★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Wednesday, March 25, 2026
Washington Building
Martha Brissette Conf. Rm – B27
Richmond, VA
Video and Teleconference

Videoconference:

https://covaconf.webex.com/covaconf/j.php?MTID=m486b6c88b99928d45d844671b1393e94

Meeting password: 5Ha5dth7ZgW

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2421 821 4116

2:00 P.M.

SBE Board Working Papers

STATE BOARD OF ELECTIONS
AGENDA

***DATE*: Wednesday, March 25, 2026**
***LOCATION:* Washington Building**
1100 Bank St. Richmond, VA 23219
Martha Brissette Conf. Rm – B27
TELECONFERENCE:
+1-517-466-2023 US Toll
+1-866-692-4530 US Toll Free
Access code: 2421 821 4116
VIDEO CONFERENCE:
https://covaconf.webex.com/covaconf/j.php?MTID=m486b6c88b99928d45d844671b1393e94
Password: 5Ha5dth7ZgW
***TIME*: 2:00 P.M.**

I. CALL TO ORDER	*John O'Bannon, Chairman*
II. APPROVAL OF MINUTES **A. February 18, 2026**	*Georgia Alvis-Long, Secretary*
III. PUBLIC COMMENT	
IV. COMMISSIONER'S REPORT	*Steven Koski* *Commissioner*
V. CERTIFICATION OF MARCH 17, 2026 SPECIAL ELECTION	*John Cronin* *Election and Registration*
VI. ELECTRONIC POLLBOOK CERTIFICATION STANDARD 2.0	*Londo Andrews* *Voting Systems Security Manager*
VII. ELECTRONIC MEETING POLICY	*Nathan Joyner* *FOIA and Records Retention Officer*

VIII. CLOSED SESSION

IX. ADJOURNMENT

NOTE: https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=43011

Re. Entrance to the Washington Building
All members of the public will be required to show his/her driver's license, passport or other government issued ID to enter the Washington Building.

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 WebEx. Last, we will hear from persons who provided their name and phone number to FOIA@elections.virginia.gov.

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

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

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

★ VIRGINIA ★

STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS

The State Board of Elections ("the Board") meeting was held on Wednesday, February 18, 2026 in Martha Brissette Conference Room of the Washington Building in Richmond, Virginia. The meeting also offered public participation through electronic communication so the remote public could view and hear the meeting. In attendance: John O'Bannon, Chairman; Rosalyn R. Dance, Vice Chair; Georgia Alvis-Long, Secretary; and Dr. Chris Stolle, member represented the State Board of Elections ("the Board"). Steven Koski, Commissioner, represented the Department of Elections ("ELECT"), and Ajay P. Saini represented the Office of the Attorney General ("OAG"). Chairman O'Bannon called the meeting to order at 2:00 P.M.

The first item of business was the Approval of the Minutes from January 14th, 21st, 28th, 29th and 30th Board Meetings. Dr. Stolle moved *to approve the minutes.* Vice Chair Dance seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Dr. Stolle – Aye

Chairman O'Bannon opened the floor to public comment. Marianne McKay addressed the Board and asked to have her statement put into the minutes. Her statement appears as APPENDIX: A.

The next item on the agenda was the Commissioners Report, presented by Commissioner Koski. The Commissioner informed the Board that local special elections are being held on March 3rd for Fairfax County School Board, March 10th for Prince William County Board of Supervisors, April 14th for Charles City County local referendum, and April 21st for the statewide Constitutional Amendment referendum related to redistricting. Commissioner Koski advised the Board that the referendum was ordered through legislation by the General Assembly to occur on April 21st at a special election. The Commissioner stated that under Virginia law, the General Assembly approves both ballot questions and an official explanation on the ballot. ELECT is required to provide the ballot question and the explanation to localities and post to the ELECT Website.

Commissioner Koski informed the Board that there is current pending legislation that provides proposed maps that would take effect if the referendum were successful. This legislation would also move the Primary Election from June to August and adjust the filing timeline for Congressional candidates. The Commissioner advised the Board that ELECT does not decide on this process and

will execute the law as provided by the General Assembly. Commissioner Koski also informed the Board that on Friday, February 20th, he would be visiting with General Registrars in the Southwest Region 4 for the Voter Registration Association. The next item on the agenda was the Certification of the February 10, 2026 Special Election presented by John Cronin, Election and Registration Services Supervisor. *This memo is in the Working Papers for the February 10, 2026 Meeting.* Vice Chair Dance stated after reviewing the Abstracts of Votes Cast in the 2026 February 10 Special Elections, I move *that the Board certify the statements to be correct and sign the statements and certificates of election.* Dr. Stolle seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Dr. Stolle – Aye

At 2:19 P.M., Vice Chair Dance pursuant to Virginia Code Section 2.2-3711(A)(7), I move *that the Board go into closed session for the purpose of discussing pending threatened litigation. In accordance with Section 2.2-3712(F),*

Steven Koski, Commissioner of Elections, and Ajay P. Saini, Office of the Attorney General, will attend the closed session because their presence will reasonably aid the Board in its consideration of the subject of the meeting. Dr. Stolle seconded the motion, and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Dr. Stolle – Aye

At 2:31 P.M., Dr. Stolle move *to reconvene the meeting in open session, and take a roll call vote certifying that to the best of each member's knowledge (i) only such public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard or discussed by the State Board of Elections.* Vice Chair seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Dr. Stolle – Aye

The meeting adjourned at 2:32 P.M.

_____
Chairman

_____
Vice Chair

_____
Secretary

_____
Board Member

_____
Board Member

APPENDIX: A

Marianne McKay

PETITION FOR REMOVAL FROM OFFICE OF THE CHAIR AND SECRETARY OF NORFOLK ELECTORAL BOARD

TO: The Esteemed Members of the Virginia State Board of Elections: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, Mr. Stolle, and Mr. Petersen
Ms. Susan Beals, Commissioner for the Virginia Department of Elections

DATE: December 9, 2025

I, Marianne McKay, Vice Chair of the Norfolk Electoral Board (NEB), hereby submit this petition pursuant to Virginia State Code § 24.2-233(1) seeking removal of NEB Chair Atoy Carrington and NEB Secretary H. Michael Ziegenfuss for neglect of a clear, ministerial duty of the office and incompetence in the performance of their duties of the office when that neglect of duty and competence in the performance of duties had a material adverse effect upon the conduct of the office.

Summary of Charges

1. Conducted a Closed-Session Meeting in Violation of the Virginia Freedom of Information Act.

    a. Conducted a closed session meeting on November 27, 2024 to discuss reports of election irregularities which did not fall under the permissible FOIA exemptions of personnel or security matters. Violations of Virginia State Code §24.2-107, § 2.2-3700(B), § 2.2-3711(A)(1) and § 2.2-3711(A)(34).

    b. Prevented the public and candidate access to information about gross irregularities and improprieties at the Chesterfield precinct that could have invalidated a City Council election.

2. Neglect of Duty to Ensure Parity in Precinct Assignments for the November 2024 and 2025 General Elections.

    a. Refused to review the task of precinct assignments delegated by the NEB to the General Registrar for the November 2024 and 2025 General Elections. Violation of Virginia State Code § 24.2-109.

    b. Failed to ensure, as practicable, opposite-party affiliation between chief and assistant chief officers. Violations of Virginia State Code § 24.2-115(A) and § 24.2-115(C).

3. Failure to Hold a NEB Meeting Upon the Request of a Board Member Before the November 2025 General Election. Violation of Virginia State Code § 24.2-107.

4. Failure to Conduct Provisional Ballot Meetings According to Virginia State Code for the November 2024 General Election, the June 2025 Primary, and the November 2025 General Election.

    a. Refused to hold the state-mandated closed-session provisional ballot meetings the day after the election for the November 2024 General Election, June 2025 Democratic Primary, and November 2025 General Election. Violation of Virginia State Code § 24.2-653.01(A)(B).

b. Delegated the entire review and determination of provisional ballots to the registrar's office, thereby abdicating the Board's statutory responsibility to examine provisional ballot envelopes and provisional ballot logs for the adjudication of provisional ballots cast. Violations of Virginia State Code §24.2-653.01, §24.2-653(A)(C), and § 24.2-653.1

Factual Allegations

1. Conducted a Closed Session Meeting in Violation of the Freedom of Information Act.

   a. McKay requested a meeting to address reports from the authorized representatives Tamara Hanger and Catherine Nesmith that massive irregularities and improprieties occurred at the Chesterfield precinct.

   b. The reports involved gross procedural failures in the casting of provisional ballots which were of public interest and directly impacted candidate Phillip Hawkins' right to contest his race as an invalid election. There were 600 Same Day Registration (SDR)/Provisional Ballots from the Chesterfield precinct alone and Hawkins only lost his race by 92 votes.

   c. A NEB meeting was held on November 27,2024, and Carrington and Ziegenfuss insisted on hearing the Authorized Representatives' reports in closed session even though the reports did not pertain to personnel or security issues, the only two FOIA exemptions allowed for electoral boards.

   d. The NEB voted 2 to 1 with McKay dissenting to go into closed session to hear the reports, therefore depriving Hawkins and his attorney Amina Matheny-Willard from hearing that grounds existed for him to contest his Superward 7 City Council race.

   See Exhibits 1-7 for documentation: copies emails and minutes of the NEB meetings.

2. Neglect of Duty to Ensure Parity in Precinct Assignments for the November 2024 and 2025 General Elections.

   a. McKay provided detailed analyses and recommendations to improve opposite-party parity in precinct assignments for the 2024 and 2025 General Elections.

   b. Carrington and Ziegenfuss refused to review the precinct assignments for parity. For the November 2024 General Election, McKay moved that the NEB go into closed session to review precinct assignments but Carrington and Ziegenfuss refused to second the motion thereby shutting down efforts to improve parity. For the November 2025 General Election, Carrington and Ziegenfuss refused to hold a NEB meeting to review and approve the precinct assignments.

   c. Carrington and Ziegenfuss claimed the task of precinct assignments was delegated to the General Registrar Stephanie Iles and her staff while McKay argued, despite the NEB delegating the task to Iles and her staff, the Board still retains the responsibility of ensuring parity in precinct assignments where practicable.

d. As a result of not reviewing the precinct assignments, only 12 of 49 precincts (24.5%) had opposite-party affiliation between chiefs and assistant chiefs in the November 2025 General Election. If the recommended changes had been adopted, 19 precincts (38.8%) could have achieved parity — a 63% improvement.

See Exhibits 8-13 for documentation: copies of emails and minutes of the NEB meeting.

3. Failure to Hold a NEB Meeting Upon the Request of a Board Member before the November 2025 General Election. Violation of Virginia State Code § 24.2-107.

   a. McKay made six written requests between August 27 and October 15, 2025, for a NEB meeting to review precinct assignments.

   b. Chair Carrington and Secretary Ziegenfuss ignored, refused, or dismissed these requests, with Secretary Ziegenfuss responding with unprofessional and dismissive remarks.

   c. The requested meeting was never held, preventing the Board from fulfilling its oversight duties before the November 2025 election.

   See Exhibit 13 for documentation of email exchanges.

4. Failure to Conduct Provisional Ballot Meetings in Accordance with Virginia State Code for the November 2024 General Election, the June 2025 Primary, and the November 2025 General Election.

   a. The Board voted to release all provisional ballots cast and logs to the Registrar's office without the NEB first examining the provisional ballot envelopes for material information and verifying the envelopes were recorded on the provisional ballot logs.

   b. The Board never convened the required closed-session provisional ballot meeting on the day after the election.

   c. The Board merely ratified totals provided by the Registrar without reviewing a single provisional ballot envelope or provisional ballot log, making independent verification impossible.

   d. Authorized representatives were denied access to observe the provisional ballot process.

   See Appendix 1 for a detailed account of events in each election cycle demonstrating the efforts to persuade the NEB to correct the locality's customary way of conducting a provisional ballot meeting for a process consistent with the Virginia State Code.
   See Exhibits 14 – 41 for Documentation: copies of emails and minutes of the NEB meeting.

Adverse Effects on the Electoral Process

1. Erosion of Public Trust: Conducting public business in secret and refusing to follow transparent procedures undermines election integrity and public confidence that a fair, safe, and secure election was conducted.

2. Deprivation of Candidate Rights: A candidate was denied information about massive irregularities and improprieties occurring on Election Day that were of a significant magnitude as to have changed the outcome of his race.

3. Statutory Non-Compliance: Persistent failure to follow Virginia Election Laws and the Virginia Department of Elections' General Registrar/Electoral Board Handbook and Guidance demonstrates a pattern of incompetence and neglect.

4. Abdication of Oversight Responsibility: By refusing to review precinct assignments and to process and adjudicate provisional ballots cast according to the Code, the Board abandoned its legal oversight role leaving critical election functions unchecked and the electoral process compromised.

Conclusion and Request

The documented actions of Chair Atoy Carrington and Secretary Michael Ziegenfuss demonstrate a sustained pattern of neglect of duty, incompetence, and violations of the Virginia Code. Their conduct has materially impaired the proper functioning of the NEB and has damaged public confidence that lawful, fair, safe, and secure elections which are foundational to our democracy have occurred in the City of Norfolk.

Therefore, I petition the Virginia State Board of Elections to refer this matter to the Circuit Court of Norfolk for the removal of Chair Atoy Carrington and Secretary Michael Ziegenfuss from the Norfolk Electoral Board.

I attest that the facts contained in this petition are true and correct to the best of my knowledge, and I am prepared to appear before this most distinguished Public Body to answer any questions you may have on this matter before you.

Most Respectfully,

Marianne McKay
Vice Chair, Norfolk Electoral Board

Notary Information:

Signature _____ Date 12/10/25

Printed Name LATASHA NACOLE FITZGERALD

Date Notary Expires July 31, 2027

LATASHA NACOLE FITZGERALD
NOTARY PUBLIC
REGISTRATION # 7662899
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
JULY 31, 2027

Appendix 1: Detailed Account of Each Election Regarding the Provisional Ballot Meetings

Factual Allegations Regarding the November 5, 2024 General Election:

1. On November 6, 2024, the NEB started the canvass, and after the vote was taken to release the provisional ballots for review and research by the Registrar's office, McKay informed Iles that McKay would like to see the provisional ballot logs and Carrington nor Ziegenfuss objected.
2. On November 7, 2025, McKay sent a follow up email informing Iles that McKay would like to know when and where the provisional review process will take place, so authorized representatives can coordinate coverage to observe the adjudication of the provisional ballots casted (Exhibit 14).
3. McKay received no response, so she sent another email on November 9, 2024 (Exhibit 15) and on November 10, 2024 (Exhibit 16).
4. Iles responded by email on November 10, 2024, stating that if the NEB reviews the provisional ballots, then they will have to review all provisional ballot logs (Exhibit 17).
5. McKay responded in an email on November 10, 2025, that the massive irregularities reported warranted conducting the provisional ballot meeting differently and specifically asked Carrington and Ziegenfuss to confirm that they will reconvene the next morning to begin the provisional ballot meeting (Exhibit 18).
6. Iles and McKay exchanged emails. McKay stated the NEB should be included in the review process and Iles claimed the NEB cannot assist in this process (Exhibit 19).
7. Carrington sent an email on November 11, 2025, and stated the provisional ballot meeting will be handled in the customary way. On November 13, 2024, McKay responded that to not change our way of adjudicating the provisional ballot process given the massive irregularities would be irresponsible and negligent in fulfilling our duties as electoral board members and complicit in facilitating an unlawful election (Exhibit 20).
8. The provisional ballot meeting was not conducted in a closed session as required by the Virginia State Code, nor did the NEB see one provisional ballot envelope or provisional ballot log. Iles only provided the NEB with totals of provisional ballots cast and recommendations for counting or not counting the ballots. The board voted 2 to 1 to accept and reject Iles' recommendations with McKay dissenting because the NEB could not verify what Iles reported. The minutes of the meeting document the NEB's vote and that the state-mandated closed session provisional ballot meeting was never held (Exhibit 21).
9. Jeannie Sylvia, an authorized representative, was denied receiving copies of redacted provisional ballot logs and from watching the scanning and tabulation of the provisional ballots by Ziegenfuss and Iles even though Sylvia provided an acceptable authorization letter (Exhibit 22) and a copy of the Virginia Department of Elections (ELECT) Official Guidance regarding access to provisional ballot logs (Exhibit 23).
10. Sylvia described Ziegenfuss and Carrington's attempt to prevent McKay from seeing the provisional ballot logs as "willful neglect of duty" on their part in Sylvia's formal HAVA complaint (Exhibit 24). Iles' email response to Sylvia's HAVA complaint verifies that the attached HAVA complaint was filed (Exhibit 25).
11. McKay filed a HAVA Complaint describing Carrington, Ziegenfuss, and Iles' actions during the provisional ballot meeting and canvass of CAP and certification of the election (Exhibit 26).

Factual Allegations Regarding the June 18, 2025 Democratic Primary:

1. McKay sent an email on June 11, 2025 to Iles, Carrington, and Ziegenfuss (Exhibit 27) recommending the NEB review the provisional ballots before releasing them to the Registrar's Office for entry into Veris.
2. Iles' email response was we will handle the process "as is customary" (Exhibit 28).
3. McKay sent an email June 11, 2025 reiterating the reasons for changing the way the NEB conducts a provisional ballot meeting by pointing out that the Virginia State Code § 24.2-653.01 requires the electoral board determine whether a provisional ballot is counted or not (Exhibit 29).
4. Carrington in an email dated June 12, 2025 stated the NEB will conduct the provisional ballot process in our customary way (Exhibit 30).
5. McKay sent one last appeal to Carrington and Ziegenfuss to review the provisional ballot envelopes and logs for each precinct. McKay cited the Virginia State Code and explained that the NEB can no longer claim we made an honest mistake, and failure to do so would be an abdication of the duties of our oath of office (Exhibit 31).
6. McKay asked Margaret Kelly, a Norfolk Deputy City Attorney, if she would research and provide guidance on whether the NEB and Registrar are conducting a provisional ballot consistent with Virginia State Code. McKay sent Kelly a follow up email with additional information relevant in providing guidance to the NEB in how the provisional ballot meeting is conducted (Exhibit 32).
7. The NEB minutes of the canvass on June 18th and 23rd, 2025 document that McKay did not vote to release the provisional ballots for preliminary research and review, and McKay was the dissenting vote in accepting the provisional ballots because the Board never saw a provisional ballot envelope nor a provisional ballot log (Exhibit 33).
8. The guidance request to Kelly regarding the provisional ballot meeting was transferred to the Deputy City Attorney Andrew Fox. Fox provided guidance to the NEB at the August 26, 2025 NEB meeting but was unable to answer the following two questions and agreed to do further research and analysis to provide an answer.
    - How can the electoral board perform the task of tracking the determination of all provisional ballots offered in a locality (as stated in the ELECT's GREB Handbook 13.5.4 on page 16) when the NEB is never given the opportunity to see a provisional ballot log or the provisional ballot envelopes?
    - How does the NEB determine the qualifications, one by one, of whether a voter is eligible to vote under Virginia law (as stated in the GREB Handbook 13.7 on page 20) without ever seeing the sealed green provisional ballot envelope containing the ballot?

    The August 26, 2025 minutes did not summarize Fox's guidance nor reference that he agreed to do further research, so McKay sent an email to Ziegenfuss recommending changes to reflect Fox's guidance (Exhibit 34).

9. McKay sent Fox a follow-up email on September 2, 2025 to confirm that he would provide further guidance on the questions asked at the August 26, 2025 meeting and adding a question about the Registrar's role in the provisional ballot meeting (Exhibit 35).

10. McKay dissented in approving the August 26, 2025 minutes because the minutes were not amended to reflect the recommended changes (Exhibit 36). McKay sent an email to Fox and copied Iles, Carrington, and Iles which summarized the guidance Fox provided to the NEB at the August 26th meeting and asked him to provide any corrections if he thought the summary was incomplete or inaccurate (Exhibit 37). In the email McKay expressed disappointment that Fox appeared to have done little research and analysis to arrive at his conclusions, and that Fox did not answer the questions pertaining to how the electoral board can follow the guidelines set forth in the GREB Handbook without the electoral board ever seeing a provisional ballot envelope or a provisional ballot log.

Factual Allegations Regarding the November 5, 2025 General Election:

1. McKay sent an email on October 24 to Carrington, Ziegenfuss, and Iles informing them that McKay opposes the NEB continuing to conduct the provisional ballot meeting in the customary manner and the NEB's failure to discuss changes to our process for adjudicating the provisional ballots is willful disregard for or contrived ignorance in following the Virginia State Code (Exhibit 38).
2. McKay emailed Iles, Carrington, and Ziegenfuss (Exhibit 39) that ELECT in the *Dos and Don'ts for Campaigners and Authorized Representatives* identifies the provisional ballot meeting as a closed meeting" (Exhibit 40), and the NEB needs to begin our closed session provisional ballot meeting on November 5, 2025 to be in compliance.
3. The canvass began on November 5, 2025, but the NEB never went into the state-mandated provisional ballot meeting required to be held on the day after the election. Instead, the NEB voted 2 to 1 with McKay dissenting to release the provisional ballot envelopes and the provisional ballot logs to the Registrar's office for review and research. McKay sent an email on November 6, 2025 simply stating "We are in violation of the Virginia State Code § 24.2-653.1(A) (Exhibit 41).
4. The provisional ballot meeting was held on November 14, 2025, and despite Iles not presenting one provisional ballot envelope or a provisional ballot log for the NEB to review, the NEB voted 2 to 1 to adjudicate the totals recommended by Iles. McKay was the dissenting vote.

Exhibit 1

Gmail

Marianne McKay <nebmckay@gmail.com>

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Marianne McKay <nebmckay@gmail.com> Tue, Nov 19, 2024 at 10:53 AM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Good morning Chair Carrington and Secretary Ziegenfuss,

I am requesting a Board meeting ASAP because of irregularities and improprieties reported that have never occurred in previous elections since I have been on the Board, and because of my decision to want to withdrawal my certification of the election because the Board never saw the Provisional Ballot Logs or Ballots. I have mentioned my concerns in emails to our Director of Elections and General Registrar Iles and always copied the two of you so you would be apprised of events and circumstances. I once again reiterated them verbally to both of you at the Registrar's office on Friday, November 15, 2024 when we met to review the provisional report and certify the election.

Clearly there were serious mistakes and problems, but what I am most concerned about is the appearance of attempts to cover them up or dismiss them. How the Board has handled the Canvass in the past cannot be the method going forward with future elections. For example, I was aware that Officers of Election/Asst Chiefs/Chiefs were called in to sign Provisional Ballot Envelopes and Provisional Ballot Log Sheets, but I wasn't aware that Officers were called back in to finish filling out the Provisional Ballot Logs until Ms. Iles mentioned it at our Canvass on Friday, November 15th. Following are just some of the questions that should be answered:

- Did our office document what precincts turned in Provisional Log sheets that night without all the Provisional Ballots listed on them.
- Was it documented who came in to complete those log sheets.
- Were Provisional Ballots that had to be signed later by an officer later documented in some way?
- Regarding the Provisional Ballots how many were not signed by an Election Officer and from what precincts were they from.
- As an electoral board member, I still have never seen the Provisional Log sheets; have any of you?
- I do not know how many provisional ballots came from each precinct; do you?
- How many Provisional Ballots were accepted or declined from each precinct and why?

In addition, to complicate the mess we have created, we have a local race that was so close a recount is being requested. The race is for the Superward 7 City Council Race, which contains the Chesterfield and Lambert's Point Precincts, the two pecincts with the most college students. I am not personally familiar with what happened at Lambert's Point because I did not visit that precinct nor did I receive any complaints from there. If the candidates from the Superward 7 City Council Race become aware of what happened at Chesterfield it would seem to me they have legitimate grounds to question that a safe and secure election was conducted: it was reported that students were told not to seal their provisional ballot envelopes by election officer(s) and students were talking and asking each other who to vote for while filling out the ballots. Is this sufficient evidence to call into question that election and does it even legally warrant a candidate petitioning the court for either that race or that precinct having a new election; I don't know. What I am confident is that we as a Board need to be transparent at all levels as we seek to correct the errors and mistakes we made and not sweep it under the rug because the bottom-line is the Norfolk Electoral Board is responsible for conducting the elections in Norfolk.

Let me be perfectly clear, I am not trying to have a meeting by email, I am not asking for answers to the questions by email to the questions I have proposed, I am just providing the basis for my request to call an Electoral Board meeting ASAP to address these issues; of course I understand that we must provide three days public notice.

Exhibit 1 (cont.)

I mentioned in a previous email dated November 10, 2024 "Another Disturbing Report on Provisional Ballots at Chesterfield" that I would provide the Board with a copy of the HAVA complaints I received from the two Authorized Representatives from the Chesterfield precinct. I am including a copy of the document attached to Cathi's HAVA complaint; it is not notarized because she didn't make a copy of the document after it was notarized although she assured me it was the exact same document filed and would be willing to take it to a notary to confirm it is her statement. The other HAVA complaint filed by Tammy, who was out of town when I reached out to her to obtain a copy, will be given to me once she is back in town. The other attachment is the document I attached to my HAVA complaint regarding what I know and observed concerning the events and circumstances at the Chesterfield precinct.

Please let me know when an electoral board meeting will be called.

Thank you for your prompt attention to this matter.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

2 attachments

Catherine Nesmith's formal HAVA compliant filed .docx
28K

Observations at the Chesterfield Precinct.docx
33K

Exhibit 2

Gmail

Marianne McKay <nebmckay@gmail.com>

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Atoy Carrington <atoycarringtoneb@gmail.com> Tue, Nov 19, 2024 at 6:15 PM
To: Marianne McKay <nebmckay@gmail.com>, "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Good evening Vice Chair McKay,

I consider it disturbing and bizarre that you are stating your desire to withdraw your certification from this past election. No one forced you to sign anything. That was clearly a choice that you made. If you didn't agree with how things were handled or were bothered by the process, then you shouldn't have signed it. At no time in my life did I ever sign anything that I didn't agree with. My signature, my choice. This is not Ebay where you can withdraw a bid within a few minutes of making it. This is another case of you demanding to have everything your way.

The last time we were all together, Mr. Ziegenfuss motioned to thank the Registrar and the staff for their hard work during this past election. I seconded the motion. You chose not to thank them. That was your right and your choice. I'm not complaining about that. I'm simply stating the obvious.

We live with the decisions that we make. I look forward to seeing you tomorrow at the Courthouse for the Risk Limiting Audit.

Have a pleasant evening.

Atoy B. Carrington, Chair

Norfolk Electoral Board

[Quoted text hidden]

--

Exhibit 3

Gmail

Marianne McKay <nebmckay@gmail.com>

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Marianne McKay <nebmckay@gmail.com> Thu, Nov 21, 2024 at 10:13 AM
To: Atoy Carrington <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington and Secretary Ziegenfuss.

The Board assisted in completing the required RLA on November 20, 2024 as required and we adjourned that meeting without scheduling another electoral board meeting despite my email request on November 19, 2024 for a meeting being held as soon as possible to address the concerns expressed in the email. I am requesting an EB meeting for a second time and I'm copying our Director of Elections and General Registrar Iles because she has always been included in our meetings and the Deputy Director of Elections and Deputy General Registrar Bencoach as she has attended most of our meetings and both of them have a wealth of knowledge, expertise, and experience to bring to the issue at hand.

I am very concerned that a candidate in the Superward 7 City Council race not only has a right to ask for a recount, but a candidate has the right to challenge the election.

As this is a time sensitive issue, a response to my specific request for a meeting is greatly appreciated.
[Quoted text hidden]
[Quoted text hidden]

Exhibit 4

Gmail

Marianne McKay <nebmckay@gmail.com>

Board Meeting Request

Marianne McKay <nebmckay@gmail.com> Fri, Nov 22, 2024 at 10:09 AM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington and Sec. Ziegenfuss,

I am requesting the Norfolk Electoral Board have a meeting. We normally meet on the first Tuesday of the month. I have no objection to that day or another day but I think the sooner the better.

I would like the following items to placed on the agenda:

1. Discussion of the complaints filed.
2. The reason the Provisional Logs for all precincts were never provided when they were requested by a Board member on Wednesday, November 6, 2024.
3. The details of how the Provisional Ballot Canvass was handled given the massive number of Provisional Ballots received on Election Day.
4. What changes the Board should make for future elections regarding the Provisional canvass, so that these issues and problems do not occur again.

Ms. Carrington and Mr. Ziegenfuss, I would appreciate your response to my request so as a Board we demonstrate our intent to pursue the transparency a public body requires in our efforts to ensure lawful and secure elections.

Thank you for your prompt attention to this matter.

Marianne Mckay, Vice Chair
Norfolk Electoral Board

Exhibit 5

Norfolk Electoral Board

Minutes of the November 27, 2024, Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice-Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Stephanie Iles (Director of Elections & General Registrar), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar), and Observers - Raymarie Rowzie, Charles McKay, Mark Snell-Cook, Trey Teich, Arthur Devine, Kristin Worrell, Tamara Hanger, Jeannie Sylvia, Paula Markham, Linda Asher, Gregory Bright, Catherine Nesmith, Amina Matheny-Willard, and Phillip Hawkins, Jr.

The Norfolk Electoral Board was called to order on Wednesday November 27, 2024, at 11:26 a.m. by Ms. Atoy Carrington in the Norfolk Office of Elections.

Ms. McKay moved to approve the minutes for October 2nd, November 6-15th canvass, and November 20, 2024 Electoral Board Meetings. Mr. Ziegenfuss seconded the motion. The Board unanimously approved the minutes.

Closed Session:

At 11:38 a.m., it was moved by Mr. Ziegenfuss and seconded by Ms. Carrington to go into a closed session pursuant to the Code of Virginia for discussion of personnel and incident review at a precinct. The motion was approved by a two to one vote of the Board with Ms. McKay dissenting.

Upon a motion made by Mr. Ziegenfuss and seconded by Ms. Carrington and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session.

Further, at 1:08 p.m., Mr. Ziegenfuss moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting on November 27, 2024, pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law.

Exhibit 5 (cont.)

The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Ms. Carrington seconded the adoption of the certification, and the Board unanimously voted to approve the certification.

McKay dissented from approving these minutes because the vote was 2 to 1

Such other business as may come before the Electoral Board:

Ms. McKay requested the Provisional votes cast for the November 5, 2024 General & Special Elections. Ms. Iles provided the numbers to the Board.

Ms. Iles provided a procedural overview of the upcoming City Council Superward 7 recount to be held on December 19-20th in the Norfolk Courthouse, Courtroom 6A. Ms. Matheny-Willard advised the recount is open to the public.

Mr. Ziegenfuss moved to adjourn the meeting, which Ms. Carrington seconded. The meeting was adjourned at 1:38 p.m. by a two to one vote of the Board with Ms. McKay dissenting.

Respectfully submitted,

H. Michael Ziegenfuss

Mr. Ziegenfuss, Secretary
November 27, 2024

Exhibit 6

Norfolk Electoral Board
Minutes of the January 07, 2025 Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice-Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Stephanie Iles (Director of Elections & General Registrar), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar), and Observers - Catherine Nesmith, Dr. Frederick Rochte, Gisele Kasper, Paula Markam, and Raymarie Rowzie.

The Norfolk Electoral Board was called to order on Tuesday January 07, 2025, at 11:07 a.m. by Ms. Atoy Carrington in the Registrar's Conference Room in Norfolk City Hall.

Mr. Ziegenfuss motioned to approve the minutes from November 27, 2024. Ms. Carrington seconded. The minutes were approved on a vote of 2 to 1 vote with Ms. McKay dissenting.

Mr. Ziegenfuss motioned to approve the minutes from December 09, 2024. Ms. Carrington seconded. The Board unanimously approved the minutes.

Mr. Ziegenfuss motioned to approve the minutes from December 20, 2024. Ms. Carrington seconded. The Board unanimously approved the minutes.

Reorganization of the Electoral Board:

Mr. Ziegenfuss motioned to keep the members of the Board in their same positions for 2025. Ms. McKay motioned to amend the request to place Ms. McKay as Secretary and Mr. Ziegenfuss as Vice-Chair, with Ms. Carrington remaining as Chair. The amendment failed on a vote of 1 to 2 with Mr. Ziegenfuss and Ms. Carrington dissenting. The motion to keep the Board members in their same positions for 2025 passed 2 to 1 with Ms. McKay dissenting.

