



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, March 7, 2023
Martha Brissette Conference Room
Washington Building
Richmond, VA
Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=mef2b7fa3717b4baelc733f204a25bdf3>

Meeting password: MMwiaeWT232

Teleconference:

1-517-466-2023 US Toll
1-866-692-4530 US Toll-Free
Access Code: 2429 021 0397

1:00 P.M.



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Tuesday, March 7, 2023

LOCATION: 1100 Bank St.

Washington Bldg – Room B-27

Richmond, VA 23219

TELECONFERENCE:

+1-517-466-2023 US Toll

+1-866-692-4530 US Toll Free

Access code: 2429 021 0397

VIDEO CONFERENCE:

**[https://covaconf.webex.com/covaconf/j.php?MTID=me
f2b7fa3717b4bae1c733f204a25bdf3](https://covaconf.webex.com/covaconf/j.php?MTID=me
f2b7fa3717b4bae1c733f204a25bdf3)**

Password: MMwiaeWT232

TIME: 1:00 P.M.

I. CALL TO ORDER

John O'Bannon, Chairman

II. APPROVAL OF MINUTES

Georgia Alvis-Long, Secretary

A. January 18, 2023

III. COMMISSIONER'S REPORT

*Susan Beals
Commissioner*

**IV. CERTIFICATION OF FEBRUARY 21, 2023
SPECIAL ELECTIONS**

*Paul Saunders
Elections and Registration Services
Supervisor*

V. POST-ELECTION REPORT

*Rachel Lawless
Confidential Policy Advisor*

VI. DRAWING PARTY BALLOT ORDER

*Paul Saunders
Elections and Registration Services
Supervisor*

VII. AMENDMENTS TO 1VAC20-60-80 & FORM SBE-671.2

*Claire Scott
ELECT Policy Analyst*

VIII. SPLIT PRECINCT

- A. Bedford County**
- B. City of Virginia Beach**

Claire Scott
ELECT Policy Analyst

IX. FINALIZATION OF STAND BY YOUR AD DECISIONS FROM THE JANUARY 18TH MEETING

A. PRINT MEDIA

- 1. Campaign Committee for Renee Dial for School Board for IWCS - CC-22-00396**
- 2. Children Advocates For Ward 3 Candidate Mark S. Askew Sr. - CC-22-00461**
- 3. Chris Daniels for School Board - CC-22-00235**
- 4. Friends of Evan Clark – CC-18-00245**
- 5. Jackson For Roanoke - CC-22-00140**
- 6. Joyner for Council - CC-22-00455**
- 7. Leigh Carley for School Board - CC-22-00128**
- 8. Michael Storrs - CC-22-00093**
- 9. Monica for City Council - CC-22-00316**
- 10. Roanoke Forward - PAC-22-00026**
- 11. Vote Mady for Ward 4 - CC-22-00132**

Tammy Alexander
Campaign Finance Compliance and Training Supervisor

B. TV & VIDEO

- 12. Rick Nagel for City Council - CC-22-00416**

X. ADVISORY REVIEW WORKGROUP

Lisa Koteen Gerchick

XI. UPDATE OF CERTIFICATION PROCESS

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

XII. VOTING SYSTEM CERTIFICATION FOR ELECTION SYSTEMS & SOFTWARE 6.3.0.0

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

XIII. PUBLIC COMMENT

XIV. CLOSED SESSION

XV. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=37224>

Re. Entrance to the Washington Building

All members of the public will be required to show his/her driver's license, passport or other government issued ID to enter the Building. All State employees must have on his/her state ID badge on at all times while in the building.

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
2 Wednesday, January 18, 2023 in the Martha Brissette Conference Room of the
3 Washington Building in Richmond, Virginia. The meeting also offered public
4 participation through electronic communication so the remote public could view
5 and hear the meeting. In attendance: Robert Brink, Chairman; Georgia Alvis-Long,
6 Secretary, Angela Chiang, and Delegate Donald Merricks, members; represented
7 the State Board of Elections (“the Board”). John O’Bannon, Vice Chairman joined
8 the meeting electronically. Susan J. Beals, Commissioner, represented the
9 Department of Elections (“ELECT”), and Joshua Lief and Travis Andrews
10 represented the Office of the Attorney General (“OAG”). Chairman Brink called
11 the meeting to order at 1:02 P.M.

12 The first item of business was the Certification of the Special Election for
13 Senate of Virginia in the 7th District, presented by Paul Saunders, Elections and
14 Registration Services Supervisor. *This memo is in the Working Papers for the*
15 *January 18, 2023 Meeting.* Delegate Merricks stated after reviewing the Abstracts
16 of Votes Cast in the January 10, 2023 Special Elections for Member Senate of
17 Virginia 7th District I *move that the Board certify the results as presented and*
18 *declare the winners.* Secretary Alvis-Long seconded the motion and the motion
19 passed unanimously. A roll call vote was taken:

20 Chairman Brink – Aye

21 Vice Chair O'Bannon – Aye

22 Secretary Alvis-Long – Aye

23 Ms. Chiang – Aye

24 Delegate Merricks – Aye

25 The second item of business was the approval of the minutes, presented by
26 Secretary Alvis-Long. Delegate Merricks moved that the Board approve the
27 minutes from the December 5, 2022 Board Meeting. Ms. Chiang seconded the
28 motion and the motion passed unanimously. A roll call vote was taken:

29 Chairman Brink – Aye

30 Vice Chair O'Bannon – Aye

31 Secretary Alvis-Long – Aye

32 Ms. Chiang – Aye

33 Delegate Merricks – Aye

34 The third item of business was the Commissioners Report, presented by
35 Commissioner Beals. Commissioner Beals expressed her appreciation to the
36 General Registrar's, Electoral Board Members and Elected Officials that assisted
37 during the January 10, 2023 Special Election. The Commissioner expressed her
38 appreciation to the City of Virginia Beach, the City of Norfolk, Fairfax County,
39 Amherst County, Augusta County, City of Buena Vista, City of Lexington and
40 Rockbridge County for conducting a Special Election on January 10, 2023.

41 Commissioner Beals expressed her gratitude to the departing Electoral Board
42 Members whose term ended in December. The Commissioner welcomed the 133
43 new Electoral Board Members that have been appointed.

44 Commissioner Beals stated that the Electoral Board members have several
45 opportunities for training starting February 4th. The Commissioner informed the
46 Board that a Special Election will be held on February 21st for the 4th
47 Congressional District, involving 14 localities. Commissioner Beals stated that
48 another Special Election will be held on February 21st for Prince William County
49 for the Board of Supervisors seat. The Commissioner stated that a Special Election
50 will be held on March 7th for a Treasurer in King William County.

51 The fourth item of business was the Certification of the Special Elections for
52 House of Delegates in the 24th and 35th District, presented by Paul Saunders,
53 Elections and Registration Services. *This memo is in the Working Papers for the*
54 *January 18, 2023 Meeting.* Delegate Merricks stated after reviewing the Abstracts
55 of Votes Cast in the January 10, 2023 Special Elections for Member, House of
56 Delegates 35th District, and Member, House of Delegates 24th District I *move that*
57 *the Board certify the results as presented and declare the winners.* Secretary Alvis-
58 Long seconded the motion and the motion passed unanimously. A roll call vote
59 was taken:

60 Chairman Brink – Aye

61 Vice Chair O'Bannon – Aye

62 Secretary Alvis-Long – Aye

63 Ms. Chiang – Aye

64 Delegate Merricks – Aye

65 The fifth item of business was the Split Precinct Waiver for Chesterfield
66 County, presented by Claire Scott, ELECT Policy Analyst. *This memo is in the*
67 *Working Papers for the January 18, 2023 Meeting.* Ms. Chiang moved *that the*
68 *State Board of Elections approve the split precinct waiver for Chesterfield County*
69 *pursuant to §24.2-307.* Delegate Merricks seconded the motion and the motion
70 passed unanimously. A roll call vote was taken:

71 Chairman Brink – Aye

72 Vice Chair O'Bannon – Aye

73 Secretary Alvis-Long – Aye

74 Ms. Chiang – Aye

75 Delegate Merricks – Aye

76 The sixth item of business was the Risk Limiting Audit Report, presented by
77 Karen Hoyt-Stewart, Locality Security Program Manager and Claire Scott, ELECT
78 Policy Analyst. *This report is in the Working Papers for the January 18, 2023*
79 *Meeting.* Chairman Brink opened the floor to public comment. Ned Jones, Shelley
80 Oberlander, Jeff Fuller, Elizabeth Block, and Christine Brim addressed the Board.

81 As this was an information item, no motion was required.

82 The seventh item of business was Stand by Your Ad, presented by Tammy
83 Alexander, Campaign Finance Compliance and Training Supervisor. The first
84 complaint was against Children Advocates For Ward 3 Candidate Mark S.
85 Askew Sr. Mrs. Alexander informed the Board that one complaint was submitted
86 for two undisclosed flyers and one undisclosed banner. She advised the Board that
87 this is a first time violation within the 14 days prior to the Election. Mr. Askew
88 addressed the Board.

89 Secretary Alvis-Long moved *to dismiss the complaint*. Delegate Merricks
90 seconded the motion and the motion passed unanimously. A roll call vote was
91 taken:

92 Chairman Brink – Aye

93 Vice Chair O’Bannon – Aye

94 Secretary Alvis-Long – Aye

95 Ms. Chiang – Aye

96 Delegate Merricks – Aye

97 The next complaint was against Chris Daniels for School Board. Mrs.
98 Alexander informed the Board that one complaint was submitted for one
99 undisclosed t-shirt. She advised the Board that this is a first time violation. Mr.
100 Daniels addressed the Board. Ms. Chiang moved *subject to the Board’s authority*

101 *under the Code of Virginia §24.2-955.3, to find Chris Daniels in violation of*
102 *§24.32-956 Stand By Your Ad print media disclosure requirements with regard to*
103 *one print media advertisement, and assess a \$25 civil penalty. Delegate Merricks*
104 *seconded the motion and the motion passed unanimously. A roll call vote was*
105 *taken:*

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

111 The next complaint was against Friends of Evan Clark. Mrs. Alexander
112 informed the Board that one complaint was submitted for one undisclosed banner,
113 one undisclosed newspaper ad and one undisclosed sign. She advised the Board
114 that this is a first time violation. Mr. Clark addressed the Board. Delegate Merricks
115 moved *subject to the Board’s authority under the Code of Virginia §24.2-955.3, to*
116 *find Evan Clark in violation of §24.32-956 Stand By Your Ad print media*
117 *disclosure requirements with regard to three print media advertisements, and*
118 *assess a \$25 civil penalty. Ms. Chiang seconded the motion and the motion passed*
119 *unanimously. A roll call vote was taken:*

- 120 Chairman Brink – Aye

121 Vice Chair O'Bannon – Aye

122 Secretary Alvis-Long – Aye

123 Ms. Chiang – Aye

124 Delegate Merricks – Aye

125 The next complaint was against Jackson for Roanoke. Mrs. Alexander
126 informed the Board that one complaint was submitted for one inadequate
127 disclosure on one sign. Ms. Chiang moved *to dismiss the complaint*. Delegate
128 Merricks seconded the motion and the motion passed unanimously. A roll call vote
129 was taken:

130 Chairman Brink – Aye

131 Vice Chair O'Bannon – Aye

132 Secretary Alvis-Long – Aye

133 Ms. Chiang – Aye

134 Delegate Merricks – Aye

135 The next complaint was against Joyner for Council. Mrs. Alexander
136 informed the Board that one complaint was submitted for one undisclosed sign.
137 She advised the Board that this is a first time violation not within the 14 days prior
138 to the Election. Ms. Joyner addressed the Board. Delegate Merricks *moved to*
139 *dismiss the complaint*. Secretary Alvis-Long seconded the motion and the motion
140 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 next complaint was against Leigh Carley for School Board. Mrs.

147 Alexander informed the Board that one complaint was submitted for one

148 undisclosed banner. She advised the Board that this is a first time violation not

149 within the 14 days prior to the Election. Leigh Carley addressed the Board.

150 Delegate Merricks moved *to dismiss the complaint*. Ms. Chiang seconded the

151 motion and the motion passed unanimously. A roll call vote was taken:

152 Chairman Brink – Aye

153 Vice Chair O’Bannon – Aye

154 Secretary Alvis-Long – Aye

155 Ms. Chiang – Aye

156 Delegate Merricks – Aye

157 The next complaint was against Michael Storrs. Mrs. Alexander informed

158 the Board that one complaint was submitted for one undisclosed yard sign. She

159 advised the Board this is a first time violation not within the 14 days of the

160 Election. Michael Storrs addressed the Board. Ms. Chiang moved *subject to the*

161 *Board's authority under the Code of Virginia §24.2-955.3, to find Michael Storrs*
162 *in violation of §24.32-956 Stand By Your Ad print media disclosure requirements*
163 *with regard to one print media advertisement, and assess a \$25 civil penalty.*

164 Delegate Merricks seconded the motion and the motion passed unanimously. A roll
165 call vote was taken:

166 Chairman Brink – Aye

167 Vice Chair O'Bannon – Aye

168 Secretary Alvis-Long – Aye

169 Ms. Chiang – Aye

170 Delegate Merricks – Aye

171 The next complaint was against was Monica for City Council. Mrs.

172 Alexander informed the Board that one complaint was submitted for one
173 undisclosed website. She advised the Board that this is a first time violation not
174 within the 14 days prior to the Election. Ms. Robinson addressed the Board.

175 Delegate Merricks moved *subject to the Board's authority under the Code of*
176 *Virginia §24.2-955.3, to find Monica Robinson in violation of §24.32-956 Stand By*
177 *Your Ad print media disclosure requirements with regard to one website, and*
178 *assess a \$25 civil penalty.* Secretary Alvis-Long seconded the motion and the
179 motion passed unanimously. A roll call vote:

180 Chairman Brink – Aye

181 Vice Chair O'Bannon – Aye

182 Secretary Alvis-Long – Aye

183 Ms. Chiang – Aye

184 Delegate Merricks – Aye

185 The next complaint was against Roanoke Forward PAC. Mrs. Alexander
186 informed the Board that one complaint was submitted for one ad, one website with
187 sample ballots, and one billboard with no disclosure. She advised the Board that
188 this is a first time violation and the webpage violation was made within the 14 days
189 prior to the Election. Charlie Nave addressed the Board. Ms. Chiang moved *subject*
190 *to the Board's authority under the Code of Virginia §24.2-955.3, to find Roanoke*
191 *Forward in violation of §24.32-956 Stand By Your Ad print media disclosure*
192 *requirements with regard to three print media advertisements, and assess a \$200*
193 *civil penalty.* No action was taken.

194 The next complaint was against Vote Mady for Ward 4. Mrs. Alexander
195 informed the Board that one complaint was submitted for one sign undisclosed
196 sign. She advised the Board that this is a first time violation not within the 14 days
197 prior to the Election. Delegate Merricks moved *subject to the Board's authority*
198 *under the Code of Virginia §24.2-955.3, to find Mady Rodriguez in violation of*
199 *§24.32-956 Stand By Your Ad print media disclosure requirements with regard to*
200 *one print media sign assess a \$25 civil penalty.* Secretary Alvis-Long seconded the

201 motion and the motion passed unanimously. A roll call vote was taken:

202 Chairman Brink – Aye

203 Vice Chair O’Bannon – Aye

204 Secretary Alvis-Long – Aye

205 Ms. Chiang – Aye

206 Delegate Merricks – Aye

207 The next complaint was against Rick Nagel for City Council. Mrs.

208 Alexander informed the Board that one complaint was submitted for one Facebook

209 Video with no disclosure. She advised the Board that this is a first time violation

210 not within the 14 days prior to the Election. Mr. Nagel addressed the Board. Ms.

211 Chiang moved *subject to the Board’s authority under the Code of Virginia §24.2-*

212 *955.3, to find Rick Nagel in violation of §24.32-957.1 Stand By Your Ad television*

213 *and video disclosure requirements with regard to one video advertisement, and*

214 *assess a \$25 civil penalty.* Delegate Merricks seconded the motion and the motion

215 passed unanimously. A roll call vote was taken:

216 Chairman Brink – Aye

217 Vice Chair O’Bannon – Aye

218 Secretary Alvis-Long – Aye

219 Ms. Chiang – Aye

220 Delegate Merricks – Aye

221 The last complaint was submitted for Campaign Committee for Renee Dial
222 for School Board for IWCS. Mrs. Alexander informed the Board that one
223 complaint was submitted for one sign and one sample ballot with no disclosure.
224 She advised the Board that the sample ballot violation was made within the 14
225 days prior to the Election. Delegate Merricks moved *subject to the Board's*
226 *authority under the Code of Virginia §24.2-955.3, to find Renee Dial in violation*
227 *of §24.32-956 Stand By Your Ad print media disclosure requirements with regard*
228 *to one print media advertisements, and assess a \$100 civil penalty.* Ms. Chiang
229 seconded the motion and the motion passed unanimously. A roll call vote was
230 taken:

231 Chairman Brink – Aye

232 Vice Chair O'Bannon – Aye

233 Secretary Alvis-Long – Aye

234 Ms. Chiang – Aye

235 Delegate Merricks – Aye

236 Secretary Alvis-Long presented the Board with a formal Resolution
237 commending Robert Brink for his service as Chairman of the State Board of
238 Election for the Department of Elections. A roll call vote was taken:

239 Chairman Brink – Aye

240 Vice Chair O'Bannon – Aye

241 Secretary LeCruise – Aye

242 Ms. Chiang – Aye

243 Delegate Merricks – Aye

244 The Resolution is included in the minutes as APPENDIX: A.

245 Chairman Brink opened the floor to Public Comment. Anne Kinney, Irene
246 Churins, Ann Grigorian, Chris Rohland, Ned Jones, and Shelley Oberlander
247 addressed the Board.

248 At 3:00 P.M., Delegate Merricks moved *pursuant to Virginia Code Section*
249 *2.2-3711(A)(7), that the Board go into closed session for the purpose of discussing*
250 *pending and threatened litigation. In accordance with Section 2.2-3712(F), Susan*
251 *Beals, Commissioner of Elections, Joshua Lief and Travis Andrews of the Office of*
252 *the Attorney General, and will attend the closed session because their presence*
253 *will reasonably aid the Board in its consideration of the subject of the meeting.*

254 Ms. Chiang seconded the motion and the motion passed unanimously. A roll call
255 vote was taken:

256 Chairman Brink – Aye

257 Vice Chair O’Bannon – Aye

258 Secretary Alvis-Long – Aye

259 Ms. Chiang – Aye

260 Delegate Merricks – Aye

261 At 3:21 P.M., Delegate Merricks moved *to reconvene the meeting in open*
262 *session, and take a roll call vote certifying that to the best of each member's*
263 *knowledge (i) only such public business matters lawfully exempted from open*
264 *meeting requirements under this chapter and (ii) only such public business matters*
265 *as were identified in the motion by which the closed meeting was convened were*
266 *heard or discussed by the State Board of Elections. Secretary Alvis-Long seconded*
267 the motion and the motion passed unanimously. A roll call vote was taken:

- 268 Chairman Brink – Aye
- 269 Vice Chair O'Bannon – Aye
- 270 Secretary Alvis-Long – Aye
- 271 Ms. Chiang – Aye
- 272 Delegate Merricks – Aye

273 Secretary Alvis-Long moved *to adjourn the meeting*. Delegate Merricks
274 seconded the motion and the motion passed unanimously. The meeting adjourned
275 at 3:23 P.M.

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State Board of Elections
Wednesday, January 18, 2023
FINAL Meeting Minutes

282

283

284

Chairman

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286

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Vice-Chairman

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Secretary

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Board Member

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Board Member

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APPENDIX: A

**RESOLUTION OF THE VIRGINIA STATE BOARD OF
ELECTIONS COMMENDING ROBERT H. BRINK FOR HIS
SERVICE AS CHAIRMAN OF THE VIRGINIA STATE BOARD
OF ELECTIONS**

WHEREAS, Robert H. (Bob) Brink's service to the Commonwealth as Chairman of the Virginia State Board of Elections will end in January 2023;

WHEREAS, Chairman Brink has a distinguished record as the Delegate of the 48th District in the Virginia General Assembly, as the Deputy Commissioner for the Department for Aging and Rehabilitative Services, and as a Senior Legislative Advisor to Governor Terrence R. McAuliffe;

WHEREAS, since 2019 Chairman Brink has chaired the Virginia State Board of Elections with unmatched professionalism, abundant grace, and unwavering leadership;

WHEREAS, in that position Chairman Brink guided the Virginia State Board of Elections through the challenge of adapting to changes in election processes due to a global public health emergency;

WHEREAS, seeing the need for a cohesive and focused source of study and recommendations regarding the electoral process Chairman Brink saw the establishment of the Advisory Review Workgroup, which provides valuable input to the State Board of Elections from the Virginia elections community and the public;

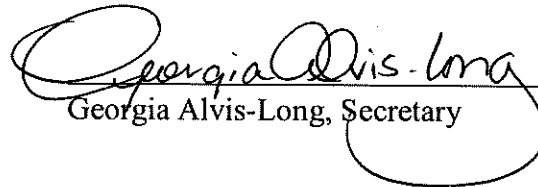
WHEREAS, recognizing the public's need to be heard regarding the electoral process, Chairman Brink gave every opportunity for the public to be heard both during meetings and through the exchange letters sent from his desk;

WHEREAS, through changes within the Office of Virginia Governor, the Virginia General Assembly, and the court of public opinion, Chairman Brink has been a fair and balanced voice on the State Board of Elections during trying times; now therefore be it:

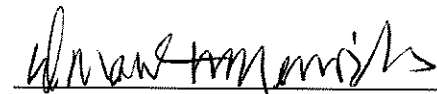
RESOLVED that the State Board of Elections commends Robert H. Brink for his steadfast guidance of the Virginia State Board of Elections and thanks him for his service to the Board, the Department, the Virginia elections community, the Code of Virginia, the United States and Virginia Constitutions, and the Commonwealth.

Adopted this 18th day of January, 2023.

John O'Bannon M.D., Vice Chairman



Georgia Alvis-Long, Secretary



Donald W. Merrick, Member



Angela Chiang, Member



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Susan Beals
Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Certification of February 21, 2023 Special Elections

BOARD WORKING PAPERS
Paul Saunders
Elections and Registration Supervisor



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein

From: Paul G. Saunders, III, Election and Registration Services Supervisor

Date: March 7, 2023

Re: Certification of the February 21, 2023, Congressional Special Election

Applicable Code Sections: §§ 24.2-675, 24.2-679, 24.2-680 and 24.2-948.2.

Background: In preparation for this State Board of Elections meeting, at which election results from the February 21, 2023, Special Election for Member, House of Representatives, 4th District, will be certified staff members at the Department of Elections (ELECT) completed several verification procedures to ensure that all election data entered into the Virginia Election and Registration System (VERIS) by the localities accurately reflects what happened on Election Day (§ 24.2-679). ELECT staff verified that voter turnout and provisional voter turnout values have been entered for each precinct. When voter turnout had not been entered by a locality, ELECT staff asks for the voter turnout to be entered by the locality as quickly as possible. ELECT staff verified that the locality's abstract vote totals for each candidate match the election results that have been entered into VERIS. After the voter turnout and election results were entered, ELECT staff ran several VERIS election results error check reports to verify the accuracy of the local data entered. If corrected abstracts were needed through this error review process, ELECT staff requested that the locality complete an amended abstract per § 24.2-675. This verification by ELECT staff positions the State Board to better understand the election results reported by each jurisdiction.

ELECT staff has prepared a written statement document for the Board Members to sign once the abstract totals have been read and confirmed to be accurately reflected on the written statement.

ELECT staff also prepared a certificate of elections for the winner. After the election results are

confirmed, the four Members of the State Board will sign the certificate of election for the winning candidate. ELECT staff must review the requirements of § 24.2-948.2, if applicable, before issuing the certificate to the winning candidate.

Suggested Motion:

“After reviewing the Abstracts of Votes Cast in the February 21, 2023 Special Election, I move that the Board certify the statement to be correct and sign the statement and certificate of election.”

Office certified by the State Board of Elections:

1. Member, United States House of Representatives, Congressional District Four

Elected by votes cast in:

BRUNSWICK COUNTY	EMPORIA CITY	PRINCE GEORGE COUNTY
CHARLES CITY COUNTY	GREENSVILLE COUNTY	RICHMOND CITY
CHESTERFIELD COUNTY	HENRICO COUNTY	SOUTHAMPTON COUNTY
COLONIAL HEIGHTS CITY	HOPEWELL CITY	SURRY COUNTY
DINWIDDIE COUNTY	PETERSBURG CITY	SUSSEX COUNTY

ABSTRACT of VOTES

Cast in the 2023 February Special Election held on 02/21/2023 for,

Member, House of Representatives

4th District

NAMES OF CANDIDATES ON THE BALLOT

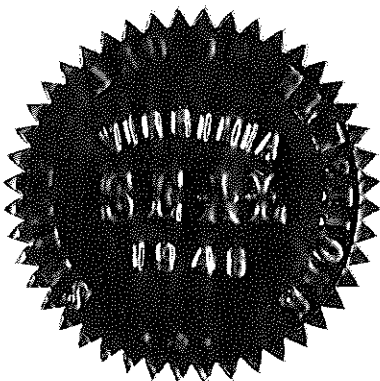
TOTAL VOTES RECEIVED
(IN FIGURES)

Jennifer L. McClellan - Democratic	82040
Leon Benjamin Sr. - Republican	28083
Write-in	129
Total Number of Overvotes for Office	11

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 02/21/2023, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member, House of Representatives and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member, House of Representatives.

Jennifer L. McClellan - Democratic

Given under our hands this _____ day of _____, _____



_____, Chairman
_____, Vice Chairman
_____, Secretary
_____, Member
_____, Member
_____, Acting Secretary

COMMONWEALTH Of VIRGINIA

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETING:

This is to certify, that at a meeting of the State Board of Elections, held in Richmond, Virginia on Tuesday the seventh day of March, two thousand and twenty three, on examination of the official abstracts of votes on file with the Department of Elections it was determined that at the special election held on the twenty first day of February, two thousand and twenty three,

Jennifer L. McClellan

was duly elected

Member, United States House of Representatives, 4st District.

Witness the following official signatures and the seal of the State Board of Elections at Richmond, this Tuesday the seventh day of March, two thousand and twenty three, in the two hundred and forty-eighth year of the Commonwealth.

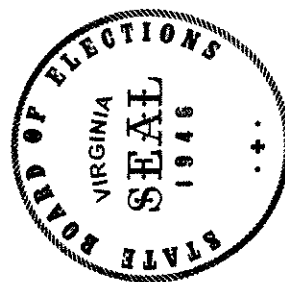
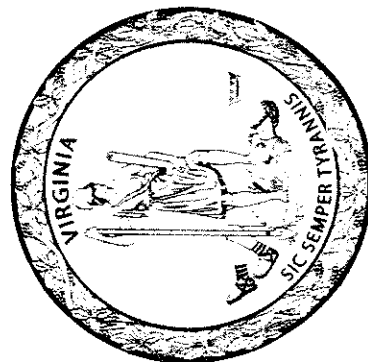
Chairman

Vice Chairman

Secretary

Member

Member





★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Post-Election Report

BOARD WORKING PAPERS
Rachel A. Lawless
Confidential Policy Advisor



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

To: Chairman O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein.
From: Rachel A. Lawless, Confidential Policy Advisor
Date: March 7, 2023
Re: 2022 General Election Retrospective

Summary:

Following each November General Election since 2018, the Virginia Department of Elections (ELECT) has published a post-election report to create a historical record of the election. In producing the reports, ELECT's goal is to provide transparency in its efforts to continually improve the administration of elections in the Commonwealth and to showcase the tremendous joint effort of the State Board of Elections (SBE), ELECT staff, general registrars and their staffs, local electoral boards, and officers of election that results in accurate, fair, open, and secure elections in the Commonwealth. This report highlights several areas including law and regulatory changes impacting the administration of elections, election participation statistics, elections administration tasks and compliance metrics, special topics related to the 2022 Election, as well as reflections by the general registrar community of both the Election and election administration generally.

2022

**GENERAL ELECTION
RETROSPECTIVE**

March 7, 2023



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

TABLE OF CONTENTS

Executive Summary.....	3
2022 General Election: Overview and Key Metrics.....	4
2022 General Election: Code Compliance.....	9
Voter and General Registrar Input.....	13
Special Topics in Administering the 2022 General Election.....	15
Voter Registrations and the Department of Motor Vehicles.....	15
Redistricting Mailings.....	17
Translations.....	19
Same-Day Registration.....	20
Authorized Representatives.....	26
DemTech Electronic Pollbooks.....	27
Precinct-Level Absentee Reporting.....	28
Risk-Limiting Audits.....	29
2022 General Election: Voter Education Campaign.....	31
2022 General Election: Call Center and Online Complaints.....	32
Reflections: Impacts on General Registrars and Staff.....	35
Conclusion.....	39
Appendix A: Glossary of Terms:.....	40
Appendix B: Voter Education Campaign Materials.....	42

Executive Summary

Following each November General Election since 2018, the Virginia Department of Elections (ELECT) has published a post-election report to create a historical record of the election. In producing the reports, ELECT's goal is to provide transparency in its efforts to continually improve the administration of elections in the Commonwealth and to showcase the tremendous joint effort of the State Board of Elections (SBE), ELECT staff, general registrars and their staffs, local electoral boards, and officers of election that results in accurate, fair, open, and secure elections in the Commonwealth.

This report includes key stakeholder perspectives about the 2022 General Election (also referred to as "2022 Election" or "Election" throughout this report) through incorporating data from two post-election surveys: a survey of Virginia residents by the University of Virginia Karsh Institute for Democracy, and a survey of Virginia's general registrar community by ELECT. This is consistent with a larger effort within ELECT to include more grassroots, evidenced-based approaches to the work of the Department.

This report highlights several areas, including law and regulatory changes impacting the administration of elections, election participation statistics, elections administration tasks and compliance metrics, special topics related to the 2022 Election, and reflections by the general registrar community of both the Election and election administration generally.

