★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, September 14, 2021
Virginia State Capitol
Senate Room 3

Video and Teleconference

Videoconference:

https://covaconf.webex.com/covaconf/j.php?MTID=m6f3842043e0b457fc01a46fb6d1f7800

Meeting password: AJmHPT952jU

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 178 578 2552

Richmond, VA

1:30 P.M.

STATE BOARD OF ELECTIONS
AGENDA

DATE:Tuesday, September 14, 2021
LOCATION: Virginia State Capitol – Senate Room 3
1000 Bank St.
Richmond, VA 23218
TELECONFERENCE:
+1-517-466-2023 US Toll
+1-866-692-4530 US Toll Free
Access code: 178 578 2552
VIDEO CONFERENCE:
https://covaconf.webex.com/covaconf/j.php?MTID=m6f3842043e0b457fc01a46fb6d1f7800
Password: AJmHPT952jU
TIME: 1:30 P.M.

I. CALL TO ORDER	*Robert Brink, Chairman*
II. APPROVAL OF MINUTES **A. August 3, 2021**	*Jamilah LeCruise, Secretary*
III. COMMISSIONER'S REPORT	*Christopher E. Piper* *Commissioner*
IV. STAND BY YOUR AD	*Tammy Alexander* *Campaign Finance Compliance and Training Specialist*
V. RANKED CHOICE VOTING REGULATIONS AND SUPPORTING DOCUMENTS	*Samantha Buckley* *ELECT Policy Analyst*
VI. HAMPTON ELECTORAL BOARD REQUEST FOR ELECTRONIC POLLBOOK CERTIFICATION EXTENSION	*Karen Hoyt-Stewart* *Voting Technology Program Manager*
VII. DESIGNATION OF MINORITY LANGUAGES STATUS FOR FAIRFAX COUNTY	*Samantha Buckley* *ELECT Policy Analyst*

VIII. REVISION TO THE HAND–COUNTING BALLOT STANDARDS

Samantha Buckley
ELECT Policy Analyst

IX. PUBLIC COMMENT

X. ADJOURNMENT

NOTE: https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=31940

Re. Entrance to the Virginia State Capitol
All members of the public will be required to show his/her driver's license, passport or other government issued ID to enter the Capitol. Each person will go through the x-ray machine and follow the Expect the Check rules.

All State employees must have on his/her state ID badge on at all times while in the Capitol. Each employee must follow the Expect the Check rules.

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

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

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

Re. How to Participate in Public Comment
If you are a member of the public and wish to participate, you must sign up in order to be recognized to speak. Please note the following:
If you are attending in person, please ensure your name is on the sign-up list at the front door.
If you are participating virtually using WebEx, sign up using the chat feature, located on the bottom right part of the WebEx application, to add your participant name.
If you are participating virtually using a phone and cannot access WebEx's chat feature, please send an email with your name and your phone number to FOIA@elections.virginia.gov. You will need to provide your first and last name and the phone number you've used to call in.

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS
Secretary LeCruise

The State Board of Elections ("the Board") meeting was held on Tuesday, August 3, 2021 in the East Reading Room of the Patrick Henry Building. The meeting was also conducted electronically so the public could view and hear the meeting. In attendance: Robert Brink, Chairman, John O'Bannon, Vice Chairman, Jamilah LeCruise, Secretary, Angela Chiang, and Delegate Donald Merricks, represented the State Board of Elections ("the Board"). Christopher E. "Chris" Piper, Commissioner, represented the Department of Elections ("ELECT") and Carol Lewis represented the Office of the Attorney General ("OAG"). Chairman Brink called the meeting to order at 1:00 P.M.

The first item of business was the approval of minutes presented by Secretary LeCruise. Chairman Brink moved that the Board approve the minutes from the June 22, 2021 Board Meeting. Vice Chair O'Bannon seconded the motion and the motion passed unanimously. Chairman Brink moved that the Board approve the minutes from the June 30, 2021 Board Meeting. Vice Chair O'Bannon seconded the motion and the motion passed unanimously.

The second item of business was the Commissioner's Report presented by Commissioner Piper. Commissioner Piper introduced the new Board members, the Honorable Donald Merricks and Angela Chiang. The Commissioner introduced new employee to the Board Arielle McCullum, External Affairs Assistant and interns Daniel Piper, Suzanne Lohr and Leo Lombardi. Commissioner Piper informed the Board that on August 16, 2021, the Census Bureau will be releasing information that would be used in the plan for implementing redistricting. The Commissioner also informed the Board that ELECT has begun going through the demonstration from vendors replacing VERIS, the Central Voter Registration database that is maintained by the department.

Commissioner Piper stated that the second 2021 General Assembly Special Session has begun. The Commissioner also informed the Board that there are two budget bills being considered for ELECT; 1.5 million dollars for voter education, and 3 million dollars to expand early voting include Sunday voting. Commissioner Piper informed the Board that Chairman Brink and ELECT staff performed tabletop exercises of how ELECT responds to various life-threatening scenarios.

The next item of business was the hearings for violations of Stand By Your Ad, presented by Tammy Alexander, Campaign Finance Compliance and Training Specialist. The first complaint was against Dana Sally-Allen for Richmond School Board 8th District. Mrs. Alexander informed the Board that one complaint was submitted: one flyer with no disclaimer. She advised the Board that this is a first time violation and it did not occur within the 14-days prior to the election. Mrs. Alexander stated that Ms. Sally-Allen provided a response stating that the flyers were not produced by her campaign but they were handed out during the event. Secretary LeCruise moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Dana Sally-Allen in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to one print media advertisement, and to assess a $25 civil penalty.* Ms. Chiang seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next complaint was against Gore for City Council. Mrs. Alexander informed the Board that one complaint was submitted for one mailer and one yard sign with no disclosure. She advised the Board that this a first time violation. Ms. Gore addressed the Board explaining the mailer does show a disclaimer and the yard sign was from a year she previously ran for office. Ms. Chiang moved *to dismiss the complaint.* Delegate Merricks seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next complaint was against Hampton Roads Black Caucus, Inc. Mrs. Alexander informed the Board that one complaint was submitted for one piece of literature with no disclosure. She advised the Board that the Hampton Roads Black Caucus provided a response accepting responsibility and stating it would not happen again. Mrs. Alexander informed the Board this is a first time violation that occurred within the 14-days prior to an election. Secretary LeCruise moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Hampton Roads Black Caucus in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to one print media advertisement, and to assess a $50 civil penalty.* Ms. Chiang seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next complaint was against Linnard K. Harris Sr. for House of Delegates. Mrs. Alexander informed the Board that one complaint was submitted for two yard signs with no disclosure. She advised the Board that this is a first time violation that occurred within the 14-days prior to the election. Mr. Harris addressed the Board stating that a friend painted the signs and was unaware of the guidelines. He informed the Board that he has taken the signs down and it would not happen again. Vice Chair O'Bannon moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Linnard K. Harris in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to two print media advertisement, and to assess a $400 civil penalty.* Ms. Chiang seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next complaint was against Friends of Regie Ford 2020. Mrs. Alexander informed the Board that two complaints were submitted for one door hanger and two yard signs with no disclosure. She advised the Board that this is a first time violation not within 14-days of an election. Mrs. Alexander stated that she has not received a response from Mr. Ford. Secretary LeCruise moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find*

Regie Ford in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to three advertisements, and assess a $75 civil penalty. Vice Chair O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next complaint was against Team Virginia Beach. Secretary LeCruise informed the Board that she rescued herself from this complaint. Mrs. Alexander informed the Board that one complaint was submitted for two pieces of print media with an incorrect disclosure. She advised the Board that ELECT cannot determine if the candidates on the print media are considered as a PAC or represent individual candidates. Mrs. Alexander stated that she has contacted all five of the candidates. Mr. Gary Byler with the Law Office of Gary Byler representing Jessica Abbott for Virginia Beach City Council, Friends of Michael Berlucchi, Friends for Rosemary Wilson, and Friends of Eric V. Wray addressed the Board. Delegate Merricks moved *to dismiss the complaint.* Vice Chair O'Bannon seconded the motion and the motion passed 4-0. A roll call vote was taken:

Chairman Brink – Aye

Vice Chair O'Bannon – Aye

Secretary LeCruise – Abstain

Ms. Chiang – Aye

Delegate Merricks – Aye

The last complaint was against Youngkin for Governor, Inc. Mrs. Alexander informed the Board that one complaint was submitted for one T-shirt with no disclosure. Mrs. Alexander stated that this is a first time violation not within the 14-days prior to the election. She advised the Board that Mr. Youngkin provided a response stating that the shirts have been corrected. Vice Chair O'Bannon moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Youngkin for Governor in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to one print media advertisement, and to assess a $100 civil penalty.* Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next item of business was the Amendment to 1VAC20-20-30 presented by Ashley Coles, ELECT Policy Analyst. *This memo is in the Working Papers for the August 03, 2021 meeting.* Secretary LeCruise moved *that the Board adopt the Department's proposed amendment to regulatory action 1VAC20-20-30.* Vice Chair O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next item of business was the Delegations of Authority presented by Ashley Coles, ELECT Policy Analyst and Rachel Lawless, Confidential Policy Assistant. *This report is in the Working Papers for the August 03, 2021 meeting.* Vice Chair O'Bannon moved *that the Board approve the proposed Delegations of Authority 2021 from the State Board of Elections to the Department of Elections, pursuant to the Virginia Administrative Process Act, and further move that all prior Delegations of Authority be rescinded.* Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next item of business was the Officer of Elections Training presented by Ashley Coles, ELECT Policy Analyst. *This memo is in the Working Papers for the August 03, 2021 meeting.* Delegate Merricks moved *that the Board approve the Department's proposed changes to the training standards and training materials for officers of election.* Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next item of business was the Electronic Meeting Policy presented by Ashley Coles, ELECT Policy Analyst. *This memo is in the Working Papers for the August 03, 2021 meeting.* Vice Chair O'Bannon moved *that the Board approve the proposed changes to allow members of the State Board of Elections to continue to participate in meetings held through electronic communication means effective immediately.* Secretary LeCruise seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next item of business was the Party Abbreviations presented by David Nichols, Elections Administration Manager. *This memo is in the Working Papers for the August 03, 2021 meeting.* Secretary LeCruise moved *that the Board approve the party abbreviations as presented by staff for general and special elections being held through April 30, 2022.* Vice Chair O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

The next item of business was an update from the Advisory Review Workgroup presented by Lisa Koteen Gerchick, Advisory Review Workgroup Chairwoman. *This*

presentation is in the Working Papers for the August 03, 2021 meeting. Chairman Brink expressed his appreciation to the Workgroup. The Chairman stated that the Workgroup aims to improve the objective measurements of what a well-run election is and the subjective element of whether the voter was confident in the voting process.

Chairman Brink opened the floor for public comment. Mr. Damian addressed the Board.

Chairman Brink moved *that the Board go into closed session for the purpose of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, as authorized by Section 2.2-3711(A)(7) of the Code of Virginia. In accordance with Virginia Code Section 2.2-3712(F), Carol Lewis from the Office of the Attorney General, Christopher Piper, Commissioner of Elections and Daniel Persico will attend the closed session because their presence will reasonably aid the Board in its consideration of a topic that is a subject of the meeting.* Vice Chair O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

At 3:20 P.M., Chairman Brink moved to *reconvene in open session, and take a roll call vote certifying that to the best of each member's knowledge (i) only such public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public*

business matters as were identified in the motion by which the closed meeting was concerned were heard, discussed, or considered. Vice Chair O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman Brink – Aye

Vice Chairman O'Bannon – Aye

Secretary LeCruise – Aye

Ms. Chiang – Aye

Delegate Merricks – Aye

Vice Chair O'Bannon *moved to adjourn the meeting.* Delegate Merricks seconded the motion and the motion passed unanimously.

The meeting adjourned at approximately 3:23 P.M.

_____
Chairman

_____
Vice Chairman

_____
Secretary

_____
Board Member

_____
Board Member

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Christopher Piper
Commissioner

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STATE BOARD of ELECTIONS

Stand By Your Ad

BOARD WORKING PAPERS

Tammy Alexander
Campaign Finance Compliance and Training Specialist

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STATE BOARD of ELECTIONS

Ranked Choice Voting Regulation

BOARD WORKING PAPERS

Samantha Buckley
ELECT Policy Analyst

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DEPARTMENT of ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary LeCruise, Delegate Merrick, and Ms. Chiang
From: Samantha Buckley, Policy Analyst
Date: September 14, 2021
Re: Regulatory Action for the Adoption of Ranked Choice Voting Regulations and Ballot Standards

Suggested motion for a Board member to make:

"I move that the Board adopt the Department's proposal for ranked choice voting regulations and ballot standards."

Applicable Code Sections: § 24.2-673.1

Attachments:

- Proposed regulation 1VAC20-100
- Ranked Choice Voting Ballot Standards

Background:

In 2020 the General Assembly passed HB 1113, which established ranked choice voting as a method for the election of county board of supervisors and city council members. In 2020 the General Assembly also passed HB 506 which established instant runoff voting as a method for the election of board of supervisors in localities operating under the county manager plan. Further, HB 506 specifies that instant runoff voting is another name for ranked choice voting.

Ranked choice voting is a method of voting which permits voters to rank their preference of candidates and/or write-ins. In ranked choice voting, a voter may rank as many or as few candidates as they choose starting with their first choice. Ranked choice voting may be used for single seat or multi seat offices.

Pursuant to § 24.2-673.1 of the Code of Virginia, "the State Board may promulgate regulations for the proper and efficient administration of elections determined by ranked choice voting, including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and for offices to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-613, notwithstanding the provisions of subsection E of that section."

This regulatory action would establish a process and standards for the administration of certain local seats elected by ranked choice voting. Additionally, this regulatory action would establish ballot standards for localities that adopt ranked choice voting for a specified election.

Discussion:

A foundational principle of ranked choice voting is the ability for a voter to rank their candidate preferences. Currently voting equipment vendors in Virginia limit the number of candidates a voter may rank; ranging from 3 to 23 candidates (see chart below).

Voting Equipment Vendor	Maximum Number of Rankings
Unisyn Votng	3
Hart Intercivic	6
ES&S	21-23
Dominion Voting	10

In light of the current restrictions that some vendors have, the State Board of Elections may choose to establish for uniformity purposes a maximum number of candidates that a voter may rank for an election conducted by ranked choice voting. Establishing a limit on the number of candidates a voter may rank does not impact the number of candidates on a ballot. Establishing a limit on the number of candidates a voter may rank includes write-ins.

The following is a sample of cities that limit how many candidates a voter may rank:

Jurisdiction	Limit placed on Rankings in (RCV election)	Number of rankings allowed
Alaska (state wide, first implementation scheduled for 2022)	No	N/A
Minneapolis, Minnesota	Yes	3
Bloomington, Minnesota	Yes	6
St. Louis Park, Minnesota	Yes	3
Benton County, Oregon	Yes	3
Alameda County, California (Berkley, Oakland, San Leandro)	Yes	3
San Francisco	No	Ballot system only allows up to 10 rankings
City of Eastpointe, Michigan	No	N/A
New York City, New York	Yes	5
Santa Fe, New Mexico	No	Ballot system only allows up to 10 rankings
Takoma Park, Maryland	No	N/A

Agency: The State Board of Elections

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

Regulation Title(s): Chapter 100: Ranked Choice Voting

Date before State Board of Elections: September 14, 2021

Brief Summary: The purpose of this regulation is to establish a process and standards for the administration of ranked choice voting for certain local offices.

Regulation Text:

Chapter 100 Ranked Choice Voting

Section 10 Definitions

- "Active ballot" means a ballot which counts toward an active candidate in the current round of counting.
- "Active candidate" means a candidate or person who has not been defeated during a round-by-round vote count. In a count which lasts multiple rounds, the number of active candidates will decrease with each round.
- "Duplicate ranking" means a voter has assigned one candidate multiple rankings.
- "Election threshold" means the number of votes sufficient for a candidate to be elected in a multi-winner, single transferable vote contest. The election threshold equals the total votes counted for active candidates in the first round of tabulation, divided by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions. Election threshold = ((Total votes cast)/(Seats to be elected+1)) +1, with any fraction disregarded.
- "Inactive ballot" means a ballot that can no longer be counted due to the ballot having no active candidates in the round.
- "Highest-ranked active candidate" means the active candidate assigned to a higher ranking than any other active candidates.
- "Instant runoff voting" means no more than one seat in the office must be filled by the election.
- "Ranked choice voting" means method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds such that in each round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. Ranked choice voting is known as "instant runoff voting" when electing a single office and "single transferable vote" when electing multiple offices.
- "Ranked choice overvote" means a voter assigned more than one candidate the same ranking.
- "Ranking" means the ordinal number assigned on a ballot to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking, and so on, consecutively, up to the number of candidates indicated on the ballot.

- "Round" means a stage of the vote tabulation in which a person may be elected or the last ranked person is defeated.
- "Single transferable vote" means more than one seat in the office must be filled by the election.
- "Skipped ranking" means a voter has left a ranking unassigned but ranks a candidate at a subsequent ranking.
- "Surplus fraction" is a number equal to the quotient of the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total, (or (V-T)/V, in which "V" is the elected candidate's vote total and "T" is the election threshold), truncated after four decimal places.
- "Surplus vote" means the number of votes a candidate receives beyond the election threshold set for a transferable vote race.
- "Transfer value" means the proportion of a vote that a ballot will contribute to its highest-ranked active candidate. Each ballot begins with a transfer value of 1. If a ballot contributes to the election of a candidate under subsection Section 50(B), it receives a new transfer value.

Section 20 Administration

The Department of Elections shall publish on its website, www.elections.virginia.gov, instructions on the administration of ranked choice voting elections.

Section 30 Ranked Choice Voting

As prescribed by Va. Code § 24.2-673.1 a county board of supervisors or city council may elect by majority to conduct an election for its members by ranked choice voting. The adoption for ranked choice voting shall only be valid for the election specified in the ordinance adopted by the governing body.

A. Adoption to conduct an election by ranked choice voting must be enacted no later than 90 days prior to the date of the specified election.
B. Any locality that adopts to conduct an election by ranked choice voting must electronically transfer the signed ordinance to the Department of Elections promptly.
C. No ranked choice voting may be conducted for a primary with less than three (3) candidates.
D. Notwithstanding Va. Code § 24.2-613(E), all ballot forms for an election conducted by ranked choice voting shall comply with the standards prescribed by the State Board of Elections.

Section 40 Ballot Treatment

As prescribed by Va. Code § 24.2-673.1, ballots shall be tabulated in the following manner:

A. Ranked Choice Overvote
    - A ballot with a ranked choice overvote shall be counted in the initial round if voter intent can be determined. The ballot shall not be counted in any round in which the ballot has a ranked choice overvote.
    - A ballot with a duplicate ranking shall be counted unless the voter's choice was defeated in a previous round.
B. Skipped Ranking

- In the event of a ballot with a skipped ranking, the next valid ranking shall be counted.
- In the event the ballot reaches two consecutive skipped rankings, the ballot will be considered an inactive ballot.

C. Tie-Breaking

- In the event two persons have an equal number of votes for a seat and a higher number than any other person in the last round of an election conducted by ranked choice voting, the candidate or person to be elected shall be determined by lot as prescribed by Va. Code § 24.2-674.
- In the event two or more persons have an equal number of votes for a seat and the fewest number of votes in a round of an election conducted by ranked choice voting, tabulation cannot be continued until one of the persons is defeated. The person to go continue as an active candidate shall be determined by lot as prescribed by Va. Code § 24.2-674.

Section 50 Ranked Choice Voting Tabulation

A. Instant Runoff Voting

For any election for one office conducted by ranked choice voting, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds with each round proceeding sequentially as follows:

- If two or fewer active candidates remain, the candidate with the greatest number of votes is elected and tabulation is complete.
- If more than two active candidates remain, the active candidate with the fewest votes is defeated, votes for the defeated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins with paragraph 1.

B. Single Transferable Vote

For any election for more than one office conducted by ranked choice voting, each ballot shall count, at its current transfer value, for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds. Each round proceeds sequentially, until tabulation is complete, as follows:

- If the sum of the number of elected persons and the number of active candidates is less than or equal to the number of office seats to be filled, then all active candidates are designated as elected, and tabulation is complete. Otherwise, the tabulation proceeds pursuant to paragraph 2.
- If any active candidate has a number of votes greater than or equal to the election threshold for the contest, that person shall be designated as elected. Each ballot counting for an elected person is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected person, truncated after the fourth decimal place. The transfer value of each ballot cast for an elected candidate must be transferred to the highest-ranked active candidate on that ballot.

Each person elected under this paragraph is deemed to have a number of votes equal to the election threshold for the contest in all future rounds and a new round begins pursuant to paragraph 1.

If no candidate or person is elected pursuant to paragraph 2, the candidate with the fewest votes is defeated and votes for the defeated candidates shall be transferred at their current transfer value to each ballot's next-ranked active candidate and a new round begins pursuant to paragraph 1.

C. Surplus Transfer
If, in a round of counting conducted under subsection (b), two or more active candidates have a number of surplus votes greater than the election threshold for the contest, the surpluses shall be distributed in rounds in which the largest surplus is distributed first, with any ties resolved by lot as required by Va. Code § 24.2-674.

Section 60 Unreadable Ballots

In the event the general registrar receives a ballot that cannot be read by the ballot scanner machine, the general registrar or election official shall transpose the voter's intent to a machine readable ballot.

Section 70 Write-Ins

As prescribed by Va. Code § 24.2-644(C), at all elections conducted by ranked choice voting except primary elections, any voter may vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot.