Exhibit 6 (cont.)

Such other business as may come before the Electoral Board:

The Board members and Registrar discussed the recount for City Council Superward 7 race.

The next meeting of the Norfolk Electoral Board was scheduled for Tuesday, February 04, 2025 at 11:00 a.m. in the Elections' Office Board Conference Room in Norfolk City Hall.

Ms. McKay moved to adjourn the meeting, which Mr. Ziegenfuss seconded. The meeting was adjourned at 12:04 p.m. by unanimous vote of the Board.

Respectfully submitted,

H. Michael Ziegenfuss

Mr. Ziegenfuss, Secretary
January 07, 2025

Exhibit 7

Norfolk Electoral Board
Minutes of the February 4, 2025 Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice-Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Stephanie Iles (Director of Elections & General Registrar), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar), and members of the public - Arthur Devine Jr., Dr. Frederick Rochte, Mark E. Snell-Cook, Scott Hancox, and Raymarie Rowzie.

The Norfolk Electoral Board was called to order on Tuesday February 4, 2025 at 11:04 a.m. by Ms. Atoy Carrington in the Norfolk Office of Elections.

Ms. McKay motioned to change the agenda order to move the closed session as the last agenda item to permit public testimony first. The motion was not seconded.

After discussion, a motion to approve the minutes from the January 7, 2025 meeting was made by Mr. Ziegenfuss and seconded by Ms. Atoy Carrington. The motion passed 2-1 with Ms. McKay abstaining.

Ms. Iles reported to the Board the 2025 NRVA cancellation list information effective January 30, 2025 and the state scheduled confirmation mailing timeline.

Ms. Iles advised the Board of pending election related legislation before the Virginia General Assembly this short session and confirmed today is Crossover Day.

Closed Session:

After some discussion, it was moved by Mr. Ziegenfuss at 11:45 a.m. and seconded by Ms. Carrington to go into closed session pursuant to the Code of Virginia for discussion of Elections Security. The motion was approved by a unanimous vote of the Board.

Upon a motion made by Mr. Ziegenfuss and seconded by Ms. McKay and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session. Further, at 11:55 a.m. Mr. Ziegenfuss moved to adopt the following certification:

Exhibit 7 (cont.)

"We certify that the Norfolk Electoral Board convened a closed meeting on February 4,2025 pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law. The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Ms. McKay seconded the adoption of the certification, and the Board unanimously voted to approve the certification.

New Business:

Ms. McKay requested the names of Officers of Election who submitted feedback from the November 2024 Election. Ms. Iles advised some feedback provided is anonymous and Officer information is not required. Feedback is given to determine potential process improvements and availability to serve. Mr. Ziegenfuss advised that "feedback should be provided freely and not coerced." Discussion was held.

Ms. McKay questioned provisional ballot log completion for the November 2024 election. Ms. Iles advised of communication to Chief Officers and reviewed chain of custody procedures for provisional ballots and logs.

Ms. McKay requested to go on record that there was a "systematic failure on Election Day" at a precinct and with the provisional ballot process. Ms. Iles adamantly disagreed. The Chairwoman & Secretary of the Board concurred with Ms. Iles.

The next meeting of the Norfolk Electoral Board was set for Tuesday, March 4, 2025 at 11:00 a.m. in the Elections' Office Board Conference Room in Norfolk City Hall.

Public comment was given. Mr. Rochte requested the Board to review ableism. Mr. Devine inquired about his previous email with regards to training. Ms. Rowzie inquired on the complaint review process.

Exhibit 7 (cont)

Mr. Ziegenfuss moved to adjourn the meeting, which was seconded by Ms. Carrington. The meeting was adjourned at 12:54 p.m. by a 2-1 vote with Ms. McKay dissenting.

Respectfully submitted,

H. Michael Ziegenfuss

Mr. Ziegenfuss, Secretary
February 4, 2025

Exhibit 8

Gmail

Marianne McKay <nebmckay@gmail.com>

Agenda for Board Meeting Tuesday, September 24, 2024

1 message

Marianne McKay <nebmckay@gmail.com> Fri, Sep 20, 2024 at 9:35 AM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>
Bcc: John Sitka <jsitka@liberty.edu>

Good morning Chair Carrington,

Please add the following two topics to our agenda: Review of Tentative Precinct Assignments for the November 2024 Presidential Election and Training for Election Officers.

I will follow up this email with a list of my concerns on the current Tentative Precinct Assignments that Ms Iles sent out Monday, September 16th, so that everyone can come prepared for a productive, solution-oriented discussion.

Ms. Iles, if you are able to forward the powerpoint slide presentation to us for the upcoming training that would be helpful, but the training topic can still be addressed without it, so there is no reason to stress if unable to accommodate the request.

Thanks for your support,

Marianne McKay, Vice Chair
Norfolk Electoral Board

Exhibit 9

Gmail

Marianne McKay <nebmckay@gmail.com>

Report for EB Meeting: Review of Tentative Precinct Assignments for November 2024 Presidential Election

Marianne McKay <nebmckay@gmail.com> Mon, Sep 23, 2024 at 3:46 PM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>
Cc: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>
Bcc: John Sitka <jsitka@liberty.edu>, Marianne McKay <mariannecramer1019@gmail.com>

Good afternoon Chair Carrington,

I am attaching the report I prepared of the Tentative Precinct Assignments for the November 2024 Presidential Election that Ms. Iles emailed the Board on Monday, September 16, 2024, so that the Board and Ms. Iles has an opportunity to review the report ahead of tomorrow's Electoral Board meeting.

I am also going to forward you an email which I sent to Ms. Iles on September 10, 2024 and cc: Mr. Ziegenfuss and Mr. Sitka, the Republican Party Chair. The email included my original suggestions for precinct assignments of the individuals on the Republican Party Chair's Nomination List. I am including this so you are aware that concern about following Virginia State Code in making precinct assignments has been an ongoing communication and work in progress between Ms. Iles, Mr. Ziegenfuss, and myself.

I am looking forward to us having a productive discussion and reaching a consensus that is satisfactory to everyone.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

Precinct Assignment Response for EB Meeting.docx
33K

Exhibit 9 (cont.

Review of Precinct Assignments

I am very supportive of the following planned assignments of individuals from the Republican Party Chair's Nomination List submitted by the Director of Elections and General Registrar (DE/GR).

- Barron Black [2005]: [redacted].
- Bayview [3502]: [redacted], [redacted], and [redacted].
- Calvary Revival [3143]: [redacted] and [redacted].
- Campostella [2768]: [redacted].
- Chesterfield [2962]: [redacted].
- Chrysler Museum [4423]: [redacted], [redacted], and [redacted].
- Coleman Place [1754]: [redacted] (is your suggestion).
- Crossroads [3195]: [redacted], [redacted], [redacted], and [redacted].
- East Ocean View [4228]: [redacted] and [redacted].
- Ghent Square [1700]: [redacted] and [redacted].
- Granby [4269]: [redacted] and [redacted].
- Ingleside [2340]: [redacted].
- Lake Taylor [2752]: [redacted].
- Lamberts Point [3761]: [redacted].
- Larchmont Library [1823]: [redacted] and [redacted].
- Larchmont School [2910]: [redacted].
- Larrymore [2556]: [redacted], [redacted], and [redacted]
- Lindenwood [1975]: [redacted] and [redacted].
- Little Creek: [redacted].
- Maury [2946]: [redacted], [redacted], and [redacted].
- Northside [2586]: [redacted].
- Norview [5136]: [redacted]
- Ocean View Golf [4345]: [redacted] and [redacted].
- Ocean View School [2055]: [redacted], [redacted], and [redacted].
- Park Place [2599]: [redacted].
- Pretlow [3432]: [redacted], [redacted], and [redacted].
- Second Presbyterian [3902]: [redacted] and [redacted].
- Sherwood [5136]: [redacted] and [redacted].
- Suburban Park [2355]: [redacted] and [redacted].
- Tarrallton [3158]: [redacted] and [redacted].
- Taylor Elementary School [3108]: [redacted] and [redacted].
- Third Presbyterian [3201]: [redacted], [redacted], and [redacted].
- Titustown [2477]: [redacted].
- Virginia Zoo [3142]: [redacted] and [redacted].
- Wesley [2892]: [redacted], [redacted] and [redacted].
- Willard [3765]: [redacted] and [redacted].
- Absentee: [redacted].

The number in the [ ] is the number of registered voters at that precinct from the Norfolk Department of Elections website (revised 8/1/2024).

The following individuals are on the Republican Party Chair's Nomination List (ReNL) and not currently on the Tentative Assignment List. They will be working for the first time and those with an * by their name will be on the Candidates for Appointment List presented at the September 24th Norfolk Electoral Board meeting. Next to their name is the recommended precinct assignment for the November 2024 Presidential Election.

- [redacted]* Ballentine
- [redacted]* Calvary Revival
- [redacted]* Campostella
- [redacted]* Chesterfield
- [redacted]* Chesterfield
- [redacted]* Chrysler Museum
- [redacted]* Ingleside
- [redacted]* Lafayette Winona
- [redacted] Lake Taylor High
- [redacted]* Lambert's Point
- [redacted]* Poplar Halls
- [redacted]* Poplar Halls
- [redacted]* Rosemont
- [redacted] Suburban Park

To ensure or create parity between the chief and asst chief it is recommended that the following asst chiefs should be designated as the Same Day Registration (SDR) asst chief, while the other asst chiefs at that precinct should designated the primary asst chief.

- Paula Thomas-Hopkins SDR at Bayview
- Monica Scott SDR at Broad Creek
- Stacy Stewart SDR at Chrysler Museum
- Zelda Williams SDR at Norview
- Tenisha or Teshia Brooks SDR at Ocean View Golf
- Veronica Salcedo SDR at Ocean View Golf
- Shirley Stith SDR at Pretlow
- Mary Thompson SDR at Rosemont
- Anthony Hill SDR at Sherwood

The following assignment changes are recommended so that our Board cannot be challenged legally with failing to follow Virginia State Code when practicable.

1. [redacted] should be moved from Barron Black which has an ReNL as chief and is a small precinct to Sherwood, which is one of the two largest precincts in Norfolk and has over 5,000 registered voters. As currently assigned both Barron Black and Sherwood have 2 ReNL. Moving [redacted] to Sherwood, which is her voting precinct, so that Barron Black has 1 ReNL and Sherwood has 3 ReNL is a more desirable distribution of ReNL given the size of the two precincts.
2. [redacted], who is not on the ReNL, is currently assigned to work as chief at Bayview where the primary asst chief, [redacted], is a long-term Democrat that has served at Bayview and her voting precinct; this arrangement doesn't satisfy the parity of different parties at the leadership level when it is practical. [redacted] could switched precincts with [redacted], who is on the ReNL and currently assigned to serve as chief at Little Creek.

Exhibit 9 cont.

3. [redacted], who has been serving as asst chief/chief at Broad Creek recently and where he has worked for the last 3 years and is the only ReNL at that polling place, should continue to serve there. Moving him from Broad Creek where there is parity between the chief and asst chief and a medium-large precinct to Lafayette-Winona, which is a small precinct is not the best distribution of limited ReNL particularly when there is an ReNL who is willing to work at Lafayette Winona.
4. Currently there are 3 ReNL at Granby, a very large precinct, and 2 ReNL at Second Presbyterian, a large precinct; by moving [redacted] from Granby to Second Presbyterian and [redacted] to Granby, which is her voting precinct, the Board would be assigning 3 ReNL at both precincts. Moving [redacted] from Pretlow, which is a medium-high precinct, to Granby is logical because leaving her at Pretlow where there are 4 ReNL is counterintuitive given its size.
5. Larchmont School, which is a medium-low size precinct, only has 1 ReNL assigned; however, if [redacted] is moved from Titustown back to Larchmont School, which is her voting precinct then there will be 2 ReNL at Larchmont School. To maintain 2 ReNL at Titustown, [redacted] who was assigned to Titustown for the last election could be left there. Currently [redacted] is assigned to Suburban Park which gives that precinct 3 ReNL; with the reassignments of [redacted] and [redacted] there will be two ReNL at all three precincts. This arrangement is a more equal distribution of ReNL for improving parity at those precincts.
6. Assigning [redacted] to Ocean View School, which is a small precinct and already has 3 ReNL is a poor distribution of our elections officers for improving parity when there is only 2 ReNL at Ocean View Golf, a very large precinct. [redacted] should be assigned to Ocean View Golf so there are 3 ReNL at both ocean view School and Ocean View Golf.
7. [redacted] being placed at Tarrallton as an SDR when the currently assigned chief and asst chief at that polling place are ReNL is a poor distribution of ReNL. [redacted] should be assigned to Rosemont as asst chief because currently there is no ReNL assigned there, and it would create parity at the leadership at Rosemont and Rosemont is a very large precinct.
8. [redacted], who has been a pollbook officer at Willard and has always worked there (3 years), and is her voting precinct, wants to remain there. Based on your current assignments [redacted] would be the 5 ReNL at Bayview; this is a poor distribution of ReNL when our city already has a shortage of ReNL. Keeping her at Willard would give that large precinct 3 ReNL which is a much better distribution of the limited ReNL.

Exhibit 10

Norfolk Electoral Board

Minutes of the September 24, 2024, Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice-Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Stephanie Iles (Director of Elections & General Registrar), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar), and Observers - Ms. Raymarie Rowzie, Mr. David Rowzie, Mr. Mark Snell-Cook, Dr. Frederick Rochte, Ms. Kristen Michelle Worrell, Ms. Rebecca Hryniewich, Mr. Arthur Devine Jr., Mr. Trey Teich, Ms. Carol Lafauci, Ms. Paula Markham, Ms. Linda Asher and Ms. Titanya Gaynor.

The Norfolk Electoral Board was called to order on Tuesday, September 24, 2024, at 11:06 a.m. by Ms. Atoy Carrington in the Lobby of Norfolk City Hall.

Ms. McKay moved to approve the minutes of the September 3, 2024 Norfolk Electoral Board meeting as revised. Mr. Ziegenfuss seconded the motion. The Board unanimously approved the minutes.

Approval of Officers of Election:

Ms. Iles presented a list of seventy-five (75) potential Officers of Election for appointment. Mr. Ziegenfuss seconded Ms. McKay's motion to approve the list. The Board voted unanimously to approve those on the list as presented by Ms. Iles for a term ending on February 28, 2025.

Such other business as may come before the Electoral Board:

The Board members and Registrar discussed the appointment process of Officers of Election and communication improvements.

Ms. McKay moved to go into closed session to discuss personnel assignments for the upcoming election. This motion was not seconded and did not move forward.

The next meeting of the Norfolk Electoral Board was set for Wednesday November 06, 2024, for canvass of the Election in the Norfolk Courthouse, 150 St. Paul's Blvd., Courtroom 5C.

Mr. Ziegenfuss moved to adjourn the meeting, which was seconded by Ms. Carrington with Ms. McKay abstaining. The meeting was adjourned at 12:50 p.m.

Respectfully submitted,

Henry Michael Ziegenfuss

Mr. Ziegenfuss, Secretary

September 24, 2024

Exhibit 11

Whereas: The Norfolk Electoral Board has managed and delegated many of its duties to the General Registrar/Director of Elections. The Secretary of the Electoral Board moves that these duties be articulated and added to the GR/DE's job description. To wit, but not limited to the following:

1). Hiring, screening, and listing of candidates for officers of election for approval of the board for appointment;

2). Staffing, training and utilizing officers of election to maximize the proper execution of each election and all voters experience at each polling place;

3). Procuring services of technicians, equipment delivery, software and hardware voting equipment and ballots;

4). All testing of equipment and ballots;

5). Keeping the Electoral Board appraised of any developments concerning the above duties;

Shall be carried out by the GR/DE with general and not detailed oversite. This is to ensure the GR/DE has enough latitude to carry out these duties.

Exhibit 12

Gmail

Marianne McKay <nebmckay@gmail.com>

Recommendations for Tentative Nomination List to Improve Chief-Assistant Chief Parity

Marianne McKay <nebmckay@gmail.com> Mon, Sep 15, 2025 at 11:38 AM
To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Good Morning General Registrar Iles,

Thank you for providing the tentative appointment list.
For clarification:

- Is the tentative appointment list a mix of both OOE who have been offered an assignment and have confirmed they are able to work and OOE who have been offered an assignment but have not confirmed whether they will work?
- If the tentative assignment schedule is a mix would you please send a list of those officers on the list who have NOT confirmed they are able to serve.
- If a position was left blank as is the case with the assistant chief position for Eastside, Larchmont UMC, and Ruffner, would you please provide the reason.

I recommend the following changes, so the NEB will show that we are making genuine efforts to improve parity at least at the chief-assistant chief:

1. [redacted] should be moved from Tarrallton to serve as assistant chief at Azalea Gardens. There seems to be no logical reason for having the chief and both assistant chiefs at Tarralton being Republicans from the City Party Chair's Nomination List (Nomination List) when there is not a Republican from the Nomination List at Azalea Gardens.
2. [redacted] should be moved to the position of assistant chief at Bayview. Heather Miller Tokarz is not on the Republican Nomination List submitted; in fact, the Party Chair John Sitka requested in an August 22, 2024 email to you titled "Nominations List for the Upcoming Election this November 2024" that she did not pass the vetting process for representing the Republican Party.
3. [redacted] who is on the Nomination List, has told your office he would like to be an assistant chief at his voting precinct which is Chesterfield. There is not one person from the Nomination List serving at that precinct.
4. [redacted] assistant chief at Crossroads, should be replaced by a Democrat. If he would rather stay at Crossroads, he could certainly be placed in a different position (Same Day Registration Specialist). He could also be offered the opportunity to be an assistant chief at Wesley or another precinct where a Republican is needed.
5. [redacted] should be moved from Pollbook Officer at Titustown to assistant chief at Granby where the chief is a Democrat for this election; I would also like to point out that Granby is his Voting Precinct and he has served as an assistant chief there before.
6. [redacted] who is assigned to work at Larchmont School as an OOE, should be moved to assistant chief. It seems to be the same scenario as at Tarrallton, a chief and two assistant chiefs of the same party. Although I recall you making a passionate argument to leave Linda Duncan as assistant chief at Tarrallton even though the chief is also a Republican on the Nomination List because he is practically deaf and she works with him exceptionally well given his disability. There does not appear to be a logical reason to ignore efforts for parity at the chief-precinct leave at that precinct.
7. [redacted] who is assigned at Northside as a pollbook officer should be moved to the assistant chief position at Northside.
8. [redacted] who was left off the tentative appointment list was not assigned and I recommend that she be placed at Second Presbyterian as the assistant chief.

 Exhibit 12 (cont.)

9. [redacted] who is assigned as pollbook officer at Suburban Park, should be moved to assistant chief.
10. [redacted] who is assigned to Willard as an OOE should be moved to assistant chief.

Please note that all the suggestions above for assistant chief are on the Republican's City Party Chair Nomination List, and would improve chief-assistant chief parity at 10 precincts. that is a significant improvement given that we only have 48 precincts!

Also, I would appreciate it if you would send the Board an update of the tentative assignment list if you have one.

Your cooperation and support is greatly appreciated.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Exhibit 13

Gmail

Marianne McKay <nebmckay@gmail.com>

Request for September Meeting

4 messages

Marianne McKay <nebmckay@gmail.com> Wed, Aug 27, 2025 at 8:16 AM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington and Secretary Ziegenfuss,

I requested an electoral board meeting for September but neither of you were willing to even look at your calendars to consider when one could be held even though you both were willing to take the time to schedule one for October. Ms. Carrington, you even suggested that we schedule our next meeting for November after the election at the courthouse (1:6:00) claiming that we don't usually have meetings during elections which is untrue; the NEB had two meetings in September 2024 (the 3rd and 24th) and then one on October 2nd, so two of those three meetings were during the election. And when I pointed out that it is in the Virginia State Code that any EB member can call for a meeting, Mr. Ziegenfuss, you asked the question, "Is it in the Code Book that we have to attend?"

I pointed out that we have an election coming up, and it is a gubernatorial election (our second largest election), and we have important election business to address. Our DE/GR Iles wasn't present at yesterday's meeting, and she has been delegated the task of precinct assignments and to date the Board has not received any information on tentative precinct assignments and it is less than 10 weeks away from the election. I assume that Ms. Iles was pretty sick or had a family emergency because she has never missed a meeting since I have been on the Board.

Since both of you were unwilling to schedule a meeting for September while we were all present at the EB meeting yesterday, I am calling for a meeting again in September. The Code, which I referenced in the meeting, is § 24.2-107 *The electoral board of each city and county shall meet* during the first week in February of the year in which it is to appoint officers of election pursuant to§ 24.2-115 and during the month of March each year at the time set by the board and *at any other time on the call of any board member (italics for emphasis)*. So that we can try to accommodate all board members and the General Registrar, would each of you please provide dates you are available, and I would suggest for the consideration of Ms. Iles that you focus on days before September 19th when early voting starts because the space in the Registrar's office where we have been conducting our meetings is the same space used for early voting.

Thanks for your cooperation.

Marianne Mckay, Vice Chair
Norfolk Electoral Board

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Wed, Aug 27, 2025 at 10:16 AM
To: Marianne McKay <nebmckay@gmail.com>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning –

We appreciate Ms. Rosanna Bencoach facilitating yesterday's Electoral Board meeting as I was away with our Deputy Emergency Management Coordinator attending the Secure Virginia 2025: Virginia Election Preparedness Training Exercises conducted by the Virginia Department of Elections in Richmond.

We are currently working to staff polling places for Election Day and will forward a tentative list as soon as available. We will also forward the training class schedule when available.

Exhibit 13 (cont.)

Thank you for your patience.

Sincerely,

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>
Sent: Wednesday, August 27, 2025 8:16 AM
To: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com>; Iles, Stephanie <Stephanie.Iles@norfolk.gov>; Bencoach, Rosanna <Rosanna.Bencoach@norfolk.gov>
Subject: Request for September Meeting

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com> Thu, Aug 28, 2025 at 10:11 AM
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington and Secretary Ziegenfuss,

This is a reminder to email the dates you are available for a September meeting because we will need to provide a 3-day public notice. Besides being a violation of the Virginia State Code to not schedule a meeting when there is a call for an NEB meeting, I believe one would have a hard time justifying not holding one because if you go back and check the NEB minutes, you will find that the Board had an EB meeting every month since I came on the Board in January 2023, and we have a major election in less than 10 weeks and we have not even reviewed and approved precinct assignments our DE/GR has made.

Thanks.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Exhibit 13 (cont.)

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com> Thu, Sep 18, 2025 at 10:14 AM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>
Cc: "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington and Secretary Ziegenfuss,

Neither of you responded to my email requests on August 27th and 28th for a NEB meeting. I am not sure if you forgot to respond or did not see it, so I am sending the request again.

Ms. Iles has submitted a tentative appointment schedule but the NEB has not yet approved the assignments which is our responsibility Virginia State Code §24.2-109(A). I have called for a meeting and asked for available dates. Since Ms. Iles said she would have an updated tentative schedule by October 1, 2025, I am fine with waiting until that day or October 2, 2025 to meet if you prefer. Please let me know your preference.

Thank you for your prompt attention to this matter.

Marianne mckay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

Exhibit 13 (cont.)

Gmail

Marianne McKay <nebmckay@gmail.com>

Neglect of Electoral Board Responsibilities

2 messages

Marianne McKay <nebmckay@gmail.com> Fri, Sep 26, 2025 at 9:31 AM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>
Cc: "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Dear Chair Carrington and Secretary Ziegenfuss,

I have requested an electoral board meeting three times (August 27, 28, and September 17, 2025) and neither of you have responded. On September 15th, I sent an email making suggested changes to the tentative precinct assignments so that the NEB would be more consistent with the Virginia State Code §24.2-115 because the NEB is responsible for reviewing and approving the precinct assignments. I believe waiting until our next scheduled NEB meeting on October 7th continues to be a huge mistake especially since there are only 3 of 11 training classes scheduled after that meeting with the only assistant chief/chief training being the evening of October 7th.

So this is another request to reconsider having a meeting sooner.

Thank you for your prompt attention to this matter.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Atoy Carrington <atoycarringtoneb@gmail.com> Mon, Sep 29, 2025 at 12:26 PM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Ms. McKay,

The next Board meeting is in eight days. We will be just fine until then.

This Board authorized the Registrar to handle the precinct assignments, as you are already aware. You also know that assignments remain fluid until just a few days before the election. The Board has always received information promptly, and we certainly can expect the same this year.

I, for one, am grateful that we have a knowledgeable and competent staff within the Office of Elections that meets and exceeds all expectations. So please, try to stress less and trust the remarkable staff that we are blessed to have.

Respectfully,

Atoy B. Carrington, Chair
Norfolk Electoral Board

Exhibit 13 (cont.)

Gmail

Marianne McKay <nebmckay@gmail.com>

Request for a Board Meeting

8 messages

Marianne McKay <nebmckay@gmail.com> Fri, Oct 10, 2025 at 10:33 AM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Good morning Chair Carrington, Secretary Ziegenfuss,

I am calling for a NEB meeting pursuant to the Virginia Code § 24.2-107 as soon as possible to review the precinct assignments for the November 2025 General Election. The NEB delegating the task of precinct assignments to the Registrar and her staff does not alleviate the Board's oversight responsibility of ensuring parity as required by the Virginia State Code § 24.2-115.

Unfortunately because Ms. Iles failed to provide an updated tentative appointment list for the Board by October 1, 2025 (that was her suggested date). Furthermore, she waited until 15 minutes before the start of our October 6, 2025 Board meeting to email the tentative assignment list, so that board members are unable to prepare for the meeting by reviewing the changes and additional assignments.

Please let me know when you would like to meet so that the board can fulfill it's duties. Thank you for your prompt attention to this matter.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Atoy Carrington <atoycarringtoneb@gmail.com> Tue, Oct 14, 2025 at 1:32 PM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Ms. McKay,

It won't be necessary for us to meet again prior to the Board's agreed upon date as discussed at our last meeting. The majority of the Board did not feel that another date was needed at the time that you brought it up at our previous meeting

Therefore, the Board will meet again on Election Day and again the following day when we begin our canvas.

Respectfully,

Atoy B Carrington, Chair
Norfolk Electoral Board
[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com> Wed, Oct 15, 2025 at 6:24 AM
To: Atoy Carrington <atoycarringtoneb@gmail.com>
Cc: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Good morning Chair Carrington,

Thank you for responding so quickly to my request. Although you are mistaken when you stated, "The majority of the Board did not feel that another date was needed at the time that [McKay] brought it up at our previous meeting." For the record, I made the request for the meeting to review precinct assignments as an informal unofficial conversation after the meeting was adjourned. Please correct me if I am mistaken in assuming that you are maintaining your previously stated position that you are opposed to my call for a NEB meeting to review the precinct assignments before the upcoming November 2025 General Election.

Exhibit 13 (cont.)

Respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com> Wed, Oct 15, 2025 at 7:36 AM
To: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Good morning Secretary Ziegenfuss,

I have not received a response from you regarding my call for a meeting in my October 10, 2025 email. You were copied on the two emails between Ms. Carrington and myself relating to my call for the Board meeting, so you are aware that my email request for the meeting is so that it is an official call. Your response would greatly be appreciated. I would like to remind you that two Board members make a quorum and therefore a meeting can be held even if Ms. Carrington does not attend.

The last time you had the opportunity to review the Registrar and her staff's tentative precinct assignments list was for the November 2024 Presidential Election when I made the motion, at your suggestion, to review precinct assignments at the September 24,2024 NEB meeting. You and Ms. Carrington are both on the record as not seconding the motion thereby preventing the review of precinct assignments, which appears to be a neglect of the electoral board's duty pursuant to the Virginia State Code § 24.2-109(A). Your refusal to review the precinct assignments for a second election in a row begins a pattern of abdication of the duties of your oath of office. I did not included the June 2025 primary because a review of precinct assignments for parity was not requested because it was a Democratic Primary only and parity is not required pursuant to the Virginia State Code § 24.2-115(A)(B) which states if possible the election officers should be of the party holding the primary and chosen from a nomination list of the political parties, and the Democratic City Party Chair did not submit a Nomination List to serve as officers of elections.

I trust you will respond to my call for a meeting but understand that not responsing is a response.

Respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com> Wed, Oct 15, 2025 at 11:39 AM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Atoy B. Carrington Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, Stephanie Iles <Stephanie.Iles@norfolk.gov>

Here's my response. I've never told you or anyone else that we would not meet with you or that you could not request a meeting of the NEB. You were told this at two meetings. If you are requesting a meeting, what day is it that you require this meeting to take place. You have not given me a date.Your purpose, for this meeting is kind of redundant since we've already been given the list of tentative people in the precinct they are to be at. I would remind you that we have given the assignment of officers of election to the registrar in her staff.

Thx Mike Ziegenfuss

On Oct 15, 2025, at 7:36 AM, Marianne McKay <nebmckay@gmail.com> wrote:

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com> Wed, Oct 15, 2025 at 5:15 PM
To: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Exhibit 13 (cont.

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Secretary Ziegenfuss,

I will meet with you on whatever day and time you suggest. Ms. Iles was delegated and prepared the tentative assignment list, and the last tentative assignment list given to the NEB for this upcoming election was emailed to us 15 minutes before our October 6, 2025 meeting, but the Board needs to approve the assignments because the Board is legally responsible for ensuring the Virginia State Code is followed. Changes to the tentative assignments can and have been made up to the last week before the election, if the majority of the Board decides changes are needed.

I hope this addresses your concerns.

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com> Wed, Oct 15, 2025 at 5:59 PM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Atoy B. Carrington Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, Stephanie Iles <Stephanie.Iles@norfolk.gov>

Whenever I want to meet is not a date, last time I checked. Maybe it's on your calendar.
I beg to differ on your interpretations of the code. There's no need to explain it to me. I neither want to talk to a brick wall nor expend the energy on your nonmaturations.

Thx
H. Michael Ziegenfuss
Secretary,
Norfolk Electoral Board

On Oct 15, 2025, at 5:15 PM, Marianne McKay <nebmckay@gmail.com> wrote:

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com> Thu, Oct 16, 2025 at 8:50 AM
To: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>
Cc: "Atoy B. Carrington Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, Stephanie Iles <Stephanie.Iles@norfolk.gov>

Good morning Secretary Ziegenfuss,

When has the NEB reviewed the tentative precinct assignment list for the November 2025 General Election?
Do you believe it is the Board's responsibility to review and approve the tentative assignment list that our General Registrar Iles has prepared?

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

Exhibit 14

Gmail

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Marianne McKay <nebmckay@gmail.com> Thu, Nov 7, 2024 at 2:52 PM
To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, Colin & Tammy <cmktrk@bellsouth.net>, Gisele Kasper <giselehomes@gmail.com>, "amyhardman70@gmail.com" <amyhardman70@gmail.com>, "rbradleyprice@gmail.com" <rbradleyprice@gmail.com>, John Sitka <jsitka@liberty.edu>
Bcc: lvn3kds@gmail.com, "cnesmith4870@gmail.com" <cnesmith4870@gmail.com>, Raymarie.Rowzie@gmail.com

Good afternoon Director of Election and General Registrar Iles,

I mentioned to you at the Canvass on Wednesday, November 6, 2024 that I would like for the Board to review the Provisional Ballot Log, but believe I should have said the Provisional Ballots for each precinct. In addition, I have received an email request from Colin Kelly and several other individuals who are interested in observing the Provisional Ballot Process (I have copied them on this email). They have indicated they are willing to take shifts to observe this process since it is my understanding that only one representative from a party can observe this process at a time and there are 1,000's of provisional ballots.

I received disturbing reports from two poll watchers at the Chesterfield precinct as to how Same Day Registrations (SDR) were handled for the NSU college students who came to vote in masses. I went out to the polling site and observe firsthand what they reported which did not appear to be consistent with Virginia Code. I definitely believe it is imperative for the Board to give priority to actually reviewing all the Provisional Ballots that came from that precinct to determine whether they are to be counted, particularly the ones completed before 3:45 PM when I arrived, recommended, and implemented a process whereby the election officers could assist the students with submitting Same Day Registration that was consistent with Virginia State Code. I do not know the numbers for SDR that ODU students submitted at the precincts where they voted, but I think this needs to be looked at more closely too.

