



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, October 29, 2019
Senate Room 3
Virginia State Capitol
Richmond, VA
1:00 P.M.

SBE Board Working Papers



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Tuesday, October 29, 2019
LOCATION: Virginia State Capitol
Senate Room 3
Richmond, VA 23219
TIME: 1:00 PM

I. CALL TO ORDER

Robert Brink, Chairman

II. APPROVAL OF MINUTES

A. September 17, 2019

Jamilah LeCruise, Secretary

III. COMMISSIONER'S REPORT

*Christopher E. Piper
Commissioner*

IV. OLD BUSINESS

A. Delegations of Authority 2019

*Dave Nichols
Director of Elections Services*

V. NEW BUSINESS

A. Stand by Your Ad
– Consideration of Anonymous Complaints

*Arielle A. Schneider
Policy Analyst*

B. Certification of Pilot for Essex County

*Christopher E. Piper
Commissioner*

C. Recount Suite

*Samantha Buckley
Policy Analyst*

D. Regulations
– Candidate Filings for Special Elections

*Samantha Buckley
Policy Analyst*

E. Advisory Review Workgroup Resolution

Robert Brink, Chairman

VI. PUBLIC COMMENT

VII. ADJOURNMENT



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STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS
State Board of Elections

1 The State Board of Elections (“the Board”) meeting was held Tuesday, September 17,
2 2019, in the Virginia State Capitol, Senate Room 3, in Richmond, Virginia. In attendance:
3 Robert Brink, Chairman, John O’Bannon, Vice Chairman and Jamilah LeCruise, Secretary,
4 represented the State Board of Elections (“the Board”). Christopher E. “Chris” Piper,
5 Commissioner, and Jessica Bowman, Deputy Commissioner represented the Department of
6 Elections (“ELECT”). Heather Hays Lockerman represented the Office of the Attorney General
7 (“OAG”). Chairman Brink called the meeting to order at 1:00 P.M.

8 The first order of business was for the Board to approve minutes for the August 6 Board
9 meeting, the August 6 Public Hearing for 1 VAC 20-90-30, and the August 22, 2019 meeting.
10 Chairman Brink presented the minutes for those meetings. The Vice Chair moved *that the Board*
11 *approve the minutes from the August 6, 2019 Board meeting.* Secretary LeCruise seconded the
12 motion, and the motion passed unanimously. The Secretary moved *that the Board approve the*
13 *minutes from the August 6, 2019 Public Hearing.* Vice Chair O’Bannon seconded the motion,
14 and the motion passed unanimously. The Vice Chair moved *that the Board approve the minutes*
15 *from the August 22, 2019 Board meeting.* Secretary LeCruise seconded the motion, and the
16 motion passed unanimously.

17 The next order of business was the Commissioner’s Report, presented by Commissioner
18 Piper. The Commissioner introduced new employees of ELECT including Danny Davenport,
19 Policy Analyst, Tanya Pruett, Senior Registrar Liaison, Matthew Fritz, GIS Analyst, Hilary
20 Small, VCU Wilder Fellow, and Sherry Cerny, Election Services Specialist. Commissioner Piper
21 advised the Board that the Elections Administration team reviewed 967 ballots that will be used

22 for the November general election. The Commissioner applauded the Campaign Finance team
23 for completing their deadline. Commissioner Piper stated that absentee voting begins Friday.

24 The Commissioner noted a pending issue at the federal level for the United States’
25 potential withdrawal from the Universal Postal Union (“UPU”). Commissioner Piper explained
26 that the UPU is an international agreement to ensure the standard delivery of mail globally. The
27 Commissioner informed the Board that if the UPU does not accede to US demands, the US will
28 withdrawal from the current agreement effective October 17, 2019. Commissioner Piper advised
29 that if the United States cannot come to a bilateral agreement with the nation, mail may not be
30 sent back to Virginia from overseas voters. The Commissioner stated that ELECT had asked
31 local general registrars to notify overseas and military voters to request the absentee ballot as
32 soon as possible and return the voted ballot no later than October 17, 2019. The Commissioner
33 informed the Board that the General Assembly assigned ELECT to review the “no excuse in-
34 person absentee voting” law that will go into effect in 2020. Commissioner Piper advised the
35 Board that a few ELECT staff members went to Mecklenburg County, North Carolina to observe
36 their early voting operation. The Commissioner congratulated its new Voter Registrar
37 Association of Virginia President from Wise, Virginia: Allison Robbins.

38 The next order of business was the Nationwide CyberSecurity Review, presented by
39 Daniel Persico, Chief Information Officer. Mr. Persico informed the Board that at a recent
40 meeting, the Board discussed HB2178 and approved a risk assessment. He advised the Board
41 that ELECT wants to allow localities to begin internal audits. Mr. Persico introduced Karen
42 Tinucci to present the Risk Assessment presentation. *This report is in the Working Papers for the*
43 *September 17, 2019 meeting.* Vice Chair asked if VACO and the other relevant constituent

44 groups were aware that the assessment was coming? Mr. Persico stated that if approved today,
45 ELECT will send out the first formal communication on the following business day. Chairman
46 Brink asked whether the Workgroup had identified any mechanism to share the cybersecurity
47 standards with the governing bodies of each locality. Mr. Persico advised that there is no
48 mechanism at this time but that once the Workgroup starts broadcasting the information and
49 attending VACO conferences, the Workgroup will be able to address a broader audience.

50 Secretary LeCruise *moved that the Board adopt the proposed Risk Assessment minimum*
51 *security standard related to information systems classified as sensitive to election related*
52 *activities. In support of improving risk communications and striving to baseline and measure*
53 *continual improvement, this standard includes a provision that each locality: Is a member of the*
54 *Center for Internet Security (CIS) Elections Infrastructure Information Sharing & Analysis*
55 *Center (EI-ISAC) and/or Multi-State ISAC (MS-ISAC); and Completes a self-assessment*
56 *annually as requested by the Department of Elections, utilizing a tool based on best practices;*
57 *such as the CIS Nationwide Cybersecurity Review (NCSR) Assessment. Vice Chair O'Bannon*
58 *seconded the motion, and the motion passed unanimously.*

59 The next order of business was the Voting System Certification Standard, presented by
60 Commissioner Piper. Commissioner Piper stated that certification standards had not been
61 updated in many years. The Commissioner informed the Board that with the partners of CGI
62 Technology Solutions (“CGI INC.”), they have been working together to develop the
63 certification standards. Commissioner Piper introduced Jaime Woltz to present the report. *This*
64 *report is in the Working Papers for the September 17, 2019 meeting.* Chairman Brink asked
65 whether the new standard requires all systems to be recertified. Ms. Woltz stated that the testing

66 is done at the federal level but once completed, localities must demonstrate compliance to the
67 Commonwealth. Commissioner Piper stated that this would provide flexibility to the vendors to
68 make updates to the software without having to go through the recertification process. Vice
69 Chair O'Bannon *moved that the Board adopt the staff proposal for Voting System Certification*
70 *Standard as presented [amended]. Secretary LeCruise seconded the motion, and the motion*
71 *passed unanimously.*

72 The next order of business was the SB1564 regulations presented by Samantha Buckley,
73 Policy Analyst. *This report is in the Working Papers for the September 17, 2019 meeting.* Vice
74 Chair O'Bannon *moved that the Board approve the Department's proposal for regulatory action*
75 *and put forward IVAC20-50-40 for public comment.* Secretary LeCruise seconded the motion,
76 and the motion passed unanimously.

77 The next order of business was the Delegations of Authority 2019 presented by Dave
78 Nichols, Director of Elections Services. *This report is in the Working Papers for the September*
79 *17, 2019 meeting.* Chairman Brink suggested deferring the adoption of the Delegations until the
80 October 29 meeting. Vice Chair O'Bannon asked Commissioner Piper if this changes current
81 relationships. Commissioner Piper stated that ELECT currently works under the existing
82 delegations. The Commissioner informed the Board that the Delegations of Authority 2019 have
83 been updated to align the work of ELECT with the current Code of Virginia.

84 Mr. Nichols informed the Board that one of the changes between the old and new version
85 is that the General Assembly removed certain responsibilities given to the Board and reassigned
86 them to the Department. He explained to the Board that the memos for each chapter contain three
87 items of information; delegations regarding new or amended Code, a suggestion which should be

88 delegated to the Department and those that should remain with the Board, and any
89 recommendations the Department has for changing existing delegations and who has the
90 authority.

91 Mr. Nichols advised the Board that generally, delegations that constitute administrative
92 functions are delegated to the Department, but that under the proposed Delegations of Authority
93 2019 the Board retains policy and standard decisions. Mr. Nichols advised the Board that
94 Chapter 9.3 and 9.5 were originally Chapter 9. He explained that in 2006, the General Assembly
95 fundamentally rewrote the entire section and eliminated Chapter 9. Chairman Brink informed the
96 Board that they would defer the adoption of the delegations until the October 29 meeting.

97 The next order of business was Stand by Your Ad, presented by Arielle A. Schneider,
98 Policy Analyst. The first complaint was against Audrey for Supervisor. Ms. Schneider presented
99 the Board with two print media violations, one sign, and one letter. She stated that Ms. Regnery
100 provided a response, informing the Board that she has made the necessary changes to include a
101 disclosure statement on her advertising materials. Vice Chair O'Bannon moved *subject to the*
102 *Board's authority under the Code of Virginia §24.2-955.3, to find Audrey for Supervisor in*
103 *violation of Stand By Your Ad print media disclosure requirements with regard to two print*
104 *media advertisements and assess a \$100 penalty.* Secretary LeCruise seconded the motion, and
105 the motion passed unanimously.

106 The next complaint was against Friends of Steve Adragna. Ms. Schneider presented the
107 Board with two complaints. The first complaint contained two door hangers with no disclosure,
108 and the second complaint contained one door hanger with no disclosure. Ms. Schneider informed
109 the Board that Mr. Adragna provided an apology and explained the campaign's effort to correct

110 the errors. Vice Chair O'Bannon asked Ms. Schneider what does remediation constitute? Ms.
111 Schneider informed the Board that remediating an advertisement means to provide a disclosure
112 where there was no disclosure before or to provide correct disclosure language.

113 Vice Chair O'Bannon asked by what mechanism does ELECT document remedial action.
114 Ms. Schneider explained to the Board that the schedule of penalties provided by the previous
115 Board in 2012 provides that a first time violation can be halved if there is an apology,
116 explanation, or remedial action. She stated that if ELECT is basing the reduction solely on the
117 remedial action, ELECT will wait until the campaign provides an image of the remediated
118 advertisement. Secretary LeCruise moved *subject to the Board's authority under the Code of*
119 *Virginia §24.2-955.3, to find Friends of Steve Adragna in violation of Stand By Your Ad print*
120 *media disclosure requirements with regard to three print media advertisements and assess a*
121 *\$100 penalty. Chairman Brink seconded the motion.*

122 Ms. Hays Lockerman informed the Board that there are other complaints involving
123 multiple instances of the same media that will be presented today. She explained to the Board that
124 their response for one might impact the response on another. Commissioner Piper asked
125 hypothetically if 100 of the same business cards are considered to be one violation, and then it is
126 extended to yards signs, what would be the precedent created by this outcome? Ms. Hays
127 Lockerman stated that she would like the penalties and outcomes to be consistent. She noted that
128 these cases are not exempt from the APA; they have to provide justification for the final order
129 assessing a penalty. Chairman Brink suggested the Board defer the complaint until the end of
130 Stand By Your Ad.

131 The next complaint was against Friends of Virginia Smith. Ms. Schneider presented the
132 Board with 35-yard signs with no disclosure. She also provided the Board with the location of
133 each yard sign. Vice Chair O'Bannon asked how much would the penalty be for 35 sign
134 violation without apology or remediation. Ms. Schneider informed the Board the penalty would
135 be \$3,500 without apology and/or remediation and \$1,750 with an apology and/or remediation.

136 Ms. Smith addressed the Board and sincerely apologized for not having the disclaimer on
137 the yard signs. She stated that this is her first time running for office and was unaware of the
138 disclosure. Ms. Smith informed the Board that she has added the disclosure to all 35 signs and
139 presented the picture to the Board. Due to the apology Vice Chair O'Bannon moved *subject to*
140 *the Board's authority under the Code of Virginia §24.2-955.3, to find Friends of Virginia Smith*
141 *in violation of Stand By Your Ad print media disclosure requirements with regard to 35 print*
142 *media advertisements and assess a \$1,750 penalty.* Chairman Brink seconded the motion, voted
143 in favor of the motion and the motion passed 2-1, Secretary LeCruise having voted no.

144 The next complaint was against the Howard Phillips Campaign. Ms. Schneider presented
145 the Board with one yard sign with no disclosure. Mr. Phillips addressed the Board. He stated that
146 he first received notification of the violation from his local registrar and was unaware the
147 complaint had been sent to the State. Ms. Phillips apologized for the error and informed the
148 Board that once he received the complaint from his local registrar, he corrected his signs by
149 adding the disclosure. Chairman Brink asked Mr. Phillips if he had access to any material
150 informing him of this requirement. Mr. Phillips informed the Board that he did have a packet
151 containing the information. Due to an apology Secretary LeCruise moved *subject to the Board's*
152 *authority under the Code of Virginia §24.2-955.3, to find the Howard Phillips Campaign in*

153 *violation of Stand By Your Ad print media disclosure requirements with regard to one print*
154 *media advertisement and assess a \$50 penalty.* Vice Chair O'Bannon seconded the motion, and
155 the motion passed unanimously.

156 The next complaint was against J. Baxter Stegall for Nottoway Commonwealth's
157 Attorney. Ms. Schneider presented the Board with one print media yard sign with no disclosure.
158 Mr. Stegall addressed the Board. He stated that he had a two-part request. The first is a request
159 for the Board to find the evidence against him insufficient. Mr. Stegall informed the Board that
160 the requirements presented in §24.2-956 include Print Media, which is defined in §24.2-955.1.
161 He stated that the last sentence in the Print Media definition says "If a single print media
162 advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this
163 section applies only to one page, fold, or face." Mr. Stegall advised the Board that the evidence
164 only shows one side of the yard sign even though the sign is two-sided.

165 Ms. Schneider advised the Board that if the candidate can provide a photo of the
166 disclosure on the other side of the yard sign, she would recommend that the Board dismiss the
167 complaint. Mr. Stegall stated that he has added waterproof stickers with the disclosure to all of
168 the yard signs. Vice Chair O'Bannon asked what are the font size rules for disclosures? Ms.
169 Schneider informed the Board that the 7pt font sufficiency only applies to electronic disclosures.
170 She stated that if it is not an electronic disclosure, the minimum font size required is 7 point, but
171 that the Board must decide if the size is adequately conspicuous. Vice Chair O'Bannon moved
172 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find J. Baxter Stegall*
173 *for Nottoway Commonwealth's Attorney in violation of Stand By Your Ad print media disclosure*

174 *requirements with regard to one print media advertisement and assess a \$50 penalty.* Secretary
175 LeCruise seconded the motion, and the motion passed unanimously.

176 The next complaint was against Jeff Huffman. Ms. Schneider presented the Board with
177 two complaints, one sign without the disclaimer and the second sign with a disclaimer. Ms.
178 Schneider provided the Board with Mr. Huffman’s written response. *This report is in the*
179 *Working Papers for the September 17, 2019 meeting.* Mr. Huffman provided an apology and
180 informed the Board that he had made the necessary changes to 179 signs. Ms. Schneider
181 informed that Board that for the first sign, she would recommend a \$50 penalty due to the
182 apology and remedial action. She advised the Board that the second sign states “Authorized by
183 candidate”, and in 2015 the previous Board passed the substantial compliance policy. Ms.
184 Schneider stated that in order to determine a disclosure as substantially similar, the language
185 must articulate what the disclosure language was meant to communicate. Due to the apology
186 Vice Chair O’Bannon moved *subject to the Board’s authority under the Code of Virginia §24.2-*
187 *955.3, to find Jeff Huffman in violation of Stand By Your Ad print media disclosure requirements*
188 *with regard to one print media advertisement, for which the Board assesses a \$50 penalty.*
189 Secretary LeCruise seconded the motion, and the motion passed unanimously.

190 The next complaint was against Kersey for Sheriff. Ms. Schneider presented the Board
191 with two undisclosed print media items, one-yard sign, and one van advertisement. Mr. Kersey
192 addressed the Board. He apologized for his error and explained that he added the disclosure to
193 his signs. Chairman Brink asked if there was a copy of the remediated sign. Tammy Alexander
194 informed the Board that she does have proof of remediation for Mr. Huffman. Due to the
195 apology and remedial action Secretary LeCruise moved *subject to the Board’s authority under*

196 *the Code of Virginia §24.2-955.3, to find Kersey for Sheriff in violation of Stand By Your Ad*
197 *print media disclosure requirements with regard to two print media advertisements and assess a*
198 *\$100 penalty. Vice Chair O’Bannon seconded the motion, and the motion passed unanimously.*

199 The next complaint was against Trudy Berry for Delegate. Ms. Schneider presented the
200 Board with an undisclosed website. She informed the Board that the websites had subsequently
201 been disclosed. Due to the apology Vice Chair O’Bannon moved *subject to the Board’s authority*
202 *under the Code of Virginia §24.2-955.3, to find Trudy Berry for Delegate in violation of Stand*
203 *By Your Ad print media disclosure requirements with regard to one print media advertisement*
204 *and assess a \$50 penalty. Secretary LeCruise seconded the motion, and the motion passed*
205 *unanimously.*

206 Ms. Schneider referred back to the Friends of Steve Adragna complaint. Vice Chair
207 O’Bannon moved *subject to the Board’s authority under the Code of Virginia §24.2-955.3, to*
208 *find Friends of Steve Adragna in violation of Stand By Your Ad print media disclosure*
209 *requirements with regard to three print media advertisements and assess a \$150 penalty.*
210 Chairman Brink seconded the motion, and the motion passed 2-1.

211 Chairman Brink opened the floor to public comment. Dr. Clara Belle Wheeler, a former
212 Board member from Albemarle County, asked the Board would they speak with the local
213 General Registrar about political signs on private property.

214 Chairman Brink moved to adjourn the Board. The meeting adjourned at approximately
215 3:15 P.M.

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222 Secretary

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224 Vice Chair

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226 Chair

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★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Christopher E. Piper
Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Delegations of Authority 2019

BOARD WORKING PAPERS
Dave Nichols
Director of Elections Services



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise

From: Dave Nichols, Director of Elections Services

Date: September 17, 2019

Re: Delegations of Authority 2019

Suggested Motion

I move that the Board approve the proposed Delegations of Authority 2019 from the State Board of Elections to the Department of Elections, pursuant to the Virginia Administrative Process Act, and I further move that all prior Delegations of Authority be rescinded.

Delegations Background

The State Board of Elections ("Board") is authorized to prescribe standard forms for voter registration and elections, and to supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of election. The Department of Elections ("Department") is authorized to establish and maintain a statewide automated voter registration system to include procedures for ascertaining current addresses of registrants; to require cancellation of records for registrants no longer qualified; to provide electronic application for voter registration and absentee ballots; and to provide electronic delivery of absentee ballots to eligible military and overseas voters. The Department conducts the Board's administrative and programmatic operations and discharges the Board's duties consistent with delegated authority.

Needed Revisions

The current version of Delegation of Authorities was adopted in 2004. There were slight revisions in 2010. Since the initial adoption of the delegations, the General Assembly has enacted many additions, deletions, and amendments to Virginia election law. In the current delegations, many responsibilities placed on the Board have been delegated to the Board Secretary. The Board Secretary was once the individual tasked with the daily operations of the Board and its staff. Many of those duties transferred to the Department when it was created by the General Assembly in 2013. Since its initial creation, many administrative duties once assigned to the Board have been reassigned to the Department by acts of the General Assembly.

For purposes of this revision, any responsibility once assigned to the Board in the Code of Virginia that has been reassigned to the Department has been removed from the Board's consideration of delegations. Those Code sections are not included in the pages and discussions

that follow. Included with this packet is are separate supporting memos for each chapter outlining changes to the delegations regarding new or amended Code provisions that did not exist in 2004 (divided into sections of those which should be delegated to the Department and those that should remain with the Board) and any recommendations the Department has for changing existing delegated authority, whether or not the language of the law was amended.

The information provided also includes a copy of the current version and a copy of the new version as recommended by the Department.

Attachments

- Supporting memos for each chapter of Title 24.2
- Memo for additional administrative forms for Board to consider delegating
- Current Delegation of Authority
- Proposed Delegation of Authority 2019
- Change Log – shows corrections from prior version of Delegation on Authority 2019

Recommendation of Staff

Staff recommends the Board adopt the Delegations of Authority 2019 as presented.



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DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Arielle A. Schneider, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapter 1

Chapter 1: Delegations of Authority (regarding new or amended Code provisions)

Delegated to the Department of Elections (ELECT)

<p>24.2-103 <i>Amended</i> 2009</p>	<p>Electoral boards and registrars shall provide <u>information requested by the Board</u> and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law.</p>	<p>No change to the delegated authority permitting ELECT to instruct electoral boards and registrars to provide information. New section instructs EB members to follow rules and regulations developed by and for the Board.</p> <p>Included in this memo because the Code section was amended.</p>
<p>24.2-103 <i>Amended</i> 2010</p>	<p>A. The State Board <u>shall post on the Internet within three business days any rules or regulations made by the State Board.</u></p>	<p>ELECT acts on SBE's behalf to fulfill this requirement.</p>
<p>24.2-103 <i>Amended</i> 2009</p>	<p>B. ... The State Board ... <u>shall develop standardized training programs</u> for the officers of election to be conducted by the local electoral boards and the general registrars.</p>	<p>ELECT acts on SBE's behalf to create standardized training for officers of elections.</p>
<p>24.2-103 <i>Amended</i> 2016</p>	<p>The State Board <u>shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course</u> for officers of election.</p>	<p>ELECT provides training materials and the option to take such training online.</p>
<p>24.2-103 <i>Amended</i> 2010</p>	<p>Upon request and at a reasonable charge not to exceed the actual cost incurred, the State <u>Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any</u></p>	<p>ELECT acts on SBE's behalf to fulfill this requirement.</p>

	<u>instructions or information</u> provided by the State Board to the local electoral boards and registrars.	
24.2-105.1 <i>Amended</i> 2007	The State Board shall <u>provide elections results and statistical information on its website. The information shall include voter turnout information which shall be calculated as the percentage of active voters who voted excluding voters assigned to inactive status pursuant to Chapter 4 (§ 24.2-400 et seq.)</u>	ELECT acts on SBE's behalf to fulfill this requirement.
24.2-106.01 <i>Enacted</i> 2017	The State Board shall <u>develop a description of the duties and responsibilities</u> of the local electoral boards and update such description as needed. Such description shall include the statutory and regulatory duties and responsibilities of the electoral boards, prohibited activities of the electoral boards and members of electoral boards, and the qualifications and disqualifications of members of electoral boards.	ELECT acts on SBE's behalf to fulfill this requirement. Question: Should SBE retain responsibility/authority to approve the description?
24.2-114 <i>Amended</i> 2005	19. Attend an annual training program <u>provided by the State Board</u> . A general registrar may designate one member of his staff to attend such training program if he is unable to attend because of a personal or family emergency.	ELECT acts on SBE's behalf to provide annual training.
24.2-115.2 <i>Amended</i> 2016	This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials <u>developed by the State Board</u> for this purpose.	ELECT acts on SBE's behalf to develop officer of election training based on the standards approved by the SBE.
24.2-115.2 <i>Amended</i> 2016	C. Following any training conducted pursuant to this section, the electoral boards shall <u>certify to the State Board</u> that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.	ELECT acts on SBE's behalf to accept certification of officer of election training.

Retained by the Board

24.2-103 <i>Amended</i>	B. ... The State Board shall <u>set the training standards for the officers of</u>	SBE retains approval to adopt training standards for officers of elections.
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2009	election ...	
24.2-103 <i>Amended 2016</i>	B. ... The State Board shall <u>review the standardized training materials and the content of the online training course</u> every two years in the year immediately following a general election for federal office.	SBE retains approval to adopt training standards for officers of elections.
24.2-115.2 <i>Amended 2016</i>	A. Each officer of election shall receive training consistent with the <u>standards set by the State Board</u> pursuant to 24.2-103.	SBE approves officers of election training standards.

Chapter 1: Revised Delegations of Authority (relating to Code sections that remained the same)

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Arielle A. Schneider, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapter 2

Chapter 2: Delegations of Authority (regarding new or amended Code provisions)

N/A

Chapter 2: Revised Delegations of Authority (relating to Code sections that remained the same)

N/A



★ VIRGINIA ★
 DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Samantha Buckley, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapter 3

Chapter 3: Delegations of Authority (regarding new or amended Code provisions)

Delegated to the Department of Elections (ELECT)

24.2-309.2 <i>Amended 2008</i>	If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ <u>24.2-304.3</u> and <u>30-264</u> , and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.	ELECT receives all amendments on behalf of the SBE.
24.2-310(F) <i>Amended 2005</i>	F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § <u>24.2-307</u> or <u>24.2-308</u> for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.	ELECT acts on SBE's behalf related to monetary grants.

Retained by the Board

N/A

Chapter 3: Revised Delegations of Authority (relating to Code sections that remained the same)

24.2-309	The State Board shall make regulations setting procedures <u>by which elections may be conducted in precincts in which all voters do not have the same choice of candidates at a</u>	SBE to retain authority.
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	<u>general election.</u>	
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★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Samantha Buckley, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapter 4

Chapter 4: Delegations of Authority (regarding new or amended Code provisions)

Delegated to the Department of Elections (ELECT)

N/A

Retained by the Board

24.2-404 <i>Amended 2015</i>	C. The State Board <u>shall institute procedures to ensure that each requirement of this section is fulfilled.</u>	SBE to retain authority.
24.2-404 <i>Amended 2015</i>	<u>As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.</u>	SBE to retain authority.
24.2-404 <i>Amended 2015</i>	D. The State Board <u>shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.</u>	SBE to retain authority.
24.2-404 <i>Amended 2015</i>	E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board <u>shall promulgate rules and regulations governing the use of the immigration status and citizenship status</u>	SBE to retain authority.

	information received from the SAVE Program.	
24.2-406 <i>Amended 2007</i>	The Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with <u>security policies approved by the State Board of Elections</u> .	SBE to retain authority.
24.2-410.2 <i>Enacted 2019</i>	A. The State Board <u>shall promulgate regulations and standards</u> necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information. The State Board shall, in consultation with representatives of local government information technology professionals and general registrars, <u>update the security standards at least annually</u> . Such review shall be completed by November 30 each year.	SBE to retain authority.
24.2-410.2 <i>Enacted 2019</i>	B. The electoral board of each county and city that utilizes supporting technologies to maintain and record registrant information shall develop and annually update written plans and procedures to ensure the security and integrity of those supporting technologies. All plans and procedures shall be in compliance with the <u>security standards established by the State Board</u> pursuant to subsection A. Each electoral board shall report annually by March 1 to the Department of Elections on its security plans and procedures. The general registrar and the Department of Elections shall provide assistance to the electoral board, upon request by the electoral board.	SBE to retain authority.
24.2-410.2 <i>Enacted 2019</i>	C. In accordance with the <u>process prescribed by the State Board</u> , the Department of Elections may limit access to the Virginia voter registration system by any county or city that has failed to comply with the provisions of subsection B or <u>the security standards established by the State Board</u> pursuant to subsection A. Such access shall be limited as necessary in order to address and resolve any security risks or to enforce compliance with the provisions of subsection B or the <u>security standards established by the State Board</u> . Prior to restricting access to Virginia voter registration system by any county or	SBE to retain authority.

	city, the Department of Elections shall provide notice to the county or city of the failure to comply with the provisions of subsection A or B and the county or city shall have seven days to correct any deficiencies. The Department of Elections may provide technical assistance to any county or city upon request by the county or city.	
24.2-416.6 <i>Amended 2007</i>	Such individuals or agents representing a group shall be required to receive <u>training as approved by the State Board</u> and sign a sworn affidavit on <u>a form prescribed by the State Board</u> attesting that such individuals or organizations will abide by all Virginia laws and rules regarding the registration of voters.	SBE to retain authority.
24.2-416.7 <i>Amended 2013</i>	A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote by electronic means <u>as authorized by the State Board</u> by completing an electronic registration application.	SBE to retain authority.
24.2-416.7 <i>Amended 2013</i>	B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ <u>24.2-423</u> and <u>24.2-424</u> to notify the general registrar of a change of legal name or place of residence within the Commonwealth by <u>electronic means as authorized by the State Board</u> by completing an electronic registration application.	SBE to retain authority.
24.2-416.7 <i>Amended 2015</i>	H. The Department of Elections may use <u>additional security measures approved by the State Board</u> to ensure the accuracy and integrity of registration transactions performed under this article.	SBE to retain authority.
24.2-422	<u>The petitioner may file his petition by completing and filing a form which shall be prescribed by the State Board</u> and which shall be used by the general registrar to notify an applicant of the denial of his application to register and of the reasons for the denial.	Not listed in current delegations.

Chapter 4: Revised Delegations of Authority (relating to Code sections that remained the same)

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Arielle A. Schneider, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapter 4.1

Chapter 4.1: Delegations of Authority (regarding new or amended Code provisions)

N/A

Chapter 4.1: Revised Delegations of Authority (relating to Code sections that remained the same)

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Samantha Buckley, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapter 5

Chapter 5: Delegations of Authority (regarding new or amended Code provisions)

Delegated to the Department of Elections (ELECT)

<p>24.2-524 <i>Amended 2005</i></p>	<p>A. Candidates for United States Senators, for representatives in Congress, and for the offices of Governor, Lieutenant Governor, and Attorney General shall <u>pay the primary fee to the State Board of Elections</u>. The primary fees shall be <u>credited by the Board</u> to a fund to be known as the "state primary fee fund."</p> <p>The Board shall <u>refund the fee</u> by warrant upon the state primary fee fund in the event the prospective candidate does not become a candidate, becomes a candidate and is not opposed, or must refile for any reason. All other primary fees paid to the Board shall be paid or placed to the credit of the fund out of which the Board pays the Commonwealth's expenses for the primary.</p>	<p>ELECT receives and refunds payments related to primary fees on behalf of the SBE.</p>
<p>24.2-543 <i>Amended 2013</i></p>	<p>The State Board <u>may require proof</u> that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.</p>	<p>ELECT acts on SBE's behalf to fulfill this requirement.</p>
<p>24.2-543 <i>Amended 2013</i></p>	<p>Such substitution shall not invalidate any petition of qualified voters circulated with the name of the deceased or disqualified elector provided that notice of the <u>substitution is filed with the State Board</u> by noon of the seventy-fourth day before the presidential election.</p>	<p>Candidate and party filings should be submitted with ELECT for administrative purposes.</p>

24.2-543 <i>Amended 2013</i>	Notice of the substitution and the name of any substitute elector shall be submitted on <u>a form prepared by the State Board</u> .	Candidate and party filings should be submitted with ELECT for administrative purposes.
24.2-543 <i>Amended 2013</i>	B. If the State Board determines that a candidate for President does not qualify to have his name appear on the ballot pursuant to this section by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought.... The <u>notice of disqualification shall be sent</u> by email or regular mail to the address on file for the candidate, and such notice shall be deemed sufficient.	ELECT will determine qualified candidates regarding validated petition pages/signatures. ELECT will provide notification of disqualification related to petition signatures.
24.2-543 <i>Amended 2013</i>	Immediately after the conclusion of the appeal hearing, the State Board <u>shall notify the candidate of its decision in writing</u> . The decision on appeal shall be final and not subject to further appeal.	ELECT will provide notification of disqualification related to petition signatures.

Retained by the Board

24.2-503	The State Board <u>may grant an extension of any deadline for filing</u> either or both written statements and shall notify all candidates who have not filed their statements of the extension. Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.	Currently delegated. Recommendation: Board authority
24.2-506	The <u>appeal shall be heard by the State Board</u> or the electoral board, as appropriate, within five business days of its filing.	SBE to retain authority.
24.2-543	the <u>candidate may appeal the determination to the State Board</u> within seven calendar days of the issuance of the notice of disqualification.	SBE to retain authority.

Chapter 4: Revised Delegations of Authority (relating to Code sections that remained the same)

24.2-501	It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must file a written statement under oath, <u>on a</u>	Recommendation: Candidate qualifications exist
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	<u>form prescribed by the State Board</u> , that he is qualified to vote for and hold the office for which he is a candidate.	statutorily and ELECT may need authority over the form for design purposes or legislative updates.
24.2-506	If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal that determination within five calendar days of the issuance of the notice of disqualification pursuant to § 24.2-612 or <u>notice from the State Board that the candidate did not meet the requirements to have his name appear on the ballot.</u>	ELECT will provides notification of disqualification related to petition signatures.
24.2-506	Appeals made by candidates for all other offices <u>shall be filed with the State Board.</u>	ELECT should receive filings regarding candidates for administrative purposes.
24.2-506	<u>The electoral board shall notify the State Board</u> of any appeal that is filed with the electoral board.	ELECT should receive notifications regarding qualified candidates for administrative purposes.
24.2-506	Immediately after the conclusion of the appeal hearing, the <u>entity conducting the appeal shall notify the</u> candidate and, if applicable, the State Board , of its decision in writing.	ELECT should receive notifications regarding qualified candidates for administrative purposes.
24.2-517	The State Board <u>shall order the holding of a primary election</u> in any county, city, or other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is intended to be held.	ELECT acts on behalf of the SBE to send out notification of a primary election.
24.2-536	If more than one person qualifies, the party chairman shall promptly <u>certify their names to the State Board</u> and the appropriate electoral boards as having qualified under the provisions of this section.	Note: Not included in original delegations. Recommendation: Delegate

		ELECT should receive notifications from the parties.
24.2-542	In the event of the death or withdrawal of a candidate of a political party for President or Vice President, <u>that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.</u> The State Board shall also be furnished, if it requests, with satisfactory evidence that any person undertaking to act as an elector on behalf of any political party is, in fact, duly and properly authorized to do so.	ELECT certifies that federal candidates will be on the ballot. The localities make their own ballot based on standards approved by the Board.
24.2-545	The <u>state chairman shall notify the State Board</u> of the party's determination at least 90 days before the primary date.	ELECT should receive notifications from the parties.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Samantha Buckley, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapter 6

Chapter 6: Delegations of Authority (regarding new or amended Code provisions)

Delegated to the Department of Elections (ELECT)

24.2-611 <i>Amended</i> 2011	E. In the event that the electronic pollbooks for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, in accordance with the <u>instructions and materials approved by the State Board</u> , shall (i) maintain a written list of the persons voting and (ii) provide to each person voting a provisional ballot to be cast as provided in § 24.2-653.	ELECT acts on SBE's behalf to fulfill this requirement.
24.2-613 <i>Amended</i> 2019	F. Any locality that uses machine-readable ballots at one or more precincts, including any central absentee precinct, may, <u>with the approval of the State Board</u> , use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot.	ELECT acts on SBE's behalf to fulfill this requirement.
24.2-625.1 <i>Amended</i> 2014	The general registrar and the State Board <u>shall provide the electoral board assistance, upon request.</u>	ELECT provides assistance on behalf of the SBE.
24.2-627 <i>Amended</i> 2010	If the State Board finds that the number of voting systems is not sufficient, <u>it may direct the general registrar to use more voting systems.</u>	ELECT provides guidance on behalf of the SBE.
24.2-638 <i>Amended</i> 2009	The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, the names of the voters who used the machine while it was removed provided that secrecy of the ballot is maintained <u>in accordance with guidance from the State Board</u> , and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.	ELECT provides guidance on behalf of the SBE.
24.2-643 <i>Amended</i> 2014	The State Board of Elections <u>shall provide an ID-ONLY provisional ballot envelope</u> that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count	ELECT provides provisional ballot envelopes on behalf of the SBE.

	the ballot.	
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Retained by the Board

24.2-613 <i>Amended 2008</i>	A. The ballots shall comply with the requirements of this title and the <u>standards prescribed by the State Board.</u>	SBE retains authority to set Ballot Standards.
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Chapter 6: Revised Delegations of Authority (relating to Code sections that remained the same)

24.2-603.1	The State Board <u>shall prescribe appropriate procedures to implement this section.</u>	ELECT should work with local election officials to plan if this situation arises.
24.2-613	B. ... For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board , have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties.	ELECT acts on SBE's behalf to fulfill this requirement.
24.2-614	As soon as practicable after the seventy-fourth day before the presidential election, the State Board <u>shall certify to the general registrar of each county and city the form of official ballot for the presidential election which shall be uniform throughout the Commonwealth.</u>	ELECT acts on SBE's behalf to fulfill this requirement.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Arielle A. Schneider, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapter 7

Chapter 7: Delegations of Authority (regarding new or amended Code provisions)

Delegated to the Department of Elections (ELECT)

<p>24.2-709 <i>Amended</i> 2010</p>	<p>The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.</p>	<p>Local electoral boards submit abstracts to the Department of Elections which receives such records on behalf of the SBE.</p>
<p>24.2-710 <i>Amended</i> 2010</p>	<p>Upon request, the State Board shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain (i) any voter's social security number or any part thereof, (ii) any voter's day and month of birth, or (iii) the residence address of any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.</p>	<p>The Department of Elections is responsible for releasing records maintained in the Virginia Electronic Registration Information System (VERIS).</p>

Retained by the Board

24.2-701.1 <i>Amended</i> 2019	The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § <u>24.2-653</u> and this section.	SBE retains approval of instructions for handling and counting provisional ballots.
24.2-706 <i>Amended</i> 2016	The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.	SBE retains sole authority to establish regulations.

Revised Delegations of Authority (relating to Code sections that remained the same)

24.2-701	Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means.	Necessary delegation as the State Board of Elections does not have a physical office.
24.2-704	On receipt of an application from an applicant marked to indicate he will require assistance, the general registrar shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649.	ELECT acts on SBE's behalf to provide the voter assistance form to voters who indicate they will require assistance.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Samantha Buckley, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapter 8

Chapter 8: Delegations of Authority (regarding new or amended Code provisions)

N/A

Chapter 8: Revised Delegations of Authority (relating to Code sections that remained the same)

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Arielle A. Schneider, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapters 9.3 and 9.5

Delegations of Authority (regarding new or amended Code provisions)

Delegated to the Department of Elections (ELECT)

<p>24.2-945.2 <i>Amended</i> 2015</p>	<p>B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. <u>The reports shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the general registrar of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office.</u></p>	<p>ELECT accepts filings on behalf of the State Board of Elections.</p>
<p>24.2-945.2 <i>Amended</i> 2015</p>	<p>C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing <u>on a form developed by the State Board</u>. If the report is filed in writing, the report shall be (i) <u>received by the State Board</u> or the general registrar, as appropriate, within 24 hours of the time when the funds were expended</p>	<p>ELECT develops the paper and system that function as independent expenditure forms, in addition to accepting filings whether received, transmitted or mailed to the State Board.</p>

	or (ii) <u>transmitted to the State Board</u> or the general registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report <u>mailed to the State Board</u> or the general registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended.	
24.2-946 <i>Amended</i> 2010	E. <u>The Board shall provide, with the summary required by this section,</u> to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first, <u>a copy of a written explanation prepared by the Attorney General</u> of the provisions of the Act that prohibit the personal use of campaign funds.	Department of Elections provides the Attorney General opinion regarding personal use of campaign funds online via the ELECT website.
24.2-946.1 <i>Amended</i> 2018	A. ... <u>The State Board may prescribe the method of execution and certification of ...</u> electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board.	Previously delegated in 2004 to the Secretary of the State Board of Elections. Now properly delegated to the Department of Elections.
24.2-946.1 <i>Amended</i> 2018	C. ... <u>The State Board shall promptly notify the general registrar</u> of the locality in which a candidate resides and make the information contained in the report available to the general registrar.	ELECT automates the notification process on behalf of SBE.
24.2-946.1 <i>Amended</i> 2018	C. ... In the case of a former candidate who is no longer seeking election but has not yet filed a final report as required by § 24.2-948.4, <u>the State Board shall promptly notify the general registrar</u> of the locality in which he sought office and make the information contained in the report available to such general registrar.	ELECT automates the notification process on behalf of SBE.
24.2-946.2 <i>Amended</i> 2015	A. ... Upon request from an individual granted protected voter status under the provisions of subsection B of § 24.2-	ELECT maintains the system responsible for replacing residence addresses of persons who are granted

	418, the State Board shall replace the <u>individual's residence address in copies of campaign finance reports</u> available to the public with the individual's alternative mailing address found in the Virginia voter registration system.	protected voter status in campaign finance reports.
24.2-946.2 <i>Amended 2015</i>	C. The following applies to campaign finance reports filed by political committees: 2. The State Board shall <u>file and preserve as part of its records the reports required to be filed with it by this chapter</u> for at least four years after the reporting deadline or one year after the final report is filed. Thereafter, the State Board shall <u>forward the reports it preserves to The Library of Virginia</u> for preservation under the Virginia Public Records Act (§ <u>42.1-76</u> et seq.).	ELECT handles records retention on behalf of the SBE.
24.2-947.1 <i>Amended 2019</i>	D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the <u>candidate shall file notice of any changes</u> in the information provided on the form within 10 days of the change <u>with the State Board</u> , local electoral board, or both, as appropriate.	ELECT accepts filings on behalf of the State Board of Elections.
24.2-947.3:1 <i>Amended 2006</i>	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, <u>the candidate campaign committee shall</u> (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) <u>verify that number with the State Board</u> .	ELECT staff members can help committees by verifying the committee SBE registration number.
24.2-947.4	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board</u> and shall include all financial	ELECT staff create the electronic forms used to submit campaign finance filings.

	activity of the campaign committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016 .	
24.2-947.5 <i>Amended 2018</i>	A. Candidates for statewide office and for the General Assembly shall file the reports required by this article by computer or electronic means in accordance with the <u>standards approved by the State Board</u> .	ELECT staff administers the program, which includes creating forms and reports.
24.2-947.5 <i>Amended 2018</i>	B. <u>Candidates for local or constitutional office in any locality with a population of more than 70,000 shall file reports required by this article with the State Board</u> by computer or electronic means in accordance with the standards approved by the State Board . <u>All other candidates for local or constitutional office may file reports required by this article with the State Board</u> by computer or electronic means in accordance with the standards approved by the State Board . Candidates who file by electronic means with the State Board are not required to file reports with the general registrar of the locality in which the candidate resides.	ELECT accepts filings on behalf of the State Board of Elections.
24.2-947.5 <i>Amended 2018</i>	E. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.	ELECT accepts filings on behalf of the State Board of Elections.
24.2-947.9 <i>Amended 2016</i>	B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or	ELECT accepts filings on behalf of the State Board of Elections.

	<p>more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy on and after the eleventh day preceding (i) a primary and before the primary date, (ii) a general election and before the general election date, or (iii) any other election in which the individual is a candidate and before the election day, shall be reported in writing as provided in 24.2-947.4 and 24.2-947.5 or electronically pursuant to 24.2-946.1, and the report shall be received by the State Board or general registrar, as appropriate, by 11:59 p.m. on the following day or for a contribution received on a Saturday by 11:59 p.m. on the following Monday.</p>	
<p>24.2-948.1 <i>Amended</i> 2015</p>	<p>A. ... The request for an exemption shall be filed with the general registrar of the county or city where the candidate resides <u>on a form prescribed by the State Board</u> and in accordance with <u>instructions by the State Board</u> for the time for filing and the process for approval by the general registrar.</p>	<p>ELECT staff administers the program, which includes creating forms and reports.</p>
<p>24.2-948.1 <i>Amended</i> 2015</p>	<p>D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, <u>may purchase voter lists from the State Board</u> under the provisions of §§ <u>24.2-405</u> and <u>24.2-406</u> with a check drawn on the candidate's personal account.</p>	<p>The Department of Elections is responsible for releasing records maintained in the Virginia Electronic Registration Information System (VERIS).</p>
<p>24.2-948.3 <i>Amended</i> 2015</p>	<p>A. ... For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) <u>the State Board</u> or general registrar, whichever is appropriate, <u>has notified the candidate, at least 60 days prior to the applicable deadline for him to file his written statement of qualification</u></p>	<p>ELECT staff provides the notification on behalf of SBE.</p>

	set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.	
24.2-949.2 <i>Amended</i> 2007	A. Except as provided in subsection B or C, <u>each political action committee</u> that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year <u>shall file with the State Board a statement of organization</u> within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this chapter. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.	ELECT accepts filings on behalf of SBE.
24.2-949.2 <i>Amended</i> 2007	A. ... <u>The State Board shall not register or issue a registration number to any political action committee that fails</u> to state pursuant to subdivision 3 that its primary purpose is to influence the outcome of nonfederal elections in Virginia.	ELECT administers the campaign finance electronic management system which issues/registers registration numbers.
24.2-949.2 <i>Amended</i> 2007	C. ... The State Board shall be required to provide a link from its Internet website to the federal political action committee's electronically displayed Federal Election Commission campaign finance disclosure reports.	ELECT administers the website through which the campaign finance disclosure reports are submitted.
24.2-949.5 <i>Amended</i> 2008	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board</u> and shall include all financial activity of the political action committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or	ELECT staff administers the program, which includes creating forms and reports.

	electronically as provided in § <u>24.2-946.1</u> . Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § <u>24.2-1016</u> .	
24.2-949.5 <i>Amended</i> 2008	G. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	ELECT staff administers the program, which includes creating forms and reports like the “no activity” report.
24.2-949.6 <i>Amended</i> 2016	A. <u>Political action committees shall file the prescribed campaign finance reports with the State Board in accordance with the applicable provisions of this section.</u>	ELECT accepts filings on behalf of the Board.
24.2-949.6 <i>Amended</i> 2016	D. ... After September 30, or after the date a political action committee has filed its statement of organization if the political action committee has filed its statement of organization on or after October 1, and until the November election day, <u>the political action committee shall report any single contribution of \$500 or more to the State Board in writing or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board by 11:59 p.m. on the following day, or for a contribution received on a Saturday, by 11:59 p.m. on the following Monday.</u>	ELECT accepts filings on behalf of the SBE.
24.2-949.7 <i>Amended</i> 2006	In addition to the quarterly reports required by § <u>24.2-949.6</u> , political action committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the political action committee files its quarterly disclosure reports.</u>	ELECT staff administers the program, which includes creating forms and reports.

24.2-949.8 <i>Amended</i> 2006	A. <u>Political action committees required to file reports by this article shall file all statements and campaign finance reports with the State Board.</u>	ELECT accepts filings on behalf of the SBE.
24.2-949.8 <i>Amended</i> 2006	B. <u>A political action committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the political action committee files a final report.</u>	ELECT accepts filings on behalf of the SBE.
24.2-949.8 <i>Amended</i> 2006	B. ... <u>Any political action committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year.</u>	ELECT staff administers the program, which includes creating forms and reports.
24.2-949.9 <i>Amended</i> 2009	A. <u>Any political action committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 shall so notify the State Board.</u>	ELECT accepts such notices on behalf of the SBE.
24.2-949.9:1 <i>Amended</i> 2006	D. On the same day that an <u>out-of-state political committee submits its statement of organization to the State Board</u> , (i) it shall file a list of each contributor who has contributed to the committee \$2,500 or more in the aggregate between the immediately preceding January 1 and the date on which the statement of organization is	ELECT accepts filings on behalf of the SBE.

	<p>filed with the contributor's name, address, occupation, employer, and place of business and the dates and amounts of the contributor's contributions during the period covered by the report; and (ii) it shall file a report of the contributions it has made to candidate campaign committees or political committees registered with the State Board between the immediately preceding January 1 and the date on which the statement of organization is filed.</p>	
<p>24.2-949.9:2 <i>Amended</i> 2008</p>	<p>B. After the committee has met the requirements of § <u>24.2-949.9:1</u> and upon making any contribution to a candidate campaign committee or political committee registered in Virginia, <u>the committee shall report its contributions and contributors in accordance with subsection C to the State Board of Elections</u> by computer or electronic means as prescribed in § <u>24.2-946.1</u>.</p>	<p>ELECT staff administers the program, which includes creating forms and reports.</p>
<p>24.2-949.9:3 <i>Amended</i> 2006</p>	<p>Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any other out-of-state political committee, an <u>out-of-state political committee shall (i) request its State Board of Elections registration number from that other out-of-state political committee and (ii) verify that number with the State Board.</u></p>	<p>ELECT administers the campaign finance electronic management system which issues/registers registration numbers.</p>
<p>24.2-949.9:4 <i>Amended</i> 2006</p>	<p>Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, a <u>political committee shall (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) verify that number with the State Board.</u></p>	<p>ELECT administers the campaign finance electronic management system which issues/registers registration numbers.</p>

<p>24.2-950.2 <i>Amended</i> 2006</p>	<p>Except as provided in § <u>24.2-950.1</u>, <u>each political party committee that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year shall file with the State Board a statement of organization</u> within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this article. <u>Any change in information previously submitted in a statement of organization shall be reported to the State Board</u> within 10 days following the change.</p>	<p>ELECT accepts filings on behalf of the SBE.</p>
<p>24.2-950.4 <i>Amended</i> 2008</p>	<p>A. <u>The reports required by this article shall be filed on a form prescribed by the State Board</u> and shall include all financial activity of the political party committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § <u>24.2-946.1</u>. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § <u>24.2-1016</u>.</p>	<p>ELECT staff administers the program, which includes creating forms and reports.</p>
<p>24.2-950.4 <i>Amended</i> 2008</p>	<p>G. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u></p>	<p>ELECT staff administers the program, which includes creating forms and reports like the “no activity” report.</p>
<p>24.2-950.7 <i>Amended</i> 2006</p>	<p>In addition to the quarterly reports required by § <u>24.2-950.6</u>, political party committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board</u> and shall</p>	<p>ELECT staff administers the program, which includes creating forms and reports.</p>

	be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.	
24.2-950.8 <i>Amended 2015</i>	A. ... <u>Any political party committee that</u> has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, <u>may sign a waiver, on a form prescribed by the State Board,</u> to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.	ELECT staff administers the program, which includes creating forms and reports.
24.2-950.8 <i>Amended 2015</i>	C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or with the State Board and the general registrar for its jurisdiction if filing campaign finance reports by nonelectronic means.	ELECT accepts filings on behalf of the SBE.
24.2-950.9 <i>Amended 2009</i>	A. <u>Any political party committee that,</u> after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 <u>shall so notify the State Board.</u>	ELECT accepts such notices on behalf of the SBE.
24.2-951.1 <i>Amended 2006</i>	A. <u>Any referendum committee subject to the provisions of this article shall file with the State Board</u> a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of the pertinent amounts stated in the definition of referendum committee in § 24.2-945.1. <u>Any change</u>	ELECT accepts such notices on behalf of the SBE.

	in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.	
24.2-951.3 <i>Amended</i> 2006	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board</u> and shall include all financial activity of the referendum committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.	ELECT staff administers the program, which includes creating forms and reports.
24.2-951.3 <i>Amended</i> 2006	F. <u>The State Board shall provide for a "no activity" report</u> that may be filed for any reporting period in which the filer has no activity to report.	ELECT staff administers the program, which includes creating forms and reports like the "no activity" report.
24.2-951.7 <i>Amended</i> 2006	In addition to the reports required by §§ 24.2-951.4, 24.2-951.5 and 24.2-951.6, referendum committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board</u> and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.	ELECT staff administers the program, which includes creating forms and reports.
24.2-951.8 <i>Amended</i> 2006	A. <u>Referendum committees required to file statements or reports by this article shall file all reports with the State Board.</u>	ELECT accepts filings on behalf of the SBE.
24.2-951.8 <i>Amended</i> 2006	B. A referendum committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made	ELECT staff administers the program, which includes creating forms and reports.

	expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the referendum committee files a final report or until subject to the provisions of subsection B of § <u>24.2-951.1</u> .	
24.2-951.8 <i>Amended</i> 2006	C. <u>Any referendum committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	ELECT staff administers the program, which includes creating forms and reports.
24.2-951.9 <i>Amended</i> 2009	A. <u>Any referendum committee that disbands after having filed a statement of organization shall so notify the State Board.</u>	ELECT accepts such notices on behalf of the SBE.
24.2-952.1 <i>Amended</i> 2006	<u>Each inaugural committee shall file with the State Board a statement of organization within 10 days after its organization. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.</u>	ELECT accepts such notices on behalf of the SBE.
24.2-952.3 <i>Amended</i> 2006	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the inaugural committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § <u>24.2-946.1</u>. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to</u>	ELECT staff administers the program, which includes creating forms and reports.

	§ 24.2-1016.	
24.2-952.3 <i>Amended</i> 2006	F. <u>The State Board shall provide for a "no activity" report</u> that may be filed for any reporting period in which the filer has no activity to report.	ELECT staff administers the program, which includes creating forms and reports like the “no activity” report.
24.2-952.5 <i>Amended</i> 2006	In addition to the reports required by § 24.2-952.4, inaugural committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board</u> and shall be filed in writing or electronically in the same manner as the committee files its quarterly disclosure reports.	ELECT staff administers the program, which includes creating forms and reports.
24.2-952.6 <i>Amended</i> 2006	A. <u>Inaugural committees required to file reports by this chapter shall file all campaign finance reports with the State Board.</u>	ELECT accepts filings on behalf of the SBE.
24.2-952.6 <i>Amended</i> 2006	B. <u>An inaugural committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the committee files a final report.</u>	ELECT accepts filings on behalf of the SBE.
24.2-952.6 <i>Amended</i> 2006	C. <u>Any inaugural committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the</u>	ELECT staff administers the program, which includes creating forms and reports.

	electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.	
24.2-952.7 <i>Amended 2009</i>	A. <u>Any inaugural committee that, after having filed a statement of organization, disbands shall so notify the State Board.</u>	ELECT accepts such notices on behalf of the SBE.
24.2-953	D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or a general registrar. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.	ELECT sends such notices on behalf of the SBE.
24.2-953.3 <i>Amended 2015</i>	G. <u>The State Board shall notify the public through its official Internet website of a failure to file a complete report</u> by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.	ELECT provides such notifications through its official website.
24.2-953.4 <i>Amended 2013</i>	C. If the report or information required to complete the report is not filed within the seven-day period, the Commissioner shall assess against the candidate and treasurer, who shall be jointly and severally liable, a civil penalty of \$500 for each day that the violation continues on and after the eighth day following the date of mailing the written notice. The Commissioner may grant an additional period for compliance, not to exceed two weeks, for good cause shown and in response to a request filed within the	ELECT provides such notifications through its official website.

	seven-day period. However, no additional period shall be granted for compliance with the requirement under subdivision A 8 of § <u>24.2-947.6</u> to file a report not later than the eighth day before the election. The State Board shall notify the public through its official Internet website of the violation and identity of the violator.	
24.2-955.3 <i>Amended</i> 2010	D. ... At least 10 days prior to such hearing, the State Board shall send notice by certified mail to persons whose actions will be reviewed at such meeting and may be subject to civil penalty. Notice shall include the time and date of the meeting, an explanation of the violation, and the maximum civil penalty that may be assessed.	ELECT administers the Stand By Your Ad hearing program and provides notices on behalf of the SBE.
24.2-959.1 <i>Amended</i> 2010	The person making the telephone call shall disclose the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ <u>24.2-945</u> et seq.), the full name of the committee and a registration number provided by the State Board ; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.	ELECT administers the campaign finance electronic management system which issues/registers registration numbers.

Retained by the Board

24.2-946.4 <i>Amended</i> 2015	F. The State Board shall have authority also to grant extensions as provided in §§ 24.2-503 and 24.2-948.3.	Authority to grant extensions best documented in a formal Board proceeding.
24.2-948.3 <i>Amended</i> 2015	B. The authority of the State Board to grant an extension of the deadline established in § 24.2-503 shall include	Authority to grant extensions best documented in a formal Board proceeding.

	the authority to grant such extension with respect to the requirements of this section.	
24.2-953.5 <i>Amended</i> 2006	C. <u>The State Board of Elections shall institute proceedings pursuant to § 24.2-104 against any committee that fails to comply with the provisions of § 24.2-947.3:1, 24.2-949.2, 24.2-949.9:1, 24.2-949.9:2, 24.2-949.9:3, or 24.2-949.9:4 and, after notice by the State Board, continues for more than five days to remain noncompliant.</u>	Authority to institute proceedings best documented in a formal Board proceeding.
24.2-955.3 <i>Amended</i> 2010	D. <u>The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.</u>	Language does not imply that the authority to hold a public hearing, find a violation of Stand By Your Ad, and assess a civil penalty can be delegated as an agency function.

Revised Delegations of Authority (relating to Code sections that remained the same)

N/A

1100 Bank Street
Washington Building – First Floor
Richmond, VA 23219-3947
www.sbe.virginia.gov
info@sbe.virginia.gov

Telephone: (804) 864-8901
Toll Free: (800) 552-9745
TDD: (800) 260-3466
Fax: (804) 371-0194



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise
From: Arielle A. Schneider, Policy Analyst
Date: September 17, 2019
Re: Delegations of Authority, Chapter 10

Chapter 10: Delegations of Authority (regarding new or amended Code provisions)

N/A

Chapter 10: Revised Delegations of Authority (relating to Code sections that remained the same)

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice-Chair O'Bannon, Secretary LeCruise

From: Dave Nichols, Director of Elections Services

Date: October 29, 2019

Re: Forms and Delegations of Authority 2019

Background

As part of the update of the Delegations, Chairman Brink asked ELECT staff to identify areas of the Code of Virginia where the Board is given authority over forms and the Board currently maintains that authority rather than delegating to ELECT. The chart below identifies areas in the new Delegations of Authority 2019 document where the Board maintains authority over certain forms. If the Board chooses to delegate any or all of these to ELECT, a motion to amend the Delegations of Authority 2019 noting the Code sections to delegate would be the proper procedure.

Code Section	Form
24.2-416.6	Third party groups swear to follow VA law when registering voters
24.2-505	Declaration of Candidacy
24.2-506	Candidate Petition Forms (independent)
24.2-520	Declaration of Candidacy
24.2-521	Candidate Petition Forms (party primary)
24.2-545	Candidate Petition Forms (Presidential Primary)
24.2-643	Voter change of address form
24.2-644	Declaration of Intent for Presidential write-in candidates
24.2-649	Voter request for assistance in voting
24.2-703.1	Annual Absentee Ballot Application
24.2-703.2	Annual Absentee Ballot Application
24.2-946	All campaign finance filing forms

Procedure

If the Board chooses to delegate any of the sections to ELECT, a motion to amend the Delegations of Authority 2019 noting the Code sections to delegate would be the proper procedure. A motion would state as follows:

I move to amend the Delegations of Authority 2019 by delegating the responsibilities in the following sections to the Department of Elections: [name individual sections].