Following the 2020 United States Census (the results of which were delayed due to the COVID-19 pandemic), new districts were drawn in Virginia for the United States House of Representatives, the Senate of Virginia, and the Virginia House of Delegates. Additionally, redistricting at the local level was completed. This once-in-a-decade process added a level of complexity to the administration of the 2022 General Election which, in addition to the usual demands of running election, required the incorporation of changes and compliance with numerous related Code requirements. This was successfully navigated thanks to the hard work and expertise of staff in localities and at ELECT.

2022 General Election: Overview and Key Metrics



Common Terminology

Many terms are used to describe election results. For purposes of the data included in this report, please keep the following definitions in mind:

Absentee Voting includes in-person voting in the early voting period and by mailed absentee ballots.

Ballots Cast refers to the total number of voted ballots that counted towards the total results of an election. It does not include things like undervotes, uncured absentee ballots, or late, lost/damaged, or rejected ballots. For the purposes of this report, ballots cast refers to the 2022 General Election as a whole and does not refer to any one candidate. Typically, ballots cast is lower than reported turnout.

Voter Turnout or **Turnout** refers to the number of registered individuals that attempted to vote in an election. This data comes from the counts election officials enter into the Virginia Voter Registration Information System (VERIS) during canvass to describe both accepted and rejected ballots.

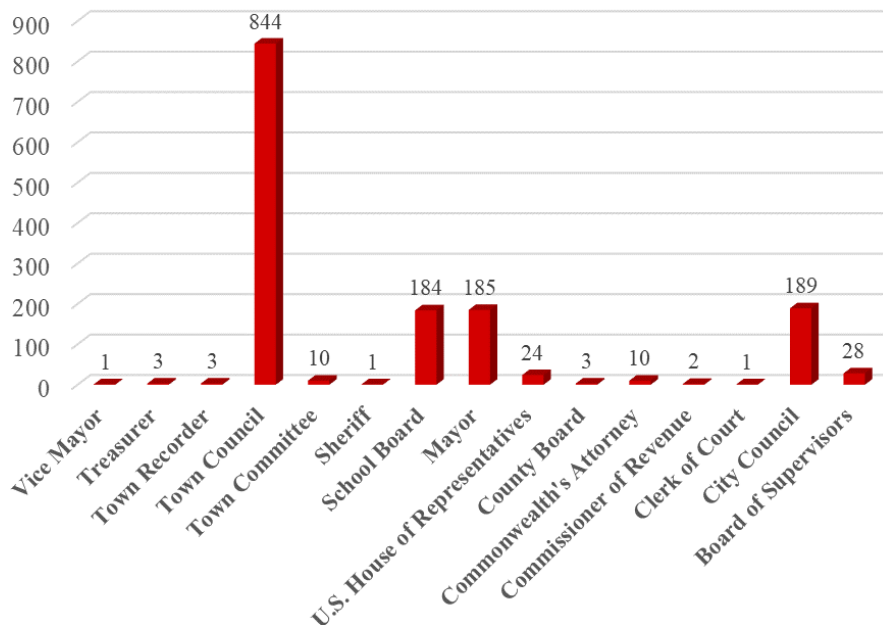
Votes Cast refers to the number of votes that counted towards the results of a particular contest. There could be fewer votes cast for a particular contest than total ballots cast, if a voter decided not to make a selection for a particular contest. This is known as an undervote. Votes cast may be lower than turnout.

The 2022 General Election was the first year for same-day registration and precinct level reporting, these created new reporting requirements which led to more complex data entry processes for localities. This may account for slight variations in data from different sources at ELECT but do not impact the results for any given contest.

Contest and Candidates

The 2022 General Election was held on Tuesday, November 8. There were 521 contests on ballots across the Commonwealth with a total of 1,488 candidates. There were no statewide contests in the 2022 General Election. The races included 11 for the United States House of Representative and many more for local offices, as shown below.

Total Candidates by Contest



Participation

The following series of participation statistics aims to give a holistic picture of the 2022 Election regarding voter turnout, absentee and early voting, and provisional ballots. The statistics do not highlight any one contest. For the results of a particular race, please visit ELECT's website.¹

Voter Turnout Percentage Overall

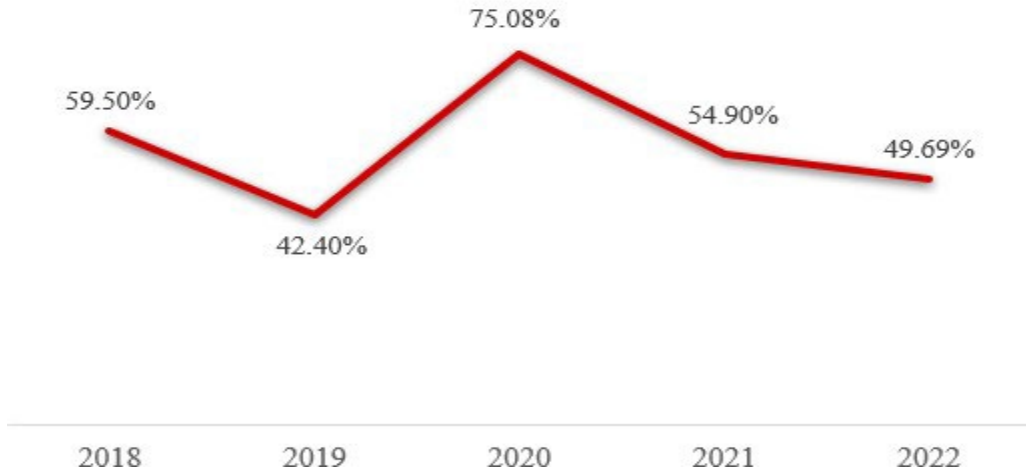
In the 2022 Election, 49.69% of total registered voters turned out to vote. When comparing voter turnout to a recent similar congressional midterm election, the 2018 General Election, 2022 saw nearly a 10% decline in voter turnout. The 2018 General Election, however, had record voter turnout with 3,374,382, the highest amount for a non-presidential election year since 1976.² This is consistent with the numbers below, which suggest that elections with statewide contests

¹ Virginia Department of Elections, Election Results, <https://www.elections.virginia.gov/resultsreports/election-results/>

²Virginia Department of Elections, Registration/Turnout Reports, <https://www.elections.virginia.gov/resultsreports/registrationturnout-statistics/>

correlate with an increase in voter turnout, as 2019 and 2022 both had no statewide contests and the lowest percentage of turnout.³

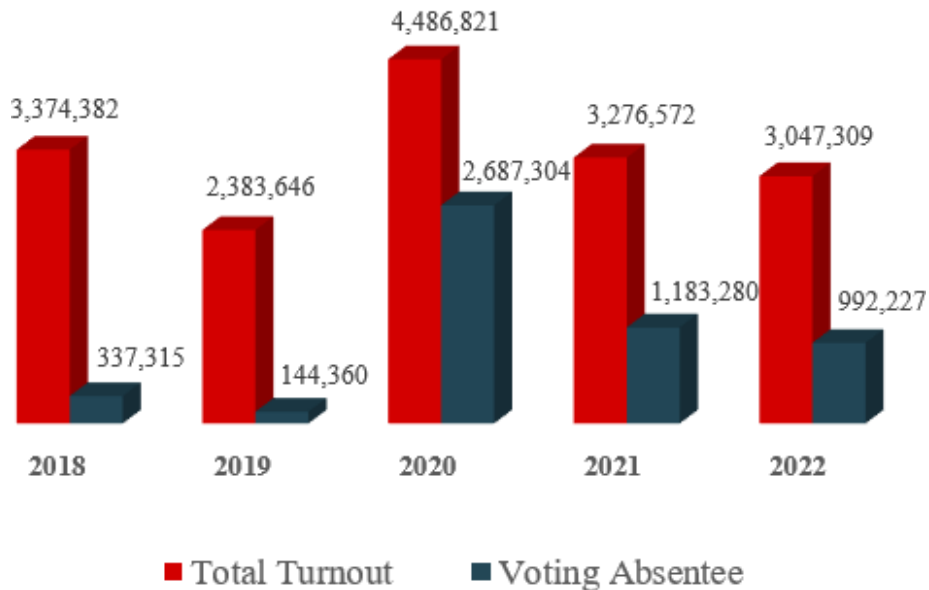
Voter Turnout as Percentage of Total Registered



Voter Turnout: Absentee

While overall voter turnout in the 2022 Election was less than both the 2020 and 2021 elections, the turnout for absentee voting remains higher than pre-COVID elections in 2018 and 2019. This is likely attributed to 2020 legislation that expanded absentee voting.⁴

Total Turnout by Year



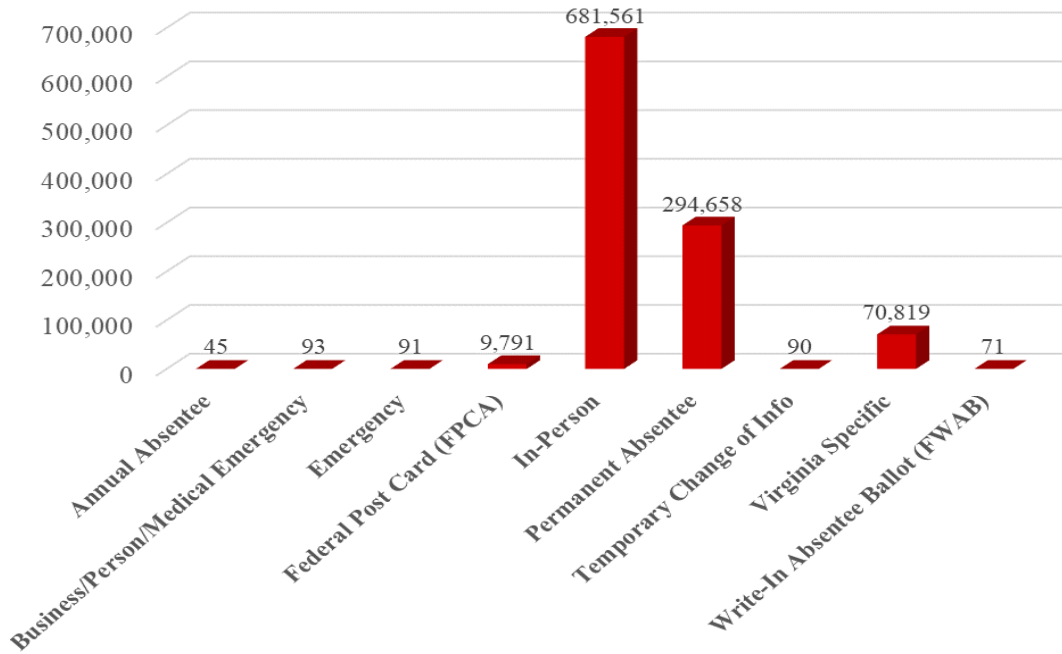
³ Virginia Department of Elections, Registration and Turnout Reports, Summary of Virginia Registration and Turnout Statistics, <https://www.elections.virginia.gov/resultsreports/registrationturnout-statistics/>

⁴ Code of Virginia, [§ 24.2-700](#)

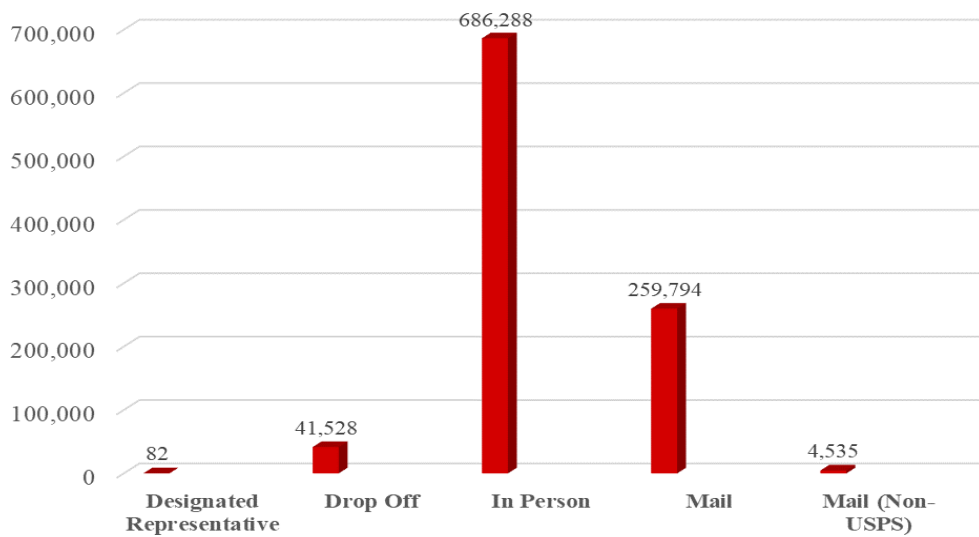
In-Person Absentee Voting (Early Voting) and Absentee Voting by Mail

As discussed previously, recent election cycles have seen exponential growth in absentee voting, both through in-person absentee (early voting) and absentee voting by mail. The following charts provide statistics about absentee applications and methods of return.

Absentee Applications by Type



Absentee Ballot Return Method



Note: The number of absentee ballots listed in the chart above reflects the breakdown of absentee ballots returned. The difference in the two charts may be explained by the following:

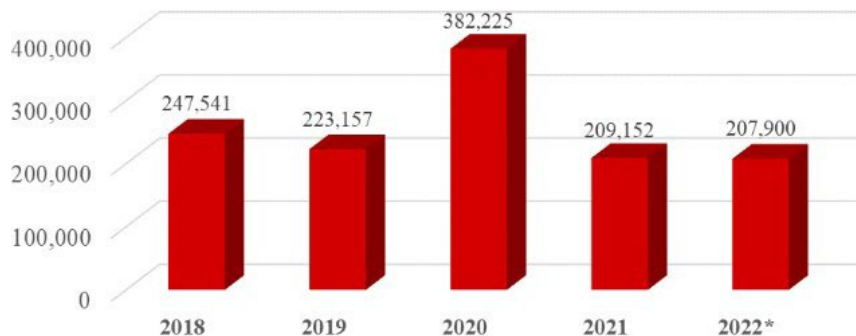
- Some absentee ballots when placed in the mail may never reach the voter or be damaged upon arrival in the mailing process.
- Some absentee voters may drop off their ballot on Election Day *or* change their mind and choose to vote in person on Election Day and return their unused or spoiled ballot.
- Some voters, who request absentee ballots, may forget to vote their ballot.

A returned absentee ballot counts toward turnout. As noted in ELECT’s 2021 Post-Election Report, in-person absentee voting remains the most popular method to vote absentee in the Commonwealth.⁵

New Registrants

The number of new registrants declined slightly in 2022 compared to 2021 and significantly compared to 2020.* The decrease from 2020 is expected; election cycles with a presidential race tend to drive higher voter registration. When comparing 2022 to a year with a similar election, the 2018 General Election, the number of new registrants was about 40,000 less. However, 2018 had a U.S. Senate race on the ballot, which likely drove voter registration efforts.

New Registrants by Year



*Data as of November 1, 2022

In terms of method of registration, the number of online applications submitted made up 88% of all applications submitted in 2022. Paper applications saw a rise from 7.9% in 2021 to 12% in 2022.⁶ This may be attributed to same-day registration, discussed in greater detail later in this report, which requires a paper voter registration application at the polling location.

⁵ Virginia Department of Elections, 2021 Post Election Report, https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/Post-Election-Report_FINAL.1.24..22docx.pdf (virginia.gov)

⁶ Virginia Department of Elections, 2021 Post Election Report, https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/Post-Election-Report_FINAL.1.24..22docx.pdf

2022 General Election: Code Compliance

To ensure the secure, efficient, and effective administration of an election, the SBE, ELECT, and local election officials all have legislative compliance requirements. In relation to requirements for local election officials, ELECT provides guidance and oversight to ensure uniformity. For newly passed legislation, the SBE and ELECT ensure proper implementation.

Key Compliance Metrics

ELECT requires reports, information, or certification of completion from general registrars for several election administration tasks. These requirements both fulfill statutory requirements and establish best practices to improve aspects of administration, such as election night reporting and abstract production.

Absentee Ballot Compliance Reporting

Pursuant to [§24.2-612](#) of the Code of Virginia, general registrars are required to report to ELECT that ballots were available for absentee voting (both by mail and in-person) at least 45 days before Election Day.⁷ For 2022 General Election, 124 localities reported on-time and nine were late in reporting to ELECT. Ultimately, all localities were prepared with the requisite number of absentee ballots.

Ballot Proofing

Pursuant to [§24.2-612](#) of the Code of Virginia, all ballots must be approved by ELECT prior to use in any general election.⁸ Of the 133 localities, 72 (54%) did not require revisions to their initial submissions, while 61 (46%) required revisions. Ultimately, ELECT reviewed and approved all ballots used in the 2022 General Election.

Logic and Accuracy Testing

Prior to each election, electronic voting systems (EVS) and electronic pollbooks (EPB) must be tested for logic and accuracy pursuant to [§24.2-633](#) of the Code of Virginia and [1VAC20-60-70](#) of the Administrative Code of Virginia.⁹ The Logic and Accuracy (L&A) Testing ensures that EVSs and EPBs are correctly recording voters who are checked in at polling places and the votes from each ballot cast. It is an important step in ensuring the security of the election.

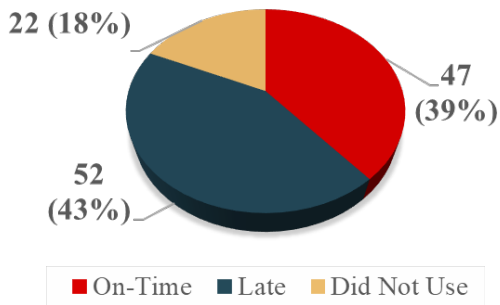
L&A Testing must be performed on each machine before their use in early voting or on Election Day. ELECT requires each locality to certify that testing has been completed and report such information to ELECT. This allows ELECT to ensure both compliance with the law and that the EVS and EPB are accurate and ready for use in the election. While all localities using EVS and EPB performed the required L&A Testing reports, some were late in submission. Charts showing the submission of L&A reports to ELECT for both EVS and EPB are available below; note that some localities do not use EPB during early voting or on Election Day.

⁷ Code of Virginia, [§24.2-612](#)

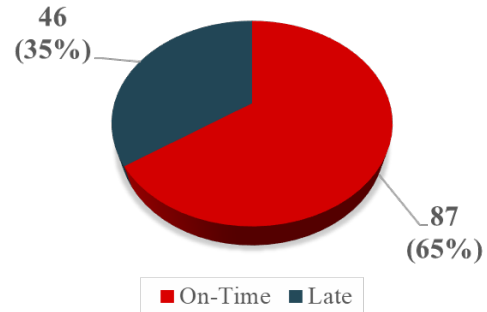
⁸ *Id.*

⁹ Code of Virginia, [§24.2-633](#); Administrative Code of Virginia [1VAC20-60-70](#)

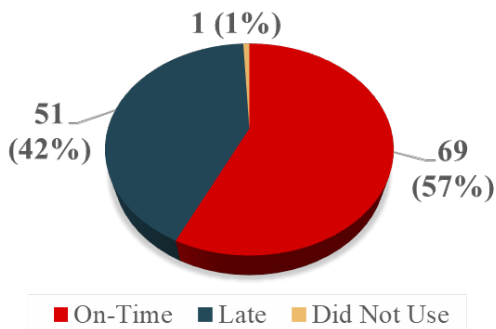
**EPB Logic & Accuracy Reporting -
Early Voting**



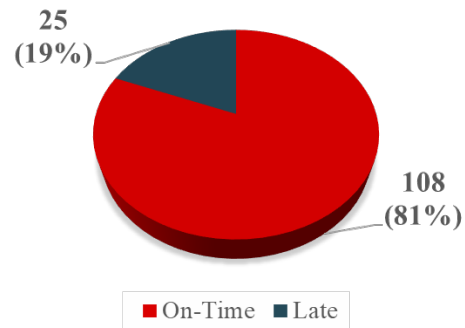
**EVS Logic & Accuracy Reporting -
Early Voting**



**EPB Logic & Accuracy Reporting -
Election Day**

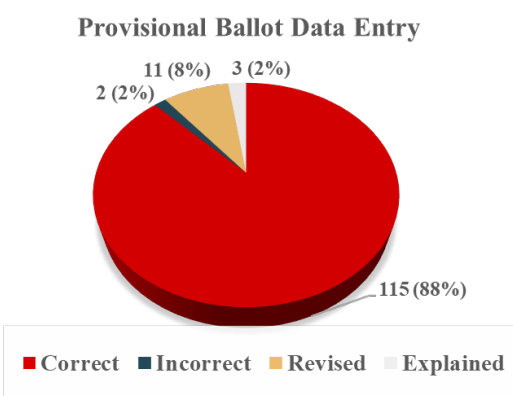
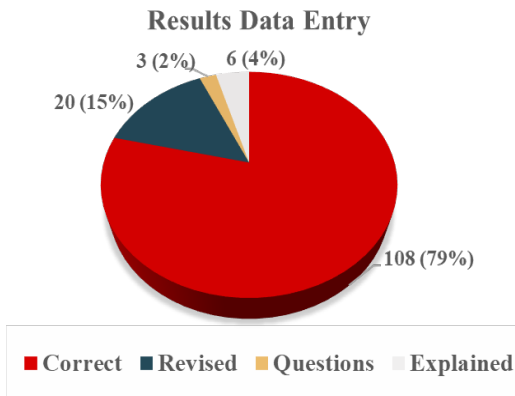
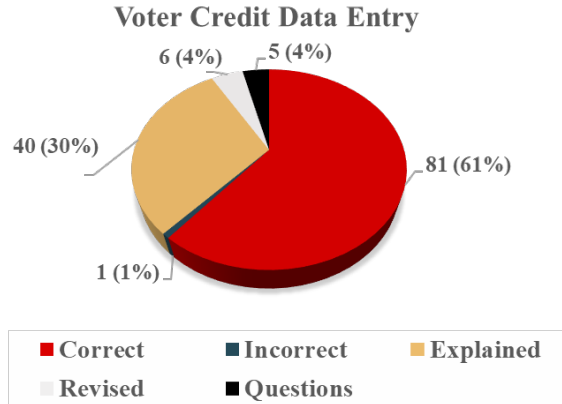
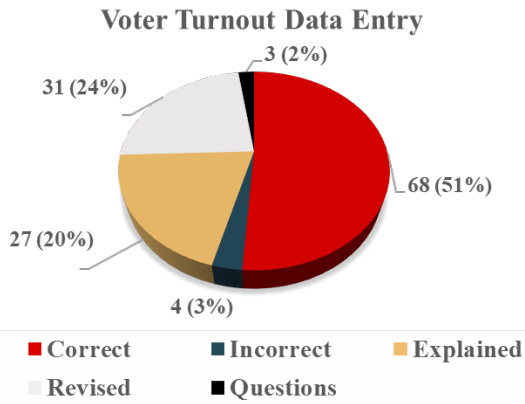


**EVS Logic & Accuracy Reporting -
Election Day**



Abstracts of Votes

An abstract of votes is the official record of votes cast for candidates, constitutional amendments, and referenda prepared by a locality. It also provides the foundation upon which elections are ultimately certified by the SBE. Therefore, it is essential that abstracts be correct. To that end, ELECT works closely with localities and provides the necessary guidance and support, which includes guidance and oversight of the data entry process. Prior to Election Day, ELECT sent detailed instructions to all general registrars reminding them of reports available in VERIS that allowed them to check and crosscheck data to ensure their entries are correct. The following charts provide metrics related to data entry compliance.



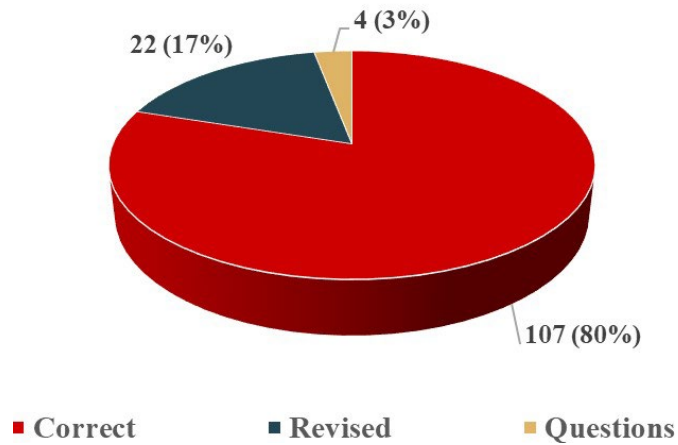
Once the abstracts are completed by localities, they are submitted electronically to ELECT for inspection. The electronic version must be submitted as soon as a locality’s canvass concludes to ensure that ELECT has time to review and approve all abstracts across the Commonwealth. Upon approval of the electronic versions by ELECT, localities mail the originals to ELECT. ELECT, then, uses the approved abstracts to prepare abstracts that will be certified by the SBE. In preparing the abstracts for the SBE certification, ELECT runs the same reports used in verifying a locality’s abstracts.

The pie chart below illustrates the revisions that took place during the abstract review process. This year saw a 6% increase in abstract revisions from 2021 General Election, in which only 11% of localities, 15 localities total, required revisions.¹⁰ This may be attributed to 2022 being the first year for absentee-by-precinct reporting requirements and same-day registration.¹¹ Ultimately, all abstracts of votes were revised, where necessary, and certified by the SBE on Monday, December 5, 2022.

¹⁰ Virginia Department of Elections, 2021 Post Election Report, https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/Post-Election-Report_FINAL.1.24..22docx.pdf

¹¹ Code of Virginia, § 24.2-667.1 ; § 24.2-420.1

Abstract of Votes Submissions by Localities



Note: Questions refers to where something reported appears to be incorrect. In these situations, ELECT asks the general registrar to research the question and to either explain or correct the apparent issue. As stated above, these questions were resolved, and the corrected abstracts of votes were presented to the SBE for certification.

Recent Legislative Changes Impacting the 2022 General Election

The General Assembly passed several changes to elections administration during the 2020, 2021, and 2022 Regular Sessions that impacted the 2022 General Election. The legislation was signed into law by Governor Northam in 2020 and 2021, and Governor Youngkin in 2022. Much of it directly impacted voters and included changes to absentee voting, voter registration, and processes at polling places. Some had a less direct impact on voters and included changes to campaign finance reporting requirements, risk-limiting audit processes, deputy registrar classifications, and restrictions on gifts and funding at the state and local level. This report does not discuss *all* the election-related laws stemming from these recent General Assembly sessions that went into effect but rather provides overviews of the most consequential and insights into their impact on the 2022 General Election.

2020 Session

[HB 201](#) extended the period that an otherwise qualified person can register to vote in person up to and through election day, effectively providing for same-day registration in all elections. Prior to this legislation, registration records were closed in the 21 days before a primary or general election pursuant to § 24.2-416; there was no mechanism to register during this period unless someone was in the military or overseas. This bill became effective in October 2022.

2021 Session

[HB 2125](#) permitted voter preregistration for Virginia citizens who are 16 years of age or older and are otherwise qualified to register to vote. Preregistration does not allow any individual to vote in an election before the time already permitted by law. ELECT set up a process in VERIS that

allowed general registrars to approve the preregistration application and make the pre-registrant an active voter at the appropriate time. This bill became effective in October 2022.

[SB 1148](#) changed the date for primary elections from the second Tuesday in June to the third Tuesday in June. This bill also changed the deadline for filing nomination and candidacy papers for an office determined by a November general election from the second Tuesday to the third Tuesday in June.

2022 Session

[SB 3](#) and [HB 927](#) were identical bills that required general registrars to report to ELECT the results of absentee ballots cast by voters assigned to each precinct in the general registrar's locality. The bills also included "on-demand ballot printing systems and ballot marking devices" in the definition of a voting system. ELECT established standards for ascertaining and reporting precinct level absentee results.

[SB 80](#) and [HB 205](#) were identical bills that prohibited the SBE, ELECT, each local electoral board, and all offices of the general registrar from soliciting, accepting, using, or disposing of any money, grants, property, or services, given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The prohibition does not apply to: (i) the operation of polling places or voter satellite offices in a facility furnished by a prohibited entity, or (ii) the acceptance of federal government grants that have been funded in whole or part by donations from a prohibited entity.

[SB 370](#) and [HB 895](#) were identical bills that amended various sections of Virginia Code and added section § 24.2-671.2, which set new standards for the conduct of risk-limiting audits. The bills required risk-limiting audits to be performed before the certification of election results. The bills also extended the certification of the November election by the SBE from the third Monday in November to the first Monday in December. ELECT convened a workgroup to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests.

[SB 211](#) and [HB 55](#) were identical bills that required the State Registrar of Vital Records to transmit a weekly list of decedents to ELECT. Previously, the list of decedents was transmitted monthly.

[HB 1140](#) required general registrars to provide notice of the cancellation of a voter's registration to the voter by mail and, if provided, by email. Previously, notice of cancellation was only required to be provided to a voter by mail.

Voter and General Registrar Input

In providing a complete picture of the 2022 General Election, it is essential to include the voices and perspectives of stakeholders outside of ELECT. To that end, ELECT arranged to obtain feedback from both voters and general registrars. ELECT sought to build on the success of previous reports by including more voices in the narrative of the 2022 General Election. The use of these surveys is part of a larger effort to incorporate more grassroots feedback into the policy and procedural decisions of ELECT and to produce evidenced based policy recommendations to senior leadership and the state legislature. Throughout the remainder of this report the results of

both surveys will be used to give a more holistic picture of the successes and challenges of the 2022 General Election.

Karsh Institute for Democracy - UVA 2022 Virginia Election Survey

This is the second year the Karsh Institute of Democracy has conducted a post-election survey (referred to as “2022 UVA Survey” throughout this report) of Virginia voters related to their voting experiences. In the 2022 UVA Survey, 762 Virginia residents were surveyed between November 9, 2022, and December 2, 2022. The 2022 UVA Survey was administered via the Qualtrics survey platform, with a sample provided by Dynata. The results were weighted by race, sex, education, and age to approximate the Virginia general adult population.¹²

ELECT’S 2022 Post-Election Survey of General Registrars

For this report, ELECT wanted to incorporate the observations and opinions of those responsible for administering elections at the local level: general registrars. To that end, ELECT’s Policy team designed a survey (referred to as “2022 ELECT Survey” throughout this report) to solicit feedback from these officials who play a critical role in elections in the Commonwealth

Methodology

After reviewing the literature and comparing other types of surveys of general registrars performed throughout the country, ELECT’s policy team designed the 2022 ELECT Survey. It was composed of thirty questions, which took on a mixed-method approach by including both multiple choice and short answer questions and covered the following six categories: General Information; 2022 General Election: Big Picture; Impact of Legislation; Officers of Elections; Impact on Position and Office; and Final Thoughts. ELECT utilized Google forms to design the survey and to capture all the data. ELECT sent a communication via the Elections Registration Specialists (ERS) to all 133 general registrars, that included a brief explanation of and a link to the survey on December 16, 2022. The survey closed on December 24, 2022, giving registrars over a week to opt in.

