiries should be sent to:

Email: info@elections.virginia.gov

C – Acceptance Test

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

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

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

1. Process simulated ballots for each precinct or polling place in the jurisdiction
2. Display an appropriate message on the review screen if a voter does not follow the ballot instruction.
 - a. Able to override the warning messages for overvote, undervote or blank ballot to cast the ballot
3. Handle Write-in votes
4. Create a Cast Vote Record (CVR) per each vote
5. Produce an input to or generate a final report of the election, and interim reports as required
6. Generate system status and error messages
7. Comply with and enable voter and operator compliance with all applicable procedural, regulatory, and statutory requirements
8. Produce an audit log

Validation of Certification

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

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

D – Test Assertions

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

General Requirements	
<i>Statutory Requirement</i>	<i>Test Assertions</i>
<p><i>§ 24.2-626.1. Acquisition and use of accessible voting devices.</i></p> <p><i>1. Provide for at least one voting system equipped for individuals with disabilities at each polling place, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.</i></p> <p><i>2. Provide alternative language accessibility when required by § 203 of the Voting Rights Act of 1965 (52 U.S.C. § 10503).</i></p>	<p>I – The voting system must support audio ballots.</p>
	<p>II – Using the voting system, an individual voting by audio ballot does not require assistance by marking the ballot.</p>
	<p>III – The voting system must support multiple languages; including, English, Spanish, Vietnamese and allow future additions and support of other languages.</p>
<p><i>§ 24.2-629 (1). State Board approval process of electronic voting systems.</i></p> <p><i>It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.</i></p>	<p>I – Must be able to alter instructions on the voting system’s electronically displayed ballots and audio ballots.</p>
<p><i>§ 24.2-629 (3). State Board approval process of electronic voting systems.</i></p> <p><i>It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate.</i></p>	<p>I - The voting system must support multiple ballot styles on a single tabulator in a primary election.</p>
	<p>II – All voting systems must provide a voter-verifiable audit trail, a permanent paper record of each vote.</p>
<p><i>§ 24.2-629 (5). State Board approval process of electronic voting systems.</i></p> <p><i>It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no</i></p>	<p>I – The voting system can present an accurate ballot based on a voter’s geopolitical subdivision based on the districts, regions, cities or other boundaries defined by the Commonwealth of Virginia.</p>

General Requirements	
<p><i>more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.</i></p>	<p>II – The voting system presents the voter only with candidates and contests that they are lawfully permitted to vote for.</p>
	<p>III – The voting system allows for the selection of multiple candidates or contest options. The voting system restricts the voter to select only a certain number of candidates or options in each contest. The voting system allows the voter to select a different number of candidates or options in each contest on the ballot.</p>
<p><i>§ 24.2-629 (7). State Board approval process of electronic voting systems.</i></p> <p><i>It shall provide the voter with an opportunity to correct any error before a ballot is cast.</i></p>	<p>I – For electronically displayed ballots, the voting system must provide the voter with a screen to review their selected choices prior to submitting the ballot.</p>
	<p>II - For electronically displayed ballots, the voting system must provide the voter the ability to return to a contest or question to make corrections. The system must also allow for an audio voter to return to any contest or question.</p>
	<p>III – The voting system must provide a warning or alert on the review screen to the voter for an incomplete or incorrect ballot; i.e. overvotes, undervotes, blank ballot.</p>
	<p>IV – ADA voting system must provide a voter-verifiable audit trail, a permanent record of each vote that can be checked for accuracy by the voter before the vote is submitted.</p>
<p><i>§ 24.2-629 (8). State Board approval process of electronic voting systems.</i></p> <p><i>It shall correctly register or record and accurately count all votes cast for candidates and on questions.</i></p>	<p>I – All component and system-level reports generated by the voting system provide accurate results that can be verified against known results.</p>

General Requirements	
<p><i>§ 24.2-657. Determination of vote on voting systems.</i></p> <p><i>In the presence of all persons who may be present lawfully at the time, giving full view of the voting systems or printed return sheets, the officers of election shall determine and announce the results as shown by the counters or printed return sheets, including the votes recorded for each office on the Write-in ballots, and shall also announce the vote on every question. The vote as registered shall be entered on the statement of results. When completed, the statement shall be compared with the number on the counters on the equipment or on the printed return sheets. If, on any ballot scanner, the number of persons voting in the election, or the number of votes cast for any office or on any question, totals more than the number of names on the poll books of persons voting on the machines, then the figures recorded by the machines shall be accepted as correct. A statement to that effect shall be entered by the officers of election in the space provided on the statement of results.</i></p>	<p>II – Public and private ballot counters increment for each accepted ballot. The ballot counters do not increment for ballots rejected by the system.</p> <p>III – The voting system records how many ballots are cast as overvotes, undervotes, Write-ins, and blank ballots for each contest and question.</p>
<p><i>§ 24.2-629 (9). State Board approval process of electronic voting systems.</i></p> <p><i>It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.</i></p>	<p>I – Each tabulator has a lifetime counter/ "protective counter" that cannot be reset without reloading the firmware.</p> <p>II – The "protective counter" increments correctly for each ballot accepted by the tabulator.</p> <p>III – The "protective counter" does not increment for ballots not accepted by the tabulator.</p>
<p><i>§ 24.2-629 (10). State Board approval process of electronic voting systems.</i></p>	<p>I – Each tabulator has a "public counter" which tracks the number of ballots processed and accepted for an election.</p>

General Requirements	
<p><i>It shall be provided with a counter that at all times during an election shall show how many persons have voted.</i></p>	<p>II – The “public counter” increments correctly for each ballot accepted by the tabulator.</p>
	<p>III – The “public counter” does not increment for ballots not accepted by the tabulator.</p>
<p>§ 24.2-629 (11). State Board approval process of electronic voting systems.</p> <p><i>It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.</i></p>	<p>I – The voter cannot be identified in any manner on a ballot.</p>
	<p>II – The voting system audit records contain no information on a specific voter.</p>
	<p>III – The voting system must provide a “privacy sleeve.”</p>
<p>§ 24.2-629 (12). State Board approval process of electronic voting systems.</p> <p><i>It shall be programmable to allow ballots to be separated when necessary.</i></p>	<p>I – All Write-ins can be segregated physically with a diverter or logically separated with an electronic Write-in Report.</p>
	<p>II – Voting systems that centrally process ballots must <u>physically separate Write-ins from other ballots</u> or logically separate ballots with Write-in votes electronically.</p>
<p>24.2-629 (13). State Board approval process of electronic voting systems.</p> <p><i>Ballot scanner machines shall report, if possible, the number of ballots on which a voter under voted or over voted.</i></p>	<p>I – The voting system must alert the voter when the ballot submitted has an overvote or undervote, or the ballot is blank.</p>
	<p>II – The voting system must allow the voter to submit a ballot with an overvote or undervote, or a blank ballot.</p>
	<p>III – The voting system must count ballots cast with an undervote, overvote, or blank ballot. The system must be capable of producing a human-readable report on the number of ballots on which a voter under voted, and the number of ballots on which a voter over voted.</p>

General Requirements	
	IV – All Write-ins are properly handled including segregation of Write-ins physically with a diverter or logically with electronic Write-in Report.
<p><i>§ 24.2-637. Furniture and equipment to be at polling places.</i></p> <p><i>Before the time to open the polls, each electoral board shall ensure that the general registrar has the voting and counting equipment and all necessary furniture and materials at the polling places, with counters on the voting or counting devices set at zero (000).</i></p>	I – The tabulation component of the voting system must have a public counter. Upon opening of the polls, the tabulator must print a zero-proof report and the voting system must provide a means by which the report and the counter can be reconciled.
<p><i>§ 24.2-658. If machines that print returns are used, the printed inspection sheet and two copies of the printed return sheet containing the results of the election for each machine.</i></p>	I – The voting system can support the ability to print multiple results tapes.
<p><i>§ 24.2-802. (Effective until July 1, 2020) Procedure for recount.</i></p> <p><i>The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.</i></p>	I – The voting system can be programmed to recount a single contest.

General Requirements	
<i>Functional</i>	<i>Test Assertions</i>
<p><i>Voting equipment must display an appropriate message if a voter does not follow the ballot instruction. Allow the voter to override the warning message to cast his/her ballot.</i></p>	<p>I – The voting system must provide written and audio instruction for electronically displayed ballots.</p>
	<p>II - The voting system must allow the voter to return to a contest or question to make corrections for electronically displayed ballots. The voting system must allow an audio voter to return to a contest or question to make corrections.</p>
	<p>III – The voting system must provide feedback to the voter for incomplete/ incorrect votes. i.e. overvotes, undervotes, blank ballot.</p>
	<p>IV – The voting system must allow the voter to override warning messages for incomplete/ incorrect votes. i.e. overvotes, undervotes, blank ballot.</p>
<p><i>Define ballot formats for a primary election, a general election, and special election including all voting options defined by the Code of Virginia.</i></p>	<p>For a Virginia Primary Election, the voting system must define the primary ballot as follows:</p> <ul style="list-style-type: none"> • Open Primary • Two Parties • No Write-in candidates • Support split precincts • Voting for N of M contests • Support of all contests • Support for all candidates • Multi-language support (English, Spanish, Vietnamese) • Referendum/Question contests
	<p>For a Virginia General Election, the voting system must define the general ballot as follows:</p> <ol style="list-style-type: none"> 1. Partisan contests

General Requirements	
	<ol style="list-style-type: none"> 2. Non-partisan contests 3. Write-in candidates 4. Support for split precincts 5. Voting for N of M contests 6. Support of all contests 7. Support for all candidates 8. Multi-language support (English, Spanish, Vietnamese) 9. Referendum/Question contests
<i>The voting system must create a Cast Vote Record (CVR) defined as, a Permanent record of all votes produced by a single voter whether in electronic, paper or other form, for each ballot for all elections.</i>	I – The voting system must produce a CVR in human-readable format.
<i>The CVR must integrate in a readable format.</i>	I – The voting system can export the CVR to a portable transport media. The voting system must produce a CVR in human-readable format.
<i>The voting system must be able to perform the Logic and Accuracy Tests.</i>	I – The voting system can be programmed for a primary, general, or special election.
	II – The voting system can process a known test deck containing valid marks, non-valid marks, undervotes, overvotes, and Write-in votes.
	III – The voting system can report accurate results from the known test deck.
	IV – The voting system provides a verifiable means that all test data are removed after the completion of the Logic and Accuracy Test from the voting system.
	V – Test ballots can be produced by a Ballot Marking Device (BMD) and can be used in the known test deck.

