



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Tuesday, August 16, 2022

Pocahontas Building

Senate Room A

Richmond, VA

Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=mb8bf016be7f6cb4fa7a370b6557319ac>

Meeting password: eGEvPiPf454

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2428 011 8617

**1:00 P.M.**

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**STATE BOARD OF ELECTIONS  
AGENDA**

**DATE: Tuesday, August 16, 2022**

**LOCATION: 900 E Main St.**

***Pocahontas Building – Senate Room A***

***Richmond, VA 23219***

**TELECONFERENCE:**

***+1-517-466-2023 US Toll***

***+1-866-692-4530 US Toll Free***

***Access code: 2428 011 8617***

**VIDEO CONFERENCE:**

**<https://covaconf.webex.com/covaconf/j.php?MTID=mb8bf016be7f6cb4fa7a370b6557319ac>**

***Password: eGEvPiPf454***

**TIME: 1:00 P.M.**

**I. CALL TO ORDER**

*Robert Brink, Chairman*

**II. APPROVAL OF MINUTES**

*Georgia Alvis-Long, Secretary*

**A. July 5, 2022**

**III. COMMISSIONER'S REPORT**

*Susan Beals  
Commissioner*

**IV. PARTY ABBREVIATIONS**

*Paul Saunders  
Elections and Registration Supervisor*

**V. STAND BY YOUR AD**

**A. Jackson For Roanoke - CC-22-00140**

**B. Volosin for Roanoke - CC-21-01113**

*Tammy Alexander  
Campaign Finance Compliance and  
Training Specialist*

**VI. BALLOT ON DEMAND**

*Karen Hoyt-Stewart  
Locality Security (Voting Tech)  
Program Manager*

**VII. SPLIT PRECINCT WAIVER**  
**A. Northumberland County**

*Steven Koski*  
*ELECT Policy Analyst*

**VIII. RISK LIMITING AUDIT**

*Rachel Lawless*  
*Confidential Policy Advisor*  
*Karen Hoyt-Stewart*  
*Locality Security (Voting Tech)*  
*Program Manager*

**IX. REPORT FROM OFFICE OF THE ATTORNEY GENERAL  
ON INVESTIGATION OF NOTTOWAY COUNTY**

*Joshua Lief*  
*Office of the Attorney General*

**X. PUBLIC COMMENT**

**XI. CLOSED SESSION**

**XII. ADJOURNMENT**

**NOTE:** <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=34700>

**Re. Entrance to the Pocahontas Building**

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

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

**Re. Face Mask**

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

**Re. public comment**

Public comment will first be heard from those persons participating in person as per the sign-up list. Next, we will hear from the persons who requested to speak via chat on the WebEx. Last, we will hear from persons who provided their name and phone number to [FOIA@elections.virginia.gov](mailto: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](mailto:FOIA@elections.virginia.gov). You will need to provide your first and last name and the phone number you've used to call in.

SBE Board Working Papers



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Approval of Minutes

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BOARD WORKING PAPERS

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

11           The first item of business was the approval of the minutes, presented by  
12 Secretary Alvis-Long. Vice Chair O’Bannon moved *that the Board approve the*  
13 *minutes from the May 24, 2022 and June 21, 2022 Board Meetings*. Ms. Chiang  
14 seconded the motion and the motion passed unanimously. A roll call vote was  
15 taken:

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

21           The second item of business was the Commissioner’s Report, presented by  
22 Commissioner Beals. Commissioner Beals informed that Primary Elections were  
23 held on June 21<sup>st</sup>. The Commissioner advised that 5 of 11 congressional districts  
24 held a primary; four Republican primaries and one Democratic primary.

25 Commissioner Beals stated that ELECT is focused on redistricting and assisting  
26 General Registrars in getting notices out to voters of their new district and polling  
27 location. The Commissioner informed the Board that in June ELECT kicked off  
28 the Cyber Navigator program. Commissioner Beals advised the Board that the  
29 results of the program will be presented to each local electoral board at the end of  
30 the summer.

31           Chairman Brink stated that the Advisory Review Workgroup has two new  
32 members; the Electoral Board Association recommended Wanda Taylor and the  
33 Virginia Municipal League recommended Josette Bulova.

34           The third item of business was the Certification of Primary Election Results,  
35 presented by Paul Saunders, Elections and Registration Supervisor. *This report is*  
36 *in the Working Papers for the July 5, 2022 Meeting.* Vice Chair O’Bannon moved  
37 *that the Board certify the results of the June 21, 2022 Democratic and Republican*  
38 *Primary Elections as presented and declare the winners of each primary to be that*  
39 *party’s nominee for the November 8, 2022 General Election.* Ms. Chiang seconded  
40 the motion and the motion passed unanimously. A roll call vote was taken:

41 Chairman Brink – Aye

42 Vice Chair O’Bannon – Aye

43 Secretary Alvis-Long – Aye

44 Ms. Chiang – Aye

45 Delegate Merricks – Aye

46 The fourth item of business was the Consideration of Revised Virginia  
47 Absentee Ballot Application Form (SBE-701/703.1), presented by Zakia Williams,  
48 Elections and Registration Service Specialist. *This document is in the Working*  
49 *Papers for the July 5, 2022 Meeting.* Delegate Merricks moved *that the Board*  
50 *adopt the revisions to the Virginia Absentee Ballot Application Form, and that the*  
51 *revised forms be effective for use immediately.* Ms. Chiang seconded the motion  
52 and the motion passed unanimously. A roll call vote was taken:

53 Chairman Brink – Aye

54 Vice Chair O’Bannon – Aye

55 Secretary Alvis-Long – Aye

56 Ms. Chiang – Aye

57 Delegate Merricks – Aye

58 The fifth item of business was the Consideration of Revised Virginia  
59 Permanent Absentee Voter Change Form (SBE-703.1C), presented by Zakia  
60 Williams, Elections and Registration Service Specialist. *This document is in the*



61 *Working Papers for the July 5, 2022 Meeting*. Delegate Merricks moved *that the*  
62 *Board adopt the revisions to the Virginia Permanent Absentee Voter Change*  
63 *Forms, and that the revised forms be effective for use immediately*. Ms. Chiang  
64 seconded the motion and the motion passed unanimously. A roll call vote was  
65 taken:

66 Chairman Brink – Aye

67 Vice Chair O’Bannon – Aye

68 Secretary Alvis-Long – Aye

69 Ms. Chiang – Aye

70 Delegate Merricks – Aye

71 The sixth item of business was the Split Precinct Waiver for Henrico  
72 County, presented by Daniel Davenport, ELECT Policy Analyst. This document is  
73 in the Working Papers for the July 5, 2022 Meeting. Delegate Merricks moved *to*  
74 *approve the split precinct waiver*. Ms. Chiang seconded the motion and the motion  
75 passed unanimously. A roll call vote was taken:

76 Chairman Brink – Aye

77 Vice Chair O’Bannon – Aye

78 Secretary Alvis-Long – Aye

79 Ms. Chiang – Aye

80 Delegate Merricks – Aye

81 Chairman Brink opened the floor to public comment. Thomas Crews,  
82 Chairman of the Nottoway Democratic Committee; Christopher Page, and Ann  
83 Grigorian addressed the Board.

84 At 1:28 P.M., Vice Chair O'Bannon pursuant to Virginia Code Section 2.2-  
85 3711(A)(7), *that the Board go into closed session for the purpose of discussing*  
86 *pending and threatened litigation. In accordance with Section 2.2-3712(F), Susan*  
87 *Beals, Commissioner of Elections, Joshua Lief and Catherine McFarland of the*  
88 *Office of the Attorney General will attend the closed session because their*  
89 *presence will reasonably aid the Board in its consideration of the subject of the*  
90 *meeting.* Ms. Chiang seconded the motion and the motion passed unanimously. A  
91 roll call vote was taken:

92 Chairman Brink – Aye  
93 Vice Chair O'Bannon – Aye  
94 Secretary Alvis-Long – Aye  
95 Ms. Chiang – Aye  
96 Delegate Merricks – Aye

97 At 2:25 P.M., Delegate Merricks moved *to reconvene the meeting in open*  
98 *session, and take a roll call vote certifying that to the best of each member's*  
99 *knowledge (i) only such public business matters lawfully exempted from open*

100 *meeting requirements under this chapter and (ii) only such public business*  
101 *matters as were identified in the motion by which the closed meeting was*  
102 *convened were heard or discussed by the State Board of Elections. Ms. Chiang*  
103 *seconded the motion and the motion passed unanimously. A roll call vote was*  
104 *taken:*

- 105 Chairman Brink – Aye
- 106 Vice Chair O’Bannon – Aye
- 107 Secretary Alvis-Long – Aye
- 108 Ms. Chiang – Aye
- 109 Delegate Merricks – Aye

110 Vice Chair O’Bannon moved *to approve the authorization to the Attorney*  
111 *General of Virginia to take action as appropriate to enforce section 24.2-106 with*  
112 *regard to the appointment of the recently filled vacancy on the Electoral Board in*  
113 *the City of Suffolk, Virginia. Delegate Merricks seconded the motion and the*  
114 *motion passed unanimously. A roll call vote was taken:*

- 115 Chairman Brink – Aye
- 116 Vice Chair O’Bannon – Aye
- 117 Secretary Alvis-Long – Aye
- 118 Ms. Chiang – Aye

119 Delegate Merricks – Aye

120 Delegate Merricks moved *to adjourn the meeting*. Ms. Chiang seconded the  
121 motion and the motion passed unanimously. The meeting adjourned at 2:28 P.M.