The specific concern I witnessed upon my arrival at the Chesterfield precinct was that students were ushered in and quickly waved their voter identification, which wasn't looked at by the election officers, yet the students were handed a provisional envelope and ballot which they were instructed to fill out and turn back in. The name and information on the completed provisional envelopes where never compared with the name on the voter identification. After I arrived, I had an election officer hand students a provisional envelope with instructions to fill out the SDR side using their current Norfolk address, and then once they completed the envelop, they were instructed to take the envelope with their identification to the two officers to check their identification so they could receive their ballot to vote and then place in the envelope. Next the students were instructed to hand it to the officer by the exit door who would give them an "I voted" sticker. Once this procedure was established the processing of students was much smoother and orderly but more importantly followed the Virginia Code in qualifying the person to vote.

Please let me know when and where the provisional review process can begin to take place. I will make myself available any time for as long as needed to ensure that we get this completed within the time frame required by Virginia Code.

Thank you for your attention to this matter as this is a critical step in certifying our election results.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Exhibit 15

Gmail

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Marianne McKay <nebmckay@gmail.com> Sat, Nov 9, 2024 at 11:39 PM
To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, Colin & Tammy <cmktrk@bellsouth.net>, Gisele Kasper <giselehomes@gmail.com>, "amyhardman70@gmail.com" <amyhardman70@gmail.com>, "rbradleyprice@gmail.com" <rbradleyprice@gmail.com>, John Sitka <jsitka@liberty.edu>
Bcc: "cnesmith4870@gmail.com" <cnesmith4870@gmail.com>, lvn3kds@gmail.com, Raymarie.Rowzie@gmail.com

Good evening Director of Elections and General Registrar Iles,

I have received no response to my email. The allegations reported to me by the poll watchers and the activities I witnessed which I referenced in my email are very serious. Furthermore, I learned this morning (Saturday, November 9, 2024) that after I left the precinct the chief did not continue to follow the procedures I implemented and it is my understanding that the two poll watchers will be filing a HAVA complaint. I will be down Monday morning when the office opens to begin reviewing the provisional ballots and provisional ballot logs.

Ms. Carrington and Mr. Ziegenfuss you may want to come to the office at that time too.

Sincerely,
Marianne mcKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

Exhibit 16

Gmail

Marianne McKay <nebmckay@gmail.com>

Another Disturbing Report on Provisional Ballots at Chesterfield

Marianne McKay <nebmckay@gmail.com> Sun, Nov 10, 2024 at 8:04 AM
To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Director of Elections and General Registrar Iles,

I received a report that NSU students who came to vote at Chesterfield and voted by SDR were later told not to seal their provisional envelopes after I left that precinct from instructing and implementing a different process which included telling the officer that the students needed to seal their provisional ballot envelope once the students marked the ballot and placed it in the envelope. I do not know whether the Election Officers sealed the envelopes themselves before sending them back to the office that evening, but please be sure to reiterate to your staff that anyone handling the processing of Provisional Ballots that unsealed Provisional Ballots they come across must remain unsealed.

It is my understanding that the authorized representatives will file a formal HAVA complaint with what they observed and will provide me with a copy which I will share with you and the other members of the board immediately.

Sincerely,

Marianne Mckay, Vice Chair

Exhibit 17

Gmail

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Sun, Nov 10, 2024 at 8:29 AM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Atoy B. Carrington (atoycarringtoneb@gmail.com)" <atoycarringtoneb@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Vice Chair McKay, et. al –

I did not respond to your email as we have been busy entering voting credit, processing post-election ballots, and reviewing provisional ballots as the Electoral Board is tentatively scheduled to meet on Friday, November 15th to conclude the canvass of the election. We are researching and reviewing thousands of Provisionals ballots cast during early voting and Election Day and processing Same Day Registration Applications as required by the state. We have deadlines to meet as required by the state for processing. We are hoping to have everything prepared for the Norfolk Electoral Board by Friday, to begin the Provisional canvass review.

If the Norfolk Electoral Board would like to, as a whole, review the Provisional Ballot Logs for the precincts from Election Day, then the Board can elect to do so.

Historically, the Norfolk Electoral Board has not reviewed the provisional ballot logs nor provisional ballot envelopes themselves as they want to ensure the sanctity and secrecy of the ballot being cast by the voter. The Norfolk Office of Elections reviews all provisional ballots cast to ensure the voter is eligible and in the correct precinct to cast the ballot. Then, the information is presented to the board to review for approval to count or not count the ballot. Facts are presented and the Board makes an informed decision based on the facts. They do not know who they are voting in favor of or against which protects the anonymity of the voter and the Board from influencing any decision.

While we understand your frustration, it is neither right nor proper to target a specific group of provisional ballots cast – that being those of college students, many of whom are first-time voters with some attending a HBCU. If the Norfolk Electoral Board chooses to review the provisional logs, then the Board will be looking at all of them. If that is the case, we will be unable to complete the canvass certification to the state on Friday as hoped and I will alert the Commissioner of Elections and State Board of Elections.

If you have specific concerns regarding anything that may have occurred on Election Day, you can present your findings at an Electoral Board meeting once we have concluded canvass. This is the protocol the Electoral Board has conducted as we typically schedule a Board meeting after the election to complete an overall review and assessment of the day's activities, what worked and areas where improvement might be needed. To share concerns in an email format with the Board members and outside parties, including your authorized observers that you staffed for this election, is both an attempt to create a meeting without proper notice, and disrespectful of the position of the other Board members in alerting third-parties, as the Board should not respond and will not until our post-election meeting.

Norfolk City Hall is closed tomorrow for the Veteran's Day holiday. Therefore, you will not be allowed in the building.

Exhibit 17 (cont.)

Please understand that my staff and I have been working tirelessly to complete all requirements by the state. We appreciate the patience and support of the Board as we continue to perform our duties.

We will confirm on Thursday, the time to meet on Friday to begin final canvass proceedings.

Sincerely,

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebrmckay@gmail.com>
Sent: Saturday, November 9, 2024 11:40 PM
To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Cc: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com>; Colin & Tammy <cmktrk@bellsouth.net>; Gisele Kasper <giselehomes@gmail.com>; amyhardman70@gmail.com; rbradleyprice@gmail.com; John Sitka <jsitka@liberty.edu>
Subject: Re: Processing Provisional Ballots

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

[Quoted text hidden]

Exhibit 18

Gmail

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Marianne McKay <nebmckay@gmail.com> Sun, Nov 10, 2024 at 12:51 PM
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Director of Elections and General Registrar Iles,

Thank you for responding and providing guidance. I will follow your lead and only copy those persons you deem relevant to be included in this email.

I realize that since I have been on the Board, the Board has handled the provisional ballots as you described, but since I have been on the Board, we have never had the massive number of provisional ballots on the scale that we had with this election nor have I heard or witnessed the Virginia Code not being followed at a polling site.

When I asked Wednesday, November 6th about seeing the provisional ballot logs, that request was specifically stated to be for all 48 precincts, and not for a few specific precincts. What I didn't realize is that I should have included the provisional ballots in that request too. Because of the massive increase of provisional ballots and irregularities in how they were handled at one of our polling sites, I would concur for the integrity of our election the Board should review every provisional ballot from every precinct. You are also correct that this will be a time consuming process and therefore it is more incumbent upon the board to resume its part in this process as soon as possible since we have time constraints set by the Virginia Code. Waiting until Friday to continue the provisional canvass would be an unwise management decision because the Board would be losing 3 days of work (Tuesday through Thursday). So to complete this process in as timely a manner as possible the Board should continue our part in the provisional canvass Tuesday, November 12th at 8:30 AM. I understand that all of the provisional ballots we received will not have been researched by Tuesday but the Board can begin reviewing the ones that have been researched.

Allow me to address the issue of the sanctity and secrecy of the voters' personal and private information and the secrecy of their vote. Each Board member should be given an unredacted copy of the provisional ballot log from each precinct and two redacted copies of the provisional ballot logs should be available for each Authorized Representative present (a Republican Representative will be present and I assume a Democrat Representative will be present also). The provisional envelopes are reviewed by the board to ensure all the material information is on the provisional ballot envelope ballot and any staff notes read. Then the Board makes a decision to either accept or reject and notes it on the log sheet. All ballots that are to be accepted are placed aside to be scanned later. The voter's address, birthdate and last 4 digits of their social security number never need to be stated.

So Ms. Carrington and Mr. Ziegenfuss we need to reconvene Tuesday morning to continue our canvass. Please confirm that you will be there Tuesday, November 12th at 8:30 AM. Thank you for your prompt attention to this matter.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

Exhibit 19

Gmail

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Sun, Nov 10, 2024 at 6:43 PM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

The Board finished the canvass of the Election Day precincts on Wednesday, November 6th at The Norfolk Courthouse. During that meeting we advised that due to the number of provisional ballots received we would need until Friday, November 15th to complete our research and review. We will contact the Board on Thursday to discuss the status of where we are.

We cannot meet prior as our processing will not be complete before then and as public notice is required before a Boar meeting.

See you all on Friday.

Stephanie L. Iles
CERA, VREO, & Virginia Certified General Registrar (2024)
Director of Elections & General Registrar
Norfolk Office of Elections
810 Union Street (City Hall Building)
Suite 100
Norfolk, VA 23510
Phone: 757-664-4353/Fax: 757-664-4685
Email: Stephanie.Iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>
Sent: Sunday, November 10, 2024 5:54:05 PM
[Quoted text hidden]

[Quoted text hidden]

Exhibit 19 (cont.)

Gmail

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Marianne McKay <nebmckay@gmail.com> Sun, Nov 10, 2024 at 8:40 PM
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

The review process should include the board as the decision lies with the Board and especially since I requested that the provisional ballot logs for all the precincts be reviewed by the Board and no one objected. Furthermore when the Board started canvass, the board remains in the canvass until the canvass is completed. Each day we meet during canvass is not considered a separate Board meeting that requires three days public notice as is reflected in the minutes of the previous canvasses.

We need to talk because the Board must see the provisional envelopes and the provisional logs for each precinct. I will be down there Tuesday morning for us to resolve this issue.

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

Exhibit 19 (cont.)

Gmail

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Sun, Nov 10, 2024 at 9:04 PM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Vice Chair McKay, et.al -

The Norfolk Electoral Board considers the research and information presented directly from the Norfolk Office of Elections when reviewing provisional ballots cast. This is done before the votes to approve or deny provisional ballots.

We have not had a chance to review all provisional ballots as we are processing the required same day registration information for the state. NOTHING is available for review at this time. We, respectfully, request that you allow us to continue to perform our duties so we can prepare the information for the Board.

There is nothing you as a Board member can do to assist in this process as you do not have access to voter records, the statewide database, DMV, or felony historical records. As the custodians of these records, and as the Board has approved the release of these records to our office, we need time to fulfill our duties.

Therefore, we will see you and the Board members on Friday. We will contact the Board on Thursday to confirm time availability, once we have completed our review.

Sincerely,

Stephanie L. Iles
CERA, VREO, & Virginia Certified General Registrar (2024)
Director of Elections & General Registrar
Norfolk Office of Elections
810 Union Street (City Hall Building)
Suite 100
Norfolk, VA 23510
Phone: 757-664-4353/Fax: 757-664-4685
Email: Stephanie.Iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>
Sent: Sunday, November 10, 2024 8:40:10 PM
[Quoted text hidden]

[Quoted text hidden]

Exhibit 20

Gmail

Marianne McKay <nebmckay@gmail.com>

FIOA Email Meetings

Atoy Carrington <atoycarringtoneb@gmail.com> Mon, Nov 11, 2024 at 8:20 AM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, John Sitka <jsitka@liberty.edu>

Ms. McKay, your numerous emails to Ms. Iles is a contact distraction from her duties which we can all agree are quite extensive at this time. Doing so is highly disrespectful as well as counterproductive. It is imperative that you refrain from further interruptions since your actions are now quite disturbing and highly questionable.

Provisional ballots have always been handled in this matter with no problems or questions whatsoever. Now suddenly you've become quite bent out of shape about it. That says more about you than the working process that hasn't failed us yet.

We will all meet again on Friday as previously discussed.

[Quoted text hidden]

Exhibit 20 (cont.)

Gmail

Marianne McKay <nebmckay@gmail.com>

FIOA Email Meetings

Marianne McKay <nebmckay@gmail.com> Wed, Nov 13, 2024 at 12:04 PM
To: Atoy Carrington <atoycarringtoneb@gmail.com>
Cc: John Sitka <jsitka@liberty.edu>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington,

The conduct of this past election has had many irregularities and reports of violations of Virginia Code in how this election has been conducted at some precincts in regard to voting by provisional ballots, and I have witnessed first hand these improprieties. Since I have been on the Board this has never occurred before and therefore should have a different response.

As the Board is responsible for overseeing the election, I am concerned with how the Office of Elections is handling mistakes and errors made at the precincts. I would like for our office to be above reproach in how the irregularities are being handled. I would like to know the process our office is following in dealing with the irregularities and if they are documenting the corrective steps taken. I believe failure for me to act given the circumstances of what I witnessed and what was reported would either make me complicit in facilitating an unlawful election or brushing what happened under the rug. Because of the given situation and importance of this issue, I intend to pursue my responsibilities as a board member with due diligence in a professional manner as I have always attempted to do.

As I have been mentioned in a previous email, a Board member cannot issue a directive to another Board member, if you feel that my behavior is out of line you may certainly bring it up at a Board meeting which is open to the public and audio recorded, or in the case of this election you have the option of filing a complaint with the Virginia Department of Elections.

Respectfully,

Marianne Mckay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

Exhibit 21

Norfolk Electoral Board Minutes
Presidential & Local Elections Canvass, November 6-15, 2024

Present for Election Canvass Day One – November 6, 2024.

Atoy Carrington (Chair), Marianne McKay (Vice Chair), H. Michael Ziegenfuss (Secretary), Stephanie Iles (Director of Elections & General Registrar).

The Norfolk Electoral Board was called to order on Wednesday, November 6, 2024, at 10:00 a.m. in the Norfolk Courthouse, 150 St. Paul's Blvd., Courtroom 5C to canvass the November 5, 2024 General & Special Elections and to consider Provisional Ballots cast. Observers were present in the courtroom. One voter attended to provide information regarding a Provisional Ballot cast on Election Day.

Ms. McKay motioned to release the Provisional Ballots to the custody of Ms. Yetta Wilkins, Deputy IV, and the Norfolk Office of Elections to begin preliminary review and research for the Electoral Board. Mr. Ziegenfuss seconded the motion. The motion to release the Provisional Ballots to the Office of Elections was passed unanimously.

The Board began the canvass of the forty-eight (48) precincts that participated in the election.

After a brief lunch, the Board re-convened and completed the canvass of the remaining precincts.

Ms. McKay moved to recess the meeting until such time as the Director of Elections & General Registrar, Stephanie Iles, finished researching and reviewing the provisional ballots and the Central Absentee Precinct had completed their post-election process. The canvass will resume in the Norfolk Office of Elections, 810 Union Street (City Hall), Suite 100 on Friday, November 15th. The motion was seconded by Mr. Ziegenfuss and carried unanimously. The Board recessed at 1:37 p.m.

Exhibit 21 (cont)

Present for Election Canvass Day Two – November 15, 2024

Atoy Carrington (Chair), Marianne McKay (Vice Chair), H. Michael Ziegenfuss (Secretary), Stephanie Iles (Director of Elections & General Registrar), and Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar). Observers: Jeannie Sylvia, Carlos Clanton (candidate) and his assistant.

The Board re-convened on Friday November 15, 2024, at 12:28 p.m. in the Norfolk Office of Elections to complete the canvass of the November 5, 2024, General & Special Elections.

Mr. Ziegenfuss moved that the Norfolk Electoral Board greatly appreciated the hard work the Registrar and her staff did for this Election. Ms. Carrington seconded, and the motion passed 2-1 with Ms. McKay abstaining.

The canvass of the Central Absentee Precinct results for Early Voting (CAP EV), Absentee by Mail (CAP AB), and Post-Election (CAP PE) were completed.

Ms. McKay questioned the Provisional canvass process. Ms. Iles reviewed how the process is completed and the Board's certification.

Ms. Iles presented the provisional ballot research and findings to the Norfolk Electoral Board. Seven hundred (700) Same Day Registration Provisional ballots were cast during the early voting period. Three-thousand eight-hundred and twenty-three (3,823) Provisional ballots were cast on Election Day, of which three-thousand six-hundred and sixteen (3,616) were Same Day Registration. After review, it was determined that of the 4,523 total Provisional Ballots cast:

- Twenty-five (25) ballots were cast in the wrong locality,
- One hundred and seventy-one (171) were cast in the wrong precinct
- Two-hundred and twenty (220) ballots were for individuals either not registered or ineligible

Ms. Iles recommended counting the four-thousand one-hundred and seven (4,107) remaining Provisional Ballots of which:

- One hundred ninety-three (193) were cast due to no absentee ballot being surrendered at the polling place by the voter when a ballot had been issued

Exhibit 21 (cont)

- Nine (9) ballots were inadvertently issued due to Pollworker error as the voter was correctly listed within the precinct and eligible to vote
- Three-thousand nine-hundred and five (3,905) Same Day Registration Ballots were for voters who were properly registered and in the correct precinct.

Mr. Ziegenfuss motioned that the board accept Ms. Iles' recommendations for the 4,107 Provisional Ballots to be counted. Ms. Carrington seconded, and the motion passed 2-1 with Ms. McKay rejecting.

The elections staff removed the eligible ballots from the Provisional envelopes and scanned the results for tabulation. The Board reviewed the Provisional ballot totals.

Ms. Iles entered the results into the election night reporting system. The totals were announced for observers present. Abstracts were completed and signed by the Board. The Abstracts and Election Results Certification Checklist were submitted electronically to the Virginia Department of Elections.

The Board scheduled the next meeting for Wednesday, 20, 2024, at 10:00 a.m. for the Risk Limiting Audit (RLA) of the November 5, 2024 U.S. Senate Race to be held in the Norfolk Circuit Court Clerk's Conference Room located at 150 St. Paul's Blvd., 7th Floor.

Mr. Ziegenfuss motioned to adjourn the meeting & Ms. Carrington seconded. The meeting was adjourned by unanimous vote at 7:38 p.m.

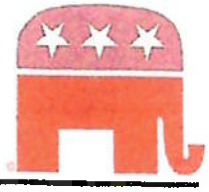
Respectfully submitted,

H. Michael Ziegenfuss

H. Michael Ziegenfuss, Secretary
November 15, 2024

Exhibit 22

Norfolk City Republican Committee



John Sitka, *Chairman*

POLL WATCHER AUTHORIZATION FORM
For the Absentee and Provisional ballot verification and counting from November 5, 2024 General Election.

Jeannie Sylvia is a duly registered voter in Virginia and is authorized to represent the Republican Party of Norfolk as a Poll Watcher for the November 5, 2024 General Election.

Signed,

Applicable Code of Virginia, Virginia Election Laws: **§24.2-604. §24.2-639. §24.2-655.**

Excerpts:

§24.2-604.4. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election … to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election … to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station or three representatives …, whichever number is larger…

… Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board or general registrar. … Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct. …

§24.2-639… Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the following…: one authorized representative of each political party or independent candidate in a general or special election … if such representatives are available. …

§24.2-655. Before proceeding to ascertain the vote, the officers of election shall determine whether no more than two representatives of each political party having candidates in the election … request to be present while the absentee ballots are cast, votes are counted, and returns are completed. … Such representatives shall be entitled to be present while the votes are counted and shall remain until the returns are completed. … The representatives … lawfully present shall have an unobstructed view of the officers of election and their actions while the absentee ballots are cast, votes are counted, and returns are completed. The representatives and bystanders lawfully present are prohibited from interfering with the officers of election in

Authorized by The Republican Party of Norfolk,

Exhibit 23

OFFICIAL GUIDANCE

DATE: October 12, 2018

RE: Access to Provisional Ballot Logs

In response to requests from members of the Virginia Election Community, the Department is issuing supplemental guidance to ensure that your offices are equipped to handle any potential issues that may arise with requests for copies of provisional ballot logs.

A redacted provisional ballot log should be made available electronically or in paper form to authorized representatives of political parties or independent candidates. The redacted log may be provided as soon as the polls close, but should be provided no later than the start of the provisional ballot meeting.

During the provisional ballot meeting, an authorized representative may inspect the provisional ballot log and takes notes from the list, including the names, phone numbers, and addresses of individuals who voted provisionally. Separately, copies of a redacted provisional ballot log may be provided to authorized representatives during the meeting.

All confidential information on the provisional ballot log must be redacted prior to being released to any authorized representative. The confidential information that must be redacted includes:

- any part of the social security number;
- day and month of birth;
- the reason for issuing the provisional ballot; and
- whether the ballot was counted.

11/22/24

Exhibit 24

My name is Jeannie Sylvia. I arrived for the provisional ballot meeting on November 15, 2024, a few minutes before noon when the meeting was scheduled to begin. Also present at that meeting were the Director of Elections and General Registrar for the City of Norfolk (Stephanie Iles), three members of the Norfolk Electoral Board (Atoy Carrington, Chair; Marianne McKay, Vice Chair; and Mike Ziegenfuss, Secretary), another observer like me as well as a candidate for city council (Carlos Clanton), and one other woman whose name I did not catch but started with an "R." The meeting was called to order at or around 12:45 p.m.

Ms. Iles announced the numbers for early voting and absentee. Same-Day Registration (SDR) provisional ballots were announced next with 700 ballots cast by early voting and 3,204 cast on election day, for a total of 3,904 provisional ballots cast. She reported 201 cases where the absentee/early voter did not surrender their mailed ballot.

Ms. McKay asked about the provisional ballot logs that she had requested the previous week, after the election of November 5, 2024. Mr. Ziegenfuss, Ms. Carrington, and Ms. Iles all jumped in and talked over Ms. McKay. They all said that there was too much personal information on the SDR ballots and logs. Ms. Iles proceeded to state that she and her team does the research for the Electoral Board. Ms. Iles mentioned that she was tired and had worked endlessly to verify the SDR ballots. She stated that there were two universities and the naval base with way too many SDRs, even though they had tried to get out information to the universities and naval bases to register before the cutoff. I'm not sure the cutoff day, maybe November 2, 2024.

Ms. Iles said something about how some precinct Chiefs came in the day after election to sign the provisional logs because if they stayed at their precinct to finish, they would have been there all night. Ms. Iles reiterated that the information on the green sheet SDR contains personal information (e.g., SSNs, etc.) and that her team does a thorough process of validating them. Ms. McKay stated again that she did not understand why she could not see them as a member of the Electoral Board and that there had been some irregularities in at least one precinct. Ms. McKay tried to read the election language with respect to provisional ballots and immediately Mr. Ziegenfuss motioned to accept the Registrar's research. Ms. Carrington and Mr. Ziegenfuss said "Yay," and Ms. McKay said "Nay." By 1:32 p.m. the meeting was adjourned until the SDR ballots could be processed and certified.

Ms. McKay noted that Authorized Representatives had the right to request the redacted ballots. I then asked to see the redacted provisional logs as an Authorized Representative. Ms. Iles said that it would not be tonight that I received the logs and that it could take days for her to photo copy them. I said "No problem." Ms. Iles then asked if I had a letter from John Sitka. *I want to note that before I requested the redacted logs, I was never asked to provide my authorized letter.* I said, "Yes I have a letter." Mr. Ziegenfuss chimed in quickly and asked, "Is it an original?" I offered to show him the letter because I was not sure if it was an original since it was on colored paper. Mr. Ziegenfuss said to me in front of the board, "It shouldn't be that hard to figure out." This felt very condescending, especially because it was in front of everyone. That was when Ms.

Exhibit 24 (cont.

McKay jumped in and said that it was Xeroxed. Then Ms. Carrington, Mr. Ziegenfuss, and Mr. Clanton stated that the letter needed to be an original. Ms. Iles did say we should or could call John Sitka to verify. Ms. Iles, and the other member whose name began with an "R" also looked at my letter and said I needed "code 24.2-653.01" on the letter.

After Ms. Iles had suggested calling John Sitka, Mr. Ziegenfuss *immediately* said, "He's [Sitka] not going to approve her [me] observing the process [of opening the SDR and feeding the ballot into the voting machine]. Ms. McKay called John Sitka who at first had said "Yes" and then changed his answer to "No." I saw Ms. McKay's hand give a thumbs-up signal while she was first on the phone with Mr. Sitka, but then she said, "He won't approve" after she hung up. It seemed like Mr. Ziegenfuss had texted Mr. Sitka to tell him to say no, but that's just my opinion, because Mr. Sitka's answer changed so quickly. Ms. Iles and her crew went behind closed doors without observers where I believe they started opening the green SDR's with provisional ballots.

It was a very awkward experience. Mr. Ziegenfus and Ms. Carrington proceeded to have conversations, talking about burger places, Pendulum meats, where he gets his haircut, etc. They took no care to look at the logs or the provisional process. They both appeared uninterested with election integrity. Ms. McKay brought up again the irregularities that had been brought to her attention. For example, in one precinct, she reported that no one had asked for IDs and the students were all sitting at a table filling out their ballots and asking their friends, "Who are we voting for?". Ms. McKay also reported the chief was not requiring the SDRs to be sealed by the voter after completing their provisional ballot. Mr. Ziegenfuss said verbatim "We can't go back to ask about the ID being checked or not in Chesterfield" He said, "I know Alonzo [the Chief?] is pretty relaxed," or something to that effect. Ms. McKay brought out a green sheet SDR. All three Electoral Board members went through the "application", and Ms. McKay pointed out that there was a place on the SDR for the chief to timestamp and a place to check ID. It was as if Mr. Ziegenfuss and Ms. Carrington had just realized it was part of the application. Then Mr. Ziegenfuss and Ms. Carrington said that they were going to get some lunch and invited Ms. McKay to join if she wanted.

I do not know who is allowed to do the research on the SDR, but if Ms. McKay had the right to see the names and cover of SDR, or at least the right to get the provisional ballot log, they definitely were trying to gang up on her and dismiss her inquiries. Seems like willful neglect of duty on Ms. Carrington's and Mr. Ziegenfuss' part.

I would like to mention that I had never met Mr. Ziegenfuss or Ms. Carrington before Friday November 15, 2024. I met Ms. McKay at John Sitka's "thank you luncheon" at the Republican party of Norfolk on November 9, 2024. It was just a quick introduction since we sat close to each other but at different tables. I had never spoken to her before we had officially met right before the provisional ballot observing on November 15, 2024, where I was given the letter to be an observer of the provisional ballots.

Exhibit 24 (cont.)

I would also like to disclose that I started the process of becoming an Election Officer in May 2024. I returned the letter to Yvonne Wyatt on September 18, 2024 and attended the official training with Ms. Iles on October 5, 2024 at 2 p.m. Simultaneously, I had registered with True the Vote and attended a virtual training on the morning of October 5, 2024. I was a poll watcher at City Hall on October 8 and 9, 2024. I submitted my fees to become a member of the Norfolk Republican Party on October 9, 2024, and attended a planning meeting of the Republican party on October 12, 2024. Before that time, I had never met Mr. Ziegenfuss or Ms. McKay. In fact, I was shocked that Mr. Ziegenfuss was from my party because of the way he had treated Ms. McKay at the meeting on November 15th. Everyone, especially Ms. Carrington and Mr. Ziegenfuss, were hostile to her, and also hostile to me once I had requested the provisional logs.

I will also mention that at some point while Ms. McKay and I sat out in the Registrars "waiting room" on November 15th, sometime between 2:30-3:30 p.m., a lady who obviously worked for the Registrar's office came out to get Ms. Iles' laptop that she had left during the board meeting. Ms. McKay kindly asked if they were counting ballots or just opening the Provisionals. The lady smirked and said, "We are doing our job." She turned and walked back into the office.

I met John Sitka on October 12, 2024, and had even emailed with him a few days before that. There should have been zero reasons that he would not approve me to be an authorized observer. Election Integrity is very important to all of us. I left about 4:30 p.m. and the Provisionals had not yet been counted or certified.

Respectfully,

Jeannie Sylvia
233 W Princess Anne Road
Norfolk, VA 23517
(858) 829-4075

Exhibit 25

Gmail

Marianne McKay <mariannecramer1019@gmail.com>

Fwd: Complaint Response

Jeannie Sylvia <jeanniesylvia@gmail.com> Sat, Feb 1, 2025 at 9:50 AM
To: Marianne McKay <mariannecramer1019@gmail.com>

Stephanie's response to my HAVA complaint

From: VOTE <vote@norfolk.gov>
Date: January 29, 2025 at 5:19:23 PM EST
To: jeanniesylvia@gmail.com
Cc: "Pruett, Tanya (ELECT)" <Tanya.Pruett@elections.virginia.gov>, "Mainwaring, Victoria" <Victoria.Mainwaring@elections.virginia.gov>
Subject: Complaint Response

Good afternoon Ms. Sylvia –

We have been forwarded your complaint from the Virginia Department of Elections.

We appreciate your interest in serving as an Officer of Election and as an Authorized Observer during early voting for the November 5, 2024 General & Special Elections and at canvass on November 15, 2024.

Provisional ballots are reviewed by the Registrar and her staff to ensure the applicant is eligible and in the correct precinct to be properly registered. We enter each Same Day Registration Provisional Ballot into the state voter registration system (VERIS) and the state completes a report to look for duplicate registrations which are then reviewed by the local Registrar office. Our Electoral Board members do not have access to VERIS and would not be able to determine an individual's eligibility based on their name and address. The Norfolk Electoral Board has discussed and approved the process of the Registrar and her staff researching and reviewing Provisional ballots and presenting that information to the Board for final approval or denial. We complete the legwork and present the findings. The Board, then makes the decision. The Board does not know who they are voting on specifically, so that protects the privacy of the voter and anonymity so that Board decisions are not based on individuals they may know or not know. This process has been completed in the same manner for years.

The canvass of the election is a public meeting; however, Authorized Representatives should present documentation to the Registrar when attending on behalf of a Party or candidate. My sincerest apologies for not obtaining your letter at the start of the meeting as we just went right into the Provisional ballot review. Typically, when Party Representative(s) request a copy of the Provisional Log, they do so at the start of the Provisional Meeting (10AM the day following the election –

Exhibit 25 cont.

in court). That allows our staff time to take the Provisional Logs that were just released from the Circuit Court Clerk's custody back to our office to make copies with redaction of the voter's personal identifying information (PII) as required under law. When you requested these logs on November 15th, we did not have a redacted copy available, nor time to make copies as we were attempting to certify the Absentee and Provisional ballots cast and complete the abstract certification of votes to the state.

I cannot address the response of the Party Chair not permitting you to participate with the Provisional process; however, the envelopes were open by myself and my staff and scanned for tabulation. Some ballots were opened by two staff-members in the front offices, which were visible through the glass. The others were opened by three staff members and me in the scanning room for tabulation. This process was long given the large number of ballots cast and counted and as each ballot had to be unfolded and flattened before scanning. Once the ballots were scanned, tabulation was completed and present to the Electoral Board. This process took several hours. The number were entered into the state's election night reporting system and the abstracts were completed, signed, and submitted to the state.

We are sorry if you felt there was hostility during completion of canvass of the election. We can assure you that the review of Provisional ballots cast and all actions performed by my office in regards to this election were to ensure free and fair elections with the utmost integrity.

Sincerely,

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: vote@norfolk.gov

Exhibit 26

* VIRGINIA *
DEPARTMENT *of* ELECTIONS

VIRGINIA VOTERS' ELECTION DAY COMPLAINT FORM

HOW TO FILE A COMPLAINT USING THE VOTER GRIEVANCE PROCESS

VIRGINIA VOTERS' ELECTION DAY COMPLAINT FORM

Ask an Election Official to help you if you need assistance completing this form. Please write legibly.

