



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, September 17, 2019

Senate Room 3

Virginia State Capitol

Richmond, VA

1:00 P.M.

SBE Board Working Papers



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Tuesday, September 17, 2019
LOCATION: Virginia State Capitol
Senate Room 3
Richmond, VA 23219
TIME: 1:00 PM

I. CALL TO ORDER

Robert Brink, Chairman

II. APPROVAL OF MINUTES

Jamilah LeCruise, Secretary

a. August 06, 2019

b. August 06, 2019 Public Hearing

c. August 22, 2019

III. COMMISSIONER'S REPORT

Christopher E. Piper
Commissioner

IV. NATIONWIDE CYBER-SECURITY REVIEW

Daniel Persico
Chief Information Officer

V. VOTING SYSTEM CERTIFICATION STANDARD

Christopher E. Piper
Commissiner

VI. SB1564 REGULATIONS

Samantha Buckley
Policy Analyst

VII. DELEGATIONS OF AUTHORITY 2019

Dave Nichols
Director of Elections Services

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.

VIII. STAND BY YOUR AD

1. **Audrey for Supervisor (CC-19-00715)**
2. **Friends of Steve Adragna (CC-17-00419)**
3. **Friends of Virginia (CC-19-00343)**
4. **Howard Phillips Campaign (CC-19- 00905)**
5. **J. Baxter Stegall for Nottoway Commonwealth's Attorney (CC-19-00562)**
6. **Jeff Huffman**
7. **Kersey for Sheriff (CC-19-00029)**
8. **Trudy Berry for Delegate (CC-18-00227)**

IX. PUBLIC COMMENT

X. 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.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS
State Board of Elections

1

2 The State Board of Elections (“the Board”) meeting was held Tuesday, August 06, 2019,
3 in the Virginia State Capitol, Senate Room 3, in Richmond, Virginia. In attendance: Robert
4 Brink, Chairman, John O’Bannon, Vice Chairman and Jamilah LeCruise, Secretary, represented
5 the State Board of Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner,
6 represented the Department of Elections (“ELECT”). Heather Hays Lockerman represented the
7 Office of the Attorney General (“OAG”). Chairman Brink called the meeting to order at 1:00
8 P.M.

9 The first order of business was for the Board to approve minutes for the June 24, June 28,
10 July 11, and July 19, 2019 minutes. The minutes for those meetings were presented by Secretary
11 LeCruise. The Vice Chair *moved that the Board approve the minutes from the June 24, 2019*
12 *Board meeting*. Chairman Brink seconded the motion, and the motion passed unanimously. The
13 Vice Chair *moved that the Board approve the minutes from the June 28, 2019 Board meeting*.
14 Chairman Brink seconded the motion, and the motion passed unanimously. The Vice Chair
15 *moved that the Board approve the minutes from the July 11, 2019 Board meeting*. Chairman
16 Brink seconded the motion, and the motion passed unanimously. The Vice Chair *moved that the*
17 *Board approve the minutes from the July 19, 2019 Board meeting*. Chairman Brink seconded the
18 motion, and the motion passed unanimously.

19 The next order of business was the Commissioner’s Report, presented by Commissioner
20 Piper. The Commissioner stated that this year Virginia has 967 ballot styles for the November
21 General Election. Commissioner Piper informed the Board that over the past two weeks,
22 Lancaster County, Franklin City, and Bristol conducted post-election audit pilots. The

23 Commissioner stated that nine localities participated in Lancaster County, and five localities
24 participated in Franklin City. Commissioner Piper advised the Board that by the end of this
25 month post-election audits will be held in Loudoun County, Prince William County, and
26 Alexandria.

27 Commissioner Piper informed the Board that Virginia was selected to participate in the
28 National Governors Association (NGA) Policy Academy. The Commissioner stated that the
29 Policy Academy has a training session focused on ways to improve cybersecurity. Commissioner
30 Piper stated that the General Assembly assigned ELECT various reports to complete, such as a
31 salary study, a review of current job General Registrar duties and an annual list maintenance
32 report. The Commissioner informed the Board that through HB 2178, ELECT is partnering with
33 VACO, VML, and localities to develop minimum cybersecurity standards. Commissioner Piper
34 added that the General Assembly passed HB 1026, which permits no-excuse in-person absentee
35 voting from the second Saturday prior to an election to the Saturday immediately preceding an
36 election (early voting). The Commissioner informed the Board that this early voting bill does not
37 take effect until the November 2020 general election. The Commissioner informed the Board
38 that the General Assembly requested a report on the administrative procedures and additional
39 legislation necessary to implement early voting. Commissioner Piper stated that the General
40 Assembly also asked ELECT to draft a Request for Proposal for VERIS to determine if VERIS
41 needs to be replaced or upgraded. Commissioner Piper advised the Board that ELECT expects to
42 present new voting equipment certification standards and delegation documents in future Board
43 meetings, that ELECT is finalizing a new website that should be active September 15th and that
44 the Continuity of Operations Workgroup (COOP) meets on September 10 to secure a
45 communications plan for the November election.

46 The Commissioner introduced four new employees from ELECT: Josh Colley, Help
47 Desk Analyst; Jeff Braswell, Senior Developer; Leonard “Buddy” Murr, Training and
48 Development Specialist, and Chhavi Bhasin, Data Architect. Commissioner Piper congratulated
49 Garry Ellis in his new role as Liaison Supervisor. Chairman Brink welcomed the new employees
50 to ELECT.

51 Vice Chair O’Bannon presented the Board with a letter dated August 5, 2019, from the
52 Republican Party of Virginia. *This letter is in the Working Papers for the August 06, 2019*
53 *meeting.* Commissioner Piper stated that the letter requested clarification regarding whether
54 Delegate Freitas was properly nominated in accordance with Virginia Code § 24.2-539 and, if
55 the Department’s position was that Delegate Freitas was not properly nominated, whether the
56 Republican Party of Virginia would be able to fill the vacant nomination in accordance with its
57 own rules. The Commissioner informed the Board that Delegate Freitas failed to file the
58 Certificate of Qualification form (SBE-501) and the Legislative District chair failed to file the
59 Party Certification of Non-Primary Candidate form to certify a Republican candidate for the 30th
60 District (ELECT-511).

61 Commissioner Piper explained that unlike Delegate Freitas, Delegate Terry Kilgore (1st
62 District) and Delegate Clinton Jenkins (76th District) filed Certificates of Qualification forms
63 (SBE-501). In the Kilgore and Jenkins circumstance, although the candidates had properly filed
64 their Qualification form, their party did not provide the ELECT-511 form to certify the party
65 nominee. The Commissioner stated that because Mr. Freitas did not file a Certificate of
66 Candidate Qualification, the SBE-501 form, that there was no Republican candidate to nominate.
67 Commissioner Piper informed the Board that ELECT had received an ELECT-511 form from the

68 Legislative District Chair informing ELECT that they had replaced their nominee with Delegate
69 Freitas but because Delegate Freitas had submitted no forms to indicate or certify himself as a
70 candidate, ELECT could not accept the nomination.

71 Vice Chair O'Bannon *moved that the State Board of Elections to direct the Department*
72 *of Elections to accept the SBE-501 and ELECT-511 form presented from House District 30.* The
73 motion failed for lack of a second. Vice Chair O'Bannon *moved that the State Board of Elections*
74 *to direct the Department of Elections to notify the Republican Party of Virginia that it has the*
75 *authority to put forth another candidate in House District 30 consistent with Virginia Code §*
76 *24.2-539.* The motion failed for lack of a second.

77 The next order of business was the ES&S EVS 6.0.4.0 Voting System Certification,
78 presented by Eugene Burton, Voting Technology Coordinator. *This report is in the Working*
79 *Papers for the August 06, 2019 meeting.* Secretary LeCruise *moved that the Board certify the use of*
80 *ES&S EVS 6.0.4.0 in elections in the Commonwealth of Virginia, pursuant to the State Certification*
81 *of Voting Systems: Requirements and Procedures.* Vice Chair O'Bannon seconded the motion,
82 and the motion passed unanimously.

83 The next order of business was the 2020 Independent and 3rd Party Presidential Candidate
84 Petitions, presented by Samantha Buckley, Policy Analyst. *This report is in the Working Papers*
85 *for the August 06, 2019 meeting.* Ms. Buckley advised the Board that there is a letter size and
86 legal size of this document. She informed the Board that the dates for the petition's circulation
87 have been changed, and the dates for the November General Election were updated for 2020.
88 Further amendments to the forms that Ms. Buckley presented to the Board were to ensure that
89 the legal and letter size were identical in the information sought from and presented to the signer.

90 The legal size of the petition was amended to ask the signer for Date of Birth (optional) just as
91 the letter size. The affidavits were amended for accuracy and to ensure each presented the
92 circulator with the same information. . Chairman Brink asked why are there both letter and legal
93 sizes of the petiton? Ms. Buckley stated that she did not see a requirement for a certain size in the
94 Virginia Code, but she believes that it may have initially been provided in a legal size, and it was
95 hard to print. Vice Chair O'Bannon *moved that the Board approve the amendments to the*
96 *Petition of Qualified Voter for Electors for President and Vice President.* Secretary LeCruise
97 seconded the motion, and the motion passed unanimously.

98 The next order of business was the repeal of 1 VAC 20-90-20, presented by Arielle A.
99 Schneider, Policy Analyst. *This report is in the Working Papers for the August 06, 2019 meeting.*
100 Ms. Schneider informed the Board that the regulation states that for a \$25 fee ELECT will
101 transcribe campaign finance reports filed on paper into the electronic system. Ms. Schneider stated
102 that due to changes in the Code of Virginia, there is no longer an option to file on paper with the
103 State Board of Elections; accordingly, VAC 20-90-20 applies to a law that no longer exists. Vice
104 Chair O'Bannon *moved that the Board repeal 1 VAC 20-90-20 pursuant to the Administrative*
105 *Procedure Act.* Secretary LeCruise seconded the motion, and the motion passed unanimously.

106 The next order of business was Stand by Your Ad, presented by Arielle A. Schneider,
107 Policy Analyst. Chairman Brink confirmed with Ms. Schneider that one candidate requested to be
108 deferred to the next meeting. Ms. Schneider stated that two candidates submitted requests for their
109 complaints to be deferred to the next meeting; after Chairman Brink, per SBE Policy 2018-001
110 granted both requests, one candidate accepted the deferral, but the other wanted to be heard at this
111 meeting.

112 The first complaint was against Corbo for School Board. Ms. Schneider presented two
113 images from two separate complaints. The first image is of T-shirts and the second is of a banner
114 held by three campaign workers wearing the same T-Shirt. Ms. Corbo provided a response stating
115 that a disclaimer is present on both the banner and T-shirts, and a photo showing the disclosure on
116 the banner and the T-shirts. However, Ms. Schneider informed the Board that the disclosure
117 language Ms. Corbo provided is incomplete because it does not identify the proper committee that
118 sponsored the advertisements. Vice Chair O’Bannon *moved subject to the Board’s authority under*
119 *the Code of Virginia §24.2-955.3, to find Corbo for School Board in violation of Stand by Your Ad*
120 *print media disclosure requirements with regard to one print media advertisement and assess a*
121 *\$50 penalty.* Secretary LeCruise seconded the motion, and the motion passed unanimously.

122 The next complaint was against David F. Williams, Sheriff for Alleghany County. Ms.
123 Schneider presented the Board with photos of five print media yard signs without disclosures. Mr.
124 Williams provided a response apologizing for the error and informing the Board that he has since
125 added disclosures to the signs. Ms. Schneider informed the Board that while “Paid for by
126 Candidate” is not the exact required disclosure because it does not explicitly state the candidate’s
127 name or the name of the candidate’s committee, that the previous Board in 2015 passed a policy
128 of substantial compliance, meaning if the language used precisely and exactly restates the required
129 content, the disclosure may be found to be appropriate. Secretary LeCruise *moved subject to the*
130 *Board’s authority under the Code of Virginia §24.2-955.3, to find David Williams in violation of*
131 *Stand by Your Ad print media disclosure requirements with regard to five print media*
132 *advertisements and assess a \$250 penalty.* Vice Chair O’Bannon seconded the motion, and the
133 motion passed unanimously.

134 The next complaint was against Donald Smith for Sheriff. Ms. Schneider presented two
135 images: one of a Facebook page with a graphic announcing Donald Smith's candidacy, and a
136 second image posted online. Mr. Smith provided a response that primarily addressed whether he
137 was required to disclose the advertisements in question. Ms. Schneider advised the Board that the
138 images did not appear to constitute advertisements for the purpose of applying Stand By Your Ad,
139 because an advertisement must constitute either a contribution or expenditure and also contain
140 express advocacy. Vice Chair O'Bannon *moved to dismiss the complaints against Donald Smith*
141 *for Sheriff*. Secretary LeCruise seconded the motion, and the motion passed unanimously.

142 The next complaint was against Dwayne T. Wade. Ms. Schneider presented the Board with
143 one complaint containing images of six undisclosed business cards. Mr. Wade provided a response
144 acknowledging that the words Paid for and Authorized by were not on the business cards. Mr.
145 Wade also apologized for the oversight and was not aware of the business cards being posted in
146 public places. Due to the apology Vice Chair O'Bannon *moved subject to the Board's authority*
147 *under the Code of Virginia §24.2-955.3, to find Dwayne T. Wade in violation of Stand By Your Ad*
148 *print media disclosure requirements with regard to six print media advertisements and assess a*
149 *\$50 penalty*. Chairman Brink seconded the motion, and the motion passed unanimously.

150 The next complaint was against Galvin for Delegate. Ms. Schneider presented the Board
151 with a sample ballot with an incomplete disclosure. She advised that the disclosure for an
152 advertisement that makes reference to a clearly identified candidate who is not the sponsor of the
153 advertisement must identify whether other candidates authorized the advertisements by providing
154 specific language outlined in the Code of Virginia §24.2-956(2). Ms. Schneider informed the
155 Board that Ms. Galvin provided a response stating that she was not connected to the dissemination

156 of the photograph of her advertisement and confirming that her committee did create and
157 disseminate on election day the sample ballot in question. Ms. Schneider advised that any penalty
158 assessed for an advertisement disseminated on or within the two weeks before an election must be
159 doubled according to the Board's Schedule of Penalties. Ms. Galvin addressed the Board and took
160 full responsibility for the paper ballot, as she was unaware of the issue. Ms. Galvin stated that she
161 sincerely apologizes for her error and that the explanation she sent in was in regards to the tweet.
162 Due to the apology, Secretary LeCruise *moved subject to the Board's authority under the Code of*
163 *Virginia §24.2-955.3, to find Galvin for Delegate in violation of Stand By Your Ad print media*
164 *disclosure requirements with regard to a print media advertisement and assess a \$100 penalty.*
165 Vice Chair O'Bannon seconded the motion, and the motion passed unanimously.

166 The next complaint was against Gwen for Office. Ms. Schneider presented the Board with
167 one yard sign. She explained that it did not have a disclosure. Ms. Gwen Bell addressed the Board.
168 She explained that she ordered 100 signs with disclaimers on them, but received 50 with the
169 disclosure and 50 without. Ms. Bell stated that the company adjusted the machine while creating
170 the signs and cut off the disclaimer on half of her yard signs. She apologized for the error and
171 informed the Board that the signs had been removed, and the company re-created the signs
172 correctly. Ms. Bell provided a statement from Fast Signs stating the incident that occurred. Due to
173 the apology, Vice Chair O'Bannon *moved to dismiss the complaint pending confirmation.*
174 Secretary LeCruise seconded the motion, and the motion passed unanimously.

175 The next complaint was against Elect Kenya Savage- At Large Candidate. Ms. Schneider
176 presented an undisclosed website and explained to the Board that Ms. Savage added a disclosure
177 to her website. Ms. Schneider informed the Board that Campaign Finance is reaching out to Ms.

178 Savage because Friends of Kenya A. Savage is not her current campaign committee, but her 2015
179 campaign committee. Ms. Schneider advised that this would be a first time violation reduced to
180 \$50 due to the apology provided. Secretary LeCruise *moved subject to the Board's authority under*
181 *the Code of Virginia §24.2-955.3, to find Elect Kenya Savage – At Large Candidate in violation*
182 *of Stand By Your Ad print media disclosure requirements with regard to one print media*
183 *advertisement and assess a \$50 penalty.* Vice Chair O'Bannon seconded the motion, and the
184 motion passed unanimously.

185 The next complaint was against Friends of Levin White. Ms. Schneider presented the Board
186 with multiple challenged advertisements, but dismissed all complaints but one, as most of the
187 challenged advertisements appeared to constitute neither a contribution nor expenditure, and the
188 challenged advertisements for which a cost was obvious (the Goochland banner) did not contain
189 express advocacy. She then focused on a print media truck advertisement. She explained that the
190 truck advertisement constitutes an expenditure and contains express advocacy but does not have a
191 disclaimer. Ms. Schneider stated that Mr. White sent in a response apologizing for the error. Mr.
192 White then addressed the Board. He informed the Board that he provided a letter from the sign
193 company and an image showing the disclaimer at the bottom. Mr. White stated that he did go back
194 to the sign company and had the disclaimer placed on the back of the truck. Vice Chair O'Bannon
195 *moved to dismiss the complaint pending confirmation.* Secretary LeCruise seconded the motion,
196 and the motion passed unanimously.

197 The next complaint was against Lloyd Banks. Ms. Schneider presented an image of signs
198 made before July 1, 2015, and explained that the signs were made in March 2011. Ms. Schneider
199 informed the Board that Mr. Banks' signs are not in violation of Stand By Your Ad according to

200 the definition of yard signs in the State of Virginia, which includes an exemption for signs paid for
201 or distributed prior to July 1, 2015: “Yard signs paid for or distributed prior to July 1, 2015, shall
202 not be subject to the provisions of 24.2-956 and 24.2-956.1” because the General Assembly
203 changed the definition of Print Media to include yard signs in 2015. Secretary LeCruise *moved to*
204 *dismiss the complaints against Lloyd Banks*. Vice Chair O’Bannon seconded the motion, and the
205 motion passed unanimously.

206 The next complaint was against Patrick “Pat” Saylors. Ms. Schneider presented two images
207 to the Board, a Yard sign and an 8 ½ X 11 flyer – neither appeared to be disclosed. Ms. Schneider
208 stated that Mr. Saylors provided a response stating that he did not know the rules or have “political
209 experience”; Chairman Brink asked if the requirements are made clear to every candidate. Ms.
210 Schneider informed Chairman Brink that the Code of Virginia requires the State Board of Elections
211 to provide notice to candidates with information regarding of all the requirements for complying
212 with both campaign finance deadlines outlined in Chapter 9.3 and advertisements in Chapter 9.5.
213 She advised the Board that ELECT wrote a compliance guide focused on print media. Vice Chair
214 *O’Bannon moved subject to the Board’s authority under the Code of Virginia §24.2-955.3, to find*
215 *Patrick Saylors in violation of Stand By Your Ad print media disclosure requirements with regard*
216 *to two print media advertisements and assess a \$100 penalty*. Secretary LeCruise seconded the
217 motion, and the motion passed unanimously.

218 The next complaint was against Friends of Rich Breeden. Ms. Schneider presented the Board
219 with two advertisements of palm cards without disclosures. Christopher Woodfin, representing
220 Rich Breeden, addressed the Board. Mr. Woodfin informed the Board that he believes the images
221 presented are not palm cards, but rather, business cards that does not contain express advocacy.

222 Mr. Woodfin stated that Mr. Breeden apologizes because he was not aware of the rule related to
223 business cards having a disclaimer. Mr. Woodfin suggested that the Board determine if the
224 definition of express advocacy and consider whether a business card with contact information
225 should be considered differently than a business card that says "Vote for." He also
226 recommended that the Board take into consideration the language in Virginia Code 24.2-956
227 which provides an exception for online media that has insufficient space to place a disclaimer on
228 it, as long as any landing page you click on would go to it.

229 Mr. Woodfin stated that the card does provide a website with the disclaimer on it. Ms.
230 Schneider informed the Board that the electronic disclosure provision only applies to electronic
231 advertisements, that the Board has consistently considered a website address
232 "NameforOffice.com" to constitute express advocacy, due to the phrase similar to "Smith for
233 Congress" appearing in the advertisement, and that business cards are not exempt from Stand By
234 Your Ad. Due to the apology Secretary LeCruise *moved subject to the Board's authority under*
235 *the Code of Virginia §24.2-955.3, to find Friends of Rich Breeden in violation of Stand By Your*
236 *Ad print media disclosure requirements with regard to two print media advertisements and assess*
237 *a \$50 penalty.* Vice Chair O'Bannon seconded the motion, and the motion passed unanimously.

238 The next complaint was against Friends of Scott Wyatt. Ms. Schneider presented the Board
239 with second-round violation of a yard sign with no disclaimer. Ms. Schneider pointed to the
240 Board's Schedule of Penalties which states that the penalty for a second violation of Stand By
241 Your Ad during an election season is \$250 and is not eligible for a reduction due to apology,
242 explanation or remedial action. She stated that Mr. Wyatt provided a response that after he was
243 first penalized in May 2019, his campaign made attempts to bring all their advertisements in
244 conformity with the code. Vice Chair O'Bannon *moved subject to the Board's authority under the*

245 *Code of Virginia §24.2-955.3, to find Friends of Scott Wyatt in violation of Stand By Your Ad print*
246 *media disclosure requirements with regard to one print media advertisement and assess a \$250*
247 *penalty. Secretary LeCruise seconded the motion, and the motion passed unanimously.*

248 The next complaint was against a political action committee, the Virginia Constitutional
249 Conservatives. Ms. Schneider showed the Board the challenged advertisement, a handout. Ms.
250 Schneider explained that although the advertisement clearly advocates for the defeat of a clearly
251 identified candidate, the current understanding of express advocacy requires that an advertisement
252 contain certain words. She stated that the handout does not include "Vote for..."; "Support";
253 "Elect..."; "Smith for Congress"; "Send Him Home"; or "Oppose." Vice Chair O'Bannon *moved*
254 *to dismiss the complaint against Virginia Constitutional Conservatives.* Secretary LeCruise
255 seconded the motion, and the motion passed unanimously.

256 Chairman Brink opened the floor to public comment. Jim Smith, Chairman of the
257 Republican Committee of Madison County, spoke. Mr. Smith expressed his concerns about Mr.
258 Freitas not being on the ballot.

259 Chairman Brink then moved *to adjourn the meeting.* The meeting adjourned at approximately
260 2:40 P.M.

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State Board of Elections
FINAL Meeting Minutes
Tuesday, August 6, 2019

266

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268 Secretary

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270 Chairman

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272 Vice Chairman

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1 The State Board of Elections (“the Board”) meeting was held Tuesday, August 06, 2019,
2 in the Virginia State Capital, Senate Room 3, in Richmond, Virginia. In attendance: Robert
3 Brink, Chairman, John O’Bannon, Vice Chairman and Jamilah LeCruise, Secretary, represented
4 the State Board of Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner,
5 represented the Department of Elections (“ELECT”). Heather Hays Lockerman represented the
6 Office of the Attorney General (“OAG”). Chairman Brink called the meeting to order at 2:50
7 P.M.

8 Arielle A. Schneider presented the 1VAC 20-90-30 to the Board. *This report is in the*
9 *Working Papers for the August 06, 2019 meeting.*

10 Chairman Brink opened the floor to public comment. There was no public comment
11 provided.

12 Vice Chair O’Bannon moved to adjourn the meeting. Secretary LeCruise seconded the
13 motion, and the motion passed unanimously. The meeting was adjourned at approximately 3:02
14 PM.

15
16 _____

17 Secretary
18 _____

19 Chair
20 _____

21 Vice Chair
22 _____

1 The State Board of Elections (“the Board”) meeting was held Thursday, August 22, 2019,
2 in the Martha Brissette Conference Room of the Washington Building in Richmond, Virginia. In
3 attendance: Robert Brink, Chairman, John O’Bannon, Vice Chairman and Jamilah LeCruise,
4 Secretary, represented the State Board of Elections (“the Board”). Christopher E. “Chris” Piper,
5 Commissioner, and Jessica Bowman, Deputy Commissioner, represented the Department of
6 Elections (“ELECT”). Heather Hays Lockerman represented the Office of the Attorney General
7 (“OAG”). Chairman Brink called the meeting to order at 1:05 P.M.

8 The first order of business was the Commissioner’s Report, presented by Commissioner
9 Piper. The Commissioner stated that in 2016, all 50 States were scanned by foreign entities, a
10 few States and some localities were breached, but that no data was manipulated or deleted.
11 Commissioner Piper informed the Board that the closed session would show the strong security
12 posture set up for ELECT.

13 Commissioner Piper introduced Ben Gilbert of Homeland Security. Mr. Gilbert explained
14 that his role with the Department of Homeland Security, and Cybersecurity and Infrastructure
15 Security Agency is to help build and strengthen the cybersecurity posture and capabilities. Mr.
16 Gilbert introduced his team Rob Mooney, and Austin Bring from the DHS Elections Task Force.

17 Commissioner Piper introduced Aaron Mathes, with CGI Technology Solutions (“CGI
18 INC.”). Mr. Mathes informed the Board that CGI INC. has been working with ELECT for
19 approximately five years, assisting with list management, and Virginia Electronic Registration
20 Information System (“VERIS”). He noted that the firm is now helping to create a program for
21 Virginia Elections Officials regarding cybersecurity and their responsibility in their districts. Mr.
22 Mathes introduced Jaime Woltz, Senior Consultant, and Karen Tinucci, Senior Consultant.

23 Chairman Brink opened the floor to public comment. Dr. Clara Belle Wheeler, a former
24 Board member from Albemarle County, asked the Board to provide guidelines on write-in
25 candidates and recounts.