122

123 \_\_\_\_\_  
124 Chairman

125 \_\_\_\_\_  
126 \_\_\_\_\_  
127 Vice Chairman

128 \_\_\_\_\_  
129 \_\_\_\_\_  
130 Secretary

131 \_\_\_\_\_  
132 \_\_\_\_\_  
133 Board Member

134 \_\_\_\_\_  
135 \_\_\_\_\_  
136 Board Member



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# Commissioner's Report

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BOARD WORKING PAPERS

Susan Beals  
Commissioner



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STATE BOARD *of* ELECTIONS

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# Party Abbreviations

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BOARD WORKING PAPERS  
Paul Saunders  
Elections and Registration Supervisor



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**Memorandum**

To: Chairman Brink, Vice Chair O’Bannon, Secretary Alvis-Long, Angela Chiang, and Delegate Merricks  
From: Paul Saunders, Elections and Registration Supervisor  
Date: August 16, 2022  
Re: Political Party Abbreviations for General and Special Elections Ballots

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**Suggested motion for a Board member to make:**

“I move that the Board approve the party abbreviations as presented by staff for general and special elections being held through April 30, 2023.”

**Applicable Code Section:**

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

**Applicable Board Ballot Standards Section:**

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

**Attachments:**

SBE Ballot Standards rev. 07/2022

**Background:**

<b><u>Political Parties</u></b>	<b><u>Recognized Political Parties</u></b>
(with current abbreviations)	(With recommended abbreviations)
Democratic - D	Liberitarian - L
Republican - R	Independent - I
	Independent Green - IG
	Green -G
	Liberation - LP

---

**ELECT Staff Recommendation:**

ELECT Staff recommends that the Board vote to use the recommended & current abbreviations presented for general and special elections being held through April 30, 2023.



# Ballot Standards

★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

March 2018

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

<b>Code requirements</b>	<b>C</b> Ballots must comply with these.
<b>State Board requirements</b>	<b>B</b> Ballots must comply with these.
<b>Best practice recommendations</b>	<b>P</b> Ballots should follow best practice recommendations to support voter performance. <ul style="list-style-type: none"><li>• Best practices are strongly preferred, but are not required.</li><li>• If technical constraints prevent compliance with best practices, please contact ELECT. We will work with you to meet the intent of the recommendation.</li></ul>
<b>Examples</b>	Illustrate how to meet the code requirements and best practice recommendations.
<b>Resources and references</b>	Guidelines based on research by the Election Assistance Commission (EAC) and the Center for Civic Design. You can download copies here: <a href="#">Designing polling place materials</a> (eac.gov) <a href="#">Field Guides To Ensuring Voter Intent, Vols. 01-10</a> (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**

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

**B**

**P**

③

Headers for  
text

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

**Code requirements**

**Board requirements**

**Best practice recommendations**

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## Overall Ballot Design

# Overall Ballot Design

## Fonts and Targets

### Board requirements for fonts

#### Items required by Code or the State Board

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

### Best practice recommendations for fonts

#### Font size

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

#### Use sans serif fonts

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

#### Target ovals or boxes

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



## Overall Ballot Design

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

### Order of Major Elements on the Ballot

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

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





## Overall Ballot Design

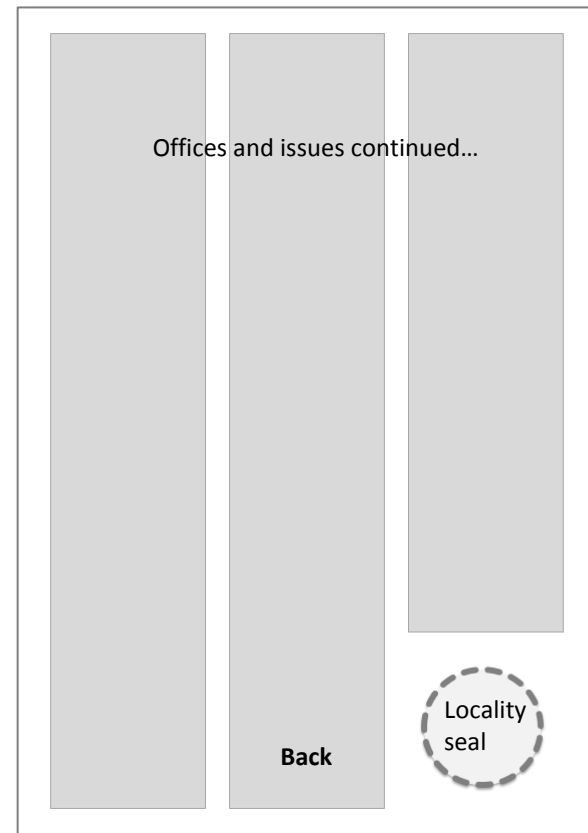
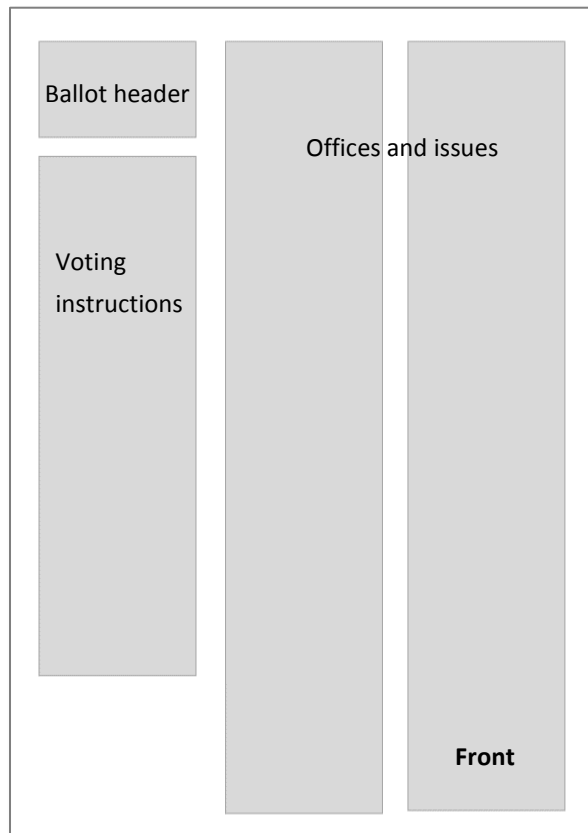
### Acceptable Layouts

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

#### Ballot Layout 1: Best practice

(Instructions in left column)

**P**



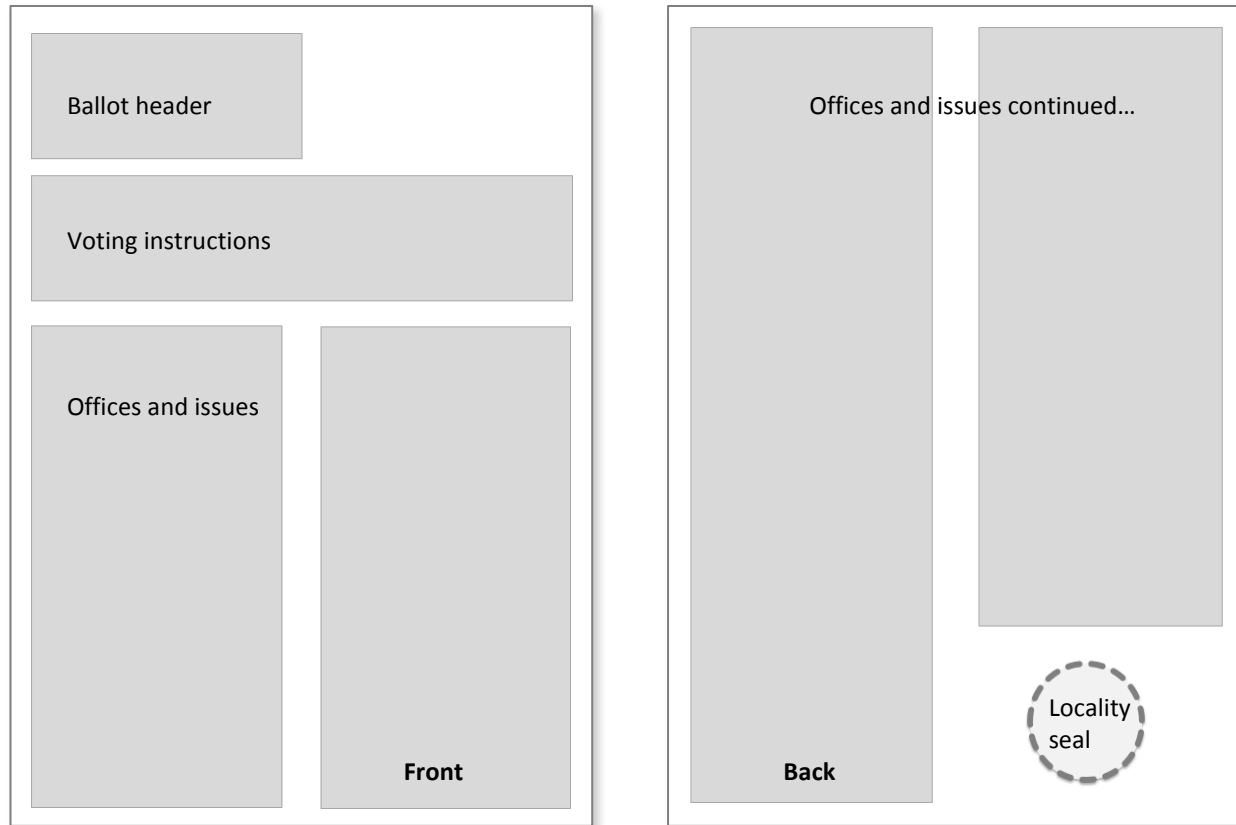


## Overall Ballot Design

### Ballot Layout 2

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

(Instructions across top)