Your Name (last, first, middle)			**Today's Date**
McKay Marianne Tate			November 23, 2024
Your Address (Number and Street)	**City**	**State**	**Zip Code**
4114B Pretty Lake Avenue	Norfolk	VA	23518
Your Daytime telephone number			**Email address (optional)**
757.604.3314			
Polling Place Name			
Norfolk Office of Elections			
Polling Place Address (Number and Street)	**City**	**State**	**Zip Code**
810 Union Street, City Hall Building, Suite 100			Norfolk, VA 23510
Name of Election Official or Volunteer if known			
Ms. Stephanie Iles, Ms Atoy Carrington, Mr Michael Ziegenfuss, Ms Marianne McKay, and Ms Jeannie Sylvia			
Date of Incident			
Friday, November 15, 2024			
Describe Your Complaint (attach additional pages if necessary) See attachment for details			
Authorized Representative refused opportunity to observe and not being provided an opportunity to see a redacted copy of the Provisional Ballot Logs from the precincts. The Vice Chair of the Norfolk Electoral Board was also denied			
Your Signature			
Notary's Signature (required for formal HAVA Title III complaints)			**Date**
			11/23/2024
Notary's Commission Expiration Date 8/31/2028			

SAGAR K. PATEL
NOTARY PUBLIC
REG # 8112447
COMMISSION EXPIRES 08/31/2028
COMMONWEALTH OF VIRGINIA

OFFICE USE ONLY

Complaint Number:

Exhibit 26 (cont.)

Report of the Provisional Ballot Canvass on November 15, 2024

Location:
Norfolk Office of Elections
810 Union Street
City Hall Building, Suite 100
Norfolk, Virginia 23510

Individuals Present:
Stephanie Iles, Director of Elections and General Registrar
Rosanna Bencoach, Deputy Director of Elections and Deputy Registrar
Atoy Carrington, Chair of the Norfolk Electoral Board
Marianne McKay, Vice Chair of the Norfolk Electoral Board
Michael Ziegenfuss, Secretary of the Norfolk Electoral Board
Carlos J. Clanton, Candidate for Superward 7 City Council
Jeannie Sylvia, Republican Authorized Representative

About 11:45 AM I met Ms. Sylvia in the foyer of City Hall to give her the Norfolk Republican Party Chair's Authorization letter and the ELECT's guidance on authorized representatives being able to receive a redacted copy of the Provisional Ballot Logs.

The meeting, which was scheduled for 12 noon, was convened late because Ms. Iles was having difficulty getting internet access which was needed to conduct the Provisional Canvass Review. Guests were acknowledged, but no authorization letters were requested at this time. Once the issue was resolved Ms. Carrington convened the meeting.

The following count figures were provided by Ms. Iles.

Total Provisional Ballots		4,518
Voters who did not have their Absentee Ballot to Surrender	201	
Voted a Provisional Ballot due to Election Officer Error	9	
Same Day Registration from Early Voting	700	
Same Day Registration from Election Day	3,204	
Same Day Registration (a specific type of Provisional ballot)	3,904	
Provisional Ballots Counted		4,114
Provisional Ballots at the Wrong Precinct	164	
Provisional Ballots at the Wrong Locality	41	
Provisional Ballots cast for Other Reasons	199	
Provisional Ballots Not Rejected		404

I brought up my request for the provisional log sheets from each of the precincts which I had requested on Wednesday, November 6, 2024. Mr. Ziegenfuss, Ms. Carrington, and Ms. Iles

dismissed my request as not being possible because of the massive number of provisional ballots. Ms. Iles to convey the magnitude of the number of provisional ballots received shared that some chiefs had to come in the next day to finish filling out the Provisional Ballot Log Sheets because if they stayed at the precinct to finish them, they would have been there all night. Ms. Iles also conveyed that there was personal information that needed to be protected. As we were discussing the provisional ballot process (reviewing, researching ballots, etc.), Mr. Ziegenfuss quickly interjected that he moves that the Board accepts the General Registrar's research and recommendations of the provisional ballots. The motion was seconded by Ms. Carrington. The vote passed two to one with my vote being the dissenting vote.

After the vote was taken, I still reiterated that I would like to see a copy of the Provisional Ballot Logs from the precincts and Ms. Iles stated the request must come from an authorized representative. I looked toward where Ms. Sylvia was sitting to let her know that she may request it. Ms. Sylvia then requested a redacted copy of the Provisional Ballot Logs, and Ms. Iles asked if she had an authorization letter, and she said she did and proceeded to hand it to Ms. Iles. Mr. Ziegenfuss immediately questioned Ms. Sylvia if it was a letter with an original signature and stated that he didn't believe Mr. John Sitka, the Republican Party Chair would have authorized the request (Note: Mr. Sitka was not present). Ms. Sylvia seemed a little taken back and responded to his question with what she knew, and Mr. Ziegenfuss responded in a rather belittling and condensing manner "that it [Mr. Ziegenfuss' question] shouldn't be a difficult question." Concerned about the awkwardness of the situation, I spoke up and let Mr. Ziegenfuss know that it was a copy of a signed authorization letter, which I knew because I was the one who had given it to Ms. Sylvia just before the meeting. Ms. Iles did comment that she would not be able to give Ms. Sylvia a copy of the Provisional Logs today, that it may take her a couple of days to give it to Ms. Sylvia because of the number of pages there are. Ms. Sylvia indicated that she understood and was fine with those conditions.

Ms. Sylvia also requested that she be able to view the opening and scanning of the Provisional Ballots to be counted, the ones Ms. Iles recommended the Board accept. Ms. Iles and Ms. Bencoach were looking over the authorization letter and eventually commented that it was unacceptable for accommodating Ms. Sylvia's request, but Ms. Iles said if Mr. Sitka, the Norfolk Republican Party Chair authorized her to observe the process then Ms. Sylvia would be permitted. I called Mr. Sitka and once I was on the phone with him, I explained that I needed him to authorize Ms. Sylvia to have his permission to observe the Provisional Ballot Count because the authorization letter given to her was not being accepted. He said he would, and I asked him to hold on while I waited to give Ms. Iles the phone. While waiting (less than a minute after Mr. Sitka told me yes) he abruptly changed his mind and said he "No, I'm (Mr. Sitka) not authorizing it, and he gave me no reason for his sudden change. I relayed to Ms. Sylvia that she was not allowed to observe the final processing of the provisional ballots.

While everyone waited, I once again brought up my concerns about what happened at the Chesterfield precinct concerning how the provisional ballot voting process was handled. I reiterated what was reported to me by the two poll watchers and what I witnessed when I got there. My comments did not arouse any concern from Mr. Ziegenfuss and Ms. Carrington. I

Exhibit 26 (cont.)

remember Mr. Ziegenfuss stating that the chief, Alonzo Bailey, was laid back and that Mr. Ziegenfuss doesn't really give much credence to Poll Watchers' reports. Ms. Sylvia left between 4:30 PM and 5:00 PM for a previous scheduled commitment. Sometime after Ms. Sylvia left, Ms. Iles came back and reported the results, and all the board members signed the papers certifying the election.

When the results were presented, I did not question the results or whether I was required to sign the election certification papers that evening. However, after the meeting was adjourned and I left the building and upon reflection, I began to have doubts as to whether I did the right thing. So, I slept on it and the next day I felt like I should send an email to Ms. Iles (copied Ms. Carrington and Mr. Ziegenfuss) stating reservations as to how I handled the certification. The email was labeled "Certification of the November 5, 2024, Election Results" and was sent at 2:56 PM on November 16, 2024.

Signature _____ Date 11/23/24

Printed Name Marianne T. McKay

Notary Information

Signature _____ Date 11/23/2024

Printed Name Sagar K. Patel

Date Notary Expires 8/31/2028

Notary Seal

SAGAR K. PATEL
NOTARY PUBLIC
REG # 8112447
COMMISSION EXPIRES 08/31/2028
COMMONWEALTH OF VIRGINIA

Exhibit 27

Gmail

Marianne McKay <nebmckay@gmail.com>

Reminder - Canvass for June 17, 2025 Primary

Marianne McKay <nebmckay@gmail.com> Wed, Jun 11, 2025 at 2:27 PM
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington" <atoycarringtoneb@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>

Good afternoon Director of Elections and General Registrar Iles, Chair Carrington, and Secretary Ziegenfuss,

After what occurred at the November 2024 Presidential Election with the Provisional Ballots and Log Sheets and not wanting a repeat to happen again, I recommend we review the provisional ballot envelopes and provisional ballot logs first so they can be released to the Registrar's Office for entry into Veris. I assume there will not be that many provisional ballots, and conducting canvass this way will have the added benefit of working out any issues that may arise in preparation for the anticipated larger November 2025 General Election. Then we can proceed to the canvass of the 48 voting precincts. In preparation for the Provisional Ballot Canvass, I recommend Ms. Carrington and Mr. Ziegenfuss read Chapter 13 of the Virginia Department of Elections Handbook on the processing of Provisional Ballots.

Ms. Iles, since this will be the first time the Board has handled provisional ballots in this manner, since I have been on the Board, if you think the Board will need training first and we should start earlier than 10:00 a.m. on June 18th, then please let us know what you recommend as an appropriate time to start canvass.

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

Exhibit 28

Gmail

Marianne McKay <nebmckay@gmail.com>

Reminder - Canvass for June 17, 2025 Primary

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Wed, Jun 11, 2025 at 4:43 PM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Atoy B. Carrington" <atoycarringtoneb@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good afternoon –

We will begin canvass of the election at 10AM on Wednesday, June 18th in the Norfolk Circuit Court Clerk's Conference Room.

As is customary, the first order of business will be to request that the Provisional ballots be released from the Circuit Court Clerk to the Office of Elections.

We will then proceed with canvass of the fort-eight (48) precincts. Please note, we must complete canvass of the 48 precincts on Wednesday as the Courts are closed on Thursday for the Juneteenth holiday.

SDR Provisional ballot information must be entered into VERIS by COB, Friday, June 20th. Additionally, CAP will be completing post-election processing of absentee ballots at noon on Friday, June 20th. Should the Board wish to review the redacted Provisional Ballot logs once we have completed our analysis and entered the required SDR information into VERIS, we will be accommodate.

Thank you for your support.

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>
Sent: Wednesday, June 11, 2025 2:27 PM
To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Cc: Atoy B. Carrington <atoycarringtoneb@gmail.com>; Henry Michael Ziegenfuss (NEBHMZ@gmail.com)

Exhibit 29

Gmail

Marianne McKay <nebmckay@gmail.com>

Reminder - Canvass for June 17, 2025 Primary

Marianne McKay <nebmckay@gmail.com> Thu, Jun 12, 2025 at 3:11 PM
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington" <atoycarringtoneb@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

continue to next page for content of the email....

This email sent Thurs, June 12, 2025 @ 5:11 PM. From [illegible] to [illegible] & [illegible] were copied.

Exhibit 29 (cont.)

Good afternoon,

What has been the "customary" procedures are not acceptable because of what happened with the the November 2024 Presidential Election, which includes:

- Reports of irregularities regarding the provisional ballot votes were reported at the Chesterfield precinct for the November 2024 Presidential Election.
- Not one board member saw a provisional ballot envelope or provisional ballot log sheet during canvass.
- On November 27, 2025, the two authorized representatives came in to share their observations of what happened at the Chesterfield precinct and the other two Board members, Ms. Carrington and Mr. Ziegenfuss, voted to have them provide their reports in closed session. I have stated and stand by the position that it was an illegal closed session because it violated the FOIA requirements for what is allowed to be covered in closed session (personnel and security are the only exceptions).
- Not only was it a matter of public interest for Norfolk residents to know whether Norfolk's election was safe, secure, and lawful, but the candidate who requested and was granted a recount was present for the November 27, 2025 meeting and he was directly impacted since the Chesterfield precinct fell within the Superward 7 City Council Race where he was a candidate.
- None of the officers at the Chesterfield precinct were required to come in to report before the Board as to what happened at the Chesterfield precinct.
- Ms. Carrington, Mr. Ziegenfuss, and Ms. Iles refused to acknowledge there was a systematic failure related to provisional ballots at the Chesterfield precinct (refer to minutes for the February 4, 2025, electoral board meeting.

The Virginia State Code § 24.2-653.01 clearly states the electoral board is the one to determine whether an individual provisional ballot is accepted. This is also consistent with the guidance provided in chapter 13 of the Virginia Department of Elections Handbook for General Registrars and Electoral Boards. Furthermore, nowhere does the Virginia State Code and/or Guidance from ELECT state that the electoral board views only a redacted copy of the provisional ballot logs.

I believe we should be able to meet the deadlines even with the Courts being closed on Thursday, June 19, 2025 because of the holiday. We will know how many provisional ballots there are when we open Envelope 1A for each of the 48 precincts. However, if you think we will not be able to get it done in time, then we should just meet earlier; some electoral boards begin their canvass election night which is also an option.

Thank you for your support.

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

Exhibit 30

Gmail

Marianne McKay <nebmckay@gmail.com>

Reminder - Canvass for June 17, 2025 Primary

Atoy Carrington <atoycarringtoneb@gmail.com> Thu, Jun 12, 2025 at 4:41 PM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>

The Board will do as we have done in the past. We will go over the tapes from the precincts at the courthouse first. This is the most important thing for us to do after Election Day. This will take all day Wednesday. The following day is a holiday and we will be unable to enter the courthouse. On Friday, as you are already aware, we must wait for the remaining ballots to come in the mail. Therefore, this office will be unable to go over provisionals the week of the election.

Provisionals will be addressed at a later date, as deemed necessary by all members of the Board.

Respectfully,

Atoy Carrington, Chair
Norfolk Electoral Board
[Quoted text hidden]

Exhibit 31

Gmail

Marianne McKay <nebmckay@gmail.com>

Provisional Ballot Meeting and Completion of Canvass

1 message

Marianne McKay <nebmckay@gmail.com> Sun, Jun 22, 2025 at 1:19 PM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Dear Chair Carrington and Secretary Ziegenfuss,

I am advocating even admonishing the Norfolk Electoral Board to begin our Provisional Ballot Meeting at an earlier time than 11 a.m. on Monday, June 23, 2025, so that as a Board we can correct the way we have been conducting the Provisional Ballot Meeting. The reason is because the way the Board has conducted the Provisional Ballot Meeting since I have been on the Board is in violation of the Virginia State Code § 24.2-653.01(A), § 24.2-653.01(B), § 24.2-651.1, § 24.2-652, § 24.2-653.1, § 24.2-653.2.

- **Code § 24.2-653.01(A)** states "The electoral board shall meet on the day following the election and determine whether each person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote."
- **Code § 24.2-653.01(B)** declares the Provisional Ballot Meeting a closed session meeting when it states "Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board."
- **Codes § 24.2-651.1, § 24.2-652, § 24.2-653.1, § 24.2-653.2** all conclude with the statement, "The State Board of Elections (SBE) shall provide instructions to electoral boards for handling and counting of such provisional ballots."

I believe no one on the Board meant to be in violation of the Virginia State Code; we were just following the "customary" practice of the way the Norfolk Electoral Board had been doing it for years. You will recall that the board conducted the appointment of officers of election (OOE) in open sessions when it should have been done in closed sessions because it was a personnel issue, and immediately upon pointing out the mistake in February 2025 we corrected it and have since been faithful in conducting appointment of OOE in a closed session. We now need to correct our mistakes with the handling of provisional ballots beginning with this election. If we do not change our ways, then we cannot claim it was an honest mistake or oversight, and anyone on this Board who refuses to follow the Code going forward is abdicating their responsibility in this area and is subject to removal from office as set forth in Virginia State Code § 24.2-103(E), § 24.2-233, § 24.2-234.1, and § 24.2-235.
Furthermore, I have specifically left our Director of Elections and General Registrar Iles off this email because, despite my differences with Ms. Iles, I respect her knowledge, experience, and expertise and I will not allow her to be blamed for the Board's failure and neglect to fulfill its responsibilities. This Board has not delegated the task of adjudicating the provisional ballots. I have attached the motion the Board passed in April 2024 delegating specific tasks to the General Registrar and her staff and provisional ballots are not included. In addition, the SBE has specified how the Electoral Board's Provisional Ballot Meeting is to be conducted in chapter 13 (sections 6 and 7) of the Virginia Department of Elections Handbook for General Registrar/Director of Elections and Electoral Boards. Also, I referenced how the Board should be handling the provisional ballot meeting in the email I sent out on June 12, 2025 "Reminder - Canvass for June 17, 2025 Primary."

Obviously, Ms. Iles and her staff will have already completed their research on VERIS since the Board voted (2 to 0) on June 18, 2025, to release the provisional ballots to the registrar's office to begin the research. The good news is that there are only 127 provisional ballots and of those only 48 are Same Day Registration; so, reviewing and adjudicating them should not be a problem to complete before COB. If there is any concern that we might be cutting it too close to the deadline, then we should begin earlier than planned on Monday, June 23, 2025.

Exhibit 32

Gmail

Marianne McKay <nebmckay@gmail.com>

Information from Virginia Department of Elections Handbook for General Registrars/Electoral Board Members

Marianne McKay <nebmckay@gmail.com> Wed, Jul 9, 2025 at 8:28 AM
To: "Kelly, Margaret" <Margaret.Kelly@norfolk.gov>

Good morning Ms. Kelly,

I truly appreciate your work in providing legal guidance to the Norfolk Electoral Board and the General Registrar's office in how we conduct business so that we are confident we are following Virginia State Code. I thought the following information might be helpful to have in doing your legal research on what is required of the Provisional Ballot Meeting since Virginia State Code § 24.2-653.1 ends with the statement, "The electoral board shall process the ballot in accordance with the provisions of § 24.2-653.01 and the instructions of the State Board."

This is the link to the Virginia Department of Elections (ELECT) General Registrar/Electoral Board Handbook (GREB) Virginia Dept. of Elections: GREB Handbook

Then click on Chapter 13 Provisional Ballots (rev. 8/24) for the instructions on processing provisional ballots.
The following sections I think are particularly relevant to advising the Board on what Virginia State Code requires in adjudicating provisional ballots.

13.5.3 Precinct Provisional Ballot Log
The last sentence of the 4th paragraph on page 16 states, "This log will also be used in the days following the election by the electoral board to track the determination of all provisional ballots offered in the locality."

13.6.3 Who Must Attend
The last bullet point of this section on page 18 states, "The General Registrar [GR] must appear at the meeting with the pollbooks used at all precincts." This requirement is necessary so that the GR can provide the information to the Board to determine whether the voter's provisional ballot is to be accepted or rejected.

13.7 Determine The Qualifications Of All Provisional Voters Before Opening Any Individual Envelopes
On page 20 it states, "To protect voter privacy, the electoral board should determine the eligibility of all provisional voters before opening any of the provisional ballot envelopes.

- The electoral board should open, one precinct at a time, the #1A envelope (and, if used, the #1B envelope) marked 'provisional votes'. The local electoral board has the discretion to make a determination as to whether a voter is eligible under Virginia law. The local electoral board should proceed to determine the qualifications, one by one, without opening the green envelopes, of each person who cast a ballot in a green provisional envelope."

Also, I have attached the minutes for the Norfolk Electoral Board meeting on April 8, 2024 which contains the motion the board passed where specific tasks were delegated to the GR because the other board members say we delegated the processing of provisional ballots to the GR but that task was not included in the motion.

I'm looking forward to hearing the results of your research because I believe it will be helpful for the Board and GR in resolving genuine differences of opinions in how we proceed with the provisional ballot meeting for future elections that is consistent with the Virginia State Code.

Marianne McKay, Vice Chair
Norfolk Electoral Board

2 attachments

Board Minutes - April 8, 2024_2024050716174983 03.pdf
92K

Board Minutes - April 8, 2024_2024050716174983 03.pdf
92K

Exhibit 32 (cont)

Norfolk Electoral Board
Minutes of April 8, 2024 Board Meeting

Present:
Atoy Carrington (Chair), Marianne McKay (Vice-Chair), H. Michael Ziegenfuss (Secretary), Stephanie Iles (Director of Elections & General Registrar), Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar).

The Norfolk Electoral Board was called to order on Monday, April 8, 2024 at 2:20 p.m. by Ms. Carrington in the Elections Office Board Conference Room in Norfolk's City Hall.

Approval of Officers of Elections:
Ms. Iles presented a list of forty-One (41) potential Officers of Election for appointment. Ms. McKay motioned to approve the list which was seconded by Mr. Ziegenfuss. The Board voted unanimously to approve those on the list as presented by Ms. Iles for a term ending on February 28, 2025.

VEBA Conference Review:
The Board discussed the VEBA Conference held in March 2024. It was positive experience as it provided valuable information about serving as a Board Member.

Review of March 5, 2024 Presidential Primary Elections:
The Board reviewed the March 2024 Presidential Primary Elections and discussed voting preparations and parity staffing for future Elections.

Closed Session – Security Review & Personnel discussion:
At 2:48 p.m., it was moved by Ms. McKay and seconded by Mr. Ziegenfuss to go into a closed session pursuant to the Code of Virginia for a security review and personnel discussion. The motion was approved by unanimous voice voter of the Board.

Upon a motion made by Mc. McKay and seconded by Mr. Ziegenfuss and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session at 5:02 p.m.

Exhibit 32 (cont)

Further, Ms. McKay moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting April 8, 2024, pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law.

The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Mr. Ziegenfuss seconded the adoption of the certification, and the Board unanimously voted to approve the certification.

Such Other Business That May Come Before the Board:

Mr. Ziegenfuss made a motion to formally continue delegating the duties of staffing elections to the Director of Elections & General Registrar, Ms. Stephanie Iles. Ms. Carrington seconded. The motion is as follows:

The Norfolk Electoral Board has managed and delegated many of its duties to the Director of Elections & General Registrar (DE/GR). The Secretary of the Electoral Board moves that these duties be articulated and added to the Director of Elections & General Registrar's job description. To wit, but not limited to the following:

1. Hiring, screening, and listing of candidates for officers of election for approval of the board for appointment;
2. Staffing, training, and utilizing officers of election to maximize the proper execution of each election and all voters experience at each polling place;
3. Procuring services of technicians, equipment delivery, software, and hardware voting equipment and ballots;
4. All testing of equipment and ballots;
5. Keeping the Electoral Board appraised of any developments concerning the above duties;

Shall be carried out by the DE/GR with general and not detailed oversight. This is to ensure the DE/GR has enough latitude to carry out these duties.

Exhibit 32 (cont)

The motion passed 2 to 1, with Vice Chair Ms. McKay dissenting.

The Board scheduled the next meeting for Tuesday, May 7, 2024 2:00 p.m. at the Elections Office Board Conference Room in Norfolk's City Hall.

Ms. McKay moved to adjourn the meeting which Mr. Ziegenfuss seconded. The meeting was adjourned by unanimous decision at 5:27 p.m.

Respectfully submitted,

H. Michael Ziegenfuss

H. Michael Ziegenfuss, Secretary
April 8, 2024

Exhibit 33

Norfolk Electoral Board Minutes
Canvass of Democratic Party Primary Election - June 18-23, 2025

Present for Election Canvass Day One – June 18-23, 2025,

Atoy Carrington (Chairwoman), H. Michael Ziegenfuss (Secretary), Stephanie Iles (Director of Elections & General Registrar), Yetta Wilkins (Deputy IV) and Observers: Gerardo Castillo with Ghazala Hashmi campaign, Michael Khandelwal, and Mark Snell-Cook. Marianne McKay (Vice Chairwoman) arrived late at 10:14 a.m.

The Norfolk Electoral Board was called to order on Wednesday, June 18, 2025, at 10:07 a.m. in the Norfolk Circuit Court Clerk's Conference Room, 150 St. Paul's Blvd., 7th Floor to canvass the June 17, 2025 Democratic Party Primary Election and to consider Provisional Ballots cast. A quorum was present. Mr. Ziegenfuss motioned to approve the minutes of the May 6, 2025 Electoral Board meeting. Ms. Carrington seconded. The motion was carried 2 to 0, with Ms. McKay absent. Ms. Carrington motioned to release the Provisional Ballots in the custody of Ms. Yetta Wilkins and the Norfolk Office of Elections to begin preliminary research and review for the Electoral Board. Mr. Ziegenfuss seconded the motion. The motion to release the Provisional Ballots to the Office of Elections was carried 2 to 0, with Ms. McKay absent. Ms. Iles requested permission for staff to begin preparation of election materials for canvass review. The Board agreed. Ms. Carrington requested a recess until 1:00 p.m. Mr. Ziegenfuss seconded. The motion was carried 2 to 0, with Ms. McKay absent. Ms. McKay arrived late at 10:14 a.m. and was updated on the status of events. At 10:19 a.m. the Board recessed.

At 1:04 p.m. the Board reconvened. The Board completed the canvass of the forty-eight (48) precincts that participated in the election. The Board moved to recess the meeting until 11:00 a.m., Monday, June 23rd to allow for the Central Absentee Precinct post-election process and review completion of Provisional Ballots. The canvass will resume in the Norfolk Office of Elections, 810 Union Street (City Hall), Suite 100. The Board recessed at 3.56 p.m.

Present for Election Canvass Day Two – June 23, 2025

Atoy Carrington (Chairwoman), Marianne McKay (Vice Chairwoman), H. Michael Ziegenfuss (Secretary), Stephanie Iles (Director of Elections & General Registrar), Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar), a Deputy City Attorney, and Observer: Mark Snell-Cook.

The Board re-convened on Monday June 23, 2025, at 11:05 a.m. in the Norfolk Office of Elections to complete the canvass of the June 17, 2025 Democratic Party Primary Elections.

Exhibit 33 (cont.)

The canvass of the Central Absentee Precinct results for Early Voting (CAP EV), Absentee by Mail (CAP AB), and Post-Election (CAP PE) were completed. Ms. Iles presented the provisional ballot research and findings to the Norfolk Electoral Board.

Closed Session – Provisional Ballots:

At 11:50 a.m., Mr. Ziegenfuss motioned to go into closed session pursuant to the Code of Virginia for discussion of Provisional Ballots. Ms. Carrington seconded. A roll call vote was completed - Mr. Ziegenfuss - Aye, Ms. Carrington – Aye, and Ms. McKay - Aye. The motion was approved by a unanimous vote of the Board.

Upon a motion made by Mr. Ziegenfuss and seconded by Ms. McKay and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session. Further, at 11:55 a.m. Mr. Ziegenfuss moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting on June 23, 2025, pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law. The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Ms. McKay seconded the adoption of the certification. A roll call vote was completed - Mr. Ziegenfuss - Aye, Ms. Carrington – Aye, and Ms. McKay - Aye. The Board unanimously voted to approve the certification. Ms. Iles presented the provisional ballot research and findings to the Norfolk Electoral Board.

After review, it was determined that of the 133 total Provisional Ballots cast:

- Two (2) ballots were cast in the wrong locality,
- Six (6) were cast in the wrong precinct
- Three (3) ballots were for individuals either not registered or ineligible

Ms. Iles recommended counting the (122) remaining Provisional Ballots of which:

- Sixty-five (65) were cast due to no absentee ballot being surrendered at the polling place by the voter when a ballot had been issued

Exhibit 33(cont.)

- Fifty-six (56) were Same Day Registration Ballots (SDR) for voters who were properly registered and in the correct precinct. This includes 5 Early Voting SDR.
- One (1) ballot was inadvertently issued due to Pollworker error

Mr. Ziegenfuss motioned that the board accept Ms. Iles' recommendations for the 122 Provisional Ballots to be counted. Ms. Carrington seconded, and the motion passed 2-1 with Ms. McKay voting Nay.

The elections staff removed the eligible ballots from the Provisional envelopes and scanned the results for tabulation with Vice Chair McKay and the Deputy City Attorney observing. The Board reviewed the Provisional ballot totals.

Closed Session – Officers of Election:

Mr. Ziegenfuss motioned at 12:00 p.m. to go into closed session pursuant to the Code of Virginia for discussion of Personnel: Officers of Election. Ms. Carrington seconded. A roll call vote was completed - Mr. Ziegenfuss - Aye, Ms. Carrington – Aye, and Ms. McKay - Aye. The motion was approved by a unanimous vote of the Board.

Upon a motion made by Mr. Ziegenfus, seconded by Ms. McKay, and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session. Further, at 12:15:00 p.m. Mr. Ziegenfuss moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting on June 23, 2025 pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law. The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Ms. McKay seconded the adoption of the certification. A roll call vote was completed - Mr. Ziegenfuss - Aye, Ms. Carrington – Aye, and Ms. McKay - Aye. The Board unanimously voted to approve the certification.

Ms. McKay moved, and Mr. Ziegenfuss seconded, to adopt the Registrar's recommendation for Officers. All twenty-eight (28) Candidates for Officers of Election were approved.

Exhibit 33 (cont.)

Ms. Iles entered the Provisional results into the election night reporting system. Abstracts were completed and signed by the Board. The Abstracts and Election Results Certification Checklist were submitted electronically to the Virginia Department of Elections.

The Board scheduled the next meeting for Thursday, July 10, 2025, at 11:00 a.m. in the Norfolk Office of Elections, 810 Union Street (City Hall), Suite 100.

Ms. McKay motioned to adjourn the meeting & Mr. Ziegenfuss. The meeting was adjourned by unanimous vote at 1:15 p.m.

Respectfully submitted,

H. Michael Ziegenfuss

H. Michael Ziegenfuss, Secretary
June 28, 2025

Exhibit 34

Gmail

Marianne McKay <nebmckay@gmail.com>

Draft Minutes

Marianne McKay <nebmckay@gmail.com> Sun, Oct 5, 2025 at 5:23 PM
To: Atoy Carrington <atoycarringtoneb@gmail.com>
Cc: Mike Ziegenfuss <mike@2zig.com>, "Rosanna L. Bencoach" <Rosanna.Bencoach@norfolk.gov>, "Stephanie L. Iles" <vote@norfolk.gov>

Secretary Ziegenfuss,

I believe there was critical content left out of the NEB August 26, 2025 draft minutes you prepared, so I have attached an edited version of the minutes based on the audio recording of that meeting. What you had in your draft minutes is in black ink - nothing in your original draft minutes was omitted; however, recommended changes for either clarity or accuracy have been made. Wording has either been crossed out or added in red ink.

Sincerely,
Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

Draft Board Minutes - 8.26.2025 with corrections.docx
40K

Exhibit 34 (cont.)

Norfolk Electoral Board -
Minutes of August 26, 2025, Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar) and members of the public – Mark E. Snell-Cook, Tony S. Olcott, Scott Hancox, Gregory Bright, Dr. Frederick L. Rochte, Catherine Severo, and a representative from the City Attorney's office were in attendance.

The Norfolk Electoral Board was called to order on Tuesday, August 26, 2025, at: 11:01 a.m. by Ms. Atoy Carrington in the Norfolk Office of Elections.

A motion to approve the minutes of July 10, 2025 Board meeting was made by Mr. Ziegenfuss and seconded by Ms. Carrington. Ms. McKay moved to amend the July 10, 2025 meeting minutes to include the following three statements:

1. The DE/GR agreed to have a survey for the upcoming election to assess voter's desire for evening hours during satellite voting.
2. Vice Chair requested the closed session be moved so that it is the final item agenda out of consideration for those attending the meeting, and Chair Carrington and Secretary Ziegenfuss refused.
3. Vice Chair McKay requested the city attorney review the NEBs customary practice for adjudicating provisional ballots cast to determine if the process is consistent with Virginia State Code.

The amended motion was not seconded. **The** original **motion passed 2-1, with Ms. McKay dissenting.**

The City Attorney's office provided an update and answered questions concerning closed sessions and the adjudication of **provisional ballots.**

Regarding closed sessions, the city attorney noted this is a gray area because it has not been litigated. However, he provided the following guidance for determining whether to invoke the personnel exemption when deciding whether to conduct a discussion in closed session:

- The purpose of the discussion. Is the primary purpose discussing the performance of the officer of election (OOE) or Registrar or is the mentioning of one's name or position a peripheral issue of another matter?

Exhibit 34 (cont.)

- The facts of the specific situation. If there is no unanimity among the Board in making this decision, then it is a discretionary exemption and is resolved by the majority vote of the Board.
- The consideration of the competing interests of the public vs. the private.
- Personnel exemption does not apply to members of the public body.