General Requirements	
<i>The voting system must comply with the requirements for Write-in image and format.</i>	I – The voting system must make a copy of the voter’s Write-in vote; the copy must be as legible as the original.

Security Requirements	
<i>Statutory</i>	Test Assertions
<p>§ 24.2-625.2. <i>Wireless communications at polling places.</i> <i>There shall be no wireless communications on election day, while the polls are open, between or among voting machines within the polling place or between any voting machine within the polling place and any equipment outside the polling place. For purposes of this section, the term wireless communication shall mean the ability to transfer information via electromagnetic waves without the use of electrical conductors.</i></p>	<p>I – The voting system will not transfer information between or among voting machines wirelessly. Here, wirelessly means “via electromagnetic waves without the use of electrical conductors.”</p>
	<p>II – The voting system will be unable to communicate wirelessly between devices inside and outside the polling place. Here, wirelessly means “via electromagnetic waves without the use of electrical conductors.”</p>
<p>§ 24.2-634. <i>Locking and securing after preparation.</i> <i>When voting equipment has been properly prepared for an election, it shall be locked against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be retained in the custody of the general registrar and delivered to the officers of election as provided in § 24.2-639. After the voting equipment has been delivered to the polling places, the general registrar shall provide ample protection against tampering with or damage to the equipment.</i></p>	<p>I – The tabulation component of the voting system must have the ability to be physically locked and require a key.</p>
<i>Functional</i>	Test Assertions
<p><i>The voting system must allow instruction to voters to be modified through administrative rights.</i></p>	<p>I – Only those with administrative rights can alter the instruction to voters.</p>

Security Requirements	
<i>The voting system cannot have the built-in wireless communications abilities.</i>	I - No component of the voting system can have wireless communications hardware unless disabled in the BIOS (password protected/locked BIOS and non-default password is different for each locality). i.e. wireless network cards, Bluetooth, infrared.
<i>The voting system must comply with the latest encryption standard.</i>	I – All modules are cryptographic and are FIPS 140-2 v1 compliant.
	II – All stored images are digitally signed.
	III – All digital hashes use SHA256 hashing algorithm or higher.
<i>The voting system must comply with the latest password protection standards.</i>	I – The voting system must require for a minimum 8 character password.
<i>The voting system must be hardened using the voting system provider’s procedures and specifications.</i>	I – The Security Content Automation Protocol (SCAP) for the voting system must be provided.
	II – The voting system can be verified to be in compliance with the SCAP checklist and all manufacturer procedures and specifications.

Audit Requirements	
Statutory	Test Assertions
<p><i>§ 24.2-671.1. Audits of ballot scanner machines.</i></p> <p><i>A. The Department of Elections shall coordinate a post-election risk-limiting audit annually of ballot scanner machines in use in the Commonwealth. The localities selected for the audit shall be chosen at random with every locality participating in the Department's annual audit at least once during a five-year period. The purpose of the audits shall be to study the accuracy of ballot scanner machines.</i></p> <p><i>B. No audit conducted pursuant to this section shall commence until after the election has been certified and the period to initiate a recount has expired without the initiation of a recount. An audit shall have no effect on the election results.</i></p> <p><i>C. All audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars in accordance with the procedures prescribed by the Department. The procedures established by the Department shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits.</i></p> <p><i>D. The local electoral boards shall report the results of the audit of the ballot scanner machines in their jurisdiction to the Department. At the conclusion of each audit, the Department shall submit a report to the State Board. The report shall include a comparison of the audited election results and the initial tally for each machine audited and an analysis of any detected discrepancies.</i></p>	<p>I – The voting system must be capable of producing a CVR for purposes of conducting a post-election risk-limiting audit.</p>

E – Software Patching Guidelines

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

F – Recertification Guidelines

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

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

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

G – Hardware Guidelines

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

1. Must be fully wiped per the DoD 5220.22-M wiping standard to prevent any preloaded software from being inadvertently installed on the systems
2. Must be cryptographic and FIPS 140-2 v1 compliant
3. Must use SHA256 hashing algorithm or higher
4. Must comply with applicable Commonwealth information security standards
5. Must comply with applicable policies, guidelines, and directives as adopted and modified by the SBE from time to time.

H – Voting System Modifications & Product End of Life Planning

Voting System Modifications

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

Product End of Life Planning

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

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

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

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

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

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

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

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



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Vendor Notification of “End of Life”

We have certified equipment with the SBE and have determined that the following (hardware/software/components) in our certified system will, within 18 months, be at “End of Life” status. Complete this form (for the areas applicable), attach the upgrade plan and send to:

Secretary of SBE, 1100 Bank Street, 1st Floor, Richmond, VA 23219

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

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

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

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

Vendor _____ Date: _____

Certified Voting Systems Impacted: _____

Certified Version(s) Software: _____ Firmware: _____

Certified Product: _____

Certified EPB System Impacted: _____

Certified Version(s): _____

DATE(S) FOR “END OF LIFE”:

	Operating System (description) _____
	Software (Modules or Packages) (description) _____
	Product(s) (components) (description) _____

Vendor must submit an upgrade plan to the SBE 12 months in advance of “End of Life”. The plan should include timeline(s), list of impacted localities, estimated cost for localities (if any), and VSTL report(s) showing the upgrade(s) will ensure all systems operate properly with the new upgrade(s) and/or replacements(s).*

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

ELECT Personnel Received and Reviewed by _____ Date: _____

EOL Upgrade Plan Approved REJECTED SBE Meeting: _____

I – Voting System Certification Application Form

Certification <input type="checkbox"/>	Recertification <input type="checkbox"/>
--	--

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

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

Name of Company: _____

Name and Title of Corporate Officer: _____

Contact Phone Number: _____

Email Address: _____

Primary Address of Company: _____

City, State, Zip Code: _____

Name of voting system to be certified: _____

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

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

Signature of Corporate Officer: _____

Date: _____

J – De Minimis Change Guideline

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

1. Update a discrete component of the system and do not impact overall system functionality
2. Do not modify the counting or tally logic of a component or the system (formatting changes to reports are allowable)
3. Do not affect the accuracy of the component or system
4. Do not negatively impact the functionality, performance, accessibility, usability, safety, or security of a component or system
5. Do not alter the overall configuration of the certified system (e.g. adding ballot marking device functionality to a previously certified DRE component)
6. Can be reviewed and/or tested by VSTL personnel in a short amount of time (approximately less than 100 hours).

A vendor must submit the VSTL’s endorsed package to ELECT for approval along with a copy of the EAC determination. A proposed De Minimis Change may not be implemented to the certified voting system until the change has been approved in writing by ELECT.

VSTL Endorsed Changes

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

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

VSTL Review

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

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

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

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

ELECT's Action

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

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

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

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



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Virginia State Board of Elections | Request for De Minimis Change

In accordance with the State Certification of Voting System and Electronic Pollbook Requirements and Procedures, SBE has adopted guidelines to manage hardware/software related changes to certified Voting System and Electronic Pollbook System. To request a De Minis Change the procedure begins with a letter, from the vendor to the Secretary of the State Board of Elections and the VSTL endorsed package for the De Minimis Change. This letter shall begin the process to evaluate whether the De Minimis Change will be approved for use on Voting Systems and/or Electronic Pollbooks certified in Virginia.

De Minimis Changes should have the following characteristics:

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

Vendor description of the De Minimis Change: _____

Description of the facts giving rise to or necessitating the change: _____

Document any potential impact to election official currently using the system and any required notifications to those officials. _____

VSTL endorsed package included.

Signature of Company Officer: _____ Date: _____

ELECT's Action: Received by: _____ Date: _____

Reviewed by: _____ Date: _____

APPROVED

REJECTED

Vendor Notified of Status by: (initials) _____ Date: _____

K – Cast Vote Record Clarification

1. A permanent record of all votes produced by a single voter
2. Electronic CVRs are called ballot images
3. CVR is evidence that a ballot was available for review by the voter
4. CVR should have an identifier that can be linked to an identifier on the corresponding paper ballot provided; the scanner creating the CVR can impress an identifier on the ballot as it is scanned
5. CVR should include indications of what actions the scanner took if the scanner does contest-rule post-processing of the ballot selections
6. CVR has indications of marginal marks, mark quality/density (if scanner is capable).
7. A CVR can include signed/hashed references to an associated image of the ballot or images of write-ins made by the voter on a paper ballot



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STATE BOARD *of* ELECTIONS

KnowInk Electronic Pollbook Certification

BOARD WORKING PAPERS
Brandon Smith
Chief Technology Officer



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DEPARTMENT *of* ELECTIONS

Memorandum

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

From: [Londo Andrews](#), Voting Systems Security Manager

Date: May 28, 2024

Re: KNOWink, LLC Electronic Pollbook (EPB) System Certification – Pollpad 3.4.8 version

Suggested motion for Board Member to make:

I move that the Board certify the use of KNOWink electronic pollbook system – Pollpad 3.4.8, in elections in the Commonwealth of Virginia, pursuant to the State Certification of Electronic Pollbooks:

Requirements and Procedures.

Applicable Code Section: § 24.2- Chapter 6 - 611

Attachments:

Your Board materials include the following:

- Knowink Pollpad 3.4.8 EPB system certification letter provided by SLI Compliance
- Chesterfield County, April 26, 2024 Mock Election correspondence
- Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*

Background:

Following the steps prescribed in the Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*, Knowink initiated the certification evaluation to the Department of Elections on Jan. 8, 2024. Knowink provided their Technical Data Package and Corporate Information (required under step 2 of the Requirements and Procedures). Both of these submissions were deemed complete and in sufficient detail to warrant step 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. Knowink provided the certification fee and the testing/evaluation was conducted on March 11th through March 13th, 2024 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Chesterfield County on April 26, 2024. The Knowink PollPad (electronic pollbook) presented for certification under version 3.4.8 successfully completed Virginia Electronic Pollbook State Certification requirements.