Sample Size

Participation in the 2022 ELECT Survey was completely voluntary and anonymous. In order to participate, ELECT requested general registrars consent to the use of their data for this report; if a general registrar did not consent, the general registrar was not asked any further questions, ending the survey. Of the 133 general registrars surveyed, 88 general registrars responded to the survey; 87 consented to be included in this report. The result was a 66% response rate from the field. 48.3% of respondents had over twelve years’ experience in elections administration, while 20.7% had less than three years, with the remainder of the sample falling between the two. Of the registrars sampled, data was provided by general registrars operating in small, medium, and large localities as defined by the number of registered voters, active and inactive: 41.4% of participants worked in localities with 20,000 or fewer, 44.8% of participants worked in localities with 20,000-80,000 voters, and 13% of participants worked in localities with 80,000 or more voters. Their responses

¹² Karsh Institute of Democracy, University of Virginia, UVA 2022 Virginia Election Survey Topline, December 2022

are included throughout this section to provide an additional perspective to the administration of the 2022 General Election.

Special Topics in Administering the 2022 General Election

The following three sections aim to illustrate the 2022 General Election by identifying, discussing, and addressing key challenges in a straightforward and transparent manner that improves the administration of elections in the Commonwealth. Topics are organized into three broad categories, depending on when they occurred, including: Pre-Election, Election Day, and Post-Election categories. Each category includes input from multiple stakeholders collected from the surveys previously discussed in this report.

Pre-Election

Three major challenges arose pre-election day. These included the delayed processing of voter registrations collected through the Department of Motor Vehicles (DMV), issues related to redistricting mailings required by the 2022 Budget Amendment, and errors with online translated election materials.

Voter Registrations and the Department of Motor Vehicles

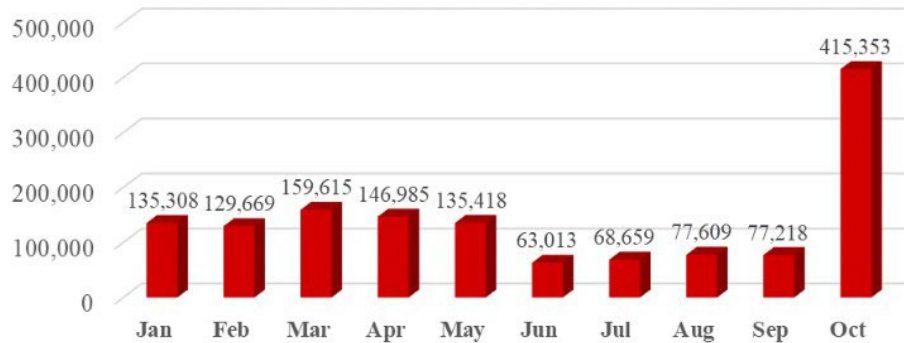
Information from transactions related to voter registration at the DMV is sent to localities through an automated process, where records are placed in Online Voter Registration (OVR) hoppers in VERIS for general registrars to process. In September, ELECT identified 107,000 DMV transactions that were not populated to local general registrars' OVR hoppers. A second batch of 149,000 additional transactions were identified at the end of October. The failure of the system to send these transactions to localities was caused by intermittent network issues that disrupted the automated processing of some, but not all, voter registration data. These transactions included: address updates, new registrations, and other changes resulting from visits to the DMV between May and September of 2022. Once the issues were addressed, there was a successful transfer of the voter registration data to registrars for processing.

ELECT's IT team performed a detailed after-action review related to the failure of the system to send some of the transactions to the OVR hoppers. It estimated that the issue began on May 18-19 of 2022. The Virginia Information Technologies Agency (VITA) performed server maintenance on the night of May 18, which required the server to be restarted. When the server was restarted, the automated process to transfer the DMV transactions to the OVR hoppers failed to restart. Following this, the IT team re-ran the process for two days while troubleshooting the issue. On May 20, 2022, the IT team resolved the job issue, restarted the process, and the OVR hoppers started populating that afternoon.

Between May and September, ELECT received occasional reports that the number of OVRs from DMV were lower than expected. Each report ELECT received was investigated and some missing OVRs were found in the hoppers each time. Therefore, since OVRs were making it to the hoppers from DMV, it appeared that the automated system was functioning.

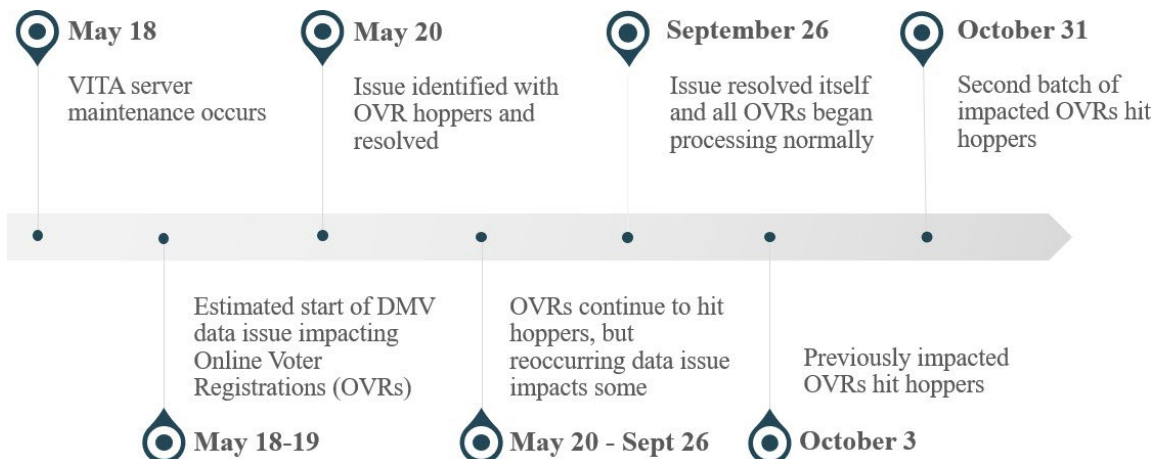
The following chart shows the monthly totals of voter registration applications received from DMV in the months leading up to the election.

DMV Monthly Application Totals



The first time ELECT received information about a specific person’s voter registration that was not found in the hoppers was on September 28. Upon researching this voter, it was discovered that there was an issue between the computer code that receives the data from DMV and the computer code that presents the data to the VERIS application for processing. As ELECT conducted troubleshooting to discover the cause of the issue, it was discovered that the problem essentially corrected itself and OVRs began processing normally on September 26. The problem has not repeated itself since. While it is positive that the issue is resolved and has not repeated, this self-correction makes isolating the root cause of the problem a challenge. The ELECT IT team developed a trace to place on the connection to try to determine the root cause of the problem, though it is inconclusive to this point. ELECT has also added additional auditing code to alter the IT team to this type of issue in the future.

The following provides a visual overview of the events related to the impacted DMV voter registrations:



Since ELECT has a log of transactions, every record that comes in at the entry point and every record that is presented to VERIS for processing is recorded, ensuring that no data is lost. In this case, ELECT was able to determine exactly which OVRs failed. Those records were transferred

to general registrars for processing. General registrars acted quickly and processed the impacted voter registrations in time for the voters to cast a ballot in the Election. In the UVA Survey, only 2.5% of voters surveyed indicated a problem with their voter registration when attempting to vote, while an overwhelming 97.5% of respondents reported that they encountered no issues.¹³

The consequences for general registrars related to this issue were sizable, especially for small and medium sized localities. Under [1VAC20-20-70](#), ELECT offered localities aid in processing voter registration applications and made every attempt to assist localities.¹⁴ Despite these efforts, most of the workload fell to localities reducing staffing resources in addition to causing stress and frustration in the final weeks leading up to the election. It is through the diligence and dedication of general registrars and their staffs that all voter registrations were processed and the impact on voters was minimized. Registrars noted the following in the 2022 ELECT Survey:

- “The time needed to process those (Voter Registrations) took staff away from other necessary tasks related to election preparation and early voting.”
- “We are a 2 person office and while trying to filter calls, process over 120+DMV OVRs and handle early voting, along with SDR was a challenge.”

KEY TAKEAWAYS

- ELECT has prioritized the creation of logging and alert features in the existing VERIS and is designing the new statewide voter registration system to include designated monitoring requirements.
- ELECT has partnered with VITA to provide a third-party after-action report to identify additional areas of improvement in the existing system.

Redistricting Mailings

During the 2022 General Assembly Session, a \$2.2 million budget amendment passed requiring ELECT to send voter notices to all Virginia voters impacted by decennial redistricting efforts.¹⁵ Despite efforts by ELECT to inform Virginia voters of the changes made to their election districts in a statewide mailing of postcards with the information, only 55% of those surveyed in the 2022 UVA Survey indicated that they received a postcard, while 25.8% could not remember, and 19.2% stated they never received a postcard.¹⁶

¹³ Karsh Institute of Democracy, University of Virginia, UVA 2022 Virginia Election Survey Topline, December 2022

¹⁴ Virginia Administrative Code, [1VAC20-70-70](#)

¹⁵ Virginia State Budget, Budget Amendments, Voter Notices Requiring New Districts, 89 #2h, <https://budget.lis.virginia.gov/amendment/2022/1/HB30/Introduced/FA/89/2h/>

¹⁶ Karsh Institute for Democracy, University of Virginia, UVA 2022 Virginia Election Survey, December 2022

During the redistricting mailing process, ELECT encountered issues regarding incorrect voter notices being received by Virginia residents. These issues are discussed in greater detail below.

Northern Virginia

Voter notices were sent to voters in seven towns in Fairfax and Prince William counties that included incorrect voting location information for Election Day. The error was due to a printing issue by the third-party vendor, under contract with ELECT for the past three years, in which the voting location listed on the notice was kept static on the print job and not changed for each voter as designed. The number of affected voters in each town is as follows:

Dumfries: 3029	Occoquan: 878	Clifton: 199	Vienna: 12,169
Haymarket: 1079	Quantico: 367	Herndon: 13,387	

The general registrars of Fairfax County and Prince William County sent corrected notices to these voters. ELECT reimbursed the localities for related expenses. These notices did not impact any voter’s ability to vote early because the notices only contained incorrect voting information for Election Day polling places, which were corrected by the second mailing. The incorrect polling location listed in Fairfax City reported zero issues on Election Day with voters from other polling locations coming to vote.

Southwest Virginia

Voters in Southwest Virginia with post office (P.O.) boxes were sent incorrect information. The incorrect mailings were a result of the printer being jostled and misaligned. The printer took full responsibility and reimbursed ELECT for the cost of the mailing. Localities in Southwest Virginia with more than 20 affected voters were:

Bristol City: 116	Dickenson: 2097	Norton: 314	Tazewell: 5147
Buchanan: 5300	Grayson: 29	Russell: 5286	Washington: 1494
Amherst: 57	Lee: 2455	Scott: 1463	Wise: 7342

Several additional localities had between 1 and 10 voters affected. Those voters were contacted by ELECT. Corrected notices were mailed to all affected voters. The new notices were printed on yellow paper to note that they were a correction.

Sussex County

The Sussex County general registrar discovered that incorrect address for two polling locations were entered into VERIS and printed on voter notices sent to voters there. ELECT relies on the accurate input of these locations to print their notices. After discovering this error, the general registrar’s office printed and mailed corrected notices.

General registrars expressed concerns that the mailings further eroded confidence in elections. One general registrar described the impact stating, “This again put more strain on the localities by having to take the time to go pay return postage and answer the numerous calls about the notices.”

KEY TAKEAWAYS

- ELECT is reexamining the relationships it has with printers and securing a printer with the capacity and trust for large projects.
- ELECT is evaluating its internal processes and creating a more standard approach to future mailings.

Translations

Pursuant to [§24.2-128](#) of the Code of Virginia and the Federal Voting Rights Act, election materials are required to be translated into minority languages in both covered localities and covered states.¹⁷ Covered localities in the Commonwealth are determined by the Census Bureau, based on a formula laid out in the Voting Rights Act, and designated by the United States Department of Justice. In Virginia, there are four covered localities that are required to translate election materials:

Fairfax County	Hispanic, Vietnamese
Manassas City	Hispanic
Manassas Park City	Hispanic
Prince William County	Hispanic

ELECT strives to provide voting or election materials on its website in four languages: English, Spanish, Vietnamese, and Korean. These materials include but are not limited to the following: registration or voting notices, forms, instructions, assistance, voter information pamphlets, ballots, sample ballots, candidate qualification information, and notices regarding changes to local election districts, precincts, or polling places; "registration notices" means any notice of voter registration approval, denial, or cancellation. At the beginning of the 2022 General Election cycle, it was found that many of these materials were either not translated or were translated but were out-of-date. ELECT made great efforts and strides to correct this oversight. By Election Day, all required voting or election materials were translated into the required languages with the addition of Korean. Currently, ELECT uses an approved third-party translating service to have all such materials translated for ELECT's website. Seeing the need for greater access and more efficient translation, ELECT has begun seeking translation software to automate some translations on its website.

KEY TAKEAWAYS

- ELECT needs a more efficient, accurate way to provide language translations.
- ELECT will continue to constantly monitor and update its website to provide content to all Virginia voters.
- ELECT needs to develop a way to verify language translations are accurate.

¹⁷ Code of Virginia, [§24.2-128](#); United States Department of Justice, Civil Rights Division, About Language Minority Voting Rights, <https://www.justice.gov/crt/about-language-minority-voting-rights>

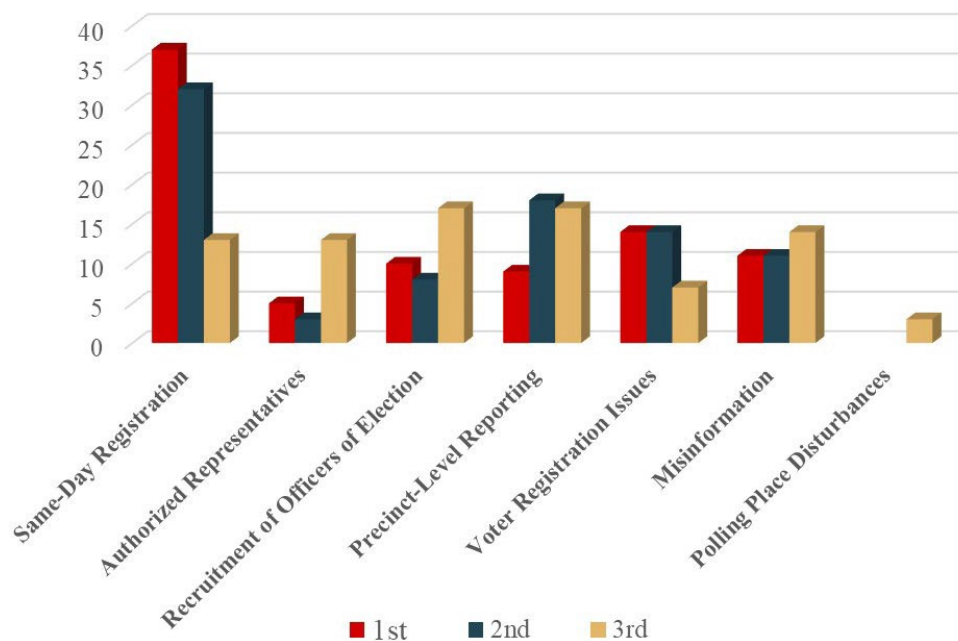
Election Day

This section discusses issues related to administration on Election Day, including the impact of same-day voter registration, relationships with authorized representatives, and complications with Demtech Pollbooks during the 2022 General Election.

Same-Day Registration

Based upon the responses to the 2022 ELECT Survey, same-day registration was the area of election administration that presented the biggest challenge for general registrars, with over 75% of respondents ranking it as their first or second top challenge:

Top 3 Challenges in Relation to 2022 General Election



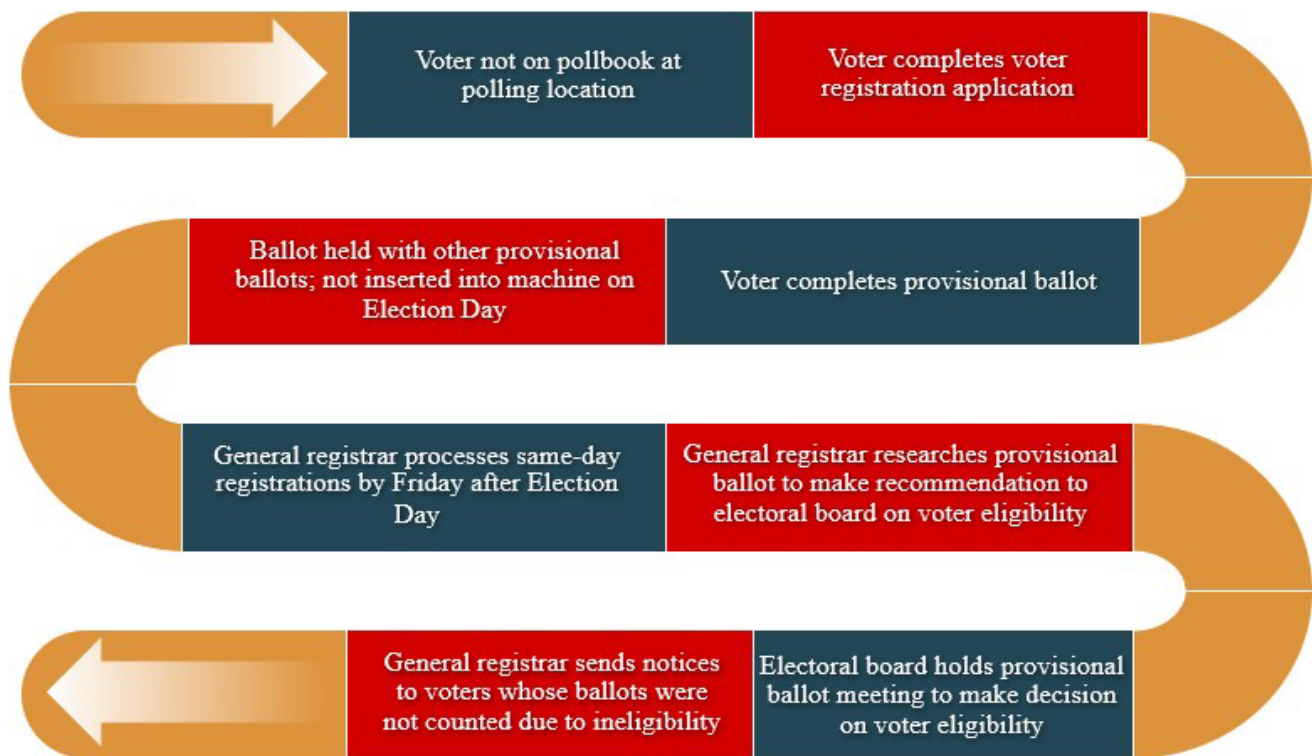
Although passed during the 2020 General Assembly Session, same-day registration for all voters became effective for the first time during the 2022 November General Election.¹⁸ Same-day registration is a type of in-person registration generally conducted after registration records close that involves registering to vote and casting a ballot on the same day. This is consistent with the implementation in Virginia, where a provisional ballot process is utilized.

In developing the process for same-day registration, ELECT staff collaborated with stakeholders in the general registrar community. A primary consideration in the same-day registration process was the fact that individuals would be submitting a registration and casting a ballot simultaneously. One related concern was the inability to process a registration prior to a ballot being cast. Further, it is not possible to confirm if a same-day registration was completed at a different location on

¹⁸ Code of Virginia, [§ 24.2-420.1](#)

Election Day, as the Commonwealth does not currently require every locality to operate with an electronic pollbook, nor does it allow for internet connectivity on Election Day; these two factors make it impossible to confirm if a same-day registration was completed in a different locality.

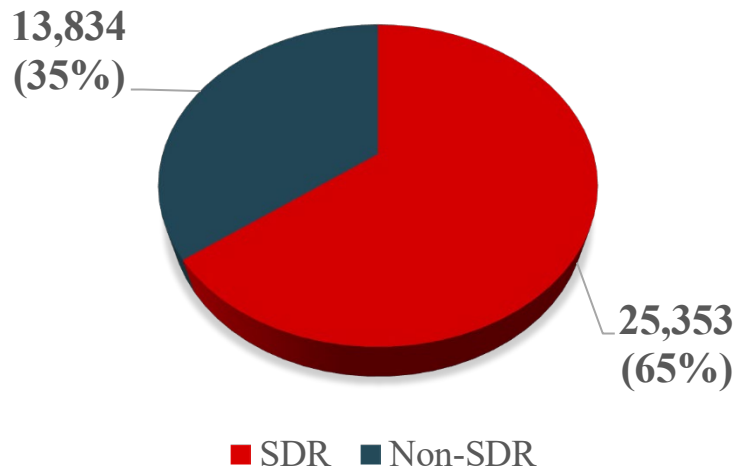
Accounting for these considerations, it was ultimately decided that the best way to conduct same-day registration in the most secure manner was to utilize a provisional ballot process. The following gives an overview of the same-day registration process:



For the 2022 General Election, the same-day registration process was available beginning on October 18, the first day registration records were closed. Individuals could register and vote using same-day registration during the early voting period, through Saturday, November 5, and on Election Day.

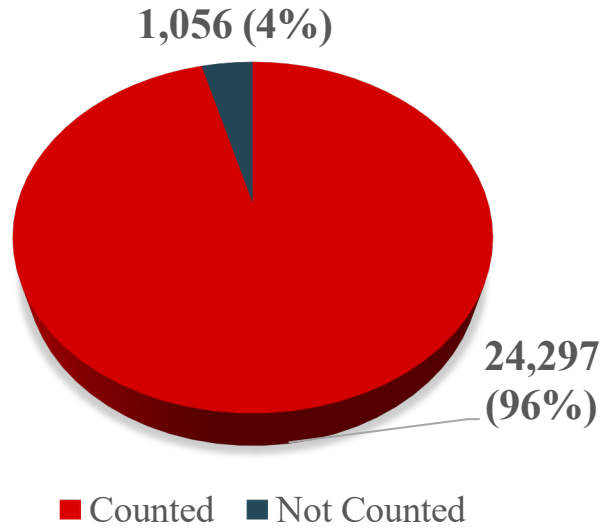
While provisional ballots may be used for several reasons such as: missing, lost, or damaged absentee ballot submissions on Election Day, or a voter both does not have identification and refuses to sign an identification confirmation statement, this report primarily focuses on their use in the same-day registration process, which was by far the largest driver of their use. In terms of the canvass process, there is no distinction between provisional ballots used in the same-day registration process and those cast for other reasons. All provisional ballots are researched for voter eligibility by the registrars and either approved or rejected by the electoral boards as part of the canvass process. In total, there were 39,187 provisional ballots submitted. 25,353 of those ballots were used in the same-day registration process.

Total Provisional Voter Turnout



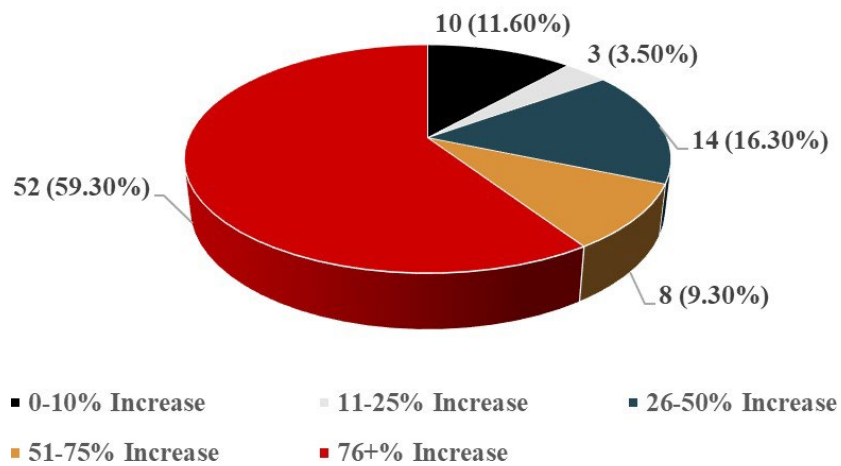
SDR Provisional Ballot Turnout

Total = 25,353



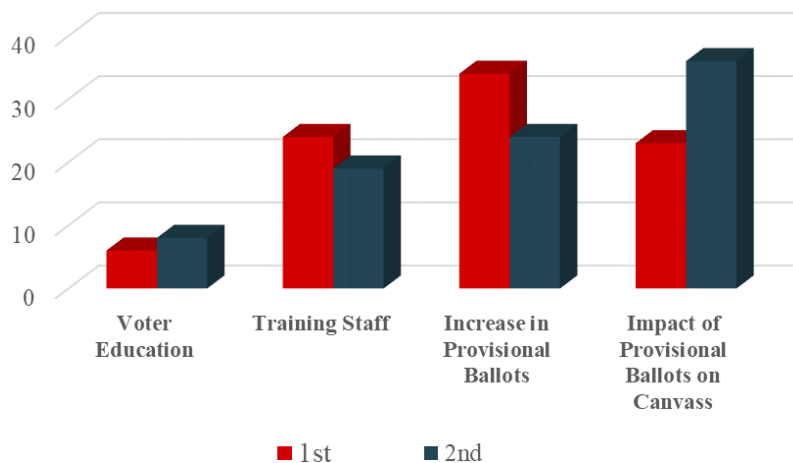
Unsurprisingly, over half of the general registrars responding to the 2022 ELECT Survey experienced an increase of greater than 50% in provisional ballots from the 2021 General Election to the 2022 General Election.

What was the percentage increase in provisional ballots in your locality compared to the 2021 General Election?



Based upon the feedback from general registrars, this influx of provisional ballots was the primary cause of challenges in implementing same-day registration.

Top 2 Challenges in Implementing Same-Day Registration



Generally, general registrars noted that the increase in provisional ballots put pressure on operations both at polling locations and in general registrars' offices. In particular, many general registrars reported delays and/or confusion for officers of election in administering the same-day process. Often, these challenges resulted in higher demand for assistance from the general registrar's office to provide support to officers of election:

- “SDR represents a major challenge in the time, manpower, and research needed to process SDR ED voter registrations, SDR provisional ballots, and to manage and track the needed research for each of these provisional ballots.”
- “Seasoned and senior Chief and Asst. Chief election officials, although trained appeared to need assistance in providing provisional ballots”
- “All Chiefs on Election Day felt overwhelmed with the number of Provisionals required to document and go through filling out required paperwork. I worked very hard training my Chiefs on SDR but they were overwhelmed with all the variables in deciding whether they were dealing with SDR and if they were in the correct precinct.”
- “The level of complication and challenges in handling all important details with accuracy is an overwhelming task for officers of election to handle. They are not full-time employees with the level of training that discerning all details requires.”
- “Training will not change the fact that this is being handled at the polling place by workers who work 1 or 2 days a year.”
- “Trained the staff on it best we could with not knowing ourselves how it worked in real time. Poll workers are increasingly older and need more guidance during the process.”

Some general registrars noted that it was hard to predict the number of required provisional ballots needed; in some localities, general registrars had to arrange for additional ballots to be delivered to precincts with heavy same-day registration activity. Additionally, technology challenges with administering same-day registration at polling places were raised, including the lack of connectivity for electronic pollbooks:

- “Electronic Pollbook connectivity would enable information to be added and transmitted to office and/or other precincts.”
- “Determining whether a voter is at the correct precinct due to no technology for election officials to determine where addresses fall on street files.”
- “A better system for cross referencing the citizens who are registering and voting same day.”
- “[E]very single one has to be called in to the GR's office to ensure voter is in correct polling place.”

Some general registrars raised the prospect of centralization of the same-day registration process in order to address these challenges with polling places and officers of election:

- “The polling place is no place for administrative office functions. Voter registration is an office function.”
- “Honestly, change in the [C]ode, that requires all same day to take place at our office.”

General registrars in the 2022 ELECT Survey also raised the issue of the impact of same-day registration on the post-election process. In line with the common concern of the implementation of several new requirements, many general registrars noted the burden of layering report-by-

precinct on top of same-day registration. Also, due to the provisional nature of the process and increased volume, general registrars and local electoral boards faced additional responsibilities in what was already considered a tight timeframe to complete the canvass process. This burden was particularly felt by general registrars who have the responsibility of researching voter registration applications related to same-day registration voters and making provisional ballot recommendations to their electoral boards. The canvass and post-election process are discussed in greater detail later in this report, though the following are observations from registrars:

- “Considering the number of staff with VERIS access in our office, there is not enough time from election day until the end of canvass to process all the SDR Provisionals as accurately as we would prefer.”
- “With a long period for absentee ballots to arrive, more provisional ballots to process, and the state having to complete a risk-limiting audit anyway, a longer certification period for locals should be a no brainer.”
- “Our team was exhausted from early voting and election day, adding a large amount of provisionals put a lot of pressure on our office during the canvass. We did not have enough time to be as meticulous as we would have liked, which lead to simple mistakes.”
- “The number of provisionals at canvass took much more extensive work by the EB and staff to research each provisional ballot. This took additional time, and this creates difficulty in concluding the canvass within the statutorily allotted time.”
- “The lack of time we had to research and log each provisional ballot.”
- “Preparing for the canvass was more difficult with the increase in provisional ballots. If we didn't have the additional days [due to the Veterans Day holiday], I'm not sure we would have been ready for the final provisional ballot meeting on Friday.”

While challenges existed, it is important to note that some general registrars did express positive observations regarding same-day registration or, at least, some optimism about the ability to administer same-day registration in the future:

- “I know SDR has many Registrars up in arms, but we definitely saw situations in precincts on Election Day that were diffused because SDR is available. The stress level decrease for our Election Officers was remarkable.”
- “SDR just being a [n]ew process and giving the Officers of Election an additional workload, they will grasp the concept in time.”
- “SDR being new, was difficult to navigate. Going forward, with all of the information, it seems that it will be less of an issue.”

