



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, September 27, 2022

Pocahontas Building
Senate Room A
Richmond, VA
Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=m6a7244c3d3b61d05fa9f7582106c7a06>

Meeting password: GeU9ui2EPy5

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2424 119 8570

1:00 P.M.



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Tuesday, September 27, 2022

LOCATION: 900 E Main St.

Pocahontas Building – Senate Room A

Richmond, VA 23219

TELECONFERENCE:

+1-517-466-2023 US Toll

+1-866-692-4530 US Toll Free

Access code: 2424 119 8570

VIDEO CONFERENCE:

<https://covaconf.webex.com/covaconf/j.php?MTID=m6a7244c3d3b61d05fa9f7582106c7a06>

Password: GeU9ui2EPy5

TIME: 1:00 P.M.

I. CALL TO ORDER

Robert Brink, Chairman

II. APPROVAL OF MINUTES

Georgia Alvis-Long, Secretary

A. August 16, 2022

III. COMMISSIONER'S REPORT

*Susan Beals
Commissioner*

**IV. FINALIZATION OF STAND BY YOUR AD DECISIONS
FROM AUGUST 16TH MEETING**

*Tammy Alexander
Campaign Finance Compliance and
Training Specialist*

V. ELECTRONIC MEETING POLICY

*Ashley Coles
ELECT Policy Analyst*

VI. STATE BOARD OF ELECTIONS REPORT

*Ashley Coles
ELECT Policy Analyst*

VII. RISK LIMITING AUDIT MANUAL

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

VIII. BALLOT ON DEMAND

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

IX. LOCALITY EXTENSIONS

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

X. PUBLIC COMMENT

XI. CLOSED SESSION

XII. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=34701>

Re. Entrance to the Pocahontas Building

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

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

Re. Face Mask

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

Re. public comment

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

Re. limitation on individual participation in public comment

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

Re. individual requests for additional information

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

Re. How to Participate in Public Comment

If you are a member of the public and wish to participate, you must sign up in order to be recognized to speak. Please note the following:

If you are attending in person, please ensure your name is on the sign-up list at the front door.

If you are participating virtually using WebEx, sign up using the chat feature, located on the bottom right

part of the WebEx application, to add your participant name.

If you are participating virtually using a phone and cannot access WebEx's chat feature, please send an email with your name and your phone number to FOIA@elections.virginia.gov. You will need to provide your first and last name and the phone number you've used to call in.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS

1 The State Board of Elections (“the Board”) meeting was held on Tuesday,
2 August 16, 2022, in Senate Room A of the Pocahontas Building in Richmond,
3 Virginia. The meeting also offered public participation through electronic
4 communication so the remote public could view and hear the meeting. In
5 attendance: Robert Brink, Chairman; John O’Bannon, Vice Chairman; Georgia
6 Alvis-Long, Secretary, Angela Chiang, and Delegate Donald Merricks, members;
7 represented the State Board of Elections (“the Board”). Susan J. Beals,
8 Commissioner, represented the Department of Elections (“ELECT”), and Joshua
9 Lief represented the Office of the Attorney General (“OAG”). Chairman Brink
10 called the meeting to order at 1:00 P.M.

11 The first item of business was the approval of the minutes, presented by
12 Secretary Alvis-Long. Vice Chair O’Bannon moved *that the Board approve the*
13 *minutes from the July 5, 2022 Board Meeting*. Ms. Chiang seconded the motion
14 and the motion passed unanimously. A roll call vote was taken:

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

20 The second item of business was the Commissioner’s Report, presented by
21 Commissioner Beals. Commissioner Beals informed the Board that ELECT has
22 been making updates to the General Registrar and Electoral Board (“GREB”)
23 Handbook to reflect new legislative requirements. The Commissioner informed the
24 Board that ELECT has conducted an all-day training across the Commonwealth for
25 General Registrars and Electoral Board Members. Commissioner Beals advised the
26 Board that ELECT receives weekly reports of deaths from the Department of Vital
27 Statistics, to provide to local registrars to remove from the voting roll. The
28 Commissioner informed the Board that early voting starts September 23, 2022, the
29 last day to registrar to vote is October 17, 2022, and Election Day is November 8,
30 2022.

31 The third item of business was the Political Party Abbreviations for General
32 and Special Election presented by Paul Saunders, Elections and Registration
33 Services Supervisor. *This memo is in the Working Papers for the August 16, 2022*
34 *Meeting.* Vice Chair O’Bannon moved *that the Board approve the party*
35 *abbreviations as presented by staff for general and special elections being held*
36 *through April 30, 2023.* Ms. Chiang seconded the motion and the motion passed
37 unanimously. A roll call vote was taken:

38 Chairman Brink – Aye

39 Vice Chair O'Bannon – Aye

40 Secretary Alvis-Long – Aye

41 Ms. Chiang – Aye

42 Delegate Merricks – Aye

43 The fourth item of business was the Revision of SBE Ballot Standards,
44 presented by Paul Saunders, Elections and Registration Services Supervisor. *This*
45 *report is in the Working Papers for the August 16, 2022 Meeting.* Chairman Brink
46 opened the floor to public comment. Thomas Kasperek addressed the Board.

47 Delegate Merricks moved *that the Board adopt the revised State Board of*
48 *Elections Ballot Standards and make them effective as of August 16, 2022.* Ms.
49 Chiang seconded the motion and the motion passed unanimously. A roll call vote
50 was taken:

51 Chairman Brink – Aye

52 Vice Chair O'Bannon – Aye

53 Secretary Alvis-Long – Aye

54 Ms. Chiang – Aye

55 Delegate Merricks – Aye

56 The fifth item of business was Stand by Your Ad hearings, presented by
57 Tammy Alexander, Campaign Finance Compliance and Training Specialist. The

58 first complaint was against Jackson for Roanoke. Mrs. Alexander informed the
59 Board that one complaint was submitted for two undisclosed yard signs. She
60 advised the Board that this is a first time violation, not within 14 days of an
61 Election. Mr. Jackson addressed the Board.

62 Vice Chair O'Bannon moved *subject to the Board's authority under the*
63 *Code of Virginia §24.2-955.3, to find Jamaal Jackson in violation of §24.32-956*
64 *Stand By Your Ad print media disclosure requirements with regard to two yard*
65 *signs, and assess a \$25 civil penalty. Ms. Chiang seconded the motion and the*
66 motion passed unanimously. A roll call vote was taken:

67 Chairman Brink – Aye

68 Vice Chair O'Bannon – Aye

69 Secretary Alvis-Long – Aye

70 Ms. Chiang – Aye

71 Delegate Merricks – Aye

72 The next complaint was against Volosin for Roanoke. Mrs. Alexander
73 informed the Board that numerous complaints were submitted for five undisclosed
74 sample ballots. She advised the Board that this is a first time violation, within the
75 14 days prior to an Election. Ms. Chiang moved *subject to the Board's authority*
76 *under the Code of Virginia §24.2-955.3, to find Peter Volosin in violation of*

77 *§24.32-956 Stand By Your Ad print media disclosure requirements with regard to*
78 *five print media advertisements, and assess a \$50 civil penalty.* Delegate Merricks
79 seconded the motion and the motion passed unanimously. A roll call vote was
80 taken:

81 Chairman Brink – Aye

82 Vice Chair O’Bannon – Aye

83 Secretary Alvis-Long – Aye

84 Ms. Chiang – Aye

85 Delegate Merricks – Aye

86 The sixth item of business was Ballots on Demand System Certification
87 Standards 2022, presented by Karen Hoyt-Stewart, Locality Security (Voting
88 Tech) Program Manager. *This report is in the Working Papers for the August 16,*
89 *2022 Meeting.* Chairman Brink opened the floor to public comment. Ned Jones,
90 Thomas Kasperek, James Manship and Jill Mobley addressed the Board. Vice
91 Chair O’Bannon moved *that the Board approve the adoption of the proposed*
92 *Ballot on Demand Systems Certification Standards, effective immediately. Vendors*
93 *for Ballot on Demand systems for use in Virginia must comply with these*
94 *standards.* Ms. Chiang seconded the motion and the motion passed unanimously.
95 A roll call vote was taken:

96 Chairman Brink – Aye

97 Vice Chair O’Bannon – Aye

98 Secretary Alvis-Long – Aye

99 Ms. Chiang – Aye

100 Delegate Merricks – Aye

101 The seventh item of business was Split Precinct Waiver Request, presented
102 by Steven Koski, ELECT Policy Analyst. Northumberland County requested the
103 first precinct waiver. *These documents are in the Working Papers for the August*
104 *16, 2022 Meeting.* Delegate Merricks moved *that the Board approve the Waiver to*
105 *Administer a Split Precinct as requested by Northumberland County.* Ms. Chiang
106 seconded the motion and the motion passed unanimously. A roll call vote was
107 taken:

108 Chairman Brink – Aye

109 Vice Chair O’Bannon – Aye

110 Secretary Alvis-Long – Aye

111 Ms. Chiang – Aye

112 Delegate Merricks – Aye

113 The second split precinct request was from City of Virginia Beach.
114 *These documents are in the Working Papers for the August 16, 2022 Meeting.*

115 Delegate Merricks moved *that the Board approve the Waiver to Administer a Split*
116 *Precinct as requested by City of Virginia Beach*. Ms. Chiang seconded the motion
117 and the motion passed unanimously. A roll call vote was taken:

118 Chairman Brink – Aye

119 Vice Chair O’Bannon – Aye

120 Secretary Alvis-Long – Aye

121 Ms. Chiang – Aye

122 Delegate Merricks – Aye

123 The third split precinct request was from Fluvanna County. *These documents*
124 *are in the Working Papers for the August 16, 2022 Meeting*. Delegate Merricks
125 moved *that the Board approve the Waiver to Administer a Split Precinct as*
126 *requested by Fluvanna County*. Ms. Chiang seconded the motion and the motion
127 passed unanimously. A roll call vote was taken:

128 Chairman Brink – Aye

129 Vice Chair O’Bannon – Aye

130 Secretary Alvis-Long – Aye

131 Ms. Chiang – Aye

132 Delegate Merricks – Aye

133 The eighth item of business was the Risk Limiting Audit Proposed form

134 SBE 671.2(D) and Regulatory Action 1VAC20-60-80, presented by Rachel
135 Lawless, Confidential Policy Advisor. *This report is in the Working Papers for the*
136 *August 16, 2022 Meeting.* Chairman Brink opened the floor to public comment. C.
137 Carter, Thomas Kasperek, Darrel Bow, and Jill Mobley addressed the Board.
138 Delegate Merricks moved *that the Board approve the proposed Form SBE*
139 *671.2(D) and regulatory action 1VAC20-60-80.* Ms. Chiang seconded the motion
140 and the motion passed unanimously. A roll call vote was taken:

141 Chairman Brink – Aye
142 Vice Chair O’Bannon – Aye
143 Secretary Alvis-Long – Aye
144 Ms. Chiang – Aye
145 Delegate Merricks – Aye

146 The ninth item of business was the Report from the Office of the Attorney
147 General on Investigations of Nottoway County presented by Joshua Lief. Mr. Lief
148 informed the Board that there is currently an active VA State Police investigation
149 regarding the concerns previously presented to the Board. He stated that a Special
150 Prosecutor has been appointed to handle the case. Vice Chair O’Bannon moved
151 *that the State Board of Elections request the Attorney General Office to suspend*
152 *their investigation of issues related to Nottoway County pending the results of the*

153 *current ongoing VA State Police and Special Prosecutor’s investigation. Secretary*

154 *Alvis-Long seconded the motion and the motion passed unanimously. A roll call*

155 vote was taken:

156 Chairman Brink – Aye

157 Vice Chair O’Bannon – Aye

158 Secretary Alvis-Long – Aye

159 Ms. Chiang – Aye

160 Delegate Merricks – Aye

161 Chairman Brink opened the floor to public comment. Thomas Kasperek,

162 James Manship, Paul Theil, Dennis Black, Richard Ryan, Susan Hogge, Diana-

163 Lynn Wilson-Mitchell, Darrell Bow, Clara Belle Wheeler, Yolanda Stokes, Dianna

164 Hashemi, Ann Grigorian, Howard Hempenius, Barbara Lee, Ned Jones, Laurie

165 Jones, Karen Mineo, Thomas Reynolds, Christopher Page, Barbara Andes, and

166 Scott Mineo addressed the Board.

167 At 3:00 P.M., Delegate Merricks pursuant to Virginia Code Section 2.2-

168 3711(A)(7), moved *that the Board go into closed session for the purpose of*

169 *discussing pending and threatened litigation. In accordance with Section 2.2-*

170 *3712(F), Susan Beals, Commissioner of Elections; Joshua Lief, Office of the*

171 *Attorney General; and Lyn McDermid, Secretary of Administration will attend the*

172 *closed session because their presence will reasonably aid the Board in its*
173 *consideration of the subject of the meeting.* Ms. Chiang seconded the motion and
174 the motion passed unanimously. A roll call vote was taken:

175 Chairman Brink – Aye

176 Vice Chair O’Bannon – Aye

177 Secretary Alvis-Long – Aye

178 Ms. Chiang – Aye

179 Delegate Merricks – Aye

180 At 3:36 P.M., Vice Chair O’Bannon moved *to reconvene the meeting in*
181 *open session, and take a roll call vote certifying that to the best of each*
182 *member’s knowledge (i) only such public business matters lawfully exempted*
183 *from open meeting requirements under this chapter and (ii) only such public*
184 *business matters as were identified in the motion by which the closed meeting*
185 *was convened were heard or discussed by the State Board of Elections.* Ms.
186 Chiang seconded the motion and the motion passed unanimously. A roll call
187 vote was taken:

188 Chairman Brink – Aye

189 Vice Chair O’Bannon – Aye

190 Secretary Alvis-Long – Aye

191 Ms. Chiang – Aye

192 Delegate Merricks – Aye

193 Vice Chair O’Bannon moved *to adjourn the meeting*. Ms. Chiang seconded
194 the motion and the motion passed unanimously. The meeting adjourned at 3:37

195 P.M.

196

197 _____
198 Chairman

199 _____
200 Vice Chairman

201 _____
202 Secretary

203 _____
204 Board Member

205 _____
206 Board Member

207 _____
208 Board Member

209 _____
210 Board Member



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STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS

Susan Beals
Commissioner



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STATE BOARD *of* ELECTIONS

Finalization of Stand by Your Ad Decisions from August 16th Meeting

BOARD WORKING PAPERS
Tammy Alexander
Campaign Finance Compliance and Training Specialist



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STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary Alvis-Long, Angela Chiang, and Delegate Merricks
From: Tammy Alexander, Campaign Finance Compliance and Training Specialist
Date: September 27, 2022
Re: Final Decisions for SBYA Hearings from August 16, 2022

Recommended Motion

I move that the Board finalize the decisions made on the two Stand By Your Ad (SBYA) violations assessed at the August 16, 2022 State Board of Elections (SBE).

Background

August 16, 2022, the Department of Elections (ELECT) presented two possible SBYA violations to the Board. The Board found that both Jackson For Roanoke - CC-22-00140 and Volosin for Roanoke - CC-21-01113 were in violation and assessed penalties of \$25.00 and \$50.00, respectively.

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



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STATE BOARD *of* ELECTIONS

Electronic Meeting Policy

BOARD WORKING PAPERS

Ashley Coles

ELECT Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary Alvis-Long, Angela Chiang, and Delegate Merricks
From: Ashley Coles, Policy Analyst
Date: September 27, 2022
Re: SBE Policy 2022-001; Electronic Participation in Meetings

Suggested Motion

"I move that the Board adopt the proposed policy to conduct meetings through electronic communication means in compliance with §2.2-3708.3(D) of the Code of Virginia."

Background

Acts of Assembly Chapter 597 from the 2022 Session of the General Assembly changed the provisions of the Virginia Freedom of Information Act (FOIA) concerning electronic meetings. Prior to September 1, 2022, the provisions concerning electronic meetings were found in § 2.2-3708.2 of the Code of Virginia. As of September 1, 2022, the FOIA provisions concerning electronic meetings are found in § 2.2-3708.2 and new § 2.2-3708.3.

These two Code sections separate electronic meetings into two general categories:

1. Electronic meetings held other than during a declared state of emergency, which includes both remote participation by individual members and all-virtual public meetings (in new § 2.2-3708.3); and
2. Electronic meetings held during a declared state of emergency (in § 2.2-3708.2).

The Board's previous electronic meeting policy was updated in 2021 and revisions are needed to ensure compliance with the new statutory requirements.

Attachments and References

- Proposed SBE Policy 2022-001 Electronic Participation in Meetings
- Va. Code §§ 2.2-3708.2 & 2.2-3708.3

Affected Regulations

1VAC20-20-30(G) (no change required)
1VAC20-20-30(H) (no change required)

Recommendation of Staff

Staff recommends the Board adopt the proposed electronic meetings policy as presented.

State Board of Elections Policy 2022-001

A meeting of the Virginia State Board of Elections (the Board) was held on September 27 during which the following policy was proposed by the Department of Elections and approved by the Board:

Policy for Electronic Participation in Meetings

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

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

SEC. 1: GENERAL REQUIREMENTS AND POLICY ESTABLISHMENT

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

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

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

SEC. 2: MEETING REQUESTS

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

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

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

SEC. 3: REMOTE PARTICIPATION MEETING REQUIREMENTS

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

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

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

SEC. 3: ALL-VIRTUAL MEETING REQUIREMENTS

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

- An indication of whether the meeting will be in-person or all-virtual shall be included in the required meeting notice along with a statement notifying the public that the method by which the Board chooses to meet shall not be changed unless the Board provides a new meeting notice in accordance with the provisions of § 2.2-3707;
- Public access to the all-virtual public meeting shall be provided via electronic communication means;
- The electronic communication means used shall allow the public to hear all members of the Board participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the Board as well;
- A phone number or other live contact information shall be provided to alert the Board if the audio or video transmission of the meeting provided by the Board fails, the Board monitors such designated means of communication during the meeting, and the Board takes a recess until public access is restored if the transmission fails for the public;
- A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Board for a meeting shall be made available to the public in electronic format at the same time that such materials are provided to members of the Board;
- Votes taken during the electronic meeting shall be recorded by name in roll-call fashion and included in the minutes of the meeting.
- The public shall be afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;
- No more than two members of the Board shall be together in any one remote location unless that remote location is open to the public to physically access it;
- If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public shall resume before the Board votes to certify the closed meeting as required by subsection D of § 2.2-3712;
- The Board shall not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
- Minutes of all-virtual public meetings held by electronic communication means shall be taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held.

SEC. 4: DECLARED EMERGENCIES

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

- The catastrophic nature of the declared emergency makes it impracticable or unsafe

- to assemble a quorum in a single location; and
- The purpose of the meeting is to provide for the continuity of operations of the Board or the discharge of its lawful purposes, duties, and responsibilities.