Chesterfield County Office of the General Registrar

Office Location - 9848 Lori Road (Court Square) ♦ 804-748-1145 ♦ 804-751-0822 (fax)
Mailing Address - PO Box 1690 ♦ Chesterfield, VA 23832 ♦ Registrar@Chesterfield.gov

GENERAL REGISTRAR

Missy Vera

ELECTORAL BOARD

CHAIR – Dorothy Jaeckle

VICE CHAIR – Rick Michael

SECRETARY – Lynette Clements

Londo Andrews, M.S. CIS
Va. Voting Systems Security Program Manager
Virginia Department of Elections
1100 Bank Street, 1st Floor
Richmond, VA 23219

Dear Londo Andrews,

I am writing to extend my sincere appreciation for the invitation to participate in the State's certification process and the opportunity to contribute to the successful execution of the mock election, specifically focusing on the integration and functionality of the KnowInk poll pads and Epulse

On April 26th, 2024, we participated in the Mock Election for the state certification process for KnowInk version 3.4.8. Those present were, from Chesterfield County, Missy Vera (General Registrar), Michael Schwartz (Chief Deputy Registrar), Dorothy Jaeckle (Electoral Board Chair), Rick Michael (Electoral Board Vice Chair), Lynette Clements (Electoral Board Secretary), Ben Goo (Information Security Analyst) and the Department of Elections representative Londo Andrews.

During the recent mock election utilizing the KnowInk poll pads along with Epulse, we are pleased to confirm that there were no reported issues with the equipment. The systems operated precisely as expected, facilitating the electoral process seamlessly. The voter credit file was uploaded with no issue, each poll pad was able to load election, open polls, check in voter, attempted to make errors however the system did not allow them to proceed and lastly close polls and retrieve voter credit for that day.

It would be negligent of me not to express my heartfelt thanks to the entire team who played a pivotal role in coordinating this endeavor. Their commitment and expertise were instrumental in securing the successful result of the simulated election.

Thank you once again for affording us this opportunity. We look forward to the prospect of future collaborations and remain committed to supporting the advancement of our electoral processes.

Sincerely,

A handwritten signature in blue ink, appearing to be "Missy Vera".

Missy Vera
General Registrar and Director of Elections
Chesterfield County
804-751-2247

MOCK ELECTION

KNOWINK LLC

ORGANIZATION	TIME	EVENT DATE	LOCATION
Department of Elections (ELECT), Chesterfield County General Registrar Office, Chesterfield County Electoral Board, KnowINK LLC	8:00 AM – 11:00 AM	Friday April 26, 2024	Address: 9848 Lori Rd, Chesterfield, VA 23832 Phone: (804) 748-1471

NO	NAME	PHONE	EMAIL	DATE/TIME	SIGNATURE
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Chesterfield County Electoral Board

1	Dorothy Jaedle			4/26/2024 9:55	Dorothy A. Jaedle
2	Rick Michael			4/26/2024 9:55	Rick Michael
3	Lynette Clements			4/26 9:55	Lynette Clements

Chesterfield County Registrar's Office

4	Benjamin Fox			4/26/24 9:56	Benjamin Fox
5	Michael Schwartz			4/26/24	Michael Schwartz
6	Missy Vere			4/26/24	Missy Vere
7					

ELECT Staff

8	Linda P. Anderson			4/26/2024	Linda P. Anderson
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Electronic Pollbook Certification Standard

March 2023

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Chapter 1: Introduction

1.1. Purpose of Procedures

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

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

1.2. Specific Requirements

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

1.3. Decertification

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

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

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

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

1.4. Recertification

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

Chapter 2: Basis for Certification

2.1. State Certification Testing

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

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

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

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

8. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one to all of the EPBs become inoperable, and if there is not an alternate recovery means available then the removable storage must reflect the voter activity record at that moment and can be used to continue with election
9. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
10. Support the industry standard for clean wipe method remotely and manually
11. Transaction Logging and Audit Reports including the following details:
 - a. Log all changes to EPB post the initial download
 - b. Transactions at the polling places
 - c. Export logs in a readable format
 - d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
12. All modules and data are cryptographic and are FIPS 140-2 v1 compliant including at rest and in transit
13. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
14. Harden the EPB system using the vendor's procedures and specifications.

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

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

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

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

2.3. EPB System Software Elements

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

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

2.4. Early Voting Connection Requirements

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

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

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

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

Chapter 3: Review and Approval Process

3.1. Summary of Process

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

Six Phases of the Certification Review Process:

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

3.2. Certification Review Process

Phase 1: Certification Request from Vendor

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

1. EPB Certification Application Form, signed by a company officer; see Appendix I
2. A copy of the certification(s) from other state(s) for the proposed EPB
3. Whether the proposed EPB system has ever been denied certification or had certification withdrawn in any state
4. Eight copies of a brief overview description of the EPB system
 - a. Typical marketing brochures are usually sufficient for the description
5. A list of all states where the proposed EPB system version is currently used
6. The vendor will provide a check for \$10,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor's if the difference of VSTL's invoices are less and the refund amount is over \$100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond.

Certification is two-day event. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.

- a. Checks for \$10,000 must be received by ELECT before the certification will be started Make checks or money order payable to Treasurer of Virginia
 - i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219
7. TDP must clearly identify all items:
 - a. If the TDP is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
 - b. Upon the receipt of the corrected TDP from the vendor, the evaluation of the EPB system will be rescheduled
8. Corporate Information must clearly identify all items:
 - a. If the Corporate Information is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
 - b. The evaluation process will be rescheduled after the corrected package is received.

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

Technical Data Package - (please review the excel file)

There is an excel file you must submit with your request! If you do not see the excel file, please request the "Vendor EPB_System Certification Standard ... Submission Checklist" excel file from us.

With your application comes an excel file, that allows you to check-off what you have submitted. This excel file also explains that files and contents of files must meet a certain naming convention and have in them only the content expressed in the file name. Please review the excel file for more information. The TDP files you submit must be formatted with the proper naming convention listed on the excel file and have the accurate content in the file. If not your full submission will be rejected. Your TDP must contain the following items if they were not included in the TDP submitted:

1. *Hardware Schematic Diagrams*: Schematic diagrams of all hardware
2. *Hardware Theory of Operations*: Documentation describing the theory of operation of the hardware including power cords and backup battery
3. *System architecture with network and infrastructure connectivity*: Documentation to include system architecture, network, and data flow diagrams and to clearly specify all applicable components, cloud services and infrastructure connectivity
4. *Software Deviations*: Include any exception(s) to the Security Content Automation Protocol (SCAP) checklist; document the reason why there is an exception and the mitigating controls/tools in place to secure the system
5. *Software System Design*: Documentation describing the logical design of the software
 - a. This documentation should clearly indicate the various modules of the software, such as:
 - i. The list of functions
 - ii. System flowchart

- iii. The interrelationships of modules
 - iv. The list of data formats that the EPB system can import and export
 - b. Clearly specify the operating system and version with:
 - i. The Last Date of Mainstream Support, as defined in Appendix H
 - ii. SHA256 hash value, and modification
- 6. *Software and Firmware Source Code*: A copy of the EPB, software and firmware source code including the operating system, directory structure of the source code, and a map to show how the source code was built into the final install files. The source code will be sent to the VSTL for review to VVSG standards and/or the vendor should supply VSTL report that the code was reviewed to the standards within the past year. If the operating system or any component has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT. The Last Date of Mainstream Support cannot include any type of Extended Support.
- 7. *Independent Third-Party Application Penetration Analysis Report*: An accredited application penetration test conducted, within the past 12 months, to analyze the system for potential vulnerabilities according to current industry standards. Potential vulnerabilities may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the EPB system, whether or not the vulnerabilities can be mitigated through compensating controls. Pursuant to Virginia Code § 24.2-625.1, the Penetration Analysis Report is confidential and excluded from inspection and copying under the Virginia Freedom of Information Act. If a penetration test has been conducted in another state within the past 12 months on the same version of the EPB system, then that may be submitted to fulfill this requirement.
- 8. *Customer Maintenance, Repair & Troubleshooting Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will provide maintenance, repair and troubleshooting of the system
- 9. *Operations Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system
- 10. *User Guide and Documents*: The vendor should provide the following:
 - a. A quick reference guide with detail instructions for a precinct election officer to set up, use, and shut down the EPB system
 - b. Clear model of EPB system architecture with the following documentations:
 - i. End User Documentation

- ii. System-Level and Administrator-Level Documentation
 - iii. Developer Documentation
 - c. Failsafe data recovery procedures for information in the EPB system
 - d. A list of customers who are using or have previously used the EPB system
 - i. The description of any known incidents or anomalies involving the functioning of the EPB system, including how those incidents or anomalies were resolved with customer and date
11. *Recommended Security Practices*: CIS Security Best Practices, including:
- a. System Security Architecture
 - b. System Event Logging
 - c. System Security Specification
 - d. Security Content Automation Protocol (SCAP)
 - e. Cryptography
 - f. Equipment and Data Security
 - g. Network and Data Transmission Security
 - h. Access control
 - i. Authentication procedure
 - j. Software
 - k. Physical Security
12. *Standard Contract, Product Support and Service Level Agreement (SLA)*: Customer and Technical Support hours and contact information. The SLA should specify the escalation timeline and procedure with contact information. Vendor's capacity to provide, including:
- a. On-Site Support and Technical Support within the SLA on:
 - i. Election Day (defined as the start of the Early Voting period up to and including Election Day; see Appendix K)
 - ii. Within 60 days before Election Day
 - b. Resolution to outstanding issue(s), repair, maintenance and service requests within 30 days
13. *Maintenance Services, Pricing and Financing Options*: A list of maintenance services with price. Terms for replacing a component or EPB system. Available financing options for purchase or lease
14. *Warranty*: The vendor should provide a list of warranty specifications to include the following:
- a. The period and extent of the warranty
 - b. Repair or Replacement

- i. The circumstances under which equipment is replaced rather than repaired
 - ii. The method by which a user requests such replacement
 - c. Warranty coverage and costs
 - d. Technical documentation of all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time
15. *Software License Agreement*
16. *Test Data and Software*: Vendor's internal quality assurance procedure, internal or external test data and reports, and software that can be used to demonstrate the various functions of the EPB system. Vendor should also verify that the version of the applications submitted are identical to the versions that have undergone the certification testing; for example, hash testing tools.
17. *Non-Disclosure Agreement*: If applicable.

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

Corporate Information (please review the excel file)

Corporate Information must contain the following items:

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

8. Gross sales in EPB products and services for the past three (3) fiscal years and the percent of the vendor's total sales
9. The location of all facilities with manufacturing capability; including names of the third-party vendor(s) that are employed to fabricate and/or assemble any component part of the EPB system being submitted for certification, along with the location of all of their facilities with manufacturing capability
10. The location and servicing capability of each facility that will be used to service the EPB system for certification and the service limitation of the facility
11. Quality assurance process used in the manufacturing and servicing of the EPB system
12. Configuration management process used with the EPB system.