Virginia State Board of Elections: Delegated Duties and Responsibilities

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-101	<p>"State Board" or "Board" means the State Board of Elections</p> <p>The State Board of Elections is continued and shall consist of three members appointed by the Governor from the qualified voters of the Commonwealth, subject to confirmation by the General Assembly. In the appointment of the Board, representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two Board members shall be of the political party which cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two Board members shall be of the political party having the highest number of members in the General Assembly. Each political party entitled to an appointment may make and file recommendations with the Governor for the appointment. Its recommendations shall contain the names of at least three qualified voters of the Commonwealth.</p> <p>Board members shall serve four-year terms beginning February 1, 1995, and each fourth year thereafter. Vacancies shall be filled for the unexpired terms. No member, except the Secretary, shall be eligible for more than two successive four-year terms. A member appointed for an unexpired term may be appointed for the two succeeding four-year terms.</p>	NA	12/7/04	
24.2-102	<p>The Governor shall designate one member of the Board as the Secretary, who shall receive the salary fixed by law. The Secretary may <u>employ the personnel</u> required to carry out the duties imposed by this title. The provisions of § 2.2-106 shall not apply to this section.</p>	S	12/7/04	
24.2-103	<p>The Governor shall designate one member of the Board as the Secretary, who shall receive the salary fixed by law. The Secretary may employ the personnel required to carry out the duties imposed by this title. The provisions of § 2.2-106 shall not apply to this section.</p>	D	12/7/04	
24.2-103	<p>It shall make rules and regulations</p>	B	12/7/04	
24.2-103	<p>and issue instructions and provide information to the electoral boards and registrars to promote the proper administration of election laws.</p>		12/7/04	For Further Review
24.2-103	<p>Electoral boards and registrars shall provide <u>information requested by the Board</u></p>	D	12/7/04	
24.2-103	<p>The Board shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by <u>offering training</u> annually, or more often, as it deems appropriate.</p>	D	12/7/04	
24.2-103	<p>B. The Board may <u>institute proceedings</u> pursuant to § 24.2-234 <u>for the removal of any member of an electoral board</u> who fails to discharge the duties of his office in accordance with law.</p>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-103	The Board may <u>petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law</u>	B	12/7/04	
24.2-103	The Board may <u>institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election.</u>	B	12/7/04	
24.2-103	C. The Board may <u>petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.</u>	B	12/7/04	
24.2-103	The Board shall <u>adopt a seal for its use and bylaws for its own proceedings.</u>	B	12/7/04	
24.2-104	When the State Board is of the opinion that the public interest will be served, it may <u>request the Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth of any jurisdiction in which election laws have been violated. The Attorney General, or the other attorney designated by the Governor, shall have full authority to do whatever is necessary or appropriate to enforce the election laws or prosecute violations thereof.</u>	B	12/7/04	
24.2-104	When the State Board makes its request pursuant to a unanimous vote of all members, the Attorney General or other attorney designated by the Governor shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the elections laws, and report the results of the investigation to the State Board .	B	12/7/04	
24.2-105	The State Board shall <u>prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth.</u>	B	12/7/04	
24.2-105.1	Beginning with the general election in November 1998, the State Board shall implement a system by which it shall <u>furnish lists of candidates for all elections in the Commonwealth, and information on proposed constitutional amendments and statewide referenda prepared pursuant to §§ 30-19.9 and 30-19.10, electronically through the global information system known as the Internet.</u>	D	12/7/04	
24.2-105.1	The Board may <u>list other referenda issues on the Internet.</u>	D	12/7/04	
24.2-107	No election record containing an individual's social security number shall be made available for inspection or copying by anyone. The State Board of Elections shall <u>prescribe procedures for local electoral boards and general registrars to make the information in certificates of candidate qualification available in a manner that does not reveal social security numbers.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-109.1	The electoral board shall conduct an annual performance review of the general registrar for years ending June 30, 2006, and thereafter. The electoral board shall complete the review by August 1 of each year, retain a copy of the performance review, and <u>provide a copy of the review to the State Board.</u>	D	12/7/04	
24.2-109.1	<u>The performance review shall be conducted in accordance with the format and forms provided by the State Board</u>	B	12/7/04	
24.2-111	Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. In case of a dispute, the <u>State Board shall approve or disapprove the reimbursement.</u>	D	12/7/04	
24.2-111	Reasonable expenses include, but are not limited to, costs for: (i) an adequately trained registrar's staff, including training in the use of computers and other technology to the extent provided to other local employees with similar job responsibilities, and reasonable costs for the general registrar or at least one member of the registrar's staff to attend the <u>annual training offered by the State Board</u> ; (ii) adequate training for officers of election; (iii) conducting elections as required by this title; and (iv) voter education.	D	12/7/04	
24.2-114	3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in <u>multijurisdictional staffing for voter registration offices, approved by the State Board</u> , that are located at facilities of the Department of Motor Vehicles.	B	12/7/04	
24.2-114	5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. <u>The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records</u> , lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.	D	12/7/04	
24.2-114	6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. <u>Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board</u> and shall forward the completed application or request to the registrar of the applicant's residence.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-114	8. <u>Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board</u> ; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.	D	12/7/04	
24.2-114	10. Verify the accuracy of the <u>pollbooks provided for each election by the State Board</u> , make the pollbooks available to the precincts,	D	12/7/04	
24.2-114	<u>and according to the instructions of the State Board return the pollbooks, or transfer a copy of the data from any electronic pollbooks, to the State Board after each election for voting credit purposes.</u>	D	12/7/04	
24.2-234	<u>The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a member of a local electoral board or general registrar upon a petition signed by a majority of the members of the State Board of Elections as provided in § 24.2-103.</u>	B	12/7/04	
24.2-309	<u>The State Board shall make regulations setting procedures by which elections may be conducted in precincts in which all voters do not have the same choice of candidates at a general election.</u>		12/7/04	For Further Review
24.2-310	C. <u>Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.</u>	D	12/7/04	
24.2-310	D. <u>If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative polling place and give notice of the change in polling place, subject to the prior approval of the State Board.</u> The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency.	D	12/7/04	
24.2-310.1	<u>The requirement stated in this section shall be in addition to requirements stated in §§ 24.2-307, 24.2-308, and 24.2-310, including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-404	A. <u>The State Board shall provide for the continuing operation and maintenance of a central record-keeping system, the Virginia Voter Registration System, for all voters registered in the Commonwealth.</u>	D	12/7/04	
24.2-404	1. <u>Maintain a complete, separate, and accurate record of all registered voters in the Commonwealth.</u>	D	12/7/04	
24.2-404	2. <u>Require the general registrars to enter the names of all registered voters into the system and to change or correct registration records as necessary.</u>	D	12/7/04	
24.2-404	3. <u>Provide to each general registrar, voter registration cards for newly registered voters and for notice to registered voters on the system of changes and corrections in their registration records and polling places.</u>	D	12/7/04	
24.2-404	4. <u>Require the general registrars to delete from the record of registered voters the name of any voter who (i) is deceased, (ii) is no longer qualified to vote in the county or city where he is registered due to removal of his residence, (iii) has been convicted of a felony, (iv) has been adjudicated incapacitated, or (v) is otherwise no longer qualified to vote as may be provided by law.</u>	D	12/7/04	
24.2-404	5. <u>Retain on the system for four years a separate record for registered voters whose names have been deleted, with the reason for deletion.</u>	D	12/7/04	
24.2-404	6. <u>Retain on the system permanently a separate record for information received regarding deaths, felony convictions, and adjudications of incapacity pursuant to §§ 24.2-408 through 24.2-410.</u>	D	12/7/04	
24.2-404	7. <u>Provide to each general registrar, at least 10 days prior to a general or primary election and three days prior to a special election, an alphabetical list of all registered voters in each precinct or portion of a precinct in which the election is being held in the county, city, or town. These precinct lists shall be used as the official lists of qualified voters and shall constitute the pollbooks.</u>	D	12/7/04	
24.2-404	<u>Prior to any general, primary, or special election, the State Board shall provide any general registrar, upon his request, with a separate electronic list of all registered voters in the registrar's county or city.</u>	D	12/7/04	
24.2-404	<u>If electronic pollbooks are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the State Board shall provide a regional or statewide list of registered voters to the general registrar of the</u>	D	12/7/04	
24.2-404	<u>The State Board shall determine whether regional or statewide data is provided.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-404	8. <u>Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.</u>	D	12/7/04	
24.2-404	8. <u>Acquire by purchase, lease, or contract equipment necessary to execute the duties of the Board.</u>	D	12/7/04	
24.2-404	10. <u>Reprint and impose a reasonable charge for the sale of any part of Title 24.2, lists of precincts and polling places, statements of election results by precinct, and any other items required of the State Board by law. Receipts from such sales shall be credited to the Board for reimbursement of printing expenses.</u>	D	12/7/04	
24.2-404	B. <u>The State Board shall be authorized to provide for the production, distribution, and receipt of information and lists through the Virginia Voter Registration System by any appropriate means including, but not limited to, paper and electronic means.</u>	D	12/7/04	
24.2-404.1	The Secretary of the State Board of Elections shall be the chief state election officer responsible for the coordination of state responsibilities under the National Voter Registration Act (42 U.S.C. § 1973gg et seq.).	S	12/7/04	
24.2-405	A. <u>The State Board shall furnish, at a reasonable price, lists of registered voters for their districts to (i) courts of the Commonwealth and the United States for jury selection purposes, (ii) candidates for election or political party nomination to further their candidacy, (iii) political party committees or officials thereof for political purposes only, (iv) political action committees that have filed a current statement of organization with the State Board pursuant to § 24.2-908, or with the Federal Elections Commission pursuant to federal law, for political purposes only, (v) incumbent officeholders to report to their constituents, and (vi) nonprofit organizations that promote voter participation and registration for that purpose only.</u>	D	12/7/04	
24.2-405	<u>The lists shall be furnished to no one else and used for no other purpose. However, the State Board is authorized to furnish information from the voter registration system to general registrars for their official use and to the Department of Motor Vehicles and other appropriate state agencies for maintenance of the voter registration system.</u>	D	12/7/04	
24.2-405	B. <u>The State Board shall furnish, at a reasonable price, lists of the addresses of registered voters for their localities to local government census liaisons and their staffs for the sole purpose of providing address information to the United States Bureau of the Census</u>	D	12/7/04	

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24.2-405	The State Board shall also furnish, at a reasonable price, such lists to the Clerk of the Senate and the Clerk of the House of Delegates for the sole purpose of maintaining a database of constituent addresses for the General Assembly. The information authorized under this subsection shall be furnished to no other person and used for no other purpose. No list furnished under this subsection shall contain the name of any registered voter. For the purpose of this subsection, the term "census liaison" shall have the meaning provided in 13 U.S.C. § 16.	D	12/7/04	
24.2-406	The State Board shall furnish to candidates, elected officials, or political party chairmen and to no one else, on request and at a reasonable price, lists for their districts of persons who voted at any primary, special, or general election held in the four preceding years. Such lists shall be used only for campaign and political purposes and for reporting to constituents.	D	12/7/04	
24.2-408	The State Registrar of Vital Records shall transmit to the State Board by electronic means a monthly list of all persons of the age of seventeen years or more who shall have died in the Commonwealth subsequent to its previous monthly list.	D	12/7/04	
24.2-408	The lists shall be in a format specified by the State Board and shall contain the deceased's name; address; county, city, or town of residence; social security number, if any; and date and place of his birth and of his death.	D	12/7/04	
24.2-408	The Board shall maintain a permanent record of the information in the lists as part of the voter registration system. The general registrars shall have access to the information in the lists to carry out their duties pursuant to § 24.2-427. Information in the lists shall be confidential and consistent with the requirements of § 32.1-271.	D	12/7/04	
24.2-409	The Division of Central Criminal Records Exchange shall transmit to the State Board by electronic means a monthly list of all persons convicted of a felony during the preceding month.	D	12/7/04	
24.2-409	The list shall be in a format specified by the State Board and shall contain the convicted person's name; address; county, city or town of residence; social security number, if any; date and place of birth; and date of conviction.	D	12/7/04	
24.2-409	The Board shall maintain a permanent record of the information in the lists as part of the voter registration system. The general registrars shall have access to the information in the lists to carry out their duties pursuant to § 24.2-427	D	12/7/04	
24.2-411	The general registrar's office in counties with a population under 10,000 and in cities with a population under 7,500 shall be open a minimum of three days each week and additional days as required by the general appropriation act. The general registrar's office in all other counties and cities shall be open a minimum of five days each week. The specific days of normal service each week for general registrars shall be determined by the State Board .		12/7/04	For Further Review

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B"= Board; "D"= Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-411.1	Any completed application for voter registration submitted by a person who is already registered shall serve as a written request to update his registration record. Any change of address form submitted for purposes of a motor vehicle driver's license or special identification card shall serve as notification of change of address for voter registration for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes. If the information from the notification of change of address for voter registration indicates that the registered voter has moved to another general registrar's jurisdiction within the Commonwealth, the notification shall be treated as a request for transfer from the registered voter. <u>The notification and the registered voter's registration record shall be transmitted as directed by the State Board of Elections to the appropriate general registrar who shall send a voter registration card as confirmation of the transfer to the voter pursuant to § 24.2-424.</u>	D	12/7/04	
24.2-411.1	C. <u>The completed voter registration portion of the application shall be transmitted as directed by the State Board not later than five business days after the date of receipt.</u>	D	12/7/04	
24.2-411.1	D. <u>The State Board of Elections shall maintain statistical records on the number of applications to register to vote with information provided from the Department of Motor Vehicles.</u>	D	12/7/04	
24.2-411.2	B. <u>The Secretary of the State Board of Elections, with the assistance of the Office of the Attorney General, shall compile and maintain a list of the specific agencies covered by subdivisions A 1 and A 2 that, in the legal opinion of the Attorney General, must be designated to meet the requirements of the National Voter Registration Act.</u>	S	12/7/04	
24.2-411.2	<u>The Secretary of the State Board of Elections shall notify each agency of its designation and thereafter notify any agency added to or deleted from the list.</u>	S	12/7/04	
24.2-413	<u>The office of the general registrar, and each agency, business, and establishment set for registration pursuant to §§ 24.2-411.1, 24.2-411.2 and subsection B of § 24.2-412 shall be accessible as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the Department of Motor Vehicles, state-designated voter registration agencies, local electoral boards and general registrars to assist them in complying with the requirements of the Acts.</u>	D	12/7/04	

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24.2-416.2	Notwithstanding the provisions of § 24.2-418, the national mail voter registration application form promulgated by the Federal Election Commission pursuant to the National Voter Registration Act (42 U.S.C. § 1973gg et seq.) shall be accepted for the registration of otherwise qualified voters to vote in federal, state, and local elections. In addition to the national form promulgated by the Federal Election Commission, the State Board of Elections shall design	B	12/7/04	
24.2-416.2	and distribute a state mail voter registration application form. Such state form shall include the eligibility requirements for registration as provided in this title and shall require each applicant to provide the information required subject to felony penalties for making false statements pursuant to § 24.2-1016.	D	12/7/04	
24.2-416.3	The State Board of Elections shall make available to any individual or group a reasonable number of mail voter registration application forms.	D	12/7/04	
24.2-418	Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. <u>The application to register shall be only on a form or forms prescribed by the State Board.</u>	B	12/7/04	
24.2-420.1	C. The State Board shall prescribe procedures for the addition of persons registered under this section to the lists of registered voters.	D	12/7/04	
24.2-423	Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered. <u>Such notice may be made in writing or on a form approved by the State Board of Elections, which may be electronic.</u> The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.	B	12/7/04	
24.2-423	The State Board is authorized to conduct a pilot program, under which electronic notice may be provided by electronic mail or such other electronic means as may be permitted by the State Board and signed by the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The general registrar shall enter the new name on the registration records and issue the voter a new voter registration card.	B	12/7/04	

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24.2-424	A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. <u>Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic.</u> The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.	B	12/7/04	
24.2-424	<u>The State Board is authorized to conduct a pilot program, under which electronic notice may be provided by electronic mail or such other electronic means as may be permitted by the State Board and signed by the voter in a manner consistent with the Uniform Electronic Transactions Act (§ 59.1-479 et seq.).</u> The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be deemed sufficient notice, in and of itself, to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.	B	12/7/04	
24.2-428	A. <u>The State Board shall establish a voter list maintenance program using the change of address information supplied by the United States Postal Service through its licensees or by other reliable sources to identify voters whose addresses may have changed.</u> Any such program shall be regular and periodic and shall be conducted at least annually. The program shall be completed not later than ninety days prior to the date of a federal primary or federal general election.	D	12/7/04	
24.2-428	B. <u>If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address in the same county or city in which the voter is currently registered, the State Board of Elections shall provide to the general registrar the information necessary to change the registration records to show the new address, and the State Board of Elections or the general registrar shall send to the new address of the voter by forwardable mail, a notice of the change, along with a postage prepaid, pre-addressed return card by which the voter may verify or correct the address information.</u>	D	12/7/04	
24.2-428	C. <u>If it appears from information provided by the Postal Service or by other reliable sources that a voter has moved to a different address not in the same county or city, the State Board of Elections or the general registrar shall send to the last known address of the voter by forwardable mail,</u>	D	12/7/04	

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24.2-428	a notice on a form prescribed by the State Board , along with a postage prepaid and pre-addressed return card on which the voter may state his current address.	B	12/7/04	
24.2-441	Any person intending to register and vote under the provisions of this article shall apply by mail to the general registrar of the county or city in which he wishes to vote prior to the federal election. <u>The application shall be on a form prescribed or approved by the State Board or on a Federal Post Card Application.</u> The application shall be signed by the applicant who shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information required for registration under § 24.2-418, the applicant's resident address of previous domicile in Virginia and date of departure from this domicile, if applicable, and any information necessary to implement the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.).	B	12/7/04	
24.2-443	<u>In accordance with instructions provided by the State Board, the electoral board shall provide to any person registering under this article the ballot to vote absentee by mail for the federal election and no other ballot.</u> The absentee ballots shall be voted by mail, handled, and counted with other absentee ballots voted by mail in accordance with the provisions of this title.	D	12/7/04	
24.2-443.2	Any person intending to register and vote under the provisions of this article shall apply to the general registrar of the county or city in which he had been registered immediately preceding his moving overseas prior to the election in which he seeks to vote. <u>The application shall be on a form prescribed or approved by the State Board or on a Federal Post Card Application.</u> The application shall be signed by the applicant who shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information required for registration under § 24.2-418 and the provisions of this article, including the applicant's resident address of previous place of abode and domicile in Virginia and any additional information necessary to implement the provisions of this article.	B	12/7/04	
24.2-443.4	<u>In accordance with instructions provided by the State Board, the electoral board shall provide to any person registering under this article the ballot to vote absentee.</u> The absentee ballots shall be voted, handled, and counted with other absentee ballots in accordance with the provisions of this title.	D	12/7/04	

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24.2-444	C. The State Board shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name, addresses, date of birth, gender and all election districts applicable to each registered voter. New lists shall be provided not less than once each year to all localities except those in which an updated list is made available electronically for public inspection, and supplements containing additions, deletions and changes shall be provided not less than (i) weekly during the 60 days preceding any general election and (ii) monthly at other times. Notwithstanding any other provision of law regarding the retention of records, upon receipt of any new complete list, the general registrar shall destroy the obsolete list and its supplements.	D	12/7/04	
24.2-446	Whenever the registration records of a county or city have been destroyed by fire or otherwise, the State Board shall provide substitute active registration records obtained from the Virginia voter registration system.	D	12/7/04	
24.2-501	It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must file a written statement under oath, on a form prescribed by the State Board , that he is qualified to vote for and hold the office for which he is a candidate.	B	12/7/04	
24.2-501	Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall file the statement with the State Board . Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides.	D	12/7/04	
24.2-501	Each general registrar shall transmit to the State Board , immediately after the filing deadline, a list of the candidates who have filed statements of qualification	D	12/7/04	
24.2-501	The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, all names printed on the ballot shall meet the criteria established by the State Board .	B	12/7/04	
24.2-502	The Secretary of the Commonwealth, the clerks of the Senate and House of Delegates, the general registrar, and the clerk of the local governing body shall transmit to the State Board , immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.	D	12/7/04	
24.2-502	The Secretary of the State Board shall notify the appropriate local electoral boards of the filings.	S	12/7/04	

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24.2-503	The State Board may grant an extension of any deadline for filing either or both written statements and shall notify all candidates who have not filed their statements of the extension. Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.	D	12/7/04	
24.2-503.1	It shall be a requirement of candidacy in any election for Governor, Lieutenant Governor, Attorney General, or the General Assembly that the candidate shall have filed the disclosure reports required by the Campaign Finance Disclosure Act (§ 24.2-900 et seq.) for any election in which he participated as a candidate for any such office and which was held within the five years preceding the date of the election in which he seeks to be a candidate. <u>For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) the State Board of Elections or local electoral board, whichever is appropriate, has notified the candidate, at least sixty days prior to the applicable deadline for him to file his written statement of qualification set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.</u>	D	12/7/04	
24.2-503.1	<u>The authority of the State Board to grant an extension of the deadline established in § 24.2-503 shall include the authority to grant such extension with respect to the requirements of this section.</u>	D	12/7/04	
24.2-505	A. Any person, other than a candidate for a party nomination or a party nominee, who intends to be a candidate for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district shall <u>file a declaration of candidacy with the State Board,</u>	D	12/7/04	
24.2-505	<u>on a form prescribed by the Board, designating the office for which he is a candidate. The written declaration shall be attested by two witnesses who are qualified voters of the Commonwealth or of the congressional district, or acknowledged before some officer authorized to take acknowledgements to deeds. The declaration shall be signed by the candidate, but if he is incapable of writing his proper signature then some mark adopted by him as his signature shall be acknowledged before some officer authorized to take acknowledgments</u>	B	12/7/04	
24.2-505	<u>The State Board shall notify the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed.</u>	D	12/7/04	

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24.2-505	B. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate for election to the General Assembly shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, (i) deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the general registrars of the other counties or cities, if any, in the legislative district for delivery to the secretaries of the electoral boards and (ii) deliver the declaration and such petitions to the secretary of his electoral board. <u>He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.</u>	D	12/7/04	
24.2-505	C. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate at any election for any other office shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the secretaries of the electoral boards of the counties or cities whose electors vote for the office. <u>He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.</u>	D	12/7/04	
24.2-506	The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy <u>a petition therefore, on a form prescribed by the State Board</u> , signed by the number of qualified voters specified below after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter, or qualified to register to vote, for the office for which he is circulating the petition and whose affidavit to that effect appears on each page of the petition.	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-511	A. <u>The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer to the State Board not later than five days after the last day for nominations to be made.</u>	D	12/7/04	
24.2-511	<u>The State Board shall notify the secretaries of every electoral board of the names of the candidates to appear on the ballot for such offices.</u>	D	12/7/04	
24.2-511	B. <u>The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method other than a primary to the State Board and to the secretary or secretaries of the electoral boards of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made.</u>	D	12/7/04	
24.2-511	<u>Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.</u>	D	12/7/04	For Further Review. Delegated 9.14.2010.
24.-516	<u>Each political party within the Commonwealth shall furnish to the State Board the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the Board of any changes in such names and addresses.</u>	D	12/7/04	
24.2-516	<u>At least 120 days prior to the regular date for a primary, the Board shall inquire of each state chairman and each county and city chairman whether a direct primary has been adopted.</u>	D	12/7/04	
24.2-516	<u>The Board shall advise each chairman that notification to the Board of the adoption of a direct primary is required and must be filed with the Board not more than 110 days and not less than 90 days before the date set for the primaries.</u>	D	12/7/04	
24.2-516	<u>Each chairman shall file timely written notice with the Board whether or not a primary has been adopted and identify each office for which a primary has been adopted.</u>	D	12/7/04	
24.2-516	<u>The requirement to notify the Board of the adoption of a direct primary shall be satisfied when the Board receives by the deadline (i) written notice from the appropriate party chairman or (ii) a copy of the written notice from an incumbent officeholder to his party chairman of the incumbent's selection, pursuant to § 24.2-509, of the primary as the method of nomination.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-517	The State Board shall order the holding of a primary election in any county, city, or other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is intended to be held.	B	12/7/04	
24.2-517	The notice ordering the primary shall be sent to the secretary of the electoral board. Each secretary shall forthwith post a copy of the notice at the courthouse of the county or city, or publish the notice in a newspaper of general circulation in the county or city.	D	12/7/04	
24.2-520	A candidate for nomination by primary for any office shall be required to file a <u>written declaration of candidacy on a form prescribed by the State Board</u> . The declaration shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if defeated in the primary, his name is not to be printed on the ballots for that office in the succeeding general election. The declaration shall be acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district.	B	12/7/04	
24.2-521	A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy <u>a petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board</u> , signed by the number of qualified voters specified below after January 1 of the year in which the election is held or before or after said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a qualified voter, or qualified to register to vote, for the office for which he is circulating the petition and whose affidavit to that effect appears on each page of the petition.	B	12/7/04	
24.2-522	C. Any candidate for nomination for United States Senator, Governor, Lieutenant Governor, or Attorney General shall file with the State Board (i) his declaration of candidacy, (ii) the petitions for his candidacy, sealed in one or more containers to which is attached a written statement under oath by the candidate giving his name and the number of signatures on the petitions contained in the containers, and (iii) a receipt indicating the payment of his filing fee.	D	12/7/04	
24.2-522	The State Board shall transmit the material so filed to the <u>state chairman</u> of the party of the candidate on the fifty-ninth day before the primary. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-524	B. All other candidates shall pay the fee to the treasurer, or director of finance if there is no treasurer, of the city or county in which they reside. The treasurer or director of finance shall pay back the fee in the event the prospective candidate does not become a candidate, or becomes a candidate and must refile for any reason. In the event the candidate is unopposed, the State Board or the local electoral board, as appropriate, shall notify, no less than forty-five days before the primary, the treasurer or director of finance to whom the fee was paid that the candidate is unopposed and shall provide the name and mailing address for returning the fee to the candidate. The treasurer or director of finance promptly shall return the fee to the candidate.	D	12/7/04	
24.2-527	It shall be the duty of the chairman or chairmen of the several committees of the respective parties to furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district to the State Board , and to furnish the name of any candidate for any other office to the State Board and to the electoral boards charged with the duty of preparing and printing the primary ballots.	D	12/7/04	
24.2-527	The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the State Board shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes. Each chairman shall comply with the provisions of this section not less than fifty-five days before the primary	D	12/7/04	
24.2-529	The primary ballots for the several parties taking part in a primary shall be composed, arranged, printed, delivered, and provided in the same manner as the general election ballots except that at the top of each official primary ballot shall be printed in plain black type the name of the political party and the words "Primary Election." The names of the candidates for various offices shall appear on the ballot in an order determined by the priority of the time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board or the State Board as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-532	As soon as the electoral board shall determine the persons who have received the highest number of votes for nomination to any such office, the secretary of the board shall immediately make out abstracts and certificates of the votes cast as provided in § 24.2-675 and <u>forward certified copies thereof to the State Board</u> . The secretary in addition shall place certified copies thereof in an envelope and forward them in person or by certified mail (i) for members of the House of Representatives of the United States, to the chairman of the congressional district committee, (ii) for members of the General Assembly, to the chairman of the Senate or House of Delegates district committee, and (iii) for county and city and district officers, to the chairman of the county or city. "Chairman" means the chairman of the political party under whose auspices the primary is held.	D	12/7/04	
24.2-532	If the abstract of votes shall not have been received by the State Board from any county or city within six days after any state primary election, the Board <u>shall dispatch a law-enforcement officer to obtain them</u> as provided in § 24.2-678.	D	12/7/04	
24.2-534	As soon as possible after receipt of the certified abstract and not later than fourteen days after the day of the election, the State Board <u>shall open and tabulate the returns</u> .	D	12/7/04	
24.2-534	<u>Upon completion of the tabulation the Board shall declare the nominee in the manner and form as it does in general elections.</u>	B	12/7/04	
24.2-537	If more than one person qualifies, <u>the party chairman shall promptly certify their names to the State Board</u> and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either: ...	D	12/7/04	
24.2-538	The <u>party chairman or chairmen shall promptly certify the names of every such person to the State Board</u> and appropriate electoral boards as having qualified under the provisions of this section. Every electoral board having charge of the printing of official ballots for the primary election shall either:	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-542	In elections for President and Vice-President of the United States, <u>the appropriate chairman or secretary of each political party shall furnish to the State Board</u> by noon of the seventy-fourth day before the presidential election (i) <u>the names of the electors</u> selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice-President for whom the electors are required to vote in the Electoral College and (ii) a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice-President nominated by the party that selected the elector, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee.	D	12/7/04	
24.2-542	In the event of the death or withdrawal of a candidate of a political party for President or Vice-President, <u>that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.</u>		12/7/04	For Further Review
24.2-542	<u>The State Board shall also be furnished, if it requests, with satisfactory evidence that any person undertaking to act as an elector on behalf of any political party is, in fact, duly and properly authorized to do so.</u>	D	12/7/04	
24.2-542.1	Notwithstanding the provisions of § 24.2-542, (i) <u>the state political party chairman of a political party whose national convention has been scheduled to be held after the seventy-fourth day before the presidential election, shall file</u> by noon on the seventy-fourth day before the presidential election, with the certification of its at-large electors, a certification of the persons expected to be nominated for President and Vice-President at its national convention; (ii) <u>the State Board of Elections shall certify candidates to the local electoral boards</u> and ballot preparation shall proceed based on the state party chairman's certifications; and (iii) <u>the persons nominated by the party at its national convention shall be certified to the State Board</u> no later than 5:00 p.m. on the sixtieth day before the presidential election.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-543	A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice-President by filing a petition pursuant to this section. <u>The petition shall be filed with the State Board by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 10,000 qualified voters and include signatures of at least 400 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed by a person who is a qualified voter, or qualified to register to vote, and whose affidavit to that effect appears on each page of the petition. The petition shall state the names of the electors selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice-President for whom the electors are required to vote in the Electoral College. The persons</u>	D	12/7/04	
24.2-544	B. The provisions of this title shall apply to the conduct of presidential year primaries including the time limits applicable to notices and candidate filing deadlines and the closing of registration records before the primary. <u>The State Board shall provide a schedule for the notices and filing deadlines by the August 1 prior to the February primary including a campaign finance disclosure report filing schedule adjusted to reflect the differences between the June date for other primaries and the February date for the presidential primary, and the March and February primary dates.</u>	B	12/7/04	
24.2-545	A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice-President of the United States including a presidential primary or another method determined by the party. <u>The state chairman shall notify the State Board of the party's determination at least 90 days before the primary date. If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary.</u>			
24.2-545	<u>The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date and certified to, and approved by, the State Board.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-545	B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, <u>may file with the State Board petitions</u> signed by at least 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. <u>Such petitions shall be filed with the State Board by the primary filing deadline.</u>	D	12/7/04	
24.2-545	<u>The petitions shall be on a form prescribed by the State Board</u> and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of the national and state party.	B	12/7/04	
24.2-545	<u>The State Board shall transmit the material so filed to the state chairman of the party of the candidate immediately after the primary filing deadline.</u> The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	12/7/04	
24.2-545	<u>The state chairman of the party shall, by the deadline set by the State Board,</u>	B	12/7/04	
24.2-545	<u>furnish to the State Board the names of all candidates</u> who have satisfied the requirements of this section. Whenever only one candidate for a party's nomination for President of the United States has met the requirements to have his name on the ballot, he will be declared the winner and no presidential primary for that party will be held.	D	12/7/04	
24.2-545	C. <u>The names of all candidates in the presidential primary of each political party shall appear on the ballot in an order determined by lot by the State Board</u>	B	12/7/04	
24.2-545	D. <u>The State Board shall certify the results of the presidential primary to the state chairman.</u> If the party has determined that its delegates and alternates will be selected pursuant to the primary, the slate of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed elected by the state party. If the party has determined to use another method for selecting delegates and alternates, those delegates and alternates shall be bound to vote on the first ballot at the national convention for the candidate receiving the most votes in the primary unless that	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-603.1	The State Board shall prescribe appropriate procedures to implement this section		12/7/04	For Further Review
24.2-604.2	<u>If an emergency causes the dimensions of the prohibited area for a polling place to be perceived as increasing the risk of danger for persons outside the polling place, the electoral board may modify the distance requirements for the prohibited area, subject to the prior approval of the State Board. For purposes of this section, an "emergency" includes a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States.</u>	D	12/7/04	
24.2-610	A. The State Board shall provide copies of this title to each electoral board for each precinct in its county or city. The electoral board shall furnish a copy of this title to each precinct for the use of the officers of election on election day.	D	12/7/04	
24.2-610	B. Pursuant to subdivision A 7 of § 24.2-404, the State Board shall transmit to the general registrar of each county and city pollbooks for each precinct in which the election is to be held. The data elements printed or otherwise provided for each voter on the pollbooks shall be uniform throughout the Commonwealth.	D	12/7/04	
24.2-610	C. <u>The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the State Board to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the proper official following the election.</u>	D	12/7/04	
24.2-611	A. <u>The following oath shall be on a form prescribed by the State Board, administered to all officers of election, and kept by the officers of election with the pollbook:</u>	D	12/7/04	
24.2-611	B. The State Board shall provide the pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. <u>If the pollbook is provided in printed form, the State Board shall provide a numerical check sheet to be used to determine the consecutive number to be recorded with the name of the voter by the officer of election.</u> If the pollbook is provided in electronic form, the consecutive number shall be entered automatically when the officer of election records that the voter has voted. When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, or on a separate form if an electronic pollbook is used, certifying the number of qualified registrants who have voted. <u>The State Board shall provide instructions to the local electoral boards, general registrars, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and</u>	D	12/7/04	

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24.2-611	C. The State Board shall incorporate safeguards to assure that the records of the election, including the pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted.	D	4/26/05	Board authorizes Sec to develop and maintain EDG's.
24.2-611	The State Board may provide for the pollbook to be in a paper format or in an electronic format if funds are appropriated to cover the costs associated with the provision of a pollbook in an electronic format.	D	12/7/04	
24.2-611	The State Board shall be authorized to conduct pilot programs in one or more localities, with the consent of the electoral board of the locality, to test the use of an electronic pollbook in one or more precincts, notwithstanding any other provision of law to the contrary.	B	12/7/04	
24.2-612	Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each electoral board shall forward to the State Board a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each electoral board shall forward the name of any candidate who failed to qualify with the reason for his disqualification.	D	12/7/04	
24.2-612	The State Board shall promptly advise the electoral board of the accuracy of the list. The failure of any electoral board to send the list to the State Board for verification shall not invalidate any election.	D	12/7/04	
24.2-612	one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or clause (iii) or (v) of subsection B of § 24.2-416.1, (ii) one statewide paper ballot style for each paper ballot style in use for Governor, Lieutenant Governor or Attorney General only for use as the early absentee ballot specified in § 24.2-702, and (iii) single paper ballot styles for each ballot style in use for each congressional district for federal offices for use only by overseas voters eligible to vote in federal elections only pursuant to Article 7 (§ 24.2-440 et seq.) of Chapter 4 of this title. The State Board may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the State Board shall execute the statement required by § 24.2-616. The State Board shall designate a representative to be present at the	D	12/7/04	
24.2-612	The electoral boards shall send to the State Board a statement of the number of paper ballots ordered to be printed, proofs of each paper and voting equipment ballot for verification, and copies of each final ballot.	D	12/7/04	

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24.2-612	<u>If the State Board finds that, in its opinion, the number of ballots ordered to be printed by any local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable number of additional ballots.</u>	D	12/7/04	
24.2-612.1	<u>In the case of the death, withdrawal, or disqualification of any candidate, other than a party nominee, who has qualified to have his name printed on the ballot for any election other than a presidential or primary election, the State Board of Elections shall take into account the time available before the election and the status of the ballots for the election and shall have authority to direct the electoral boards on how to proceed to print the ballot without the candidate's name, correct the ballot to delete the candidate's name, or provide notice to voters of the death, withdrawal, or disqualification of the candidate.</u>		12/7/04	For Further Review
24.2-612.1	<u>The State Board shall have like authority in the case of the death, withdrawal, or disqualification of a party nominee subject to the provisions of Article 5 (§ 24.2-539 et seq.) of Chapter 5 of this title.</u>		12/7/04	For Further Review
24.2-613	<u>For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.</u>	B	12/7/04	

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24.2-613	Except as provided for primary elections, the State Board shall determine by lot the order of the <u>political parties</u> , and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section and § 24.2-640, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; <u>the order of the recognized political parties within the class shall be determined by lot by the State Board</u> ; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent"; their names shall be placed on the ballot after the political parties and recognized political parties; and where there is more than one independent candidate for an office, their names shall appear alphabetically.	B	12/7/04	
24.2-613	In preparing the ballots for general, special and primary elections, the State Board and electoral boards shall cause to be printed in not less than ten-point type, immediately below the title of any office, a <u>statement of the number of candidates who may be voted for that office</u> . The following language shall be used: "Vote for not more than"	D	12/7/04	
24.2-613	At any precinct at which mark sense ballots are used, the mark sense ballot may be used in lieu of the <u>official paper ballot with the approval of the State Board</u> . <u>Any locality which uses mark sense ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use the mark sense ballot or printed reproductions of the mark sense ballot in lieu of the official paper ballot</u> . Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.	B	4/26/05	Board authorized use of Marksense ballot in lieu of paper ballots if use of certified Marksense equipment is allowed 4/26/05. See also §§24.2-649 and 24.2-654
24.2-614	<u>Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the order of the groups shall be determined by lot by the State Board</u> ; and the groups shall immediately precede the independent class on the ballot. The names of the candidates within the independent class shall be listed alphabetically.	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-626	A. <u>The governing body of each county having an optional form of government and of each city shall provide for the use of mechanical or electronic voting or counting systems, of a kind approved by the State Board</u> , at every precinct and for all elections held in the county, the city, or any part of the county or city. The governing body of every other county shall provide for the use of such systems at every precinct having 750 or more registered voters. No county shall divide or create precincts so that resulting precincts will contain fewer than 750 registered voters, in order to avoid the requirements of this section.	B	12/7/04	
24.2-626	Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such systems and may provide for the payment therefore in the manner it deems proper. <u>Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.</u>	D	6/28/05	Pursuant to HAVA mandates of 1 DRE per polling place, Board delegate authority to Sec.
24.2-628	A. <u>Any person, firm, or corporation manufacturing, owning, or offering for sale any mechanical voting device may apply to the State Board,</u>	D	12/7/04	
24.2-628	<u>in the manner prescribed by the Board, to examine and approve such device.</u> The Board shall make, or have made, a report on the capacity of the device accurately to register and count votes, and in respect to its mechanical perfections and imperfections, and whether it meets the requirements prescribed in this chapter.	B	12/7/04	
24.2-628	<u>The report shall be filed in the office of the Board and shall state whether the kind of device so examined can be safely and conveniently used at elections.</u>	S	12/7/04	Board has no offices, only Secretary's offices.
24.2-628	<u>If the Board determines that the device can be so used, and meets the requirements prescribed in this chapter, the Board shall approve the device for use at elections. No form of voting device not so approved shall be used at any election.</u>	B	12/7/04	
24.2-629	A. <u>Any person, firm, or corporation hereinafter referred to as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting system and ballots designed to be used with such equipment may apply to the State Board,</u>	D	12/7/04	

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24.2-629	<u>in the manner prescribed by the Board, to have examined a production model of such equipment and the ballots used with it.</u>	B	12/7/04	
24.2-629	<u>The Board may require the vendor to pay a reasonable application fee when he files his request for testing or certification of new or upgraded voting equipment</u>	B	12/7/04	
24.2-629	<u>Receipts from such fees shall be credited to the Board for reimbursement of testing and certification expenses.</u>	D	12/7/04	
24.2-629	<u>In addition to any other materials that may be required, a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the Board; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The Board shall also require, at a site of its choosing, a demonstration of such system and ballots and may require that a production model of the system and a supply of ballots</u>	B	12/7/04	
24.2-629	<u>be provided to the Board for testing purposes.</u>	D	12/7/04	
24.2-629	<u>C. After its examination of the equipment, ballots, and other materials submitted by the vendors, the Board shall prepare and file in its office a report of its finding as to (i) the apparent capability of such equipment to accurately count, register, and report votes; (ii) whether the system can be conveniently used without undue confusion to the voter; (iii) its accessibility to voters with disabilities; (iv) whether the system can be safely used without undue potential for fraud; (v) the ease of its operation and transportation by voting equipment custodians and officers of election; (vi) the financial stability of the vendor and manufacturer; (vii) whether the system meets the requirements of this title; (viii) whether the system meets federal requirements;</u>	D	12/7/04	
24.2-629	<u>and (ix) whether, in the opinion of the Board, the potential for approval of such system is such as to justify further examination and testing.</u>	B	12/7/04	
24.2-629	<u>D. If the Board determines that there is such potential and prior to its final determination as to approval or disapproval of such system,</u>	B	12/7/04	

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24.2-629	the Board shall obtain a report by an independent electronics or engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii) whether it is capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election; (iii) the number of separate memory capabilities for the storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the anticipated life of the equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment custodians and officers of election; and (xii) any other matters deemed necessary by the Board .	D B	12/7/04	Board delegated authority to obtain report but retained authority to determine "any other matters deemed necessary by the Board.
24.2-629	<u>The report of the consultant shall be filed in the office of the Board.</u>	S	12/7/04	Board has no offices, only Secretary's offices.
24.2-629	<u>E. If the Board determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one or more counties or cities.</u>	B	12/7/04	
24.2-629	<u>F. If, following testing, the Board approves any electronic system and its ballots for use,</u>	B	12/7/04	
24.2-629	<u>the Board shall so notify the electoral boards of each county and city. Systems so approved may be adopted for use at elections as herein provided. No form of electronic system and ballots not so approved shall be adopted by any county or city. Any electronic system and ballots approved for use by the Board shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.</u>	D	12/7/04	
24.2-630	<u>With the approval of the State Board, the governing body of any county, city, or town may provide for the experimental use at an election in one or more election districts or precincts of a voting or counting system which it might legally adopt without a formal adoption thereof, and its use at such election shall be valid for all purposes.</u>	B	12/7/04	
24.2-631	<u>The State Board is authorized to approve the experimental use of voting or counting systems and ballots for the purpose of casting and counting absentee ballots in one or more counties and cities designated by the Board (i) that have established central absentee voter election districts</u>	B	12/7/04	
24.2-631	<u>and (ii) whose electoral board submits to the Board for approval a plan for the use of such system and ballots.</u>	D	12/7/04	

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24.2-631	The Board is also authorized to approve the experimental use of voting or counting systems and ballots <u>in one or more precincts in any county or city whose electoral board</u>	B	12/7/04	
24.2-631	<u>submits to the Board for approval a plan for such use.</u> The use of such systems and ballots at an election shall be valid for all purposes.	D	12/7/04	
24.2-632	A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board shall employ one or more persons, to be known as custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. <u>With the approval of the State Board, the electoral board may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment.</u>	D	12/7/04	
24.2-643	If the voter's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, <u>an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.</u>	D	12/7/04	
24.2-643	C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election <u>shall furnish the voter with a change of address form prescribed by the State Board.</u> Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.) of this title.	B	12/7/04	

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24.2-643	D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, <u>he shall be furnished with a voter registration form prescribed by the State Board</u> to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.	B	12/7/04	
24.2-643	E. For federal elections held after January 1, 2004, this subsection shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state. At such election, such voter shall present: (i) a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B of this section, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. <u>The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots</u> pursuant to subsection B of § 24.2-653 and this section.	B	12/7/04	Board approved instructions on 4/26/05
24.2-644	C. At all elections except primary elections it shall be lawful for any voter to vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot. No check or other mark shall be required to cast a valid write-in vote. <u>Write-in votes for President and Vice-President shall be counted only for candidates who have filed a joint declaration of intent to be write-in candidates for the offices with the Secretary of the State Board</u> not less than ten days before the date of the presidential election.	S	12/7/04	
24.2-644	The declaration of intent shall be <u>on a form prescribed by the State Board</u> and shall include a list of presidential electors pledged to those candidates which equals the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States. A write-in vote cast for candidates for President and Vice-President, or for a candidate for President only, shall be counted for the individual electors listed on the declaration of intent as pledged to those candidates.	B	12/7/04	

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24.2-649	A. Any voter age 65 or older or physically disabled may request and then shall be handed a paper ballot or a mark sense ballot by an officer of election outside the polling place but within 150 feet of the entrance to the polling place. The voter shall mark the paper ballot in the officer's presence but in a secret manner and fold and return the ballot to the officer. The officer shall immediately return to the polling place and deposit the ballot in the ballot container in accordance with § 24.2-646. <u>The voter shall mark the mark sense ballot in the officer's presence but in a secret manner and cover and return the ballot to the officer who shall immediately return to the polling place and deposit the ballot in the ballot counter in accordance with the instructions of the State Board.</u>	D	4/26/05	This delegation falls under Sec authorization to issue EDG's under §24.2-611 & 24.2-654
24.2-649	The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. <u>The request and statement shall be on a single form furnished by the State Board.</u> If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature. If the voter being assisted is blind, neither the request nor the statement shall be required to be signed and an officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him	B	12/7/04	
24.2-651	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, <u>and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	12/7/04	
24.2-651.1	When the voter has shown the requested identification, 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 <u>indicate on the pollbook that the person has signed the required statement in accordance with the instructions of the State Board</u> of Elections.	D	12/7/04	

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24.2-652	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 next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and <u>shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	12/7/04	
24.2-653	Such person shall be given a paper ballot and provide, subject to the penalties for making false statements pursuant to § 24.2-1016, <u>on a green envelope supplied by the State Board</u> , the identifying information required in § 24.2-652. Such person shall be asked to present one of the forms of identification specified in subsection B of § 24.2-643. If he is unable to present one of these forms of identification, he shall sign a statement, subject to felony penalties for false statements pursuant to § 24.2-1016, that he is the named registered voter who he claims to be, and the officers of election shall note on the green envelope that the required statement was signed in lieu of presenting one of the specified forms of identification.	B	12/7/04	
24.2-653	<u>The officers of election shall enter the appropriate information for the person on the pollbook in accordance with the instructions of the State Board</u> but shall not enter a consecutive number for the voter nor otherwise mark his name as having voted.	B	4/26/05	Board approved Procedures on 4/26/05
24.2-653	C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B of this section; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. <u>The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section</u>	B	4/26/05	Board approved Procedures on 4/26/05

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B"= Board; "D"= Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-654	<u>In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the State Board.</u>	D	4/26/05	This delegation falls under Sec authorization to issue EDG's under §24.2-611 & 24.2-654
24.2-659	<u>The voting and counting devices shall remain locked and sealed for the period of 15 days after the results of the election have been ascertained and, if any contest or recount is pending thereafter, until it has been concluded. The devices shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board</u>	D	12/7/04	
24.2-659	<u>or the electoral board at the direction of the State Board in order to ensure the accuracy of the returns</u>	D	12/7/04	
24.2-666	<u>The State Board shall prescribe appropriate forms and procedures for use by the local electoral boards, general registrars, and officers of election to account for all paper ballots, used and unused.</u>	D	4/26/05	Board Approved Paper Ballot Reconciliation form promulgated by staff.
24.2-668	<u>A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets <u>in the envelopes provided by the State Board</u>. The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.</u>	D	12/7/04	

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24.2-668	The clerk shall retain custody of the pollbooks until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks may be needed as evidence and there is no proceeding pending. After that time the clerk shall deliver the pollbooks to <u>the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board</u> as directed by § 24.2-114 for voting credit purposes.	D	12/7/04	
24.2-668	<u>After the pollbooks are returned by the State Board</u> , the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.	D	12/7/04	
24.2-668	C. If an electronic pollbook is used, 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. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, <u>provided that the records for the election have been transferred or printed according to the instructions of the State Board.</u>	D	12/7/04	
24.2-669	The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal, deposit them in a secure place in his office, where they shall be kept for the time required by this section. <u>He shall not allow the ballots to be inspected except (i) by an authorized representative of the State Board</u>	D	12/7/04	
24.2-669	<u>or by the electoral board at the direction of the State Board to ensure the accuracy of the returns or the purity of the election,</u> (ii) by the officers of election, and then only at the direction of the electoral board in accordance with § 24.2-672 when the provisions of § 24.2-662 have not been followed, or (iii) on the order of a court before which there is pending a proceeding for a contest or recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a proceeding in which the ballots are necessary for use in evidence.	D	12/7/04	
24.2-674	If any two or more persons have an equal number of votes and a higher number than any other person for member of the General Assembly or of the Congress of the United States, or elector of President and Vice-President of the United States, the State Board of Elections <u>shall proceed publicly to determine by lot which of them shall be declared elected.</u> Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the Board <u>shall proceed so as to determine the election in their absence.</u>	B	12/7/04	

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24.2-675	The abstracts shall be certified and signed by the electoral board, attested by the secretary, and retained by the electoral board as part of its records. <u>A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or delivered by hand to the State Board.</u>	D	12/7/04	
24.2-675	The State Board shall require the electoral board of any county or city to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.	D	12/7/04	
24.2-677	The State Board , on receipt of the certified abstracts of the votes given in the several counties and cities, shall open the abstracts and record and carefully preserve them.	D	12/7/04	
24.2-678	<u>If the State Board has not received the abstracts of votes from any county or city within seven days after any election, it shall dispatch a law-enforcement officer to obtain a copy of the abstract from the official having charge thereof.</u>	D	12/7/04	
24.2-678	That official shall immediately, on demand of the officer, make out and deliver to him the copy required, and the officer shall deliver the abstract to the State Board without delay.	D	12/7/04	
24.2-679	A. The State Board shall meet on the fourth Monday in November to ascertain the results of the <u>November election</u> . If a majority of the Board is not present or if, for any other reason, the Board is unable to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than three days until a quorum is present and the Board has ascertained the results as provided in this section.	B	12/7/04	
24.2-679	The Board shall examine the certified abstracts on file in its office and make statements of the whole <u>number of votes given at any such election</u> for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice-President of the United States, and any officer shared by more than one county or city, or any combination thereof, or for so many of such officers as have been voted for at the election.	B	12/7/04	
24.2-679	The statement shall show, for each office and each county, city, and election district, the whole number of votes given to each candidate and to any other person elected to office. The Board <u>members shall certify the statements to be correct and sign the statements.</u>	B	12/7/04	
24.2-679	The Board shall then determine those persons who received the greatest number of votes and have <u>been duly elected to each office.</u>	B	12/7/04	
24.2-679	The Board members shall endorse and subscribe on such statements a certificate of their <u>determination.</u>	B	12/7/04	
24.2-679	The Board shall record each certified statement and determination in a suitable book to be kept by it in <u>its office.</u>	D	12/7/04	

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24.2-679	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. If the returns have not been received within seven days of the election, the Board shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.	B	12/7/04	
24.2-680	Subject to the requirements of § 24.2-922, 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.	B D	12/7/04	Board to complete certificates and Secretary or staff to transmit certificates.
24.2-680	In the election of a member of the United States Congress, it shall also forward a certificate of election to the clerk of the United States Senate or House of Representatives, as appropriate.	D	12/7/04	
24.2-680	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.	B	12/7/04	
24.2-680	The names of the persons elected Governor, Lieutenant Governor, and Attorney General shall be certified by the State Board to the clerks of the House of Delegates and Senate.	B	12/7/04	
24.2-680	The name of any officer shared by more than one county or city, or any combination thereof, shall be certified by the State Board to the clerk of the circuit court having jurisdiction in each affected county or city.	B	12/7/04	
24.2-680	The names of the persons elected to soil and water conservation districts shall be certified by the State Board to the Director of the Department of Conservation and Recreation.	B	12/7/04	
24.2-701	A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.	D	12/7/04	
24.2-701	The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet.	D	12/7/04	
24.2-701	Electronic absentee ballot applications shall be in a form approved by the State Board .	B	12/7/04	