Section 80 Election Results

Results for all rounds must be publicly posted on the Department of Elections website at www.elections.virginia.gov.

Section 90 Outreach

For the purposes of this section, educational information means non-partisan information that, in plain language, informs the public on the adoption of ranked choice voting for an election, a description of ranked choice voting, an unmarked official sample ranked choice voting ballot, and instructions on how to read and mark the ballot.

A. The Department of Elections shall be required to post educational information about ranked choice voting on its website for the public.
B. Any county board of supervisors or city council that adopts to conduct an election by ranked choice voting shall develop and distribute educational information about ranked choice voting no later than 60 days before the specified election.

1. Educational information must be disseminated to the public through circulation in the local newspaper, posted on the locality's website, or mailed to active and inactive voters eligible to vote in the specified election.
2. Educational information must be posted in the office of the general registrar no later than 60 days before the specific election and made available for distribution if requested by the public.
3. Educational information about ranked choice voting shall be posted in each satellite office and polling place operating for the election.

Agency: The State Board of Elections

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

Regulation Title(s): Chapter 100: Ranked Choice Voting

Date before State Board of Elections: June 22, 2021

Brief Summary: The purpose of this regulation is to establish a process and standards for the administration of ranked choice voting for certain local offices.

Regulation Text:

Chapter 100 Ranked Choice Voting

Section 10 Definitions

- "Active ballot" means a ballot which counts toward an active candidate in the current round of counting.
- "~~Continuing~~ Active candidate" means a candidate or person who has not been eliminated during a round-by-round vote count. In a count which lasts multiple rounds, the number of active candidates will decrease with each round.
- "~~Defective ranking~~Ranked choice overvote" means a voter assigned more than one candidate the same ranking.
- "Duplicate ranking" means a voter has assigned one candidate multiple rankings.
- "Election threshold" means the number of votes sufficient for a candidate to be elected in a multi-winner, single transferable vote contest. The election threshold equals the total votes counted for active candidates in the first round of tabulation, divided by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions. Election threshold = ((Total votes cast)/(Seats to be elected+1)) +1, with any fraction disregarded~~means the percentage of votes a candidate must receive to guarantee to win a seat or remain within the election~~.
- "Eliminated candidate" means a candidate who has been eliminated during the round-by-round vote count.
- "Exhausted ballot" means a ballot that can no longer be counted due to the ballot having no continuing candidates in the round.
- "Highest-ranked active candidate" means the active candidate assigned to a higher ranking than any other active candidates.
- "Instant runoff voting" means no more than one seat in the office must be filled by the election.
- "Ranked choice voting" means method of ~~voting which permits voters to rank their preference for candidates~~casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds such that in each round either a candidate or candidates are elected or the last-place candidate is defeated, (iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. Ranked choice

voting is ~~also~~ known as "instant runoff voting" when electing a single office and "single transferable vote" when electing multiple offices.

- "Ranking" means the ordinal number ~~preference~~ assigned on a ballot to a candidate to express the voter's preference for that candidate~~a voter determines for a candidate~~. Ranking number one is the highest ranking, ranking number two is the next-highest ranking, and so on, consecutively, up to the number of candidates indicated on the ballot~~.~~.
- "Round" means a stage of the vote tabulation in which a candidate may be elected or eliminated.
- "Single transferable vote" means more than one seat in the office must be filled by the election.
-
- "Skipped ranking" means a voter has left ~~at least one~~a ranking ~~order~~ unassigned but ranks a candidate at a subsequent ranking ~~order~~.
- "Surplus fraction" is a number equal to the quotient of the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total, (or (V-T)/V, in which "V" is the elected candidate's vote total and "T" is the election threshold), truncated after four decimal places.
- .
- "Surplus vote" means the number of votes a candidate receives beyond the ~~minimum~~ election threshold set ~~needed in order to receive a seat in a single~~for a transferable vote race.
- "Transfer value" means the proportion of a vote that a ballot will contribute to its highest-ranked active candidate. Each ballot begins with a transfer value of 1. If a ballot contributes to the election of a candidate under subsection (b)2, it receives a new transfer value.
- ~~"Inclusive Gregory Method of Reallocation" means vote counts are transferred fractionally. When a candidate wins a seat, votes for that candidate are re-weighted, multiplying their current weight by the quotient of their surplus vote divided by their total vote.~~

Section 20 Administration

The Department of Elections shall publish on the website instructions on the administration of ranked choice voting elections.

Section 30 Ranked Choice Voting

As prescribed by 24.2-673.1 a county board of supervisors or city council may elect by majority to conduct an election for its members by ranked choice voting. The adoption for ranked choice voting shall only be valid for the election specified in the ordinance ~~signed~~ adopted by the governing body.

A. Adoption to conduct an election by ranked choice voting must be enacted no later than 90 days prior to the date of the specified election.
B. Any locality that adopts to conduct an election by ranked choice voting must electronically transfer the signed ordinance to the Department of Elections promptly.

C. No ranked choice voting may be conducted for a primary with less than three (3) candidates.
D. Notwithstanding 24.2-613(E), all ballot forms for an election conducted by ranked choice voting shall comply with the standards prescribed by the State Board of Elections.

Section 40 Ballot Treatment

As prescribed by 24.2-673.1, ballots shall be tabulated in the following manner:

A. ~~Defective~~ Ranked Choice ~~rankings~~overvote
   - A ballot with a ~~defective~~ ranked choice overvote~~ranking~~ shall be counted in the initial round if voter intent can be determined. The ballot shall not be counted in any round in which the ballot has a ~~defective ranking~~ranked choice overvote.
   - A ballot with a duplicate ranking shall be counted unless the voter's choice was eliminated.
   - In the event of a ballot with a skipped ranking, the next valid ranking shall be counted.
B. Tie-Breaking
   - ~~All candidates with the fewest number of votes at the end of a round shall be eliminated from the election.~~ In the event two persons have an equal number of votes for a seat and a higher number than any other person in the last round of an election conducted by ranked choice voting, the candidate or person to be elected shall be determined by lot as prescribed by Va. Code ss 24.2-674.
   - In the event two or more persons are tied with the fewest votes, tabulation cannot be continued until one of the candidates is defeated. The defeated candidate shall be determined by lot as prescribed by Va. Code ss 24.2-674.

Section 50 Ranked Choice Voting Tabulation

A. Instant Runoff Voting

For any election for one office conducted by ranked choice voting, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds with each round proceeding sequentially as follows:

- If two or fewer active candidates remain, the candidate with the greatest number of votes is elected and tabulation is complete.
- If more than two active candidates remain, the active candidate with the fewest votes is defeated, votes for the defeated candidate are transferred to each ballot's next-ranked active candidate, and a new round begins with paragraph 1.

B. Single Transferable Vote

For any election for more than one office conducted by ranked choice voting, each ballot shall count, at its current transfer value, for the highest-ranked active candidate on that ballot. Tabulation shall proceed in rounds. Each round proceeds sequentially, until tabulation is complete, as follows:

- If the sum of the number of elected persons and the number of active candidates is less than or equal to the number of office seats to be filled, then all active candidates are designated as elected, and tabulation is complete. Otherwise, the tabulation proceeds pursuant to paragraph 2.
- If any active candidate has a number of votes greater than or equal to the election threshold for the contest, that person shall be designated as elected. Each ballot counting for an elected person is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected person, truncated after the fourth decimal place. The transfer value of each ballot cast for an elected candidate must be transferred to the highest-ranked active candidate on that ballot. Each person elected under this paragraph is deemed to have a number of votes equal to the election threshold for the contest in all future rounds and a new round begins pursuant to paragraph 1.

If no candidate or person is elected pursuant to paragraph 2, the candidate with the fewest votes is defeated and votes for the defeated candidates shall be transferred at their current transfer value to each ballot's next-ranked active candidate and a new round begins pursuant to paragraph 1.

C. Surplus Transfer

- If, in a round of counting conducted under subsection (b), two or more active candidates have a number of surplus votes greater than the election threshold for the contest, the surpluses shall be distributed in rounds in which the largest surplus is distributed first, with any ties resolved by lot as required by Va. Code ss 24.2-

~~**Section 50 Reallocation of votes**~~

~~Vote reallocation will be conducted with the Inclusive Gregory Method of Reallocation.~~

Section 60 ~~Paper~~ Unreadable Ballots

~~For this section, "paper ballot" means a tangible ballot that is marked by a voter and must be manually counted.~~

In the event the general registrar receives a ballot that cannot be read by the ballot scanner machine, the general registrar or election official shall transpose the voter's intent to a machine readable ballot.

Section 70 Write-Ins

As prescribed by Va. Code ss 24.2-644(C), at all elections conducted by ranked choice voting except primary elections, any voter may vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot.

Section 8~~7~~0 Election Results

Results for all rounds must be publicly posted on the Department of Elections website.

Section 9~~8~~0 Outreach

For the purposes of this section, educational information means non-partisan information that, in plain language, informs the public on the adoption of ranked choice voting for an election, a description of ranked choice voting, an unmarked official sample ranked choice voting ballot, and instructions on how to read and mark the ballot.

A. The Department of Elections shall be required to post educational information about ranked choice voting on its website for the public.
B. Any county board of supervisors or city council that adopts to conduct an election by ranked choice voting shall develop and distribute educational information about ranked choice voting no later than 60 days before the specified election.
    1. Educational information must be disseminated to the public through circulation in the local newspaper, posted on the locality's website, or mailed to active and inactive voters eligible to vote in the specified election.
    ~~2.~~ Educational information must be posted in the office of the general registrar and made available for distribution if requested by the public.
    2.
    3. Educational information about ranked choice voting shall be posted in each satellite office and polling place operating for the election.

Ballot Standards

June 2021

For Ballots with Ranked Choice Voting (RCV) Races

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

Authority and Scope

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

What's in this document

Code requirements — C — Ballots must comply with these.

State Board requirements — B — Ballots must comply with these.

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

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

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

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

Designing polling place materials (eac.gov)

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

Design Principles for Ranked Choice Voting (civicdesign.org)

Who should use this document

General registrars	To ensure that you are meeting all of the requirements for ballot design and layout, including order of offices and for proofing ballots.
Ballot layout specialists	To ensure that ballots show the right content in the correct order. You will also find best practice recommendations useful when you are making tradeoffs in formatting. The best practices represent the best possible design for ensuring voter intent is communicated.
ELECT staff	As a reference for proofing ballots.

How to use this document

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

① **Examples / Illustration(s)**

B **Commonwealth of Virginia, Official Ballot**

City of Richmond

C Republican Party Presidential Primary

Tuesday, March 1, 2016

P

Requirements vs. Best practice recommendations:

---

② **Indicators for illustrations**

C B P

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

③ **Headers for text**

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

Code requirements

Board requirements

Best practice recommendations

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Overall Ballot Design

Fonts and Targets

Board requirements for fonts

Items required by Code or the State Board

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

Best practice recommendations for fonts

Font size

P Minimum font size of 12 points on the entire ballot.

Ballot headers should be the biggest content on the ballot, preferably at 18 points.

Use sans serif fonts

P Vendors and printers may select any highly readable sans serif font. Some examples are Calibri (the font used throughout this document), Arial (used in all of the examples), and Helvetica.

Avoid serif fonts, such as: Times New Roman, Georgia, Cambria.

Target ovals or boxes

P Ovals are preferred as targets for marking ballots rather than squares, rectangles, or arrows. Squares, rectangles or arrows may be used, so long as targets marked without filling in the target area entirely – including with a line, check mark, or “X” – always capture voter intent.

Line weight for the target oval or rectangle should provide adequate contrast to cue the voter.

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

Order of Major Elements on the Ballot

The ballot must be laid out in this order

B 1. Ballot Header (page 13)

B 2. Instructions for voters (page 16)

B 3. Offices (non-ranked choice voting (RCV)) (page 23)

B 4. RCV instructions for voters
5. RCV offices

B 6. Issues

C 7. Locality Seal (page 38)

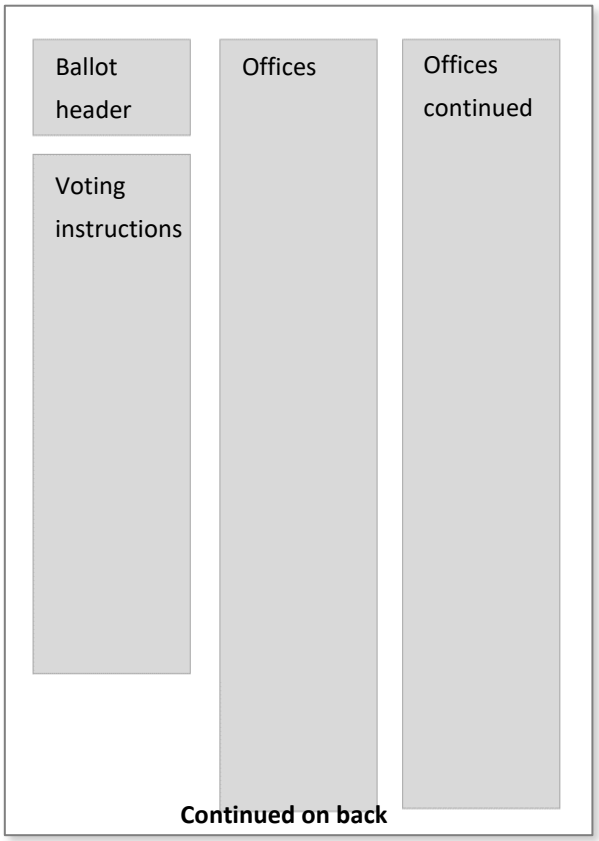
Acceptable Layouts

B You may use one of the two ballot layouts below for non-RCV races (images are not to scale). If you would like to use a different layout, please request a requirements waiver (see page 46).

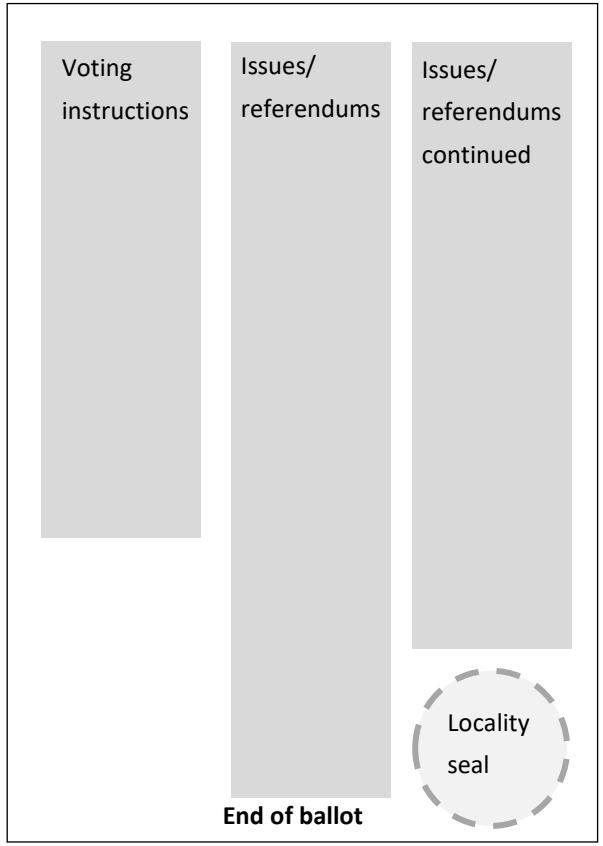
Ballot Layout 1: Best practice

(Instructions in left column)

P



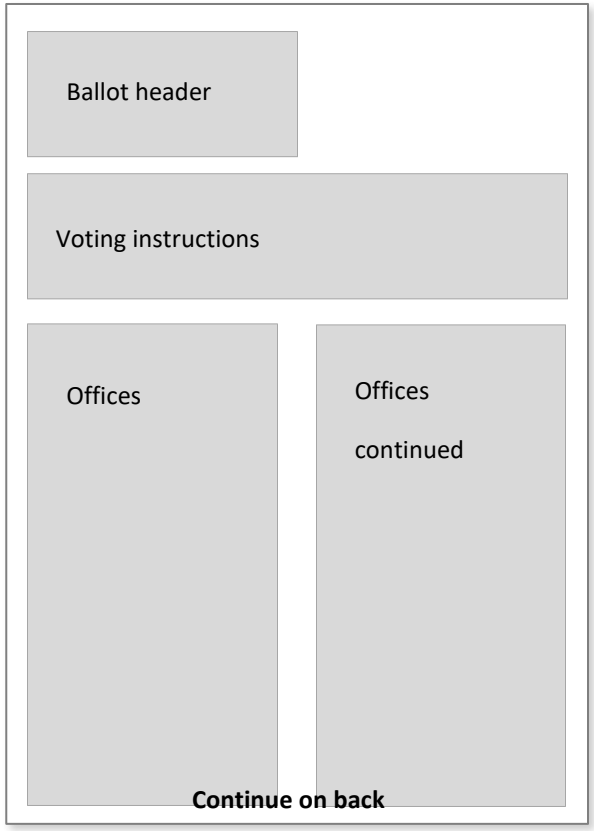
RCV voting instructions and offices go on a page by themselves between the other offices and any issues/referendums. See page 11 below for RCV ballot layout.



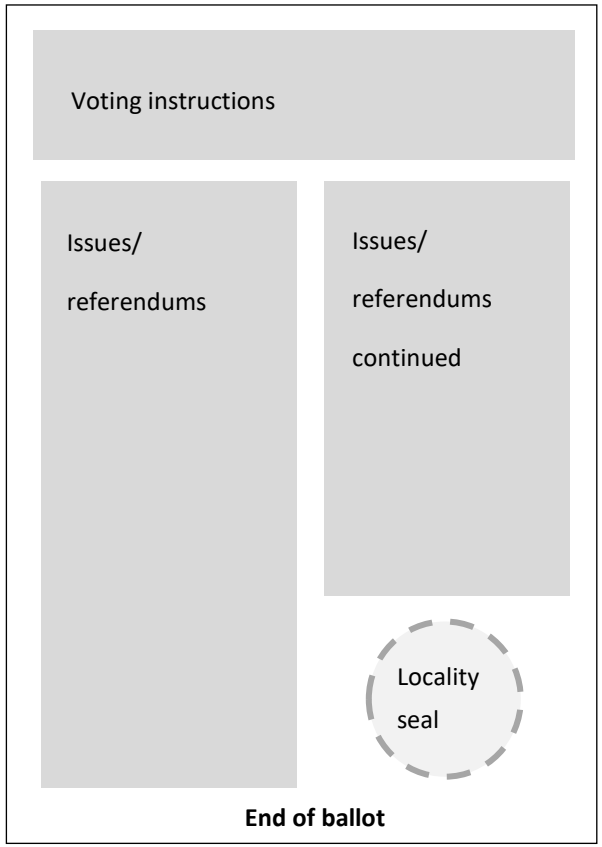
Ballot Layout 2

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

(Instructions across top)

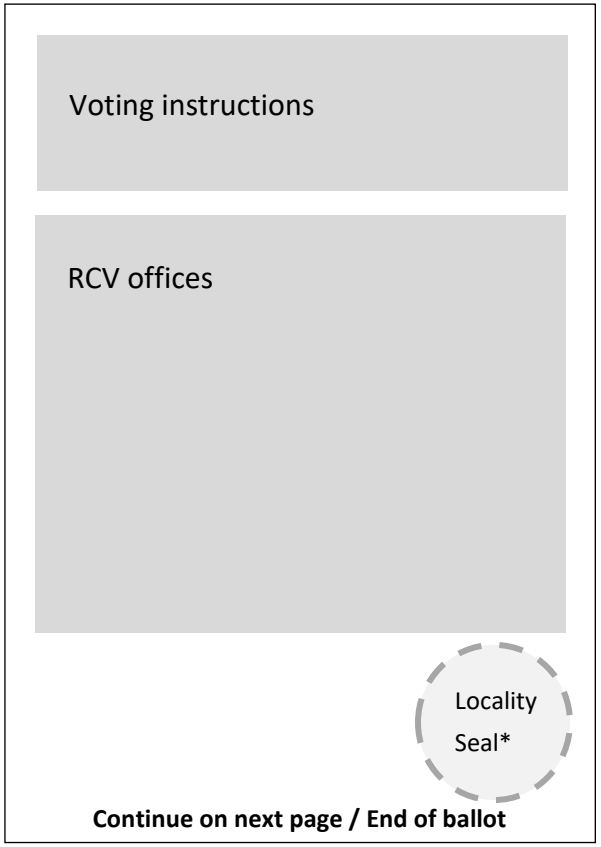


RCV voting instructions and offices go on a page by themselves between the other offices and any issues/referendums. See page 11 below for RCV ballot layout.



Ballot Layout: RCV races

B You must use the following layout below for RCV races only.



**Only put the seal on this page if there will not be an issues/referendums page after. Seal only goes on the last page of the ballot.*

Best practice recommendations for ballot design

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

Turn the ballot over

Best practice recommendations for instructions to voters

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

Ballot Headers

Ballot header examples

B Commonwealth of Virginia
Official Ballot
City of Richmond
C General and Special Elections
Tuesday, November 7, 2017

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

OR

B **Commonwealth of Virginia, Official Ballot**
City of Richmond
C Republican Party Presidential Primary
Tuesday, March 1, 2016

Code requirements for ballot headers

Non-presidential primaries

(Va. Code § 24.2-529)

Must include the political party name before the words 'Primary Election'.

For example: Republican Party Primary Election
Democratic Party Primary Election

Board requirements for ballot headers

Title

"Commonwealth of Virginia" and "Official Ballot" on one or two lines.