## Overall Ballot Design

### Best practice recommendations for ballot design

<b>Type case</b>	Use mixed case (avoid using all capital letters).
<b>Justification</b>	Left-justify text (avoid centered text).
<b>Fonts</b>	Use a single sans serif font family throughout the ballot.
<b>Adding emphasis</b>	Use emphasis sparingly. Never use italics or underlining on a ballot. Use big enough type – but not too big.
<b>Help voters know what to do and where to go next</b>	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.
<b>Two-sided ballots</b>	On 2-sided ballots, include instructions on the front of the ballot, at the bottom of the right-hand column to continue voting, like this:

**Turn the ballot over**



## Overall Ballot Design

### Best practice recommendations for instructions to voters

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



## Ballot Headers

### Ballot Headers

#### Ballot header examples

**B** Commonwealth of Virginia  
**Official Ballot**  
City of Richmond  
**C** 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



## Ballot Headers

### Code requirements for ballot headers

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

### Board requirements for ballot headers

<b>Title</b>	“Commonwealth of Virginia” and “Official Ballot” on one or two lines.	
<b>Locality</b>	Name of locality	
<b>Name of election</b>	General election <b>without</b> specials, referendum, or amendments	General Election
	General election <b>with</b> 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
	<b>Date of election</b>	Must be written as day of the week, month date, and year. For example, <b>Tuesday, November 7, 2017.</b>



## Ballot Headers

### Best practice recommendations for ballot headers

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

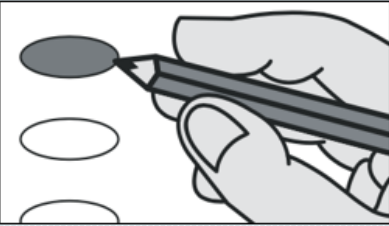
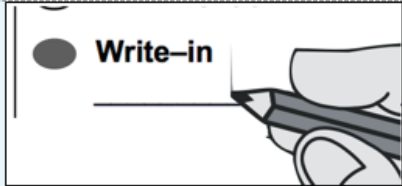


## Voting Instructions

### Voting instructions

#### Voting instruction examples

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

Instructions	
<b>P</b>	<b>Making selections</b> 
<b>B</b>	<b>To vote for a candidate</b> , fill in the oval next to the name. <b>To vote on an issue</b> , fill in the oval next to YES or NO.
	 <b>Write-in</b>
	<b>To write in</b> a qualified candidate who is not already on the ballot, fill in the oval and write the name of the person on the line. <b>If you want to change a vote</b> 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** Instructions to voters

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

**B**

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

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

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

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



## Voting Instructions

### Board requirements for voting instructions

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

### Best practice recommendations for voting instructions

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

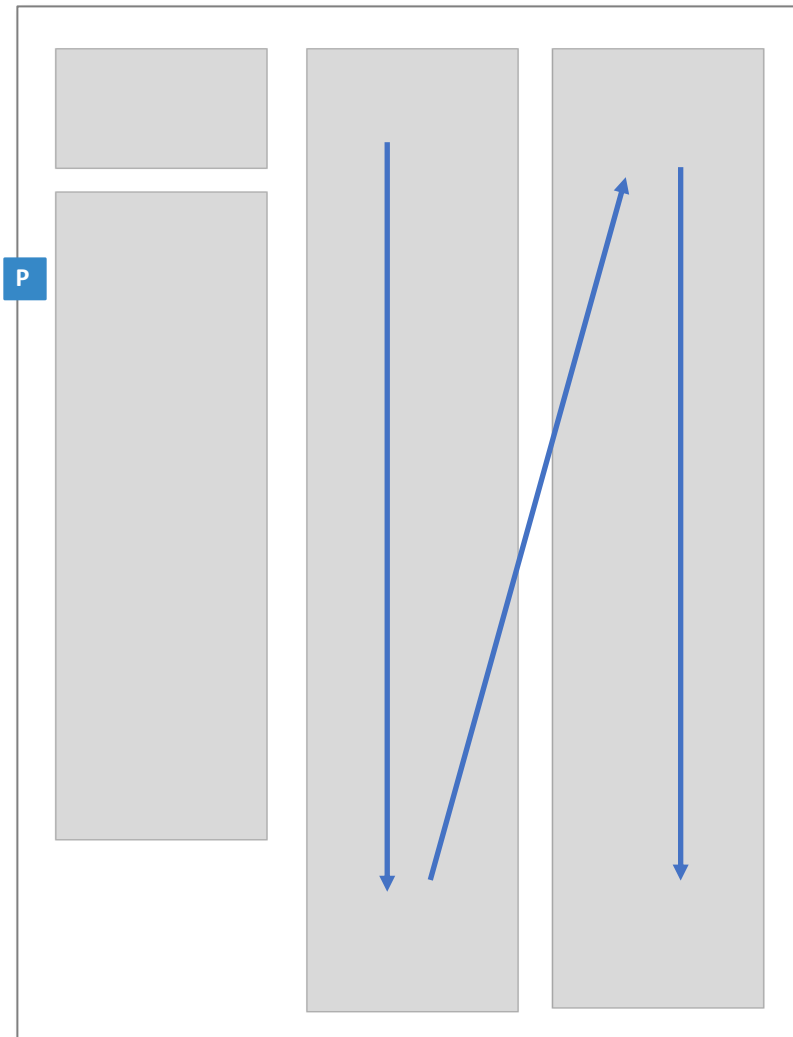


## Ballot Order

### Ballot Order

#### Board requirements for ballot order

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





## Ballot Order

### Code requirements for ballot order

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

### Board requirements for ballot order

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

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

Offices must be placed in this order:

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

#### Statewide Offices

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

---

#### Regional Offices

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

---

#### Locality-wide Offices

- 9 Clerk of Court



## Ballot Order

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

---

### Locality-wide Offices (continued)

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

---

### District/Magisterial/Ward Offices

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

---

### Town Offices

- 22 Mayor
- 23 Member Town Council At Large



## Ballot Order

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

**Town Offices (continued)**

- 24 Member Town Council
- 25 Recorder
- 26 Treasurer

**Statewide Issues, if applicable**

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

**Regional Issues, if applicable**

- 29 Regional Referendum

**Locality-wide Issues, if applicable**

- 30 Bond Issues
- 31 Referendum

**District/Ward Issues, if applicable**

- 32 Referendum

**Town Issues, if applicable**

- 33 Referendum



## Office Headers

### Office Headers

#### Officer Header examples

General election

**B**

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

Special election, without  
designation

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

**P**

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

Special election, with  
designation

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

Special election, with  
term on 2 lines

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



## Office Headers

### Officer Header examples, continued

Examples for  
down-ballot  
offices

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

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

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

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

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





## Office Headers

### Officer Header examples, continued

#### Presidential elections

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



## Office Headers

### Code requirements for office headers

#### **“Vote for...” Instructions**

(Va. code § 24.2-613(D))

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

Must appear immediately below the title of any office.

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

“Vote for only one”

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

“Vote for not more than *n*”

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

Vote for not more than three

#### **“Electors for...”**

**(Va. Code § 24.2-614)**

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



## Office Headers

### Board requirements for office headers

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



## Office Headers

### Best practice recommendations for office headers

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

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

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

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



## Candidate Order and Name Formats

### Candidate Order and Name Formats

#### Non-presidential candidate names

“Vote for” language is set in code. —

**C**

The Board sets standards for ballot names. —

**B**

Candidate order is set in code. —

**C**

#### Member

#### Board of Supervisors

For unexpired term to end on December 31, 2015

Vote for not more than three

**Aaron J. Peskin II**

**Barb Jean Bush Jr.**

**G. Duane Kruse**

**Janice C. “Ginny” Redish**

**Erin J. Michael**

**Write-in**

**P**

Candidate names should be in mixed case, bold type.

### Code requirements for candidate names

(Va. Code §24.2-613)

#### All elections

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

(Va. Code §24.2-529)

#### Primary elections

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

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

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



## Candidate Order and Name Formats

### Board requirements for candidate names

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

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

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

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

Mary L. Jones

Not: Mrs. John W. Jones

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

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

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

**Nickname** Must be in double quotation marks, if used.

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

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

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



## Candidate Order and Name Formats

### Board requirements for candidate names, continued...

#### Examples of acceptable name formats

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

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

#### Presidential / Vice Presidential Candidate Names

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

#### Fit the full candidate name on one line

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

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



## Candidate Order and Name Formats

### Best Practice Recommendations

Candidate names should be in mixed case, bold type.