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

Proprietary Information

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

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

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

Phase 2: Preliminary Review

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

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

1. Production working model of the EPB to run through all phases of testing, including:
 - a. All hardware, software and firmware necessary to run the EPB
 - b. Software shall be provided in a format readable by the EPB hardware that is being submitted for certification
 - c. All commercial-off-the-shelf software and necessary drivers, including the operating system, any software applications for logging, reporting, printing, etc.
 - d. All peripheral devices, including those required for usability and accessibility
 - e. Any other components recommended by the manufacturer for use
2. Copy of the Test documents from prior VSTL certification testing, including Test Plan, Test Report, Test Procedures, and Test Cases
3. A release to the VSTL to respond to any requests for information from the Commonwealth of Virginia
4. A release to other states which have decertified the system or prior versions of the system to respond to any requests for information from the Commonwealth of Virginia
5. Any other materials and equipment deemed necessary by ELECT

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

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

Phase 3: Technical Data Package to Voting Systems Test Laboratory

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

Phase 4: Certification Test Report from VSTL

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

Phase 5: On-Site Testing in Mock Election

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

Phase 6: Approval by the SBE

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

3.3. Incomplete Certification Process

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

ELECT reserves the right to terminate the certification process when:

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

Appendices

A – Glossary

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

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

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

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

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

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

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

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

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

B - Contacts

The Department of Elections

The certification request package should be sent to:

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

All other inquiries should be sent to:

Email: info@elections.virginia.gov

C – Acceptance Test

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

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

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

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

8. Close the election and provide multiple secure files which are capable of providing voter credit to the Voter Registration System
9. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one to all of the EPBs become inoperable, and if there is not an alternate recovery means available, then the removable storage must reflect the voter activity record at that moment and can be used to continue with election
10. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
11. Secure the reliable data transfers and display appropriate message for each data transfer to outside of closed network including electronic data management system, central server and cloud data service (This is only for testing of EPBs that will be used for Early Voting)
12. Transaction Logging and Audit Reports including the following details:
 - a. Log all changes to EPB post the initial download
 - b. Transactions at the polling places
 - c. Export logs in a readable format
 - d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
13. All modules and data are cryptographic and are FIPS 140-2 v1 compliant including at rest and in transit
14. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
15. Support the industry standard for clean wipe method remotely and manually.

Audit and Validation of Certification

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

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

D – Test Assertions

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

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

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

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

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

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

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

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

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

<i>Security Requirement</i>	<i>Test Assertions</i>
<i>Support the industry standard for clean wipe method remotely and manually.</i>	I -The EPB must support the ability to write ones and zeros or shred all removable media.
<i>Utilize security best practices for internet connectivity including network, wireless, and cloud services.</i>	I – The EPB must employ the following management techniques: <ul style="list-style-type: none"> • Upgrade to a Modern Operating System and keep it up-to-date • Exercise Secure User Habits • Leverage Security Software • Safeguard against Eavesdropping • Protect Passwords • Limited Use of the Administrator Account • Employ Firewall Capabilities • Implement WPA2 on the Wireless Network • Limit Administration to the Internal Network
<i>Comply with the latest encryption standard for all data including data-at-rest and data-in-transit. This requirement applies to all IT equipment including mobile and stand-alone.</i>	I – All modules and data are cryptographic and are FIPS 140-2 v1 compliant.
	II – The EPB’s audit log must be encrypted, track all transactions and include a date/time stamp.
<i>Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.</i>	I – All passwords used by the EPB follow the NIST SP 800-63B Standard.
	II – All passwords used by the EPB must allow upper case, lower case, numbers, and special characters.
	III – The same password cannot be reused within at least the past 10 times.

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

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

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

Reconciliation of data load to EPB to handle exceptions and discrepancies.

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

E – Software Patching Guidelines

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

F – Recertification Guidelines

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

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

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

G – Hardware Guidelines

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

1. Must be fully wiped per the DoD 5220.22-M wiping standard to prevent any preloaded software from being inadvertently installed on the systems
2. Must be cryptographic and FIPS 140-2 v1 compliant
3. Must use SHA256 hashing algorithm or higher
4. Must comply with applicable Commonwealth information security standards
5. Must comply with applicable policies, guidelines, and directives as adopted and modified by the SBE from time to time.

H – EPB System Modifications & Product End of Life Planning

EPB System Modifications

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

Product End of Life Planning

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

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

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

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

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

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

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

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

I – EPB Certification Application Form

Certification <input type="checkbox"/>	Recertification <input type="checkbox"/>
--	--

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

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

Name of Company: _____

Name and Title of Corporate Officer: _____

Contact Phone Number: _____

Email Address: _____

Primary Address of Company: _____

City, State, Zip Code: _____

Name of EPB System to be certified: _____

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

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

Signature of Corporate Officer: _____

Date: _____

J – De Minimis Change Guideline

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

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

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

VSTL Endorsed Changes

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

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

VSTL Review

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

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

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

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

ELECT's Action

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

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

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

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

K – Early Voting Connection Requirements

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

1. Utilize security best practices for internet connectivity including network, wireless, and cloud services.
2. Utilize a cloud service provider (CSP) whose infrastructure and applications are NIST 800-53 certified through a third party entity.
3. Ensure that CSP SLA contains three major components: Service level objectives, Remediation policies, and penalties/incentives related to NIST compliance, exclusions, and caveats.
4. The connection via VPN must be FIPS 140-2 v1 certified, whether it is a dedicated SSLVPN or just a dedicated connection. If there is a dedicated connection, thorough documentation must be provided.
5. If the EPB Vendor supplies the mobile devices, ensure compliance with NIST 800-53 in relation to these devices, as is done with the infrastructure.
6. Storage, processing, migration, access control, and detection to and from the cloud must be NIST 800-53 compliant.
7. Ensure the CSP is NIST certified by validating their credentials through their third-party certification provider. Ask for internal vulnerability/penetration testing reports, audit reports, incident reports, and evidence of remedial actions for any issues raised. Also, verify tracking of mitigating action-tracking mechanisms (POA&M tracking).

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



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STATE BOARD *of* ELECTIONS

Elections Systems & Software Electronic Pollbook Certification

BOARD WORKING PAPERS
Brandon Smith
Chief Technology Officer



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DEPARTMENT *of* ELECTIONS

Memorandum

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

From: [Londo Andrews](#), Voting Systems Security Manager

Date: May 28, 2024

Re: Election Systems and Software, LLC Electronic Pollbook (EPB) System Certification
- ExpressPoll 7.2.6.0 version

Suggested motion for Board Member to make:

I move that the Board certify the use of Election Systems & Software (ES&S) electronic pollbook system – ExpressPoll 7.2.6.0, in elections in the Commonwealth of Virginia, pursuant to the State Certification of Electronic Pollbooks: *Requirements and Procedures*.

Applicable Code Section: § 24.2- Chapter 6 - 611

Attachments:

Your Board materials include the following:

- ES&S ExpressPoll 7.2.6.0 EPB system certification letter provided by SLI Compliance
- Chesterfield County, April 26, 2024 Mock Election correspondence
- Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*

Background:

Following the steps prescribed in the Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*, Election Systems & Software (ES&S) initiated the certification evaluation to the Department of Elections on Feb. 26, 2024. ES&S provided their Technical Data Package and Corporate Information (required under step 2 of the Requirements and Procedures). Both of these submissions were deemed complete and in sufficient detail to warrant step 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. ES&S provided the certification fee and the testing/evaluation was conducted on March 18th through March 20th, 2024 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Chesterfield County on April 26, 2024. The ES&S ExpressPoll (electronic pollbook) presented for certification under version 7.2.6.0 successfully completed Virginia Electronic Pollbook State Certification requirements.



Chesterfield County Office of the General Registrar

Office Location - 9848 Lori Road (Court Square) ♦ 804-748-1145 ♦ 804-751-0822 (fax)
Mailing Address - PO Box 1690 ♦ Chesterfield, VA 23832 ♦ Registrar@Chesterfield.gov

GENERAL REGISTRAR

Missy Vera

ELECTORAL BOARD

CHAIR – Dorothy Jaeckle

VICE CHAIR – Rick Michael

SECRETARY – Lynette Clements

Londo Andrews, M.S. CIS
Va. Voting Systems Security Program Manager
Virginia Department of Elections
1100 Bank Street, 1st Floor
Richmond, VA 23219

Dear Londo Andrews,

I am writing to extend my sincere appreciation for the invitation to participate in the State's certification process and the opportunity to contribute to the successful execution of the mock election, specifically focusing on the integration and functionality of the ExpressPoll and Express Connect

On April 26th, 2024, we participated in the Mock Election for the state certification process for ExpressPoll version 7.2.6.0. Those present were, from Chesterfield County, Missy Vera (General Registrar), Michael Schwartz (Chief Deputy Registrar), Dorothy Jaeckle (Electoral Board Chair), Rick Michael (Electoral Board Vice Chair), Lynette Clements (Electoral Board Secretary), Ben Goo (Information Security Analyst) and the Department of Elections representative Londo Andrews.

During the recent mock election utilizing the ExpressPoll poll pads along with Express Connect, we are pleased to confirm that there were no reported issues with the equipment. The systems operated precisely as expected, facilitating the electoral process seamlessly. The voter credit file was uploaded with no issue, each poll pad was able to load election, open polls, check in voter, attempted to make errors however the system did not allow them to proceed and lastly close polls and retrieve voter credit for that day.

It would be negligent of me not to express my heartfelt thanks to the entire team who played a pivotal role in coordinating this endeavor. Their commitment and expertise were instrumental in securing the successful result of the simulated election.

Thank you once again for affording us this opportunity. We look forward to the prospect of future collaborations and remain committed to supporting the advancement of our electoral processes.