Locality

Name of locality

Name of election

General election **without** specials, referendum, or amendments	General Election
General election **with** specials, referendum, or amendments	General and Special Elections
Special Elections	Special Election
Primaries	Republican Party Primary Democratic Party Primary
Presidential Primaries	Republican Party Presidential Primary Democratic Party Presidential Primary

Date of election

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

Best practice recommendations for ballot headers

Font Size

No smaller than 12-point and should not be larger than 18-point.

In the example, “Commonwealth of Virginia” and “Official Ballot” are 18-point. The rest of the information is 12-point.

Voting instructions

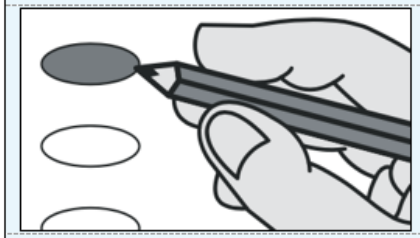
Voting instruction examples (non RCV)

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

P

Instructions

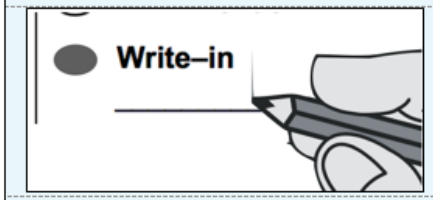
Making selections



B

To vote for a candidate, fill in the oval next to the name.

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



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

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

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

Remember:

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

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

Voting Instructions

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

Example of voting instructions across the top of the ballot:

P

B

Instructions to voters

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

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

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

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

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

Voting Instruction examples for RCV races

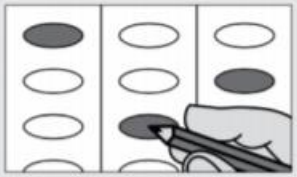
B RCV races must have instructions placed at the top of the ballot page on which the race is placed.

Instructions for Ranked Choice Voting

1. Pick your 1st choice candidate and completely fill in the oval next to that candidate under First Choice.
2. If you have a 2nd choice candidate, fill in the oval next to that candidate under Second Choice.
3. Mark your 3rd choice candidate, if you have one, the same way under Third Choice. And so on.

! Mark **at least one candidate** for your vote to count.

! If you make a mistake ask for a new ballot. Otherwise your vote may not count.



! All choices must be different from each other.

! Don't mark more than one in each column.

Instructions for Ranked Choice Voting

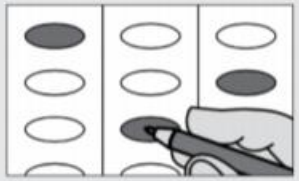
Making selections

Rank candidates in the order of your choice.

You may rank as many or as few candidates as you wish.

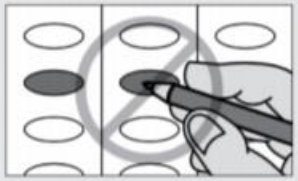
Fill in the oval...

- In the 1st column for your first 1st choice.
- In the 2nd column for your 2nd choice.
- In the 3rd column for your 3rd choice.



Fill in the oval completely.

No more than 1 oval in a column.



No more than 1 oval for a candidate.

Board requirements for voting instructions

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

Best practice recommendations for voting instructions

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

Ballot Order

Ballot Order for RCV races

B Races for RCV must use the grid style layout. In the event you have multiple RCV races, RCV races must be listed down the ballot.

Mayor										
Rank up to 10 candidates. Mark no more than 1 oval in each column.	First choice 1st	Second choice 2nd	Third choice 3rd	Fourth choice 4th	Fifth choice 5th	Sixth choice 6th	Seventh choice 7th	Eighth choice 8th	Ninth choice 9th	Tenth choice 10th
Frederick Sharp Orange Party	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭
Luis Garcia Orange Party	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭
Charles Layne Yellow Party	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭
Andrew Kowalski Yellow Party	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭
Alex Wallace Purple Party	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭
Eric Savoy Purple Party	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭
Barbara Williams Tan Party	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭
Lillian Cohen Lime Party	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭
Ann Windsock Independent	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭
Markos Miller Silver Party	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭
Elizabeth Harp Silver Party	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭	⬭

City Council						
Rank up to 6 candidates. Mark no more than 1 oval in each column.	First choice 1st	Second choice 2nd	Third choice 3rd	Fourth choice 4th	Fifth choice 5th	Sixth choice 6th
Valarie Altman Orange Party	⬭	⬭	⬭	⬭	⬭	⬭
George Hovis Yellow Party	⬭	⬭	⬭	⬭	⬭	⬭
Althea Sharp Purple Party	⬭	⬭	⬭	⬭	⬭	⬭
Mary Tawa Lime Party	⬭	⬭	⬭	⬭	⬭	⬭
Joe Li Tan Party	⬭	⬭	⬭	⬭	⬭	⬭
Phil Wilkie Independent	⬭	⬭	⬭	⬭	⬭	⬭

Code requirements for ballot order

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

Board requirements for ballot order for ballots with RCV races

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

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

Offices must be placed in this order:

Ballot Placement	Office/Issue title
Statewide Offices	
1	President
2	Member United States Senate
3	Member House of Representatives
4	Governor
5	Lieutenant Governor
6	Attorney General
Regional Offices	
7	Member Senate of Virginia
8	Member House of Delegates
Locality-wide Offices	
9	Clerk of Court

Ballot Order

Ballot Placement	Office/Issue title
Locality-wide Offices (continued)	
10	Commonwealth's Attorney
11	Sheriff
12	Commissioner of Revenue
13	Treasurer
14	Mayor, City
15	Chairman School Board
16	Member School Board At Large
17	Member School Board Super District/Ward
District/Magisterial/Ward Offices	
18	Member School Board
19	Soil and Water Conservation Director
20	Mayor
21	Member Town Council At Large
Town Offices	
22	Member Town Council
23	Recorder
24	Treasurer
RCV offices	
25	Chairman Board of Supervisors
	County Board

Ballot Order

Ballot Placement	Office/Issue title
RCV offices (continued)	
26	Member Board of Supervisors At Large
	Member City Council At Large
27	Member Board of Supervisors
	Member City Council Super District/ Ward
	Member City Council Election
Statewide Issues, if applicable	
28	Proposed Constitutional Amendment (statewide)
29	Proposed Bond Referendum (statewide)
Regional Issues, if applicable	
30	Regional Referendum
Locality-wide Issues, if applicable	
31	Bond Issues
32	Referendum
District/Ward Issues, if applicable	
33	Referendum
Town Issues, if applicable	
34	Referendum

Office Headers

Officer Header examples

General election

B

C

Member
Senate of Virginia
District 99
Vote for only one

Special election, without designation

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

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

Special election, with designation

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

Special election, with term on 2 lines

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

Officer Header examples, continued

Examples for down-ballot offices (non-RCV)

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

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

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

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

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

Officer Header examples, continued

B Examples for RCV-ballot offices

Member City Council Ward B
Rank candidates in the order of your choice. Mark no more than 1 oval in each column.

Member City Council
Three candidates will be elected Rank candidates in the order of your choice. Mark no more than 1 oval in each column.

Office Headers

Presidential elections

President and Vice President

C Vote for only one

Democratic Party

C Electors for

◯ **Anna Mae Sterner**, President and
Leslie Michelle Voiles, Vice President

Republican Party

Electors for

◯ **James X. Spool**, President and
Herbert Adams, Vice President

◯ **Write-in**

_____

Code requirements for office headers

"Vote for…" Instructions

(Va. code § 24.2-613(D))

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

Must appear immediately below the title of any office.

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

Instructions for offices to which more than one candidate can be elected must say:
"Vote for not more than *n*"

…where "*n*" is a number, written out. For example:

Vote for not more than three

"Electors for…"

(Va. Code § 24.2-614)

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

Board requirements for office headers for RCV races

“Rank…” instructions

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

Must appear immediately below the title of any office.

Instructions for offices to which more than one candidate can be elected must say:
“*N* candidates will be elected”
…where “*n*” is a number, written out. For example: Three candidates will be elected

Ranking limitations if applicable

Board requirements for office headers

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

Best practice recommendations for office headers

Shading

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

Shading should be 10% gray or cyan.

Separate candidate list

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

Be consistent

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

Term Expiration

Wording for term expiration can include or exclude the preposition “on.”

For example: For unexpired term to end on December 31, 2015
For unexpired term to end December 31, 2015

Candidate Order and Name Formats

Non-presidential candidate names

"Vote for" language is set in code. — C

The Board sets standards for ballot names. — B

Candidate order is set in code. — C

Member
Board of Supervisors
For unexpired term to end on December 31, 2015

Vote for not more than three

- ◯ **Aaron J. Peskin II**
- ◯ **Barb Jean Bush Jr.**
- ◯ **G. Duane Kruse**
- ◯ **Janice C. "Ginny" Redish**
- ◯ **Erin J. Michael**
- ◯ **Write–in**

_____

P — Candidate names should be in mixed case, bold type.

Code requirements for candidate names

(Va. Code §24.2-613) **All elections**	The names of all candidates printed on the ballot must be in the same font, size, and style.
(Va. Code §24.2-529) **Primary elections**	List names in the order in which the candidates completed filing. In the event two or more candidates file simultaneously, the order of filing is determined by lot by the electoral board or the State Board as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections.

Board requirements for candidate names

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

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

Title	Do not include a title with the name – neither before, nor after. Examples of titles include Rev., Dr., Mrs., Mr., etc. Candidates must use their given name and not the name of their spouse. For example: Mary L. Jones Not: Mrs. John W. Jones
First name	Must use first name or initial or familiar form of first name.
Middle name	Must use middle name or initial or familiar form of middle name.
Initials	Initials may be used instead of either the first or middle name or both.
Nickname	Must be in double quotation marks, if used.
Last name	Must use the last name as it appears on the candidate's voter registration record.
Suffix	Must be used if included on the candidate's voter registration record.

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

Board requirements for candidate names, continued…

Examples of acceptable name formats

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

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

Presidential / Vice Presidential Candidate Names

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

Fit the full candidate name on one line

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

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

Best Practice Recommendations

Candidate names should be in mixed case, bold type.

P

Member
House of Delegates
58th District

Vote for not more than three

- ◯ **Aaron Peskin II** (D)
- ◯ **Barb Jean Bush Jr.** (R)
- ◯ **G. Duane Kruse** (L)
- ◯ **Janice C. "Ginny" Redish** (G)
- ◯ **Erin J. Michael** (G)
- ◯ **Write–in** _____
- ◯ **Write–in** _____
- ◯ **Write–in** _____

C

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

Political Party Order and Appearance

Code requirements for political party order and appearance

Party designation

A political party name must identify candidates that have been nominated for federal, statewide, and General Assembly offices. Party identification is only present on ballots in federal, statewide, and General Assembly elections (Va. code § 24.2-613).

Order of parties

General and Special Elections

The State Board determines by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties.

Independent candidates always appear last and in the order they filed all required paperwork (Va. code § 24.2-613).

Board requirements for political party order and appearance

Appearance of political party names

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

Best practice recommendations for political party order and appearance

Party name format

If the SBE determines party names are to be spelled out, then the names of the parties should be mixed case, regular (non-bold) type, following candidate names in mixed case, bold type.

Emphasis of party abbreviation

If you abbreviate the party name, it should appear in regular (non-bold) type, following the candidate name in mixed case, bold type.

Write-ins

Write-in Example

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

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

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

Member
Board of Supervisors

Vote for not more than three

- ◯ **Aaron Peskin II** (D)
- ◯ **Barb Jean Bush Jr.** (R)
- ◯ **G. Duane Kruse** (L)
- ◯ **Janice C. "Ginny" Redish** (IG)
- ◯ **Erin J. Michael** (I)
- B ◯ **Write–in** _____
- P ◯ **Write–in** _____
- ◯ **Write–in** _____

RCV Write-in Example

Member City Council Three candidates will be elected Rank candidates in the order of your choice. Mark no more than 1 circle in each column.	First Choice **1st**	Second Choice **2nd**	Third Choice **3rd**	Fourth Choice **4th**	Fifth Choice **5th**
John Q. Public	○	○	○	○	○
Jane C. Doe	○	○	○	○	○
_____ Write-In	○	○	○	○	○
_____ Write-In	○	○	○	○	○
_____ Write-In	○	○	○	○	○

Write-ins

Code requirements for write-ins

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

Board requirements for write-ins

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

Best practice recommendations for write-ins

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

Location of line Put the line for writing in the name under the words “Write-in” with enough line space for the voter to write the name. The line may also be next to or above the words “Write-in” if voting systems cannot accommodate the line underneath. If presented on the same line, the words “Write-in” should be to the left of the write-in line.

Amendments, Referendums, and Bonds

Title, then Question, then Answer options. C

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

"Yes" and "No" in individual blocks or lines after the text of the question. C

Meals tax

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

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

◯ **Yes**

◯ **No**

P

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

"Yes" and "No" choices in bold type.

Code requirements for amendments, referendums, and bonds

Layout (Va. code § 24.2-684)

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

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

Language (Va. code § 24.2-684)

Referendums must:

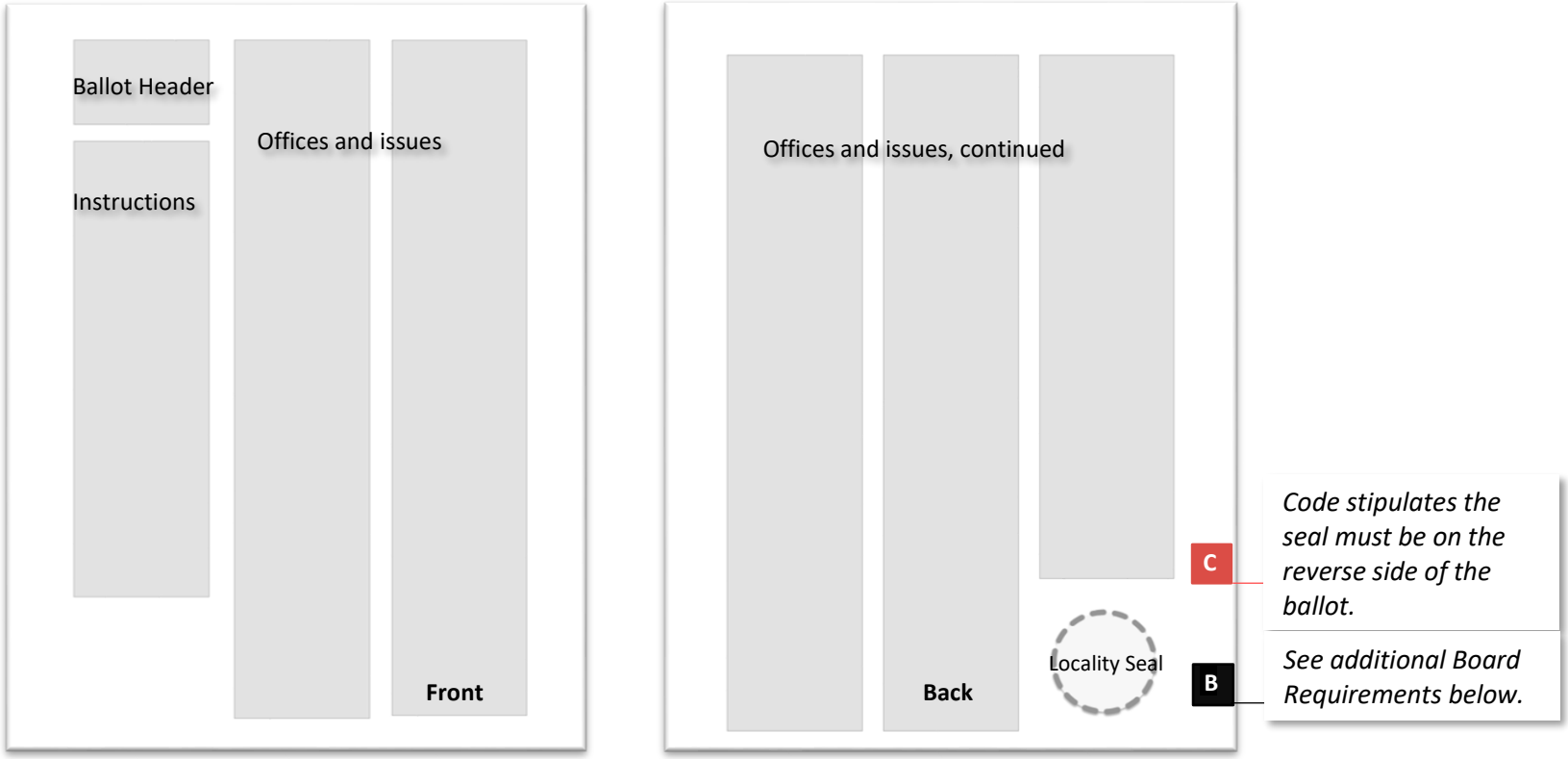
- Include statewide and regional content exactly as it is written in the legislation passed by the General Assembly.
- Include local content exactly as it is written in the Circuit Court’s Writ.

Best practice recommendations for amendments, referendums, and bonds

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

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

Locality Seal



Locality Seal

Code requirements for the locality seal

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

Board requirements for the locality seal

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

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

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

Waivers

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

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

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Hampton Electoral Board Request for Electronic Pollbook Certification Extension

BOARD WORKING PAPERS
Karen Hoyt-Stewart
Voting Technology Program Manager

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary LeCruise,
Mr. Merricks, Ms. Chang

From: Karen Hoyt-Stewart, Voting Technology Program Manager

Date: Tuesday, September 14th, 2021

Re: Hampton Roads ESS 5000 with 3.2.0.0 Pollbook Waiver

Background:
In the Commonwealth, localities have over 8,000 electronic pollbooks (EPB) which are supported by five vendors. In 2020, the Voting Systems Certification Standards were reviewed, updated, and approved to be in compliance with the State Certifications Standards. The updates to EPB state certification standards can be summarized below:

- Localities are upgrading to security standards, procedures and processes for all EPBs.
- Electronic pollbooks must provide secure connectivity for use in satellite locations.
- Other changes include: password requirements, penetration reports, source code reports, and upgrades to the new certified versions.

2021 EPB Certification:
During the March 31st State Board of Elections Meeting, a memo titled *Voting Systems Upgrade Timeline*, recommended that due to "tight timelines and financial constraints" localities should be allowed to continue use of EPBs certified to the 2020 baseline standards as long as they were not used at satellite early voting sites and upgraded by July 2022. The Board motioned to approve.

At the June 22nd SBE meeting, the Board was informed that VR Systems-EVID-electronic pollbook-version 2012.21.106 would expire as of July 1st, 2021. At the June 2021 meeting, a verbal update was also given that ESS was planning to bring in ExpressPoll 5000 pollbooks for certification and that process would be completed by August. The SBE and ELECT have been operating under the assumption that ESS would meet the new Voting System Certification standards by August. ESS has since opted out of the certification process for the ExpressPoll 5000 pollbooks and have just now informed ELECT that they do not intend to certify that model to the new standards. ESS intends to deploy a new product model and submit that for Voting System Testing Laboratory (VSTL) and certification, which will occur by January of 2022. This recent decision by ESS has made the ExpressPoll 5000 3.2.0.0 expired as of July 2021.

ESS 5000 with 3.2.0.0 Certification in the Commonwealth:
The only locality using ExpressPoll 5000 with 3.2.0.0 certification is the City of Hampton, which has over 100,000 voters and 125 EPBs. ESS did not inform the City of Hampton of their decision to not certify this year until August 19th, 2021. The City of Hampton only uses these EPBs on Election Day. Unless the State Board of Elections grants a waiver for the ExpressPoll 5000 3.2.0.0 version, the General Registrar, Tara Morgan, will have to purchase an entirely new product or rely, pursuant to §24.2-612 (F), on the use of paper pollbooks. If Hampton decides to purchase all new systems, the General Registrar will have to secure funds in the budget, initiate the

procurement process, and develop all new training materials. The accessible time to upgrade is around ten weeks. This is not feasible before the November 2021 Election.

Analysis:
The primary issue is that ESS did not attempt to certify to the new standards and did not give the locality enough time to replace their pollbooks. VR Systems also did not attempt to certify to the new EPB standards; however, the company gave notice last December, which gave the nine localities impacted enough time to purchase new EPBs and develop training material. Since ESS did not bring their EPB in for certification and did not give adequate notice to the locality, the City of Hampton needs the SBE to grant a waiver to utilize their EPBs on Election Day.

The SBE has already allowed EPBs certified to the 2020 uniform baseline standards to continue to be used in elections until July 2022, as long as they have upgraded EPBs by the July 2022 timeframe. The systems approved in the 2020 baseline certifications were: the Advocate by DemTech, Pollpad by Knowink, AsKED by Robis, and ExpressPoll 5000 by ESS. These EPBs were certified and tested under VSTL and ELECT supervision.
The EPBs with the baseline certification are secure, but do not have the following features that are required under the new standards:

- "Warning" of Battery Loss
- Additional special characters (relevant for constructing more secure passwords)
- Secure connectivity over VPN or the Cloud (necessary only if used at satellite early-voting sites and connecting to the VPN or Cloud)

Recommendation:
ELECT recommends that ExpressPoll 5000 with 3.2.0.0 certification should receive a waiver. The current certified version of ExpressPoll 5000 EPBs are secure and independently tested. Hampton's EPBs will not be used at satellite early-voting sites and, therefore, will not be connected to the VPN or Cloud. If used only on Election Day, Hamptons EPBs pose no security concerns and fill a necessary operational need. Additionally, the SBE has already set a precedent by previously granting extensions of both voting systems and EPBs with the approved 2020 uniform baseline certifications until July 31, 2022. Without this waiver, the City of Hampton will have to rely on paper pollbooks to check-in voters; due to the size of this locality, this creates an unnecessary operational burden.