Regarding provisional ballot processing, the city attorney stated there is no court case interpretation on this. His guidance was the Registrar and her staff conduct the research and compile the documents and presents the information to the Board. The Board has no direct part in that process other than being presented with that information to make that determination. He also pointed out that the provisional ballot meeting is a limited access meeting not a closed session meeting.

The city attorney was unable to respond to the two questions listed below without further research and analysis and he agreed to do that and report back to the Board. The two questions he agreed to research are:

- How can the electoral board perform the task of tracking the determination of all provisional ballots offered in a locality (as stated in the ELECT's GREB Handbookbook 13.5.4 on page 16) when the NEB is never given the opportunity to see a provisional ballot log or the provisional ballot envelopes.
- How does the NEB determine the qualifications, one by one, of whether a voter is eligible to vote under Virginia law (as stated in the GREB Handbook 13.7 on page 20) without ever seeing the sealed green provisional ballot envelope containing the ballot?

Mr. Ziegenfuss motioned to schedule the next meeting of the Norfolk Electoral Board for Monday, October 6, 2025, at 11:00 a.m. Ms. Carrington seconded. Ms. McKay requested there be a meeting in September to address election training, staffing levels for each precinct, and review of tentative precinct assignments. Ms. McKay also pointed out that the Virginia State Code allows for any electoral board member to call for a meeting. The motion made by Mr. Ziegenfuss passed 2-1 with Ms. McKay dissenting.

~~The Board scheduled their support coverage of early voting satellite locations.~~ Ms. McKay moved to table the discussion of support coverage for satellite voting for the November 2025 General Election until the security camera video of the alleged dropbox incident from the November 2024 satellite voting can be viewed and Ms. Iles is present. The motion was not seconded. Ms. Carrington and Mr. Ziegenfuss agreed to let Ms. Carrington cover the first 7 days of the satellite voting and Mr. Ziegenfuss covers the last 3 days.

Ms. McKay moved to proceed with other business before the closed session. There was no second.

Exhibit 34 (cont.)

Closed Session

At 12:26 p.m., it was moved by Mr. Ziegenfuss and seconded by Ms. Carrington to go into closed session pursuant to the Code of Virginia for personnel – discussion of potential Officers of Election for appointment. The motion was approved by a unanimous vote of the Board.

Upon a motion made by Mr. Ziegenfuss and seconded by Ms. Carrington and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session. Furthermore, at 12:33 p.m. Mr. Ziegenfuss moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting on Tuesday August 26, 2025, pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law. The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Ms. McKay seconded the adoption of the certification, and the Board voted by roll call to approve the certification. Ms. Carrington voted - Aye. Mr. Ziegenfuss voted - Aye. Ms. McKay voted - Aye.

Mr. Ziegenfuss moved to approve twenty (20) new Officers of election. Ms. McKay seconded, and the vote was unanimous.

Such Other business as may come before the Electoral Board:

Ms. McKay moved that a member of the Board can request information from the General Registrar without a Board vote. There was no second.

Ms. McKay moved to adopt a policy to make closed sessions the last agenda item. There was no second.

~~Ms. McKay moved to discuss training and staffing at a September Board meeting. There was no second. Mc. McKay indicated this would be a topic of discussion. Mr. Ziegenfuss confirmed that the Registrar has been open to staffing suggestions.~~

Exhibit 34 (cont.)

Mr. Ziegenfuss moved to receive a list of preliminary staffing ~~of the polls at~~ no later than our next meeting but sooner if possible. ~~or before our next Board meeting.~~ Ms. McKay ~~attempted to~~ amend the motion to ~~a specific date~~ specify a date in September. There was no second. Ms. Carrington seconded the original motion from Mr. Ziegenfuss which passed with a 2-1 vote. Ms. McKay was the dissenting vote.

Mr. Ziegenfuss moved to adjourn the meeting, which Ms. McKay seconded. The meeting was adjourned at 12:53 p.m. by a unanimous vote.

Respectfully submitted,

Mr. Ziegenfuss, Secretary
August 26, 2025

Exhibit 35

Gmail

Marianne McKay <nebmckay@gmail.com>

Confirmation of follow up questions from August 26, 2025 of NEB Meeting

Marianne McKay <nebmckay@gmail.com> Tue, Sep 2, 2025 at 9:34 AM
To: "Fox, Andrew" <andrew.fox@norfolk.gov>
Cc: "Heywood, Paige" <Paige.Heywood@norfolk.gov>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Mr. Andrew Fox,

Thank you for providing guidance on August 26, 2025 regarding FOIA requirements for the NEB's closed session meetings (file #226233-MAK) and on conducting a provisional ballot meeting (file # 226083-ARF) including the adjudication process of Same Day Registration (SDR) and the other reasons for casting a provisional ballot.

I want to confirm that you will be getting back to the NEB with answers/guidance to the questions I listed in bold print below (file #226083-ARF). I have provided a link to the Virginia Department of Election's General Registrar/Electoral Board (GREB) Handbook below for your convenience along with the section and page number for my questions. you will notice the handout from ELECT's training that you referred to in the August 26th meeting was not included in the GREB Handbook as it is only a four page summary of the process of the provisional ballot meeting and the canvass while the GREB Handbook provides 50 pages of instructions (chapter 13 and 14).

This is the link to the Virginia Department of Elections (ELECT) General Registrar/Electoral Board Handbook (GREB)
Virginia Dept. of Elections: GREB Handbook

13.5.4 Precinct Provisional Ballot Log (page 16):
"This log will also be used in the days following the election by the electoral board to track the determination of all provisional ballots offered in the locality."
How can the electoral board perform this duty when the NEB is never given the opportunity to see a provisional ballot log or a provisional ballot envelope?

13.7 Determine The Qualifications Of All Provisional Voters Before Opening Any Individual Envelopes (page 20):
"To protect voter privacy, the electoral board should determine the eligibility of all provisional voters before opening any of the provisional ballot envelopes.

- *The electoral board should open, one precinct at a time, the #1A envelope (and, if used, the #1B envelope) marked 'provisional votes'. The local electoral board has the discretion to make a determination as to whether a voter is eligible under Virginia law. The local electoral board should proceed to determine the qualifications, one by one, without opening the green envelopes, of each person who cast a ballot in a green provisional envelope." § 24.2-653.01(A)*

How does the NEB determine the qualification, one by one, without ever seeing the sealed green provisional ballot envelope containing the ballot?

I have included one more question on a topic that came up numerous times.
13.6.3 Who Must Attend (page 19):
"All members of the electoral board should be present for this meeting and the canvass of the election. In the event one member is unable to attend, two members constitute a quorum and may proceed to determine the qualifications of persons who cast provisional votes. .....

- *The general registrar must appear at the meeting with the documentation necessary to confirm the eligibility of provisional voters."*

What is the specific documentation our general registrar needs to bring to the provisional ballot meeting so that the NEB may determine the qualifications of the persons who cast provisional ballots?

In addition to providing you with the GREB handbook (Rev 8/25), I am including the specific Virginia State Code pertaining to the electoral board's legal duties and responsibilities regarding the processing and adjudication of provisional ballots.

Virginia State Code § 24.2-653.01

Exhibit 35 (cont.)

A. *The electoral board shall meet* on the day following the election and *determine whether each person* having submitted a provisional vote pursuant to § 24.2-653 *was entitled* to do so as a qualified voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally pursuant to § 24.2-653.3, *the electoral board shall determine of which district* the person is a qualified voter. .....
If the board is unable to determine the validity of all provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension, the meeting shall stand adjourned, not to exceed 10 calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.
B. The electoral board shall permit one authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. .....
Notwithstanding the provisions of the Virginia Freedom of Information Act § 2.2-3700 et seq), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

Looking forward to your guidance in this matter and continued support.

Respectfully,
Marianne Mckay, Vice Chair
Norfolk Electoral Board
nebmckay@gmail.com
757.604.3314

Exhibit 36

Norfolk Electoral Board -
Minutes of October 6, 2025 Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Stephanie Iles (Director of Elections & General Registrar), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar) and members of the public – Mark E. Snell-Cook, Tony A. Olcott, Trey Teich, Catherine Severo (League of Women Voters), Arthur Devine, Jr., and a representative from the City Attorney's office were in attendance.

The Norfolk Electoral Board was called to order at 11:04 a.m. by Ms. Atoy Carrington in the City Council 10th Floor Conference Room.

A motion to approve the minutes of August 26, 2025, Board meeting was made by Mr. Ziegenfuss and seconded by Ms. Carrington. Discussion was held. The motion passed 2-1, with Ms. McKay dissenting.

The City Attorney's office provided an update and answered questions concerning FOIA and provisional ballot procedures.

Closed Session

At 12:08 p.m., it was moved by Mr. Ziegenfuss and seconded by Ms. Carrington to go into closed session pursuant to the Code of Virginia for personnel – discussion of potential Officers of Election for appointment. The motion was approved by the unanimous vote of the Board.

Upon a motion made by Mr. Ziegenfuss and seconded by Ms. Carrington and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session. Furthermore, at 12:13 p.m. Mr. Ziegenfuss moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting on Monday, October 6, 2025, pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law. The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such

Exhibit 36 (cont.)

public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Ms. McKay seconded the adoption of the certification, and the Board voted by roll call to approve the certification. Ms. Carrington voted - Aye. Mr. Ziegenfuss voted - Aye. Ms. McKay voted - Aye.

Mr. Ziegenfuss moved to approve thirty-two (32) new Officers of election. Ms. McKay seconded, and the vote was unanimous.

Such Other business:

Ms. Iles requested the office be closed on Monday, October 13th for Columbus Day/National Indigenous Peoples' Day along with state and Constitutional offices. Mr. Ziegenfuss motioned to give the Election staff off on Monday, October 13th. Ms. McKay seconded. The motion passed unanimously.

The Board will have their next meeting on Wednesday, November 5, 2025 in the Norfolk Circuit Court Clerk's Conference Room to canvass the results of the election.

Mr. Ziegenfuss moved to adjourn the meeting, which Ms. McKay seconded. The meeting was adjourned at 12:30 p.m. by unanimous vote.

Respectfully submitted,

Mr. Ziegenfuss, Secretary
October 6, 2025

Exhibit 37

Gmail

Marianne McKay <nebmckay@gmail.com>

Guidance Provided to the NEB and Office of Elections

1 message

Marianne McKay <nebmckay@gmail.com> Fri, Oct 24, 2025 at 8:16 AM
To: "Fox, Andrew" <andrew.fox@norfolk.gov>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Good morning Mr. Andrew Fox,

As always, I appreciate the support and guidance you give to the NEB by attending our meetings and providing guidance.

Since the NEB by majority voted to exclude a brief summary of your advice to the NEB in our August 26, 2025 NEB minutes, I have included it in this email, so that if the summary is incomplete or inaccurate in reflecting your professional judgment for the Board it may be corrected.

You noted whether a personnel exemption should be invoked to determine whether a topic should be considered in closed or open session is a gray area because it has not been litigated, but you offered the following criteria to consider:

1. The purpose of the discussion. Is the primary purpose discussing the performance of the officer of election or the Registrar or is the mentioning of one's name or position a peripheral issue of another matter?
2. The facts of the specific situation. If there is no unanimity among the Board in making this decision, then it is a discretionary exemption and is resolved by the majority vote of the Board.
3. The consideration of the competing interests of the public vs. the private.
4. The personnel exemption does not apply to members of the public body.

Regarding your guidance for provisional ballot processing, you noted that there is no court case interpretation on this, and then you provided the following guidance:

1. The registrar and her staff conduct the research and compile the documents and present the information to the Board.
2. The Board has no direct part in the process of researching and compiling the documents other than being presented with that information to make the determination.
3. The provisional ballot meeting is a limited access meeting not a closed session meeting.

You also agreed to conduct further research and analysis to answer the following two questions:

1. How can the electoral board perform the task of tracking the determination of all provisional ballots in a locality (as stated in ELECTs GREB Handbook 13.5.4on page 16) when the NEB is never given the opportunity to see a provisional ballot log or the provisional ballot envelopes?
2. How does the NEB determine the qualifications, one by one, of whether a voter is eligible to vote under Virginia law (as stated in the GREB Handbook 13.7 on page 20) without ever seeing the sealed green provisional ballot envelope containing the ballot?

The answer you provided to the NEB at our October 6, 2025 meeting was surprising and disappointing. You stated the Virginia State Code is very broad and the GREB Handbook, while it has a whole chapter on Provisional Ballots, does not specify how the tracking of ballots using the provisional ballot logs and the electoral board determining the qualifications of voters, one by one, is to be done. However, you never answered the two questions on how it can be done without the NEB seeing the provisional ballot logs or the provisional ballot envelopes; you simply concluded that in your professional opinion you believe the way the Registrar and the NEB is processing the provisional ballots cast is consistent with Virginia State Code although you noted that other attorneys may disagree. The only evidence you presented and referenced was The Virginia Department of Elections (ELECT) Official Guidance RE: Access to

 Exhibit 37 (cont

Provisional Ballot Logs. That Guidance dealt with requests for copies of the provisional ballot logs from authorized representatives of political parties or independent candidates, which was irrelevant because authorized representatives and the electoral boards have two totally different roles in the electoral process. The authorized representatives observe and can report their observations; whereas electoral boards are responsible for conducting and overseeing the elections in their locality, and each electoral board member must take an oath of office, and can face quasi-criminal proceedings for neglect and dereliction of duty for failure to fulfill their duty which can result in removal from office.

While I found your guidance lacking in analysis and research, I still appreciate your professionalism, the work you do for our city and the Norfolk Office of Elections.

Respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

Exhibit 38

Gmail

Marianne McKay <nebmckay@gmail.com>

Provisional Ballot Meeting and Adjudication of the Provisional Ballots Cast

1 message

Marianne McKay <nebmckay@gmail.com> Fri, Oct 24, 2025 at 11:13 AM
To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Good morning Director of Elections and General Registrar Iles, Chair Carrington, and Secretary Ziegenfuss,

I have stated both in emails and at our Norfolk Electoral Board meetings that I do not believe the way the Norfolk Office of Elections is handling the processing of provisional ballots is consistent with Virginia State Code. I was hoping that my request for guidance from the Norfolk City Attorney would help resolve the issue. While I appreciate his professionalism, his attendance and guidance at our NEB meetings, and his forthrightness in acknowledging that other attorneys may come to a different conclusion, I do not believe he came to the correct conclusion with NEB's process of adjudicating provisional ballots.

I have been and remain totally opposed to the way the NEB and the Office of Elections processes the provisional ballots because I do not believe we are following the Virginia State Code. I requested the NEB to go on record by taking a vote on this issue at our last NEB meeting on October 6, 2025. To Mr. Ziegenfuss' credit he was willing to take a vote, but Ms. Carrington persuaded him not to. Furthermore, I am not aware of any locality in the State of Virginia that handles provisional ballots cast in a manner where the Board does not see the provisional ballot logs and the provisional ballot envelopes as part of the adjudication process. The fact that Norfolk has customarily or traditionally handled it as currently practiced is an insufficient reason to continue if it is contrary to law. The fact that the NEB and General Registrar have not had a solution-oriented discussion on changes to our process of adjudicating provisional ballots so that the Board sees the provisional ballot envelopes and logs given that we received reports of irregularities and improprieties in the casting of provisional ballots on November 2024 Election Day which were never discussed in an open session by the NEB gives the appearance of a cover up. This is not a good look.

If we continue to conduct the provisional ballot meeting in the same way for the upcoming November 2025 General Election, it will be the third election in a row where I have brought my concerns to the NEB and the General Registrar to no avail and I believe those of you who continue to support our current customary practice will be acting in contrived ignorance. I have been very consistent and clear that I believe we are conducting the provisional ballot meeting against Virginia State Code, and therefore I am asking that we handle the provisional ballot meeting in a way that allows the Board to see both the provisional ballot logs and provisional ballot envelopes. If we need to have a meeting to decide how we are going to conduct the provisional ballot meeting, then I am willing to call for that meeting. Ms. Iles, if your office needs help making copies of the provisional ballot logs on election night or the very next day, or if there is any other way I can assist, I will make myself available, just let me know.

If the NEB does not see the provisional ballot logs and provisional ballot envelopes for the November 2025 General Election, I will contact the Virginia Electoral Board Association (VEBA) and the State Board of Elections (SBE).

I am asking that we change our practice for adjudicating provisional ballots, so that we are doing everything we can to ensure that Norfolk has a fair, safe, and secure election.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

Exhibit 39

Gmail

Marianne McKay <nebmckay@gmail.com>

The Provisional Ballot Meeting

1 message

Marianne McKay <nebmckay@gmail.com> Mon, Nov 3, 2025 at 11:53 PM
To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Fox, Andrew" <andrew.fox@norfolk.gov>

Good evening Director of Elections and General Registrar Iles, Chair Carrington, and Secretary Ziegenfuss,

I know that Norfolk's City Attorney Andrew Fox stated that the provisional ballot meeting is not a closed meeting based on the research he did. Granted the Virginia State Code does not refer to it as a closed meeting but the Virginia Department of Elections' most recent version of the "Dos and Don'ts for Campaigners and Authorized Representatives handout (ELECT-604) states on page 8 "The provisional meeting is a closed meeting. Only certain entities are authorized to be present during the provisional meeting. Notwithstanding the provisions of Virginia's FOIA law (§ 2.2-3700 et, seq.), only the following are entitled to representation during the provisional meeting:" then it goes on to list the individuals. Clearly the phrase limited access meeting is the *type of closed meeting* the provisional ballot meeting is.

So I fully expect that we will hold our provisional ballot meeting on November 5, 2025 pursuant to the Virginia State Code § 24.2-653.01, the day after the General Election as should be stated on the provisional ballot notices our officers of election are giving out to all voters who cast a provisional ballot. The way we have been conducting our provisional ballot meeting is not consistent with code, and we must change our practices beginning with this election.

.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Exhibit 40

* VIRGINIA *
DEPARTMENT *of* ELECTIONS

Dos and Don'ts for Campaigners and Authorized Representatives

DEPARTMENT OF ELECTIONS
1100 Bank Street, 1st Floor
Richmond, VA 23219
elections.virginia.gov

Toll-free: (Voice) 800-552-9745
(TDD) 800-260-3466
804-864-8901
info@elections.virginia.gov

Table of Contents

I.	Campaigners (Campaign Workers and Candidates)	1
II.	Party and Candidate Authorized Representatives on Election Day (General Information and Requirements)	2
III.	Authorized Representatives Before Polls Open	3
IV.	Authorized Representatives While Polls Are Open	4
V.	Authorized Representatives at Close of Polls	6
VI.	Reporting Alleged Election Day Problems	7
VII.	What Happens After Election Day	7
Appendix	Guidelines for Campaigners and Authorized Reps. (Summary Page)	10

I. CAMPAIGNERS (CAMPAIGN WORKERS AND CANDIDATES)

1. Campaigners must remain at least 40 feet away from any entrance to the building in which voting takes place. This 40-foot "campaign-free" zone is referred to as the "prohibited area." Restrictions which apply to the prohibited area also apply to any location voting takes place. If the Electoral Board allows campaigning within the building containing the polling place, all such activities must take place at least 40 feet from any entrance to the room where voting activities are being conducted. Code of Virginia, §§ 24.2-604 & 24.2-310 (E).

2. There is no limit to the number of campaigners allowed outside of the prohibited area. § 24.2-604.

3. Campaigners cannot hinder or delay a person from entering or leaving a polling place. § 24.2-604.

4. Loudspeakers cannot be used within 300 feet of any polling place. § 24.2-605.

5. Campaign materials, including sample ballots, may be distributed on the property on which voting is taking place and outside of the prohibited area. §§ 24.2-310(E), 24.2-604. Only the Electoral Board may approve exceptions in the limited circumstances described in § 24.2-310(E).

6. Campaign signs/posters may not be posted inside the prohibited area or any location where voting takes place. Whether signs/posters can be posted outside of the prohibited area may be subject to the management policies of the property, or local ordinance. For example, a private organization may be willing to have its building serve as a polling place, but does not allow placement of sign posts in its lawn.

7. **Sample Ballots:**

   a. On sample ballots, any official authority statement of a local Electoral Board or the State Board of Elections should be deleted, and replaced with the publishing candidate's or group's authority statement (or "disclaimer"). § 24.2-622.

   b. For federal offices, the disclaimer required by federal law must be used. For all other offices, the required identification on campaign material is specified in the Code of Virginia. For details, go to elections.virginia.gov.

Exhibit 40 (cont.)

3. The representatives and bystanders present cannot leave until the final results are ascertained and the chief officer of election has opened the doors and announced the results of the election, and may not communicate with any person outside the polling place by any means during the counting and ascertainment. There are no exceptions to this rule.

4. Representatives and bystanders present may witness the counting and ascertainment of results but may not touch or handle any ballot, voting machine or official document.

5. The representatives and bystanders present shall have an unobstructed view of the officers of election and their actions as the votes are counted and the returns are completed, and may make their own notes during the counting and ascertainment.

VI. REPORTING ALLEGED ELECTION DAY PROBLEMS

Any alleged voting discrepancies should be reported to the chief or assistant chief officer of election, the local Electoral Board and/or the Department of Elections at the time they occur. If complaints are received at the time they occur corrective action, if necessary, can be taken. If reports are not made until the election is completed there is little, if anything, that can be done to remedy the situation.

VII. WHAT HAPPENS AFTER ELECTION DAY

1. On election night, the local registrar's office will post unofficial results to the Department of Elections website (elections.virginia.gov). After Election Day, any corrections, additions or changes to these unofficial results (for example, when provisional ballot determinations are made) will be explained in the notes on the website.

2. The Electoral Board for the city or county will meet on the day after the election to canvass the results of the election (§§ 24.2-671 through 24.2-678) and to decide the validity of each provisional ballot offered (§ 24.2-653). Please note that while the canvassing meeting is an open meeting, there are restrictions on who may be present during the Electoral Board's meeting on provisional ballots. § 24.2-653

The Canvass:

3. The canvass is a public, open meeting of the Electoral Board. Anyone may attend.

4. In a general or special election, each political party with a nominee on the ballot and each independent candidate on the ballot; or in a primary, each primary candidate on the ballot shall be entitled to have representatives present when the local Electoral Board meets to ascertain the results of the election.

   a. Each such party and candidate shall be entitled to have at least as many representatives present as there are teams of officials working to ascertain the results, and the room in which the local Electoral Board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results.

   b. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way.

   c. TIP: Authorization letters are not required for representatives at the canvass, but may be provided, at the option of the authorizing party chairman or independent/primary candidate.

Exhibit 40 (cont.)

The Provisional Ballot Determination Meeting:

5. The provisional meeting is a closed meeting. Only certain entities are authorized to be present during the provisional meeting. Notwithstanding the provisions of Virginia's FOIA law (§ 2.2-3700 et, seq.), only the following are entitled to representation during the provisional meeting:

   a. In all elections, the individual whose provisional vote is being considered and the individual's representative or legal counsel.

   b. Appropriate staff and legal counsel for the Electoral Board may be present when the Electoral Board is conducting the provisional ballot determination meeting. § 24.2-653.01.

   c. In a primary election, one representative of each primary candidate on the ballot in that election.

   d. In a general or special election, one representative of each political party with a nominee on the ballot in that election and one representative of each independent candidate on the ballot in that election.

   e. Representatives (except for the candidate or party chairman) shall present to the electoral board a written statement designating him to be a representative of the party or candidate signed by the chairman of the political party, independent candidate, or the primary candidate, if applicable. The letter should be signed by a county or city political party chairman if the authorized representative is representing a party. If the county or city chairman is unavailable to sign the letter can be signed by a district or state chairman of the political party. The statement must bear the original signature of the chair or candidate, as appropriate. A photocopied statement is acceptable. § 24.2-653(B)

6. Notwithstanding the provisions of Virginia's FOIA law (§ 2.2-3700 et seq.), only the following are entitled to representation during the provisional ballot meeting:

   a. In all elections, the individual whose provisional vote is being considered and the individual's representative or legal counsel; and appropriate staff and legal counsel for the electoral board.

   b. In a primary election, one representative of each primary candidate on the ballot in that election.

   c. In a general or special election, one representative of each political party with a nominee on the ballot in that election and one representative of each independent candidate on the ballot in that election.

      i. Representatives (except for the candidate or party chairman) shall present to the Electoral Board a written statement designating him to be a representative of the party or candidate signed by the chairman of the political party, independent candidate, or the primary candidate, if applicable. The letter should be signed by a county or city political party chairman if the authorized

Exhibit 41

Gmail

Marianne McKay <nebmckay@gmail.com>

RE: The Provisional Ballot Meeting

Marianne McKay <nebmckay@gmail.com> Thu, Nov 6, 2025 at 2:53 PM
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Fox, Andrew" <andrew.fox@norfolk.gov>

Good afternoon Director of Elections and General Registrar Iles,

We are in violation of the Virginia State Code § 24.2-653.01(A).

Respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

On Tue, Nov 4, 2025 at 4:20 AM Iles, Stephanie <Stephanie.Iles@norfolk.gov> wrote:

Good morning –

The Provisional Ballot meeting is a limited access meeting as was stated by the Virginia Department of Elections during training this year and confirmed by the Norfolk City Attorney's Office.

We will conduct the Provisional Ballot meeting as we have done, which is consistent with the law.

Sincerely,

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>
Sent: Monday, November 3, 2025 11:54 PM
To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Cc: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS

Exhibit 42

Gmail

Marianne McKay <nebmckay@gmail.com>

Electoral Board Meeting Change

1 message

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Wed, Nov 12, 2025 at 7:35 PM
To: "Atoy B. Carrington (atoycarringtoneb@gmail.com)" <atoycarringtoneb@gmail.com>, Marianne McKay <nebmckay@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>

Good evening Board members –

We have been reviewing the Provisional Ballots cast on Election Day and will need to push our meeting to Friday, November 14th at 10AM.

Apologies for the delay, but we want to ensure due diligence in providing the accurate numbers and information to make your informed decision.

We will reconvene Friday to review the Central Absentee Precinct numbers followed by Provisional votes.

We have updated our website to reflect the change.

Thank you for your patience and support.

See you Friday morning.

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

Exhibit 43

Re: Provisional Ballots

From: Marianne McKay (mt.mckay@yahoo.com)

To: mike@2zig.com; cmktrk@bellsouth.net

Cc: polltixpam@gmail.com; jsitka@liberty.edu; rbradleyprice@gmail.com; bobwest2012@gmail.com; giselehomes@gmail.com; amyhardman70@gmail.com

Date: Thursday, November 7, 2024 at 08:36 AM EST

Hello Colin,

The Electoral Board yesterday, Wednesday, November 6th voted to release the provisional ballots to the Registrar's office for them to do the research the Electoral Board needs to decide whether a provisional ballot is accepted or rejected. I informed Ms. Iles, our General Registrar, that I would like see the provisional ballot log from all the precincts. I will send Ms. Iles a follow-up email to find out specifically about the time schedule and guidelines of observing the process. and I will copy each of you, so that you will also receive the answer.

Thank you for the time and effort you have to ensure election integrity.

Sincerely,

Marianne McKay

On Tuesday, November 5, 2024 at 04:25:18 PM EST, Colin & Tammy <cmktrk@bellsouth.net> wrote:

Mike and Marianne

Well over a hundred people showed up at CAP btw 10-4pm, most looking to "same day register"… I heard same thing at a few precincts.. (you probably already know this) so….this will result in a lot of PBs .

thus the GR office will be flooded with Provisional Ballots tonight/tomorrow

Is there a way I or others could observe the opening and review of PBs?

If so what day and time?

Thanks

Colin M. Kelly PE

Exhibit 44

GR - Provisional Ballots

From: Colin & Tammy (cmktrk@bellsouth.net)

To: stephanie.iles@norfolk.gov

Cc: nebhmz@gmail.com; mt.mckay@yahoo.com

Date: Monday, November 11, 2024 at 04:36 PM EST

Ms. Iles

I would like to observe the Provisional Ballot resolution process.

I intend to be at the GR office by 9am tomorrow.

Thank you

Colin M. Kelly PE

Exhibit 44 cont.

Re: GR - Provisional Ballots

From: Colin & Tammy (cmktrk@bellsouth.net)

To: stephanie.iles@norfolk.gov

Cc: nebhmz@gmail.com; mt.mckay@yahoo.com

Date: Monday, November 11, 2024 at 04:56 PM EST

Ok

Thanks for the prompt reply

Colin M. Kelly PE

On Monday, November 11, 2024 at 04:39:09 PM EST, Iles, Stephanie <stephanie.iles@norfolk.gov> wrote:

Good evening –

Thank you for your email.

Provisional Ballots will be reviewed with the Electoral Board on Friday, November 15th.

Time is yet to be determined, but we can email on Thursday when we have an ETA. There is nothing to currently observe.

Thank you.

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

★ VIRGINIA ★

STATE BOARD *of* ELECTIONS

Public Comment

BOARD WORKING PAPERS

★ VIRGINIA ★

STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS

Steven Koski

Commissioner

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Certification of Special Elections March 17, 2026

BOARD WORKING PAPERS
John Cronin
Election and Registration Services Supervisor

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Dr. Stolle, and Dr. Hudson

From: John W. Cronin, Elections and Registration Services Supervisor

Date: March 25, 2026

Re: Certification of Results for the March 17, 2026 Special Election

---

Applicable Code Sections:

- Va. Code § 24.2-679

  A. "… The Board shall… make statements of the whole number of votes given… The Board members shall certify the statements to be correct and sign the statements. The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office. The Board members shall endorse and subscribe on such statements a certificate of their determination."

  B. "The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A."

- Va. Code § 24.2-680

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

Background:

- There is one locality in the 98th Virginia House of Delegates District: Virginia Beach City.
- Upon completion of the election, the local general registrar (GR) entered all relevant election data into the Election Night Reporting software and the Virginia Election and Registration System (VERIS).
- In accordance with Va. Code § 24.2-671, the local Electoral Board conducted provisional ballot meetings and canvasses to ascertain and certify election results for their localities.
- Upon completion of canvass, the GRs forwarded their locality's certified Abstract of Votes (Abstract) to the Department of Elections (ELECT).
- Upon receipt of the Abstract, to ensure accuracy and completion, ELECT staff:
  - Confirmed all required Abstract were completed and submitted.
  - Reviewed votes cast, ballots cast, and turnout comparison, using validation errors found by the Election Night Reporting software and others found by manual analysis, and asked the locality to resolve and/or explain any issues identified.
  - Ran Turnout vs. Voting Credit report and asked locality to resolve and/or explain any issues identified.

- Compared the results listed in the Abstract to the results entered in Election Night Reporting software to ensure accuracy.

Suggested Motion:

"After reviewing the Abstracts of Votes Cast in the 2026 March 17 Special Election, I move that the Board certify the statement to be correct and sign the statement and certificate of election."

Offices and Certificates certified by the State Board of Elections:

The 2026 March 17 Special Election included contests for:

- One Virginia House of Delegates District

The results of these races must be endorsed and subscribed on a certified statement from the State Board of Elections. Va. Code § 24.2-679.

The Offices certified by the State Board of Elections *(SBE Certifies office and signs Certificates of Election)***:**

1. **Member, Virginia House of Delegates, 98th District**

   Cheryl B. Smith

   C. Andrew Rice

Elected by votes cast in Virginia Beach City

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Electronic Pollbook Certification Standard

BOARD WORKING PAPERS

Londo Andrews
Voting System Security Manager

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, and Dr. Chris Stolle, Dr. Sally Hudson

From: Londo Andrews, Voting Systems Security Manager

Date: March 25, 2026

Re: Virginia Certification Standards for Electronic Pollbook - 2.0 version

Proposed Motion:
"I move that the Board approve the proposed updates to the Virginia Electronic Pollbook Standards included in version 2.0 presented to the Board."

Applicable Code Section:
Virginia Code Chapter 6, § 24.2-611, Form and signing of pollbooks; records of persons voting; electronic pollbooks.

Background:
Virginia has had Electronic Pollbook (EPB) Certification Standards in effect for several years. EPBs submitted for approval for use in Virginia must meet the state certification standards approved by the Board.