P

**Member**  
**House of Delegates**  
**58<sup>th</sup> 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

### Political Party Order and Appearance

#### Code requirements for political party order and appearance

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

#### Board requirements for political party order and appearance

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

#### Best practice recommendations for political party order and appearance

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



## Write-ins

### Write-ins

#### Write-in Example

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

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

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

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

**B**

**P**



## Write-ins

### Code requirements for write-ins

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

### Board requirements for write-ins

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

### Best practice recommendations for write-ins

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



## Amendments, Referendums, and Bonds

### Amendments, Referendums, and Bonds

*Title,  
then Question,  
then Answer  
options.*

**C**

#### **Meals tax**

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

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

**C**

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

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

**C**

**Yes**

**P**

**No**

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

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



## Amendments, Referendums, and Bonds

### Code requirements for amendments, referendums, and bonds

#### Layout (Va. code § 24.2-684)

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

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

#### Language (Va. code § 24.2-684)

Referendums must:

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

### Best practice recommendations for amendments, referendums, and bonds

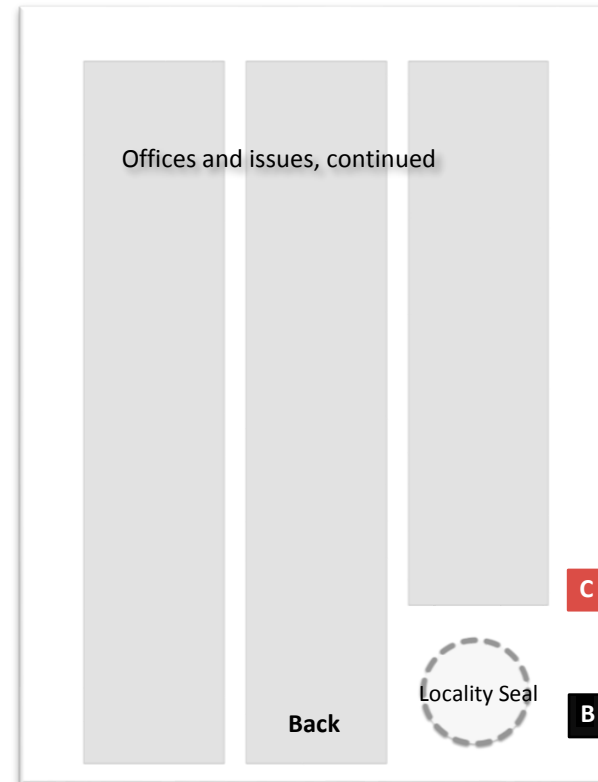
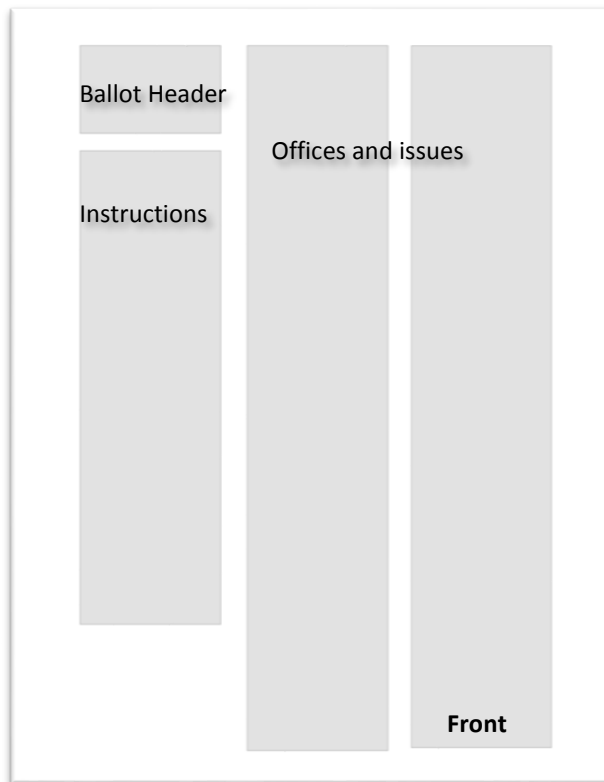
Text of issues should be in 12-point type, mixed case, and left justified (not fully justified).

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



## Locality Seal

### Locality Seal



**C**

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

**B**

*See additional Board Requirements below.*



## Locality Seal

### Code requirements for the locality seal

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

### Board requirements for the locality seal

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

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

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



## Waivers

### Waivers

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

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





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# Stand By Your Ad

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BOARD WORKING PAPERS  
Tammy Alexander  
Campaign Finance Compliance and Training Specialist



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

# Stand By Your Ad

August 16, 2022

State Board of Elections Meeting

# Print Media

1. Jackson For Roanoke - CC-22-00140
2. Volosin for Roanoke - CC-21-01113

# Advertisement, 24.2-955.1

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

# Contribution or Expenditure, 24.2-945.1

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

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

# Candidate, 24.2-101

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

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

# 1VAC20-90-30. Express advocacy.

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

## Schedule of Penalties

### *General Assembly and statewide offices*

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

REVISED Schedule of Penalties  
*Local and Constitutional offices*

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



# Print Media

## Advertisement sponsored by candidate or candidate committee

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

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

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

# Jackson For Roanoke - CC-22-00140

Complaints: No Disclosure

Complainant: Barbara Andes

Two signs

Violation Date: 6/30/2022

Election Date: 11/8/2022



## Relevant Facts:

- 1<sup>st</sup> time before Board (\$50/violation or \$25)
- 2 undisclosed yard signs

## Options:

- \$100 penalty (\$50 x 2 violations)
- \$25 penalty (requires unanimous vote)

## Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Jamaal Jackson in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to two yard signs, and assess a \$25 civil penalty.