Suggested Motion:
Motion to grant an extension for the ExpressPoll 5000 3.2.0.0 certified version of electronic pollbooks to be used up until the locality secures a certified system, but not later than July 31, 2022.

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Designation of Minority Language Status for Fairfax County

BOARD WORKING PAPERS

Samantha Buckley
ELECT Policy Analyst

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary LeCruise, Delegate Merrick, and Ms. Chiang
From: Samantha Buckley, Policy Analyst
Date: September 14, 2021
Re: Minority Language Requirements

Suggested motion for a Board member to make:

> "I move that the State Board of Elections designate Fairfax County, VA as a covered locality pursuant to Va. Code § 24.2-128. Fairfax County will be required to provide any English language voting or election materials, as defined by Va. Code § 24.2-128, in the Spanish and Vietnamese languages."

Applicable Code Section: § 24.2-128

Background:

In 2021 the General Assembly passed HB 1890, which established minority language accessibility requirements for certain localities. Effective September 1, 2021 the State Board of Elections "shall designate a county, city, or town as a covered locality…". A "covered locality" as defined by Va. Code § 24.2-128, is a locality that has:

(i) more than five percent of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process;

(ii) more than 10,000 of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process; or

(iii) in the case of a county, city, or town containing all or any part of an Indian reservation, more than five percent of the American Indian citizens of voting age within the Indian reservation are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process.

Any locality that is designated a covered locality pursuant to Va. Code § 24.2-128 will be required to translate into the applicable minority language any voting or election materials available in English. "Voter or election materials" means registration or voting notices, forms, instructions, assistance, voter information pamphlets, ballots, sample ballots, candidate qualification information, and notices regarding changes to local election districts, precincts, or polling places. "Registration notices" means any notice of voter registration approval, denial, or cancellation required by the provisions of Chapter 4 of the Elections Code.

Fairfax County's population met the threshold as prescribed above for Spanish in 2010 and Vietnamese in 2016. Currently, Fairfax County provides multiple voting and election materials in Spanish and Vietnamese. Fairfax County, VA also provides voting and election materials in Korean. As a result of the 2010 Census data and 2016 American Community Survey data, the SBE is required to designate Fairfax County, VA as a covered locality for purposes of minority language accessibility.

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Revision to the Hand-counting Ballot Standards

BOARD WORKING PAPERS

Samantha Buckley
ELECT Policy Analyst

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary LeCruise, Delegate Merrick, and Ms. Chiang
From: Samantha Buckley, Policy Analyst
Date: September 14, 2021
Re: Revision to the Hand-counting Ballot Standards

Suggested motion for a Board member to make:

"I move that the State Board of Elections adopt, and make effective immediately, revisions to the Hand-counting Ballot Standards."

Applicable Code Sections: Va. Code §§ 24.2-712(D) and 24.2-802.2

Attachments:

- Current Hand-counting Ballot Standards
- Revised Hand-counting Ballot Standards

Background:

The purpose for revising the current Hand-counting Ballot Standards is to provide clarity for the process of manually counting votes.

Manually counting a ballot for an office primarily occurs for a recount or when counting certain absentee ballots.

Revisions to the Hand-counting Ballot Standards includes clarified instructions for reviewing votes and determining voter intent. Additionally, the revised standards specify applicable language from the Elections Code.

VIRGINIA'S GUIDE TO
HAND-COUNTING BALLOTS

Can this vote count?

A complete guide to hand-counting printed ballots for elections and recounts

★VIRGINIA★
STATE BOARD *of* ELECTIONS

Contents

1 – Extra Marks
Page 5

2 – More than 1 candidate marked
Page 7

3 – Strikethroughs
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4– Marks outside the oval
Page 11

5 – Circle-like marks
Page 13

6 – Written words
Page 15

7 – Write-in votes
Page 17

Introduction

What is hand-counting?

Hand-counting ballots is the process by which ballots are manually counted rather than read by the voting machine. The majority of ballots for an election will not be hand-counted. Hand-counting ballots should be considered only when the ballot cannot be read by the voting machine.

The purpose of these instructions is to assist you while manually counting ballots. Throughout these instructions you will see examples that discuss how to read a ballot and determine if a vote should be counted.

How to use these guidelines

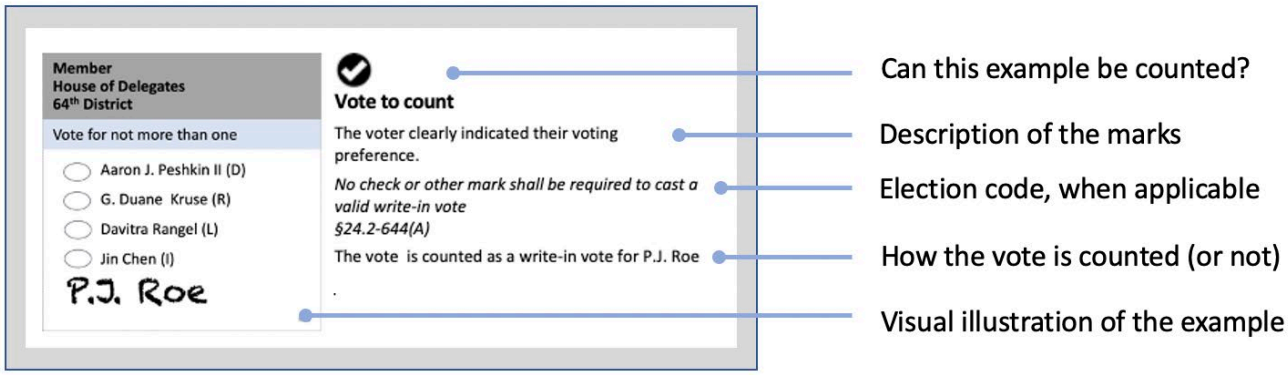
Use these guidelines when you are looking for an indication that a voter affirmatively chose a candidate or a write-in for their vote. Many times this will be obvious and other times it may not be as clear.

These guidelines are the rules and principles that must be applied to every manually counted ballot.

When a voter's choice is not clear, these instructions can help you make a determination about the vote.

What's in this guide?

The instructions include illustrated scenarios of votes to count, votes not to count, and ambiguous markings. When a rule in the Virginia election code applies to an example, it is included with a citation.



What to do if…

What if the ballot I am reading is not shown in the examples?

Sometimes the vote you are looking at will not be exemplified in these instructions. Use the principles provided in these instructions to determine if and how a vote should be counted.

What if my team cannot determine who the voter voted for?

In a recount if the teams cannot agree on how to process the ballot, the vote must be challenged and adjudicated by the court.

For other ballots being manually counted, speak with your general registrar.

Abbreviations and symbols

✔	A vote that can be counted
✕	A vote that cannot be counted
?	A vote that is ambiguously marked

1. Extra Marks

A voter might accidentally make extra pen marks or smudges on their ballot.

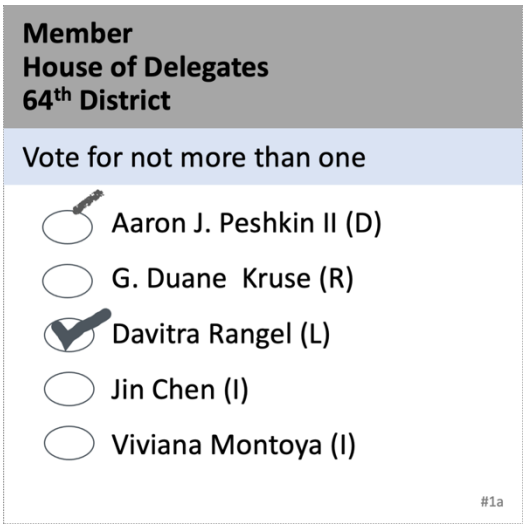
Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644)

How to determine voter intent if a ballot contains extra marks

- Count the vote for the mark that stands out and is clearly associated with a candidate.

Vote marking scenarios

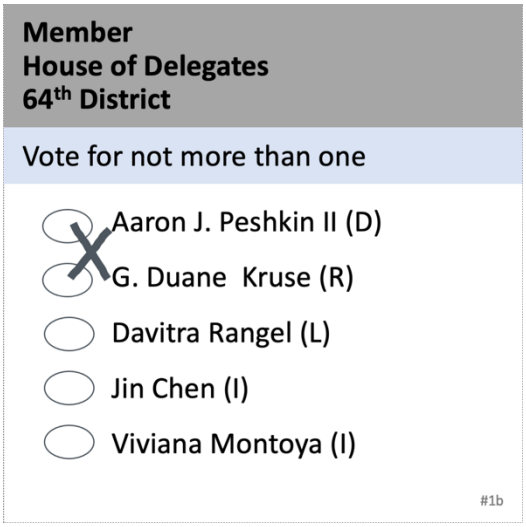


Vote to count

This example contains two marks, but one stands out because it is bold and complete.

This vote is counted for Davitra Rangel.

Vote marking scenarios: Marks between candidates

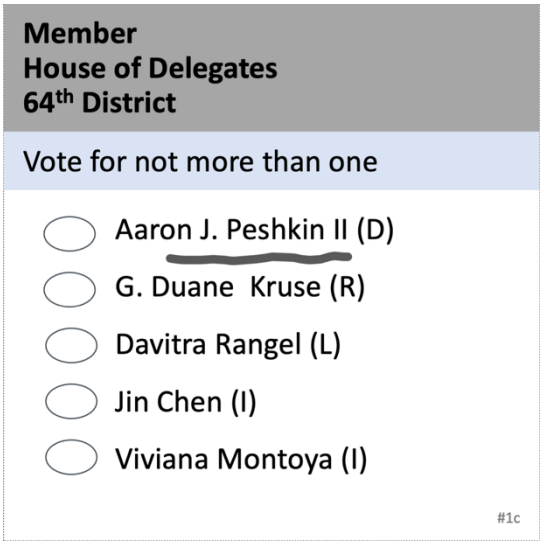


Vote not to count

The voter marked between two candidate names.

In this instance, the voter did not clearly indicate their choice.

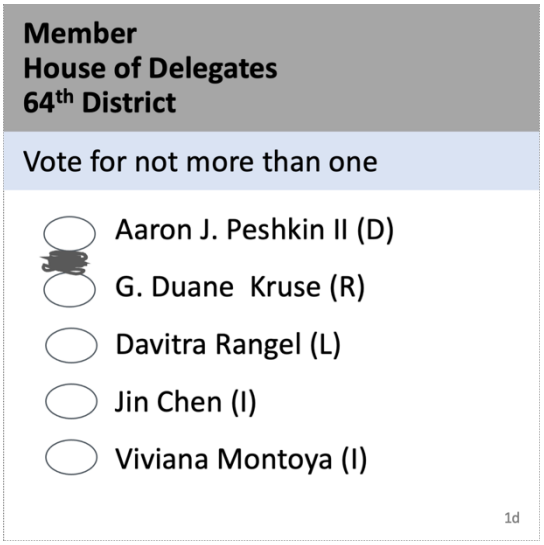
This vote cannot be counted.



Vote not to count

The mark is between two names and gives no clear indication of the voter's choice.

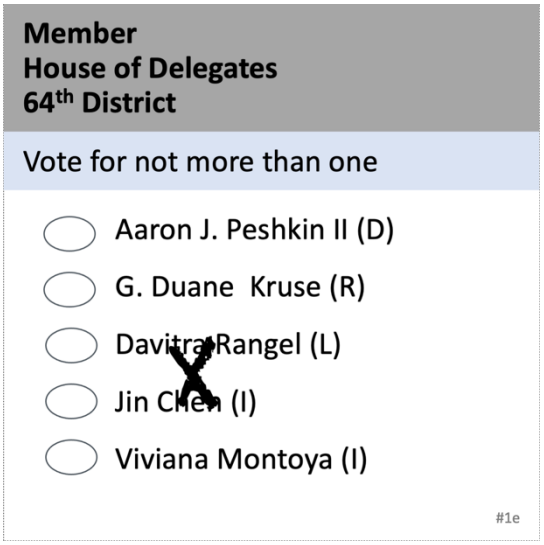
This vote cannot be counted.



Vote not to count

It is not clear who the voter prefers because the mark is in between two candidates.

This vote cannot be counted.



Vote not to count

The mark is between—and touches—two names and gives no clear indication of the voter's choice.

This vote cannot be counted.

2. More than one candidate marked

You may encounter a ballot that contains more than one mark for a vote-for-one contest.

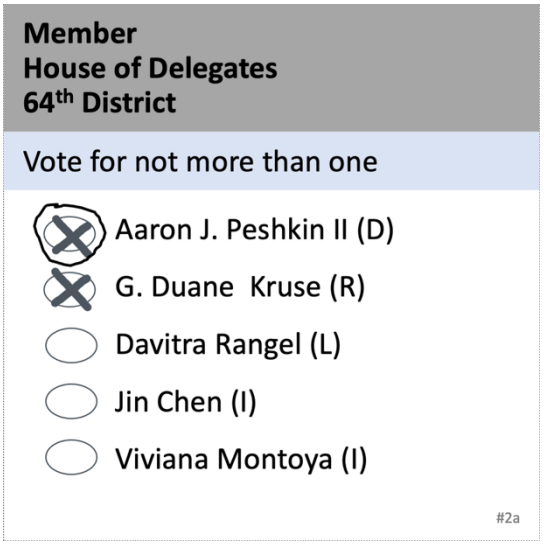
Follow the rules in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644).
- If a ballot for an office contains a greater number of votes than permitted, no vote for the office can be counted (Va. Code §24.2-663).
- In a recount, voting for more candidates than permitted is considered an overvote and the vote cannot be counted (Va. Code §24.2-802.2).

How to determine voter intent if a ballot contains more than 1 mark for a race

- Count the vote for the mark that stands out and is clearly associated with a candidate.

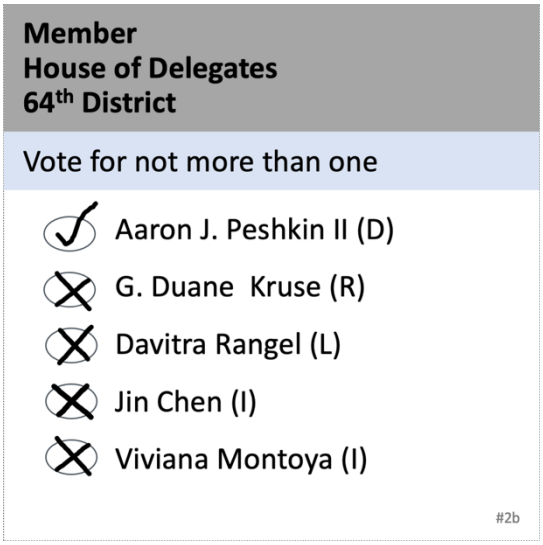
Vote marking scenarios



Vote to count

This example contains two marks, but one stands out because the box contains an x and is circled.

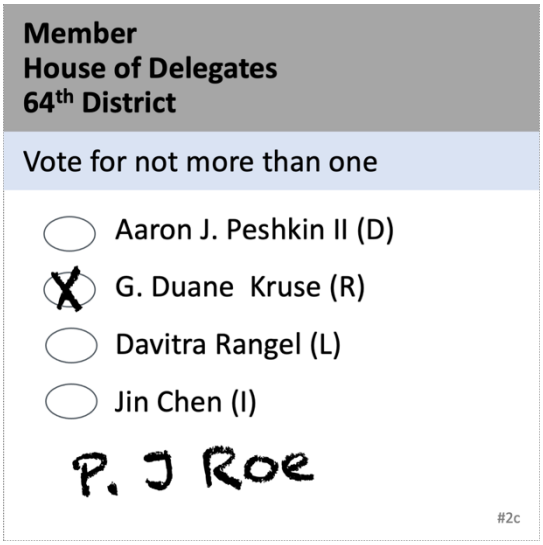
The vote is counted for Aaron J. Peshkin II.



Ambiguous mark

The voter marked each candidate on the ballot. One candidate was marked with a check while the others are marked with an "X". Each mark has the same weight for choice and there is no clear indication of voter intent.

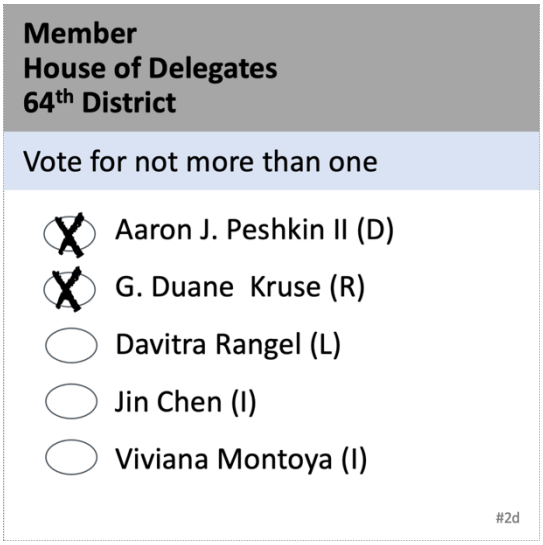
The voter marked each candidate which is an overvote; thus, the vote cannot be counted.



Ambiguous mark

The voter marked a candidate and wrote the name of a write-in candidate. Both are a vote for a candidate.

This vote cannot be counted.



Vote not to count

The voter marked two candidates, when only one is allowed. It is not clear who the voter prefers because both marks are the same. No mark stands out for a particular candidate.This vote cannot be counted.

3. Strikethroughs

Some voters draw lines (also called strikethroughs) across candidate names instead of marking in the oval or box.

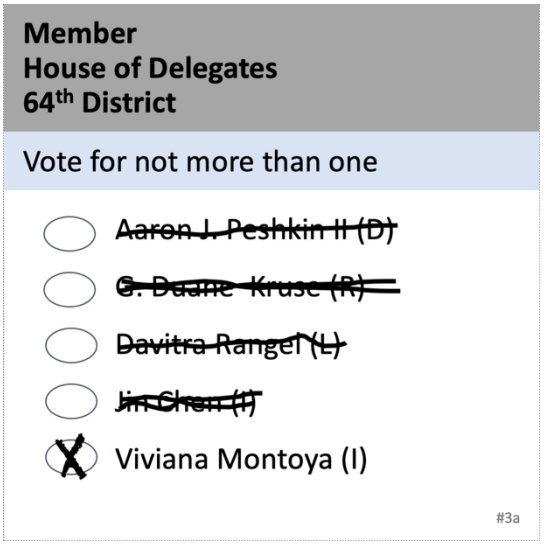
Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644)

How to determine voter intent if a ballot contains strikethroughs

- Strikethroughs mean a voter does not favor a candidate. They don't provide information about voter intent. Often, these votes cannot be counted.

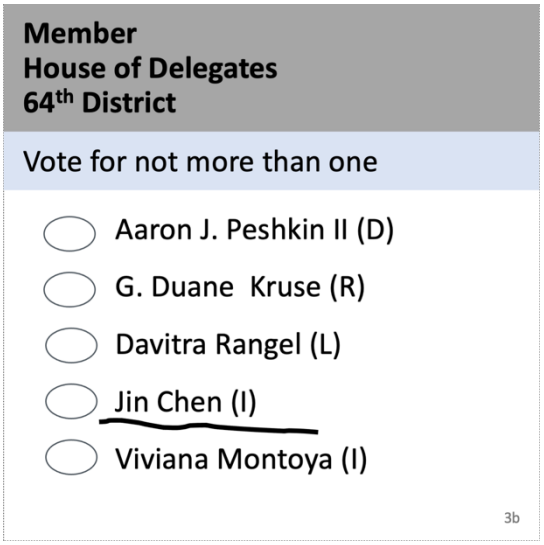
Vote marking scenarios



Vote to count

This voter checked the oval for one candidate and marked out the others.

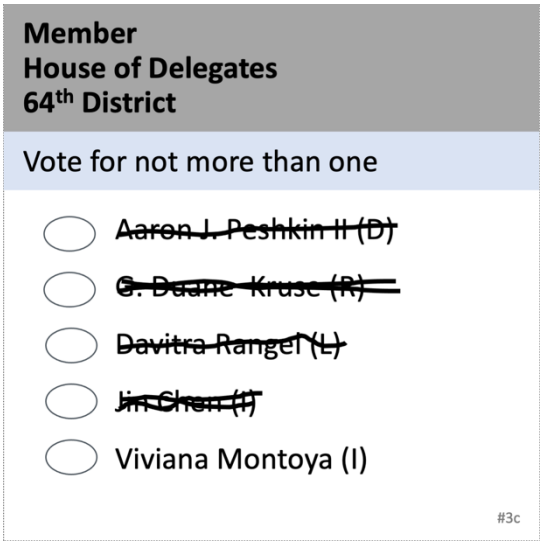
The vote is counted for Viviana Montoya.



Ambiguous mark

The voter marked a line in between two names and there is no clear indication of the voter's choice.

This vote cannot be counted.



Vote not to count

In this example, 4 candidates are struck out. There is no clear mark that indicates who the voter prefers.

This vote cannot be counted.

4. Mark outside the oval

A voter's mark for a candidate may fall outside the oval or box.