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24.2-701	For federal elections held after January 1, 2004, this paragraph shall apply in the case of any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time that voter votes in a federal election in the state. After completing an application for an absentee ballot in person, such voter shall present: (i) a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. Neither the identification requirements of subsection B of § 24.2-643, nor the identification requirements of subsection A of § 24.2-653, shall apply to such voter at that election. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.	B	4/26/05	Board approved Procedures on 4/26/05
24.2-703	<u>The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the State Board.</u> The applicant shall specify by party designation the primary ballots he is requesting.	D	12/7/04	
24.2-703.1	Any person who is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a physical disability or physical illness and who is likely to remain so disabled or ill for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. <u>His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician or accredited religious practitioner,</u> that the voter is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a physical disability or physical illness and likely to remain so disabled or ill for the remainder of the calendar year.	B	12/7/04	
24.2-703.1	<u>In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request</u> for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.	D	12/7/04	
24.2-703.2	<u>The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section.</u> The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-705	The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.	B	12/7/04	
24.2-706	No list or application containing an individual's social security number shall be made available for inspection or copying by anyone. The State Board of Elections <u>shall prescribe procedures for local electoral boards and general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers.</u>	D	12/7/04	
24.2-706	For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 42 U.S.C.S. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot: (i) a copy of a current and valid photo identification; or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The State Board of Elections <u>shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.</u>	B	4/26/05	Board approved Procedures on 4/26/05
24.2-706	5. <u>For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.), information provided by the State Board specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.</u>	D	12/7/04	
24.2-706	The envelopes and instructions shall be in the form prescribed by the State Board .	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-707	The electoral board of any county or city using a central absentee voting precinct may provide for the casting of absentee ballots on voting equipment prior to election day by applicants who are voting in person. The State Board shall prescribe procedures for the use of voting equipment. The procedures shall provide for the casting of absentee ballots prior to election day by in-person applicants <u>on voting equipment which has been certified, and is currently approved, by the State Board.</u>	B	12/7/04	
24.2-707	<u>The procedures shall be applicable and uniformly applied by the State Board to all jurisdictions using comparable voting equipment.</u> At least two officers of election, one representing each political party, shall be present during all hours that absentee voting is available at any location at which absentee ballots are cast prior to election day.	D	12/7/04	
24.2-710	On the day before the election, the general registrar shall (i) <u>make out in triplicate on a form prescribed by the State Board the absentee voter applicant list</u> containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person pursuant to §§ 24.2-705.1 and 24.2-705.2, or applying to vote absentee pursuant to § 24.2-705, for delivery by 5:00 p.m. on the day before the election. <u>The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the State Board.</u> The general registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.	D	12/7/04	
24.2-711.1	The electoral board of each county and city shall send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot is rejected within ninety days of the date on which the ballot is rejected. <u>The State Board of Elections shall promulgate instructions to implement the provisions of this section.</u>	D	4/26/05	
24.2-712	D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. <u>In the case of punch card or mark sense ballots to be inserted in electronic counting equipment, the ballot container may be opened and the absentee ballots may be inserted in the counting equipment prior to the closing of the polls in accordance with procedures prescribed by the State Board, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-801.1	The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. <u>on the second calendar day after the day the State Board certifies the result of the election</u> under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are <u>encouraged to so notify the State Board</u> by letter as soon as possible after election day	D	12/7/04	
24.2-801.1	If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 the State Board <u>shall, within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia</u> (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified. The Circuit Court of the City of Richmond shall make arrangements to receive any such filing if the office would normally be closed the entire day, or prior to 5:00 p.m., <u>on the second calendar day after the day the State Board certified the result of the election</u>	D	12/7/04	
24.2-802	A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting and counting devices, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting device and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.	B	12/7/04	
24.2-802	After the full court is appointed under § 24.2-801 or § 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. <u>The court shall call for the advice and cooperation of the State Board</u> or any local electoral board, as appropriate, and such boards shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.	D	12/7/04	
24.2-903	<u>The State Board shall summarize the provisions of the election laws relating to campaign contributions and expenditures and provide for distribution of this summary and prescribed forms to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first.</u>	D	12/7/04	
24.2-903	<u>The Board shall designate the form of the report of contributions and expenditures which shall be the only such form used in complying with the provisions of this chapter.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-903	<u>The Board shall also prescribe a separate form for the required reporting of certain large contributions and expenditures pursuant to § 24.2-919.</u>	B	12/7/04	
24.2-903	<u>The State Board shall provide, with the summary required by this section, instructions for persons filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall include directions for the reporting of candidate primary filing fees.</u>	D	12/7/04	
24.2-904	A. Upon accepting any contribution for his candidacy, each candidate for nomination or election shall appoint a single campaign treasurer and may designate not more than one campaign committee to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election and to file the reports required by this chapter. The payment of a primary filing fee by the candidate constitutes the acceptance of a contribution for the purposes of this section. At the same time he shall designate a campaign depository in a financial institution within the Commonwealth. He shall provide, <u>on a statement of organization form prescribed by the State Board</u> , the name and address of the campaign treasurer, the name of the financial institution for his campaign depository, and, if one, the name of the campaign committee.	B	12/7/04	
24.2-904	In the case of any candidate who seeks election for successive terms in the same office, the form filed by the candidate shall continue in effect for such successive elections, but <u>the candidate shall file notice of any changes in the information provided on the form within 10 days of the change with the State Board</u> , local electoral board, or both, as appropriate.	D	12/7/04	
24.2-904	<u>He shall file the form with the</u> (i) electoral board of the county or city in which he resides if he is a candidate for local office, (ii) electoral board of the county or city in which he resides and the State Board if he is a candidate for the General Assembly, or (iii) State Board if he is a candidate for statewide office. Every treasurer so appointed shall accept the appointment, in writing on the form, prior to the filing thereof. No individual shall act as treasurer unless the required statement of appointment shall have been filed. No individual shall be appointed or act as treasurer in any election who is not a qualified voter of the Commonwealth. The same person may serve as campaign treasurer for more than one candidate.	D	12/7/04	
24.2-904	B. In the event of the death, resignation, removal, or change of the treasurer, the <u>candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the State Board</u> , local electoral board, or both, as provided in subsection A.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-906.1	This section shall apply to candidates for local office. A candidate for local office may seek an exemption from the requirements for filing disclosure reports of contributions and expenditures set out in Article 4 (§ 24.2-914 et seq.) of Chapter 9 of Title 24.2 except for the filing requirements of §§ 24.2-919 and 24.2-920 pertaining to certain large contributions and the filing of a final report. <u>The request for an exemption shall be filed with the electoral board of the county or city where the candidate resides on a form prescribed by the State Board</u> of Elections and in accordance with instructions by the State Board for the time for filing and the process for approval by the electoral board.	B	12/7/04	Virginia's Campaign Finance Disclosure Act: Summary of Laws and Policies for Candidates and Their Committees, This summary was approved for use by the State Board on 6/28/05.
24.2-912	A. Every state, district, county, and city party committee and every organized political party group of elected officials shall file a report of contributions received by it and designated in writing, orally, or otherwise by the contributor for the election of a specified candidate or candidates. <u>The report shall (i) be on a form prescribed by the State Board</u> and may be incorporated in the report of contributions and expenditures prescribed in § 24.2-914,	B	12/7/04	
24.2-912	(ii) provide for the reporting of the receipt and disbursement of designated contributions, including information to identify the contributor, as provided in § 24.2-914, (iii) include the name of the candidate for whose election the contributor has designated the contribution, and (iv) <u>be filed with the State Board</u> in accordance	D	12/7/04	
24.2-914	A. The report required by this chapter shall be <u>filed on a form prescribed by the State Board</u> and shall include all contributions and expenditures.	B	12/7/04	
24.2-914	All completed forms shall be submitted in typed, printed, or legibly hand printed format or as provided in § 24.2-914.1. Except as provided by § 24.2-910 for certain political committees, <u>reports required by this chapter shall be received by the State Board</u> , local electoral board, or both, by the deadline for filing the report.	D	12/7/04	
24.2-914	The <u>State Board shall provide instructions to filers for delivery of reports within the time periods prescribed by law.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-914	The State Board shall provide instructions for candidates who seek election for successive terms in the same office for the filing of reports within each appropriate election cycle for the office and for the aggregation of contributions and expenditures within each election cycle. Solely for the purpose of filing reports pursuant to this section, an incumbent with any activity to report in a new election cycle shall be presumed to be a candidate for reelection in the succeeding election. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.	D	12/7/04	
24.2-914.1	A. The State Board of Elections shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of the reports of contributions and expenditures required by this article (§ 24.2-914 et seq.).	B	12/7/04	
24.2-914.1	The State Board may prescribe the method of execution and certification of electronically filed statements.	D	12/7/04	
24.2-914.1	and the procedures for receiving statements in the office of the State Board or by the local electoral boards.	S	12/7/04	Board has no offices, only Secretary's offices.
24.2-914.1	B. 1. The State Board shall accept any report of contributions and expenditures filed by candidates for the General Assembly, Governor, Lieutenant Governor, and Attorney General by computer or electronic means	D	12/7/04	
24.2-914.1	in accordance with the standards approved by the State Board and using software meeting standards approved by it.	B	12/7/04	
24.2-914.1	2. A local electoral board may accept reports of contributions and expenditures filed by computer or electronic means from any candidate or political committee that is required to file reports with that board. Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board . The electoral board shall promptly make the information that it accepts in this manner available to the public through the global information system known as the Internet.	B	12/7/04	
24.2-914.1	3. The State Board may provide software to filers without charge or at a reasonable cost.	D	12/7/04	
24.2-914.1	C. On and after January 1, 2001, the State Board shall enter or cause to be entered into a campaign finance database, available to the public through the global information system known as the Internet, the information from required reports of contributions and expenditures filed by computer, electronic, or other means by candidates for the General Assembly, Governor, Lieutenant Governor, and Attorney General.	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B"= Board; "D"= Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-914.1	D. <u>Candidates for Governor, Lieutenant Governor, and Attorney General shall file by computer or electronic means in accordance with the standards approved by the State Board the reports required by this article.</u>	B	12/7/04	
24.2-914.1	<u>Candidates for the General Assembly may file the reports required by this article with the State Board by computer or electronic means</u>	D	12/7/04	
24.2-914.1	<u>in accordance with the standards approved by the State Board.</u>	B	12/7/04	
24.2-914.1	<u>This information shall be made available to the public promptly by the State Board through the global information system known as the Internet.</u>	D	12/7/04	
24.2-914.1	E. <u>Other committee reports required by this chapter to be filed with the State Board or a local electoral board, or both, may be filed electronically on terms agreed to by the committee and Board.</u>	D	12/7/04	
24.2-914.1	F. On and after January 1, 2004, <u>a political committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means</u>	D	12/7/04	
24.2-914.1	<u>in accordance with the standards approved by the State Board until such time as the political committee files a final report.</u>	B	12/7/04	
24.2-914.1	However, a county, city or local district political party committee shall not be required to file by computer or electronic means if it files its reports with the electoral board of that county or city. Any political committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, <u>may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	B	12/7/04	
24.2-914.1	G. <u>The State Board shall have authority to extend any deadline applicable to reports required to be filed by computer or electronic means in the event of a failure of the computer or electronic filing system that prevents timely filing. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.</u>	D	12/7/04	
24.2-920.1	<u>The State Board or the electoral board of any county or city may close the file of any candidate required to file with it provided (i) the candidate has not filed a final report; (ii) the candidate has not filed a report with it for any campaign for any office within the prior five years; and (iii) the Board or board cannot locate either the candidate or his campaign treasurer.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-920.1	Once the file has been closed, no more reports will be due and no additional fines for failure to file will accrue. However, if the whereabouts of the candidate later becomes known to the Board or board, it <u>may reopen the file and send notice to the candidate</u> requesting that he file the appropriate reports and pay any fines that were levied before the file was closed by it.	B	12/7/04	
24.2-923	F. <u>The State Board shall provide for a "no activity" report that may be filed for any period set out in subsection C in which the filer has no activity to report.</u>	B	12/7/04	
24.2-923.1	<u>The State Board may close the file of any committee provided (i) the committee has not filed a final report pursuant to § 24.2-923 or notified the Board pursuant to § 24.2-908 that it has disbanded or determined it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200; (ii) the committee has not filed any reports within the prior five years; and (iii) the Board cannot locate any of the officers listed on the committee's most recent statement of organization.</u>	B	12/7/04	
24.2-923.1	Once the file has been closed, no more reports will be due and no additional fines for failure to file will accrue. However, if the whereabouts of any officer listed on the most recent statement of organization later becomes known to the Board , it <u>may reopen the file and send notice to such officer</u> requesting that he file the appropriate reports or notice and pay any fines which were levied before the file was closed by it.	B	12/7/04	
24.2-926	<u>The State Board shall file and preserve as part of its records the reports required by this chapter to be filed with it for at least one year after the final report is filed, or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain.</u>	D	12/7/04	
24.2-926	<u>Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).</u>	D	12/7/04	
24.2-927	B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this article shall be entitled to a 72 -hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild or sibling died within the 72 hours before the deadline. The State Board or the local electoral board <u>shall be authorized to grant an extension of the filing deadline for a period not to exceed five days for good cause shown by the filer and found by the Board or board sufficient to justify the granting of the extension.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-927	C. The Secretary shall have additional authority to extend a deadline established in this article for <u>filing reports in emergency situations that interfere with the timely filing of reports.</u> The extension shall be limited in scope to the areas and times affected by the emergency. The provisions of this subsection shall be applicable only in the case of an emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States and confirmed by the Governor by executive order as an emergency for the purposes of this subsection.	S	12/7/04	
24.2-927	D. The Secretary shall have additional authority to extend a deadline established in this article for <u>filing reports for a reasonable period for a candidate who serves as his own campaign treasurer and who is a member of a uniformed service of the United States called to active duty during a reporting period.</u>	S	12/7/04	
24.2-928	A. It shall be the duty of the State Board to report any violation of the provisions of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title to the appropriate attorney for the Commonwealth. <u>The State Board shall report to the attorney for the Commonwealth of the City of Richmond in the case of reporting requirements for statewide campaigns and for political committees and to the attorney for the Commonwealth of the county or city of the residence of a candidate for the General Assembly. If all the officers of a political committee are residents of one county or city as shown on the statement of organization filed by the committee pursuant to § 24.2-908, the State Board shall report violations for that political committee to the attorney for the Commonwealth of that county or city.</u>	D	12/7/04	
24.2-928	C. In order to fulfill the duty to report violations pursuant to subsections A and B, the Board shall establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the provisions of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title and for verifying that reports are complete and submitted on time. As part of the system referred to in this subsection, <u>the general registrar for each county and city, or the secretary of the electoral board in any county or city in which the electoral board chooses to perform the duties stated in this subsection, shall be required, in accordance with instructions provided by the Board, to receive, catalog, and review the reports filed with the local electoral board and to verify that the reports are complete and submitted on time.</u>	D	12/7/04	
24.2-928	<u>The State Board, or the general registrar or secretary of the electoral board, in accordance with the instructions of the State Board, shall notify, no later than 14 days after the report due date, any person submitting an incomplete report of the need for additional information.</u>	D	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-928	<u>The State Board, or the general registrar or secretary of the electoral board in accordance with the instructions of the State Board, may request additional information to correct obvious mathematical errors and to fulfill the requirements for information on the reports.</u>	D	12/7/04	
24.2-928	<u>D. The State Board, and the general registrar or secretary of the electoral board in accordance with the instructions of the State Board, (i) shall assess and collect the civil penalties provided in § 24.2-929 and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the Commonwealth for enforcement. Each locality shall advise the State Board of penalties assessed, collected and reported to the attorney for the Commonwealth.</u>	D	12/7/04	
24.2-928	<u>E. In the case of any committee that is required to file a statement of organization pursuant to § 24.2-908 but excluding campaign committees, the State Board shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.</u>	B	12/7/04	
24.2-929	<u>3. In the case of a violation of Article 4 (§ 24.2-914 et seq.) of Chapter 9 of this title, that relates to the failure to file a required report by the deadline specified in Article 4, he shall be assessed a civil penalty not to exceed \$500. In the case of a second or any subsequent such violation pertaining to one election cycle, he shall be assessed a civil penalty of \$500 for each such failure to file. The State Board shall assess the civil penalty imposed by this subdivision and shall notify the public through the Internet of the violation and identity of the violator.</u>	B	12/7/04	
24.2-929	<u>Upon notice of a violation of this chapter by the State Board or the general registrar or local electoral board, as appropriate, the attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties and penalties assessed by the State Board or the local electoral board as provided herein. Any civil penalties collected pursuant to action by the State Board shall be payable to the State Treasurer for deposit to the general fund; and any civil penalties collected pursuant to action by a general registrar or local electoral board shall be payable to the treasurer of the locality for deposit to its general fund. The statute of limitations applicable to a violation of this chapter is stated in § 19.2-8. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or an electoral board.</u>	B	12/7/04	

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24.2-929	<u>Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the Secretary of the State Board or the general registrar or secretary of the local electoral board, as appropriate, shall notify, in writing, the candidate and treasurer, or person or political committee required to file a report with that board, that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if the information required to complete the report is filed within 10 days of the date of mailing the written notice.</u>	S	12/7/04	
24.2-929	<u>C. If the information required to complete the report is not filed within the 10-day period, the Secretary of the State Board or the general registrar or secretary of the local electoral board, as appropriate, shall then assess against the candidate and treasurer, who shall be jointly and severally liable, or person or political committee required to file a report, a civil penalty not to exceed \$300.</u>	S	12/7/04	
24.2-929	<u>The Secretary of the State Board or the general registrar or secretary of the local electoral board may grant an additional period for compliance, not to exceed two weeks, to permit the completion of a filed report for good cause shown and in response to a request filed within the 10-day period. However, no additional period shall be granted thereafter for compliance.</u>	S	12/7/04	
24.2-929	<u>D. The additional periods for filing specified in subsections B and C shall apply only to the completion of a timely filed report and not to any case of a failure to file a required report by the deadline specified in this chapter. In the case of a failure to file a required report by the specified deadline, the length of the delinquency shall be a factor in determining the amount of the civil penalty assessed. The State Board shall notify the public through the Internet of any violation based on the failure to file a required report by a candidate for statewide office or the General Assembly and the identity of the violator.</u>	D	12/7/04	
24.2-929	<u>F. In the case of any other violation of this title that is to be enforced under this section, the electoral board for the locality in which the violation occurred, if the violation was by or on behalf of a candidate for local office or to influence a local ballot issue, or the State Board if the violation was by or on behalf of a candidate for any other office or to influence any other ballot issue, shall determine whether a violation was committed and assess the appropriate civil penalty, if any. If it appears that a criminal violation has occurred, the electoral board or State Board shall not assess a penalty but shall forward the complaint to the appropriate attorney for the Commonwealth.</u>	B	12/7/04	
24.2-929	<u>G. The State Board shall determine the schedule of fines required to be followed by its staff and local electoral boards in assessing penalties under this section. No election official or staff may waive or reduce such fines, except as provided above.</u>	B	12/7/04	

<u>Code Section</u>	<u>Code Responsibility</u>	<u>Authority ("S" = Secretary; "B" = Board; "D" = Delegated)</u>	<u>Date</u>	<u>Comments</u>
24.2-930	A. In addition to the penalties provided in § 24.2-929, any candidate for Governor, Lieutenant Governor, or Attorney General, and his campaign treasurer, who fail to file any report required in § 24.2-916 in a timely manner or file an incomplete report <u>may be assessed a civil penalty by the Secretary of the State Board pursuant to this section.</u>	S	12/7/04	
10.1-528	The expenses of such elections shall be paid by the counties or cities concerned. <u>The State Board of Elections shall publish, or have published within the district, the results of the election.</u>	D	12/7/04	
30-19.10	Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to the voters by the General Assembly, the State Board of Elections <u>shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of the referendum to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election.</u>	D	12/7/04	
30-19.10	The State Board of Elections <u>also shall cause the explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.</u>	D	12/7/04	
30-19.9	When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, the State Board of Elections <u>shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election.</u>	D	12/7/04	
30.19.9	The State Board <u>shall post the explanation on its site on the Internet. It also shall cause such explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the election at which the proposed amendment is to be presented to the people.</u>	D	12/7/04	
		Delegated: 185		
		Board: 104		
		Secretary: 15		

Virginia State Board of Elections: Delegation of Authority 2019

<u>Code §</u>	<u>Code Responsibility</u>	<u>Authority</u> B=Board D=ELECT	<u>Date</u>	<u>Comments</u>
24.2-103	A. The State Board, through the Department of Elections, shall 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 and purity in all elections. It shall make rules and regulation and issue instructions and provide information to the electoral boards and registrars to promote the proper administration of election laws.	B	10/29/19	
24.2-103	Electoral boards and registrars shall provide <u>information requested by the Board</u> and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law.	D	10/29/19	
24.2-103	A. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board.	D	10/29/19	
24.2-103	Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.	D	10/29/19	
24.2-103	B. ... The State Board shall set the training standards for the officers of election	D	10/29/19	
24.2-103	The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election.	D	10/29/19	
24.2-103	The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.	B	10/29/19	
24.2-103	C. The Board may <u>institute proceedings</u> pursuant to § 24.2-234 <u>for the removal of any member of an electoral board</u> who fails to discharge the duties of his office in accordance with law.	B	10/29/19	
24.2-103	The Board may <u>petition the local electoral board to remove from office any general registrar</u> who fails to discharge the duties of his office according to law	B	10/29/19	
24.2-103	The Board may <u>institute proceedings</u> pursuant to § 24.2-234 <u>for the removal of a general registrar</u> if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election.	B	10/29/19	

24.2-103	D. The Board may <u>petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief</u> , for the purpose of ensuring that elections are conducted as provided by law.	B	10/29/19	
24.2-103	F. The Board shall <u>adopt a seal for its use and bylaws for its own proceedings</u> .	B	10/29/19	
24.2-104	When the State Board is of the opinion that the public interest will be served, it may <u>request the Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth</u> of any jurisdiction in which election laws have been violated.	B	10/29/19	
24.2-104	When the State Board makes its request pursuant to a unanimous vote of all members, the Attorney General or other attorney designated by the Governor shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the elections laws, and report the results of the investigation to the State Board .	B	10/29/19	
24.2-105	The State Board shall <u>prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth</u> .	B	10/29/19	
24.2-105.1	Beginning with the general election in November 1998, the State Board shall implement a system by which it shall <u>furnish lists of candidates for all elections in the Commonwealth, and information on proposed constitutional amendments and statewide referenda prepared pursuant to §§ 30-19.9 and 30- 19.10, electronically through the Internet</u> .	D	10/29/19	
24.2-105.1	<u>The Board may list other referenda issues on the Internet</u> .	D	10/29/19	
24.2-105.1	<u>The State Board shall provide elections results and statistical information on its website. The information shall include voter turnout information which shall be calculated as the percentage of active voters who voted excluding voters assigned to inactive status pursuant to Chapter 4 (§ 24.2-400 et seq.)</u>	D	10/29/19	
24.2-106.01	The State Board shall develop a description of the duties and responsibilities of the local electoral boards and update such description as needed. Such description shall include the statutory and regulatory duties and responsibilities of the electoral boards, prohibited activities of the electoral boards and members of electoral boards, and the qualifications and disqualifications of members of electoral boards.	D	10/29/19	
24.2-107	No election record containing an individual's social security number shall be made available for inspection or copying by anyone. The State Board of Elections shall <u>prescribe procedures for local electoral boards and general registrars to make the information in certificates of candidate qualification available in a manner that does not reveal social security numbers</u> .	D	10/29/19	

24.2-109.1	The electoral board shall conduct an annual performance review of the general registrar for years ending June 30, 2006, and thereafter. The electoral board shall complete the review by August 1 of each year, retain a copy of the performance review, and <u>provide a copy of the review to the State Board.</u>	D	10/29/19	
24.2-109.1	<u>The performance review shall be conducted in accordance with the format and forms provided by the State Board</u>	B	10/29/19	
24.2-111	Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. In case of a dispute, the <u>State Board shall approve or disapprove the reimbursement.</u>	D	10/29/19	
24.2-114	3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in <u>multijurisdictional staffing for voter registration offices, approved by the State Board</u> , that are located at facilities of the Department of Motor Vehicles.	B	10/29/19	
24.2-114	5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. <u>The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records,</u> lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.	D	10/29/19	
24.2-114	6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. <u>Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board</u> and shall forward the completed application or request to the registrar of the applicant's residence.	D	10/29/19	
24.2-114	8. <u>Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board</u> ; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.	D	10/29/19	
24.2-114	10. Verify the accuracy of the <u>pollbooks provided for each election by the State Board</u> , make the pollbooks available to the precincts,	D	10/29/19	
24.2-114	<u>and according to the instructions of the State Board return the pollbooks, or transfer a copy of the data from any electronic pollbooks, to the State Board</u> after each election for voting credit purposes.	D	10/29/19	

24.2-114	19. Attend an annual training program provided by the State Board . A general registrar may designate one member of his staff to attend such training program if he is unable to attend because of a personal or family emergency.	D	10/29/19	
24.2-115.2	A. Each officer of election shall receive training consistent with the standards set by the State Board pursuant to 24.2-103.	B	10/29/19	
24.2-115.2	This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials developed by the State Board for this purpose.	D	10/29/19	
24.2-115.2	C. Following any training conducted pursuant to this section, the electoral boards shall certify to the State Board that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.	D	10/29/19	
24.2-234	<u>The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a member of a local electoral board or general registrar upon a petition signed by a majority of the members of the State Board of Elections as provided in § 24.2-103.</u>	B	10/29/19	
			10/29/19	
24.2-309	<u>The State Board shall make regulations setting procedures by which elections may be conducted in precincts in which all voters do not have the same choice of candidates at a general election.</u>	B	10/29/19	
24.2-309.2	If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ <u>24.2-304.3</u> and <u>30-264</u> , and <u>send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.</u>	D	10/29/19	
24.2-310	C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). <u>The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.</u>	D	10/29/19	

24.2-310	D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, <u>subject to the prior approval of the State Board.</u>	D	10/29/19	
24.2-310	F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board or the State board to appropriate funds to any non-governmental entity,	D	10/29/19	
			10/29/19	
24.2-404	C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled.	B	10/29/19	
24.2-404	As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.	B	10/29/19	
24.2-404	D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.	B	10/29/19	
24.2-404	E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.	B	10/29/19	
24.2-406	B. The Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with security policies approved by the State Board of Elections.	B	10/29/19	"New" legislation amended 2007. Should remain a Board authority.

24.2-410.2	A. The State Board shall promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information.	B	10/29/19	2019 legislation. Board authority
24.2-410.2	The State Board shall, in consultation with representatives of local government information technology professionals and general registrars, update the security standards at least annually.	B	10/29/19	2019 legislation. Board authority
24.2-410.2	In accordance with the process prescribed by the State Board , the Department of Elections may limit access to the Virginia voter registration system by any county or city that has failed to comply with the provisions of subsection B or the security standards established by the State Board pursuant to subsection A.	B	10/29/19	2019 legislation. Board authority
24.2-416.2	Notwithstanding the provisions of § 24.2-418, the national mail voter registration application form promulgated by the Election Assistance Commission pursuant to the National Voter Registration Act (52 U.S.C. § 20501 et seq.) shall be accepted for the registration of otherwise qualified voters to vote in federal, state, and local elections. In addition to the national form promulgated by the Election Assistance Commission, the State Board of Elections shall design	B	10/29/19	
24.2-416.2	and distribute a state mail voter registration application form. Such state form shall include the eligibility requirements for registration as provided in this title, shall provide for a receipt for the applicant pursuant to § 24.2-418.1, and shall require each applicant to provide the information required subject to felony penalties for making false statements pursuant to § 24.2-1016.	D	10/29/19	
24.2-416.6	Such individuals or agents representing a group shall be required to receive training as approved by the State Board and sign a sworn affidavit on a form prescribed by the State Board attesting that such individuals or organizations will abide by all Virginia laws and rules regarding the registration of voters.	B	10/29/19	
24.2-416.7	A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote by electronic means as authorized by the State Board by completing an electronic registration application.	B	10/29/19	
24.2-416.7	B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence within the Commonwealth by electronic means as authorized by the State Board by completing an electronic registration application.	B	10/29/19	
24.2-416.7	H. The Department of Elections may use additional security measures approved by the State Board to ensure the accuracy and integrity of registration transactions performed under this article.	B	10/29/19	

24.2-418	Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. <u>The application to register shall be only on a form or forms prescribed by the State Board.</u>	B	10/29/19	
24.2-422	<u>The petitioner may file his petition by completing and filing a form which shall be prescribed by the State Board</u> and which shall be used by the general registrar to notify an applicant of the denial of his application to register and of the reasons for the denial.	B	10/29/19	
24.2-423	Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered. Such notice may be made in writing or on a form approved by the State Board of Elections , which may be <u>electronic</u> . The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.	B	10/29/19	
24.2-423	Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The general registrar shall enter the new name on the registration records and issue the voter a new voter registration card.	B	10/29/19	
24.2-424	A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. <u>Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic.</u> The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.	B	10/29/19	
24.2-424	Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be sufficient notice to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.	B	10/29/19	

24.2-501	It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must <u>file a written statement under oath, on a form prescribed by the State Board, that he is qualified to vote for and hold the office for which he is a candidate.</u>	D	10/29/19	
24.2-501	Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall <u>file the statement with the State Board</u> . Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides.	D	10/29/19	
24.2-501	Each <u>general registrar shall transmit to the State Board</u> , immediately after the filing deadline, <u>a list of the candidates</u> who have filed statements of qualification	D	10/29/19	
24.2-501	The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, <u>all names printed on the ballot shall meet the criteria established by the State Board</u> .	B	10/29/19	
24.2-502	It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General and a candidate for the Senate or House of Delegates with the State Board , (ii) a candidate for a constitutional office with the general registrar for the county or city, and (iii) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city.	D	10/29/19	
24.2-503	The State Board may grant an extension of any deadline for filing either or both written statements and	B	10/29/19	
24.2-503	<u>shall notify all candidates who have not filed their statements of the extension</u> . Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.	D	10/29/19	
24.2-505	A. Any person, other than a candidate for a party nomination or a party nominee, who intends to be a candidate for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district shall <u>file a declaration of candidacy with the State Board</u> ,	D	10/29/19	
24.2-505	<u>on a form prescribed by the Board</u> , designating the office for which he is a candidate. The written declaration shall be attested by two witnesses who are qualified voters of the Commonwealth or of the congressional district, or acknowledged before some officer authorized to take acknowledgements to deeds. The declaration shall be signed by the candidate, but if he is incapable of writing his proper signature then some mark adopted by	B	10/29/19	

	him as his signature shall be acknowledged before some officer authorized to take acknowledgments			
24.2-505	<u>The State Board shall notify the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed.</u>	D	10/29/19	
24.2-505	B. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate for election to the General Assembly shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, (i) deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the general registrars of the other counties or cities, if any, in the legislative district for delivery to the secretaries of the electoral boards and (ii) deliver the declaration and such petitions to the secretary of his electoral board. <u>He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.</u>	D	10/29/19	
24.2-505	C. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate at any election for any other office shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the secretaries of the electoral boards of the counties or cities whose electors vote for the office. <u>He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.</u>	D	10/29/19	
24.2-506	A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy <u>a petition therefore, on a form prescribed by the State Board</u> , signed by the number of qualified voters specified in this subsection after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a legal resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition.	B	10/29/19	

24.2-506	B. The State Board shall approve uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters as required in subsection A.	B	10/29/19	
24.2-506	The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated regulations for reviewing and processing candidate petitions. Such revisions shall provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration has been canceled and the reason for such cancellation. The process shall provide for the tracking of such information associated with each petition. The process shall provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the office of the attorney for the Commonwealth, as appropriate.	B	10/29/19	
24.2-506	C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal that determination within five calendar days of the issuance of the notice of disqualification pursuant to § 24.2-612 or notice from the State Board that the candidate did not meet the requirements to have his name appear on the ballot.	D	10/29/19	
24.2-506	Appeals made by candidates for a county, city, or town office shall be filed with the electoral board. Appeals made by candidates for all other offices shall be filed with the State Board .	D	10/29/19	
24.2-506	The appeal shall be heard by the State Board or the electoral board, as appropriate, within five business days of its filing.	B	10/29/19	
24.2-506	The electoral board shall notify the State Board of any appeal that is filed with the electoral board.	D	10/29/19	
24.2-506	The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the uniform standards approved by the State Board for the review of petitions.	B	10/29/19	
24.2-506	Immediately after the conclusion of the appeal hearing, the entity conducting the appeal shall notify the candidate and, if applicable, the State Board, of its decision in writing. The decision on appeal shall be final and not subject to further appeal.	D	10/29/19	

24.2-511	A. <u>The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer, along with the date of the nomination of the candidate, to the State Board not later than five days after the last day for nominations to be made.</u>	D	10/29/19	
24.2-511	<u>The State Board shall notify the general registrars of the names of the candidates to appear on the ballot for such offices.</u>	D	10/29/19	
24.2-511	B. The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method <u>other than a primary to the State Board</u> and to the general registrars of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made.	D	10/29/19	
24.2-511	<u>Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.</u>	D	10/29/19	
24.-516	<u>Each political party within the Commonwealth shall furnish to the State Board the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the Board of any changes in such names and addresses.</u>	D	10/29/19	
24.2-516	<u>At least 135 days prior to the regular date for a primary, the Board shall inquire of each state chairman and each county and city chairman whether a direct primary has been adopted.</u>	D	10/29/19	
24.2-516	<u>The Board shall advise each chairman that notification to the Board of the adoption of a direct primary is required and must be filed with the Board not more than 125 days and not less than 105 days before the date set for the primaries.</u>	D	10/29/19	
24.2-516	<u>Each chairman shall file timely written notice with the Board whether or not a primary has been adopted and identify each office for which a primary has been adopted.</u>	D	10/29/19	

24.2-516	The requirement to notify the Board of the adoption of a direct primary shall be satisfied <u>when the Board receives by the deadline</u> (i) written notice from the appropriate party chairman or (ii) a copy of the written notice from an incumbent officeholder to his party chairman of the incumbent's selection, pursuant to § 24.2-509, of the primary as the method of nomination.	D	10/29/19	
24.2-517	The State Board shall order the holding of a primary election in any county, city, or other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is intended to be held.	D	10/29/19	
24.2-517	<u>The notice ordering the primary shall be sent to the secretary of the electoral board.</u> Within five days of the <u>issuance of the order by the State Board</u> , each secretary shall forthwith post a copy of the notice on the official website of the county or city, or have notice of the election published at least once in a newspaper of general circulation in the county or city.	D	10/29/19	
24.2-520	A candidate for nomination by primary for any office shall be required to file a <u>written declaration of candidacy on a form prescribed by the State Board</u> . The declaration shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if defeated in the primary, his name is not to be printed on the ballots for that office in the succeeding general election. The declaration shall be acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district.	B	10/29/19	
24.2-521	A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy a <u>petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board</u> , signed by the number of qualified voters specified in this section after January 1 of the year in which the election is held or before or after said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself legal resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. whose affidavit to that effect appears on each page of the petition.	B	10/29/19	
24.2-522	C. Any candidate for nomination for United States Senator, Governor, Lieutenant Governor, or Attorney General shall file with the State Board (i) his declaration of candidacy, (ii) the petitions for his candidacy, sealed in one or more containers to which is attached a written statement under oath by the candidate giving his name and the number of signatures on the petitions contained in the containers, and (iii) a receipt indicating the payment of his filing fee.	D	10/29/19	

24.2-522	The State Board shall transmit the material so filed to the state chairman of the party of the candidate within 72 hours and not later than the seventy-fourth day. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	10/29/19	
24.2-524	A. Candidates for United States Senators, for representatives in Congress, and for the offices of Governor, Lieutenant Governor, and Attorney General shall pay the primary fee to the State Board of Elections.	D	10/29/19	
24.2-524	The primary fees shall be credited by the Board to a fund to be known as the "state primary fee fund." The Board shall refund the fee by warrant upon the state primary fee fund in the event the prospective candidate does not become a candidate, becomes a candidate and is not opposed, or must refile for any reason. All other primary fees paid to the Board shall be paid or placed to the credit of the fund out of which the Board pays the Commonwealth's expenses for the primary.	D	10/29/19	
24.2-524	B. All other candidates shall pay the fee to the treasurer, or director of finance if there is no treasurer, of the city or county in which they reside. The treasurer or director of finance shall pay back the fee in the event the prospective candidate does not become a candidate, or becomes a candidate and must refile for any reason. In the event the candidate is unopposed, the State Board or the local electoral board, as appropriate, shall notify, <u>no less than 60 days before the primary, the treasurer or director of finance to whom the fee was paid that the candidate is unopposed</u> and shall provide the name and mailing address for returning the fee to the candidate. The treasurer or director of finance promptly shall return the fee to the candidate. All other primary fees paid a county or city treasurer or director of finance shall be paid or placed to the credit of the fund of the county or city out of which the expenses of the primary were paid by the county or city.	D	10/29/19	
24.2-527	<u>It shall be the duty of the chairman or chairmen of the several committees of the respective parties to furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district to the State Board, and to furnish the name of any candidate for any other office to the State Board and to the general registrars charged with the duty of preparing and printing the primary ballots.</u>	D	10/29/19	
24.2-527	In furnishing the name of any such candidate, the chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the State Board <u>shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such</u>	D	10/29/19	

	<u>purposes.</u> Each chairman shall comply with the provisions of this section not less than 70 days before the primary			
24.2-529	The primary ballots for the several parties taking part in a primary shall be composed, arranged, printed, delivered, and provided in the same manner as the general election ballots except that at the top of each official primary ballot shall be printed in plain black type the name of the political party and the words "Primary Election." The names of the candidates for various offices shall appear on the ballot in an order determined by the priority of the time of filing for the office. <u>In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board or the State Board</u> as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections.	B	10/29/19	
24.2-532	As soon as the electoral board shall determine the persons who have received the highest number of votes for nomination to any such office, the secretary of the board shall immediately make out abstracts and certificates of the votes cast as provided in § 24.2-675 and <u>forward certified copies thereof to the State Board.</u> The secretary in addition shall place certified copies thereof in an envelope and forward them in person or by certified mail (i) for members of the House of Representatives of the United States, to the chairman of the congressional district committee, (ii) for members of the General Assembly, to the chairman of the Senate or House of Delegates district committee, and (iii) for county and city and district officers, to the chairman of the county or city. "Chairman" means the chairman of the political party under whose auspices the primary is held.	D	10/29/19	
24.2-532	<u>If the abstract of votes shall not have been received by the State Board from any county or city within six days after any state primary election, the Board shall dispatch a law-enforcement officer to obtain them</u> as provided in § 24.2-678.	D	10/29/19	
24.2-534	As soon as possible after receipt of the certified abstract and not later than fourteen days after the day of the election, the State Board shall open and tabulate the returns.	D	10/29/19	
24.2-534	<u>Upon completion of the tabulation the Board shall declare the nominee in the manner and form as it does in general elections.</u>	B	10/29/19	

24.2-536	If more than one person qualifies, the party chairman shall promptly certify their names to the State Board and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either:...	D	10/29/19	
24.2-537	If more than one person qualifies, the party chairman shall promptly certify their names to the State Board and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either: ...	D	10/29/19	
24.2-538	The party chairman or chairmen shall promptly certify the names of every such person to the State Board and appropriate electoral boards as having qualified under the provisions of this section.	D	10/29/19	
24.2-542	In elections for President and Vice-President of the United States, the appropriate chairman or secretary of each political party shall furnish to the State Board by noon of the seventy-fourth day before the presidential election (i) the names of the electors selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice-President for whom the electors are required to vote in the Electoral College and (ii) a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice-President nominated by the party that selected the elector, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee.	D	10/29/19	
24.2-543	A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice-President by filing a petition pursuant to this section. <u>The petition shall be filed with the State Board</u> by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 10,000 qualified voters and include signatures of at least 400 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed either by a person who is a constitutionally qualified candidate for President of the United States, who may witness his own petition, or by a person who is a resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and, whose affidavit to that effect appears on each page of the petition. The petition shall state the names of the electors	D	10/29/19	

	selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice-President for whom the electors are required to vote in the Electoral College.			
24.2-543	The State Board may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.	D	10/29/19	
24.2-543	In the event of the death or withdrawal of a candidate for President or Vice President qualified to appear on the ballot by party name, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.	D	10/29/19	
24.2-543	In the event that a group of qualified voters meets the requirements set forth in this section except that they cannot utilize a party name, the electors selected and the candidates for President and Vice President shall be identified and designated as "Independent" on the ballot. Substitution of a different candidate for Vice President may be made by the candidate for President before the State Board certifies to the county and city electoral boards the form of the official ballot.	D	10/29/19	
24.2-543	In the event of the death or disqualification of any person listed as an elector for candidates for President and Vice President on a petition filed pursuant to this section, the party or candidate for President, as applicable, may substitute the name of a different elector. Such substitution shall not invalidate any petition of qualified voters circulated with the name of the deceased or disqualified elector provided that <u>notice of the substitution is filed with the State Board by noon of the seventy-fourth day before the presidential election.</u>	D	10/29/19	
24.2-543	Notice of the substitution and the name of any substitute elector shall be submitted on a form prepared by the State Board .	D	10/29/19	
24.2-543	B. If the State Board determines that a candidate for President does not qualify to have his name appear on the ballot pursuant to this section by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal the determination to the State Board within seven calendar days of the issuance of the notice of disqualification.	D	10/29/19	

24.2-543	The notice of disqualification shall be sent by email or regular mail to the address on file for the candidate, and such notice shall be deemed sufficient.	D	10/29/19	
24.2-543	The State Board shall hear the appeal within three business days of its filing.	B	10/29/19	
24.2-543	The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the rules and procedures set forth by the State Board for checking petitions.	B	10/29/19	
24.2-543	Immediately after the conclusion of the appeal hearing, the State Board shall notify the candidate of its decision in writing. The decision on appeal shall be final and not subject to further appeal.	D	10/29/19	
24.2-544	B. The provisions of this title shall apply to the conduct of presidential year primaries including the time limits applicable to notices and candidate filing deadlines and the closing of registration records before the primary. The State Board shall provide a schedule for the notices and filing deadlines by the <u>August 1 prior to the March primary including a campaign finance disclosure report filing schedule</u> adjusted to reflect the differences between the June date for other primaries and the March date for the presidential primary, and primaries for the nomination of candidates for offices to be voted on at the general election date in May.	B	10/29/19	
24.2-545	A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice-President of the United States including a presidential primary or another method determined by the party. <u>The state chairman shall notify the State Board</u> of the party's determination at least 90 days before the primary date. If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary.	D	10/29/19	
24.2-545	The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. <u>The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date and certified to, and approved by, the State Board.</u>	B	10/29/19	

24.2-545	B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, <u>may file with the State Board petitions</u> signed by at least 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. <u>Such petitions shall be filed with the State Board by the primary filing deadline.</u>	D	10/29/19	
24.2-545	<u>The petitions shall be on a form prescribed by the State Board</u> and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of the national and state party.	B	10/29/19	
24.2-545	The State Board shall transmit the material so filed to the state chairman of the party of the <u>candidate immediately after the primary filing deadline</u> . The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	10/29/19	
24.2-545	The state chairman of the party shall, <u>by the deadline set by the State Board,</u>	B	10/29/19	
24.2-545	<u>furnish to the State Board the names of all candidates</u> who have satisfied the requirements of this section. In furnishing the name of each such candidate, the state chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. Whenever only one candidate for a party's nomination for President of the United States has met the requirements to have his name on the ballot, he will be declared the winner and no presidential primary for that party will be held.	D	10/29/19	
24.2-545	C. <u>The names of all candidates in the presidential primary of each political party shall appear on the ballot in an order determined by lot by the State Board.</u>	B	10/29/19	

24.2-545	D. The State Board shall certify the results of the presidential primary to the state chairman. If the party has determined that its delegates and alternates will be selected pursuant to the primary, the slate of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed elected by the state party unless the party has determined another method for allocation of delegates and alternates. If the party has determined to use another method for selecting delegates and alternates, those delegates and alternates shall be bound to vote on the first ballot at the national convention for the candidate receiving the most votes in the primary unless that candidate releases those delegates and alternates from such vote.	B	10/29/19	
24.2-603.1	The State Board shall prescribe appropriate procedures to implement this section	D	10/29/19	
24.2-604.2	If an emergency causes the dimensions of the prohibited area for a polling place to be perceived as increasing the risk of danger for persons outside the polling place, the electoral board may modify the distance requirements for the prohibited area, subject to the prior approval of the State Board . For purposes of this section, an "emergency" includes a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States.	D	10/29/19	
24.2-610	A. The State Board shall provide copies of this title to each member of the electoral boards and to each general registrar for each precinct in its county or city. The electoral board shall furnish a copy of this title to each precinct for the use of the officers of election on election day.	D	10/29/19	
24.2-610	B. Pursuant to subdivision A 7 of § 24.2-404, the State Board shall transmit to the general registrar of each county and city pollbooks for each precinct in which the election is to be held. The data elements printed or otherwise provided for each voter on the pollbooks shall be uniform throughout the Commonwealth.	D	10/29/19	
24.2-610	C. The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the State Board to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and	D	10/29/19	

	delivered to the proper official following the election.			
24.2-611	A. <u>The following oath shall be on a form prescribed by the State Board, administered to all officers of election, and kept by the officers of election with the pollbook:</u>	D	10/29/19	
24.2-611	B. <u>The State Board shall provide the pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. <u>The State Board shall make available a numerical check sheet</u> a numerical check sheet required to be used with pollbooks in printed form to determine the consecutive number to be recorded with the name of the voter by the officer of election. In electronic pollbooks, the consecutive number shall be entered automatically when the officer of election records that the voter has voted. When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, or on a separate form if an electronic pollbook is used, certifying the number of qualified registrants who have voted. The State Board shall provide instructions to the local electoral boards, general registrars, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and recording each voter's name including voters unable to enter the polling place and for verifying the accurate entry of the voting record for each registrant on the Virginia Voter Registration System.</u>	D	10/29/19	
24.2-611	D. <u>Any locality may expend its own funds to purchase electronic pollbooks that have been approved for use in elections by the State Board.</u>	B	10/29/19	
24.2-611	E. In the event that the electronic pollbooks 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 voting and (ii) provide to each person voting a provisional ballot to be cast as provided in § <u>24.2-653</u> .	B	10/29/19	

24.2-613	A. <u>The ballots shall comply with the requirements of this title and the standards prescribed by the State Board.</u>	B	10/29/19	
24.2-613	<u>For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties.</u> For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.	B	10/29/19	
24.2-613	C. Except as provided for primary elections, <u>the State Board shall determine by lot the order of the political parties,</u> and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent", and their names shall be placed on the ballot after the political parties and recognized political parties. Where there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office.	B	10/29/19	
24.2-613	D. In preparing the printed ballots for general, special, and primary elections, <u>the State Board and general registrars shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates for whom votes may be cast for that office.</u> For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than	D	10/29/19	

	_____."			
24.2-613	F. Any locality that uses machine-readable ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.	D	10/29/19	
24.2-614	As soon as practicable after the seventy-fourth day before the presidential election, <u>the State Board shall certify</u> to the general registrar of each county and city the form of official ballot for the presidential election which shall be uniform throughout the Commonwealth. Each general registrar shall have the official ballot printed at least 45 days preceding the election.	D	10/29/19	
24.2-614	<u>Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the order of the groups shall be determined by lot by the State Board;</u> and the groups shall immediately precede the independent class on the ballot. The names of the candidates within the independent class shall be listed alphabetically.	B	10/29/19	
24.2-625.1	The general registrar and the State Board shall provide the electoral board assistance, upon request.	D	10/29/19	
24.2-625.1	D. The electoral board of each county and city that utilizes electronic voting systems shall develop and annually update written plans and procedures to ensure the security and integrity of its electronic voting systems. <u>The general registrar and the State Board shall provide the electoral board assistance, upon request.</u>	D	10/29/19	
24.2-626 (eff. 07/01/2020)	A. <u>The governing body of each county and city shall provide for the use of electronic voting systems, of a kind approved by the State Board,</u> at every precinct and for all elections held in the county, the city, or any part of the county or city.	B	10/29/19	2017: SBE decertifies DREs making current 24.2-626 obsolete.
24.2-626	Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such systems and may provide for the payment therefore in the manner it deems proper. <u>Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.</u>	D	10/29/19	

24.2-627	C. For purposes of applying this section, a general registrar may exclude persons voting absentee in his calculations, and if he does so shall send to the Department a statement of the number of voting systems to be used in each precinct. <u>If the State Board finds that the number of voting systems is not sufficient, it may direct the general registrar to use more voting systems.</u>	D	10/29/19	
24.2-629	A. <u>Any person, firm, or corporation hereinafter referred to as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting system and ballots designed to be used with such equipment may apply to the State Board,</u>	D	10/29/19	
24.2-629	<u>in the manner prescribed by the Board</u> , to have examined a production model of such equipment and the ballots used with it.	B	10/29/19	
24.2-629	The Board <u>may require the vendor to pay a reasonable application fee</u> when he files his request for testing or certification of new or upgraded voting equipment	B	10/29/19	
24.2-629	<u>Receipts from such fees shall be credited to the Board</u> for reimbursement of testing and certification expenses.	D	10/29/19	
24.2-629	In addition to any other materials that may be required, <u>a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the Board</u> ; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The Board <u>shall require, at a site of its choosing, a demonstration of such equipment and ballots and may require that a production model of the system and a supply of ballots</u>	B	10/29/19	
24.2-629	<u>be provided to the Board for testing purposes.</u>	D	10/29/19	
24.2-629	<u>The Board shall also require the vendor to provide documentation of the practices recommended by the vendor to ensure the optimum security and functionality of the system.</u>	B	10/29/19	

24.2-629	<p>B. <u>The Board may approve any kind of electronic voting system that meets the following requirements:</u></p> <ol style="list-style-type: none"> 1. It shall provide clear instructions for voters on how to mark or select their choice and cast that vote. 2. It shall provide facilities for voting for all offices at any election and on as many questions as may be submitted at any election. 3. It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate. 4. It shall require votes for presidential and vice presidential electors to be cast for the presidential and vice presidential electors of one party by one operation. The ballot shall contain the words "Electors for" preceded by the name of the party or other authorized designation and followed by the names of the candidates for the offices of President and Vice President. 5. It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to. 6. It shall enable the voter to cast a vote on any question on which he is lawfully permitted to vote, but no other. 7. It shall provide the voter with an opportunity to correct any error before a ballot is cast. 8. It shall correctly register or record and accurately count all votes cast for candidates and on questions. 9. It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected. 10. It shall be provided with a counter that at all times during an election shall show how many persons have voted. 11. It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot. 12. It shall be programmable to allow ballots to be separated when necessary. 13. Ballot scanner machines shall report, if possible, the number of ballots on which a voter undervoted or overvoted. 	B	10/29/19	
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24.2-629	C. After its examination of the equipment, ballots, and other materials submitted by the vendors, the Board shall prepare and file in its office a report of its finding as to (i) <u>the apparent capability of such equipment to accurately count, register, and report votes;</u> (ii) <u>whether the system can be conveniently used without undue confusion to the voter;</u> (iii) <u>its accessibility to voters with disabilities;</u> (iv) <u>whether the system can be safely used without undue potential for fraud;</u> (v) <u>the ease of its operation and transportation by voting equipment custodians and officers of election;</u> (vi) <u>the financial stability of the vendor and manufacturer;</u> (vii) <u>whether the system meets the requirements of this title;</u> (viii) <u>whether the system meets federal requirements;</u>	D	10/29/19	
24.2-629	(ix) whether issues of reliability and security identified with the system by other state governments have been adequately addressed by the vendor; and (x) whether, in the opinion of the Board , the potential for approval of such system is such as to justify further examination and testing.	B	10/29/19	
24.2-629	D. If the Board determines that there is such potential and prior to its final determination as to <u>approval or disapproval of such system, the Board</u> shall obtain a report by an independent electronics or engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii) whether it is capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election; (iii) the number of separate memory capabilities for the storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the anticipated life of the equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment custodians and officers of election;	D	10/29/19	
24.2-629	and (xii) any other matters deemed necessary by the Board .	B	10/29/19	Board delegated authority to obtain report but retained authority to determine "any other matters deemed necessary by the Board.
24.2-629	<u>The report of the consultant shall be filed in the office of the Board.</u>	D	10/29/19	

24.2-629	E. In preparing the reports cited in subsections C and D, the Board shall require, as a condition of certification, that the system is comprehensively examined by individuals including at least one expert in election management and one in computer system security. The Board shall develop, in conjunction with the above listed individuals, a specific set of items to be examined and tested as part of the certification process to further elaborate on the requirements identified in this section.	B	10/29/19	
24.2-629	F. If the Board determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one or more counties or cities. Its use at such election shall be as valid for all purposes as if it had been legally approved by the Board and adopted by the counties or cities.	B	10/29/19	
24.2-629	G. If, following testing, the Board approves any voting system and its ballots for use,	B	10/29/19	
24.2-629	the Board shall so notify the electoral boards of each county and city. Systems so approved may be adopted for use at elections as herein provided. No form of electronic system and ballots not so approved shall be adopted by any county or city.	D	10/29/19	
24.2-629	<u>Any electronic system and ballots approved for use by the Board shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.</u>	B	10/29/19	
24.2-629	I. The Board shall have the authority to investigate, at its discretion, any voting system certified in Virginia to ensure that it continues to meet the standards outlined in subsections C and D.	B	10/29/19	
24.2-629	The Board may, at its discretion, decertify any voting system based on significant problems detected with the voting system in Virginia or on reports provided by federal authorities or other state election officials.	B	10/29/19	
24.2-630	With the approval of the State Board , the governing body of any county, city, or town may provide for the experimental use at an election in one or more election districts or precincts of a voting or counting system which it might legally adopt without a formal adoption thereof, and its use at such election shall be valid for all purposes.	B	10/29/19	

24.2-631	The State Board is authorized to approve the experimental use of voting or counting systems and ballots for the purpose of casting and counting absentee ballots in one or more counties and cities designated by the Board (i) that have established central absentee voter election districts	B	10/29/19	
4.2-631	and (ii) whose electoral board submits to the Board for approval a plan for the use of such system and ballots.	D	10/29/19	
24.2-631	The Board is also authorized to approve the experimental use of voting or counting systems and ballots <u>in one or more precincts in any county or city whose electoral board</u>	B	10/29/19	
24.2-631	<u>submits to the Board for approval a plan for such use.</u> The use of such systems and ballots at an election shall be valid for all purposes.	D	10/29/19	
24.2-632	A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board shall employ one or more persons, to be known as custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. <u>With the approval of the State Board, the electoral board may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment.</u>	D	10/29/19	
24.2-638	The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, the names of the voters who used the machine while it was removed provided that <u>secrecy of the ballot is maintained in accordance with guidance from the State Board</u> , and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.	B	10/29/19	
24.2-643	Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. <u>The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count</u>	D	10/29/19	

	<u>the ballot.</u>			
24.2-643	If the voter's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, <u>an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board</u> , or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.	D	10/29/19	
24.2-643	C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election <u>shall furnish the voter with a change of address form prescribed by the State Board</u> . Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.) of this title.	B	10/29/19	
24.2-643	D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, <u>he shall be furnished with a voter registration form prescribed by the State Board</u> to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.	B	10/29/19	
24.2-644	The declaration of intent shall be <u>on a form prescribed by the State Board</u> and shall include a list of presidential electors pledged to those candidates which equals the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States. A write-in vote cast for candidates for President and Vice-President, or for a candidate for President only, shall be counted for the individual electors listed on the declaration of intent as pledged to those candidates.	B	10/29/19	
24.2-649	The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § <u>24.2-646</u> or a machine-readable ballot in the ballot scanner machine in accordance with the instructions of the State Board.	D	10/29/19	

24.2-649	The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. <u>The request and statement shall be on a single form furnished by the State Board.</u> If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature. If the voter being assisted is blind, neither the request nor the statement shall be required to be signed and an officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him	B	10/29/19	
24.2-649	<u>If a printed ballot is used, the officer or other person so designated shall deposit the ballot in the ballot container in accordance with § 24.2-646 or in the ballot scanner machine in accordance with the instructions of the State Board.</u>	D	10/29/19	
24.2-651	The individual making the challenge shall complete and sign the following statement on a form provided by the State Board:	D	10/29/19	
24.2-651	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, <u>and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	10/29/19	
24.2-651.1	The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.	D	10/29/19	
24.2-652	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 next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and <u>shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	10/29/19	
24.2-653	<u>The officers of election shall enter the appropriate information for the person precinct provisional ballot log in accordance with the instructions of the State Board</u> but shall not enter a consecutive number for the voter nor otherwise mark his name as having voted.	D	10/29/19	

24.2-653.1	B. Such person shall be given a printed ballot and be permitted to vote the provisional ballot in accordance with the provisions of § <u>24.2-653</u> and the instructions of the State Board.	D	10/29/19	
24.2-653.1	The electoral board shall process the ballot in accordance with the provisions of § <u>24.2-653</u> and the instructions of the State Board.	D	10/29/19	
24.2-654	<u>In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the State Board.</u>	D	10/29/19	
24.2-659	F. The voting systems described in subsections A, B, C, and D shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ <u>24.2-800 et seq.</u>) has passed and, if any contest or recount is pending thereafter, until it has been concluded. <u>Such machines and any envelope containing data storage devices shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board, or the electoral board or general registrar at the direction of the State Board, in order to ensure the accuracy of the returns. In the event that machines and data storage devices are examined under clause (ii), each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board, local electoral board, or general registrar shall provide such parties and candidates reasonable advance notice of the examination.</u>	D	10/29/19	
24.2-666	<u>The State Board shall prescribe appropriate forms and procedures for use by the local electoral boards, general registrars, and officers of election to account for all paper ballots, used and unused.</u>	D	10/29/19	
24.2-668	A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets <u>in the envelopes provided by the State Board</u> . The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.	D	10/29/19	
24.2-668	The clerk shall retain custody of the pollbooks until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks may be needed as evidence and there is no proceeding pending. After that time the clerk shall deliver the pollbooks to <u>the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board</u> as directed by § 24.2-114 for voting credit purposes.	D	10/29/19	

24.2-668	After the pollbooks are returned by the State Board , the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.	D	10/29/19	
24.2-668	C. If an electronic pollbook is used, 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. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, <u>provided that the records for the election have been transferred or printed according to the instructions of the State Board.</u>	D	10/29/19	
24.2-669	The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal, deposit them in a secure place in his office, where they shall be kept for the time required by this section. <u>He shall not allow the ballots to be inspected except (i) by an authorized representative of the State Board</u>	D	10/29/19	
24.2-669	or by the electoral board at the direction of the State Board to ensure the accuracy of the <u>returns or the purity of the election,</u> (ii) by the officers of election, and then only at the direction of the electoral board in accordance with § 24.2-672 when the provisions of § 24.2-662 have not been followed, or (iii) on the order of a court before which there is pending a proceeding for a contest or recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a proceeding in which the ballots are necessary for use in evidence, , or (iv) for the purpose of conducting an audit as part of a post-election pilot program pursuant to § 24.2-671.1. In the event that ballots are inspected under clause (i), (ii), or (iv) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such inspection. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. <u>The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the inspection.</u>	D	10/29/19	
24.2-671	Beginning with the general election in November 2007, a report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent change to the official abstract of votes made by the local electoral board shall be <u>forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.</u>	D	10/29/19	

24.2-674	If any two or more persons have an equal number of votes and a higher number than any other person for member of the General Assembly or of the Congress of the United States, or elector of President and Vice-President of the United States, the State Board of Elections <u>shall proceed publicly to determine by lot which of them shall be declared elected.</u> Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the Board <u>shall proceed so as to determine the election</u> in their absence.	B	10/29/19	
24.2-675	The abstracts shall be certified and signed by the electoral board, attested by the secretary, and retained by the electoral board as part of its records. <u>A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or delivered by hand to the State Board.</u>	D	10/29/19	
24.2-675	The State Board <u>shall require the electoral board of any county or city to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.</u>	D	10/29/19	
24.2-677	The State Board , <u>on receipt of the certified abstracts of the votes given in the several counties and cities, shall open the abstracts and record and carefully preserve them.</u>	D	10/29/19	
24.2-678	<u>If the State Board has not received the abstracts of votes from any county or city within seven days after any election, it shall dispatch a law-enforcement officer to obtain a copy of the abstract from the official having charge thereof.</u>	D	10/29/19	
24.2-678	That official shall immediately, on demand of the officer, make out and deliver to him the copy required, and <u>the officer shall deliver the abstract to the State Board</u> without delay.	D	10/29/19	
24.2-679	A. The State Board <u>shall meet on the third Monday in November to ascertain the results of the November election.</u> If a majority of the Board is not present or if, for any other reason, the Board is unable to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than three days until a quorum is present and the Board has ascertained the results as provided in this section.	B	10/29/19	
24.2-679	The Board <u>shall examine the certified abstracts on file in its office and make statements of the whole number of votes given at any such election</u> for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice-President of the United States, and any officer shared by more than one county or city, or any combination thereof, or for so many of such officers as have been voted for at the election.	B	10/29/19	
24.2-679	The statement shall show, for each office and each county, city, and election district, the whole number of votes given to each candidate and to any other person elected to office. The Board <u>members shall certify the statements to be correct and sign the statements.</u>	B	10/29/19	
24.2-679	The Board <u>shall then determine those persons who received the greatest number of votes and have been duly elected to each office.</u>	B	10/29/19	

242-679	The Board members shall endorse and subscribe on such statements a certificate of their <u>determination.</u>	B	10/29/19	
24.2-679	The Board shall record each certified statement and determination in a suitable book to be kept by it in its office.	D	10/29/19	
24.2-679	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. If the returns have not been received within seven days of the election, the Board shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.	B	10/29/19	
24.2-680	Subject to the requirements of § 24.2-922, 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.	B D	10/29/19	Board to complete certificates and Department to transmit certificates.
24.2-680	In the election of a member of the United States Congress, it shall also forward a certificate of election to the clerk of the United States Senate or House of Representatives, as appropriate.	D	10/29/19	
24.2-680	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.	B	10/29/19	
24.2-680	The names of the persons elected Governor, Lieutenant Governor, and Attorney General shall be certified by the State Board to the clerks of the House of Delegates and Senate.	B	10/29/19	
24.2-680	The name of any officer shared by more than one county or city, or any combination thereof, shall be certified by the State Board to the clerk of the circuit court having jurisdiction in each affected county or city.	B	10/29/19	
24.2-680	The names of the persons elected to soil and water conservation districts shall be certified by the State Board to the Director of the Department of Conservation and Recreation.	B	10/29/19	
			10/29/19	
24.2-701	A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.	D	10/29/19	

24.2-701	The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet.	D	10/29/19	
24.2-701	Electronic absentee ballot applications shall be in a form approved by the State Board .	B	10/29/19	
24.2-701	B. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.	B	10/29/19	Board approved Procedures on 4/26/05
24.2-701	Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means.	D	10/29/19	
24.2-701.1	The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.	B	10/29/19	
24.2-703	The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the State Board . The applicant shall specify by party designation the primary ballots he is requesting.	D	10/29/19	
24.2-703.1	Any person who is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. <u>His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician, provider as defined in § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under subdivision 4 of § 24.2-700 and likely to remain so eligible for the remainder of the calendar year.</u>	B	10/29/19	
24.2-703.1	<u>In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request</u> for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.	D	10/29/19	

24.2-703.2	<u>The voter and representative shall complete the form prescribed by the State Board to implement the provisions of this section. The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	B	10/29/19	
24.2-704	<u>On receipt of an application from an applicant marked to indicate he will require assistance, the general registrar shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649.</u>	D	10/29/19	
24.2-705	<u>The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.</u>	B	10/29/19	
24.2-706	<u>The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.</u>	B	10/29/19	
24.2-709	<u>Notwithstanding the provisions of subsection A, absentee ballots (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter and, if the voter is found entitled to vote, included in the election returns.</u>	B	10/29/19	
24.2-709	<u>The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.</u>	D	10/29/19	
24.2-710	<u>On the day before the election, the general registrar shall (i) make out in triplicate on a form prescribed by the State Board the absentee voter applicant list containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person pursuant to §§ 24.2-705.1 and 24.2-705.2, or applying to vote absentee pursuant to § 24.2-705, for delivery by 5:00 p.m. on the day before the election. The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the State Board. The general</u>	D	10/29/19	

	registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.			
24.2-710	Upon request, the State Board shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain (i) any voter's social security number or any part thereof, (ii) any voter's day and month of birth, or (iii) the residence address of any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.	D	10/29/19	
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 voting record column on the pollbook. The pollbook may be so marked prior to election day by the general registrar, the secretary of the electoral board, or staff under the direction of the general registrar or the secretary, or when the pollbook is produced by the State Board pursuant to § 24.2-404. If the pollbook has been marked prior to election day, before the polls open the officers of election at each precinct shall check the marks for accuracy and make any additions or corrections required.	D	10/29/19	
24.2-711.1	The electoral board of each county and city shall send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot is rejected within ninety days of the date on which the ballot is rejected. <u>The State Board of Elections shall promulgate instructions to implement the provisions of this section.</u>	D	10/29/19	
24.2-801.1	Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so <u>notify the State Board</u> by letter as soon as possible after election day.	D	10/29/19	
24.2-801.1	If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 <u>the State Board shall</u> , within 24 hours of the certification of the results, <u>notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia</u> (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified.	D	10/29/19	