26 At 1:32 PM Chairman Brink announced that the Board would go into a closed session.
27 Vice Chair O'Bannon moved *that the Board go into closed session for the purpose of discussion*
28 *of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, as such discussion*
29 *would jeopardize the safety or security of persons, facilities, information technology systems, or*
30 *software programs, and discussions on reports or plans related to the security of any*
31 *governmental facility, as authorized by § 2.2-3711(A)(19) and (34) of the Code of Virginia,*
32 *Heather Hays Lockerman from the Office of the Attorney General, as well as Christopher Piper,*
33 *Commissioner of Elections, Jessica Bowman, Deputy Commissioner of Elections, James Heo,*
34 *Confidential Policy Advisor, Daniel Persico, Chief Information Officer, Grindly Johnson,*
35 *Deputy Secretary of Administration from the Department of Elections, as well as Robert*
36 *Mooney, Austin Bring, Benjamin Gilbert, and Bill Ryan from the Department of Homeland*
37 *Security, as well as Jaime Woltz, Karen Tinucci, and Aaron Mathes with the CGI Inc., as well as*
38 *Justin Brown, and Hal Greer from JLARC will attend the closed session because their presence*
39 *will reasonably aid the Board in its consideration of the subject of the meeting. Secretary*
40 LeCruise seconded the motion, and the motion passed unanimously.

41 At 3:17 P.M. Secretary LeCruise moved *to reconvene in open session, and take a roll call*
42 *vote certifying that to the best of each member's knowledge (i) only such public business matters*
43 *lawfully exempted from open meeting requirements under this chapter and (ii) only such public*
44 *business matters as were identified in the motion by which the closed meeting was concerned*

45 *were heard, discussed, or considered.* Vice Chair O'Bannon seconded the motion, and the
46 motion passed unanimously. A roll call vote was taken:

47 Secretary LeCruise – aye

48 Vice Chair O'Bannon – aye

49 Chairman Brink – aye

50 Chairman Brink moved to adjourn the Board. The meeting adjourned at
51 approximately 3:19 P.M.

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53 _____

54 Secretary

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57 Vice Chair

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60 Chairman

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★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Christopher E. Piper
Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Nationwide Cyber- Security Review

BOARD WORKING PAPERS
Daniel Persico
Chief Information Officer



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise
From: Dan Persico, Chief Information Officer (CIO)
Date: September 17, 2019
Re: Adoption of new Security Standard

Suggested motion for a Board member to make:

Move that the Board adopt the proposed Risk Assessment minimum security standard related to information systems classified as sensitive to election related activities. In support of improving risk communications and striving to baseline and measure continual improvement, this standard includes a provision that each locality:

- Is a member of the Center for Internet Security (CIS) Elections Infrastructure Information Sharing & Analysis Center (EI-ISAC) and/or Multi-State ISAC (MS-ISAC); and
- Completes a self-assessment annually as requested by the Department of Elections, utilizing a tool based on best practices; such as the CIS Nationwide Cybersecurity Review (NCSR) Assessment.

Applicable Code Sections: Va. Code § 24.2-410.2

Attachments:

Your Board materials include the following:

- Risk Assessment (RA) Minimum Security Standard
- NCSR Assessment Overview

Background:

Pursuant to § 24.2-410.2, SBE must “promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies...”. These regulations and standards are to be adopted during the December 4, 2019 Board meeting. Local electoral boards are then required to submit security plans and procedures in accordance with these standards by March 1st of each year.

Since this is the first year of implementation and best practice is to conduct a risk assessment prior to development of a security plan, the workgroup formed to propose and advise upon these standards has strongly suggested the early release of a critical standard that may require a larger

window of time for each locality to come into compliance. This standard would require that each locality conduct a risk assessment and complete an annual self-assessment. This assessment would be completely free for the locality. By releasing the standard early, SBE would allow localities more time to complete their risk assessment and to submit the self-assessment by year-end, and allow the Department of Elections, VITA and others to provide more support to localities that have difficulty completing the assessment without additional resources.

Department of Elections (ELECT) staff recommendation:

ELECT staff recommends adoption of the proposed security assessment standard for immediate enactment.

RISK ASSESMENT MINIMUM SECURITY STANDARD

PURPOSE

The purpose of this document is to establish minimum security standards for localities to regularly assess information technology systems and networks for risks including threats and vulnerabilities in order to protect information technology assets and manage the associated risks effectively.

SCOPE

Risk assessments are conducted on information systems classified as sensitive to election related activities, to include applications, servers, computers, and networks; that processes, stores, or transmits voter registration system related information. This standard also applies to any locality employees (classified, hourly, and/or business partners) who also participate in election related activities.

ROLES & RESPONSIBILITY

- The Department of Elections standing advisory group (per HB2178; pursuant to subsection A of § 24.2-410.2 of the Code of Virginia) is responsible for the review, update and revision of this security standard and related standards on an annual basis or more frequently if needed.
- The locality Electoral Board is accountable and the locality Information Security Officer (ISO) or responsible party is responsible for adherence to this standard and documenting non-compliance via Department of Elections' exception handling.
- The locality ISO or responsible party is responsible for review, update and revision of this standard's procedures on an annual basis or more frequently if needed.

SECURITY CATEGORIZATION

1. Security categorization describes the potential adverse impacts to operations, assets, and individuals should the information and information system be compromised through a loss of confidentiality, integrity, or availability.
2. Security categorization results are documented (including supporting rationale) in the system security plan (SSP) for the information system.

RISK ASSESSMENT

1. Risk Assessments for each IT system classified as sensitive will:
 - a. Identify potential threats to the confidentiality, integrity, and availability of an IT system and the environment in which it operates;
 - b. Determine the likelihood that threats will materialize;
 - c. Identify and evaluate vulnerabilities; and



- d. Determine the loss impact if one or more vulnerabilities are exploited by a potential threat.
2. Risk assessments take into account vulnerabilities, threat sources and security controls, planned or in place, to determine the level of residual risk posed to organizational operations, assets, and individuals based on the operation of the information system.
Risk assessments also take into account risk posed to operations, assets, or individuals from external parties, including but not limited to:
 - Service providers;
 - Contractors operating information systems on behalf of the organization; and
 - Individuals accessing locality's information systems.
3. Results will be documented in a Risk Assessment Report, which includes, at a minimum, identification of all vulnerabilities discovered during the assessment, and an executive summary, including major findings and risk mitigation recommendations;
 - a. The executive summary, including major findings and risk mitigation recommendations are shared with the General Registrar and local Electoral Board in closed session.
4. The risk assessment (RA) is updated once a year or whenever there are significant changes to the information system or environment of operation, or other conditions that may impact the security state of the system.
5. The results of the Business Impact Analysis and Data Classification are inputs to the RA.
6. A risk finding is created for any risks identified and entered in a risk register.
7. A risk treatment plan is created for at least each critical or high risk assessment finding.
8. As part of improving risk communications and striving for continual improvement, each locality:
 - a. Is a member of the Center for Internet Security (CIS) Elections Infrastructure Information Sharing & Analysis Center (EI-ISAC) and/or Multi-State ISAC (MS-ISAC); and
 - b. Completes a self-assessment annually as requested by the Department of Elections, utilizing a tool based on best practices (i.e. NIST, CIS Top 6-20, etc.).

VULNERABILITY SCANNING

1. Information system and hosted applications are scanned for vulnerabilities with security categorization of the information system as guide to frequency.
2. Vulnerability scanning includes scanning for specific ports, protocols, and services that should not be accessible to users and for improper configurations.
3. Risks identified in scans are reported using the Risk Register and Risk Treatment Plan.



NCSR 2019 October 1–December 31

Overview

The Nationwide Cybersecurity Review (NCSR) is a no cost, anonymous, annual self-assessment that is designed to measure gaps and capabilities of state, local, tribal and territorial (SLTT) governments' cybersecurity programs.

The NCSR is aligned to the National Institute of Standards and Technology (NIST) Cybersecurity Framework (CSF). The CSF provides a common language for understanding, managing, and expressing cybersecurity risk. It can be used to help identify and prioritize actions for reducing cybersecurity risk, and align policy, business, and technological approaches to managing risk. Learn more here:

<https://www.nist.gov/cyberframework/framework>

Register for the NCSR

To register for the 2019 NCSR, please visit the following website:

<https://www.cisecurity.org/ms-isac/services/ncsr/>

Benefits

- Receive metrics specific to your organization to identify gaps and develop a benchmark to gauge year-to-year progress, as well as anonymously measure your results against your peers
- For HIPAA compliant agencies, translate your NCSR scores to the HIPAA Security Rule scores of an automatic self-assessment tool
- Access to informative references such as NIST 800-53, COBIT, and the CIS Controls that can assist in managing cybersecurity risk
- Nationally, aggregate NCSR data provides a baseline, foundational understanding of SLTT cybersecurity posture to help drive policy, governance and resource allocation
- Results enable Federal partners to better understand the status quo and engage in more strategic, cyber-specific planning and preparedness to help manage national risk and improve SLTT core capabilities

Learn more about the NCSR

WEBINAR **2019 Nationwide Cybersecurity Review (NCSR)**
DATE **Friday, September 20, 2019**
REGISTER [Link to Register](#)

What is the Nationwide Cybersecurity Review and how do I best utilize it? Join the MS-ISAC team as they provide an overview of the NCSR along with instructions on how to register for the 2019 NCSR and navigate the portal.

Questions?

For questions regarding administrative and technical questions about the NCSR, please contact the Multi-State Information Sharing and Analysis Center (MS-ISAC) at ncsr@cisecurity.org.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Voting System Certification Standards

BOARD WORKING PAPERS
Christopher E. Piper
Commissioner



Voting System Certification Standard

September 2019

Chapter 1: Introduction.....	2
1.1. Purpose of Procedures.....	2
1.2. Specific Requirements	2
1.3. Decertification	3
1.4. Recertification	4
Chapter 2: Basis for Certification.....	5
2.1. Federal Compliance Testing	5
2.1.1. Voting System Hardware, Firmware, or Component Elements	6
2.1.2. Voting System Software Elements	6
2.2. State Certification Testing	6
Chapter 3: Review and Approval Process	8
3.1. Summary of Process	8
3.2. Certification Review Process	8
Phase 1: Certification Request from Vendor	8
Phase 2: Technical Data Package to Voting System Test Laboratory (VSTL)	14
Phase 3: Preliminary Review	14
Phase 4: Certification Test Report from VSTL.....	14
Phase 5: On-Site Testing in Election	14
Phase 6: Approval by the SBE.....	14
3.3. Incomplete Certification Process.....	14
Appendices	16
A – Glossary.....	16
B – Contacts	18
C – Acceptance Test	19
Validation of Certification	19
D – Test Assertions	20
E – Software Patching Guidelines.....	30
F – Recertification Guidelines.....	31
G – Hardware Guidelines	32
H – Voting System Modifications & Product End of Life Planning.....	33

Chapter 1: Introduction

1.1. Purpose of Procedures

These procedures have been developed and issued as part of a continuing effort to improve the administration of elections in the Commonwealth of Virginia. They provide a formal and organized process for vendors to follow when seeking state certification for a new voting system or for improvements/modifications to a previously certified voting system in Virginia. To this end the procedures are designed to:

1. Ensure conformity with state election laws relating to the acquisition and use of voting systems
2. Provide an organized and consistent means of evaluating and certifying voting systems marketed by vendors for use in Virginia
3. Provide an organized and consistent means of evaluating and certifying additional capabilities and changes in the method of operation for voting systems previously certified for use in Virginia
4. Provide an organized and consistent means of decertifying voting systems
5. Provide improvement for the electoral process by ensuring that all voting systems operate properly and are installed and tested in compliance with the State Board of Elections' (SBE) procedures
6. Ensure accurate report of all election results from jurisdictions that use each certified system.

1.2. Specific Requirements

The voting system must meet the requirements contained in the latest version of the Voluntary Voting System Guidelines (VVSG) which are currently accepted for testing and certification by the U.S. Election Assistance Commission (EAC), or prior version if within the EAC transition period. Compliance with the applicable VVSG may be substantiated through federal certification by the EAC, or through testing conducted by a federally certified voting system test laboratory (VSTL). Meeting the requirements contained in the VVSG will substantiate compliance with the voting system requirements contained in Section 301 of the Help America Vote Act of 2002 (HAVA).

1. Modification to existing hardware, firmware, software, or other components will invalidate the prior certification by the State Board of Elections (SBE) unless the Department of Elections (ELECT) can review and provide a recommendation to SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system.
2. The voting system must comply with the provisions in the Code of Virginia relating to voting equipment (Article 3, Chapter 6 of Title 24.2).

3. The voting system must comply with any applicable regulations or policies issued by the SBE or ELECT.
4. The vendor must ensure that the voting system can accommodate an interactive visual and non-visual presentation of information to voters, and alternative languages when required. (See HAVA, 42 USC 15481(a)(3), (4), §203 of the Voting Rights Act (42 USC 1973aa-1a) and Virginia Code Section 24.2-626.1).

1.3. Decertification

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

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

1. Within 24 hours of knowledge, vendor must notify ELECT of any security-related breach, incident and anomaly experienced in an election jurisdiction
2. Report to ELECT within 30 calendar days of any changes to Corporate Information including:
 - a. Business entity and structure
 - b. Parent and subsidiary companies
 - c. Capital or equity structure
 - d. Control; identity of any individual, entity, partnership, or organization owning a controlling interest
 - e. Investment by any individual, entity, partnership, or organization in an amount that exceeds 5% of the vendor's net cash flow from the prior reporting year
 - f. Location of manufacturing facilities; including names of the third-party vendor(s) employed to fabricate and/or assemble any component part of the voting and/or tabulating system being submitted for certification, along with the location of all of their facilities with manufacturing capability
 - g. Third-party vendors
 - h. Good Standing status
 - i. Credit rating
3. Submit any modifications to a previously certified voting system to ELECT for review within 30 calendar days of the Last Modified Date, as defined in Appendix H
4. Send an upgrade plan with target date(s) to ELECT if the operating system or any components have reached and/or will reach the Last Date of Mainstream Support, as defined in Appendix H, within 18 months:

- a. ELECT must receive the upgrade plan at least 12 months before the Last Date of Mainstream Support, and will automatically be decertified as defined in Appendix H
 - b. The Last Date cannot include any type of Extended Support, as defined in Appendix H
5. Update all software with the latest patching and vulnerability updates in alignment with Appendix E.

NOTE: The SBE reserves the right to require recertification when new VVSG guidelines or changes to regulations and/or standards occur.

1.4. Recertification

See Appendix F for ELECT's guidelines on when voting system must go through recertification.

Chapter 2: Basis for Certification

The Code of Virginia requires a voting system to be in compliance with the Federal and State Certification Standards.

Federal Compliance Testing demonstrates that the voting system adheres to all requirements set in the most up-to-date version of the VVSG by the EAC. The primary evidence of compliance is the certification of the system by the EAC. Federal compliance may also be demonstrated through testing conducted by a federally certified Voting System Test Lab (VSTL) to the applicable VVSG.

State certification testing will evaluate that the voting system complies with all applicable requirements of the Code of Virginia and SBE and ELECT regulations and policies. The voting system must demonstrate the accessibility, reliability, and usability throughout all testing phases.

2.1. Federal Compliance Testing

Federal Compliance Testing is performed to demonstrate compliance with the latest version of the VVSG currently accepted for testing and certification by the EAC, or prior version if within the EAC transition period. EAC certification serves as prima facie evidence of compliance; federal compliance may also be demonstrated through testing conducted by a federally certified VSTL to the applicable VVSG. ELECT will make the final decision on compliance based on all available information. If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue.

To support a review of Federal Compliance Testing, the following documents shall be provided to ELECT:

1. A full copy of the Technical Data Package (TDP) submitted for Federal compliance testing
2. A copy of the Test Plan, Test Report, all Test Procedures, and Test Cases used by the VSTL in performing EAC certification testing; or results of testing conducted by a federally certified VSTL to the applicable VVSG
3. A release to the VSTL to respond to any requests for information from the Commonwealth of Virginia
4. A release to other states which have certified the system or prior versions of the system, to respond to any requests for information from the Commonwealth of Virginia

5. Any additional information ELECT believes is necessary to determine compliance with the applicable VVSG or Commonwealth of Virginia Voting System Certification Standards.

2.1.1. Voting System Hardware, Firmware, or Component Elements

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

Modification to existing hardware, firmware, or other components will invalidate the prior certification by the SBE unless ELECT can review and provide a recommendation to SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system.

2.1.2. Voting System Software Elements

Voting system software shall be examined and tested to ensure that it adheres to the performance standards specified in the latest version of the VVSG currently accepted for testing and certification by the EAC, or prior version if within the EAC transition period.

Any modification to existing software will invalidate the prior certification by the SBE, unless ELECT can review and provide an explanation to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system.

2.2. State Certification Testing

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

ELECT will evaluate the user experience with the current and prior versions of the voting system and certification reports from other states. In addition, the security and reliability analysis of the product model will be reviewed to determine the usability of the voting system for Virginia Elections.

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

1. Define ballot formats for primary elections, general elections, and special elections including all voting options defined by the Code of Virginia
2. Install applications and election-specific programs and data in the ballot counting device
3. Count ballots
4. Prepare to perform and conduct the Logic and Accuracy tests

5. Obtain voting data and audit data reports
6. Support recount or election audits
7. Address compliance with physical and language accessibility requirements
8. Display an appropriate message if a voter does not follow the ballot instruction;
allow the voter to override the warning messages for overvote, undervote, or invalid
Write-in to cast voter's ballot
9. Create a Cast Vote Record (CVR) for each vote for all elections
10. Integrate CVRs with the designated electronic storage devices in a readable format
11. Does not have a built-in function for wireless connections or communications
12. Comply with the latest NIST encryption standard at time of certification
13. Comply with the latest NIST password protection standard at time of certification
14. Harden the voting system using the vendor's procedures and specifications
15. Comply with the requirements for Write-in image and format.

Chapter 3: Review and Approval Process

3.1. Summary of Process

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

Six Phases of the Certification Review Process:

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

3.2. Certification Review Process

Phase 1: Certification Request from Vendor

A vendor will request a certification either for a specific voting system, software, firmware, or hardware modification to a certified voting system. This request should be signed by a company officer and include the following information:

1. Identification of the specific voting system to be evaluated for certification, such as:
 - a. Each voting system or version of a voting system requires a separate request for certification
 - b. Each component of the hardware, firmware, software, and other components must be identified by version number
2. Copies of documents substantiating completion of federal compliance testing, including whether the proposed voting system has been certified under the latest version of the VVSG currently accepted for certification by the EAC or tested by a federally certified VSTL, or prior version if within the EAC transition period
3. Whether the proposed voting system has ever been denied certification or had certification withdrawn in any state, or by the EAC
4. Eight copies of a brief overview description of the voting system
 - a. Typical marketing brochures are usually sufficient for the description
5. A list of all locations where the proposed voting system, or version of the proposed voting system, is currently used

6. A check or money order for the non-refundable fee for a voting system certification request and applicable fees for modifications to a previously certified voting system, as applicable, will be determined by the Department of Elections in alignment with SBE policy:
 - a. If the actual costs for reviewing the vendor's submission exceed the initial fee, the vendor agrees to reimburse ELECT for all additional costs
 - b. All fees must be collected before the certification will be granted
 - i. Make checks or money order payable to Treasurer of Virginia
7. Technical Data Package (TDP) must clearly identify all items:
 - a. If the TDP is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
 - b. Upon the receipt of the corrected TDP from the vendor, the evaluation of the voting system will be rescheduled
8. Corporate Information must clearly identify all items:
 - a. If the Corporate Information is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
 - b. The evaluation process will be rescheduled after the corrected package is received.

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

State Technical Data Package

The TDP must contain the following items if they were not included in the TDP submitted to the VSTL:

1. *Hardware Schematic Diagrams*: Schematic diagrams of all hardware
2. *Hardware Theory of Operations*: Documentation describing the theory of operation of the hardware, not limited to power cords and backup battery
3. *Software System Design*: Documentation describing the logical design of the software
 - a. This documentation should clearly indicate the various modules of the software such as:
 - i. Its functions
 - ii. System flowchart
 - iii. Its interrelationships with each other
 - iv. The list of data formats that the voting system can import and export
 - b. Clearly specify the operating system and version, including:

- i. The Last Date of Mainstream Support, as defined in Appendix H
 - ii. The latest operating system version, security patches available, SHA256 hash value, and last modified date
4. *Software Source Code*: A source code evaluation conducted in accordance with Software Design and Coding Standards of the most current version of the VVSG approved after March 1, 2015
5. *Definition of Marked Oval*: Define the system thresholds used to declare a readable mark in an oval to be read by the scanner
6. *Independent Third-Party Application Penetration Analysis Report*: An accredited application penetration test conducted to analyze the system for potential vulnerabilities according to current industry standards. Potential vulnerabilities may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the voting system, whether or not the vulnerabilities can be mitigated through compensating controls. Pursuant to Virginia Code § 24.2-625.1, the Penetration Analysis Report is confidential and excluded from inspection and copying under the Virginia Freedom of Information Act.
7. *Customer Maintenance, Repair & Troubleshooting Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will provide maintenance, repair and troubleshooting of the system
8. *Operations Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system. At a minimum, the manual should include the maximum volume and speed of the scanner, the maximum capacity of container bin, ballot box, storage units, electronic storage device, and instructions for the proper and safe operation of the system to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.
9. *User Guide and Documents*: The vendor should provide the following:
 - a. Quick reference guide with detailed instructions for a precinct election officer to set up, use, and shut down the voting system
 - b. ADA compliant training material that:
 - i. May be in written or video form
 - ii. Must be in a format suitable for use at a polling place as a simple “how-to” guide(s)
 - c. Clear model of voting system architecture with the following documentations:
 - i. End-User Documentation
 - ii. System-Level and Administrator-Level Documentation

- iii. Developer Documentation
 - d. Failsafe voting system data recovery procedures
 - i. For example: recovery procedures for retrieving duplicated (contingency recovery) information from a different location within the device (or another device if networked capability is allowed and certified) in the event that access to the primary storage area is not possible for some unforeseen reason
 - e. A list of customers who are using or have previously used the voting system
 - i. The description of any known incidents or anomalies involving the functioning of the voting system, including how those incidents or anomalies were resolved with customer and date
 - f. If the system or any components (hardware and/or software) reached or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, then provide an upgrade plan to the latest system/components with the target date
10. *Recommended Security Practices: CIS Security Best Practices.* not limited to:
- a. System Security Architecture
 - b. System Event Logging
 - c. System Security Specification
 - d. Security Content Automation Protocol (SCAP)
 - e. Cryptography
 - f. Equipment and Data Security
 - g. Network and Data Transmission Security
 - h. Access control
 - i. Authentication procedure
 - j. Software
 - k. Physical Security
11. *Standard Contract, Product Support, and Service Level Agreement (SLA):* Customer and Technical Support hours and contact information. SLA should specify the escalation timeline and procedures with contact information.
- Vendor's capacity to provide, not limited to:
- a. On-Site Support and Technical Support within SLA on:
 - i. Election Day (defined as Early Voting up to and including Election Day)
 - ii. Within 60 days before Election Day
 - b. Resolution to outstanding issue(s), repair, maintenance, and service requests within 30 days
12. *Maintenance Services, Pricing, and Financing Options:* A list of maintenance services with price. Terms for replacing a component or voting equipment. Available financing options for purchase or lease.

13. *Warranty*: A list of warranty specifications:
 - a. The period and extent of the warranty
 - b. Repair or Replacement
 - i. The circumstances under which equipment is replaced rather than repaired
 - ii. The method by which a user requests such replacement
 - c. Warranty coverage and costs
 - d. Technical documentation of all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time
14. *Software License Agreement*.
15. *Test Data and Software*: Vendor's internal quality assurance procedure, internal or external test data and reports, ballot decks, and software that can be used to demonstrate the various functions of the voting system, or verify that the versions of the applications submitted are identical to the versions that have undergone federal compliance testing; for example, hash testing tools
16. *Non-Disclosure Agreement*: if applicable.

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

Corporate Information

Corporate Information must contain the following items:

1. History and description of the business including the year established, products and services offered, areas served, branch offices, subsidiary and parent companies, capital and equity structure, identity of any individual, entity, partnership, or organization owning a controlling interest, and the identity of any investor whose investments have an aggregate value that exceeds more than 5% of the vendor's net cash flow in any reporting year
2. Management and staff organization, number of full-time and part-time employees by category, and resumes of key employees who will assist Virginia localities in acquiring the system if it is authorized for use
3. Certified financial statements for current and past three (3) fiscal years
 - a. If the vendor is not the manufacturer of the voting system, then submit the certified financial statements of the manufacturer for the past three (3) fiscal years
4. Bank Comfort Letter from the vendor's primary financial institution

- a. If the vendor uses more than one financial institution, multiple comfort letters must be submitted
5. Certificate of Good Standing issued within 2 months
6. Credit rating issued within 2 months
7. If publicly traded, indexes rating of the business debt
8. Gross sales in voting products and services for the past three (3) fiscal years and the percent of the vendor's total sales
9. The location of all facilities with manufacturing capability; including names of the third-party vendor(s) that are employed to fabricate and/or assemble any component part of the voting and/or tabulating system being submitted for certification, along with the location of all of their facilities with manufacturing capability
10. The location and servicing capability of each facility that will be used to service the voting and/or counting system for certification and the service limitation of the facility
11. Quality assurance process used in the manufacturing and servicing of the voting system
12. Configuration management process used with the voting system.

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

Proprietary Information

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

"Identify" means that the information must be clearly marked with a justification as to why the information should be treated as confidential and proprietary information. A vendor shall not designate as proprietary information (a) the entire certification request or (b) any portion of the certification request that does not contain trade secrets or proprietary information.

ELECT cannot guarantee the extent to which any material provided will be exempt from disclosure in litigation or otherwise. ELECT, however, agrees to provide the vendor with five (5) days' notice prior to disclosing such material to third parties so that the vendor has the opportunity to seek relief from a court prior to the disclosure of such materials by ELECT.

Phase 2: Technical Data Package to Voting System Test Laboratory (VSTL)

In addition, the vendor should submit the TDP to the designated VSTL. The Voting Technology Coordinator from ELECT will provide the VSTL contact information to the vendor.

Phase 3: Preliminary Review

The Voting Technology Coordinator will review the TDP, Corporate Information, and other materials provided and notify the vendor of any deficiencies. Certification of the voting system will not proceed beyond this phase until the TDP and corporate information are complete.