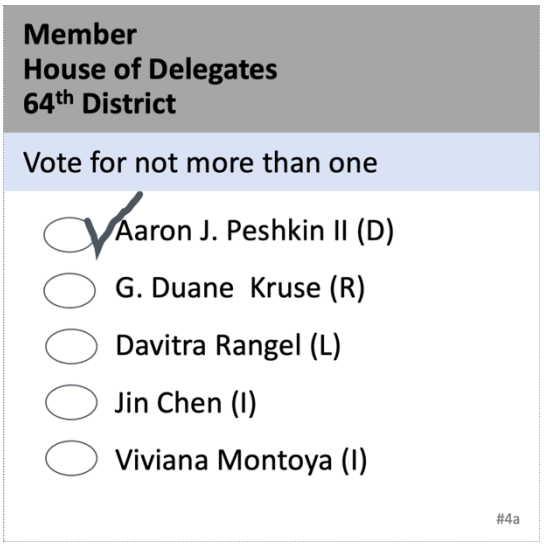
Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted. (Va. Code §24.2-644)

How to determine voter intent if a ballot contains marks outside the oval

- Consider whether the mark indicates a preference for a candidate. If the mark is unclear, the vote cannot be counted.

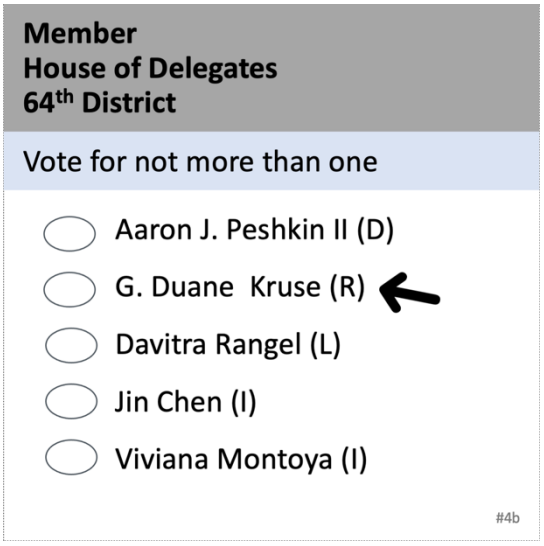
Vote marking scenarios



Vote to count

In this example, it is clear that the checkmark aligns with a candidate.

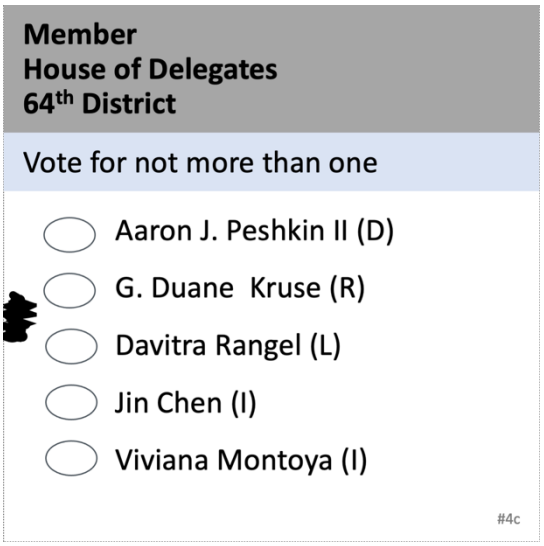
The vote is counted for Aaron J Peshkin II.



Vote to count

In this example, the arrow clearly points to a candidate.

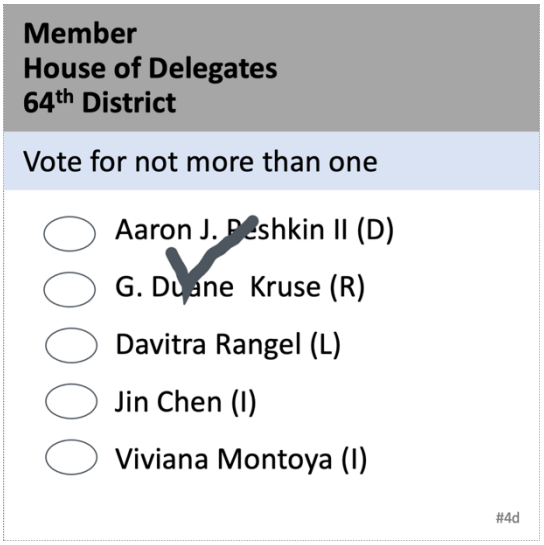
The vote is counted for G. Duana Kruse.



Ambiguous mark

This mark outside of the oval is not clearly associated with any candidate.

This vote cannot be counted.



Vote not to count

This mark is not clearly associated with a single candidate.

This vote cannot be counted.

5. Circle-like marks

You may encounter a ballot on which a voter has circled a candidate name, rather than filling in an oval or box to specify their vote.

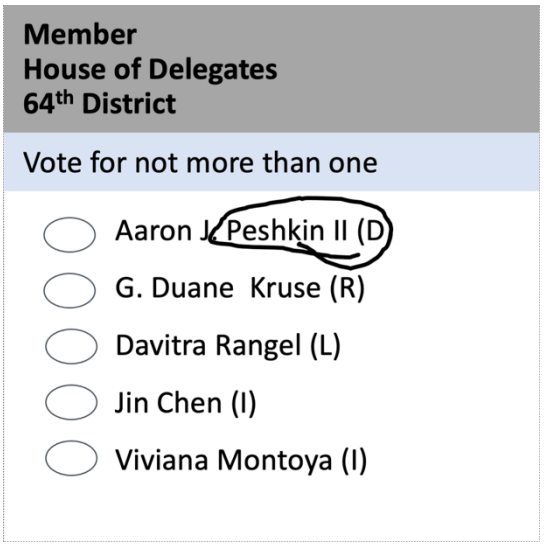
Follow the rule in the elections code

- Any ballot marked so that the intent of the voter is clear shall be counted (Va. Code §24.2-644).

How to determine voter intent if a ballot contains circle-like marks

- Consider whether the mark indicates a preference for a candidate. If it is unclear, the vote cannot be counted.

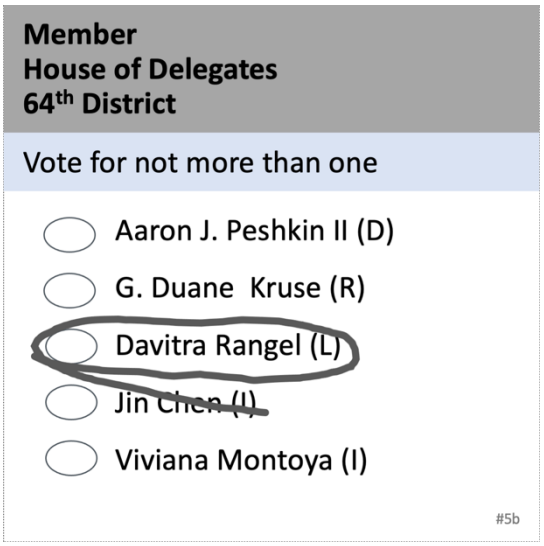
Vote marking scenarios



Vote to count

In this example, the circle corresponds to a specific candidate.

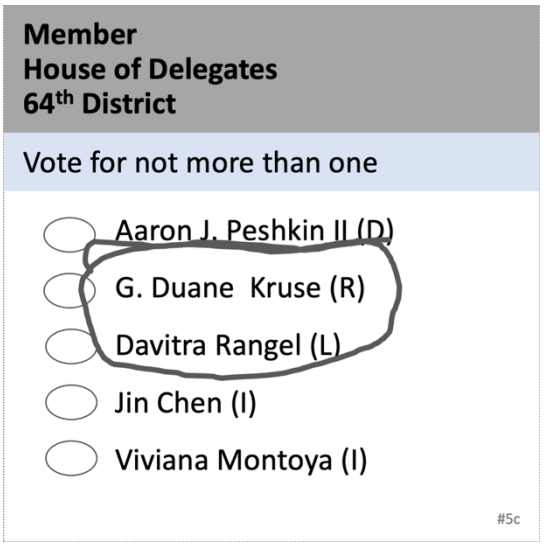
The vote is counted for Aaron J. Peshkin II.



Ambiguous mark

In this example, the circle line touches more than one candidate. The center of the circle closes on one candidate.

The vote can be counted for Davitra Rangel.



Vote not to count

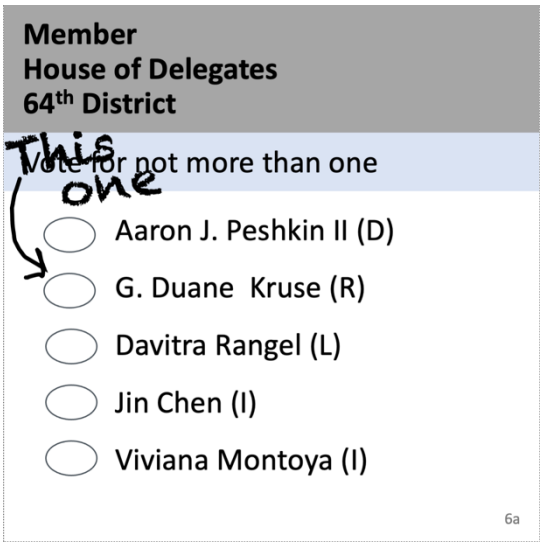
The circle closes around two candidates. The voter's preference cannot be determined.

This vote cannot be counted.

6. Writing words

Voters shall not write words, other than a candidate's name, to indicate preference. Writing words cannot be used to indicate preference.

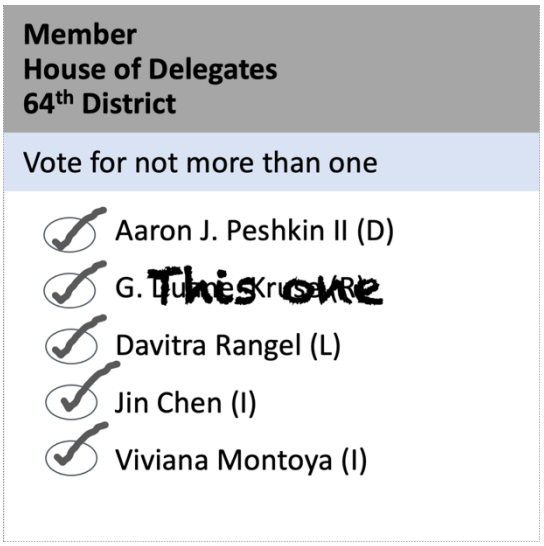
Vote marking scenarios



Vote to count

In this example, the words "this one" cannot be taken as an indication of preference. However, the voter also drew an arrow which can be used to indicate the voter's preference for 1 candidate.

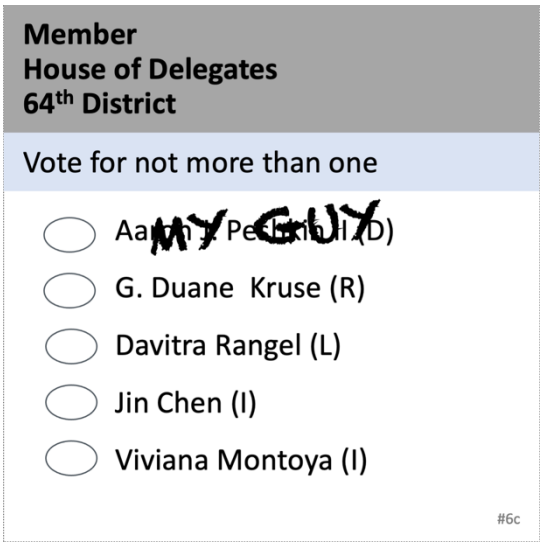
The vote is counted for G. Duane Kruse.



Ambiguous mark

The voter checked all the boxes and wrote "this one" on the ballot. The words "this one" cannot be used as an indication of preference.

Additionally, voter marked each candidate which is an overvote; thus, the vote cannot be counted



Vote not to count

The voter only wrote “My Guy” across a candidate’s name.

This is not a clear indication that the voter was choosing this candidate for their vote.

This vote cannot be counted.

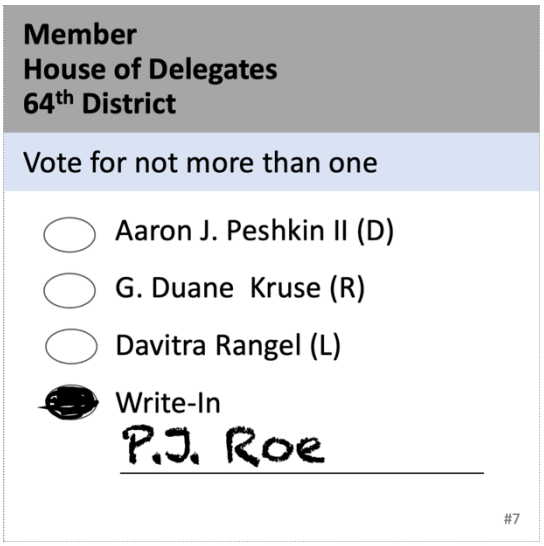
7. Write-in votes

Voters may choose to write in the name of a candidate not listed on the ballot.

Follow the rules in the election code

- At all elections, except primary elections, a voter may vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot. No check or other mark shall be required to cast a valid write-in vote.
  §24.2-644(C)
- No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office.
  §24.2-644(D)

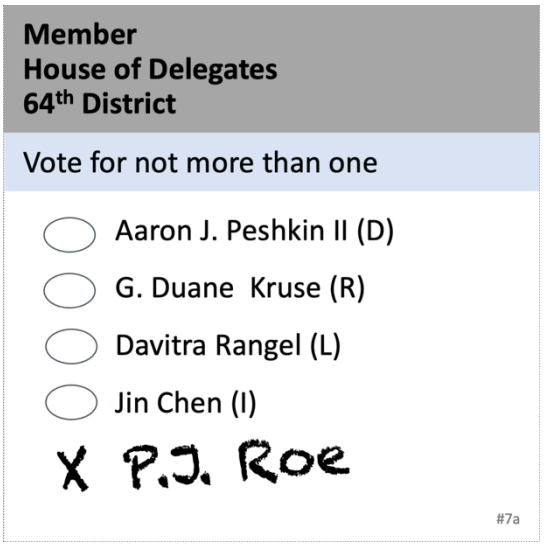
Voting scenarios



Vote to count

The voter wrote the name and filled in the oval to indicate that this is their choice.

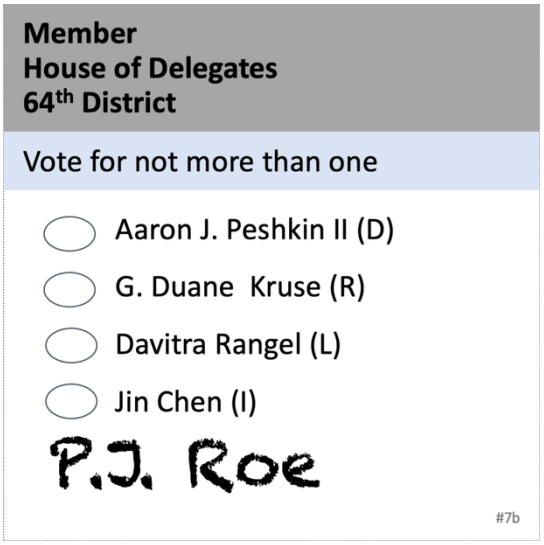
The vote is counted as a write-in vote for P.J. Roe.



Vote to count

The voter wrote in the name and created a mark to indicate that this is their choice.

The vote is counted as a write-in vote for P.J. Roe.

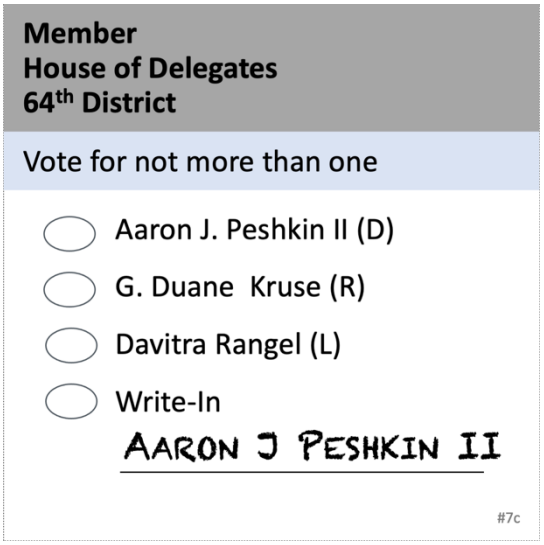


Vote to count

The voter clearly indicated their voting preference.

No check or other mark shall be required to cast a valid write-in vote.
§24.2-644(C)

The vote is counted as a write-in vote for P.J. Roe.

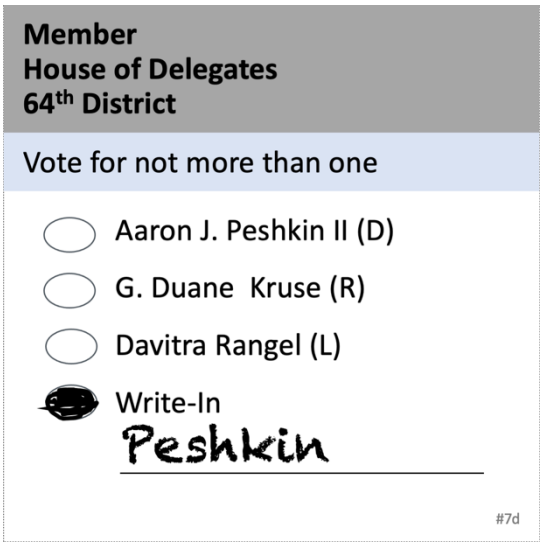


Vote not to count

The voter indicated their choice; however, their choice is already printed on the ballot.

No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office.
§24.2-644(D)

This vote cannot be counted.

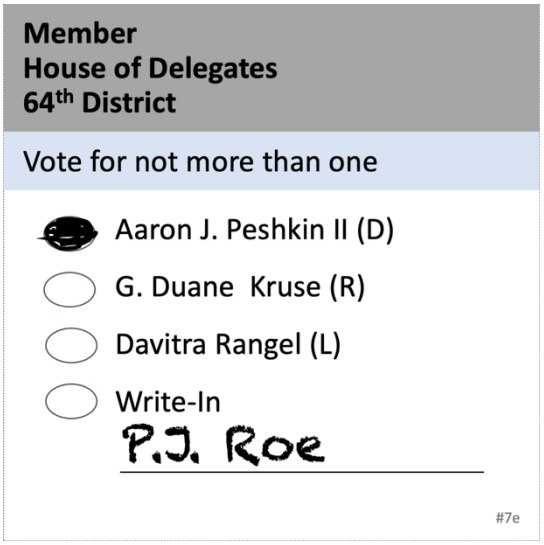


Vote not to count

The voter indicated their choice with the last name of a candidate; however, their choice is already printed on the ballot.

No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office.
§24.2-644(D)

This vote cannot be counted.



Vote not to count

The voter marked a selection and wrote down a name.

This indicates two choices—more than are permitted for this contest.

If voter indicates a number of choices for a race in which is not permitted they have made an overvote and no vote shall be counted.
§24-802.2

This vote cannot be counted.

Ballot Examples

Hand Counting Printed Ballots for Virginia Elections or Recounts

Department of Elections
Commonwealth of Virginia

(Adopted at the 10/6/2015 meeting of the State Board of Elections)

For any printed ballot that can and is to be counted manually, the following guidelines shall be used in determining the voter's intent.

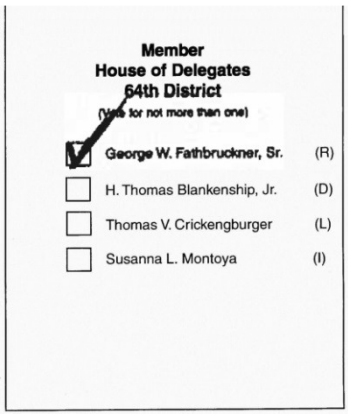
(1) As used below, the "target area" of the official ballot is the square, oval, or incomplete arrow next to the candidate's name on the printed ballot. The "candidate area" is the area between the lines separating candidate names, if the ballot includes such lines, or the area that is clearly closer to one candidate's name than another. The "candidate area" includes the candidate's name and party affiliation if listed, or "I" for any independent using that designation. These instructions only deal with marks that are under the office being recounted, except as provided in items 10 and 11.

(2) These instructions assume that the recount is for a single-seat office. That is, the voter was only permitted to vote for one candidate for the office. For multi-seat offices, the ballot shall be counted pursuant to the guidelines below so long as the voter has not voted for more candidates for that office than he is allowed to vote (in which case no votes are to be counted for the office).

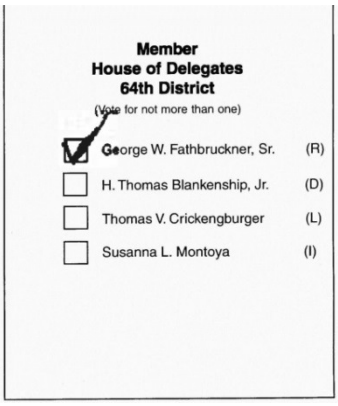
(3) Any ballot that is properly marked (as specified for the type of ballot) in the target area for one candidate only for the office shall be designated as a vote for that candidate.