Sincerely,

Missy Vera
General Registrar and Director of Elections
Chesterfield County
804-751-2247

MOCK ELECTION

ELECTION SYSTEMS & SOFTWARE

ORGANIZATIONS	TIME	EVENT DATE	LOCATION
Department of Elections (ELECT), Chesterfield County General Registrar Office, Chesterfield County Electoral Board, ES&S	2:00 PM – 3:30 PM	Friday April 26, 2024	Address: 9848 Lori Rd, Chesterfield, VA 23832 Phone: (804) 748-1471

NO	NAME	PHONE	EMAIL	DATE/TIME	SIGNATURE
Chesterfield County Electoral Board					
1	Dorothy Joecte			4/26/2024	Dorothy Joecte
2	Rick Michael			4/26/2024 3:30	[Signature]
3	Lynette Clements			4/26/2024 3:30	Lynette Clements
Chesterfield County Registrar's Office					
4	Benjamin Lee			4/26/24	[Signature]
5	Michael Schwab			4/26/24	[Signature]
6	Missy Vora			4/26/24	[Signature]
7	Leslie Foreman			4/26/24	[Signature]
ELECT Staff					
8	Linda P. Anderson			4/26/2024	L.P. Anderson



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DEPARTMENT *of* ELECTIONS

Electronic Pollbook Certification Standard

March 2023

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Chapter 1: Introduction

1.1. Purpose of Procedures

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

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

1.2. Specific Requirements

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

1.3. Decertification

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

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

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

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

1.4. Recertification

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

Chapter 2: Basis for Certification

2.1. State Certification Testing

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

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

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

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

8. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one to all of the EPBs become inoperable, and if there is not an alternate recovery means available then the removable storage must reflect the voter activity record at that moment and can be used to continue with election
9. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
10. Support the industry standard for clean wipe method remotely and manually
11. Transaction Logging and Audit Reports including the following details:
 - a. Log all changes to EPB post the initial download
 - b. Transactions at the polling places
 - c. Export logs in a readable format
 - d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
12. All modules and data are cryptographic and are FIPS 140-2 v1 compliant including at rest and in transit
13. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
14. Harden the EPB system using the vendor's procedures and specifications.

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

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

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

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

2.3. EPB System Software Elements

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

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

2.4. Early Voting Connection Requirements

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

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

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

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

Chapter 3: Review and Approval Process

3.1. Summary of Process

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

Six Phases of the Certification Review Process:

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

3.2. Certification Review Process

Phase 1: Certification Request from Vendor

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

1. EPB Certification Application Form, signed by a company officer; see Appendix I
2. A copy of the certification(s) from other state(s) for the proposed EPB
3. Whether the proposed EPB system has ever been denied certification or had certification withdrawn in any state
4. Eight copies of a brief overview description of the EPB system
 - a. Typical marketing brochures are usually sufficient for the description
5. A list of all states where the proposed EPB system version is currently used
6. The vendor will provide a check for \$10,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor's if the difference of VSTL's invoices are less and the refund amount is over \$100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond.

Certification is two-day event. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.

- a. Checks for \$10,000 must be received by ELECT before the certification will be started Make checks or money order payable to Treasurer of Virginia
 - i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219
7. TDP must clearly identify all items:
 - a. If the TDP is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
 - b. Upon the receipt of the corrected TDP from the vendor, the evaluation of the EPB system will be rescheduled
8. Corporate Information must clearly identify all items:
 - a. If the Corporate Information is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
 - b. The evaluation process will be rescheduled after the corrected package is received.

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

Technical Data Package - (please review the excel file)

There is an excel file you must submit with your request! If you do not see the excel file, please request the "Vendor EPB_System Certification Standard ... Submission Checklist" excel file from us.

With your application comes an excel file, that allows you to check-off what you have submitted. This excel file also explains that files and contents of files must meet a certain naming convention and have in them only the content expressed in the file name. Please review the excel file for more information. The TDP files you submit must be formatted with the proper naming convention listed on the excel file and have the accurate content in the file. If not your full submission will be rejected. Your TDP must contain the following items if they were not included in the TDP submitted:

1. *Hardware Schematic Diagrams*: Schematic diagrams of all hardware
2. *Hardware Theory of Operations*: Documentation describing the theory of operation of the hardware including power cords and backup battery
3. *System architecture with network and infrastructure connectivity*: Documentation to include system architecture, network, and data flow diagrams and to clearly specify all applicable components, cloud services and infrastructure connectivity
4. *Software Deviations*: Include any exception(s) to the Security Content Automation Protocol (SCAP) checklist; document the reason why there is an exception and the mitigating controls/tools in place to secure the system
5. *Software System Design*: Documentation describing the logical design of the software
 - a. This documentation should clearly indicate the various modules of the software, such as:
 - i. The list of functions
 - ii. System flowchart

- iii. The interrelationships of modules
 - iv. The list of data formats that the EPB system can import and export
 - b. Clearly specify the operating system and version with:
 - i. The Last Date of Mainstream Support, as defined in Appendix H
 - ii. SHA256 hash value, and modification
- 6. *Software and Firmware Source Code*: A copy of the EPB, software and firmware source code including the operating system, directory structure of the source code, and a map to show how the source code was built into the final install files. The source code will be sent to the VSTL for review to VVSG standards and/or the vendor should supply VSTL report that the code was reviewed to the standards within the past year. If the operating system or any component has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT. The Last Date of Mainstream Support cannot include any type of Extended Support.
- 7. *Independent Third-Party Application Penetration Analysis Report*: An accredited application penetration test conducted, within the past 12 months, to analyze the system for potential vulnerabilities according to current industry standards. Potential vulnerabilities may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the EPB system, whether or not the vulnerabilities can be mitigated through compensating controls. Pursuant to Virginia Code § 24.2-625.1, the Penetration Analysis Report is confidential and excluded from inspection and copying under the Virginia Freedom of Information Act. If a penetration test has been conducted in another state within the past 12 months on the same version of the EPB system, then that may be submitted to fulfill this requirement.
- 8. *Customer Maintenance, Repair & Troubleshooting Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will provide maintenance, repair and troubleshooting of the system
- 9. *Operations Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system
- 10. *User Guide and Documents*: The vendor should provide the following:
 - a. A quick reference guide with detail instructions for a precinct election officer to set up, use, and shut down the EPB system
 - b. Clear model of EPB system architecture with the following documentations:
 - i. End User Documentation

- ii. System-Level and Administrator-Level Documentation
 - iii. Developer Documentation
 - c. Failsafe data recovery procedures for information in the EPB system
 - d. A list of customers who are using or have previously used the EPB system
 - i. The description of any known incidents or anomalies involving the functioning of the EPB system, including how those incidents or anomalies were resolved with customer and date
11. *Recommended Security Practices*: CIS Security Best Practices, including:
- a. System Security Architecture
 - b. System Event Logging
 - c. System Security Specification
 - d. Security Content Automation Protocol (SCAP)
 - e. Cryptography
 - f. Equipment and Data Security
 - g. Network and Data Transmission Security
 - h. Access control
 - i. Authentication procedure
 - j. Software
 - k. Physical Security
12. *Standard Contract, Product Support and Service Level Agreement (SLA)*: Customer and Technical Support hours and contact information. The SLA should specify the escalation timeline and procedure with contact information. Vendor's capacity to provide, including:
- a. On-Site Support and Technical Support within the SLA on:
 - i. Election Day (defined as the start of the Early Voting period up to and including Election Day; see Appendix K)
 - ii. Within 60 days before Election Day
 - b. Resolution to outstanding issue(s), repair, maintenance and service requests within 30 days
13. *Maintenance Services, Pricing and Financing Options*: A list of maintenance services with price. Terms for replacing a component or EPB system. Available financing options for purchase or lease
14. *Warranty*: The vendor should provide a list of warranty specifications to include the following:
- a. The period and extent of the warranty
 - b. Repair or Replacement

- i. The circumstances under which equipment is replaced rather than repaired
 - ii. The method by which a user requests such replacement
 - c. Warranty coverage and costs
 - d. Technical documentation of all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time
15. *Software License Agreement*
16. *Test Data and Software*: Vendor's internal quality assurance procedure, internal or external test data and reports, and software that can be used to demonstrate the various functions of the EPB system. Vendor should also verify that the version of the applications submitted are identical to the versions that have undergone the certification testing; for example, hash testing tools.
17. *Non-Disclosure Agreement*: If applicable.

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

Corporate Information (please review the excel file)

Corporate Information must contain the following items:

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

8. Gross sales in EPB products and services for the past three (3) fiscal years and the percent of the vendor's total sales
9. The location of all facilities with manufacturing capability; including names of the third-party vendor(s) that are employed to fabricate and/or assemble any component part of the EPB system being submitted for certification, along with the location of all of their facilities with manufacturing capability
10. The location and servicing capability of each facility that will be used to service the EPB system for certification and the service limitation of the facility
11. Quality assurance process used in the manufacturing and servicing of the EPB system
12. Configuration management process used with the EPB system.

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

Proprietary Information

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

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

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

Phase 2: Preliminary Review

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

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

1. Production working model of the EPB to run through all phases of testing, including:
 - a. All hardware, software and firmware necessary to run the EPB
 - b. Software shall be provided in a format readable by the EPB hardware that is being submitted for certification
 - c. All commercial-off-the-shelf software and necessary drivers, including the operating system, any software applications for logging, reporting, printing, etc.
 - d. All peripheral devices, including those required for usability and accessibility
 - e. Any other components recommended by the manufacturer for use
2. Copy of the Test documents from prior VSTL certification testing, including Test Plan, Test Report, Test Procedures, and Test Cases
3. A release to the VSTL to respond to any requests for information from the Commonwealth of Virginia
4. A release to other states which have decertified the system or prior versions of the system to respond to any requests for information from the Commonwealth of Virginia
5. Any other materials and equipment deemed necessary by ELECT

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

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

Phase 3: Technical Data Package to Voting Systems Test Laboratory

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

Phase 4: Certification Test Report from VSTL

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

Phase 5: On-Site Testing in Mock Election

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

Phase 6: Approval by the SBE

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

3.3. Incomplete Certification Process

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

ELECT reserves the right to terminate the certification process when:

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

Appendices

A – Glossary

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

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

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

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

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

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

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

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

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

B - Contacts

The Department of Elections

The certification request package should be sent to:

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

All other inquiries should be sent to:

Email: info@elections.virginia.gov

C – Acceptance Test

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

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

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

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

8. Close the election and provide multiple secure files which are capable of providing voter credit to the Voter Registration System
9. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one to all of the EPBs become inoperable, and if there is not an alternate recovery means available, then the removable storage must reflect the voter activity record at that moment and can be used to continue with election
10. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
11. Secure the reliable data transfers and display appropriate message for each data transfer to outside of closed network including electronic data management system, central server and cloud data service (This is only for testing of EPBs that will be used for Early Voting)
12. Transaction Logging and Audit Reports including the following details:
 - a. Log all changes to EPB post the initial download
 - b. Transactions at the polling places
 - c. Export logs in a readable format
 - d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
13. All modules and data are cryptographic and are FIPS 140-2 v1 compliant including at rest and in transit
14. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
15. Support the industry standard for clean wipe method remotely and manually.