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

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

Effective Date: September 27, 2022



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

State Board of Elections Report

BOARD WORKING PAPERS
Ashley Coles
ELECT Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, Secretary Alvis-Long, Angela Chiang, and Delegate Merricks
From: Ashley Coles, Policy Analyst
Date: September 27, 2022
Re: SBE Annual Report: 2021

Purpose

Following the passage of Acts of Assembly Chapter 619 during the 2020 Session of the General Assembly, the State Board (the "Board") is required to submit an annual report to the Governor and the General Assembly on the activities of the Board and the Department of Elections (ELECT) in the previous year. This report will be posted on ELECT's website.

Pursuant to §24.2-103 of the Code of Virginia, the Board supervises, coordinates, and adopts regulations governing the work of local electoral boards, registrars, and officers of election to ensure secure, uniform, and trustworthy elections. During the 2021 calendar year (January 1, 2021 – December 31, 2021), the Board met a total of twelve times certifying four elections, approving four regulations, adopting six amendments to existing regulations, assessing and addressing a variety of administrative matters, updating and ensuring election security, and defining penalties for Stand By Your Ad (SBYA) violations.

ELECT does not offer any suggested motions or recommendations.

Attachments and References

- State Board of Elections Annual Report; January 1, 2021 – December 31, 2021



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

State Board of Elections Annual Report

January 1, 2021 – December 31, 2021

Table of Contents

| | |
|---|----|
| Table of Contents | 2 |
| Executive Summary | 4 |
| Introduction | 5 |
| Regulations | 5 |
| New Regulations | 5 |
| Ranked Choice Voting (1VAC20-100) | 6 |
| Print Media Advertisements (1VAC20-90-40) | 6 |
| Absentee Witness Signatures during Qualifying State of Emergency (1VAC20-70-80) | 6 |
| Absentee 3 rd Party Vendor Requirements (1VAC20-70-90) | 6 |
| Amendments to Existing Regulations | 7 |
| Material Omissions from absentee ballots (1VAC20-70-20) | 7 |
| Organization of the State Board of Elections; seal... (1VAC20-20-30) | 7 |
| Periodic Review of Regulations | 7 |
| General Administration 1VAC20-20 | 8 |
| Voter Registration 1VAC20-40-40 | 8 |
| Absent Military and Oversees Voters 1VAC20-45-40 | 8 |
| Absentee Voting 1VAC20-70-20 | 8 |
| Election Administration | 8 |
| Hand-counting Ballot Standards | 9 |
| SBE-701-703.1 Virginia Absentee Ballot Application | 9 |
| Risk-Limiting Audits | 9 |
| Ballot Order | 10 |
| Candidate Filing Extension | 10 |
| Certification of Elections | 11 |
| Party Abbreviations | 11 |
| General Registrar Certification Extension | 11 |
| Officer of Election Training | 12 |
| Election Security | 12 |
| Electronic Pollbook Certification | 12 |
| City of Hampton Waiver | 12 |
| Robis Elections Electronic Pollbook 3.4.139.0 | 13 |
| HART Intercivic 2.5.1 | 13 |
| Dominion 5.5 | 13 |
| Unisyn Voting Solutions 2.1.1 | 14 |
| Elections Systems & Software 6.1.1.0 | 14 |

| | |
|--|----|
| Stand By Your Ad Citations: (SBYA) | 14 |
| SBE Policy 2021-001: Stand By Your Ad Hearings | 14 |
| SBYA Citations | 14 |
| Electoral Board Complaints | 15 |
| Miscellaneous | 15 |
| Conclusion | 15 |

Executive Summary

In accordance with the Code of Virginia § 24.2-103 (J) the State Board of Elections (the Board), through the Department of Elections (ELECT), is pleased to provide to the Governor and the Virginia General Assembly the State Board of Elections Annual Report. Pursuant to §24.2-103 of the Code of Virginia, the Board supervises, coordinates, and adopts regulations governing the work of local electoral boards, registrars, and officers of election to ensure secure, uniform, and trustworthy elections. During the 2021 calendar year (January 1, 2021 – December 31, 2021), the Board met a total of twelve times certifying four elections, approving four regulations, adopting six amendments to existing regulations, assessing and addressing a variety of administrative matters, updating and ensuring election security, and defining penalties for Stand By Your Ad (SBYA) violations.

Previously, the Board consisted of three members appointed by the Governor. However, following the passage of Acts of Assembly Chapter 619, during the 2020 Session of the General Assembly, the Board increased to five members.¹ Three of the Board members are of the political party that cast the highest number of votes at the last preceding gubernatorial election.

On March 12, 2020, Governor Ralph S. Northam declared that a state of emergency exists in the Commonwealth as the result of the potential spread of COVID-19, a communicable disease presenting a threat to public health. On March 30, 2020, the Governor issued an executive order requiring all individuals in Virginia to remain at their place of residence, with certain enumerated exceptions. Accordingly, the State Board of Elections held six meetings through electronic communication means pursuant to the Virginia Freedom of Information Act § 2.2-3708.2, until Governor Northam's executive order ended on June 30, 2021. This report details the activities of the Board and ELECT during the 2021 calendar year.

¹ See [SB 856](#) Elections, State Board of; increasing membership, staggering terms, role and eligibility, report.
State Board of Elections Annual Report

Introduction

The Virginia State Board of Elections (the Board) was created in 1946 as a nonpolitical agency responsible for ensuring fairness, accuracy and uniformity in all elections in the Commonwealth of Virginia. The Board promotes the proper administration of election laws, campaign finance disclosure compliance, and voter registration processes in the state by promulgating rules, regulations, issuing instructions, and providing information to local electoral boards and general registrars. The Department of Elections (ELECT) was formed in 2014 to conduct the Board’s administrative operations and other duties consistent with its delegated authority. In 2021, ELECT proposed approximately 46 memorandums to the Board summarized in the table below.

2021 ELECT Memorandums and Proposals Presented to the State Board:

| Type | Total |
|----------------------------|-------|
| New Regulations | 4 |
| Amended Regulations | 6 |
| Election Administration | 14 |
| Risk Limiting Audits | 2 |
| Election Security | 4 |
| Stand By Your Ad | 2 |
| Electoral Board Complaints | 4 |
| Miscellaneous | 10 |
| ALL | 46 |

Regulations

New Regulations

Pursuant to Virginia Code §24.2-103, the Board has the authority to make rules and regulations, issue instructions, and provide information consistent with election laws to the electoral boards and general registrars. Electoral Boards and registrars must adhere to the rules and regulations of the Board, ensuring compliance with Virginia and federal laws.

The Board approved a number of new regulatory actions in 2021 including setting standards for ranked choice voting, campaign finance print media requirements, witness signature requirements during a declared state of emergency, and 3rd party vendor requirements for printing, assembly, and mailing absentee ballots. Each

regulation is listed below along with a brief summary.

Ranked Choice Voting (1VAC20-100)

Ranked choice voting is a method of voting which permits voters to rank their preference of candidates and/or write-ins. In ranked choice voting, a voter may rank as many or as few candidates as they choose starting with their first choice. Acts of Assembly Chapter 1054 passed during the 2020 Session of the General Assembly required the Board to establish a process and standards for the administration of certain local seats elected by ranked choice voting.² 1VAC20-100 regarding ranked choice voting was initially proposed for public comment in July and after amending the proposed regulation a final version was adopted on September 14, 2021. The regulation established definitions, procedures for tabulating votes in rounds, procedures for determining winners in elections for offices where one or more candidates are being elected, and ballot standards.

Print Media Advertisements (1VAC20-90-40)

Acts of Assembly Chapter 557 passed during the 2020 Session of the General Assembly, required the Board to promulgate regulations regarding print media advertisements.³ 1VAC20-90-40 is a proposed regulation which sets standards for the disclosure statements on print advertisements sponsored by a candidate campaign committee or by a person or political committee other than the candidate campaign committee. Print advertisements from these parties must have disclosure statements that are clear and conspicuous. The requirements in this regulation are similar to federal print media advertisement requirements established by the Federal Election Commission under 11 CFR § 110.11. The Board is required to have a public hearing regarding this regulation.

Absentee Witness Signatures during Qualifying State of Emergency (1VAC20-70-80)

1VAC20-70-80 was adopted on June 22, 2021, which clarified absentee ballot witness signature requirements pursuant to Virginia Code § 24.2-707. If a state of emergency is declared prior to the start of an election's in-person absentee voting under § 24.2-701.1 and is ongoing at the beginning of the in-person absentee voting period, then a witness signature is not required on any absentee ballot otherwise validly submitted for that election. This rule applies to all absentee ballots submitted for that election, including any absentee ballot submitted after the state of emergency has ended.

Absentee 3rd Party Vendor Requirements (1VAC20-70-90)

Following the passage of Acts of Assembly Chapter 246 during the 2021 Session of the General Assembly, general registrars were permitted to contract with third parties for the printing, assembly, and mailing of absentee ballot envelopes and supporting materials described under Virginia Code § 24.2-706(C).⁴ The Board adopted 1VAC20-

² See [HB 1103](#)

³ See [HB 1238](#)

⁴ See [SB 1239](#)

70-90 on June 22, 2021, which prescribed 14 processes that ensure secure and timely delivery of voter information to contractors and reports of mailed absentee ballots from contractors.

Amendments to Existing Regulations

During the 2021 calendar year the Board amended a total of 6 regulations. Four of the regulations were amended as a result of a periodic review pursuant to Executive Order 14 (as amended July 16, 2018) and Virginia Code §§ 2.2-4007.1 and 2.2-4017. The amended regulations are summarized below.

Material Omissions from absentee ballots (1VAC20-70-20)

Passed during the 2020 Session of the General Assembly, Acts of Assembly Chapter 288 extended the deadline for an absentee ballot to be received until noon on the third day after the election.⁵ On August 4, 2020, the Board adopted an amendment to 1VAC20-70-20 relating to material omissions in absentee voting, allowing for the counting of mail absentee ballots with missing or illegible postmarks that are received by the appropriate general registrar by noon the third day after an election. In a subsequent board meeting held on October 20, 2020, the State Board of Elections adopted amendments to this regulatory action, compelling the use of Intelligent Mail barcodes (IMbs) and voter oaths as evidence of the date that a ballot was postmarked. The Board's intent was to avoid disenfranchising individuals who had mailed their ballot on Election Day or earlier, but the USPS either failed to postmark it or the postmark was illegible. This particular amendment was challenged in court in *Reed v. Virginia State Board of Elections*. On January 13, 2021, plaintiff Thomas P. Reed and the Virginia Department of Elections entered into a consent decree to further amend and refine the text of this regulatory action. The consent decree was signed by Judge William Eldridge IV of the Circuit Court for Frederick County. The final amendment to 1VAC20-70-20 was adopted by the Board on February 23, 2021.

Organization of the State Board of Elections; seal... (1VAC20-20-30)

Following the passage of Acts of Assembly Chapter 619, during the 2020 Session of the General Assembly, the Board increased from three members to five members.⁶ As a result, on August 3, 2021, the Board approved an amendment to 1VAC20-20-30, amending the definition of a quorum from two members to three members.

Periodic Review of Regulations

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Elections (SBE) is required to conduct a periodic review of all regulations every four years. Additionally, 1VAC20-10-120 requires the SBE to conduct a periodic review of its regulations following each presidential election.

⁵ See [HB 238](#)

⁶ See [SB 856](#)

The purpose of the review conducted in June, 2021, was to determine whether a regulation should be repealed, amended, or retained in its current form. Public comment was sought on the review of any issue relating to the regulation, including whether the regulation (i) was necessary for the protection of public health, safety, and welfare or for the economic performance of important governmental functions; (ii) minimized the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) was clearly written and easily understandable. This review also included an examination by the Office of the Attorney General to ensure statutory authority. As a result of the review, four Administrative Code sections required amending: 1VAC20-20; 1VAC20-40; 1VAC20-45; and 1VAC20-70.

General Administration 1VAC20-20

The amendments to this regulatory chapter reflected the structural changes after creation of ELECT. The Commissioner of ELECT handles administrative matters for the State Board of Elections, therefore, all references to the Secretary, unless otherwise noted, were stricken. The Board adopted amendments to this regulation at the advice of the Office of the Attorney General. The public did not provide any comments on this regulatory chapter.

Voter Registration 1VAC20-40-40

The Board adopted amendments to this regulation at the advice of the Office of the Attorney General and with consideration of public comment. 1VAC20-40-40 referenced Virginia Code § 24.2-411.1, which was repealed during the 2020 Session of the General Assembly. Therefore, the Board approved the removal of that provision from the regulatory text to conform with the statutory change.

Absent Military and Overseas Voters 1VAC20-45-40

The amendment to this regulation clarified material omissions on Federal Write-In Absentee Ballots (FWAB), stating the absence of a witness signature on a FWAB is not a material omission during a declared state of emergency. The Board adopted amendments to this regulation at the advice of the Office of the Attorney General. The public did not provide any comments on this regulatory chapter.

Absentee Voting 1VAC20-70-20

The Board adopted amendments to this regulation at the advice of the Office of the Attorney General and with consideration of public comment. The amendments clarified material omissions, stating the absence of a witness signature on an absentee ballot is not a material omission during a declared state of emergency.

Election Administration

Election Administration encompasses the proper administration of election laws, campaign finance disclosure compliance, and voter registration processes in Virginia. This includes creating rules, issuing instructions, and providing information consistent with state and federal election laws to promote the proper administration of elections and to obtain uniformity in the practices of election officials. The Board reviewed many proposals from ELECT regarding election administration during the 2021 calendar year. These proposals include changes to hand-

State Board of Elections Annual Report *Page 8 of 17*

counting ballot standards, amending absentee applications, updating certification standards, certifying elections, determining ballot order, and reviewing candidate filing extensions.

Hand-counting Ballot Standards

Pursuant to Virginia Code §§ 24.2-802 and 24.2-802.2, the Board is responsible for creating and relaying procedures for a safe, timely, and accurate recount, including procedures for hand counting paper ballots. On September 14, 2021, ELECT presented the Board with revisions to the hand-counting ballot standards. The revisions aimed to provide clarity for the process of manually counting votes. The updated standards clarified instructions for reviewing votes, determining voter intent, and specified applicable language from Title 24.2 of the Code of Virginia.

SBE-701-703.1 Virginia Absentee Ballot Application

In 2021, ELECT consulted with a workgroup of general registrars and staff to develop changes to the SBE-701-703.1 Virginia Absentee Ballot Application to comply with multiple statutory changes enacted by the Virginia General Assembly. The application was a combined form, incorporating the former separate SBE-701 and SBE-703.1 forms adopted in 2020.

Reflecting the requirements of Acts of Assembly Chapter 1201, passed during the 2020 Session of the General Assembly, the “Annual Vote by Mail” section on the form was changed to the “Permanent Absentee Option”.⁷ Additionally, the proposed changes reflected Acts of Assembly Chapter 471 and Acts of Assembly Chapter 255, which passed during the 2021 Session of the General Assembly.⁸ These changes included the removal of language that required voters to vote in-person for the first time after applying for an absentee ballot by mail and added an option for print-disabled voters to self-designate to receive a ballot electronically. The instructions on the back of the form were updated to reflect the changes to the main portion of the application.

ELECT also presented the Virginia Permanent Absentee Voter Single Election Change form (SBE-703.1C), in compliance with Acts of Assembly Chapter 1201. This form allows a voter on the permanent absentee voter list to change the political party for which they receive absentee ballots for one election or for all elections. The form also permits a voter to request an absentee ballot be sent to a different address than the address in their voter registration record for one election. The Board approved both forms on June 22, 2021.

Risk-Limiting Audits

Acts of Assembly Chapter 1254, passed during the 2017 Session of the General Assembly, required risk-limiting audits of ballot scanner machines in use in the Commonwealth to be conducted annually.⁹ In March 2021, ELECT conducted the first statewide Risk-Limiting Audit (RLA) and presented the findings to the Board, pursuant to Virginia Code § 24.2-671.1¹⁰. ELECT partnered with VotingWorks, a non-profit organization that hosts an open-

⁷ See [HB 207](#)

⁸ See [HB 1888](#); [SB 1331](#)

⁹ See [SB 1254](#)

¹⁰ §24.2-671.1 was repealed in 2022, and is now the new § 24.2671.2

source audit software, to assist with the technical side of the audit process and perform the statistical analysis. Ballots were chosen at random across all 133 localities to test a risk-limit of 10%. The audit confirmed with over 99% confidence the original count of votes accurately reflected the winners in Virginia for both the United States Presidential and Senate race.

On December 13, 2021, ELECT presented five House of Delegates races for the Board to randomly draw the two participants of the 2022 Risk-Limiting Audit of the 2021 General Election. When evaluating which races to audit, ELECT staff analyzed contests that had both Democratic and Republican winners and represented various geographical regions in the Commonwealth. Races in localities that were not selected in the random sample of the 2021 Risk-Limiting Audit were prioritized in order to comply with §24.2-671.1 of the Code of Virginia. Contests with margins greater than 2% were also considered better candidates, since they require the least amount of ballots to be reviewed. The Board conducted a random drawing and selected the 13th and 75th House Districts.

Ballot Order

In the event that two or more candidates file simultaneously, the order of the filing is determined by the electoral board or the Board, pursuant to Virginia Code § 24.2-529. Additionally, the Board must determine by lot the order of political parties, pursuant to Virginia Code § 24.2-613.

On March 31, 2021, the Board certified the determinations by lot of the order of candidates on the ballot for primary elections to be held on June 8, 2021. Then, on May 15, 2021, the Board determined by lot and certified the ballot order for all general and special elections held between July 1, 2021 and April 30, 2022.

Candidate Filing Extension

Pursuant to § 24.2-503 of the Code of Virginia, candidates must submit written statements of qualification and economic interest to qualify for ballot access; deadlines are specified based on the type of election. The Board is granted the authority to extend the deadline to all candidates. Additionally, the Board must notify all candidates included in the race, and the extension is granted for 10 days after the notice date. On March 31, 2021, ELECT presented two requests for extensions from candidates for the June 2021 Primary Election. However, when the Chairman asked if any members of the Board wished to make a motion, no motion was made.

On June 22, 2021 ELECT presented requests for extensions from candidates for the November 2021 General Election. The Chairman suggested the Board defer the consideration of these requests until June 30, 2021. ELECT presented the candidate extension requests again at the June 30 meeting of the Board. The Chairman asked if any members of the Board wished to make a motion, but no motion was made.