In April of 2024, the Election Assistance Commission (EAC) approved the Voluntary Electronic Poll Book Certification Requirements (VEPBCR 1.0). ELECT reviewed EAC VEPBCR 1.0 to identify and recommend updates beneficial to the Virginia standard.

Summary of Revisions:
The draft Virginia Electronic Pollbook Certification Standard 2.0 provided in your Board documents incorporates EAC VEPBCR 1.0 security requirements such as multi- factor authentication (MFA) and role-based access control (RBAC). Other incorporated EAC VEPBCR 1.0 requirements address enhanced functionality and accessibility. Updates have been made to the Technical Data Package information received from vendors and clarifying and enhancing testing methods. The additional requirements and testing were contemplated in the new contracts approved for Voting System Testing Laboratories (VSTLs) services, resulting in an additional 1-2 days of testing, and additional costs, both of which are reflected in the proposed draft.

1100 Bank Street
Washington Building – First Floor
Richmond, VA 23219-3947
elections.virginia.gov

Toll Free: (800) 552-9745
TDD: (800) 260-3466
info@elections.virginia.gov

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Electronic Pollbook Certification Standard

March 25, 2026

Version 2.0

Change History

Version	Brief Description of Change	Date	Author
2.0	Adoption by State Board of Elections The primary change was the incorporation of EAC Voluntary Electronic Pollbook Certification Requirements 1.0 standards. Updates included, increase in vendor fee, increase in certification testing criteria and clarification of methodologies used, stronger audit processes, and addition of Role Based Access Control. Updates to the submission of the Technical Data Package.	03/25/2026	ELECT

Chapter 1: Introduction 4
1.1. Purpose of Procedures 4
1.2. Specific Requirements 4
1.3. Decertification 5
1.4. Recertification 6
Chapter 2: Basis for Certification 7
2.1. Federal Compliance Testing 7
2.1.1. EPB Hardware, Firmware, Infrastructure, or Component Elements 8
2.1.2. EPB System Software Elements 8
2.2. State Certification Testing 9
2.3. Early Voting Connection Requirements 10
2.4. Delimit of Electronic Pollbook Vendors in Use 11
Chapter 3: Review and Approval Process 12
3.1. Summary of Process 12
3.2. Certification Review Process 12
Phase 1: Certification Request from Vendor 12
Phase 2: Preliminary Review 19
Phase 3: Technical Data Package to Voting Systems Test Laboratory 20
Phase 4: Certification Test Report from VSTL 20
Phase 5: On-Site Testing in Mock Election 20
Phase 6: Approval by the SBE 20
3.3. Incomplete Certification Process 20
3.4. Catalog of Requirements 21
Assessment Criteria and Methodology 21
Criteria 22
Methodology 22
Interview 22
Demonstration 22
Testing 23
Applying methodologies to criteria: Assessment 23
Assessment Findings 23
Requirements Descriptions 24

Technical Standard Terms used in the Objective 24
Appendices 25
Appendix A – Glossary 25
Appendix B - Contacts 28
Appendix C – Local Validation of Certification on Purchase 29
Appendix D – Test Assertions 31
Appendix E – Software Patching Guidelines 82
Appendix F – Recertification Guidelines 83
Appendix G – Hardware Guidelines 84
Appendix H – EPB System Modifications & Product End of Life Planning 85
Appendix I – EPB Certification Application Form 87
Appendix K – Early Voting Connection Requirements 91
Appendix L - Annual Voting System Vendor Certification 92

Chapter 1: Introduction

1.1. Purpose of Procedures

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

1. Ensure conformity with Election Assistance Commission (EAC) electronic pollbook certification for standards and requirements (VEPBCR 1.0);
2. Ensure conformity with Virginia election laws relating to the acquisition and use of EPB systems;
3. Evaluate and certify EPB systems marketed by vendors for use in Virginia;
4. Evaluate and re-certify additional capabilities and changes in the method of operation for EPB systems previously certified for use in Virginia;
5. Standardize decertification and recertification of EPB systems;
6. Ensure that all electronic pollbooks operate properly and are installed and tested in compliance with State Board of Elections (SBE) procedures; and
7. Ensure accurate voter credit reports of all election results from jurisdictions that use each certified electronic pollbook system.

1.2. Specific Requirements

1. Compliance with the requirements contained in the EAC Voluntary Electronic Pollbook Certification Requirements (VEPBCR) 1.0.
2. Compliance with the Code of Virginia and the policies and regulations issued by the State Board of Elections (SBE) or Department of Elections (ELECT) must be substantiated through the State Certification Test conducted by an independent testing authority recognized by the National Institute of Standards and Technology (NIST); Voting System Testing Laboratories (VSTLs).
3. Any modification to the hardware, software, firmware, infrastructure, or any component of a certified EPB will invalidate the prior certification unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system (see Appendix J: De Minimis Change Guideline).
4. An EPB shall not contain any of the following voter registration data:
    a. DMV Customer Number
    b. Full or Partial Social Security Number
    c. Birth Month and Day

1.3. Decertification

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

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

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

c. The EPB system may still automatically be decertified as defined in Appendix H

5. Update all software with the latest patching and vulnerability updates in alignment with Appendix E.

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

1.4. Recertification

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

Chapter 2: Basis for Certification

Pursuant to Code of Virginia §§24.2-404, 24.2-611, 24.2-629 and Administrative Code of Virginia §1VAC20-60-70, electronic pollbooks must comply with applicable state, federal, SBE and ELECT requirements, regulations, and policies. State certification testing will evaluate the design and performance of an EPB system to ensure compliance. ELECT will examine the essential system functions, operational procedures, user guides, documents, certification reports from other states, and reviews from product users.

Federal Compliance Testing is used to demonstrate the voting system adheres to all requirements set forth in the EAC VEPBCR. The certification of the system by the EAC is evidence of compliance. See HAVA, 52 USC §21081. State certification testing evaluates whether the electronic pollbook system complies with all applicable state requirements of the Code of Virginia and SBE and ELECT regulations and policies.

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

2.1. Federal Compliance Testing

EAC certification serves as evidence of compliance. All vendors must have their equipment hardware and software proposed for use in the Commonwealth certified by EAC. This is proven by presenting the EAC certificate of certification under VEPBCR 1.0 for the system and version the vendor is requesting to be certified by the Commonwealth. ELECT will make the final decision on compliance based on all available information. If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue.

The Commonwealth uses a specific request to certify process. This process includes submitting to ELECT two Microsoft Excel submission files (template provided by ELECT) and completed by the vendor. The submission file lists all required documents a vendor must submit with a request to certify. The submission file also provides a naming convention, document formatting requirements, and contents to be contained in each document, as well as the vendor specifying where in their documentation, they show written compliance for each objective ID and evaluation test assertion in the EPB standard. If the documents received do not follow the requirements in the submission file, the request will be sent back to the vendor for correction. The following documents shall be provided to ELECT:

1. A full copy of the Technical Data Package (TDP) submitted for EAC Federal compliance testing;

2. A copy of the Test Plan and Test Report used by the Voting System Test Laboratories (VSTL) in performing EAC certification testing or results of testing conducted by a federally certified VSTL to the applicable VEPBCR;
3. A release for provision to the VSTL allowing responses to requests for information from the Commonwealth of Virginia;
4. A release for provision to other states that decertified the system or prior versions of the system to respond to requests for information from the Commonwealth of Virginia;
5. The EAC VEPBCR 1.0 certificate, letter, and report of certification under VEPBCR 1.0; and
6. Any additional information ELECT believes is necessary to determine compliance with the applicable VEPBCR or Commonwealth of Virginia EPB Certification Standards.

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

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

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

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

2.1.2. EPB System Software Elements

EPB system software shall be examined and tested to ensure that it adheres to the performance standards specified in EAC VEPBCR 1.0 (see section 2.1). EPB Desktop applications must be compatible with all computers, devices, operating systems, and platforms as specified in the system requirements. See Appendix D for software requirement test assertions.

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

2.2. State Certification Testing

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

ELECT will evaluate the user experience with the current and prior versions of the electronic pollbook system and certification reports from other states. In addition, the security and reliability analysis of the product model will be reviewed to determine the usability of the EPB system for Virginia elections. Although successful EAC VEPBCR 1.0 certification must be accomplished before a system will be reviewed for certification by Virginia, ELECT's certification test plan and test assertions will require a vendor to test, demonstrate, or replicate, as part of Virginia's certification process, some test assertions or requirements completed for EAC VEPBCR 1.0 certification.

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

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

6. Performance Report to include the optimal duration of check-in process per voter,
7. System monitoring and notification of system errors, including:
    a. Perform a self-test for peripheral connectivity
    b. Visible display indicating power supply/battery life
    c. Visible display indicating system connections
8. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one or all of the EPBs become inoperable, and there is not an alternate recovery means available, the removable storage must reflect the voter activity record at that moment and can be used to continue with the election
9. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
10. Support the industry standard for clean wipe method remotely and manually
11. Transaction Logging and Audit Reports including the following details:
    a. Log all changes to EPB post the initial download
    b. Transactions at the polling places
    c. Export logs in a readable format
    d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
12. All modules and data are cryptographic and are FIPS 140-2 v2 compliant including at rest and in transit
13. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
14. Harden the EPB system using the vendor's procedures and specifications

2.3. Early Voting Connection Requirements

Pursuant to the Code of Virginia, §24.2-701.1, Virginia has a no-excuse absentee in person voting period, referred to as Early Voting. Local governing bodies can provide additional locations within their locality for all Early Voting activities. Each locality's electoral board will determine when to open additional established Early Voting locations. Any registered voter within each locality can vote at any one of the Early Voting locations within the specified period prior to Election Day. This requires each locality to have secure connectivity to the voter registration information (VRI) throughout the Early Voting period to:

1. Confirm the person is eligible to vote in the election;
2. Confirm the person has not previously voted in the election; and

3. Record voter history in real-time.

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

2.4. Delimit of Electronic Pollbook Vendors in Use

The Commonwealth of Virgina reserves the right to not accept submission of a request to certify or test and EPB, based upon the current number of EPBs already certified and in use in the Commonwealth. SBE will limit the number of EPBs available for use by localities to help facilitate better management and state coordination for security and quality control of EPB standards. For electronic pollbooks, the number of certified EPBs for use in the Commonwealth shall not exceed 4.

Chapter 3: Review and Approval Process

3.1. Summary of Process

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

Six Phases of the Certification Review Process:

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

3.2. Certification Review Process

Phase 1: Certification Request from Vendor

A vendor will request a certification for either a specific EPB system, software, firmware, hardware, or modification to an existing certified EPB system. All parts of the certification package to the Commonwealth must be digital and OCR compliant. This request should include the following information:

1. EPB Certification Application Form, and certification request Excel submission files, signed by a company officer (See Appendix I);
2. Copies of documents substantiating completion of federal compliance testing, including evidence that the proposed electronic pollbook system has been certified under the latest version of the VEPBCR currently accepted for certification by the EAC or tested by a federally certified VSTL. (See Section 2.1);
3. Whether the proposed EPB system has ever been denied certification or had certification withdrawn in any state;
4. Eight copies of a brief overview description of the EPB system. Typical marketing brochures are usually sufficient for the description;
5. A list of all states where the proposed EPB system version is currently used;
6. The vendor will provide a check for $36,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will

be provided to the vendor if the total of the VSTL's invoices is less than $36,000 and the refund amount is more than $100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond. Certification may increase to one full week and 2 days. Beginning on a Monday of one week and ending on the Tuesday of the following week, i.e. a 7-day testing period. The 7-day cycle is inclusive of the one-day mock election. Testing with the VSTL will be conducted Monday through the following Monday, with the mock-election testing conducted on Tuesday. Electronic Pollbook system equipment for certification will be shipped to ELECT before certification begins and shipped back after it is complete;

a. Checks for $36,000 must be received by ELECT before the certification process can begin.
    i. Checks or money orders must be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219
b. The additional requirements of EAC VEPBCR 1.0 necessitate more time for review by Virginia. It is anticipated that testing will require on average 6 days.

7. TDP must clearly identify all items required in the certification request (Excel submission files); and
    a. If the TDP is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor.
    b. In that case, upon the receipt of the corrected TDP from the vendor, the evaluation of the EPB system will be rescheduled.
8. Corporate Information must clearly identify all items.
    a If the Corporate Information is incomplete or the items in the package are not clearly identified, the entire package may be returned to the vendor.
    a. In that case, the evaluation process will be rescheduled after the corrected package is received.

The certification process and the test assertions (objective evaluations) as provided in Appendix D: Test Assertions will be strictly followed. All systems must pass all test assertions. No variations or deviations will be allowed. It is the responsibility of the vendor to verify before requesting submission that the EPB system complies. If not, the EPB system will fail certification.

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

Technical Data Package - (please review the excel files)

There are two excel files that vendors must submit with their request. If a vendor does not see the excel files, please request them from ELECT.

With the certification application comes two excel files that allow vendors to check off what is submitted. The excel file also explains that files and contents of files must meet a certain naming convention and have in them only the content expressed in the file name. It also allows a vendor to specify where in their documentation they specifically support an evaluation objective or test assertion. Vendors should review the excel files for more information. The TDP files vendors submit must be formatted with the proper naming convention listed on the excel file and have the accurate content in the file. If not, the full submission will be rejected.

The TDP must be fully digital, Optical Character Recognition (OCR) compliant, and contain the following items:

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

7. Software and Firmware Source Code: A copy of the EPB software and firmware source code including the operating system, directory structure of the source code, and a map to show how the source code was built into the final install files. The source code will be sent to the VSTL to review against EAC VEPBCR 1.0 standards. Vendor should supply the VSTL a report documenting that the code was reviewed to the EAC standards within the past year. If the operating system or any component has reached or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, vendor must send an upgrade plan with target date(s) to ELECT. The Last Date of Mainstream Support cannot include any type of Extended Support.
8. Vendors are required to state in a separate Excel file with their documentation, citation to where each requirement (test assertion/objective evaluation) is met. For instance, if a test assertion requirement is "be able to…", the vendor will supply the location in their documentation that evidences this requirement being met. This applies to all methods used in the certification process including testing, demonstration, or documentation. The vendor should have documentation to support any test assertion or evaluation objective regardless of the method that will be used to show evidence of compliance.
9. Independent Third-Party Application Penetration Analysis Report: An accredited application penetration test conducted, within the past 12 months, to analyze the system for potential vulnerabilities according to current industry standards. Potential vulnerabilities may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the EPB system, whether or not the vulnerabilities can be mitigated through compensating controls. Pursuant to Virginia Code § 24.2-625.1, the Penetration Analysis Report is confidential and excluded from inspection and copying under the Virginia Freedom of Information Act. If a penetration test has been conducted in another state within the past 12 months on the same version of the EPB system, then that may be submitted to fulfill this requirement.
10. 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.
11. Operations Manual: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system.
12. User Guide and Documents: The vendor should provide the following:
    a. A quick reference guide with detailed instructions for a precinct election officer to set up, use, and shut down the EPB system
    b. Clear model of EPB system architecture with the following documentations:
        i. End User Documentation

ii. System-Level and Administrator-Level Documentation
iii. Developer Documentation

c. Failsafe data recovery procedures for information in the EPB system.
d. ADA compliant training materials that:
   i Must be in written and video form, and
   ii Must be in a format suitable for use at a polling place as a simple ”how-to” guide.
e. If the operating system or any component (hardware, software, or both) has reached or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT. The Last Date of Mainstream Support cannot include any type of Extended Support, as defined in Appendix H.
f. A list of customers who are using or have previously used the EPB system. Descriptions of any known incidents or anomalies involving the functioning of the EPB system, including how those incidents or anomalies were resolved with customer and date

13. Recommended Security Practices: CIS Security Best Practices, including:
    a. System Security Architecture
    b. System Event Logging
    c. System Security Specification
    d. Security Content Automation Protocol (SCAP)
    e. Cryptography
    f. Equipment and Data Security
    g. Network and Data Transmission Security
    h. Access control
    i. Authentication procedure
    j. Software
    k. Physical Security.
14. Standard Contract, Product Support and Service Level Agreement (SLA): Customer and Technical Support hours and contact information. The SLA should specify the escalation timeline and procedure with contact information. Vendor’s capacity to provide:
    a. On-Site Support and Technical Support within the SLA:
        i. On Election Day, defined as the start of the Early Voting period up to and including Election Day (See Appendix K)
        ii. Within 60 days before Election Day.

   b. Resolution to outstanding issue(s), repair, maintenance, and service requests within 30 days.

15. Maintenance Services, Pricing and Financing Options: A list of maintenance services with prices. Terms for replacing a component or EPB system. Available financing options for purchase or lease. A list of the general pricing and costs for purchasing the proposed electronic pollbook system.
16. Warranty: The vendor should provide a list of warranty specifications to include the following:
    a. The period and extent of the warranty
    b. Repair or Replacement
        i. The circumstances under which equipment is replaced rather than repaired
        ii. The method by which a user requests such replacement
    c. Warranty coverage and costs
    d. Technical documentation of all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time,
17. Software License Agreement: Vendor must provide a consolidated source with details of the software license agreements of all procured software programs used in the creation, development, and continued support of the associated release and version being certified.
18. Test Data and Software: Vendor's internal quality assurance procedures, internal or external test data and reports, and software that can be used to demonstrate the various functions of the EPB system. Vendor should also verify that the versions of the applications submitted are identical to the versions that have undergone the certification testing, for example, hash testing tools.
19. Non-Disclosure Agreement or Oath between the Vendor and VSTL

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

Corporate Information

Corporate Information must contain the following items:

1. History and description of the business including the year established, products and services offered, areas served, branch offices, subsidiary and parent companies, capital and equity structure, identity of any individual, entity, partnership, or organization owning a controlling interest, and the identity of any investor whose investments have an aggregate value that exceeds more than 5% of the vendor's net cash flow in any reporting year.

2. Management and staff organization, number of full-time and part-time employees by category, and resumes of key employees who will assist Virginia localities in acquiring the system if it is authorized for use.
3. Certified financial statements for current and past three (3) fiscal years. If the vendor is not the manufacturer of the EPB system, then submit the certified financial statements of the manufacturer for the past three (3) fiscal years.
4. Bank Comfort Letter from the vendor's primary financial institution. If the vendor uses more than one financial institution, multiple Comfort Letters must be submitted.
5. Certificate of Good Standing issued within 2 months.
6. Credit rating issued within 2 months.
7. If publicly traded, index rating of business debt.
8. Gross sales in EPB products and services for the past three (3) fiscal years as a percentage of the vendor's total sales.
9. The location of all facilities with manufacturing capability; including names of the third-party vendor(s) employed to fabricate, assemble, or both, any component part of the EPB system being submitted for certification, along with the location of all of their facilities with manufacturing capability.
10. The location and servicing capability of each facility that will be used to service the EPB system for certification and the service limitation of the facility.
11. Quality assurance processes used in the manufacturing and servicing of the EPB system.
12. Configuration management processes used with the EPB system.

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

Proprietary Information

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

"Identify" means that the information must be clearly marked and must include 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.

Pursuant to §2.2-3705.6(3), proprietary information is exempt from requests under the Virginia Freedom of Information Act (VFOIA). Records required to be released that contain both proprietary and non-proprietary information will be redacted before disclosure. ELECT cannot guarantee the extent to which any material provided will be exempt from disclosure in litigation. ELECT, however, agrees to provide the vendor with five (5) days' notice prior to disclosing such material to third parties so that the vendor can seek relief from a court prior to the disclosure of such materials by ELECT.

Phase 2: Preliminary Review

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

The Voting Systems Security Manager, or designee, will notify the vendor to submit the following for evaluation:

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

The Voting Systems Security Manager, or designee, will conduct a preliminary analysis of the TDP and the EPB system with VSTL. The Voting Systems Security Manager, or

designee, will also review the Corporate Information and other materials to prepare an Evaluation Proposal, which includes:

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

Phase 3: Technical Data Package to Voting Systems Test Laboratory

The vendor will submit the TDP to the Voting Systems Security Manager, who shall provide the TDP to the VSTL following review.

Phase 4: Certification Test Report from VSTL

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

Phase 5: On-Site Testing in Mock Election

Vendor will coordinate with the local jurisdiction to test the EPB system in a minimum of one polling place. With the vendor and a representative from ELECT present, at least one member of the Electoral Board and the General Registrar from the local jurisdiction will oversee the test of the system in a mock election. Alternately, ELECT has the discretion to perform a mock election, using the same process, on-site at the ELECT main building in Richmond, Virginia instead of a polling place; a general registrar and electoral board member must still be present.

Phase 6: Approval by the SBE

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

3.3. Incomplete Certification Process

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

ELECT reserves the right to terminate the certification process when:

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

3.4. Catalog of Requirements

Requirements (objectives) in this standard have been updated to reflect cybersecurity reviews and updates from both Federal and State regulations to mitigate risks to EPBs. Requirements are organized to provide standardization and to align to Commonwealth of Virginia Security Standards (SEC 530-01.1 Controls and Objectives, (SEC-530)), EAC VEPBCR 1.0, and NIST 800-171A Rev. 2.

The requirements are organized into a well-defined structure and placed into categories named “control families”. There are twelve (12) families, each having a Control Family name and corresponding two-letter acronym. Each control family contains security controls or required functionality for the electronic pollbook system.

Assessment Criteria and Methodology

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

ELECT may evaluate the user experience with the current and prior versions of the EPB system and certification reports from other states. In addition, the security and reliability analysis of the product model will be reviewed to determine the usability of the EPB for Virginia elections. ELECT will also evaluate the testing results from the EAC VSTL that will be submitted as part of the Technical Data Package (TDP).

Assessment objectives identify the specific items being assessed and can include specifications, mechanisms, activities, and organization:

1. Specifications are document-based artifacts (e.g. network diagrams, security plans, requirements, administrator user guides, operator guides, and architectural designs) associated with the EPB submitted for certification.
2. Mechanisms are specific to hardware, software, and firmware safeguards employed within the EPB system.
3. Activities are protection-related actions supporting the EPB system that involves people (e.g. anti-virus updates, anti-malware updates, BIOS configuration, and access control mechanisms for the addition of users by an administrator).

Criteria

Assessment objectives are based on existing criteria in EAC VEPBCR 1.0, Code of Virginia, Administrative Code of Virginia, and HAVA, 52 USC §21081. The criteria are authoritative and provide the basis for the Virginia Electronic Pollbook System Certification Standard 2.0.

Methodology

To verify and validate and EPB meets the Virginia Electronic Pollbook Certification Standard 2.0 criteria, evidence must be provided demonstrating the EPB has fulfilled the objectives. Demonstrative evidence may be provided through the following:

Interview

Interviews of vendor staff may provide information to help the ELECT auditor gain insight into security objectives implementation.

Demonstration

Demonstrations, akin to testing, include review, inspection, observation, study, or analysis of objectives. The items used to demonstrate objectives include documents, mechanisms, or activities.

Common types of documents used as evidence may include but are not limited to:

a. Written policies, processes, and procedures;
b. Training materials;
c. Planning documents; and
d. System, network, and data flow diagrams.

This list of documents is not exhaustive or prescriptive.

Testing

Testing is an important part of the assessment process as it demonstrates what functionality and processes have or have not been built, integrated, or completed. Not all security objectives utilize testing to allow an entity to determine whether the requirement has been met.

Applying methodologies to criteria: Assessment

Each requirement in the Catalog of Requirements is determined to have been Met or Not Met through the application of one of the listed methodologies:

Test: all applicable objectives for the requirement must be tested leveraging technical methods to analyze expected outcomes.

Demonstration (DEMO): a demonstration of requirement implementation must be conducted by the VSSM and VSTL representative in conjunction with the vendor demonstrating conformity to the respective requirement.

Documentation (DOC): an examination of written information (documentation) in lieu of a demonstration or test will be specified in the Catalog of Requirements.

ELECT may require any test assertion that has a methodology marked as “Demo” or “Doc” to instead be completed as a test for verification of compliance.

Assessment Findings

The Assessment Findings - for each requirement there are two possible findings: MET or NOT MET.

MET: All applicable objectives for the requirement are satisfied based on evidence. All evidence must be in final form. Unacceptable forms of evidence include working papers, draft documentation, and unofficial or unapproved policies. Each test assertion or objective must be explicitly complied with based on the objective IDs and written descriptions. Vendors should pay close attention to the certification objectives and ensure their systems meet the requirements as stated. If the vendor has questions, they should contact ELECT.

NOT MET: One or more objectives of the requirements are not satisfied. For each requirement marked NOT MET, it is best practice to record statements that explain why and document the appropriate evidence showing that the vendor voting system does not conform fully to all the requirements. When any requirement, objective, or test assertion fails and is not met after the objective is tested for compliance, ELECT may stop the certification process at the point of failure. The vendor remains responsible for all payments and fees to the VSTL and ELECT.

Requirements Descriptions

This section provides detailed information and guidance for assessing requirements as described in this Standard.

Each security or functional control is identified by i) a Control Family name, ii) Control ID/Family ID number (1 -12), iii) Control Acronym, and iv) an Objective ID beginning with a two-letter identifier.

For example, AU-2.2-A.6 is a control in the Audit (AU) Control family. Each Objective ID is followed by an Objective and Evaluation Assertion (function or process the system must be able to do or the test assertion), the authority for the requirement (Code of Virginia, Virginia Administrative Code, VEPBCR 1.0), and the Methodology used to verify the Objective and Evaluation Assertion (test, demo, doc). The table below provides a snapshot of this structure.

Control Acronym	Control ID	Objective ID	Objective and Evaluation Assertion	Virginia Functional Need/ VVSG 2.0 Requirement	Virginia Requirement Description	Methodology: Test Demo Doc
AU	2	AU-2.2-A.6	The EPB must log all system errors and notify the user of errors that can be corrected by the user.	COV (System Requirement) electronic voting systems.	System monitoring and notification of system errors.	Test

Technical Standard Terms used in the Objective

There are several technical standard terms defined in Appendix A: Glossary. This appendix includes other definitions that may be useful for understanding the standard.

Appendices

Appendix A – Glossary

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

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

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

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

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

Election Officer – A registered voter in Virginia appointed by a local electoral board to serve at a polling place for any election. Officers of election must attend training conducted by the electoral board or the general registrar. Some of their duties on Election Day include identifying qualified voters and checking them in on the pollbooks; handing voters their correct ballots; telling voters

the proper procedure for inserting ballots into the voting machine; and, when applicable, providing a voter with a provisional ballot.

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

Help America Vote Act of 2002 (HAVA) – The Help America Vote Act (HAVA) of 2002 made reforms to America's voting process by establishing minimum standards for states regarding election administration. Title III of HAVA contains standards regarding voting systems, provisional voting and voting information, computerized statewide voter registration list, and requirements for first-time voters who register by mail. HAVA standards are critical to the operation of an election.

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

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

Precinct – Virginia Code §24.2-101 defines precinct as the territory designated by the governing body of a county, city, or town to be served by one polling place.

State Board of Elections (SBE) – The State Board consists of five members appointed by the Governor subject to confirmation by the General Assembly and is authorized to supervise and

coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality in all elections.

Voting System Security Manager (VSSM) – Serves as the primary designated evaluation agent for ELECT and is responsible for oversight of voting systems and electronic pollbooks certification and security.

Voting Systems Test Laboratory (VSTL) – Test laboratory accredited by the EAC in accordance with HAVA as an independent, non-federal laboratory qualified to test voting systems and EPBs based on evaluations and recommendations by the National Institute of Standards and Technology (NIST).

Appendix B - Contacts

The certification request package should be sent to:

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

All other inquiries should be sent to: info@elections.virginia.gov

Appendix C – Local Validation of Certification on Purchase

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

If any question arises related to the certification status of an EPB system in use in Virginia, ELECT shall verify whether the EPB system in use is identical to the certified EPB system.

Any unauthorized modifications to a certified EPB system may result in decertification by the SBE or bar the vendor from receiving future certification of EPB systems in Virginia.

Acceptance Test

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

The local jurisdiction verifies the purchased or leased EPB system delivered is identical to the certified system and the EPB equipment and software are fully functional and compliant with the administrative and statutory requirements of the jurisdiction. The local jurisdiction may perform hash testing of application software and will send a letter to ELECT as required by the procurement process confirming the versions of software and models of EPB equipment received are identical to the certified system.

As part of the Acceptance Test the vendor will replicate its designed functionality as presented and tested during certification, including:

1. Mark voters as checked in, voted, and given a ballot only after specific actions.
2. Provide the user notification and display an appropriate instruction based on the voter status:
    a. Protected voters
    b. Inactive voters
    c. Absentee voters
    d. Voters out of precinct
    e. Voters who already voted.
3. Perform data and operational integrity safeguard tests including:
    a. Ability to add or remove new units without disturbing the existing units
    b. Power supply and battery life with an option to display power usage
    c. Display an appropriate message when the EPB device is operating at less than 20% of remaining power

   d. Display an appropriate error message when the EPB fails to check in a voter.
4. Performance Report to include the optimal duration of check-in process per voter.
5. System monitoring and notification of system errors, including:
   a. Perform a self-test for peripheral connectivity
   b. Visible display indicating power supply and battery life
   c. Visible display indicating system connections.
6. Comply with and enable voter and operator compliance with all applicable procedural, regulatory, and statutory requirements.
7. Produce an audit log.
8. Close the election and provide multiple secure files that can provide voter credit to the Voter Registration System.
9. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When any number of EPBs become inoperable, and there is not an alternate recovery means available, the removable storage must reflect the voter activity record from the moment of inoperability that can be used to continue with election.
10. During interruptions of network connectivity, EPBs should retain and synchronize upon restoration of connectivity all voter activities.
11. For EPBs to be used for Early Voting, secure reliable data transfers and display. appropriate message for each data transfer outside of closed network including electronic data management system, central server and cloud data service.
12. Transaction Logging and Audit Reports including the following details:
    a. Log all changes to EPB post the initial download
    b. Transactions at the polling places
    c. Export logs in a readable format
    d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp.
13. All modules and data are cryptographic and are FIPS 140-2 v1 compliant including at rest and in transit.
14. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.
15. Support the industry standard for clean wipe method remotely and manually.