# Volosin for Roanoke - CC-21-01113

Complaints: No Disclosure and Incomplete Disclosure

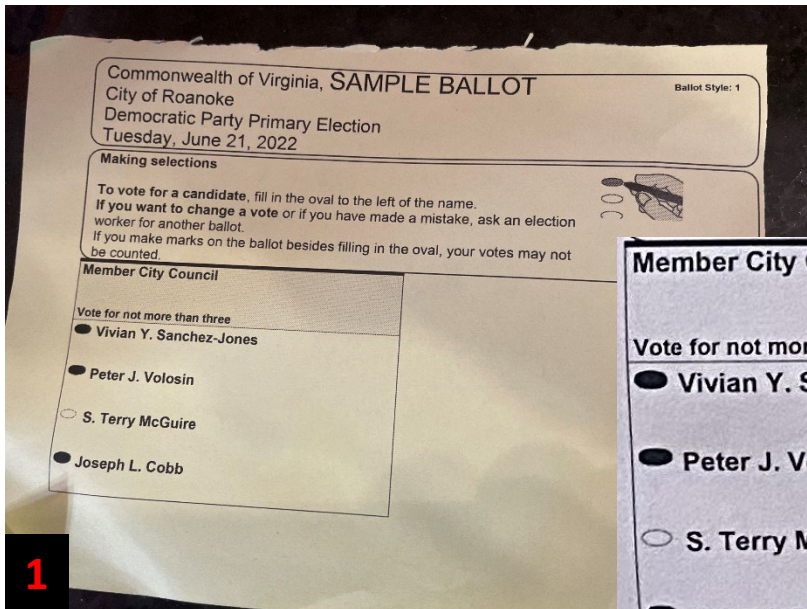
Complainant: Numerous

Five Sample Ballots

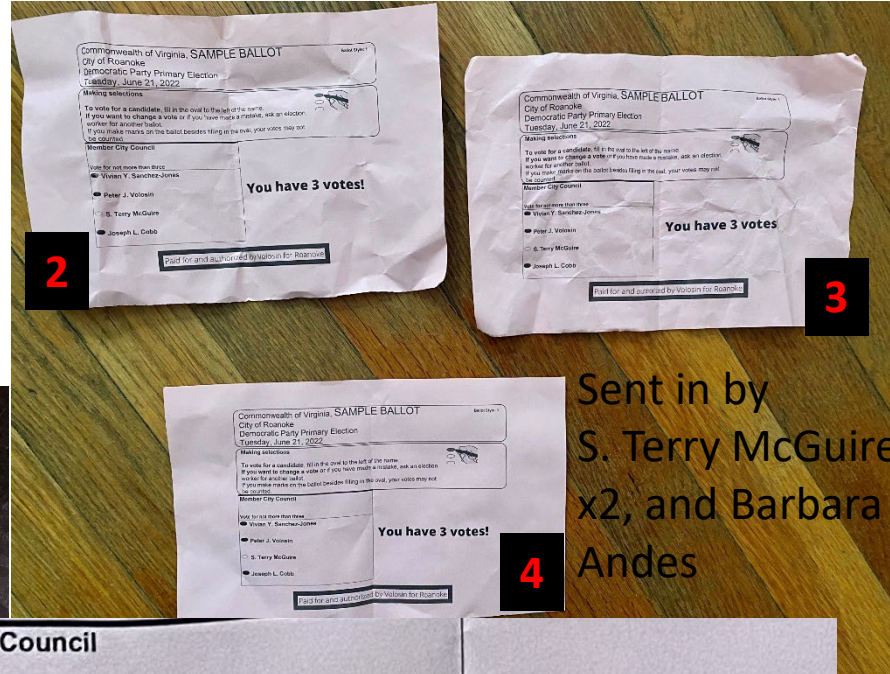
Violation Date: 6/21/2022

Election Date: 6/21/2022

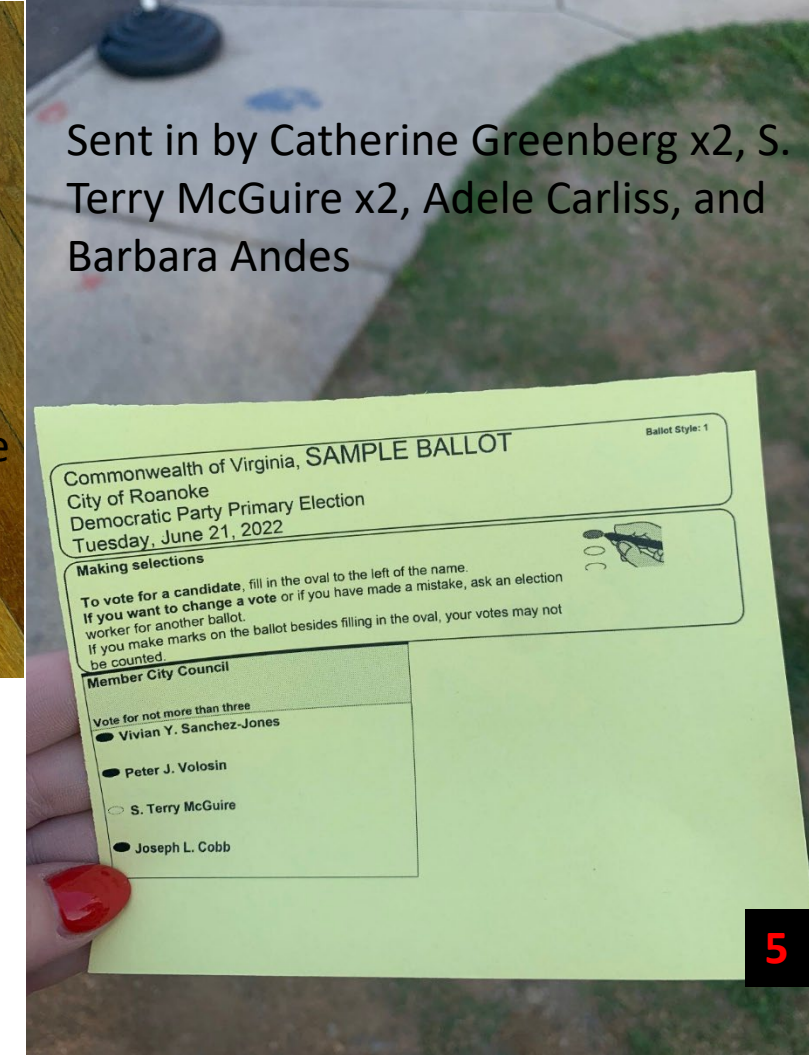
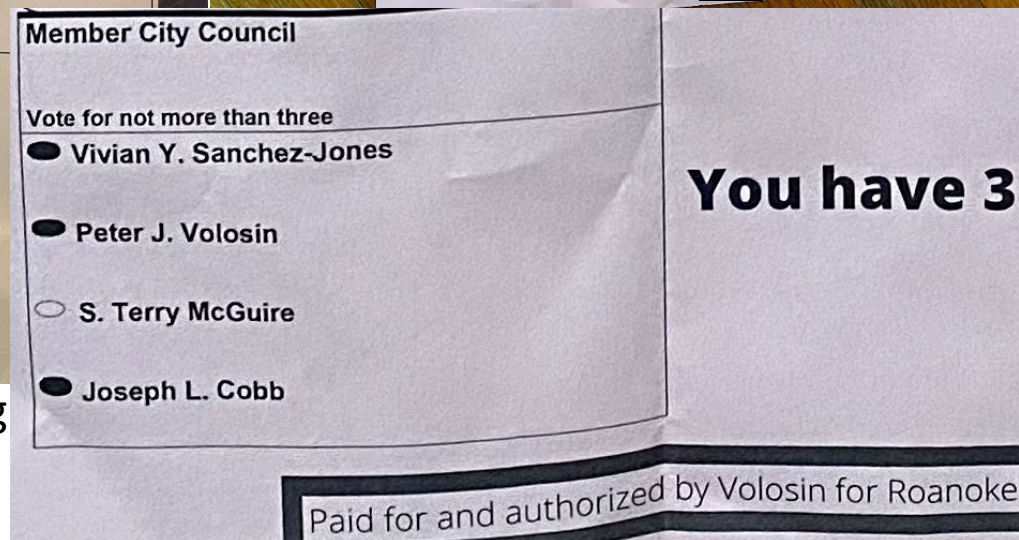
Within 14 Days



Sent in by Catherine Greenburg



Sent in by S. Terry McGuire x2, and Barbara Andes



Sent in by Catherine Greenburg x2, S. Terry McGuire x2, Adele Carliss, and Barbara Andes

## Relevant Facts:

- 1<sup>st</sup> time before Board (\$50/violation with option to reduce to \$25)
- 5 sample ballots – partial disclosure on 3
- Occurred within 14 days of the election/nominating event – penalty doubled

## Options:

- \$500 penalty ( \$50 x 5 ballots x 2 due to timing)
- \$50 (unanimous - first time before the Board x 2 due to timing)

## Recommended Motion:

I move subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Peter Volosin in violation of §24.32-956 Stand By Your Ad print media disclosure requirements with regard to five print media advertisements, and assess a \$50 civil penalty.



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# Ballot on Demand

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BOARD WORKING PAPERS  
Karen Hoyt-Stewart  
Locality Security Program Manager



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**Memorandum**

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

**From:** Karen Hoyt-Stewart, Locality Security Program Manager

**Date:** August 16, 2022

**Re:** Ballot on Demand Systems Certification Standards 2022

---

***Suggested Motion:***

“I move that the Board approve the adoption of the proposed Ballot on Demand Systems Certification Standards, effective immediately. Vendors for Ballot on Demand systems for use in Virginia must comply with these standards.”

Attachments:

- Virginia Ballot on Demand Systems Certification Standards 2022

***Applicable Code Section:***

§ 24.2-101 and § 24.2-667

***Background:***

In September of 2019, the State Board of Elections adopted a set of voting system certification standards. In November 2020, pursuant to the Code of Virginia, Title 24.2 Elections, Chapter 7, Absentee Voting, Virginia has no-excuse absentee in person voting period, referred to as Early Voting. In 2022, the Virginia Election Code § 24.2-101 and § 24.2-667.1 was changed adding the definition of voting system to include Ballot on Demand systems and changed how ballots are to be printed in the Commonwealth of Virginia. The code requires localities to print their ballots by precincts. Localities have to provide every precinct ballot style at early voting locations. The Ballot on Demand system is a solution to provide every precinct ballot style at early voting locations.

Starting July 1, 2022, Ballot on Demand systems must be certified by the SBE to be used in the conduct of elections held in the Commonwealth of Virginia. Compliance with the Code of Virginia and the policies and regulations issued by the State Board of Elections (SBE) or Department of Elections (ELECT) must be substantiated through the State Testing conducted by ELECT and locality officials.



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# Virginia

## Ballot on Demand Systems

### Certification Standards

August 2022



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## Chapter 1 – Introduction

### 1.1. Purpose of Procedures

Pursuant to § 24.2-629, the State Board of Elections must approve of the use of all electronic voting systems in the Commonwealth. During the 2022 Virginia General Assembly Session, the definition of a voting system was expanded to *now* include Ballot on Demand systems (BOD). Ballot on Demand systems are stand-alone units that print ballots for each precinct/ballot style within a locality. These systems are typically used during early-voting to provide the appropriate ballot style to a voter at check-in but may also be used on Election Day if, for example, a locality runs out of a certain ballot style. BOD systems are an important and necessary tool for localities to utilize in the reporting of absentee ballots by precinct. The procedures described in this document provide a formal and organized process for vendors to follow when seeking state certification of Ballot on Demand systems (BOD) in Virginia. These procedures are designed to:

1. Ensure conformity with Virginia election laws relating to the acquisition and use of BOD systems;
2. Evaluate and certify BOD systems marketed by vendors for use in Virginia;
3. Evaluate and re-certify or additional capabilities and changes in the method of BOD system operations previously approved or certified for use in Virginia;
4. Standardize certification and recertification of BOD systems.

### 1.2. Specific Requirements

1. Compliance with the Code of Virginia and the policies and regulations issued by the State Board of Elections (SBE) or Department of Elections (ELECT) must be substantiated through the State Testing conducted by ELECT and locality officials.
2. Any modification to the hardware, software, firmware or any component of the BOD system will invalidate the prior certification unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability or accessibility of the system; see the Appendix G for the De Minimis Change Guidelines that are applicable.

After July 2, 2022, BOD systems must be certified by the SBE to be purchased or used in the conduct of elections held in the Commonwealth of Virginia.

ELECT reserves the right to reexamine any previously certified BOD system for any reason at any time. Any BOD system that does not pass acceptance testing will not be certified. In addition, the SBE reserves the right to not certify any BOD system if the vendor does not comply with any of the following requirements:

1. Notify ELECT of any incident, anomaly, or security-related breach experienced in an election jurisdiction as soon as possible or in 24 hours of knowledge
2. Report to ELECT within 30 calendar days of knowledge of any changes to Corporate Information, including:
  - a. Business Entity and Structure
  - b. Parent and Subsidiary companies
  - c. Capital or equity structure
  - d. Control; identity of any individual, entity, partnership, or organization owning a controlling interest
  - e. Investment by any individual, entity, partnership, or organization in an amount that exceeds 5% of the vendor's net cash flow from the prior reporting year
  - f. Third-party vendors
  - g. Good Standing status, credit rating
3. Submit any modifications to a previously certified BOD system to ELECT for review within 30 calendar days from modification; see Appendix G & J for appropriate reporting process
4. If the operating system or any component has reached and/or will reach the Last Date of Mainstream Support within 18 months send an upgrade plan with target date(s) to ELECT.
5. Update all software with the latest patching and vulnerability updates in alignment with Appendix D.

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

## **Chapter 2: Basis for Acceptance, Approval and Certification**

### **2.1. – State Testing and Evaluation**

State Testing will evaluate the performance of a BOD system seeking certification to ensure that it complies with all applicable requirements in the Code of Virginia and the SBE and ELECT regulations and policies.

ELECT will examine the essential system functions, operational procedures, user guides, documents and reviews from product users.