The Voting Technology Coordinator or their designee from ELECT will conduct a preliminary analysis of the Technical Data Package with VSTL. The Voting Technology Coordinator or their designee will also review the Corporate Information and other materials to prepare an Evaluation Proposal, which includes:

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

Phase 4: Certification Test Report from VSTL

VSTL will work directly with the vendor to complete all test assertions and test cases. In addition, send the Certification Test Report to ELECT.

Phase 5: On-Site Testing in Election

ELECT will coordinate with the local jurisdiction to test the voting system at two polling places. With the vendor present, the Electoral Board members from the local jurisdiction along with ELECT will oversee the test use of the system in a mock election.

Phase 6: Approval by the SBE

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

3.3. Incomplete Certification Process

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

ELECT reserves the right to terminate the certification process when:

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

Appendices

A – Glossary

The following terms are defined in the United States Election Assistance Commission (EAC), the Code of Virginia and Virginia General Registrars and Electoral Boards (GREB) Handbook.

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

Cast Vote Record (CVR) – Permanent record of all votes produced by a single voter.

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

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

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

Logic and Accuracy Testing – Logic and accuracy testing is an integral part of preparing for an election. Each machine (not a sampling of machines) that will be used in an election must be tested prior to that election to ensure it has been programmed correctly and is functioning properly. The logic and accuracy test will also uncover any ballot printing or coding issues that may affect accurate and complete tabulation. Each machine should be tested with a sufficient number of ballots or votes to substantiate that each machine recorded the correct number of

votes for each candidate. An electoral board member, general registrar, or a designated representative, must be present during this process and must certify the results from each machine. Form ELECT-633 must be submitted electronically to the Department of Elections after logic and accuracy testing is complete.

State Board of Elections (SBE) – The State Board of Elections is authorized to supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of election; to provide electronic application for voter registration and delivery of absentee ballots to eligible military and overseas voters; to establish and maintain a statewide automated voter registration system to include procedures for ascertaining current addresses of registrants; to prescribe standard forms for registration, transfer and identification of voters; and to require cancellation of records for registrants no longer qualified. [Code of Virginia, Title 24.2](#), Chapters [1](#), [4](#) and [4.1](#).

Voting System – The total combination of mechanical, electromechanical, and electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment, that is used to define ballots, cast and count votes, report or display election results, recount votes and maintain and produce any audit trail information.

Voting System Test Laboratory (VSTL) – Test labs that are accredited to perform conformance testing of voting systems will use SBE approved voting system certification standard to guide the development of test plans, the testing of systems, and the preparation of test reports and recommendations for granting state certification.

B – Contacts

The Department of Elections

The certification request package should be sent to:

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

All other inquiries should be sent to:

Email: info@elections.virginia.gov

C – Acceptance Test

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

The local jurisdiction will examine that the purchased or leased system to be installed is identical to the certified system and that the installed equipment and/or software are fully functional and compliant with the administrative and statutory requirements of the jurisdiction. The local jurisdiction could also perform a hash testing of application software, as well as, send a letter to ELECT as required by the procurement process, to confirm that the versions of all software and model(s) of equipment received are identical to the certified system.

The acceptance test will demonstrate the system's ability to execute all functionality as advertised. The essential functions include, but not limited to:

1. Process simulated ballots for each precinct or polling place in the jurisdiction
2. Display an appropriate message if a voter does not follow the ballot instruction.
 - a. Able to override the warning messages for overvote, undervote or blank ballot to cast the ballot
3. Handle Write-in votes
4. Create a Cast Vote Record (CVR) per each vote
5. Produce an input to or generate a final report of the election, and interim reports as required
6. Generate system status and error messages
7. Comply with and enable voter and operator compliance with all applicable procedural, regulatory, and statutory requirements
8. Produce an audit log

Validation of Certification

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

If any question arises involving the certification of a voting system in use in Virginia, ELECT will probe whether the voting system in use is identical to the certified voting system. Any unauthorized modifications to a certified system may cause SBE to decertify the voting system and bar the vendor from future business with the Commonwealth of Virginia.

D – Test Assertions

General Requirements	
<i>Statutory</i>	<i>Test Assertions</i>
<p><i>§ 24.2-626.1. Acquisition and use of accessible voting devices.</i></p> <p><i>1. Provide for at least one voting system equipped for individuals with disabilities at each polling place, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.</i></p> <p><i>2. Provide alternative language accessibility when required by § 203 of the Voting Rights Act of 1965 (52 U.S.C. § 10503).</i></p>	<p>I – The voting system must support audio ballots.</p> <p>II – Using the voting system, an individual voting by audio ballot does not require assistance once the ballot is activated.</p> <p>III – The voting system must support multiple languages; including, English, Spanish, Vietnamese and allow future additions and support of other languages.</p>
<p><i>§ 24.2-629 (1). State Board approval process of electronic voting systems.</i></p> <p><i>It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.</i></p>	<p>I – Qualified individuals must be able to alter instructions on the voting system’s electronically displayed ballots and audio ballots.</p>
<p><i>§ 24.2-629 (3). State Board approval process of electronic voting systems.</i></p> <p><i>It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate.</i></p>	<p>I - The voting system must support multiple ballot styles on a single tabulator in a primary election.</p>
<p><i>§ 24.2-629 (5). State Board approval process of electronic voting systems.</i></p> <p><i>It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no more. It shall prevent the voter from casting a vote</i></p>	<p>I – The voting system can present an accurate ballot based on a voter’s geopolitical subdivision based on the districts, regions, cities or other boundaries defined by the Commonwealth of Virginia.</p>

General Requirements	
<p><i>for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.</i></p>	<p>II – The voting system presents the voter only with candidates and contests that they are lawfully permitted to vote for.</p>
	<p>III – The voting system allows for the selection of multiple candidates or contest options.</p> <p>The voting system restricts the voter to select only a certain number of candidates or options in each contest.</p> <p>The voting system allows the voter to select a different number of candidates or options in each contest on the ballot.</p>
	<p>I – For electronically displayed ballots, the voting system must provide the voter with a screen to review their selected choices prior to submitting the ballot.</p>
<p><i>§ 24.2-629 (7). State Board approval process of electronic voting systems.</i></p> <p><i>It shall provide the voter with an opportunity to correct any error before a ballot is cast.</i></p>	<p>II - For electronically displayed ballots, the voting system must provide the voter the ability to return to a contest or question to make corrections.</p> <p>The system must also allow for an audio voter to return to any contest or question.</p>
	<p>III – The voting system must provide a warning or alert to the voter for an incomplete or incorrect ballot; i.e. overvotes, undervotes, blank ballot.</p>
	<p>I – All component and system-level reports generated by the voting system provide accurate results that can be verified against known results.</p>
<p><i>§ 24.2-629 (8). State Board approval process of electronic voting systems.</i></p> <p><i>It shall correctly register or record and accurately count all votes cast for candidates and on questions.</i></p>	<p>I – All component and system-level reports generated by the voting system provide accurate results that can be verified against known results.</p>

General Requirements	
<p><i>§ 24.2-657. Determination of vote on voting systems.</i></p> <p><i>In the presence of all persons who may be present lawfully at the time, giving full view of the voting systems or printed return sheets, the officers of election shall determine and announce the results as shown by the counters or printed return sheets, including the votes recorded for each office on the Write-in ballots, and shall also announce the vote on every question. The vote as registered shall be entered on the statement of results. When completed, the statement shall be compared with the number on the counters on the equipment or on the printed return sheets. If, on any ballot scanner, the number of persons voting in the election, or the number of votes cast for any office or on any question, totals more than the number of names on the poll books of persons voting on the machines, then the figures recorded by the machines shall be accepted as correct. A statement to that effect shall be entered by the officers of election in the space provided on the statement of results.</i></p>	<p>II – Public and private ballot counters increment for each accepted ballot. The ballot counters do not increment for ballots rejected by the system.</p> <p>III – The voting system records how many ballots are cast as overvotes, undervotes, Write-ins, and blank ballots for each contest and question.</p>
<p><i>§ 24.2-629 (9). State Board approval process of electronic voting systems.</i></p> <p><i>It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.</i></p>	<p>I – Each tabulator has a lifetime counter/ "protective counter" that cannot be reset without reloading the firmware.</p> <p>II – The 'protective counter' increments correctly for each ballot accepted by the tabulator.</p> <p>III – The 'protective counter' does not increment for ballots not accepted by the tabulator.</p>
<p><i>§ 24.2-629 (10). State Board approval process of electronic voting systems.</i></p>	<p>I – Each tabulator has a "public counter" which tracks the number of ballots processed and accepted for an election.</p>

General Requirements	
<p><i>It shall be provided with a counter that at all times during an election shall show how many persons have voted.</i></p>	<p>II – The ‘public counter’ increments correctly for each ballot accepted by the tabulator.</p>
	<p>III – The ‘public counter’ does not increment for ballots not accepted by the tabulator.</p>
<p>§ 24.2-629 (11). State Board approval process of electronic voting systems.</p> <p><i>It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.</i></p>	<p>I – The voter cannot be identified in any manner on a ballot.</p>
	<p>II – The voting system audit records contain no information on a specific voter.</p>
	<p>III – The voting system must provide a “privacy sleeve.”</p>
<p>§ 24.2-629 (12). State Board approval process of electronic voting systems.</p> <p><i>It shall be programmable to allow ballots to be separated when necessary.</i></p>	<p>I – All Write-ins can be segregated physically with a diverter or logically separated with an electronic Write-in Report.</p>
	<p>II – Voting systems that centrally process ballots must <u>physically separate Write-ins from other ballots</u> or logically separate ballots with Write-in votes with an electronic Write-in Report.</p>
<p>24.2-629 (13). State Board approval process of electronic voting systems.</p> <p><i>Ballot scanner machines shall report, if possible, the number of ballots on which a voter under voted or over voted.</i></p>	<p>I – The voting system must alert the voter when the ballot submitted has an overvote or undervote, or the ballot is blank.</p>
	<p>II – The voting system must allow the voter to submit a ballot with an overvote or undervote, or a blank ballot.</p>
	<p>III – The voting system must count ballots cast with an undervote, overvote, or blank ballot. The system must be capable of producing a human-readable report on the number of ballots on which a voter under voted, and the number of ballots on which a voter over voted.</p>

General Requirements	
	IV – All Write-ins are properly handled including segregation of Write-ins physically with a diverter or logically with electronic Write-in Report.
<p>§ 24.2-637. Furniture and equipment to be at polling places.</p> <p><i>Before the time to open the polls, each electoral board shall ensure that the general registrar has the voting and counting equipment and all necessary furniture and materials at the polling places, with counters on the voting or counting devices set at zero (000).</i></p>	I – The tabulation component of the voting system must have a public counter. Upon opening of the polls, the tabulator must print a zero-proof report and the voting system must provide a means by which the report and the counter can be reconciled.
<p>§ 24.2-644. At all elections except primary elections it is lawful for any voter to vote for any person other than the listed candidates for the office by writing or hand printing the person's name on the official ballot. No check or other mark shall be required to cast a valid Write-in vote.</p>	I - The voting system must support “Write-in” voting variation.
<p>§ 24.2-658. If machines that print returns are used, the printed inspection sheet and two copies of the printed return sheet containing the results of the election for each machine.</p>	I – The voting system can support the ability to print multiple results tapes.
<p>§ 24.2-802. (Effective until July 1, 2020) Procedure for recount.</p> <p><i>The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team from each locality using ballot scanner machines to insert</i></p>	I – The voting system can be programmed to recount a single contest.

General Requirements	
<i>the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.</i>	
Functional	Test Assertions
<i>Voting equipment must display an appropriate message if a voter does not follow the ballot instruction. Allow the voter to override the warning message to cast his/her ballot.</i>	I – The voting system must provide written and audio instruction for electronically displayed ballots.
	II - The voting system must allow the voter to return to a contest or question to make corrections for electronically displayed ballots. The voting system must allow an audio voter to return to a contest or question to make corrections.
	III – The voting system must provide feedback to the voter for incomplete/ incorrect votes. i.e. overvotes, undervotes, blank ballot.
	IV – The voting system must allow the voter to override warning messages for incomplete/ incorrect votes. i.e. overvotes, undervotes, blank ballot.
<i>Define ballot formats for a primary election, a general election, and special election including all voting options defined by the Code of Virginia.</i>	For a Virginia Primary Election, the voting system must define the primary ballot as follows: <ul style="list-style-type: none"> • Open Primary • Two Parties • No Write-in candidates • Support split precincts • Voting for N of M contests • Support of 10 contests • Support for 15 candidates

General Requirements	
	<ul style="list-style-type: none"> • Multi-language support (English, Spanish, Vietnamese) • Referendum/Question contests
	<p>For a Virginia General Election, the voting system must define the general ballot as follows:</p> <ul style="list-style-type: none"> • Partisan contests • Non-partisan contests • Write-in candidates • Support for split precincts • Voting for N of M contests • Support of 10 contests • Support for 15 candidates • Multi-language support (English, Spanish, Vietnamese) • Referendum/Question contests
<i>The voting system must create a Cast Vote Record (CVR) defined as, a Permanent record of all votes produced by a single voter whether in electronic, paper or other form, for each ballot for all elections.</i>	I – The voting system must produce a CVR in human-readable format.
<i>The CVR must integrate with designated electronic storage devices in a readable format.</i>	I – The voting system can export the CVR to a portable transport media. The voting system must produce a CVR in human-readable format. II – The CVR must be in human-readable format.
<i>The voting system must be able to perform the Logic and Accuracy Tests.</i>	I – The voting system can be programmed for a primary, general, or special election. II – The voting system can process a known test deck containing valid marks, non-valid marks, undervotes, overvotes, and Write-in votes. III – The voting system can report accurate results from the known test deck.

General Requirements	
	<p>IV – The voting system provides a verifiable means to ensure that all test data are removed from the voting system after the completion of the Logic and Accuracy Test.</p> <p>V – Test ballots can be produced by a Ballot Marking Device (BMD) and can be used in the known test deck.</p>
<p><i>The voting system must comply with the requirements for Write-in image and format.</i></p>	<p>I – The voting system must make a copy of the voter’s Write-in vote; The copy must be as legible as the original.</p>

Security Requirements	
Statutory	Test Assertions
<p><i>§ 24.2-625.2. Wireless communications at polling places.</i> <i>There shall be no wireless communications on election day, while the polls are open, between or among voting machines within the polling place or between any voting machine within the polling place and any equipment outside the polling place. For purposes of this section, the term wireless communication shall mean the ability to transfer information via electromagnetic waves without the use of electrical conductors.</i></p>	<p>I – The voting system will not transfer information between or among voting machines wirelessly. Here, wirelessly means “via electromagnetic waves without the use of electrical conductors.”</p> <p>II – The voting system will be unable to communicate wirelessly between devices inside and outside the polling place. Here, wirelessly means “via electromagnetic waves without the use of electrical conductors.”</p>
<p><i>§ 24.2-634. Locking and securing after preparation.</i> <i>When voting equipment has been properly prepared for an election, it shall be locked against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be retained in the custody of the general registrar and delivered to the officers of election as provided in § 24.2-639. After the voting equipment has been delivered to the polling places, the general registrar shall provide ample protection</i></p>	<p>I – The tabulation component of the voting system must have the ability to be physically locked and require a key.</p>

Security Requirements	
<i>against tampering with or damage to the equipment.</i>	
Functional	Test Assertions
<i>The voting system cannot have the built-in wireless communications abilities.</i>	I - No component of the voting system can have wireless communications hardware unless disabled in the BIOS (password protected/locked BIOS and non-default password is different for each locality). i.e. wireless network cards, Bluetooth, infrared.
<i>The voting system must comply with the latest encryption standard.</i>	I – All modules are cryptographic and are FIPS 140-2 compliant.
	II – All stored images are digitally signed.
	III – All digital hashes use SHA256 hashing algorithm or higher.
<i>The voting system must comply with the latest password protection standards.</i>	I – The voting system must allow for a 16 character password.
	II – All passwords used by the voting system must include at least one upper case letter, one lower case letter, one number, and one special character.
<i>The voting system must be hardened using the voting system provider’s procedures and specifications.</i>	I – The Security Content Automation Protocol (SCAP) for the voting system must be provided.
	II – The voting system can be verified to be in compliance with the SCAP checklist and all manufacturer procedures and specifications.

Audit Requirements	
Statutory	Test Assertions
<p><i>§ 24.2-671.1. Audits of ballot scanner machines.</i></p> <p><i>A. The Department of Elections shall coordinate a post-election risk-limiting audit annually of ballot scanner machines in use in the Commonwealth. The localities selected for the audit shall be chosen at random with every locality participating in the Department's annual audit at least once during a five-year period. The purpose of the audits shall be to study the accuracy of ballot scanner machines.</i></p> <p><i>B. No audit conducted pursuant to this section shall commence until after the election has been certified and the period to initiate a recount has expired without the initiation of a recount. An audit shall have no effect on the election results.</i></p> <p><i>C. All audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars in accordance with the procedures prescribed by the Department. The procedures established by the Department shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits.</i></p> <p><i>D. The local electoral boards shall report the results of the audit of the ballot scanner machines in their jurisdiction to the Department. At the conclusion of each audit, the Department shall submit a report to the State Board. The report shall include a comparison of the audited election results and the initial tally for each machine audited and an analysis of any detected discrepancies.</i></p>	<p>I – The voting system must be capable of producing a CVR for purposes of conducting a post-election risk-limiting audit.</p>

E – Software Patching Guidelines

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

F – Recertification Guidelines

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

G – Hardware Guidelines

USB drives used in connection with any voting system must follow these standards:

- must be made in the U.S.
- must be capable of encryption and password protection, and utilize both
- must comply with applicable Commonwealth information security standards
- must comply with applicable policies, guidelines, and directives as adopted and modified by the SBE from time to time.

H – Voting System Modifications & Product End of Life Planning

Voting System Modifications

The definitions of Last Modified Date and Voting System Modifications, as applicable to decertification/recertification and associated policies and procedures, will be determined by the Department of Elections based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time.

Product End of Life Planning

“End of life” (EOL) is a term used with respect to product (hardware/software/component) supplied to customers, indicating that the product is in the end of its useful life (from the vendor’s point of view), and a vendor stops sustaining it; i.e. vendor limits or ends support or production for the product.

Product support during EOL varies by product. Depending on the vendor, EOL may differ from end of service life, which has the added distinction that a vendor of systems or software will no longer provide maintenance, troubleshooting or other support. For example, extended support is the period following end of mainstream support.

The definitions of Last Date, Mainstream Support and Extended Support, as applicable to decertification/recertification and associated policies and procedures, will be determined by the Department of Elections based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time.

Policies and procedures applicable to decertification/recertification of voting systems which contain software or hardware components that have and/or will reach the Last Date of Mainstream Support within 18 months, will be determined by the Department of Elections based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time.



The Voting System Certification Standard

Changes in New Standard

Prior version: April 2014

New version: September 2019

	Description of Changes	Reason for changes	Implication
1	Re-wrote most of the Certification Standard version from April 2014. Note: The deleted words are striketrough . Inserted text is highlighted.	Re-wrote and re-organized document to deliver the content in a concise style and improve overall readability.	No impact except for the specified changes below.
2	Where we made blanket changes throughout the document, they are listed below: 1. When regulations or policies issued by the SBE are referenced, we have added ELECT as well. 2. Removed all references to “and equipment” and/or changed “equipment” to “system”. 3. Removed all references to VSS (Voting System Standards). 4. Changed all instances of Commissioner to Voting Technology Coordinator in reference to the support role of the Certification Process.	1. Sometimes ELECT creates policies independent of, but in alignment with, SBE. 2. Equipment is covered by “voting system(s)” because now, all equipment includes software. 3. HAVA renamed the Voting System Standards (VSS) as the VVSG. 4. Currently, the Voting Technology Coordinator handles all certification requests from vendors.	No impact to the current process.
3	Replaced Commonwealth and SBE to ELECT whenever applicable to correctly reflect the responsible party. Example: If there is evidence of a material non-compliance, Commonwealth ELECT will work with the vendor to resolve the issue. To support a review of Federal Compliance Testing, the following documents shall be provided to SBE ELECT:	To align with the current responsibilities of the State Board of Election (SBE) and the Department of Elections (ELECT).	No impact to the current process.
4	1.2 Specific Requirements The voting system must meet the requirements contained in the latest version of the Voluntary Voting System Guidelines (VVSG) which are currently accepted for testing and certification by the U.S. Election Assistance Commission (EAC), or prior version if within the EAC transition period. Compliance with the applicable VVSG may be	Removed all references to Reciprocity from new Standard. SBE has not certified any voting systems solely based on the certifications from other states. Not consistent with	No change to the current certification procedure.



	Description of Changes	Reason for changes	Implication
	<p>substantiated through federal certification by the EAC, or through testing conducted by a federally certified voting system test laboratory (VSTL). Meeting the requirements contained in the VVSG will substantiate compliance with the voting system requirements contained in Section 301 of the Help America Vote Act of 2002 (HAVA).</p> <p>2.1 Federal Compliance Testing Changed from/to: While EAC certification serves as prima facie evidence of compliance, federal compliance may also be demonstrated through certification by another state electoral authority that requires compliance with the applicable VVSG/VSS or through testing conducted by a federally certified VSTL to the applicable VVSG/VSS.</p> <p>Federal Compliance Testing is performed to demonstrate compliance with the latest version of the VVSG currently accepted for testing and certification by the EAC, or prior version if within the EAC transition period. EAC certification serves as prima facie evidence of compliance; federal compliance may also be demonstrated through testing conducted by a federally certified VSTL to the applicable VVSG. ELECT will make the final decision on compliance based on all available information. If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue.</p> <p>Completely removed: 2.1.3. Reciprocity</p> <p>The State Board of Elections may accept the qualification tests of the hardware and/or software of a voting system conducted by another state electoral authority that requires compliance with the applicable VVSG/VSS or through testing conducted by a federally certified VSTL to the applicable VVSG/VSS. Any such tests that are accepted may be used to support certification approval in conjunction with, or in lieu of, EAC or State Board of Elections testing. The procedure for transferring qualification tests results from another state or a VSTL is contained in the following sections (see Supporting Information in Part 3). This reciprocity does not, of course, extend to the “Compliance with the Code of</p>	<p>the current certification process.</p>	



	Description of Changes	Reason for changes	Implication
	<p>Virginia” and the “Acceptance Tests” described below since these items are considered unique to Virginia.</p> <p>Transfer of Certification (Reciprocity)</p> <p>If the voting system has successfully completed qualification testing by the EAC or another state, the State Board of Elections may accept the results of those tests. In this case, the Technical Data Package shall contain the following item in addition to the items described above:</p> <p>Qualification Test Report. A certified copy of the results of the evaluation of the voting system under the most recent version or versions of the VVSG/VSS currently accepted for testing and certification by the EAC. This report must clearly identify the system evaluated, specifying the version numbers of all components of the hardware, firmware, and software. The evaluation report or an accompanying letter shall identify the state for which the evaluation was performed, the responsible state official, the organization conducting the evaluation, and the individual responsible for the evaluation. This report must be sent to the State Board of Elections directly from the organization which conducted the evaluation. This report will not prohibit the state from evaluating the voting system and testing all components of hardware, firmware and software to ensure it complies with the Code of Virginia.</p>		
5	<p>1.3. Applicability</p> <ol style="list-style-type: none"> 1. The procedures outlined in this document are applicable to all voting systems first used on or after the effective date of this document. 2. These procedures are intended to assist local jurisdictions in identifying voting systems that meet all federal and state requirements and are available for purchase based on individual locality requirements. 3. The requirements of these procedures are waived for any voting system or equipment previously certified for and in use in the Commonwealth of Virginia on or before June 28, 2005. The State Board of Elections reserves the right to require recertification of these systems or equipment at a future date. 	<p>Removed 1.3 Applicability section.</p> <ol style="list-style-type: none"> 1. Not applicable. 2. Same info is available in Appendix C – Acceptance Test. 3. Not applicable. 4. Repeat of 2.1.1 Voting System Hardware, Firmware or Components Elements and 2.1.2 Voting System Software Elements. 5. Same information is provided in Chapter 2 Basis for Certification. 	No impact.



	Description of Changes	Reason for changes	Implication
	<p>4. Any modification to the hardware, firmware, or software of an existing system which has been certified by the State Board of Elections in accordance with these procedures will, in general, invalidate the certification unless it can be determined by the State Board of Elections that the change does not affect the accuracy, reliability, security, usability or accessibility of the system.</p> <p>5. The intent of these procedures is to ensure that voting system hardware and software have been shown to be reliable, accurate, usable, accessible and capable of secure operation before they are certified for use in the Commonwealth. Hardware and software products with performance proven in commercial applications may be deemed acceptable, provided that they are shown to be compatible with the operational and administrative requirements of the voting environment. Typically, the vendor will be required to provide documentation of a product's proven performance, such as test reports to comparable standards. Products not in wide commercial use, regardless of their performance histories, will require qualification, certification, and acceptance tests before they can be used. This requirement applies to the operating systems and monitors as well as to the application programs which control and do the work of ballot processing.</p>		
6	<p>1.4 Decertification 1.3 Decertification ELECT reserves the right to reexamine any previously certified voting system for any reason at any time. Any voting system that does not pass certification testing will be decertified. A voting system that has been decertified by the SBE cannot may not be used for elections held in the Commonwealth of Virginia, and cannot may not be purchased by localities to conduct elections.</p> <p>In addition, the SBE reserves the right to decertify the voting systems if the vendor does not comply with the following requirements:</p> <p>1. Within 24 hours of knowledge, vendor must notify ELECT of any security-related breach, incident and anomaly experienced in an election jurisdiction</p>	Additional requirements for decertification to implement the Elections Security Best Practices.	Additional security requirements for vendors to comply.