24.2-802	A. <u>The State Board of Elections shall promulgate standards for</u> (i) the proper handling and security of voting systems, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the voting system and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.	B	10/29/19	
24.2-802	B. After the full court is appointed under § 24.2-801 or § 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. <u>The court shall call for the advice and cooperation of</u> the Department, <u>the State Board</u> , or any local electoral board, as appropriate, and <u>such boards or agency shall have the duty and authority to assist the court.</u> The court shall fix procedures that shall provide for the accurate determination of votes in the election.	D	10/29/19	
24.2-802	After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum.	B	10/29/19	
24.2-813	In deciding any contest of a primary election, if the court can determine the candidate who has received a plurality of valid votes in the primary, it shall certify the name of that candidate to the State Board and the proper electoral board or boards.	B	10/29/19	
24.2-813	In deciding any contest of a primary election, if the court can determine the candidate who has received a plurality of valid votes in the primary, <u>it shall certify the name of that candidate to the State Board</u> and the proper electoral board or boards.	B	10/29/19	
24.2-900 through 24.2-944	<i>Repealed by Acts 2006. Everything moved to 24.2-945 through 959.1.</i>			<i>Added to list 3/2019</i>

24.2-945.2	B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. <u>The reports shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the general registrar of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office.</u>	D	10/29/19	
24.2-945.2	C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing <u>on a form developed by the State Board</u> . If the report is filed in writing, the report shall be (i) <u>received by the State Board</u> or the general registrar, as appropriate, within 24 hours of the time when the funds were expended or (ii) <u>transmitted to the State Board</u> or the general registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report <u>mailed to the State Board</u> or the general registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended.	D	10/29/19	
24.2-946	A. <u>The State Board shall summarize the provisions of the election laws relating to the Campaign Finance Disclosure Act of 2006 and provide for distribution of this summary and prescribed forms to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first.</u>	D	10/29/19	
24.2-946	B. <u>The Board shall designate the forms required for complying with this chapter which shall be the only such forms used in complying with the provisions of this chapter.</u>	B	10/29/19	
24.2-946	C <u>The Board shall provide, with the summary required by this section, instructions for persons filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall include directions for the reporting of filing fees for any party nomination method.</u>	D	10/29/19	
24.2-946	D. <u>The Board shall provide instructions for candidates who seek election for successive terms in the same office for the filing of reports within each appropriate election cycle for the office and for the aggregation of contributions within each election cycle.</u>	D	10/29/19	
24.2-946	E. <u>The Board shall provide, with the summary required by this section, to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first, a copy of a written explanation prepared by the <u>Attorney General</u> of the provisions of the Act that prohibit the personal use of campaign funds.</u>	D	10/29/19	

24.2-946.1	A. <u>The State Board of Elections shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of the campaign finance reports required by this chapter.</u>	B	10/29/19	
24.2-946.1	A. ... <u>The State Board may prescribe the method of execution and certification of ... electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board.</u>	D	10/29/19	
24.2-946.1	A. ... <u>The State Board may prescribe ...the procedures for receiving electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board.</u>	D	10/29/19	
24.2-946.1	A. ... <u>The State Board may provide campaign finance report-creation software to filers without charge or at a reasonable cost.</u>	D	10/29/19	
24.2-946.1	B. <u>The State Board shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the Board and using software meeting standards approved by it.</u>	D	10/29/19	
24.2-946.1	B. ... This information <u>shall be made available to the public promptly by the Board through the Internet.</u>	D	10/29/19	
24.2-946.1	C. <u>The State Board of Elections shall develop and implement a centralized system to accept reports from any candidate for local or constitutional office. Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board.</u>	B	10/29/19	
24.2-946.1	C. ... <u>The State Board shall promptly notify the general registrar of the locality in which a candidate resides and make the information contained in the report available to the general registrar.</u>	D	10/29/19	
24.2-946.1	C. ... In the case of a former candidate who is no longer seeking election but has not yet filed a final report as required by § 24.2-948.4, <u>the State Board shall promptly notify the general registrar of the locality in which he sought office and make the information contained in the report available to such general registrar.</u>	D	10/29/19	

24.2-946.1	D. The State Board shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.	D	10/29/19	
24.2-946.1	E. Other campaign finance reports required by this chapter <u>to be filed by a committee with the State Board or a general registrar, or both, may be filed electronically on terms <u>agreed to by the committee and the Board.</u></u>	D	10/29/19	
24.2-946.2	A. ... Upon request from an individual granted protected voter status under the provisions of subsection B of § <u>24.2-418</u> , <u>the State Board shall replace the individual's residence address in copies of campaign finance reports</u> available to the public with the individual's alternative mailing address found in the Virginia voter registration system.	D	10/29/19	
24.2-946.2	B. The following applies to campaign finance reports filed by candidate campaign committees: 2. <u>The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter</u> for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain. Thereafter, <u>the State Board shall forward the reports it preserves to The Library of Virginia</u> for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).	D	10/29/19	
24.2-946.2	C. The following applies to campaign finance reports filed by political committees: 2. <u>The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter</u> for at least four years after the reporting deadline or one year after the final report is filed. Thereafter, <u>the State Board shall forward the reports it preserves to The Library of Virginia</u> for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).	D	10/29/19	
24.2-946.3	A. <u>It shall be the duty of the State Board to report any violation of the provisions of this chapter</u> to the appropriate attorney for the Commonwealth. <u>The State Board shall report to the attorney for the Commonwealth of the City of Richmond</u> in the case of reporting requirements for campaign committees for statewide office and <u>to the attorney for the Commonwealth of the county or city of the residence</u> of a candidate for the General Assembly. For political committees, <u>the State Board shall report the violation to the attorney for the Commonwealth of the City of Richmond.</u> If all the officers of a political committee are residents of one county or city as shown on the statement of organization required by this chapter, <u>the State Board shall report violations for that political committee to the attorney for the Commonwealth of that county or city.</u>	D	10/29/19	
24.2-946.3	C. In order to fulfill the duty to report violations pursuant to subsections A and B, <u>the Board shall establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the provisions of this chapter and for verifying that reports are complete and submitted on time.</u> As part of the system referred to in this subsection, the general registrar	D	10/29/19	

	for each county and city shall be required, in accordance with instructions provided by the Board , to receive, catalog, and review the reports filed with the general registrar and to verify that the reports are complete and submitted on time.			
24.2-946.3	D. The State Board , and the general registrar in accordance with the instructions of the State Board, (i) shall assess and collect the civil penalties provided in Article 8 (§ 24.2-953 et seq.) and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the Commonwealth for enforcement.	D	10/29/19	
24.2-946.3	E. The State Board , or the general registrar in accordance with the instructions of the State Board, <u>shall notify, no later than 21 days after the report due date, any person submitting an incomplete report of the need for additional information.</u> The State Board , or the general registrar in accordance with the instructions of the State Board, <u>may request additional information</u> to correct obvious mathematical errors and to fulfill the requirements for information on the reports.	D	10/29/19	
24.2-946.3	F. Upon notice of a violation of this chapter, <u>the State Board</u> or the general registrar <u>shall within 90 days of the report deadline notify the appropriate attorney for the Commonwealth</u> , who shall initiate civil proceedings to enforce the civil penalties assessed by the State Board or the general registrar as provided herein. Any civil penalties collected pursuant to action by the State Board shall be payable to the State Treasurer for deposit to the general fund, and any civil penalties collected pursuant to action by a general registrar shall be payable to the treasurer of the locality for deposit to its general fund.	B	10/29/19	
24.2-946.3	G. In the case of any political committee that is required to file a statement of organization pursuant to this chapter, <u>the State Board</u> shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.	B	10/29/19	
24.2-946.3	H. The State Board shall <u>notify the public</u> through its official Internet website of any violation based on the failure to file a required report by a candidate for statewide office or the General Assembly and the identity of the violator.	D	10/29/19	
24.2-946.3	I. The State Board shall <u>determine the schedule of civil penalties required to be followed by its staff and general registrars in assessing penalties under this chapter.</u> No election official or staff may waive or reduce such penalties, except as provided in 24.2-946.4.	B	10/29/19	
24.2-946.4	A. The State Board shall <u>provide instructions to filers</u> for delivery of campaign finance reports within the time periods prescribed by law.	D	10/29/19	

24.2-946.4	B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this chapter shall be entitled to a 72-hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild, or sibling died within the 72 hours before the deadline. <u>The State Board or the general registrar shall be authorized to grant an extension of the filing deadline</u> for a period not to exceed five days for good cause shown by the filer and found by the Board or registrar sufficient to justify the granting of the extension.	D	10/29/19	
24.2-946.4	E. <u>The State Board shall have authority to extend any deadline applicable to reports</u> required to be filed by computer or electronic means in the event of a failure of the computer or electronic filing system that prevents timely filing. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.	D	10/29/19	
24.2-946.4	F. <u>The State Board shall have authority also to grant extensions</u> as provided in §§ 24.2-503 and 24.2-948.3.	B	10/29/19	
24.2-946.5	A. <u>The State Board or the general registrar of any county or city may close the file of any candidate campaign committee or political committee required to file with it provided the committee and the Board or registrar cannot locate either the candidate or his campaign treasurer, or in the case of any political committee, the Board or registrar cannot locate the treasurer or custodian of the books of the committee.</u> A candidate campaign committee file shall not be closed if the candidate has filed a report with the Board or registrar for any campaign for any office within the prior five years. A political committee file shall not be closed if the committee has filed a report within the prior five years.	B	10/29/19	
24.2-946.5	B. Once the committee's file has been closed, no more reports will be due and no additional penalties for failure to file will accrue. However, if the whereabouts of the candidate or his campaign treasurer, or in the case of any political committee, the treasurer or custodian of the books of the committee, later becomes known to <u>the Board or registrar, it may reopen the file and send notice to the candidate,</u> or in the case of any political committee, the treasurer or custodian of the books of the committee, requesting that he file the appropriate reports and pay any penalties that were levied before the file was closed by it.	B	10/29/19	
24.2-947.1	B. <u>Candidates for statewide office shall file the statement with the State Board.</u> <u>Candidates for the General Assembly shall file the statement with the State Board and a copy of the statement with the general registrar of the locality of the candidate's residence.</u> <u>Candidates for local or constitutional office shall file the statement with the general registrar and, if the statement indicates that the candidate committee will be filing electronically, a copy with the State Board.</u>	D	10/29/19	
24.2-947.1	D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the <u>candidate shall file notice of any changes</u> in the information provided on the form within 10 days of the change <u>with the State Board,</u> local electoral board, or both, as appropriate.	D	10/29/19	

24.2-947.3	B. In the event of the death, resignation, removal, or change of the treasurer, <u>the candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the State Board</u> , general registrar, or both, as provided in subsection B of 24.2-947.1.	D	10/29/19	
24.2-947.3:1	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, <u>the candidate campaign committee shall</u> (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) <u>verify that number with the State Board</u> .	D	10/29/19	
24.2-947.4	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the campaign committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-947.4	F. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-947.5	A. Candidates for statewide office and for the General Assembly shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.	D	10/29/19	
24.2-947.5	B. <u>Candidates for local or constitutional office in any locality with a population of more than 70,000 shall file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. All other candidates for local or constitutional office may file reports required by this article with the State Board by computer or electronic means in accordance with the standards approved by the State Board. Candidates who file by electronic means with the State Board are not required to file reports with the general registrar of the locality in which the candidate resides.</u>	D	10/29/19	
24.2-947.5	E. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.	D	10/29/19	
24.2-947.9	B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy on and after the eleventh day preceding (i) a primary and before the primary date, (ii) a general election and before the general election date, or (iii) any other election in which	D	10/29/19	

	the individual is a candidate and before the election day, shall be reported in writing as provided in 24.2-947.4 and 24.2-947.5 or electronically pursuant to 24.2-946.1, and the report shall be received by the State Board or general registrar, as appropriate, by 11:59 p.m. on the following day or for a contribution received on a Saturday by 11:59 p.m. on the following Monday.			
24.2-948.1	A. ... The request for an exemption shall be filed with the general registrar of the county or city where the candidate resides <u>on a form prescribed by the State Board</u> and in accordance with <u>instructions by the State Board</u> for the time for filing and the process for approval by the general registrar.	D	10/29/19	
24.2-948.1	D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, <u>may purchase voter lists from the State Board</u> under the provisions of §§ <u>24.2-405</u> and <u>24.2-406</u> with a check drawn on the candidate's personal account.	D	10/29/19	
24.2-948.3	A. ... For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) <u>the State Board</u> or general registrar, whichever is appropriate, <u>has notified the candidate, at least 60 days prior to the applicable deadline for him to file his written statement of qualification</u> set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.	D	10/29/19	
24.2-948.3	B. <u>The authority of the State Board to grant an extension of the deadline established in § 24.2-503</u> shall include the authority to grant such extension with respect to the requirements of this section.	B	10/29/19	
24.2-949.2	A. Except as provided in subsection B or C, <u>each political action committee</u> that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year <u>shall file with the State Board a statement of organization</u> within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this chapter. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.	D	10/29/19	
24.2-949.2	A. ... <u>The State Board shall not register or issue a registration number to any political action committee that fails</u> to state pursuant to subdivision 3 that its primary purpose is to influence the outcome of nonfederal elections in Virginia.	D	10/29/19	

24.2-949.2	C. ... The State Board shall be required to provide a link from its Internet website to the federal political action committee's electronically displayed Federal Election Commission campaign finance disclosure reports.	D	10/29/19	
24.2-949.5	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the political action committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-949.5	G. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-949.6	A. <u>Political action committees shall file the prescribed campaign finance reports with the State Board in accordance with the applicable provisions of this section.</u>	D	10/29/19	
24.2-949.6	D. ... After September 30, or after the date a political action committee has filed its statement of organization if the political action committee has filed its statement of organization on or after October 1, and until the November election day, <u>the political action committee shall report any single contribution of \$500 or more to the State Board in writing or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board by 11:59 p.m. on the following day, or for a contribution received on a Saturday, by 11:59 p.m. on the following Monday.</u>	D	10/29/19	
24.2-949.7	In addition to the quarterly reports required by § 24.2-949.6, political action committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the political action committee files its quarterly disclosure reports.</u>	D	10/29/19	
24.2-949.8	A. <u>Political action committees required to file reports by this article shall file all statements and campaign finance reports with the State Board.</u>	D	10/29/19	
24.2-949.8	B. <u>A political action committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the</u>	D	10/29/19	

	political action committee files a final report.			
24.2-949.8	C. For political action committees that are not subject to the provisions of subsection B, any report required to be filed with the State Board shall be deemed to be filed by the deadline for the report if it is mailed and postmarked not later than the deadline for filing the report.	D	10/29/19	
24.2-949.8	B. ... <u>Any political action committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year.</u>	D	10/29/19	
24.2-949.9	A. <u>Any political action committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 shall so notify the State Board.</u>	D	10/29/19	
24.2-949.9:1	D. On the same day that an <u>out-of-state political committee submits its statement of organization to the State Board</u> , (i) it shall file a list of each contributor who has contributed to the committee \$2,500 or more in the aggregate between the immediately preceding January 1 and the date on which the statement of organization is filed with the contributor's name, address, occupation, employer, and place of business and the dates and amounts of the contributor's contributions during the period covered by the report; and (ii) it shall file a report of the contributions it has made to candidate campaign committees or political committees registered with the State Board between the immediately preceding January 1 and the date on which the statement of organization is filed.	D	10/29/19	
24.2-949.9:2	B. After the committee has met the requirements of § <u>24.2-949.9:1</u> and upon making any contribution to a candidate campaign committee or political committee registered in Virginia, <u>the committee shall report its contributions and contributors in accordance with subsection C to the State Board of Elections</u> by computer or electronic means as prescribed in § <u>24.2-946.1</u> .	D	10/29/19	
24.2-949.9:3	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any other out-of-state political committee, an <u>out-of-state political committee shall (i) request its State Board of Elections registration number from that other out-of-state political committee and (ii) verify that number with the State Board.</u>	D	10/29/19	
24.2-949.9:4	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, a <u>political committee shall (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) verify</u>	D	10/29/19	

	that number with the State Board .			
24.2-950.2	Except as provided in § <u>24.2-950.1</u> , <u>each political party committee that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year shall file with the State Board a statement of organization</u> within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this article. <u>Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.</u>	D	10/29/19	
24.2-950.4	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the political party committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § <u>24.2-946.1</u>. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § <u>24.2-1016</u>.</u>	D	10/29/19	
24.2-950.4	G. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-950.7	In addition to the quarterly reports required by § <u>24.2-950.6</u> , political party committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.</u>	D	10/29/19	
24.2-950.8	A. ... <u>Any political party committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	D	10/29/19	
24.2-950.8	C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or with the State Board and the general registrar for its jurisdiction if filing campaign finance reports by nonelectronic means.	D	10/29/19	

24.2-950.9	A. <u>Any political party committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 shall so notify the State Board.</u>	D	10/29/19	
24.2-951.1	A. <u>Any referendum committee subject to the provisions of this article shall file with the State Board a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of the pertinent amounts stated in the definition of referendum committee in § 24.2-945.1. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.</u>	D	10/29/19	
24.2-951.3	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the referendum committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-951.3	F. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-951.7	In addition to the reports required by §§ 24.2-951.4, 24.2-951.5 and 24.2-951.6, referendum committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.</u>	D	10/29/19	
24.2-951.8	A. <u>Referendum committees required to file statements or reports by this article shall file all reports with the State Board.</u>	D	10/29/19	
24.2-951.8	B. A referendum committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the referendum committee files a final report or until subject to the provisions of subsection B of § 24.2-951.1.	D	10/29/19	

24.2-951.8	C. <u>Any referendum committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	D	10/29/19	
24.2-951.9	A. <u>Any referendum committee that disbands after having filed a statement of organization shall so notify the State Board.</u>	D	10/29/19	
24.2-952.1	<u>Each inaugural committee shall file with the State Board a statement of organization within 10 days after its organization. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.</u>	D	10/29/19	
24.2-952.3	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the inaugural committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	10/29/19	
24.2-952.3	F. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	10/29/19	
24.2-952.5	<u>In addition to the reports required by § 24.2-952.4, inaugural committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the committee files its quarterly disclosure reports.</u></u>	D	10/29/19	
24.2-952.6	A. <u>Inaugural committees required to file reports by this chapter shall file all campaign finance reports with the State Board.</u>	D	10/29/19	
24.2-952.6	B. <u>An inaugural committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the committee files a final report.</u>	D	10/29/19	

24.2-952.6	C. <u>Any inaugural committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	D	10/29/19	
24.2-952.7	A. <u>Any inaugural committee that, after having filed a statement of organization, disbands shall so notify the State Board.</u>	D	10/29/19	
24.2-953	D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or a general registrar. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.	B	10/29/19	
24.2-953.3	G. <u>The State Board shall notify the public through its official Internet website of a failure to file a complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.</u>	D	10/29/19	
24.2-953.4	C. If the report or information required to complete the report is not filed within the seven-day period, the Commissioner shall assess against the candidate and treasurer, who shall be jointly and severally liable, a civil penalty of \$500 for each day that the violation continues on and after the eighth day following the date of mailing the written notice. The Commissioner may grant an additional period for compliance, not to exceed two weeks, for good cause shown and in response to a request filed within the seven-day period. However, no additional period shall be granted for compliance with the requirement under subdivision A 8 of § 24.2-947.6 to file a report not later than the eighth day before the election. <u>The State Board shall notify the public through its official Internet website of the violation and identity of the violator.</u>	D	10/29/19	
24.2-953.5	C. <u>The State Board of Elections shall institute proceedings pursuant to § 24.2-104 against any committee that fails to comply with the provisions of § 24.2-947.3:1, 24.2-949.2, 24.2-949.9:1, 24.2-949.9:2, 24.2-949.9:3, or 24.2-949.9:4 and, after notice by the State Board, continues for more than five days to remain noncompliant.</u>	B	10/29/19	
24.2-955.3	D. <u>The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.</u>	B	10/29/19	

24.2-955.3	D. ... At least 10 days prior to such hearing, <u>the State Board shall send notice by certified mail to persons whose actions will be reviewed at such meeting and may be subject to civil penalty. Notice shall include the time and date of the meeting, an explanation of the violation, and the maximum civil penalty that may be assessed.</u>	D	10/29/19	
24.2-959.1	<u>The person making the telephone call shall disclose the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ 24.2-945 et seq.), the full name of the committee and a registration number provided by the State Board; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.</u>	D	10/29/19	
24.2-959.1	<u>The person making the telephone call shall disclose the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ 24.2-945 et seq.), the full name of the committee and a registration number provided by the State Board; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.</u>	D	10/29/19	
10.1-528	The expenses of such elections shall be paid by the counties or cities concerned. <u>The State Board of Elections shall publish, or have published within the district, the results of the election.</u>	D	10/29/19	
			10/29/19	
30-19.9	When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, <u>the State Board of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. The State Board shall post the explanation on its site on the Internet. It also shall cause such explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the election at which the proposed</u>	D	10/29/19	

	amendment is to be presented to the people.			
30-19.10	Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to the voters by the General Assembly, <u>the State Board of Elections shall cause to be printed and distributed</u> to the general registrar of each county and city, not less than ninety days prior to the election, copies of information about the referendum to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. <u>The State Board of Elections also shall cause the information to be published</u> by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.	D	10/29/19	
30-19.10	<u>The State Board of Elections also shall cause the explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.</u>	D	10/29/19	
30-19.9	When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, the <u>State Board of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election.</u>	D	10/29/19	
30.19.9	<u>The State Board shall post the explanation on its site on the Internet. It also shall cause such explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the election at which the proposed amendment is to be presented to the people.</u>	D	10/29/19	



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DEPARTMENT *of* ELECTIONS

Delegations Change Log

Delegation	Change	Reason
24.2-103	From Board to ELECT	Delegations did not reflect Memo. Changed to ensure consistent recommendation.
24.2-506(C)	From Board to ELECT	Delegations did not reflect Memo. Changed to ensure consistent recommendation.
24.2-506 (line 9)	From Board to ELECT	Delegations did not reflect Memo. Changed to ensure consistent recommendation.
24.2-545	From Board to ELECT	Delegations did not reflect Memo. Changed to ensure consistent recommendation.
24.2-603.1	From Board to ELECT	Delegations did not reflect Memo. Changed to ensure consistent recommendation.
24.2-653	Section removed	No Board authority in this section.
24.2-709	From Board to ELECT	Delegations did not reflect Memo. Changed to ensure consistent recommendation.
24.2-947.4(F)	From Board to ELECT	Delegations did not reflect Memo. Changed to ensure consistent recommendation.
24.2-947.5	From Board to ELECT	Delegations did not reflect Memo. Changed to ensure consistent recommendation.
24.2-948.1(A)	From Board to ELECT	Delegations did not reflect Memo. Changed to ensure consistent recommendation.
24.2-951.8(B)	From Board to ELECT	Delegations did not reflect Memo. Changed to ensure consistent recommendation.

MEMO Change Log

Memo	Change	Reason
24.2-947.4(A)	Added to memo	Noted as delegated but omitted from original memo
24.2-953	Added to memo	Noted as delegated but omitted from original memo



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STATE BOARD *of* ELECTIONS

Stand by Your Ad- Consideration of Anonymous Complaints

BOARD WORKING PAPERS

Arielle A. Schneider

Policy Analyst

Memorandum

To: State Board of Elections
From: Arielle A. Schneider, Policy Analyst
Date: October 29, 2019
Re: Stand By Your Ad – Acceptance of Anonymous Complaints

Background

During the May 14, 2019 and August 6, 2019 State Board of Elections (Board) meetings, the Board asked the Department of Elections to provide information to assist the Board in evaluating whether Virginia should continue to accept Stand By Your Ad (SBYA) complaints submitted anonymously.

Number of Anonymous Complaints Received

The Department of Elections presented over 102 complaints to the State Board of Elections throughout the course of nine Board meetings: October 7, 2017, May 1, 2018, September 20, 2018, November 19, 2018, January 23, 2019, May 14, 2019, June 24, 2019, August 6, 2019 and September 17, 2019. Most of these complaints fall into one of three categories: anonymous complaints, named complaints, and complaints submitted by complainants who requested their information be kept private.¹ Of the complaints alleging violations of SBYA, 27 were submitted anonymously, 18 were submitted by complainants who requested their information be kept private, and 55 were submitted by named complainants.

27 Anonymous Complaints

- 55% resulted in penalty
- 18% not subject to SBYA, no respondent
- 22% dismissed due to no express advocacy
- 3% dismissed due to yard signs printed before 2015
- 3% dismissed due to the advertisement being disclosed

18 Private on Request Complaints (option between 8/2018 and 5/2019)

- 33% resulted in penalty
- 38% not subject to SBYA, no respondent
- 16% dismissed due to no express advocacy
- 8% dismissed due to the advertisement being disclosed
- 5% dismissed due to yard signs printed before 2015

55 Named Complaints

- 47% resulted in penalty
- 18% not subject to SBYA, no respondent
- 20% dismissed due to no express advocacy
- 14% dismissed due to the advertisement being disclosed

¹ Two complaints alleging violations of SBYA were submitted by the sponsors themselves upon realizing their advertisements did not include the required disclosure language.

Next Steps

Currently, Department operating procedures instruct staff to accept anonymous complaints. To alter these procedures, the Board would instruct the Department to update its procedures, website and all outward-facing communications to return the Board to the below requirements for complaint sufficiency, as documented in the official records of the State Board of Elections' October 6, 2015 meeting.

1. ELECT reviews complaints for completeness and sufficiency

- a.** Anyone may file a complaint with the State Board of Elections regarding possible violations of Virginia's campaign finance laws.
- b.** To allege a violation of Chapter 9.5 (SBYA), a complaint must contain all of the following:
 1. The name of both the person bringing the complaint and the sponsor (person or party against whom allegations are made) *discussed 9/1/2015 SBE meeting.*
 2. Statement of the alleged violation, related to SBYA *discussed 10/6/2015 meeting.*
 3. Evidence, typically photographic *"in the case of print media, we typically require photographic evidence; in the case of radio or TV should identify the station and time aired"*
 - a.** Criteria identified and proposed to the SBE 10/6/2015 include *"not anonymous, related to advertisement disclosure (phone calls, broadcast media: radio, TV, print media: newspaper, internet, yard signs, etc.), allegation is accompanied by evidence."*



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STATE BOARD *of* ELECTIONS

Certification of Pilot for Essex County

BOARD WORKING PAPERS
Christopher E. Piper
Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise
From: Daniel Davenport, Policy Analyst
Date: October 29, 2019
Re: State Board Approval of Election Software Pilot in Essex County

Suggested motion for a Board member to make:

Move that the Board approve Essex County to pilot the election software “Verity 2.3” for experimental use in the November 2019 General Election.

Applicable Code Section: Va. Code § 24.2-630; Va. Code § 24.2-631

Attachments:

Your Board materials including the following:

- Test lab report for Hart’s Verity 2.3 voting software
- Test plan for Hart’s Verity 2.3 voting software

Background:

Under Virginia Code § 24.2-630, the State Board has the authority to approve a voting system for experimental use in an election, prior to the system completing the State Certification of Voting Systems Requirements and Procedures. The use of an experimental voting system approved by the State Board shall be valid in a county using the voting system for all purposes in such election.

Under Virginia Code § 24.2-631, the State Board is authorized to approve the experimental use of a voting system for the purpose of casting and counting absentee ballots in in one or more counties and cities designated by the Board that (i) have established central absentee voter election districts and whose board and (ii) whose electoral board and general registrars submit to the Board for approval a plan for the use of such system and ballots. The use of such systems and ballots in that election shall be valid for all purposes.

The election software vendor Hart Intercivic, Inc. has released version 2.3 of its Verity election software. Verity 2.3 is not yet certified by the State Board. With this motion, we have provided a test lab report for Verity 2.3 as well as a Test Plan to pilot Verity 2.3 in Essex County. Essex County desires to use Verity 2.3 election software for the November 2019 General Election. With consideration of the test lab report and the test plan submitted today, we recommend allowing Essex County to pilot Verity 2.3 for the November 2019 General Election.

ELECT staff recommendation:

ELECT staff recommends the Board make the suggested motion above and approve the motion.



October 25, 2019

Mr. Christopher Piper, Commissioner
Virginia Department of Elections
1100 Bank Street, 1st Floor
Richmond, Virginia 23219

Via: Electronic Mail

RE: Pilot Election for Verity Voting 2.3

Dear Mr. Piper,

Hart InterCivic, Inc. is in the Virginia certification process for Verity Voting 2.3, a modification of the currently-certified Verity Voting 2.0 voting system. Verity Voting 2.3 is certified by the EAC as conformant with the federal *Voluntary Voting System Guidelines (VVSG), Version 1.0 (2005)*.

The on-site functional testing of Verity Voting 2.3 was conducted by SLI Compliance in Richmond on August 12 – 14, 2019. Upon conclusion of testing, a pilot election using Verity 2.3 was confirmed for November 5, 2019 in Essex County, Virginia. Essex County was upgraded to Verity 2.3 on September 16, and they performed their logic and accuracy test shortly thereafter. The ballot styles for the November 5th election were approved by ELECT, and Essex County mailed absentee ballots.

On Election Day, Essex County will be using Verity 2.3 in all their polling locations, including:

- Greater Tappahannock—101
- North—201
- South—301
- Central—401
- Voter Registration—Absentee Voting

Essex County has eight Verity Scans and seven Verity Touch Writers. On Election Day, they plan to send one Scan and one Touch Writer to each polling location. The remaining voting devices are kept at their voter registration office as backups. If one of their deployed devices were to fail, the County would send one of their backups to the appropriate polling location.

Additional Materials

Hart has also included the following operational manuals for your review:

- Verity 2.3 Polling Place Field Guide: Scan and Touch Writer
- Verity 2.3 Device Troubleshooting Field Guide

We look forward to your favorable review of our Pilot Election for Verity Voting 2.3. For questions or additional information, please contact me at 512.252.6427 or afick@hartic.com.

Respectfully submitted,

A handwritten signature in black ink that reads "alli fick". The signature is written in a cursive, lowercase style.

Alli Fick
Certification Project Manager
Hart InterCivic



Device Troubleshooting Field Guide

VERSION 2.3



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Document Number 6653-005 B

Hart InterCivic Quality and Information Security Policy

Hart InterCivic is committed to consistently providing high quality products and services for its customers through adherence to its established hardware and software Quality Management Systems, complying with customer, statutory and regulatory requirements, and a commitment to continual improvement. Hart InterCivic is also committed to the integrity and the security of the information used in the product development process, in the products themselves, and in our management of customer data during the implementation process.

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Hart InterCivic, Inc.
15500 Wells Port Drive
Austin, TX 78728
Help Desk: 866.275.4278 (866.ASK.HART)

Document Number 6653-005 B

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Hart Support

NOTE: the following contact information is for use by election officials and staff only; poll workers should not be encouraged to call the Hart CSC Help Desk directly.

Hart Customer Support Center (Help Desk)

1.866.ASK HART

replacing a device

In some cases, replacing a device may be the most efficient way to ensure voters' timely access to a working voting device, provided that a spare device is available to replace the one being taken out of service. **It is of utmost importance to follow local procedures and rules regarding chain of custody and the replacement of equipment at the polling place.**

- 1** Record the serial number for the device you are replacing on an Out of Service Equipment tag and affix the tag to the device. Log a full description of the problem on the Equipment Chain of Custody form or equivalent.
- 2** Predefine spare devices for the correct polling place before they are deployed (see the *Verity Support Procedures Guide* for instructions).
- 3** Follow local procedures when creating/reading recovery vDrives, and/or retrieving vote and audit data from replaced or replacement equipment.
- 4** If a piece of equipment requires repair at Hart, see instructions for creating a Return Materials Authorization in the *Verity Support Procedures Guide*, or call Hart Support at 1-866 ASK HART for instructions.

replacing Verity Controller

When replacing a Verity Controller device, special consideration should be given to the following:

- Ensure no voter is using a connected Verity Touch or Touch Writer Duo device when replacing Verity Controller.
- When a Controller is replaced, vote data on Verity Touch devices is not transferred to the new Controller device. Depending on the specific circumstances, all cast votes will need to be retrieved, either by:
 - A)** Reading the vDrives associated with both Controllers, *or*
 - B)** Creating and reading a recovery vDrive for each Touch device.



Device Troubleshooting Field Guide









VERSION 2.3

contents








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resolving ballot printer errors, *continued*

- 3) Press the  (ONLINE) button on the printer to continue printing. The ballot will print from the MP Tray.
- 4) Reconfigure the printer trays to avoid the issue for future ballots:
 - a) With the printer displaying {READY TO PRINT}, load the correct size of paper stock in the appropriate paper tray (Tray 1 or the MP Tray). If loading Tray 1, replace the tray when done.

NOTE: If the current election uses an 8.5"x11" or 8.5"x14" paper size, Tray 1 may be used. The tray used for larger sizes (17" & 20") may vary depending on the jurisdiction and the available printer accessories; consult your elections office.
 - b) The printer screen displays the current paper size configuration for the tray. Press  (OK) and the current paper size will flash.
 - c) Press the  (UP) or  (DOWN) arrows on the operator panel until the CORRECT paper size is displayed, and then press  (OK).
 - d) Verify that the new paper size is indicated with an asterisk (*).
 - e) Press  (ONLINE) to return to [READY TO PRINT].

resolving ballot printer errors, *continued*


- d) To verify the MPT settings: Press  (OK), then press  (UP) three times. The MPT paper size is displayed (for 17" or 20" ballots, it should read CUSTOM). To change the size, press  (OK) again and the size will flash. Use the up and down arrows to navigate to the correct size (CUSTOM). Press  (BACK), then press  (UP) 5 times to display the Y DIMENSION. Press  (OK) and the size will flash. Press UP repeatedly until the dimension reads 17.0. Press  (BACK) 3 times.

resolving wrong paper size error - OKI b432 printer

If the b432 printer attached to a Verity Touch Writer or Print is not configured correctly for the current election's ballot size, an error will occur. If the error is not handled correctly, the ballot may be lost and/or the device's ballot count may appear to be incorrect. Follow the steps below to properly resolve the error and print the ballot, and then configure the printer's settings to avoid the error in the future.

1) Identify the error:

- The printer displays the error [MP TRAY SIZE MISMATCH] or [TRAY 1 PAPER SIZE MISMATCH], and an incomplete or incorrect ballot may have printed.
- The Verity Touch Writer displays the Wrong Paper Size error.

IMPORTANT: Do NOT press  (CANCEL) on the printer's operator panel, or the marked ballot will be lost and the ballot will need to be reissued. This may also cause an incorrect the ballot count on Verity device.

- 2) While the paper size error is displayed on the Touch Writer screen, open the MP Tray on the front of the printer and load enough of the correct size ballot stock to complete one ballot.



continued on following page

introduction

about this guide

This Field Guide is intended to provide support personnel and jurisdiction staff with recommended troubleshooting procedures for all Verity devices, including Verity Controller, Touch, Touch Writer Duo, Scan, Touch Writer, and Print. For procedures related to Verity software workstations, please consult the appropriate Verity software *Administrator's Guide*.

how to use this guide

This troubleshooting guide is organized into two sections:

- ▶ **troubleshooting issue directory:** This section contains a list of potential error messages and issues, separated by device type, and listed in alphabetical order. Resolution steps are provided for each, in the order they should be attempted.
- ▶ **procedure reference:** This section provides detailed instructions for certain resolution procedures.

The procedure for using this guide is outlined below:

- 1 Gather information, including the device type and nature of the error.
- 2 Look up the problem you are having in the **issue directory** for the appropriate device type.
- 3 Follow the resolution steps in order; **check for success after each step.**
- 4 Some resolution steps may indicate a page number or numbers; For further details on these procedures, look up the indicated page number for that step in the **procedure reference.**

basic troubleshooting process

Troubleshooting works best when you follow a systematic approach, using the following general guidelines:

- ✓ Remain calm
- ✓ Listen to the symptoms
- ✓ Ask questions
- ✓ Do not jump to conclusions
- ✓ Establish a theory
- ✓ Research resolution steps
- ✓ Attempt resolution
- ✓ Check for success
- ✓ Repeat

When troubleshooting, the first step is to listen and gather information. Use a **troubleshooting log** to record relevant details for future reference. A troubleshooting log is useful for tracking issues and flagging them for follow-up later.

On your troubleshooting log, record the following information, wherever applicable:

Contact information

- Name and role of the person reporting the problem
- Call-back phone number of the person reporting the problem
- Location/polling place where the problem was reported

Device information

- Device type
- Serial number
- Does device contain live votes?
- Is a replacement device needed/available?

resolving ballot printer errors, *continued*

WRONG PAPER SIZE: Load the correct paper size; if necessary you may need to configure the printer tray for the correct paper size (see below).

resolving wrong paper size error - OKI b431 printer

If a b431 printer attached to a Verity Touch Writer or Print is not configured correctly for the current election's ballot size, an error will occur. If the error is not handled correctly, the ballot may be lost and/or the device's ballot count may appear to be incorrect. Follow the steps below to properly resolve the error and print the ballot.








1) Identify the error:

- The printer displays the error [PAPER SIZE ERROR], and an incomplete or incorrect ballot may have printed.
- The Verity Touch Writer displays the Wrong Paper Size error.

IMPORTANT: Do NOT press CANCEL on the printer's operator panel, or the marked ballot will be lost and the ballot will need to be reissued. This may also cause an incorrect the ballot count on the Verity device.

2) Load the correct paper size in Tray 1 or in the Manual Paper Tray.

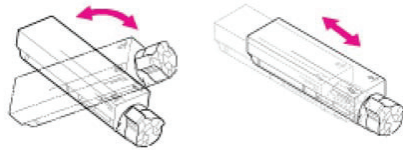
3) If the ballot does not print correctly, and/or to prevent the issue from occurring again, verify the tray settings:

- a) With the printer displaying {ONLINE}, load the correct size of paper stock in the appropriate paper tray (Tray 1 or the MP Tray). If loading Tray 1, replace the tray when done.
- b) Press  (OK), then press  (UP) 3 times to get to the Media Menu
- c) To verify the Tray 1 settings: Press  (OK). The Tray 1 paper size is displayed. To change the size, press  (OK) again and the size with flash. Press the  (UP) or  (DOWN) arrows to navigate to the correct size (LETTER or LEGAL14, for example). Press  (BACK) 2 times.

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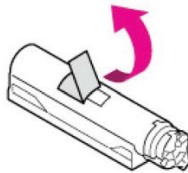
resolving ballot printer errors, *continued*

- 4) Shake the new cartridge several times vertically and horizontally.

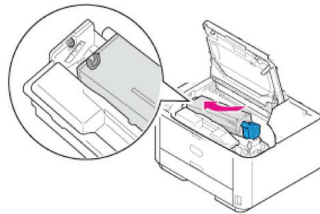


IMPORTANT: Ensure the cartridge lever is firmly in the UNLOCKED position before shaking the cartridge. Failure to do so can result in toner spillage.

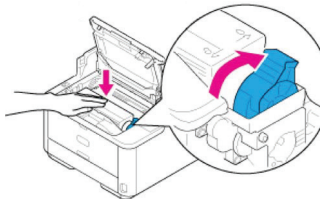
- 5) Holding the new cartridge level, gently remove the protective tape.



- 6) Insert the left end of the toner cartridge while aligning the left end with the pin on the top of the image drum, and then insert the right end.



- 7) Rotate the blue lever of the toner cartridge in the direction of the LOCKED position until it stops.



IMPORTANT: Ensure that the cartridge lever remains in the UNLOCKED position until the cartridge is fully seated in the printer, and then move the lever to the LOCKED position. Failure to do so can result in toner spillage. If the toner cartridge is not securely attached, printing quality may deteriorate.

- 8) Close the top cover.

continued on following page

basic troubleshooting process, *continued*

Error information

- What was the user trying to accomplish when the error occurred?
- What resolution steps (if any) were taken before the problem was reported?
- What screen is displaying on the device (if applicable)?
- Is the issue preventing voting from occurring, and/or what steps need to be taken to ensure voting access?
- If a device needs to be taken out of service, follow all applicable chain of custody procedures, and take steps to ensure that the problem(s) encountered are fully documented for future reference. Follow the recommended steps for device replacement (see [page 54](#)).

troubleshooting issue directory

This section lists each error or issue in alphabetical order, with a separate section for each device type.

Verity Controller

Error Message or Issue Found	Resolution
Alert (booth status)	The Verity Controller screen will indicate when there is a problem requiring attention on one of the connected Verity Touch booths. Go to the Verity Touch/Touch Writer Duo booth indicated, and follow the instructions on the screen.
<i>Battery not present</i>	If the battery indicator on the device screen shows a white battery with a red line through it, follow standard procedure to check/replace the battery (page 41).
Battery power is running low	If a warning appears indicating that the battery power is low, connect the device to AC power to resume operation. If AC power is not available, check/replace the battery (page 41). NOTE: <i>If the battery is replaced without following the proper procedure, you must restart the device to clear this message.</i>
<i>Closed polls too soon</i>	In most jurisdictions, once polls have been closed they cannot be reopened. In those jurisdictions, if polls have been closed too soon, replace the device (page 54).
Communication error	This message will display if a Controller device tablet is reconnected to a Touch Writer Duo base station, or if a tablet from a Touch Writer Duo is connected to a Controller base station. Remove the tablet and reconnect/re-dock the tablet with the correct base station. See also: Wrong base station.

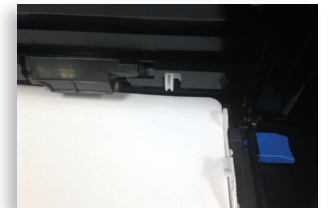
resolving ballot printer errors, *continued*

OUT OF PAPER: Load paper in the printer. If you are using the Manual Paper Tray:

- 1) Ensure a few sheets of LTR paper are loaded in Tray 1 (the main paper drawer)



- 2) If you are using the OKI 431 printer, ensure the blue tray release button in the Manual Paper Tray is engaged.

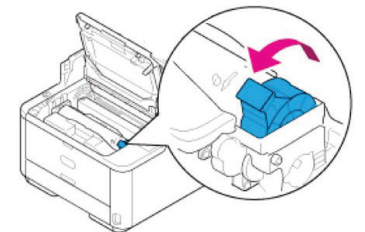


PAPER JAM: Follow the instructions on the printer screen to clear the jam. Paper jams may occur in the rear cover, top cover, MP Tray, and/or Tray 1.

TONER LOW/EMPTY: Replace the toner cartridge:

- 1) Press the round cover open button on the top of the printer and open the top cover.
- 2) Rotate the blue lever of the toner cartridge in the direction of the UNLOCKED position until it stops.

IMPORTANT: Ensure the cartridge lever is firmly in the UNLOCKED position before attempting to remove the cartridge. Failure to do so can result in toner spillage.



- 3) Remove the toner cartridge by lifting it gently. Dispose of the used cartridge in the black bag provided with the new cartridge.

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resolving ballot printer errors *(Touch Writer, Print)*

On the “Resolve printer error” screen, note the error type and any instructions provided, and then resolve the issue on the printer. Resolution steps for specific error types are included on the following pages.



COMMUNICATION FAILURE: Communication problems can be caused by several factors; check the following:

- Check that the printer is powered on. If not, press the power switch on the side of the printer.
- Check that the printer is on-line. If not, press the Online button on the printer.
- Verify that the printer cable is plugged in to both the printer and the Verity Touch Writer/Print device.
- Note that it may take some time for the Verity device to recognize the printer after correcting the communication issue. If, after attempting the above, and the error does not resolve (communication problems persist), restart the Verity Touch Writer/Print following the steps given on [page 44](#).

COVER OPENED: Close the printer cover.

continued on following page

Verity Controller, *continued*

Error Message or Issue Found	Resolution
<i>Device won't power on (black/dark screen)</i>	If a Verity device has a sufficiently charged battery, the power button on the back of the unit should power on the device even without AC power. If the device screen is black/dark, and there is no response when pressing the power button, it is possible that both the battery is missing/discharged, and the AC power is not connected properly. <ol style="list-style-type: none"> 1. Disconnect AC power from the wall or power strip and check/replace the device battery (page 41). When done, check the power supply (page 40), and then press the power button on the device. 2. If the issue persists, replace the device (page 54).
Help Needed <i>(booth status)</i>	The Verity Controller screen will indicate when a voter at a Verity Touch or Duo booth has requested poll worker assistance. Go to the booth indicated, and offer assistance.
Invalid vDrive	If the vDrive is not present, or cannot be read, replace the device (page 54).
Mixed devices	The Verity Controller is connected to both Touch and Touch Writer Duo devices. Controller can only support one device type at a time; contact your elections office.
<i>No AC power</i>	<ol style="list-style-type: none"> 1. If the AC power indicator on the bottom right of the screen shows a white plug with red line through it, wait for all voters to finish voting, and then check the power supply (page 40) and restart the device (page 43). 2. If the issue persists, replace the device (page 54). <p><i>see also Device won't power on (black/dark screen)</i></p>
No vDrive Found	If the vDrive is not present, or cannot be read, replace the device (page 54).

Verity Controller, *continued*

Error Message or Issue Found	Resolution
Not Connected (booth status)	<p>The Verity Controller screen will indicate when a Verity Touch booth is no longer connected.</p> <ol style="list-style-type: none"> 1. Go to the Verity Touch/Touch Writer Duo booth indicated, and follow the instructions on the screen. 2. If the issue persists, wait for all voters to finish voting, and then check the cable connection between the Touch/Duo & Controller; replace the booth cable if necessary. 3. If the issue persists, restart the Verity Touch (page 43). 4. If the issue persists, wait for all voters to finish voting, and then restart Verity Controller (page 43) and reassign all booths. 5. If the issue persists, replace the Verity Touch or Duo (page 54).
Paper Not Removed (booth status)	(Touch Writer Duo) Displayed on Controller, if a voter has printed the final sheet of their printed vote record, and has not removed the final page after 10 seconds.
Password does not work	Confirm the correct password with the elections office and re-enter.
Polling place (incorrect on device)	Verify the polling place using any device report. If the polling place is incorrect, replace the device with a correctly configured device (page 54).
Power issues	see Device won't power on / No AC power
Precincts (incorrect on device)	Verify the polling place using any device report. If the polling place is incorrect, replace the device with a correctly configured device (page 54). If the polling place is correct but the precincts are not correctly programmed, contact the elections office.

cleaning the Verity Scan scanner

1 Make certain all voters using the device have finished voting. Make sure voters have access to the emergency ballot slot.

2 Press the *red* power button on the back of the Verity Scan to power it off.



3 Unplug the AC power cord from the back of the Verity Scan.



4 Gently lift the scanner door. Dab a small amount of 50% isopropyl alcohol onto a lint-free cloth and apply to the upper and lower glass plates.

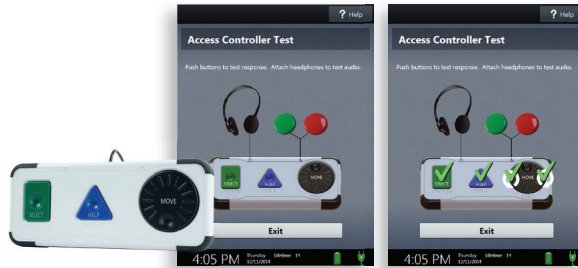
- Do not pour or spray liquids on the scanner.
- Do not use compressed air to remove dust.



5 When finished, plug in AC power, press the *red* power button, and follow on-screen prompts to resume using the device.

testing Verity Access, *continued*

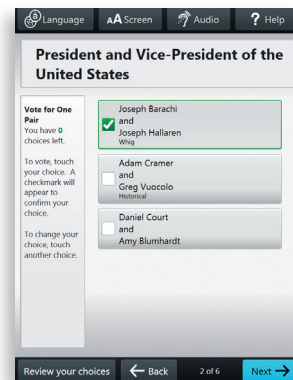
- 4** On the Access controller, press each button once to test the response. To test the Move wheel, turn the wheel to the left and then to the right. On the screen, testing success is indicated by a green check mark appearing over each button.



- 5** Repeat step 4 using headphones and/or tactile switches to test their function (note that these must be connected *before* beginning testing).
- 6** Select **Exit** when done.

verifying device audio settings

- 1** On the top center right of the Verity device screen, select **Audio**.



- 2** Verify the device audio settings. Select **Volume** to check the volume settings.

Verity Controller, *continued*

Error Message or Issue Found	Resolution
<i>Printing reports after powering down</i>	If a device was inadvertently powered down before the necessary reports were printed, press the red power button on the back of device to power it back on and print reports.
Report printer error	<p>NOTE: <i>If the printer is printing a long string of numbers, see Report printer has entered diagnostic mode.</i></p> <p>If the printer is not printing:</p> <ol style="list-style-type: none"> 1. Check/make note of any screen message(s). If necessary, load/reload thermal paper. Ensure the printer door is closed when done and the printer indicator light is green. 2. If report printer is still not functioning, wait for all voters to finish voting, and then restart the device (page 43). <p>NOTE: <i>When issuing access codes, you can select 'Touch here to preview the code' to view the access code on the screen; the access code may be written on a piece of paper for the voter.</i></p> <ol style="list-style-type: none"> 3. If necessary, replace the device (page 54).
<i>Report printer has entered diagnostic mode</i>	If a user inadvertently holds down the printer feed button while powering up, the printer will enter diagnostic mode and cannot be used normally. If printing is attempted while in diagnostic mode, a long string of numbers will print. To reset the printer to normal operations mode, restart the Verity device (page 43).
System Alert	<ol style="list-style-type: none"> 1. Make note of any information on the device screen. Press the power button to power off the device, and disconnect the power brick. Unlock and remove the tablet, and then re-seat the tablet in its cradle and lock it in place. Connect the power brick and ensure the green docking light is on. Press the power button to power on the device. 2. If the issue persists, replace the device (page 54).

Verity Controller, *continued*

Error Message or Issue Found	Resolution
The barcode contains a precinct that is not valid for this polling place	This error may occur when using the AutoBallot barcode scanner, if the precinct on the poll book/poll pad label is not included in the polling place defined on the Verity device. Verify, using any device report, that the Verity Print is programmed with the correct polling place, and then contact your elections office.
The barcode format is invalid	This error may occur when using the AutoBallot barcode scanner, if the barcode label from the poll book/poll pad is incorrectly formatted, or cannot be read. Contact your elections office.
There is a ballot loaded on one of the Touch devices...	When attempting to suspend/close polls, this message occurs when one or more connected Touch devices have an open ballot. Verify that all ballots are cast (if the voter is present) or spoiled before attempting to suspend/close polls.
A Touch with an active voting session was disconnected...	<p>When attempting to suspend or close polls, this message indicates that one or more Touch or Duo tablets are undocked.</p> <ol style="list-style-type: none"> 1. Select No, don't suspend/close the polls. Verify that all Touch tablets are re-docked to their base stations, and that all open ballots are cast (if the voter is present) or spoiled. Reattempt the suspend/close polls process. 2. If the error reappears, or if you are unable to reconnect the Touch or Duo device(s), you may select Yes, suspend/close polls when prompted to dismiss the message (an Administrator override is required). Note that a Recovery vDrive or vDrives may be required to retrieve stranded votes from the Verity Touch or Duo device(s). <p><i>continued on next page</i></p>

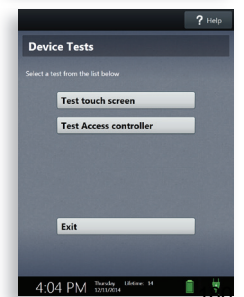
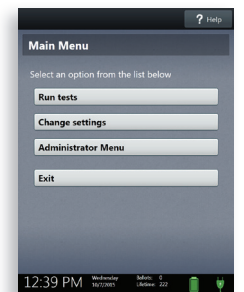
checking headphones

- 1 Check that the headphones are connected to the proper (left) port on the Verity Access, and that the connection is secure.
- 2 If your headphones have a built-in volume switch, verify that the switch is turned up.







testing Verity Access

- 1 Verify headphones (left port) and/or tactile switches/assistive devices (right port) are plugged into the correct ports on the Access controller. On Touch Writer Duo, verify that the Access device is plugged in to the back of the Touch Writer Duo.
- 2 Press the poll worker button and enter the Poll Worker code to access the main menu. From the main menu, select **Run tests**.
- 3 Select **Test Access controller**.



restarting a device (Touch Writer, Print)

- 1 Make certain all voters using the device have finished voting.
- 2 Press the *red* power button on the back of the device, and then wait until the device shuts down completely (black screen). 
- 3 Disconnect the ballot printer cable from the back of the Verity Touch Writer/Print. For Verity Print with AutoBallot, disconnect the barcode reader from the Verity Print. 
- 4 Wait 15-30 seconds. Reconnect the ballot printer cable to the back of the Verity Touch Writer/Print.
- 5 Press the *red* power button on the back of the device again to power the device on. 
- 6 (Verity Print with AutoBallot) When the screen displays **Enter Poll Worker Code**, reconnect the barcode reader. 

Verity Controller, *continued*

Error Message or Issue Found	Resolution
A Touch with an active voting session was disconnected... , <i>continued</i>	For information on stranded ballot notifications in Verity Count, see the <i>Verity Administrator's Guide: Count</i> . For procedures for creating Recovery vDrives, see the <i>Verity Support Procedures Guide</i> . <i>see also</i> Verity Touch: Stranded Ballot
<i>Unassigned booths</i>	On Verity Controller, if there are Touch or Duo devices connected that have not been assigned a booth number, the message "Unassigned booths: #" will appear in red on the lower right of the Controller screen. If there are unassigned booths, look at each Verity Touch screen. If a Touch or Duo booth is not assigned, select an available booth number on the Verity Touch or Touch Writer Duo screen.
Wrong base station	This message will display if a Verity Controller tablet is reconnected to the base station belonging to a different device type, or to the wrong Verity Controller base station. Remove the Verity Controller tablet and reconnect/re-dock the tablet with the correct base station. See also: Communication error .
Wrong Type	The Controller is configured for use with Verity Touch devices, and cannot be used with the connected Verity Touch Writer Duo, OR the Controller is configured for use with Verity Touch Writer Duo devices, and cannot be used with the connected Verity Touch. Contact your elections office.

Verity Touch

Error Message or Issue Found	Resolution
Access code does not work	<ol style="list-style-type: none"> 1. Confirm that the access code was entered correctly. 2. If the access code does not work, check the access code status using Verity Controller. Issue a new code, if applicable.
Access controller does not work	<p>NOTE: Verity Access is designed for use on voter screens only, and only with Touch with Access devices.</p> <ol style="list-style-type: none"> 1. Check that headphones are connected to the left port, and any other assistive devices are connected to the right port (page 45). 2. If the issue persists, test the Verity Access (page 45). 3. If the issue persists, restart the device (page 43). 4. If the issue persists, replace the device (page 54).
Battery not present	If the battery indicator on the screen shows a white battery with a red line through it, wait for all voters to finish voting, and then follow standard procedure to check/replace the battery (page 41).
Battery power is running low	If a warning appears indicating that the battery power is low, connect the device to AC power to resume operation. If AC power is not available, check/replace the battery (page 41). NOTE: If the battery is replaced without following the proper procedure, you must restart the device to clear this message.
Booth Number Assignment (when polls are open)	If a Verity Touch device booth is not assigned before opening polls on Verity Controller, the Verity Touch screen will remain on the Booth Number Assignment screen. Select an available booth number on the Verity Touch screen to assign the booth.

restarting a device (Controller, Touch, Touch Writer Duo, Scan)

1 Make certain all voters using the device have finished voting (including all attached Touch or Duo devices if restarting Controller). If restarting Scan, make sure voters have access to the emergency ballot slot.

2 Press the red power button on the back of the device, and then wait until the device shuts down completely (black screen).



3 Wait 15-30 seconds.

4 Press the red power button on the back of the device again to power the device on.



5 When the device has finished restarting, follow the prompts on the device screen.

checking/replacing the battery, *continued*

- 6** Check that the battery is connected properly. The tab on the connector coming from the battery must snap over the tab on the wire coming from the tablet.



- 7** Check the battery charge by pressing on the test button on the bottom left of the front of the battery. If necessary, replace the battery with a fully charged one.



- 8** Close the battery compartment, re-seat the tablet, tilt it back, and lock the tablet in place.



- 9** Plug the AC power cord back into the wall/power strip.



- 10** Press the *red* power button on the back of the device to power it on.

Verity Touch, *continued*

Error Message or Issue Found	Resolution
Communication error	This message will display if a Touch device tablet is connected to a Touch Writer Duo base station, or if a tablet from a Verity Touch Writer Duo is connected to a Verity Touch base station. Remove the tablet and reconnect/re-dock the tablet with the correct base station. See also: Wrong base station .
<i>Device won't power on (black/dark screen)</i>	If a Verity device has a sufficiently charged battery, the power button on the back of the unit should power on the device even without AC power. If the device screen is black/dark, and there is no response when pressing the power button, it is possible that both the battery is missing/discharged, and the AC power is not connected properly. <ol style="list-style-type: none"> 1. Disconnect AC power from the wall or power strip and check/replace the device battery (page 41). When done, check the power supply (page 40), and then press the power button on the device. 2. If the issue persists, replace the device (page 54).
<i>Headphones do not work/no sound</i>	<ol style="list-style-type: none"> 1. Check the headphones (page 45). 2. If the issue persists, verify the device audio settings (page 46). 3. If the issue persists, test the Verity Access (page 45). 4. If the issue persists, restart the device (page 43). 5. If the issue persists, replace the device (page 54).
<i>No AC power</i>	<ol style="list-style-type: none"> 1. If the power indicator on the bottom right of the screen shows a white plug with red line through it, wait for all voters to finish voting, and then check the power supply (page 40) and restart the device (page 43). 2. If the issue persists, replace the device (page 54). <p>see also Device won't power on (black/dark screen)</p>

Verity Touch, *continued*

Error Message or Issue Found	Resolution
No Controller found	<p>This message displays on the Verity Touch if the Touch is unable to communicate to the Verity Controller. If the Controller is in the process of starting up/restarting, wait until that process has finished and then recheck the Touch screen. If the issue persists, check the following:</p> <ol style="list-style-type: none"> 1. Check the booth cable connection between the Touch and Controller; replace the booth cable if necessary. 2. If the issue persists, restart the Verity Touch if necessary (page 43). 3. If the issue persists, wait for all voters to finish voting, and then restart Verity Controller (page 43) and reassign all booths. 4. If the issue persists, replace the Touch device (page 54).
<i>Password does not work</i>	Confirm the correct password with the elections office and re-enter.
<i>Power issues</i>	see Device won't power on / No AC power

checking/replacing the battery

1 Make certain all voters using the device have finished voting. If restarting Scan, make sure voters have access to the emergency ballot slot.