Further, based upon the results of the 2022 UVA Survey, same-day registration does not appear to have had a significant negative impact on the voter experience on Election Day. 88.1% of respondents indicated that things ran “very well” and that no problems arose at their polling place,

while 10.2% reported that things went “Okay” and only 1.7% reported “not well” or “terrible”.¹⁹ This was a slight increase from the 2021 UVA Survey, which indicated that 87.6% of survey respondents selected that operations ran very well and 10.8% indicated that things ran “Okay” at their polling place during the 2021 General Election.²⁰

KEY TAKEAWAYS

- ELECT will identify and provide additional areas of training for both general registrars and officers of election.
- ELECT will work with stakeholders to identify aspects of the same-day registration process that can be added, eliminated, or adjusted to facilitate a more uniform, streamlined process.
- One solution for the stress at polling locations is to require all same-day registration to occur at general registrars’ offices.
- Extending the canvass period would provide additional time for general registrars and electoral boards to process the influx of provisional ballots stemming from same-day registration.

Authorized Representatives

An authorized representative “of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, [has the right] to remain in the room in which the election is being conducted at all times.”²¹ This includes the right “to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election.”²²

In observing the conduct of elections at polling places, authorized representatives serve an important function in the electoral process. Over the years, ELECT has received many questions about managing the presence of authorized representatives and has issued guidance related to the rights, responsibilities, and limitations on authorized representatives.

The topic of authorized representatives was frequently raised by general registrars in the 2022 ELECT Survey. Based upon these comments, many of the general registrars find aspects of the authorized representatives to be an additional administrative challenge:

- “The Chiefs felt that some were trying to interfere with the process as they wanted to cause scenes in front of voters.”

¹⁹ Karsh Institute of Democracy, University of Virginia, UVA 2022 Virginia Election Survey Topline, December 2022

²⁰ Election 2021 Democracy, Voter Confidence and Electoral Integrity in Virginia, University of Virginia, Karsh Institute of Democracy, Paul Freedman, Jennifer L. Lawless, Galen Sheely, April 2022, https://karshinstitute.virginia.edu/sites/karshinstitute.virginia.edu/files/Election%202021%20Report_Final%20-%20KARSH.pdf

²¹ Code of Virginia, [§24.2-604.4\(A\)](#)

²² Code of Virginia, [§ 24.2-604.4\(C\)](#).

- Some were very aggressive and insisted on hovering over our officers of election. We had to ask them to back up and give some space especially around the voting machine.”
- "Pulling away from our core responsibilities.”
- “[N]ot following the laws set forth in the authorized rep guidelines.”
- “[O]verwhelming and combative at times. They followed our EOs around during Early Voting and at times were disruptive to the process.

It is important to note that despite these issues, the 2022 UVA Survey indicates that voters had an overwhelmingly positive experience at their polling place. On a sliding scale that went from very well, okay, not well, and terrible, 88.1% of respondents thought that things were run very well in their polling place and that 81.3% of poll workers did an excellent job.²³ When asked if the voters surveyed encountered any sort of harassment inside or outside of the polling place, 97.7% of respondents said no.

KEY TAKAWAY: ELECT will consult with stakeholders in relation to this important issue to facilitate better working relationships. In addressing the concerns of general registrars, ELECT will continue to provide guidance and explore avenues for new processes to ensure that authorized representatives can serve their important function under the Code without unduly disrupting polling place operations.

DemTech Electronic Pollbooks

As of 2019, Virginia is one of thirteen states that certify electronic pollbooks (EPBs). In the Commonwealth, localities have over 8,000 pollbooks supported by four vendors: Election Systems and Software, Knowink, Dem Tech, and Robis Elections. DemTech is the most widely used electronic pollbook in Virginia, with 94 localities as customers.

While no issues occurred with DemTech electronic pollbooks during the 45 days of early voting, some localities had issues with their DemTech pollbooks on Election Day. Several factors contributed to these issues. The primary cause was a malfunctioning time chip in some units that caused the EPBs to slow down, which required them to be restarted. The secondary issue was a de minimus change approved update that allowed the key, which refers to the USB flash drive used in unlocking the EPB for use, to remain in the unit. Users had to pull out and reinsert the key to open the EPB, which resulted in confusion for some officers of election.

Localities were delayed in purchasing the upgraded EPBs, shrinking the amount of time to train and understand the upgrades. One general registrar noted the impact saying, “[L]ocalities were scrambling to get the new software and receive training, so they could pass the information on to their officers of elections.” Despite these issues, all data was found to be secure and accurate on the EPBs after an analysis of the audit logs and VERIS logs was conducted.

²³ Karsh Institute for Democracy, University of Virginia, UVA 2022 Virginia Election Survey Topline, December 2022

DemTech will provide new time chips to all customers to ensure the time and date are correct when data is entered into VERIS along with a detailed instructions on how to install and synchronize the chip. Training for both DemTech employees and localities will be provided for better understanding of the system and how to communicate issues and solutions. DemTech is making available online training for all localities using their EPBs.

KEY TAKEAWAY: DemTech, ELECT, and localities are working together to ensure that these issues do not occur in future elections.

Post-Election

This section discusses precinct-level reporting of absentee results and challenges related to the administration of the 2022 Risk-Limiting Audit.

Precinct-Level Absentee Reporting

In 2021, [§24.2-667.1](#) of the Code was created to require the reporting of the number and results of absentee ballots cast early in-person separately from all other absentee ballots.²⁴ In 2022, this was amended to add a requirement for reporting for each precinct the number and results of absentee ballots cast by voters assigned to that precinct.

To comply with the report-by-precinct requirement, localities must have different ballot styles for each precinct to ensure that there is breakdown by precinct when the ballots are processed at the central absentee precinct. This is in addition to ensuring that the early, in-person absentee ballots for each precinct are maintained separately. Finally, the precinct-level information must be entered into VERIS.

Overall, general registrars viewed the precinct-level reporting requirement as burdensome for a variety of reasons. Some pointed to aspects of preparing for the Election that were impacted by the requirement:

- “Of the two big Code changes, precinct-level reporting is a bigger challenge because of the number of ballot styles needed to run a CAP.”
- “Precinct-level reporting was burdensome to our office, the voting equipment vendors, and our officers of election.”
- “Precinct level reporting made cost very high for a locality like mine that does not have districts.”
- “The cost of ballots is a future budgeting increase.”

Other general registrars discussed challenges in the administration of the election due to the requirement:

- “Between in-person and mail, the tracking of each precinct's ballot by style creates an exponential threat of making an accidental mistake when issuing a ballot.”

²⁴ Code of Virginia, [§24.2-667.1](#)

- “Precinct level reporting was extremely tedious and time consuming. One of the biggest challenges we all have is voters showing up on election day or during early voting who have requested a vote by mail ballot. This is very time consuming and frustrating for the voters.”
- “My highly experienced CAP workers have already told me that they are not going to work CAP again unless it is simplified.”

Some general registrars pointed to the burden of entering the required data and the general impact on the logistics of the post-election process:

- “Reporting CAP results by precinct created a lot more work for CAP Officers and Staff entering election night results and post-Election results.”
- “It took over 1 hour to print the opening tapes for this election in our CAP. It also took over an hour to close the machines down on election night. Which slows down our results reporting, and in today’s climate does NOT foster faith in the election process.”
- “Late voter registration applications and precinct level reporting added a ton of work and stress to an already severely over-loaded GR!”
- “Difficult to accumulate early voting machines tapes for more than one early voting site to enter precinct level totals.”
- “If we did not have the reporting software, we would have had over 11K data entry points prior to entering data into VERIS. Talk about errors! But, with the reporting software, it was a simpler process; however, entering the election night data into VERIS is rather confusing.”

KEY TAKEAWAY: ELECT will continue to evaluate the established processes for this requirement and consult with affected stakeholders. To the extent possible, ELECT will explore options for greater clarity, simplification, and uniformity in how the process of report-by-precinct is handled, from the development of ballots to the entry of results in VERIS.

Risk-Limiting Audits

Pursuant to [§24.2-671.2](#) of the Code of Virginia, ELECT is required to coordinate a pre-certification risk-limiting audit of ballot scanner machines in the Commonwealth.²⁵ The 2022 November General Election Risk-Limiting Audit (RLA) took place in the three weeks following the general election for the United States House of Representatives. During the November 16th meeting of the SBE, United States House of Representatives District 9 was randomly chosen by the Chairman of the SBE to be audited. ELECT announced the successful completion of the audits on December 1, 2022. The results confirmed with over 99% confidence that the machines accurately reported the results of the race.

²⁵ Code of Virginia., [§24.2-671.2](#)

Batch Comparison vs. Ballot Polling

With the passage of new RLA legislation during the 2022 General Assembly Session, localities were on a much tighter timeline than any previous years to complete their RLA. Previous legislation mandated that participating localities conduct their RLAs post-certification, while current legislation mandates that RLAs be completed *before* certification. Despite the certification of the election being pushed to the first Monday in December, localities had roughly 9.5 business days to complete their RLA, when factoring in the Thanksgiving holiday.

Even though ELECT received no public comment regarding the type of method used to conduct RLAs, in the two workgroup meetings, composed of members of the general registrar and electoral board communities and ELECT staff, held in July and August of 2022, inquiries were made regarding the method of RLA used in the Commonwealth in the month leading up to the 2022 General Election. Some constituents raised the idea of changing or adding other methods, such as a batch comparison RLA, for the RLA method.

The manual, approved by the SBE in September of 2022 and vetted through the workgroup, details the ballot polling method only. Given the introduction of a new statutory requirements that introduced a shorter timeline to conduct the 2022 RLA as well as several new election laws, such as the introduction of Same-Day Registration and Absentee by Precinct Level Reporting, ELECT recommended that the SBE not expand the method of conducting the RLAs at the November 16th SBE meeting. Further, there was no time to create and train on new standards for conducting a batch comparison RLA or solicit recommendations from the field. Without the time to train and develop new standards, a last-minute change to the process on such a short timeline could have threatened the validity of the audit.

One of the strengths of utilizing the ballot polling method to conduct a risk-limiting audit is that it relies on statistical principals to assess each race and pull only a sample size of ballots necessary to achieve confidence in the election results. This results in fewer ballots being retrieved and reviewed, which results in a significantly reduced workload for localities. While ballot polling is recommended as the most practical option for conducting RLAs in the Commonwealth of Virginia, further research may lead to the option of allowing for different methods of conducting RLAs of future local contests.

KEY TAKEAWAYS:

- On behalf of the SBE, ELECT is researching the practicality of offering the batch comparison method as an option for future RLAs to allow localities some flexibility in determining the type of RLA they would like to conduct.

2022 General Election: Voter Education Campaign

The 2021 UVA Survey revealed that Virginians’ “positive voting experiences were overwhelmed by national narratives that worked to undermine confidence.”²⁶ That’s why, for the 2022 voter education campaign, ELECT wanted to focus on the ease and accessibility of voting in Virginia. The “Virginia is for Voters” campaign encouraged Virginians to make their vote count by sharing details about how, when, where eligible Virginians can vote. Please see Appendix B for examples of materials used in this campaign.

Media Campaign

The campaign was executed across online media and radio targeted to the general public as well as underserved populations.

- Online buys were targeted statewide via Virginia Press Services, with digital banner and newspaper website ad placements. The buy also includes mobile ticker tape ads and multiple streaming radio platforms.
- In radio markets that are rated, the buy included the top-rated stations against adults 18+. For smaller and non-rated markets, stations were identified based on prior statewide media buying experience. Radio markets included Bristol/TriCities, Charlottesville, Fredericksburg, Hampton Roads, Harrisonburg, Richmond, Roanoke/Lynchburg, Washington DC, Winchester/Culpeper, and 13 rural markets (Northern Neck/Middle Peninsula, Eastern Shore, Blackstone, Bluefield, Clintwood, Farmville, Lebanon, Norton, Orange, Pennington Gap, South Boston, Stuart, and Wytheville).
- Spanish-speaking Virginians were also targeted through the media buy, including statewide banner ads, newspaper websites, mobile ticker tape ads, and streaming radio, with creative translated into Spanish.

Media Analytics

Paid media for the campaign generated 30,877,559 impressions* from October 11-November 8, 2022.

- Online generated 11,335,380 impressions.
- Radio generated 19,542,179 impressions (from measured markets).

Online advertising for the campaign earned 107,105 clicks to the ELECT website, for an overall Click-Through Rate** (CTR) of 0.94%.

- Mobile ads generated 3,591,982 impressions, and 102,546 clicks, for a 2.85% CTR.
- Ads placed on 57 newspaper websites, four of which were Spanish language, generated 4,214,064 impressions and 3,037 clicks, for a .07% CTR.
- Statewide display ads generated 1,902,224 impressions and 1,010 clicks, for a .05% CTR.

²⁶ Election 2021 Democracy, Voter Confidence and Electoral Integrity in Virginia, University of Virginia, Karsh Institute of Democracy, Paul Freedman, Jennifer L. Lawless, Galen Sheely, April 2022, https://karshinstitute.virginia.edu/sites/karshinstitute.virginia.edu/files/Election%202021%20Report_Final%20-%20KARSH.pdf, p. 10

- Streaming radio generated 1,627,110 impressions and 512 clicks, for a .03% CTR.

Spanish-language digital added to campaign earned the same CTR as English-language, indicating an appetite for this type of information. (In 2021, Spanish-language advertising ran in print media only.)

The addition of mobile ads in the 4-week campaign helped ELECT achieve more clicks to the website than the year prior, despite a lower media budget.

*An impression is defined as an individual view, and multiple impressions can be attributed to a single individual.

**Click Through Rate (CTR) is calculated by dividing the number of clicks to the website by impressions generated.

Social Media Toolkit

A social media toolkit was developed for the Virginia Department of Elections and its partners to support the voter education campaign. A new icon for accessibility was incorporated into the social graphics supporting an accessibility message. The toolkit included social shareables in English, Spanish, Korean, and Vietnamese.

2022 General Election: Call Center and Online Complaints

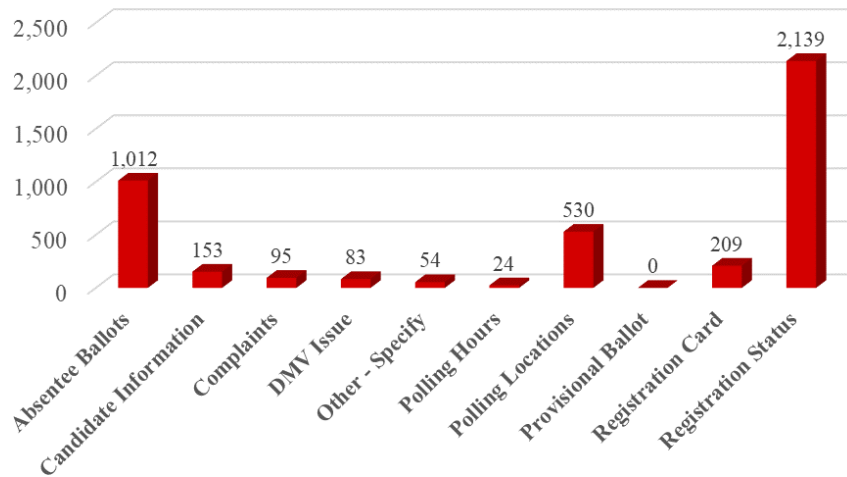
As part of its post-election reports, ELECT provides data regarding inquiries and complaints fielded in the given election cycle. These focus on two avenues: the call center and the online complaint form.

Call Center

ELECT contracts with Adapt Business Solutions to create a call center during the general election cycle, when more calls placed to ELECT. Overall, the average handle time was 3:48 minutes, average talk time was 3:39 minutes, and the average call wait time was 5 seconds. The topics that received the most calls remained the same as previous election years; the top three topics include: registration status, absentee ballot information, and polling location information. Compared to the 2021 General Election call center metrics found in the 2021 Post-Election Report, ELECT saw a reduction in total calls across all categories.²⁷

²⁷ Virginia Department of Elections, 2021 Post-Election Report, https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/Post-Election-Report_FINAL.1.24..22docx.pdf

Number of Calls from August 30 to November 11



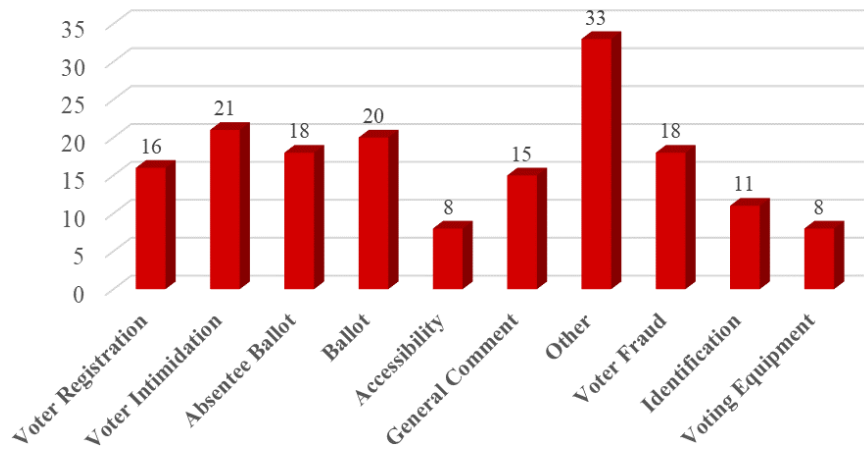
Online Complaints

For several years, ELECT has provided an [online tool](#)²⁸ for voters to voice their concerns about an election. In most cases, because election officials in the voter’s locality best adjudicate these issues, ELECT forwards these issues to the local general registrar. ELECT follows up with the local general registrar to determine the outcome. A few of these issues are more urgent and require immediate attention from ELECT staff. These issues most often involve whether someone is registered to vote, finding a voter’s correct polling place, or other factors that may limit a voter’s ability to cast a ballot. By providing a high-level overview of the patterns of voter complaints, the system alerts ELECT staff to analyze complaint data and monitor what may be a situation developing in a locality or precinct. In the majority of cases, the general registrar or officers of election are already aware of a particular situation (e.g. long lines, voting machine issues, etc.) and are working on a solution, and simply have not had time to contact ELECT. In rare cases, ELECT will be the first to report a problem or pattern of issues to the general registrar. Either way, the voter complaint system allows ELECT and general registrars to quickly recognize and work to resolve Election Day issues.

ELECT received 175 online complaints, which represents a minute fraction of the total number of voters who participated in the 2022 General Election. Most online complaints were filed on Election Day with 115. ELECT saw a significant reduction in online complaints compared to previous years. Below are charts related to both online complaints and the call center for the 2022 Election cycle.

²⁸ Virginia Department of Elections Voter Complaint Form, <https://fs28.formsite.com/vaelect/yynt8fwwin/index.html>

Online Complaints by Type



Online Complaints by Year

<i>Complaint Type</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
Absentee Ballot	18	26	8	161	24	18
Accessibility	15	32	6	9	6	8
Ballot	26	27	45	232	21	20
General Comment	26	42	17	42	16	15
Identification	12	27	8	23	11	11
Law Enforcement	1	2	1	0	2	-
Long Lines	2	113	0	3	0	-
Other	45	69	33	160	38	33
Vandalism	0	0	0	1	0	-
Voter Fraud	12	20	4	137	18	18
Voter Intimidation	34	44	5	56	53	21
Voter Registration	29	11	17	51	16	16
Voting Equipment	12	62	10	36	15	8
Total	232	475	154	911	221	168

Reflections: Impacts on General Registrars and Staff

As the frontline keepers of our democracy, general registrars, their staffs, and officers of election often work in challenging environments with many demands. Virginia is one of five states that hold off-year elections, requiring registrars to administer an election every year, often with several special elections. In addition to implementing the foundational legislative changes discussed previously, general registrars in the last three years have navigated a global pandemic and an increasingly polarized political environment - all of this while successfully executing their “normal” duties of administering multiple elections with little to no incidents. This was done in conjunction with the reconfiguration of new congressional, state, local, and precinct lines as part of decennial redistricting efforts and amidst several complications brought on by an aging voter registration system. With the vital role of general registrars in our electoral process, ELECT prioritizes a strong relationship and open line of communication between ELECT and localities. In addition to the 2022 ELECT Survey, this priority was demonstrated with personal visits by Commissioner Beals to the offices of 35 general registrars as well as bi-weekly calls with leadership from both the general registrar and electoral board communities to discuss emerging issues and concerns.

While the input of general registrars was sought largely for their perspectives on election administration, it is also important for ELECT, the General Assembly, and the public to hear directly from general registrars about their personal experiences in their roles, in part so that they receive the necessary support to continue to run fair and free elections in the Commonwealth. As part of the 2022 ELECT Survey, general registrars were provided the opportunity to shed light on their profession by asking questions about job satisfaction, positive and negative aspects of their role, and various impacts on staff and officers of election. A series of quotes from the general registrars’ responses are included throughout this section.

Job Satisfaction

“We all work very hard to maintain what is required, and we care deeply of our professions.”

General registrars are dedicated public servants committed to serving their communities, educating voters, and ensuring the effective administration of elections. This is evidenced in part by the longevity of the survey respondents, about two-thirds of whom reported experience of eight or more years in both election administration and service to their current localities. Unsurprisingly, the survey responses reflected this dedication and commitment.

“Continuing to demonstrate in word and deed that our Democracy indeed still works is most important to me.”

“I feel like this is a noble calling and is a patriotic endeavor.”

“I work with wonderful, committed people.”

An overwhelming number of general registrars particularly noted their satisfaction in working for and with voters. One general registrar responded, “I enjoy serving my community and ensuring our locality is accessible and fair for all.” Another offered, “I enjoy finding new ways to engage

with and educate the voting community.”

A key aspect of the job for many general registrars is the deep sense of comradery with their peers and staff, with one pointing to “the support and wealth of knowledge shared by our general registrars throughout the Commonwealth.” Another indicated, “We have a great team with the staff, the [electoral board] and our officers, and it's very rewarding to work with people who want to achieve the same goal: helping voters.”

Overall, a significant majority of registrars reported satisfaction with their positions. On a scale of 1 to 5, with 1 being the least satisfied and 5 being very satisfied, over 70% selected either 4 or 5.

Challenges of the Job

While respondents had many positive things to say about their roles, they also spoke frankly about challenges. While challenges particular to the 2022 General Election have already been discussed, registrars raised a range of other issues that impact their positions.

“This job is and always has been a pressure cooker. There are no do overs and mistakes aren't tolerated. With all the changes since 2020, we now have an election season that runs from mid-August through early December. Burnout is real and it is happening across the Commonwealth.”

Voter Experience

Misinformation circulated to voters was a commonly mentioned challenge by respondents. “Even in elections, like the November 2022 General Election, that run ‘smoothly’, it is a very big threat that we see voters on a daily basis who don’t believe their votes count or that they are somehow ‘victims’ of a system designed to work against them.”

Despite concerns from registrars that voters were hearing misinformation that may make them less confident in election results, the 2022 UVA Survey data indicated that voters had an overwhelmingly positive experience at the polls -- over 88% of participants said operations at their polling place ran “very well,” over 80% said poll workers were excellent, and over 90% encountered no problems with the voting equipment – and 88.5% of respondents were “very confident” or “somewhat confident”-- that the votes in the 2022 General Election were counted as intended.²⁹

Politicized Environment

General registrars described their experiences having to play referee between political parties. One general registrar wrote, “I have concerns about the politicization of elections in Virginia and what I see as codified threats of prosecution of Registrars by representatives of both parties (on charges ranging from "fraud protection" to "voter disenfranchisement”).” Another indicated that, “Parties have a responsibility to bring the temperature back down. Lies about stolen elections not only

²⁹ Karsh Institute of Democracy, University of Virginia, UVA 2022 Election Survey Topline, December 2022

disenfranchise voters...but also increase risk for election officers and administrators.” General registrars describe the increasingly hostile work environment, in which some fear for their safety and the safety of their staff by stating, “lifelong public servants with excellent intentions and tireless work ethics have to take abuse...” One general registrar described placing signs around the office to encourage voters to “be nice” to staff: “We actually had to post SIGNS at our service windows and polling locations asking voters to please be KIND to our officers because we're all just trying to do our best to make sure their votes count.”

Impacts on Health

General registrars indicated that their job contributes to health concerns they have experienced. 56.6% of general registrars indicated that the job has had some impact on their physical and/or mental health, while 27.6% of participants responded that the job had a significant impact; only 13.8% selected that the job had no impact. One respondent stated, “I have always joked that this job is going to kill us but it's not really a joke. Look at the health problems a good majority of the Registrars have, stress has not helped any of them.” Another mentioned that the physical aspects of the job needed more awareness; this was echoed by another respondent who contributed, “Our bodies react by our backs "going out", neck pain, shoulder pain, migraines and catching multiple viruses and infections. It is a hard job for me and my staff.” Multiple respondents indicated that they worked beyond forty-hour work weeks. One general registrar stated, “[E]ach election cycle requires me to put my entire life on hold for at least 10 weeks. A normal day is 11 - 12 hours (plus the weekends).” Another reflected, “you cannot plan any family time or schedule any trips to decompress. You never know when or what is coming up. If you do take a week off, 7 hour drive to a beach, you are constantly checking your emails for any urgent matters. You cannot relax even on a vacation.”

Significant Code Amendments

Many general registrars noted the volume of new laws in recent years as a challenge. As one general registrar noted:

“[T]he legislature considers us secondary to political considerations [T]here needs to be an Election Law Commission that reviews elections and develops proposals (or reviews them) based on desirable processes and systems. Handling them on a whatever-pops-up-this-session basis, along with registrars and electoral board members running around trying to convince the legislators about the pros or cons of proposals, is an unreasonable and unserious way of handling elections.”

As stated by another general registrar:

“Our officers of election feel like we pile on more and more and we have to train more and more and they do not feel like it is worth it. With each new law/requirement, it costs more to administer elections, and we do not have the budget for it. There is strain on our voting systems due to new requirements, and eventually will require us to have to purchase new equipment.”

Relationship with ELECT

General registrars proposed suggestions for improving their relationship with ELECT. In reviewing the results of the 2022 ELECT Survey, a recurring theme was the need for ELECT to issue training and guidance sooner. Similarly, ELECT should continue to engage general registrars and solicit more feedback, when developing new processes and procedures. One general registrar noted that, “[N]ew legislation and ELECT’s assumption on how that will play out in the GR office, doesn’t always work. Continue to partner with us to build a better tool.” An effort should also be made by ELECT to streamline processes whenever feasible by reducing duplicative paperwork and processes and solicit feedback from the elections’ community when possible.

The statewide voter registration system maintained by ELECT, VERIS, was also the subject of many comments. One general registrar noted, “[Their] primary concern is the continued viability of VERIS.” Others noted the insufficiency or lack of specific elements of VERIS operations. While ELECT continues to work to maintain and improve VERIS, and will address concerns to the extent feasible, efforts are also underway to address many of these concerns in the development of the new system to replace VERIS, which is scheduled to “Go-Live” in February of 2025.

Relationship with Electoral Board

Some of the feedback from general registrars suggests opportunities for improvement in the relationship between them and their electoral boards. There appears to be some confusion as it relates to the delineation of duties between general registrars and electoral boards. As one general registrar wrote, “I cannot do my actual job [when] spending hours a day doing [electoral board] tasks.” Another general registrar suggested, “[electoral board] members should have a clear list of things they must do,” and that they “have to walk [the electoral board] through each and every step of the canvass.” While there is not clear data confirming this is a widespread issue, there are nevertheless opportunities to evaluate current guidance and materials and explore opportunities for additional training.

Officers of Election

Recruiting and training officers of election is an essential duty of general registrars. Especially as it relates to recruiting, this is also an area of great challenge for general registrars. In comparison to the previous two election cycles, 29.9% of respondents found it more difficult to recruit officers of election for the 2022 General Election, while 59.8% found it about the same; compared to election cycles prior to 2020, 33.3% found it more difficult to recruit, with 43.7% finding it about the same. As one stated, “[R]ecruiting [officers of election] is our biggest challenge every election. The next biggest issue is [officers of election] following instructions.” There were several contributing factors to this area of challenge presented by the general registrars, some of which have already been mentioned in this report, including the highly charged environment in which elections are conducted.

Some general registrars found it more difficult to recruit officers of election due to the increasing age of those who are most likely to serve in the role. As one registrar wrote, “[O]ur election officials consist of mostly older voters and we had many who opted not to participate this election.” Another stated, “90% of [their officers of election] are elderly.”

Another issue raised by several general registrars relates to the involvement of political parties in the process and the requirement for representation to be balanced between parties. When asked if local political parties meet their obligations in providing nominations for officers of election, 39.1% said responded “usually not” and 35.6% responded “never.” As a result, there are concerns about the inability to provide the required balance. As one general registrar noted, “[B]alance of [officers of election] is difficult in our locality, predominantly leaning towards one party.” Another noted that, while they do not have problems recruiting in general, “the majority of our officers are non-partisan and want to remain that way.”

As previously mentioned, new legislation requires new training for officers of election and can result in errors at polling places, as demonstrated in the discussion of same-day registration. Further, significant time and resources must be dedicated to training, with one general registrar noting, “[It] drains time, manpower, and resources away from election preparation and the Early Voting process.”

Impact on Continued Service

Despite their pride and commitment to both Virginia voters and the democratic process, being a general registrar comes with significant challenges brought on by constant change, stress, and distrust in the political process. ELECT asked general registrars if recent election cycles, since 2020, impacted their desire to continue serving in their current positions. 44.8% of respondents selected that they are *less likely* to continue in their positions, while 42.5% said that recent cycles had *no impact* and the remaining 12.6% of participants selected that they were *more likely* to continue.

Conclusion

Virginia’s elections are run by steadfast, dedicated public servants committed to serving their communities, educating voters, and furthering the democratic process. Every election provides ELECT the opportunity to observe, evaluate, and adjust. As demonstrated throughout this report, the 2022 election cycle has provided opportunities for such review. Each key takeaway addressed will influence future trainings and guidance as well as future election cycles. By working together, planning in advance, and implementing best practices, the vast majority of election administrative challenges are solved quickly and in ways that improve the voter’s experience.