	Description of Changes	Reason for changes	Implication
	<p>2. Report to ELECT within 30 calendar days of any changes to Corporate Information including:</p> <ul style="list-style-type: none"> a. Business entity and structure b. Parent and subsidiary companies c. Capital or equity structure d. Control; identity of any individual, entity, partnership, or organization owning a controlling interest e. Investment by any individual, entity, partnership, or organization in an amount that exceeds 5% of the vendor's net cash flow from the prior reporting year f. Location of manufacturing facilities; including names of the third-party vendor(s) employed to fabricate and/or assemble any component part of the voting and/or tabulating system being submitted for certification, along with the location of all of their facilities with manufacturing capability g. Third-party vendors h. Good Standing status i. Credit rating <p>3. Submit any modifications to a previously certified voting system to ELECT for review within 30 calendar days of the Last Modified Date, as defined in Appendix H</p> <p>4. Send an upgrade plan with target date(s) to ELECT if the operating system or any components have reached and/or will reach the Last Date of Mainstream Support, as defined in Appendix H, within 18 months:</p> <ul style="list-style-type: none"> a. ELECT must receive the upgrade plan at least 12 months before the Last Date of Mainstream Support, and will automatically be decertified as defined in Appendix H b. The Last Date cannot include any type of Extended Support, as defined in Appendix H Update all software with the latest patching and vulnerability updates in alignment with Appendix E. <p>NOTE: The SBE reserves the right to require recertification when new VVSG guidelines or changes to regulations and/or standards occur.</p>		
7	<p>1.4 Recertification See Appendix F for ELECT's guidelines on when voting equipment must go through recertification.</p>	<p>New section. ELECT is reserving the right to require vendors to be recertified at least every 4 years; policy to be set by SBE.</p>	<p>Vendors will have to submit to this process and pay an additional fee that is yet to be determined.</p>



	Description of Changes	Reason for changes	Implication
8	<p>Chapter 2 Basis for Certification</p> <p>There are three distinct levels of testing that a voting system must successfully complete before a voting system can be used in the Commonwealth of Virginia. These levels are Federal Compliance Testing, State Certification Testing, and Acceptance Testing.</p> <p>Virginia Code of Law The Code of Virginia requires the voting system to be in compliance with both the Federal Standards and the State Certification Standards.</p> <p>Modified remainder of chapter to reflect current certification process, including moving section 2.3 Acceptance Tests to Appendix C - Acceptance Test.</p>	<p>Removed Acceptance Testing from Chapter 2 Basis for Certification. SBE certifies a voting system based on the Federal and State compliance test results only.</p> <p>The old certification standard was incorrect to include the Acceptance Test in the Basis for Certification section, and it was modified to support best practice.</p>	<p>Moved 2.3 Acceptance Test section to Appendix C Acceptance Test. No impact.</p> <p>The revised Chapter 2 Basis for Certification correctly reflects the current certification process.</p> <p>Vendor may or may not be impacted, depending how well they meet State Testing requirements.</p>
9	<p>2.1.1 Voting System Hardware Elements 2.1.1 Voting System Hardware, Firmware and Component Elements.</p>	<p>This section now includes a review of all Firmware and Component Elements of Voting System.</p>	<p>Expand the scope of hardware elements such as tabulator firmware and cast vote records (CVR).</p>
10	<p>2.2 State Certification Testing</p> <ol style="list-style-type: none"> 1. Define ballot formats for primary elections, general elections, and a recount special elections including all voting options defined by the Code of Virginia. 2. Install applications programs and election-specific programs and data in the ballot counting device. 3. Count ballots. 4. Prepare to perform and conduct the Logic and Accuracy tests. 5. Obtain voting data and audit data reports. 6. Support recount or election audits. 7. Address compliance with physical and language accessibility requirements. 8. Display an appropriate message if a voter does not follow the ballot instruction; allow the voter to override the warning messages for overvote, undervote, or invalid Write-in to cast voter's ballot. 9. Create a Cast Vote Record (CVR) for each vote for all elections 10. Integrate CVRs with the designated electronic storage devices in a readable format 11. Does not have a built-in function for wireless connections or communications 	<ol style="list-style-type: none"> a. Replaced a recount with special election. There is no ballot format for a recount. However, the ballot formats for special elections should be included. c. Removed verify system readiness for operation. Not applicable for current certification process. e. Status Tests is defined as Logic and Accuracy test in GREB Handbook. h. comply with HAVA 2002 - Voting machines must provide voters with an opportunity to privately and independently verify, change or correct the ballot before it is cast and counted. i. through n. Additional requirements to implement the Election Security Best Practices. o. Comply with the SBE Ballot Standards. 	<p>See testing changes and the reason for each change.</p> <p>Vendor may or may not be impacted, depending upon how well their product supports best practices.</p>



	Description of Changes	Reason for changes	Implication
	<p>12. Comply with the latest NIST encryption standard at time of certification</p> <p>13. Comply with the latest NIST password protection standard at time of certification</p> <p>14. Harden the voting system using the vendor's procedures and specifications</p> <p>15. Comply with the requirements for Write-in image and format.</p>		
11	<p>Combined 3.2 Procedure for Certification and 3.3 Supporting Information to 3.2 Certification Review Process</p>	<p>Combined two sections to remove the repetitive information.</p>	<p>No impact. 3.2 Certification Review Process reflects the current process.</p>
12	<p>6. A check or money order for the non-refundable fee of \$10,000 for a voting system certification request and applicable fees for modifications to a previously certified voting system, as applicable, will be determined by the Department of Elections in alignment with SBE policy; Added: Make checks or money order payable to Treasurer of Virginia.</p>	<p>Removed to allow for applicable fees to vary</p> <p>Additional payable information</p>	<p>No impact. Fees expected to be less than \$10,000.</p> <p>Consistent with the current process.</p>
13	<p><u>State</u> Technical Data Package</p> <p>The TDP must contain the following items if they were not included in the TDP submitted to the VSTL:</p> <ol style="list-style-type: none"> 1. Hardware Schematic Diagrams: Schematic diagrams of all hardware. 2. Hardware Theory of Operations: Documentation describing the theory of operation of the hardware including, but not limited to, power cords and backup battery. 3. Customer Maintenance Documentation: Documentation describing any maintenance that the vendor recommends can be performed by a customer with minimal knowledge of the system. 4. Operations Manual: Operations documentation that is normally supplied to the customer for use by the person(s) who will operate the equipment. 5. Recommended Use Procedures: Specific election administration procedures recommended for use with the system. 6. Definition of Marked Oval: Define the system thresholds used to declare a readable mark in an oval to be read by the scanner. 	<p>Expanded the State TDP requirements to include the Election Security Best Practices, Operations, Maintenance, User Guide and Manuals.</p>	<p>Additional requirements for vendors.</p>



	Description of Changes	Reason for changes	Implication
	<p>7. Software License Agreement. The software license agreement must be perpetual. An annual renewable support fee may be included as an option.</p> <p>8. Software Source Code. Source code of the software and firmware is not required if it was submitted pursuant to federal certification. SBE may, at its discretion, request copies of the source code if the system has not been certified by the EAC. {If source code is required to be submitted, it shall be supplied in the form of a listing and in a machine-readable form on media that is readable by the voting system. If there is any chance of ambiguity, the required compiler must be specified.}</p> <p>3. <i>Software System Design: Documentation</i> describing the logical design of the software.</p> <p>a. This documentation should clearly indicate the various modules of the software such as: their functions, and their interrelationships with each other. The minimum acceptable documentation is a system flowchart.</p> <ul style="list-style-type: none"> i. Its functions ii. System flowchart iii. Its interrelationships with each other iv. The list of data formats that the voting system can import and export <p>b. Clearly specify the operating system and version, including:</p> <ul style="list-style-type: none"> i. The Last Date of Mainstream Support ii. The latest operating system version, security patches available, SHA256 hash value, and last modified date <p>4. <i>Software Source Code: A source code evaluation conducted in accordance with Software Design and Coding Standards of the most current version of the VVSG approved after March 1, 2015</i></p> <p>5. <i>Definition of Marked Oval: Define the system thresholds used to declare a readable mark in an oval to be read by the scanner</i></p> <p>6. <i>Independent Third-Party Application Penetration Analysis Report: An accredited application penetration test conducted to analyze the system</i></p>		



	Description of Changes	Reason for changes	Implication
	<p>for potential vulnerabilities according to current industry standards. Potential vulnerabilities may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the voting system, whether or not the vulnerabilities can be mitigated through compensating controls. Pursuant to Virginia Code § 24.2-625.1, the Penetration Analysis Report is confidential and excluded from inspection and copying under the Virginia Freedom of Information Act.</p> <p>7. <i>Customer Maintenance, Repair & Troubleshooting Manual</i>: Documentation that is normally supplied to the customer for use by the person(s) who will provide maintenance, repair and troubleshooting of the system</p> <p>8. <i>Operations Manual</i>: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system. At a minimum, the manual should include the maximum volume and speed of the scanner, the maximum capacity of container bin, ballot box, storage units, electronic storage device, and instructions for the proper and safe operation of the system to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.</p> <p>9. <i>User Guide and Documents</i>: The vendor should provide the following:</p> <ul style="list-style-type: none"> a. Quick reference guide with detailed instructions for a precinct election officer to set up, use, and shut down the voting system b. ADA compliant training material that: <ul style="list-style-type: none"> i. May be in written or video form ii. Must be in a format suitable for use at a polling place as a simple "how-to" guide(s) c. Clear model of voting system architecture with the following documentations: <ul style="list-style-type: none"> i. End-User Documentation ii. System-Level and Administrator-Level Documentation iii. Developer Documentation d. Failsafe voting system data recovery procedures 		



	Description of Changes	Reason for changes	Implication
	<ul style="list-style-type: none"> i. For example: recovery procedures for retrieving duplicated (contingency recovery) information from a different location within the device (or another device if networked capability is allowed and certified) in the event that access to the primary storage area is not possible for some unforeseen reason e. A list of customers who are using or have previously used the voting system <ul style="list-style-type: none"> i. The description of any known incidents or anomalies involving the functioning of the voting system, including how those incidents or anomalies were resolved with customer and date f. If the system or any components (hardware and/or software) reached or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, then provide an upgrade plan to the latest system/components with the target date <p>10. Recommended Security Practices: CIS Security Best Practices including but not limited to:</p> <ul style="list-style-type: none"> a. System Security Architecture b. System Event Logging c. System Security Specification d. Security Content Automation Protocol (SCAP) e. Cryptography f. Equipment and Data Security g. Network and Data Transmission Security h. Access control i. Authentication procedure j. Software k. Physical Security <p>11. Standard Contract, Product Support, and Service Level Agreement (SLA): Customer and Technical Support hours and contact information. SLA should specify the escalation timeline and procedures with contact information.</p> <p>Vendor’s capacity to provide, including but not limited to:</p> <ul style="list-style-type: none"> a. On-Site Support and Technical Support within SLA on: <ul style="list-style-type: none"> i. Election Day (defined as Early Voting up to and including Election Day) 		



	Description of Changes	Reason for changes	Implication
	<p>ii. Within 60 days before Election Day</p> <p>b. Resolution to outstanding issue(s), repair, maintenance, and service requests within 30 days</p> <p>12. <i>Maintenance Services, Pricing, and Financing Options:</i> A list of maintenance services with price. Terms for replacing a component or voting equipment. Available financing options for purchase or lease.</p> <p>10. <i>Customer Documentation.</i> A complete set of all documentation which is available to the purchaser/user of the voting system. Clearly identify the documentation which is included in the cost of the system and the documentation which is available for an additional charge.</p> <p>11. <i>Standard Contract.</i> Statement of deliverables to include: verification statement that equipment purchased is identical to equipment certified by the State Board of Elections, software licenses, warranties, support services provided, etc. and associated cost of each.</p> <p>12. <i>Warranty.</i> The period and extent of the warranty and the method of repair/replacement for all hardware items; the circumstances under which equipment is replaced rather than repaired and the method by which a user requests such replacement; additional warranties that are available over and above the standard warranty, what these warranties cover, and their costs; the period and extent of warranty and the method of correction or replacement for all software provided as part of the voting system; and the technical documentation provided with all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time.</p> <p>13. <i>Test Data/Software (Optional).</i> Any available test data, ballot decks, and/or software that can be used to demonstrate the various functions of the voting system or verify that the version of the applications submitted are identical to the versions that have undergone federal compliance testing (i.e. hash testing tools). Although optional, these items can significantly reduce the effort, and hence the time and cost, involved in the evaluation of the system.</p>		



	Description of Changes	Reason for changes	Implication
	<p>13. Warranty: A list of warranty specifications:</p> <ul style="list-style-type: none"> a. The period and extent of the warranty b. Repair or Replacement <ul style="list-style-type: none"> i. The circumstances under which equipment is replaced rather than repaired ii. The method by which a user requests such replacement c. Warranty coverage and costs d. Technical documentation of all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time <p>14. Software License Agreement.</p> <p>15. Test Data and Software: Vendor’s internal quality assurance procedure, internal or external test data and reports, ballot decks, and software that can be used to demonstrate the various functions of the voting system, or verify that the versions of the applications submitted are identical to the versions that have undergone federal compliance testing; for example, hash testing tools</p> <p>16. Non-Disclosure Agreement: if applicable.</p> <p>14. Recommended Security Practices. Documentation of the practices recommended by the vendor to ensure the optimum security and functionality of the system.</p> <p>NOTE: If the voting system is certified, ELECT the State Board of Elections will retain the TDP Technical Data Package as long as the voting system is marketed or used in the Commonwealth of Virginia.</p>		
14	<p>Corporate Information</p> <p>1. History and description of the business including the year established, products and services offered, areas served, branch offices, and subsidiary and/or parent companies, capital and equity structure, identity of an individual, entity, partnership, or organization owning a controlling interest, and the identity of any investor whose investments have an aggregate value that exceeds more than 5% of the vendor’s net cash flow in any reporting year</p>	<p>Additional information to evaluate the financial stability, majority stakeholders, etc.</p> <p>Added third-party vendor(s) -- to understand all contractors & Third Party vendors employed to manufacture the voting system.</p> <p>To ensure that the similar quality assurance is</p>	<p>Additional Corporate Information for vendor to submit.</p>



	Description of Changes	Reason for changes	Implication
	<p>3.2. Management and staff organization, number of full time and employees by category, number of part-time employees by category, and resumes of key employees who will assist Virginia localities in acquiring the system if it is authorized for use.</p> <p>Audited Report of the business' most current fiscal year. Multiple reports may need to be submitted depending on the business' fiscal calendar and the length of time to complete the certification process. Certification can take as long as a year.</p> <p>Comfort letter from the business' primary bank. If the business uses more than one, multiple comfort letters must be submitted.</p> <p>Financial history of the business including a financial statements for current and past three (3) fiscal years</p> <p>a If the vendor is not the manufacturer of the voting system, then submit the certified equipment for which application is made, include a financial statements of statement for the manufacturer for the past three (3) fiscal years.</p> <p>3.4. Bank Comfort Letter from the vendor's primary financial institution</p> <p>a If the vendor uses more than one financial institution, multiple comfort letters must be submitted</p> <p>4.5. Certificate of Good Standing issued within 2 months</p> <p>5.6. Credit rating issued within 2 months</p> <p>6.7. If publicly traded, indexes rating of the business debt</p> <p>7.8. Gross sales in voting products and services for the past three (3) fiscal years and the percent that is representative of the vendor's total sales of the business and its subsidiaries.</p> <p>8.9. The location of all facilities with and manufacturing capability; including names of the</p>	<p>provided for all servicing requests.</p>	



	Description of Changes	Reason for changes	Implication
	<p>third-party vendor(s) that are employed of each manufacturing facility that is used to fabricate and/or assemble all or any component part of the voting and/or tabulating system being submitted for certification, along with the location of all of their facilities with manufacturing capability</p> <p>10. The location and servicing capability of each service facility that will be used to service the voting and/or counting system for certification and the service limitation of the facility</p> <p>10.9. If publicly traded, indexes rating the business debt</p> <p>12.11. Quality assurance process used in the manufacturing and servicing of the voting system</p> <p>13.12. Configuration management process used with the voting system.</p>		
15	<p>Proprietary Information</p> <p>Changed from/to: The vendor must clearly mark any information it requests be treated as confidential and proprietary before providing it to Virginia representatives for evaluation. It is not sufficient to simply state that everything is proprietary. Every page of documentation that contains information the vendor considers proprietary information must be clearly marked. The State Board of Elections cannot guarantee the extent to which any material provided will be exempt from disclosure in litigation or otherwise.</p> <p>Prior to or upon submission of its certification request, the vendor shall identify any information in its request and/or accompanying materials that it believes should be treated as confidential and proprietary. Furthermore, the vendor must state the reasons why such information should be treated as confidential and proprietary.</p> <p>“Identify” means that the information must be clearly marked with a justification as to why the information should be treated as confidential and proprietary information. A vendor shall not designate as proprietary information (a) the entire certification request or (b) any portion of the certification</p>	<p>Clarified vendor instructions and the responsibilities of ELECT and vendor, should ELECT be asked to disclose information vendor deems confidential and proprietary</p>	<p>New vendor requirement to add justification, but ELECT will also now provide notice to vendor prior to disclosing such material to a third party; allowing vendor time to challenge.</p> <p>Vendor could be impacted if they don't respond within five (5) days' notice by ELECT.</p>



	Description of Changes	Reason for changes	Implication
	<p>request that does not contain trade secrets or proprietary information.</p> <p>ELECT cannot guarantee the extent to which any material provided will be exempt from disclosure in litigation or otherwise. ELECT, however, agrees to provide the vendor with five (5) days' notice prior to disclosing such material to third parties so that the vendor has the opportunity to seek relief from a court prior to the disclosure of such materials by ELECT.</p>		
16	<p>Step 2: Technical Data Package and Corporate Information The vendor shall submit the Technical Data Package, Corporate Information, and other material described in the next section of this document to an evaluation agent selected by the Commonwealth. The vendor will be supplied with the contact information of the evaluation agent.</p> <p>The evaluation agent will review the Technical Data Package, Corporate Information, and other materials provided and notify the vendor of any deficiencies. Certification of the voting system will not proceed beyond this step until the Technical Data Package and Corporate Information are complete.</p> <p>Phase 2: Technical Data Package to Voting System Test Laboratory (VSTL) In addition, the vendor should submit the TDP to the designated VSTL. The Voting Technology Coordinator from ELECT will provide the VSTL contact information to the vendor.</p>	<p>Added State TDP Technical Data Package to Voting System Test Laboratory (VSTL).</p>	<p>Consistent with the current review process.</p>
17	<p>Step 3: Preliminary Review The evaluation agent will conduct a preliminary analysis of the Technical Data Package, Corporate Information, and other materials provided and prepare an Evaluation Proposal containing the following information:</p> <ol style="list-style-type: none"> 1. Components of the voting system requiring evaluation. 2. Identification of any additional materials needed to ascertain financial stability and capabilities of the vendor to maintain support of the voting system. 3. Description of the activities required to complete the portion of the evaluation performed by the evaluation agent. 4. Estimate of time required to complete the portion of the evaluation performed by the evaluation agent. <p>Evaluation Agent—An independent outside consultant selected by the State Board of Elections to conduct certification testing of voting systems.</p>	<p>Changed all references from the evaluation agent to Voting Technology Coordinator. Removed the Evaluation Agent from Appendix A – Glossary.</p> <p>The information was not correct. This task is done by the Voting Technology Coordinator from ELECT; an independent outside consultant is not conducting this task.</p>	<p>Consistent with the current review process.</p>



	Description of Changes	Reason for changes	Implication
	<p>Phase 3: Preliminary Review The Voting Technology Coordinator will review the TDP, Corporate Information, and other materials provided and notify the vendor of any deficiencies. Certification of the voting system will not proceed beyond this phase until the TDP and corporate information are complete.</p> <p>The Voting Technology Coordinator or their designee from ELECT will conduct a preliminary analysis of the Technical Data Package with VSTL. The Voting Technology Coordinator or their designee will also review the Corporate Information and other materials to prepare an Evaluation Proposal, which includes:</p> <ol style="list-style-type: none"> 1. Components of the voting system to be certified. 2. Financial stability and sustainability of the vendor to maintain product support and contractual agreement for the voting system. 3. Preliminary analysis of TDP. 		
18	<p>Step 4: Authorization to Proceed The vendor will review the Evaluation Proposal and notify the Secretary of the State Board of Elections, in writing, of the desire to continue or terminate the evaluation process. A copy of this notification will be sent to the evaluation agent.</p> <p>Step 5: Evaluation The vendor will arrange for any “Non-operating, Environmental” testing if required and submit the results of these tests to the evaluation agent. After any required “Non-operating, Environmental” tests have been successfully completed, the evaluation agent will conduct the evaluation described in the Evaluation Proposal and submit a report of the findings to the State Board of Elections.</p> <p>Step 6: Test 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.</p> <p>Step 7: Certification Based on the information contained in the report from the evaluation agent, the test election, and any other information in their possession, the State Board of Elections will determine whether the proposed voting system will be certified for use in the Commonwealth of Virginia</p>	<p>Removed Steps 4 & 5. The current review process does not include these steps.</p> <p>Revised the review process to:</p> <p>Six Phases of the Certification Review Process</p> <ol style="list-style-type: none"> 1. Certification Request from Vendor 2. State TDP to VSTL 3. Preliminary Review 4. Certification Test Report from VSTL 5. On-Site Testing in Election 6. Approval by the SBE. 	Consistent with the current review process.



	Description of Changes	Reason for changes	Implication
	<p>and notify the vendor of the decision. In addition the Department of Elections will solicit a statewide contract from any vendor for voting systems certified for use in the Commonwealth.</p> <p>Phase 4: Certification Test Report from VSTL VSTL will work directly with the vendor to complete all test assertions and test cases. In addition, send the Certification Test Report to ELECT.</p> <p>Phase 5: On-Site Testing in Election ELECT will coordinate with the local jurisdiction to test the voting system at two polling places. With the vendor present, the Electoral Board members from the local jurisdiction along with ELECT will oversee the test use of the system in a mock election.</p> <p>Phase 6: Approval by the SBE Based on the report from the evaluation agent, the results from the On-Site Testing in Election and other information in their possession, the SBE will decide whether the voting system will be certified for use in the Commonwealth of Virginia. The decision will be sent to the vendor.</p>		
19	Section 3.4 Audit and Validation of Certification was moved to Appendix C Acceptance Test.	This section belongs to Acceptance Test as a procurement guide for local jurisdictions.	No impact. Consistent with the current procurement procedure.
20	<p>Changed 3.5 Time Frame to 3.3 Incomplete Certification Process.</p> <p>Additional requirements:</p> <p>The vendor is responsible to pay all outstanding balance due to ELECT before ELECT accepts subsequent requests from the vendor.</p> <p>1. Vendor does not respond to a request from ELECT within 90 days;</p> <p>Changed from/to:</p> <p>a. SBE issues a determination regarding certification;</p> <p>2. ELECT issues any concerns regarding the certification</p>	Clarify vendor's and ELECT's responsibilities.	<p>Consistent with the current review process.</p> <p>Vendor could be impacted if they don't respond to a request from ELECT within 90 days and/or is not timely in paying any outstanding balance due.</p>
21	<p>Appendix A - Glossary</p> <p>Removed the following: The following terms are defined in SBE Policy 2009-001, Voting Equipment Security in the United States Election Assistance Commission (EAC), the Code of</p>	Replaced the reference to SBE Policy 2009-001 with The United States Election Assistance Commission (EAC), the Code of Virginia and Virginia General	No impact.



	Description of Changes	Reason for changes	Implication
	<p>Virginia and Virginia General Registrars and Electoral Boards (GREB) Handbook. Acceptance Testing Certification Testing Evaluation Agent Qualification Testing</p> <p>Added terms: ADA Cast Vote Records Department of Elections EAC HAVA Logic and Accuracy Test SBE</p> <p>Corrected the definition of the following:</p> <p>Voting System - The term “voting system” refers to the total combination of mechanical, electro-mechanical, electronic and digital equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to: define ballots; verify voter registration; cast and count votes; report or display election results; recount votes or produce audit records or support election recounts or audits; and to maintain and produce any review trail information; and the practices and associated documentation used to: identify voting system components and versions of such components; test the system during its development and maintenance; maintain records of system errors and defects; to determine specific system changes to be made a system after the initial qualification of the system; and make available any materials to the voter (such as notices, instructions, forms, or paper ballots).</p> <p>The total combination of mechanical, electromechanical, and electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment, that is used to define ballots, cast and count votes, report or display election results, recount votes and maintain and produce any audit trail information.</p> <p>Voting System Test Laboratory (VSTL): Test laboratory accredited by the National Voluntary</p>	<p>Registrars and Electoral Boards (GREB) Handbook. SBE Policy 2009-001 is almost 15 years old. It’s out dated and should not be referenced.</p> <p><u>Reasons for removal</u> Acceptance Testing – is defined in Appendix C; Certification Testing – is defined in Chapter 2 Basis for Certification; Evaluation Agent - not valid for the current process; Qualification Testing – is duplicate of Federal Compliance Testing.</p> <p>New terms in the revised Certification Standard: ADA Cast Vote Records Department of Elections EAC HAVA Logic and Accuracy Test SBE</p> <p>Corrected the definitions to be consistent with EAC.</p>	



	Description of Changes	Reason for changes	Implication
	<p>Laboratory Accreditation Program (NVLAP) to be competent to test voting systems. When NVLAP has completed its evaluation of a test lab, the Director of NIST will forward a recommendation to the EAC for the completion of the accreditation process.</p> <p>Test labs that are accredited to perform conformance testing of voting systems will use SBE approved voting system certification standard to guide the development of test plans, the testing of systems, and the preparation of test reports and recommendations for granting state certification.</p>		
22	Appendix B - Contacts	<p>Removed specific names of individuals and direct contact information. Replaced with group email contact so ELECT is able to respond to queries without being hampered due to an individual being unavailable.</p> <p>Moved address information for the mailing of the request to ELECT from the body of the document to the Appendix. This allows the address to be changed and republished without having to reissue the entire document.</p>	No impact.
23	<p>Appendix C - Acceptance Test</p> <p>Changed from/to:</p> <p>a. Reject overvotes and votes not in valid ballot positions.</p> <p>Display appropriate message if a voter does not follow the ballot instruction. Able to override the warning messages for overvote, undervote or blank ballot to cast the ballot.</p> <p>Added:</p> <p>d. Create a Cast Vote Record (CVR) per each vote.</p>	<p>Moved 2.3 Acceptance Tests to Appendix C because the Acceptance Test is not included in the State Certification process.</p> <p>b & d. Revised the test requirements to be consistent with the requirements from 2.2 State Certification Testing.</p>	<p>No impact.</p> <p>April 2014 version of the Certification Standard incorrectly states that the Acceptance Test is required for the State Certification. The Acceptance Test has been conducted by a local jurisdiction during a procurement of voting system. This revision corrects the error.</p>
24	<p>Appendix D - Test Assertions</p> <p>The purpose of the Test Assertions is to interpret the Voting System requirements by performing a specific test. The Code of Law and SBE Policies are</p>	<p>Added the Test Assertions to substantiate the interpretation of each requirements in the State Certification Test.</p>	<p>Clarity of testing. The Test Assertions directly correlate to the Test Cases used by the VSTL. These are the additional Test</p>



	Description of Changes	Reason for changes	Implication
	basis of the requirements such as Statutory, Functional, Audit, Security, etc.		Assertions for new requirements to be completed by VSTL in order for a vendor to be certified.
25	Appendix E - Software Patching Guidelines	Appendix was added to allow ELECT to update these guidelines in alignment with future SBE policy changes without having to modify and republish the entire document.	New Guidelines for vendors.
26	Appendix F - Recertification Guidelines	Appendix was added to allow ELECT to update these guidelines in alignment with future SBE policy changes without having to modify and republish the entire document.	New Guidelines for vendors.
27	Appendix G - Hardware Guidelines	Appendix was added to allow ELECT to update these guidelines in alignment with future SBE policy changes without having to modify and republish the entire document.	New Guidelines for vendors.
28	Appendix H - Voting System Modification & Product End of Life Planning	Appendix was added to allow ELECT to update over time in alignment with future SBE policy changes without having to modify and republish the entire document.	Requirement clarifications and new guidelines for vendors.