BALLOT EXAMPLES

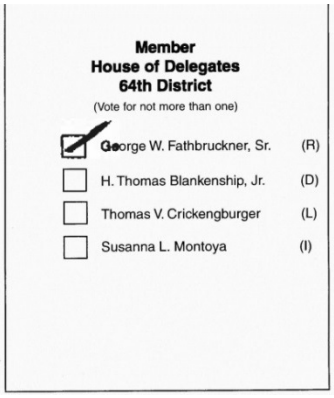
Votes to be counted:



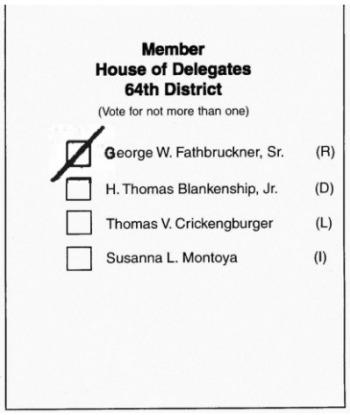
a



b



c



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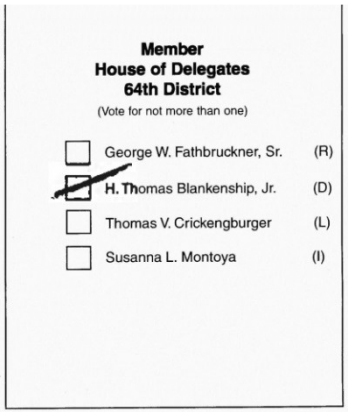

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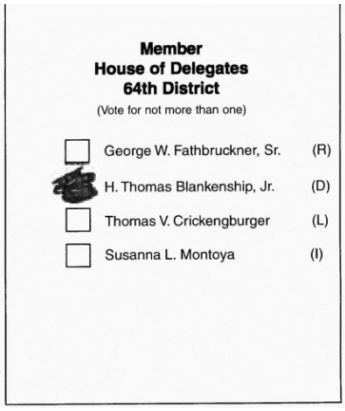

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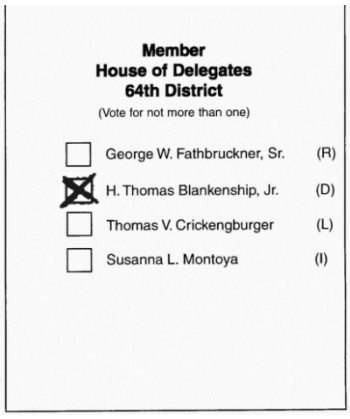

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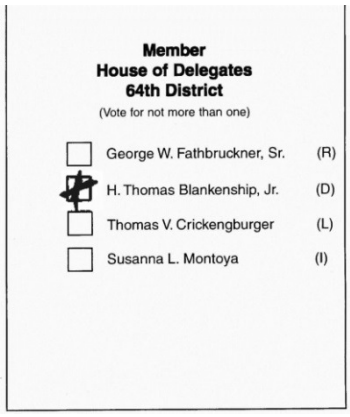

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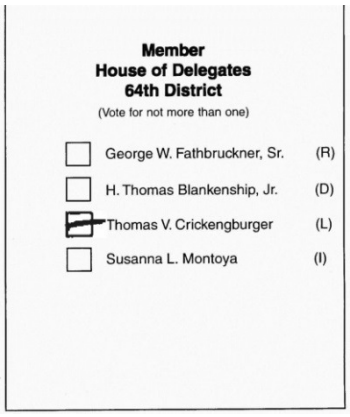
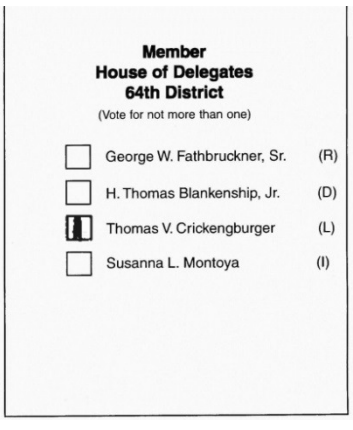


i



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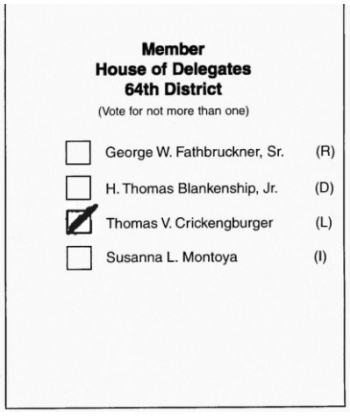

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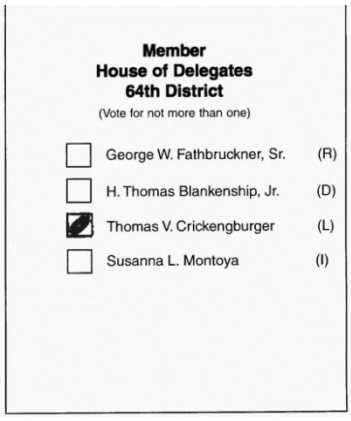
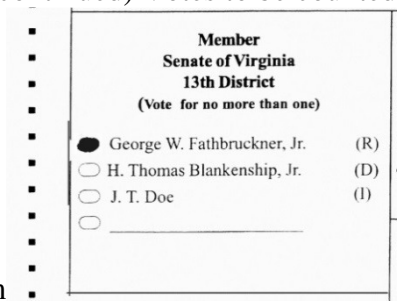


l

(3 continued) Votes to be counted:

m



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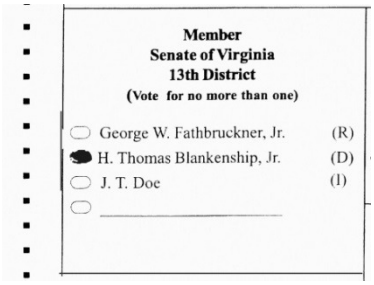

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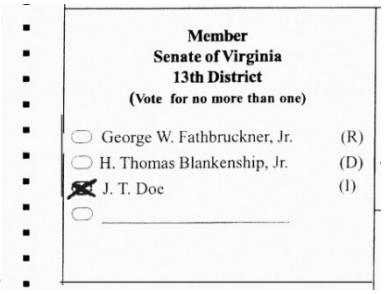
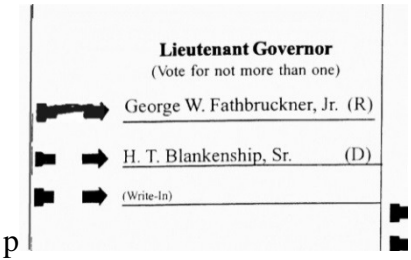


p



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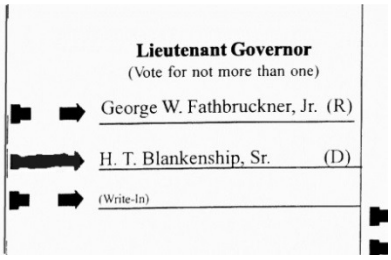
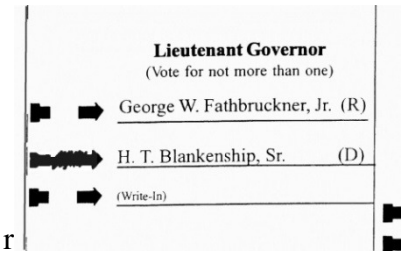


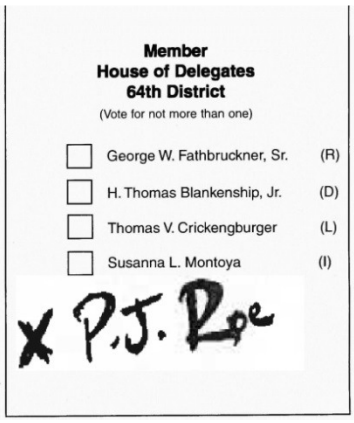
r



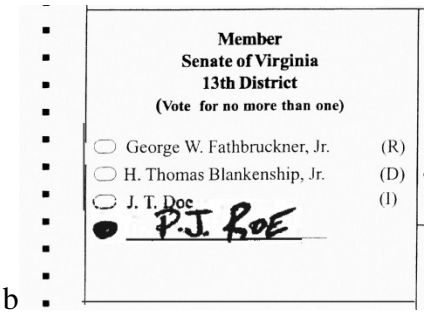
(4) If a write-in candidate is a party to the recount, a vote shall be counted for the write-in candidate if his name is written on the ballot under that office, even if the write-in square, oval or arrow is not marked, and provided that no other candidate is marked for that office.

Votes to be counted:

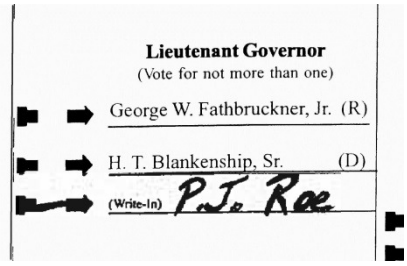
a



b



c



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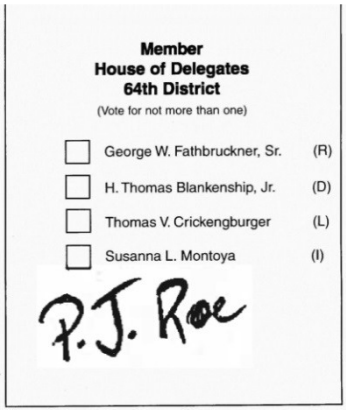

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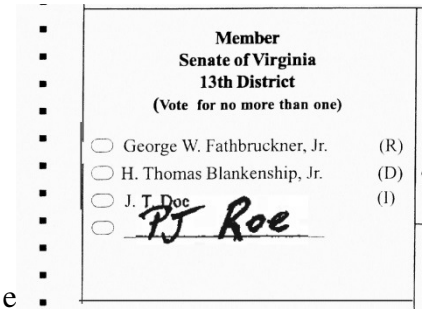
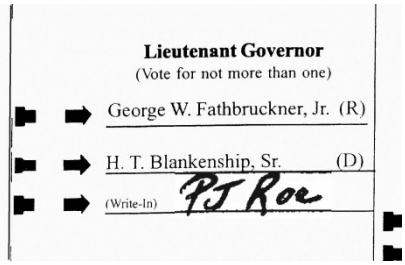
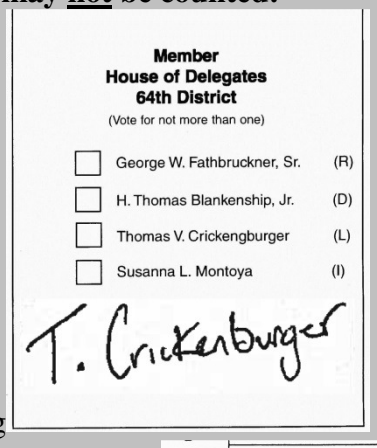


f

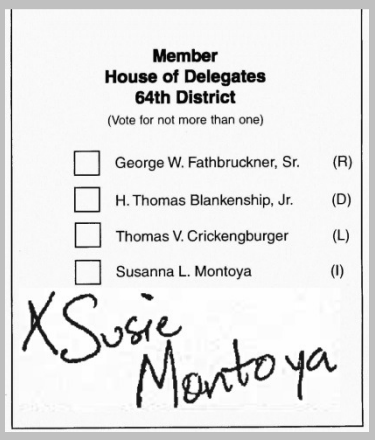


(4 continued) A write-in vote for a candidate whose name appears on the ballot for the same office may not be counted.

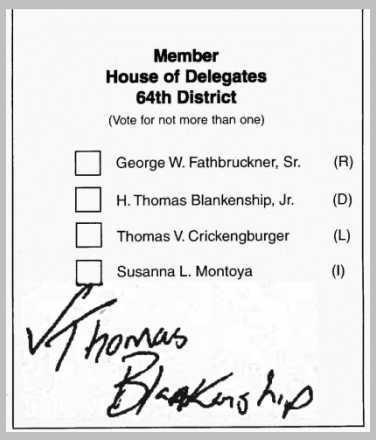
Votes may not be counted:



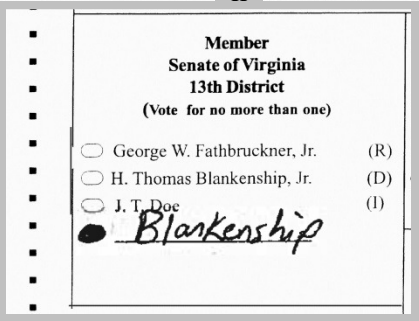
g



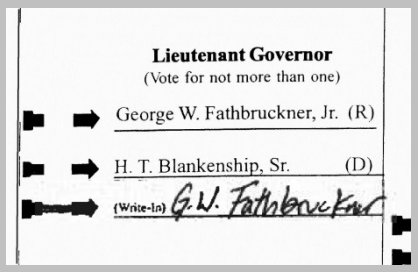
h



i



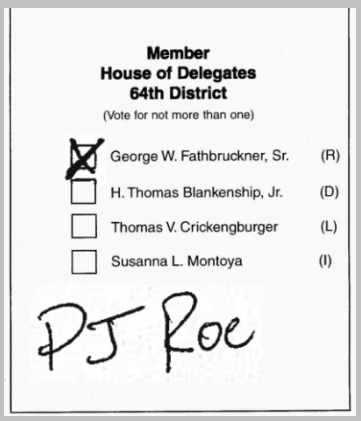
j



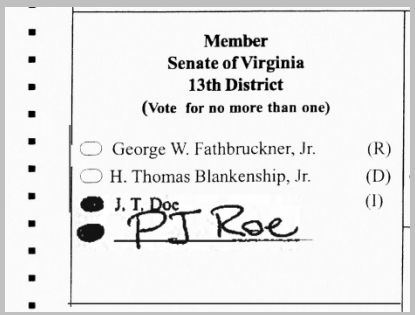
k

A write-in vote in addition to a vote for a candidate for the office is an overvote and no vote shall be counted.

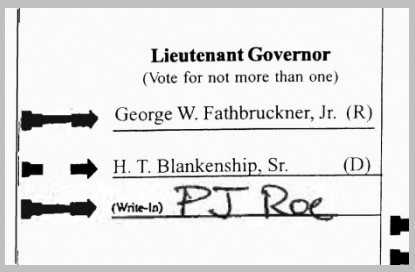
Votes may not be counted:



l



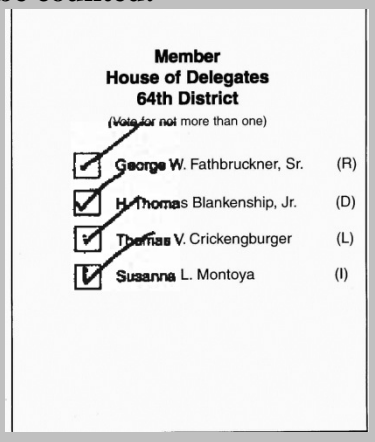
m



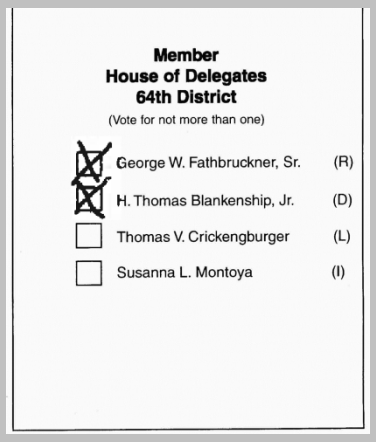
n

(5) Any ballot which is marked for more than one candidate for the office shall be deemed an overvote and no vote shall be counted except as provided in this section.

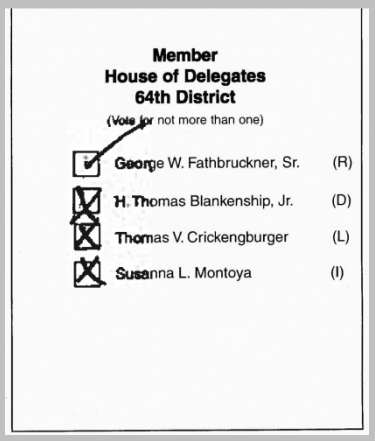
Votes may <u>not</u> be counted:



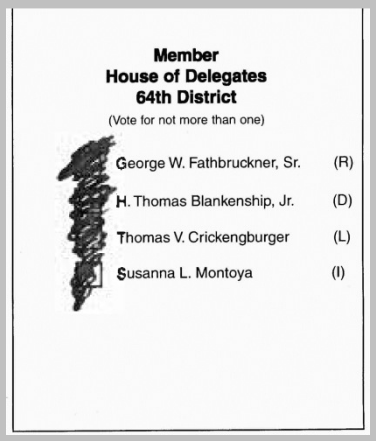
a



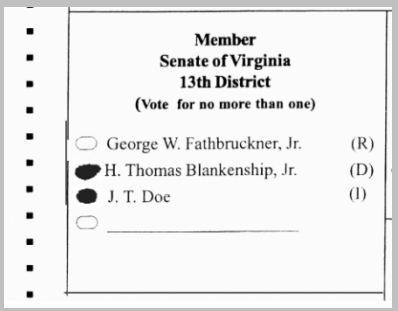
b



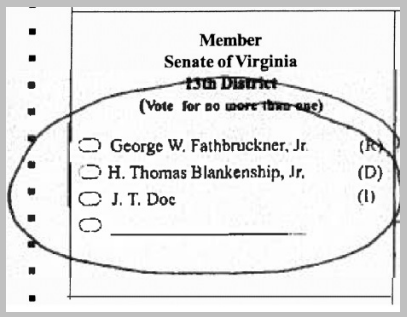
c



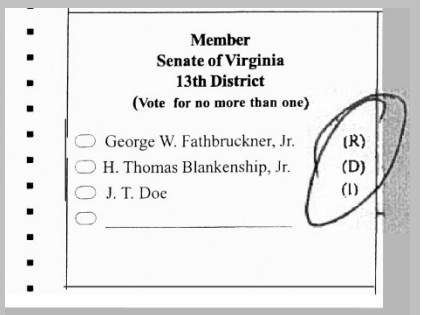
d



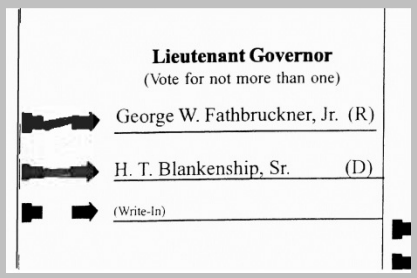
e



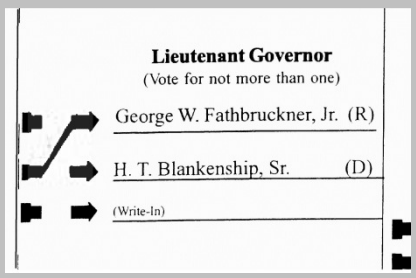
f



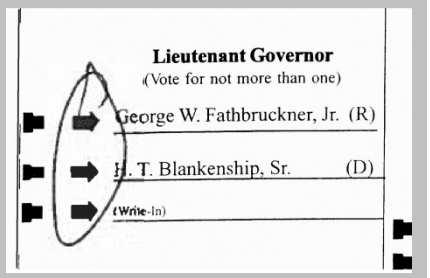
g



h



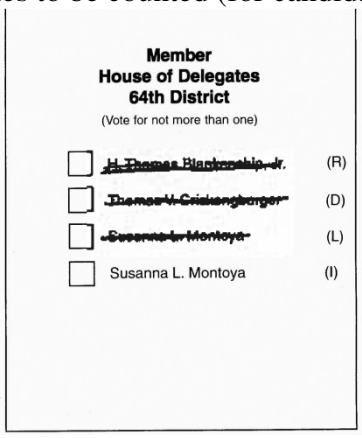
i



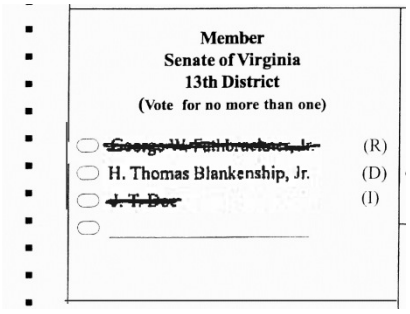
j

(5 continued) However, if more than two candidates had their names printed on the ballot for the office, and the names of all but one candidate are stricken through, that ballot shall be counted for the one candidate whose name was not stricken through.

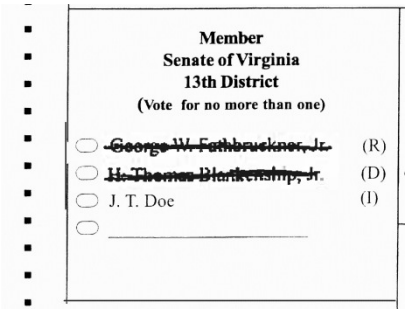
Votes to be counted (for candidate <u>not</u> stricken through):



k



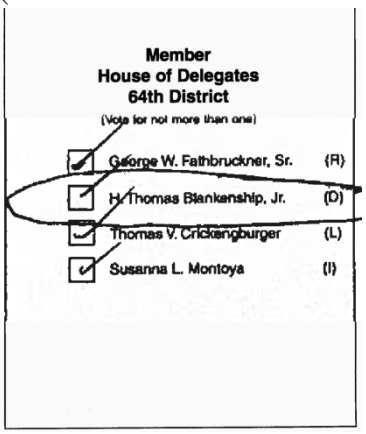
l



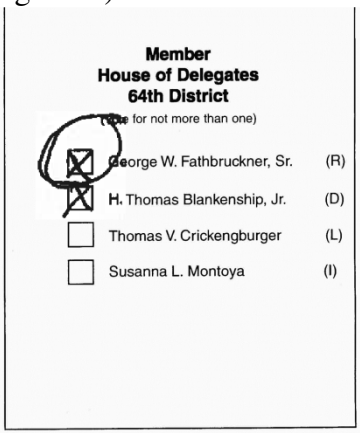
m

If there are identical marks for two or more candidates, clarified by an additional mark or marks that appear to indicate support, the ballot shall be counted as a vote for the candidate with the additional, clarifying marks.