Appendix D – Test Assertions

State Certification Audits must include examination of all system operations and procedures, including but not limited to the following Controls:

Control ID	Control Family Name	Control Acronym
1.	ADA and Accessibility	AA
2.	Audit	AU
3.	Back-up and Recovery	BR
4.	COTS Analysis	CA
5.	Election Management	EM
6.	Early Voting	EV
7.	Operations Manual	OM
8.	Reporting	RE
9.	System Integrity	SI
10.	System Monitoring	SM
11.	User Process	UP
12.	Voter Interaction	VI

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

Control Acronym	Control ID	Objective ID	Objective and Evaluation Assertion	Virginia Code / VEPBCR 1.0 Requirement (Functional Need)	Virginia/EAC VEPBCR 1.0 Requirement Description	Methodology; Test, Demo, Doc
AA	1	AA-1.1-A.1	The tests must include checking-in participant voters who represent the following:	1.1.4.1 (VEPBCR 1.0)	Usability testing with voters	Doc
AA	1	AA-1.1-A.2	General population	1.1.4.1-A (VEPBCR 1.0)	Usability testing with voters	Doc

AA	1	AA-1.1-A.3	Voters who are native speakers of the language being tested or for each language defined as being supported in the manufacturer's Doc	1.1.4.1-B (VEPBCR 1.0)	Usability testing with voters	Doc
AA	1	AA-1.1-A.4	Blind voters	1.1.4.1-C (VEPBCR 1.0)	Usability testing with voters	Doc
AA	1	AA-1.1-A.5	Voters with low vision	1.1.4.1-D (VEPBCR 1.0)	Usability testing with voters	Doc
AA	1	AA-1.1-A.6	Voters with limited dexterity	1.1.4.1-E (VEPBCR 1.0)	Usability testing with voters	Doc
AA	1	AA-1.1-A.7	EPB and the software must meet federal standards for accessibility, including: the version of Section 508 Information and Communication Technology (ICT) Final Standards and Guidelines, in effect as of January 18, 2018, and the WCAG 2.0 Level AA checkpoints included in that standard. As part of the overall e-poll book Doc, the manufacturer must include descriptions and instructions for all accessibility features that describe:	3.1 (VEPBCR 1.0)	Federal standards for accessibility and Accessibility Doc	Doc

AU	2	AU-2.2-A.1	The EPB must produce an audit log that records data that has been successfully transferred.	COV (Statutory Requirement)	§ 24.2-611(C) The Department shall incorporate safeguards to assure that the records of the election, including the pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted.	Test
AU	2	AU-2.2-A.2	The EPB must produce an audit log that records data that has been successfully transferred.	COV (Statutory Requirement)	§ 24.2-611(C) The Department shall incorporate safeguards to assure that the records of the election, including the pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted.	Test
AU	2	AU-2.2-A.3	The EPB must be able to correctly update and show changes in poll book due to supplemental or incremental voter registration file updates during EV.	COV (Functional Requirement)	Receive and process the voter registration and election information. EPB must be able to correctly update voter check-in and other information due to supplemental or incremental updates to the pollbook, during EV or for other	Test

					reasons supplemental or incremental updates are necessary.	
AU	2	AU-2.2-A.4	The EPB must provide a verification that the voter and election data are accurately loaded in the EPB.	COV (Functional Requirement)	Receive and process the voter registration and election information.	Test
AU	2	AU-2.2-A.5	The EPB must be able to have a report that provides statistics on the duration of voter check-in process and the maximum number of voters the configuration can handle.	COV (System Requirement)	Perform data and operational integrity safeguard tests. Performance report to include the optimal duration of check-in process per voter.	Doc
AU	2	AU-2.2-A.6	The EPB must log all system errors and notify the user of errors that can be corrected by the user.	COV (System Requirement)	System monitoring and notification of system errors.	Test
AU	2	AU-2.2-A.7	Records of election preparation (Audit trail of election data preparations)	COV (Audit Requirements)	Transaction Logging and Audit Reports. The EPB must have a transaction log containing the following:	Doc/Demo
AU	2	AU-2.2-A.8	Records of transactions in the polling place (Transactions at the polling places)	COV (Audit Requirements)	See requirement description, Audit, AU-2.2-A.7	Doc/Demo
AU	2	AU-2.2-A.9	Human-readable logs (View and export logs in a readable format)	COV (Audit Requirements)	See requirement description, Audit, AU-2.2-A.7	Test
AU	2	AU-2.2-B.10	Ability to export logs	COV (Audit Requirements)	See requirement description, Audit, AU-2.2-A.7	Test

AU	2	AU-2.2-B.11	Identify and manage security incidents and fraudulent activities (Identify and manage security incidents and fraudulent activities)	COV (Audit Requirements)	See requirement description, Audit, AU-2.2-A.7	Doc/Demo
AU	2	AU-2.2-B.12	Track and resolve operational problems (Track and resolve operational problems.)	COV (Audit Requirements)	See requirement description, Audit, AU-2.2-A.7	Doc/Demo
AU	2	AU-2.2-B.13	The EPB must provide a verification that the data loaded for the election was successful, accurate, and any discrepancies in the process handled.	COV (Audit Requirements)	Reconciliation of data load to EPB to handle exceptions and discrepancies.	Test
AU	2	AU-2.2-B.14	The EPB must be configured to log records of general system usage including, but not limited to:	2.6.1 (VEPBCR 1.0)	General system usage	Doc/Demo
AU	2	AU-2.2-B.15	Account management	2.6.1.1 (VEPBCR 1.0)	General system usage	Doc/Demo
AU	2	AU-2.2-B.16	User access and session information, including failed logins	2.6.1.2 (VEPBCR 1.0)	General system usage	Doc/Demo
AU	2	AU-2.2-B.17	Application extension	2.6.1.3 (VEPBCR 1.0)	General system usage	Doc/Demo
AU	2	AU-2.2-B.18	The EPB must be configured to log records including, but not limited to:	2.6.2 (VEPBCR 1.0)	Operational maintenance activity	Doc/Demo
AU	2	AU-2.2-B.19	Software updates or patching	2.6.2.1 (VEPBCR 1.0)	Operational maintenance activity	Doc/Demo
AU	2	AU-2.2-C.20	System startup and shutdown	2.6.2.2 (VEPBCR 1.0)	Operational maintenance activity	Doc/Demo
AU	2	AU-2.2-C.21	Changes in system configuration	2.6.2.3 (VEPBCR 1.0)	Operational maintenance activity	Doc/Demo

AU	2	AU-2.2-C.22	The EPB must be configured to log all application errors. The system Doc must contain descriptions of error codes and messages for use in troubleshooting.	2.6.3 (VEPBCR 1.0)	Application errors	Doc/Demo
AU	2	AU-2.2-C.23	The EPB must be configured to log records including, but not limited to:	2.6.4 (VEPBCR 1.0)	System Integrity	Doc/Demo
AU	2	AU-2.2-C.24	EDR alerts	2.6.4.1 (VEPBCR 1.0)	System Integrity	Doc/Demo
AU	2	AU-2.2-C.25	Antivirus alerts	2.6.4.2 (VEPBCR 1.0)	System Integrity	Doc/Demo
AU	2	AU-2.2-C.26	File integrity monitoring	2.6.4.3 (VEPBCR 1.0)	System Integrity	Doc/Demo
AU	2	AU-2.2-C.27	Physical tamper alerts (if applicable)	2.6.4.4 (VEPBCR 1.0)	System Integrity	Doc/Demo
AU	2	AU-2.2-C.28	The EPB must be configured to log the generation of all reports.	2.6.5 (VEPBCR 1.0)	Report generation	Doc/Demo
AU	2	AU-2.2-C.29	The EPB Doc must include a list of approved suppliers. If the supplier goes out of business or is purchased by another company, the e-poll book's Doc must be updated to include current information.	2.7.1 (VEPBCR 1.0)	List of Approved Suppliers	Doc/Demo

BR	3	BR-3.3-A.1	The EPB must maintain data preservation and redundancy so in the case where the EPB becomes inoperable the data that has been input can be retrieved.	COV (Statutory Requirement)	§ 24.2-611(F) In the event that the EPBs for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, in accordance with the instructions and materials approved by the State Board, shall (i) maintain a written list of the persons EPB and (ii) provide to each person EPB a provisional ballot to be cast as provided in § 24.2-653.	Test
BR	3	BR-3.3-A.2	If network connectivity is lost, once restored all devices on the network must synchronize.	COV (System Requirement)	During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity.	Test
BR	3	BR-3.3-A.3	Any failure of a device cannot impact the remaining units.	COV (System Requirement)	EPBs should be configured to synchronize data within the defined network only. Disable connection to all unauthorized networks including publicly accessible network. Any external connectivity must be IP whitelisted.	Test

BR	3	BR-3.3-A.4	When one or all EPBs become inoperable, and if there is not an alternate recovery means available, then the removable storage must reflect the voter activity record at that moment and can be used to continue with election.	COV (System Requirement)	Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one or all the EPBs become inoperable, and if there is not an alternate recovery means available then the removable storage must reflect the voter activity record at that moment and can be used to continue with election.	Test
BR	3	BR-3.3-A.5	The total amount of internal memory storage on the system, and	1.5.2.1 (VEPBCR 1.0)	Memory Storage	Doc
BR	3	BR-3.3-A.6	Procedures to troubleshoot issues of insufficient memory.	1.5.2.2 (VEPBCR 1.0)	Memory Storage	Doc
BR	3	BR-3.3-A.7	In the event of a network failure or other interruption, Doc should outline how the e-poll book:	1.5.3 (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-A.8	Captures and saves voter activity, including:	1.5.3.1 (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-A.9	New Registrations (if applicable),	1.5.3.1-A (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-B.10	Voter Updates, and	1.5.3.1-B (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-B.11	Signature Updates.	1.5.3.1-C (VEPBCR 1.0)	Loss of Connectivity	Doc

BR	3	BR-3.3-B.12	Syncs with the poll list or other e-poll books, once connectivity is restored, and	1.5.3.2 (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-B.13	Reconnects with any hardware, including:	1.5.3.3 (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-B.14	Digital signature capturing devices,	1.5.3.3-A (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-B.15	Bar code capturing devices,	1.5.3.3-B (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-B.16	Printing devices,	1.5.3.3-C (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-B.17	Network devices (i.e. routers,	1.5.3.3-D (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-B.18	Network cards (if applicable).	1.5.3.3-E (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-B.19	In addition to the steps above, Doc should also include any troubleshooting steps a poll worker may take to verify the outage isn't localized to the device.	1.5.3.4 (VEPBCR 1.0)	Loss of Connectivity	Doc
BR	3	BR-3.3-C.20	The EPB contains Doc regarding procedures to resolve a system failure, which is defined as a problem either with hardware or operating system software that causes the system to perform abnormally.	1.5.6 (VEPBCR 1.0)	System Failure	Doc

CA	4	CA-4.4-A.1	The EPB Doc must detail controls used to determine if the system's software, firmware, hardware, or other system components are authentic and unaltered. For software or firmware, this must include hash validation procedures. For hardware, this must include details on identifying manufacturer-approved hardware through checking labeling, tamper evidence, or other characteristics.	2.7.2 (VEPBCR 1.0)	Authenticity of Components	Doc
CA	4	CA-4.4-A.2	The EPB Doc must detail the origin and ownership of any software, firmware, or hardware used within the system.	2.7.3 (VEPBCR 1.0)	Provenance of Devices	Doc
EM	5	EM-5.5-A.1	The EPB must have a feature that allows for the ease of creating and modifying messaging that will be used and seen by a user on the EPB and any canned instructions to be editable without requiring a software update.	COV (Functional Requirement)	Allows configuration of on-screen poll worker instructions and messages without software changes.	Test
EM	5	EM-5.5-A.2	The EPB must have a feature that allows for configuration of document name(s), or configuration of instructions on how to handle various check-in processes, prior to Election Day, without requiring a software update.	COV (Functional Requirement)	Allows configuration of document name(s) when a voter's status requires a document to be signed.	Test

EM	5	EM-5.5-A.3	The EPB must be customizable so changes in workflow requirements and/or the change State procedures in the voter check-in process can be accommodated.	COV (Functional Requirement)	Ability to customize workflow requirements according to the State and/or jurisdiction requirements and preferences.	Test
EM	5	EM-5.5-A.4	The EPB must display and automatically update the voter credits issued and synchronize with other units on a network.	COV (Functional Requirement)	Provides the user with a continuous on-screen voter check-in count, customizable by specific category.	Test
EM	5	EM-5.5-A.5	The EPB must have a verification screen that displays the:	COV (Functional Requirement)	Displays an opening screen to allow the user to confirm election date, polling place location, number of eligible voters, and zero voter check-in count prior to opening the polls.	Test
EM	5	EM-5.5-A.6	Election Date	COV (Functional Requirement)	See requirement description, Election Management, EM-5.5-A.5	Test
EM	5	EM-5.5-A.7	Polling Place Location	COV (Functional Requirement)	See requirement description, Election Management, EM-5.5-A.5	Test
EM	5	EM-5.5-A.8	Number of Voters for location	COV (Functional Requirement)	See requirement description, Election Management, EM-5.5-A.5	Test
EM	5	EM-5.5-A.9	Zero Voter checked in	COV (Functional Requirement)	See requirement description, Election Management, EM-5.5-A.5	Test

EM	5	EM-5.5-B.10	Time	COV (Functional Requirement)	See requirement description, Election Management, EM-5.5-A.5	Test
EM	5	EM-5.5-B.11	Battery Status	COV (Functional Requirement)	See requirement description, Election Management, EM-5.5-A.5	Test
EM	5	EM-5.5-B.12	Connectivity status, along with other devices connected	COV (Functional Requirement)	See requirement description, Election Management, EM-5.5-A.5	Test
EM	5	EM-5.5-B.13	Number of Voters checked-in	COV (Functional Requirement)	See requirement description, Election Management, EM-5.5-A.5	Test
EM	5	EM-5.5-B.14	The EPB must be able to retrieve a specific voter from a list of provided voters and issue voter credit.	COV (Functional Requirement)	Receive and process the voter registration and election information.	Test
EM	5	EM-5.5-B.15	The EPB must be networkable. Once networked together all EPB's must synchronize to the most current voter information.	COV (System Requirement)	During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity.	Test
EM	5	EM-5.5-B.16	Ability to add or remove new units without disturbing the existing units	COV (System Requirement)	Perform data and operational integrity safeguard tests. Performance report to include the optimal duration of check-in process per voter.	Test

EV	6	EV-6.6-A.1	Utilize security best practices for internet connectivity including network, wireless, and cloud services.	COV (Early Voting)	All vendors must comply with the policies, guidelines, and directives regarding Early Voting connection requirements as adopted and modified by the SBE from time to time. Early Voting Connection Requirements The following additional requirements exist if the EPB Vendor utilizes the cloud to host EPBs for locality access during the Early Voting period:	Doc
EV	6	EV-6.6-A.2	Utilize a cloud service provider (CSP) whose infrastructure and applications are NIST 800-53 certified through a third-party entity.	COV (Early Voting)	See requirement description, Early Voting, EV-6.6-A.1	Doc
EV	6	EV-6.6-A.3	Ensure that CSP SLA contains three major components: Service level objectives, Remediation policies, and penalties/ incentives related to NIST compliance, exclusions, and caveats.	COV (Early Voting)	See requirement description, Early Voting, EV-6.6-A.1	Doc
EV	6	EV-6.6-A.4	The connection via VPN must be FIPS 140-2 v2 certified, whether it is a dedicated SSLVPN or just a dedicated connection. If there is a dedicated connection, thorough Doc must be provided.	COV (Early Voting)	See requirement description, Early Voting, EV-6.6-A.1	Doc

EV	6	EV-6.6-A.5	If the EPB Vendor supplies the mobile devices, ensure compliance with NIST 800-53 in relation to these devices, as is done with the infrastructure.	COV (Early Voting)	See requirement description, Early Voting, EV-6.6-A.1	Doc
EV	6	EV-6.6-A.6	Storage, processing, migration, access control, and detection to and from the cloud must be NIST 800-53 compliant.	COV (Early Voting)	See requirement description, Early Voting, EV-6.6-A.1	Doc
EV	6	EV-6.6-A.7	Ensure the CSP is NIST certified by validating their credentials through their third-party certification provider. Ask for internal vulnerability/penetration testing reports, audit reports, incident reports, and evidence of remedial actions for any issues raised. Also, verify tracking of mitigating action-tracking mechanisms (POA&M tracking).	COV (Early Voting)	See requirement description, Early Voting, EV-6.6-A.1	Doc
EV	6	EV-6.6-A.8	Confirm the person is eligible to vote in the election	COV (Early Voting)	Pursuant to the Code of Virginia, §24.2-701.1, Virginia has a no-excuse absentee in person voting period, referred to as Early Voting. This requires each locality to have secure connectivity to the voter registration information (VRI) throughout the	Test

					Early Voting period to:	
EV	6	EV-6.6-A.9	Confirm the person has not previously voted in the election	COV (Early Voting)	See requirement description, Early Voting, EV-6.6-A.8	Test
EV	6	EV-6.6-B.10	Record voter history in real-time.	COV (Early Voting)	See requirement description, Early Voting, EV-6.6-A.8	Test
OM	7	OM-7.7-A.1	The EPB must include clear, complete, and detailed instructions and messages for setup, check-in, shutdown, and how to use accessibility features.	1.1.2 (VEPBCR 1.0)	Instructions for election workers	Doc
OM	7	OM-7.7-A.2	The Doc required for normal operation must be:	1.1.2.1 (VEPBCR 1.0)	Instructions for election workers	Doc
OM	7	OM-7.7-A.3	Presented at a level appropriate for election workers who are not experts in e-poll books and computer technology, and	1.1.2.1-A (VEPBCR 1.0)	Instructions for election workers	Doc
OM	7	OM-7.7-A.4	in a format suitable for use in the polling place.	1.1.2.1-B (VEPBCR 1.0)	Instructions for election workers	Doc
OM	7	OM-7.7-A.5	Printed procedural instructions, and on-screen instructions and messages must enable the election workers to verify that the e-poll book:	1.1.2.2 (VEPBCR 1.0)	Instructions for election workers	Doc
OM	7	OM-7.7-A.6	Has been set up correctly (setup),	1.1.2.2-A (VEPBCR 1.0)	Instructions for election workers	Doc
OM	7	OM-7.7-A.7	is in correct working order to check-in voters, and	1.1.2.2-B (VEPBCR 1.0)	Instructions for election workers	Doc
OM	7	OM-7.7-A.8	has been shut down correctly (shutdown).	1.1.2.2-C (VEPBCR 1.0)	Instructions for election workers	Doc

OM	7	OM-7.7-A.9	The EPB Doc must include information on tamper evident precautions, including:	2.2.4 (VEPBCR 1.0)	Document the application of tamper evident sealing	Doc
OM	7	OM-7.7-B.10	How and where to apply tamper evident sealing of the physical components of the system that contain voter or ballot information,	2.2.4.1 (VEPBCR 1.0)	Document the application of tamper evident sealing	Doc
OM	7	OM-7.7-B.11	How to apply tamper evident sealing to any opened or unused ports on the system, such as USB ports, power ports, headphone jacks, etc., and	2.2.4.2 (VEPBCR 1.0)	Document the application of tamper evident sealing	Doc
OM	7	OM-7.7-B.12	Any built-in tamper evident protections (lights, alarms, logging).	2.2.4.3 (VEPBCR 1.0)	Document the application of tamper evident sealing	Doc
RE	8	RE-8.8-A.1	The EPB provides a report that can be filtered by party. • Requirement above must be displayable on EPB for OE on election day, As well as a report capability through EPB management software.	COV (Statutory Requirement)	§24.2-530 All persons qualified to vote, pursuant to §§ 24.2-400 through 24.2-403, may vote at the primary. No person shall vote for the candidates of more than one party. Requirement must be displayable on EPB for OE on election day, As well as a report capability through EPB management	Test

RE	8	RE-8.8-A.2	The EPB must be able to produce a data output in a format deemed necessary by the Commonwealth of Virginia.	COV (Statutory Requirement)	§ 24.2-611(F) In the event that the EPBs for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, in accordance with the instructions and materials approved by the State Board, shall (i) maintain a written list of the persons EPB and (ii) provide to each person EPB a provisional ballot to be cast as provided in § 24.2-653.	Test
RE	8	RE-8.8-A.3	All reports produced by the EPB must contain: Election Date	COV (Statutory Requirement)	§ 24.2-668(C) The data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election.	Test

					All reports produced by the EPB must contain election identification information.	
RE	8	RE-8.8-A.4	All reports produced by the EPB must contain: Date and Time of Report	COV (Statutory Requirement)	See requirement description, Reporting, RE-8.8-A.3	Test
RE	8	RE-8.8-A.5	All reports produced by the EPB must contain: Election/Name	COV (Statutory Requirement)	See requirement description, Reporting, RE-8.8-A.3	Test
RE	8	RE-8.8-A.6	All reports produced by the EPB must contain: Locality	COV (Statutory Requirement)	See requirement description, Reporting, RE-8.8-A.3	Test
RE	8	RE-8.8-A.7	All reports produced by the EPB must contain: Precinct	COV (Statutory Requirement)	See requirement description, Reporting, RE-8.8-A.3	Test
RE	8	RE-8.8-A.8	All reports produced by the EPB must contain: Login/Credentials of individual who ran report	COV (Statutory Requirement)	See requirement description, Reporting, RE-8.8-A.3	Test
RE	8	RE-8.8-A.9	The EPB reporting module should be configurable and customizable by a user with minimal system knowledge.	COV (Functional Requirement)	Users with minimal system knowledge should be able to configure and customize reports.	Test
RE	8	RE-8.8-B.10	The manufacturer must submit a report of the results of their usability tests, including effectiveness, efficiency, and satisfaction measures, as part of their Doc using ISO/IEC 25062:2006: Common	1.1.4.2 (VEPBCR 1.0)	Usability testing with voters	Doc

			Industry Format (CIF) for usability test reports.			
SI	9	SI-9.9-A.1	The EPB must require supervisor control to change the voter status from VOTED	COV (Statutory Requirement)	§ 24.2-651.1 Any person who offers to vote, who is listed on the pollbook, and whose name is marked to indicate that he has already voted in person in the election shall cast a provisional ballot as provided in § 24.2-653.	Test
SI	9	SI-9.9-A.2	The EPB must require supervisor control to change the voter status to absentee.	COV (Statutory Requirement)	§ 24.2-651.1 Any person who offers to vote, who is listed on the pollbook, and whose name is marked to indicate that he has already voted in person in the election shall cast a provisional ballot as provided in § 24.2-653.	Test
SI	9	SI-9.9-A.3	The removable media must be able to be sealed, transportable, and to retain information as required.	COV (Statutory Requirement)	§ 24.2-668(C) The data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated	Test

					as the pollbook for that election for all purposes subsequent to the election.	
SI	9	SI-9.9-A.4	The EPB must require supervisor controls to change the absentee status of a voter.	COV (Statutory Requirement)	§ 24.2-711 Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the EPB record column on the pollbook.	Test
SI	9	SI-9.9-A.5	The EPB must provide the ability to select a reason for cancellation and provide an input for a supervisor password.	COV (Functional Requirement)	Allows user to cancel a voter check-in. Requires supervisor controls prior to cancellation of a voter check-in. Provides ability to select reason for cancellation.	Test
SI	9	SI-9.9-A.6	The EPB must be able to add, remove, update, and delete stored information.	COV (Functional Requirement)	Receive and process the voter registration and election information.	Test
SI	9	SI-9.9-A.7	The EPB must not be required for the voting system to perform any functions but may provide a digital code for the voter's ballot retrieval on Ballot Marking Devices.	COV (Functional Requirement)	EPBs cannot connect to a Voting System at any time.	Test

SI	9	SI-9.9-A.8	The EPB cannot connect to the voting system.	COV (Functional Requirement)	EPBs cannot connect to a Voting System at any time.	Test
SI	9	SI-9.9-A.9	System must have HASH test performed to verify the system being certified is the system presented in TDP for certification	COV (System Requirement)	Hash testing	Test
SI	9	SI-9.9-B.10	The EPB must have administrative options for higher level reporting on election operations.	COV (System Requirement)	Perform data and operational integrity safeguard tests. Performance report to include the optimal duration of check-in process per voter.	Test
SI	9	SI-9.9-B.11	The EPB must support the ability to shred all removable media and wipe EPB device using DoD 5220.22-M wiping standards.	COV (System Requirement)	Support the industry standard for clean wipe method remotely and manually. The system must use DoD 5220.22-M wiping standards	Doc/Demo
SI	9	SI-9.9-B.12	Upgrade to a Modern Operating System and keep it up to date	COV (System Requirement)	The EPB must employ the following management techniques. Utilize security best practices for internet connectivity including network, wireless, and cloud services.	Doc/Demo
SI	9	SI-9.9-B.13	Exercise Secure User Habits	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-B.12	Doc/Demo

SI	9	SI-9.9-B.14	Leverage Security Software	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-B.12	Doc/Demo
SI	9	SI-9.9-B.15	Safeguard against Eavesdropping	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-B.12	Doc/Demo
SI	9	SI-9.9-B.16	Protect Passwords	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-B.12	Doc/Demo
SI	9	SI-9.9-B.17	Limited Use of the Administrator Account	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-B.12	Doc/Demo
SI	9	SI-9.9-B.18	Employ Firewall Capabilities	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-B.12	Doc/Demo
SI	9	SI-9.9-B.19	Implement WPA2 on the Wireless Network	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-B.12	Doc/Demo
SI	9	SI-9.9-C.20	Limit Administration to the Internal Network	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-B.12	Doc/Demo
SI	9	SI-9.9-C.21	All modules and data are cryptographic and are FIPS 140-2 v2 compliant.	COV (System Requirement)	Comply with the latest encryption standard for all data including data-at-rest and data-in-transit. This requirement applies to all IT equipment including mobile and stand-alone.	Doc

SI	9	SI-9.9-C.22	The EPB's audit log must be encrypted, track all transactions, and include a date and time stamp.	COV (System Requirement)	Comply with the latest encryption standard for all data including data-at-rest and data-in-transit. This requirement applies to all IT equipment including mobile and stand-alone.	Doc/Demo
SI	9	SI-9.9-C.23	All passwords used by the EPB follow the NIST SP 800-63B Standard.	COV (System Requirement)	Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.	Doc
SI	9	SI-9.9-C.24	All passwords used by the EPB must allow upper case, lower case, numbers, and special characters.	COV (System Requirement)	Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.	Test
SI	9	SI-9.9-C.25	The same password cannot be reused within at least 10 subsequent password changes. The EPB has automated features that keep track of password reuse and enforces policy of no reuse within 10 subsequent passwords.	COV (System Requirement)	Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.	Test
SI	9	SI-9.9-C.26	The EPB requires passwords to be changed every 6 months. The EPB has automated feature that enforces passwords change policy of every 6 months.	COV (System Requirement)	Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.	Test

SI	9	SI-9.9-C.27	The EPB must provide the option to mask or unmask passwords at text entry.	COV (System Requirement)	Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.	Test
SI	9	SI-9.9-C.28	Centralization of all components	COV (System Requirement)	Comply with the Access Management best practices for System Administrator and Network Administrator. The EPB must employ the following management techniques:	Doc
SI	9	SI-9.9-C.29	Role Based Access Control	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-C.28	Doc/Demo
SI	9	SI-9.9-D.30	Employ Zero Trust Identity Security	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-C.28	Doc
SI	9	SI-9.9-D.31	Use the Principle of Least Privilege	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-C.28	Doc/Demo
SI	9	SI-9.9-D.32	Orphaned Account Detection and Removal	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-C.28	Doc
SI	9	SI-9.9-D.33	Multifactor Authentication	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-C.28	Test
SI	9	SI-9.9-D.34	Notification of failed logon attempts	COV (System Requirement)	See requirement description, System Integrity, SI-9.9-C.28	Test
SI	9	SI-9.9-D.35	Notification of use of Privileged Accounts.	COV (System Requirement)	See requirement description,	Doc/Demo

					System Integrity, SI-9.9-C.28	
SI	9	SI-9.9-D.36	The EPB Vendor must provide a system hardening specification for the system.	COV (System Requirement)	Harden the EPB System using the vendor's procedures and specifications.	Doc
SI	9	SI-9.9-D.37	Assessed via automated scanning tools (i.e. CIS L1 benchmarks).	COV (System Requirement)	Harden the EPB System using the vendor's procedures and specifications.	Doc
SI	9	SI-9.9-D.38	The EPB must restrict all ports to only allow known system components to communicate with the EPB and not allow unknown devices to connect.	COV (System Requirement)	Restrict connections to EPBs from the specified devices such as the printer and authorized USB at the polling place. Reject all connections from other external devices.	Doc
SI	9	SI-9.9-D.39	The EPB must be networkable. Once networked together all EPB's must synchronize to the most current voter information.	COV (System Requirement)	EPBs should be configured to synchronize data within the defined network only. Disable connection to all unauthorized networks including publicly accessible network. Any external connectivity must be IP whitelisted.	Test

SI	9	SI-9.9-E.40	The EPB must not connect to unauthorized networks.	COV (System Requirement)	EPBs should be configured to synchronize data within the defined network only. Disable connection to all unauthorized networks including publicly accessible network. Any external connectivity must be IP whitelisted.	Test
SI	9	SI-9.9-E.41	The EPB must not allow connections that are not IP whitelisted.	COV (System Requirement)	EPBs should be configured to synchronize data within the defined network only. Disable connection to all unauthorized networks including publicly accessible network. Any external connectivity must be IP whitelisted.	Test
SI	9	SI-9.9-E.42	EPB effectively alerts others when the wireless state is activated on EPB device. (E.g. clearly visible indicator light on device, text alert, etc.)	COV (System Requirement)	When wireless is activated on an EPB device, there is a very visible means/mechanism that alerts others of this state.	Test
SI	9	SI-9.9-E.43	All vendors must comply with the policies, guidelines, and directives regarding software patching of EPB systems as adopted and modified by the SBE from time to time.	COV (Software Patching)	Software Patching Guidelines	Doc

SI	9	SI-9.9-E.44	Must be pre-formatted and blank per the DoD 5220.22-M wiping standard to prevent any preloaded software from being inadvertently installed on the system. The system must use DoD 5220.22-M wiping standards to create blank systems	COV (Hardware)	Hardware Guidelines Memory devices or USB drives provided with the EPB system or supplied to localities must follow these standards	Doc/Demo
SI	9	SI-9.9-E.45	Must be cryptographic and FIPS 140-2 v2 compliant	COV (Hardware)	Hardware Guidelines Memory devices or USB drives provided with the EPB system or supplied to localities must follow these standards	Doc
SI	9	SI-9.9-E.46	Must use SHA256 hashing algorithm or higher	COV (Hardware)	Hardware Guidelines Memory devices or USB drives provided with the EPB system or supplied to localities must follow these standards	Doc
SI	9	SI-9.9-E.47	Must comply with applicable Commonwealth information security standards	COV (Hardware)	Hardware Guidelines Memory devices or USB drives provided with the EPB system or supplied to localities must follow these standards	Doc
SI	9	SI-9.9-E.48	Must comply with applicable policies, guidelines, and directives as adopted and modified by the SBE from time to time.	COV (Hardware)	Hardware Guidelines Memory devices or USB drives provided with the EPB system or	Doc/Demo

					supplied to localities must follow these standards	
SI	9	SI-9.9-E.49	All vendors must comply with the policies, guidelines, and directives regarding software patching of EPB systems as adopted and modified by the SBE from time to time.	COV (Security Requirement)	Software Patching Guidelines	Doc
SI	9	SI-9.9-F.50	The EPB must have the ability to securely, accurately, effectively, and efficiently transmit and receive data electronically and communicate with the poll list server, typically through a secured web services framework designed by the manufacturer.	1.4.1 (VEPBCR 1.0)	Communication with voter registration systems	Test
SI	9	SI-9.9-F.51	EPBs require their users to develop a password with a minimum length of 11 characters, with 1 lower case letter, 1 upper case letter, 1 number, and 1 special character.	2.1.1 (VEPBCR 1.0)	Account Manager	Test
SI	9	SI-9.9-F.52	EPB must implement role-based access control (RBAC) with least privilege. Each role must be limited to the functions, processes, and data authorized for the specific role.	2.1.3 (VEPBCR 1.0)	Role-based access	Doc/Demo

SI	9	SI-9.9-F.53	EPB must enforce multi-factor authentication (MFA) for all privileged operations if the system has a multi-factor authentication option. Privileged operations can include account creation, deletion, permission modification, or when directly updating external databases such as voter registration databases. Additionally, Multifactor authentication does not mean having multiple passwords.	2.1.4 (VEPBCR 1.0)	Multi-factor authentication	Test
SI	9	SI-9.9-F.54	EPB must be configurable to enforce separation of duties as defined by the jurisdiction. For example, changes to voter information or system configurations may need to be authorized by two or more personnel to mitigate insider threats, depending on the jurisdictional requirements.	2.1.5 (VEPBCR 1.0)	Separation of duties	Doc/Demo

SI	9	SI-9.9-F.55	EPB must enforce the concept of least privilege for accounts to restrict both privileged and non-privileged accounts to permission level required to carry out the role assigned to the account. A poll worker should be prevented from making configuration changes on the system. The concept of least privilege should also be applied to administrators and supervisor groups and accounts.	2.1.6 (VEPBCR 1.0)	Least privileged	Doc/Demo
SI	9	SI-9.9-F.56	EPB must include session termination, device lock, and reauthentication functionality including:	2.1.7 (VEPBCR 1.0)	Session termination, device lock, and reauthentication	Test
SI	9	SI-9.9-F.57	a user-initiated or time-configurable automatic lockout when user is away from the system that can be defined and implemented by the jurisdiction	2.1.7.1 (VEPBCR 1.0)	Session termination, device lock, and reauthentication	Test
SI	9	SI-9.9-F.58	a configurable mechanism to automatically terminate a user session after a defined period of inactivity and lock the device that can be defined and implemented by the jurisdiction	2.1.7.2 (VEPBCR 1.0)	Session termination, device lock, and reauthentication	Test