Voting System Certification Standards

Department of Elections



Agenda

- Welcome and Introductions
- Levels and Purpose of Voting System Certification Testing
- Federal EAC Testing and Certification
- State Certification Testing
- Acceptance Testing
- Virginia Certification Process
- Virginia Decertification and Re-Certification



Introductions



Levels of Voting System

- Certification Testing
- Election Assistance Commission (EAC) Federal Certification Testing
- State Certification Testing
- Acceptance Testing



Purpose of Certification Testing

- To establish baseline functionality, accessibility, and security of systems
- Two main certifiers of voting systems
 - Federal Election Assistance Commission (EAC) Testing and Certification Program
 - State Certification



Federal EAC Testing and Certification



Federal EAC Testing & Certification

- Test voting systems to the Voluntary Voting System Guidelines (VVSG)
 - VVSG 1.1 were adopted on March 31, 2015 and is the most current federal guideline; *all new voting systems required this testing 18 months later*
 - VVSG 2.0 (a.k.a. VVSG Next Iteration) is currently in draft form and the public comment period recently ended in May 2019.
- Compliance Testing
- Certify a certain system in a very specific configuration
- Provide state and localities with systems that have a certain level of performance (HAVA level)
- Quality Monitoring Program



What do Federal VVSG Address?

- **Security**
 - Equipment cannot be tampered with or manipulated
 - Physical, i.e. chain of custody; auditability; cannot be connected to Internet or networked during voting period
- **Functionality**
 - Votes are correctly recorded, permits voter to review votes cast and make changes, notification of overvote, undervote, or blank ballot, etc.
- **Privacy**
 - Voter can vote in private and cast a secret ballot
- **Accessibility**
 - All people, including those with visual, physical or cognitive disabilities have the opportunity to independently cast their vote.
 - Ability to provide alternative language accessibility



EAC's Quality Monitoring Program

- Ensures that systems certified by EAC are same systems sold by manufacturer
 - Fielded voting system review
 - Anomaly reporting
 - Manufacturing site visits
- System Advisory Notices
 - Inform jurisdictions and the public of anomaly or issue with EAC certified system



State Certification Testing



State Certification Testing

- States take a variety of approaches to certification
- Ideally states are certifying systems to meet state/local specific needs
 - Thirty-eight states and the District of Columbia require some aspect of federal certification
 - Four states refer to federal agencies/standards
 - Eight states and four territories have no federal testing or certification
- Virginia is one of nine states that requires testing to federal standards and State certification testing requirements



Acceptance Testing



Acceptance Testing

- Test conducted to determine if the requirements of a contract are met
- Conducted prior to formally accepting a product as part of a contract
- Want to make sure EACH UNIT delivered works as intended
- Should be conducted after purchase and when equipment is returned from maintenance
- Local Election Officials (LEO's) conduct the test, NOT manufacturer



Virginia Certification Process



Six Phases of Virginia Certification Review Process

1. Certification Request received from vendor
2. State Technical Data Package (TDP) sent to VSTL (Voting System Test Lab)
3. Preliminary review conducted (Company Information, TDP, etc.)
4. Certification test report received from VSTL
5. On-site testing of voting system in locality
6. Approval by the State Board of Elections



What's Changed?

- Eliminated reciprocity based on another state's usage
- Added additional election security requirements
- Included a review of all firmware and component elements of a voting system
- Expanded the State TDP requirements to include the Election Security Best Practices, Operations, Maintenance, User Guide and Manuals
- Added additional corporate information to improve evaluation of vendor financial stability, majority stakeholders, etc.
- Added Third Party vendor(s) to ensure quality assurance
- Added and updated test assertions
- Text referencing and/or moved to appendices



Virginia Decertification and Re-Certification



Decertification

- ELECT can reexamine and reevaluate any previously certified voting systems for any reason, at any time
- The SBE reserves the right to decertify a voting system if the vendor does not comply with the following requirements:
 1. Notify ELECT of any security-related breach, incident, and anomaly experienced in an election jurisdiction within 24 hours of knowledge
 2. Report specific changes to corporate information within 30 calendar days
 3. Submit modifications within 30 days from Last Modified Date
 4. Send plan for upgrade if operating system or components will reach Last Date of mainstream support within 18 months
 5. Update all software with appropriate patching or vulnerability updates in alignment with future policies adopted by the SBE



Re-Certification Process

- Voting equipment vendors are required to recertify their voting system in alignment with future policies adopted by the SBE
- The SBE reserves the right to require recertification when new VVSG guidelines or changes to regulations and/or standards occur



Questions



Motion Recommendation

- Suggested motion for a Board member to make:

“I move that the Board adopt the staff proposal for Voting System Certification Standards as presented.”



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STATE BOARD *of* ELECTIONS

SB1564 Regulations

BOARD WORKING PAPERS
Samantha Buckley
Policy Analyst



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman Brink, Vice Chair O'Bannon, and Secretary LeCruise
From: Samantha Buckley, Policy Analyst
Date: September 17, 2019
Re: Regulation Related to Candidate Petitions Review and Processing

Suggested motion for a Board member to make:

Move that the Board approve the Department's proposal for regulatory action and put forward 1VAC20-50-40 for public comment.

Applicable Code Section: Va. Code § 24.2-506

Attachments:

Your Board materials including the following:

- Current regulation: 1VAC20-50
- Proposed regulation: 1VAC20-50-40

Background: SB1564, enacted during the 2019 legislative session, directs the State Board of Elections to provide general registrars and the Department of Elections with regulations related to reviewing and processing candidate petition signatures.

The proposed regulation would amend 1VAC20-50 *Candidate Qualifications* by adding a new section: 1VAC20-50-40 *Review of Petition Signer's Voter Registration History*. These regulations would require general registrars or the Department of Elections to make a record of petition signatures that belong to cancelled voters at the time of reviewing the petition page.

Per Va. Code § 2.2-4002(B)(8) this action is in regards to the conduct of elections; thus, this regulatory action is exempt from the traditional APA process. Pursuant to 1VAC20-10-40, this proposal will be posted for public comment on Town Hall for a minimum of 21 days and published in October 14th issue of the Virginia Register.

Upon completion of the time for public comment, this proposal will be brought before the Board for official adoption for the October 29 board meeting and a final publication in the Virginia Register.

ELECT staff recommendation:

ELECT staff recommends the Board put forward the proposed regulation for public comment.

Virginia Administrative Code
Title 1. Administration
Agency 20. State Board of Elections
Chapter 50. Candidate Qualification

1VAC20-50-10. (Reserved)

Statutory Authority

§ 24.2-103 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 27, Issue 16, eff. March 28, 2011.

1VAC20-50-20. Material omissions from candidate petitions and petition signature qualifications.

A. Pursuant to the requirements of §§ 24.2-506, 24.2-521, and 24.2-543 of the Code of Virginia, a petition or a petition signature should not be rendered invalid if it contains an error or omission not material to its proper processing.

B. The following omissions are always material and any petition containing such omissions shall be rendered invalid if:

1. The petition submitted is not the double-sided document, or a double-sided copy thereof, provided by the State Board of Elections;
2. The petition does not have the name, or some variation of the name, and address of the candidate on the front of the form;
3. The petition fails to identify the office sought on the front of the form;
4. The petition fails to identify the applicable election district in which the candidate is running for office;
5. The circulator has not signed the petition affidavit and provided his current address;
6. The circulator is a minor or a felon whose voting rights have not been restored;
7. The circulator has not signed the petition he circulated in the presence of a notary;
8. The circulator has not had a notary sign the affidavit for each petition submitted;
9. A person other than the circulator signed the petition affidavit;
10. The notary has not affixed a photographically reproducible seal;
11. The notary has not included his registration number and commission expiration date;
or
12. Any combination of the scenarios of this subsection exists.

C. The following omissions related to individual petition signatures are always material and

any petition signature containing such omission shall be rendered invalid if:

1. The signer is not qualified to cast a ballot for the office for which the petition was circulated;
2. The signer is also the circulator of the petition;
3. The signer provided an accompanying date that is subsequent to the date upon which the notary signed the petition;
4. The signer did not sign the petition; or
5. The signer provided an address that does not match the petition signer 's address in the Virginia voter registration system, unless the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system, and the signer can be reasonably identified as the same registered voter.

D. The following omissions shall be treated as nonmaterial provided the general registrar can independently and reasonably verify the validity of the petition or signature:

1. An older version of the petition is used (provided that the information presented complies with current laws, regulations, and guidelines);
2. The "election information" including (i) county, city, or town in which the election will be held; (ii) election type; and (iii) date of election are omitted;
3. The name of the candidate and office sought are omitted from the back of the petition;
4. The circulator has not provided the last four digits of his social security number in the affidavit;
5. The signer omits his first name, provided he provides a combination of his first or middle initials or a middle name and last name and address that matches a qualified voter within the Virginia voter registration system;
6. The signer provided a derivative of his legal name as his first or middle name (e.g., "Bob" instead of "Robert");
7. The signer prints his name on the "Print" line and prints his name on the "Sign" line;
8. The signer fails to provide the date but a period of time that qualifies can affirmatively be established with previous and subsequent dates provided by other signers upon the petition page; or
9. The signer fails to provide the year when signing the petition.

E. A signature upon a petition shall be included in the count toward meeting the petition signature requirements only if:

1. The petition signer is a qualified voter who is maintained on the Virginia voter registration system either (i) with active status or (ii) with inactive status and qualified to vote for the office for which the petition was circulated;

2. The signer provides his name; and

3. The signer provides an address that matches the petition signer 's address in the Virginia voter registration system, or the signer provided an address that is within the same precinct where a voter is currently registered in the Virginia voter registration system, and the signer can be reasonably identified as the same registered voter.

Statutory Authority

§§ 24.2-103 and 24.2-506 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 27, Issue 16, eff. March 28, 2011; amended, Virginia Register Volume 29, Issue 1, eff. August 29, 2012; Volume 29, Issue 24, eff. July 12, 2013; Volume 35, Issue 11, eff. January 1, 2019.

1VAC20-50-30. Appeals of petition signature insufficiency.

A. Pursuant to the requirements of §§ 24.2-506 and 24.2-543 of the Code of Virginia, a candidate for office, other than a party nominee, may appeal a determination that the candidate has failed to provide the required number of valid petition signatures necessary to qualify to appear on the ballot.

B. Any communication or notice required in this section shall be made in writing and delivered by mail or, unless otherwise prohibited by the Code of Virginia, electronically by electronic mail or facsimile. Notice of appeal from candidates must bear a photographically reproducible notary seal and be received by the deadlines established within this section.

C. A candidate for a county, city, or town office shall file his appeal with the local electoral board. A candidate for any other office shall file his appeal with the State Board of Elections.

D. A candidate for an office other than President of the United States must file his appeal within five calendar days of the issuance of the notice of disqualification.

E. A candidate for President of the United States must file his appeal within seven calendar days of the issuance of the notice of disqualification.

F. The proper body to which the appeal notice was given shall establish the time and place where the appeal will be heard and convey this information immediately to the candidate. Electronic mail will be the preferred method of notifying the candidate if such address has been provided by the candidate; otherwise, notice shall be sent by first-class mail.

G. The candidate bears the burden of proof in establishing that a sufficient number of signatures from qualified voters were timely provided.

1. The candidate must submit a list containing the rejected signatures to be reviewed and the specific reason for each signature's reconsideration at least two business days prior to the date on which the appeal will be heard. If the candidate submits no list, or submits a list that contains an insufficient number of names and reconsideration reasons to make up the number of signatures by which the candidate was deemed deficient, no appeal shall be

held and the initial determination that the candidate did not qualify for the ballot will be final.

2. The candidate may submit documents clarifying the status of persons whose signatures were rejected for lacking proper registration status or residence.

3. The candidate may submit documents establishing the age of majority for any signer who was listed as ineligible due to status of being a legal minor.

4. The candidate may submit affidavits from persons whose signatures were rejected due to illegibility that attest to their identity. The affidavits should state the person's name, residence address, and, if possible, a reasonable description of the location where approached by the circulator to sign the petition.

5. The candidate may not submit documents establishing that a petition signer became registered or updated his voter registration status to the address provided upon the petition after the established candidate filing deadline for the office sought.

H. Individual signatures reconsidered during the appeal will only count towards the candidate's requisite number if a majority of board members agree that sufficient evidence exists for their inclusion.

I. All determinations of the board before which the appeal is being heard shall be considered final and not subject to further appeal.

Statutory Authority

§ 24.2-103 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 29, Issue 23, eff. July 1, 2013; amended, Virginia Register Volume 30, Issue 9, eff. December 30, 2013.

Forms (1VAC20-50)

[Commonwealth of Virginia Petition of Qualified Voters, SBE 506/521 \(rev. 7/10\).](#)

VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

CHAPTER 682

An Act to direct the State Board of Elections to revise its regulations for reviewing and processing candidate petitions.

[S 1564]

Approved March 21, 2019

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the State Board of Elections, on or before January 1, 2020, shall revise its processes and associated regulations for reviewing and processing candidate petitions. Such revisions shall provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration has been canceled and the reason for such cancellation. The process shall provide for the tracking of such information associated with each petition. The process shall provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the office of the attorney for the Commonwealth, as appropriate.*



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Proposed Regulation

1VAC20-50-40. Review of petition signer's voter registration history.

A. In the event a petition signer's voter registration status is cancelled at the time of processing petition signatures:

1. The petition signer's name and reason for cancellation must be recorded on a list
2. Such a list of cancelled voters' petition signatures must be retained with the candidate's petition page.

B. The candidate's petition page and the list of cancelled voters' petition signatures may be provided to the appropriate authorities pursuant to Chapter 10 of the Virginia Elections Code.



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Delegations for Authority 2019

BOARD WORKING PAPERS
David Nichols
Director of Elections Services



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

From: Dave Nichols, Director of Elections Services

Date: September 17, 2019

Re: Delegations of Authority 2019

Suggested Motion

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

Delegations Background

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

Needed Revisions

The current version of Delegation of Authorities was adopted in 2004. There were slight revisions in 2010. Since the initial adoption of the delegations, the General Assembly has enacted many additions, deletions, and amendments to Virginia election law. In the current delegations, many responsibilities placed on the Board have been delegated to the Board Secretary. The Board Secretary was once the individual tasked with managing the daily operations of the Board and its staff. Many of those duties transferred to the Department when it was enacted by the General Assembly in 2014. Since its initial creation, many administrative duties once assigned to the Board have been reassigned to the Department by acts of the General Assembly.

For purposes of this revision, any responsibility once assigned to the Board in the Code of Virginia that has been reassigned to the Department has been removed from the Board's

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

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

Attachments

- Supporting memos for each chapter of Title 24.2
- Current Delegation of Authority
- Proposed Delegation of Authority 2019

Recommendation of Staff

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

Virginia State Board of Elections: Delegated Duties and Responsibilities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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24.2-679	B. The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A. If the returns have not been received within seven days of the election, the Board shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.	B	12/7/04	
24.2-680	Subject to the requirements of § 24.2-922, the State Board shall without delay complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office.	B D	12/7/04	Board to complete certificates and Secretary or staff to transmit certificates.
24.2-680	In the election of a member of the United States Congress, it shall also forward a certificate of election to the clerk of the United States Senate or House of Representatives, as appropriate.	D	12/7/04	
24.2-680	The names of members elected to the General Assembly shall be certified by the State Board to the clerk of the House of Delegates or Senate, as appropriate.	B	12/7/04	
24.2-680	The names of the persons elected Governor, Lieutenant Governor, and Attorney General shall be certified by the State Board to the clerks of the House of Delegates and Senate.	B	12/7/04	
24.2-680	The name of any officer shared by more than one county or city, or any combination thereof, shall be certified by the State Board to the clerk of the circuit court having jurisdiction in each affected county or city.	B	12/7/04	
24.2-680	The names of the persons elected to soil and water conservation districts shall be certified by the State Board to the Director of the Department of Conservation and Recreation.	B	12/7/04	
24.2-701	A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.	D	12/7/04	
24.2-701	The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet.	D	12/7/04	
24.2-701	Electronic absentee ballot applications shall be in a form approved by the State Board .	B	12/7/04	

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

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

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

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

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

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

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

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

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

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

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

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

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



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

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

Delegated to the Department of Elections (ELECT)

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

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

Retained by the Board

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

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

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

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

N/A

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

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

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

Delegated to the Department of Elections (ELECT)

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

Retained by the Board

N/A

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

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

Memorandum

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

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

Delegated to the Department of Elections (ELECT)

N/A

Retained by the Board

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

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

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

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

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

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

N/A

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

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

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

Delegated to the Department of Elections (ELECT)

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

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

Retained by the Board

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

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

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

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



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

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

Delegated to the Department of Elections (ELECT)

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

	the ballot.	
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Retained by the Board

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

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



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

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

Delegated to the Department of Elections (ELECT)

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

Retained by the Board

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

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

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



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

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

N/A

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

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

Delegations of Authority (regarding new or amended Code provisions)

Delegated to the Department of Elections (ELECT)

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

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

	418, the State Board shall replace the <u>individual's residence address in copies of campaign finance reports</u> available to the public with the individual's alternative mailing address found in the Virginia voter registration system.	protected voter status in campaign finance reports.
24.2-946.2 <i>Amended</i> 2015	C. The following applies to campaign finance reports filed by political committees: 2. The State Board shall <u>file and preserve as part of its records the reports required to be filed with it by this chapter</u> for at least four years after the reporting deadline or one year after the final report is filed. Thereafter, the State Board shall <u>forward the reports it preserves to The Library of Virginia</u> for preservation under the Virginia Public Records Act (§ <u>42.1-76 et seq.</u>).	ELECT handles records retention on behalf of the SBE.
24.2-947.1 <i>Amended</i> 2019	D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the <u>candidate shall file notice of any changes</u> in the information provided on the form within 10 days of the change <u>with the State Board</u> , local electoral board, or both, as appropriate.	ELECT accepts filings on behalf of the State Board of Elections.
24.2-947.3:1 <i>Amended</i> 2006	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, <u>the candidate campaign committee shall</u> (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) <u>verify that number with the State Board.</u>	ELECT staff members can help committees by verifying the committee SBE registration number.
24.2-947.5 <i>Amended</i> 2018	A. Candidates for statewide office and for the General Assembly shall file the reports required by this article by	ELECT staff administers the program, which includes creating forms and reports.

	computer or electronic means in accordance with the <u>standards approved by the State Board.</u>	
24.2-947.5 <i>Amended</i> 2018	B. <u>Candidates for local or constitutional office in any locality with a population of more than 70,000 shall file reports required by this article with the State Board</u> by computer or electronic means in accordance with the standards approved by the State Board . <u>All other candidates for local or constitutional office may file reports required by this article with the State Board</u> by computer or electronic means in accordance with the standards approved by the State Board . Candidates who file by electronic means with the State Board are not required to file reports with the general registrar of the locality in which the candidate resides.	ELECT accepts filings on behalf of the State Board of Elections.
24.2-947.5 <i>Amended</i> 2018	E. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.	ELECT accepts filings on behalf of the State Board of Elections.
24.2-947.9 <i>Amended</i> 2016	B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy on and after the eleventh day preceding (i) a primary and before the primary date, (ii) a general election and before the general election date, or (iii) any other election in which the individual is a candidate and before the election day, shall be reported in	ELECT accepts filings on behalf of the State Board of Elections.

	writing as provided in 24.2-947.4 and 24.2-947.5 or electronically pursuant to 24.2-946.1, and the report shall be received by the State Board or general registrar, as appropriate, by 11:59 p.m. on the following day or for a contribution received on a Saturday by 11:59 p.m. on the following Monday.	
24.2-948.1 <i>Amended</i> 2015	A. ... The request for an exemption shall be filed with the general registrar of the county or city where the candidate resides <u>on a form prescribed by the State Board</u> and in accordance with <u>instructions by the State Board</u> for the time for filing and the process for approval by the general registrar.	ELECT staff administers the program, which includes creating forms and reports.
24.2-948.1 <i>Amended</i> 2015	D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, <u>may purchase voter lists from the State Board</u> under the provisions of §§ <u>24.2-405</u> and <u>24.2-406</u> with a check drawn on the candidate's personal account.	The Department of Elections is responsible for releasing records maintained in the Virginia Electronic Registration Information System (VERIS).
24.2-948.3 <i>Amended</i> 2015	A. ... For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) <u>the State Board</u> or general registrar, whichever is appropriate, <u>has notified the candidate, at least 60 days prior to the applicable deadline for him to file his written statement of qualification</u> set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.	ELECT staff provides the notification on behalf of SBE.
24.2-949.2 <i>Amended</i> 2007	A. Except as provided in subsection B or C, <u>each political action committee</u> that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year <u>shall file with</u>	ELECT accepts filings on behalf of SBE.

	the State Board a statement of <u>organization</u> within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this chapter. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.	
24.2-949.2 <i>Amended</i> 2007	A. ... The State Board shall not register or issue a registration number to any political action committee that fails to state pursuant to subdivision 3 that its primary purpose is to influence the outcome of nonfederal elections in Virginia.	ELECT administers the campaign finance electronic management system which issues/registers registration numbers.
24.2-949.2 <i>Amended</i> 2007	C. ... The State Board shall be required to provide a link from its Internet website to the federal political action committee's electronically displayed Federal Election Commission campaign finance disclosure reports.	ELECT administers the website through which the campaign finance disclosure reports are submitted.
24.2-949.5 <i>Amended</i> 2008	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board</u> and shall include all financial activity of the political action committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.	ELECT staff administers the program, which includes creating forms and reports.
24.2-949.5 <i>Amended</i> 2008	G. The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.	ELECT staff administers the program, which includes creating forms and reports like the “no activity” report.
24.2-949.6 <i>Amended</i>	A. <u>Political action committees shall file the prescribed campaign finance</u>	ELECT accepts filings on behalf of the Board.

2016	reports with the State Board in accordance with the applicable provisions of this section.	
24.2-949.6 <i>Amended</i> 2016	D. ... After September 30, or after the date a political action committee has filed its statement of organization if the political action committee has filed its statement of organization on or after October 1, and until the November election day, <u>the political action committee shall report any single contribution of \$500 or more to the State Board in writing or electronically pursuant to § 24.2-946.1,</u> and the report shall be received by the State Board by 11:59 p.m. on the following day, or for a contribution received on a Saturday, by 11:59 p.m. on the following Monday.	ELECT accepts filings on behalf of the SBE.
24.2-949.7 <i>Amended</i> 2006	In addition to the quarterly reports required by § 24.2-949.6, political action committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the political action committee files its quarterly disclosure reports.</u>	ELECT staff administers the program, which includes creating forms and reports.
24.2-949.8 <i>Amended</i> 2006	A. <u>Political action committees required to file reports by this article shall file all statements and campaign finance reports with the State Board.</u>	ELECT accepts filings on behalf of the SBE.
24.2-949.8 <i>Amended</i> 2006	B. <u>A political action committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made</u>	ELECT accepts filings on behalf of the SBE.