Audit and Validation of Certification

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

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

D – Test Assertions

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

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

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

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

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

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

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

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

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

<i>Security Requirement</i>	<i>Test Assertions</i>
<i>Support the industry standard for clean wipe method remotely and manually.</i>	I -The EPB must support the ability to write ones and zeros or shred all removable media.
<i>Utilize security best practices for internet connectivity including network, wireless, and cloud services.</i>	I – The EPB must employ the following management techniques: <ul style="list-style-type: none"> • Upgrade to a Modern Operating System and keep it up-to-date • Exercise Secure User Habits • Leverage Security Software • Safeguard against Eavesdropping • Protect Passwords • Limited Use of the Administrator Account • Employ Firewall Capabilities • Implement WPA2 on the Wireless Network • Limit Administration to the Internal Network
<i>Comply with the latest encryption standard for all data including data-at-rest and data-in-transit. This requirement applies to all IT equipment including mobile and stand-alone.</i>	I – All modules and data are cryptographic and are FIPS 140-2 v1 compliant.
	II – The EPB’s audit log must be encrypted, track all transactions and include a date/time stamp.
<i>Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.</i>	I – All passwords used by the EPB follow the NIST SP 800-63B Standard.
	II – All passwords used by the EPB must allow upper case, lower case, numbers, and special characters.
	III – The same password cannot be reused within at least the past 10 times.

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

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

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

Reconciliation of data load to EPB to handle exceptions and discrepancies.

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

E – Software Patching Guidelines

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

F – Recertification Guidelines

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

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

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

G – Hardware Guidelines

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

1. Must be fully wiped per the DoD 5220.22-M wiping standard to prevent any preloaded software from being inadvertently installed on the systems
2. Must be cryptographic and FIPS 140-2 v1 compliant
3. Must use SHA256 hashing algorithm or higher
4. Must comply with applicable Commonwealth information security standards
5. Must comply with applicable policies, guidelines, and directives as adopted and modified by the SBE from time to time.

H – EPB System Modifications & Product End of Life Planning

EPB System Modifications

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

Product End of Life Planning

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

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

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

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

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

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

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

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

I – EPB Certification Application Form

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

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

Name of Company: _____

Name and Title of Corporate Officer: _____

Contact Phone Number: _____

Email Address: _____

Primary Address of Company: _____

City, State, Zip Code: _____

Name of EPB System to be certified: _____

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

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

Signature of Corporate Officer: _____

Date: _____

J – De Minimis Change Guideline

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

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

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

VSTL Endorsed Changes

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

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

VSTL Review

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

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

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

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

ELECT's Action

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

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

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

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

K – Early Voting Connection Requirements

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

1. Utilize security best practices for internet connectivity including network, wireless, and cloud services.
2. Utilize a cloud service provider (CSP) whose infrastructure and applications are NIST 800-53 certified through a third party entity.
3. Ensure that CSP SLA contains three major components: Service level objectives, Remediation policies, and penalties/incentives related to NIST compliance, exclusions, and caveats.
4. The connection via VPN must be FIPS 140-2 v1 certified, whether it is a dedicated SSLVPN or just a dedicated connection. If there is a dedicated connection, thorough documentation must be provided.
5. If the EPB Vendor supplies the mobile devices, ensure compliance with NIST 800-53 in relation to these devices, as is done with the infrastructure.
6. Storage, processing, migration, access control, and detection to and from the cloud must be NIST 800-53 compliant.
7. Ensure the CSP is NIST certified by validating their credentials through their third-party certification provider. Ask for internal vulnerability/penetration testing reports, audit reports, incident reports, and evidence of remedial actions for any issues raised. Also, verify tracking of mitigating action-tracking mechanisms (POA&M tracking).

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



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Locality Electronic System Standards (LESS)

BOARD WORKING PAPERS
Brandon Smith
Chief Technology Officer



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STATE BOARD *of* ELECTIONS

Closed Session

LESS

BOARD WORKING PAPERS
Brandon Smith
Chief Technology Officer



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STATE BOARD *of* ELECTIONS

Finalization of Stand By Your Ad Decision from the April 10th Meeting

BOARD WORKING PAPERS
Tammy Alexander
Campaign Finance
Compliance and Training Supervisor



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STATE BOARD *of* ELECTIONS

Memorandum

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

From: Tammy Alexander, Campaign Finance Compliance and Training Supervisor

Date: May 28, 2024

Re: Final Decisions for SBYA Hearings from April 10, 2024

Recommended Motion

I move that the Board finalize the decision made on the Williamsburg – James City County Republican Committee – PAC-12-00611 Stand By Your Ad (SBYA) violation assessed at the April 10, 2024 State Board of Elections (SBE) meeting.

Background

April 10, 2024, the Department of Elections (ELECT) presented one possible SBYA violation to the Board. The Board found the following on one committee:

1. Williamsburg – James City County Republican Committee – PAC-12-00611 - **\$100.00**

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



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Campaign Finance Regulations for Print Media Advertisement

BOARD WORKING PAPERS
Steven Koski
ELECT Policy Analyst



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STATE BOARD *of* ELECTIONS

Memorandum

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

From: Steve Koski, Policy Analyst

Date: May 28, 2024

Re: Print Media Disclosure Regulation

Suggested Motion

“Pursuant to § 2.2-4011 of the Code of Virginia, I move that the Board approve 1VAC-20-90-40 as presented. Further, I move that the Board direct ELECT to delay enforcement of the regulation, aside from clear violations of the general requirements also stated in the Code, until January 1, 2025.”

Applicable Code Sections

§ 24.2-956.1. Requirements for print media advertisements sponsored by a person or political committee, other than a candidate campaign committee.

Background

Previously, §24.2-956.1(5) of the Code of Virginia required that a disclosure statement on print media be displayed in a conspicuous manner with at least 7-point font size. Acts of Assembly Chapter 557 of 2020 (HB 1238) amended this section to remove the specific font size requirement and simply require that the font size be proportionate to the size of the advertisement. Further, it directs the State Board to promulgate standards for complying with the requirements.

On June 22, 2021, the Board initiated a new regulatory action, 1VAC20-90-40, to create the required standards. The proposed standards largely mirror the standards used at the federal level by the Federal Election Commission and includes the following requirements:

- Sufficient font size to be clearly readable by the recipient of the communication. For an advertisement 24x36 inches or smaller, twelve (12)-point font size is sufficient.
- The disclosure statement must be in a printed box apart from the other contents.
- The disclosure statement must have reasonable color contrast with the advertisement background. Black printed on a white background meets the requirement. Also met if contrast between disclosure and the advertisement's background is no less than the contrast between the background and the largest text on the advertisement.

While the initial Board action occurred in 2021 and the language was published on Town Hall, there was a delay in the process after the “Notice of Intended Regulatory Action” stage; it is currently in the “Proposed” stage. Therefore, while the regulation continues through the regulatory process, which will include a 60-day public comment period, ELECT proposes that the Board adopt the regulation as a short-term emergency regulation pursuant to § 2.2-4011. This will allow the standards to be promulgated by the intended date of July 1, 2024.

Further, ELECT recommends that the Board direct ELECT staff to delay enforcement of the new standards until January 1, 2025, aside from clear violations of the general requirements for the statement to be displayed in a conspicuous manner in a font size proportionate to the size of the advertisement, consistent with §24.2-956.1(5) of the Code of Virginia. This delay is permissible, as discretion is given to the State Board by § 24.2-955.3(D) in determining violations related to advertisement disclosures. Further, it is in the spirit of the enabling legislation, which provided a delay between promulgation of the regulation and its enforcement. The delay will provide reasonable notice to impacted parties and will help inform public comment during the normal regulatory process for the permanent regulation.

Recommendation

ELECT recommends that the SBE approve 1VAC20-90-40, as presented, pursuant to § 2.2-4011 of the Code and direct ELECT staff to delay enforcement of the standards until January 1, 2025, aside from clear violations of the general requirements also stated in §24.2-956.1(5) of the Code.

Attachments

1VAC20-90-40, as proposed.

1VAC20-90-40 Disclosure statement requirements; print media advertisements

A. The following standards apply to print media advertisements under § 24.2-956 and § 24.2-956.1 of the Code of Virginia.

B. Any disclosure statement required under either § 24.2-956 or § 24.2-956.1 of the Code of Virginia must be presented in a clear and conspicuous manner to give the reader notice of the candidate, candidate campaign committee, person, or political committee that paid for and, where required, that authorized the communication. A disclosure statement is not clear and conspicuous if it is difficult to read or if the placement is easily overlooked.

C. The disclosure statement must be of sufficient type size to be clearly readable by the recipient of the communication. A disclosure statement in twelve (12)-point type size satisfies the requirements of this paragraph when it is used for signs, posters, flyers, newspapers, magazines, or other printed materials that measure no more than twenty-four (24) inches by thirty-six (36) inches.

D. The disclosure statement must be contained in a printed box set apart from the other contents of the communication.

E. The disclosure statement must be printed with a reasonable degree of color contrast between the background and the disclosure statement. A disclosure statement satisfies the color contrast requirement of this paragraph if it is printed in black text on a white background or if the degree of color contrast between the background and the text of the disclosure statement is no less than the color contrast between the background and the largest text used in the communication.

F. The disclosure statement need not appear on the front or cover page of the communication as long as it appears within the communication, except on communications, such as billboards, that contain only a front face.

G. A communication that would require a disclosure statement, if distributed separately, that is included in a package of materials, must contain the required disclosure statement.



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STATE BOARD *of* ELECTIONS

SBE Policy 2022-001

Electronic Participation in

Meetings

BOARD WORKING PAPERS
Catherine McFarland
FOIA and Record Retention Officer



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Delegate Merricks, Mr. Weinstein
From: Catherine McFarland, FOIA and Record Retention Officer
Date: May 28, 2024
RE: SBE Policy 2022-001; Change in Policy for Electronic Participation in Meetings

Suggested Motion

"I move that the Board adopt the amended policy to conduct meetings through electronic communication means in compliance with §2.2-3708.3(D) of the Code of Virginia to be effective July 1, 2024."