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

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

1. Loading files into BOD system and printing ballots
2. Accurately maintain whole and separate count(s) of ballot printed by precinct(s) distinguishable by ballot style(s), including provisional ballots, if the voting systems used by the locality provides the functionality
3. Provides an intuitive and easy to navigate user interface
4. Perform data and operational integrity tests and display an appropriate error message when the BOD fails to print
5. System monitoring and notification of system errors, including:
  - a. Perform a self-test upon start up
  - b. Visible display indicating power supply
6. Data preservation to maintain a printable report of activity
7. If the BOD system has connectivity with electronic pollbooks (EPBs), any interruption of connection, BODs should retain all printing information upon restoration of connectivity between EPBs.
8. Audit Report(s) of the number of ballots printed and styles in a readable format.

## **2.2. Ballot on Demand - Hardware, Software, Firmware, or Component Elements**

All equipment used in a BOD system shall be examined to determine its suitability for election use according to the appropriate procedures contained in this document.

Equipment to be tested shall be identical in form and function with production units.

Engineering or development prototypes are not acceptable.

Any modification to existing hardware, firmware, or other components will invalidate the prior approval by the SBE unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system.

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

## **2.3. BOD System Software Elements**

BOD system software shall be examined and tested to ensure that it adheres to performance standards.

BOD applications must be compatible with all computers, devices, operating system, platforms as specified in the system requirements.

Any modifications to existing software will invalidate the prior approval by the SBE unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, or usability of the system.

## Chapter 3: Review and Approval Process

### 3.1. Summary of Process

The State certification is limited to the final Ballot of Demand systems that are provided by voting technology/system vendors certified in the state and have been used in full production environment and available for immediate installation. The certification review process goes through five phases. At the end of each phase, ELECT will evaluate the results to determine the approval status.

Five Phases of the Certification and Review Process:

1. Request from Vendor
2. Preliminary Review
3. Data Flow documentation
4. On-Site Testing
5. Approval by the SBE

#### Phase 1: Request from Vendor

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

1. BOD Application Request Form, signed by a company officer; see Appendix H
2. Documentation that the proposed BOD system has never been denied or withdrawn in any state
4. Eight copies (or a digital file) of a brief overview description of the BOD system ( Marketing Brochure, usually sufficient for the description)
5. A list of all states where the proposed BOD system version is currently used
6. The BOD system applicant seeking certification shall be responsible for associated costs of the testing. ELECT has set a fee of \$500.00 per vendor. Testing will be held on site at localities.
  - a. The check or money order is a non-refundable fee.
  - b. All fees must be collected before the certification will begin; checks or money orders should be made payable to Treasurer of Virginia.
7. Corporate Information\* must clearly identify all items.

- 
- a. History and description of the business including the year established, products and services offered, areas served, branch offices, subsidiary and parent companies, capital and equity structure, identity of any individual, entity, partnership, or organization owning a controlling interest, and the identity of any investor whose investments have an aggregate value that exceeds more than 5% of the vendor's net cash flow in any reporting year
  - b. Management and staff organization, number of full time and part-time employees by category, and resumes of key employees who will assist Virginia localities in acquiring the system if it is authorized for use
  - c. Certified financial statements for current and past three (3) fiscal years
5. Certificate of Good Standing and credit rating issued within the last year
  6. If the Corporate Information is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor.
  7. The evaluation process will be scheduled after the documents are received and reviewed.
  8. Documentation:  
Include system architecture, network, and data flow diagrams and to clearly specify all applicable components and any connectivity.
    - a. Customer Maintenance, Repair & Troubleshooting Manual: Documentation that is normally supplied to the customer for use by the person(s) who will provide maintenance, repair, and troubleshooting of the system
    - b. Operations Manual: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system
    - c. User Guide and Documents: The vendor should provide the following: A quick reference guide with detailed instructions for an election officer to set up, use, and shut down the BOD system
    - d. Clear model of BOD system architecture with the following documentations:  
End User Documentation on the BOD system
    - e. A list of customers who are using or have previously used the BOD system
    - f. The description of any known incidents or anomalies involving the functioning of the BOD system
    - g. Recommended Security Practices



**NOTE:** If the BOD system is certified, ELECT will retain the Corporate Information as long as the BOD system is marketed or used in Virginia. ELECT will sign a statement of confidentiality for Corporate Information only. Proprietary Information: Prior to or upon submission of its certification request, the vendor shall identify any information in its request and/or accompanying materials that it believes should be treated as confidential and proprietary. Furthermore, the vendor must state the reasons why such information should be treated as confidential and proprietary. "Identify" means that the information must be clearly marked with a justification as to why the information should be treated as confidential and proprietary information. A vendor shall not designate as proprietary information (a) the entire certification request or (b) any portion of the certification request that does not contain trade secrets or proprietary information. ELECT cannot guarantee the extent to which any material provided will be exempt from disclosure in litigation or otherwise. ELECT, however, agrees to provide the vendor with five (5) days' notice prior to disclosing such material to third parties so that the vendor has the opportunity to seek relief from a court prior to the disclosure of such materials by ELECT.

9. Vendor's capacity to provide, including:

On-Site Support and Technical Support within the Service Level Agreement on: Election Day (defined as the start of the Early Voting period up to and including Election Day; Within 60 days before Election Day; Resolution to outstanding issue(s), repair, maintenance, and service requests within 30 days

10. Maintenance Services, Pricing, and Financing Options:

A list of maintenance services with price. Terms for replacing a component or EPB system. Available financing options for purchase or lease

11. Warranty:

The vendor should provide a list of warranty specifications to include the following:

- a. The period and extent of the warranty
- b. Repair or replacement
- c. The circumstances under which equipment is replaced rather than repaired
- d. The method by which a user requests such replacement
- e. Warranty coverage and costs

12. Software License Agreement BOD Certification

- a. Vendor's internal quality assurance procedure, internal or external test reports, and software that can be used to demonstrate the various functions of the BOD system
- b. Vendors should also verify that the version of the applications submitted are identical to the version that is in the locality

13. Non-Disclosure Agreement: *If applicable.*

### **Phase 2: Preliminary Review**

ELECT's designee will review the documentation, Corporate Information and other materials provided, and notify the vendor of any deficiencies. Certification of the BOD system will not proceed beyond this phase until the documentation and Corporate Information are complete. ELECT's designee will notify the vendor to provide a locality that has purchased or plan to purchase the following for certification evaluation:

1. Production working model of the BOD to run through all phases of testing, including:
  - a. All hardware, software, and firmware necessary to run the BOD system
  - b. Software shall be provided in a format readable by the BOD hardware that are being submitted for certification
  - c. All commercial-off-the-shelf software and necessary drivers, including the operating system, any software applications for logging, reporting, printing, etc.
  - d. Any other components recommended by the manufacturer for use
2. A release to other states which have decertified the system or prior versions of the system to respond to any requests for information from the Commonwealth of Virginia
3. Any other materials and equipment deemed necessary by the ELECT's designee, who will conduct a preliminary analysis

ELECT's designee will review the Corporate Information and other materials to prepare a Certification Proposal, which includes:

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

**Phase 3:** The vendor should submit the documentation to ELECT's designee. The vendor must provide written confirmation that they will use only vendor specified ballot stock in the BOD system. The vendor must provide a Test Plan to ELECT and the locality prior to testing. The testing plan must print ballots for all precincts in a locality or print ballots for 10 precincts, whichever number is higher, to be used in testing.

**Phase 4:** On-Site Testing - ELECT will coordinate with a local jurisdiction(s) and vendor(s) to test the BOD system(s). With the vendor representative present, an Electoral Board member, Elections Director (General Registrar) from the local jurisdiction, and ELECT designee will oversee the testing of the BOD system. The testing results will be signed-by a member of the Electoral Board, the General Registrar, the vendor's representative, and ELECT's designee.

**Phase 5:** Approval by the SBE based on the report provided from ELECT's designee with the Acceptance Testing Results from the On-Site Testing and other information in their possession, the SBE will decide whether the BOD system will be certified for use in the Commonwealth of Virginia. The State Board of Elections will confirm in writing any BOD system that the State Board of Elections determines to be capable of printing ballot cards on ballot stock designated by voting system vendors. Certifications are valid until revoked by the State Board of Elections.

### **3.2. Acceptance Testing and Approval Process**

It is the responsibility of both the vendor and the local jurisdiction to ensure that a BOD system that is purchased for use in the Commonwealth of Virginia has been certified by the SBE. It is the responsibility of the vendor to submit any modifications to a previously certified BOD system to the ELECT for review. If any questions arise involving the certification of a BOD system in use in Virginia, ELECT shall verify that the BOD system in use is identical to the BOD system submitted for certification. Any unauthorized modifications to a certified system may result in decertification of the system by the SBE or bar a BOD system vendor from receiving certification of BOD systems in the future with the Commonwealth of Virginia.

### **3.3. Incomplete Certification Process**

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

1. Vendor does not respond to a request from ELECT within 90 days
2. ELECT issues any concerns regarding the certification
3. The Vendor withdraws from the process
4. The system fails the acceptance/certification test

## APPENDIX – A

### GLOSSARY

**Ballot on Demand (BOD) System** – A stand-alone system that prints ballots for each precinct/ballot style within a locality.

**De Minimis Change** – A minimum change to a certified BOD system’s hardware, software, or data. The nature of changes will not materially alter the system’s reliability, functionality, capability, or operation. Under no circumstance shall a change be considered De Minimis Change, if it has reasonable and identifiable potential to impact the system’s performance.

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

**Election Officer** – A registered voter in Virginia appointed by a local electoral board to serve at a polling place for any election.