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

	which the statement of organization is filed.	
24.2-949.9:2 <i>Amended</i> 2008	B. After the committee has met the requirements of § <u>24.2-949.9:1</u> and upon making any contribution to a candidate campaign committee or political committee registered in Virginia, <u>the committee shall report its contributions and contributors in accordance with subsection C to the State Board of Elections</u> by computer or electronic means as prescribed in § <u>24.2-946.1</u> .	ELECT staff administers the program, which includes creating forms and reports.
24.2-949.9:3 <i>Amended</i> 2006	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any other out-of-state political committee, an <u>out-of-state political committee shall (i) request its State Board of Elections registration number from that other out-of-state political committee and (ii) verify that number with the State Board.</u>	ELECT administers the campaign finance electronic management system which issues/registers registration numbers.
24.2-949.9:4 <i>Amended</i> 2006	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, a <u>political committee shall (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) verify that number with the State Board.</u>	ELECT administers the campaign finance electronic management system which issues/registers registration numbers.
24.2-950.2 <i>Amended</i> 2006	Except as provided in § <u>24.2-950.1</u> , <u>each political party committee that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year shall file with the State Board a statement of organization</u> within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive	ELECT accepts filings on behalf of the SBE.

	contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this article. <u>Any change in information previously submitted in a statement of organization shall be reported to the State Board</u> within 10 days following the change.	
24.2-950.4 <i>Amended</i> 2008	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board</u> and shall include all financial activity of the political party committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § <u>24.2-946.1</u> . Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § <u>24.2-1016</u> .	ELECT staff administers the program, which includes creating forms and reports.
24.2-950.4 <i>Amended</i> 2008	G. <u>The State Board shall provide for a "no activity" report</u> that may be filed for any reporting period in which the filer has no activity to report.	ELECT staff administers the program, which includes creating forms and reports like the “no activity” report.
24.2-950.7 <i>Amended</i> 2006	In addition to the quarterly reports required by § <u>24.2-950.6</u> , political party committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board</u> and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.	ELECT staff administers the program, which includes creating forms and reports.
24.2-950.8 <i>Amended</i> 2015	A. ... <u>Any political party committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a</u>	ELECT staff administers the program, which includes creating forms and reports.

	form prescribed by the State Board , to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.	
24.2-950.8 <i>Amended</i> 2015	C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or with the State Board and the general registrar for its jurisdiction if filing campaign finance reports by nonelectronic means.	ELECT accepts filings on behalf of the SBE.
24.2-950.9 <i>Amended</i> 2009	A. <u>Any political party committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 shall so notify the State Board.</u>	ELECT accepts such notices on behalf of the SBE.
24.2-951.1 <i>Amended</i> 2006	A. <u>Any referendum committee subject to the provisions of this article shall file with the State Board a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of the pertinent amounts stated in the definition of referendum committee in § 24.2-945.1. <u>Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.</u></u>	ELECT accepts such notices on behalf of the SBE.
24.2-951.3 <i>Amended</i> 2006	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the referendum committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or</u>	ELECT staff administers the program, which includes creating forms and reports.

	electronically as provided in § <u>24.2-946.1</u> . Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § <u>24.2-1016</u> .	
24.2-951.3 <i>Amended</i> 2006	F. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	ELECT staff administers the program, which includes creating forms and reports like the “no activity” report.
24.2-951.7 <i>Amended</i> 2006	In addition to the reports required by §§ <u>24.2-951.4</u> , <u>24.2-951.5</u> and <u>24.2-951.6</u> , referendum committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board</u> and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.	ELECT staff administers the program, which includes creating forms and reports.
24.2-951.8 <i>Amended</i> 2006	A. <u>Referendum committees required to file statements or reports by this article shall file all reports with the State Board.</u>	ELECT accepts filings on behalf of the SBE.
24.2-951.8 <i>Amended</i> 2006	B. A referendum committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the referendum committee files a final report or until subject to the provisions of subsection B of § <u>24.2-951.1</u> .	ELECT staff administers the program, which includes creating forms and reports.
24.2-951.8 <i>Amended</i>	C. <u>Any referendum committee that has been filing electronically, but does not</u>	ELECT staff administers the program, which includes creating forms and

2006	anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, <u>may sign a waiver, on a form prescribed by the State Board</u> , to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.	reports.
24.2-951.9 <i>Amended</i> 2009	A. <u>Any referendum committee that disbands after having filed a statement of organization shall so notify the State Board.</u>	ELECT accepts such notices on behalf of the SBE.
24.2-952.1 <i>Amended</i> 2006	<u>Each inaugural committee shall file with the State Board a statement of organization</u> within 10 days after its organization. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.	ELECT accepts such notices on behalf of the SBE.
24.2-952.3 <i>Amended</i> 2006	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board</u> and shall include all financial activity of the inaugural committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.	ELECT staff administers the program, which includes creating forms and reports.
24.2-952.3 <i>Amended</i> 2006	F. <u>The State Board shall provide for a "no activity" report</u> that may be filed for any reporting period in which the filer has no activity to report.	ELECT staff administers the program, which includes creating forms and reports like the “no activity” report.
24.2-952.5 <i>Amended</i> 2006	In addition to the reports required by § 24.2-952.4, inaugural committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the	ELECT staff administers the program, which includes creating forms and reports.

	contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board</u> and shall be filed in writing or electronically in the same manner as the committee files its quarterly disclosure reports.	
24.2-952.6 <i>Amended</i> 2006	A. <u>Inaugural committees required to file reports by this chapter shall file all campaign finance reports with the State Board.</u>	ELECT accepts filings on behalf of the SBE.
24.2-952.6 <i>Amended</i> 2006	B. <u>An inaugural committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the committee files a final report.</u>	ELECT accepts filings on behalf of the SBE.
24.2-952.6 <i>Amended</i> 2006	C. <u>Any inaugural committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	ELECT staff administers the program, which includes creating forms and reports.
24.2-952.7 <i>Amended</i> 2009	A. <u>Any inaugural committee that, after having filed a statement of organization, disbands shall so notify the State Board.</u>	ELECT accepts such notices on behalf of the SBE.
24.2-953.3 <i>Amended</i>	G. <u>The State Board shall notify the public through its official Internet</u>	ELECT provides such notifications through its official website.

2015	website of a failure to file a complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.	
24.2-953.4 <i>Amended</i> 2013	C. If the report or information required to complete the report is not filed within the seven-day period, the Commissioner shall assess against the candidate and treasurer, who shall be jointly and severally liable, a civil penalty of \$500 for each day that the violation continues on and after the eighth day following the date of mailing the written notice. The Commissioner may grant an additional period for compliance, not to exceed two weeks, for good cause shown and in response to a request filed within the seven-day period. However, no additional period shall be granted for compliance with the requirement under subdivision A 8 of § 24.2-947.6 to file a report not later than the eighth day before the election. The State Board shall notify the public through its official Internet website of the violation and identity of the violator.	ELECT provides such notifications through its official website.
24.2-955.3 <i>Amended</i> 2010	D. ... At least 10 days prior to such hearing, the State Board shall send notice by certified mail to persons whose actions will be reviewed at such meeting and may be subject to civil penalty. Notice shall include the time and date of the meeting, an explanation of the violation, and the maximum civil penalty that may be assessed.	ELECT administers the Stand By Your Ad hearing program and provides notices on behalf of the SBE.
24.2-959.1 <i>Amended</i> 2010	The person making the telephone call shall disclose the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of	ELECT administers the campaign finance electronic management system which issues/registers registration numbers.

	organization under Chapter 9.3 (§ <u>24.2-945</u> et seq.), the full name of the committee and a <u>registration number provided by the State Board</u> ; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.	
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Retained by the Board

24.2-946.4 <i>Amended</i> 2015	F. <u>The State Board shall have authority also to grant extensions</u> as provided in §§ 24.2-503 and 24.2-948.3.	Authority to grant extensions best documented in a formal Board proceeding.
24.2-948.3 <i>Amended</i> 2015	B. <u>The authority of the State Board to grant an extension of the deadline established in § 24.2-503 shall include the authority to grant such extension with respect to the requirements of this section.</u>	Authority to grant extensions best documented in a formal Board proceeding.
24.2-953.5 <i>Amended</i> 2006	C. <u>The State Board of Elections shall institute proceedings pursuant to § 24.2-104 against any committee that fails to comply with the provisions of § 24.2-947.3:1, 24.2-949.2, 24.2-949.9:1, 24.2-949.9:2, 24.2-949.9:3, or 24.2-949.9:4 and, after notice by the State Board, continues for more than five days to remain noncompliant.</u>	Authority to institute proceedings best documented in a formal Board proceeding.
24.2-955.3 <i>Amended</i> 2010	D. <u>The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.</u>	Language does not imply that the authority to hold a public hearing, find a violation of Stand By Your Ad, and assess a civil penalty can be delegated as an agency function.

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

N/A



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

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

N/A

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

N/A

Virginia State Board of Elections: Delegation of Authority 2019

<u>Code §</u>	<u>Code Responsibility</u>	<u>Authority</u> B=Board D=ELECT	<u>Date</u>	<u>Comments</u>
24.2-103	A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulation and issue instructions and provide information to the electoral boards and registrars to promote the proper administration of election laws.	B	9/17/19	
24.2-103	Electoral boards and registrars shall provide <u>information requested by the Board</u> and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law.	D	9/17/19	
24.2-103	A. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board.	D	9/17/19	
24.2-103	Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.	D	9/17/19	
24.2-103	B. ... The State Board shall set the training standards for the officers of election and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars.	B	9/17/19	
24.2-103	The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election.	B	9/17/19	
24.2-103	The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.	B	9/17/19	
24.2-103	C. The Board may <u>institute proceedings</u> pursuant to § 24.2-234 <u>for the removal of any member of an electoral board</u> who fails to discharge the duties of his office in accordance with law.	B	9/17/19	
24.2-103	The Board may <u>petition the local electoral board to remove from office any general registrar</u> who fails to discharge the duties of his office according to law	B	9/17/19	

24.2-103	The Board may <u>institute proceedings</u> pursuant to § 24.2-234 for the <u>removal of a general registrar</u> if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election.	B	9/17/19	
24.2-103	D. The Board may <u>petition a circuit court</u> or the Supreme Court, whichever is appropriate, for <u>a writ of mandamus or prohibition, or other available legal relief</u> , for the purpose of ensuring that elections are conducted as provided by law.	B	9/17/19	
24.2-103	F. The Board shall <u>adopt a seal</u> for its use <u>and bylaws</u> for its own proceedings.	B	9/17/19	
24.2-104	When the State Board is of the opinion that the public interest will be served, it may <u>request the Attorney General, or other attorney designated by the Governor for the purpose, to assist the attorney for the Commonwealth</u> of any jurisdiction in which election laws have been violated.	B	9/17/19	
24.2-104	When the State Board makes its request pursuant to a unanimous vote of all members, the Attorney General or other attorney designated by the Governor shall exercise the authority granted by this section to conduct an investigation, prosecute a violation, assure the enforcement of the elections laws, and report the results of the investigation to the State Board .	B	9/17/19	
24.2-105	The State Board shall <u>prescribe appropriate forms and records for the registration of voters, conduct of elections, and implementation of this title, which shall be used throughout the Commonwealth.</u>	B	9/17/19	
24.2-105.1	Beginning with the general election in November 1998, the State Board shall implement a system by which it shall <u>furnish lists of candidates for all elections in the Commonwealth, and information on proposed constitutional amendments and statewide referenda prepared pursuant to §§ 30-19.9 and 30- 19.10, electronically through the global information system known as the Internet.</u>	D	9/17/19	
24.2-105.1	<u>The Board may list other referenda issues on the Internet.</u>	D	9/17/19	
24.2-105.1	<u>The State Board shall provide elections results and statistical information on its website. The information shall include voter turnout information which shall be calculated as the percentage of active voters who voted excluding voters assigned to inactive status pursuant to Chapter 4 (§ 24.2-400 et seq.)</u>	D	9/17/19	

24.2-106.01	The State Board shall develop a description of the duties and responsibilities of the local electoral boards and update such description as needed. Such description shall include the statutory and regulatory duties and responsibilities of the electoral boards, prohibited activities of the electoral boards and members of electoral boards, and the qualifications and disqualifications of members of electoral boards.	D	9/17/19	
24.2-107	No election record containing an individual's social security number shall be made available for inspection or copying by anyone. The State Board of Elections shall <u>prescribe procedures for local electoral boards and general registrars to make the information in certificates of candidate qualification available in a manner that does not reveal social security numbers.</u>	D	9/17/19	
24.2-109.1	The electoral board shall conduct an annual performance review of the general registrar for years ending June 30, 2006, and thereafter. The electoral board shall complete the review by August 1 of each year, retain a copy of the performance review, and <u>provide a copy of the review to the State Board.</u>	D	9/17/19	
24.2-109.1	<u>The performance review shall be conducted in accordance with the format and forms provided by the State Board</u>	B	9/17/19	
24.2-111	Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. In case of a dispute, the State Board shall approve or disapprove the reimbursement.	D	9/17/19	
24.2-114	3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in <u>multijurisdictional staffing for voter registration offices, approved by the State Board</u> , that are located at facilities of the Department of Motor Vehicles.	B	9/17/19	
24.2-114	5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. <u>The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records,</u> lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.	D	9/17/19	

24.2-114	6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. <u>Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board</u> and shall forward the completed application or request to the registrar of the applicant's residence.	D	9/17/19	
24.2-114	8. <u>Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board</u> ; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.	D	9/17/19	
24.2-114	10. Verify the accuracy of the <u>pollbooks provided for each election by the State Board</u> , make the pollbooks available to the precincts,	D	9/17/19	
24.2-114	<u>and according to the instructions of the State Board return the pollbooks, or transfer a copy of the data from any electronic pollbooks, to the State Board</u> after each election for voting credit purposes.	D	9/17/19	
24.2-114	19. Attend an annual training program provided by the State Board . A general registrar may designate one member of his staff to attend such training program if he is unable to attend because of a personal or family emergency.	D	9/17/19	
24.2-115.2	A. Each officer of election shall receive training consistent with the standards set by the State Board pursuant to 24.2-103.	B	9/17/19	
24.2-115.2	This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials developed by the State Board for this purpose.	D	9/17/19	
24.2-115.2	C. Following any training conducted pursuant to this section, the electoral boards shall certify to the State Board that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.	D	9/17/19	
24.2-234	<u>The circuit court also shall proceed pursuant to § 24.2-235 for the removal of a member of a local electoral board or general registrar upon a petition signed by a majority of the members of the State Board of Elections</u> as provided in § 24.2-103.	B	9/17/19	

			9/17/19	
24.2-309	The State Board shall make regulations setting procedures by which elections may be <u>conducted in precincts in which all voters do not have the same choice of candidates at a general election.</u>	B	9/17/19	
24.2-309.2	If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ <u>24.2-304.3</u> and <u>30-264</u> , and <u>send copies of the ordered or enacted changes to the State Board</u> of Elections and the Division of Legislative Services.	D	9/17/19	
24.2-310	C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall <u>provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.</u>	D	9/17/19	
24.2-310	D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, <u>subject to the prior approval of the State Board.</u>	D	9/17/19	
24.2-310	F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board or the State board to appropriate funds to any non-governmental entity,	D	9/17/19	
			9/17/19	
24.2-404	C. The State Board shall institute procedures to ensure that each requirement of this section is fulfilled.	B	9/17/19	

24.2-404	As part of its procedures, the State Board shall provide that the general registrar shall mail notice of any cancellation pursuant to clause (v) of subdivision A 4 to the person whose registration is cancelled.	B	9/17/19	
24.2-404	D. The State Board shall promulgate rules and regulations to ensure the uniform application of the law for determining a person's residence.	B	9/17/19	
24.2-404	E. The Department shall apply to participate in the Systematic Alien Verification for Entitlements Program (SAVE Program) operated by U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security for the purposes of verifying that voters listed in the Virginia voter registration system are United States citizens. Upon approval of the application, the Department shall enter into any required memorandum of agreement with U.S. Citizenship and Immigration Services. The State Board shall promulgate rules and regulations governing the use of the immigration status and citizenship status information received from the SAVE Program.	B	9/17/19	
24.2-406	B. The Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with security policies approved by the State Board of Elections .	B	9/17/19	"New" legislation amended 2007. Should remain a Board authority.
24.2-410.2	A. The State Board shall promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information.	B	9/17/19	2019 legislation. Board authority
24.2-410.2	The State Board shall, in consultation with representatives of local government information technology professionals and general registrars, update the security standards at least annually.	B	9/17/19	2019 legislation. Board authority
24.2-410.2	In accordance with the process prescribed by the State Board , the Department of Elections may limit access to the Virginia voter registration system by any county or city that has failed to comply with the provisions of subsection B or the security standards established by the State Board pursuant to subsection A.	B	9/17/19	2019 legislation. Board authority
24.2-416.2	Notwithstanding the provisions of § 24.2-418, the national mail voter registration application form promulgated by the Election Assistance Commission pursuant to the National Voter Registration Act (52 U.S.C. § 20501 et seq.) shall be accepted for the registration of otherwise qualified voters to vote in federal, state, and local elections. In addition to the national form promulgated by the Election Assistance Commission, the State Board of Elections shall <u>design</u>	B	9/17/19	

24.2-416.2	and distribute a state mail voter registration application form. Such state form shall include the eligibility requirements for registration as provided in this title, shall provide for a receipt for the applicant pursuant to § 24.2-418.1, and shall require each applicant to provide the information required subject to felony penalties for making false statements pursuant to § 24.2-1016.	D	9/17/19	
24.2-416.6	Such individuals or agents representing a group shall be required to receive training as approved by the State Board and sign a sworn affidavit on a form prescribed by the State Board attesting that such individuals or organizations will abide by all Virginia laws and rules regarding the registration of voters.	B	9/17/19	
24.2-416.7	A. Notwithstanding any other provision of law, a person who is qualified to register to vote may apply to register to vote by electronic means as authorized by the State Board by completing an electronic registration application.	B	9/17/19	
24.2-416.7	B. Notwithstanding any other provision of law, a registered voter may satisfy the requirements of §§ 24.2-423 and 24.2-424 to notify the general registrar of a change of legal name or place of residence within the Commonwealth by electronic means as authorized by the State Board by completing an electronic registration application.	B	9/17/19	
24.2-416.7	H. The Department of Elections may use additional security measures approved by the State Board to ensure the accuracy and integrity of registration transactions performed under this article.	B	9/17/19	
24.2-418	Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. <u>The application to register shall be only on a form or forms prescribed by the State Board.</u>	B	9/17/19	
24.2-422	<u>The petitioner may file his petition by completing and filing a form which shall be prescribed by the State Board</u> and which shall be used by the general registrar to notify an applicant of the denial of his application to register and of the reasons for the denial.	B	9/17/19	
24.2-423	Whenever a registered voter changes his legal name, either by marriage, divorce, order of court, or otherwise, the voter shall promptly notify the general registrar of the jurisdiction where he is registered. Such notice may be made in writing or on a form approved by the State Board of Elections , which <u>may be electronic</u> . The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.	B	9/17/19	
24.2-423	Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The general registrar shall enter the new name on the registration records and issue the voter a new voter registration card.	B	9/17/19	

24.2-424	A. Whenever a registered voter changes his place of residence within the Commonwealth, he shall promptly notify any general registrar of the address of his new residence. <u>Such notice may be made in person, in writing, by return of the voter registration card noting the new address, or on a form approved by the State Board of Elections, which may be electronic.</u> The notice in writing may be provided by mail or by facsimile and shall be signed by the voter unless he is physically unable to sign, in which case his own mark acknowledged by a witness shall be sufficient signature.	B	9/17/19	
24.2-424	Notice may be provided by electronic means as authorized by the State Board and signed by the voter in a manner consistent with the provisions of § 24.2-416.7 and the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The fact that a voter provides an address on a candidate or referendum petition that differs from the address for the voter on the voter registration system shall not be sufficient notice to change the voter's registration address. Any statements made by any voter applying for transfer are subject to felony penalties for making a false statement pursuant to § 24.2-1016.	B	9/17/19	
24.2-501	It shall be a requirement of candidacy for any office of the Commonwealth, or of its governmental units, that a person must <u>file a written statement under oath, on a form prescribed by the State Board, that he is qualified to vote for and hold the office for which he is a candidate.</u>	D	9/17/19	
24.2-501	Every candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall <u>file the statement with the State Board</u> . Every candidate for any other office shall file the statement with the general registrar of the county or city where he resides.	D	9/17/19	
24.2-501	Each <u>general registrar shall transmit to the State Board, immediately after the filing deadline, a list of the candidates</u> who have filed statements of qualification	D	9/17/19	
24.2-501	The candidate may state, as part of his statement of qualification, how he would like his name to appear on the ballot; however, <u>all names printed on the ballot shall meet the criteria established by the State Board.</u>	B	9/17/19	
24.2-502	It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General and a candidate for the Senate or House of Delegates with the State Board , (ii) a candidate for a constitutional office with the general registrar for the county or city, and (iii) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city.	D	9/17/19	

24.2-503	The State Board may grant an extension of any deadline for filing either or both written statements and	B	9/17/19	
24.2-503	<u>shall notify all candidates who have not filed their statements of the extension.</u> Any extension shall be granted for a fixed period of time of ten days from the date of the mailing of the notice of the extension.	D	9/17/19	
24.2-505	A. Any person, other than a candidate for a party nomination or a party nominee, who intends to be a candidate for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district shall <u>file a declaration of candidacy with the State Board,</u>	D	9/17/19	
24.2-505	<u>on a form prescribed by the Board,</u> designating the office for which he is a candidate. The written declaration shall be attested by two witnesses who are qualified voters of the Commonwealth or of the congressional district, or acknowledged before some officer authorized to take acknowledgements to deeds. The declaration shall be signed by the candidate, but if he is incapable of writing his proper signature then some mark adopted by him as his signature shall be acknowledged before some officer authorized to take acknowledgments	B	9/17/19	
24.2-505	<u>The State Board shall notify the respective secretaries of the appropriate electoral boards of the qualified candidates who have so filed.</u>	D	9/17/19	
24.2-505	B. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate for election to the General Assembly shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, (i) deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the general registrars of the other counties or cities, if any, in the legislative district for delivery to the secretaries of the electoral boards and (ii) deliver the declaration and such petitions to the secretary of his electoral board. <u>He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.</u>	D	9/17/19	

24.2-505	C. Any person, other than a candidate for a party nomination or party nominee, who intends to be a candidate at any election for any other office shall file a declaration of candidacy with the general registrar of the county or city where he resides. The declaration shall be in all respects the same as that required to be given to the State Board by statewide and congressional district candidates. The general registrar shall, within three days after receiving the declaration, deliver it in person or transmit it by certified mail, along with the petitions required by § 24.2-506 or copies thereof, to the secretaries of the electoral boards of the counties or cities whose electors vote for the office. <u>He shall transmit the names of the candidates who have filed with him to the State Board immediately after the filing deadline.</u>	D	9/17/19	
24.2-506	A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy <u>a petition therefore, on a form prescribed by the State Board,</u> signed by the number of qualified voters specified in this subsection after January 1 of the year in which the election is held and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself a legal resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition.	B	9/17/19	
24.2-506	B. The State Board shall approve uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters as required in subsection A.	B	9/17/19	
24.2-506	The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated regulations for reviewing and processing candidate petitions. Such revisions shall provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration has been canceled and the reason for such cancellation. The process shall provide for the tracking of such information associated with each petition. The process shall provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the office of the attorney for the Commonwealth, as appropriate.	B	9/17/19	
24.2-506	C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal that determination within five calendar days of the issuance of the notice of disqualification pursuant to § 24.2-612 or notice from the State Board that the candidate did not meet the requirements to have his name appear on the ballot.	B	9/17/19	

24.2-506	Appeals made by candidates for a county, city, or town office shall be filed with the electoral board. Appeals made by candidates for all other offices shall be filed with the State Board .	D	9/17/19	
24.2-506	The appeal shall be heard by the State Board or the electoral board, as appropriate, within five business days of its filing.	B	9/17/19	
24.2-506	The electoral board shall notify the State Board of any appeal that is filed with the electoral board.	D	9/17/19	
24.2-506	The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the uniform standards approved by the State Board for the review of petitions.	B	9/17/19	
24.2-506	Immediately after the conclusion of the appeal hearing, the entity conducting the appeal shall notify the candidate and, if applicable, the State Board, of its decision in writing. The decision on appeal shall be final and not subject to further appeal.	B	9/17/19	
24.2-511	A. <u>The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer, along with the date of the nomination of the candidate, to the State Board not later than five days after the last day for nominations to be made.</u>	D	9/17/19	
24.2-511	<u>The State Board shall notify the general registrars of the names of the candidates to appear on the ballot for such offices.</u>	D	9/17/19	
24.2-511	B. The <u>party chairman</u> of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method <u>other than a primary to the State Board</u> and to the general registrars of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made.	D	9/17/19	

24.2-511	<u>Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.</u>	D	9/17/19	
24.-516	<u>Each political party within the Commonwealth shall furnish to the State Board the names and addresses of its state, county, and city party chairmen in January of each year, and during the remainder of the year it shall notify the Board of any changes in such names and addresses.</u>	D	9/17/19	
24.2-516	<u>At least 135 days prior to the regular date for a primary, the Board shall inquire of each state chairman and each county and city chairman whether a direct primary has been adopted.</u>	D	9/17/19	
24.2-516	<u>The Board shall advise each chairman that notification to the Board of the adoption of a direct primary is required and must be filed with the Board not more than 125 days and not less than 105 days before the date set for the primaries.</u>	D	9/17/19	
24.2-516	<u>Each chairman shall file timely written notice with the Board whether or not a primary has been adopted and identify each office for which a primary has been adopted.</u>	D	9/17/19	
24.2-516	<u>The requirement to notify the Board of the adoption of a direct primary shall be satisfied when the Board receives by the deadline (i) written notice from the appropriate party chairman or (ii) a copy of the written notice from an incumbent officeholder to his party chairman of the incumbent's selection, pursuant to § 24.2-509, of the primary as the method of nomination.</u>	D	9/17/19	
24.2-517	<u>The State Board shall order the holding of a primary election in any county, city, or other district of the Commonwealth in which it is notified pursuant to § 24.2-516 that a primary is intended to be held.</u>	D	9/17/19	
24.2-517	<u>The notice ordering the primary shall be sent to the secretary of the electoral board. Within five days of the issuance of the order by the State Board, each secretary shall forthwith post a copy of the notice on the official website of the county or city, or have notice of the election published at least once in a newspaper of general circulation in the county or city.</u>	D	9/17/19	

24.2-520	A candidate for nomination by primary for any office shall be required to file a <u>written declaration of candidacy on a form prescribed by the State Board</u> . The declaration shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if defeated in the primary, his name is not to be printed on the ballots for that office in the succeeding general election. The declaration shall be acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district.	B	9/17/19	
24.2-521	A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy <u>a petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board</u> , signed by the number of qualified voters specified in this section after January 1 of the year in which the election is held or before or after said date in the case of a March primary, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is himself legal resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. whose affidavit to that effect appears on each page of the petition.	B	9/17/19	
24.2-522	C. Any candidate for nomination for United States Senator, Governor, Lieutenant Governor, or Attorney General <u>shall file with the State Board</u> (i) his declaration of candidacy, (ii) the petitions for his candidacy, sealed in one or more containers to which is attached a written statement under oath by the candidate giving his name and the number of signatures on the petitions contained in the containers, and (iii) a receipt indicating the payment of his filing fee.	D	9/17/19	
24.2-522	The State Board <u>shall transmit the material so filed to the state chairman</u> of the party of the candidate within 72 hours and not later than the seventy-fourth day. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	9/17/19	
24.2-524	A. Candidates for United States Senators, for representatives in Congress, and for the offices of Governor, Lieutenant Governor, and Attorney General shall pay the primary fee to the State Board of Elections.	D	9/17/19	
24.2-524	The primary fees shall be credited by the Board to a fund to be known as the "state primary fee fund." The Board shall refund the fee by warrant upon the state primary fee fund in the event the prospective candidate does not become a candidate, becomes a candidate and is not opposed, or must refile for any reason. All other primary fees paid to the Board shall be paid or placed to the credit of the fund out of which the Board pays the Commonwealth's expenses for the primary.	D	9/17/19	