Relevant Code Sections

- Va. Code § 2.2-3707; § 2.2-3708.2; § 2.2-3708.3
- Chapter 56 of the Acts of the 2024 General Assembly of the Commonwealth of Virginia

Background:

Acts of Assembly Chapter 56 from the 2024 Session of the General Assembly of the Commonwealth of Virginia changed the provisions of the Freedom of Information Act (FOIA) concerning electronic meetings. The updated statute made the following changes:

1. State Board of Elections all-virtual public meetings may be held: (1) more than two times per calendar year, or (2) 50 percent—previously 25 percent—of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
2. When audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which: (1) visual communication is voluntarily disconnected or fails, or (2) audio communication involuntarily fails.
3. Citizens must activate their camera, with their face fully visible, before they will be given the opportunity to participate in public comment. Face coverings, which are not worn for religious reasons, are prohibited.

Attachments and References

- Amended SBE Policy 2022-001 Electronic Participation in Meetings

Recommendation

Staff recommends the Board adopt the proposed electronic meetings policy as presented with an effective date of July 1, 2024.

State Board of Elections Policy 2024-001

A meeting of the Virginia State Board of Elections (the Board) was held on May 28 during which the following policy was proposed by the Department of Elections and approved by the Board:

Policy for Electronic Participation in Meetings

PURPOSE: To establish a policy that provides for the Board to properly conduct meetings with the electronic participation of its members in compliance with the Virginia Freedom of Information Act (§ 2.2-3700 *et seq.*)

REFERENCES: Va. Code §§ 2.2-3707, 2.2-3708.2, 2.2-3708.3

SEC. 1: GENERAL REQUIREMENTS AND POLICY ESTABLISHMENT

It is the policy of the State Board of Elections (the Board) that individual Board members may participate in meetings of the Board by electronic means as permitted by Virginia Code § 2.2-3708.3. This policy shall apply to the entire membership and without regard to the identity of the member utilizing remote participation or the matters that will be considered or voted on at the meeting. Further, it is the policy of the Board that the Board may hold all-virtual public meetings pursuant to subsection C of § 2.2-3708.3.

A member participating through electronic means may make motions, vote, join in closed meetings, and otherwise participate fully as if such member was physically present, so long as all of the requirements of Virginia Code § 2.2-3708.3 are met.

Subsequent to its adoption by the majority of the Board, this policy shall be posted on the Department of Elections website and the Virginia Regulatory Town Hall website, or any other website normally used by the Board for notice of public meetings.

SEC. 2: MEETING REQUESTS

Requests for remote participation or that the Board conduct an all-virtual public meeting shall be conveyed by a member to the Department of Elections. The Department of Elections shall then relay such requests to the chair of the Board.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (2.2-3700 *et seq.*). If a member's participation from a remote location is challenged, then the Board shall vote whether to allow such participation.

The request for remote participation or that the Board conduct an all-virtual public meeting by a member shall be recorded in the minutes of the meeting. If the Board votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity. The minutes shall include other information as required by §§ 2.2-3707 and 2.2-3708.3.

SEC. 3: REMOTE PARTICIPATION MEETING REQUIREMENTS

When an individual member is participating in a meeting of the Board from a remote location, the Board shall adhere to the following requirements:

- **General**
 - Any member who is unable to attend the meeting due to reasons stated in subsections (1), (2), (3), or (4) of Virginia Code § 2.2-3708.3(B) notifies the Chair of the Board of their inability to attend the meeting;
 - A quorum of three (3) members of the Board shall be physically assembled at one (1) primary or central meeting location;
 - Members of the public shall be provided a substantially equivalent electronic communication means through which to observe the meeting;
 - Members of the public shall be provided the opportunity to comment when public comment is customarily received; and
 - If a member's participation from a remote location pursuant to Virginia Code § 2.2-3708(B) is disapproved, such disapproval shall be recorded in the minutes with specificity.
- **Member Requirements**
 - A member of the Board is permitted to attend a meeting of the Board remotely if, on or before the day of a meeting, the member notifies the Chair of the Board that they are unable to attend the meeting due to—
 - a temporary or permanent disability or other medical condition that prevents their physical attendance;
 - a family member's medical condition that requires them to provide care for such family member, thereby preventing their physical attendance; or
 - the member's principal residence being more than 60 miles from the meeting location identified in the required notice for the meeting.
 - A member of the Board is permitted to attend a meeting of the Board remotely if the member notifies the chair of the Board that they are unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter.
 - Remote participation per member on the basis of personal matters is limited each calendar year to 2 meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.
 - If a member of the Board participates in the meeting remotely, the Board shall record in its minutes the remote location from which the member participated, including:
 - If participation is approved pursuant to subdivision 1 or 2 of Virginia Code §2.2-3708.3(B) the Board shall include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance;
 - If participation is approved pursuant to Virginia Code § 2.2-3708.3(B)(3) the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location; or
 - If participation is approved pursuant to Virginia Code § 2.2-

3708.3(B)(4), the specific nature of the personal matter cited by the member.

SEC. 3: ALL-VIRTUAL MEETING REQUIREMENTS

When the Board is conducting an all-virtual meeting the Board shall adhere to the following requirements:

- An indication of whether the meeting will be in-person or all-virtual shall be included in the required meeting notice along with a statement notifying the public that the method by which the Board chooses to meet shall not be changed unless the Board provides a new meeting notice in accordance with the provisions of § 2.2-3707;
- Public access to the all-virtual public meeting shall be provided via electronic communication means;
- The electronic communication means used shall allow the public to hear all members of the Board participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the Board as well.
- When audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.
- Citizens must activate their camera, with their face fully visible, before they will be given the opportunity to participate in public comment. To facilitate a respectful, deliberative exchange, face coverings—which are not worn for religious reasons—are prohibited.
- A phone number or other live contact information shall be provided to alert the Board if the audio or video transmission of the meeting provided by the Board fails, the Board monitors such designated means of communication during the meeting, and the Board takes a recess until public access is restored if the transmission fails for the public;
- A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Board for a meeting shall be made available to the public in electronic format at the same time that such materials are provided to members of the Board;
- Votes taken during the electronic meeting shall be recorded by name in roll-call fashion and included in the minutes of the meeting.
- The public shall be afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
- No more than two members of the Board shall be together in any one remote location unless that remote location is open to the public to physically access it;
- If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public shall resume before the Board votes to certify the closed meeting as required by subsection D of § 2.2-3712;
- The Board shall not convene an all-virtual public meeting (i) more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
- Minutes of all-virtual public meetings held by electronic communication means shall be taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held.

SEC. 4: DECLARED EMERGENCIES

The Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency pursuant to Virginia Code § 44-146.17 or when the locality in which the Board is located has declared a local state of emergency pursuant to Virginia Code § 44-146.21, provided:

- The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
- The purpose of the meeting is to provide for the continuity of operations of the Board or the discharge of its lawful purposes, duties, and responsibilities.

If the Board holds a meeting pursuant to the requirements of this section, the Board shall:

- Abide with the provisions under Virginia Code § 2.2-3708.2;
- Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Board conducting the meeting;
- Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the Board;
- Make available a recording of the meeting, in addition to the minutes of the meeting posted pursuant to the requirements under Virginia Code § 2.2-3707.1;
- Provide the public with the opportunity to comment at those meetings of the Board when public comment is customarily received; and
- State in the minutes of the relevant meeting the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.

Effective Date: May 28, 2024



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Request for Petition for the Removal of an Electoral Board Member

BOARD WORKING PAPERS
Matthew Abell
Elections Services Senior Advisor



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Matthew Weinstein, and Delegate Merricks
From: Matthew Abell, Election Services Senior Advisor
Date: May 28, 2024
Re: Request to Remove Maria A. Kinney as the Secretary of the Charles City County Electoral Board

Proposed motion for a Board Member to make:

"I move pursuant to § 24.2-234.1 of the Code of Virginia, that the State Board of Elections request legal representation to prepare a petition to the Circuit Court of Charles City County for the removal of Maria A. Kinney from the Charles City County Electoral Board."

Alternate proposed motion for a Board Member to make:

I move that the Charles City County removal petition is insufficient to warrant State Board action pursuant to § 24.2-234.1 of the Code of Virginia.

Applicable Code Sections:

VA Code § 24.2-103(E) – "The State Board may institute proceedings pursuant to § 24.2-234.1 for the removal of any member of an electoral board or general registrar who fails to discharge the duties of his office in accordance with law. Such action shall require a recorded majority vote of the Board."

VA Code § 24.2-234.1(A) – "Any member of a local electoral board may be removed from office by the circuit court in whose jurisdiction he resides upon a petition signed by a majority of the members of the State Board as provided in § 24.2-103. The circuit court shall proceed with such removal in accordance with the provisions of § 24.2-235."

Background:

It is the discretion of the State Board of Elections to act in this matter. Action requires a majority vote.

Attachment:

See the letter submitted by the Chairman and Vice Chairman of the Charles City Electoral Board and the General Registrar.



Office of Elections
10900 Courthouse Rd.
Charles City County, VA 23030
P: 804-652-4606

May 14, 2024

Dr. John O'Bannon

Chairman Virginia State Board of Elections
1100 Bank Street, First Floor
Richmond, VA 23219

Ms. Susan Beals

Commissioner Virginia State Board of Elections
1100 Bank Street, First Floor
Richmond, VA 23219

Re: Petition to Remove Charles City County Electoral Board Member Maria A. Kinney

Dear Dr. O'Bannon and Commissioner Beals:

We write to formally request review and acceptance of the petition below to remove Mrs. Maria A. Kinney, a member of the Charles City County Electoral Board, for severe dereliction of duties as cited in § 24.2-103 E. Below is a list of reasons we believe the removal is necessary.

-Neglect of Duty

Respectfully Submitted,

Kermit White, CCCEB Chair

Gerald Barnes, CCCEB Vice-Chair

DeNay L. Harris, CCC Director of Elections
& General Registrar



§ 24.2-234.1. Removal of members of local electoral boards and general registrars.

- A. Any member of a local electoral board may be removed from office by the circuit court in whose jurisdiction he resides upon a petition signed by a majority of the members of the State Board as provided in § 24.2-103. The circuit court shall proceed with such removal in accordance with the provisions of § 24.2-235.