**Officers of Election** - must attend training conducted by the electoral board or the general registrar. Some of their duties on Election Day (Early Voting) include identifying qualified voters and checking them in on the pollbooks; handing voters their correct ballots; telling voters the proper procedure for inserting ballots into the voting machine; and, when applicable, providing a voter with a provisional ballot.

**Precinct** – A precinct is a geographic area within a locality or a town, established by ordinance by the local governing body. As per the Code of Virginia § 24.2-307, the “governing body of each county and city may establish as many precincts as it deems necessary.” A precinct must be wholly contained in any district used to elect members of the local governing body. The local governing body also determines the location of the polling place where residents vote. State Board of Elections (SBE) – The State Board of Elections is authorized to supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of election.

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

## **APPENDIX B – Contacts**

The Department of Elections. The certification request package should be sent to:

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

All other inquiries should be sent to:

Email: [info@elections.virginia.gov](mailto:info@elections.virginia.gov)

## **APPENDIX C - Acceptance Test**

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

As part of the acceptance test the vendor will demonstrate the system's ability to execute its designed functionality, including:

1. Data and operational integrity safeguards
2. System monitoring and notification of system errors, including:
  - a. Visible display indicating power supply
  - b. Visible display indicating system connections
3. Comply with and enable voter and operator compliance with all applicable procedural, regulatory, and statutory requirements
4. Produce an audit report on number of ballots printed and ballot styles
5. During an interruption of a connection or power, BODs should retain print jobs data of ballots already processed

## **APPENDIX D - Software Patching Guidelines**

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



**APPENDIX E - Recertification Guidelines**

All vendors must comply with the policies, guidelines, and directives regarding recertification of BOD systems as adopted and modified by the SBE from time to time. If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue, and ultimately the SBE reserves the right to decertify the BOD system. A BOD system that has been decertified by the SBE cannot be used for elections held in the Commonwealth of Virginia and cannot be purchased by localities to conduct elections.

## **APPENDIX F - BOD System Modifications & Product**

### End of Life Planning BOD System Modifications

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

Product End of Life Planning “End-of-life” (EOL) is a term used with respect to product (hardware/software/component) supplied to customers, indicating that the product is in the end of its useful life (from the vendor’s point of view), and a vendor stops sustaining it; i.e. vendor limits or ends support or production for the product. Product support during EOL varies by product. Depending on the vendor, EOL may differ from end of service life, which has the added distinction that a vendor of systems or software will no longer provide maintenance, troubleshooting or other support.

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

**Mainstream Support:** The first phase of the product life cycle; when support is complimentary

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

**Last Date of Mainstream Support:** The last day of Mainstream Support Policies and procedures applicable to decertification/recertification of BOD systems which contain software or hardware components that have and/or will reach the Last Date of Mainstream

Support within 18 months, will be determined by ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time. A BOD system could still be decertified even if an upgrade plan is submitted. This could happen for a variety of reasons, such as a vendor is not showing progress in meeting their upgrade plan.

## **APPENDIX G – De Minimis Change Guidelines**

To request a De Minimis change the procedure begins with correspondence (email or letter) and submission of the De Minimis Change Form in APPENDIX J. The correspondence begins the process to evaluate whether the De Minimis change will be approved for use on Ballot on Demand Systems certified in Virginia.

De Minimis Changes should have the following characteristics:

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

**APPENDIX H - Ballot on Demand (BOD) Certification Application Request Form**

The company officer or designee who is responsible for the Ballot on Demand System (BOD) should complete this form. With this signature, the company officer agrees to a release for other states that may have decertified the BOD to respond to any questions by ELECT.

This application must be signed by a company officer and enclosed in the BOD Certification Request Package which begins with a letter to ELECT requesting certification of the Ballot on Demand system.

Name of Company: \_\_\_\_\_

Name and Title of Corporate Officer: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Primary Address of Company: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

*I reviewed and confirmed that the BOD meets the requirements of the Virginia Ballot on Demand (BOD) Certification Standard. My company will comply with additional requests in a timely manner to complete this certification.*

*Signature of Corporate Officer:*

\_\_\_\_\_ Date: \_\_\_\_\_

*Please note the following requirements:*

Applicants must provide all documentation necessary for the identification of the full system configuration submitted for evaluation.

After a completed application is accepted by ELECT, testing shall be completed by ELECT's designee, a locality's General Registrar/Elections Director and an Electoral Board member and a representative from the vendor.

No vendor, company, or person shall sell, lease, or contract with a jurisdiction for the use of a ballot on demand system unless it has been approved by the State Board of Elections starting July 1, 2022.

**APPENDIX I - REQUEST PACKET FOR BALLOT ON DEMAND SYSTEM**

Vendor Name: \_\_\_\_\_ Application Date: \_\_\_\_\_

SYSTEM NAME AND VERSION: \_\_\_\_\_

**IDENTIFICATION OF SYSTEM COMPONENTS:**

Type - Indicate whether the component is “New,” being “Updated,” or contains “No Change.”

Name (Model #) - Provide the official name and model number of the component. *(Identify the following for each hardware component of this system and provide a brief description.):*Version - Provide the exact version number of any software/firmware that runs on the component. *(Identify the following for each software or firmware component of this system and provide a brief description.)***Documentation:**

- Financials for the last three years
- Marketing brochures (8 copies or a digital file) for BOD system
- Provide identifying photos of the hardware components of the system. Photos of the ballot on demand systems should be submitted in .JPG, .BMP, .GIF or .TIF format.
- System overview that explains specifications of the system architecture, configurations, option settings and parameters for all software, firmware, and hardware (including COTS).
- Vendors must provide detailed use procedures, providing all information necessary for system use by all personnel who support activities with regard to all system functions and operations. The document shall include step-by step instructions. The end user should be able to utilize the system from setup to shut down based on the document alone.
- Vendors must confirm in writing the capability of the ballot on demand system to print all ballot styles for a locality.
- Vendors must confirm in writing that they will use only vendor approved specified ballot stock/cards for the voting system of the locality.
- All documents supplied must be current for the version for which approval is being requested.

\*All confidential documents must be marked confidential. Confidential and proprietary information of ballot on demand systems are exempt from FOIA based on (24.2-625.1) and will not be shared by ELECT.

Documents must be titled and submitted to:

Karen Hoyt-Stewart, ELECT  
Virginia Department of Elections  
1100 Bank Street, 1<sup>st</sup> Floor  
Richmond, VA 23219

[Karen.Hoyt-Stewart@elections.virginia.gov](mailto:Karen.Hoyt-Stewart@elections.virginia.gov)

**APPENDIX J - Virginia State Board of Elections**

**Request for De Minimis Change for Ballot on Demand (BOD) systems**

In accordance with the State Certification of Ballot on Demand Requirements and Procedures, SBE has adopted guidelines to manage hardware/software related changes to certified Ballot on Demand (BOD) systems.

To request a De Minimis change the procedure begins with correspondence (email or letter) from the vendor to the Secretary of the State Board of Elections. This letter shall begin the process to evaluate whether the De Minimis change will be approved for use on Ballot on Demand Systems certified in Virginia.

De Minimis Changes should have the following characteristics:

- 1. Update a discrete component of the system and do not impact overall system functionality.
- 2. Do not affect the accuracy of the component or system.
- 3. Do not negatively impact the functionality, performance, accessibility, usability, safety, or security of a component or system.
- 4. Do not alter the overall configuration of the certified system.
- 5. Can be reviewed and/or tested by ELECT’s personnel in a short amount of time.

Vendor description of the De Minimis Change: \_\_\_\_\_  
\_\_\_\_\_

Description of the facts giving rise to or necessitating the change: \_\_\_\_\_  
\_\_\_\_\_

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

Signature of Company Officer: \_\_\_\_\_ Date: \_\_\_\_\_

ELECT’s Action: Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED / DENIED

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Vendor Notified of Status by: (initials) \_\_\_\_\_ Date: \_\_\_\_\_



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Split Precinct Waiver

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BOARD WORKING PAPERS

Steven Koski  
ELECT Policy Analyst





★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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**Memorandum**

**To:** Chairman Brink, Vice-Chair O'Bannon, Secretary Alvis-Long, Delegate Merricks, Ms. Chiang,  
**From:** Steve Koski, ELECT Policy Analyst  
**Date:** August 16, 2022  
**Re:** Split Precinct Waiver

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**Suggested Motion**

"I move that the Board [(i) *approve*, (ii) *deny*, or (iii) *defer for review at a later meeting*] the Waiver to Administer a Split Precinct as requested by Northumberland County."

**Split Precincts Background**

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

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

**Attachments and References**

- Northumberland County Waiver to Administer a Split Precinct, Resolution, and Minutes
- [Va. Code § 24.2-307](#)

**Recommendation of Staff**

Staff recommends the Board approve the Waiver to Administer a Split Precinct as requested by Northumberland County.



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

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

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

Locality: Northumberland County Date: August 4, 2022

Contact Name/Title: E. Luttrell Tadlock, County Administrator Phone Number: 804-580-7666

Email Address:  
ltadlock@co.northumberland.va.us

Date the Governing Body's Meeting Occurred: August 3, 2022

Supporting Documentation (Please Attach):

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

Any Previous Waiver Requests Submitted?  Yes  No

If Yes, When? July 1, 2021

Was it Granted?  Yes  No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
0401/1390	District 4	A very small portion of the Town of Kilmarnock (53 voters) is within precinct 0401 of Northumberland County. The bulk of town voters are within Lancaster County .