24.2-524	B. All other candidates shall pay the fee to the treasurer, or director of finance if there is no treasurer, of the city or county in which they reside. The treasurer or director of finance shall pay back the fee in the event the prospective candidate does not become a candidate, or becomes a candidate and must refile for any reason. In the event the candidate is unopposed, the State Board or the local electoral board, as appropriate, shall notify, no less than <u>60 days before the primary, the treasurer or director of finance to whom the fee was paid that the candidate is unopposed</u> and shall provide the name and mailing address for returning the fee to the candidate. The treasurer or director of finance promptly shall return the fee to the candidate. All other primary fees paid a county or city treasurer or director of finance shall be paid or placed to the credit of the fund of the county or city out of which the expenses of the primary were paid by the county or city.	D	9/17/19	
24.2-527	<u>It shall be the duty of the chairman or chairmen of the several committees of the respective parties to furnish the name of any candidate for nomination</u> for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district <u>to the State Board, and to furnish the name of any candidate for any other office to the State Board</u> and to the general registrars charged with the duty of preparing and printing the primary ballots.	D	9/17/19	
24.2-527	In furnishing the name of any such candidate, the chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the State Board <u>shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes</u> . Each chairman shall comply with the provisions of this section not less than 70 days before the primary	D	9/17/19	
24.2-529	The primary ballots for the several parties taking part in a primary shall be composed, arranged, printed, delivered, and provided in the same manner as the general election ballots except that at the top of each official primary ballot shall be printed in plain black type the name of the political party and the words "Primary Election." The names of the candidates for various offices shall appear on the ballot in an order determined by the priority of the time of filing for the office. <u>In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board or the State Board</u> as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections.	B	9/17/19	

24.2-532	As soon as the electoral board shall determine the persons who have received the highest number of votes for nomination to any such office, the secretary of the board shall immediately make out abstracts and certificates of the votes cast as provided in § 24.2-675 and <u>forward certified copies thereof to the State Board</u> . The secretary in addition shall place certified copies thereof in an envelope and forward them in person or by certified mail (i) for members of the House of Representatives of the United States, to the chairman of the congressional district committee, (ii) for members of the General Assembly, to the chairman of the Senate or House of Delegates district committee, and (iii) for county and city and district officers, to the chairman of the county or city. "Chairman" means the chairman of the political party under whose auspices the primary is held.	D	9/17/19	
24.2-532	<u>If the abstract of votes shall not have been received by the State Board from any county or city within six days after any state primary election, the Board shall dispatch a law-enforcement officer to obtain them</u> as provided in § 24.2-678.	D	9/17/19	
24.2-534	As soon as possible after receipt of the certified abstract and not later than fourteen days after the day of the election, the State Board <u>shall open and tabulate the returns</u> .	D	9/17/19	
24.2-534	<u>Upon completion of the tabulation the Board shall declare the nominee in the manner and form as it does in general elections</u> .	B	9/17/19	
24.2-536	<u>If more than one person qualifies, the party chairman shall promptly certify their names to the State Board and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either:...</u>	D	9/17/19	
24.2-537	If more than one person qualifies, <u>the party chairman shall promptly certify their names to the State Board</u> and the appropriate electoral boards as having qualified under the provisions of this section. The electoral boards having charge of the printing of the official ballots for the primary election shall either: ...	D	9/17/19	
24.2-538	<u>The party chairman or chairmen shall promptly certify the names of every such person to the State Board</u> and appropriate electoral boards as having qualified under the provisions of this section.	D	9/17/19	

24.2-542	<p>In elections for President and Vice-President of the United States, the appropriate chairman or secretary of each political party shall furnish to the State Board by noon of the seventy-fourth day before the presidential election (i) <u>the names of the electors</u> selected by the party at its convention held for that purpose, together with the names of the political party and of the candidates for President and Vice- President for whom the electors are required to vote in the Electoral College and (ii) a copy of a subscribed and notarized oath by each elector stating that he will, if elected, cast his ballot for the candidates for President and Vice-President nominated by the party that selected the elector, or as the party may direct in the event of death, withdrawal or disqualification of the party nominee.</p>	D	9/17/19	
24.2-543	<p>A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice-President by filing a petition pursuant to this section. <u>The petition shall be filed with the State Board</u> by noon of the seventy-fourth day before the presidential election. The petition shall be signed by at least 10,000 qualified voters and include signatures of at least 400 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election only and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed either by a person who is a constitutionally qualified candidate for President of the United States, who may witness his own petition, or by a person who is a resident of the Commonwealth and who is not a minor or a felon whose voting rights have not been restored and, whose affidavit to that effect appears on each page of the petition. The petition shall state the names of the electors selected by the petitioners, the party name under which they desire the named electors to be listed on the ballot, and the names of the candidates for President and Vice-President for whom the electors are required to vote in the Electoral College.</p>	D	9/17/19	
24.2-543	<p>The State Board may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.</p>	D	9/17/19	
24.2-543	<p>In the event of the death or withdrawal of a candidate for President or Vice President qualified to appear on the ballot by party name, that party may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.</p>	D	9/17/19	

24.2-543	In the event that a group of qualified voters meets the requirements set forth in this section except that they cannot utilize a party name, the electors selected and the candidates for President and Vice President shall be identified and designated as "Independent" on the ballot. Substitution of a different candidate for Vice President may be made by the candidate for President before the State Board certifies to the county and city electoral boards the form of the official ballot.	D	9/17/19	
24.2-543	In the event of the death or disqualification of any person listed as an elector for candidates for President and Vice President on a petition filed pursuant to this section, the party or candidate for President, as applicable, may substitute the name of a different elector. Such substitution shall not invalidate any petition of qualified voters circulated with the name of the deceased or disqualified elector provided that <u>notice of the substitution is filed with the State Board by noon of the seventy-fourth day before the presidential election.</u>	D	9/17/19	
24.2-543	Notice of the substitution and the name of any substitute elector shall be submitted on a form prepared by the State Board .	D	9/17/19	
24.2-543	B. If the State Board determines that a candidate for President does not qualify to have his name appear on the ballot pursuant to this section by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal the determination to the State Board within seven calendar days of the issuance of the notice of disqualification.	D	9/17/19	
24.2-543	The notice of disqualification shall be sent by email or regular mail to the address on file for the candidate, and such notice shall be deemed sufficient.	D	9/17/19	
24.2-543	The State Board shall hear the appeal within three business days of its filing.	B	9/17/19	
24.2-543	The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the rules and procedures set forth by the State Board for checking petitions.	B	9/17/19	

24.2-543	Immediately after the conclusion of the appeal hearing, the State Board shall notify the candidate of its decision in writing. The decision on appeal shall be final and not subject to further appeal.	D	9/17/19	
24.2-544	B. The provisions of this title shall apply to the conduct of presidential year primaries including the time limits applicable to notices and candidate filing deadlines and the closing of registration records before the primary. The State Board shall provide a schedule for the notices and filing deadlines by the <u>August 1 prior to the March primary including a campaign finance disclosure report filing schedule</u> adjusted to reflect the differences between the June date for other primaries and the March date for the presidential primary, and primaries for the nomination of candidates for offices to be voted on at the general election date in May.	B	9/17/19	
24.2-545	A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice-President of the United States including a presidential primary or another method determined by the party. <u>The state chairman shall notify the State Board</u> of the party's determination at least 90 days before the primary date. If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary.	B	9/17/19	
24.2-545	The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. <u>The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date and certified to, and approved by, the State Board.</u>	B	9/17/19	
24.2-545	B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, <u>may file with the State Board petitions</u> signed by at least 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. <u>Such petitions shall be filed with the State Board by the primary filing deadline.</u>	D	9/17/19	
24.2-545	<u>The petitions shall be on a form prescribed by the State Board</u> and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to	B	9/17/19	

	the primary. The slate of delegates and alternates shall comply with the rules of the national and state party.			
24.2-545	The State Board shall transmit the material so filed to the state chairman of the party of the candidate immediately after the primary filing deadline. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate.	D	9/17/19	
24.2-545	The state chairman of the party shall, by the deadline set by the State Board ,	B	9/17/19	
24.2-545	furnish to the State Board the names of all candidates who have satisfied the requirements of this section. In furnishing the name of each such candidate, the state chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. Whenever only one candidate for a party's nomination for President of the United States has met the requirements to have his name on the ballot, he will be declared the winner and no presidential primary for that party will be held.	D	9/17/19	
24.2-545	C. <u>The names of all candidates in the presidential primary of each political party shall appear on the ballot in an order determined by lot by the State Board.</u>	B	9/17/19	
24.2-545	D. The State Board shall certify the results of the presidential primary to the state chairman. If the party has determined that its delegates and alternates will be selected pursuant to the primary, the slate of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed elected by the state party unless the party has determined another method for allocation of delegates and alternates. If the party has determined to use another method for selecting delegates and alternates, those delegates and alternates shall be bound to vote on the first ballot at the national convention for the candidate receiving the most votes in the primary unless that candidate releases those delegates and alternates from such vote.	B	9/17/19	

24.2-603.1	The State Board shall prescribe appropriate procedures to implement this section	B	9/17/19	
24.2-604.2	If an emergency causes the dimensions of the prohibited area for a polling place to be perceived as increasing the risk of danger for persons outside the polling place, the electoral board may modify the distance requirements for the prohibited area, subject to the prior approval of the State Board . For purposes of this section, an "emergency" includes a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States.	D	9/17/19	
24.2-610	A. The State Board shall provide copies of this title to each member of the electoral boards and to each general registrar for each precinct in its county or city. The electoral board shall furnish a copy of this title to each precinct for the use of the officers of election on election day.	D	9/17/19	
24.2-610	B. Pursuant to subdivision A 7 of § 24.2-404, the State Board shall transmit to the general registrar of each county and city pollbooks for each precinct in which the election is to be held. The data elements printed or otherwise provided for each voter on the pollbooks shall be uniform throughout the Commonwealth.	D	9/17/19	
24.2-610	C. The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the State Board to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the proper official following the election.	D	9/17/19	
24.2-611	A. The following oath shall be on a form prescribed by the State Board , administered to all officers of election, and kept by the officers of election with the pollbook:	D	9/17/19	
24.2-611	B. The State Board shall provide the pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. The State Board shall make available a numerical check sheet a numerical check sheet required to be used with pollbooks in printed form to determine the consecutive number to be recorded with the name of the voter by the officer of election. In electronic pollbooks, the consecutive number shall be entered automatically when the officer of election records that the voter has voted. When the name	D	9/17/19	

	and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, or on a separate form if an electronic pollbook is used, certifying the number of qualified registrants who have voted. The State Board shall provide instructions to the local electoral boards, general registrars, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and recording each voter's name including voters unable to enter the polling place and for verifying the accurate entry of the voting record for each registrant on the Virginia Voter Registration System.			
24.2-611	D. Any locality may expend its own funds to purchase electronic pollbooks that have been <u>approved for use in elections by the State Board.</u>	B	9/17/19	
24.2-611	E. In the event that the electronic pollbooks for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, in accordance with the instructions and materials approved by the State Board , shall (i) maintain a written list of the persons voting and (ii) provide to each person voting a provisional ballot to be cast as provided in § <u>24.2-653</u> .	B	9/17/19	
24.2-613	A. <u>The ballots shall comply with the requirements of this title and the standards prescribed by the State Board.</u>	B	9/17/19	
24.2-613	<u>For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties.</u> For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.	B	9/17/19	

24.2-613	C. Except as provided for primary elections, <u>the State Board shall determine by lot the order of the political parties</u> , and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent", and their names shall be placed on the ballot after the political parties and recognized political parties. Where there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office.	B	9/17/19	
24.2-613	D. In preparing the printed ballots for general, special, and primary elections, <u>the State Board and general registrars shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates for whom votes may be cast for that office.</u> For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than ____."	D	9/17/19	
24.2-613	F. Any locality that uses machine-readable ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.	D	9/17/19	
24.2-614	As soon as practicable after the seventy-fourth day before the presidential election, <u>the State Board shall certify</u> to the general registrar of each county and city the form of official ballot for the presidential election which shall be uniform throughout the Commonwealth. Each general registrar shall have the official ballot printed at least 45 days preceding the election.	D	9/17/19	
24.2-614	<u>Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the order of the groups shall be determined by lot by the State Board;</u> and the groups shall immediately precede the independent class on the ballot. The names of the candidates within the independent class shall be listed alphabetically.	B	9/17/19	

24.2-625.1	The general registrar and the State Board shall provide the electoral board assistance, upon request.	D	9/17/19	
24.2-625.1	D. The electoral board of each county and city that utilizes electronic voting systems shall develop and annually update written plans and procedures to ensure the security and integrity of its electronic voting systems. <u>The general registrar and the State Board shall provide the electoral board assistance, upon request.</u>	D	9/17/19	
24.2-626 (eff. 07/01/2020)	A. <u>The governing body of each county and city shall provide for the use of electronic voting systems, of a kind approved by the State Board, at every precinct and for all elections held in the county, the city, or any part of the county or city.</u>	B	9/17/19	2017: SBE decertifies DREs making current 24.2-626 obsolete.
24.2-626	Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such systems and may provide for the payment therefore in the manner it deems proper. <u>Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.</u>	D	9/17/19	
24.2-627	C. For purposes of applying this section, a general registrar may exclude persons voting absentee in his calculations, and if he does so shall send to the Department a statement of the number of voting systems to be used in each precinct. <u>If the State Board finds that the number of voting systems is not sufficient, it may direct the general registrar to use more voting systems.</u>	D	9/17/19	
24.2-629	A. <u>Any person, firm, or corporation hereinafter referred to as the "vendor," manufacturing, owning, or offering for sale any electronic voting or counting system and ballots designed to be used with such equipment may apply to the State Board,</u>	D	9/17/19	
24.2-629	<u>in the manner prescribed by the Board, to have examined a production model of such equipment and the ballots used with it.</u>	B	9/17/19	
24.2-629	The Board <u>may require the vendor to pay a reasonable application fee when he files his request for testing or certification of new or upgraded voting equipment</u>	B	9/17/19	

24.2-629	Receipts from such fees shall be credited to the Board for reimbursement of testing and certification expenses.	D	9/17/19	
24.2-629	In addition to any other materials that may be required, <u>a current statement of the financial status of the vendor, including any assets and liabilities, shall be filed with the Board</u> ; if the vendor is not the manufacturer of the equipment for which application is made, such a statement shall also be filed for the manufacturer. These statements shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). <u>The Board shall require, at a site of its choosing, a demonstration of such equipment and ballots and may require that a production model of the system and a supply of ballots</u>	B	9/17/19	
24.2-629	<u>be provided to the Board for testing purposes.</u>	D	9/17/19	
24.2-629	<u>The Board shall also require the vendor to provide documentation of the practices recommended by the vendor to ensure the optimum security and functionality of the system.</u>	B	9/17/19	
24.2-629	B. <u>The Board may approve any kind of electronic voting system that meets the following requirements:</u> 1. It shall provide clear instructions for voters on how to mark or select their choice and cast that vote. 2. It shall provide facilities for voting for all offices at any election and on as many questions as may be submitted at any election. 3. It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate. 4. It shall require votes for presidential and vice presidential electors to be cast for the presidential and vice presidential electors of one party by one operation. The ballot shall contain the words "Electors for" preceded by the name of the party or other authorized designation and followed by the names of the candidates for the offices of President and Vice President. 5. It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to	B	9/17/19	

	<p>prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.</p> <p>6. It shall enable the voter to cast a vote on any question on which he is lawfully permitted to vote, but no other.</p> <p>7. It shall provide the voter with an opportunity to correct any error before a ballot is cast.</p> <p>8. It shall correctly register or record and accurately count all votes cast for candidates and on questions.</p> <p>9. It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.</p> <p>10. It shall be provided with a counter that at all times during an election shall show how many persons have voted.</p> <p>11. It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.</p> <p>12. It shall be programmable to allow ballots to be separated when necessary.</p> <p>13. Ballot scanner machines shall report, if possible, the number of ballots on which a voter undervoted or overvoted.</p>			
24.2-629	<p>C. After its examination of the equipment, ballots, and other materials submitted by the vendors, the Board shall prepare and file in its office a report of its finding as to (i) the apparent capability of such equipment to accurately count, register, and report votes; (ii) whether the system can be conveniently used without undue confusion to the voter; (iii) its accessibility to voters with disabilities; (iv) whether the system can be safely used without undue potential for fraud; (v) the ease of its operation and transportation by voting equipment custodians and officers of election; (vi) the financial stability of the vendor and manufacturer; (vii) whether the system meets the requirements of this title; (viii) whether the system meets federal requirements;</p>	D	9/17/19	
24.2-629	<p>(ix) whether issues of reliability and security identified with the system by other state governments have been adequately addressed by the vendor; and (x) whether, in the opinion of the Board, the potential for approval of such system is such as to justify further examination and testing.</p>	B	9/17/19	
24.2-629	<p>D. If the Board determines that there is such potential and prior to its final determination as to approval or disapproval of such system, the Board shall obtain a report by an independent electronics or engineering consultant as to (i) whether the system accurately counts, registers, and reports votes; (ii) whether it is capable of storing and retaining existing votes in a permanent memory in the event of power failure during and after the election; (iii) the number of separate memory capabilities for the storage of recorded votes; (iv) its mechanical and electronic perfections and imperfections; (v) the audit trail provided by the system; (vi) the anticipated frequency of repair; (vii) the ease of repair; (viii) the anticipated life of the</p>	D	9/17/19	

	equipment; (ix) its potential for fraudulent use; (x) its accessibility to voters with disabilities; (xi) the ease of its programming, transportation, and operation by voting equipment custodians and officers of election;			
24.2-629	and (xii) any other matters deemed necessary by the Board .	B	9/17/19	Board delegated authority to obtain report but retained authority to determine "any other matters deemed necessary by the Board.
24.2-629	<u>The report of the consultant shall be filed in the office of the Board.</u>	D	9/17/19	
24.2-629	E. In preparing the reports cited in subsections C and D, the Board shall require, as a <u>condition of certification, that the system is comprehensively examined by individuals including at least one expert in election management and one in computer system security. The Board shall develop, in conjunction with the above listed individuals, a specific set of items to be examined and tested as part of the certification process to further elaborate on the requirements identified in this section.</u>	B	9/17/19	
24.2-629	F. <u>If the Board determines that there is potential for approval of the system and prior to its final determination, the Board shall also require that the system be tested in an actual election in one or more counties or cities.</u> Its use at such election shall be as valid for all purposes as if it had been legally approved by the Board and adopted by the counties or cities.	B	9/17/19	
24.2-629	G. <u>If, following testing, the Board approves any voting system and its ballots for use,</u>	B	9/17/19	
24.2-629	<u>the Board shall so notify the electoral boards of each county and city.</u> Systems so approved may be adopted for use at elections as herein provided. No form of electronic system and ballots not so approved shall be adopted by any county or city.	D	9/17/19	

24.2-629	<u>Any electronic system and ballots approved for use by the Board shall be deemed to meet the requirements of this title and any applicable federal laws, and their use in any election shall be valid.</u>	B	9/17/19	
24.2-629	<u>I. The Board shall have the authority to investigate, at its discretion, any voting system certified in Virginia to ensure that it continues to meet the standards outlined in subsections C and D.</u>	B	9/17/19	
24.2-629	<u>The Board may, at its discretion, decertify any voting system based on significant problems detected with the voting system in Virginia or on reports provided by federal authorities or other state election officials.</u>	B	9/17/19	
24.2-630	<u>With the approval of the State Board, the governing body of any county, city, or town may provide for the experimental use at an election in one or more election districts or precincts of a voting or counting system which it might legally adopt without a formal adoption thereof, and its use at such election shall be valid for all purposes.</u>	B	9/17/19	
24.2-631	<u>The State Board is authorized to approve the experimental use of voting or counting systems and ballots for the purpose of casting and counting absentee ballots in one or more counties and cities designated by the Board (i) that have established central absentee voter election districts</u>	B	9/17/19	
4.2-631	<u>and (ii) whose electoral board submits to the Board for approval a plan for the use of such system and ballots.</u>	D	9/17/19	
24.2-631	<u>The Board is also authorized to approve the experimental use of voting or counting systems and ballots in one or more precincts in any county or city whose electoral board</u>	B	9/17/19	
24.2-631	<u>submits to the Board for approval a plan for such use.</u> The use of such systems and ballots at an election shall be valid for all purposes.	D	9/17/19	
24.2-632	A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board shall employ one or more persons, to be known as custodians of voting equipment.	D	9/17/19	

	The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. <u>With the approval of the State Board, the electoral board may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment.</u>			
24.2-638	The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, the names of the voters who used the machine while it was removed provided that <u>secrecy of the ballot is maintained in accordance with guidance from the State Board</u> , and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results.	B	9/17/19	
24.2-643	Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § <u>24.2-653</u> . The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.	D	9/17/19	
24.2-643	If the voter's name is found on the pollbook, if he presents one of the forms of identification listed above, if he is qualified to vote in the election, and if no objection is made, <u>an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board</u> , or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth.	D	9/17/19	
24.2-643	C. If the current residence address stated by the voter is different from the address shown on the pollbook, the officer of election <u>shall furnish the voter with a change of address form prescribed by the State Board</u> . Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.) of this title.	B	9/17/19	
24.2-643	D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, <u>he shall be furnished with a voter registration form prescribed by the State Board</u>	B	9/17/19	

	to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.			
24.2-644	The declaration of intent shall be <u>on a form prescribed by the State Board</u> and shall include a list of presidential electors pledged to those candidates which equals the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States. A write-in vote cast for candidates for President and Vice-President, or for a candidate for President only, shall be counted for the individual electors listed on the declaration of intent as pledged to those candidates.	B	9/17/19	
24.2-649	The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § 24.2-646 or a machine-readable ballot in the ballot scanner machine in accordance with the instructions of the State Board.	D	9/17/19	
24.2-649	The officer of election or other person so designated shall not enter the booth with the voter unless (i) the voter signs a request stating that he requires assistance by reason of physical disability or inability to read or write and (ii) the officer of election or other person signs a statement that he is not the voter's employer or an agent of that employer, or an officer or agent of the voter's union, and that he will act in accordance with the requirements of this section. <u>The request and statement shall be on a single form furnished by the State Board.</u> If the voter is unable to sign the request, his own mark acknowledged by him before an officer of election shall be sufficient signature. If the voter being assisted is blind, neither the request nor the statement shall be required to be signed and an officer of election shall advise the voter and person assisting the voter of the requirements of this section and record the name of the voter and the name and address of the person assisting him	B	9/17/19	
24.2-649	<u>If a printed ballot is used, the officer or other person so designated shall deposit the ballot in the ballot container in accordance with § 24.2-646 or in the ballot scanner machine in accordance with the instructions of the State Board.</u>	D	9/17/19	
24.2-651	The individual making the challenge shall complete and sign the following statement on a form provided by the State Board:	D	9/17/19	

24.2-651	When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, <u>and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	9/17/19	
24.2-651.1	The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots.	D	9/17/19	
24.2-652	When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the next consecutive number from the voter count form, or shall enter that the voter has voted if the pollbook is in electronic form, and <u>shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</u>	D	9/17/19	
24.2-653	<u>The officers of election shall enter the appropriate information for the person precinct provisional ballot log in accordance with the instructions of the State Board</u> but shall not enter a consecutive number for the voter nor otherwise mark his name as having voted.	D	9/17/19	
24.2-653.1	B. Such person shall be given a printed ballot and be permitted to vote the provisional ballot in accordance with the provisions of § <u>24.2-653</u> and the instructions of the State Board.	D	9/17/19	
24.2-653.1	The electoral board shall process the ballot in accordance with the provisions of § <u>24.2-653</u> and the instructions of the State Board.	D	9/17/19	
24.2-653	C. Whenever the polling hours are extended by an order of a court of competent jurisdiction, any ballots marked after the normal polling hours by persons who were not already in line at the time the polls would have closed, notwithstanding the court order, shall be treated as provisional ballots under this section. The officers of election shall mark the green envelope for each such provisional ballot to indicate that it was cast after normal polling hours due to the court order, and when preparing the materials to deliver to the registrar or electoral board, shall separate these provisional ballots from any provisional ballots used for any other reason. The electoral board shall treat these provisional ballots as provided in subsection B of this section; however, the counted and uncounted provisional ballots marked after the normal polling hours shall be kept separate from all other ballots and recorded in a separate provisional ballots pollbook. <u>The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to this section</u>	B	9/17/19	Board approved Procedures on 4/26/05

24.2-654	<u>In ascertaining the vote, the officers of election shall complete a statement of results in duplicate on the form and in the manner prescribed by the State Board.</u>	D	9/17/19	
24.2-659	F. The voting systems described in subsections A, B, C, and D shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ <u>24.2-800 et seq.</u>) has passed and, if any contest or recount is pending thereafter, until it has been concluded. <u>Such machines and any envelope containing data storage devices shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board, or the electoral board or general registrar at the direction of the State Board, in order to ensure the accuracy of the returns. In the event that machines and data storage devices are examined under clause (ii), each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board, local electoral board, or general registrar shall provide such parties and candidates reasonable advance notice of the examination.</u>	D	9/17/19	
24.2-666	<u>The State Board shall prescribe appropriate forms and procedures for use by the local electoral boards, general registrars, and officers of election to account for all paper ballots, used and unused.</u>	D	9/17/19	
24.2-668	A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets <u>in the envelopes provided by the State Board</u> . The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.	D	9/17/19	
24.2-668	The clerk shall retain custody of the pollbooks until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks may be needed as evidence and there is no proceeding pending. After that time the clerk shall deliver the pollbooks to <u>the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board</u> as directed by § 24.2-114 for voting credit purposes.	D	9/17/19	