Appendix A: Glossary of Terms

Authorized Representatives are qualified voters of any jurisdiction in the Commonwealth tasked with seeing and hearing what is occurring at the voter check-in table on behalf of a political party or an independent candidate.

Ballots Cast refers to the total number of voted ballots that counted towards the total results of an election. It does not include things like undervotes, overvotes, uncured absentee ballots, or late, lost/damaged, or rejected ballots. For the purposes of this report, ballots cast refer to the 2022 General Election as a whole and does not refer to any one candidate. Typically, ballots cast is lower than reported turnout.

Department of Elections (ELECT) is tasked with the administrative and programmatic operations and discharges the Board's duties consistent with delegated authority.

General Registrars are appointed by the local electoral board of a county or city to be responsible for all aspects of voter registration and to be the director of elections in their locality.³⁰ Elections are run in the Commonwealth by 133 general registrars operating in both rural and urban localities in every county and independent city in the state.

Local Electoral Boards are three-member boards appointed by the chief judge of a judicial circuit to administer elections for a county or city. They are composed of two members two the political party that received the highest number of votes in the last preceding gubernatorial election. One member of the electoral board represents the party that received the next highest number of votes.³¹ For a list of full duties, please see Chapter 2 of the GREB Handbook found on ELECT's website.³²

Officers of Election are appointed by the local electoral board to serve at a polling place for any election.

State Board of Elections (SBE) is authorized to supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of elections'; to provide electronic application for voter registration and delivery of absentee ballots to eligible military and overseas voters; to establish and maintain a statewide automated voter registration system to include procedures for ascertaining current addresses of registrants; to prescribe standard forms for registration, transfer and identification of voters; and to require cancellation of records for registrants no longer qualified.

Virginia Election Registration Information System (VERIS) is the election administration and voter registration system currently in use in Virginia. This system has been in operation since 2007; it will be replaced in early 2025 by a new statewide voter registration system (SVRS).

³⁰ Code of Virginia, [§24.2-101](#)

³¹ Code of Virginia, [§24.2-106](#)

³² Virginia Department of Elections, "GREB Handbook, Chapter 2, Local Electoral Boards", July 2022, [https://www.elections.virginia.gov/media/grebhandbook/2022-updates/2_Local_Electoral_Boards_\(2022\).pdf](https://www.elections.virginia.gov/media/grebhandbook/2022-updates/2_Local_Electoral_Boards_(2022).pdf)

Votes Cast refers to the number of votes that counted towards the results of a particular contest. There could be less votes cast for a particular contest than total ballots cast, if a voter decided not to make a selection for a particular contest. This is known as an undervote. Votes cast may be lower than turnout.

Turnout refers to the number of individuals who attempted to vote in an election. This data comes from the counts election officials enter into the voter registration system (VERIS) during canvass to describe both accepted and rejected ballots.

Appendix B: Voter Education Campaign Materials

Radio

English

CASTING: Female, mid 30s to early 40s, conversational and NOT announcer sounding.

CYMBALS

AVO: At the Virginia Department of Elections, we realize there's a lot of new information about voting. To help you focus, we've got just the thing.

SFX: Cymbal crash

AVO: Cymbals! Make sure you're registered. And confirm your polling location. Redistricting could affect that. Cymbals please!

SFX: Cymbal crash

AVO: You can vote early in-person, absentee by mail, or on Election Day, November eighth, at your polling location. For more info.

SFX: Cymbal crash

AVO: Go to vote dot Virginia dot gov.

SFX: Cymbal crash

Radio

English

CASTING: Male, mid 30s to early 40s, medium deep tone, confident and optimistic.

VIRGINIA IS FOR VOTERS

AVO: Election Day is November eighth. At the Virginia Department of Elections, we mean it when we say, Virginia is for voters. We work hard to make it easy for all eligible voters to cast a vote. Democracy works in Virginia. Every vote counts here. Whether you vote early, in person, or by mail. For more information about registration, important dates, and polling locations, go to vote dot Virginia dot gov. That's vote dot Virginia dot gov.

Radio

Spanish

El día de las elecciones es el 8 de noviembre. En el Departamento de Elecciones de Virginia hablamos en serio cuando decimos que Virginia es para los votantes. Trabajamos duro por facilitar a todos los votantes elegibles la emisión de su voto. En Virginia, la democracia funciona. Ya sea que votes por adelantado, en persona o por correo; aquí, cada voto cuenta. Para obtener más información sobre el registro, las fechas importantes y los lugares de votación, visita [Vote punto Virginia punto gov](http://Vote.punto.virginia.gov).

Digital Banners

English



Digital Banners

Spanish (produced in multiple ad sizes)



Mobile Ads

English

Election Day is Nov. 8. Make it count, Virginia. Learn more at Vote.Virginia.gov.

Mobile Ads

Spanish

Las elecciones son el 8 de noviembre. Haz que cuente, Virginia. Infórmate en Vote.Virginia.gov.

Shareables

English

YOUR VOTE COUNTS, VIRGINIA.
Whether you vote early, in person or by mail, Virginia will make it count.
Important dates to remember:

- SEPT 23: First day to vote early in person at Voter Registration Office or satellite location.
- OCT 28: Last day to request an absentee ballot by mail (by 5 PM).
- NOV 5: Last day to vote early in person.
- NOV 8: Election Day. Polls are open 6 AM to 7 PM.

Learn more at Vote.Virginia.gov

BE HEARD, VIRGINIA.
Election Day is November 8th. Your right to vote is protected. Virginia will make it count.

- If you're eligible, you can't be denied the right to vote.
- If you're in line by 7 PM on Election Day, you'll be able to vote.
- An election officer can help you vote if you need it.

Learn more at Vote.Virginia.gov

WE'VE GOT YOU, VIRGINIA.
Election Day is November 8th. If you need help voting, you'll get it. Virginia will make it count.

- Every polling place has accessible systems to make voting easier.
- If you're 65+ or have a disability, you can use curbside voting.
- You can get help reading or writing from an election officer.
- Electronic ballot marking tools are available for the vision impaired.

Learn more at Vote.Virginia.gov

MAKE IT COUNT, VIRGINIA.
Election Day is November 8th. All your voting options remain the same.
There are three ways to vote:

- By mail before Election Day: request your ballot by 5 PM, Oct 28th.
- In person before Election Day: go to your voter registration office by Nov 5th.
- In person on Election Day: polls are open 6 AM to 7 PM on Nov 8th.

Learn more at Vote.Virginia.gov

KNOW YOUR DISTRICT, VIRGINIA.



Election Day is November 8th.

- Your polling location may have moved, even if you haven't.
- If you're in a new district, you may see new candidates or issues on the ballot.
- All options remain – you can vote early, in person or by mail.



Learn more at Vote.Virginia.gov

TIME'S ON YOUR SIDE, VIRGINIA.



Election Day is November 8th. If you need to register on Election Day, we're ready to make it count.

- You can register to vote at any time.
- Same-day registration lets you vote immediately with a provisional ballot.
- Before Election Day, register with your general registrar.
- On Election Day, go directly to your polling place to register.



Learn more at Vote.Virginia.gov

GET READY, VIRGINIA.



Election Day is November 8th. Whatever voting method you choose, Virginia will make it count.

Now's the time to:

- Check your voter registration.
- Check your polling location.
- Check important voting deadlines.
- Check what's on your ballot.
- Get a witness signature for your mail-in ballot.



Learn more at Vote.Virginia.gov

YOU'VE GOT THIS, VIRGINIA.



Election Day is November 8th. You can vote early, in-person if you'd like. Virginia will make it count.

- Pick the day and time that works for you.
- You don't need a reason to vote early.
- Visit your registrar's office before November 5th.
- Bring proper ID, and cast your vote as normal.



Learn more at Vote.Virginia.gov

ABSENTEE ABSOLUTELY COUNTS, VIRGINIA.



Election Day is November 8th, but you can cast an absentee ballot.

Just meet these deadlines:

- **OCT 28:** last day to request an absentee ballot.
- **NOV 5:** last day to vote early, in person.
- **NOV 8:** last day to postmark a mail-in ballot, or drop it off at your registrar or polling location (by 7 PM).

However you decide to vote, Virginia will make it count.



Learn more at Vote.Virginia.gov

ABSENTEE IS EASY, VIRGINIA.



Election Day is November 8th. Using an absentee ballot is easy, and Virginia will make it count.

- Request your ballot online, we'll mail it to you.
- Follow instructions carefully, and make sure you get a witness signature.
- Bring it to your registrar's office or polling location by 7 PM on Nov 8th.
- Or mail it back, postmarked no later than Nov 8th.



Get started at Vote.Virginia.gov

Shareables

Spanish

TU VOTO CUENTA, VIRGINIA.

Ya sea que votes anticipadamente, en persona o por correo, en Virginia tu voto contará.

Fechas importantes a tener en cuenta:

- **23 SEPT:** Primer día para votar anticipadamente en persona en la Oficina de Registro del Votante o en una ubicación satélite.
- **28 OCT:** Último día para solicitar una boleta de ausente por correo (antes de las 5 p. m.).
- **5 NOV:** Último día para votar anticipadamente en persona.
- **8 NOV:** Día de las elecciones. Las urnas abren de 6 a. m. a 7 p. m.

Para más información > Vote.Virginia.gov



QUE TE OIGAN, VIRGINIA.

El día de las elecciones es el 8 de noviembre. Tu derecho a voto está protegido. En Virginia tu voto contará.

- Si cumples con los requisitos, no se te puede negar el derecho a voto.
- Si te encuentras en la fila antes de las 7 p. m el día de las elecciones, podrás votar.
- Si lo necesitas, un funcionario electoral puede ayudarte a votar.

Para más información > Vote.Virginia.gov



TE APOYAMOS, VIRGINIA.

El día de elecciones es el 8 de noviembre. Tendrás ayuda con la votación si la necesitas. En Virginia tu voto contará.

- Cada centro electoral cuenta con sistemas accesibles para que la votación sea más fácil.
- Si es mayor de 65 o tiene alguna discapacidad, puede votar desde la calle.
- Un funcionario electoral puede ayudarlo con la lectura o escritura.
- Si tienes problemas de visión, hay herramientas para marcar el voto electrónico.

Para más información > Vote.Virginia.gov




HAZ QUE CUENTE, VIRGINIA.

El día de las elecciones es el 8 de noviembre. Todas tus opciones de voto son las mismas.

Hay tres maneras de votar:

- Por correo antes del día de las elecciones: solicita tu boleta antes del 28 OCT a las 5 p. m.
- En persona antes del día de las elecciones: dirígete a tu oficina del registro del votante antes del 5 de nov.
- En persona el día de las elecciones: las urnas están abiertas el 8 de nov de 6 a. m. a 7 p. m.

Para más información > Vote.Virginia.gov




CONOCE TU DISTRITO, VIRGINIA.

El día de las elecciones es el 8 de noviembre.

- Aunque no te hayas mudado, puede que tu centro electoral sí.
- En la boleta podrás ver a los nuevos candidatos o plataformas, si te encuentras en un distrito nuevo.
- Todas las opciones son las mismas – puedes votar por anticipado, en persona o por correo.

Para más información > Vote.Virginia.gov




EL TIEMPO ESTÁ DE TU LADO, VIRGINIA.

El día de las elecciones es el 8 de noviembre. Si necesitas inscribirte el mismo día de elecciones, estamos listos para hacer que cuente.

- Puedes registrarte para votar en cualquier momento.
- Si te inscribes el mismo día de la votación, puedes votar inmediatamente con una boleta provisional.
- Antes del día de las elecciones, inscríbete en tu oficina de registro general.
- Durante el día de las elecciones, dirígete directamente a tu centro electoral para inscribirte.

Para más información > Vote.Virginia.gov



PREPÁRATE, VIRGINIA.

El día de las elecciones es el 8 de noviembre. Sea cual sea el método para votar que elijas, en Virginia tu voto contará.

Ahora es el momento para:

- Verificar tu inscripción electoral.
- Verificar tu centro electoral.
- Verificar las fechas importantes para votar.
- Verificar lo que hay en tu boleta.
- Obtener una firma de testigo para tu voto por correo.

Para más información > Vote.Virginia.gov



TÚ PUEDES, VIRGINIA.

El día de elecciones es el 8 de noviembre. Puedes votar anticipadamente o en persona, si quisieras. En Virginia tu voto contará.

- Elige el día y la hora que te queden cómodos.
- No hace falta ninguna razón para votar anticipadamente.
- Visita tu oficina de registro antes del 5 de noviembre.
- Trae una identificación adecuada y emite tu voto normalmente.

Para más información > Vote.Virginia.gov



TÚ PUEDES, VIRGINIA.

El día de elecciones es el 8 de noviembre. Puedes votar anticipadamente o en persona, si quisieras. En Virginia tu voto contará.

- Elige el día y la hora que te queden cómodos.
- No hace falta ninguna razón para votar anticipadamente.
- Visita tu oficina de registro antes del 5 de noviembre.
- Trae una identificación adecuada y emite tu voto normalmente.

Para más información > Vote.Virginia.gov

EL VOTO AUSENTE ES SENCILLO, VIRGINIA.

El día de elecciones es el 8 de noviembre. Utilizar una boleta de ausente es sencillo, y en Virginia tu voto contará.

- Solicita tu boleta virtualmente, te la enviaremos por correo.
- Sigue las instrucciones cuidadosamente y asegúrate de obtener una firma de testigo.
- Tráela a tu oficina de registro o a tu centro electoral el 8 de noviembre, antes de las 7 p. m.
- O envíala nuevamente sellada antes del 8 de nov.

Comienza en > Vote.Virginia.gov

Shareables

Korean

버지니아 주민 여러분의 투표권을 행사해 주세요.

직접 또는 우편을 통한 사전투표를 통해 버지니아 주민은 투표권을 행사할 수 있습니다.

주요 일정:

- 9월 23일: 유권자 등록 사무소 또는 워싱턴 지역에서 직접 사전투표하는 것.
- 10월 28일: 우편으로 부재자 투표를 신청하는 마지막 날(오후 5시까지)
- 11월 5일: 직접 사전투표하는 마지막 날.
- 11월 8일: 선거일. 오전 6시부터 오후 7시까지 투표.

자세히 알아보기 > Vote.Virginia.gov

버지니아 주민 여러분의 유념해 주세요.

선거일은 11월 8일입니다. 여러분의 투표권은 보호됩니다. 버지니아 주민은 투표권을 행사할 수 있습니다.

- 투표 자격이 있으면 투표권을 부정할 수 없습니다.
- 선거 당일 오후 7시까지 공을 서시면 투표 가능합니다.
- 필요한 경우 선거관리원이 투표를 도와드립니다.

자세히 알아보기 > Vote.Virginia.gov

버지니아 주민 여러분을 위해 갖춘 투표 시스템.

선거일은 11월 8일입니다. 투표하는 데 도움이 필요한 경우 도와드립니다. 버지니아 주민은 투표권을 행사할 수 있습니다.

- 실제 투표할 수 있도록 모든 투표소에 이용 가능한 시스템을 갖추었습니다.
- 6세 이상이거나 장애가 있는 경우 차 안에서 투표할 수 있습니다.
- 읽거나 쓰는 데 선거관리원의 도움을 받을 수 있습니다.
- 시지 장애인의 경우 전자 비밀 투표 마킹 도구를 이용할 수 있습니다.

자세히 알아보기 > Vote.Virginia.gov

버지니아 주민 여러분의 소중한 한 표.

선거일은 11월 8일입니다. 모두에게 동등한 투표권이 부여됩니다.

3가지 투표 방식:

- 사전 우편 투표: 10월 28일 오후 5시까지 투표 신청.
- 사전 직접 투표: 11월 5일까지 유권자 등록 사무소 방문.
- 선거 당일 직접 투표: 11월 8일 오전 6시~오후 7시 투표 가능.

자세히 알아보기 > Vote.Virginia.gov

버지니아 주민 여러분 선거구를 확인해 주세요.



선거일은 11월 8일입니다.

- 투표소가 이전될 수 있습니다.
- 새 선거구에 거주하는 경우 투표용지에서 새 후보자 또는 공약을 확인할 수 있습니다.
- 모두에게 투표권 부여 - 직접 또는 우편으로 사전투표할 수 있습니다.



자세히 알아보기 Vote.Virginia.gov

버지니아 주민 여러분을 위한 충분한 시간.



선거일은 11월 8일입니다. 선거일에 등록해야 할 경우 투표권을 행사할 수 있습니다.

- 연체되지 유권자 등록을 할 수 있습니다.
- 당일 등록하여 임시 투표 용지로 즉시 투표할 수 있습니다.
- 사전에 일반 등록 기간에 등록합니다.
- 선거일에 투표소에 직접 가서 등록합니다.



자세히 알아보기 Vote.Virginia.gov

버지니아 주민 여러분 투표할 준비를 해주세요.



선거일은 11월 8일입니다. 버지니아 주민은 모든 투표 방식을 통해 투표권을 행사할 수 있습니다.

투표 전 확인:

- 유권자 등록을 확인하세요.
- 투표소 위치를 확인하세요.
- 중요한 투표 종료 시간을 확인하세요.
- 투표용지를 확인하세요.
- 우편 투표용지에 대한 증언 서명을 받아주세요.



자세히 알아보기 Vote.Virginia.gov

버지니아 주민 여러분 투표해 주세요.



선거일은 11월 8일입니다. 희망하는 경우 사전 직접 투표를 할 수 있습니다. 버지니아 주민은 투표권을 행사할 수 있습니다.

- 투표할 수 있는 요일 및 시간을 선택하세요.
- 사전투표에 이유는 필요하지 않습니다.
- 11월 5일 이전에 유권자 등록 사무소에 방문해 주세요.
- 적절한 신분증을 지참하여 평소와 같이 투표해 주세요.



자세히 알아보기 Vote.Virginia.gov

버지니아 주민 여러분 부재자투표는 매우 중요합니다.



선거일은 11월 8일이지만 부재자투표를 할 수 있습니다.

다음 중요일 준수:

- 10월 28일: 부재자투표 신청 마지막 날.
- 11월 5일: 사전 직접 투표 마지막 날.
- 11월 8일: 우편 투표용지에 소인이 찍힌 마지막 날 또는 등록 사무소나 투표소에 제출(오후 7시)까지.

그러나 투표권이 주어질 경우 버지니아 주민은 투표권을 행사할 수 있습니다.



자세히 알아보기 Vote.Virginia.gov

버지니아 주민 여러분 부재자투표는 간단합니다.



선거일은 11월 8일입니다. 부재자 투표용지 사용은 간단하며 버지니아 주민은 투표권을 행사할 수 있습니다.

- 온라인으로 투표용지 신청 시 우편으로 발송해 드립니다.
- 안내서명을 숙지하고 아래 따르며 증언 서명을 받아주세요.
- 11월 8일 오후 7시까지 등록 사무소 또는 투표소에 제출합니다.
- 혹은 늦어도 11월 8일까지 소인이 찍힌 우편으로 다시 보내주세요.



시작하기 Vote.Virginia.gov

Shareables

Vietnamese

LÁ PHIẾU CỦA BẠN ĐƯỢC TÍNH, VIRGINIA.

Cho dù bạn bỏ phiếu sớm, trực tiếp hay qua đường bưu điện, Virginia sẽ tính lá phiếu của bạn.

Những ngày quan trọng cần ghi nhớ:

- 23 T10: Ngày đầu tiên bỏ phiếu sớm tại Văn phòng Đăng ký Cử tri hoặc địa điểm bỏ phiếu.
- 28 T10: Ngày cuối cùng để yêu cầu bỏ phiếu vắng mặt thông qua đường bưu điện (trước 5 giờ chiều).
- 5 T11: Ngày cuối cùng để bỏ phiếu sớm.
- 8 T11: Ngày Bầu Cử. Các cuộc bỏ phiếu được mở từ 6 giờ sáng đến 7 giờ tối.

Tìm hiểu thêm tại Vote.Virginia.gov

NGƯỜI TIÊN PHONG, VIRGINIA.

Ngày Bầu Cử là ngày 8 tháng 11. Quyền bầu cử của bạn được bảo vệ. Virginia sẽ tính lá phiếu của bạn.

- Nếu bạn đủ điều kiện, bạn không thể bị từ chối quyền bỏ phiếu.
- Nếu bạn xếp hàng trước 7 giờ tối vào Ngày Bầu Cử, bạn sẽ có thể bỏ phiếu.
- Nếu bạn xếp hàng trước 7 giờ tối vào Ngày Bầu Cử, bạn sẽ có thể bỏ phiếu.

Tìm hiểu thêm tại Vote.Virginia.gov

LÁ PHIẾU CỦA BẠN, VIRGINIA.

Ngày Bầu Cử là ngày 8 tháng 11. Nếu bạn cần, bạn sẽ nhận được trợ giúp bỏ phiếu. Virginia sẽ tính lá phiếu của bạn.

- Mỗi điểm bỏ phiếu đều có các hệ thống có thể truy cập nhằm giúp việc bỏ phiếu dễ dàng hơn.
- Nếu bạn trên 65 tuổi hoặc bị khuyết tật, bạn có thể sử dụng hình thức "bỏ phiếu Bờ đường".
- Bạn có thể được nhân viên bầu cử hỗ trợ đọc hoặc viết.
- Công cụ đánh dấu bỏ phiếu điện tử có sẵn cho người khiếm thị.

Tìm hiểu thêm tại Vote.Virginia.gov

TÍNH PHIẾU BẦU, VIRGINIA.

Ngày Bầu Cử là ngày 8 tháng 11. Tất cả các lựa chọn bỏ phiếu của bạn được giữ nguyên.

Có ba cách để bỏ phiếu:

- Qua đường bưu điện trước Ngày Bầu Cử bỏ phiếu trước 5 giờ chiều, ngày 28 tháng 10.
- Trực tiếp trước Ngày Bầu Cử đến văn phòng đăng ký cử tri của bạn trước ngày 5 tháng 11.
- Trực tiếp vào Ngày Bầu Cử các cuộc bỏ phiếu được mở từ 6 giờ sáng đến 7 giờ tối vào ngày 8 tháng 11.

Tìm hiểu thêm tại Vote.Virginia.gov

BIẾT RÕ QUẬN CỦA BẠN, VIRGINIA.

Ngày Bầu Cử là ngày 8 tháng 11.

- Vị trí bỏ phiếu của bạn có thể đã di chuyển, ngay cả khi bạn chưa di chuyển.
- Nếu bạn đang ở một quận mới, bạn có thể thấy các ứng cử viên mới hoặc các vấn đề trên lá phiếu.
- Tất cả các lựa chọn giữ nguyên - bạn có thể bỏ phiếu sớm, trực tiếp hoặc qua đường bưu điện.

Tìm hiểu thêm tại Vote.Virginia.gov

THỜI GIAN DO BẠN QUYẾT, VIRGINIA.

Ngày Bầu Cử là ngày 8 tháng 11. Nếu bạn cần đăng ký vào Ngày Bầu Cử, chúng tôi sẵn sàng tính lá phiếu bầu.

- Bạn có thể đăng ký bỏ phiếu bất cứ lúc nào.
- Đăng ký trong ngày cho phép bạn bỏ phiếu ngay lập tức với một lá phiếu tạm thời.
- Trước Ngày Bầu Cử, hãy đăng ký với cơ quan đăng ký chung của bạn.
- Vào Ngày Bầu Cử, hãy đến trực tiếp địa điểm bỏ phiếu của bạn để đăng ký.

Tìm hiểu thêm tại Vote.Virginia.gov

SẴN SÀNG, VIRGINIA.

Ngày Bầu Cử là ngày 8 tháng 11. Dù bạn chọn phương thức bỏ phiếu nào, Virginia sẽ tính lá phiếu của bạn.

Đã đến lúc:

- Kiểm tra đăng ký cử tri của bạn.
- Kiểm tra địa điểm bỏ phiếu của bạn.
- Kiểm tra thời hạn bỏ phiếu quan trọng.
- Kiểm tra nội dung trên lá phiếu của bạn.
- Xin chữ ký nhân chứng cho lá phiếu gửi qua đường bưu điện của bạn.

Tìm hiểu thêm tại Vote.Virginia.gov

BẠN ĐÃ BIẾT, VIRGINIA.

Ngày Bầu Cử là ngày 8 tháng 11. Bạn có thể bỏ phiếu sớm, trực tiếp nếu bạn muốn. Virginia sẽ tính lá phiếu của bạn.

- Chọn ngày và giờ phù hợp với bạn.
- Bạn không cần lý do để bỏ phiếu sớm.
- Đến văn phòng cơ quan đăng ký của bạn trước ngày 5 tháng 11.
- Mang theo giấy tờ tùy thân thích hợp và bỏ phiếu bình thường.

Tìm hiểu thêm tại Vote.Virginia.gov

**TÍNH PHIẾU VẮNG MẶT,
VIRGINIA.**

 VIRGINIA DEPARTMENT of ELECTIONS

Ngày Bầu Cử là ngày 8 tháng 11, nhưng bạn có thể bỏ phiếu vắng mặt.
Chỉ cần đáp ứng các thời hạn sau:

- **28 T10:** ngày cuối cùng để yêu cầu bỏ phiếu vắng mặt.
- **5 T11:** ngày cuối cùng để bỏ phiếu sớm, trực tiếp.
- **8 T11:** ngày cuối cùng để đóng dấu là phiếu gửi qua đường bưu điện, hoặc gửi nó tại cơ quan đăng ký hoặc địa điểm bỏ phiếu của bạn trước 7 giờ tối.

Bạn quyết định bỏ phiếu bằng tất cả các cách nào, Virginia sẽ tính là phiếu của bạn.

Tìm hiểu thêm tại Vote.Virginia.gov




**VẮNG MẶT RẤT DỄ DÀNG,
VIRGINIA.**

 VIRGINIA DEPARTMENT of ELECTIONS

Ngày Bầu Cử là ngày 8 tháng 11. Sử dụng lá phiếu vắng mặt rất dễ dàng, và Virginia sẽ tính lá phiếu của bạn.

- Yêu cầu lá phiếu của bạn trực tuyến, chúng tôi sẽ gửi cho bạn qua đường bưu điện.
- Làm theo các hướng dẫn một cách cẩn thận, và đảm bảo rằng bạn có thời kỳ của nhân chứng.
- Mang nó đến văn phòng cơ quan đăng ký hoặc địa điểm bỏ phiếu của bạn trước 7 giờ tối ngày 8 tháng 11.
- Hoặc gửi qua đường bưu điện, đóng dấu bưu điện không muộn hơn ngày 8 tháng 11.

Hãy bắt đầu ngay Vote.Virginia.gov






★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Drawing Party Ballot Order

BOARD WORKING PAPERS
Paul Saunders
Elections and Registration Supervisor



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein
From: Paul G. Saunders, III, Election and Registration Services Supervisor
Date: March 7, 2023
Re: Ballot Order Drawing for elections occurring April 1, 2023 through (Date to be determined by Board)

Suggested motion for a Board member to make:

"I move that the Board certify the determination by lot of the ballot order for all general and special elections being held April 1, 2023 through (Date to be determined by Board)."

Applicable Code Sections:

Va. Code § 24.2-613.B – "For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties."

Va. Code § 24.2-613.C – "... the State Board shall determine by lot the order of the political parties... 'recognized political parties' shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board..."

Applicable Dates:

All general and special elections between April 1, 2023 and (Date to be determined by Board).

ELECT Staff Recommendation:

ELECT staff recommends that the Board determine by lot and then certify the ballot order for all general and special elections being held between April 1, 2023 and a date of its choosing.

Democratic

Republican



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Amendments to
IVAC20-60-80
&
Form SBE-671.2

BOARD WORKING PAPERS
Claire Scott
ELECT Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein
From: Claire Scott, Policy Analyst
Date: March 7, 2023
Re: Proposed Amendments to 1VAC20-60-80 and Form SBE-671.2(D)

Suggested Motion:

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

Applicable Code Section:

§24.2-671.2 Risk-limiting audits

Background:

Pursuant to the Code of Virginia §24.2-671.2, the State Board of Elections prescribes the process and methods for conducting the risk-limiting audit (RLA). Subsection §24.2-671.2(D) allows local electoral boards the option to request to conduct an RLA within the local electoral board's jurisdiction and directs the State Board of Elections to "promulgate regulations for submitting such requests." Below are proposed amendments to both 1VAC20-60-80 and Form SBE-671.2(D) in response to comments from the public.

Attachments:

- Proposed amendments to 1VAC20-60-80
- Proposed amendments to Form SBE-671.2(D)

ELECT Staff Recommendation:

ELECT staff recommends the State Board of Elections approve the amendments to regulatory action 1VAC20-60-80 and to Form SBE-671.2(D).

Agency: The State Board of Elections

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

Regulation Title: Request for a risk-limiting audit for a contested race within a jurisdiction

Date before State Board of Elections: March 7, 2023

Brief Summary:

The proposed amendments clarify the process for a request for a risk-limiting audit pursuant to §24.2-671.2(D).

- Contested race is now defined in the regulation as *“a contested race wholly contained within the jurisdiction of the county or city for which an electoral board requesting a risk-limiting audit serves.”*
- The amendments provide instructions regarding the application of multiple contested races by a local electoral board such as completing a Form SBE-671.2(D) for each race and requiring the local electoral board to choose one risk-limiting audit method for all races applied and submitted to the State Board of Elections.
- The amendments require a majority vote of the local electoral board on the choice of method to be used for all races applied and submitted to the State Board of Elections.
- The amendments removed the requirement for the number of estimated ballots to be sampled to exceed 15% of the total number of ballots cast.

Regulation Text:

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

A. For purposes of this section, “contested race” means a contested race wholly contained within the jurisdiction of the county or city for which an electoral board requesting a risk-limiting audit serves.

B. Pursuant to § [24.2-671.2](#) D of the Code of Virginia, a local electoral board shall follow the process in this section 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~~ a risk-limiting audit of a contested race, or multiple *contested* 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~~ submit a completed Form SBE 671.2(D) Request for Risk-Limiting Audit form to request State Board of Elections (SBE) approval of the audit. If requesting audits of multiple contested races, an electoral board must submit a completed SBE 671.2(D) Request for Risk-Limiting Audit form for each race. If risk-limiting audits are requested for multiple contested races, the electoral board must request the same method of conducting the audit for each race.*
- 3. The SBE will grant a request for a risk-limiting audit ~~within a locality's jurisdiction~~ of a contested race if:*
 - a. The submitted Form SBE 671.2(D) Request for Risk-Limiting Audit form 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 SBE-671.2(D) Request for Risk-Limiting Audit form contains sufficient information for the SBE to determine the method of conducting the risk-limiting audit chosen by a majority vote of the electoral board and, in the event that risk-limiting audits are requested for multiple contested races, the requested method of conducting the risk-limiting audit is the same for each race;*

~~b.~~ c. *The submitted Form SBE 671.2(D) Request for Risk-Limiting Audit form contains sufficient information for the SBE to determine which contested races are subject to the requested audit and that those contested races are in fact wholly contained within the jurisdiction of the city or county for which the local electoral board serves;*

~~c.~~ d. *The SBE concludes that the audit is permissible under § [24.2-671.2](#) of the Code of Virginia and all other relevant provisions of law; and*

~~d.~~ *The following conditions are met:*

~~(1)~~ e. *The margin of the candidate with the most votes and the second most votes is equal to or greater than 1.0%; and*

~~(2)~~ *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 pursuant to § [24.2-671](#) of the Code of Virginia if necessary for the conduct of the audit.

Statutory Authority

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



PURPOSE OF THIS FORM

Under Code of Virginia § 24.2-671.2(D), “A local electoral board may request that the State Board approve the conduct of a risk-limiting audit [RLA] for a contested race within the local electoral board’s jurisdiction.” The local electoral board may request an audit of such a race *wholly contained within the jurisdiction of the local electoral board* by completing and submitting this form to their Election Services Registrar Liaison prior to the State Board of Elections (SBE) meeting to choose races to audit. *If a request is made of a race that is not wholly contained within a locality’s jurisdiction, this request will be denied. Please review IVAC20-60-80 for details on qualifying for a risk-limiting audit request.*

COMPLETE THE FOLLOWING:

Locality: _____

Date of Public Meeting: _____

Contested Race: _____

Town Name/District Number: _____

Date of RLA: _____

Location of RLA: _____

Was Ranked-Choice Voting Used? Yes No

RLA Method Requested: Ballot Polling Batch Comparison

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.*

**** If multiple races are being submitted, the RLA method requested must be the same for all races requested.*

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

Printed name of Chairperson	Signature	Date	Vote (Yay or Nay)
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Printed name of Vice-Chairperson	Signature	Date	Vote (Yay or Nay)
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Printed name of Secretary	Signature	Date	Vote (Yay or Nay)
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If your audit request is approved by the State Board of Elections, then the Board may grant an extension of up-to two weeks to your certification deadline under §24.2-671.2 of the Code of Virginia for the audited race.



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STATE BOARD *of* ELECTIONS

Split Precinct Waivers

BOARD WORKING PAPERS

Claire Scott

ELECT Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein
From: Claire Scott, Policy Analyst
Date: March 7, 2023
Re: Split Precinct Waiver Request for Bedford County and the City of Virginia Beach

Suggested Motion:

The Department of Elections (ELECT) does not have one suggested motion as each request to administer a split precinct will be reviewed and addressed individually. The State Board may move to: (i) *approve the split precinct waiver*, (ii) *deny the split precinct waiver*; or (iii) *defer review of the split precinct waiver request for a later meeting*.

Applicable Code Sections:

§24.2-307 Requirements for county and city precincts

Split Precinct Background

The Code of Virginia authorizes the State Board of Elections (SBE) to grant a waiver to administer a split precinct, if the governing body of a locality is unable to establish a precinct with the minimum number of registered voters without splitting the precinct, pursuant to §24.2-307.

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

Attachments:

Split Precinct Waiver Requests from Bedford County and the City of Virginia Beach
Split Precinct Waiver Resolutions from Bedford County Board of Supervisors and the City of Virginia Beach Board of Supervisors

ELECT Staff Recommendation:

Staff recommendations will be addressed for each individual request.



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

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

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

Locality: Bedford County Date: February 15, 2023

Contact Name/Title: Barbara Gunter, General Registrar Phone Number: 540-586-7649

Email Address: bgunter@bedfordcountyva.gov

Date the Governing Body's Meeting Occurred: February 13, 2023

Supporting Documentation (Please Attach):

Governing Body's Resolution

Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted? Yes No

If Yes, When? 2022

Was it Granted? Yes No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
104	Barnhardt Baptist Church	Precinct has a single house with two voters that were erroneously drawn out of their district by the census block lines. All other voters are in Congressional District 09, Senate District 008, and House District 051 while these two voters are in Congressional District 06, Senate District 003, and House District 039.

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



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Bedford County Administration Building on February 13, 2023, beginning at 7:00 pm:

<u>MEMBERS:</u>	<u>VOTE:</u>
Edgar Tuck, Chair	Yes
Tammy Parker, Vice Chair	Yes
Mickey Johnson	Yes
Charla Bansley	Yes
John Sharp	Yes
Tommy Scott	Yes
Bob Davis	Yes

On motion of Supervisor Sharp, seconded by Supervisor Bansley, which carried by a vote of 7-0, the following was adopted:

A RESOLUTION

**REQUESTING A WAIVER FROM THE STATE BOARD OF ELECTIONS TO OPERATE
A SPLIT PRECINCT FOR ANY ELECTION HELD IN 2023**

WHEREAS, Section 24.2-307 of the Code of Virginia, 1950, as amended (the “Virginia Code”), mandates that “each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city”; and

WHEREAS, the County of Bedford, Virginia, (the “County”) has a split precinct, 104 – Barnhardt Baptist Church, (the “Split Precinct”); and

WHEREAS, the Virginia Code requires that the Board of Supervisors (the “Board”) establish precinct boundaries to be consistent with any Congressional district, Senate district, House of Delegates district, and local election district; and

WHEREAS, with the late release of Census data and drawing of Congressional, Senate, and House districts by the Virginia Supreme Court, the County is unable to establish local redistricting boundaries that eliminate the Split Precincts prior to the June 20, 2023 primary; and

WHEREAS, Section 24.2-307 of the Virginia Code requires the Board apply for a waiver from the State Board of Elections to continue to administer the Split Precincts for any election held in 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Bedford County Board of Supervisors, that the Bedford County Director of Elections and General Registrar is authorized to submit a request for a waiver from the State Board of Elections pursuant to section 24.2-307 of the Code of Virginia to administer 104 – Barnhardt Baptist Church as a split precinct for any election held in 2023.

A Copy-Teste:

A handwritten signature in cursive script, appearing to read "Robert Hiss", written over a horizontal line.

Robert Hiss
County Administrator



★ VIRGINIA ★
STATE BOARD of ELECTIONS

**Waiver to Administer a
Split Precinct**

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

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

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

Locality: Virginia Beach Date: 2/10/2023
 Contact Name/Title: Christine Lewis, Director of Elections Phone Number: 757-385-8683
 Email Address: clewis@vb.gov
 Date the Governing Body's Meeting Occurred: deferred February 9, 2023 2/21/2023 C

Supporting Documentation (Please Attach):
 Governing Body's Resolution
 Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted? Yes No
 If Yes, When? August 15, 2022
 Was it Granted? Yes No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
0069	Precinct 69/ House and Senate	Can not create a precinct for 238 voters.
	House District 95 and 100, Senate District 20 and 22	HD 100 and SEN 20- 238 voters HD 95 and SEN 22- 3,034 voters

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

1 AN ORDINANCE TO AMEND SECTION 10-1 OF
2 THE CITY CODE TO CHANGE THE POLLING
3 LOCATION FOR PRECINCT 0040 AND TO
4 REQUEST A WAIVER TO ADMINISTER A SPLIT
5 PRECINCT FOR PRECINCT 0069
6

7 SECTION AMENDED: § 10-1
8

9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH,
10 VIRGINIA:
11

12 1. Section 10-1 of the City Code is hereby amended and reordained to read as
13 follows:
14

15 **Sec. 10-1. Establishment of precincts and polling places.**
16

17 There are hereby established in the city the following precincts and their respective
18 polling places, as set forth below:
19

<i>Precinct</i>	<i>Polling Place</i>
0001	Galilee Episcopal Church 3928 Pacific Avenue 23451
0002	Museum of Contemporary Art 2200 Parks Avenue 23451
0003	Ocean Lakes Elementary 1616 Upton Drive 23454
0004	Virginia Beach Community Chapel 1261 Laskin Road 23451
0005	Mount Olive Baptist Church 310 N. Birdneck Road 23451
0006	Alanton Elementary School 1441 Stephens Road 23454
0007	King's Grant Presbyterian Church 745 Little Neck Road 23452
0008	London Bridge Baptist Church 2460 Potters Road 23454
0009	Trantwood Elementary School 2344 Inlynnview Road 23454
0010	All Saints' Episcopal Church 1969 Woodside Lane 23454
0011	Edgar Cayce's Association for Research and Enlightenment 215 67 th Street 23451
0012	Lynnhaven Elementary School 210 Dillon Drive 23452
0013	Windsor Woods Elementary School 233 Presidential Boulevard 23452

48	0014	Malibu Elementary School
49		3632 Edinburgh Drive 23452
50	0015	Calvary Baptist Church
51		4832 Haygood Road 23455
52	0016	Bayside Sixth Grade Campus
53		4722 Jericho Road 23462
54	0017	<u>The Louis R. Jones Bayside Community</u>
55		Recreation Center
56		4500 First Court Road 23455
57	0018	Independence Middle School
58		1370 Dunstan Lane 23455
59	0019	Bayside Church of Christ
60		5025 Shell Road 23455
61	0020	Bayside Elementary School
62		5649 Bayside Road 23455
63	0021	Bettie F. Williams Elementary School
64		892 Newtown Road 23462
65	0022	Point O' View Elementary School
66		5400 Parliament Drive 23462
67	0023	Arrowhead Elementary School
68		5549 Susquehanna Drive 23462
69	0024	St. Andrews United Methodist Church
70		717 Tucson Road 23462
71	0025	Fairfield Elementary School
72		5428 Providence Rd. 23464
73	0026	Kempsville Presbyterian Church
74		805 Kempsville Road 23464
75	0027	Kempsville Middle School
76		860 Churchill Drive 23464
77	0028	Thalia Elementary School
78		421 Thalia Road 23452
79	0029	Holland Elementary School
80		3340 Holland Road 23452
81	0030	Seatack Elementary School
82		912 S. Birdneck Road 23451
83	0031	Red Mill Elementary School
84		1860 Sandbridge Road 23456
85	0032	Oak Grove Baptist Church
86		691 Princess Anne Road 23457
87	0033	Back Bay Christian Assembly
88		1212 Princess Anne Road 23457
89	0034	Blackwater Fire Station
90		6009 Blackwater Road 23457
91	0035	Kellam High School
92		2665 West Neck Road 23456
93	0036	Red Church Steeple
94		245 S. Rosemont Rd 23452
95	0037	Bayside Baptist Church
96		1920 Pleasure House Road 23455

97	0038	Bayside Presbyterian Church
98		1400 Ewell Road 23455
99	0039	Pembroke Elementary School
100		4622 Jericho Road 23462
101	0040	<u>Union Baptist Church</u>
102		<u>4608 South Boulevard 23452</u>
103		Princess Anne High School
104		4400 Virginia Beach Boulevard 23462
105	0041	College Park Elementary School
106		1110 Bennington Road 23464
107	0042	Brandon Middle School
108		1700 Pope Street 23464
109	0043	Salem Middle School
110		2380 Lynnhaven Parkway 23464
111	0044	Centerville Elementary School
112		2201 Centerville Turnpike 23464
113	0045	White Oaks Elementary School
114		960 Windsor Oaks Boulevard 23462
115	0046	Green Run Elementary School
116		1200 Green Garden Circle 23453
117	0047	King's Grant Elementary School
118		612 N Lynnhaven Road 23452
119	0048	WAVE Church
120		1000 N. Great Neck Road 23454
121	0049	John B. Dey Elementary School
122		1900 N. Great Neck Rd. 23454
123	0050	The Gathering at Scott Memorial
124		United Methodist Church
125		409 First Colonial Road 23454
126	0051	Kempsville Area Library
127		832 Kempsville Road 23464
128	0052	Providence Presbyterian Church
129		5497 Providence Road 23464
130	0053	Kempsville Elementary School
131		570 Kempsville Road 23464
132	0054	Landstown High School
133		2001 Concert Drive 23456
134	0055	Virginia Beach Moose Family Center
135		3133 Shipps Corner Road 23453
136	0056	St. Aidan's Episcopal Church
137		3201 Edinburgh Drive 23452
138	0057	St. Matthew Catholic Church
139		3314 Sandra Lane 23464
140	0058	Glenwood Elementary School
141		2213 Round Hill Drive 23464
142	0059	Shelton Park Elementary School
143		1700 Shelton Road 23455
144	0060	WAVE Church
145		2655 Seaboard Road 23456

146	0061	Ebenezer Baptist Church
147		965 Baker Road 23455
148	0062	Restoration Church at Landstown
149		3220 Monet Drive 23453
150	0063	Ocean Lakes High School
151		885 Schumann Drive 23454
152	0064	Rosemont Forest Elementary School
153		1716 Grey Friars Chase 23456
154	0065	Colonial Baptist Church
155		2221 Centerville Turnpike 23464
156	0066	Princess Anne Recreation Center
157		1400 Nimmo Parkway 23456
158	0067	Eastern Shore Chapel
159		2020 Laskin Road 23454
160	0068	Providence Elementary School
161		4968 Providence Road 23464
162	0069	Unity Church of Tidewater
163		5580 Shell Road 23455
164	0070	Corporate Landing Middle School
165		1597 Corporate Landing Parkway 23454
166	0071	Salem High School
167		1993 Sun Devil Drive 23464
168	0072	W. T. Cooke Elementary School
169		1501 Mediterranean Avenue 23451
170	0073	Green Run High School
171		1700 Dahlia Drive 23453
172	0074	Rosemont Elementary School
173		1257 Rosemont Rd. 23453
174	0075	Lynnhaven Colony Congregational Church
175		2217 W. Great Neck Road 23451
176	0076	Thalia Lynn Baptist Church
177		4392 Virginia Beach Boulevard 23462
178	0077	Plaza Annex
179		641 Carriage Hill Rd 23452
180	0078	Indian Lakes Elementary School
181		1240 Homestead Drive 23464
182	0079	Emmanuel Episcopal Church
183		5181 Singleton Way 23462
184	0080	Kingdom Cathedral
185		3820 Stoneshore Road 23452
186	0081	Salem Elementary School
187		3961 Salem Lakes Boulevard 23456
188	0082	Christopher Farms Elementary School
189		2828 Pleasant Acres Drive 23453
190	0083	Strawbridge Elementary School
191		2553 Strawbridge Road 23456
192	0084	Tallwood Elementary School
193		2025 Kempsville Road 23464
194	0085	Three Oaks Elementary School

195		2201 Elson Green Avenue 23456
196	0086	Haygood United Methodist Church
197		4713 Haygood Road 23455
198	0087	New Castle Elementary School
199		4136 Dam Neck Road 23456
200	0088	Hope Haven
201		3000 North Landing Road 23456
202	0089	New Covenant Presbyterian Church
203		1552 Kempsville Road 23464
204	0090	Morning Star Baptist Church
205		4780 First Court Road 23455
206	0091	Larkspur Middle School
207		4696 Princess Anne Road 23462
208	0092	Lynnhaven United Methodist Church
209		1033 Little Neck Road 23452
210	0093	Enoch Baptist Church Family Life Center
211		5685 Herbert Moore Road 23462
212	0094	Plaza Middle School
213		3080 S. Lynnhaven Road 23452
214	0095	Corporate Landing Elementary School
215		1590 Corporate Landing Parkway 23454
216	0096	Freedom Fellowship
217		836 Regency Drive 23454
218	0097	San Lorenzo Spiritual Center
219		4556 Indian River Rd. 23456
220	0098	Windsor Oaks Elementary School
221		3800 Van Buren Drive 23452
222	0099	Parkway Elementary School
223		4180 O'Hare Drive 23456
224	0100	Tabernacle United Methodist Church
225		1265 Sandbridge Rd. 23456
226	0101	Luxford Elementary School
227		4808 Haygood Road 23455
228	0102	Diamond Springs Elementary School
229		5225 Learning Circle 23462
230	0103	Kempsville Meadows Elementary School
231		736 Edwin Drive 23462
232	0104	Woodstock Elementary School
233		6016 Providence Road 23464
234	0105	Pembroke Meadows Elementary School
235		820 Cathedral Drive 23455
236	0106	Thalia United Methodist Church
237		4321 Virginia Beach Boulevard 23452
238	0107	Linkhorn Park Elementary School
239		977 First Colonial Road 23454
240	0108	The Gala 417
241		2105 W. Great Neck Road 23451
242	Central Absentee Voter	Agriculture/Voter Registrar Building
243	Precinct	

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~~Notwithstanding the preceding, for the November 2022 general and special elections, the Central Absentee Voter Precinct will be located at Building 23 within the Municipal Center, which has a street address of 2473 North Landing Road. The Building 14 location, which is also known as the Agriculture Voter Registrar Building, shall remain open to the public during the customary hours required for an office of the voter registrar on the date of an election.~~


2. The City Council hereby requests the State Board of Elections provide a waiver to administer a split precinct for Precinct 0069, which contains Senate Districts 20 and 22 and House Districts 95 and 100.

3. The Voter Registrar and the City Attorney are hereby directed to seek a certification of no objection from the Office of the Attorney General using the preclearance procedure provided by Virginia Code § 24.2-129(D) for the precinct change authorized herein. The precinct change shall not be administered unless and until the Attorney General has provided such certification or if 60 days lapses without the Attorney General interposing an objection.

Adopted by the City Council of the City of Virginia Beach, Virginia, on this ____ day of _____, 2023.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:



Voter Registrar



City Attorney's Office

CA16024
R-1
January 26, 2023



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Finalization of Stand By Your Ad Decision from the January 18th Meeting

BOARD WORKING PAPERS
Tammy Alexander
Campaign Finance Compliance and Training Supervisor



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein
From: Tammy Alexander, Campaign Finance Compliance and Training Supervisor
Date: March 7, 2023
Re: Final Decisions for SBYA Hearings from January 18, 2023

Recommended Motion

I move that the Board finalize the decisions made on the twelve Stand By Your Ad (SBYA) violations assessed at the January 18, 2023 State Board of Elections (SBE) meeting.

Background

January 18, 2023, the Department of Elections (ELECT) presented twelve possible SBYA violations to the Board. The Board found the following:

- Campaign Committee for Renee Dial for School Board for IWCS - CC-22-00396 – in Violation \$100 penalty
- Children Advocates For Ward 3 Candidate Mark S. Askew Sr. – CC-22-00461 - Dismissed
- Chris Daniels for School Board - CC-22-00235 – in Violation \$25 penalty
- Friends of Evan Clark – CC-18-00245 – in Violation \$25 penalty
- Jackson For Roanoke - CC-22-00140 - Dismissed
- Joyner for Council - CC-22-00455 - Dismissed
- Leigh Carley for School Board - CC-22-00128 - Dismissed
- Michael Storrs - CC-22-00093 - in Violation \$25 penalty
- Monica for City Council - CC-22-00316 – in Violation \$25 penalty
- Roanoke Forward - PAC-22-00026 – Board chose to take no Action
- Vote Mady for Ward 4 - CC-22-00132 – in Violation \$25 penalty
- Rick Nagel for City Council - CC-22-00416 – in Violation \$25 penalty

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

Advisory Review Workgroup

BOARD WORKING PAPERS
Lisa Koteen Gerchick



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein
From: Lisa Koteen Gerchick
Date: March 7, 2023
Re: Advisory Review Workgroup Final Report on Benchmarks to Measure a Well-Run Election

Dear Chairman O'Bannon and Members of the Board:

It is my privilege to submit herewith to the State Board of Elections the Advisory Review Workgroup's "Final Report: Benchmarks to Measure a Well-Run Election." At its January 10, 2023 meeting, the Advisory Review Workgroup approved the report with the approval of all present, with one abstention.

This memorandum was originally prepared on January 10 for transmittal with the Final Report, which was submitted on that date.

Respectfully submitted,

Lisa Koteen Gerchick, Chair

Advisory Review Workgroup

Tammy Johnson Beard, Citizen Member
Katie Boyle, Virginia Association of Counties
Josette Bulova, Virginia Municipal League
Barry Condrey, Citizen Member
Jason Corwin, Voter Registrars Association of Virginia
Kim Cummings, Citizen Member
Lisa Koteen Gerchick, Citizen Member
Katherine Hanley, Virginia Electoral Board Association
Walter Latham, Voter Registrars Association of Virginia
Tram Nguyen, Citizen Member
Allison Robbins, Voter Registrars Association of Virginia
Barbara Tabb, Virginia Electoral Board Association
Wanda Taylor, Virginia Electoral Board Association

**STATE BOARD OF ELECTIONS
ADVISORY REVIEW WORKGROUP
FINAL REPORT:
BENCHMARKS TO MEASURE A WELL-RUN ELECTION**

January 10, 2023

Table of Contents

Executive Summary	1
Overview	2
Background	2
What Should Be Measured	2
Ways to Measure	3
Benchmarks	3
Resources	4
Additional Considerations	5
Priorities and Recommendations	5
1. Voter Registration	5
Recommendations Concerning Voter Registration	6
2. Voter Turnout	6
Recommendations Concerning Voter Turnout	7
3. Website Utility and Voter Lookup Tools	7
Recommendations Concerning Website Utility and Voter Lookup Tools	7
4. Communications and Voter Outreach and Education	8
Recommendations for Communications and Voter Outreach and Education	8
5. Functionality of the Voter Registration System	9
Recommendations for Functionality of the Voter Registration System	9
6. Provisions for Cybersecurity and Physical Security	9
Recommendations for Security	10

Table of Contents, continued

7. Mail Voting Utility for Voters10
 Recommendations for Mail Voting 11

8. Processes and Procedures at Early Voting Sites and Polling Places 11
 Recommendations for Early Voting Sites and Polling Places12

9. Ballot Counting Procedures 13
 Recommendations for Counting Ballots 13

Conclusion 14

STATE BOARD OF ELECTIONS
ADVISORY REVIEW WORKGROUP
FINAL REPORT:
BENCHMARKS TO MEASURE A WELL-RUN ELECTION

Executive Summary

The State Board of Elections tasked the Advisory Review Workgroup (“the Workgroup”) with developing benchmarks to measure a successful election. After identifying the multiple elements that make up an election, the Workgroup has condensed the list of elements to nine priorities that will, along with existing information, show whether an election was well-run.

The Virginia Department of Elections (“the Department” or “ELECT”) already reports and analyzes a considerable amount of data collected during and between elections, some that can be found on its website¹ and some that are compiled into a Post-Election Report after every general election.² Data for the nine priority elements would supplement the information the Department collects and presents. Collectively, all these indicators—those already presented plus the ones proposed—can be assessed within a reasonable time period after an election to show how well the election ran overall.

The selected priorities are: (1) Voter registration; (2) voter turnout; (3) website utility and voter lookup tools; (4) communications and voter outreach and education; (5) functionality of the voter registration system; (6) provisions for cybersecurity and physical security; (7) mail voting utility for voters; (8) processes and procedures in voting locations; and (9) ballot counting procedures. This report explains why the Workgroup selected these elements as priorities, how we propose measuring them, and what each measure is intended to show.

The Workgroup makes a total of thirty-one recommendations for measuring the priority elements. These recommendations fall roughly into two styles, quantitative and qualitative. The quantitative data—numerical and statistical information—supplement that which ELECT already collects and publishes. Alternatively, surveys of local elections officials, voters and eligible nonvoters, and election workers constitute qualitative information, which is the best way to gather specific feedback from key actors.³ Organized and analyzed properly, the quantitative and qualitative measures would provide a sound basis for evaluating an election for both present and future purposes.

Until now, the reporting and analysis have focused on election administration in the localities. With the Department’s concurrence, we propose to examine certain activity that takes place at the state level as well, to arrive at a 360-degree understanding of election administration. To state the obvious, no election is perfect in execution and some mishaps are out of officials’ control. Contingency planning, flexibility, and problem-solving make an election run well, notwithstanding normal human errors and unanticipated events. The goal is not some ideal election but an election that is *accessible, efficient, transparent, secure, and accurate*.

Overview

Background

In February 2020, the Advisory Review Workgroup undertook an assignment from the State Board of Elections (“the Board”) to develop benchmarks to measure a successful election. The Workgroup began the task of identifying measures of a well-run election in early 2021, after the Covid-19 pandemic had paused the Workgroup’s activity for its first year. The first step was to define a “well-run election.” The Workgroup has defined it as an election that is accessible, transparent, secure, and accurate.

On April 25, 2022, the State Board of Elections received the Workgroup’s report identifying 145 elements of an election. All of the elements were capable of measurement but carrying out a project to measure them all would be cumbersome, costly, and would yield results far too late to declare—to anyone’s satisfaction—whether or not the election had been well-run. With the Board’s consent, the Workgroup embarked on a second phase to prioritize measures that would indicate within a reasonable time after an election that the election was successfully executed. The Workgroup has prioritized nine elements and makes thirty-two recommendations to measure them.

What Should Be Measured

Directors of Elections/General Registrars (“general registrars” or “registrars”) and local electoral boards manage the elections within their jurisdictions. Local election officials, principally the registrars, are responsible for, among other things: purchasing, storing, programming, testing, and moving voting equipment; purchasing paper; overseeing the preparation and printing of ballots, envelopes of various kinds, instructions, and forms; uploading, downloading, and entering data; finding workable voting locations, including precinct polling places and satellite sites for early voting; recruiting and hiring permanent and temporary staff (including officers of election); and communicating and interacting with the public. Certainly, these activities are subject to general oversight at the state level.

Accordingly, the Department reviews how well the localities’ election officials administered the election on the ground. Local officials record, and the Department of Elections compiles, extensive and detailed data about elections. ELECT publishes a large quantity of raw and processed quantitative data on its website and already produces a Post-Election Report after every general election.⁴

Meanwhile, voters and citizens eligible to vote have had their own encounters with the electoral system. Independent polling conducted before and after the 2021 election reflects overall voter satisfaction with that election.⁵ The Workgroup has considered that people register to vote online and in person, and vote (or not)—by mail, in person before Election Day, and on Election Day. Carefully curated questions could tease out not just survey subjects’ overall satisfaction but where any difficulties and pitfalls lie.

The third set of actors is the officers of election who interact directly with voters at voting locations outside the registrars’ offices, that is, at early voting sites and at precinct polling places on Election Day. Their observations can illuminate both the functioning of the voting sites and

the training and material they receive from the election officials in their localities. Therefore, surveys of officers of election would be a valuable source of data.

The Department is itself subject to evaluation, as its leadership recognizes and appreciates. A highly functional voter registration system and the voter tools on its website are among the essential ingredients of a well-run election. The Department is also responsible for giving guidance to the localities.⁶ Local election officials and citizens who interact with the website are obvious examples of those whose feedback would be critical to a 360-degree assessment.

A constant refrain and necessary consideration in any evaluation is funding. Elections cost money, which brings government at the state and local government into the equation. In 2014, the Presidential Commission on Election Administration considered “the issue of resources” to be “the most universal complaint of election administrators,” who are “often the last constituency to receive scarce funds at the local level.”⁷ Workgroup members representing local governments, local electoral boards, and the state’s general registrars would tend to concur with this assessment. Election officials in Virginia receive varying degrees of financial and other support at the federal, state and local levels but, historically, localities contribute about four times as much on average as the state government toward covering local election expenditures.⁸ The state makes additional contributions in the form of the voter registration system, occasional one-time assistance, matching funds for federal grants, and voter outreach and education. Any evaluation should consider whether the funding provided is sufficient for a well-run election.

Ways to Measure

The kinds of data ELECT has published are quantitative in nature. Quantitative measures basically consist of collecting data in numeric or statistical terms. Qualitative measures, on the other hand, depend upon feedback from key actors—voters and eligible citizen nonvoters, election officials, and election workers—on specific activity or first-hand experience during an election. This information does not readily lend itself to quantification, but is measurable nonetheless. Those data can be aggregated in terms of numbers and percentages, such as the number/percentage of voters who found that a polling place was easy to find/hard to find, the number/percentage of officers of election who considered their training to be sufficient/insufficient, or the number/percentage of registrars who experience little difficulty/a great deal of difficulty in uploading data in the voter registration system.

Surveys are the best way to measure qualitative data. They allow us learn what worked well and what needs improvement in any given election from the perspectives of local election officials, part-time workers at voting locations, and from the voters themselves. ELECT used a portion of its voter outreach and education budget to survey registrars after the most recent general election.⁹ While surveys always manifest some level of subjectivity—one person might describe a process as “very easy,” while another might consider that same process to be “somewhat easy,”—survey designers must take care to exclude personal opinions, the political parties’ commentary, and public perceptions of the election.

Benchmarks

The Board’s initial assignment to the Workgroup was to “develop benchmarks to measure a successful election.” For some measures an accepted standard or benchmark exists. To give an

example, the accepted standard for the time a voter may wait in line to vote is a maximum of thirty minutes—more than that is too long.¹⁰ Similarly, when printing the names of the candidates and descriptions of ballot measures on the ballots, the benchmark is 100% accuracy.¹¹ Certain benchmarks, however, are relative. Whether voter turnout is deemed “high” or “low” depends on the election; a 50% turnout in a presidential election would be low but that same turnout rate would be high for a General Assembly election. Most of the elements in this report fall into the “relative” category. Consistent measurement spanning years of elections establishes the norms from which defined benchmarks will emerge. Even then, the benchmarks are not only relative to other comparable elections in other localities or other states, they also will evolve as election administration and technologies advance over time.

Resources

The main research tool the Workgroup used is the wealth of knowledge among our members. The representatives of the Virginia Electoral Board Association, known as VEBA, and Voter Registrars Association of Virginia, known as VRAV, collectively have extensive experience in administering elections, organizational leadership, and political and legislative backgrounds. The representatives of the Virginia Association of Counties, (VACo) and the Virginia Municipal League (VML) have a thorough understanding of their constituencies. The citizen members have a wide array of expertise, from information technology at the local government level, to law, to extensive advocacy at the state and local level, to working in elections and political campaigns. Over many hours of meetings, the members shared in-depth knowledge regarding elections, from mastery of minute details to a grasp of the big picture.

In addition, the Workgroup reviewed the literature in the field of election analysis, to help us select appropriate measures and which ones to prioritize. Scholars have studied elections for decades. One book, published in 1934, favors paperless, hand-cranked voting machines because paper ballots were, in the author’s opinion, vulnerable to manipulation by election workers.¹² Clearly, much has changed since 1934. In 2014-2016, a political scientist from the Massachusetts Institute of Technology collaborated with counties and cities in a project to control and minimize line lengths in Virginia, under the aegis of either the Department or the Board and funded by a nonpartisan nonprofit organization.¹³ The Workgroup’s resource materials include guides to election evaluations¹⁴ and the indicators experts use to rank states’ performances in elections.¹⁵ Moreover, Professors Charles Stewart III of MIT and Lonna Atkeson of the University of New Mexico (now at Florida State University), two leading election researchers, gave presentations to the Workgroup, discussing alternate modes of evaluating elections.¹⁶ After reviewing such recurring studies as the MIT Election Lab’s Election Performance Index and the Cost of Voting Index,¹⁷ as well as the Election Administration and Voting Survey (“EAVS”), which is conducted by the U.S. Election Assistance Commission (“EAC”),¹⁸ the Workgroup has incorporated some of the indicators they feature. Nevertheless, each of those studies has a unique construct, none of which correlates closely with the purpose of this study. We do not draw comparisons among localities in Virginia or with other states; nor do we delve deeply into the details of elections, which would take too long to develop. Our criteria for how and what to measure derive from our goal to give election officials enough reliable data to be able confidently to report within a reasonable timeframe whether an election was or was not well-run.

Additional Considerations

In Virginia, statutes and regulations govern elections, often in detail. This report does not address whether local electoral boards and Directors of Elections/General Registrars comply with these laws and rules. Election officials' step-by-step work performance is subject to review by those who oversee their work, whether it is the local electoral board overseeing the general registrar or the Board and the Department overseeing the local electoral boards. ELECT identifies specific issues in its Post-Election Report. Even though myriad administrative tasks, demanding close attention to detail, are necessary to make any election run smoothly, this report regards elections from the vantage point of about 9,000 feet, not at ground level nor from above the clouds.

Priorities and Recommendations

The key components of an election identified below are listed in a sequence roughly approximating the events and activities occurring in an election. Since Virginia's localities hold a minimum of one election every year—and often more, including primaries and special elections—the activity never stops. Furthermore, some activities, such as voter registration and election management system maintenance, are not election-specific but instead are parts of a continuous cycle in election administration, without which no individual election can function.

1. Voter Registration

Without registered voters, Virginia cannot hold elections. High levels of voter registration can indicate voter engagement, although if registration is low relative to the total number of eligible citizens, that could be a sign of disengagement. Pronounced deviations from normal trends in registration over the course of an election cycle should draw scrutiny, regardless of whether the registration rate is higher than normal (possibly indicating exceptional voter enthusiasm) or lower than normal (possibly indicating a technological glitch in the voter registration system or its interfaces with other systems).

The Workgroup considered and rejected an indicator that some scholars endorse, which is to measure total registration in the state as a percentage of the voting eligible population. In Virginia, the voting eligible population consists of citizens age 18 or older whose right to vote has not been withdrawn due to felony conviction or adjudication as incompetent (and whose rights have not been restored). While such a measure would be useful to understand the level of citizen engagement in the democratic process, the reasons citizens register is unrelated to whether or not an election is well-run.

Most eligible citizens register during encounters with the Department of Motor Vehicles or other state agencies, using the Department's website, at the registrars' offices and other local sites where paper forms are offered, such as libraries, or during voter registration drives conducted by nonpartisan organizations or political parties. While the number of voter registration applications generally rises during the run-up to an election, it is not a reflection on the election itself.

ELECT publishes voter registration numbers statewide and by locality, providing a detailed breakdown by district type, locality, age of voter, and gender of voter. The Department posts its annual List Maintenance Report as well, which shows the sources used to update the list and indicates the accuracy of the data. Eighteen methods of registration, such as online, at a state agency, or during a third-party voter registration drive, are listed to comport with the requirements of the National Voter Registration Act of 1993.¹⁹ To comply with the EAC's biennial EAVS, ELECT submits more specific information, such as how and why individuals are removed from the voter rolls. Although the EAC does post a spreadsheet of states' survey responses (by locality), the Department does not post its EAVS responses, which are highly detailed.²⁰

During 2022, Virginia instituted same day registration ("SDR") for the first time. SDR allows an eligible citizen to register and vote in person on the same day, both during early voting (until the statutory deadline for voter registration) and on Election Day. A person who registers and votes on the same day must cast a provisional ballot, which is counted after the election but prior to certification by the local electoral board.

SDR does impose new demands on general registrars and their staffs. Election officials must enter the newly registered voters' data into the voter registration system rapidly and accurately (by hand in many localities) within a couple of days immediately following the election, a time when they have been working incessantly and are concurrently handling other functions to complete the election on time for certification by the legal deadline.

Recommendations concerning voter registration

- A. ELECT should include the SDR statistics in its reporting on the website and in the Post-Election Report
- B. The state and localities can use their collective experience to continually develop and implement same day registration. We recommend that ELECT gather information on how each locality carries out the SDR process and enters new voters' information into the state's voter registration system.
- C. The Workgroup recommends surveying eligible citizens to learn whether applicants consider the voter registration form (both paper and online) to be clear and, if they find it confusing, how the form might be improved.
- D. Reporting the number of rejected voter registration applications and the reasons for rejection would be useful for enhancing voter education efforts and for identifying how the online process (the existing Citizens Portal on the ELECT website) and paper forms can be improved.

2. Voter Turnout

Similar to voter registration, turnout is driven primarily by issues and candidates, although the public's general civic-mindedness, partisan and third-party political efforts, and nonpartisan outreach and education can all spur turnout. The ease of voting is another factor in voter turnout. The state and localities have their own voter education and outreach programs to encourage citizens to vote. Turnout is not a consequence of a well-run election but it does indicate voter

engagement and thus contributes to a vigorous electorate. Therefore, the Workgroup has retained voter turnout as a priority indicator.

For every election, the ELECT website shows voter turnout in three configurations: the total number of citizens casting ballots; the percentage of people registered to vote; and the method of voting (*e.g.*, early-in-person, by mail, by drop off, at precinct polling places on Election Day, and by provisional voting).

Recommendations Concerning Voter Turnout

The Workgroup proposes adopting a voter survey to learn the reasons why registered voters did or did not vote and what obstacles, if any, they may have encountered. The survey results could inform policymakers on how to improve voter access or take any other action to encourage citizen participation at the ballot box.

3. Website Utility and Voter Look-up Tools

The Virginia Department of Elections website serves a range of functions for election officials and the general public. Its Citizens Portal is the prime interface between the election system and the public. The annual Post-Election Report measures usage by the amount of web traffic.²¹ The rate at which members of the public go there to find information, or go online to register or request an absentee ballot (both of which are measured separately),²² is an important component in evaluating an election.

Quality is as important as quantity, however. Knowing how easily members of the public were able to access the information they sought or to complete their online transactions is essential in measuring the usefulness of the website as a tool in conducting elections. The website must stay accurate. Note that the Spanish language version recently displayed dates, deadlines, and other information from a prior election year. In late 2022, ELECT took steps to remedy the situation and to monitor the accuracy of the website, with an alert system now in place.²³

Because not all localities host their own websites, the Workgroup discussed ways the state could assist them. We chose not to prioritize such types of assistance as webpage development or “plug-and-play” elements at this stage because we consider the first step to be the public-facing part of the Department’s website, which provides essential resources for all Virginia voters and potential voters. Given ELECT’s mandate to instill “uniformity, legality, and purity” in elections in the Commonwealth,²⁴ evaluating the statewide website should take priority.

Recommendations for Website Utility and Voter Lookup Tools

A. Pending replacement of the state voter registration system, ELECT should enhance the quality of the existing website. This is a priority to make sure the public receives the information it needs, in a user-friendly format. Examples of such information are dates of elections, including early voting, deadlines to register and apply for mail ballots, voting locations linked to physical addresses, and contact information for local elections offices. Election reporting must be shown in real time, or as quickly as possible, as it is on some localities’ websites. A separate working group could confer to develop standards and best practices that would serve as a benchmark.

B. ELECT should consult with design experts to upgrade the website periodically, so that it is not only a repository of online transactions and factual information, but also better-designed, visually attractive, and easy to use, including by foreign language speakers and those with low vision and other challenges. Design quality would thus be another measure.

C. A good way to measure the quality of the website is to seek input from the public. This could be part of a voter (and eligible non-voter) survey or a standalone request for feedback at the end of every interaction between the public and the website, similar to retail vendors' requests for feedback from their customers.

4. Communications and Voter Outreach and Education

The Department invests in extensive voter outreach and education, employing a mix of communications channels, including print, digital, and traditional media. Using budgeted funds, the Department contracts with public relations professionals to devise and execute its communications program. In addition to election-specific information, the public relations effort aims to reassure people they can trust elections and their local elections officials. ELECT's efforts are well-documented in the Post-Election Report.²⁵ ELECT's public relations consultant created a video featuring elections officials in the state, most of whom are local general registrars. As a recent survey conducted by academic researchers reveals, the video was somewhat effective in increasing voters' confidence during the 2022 midterm elections.²⁶ We include two activities that are not traditionally considered to fall under the category of communications and voter outreach but which do affect public perceptions that are trustworthy. The activities are pre-election logic and accuracy (L&A) testing of voting machines and postelection risk-limiting audits (RLAs). Under current interpretations of state law, one representative of each political party (or, under certain circumstances, of a candidate) must be permitted to observe L&A testing.²⁷ RLAs must be open to the public by statute,²⁸ but few people understand how RLAs operate and why it is that relatively few ballots can reliably test the outcome of an election. Education and observation opportunities are essential to building voter confidence.

Recommendations for Communications and Voter Outreach and Education

A. The Workgroup recommends measuring the effectiveness of statewide voter outreach and education campaigns by soliciting reactions from the voting eligible population. The inquiry should determine whether the messaging is reaching all corners of the Commonwealth and speakers of non-English languages. Clear, consistent, comprehensive messaging, delivered effectively statewide, will need adequate funding in the state budget.

B. Every locality has its own obligation to communicate with voters, through local media, online messaging, and mailers. The appropriate messaging could be orchestrated by ELECT, to ensure that all localities have correct and uniform information. Surveying the voting eligible population to test the effectiveness of these communications efforts would show whether they need improvement and, if so, how.

C. Based on input from observers, both partisan and nonpartisan alike, the Workgroup recommends that, subject to prior arrangement, a limited number of members of the public be

permitted to attend L&A testing before each election. Paradoxically, as confidence in elections strengthens, requests to attend will likely decrease.

D. Although RLAs in Virginia to date have always ultimately confirmed the reported results of an election, a vigorous education campaign will be needed to explain the auditing process so that the public understands and trusts the statistically driven post-election audits.

5. Functionality of the Voter Registration System

In the Post-Election Report, ELECT indicates the extent to which localities accurately enter data regarding voter turnout and voter credit. To make any election run well, the statewide voter registration system must function properly. Recognizing that localities and ELECT have conducted recent elections despite the well-documented shortcomings of existing systems, the Workgroup anticipates that the efficiency and accuracy of data entry will improve significantly, not only when the replacement system comes online within a few years, but in the short term, as flaws are detected and corrected. As we know, ELECT has already set up a monitoring and alert system as a remedy for past glitches and snafus. Furthermore, the Virginia Voter Registration System Security Advisory Group (“VRSS”) sets standards, subject to approval by the State Board of Elections, for interfaces between the statewide voter registration system and other systems.

Recommendations for Voter Registration System Functionality

A. All system interfaces handling voter data should comply with standards devised by VRSS and adopted by the Board.

B. ELECT should establish service level agreements with all agencies and entities that interface with the voter registration system, including provisions for monitoring and resolving issues. C. ELECT and all interfacing parties, including localities and local elections offices, should create plans to establish clear lines of communication, set monitoring roles and procedures, and plan for contingencies.

D. To measure and reinforce compliance, on behalf of the Board, VRSS should oversee the implementation and maintenance of the recommended procedures.

E. After each election, the registrars should be polled about the timeliness and accuracy of the voter registration system. The benchmark will be a “yes” answer to the question, “Did the SVRS function efficiently, accurately, and in a timely manner?”

6. Provisions for Cybersecurity and Physical Security

Systems cybersecurity and physical security of voting equipment are elements of elections that operate constantly in the background and are not specific to elections. Nevertheless, they are essential to running elections.

The VRSS Advisory Group fulfills the statutory requirement in Virginia Code §24.2-410.2 that the Board review the state’s systems security regulations and standards at least annually and make recommendations concerning emerging security issues. VRSS updates the Locality Election Security Standards (LESS) on an annual basis as well. The standards cover physical and administrative controls (*e.g.*, physical security requirements for buildings and facilities,

hardware for access to secure areas, and personnel training), locality security planning, and security controls for computer systems. The standards are tiered (there are three tiers) to accommodate the sophistication levels (maturity) of the localities election systems. Every local electoral board must have a security plan, subject to ELECT risk assessment. A locality could be penalized by denial of access to the voter registration system. The VRSS Advisory Group's work helps localities mitigate risks.²⁹

Although information pertaining to cybersecurity and the physical security of voting and tabulation equipment, as well as ballots, are confidential under Code of Virginia sections 24.2410.2 and 24.2-625.1, respectively, the Workgroup can make recommendations on certain concerns that are within the public sphere. Anecdotally, at least one locality's leaders have not acknowledged that the voting equipment storage area is inadequate despite years-long entreaties from its electoral board and general registrar for a larger secure space. In another locality, elections office staff suspended plastic sheeting on its storage facility's walls and ceiling to protect the voting equipment from moisture. These are publicly available examples of security shortcomings that localities need to address.

Recommendations for Security

A. The Workgroup recommends that the Department record:

- i. Whether localities submitted the minimum VRSS compliance checklist on time;
- ii. Whether localities have made appropriate security updates to the election data management system;
- iii. Whether they have a current plan of action and milestones;
- iv. Whether they have properly reported any cybersecurity events and incidents;
and
- v. Whether registrars belong to the Elections Infrastructure Information Sharing and Analysis Center (EI-ISAC).

Having this information reveals that localities are complying with best practices, without compromising the privacy or secrecy necessary.

B. Physical security breaches are not shielded by law and consequently should be subject to public scrutiny and resolution.

C. Elections need increased funding to enhance security and raise the maturity levels of some localities.

7. Mail Voting Utility for Voters

The Department already maintains a substantial amount of information about mail voting on its website or in the Post-Election Report. The information includes:

- Methods voters used to apply for absentee ballots
- Localities' rates of absentee compliance (*i.e.*, reporting to ELECT that they have enough ballots for all voting during that election)

- Publication of deadlines for applications and receipt of mail ballots
- Localities' timeliness in responding to absentee ballot applications
- Permanent absentee list (which reduces the number of applications each cycle but could also increase the number of unreturned ballots)
- Methods voters used to return ballots, ballot tracking, the numbers of ballots mailed but not returned, the numbers and rates of ballots not counted, and the numbers of ballots subject to curing (and the numbers cured).³⁰

ELECT also furnishes responses to EAVS questions about the numbers of undeliverable ballots and ballots not counted (with a breakdown between regular ballots and those sent to military and overseas voters). That information is available on the U.S. Elections Assistance Commission's website.³¹

There continues to be a considerable amount of confusion among voters about certain aspects of mail voting, such as the requirement that the voter have a witness, who must sign the affidavit on the ballot's return envelope. Other issues are the efficacy of ballot tracking tools and the rules on ballot return methods.

Recommendations for Mail Voting

- A. The Workgroup recommends conducting surveys of voters to ascertain whether mail ballot application forms and instructions that come with the ballots (and on the ballot envelopes) are clear enough and where voters misunderstand the forms and instructions.
- B. Any survey should include military and overseas voters, and voters with print disabilities because those voters might utilize a special software tool to download ballots from email, complete the ballots, and then print them and return by mail.
- C. Any survey or other request for voter feedback should aim to find out whether the tool is useful and effective.
- D. Local officials should compile data regarding the reasons why ballots are not counted, for the purpose of devising appropriate voter education programs to improve outcomes.
- E. A survey should inquire into the efficacy of ballot tracking and determine the reasons ballots are not counted. The Post-Election Report should incorporate the survey's results.

8. Processes and Procedures at Early Voting Sites and Polling Places

ELECT reports relatively little about the functioning of in-person voting, at either early voting locations or precinct polling places. The Department does keep track of complaints received via its online tool or a call center it has under contract during elections. ELECT works with local registrars to resolve these complaints; in most cases the registrars know about the issues before ELECT does. As ELECT points out in the Post-Election Report, "Voter complaints in [2017-21] totaled less than 1/100th of a percent of turnout,"³² yet it is important to resolve complaints to the voters' satisfaction, if feasible.

While ELECT maintains statistics about voter wait times and precinct polling places, particularly those at or approaching the legal maximum of 5,000 voters, the Department does not gather data concerning the adequacy of all voting locations. Not only must these locations be

ADA compliant, they also ought to be accessible in more conventional terms. In selecting facilities, stated the Presidential Commission on Election Administration: “A polling place must (1) have room to comfortably accommodate voters, (2) provide accessibility for voters with disabilities, (3) have adequate infrastructures such as the capacity for appropriate levels of internet and telephone connection, (4) offer adequate parking, and (5) be located in reasonable proximity to the population of voters that it is intended to serve.”³³ Similarly, in meetings some Workgroup members shared anecdotes describing a polling place with neither running water nor indoor plumbing, a polling place so small that voters complained their privacy was compromised and long lines formed both outside the polling place and inside after check-in, and a polling place in a former dental office where the ceiling leaked on workers and voters all day.

The polling place concern is not new. In 2014, The Presidential Commission on Election Administration wrote, “The Commission received a substantial amount of testimony indicating that election administrators are too often scrambling to identify suitable facilities to serve as polling places.”³⁴ In Virginia election officials still struggle to find minimally acceptable spaces, not only in rural but also in urban areas, which need more polling places to keep the numbers of registered voters per precinct within legal limits. Until a sufficient number of adequate voting locations exists in all localities, the Workgroup cannot recommend standards because some localities might be unable to meet them, no matter how extensive their election officials’ efforts might be.³⁵

Other considerations are whether the equipment and supplies are sufficient, whether officers of election are adequately trained and there are enough of them, and whether operations are well managed, including equipment function, on-time opening and closing, curbside voting, same day registration, drop boxes, provisional voting, and incident control and resolution.

One element of in-person voting for which there is a clear benchmark is voter flow management. Since 2014, when the Presidential Commission on Election Administration issued its recommendations, the benchmark for an acceptable wait time to vote is a maximum of thirty minutes.³⁶ That Commission recommended line management techniques to minimize wait times.³⁷ As mentioned above, Virginia localities focused on line management in a 2014-16 study.³⁸

The myriad tasks chief elections officers undertake throughout the day and the detailed closing procedures already document many of the operations. General registrars and electoral boards review those records immediately after Election Day. There is also a qualitative aspect to the work election officers perform. The incident reports and complaints shed light on the negative aspects, not the whole picture. To better understand how officers conducted themselves and performed their tasks during an election, voters and the officers of elections themselves should provide feedback.

Recommendations for Early Voting Sites and Polling Places

A. A survey of general registrars and electoral board members could be a way to gather data on the accessibility and adequacy of voting locations, and to solicit concrete information about their needs.

B. A survey of voters and officers of election would measure their objective experiences during the election.³⁹

C. The Department should solicit data from local election officials to determine the sufficiency of funding for in-person voting facilities.

9. Ballot Counting Procedures

Voters make mistakes. Solutions exist for most of those mistakes, such as offering a voter a new ballot to replace a spoiled one and providing remedies for voters who change their minds about voting by mail and instead come to vote in person. We can learn more about ballots that are not counted and ballots cast provisionally to better understand voter error in evaluating the election.

With the introduction of same day registration this year, more provisional ballots have been cast—and will be in future elections. To answer questions surrounding the efficacy of same day registration, such as whether new voters knew when and where to go to register and vote, and what the identification requirements are, the Workgroup recommends collecting data about provisional voting. Localities already collect data about provisional voting and submit it to ELECT.⁴⁰ Experts in election evaluation urge states not only to keep track of how many provisional ballots are cast (also termed provisional voter turnout) but also to analyze the reasons for rejecting those ballots.⁴¹ Such data offer insight into voter knowledge and poll worker skill levels.

A new set of questions is presented by the addition of a requirement to allocate ballots cast in early voting locations and absentee ballots to each voter's home precinct. These ballots had been tallied together in the Central Absentee Precinct (CAP), without regard to the voters' physical addresses. Requiring that all ballots counted in the CAP be attributed to the voters' home precincts has meant a vast increase in the number of ballot styles, acquisition of new ballot-on-demand printers to make sure each voter at an early voting site received the ballot associated with that voter's precinct, and longer times needed to tally ballots in each locality's CAP. The need to report the results accurately and quickly in a short period after Election Day stretches elections officials' resources. Election officials should assess the situation to determine appropriate solutions, such as increased staffing.

Recommendations for Counting Ballots

A. The Workgroup recommends that ELECT collect data on provisional ballots and the reasons why ballots are rejected.

B. Localities should collect and transmit to ELECT both quantitative and qualitative data on provisional ballots submitted along with same day registration, so that administrators can learn more about implementing SDR and training the officers of election who do the job.

C. ELECT should collect data to develop standards and best practices for reporting absentee ballots by precinct.

Conclusion

The Workgroup lays out nine priorities that we recommend measuring, along with data already collected and published. The Workgroup finds that much of the quantitative data usable for measuring an election is already at analysts' fingertips. Adding the information gathered with respect to these priorities to all the election data ELECT and the localities routinely collect should give state election officials enough reliable data to be able confidently to report within a reasonable timeframe whether an election was well-run.

The quantifiable information we recommend collecting is mainly for new procedures within election administration, such as same day registration and absentee reporting by precinct. The other recommendations primarily call for surveys. We commend ELECT for conducting its first survey of general registrars. Virginia has not solicited responses to questions about elections from voters, other eligible citizens, registrars or other election officials, and officers of election until very recently.

The scope of this project is "an" election but there are ongoing processes that need discrete oversight and assessment. Voter registration and voter list maintenance are year-round efforts. Equipment and systems last for years, such that maintenance, updating, and replacement have a huge impact on election administration in any given election yet are not isolated to any one election. The same can be said for cybersecurity and physical security measures. We prioritize some of these factors yet acknowledge that, while there may be incidents affecting them, in general they cannot meaningfully be measured in terms of a single election.

Throughout this report are references to lessons that qualitative and quantitative data can impart. Such lessons not only help measure elections but also can guide improvements to election administration over time.

We caution that, as election administration evolves over time, all the indicators should be reevaluated and modified. There are approximately 145 elements listed in the Appendix. We encourage the state and the localities to develop their own priorities and evaluate them as feasible. All election administrators should assess their elections with an eye toward making elections in Virginia accessible, efficient, transparent, secure, and accurate.

¹ Virginia Department of Elections, 2022. Website retrieved December 18, 2022 from www.virginia.elections.gov.

² <https://www.elections.virginia.gov/resultsreports/post-election-analysis/>.

³ It is encouraging that, since this project launched and after we prompted meetings to discuss surveys with the Commissioner and Department staff, Professors Paul Freedman and Jennifer Lawless of the University of Virginia independently conducted surveys in 2021. Freedman, P., Lawless, J., Sheely, G., *Democracy, Voter Confidence, and Electoral Integrity in Virginia, April 2022*, retrieved from website:

<https://karshinstitute.virginia.edu/elections-2021->

[0](https://karshinstitute.virginia.edu/elections-2021-). They conducted another such survey in 2022. Gerchick, L.K., email exchange with Lawless, J., December 19, 2022.

⁴ Virginia Department of Elections, 2021 Post-Election Report, Retrieved Dec. 18, 2022 from https://www.elections.virginia.gov/media/formwarehouse/maintenance-reports/Post-Election-Report_FINAL.1.24..22docx.pdf

- ⁵ *Democracy, Voter Confidence, and Electoral Integrity in Virginia, i.*
- ⁶ Code of Virginia §24.2-103.A.
- ⁷ Bauer, R., Ginsburg, B., *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration*, 2014, 32 (emphasis omitted). Retrieved Dec. 10, 2022 at <https://web.mit.edu/supportthevoter/www/files/2014/01/Amer-Voting-Exper-final-draft-01.09.14.508.pdf>.
- ⁸ The state reimburses localities a substantial portion of registrars' salaries and compensation to local electoral board members, as well as occasional additional expenses, such as reimbursement for pre-paid postage on return ballots in 2020 and statewide mailings in 2022. Federal Covid-related funding was passed through the Department of Elections to the localities. FY2021 APA Comparative Report Cities and Counties Board of Elections Expenditures and Applicable Sources of Funding/Revenue.
- ⁹ *Ibid.* 2022 General Election Survey of General Registrars. <https://forms.gle/ZQpuKYALy6LyT4jy7> ¹⁰ See, n.7, *Report and Recommendations of the Presidential Commission on Election Administration*, 13.
- ¹¹ Code of Virginia, §24.2-612.
- ¹² Harris, J. B., *Election Administration in the United States*, 1934, Washington, D.C., Brookings Institution, 263. ¹³ Gerchick, L. K., E-mail communication with Claire DeSoi and Professor Charles Stewart III, Massachusetts Institute of Technology, January 4, 2023.
- ¹⁴ Alvarez, R. M., Atkeson, L., and Hall, T., *Evaluating Elections*, 2013. New York, NY, Cambridge University Press. Burden, B. and Stewart III, C. (Eds.), *The Measure of American Elections*, 2014, Cambridge, England, Cambridge University Press.
- ¹⁵ Massachusetts Institute of Technology, *Elections Performance Index*, 2021. Retrieved from <https://electionlab.mit.edu/research/projects/election-performance-index>. Note that Virginia ranked 18th in 2020. See also, Schraufnagel, S. and Pomante, M., Cost of Voting Index. Retrieved December 19, 2022 from <https://costofvotingindex.com>. Virginia ranks 11th in ease of voting.
- ¹⁶ Advisory Review Workgroup meeting, May 11, 2021. <https://www.youtube.com/watch?v=i2jJ9Xjyj2Y&t=223s>.
- ¹⁷ See n. 15.
- ¹⁸ U.S. Election Administration, 2020 Election Administration and Voting Survey, retrieved at https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf.
- ¹⁹ Virginia Department of Elections, Registration Statistics and Polling Places, retrieved from website on Dec. 21, 2022, <https://www.elections.virginia.gov/resultsreports/registration-statistics/> and <https://www.elections.virginia.gov/resultsreports/maintenance-reports/>.
- ²⁰ U.S. Election Assistance Commission, *Election Administration and Voting Survey 2020 Comprehensive Report: A Report from the U.S. Election Assistance Commission to the 117th Congress*, retrieved from: https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf.
- ²¹ *November 2, 2021 Post-Election Report*, 15.
- ²² *Ibid.*, 11, 13.
- ²³ Interim Commissioner Susan Beals, Presentation, Joint Committee on Privileges and Elections, Virginia General Assembly, Dec. 12, 2022. Commissioner Beals did not refer directly to the Spanish language webpage oversight but did discuss the monitoring and alert system.
- ²⁴ Code of Virginia §24.2-103.A.
- ²⁵ Virginia Department of Elections, 2021 Post-Election Report, Retrieved Dec. 18, 2022 from https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/Post-ElectionReport_FINAL.1.24..22docx.pdf, 38-40.
- ²⁶ Gaudette, J., Hill, S., Kousser, T., Lockhart, M., and Romero, M., *After the 2022 Midterms, Do Americans Trust Elections*, 2022, 9-10, Yankelovich Center for Social Science Research, University of California at San Diego. Retrieved Dec. 20, 2022, [After-The-2022-Midterms-Do-Americans-Trust-Elections.pdf \(ucsd.edu\)](https://www.ucsd.edu/after-the-2022-midterms-do-americans-trust-elections.pdf). The increase in voters' trust after watching the videos produced in Virginia and in Maricopa County, Arizona, was 2.3%. In an interview on December 22, 2022, Professor Kousser asked if Virginia has additional questions he and his team could explore.

- ²⁷ Code of Virginia §24.2-633.
- ²⁸ Code of Virginia §24.2-671.2.G.
- ²⁹ Voter Registration System Security (VRSS) Advisory Group, 2023 Locality Election Security Standards (LESS), approved Nov. 16, 2022, 5. Retrieved at <https://townhall.virginia.gov/l/GetFile.cfm?File=meeting\151\34702\Agenda ELECT 34702 v2.pdf>.
- ³⁰ *See*, n. 1.
- ³¹ *See*, n. 18.
- ³² *November 2, 2021 Post-Election Report*, 20.
- ³³ *Report and Recommendations of the Presidential Commission on Election Administration*, 10.
- ³⁴ *Ibid*, 32. The Commission further noted, “[T]here is no such thing as a permanent polling place.”
- ³⁵ Note that the 2022 General Assembly session passed HB 195 to provide the possibility of a waiver from polling place location requirements where no suitable building is available. <https://viriniageneralassembly.gov/house/chamber/chamberstream.php>, timestamp 8:46:23.
- ³⁶ *Ibid.*, 13.
- ³⁷ *Ibid*, 36-44.
- ³⁸ *Supra*, n. 13.
- ³⁹ For detailed examples, *see Report of the Advisory Review Workgroup to the Virginia State Board of Elections: Benchmarks to Measure a Well-Run Election*, April 25, 2022, 3-4, attached as Appendix.
- ⁴⁰ *November 2, 2021 Post-Election Report*, 32. ⁴¹ *See e.g., Evaluating Elections*, n. 14, 43-44.

REPORT OF THE ADVISORY REVIEW WORKGROUP TO THE VIRGINIA STATE BOARD OF ELECTIONS

BENCHMARKS TO MEASURE A WELL-RUN ELECTION

INTRODUCTION

The State Board of Elections established the Advisory Review Workgroup on October 29, 2019. The State Board's first assignment to the Workgroup was to develop benchmarks to measure a successful election. While Virginia elections are already well-regarded, the Report is intended to assist the State Board in overseeing performance of this basic and essential government function by identifying the key elements of a well-run election.

ELEMENTS OF A WELL-RUN ELECTION

A well-run election has two major aspects. The first is simply that the responsible election officials at both state and local levels perform their tasks correctly and competently—from communicating election information effectively to voters, candidates and the public, to registering voters, and to administering elections from early voting through election day and on through the canvass and final reporting.

The second aspect is that voters express their level of satisfaction with their experience while voting in a particular election. To avoid global subjective perceptions and attitudes, voter experience should be assessed in terms of specific, concrete election-related activities that this report identifies. As noted below, empirical data collected in the regular course of work can assist in evaluating these specific activities. Voters' experience at a voting location might be measured by, among other things, how long the voter stood in line, speed and accuracy at check-in, and how well the steps in casting a ballot were explained. For those who cast ballots by mail, there might be data on, for example, whether the voter tracked the return ballot.

Definition of a Well-Run Election

The Workgroup defined a "well-run election" as: **“accessible, efficient, transparent, secure, and accurate, so that the public can be confident in the election results.”**

The Workgroup then identified elements of an election to be evaluated under each of these five key criteria.¹ Some elements may appear under more than one criterion. For instance, ballot tabulation must be transparent in methodology, secure in practice, and accurate by necessity.

Accessibility

Accessibility, used broadly, refers to the ease with which different categories of individuals can understand and use the voting process and procedures: Candidates seek inclusion on the ballot; new voters or those already registered but who need to update their voter registration information require access to the voter registration system; all voters need easy access to voting.

Accessibility has an additional, unique meaning for individuals with disabilities. In considering the degree to which an election meets the overall criterion of “accessibility,” the following specific elements should be evaluated

- ◆ Ballot access for prospective candidates
 - Clarity of filing requirements and process
 - Clearly stated filing deadlines

- ◆ Voter registration for new voters and voters who need to update their registration
 - How to apply, either to register to vote or to update a voter’s registration information
 - How to register before Election Day using online or paper application forms
 - How to register (and vote) on Election Day
 - Clarity of information and instructions re: the voter registration application process; procedure to update voter information; and deadlines to register before each election
 - Notification to rejected applicants and explanations of reasons

- ◆ Ease of voting generally for registered voters. Voter turnout has increased significantly over the past ten years, outpacing the state’s population growth.
 - Availability of information from the Department of Elections (ELECT) and/or localities about key election dates, *e.g.*,
 - Deadline to register to vote
 - Deadline to apply for an absentee ballot
 - Early voting dates and the location and hours of voting sites
 - Election Day hours and polling place locations
 - Deadline for the return of mail ballots
 - Availability and user-friendliness of voter lookup tools
 - Availability of notices, instructions, and signage in languages appropriate for a locality’s voters
 - Ballot design: clarity of contents, directions, and layout

- ◆ Ease of voting ballots mailed to the voter. After the sharp increase in absentee voting attributable to the Covid-19 health emergency, the number of ballots mailed to the voter

¹ Statutory citations and references are not included in this report. The notion of a well-run election is predicated on the assumption that elections officials conduct the election in compliance with all applicable laws and regulations.

remains higher than in prior years. It is not known whether this shift from Election Day to early voting will become permanent, nor the extent of the shift to use of mail ballots.

- Availability and clarity of absentee ballot applications
 - Comprehensibility of the application form
 - Voter acceptance and utilization of various methods to apply for an absentee ballot (online, email/fax, mail, in person, and from military and overseas voters²)
 - Voter acceptance of the permanent absentee list
- Effectiveness in processing absentee ballot applications and mailing ballots
 - Response times
 - Application rejection rates and reasons for rejections
- Casting a ballot voted at home
 - Clarity of instructions or voter confusion about absentee ballots
 - Information as to the return methods (mail, non-USPS delivery, drop off, by hand)
 - Ballot tracking availability and ease of use
 - Response to voters who decide to vote in person
 - Rate of ballot rejection because of omissions, both material and immaterial
 - Ballot curing availability, numbers of ballots “cured” and cast, both in total and relative to the number of ballots rejected
- ◆ Ease of voting in person at early voting locations and at precinct polling places. Early voting in person is technically absentee voting and differs from voting at a polling place on Election Day but the processes are similar.
 - Voting location convenience, proximity, transportation, and parking
 - For early voting in person
 - At precinct polling places
 - Length of wait times
 - Adequacy of facilities, including adequacy of space, lighting, tables and chairs, ventilation, restrooms, materials
 - Adequacy of signage
 - Placement for visibility
 - Clarity of content
 - Sufficiency of supplies, such as pens, “I Voted” stickers
 - Election officers and staff at early voting sites and precinct polling places:
 - Sufficiency in numbers of workers
 - Competence and helpfulness of the workers
 - Sufficiency in numbers of voting machines, electronic pollbooks (EPBs), and voting booths
 - Skillfulness of election officer in handling voter ID issues
 - Capability in management of provisional ballots in precinct polling places
 - Election officers’ capability in managing incidents inside the polling place and within the “Prohibited area” within 40 feet of the polling place

² Also called UOCAVA voters, in reference to the Uniformed Overseas Citizens Absentee Voting Act.)

- ◆ Accessibility for voters with a disability, over 65, or during a declared health emergency, as statutorily required:
 - Availability of tools to vote and convenience of voting from home
 - Voting location accessibility, ADA compliance
 - Availability and convenience of curbside voting
 - Availability of ballot marking devices (BMDs) in all voting locations

Efficiency

Efficiency refers to how rapidly and smoothly election-related operations are managed at the state and local level, including how adeptly various governmental entities interact with one another. Elections involve collaboration not only between ELECT and local offices of elections but also with the Department of Motor Vehicles, the Virginia Information Technology Agency, localities' IT departments, and local governing bodies, among others. Elements of operational efficiency include:

- ◆ ELECT's management and oversight
 - Robustness and user-friendliness of election management system/voter registration database
 - Clarity and timeliness of guidance to localities and responsiveness to localities' requests
 - Citizen Portal convenience
 - Availability and effectiveness of voter education and outreach
 - Oversight of cybersecurity of state and local systems
 - Facility in coordination among the relevant state agencies
 - Skill in managing incidents and complaints fielded at the state level
- ◆ Management and oversight by General Registrars/Directors of Elections (GRs) and/or local electoral boards (EBs)
 - Training and certification requirements met by election officials and staff
 - Ease of coordination between GRs/EBs and local governing bodies
 - Timeliness in handling applications to register and vote, and ballot mailings
 - Skill in resolving denials, including reasons and amelioration, of:
 - Voter registration applications
 - Mail ballot applications
 - Returned mail ballots
 - Timeliness and thoroughness of training for officers of election
 - Facility in set-up and management of early voting satellite locations and precinct polling places
 - Adequacy of facilities, such as sufficiency of space, lighting, furnishings, electrical outlets, connectivity for early voting locations, kitchen or other break area, and restrooms
 - Sufficiency of supplies for the workers and voters at the voting sites
 - Completeness of required materials (*e.g.*, manuals, keys, back-up paper pollbooks, and thumb drives)

- Provision of sufficient numbers of fully functional equipment, including EPBs or other check-in devices, BMDs, and optical scanners
- Execution of the provisional ballot process
- Management of incidents and complaints locally

Transparency

- ◆ Voters’ confidence in the fairness and accuracy of elections is enhanced when they know how their elections are conducted, how to cast their ballots, and how the ballots are counted. Most people vote infrequently and even a regular voter knows little about the intricacies of election administration. Clearly presented, understandable information about the process should be readily available to the public.
- ◆ Availability and clarity of election information through voter outreach and education
 - Clarity and thoroughness of information presented online and in print (on ELECT’s and localities’ websites, informational mailings, and utilization of media, including social media)
 - Basic information on voter registration and voting, as well as election information
 - “Plug and play” webpages for localities lacking websites
 - Clarity and timeliness of responses by ELECT and localities to disinformation and misinformation about the election, including training in how to respond to complaints and concerns.
- ◆ Notices—Clarity and sufficiency of online and printed material properly posted and distributed in languages required within the localities (*e.g.*, on websites, in print and on social media, and in mailings and on signs)
 - Election office information, GR and staff, EB members
 - Elections—time, date, all deadlines, locations and hours
 - Timely and effective notice of changes in polling locations
 - All public meetings, functions and events open to the public
- ◆ Public availability of reports, results, laws and regulations, forms, and such other data as:
 - Voter registration
 - Voting numbers, broken down by voting method
 - Percentages of eligible voters registered
 - Voter turnout
 - Ballot rejection rates and reasons for rejection
- ◆ Opportunities for authorized representatives of political parties and candidates to observe ballot processing and tabulation
- ◆ Timeliness of results reporting
 - At the statewide, local, and precinct level
 - Shown by the method of voting (early in person, by mail, in person on Election Day)
 - Explanation of results reporting by authorities

- ◆ Opportunities to observe and participate in post-election risk-limiting audits (RLAs) at local and state levels
- ◆ Openness of certification of the election
 - At the local level
 - At the state level
- ◆ Timing and availability to public of information re: issues, incidents, and complaints in localities and at the state level, as well as issue resolution

Security

In the context of elections, security has several meanings. Cybersecurity has been the focus of attention within the past decade, ever since Americans became aware of vulnerabilities and external attempts to breach election systems. Virginia, however, has among the most robust standards for certification in the country, adopting the U.S. Election Assistance Commission's standards and adding heightened standards for election equipment in the Commonwealth, including standards for electronic pollbooks. Physical security is essential for ballots, equipment, and the structures that contain them. It is important to have standards to ensure safety and an unbroken chain of custody for ballots and equipment. Cyber- and physical security standards should be updated regularly. Appropriate confidentiality of security measures must be maintained. More recently, harassment, intimidation and even the physical safety of elections officials, election workers, and voters have become a significant issue. Security of the vote itself is a fundamental concern. Maintaining ballot secrecy ensures that voters can vote freely. Post-election auditing should increase public confidence that the outcomes of elections reflect the will of the voters. The key elements of security include:

- ◆ Cybersecurity
 - Maintenance of timely and updated state certification standards for cybersecurity of systems and voting equipment
 - Effectiveness of state oversight of localities' security measures
 - Establishment by localities of security plans
 - Effectiveness of collaboration between GRs, EBs, and local governments' IT departments in maintaining cybersecurity of systems and equipment
- ◆ Physical security
 - Localities' compliance with standards pertaining to equipment storage (*e.g.*, cages, locks, surveillance, access), ballots (printing, storage, handling in office and voting locations), removable media; and chain of custody of machines and ballots
- ◆ Physical security of election officials, election workers, and voters
 - Planning and exercises at the state and local levels to protect GRs, EBs, election staff and election workers from harassment, intimidation, and physical threats
 - Pursuit of best practices to protect voters from threats

- Adequacy of training and preparation by election officials to rebut disinformation and misinformation
- ◆ Adequate local measures to ensure voters' ballot secrecy:
 - In the voting location
 - In the Central Absentee Precinct
 - After ballot is cast
- ◆ Timeliness and thoroughness of audits
 - Pre-election logic and accuracy (L&A) testing of voting equipment
 - RLAs at local, state levels

Accuracy

The ultimate test of an election is whether it accurately reflects the will of the voters and whether accuracy permeates the process. In the context of elections, the notion of accuracy also incorporates the completeness of necessary information. The responsibility of ensuring accuracy is shared by ELECT and local election officials.

- ◆ Accuracy elements within ELECT's responsibility include
 - Oversight of compliance with laws, regulations, and procedures
 - Validating information on websites and printed material
 - Preparing forms prepared for statewide use by GRs, EBs and the public
 - Maintaining the list of eligible voters
 - Ballot proofing
 - Reporting election results statewide
 - Overseeing statewide post-election audits
 - Creating and maintaining records and reports
- ◆ Accuracy elements within local GRs' and EBs' responsibilities
 - Uploading of voter and election data into the state election management system
 - Absentee by mail ballot management
 - Mailings of election material and requested ballots to voters
 - Mail ballot tracking
 - Mail ballot curing
 - Timely reporting of incidents of incorrect ballots given or mailed to voters
 - Training of election workers to ensure accuracy at check-in (*e.g.*, wrong voter, extra or wrong ballot, mishandling of voter ID or provisional ballot issues)
 - Election worker accuracy in completing all closing tasks
 - Ensuring that election workers can help voters understand the consequences of overvotes and undervotes
 - Timely and accurate counting and reporting of local election results
 - Properly conducting recounts
 - Properly conducting audits (L&A testing and RLAs)

NEXT STEPS: QUANTIFYING METRICS FOR A WELL-RUN ELECTION

Having identified the major criteria for a well-run election and the specific elements within each criterion, the next step would be to identify those elements for which data exist and are available to assess elections. The Post-Election Report that ELECT prepares after each general election includes statistics and charts showing, for example, voter registration, voter turnout (including provisional ballots), methods of voting recorded in detail, web traffic, machine testing, results reporting, and complaints by type and locality. The Workgroup could obtain additional data that are already maintained. Most data needed to evaluate elections are available now.

Measuring the remaining elements is also possible. The extensive elections literature can assist in determining both methodology and baselines. Once accumulated, these data can be compared with past norms or averages, or with recognized benchmarks. To give one example, thirty minutes is generally acknowledged as the maximum acceptable length of time for voters to wait in line at a polling place.³ We already know when wait times are excessive in Virginia.

The State Board should also consider the time and resources needed if measuring a well-run election is to become routine practice. Having these metrics could enable the Commonwealth to continue its strong administration of elections and continuously improve.

³ Presidential Commission on Election Administration, *The American Voting Experience: Report and Recommendations of the Presidential commission on Election Administration*, January 2014. Available at: <https://www.eac.gov/assets/1/6/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.



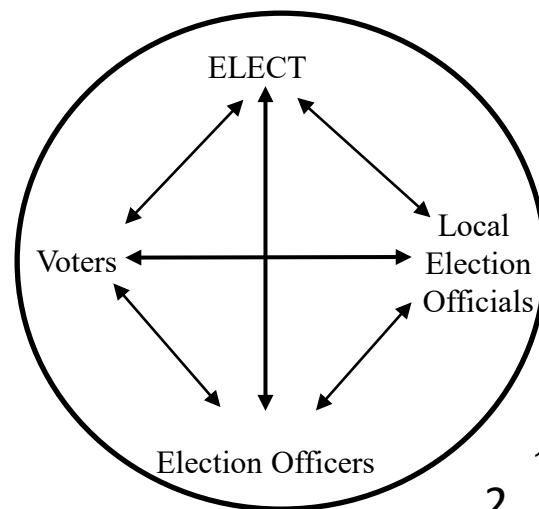
Advisory Review Workgroup Final Report

MEASURING A WELL-RUN ELECTION



Assignment and Analytic Approach

- Assignment: Develop benchmarks to measure a successful, *i.e.*, well-run election
- Definition of a well-run election:
 - accessible, efficient, transparent, secure, and accurate
- 360° evaluation at 9,000 feet, from key actors' perspectives
 - ELECT
 - Local elections officials
 - Officers of election
 - Voters





Phase 1 - Research and Analysis

➤ Resources

- Workgroup members and consultant
- Academic studies and election evaluations

➤ Evaluations

- Predicated on adherence to Virginia's election laws
- Based on quantitative and qualitative data

➤ 145 elements and sub-elements of an election

- Substantial amounts of data exist already



Phase 2 – Priorities

- Select priority elements for measurement
- Criteria for selection
 - Key election infrastructure and activity
 - Not currently measured
 - Directly associated with an election, rather than with the electoral process generally
 - Measure objective “success” of an election



Priorities and Key Recommendations 1-2

- Nine priorities, in temporal sequence -
Highlights of 31 recommendations
 - **Voter Registration**
 - Collect and report statistics on same day registration (SDR) and voter registration denials, including reasons
 - Further develop SDR practice and procedures
 - Use feedback to improve the voter registration form
 - **Voter turnout**
 - Survey voters to learn why registered voters did not vote and obstacles they may have encountered



Priorities and Key Recommendations 3-4

- **Website Utility and Voter Look-up Tools**
 - Periodically upgrade ELECT's website's content and design in consultation with experts
- **Communications and Voter Outreach and Education**
 - Get feedback on statewide media campaigns
 - Ensure accurate, consistent local communications
 - Facilitate public understanding of L&A testing and audits



Priorities and Key Recommendations 5-6

➤ Functionality of the Voter Registration System

- Establish agreements with entities that interface with VRS
- Apply approved standards and check compliance
- Evaluate VRS timeliness and accuracy after each election

➤ Provisions for Cybersecurity and Physical Security

- Maintain cybersecurity standards compliance at state and local levels
- Treat physical security breaches transparently
- Increase funding to enhance election security and bolster security in certain localities



Priorities and Key Recommendations 7-8

➤ Mail Voting Utility for Voters

- Survey voters to evaluate absentee application forms and ballot instructions
- Collect data on deficiencies in returned mail ballots

➤ Processes and Procedures at Polling Places and Early Voting Sites

- Survey local election officials, officers of election, and voters to assess accessibility and adequacy of voting locations, to identify specific concrete needs



Priorities and Key Recommendations 9

➤ Ballot Counting Procedures

- Gather data on provisional ballots, including SDR ballots, to develop standards and best practices
 - Reasons ballots are rejected
 - Sufficiency of instructions
 - Adequacy of training
- Gather data to develop standards and best practices for reporting absentee ballots by precinct



Conclusion

- Substantial data that measure election performance are already available
 - ELECT website
 - Post-Election Report
- Recommendations
 - Collect data on new processes
 - Conduct focused surveys for a 360° evaluation
- Comment on benchmarks
- Implementation in progress



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STATE BOARD *of* ELECTIONS

Update of Certification Process

BOARD WORKING PAPERS
Karen Hoyt-Stewart
Locality Security (Voting Tech) Program Manager



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein
From: Karen Hoyt-Stewart, Locality Security Program Manager
Date: March 7, 2023
Re: Changes to Certification Processes for Voting Systems and Electronic PollBooks

Suggested motion for Board Member to make:

I move that the Board approve the current process for certifying voting systems and electronic pollbooks and update the sections in the standards.

SUMMARY:

Vendors requesting state certification for a voting system, software, firmware, hardware, and/or modification must follow a formal and organized process that has been approved by the State Board of Elections (SBE) for their products to be in-use in the Commonwealth. Adopted by the State Board of Elections (SBE) in November of 2019, the current processes are outlined in Virginia's Voting System Certification Standards 2.0.¹ The following memo outlines proposed changes to the current Virginia Voting Certification Standards 2.0 found in section 3.2, item 6, which creates a new pricing structure for Voting System Laboratory (VSTL) testing and reflects current practices in the Commonwealth.

BACKGROUND:

Overview

The Virginia Voting System 2.0, Section 3.2. Certification Review Process outlines a list of documents that each vendor must provide when requesting either: a certification of a new system or a modification to an existing system. As part of the Virginia Voting System Certification, ELECT utilizes the Voting System Laboratory (VSTL) to provide a third-party assessment of all voting-systems and equipment. VSTL's are accredited by the EAC, pursuant to section 231 (b) of the Help America Vote Act (HAVA) of 2002, and are independent, non-federal laboratories qualified to test voting systems to Federal Standards.²

Before 2019, ELECT charged vendors a flat \$10,000 to cover the cost of certification; however, the actual cost of VISTL testing ranged from \$14,000 to \$16,000 per certification. ELECT paid the difference, resulting in an additional \$4,000 to \$6,000 cost per certification to ELECT. To address this, the existing standard (3.2

¹ Virginia Department of Elections, Voting System Certification Standards, Version 2.0, January 2020, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.elections.virginia.gov/media/election-security/Virginia_Voting-System-Certification-Standard-FINAL.pdf

² U.S. Elections Assistance Commission, Voting System Test Laboratories (VSTL), <https://www.eac.gov/voting-equipment/voting-system-test-laboratories-vstl>

Certification Review Process, Phase 1: Certification Request from Vendor, 6.) was established to cover the total costs of testing.

The current Virginia Voting System 2.0, Section 3.2 item (pg. 9-10) reflects these changes by stating:

“The vendor, VSTL and ELECT will review a *statement of work* (SOW) that will results in the Voting System Laboratories (VSTL) providing an estimate for the cost of testing. Testing will take place at the headquarters of the VSTL to limit the cost of testing. ELECT will give an estimate for their own staff to travel as well. Once this is agreed to, a check or money order for the non-refundable fee for a voting system certification request and applicable fees for modifications to a previously certified voting system, as applicable, will be paid.

a. All fees must be collected before the certification will be granted

i. Make checks or money order payable to Treasurer of Virginia.”³

If all parties agreed to the SOW, the vendor would pay all costs associated with testing. This amount was non-refundable.

Problem

The first two vendors who went through the amended process were both electronic pollbook (EPB) vendors. The first SOW the VSTL created for a voting system vendor was projected to cost \$80,000. Seeing the cost, the vendor, who requested certification, decided to decline the SOW, as the cost to have their product certified would have increased by 70,000, and not proceed with certification.

When other pollbook vendors heard this projected cost, two of the vendors questioned certification in Virginia and one EPB vendor left permanently. The vendor who left had 9 localities as clients. Some of these localities purchased new certified equipment and some went back to paper pollbooks.

An evaluation of the SOW provided by VSTL determined that there was a major issue with overcharging. VSTL charged the \$125 hour rate for two people (one technician and one in training) to review the electronic pollbooks for over 3 weeks, 8 hours a day.

If the Commonwealth lost any additional vendors because of the cost of state certification that vendor’s equipment, currently in use, would have to be replaced. The impact on localities and the Commonwealth would be very high, if the situation was not addressed.

Solution

ELECT meet virtually with the VSTL and informed them that they were returning to the past process, which included: bringing certification back on site at ELECT in Richmond and charging vendors a flat fee. ELECT would then refund vendors the difference, if applicable.

By bringing the voting systems to ELECT in Richmond and completing the VSTL technician testing onsite, certification could be completed in roughly two weeks, not the proposed three: 5-8 business days onsite and approximately 2-3 days offsite to complete the test report and audit test letter.

- The VSTL billable time for a voting system is: 66 hours plus travel, hotel, rental car and meals.
- The VSTL billable time for a EPB system is: 58 hours plus travel, hotel, rental car and meals.

ELECT determined the new pricing by analyzing past costs. The chart below illustrates the shift in pricing, as well as the average refund:

³ Virginia Department of Elections, Voting System Certification Standards, Version 2.0, January 2020, 3.2 Certification and Review Process, Page 10, chrome-extension://efaidnbnmnnibpcajpcgiclfndmkaj/https://www.elections.virginia.gov/media/elect145-security/Virginia_Voting-System-Certification-Standard-FINAL.pdf

Voting System	Pre-2019 Cost to Vendors	Pre-2019 Cost to ELECT	2019 Cost to Vendors	2019 Refund to Vendors	2019 Cost to ELECT	Current Cost to Vendors	Current Average Refund to Vendors	Current Cost to ELECT
Electronic Pollbooks	5,000	4,000	28,000-29,000	0	0	10,000	4,677.74	0
Voting Machines	10,000	6,000	80,000	0	0	20,000	11,353	0

Summary

With the proposed changes, VSTL has enough time and hours to confirm the voting systems and EPBs meet both Virginia and Federal voting system standards, as well as write up the required test report. ELECT no longer must supplement the cost of certifications as it did prior to 2019, since the fees are set higher than the actual VSTL invoices. Vendors are no-longer overcharged for testing and often receive refunds.

PROPOSED CHANGES

Page 10 – Item 6- Voting System Security Standards - 2019

Current wording:

Page 9 – Item 6 - Electronic Poll Book Standards – 2019

Current wording:

6. The vendor, VSTL and ELECT will review a statement of work that will results in the VSTL providing an estimate for the cost of testing. Testing will take place at the headquarters of the VSTL to limit the cost of testing. ELECT will give an estimate for their own staff to travel as well. Once this is agreed to, a check or money order for the non-refundable fee for an EPB system certification request and applicable fees for modifications to a previously certified EPB system, as applicable, will be paid.
 - a. All fees must be collected before the certification will be granted
 - i. Make checks or money order payable to Treasurer of Virginia

Proposed change needed for process:

6. The vendor will provide a check for \$10,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor’s if the difference of VSTL’s invoices are less and the refund amount is over \$100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond. Certification is a two-day event. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.
 - a. Checks for \$10,000 must be received by ELECT before the certification will be started
 - i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219

6. The vendor, VSTL and ELECT will review a statement of work that will results in the VSTL providing an estimate for the cost of testing. Testing will take place at the headquarters of the VSTL to limit the cost of testing. ELECT will give an estimate for their own staff to travel as well. Once this is agreed to, a check or money order for the non-refundable fee for an voting system certification request and applicable fees for modifications to a previously certified voting system, as applicable, will be paid.
 - a. All fees must be collected before the certification will be granted
 - i. Make checks or money order payable to Treasurer of Virginia

Proposed change needed for process:

6. The vendor will provide a check for \$20,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor's if the difference of VSTL's invoices are less and the refund amount is over \$100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond. Certification is a weekly event, starting on Monday and ending on Friday. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.
 - a. Checks for \$20,000 must be received by ELECT before the certification will be started
 - i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to:
Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219



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Voting System Certification for Elections Systems & Software 6.3.0.0

BOARD WORKING PAPERS
Karen Hoyt-Stewart
Locality Security (Voting Tech) Program Manager



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STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein
From: Karen Hoyt-Stewart, Locality Security Program Manager
Date: March 7, 2023
Re: Election Systems & Software 6.3.0.0 voting system certification

Suggested motion for Board Member to make:

I move that the Board certify the use of Election Systems & Software voting system – version 6.3.0.0 in elections in the Commonwealth of Virginia, pursuant to the State Certification of Voting Systems: *Requirements and Procedures*.

Applicable Code Section: § 24.2- Chapter 6 - 629

Attachments:

Your Board materials include the following:

- Election Systems & Software 6.3.0.0 Certification letter provided by SLI Compliance
- Spotsylvania County February 17, 2023 Mock Election correspondence
- Virginia State Certification of Voting Systems: *Requirements and Procedures*

Background:

Following the steps prescribed in the Virginia State Certification of Voting Systems: *Requirements and Procedures*, Election Systems & Software initiated the certification evaluation to the Department of Elections on November 28, 2022. Election Systems & Software provided their Technical Data Package and Corporate Information (required under step 2 of the *Requirements and Procedures*). Both of these submissions were deemed complete and in sufficient detail to warrant step 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. Election Systems & Software provided the certification fee and the testing/evaluation was conducted on January 9th through January 13, 2023 at the ELECT facilities in Virginia. In addition, the voting system was successfully tested in a Mock Election in Spotsylvania County on February 17, 2023. The Election Systems & Software voting system presented for certification under 6.3.0.0 successfully completed the Virginia Voting Systems Certification requirements.



February 3rd, 2023

Commissioner Susan Beals
 1100 Bank Street, 1st Floor
 Richmond, VA 23219-3947

Re: Audit of the ES&S EVS 6.3.0.0 Voting System

Dear Ms. Beals,

SLI Compliance is submitting this report as a summary of the auditing efforts for Election Systems & Software (ES&S) EVS 6.3.0.0 voting system.

The evaluation was conducted on January 9th to 13th, 2023 in the Virginia Department of Elections offices in Richmond, Virginia.

The scope of the audit included verifying compliance with the requirements/test assertions contained in appendices D (Test Assertions) and G (Hardware Guidelines) in the appropriate Virginia Voting Equipment Certification Standards and Virginia test cases, which is currently accepted for testing and certification by the Virginia Department of Elections.

SLI confirmed that a source code review was performed.

A partial penetration report for the ES&S EVS 6.3.0.0 voting system was provided to Virginia for their acceptance. Several components of the system were not reviewed.

It has been determined that the ES&S EVS 6.3.0.0 voting system meet the audited functional acceptance criteria of the State of Virginia’s Voting Equipment Standard, meets the requirements of Virginia Election Laws §24.2.

ES&S EVS 6.3.0.0 Voting System components audited were comprised of:

Electionware Management System (EMS)	
Application	Version
Electionware	6.3.0.0
Removable Media Service	3.0.0.0
Event Log Service	3.0.0.0
ExpressLink	3.0.0.0
Toolbox	4.3.0.0
YubiKey	5A Series

Central Tabulators	
Device	Firmware
DS450 High-Speed Scanner and Tabulator	4.2.0.0
DS850 High-Speed Scanner and Tabulator	4.2.0.0
DS950 High-Speed Scanner and Tabulator	4.2.0.0

Precinct Tabulators	
Device	Firmware
DS200 Precinct-based Scanner and Tabulator	3.0.0.0
DS300 Precinct-based Scanner and Tabulator	3.0.0.0

Ballot Marking Devices (BMD)	
Device	Firmware
ExpressVote HW 1.0 (Marking Mode)	4.2.1.0
ExpressVote HW 2.1 (Marking Mode)	4.2.1.0

Sincerely,
 Michael Santos
 Director, VSTL
 SLI Compliance



COMMONWEALTH OF VIRGINIA
County of Spotsylvania

Spotsylvania County Office of Elections

4708 Southpoint Parkway, Fredericksburg VA 22407

Phone – 540-507-7380 Fax – 540-507-7519

Email - voter@spotsylvania.va.us

Web - www.spotsylvania.va.us/vote

**DIRECTOR OF ELECTIONS
GENERAL REGISTRAR**

Kellie Acors

kacors@spotsylvania.va.us

ELECTORAL BOARD

Paula Kallay, Chairman

Dustin Curtis, Vice Chairman

Dale Sienicki, Secretary

February 21, 2023

Karen Hoyt-Stewart
Locality Security (Voting Tech) Program Manager
Department of Elections

Dear Ms. Hoyt-Stewart,

The Spotsylvania County Office of Elections staff and Electoral Board members observed and participated in a mock election conducted by Election Services Software (ESS) on February 17, 2023. According to the requirement of 24.2-629 of the Code of Virginia, this vendor performed the mock election. This Code covers voting manufacturing vendors to participate in a mock election to certify voting equipment.

The vendor explained and demonstrated upgrades to the ExpressVote, the DS300 and the DS950 and the election management systems. I certify that all systems functioned properly and the results were also accurately reported. Thank you for the opportunity to be a part of this certification.

Sincerely,

Kellie Acors
Director of Elections / General Registrar



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Public Comment

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