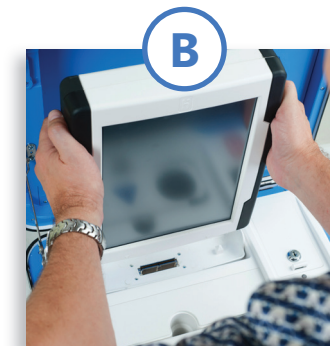
2 Press the *red* power button on the back of the device, and then wait until the device shuts down completely (black screen).



3 Unplug the AC power cord from the wall/power strip.



4 Unlock the device tablet (A) and remove it from its cradle (B).



5 Open the battery door on the back of the tablet and confirm that the battery is present.



continued on following page

procedure reference

checking power supply

- 1 Verify the AC power cord is plugged in to the back of the device.



- 2 Verify the power cord and power brick are plugged in securely.



- 3 If you are using a power strip (or UPS), verify the plug coming from the power brick is plugged into the power strip/UPS, and the power strip/UPS is switched on and in working order.

- 4 Verify the power cord/power strip/extension cord is plugged into a working, 3-prong wall outlet.



- 5 After checking connections, press the *red* power button on the back of the device to power on the device.



Verity Touch, *continued*

Error Message or Issue Found	Resolution
Stranded Ballot	<p>A Stranded Ballot occurs when a ballot is cast on Verity Touch, and that Touch device is not able to connect to the Verity Controller (either if the tablet was removed, there was a connection issue, or if the Verity Controller was replaced while the Touch device was disconnected).</p> <p>Resolving a stranded ballot (<i>Verity Controller was not replaced</i>)</p> <ol style="list-style-type: none"> 1. Check that the Touch tablet is securely docked in its base station, locked in place, and that the tablet docking light is green. Wait while the Touch reestablishes connection to the Verity Controller (this may take a moment). The Touch device should return to the Enter Access Code (or Select Language) screen. Verify the ballot transfers to the Controller. 2. If the issue persists, check the booth cable connection between the Touch and Controller and restart the Verity Touch if necessary (page 43). Verify the ballot transfers to the Controller. 3. If the issue persists, wait for all voters to finish voting, and then restart Verity Controller (page 43) and reassign all booths. Verify the ballot transfers to the Controller. 4. If the issue persists and the error cannot be cleared from the Touch screen, replace the Touch device (page 54). A Recovery vDrive or vDrives may be required to retrieve stranded votes from the Verity Touch device(s). <p>For information on stranded ballot notifications in Verity Count, see the <i>Verity Administrator's Guide: Count</i>. For procedures for creating Recovery vDrives, see the <i>Verity Support Procedures Guide</i>.</p> <p><i>continued on next page</i></p>

Verity Touch, *continued*

Error Message or Issue Found	Resolution
Stranded Ballot, <i>continued</i>	<p>Overriding the Stranded Ballot message <i>(Verity Controller was replaced)</i></p> <ol style="list-style-type: none"> 1. Select Override this message if you would like to continue to use the Touch device with the new Controller. Enter the Administrator passcode and select Accept. A Recovery vDrive may be required (see note below). 2. If the Verity Touch displays the “No Controller Found” message, check that the Touch tablet is securely docked in its base station, locked in place, and that the tablet docking light is green. 3. If the issue persists, check the booth cable connection between the Touch and Controller and restart the Verity Touch if necessary (page 43). 4. If the Verity Touch still displays the “No Controller Found” message, wait for all voters to finish voting, restart Verity Controller (page 43), and reassign all booths. 5. If the issue persists, replace the Verity Touch (page 54). <p>NOTE: <i>A Recovery vDrive or vDrives may be required to retrieve stranded votes from the Verity Touch device(s).</i></p> <p>For information on stranded ballot notifications in Verity Count, see the <i>Verity Administrator’s Guide: Count</i>. For procedures for creating Recovery vDrives, see the <i>Verity Support Procedures Guide</i>.</p> <p>see also A Touch with an active voting session was disconnected... (<i>Controller</i>)</p>

Verity Print, *continued*

Error Message or Issue Found	Resolution
Resolve printer error <i>(error occurred while attempting to print a ballot)</i>	<ol style="list-style-type: none"> 1. Resolve the printer error (page 48). The printer should automatically print the ballot(s) (please be patient). 2. If after resolving the error on the printer, the printer does not print a usable ballot automatically, you may need to start the print process over (on the “Ready to issue ballots” screen, select Issue a ballot). 3. If the issue persists, restart the Verity Print (page 44).
System Alert	<ol style="list-style-type: none"> 1. Make note of any information on the device screen. Press the power button to power off the device, and disconnect the power brick. Unlock and remove the tablet, replace the tablet in its cradle, and lock it in place. Connect the power brick and ensure the green docking light is on. Press the power button to power on the device. 2. If the issue persists, replace the device (page 54).
The barcode contains a precinct that is not valid for this polling place	This error may occur when using the AutoBallot barcode scanner, if the precinct on the poll book/poll pad label is not included in the polling place defined on the Verity device. Verify, using any device report, that the Verity Print is programmed with the correct polling place, and then contact your elections office.
The barcode format is invalid	This error may occur when using the AutoBallot barcode scanner, if the barcode label from the poll book/poll pad is incorrectly formatted, or cannot be read. Contact your elections office.
Wrong base station	This message will display if a Verity Print tablet is reconnected to the base station belonging to a different device type, or to the wrong Verity Print base station. Remove the Verity Print tablet and reconnect/re-dock the tablet with the correct base station. See also: Communication error .

Verity Print, *continued*

Error Message or Issue Found	Resolution
Report printer error	<p>NOTE: <i>If the printer is printing a long string of numbers, see Report printer has entered diagnostic mode.</i></p> <p>If the printer is not printing:</p> <ol style="list-style-type: none"> 1. Check/make note of any screen message(s). If necessary, load/reload thermal paper. Ensure the printer door is closed when done and the printer indicator light is green. 2. If the report printer is still not functioning, restart the device (page 43). 3. If necessary, replace the device (page 54).
<i>Report printer has entered diagnostic mode</i>	If a user inadvertently holds down the printer feed button while powering up, the printer will enter diagnostic mode and cannot be used normally. If printing is attempted while in diagnostic mode, a long string of numbers will print. To reset the printer to normal operations mode, restart the Verity device (page 43).
Resolve printer error <i>(error did NOT occur while attempting to print a ballot)</i>	<p>If the error <i>did not</i> occur while attempting to print a ballot (for instance, the error occurred prior to attempting to issue ballots):</p> <ol style="list-style-type: none"> 1. Resolve the printer error (page 48). After resolving the error on the printer, the Verity Print should return to the screen you were on before the error occurred. 2. If resolving the error on the printer does not clear the error on the Verity Print, restart the Verity Print (page 44). 3. If the issue persists, replace the printer.

Verity Touch, *continued*

Error Message or Issue Found	Resolution
System Alert	<ol style="list-style-type: none"> 1. Make note of any information on the device screen. Press the power button to power off the device, and disconnect the power brick. Unlock and remove the tablet, and then replace the tablet in its cradle and lock it in place. Connect the power brick and ensure the green docking light is on. Press the power button to power on the device. 2. If the issue persists, replace the device (page 54).
Unreported Session	<p>An unreported session occurs when a ballot is spoiled on Verity Touch, and that Touch device is not able to connect to the Verity Controller (either due to a connection issue, or if the Verity Controller was replaced while the Touch device was disconnected).</p> <p>NOTE: <i>If you are unable to resolve an unreported session, the Access Code reports on your Verity Controller(s) will not reflect the spoiled ballot.</i></p> <p>Checking for a connection issue (<i>Verity Controller was not replaced</i>)</p> <ol style="list-style-type: none"> 1. Check that the Touch tablet is securely docked in its base station, locked in place, and that the tablet docking light is green. Wait while the Touch reestablishes connection to the Verity Controller (this may take a moment). The Touch device should return to the Enter Access Code (or Select Language) screen. 2. If the error persists, check the booth cable connection between the Touch and Controller and restart the Verity Touch if necessary (page 43). 3. If necessary, replace Touch device (page 54). <p><i>continued on next page</i></p>

Verity Touch, *continued*

Error Message or Issue Found	Resolution
Unreported Session, continued	<p>Overriding the Unreported Session message (Verity Controller was replaced)</p> <ol style="list-style-type: none"> 1. Select Override this message if you would like to continue to use the Touch device with the new Controller. Enter the Administrator passcode and select Accept. 2. If the Verity Touch displays the “No Controller Found” message, check that the Touch tablet is securely docked in its base station, locked in place, and that the tablet docking light is green. 3. If the issue persists, check the booth cable connection between the Touch and Controller and restart the Verity Touch if necessary (page 43). 4. If the Verity Touch still displays the “No Controller Found” message, wait for all voters to finish voting, restart Verity Controller (page 43), and reassign all booths. 5. If the issue persists, replace the Verity Touch (page 54).
Wrong base station	This message will display if a Verity Touch tablet is reconnected to the base station belonging to a different device type, or to the wrong Verity Touch base station. Remove the Verity Touch tablet and reconnect/re-dock the tablet with the correct base station. See also: Communication error .

Verity Print, *continued*

Error Message or Issue Found	Resolution
<i>No AC power</i>	<ol style="list-style-type: none"> 1. If the power indicator on the bottom right of the screen shows a white plug with red line through it, check the power supply (page 40) and restart the device (page 44). 2. If the issue persists, replace the device. <i>see also</i> Device won't power on (black/dark screen)
No vDrive Found	If the vDrive is not present, or cannot be read, replace the device (page 54).
<i>Password does not work</i>	Confirm the correct password with the elections office and re-enter.
<i>Polling place (incorrect on device)</i>	Verify the polling place using any device report. If the polling place is incorrect, replace the device with a correctly configured device (page 54).
<i>Power issues</i>	<i>see</i> Device won't power on / No AC power
<i>Precincts (incorrect on device)</i>	Verify the polling place using any device report. If the polling place is incorrect, replace the device with a correctly configured device (page 54). If the polling place is correct but the precincts are not correctly programmed, contact the elections office.
Printer error	<i>see</i> Resolve printer error
<i>Printing reports after powering down</i>	If a device was inadvertently powered down before the necessary reports were printed, press the red power button on the back of device to power it back on and print reports.

Verity Print

Error Message or Issue Found	Resolution
<i>Battery not present</i>	If the battery indicator on the screen shows a white battery with a red line through it, follow standard procedure to check/replace the battery (page 41).
Battery power is running low	If a warning appears indicating that the battery power is low, connect the device to AC power to resume operation. If AC power is not available, check/replace the battery (page 41). NOTE: <i>If the battery is replaced without following the proper procedure, you must restart the device to clear this message.</i>
Communication error	This message will display if a Print device tablet is connected to a Touch Writer Duo base station, or if a tablet from a Verity Touch Writer Duo is connected to a Print base station. Remove the tablet and reconnect/re-dock the tablet with the correct base station. See also: Wrong base station.
<i>Device won't power on (black/dark screen)</i>	If a Verity device has a sufficiently charged battery, the power button on the back of the unit should power on the device even without AC power. If the device screen is black/dark, and there is no response when pressing the power button, it is possible that both the battery is missing/discharged, and the AC power is not connected properly. <ol style="list-style-type: none">1. Disconnect AC power from the wall or power strip and check/replace the device battery (page 41). When done, check the power supply (page 40), and then press the power button on the device.2. If the issue persists, replace the device (page 54).
Invalid vDrive	If the vDrive is not present, or cannot be read, replace the device (page 54).

Verity Touch Writer Duo

Error Message or Issue Found	Resolution
<i>Access code does not work</i>	<ol style="list-style-type: none">1. Confirm that the access code was entered correctly.2. If the access code does not work, check the access code status using Verity Controller. Issue a new code, if applicable.
<i>Access controller does not work</i>	NOTE: <i>Verity Access is designed for use on voter screens only.</i> <ol style="list-style-type: none">1. Check that headphones are connected to the left port, and any other assistive devices are connected to the right port (page 45).2. If the issue persists, test the Verity Access (page 45).3. If the issue persists, restart the device (page 43).4. If the issue persists, replace the device (page 54).
<i>Battery not present</i>	If the battery indicator on the screen shows a white battery with a red line through it, wait for all voters to finish voting, and then follow standard procedure to check/replace the battery (page 41).
Battery power is running low	If a warning appears indicating that the battery power is low, connect the device to AC power to resume operation. If AC power is not available, check/replace the battery (page 41). NOTE: <i>If the battery is replaced without following the proper procedure, you must restart the device to clear this message.</i>
Booth Number Assignment <i>(when polls are open)</i>	If a Touch Writer Duo booth is not assigned before opening polls on Verity Controller, the Touch Writer Duo screen will remain on the Booth Number Assignment screen. Select an available booth number on the Touch Writer Duo screen to assign the booth.

Verity Touch Writer Duo, *continued*

Error Message or Issue Found	Resolution
Communication error	This message will display if a Touch Writer Duo device tablet is reconnected to the base station belong to a different device type (e.g, Touch, Scan, etc.), or if a tablet from another device type is connected to a Touch Writer Duo base station. Remove the tablet and reconnect/re-dock the tablet with the correct base station. See also: Wrong base station .
<i>Device won't power on (black/dark screen)</i>	If a Verity device has a sufficiently charged battery, the power button on the back of the unit should power on the device even without AC power. If the device screen is black/dark, and there is no response when pressing the power button, it is possible that both the battery is missing/discharged, and the AC power is not connected properly. <ol style="list-style-type: none"> 1. Disconnect AC power from the wall or power strip and check/replace the device battery (page 41). When done, check the power supply (page 40), and then press the power button on the device. 2. If the issue persists, replace the device (page 54).
<i>Headphones do not work/no sound</i>	<ol style="list-style-type: none"> 1. Check the headphones (page 45). 2. If the issue persists, verify the device audio settings (page 46). 3. If the issue persists, test the Verity Access (page 45). 4. If the issue persists, restart the device (page 43). 5. If the issue persists, replace the device (page 54).
More than one sheet inserted	Insert only one sheet of thermal paper at a time. To resolve the error, remove all sheets and insert one blank sheet.

Verity Touch Writer, *continued*

Error Message or Issue Found	Resolution
System Alert	<ol style="list-style-type: none"> 1. Make note of any information on the device screen. Press the power button to power off the device, and disconnect the power brick. Unlock and remove the tablet, and then replace the tablet in its cradle and lock it in place. Connect the power brick and ensure the green docking light is on. Press the power button to power on the device. 2. If the issue persists, replace the device (page 54).
Wrong base station	This message will display if a Verity Touch Writer tablet is reconnected to the base station belonging to a different device type, or to the wrong Verity Touch Writer base station. Remove the Verity Touch Writer tablet and reconnect/re-dock the tablet with the correct base station. See also: Communication error .
Your ballot did not print	<i>see Resolve printer error (error occurred while attempting to print a ballot)</i>

Verity Touch Writer, *continued*

Error Message or Issue Found	Resolution
Resolve printer error (error did NOT occur while attempting to print a ballot)	<p>If the error <i>did not</i> occur while attempting to print a ballot (for instance, the error occurred in the middle of a voting session, or prior to a voting session):</p> <ol style="list-style-type: none"> 1. On the "Printer error" screen, select To view details, touch here. Enter the Poll Worker code, select Accept, and then resolve the printer error (page 48). After resolving the error on the printer, the Touch Writer should return to the screen you were on before the error occurred. 2. If resolving the error on the printer does not clear the error on the Touch Writer, restart the Touch Writer (page 44). 3. If the issue persists, replace the printer (page 54).
Resolve printer error (error occurred while attempting to print a ballot)	<ol style="list-style-type: none"> 1. On the "Your ballot did not print" screen, select To resolve, touch here. Enter the Poll Worker code, select Accept, and then resolve the printer error (page 48). After resolving the error on the printer, the ballot should print (please be patient). Once the ballot has printed, on the Verity Touch Writer, select The ballot printed correctly. 2. If after resolving the issue on the printer the ballot has not been printed, select Reprint Ballot on the Verity Touch Writer screen (this option will only be available once the error on the printer has been corrected). 3. If after resolving the issue on the printer the ballot has not been printed, and the Reprint Ballot option is not available on the Touch Writer screen, select Spoil Ballot on the Touch Writer screen. Restart the Touch Writer (page 44), and issue a new access code on the Touch Writer.

Verity Touch Writer Duo, *continued*

Error Message or Issue Found	Resolution
<i>No AC power</i>	<ol style="list-style-type: none"> 1. If the power indicator on the bottom right of the screen shows a white plug with red line through it, wait for all voters to finish voting, and then check the power supply (page 40) and restart the device (page 43). 2. If the issue persists, replace the device (page 54). <i>see also Device won't power on (black/dark screen)</i>
No Controller found	<p>This message displays on the Touch Writer Duo if it is unable to communicate to the Verity Controller. If the Controller is in the process of starting up/restarting, wait until that process has finished and then recheck the Touch screen. If the issue persists, check the following:</p> <ol style="list-style-type: none"> 1. Check the booth cable connection between the Duo device and Controller; replace the booth cable if necessary. 2. If the issue persists, restart the Touch Writer Duo if necessary (page 43). 3. If the issue persists, wait for all voters to finish voting, and then restart Verity Controller (page 43) and reassign all booths. 4. If the issue persists, replace the Touch Writer Duo device (page 54).
<i>Password does not work</i>	Confirm the correct password with the elections office and re-enter.
<i>Power issues</i>	<i>see Device won't power on / No AC power</i>

Verity Touch Writer Duo, *continued*

Error Message or Issue Found	Resolution
System Alert	<ol style="list-style-type: none"> 1. Make note of any information on the device screen. Press the power button to power off the device, and disconnect the power brick. Unlock and remove the tablet, and then replace the tablet in its cradle and lock it in place. Connect the power brick and ensure the green docking light is on. Press the power button to power on the device. 2. If the issue persists, replace the device (page 54).
Tablet undocked/ removed during voting	If a Touch Writer Duo tablet is removed during a voting session (i.e. while a ballot is loaded), the current ballot will automatically be spoiled.
Warning - paper removed	Insert one sheet of thermal paper with the arrow facing up and pointed toward the Verity Touch Writer Duo device.
Wrong base station	This message will display if a Touch Writer Duo tablet is reconnected to the wrong Touch Writer Duo base station (booth). Remove the Touch Writer Duo tablet and reconnect/re-dock the tablet with the correct base station/booth. See also: Communication error .
You inserted your sheet the wrong way	Thermal paper must be inserted with the arrow facing up and pointed toward the Verity Touch Writer Duo device.

Verity Touch Writer, *continued*

Error Message or Issue Found	Resolution
Report printer error	<p>NOTE: <i>If the printer is printing a long string of numbers, see Report printer has entered diagnostic mode.</i></p> <p>If the printer is not printing:</p> <ol style="list-style-type: none"> 1. Check/make note of any screen message(s). If necessary, load/reload thermal paper. Ensure the printer door is closed when done and the printer indicator light is green. 2. If the report printer is still not functioning, wait for all voters to finish voting, and then restart the device (page 43). <p>NOTE: <i>When issuing access codes, you can select 'Touch here to preview the code' to view the access code on the screen; the access code may be written on a piece of paper for the voter.</i></p> <ol style="list-style-type: none"> 3. If necessary, replace the device (page 54).
<i>Report printer has entered diagnostic mode</i>	If a user inadvertently holds down the printer feed button while powering up, the printer will enter diagnostic mode and cannot be used normally. If printing is attempted while in diagnostic mode, a long string of numbers will print. To reset the printer to normal operations mode, restart the Verity device (page 43).

Verity Touch Writer, *continued*

Error Message or Issue Found	Resolution
<i>No AC power</i>	<ol style="list-style-type: none"> If the power indicator on the bottom right of the screen shows a white plug with red line through it, check the power supply (page 40) and restart the device (page 44). If the issue persists, replace the device (page 54). <i>see also Device won't power on (black/dark screen)</i>
No vDrive Found	If the vDrive is not present, or cannot be read, replace the device (page 54).
<i>Password does not work</i>	Confirm the correct password with the elections office and re-enter.
<i>Polling place (incorrect on device)</i>	Verify the polling place using any device report. If the polling place is incorrect, replace the device with a correctly configured device (page 54).
<i>Power issues</i>	<i>see Device won't power on / No AC power</i>
<i>Precincts (incorrect on device)</i>	Verify the polling place using any device report. If the polling place is incorrect, replace the device with a correctly configured device (page 54). If the polling place is correct but the precincts are not correctly programmed, contact the elections office.
Printer error	<i>see Resolve printer error</i>
<i>Printing reports after powering down</i>	If a device was inadvertently powered down before the necessary reports were printed, press the red power button on the back of device to power it back on and print reports.

Verity Scan

Error Message or Issue Found	Resolution
<i>Battery not present</i>	If the battery indicator on screen shows a white battery with a red line through it, follow standard procedure to check/replace the battery (page 41).
Battery power is running low	If a warning appears indicating that the battery power is low, connect the device to AC power to resume operation. If AC power is not available, check/replace the battery (page 41). NOTE: <i>If the battery is replaced without following the proper procedure, you must restart the device to clear this message.</i>
<i>Closed polls too soon</i>	In most jurisdictions, once polls have been closed they cannot be reopened. In those jurisdictions, if polls have been closed too soon, replace the device (page 54). Follow local procedures to use the emergency ballot slot until a new device is available.
Communication error	This message will display if a Scan device tablet is connected to a Touch Writer Duo base station, or if a tablet from a Verity Touch Writer Duo is connected to a Scan base station. Remove the tablet and reconnect/re-dock the tablet with the correct base station. See also: Wrong base station .

Verity Scan, *continued*

Error Message or Issue Found	Resolution
<i>Device won't power on (black/dark screen)</i>	<p>If a Verity device has a sufficiently charged battery, the power button on the back of the unit should power on the device even without AC power. If the device screen is black/dark, and there is no response when pressing the power button, it is possible that both the battery is missing/discharged, and the AC power is not connected properly.</p> <ol style="list-style-type: none"> 1. Disconnect AC power from the wall or power strip and check/replace the device battery (page 41). When done, check the power supply (page 40), and then press the power button on the device. 2. If the issue persists, replace the device (page 54).
Invalid vDrive	If the vDrive is not present, or cannot be read, replace the device (page 54).
<i>No AC power</i>	<ol style="list-style-type: none"> 1. If the power indicator on the bottom right of the screen shows white plug with a red line through it, check the power supply (page 40) and restart the device (page 43). 2. If the issue persists, replace the device (page 54). <i>see also Device won't power on (black/dark screen)</i>
No vDrive Found	If the vDrive is not present, or cannot be read, replace the device (page 54).
<i>Password does not work</i>	Confirm the correct password with the elections office and re-enter.
<i>Polling place (incorrect on device)</i>	Verify the polling place using any device report. If the polling place is incorrect, replace the device with a correctly configured device (page 54).

Verity Touch Writer, *continued*

Error Message or Issue Found	Resolution
Communication error	This message will display if a Touch Writer device tablet is connected to a Touch Writer Duo base station, or if a tablet from a Verity Touch Writer Duo is connected to a Touch Writer base station. Remove the tablet and reconnect/re-dock the tablet with the correct base station. See also: Wrong base station .
<i>Device won't power on (black/dark screen)</i>	<p>If a Verity device has a sufficiently charged battery, the power button on the back of the unit should power on the device even without AC power. If the device screen is black/dark, and there is no response when pressing the power button, it is possible that both the battery is missing/discharged, and the AC power is not connected properly.</p> <ol style="list-style-type: none"> 1. Disconnect AC power from the wall or power strip and check/replace the device battery (page 41). When done, check the power supply (page 40), and then press the power button on the device. 2. If the issue persists, replace the device (page 54).
<i>Headphones do not work/no sound</i>	<ol style="list-style-type: none"> 1. Check the headphones (page 45). 2. If the issue persists, verify the device audio settings (page 46). 3. If the issue persists, test the Verity Access (page 45). 4. If the issue persists, restart the device (page 44). 5. If the issue persists, replace the device (page 54).
Invalid vDrive	If the vDrive is not present, or cannot be read, replace the device (page 54).

Verity Touch Writer

Error Message or Issue Found	Resolution
<i>Access code does not work</i>	<ol style="list-style-type: none"> 1. Confirm the access code was entered correctly 2. If the access code does not work, deactivate the access code/confirm code status. Issue a new code, if applicable.
<i>Access controller does not work</i>	<p>NOTE: <i>Verity Access is designed for use on voter screens only.</i></p> <ol style="list-style-type: none"> 1. Check that headphones are connected to the left port, and any other assistive devices are connected to the right port (page 45). 2. If the issue persists, test the Verity Access (page 45). 3. If the issue persists, restart the device (page 44). 4. If the issue persists, replace the device (page 54).
<i>Battery not present</i>	If the battery indicator on the screen shows a white battery with a red line through it, follow standard procedure to check/replace the battery (page 41).
Battery power is running low	If a warning appears indicating that the battery power is low, connect the device to AC power to resume operation. If AC power is not available, check/replace the battery (page 41). NOTE: <i>If the battery is replaced without following the proper procedure, you must restart the device to clear this message.</i>
<i>Closed polls too soon</i>	In most jurisdictions, once polls have been closed they cannot be reopened. In those jurisdictions, if polls have been closed too soon, replace the device (page 54).

Verity Scan, *continued*

Error Message or Issue Found	Resolution
<i>Power issues</i>	see Device won't power on / No AC power
<i>Precincts (incorrect on device)</i>	Verify the polling place using any device report. If the polling place is incorrect, replace the device with a correctly configured device (page 54). If the polling place is correct but the precincts are not correctly programmed, contact the elections office.
<i>Printing reports after powering down</i>	If a device was inadvertently powered down before the necessary reports were printed, press the red power button on the back of device to power it back on and print reports.
Report printer error	<p>NOTE: <i>If the printer is printing a long string of numbers, see Report printer has entered diagnostic mode.</i></p> <p>If the printer is not printing:</p> <ol style="list-style-type: none"> 1. Check/make note of any screen message(s). If necessary, load/reload thermal paper. Ensure the printer door is closed when done and the printer indicator light is green. 2. If the report printer is still not functioning, wait for all voters to finish voting, and then restart the device (page 43). 3. If necessary, replace the device (page 54).
<i>Report printer has entered diagnostic mode</i>	If a user inadvertently holds down the printer feed button while powering up, the printer will enter diagnostic mode and cannot be used normally. If printing is attempted while in diagnostic mode, a long string of numbers will print. To reset the printer to normal operations mode, restart the Verity device (page 43).

Verity Scan, *continued*

Error Message or Issue Found	Resolution
System Alert	<ol style="list-style-type: none"> 1. Make note of any information on the device screen. Press the power button to power off the device, and disconnect the power brick. Unlock and remove the tablet, and then replace the tablet in its cradle and lock it in place. Connect the power brick and ensure the green docking light is on. Press the power button to power on the device. 2. If the issue persists, , use emergency ballot slot and/or replace the device (page 54).
Wrong base station	This message will display if a Verity Scan tablet is reconnected to the base station belonging to a different device type, or to the wrong Verity Scan base station. Remove the Verity Scan tablet and reconnect/re-dock the tablet with the correct base station. See also: Communication error .
Your ballot did not scan; The machine could not read one of the barcodes	<p>Check/note device message(s), if any; confirm the ballot has <i>not</i> been cast, reconciling the device ballot count against the poll book if necessary</p> <ol style="list-style-type: none"> 1. If the ballot is visible: DO NOT open the scanner cover; remove, flatten, and re-feed the ballot. If the ballot is not visible: following local procedure, open the back compartment door on ballot box and physically clear the jam. Flatten and re-feed the ballot. 2. If the scanner will not accept ballots, use the emergency ballot slot and/or replace the device (page 54).

Verity Scan, *continued*

Error Message or Issue Found	Resolution
Your ballot did not scan; The machine has a paper jam	<ol style="list-style-type: none"> 1. DO NOT open the scanner cover; remove the ballot and confirm the ballot is not damaged, and then flatten and re-feed the ballot. (If the ballot is damaged, spoil the ballot and issue a new ballot following local procedure). 2. If the scanner is still unable to scan ballots, remove the ballot and clean the scanner (page 47). 3. If the scanner jams repeatedly, use the emergency ballot slot and/or replace the device (page 54).
Your ballot has jammed; Your ballot was counted	<p>Check/note device message(s), if any; confirm the ballot has been cast, reconciling the device ballot count against the poll book if necessary.</p> <ol style="list-style-type: none"> 1. If the ballot has been cast, and no ballot is visible at the scanner, open the scanner cover and check for any obstructions to the scanner feed path. Close the scanner cover and restart the device (page 43). This should clear the scan path. If a ballot is ejected, remove the ballot and follow local procedures to open the back compartment door and manually place the ballot in the ballot box. 2. If the scanner is still unable to scan ballots, clean the scanner (page 47). 3. If the scanner jams repeatedly, use the emergency ballot slot and/or replace the device (page 54).



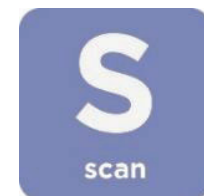
Polling Place Field Guide

VERSION 2.3



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Hart InterCivic, Inc.
15500 Wells Port Drive
Austin, TX 78728
Help Desk: 866.275.4278 (866.ASK.HART)

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about this guide

This *Verity Polling Place Field Guide* is a portable guide to polling place tasks using the Verity Scan and Verity Touch Writer devices.

- 7. Press the *red* power button on the back of the Verity Touch Writer to power it off. ▶



IMPORTANT: Wait for the Verity Touch Writer to be completely powered down and showing a black screen if you will be unlocking and removing the tablet. If stowing the tablet, make sure to lock it in with the key *and* pull the blue latch down to secure it in place.

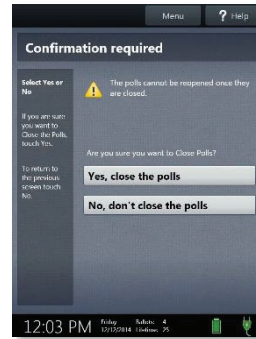
NOTE: The Verity power cord has a locking connector. When inserting the connector into a Verity device, it will make a small "click." To disconnect the power cord, grasp the cord at the base of the black connector molding where it connects to the Verity device, and slide back the sleeve. This will unlock the connection so that the cord may be removed.

- 8. Follow your local jurisdiction's guidelines, including chain-of-custody procedures, when transferring equipment, vDrives, and/or ballots to your central counting location. If you are leaving equipment in place, be sure to properly secure all equipment, preferably behind a locked door. You may use the space below to document local transfer procedures.

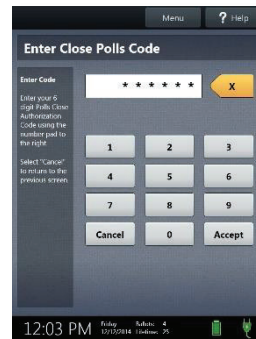
local procedures

4. Select **Yes, close the polls.** ▶

IMPORTANT: Once polls have been closed, they cannot be reopened on that Touch Writer.



5. Enter the Close Polls Code and select **Accept.** The Close Polls report will print automatically. ▶



6. The polls are now closed. Print and file reports available on the screen as required by your jurisdiction. The available reports may vary and are configured by the election officials in your jurisdiction. You may use the space below to document local requirements.

local reporting requirements



Polling Place Field Guide



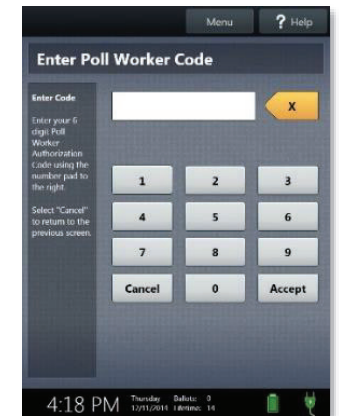
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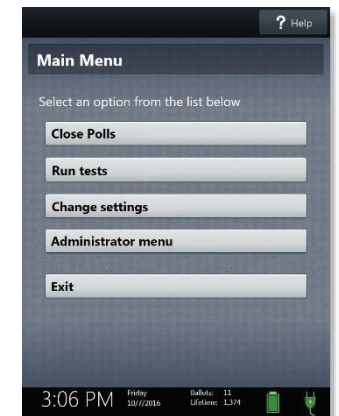
closing polls

IMPORTANT: Wait until the close polls time to close polls. Once polls are closed they cannot be reopened on that Touch Writer.

1. Press and hold your finger on the **Ready for Use** button on the Touch Writer screen, or, alternately, press the blue poll worker button on the back of the Verity Touch Writer.
2. Select **Menu** at the top of the screen. ▶



3. Select **Close Polls**. ▶



- The polls are now suspended. Print and file reports available on the screen as required by your jurisdiction. Available reports may vary and are configured by the election officials in your jurisdiction. You may use the space below to document local requirements.

local reporting requirements

- When you have finished printing reports, press the *red* power button on the back of the Verity Touch Writer to power it off. ▶



IMPORTANT: Wait for the Verity Touch Writer to be completely powered down and showing a black screen if you will be unlocking and removing the tablet. If stowing the tablet, make sure to lock it in with the key *and* pull the blue latch down to secure it in place.

- Follow your local jurisdiction's guidelines, including chain-of-custody procedures, when transferring equipment, vDrives, and/or ballots to your central counting location. If you are leaving equipment in place, be sure to properly secure all equipment, preferably behind a locked door. You may use the space below to document local transfer procedures.

local procedures

Verity Scan

Verity Scan is a polling place-based digital scanner for scanning and casting ballots. Verity Scan can be used with hand-marked ballots or with ballots marked and printed using Verity Touch Writer (see page 26). Verity Scan deposits scanned ballots into its ballot box for secure storage.



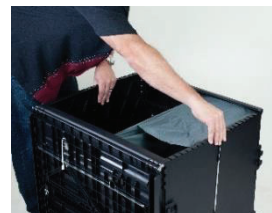
vDrives are used to transfer digital ballot styles from the Verity election definition software to Verity Scan, and to transfer voted ballots from Verity Scan to Verity software for tabulation. vDrives are inserted into a standard USB port located in a locked and sealed compartment; each Verity Scan has its own vDrive.

NOTE: Software startup for each unit may take several minutes, due to security and data integrity checks that the Verity software performs. This process is included in the design of the Verity Voting System to verify the authenticity of the software before allowing it to operate.

setting up Verity Scan

setting up the ballot box

1. Position the folded ballot box as shown. ▶
2. Unlatch the four clips (two on each side). ▶
3. Pull open the ballot box. ▶
4. Press the side panels outward until they are flat, being careful not to pinch your hands or fingers. ▶



suspending polls

(Early Voting)

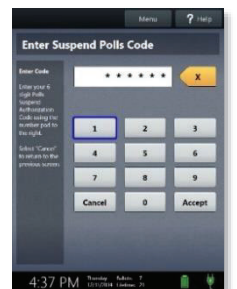
1. Press and hold your finger on the **Ready for Use** button on the Touch Writer screen, or, alternately, press the blue poll worker button on the back of the Verity Touch Writer.
2. Select **Menu** at the top of the screen. ▶



3. Select **Suspend Polls**. ▶



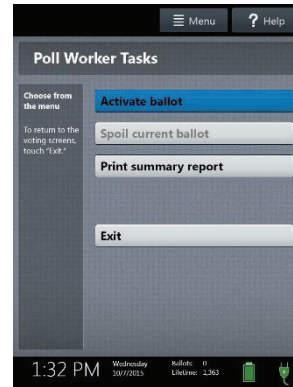
4. Enter the Suspend Polls Code and select **Accept**. A Suspend Polls report will print automatically. ▶



printing a summary report

You can print a ballot marking session summary report on Verity Touch Writer at any time. This report lists the number of ballots printed, active sessions, sessions in progress, and ballots spoiled.

1. Press and hold your finger on the Ready for Use button on the Touch Writer screen, or alternately, press the blue poll worker button on the back of the Verity Touch Writer.
2. Enter the Poll Worker Code and select **Accept**.
3. Select **Print summary report**. ▶



provisional voting on Verity Touch Writer

Follow local procedures for provisional voting, as determined by local and state rule and code.

If your jurisdiction procedures permit, poll workers may issue a provisional access code using Verity Touch Writer by selecting **Mark as provisional** on the Confirm Access Code screen. A provisional voter will then use this code to access, vote, and print a provisional ballot.

IMPORTANT: Verity Scan will not accept provisional ballots printed from Touch Writer. Follow local procedure to process provisional ballots.

5. Lower the bottom panel but do not press down. ▶



6. Release the lid by unhooking the 3 straps. ▶



7. Pull the string on the underside of the lid upward to unlock the lid latch. ▶



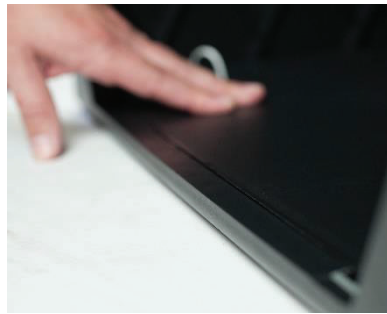
8. Lift the lid while gently pulling upward and outward, ensuring that the double hinge is fully extended. Lay the lid across the top of ballot box, and then press it down. Do not force it. ▼



9. Unlock the front door with the ballot box key. ▶



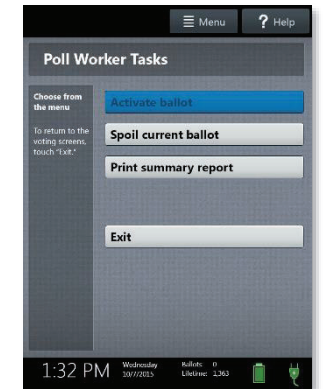
10. Press firmly on bottom panel to lock it in place. ▼



spoiling a ballot on Verity Touch Writer

The Spoil Current Ballot menu allows you to spoil (discard) the current active ballot before it is printed.

1. Press the blue poll worker button on the back of the Verity Touch Writer.
2. Enter the Poll Worker Code and select **Accept**.
3. Select **Spoil current ballot**. ▶



4. Select **Yes, spoil the ballot**.
5. Select **OK**. Fill out and file any paperwork required by your jurisdiction.

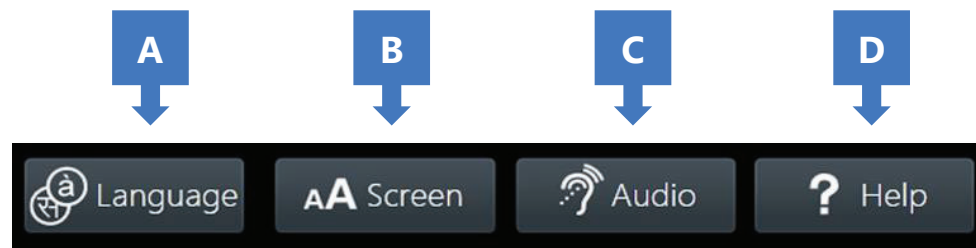
spoiling printed paper ballots

To spoil a ballot that has already been printed from Verity Touch Writer, or to spoil a preprinted paper ballot, follow your local procedures (for example, filling out a spoiled ballot log and envelope).

Verity Touch Writer help and features

Each Verity Touch Writer is equipped with context-specific help text and settings that can be accessed from the touchscreen, or using Verity Access. To exit help or settings screens and resume voting, select **Exit Help** or **Return to ballot** on the bottom right.

- If multiple languages are available, a **Language** button is located at the top left of the screen. Voters can select this button to change the language of the instructions and ballot.
- Voters can select the **Screen** button to change the screen settings (contrast and text size), or to turn the screen off (if using headphones only).
- Voters can select the **Audio** button to change the audio settings (volume and speed) for the headphones.
- The **Help** button is at the top right of the screen. Voters can select this button to see help text for the voting step currently underway.



troubleshooting

If there is a problem with the Touch Writer, follow the error instructions on the screen (if applicable), and/or contact your elections office for assistance.

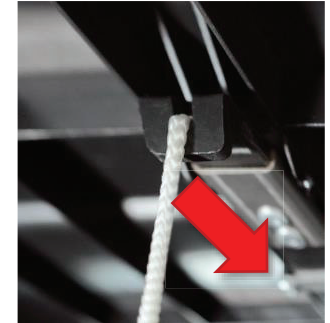
setting up the Verity Scan

1. Assemble the ballot box, if this has not been done already (see page 6).

2. Place the Verity Scan on the ballot box, aligning footpads with the indentations. The handle on the Verity Scan must face the front of the ballot box. ▶



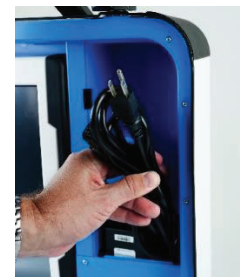
3. Reach inside the ballot box and pull the cord down and away from you to lock the lid and the Verity Scan in place. ▶



4. Close and lock the front ballot box door. ▶



5. Follow local procedures to remove the tamper seal from the Verity Scan handle, if applicable. Unlock the case (if locked). Open the case and remove the power brick and power cord from the storage compartment. Close the compartment and case. ▶



6. Plug the power cord into the power brick, and then plug the power brick into the back of the Verity Scan (flat side up). ▼

IMPORTANT: Do not plug the power cord into the wall yet.



7. Open the Verity Scan case and lock the lid brace in place. ►

IMPORTANT: Never tilt a device up by the handle while cords are connected – this can damage the cord where it connects to the device, or cause damage to the device itself.



8. Unlock (A), unlatch (B), and remove (C) the tablet. ▼



making write-in choices

To vote for a write-in candidate on the ballot (if applicable):

1. On the page for that contest, the voter selects **To enter a write in, touch here**.
2. The voter types the name of the desired write-in, using the touchscreen or Verity Access, and then selects **Accept**.
3. The voter's write-in choice will appear with a green box with check mark to its left, along with the write-in candidate name that the voter typed.

NOTE: If a voter attempts to deselect a marked write-in choice, they will be asked to confirm before proceeding.

printing blank ballots

If the voter has marked no choices and selects the Print button, Verity Touch Writer will ask the voter to confirm before printing the blank ballot.

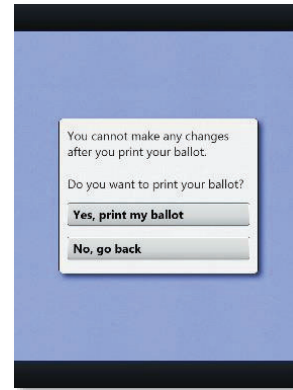
substitutions in <n of m> contests

In a contest with more than one valid choice (e.g. 'vote for one, two or three'): If the voter has already selected the allowed number of choices, and then selects an additional choice, Touch Writer will indicate which previous choice is being changed, and which new selection is being added.

voting session idle timeout

If the 'idle session' setting has been activated by election officials, then a warning will appear after 5 minutes of inactivity; if the voter does not respond to the warning within 45 seconds, the Touch Writer will display the "Session Locked" screen. When the session is locked, a poll worker may either spoil the ballot, or unlock the session and allow the voter to continue voting.

9. The voter selects **Yes, print my ballot.** ▶

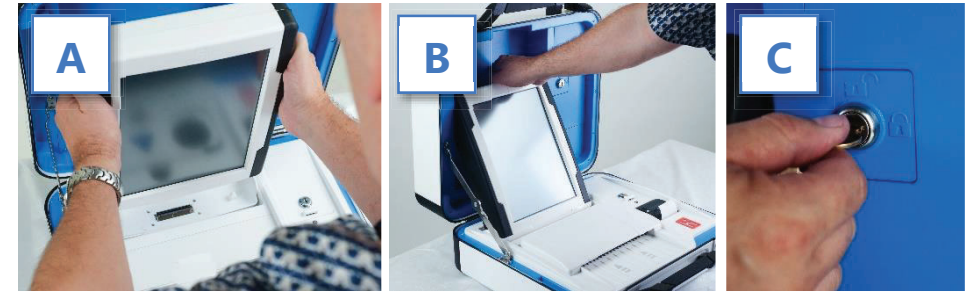


10. The voter retrieves the printed ballot from the laser printer next to their Verity Touch Writer. ▶

- If your polling place is equipped with Verity Scan, the voter will take their printed ballot to the Verity Scan device to cast their ballot.



9. Seat the tablet in the cradle (A), tilt it back (B), and lock it in place (C). ▼



10. Verify the Verity Scan device seals, per local procedure. Attach privacy screens to each side of the ballot box, if applicable. ▶



11. Plug the power cord into AC power. A green light should illuminate on the power brick when AC power is present. ▶



12. Press the *red* button on the back of the Verity Scan to power it on. ▶

- During the power on process, a Power-On Self Test report will print on Verity Scan's built-in printer. This report will indicate any hardware or connection issues; if any issues are noted, check connections and restart the device using the red power button.



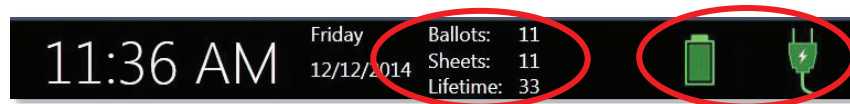
Verity Scan orientation screen orientation

When powered up for the first time the device is used during a voting event, Verity Scan should display the Print Zero Report screen. ►

NOTE: If you are reopening polls during subsequent days of a multiple-day voting event, then you will not print a Zero report. See page 16.



In addition to the date and time, the following appears at the bottom of the screen:

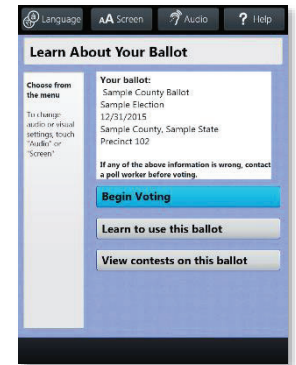


- **Ballots:** The number of ballots scanned and cast on the Verity Scan for the current election; at the start of a voting event, this number should be zero.
- **Sheets:** The number of ballot sheets scanned on the Verity Scan for the current election; at the start of a voting event, this number should be zero.
- **Lifetime:** The number of ballots cast on the Verity Scan for the lifetime of the device (for all elections).
- **AC and battery power indicators:** A green battery icon indicates the battery is connected; a green plug icon indicates AC power is connected. Specific battery power level can be found on the Touch Writer Power-On Self Test report.

NOTE: If AC power is not available, the device will automatically switch over to battery power, and a warning message will display. To dismiss the message and continue operating on battery power, touch "If the power is out, touch here to use battery". If a voting session is in progress, this message will not appear until the session is completed.

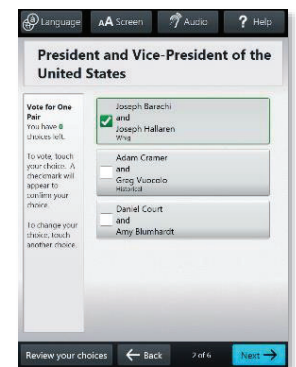
When battery power is low, and AC power is disconnected, a warning message will appear on the device screen. Reconnect the device to AC power.

5. The voter can start voting (by selecting Begin Voting), learn how to use the ballot, or view a list of contests on the ballot. ►



6. The voter makes their choices; The voter can make ballot choices using the touchscreen, or by using the Move wheel and Select button on the Verity Access. ►

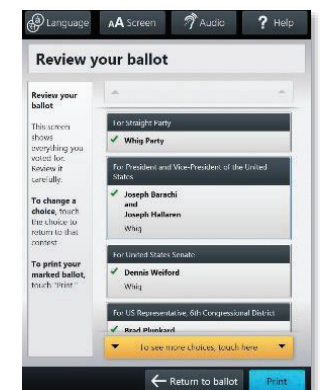
- A selected choice will display a green box with check mark to the left of the choice.
- The voter can review ballot choices by selecting **Review your choices**.
- The **Next** or **Skip** button advances to the next contest on the ballot.



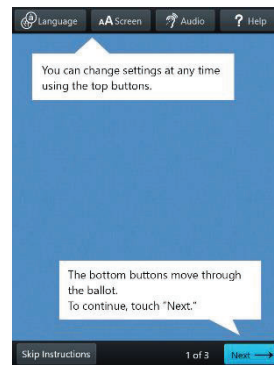
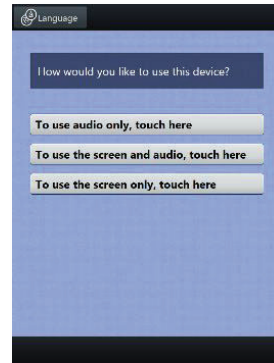
7. When the voter has reached the end of the ballot, the **Review your ballot** screen appears.

The voter can select a specific contest to return to that contest, or select **Return to ballot** to go to the last contest visited.

8. After reviewing and confirming their choices, the voter selects **Print** to print the ballot. ►



3. The voter selects whether to use the screen, audio, or both to complete their ballot, and then adjusts their audio and/or screen settings.
 - If the voter chooses to use both the screen and audio, they will then be walked through the audio settings and screen settings before proceeding. The voter selects **OK, it sounds good/OK, it looks good** in the bottom right to proceed.
 - If the voter chooses to use the screen only and turn off the audio, they will be asked to confirm before proceeding, by selecting **Yes, turn it off**. The voter will then be walked through the screen settings before proceeding. The voter selects **OK, it looks good** in the bottom right to proceed.
 - If the voter chooses to use the audio only, they will be asked to confirm before proceeding, by selecting **Yes, turn it off**. The voter will proceed through their ballot using the Access device with headphones. The voter can **select Touch here to enable the screen** to turn the screen display on at any time.
4. The voter is presented with three screens of instructions that orient them to the Touch Writer device. The voter can select **Next** to view each instructional page, or select **Skip Instructions** to go to their ballot.
 - On the last page of instructions, the voter selects **Start** in the bottom right to begin marking their ballot.
 - The Language (if applicable), Audio, and Screen settings and the Help button are also available (see page 48).



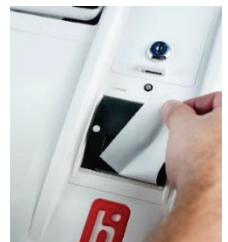
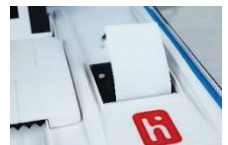
poll worker button

The blue poll worker button is located on the back of Verity Scan. This button is used when suspending or closing polls. In some jurisdictions, this button may be used when scanning ballots with undervoted or overvoted contests; see page 19.



report printer operation

1. The thermal report printer is located on the right-hand side of Verity Scan. ▶
2. To open the paper compartment: While standing in front of the device, pull the lever on the top of the printer cover towards you, and then lift up to open the paper compartment. ▶
3. To replace paper: Place the new paper roll into the printer as shown. Paper must roll up from the bottom. ▶
4. Close the printer cover. The paper must extend out from underneath the front edge of the cover. The white button can be used to advance the paper. ▶



opening polls

You must open polls on the first day that voting will occur on that device. For instructions on reopening polls on the second or subsequent day of multiple-day voting events, see page 16.

1. Set up and power on the Verity Scan. **Confirm that you are running on AC power** (see page 12).
2. Select **Print Zero Report**. ▶

***NOTE:** If you are reopening polls during subsequent days of a multiple-day voting event, then you will not print a Zero report. See page 16.*



3. Wait while the Zero report prints (on the built-in report printer). Using the Zero report, check the following:
 - Verify the ballot count total on the Zero report is ZERO and enter it in the Reconciliation Log.
 - Verify that the polling place on the report is correct.
4. Verify that the clock in the bottom left corner of the screen displays the correct time.

IMPORTANT: If these items are incorrect, contact your elections office.

IMPORTANT: If the clock is incorrect, contact your elections office.

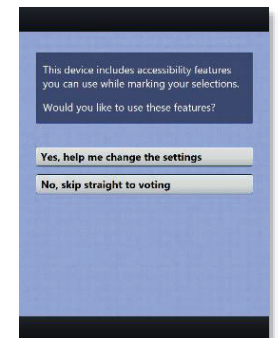
marking ballots with Verity Touch Writer

Once a poll worker has activated a ballot (page 41):

1. The voter selects **To get started, touch here** (or turns the Move wheel on Verity Access clockwise).
 - If multiple languages are available, a “get started” button will appear in multiple languages. The voter selects the button with their preferred language.
 - The language selected applies to both the device instructions and the ballot.
 - The language settings can be changed at any time by accessing the language menu (see page 48).

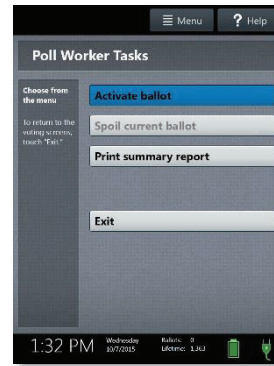


2. The voter chooses whether they would like to use the Verity Access accessibility features.
 - If the voter chooses **Yes, help me change the settings**, they will proceed to the next step.
 - If the voter chooses **No, skip straight to voting**, they will be taken to the About Your Ballot screen (page 45, step 5)



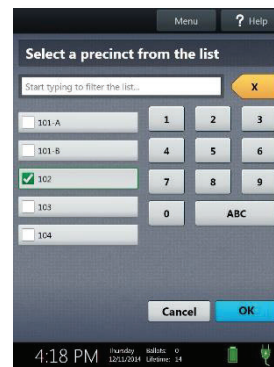
4. Select **Activate ballot.** ▶

If your jurisdiction has **Verity AutoBallot**, after activating the ballot, you can use the barcode reader attached to the Verity Touch Writer to scan barcode labels produced by your electronic pollbook. When using AutoBallot, you will scan the barcode, skipping steps 5-6 of this section.



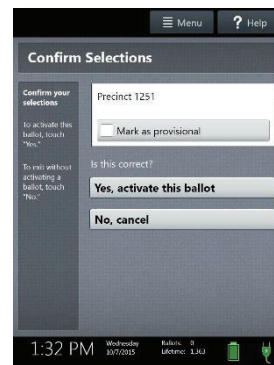
5. Choose the correct precinct from the list and select **OK.** ▶

- (Closed Primary Elections only) After choosing the precinct, select the Party, if applicable.



6. Confirm the selections you have made, and then select **Yes, activate this ballot.** ▶

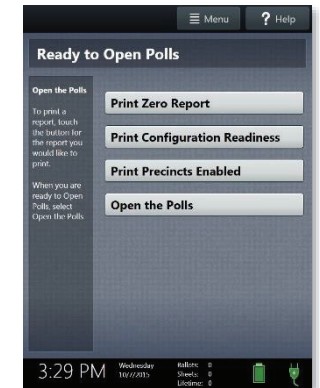
- If the precinct and/or party are incorrect, select **No, cancel** to return to the main menu.
- To issue a provisional access code, select **Mark as provisional**; for more information on provisional voting, see page 50.



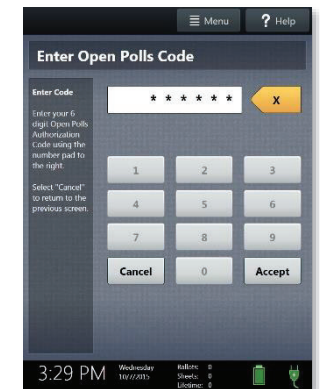
5. Select **Open the Polls.** You can also print a Configuration Readiness report, Precincts Enabled report, or additional copies of the Zero report, if your jurisdiction requires them.



IMPORTANT: Once you open polls, you can no longer print a Zero report.



6. Enter the Open Polls Code, and then select **Accept.** The Open Polls report will print. ▶



7. Wait while the Open Polls report prints. File the Zero and Open Polls reports according to local guidelines.

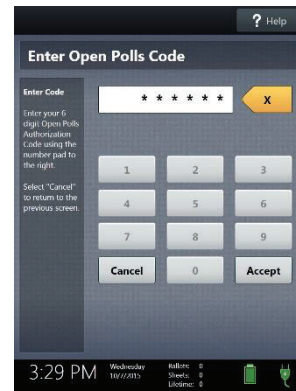
reopening polls

(Early Voting)

1. To reopen polls after polls have been suspended, power on the Verity Scan.

NOTE: When reopening polls, you will not print a Zero report.

2. Enter the Open Polls Code, and then select **Accept**. The Open Polls report will print. ▶



3. Wait while the Open Polls report prints. File the Open Polls report according to local guidelines.

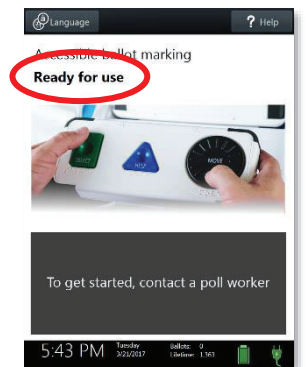
voting with Touch Writer

overview: Verity Touch Writer

Verity Touch Writer is an accessible ballot marking device. On Verity Touch Writer, poll workers will activate a ballot, and then allow the voter to begin voting. When they are finished voting, the voter will print the marked ballot. The voter can then verify their choices using Verity Reader (if available). The voter will cast their ballot using Verity Scan, or into a ballot box to be processed centrally.

activating a ballot

1. When the device is ready to be used for marking ballots, the "Ready for Use" screen will display.
2. Press and hold your finger on the **Ready for Use** button to continue (or, alternately, press the blue poll worker button on the back of the Touch Writer). ▶



3. Enter the Poll Worker Code and select **Accept**. ▶



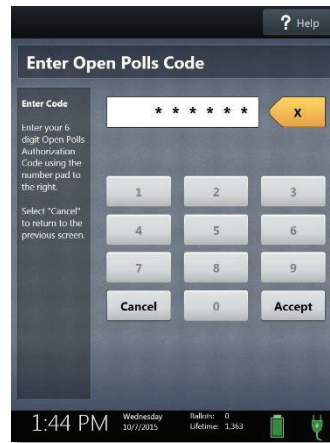
reopening polls

(Early Voting)

1. To reopen polls after polls have been suspended, power on the Verity Touch Writer.

NOTE: When reopening polls, you will not print a Zero report.

2. Enter the Open Polls Code, and then select **Accept**. The Open Polls report will print. ►



3. Wait while the Open Polls report prints. File the Open Polls report according to local guidelines.

voting with Verity Scan

overview: Verity Scan

Verity Scan is a polling place-based scanner used to scan and cast paper ballots whether they are hand-marked, or marked using Verity Touch Writer (for Touch Writer instructions, see page 26).

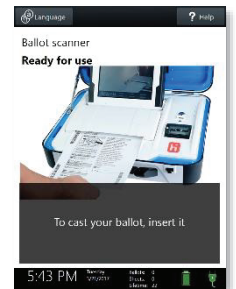
instructions for hand-marking ballots

1. The voter fills in the selection box to the left of their choices completely using blue or black ink.
2. When the voter has finished marking their ballot, they take the ballot to Verity Scan to cast their ballot.

scanning ballots with Verity Scan

1. Verity Scan is ready to scan when you see the **Ready to Use** screen. ►

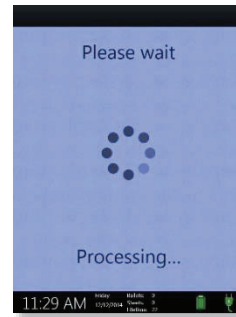
IMPORTANT: In elections with multi-sheet ballots, voters must receive all sheets for their ballot. Voters should be instructed to scan all sheets of their ballot, even if they have made no choices on a particular sheet. See page 20 for more information.