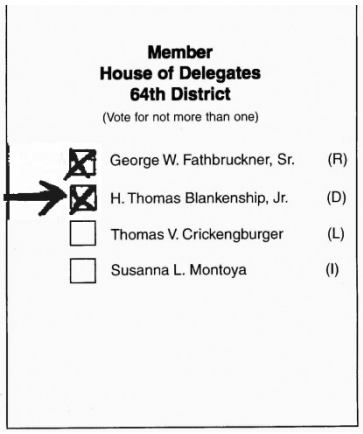
Votes to be counted (for candidate with additional clarifying mark):



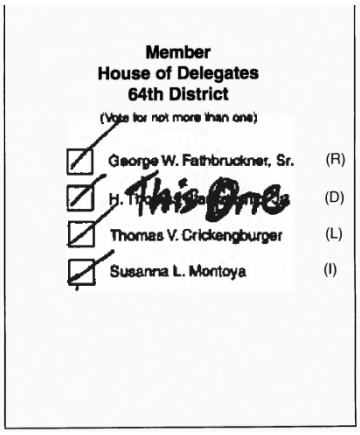
n



o



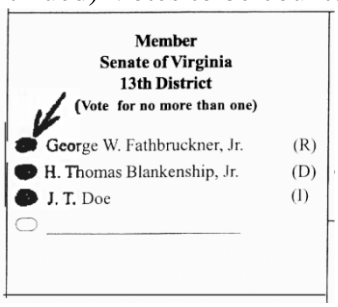
p



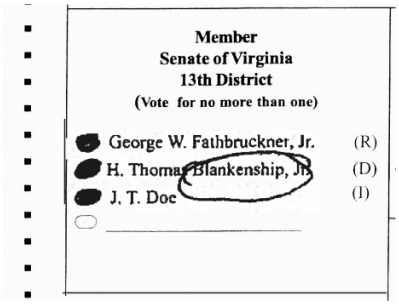
q

(5 continued) Votes to be counted (for candidate with additional clarifying mark):

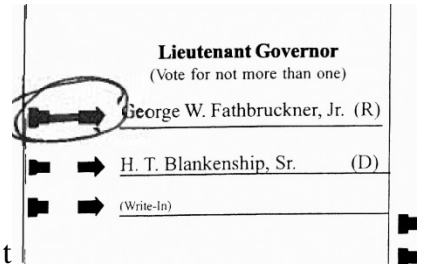
r



s



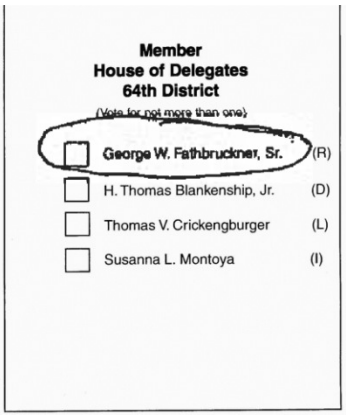
t



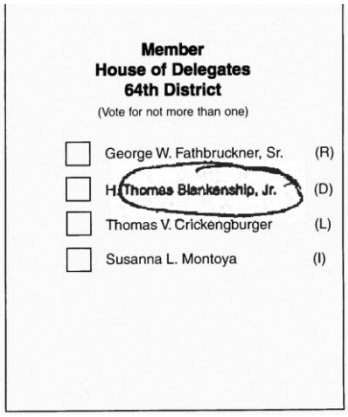
(6) Any ballot that has any other mark or marks in the target area or candidate area for one candidate only, including circling the target area and/or the candidate's name or making a mark through the target area or candidate's name, provided no other candidate for that office is similarly marked, shall be counted as a vote for that candidate

Votes to be counted:

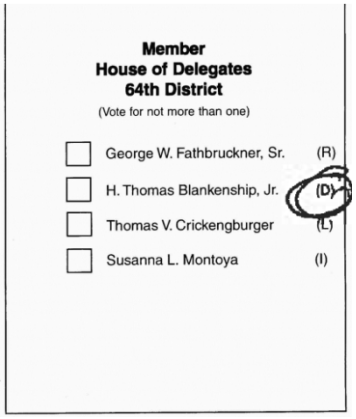
a



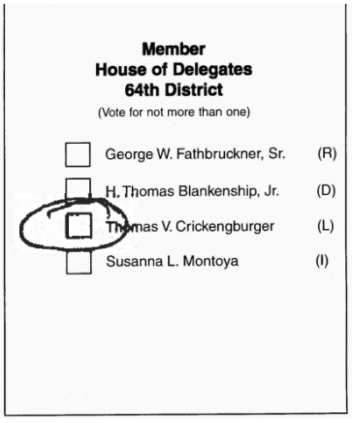
b



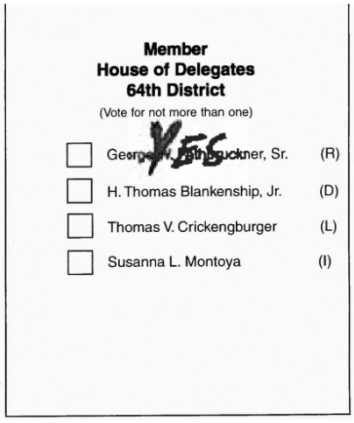
c



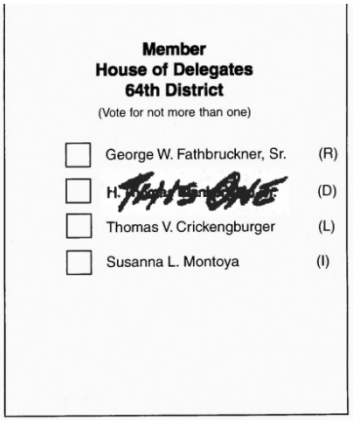
d



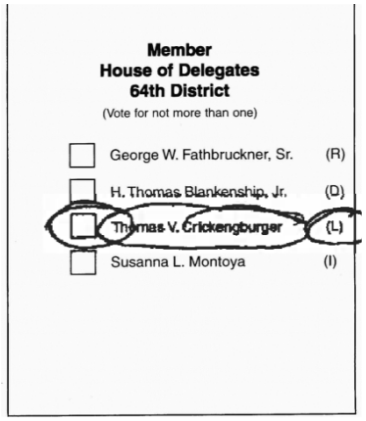
e



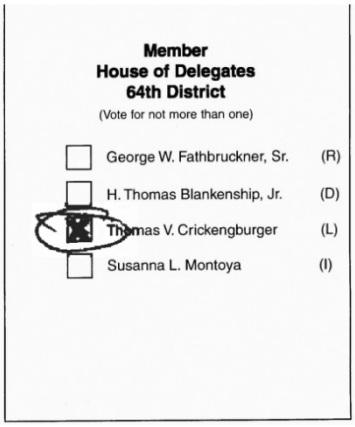
f



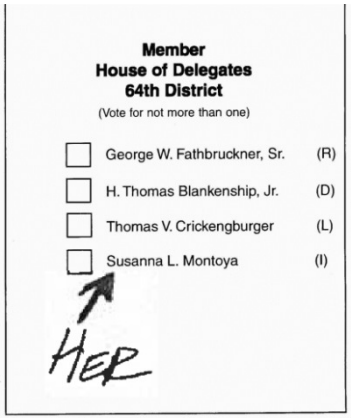
(6 continued) Votes to be counted:



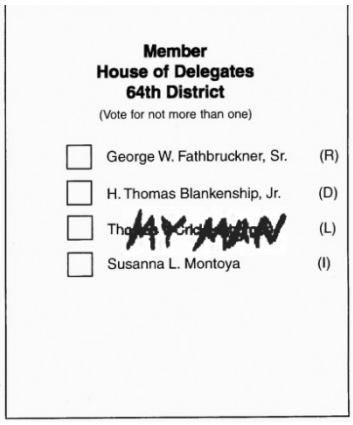
g



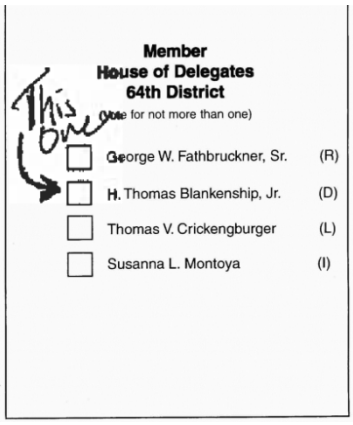
h



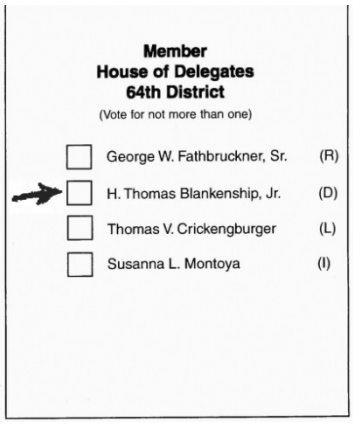
i



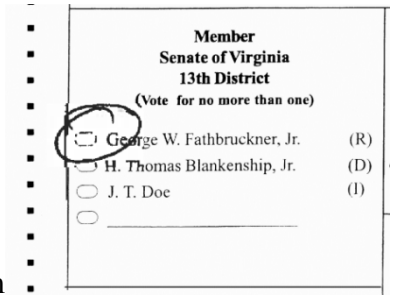
j



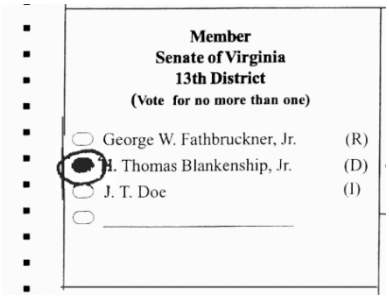
k



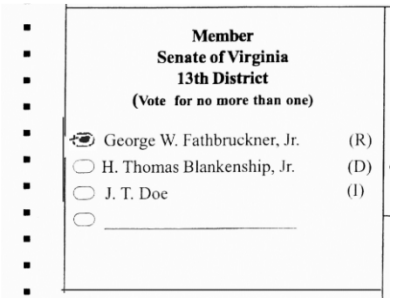
l



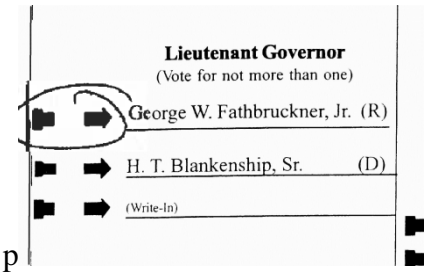
m



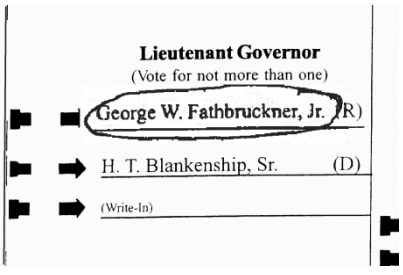
n



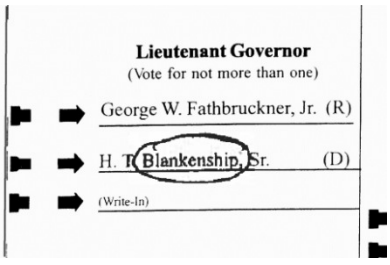
o



p



q

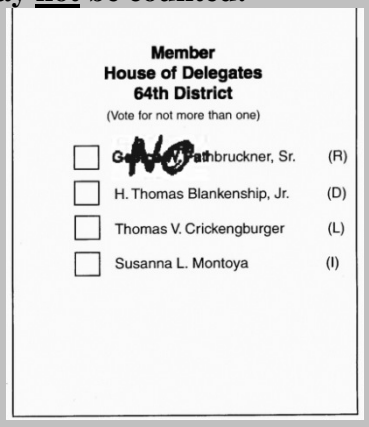


r

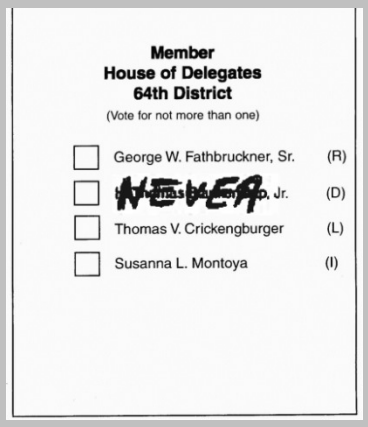
(6 continued) Unless the mark is a clearly negative or extraneous comment

Votes may not be counted:

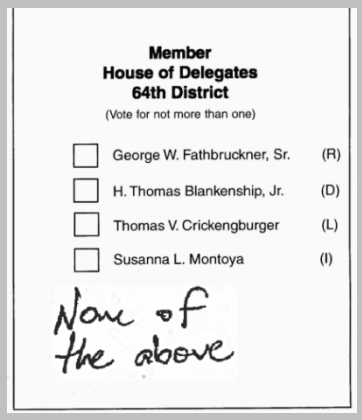
s



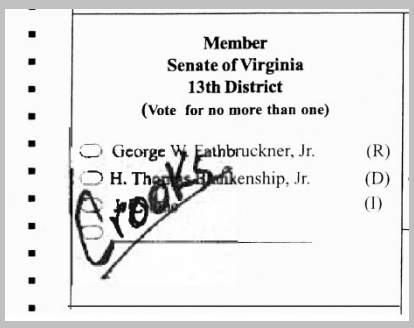
t



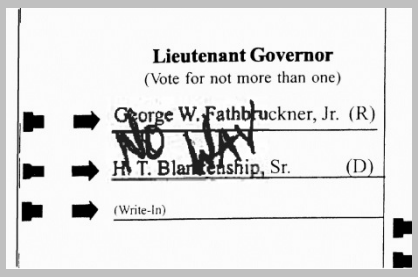
u



v



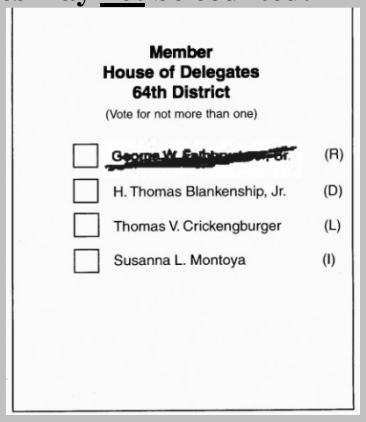
w



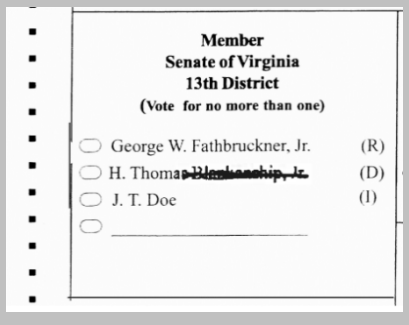
[Or unless] a substantial part of the candidates name is crossed through or stricken out.

Votes may not be counted:

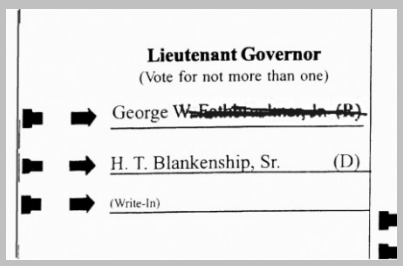
x



y

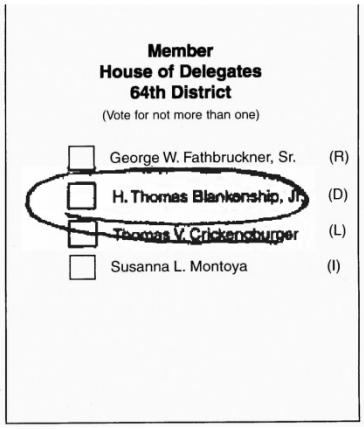


z

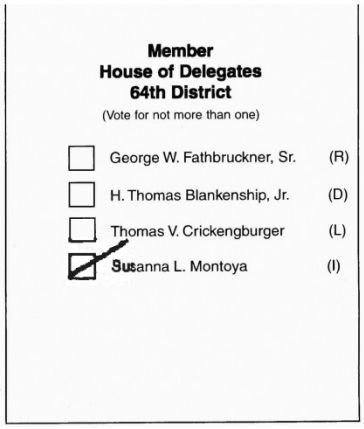


(7) Any ballot that has a mark or marks in the target area or candidate area for one candidate, which extends partially into one or more other target areas or candidate areas, shall be counted as a vote for the candidate so marked only if it is readily apparent that at least 3/4ths of the mark is in that candidate's area or target area, and no other candidate is similarly marked.

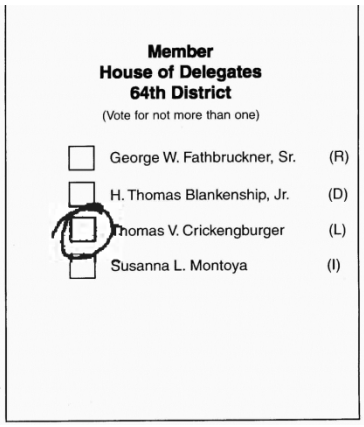
Votes to be counted:



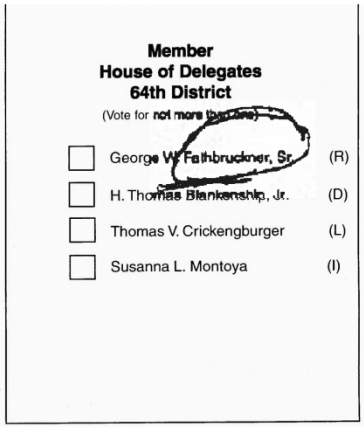
a



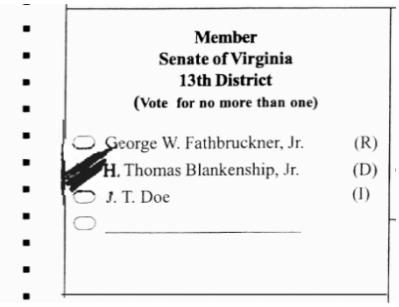
b



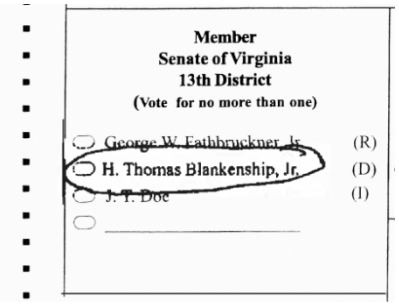
c



d



e



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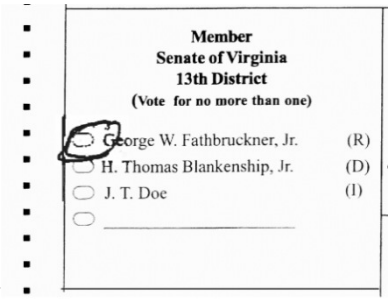
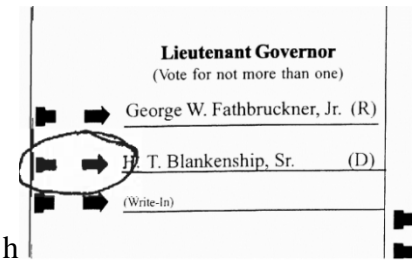
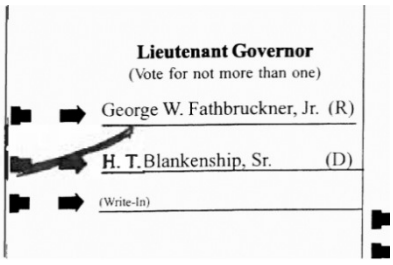


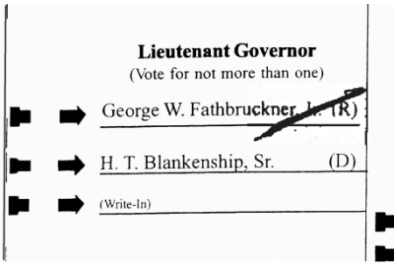
g



h



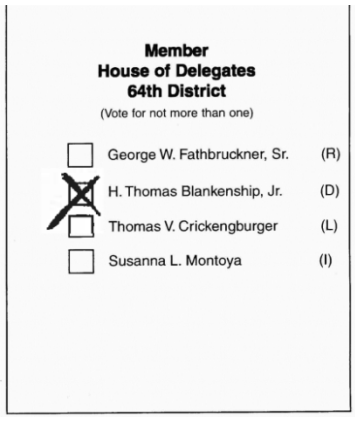
i



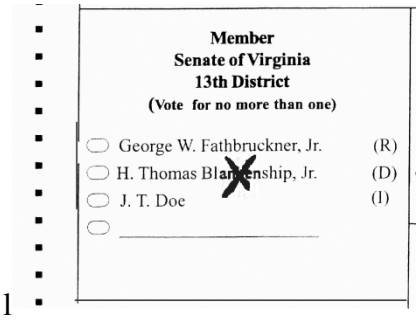
j

(7 continued) Other such marks, extending across more than one candidate's area, may be counted if the lines of the "x" or the bottom point of the check mark (√) clearly lie inside the box or on top of the name or party affiliation or candidate area of one candidate, and no other candidate is similarly marked.