During the June 30 Board meeting, ELECT also presented a request to accept late ELECT-511 filings. Pursuant to VA Code § 24.2-511(A), the appropriate party chairman are required to certify the name of any candidate who was nominated for an office of the General Assembly by their party by a method other than a primary not later than five days after the date for nominations to be made. In the instances before the Board, the House of Delegates District Republican party chairs for the 2nd, 33rd, and 36th districts did not file the required ELECT-511 nomination form by June 14th, 2021 (five days after the date for nominations to be made). These chairs have

asked for the Board to accept these filings as timely under their authority in Va. Code § 24.2-511(A). For the three candidates impacted, the Board determined that each candidate made all reasonable attempts to comply with the submission process, and due to “the important constitution rights associated with a party’s access to the ballot” a motion was made to accept the ELECT-511 form certifying the Republican nominees. The motion passed 2-1.

Certification of Elections

During the 2021 Calendar year, the Board certified 4 elections. On January 12, 2021, the Board certified the results of the January 5, 2021 Special Elections for Member, House of Delegates District 2 and Member, House of Delegates District 90, pursuant to Virginia Code §§ 24.2-679 and 24.2-680.

Then, on March 31, 2021, the Board certified the results of the March 23, 2021 Special Election for Member, Senate of Virginia District 38, pursuant to Virginia Code §§ 24.2-679 and 24.2-680.

On June 22, 2021, the Board certified the results of the June 8, 2021 Democratic and Republican Primaries which included the statewide Democratic primary for Governor, Lieutenant Governor, and Attorney General, and 24 House of Delegates Districts. The winners of each primary were declared as that party’s nominee for the November 2, 2021 election, pursuant to Virginia Code § 24.2-543.

Last, on November 15, 2021, the Board completed the certification of the November 2, 2021 General Election pursuant to Virginia Code § 24.2-679. The Board certified the election results for the races for Governor, Lieutenant Governor and Attorney General as well as all 100 District Representatives in the House of Delegates.

Party Abbreviations

Pursuant to Virginia Code § 24.2-613(A) “[t]he ballots shall comply with...the standards prescribed by the Board.” ELECT staff recommended on August 3, 2021 that the Board approve the recommended abbreviations for general and special elections being held through April 30, 2022. The memorandum included political parties, recognized political parties, and potential abbreviation options. The Board approved the party abbreviations by a unanimous vote.

General Registrar Certification Extension

Pursuant to Virginia Code § 24.2-103(C), the Board, through ELECT, is required to provide a certification program for general registrars. Each general registrar is required to complete the certification program and receive their certification within the 12 months following initial appointment or any subsequent reappointment; failure to do so results in a removal from office. Additionally, the Board is authorized to grant a waiver requested by a local Electoral Board to extend, on a case-by-case basis, this deadline by up to three months. On June 22, 2021, the Electoral Board of Appomattox County submitted a request to extend the deadline for their general registrar, and the Board unanimously granted the extension.

Officer of Election Training

The Board is required to set the training standards for the officers of election and to develop standardized training programs to be conducted by the local electoral boards and the general registrars, pursuant to Virginia Code § 24.2-103(D). The Board is also required to provide standardized training materials for such training and an online course must be available on ELECT's website. The Board is required to 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. On August 3, 2021 the Board approved amended officers of election training materials, which included a series of legislative changes from the 2021 Session of the General Assembly.

Election Security

On November 15, 2022 the Board conducted its annual review of the Virginia Voter Registration System Security standards, pursuant to Virginia Code § 24.2-410.2. Additionally, Virginia Code § 24.2-629, permits “[a]ny person, firm, or corporation, ... manufacturing, owning, or offering for sale any electronic voting or counting machine and ballots designed to be used with such equipment” to apply to the Board “to have examined a production model of such equipment and the ballots used with it.” The Board and ELECT consistently work to ensure the integrity and security of every election is upheld in the Commonwealth of Virginia. Throughout the 2021 calendar year, the Board approved various changes to electronic pollbooks, voting systems, and voting system security.

Electronic Pollbook Certification

In January of 2020, the Voting Systems Certification Standards were reviewed, updated, and approved by the Board. These standards were designed to ensure conformity between different vendors, better evaluate EPB systems for use in Virginia, re-evaluate and recertify vendor systems, and standardize the process of EPB systems. The Board directed compliance to these new standards by July 2021. On March 31, 2021 ELECT informed the Board the Election Assistance Commission (EAC) passed updated Voluntary Voting System Guidelines (VVSG 2.0) in February, 2021. VVSG 2.0 focused on improvements to usability, accessibility, security, and interoperability, is structured differently than previous guidelines, and offered a more thorough revision of certification standards. ELECT recommended that localities be allowed to continue use of the current uniform baseline certified versions of voting equipment and electronic pollbooks (only non-satellite locations) through July 2022. The Board approved all localities upgrading to the VVSG 2.0 standards by July 2022.

During the June 22, 2021 meeting of the Board, ELECT presented the three voting systems and/or electronic pollbooks that would have expired certifications by July 31, 2021: Election Systems & Software's Voter Assisted Terminal AutoMark (HW 1.0, 1.1 and 1.3) firmware 1.8.6.0, version 5.2.0.2; VR Systems EVID electronic pollbook, version 2012.21.106; and Election Systems & Software ExpressPoll 5000 electronic pollbook, version 3.2.0.0.

City of Hampton Waiver

On September 14, 2021, ELECT informed the Board that the certification for the ExpressPoll 5000, an Election Systems and Software (ESS) electronic pollbook, expired as of July 1, 2021. The City of Hampton, which has over 100,000 voters and 125 electronic pollbooks, was the only locality utilizing the ExpressPoll 5000. The vendor, ESS, did not inform the City of Hampton that they did not intend to certify in 2021 until August 19, 2021. As a result, the City of Hampton requested a waiver from the Board to utilize the ExpressPoll 5000 for the November Election. The Board was informed that without a waiver the locality would be required to purchase an entirely new product, which was not feasible by the November Election, or rely on the use of paper pollbooks pursuant to Virginia Code § 24.2-612(F). The Board was informed that the previously certified version of ExpressPoll 5000 is secure, independently tested, and would not be used at satellite early-voting sites so there would be no connection to a VPN or Cloud. If used only on Election Day, the ExpressPoll 5000 posed no security concerns and filled a necessary operational need for such a large locality. Therefore, the Board granted the waiver for use of the ExpressPoll 5000 up until the locality secures a newly certified system, but not later than July 31, 2022.

Robis Elections Electronic Pollbook 3.4.139.0

On June 22, 2021, ELECT requested the Board certify the use of Robis Elections electronic pollbooks version 3.4.139.0. SLI Compliance, an independent testing authority, determined that the Robis Elections electronic pollbooks met the requirements of the Election Assistance Commission Voluntary Voting System Guidelines. Robis provided the certification fee and testing was conducted on June 8th at ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Montgomery County on June 15, 2021. The Board motioned and approved the use of the updated system by a unanimous vote.

HART Intercivic 2.5.1

On June 22, 2021, ELECT requested the Board approve the Hart InterCivic 2.5.1 voting system, which was an updated version from Hart InterCivic 2.3. SLI Compliance, an independent testing authority, determined that the Hart Verity Voting System met the requirements of the Election Assistance Commission Voluntary Voting System Guidelines. Hart InterCivic provided the certification fee and testing was conducted on March 29 through April 1, 2021 at ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Essex County on May 7, 2021. The Board motioned and approved the use of the updated system by a unanimous vote.

Dominion 5.5

During the June 22, 2021 meeting of the Board, ELECT also recommended the Board certify the use of the Dominion 5.5 voting system. SLI Compliance, an independent testing authority, determined that the Dominion Voting System met the requirements of the Election Assistance Commission Voluntary Voting System Guidelines. Dominion provided the certification fee and testing was conducted on May 3 through May 6, 2021 at ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Amelia County on June 1, 2021. The Board motioned and approved the use of the updated system by a unanimous vote.

Unisyn Voting Solutions 2.1.1

ELECT recommended the Board approve the use of Unisyn Voting Solutions 2.1.1 in elections in the Commonwealth of Virginia on June 22, 2021. SLI Compliance, an independent testing authority, determined that the Unisyn Voting Solutions 2.1.1 met the requirements of the Election Assistance Commission Voluntary Voting System Guidelines. Unisyn provided the certification fee and testing was conducted on March 23 through March 24, 2021 at ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Arlington County on April 27, 2021. The Board motioned and approved the use of the updated system by a unanimous vote.

Elections Systems & Software 6.1.1.0

During the June 22, 2021 meeting of the Board, ELECT recommending the Board certify the use of Elections System & Software voting system, version 6.1.1 in elections in the Commonwealth of Virginia. Election Systems & Software provided the certification fee and testing was conducted on March 8 through March 12, 2021 at ELECT facilities in Virginia. In addition, the voting system was successfully tested in a Mock Election in Chesterfield County on April 6, 2021. The Board motioned and approved the use of the updated system by a unanimous vote.

Stand By Your Ad Citations: (SBYA)

Stand by Your Ad (SBYA) is a provision of the 2002 Bipartisan Campaign Reform Act, which requires any candidate running for federal political office to identify themselves on and approve any political advertisement. Virginia Code § 24.2-955 states that any sponsor of print media, radio, television, or online platform advertising is required to disclose their sponsorship on said advertisement. If a violation of Political Campaign Advertisement occurs, §24.2-955.3 states the penalties and in what manner the Board must handle the assessment of the violation.

SBE Policy 2021-001: Stand By Your Ad Hearings

ELECT initially presented a proposed set of standard operating procedures to be used by ELECT in processing SBYA complaints in March of 2018. The Board approved the proposed procedures unanimously and asked ELECT to prepare proposed procedures for SBYA hearings with a list of factors for the Board to consider when determining the appropriate civil penalty to assign for a violation of Virginia Code Title 24.2 Chapter 9.5. The Board adopted State Board of Elections Policy 2018-001 on August 15, 2018. Until February 2021, the Board had conducted SBYA hearings according to the 2018 policy.

Counsel from the Office of the Attorney General (OAG) suggested changes to Policy 2018-001 to further align the Board's hearing process with Virginia's Administrative Process Act (APA) of the Code of Virginia §2.2-4000, *et. seq.* These changes allow candidates a chance to rebut any complaint that is brought against them and permits candidates to request that any complainant appear before the Board for cross examination. ELECT presented the proposed updated policy on February 23, 2021, and the policy was approved unanimously.

SBYA Citations

On August 3, 2021, the Board held a public hearing to assess violations of Virginia Code § 24.2-955. For statewide or General Assembly offices, ELECT recommends a \$100 penalty for a first time violation and \$300 thereafter, doubling the value if the violation is within 14 days of the election. For local or constitutional offices, ELECT recommends a \$50 penalty for a first time violation, and \$100 thereafter, again doubling the penalty within 14 days of an election. If the Board unanimously agrees that the consequences of the ad are low, the Board may address a \$25 violation so long as the perpetrator is a first time offender. The Board heard 7 cases, dismissing 2, and finding 5 guilty. The board assessed a total of \$650 in civil penalties.

Electoral Board Complaints

In April and June of 2021, the Board discussed alleged irregularities in the operations of two local Electoral Boards: Richmond City Electoral Board and Nottoway County Electoral Board. Pursuant to §24.2-103(E), the Board is authorized to institute proceedings pursuant to § 24.2-234 for the removal of any member of an Electoral Board who fails to discharge the duties of their office in accordance with law.

As a result of the Board's review of submitted documents pertaining to Nottoway County, the Nottoway County Electoral Board was ordered to take the ELECT Electoral Board training and training on the Virginia Freedom of Information Act. Nottoway County Electoral Board was required to provide proof of completion of both trainings within 90 days of the ruling.

The matters concerning Richmond City Electoral Board were referred to the Commonwealth's Attorney for the City of Richmond. However, due to the nature of the alleged irregularities, the Commonwealth's Attorney for the City of Richmond stated the matter should be referred to the Office of the Attorney General, pursuant to Virginia Code § 2.2-511(A)(ii). The Board voted unanimously to submit a letter to the Office of the Attorney General to investigate the alleged improper actions in violation of Virginia Code Title 24.2.

Miscellaneous

During the 2021 calendar year, the Board also reviewed the Delegations of Authority, which had not been updated since 2019. The Delegations specified the roles and responsibilities of ELECT as delegated by the Board. The Board also updated its electronic meeting policy to ensure compliance with Virginia Code §2.2-3708.2. Since the state of emergency ended June 30, 2021 meetings were required to be in person, and members could participate remotely only under specific circumstances as outlined in a policy, pursuant to § 2.2-3708.2.

Conclusion

A wide variety of regulations, amendments, administrative policies and procedures, election security updates, and campaign finance polices were approved by the Board in 2021. The Board certified new voting systems with various pollbook vendors in accordance with the state certification process. The Board and ELECT also provided updates to campaign finance regulations, specifically relating to stand by your ad campaigns. Furthermore, the

Board accurately certified the election results of the 2021 primary and general elections. The elections community will continue to promote and support accurate, fair, open and secure elections for the citizens of the Commonwealth.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Risk Limiting Audit Manual

BOARD WORKING PAPERS

Karen Hoyt-Stewart

Locality Security (Voting Tech) Program Manager

Rachel Lawless

Confidential Policy Advisor



Memorandum

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

From: Rachel Lawless, Confidential Policy Advisor

Date: Tuesday, September 27, 2022

Re: Proposed Risk-Limiting Audit Manual

Suggested motion for a Board member to make:

"I move that the Board approve the proposed Risk Limiting Audit Manual pursuant to §24.2-671.2(B)."

Applicable Code Section: § 24.2-671.2 Risk Limiting Audits

Attachments:

- 2022 Risk-Limiting Audit Manual

Background:

Passed during the 2022 General Assembly Session, Chapter 443 of the Virginia Acts of Assembly amends several sections of the Code related to Virginia's risk limiting audit process. Pursuant to § 24.2-671.2(B) of the Code of Virginia, local election boards and general registrars are required to conduct risk limiting audits in accordance with procedures prescribed by the State Board of Elections (SBE) and under the supervision of the Department. These SBE approved procedures include:

- Processes for randomly selecting contested races and determining the risk limit;
- Procedures for preparing for a risk-limiting audit, including guidelines for organizing ballots, selecting venues, and securing appropriate materials by local electoral boards and general registrars;
- Procedures for ballot custody, accounting, security, and written record retention that ensure that the collection of cast ballots from which samples are drawn is complete and accurate throughout the audit;
- Procedures for hand counting of the audited ballots;
- Processes and methods for conducting the risk-limiting audit; *and*,



- Procedures for ensuring transparency and understanding of the process by participants and the public, including guidelines for direct observation by members of the public, representatives of the candidates involved in the risk-limiting audit, and representatives of the political parties.

The proposed 2022 Risk Limiting Audit Manual provides the necessary procedural guidance required by §24.2-641.2 (B) of the Code of Virginia.

ELECT Staff Recommendation:

ELECT staff recommends that the Board vote to adopt the 2022 Risk Limiting Audit Manual and make it effective immediately.



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Risk Limiting Audit

MANUAL

VIRGINIA DEPARTMENT OF ELECTIONS

Table of Contents

| | |
|--|----|
| 1. INTRODUCTION | 3 |
| 1.1 Background on Risk Limiting Audits (RLA) in Virginia | 3 |
| 1.1.1 Definition of an RLA | 3 |
| 1.1.2 History of RLAs in Virginia | 3 |
| 2. RLA BASICS | 4 |
| 2.1 RLA Selection and Notification Process | 4 |
| 2.2 RLA SBE Meeting | 5 |
| 2.2.1 Selected Contests | 5 |
| 2.2.2 Setting the Risk Limit | 6 |
| 2.2.3 Generating the Random Seed Number | 6 |
| 3. RLA PREPARATION: Part 1 | 6 |
| 3.1 Overview | 6 |
| 3.1 Determining the Location of the RLA | 7 |
| 3.2 Scheduling the Public Meeting | 7 |
| 3.4 Recruiting RLA Review Boards | 8 |
| 3.5 Reviewing Ballot Accounting and Storage Practices | 8 |
| 3.6 Creating a Ballot Manifest | 8 |
| Helpful Tips and Reminders: | 10 |
| 4. RLA Preparation: Part 2 | 10 |
| 4.1 Overview | 10 |
| 4.2 Submitting an ELECT 659-Request to Inspect Sealed Election Material Form | 11 |
| 4.3 Uploading a Ballot Manifest | 11 |
| 4.4 Suggested Supplies | 14 |
| 5. The Public Meeting | 15 |
| 5.1 Ballot Retrieval Process | 15 |
| 5.1.1 Log In to RLA Software | 15 |
| 5.1.2 Audit Boards | 15 |
| 5.1.3 Download and Print | 16 |
| 5.1.4 Retrieving and Tallying Ballots | 17 |
| 5.1.5 Alternative Methods to Traditional Hand Counting | 19 |
| 5.2 Ballot Entry into the RLA Software | 20 |
| 5.3 Completion of RLA | 22 |

| | |
|---|----|
| 5.4 Results..... | 23 |
| 6. APPENDIX..... | 23 |
| 6.1 Code..... | 23 |
| 6.1.1 § 24.2-671.2. Risk Limiting Audits..... | 23 |
| 6.1.2 § 24.2-669. Clerk to keep ballots; inspection; destruction..... | 25 |
| 6.1.3 §24.2-671 Electoral Board to Meet and Ascertain Results; Conclusiveness of Results..... | 26 |
| 6.1.4 § 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes..... | 27 |
| 6.2 ELECT 659-Request to Inspect Sealed Election Material..... | 30 |
| 6.3 RLA Chain of Custody Log..... | 31 |
| 6.4 Tally Sheet..... | 32 |
| 6.5 Sample Press Release..... | 33 |
| 6.6 Glossary..... | 34 |
| 6.7 1 VAC20-60-80 Request for Risk Limiting Audit Race within a Jurisdiction..... | 35 |
| 6.8 ELECT §24.2-671.2 (D) Form: Request for Risk Limiting Audit..... | 36 |
| | 36 |
| 6.9 Key Dates for the 2022 Risk Limiting Audit..... | 38 |

1. INTRODUCTION

1.1 Background on Risk Limiting Audits (RLA) in Virginia

1.1.1 Definition of an RLA

A Risk Limiting Audit (RLA) is a type of post-election audit that utilizes statistical methods and a manual review of paper ballots to confirm that the voting equipment accurately reported the correct outcome of an election. RLAs analyze a random sample of hand-counted ballots to confirm election results. If the margin of an election is wide, less votes are audited; if the margin is narrow, more votes are audited until enough evidence can confirm the results of the contest.¹

There are two main RLA methods: *ballot-comparison* and *ballot-polling* audits. Ballot-comparison audits manually examine randomly selected paper ballots and compares the results to the voting system's interpretation of the same ballot. Ballot-polling audits manually review a randomly selected sample of ballots to determine if the overall outcome of an election contest was correctly reported. Ballot polling requires more ballots to be audited, although it is simpler to complete; while ballot comparisons audit fewer ballots and require more data. In Virginia, The Department of Elections (ELECT) utilizes the *ballot polling* method to conduct RLAs.

This manual outlines the processes and procedures set-forth by the State Board of Elections (SBE) for conducting RLAs in Virginia using the ballot polling method.

1.1.2 History of RLAs in Virginia

RLAs provide strong statistical evidence that the declared winner of a contest actually received the most votes. In 2017, the Virginia General Assembly passed legislation that amended the Code of Virginia to include RLAs of ballot scanner machines in use in the Commonwealth and the changes went into effect on July 1, 2018. During the 2022 Legislative Session, §24.2-671.1 was repealed and replaced with §24.2-671.2, which took effect on July 1 of 2022. With these changes, the Code now requires that RLAs be performed by the local electoral boards and general registrars under the supervision of the Department of Elections (ELECT) and in accordance with the procedures prescribed by the State Board of Elections (SBE); this document outlines these procedures and includes guidance on the following:

- Processes for randomly selecting contested races and determining the risk-limit;
- Procedures for preparing for an RLA, including guidelines for organizing ballots, selecting venues, and securing appropriate materials by local electoral boards and general registrars;
- Procedures for ballot custody, accounting, security, and written record retention that ensure that the collection of cast ballots from which samples are drawn is complete and accurate throughout the RLA;

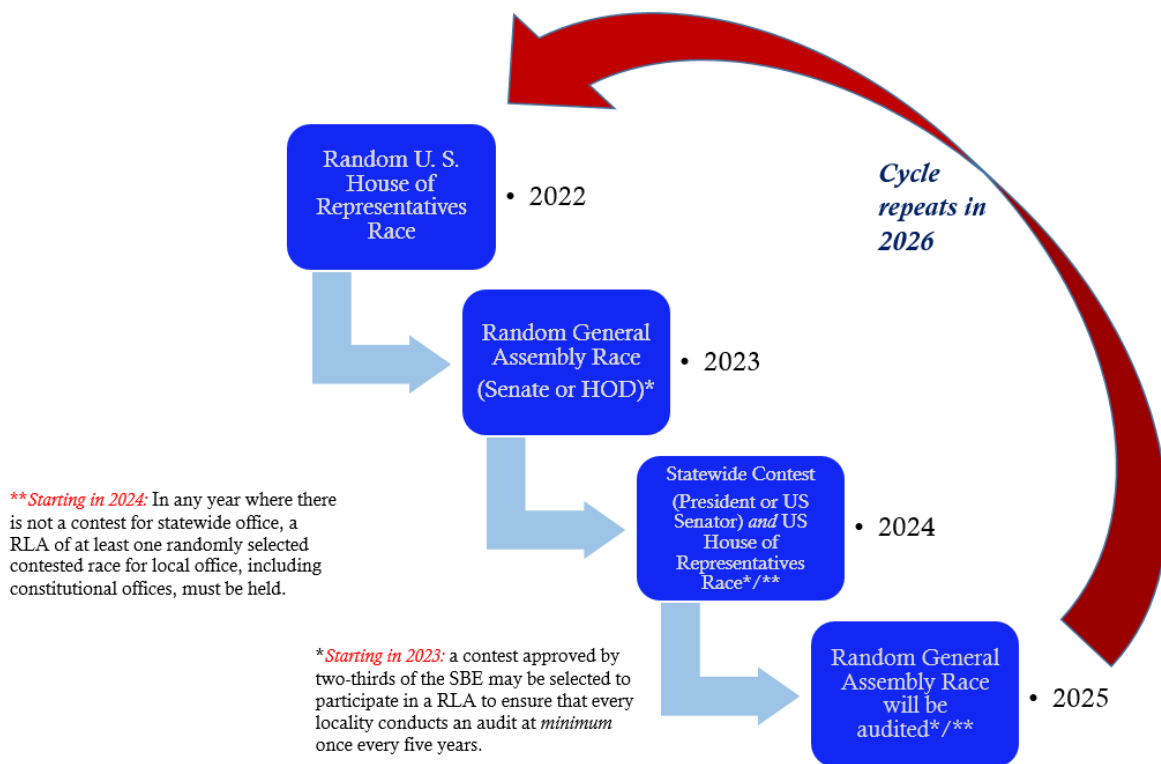
¹ Risk-Limiting Audits, Postelection Audits, A Summary, <https://www.ncsl.org/research/elections-and-campaigns/risk-limiting-audits.aspx>

- Procedures for hand counting of the audited ballots;
- Processes and methods for conducting the RLA; *and*,
- Procedures for ensuring transparency and understanding of the process by participants and the public, including guidelines for direct observation by members of the public, representatives of the candidates involved in the RLA, and representatives of the political parties.

2. RLA BASICS

2.1 RLA Selection and Notification Process

Pursuant to § 24.2-671.2, RLAs must be conducted **before** a race has been certified.² ELECT must ensure that an RLA is conducted for at least one randomly selected contest each year. The Code provides the contests eligible for selection for an RLA depending on the election cycle, as outlined in §24.2-671.2 (C) and illustrated in the graphic below:



² Code of Virginia, § 24.2-671.2. Risk-Limiting Audits, [§ 24.2-671.2. Risk-limiting audits \(virginia.gov\)](#)

At least once every five years, every jurisdiction must participate in an RLA of a contest within its jurisdiction. Effective in 2023, the SBE may, with two-thirds majority vote, direct that a locality conduct an RLA of a contest within its jurisdiction.

A local electoral board may also request SBE approval for an RLA of a contested race within the local electoral board's jurisdiction. A "contested race" means *an election for an office where more names appear on the ballot than there are vacancies to be filled or a statewide referendum or proposed constitutional amendment*.³ The State Board has promulgated both a regulation to guide local electoral boards in selecting a race for RLA (see Appendix) as well as a §24.2-671.2 (D) Form that localities must use to request a race for RLA (see Appendix).

To request a local race for an RLA, an electoral board must cast a majority vote at a public meeting to request an RLA for a particular contested race. Further, an electoral board must sign and complete the current SBE 24.671.2(D) Form and identify the race(s) subject to the requested RLA. All board members should sign and date the form. Once completed, the Secretary of the local electoral board must send the form to ELECT via the locality's Election Registration Specialist. An ideal time for local electoral board members to select a race is during the canvass. These forms must be submitted the day prior to the RLA SBE meeting.

The SBE will grant an RLA request if the form is properly completed, all statutory requirements are met, and the request is submitted the day before the SBE meeting that determines all the contested races subject to an RLA. Finally, the regulation specifies that, as needed, the State Board will grant a two-week extension to an electoral board's certification deadline under § 24.2-671 to accommodate the conduct of the RLA.⁴

2.2 RLA SBE Meeting

The SBE will meet electronically at 3:00 PM on the second Wednesday after an election to select contests, set the "risk limit", and determine the random seed number for the RLA.

2.2.1 Selected Contests

Eligibility

For those contests eligible for an RLA as designated by year in §24.2-671.2 (C), the SBE will only consider races with margins greater than 1%. All races that meet that threshold will be placed in the selection pool.

Locally contested races for which local electoral boards who have filled out a §24.2-671.2 (D) Form requesting an RLA of a locally contested race and who also met the criteria established in regulation (1VAC20-60-80) will be announced during this meeting. These contests will not be placed in the selection pool.

³ *Id.*

⁴ Code of Virginia, §24.2-671 Electoral board to Meet to Ascertain Results; conclusiveness of results, <https://law.lis.virginia.gov/vacode/title24.2/chapter6/section24.2-671/>

Drawing

The Chairman of the SBE or their designated representative will randomly draw one race(s) to audit from this pool. Before the random selection takes place, a member of ELECT staff will explain the selection method. Depending on the size of the selection pool, the SBE may draw a contest from a bowl or roll dice to determine the audited contest. The selection will be held and recorded during a public meeting to ensure that the chosen race is completely random.

2.2.2 Setting the Risk Limit

A *risk limit* is the maximum chance that the RLA will fail to correct an incorrectly reported outcome. For example, a 10% risk-limit means that there is as a 90% chance that the RLA will correct an incorrect outcome. Every RLA that has been held in the Commonwealth of Virginia has used a 10% risk-limit. The SBE will set the *risk limit* of the RLA following industry best-practices and announce the risk limit of each RLA at the virtual SBE meeting held to discuss RLAs.

2.2.3 Generating the Random Seed Number

The RLA software uses a 20-digit random seed number to select ballots to be retrieved. A random seed number specifies the starting point of a computer-generated random sequence of numbers. To create this random number, the chairman of the SBE or their designated representative(s) will roll a ten-sided dice twenty times and record each number. This step is done during this public meeting. Any person may be designated to roll the dice, it may be done by one person or several people.

The 20-digit number generated by this activity will be inputted into the RLA software by the RLA *Administrator*. Once this number is inputted, the auditing software will randomly select and generate a list of ballots to be retrieved based on the sample size. For an illustrated example of this process, please review the *Random Seed Number Generation* video on the Virginia Department of Elections' YouTube channel.⁵

3. RLA PREPARATION: Part 1

3.1 Overview

Since RLAs must be conducted before state certification can occur, localities will be performing RLAs on compressed timelines (see Appendix for example of the 2022 timeline.) Before Election Day, localities chosen or approved by the SBE to conduct an RLA can take actions to set themselves up for success, including:

- Determining RLA Location;
- Scheduling the public meeting;
- Recruiting RLA Review Boards;

⁵ Virginia Department of Elections YouTube Channel, Random Seed Number Generation, <https://www.youtube.com/watch?v=Jw1DajGxvxQ&t=208s>

- Reviewing ballot accounting and storage practices; *and*,
- Creating a ballot manifest.

3.1 Determining the Location of the RLA

A locality must consider a space for the RLA that can accommodate the public and that is ADA compliant. If only a few ballots are required for an RLA, a locality may choose to conduct their RLA at the courthouse. If more space is needed or if no workspace is available, the RLA may take place in another location such as: the general registrar’s office, a library, firehouse, school, etc. Localities should work with their Clerk of Courts to consult on the physical space of the RLA. The facility where an RLA takes place must have an internet connection to download and print retrieval lists, placeholder pages, RLA board credentials, and labels.

3.2 Scheduling the Public Meeting

A local electoral board and general registrar shall conduct an RLA within their jurisdictions at the date, time, and location noticed by ELECT. ELECT will publish the list of contested races as soon as practical. Pursuant to § 2.2-3707⁶ and §24.2-671.2 (G), localities should plan for a public meeting for the day of the RLA. Additionally, at least one member of the local electoral board representing each party needs to participate in the RLA and be present for the duration of the RLA. ⁷ Local party chairpersons must also be notified. In addition to local electoral board members, the general registrar, and the Clerk of the Court or his/her designee, meeting attendees may include:

- Audit Board members;
- General public;
- Representatives from political parties;
- Candidates;
- Campaign staff; *and*,
- Local party chairs.

Localities should plan for a full day to conduct the RLA. As a best practice it is recommended that the public meeting begin in the morning, so the afternoon may be free, if a second round of ballot retrieval is required. Since the sample is random, there is no way to predetermine the number of ballots a locality will need to retrieve ahead of time. An RLA is designed, however, to sample the least number of ballots necessary to gain statistical confidence that the outcome of an election is correct; therefore, most RLAs can be completed in one day.

⁶ Code of Virginia, § 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes, <https://law.lis.virginia.gov/vacode/title2.2/chapter37/section2.2-3707/>

⁷ Code of Virginia §24.2-641.2, Risk-Limiting Audit, <https://law.lis.virginia.gov/vacode/title24.2/chapter6/section24.2-671.2/>

3.4 Recruiting RLA Review Boards

An *Audit Review Board* is a two-person team that retrieves specified ballots, records the results of the ballot, and inputs the results into the ballot software. General registrars and/or the Electoral Boards determine the audit board(s). Audit board members can be: staff, Officers of Election, Electoral Board Members, general registrars, or representatives from each party and/or candidates. Audit boards do not have to declare a party affiliation. As a best practice, it is recommended the audit board consist of one Democrat and one Republican to ensure balanced representation.

The number of *Audit Review Boards* is based on the number of containers that will need to be opened and not on the number of ballots that need to be retrieved. On average, an audit board can pull 20-25 ballots per hour. If many ballot containers must be retrieved, this average decreases to about 15-20 ballots per hour.

3.5 Reviewing Ballot Accounting and Storage Practices

When preparing for an RLA, it is a good time to review ballot accounting practices, which include ballot tracking, ballot reconciliation, and chain of custody forms and procedures. Ballot accounting forms the basis of a ballot manifest by providing the number of ballots in an envelope/box/container (ballot manifests are explained in greater detail in section **3.6 Creating a Ballot Manifest**.) This information can be found on Ballot Record Reports or on Label #3. ELECT encourages localities to have discussions with their Clerk of Court prior to the election. During these conversations, localities should work with their Clerk of Court to discuss storage limitations, the location of the RLA, and chain of custody concerns.⁸

ELECT has also designed a sample Chain of Custody form to document the control, transfer, and disposition of ballots during an RLA. Localities may choose to utilize this form or design their own to suit their specific needs. This sample form can be found in Forms Warehouse under the RLA section.

3.6 Creating a Ballot Manifest

Virginia utilizes the *ballot-polling method* to conduct RLAs; the *ballot-polling method* manually reviews a random sample of ballots across localities to determine if the overall outcome of an election was correctly reported. In order to select random ballots, participating localities must each upload a ballot manifest. A *ballot manifest* is a two column Excel spreadsheet created by localities that includes a list of the “Batch Name” (Column A) and the “Number of Ballots” (Column B).

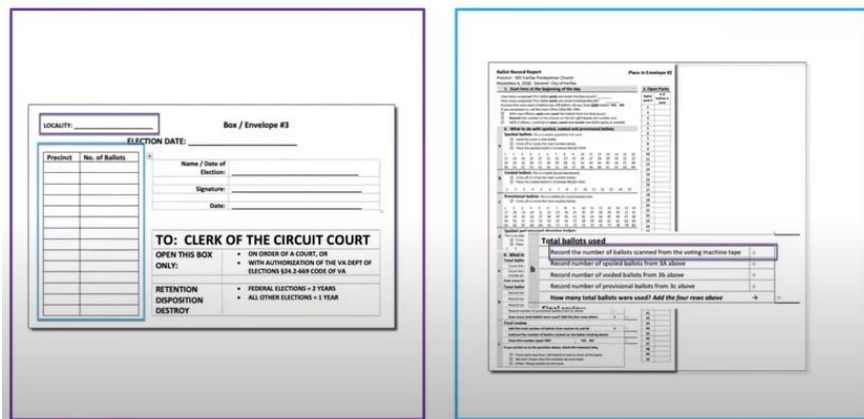
⁸ Democracy Fund, Knowing It’s Right, Part Three, Planning and Conducting a Risk-Limiting Audit Pilot, Jennifer Morrell, June 2020,

| | A | B |
|---|------------|-------------------|
| 1 | Batch Name | Number of Ballots |
| 2 | Pct 101 | 75 |
| 3 | Pct 102 | 112 |
| 4 | Pct 103 | 52 |

The ballot manifest creates an inventory of every ballot cast in a locality. Depending on the size of the locality, a ballot manifest should take one hour or less to complete. As a best practice, localities are encouraged to build their ballot manifest as they go. Every time an overfull optical ballot container is emptied per 1VAC20-60-50, there is an opportunity to create a “batch” of ballots.

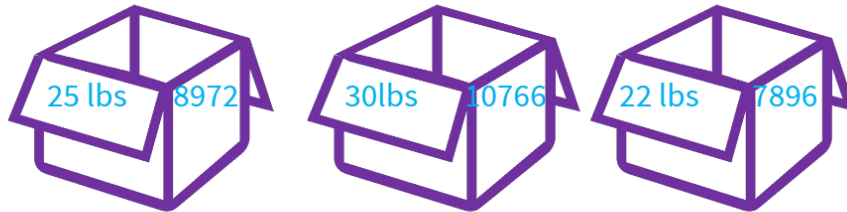
The number of ballots in each batch should be verified independent of the tabulator. The information to create a ballot manifest may be found in the following places:

- Ballot Record Reports from precincts
- Inventory the ballot boxes at the Clerk of Court. Label #3 should contain the information needed.



- Electronic Pollbook Data
(Reminder: Check Incident Reports or Officer of Election notes for occurrences of failing to check-in voters. This will allow the EPB number to be increased to the correct number.)
- VERIS data from the Final Absentee Report
- Calculating the Number of Ballots in a container by weight.
 - If the number of ballots in a specific container is unknown, a locality can perform a simple equation to approximate the number of ballots in each box. To do this, each container box must be weighed. The weight of each box is added together. The total of this sum is then divided by the total number of ballots cast. The result of this equation is then multiplied by the weight of the corresponding box to get the number of ballots (see graphic.)

Calculating Ballots by Weight



Total Weight = 77lbs

Total ballots from vote history/credit = 27,634

$27634/77 = 358.88$

Box 1 = 25lb * 358.88 = 8972

Box 2 = 30lb * 358.88 = 10766

Box 3 = 22lb * 358.88 = 7895

Helpful Tips and Reminders:

- All types of ballots are included (in person, mail-in, provisional, etc.) in the manifest.
- Localities may label the “Batch Name” in any way that helps keep them organized (example: Precinct 101, Box 26, Container 8, etc.). Batch names are unique to each locality.
- Boxes/Containers/Envelopes that contain large amounts of ballots may be grouped into smaller units to ease the physical challenges of conducting the RLA, as long as it is reflected in the batch name (example of “batch names”: Precinct 101 Unit 1; Box 26 Unit 2; Container 8 Unit 3 etc.).
- Keep the spreadsheet simple; avoid color coding and bold, so the ballot auditing software can read it.
- Run a quick equation in excel to check that all ballots have been accounted for in a locality. After performing this check, make sure to **delete** this sum before uploading the manifest into the RLA software.
- Build a ballot manifest as the ballots are being stored after an election in preparation of future RLAs.
- ELECT staff is available to troubleshoot specific challenges and provide support.

4. RLA Preparation: Part 2

4.1 Overview

Once a locality learns that they have been selected for an RLA or that their electoral board has requested an RLA, they will have to do the following:

- Notify the public and participants identified in section 3.2 and 3.4 of this manual;


- Submit an ELECT 659-Request to Inspect Sealed Election Material form;
- Upload their ballot manifest; *and*,
- Gather supplies.

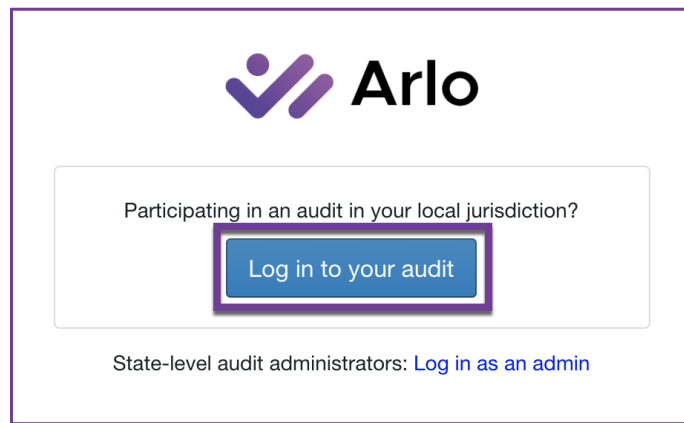
4.2 Submitting an ELECT 659-Request to Inspect Sealed Election Material Form

Pursuant to Va. Code § 24.2-659, a locality must receive permission from the Department of Elections to unseal ballots cast on Election Day for a post-election audit. Localities are required to submit an *ELECT 659-Request to Inspect Sealed Election Material* form to obtain permission. Once submitted, the form is sent to ELECT for signature authorization and then presented to the Clerk of the Circuit Court in order to access ballots from the election. This form may be found in Forms Warehouse under the RLA section.

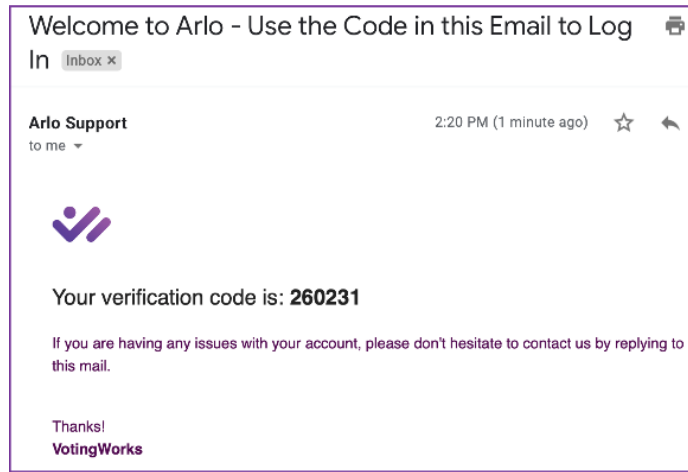
4.3 Uploading a Ballot Manifest

Once the ballot manifest is created, participants will save the manifest as a **.csv file** (CSV UTF-8, CSV (Macintosh) or CSV (MS-DOS) are all acceptable) and upload the spreadsheet into the auditing software. The RLA software will let participants know if a mistake has been made when creating or uploading the manifest by generating an error message. Mistakes can include: empty rows, incorrect file formats (the manifest must be saved as a .csv file), or ballot totals in any rows or columns. All ballot manifests must be submitted by all participating localities to start the RLA. Once the software receives all the ballot manifests, it will compile them into one large ballot list. This master list will be used to select random ballots across participating localities. Ballot manifests must be uploaded no-later than the Thursday after the SBE’s random draw. Once all ballot manifests are uploaded the RLA can begin. Detailed instructions, on how to upload a ballot manifest into the current auditing software, are listed below:

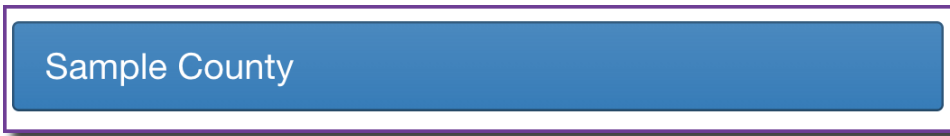
1. Using Google Chrome  or Safari as your browser, go to this link: <https://arlo.voting.works>
2. Click Log in to your audit



3. Enter email address.
4. Check your email for a new email with a subject “Welcome to Arlo - Use the Code in this Email to Log In” - enter the verification code.



5. Click on the button with the locality name.



6. Click the Browse button and navigate to the ballot manifest .csv file that was created. Once selected, click Upload File.

The audit has not started.


Ballot manifest not uploaded.

Audit Source Data

Ballot Manifest

Click "Browse" to choose the appropriate Ballot Manifest file from your computer. This file should be a comma-separated list of all the ballot boxes/containers used to store ballots for this particular election, plus a count of how many ballot cards (individual pieces of paper) are stored in each container.

[\(Click here to view a sample file in the correct format.\)](#)



The image shows a file upload interface. At the top, there is a text input field containing the placeholder text "Select a CSV...". To the right of this field is a button labeled "Browse". Below the input field and "Browse" button is a blue button labeled "Upload File". The entire interface is enclosed in a purple rectangular border.

7. When the upload is successful, a message will appear at the top of the screen that says "Ballot manifest uploaded." If a mistake is found after a ballot manifest has been uploaded, participants have the option to log back in and use the **Replace File** button to update the file.



The audit has not started.
Ballot manifest uploaded.
Waiting for Audit Administrator to launch audit.

Audit Source Data

Ballot Manifest

Click "Browse" to choose the appropriate Ballot Manifest file from your computer. This file should be a comma-separated list of all the ballot boxes/containers used to store ballots for this particular election, plus a count of how many ballot cards (individual pieces of paper) are stored in each container.

[\(Click here to view a sample file in the correct format.\)](#)

Current Ballot Manifest file: Oceana ballot manifest - Oceana ballot manifest - Oceana ballot manifest - Oceana ballot manifest.csv

8. Once the steps for uploading your ballot manifest have been completed, log out before exiting the screen.

4.4 Suggested Supplies

While not required, the following is a list of helpful supplies for a successful RLA:


- Table and chairs for each audit board;
- Bright colored paper;
- Bright colored removable labels;
- Tally sheets;
- Pens;
- Rubber fingers;
- Device to open containers;
- Materials to reseal containers, if necessary;
- Device with Wi-Fi/cellular to enter ballot tallies (laptop, smartphone, etc.); *and*,
- Printer.

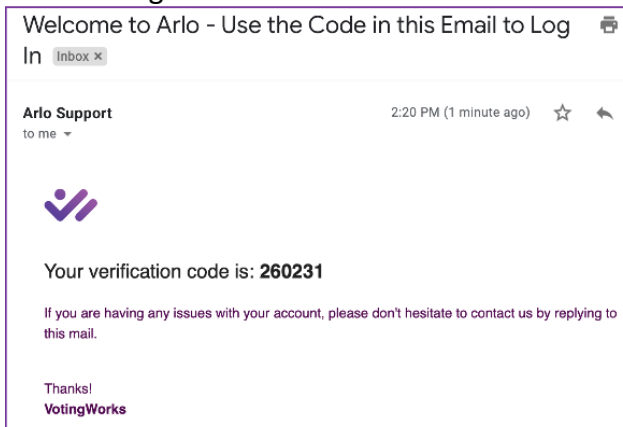
5. The Public Meeting

5.1 Ballot Retrieval Process

5.1.1 Log In to RLA Software

Once the list of ballots to be audited has been generated by the RLA software, participants will log into the RLA software to review the list of ballots they must retrieve to complete the RLA.

1. Using Google Chrome  or Safari as your browser, go to this link: <https://arlo.voting.works>
2. Click Log in to your RLA.
3. Enter email address.
4. Check your email for a new email with a subject “Welcome to Arlo - Use the Code in this Email to Log In” - enter the verification code.

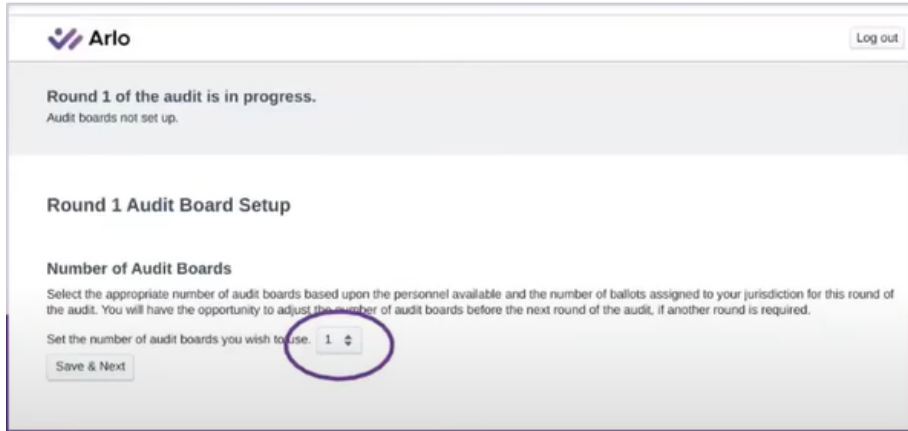


5. Click on the button with the locality name.



5.1.2 Audit Boards

The RLA software will ask how many audit boards will be participating in the RLA. Since the selection of ballots is random, a locality will have to conservatively estimate the number of audit review boards they deem necessary based on the size of their locality and the race being audited.



5.1.3 Download and Print

The RLA software will sort ballot retrieval lists, placeholder sheets, ballot labels, and audit board credentials for every audit board. Print each item for each audit board.

TEST RLA ELECTION - April 8, 2021





Round 1 of the audit is in progress.

1 of 1 audit boards complete.

Waiting for all jurisdictions to complete Round 1.

Round 1 Data Entry

0 ballots to audit in Round 1

| |
|---|
|  Download Aggregated Ballot Retrieval List |
|  Download Placeholder Sheets |
|  Download Ballot Labels |
|  Download Audit Board Credentials |

Audit Board Progress

0 of 0 ballots audited



Audit Board #1: no ballots to audit

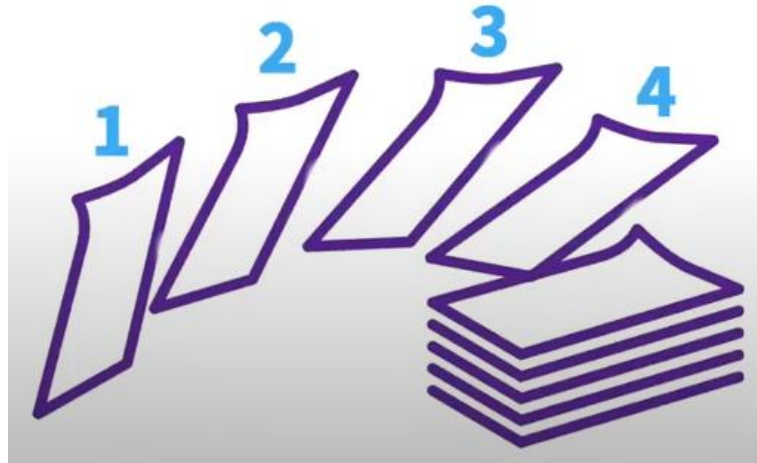
- Ballot Retrieval List:** A ballot retrieval list is a list of ballots to be retrieved by a locality. The “Batch Name” will be the naming convention used in the ballot manifest. Since the selection is random, precincts may have multiple ballots to be retrieved and some precincts may have none.

| | A | B |
|---|------------|---------------|
| 1 | Batch Name | Ballot Number |
| 2 | Precinct 1 | 90 |
| 3 | Precinct 2 | 2 |
| 4 | Precinct 2 | 197 |
| 5 | Precinct 4 | 27 |
| 6 | Precinct 5 | 313 |
| 7 | Precinct 5 | 578 |
| 8 | Precinct 5 | 587 |

- The ballot number reflects the numerical order of a specific ballot. To audit ballot number 90 in Precinct 1, for example, a member of the audit board must count from the top , each stored ballot until they reach the 90th ballot in the batch.
- **Placeholder sheets:** Placeholder sheets are individual sheets that contain each batch name and number (ex. Precinct 1, Ballot Number 90). They come in the form of a pdf and are printed on brightly colored paper. These sheets will be used to mark the place of the ballot that is being retrieved in the stack of ballots.
- **Ballot Labels:** Ballot Labels should be placed on ballots when retrieved. A bright colored removable label is recommended but not required.
- **Audit Board Credentials for Data:** The RLA software will create a username and password for the audit board members. The link at the bottom of the audit board credentials or QR code will direct audit board members to the site to enter in the ballot totals.

5.1.4 Retrieving and Tallying Ballots

- 1) Review list of ballots, retrieve the necessary containers.
- 2) Perform any change of custody that may be required by the Clerk of Court. Chain of custody needs to be documented. ELECT has a sample form that may be used to document chain of custody or a locality may design their own form.
- 3) Remove ballots from box and place in a neat stack.
- 4) Review *Ballot Retrieval List* to determine what ballot to select.
- 5) Starting at the top of the stack, count ballots until the desired ballot is reached.



- 6) Once the ballot needed to be retrieved is reached, pull it out of the stack and insert the placeholder sheet in the stack to mark its position. Place the removable label on the ballot. The placeholder sheets and ballot labels are generated by the RLA software.
- 7) Once all ballots have all been pulled from the containers, the audit board will use the procedures established by ELECT for conducting hand counts of ballots.⁹ These procedures are outlined in Forms Warehouse under Election Management, Election Day Instruction and Forms, *Hand Counting-Ballots-Examples*. Include the batch name, ballot number, and the vote on the tally sheet. ELECT has sample tally sheets available for use during an RLA but a locality may choose to create their own.

| Audit Board Tally Sheet | | | | |
|-------------------------|---------|---------|---------|-------|
| | Batch 1 | Batch 2 | Batch 3 | TOTAL |
| YES | | | | |
| NO | X | | | |

- 8) Localities may return ballot(s) to the appropriate container(s) or keep all the ballots from the RLA in a designated envelope/container.

⁹ Virginia Department of Elections, Commonwealth of Virginia, Ballot Examples, Hand Counting Printed Ballots for Virginia Elections or Recounts, <https://www.elections.virginia.gov/media/formwarehouse/election-management/election-day-instructions-and-forms/ELECT-Management-Handcounting-Ballots-Examples.pdf>

- 9) The containers should be resealed and returned to the Clerk of the Circuit Courts following the Chain of Custody procedures.

5.1.5 Alternative Methods to “Counting Down the Stack”

If a locality has a “batch” that is too large to locate a single ballot efficiently by counting down the stack of ballots, the locality may perform the **K-Cut Method** to locate the ballot or utilize a **Commercial Scale**. The methods are explained in more detail below:

K-Cut Method

To make a k-cut of a given stack of ballots:

- Cut the stack into two parts at *random*, designated a “top” part and a “bottom” part.
- Switch the order of the parts by moving the “bottom” part to the top and the “top” part to the bottom.
- The two parts are placed together.
- Cut the stack at least five times.
- The ballot at the top of the new stack is selected.¹⁰

A locality must perform a k-cut five times before selecting the top ballot. A random number must be used to dictate the percentage of the cut. One way to randomize the percentage of the cut is to utilize a random number generator set to 1-100.¹¹ The number generated then becomes the percentage of the cut (*example 23=23% of the stack is moved to the bottom.*) After performing the cut five times the top ballot becomes the retrieved ballot.

Commercial Scale

Localities may utilize a commercial scale to locate a ballot. Using a ballot scale is highly accurate, saves time, and places less stress on a locality’s audit board. By calculating the average weight of the ballots, a scale can easily identify the corresponding ballot in a ballot retrieval list.¹²

Helpful Tips and Reminders:

- ELECT has a limited number of counting scales to loan. Localities may send an email to their Elections and Registration Specialist to request use of a scale.
- ELECT has sample Chain of Custody forms and Tally Sheets available for use in Forms Warehouse.

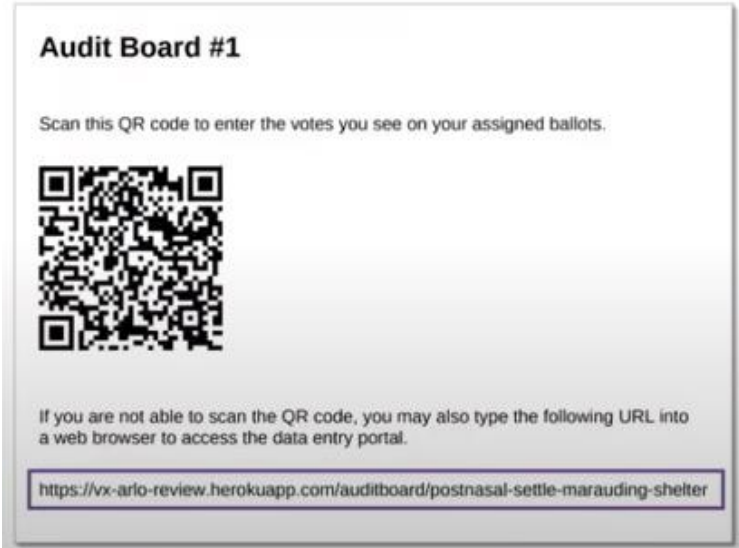
¹⁰ k-Cut: A Simple Approximately-Uniform Method for Sampling Ballots in Post-Election Audits, Mayuri Sridhar and Ronald L. Rivest, Massachusetts Institute of Technology, <file:///C:/Users/bzk52383/Downloads/SridharRivest2019-k-cut.pdf>

¹¹ Sample Random Number Generator, <https://www.calculator.net/random-number-generator.html>om Number Generator (calculator.net)

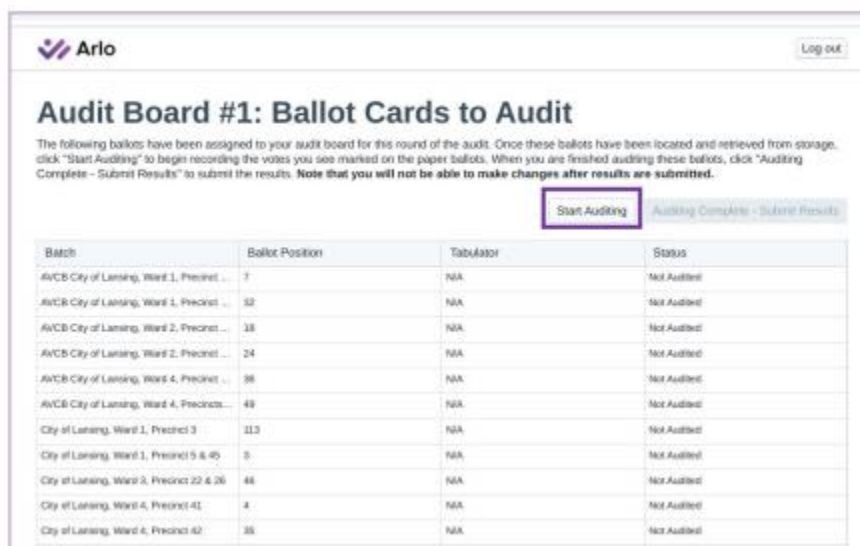
¹² Weight, Weight, Don’t Tell Me: Using Scales to Select Ballots for Auditing, Cynthia Sturton, Eric Recorla, and David Wanger, University California Berkeley, <https://www.cs.unc.edu/~csturton/papers/ballot-weight-evt09.pdf>

5.2 Ballot Entry into the RLA Software

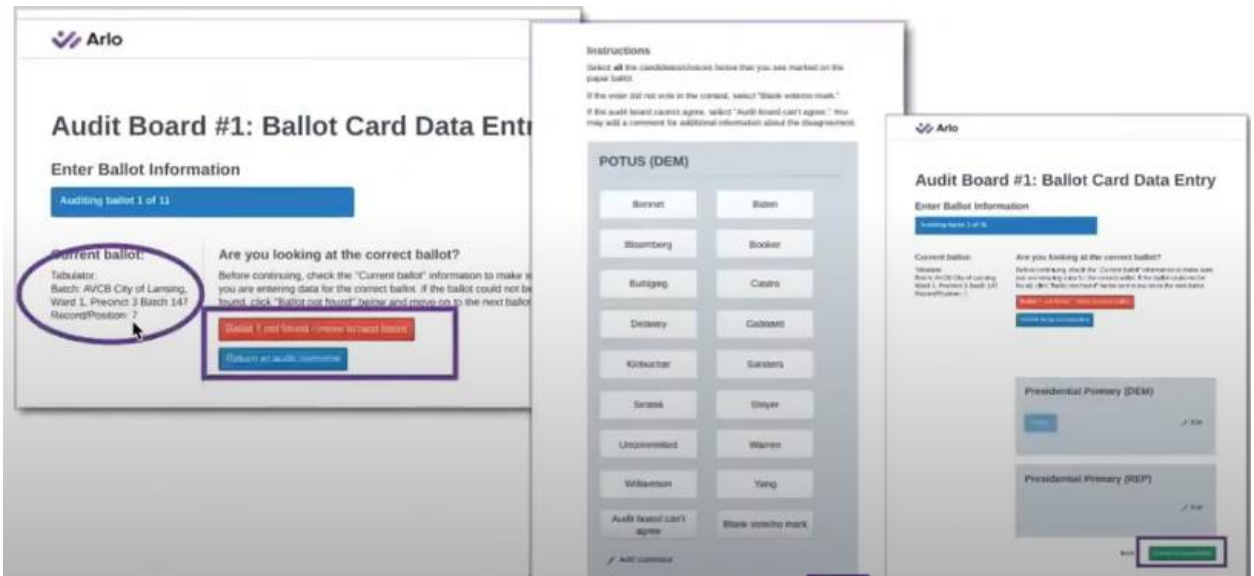
The link and/or QR code found at the bottom of the audit board credentials will take audit board members to the data entry portal to input the results of the RLA. A device with a Wi-Fi connection is needed to record the paper tally sheet. This may include a laptop or a smartphone. If using a smartphone, scan the QR code or type in the URL into the web browser.



- 1) The audit board members will be prompted to sign-in. The audit board will see the list of ballots. Audit board members will “key-in” results from the list of ballots. If a locality has 22 ballots to retrieve, there will be 22 separate fields to record each ballot. ELECT recommends both audit board members participate with one audit board member reading the results and one audit board member entering the results. Audit board members must **both** agree on the results of each ballot.
- 2) Click the **Start Auditing** button to begin.



- 3) Go through the ballots in order.
- 4) Select the candidate marked on the ballot, both audit board members need to agree with the results. Click Review. Verify accuracy before clicking Submit & Next Ballot button.



- 5) When all ballots have been inputted, audit boards should return to the audit overview screen to verify every ballot has been entered into the audit software. Once everything has been verified, click the **“Auditing Complete-Submit Results”** button.



- 6) Audit board members will sign-off. Names must be keyed in exactly how the audit board member signed-in. For example, if the caps lock was on when the audit board member signed in, then the caps lock must be on when the audit board member signs out.

Audit Board #1: Board Member Sign-off

Thank you for completing the ballots assigned to your Audit Board. Please sign your name below to confirm that all ballots were audited to the best of your ability and in accordance with the appropriate state statutes and guidelines.

If another round of auditing is needed, you will be notified by election officials.

Audit Board Member: RACHEL LAWLESS

Full Name

Audit Board Member: rachel lawless

Full Name

Sign Off

5.3 Completion of RLA

When all audit boards have completed their ballot entry and the risk limit has been met, the *Audit Progress* screen will display the message “Congratulations - the audit is complete!”

If the risk limit was not met after all the ballots have been audited for the contest, the audit software will initiate another round of sampling. A new ballot retrieval list, placeholders, labels, and audit board credentials will be generated for an additional round of ballot retrieval. If more than one locality is auditing for the same office, both localities must complete before the software will determine the need for the second round and subsequently generate the new retrieval list(s).

Audit Completion

Completed

Arlo Audit Setup Audit Progress View Audits New Audit Log out

Congratulations - the audit is complete! [Download Audit Report](#)

Audit Progress **Audit Progress by Jurisdiction**

| Jurisdictions | Jurisdiction Name | Status | Total Audited | Remaining in Round |
|---------------|-------------------|----------|---------------|--------------------|
| | Kalamazoo County | Complete | 0 | 0 |
| | Kalamazoo County | Complete | 0 | 0 |
| | Kalamazoo County | Complete | 0 | 0 |
| | Kalamazoo County | Complete | 0 | 0 |

Additional Sampling

Arlo Audit Setup Audit Progress View Audits New Audit Log out

Round 2 of the audit is complete - another round is needed [Start Round 3](#)

When you are ready, start Round 3

Pursuant to § 24.2-671.2 (I), if an RLA of a contested race escalates to a full hand count, the results of the hand count shall be used to certify the election in lieu of the tabulation of the unofficial results obtained prior to the conduct of the RLA.¹³

5.4 Results

At the conclusion of the RLA, ELECT will submit a report to the SBE on the findings of the RLA. The report will include the results of the RLA as well as an analysis of any detected discrepancies. If a locality would like to send a press release to local news outlets, ELECT has created a sample press release template that localities may utilize. This press release is found on the RLA section in Forms Warehouse.

6. APPENDIX

6.1 Code

6.1.1 § 24.2-671.2. Risk Limiting Audits

A. For the purposes of this section:

"Contested race" means an election for an office where more names appear on the ballot than there are vacancies to be filled or a statewide referendum or proposed constitutional amendment.

"Risk limit" means the largest probability that the Risk Limiting Audit will fail to correct an election outcome that differs from the outcome that would be found by a full manual tabulation of the votes on all ballots cast in the contested race.

"Risk Limiting Audit" means an audit protocol conducted after an election and prior to the certification of the election results with a pre-specified minimum probability of requiring a full hand count of votes cast if the outcome reported by the voting system differs from the outcome that would be found by a full hand count of the votes in a contested race. A "Risk Limiting Audit" requires a hand count of randomly sampled printed ballots that continues until there is either strong statistical evidence that the reported outcome is correct or, in the absence of such evidence, a full hand count of all ballots cast in the contested race that determines the outcome.

B. Risk Limiting Audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars under the supervision of the Department and in accordance with the procedures prescribed by the State Board, including:

¹³ Code of Virginia, §24.2-671.2 Risk-Limiting Audits,
<https://law.lis.virginia.gov/vacode/title24.2/chapter6/section24.2-671.2/>

1. Processes for randomly selecting contested races and determining the risk limit.
2. Procedures for preparing for a Risk Limiting Audit, including guidelines for organizing ballots, selecting venues, and securing appropriate materials by local electoral boards and general registrars.
3. Procedures for ballot custody, accounting, security, and written record retention that ensure that the collection of cast ballots from which samples are drawn is complete and accurate throughout the audit.
4. Procedures for hand counting of the audited ballots.
5. Processes and methods for conducting the Risk Limiting Audit.
6. Procedures for ensuring transparency and understanding of the process by participants and the public, including guidelines for direct observation by members of the public, representatives of the candidates involved in the Risk Limiting Audit, and representatives of the political parties.

C. The Department shall provide that the following Risk Limiting Audits be conducted:

1. In the year of a general election for members of the United States House of Representatives, a Risk Limiting Audit of at least one randomly selected contested race for such office;
2. (Effective July 1, 2023) In the year of a general election for members of the General Assembly, a Risk Limiting Audit of at least one randomly selected contested race for such office;
3. (Effective July 1, 2024) In any year in which there is not a general election for a statewide office, a Risk Limiting Audit of at least one randomly selected contested race for a local office, including constitutional offices, for which certification by the State Board is required under § 24.2-680; and,
4. (Effective July 1, 2023) In any year, any other Risk Limiting Audit of a contested race that is necessary to ensure that each locality participates in a Risk Limiting Audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate. Such audits must be approved by at least a two-thirds majority vote of all members of the Board.

D. A local electoral board may request that the State Board approve the conduct of a Risk Limiting Audit for a contested race within the local electoral board's jurisdiction. The state board shall promulgate regulations for submitting such requests. The State Board shall grant an extension of the local electoral board's certification deadline under § 24.2-671 as necessary to accommodate the conduct of a Risk Limiting Audit conducted pursuant to this subsection. The Department may count a Risk Limiting Audit conducted pursuant to this subsection toward the requirement in subdivision C 4.

E. Notwithstanding the provisions of subsections C and D, no contested race shall be selected to receive a Risk Limiting Audit if the tabulation of the unofficial result for the contested race

shows a difference of not more than one percent of the total vote cast for the top two candidates.

F. Upon the tabulation of the unofficial results of an election, the State Board shall determine, in accordance with subsection C, all the contested races for that election that will receive a Risk Limiting Audit and shall set the risk limit to be applied in such audits. As soon as practicable after selection of the contests to be audited, the Department shall publish a notice of the contested races in accordance with the requirements for public meetings in § 2.2-3707. The Department shall provide support to local electoral boards and general registrars in preparing to hold the Risk Limiting Audits.

G. The local electoral board and general registrar shall conduct a Risk Limiting Audit within their jurisdiction at the date, time, and location noticed by the Department. At least one member of the local electoral board representing each party shall participate in the Risk Limiting Audit and be present for the duration of the Risk Limiting Audit when ballots are being selected and counted and calculations are being made. All Risk Limiting Audits shall be conducted in a place and manner that is open to the public. At the conclusion of a Risk Limiting Audit, all audit materials, including ballots and any records generated during the course of the audit, shall be delivered to the clerk of the circuit court and retained as election materials pursuant to § 24.2-668.

H. The local electoral board in coordination with the general registrar shall promptly report the results of a Risk Limiting Audit of any contested races subject to § 24.2-680 in their jurisdiction to the Department. The results of any Risk Limiting Audit for a local contested race shall also be retained by the local electoral board. At the conclusion of each Risk Limiting Audit requiring certification by the State Board, the Department shall submit to the State Board a report, which shall include all data generated by the Risk Limiting Audit and all information required to confirm that the Risk Limiting Audit was conducted in accordance with the procedures adopted by the State Board. The Department shall publish the results of all Risk Limiting Audits pursuant to this section on the Department's website.

I. If a Risk Limiting Audit of a contested race escalates to a full hand count, the results of the hand count shall be used to certify the election in lieu of the tabulation of the unofficial results obtained prior to the conduct of the Risk Limiting Audit. A full hand count conducted pursuant to this section shall not be construed as a recount under Chapter 8 (§ 24.2-800 et seq.). Nothing in this section shall be construed to limit the rights of a candidate under Chapter 8, 2022, cc. 443, 444.

6.1.2 § 24.2-669. Clerk to keep ballots; inspection; destruction.

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. He shall not allow the ballots to be inspected except (i) by an authorized representative of the State Board 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, (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, (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. The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the inspection.

After the counted ballots for a federal election have remained in the clerk's office for two years, if no election contest or other proceeding is pending in which such ballots may be needed as evidence, the clerk shall destroy such ballots. After the counted ballots for any other election have remained in the clerk's office for one year, if no election contest or other proceeding is pending in which such ballots may be needed as evidence, the clerk shall destroy such ballots. After the unused ballots have remained in the clerk's office and the time has expired for initiating a recount, contest, or other proceeding in which such ballots may be needed as evidence and no such contest or proceeding is pending, the clerk may then destroy the unused ballots other than punchcard ballots, which shall be returned to the electoral board.

6.1.3 §24.2-671 Electoral Board to Meet and Ascertain Results; Conclusiveness of Results

Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed seven calendar days from the date of the election unless an extension has been granted to accommodate a Risk Limiting Audit conducted pursuant to § [24.2-671.2](#). Written directions to the location of any room other than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the clerk's and general registrar's offices prior to the beginning of the meeting.

The board shall open the returns delivered by the officers.

If the electoral board has exercised the option provided by § [24.2-668](#) for delivery of the election materials to the office of the general registrar on the night of the election, the electoral board shall meet at the office of the general registrar at or before 5:00 p.m. on the day after any election.

The board shall ascertain from the returns the total votes in the county or city, or town in a town election, for each candidate and for and against each question and complete the abstract of votes cast at such election, as provided for in § [24.2-675](#). For any office in which no person was elected by write-in votes, and for which the total number of write-in votes for that office is less than (i) 10 percent of the total number of votes cast for that office and (ii) the total number

of votes cast for the candidate receiving the most votes, the electoral board shall ascertain the total votes for each write-in candidate for the office within one week following the election. For offices for which the electoral board issues the certificate of election, the result so ascertained, signed and attested, shall be conclusive and shall not thereafter be subject to challenge except as specifically provided in Chapter 8 (§ [24.2-800](#) et seq.).

Once the result is so ascertained, the secretary of the electoral board shall deliver one copy of each statement of results to the general registrar to be available for inspection when his office is open for business. The secretary shall then return all pollbooks, any printed inspection and return sheets, and one copy of each statement of results to the clerk.

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 forwarded to the SBE and the explanation of such change shall be posted on the State Board website.

Each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have representatives present when the local electoral board meets to ascertain the results of the election. Each such party and candidate shall be entitled to have at least as many representatives present as there are teams of officials working to ascertain the results, and the room in which the local electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way. It is unlawful for any person to knowingly possess any firearm as defined in § [18.2-308.2:2](#) within 40 feet of any building, or part thereof, used as a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election, unless such person is (a) any law-enforcement officer or any retired law-enforcement officer qualified pursuant to subsection C of § [18.2-308.016](#); (b) occupying his own private property that falls within 40 feet of a polling place; or (c) an armed security officer, licensed pursuant to Article 4 (§ [9.1-138](#) et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs within 40 feet of any building, or part thereof, used as a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election.

6.1.4 § [2.2-3707](#). Meetings to be public; notice of meetings; recordings; minutes.

A. All meetings of public bodies shall be open, except as provided in §§ [2.2-3707.01](#) and [2.2-3711](#).

B. No meeting shall be conducted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in § [2.2-3708.2](#) or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by:

1. Posting such notice on its official public government website, if any;

2. Placing such notice in a prominent public location at which notices are regularly posted; and
3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

D. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. The proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

G. Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

H. Minutes shall be recorded at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any


such commission, committee or subcommittee includes a majority of the governing body of the county, city or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708.2, minutes of state public bodies shall include (1) the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic communication means, (2) the identity of the members of the public body who were physically assembled at the primary or central meeting location, and (3) the identity of the members of the public body who were not present at the locations identified in clauses (1) and (2) but who monitored such meeting through electronic communication means.



1968, c. 479, § 2.1-343; 1973, c. 461; 1976, c. 467; 1977, c. 677; 1982, c. 333; 1989, c. 358; 1990, c. 538; 1993, c. 720; 1995, c. [562](#); 1999, cc. [696](#), [703](#), [726](#); 2000, c. [227](#); 2001, c. [844](#); 2004, cc. [730](#), [768](#); 2005, c. [352](#); 2007, c. [300](#); 2009, c. [628](#); 2010, c. [309](#); 2015, c. [131](#); 2017, c. [616](#); 2018, c. [55](#).

6.2 ELECT 659-Request to Inspect Sealed Election Material



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

ELECT 659 - Request to Inspect Sealed Election Materials

Election Date: *  Election Type: * Date of Request: * 

Name of Requester *

Position *


Email Address * Phone Number *

Confirm Email Address *

Locality * Precinct Name * Precinct #: *

Specific Envelope which needs to be inspected:

The Envelope needs to be inspected to determine:

Powered by  formsite

Submit

6.4 Tally Sheet

| RISK-LIMITING AUDIT TALLY SHEET | | Total Ballots Audited: _____ | | | | | | | | | | Audit Date: _____ | | | | | | |
|---------------------------------|--------------|------------------------------|---------|-------|---------|-------|---------|-------|---------|-------|---------|-------------------|---------|-------|---------|-------|---------|-------|
| Office | CANDIDATE | Batch | Ballot# | Batch | Ballot# | Batch | Ballot# | Batch | Ballot# | Batch | Ballot# | Batch | Ballot# | Batch | Ballot# | Batch | Ballot# | TOTAL |
| | Mickey | | | | | | | | | | | | | | | | | 0 |
| | Minnie | | | | | | | | | | | | | | | | | 0 |
| | Goofy | | | | | | | | | | | | | | | | | 0 |
| | Write-In: | | | | | | | | | | | | | | | | | 0 |
| | Over Votes: | | | | | | | | | | | | | | | | | |
| | Under Votes: | | | | | | | | | | | | | | | | | |

6.5 Sample Press Release

[For Immediate Release (unless embargoed)]

[Organization Name]

[Date]

[Headline, use Times New Roman or Arial font]

[Insert Sub header, Keep font sizes standard, and 1 point apart in size. For example, if your headline is 14, your sub header should be 13, and your body should be 12]

[CITY] – Provide general news release content. For example, begin by naming official who announced the results and summarize the results.

Here you can include 1-2 paragraphs explaining some of the details about the audit.

[Quote from the Director of Elections/General Registrar]

Include any additional information or resources related to the audit, which can include links to the audit report, voter registration website, etc.

Media Contact:

[Name]

[Job Title]

[Email address]

[Phone number]

[Website]

###

6.6 Glossary

Risk Limiting Audit: a type of post-election audit that utilizes statistical methods and a manual review of paper ballots to check that the voting equipment accurately reported the correct outcome of an election.

Risk Limit: the maximum chance that the audit will fail to correct an incorrectly reported outcome. For example, a 10% risk limit means there is a 90% chance that the audit will correct an incorrectly reported outcome.

Administrator: a member of ELECT staff that adds elections to be audited, sets the risk-limit, adds participants, inputs the random seed number, and reviews the progress of the RLA.

Contested Race: an election for an office where more names appear on the ballot than there are vacancies to be filled *or* a statewide referendum or proposed constitutional amendment.

Participants: a general registrar or appointed person that will be responsible for coordinating the audit in their locality. Participants are responsible for uploading a ballot manifest, entering audit review boards, and downloading ballot retrieval lists from the audit software.

Audit Review Boards: a two-person team that retrieves specific ballots, records the results on a tally sheet, and uploads the results into the auditing software.

Ballot Polling: one of two methods for conducting RLA's that relies on manually reviewing a random sample of ballots across localities to determine if the overall outcome of an election was correctly reported.

Ballot Manifest: a two-column Excel spreadsheet that creates an inventory of every ballot cast in a locality during a contest.

6.7 1 VAC20-60-80 Request for Risk Limiting Audit Race within a Jurisdiction

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

1. At the public canvass meeting following the election, an electoral board may elect to request an audit of a contested race, or multiple races, within its jurisdiction (Risk Limiting Audit) by a majority vote.
2. If a question to request a Risk Limiting Audit achieves a majority vote, an electoral board must complete Form SBE 671.2(D) to request SBE (SBE) approval of the audit(s).
3. The SBE will grant a request for a Risk Limiting Audit within a locality's jurisdiction if:
 - a. The submitted Form SBE 671.2(D) contains sufficient information for the SBE to determine that the local electoral board members cast a majority vote in favor of the audit request;
 - b. The submitted Form SBE 671.2(D) contains sufficient information for the SBE to determine which contested race or races are subject to the requested audit and that those races are in fact within the jurisdiction of the local electoral board;
 - c. The SBE concludes that the audit is permissible under Code of Virginia § 24.2-671.2 and all other relevant provisions of law; and
 - d. The following conditions are met:
 - i. The margin of the candidate with the most votes and the second most votes is equal to or greater than 1%; and,
 - ii. The number of estimated ballots to be sampled exceeds 15% of the total number of ballots cast.
4. Upon granting an electoral board's request for a Risk Limiting Audit, the SBE may grant an extension, not to exceed two weeks, of the local electoral board's certification deadline, under Code of Virginia § 24.2-671, if necessary for the conduct of the audit.

Statutory Authority

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

6.8 ELECT §24.2-671.2 (D) Form: Request for Risk Limiting Audit



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

REQUEST FOR RISK LIMITING AUDIT

PURPOSE OF THIS FORM

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

COMPLETE THE FOLLOWING:

Locality: _____

Date of Public Meeting: _____

Contested Race: _____

Town Name/District Number: _____

Date of RLA: _____

Location of RLA: _____

Preliminary Vote Totals: _____

Candidate A: _____

Candidate B: _____

Candidate C (if applicable): _____

Candidate D (if applicable): _____

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

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

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

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

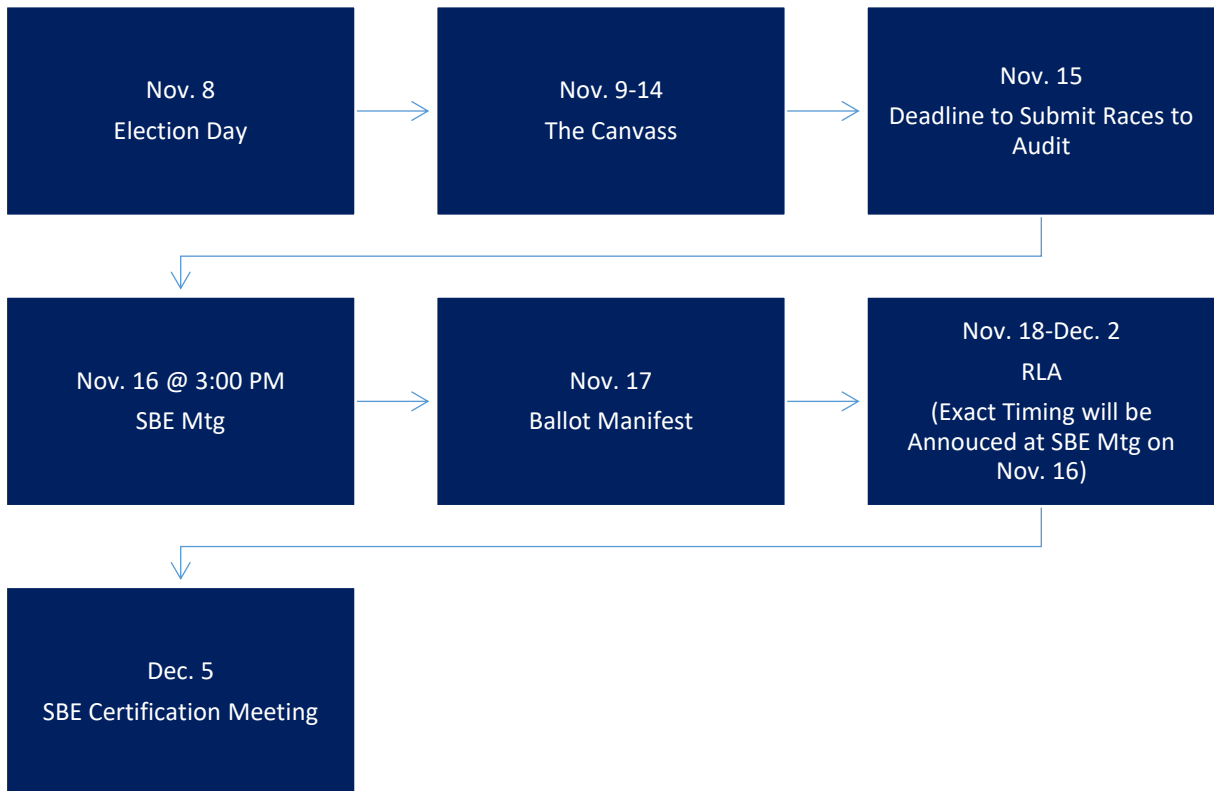
| | | |
|-----------------------------|-----------|------|
| Printed name of Chairperson | Signature | Date |
|-----------------------------|-----------|------|

| | | |
|----------------------------------|-----------|------|
| Printed name of Vice-Chairperson | Signature | Date |
|----------------------------------|-----------|------|

| | | |
|---------------------------|-----------|------|
| Printed name of Secretary | Signature | Date |
|---------------------------|-----------|------|

If your audit request is approved by the SBE, then the Board may grant an extension of up-to two weeks to your certification deadline under 24.2-671 of the Code of Virginia for the audited race.

6.9 Key Dates for the 2022 Risk Limiting Audit





- Procedures for ensuring transparency and understanding of the process by participants and the public, including guidelines for direct observation by members of the public, representatives of the candidates involved in the risk-limiting audit, and representatives of the political parties.

The proposed 2022 Risk Limiting Audit Manual provides the necessary procedural guidance required by §24.2-641.2 (B) of the Code of Virginia.

ELECT Staff Recommendation:

ELECT staff recommends that the Board vote to adopt the 2022 Risk Limiting Audit Manual and make it effective immediately.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Ballot on Demand

BOARD WORKING PAPERS

Karen Hoyt-Stewart

Locality Security (Voting Tech) Program Manager



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

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

From: Karen Hoyt-Stewart, Locality Security Program Manager

Date: September 27, 2022

Re: Ballot on Demand Systems Certifications

Suggested Motion:

“I move that the Board approve the Ballot on Demand Systems certifications listed effective on the dates on the Testing Certifications.

Applicable Code Section:

§ 24.2-101, § 24.2-629 and § 24.2-667

Background:

Pursuant to Chapter 125 of the 2022 Virginia Acts of Assembly, § 24.2-101 and 24.2-667.1 of the Code of Virginia were modified to require general registrars to report to the Department of Elections the results of absentee ballots cast by voters assigned to each precinct. This legislation also expanded the definition of *voting* systems to now include Ballot on Demand systems. Pursuant to §24.2-629 of the Code of Virginia, the State Board must approve of any “voting system” in use in the Commonwealth. Prior to the passage of this legislation, Ballot on Demand Printers did not require certification in the Commonwealth, but after July 1, 2022 they must be certified by the SBE. The State Board of Elections approved at the August 16, 2022 meeting Ballot on Demand System Standards. Compliance with the Code of Virginia and the policies and regulations issued by the State Board of Elections (SBE) or Department of Elections (ELECT) were confirmed through the State Testing conducted by ELECT and locality officials.

Certifications:

DemTech Ballot on Demand System – Certification 1.0 – Monday, September 12, 2022

KNOWiNK Ballot on Demand Poll Print System – Certification version 3.0.1 – Tuesday, September 13, 2022

Elections Systems & Software Ballot on Demand Systems – Balotar version 3.0.5.1 and BOD Printing System version 1.0 – Certification – Wednesday, September 14, 2022

Hart InterCivic Ballot on Demand Systems – Certification – Verity Print version 2.5 and Verity Build versions – Thursday, September 15, 2022

Testing for Ballot on Demand (BOD) Systems

Printer Model: oki C831 Serial #: AL94010201
Printer Model: oki C831 Serial #: AL8B09D705
Printer Model: _____ Serial #: _____

Processing unit: 3168 NGW Serial #: FU001-3
Processing unit: 3168 NGW Serial #: FU001-4

Software version #: Centropart 1.2

Election Name: November 2021

(Must have number of precincts in the localities or a maximum of 10 precincts for testing.)

TESTING PROCESS:

- Vendor provides directions how files for the ballots are loaded or processed in the BOD system.
- Vendor provides instruction on ballot printing issues (jammed print job) and how the BOD system handles any errors.
- Confirm the printer has been set to the settings required to produce the ballots for the voting system vendor's scanners.
- Confirm the locality's voting system precinct (or central count) scanners are loaded with the election file by the locality.
- Locality provides the plan for marking the ballots (1st position, 2nd position, etc.) so the results can be confirmed before scanning the ballots.

- Set the processing unit to communicate with the printer.
- Confirm the proprietary ballot stock for the voting system vendor is provided.
- Demonstrate how the ballot files are selected by voter/or style. If the processing unit is an Electronic Pollbook (EPB) confirm the voter was given voting credit.
- Print precinct ballot styles for the number of precincts in the locality or a maximum of 10 precincts.
- Confirm in the processing unit the number of ballots styles printed.
- Local officials mark the printed ballots with the testing pattern established for all ballot styles printed.
- ELECT will confirm the printed ballots are marked as stated in the testing plan.
- Scan the marked, printed ballots in the locality precinct (or central count) Scanner(s).
- Close the election on the precinct (or central count) scanners.
- Print the election results and print three (3) copies of the tape.
- Confirm the results match the predicted outcome.
- Confirm the processing unit provides a report of the number of ballots printed by precinct ballot style.

It has been determined that the Ballot on Demand system meets the audited acceptance criteria of the State's Virginia's Ballot on Demand Certification Standards, August 2022, version 1.0.

This recommendation reflects the option of the following witnesses based on the auditing scope and results. It is the recommendation that **DemTech** Ballot on Demand system be certified for use in the Commonwealth of Virginia.

We, the undersigned, confirm this recommendation following certification testing performed at **Loudoun County**.

Electoral Board Member:

Ellen Heald ELLEN HEALD Date 9-12-22

General Registrar:

Judith A. Brown Judith A. Brown Date 9-12-22
(Printed Name) (Signature)

Ballot on Demand Vendor:

Mike Brown [Signature] Date 9-12-22
(Printed Name) (Signature)

ELECT's Designee:

Karen Hoff-Schut [Signature] Date 9/12/22
(Printed Name) (Signature)

Testing for Ballot on Demand (BOD) Systems

Printer Model: Lex mark Serial #: MS330

Printer Model: _____ Serial #: _____

Printer Model: _____ Serial #: _____

Processing unit: Acer Aspire A515-46 Serial #: NXA BRAA 001111 256 E
97600

Processing unit: _____ Serial #: _____

Software version #: Center-Point 2024 1.2 ^{MR}

Election Name: Demo

(Must have number of precincts in the localities or a maximum of 10 precincts for testing.)

TESTING PROCESS:

- Vendor provides directions how files for the ballots are loaded or processed in the BOD system.
- Vendor provides instruction on ballot printing issues (jammed print job) and how the BOD system handles any errors.
- Confirm the printer has been set to the settings required to produce the ballots for the voting system vendor's scanners.
- Confirm the locality's voting system precinct (or central count) scanners are loaded with the election file by the locality.
- Locality provides the plan for marking the ballots (1st position, 2nd position, etc.) so the results can be confirmed before scanning the ballots.

- Set the processing unit to communicate with the printer.
- Confirm the proprietary ballot stock for the voting system vendor is provided.
- Demonstrate how the ballot files are selected by voter/or style. If the processing unit is an Electronic Pollbook (EPB) confirm the voter was given voting credit.
- Print precinct ballot styles for the number of precincts in the locality or a maximum of 10 precincts.
- Confirm in the processing unit the number of ballots styles printed.
- Local officials mark the printed ballots with the testing pattern established for all ballot styles printed.
- ELECT will confirm the printed ballots are marked as stated in the testing plan.
- Scan the marked, printed ballots in the locality precinct (or central count) Scanner(s).
- Close the election on the precinct (or central count) scanners.
- Print the election results and print three (3) copies of the tape.
- Confirm the results match the predicted outcome.
- Confirm the processing unit provides a report of the number of ballots printed by precinct ballot style.

It has been determined that the Ballot on Demand system meets the audited acceptance criteria of the State's Virginia's Ballot on Demand Certification Standards, August 2022, version 1.0.

This recommendation reflects the option of the following witnesses based on the auditing scope and results. It is the recommendation that **DemTech** Ballot on Demand system be certified for use in the Commonwealth of Virginia.

We, the undersigned, confirm this recommendation following certification testing performed at **Prince William County**.

Electoral Board Member:

Keith Scarborough  Date ~~9-12-22~~ 9-12-22

General Registrar:

Eric S. Olsen  Date 9/12/22

(Printed Name)

(Signature)


Ballot on Demand Vendor:

Mike Brown  Date 9/12/22

(Printed Name)

(Signature)

ELECT's Designee:

Karen H. Stant  Date 9/12/22

(Printed Name)

(Signature)

Testing for Ballot on Demand (BOD) Systems

Printer Model: Brother HL-L6400DW Serial #: VS6485A2N570274
Printer Model: _____ Serial #: _____
Printer Model: _____ Serial #: _____

Processing unit: Acer Serial #: MHQ28AA00181805C373400
Processing unit: _____ Serial #: _____

Software version #: Centerpoint 1.2

Election Name: General Election 2022

(Must have number of precincts in the localities or a maximum of 10 precincts for testing.)

TESTING PROCESS:

- Vendor provides directions how files for the ballots are loaded or processed in the BOD system.
- Vendor provides instruction on ballot printing issues (jammed print job) and how the BOD system handles any errors.
- Confirm the printer has been set to the settings required to produce the ballots for the voting system vendor's scanners.
- Confirm the locality's voting system precinct (or central count) scanners are loaded with the election file by the locality.
- Locality provides the plan for marking the ballots (1st position, 2nd position, etc.) so the results can be confirmed before scanning the ballots.

- Set the processing unit to communicate with the printer.
- Confirm the proprietary ballot stock for the voting system vendor is provided.
- Demonstrate how the ballot files are selected by voter/or style. If the processing unit is an Electronic Pollbook (EPB) confirm the voter was given voting credit.
- Print precinct ballot styles for the number of precincts in the locality or a maximum of 10 precincts.
- Confirm in the processing unit the number of ballots styles printed.
- Local officials mark the printed ballots with the testing pattern established for all ballot styles printed.
- ELECT will confirm the printed ballots are marked as stated in the testing plan.
- Scan the marked, printed ballots in the locality precinct (or central count) Scanner(s).
- Close the election on the precinct (or central count) scanners.
- Print the election results and print three (3) copies of the tape.
- Confirm the results match the predicted outcome.
- Confirm the processing unit provides a report of the number of ballots printed by precinct ballot style.

It has been determined that the Ballot on Demand system meets the audited acceptance criteria of the State's Virginia's Ballot on Demand Certification Standards, August 2022, version 1.0.

This recommendation reflects the option of the following witnesses based on the auditing scope and results. It is the recommendation that **DemTech** Ballot on Demand system be certified for use in the Commonwealth of Virginia.

We, the undersigned, confirm this recommendation following certification testing performed at **Stafford County**.

Electoral Board Member:

Gloria Chittum Gloria Chittum Date 9-12-22

General Registrar:

Anna Hash Anna Hash Date 9/12/22

(Printed Name)

(Signature)

Ballot on Demand Vendor:

Mike Brown Mike Brown Date 9-12-22

(Printed Name)

(Signature)

ELECT's Designee:

Karen H. Schut Karen H. Schut Date 9/12/22

(Printed Name)

(Signature)

Testing for Ballot on Demand (BOD) Systems

Printer Model: Brother 6400 Serial #: U64185G0N961880

Printer Model: _____ Serial #: _____

Printer Model: _____ Serial #: _____

Processing unit: Toshiba Tecra 450-E Serial #: X0147581A:01

Processing unit: _____ Serial #: _____

Software version #: BOD Software 1.0

Election Name: November 2022

(Must have number of precincts in the localities or a maximum of 10 precincts for testing.)

TESTING PROCESS:

- Vendor provides directions how files for the ballots are loaded or processed in the BOD system.
- Vendor provides instruction on ballot printing issues (jammed print job) and how the BOD system handles any errors.
- Confirm the printer has been set to the settings required to produce the ballots for the voting system vendor's scanners.
- Confirm the locality's voting system precinct (or central count) scanners are loaded with the election file by the locality.
- Locality provides the plan for marking the ballots (1st position, 2nd position, etc.) so the results can be confirmed before scanning the ballots.

- Set the processing unit to communicate with the printer.
- Confirm the proprietary ballot stock for the voting system vendor is provided.
- Demonstrate how the ballot files are selected by voter/or style. If the processing unit is an Electronic Pollbook (EPB) confirm the voter was given voting credit.
- Print precinct ballot styles for the number of precincts in the locality or a maximum of 10 precincts.
- Confirm in the processing unit the number of ballots styles printed.
- Local officials mark the printed ballots with the testing pattern established for all ballot styles printed.
- ELECT will confirm the printed ballots are marked as stated in the testing plan.
- Scan the marked, printed ballots in the locality precinct (or central count) Scanner(s).
- Close the election on the precinct (or central count) scanners.
- Print the election results and print ~~three~~ (1) copies of the tape.
- Confirm the results match the predicted outcome.
- Confirm the processing unit provides a report of the number of ballots printed by precinct ballot style.

It has been determined that the Ballot on Demand system meets the audited acceptance criteria of the State's Virginia's Ballot on Demand Certification Standards, August 2022, version 1.0.

This recommendation reflects the option of the following witnesses based on the auditing scope and results. It is the recommendation that **Election Systems & Software** Ballot on Demand systems be certified for use in the Commonwealth of Virginia.

We, the undersigned, confirm this recommendation following certification testing performed at **Richmond City**.

Electoral Board Member:

Joyce K Smith Joyce K Smith Date 9/14/22

General Registrar:

Keith Balmer Keith Balmer Date 9/14/22

(Printed Name)

(Signature)

Ballot on Demand Vendor:

Benjamin Swartz Benjamin Swartz Date 9/14/22

(Printed Name)

(Signature)

ELECT's Designee:

Ramona H. Shit Ramona H. Shit Date 9/14/22

(Printed Name)

(Signature)

Testing for Ballot on Demand (BOD) Systems

Printer Model: Okic777 Serial #: AK51023833D0

Printer Model: Okic711 Serial #: AK51023836

Printer Model: _____ Serial #: _____

Processing unit: Toshiba Terca 250A Serial #: 9F093285H

Processing unit: _____ Serial #: _____

Software version #: 3.0.51

Election Name: November 2022

(Must have number of precincts in the localities or a maximum of 10 precincts for testing.)

TESTING PROCESS:

- Vendor provides directions how files for the ballots are loaded or processed in the BOD system.
- Vendor provides instruction on ballot printing issues (jammed print job) and how the BOD system handles any errors.
- Confirm the printer has been set to the settings required to produce the ballots for the voting system vendor's scanners.
- Confirm the locality's voting system precinct (or central count) scanners are loaded with the election file by the locality.
- Locality provides the plan for marking the ballots (1st position, 2nd position, etc.) so the results can be confirmed before scanning the ballots.

- Set the processing unit to communicate with the printer.
- Confirm the proprietary ballot stock for the voting system vendor is provided.
- Demonstrate how the ballot files are selected by voter/or style. If the processing unit is an Electronic Pollbook (EPB) confirm the voter was given voting credit.
- Print precinct ballot styles for the number of precincts in the locality or a maximum of 10 precincts.
- Confirm in the processing unit the number of ballots styles printed.
- Local officials mark the printed ballots with the testing pattern established for all ballot styles printed.
- ELECT will confirm the printed ballots are marked as stated in the testing plan.
- Scan the marked, printed ballots in the locality precinct (or central count) Scanner(s).
- Close the election on the precinct (or central count) scanners.
- Print the election results and print ~~three~~ (3) copies of the tape.
- Confirm the results match the predicted outcome.
- Confirm the processing unit provides a report of the number of ballots printed by precinct ballot style.

It has been determined that the Ballot on Demand system meets the audited acceptance criteria of the State's Virginia's Ballot on Demand Certification Standards, August 2022, version 1.0.

This recommendation reflects the option of the following witnesses based on the auditing scope and results. It is the recommendation that **Election Systems & Software** Ballot on Demand systems be certified for use in the Commonwealth of Virginia.

We, the undersigned, confirm this recommendation following certification testing performed at **Richmond City**.

Electoral Board Member:

Cherlyn S. Stevens Cherlyn Stevens Date 9/14/22

General Registrar:

Keith Balmer Keith Balmer Date 9/14/22

(Printed Name)

(Signature)

Ballot on Demand Vendor:

Benjamin Swartz Benjamin Swartz Date 9/14/22

(Printed Name)

(Signature)

ELECT's Designee:

Karen Hoyt-Schut Karen Hoyt-Schut Date 9/14/22

(Printed Name)

(Signature)

Testing for Ballot on Demand (BOD) Systems

Printer Model: OKI C831 Serial #: AL51055735A2

Printer Model: _____ Serial #: _____

Printer Model: _____ Serial #: _____

Processing unit: ECO - VR LAP 1-21 Serial #: 384 75340-1A94-4A26-

Processing unit: _____ Serial #: 826C-1A73AC35/448

Software version #: 2.5

Election Name: November 8, Election Test Mode

(Must have number of precincts in the localities or a maximum of 10 precincts for testing.)

TESTING PROCESS:

- Vendor provides directions how files for the ballots are loaded or processed in the BOD system.
- Vendor provides instruction on ballot printing issues (jammed print job) and how the BOD system handles any errors.
- Confirm the printer has been set to the settings required to produce the ballots for the voting system vendor's scanners.
- Confirm the locality's voting system precinct (or central count) scanners are loaded with the election file by the locality.
- Locality provides the plan for marking the ballots (1st position, 2nd position, etc.) so the results can be confirmed before scanning the ballots.

- Set the processing unit to communicate with the printer.
- Confirm the proprietary ballot stock for the voting system vendor is provided.
- Demonstrate how the ballot files are selected by voter/or style. If the processing unit is an Electronic Pollbook (EPB) confirm the voter was given voting credit.
- Print precinct ballot styles for the number of precincts in the locality or a maximum of 10 precincts.
- Confirm ~~in the processing unit~~ the number of ballots styles printed.
- Local officials mark the printed ballots with the testing pattern established for all ballot styles printed.
- ELECT will confirm the printed ballots are marked as stated in the testing plan.
- Scan the marked, printed ballots in the locality precinct (or central count) Scanner(s).
- Close the election on the precinct (or central count) scanners.
- Print the election results and print one (1) copy of the tape.
- Confirm the results match the predicted outcome.
- ~~Confirm the processing unit provides a report of the number of ballots printed by precinct ballot style.~~ MA

It has been determined that the Ballot on Demand system meets the audited acceptance criteria of the State's Virginia's Ballot on Demand Certification Standards, August 2022, version 1.0.

This recommendation reflects the option of the following witnesses based on the auditing scope and results. It is the recommendation that **Hart InterCivic** Ballot on Demand systems be certified for use in the Commonwealth of Virginia.

We, the undersigned, confirm this recommendation following certification testing performed at **Essex County**.

Electoral Board Member:

Gwendolyn H Darby Gwendolyn H Darby Date 9/15/22

General Registrar:

Kelly LaFollette Kelly LaFollette Date 9/15/22
(Printed Name) (Signature)

Ballot on Demand Vendor:

Tyson Gorch Tyson Gorch Date 9/15/22
(Printed Name) (Signature)

ELECT's Designee:

Kirk H. S. C. L. Kirk H. S. C. L. Date 9/15/22
(Printed Name) (Signature)

Testing for Ballot on Demand (BOD) Systems

Printer Model: OKI B432 Serial #: BW0C024312C0
~~P2116108511~~

Printer Model: _____ Serial #: _____

Printer Model: _____ Serial #: _____

Processing unit: Verity Print Serial #: P2116108511

Processing unit: _____ Serial #: _____

Software version #: 2.5

Election Name: November 8, 2022 - Test Mode

(Must have number of precincts in the localities or a maximum of 10 precincts for testing.)

TESTING PROCESS:

- Vendor provides directions how files for the ballots are loaded or processed in the BOD system.
- Vendor provides instruction on ballot printing issues (jammed print job) and how the BOD system handles any errors.
- Confirm the printer has been set to the settings required to produce the ballots for the voting system vendor's scanners.
- Confirm the locality's voting system precinct (or central count) scanners are loaded with the election file by the locality.
- Locality provides the plan for marking the ballots (1st position, 2nd position, etc.) so the results can be confirmed before scanning the ballots.

- Set the processing unit to communicate with the printer.
- Confirm the proprietary ballot stock for the voting system vendor is provided.
- Demonstrate how the ballot files are selected by voter/or style. If the processing unit is an Electronic Pollbook (EPB) confirm the voter was given voting credit.
- Print precinct ballot styles for the number of precincts in the locality or a maximum of 10 precincts.
- Confirm in the processing unit the number of ballots styles printed.
- Local officials mark the printed ballots with the testing pattern established for all ballot styles printed.
- ELECT will confirm the printed ballots are marked as stated in the testing plan.
- Scan the marked, printed ballots in the locality precinct (or central count) Scanner(s).
- Close the election on the precinct (or central count) scanners.
- Print the election results and print one (1) copy of the tape.
- Confirm the results match the predicted outcome.
- Confirm the processing unit provides a report of the number of ballots printed by precinct ballot style.

It has been determined that the Ballot on Demand system meets the audited acceptance criteria of the State's Virginia's Ballot on Demand Certification Standards, August 2022, version 1.0.

This recommendation reflects the option of the following witnesses based on the auditing scope and results. It is the recommendation that **Hart InterCivic** Ballot on Demand systems be certified for use in the Commonwealth of Virginia.

We, the undersigned, confirm this recommendation following certification testing performed at **Essex County**.

Electoral Board Member:

Gwendolyn H. Darcy Gwendolyn H. Darcy Date 9/15/22

General Registrar:

Kelly LaFollette Kelly LaFollette Date 9/15/22
(Printed Name) (Signature)

Ballot on Demand Vendor:

Tyson Gosch Tyson Gosch Date 9/15/22
(Printed Name) (Signature)

ELECT's Designee:

Karen Hight Karen Hight Date 9/15/22
(Printed Name) (Signature)

Testing for Ballot on Demand (BOD) Systems

Printer Model: Kyocera ECOSYS P3150dn Serial #: 11U2600226

Printer Model: _____ Serial #: _____

Printer Model: _____ Serial #: _____

Processing unit: Gen9 Ipad Serial #: YGDTQGX3FY

Processing unit: _____ Serial #: _____

Software version #: Poll Pad 3.0.1

Election Name: November 2022 General Election

(Must have number of precincts in the localities or a maximum of 10 precincts for testing.)

TESTING PROCESS:

- Vendor provides directions how files for the ballots are loaded or processed in the BOD system.
- Vendor provides instruction on ballot printing issues (jammed print job) and how the BOD system handles any errors.
- Confirm the printer has been set to the settings required to produce the ballots for the voting system vendor's scanners.
- Confirm the locality's voting system precinct (or central count) scanners are loaded with the election file by the locality.
- Locality provides the plan for marking the ballots (1st position, 2nd position, etc.) so the results can be confirmed before scanning the ballots.

- Set the processing unit to communicate with the printer.
- Confirm the proprietary ballot stock for the voting system vendor is provided.
- Demonstrate how the ballot files are selected by voter/or style. If the processing unit is an Electronic Pollbook (EPB) confirm the voter was given voting credit.
- Print precinct ballot styles for the number of precincts in the locality or a maximum of 10 precincts.
- Confirm in the processing unit the number of ballots styles printed.
- Local officials mark the printed ballots with the testing pattern established for all ballot styles printed.
- ELECT will confirm the printed ballots are marked as stated in the testing plan.
- Scan the marked, printed ballots in the locality precinct (or central count) Scanner(s).
- Close the election on the precinct (or central count) scanners.
- Print the election results and print three (3) copies of the tape.
- Confirm the results match the predicted outcome.
- Confirm the processing unit provides a report of the number of ballots printed by precinct ballot style.

It has been determined that the Ballot on Demand system meets the audited acceptance criteria of the State's Virginia's Ballot on Demand Certification Standards, August 2022, version 1.0.

This recommendation reflects the option of the following witnesses based on the auditing scope and results. It is the recommendation that **KNOWiNK** Poll Print Ballot on Demand system be certified for use in the Commonwealth of Virginia.

We, the undersigned, confirm this recommendation following certification testing performed a Dickenson City / County (circle appropriate one.)

Electoral Board Member:
DANNY L EDWARDS Danny L Edwards Date 9/12/22

General Registrar:
Kayla S. Deel Kayla S. Deel Date 9/12/22
(Printed Name) (Signature)

Ballot on Demand Vendor:
Daniel Peters [Signature] Date 9/12/22
(Printed Name) (Signature)

ELECT's designee received/approved: [Signature]
Date: 9/13/22

Testing for Ballot on Demand (BOD) Systems

Printer Model: Lexmark M3521 Serial #: 4600146421T3L

Printer Model: Lexmark M3521 Serial #: 4600146421T8B

Printer Model: _____ Serial #: _____

Processing unit: Ipad 4th Generation Serial #: K3VP9FY00R

Processing unit: Ipad 4th Generation Serial #: YIXG99MWHG

Software version #: 3.0.1

Election Name: Ballot on Demand Mock Election

(Must have number of precincts in the localities or a maximum of 10 precincts for testing.)

TESTING PROCESS:

- Vendor provides directions how files for the ballots are loaded or processed in the BOD system.
- Vendor provides instruction on ballot printing issues (jammed print job) and how the BOD system handles any errors.
- Confirm the printer has been set to the settings required to produce the ballots for the voting system vendor's scanners.
- Confirm the locality's voting system precinct (or central count) scanners are loaded with the election file by the locality.
- Locality provides the plan for marking the ballots (1st position, 2nd position, etc.) so the results can be confirmed before scanning the ballots.

- Set the processing unit to communicate with the printer.
- Confirm the proprietary ballot stock for the voting system vendor is provided.
- Demonstrate how the ballot files are selected by voter/or style. If the processing unit is an Electronic Pollbook (EPB) confirm the voter was given voting credit.
- Print precinct ballot styles for the number of precincts in the locality or a maximum of 10 precincts.
- Confirm in the processing unit the number of ballots styles printed.
- Local officials mark the printed ballots with the testing pattern established for all ballot styles printed.
- ELECT will confirm the printed ballots are marked as stated in the testing plan.
- Scan the marked, printed ballots in the locality precinct (or central count) Scanner(s).
- Close the election on the precinct (or central count) scanners.
- Print the election results and print one (1) copy of the tape.
- Confirm the results match the predicted outcome.
- Confirm the processing unit provides a report of the number of ballots printed by precinct ballot style.

It has been determined that the Ballot on Demand system meets the audited acceptance criteria of the State's Virginia's Ballot on Demand Certification Standards, August 2022, version 1.0.

This recommendation reflects the option of the following witnesses based on the auditing scope and results. It is the recommendation that **KNOWiNK Poll Print** Ballot on Demand system be certified for use in the Commonwealth of Virginia.

We, the undersigned, confirm this recommendation following certification testing performed at **Fairfax City**.

Electoral Board Member:

JEFFREY R. WHITE Jeffrey White Date 15 Sep 2022

General Registrar:

BRENDA F. CHIBRERA Brenda Chibera Date Sept. 15, 2022
(Printed Name) (Signature)

Ballot on Demand Vendor:

Cory Wagner Cory Wagner Date 9/15/22
(Printed Name) (Signature)

ELECT's Designee:

Kurt H. Shurt Kurt H. Shurt Date 9/15/22
(Printed Name) (Signature)

Testing for Ballot on Demand (BOD) Systems

Printer Model: Kyocera ECOSys P3150dn Serial #: 11U 2600267
Printer Model: Kyocera ECOSys P3150dn Serial #: 11U 2600264
Printer Model: _____ Serial #: _____

Processing unit: Gen 9 Ipad Serial #: NJLX FL261KV
Processing unit: Gen 9 Ipad Serial #: RPWSN6 QQHH

Software version #: 3.0.1

Election Name: GA - November 2022

(Must have number of precincts in the localities or a maximum of 10 precincts for testing.)

TESTING PROCESS:

- Vendor provides directions how files for the ballots are loaded or processed in the BOD system.
- Vendor provides instruction on ballot printing issues (jammed print job) and how the BOD system handles any errors.
- Confirm the printer has been set to the settings required to produce the ballots for the voting system vendor's scanners.
- Confirm the locality's voting system precinct (or central count) scanners are loaded with the election file by the locality.
- Locality provides the plan for marking the ballots (1st position, 2nd position, etc.) so the results can be confirmed before scanning the ballots.

- Set the processing unit to communicate with the printer.
- Confirm the proprietary ballot stock for the voting system vendor is provided.
- Demonstrate how the ballot files are selected by voter/or style. If the processing unit is an Electronic Pollbook (EPB) confirm the voter was given voting credit.
- Print precinct ballot styles for the number of precincts in the locality or a maximum of 10 precincts.
- Confirm in the processing unit the number of ballots styles printed.
- Local officials mark the printed ballots with the testing pattern established for all ballot styles printed.
- ELECT will confirm the printed ballots are marked as stated in the testing plan.
- Scan the marked, printed ballots in the locality precinct (or central count) Scanner(s).
- Close the election on the precinct (or central count) scanners.
- Print the election results and print three (3) copies of the tape.
- Confirm the results match the predicted outcome.
- Confirm the processing unit provides a report of the number of ballots printed by precinct ballot style.

It has been determined that the Ballot on Demand system meets the audited acceptance criteria of the State's Virginia's Ballot on Demand Certification Standards, August 2022, version 1.0.

This recommendation reflects the option of the following witnesses based on the auditing scope and results. It is the recommendation that **KNOWiNK Poll Print** Ballot on Demand system be certified for use in the Commonwealth of Virginia.

We, the undersigned, confirm this recommendation following certification testing performed at **Henrico County**.

Electoral Board Member:

Cathy Woodson Cathy Woodson Date 9/13/2022

General Registrar:

Mark J. Coakley Mark J. Coakley Date 9/13/2022
(Printed Name) (Signature)

Ballot on Demand Vendor:

Daniel Peters Daniel Peters Date 9/13/2022
(Printed Name) (Signature)

ELECT's Designee:

Kurt H. Smith Kurt H. Smith Date 9/13/2022
(Printed Name) (Signature)



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Locality Extensions

BOARD WORKING PAPERS

Karen Hoyt-Stewart

Locality Security (Voting Tech) Program Manager



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STATE BOARD *of* ELECTIONS

Memorandum

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

From: Karen Hoyt-Stewart, Locality Security Program Manager

Date: September 27, 2022

Re: Locality Electronic Pollbook Extensions

Suggested Motion:

“I move that the Board approve extensions to the following localities to use the current electronic pollbooks for voter check in on Election Day for the November 2022 General Election.”

Applicable Code Section:
§ 24.2-611 (D)

Background:

In the Commonwealth, localities have over 8,000 electronic pollbooks (EPB), which are supported by five vendors. In 2020, Electronic PollBook Certification Standards were approved by the State Board of Elections with emphasis on providing secure connectivity for use in satellite locations. At the March 1, 2021 State Board of Elections meeting, a recommendation of a timeline for localities to upgrade was provided. The recommendation was for all systems to be upgraded by July 21, 2021.

The fiscal impact has been difficult on localities purchasing upgraded electronic pollbooks. Some localities were not prepared to purchase the pollbooks in time for the upcoming November election. These localities only use electronic pollbooks on Election Day and there is no impact on the security or connectivity. These extensions allow the localities to operate the electronic pollbooks they have used for years for one more election. The localities have worked with the administration and the vendor to have the upgraded electronic pollbooks by December 31, 2022.

The localities that need extensions are:

Accomack County, Bland County, Caroline County, Cumberland County, Giles County, Lancaster County, Nelson County, Northampton County, Poquoson City, Portsmouth City, Radford City, Roanoke City, Spotsylvania County and Warren County.



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