2. The voter removes the ballot privacy sleeve (if applicable) and inserts the voted ballot into Verity Scan. Flashing green arrows indicate the location and direction of the scanner feed. Ballots must be fed short-edge first, but may otherwise be scanned in any orientation. ►



3. After scanning their ballot, the voter waits a moment while the ballot is processed. ►



4. The voter's ballot has been cast when Verity Scan displays the American flag. If enabled, an audible chime will also sound. ►



Verity Scan help and features

The **Help** button is located at the top right of the Verity Scan screen. This button provides the voter with help text for the voting step currently underway. Select **Exit Help** on the bottom right of the Help screen to return to scanning ballots.

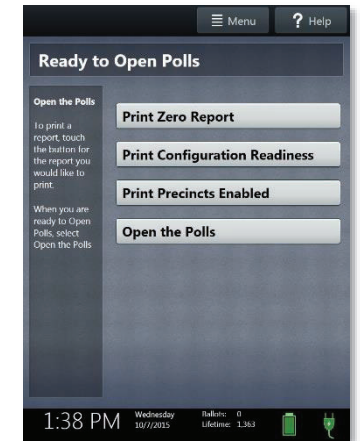
If multiple languages are available, Verity Scan will also display a **Language** button in the upper left. Selecting the language button will allow the voter to choose from a list of available languages in which to display any instructions or messages.

troubleshooting

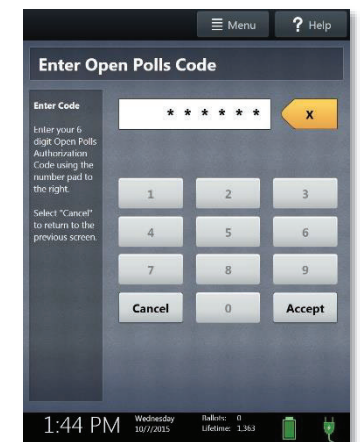
If there is a problem with the Verity Scan, follow the error instructions on the screen (if applicable), and/or contact your elections office for assistance.

5. Select **Open the Polls**. You can also print a Configuration report, Precincts Enabled report, or additional copies of the Zero report, if your jurisdiction requires them. ►

IMPORTANT: Once you open polls, you can no longer print a Zero report.



6. Enter the Open Polls Code, and then select **Accept**. The Open Polls report will print. ►



7. Wait while the Open Polls report prints. File the Zero and Open Polls reports according to local guidelines.

opening polls

You must open polls on the first day that voting will occur on that device. For instructions on reopening polls on the second or subsequent day of multiple-day voting events, see page 40.

1. Setup and power on the Verity Touch Writer. **Confirm that you are running on AC power** (see page 35).
2. Select **Print Zero Report**. ▶

NOTE: If you are reopening polls during subsequent days of a multiple-day voting event, then you will not print a Zero report. See page 40.



3. Wait while the Zero report prints (on the built-in report printer). Using the Zero report, check the following:
 - Verify the ballot count total on the Zero report is ZERO and enter it in the Reconciliation Log.
 - Verify that the polling place on the report is correct.

IMPORTANT: If these items are incorrect, contact your elections office.
4. Verify that the clock in the bottom left corner of the screen displays the correct time.

IMPORTANT: If the clock is incorrect, contact your elections office.

spoiling printed paper ballots

To spoil a printed paper ballot, follow your local procedures (for example, filling out a spoiled ballot log and envelope).

undervotes, overvotes, and blank ballots on Verity Scan

If scanning hand-marked paper ballots, and the voter has *overvoted* (marked more than the allowed number of choices in a contest), Verity Scan may prompt the voter to choose whether to:

- a) Remove their ballot and request a new ballot from the poll worker, or
- b) Cast their ballot as-is (overvoted contests will not be counted)

If the voter has left a ballot or contest blank, the voter may be prompted to choose whether to:

- a) Remove their ballot and make changes, or
- b) Cast their ballot as-is (blank contests will not be counted)

The voter prompts that appear on Verity Scan will vary depending on how the election was set up (determined by your jurisdiction). Follow the directions on the Verity Scan screen. In some jurisdictions, the voter will be prompted to contact a poll worker, and the poll worker must press the poll worker button to accept a ballot as-is.

provisional ballots

- **IMPORTANT: Verity Scan will not accept provisional ballots printed from Touch Writer. Preprinted ballots used for provisional voting should never be scanned at the polling place using Verity Scan.**
- Follow your local jurisdiction's guidelines for the issuing and handling of paper provisional ballots.
- Procedures vary from jurisdiction to jurisdiction; a typical procedure may require that provisional ballots be placed in a provisional ballot envelope, which is then placed in the emergency ballot bag (see page 20).

the emergency ballot bag and emergency ballot slot

A separate, secure bag for unscanned ballots is included inside the ballot box. It is accessible through an additional locking door located on the back of the Verity Scan ballot box. ▶



The emergency ballot slot on the top of the ballot box also feeds into this bag. This slot should remain sealed unless the Verity Scan device cannot accept ballots. ▶



multi-sheet ballots and Verity Scan

When issuing paper ballots with multiple sheets, voters must receive all sheets for each ballot. Voters should be instructed to scan all sheets of their ballot, even if they have made no choices on a particular sheet.

- The Verity Scan ballot counter will increment when a sheet 1 is scanned but not when a sheet 2 (or higher) is scanned. If sheet 2 of a 2-sheet ballot is scanned without a sheet 1, the ballot counter will not increment, but all votes on sheet 2 will be counted accurately.
- If the voter has not yet scanned any part of the ballot and the voter realizes that a sheet needs to be spoiled, it is generally considered best practice to spoil and replace all ballot sheets. While not necessary, this may assist in the location of all ballot sheets in the event of an audit or recount.
- If not all sheets can be spoiled (i.e. one sheet has already been scanned), spoil the remaining sheet(s) of the ballot, provide replacement sheet(s), and spoil the unused sheets from the replacement ballot.

report printer operation

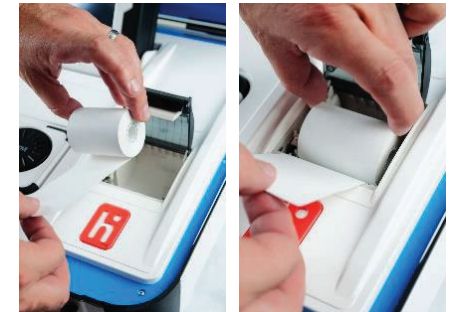
1. The thermal report printer is located on the right-hand side of the Verity Touch Writer. ▶



2. To open the paper compartment: While standing in front of the device, pull the lever on the top of the printer cover towards you and lift up to open the paper compartment. ▶



3. To replace paper: Place the new paper roll into the printer as shown. Paper must roll up from the bottom. ▶



4. Close the printer cover. The paper must extend out from underneath the front edge of the cover. The white button can be used to advance the paper. ▶



poll worker button

The blue poll worker button is located on the back of Verity Touch Writer. This button is used for certain actions such as printing reports and activating ballots. ▶



about Verity Access

Verity Access is intended for voters that cannot, or prefer not to, use the touchscreen. Verity Access includes two connection ports: the left connection port for headphones, and the right connection port for any dual-switch input device (such as tactile switches or sip-and-puff devices). With Verity Access, a voter can:

- Navigate through a ballot with the **Move** wheel
- Make selections on a ballot with the **Select** button
- Activate help text using the **Help** button

installing headphones and tactile switches

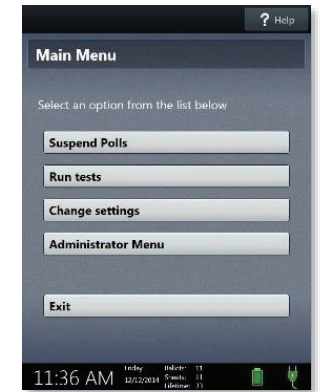
1. Lift the Verity Access from its cradle.
2. Plug the headphones into the headphone port on the top left of the Verity Access. ▶
3. Plug the tactile switches, sip-and-puff, or any other dual-switch input device into the port on the top right of the Verity Access. ▶



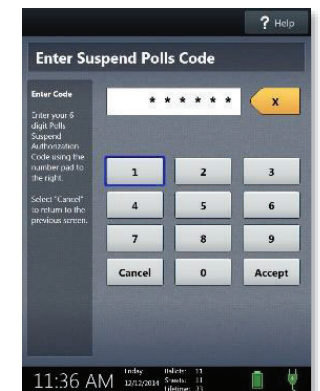
suspending polls

(Early Voting)

1. Press the *blue* poll worker button on the back of the Verity Scan.
2. Select **Suspend Polls**. ▶



3. Enter the Suspend Polls Code and select **Accept**. A Suspend Polls report will print automatically. ▶



- Polls are now suspended. Print and file reports available on the screen as required by your jurisdiction. Available reports may vary and are configured by the election officials in your jurisdiction. You may use the space below to document local requirements.

local reporting requirements

- When you have finished printing reports, press the *red* power button on the back of the Verity Scan to power it off. ▶



IMPORTANT: Wait for the Verity Scan to be completely powered down and showing a black screen if you will be unlocking and removing the tablet. If stowing the tablet, make sure to lock it in with the key *and* pull the blue latch down to secure it in place.

- Follow your local jurisdiction's guidelines, including chain-of-custody procedures, when transferring equipment, vDrives, and/or ballots to your central counting location. If you are leaving equipment in place, be sure to properly secure all equipment, preferably behind a locked door. You may use the space below to document local transfer procedures.

local procedures

Touch Writer orientation

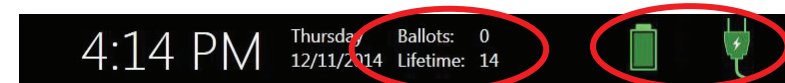
screen orientation

When powered up for the first time the device is used during a voting event, the Verity Touch Writer should display the Print Zero Report screen. ▶

NOTE: If you are reopening polls during subsequent days of a multiple-day voting event, then you will not print a Zero report. See page 40.



In addition to the date and time, the following appears at the bottom of the screen:



- Ballots:** The number of ballots printed using the Verity Touch Writer for the current election; at the start of a voting event, this number should be zero.
- Lifetime:** The number of ballots printed using the Verity Touch Writer for the lifetime of the device (for all elections).
- AC and battery power indicators:** A green battery icon indicates the battery is connected; a green plug icon indicates AC power is connected. Specific battery power level can be found on the Touch Writer Power-On Self Test report.

NOTE: If AC power is not available, the device will automatically switch over to battery power, and a warning message will display. To dismiss the message and continue operating on battery power, touch "If the power is out, touch here to use battery". If a voting session is in progress, this message will not appear until the session is completed.

When battery power is low, and AC power is disconnected, a warning message will appear on the device screen. Reconnect the device to AC power.

12. Press the *red* button on the back of the Verity Touch Writer to power it on. ▶

- During the power on process, a Power-On Self Test report will print on Touch Writer's built-in report printer. This report will indicate any hardware or connection issues; if any issues are noted, check connections and power off the printer and the Touch Writer. Power the printer on first before powering on the Touch Writer.



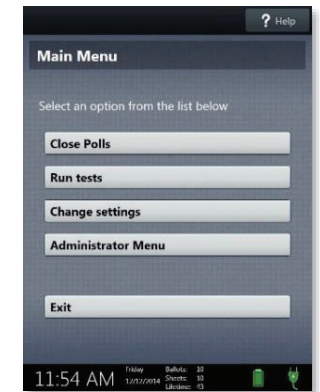
13. (if applicable) If your jurisdiction uses the AutoBallot barcode reader: Wait until the Verity Touch Writer finishes powering up and displays the **Print Zero Report** screen, and then connect the AutoBallot barcode reader to the USB connection located on the vDrive compartment above the report printer. ▶



closing polls

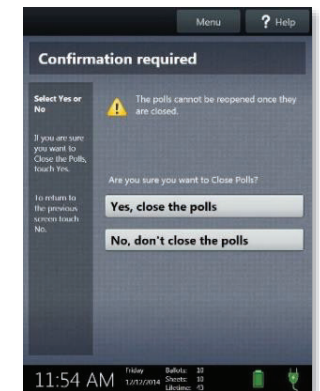
IMPORTANT: Wait until the close polls time to close polls. Once polls are closed they cannot be reopened on that Scan device.

1. Press the *blue* poll worker button on the back of the Verity Scan.
2. Select **Close Polls**. ▶

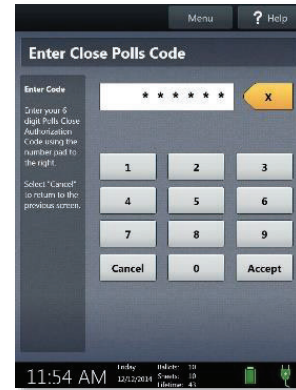


3. Select **Yes, close the polls**. ▶

IMPORTANT: Once polls have been closed, they cannot be reopened on that Scan device.



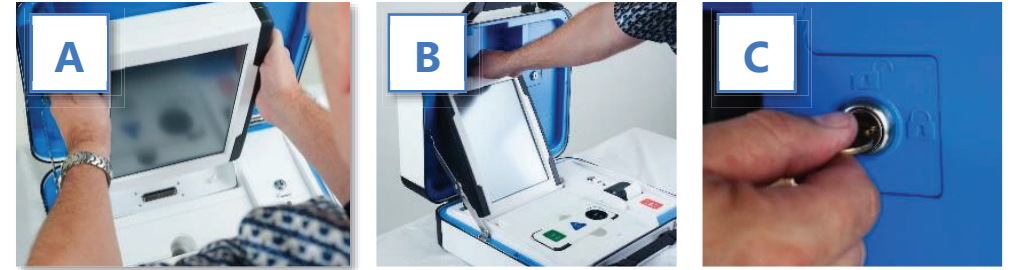
4. Enter the Close Polls Code and select **Accept**. The Close Polls report will print automatically. ▶



5. The polls are now closed. Print and file reports available on the screen as required by your jurisdiction. The available reports may vary and are configured by the election officials in your jurisdiction. You may use the space below to document local requirements.

local reporting requirements

8. Seat the tablet in the cradle (A), tilt it back (B), and lock it in place (C). ▼



9. Verify the Verity Touch Writer device seals, per local procedure. Attach privacy screens to both sides of the booth. ▶



10. Plug the power cord into AC power. A green light should illuminate on the power brick when AC power is present. ▶



11. Press the switch on the bottom right side of the ballot printer to power it on.



5. Plug the flat end of the USB printer cable from the ballot printer into the back of the Verity Touch Writer, with the notch facing up. ▼



6. Open the Verity Touch Writer case and lock the lid brace in place. ►

IMPORTANT: Never tilt a device up by the handle while cords are connected – this can damage the cord where it connects to the device, or cause damage to the device itself.



7. Unlock (A), unlatch (B), and remove the tablet (C). ▼



6. When you have finished printing reports, press the red power button on the back of the Verity Scan to power it off. ►



IMPORTANT: Wait for the Verity Scan to be completely powered down and showing a black screen if you will be unlocking and removing the tablet. If stowing the tablet, make sure to lock it in with the key *and* pull the blue latch down to secure it in place.

NOTE: The Verity power cord has a locking connector. When inserting the connector into a Verity device, it will make a small “click.” To disconnect the power cord, grasp the cord at the base of the black connector molding where it connects to the Verity device, and slide back the sleeve. This will unlock the connection so that the cord may be removed.

7. Follow your local jurisdiction’s guidelines, including chain-of-custody procedures, when transferring equipment, vDrives, and/or ballots to your central counting location. If you are leaving equipment in place, be sure to properly secure all equipment, preferably behind a locked door. You may use the space below to document local transfer procedures.

local procedures

Verity Touch Writer

Verity Touch Writer is an accessible ballot marking device; any voter may use Touch Writer to make their ballot selections using either the touchscreen, or the Verity Access (described below). Once a voter has finished voting and reviewed their choices, they will then print a paper ballot, marked with their choices, from the attached printer. The voter then retrieves and casts the ballot, either using Verity Scan, or into a ballot box to be processed centrally.



Verity Access is an Audio-Tactile Interface (ATI) intended for voters that cannot, or prefer not to, use the touchscreen. Verity Access includes two connection ports: the left connection port for headphones, and the right connection port for any dual-switch input device (such as tactile switches or sip-and-puff devices).



vDrives are used to transfer digital ballot styles from the Verity election definition software to Verity Touch Writer, and to transfer device audit log data from Verity Touch Writer to Verity software (vote data is not stored on Verity Touch Writer). vDrives are inserted into a standard USB port located in a locked and sealed compartment; each Verity Touch Writer has its own vDrive.

NOTE: Software startup for each unit may take several minutes, due to security and data integrity checks that the Verity software performs. This process is included in the design of the Verity Voting System to verify the authenticity of the software before allowing it to operate.

setting up the Verity Touch Writer

- 1. Set the Verity Touch Writer on top of the booth, aligning footpads with the indentations (the handle on the front of the Touch Writer should face the same direction as the handle on the booth). ▶



- 2. Stand at the front of the booth. Reach under the front of the booth top and push the latch away from you to secure the Touch Writer to the booth. ▶



- 3. Follow local procedures to remove the tamper seal from the Touch Writer handle, if applicable. Unlock the case (if locked). Open the case and remove the power brick and power cord from the storage compartment. Close the compartment and case. ▶



- 4. Plug the power cord into the power brick, and then plug the power brick into the back of the Verity Touch Writer (flat side up). ▼

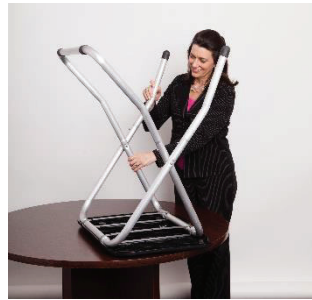
IMPORTANT: Do not plug the power cord into the wall yet.



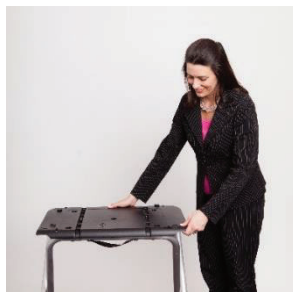
3. Attach the rear leg assembly. Press the metal buttons to attach and lock it into place. ▼



4. Attach the front leg extensions. Press the metal buttons to attach each leg and lock them into place. ▼



5. Turn the booth over to set up the Verity Touch Writer. ▼



setting up Touch Writer

setting up the ballot printer

1. Set up the ballot printer table and set the ballot printer on the table.

2. Plug in the square end of the USB printer cable into the printer. (The flat end will be plugged into the Verity Touch Writer.) ►



3. Insert the printer power cord into the printer and the other end into an outlet or UPS/battery backup. ►



4. Load the ballot printer with appropriate ballot paper. Note that the paper size will vary by election, and that the printer tray used may vary depending on the types of printers and accessories used in your jurisdiction. Follow local procedures.

Loading ballot paper in the main tray (Tray 1)

- a) Pull out the tray 1 drawer on the printer. ►



- b) Load paper in the tray. If necessary, push the blue tab and pull the paper guide to the appropriate setting (Letter/8.5"x11", or Legal/8.5"x14"). Paper sizes larger than 8.5"x14" require a tray extender (not available in all jurisdictions).



- c) The main tray extender kit for 17"/20" ballots includes two parts:
- The front piece installs into the MP Tray door, and is used to support the ballots as they exit the printer.
 - The rear piece replaces the stock paper stop and rear tray extension cover. Once installed, the extender can support 14", 17", and 20" paper; however, the stock paper stop must be reinserted to support 11" paper.
- d) Reinsert and close the paper tray. ▶



Loading ballot paper in the manual paper tray (MPT)

In some jurisdictions, the manual paper tray must be used for larger paper sizes; follow local procedures.

- a) Open the front Manual Paper Tray (MPT) and extend the tray as shown. ▶
- b) If applicable, place the optional tray extender in the tray. ▶
- c) Load ballot paper in the tray. Ensure the paper guides on the sides of the tray are set snug to the paper.
5. Do not power on the printer at this time.



setting up the voting booth

1. Remove booth parts from the transport bag. A complete set of booth parts includes the booth table, rear leg assembly, front leg extensions, and privacy screens. ▼



2. Release bungee cords holding the booth legs, if present. Unfold the legs from booth table. Pull on the handle and lift to lock the legs into place. ▶



Test Report

Hart InterCivic

Verity Voting 2.3

State Certification Testing

August 12-14, 2019

Virginia State Board of Elections

1100 Bank Street, 1st floor

Richmond, VA 23219

1 Authority

Section § 24.2-629 of the *Code of Virginia* authorizes the Virginia State Board of Elections, in the manner prescribed by the Board, to have examined a production model of such equipment and ballots associated with a vendors request for State Certification.

The corresponding Virginia State Certification of Voting Systems *Requirements and Procedures* (Rev. 3/3/2010) prescribes the manner of which the Virginia State Board of Elections will conduct the state certification testing. Subsequent to the evaluation, the Board is required to prepare and file in its office a report of its finding as to:

- (i) the apparent capability of such equipment to accurately count, register, and report votes;
- (ii) whether the system can be conveniently used without undue confusion to the voter;
- (iii) its accessibility to voters with disabilities;
- (iv) whether the system can be safely used without undue potential for fraud;
- (v) the ease of its operation and transportation by voting equipment custodians and officers of election;
- (vi) the financial stability of the vendor and manufacturer;
- (vii) whether the system meets the requirements of this title;
- (viii) whether the system meets federal requirements;
- (ix) whether issues of reliability and security identified with the system by other state governments have been adequately addressed by the vendor; and
- (x) whether, in the opinion of the Board, the potential for approval of such system is such as to justify further examination and testing.

2 Background

Following the steps prescribed in the Virginia State Certification of Voting Systems *Requirements and Procedures* (Rev. 4/2012), Hart InterCivic initiated the certification evaluation by a letter to the Virginia State Board of Election. Additionally, Hart InterCivic provided their corresponding Technical Data Package and Corporate Information (required under step 2 of the *Requirements and Procedures*) along with the letter. Both submissions were deemed complete and in sufficient detail to warrant Step 3, the Preliminary Review. During the preliminary review, the state-

designated evaluation agent (SLI Compliance) conducted a preliminary analysis of the TDP, Corporate Information, and other materials provided and prepared an Evaluation Proposal (i.e. Test Plan). The evaluation was conducted on August 12-14 in the State Board of Elections offices in Richmond, Virginia.

The Verity Voting 2.3 system, was successfully certified by the EAC on March 15th, 2019, signifying successful completion of conformance testing to the 2005 *Voluntary Voting System Guidelines (VVSG)*.

The evaluation focused on the Verity Data, Verity Build, Verity Central, Verity Count, Verity Scan, Verity Touch Writer with Access and Verity Print.

3 Testing Overview

The evaluation of Verity Voting 2.3 system was designed to achieve the goals set forth in the test plan. The goals were constructed to verify that the Verity Voting 2.3 conforms to the *Code of Virginia*. The evaluation successfully addressed each of the test goals in the following way:

Test Goal	Testing Response
Ensure Verity Voting 2.3 provides support for all Virginia election management requirements (i.e. ballot design, results reporting, etc).	This was tested by evaluating the Verity Voting 2.3 with 7 Virginia specific election scenarios using a combination of different ballot programming approaches, ballot designs, ballot sizes, languages, and tabulators. The programmed elections were actual elections from Virginia counties. The end-to-end scenario was directly from elections in Virginia.
Simulate pre-election, Election Day, absentee, and post-election activities on the Verity Scan and corresponding components of the Verity Voting 2.3 EMS for 7 election scenarios	The Verity Scan was tested in pre-election, in-person absentee, Election Day, absentee, post-election and recount situations and evaluated against documented behavior and expected results for all 7 scenarios.

Simulate pre-election, Election Day, and post-election activities on the Verity Touch Writer with Access device and corresponding components of the Verity Voting 2.3 EMS for 7 election scenarios

The Verity Touch Writer with Access was tested in pre-election, Election Day situations and evaluated against documented behavior and expected results.

Simulate pre-election, Election Day, and post-election activities on the Verity Central (G1100) and corresponding components of the Verity Voting 2.3 EMS for 7 election scenarios.

The Verity Central (G1100) was tested in pre-election, in-person absentee, Election Day, absentee, and post-election situations and evaluated against documented behavior and expected results.

Simulate pre-election, Election Day, and post-election activities on the Verity Central (G1130) and corresponding components of the Verity Voting 2.3 EMS for 7 election scenarios.

The Verity Central (G1130) was tested in pre-election, in-person absentee, Election Day, absentee, and post-election situations and evaluated against documented behavior and expected results.

4 Testing Setup

The evaluation consisted of 7 election scenarios to be executed utilizing one setup of the Verity Voting 2.3 system. It was configured in the standalone configuration with a single EMS workstation executing the Verity Voting 2.3 software detailed in section 0 below. This setup included five Verity Scan tabulators, two Verity Central (G1130) tabulators, one Verity Central (G1100) tabulator, one Verity Touch Writer with Access and one Verity Print.

The following election scenarios were used for the evaluation:

Pre-programmed scenarios:

1. Hanover 2009 Primary Election, 14-inch ballots
2. Chesterfield 2007 General Elections, 14-inch ballots

3. Chesterfield 2008 General Elections, 14-inch ballots
4. Chesterfield 2009 Primary Election, 11-inch ballots
5. Fairfax 2010 General Election Multi-Language (English, Spanish), 17-inch ballots
6. Fairfax 2011 Primary Election Multi-Language (English, Spanish), 17-inch ballots

End-to-end scenario:

7. Fairfax General Election (with Preference language) Multi-Language (English, Spanish), 11-inch ballots.
8. Recount for scenario 5, above.

The pre-programmed scenarios were programmed by Hart InterCivic prior to the evaluation and were executed from the point where the election definition was completed in Verity Data. Each testing scenario began with opening the election, reviewing the election definition, and proceeding with the remaining preparations for Election Day and absentee voting.

The end-to-end scenario created a new election for an existing county, generate elections definitions for the tabulators and verify loading of the election definition on the tabulators.

More details on the testing setup are found below:

Election Scenario	Ballot Programming	Verity Voting 2.3 Configuration	Equipment Used	Ballot Length	Languages	# Ballots Cast
Hanover 2009 Primary Election	Ballot Style	Standalone workstation	EV1.0, Verity Touch Writer WITH Access, Verity Scan, Verity Central (G1130), Verity Central (G1100)	14-inch	English	587
Chesterfield 2007 General Election	Precinct	Standalone workstation	EV1.0, Verity Touch Writer	14-inch	English	210

			WITH Access, Verity Scan, Verity Central (G1130), Verity Central (G1100)			
Chesterfield 2008 General Election	Ballot Style	Standalone workstation	EV1.0, Verity Touch Writer WITH Access, Verity Scan, Verity Central (G1130), Verity Central (G1100)	14-inch	English	504
Chesterfield 2009 Primary Election	Ballot Style	Standalone workstation	EV1.0, Verity Touch Writer WITH Access, Verity Scan, Verity Central (G1130), Verity Central (G1100)	11-inch	English	315
Fairfax 2010 General Election	Precinct	Standalone workstation	EV1.0, Verity Touch Writer WITH Access, Verity Scan, Verity Central (G1130), Verity Central (G1100)	17-inch	English, Spanish	20,640
Fairfax 2011 Primary Election	Ballot Style	Standalone workstation	EV1.0, Verity Touch Writer WITH Access, Verity Scan, Verity Central (G1130), Verity Central (G1100)	17-inch	English Spanish	816
Fairfax 2012 Primary Election (End-to-End)	Precinct	Standalone workstation	EV1.0, Verity Touch Writer WITH Access, Verity Scan, Verity Central (G1130), Verity Central (G1100)	11-inch	English, Spanish	660

Fairfax 2010 General Recount	Precinct	Standalone workstation	EV1.0, Verity Touch Writer WITH Access, Verity Scan, Verity Central (G1130), Verity Central (G1100)	14-inch	English, Spanish	339
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4.1 Testing Candidate

Supporting the evaluation, Hart InterCivic provided the following components of the Verity Voting 2.3 system, which were verified by serial number, hardware version, and firmware/software version.

Virginia State Certification of Verity Voting 2.3 Compliance: 2005 VVSG Standard		Verity Voting 2.3 VA Certified: TBD
Election Management System (EMS)	Verity Data	2.3.1
	Verity Build	2.3.1
	Verity Count	2.3.1
Hart InterCivic Tabulators	Verity Scan Precinct Tabulator	2.3.1
	Verity Central Tabulator (G1130)	2.3.1
	Verity Central Tabulator (G1100)	2.3.1
Ballot Marking Device	Verity Touch Writer with Access	2.3.1
Ballot Printing Device	Verity Print	2.3.1

4.2 Test Decks

Test decks for the pre-programmed scenarios were provided by Hart InterCivic and verified by the test team. Ballots were provided and marked in the manner prescribed in the Test Plan.

5 Findings

The evaluation followed the procedure as provided in Section 6 of the Test plan. During the procedure, the test team (including members of the State Board of Elections and the evaluation agent) made observations of general system behavior and verified specific behavior related to Virginia legal requirements. Therefore, the findings are organized below into findings related to each Virginia requirement and other findings which were reported during the evaluation.

5.1 Virginia Requirements

The evaluation of the Verity Voting 2.3 system produced the following findings for each requirement of the *Virginia Code*. For each requirement, the Verity Voting 2.3 system was evaluated for its ability to meet and pass the requirement and whether or not anomalies were reported.

1. § 24.2-629. The voting system shall accurately count, register, and report votes.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ All results reports provide the correct/expected results for the test ballots inserted. This includes individual machine aggregated results.
- ✓ Public and protected counters increment for each ballot.

The evaluation of the Verity Voting 2.3 system found that the tabulated results matched the expected results for each test deck of ballots inserted into each tabulator. The public counters incremented appropriately and tabulator audit logs correctly recorded ballot tabulation events. The Verity Scan, Verity Central (G1130) and Verity Central (G1100) each provided a protected counter which correctly incremented with each ballot tabulated. The Verity Voting 2.3 EMS correctly aggregated and reported results from each of the various tabulators into pre-defined and consolidated reporting groups. Comparison of the results tapes from individual machines and the result reports generated in EMS with the test ballots for all eight election scenarios was used as the basis for verifying accurate counting and reporting of votes.

- 2. § 24.2-629. The voting system shall provide the ability for voting for all candidates of as many political parties as may make nominations at any election; on as many questions as may be submitted at any election; and at all general or special elections, permit the voter to vote for all of the candidates of one party or in part for the candidates of one or more parties.**

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Election scenarios (including primary elections) are fully supported by voting system without anomaly or burden.
- ✓ The voter is allowed to vote as intended and otherwise permissible.
- ✓ Overvotes are correctly handled and reported.
- ✓ Undervotes are correctly handled and reported.
- ✓ Blank ballots are correctly handled and reported.
- ✓ Write-Ins are correctly handled and reported.

The Verity Voting 2.3 system supported primary election and general election scenarios of various setups and sizes without anomaly or burden. The evaluation found that the Verity Voting 2.3 system provided the ability for voting for all candidates of as many political parties as were nominated in the election scenarios. Furthermore, the system demonstrated the ability for the voter to vote for all candidates of one party or in part for the candidate of one or more parties.

- 3. § 24.2-629. The voting system shall enable the voter to vote for as many persons for an office as lawfully permitted; prevent the voter from voting for the same person more than once for the same office (only on DREs); and enable the voter to vote on any question he is lawfully permitted to vote on, but no other.**

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Voter is shown questions based on eligibility (i.e. precinct)
- ✓ Voter is only shown questions (s)he is eligible to vote on
- ✓ Voter is not shown questions (s)he is not eligible to vote on

- 8. § 24.2-629. The voting system shall enable each voter to vote for all the presidential electors of one party by one operation. It shall have a ballot containing the words "Electors For" preceded by the name of the party or other authorized designation and the names of its candidates for the offices of President and Vice-President and a mechanism which registers the collective vote cast for such electors.**

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Ballots designed, printed, voted, and tabulated in scenario 2 provided this language and behavior

Each tabulator supports the ability for each voter to vote for all the presidential electors of one party by one operation. The ballot design and printing capabilities of the Verity Voting 2.3 system provide for ballots containing the words "Electors For" preceded by the name of the party or other authorized designation and the names of its candidates for the offices of President and Vice-President. Additionally, the results reporting capabilities provide a mechanism to register a collective vote cast for each such elector presented on the ballot.

- 9. § 24.2-629. The voting system shall ensure voting in absolute secrecy; and systems requiring the voter to vote a ballot that is inserted in an electronic counting device shall provide for secrecy of the ballot and a method to conceal the voted ballot.**

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Audit logs contain no record of voter's identity.
- ✓ Ballot can be kept reasonable private through the use of a privacy sleeve.
- ✓ Ballot box provides secrecy protections and access controls.
- ✓ Voter is not required to have assistance when voting

No mechanism is available within the Verity Voting 2.3 system to connect a voted ballot back to the voter. The Verity Voting 2.3 system provides sufficient accessibility support to allow voters with disabilities to vote independently. No personal identifying information is required by the voting system in order to operate and no personal identifying information is transmitted to or stored by any ballot tabulator. Each precinct-count tabulator is provided with a secure ballot box (secured with lock/key and tamper-evident seals) to conceal the tabulated ballots.

Privacy sleeves and privacy booths can be used by a voter to conceal the ballot prior to insertion into the tabulator

10. §24.2-629 & 24.2-648. The voting system shall segregate ballots containing write-in votes from all others.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Each tabulator correctly out stacks ballots with valid write-in voters from ballots without write-in votes
- ✓ Write-in ballots are physically separated from other ballots.

Both the Verity Central (G1130) and Verity Central (G1100) tabulators provide the ability to segregate ballots containing write-ins from all other ballots. The Verity Scan detects write-ins on the ballots as they are tabulated and provides for adjudication in Verity Count. The Verity Central (G1130) and Verity Central (G1100) will detect a write-in during the tabulation and out stacks to a configurable tray in order for the operator to remove the write-in ballot and set it aside.

11. § 24.2-629. The voting system shall (for systems requiring the voter to vote a ballot that is inserted in an electronic counting device) report, if possible, the number of ballots on which a voter voted for a lesser number of candidates for an office than the number he was lawfully entitled to vote and the number of ballots on which a voter voted for a greater number of candidates than the number he was lawfully entitled to vote.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Each tabulator correctly records and reports the number of overvotes, undervotes, write-ins, and blank votes for each contest

The Verity Voting 2.3 system provides statistical counters for each contest which record the number of votes cast for each candidate/option on a question, the number of undervotes cast for that contest, and the number of overvotes cast for that contest. The statistical counters were evaluated during the testing by casting ballots with undervotes and overvotes in each contest. The results were verified to have correctly registered these undervoted and overvoted ballots.

12. § 24.2-629. The voting system shall be programmable, if possible, to allow such undervoted and overvoted ballots to be separated when necessary.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Each tabulator must demonstrate its ability to out stack (physically separate) ballots with either an undervote or overvote in one or more question

The Verity Voting 2.3 system provides various mechanisms for handling overvotes and undervotes which can be enabled/disabled by the election and machine setup: the Verity Scan can be set to query the voter upon detection of an overvote on the ballot and can also be set to query the voter upon detection of an undervote on any one specific question or a number of questions. The Verity Central (G1130) and Verity Central (G1100) can be set to detect overvotes and undervotes during the tabulation and out stack to a configurable tray in order for the operator to remove the ballot and set it aside.

13. § 24.2-629. The voting system shall provide the voter with an opportunity to correct any error before a permanent record is preserved.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Each precinct-based tabulator should query the voter when an under vote or overvote is detected on her ballot as to whether the voter intended on casting such a voter.
- ✓ The tabulator should respond appropriately to the voter's response by either returning the ballot to the voter or casting it as is.

The evaluation of the Verity Voting 2.3 system found that the Verity Scan can be programmed to query voters upon the detection of an undervote, overvote, or blank ballot. Upon detection, the voter is prompted with a message indicating the under, blank, or over vote detection and gives the option to cast the ballot as is, or to return the ballot for modification. The testing verified that voters are queried correctly and that the selection of the voter is followed by the tabulator.

- ✓ These functions are protected by sufficient access controls.

The evaluation of the Verity Voting 2.3 system found that officers of the election are provided a secure and access-controlled mechanism to open polls and determine the state of each device. At the close of polls, election officers are provided a mechanism to close polls and place each device in a state such that further voting is not permitted without special authorization. The opening and closing of polls on the Verity Scan, Verity Central (G1130) and Verity Central (G1100) is limited to administrative password access only.

17. § 24.2-629. The voting system shall be capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Each device stores tabulated results such that a sudden power failure during and after an election will not erase the results.

The Verity Scan, Verity Central (G1130) and Verity Central (G1100) store and retain existing votes on removable media as soon as each ballot is tabulated. Therefore, the evaluation showed that power failure during and after an election does not impact the storage of the tabulated results. The Verity Central (G1130) and Verity Central (G1100) also stores the tabulated results on persistent memory but requires the operator to Save Results in order to write results to the hard drive. If power is lost, any results tabulated but not saved to hard drive will be lost. All saved results are maintained.

18. § 24.2-629. The voting system shall provide an audit trail.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Each software module, tabulator, and supported electronic devices provides an accessible audit trail.
- ✓ Audit logs must be in human-readable form.
- ✓ Audit logs provide timestamps for all entries
- ✓ Audit logs provide entries for all privilege escalation events.

- ✓ Audit logs provide entries for all events impacting the tabulated results.
- ✓ Audit logs do not record voter identifying information or information related to the tabulated results.
- ✓ Audit logs record system or component failures

The evaluation of the Verity Voting 2.3 system showed that each software module, tabulator, and supported device provides an accessible audit trail. Audit logs are in human-readable format and available for printing. Audit logs provide timestamps for all entries and provide entries for all events impacting the tabulated results. The audit logs evaluated do not record voter identifying information or information related to the tabulated results. Furthermore, the evaluated audit logs provide sufficient detail to indicate system or component failures.

19. § 24.2-629. The voting system shall prevent fraudulent use.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Each component provides physical and logical access controls.
- ✓ Each component prevents unauthorized individuals from manipulating voting system configurations, controls, or tabulated results.
- ✓ Each component provides mechanisms for detecting fraudulent use from authorized and unauthorized actors.

The Verity Voting 2.3 system was determined to provide a sufficient level of security controls to prevent fraudulent use when coupled with standard security and ballot accounting procedures. For example, each component provides physical and logical access controls with the ability to use tamper evident seals to detect access attempts. Each component further prevents unauthorized individuals from manipulating voting system firmware, configurations, controls, or tabulated results without the proper access credentials. In conclusion, each component provides mechanisms for detecting fraudulent use from authorized and unauthorized actors.

Virginia State Board of Elections guidance documents.

23. § 24.2-613. The voting system shall provide ballot generation capabilities that support the ordering of the names of candidates according to § 24.2-613. Form of ballot.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Generated ballots providing the ordering of names are required

The ballot design and generation capabilities provided by the Verity Voting 2.3 system provide election officials the ability to comply with this Virginia ballot design requirement for ordering the names of candidates.

24. § 24.2-613. The voting system shall provide ballot generation capabilities that support the following ballot requirement:

candidates for federal, statewide, and General Assembly offices only shall be identified by the name of his political party. (The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.)

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Ballots generated for one or more of the election scenarios meet this description

The ballot design and generation capabilities provided by the Verity Voting 2.3 system provide election officials the ability to comply with this Virginia ballot design requirement for identifying candidates.

25. § 24.2-613. The voting system shall provide ballot generation capabilities that support the following ballot requirement:

Independent candidates shall be identified by the term "Independent." The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

✓ Ballots generated for one or more of the election scenarios meet this description

The ballot design and generation capabilities provided by the Verity Voting 2.3 system provide election officials the ability to comply with this Virginia ballot design requirement for identifying independent candidates.

26. § 24.2-613. The voting system shall provide ballot generation capabilities that support the following ballot requirement:

No individual's name shall appear on the ballot more than once for the same office.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

✓ Ballots generated for one or more of the election scenarios meet this description

The ballot design and generation capabilities provided by the Verity Voting 2.3 system provide election officials the ability to comply with this Virginia ballot design requirement for an individual's name not appearing more than once for the same office.

27. § 24.2-613. The voting system shall provide ballot generation capabilities that support the following ballot requirement:

In preparing the ballots for general, special and primary elections, the electoral boards shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates who may be voted for that office. The following language shall be used: "Vote for not more than".

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Ballots generated for one or more of the election scenarios meet this description

The ballot design and generation capabilities provided by the Verity Voting 2.3 system provide election officials the ability to comply with this Virginia ballot design requirement for preparation of ballots.

28. § 24.2-614. The voting system shall (for presidential election ballots) provide ballot generation capabilities that support the following ballot requirement:

The ballot shall contain the name of each political party and the party group name, if any, specified by the persons naming electors by petition pursuant to § 24.2-543. Below the party name in parentheses, the ballot shall contain the words "Electors for, President and, Vice President" with the blanks filled in with the names of the candidates for President and Vice President for whom the candidates for electors are expected to vote in the Electoral College.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Ballots generated for one or more of the election scenarios meet this description

The ballot design and generation capabilities provided by the Verity Voting 2.3 system provide election officials the ability to comply with this Virginia ballot design requirement for names of political parties and party group names.

29. § 24.2-640. The voting system shall provide ballot generation capabilities that support the following ballot requirement:

The names of the various candidates shall be printed in type not less than fourteen point.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

✓ Ballots generated for one or more of the election scenarios meet this description
The ballot design and generation capabilities provided by the Verity Voting 2.3 system provide election officials the ability to comply with this Virginia ballot design requirement for print size.

30. § 24.2-615. The voting system shall provide ballot generation capabilities that support the following ballot requirement:

Ballots generated by the voting systems shall be uniform throughout the election district in which the same candidates are running to fill the same offices and throughout the district in which a question is submitted to the voters.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

✓ Ballots generated for one or more of the election scenarios meet this description
The ballot design and generation capabilities provided by the Verity Voting 2.3 system provide election officials the ability to comply with this Virginia ballot design requirement for ballot uniformity.

31. § 24.2-640. The voting system shall provide ballot generation capabilities that support the following ballot requirement:

All candidates shall be arranged on each device or other ballot to be electronically counted, either in columns or horizontal rows, and the caption of the various ballots on the devices shall be placed so that the voter knows what feature is to be used or operated to vote for his choice.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

✓ Ballots generated for one or more of the election scenarios meet this description

The ballot design and generation capabilities provided by the Verity Voting 2.3 system provide election officials the ability to comply with this Virginia ballot design requirement for candidate arrangement.

32. § 24.2-530. The voting system shall allow any qualified person to vote at the primary but shall prevent the person from voting for candidates of more than one party.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

✓ Primary Election scenarios shall have separate ballots for each party.

✓ Ballot tabulators tabulate each party's ballot separately.

The Verity Voting 2.3 system generates separate ballots for each political party's offices and only list persons for that party. The Verity Voting 2.3 system also tabulates and reports results for each party separately. Therefore, once a voter receives a ballot for a specific party, he is only able to cast a vote for candidates of that party.

33. § 24.2-529. The voting system shall provide ballot generation capabilities that support the following ballot requirement:

The primary ballots for the parties taking part in a primary shall be composed, arranged, printed, delivered, and provided in the same manner as the general election ballots except that at the top of each official primary ballot shall be printed in plain black type the name of the political party and the words "Primary Election." The names of the candidates for various offices shall appear on the ballot in an order determined by the priority of the time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by

the electoral board or the State Board as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections.

Passed: Yes

Anomalies Reported:

None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

✓ Ballots generated for one or more of the election scenarios meet this description
The ballot design and generation capabilities provided by the Verity Voting 2.3 system provide election officials the ability to comply with this Virginia ballot design requirement for primary elections.

34. § 24.2-623. The voting system shall have a lock and key and an opening of sufficient size to admit a single folded or unfolded ballot and no more.

Passed: Yes

Anomalies Reported:

None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Physical inspection of the ballot containers confirm this attribute.
- ✓ The container has separate compartments for ballot segregation.

The ballot insertion path provided on the Verity Scan, Verity Central (G1130) and Verity Central (G1100) tabulators were confirmed to have an opening of sufficient size to admit a single unfolded ballot (1 sheet) and no more. Each scanner detected and rejected attempts to cast more than one ballot (1 sheet) at a time. The ballot boxes provided with the Verity Scan tabulators were confirmed to have a lock and key protection for the ballot box and there was no other unsecured ballot entry path to the counted-ballots bin of the ballot box other than through the tabulator itself.

35. § 24.2-653. The voting system shall (for ballot containers paired with voting tabulation devices) support the following handling of provisional ballots:

The voter shall then, in the presence of an officer of election, but in a secret manner, mark the ballot as provided in § 24.2-644 and seal it in the green envelope. The envelope containing the ballot shall then be placed in the ballot container by an officer of election.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Physical inspection of the ballot containers confirm this handling of provisional ballots is afforded.

The ballot boxes evaluated with the Verity Voting 2.3 system provided a separate and secure partition of the ballot box to insert and store provisional uncounted ballots.

36. 24.2-625.2. The voting system shall not utilize wireless technology of any type with any of the voting system modules to transfer data.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ All data used in the course of the testing is transferred by means of a physical electronic device or communication medium.
- ✓ Wireless technology is disabled or removed from each voting system component.

The evaluation confirmed that no component of the Verity Voting 2.3 system was utilizing wireless technology to transfer data.

37. § 24.2-640. The voting system shall not utilize a knob, key lever or other device to vote for any candidate other than on an individual basis except for presidential electors. (i.e. the voting system must not use straight party voting function, or have mechanism disable it and continue to perform all other functions as required)

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Straight party voting can be disabled in the election configuration.

- ✓ When disabled, the voter is unable to cast a vote for more than one candidate at a time (with the exception of presidential electors).
- ✓ Tabulation logic records only one vote per voter mark

The Verity Voting 2.3 system has an option in the election setup to disable straight party voting. When disabled, straight party voting is not supported by any component of the voting system and the voting system complies with this requirement.

38. § 24.2-626. The voting system shall provide accessible voting capability if the voting system submitted is a Direct Recording Electronic (DRE). Otherwise, DREs are not permitted for use in Virginia.

Passed: Not Applicable

Anomalies Reported: None

The submitted Verity Voting 2.3 system does not include a Direct Recording Electronic (DRE) device.

39. § 24.2-626.1. The voting system shall include provisions which allow individuals with disabilities at each polling place, including non-visual accessibility for the blind and visually impaired, to vote in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Provides correct non-visual presentation of ballot to voter
- ✓ Provides mechanism for non-visual marking of the ballot
- ✓ Preserves the integrity of the ballot
- ✓ Correctly transcribes the voter's intent onto the ballot
- ✓ Ballots are correctly read by each precinct-count tabulator
- ✓ Various contrast ratios for visually impaired voters
- ✓ Various font sizes for visually impaired voters
- ✓ Does not require the voter to have assistance during the voting process
- ✓ Provides adjustable volume control

- ✓ Provides assistance for voters with dexterity and mobility impairments.

The Verity Voting 2.3 system provides provisions for voters with disabilities at the polling place.

40. § 24.2-626.1. The voting system shall provide alternative language accessibility.

Passed: Yes **Anomalies Reported:** None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Multi-lingual election scenarios provide all voter facing instructions, warnings, and other presented language in Spanish.
- ✓ Accessibility provisions are supported in Spanish.

The Verity Voting 2.3 system was evaluated for its alternative language accessibility with election scenarios with English and Spanish translations on the ballot. All ballot styles were generated with both translations and were used to verify that each tabulator correctly tabulated multi-lingual ballots.

41. § 24.2-657. The voting system shall provide printed return sheets to display the tabulation results, which include the votes recorded for each office on the write in ballots and the vote on every question.

Passed: Yes **Anomalies Reported:** None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Results reporting from individual machines and in aggregate provide the tabulated results for each candidate and option for each question for each precinct (or division of the election scenario).
- ✓ Results reporting from individual machines and in aggregate provide the number of write-ins, overvotes, and undervotes for each question for each precinct (or division of the election scenario).

Results reports provided by ballot tabulators provide the tabulation results with the numbers of write-ins and votes recorded for each office and question on the ballot.

42. § 24.2-658. The voting system shall provide (from each device) two copies printed return sheet containing the results of the election.

Passed: Yes

Anomalies Reported: None

The Verity Voting 2.3 system met the following condition(s) of satisfactions:

- ✓ Each devices provides two copies of its tabulated results

Each device demonstrated the capability to print at least two copies of the results report. Furthermore, each device demonstrated the capability to print long (all precincts) and short (totals only) results reports.

6 Conclusions

The Verity Voting 2.3 system, presented for examination, meets the requirements of Virginia Election Laws §24.2. As the evaluation agent, SLI Compliance recommends the Verity Voting 2.3 system be certified for use in the Commonwealth of Virginia.

End of Verity Voting 2.3 Certification Test Report



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Recount Suite

BOARD WORKING PAPERS
Samantha Buckley
Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise
From: Samantha Buckley, Policy Analyst
Date: October 29, 2019
Re: Recount Suite

Suggested motion for a Board member to make:

Move that the Board adopt the proposed amendments to the Recount Suite for immediate implementation.

Applicable Code Sections: Va. Code § 24.2-800 et. seq.

Attachments:

Your Board materials include the following:

- Memo for the Recount Suite
- Current Recount Suite
 - Recount Precinct Results form
 - Recount: Step by Step Instructions
 - Manual Tally sheet
- Proposed amendments to Recount Suite
 - Recount Precinct Results form
 - Recount: Step by Step Instructions
 - Hand Count Tally Sheet

Background:

Pursuant to Va. Code § 24.2-802(A), the State Board of Elections is required to “promulgate standards for (i) the proper handling and security of voting and counting machines, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting machine and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount.”

A recount is a secondary tabulation of votes cast for a particular office between two candidates: (1) the candidate certified the winner by the appropriate authority and (2) the candidate that lost within a specific margin to the winner (*see* Va. Code § 24.2-800).

In conducting a recount the voting machine, which will scan all valid ballots, must be programmed to return ballots that have (1) write-ins, (2) undervotes, (3) overvotes, and (4) ballots that cannot be read by the machine (*see* Va. Code § 24.2-802). Returned ballots are hand counted, along with “paper” ballots, by recount officials (*see* Va. Code § 24.2-802). Recount officials may challenge ballots when they question the validity of the ballot (*see* Va. Code § 24.2-802). The recount court will make the adjudication of the ballot’s validity and voter intent. Additionally, the recount court is required to certify the final results of the recount.

A recount involves multiple entities and moving parts to ensure legal compliance; as such, the State Board is charged with establishing the standards for uniform and proper execution of all recounts across the Commonwealth. The current Recount Suite, adopted 2015 by the State Board, contains multiple documents for the execution of a recount. These standards and the recount procedure are documented in:

- The **Virginia Step by Step Instructions** which are the complete instructions for conducting a recount; and
- The **Recount Results Precinct form** which is used to capture data from the recount.

Proposed amendments:

In reviewing and revising the current Recount documents, ELECT enlisted the assistance of several general registrars. General registrars were given the opportunity to provide feedback and insight into the recount procedure during the development stage of the Recount Suite.

The overall approach in amending the suite was to produce documents that were simplified for all entities involved with the recount procedure.

To simplify the recount documents, ELECT:

- **Updated language.** Recount election officials are chosen from a list of election officials present on election day; thus, recount officials already have knowledge of current election day language. The update uses language used in the polling place.
- **Clarified instructions.** The current instructions were detailed to the point of being confusing. Instructions do not consider that recount officials have background knowledge of items used and procedures conducted on election day.

The update takes into consideration that recount officials have a background in election day procedure and are familiar with different tasks that must be completed on election day which simplifies the instructions.

- **Clarified separation in responsibilities.** The current instructions provide a complete overview of the recount procedure; however, responsibilities of each entity involved in the recount become unclear.

The update clearly labels which entity is completing what task while providing a complete overview of the recount procedure. Further, the Step by Step Instructions may be separated by each entity to permit whomever is completing the task to find their responsibilities without reviewing the entire recount procedure.

- **Updated voting systems.** Adopted in 2015, the current standards discuss DREs. DREs were decertified by the SBE in the summer of 2017; however, the recount standards and related forms were never updated to reflect this major change in the Commonwealth.

The proposed update was developed for scanning machines which are the only voting systems permitted in the Commonwealth. This amendment significantly simplifies the recount forms because there is no need to account for multiple voting systems.

- **Intuitive design.** The current Recount Results Precinct form is not intuitive. A recount official, who will be familiar with various aspects of election day and the voting system, would require the Step by Step instructions to complete the Recount Results Precinct form.

The proposed update provides for the Recount Results Precinct form to be intuitive and direct the official without an abundance of supplemental instruction outside of the form.

- **Additional flexibility.** The current standards make no consideration for instances when the recount court requires the locality to provide vote count totals for all candidates in the recount rather than just two candidates.

For instance, when the recount court makes the requirement for all vote totals of candidates in the election, the updated recount precinct form provides flexibility to the general registrar to amend the form.

- **Simplified hand count procedure.** As previously stated, current standards make no consideration for situation in which the recount court requires the locality to provide vote count totals for all candidates in the recount rather than just two candidates.

The updated procedure instructs recount officials to group ballots by 10 and tally the votes rather than separating, stacking, and counting ballots. The hand count tally sheet permits officials to track ballots to improve accuracy of the recount total.

Before:

A note inside the field/data box provides instructions or crosschecks:

- "Carry to C1(i)" means to copy that figure to line C1, Column (i) (Line numbers begin with the same letters as sections, so line C1 is in section C.)
- "Should = C1(ii)" is a crosscheck letting the official know that the numbers should be the same. (If not, the official should recheck data entry and math before going any further).
- "Line A2 Total" tells the source of the number for that box -- copy it from there.
- A column titled "calculation or source" identifies the math or source used to fill in the next column.
- And "=B4+B5" and "=B2-B3" are instructions to arrive at the calculated number.

Part B - 2 - Certification of DRE Machine Results for Precinct		Calculation or Source	VM-1 or Consolidation Tape*	VM-2	VM-3	VM-4	VM-5	VM-6	Candidate Totals	
B3	Candidate Name ()	Machine Tape							Should = C4(ii)	B3
B4	Candidate Name ()	Machine Tape							Should = C4(iii)	B4
B5	Total votes for both candidates on DRE(s)	= B3 + B4	⌘	⌘	⌘	⌘	⌘	⌘	Should = C4(iv)	B5
B6	DRE ballots undervoted or voted for other candidates (this office)	= B2 - B5	⌘	⌘	⌘	⌘	⌘	⌘	Carry to C8(ii)	B6

Figure 1. The current instructions were confusing, partially due to the Recount Results Precinct form which required election officials calculate totals and carry totals across the entire form.

* If **consolidation tape** available, list total number of voters and results for recount candidates from consolidation tape under **VM-1 above** and **list all serial numbers for DREs included in the consolidation tape below**. If any DRE is **not** included in the consolidation tape, list the serial number and results for each such machine under VM-2, etc. Use additional copies of page if needed.

Figure 2. Current instructions are out of date with current voting systems and terminology. DREs were decertified in the Summer of 2017 and are no longer permitted for use in the Commonwealth. All elections are required to use ballot scanner machines.

After:

PART 1: Complete this information at the start of the precinct recount

Instructions – Recount Officials (Hand count ballots)

Print two (2) zero tapes from the voting machine.

1. **Check** that all totals on the zero tapes read 0000
2. **Check** the public counter total reads 0000
3. **Complete** PART 1 on the recount precinct results report.
4. **Staple** a zero tape to the first page of each Recount Precinct Results form

Figure 3. Clear labeling of each part to be completed by the recount official. These labels are also reflected in the instructions for recount officials. Additionally, language was changed to reflect current terminology used in the polling place.

What to do before you start the recount for this precinct:

- **Print two (2) copies of the zero tape from each machine**

PART 1: Complete this information at the start of the precinct recount

PART 2: Total results for scanned ballots
Candidate Name 1

PART 3: Total results for hand counted ballots
Candidate Name 1

Figure 4. The proposed amendments to the Recount Precinct Results form are meant to guide a recount official through the recount procedure.

PART 2: Total vote count for scanned ballots	
Candidate Name 1	
Candidate Name 2	
Total vote count for candidates not party to the recount	
Total (add each row)	2A

The general registrar may amend PART 2 and PART 3 of the recount precinct results form to reflect the requirements of the recount order. The form will be available in Microsoft Word to permit easy amendment to the form.

PART 3: Total vote count for hand counted ballots	
Candidate Name 1	
Candidate Name 2	
Total vote count for candidates not party to the recount	

This is also reflected in the instructions to the general registrar and the electoral board members.

- Review and amend the **Recounts documents** (if needed).

Your recount court may require you to account for vote totals for more than two candidates. If so, amend the **votes cast for candidates not party to the recount** on the recount forms to include any other candidate names party to the recount.

Your recount court determines how many recount officials will assist with the recount. You may be given multiple teams for each precinct or only one team. As such, **review and amend** your instructions for handing off returned ballots from the scanning team to the hand counting team (see page 9 of the instructions).

Figure 5. Page 7 of the Step by Step Instructions provide that the general registrar updates the Recount Precinct Results form to reflect the recount order regarding vote totals. Page 11 of the instructions are highlighted as the same color to indicate where the general registrar should make the change.

Virginia Election Recounts

Step-by-Step Instructions



Includes:

- Overview of Recounts and Contests
- Preparations for the Recount
- Precinct Instructions for Recount Coordinators and Officials-All Voting Systems
- Suggested Steps for the Court's Review and Compilation of Recount Results
- After the Recount

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A Message to General Registrars and Electoral Board Members

*Please carefully review this document as soon as you know that a recount is possible in one of your elections. Also provide a copy to your local Clerk of Court. These instructions accompany the **RECOUNT PRECINCT RESULTS For All Voting Systems** (form SBE-802-PR)*

If you have any questions about this information, please do not hesitate to contact a Department of Elections policy analyst.

Overview -- Election Recounts and Contests

Recounts

A recount is a simple redetermination (retabulation) of all of the votes cast on Election Day. Recount officials only count the ballots that were previously cast. A voter's eligibility to vote or any alleged irregularities cannot be called into question during a recount (only in a contest, see below).

In Virginia, there are no automatic recounts. Only an apparent losing candidate can ask for a recount, and only if the difference between the apparent winning candidate and that apparent losing candidate is not more than one percent (1%) of the total votes cast for those two candidates.