On January 18, 2024, Logic and Accuracy testing was scheduled. Secretary Kinney attended the Logic & Accuracy testing with Charles City County's then-Republican Chair Irene Churins. Upon Secretary Kinney's arrival, she continuously informed us that she had a private attorney to the point that Registrar Harris removed herself. Chief Deputy Cosby and Deputy Davis felt threatened due to her continued talk of her private attorney. Chief Deputy Cosby had to continuously remove paperwork provided to Secretary Kinney from the view of the former Republican Chair Irene Churins (in respect of the decision made by the Republican Party, the former Chair will now be addressed as Irene Churins). During the completion of the L&A, Secretary Kinney wanted to input the passwords for the equipment as we were zeroing the machines. As we watched, Secretary Kinney allowed Mrs. Churins to write seal numbers, serial numbers, what polling places the equipment was assigned to, and the passwords she was viewing as we were wrapping up Logic and Accuracy. Vice-Chair Barnes asked Secretary Kinney to meet with him in the hallway, where he informed her that some of the information she was allowing Irene Churins to oversee was not permitted to be shared with her or the public. Secretary Kinney told Vice-Chair Barnes that she wasn't aware Irene Churins was doing that and then proceeded to tell him that he could not tell her what she could and could not do. While returning the tabulators to the storage area, Secretary Kinney allowed Mrs. Churins to follow her into the storage area. Following the Logic & Accuracy testing, I received a call from our Election vendor notifying me that Secretary Kinney provided Irene Churins with his cell phone number and that she had been contacting him. The representative assigned to us by our vendor PrintElect, who assisted with Logic & Accuracy, stated that he would answer questions from our Board members but would not be responsible for answering questions for Mrs. Churins.

Before Secretary Kinney's first duty as Secretary, she stated that she did not want to be legally tied to anything. Electoral Board Secretaries are responsible for the minutes; on February 8, 2024, Charles City County's Electoral Board first met with Mrs. Kinney as Secretary. Secretary Kinney was informed that the minutes must be posted before the next board meeting, as outlined in Virginia Code § 24.2-107. Secretary Kinney asked how she would upload the minutes to the website and was told by Chief Deputy Cosby that she (Secretary Kinney) would need to send the minutes to her and that she would upload them since she is responsible for the office website. Secretary Kinney said she was not going to do that and that she needed access to the site.



Secretary Kinney met with the County Administrator, Michelle Johnson, who directed her to speak with the IT Director, Wendy Payne, who concluded to Secretary Kinney that she would need to have the designated person in the Office of Elections upload them on her behalf. Chair White and Vice-Chair Barnes requested that the minutes be reviewed several times during this period. On February 26, it was sent to the Registrar, Chief, Deputy, Chair, and Vice-Chair. Vice-Chair Barnes informed Secretary Kinney that edits needed to be made. The Registrar noted that something written in the minutes did not take place and was ignored. Vice-Chair Barnes also requested that the change requested by the Registrar be made. The poor communication went on for several weeks and occurred after each board meeting since Secretary Kinney became a member of the Electoral Board. On March 12, Secretary Kinney finally submitted minutes from meetings dated February 8, February 12, March 6, March 8, and March 11. Chief Deputy Cosby reached out to Secretary Kinney as instructed by the EB Chair, Vice-Chair, and Registrar and informed Secretary Kinney that the minutes submitted needed edits; the edits that needed to be made were that each meeting needed to have its minutes, the minutes were all compiled into one. Secretary Kinney was also informed that she had to use the Electoral Board letterhead and that she needed to add signature lines. On March 25, Secretary Kinney emailed Chief Deputy Cosby and told her that minutes should not be sent to the GR/Office until the board members can view and conditionally approve them. Chief Deputy Cosby informed her that the other Electoral Board members wanted to see the minutes beforehand because she refused to use the letterhead. During this time, the Chair and Vice-Chair continuously tried to reach her by email and phone, but to no avail. On April 24, the Electoral Board met to address these issues. Ms. Kinney referenced §2.2-3707, and Registrar Harris asked her also to consider §24.2-107, but she refuses to acknowledge anything written in the 2023 Edition of Virginia Election Laws. Secretary Kinney stated that if we did not like how she did her job, she would be more than happy to abdicate her position as Secretary.

On March 15, 2024, Secretary Kinney refused to sign the abstracts. Secretary Kinney said she wouldn't sign because she was not present on March 2, 2024, when the tabulator malfunctioned. Secretary Kinney stated that she would not sign because she did not see the tapes or have SOR in her hands. However, Secretary Kinney attended and signed the SORs for Canvass, Provisional, and Post Election meetings. Elect reviewed the abstracts the Office of Elections submitted to them and notified them that an edit needed to be made, and the change would require all EB members to come in to sign the edited abstract. Secretary Kinney had the EB seal and was informed by the Registrar that signing the abstracts took precedence over attending VEBA. Secretary Kinney had to be contacted by the Commissioner to fulfill her duty as an EB member.

Secretary Kinney refuses to work with the other members of the Electoral Board, the Registrar, and her staff. She is unable to act in a nonpartisan manner. When asked to separate her secretary duties from her personal beliefs, Secretary Kinney responded that no one would tell her not to be friends with Irene Churins (former Charles City County Republican Chair).



Office of Elections
10900 Courthouse Rd.
Charles City County, VA 23030
P: 804-652-4606

On March 22, 2024, the Secretary informed the Registrar that after VEBA, there are many things we need to go over. Secretary Kinney stated that the VEBA President said we needed to prepare for a recount because one will be called. The Registrar informed her that there is no way anyone can predict a recount ahead of time since the Election's outcome determines this. Secretary Kinney also stated that they were taught in VEBA that EB members should refrain from carrying out or assisting with Election Day setup. Secretary Kinney noted that this is because it looks like they (Electoral Board Members) are stealing the Election.

Secretary Kinney attended VEBA boot camp with the former Republican Chair of Charles City County. Although no specific code was broken, being an election official should elevate our ethical principles; this is why we take an oath to faithfully and impartially discharge ALL of the duties incumbent upon us, not all of the responsibilities an Electoral Board member believes in. On May 9th2024, the 4th Congressional District Republican Committee met and voted to remove Irene Churins from her duties and the Charles City County Committee. Carey Allen, Chairman of the 4th Congressional District Republican Party, reported Secretary Kinney's egregious behavior, which now has our Electoral Board and Office of Elections concerned for their safety. Chairman Allen's letter and email will be attached.

How we treat others directly reflects us, not one person but the Electoral Board as a whole. The manner in which Secretary Kinney handles the Board, the Registrar, and the Registrar's team is unacceptable. Charles City County's elections are crucial, no matter how small we are. When we walk through the door to uphold our duties, all personal and party-related beliefs should be set aside. Secretary Kinney's combative behavior compromises the integrity of Charles City County's Election.



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Charles City County, VA 23030
P: 804-652-4606

With all listed above, we, the Chair and Vice-Chair of the Charles City County Electoral Board, the Director of Elections, and the General Registrar, respectfully request the removal of Secretary Kinney from the Charles City County Electoral Board based on the information detailed in this letter. We kindly ask the Virginia State Board of Elections to consider this petition before the upcoming Election.

Respectfully submitted,

Handwritten signature of Kermit White in black ink.

Kermit White – D, Chair

Handwritten signature of Gerald Barnes in black ink.

Gerald Barnes – R, Vice-Chair

Handwritten signature of DeNay L. Harris in black ink.

DeNay L. Harris Director of Elections &
General Registrar

CC: Richard L. Anderson - Republican Party of Virginia

Susan Swecker - Democratic Party of Virginia



DeNay Harris <denayl.harris@gmail.com>

Anne Kinney

2 messages

Carey Allen <careybrace@gmail.com>
To: DeNay Harris <denayl.harris@gmail.com>

Mon, May 13, 2024 at 3:38 PM

Ms. DeNay Harris,

I am writing to bring to your attention a matter concerning Mrs. Anne Kinney, a member of the Charles City County electoral board, whose recent actions raise significant questions about her commitment to fulfilling the duties of her position within Charles City County.

During a conversation with another electoral board member from a different locality, Mrs. Kinney said she considers herself a Sovereign Citizen. Consequently, she believed she didn't have to take the oath of office. Additionally, she asserted that she is not obliged to comply with the Charles City County Human Resources requirement of providing personal information such as her address, date of birth, or social security number on a form to reimburse time and mileage.

This revelation is deeply concerning, as it suggests a fundamental misunderstanding or disregard for the responsibilities and obligations of serving as a member of the electoral board. Mrs. Kinney's initial refusal to take the oath of office and reluctance to provide essential personal information undermine her role's integrity and raise questions about her suitability to continue in this capacity.

Furthermore, Mrs. Kinney's purported understanding of these matters, as allegedly conveyed by Dr. Clara Bell Wheeler of the Electoral Board in Albemarle County, only adds to the complexity of this situation. The appropriate measures must be taken to address these issues promptly and effectively.

If necessary, I am prepared to provide further details or expand upon my knowledge of the conversation in question. I sincerely hope this matter will be addressed with the seriousness and urgency it warrants to uphold the integrity of our electoral process and the trust of the community.

Thank you for your attention to this matter.

Sincerely,

--

Carey L. Allen

DeNay Harris <denayl.harris@gmail.com>
To: Lisa Cosby <lbecon35@gmail.com>

Mon, May 13, 2024 at 3:42 PM

[Quoted text hidden]



Sender notified by
Mailtrack



4th Congressional District Republican Committee

5939 E Stonepath Garden Dr
Chester, VA 23831
careyallen69@gmail.com

May 13, 2024

Ms. DeNay Harris, Registrar
Charles City County
10900 Courthouse Rd
Charles City, VA 23030

Dear Ms. Harris,

I am writing to inform you of a recent development within the RPV Fourth Congressional District Republican Committee that necessitates your attention.

Effective May 9, 2024, at approximately 8:30 pm, the RPV Fourth Congressional District Republican Committee conducted a vote, resulting in an overwhelming majority decision to defunct Mrs. Irene Churins and her committee in accordance with RPV State Party Plan Article IV, section d, point e. This decision was made due to a determination by the District Committee that Mrs. Churins' committee had failed to function as required.

As per the aforementioned section of the RPV State Party Plan, it is mandated that in such instances, the District Committee shall appoint a new Committee or a new Chairman. Therefore, until a new committee chair has been duly elected, I am the party's contact as the Chairman of the 4th Congressional District Republican Committee.

I kindly request that you direct any Republican Party business in Charles City County to me. You can reach me at 804-640-3510 or via email at careyallen69@gmail.com. I am committed to ensuring the smooth continuation of Republican Party affairs in the area during this transitional period.

Thank you for your attention to this matter. Please do not hesitate to contact me if you require any further information or clarification.

Sincerely,


Carey L. Allen



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STATE BOARD *of* ELECTIONS

Closed Session

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