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

SUPERVISORS

*James W. Brann*  
Callao, VA 22435  
District I

*Richard F. Haynie*  
Heathsville, VA 22473  
District II

*James M. Long*  
Wicomico Church, VA 22579  
District III

*Thomas H. Tomlin*  
Wicomico Church, VA 22579  
District IV

*Ronald L. Jett*  
Heathsville, VA 22473  
District V



COUNTY ADMINISTRATOR

E. Luttrell Tadlock  
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804-580-7666 (Voice)  
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ltadlock@co.northumberland.va.us

## Northumberland County, Virginia

### Board of Supervisors

P. O. Box 129 • 72 Monument Place  
Heathsville, Virginia 22473

### NORTHUMBERLAND COUNTY BOARD OF SUPERVISORS RE: KILMARNOCK TOWN VOTERS

WHEREAS a portion of the Town of Kilmarnock, Virginia, is located in Northumberland County, Virginia, while the majority of the Town of Kilmarnock is located in Lancaster, County, Virginia; and,

WHEREAS that portion of the Town of Kilmarnock located in Northumberland County is described as Tract # 020302 and Block #'s 3035, 3036, 3053, 3054, and 3055; and,

WHEREAS town elections were previously held in May; and

WHEREAS THE General Assembly established November as the date for town elections effective January 1, 2022; and,

WHEREAS approximately fifty (50) voters who reside in that portion of the Town of Kilmarnock that is located in Northumberland County are affected; AND,

WHEREAS establishing a split precinct for this small number of voters is not feasible (Code of Virginia 24.2-307);

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Northumberland County, Virginia, that those voters in the Town of Kilmarnock who reside in Northumberland County will vote in all elections at the Northumberland County District Four (4) polling place, Wicomico Parish Church, Wicomico Church, Virginia, and, the Northumberland County Electoral Board and General Registrar will prepare appropriate ballots, voting procedures, and reporting procedures to accommodate Town of Kilmarnock voters affected by this action, and, will ensure compliance with all relevant sections of the Code of Virginia pertaining to the conduct of elections.

Adopted: August 3, 2022

E. Luttrell Tadlock, Clerk and County Administrator for the  
Northumberland County Board of Supervisors

SUPERVISORS

*James W. Brann*  
Callao, VA 22435  
District I

*Richard F. Haynie*  
Heathsville, VA 22473  
District II

*James M. Long*  
Wicomico Church, VA 22579  
District III

*Thomas H. Tomlin*  
Wicomico Church, VA 22579  
District IV

*Ronald L. Jett*  
Heathsville, VA 22473  
District V



COUNTY ADMINISTRATOR

E. Luttrell Tadlock  
Heathsville, VA 22473  
804-580-7666 (Voice)  
804-580-7053 (Fax)  
ltadlock@co.northumberland.va.us

## Northumberland County, Virginia

### *Board of Supervisors*

P. O. Box 129 • 72 Monument Place  
Heathsville, Virginia 22473

### **Insert of Draft Minutes for the Called Board of Supervisors Meeting held on Wednesday, August 3, 2022**

Action, Reports: Election Split Waiver

Motion to hereby approve the resolution and authorize the Northumberland County General Registrar to submit a request for a waiver from the State Board of Elections pursuant to Section 24.2-307 of the Code of Virginia to administer the District 4 precincts in Northumberland County located in the Town of Kilmarnock, Town Code 1390 as split precincts for the 2022 election.

### **NORTHUMBERLAND COUNTY BOARD OF SUPERVISORS RE: KILMARNOCK TOWN VOTERS**

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Adopted: August 3, 2022

Motion by Thomas H. Tomlin, seconded by James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

A true copy teste:

A handwritten signature in blue ink, reading "E. Luttrell Tadlock", written over a horizontal line.

E. Luttrell Tadlock, County Administrator

Code of Virginia  
Title 24.2. Elections  
Chapter 3. Election Districts, Precincts, and Polling Places

### **§ 24.2-307. Requirements for county and city precincts.**

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city. In each year ending in one, the governing body of each county and city shall establish the precinct boundaries to be consistent with any congressional district, Senate district, House of Delegates district, and local election district that was adopted by the appropriate authority by June 15 of that year. If congressional districts, Senate districts, House of Delegates districts, or local election districts have not been adopted by the appropriate authority by June 15 of a year ending in one, the governing body may use the congressional districts, Senate districts, House of Delegates districts, or local election districts as such districts existed on June 15 of that year as the basis for establishing the precinct boundaries to be used for the elections to be held in November of that year. Such governing body shall establish precinct boundaries to be consistent with any subsequent changes to the congressional districts, Senate districts, House of Delegates districts, or local election districts. If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § [24.2-309](#). A governing body granted a waiver to administer a split precinct or directed to establish a precinct with fewer than the minimum number of registered voters may use such a precinct for any election held that year.

The governing body shall establish by ordinance one polling place for each precinct.

Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#); 2020, c. [1268](#).



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# Risk Limiting Audit

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BOARD WORKING PAPERS

Karen Hoyt-Stewart

Locality Security (Voting Tech) Program Manager

Rachel Lawless

Confidential Policy Advisor



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DEPARTMENT *of* ELECTIONS

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**Memorandum**

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

From: Rachel Lawless, Confidential Policy Advisor

Date: Tuesday, August 16, 2022

Re: Proposed Form SBE 671.2 (D) and Regulatory Action 1VAC20-60-80

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**Suggested motion for a Board member to make:**

"I move that the Board approve the proposed Form SBE 671.2(D) and regulatory action 1VAC20-60-80.

**Applicable Code Section:** § 24.2-671.2(D)

**Attachments:**

- Proposed regulation 1VAC20-60-80

**Background:**

Code of Virginia § 24.2-671.2, passed by the 2022 General Assembly, makes changes to Virginia's risk-limiting audit process. Subsection § 24.2-671.2(D) gives local electoral boards the option to request to conduct a risk-limiting audit for a contested race within that local electoral board's jurisdiction. Subsection § 24.2-671.2(D) also directs that "[t]he State Board shall promulgate regulations for submitting such requests." The below regulatory action and accompanying Form SBE 671.2(D) work in tandem to meet the requirements of this new law.





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**Agency:** The State Board of Elections

**Virginia Administrative Code (VAC) citation(s):** 1VAC20-60-80

**Regulation Title(s):** Request for a risk-limiting audit for a contested race within a jurisdiction.

**Date before State Board of Elections:** August 16, 2022

**Brief Summary:**

This regulatory action establishes the process through which a local electoral board may request a risk-limiting audit of a contested race in its jurisdiction. The regulatory action specifies that an electoral board must cast a majority vote at a public meeting to request an audit for a particular contested race. Further, an electoral board must sign and complete the new Form SBE 671.2(D) and identify the race(s) subject to the requested audit. All board members should sign and date the form. Under this action, the State Board of Elections will grant an audit request if the form is properly completed, all statutory requirements are met, and the request is submitted prior to the State Board meeting that determines all the contested races for that election that will receive a risk-limiting audit. Finally, the regulatory action specifies that, as needed, the State Board will grant a two-week extension to the electoral board's certification deadline under § 24.2-671 to accommodate the conduct of the risk-limiting audit.



**Regulation Text:**

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

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

1. At the public canvass meeting following the election, an electoral board may elect to request an audit of a contested race, or multiple races, within its jurisdiction (risk-limiting audit) by a majority vote.
2. If a question to request a risk-limiting audit achieves a majority vote, an electoral board must complete Form SBE 671.2(D) to request State Board of Elections (SBE) approval of the audit(s).
3. The SBE will grant a request for a risk-limiting audit within a locality's jurisdiction if:
  - a. The submitted Form SBE 671.2(D) contains sufficient information for the SBE to determine that the local electoral board members cast a majority vote in favor of the audit request;
  - b. The submitted Form SBE 671.2(D) contains sufficient information for the SBE to determine which contested race or races are subject to the requested audit and that those races are in fact within the jurisdiction of the local electoral board;
  - c. The SBE concludes that the audit is permissible under Code of Virginia § 24.2-671.2 and all other relevant provisions of law; and
  - d. The following conditions are met:
    - i. The margin of the candidate with the most votes and the second most votes is equal to or greater than 1%; and,
    - ii. The number of estimated ballots to be sampled exceeds 15% of the total number of ballots cast.



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4. Upon granting an electoral board's request for a risk-limiting audit, the SBE may grant an extension, not to exceed two weeks, of the local electoral board's certification deadline, under Code of Virginia § 24.2-671, if necessary for the conduct of the audit.

**Statutory Authority**

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



**PURPOSE OF THIS FORM**

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

**COMPLETE THE FOLLOWING:**

**Locality:** \_\_\_\_\_

**Date of Public Meeting:** \_\_\_\_\_

**Contested Race:** \_\_\_\_\_

**Town Name/District Number:** \_\_\_\_\_

**Date of RLA:** \_\_\_\_\_

**Location of RLA:** \_\_\_\_\_

**Preliminary Vote Totals:** \_\_\_\_\_

**Candidate A:** \_\_\_\_\_

**Candidate B:** \_\_\_\_\_

**Candidate C (if applicable):** \_\_\_\_\_

**Candidate D (if applicable):** \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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



We, the members of the electoral board, request an audit of the above contested race(s) within our jurisdiction:

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Printed name of Chairperson	Signature	Date
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Printed name of Vice-Chairperson	Signature	Date
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Printed name of Secretary	Signature	Date
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*If your audit request is approved by the State Board of Elections, then the Board may grant an extension of up-to two weeks to your certification deadline under 24.2-671 of the Code of Virginia for the audited race.*



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# Report from Office of the Attorney General on Investigation of Nottoway County

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BOARD WORKING PAPERS  
Joshua Lief  
Office of the Attorney General



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# Public Comment

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# Closed Session

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