As of 2009, a losing candidate may request a recount if the difference is not more than five percent (5%) of the total votes cast for those two candidates if one of those candidates was a write-in candidate for that office. (§ 24.2-800, Code of Virginia)

The apparent losing candidate cannot request a recount until after the election is certified. (§ 24.2-801) The Department of Elections certifies primary and election results for all federal offices (Presidential Electors, U.S. Senate, and U.S. Congress), state offices (Governor, Lt. Governor, and Attorney General and General Assembly seats) and any offices shared by two or more localities.

An apparent losing candidate requesting a recount of a primary or general election for statewide office files the petition requesting a recount with the Circuit Court of the City of Richmond. A candidate requesting a recount for any other office files the recount petition with the Circuit Court where the candidate being challenged resides.

Local electoral boards certify all other election results for local offices. Each electoral board meets in the days following the election to canvass and certify these results. To request a recount, an apparent losing candidate for a local election must file a petition for a recount with the Circuit Court where the challenged candidate resides within ten days after the electoral board certifies the election results. Any local candidate seeking a recount should

check with their local general registrar or electoral board to determine the actual date of certification for these local offices.

The Chief Judge of the Circuit Court where the recount petition was filed and two other judges appointed by the Chief Justice of Supreme Court of Virginia make up the recount court. The recount court, outlines all procedures and the manner in which the recount will be conducted for each type of voting equipment used (pursuant to § 24.2-802 of the Code of Virginia).

The recount court appoints recount officials from among the officers of election who served in the locality during the election. These recount officials are appointed to represent the respective parties to the recount. In setting the procedures for the recount, the court will also decide if the actual recounting of votes cast will take place in the various localities or in a central location. After all of the votes cast are recounted, the court will certify the candidate with the most votes as the winner.

The counties and cities involved in a recount are responsible for paying their own costs for the recount if the margin between the two candidates who are parties to the recount is one-half percent or less, or if the candidate requesting the recount is declared the winner by the recount court. Otherwise, the candidate who requested the recount must pay the costs for conducting the recount. Any candidate requesting a recount who may be assessed with costs shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to the recount. (More information about recount costs is available in § 24.2-802(E) and (F) of the Code of Virginia).

Because of the federal deadline for the seating of the state's presidential electors, Virginia law provides an accelerated schedule for any recount of such election (see § 24.2-801.1). The presidential candidate represents the vice presidential candidate and the candidates for electors (§ 24.2-800). The deadline for filing of notice of intent to contest is 5:00 PM on the second calendar day following certification of the election by the Department of Elections. The recount "shall be held promptly" and must be concluded at least six days before the time fixed for the convening of the electors. If a *contest* of an election for Virginia's presidential electors is also filed, they would proceed simultaneously (§ 24.2-805).

Contests

An unsuccessful candidate in the election may file a notice of intent to contest the election. The notice must state the grounds for the contest, which must include one of the following:

- (i) objections to the eligibility of the contestee based on specific allegations, OR
- (ii) objections to the conduct or results of the election accompanied by specific allegations which, if proven true, would have a probable impact on the outcome of the election, OR
- (iii) both.

Contests of elections for most offices in Virginia may be filed only within 30 days of the election or 10 days of the date of the primary or a special election held on a date other than that of a general election. A contest may also be filed after a recount under Va. Code § 24,2-814 within 10 days after the recount court's order declaring a winner under Va. Code § 24.2-802(D).

If a recount has been held for an election to the House of Delegates, State Senate, Governor, Lieutenant Governor, or Attorney General, the apparent losing candidate for that

office who also loses the recount has until 3 days after the conclusion of the recount (or 30 days after Election Day, whichever date is later) to file notice of intent to contest. A candidate who was originally declared the winner and loses as a result of a recount may file notice of intent to contest the election within 10 days following the conclusion of the recount.

In elections for a Member of the U.S. Senate or U.S House of Representatives, [Article I, section 5](#) of the U.S. Constitution provides that "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members." [Article IV, section 7 of the Virginia Constitution](#) has a nearly identical provision. [Virginia Code § 24.2-803](#) requires that contests for elections of General Assembly members must be filed with the respective clerks for decision by the affected body.

To contest an election for the House of Representatives, a notice of intent to contest the election must be filed with the Clerk within 30 days after the result of the election has been certified by the Department of Elections, or if there is a recount, within 30 days after the recount court certifies the election result. ([2 USC Chapter 12, particularly Sections 384 and 392](#))

The contestant "would have to formally petition the U.S. Senate for a probe into the election, and the Rules Committee has broad authority to investigate election cases, including conducting its own recount. The Rules panel, however, would have to vote to begin the inquiry, and historically, those probes have taken months if not years to complete. Any findings — such as whether an election was legitimate — would be forwarded to the full Senate with a recommendation on what, if any, action to take, which the Senate could then decide whether to take up."¹ A deadline for filing such a contest is not stated in federal law.²

As with recounts of elections for presidential electors, Virginia law provides an accelerated schedule for any contests of such presidential elections as well. The presidential candidate represents the vice presidential candidate and the candidates for electors (§ [24.2-807](#)). The deadline for filing of the notice of intent to contest is 5:00 PM on the second calendar day following certification of the election by the Department of Elections. The contest "shall not wait upon the results of any recount" and must be concluded at least 6 days before the time fixed for the convening of the electors (§ [24.2-805](#)). Any recount or contest for an election for presidential electors would proceed simultaneously.

<i>Office</i>	<i>Notice of intent to contest is filed with</i>
Election of Presidential Electors	Circuit Court, City of Richmond
Primary for U.S. Senate or Statewide Office	Circuit Court, City of Richmond
Presidential Primary	No contest provisions in Code of Virginia

¹ [David M. Drucker & Emily Pierce, "Democrats May Join Minnesota Fray," Roll Call, 12/8/08](#)

² In the event of a U.S. Senate recount in Virginia, Department of Elections would ask the Parliamentarian of the Senate (through the state's other Senator(s)) if the rules at that time specify a deadline for filing a contest after the conclusion of a recount.

Election for Governor, Lt. Governor or Attorney General	Clerk of the House of Delegates
Election for House of Delegates	Clerk of the House of Delegates
Election for State Senate	Clerk of the State Senate
Primary for U.S. House of Representatives, House of Delegates or State Senate	Circuit Court where challenged candidate resides
Primary or Election for any county, city, town or district office	Circuit Court where challenged candidate resides

Persons Involved in the Recount

Electoral Boards – Give court and parties a list of all Officers of Election who served in the last election, with their party affiliations, etc. One electoral board member representing each party will be selected by the Recount Court to serve as one of the pair of **Recount Coordinators** for the locality.

Recount Officials – Each candidate or petitioner and governing body/chief executive officer (in the case of a referendum) involved in the recount may select an equal number of officers of election to serve as recount officials. Recount officials have the duty of counting the ballots, or redetermining the vote (if DREs). Recount officials will work in groups or pairs with the parties to the recount being equally represented.

Registrars – Permit parties to make copies of statements of results, machine tapes, printed return sheets, pollbooks (whether paper or in electronic format), and abstract of votes (original and corrected) for the election at issue, etc.

Recount Court – Upon receipt of the petition for recount, the Chief Judge of the court in which it was filed must alert the Chief Justice of the Virginia Supreme Court, who will thereafter appoint two judges to serve on the Recount Court. These three judges will constitute the Recount Court. The Recount Court will determine the procedures to be followed during the recount, what information will be accessible to the parties, and for which candidate, if any, a challenged ballot should be counted.

Clerks of Court – Secure election materials and certify security to recount court; be present and administer oaths on the day of the recount; deliver election materials to State Police after the recount for delivery to the Court.

Clerk of Recount Court – In addition to duties of all clerks (above), summons Recount Officials and is present at all hearings of the Recount Court.

Candidates – May be present. They are responsible for selecting which officers of election will serve as the recount officials representing their interest, based on the number established by the Recount Court. They may also send one authorized representative per team of recount officials to observe the process.

Preparations for the Recount

Department of Elections, General Registrar(s), and Electoral Board Members

The Department of Elections' Standards for Recounts in Virginia Elections (and accompanying Ballot Examples) provides details and guidance to help carry out Virginia's recount laws (§§ 24.2-800 - 24.2-802). The Code of Virginia directs:

A. The Department of Elections shall promulgate standards for (i) the proper handling and security of voting and counting devices, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the counting device and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with Department of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting devices in use in the election district. (§ 24.2-802)

As soon as it appears that a recount in a local, district, or state election may be possible, the General Registrar and Electoral Board Members from the impacted locality(ies) must begin making preparations.

Electoral Boards should first create a list of names of officers of election who served in the precincts subject to the recount. The political parties involved in the recount need this list to appoint *recount officials* from this group of officers of election. The number of recount officials necessary will be determined by the Recount Court.

General registrars should also begin assembling all appropriate forms for conducting the recount and ensure that these forms are delivered to the Recount Coordinators.

Duties of Clerk(s) of Court

Section § 24.2-802 of the Code of Virginia directs the Clerks of Court in a jurisdiction where there may be a recount to secure the ballots and election materials until the recount. This should be done under normal circumstances, but it is added into the recount laws for emphasis. Also, the Clerk is required to certify to the chief judge in the recount, as directed, that the proper security measures have been taken.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge. (§ 24.2-802(A))

Duties of the Chief Judge of the Recount Court

The Chief Judge must hold a preliminary hearing within 7 calendar days of the petition for recount unless the recount is requested for a presidential election, in which case it must be held within 5 calendar days. The Chief Judge will rule on motions and establish rules of procedure during the preliminary hearing, but such decisions are subject to review by the full Recount Court. The security measures adopted to secure materials after Election Day, and those going forward must be examined and established by the Chief Judge. The Chief Judge may also allow parties to examine election materials. The Chief Judge may also set the locations for the recount and may order the delivery of election materials to a central location, but such action is subject to review by the full Recount Court.

Duties of the Recount Court

Once established, the Recount Court will hold a hearing. All motions and rules of procedure shall be finalized at this hearing. The parties (or their counsel) shall meet and confer and submit a proposed "Recount Procedural Order" and eventual "Final Order" for consideration by the three-judge Recount Court. If the parties do not agree, they will file competing legal memoranda and proposed orders. The Recount Court will also allow parties to the recount to select an equal number of officers of election to be Recount Officials. The date for submissions will be included in the Preliminary Order by the Recount Court.

The three-judge Recount Court shall supervise the recount and redetermination of the vote, with assistance from the Department of Elections and the local electoral boards.

Terminology

Throughout this document the terms "machine-readable ballot," "paper ballot," and "printed ballot" are used to describe physical ballots. The usage of terms is consistent with the definitions provided in Va Code § 24.2-101:

"*Machine-readable ballot*" means a tangible ballot that is marked by a voter or by a system or device operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and tabulating results;

"*Paper ballot*" means a tangible ballot that is marked by a voter and then manually counted; and

"*Printed ballot*" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

A ballot's designation is based on **how it was counted on election day**. A machine-readable ballot that is manually counted during the recount should not be tallied as a *paper ballot* upon the recount paperwork.

The terms "ballot scanner machine," "ballot scanner," and "scanner" are used interchangeably throughout this document and within the recount forms.

"Part One" - Recount Day in the City or County

Check in and Logistics

The offices or other facilities for the recount will be provided or arranged by the Clerks of Court and shall be of sufficient size for the purposes of the recount and shall allow for direct and proximate observation of the recount officials by the recount observers.

All participants at the recount, whether as officials or observers, should check in with the Clerk of Court, and a record should be kept of all attendees.

Precinct Instructions for Recount Coordinators & Officials - All Voting Systems

Use appropriate instructions for any combination of

- ✓ MACHINE-READABLE BALLOTS AND BALLOT SCANNER MACHINES
- ✓ DIRECT RECORDING ELECTRONIC (DRE) MACHINE PRINTOUTS
- ✓ PAPER BALLOTS

Each Recount Team will complete one precinct at a time, under the supervision of Recount Coordinators.

Materials

A copy of each of these instructions (SBE-802-SBS, this entire document) should have been provided previously to each Recount Coordinator and to the Clerk of Court.

The Recount Coordinators should have already provided a copy of the following to each Recount Official during training for the recount:

- The full section of this document titled "Part One" - Recount Day in the City or County" which includes the Precinct Instructions
- A sample copy of SBE-802-PR - Recount Precinct Results for All Voting Systems
- A copy of the Ballot Examples for Hand Counting Printed Ballots for Virginia Elections or Recounts

The following materials prepared for the recount must be provided for each precinct:

- **SBE-802-PR - Recount Precinct Results for All Voting Systems** (1 set per precinct. If no DRE was used in the precinct, the two pages with Parts B-1 through B-3 should not be provided to the Recount Officials. The other four pages will be used for all precincts.)
- **SBE-802-CB - Challenged Ballot Forms** (4 per page; multiple copies may be needed)
- **Challenged Ballots envelope** (have one per precinct on hand)
- **SBE-802-MA - Precinct Manual Tally Sheet** (an optional form that can be used when hand counting printed ballots) (4 or more copies per precinct recommended, to keep paper and machine-readable ballot counts separate, and so each officer can

- prepare tally while other officer counts ballots)
- **The memory card, cartridge, or other data storage medium (one per precinct)** that has been prepared especially for the recount if machine-readable ballots are to be rerun through a tabulator during the recount.
 - It is recommended that the prepared cards, cartridges, or media be placed in the custody of the Clerk, to be released to the Recount Coordinators one precinct at a time with the other materials below.

The following materials will be released by the Clerk of Court to a Recount Coordinator upon request, one precinct at a time. The Coordinator will deliver them to the Recount Team that will recount that precinct.

- **Envelope #2** containing the
 - **POLLBOOKS and POLLBOOK COUNT Forms (all divisions)** (if paper pollbooks were used),
 - one copy of the **Statement of Results with machine tapes attached** (General Registrar will have the second copy, available for public inspection, after the canvass),
 - **Write-Ins Certification** (if cast on printed ballots or voting systems that do not include the names written-in and votes cast for each), and
 - **Incident Report**
- **Box/Envelope #3** containing the **COUNTED BALLOTS** (Envelope 3 may be combined with Envelope 5 so as to also contain outside poll envelopes).

And the following envelopes if used in the election:

- **Envelope #7B** containing the voting equipment keys for scanners and DRE dial/touchscreen voting systems
- **Envelope #7/7C** containing the voting equipment keys and memory cartridges for AVC Advantage DRE equipment and the data storage units and seals for scanners and DRE dial/touch screen equipment;

If Machine-readable ballots are to be rerun through a tabulator during the recount

- **The memory card, cartridge, or other data storage medium** that will be used for the precinct, and has been prepared specifically for the recount.
 - It is programmed to count, as required by law, only the votes cast for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes for that office or issue for hand counting.
 - (If the card, cartridge, or medium could not be reprogrammed as required by the recount law, all machine-readable ballots for the precinct will be hand counted by the recount team.)
- One memory card, cartridge, or other data storage medium for each precinct will be used to recount the ballots cast at the polling places in the district (including absentee ballots if counted at the precincts).
- If a Central Absentee Precinct (CAP) was used, one **memory card, cartridge, or other data storage medium** will be used to count the machine-readable ballots of absentee voters whose ballots were originally handled by the tabulator for the CAP.
- NOTE: The **memory card, cartridge, or other data storage medium** used in the precinct (or Central Absentee Precinct) on Election Day to count machine-readable ballots will remain sealed and in the custody of the Clerk. It should not be needed during the recount.

- (Counted provisional votes, even if voted on machine-readable ballots, were originally hand counted by the electoral board and will be treated in the recount as paper ballots. Provisional Ballots will be counted as a separate precinct, which is the same manner in which they were originally counted after Election Day).

General Instructions

The Recount Officials will be divided into teams consisting of equal representatives for each party. Teams will be tasked with recounting printed ballots or redetermining votes cast on DREs. At least one team will insert ballots into electronic counting devices programmed to count only those votes cast for parties to the recount or for or against the question in a referendum recount.

There are only two Recount Coordinators appointed per locality. One Coordinator may need to supervise multiple teams. Coordinators may offer advice to the Recount Officials.

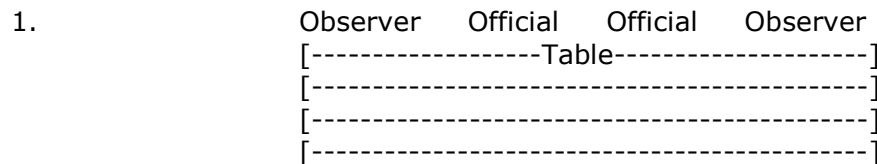
The Recount Officials may either enter the required data on the Recount Precinct Results form or may read each total aloud to the Recount Coordinator who will enter it and read it back for verification by the Recount Officials. (Recount Officials must sign the first page, certifying the precinct results for each precinct that they recount.)

Only the Recount Officials may handle ballots. Recount Coordinators will deliver sealed election materials from the Clerk of Court, and return the resealed materials, one precinct at a time.

Each party to the recount (candidate) is allowed one observer per recount team. The observer may stand behind or sit to the outside of the Recount Officials as they work and may only watch and take notes. Observers must be close enough to see and hear what is happening. No observer may handle ballots, election materials, or recount materials. If an Observer has a question, it should be directed to the supervising Recount Coordinator -- not the Recount Officials -- without disturbing the proceedings.

Members of the news media and the general public may also be in the room, but are not allowed to handle any official materials or disturb the proceedings in any way.

Some suggested table layouts --



3.

	Official	
Observer	[----Table-----]	Official
	[-----]	
	[-----]	Observer
	[-----]	

For each precinct, the Recount Coordinators will ensure as the work progresses that the following data is entered on each form page as required work begins (if not previously entered):

1. The name of the county or city
2. The name/number of the precinct in which the election was conducted
3. The date of the election
4. The name of the office and the names of the two candidates involved in the recount (in the same order that they appeared on the ballot in the election)³

The Recount Coordinators will provide the necessary materials to the Recount Officials, one precinct at a time.

Instructions for the SBE-802-PR – Recount Precinct Results

- A highlighted line indicates a number is to be filled in during this sequence of steps.
- A highlighted box with a hand and pencil means that this is a calculation.



A note inside the field/data box provides instructions or crosschecks:

- "Carry to C1(i)" means to copy that figure to line C1, Column (i) (Line numbers begin with the same letters as sections, so line C1 is in section C.)
- "Should = C1(ii)" is a crosscheck letting the official know that the numbers should be the same. (If not, the official should recheck data entry and math before going any further).
- "Line A2 Total" tells the source of the number for that box -- copy it from there.
- A column titled "calculation or source" identifies the math or source used to fill in the next column.
- And "=B4+B5" and "=B2-B3" are instructions to arrive at the calculated number.

Part B - 2 – Certification of DRE Machine Results for Precinct		Calculation or Source	VM-1 or Consolidation Tape*	VM-2	VM-3	VM-4	VM-5	VM-6	Candidate Totals	
B3	Candidate Name _____ ()	Machine Tape							Should = C4(ii)	B3
B4	Candidate Name _____ ()	Machine Tape							Should = C4(iii)	B4
B5	Total votes for both candidates on DRE(s)	= B3 + B4	✍	✍	✍	✍	✍	✍	Should = C4(iv)	B5
B6	DRE ballots undervoted or voted for other candidates (this office)	= B2 - B5	✍	✍	✍	✍	✍	✍	Carry to C8(iii)	B6

³ If the recount is for a referendum, insert title of the question involved in the recount and its two separate responses, instead of the office and candidate names.

A. Preparing for and Evaluating Machine-readable Ballots

i. If Machine-readable ballots are to be rerun, prepare the ballot scanner machine.

1. Insert the **MEMORY CARD, CARTRIDGE, OR OTHER DATA STORAGE MEDIUM** for the precinct to be counted.
3. Turn the machine **ON**.
4. Produce a **ZERO** printout.
5. Verify that all totals on the **ZERO** printout, including the ballots cast, and the total on the Public Counter on the front of the machine read **0000**.
6. Record the **Serial Number** from this scanner in the **Recount Precinct Results, Part A, line A1** under "**Scanner 1.**"
7. Read the number from the **Public Counter** aloud and enter it in the **Recount Precinct Results, Part A, line A3 ("Before Recount")** under "**Scanner 1.**"
8. If two scanners are used, repeat steps 1-7, filling in under "**Scanner 2**" for steps 6 and 7.
9. Feed ballots.

ii. Insert Machine-readable ballots for precinct into ballot scanner machines

1. Open **Box/Envelope #3** containing **COUNTED BALLOTS** for the precinct being counted.
2. As they are removed from the box/envelope, **set aside the paper ballots for separate hand counting** (face down); "Paper ballots" in a precinct that also uses ballot scanner machines may include:
 - traditional paper ballots
 - official reproductions of paper ballots or machine-readable ballots
 - ballots sent to military or overseas voters by email or fax and printed by the voters (if absentee ballots are counted in the precinct -- or if precinct being recounted is the CAP)
 - Federal Write-In Absentee Ballots (FWABs) from military or overseas voters (if absentee ballots are counted in the precinct -- or if precinct being recounted is the CAP). See 11.2.2010 Emergency Declaration of Secretary of Department of Elections.

All paper ballots were originally counted by hand, and must be recounted by hand, separately from the machine-readable ballots.

3. Feed all **Machine-readable** ballots into the scanner without examination of any ballot.

- If the scanner indicates that for the office being recounted the ballot was **overvoted or undervoted**, or the ballot contains a **write-in** vote for that office, it must be **separated out to be counted by hand**. The scanner should have been programmed to reject these ballots so that they can separately hand counted. If so, simply set that ballot aside (face down) for hand counting.

If the machine is instead programmed to accept the **write-in** ballots, but automatically divert them into a separate "write-in" bin, do not include these ballots in the number provided on **Line A5** for "*Number of Manually Counted Machine-readable Ballots.*" These ballots will be accounted for on paperwork in the total number of ballots scanned. The ballots **must still be hand-counted** the same as overvoted and undervoted ballots **after separation**, but should not be accounted for twice on the paperwork.

Part A - 2 – Certification of Precinct Manual Count		Calculation or Source	Total	
A5	Number of <i>Manually Counted Machine-readable Ballots</i> ²	Count	Carry to C2(i)	A5

If any **Machine-readable ballot** is so **damaged** that the counting device will not accept it, it must also be set aside for hand counting.

- Both Recount Officials must verify that the **Box/Envelope #3** container is empty, that all **Machine-readable ballots** have been inserted in the scanner, and that all **paper ballots** have been **set aside** for separate hand counting.
- Repeat steps 1 - 5 above for any additional **Box/Envelope #3** containers of **COUNTED BALLOTS** for that precinct.

iii. Obtain results determined by the electronic counting device

- When all Machine-readable ballots for the precinct have been inserted in the scanner, read the number from the **Public Counter** aloud and enter it in the **Recount Precinct Results, Part A, line A2** ("After Recount"). Subtract **line A3** from **line A2**, and enter it on the form in **line A4** (public counter difference).

If two scanners are used, enter values for both "**Scanner 1**" and "**Scanner 2**." Then **add** the values for "**Scanner 1**" and "**Scanner 2**" on **line A2**, and enter the total on **line A2**, under "**Total (Scanner 1 + Scanner 2)**." Repeat for **lines A3 and A4**.

Part A - 1 – Certification of Precinct Ballot Scanner Machine Counter		Calculation or Source	Scanner 1	Scanner 2 ¹	Total (Scanner 1 + Scanner 2)	
A1	Ballot Scanner Machine Serial Number (used to recount this precinct, if applicable)	From Machine				A1
A2	Number on This Scanner's Public Counter – After Recount (if applicable)	Public Counter				A2
A3	Number on This Scanner's Public Counter – Before Recount (if applicable)	Public Counter				A3
A4	Public Counter Difference (Must Equal the Number of Ballots Read By the Scanner During Recount [From Tape])	= A2 – A3			Carry to C1(i)	A4

- Run one printout to obtain the recount results for the precinct:

- a) Produce the **FINAL RESULTS** tape.
- b) Remove the **MACHINE-READABLE ballots** from the ballot compartments, return them to the **COUNTED BALLOTS** container(s), and seal it (them).
- c) Remove the printout with **ZERO** report and the **FINAL RESULTS** intact.

3. Record the data from the ballot scanner machine tape on the Recount Precinct Results form:

- a) Enter the **total Machine-readable ballots read in Part C, line C1, column (i)**. **This number must match** the public counter difference previously entered in **Part A, line A4**. If the numbers do not match, first recheck the counter numbers and number of ballots entered on the form, and the math. If they still do not match, ask for the advice of the Recount Coordinator.
- b) Read aloud the name of the first candidate involved in the recount and the number of votes cast for first candidate and enter the total in **line C1, column (ii)**, double-checking that each number is copied to the column for the appropriate candidate.
- c) Read aloud the name of the second candidate involved in the recount and the number of votes cast for the second candidate and enter the total in **line C1, column (iii)**, double-checking that each number is copied to the column for the appropriate candidate.
- d) Add together the number of machine-readable ballots counted by the scanner for **both** candidates and enter the total in **line C1, column (iv)**.

Part C - Certification of Official Ballots						
VOTES CAST FOR CANDIDATES IN RECOUNT		(i)	(ii)	(iii)	(iv)	
IMPORTANT: - Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)] - Lines C6-C9 include all other ballots		Total Number Voting	Candidate Name	Candidate Name	Total Cast for Candidates (ii) + (iii)	
			()	()		
C1	Total Ballots Read by Ballot Scanner Machine in Recount (From tape; when finished attach tape to back of page with Part A.)	A4 Total = _____				C1

- e) Enter the precinct code on the **BALLOT SCANNER MACHINE RECOUNT TAPE** and **staple it** to the back (behind the top right) of the **RECOUNT - PRECINCT RESULTS page containing Part A**. (See instructions at the top of that page.)

iv. Hand count Machine-readable ballots previously set aside

Any Machine-readable ballots set aside from the steps above must be counted by hand.

A second team of Recount Officials may be used to count the ballots by hand.

1. Count **all** set aside **Machine-readable** ballots (preferably with the office being recounted face down) without examining how they were cast. When both officials agree on the total count, enter the total on the **Recount Precinct Results in Part A, line A5**. Enter the same total in **Part C, line C2, column (i)**.

(Remember that write-in ballots should not be included in this number if the scanner accepted the ballots and diverted them to a separate write-in bin).

(Remember that paper ballots must be counted separately. If any are found among the set aside Machine-readable ballots, put them with the other paper ballots.)

A5	Number of <i>Manually</i> Counted Machine-readable Ballots ²	Count	Carry to C2(i)	A5
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2. Examine each of the **Machine-readable ballots** to be counted and separate them into the following stacks (refer to the ballot examples in the "Hand Counting Printed Ballots for Virginia Elections or Recounts" if there is any question about how to count a mark).

During the sort, an official should lay each ballot face up on the table in the following stacks so that both officials and all observers can clearly see each ballot as it is sorted.

- (1) and (2) One stack each for ballots clearly voted for either candidate involved in the recount
- (3) Ballots either not voted for the office (undervoted) or not voted for candidates in the recount
- (4) Ballots clearly voided by the voter for the office per [§ 24.2-663](#) (overvoted or title of office erased)
- (5) Ballots challenged by either Recount Official (or the Officials cannot initially determine or agree how to count it)

After the first sort, re-examine the ballots in stacks 1-4 to make sure that each ballot is in the appropriate stack.

SBE-802-MA Precinct Manual Recount Tally Sheet is an optional form that may help Recount Officials when there are many ballots to hand count. If using it, complete the appropriate blanks/boxes at the top of the form and the candidates' names if not already completed. It covers each of the separate categories represented by the "stacks" and those counted/recorded in the procedures below. The final counts must still be recorded on the Recount Precinct Results form, as directed below.

The basic procedure for manually counting each stack (separately, when directed to do so below) is:

- a. One Recount Official should count the ballots while the other closely observes.

- b. Count the ballots by laying each ballot with the office being recounted face up on the table so that both officials and all observers can clearly see each ballot as it is counted.
 - c. Then the other official should count the same ballots while being closely observed by the first.
 - d. The official observing may use Department of Elections' Manual Recount Tally Sheet.
 - e. If the two officials do not arrive at the same number, repeat.
3. Re-examine all **Machine-readable ballots** in the "challenge" stack. Refer to the Ballot Examples. If the two Recount Officials agree on how to count the ballot, place the ballot in the appropriate other stack (1-4 above).

If both Recount Officials cannot agree, or they cannot determine how or whether to count a ballot, at least one of them must officially "challenge" the ballot.

- a. For each challenged ballot, complete the form entitled **STATEMENT OF RECOUNT OFFICIAL - CHALLENGED BALLOT (SBE-802CB)**, setting forth the reason(s) for the challenge. The officer challenging must sign the form and attach it to the ballot. This ballot will go to the Recount Court for a decision.
 - b. When all the ballots remaining in the "challenge" stack have been officially challenged, count the **Machine-readable ballots** being challenged and, when both officials agree on the number, enter total in **Part C, line C9, column (i)** of the **Recount Precinct Results** form.
 - c. Place the signed challenged ballot statements and attached ballots in the **Challenged Ballots envelope** for the precinct, and enter the name/number of the precinct. DO NOT enter the number of challenged ballots on the envelope at this time. DO NOT SEAL IT at this time. Set the envelope containing **CHALLENGED BALLOTS** aside.
4. Count all **Machine-readable ballots** overvoted or voided and, when both officials agree on the count, enter total in **line C7, column (i)** of the Recount Precinct Results form. Return voided ballots to **Box/Envelope #3**.
5. Count all **Machine-readable ballots** not voted (undervoted) or not voted for candidates involved in the recount and, when both officials agree on the count, enter total in **line C8, column (i)**. Return these ballots to **Box/Envelope #3**.

C7	Overvoted Ballots (plus ballots otherwise voided by Voter) § 24.2-663	Machine-readable	Paper		C7(i) + C7(ii) =	C7
C8	Ballots Undervoted or Voted for Other Candidates	Machine-readable	Paper	DRE	C8(i) + C8(ii) + C8(iii) =	C8
C9	Challenged Ballots (enclosed in attached envelope)	Machine-readable	Paper		C9(i) + C9(ii) =	C9

6. Now count the **Machine-readable ballots** voted for each of the two candidates in the recount (stacks 1 & 2). Count one candidate's ballots at a time.

When both officials agree on the count, enter each count on **Line C3, in either Column (ii) or (iii), as appropriate** of the **Recount Precinct Results** form, double-checking that each count is listed under the appropriate candidate.

7. Add together the number of **Machine-readable ballots** voted for **both** candidates and enter the total in **line C2, column (iv)**.

Part C - Certification of Official Ballots					
VOTES CAST FOR CANDIDATES IN RECOUNT IMPORTANT: - Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)] - Lines C6-C9 include all other ballots		(i) Total Number Voting	(ii) Candidate Name _____ _____ ()	(iii) Candidate Name _____ _____ ()	(iv) Total Cast for Candidates (ii) + (iii)
C2	Total Machine-readable Ballots <i>Manually</i> Counted in Recount	A5 Total =			

B. Count the paper ballots

Take the paper ballots that were set aside as they were removed from **Box/Envelope #3** and **count the paper ballots** as follows.

If a second team of Recount Officials was used to count the Machine-readable ballots by hand, this second team should also count the paper ballots.

1. Count **all paper ballots** that have the office being recounted listed without examining how or whether the voter voted for the office. When both officials agree on the total number, enter the total in **Part C, line C3, column (i)** of the **Recount Precinct Results** form.

		(i) Total Number Voting
C3	Total Paper Ballots Counted in Recount	A6 Total =

Enter the same number in **Part A, line A6**.

A6	Number of Paper Ballots Counted in Recount ² (DOES <u>NOT</u> INCLUDE MANUALLY COUNTED MACHINE-READABLE BALLOTS)	Count	Carry to C3(i) ³	A6
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2. If the number entered in **Part A, line A6** is not the same as the numbers entered in **A7 and A8**, recount officials should explain the reasons for the difference -- as best they know or can determine -- on the reverse side of the page containing Part A. (For example, if the difference is due to X number of federal only ballots and the recount is for a state or local office.)

(Recent recount court orders have required all the pollbooks and ballots for the precinct to be referred to the court if the number of paper ballots actually cast is not the same as the number of paper ballots indicated on the pollbook. The

Recount Coordinator should be immediately informed if the numbers are not the same, and will know if the court order in the current recount contains instructions regarding this matter.)

3. If the total number of **paper ballots** in **Part A, line A6** does not exceed the total number voting by paper ballot in **Part A, line A7**, enter ZERO (0) in **Part C, line C6, column (iv) (paper ballots drawn)**;
4. If the total number of **paper ballots** in **Part A, line A6** exceeds the total number voting on paper ballots in **Part A, line A7** and no error is found, first consult with your Recount Coordinator. Recent recount orders have directed that the materials be sent to the Recount Court in this situation, not drawn down. The Recount Coordinator will know if the court order in the current recount contains instructions regarding this matter. If the court order is silent on this situation, the following procedures must be followed (§ 24.2-662):
 - a. Return all **paper ballots** to a container.
 - b. Have one of the Recount Officials, blindfolded, draw out the number of **paper ballots** necessary to reduce the total number to the number reported voting on paper ballots.
 - c. Mark the drawn **paper ballots** "**DRAWN AND NOT COUNTED**", and return them to **Box/Envelope #3**. Enter number drawn in **Part C, line C6, column (iv)**.
5. **To count the paper ballots, follow the same procedures described above in Section A under "iv. Hand count Machine-readable ballots previously set aside" with the differences below.** (The only difference for most of the "stacks" -- other than challenged ballots -- is where the information for the paper ballots is recorded on the Recount Precinct Results form.)
 - a. Place the **signed, challenged ballot statements** and **attached paper ballots** in the **Challenged Ballots envelope** for the precinct, and enter the name/number of the precinct if not previously entered. Enter the total number of challenged ballots (machine-readable and paper) on the envelope and complete any other information required. **SEAL** the Challenged Ballots envelope. Set the envelope containing **CHALLENGED BALLOTS** aside.

Enter the number of **challenged paper ballots** in Part C of the Recount Precinct Results form in **line C9, column (ii) (paper)**.
 - b. Enter total number of **paper ballots overvoted or voided** in **line C7, column (ii)** of the Recount Precinct Results form. Return voided paper ballots to **Box/Envelope #3**.
 - c. Enter the total number of **paper ballots not voted or not voted for candidates involved in the recount** in **line C8, column (ii)**. Return these paper ballots to **Box/Envelope #3**.

		(i)	(ii)	(iii)	(iv)	
C6		Paper Ballots Drawn (during recount) (§ 24.2-802)				C6
C7	Overvoted Ballots (plus ballots otherwise voided by Voter) § 24.2-663	Machine-readable	Paper		C7(i) + C7(ii) =	C7
C8	Ballots Undervoted or Voted for Other Candidates	Machine-readable	Paper	DRE	C8(i) + C8(ii) + C8(iii) =	C8
C9	Challenged Ballots (enclosed in attached envelope)	Machine-readable	Paper		C9(i) + C9(ii) =	C9
C10		TOTAL [Add C5 through C9 in column (iv) **Should equal C5 column (i)**			Carry to D5 and D10	C10

- d. Now count the **paper** ballots voted for each of the two candidates in the recount (stacks 1 & 2). Count one candidate's ballots at a time.

When both officials agree on the count enter each count on **Line C3, in either Column (ii) or (iii), as appropriate** of the **Recount Precinct Results** form, double-checking that each count is listed under the appropriate candidate.

- e. Add together the number of **Paper ballots** voted for **both** candidates and enter the total in **line C3, column (iv)**.

Part C - Certification of Official Ballots					
VOTES CAST FOR CANDIDATES IN RECOUNT		(i)	(ii)	(iii)	(iv)
IMPORTANT: - Lines C1-C5 include only recount parties (listed to the right under (ii) and (iii)) - Lines C6-C9 include all other ballots		Total Number Voting	Candidate Name _____ _____ ()	Candidate Name _____ _____ ()	Total Cast for Candidates (ii) + (iii)
C3	Total Paper Ballots Counted in Recount	A6 Total =			

C. One precinct at a time, Open Envelope #2; Record DRE Results

Open the **Envelope #2** and remove the *Statement of Results* with the attached **DRE** machine results printouts (tapes). Fold the *Statement of Results* back so only the *Consolidated* printout is visible. (If there is no *Consolidated* printout, or it does not include all DRE machines used in the precinct, see 1-e below.)

Both Recount Officials should examine the *Consolidated* printout for the precinct (also letting the observers see it clearly, but not handle it) and:

1. From that printout, enter the following information on the **SBE-802-PR -- Recount Precinct Results for All Voting Systems** form.
 - a. In **Part B-1, DRE Voting Machines**, enter the number of votes recorded as voting on all machines (from Consolidation printout) under **VM-1 (voting machine 1), line B2;**

- b. In **Part B-2, Certification of DRE Machine Results for Precinct**, enter the votes cast for each of the two candidates in the recount under **VM-1 (voting machine 1), lines B3 and B4**;
- c. Enter the **serial number** of each machine from which results were added by the *Consolidation* machine in the blanks provided at the bottom of the page below Part B-2. ↓

* If **consolidation tape** available, list total number of voters and results for recount candidates from consolidation tape under **VM-1 above** and **list all serial numbers for DREs included in the consolidation tape below**. If any DRE is not included in the consolidation tape, list the serial number and results for each such machine under VM-2, etc. Use additional copies of page if needed.

If the Recount Officials have any doubt that the *Consolidated* printout includes the results from every DRE used in the precinct in the election, they should check the machine serial numbers on the *Consolidated* printout against the serial numbers listed on the back of **Envelope # 7/7C**. If any DRE used in the election is not listed on the *Consolidated* printout, follow steps under "e" below.

- d. If the *Consolidated* printout is not clear, contact the Recount Coordinator and, if so advised by the Recount Coordinator, reprint the *Consolidated* printout if possible.
- e. If there is no Consolidated printout or it is not clear, and it cannot be reprinted, or it does not include the results for every machine in the precinct -- proceed as follows:

If the *Consolidated* printout does not include the results from every DRE used in the precinct in the election:

- ✓ Enter the *Consolidated* printout results under VM-1, lines B2, B3 and B4 (number of voters, and votes cast for the two candidates);
- ✓ Enter the serial numbers of every machine with results included in the *Consolidated* printout at the bottom of the page below Part B-2 in the blanks provided.
- ✓ For each machine not included in the *Consolidated* printout, from the individual DRE machine tapes, enter the machine serial number, number of voters who voted on this DRE and votes for each candidate in the recount on the appropriate lines under columns VM-2, VM-3, etc., until the results for all machines not listed on the *Consolidated* printout have been recorded. If an additional page is needed, continue to another copy of the *Recount Precinct Results* page containing Parts B-1 and B-2, manually crossing out and renumbering the machine number headings on the second page (VM-1 becomes VM-7 on page 2, etc.).

If there is no *Consolidated* printout and it cannot be reprinted, list the results from each DRE machine from the individual printouts under columns V-1, etc. (rows B1 through B4) as described above.

- ✓ Double check the machine serial numbers listed on the *Recount Precinct Results* (Parts B-1 and B-2) against the serial numbers listed

on the back of the 7/7C envelope to make sure that all of the machines have been listed.

2. If an individual or *Consolidated* machine tape is not clear or not available and the Recount Coordinator advises that it must be rerun from the machine, complete the questions in **Part B-3**. Then, only examine the seals of the machines from which tapes are being rerun, comparing them to the information recorded on election night on the back of **Envelope # 7/7C**. ↓

Part B - 3 -- If DRE Tape(s) Must Be Rerun

Complete this part if any DRE tape from the precinct was missing or not clear, and the recount officers were directed to rerun the tape(s). Compare the seal on the each machine opened to the to the final seal number listed for that machine on the key envelope.

I. Do the seal and key envelope numbers for the reopened machine(s) agree? YES NO

If **NO**, mark the serial number of the machine on which a discrepancy was found with a check (✓) in Part B-1 on previous page and complete A through E below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

A. Machine#: _____
B. _____ C. _____ D. _____ E. _____
Number on Protective Counter Number on Public Counter # on key envelope # on machine seal

II. Seal(s) intact? YES NO

If **NO**, mark that machine number with an asterisk (*) in Part B-1 on previous page. Enter, on the reverse side of this page, a description of the machine condition and complete lines F through H below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

F. Machine#: _____ G. _____ H. _____
Number on Protective Counter Number on Public Counter

-
3. Calculate the total votes cast for the two candidates in the recount, under each **VM** column, in **line B5 (B3 + B4)**. Then calculate the Total Voters on DREs in **line B2** (adding across), the DRE totals for each respective candidate in **lines B3 and B4** (adding across), and the total votes cast on DREs for both candidates in **line B5** (adding across).

✓ Double-check: the total votes on all DRE machines for the two candidates in the recount, calculated in the last column of line **B5** by adding across that line, must equal the totals for the two candidates adding down the last column of totals from rows **B3** and **B4**.

Now calculate the number of voters who undervoted this office or voted for another candidate by **subtracting B5 from B2 in each column** and put the result in the field **B6**. Add across that line and enter the total in the last column.

4. From **Part B-1**, carry the total number of voters from the **last (total) column of line B2** over to **Part C, line C4, column (i), (Total DRE Machine Count/Total Number Voting)**.
5. From **Part B-2**, carry the candidate totals from the **last (total) column in lines B3 and B4** over to **Part C, line C4, columns (ii) and (iii)**, double-checking that each number is copied to the column for the appropriate candidate.

- i. The candidates should have already been listed in both forms in the same order -- B3 should be the same candidate in Part C, column (ii), and B4 the same as column (iii) -- but check that they are actually properly placed. If not, correct the references to Lines B3 and B4 in line C4 and initial the change (both officers). Do not change or move the candidate names already listed on the pages.
6. Add the candidate totals entered **line C4, columns (ii) and (iii)** for the two candidates and enter the total in **line C4, column (iv)**. Check that this total is the same number entered in the **total column of line B5**.

Part C - Certification of Official Ballots					
VOTES CAST FOR CANDIDATES IN RECOUNT		(i)	(ii)	(iii)	(iv)
IMPORTANT: - Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)] - Lines C6-C9 include all other ballots		Total Number Voting	Candidate Name	Candidate Name	Total Cast for Candidates (ii) + (iii)
			()	()	
C4	Total DRE Machine Count [If no DREs used, mark each "0".]	B2 Total =	SHOULD = LINE B3 TOTAL	SHOULD = LINE B4 TOTAL	SHOULD = LINE B5 TOTAL
					C4

7. From **Part B-1**, carry over the total number of voters who undervoted this office, or voted for another candidate (**last column of line B6**) and enter the number in **Part C, line C8** (ballots undervoted...), **column (ii) (DRE)**.

C8	Ballots Undervoted or Voted for Other Candidates	Machine-readable	Paper	DRE	$C8(i) + C8(ii) + C8(iii) =$	C8
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8. Set the Statement of Results with its attachments aside for now. Return any machine printouts not attached to the SOR to **Envelope #2**.

D. Paper Pollbooks: Verify pollbook count and number of paper ballots cast

If paper pollbooks were used, remove the **pollbook(s)** and the **Pollbook Count** forms from **Envelope #2** and examine them one at a time:

- In **Part D-1 (Paper Pollbook Count and Reconciliation)** enter the division section (example "A-L") on the first line under the first "Division" column. Then enter the number of voters in the pollbook for the first pollbook division [this figure is shown on the bottom of the reverse side of the **Pollbook Count** form].

If a second team of recount officials will be used to hand count the paper and machine-readable ballots, that second team should perform steps 2 and 8 for each division of the pollbook.

- Determine number of voters voting on **paper ballots** by examining each page of the first pollbook division, and enter the total number of paper ballots in the first **Part D-1 (Paper Pollbooks) line D1-PB** under the first pollbook division. (If a second team of recount officials is being used, the number should be provided to first team to enter on the form, and the entry verified by the second team.)

Paper ballot voters are those marked in the pollbook with a "P."

Outside Polls voters (marked with "OP") may have voted by paper ballot or on a portable DRE. If it is not clear from the pollbooks whether the OP voters voted on paper or machine, check the **Statement of Results** which will indicate each time a machine was removed from the precinct.

If the locality used a CAP to count absentee ballots, do not include the voters marked "AB" in the precinct counts unless they are also marked with a **pollbook count (PBC) number**.

When recounting the results for the CAP, refer to the final absentee ballot list (which serves in lieu of the pollbook) to determine the number of voters voting on DRE and by printed ballot.

Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation		Division	Division	Calculation or Number	Total Pollbook Count	
D1	Enter last PBC Number for each division from PBC Count Sheet			Total of Division Counts		D1
D1-PB	Enter number of Paper Ballots cast (from Pollbooks by division)			Total of Division Counts		D1-PB

- RETURN the pollbook and pollbook count sheet to **Envelope #2**. Do not reseal Envelope #2 at this time.
- If more than one paper pollbook division was used in the precinct, repeat Steps 1, 2 and 3 for each such pollbook division.
- When all pollbook divisions have been entered, **add across Line D1** (Paper Pollbooks) to total the division counts and enter the total in the last column, Total Pollbook Count.
- Add across line D1-PB** to total the paper ballot counts from the pollbook divisions and carry this number over to **Part A, line A7**.
- From **Part A** of the **Statement of Results** (previously set aside), the number of paper ballot voters in the precinct is indicated in **line A9** (A18 if absentee ballots were counted in the precinct). Enter this number in **Part A, line A8** of the **Recount Precinct Results**.

A7	Number of Paper Ballot Voters as indicated on all paper pollbooks for the precinct, or on Electronic Pollbook (EPB)	Pollbooks	<input type="text"/>	³
A8	Number of Paper Ballot Voters as indicated by line A9 of SOR (A18 if absentee ballots were counted in the precinct)	SOR line A9	<input type="text"/>	³

8. *If A7 and A8 are not the same number*, ask for the advice of the Recount Coordinator. If the reason for the difference is known or can be determined by to the Recount Officials, it should be explained on the reverse of the Recount Precinct Results page containing Part A.

The Recount Coordinator may direct that the SOR and Incident Report be examined to determine possible variations in the number of paper ballots indicated on the pollbook and the SOR, and that the pollbook count sheets be examined if the pollbook officer noted paper or OP ballots.

Any other information contained in **Envelope #2** may be examined by the Recount Officials at the direction of the Recount Coordinator to determine the reason for the difference.

The Recount Coordinator may also direct that the pollbooks be re-examined to redetermine the number of paper ballots cast. If the re-examination yields a different number for any division, the correction should be entered in **line D1-PB** under the appropriate division. When the re-examination is complete, as determined by the Recount Coordinator, the line D1-PB total must be recalculated if any division entry changed, and the figure carried over to **line A7**. The changes must be explained by the Recount Officials on the reverse of both changed pages.

9. From **Part C1 of the Statement of Results** enter the number of canceled DRE ballots in the Recount Precinct Results, **Part D-1 (Paper Pollbooks), line D2** and the number of voided machine-readable and paper ballots in **line D3**. **Add D2 and D3**, and enter the total in **line D4**.
10. **Subtract line D4** (total canceled and voided ballots) **from D1** (total of division counts), and enter the figure in **line D5**.

Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation		Division	Division	Division	Division	Calculation or Number	Total Pollbook Count	
		_____ - _____	_____ - _____	_____ - _____	_____ - _____			
D1	Enter last PBC Number for each division from PBC Count Sheet					Total of Division Counts	<input type="text"/>	D1
D1-PB	Enter number of Paper Ballots cast (from Pollbooks by division)					Total of Division Counts	<input type="text"/>	D1-PB
D2	Number of cancelled DRE Ballots – (DRE ballots that were CANCELLED because the voter left the booth without casting his/her ballot. Copy from precinct SOR.)					<input type="text"/>	<input type="text"/>	D2
D3	Number of voided Machine-readable and Paper Ballots - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. <u>DO NOT</u> include ballots spoiled by voter and replaced. Copy number from precinct SOR.)					<input type="text"/>	<input type="text"/>	D3
D4	Total Number of Cancelled DRE and VOIDED Machine-readable and Paper Ballots					= D2 + D3	<input type="text"/>	D4
D5	Pollbook Count Reconciliation - Subtract Total number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. **D5 should not be more than C10**					C10 = = D1 – D4	<input type="text"/>	D5

11. The Recount Officials must verify the totals entered.

12. Return all pollbooks, pollbook count sheets, the Statement of Results and any other materials removed from **Envelope #2** to that envelope. RESEAL **Envelope #2**, with both Recount Officers signing the seal. Set Envelope #2 aside.

E. Electronic Pollbooks: Verify pollbook count and number of paper ballots cast

If electronic pollbooks were used, leave the first part D-1 (for paper pollbooks) blank, and use **Part D-2 - Electronic Pollbook Count and Reconciliation**.

1. If a printer was used with the EPB, remove the open/close poll report from the **Envelope #2** and enter the total voters Checked-In COUNT from the report in D-2 (EPB), line D6 (total voters Checked-in Count).

If the report includes the number of voters checked in as voting paper ballots, enter that number in **Part A, line A7**.

2. If there is no EPB open/close poll report, it will be necessary to obtain the information from the EPB data thumbdrive sealed on election night in **Envelope #2**. The General Registrar, EPB manager, Equipment Technician or other person designated by the Recount Coordinators will have already loaded the precinct manager software onto a laptop and set it up in the recount room with an attached printer. (Person performing this function should also be sworn at the beginning of the recount.) One member of the Recount Team, a Recount Coordinator, and the observer from the side not being represented by that Recount Coordinator will take the precinct thumbdrive to the designated person who can bring up the data from the precinct and print the appropriate reports. The other team member and observer will remain with the precinct materials while this is done.

If the number of paper ballot voters was not recorded by the Officers in the EPB data, or cannot be retrieved, **line A7 of Part A** must be left blank. On the back of that page of the Precinct Recount Results, the Recount Officials must explain -- to the best of their ability-- why the data is unavailable.

3. From **Part C1 of the Statement of Results** (previously set aside) enter the number of canceled DRE ballots in **Part D-2 (Electronic Pollbooks), line D7** and the number of voided machine-readable and paper ballots in **line D8**. **Add D7 and D8**, and enter the total in **line D9**.
4. **Subtract line D9** (total cancelled and voided ballots) **from D6** (Total EPB pollbook count), and enter the figure in **line D10**.
5. The Recount Officials must verify the totals entered.
6. RETURN the EPB open/close report (if applicable) and thumbdrive to **Envelope #2**, along with the Statement of Results and any other materials removed from **Envelope #2**. If a printout/report was produced from the thumbdrive during the recount, that printout/report should also be sealed inside **Envelope #2** (in the

event of a later contest). RESEAL **Envelope #2**, with both Recount Officers signing the seal. Set Envelope #2 aside.

F. Finish the paperwork

1. Return all ballots except the challenged ballots to **Box/Envelope #3** (if not previously done). If manual tally sheets were used, put them in **Box/Envelope #3**, on top of the ballots (in case there is a contest following the recount). Then RESEAL it.
 - a. In **Part C** of the Recount Precinct Results, **find the totals for lines C1 through C4 in each vertical column (i - iv)** and enter the column totals in the corresponding column on **line C5**.

Part C - Certification of Official Ballots					
VOTES CAST FOR CANDIDATES IN RECOUNT IMPORTANT: - Lines C1-C5 include only recount parties [listed to the right under (i) and (iii)] - Lines C6-C9 include all other ballots	(i)	(ii)	(iii)	(iv)	
	Total Number Voting	Candidate Name	Candidate Name	Total Cast for Candidates (ii) + (iii)	
C1 Total Ballots Read by Ballot Scanner Machine in Recount (From tape; when finished attach tape to back of page with Part A.)	A4 Total = ↓	↓	↓	↓	C1
C2 Total Machine-readable Ballots <i>Manually</i> Counted in Recount	A5 Total = ↓	↓	↓	↓	C2
C3 Total Paper Ballots Counted in Recount	A6 Total = ↓	↓	↓	↓	C3
C4 Total DRE Machine Count (If no DREs used, mark each "0")	B2 Total = ↓	SHOULD = LINE B3 TOTAL ↓	SHOULD = LINE B4 TOTAL ↓	SHOULD = LINE B5 TOTAL ↓	C4
C5 Total Votes (Add C1 through C4 in each column)	⌘	⌘	⌘	⌘	C5

- b. In **Part C**, add together the number of machine-readable, paper and DRE ballots (**columns (i), (ii), and (iii)**) in each category listed on lines **C7 through C9**. Enter the respective totals in **Column (iv)** on the same line.
- c. In **Part C**, Enter the **total of column (iv), lines C5 through C9** on **Line C10**.
- d. Is the number in **line C5, column (i)** the same as the number in **line C10, column (iv)**? If not, recheck math and recheck numbers entered. Ask Recount Coordinator for guidance.

	(i)	(ii)	(iii)	(iv)	
C5 Total Votes (Add C1 through C4 in each column)	⌘	⌘	⌘	⌘	C5
C6	Paper Ballots Drawn (during recount) (§ 24.2-802)			↓	C6
C7 <i>Manually</i> Counted Ballots Voided by Voter (Includes Overvoted; § 24.2-663) [For C7 - C9, list separately by ballot voting system]	Machine-readable →	Paper →		C7(i) + C7(ii) = ↓	C7
C8 Ballots Undervoted or Voted for Other Candidates	Machine-readable →	Paper →	DRE →	C8(i) + C8(ii) + C8(iii) = ↓	C8
C9 Challenged Ballots (enclosed in attached envelope)	Machine-readable →	Paper →		C9(i) + C9(ii) = ↓	C9
C10	TOTAL [Add C5 through C9 in column (iv) **Should equal C5 column (i)**			Carry to D5 and D10	C10

- e. Also enter the number on **line C10, column (iv)** in the proper box in Part D-1 line D5 or Part D-2 line D10 (depending on whether paper pollbooks or an electronic pollbook was used).

Paper Pollbook:

D5	Pollbook Count Reconciliation - Subtract Total number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. **D5 should not be more than C10**	C10 =	= D1 - D4	/	D5
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Electronic Pollbook:

D10	Pollbook Count Reconciliation - Subtract the number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. **D5 should not be more than C10**	C10 =	= D6 - D9	/	D10
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- If machine-readable ballots for this precinct were rerun through a counter during the recount, **make sure that the BALLOT SCANNER MACHINE TAPE for the ballots rerun during the RECOUNT is stapled to the back** (behind the top right -- see instructions on page) **of the Recount Precinct Results page with Part A.** Make sure that the precinct code is written on the tape.
- Make sure that the pages of the Recount Precinct Results are complete (including all information at the top of the pages if not previously filled in) and put them in order by "Part" letter. Number the pages if this has not been previously done, or if an additional page had to be added (for example, for more individual DRE tapes than the columns available).
- Each Recount Official must verify the totals entered and **sign and date the form** in the **CERTIFICATION (Part E – page 1)**. (If a second team of Recount Officials was used to hand count the ballots, those officials must also sign the form.)

PART E - "DO NOT SIGN UNTIL ALL OTHER MATERIALS ARE COMPLETE"	
CERTIFICATION — We hereby swear/affirm, under felony penalty for making willfully false material statements or entries, that all of the information entered heron is true and correct.	
<small>WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500. (Va. Code § 24.2-1016)</small>	
1. _____ <div style="text-align: center; font-size: small;">Recount Official's Signature - Team 1</div> _____ <div style="text-align: center; font-size: small;">Printed Name</div>	3. _____ <div style="text-align: center; font-size: small;">Recount Official's Signature - Team 2 (if applicable)</div> _____ <div style="text-align: center; font-size: small;">Printed Name</div>
2. _____ <div style="text-align: center; font-size: small;">Recount Official's Signature - Team 1</div> _____ <div style="text-align: center; font-size: small;">Printed Name</div>	4. _____ <div style="text-align: center; font-size: small;">Recount Official's Signature - Team 2 (if applicable)</div> _____ <div style="text-align: center; font-size: small;">Printed Name</div>

- Staple the set of Recount Precinct Results pages together in the top left corner. If there were any challenged ballots in this precinct, staple the set of Results pages to the top left corner of the completed, sealed **Challenged Ballots envelope** (making sure not to staple through any ballots).**

If there were NOT any challenged ballots in this precinct, DO NOT staple the Recount Precinct Results to the empty **Challenged Ballots envelope**. Keep the envelope until needed for a precinct that has one or more challenged ballots. (The instructions preprinted on your Challenged Ballot envelope may say to complete and seal the envelope, and staple the precinct results to it even if there were no challenged ballots in the precinct. These instructions revise those instructions.)

6. Let the Recount Coordinator know that you have completed the precinct. The Coordinator should review the completeness of the Recount Precinct Results at that time, ensuring that all entries appear to be legible (to the Coordinator), and the pages are sequentially numbered and complete.

The Recount Officials will now give the Recount Coordinator:

(1) The completed Recount Precinct Results set

- with attached ballot scanner machine tape if machine-readable ballots were rerun during the recount
- attached to Challenged Ballots envelope ONLY if there was a challenged ballot

(2) All of the election materials received from the precinct, properly resealed in their envelope/box (with any Manual Tally Sheets that were used placed/sealed inside Box/Envelope #3 on top of the ballots)

(3) The resealed memory card/cartridge used to rerun the machine-readable ballots (if applicable).

7. The Recount Coordinator will then give the Clerk of Circuit Court the **completed Recount Precinct Results set** with the attached tape (if applicable) and attached **Challenged Ballots envelope** (if used), and **all other election materials for the precinct** and receive the packages for the next precinct.

G. Repeat for next precinct

Repeat the above steps until all assigned precincts have been completed.

Finishing the Locality's Results; Sealing and Delivery of Material

The following steps are recommended by the Department of Elections for security, accuracy and uniformity, subject to the direction and authority of the Recount Court.

The Recount Coordinator receiving materials from the recount officials should make sure that the materials are complete.

- ✓ If machine-readable ballots were rerun through a scanner for the precinct:
 - is the **recount ballot scanner machine tape** stapled to the back of the Recount Precinct Results page containing **Part B**?
 - If any **Challenged Ballots** are listed in **Part C, line C9** of the Recount Precinct Results form:
 - Is the **Challenged Ballot Envelope** attached to the Recount Precinct Results set, and has the envelope been sealed, signed, and completed?
 - Is the **total number of challenged ballots listed on the envelope the same** as the **total listed on line C9, column (iv)**?
- ✓ Do the entries on the Recount Precinct Results form set appear to be legible (to the Clerk), and are the pages sequentially numbered and complete?

The Clerk of Court for the locality will check in the materials received from the Recount Coordinator for the completed precinct. While the Recount Coordinator is present, the Clerk will make sure that the materials appear to be complete.

- ✓ Did all the election and recount envelopes/materials checked out by the Recount Coordinator for the precinct come back?
- ✓ Have all sealed materials opened during the recount been properly resealed?