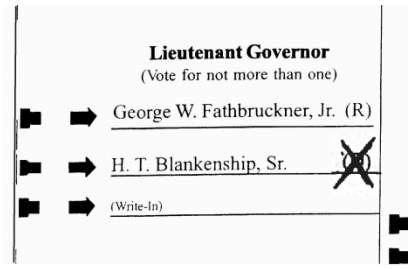
Votes to be counted:



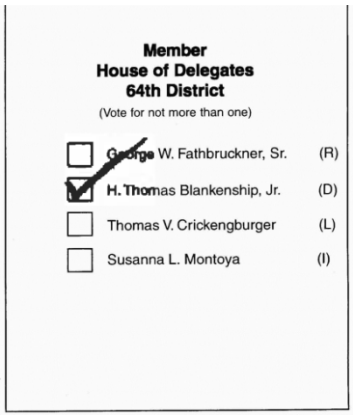
k



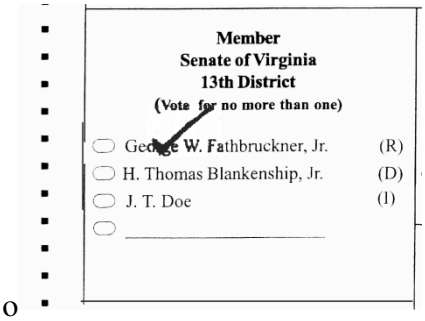
l



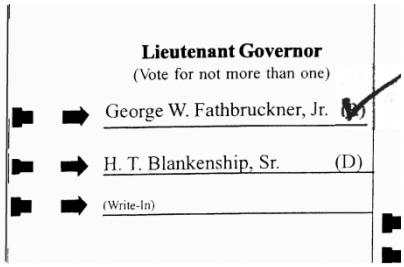
m



n



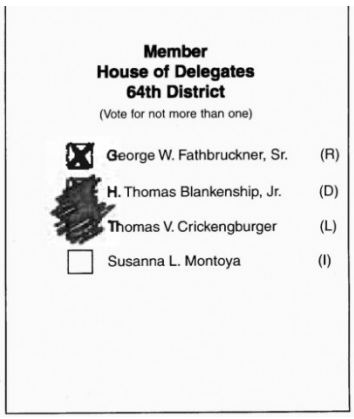
o



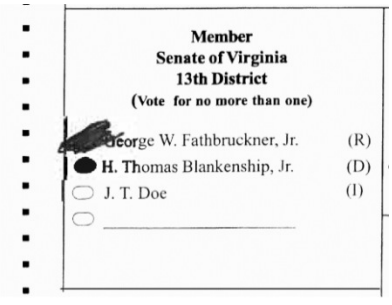
p

(8) Any ballot that has any mark, as above, in the target area or candidate area for one candidate, and on which other marks in the target areas or candidate areas for any other candidates have been partially erased, scratched out, or otherwise obliterated, shall be counted as a vote for the candidate for which the mark was not erased, scratched out, or otherwise obliterated, provided no other candidate is similarly marked.

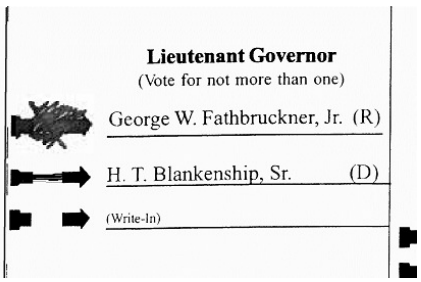
Votes to be counted:



a

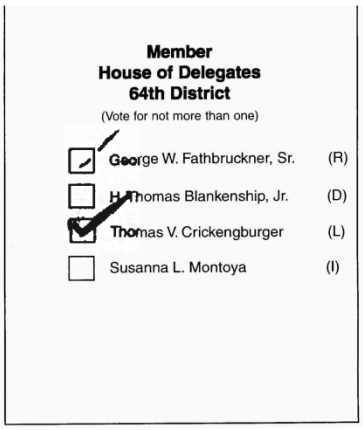


b

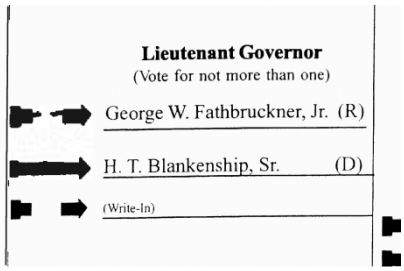


c

(8 continued) Votes to be counted:



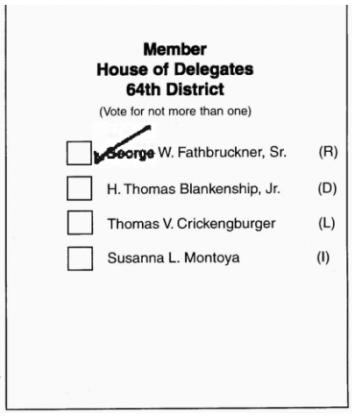
d



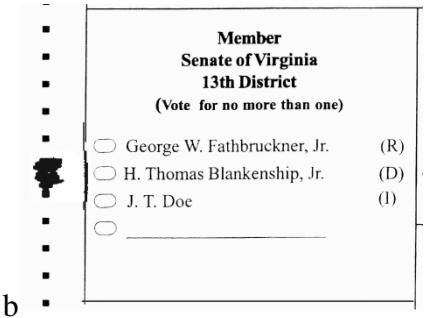
e

(9) Any ballot that has a mark that is clearly next to (either before or after) a candidate's name, or across the name, shall be recognized as a mark under items 1-6 above. Similarly, a mark between or over the "timing marks" of the ballot, that are clearly opposite or next to one candidate's name and not near another candidate's name, shall be recognized as a mark. (The "timing marks" are the small lines or boxes running down the right and/or left sides of certain electronically read or scanned ballots, which line up the ballot in the reader.)

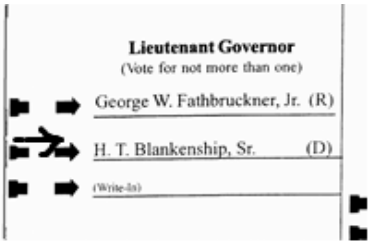
Votes to be counted:



a



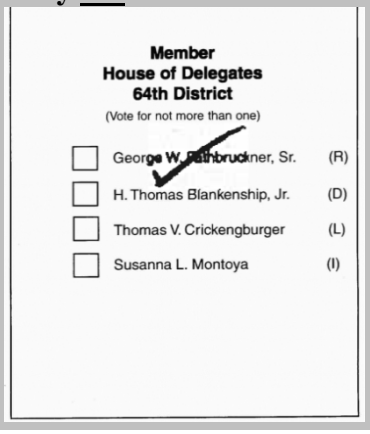
b



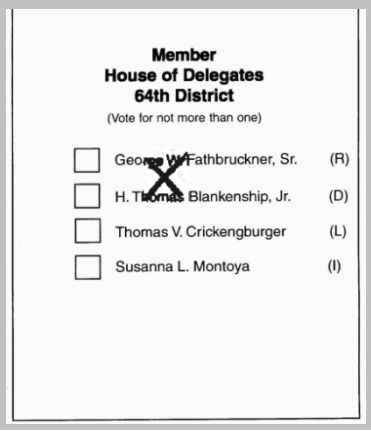
c

A mark that is between or across more than one candidate's name, candidate area, or target area shall not be recognized as a mark except under items 5 and 6 above.

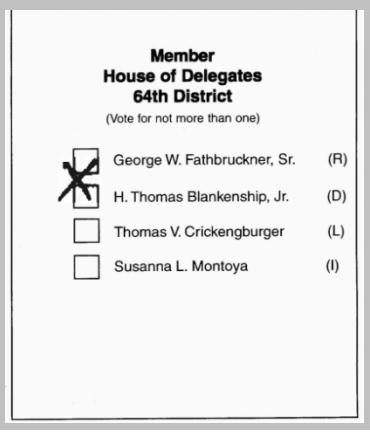
Votes may <u>not</u> be counted:



d



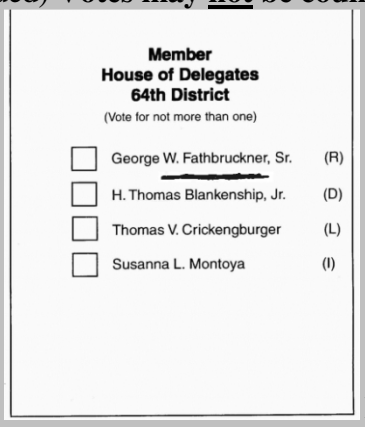
e



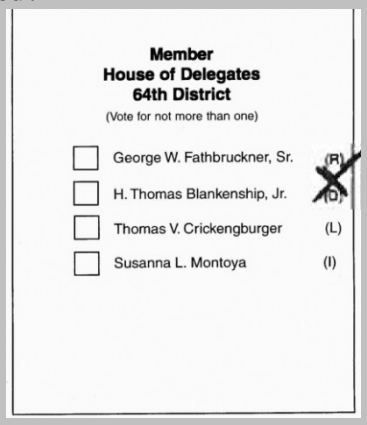
f

(9 continued) **Votes may <u>not</u> be counted:**

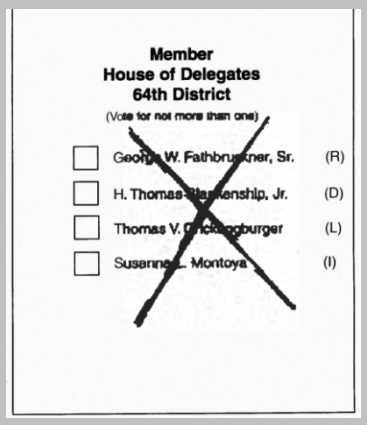
g



h



i



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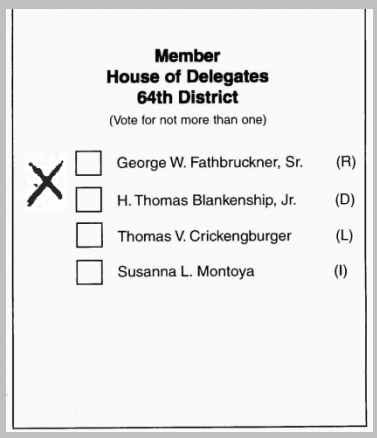

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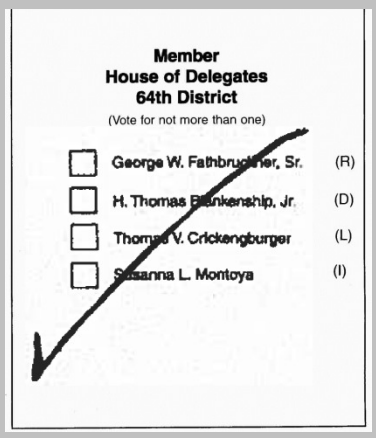

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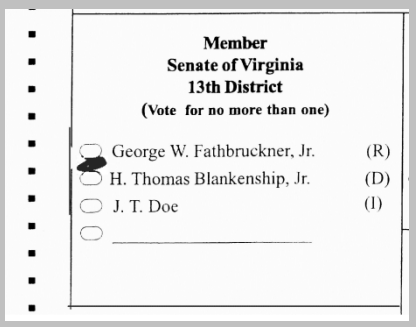

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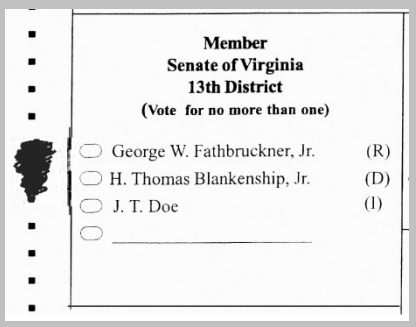
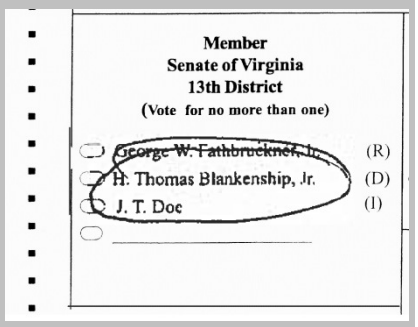
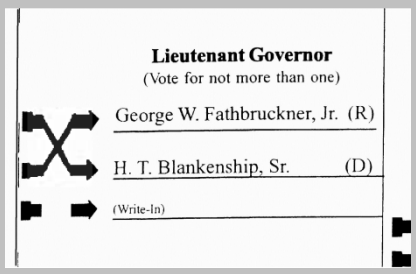


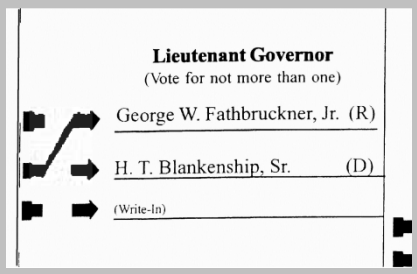
o



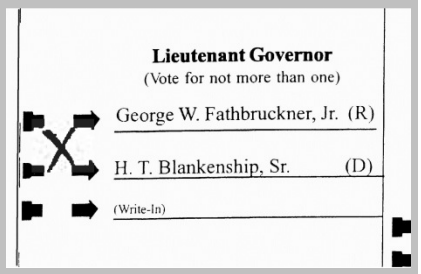
p



q

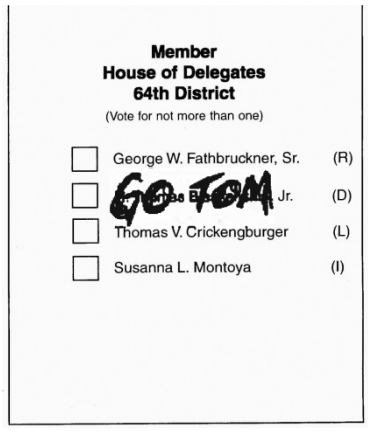


r

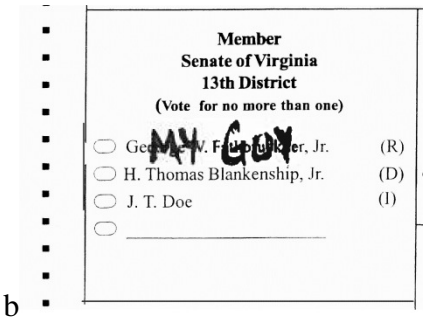


(10) Any other writing or remark on the ballot (other than a write-in unless a write-in candidate is a party to the recount) that clearly indicates the voter's support for one and only one candidate for the office that is the subject of the recount, and that cannot be interpreted as a remark in favor of any other candidate in that election, shall be counted as a vote for that candidate.

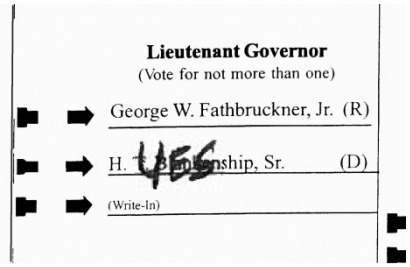
Votes to be counted:



a



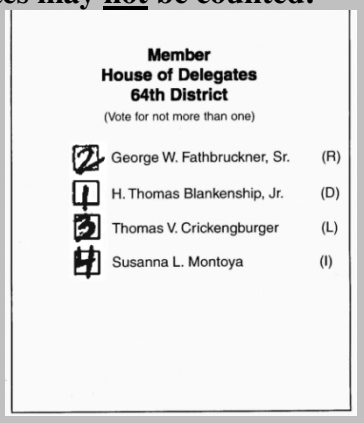
b



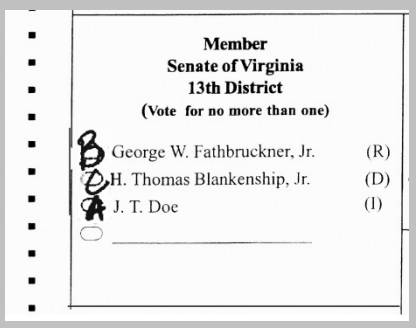
c

Writings or remarks which appear to be ranking the candidates (letters, numbers, +/-, etc.) shall not be considered valid marks unless only one candidate is marked and no other candidate is similarly marked.

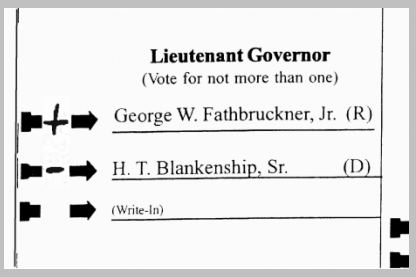
Votes may <u>not</u> be counted:



d



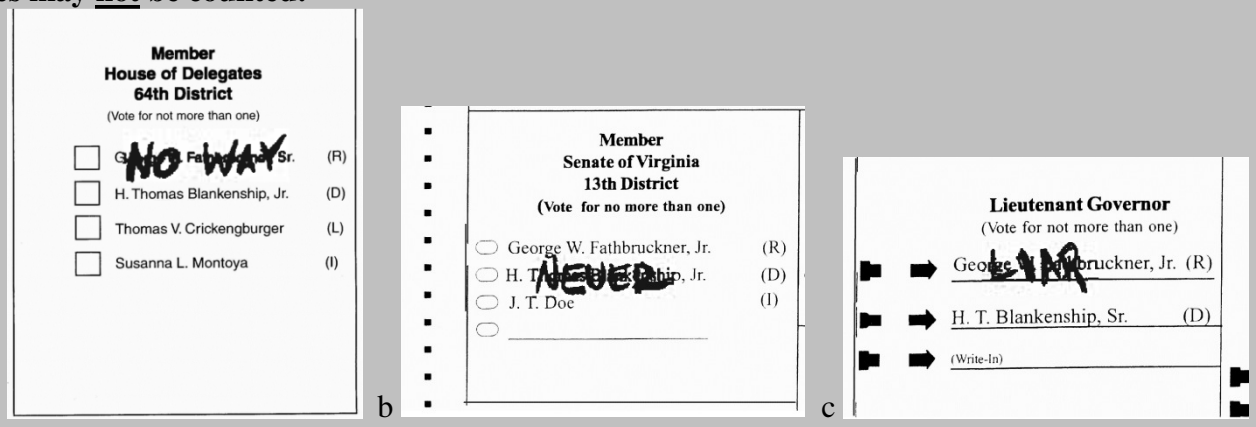
e

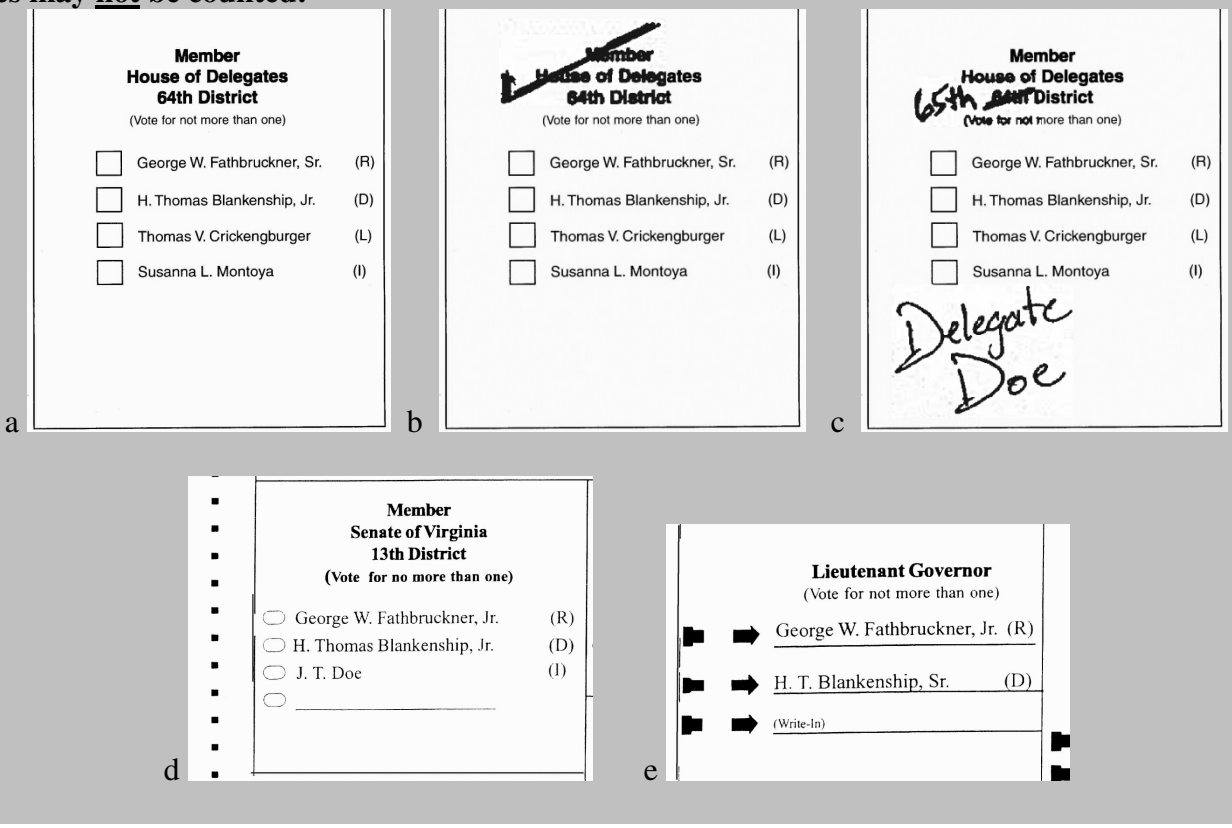


f

(11) Any other writing or remark on the ballot which indicates the voter's opposition to one or more candidates, provided the ballot is not so marked as to indicate which candidate the voter supports, shall not be counted as a vote for any candidate.

Votes may not be counted:



(12) Any ballot on which there is no mark under the office, or any other remark indicating support for a candidate for the office, shall not be counted as a vote for any candidate.

Votes may not be counted: