



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Friday, March 23, 2018
East Reading Room
Patrick Henry Building
Richmond, VA
11:00AM

SBE Board Working Papers



**STATE BOARD OF ELECTIONS
AGENDA**

*DATE: March 23, 2018
LOCATION: East Reading Room
Patrick Henry Building
Richmond, VA 23219
TIME: 11:00 a.m.*

- I. CALL TO ORDER** *James B. Alcorn
SBE Chair*
- II. APPROVAL OF MINUTES** *Singleton McAllister
SBE Secretary*
- III. COMMISSIONER'S REPORT** *Chris Piper
ELECT Commissioner*
- IV. NEW BUSINESS**
- A. Forms** *Samantha Buckley
Policy Analyst*
- i.** Ballot Standards
- ii.** Electoral College Qualification Form
- iii.** Petition of Qualified Voters for Independent Candidates for President
- B. Stand By Your Ad Policies and Procedures** *Arielle Schneider
Policy Analyst*
- C. Prince William County Audit** *Michele White
Prince William County
General Registrar*
- D. DemTech and the November 2017 Election** *Mike Brown
DemTech*
- E. Drawing by Lot for Placement of Names on Primary Election Ballot (if necessary)** *SBE Members*
- V. OPEN BOARD DISCUSSION** *SBE Members*

The topics to be discussed include, but are not limited to:

- Review of the online voting registration and DMV voter registration process
- Review of the exact methods used for reporting and receiving the Virginia data to the two voter

registration cross check programs in which Virginia participates

- Update Annual Training for General Registrars and Electoral Board members
- Discussion of the November 2017 Election
 - new optical scanner voting machines
 - Ballot printing by localities and vendors
- 2016 and 2017 GREB Workgroup reports

VI. SETTING FUTURE MEETING DATES

SBE Members

VII. OTHER BUSINESS & PUBLIC COMMENT

VIII. ADJOURNMENT

NOTE: During the discussion of each topic there will be an opportunity for public comment. Anyone wishing to discuss an issue not on the agenda will be allowed to comment at the end of the new business section.

All materials provided to the Board are available for public inspection under the Virginia Freedom of Information Act upon request.



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STATE BOARD *of* ELECTIONS

Call to Order

BOARD WORKING PAPERS

James Alcorn
SBE Chair



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Board Minutes

BOARD WORKING PAPERS
Singleton McAllister
SBE Secretary



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Chris Piper, Commissioner
Date: March 23, 2018
Re: Approval of Minutes

Suggested Motion

I move that the Board approve and adopt the minutes as presented on Virginia's Town Hall website for the following meetings: October 4, November 8, November 21, and December 5 of 2016; January 18, February 10, April 6, May 1, June 27, June 28, November 7, November 20, and November 27 of 2017, and January 4, 2018.

Background

On behalf of Secretary McAllister, ELECT staff drafts minutes of each State Board of Elections meeting and provides them to members of the Board for review and feedback. After completing any revisions, the minutes are included in upcoming Board Working Papers to be approved and adopted.

Minutes Presented

2016

- October 4
- November 8
- November 21
- December 5

2017

- January 18
- February 10
- April 6
- May 1
- June 27
- June 28
- November 7
- November 20
- November 27

2018

- January 4



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STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Chris Piper
ELECT Commissioner



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STATE BOARD *of* ELECTIONS

Ballot Standards

BOARD WORKING PAPERS
Samantha Buckley
ELECT Policy Analyst

Proposed Ballot Standards
Executive Summary



Commonwealth of Virginia

Prepared by: The Virginia Department of Elections

Date: March 2017

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Ballot Standards Executive Summary

Overview

Memorandum

To: Chairman Alcorn, Vice Chair Wheeler, and Secretary McAllister
From: Samantha Buckley, Policy Analyst
Date: March 23, 2018
Subject: Revision to Ballot Standards and Form SBE-501

Suggested motion for a Board member to make:

Move that the Board approve the proposed amendments to the Virginia Ballot Standards and revisions to Form SBE-501.

Applicable Code Section: Va. Code § 24.2-613

Attachments

Your Board materials include the following:

- Current State Board of Elections Ballot Standards
- Current Form SBE-501 (back)
- Revised State Board of Elections Ballot Standards
- Revised Form SBE-501 (back)

Overview

Why are changes being proposed?

The most recent update to the ballot standards document was in 2014. Revisions to Virginia's existing ballot standards are necessary to address:

- amendments to Virginia Elections Code;
- outdated technical limitations;
- a need for improved clarity and additional examples;
- a need for improved usability of ballots for voters based on best practices and research.

Ballot Standards Executive Summary

Overview

What was the process?

The proposed revisions culminate from a collaborative process undertaken by the Department of Elections, local election officials, and vendors. The Center for Civic Design, nationally recognized experts in the area of ballot design, facilitated this collaborative process and provided guidance, content regarding research and best practices, and redesign of the standards document for improved usability. (See <https://civicdesign.org/>.)

What Types of Changes Are Proposed?

Types of proposed changes include substantive, clarifying, and recommendations.

Substantive Changes

- Substantive change to an existing statutory or technical requirement
- Remove an existing requirement

Clarifying Changes

Efforts were made to clarify sections, statements, and examples which are either unclear or contradictory on their face or for which local election officials and/or vendors requested clarification. In response to local election official and vendor feedback many more visual examples were introduced for additional clarity.

Recommendations and Best Practices

Local election officials and vendors have requested more explicit guidance and recommendations regarding the overall format and design of ballots.

These best practices come from deep research about how voters interact with ballots commissioned by the federal Election Assistance Commission and carried out by the National Institute of Standards and Technology. The Center for Civic Design has continued and expanded the research and developed guidelines that election departments across the country have been using since 2011.

Explicitly Distinguish Requirements from Recommendations

The new standards document makes required standards more explicit, and indicates the source of authority for the requirement:

- Code requirement – governed by state legislature
- SBE requirement – governed by SBE
- SBE recommendation (optional) – governed by SBE

Ballot Standards Executive Summary

Overview

SBE 501 – Certificate of Candidate Qualification

The back of form SBE-501, Certificate of Candidate Qualification, will need to be updated to reflect name requirements for candidates. Proposed revisions are attached.

ELECT staff recommendations

ELECT staff recommends for the approval and immediate implementation of proposed Ballot Standards and revision to Form SBE-501.

Summary of Proposed Changes

Substantive Changes

Candidate Order: Independent Candidates

Authority: Code requirement

Current

Requires independent candidates to be listed alphabetically.

Proposed

Independent candidate names must be listed in order by time of filing.

Reason

Changes to Va. Code § 24.2-613 require this revision.

Candidate Name: Length

Authority: SBE standard

Current

Prohibits any candidate name from exceeding 25 characters.

Proposed

Require candidate names to fit on a single line.

Reason

The current 25-character restriction is based on restrictions imposed by old technology. These technological restrictions no longer exist. Code does not prohibit this change.

Candidate Name: Nickname as a Form of the First or Middle Name

Authority: SBE standard

Current

Prohibits a nickname from being a familiar form of the candidate’s first or middle name.

For example, the current standards do not allow candidate Elizabeth Jane Davis to appear on the ballot as:

- Elizabeth Jane “Beth” Davis.

Proposed

Eliminate criteria that the nickname should be other than form of first or middle.

For example, the proposed standards will allow candidate Elizabeth Jane Davis to appear on the ballot as:

- Elizabeth Jane “Beth” Davis.

Reason

Candidates routinely request this option. Allowing this option can help voters more accurately identify candidates who use this form of a nickname. There is no code prohibition against it.

Candidate Name: Use of Initials in Lieu of First and Middle Names

Authority: SBE standard

Current

Prohibits initials from being used in lieu of candidate’s first and middle names when the initials are the candidate’s nickname.

For example, the current standards do not allow candidate Philmore Eugene Williams to appear on the ballot as “P.E. Williams”.

The current standards require the name to appear as either:

- Philmore Eugene “PE” Williams;
- Philmore E. “P.E.” Williams or;
- P. Eugene “P.E.” Williams.

Proposed

Allow initials to be used in lieu of first and middle name.

The proposed change would allow candidate Philmore Eugene Williams to appear on the ballot as any of the above, and additionally, either:

- P.E. Williams or;
- PE Williams.

Reason

Candidates commonly request this option. Allowing this option can help voters more accurately identify candidates go by their initials rather than a first or middle name. There is no code prohibition against it.

Candidate Name: Name Suffix

Authority: SBE standard

Current

Current language:

Suffix, if one: Sr. is optional. All other suffixes must be used since they appear on a person's birth certificate and are part of the person's legal name.

Proposed

If a candidate has a suffix on their voter registration record, then the suffix must be included.

Reason

- If there are registered voters with the same name except for the Jr. and Sr. suffix, then always requiring the suffix will help voters identify which candidate is on the ballot.
- Simplifying the standard is easier to administer, and will provide greater consistency and uniformity for candidates and voters.
- The existing standards document contains instructions that contradict subsequent examples.

Political Party Names

Authority: SBE standard

Current

Abbreviations for party names are enumerated in the current standards.

Proposed

SBE will set party abbreviations at the time of the party order drawing.

Reason

To allow flexibility to set abbreviations for groups as eligibility varies from year to year.

We recommend the board set abbreviations at the same time as drawing for party order on the ballot since eligibility for groups such as Green, Independent Green, etc. may vary from year to year.

For example, one year may see “Constitution” abbreviated as “C”. The next year another group calling itself “Conservative” may be eligible to appear with a party designation.

Clarifying Changes

Voting Systems: DRE

Current

Refers to DRE voting systems.

Proposed

Removes references to DRE voting systems.

Reason

DRE systems are no longer certified for use in the Commonwealth.

Ballot Standards Executive Summary
Summary of Proposed Changes

Ballot Layout

Current

No guidance on ballot layout.

Proposed

Designates two acceptable ballot layouts.

Reason

Ballot design is meant to increase usability and understanding for the voter. Voters perform best when instructions are close to where they are needed.

Ballot Layout

Current

Provides little guidance on how to instruct voters to best communicate their choice.

Proposed

Clear instructions for voters to fill in the oval next to the name of the candidate of their choice.

Reason

Voters perform best with clear instructions of how to communicate their choice.

Refers to separate instructions for optical scan ballots and DREs regarding voting instructions.

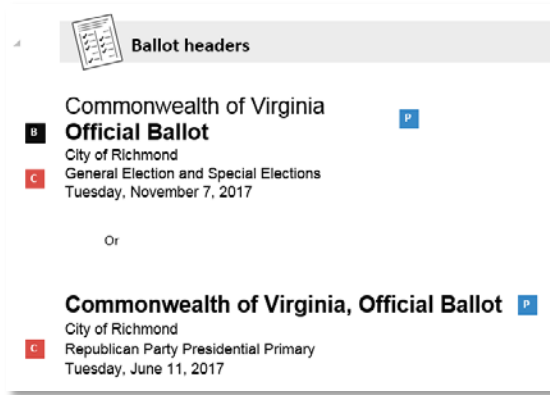
Requires all ballot types to include voting instructions.

Optical scanning machines are the only voting systems certified for use. All ballots for optical scanning machines should have voting instructions.

Ballot Standards Executive Summary

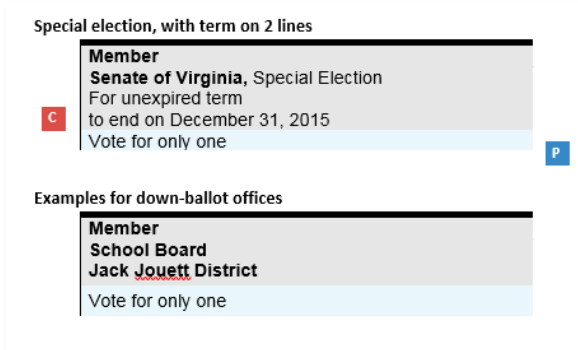
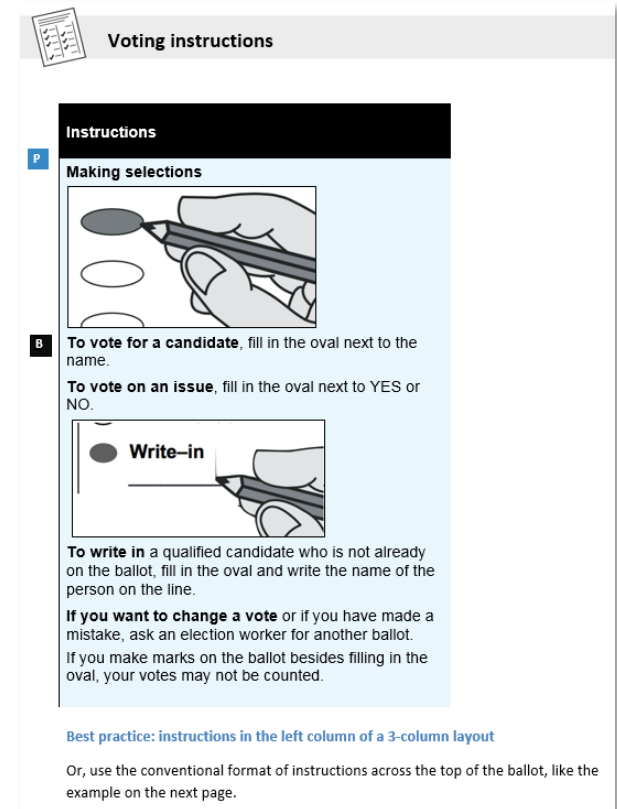
Summary of Proposed Changes

Recommendations and Best Practices for Ballot Design and Formatting



Both general registrars and vendors requested additional guidance on overall ballot design and more specific formatting recommendations.

The proposed ballot standards provide extensive guidance on best practice recommendations for ballot design from fonts and text justification to instructions to voters based on EAC and CCD research and experience across the country.



§ 24.2-612 State Board’s Ballot Standards and Verification Procedures

The State Board of Elections (SBE) acknowledges its Code-obligated ballot verification requirements as specified in § [24.2-612](#). The most critical role for SBE is to ensure ballot development presents the voter with the proper offices, issues and candidates in an election. Election contest issues may arise without this accomplished.

SBE further acknowledges that voting methods (paper ballot, optical scan and Direct Record Electronic [DRE] machines) present ballot content in different ways. Paper, optical scan and DRE voting methods have established ballot layouts which have developed throughout the years. This document does not replace those established layouts. Moreover, it attempts to present the Code requirements for ballot preparation.

With that in mind, what follows are SBE’s verification points:

Ballot Header: Present on the top of the ballot or within the DRE programming. The “Commonwealth of Virginia” and “Official Ballot” may appear on two lines or one. When it appears on one line the information is separated by a comma. The size of the text may vary but it can never be less than 12 pt. font. The use of bold text is recommended as it draws the voter’s attention, but is not required. In all Primary Elections except Presidential Primaries, the “Election Title” must include the Political Party Name before the words “Primary Election” (§ [24.2-529](#)). The “Election Title” in a Presidential Primary is “Republican/Democratic Party Presidential Primary”.

Commonwealth of Virginia Official Ballot County, City, Or Town Name Election Title Tuesday, Date of Election	Commonwealth of Virginia Official Ballot County, City, Or Town Name “Party Name” Primary Election Tuesday, Date of Election
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Voting Instruction, (Optical Scan Ballots ONLY): Must present the voter with clear instructions on how to mark their ballot properly. Sizes of the text may vary but never be less than 12 pt. font. The use of bold text is recommended as it draws the voter’s attention, but is not required.

Office Header: This header varies depending upon whether it’s a General or Special Election and the type of office elected. The line containing either (“Vote for only one) or (Vote for not more than _____”) must not be less than 10 pt. font (§ [24.2 613](#)). All other content should not be less than 12 pt. font. The use of bold text is recommended as it draws the voter’s attention; but bold text is not required. Text within the header can be centered or left justified. Below are several Office Header examples:

GENERAL OFFICE HEADER	SPECIAL OFFICE HEADER	SPECIAL OFFICE HEADER (Without Member and District)
Member House of Delegates 99th District (Vote for only one)	Member Senate of Virginia 9th District For unexpired term to end December 31, 2015 (Vote for only one)	CLERK OF COURT For unexpired term to end December 31, 2015 (Vote for only one)

§ 24.2-612 State Board's Ballot Standards and Verification Procedures

Placement of Offices and Issues on the Ballot: The placement of offices and issues involved in an election must conform to the following logic: General Election before Special Election; Statewide before Regional; Regional before Local; Locality-wide before District; and District before Town.

Statewide Offices	
BALLOT PLACEMENT	OFFICE/ISSUE TITLE
1	President
2	Member United States Senate
3	Member House of Representatives
4	Governor
5	Lieutenant Governor
6	Attorney General
Statewide Issues, if applicable	
7	Proposed Constitutional Amendment (statewide)
8	Proposed Bond Referendum (statewide)
Regional Offices	
9	Member Senate of Virginia
10	Member House of Delegates
Regional Issues, if applicable	
11	Regional Referendum
Locality-wide Offices	
12	Clerk of Court
13	Commonwealth's Attorney
14	Sheriff
15	Commissioner of Revenue
16	Treasurer
17	Chairman Board of Supervisors
	County Board
	Mayor, City
18	Member Board of Supervisors At Large
	Member City Council At Large
19	Chairman School Board
20	Member School Board At Large
Locality-wide Issues, if applicable	
21	Bond Issues
22	Referendum
District Offices	
23	Member Board of Supervisors
	Member City Council Super District
	Member City Council Election

§ 24.2-612 State Board's Ballot Standards and Verification Procedures

24	Member School Board Super District
25	Member School Board
26	Soil and Water Conservation Director
District Issues, if applicable	
27	Referendum
Town Offices	
28	Mayor
29	Member Town Council At Large
30	Member Town Council
31	Recorder
32	Treasurer
Town Issues, if applicable	
33	Referendum

Candidate Names: A candidate's ballot name must follow the State Board's policy as stated on the back of each Certificate of Candidate Qualification (SBE-501).

Titles: **NO** titles [Rev., Dr., Mr., Mrs., etc.] are to be used, either before or following the candidate's name.

A woman **must use** her given first name, not her husband's, and without a "Mrs." in front of a name.

EXAMPLE: Mary L. Jones **not** Mrs. John W. Jones.

Criteria: First name or initial or familiar form of first name (see example below)
 Middle name or initial or familiar form of middle name
 Nickname should be other than form of first or middle name and must appear within quotation marks
 Last name
 Suffix, if one: Sr. is optional. All other suffixes must be used since they appear on a person's birth certificate and are part of the person's legal name.

Examples: The candidate's full legal name is **Thomas Wendell Smyth III**. The following options are available:

- Tom W. Smyth III (Tom is a familiar, commonly used, form of Thomas)
- T. Wendell Smyth III
- Thomas W. Smyth III
- Thomas Wendell Smyth III
- Thomas W. "Tom" Smyth III
- T. W. "Tom" Smyth III
- T. W. "Spanky" Smyth III
- T. W. Smyth III

§ 24.2-612 State Board's Ballot Standards and Verification Procedures

Initials for **both** the first and middle names may be used **only** when the initials **are also** the nickname **or** if the Department of Elections (ELECT) determines initials must be used in order for some form of the candidate's full legal name to fit on the ballot.

Length: The entire name to appear on the ballot **must not exceed** 25 spaces, including any punctuation and spaces between names. If the candidate's name exceeds 25 spaces, contact ELECT staff to make appropriate accommodations to meet the criteria established by the Board.

Candidate Order: Primary ballot order will be determined by the time of filing with the political party chair (§ [24.2-529](#)). Simultaneous primary filings will be determined by a drawing conducted by SBE for statewide and General Assembly offices and by the local electoral board for all local offices. Party ID is not present in a Primary Election.

The political party ballot order in a General or Special Election will be determined by drawings conducted by SBE (§ [24.2-613](#)). Independent candidates always appear last and are in alphabetical order by last name. Party identification is only present in federal, statewide, and General Assembly elections (§ 24.2-613). The Party ID's for the political parties, recognized political parties and Independents are as follows: Democrat (D), Republican (R), Libertarian (L), Green (G), Independent Green (IG), Constitution (C), and Independent (I) (§ 24.2-613). The party ID follows after the candidates name with a space, then a dash, another space and then the abbreviation of the party, i.e., **Gregory J. Davis - L**.

Candidate names printed on paper and optical scan ballots must not be less than 12 pt. font. Candidate names **printed** on AVC Advantage DRE ballots must not be less than 14 pt. font. (§ [24.2-640](#)).

Presidential Ballot Exception: A presidential ballot must present the candidates in the following manner (§ [24.2-614](#)). Sizes of the text may vary but never be less than 12 pt. font. The use of bold text is recommended as it draws the voter's attention but is not required.

President and Vice President (Vote for only one)
_____ Party Electors for Harry Potter , President Princess Leia , Vice President
_____ Party Electors for Lois Lane , President Clark Kent , Vice President
Write-In

Write-In line(s): The words "Write-In" must reflect the number of seats to be elected (i.e., "Vote for not more than **three**") should have **3** write-in blocks after the last candidate's name or enough space to accommodate three write in candidate names. Write-in voting is not permitted in a Primary Election (§ [24.2-529](#)).

§ 24.2-612 State Board's Ballot Standards and Verification Procedures

Question Header: Sizes of the text may vary but never less than 12 pt. font. The use of bold text is recommended as it draws the voter's attention but is not required.

Question Text: Sizes of the text may vary but never be less than 12 pt. font. Statewide and regional content must appear on the ballot as it appears in the legislation passed by the General Assembly. Local content must appear on the ballot as it appears in the Circuit Court's Writ. "Yes" and "No" appear in their own individual blocks after the text of the question.

Proposed Constitutional Amendments Question 1	Food and Beverage Tax
Shall Section 6 of Article X of the Constitution of Virginia ...?	Should the County be authorized to levy a tax on food and beverages sold...?
Yes	Yes
No	No

Verification Procedures for Localities that Contracts Ballot Preparation to a Ballot Printer or Voting Equipment Vendor:

- Request delivery of ballot proof(s) from local printer or voting equipment vendor after receiving certification of candidate information from ELECT (§ 24.2-612);
- The general registrar and the Secretary of Electoral Board must review the ballot(s) to ensure the standards are met (the Secretary may formally designate another Board member or deputy/assistant registrar to review in their place);
- If necessary, return ballot(s) to local printer or voting equipment vendor for correction and review corrected proof to ensure error is corrected;
- The general registrar and/or Secretary of Electoral Board must send* the final proof of the ballot stating that they have proofed the ballot, believe it to be correct and have met the standards of the State Board; and
 - Upon receipt, ELECT will verify that the ballot matches the standards set forth in this document.
 - After receipt of ELECT verification, the locality may proceed with ballot production.
 - ELECT staff will **NOT** review ballots for correct spelling of candidate names or office titles.

Verification Procedures for Localities that Prepare their Own Ballot(s):

- Create ballot proof(s) after receiving certification of candidate information from ELECT (§ 24.2-612);
- If general registrar creates the ballot(s), the general registrar and Secretary of the Electoral Board must review the ballot(s) to ensure the standards are met (the Secretary may formally designate another Board member or Deputy/Assistant Registrar to review in their place);
- If necessary, correct errors and review; and
- The general registrar and Secretary of Electoral Board must send* the final proof of the ballot to ELECT stating that they have proofed the ballot and believe it to be correct and have met the standards of the State Board
 - Upon receipt, ELECT will verify that the ballot matches the standards set forth in this document.
 - After receipt of ELECT verification, the locality may proceed with ballot production.
 - ELECT staff will **NOT** review ballots for correct spelling of candidate names or office titles.

*Submission of the ballots to ELECT with EB signature is not required. Records of approval must be kept internally.

Ballot Standards

★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

March 2018

DRAFT

Virginia State Board of Elections
1000 Broad Street
Richmond, Virginia

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Authority and Scope

The State Board of Elections (SBE) has the authority to prescribe ballot standards for elections within the Commonwealth (Va. Code § 24.2-613). Ballots must comply with all applicable Va. Code sections and these standards. These standards apply to all official ballots within the Commonwealth unless stated otherwise.

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What's in this Document

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

Who Should Use this Document

General registrars To ensure that you are meeting all of the requirements for ballot design and layout, including order of offices and for proofing ballots.

Ballot layout specialists To ensure that ballots show the right content in the correct order.
You will also find best practice recommendations useful when you are making tradeoffs in formatting. The best practices represent the best possible design for ensuring voter intent is communicated.

ELECT staff As a reference for proofing ballots.

How to Use this Document

Each major section includes three visual elements including: examples/illustrations, and indicators to differentiate requirements from recommended best practices:

①

Examples /
illustration(s)

B

Commonwealth of Virginia, Official Ballot

P

City of Richmond

C

Republican Party Presidential Primary

Tuesday, March 1, 2016

Requirements vs. Best Practice Recommendations:

②

Indicators for
illustrations

C

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

B

P

③

Headers for
text

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

Code requirements

Board requirements

Best practice recommendations



Overall Ballot Design

Fonts and Targets

Best practice recommendations

- | | |
|------------------------------|--|
| Font size | <p>P Minimum font size of 12 points on the entire ballot.
Ballot headers should be the biggest content on the ballot, preferably at 18 points.</p> |
| Use sans serif fonts | <p>P Vendors and printers may select any highly readable sans serif font. Some examples are Calibri (the font used throughout this document), Arial (used in all of the examples), and Helvetica.
Avoid serif fonts, such as: Times New Roman, Georgia, Cambria.</p> |
| Target ovals or boxes | <p>P Ovals are preferred as targets for marking ballots rather than squares, rectangles, or arrows. Squares, rectangles or arrows may be used, so long as targets marked without filling in the target area entirely – including with a line, check mark or “X” – always capture voter intent.
Line weight for the target oval or rectangle should provide adequate contrast to cue the voter.
The lines making up ovals or rectangles (to be filled in by the voter) should be black, not red. The emphasis is distracting and does not improve voter performance.</p> |



Order of Major Elements on the Ballot

The ballot must be laid out
in this order

- B** 1. Ballot Header (page 13)
- B** 2. Instructions for voters (page 16)
- B** 3. Offices and issues (starting on page 22)
- C** 4. Locality seal (page 38)

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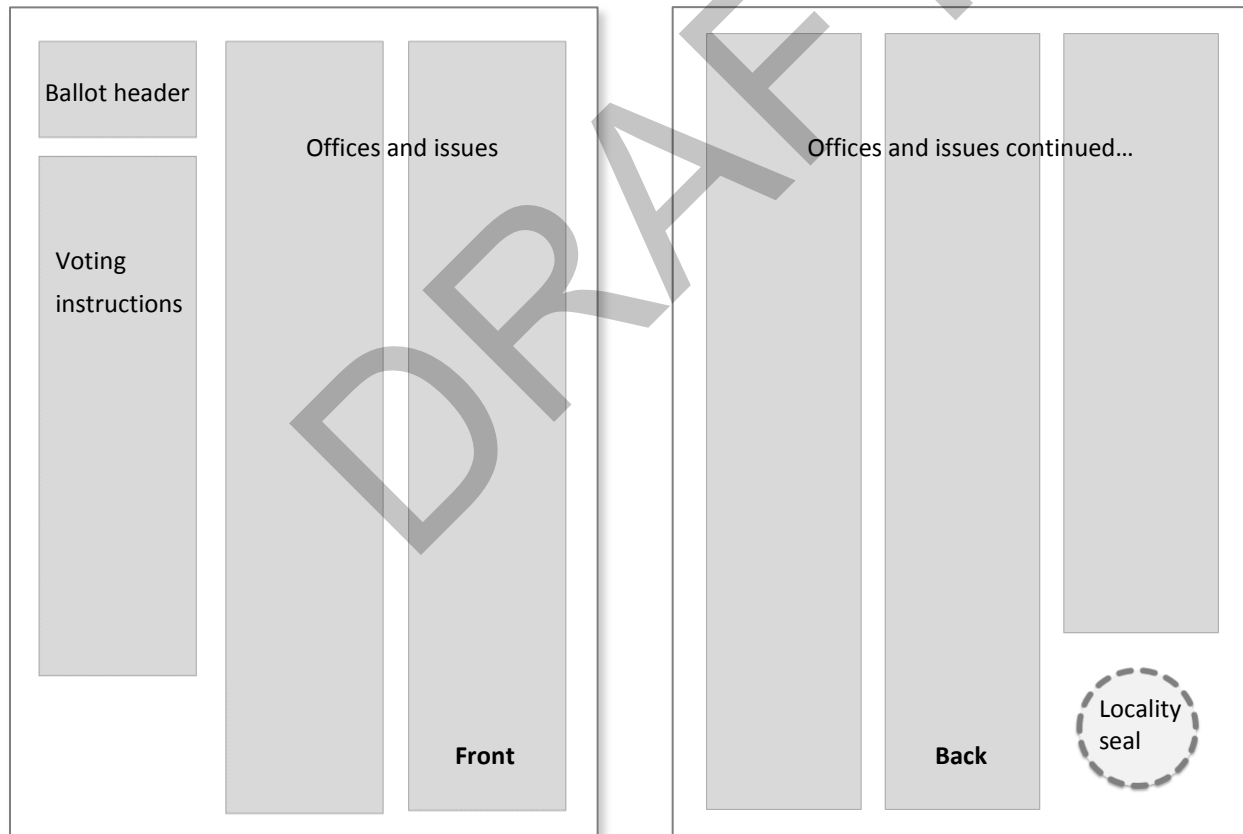


Acceptable Layouts

- B** You may use one of the two ballot layouts below (images are not to scale). If you would like to use a different layout, please contact ELECT.

Ballot Layout 1: Best practice (Instructions in left column)

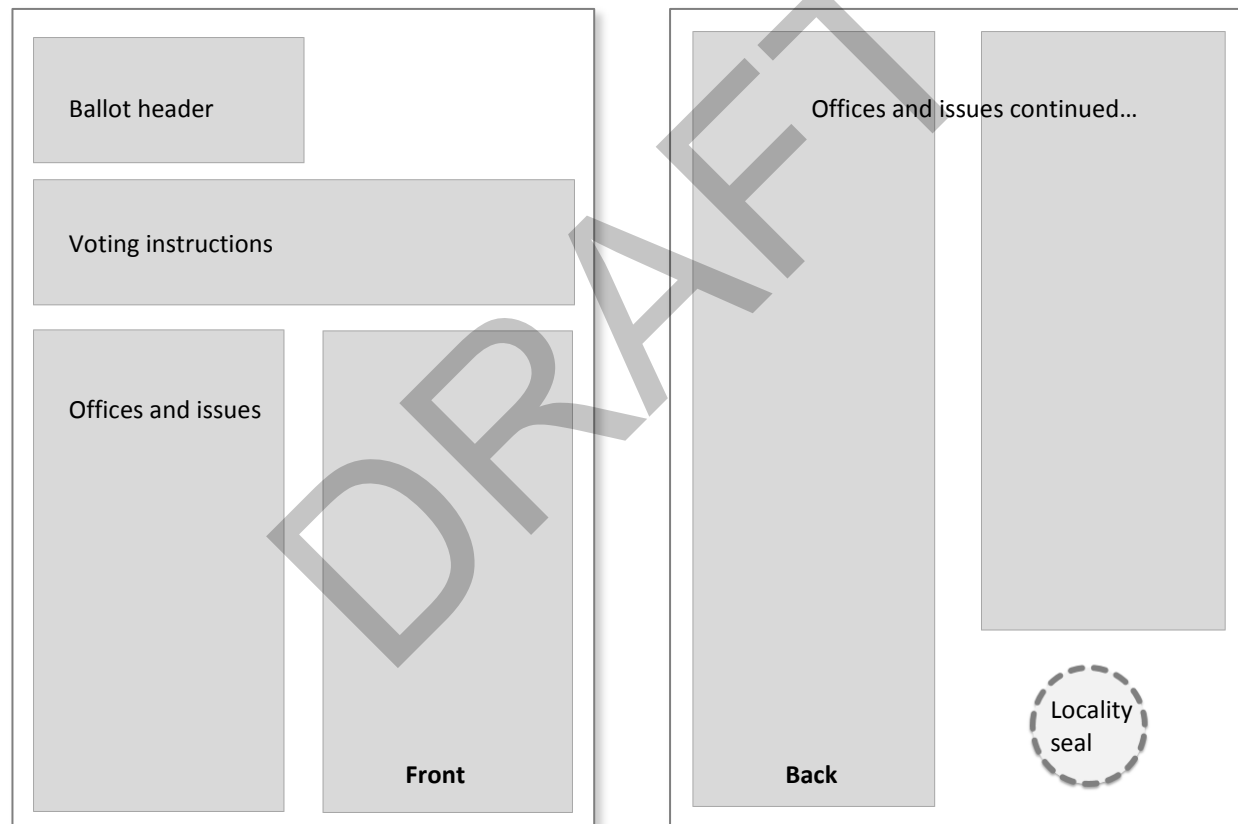
P





Ballot Layout 2

This layout is also acceptable, but not best practice to convey instructions to voters.
(Instructions across top)





Best practice recommendations

Type case	Use mixed case (avoid using all capital letters).
Justification	Left-justify text (avoid centered text).
Fonts	Use a single sans serif font family throughout the ballot.
Adding emphasis	Use emphasis sparingly. Never use italics or underlining on a ballot. Use big enough type – but not too big.
Help voters know what to do and where to go next	Put instructions where voters need them. Use contrast and color functionally. Decide what is most important (not everything should be bold or large type). Don't split offices across columns.



Best practice recommendations

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



Ballot Headers

Ballot header examples

B Commonwealth of Virginia
Official Ballot
City of Richmond
C General and Special Elections
Tuesday, November 7, 2017

OR

B Commonwealth of Virginia, Official Ballot
City of Richmond
C Republican Party Presidential Primary
Tuesday, March 1, 2016

P

*“Commonwealth of Virginia”
and “Official Ballot” in 18-point.
The rest of the information in 12-
point.*



Code requirements

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

Board requirements

Title	'Commonwealth of Virginia' and 'Official Ballot' on one or two lines.	
Locality	Name of locality	
Name of election	General election without specials, referendum, or amendments	General Election
	General election with specials, referendum, or amendments	General and Special Elections
	Special Elections	Special Election
	Primaries	Republican Party Primary Democratic Party Primary
	Presidential Primaries	Republican Party Presidential Primary Democratic Party Presidential Primary
Date of election	Must be written as day of the week, month date, and year. For example, Tuesday, November 7, 2017.	



Best practice recommendations

Font size

No smaller than 12-point and should not be larger than 18-point.

In the example, “Commonwealth of Virginia” and “Official Ballot” are 18-point. The rest of the information is 12-point.

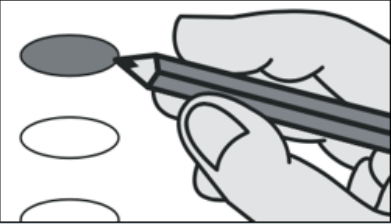

DRAFT



Voting Instructions

Voting instruction examples

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

Instructions	
P	Making selections 
B	To vote for a candidate , fill in the oval next to the name. To vote on an issue , fill in the oval next to YES or NO.
	 Write-in
	To write in a qualified candidate who is not already on the ballot, fill in the oval and write the name of the person on the line.
	If you want to change a vote or if you have made a mistake, ask an election worker for another ballot. If you make marks on the ballot besides filling in the oval, your votes may not be counted.

Remember:

Voters perform best when instructions are close to where they are needed.

Voters are more likely to read and use instructions when they appear in the left column of a multi-column ballot than when the instructions are across the top of the ballot.



A conventional 2-column layout is acceptable if 3-columns will not work. For example, if candidate names are long. Instructions in this type of layout are placed across the top of the ballot, between the office header and the offices:

Example of voting instructions across the top of the ballot:

P **Instructions to voters**

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

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

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

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

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



Board requirements

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

Best practice recommendations

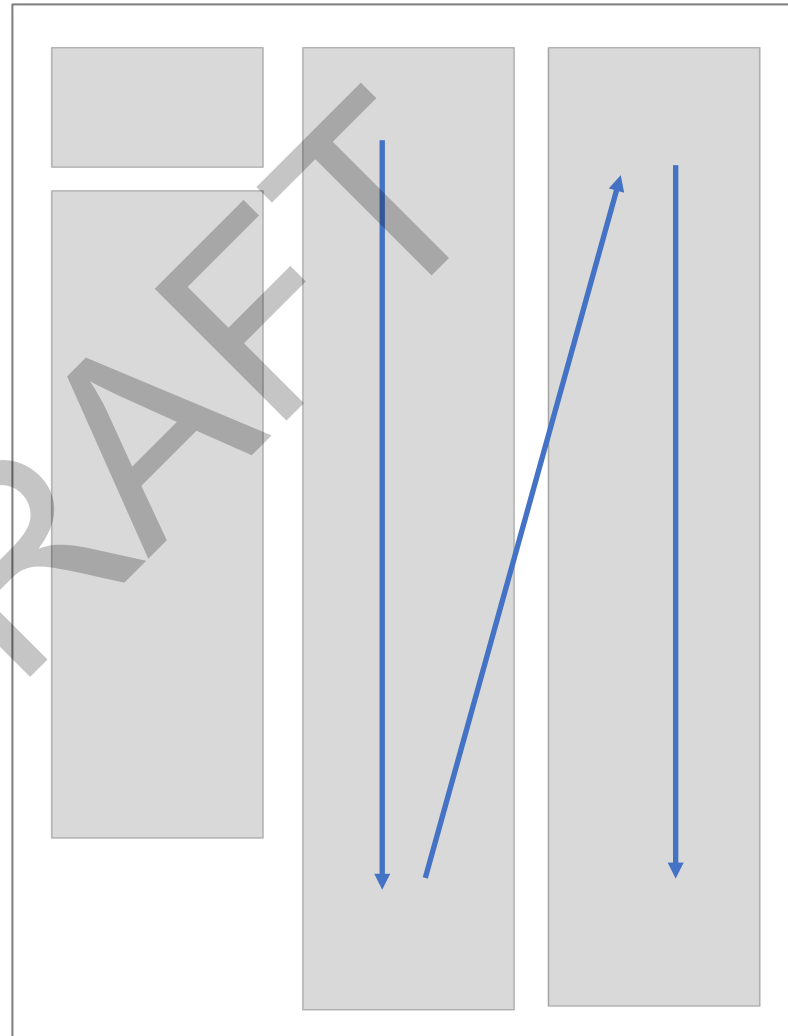
- Wording** Use the instructions in the example above, as closely as possible.
- Emphasize actions** Use bold to emphasize actions for voters.
- Illustrations** Include an illustration that shows how to mark the ballot correctly.
- Lists** Do not use numbered or bulleted lists. The emphasis in each sentence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



Ballot Order

Board requirements for ballot order

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





Board requirements for ballot order

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

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

Offices must be placed in this order:

Statewide Offices	
Ballot Placement	Office/issue title
1	President
2	Member United States Senate
3	Member House of Representatives
4	Governor
5	Lieutenant Governor
6	Attorney General
Statewide Issues, if applicable	
7	Proposed Constitutional Amendment (statewide)
8	Proposed Bond Referendum (statewide)
Regional Offices	
9	Member Senate of Virginia
10	Member House of Delegates
Regional Issues, if applicable	
11	Regional Referendum



Statewide Offices

Ballot Placement	Office/issue title
------------------	--------------------

Locality-wide Offices

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

Locality-wide Issues, if applicable

- 21 Bond Issues
- 22 Referendum

District Offices/Magisterial Offices/Ward

- 23 Member Board of Supervisors
Member City Council Super District/Ward
Member City Council Election
- 24 Member School Board Super District/Ward



Statewide Offices

Ballot Placement

Office/issue title

- 25 Member School Board
- 26 Soil and Water Conservation Director

District/Ward Issues, if applicable

- 27 Referendum

Town Offices

- 28 Mayor
- 29 Member Town Council At Large
- 30 Member Town Council
- 31 Recorder
- 32 Treasurer

Town Issues, if applicable

- 33 Referendum

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Office Headers

Officer Header examples

General election

B

**Member
Senate of Virginia**

District 99

C

Vote for only one

Special election, without
designation

**Member
Senate of Virginia**

District 9

For unexpired term to end December 31, 2015

Vote for only one

P

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

Special election, with
designation

**Member
Senate of Virginia**

Special Election

For unexpired term to end December 31, 2015

Vote for only one

Special election, with
term on 2 lines

**Member
Senate of Virginia, Special Election**

For unexpired term

to end December 31, 2015

Vote for only one



Officer Header examples continued

Examples for
down-ballot
offices

**Member
School Board
Jack Jouett District**

Vote for only one

**Mayor
Town of Glasgow**

Vote for only one

**Member Town Council
Town of Brodnax**

Vote for not more than three

**Member Town Council – At Large
Town of Amherst**

Vote for only one

**Member Town Council, At Large
Town of Amherst**

Vote for only one



Officer Header examples continued

Presidential elections

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



Code requirements for office headers

“Vote for...” instructions

(Va. code § 24.2-613(D))

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

Must appear immediately below the title of any office.

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

“Vote for only one”

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

“Vote for not more than *n*”

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

Vote for not more than three

“Electors for...”

(Va. Code § 24.2-614)

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



Board requirements for office headers

Order of elements in office blocks

Office title (such as “Governor”)

Town, District, or Ward

For special elections only: “For unexpired term to end June 20, 2019”

“Vote for” instructions (see above)

Candidate names

Write-in line(s), except for primaries

Member offices

Start with the word, “Member”

The word “Member” should be on its own line, space permitting

Include a “-” (hyphen) or “,” (comma) and the words “At Large” for an at-large seat

For example: Member Town Council - At Large

Member Town Council, At Large

Be consistent in usage of dashes or commas throughout the ballot.

Special elections Office title

The words “Special Election” are optional in the office title. If you choose to label the office with “Special Election” then use one of these formats:

[Office name], Special Election

[Office name] - Special Election

Unexpired term

Be consistent in usage of dashes or commas throughout the ballot.

The text “For unexpired term to end June 20, 2019” must appear immediately preceding the “Vote for” instructions.



Best practice recommendations for office headers

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

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

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

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



Political Party Order and Appearance

Non-presidential candidate names

C
B

Member
Board of Supervisors
For unexpired term to end on December 31, 2015
Vote for not more than three
<input type="radio"/> Aaron J. Peskin II
<input type="radio"/> Barb Jean Bush Jr.
<input type="radio"/> G. Duane Kruse
<input type="radio"/> Janice C. "Ginny" Redish
<input type="radio"/> Erin J. Michael
<input type="radio"/> Write-in

P Candidate names should be in mixed case, bold type.

Code requirements for candidate names

(Va. Code §24.2-529)

Primary elections

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

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

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



Board requirements for candidate names

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

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

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

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

Mary L. Jones

Not: Mrs. John W. Jones

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

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

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

Nickname Must be in double quotation marks, if used.

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

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

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



Board requirements for candidate names, continued...

Examples of acceptable name formats

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

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

Presidential / Vice Presidential candidate names

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

Fit the full candidate name on one line

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

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



Best Practice Recommendations

Candidate names should be in mixed case, bold type.

Member
House of Delegates
58th District

Vote for not more than three

Aaron Peskin II (D)

Barb Jean Bush Jr. (R)

G. Duane Kruse (L)

Janice C. "Ginny" Redish (G)

Erin J. Michael (G)

Write-in

Write-in

Write-in

C

Show party designation for federal, statewide, and General Assembly offices.



Code requirements

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

Board requirements

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

Best practice recommendations

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



Write-ins

Write-in example

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

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

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

B

P

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

<input type="radio"/>	Write-in

<input type="radio"/>	Write-in



Code requirements

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

Board requirements

Where After the last candidate's name.

Target Write-in lines must show a target (oval, rectangle, etc.) for each write-in space.

Language Include the words "Write-in" using a hyphen followed by a line for voters to write the name.

Number of write-in lines There must be the same number of write-in lines as the number of seats to be elected. For example, an office with the instruction, 'Vote for not more than three' should have 3 lines for the voter to write in or leave enough space for voter's to write in 3 separate names.

Best practice recommendations

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

Location of line Put the line for writing in the name under the words "Write-in" with enough line space for the voter to write the name. The line may also be next to or above the words "Write-in" if voting systems cannot accommodate the line underneath. If presented on the same line, the words "Write-in" should be to the left of the write-in line.



Amendments, Referendums, and Bonds

*Title,
then Question,
then Answer
options*

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

*'Yes' and 'No' in
individual blocks
or lines after the
text of the
question*

C

Meals tax

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

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

Yes

No

P

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

*Yes and No choices in
bold type*



Code requirements

Layout (Va. code § 24.2-684)

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

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

Language (Va. code § 24.2-684)

Referendums must:

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

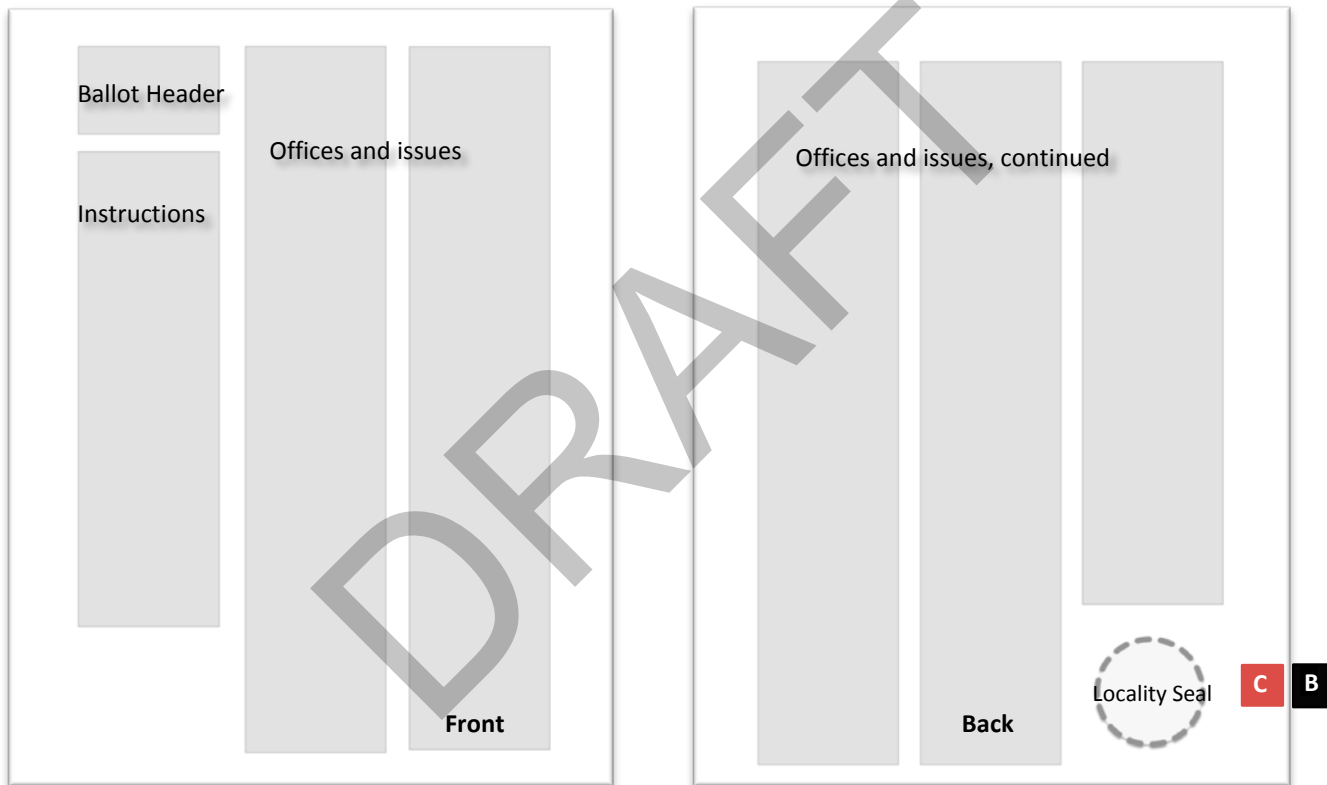
Best practice recommendations

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

The Yes and No choices should be in bold type.



Locality Seal





Code requirements

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

Board requirements

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

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

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

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Commonwealth of Virginia
CERTIFICATE OF CANDIDATE QUALIFICATION
LOCAL OFFICES

NOTICE: YOU MUST FILE THIS FORM WITH THE GENERAL REGISTRAR BY THE FILING DEADLINE. FAILURE TO DO SO MAY RESULT IN YOUR DISQUALIFICATION. SEE REVERSE SIDE FOR DETAILS.

Pursuant to § 24.2-501 of the *Code of Virginia*, I hereby certify that:

1. I am a citizen of the United States. [] YES [] NO
2. I am at least eighteen years of age or will be on or before the date of the election for the office I am seeking. [] YES [] NO
3. I have been a resident of the Commonwealth of Virginia for the year immediately preceding the election for the office I am seeking. [] YES [] NO
4. I now reside at the address shown below in the *county or city and, if applicable, district in which I seek office [residence address must be given; post office box or general delivery is not acceptable]:

_____ STREET AND NUMBER, RURAL ROUTE AND BOX NUMBER, OR HIGHWAY ROUTE NUMBER

City/Town _____ **ZIP** _____

[If town, also list County of residence: _____]

5. I am registered to vote at the above address in the precinct in which I reside. [] YES [] NO
[or my application for registration, transfer, or change of address is on file in the general registrar's office]
6. Have you ever been convicted of a felony or any other crime that would preclude you from holding office? (See, e.g., § 18.2-472) [] YES [] NO
7. Have you ever been adjudicated mentally incompetent **and** lost your right to vote? [] YES [] NO
8. If you answered **YES** to 6, give date of certificate restoring voting rights. _____
 If **YES** to 7, give date of court order restoring competency. _____
DATE OF RESTORATION
9. I am an attorney admitted to the bar of the Commonwealth. [] YES [] NO
(Answer only if seeking office of Commonwealth's Attorney)

PLEASE TYPE OR PRINT LEGIBLY ALL THE FOLLOWING INFORMATION:		OFFICE SOUGHT	
YOUR NAME AS IT IS TO APPEAR ON BALLOT <small>[SEE REVERSE SIDE FOR REQUIREMENTS]</small>		DISTRICT IF APPLICABLE	
MAILING OR CAMPAIGN ADDRESS		YOUR SOCIAL SECURITY NUMBER <small>[SEE STATEMENT ON REVERSE SIDE]</small>	
		ELECTION DATE (MM/DD/YYYY)	
		CHECK ONE <input type="checkbox"/> Republican Primary <input type="checkbox"/> Special Election <input type="checkbox"/> Democratic Primary <input type="checkbox"/> General Election	
E-MAIL ADDRESS		(AREA CODE) HOME TELEPHONE	
WEB ADDRESS		(AREA CODE) BUSINESS TELEPHONE	

I do solemnly swear [or affirm] subject to penalty provisions for making false statements that the information given above is true and correct and that I am qualified to vote for and hold the office for which I am a candidate.

PLACE PHOTOGRAPHICALLY REPRODUCIBLE NOTARY SEAL/STAMP BELOW

SIGNATURE OF CANDIDATE

DATE

State of _____ County/City of _____

The foregoing instrument was subscribed and sworn before me this _____ day of

_____, 20____, by _____

PRINT NAME OF CANDIDATE

SIGNATURE OF NOTARY OR CLERK OF CIRCUIT COURT

NOTARY REGISTRATION NUMBER

DATE NOTARY COMMISSION EXPIRES

KNOWINGLY MAKING ANY UNTRUE STATEMENT OR ENTRY IN THIS DOCUMENT IS A FELONY UNDER VIRGINIA LAW. THE PUNISHMENT IS A MAXIMUM FINE OF \$2,500 AND/OR CONFINEMENT FOR UP TO TEN YEARS. ALSO, YOU LOSE YOUR RIGHT TO VOTE.

*See § 15.2-1525 of the *Code of Virginia* for certain exceptions to residence requirements for Commonwealth's Attorneys.

HOW NAME MAY APPEAR ON BALLOT

Length: The entire name to appear on the ballot **must not exceed** 25 spaces, including any punctuation and spaces between names. If your name exceeds 25 spaces, contact the Department of Elections to make appropriate accommodations to meet the criteria established by the State Board of Elections.

Titles: **NO** titles [Rev., Dr., Mr., Mrs., etc.] are to be used, either before or following the candidate's name.

A woman **must use** her given name, not her husband's, and without a "Mrs." in front of a name.

EXAMPLE: Mary L. Jones **not** Mrs. John W. Jones.

Criteria: First name or initial or familiar form of first name (see example below)
Middle name or initial or familiar form of middle name
Nickname should be other than form of first or middle name and must appear within quotation marks
Last name
Suffix, if one: Sr. is optional. All other suffixes must be used since they appear on a person's birth certificate and are part of the person's legal name.

If your name exceeds 25 spaces, contact the Department of Elections. That office will determine what combination of the first name or initial, middle name or initial, nickname, and last name can appear on the ballot.

Examples:

The candidate's full legal name is **Thomas Wendell Smyth III**. The following options are available:

- ➔ Tom W. Smyth III (Tom is a familiar, commonly used, form of Thomas)
- ➔ T. Wendell Smyth III
- ➔ Thomas W. Smyth III
- ➔ Thomas Wendell Smyth III
- ➔ Thomas W. "Tom" Smyth III
- ➔ T. W. "Tom" Smyth III
- ➔ T. W. "Spanky" Smyth III
- ➔ T. W. Smyth III

Initials for **BOTH** the first and middle names may be used **ONLY** when the initials **ARE ALSO** the nickname **OR** if the Department of Elections determines initials must be used in order for some form of your full legal name to fit on the ballot.

SOCIAL SECURITY NUMBER:

Your social security number is part of your official voter record. It is required on this form only to make it possible to identify your registration record in order to qualify you as a candidate. The General Registrar, when copying this document for public inspection, must cover your social security number.

RETURN TO:

The office of the *General Registrar* of the county or city in which you, the candidate, live. Postmarks are acceptable only if the form is mailed by registered or certified mail. If so mailed, a receipt indicating date of mailing must be produced if demanded by the General Registrar or the Department of Elections.

This form may be filed as soon as you decide to seek a party's nomination or to circulate petitions. Failure to file this form with the *General Registrar* **by the filing deadline established for the election** may mean your name will not appear on ballots for the local office you are seeking.

DEADLINE FOR RECEIPT OF FORM BY GENERAL REGISTRAR: Refer to appropriate Candidate Bulletin for details.

FURTHER INFORMATION:

The Candidate Information Bulletin and forms required to be filed can be downloaded from our website:

<http://elections.virginia.gov/>

Should you have questions relating to your candidacy, please do not hesitate to call the Department of Elections.

(804) 864-8901 **OR** Toll-free: (800) 552-9745

How Candidate Names May Appear on the Ballot

Candidate names for all offices except President/Vice President must use these criteria:

Criteria		
First name or initial	First name or initial or familiar form of first name	
Middle name or initial	Middle name or initial or familiar form of middle name (Initials may be used in lieu of either the first or middle name or both)	
“Nickname” (optional)	Must be in double quotation marks, if used	
Last name	Last name as it appears on the candidate’s voter registration record	
Suffix	Must be used if included on the candidate’s voter registration record	
Notes		
Title: Do not include a title before or after the name. Examples of titles include: Rev., Dr., Mrs., Mr., etc.		
First or Middle Name: The first or middle name must be the candidate’s given name, not a spouse’s. EXAMPLE: Mary L. Jones not Mrs. John W. Jones		
Length: The full candidate name must fit on a single line of the ballot.		
Exceptions: If the candidate name cannot meet the above requirements because it will not fit on a single line or there is no middle name – or for any other reason – contact the Department of Elections for acceptable accommodations.		
Examples		
Candidate’s full name is Robert Eugene Williams, Jr.		
Robert Eugene Williams, Jr.	Robert E. Williams, Jr.	Robert Gene Williams, Jr.
Rob Eugene Williams, Jr.	Rob E. Williams, Jr.	Rob Gene Williams, Jr.
Robbie E. “Blue Jeans” Williams, Jr.	R. E. Williams, Jr.	R. E. “Blue Jeans” Williams, Jr.
President/Vice President		
Presidential and vice-presidential candidate names appear on the ballot as specified to the State Board by the nominating party or candidate.		

SOCIAL SECURITY NUMBER

Your social security number is part of your official voter record. It is required on this form only to make it possible to identify your registration record in order to qualify you as a candidate. The General Registrar or Department of Elections, when copying this document for public inspection, must redact the social security number.

RETURN TO

Refer to the appropriate Candidate Bulletin for details on where, when and how to return this form.

FURTHER INFORMATION The Candidate Bulletin and forms required to be filed can be downloaded from our website: <http://elections.virginia.gov/>

Should you have questions relating to your candidacy, please do not hesitate to call the Department of Elections. **(804) 864-8901 OR Toll-free: (800) 552-9745**



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Electoral College Qualification Form

BOARD WORKING PAPERS
Samantha Buckley
ELECT Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Alcorn, Vice Chair Wheeler, and Secretary McAllister
From: Samantha Buckley, Policy Analyst
Date: March 23, 2018
Re: Revision to SBE-543: Petition of Qualified Voters for Electors for President and Vice President and SBE-501(1)/543: Certificate of Candidate Qualification Elector for President and Vice President

Suggested motion for a Board member to make:

Move that the Board approve the proposed amendments to form SBE-543: Petition of Qualified Voters for Electors for President and Vice President and form SBE-501(1)/543: Certificate of Candidate Qualification Elector for President and Vice President.

Applicable Code Sections: Va. Code § 24.2-501 and § 24.2-543

Attachments:

Your Board materials include the following:

- Current SBE-543 Petition of Qualified Voters for Electors for President and Vice President
- Revised SBE-543 Petition of Qualified Voters for Electors for President and Vice President
- Current SBE-501(1)/543 Certificate of Candidate Qualification Elector for President and Vice President
- Revised SBE-501(1)/543 Certificate of Candidate Qualification Elector for President and Vice President

Background:

The Department of Elections is required to amend forms SBE-543 and SBE-501(1)/543 as a result of a Consent Decree from Roque “Rocky” De La Fuente vs. Alcorn, et al. The Consent Decree requires the Department to make the following changes within 90 days:

1. For SBE-543: Petition of Qualified Voters for Electors for President and Vice President, remove the field requesting the signer to provide the last four numbers of their social security number; and

2. For SBE-501(1)/543: Certificate of Candidate Qualification Elector for President and Vice President, insert a notice stating: “Candidates for Elector for President and Vice President may provide their Certificate of Candidate Qualification directly to the Department of Elections, Washington Building, 1100 Bank Street, First Floor, Richmond, Virginia, 23219.”

The Department replaced the social security column with a column requesting the signer’s date of birth on SBE-543: Petition of Qualified Voters for Electors for President and Vice President. The signer is not required to give this information and the form provides notice that this information is optional. This document is available for public inspection. When requested for public inspection, the Department of Elections must redact the month and day of birth.

Staff Recommendation:

ELECT staff recommends the State Board of Elections approve the proposed amendments to SBE-543: Petition of Qualified Voters for Electors for President and Vice President and SBE-501(1)/543: Certificate of Candidate Qualification for Electors for President and Vice President. Prompt revisions of these forms are required by the Consent Decree.

**SPECIAL NOTE REGARDING
PETITION OF QUALIFIED VOTERS FOR ELECTORS
FOR PRESIDENT AND VICE PRESIDENT FORM
FOR CONSTITUTIONALLY QUALIFIED CANDIDATES
FOR PRESIDENT**

The Petition of Qualified Voter form [SBE-543(PC)] is a two page document (front and back) printed on one piece of 8 ½" x 11" paper. When you print this form, it should be printed front and back on one 8 ½" x 11" sheet of paper. If you are unable to print a double-sided print job, you may print two separate pages. However, you must then reproduce/copy the two pages into one page. The front of the petition contains line numbers 1 through 4; the back of the form contains line numbers 5 through 11 followed by the AFFIDAVIT. If you are unable to print or reproduce this form on 8 ½" x 11" printed back and front, then call our office at 800-552-9745 or 804-864-8901 and we will be glad to send you a form.

WHEN A CONGRESSIONAL DISTRICT INCLUDES MORE THAN ONE COUNTY OR CITY, IT IS SUGGESTED THAT YOU USE A SEPARATE PETITION FORM FOR QUALIFIED VOTERS IN EACH COUNTY OR CITY. IT ALSO IS SUGGESTED THAT YOU FILE PETITIONS IN COUNTY/CITY ORDER TO FACILITATE THE PROCESSING OF THE FILING.

IF YOU TRACK THE NUMBER OF SIGNATURES BY CONGRESSIONAL DISTRICT, ENTER DISTRICT NUMBER: _____ [OPTIONAL]

COMMONWEALTH OF VIRGINIA

PETITION OF QUALIFIED VOTERS FOR ELECTORS FOR PRESIDENT AND VICE PRESIDENT

We, the qualified voters of _____ in the Commonwealth of Virginia signed
ENTER COUNTY OR CITY NAME

hereunder or on the reverse side of this page, do hereby petition the following to become candidates for the office of Elector for President and Vice President of the United States at the General Election to be held on November 6, 2012.

CONGRESSIONAL DISTRICT:

1 st	8 th
2 nd	9 th
3 rd	10 th
4 th	11 th
5 th	AT LARGE
6 th	AT LARGE
7 th	

The above candidates, if elected, are required to vote in the Electoral College for _____ for President and _____ for Vice President. We further petition that the names of these candidates be identified on the ballot under the Party name of _____, a group qualified pursuant to § 24.2-543 of the Code of Virginia.

[IF ELECTORS DO NOT REPRESENT A PARTY GROUP, THEY WILL BE DESIGNATED "INDEPENDENT".]

CIRCULATOR: MUST SWEAR OR AFFIRM IN THE AFFIDAVIT ON THE REVERSE SIDE OF THIS FORM THAT S/HE IS A CONSTITUTIONALLY QUALIFIED CANDIDATE FOR PRESIDENT AND THAT S/HE PERSONALLY WITNESSED EACH SIGNATURE.

SIGNER: YOUR SIGNATURE ON THIS PETITION MUST BE YOUR OWN AND DOES NOT SIGNIFY AN INTENT TO VOTE FOR THE CANDIDATE. YOU MAY SIGN PETITIONS FOR MORE THAN ONE CANDIDATE.

OFFICE USE ONLY ▼	SIGNATURE OF REGISTERED VOTER [PRINT NAME IN SPACE BELOW SIGNATURE]	POST OFFICE BOXES ARE NOT ACCEPTABLE RESIDENT ADDRESS House Number and Street Name or Rural Route and Box Number and City/Town	DATE SIGNED [Must be after January 1, 2012]	*SEE NOTE BELOW LAST 4 DIGITS OF SOCIAL SECURITY NUMBER [OPTIONAL]
1.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
2.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
3.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
4.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		

CONTINUE ADDITIONAL SIGNATURES AND COMPLETE AFFIDAVIT ON REVERSE SIDE

***Privacy Notice:** The last four digits of the social security number is part of each voter's official record and is requested only to make it possible to check this petition more quickly and with greater accuracy. It is not mandatory that it be provided and you may sign the petition without doing so. The State Board of Elections, when copying this document for public inspection, must cover the column containing the last four digits of the social security number.

All signatures required by law need not be on the same page of the petition. Numerous pages may be circulated. The circulator of each page must be a person who either is, or who is eligible to be, a qualified voter of the Commonwealth of Virginia. The circulator also must swear or affirm in the affidavit that s/he personally witnessed the signature of each voter. SBE-543(PC) REV 5/12

CIRCULATOR: MUST SWEAR OR AFFIRM IN THE AFFIDAVIT BELOW THAT S/HE IS A CONSTITUTIONALLY QUALIFIED CANDIDATE FOR PRESIDENT AND THAT S/HE PERSONALLY AND THAT S/HE PERSONALLY WITNESSED EACH SIGNATURE.

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	SIGN	RESIDENCE		
5.	PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
6.	PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
7.	PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
8.	PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
9.	PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
10.	PRINT	CITY/TOWN		
	SIGN	RESIDENCE		
11.	PRINT	CITY/TOWN		

Commonwealth of Virginia

- AFFIDAVIT -

I, _____, swear or affirm that (i) my resident address is _____; (ii) I am a constitutionally qualified candidate for President; and; (iii) I personally witnessed the signature of each person who signed this page or its reverse side. I understand that falsely signing this affidavit is a felony punishable by a maximum fine up to \$2,500 and/or imprisonment up to ten years.

PLACE PHOTOGRAPHICALLY REPRODUCIBLE
NOTARY SEAL/STAMP BELOW

SIGNATURE OF PERSON CIRCULATING THE PETITION

CIRCULATOR'S LAST 4
DIGITS OF SOCIAL
SECURITY NUMBER

State of _____ County/City of _____

The foregoing instrument was subscribed and sworn before me this
_____ day of _____, 20____, by

PRINT NAME OF PERSON CIRCULATING THE PETITION

SIGNATURE OF NOTARY OR OTHER PERSON AUTHORIZED TO ADMINISTER OATHS

NOTARY REGISTRATION NUMBER**

DATE NOTARY COMMISSION EXPIRES**

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IF YOU TRACK THE NUMBER OF SIGNATURES BY CONGRESSIONAL DISTRICT, ENTER DISTRICT NUMBER: _____ [OPTIONAL]

**COMMONWEALTH OF VIRGINIA
PETITION OF QUALIFIED VOTERS FOR ELECTORS FOR PRESIDENT AND VICE PRESIDENT**

We, the qualified voters of _____ in the Commonwealth of Virginia signed
ENTER COUNTY OR CITY NAME

hereunder or on the reverse side of this page, do hereby petition the following to become candidates for the office of Elector for President and Vice President of the United States at the General Election to be held on November 8, 2016.

CONGRESSIONAL DISTRICT:

1 st	8 th
2 nd	9 th
3 rd	10 th
4 th	11 th
5 th	AT LARGE
6 th	AT LARGE
7 th	

The above candidates, if elected, are required to vote in the Electoral College for _____ for President and _____ for Vice President. We further petition that the names of these candidates be identified on the ballot under the Party name of _____, a group qualified pursuant to § 24.2-543 of the Code of Virginia.

[IF ELECTORS DO NOT REPRESENT A PARTY GROUP, THEY WILL BE DESIGNATED "INDEPENDENT".]

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SIGNER: YOUR SIGNATURE ON THIS PETITION MUST BE YOUR OWN AND DOES NOT SIGNIFY AN INTENT TO VOTE FOR THE CANDIDATE. YOU MAY SIGN PETITIONS FOR MORE THAN ONE CANDIDATE.

OFFICE USE ONLY <input type="checkbox"/> ▼	SIGNATURE OF REGISTERED VOTER [PRINT NAME IN SPACE BELOW SIGNATURE]	POST OFFICE BOXES <u>ARE NOT</u> ACCEPTABLE RESIDENT ADDRESS House Number and Street Name or Rural Route and Box Number and City/Town	DATE SIGNED [Must be after January 1, 2016]	*SEE NOTE BELOW DATE OF BIRTH [OPTIONAL]
1.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
2.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
3.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
4.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		

CONTINUE ADDITIONAL SIGNATURES AND COMPLETE AFFIDAVIT ON REVERSE SIDE

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5.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
6.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
7.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
8.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
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	PRINT	CITY/TOWN		
10.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
11.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		

Commonwealth of Virginia

- AFFIDAVIT -

I, _____, swear or affirm that (i) my full residential address is _____;

(ii) I am a legal resident of the United States of America in the State/Commonwealth of _____;

(iii) I am not a minor nor a felon whose voting rights have not been restored, and (iv) I personally witnessed the signature of each person who signed this page or its reverse side. I understand that falsely signing this affidavit is a felony punishable by a maximum fine up to \$2,500 and/or imprisonment up to ten years.

PLACE PHOTOGRAPHICALLY REPRODUCIBLE
NOTARY SEAL/STAMP BELOW

SIGNATURE OF PERSON CIRCULATING THE PETITION

State of _____ County/City of _____

CIRCULATOR'S LAST 4 DIGITS
OF SOCIAL SECURITY NUMBER

The foregoing instrument was subscribed and sworn before me this
_____ day of _____, 20____, by

PRINT NAME OF PERSON CIRCULATING THE PETITION

SIGNATURE OF NOTARY OR OTHER PERSON AUTHORIZED TO ADMINISTER OATHS NOTARY REGISTRATION NUMBER** DATE NOTARY COMMISSION EXPIRES**

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***Fraud Notice:** Any willfully false material statement or entry made on this form by any person shall constitute the crime of election fraud and be punishable as a Class 5 felony.

** If not included in seal/stamp.

Commonwealth of Virginia
CERTIFICATE OF CANDIDATE QUALIFICATION
ELECTOR FOR
PRESIDENT AND VICE PRESIDENT

NOTICE: KNOWINGLY MAKING ANY UNTRUE STATEMENT OR ENTRY IN THIS DOCUMENT IS A FELONY UNDER VIRGINIA LAW. THE PUNISHMENT IS A MAXIMUM FINE OF \$2,500 AND/OR CONFINEMENT FOR UP TO TEN YEARS. ALSO, YOU LOSE YOUR RIGHT TO VOTE.

I am a candidate for the above office for the Commonwealth AT LARGE OR _____ Congressional District representing the following party or candidates: _____ and hereby certify that:
ENTER PARTY OR CANDIDATES NAMES

- 1. I am a citizen of the United States. [] YES [] NO
- 2. I am at least eighteen years of age or will be on or before the date of the election. [] YES [] NO
- 3. I am a resident of the Commonwealth of Virginia. [] YES [] NO
- 4. I reside in the congressional district in which I seek office. [ANSWER ONLY IF YOU ARE A DISTRICT ELECTOR] [] YES [] NO
- 5. My legal residence is: [residence address must be given; post office box or general delivery is not acceptable]

STREET AND NUMBER, RURAL ROUTE AND BOX NUMBER, OR HIGHWAY ROUTE NUMBER
 City/Town _____ ZIP _____
 County or City of residence: _____

- 6. I am registered to vote at the above address in the precinct in which I reside. [] YES [] NO
[or if not and registration books are closed, my application for registration, transfer, or change of address is on file in the general registrar's office for processing when books re-open]
- 7. I understand that, if elected, I must cast my ballot at the Electoral College for the Presidential and Vice Presidential candidates that I represent, or as directed by the Party in the event of the death, withdrawal or disqualification of either nominee. [] YES [] NO
- 8. Have you ever been convicted of a felony? [] YES [] NO
- 9. Have you ever been adjudicated mentally incompetent **and** lost your right to vote? [] YES [] NO
- 10. If you answered **YES** to 8 or 9 above has your right to vote been restored? [] YES [] NO
- 11. Are you a member of the United States Senate or House of Representatives? [] YES [] NO
- 12. Do you hold an office of trust or profit under the government of the United States? [] YES [] NO

IF YOUR POSITION WITH THE GOVERNMENT OF THE UNITED STATES IS CREATED BY THE CONSTITUTION OR A STATUTE, AND YOU WERE EITHER ELECTED OR APPOINTED TO YOUR POSITION, AND YOUR POSITION HAS A DESIGNATION OR A TITLE, AND THE LAW IMPOSES PUBLIC DUTIES ON YOU, THEN YOU ARE NOT QUALIFIED TO SERVE AS ELECTOR.

PLEASE TYPE OR PRINT LEGIBLY ALL THE FOLLOWING INFORMATION:

<small>YOUR NAME [SEE REVERSE SIDE FOR REQUIREMENTS]</small>		<small>YOUR SOCIAL SECURITY NUMBER [SEE STATEMENT ON REVERSE SIDE]</small>	
<small>MAILING OR CAMPAIGN ADDRESS</small>		<small>ELECTION DATE (MM/DD/YYYY)</small>	
		<small>(AREA CODE) HOME TELEPHONE</small>	
<small>E-MAIL ADDRESS</small>		<small>(AREA CODE) BUSINESS TELEPHONE</small>	
<small>WEB ADDRESS</small>			

I do solemnly swear [or affirm] subject to penalty provisions for making false statements that the information given above is true and correct and that I am qualified to vote for and hold the office for which I am a candidate.

PLACE PHOTOGRAPHICALLY REPRODUCIBLE NOTARY SEAL/STAMP BELOW

SIGNATURE OF CANDIDATE DATE

State of _____ County/City of _____

The foregoing instrument was subscribed and sworn before me this _____ day of _____, 20____, by _____.
PRINT NAME OF CANDIDATE

SIGNATURE OF NOTARY OR CLERK OF CIRCUIT COURT NOTARY REGISTRATION NUMBER DATE NOTARY COMMISSION EXPIRES

YOUR NAME

Elector names **DO NOT APPEAR** on the ballot. However, Elector names are posted on the Department of Elections' website. They also are included in the canvass documents certified by the State Board of Elections.

Therefore, you should provide your *first name or initial, middle name or initial* if one, *last name and suffix*, if any.

Initials may not be used for *both* the first and middle names.

SOCIAL SECURITY NUMBER

Your social security number is part of your official voter record. It is required on this form only to make it possible to identify your registration record in order to qualify you as a candidate. The Department of Elections, when copying this document for public inspection, must cover your social security number.

RETURN TO:

The appropriate chair of the Democratic Party or the Republican Party OR, if you are an elector for candidates **of other groups**, to the individual coordinating the filing. The properly completed form for each elector must be filed with the *Department of Elections no later than Noon on August 26, 2016.*

NOTE: Deadlines and Ballot Access Requirements bulletin for the November 8, 2016 General Election for President is available at www.elections.virginia.gov.

Should you have questions relating to filing requirements, please do not hesitate to call the Department of Elections.

(804) 864-8901 **OR** Toll-free: (800) 552-9745

Commonwealth of Virginia
**CERTIFICATE OF CANDIDATE QUALIFICATION
 ELECTOR FOR
 PRESIDENT AND VICE PRESIDENT**

NOTICE: KNOWINGLY MAKING ANY UNTRUE STATEMENT OR ENTRY IN THIS DOCUMENT IS A FELONY UNDER VIRGINIA LAW. THE PUNISHMENT IS A MAXIMUM FINE OF \$2,500 AND/OR CONFINEMENT FOR UP TO TEN YEARS. ALSO, YOU LOSE YOUR RIGHT TO VOTE.

I am a candidate for the above office for the Commonwealth AT LARGE OR _____ Congressional District representing the following party or candidates: _____ and hereby certify that:
ENTER PARTY OR CANDIDATES NAMES

- 1. I am a citizen of the United States. [] YES [] NO
- 2. I am at least eighteen years of age or will be on or before the date of the election. [] YES [] NO
- 3. I am a resident of the Commonwealth of Virginia. [] YES [] NO
- 4. I reside in the congressional district in which I seek office. [ANSWER ONLY IF YOU ARE A DISTRICT ELECTOR] [] YES [] NO
- 5. My legal residence is: [residence address must be given; post office box or general delivery is not acceptable]

STREET AND NUMBER, RURAL ROUTE AND BOX NUMBER, OR HIGHWAY ROUTE NUMBER
 City/Town _____ ZIP _____
 County or City of residence: _____

- 6. I am registered to vote at the above address in the precinct in which I reside. [] YES [] NO
[or if not and registration books are closed, my application for registration, transfer, or change of address is on file in the general registrar's office for processing when books re-open]
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- 8. Have you ever been convicted of a felony? [] YES [] NO
- 9. Have you ever been adjudicated mentally incompetent **and** lost your right to vote? [] YES [] NO
- 10. If you answered **YES** to 8 or 9 above has your right to vote been restored? [] YES [] NO
- 11. Are you a member of the United States Senate or House of Representatives? [] YES [] NO
- 12. Do you hold an office of trust or profit under the government of the United States? [] YES [] NO

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<small>YOUR NAME [SEE REVERSE SIDE FOR REQUIREMENTS]</small>	<small>YOUR SOCIAL SECURITY NUMBER [SEE STATEMENT ON REVERSE SIDE]</small>	
<small>MAILING OR CAMPAIGN ADDRESS</small>	<small>ELECTION DATE (MM/DD/YYYY)</small>	
	<small>(AREA CODE) HOME TELEPHONE</small>	
<small>E-MAIL ADDRESS</small>	<small>(AREA CODE) BUSINESS TELEPHONE</small>	
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PLACE PHOTOGRAPHICALLY REPRODUCIBLE NOTARY SEAL/STAMP BELOW SIGNATURE OF CANDIDATE DATE

State of _____ County/City of _____

The foregoing instrument was subscribed and sworn before me this _____ day of _____, 20____, by _____.
PRINT NAME OF CANDIDATE

SIGNATURE OF NOTARY OR CLERK OF CIRCUIT COURT NOTARY REGISTRATION NUMBER DATE NOTARY COMMISSION EXPIRES

YOUR NAME

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(804) 864-8901 **OR** Toll-free: (800) 552-9745



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Stand By Your Ad Policies and Procedures

BOARD WORKING PAPERS
Arielle Schneider
Policy Analyst



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Arielle A. Schneider, Policy Analyst
Date: March 23, 2018
Re: Direction from the State Board of Elections regarding Campaign Finance

Background

In an effort to standardize how campaign finance complaints are handled by the Department of Elections (ELECT/the Department) and heard by the State Board of Elections (SBE), ELECT proposes the below recommendations for the Board's consideration.

Recommendations

1. Express Advocacy

- On 12/16/2015, SBE Chairman Alcorn requested a memo that addresses the topic of express advocacy.
- The SBE deferred action on several complaints regarding the November 2015 election, pending a decision regarding the interpretation of the term "expressly advocating" as used in the Code of Virginia.

Suggested motion: I move that the Board instruct the Department to provide a memo in consultation with the Office of the Attorney General, regarding the interpretation and application of express advocacy, to include a review of past decisions by this Board, federal and state courts.

2. Schedule of Civil Penalties

- On 10/6/2015, SBE stated desire to review the schedule of civil penalties.
- ELECT currently assesses penalties through COMET. There appears to be no record on the genesis of the current schedule of penalties.
- ELECT seeks to propose a revised and simplified penalty schedule for the Board's review.

Suggested motion: I move that the Board instruct the Department to prepare an analysis of recommended improvements to the existing schedule of civil penalties.

3. SBYA – Exacerbating and Ameliorating Factors

- Currently, the SBE has already considered the following as potentially exacerbating or mitigating circumstances when determining what penalty to assign:
 - o First time candidate, first time violator, repeat offender, self-reporter (submitting a CF complaint acknowledging and explaining error)
 - o Acknowledgment of error and attempt to correct
 - o Proximity to election
- As our retention of SBE decisions grows, background information regarding past violations, adjudications and violators will be available for consideration.
- In the interest of consistency, ELECT is developing an electronic repository to contain campaign finance complaints, so that the Board will be able to utilize its past decisions to ensure consistency.
- The SBE would benefit from an articulated policy that will promote uniform decisions and provide important information for candidates and contributors.

Suggested motion: I move that the Board direct the Department to evaluate and propose a policy on factors for consideration in SBYA hearings.



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Arielle A. Schneider, Policy Analyst
Date: March 23, 2018
Re: Standard Operating Procedures for “Stand by Your Ad” Complaints

Suggested Motion

I move that the Board adopt the enclosed process for the Department of Elections’ handling of complaints alleging violations of Chapter 9.5 Stand by Your Ad.

Background

In preparation for upcoming campaign finance hearings, and to ensure consistent adjudication of Chapter 9.5 Stand by Your Ad (SBYA) complaints, the Department of Elections (ELECT) has prepared this standard operating procedure memo for your review.

Overview

ELECT reviews complaints for completeness and sufficiency, identifies allegations of SBYA violations and provides copies of the complaints to the SBE, confirms receipt, notices the accused sponsor of the complaint (and of the scheduled hearing date), schedules the hearing for an upcoming SBE meeting and notices sponsor, and prepares memos documenting staff recommendations in advance of the hearing.

Standard Operating Procedures

1. **ELECT receives complaint** via online complaint form, phone, email, or by mail
 - a. ELECT staff should forward the complaint or complainant to the appropriate ELECT staff member handling campaign finance, the day the complaint is received.
 - b. ELECT documents and enters information about the complainant, the accused sponsor, the nature of the alleged violation and the proposed hearing date into tracking system.

2. **ELECT reviews complaints for completeness and sufficiency**
 - a. Anyone may file a complaint with the State Board of Elections regarding possible violations of Virginia’s campaign finance laws.
 - b. To allege a violation of Chapter 9.5 (SBYA), a complaint must contain all of the following:
 1. The name of both the person bringing the complaint and the sponsor (person or party against whom allegations are made) *discussed 9/1/2015 SBE meeting.*
 2. Statement of the alleged violation, related to SBYA *discussed 10/6/2015 meeting.*
 3. Evidence, typically photographic *“in the case of print media, we typically require photographic evidence; in the case of radio or TV should identify the station and time aired”*
 - a. Criteria identified and proposed to the SBE 10/6/2015 include *“not anonymous, related to advertisement disclosure (phone calls, broadcast media: radio, TV, print media: newspaper, internet, yard signs, etc.), allegation is accompanied by evidence.”*
 - c. If the complaint is **incomplete**, ELECT staff will reach out to the complainant by phone or email to explain what elements are missing and provide the opportunity to provide any



Memorandum

To: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary
From: Arielle A. Schneider, Policy Analyst
Date: March 23, 2018
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In preparation for upcoming campaign finance hearings, and to ensure consistent adjudication of Chapter 9.5 Stand by Your Ad (SBYA) complaints, the Department of Elections (ELECT) has prepared this standard operating procedure memo for your review.

Overview

ELECT reviews complaints for completeness and sufficiency, identifies allegations of SBYA violations and provides copies of the complaints to the SBE, confirms receipt, notices the accused sponsor of the complaint (and of the scheduled hearing date), schedules the hearing for an upcoming SBE meeting and notices sponsor, and prepares memos documenting staff recommendations in advance of the hearing.

Standard Operating Procedures

1. **ELECT receives complaint** via online complaint form, phone, email, or by mail
 - a. ELECT staff should forward the complaint or complainant to the appropriate ELECT staff member handling campaign finance, the day the complaint is received.
 - b. ELECT documents and enters information about the complainant, the accused sponsor, the nature of the alleged violation and the proposed hearing date into tracking system.

2. **ELECT reviews complaints for completeness and sufficiency**
 - a. Anyone may file a complaint with the State Board of Elections regarding possible violations of Virginia’s campaign finance laws.
 - b. To allege a violation of Chapter 9.5 (SBYA), a complaint must contain all of the following:
 1. The name of both the person bringing the complaint and the sponsor (person or party against whom allegations are made) *discussed 9/1/2015 SBE meeting.*
 2. Statement of the alleged violation, related to SBYA *discussed 10/6/2015 meeting.*
 3. Evidence, typically photographic *“in the case of print media, we typically require photographic evidence; in the case of radio or TV should identify the station and time aired”*
 - a. Criteria identified and proposed to the SBE 10/6/2015 include *“not anonymous, related to advertisement disclosure (phone calls, broadcast media: radio, TV, print media: newspaper, internet, yard signs, etc.), allegation is accompanied by evidence.”*
 - c. If the complaint is **incomplete**, ELECT staff will reach out to the complainant by phone or email to explain what elements are missing and provide the opportunity to provide any



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outstanding information to complete the request. ELECT staff will document the status of incomplete complaints and efforts to communicate with the complainant.

- d. If the complaint is **complete**, ELECT staff will review for **sufficiency**. The disputed conduct must allege a violation of Chapter 9.5 (SBYA).
 - i. If the disputed conduct does not allege a violation of Chapter 9.5 (SBYA), ELECT staff will provide notice of receipt but will recommend the Board takes no action. “The disclosure requirements of [Chapter 9.5] ... apply to any sponsor of an advertisement in the print media or on radio or television the cost of value of which constitutes an expenditure or contribution required to be disclosed” except for an individual who makes independent expenditures under certain amounts or to an individual incurring expenses related to a referendum. (The Code §24.2-955, **introduction to SBYA and scope of disclosure requirements.**)
 - ii. For violations of Chapter 9.3, the Code §24.2-946.3 requires that the Board (delegated to ELECT on 12/7/04) report any violations to the appropriate attorney for the Commonwealth.
3. **ELECT identifies allegations of SBYA violations and provides copies of the complaints to the SBE**
 - a. ELECT staff will review Chapter 9.5 SBYA complaints to determine the issues contained in it and establish when and how the matter should proceed.
 - b. Complaints alleging violations of Chapter 9.5 will be forwarded to the members of the SBE within one (1) week of receipt. *As directed by the SBE 6/27/2017.*
 - c. ELECT staff will also provide SBE with complaints regarding advertisements that do not violate SBYA, accompanied with staff’s reason for not scheduling an SBYA hearing.
 - i. Examples include complaint regarding text message conversation, which does not allege a violation of campaign finance law.
4. **ELECT confirms receipt, notices the accused sponsor of the complaint and includes a copy of the complaint submitted**
 - a. ELECT sends automated confirmation of receipt to complainant.
Draft language for “Notice of Receipt to Complainant”:
Thank you for submitting a complaint about a possible violation of Virginia campaign finance laws. The Department of Elections will review your documentation and provide you notice if the State Board of Elections chooses to hear this matter at a public hearing.
 - b. ELECT sends notice of receipt of complaint to the sponsor. ELECT includes a copy of the complaint filed against the sponsor. The notice of receipt may suffice if the notice contains all the information required to be provided to the sponsor as per §24.2-955.3 and as outlined in #6 below.
Draft language for “Notice of Receipt to Sponsor”:
This is a notice about a possible violation of Virginia’s Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by [name of committee]. A copy of the complaint filed is included herein. The State Board of Elections will hold a public meeting to determine whether a violation has occurred. [If staff have already scheduled the hearing, instead state “The State Board of Elections is holding a public meeting on [Date] at [Time] to determine whether a violation has occurred.”] You may attend and/or provide additional information to the Board that may be helpful in regarding this matter.
The Code of Virginia 24.2-955.3 provides the following:
 - A violation of Article 2 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$1,000; or (ii) in the case of a violation occurring within the 14 days prior to or



on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500.

- A violation of Article 3 or 4 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$1,000 per occurrence; or (ii) in the case of a violation occurring within the 14 days prior to or on the election day of the election to which the advertisement pertains, a civil penalty not to exceed \$2,500 per occurrence. In no event shall the total civil penalties imposed for multiple broadcasts of one particular campaign advertisement exceed \$10,000.
- A violation of Article 5 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$2,500.

For more information, please visit the Department website:

<http://www.elections.virginia.gov/board>.

5. ELECT schedules the hearing for an upcoming SBE meeting

- a. If the complaint is filed outside the 30-day window prior to an election, ELECT staff schedules the hearing for the next available SBE meeting at which campaign finance complaints will be heard.
- b. Complaints filed more than 30 days before a primary or general election can be heard by the State Board prior to the election in question. Complaints filed 30 days or less before a primary or general election will be heard by the State Board at any meeting held after the election.

6. If notice of receipt did not also provide notice of hearing, ELECT notifies the accused and complainant of the scheduled hearing date

- a. No later than 14 days before a hearing, ELECT provides notice of allegation to accused sponsor of the date and time of the SBE meeting at which the violation will be heard. This correspondence will also include a copy of the complaint filed against the sponsor. Language includes the maximum penalties that may be assessed under 24.2-955.3.
 - i. Attention: Accused is entitled to 10 days notice prior to the public hearing as per the Code §24.2-955.3.
- b. The complainant will be provided notice of the hearing and has the right to provide information to staff in advance of the meeting.
- c. Draft language for “Notice of Hearing to Sponsor”

This is a notice about a possible violation of Virginia’s Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by [name of committee]. The State Board of Elections is holding a public meeting on [Date] at [Time] to determine whether a violation has occurred.” You may attend and/or provide additional information to the Board that may be helpful in regarding this matter.

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- d. Draft language for “Notice of Hearing to Complainant”
Thank you for submitting a complaint about a possible violation of Virginia campaign finance laws. The State Board of Elections is holding a public meeting on [Date] at [Time] to determine whether a violation has occurred.

7. ELECT prepares materials in advance of the meeting

- a. Materials will include the complaints filed, along with any evidence presented or follow-up information from either the accused or the complainant.
- b. Staff will prepare memorandums advising the Board of the Department’s recommendation with regard to whether to find a violation and what penalty to assess.
- c. ELECT will provide these materials to the Board no fewer than seven (7) days before the hearing date.

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outstanding information to complete the request. ELECT staff will document the status of incomplete complaints and efforts to communicate with the complainant.

- d. If the complaint is **complete**, ELECT staff will review for **sufficiency**. The disputed conduct must allege a violation of Chapter 9.5 (SBYA).
 - i. If the disputed conduct does not allege a violation of Chapter 9.5 (SBYA), ELECT staff will provide notice of receipt but will recommend the Board takes no action. “The disclosure requirements of [Chapter 9.5] ... apply to any sponsor of an advertisement in the print media or on radio or television the cost of value of which constitutes an expenditure or contribution required to be disclosed” except for an individual who makes independent expenditures under certain amounts or to an individual incurring expenses related to a referendum. (The Code §24.2-955, **introduction to SBYA and scope of disclosure requirements.**)
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 - i. Examples include complaint regarding text message conversation, which does not allege a violation of campaign finance law.
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 - a. ELECT sends automated confirmation of receipt to complainant. Draft language:
Thank you for submitting a complaint about a possible violation of Virginia campaign finance laws. The Department of Elections will review your documentation and provide you notice if the State Board of Elections chooses to hear this matter at a public hearing.
 - b. ELECT sends notice of receipt of complaint to the sponsor. Draft language:
A complaint regarding a potential violation of Virginia campaign finance law has been filed against your committee [you]. Department of Elections’ staff are reviewing this complaint and [have not yet scheduled a hearing before the State Board of Elections/have scheduled a hearing before the State Board of Elections on [insert date]] For more information, please visit the Department website: <http://www.elections.virginia.gov/board>. To request a copy of the complaint filed against your committee, please contact FOIA@elections.virginia.gov or call (804) 864-8901 and ask for the FOIA contact.
5. **ELECT schedules the hearing for an upcoming SBE meeting**
 - a. If the complaint is filed outside the 30-day window prior to an election, ELECT staff schedules the hearing for the next available SBE meeting at which campaign finance complaints will be heard.
 - b. Complaints filed more than 30 days before a primary or general election can be heard by the State Board prior to the election in question. Complaints filed 30 days or less before a primary or general election will be heard by the State Board at any meeting held after the election.



6. ELECT notices the accused and complainant of the scheduled hearing date

- a. No later than 14 days before a hearing, ELECT provides notice of allegation to accused sponsor, including the date and time of the SBE meeting at which the violation will be heard. Language includes the maximum penalties that may be assessed under 24.2-955.3.
 - i. Attention: **Accused is only entitled to 10 days notice prior to the public hearing as per the Code §24.2-955.3.**
- b. Draft language to notify accused

This is a notice about a possible violation of Virginia's Stand by Your Ad law (Chapter 9.5 of Title 24.2 of the Code of Virginia) by [name of committee]. The State Board of Elections is holding a public meeting on [Date] at [Time] to determine whether a violation has occurred. You may attend and/or provide additional information to the Board that may be helpful in regarding this matter.

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- *A violation of Article 5 of Chapter 9.5 of Title 24.2 shall be subject to (i) a civil penalty not to exceed \$2,500.*

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- c. ELECT will provide these materials to the Board no fewer than seven (7) days before the hearing date.



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Prince William County Audit

BOARD WORKING PAPERS
Michele White
Prince William County General Registrar

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ELECTORAL BOARD
Robin P. "Rob" Williams, Chairman
Jane M. Reynolds, Vice Chairman
Keith A. Scarborough, Secretary

**DIRECTOR OF ELECTIONS/
GENERAL REGISTRAR**
Michele L. White

Date: March 8, 2018

Re: Request to Conduct Pilot Voting Equipment Audit

From: Michele L. White, Director of Elections Prince William County

To: Christopher E. "Chris" Piper, Commissioner, Virginia Department of Elections
James B. Alcorn, Esq., Chairman, State Board of Elections
Clara Belle Wheeler, MD Vice Chair, State Board of Elections
Singleton B. McAllister, Esq., Secretary, State Board of Elections

Commissioner and Board Members,

The GREB Workgroup met several times in 2017 and part of their Work Plan was a Charge to evaluate procedures to implement SB1284, which requires an audit of ballot scanning machines. This bill takes effect July 1, 2018.

The Workgroup realized an opportunity to conduct a pilot audit of various methods after the conclusion of the 2018 May Town Elections in Prince William County. The intent of the pilot audit is to "test" the various methods in which to conduct an audit and to report the findings to the Virginia Department of Elections as suggestions on how to conduct audits according to the pending legislation.

The Prince William County Electoral Board voted unanimously to request permission from State Board to conduct a pilot audit of the 2018 May Town elections. This motion was adopted at the October 23, 2017 Electoral Board Meeting.

The pilot will require handling of voted ballots and electronic media from the 2018 May Town elections, which will be under seal with the Clerk of Court. The pilot audit is tentatively scheduled for Thursday May 10, 2018. The pilot audit is planned to be conducted in the presence of ELECT staff, the GREB Workgroup, the Clerk of Court and other observers.

The GREB Workgroup thanks the Commissioner and State Board in their consideration of allowing us to conduct the pilot audit exercise.

Michele L. White

A handwritten signature in black ink, appearing to read "MWhite", followed by the date "3/8/18" written in a similar style.

Director of Elections & General Registrar
Prince William County



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DemTech and the November 2017 Election

BOARD WORKING PAPERS

Mike Brown

DemTech



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DEPARTMENT *of* ELECTIONS

To: Virginia State Board of Elections Members
From: Eugene Burton, Voting Technology Coordinator
Date: March 7, 2018

MEMO: Demtech's Advocate Software Performance in 2017 November General Election

The Department of Elections certified the Advocate software for use in 2008. More than 80 localities have used this solution since its inception. In general, localities have been very satisfied with the product and service provided by Demtech.

Demtech's Advocate software had been a solid program until the version number/ patches upgrades installed prior to the November 2017 General Election. Unfortunately multiple localities were affected by several issues that were a direct result of the version and patch upgrades installed by Demtech. These issues included network connectivity, freezing screens, delayed check-ins, and software shutting down. The version upgrades and patches were not presented to the ELECT for testing prior to their live implementation in the election.

It is important to note under the provisions of 1.4.3. of the State Board of Elections policy, Electronic Pollbook Certification, systems certified and in use prior to May 1, 2014 do not have to be recertified. Demtech's position is that this was not a new version of software requiring testing and certification. While ELECT agrees the upgrades and patches did not require certification by the State Board of Elections, the courtesy of allowing the Department to test the changes prior to use in a live election should have been offered. Testing by ELECT could have given us advanced warning of potential problems.

These types of issues were very alarming because we had a lot of close contested races around the Commonwealth of Virginia. I was able to compile a survey to ascertain from the GR community the issues each experienced in their locality with the Advocate software. A review of the responses showed many of the same issues occurred around the state. I reached out to Mike Brown with Demtech for answers on why these particular versions and patches failed, and he specifically cited the configuration file that was loaded on Demtech's Advocate installer file.

I was very frank with Mike Brown that we cannot have multiple software versions or patches being shipped to different localities. Demtech must establish a single software version for every user in the Commonwealth of Virginia prior to the upcoming May General, June Primaries, and November General Election. Also, any changes to the software need to be vetted and approved by the Department of Elections prior to distributing to the GR Community.

Staff Recommendation: For any future upgrades, patches, or other changes to the Advocate system, Demtech should provide ELECT with those changes and ample time to test prior to deployment.

Relevant Sections from
Electronic Pollbook Certification: Procedures and System Requirements Rev – 0315
(adopted by the Virginia State Board of Elections)

1.2. Authority

§24.2-611(D) of the Code of Virginia requires Electronic Pollbook (EPB) programs to be approved for use in elections by the Virginia State Board of Elections. Each EPB System submitted for certification in Virginia shall undergo State Certification. State Certification is intended to verify that the design and performance of the electronic pollbook complies with all applicable requirements of the Code of Virginia and that it provides the functionality required by the Virginia State Board of Elections (SBE) and The Virginia Department of Elections (ELECT).

1.4 Applicability

3. The requirements of these procedures are waived for any electronic pollbook system or equipment previously certified for and in use in the Commonwealth of Virginia on or before May 1, 2014. The State Board of Elections reserves the right to require re-certification of these systems or equipment at any future date.

8. Re-certification shall be required when a vendor makes significant changes or enhancements to its electronic pollbook system. This shall include, and not limited to, changes to:

- a. The programming language in which the certified software was written.
- b. The addition of functionality not previously certified, to include, but not limited to items such as Electronic Signature Capturing/Verification and Voter Photo Display.

2.2.5. Step 5: Test/Pilot Election

The State Board of Elections will supervise a test use of the system in an actual election with the vendor present prior to final certification.

2.2.6. Step 6: Certification

Based on the information contained in the report from the evaluation agent, Technical Requirements Evaluation, the Test Election, Virginia Functional Configuration Audit, and any other information in their possession, the State Board of Elections will determine whether the proposed electronic pollbook system will be certified for use in the Commonwealth of Virginia and notify the vendor of the decision.

2.3. Audit and Validation of Certification

It is the responsibility of both the vendor and the local jurisdiction to ensure that an electronic pollbook system that is supplied or purchased for use in the Commonwealth of Virginia has been certified by the State Board of Elections. It is the responsibility of the vendor to submit any modifications to a previously certified electronic pollbook system to the State Board of Elections for review.

If any questions arise involving the certification of an electronic pollbook system in use in Virginia, SBE shall verify that the electronic pollbook system in use is in fact identical to the electronic pollbook system that was submitted for certification. Any unauthorized modifications to a certified system may result in decertification of the system by SBE or bar an electronic pollbook system vendor from receiving certification of electronic pollbook systems in the future.



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Drawing by Lot for Placement of Names On Primary Election Ballot

BOARD WORKING PAPERS
SBE Members



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Open Board Discussion

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Singleton McAllister
SBE Secretary