Any questions should be addressed at that time to the Recount Coordinator and, if either the Clerk of Court or Recount Coordinator believes it necessary:

- The Clerk of Court will not accept the materials in question from the Recount Coordinator at that time (checking in only those not in question), and
- The Recount Coordinator will return to the Recount Team that prepared the materials, with the materials in question, to resolve any issues.

Once the precinct's recount materials are all accepted by the Clerk, if the locality's recount results are to be conveyed to another location after completion of all precincts, the Recount Coordinator for the locality, in the view of the Clerk of Court, will **enter the total number of votes for each of the two candidates in the recount and the number of challenged ballots referred to the Court in the first line for the precinct** on the **Locality Summary** form. **Enter ZERO "0" if there were no challenged ballots. Leave the second line for the precinct blank** ("challenged ballots counted by the Court").

Note: In the past this has been entirely done at the Recount Court level. In the revised process for a "two day" or "two part" recount, the Recount Coordinator will complete the first line for the precinct. The results will be checked by the Recount Court and tabulated after all challenges have been decided.

The Clerk of Court will place the recount materials to be conveyed to the Court for the locality as a whole in precinct number order, to be placed in the Locality Results Envelope when completed.

The Clerk of Court will then give the Recount Coordinator the materials for the next precinct (checking them out as given).

The Clerk of Court will replace the sealed materials for the election that will remain in the locality in a secure place with the other completed materials.

The Recount Court may be in session in the same room while the recount is underway, and may choose to review the precinct results and any challenged ballots (or just the challenged ballots) as each precinct is completed. If the Clerk of Court is instructed to convey these immediately to the Recount Court, it is recommended that the Clerk note on the materials check in/out record what was given to the Court, when it was received, and who received it.

If the Recount Court decides to review precinct results and challenged ballots as the precincts complete them, the Court or its designee would enter the total number of votes for each of the two candidates in the recount and the number of challenged ballots referred to the Court in the first line for the precinct on the Locality Summary form, entering ZERO "0" in the last column if there were no challenged ballots. The court would record its decision(s) on the challenged ballots on the second line for the precinct ("challenged ballots counted by the Court") on the Locality Summary form.

If the Recount Court decides to review only the challenged ballots as the precincts are completed, the Clerk would give that envelope to them with the attached precinct results. After reviewing the challenged ballots (without reviewing the Results), the Court would note its decision on the outside of the envelope by candidate (for example "Smith - 2, Jones - 1, not counted - 1), reseal the envelope and return it to the Clerk for the locality to put with the other completed recount precinct results.

Repeat the above steps until all assigned precincts have been completed.

"Part Two" - Court Review and Compilation of Results -- Suggested Steps

Check in and Logistics

Make sure you have the following documents and materials:

- ✓ *Locality Summary of Recount Results (SBE-802-LS)*
(one form has been prepared for each locality)
- ✓ *Court Certification of Recount Form (SBE-802-CC)*
(lists results by locality)
- ✓ Locality Results envelope/box for each locality
- ✓ Stickers to reseal the envelopes
- ✓ Notepads
- ✓ Pens

Officials and Authorized Representatives

Floor Teams:

- One Department of Elections Staff Member,
- One representative of the accounting firm,
- One representative of each campaign.

Duties: Open locality results envelope/box received from **runner** one locality at a time. Handle challenged ballots. Report challenged ballots. Determine precinct results from the materials submitted by the locality. Complete *Recount Certification – County or City Results by Precinct (SBE 802-LS)* form for the locality being examined.

Floor Attorneys:

- Attorneys for each campaign

Duties: Available to Floor Teams to answer questions and resolve issues.

Appeals Team:

- Lead attorneys for both candidates,
- Department of Elections senior staff,
- Member of the Clerk's staff (at Clerk's option).

Duties: Resolves any issues raised by **Floor Teams**. Issues are resolved if the two party attorneys are in agreement, and the Department of Elections senior staff member bears witness to the agreement. Any issues not resolved by the Appeals Team will go to the **Recount Court** for a decision. Examine challenged ballots that could not be resolved by the **Floor Team** and refer to **Recount Court** for its decision (with recommendation if one is reached). Examine materials (pollbooks, ballots, etc.) referred to the **Recount Court** when number of paper ballots in a precinct does not equal the number of paper ballot voters on the pollbooks, or there are other problems.

Summary Team:

- One Department of Elections Staff member,
- One representative of the accounting firm,
- One representative from each campaign.

Duties: Examine *Recount Certification – County or City Results by Precinct (SBE 802-LS)* for each locality as received from the **runner**. Total columns and enter totals on *Summary*

form for the locality. If any challenged ballots that could not be resolved by the **Floor Teams** are later counted by the Court, add them to the *Summary* form under the locality (not on the *Results by Precinct* form) and recalculate totals.

Runner:

- One Department of Elections Staff member

Duties: Take the materials from the **Clerk**, one locality at a time to the **Floor Teams**, pick them up when the **Floor Team** is finished, return the materials to the **Clerk**, and deliver the tabulation sheets to the **Summary Team**.

Clerk

Duties: Clerk or Deputy Clerk should maintain control of the recount room, including press and general public, hand out locality documents and receive them back when completed, and transport any challenged ballots unresolved by the **Floor Team** or **Appeals Team** to the three judges of the **Recount Court** for their decision.

Floor Team Step-by-Step

Guidelines

- ONLY **ELECT STAFF** may handle ballots or other materials.
- Ensure all members of **Floor Team** and any observers are able to see the materials clearly.
- If, at any time, the packet is missing information or does not comply with the requirements set forth below, notify the **Appeals Team** (ELECT Executive/Policy Staff or Campaign Attorneys).

Review and Compilation of Results

Local Results envelopes/boxes received from localities should be alphabetized by locality to make sure that they are present and clearly marked. If a county and city have the same name they should be marked to show the county or city designation before the recount begins.

1) **Floor Team** Receives Locality Materials from the Runner

- a. Check to ensure the **Clerk** or Deputy Clerk of the Locality's Circuit Court **has signed** in the space provided in the lower right hand corner of the package.
- b. Check for SBE-802 LS form: "Recount Certification County or City Results by Precinct" (tabulation sheet).
 - i. If there is **no 802 LS form, the accountant will have to create** a form from a blank 802 LS.
- c. Count the number of SBE-802 PR forms "Recount Precinct Results for All Voting Systems".
 - i. Number of forms should equal number of precincts listed on tabulation sheet (SBE-802 LS + 2 for CAP and provisional ballots, if locality has a CAP).
 - ii. Also confirm precincts with spreadsheet of precincts provided.

2) **Open Recount Precinct Results** to Part C (SBE-802 PR).

- a. Confirm **Line C5, column (ii) and (iii) of SBE-802 PR** correspond with precinct totals entered on Recount Certification (SBE-802 LS) for each candidate.
- b. Confirm number of challenged ballots entered on **Line C9 of SBE-802 PR** correspond with number of challenged ballots entered on SBE-802 LS.

3) If any information does not match, please notify a member of the Appeals Team.

Dealing with Challenged Ballots

4) **Open** the package.

- a. Remove one envelope at a time.
- b. Ensure there is an 802-CB attached to a Challenged Ballot (CB) Envelope.
- c. Ensure the 802-CB is signed by the Recount Officials for that precinct.
- d. Identify precinct and locate the precinct on the Recount Certification – County or City Results by Precinct form.

5) **Examine** the CB Envelope

- a. **If zero indicated on front of envelope**, hold envelope to the light and ensure envelope it is empty.
 - i. **Accountant** shall enter ZERO on the 802-LS
- b. **If a number is indicated on front of envelope**, open the envelope and verify the number of ballots included equals the number indicated on the form.
 - i. **Accountant** should enter the number of ballots challenged on 802-LS
 1. Ensure each challenged ballot has an 802-CB attached to it.
 - ii. Allow each party to examine, but not handle, the challenged ballot one at a time. (if there is any question, refer to the [Department of Elections Ballot Examples](#))
 1. If the two **Party Representatives agree** on which candidate the ballot should be counted for, then mark on the back of the 802-CB the name of the candidate the candidate for which the ballot shall be counted for.
 2. If the two **Party Representatives do NOT agree**, then request the **Appeals Team** over to review the ballot.
 - a. If **parties agree**, then follow procedure above for counting the ballot.

- b. If **parties do NOT agree**, then provide the ballot to the Runner who will take it to the Clerk for review by the Court.
- c. **If no number is entered on front of envelope**, open to verify if the envelope is empty.
 - i. Review 802-PR to find the number of ballots challenged.
 - ii. Accountant should enter the number found on 802-LS.
 - iii. If a challenged ballot is present, allow each party to examine, but not handle, the challenged ballot one at a time. (if there is any question, refer to the [Department of Elections Ballot Examples](#))
 - 1. If the two **party representatives agree** on which candidate the ballot should be counted for, then mark on the back of the 802-CB the name of the candidate the candidate for which the ballot shall be counted for.
 - 2. If the two **party representatives do NOT agree**, then request the **Appeals Team** over to review the ballot.
 - a. If **parties agree**, then follow procedure above for counting the ballot.
 - b. If **parties do NOT agree**, then provide the ballot to the Runner who will take it to the Clerk for review by the Court

6) **Finalize** the Locality Results

- a. Once all ballots have been determined, the accountant will complete the 802-LS.
 - i. ELECT staff and the party reps should confirm the 802-LS is entered correctly and initial under the totals.
- b. Call a **Runner** to take the **802-LS** to one of the **Summary Teams**.
- c. Call a **Runner** to take the **locality materials** back to the **Clerk**.

Final Certification of Results: Re-seal material

After the **Floor Team** has completed the 802-LS *Recount Certification – County or City Results by Precinct*, the materials are transported to the **Summary Team**.

- 1) The **Summary Team** checks the math and completeness of the *Locality Summary of Recount Results (SBE-802-LS)*.
- 2) The **Summary Team** transfers the vote totals for each candidate in each locality from the *Locality Summary of Recount Results (SBE-802-LS)* to the *Court Certification of Recount (SBE-802-CC)* form.
- 3) The **Summary Team** transfers any information regarding challenged ballots (SBE-802-CB) received from the **Appeals Team** or the **Recount Court** on the *Court Certification of Recount (SBE-802-CC)* form.
- 4) The accountant on the **Summary Team** verifies the accuracy of the *Court Certification of Recount (SBE-802-CC)* form.
- 5) The *Court Certification of Recount (SBE-802-CC)* form is submitted to the **Recount Court** for their certification.

After the Recount

Issuance of Certificate of Election

The person having the highest number of votes shall be deemed to have been elected to such office and shall receive a certificate of election. The Attorney General's office has determined that the certificate of election should be issued by the local electoral board even though an election is being recounted. There are no provisions of §24.2-802 that would delay the local electoral board's issuance of the certificate of election as required by §24.2-676.

If the Court's certification of the recount declares the losing candidate the winner, a new certificate of election must be issued, making the original certificate null and void.

Update Results on Department of Elections Website

Localities involved in a recount may need to change their election results. §24.2-671 requires there to be a record of all changes to vote totals made after Election Day. Therefore, all localities must enter a "Reason for Change" in VERIS before they can change their vote totals. These changes will be reflected on the Department of Elections website. The Department of Elections generally does not publish local results since they are not the certifying agent. However, since most local elections are held on an Election Day in which the Department of Elections is the certifying agent, local office results are included. The website will be updated accordingly.

Return and Final Retention of Material

All of the recount material received from each city or county comprising the district being recounted should be resealed and signed by the Recount Court's designated officers tabulating the results, and preferably also by representatives for the parties to the recount if present, and then securely stored by the Clerk of Court for the Circuit Court in which the recount was held. These materials should remain secured and sealed until the time for the candidate losing the recount to initiate a contest has expired. See [Contests](#) near the beginning of this document and § 24.2-814 allowing 10 days from recount court order declaring winner to file contest.

If the recount was for a primary or election for a General Assembly seat, statewide office or federal office, the Department of Elections will check with the appropriate office to determine if a contest has been filed by the deadline, and then notify the Clerk. If no contest is pending, the records for the Clerk's own locality should then be treated as prescribed by law for other records from that same election date that are in the custody of the Clerk.

Materials sent from any other localities in the district to be recounted should be returned to the Clerks for those localities, again to be treated in the same manner as other records from that election date that are in the custody of the Clerk. The other Clerks may want to pick up the records, or the sending Clerk may have them delivered personally or by a method

that includes tracking of delivery. If the materials are picked up or delivered personally, both Clerks should keep a record documenting the transaction.

In the case of a primary or election for a county, city or town office, or local district office, any contest would be filed with the Circuit Court where the challenged candidate resides. Unless the recount was for a shared local office, the Clerk of the Court that conducted the recount will receive any contest filed, or should check with the Clerk where the winning candidate resides to determine if a contest has been filed by the deadline.



County/City of: _____

Election Date: _____

Precinct: _____

Election Type: _____

Date of Recount: _____

Office: _____

District: _____

PART E - **DO NOT SIGN UNTIL ALL OTHER MATERIALS ARE COMPLETE**

CERTIFICATION — We hereby swear/affirm, under felony penalty for making willfully false material statements or entries, that all of the information entered heron is true and correct.

WARNING: INTENTIONALLY MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500. (Va. Code § 24.2-1016)

1. _____
Recount Official's Signature - Team 1

Printed Name

2. _____
Recount Official's Signature - Team 1

Printed Name

3. _____
Recount Official's Signature - Team 2 (if applicable)

Printed Name

4. _____
Recount Official's Signature - Team 2 (if applicable)

Printed Name

All Recount Officials who participated in recounting the votes in this precinct must sign the certification.



Part B - 1 – DRE Voting Machines (Serial # and Number of Voters)		Calculation or Source	VM-1 or Consolidation Tape⁴	VM-2	VM-3	VM-4	VM-5	VM-6		
B1	Machine Serial Number	Machine Tag or Tape							Total Voters	B1
B2	Total Number of Voters Who Voted on This DRE	Public Counter or Tape							Carry to C4(i) <i>/</i>	B2
Part B - 2 – Certification of DRE Machine Results for Precinct		Calculation or Source	VM-1 or Consolidation Tape⁴	VM-2	VM-3	VM-4	VM-5	VM-6	Candidate Totals	
B3	Candidate Name _____ ()	Machine Tape							Should = C4(ii) <i>/</i>	B3
B4	Candidate Name _____ ()	Machine Tape							Should = C4(iii) <i>/</i>	B4
B5	Total votes for both candidates on DRE(s)	= B3 + B4	<i>/</i>	<i>/</i>	<i>/</i>	<i>/</i>	<i>/</i>	<i>/</i>	Should = C4(iv) <i>/</i>	B5
B6	DRE ballots undervoted or voted for other candidates (this office)	= B2 - B5	<i>/</i>	<i>/</i>	<i>/</i>	<i>/</i>	<i>/</i>	<i>/</i>	Carry to C8(iii) <i>/</i>	B6

⁴ If **consolidation tape** available, list total number of voters and results for recount candidates from consolidation tape under **VM-1 above** and **list all serial numbers for DREs included in the consolidation tape below**. If any DRE is not included in the consolidation tape, list the serial number and results for each such machine under VM-2, etc. Use additional copies of page if needed.



Part B - 3 – If DRE Tape(s) Must Be Rerun

Complete this part if any DRE tape from the precinct was missing or not clear, and the recount officers were directed to rerun the tape(s). Compare the seal on each machine opened to the final seal number listed for that machine on the key envelope.

I. Do the seal and key envelope numbers for the reopened machine(s) agree? YES NO

If NO, mark the serial number of the machine on which a discrepancy was found with a check (✓) in Part B-1 on previous page and complete A through E below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

A. Machine#: _____

B. _____
Number on Protective Counter

C. _____
Number on Public Counter

D. _____
seal # on key envelope

E. _____
seal # on machine

II. Seal(s) intact? YES NO

If NO, mark that machine number with an asterisk (*) in Part B-1 on previous page. Enter, on the reverse side of this page, a description of the machine condition and complete lines F through H below. Attach the precinct Statement of Results from the election (including all pages and attached tapes).

F. Machine#: _____

G. _____
Number on Protective Counter

H. _____
Number on Public Counter



Part C - Certification of Official Ballots						
VOTES CAST FOR CANDIDATES IN RECOUNT		<u>(i)</u>	<u>(ii)</u>	<u>(iii)</u>	<u>(iv)</u>	
IMPORTANT: - Lines C1-C5 include only recount parties [listed to the right under (ii) and (iii)] - Lines C6-C9 include all other ballots		Total Number Voting	Candidate Name	Candidate Name	Total Cast for Candidates (ii) + (iii)	
			()	()		
C1	Total Ballots Read by Ballot Scanner Machine in Recount (From tape; when finished attach tape to back of page with Part A.)	A4 Total =				C1
C2	Total Machine-readable Ballots <i>Manually</i> Counted in Recount	A5 Total =				C2
C3	Total Paper Ballots Counted in Recount	A6 Total =				C3
C4	Total DRE Machine Count [If no DREs used, mark each "0".]	B2 Total =	SHOULD = LINE B3 TOTAL	SHOULD = LINE B4 TOTAL	SHOULD = LINE B5 TOTAL	C4
C5	Total Votes (Add C1 through C4 in each column)					C5
C6		Paper Ballots Drawn (during recount) (§ 24.2-802)				C6
C7	Overvoted Ballots (plus ballots otherwise <u>voided by Voter</u>) § 24.2-663	Machine-readable	Paper		C7(i) + C7(ii)=	C7
C8	Ballots Undervoted or Voted for Other Candidates	Machine-readable	Paper	DRE	C8(i) + C8(ii) + C8(iii) =	C8
C9	Challenged Ballots (enclosed in attached envelope)	Machine-readable	Paper		C9(i) + C9(ii) =	C9
C10		TOTAL [Add C5 through C9 in column (iv)] **Should equal C5 column (i)**			Carry to D5 and D10	C10



Part D - 1 – Paper Pollbook Count (PBC) and Reconciliation		Division ____ - ____	Division ____ - ____	Division ____ - ____	Division ____ - ____	Calculation or Number	Total Pollbook Count	
D1	Enter last PBC Number for each division from PBC Count Sheet					Total of Division Counts		D1
D1-PB	Enter number of Paper Ballots cast (from Pollbooks by division)					Total of Division Counts		D1-PB
D2	Number of cancelled DRE Ballots – (DRE ballots that were CANCELLED because the voter left the booth without casting his/her ballot. Copy from precinct SOR.)							D2
D3	Number of voided Machine-readable and Paper Ballots - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. <u>DO NOT</u> include ballots spoiled by voter and replaced. Copy number from precinct SOR.)							D3
D4	Total Number of Cancelled DRE and VOIDED Machine-readable and Paper Ballots					= D2 + D3		D4
D5	Pollbook Count Reconciliation - Subtract Total number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. **D5 should not be more than C10**				C10 =	= D1 – D4		D5
Part D - 2 – Electronic Pollbook (EPB) Count and Reconciliation						Calculation or Number	Total Pollbook Count	
D6	Enter the total voters Checked-In Count from the EPB							D6
D7	Number of cancelled DRE Ballots - (DRE Ballots that were CANCELLED because the voter left the booth without casting his/her ballot. Copy number from Part C1 of precinct SOR.)							D7
D8	Number of voided Machine-readable and Paper Ballots - (Ballots that were VOIDED because the voter left the booth without casting his/her ballot. <u>DO NOT</u> include ballots spoiled by voter and replaced. Copy number from precinct SOR.)							D8
D9	Total Number of cancelled DRE and voided Machine-readable and Paper Ballots					= D7 + D8		D9
D10	Pollbook Count Reconciliation - Subtract the number of CANCELLED DRE and VOIDED Machine-readable and Paper ballots from Total Pollbook Count. **D5 should not be more than C10**				C10 =	= D6 – D9		D10

Start a new tally sheet for each precinct; use additional sheets if necessary. Use separate sheets for paper ballots and for manually counted optical scan. Make a hash mark for each vote cast for the candidate in the grid, like this: /. Mark the 5th vote like this: ///. Use one box for each set of five marks. Combine all tallies in appropriate rows/boxes in **Part C** of *Recount Precinct Results*.

Election Date: _____ **Office:** _____ **Precinct #/Name:** _____

Type of Ballots (check only one): Paper Manually Counted Optical Scan

CANDIDATE NAME	5	10	15	20	25	30	35	40	45	50		
											50	
											100	
											150	
											200	
											250	
											300	
											350	
	Total votes on this sheet for this candidate:											400
												450
											500	
 												
Candidate Name	5	10	15	20	25	30	35	40	45	50		
											50	
											100	
											150	
											200	
											250	
											300	
											350	
	Total votes on this sheet for this candidate:											400
												450
											500	
 												
Other				5	10	15	20	25	Total			
Manually Counted Ballots Voided by Voter (includes Overvoted)												
Manually Counted Ballots Undervoted or Voted for Other Candidates												
Challenged Ballots (complete/sign challenge form, attach ballot & enclose in CB envelope)												



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Recounts

Step by Step Instructions

Adopted

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Instructions – General Registrar/ Electoral Board members

The requirement to execute a recount can occur very rapidly. The Department suggests that if you think a recount is likely to occur, you should begin making preparations for a recount prior to the issuance of the recount writ.

What are the responsibilities of the General Registrar and Electoral Board for a recount?

There are multiple actions that must be completed prior to the recount and during the recount. The general registrar and electoral board members will likely share responsibilities; however, ultimately Virginia Code of Elections places responsibility of the completion of these actions on the local electoral board. Responsibilities of the general registrar and the electoral board members may shift depending on the court order. Ensure the following is completed prior to the recount.

- Provide to the Clerk of the Court a signed ELECT-659 (Request to Inspect Sealed Materials) from the Department of Elections.

You may also want to request to open **Envelope 6** (unused ballots) or have your ballot printer print a number of ballots for the test deck for the L & A testing.

- Provide to the candidates and the recount court a list of election officials, and the party they represent, that served on election day.

Each candidate and governing body/chief executive officer (in the case of a referendum) involved in the recount may select an equal number of officers of election to serve as recount officials (*see* Va. Code § 24.2-802).

- Have a data storage medium for the voting machines of each precinct.

Central Absentee Precinct (CAP) will be counted as a separate precinct.

Valid provisional votes cast for Election Day will be counted as a separate precinct.

- Program your voting machine(s) and data storage device(s).

You must have your voting machine(s)/ data storage medium(s) programed to count the votes cast for the candidates or issue ordered in the recount.

You must have your voting machine(s)/ data storage medium(s) programmed to return overvotes, undervotes, and write-ins (Va. Code § 24.2-802), these ballots must be hand counted.

- Conduct an L&A prior to the recount.

Your Recount Court may stipulate in the recount order when your L&A must be conducted and how many ballots will be used.

- Review and amend the **Recounts documents** (if needed).

Your recount court may require you to account for vote totals for more than two candidates. If so, amend the **votes cast for candidates not party to the recount** on the recount forms to include any other candidate names party to the recount.

Your recount court determines how many recount officials will assist with the recount. You may be given multiple teams for each precinct or only one team. As such, **review and amend** your instructions for handing off returned ballots from the scanning team to the hand counting team (see page 9 of the instructions).

- Prepare materials for recount official training.

Ensure the recount officials and coordinators understand how to fill out the **Recount Precinct Results Report** and the **hand count tally sheet** as directed by the Department of Elections and the recount court.

Ensure the recount officials and coordinators understand how to conduct the hand count procedure.

- Prepare set up/ materials for the recount.

Prepare office supplies and required recount documents for your recount teams and coordinators in a “recount kit” for easy access. Set up the recount location as most efficient for your teams.

What documents are accessible for a recount?

- Statement of results
- Machine tapes
- Printed return sheets
- Pollbooks
- Abstract of votes

Can candidates/ media/ general public observe the recount?

Yes, a recount is a public event. Each party to the recount (candidate) is permitted one observer per recount team. The observer may stand behind or sit to the outside of the Recount officials as they work and may only watch and take notes. Observers must be close enough to see and hear what is happening. No observer may handle ballots, election materials, or recount materials.

If an Observer has a question, it must be directed to the supervising Recount Coordinator -- not the Recount officials -- without disturbing the proceedings.

Members of the news media and the general public may also be in the room, but are not allowed to handle any official materials or disturb the proceedings in any way.

Closing the Recount

Issuance of a new Certificate of Election

The person having the highest number of votes shall be deemed to have been elected to such office and shall receive a certificate of election. The Attorney General's office has determined that the certificate of election should be issued by the local electoral board even though an election is being recounted. There are no provisions of §24.2-802 that would delay the local electoral board's issuance of the certificate of election.

If the Court's certification of the recount declares the losing candidate the winner, a new certificate of election must be issued, making the original certificate null and void.

Update Results on Department of Elections Website

Localities involved in a recount may need to change their election results. §24.2-671 requires there to be a record of all changes to vote totals made after Election Day. Therefore, all localities must enter a "Reason for Change" in VERIS before they can change their vote totals. These changes will be reflected on the Department of Elections website. The Department of Elections generally does not publish local results since they are not the certifying agent. However, since most local elections are held on an Election Day in which the Department of Elections is the certifying agent, local office results are included.

Return and Final Retention of Material

All of the recount material received from each city or county comprising the district being recounted should be resealed and signed by the recount officials and then securely stored by the Clerk of Court for the Circuit Court in which the recount was held. These materials should remain secured and sealed until the time for the candidate losing the recount to initiate a contest has expired.

If the recount was for a primary or election for a General Assembly seat, statewide office or federal office, the Department of Elections will check with the appropriate office to determine if a contest has been filed by the deadline, and then notify the Clerk. If no contest is pending, the records for the Clerk's own locality should then be treated as prescribed by law for other records from that same election date that are in the custody of the Clerk.

Materials sent from any other localities in the district to be recounted should be returned to the Clerks for those localities, again to be treated in the same manner as other records from that election date that are in the custody of the Clerk. The other Clerks may want to pick up the records, or the sending Clerk may have them delivered personally or by a method that includes tracking of delivery. If the materials are picked up or delivered personally, both Clerks should keep a record documenting the transaction.

In the case of a primary or election for a county, city or town office, or local district office, any contest would be filed with the Circuit Court where the challenged candidate resides. Unless the recount was for a shared local office, the Clerk of the Court that conducted the recount will receive any contest filed, or should check with the Clerk where the winning candidate resides to determine if a contest has been filed by the deadline.

Instructions – Recount Coordinators

What are my responsibilities as a recount coordinator?

- You will supervise recount teams' work progress.

A locality is only able to have two (2) recount coordinators; thus, one coordinator will need to supervise multiple recount teams.

- Assist the recount teams.

Provide information on the recount procedure to recount teams.

Enter data on the recount precinct results form for the recount teams, if needed.

Pick up from the Clerk and deliver to recount teams sealed ballots, precinct by precinct.

Ensure recount teams have all necessary materials.

Check that ballot bins are empty as requested by recount officials.

- Speak with the general public, candidate, and their representatives, and media regarding basic recount information.

Recount teams cannot speak to the general public, candidate, or their representatives, or media.

- Ensure the recount proceedings are not disturbed.

- **A recount coordinator cannot touch any ballots.**

Only recount teams may touch the ballots. This requirement is due to ballot security and chain of custody.

Instructions – Recount Officials (scanning ballots)

Check that you have these materials.

- Two (2) copies of Recount Precinct Results form
- Data storage device for the ballot scanning machine
- Container(s)/ Envelope(s) #3
- Returned ballot bin/ place to set aside ballots that could not be scanned

Print two (2) zero tapes from the voting machine.

1. **Check** that all totals on the zero tapes read 0000
2. **Check** the public counter total reads 0000
3. **Complete** PART 1 on the recount precinct results report.
4. **Staple** a zero tape to the first page of each Recount Precinct Results form

Scan all ballots through the machine.

1. **Open** container/envelope #3 and take out the counted ballots for the precinct.

If you have multiple containers, open one container at a time.

2. **Feed** the counted ballots into the scanner

If the machine returns a ballot or a ballot will not scan, **put the ballot aside in the returned ballots bin.**

3. **Repeat** Step 1 and 2 with all containers /Envelopes #3 for the precinct until all ballots have been scanned or set aside for hand counting.
4. **Ask** the recount coordinator to check that all container /Envelope #3 are empty.

Print two (2) results tapes from the voting machine.

1. **Complete** PART 2 of the Recount Precinct Results form with the results tapes.
2. **Staple** one (1) results tape to page 3 of each Recount Precinct Results form
3. **Remove** the ballots that successfully scanned from the ballot scanner compartment.
4. **Return** successfully scanned ballots to container/ envelope #3s.
5. **Ask** the recount coordinator to check that the ballot scanner compartment is empty.

Instructions – Recount Officials (scanning ballots)

If you do not have returned ballots set aside.

1. **Jump** to page 13 of these instructions to the section titled: **Complete the Recount Precinct Results form.**

If you have returned ballots set aside.

1. **Remove** the returned ballots from the bin.
2. **Place** returned ballots in the designated area as directed by the recount coordinator.
3. **Ask** the recount coordinator to check that the returned ballot bin is empty.
4. **Go to** the instructions of the section titled: **Instructions – Recount Officials (hand counting ballots).**

Instructions – Recount Officials (hand counting ballots)

Check that you have these materials.

- Returned ballots for the precinct
- 2 copies of the Recount Precinct Results Form for the precinct
- The Department of Elections' *Handcounting Examples*
- Challenged Ballot Form
- Challenged Ballots envelope
- 2 copies of the Hand counting tally sheet
- Envelope #2

Review these definitions.

Definitions you must know:
Undervote: means the voter did not vote the total number of candidates they could have for a seat. For instance, the voter could have voted for six candidates but the voter only cast a vote for three candidates.
Overvote means the voter made more choices than they were entitled to
Write-in vote: Voter wrote the name of an individual that is not printed on the ballot.

Group the returned ballots.

1. **Separate** and group the ballots into groups of 10.
2. **Secure** each group and label with a group number, starting with Group 1.

Review ballots one at a time.

1. **Starting** with Group 1, take the first ballot from the group.
2. **Place** the ballot with the office of the recount face up.
3. **Review** the ballot for a vote, undervote, or overvote.

Record the vote of the ballot.

1. **Tally** a vote, undervote, or overvote presented on the ballot on the **Hand counted ballots tally sheet**.

You and your teammate must agree on the vote(s) presented on the ballot.

Instructions – Recount Officials (hand counting ballots)

If you and your teammate do not agree on how the vote was cast, **challenge the ballot and set the ballot aside**. Tally the ballot as “challenged” on the Hand counted ballots tally sheet.

Return the ballot.

1. **Turn** the counted ballot face down. You will stack all returned ballots for this group like this.

Repeat this process until all ballots in the group have been counted.

1. **Total** the numbers for this group of ballots on the hand counted ballots tally sheet.
2. **Check** your numbers with your teammate.

If you and your teammate do not have the same numbers, **count again**.

3. **Secure** together the hand counted ballots tally sheet, the group of hand counted ballots, and the label.
4. **Set** the documents aside.

Repeat this process until all ballot groups have been counted and tallied.

If you have ballots that were set aside to be challenged.

1. **Continue** to the next section titled: **Challenge the ballot**.

If you do not have ballots that were set aside to be challenged.

1. **Jump** to page 13 of these instructions to the section titled: **Complete the Recount Precinct Results form**.

Instructions – Recount Officials (hand counting ballots)

Challenge the ballot

1. **Fill** out the Statement of recount official – challenge ballot
2. **Attach** the Statement of recount official – challenge ballot slip to the ballot
3. **Place** the ballot and attached Statement of recount official – challenge ballot slip into the Challenged Ballots envelope
 - Leave the envelope unsealed
 - Leave the envelope blank
4. **Repeat** steps 2 and 3 until there are no more ballots.
5. **Fill** in the total number of challenged ballots for the precinct in PART 4 of the Recount Precinct Results form.

Instructions – Recount Officials (hand counting ballots)

Complete the Recount Precinct Results form

1. **Complete** PART 4 of the Recount Precinct Results form.
2. **Complete** PART 5 of the Recount Precinct Results form.

Use the SOR in envelope #2 to for your number of votes cast on election day.

If you did not check “Yes” in PART 5, explain why your numbers do not match.
Speak with your recount coordinator for assistance.

Place SOR back in envelope #2 and reseal when you are done.

3. **Complete** PART 6 of the Recount Precinct Results form.
4. **Complete** PART 7 of the Recount Precinct Results form.

Collect all groups of hand counted ballots (if applicable).

1. **Remove** the hand counted tally sheet(s) and labels from the grouped ballots.
2. **Secure** together all hand counted tally sheet(s) and labels from the grouped ballots.
3. **Place** all hand counted tally sheet(s) and labels from the grouped ballots in envelope #2
4. **Place** all ballots that were not challenged into envelope/ container #3.
5. **Check** that all challenged ballots are in the Challenged Ballots envelope.

Seal all envelopes/ containers.

1. **Give** all recount materials to your recount coordinator.
 - Sealed envelope #2
 - Sealed container/ envelope #3
 - Sealed challenged ballots envelope
 - Completed Recount Precinct Results form for the precinct
 - Secured hand counted tally sheet(s) and labels from the grouped ballots

Instructions – Clerk of the Court

Briefly, what is the process for a recount in Virginia?

A recount is a secondary tabulation of votes cast for a particular office between two candidates: (1) the candidate certified the winner by the appropriate authority and (2) the candidate that lost within a specific margin (1%) to the winner (Va. Code § 24.2-800).

In conducting a recount, the voting machine, which will scan all valid ballots, must be programmed to “spit out” or reject ballots that have (1) write-ins, (2) undervotes, (3) overvotes, or (4) ballots that cannot be read (*see* Va. Code § 24.2-802). These ballots that were rejected will be hand counted, along with “paper” ballots, by recount officials (*see* Va. Code § 24.2-802). Recount officials may challenge ballots when they question the validity of the ballot. The recount court will make the adjudication of the ballot’s validity and voter intent. Additionally, the recount court will certify the final results of the recount.

What are my responsibilities during a recount?

For a recount, you are responsible for ensuring the security of the ballots and other necessary election materials.

- Certify that security measures have been taken in whatever form is deemed appropriate by the chief judge of the recount court (Va. Code § 24.2-802(A)).
- Be present and administer oaths to recount officials on the day of the recount.
- Release sealed ballots as requested to the **recount coordinator**.

Ensure to sign out the sealed materials before giving them to the recount coordinator.

- Accept completed recount materials and sealed ballots from the **recount coordinator** per precinct.

Before accepting materials, ensure that all materials are being returned that were released and that they are sealed.

- Convey sealed recount materials to the Recount Court for the entire locality in precinct number order.
- Secure sealed election materials after the recount as required by Va. Code § 24.2-669.

Instructions – Recount Court

Briefly, what is the process for a recount in Virginia?

A recount is a secondary tabulation of votes cast for a particular office between two candidates: (1) the candidate certified the winner by the appropriate authority and (2) the candidate that lost within a specific margin (1%) to the winner (Va. Code § 24.2-800).

In conducting a recount, the voting machine, which will scan all valid ballots, must be programmed to “spit out” or reject ballots that have (1) write-ins, (2) undervotes, (3) overvotes, or (4) ballots that cannot be read (*see* Va. Code § 24.2-802). Rejected ballots will be hand counted, along with “paper” ballots, by recount officials (*see* Va. Code § 24.2-802). Recount officials may challenge ballots when they question the validity of the ballot. Your court will adjudicate the validity of the ballot and the voter’s intent. Additionally, your court will certify the results of the recount.

What are the legal requirements of the chief judge/ recount court?

Review Va. Code § 24.2-802 for a full outline of your and the recount court’s legal requirements.

- The chief judge must call a preliminary hearing within seven (7) calendar days of filing a petition for a recount of an election (five [5] days for presidential election) (*see* 24.2-802(B)).
- Determine logistics and security of the recount and relevant election materials (*see* Va. Code § 24.2-802(B)).

The chief judge must review all security measures for all ballots and voting machines taken prior to the recount and “ensure proper security to conduct the recount.”

Determine the time/ location for recount, delivery and transportation of election material and voting machines.

Determine the procedures for the recount.

Determine the number of recount officials required to conduct the recount within a “reasonable period.” (*see* Va. Code § 24.2-802(C)). Parties to the recount are entitled to choose the officials.

- Supervise the recount (*see* Va. Code § 24.2-802(C)).
- Determine the validity and voter intent of a ballot challenged by recount officials (Va. Code § 24.2-802(B)).

Instructions – Recount Court

- Certify the results of the recount (*see* Va. Code § 24.2-802(D)(3)).

Why were ballots challenged?

Your court received a challenged ballot because the recount officials during the hand counting phase of the recount procedure could not agree on the validity of the ballot. Per Va. Code § 24.2-802, a written statement from a recount official challenging the ballot is “sufficient to require” the submission of the ballot to the Court.

The challenged ballot should be attached to another paper which provides information on the specific ballot regarding:

- the precinct number,
- precinct name,
- office seat up for election, and
- reason for the challenge.

Is there any guidance on determining the validity of a ballot?

Generally, the validity of a ballot is based on the ability to ascertain the voter’s intent as presented on the ballot. At the beginning of the recount, the recount officials were provided with State Board of Election’s guidance titled, “*Hand count Examples*,” which exemplifies how a ballot may be marked and how voter intent may be interpreted by the viewer.

The recount court will ultimately determine the voter’s intent as presented on the ballot. Determination of the validity (and vote) of the challenged ballot is under the authority of your court.

Should the court adjudicate challenged ballots as they become available within the precinct or adjudicate challenged ballots within a precinct all at once?

The Department of Elections recommends the recount court view all challenged ballots of a precinct at once for purposes of ballot security and handling.

How are political parties and/or candidates involved in the Recount procedure?

Political parties, candidates, and/or their representatives are not directly involved with the recount procedure. These entities may observe the process but have no explicit legal standing to make a determination of voter intent on a ballot (legally reserved for the recount officials or your court) or even challenge the validity of a ballot (legally reserved for the recount officials).

For the public, media, candidates, and their representation

Recount background information

A recount is a secondary count of all votes cast for an office during an election. A recount may occur for any race of any office.

Pursuant to Va. Code § 24.2-802(B), “The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.”

Additionally, a recount is not an opportunity to validate or invalidate the eligibility of a voter. Pursuant to Va. Code § 24.2-802, “the eligibility of any voter to have voted shall not be an issue in a recount.” For instance, if a provisional voter was determined to be valid by the local electoral board and the vote counted for the election, the provisional voter remains valid and their ballot will be processed as all other ballots during a recount.

Briefly, what is the process for a recount in Virginia?

A recount is a secondary tabulation of votes cast for a particular office between two candidates: (1) the candidate certified the winner by the appropriate authority and (2) the candidate that lost within a specific margin (1%) to the winner (Va. Code § 24.2-800).

In conducting a recount the voting machine, which will scan all valid ballots, must be programmed to returned ballots that have (1) write-ins, (2) undervotes, (3) overvotes, or (4) ballots that cannot be read (*see* Va. Code § 24.2-802). These returned ballots will be hand counted, along with other ballots required to hand counted, by recount officials (*see* Va. Code § 24.2-802). Recount officials may challenge ballots when they question the validity of the ballot. The recount court will make the determination on the challenged ballot. Additionally, the recount court will certify the final results of the recount.

How does a recount happen?

In Virginia, there is no automatic recount; rather, a recount will only occur under certain circumstances and when certain actions are conducted.

First, the election results must be certified. Certification of election results can happen at different times depending on the office being certified.

The local electoral board must have results certified for local offices within one week following the election (*see* Va. Code § 24.2-671).

The State Board of Elections (SBE) certifies primary and general election results for all federal offices, states offices, and any offices shared by two or more localities. For primary nominations, the SBE must meet to certify results no more than fourteen days after the election (*see* Va. Code § 24.2-534). For November general elections, the SBE must meet to certify on the third Monday in November (*see* Va. Code § 24.2-679).

Second, the losing candidate must have been defeated within one percent (1%) of the winning candidate. Votes cast for other candidates cannot be included within this total (*see* Va. Code § 24.2-800).

When the losing or winning candidate is a write-in, the difference between the winning and losing candidates cannot be more than five percent (5%) of the total votes cast for those two candidates (*see* Va. Code § 24.2-800).

Third, the losing candidate must petition the appropriate court to request a recount.

For local offices, the petition must be filed in the circuit court of the county or city in which the candidate being challenged resides. Here, the losing candidate has 10 days from day the results were certified to file a petition with the appropriate court (*see* Va. Code § 24.2-801).

For statewide offices, the petition must be filed in the Circuit Court of the City of Richmond. Here, the losing candidate has 10 days from day the results were certified to file a petition with the appropriate court (*see* Va. Code § 24.2-801).

For presidential electors, the petition must be filed in the Circuit Court of the City of Richmond. Here, the losing candidate must file the petition no later than 5:00 PM of the second calendar day after the day the SBE certifies the election results (*see* Va. Code § 24.2-801.1). Presidential candidates who anticipate the possibility of asking for a recount are encouraged to notify the State Board by letter or email as soon as possible after election day.

A recount for presidential electors must be “held promptly” and completed in accordance of the provisions of 3 U.S.C. § 5, at least six days before the time fixed for the meeting of the electors.

The petition to the appropriate court must contain:

- The certified results of the election and
- A request to the appropriate court to have the ballots in the election recounted.

What happens after a recount petition is correctly filed?

A recount court (hereafter the “Court”) will be established (*see* Va. Code § 24.2-801.1). The Court will consist of three judges: the Chief Judge of the Circuit Court of where the recount petition was filed and two (2) judges appointed by the Chief Justice of the Supreme Court of Virginia. The Court will preside over the entirety of the recount process.

The winner of the seat on election day will be served a copy of the petition.

The Court must hold a preliminary hearing within seven (7) calendar days of filing the petition for a recount of any election other than an election for presidential electors. The Court must hold a preliminary hearing within five (5) calendar days of filing the petition for a recount of an election for presidential electors.

What happens at the preliminary hearing?

At the preliminary hearing, (1) motions may be disposed of and (2) the rules of the procedure for the recount may be “fixed” or determined. The parties to the recount will be entitled access to the pollbooks and other election materials used in the election for “examination purposes” under the supervision of the electoral board; thus, the general registrar should be present and the locality’s legal representation must be present during the hearing. However, **individual ballots cannot be examined** here (*see* Va. Code § 24.2-802(B)).

The Chief Judge and the recount court will also determine other details; including but not limited to, transportation and delivery of election materials and voting machines and testing. The court will also determine the number of recount officials and confirm the officials suggested by the parties to the recount, confirm recount coordinators, and security measures for the recount (*see* Va. Code § 24.2-802).

How are ballots counted?

First, ballots will be scanned by recount officials. Prior to the recount, the locality was required to program the voting machines to return or set aside ballots with (1) overvotes, (2) undervotes, or (3) write-ins.

Second, these returned ballots will be hand counted. The recount team will also hand count any ballot that was hand counted on election day.

Third, if the recount team cannot agree, the ballot will be challenged and handed to the Court for adjudication. The Court will adjudicate the validity of the ballot and the voter’s intent. Additionally, the Court will certify the results of the recount.

What happens after the Court adjudicates the challenged ballots?

The Court will certify the total results, including any votes adjudicated for the candidates party to the recount. The winner of the recount will be issued a certificate of election from the local electoral board. Further, any updates to vote numbers will be shown on the Department of Elections’ website.

Staple Recount
Zero Tapes Here

Place in Envelope 2

Recount Precinct Results

Locality:	Click here to enter text.
District:	Click here to enter text.
Precinct:	Click here to enter text.
Election Date:	Click here to enter text.
Recount Date:	Click here to enter text.
Seat/ Contest:	Click here to enter text.

What to do before you start the recount for this precinct:

- **Print** two (2) copies of the zero tape from each machine
- **Have** all precinct recount officials sign each zero tape
- **Staple** one (1) zero tape on the left side of this page
- **Staple** one (1) zero tape on the first page of your second copy of the Recount Precinct Results

PART 1: Complete this information at the start of the precinct recount

Check this box if ballot envelope(s)/ bin(s) is #3 sealed:	<input type="checkbox"/>
Check this box when the public counter is set to ZERO	<input type="checkbox"/>
Scanning machine serial # :	
Scanning machine seal #:	
What is the protective counter?	

PART 2: Total vote count for scanned ballots

Candidate Name 1	
Candidate Name 2	
Total vote count for candidates not party to the recount	
Total (add each row)	2A

PART 3: Total vote count for hand counted ballots	
Candidate Name 1	
Candidate Name 2	
Total vote count for candidates not party to the recount	
Undervotes	
Overvotes	
Totals (add each row)	3A

PART 4: What was the total ballot count for the recount?	
How many ballots were scanned?	See 2A
How many ballots were hand counted?	See 3A
How many ballots were challenged?	
Total (add each row)	4A

PART 5: Ballot count reconciliation	
How many total ballots were cast in this precinct for this race? (Check the SOR/ election day tapes)	
Does this number equal 4A? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Explain if you marked "No" in PART 5:

Staple Recount
Results Tapes
Here

What to do when you complete the recount for this precinct:

- **Print** two (2) copies of the results tapes
- **Have** all precinct recount officials sign the results tapes
- **Check** that one (1) results tapes is stapled on the left side of this page
- **Check** one (1) results tapes is stapled on the last page of your second copy of the Recount Precinct Results
- **Complete** part 6 and part 7 of this form below

PART 6: Complete this information when you complete the recount for this precinct	
Check this box that the envelope(s)/ bin(s) #3 is resealed:	<input type="checkbox"/>
Scanning machine seal #:	
Scanning machine serial # :	
What is the public counter?	
What is the protective counter?	

PART 7: Collect Signatures of Precinct Recount Officials	
For all Recount Officials that completed this precinct, read the following statement and sign below.	
<i>We hereby certify that all information entered here is true and correct.</i>	
1.	Sign: X _____ Print: _____
2.	Sign: X _____ Print: _____
3.	Sign: X _____ Print: _____
4.	Sign: X _____ Print: _____

Part 3. Hand counted ballots tally sheet

Only use this form if you are required to hand count ballots.

Locality:	Click here to enter text.
District:	Click here to enter text.
Precinct:	Click here to enter text.

Election Date:	Click here to enter text.
Recount Date:	Click here to enter text.
Seat/ Contest:	Click here to enter text.

Returned Ballots. Group 1							
Ballot No.	Overvote	Challenged	Undervote	Vote cast for a candidate not party to the recount	Candidate 1	Candidate 2	Total
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
Total							(=)

Returned Ballots. Group 2							
Ballot No.	Overvote	Challenged	Undervote	Vote cast for a candidate not party to the recount	Candidate 1	Candidate 2	Total
11.							
12.							
13.							
14.							
15.							
16.							
17.							
18.							
19.							
20.							
Total							(=)

Returned Ballots. Group 3

Ballot No.	Overvote	Challenged	Undervote	Vote cast for a candidate not party to the recount	Candidate 1	Candidate 2	Total
21.							
22.							
23.							
24.							
25.							
26.							
27.							
28.							
29.							
30.							
Total							(=)



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STATE BOARD *of* ELECTIONS

Regulations- Candidate Filings for Special Elections

BOARD WORKING PAPERS
Samantha Buckley
Policy Analyst



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STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise
From: Samantha Buckley, Policy Analyst
Date: October 29, 2019
Re: Regulation Related to Candidate Filings for Special Elections

Suggested motion for a Board member to make:

Move that the Board approve the Department's proposal for regulatory action and put forward 1VAC20-50-50 for public comment.

Applicable Code Section: Va. Code § 24.2-103

Attachments:

Your Board materials including the following:

- Current regulation: 1VAC20-50
- Proposed regulation: 1VAC20-50-50

Background:

The proposed regulation would amend 1VAC20-50 *Candidate Qualifications* by adding a new section: 1VAC20-50-50 *Candidate Filings for Special Elections*. These regulations clarify when a candidate for a special election scheduled for a time not in May or November may begin submitting candidate qualification documents.

Currently, the Code provides requirements only for when candidates for a special election scheduled during the May or November general election may submit their candidate qualification documents. For special elections scheduled outside of May and November, the Code does not provide any explicit guidance for when filings may begin. Administratively, candidate filings cannot begin until the election exists. Outside of elections scheduled through Code, an election cannot exist without the issuance of a writ from an appropriate authority.

Per Va. Code § 2.2-4002(B)(8) this action is in regards to the conduct of elections; thus, this regulatory action is exempt from the traditional APA process. Pursuant to 1VAC20-10-40, this proposal will be posted for public comment on Town Hall for a minimum of 21 days and published in the Virginia Register for 30 days.

ELECT staff recommendation:

ELECT staff recommends the Board put forward the proposed regulation for public comment.

Virginia Administrative Code
Title 1. Administration
Agency 20. State Board of Elections
Chapter 50. Candidate Qualification

1VAC20-50-10. (Reserved)

Statutory Authority

§ 24.2-103 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 27, Issue 16, eff. March 28, 2011.

1VAC20-50-20. Material omissions from candidate petitions and petition signature qualifications.

A. Pursuant to the requirements of §§ 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia, a petition or a petition signature should not be rendered invalid if it contains an error or omission not material to its proper processing.

B. The following omissions are always material and any petition containing such omissions shall be rendered invalid if:

1. The petition submitted is not the double-sided document, or a double-sided copy thereof, provided by the State Board of Elections;
2. The petition does not have the name, or some variation of the name, and address of the candidate on the front of the form;
3. The petition fails to identify the office sought on the front of the form;
4. The petition fails to identify the applicable election district in which the candidate is running for office;
5. The circulator has not signed the petition affidavit and provided his current address;
6. The circulator is a minor or a felon whose voting rights have not been restored;
7. The circulator has not signed the petition he circulated in the presence of a notary;
8. The circulator has not had a notary sign the affidavit for each petition submitted;
9. A person other than the circulator signed the petition affidavit;
10. The notary has not affixed a photographically reproducible seal;
11. The notary has not included his registration number and commission expiration date;
or
12. Any combination of the scenarios of this subsection exists.

C. The following omissions related to individual petition signatures are always material and

any petition signature containing such omission shall be rendered invalid if:

1. The signer is not qualified to cast a ballot for the office for which the petition was circulated;
2. The signer is also the circulator of the petition;
3. The signer provided an accompanying date that is subsequent to the date upon which the notary signed the petition;
4. The signer did not sign the petition; or
5. The signer provided an address that does not match the petition signer 's address in the Virginia voter registration system, unless the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system, and the signer can be reasonably identified as the same registered voter.

D. The following omissions shall be treated as nonmaterial provided the general registrar can independently and reasonably verify the validity of the petition or signature:

1. An older version of the petition is used (provided that the information presented complies with current laws, regulations, and guidelines);
2. The "election information" including (i) county, city, or town in which the election will be held; (ii) election type; and (iii) date of election are omitted;
3. The name of the candidate and office sought are omitted from the back of the petition;
4. The circulator has not provided the last four digits of his social security number in the affidavit;
5. The signer omits his first name, provided he provides a combination of his first or middle initials or a middle name and last name and address that matches a qualified voter within the Virginia voter registration system;
6. The signer provided a derivative of his legal name as his first or middle name (e.g., "Bob" instead of "Robert");
7. The signer prints his name on the "Print" line and prints his name on the "Sign" line;
8. The signer fails to provide the date but a period of time that qualifies can affirmatively be established with previous and subsequent dates provided by other signers upon the petition page; or
9. The signer fails to provide the year when signing the petition.

E. A signature upon a petition shall be included in the count toward meeting the petition signature requirements only if:

1. The petition signer is a qualified voter who is maintained on the Virginia voter registration system either (i) with active status or (ii) with inactive status and qualified to vote for the office for which the petition was circulated;

2. The signer provides his name; and

3. The signer provides an address that matches the petition signer 's address in the Virginia voter registration system, or the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system, and the signer can be reasonably identified as the same registered voter.

Statutory Authority

§§ 24.2-103 and 24.2-506 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 27, Issue 16, eff. March 28, 2011; amended, Virginia Register Volume 29, Issue 1, eff. August 29, 2012; Volume 29, Issue 24, eff. July 12, 2013; Volume 35, Issue 11, eff. January 1, 2019.

1VAC20-50-30. Appeals of petition signature insufficiency.

A. Pursuant to the requirements of §§ 24.2-506 and 24.2-543 of the Code of Virginia, a candidate for office, other than a party nominee, may appeal a determination that the candidate has failed to provide the required number of valid petition signatures necessary to qualify to appear on the ballot.

B. Any communication or notice required in this section shall be made in writing and delivered by mail or, unless otherwise prohibited by the Code of Virginia, electronically by electronic mail or facsimile. Notice of appeal from candidates must bear a photographically reproducible notary seal and be received by the deadlines established within this section.

C. A candidate for a county, city, or town office shall file his appeal with the local electoral board. A candidate for any other office shall file his appeal with the State Board of Elections.

D. A candidate for an office other than President of the United States must file his appeal within five calendar days of the issuance of the notice of disqualification.

E. A candidate for President of the United States must file his appeal within seven calendar days of the issuance of the notice of disqualification.

F. The proper body to which the appeal notice was given shall establish the time and place where the appeal will be heard and convey this information immediately to the candidate. Electronic mail will be the preferred method of notifying the candidate if such address has been provided by the candidate; otherwise, notice shall be sent by first-class mail.

G. The candidate bears the burden of proof in establishing that a sufficient number of signatures from qualified voters were timely provided.

1. The candidate must submit a list containing the rejected signatures to be reviewed and the specific reason for each signature's reconsideration at least two business days prior to the date on which the appeal will be heard. If the candidate submits no list, or submits a list that contains an insufficient number of names and reconsideration reasons to make up the number of signatures by which the candidate was deemed deficient, no appeal shall be

held and the initial determination that the candidate did not qualify for the ballot will be final.

2. The candidate may submit documents clarifying the status of persons whose signatures were rejected for lacking proper registration status or residence.

3. The candidate may submit documents establishing the age of majority for any signer who was listed as ineligible due to status of being a legal minor.

4. The candidate may submit affidavits from persons whose signatures were rejected due to illegibility that attest to their identity. The affidavits should state the person's name, residence address, and, if possible, a reasonable description of the location where approached by the circulator to sign the petition.

5. The candidate may not submit documents establishing that a petition signer became registered or updated his voter registration status to the address provided upon the petition after the established candidate filing deadline for the office sought.

H. Individual signatures reconsidered during the appeal will only count towards the candidate's requisite number if a majority of board members agree that sufficient evidence exists for their inclusion.

I. All determinations of the board before which the appeal is being heard shall be considered final and not subject to further appeal.

Statutory Authority

§ 24.2-103 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 29, Issue 23, eff. July 1, 2013; amended, Virginia Register Volume 30, Issue 9, eff. December 30, 2013.

Forms (1VAC20-50)

[Commonwealth of Virginia Petition of Qualified Voters, SBE 506/521 \(rev. 7/10\).](#)



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STATE BOARD *of* ELECTIONS

Proposed Regulation

1VAC20-50-50 Candidate Filings for Special Elections.

For special elections scheduled not in May or November, no person may submit the required candidate qualification documents under Chapter 5 of Title 24.2 of the Code of Virginia until an appropriate authority has issued the writ ordering the election.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Proposed Board Policy

2019-001 – Candidate Filings for Special Elections

WHEREAS, candidates may be required to file documents to meet ballot access requirements under Chapter 5 of Title 24.2 of the Code of Virginia that do not specify any particular date upon which the candidate may begin filing; and

WHEREAS, the issuance of a writ by an appropriate authority is required for a special election to be scheduled.

RESOLVED, by the Board under its authority to issue rules and regulations to promote the proper administration of election laws and obtain uniformity in the administration of elections pursuant to §24.2-103, that:

The below policy applies to the conduct of candidate filing procedures for special elections scheduled not in May or November:

No person may submit the required candidate qualification documents until an appropriate authority has issued the writ ordering the election.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Advisory Review Workgroup Resolution

BOARD WORKING PAPERS
Chairman Brink

AMENDMENT IN THE NATURE OF A SUBSTITUTE

RESOLUTION OF THE VIRGINIA STATE BOARD OF ELECTIONS REGARDING THE ESTABLISHMENT OF THE ADVISORY REVIEW WORKGROUP FOR THE PURPOSE OF STUDYING AND MAKING RECOMMENDATIONS ON SPECIFIC MATTERS RELATING TO THE ELECTIONS PROCESSES OF THE COMMONWEALTH

WHEREAS, elections are the foundation of the government of the Commonwealth of Virginia;

WHEREAS, under the Code of Virginia, the State Board of Elections (the "Board"), through the Department of Elections (the "Department"), is required 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 and purity in all elections";

WHEREAS, the workgroup established by the Board on May 14, 2014 (the "GR/EB Duties Workgroup") has provided valuable input to the Board and Department during the past five years; and

WHEREAS, the input of local elections officials, local government officials, and citizens involved in the Commonwealth's elections processes will assist the Board in discharging its responsibilities; now, therefore be it:

RESOLVED that the Advisory Review Workgroup (the "Workgroup") is established to, upon request of the Board, study and make recommendations on specific matters relating to the elections processes of the Commonwealth.

The Workgroup may not undertake any activity other than an activity carried out in furtherance of a request of the Board; however, the Workgroup may suggest issue areas for the Board to consider.

The Board shall appoint the membership of the Workgroup, which shall be composed of—

- (1) three individuals who are members of, and recommended by the President of, the Voter Registrars Association of Virginia;
- (2) three individuals who are members of, and recommended by the President of, the Virginia Electoral Board Association;
- (3) one individual who is a member of, and who is recommended by the President of, the Virginia Association of Counties;
- (4) one individual who is a member of, and who is recommended by the President of, the Virginia Municipal League; and
- (5) five individuals who shall serve as citizen members.

The Board shall designate a member of the Workgroup to serve as the Chair of the Workgroup, and the Workgroup shall designate a member of the Workgroup to serve as the Secretary of the Workgroup.

Any vacancy occurring in the membership of the Workgroup shall be filled by the Board in the same manner as the original appointment.

The Workgroup shall meet as necessary to fulfill the requests of the Board.

The Workgroup shall submit to the Board an annual report of the activities carried out by the Workgroup.

Not later than April 1, 2020, the Workgroup shall submit to the Board bylaws, subject to approval by the Board, under which the Workgroup shall carry out its duties and that shall include the plan of the Workgroup, developed in consultation with the Commissioner of the Department, to carry out administrative functions of the Workgroup.

The GR/EB Duties Workgroup shall terminate on the date on which it submits its final report to the Board or on January 15, 2020, whichever occurs first.

This resolution shall become effective immediately.

This resolution shall expire on February 1, 2023.

Adopted this 29th day of October, 2019.

Robert H. Brink, Chairman

John O'Bannon, Vice Chairman

Jamilah D. LeCruise, Secretary