SI	9	SI-9.9-F.59	requiring reauthentication of the authorized user after the session is terminated and the device locked;	2.1.7.3 (VEPBCR 1.0)	Session termination, device lock, and reauthentication	Test
SI	9	SI-9.9-G.60	the account lockout must include a standard or configurable screen when the system is locked to obscure any data presented on the screen when terminated.	2.1.7.4 (VEPBCR 1.0)	Session termination, device lock, and reauthentication	Test
SI	9	SI-9.9-G.61	EPB must be configured to lock after a configurable number of login attempts for 15 minutes or until an administrator or technician can unlock the account.	2.1.8 (VEPBCR 1.0)	Unsuccessful login attempts	Test
SI	9	SI-9.9-G.62	Each component of the EPB containing internal memory used to store voter or ballot information must enforce whole disk encryption.	2.2.2 (VEPBCR 1.0)	Device disk encryption	Doc
SI	9	SI-9.9-G.63	Each component of the EPB containing BIOS or other firmware interface must require authentication to access the device BIOS or other firmware interface. If passwords/ codes are used, they should follow strong password guidelines and be changed from any manufacturer defaults.	2.2.3 (VEPBCR 1.0)	Device BIOS or other firmware interface access	Test

SI	9	SI-9.9-G.64	EPB must include the functionality to remotely remove content or access from the device, whether it has data stored locally or access to cloud data. In addition to the functionality, the EPB must also include Doc on how to remotely secure a stolen or lost device with access to pertinent data. This requirement is only applicable to devices with wireless telecommunications.	2.2.5 (VEPBCR 1.0)	Document anti-theft controls, and emergency system decommissioning	Doc/Demo
SI	9	SI-9.9-G.65	EPB must implement an antivirus tool to detect and alert on malicious code.	2.3.2 (VEPBCR 1.0)	Antivirus tool	Doc/Demo
SI	9	SI-9.9-G.66	EPB must allow only authenticated system administrators to access and modify device configuration files.	2.3.3 (VEPBCR 1.0)	Authentication to access configuration file	Test
SI	9	SI-9.9-G.67	If EPB requires connection to a public network during election day voter check-in operations, the e-poll book must be configured to disallow connections to unapproved external networks. This may be accomplished through IP or MAC address allowing listing or other configurations where external network access is explicitly granted. Doc must clearly indicate what types of network access the EPB supports, including whether it is	2.4.2 (VEPBCR 1.0)	Disallow connections to unapproved external networks	Doc/Demo

			equipped with an Ethernet port.			
SI	9	SI-9.9-G.68	EPB must be configured to disallow connections to unapproved external devices. This requirement applies to devices that can be recognized as approved, e.g. only allowing connections to managed devices. Security Doc must be clear on how this requirement is satisfied.	2.4.3 (VEPBCR 1.0)	Disallow connections to unapproved external devices	Doc/Demo
SI	9	SI-9.9-G.69	EPB must only run applications that have been verified against an allowlist. This requirement helps ensure only authorized applications run on the EPB.	2.5.10 (VEPBCR 1.0)	Application allowlisting	Doc/Demo
SI	9	SI-9.9-H.70	EPB must protect the integrity and authenticity of the allowlist configuration files. If the allowlist is improperly modified, the software allowlisting mitigation can be defeated. The most common way of providing allowlist configuration file protection would be a digital signature.	2.5.11 (VEPBCR 1.0)	Integrity protection for software allowlists	Doc/Demo
SM	10	SM-10.10-A.1	Power supply and battery life with an option to display power usage	COV (System Requirement)	Perform data and operational integrity safeguard tests. Performance report to include the optimal duration of check-in process per voter.	Test

SM	10	SM-10.10-A.2	Continuous display of estimated time remaining on battery usage	COV (System Requirement)	Perform data and operational integrity safeguard tests. Performance report to include the optimal duration of check-in process per voter. Estimate of how long device will last at the current charge level, when on battery usage.	Test
SM	10	SM-10.10-A.3	Display appropriate message when the EPB device is operating at less than 20% of remaining power	COV (System Requirement)	Perform data and operational integrity safeguard tests. Performance report to include the optimal duration of check-in process per voter.	Test
SM	10	SM-10.10-A.4	Capacity/Load Test report to include the maximum number of voters an EPB device and its configuration setting can handle	COV (System Requirement)	Perform data and operational integrity safeguard tests. Performance report to include the optimal duration of check-in process per voter.	Doc
SM	10	SM-10.10-A.5	Performance Report to include the optimal duration of check-in process per voter	COV (System Requirement)	Perform data and operational integrity safeguard tests. Performance report to include the optimal duration of check-in process per voter. What is the duration it takes to check-in a voter.	Doc

SM	10	SM-10.10-A.6	Perform a self-test for peripheral connectivity	COV (System Requirement)	System monitoring and notification of system errors. Perform self-test for peripheral connectivity	Test
SM	10	SM-10.10-A.7	Visible display indicating power supply/battery life	COV (System Requirement)	System monitoring and notification of system errors. EPB must have battery status indicator	Test
SM	10	SM-10.10-A.8	Visible display indicating system connections.	COV (System Requirement)	System monitoring and notification of system errors.	Test
SM	10	SM-10.10-A.9	The expected life span of each battery and power supply;	1.5.1.2 (VEPBCR 1.0)	Batteries or power supply	Doc
SM	10	SM-10.10-B.10	A schedule for the replacement of each battery and power supply not later than thirty (30) days before the end of the expected life span of each battery;	1.5.1.6 (VEPBCR 1.0)	Batteries or power supply	Doc
SM	10	SM-10.10-B.11	Plans for the emergency replacement of batteries and power supplies that fail.	1.5.1.8 (VEPBCR 1.0)	Batteries or power supply	Doc

UP	11	UP-11.11-A.1	The name of a required document that must be used to facilitate a voter check-in, must be preloaded in EPB, or the Poll worker must be able to select from the voter check-in screen the name of document that the voter is required to sign or be given instructions on how to handle various election check-in processes.	COV (Statutory Requirement)	§24.2-651 If the person challenged refuses to sign the statement, he shall not be permitted to vote. If, however, he signs the statement, he shall be permitted to vote on the voting system in use at the precinct, unless he is required to cast a provisional ballot pursuant to § 24.2-651.1. When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.	Test
UP	11	UP-11.11-A.2	The EPB displays on-screen instructions.	COV (Functional Requirement)	At voter check in, provide notification of “inactive” voter status, including on-screen instructions and options for processing the “inactive” voter.	Test

UP	11	UP-11.11-A.3	The EPB allows selection of appropriate document name that the voter is required to sign or be given instructions on how to handle various election check-in processes. The name of a required document that must be used to facilitate a voter check-in, must be preloaded in EPB, or instructions given on how to handle various election check-in processes.	COV (Functional Requirement)	At voter check in, provide notification of "inactive" voter status, including on-screen instructions and options for processing the "inactive" voter.	Test
UP	11	UP-11.11-A.4	EPB must have the ability to manage the voter list and count by party in a primary election.	COV (Functional Requirement)	Maintain separate elections such as primary elections for multiple parties. Manage the voter list and counts by separate elections.	Test
UP	11	UP-11.11-A.5	Provide an intuitive and easy to navigate user interface	COV (Functional Requirement)	EPB system must demo accuracy, reliability, security, usability, and accessibility throughout	Test
UP	11	UP-11.11-A.6	Information should always be displayed on the EPB screen while poll is open: such as Election Date and items below:	COV (Functional Requirement)	Information should always be displayed on the EPB screen while poll is open:	Test
UP	11	UP-11.11-A.7	Battery Status	COV (Functional Requirement)	See requirement description, User Process, UP-11.11-A.6	Test
UP	11	UP-11.11-A.8	Connectivity status	COV (Functional Requirement)	See requirement description, User Process, UP-11.11-A.6	Test

UP	11	UP-11.11-A.9	Voter Checked-In Count	COV (Functional Requirement)	See requirement description, User Process, UP-11.11-A.6	Test
UP	11	UP-11.11-B.10	Average check-in time per voter check-in	COV (Functional Requirement)	See requirement description, User Process, UP-11.11-A.6	Test
UP	11	UP-11.11-B.11	Polling Place and Locality	COV (Functional Requirement)	See requirement description, User Process, UP-11.11-A.6	Test
UP	11	UP-11.11-B.12	Error Message(s) or Needs Attention count	COV (Functional Requirement)	See requirement description, User Process, UP-11.11-A.6	Test
UP	11	UP-11.11-B.13	EPB must complete a visual response or display in no more than 1 second or display an indicator that a response is still being prepared. This is to allow the user to quickly know action has been detected by the EPB and is being processed. The user does not get the sense of dealing with an unresponsive or “dead” system.	1.5.5 (VEPBCR 1.0)	System response time	Test
UP	11	UP-11.11-B.14	Warning alerts and instructions issued by EPB must be distinguishable from other information.	1.5.8 (VEPBCR 1.0)	Warnings, alerts, and instructions	Test
UP	11	UP-11.11-B.15	Warnings and alerts must clearly state, in plain language:	1.5.8.1 (VEPBCR 1.0)	Warnings, alerts, and instructions	Test
UP	11	UP-11.11-B.16	The nature of the issue or problem,	1.5.8.1-A (VEPBCR 1.0)	Warnings, alerts, and instructions	Test

UP	11	UP-11.11-B.17	whether the election worker has performed or attempted an invalid operation or whether the EPB has malfunctioned in some way, and	1.5.8.1-B (VEPBCR 1.0)	Warnings, alerts, and instructions	Test
UP	11	UP-11.11-B.18	the responses available to the election worker.	1.5.8.1-C (VEPBCR 1.0)	Warnings, alerts, and instructions	Test
UP	11	UP-11.11-B.19	Each step in an instruction or item in a list of instructions must be separated:	1.5.8.2 (VEPBCR 1.0)	Warnings, alerts, and instructions	Test
UP	11	UP-11.11-C.20	Spatially in visual formats, and	1.5.8.2-A (VEPBCR 1.0)	Warnings, alerts, and instructions	Test
UP	11	UP-11.11-C.21	with a noticeable pause in audio formats (if applicable).	1.5.8.2-B (VEPBCR 1.0)	Warnings, alerts, and instructions	Test
UP	11	UP-11.11-C.22	When an icon label is used in the electronic interface to convey information, indicate an action, or prompt a response, it must be accompanied by a corresponding label that uses text (if applicable).	1.5.9 (VEPBCR 1.0)	Icon Labels	Test
UP	11	UP-11.11-C.23	To ensure EPB presents the same initial appearance for each election worker, any adjustable settings of the EPB must automatically reset to the default setting when an election worker signs out. This requirement covers all settings that can be adjusted, including font size, color, contrast, audio volume, rate of speech, turning on or off audio or	3.2.1 (VEPBCR 1.0)	Reset to default settings	Test

			video, and enabling alternative input devices.			
UP	11	UP-11.11-C.24	The EPB must give the election worker the ability to restore the system to default settings while preserving the current state of any transaction or activity that the election worker is engaged in. This will allow a voter or election worker who has adjusted the system to an undesirable state to reset all settings with the information presented to the voter, including any data already entered.	3.2.2 (VEPBCR 1.0)	Reset by election worker	Test
UP	11	UP-11.11-C.25	Antiglare screen surface that shows no distinct virtual image of a light source or a means of physically shielding the display from such reflections such as an antiglare screen protector or shroud (if applicable).	3.2.13 (VEPBCR 1.0)	Electronic display screens	Test
UP	11	UP-11.11-C.26	Sound and visual cues must be coordinated so that sound cues are accompanied by visual cues. For example: The equipment might beep if the election worker or voter makes an error. If so, there must be an equivalent visual cue, such as the appearance of an icon or blinking element. Audio output must also support non-	3.4.1 (VEPBCR 1.0)	Sound cues	Test

			written languages, voters with low literacy, or voters with low vision.			
UP	11	UP-11.11-C.27	EPB must provide the option for synchronized audio output to convey the same information displayed visually to the election worker or voter. This requirement covers all information, including information entered by an election worker or voter unless the information is not easily readable, such as a voter's signature. This requirement applies to any audio output, whether it is recorded or generated as text-to speech. Any differences between audio and visual information are for functional purposes only, with variations only based on differences in the display format and interaction mode, especially for instructions.	3.4.3 (VEPBCR 1.0)	Audio synchronized	Test
UP	11	UP-11.11-C.28	Where provided, biometrics shall not be the only means for user identification or control. EXCEPTION: Where at least two biometric options that use different biological characteristics are provided, EPB shall be permitted to use biometrics as the only means for user identification or control.	403/3.1.1.1 (VEPBCR 1.0)	403 Biometrics	Test
UP	11	UP-11.11-C.29	Where provided, status indicators shall be discernable visually and by touch or sound.	409/3.1.1.1 (VEPBCR 1.0)	409 Status indicators	Test

VI	12	VI-12.12-A.1	The EPB must display the voter's birth year, but no other birthday information.	COV (Statutory Requirement)	§24.2-404(A)(7) If EPBs are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list or registered voters shall include the day and month of birth of the voter but shall include the voter's year of birth.	Test
VI	12	VI-12.12-A.2	The EPB shall not contain Birth Month and Day	COV (Statutory Requirement)	An EPB shall not contain the following voter registration data:	Test

VI	12	VI-12.12-A.3	The EPB must not have a field to display partial or complete Social Security Numbers.	COV (Statutory Requirement)	§24.2-406(C) In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.	Test
VI	12	VI-12.12-A.4	The EPB provides a mechanism to display name and consecutive number of a voter when they present themselves to vote.	COV (Statutory Requirement)	§24.2-611(B) Record the name and display consecutive number of the voter at the time he offers to vote. Enter EPB record for each voter and record each voter's name, including voters unable to enter the polling place, and for verify the accurate entry of the EPB record for each registrant on the Virginia Voter Registration System.	Test

VI	12	VI-12.12-A.5	The EPB provides a mechanism to input name and then display consecutive number of a voter when they present themselves to vote.	COV (Statutory Requirement)	See requirement description, Voter Interaction, VI-12.12-A.4	Test
VI	12	VI-12.12-A.6	The EPB shall automatically enter consecutive numbers from a given starting point.	COV (Statutory Requirement)	See requirement description, Voter Interaction, VI-12.12-A.4	Test
VI	12	VI-12.12-A.7	The EPB shall have the ability to indicate whether a voter voted “Outside Polls” or “OP.”, often referred to as curb-side voting. The operator shall be allowed to notate independently or in conjunction with other notations set forth in these requirements. EPB shall have the ability to provide listings and counts of such voters.	COV (Statutory Requirement)	See requirement description, Voter Interaction, VI-12.12-A.4	Test
VI	12	VI-12.12-A.8	The EPB must provide notation capability, such that for a voter, an OOE can type text in a field, created for this purpose, and create a note that can be sorted, filtered, and viewed on screen and exported to a report, for various references.	COV (Statutory Requirement)	The operator shall be allowed to notate independently or in conjunction with other notations set forth in these requirements	Test
VI	12	VI-12.12-A.9	The EPB must have the capability to display an indication that a voter has been challenged.	COV (Statutory Requirement)	See requirement description, User Process, UP-11.11-A.1	Test

VI	12	VI-12.12-B.10	The EPB must have the functionality to identify a voter that cannot be processed as a regular voter (e.g. provisional, AB, etc.). This functionality must be configurable so that the election day reasons can be updated without a software update.	COV (Statutory Requirement)	See requirement description, User Process, UP-11.11-A.1	Test
VI	12	VI-12.12-B.11	The EPB must disable all check in options if the voter's status is VOTED.	COV (Statutory Requirement)	§ 24.2-651.1 Any person who offers to vote, who is listed on the pollbook, and whose name is marked to indicate that he has already voted in person in the election shall cast a provisional ballot as provided in § 24.2-653.	Test
VI	12	VI-12.12-B.12	The EPB must notify and provide user instructions for inactive, absentee and early voters ("AB").	COV (Statutory Requirement)	§ 24.2-711 Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the EPB record column on the pollbook.	Test
VI	12	VI-12.12-B.13	The EPB must have the ability to cancel a voter check-in.	COV (Functional Requirement)	Allows user to cancel a voter check-in. Requires supervisor controls prior to cancellation of a voter check-in. Provides ability to	Test

					select reason for cancellation.	
VI	12	VI-12.12-B.14	The EPB must have the functionality to identify a voter that cannot be processed as a regular voter, e.g. (inactive, provisional, AB, etc.).	COV (Functional Requirement)	At voter check in, provide notification of “inactive” voter status, including on-screen instructions and options for processing the “inactive” voter.	Test
VI	12	VI-12.12-B.15	The EPB must contain a feature that allows the user to look-up voter’s address to redirect them to the correct polling place.	COV (Functional Requirement)	Provides the voter address look-up to redirect voters to the correct polling place. Contains additional functionality to include driving directions.	Test
VI	12	VI-12.12-B.16	The EPB must contain a feature that includes driving directions or the address of the correct polling place.	COV (Functional Requirement)	Provides the voter address look-up to redirect voters to the correct polling place. Contains additional functionality to include driving directions.	Test

VI	12	VI-12.12-B.17	All search for voters must have the capability for an advanced search so results can be filtered on any combination of the following data:	COV (Functional Requirement)	Provides a variety of voter look-up capabilities, including first and last name, year of birth, address, District, and Voter ID. Enables each search to be filtered to reduce the number of records returned. Allows configuration of additional advanced search capabilities. All search for voters must have the capability for an advanced search so results can be filtered on any combination of the following data: last name, first name, year of birth, address, District and Voter ID.	Test
VI	12	VI-12.12-B.18	First Name look-up capability	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-B.17	Test
VI	12	VI-12.12-B.19	Last Name look-up capability	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-B.17	Test
VI	12	VI-12.12-C.20	Year of birth look-up capability	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-B.17	Test

VI	12	VI-12.12-C.21	Address look-up capability	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-B.17	Test
VI	12	VI-12.12-C.22	Precinct look-up capability	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-B.17	Test
VI	12	VI-12.12-C.23	Split Precinct/District look-up capability	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-B.17	Test
VI	12	VI-12.12-C.24	Voter ID look-up capability	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-B.17	Test
VI	12	VI-12.12-C.25	Voter Status look-up capability	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-B.17	Test
VI	12	VI-12.12-C.26	Ballot Style Voter's Party	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-B.17	Test
VI	12	VI-12.12-C.27	Ballot Style Voter's Primary	COV (Functional Requirement)	Accurately maintain whole and separate count(s) of voters distinguishable by Ballot Style (Voter's Party/ primary, Precinct, and Precinct Split), Curbside Voter, Challenged Voter, Voter Status, Provisional, Absentees and Early Votes.	Test

VI	12	VI-12.12-C.28	Ballot Style Voter's Precinct	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-C.29	Ballot Style Voter's Precinct Split	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-D.30	Protected voter	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-D.31	Inactive Voter	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-D.32	Voter's out of precinct	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-D.33	Voter has already voted	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-D.34	Curbside Voter or Outside Polls	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-D.35	Challenged Voter	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-D.36	Early Voter(s)	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-D.37	Absentee (AB) Voter	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test

VI	12	VI-12.12-D.38	Provisional Voter	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-D.39	Voter Status	COV (Functional Requirement)	See requirement description, Voter Interaction, VI-12.12-C.27	Test
VI	12	VI-12.12-E.40	DMV Customer Number	COV (Functional Requirement)	The EPB shall not contain the following voter registration data Must Not contain.	Test
VI	12	VI-12.12-E.41	The EPB must be able to scan the barcode from the Virginia State Issued IDs: Driver's License.	COV (Functional Requirement)	The EPB shall have the ability and the option to scan the barcode of a Virginia driver's license.	Test
VI	12	VI-12.12-E.42	Display appropriate error message when a voter is not counted	COV (System Requirement)	Perform data and operational integrity safeguard tests. Performance report to include the optimal duration of check-in process per voter.	Test
VI	12	VI-12.12-E.43	The EPB must be capable of maintaining a digital image of the voter's signature, which involves:	1.2.3 (VEPBCR 1.0)	Maintain digital signatures	Test
VI	12	VI-12.12-E.44	Capturing digital signatures,	1.2.3.1 (VEPBCR 1.0)	Maintain digital signatures	Test
VI	12	VI-12.12-E.45	Storing digital signatures, and	1.2.3.2 (VEPBCR 1.0)	Maintain digital signatures	Test
VI	12	VI-12.12-E.46	Reviewing or comparing a voter's signature to the image of one on file.	1.2.3.3 (VEPBCR 1.0)	Maintain digital signatures	Test

VI	12	VI-12.12-F.47	A printer, whether separated from or built-in to the EPB, must be capable of printing an acknowledgment that the voter may proceed with casting a vote, such as receipts, stickers for ballot cards, ballots, etc.	1.2.5 (VEPBCR 1.0)	Printing capabilities	Test

Appendix E – Software Patching Guidelines

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

Appendix F – Recertification Guidelines

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

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

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

Appendix G – Hardware Guidelines

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

1. Must be pre-formatted and blank per the DoD 5220.22-M wiping standard or similar standard to prevent any preloaded software from being inadvertently installed on the systems.
2. The system must use DoD 5220.22-M wiping standards or similar standard to create blank systems.
3. Must be cryptographic and FIPS 140-2 v2 compliant.
4. Must use SHA256 hashing algorithm or higher.
5. Must comply with applicable Commonwealth information security standards.
6. Must comply with applicable policies, guidelines, and directives as adopted and modified by the SBE from time to time.

Appendix H – EPB System Modifications & Product End of Life Planning

EPB System Modifications

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

Product End of Life Planning

"End-of-life" (EOL) is a term used with respect to products (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 depending on the vendor. EOL can mean the vendor will no longer sustain the product but will provide some limited support for an identified duration or that a vendor will no longer provide maintenance, troubleshooting, or other support. For example, Extended Support is provided following end of Mainstream Support.

The definitions of Last Date of Mainstream Support and Extended Support, as applicable to decertification, recertification, and associated policies and procedures, will be determined by ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time. Currently, the SBE defines the terms as follows:

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

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

Last Date of Mainstream Support: The last day of Mainstream Support as provided by the vendor.

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

An EPB system can be decertified even if an upgrade plan is submitted depending on the circumstances. For example if a vendor does not demonstrate progress in meeting an upgrade plan, the system could be decertified.

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Vendor Notification of "End of Life"

Complete this form (for the areas applicable), attach the upgrade plan and send it to:

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

We have certified an EPB system with the SBE and have determined the product will reach "End of Life" status as indicated below.

Vendor_____Date:_____

Certified EPB System Impacted: _____

Certified Version(s): _____

DATE(S) FOR "END OF LIFE":

Product (Version/Components): _____

Operating System (Description):_____

Software (Version/Description):_____

REQUIRED END OF LIFE PLAN:

Vendor must submit an upgrade plan to the SBE 12 months in advance of "End of Life". The plan must include timeline(s), list of impacted localities, estimated cost for localities, if any, and VSTL report showing the upgrade(s) will ensure EPB systems continue to operate properly.

Proposed Plan Reviewed by: _____ Date:_____

SBE Meeting Date: _____

EOL Upgrade Plan ☐ Approved ☐ REJECTED

Rev. 3/25/2026

Appendix I – EPB Certification Application Form

Certification ☐ Recertification ☐

The company officer or designee responsible for the EPB must complete and sign this form. By signing the form, the company agrees to a release for the VSTL and other states that may have decertified the EPB to respond to any questions by ELECT. This application must be included in the EPB Certification Request Package.

Name of Company:

_____

Name and Title of Corporate Officer:

_____

Contact Phone Number:

_____

Email Address:

_____

Primary Address of Company:

_____

City, State, Zip Code:

_____

Name of EPB System to be certified:

_____

Version Number of EPB System to be certified: _____

I reviewed and confirmed that the EPB being submitted meets the requirements of the Virginia EPB Certification Standard 2.0. The company will comply with additional requests in a timely manner to complete this certification.

Signature of Corporate Officer: _____ Date:_____

Rev. 3/25/2026

Appendix J – De Minimis Change Guideline

The SBE has adopted the EAC's De Minimis Change Guideline and applicable EAC Notice of Clarification of De Minimis Change Guidelines to manage a minimal hardware or software related change to a certified EPB system in a consistent and efficient manner.

De Minimis Changes should have the following general characteristics:

1. Update a discrete component of the system and 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, tested, or both by VSTL personnel in a short amount of time (approximately less than 100 hours).

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

EAC Endorsement

The vendor must present the EAC determination, through a certificate or a letter of acceptance or approval for the specific de minimis change they are presenting for approval in the Commonwealth of Virginia.

VSTL Endorsed Changes

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

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

VSTL Review

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

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

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

ELECT's Action

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

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

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

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

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Virginia State Board of Elections | Request for De Minimis Change

The SBE has adopted guidelines to manage hardware and software related changes to certified Voting Systems and Electronic Pollbook Systems. To request a De Minimis Change, the vendor sends a request to the Secretary of the State Board of Elections that includes the VSTL endorsed package for the De Minimis Change.

De Minimis Changes should have the following characteristics:

1. Update a discrete component of the system and 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 tested by VSTL personnel in a short amount of time (approx. less than 100 hours).

Vendor description of the De Minimis Change:_____

_____

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

_____

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

_____

☐ VSTL endorsed package included.

Signature of Company Officer: _____ Date:_____

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

Reviewed by: _____ Date: _____

☐ APPROVED ☐ REJECTED

Vendor Notified of Status by: _____ Date: _____

Rev. 3/25/2026

Appendix K – Early Voting Connection Requirements

The following additional requirements apply when the EPB Vendor utilizes cloud hosting of EPBs for locality access during the Early Voting period:

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

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

Appendix L - Annual Voting System Vendor Certification

Certified EPB/Version:	Vendor:
Mailing Address:	Contact Person: Title: Telephone: Email:
For the period beginning _____ and ending _____ Must be submitted annually **no later than January 31**.	

Pursuant to the Virginia Electronic Pollbook Certification Standard, Section 1.3. Decertification, Vendors are required to provide an annual certification that will allow ELECT to ensure they have accurate information on changes, incidents, upgrades, and corporate information.

*I certify the following:

a. Vendor has notified ELECT within 24 hours of all incidents, anomalies or security-related breaches experienced in an election jurisdiction, if any (if not, Vendor has attached all necessary supporting documentation to this Certification regarding such incident/anomaly/security-related breach).
b. Vendor has notified ELECT of all changes to Corporate Information within 30 calendar days of knowledge of changes, if any (if not, Vendor has attached all necessary supporting documentation to this Certification regarding any changes to Corporate Information).
c. Vendor has submitted any modifications to ELECT within 30 calendar days of modifications to the certified EPBs, if any (if not, Vendor has attached necessary documentation to this Certification regarding modifications and is actively pursuing compliance with the Standard, Section 1.3, and Appendix H).
d. Vendor has provided ELECT with an upgrade plan for all operating systems or components that have reached or will reach the Last Date of Mainstream Support within 18 months, if any (if not, Vendor has attached necessary documentation to this Certification regarding such systems or components and is actively pursuing compliance with the Standard, Section 1.3, and Appendix H).
e. Vendor has updated all software for the certified EPB with the latest patching and vulnerability updates (if not, Vendor has attached necessary supporting documentation to this Certification regarding necessary updates and is actively pursuing compliance with the Standard, Section 1.3, and Appendix E).

Name:	Title:
Signature:	Date:
Note: Please ensure all necessary supporting documentation is attached.	

Rev. 3/25/2026

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Electronic Meeting Policy

BOARD WORKING PAPERS
Nathan Joyner
FOIA and Records Retention Officer

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Dr. Chris Stolle, Dr. Sally Hudson

From: Nathan W. Joyner, FOIA and Record Retention Analyst

Date: March 25, 2026

Re: SBE Policy 2026-001; Clarifying Amendment to Public Participation Requirements for Remote Meetings

Proposed Motion:

"I move that the Board adopt the proposed clarifying amendment to SBE Policy 2026-001, regarding remote participation by members of the public."

Applicable Code Sections:

- Va. Code § 2.2-3707; § 2.2-3708.2; § 2.2-3708.3; and § 2.2-3101.

Background:

The Code of Virginia requires public bodies to maintain a policy governing electronic participation in meetings. The State Board of Elections (SBE) adopted Policy 2025-002 for this purpose. The Board's current policy provides, in Section 4, that individuals submitting public comment must "activate their camera, with their face fully visible, before they will be given the opportunity to participate in public comment…"

However, the existing policy does not expressly reflect the distinction between individuals offering general public comment and those entitled to speak before the Board for due-process purposes in connection with a hearing or other formal matter independent of general public comment. Operationally, the Board and ELECT have consistently applied such a distinction. As written, though, the policy may reasonably be interpreted to apply the camera-visibility requirement to all speakers during a public meeting, regardless of the context of their participation.

ELECT Recommendation:

To eliminate this ambiguity, ELECT proposes establishing a new Section 6, *Remote Participation in Public Meetings*. This section would relocate and restate the existing requirements governing general public comment while clarifying their scope and expressly distinguishing them from procedures applicable to individuals, or their representatives, appearing at the request of the Board due to a potential removal proceeding or other specified agenda item.

The proposed language is clarifying rather than substantive. It does not expand or restrict public rights of access or participation; instead, it ensures that the written policy accurately reflects current practice and prevents misapplication of general public comment requirements in hearing or invited-speaker context.

State Board of Elections Policy 2026-001

A meeting of the Virginia State Board of Elections (the Board) was held on March 25, 2026 during which the following policy was proposed by the Department of Elections:

Policy for Electronic Participation in Meetings

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

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

SEC. 1: GENERAL REQUIREMENTS AND POLICY ESTABLISHMENT
It is the policy of the State Board of Elections (the Board) that individual Board members may participate in meetings of the Board by electronic means as permitted by Virginia Code § 2.2-3708.3. This policy shall apply to the entire membership and without regard to the identity of the member utilizing remote participation or the matters that will be considered or voted on at the meeting. Further, it is the policy of the Board that the Board may hold all-virtual public meetings pursuant to subsection C of § 2.2-3708.3.

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

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

SEC. 2: MEETING REQUESTS
Requests for remote participation or that the Board conduct an all-virtual public meeting shall be conveyed by a member to the Department of Elections. The Department of Elections shall then relay such requests to the chair of the Board.

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

The request for remote participation or that the Board conduct an all-virtual public meeting by a member shall be recorded in the minutes of the meeting. If the Board votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity. The minutes shall include other information as required by §§ 2.22-3707 and 2.2-3708.3.

SEC. 3: REMOTE PARTICIPATION MEETING REQUIREMENTS

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

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

SEC. 4: ALL-VIRTUAL MEETING REQUIREMENTS

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

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

SEC. 5: DECLARED EMERGENCIES

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

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

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

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

SEC. 6: REMOTE PARTICIPATION IN PUBLIC MEETINGS

When a member of the public participates virtually in a meeting of the Board, the member of the public must activate their camera, with their face fully visible, before they will be given the opportunity to remotely participate in the public comment period. To facilitate a respectful, deliberative exchange, face coverings—which are not worn for religious reasons—are prohibited. <u>This requirement shall not apply to (i) individuals appearing at the request of the Board due to a potential removal proceeding or other specified agenda item, or (ii) individuals that have received a direct notice of a public hearing regarding their campaign or committee, and their representatives, if any.</u>

Effective Date: March 25, 2026

★ VIRGINIA ★

STATE BOARD *of* ELECTIONS

Closed Session

BOARD WORKING PAPERS

March 25, 2026

Closed Session

1. **Into closed session:** "Pursuant to Virginia Code Section 2.2-3711(A)(7), I move that the Board go into closed session for the purpose of discussing pending threatened litigation. In accordance with Section 2.2-3712(F), Steven Koski, Commissioner of Elections, and Ajay Saini, Office of the Attorney General, and will attend the closed session because their presence will reasonably aid the Board in its consideration of the subject of the meeting."

   a. After the motion is seconded, the Board members must vote (must be a roll call vote).

2. **Out of closed session:** "I move to reconvene the meeting in open session, and take a roll call vote certifying that to the best of each member's knowledge (i) only such public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard or discussed by the State Board of Elections"

   a. After the motion is seconded, poll the members for each vote. Each member must vote individually and not as a group.