24.2-668	After the pollbooks are returned by the State Board , the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.	D	9/17/19	
24.2-668	C. If an electronic pollbook is used, the data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, <u>provided that the records for the election have been transferred or printed according to the instructions of the State Board.</u>	D	9/17/19	
24.2-669	The clerk to whom the counted and uncounted ballots are delivered shall, without breaking the seal, deposit them in a secure place in his office, where they shall be kept for the time required by this section. <u>He shall not allow the ballots to be inspected except (i) by an authorized representative of the State Board</u>	D	9/17/19	
24.2-669	or by the electoral board at the direction of the State Board to ensure the accuracy of the <u>returns or the purity of the election,</u> (ii) by the officers of election, and then only at the direction of the electoral board in accordance with § 24.2-672 when the provisions of § 24.2-662 have not been followed, or (iii) on the order of a court before which there is pending a proceeding for a contest or recount under Chapter 8 (§ 24.2-800 et seq.) of this title or before whom there is then pending a proceeding in which the ballots are necessary for use in evidence, , or (iv) for the purpose of conducting an audit as part of a post-election pilot program pursuant to § 24.2-671.1. In the event that ballots are inspected under clause (i), (ii), or (iv) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such inspection. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. <u>The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the inspection.</u>	D	9/17/19	
24.2-671	Beginning with the general election in November 2007, a report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent change to the official abstract of votes made by the local electoral board shall be <u>forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.</u>	D	9/17/19	

24.2-674	If any two or more persons have an equal number of votes and a higher number than any other person for member of the General Assembly or of the Congress of the United States, or elector of President and Vice-President of the United States, the State Board of Elections <u>shall proceed publicly to determine by lot which of them shall be declared elected.</u> Reasonable notice shall be given to such candidates of the time when such elections shall be so determined; and if they, or either of them, shall fail to appear in accordance with such notice, the Board <u>shall proceed so as to determine the election</u> in their absence.	B	9/17/19	
24.2-675	The abstracts shall be certified and signed by the electoral board, attested by the secretary, and retained by the electoral board as part of its records. <u>A copy of each, certified under the official seal of the electoral board, shall immediately be mailed or delivered by hand to the State Board.</u>	D	9/17/19	
24.2-675	The State Board <u>shall require the electoral board of any county or city to correct any errors found on such abstracts prior to completing the requirements of § 24.2-679.</u>	D	9/17/19	
24.2-677	The State Board , <u>on receipt of the certified abstracts of the votes given in the several counties and cities, shall open the abstracts and record and carefully preserve them.</u>	D	9/17/19	
24.2-678	<u>If the State Board has not received the abstracts of votes from any county or city within seven days after any election, it shall dispatch a law-enforcement officer to obtain a copy of the abstract from the official having charge thereof.</u>	D	9/17/19	
24.2-678	That official shall immediately, on demand of the officer, make out and deliver to him the copy required, and <u>the officer shall deliver the abstract to the State Board</u> without delay.	D	9/17/19	
24.2-679	A. The State Board <u>shall meet on the third Monday in November to ascertain the results of the November election.</u> If a majority of the Board is not present or if, for any other reason, the Board is unable to ascertain the results on that day, the meeting shall stand adjourned from day to day for not more than three days until a quorum is present and the Board has ascertained the results as provided in this section.	B	9/17/19	
24.2-679	The Board <u>shall examine the certified abstracts on file in its office and make statements of the whole number of votes given at any such election</u> for members of the General Assembly, Governor, Lieutenant Governor and Attorney General, members of the United States Congress and electors of President and Vice-President of the United States, and any officer shared by more than one county or city, or any combination thereof, or for so many of such officers as have been voted for at the election.	B	9/17/19	
24.2-679	The statement shall show, for each office and each county, city, and election district, the whole number of votes given to each candidate and to any other person elected to office. The Board <u>members shall certify the statements to be correct and sign the statements.</u>	B	9/17/19	
24.2-679	The Board <u>shall then determine those persons who received the greatest number of votes and have been duly elected to each office.</u>	B	9/17/19	

242-679	The Board members shall endorse and subscribe on such statements a certificate of their <u>determination.</u>	B	9/17/19	
24.2-679	The Board shall record each certified statement and determination in a suitable book to be kept by it in its office.	D	9/17/19	
24.2-679	B. The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A. If the returns have not been received within seven days of the election, the Board shall meet and adjourn from day to day until it receives the returns, ascertains the results, and makes its determination.	B	9/17/19	
24.2-680	Subject to the requirements of § 24.2-922, the State Board shall without delay complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office.	B D	9/17/19	Board to complete certificates and Department to transmit certificates.
24.2-680	In the election of a member of the United States Congress, it shall also forward a certificate of election to the clerk of the United States Senate or House of Representatives, as appropriate.	D	9/17/19	
24.2-680	The names of members elected to the General Assembly shall be certified by the State Board to the clerk of the House of Delegates or Senate, as appropriate.	B	9/17/19	
24.2-680	The names of the persons elected Governor, Lieutenant Governor, and Attorney General shall be certified by the State Board to the clerks of the House of Delegates and Senate.	B	9/17/19	
24.2-680	The name of any officer shared by more than one county or city, or any combination thereof, shall be certified by the State Board to the clerk of the circuit court having jurisdiction in each affected county or city.	B	9/17/19	
24.2-680	The names of the persons elected to soil and water conservation districts shall be certified by the State Board to the Director of the Department of Conservation and Recreation.	B	9/17/19	
			9/17/19	
24.2-701	A. The State Board shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.	D	9/17/19	

24.2-701	The State Board shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet.	D	9/17/19	
24.2-701	Electronic absentee ballot applications shall be in a form approved by the State Board .	B	9/17/19	
24.2-701	B. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.	B	9/17/19	Board approved Procedures on 4/26/05
24.2-701	Any other application may be made by mail, electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or the office of the State Board if a device is not available locally, or other means.	D	9/17/19	
24.2-701.1	The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.	B	9/17/19	
24.2-703	The general registrar shall retain the application and process the applicant's request for an absentee ballot for each election in accordance with procedures established by the State Board . The applicant shall specify by party designation the primary ballots he is requesting.	D	9/17/19	
24.2-703.1	Any person who is eligible for an absentee ballot under subdivision 4 of § 24.2-700 because of a disability or illness and who is likely to remain so eligible for the remainder of the calendar year shall be eligible to file a special annual application to receive ballots for all elections in which he is eligible to vote in a calendar year. <u>His first such application shall be accompanied by a statement, on a form prescribed by the State Board and signed by the voter and his physician, provider as defined in § 37.2-403, or accredited religious practitioner, that the voter is eligible for an absentee ballot under subdivision 4 of § 24.2-700 and likely to remain so eligible for the remainder of the calendar year.</u>	B	9/17/19	
24.2-703.1	<u>In accordance with procedures established by the State Board, the general registrar shall retain the application and form, enroll the applicant on a special absentee voter applicant list, and process the applicant's request</u> for an absentee ballot for each succeeding election in the calendar year. The applicant shall specify by party designation the primary ballots he is requesting.	D	9/17/19	

24.2-703.2	The voter and representative shall complete the form prescribed by the State Board to <u>implement the provisions of this section.</u> The form shall include a statement signed by the voter that he did not receive the ballot or has lost the ballot. Statements on the form shall be subject to felony penalties for making false statements pursuant to § 24.2-1016.	B	9/17/19	
24.2-704	<u>On receipt of an application from an applicant marked to indicate he will require assistance, the general registrar shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649.</u>	D	9/17/19	
24.2-705	The application shall be on a form prescribed by the State Board and shall require the applicant (i) to state the cause of his incapacity, (ii) to state that he is unable to be present at the polls on election day, and that he was either incapacitated on or after the seventh day preceding the election or hospitalized on or after the fourteenth day preceding the election and unable to request the application earlier than the seventh day preceding the election, (iii) to designate a representative to receive, deliver and return the ballot, and (iv) to provide other information required by law for an absentee ballot application.	B	9/17/19	
24.2-706	The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program. The voted ballot shall be returned to the general registrar as otherwise required by this chapter.	B	9/17/19	
24.2-709	<u>Notwithstanding the provisions of subsection A, absentee ballots (i) received after the close of the polls on any election day, (ii) received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election pursuant to this title, (iii) requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612, and (iv) cast by an absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700 shall be counted pursuant to the procedures set forth in this chapter and, if the voter is found entitled to vote, included in the election returns.</u>	B	9/17/19	
24.2-709	The electoral board shall prepare an amended certified abstract, which shall include the results of such ballots, and shall deliver such abstract to the State Board by the business day prior to its meeting pursuant to this title, and shall deliver a copy of such abstract to the general registrar to be available for inspection when his office is open for business.	B	9/17/19	
24.2-710	On the day before the election, the general registrar shall (i) <u>make out in triplicate on a form prescribed by the State Board the absentee voter applicant list</u> containing the names of all persons who applied for an absentee ballot through the third day before the election and (ii) by noon on the day before the election, deliver two copies of the list to the electoral board. The general registrar shall make out a supplementary list containing the names of all persons voting absentee in person pursuant to §§ 24.2-705.1 and 24.2-705.2, or applying to vote absentee pursuant to § 24.2-705, for delivery by 5:00 p.m. on the day before the election. <u>The supplementary list shall be deemed part of the absentee voter applicant list and shall be prepared and delivered in accordance with the instructions of the State Board.</u> The general	D	9/17/19	

	registrar shall maintain one copy of the list in his office for two years as a public record open for inspection upon request during regular office hours.			
24.2-710	Upon request, the State Board shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such lists shall be used only for campaign and political purposes. In no event shall any list furnished under this section contain (i) any voter's social security number or any part thereof, (ii) any voter's day and month of birth, or (iii) the residence address of any voter who has provided a post office box address to be used on public lists pursuant to § 24.2-418.	D	9/17/19	
24.2-711	Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the voting record column on the pollbook. The pollbook may be so marked prior to election day by the general registrar, the secretary of the electoral board, or staff under the direction of the general registrar or the secretary, or when the pollbook is produced by the State Board pursuant to § 24.2-404. If the pollbook has been marked prior to election day, before the polls open the officers of election at each precinct shall check the marks for accuracy and make any additions or corrections required.	D	9/17/19	
24.2-711.1	The electoral board of each county and city shall send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot is rejected within ninety days of the date on which the ballot is rejected. <u>The State Board of Elections shall promulgate instructions to implement the provisions of this section.</u>	D	9/17/19	
24.2-801.1	Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so <u>notify the State Board</u> by letter as soon as possible after election day.	D	9/17/19	
24.2-801.1	If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 <u>the State Board shall</u> , within 24 hours of the certification of the results, <u>notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia</u> (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified.	D	9/17/19	

24.2-802	A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting systems, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the voting system and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.	B	9/17/19	
24.2-802	B. After the full court is appointed under § 24.2-801 or § 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. <u>The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court.</u> The court shall fix procedures that shall provide for the accurate determination of votes in the election.	D	9/17/19	
24.2-802	After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum.	B	9/17/19	
24.2-813	In deciding any contest of a primary election, if the court can determine the candidate who has received a plurality of valid votes in the primary, it shall certify the name of that candidate to the State Board and the proper electoral board or boards.	B	9/17/19	
24.2-813	In deciding any contest of a primary election, if the court can determine the candidate who has received a plurality of valid votes in the primary, <u>it shall certify the name of that candidate to the State Board</u> and the proper electoral board or boards.	B	9/17/19	
24.2-900 through 24.2-944	<i>Repealed by Acts 2006. Everything moved to 24.2-945 through 959.1.</i>			<i>Added to list 3/2019</i>

24.2-945.2	B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. <u>The reports shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the general registrar of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office.</u>	D	9/17/19	
24.2-945.2	C. Independent expenditure reports required by this section may be filed electronically pursuant to § 24.2-946.1 or in writing <u>on a form developed by the State Board</u> . If the report is filed in writing, the report shall be (i) <u>received by the State Board</u> or the general registrar, as appropriate, within 24 hours of the time when the funds were expended or (ii) <u>transmitted to the State Board</u> or the general registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report <u>mailed to the State Board</u> or the general registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended.	D	9/17/19	
24.2-946	A. <u>The State Board shall summarize the provisions of the election laws relating to the Campaign Finance Disclosure Act of 2006 and provide for distribution of this summary and prescribed forms to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first.</u>	D	9/17/19	
24.2-946	B. <u>The Board shall designate the forms required for complying with this chapter which shall be the only such forms used in complying with the provisions of this chapter.</u>	B	9/17/19	
24.2-946	C <u>The Board shall provide, with the summary required by this section, instructions for persons filing reports pursuant to this chapter to assist them in completing the reports. The instructions shall include directions for the reporting of filing fees for any party nomination method.</u>	D	9/17/19	
24.2-946	D. <u>The Board shall provide instructions for candidates who seek election for successive terms in the same office for the filing of reports within each appropriate election cycle for the office and for the aggregation of contributions within each election cycle.</u>	D	9/17/19	
24.2-946	E. <u>The Board shall provide, with the summary required by this section, to each candidate, person, or committee on request or upon their first filing with the State Board pursuant to this chapter, whichever occurs first, a copy of a written explanation prepared by the <u>Attorney General</u> of the provisions of the Act that prohibit the personal use of campaign funds.</u>	D	9/17/19	

24.2-946.1	A. <u>The State Board of Elections shall review or cause to be developed and shall approve standards for the preparation, production, and transmittal by computer or electronic means of the campaign finance reports required by this chapter.</u>	B	9/17/19	
24.2-946.1	A. ... <u>The State Board may prescribe the method of execution and certification of ... electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board.</u>	D	9/17/19	
24.2-946.1	A. ... <u>The State Board may prescribe ...the procedures for receiving electronically filed campaign finance reports required by this chapter in the office of the State Board or any local electoral board.</u>	D	9/17/19	
24.2-946.1	A. ... <u>The State Board may provide campaign finance report-creation software to filers without charge or at a reasonable cost.</u>	D	9/17/19	
24.2-946.1	B. <u>The State Board shall accept any campaign finance report filed by candidates for the General Assembly and statewide office by computer or electronic means in accordance with the standards approved by the Board and using software meeting standards approved by it.</u>	D	9/17/19	
24.2-946.1	B. ... <u>This information shall be made available to the public promptly by the Board through the Internet.</u>	D	9/17/19	
24.2-946.1	C. <u>The State Board of Elections shall develop and implement a centralized system to accept reports from any candidate for local or constitutional office. Such reports shall be filed in accordance with, and using software that meets, standards approved by the State Board.</u>	B	9/17/19	
24.2-946.1	C. ... <u>The State Board shall promptly notify the general registrar of the locality in which a candidate resides and make the information contained in the report available to the general registrar.</u>	D	9/17/19	
24.2-946.1	C. ... <u>In the case of a former candidate who is no longer seeking election but has not yet filed a final report as required by § 24.2-948.4, the State Board shall promptly notify the general registrar of the locality in which he sought office and make the information contained in the report available to such general registrar.</u>	D	9/17/19	

24.2-946.1	D. The State Board shall enter or cause to be entered into a campaign finance database, available to the public through the Internet, the information from required campaign finance reports filed by computer, electronic, or other means by candidates for the General Assembly and statewide office.	D	9/17/19	
24.2-946.1	E. Other campaign finance reports required by this chapter <u>to be filed by a committee with the State Board or a general registrar, or both, may be filed electronically on terms <u>agreed to by the committee and the Board.</u></u>	D	9/17/19	
24.2-946.2	A. ... Upon request from an individual granted protected voter status under the provisions of subsection B of § 24.2-418, <u>the State Board shall replace the individual's residence address in copies of campaign finance reports available to the public with the individual's alternative mailing address found in the Virginia voter registration system.</u>	D	9/17/19	
24.2-946.2	B. The following applies to campaign finance reports filed by candidate campaign committees: 2. <u>The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least one year after the final report is filed, or through the next general election for the office to which they pertain, whichever is later; or in the case of a candidate who has not filed a final report and seeks election to the same office in a successive election, through the next general election for the office to which they pertain. Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).</u>	D	9/17/19	
24.2-946.2	C. The following applies to campaign finance reports filed by political committees: 2. <u>The State Board shall file and preserve as part of its records the reports required to be filed with it by this chapter for at least four years after the reporting deadline or one year after the final report is filed. Thereafter, the State Board shall forward the reports it preserves to The Library of Virginia for preservation under the Virginia Public Records Act (§ 42.1-76 et seq.).</u>	D	9/17/19	
24.2-946.3	A. <u>It shall be the duty of the State Board to report any violation of the provisions of this chapter to the appropriate attorney for the Commonwealth. The State Board shall report to the attorney for the Commonwealth of the City of Richmond in the case of reporting requirements for campaign committees for statewide office and to the attorney for the Commonwealth of the county or city of the residence of a candidate for the General Assembly. For political committees, the State Board shall report the violation to the attorney for the Commonwealth of the City of Richmond. If all the officers of a political committee are residents of one county or city as shown on the statement of organization required by this chapter, the State Board shall report violations for that political committee to the attorney for the Commonwealth of that county or city.</u>	D	9/17/19	
24.2-946.3	C. In order to fulfill the duty to report violations pursuant to subsections A and B, <u>the Board shall establish and implement a system for receiving, cataloging, and reviewing reports filed pursuant to the provisions of this chapter and for verifying that reports are complete and submitted on time.</u> As part of the system referred to in this subsection, the general registrar	D	9/17/19	

	for each county and city shall be required, in accordance with instructions provided by the Board , to receive, catalog, and review the reports filed with the general registrar and to verify that the reports are complete and submitted on time.			
24.2-946.3	D. The State Board , and the general registrar in accordance with the instructions of the State Board, (i) shall assess and collect the civil penalties provided in Article 8 (§ 24.2-953 et seq.) and (ii) if unable to collect the penalty, shall report the violation to the appropriate attorney for the Commonwealth for enforcement.	D	9/17/19	
24.2-946.3	E. The State Board , or the general registrar in accordance with the instructions of the State Board, shall notify, no later than 21 days after the report due date, any person submitting an incomplete report of the need for additional information. The State Board , or the general registrar in accordance with the instructions of the State Board, may request additional information to correct obvious mathematical errors and to fulfill the requirements for information on the reports.	D	9/17/19	
24.2-946.3	F. Upon notice of a violation of this chapter, the State Board or the general registrar shall within 90 days of the report deadline notify the appropriate attorney for the Commonwealth, who shall initiate civil proceedings to enforce the civil penalties assessed by the State Board or the general registrar as provided herein. Any civil penalties collected pursuant to action by the State Board shall be payable to the State Treasurer for deposit to the general fund, and any civil penalties collected pursuant to action by a general registrar shall be payable to the treasurer of the locality for deposit to its general fund.	B	9/17/19	
24.2-946.3	G. In the case of any political committee that is required to file a statement of organization pursuant to this chapter, the State Board shall be authorized to waive a penalty that has been assessed if the filer demonstrates that there exists good cause to waive the penalty.	B	9/17/19	
24.2-946.3	H. The State Board shall notify the public through its official Internet website of any violation based on the failure to file a required report by a candidate for statewide office or the General Assembly and the identity of the violator.	D	9/17/19	
24.2-946.3	I. The State Board shall determine the schedule of civil penalties required to be followed by its staff and general registrars in assessing penalties under this chapter. No election official or staff may waive or reduce such penalties, except as provided in 24.2-946.4.	B	9/17/19	
24.2-946.4	A. The State Board shall provide instructions to filers for delivery of campaign finance reports within the time periods prescribed by law.	D	9/17/19	

24.2-946.4	B. Notwithstanding any other provision of law, any candidate or treasurer required to file a report pursuant to this chapter shall be entitled to a 72-hour extension of the filing deadline if his spouse, parent, grandparent, child, grandchild, or sibling died within the 72 hours before the deadline. <u>The State Board</u> or the general registrar shall be authorized to grant an extension of the filing deadline for a period not to exceed five days for good cause shown by the filer and found by the Board or registrar sufficient to justify the granting of the extension.	D	9/17/19	
24.2-946.4	E. <u>The State Board</u> shall have authority to extend any deadline applicable to reports required to be filed by computer or electronic means in the event of a failure of the computer or electronic filing system that prevents timely filing. The extension shall not exceed a period of up to five days after restoration of the filing system to operating order.	D	9/17/19	
24.2-946.4	F. <u>The State Board</u> shall have authority also to grant extensions as provided in §§ 24.2-503 and 24.2-948.3.	B	9/17/19	
24.2-946.5	A. <u>The State Board</u> or the general registrar of any county or city may close the file of any candidate campaign committee or political committee required to file with it provided the committee and the Board or registrar cannot locate either the candidate or his campaign treasurer, or in the case of any political committee, the Board or registrar cannot locate the treasurer or custodian of the books of the committee. A candidate campaign committee file shall not be closed if the candidate has filed a report with the Board or registrar for any campaign for any office within the prior five years. A political committee file shall not be closed if the committee has filed a report within the prior five years.	B	9/17/19	
24.2-946.5	B. Once the committee's file has been closed, no more reports will be due and no additional penalties for failure to file will accrue. However, if the whereabouts of the candidate or his campaign treasurer, or in the case of any political committee, the treasurer or custodian of the books of the committee, later becomes known to <u>the Board</u> or registrar, it may reopen the file and send notice to the candidate, or in the case of any political committee, the treasurer or custodian of the books of the committee, requesting that he file the appropriate reports and pay any penalties that were levied before the file was closed by it.	B	9/17/19	
24.2-947.1	B. Candidates for statewide office shall file the statement with the State Board . Candidates for the General Assembly shall file the statement with the State Board and a copy of the statement with the general registrar of the locality of the candidate's residence. Candidates for local or constitutional office shall file the statement with the general registrar and, if the statement indicates that the candidate committee will be filing electronically, a copy with the State Board .	D	9/17/19	
24.2-947.1	D. In the case of any candidate who seeks election for successive terms in the same office, the statement of organization filed by the candidate shall continue in effect for such successive elections, but the candidate shall file notice of any changes in the information provided on the form within 10 days of the change with the State Board , local electoral board, or both, as appropriate.	D	9/17/19	

24.2-947.3	B. In the event of the death, resignation, removal, or change of the treasurer, <u>the candidate shall designate a successor and file the name and address of the successor within 10 days of the change with the State Board</u> , general registrar, or both, as provided in subsection B of 24.2-947.1.	D	9/17/19	
24.2-947.3:1	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, <u>the candidate campaign committee shall</u> (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) <u>verify that number with the State Board</u> .	D	9/17/19	
24.2-947.4	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board</u> and shall include all financial activity of the campaign committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § <u>24.2-1016</u> .	D	9/17/19	
24.2-947.4	F. <u>The State Board shall provide for a "no activity" report</u> that may be filed for any reporting period in which the filer has no activity to report.	B	9/17/19	
24.2-947.5	A. Candidates for statewide office and for the General Assembly shall file the reports required by this article by computer or electronic means in accordance with the standards approved by the State Board.	B	9/17/19	
24.2-947.5	B. <u>Candidates for local or constitutional office in any locality with a population of more than 70,000 shall file reports required by this article with the State Board</u> by computer or electronic means in accordance with the standards approved by the State Board . <u>All other candidates for local or constitutional office may file reports required by this article with the State Board</u> by computer or electronic means in accordance with the standards approved by the State Board . Candidates who file by electronic means with the State Board are not required to file reports with the general registrar of the locality in which the candidate resides.	D	9/17/19	
24.2-947.5	E. Any report that may be filed with the State Board by mail shall be (i) received by the State Board by the deadline for filing the report or (ii) transmitted to the State Board by telephonic transmission to a facsimile device by the deadline for filing the report with an original copy of the report mailed to the State Board and postmarked by the deadline for filing the report.	D	9/17/19	
24.2-947.9	B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy on and after the eleventh day preceding (i) a primary and before the primary date, (ii) a general election and before the general election date, or (iii) any other election in which	D	9/17/19	

	the individual is a candidate and before the election day, shall be reported in writing as provided in 24.2-947.4 and 24.2-947.5 or electronically pursuant to 24.2-946.1, and the report shall be received by the State Board or general registrar, as appropriate, by 11:59 p.m. on the following day or for a contribution received on a Saturday by 11:59 p.m. on the following Monday.			
24.2-948.1	A. ... The request for an exemption shall be filed with the general registrar of the county or city where the candidate resides <u>on a form prescribed by the State Board</u> and in accordance with <u>instructions by the State Board</u> for the time for filing and the process for approval by the general registrar.	B	9/17/19	
24.2-948.1	D. A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, <u>may purchase voter lists from the State Board</u> under the provisions of §§ <u>24.2-405</u> and <u>24.2-406</u> with a check drawn on the candidate's personal account.	D	9/17/19	
24.2-948.3	A. ... For the purposes of this section, the candidate shall be presumed to have complied with the candidate disclosure reporting requirements unless (i) <u>the State Board</u> or general registrar, whichever is appropriate, <u>has notified the candidate, at least 60 days prior to the applicable deadline for him to file his written statement of qualification</u> set out in § 24.2-503, that he has failed to file a required report or reports and (ii) the candidate fails to file the specified report or reports by the applicable deadline for filing his written statement of qualification.	D	9/17/19	
24.2-948.3	B. <u>The authority of the State Board to grant an extension of the deadline established in § 24.2-503</u> shall include the authority to grant such extension with respect to the requirements of this section.	B	9/17/19	
24.2-949.2	A. Except as provided in subsection B or C, <u>each political action committee</u> that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year <u>shall file with the State Board a statement of organization</u> within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this chapter. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.	D	9/17/19	
24.2-949.2	A. ... <u>The State Board shall not register or issue a registration number to any political action committee that fails to state pursuant to subdivision 3 that its primary purpose is to influence the outcome of nonfederal elections in Virginia.</u>	D	9/17/19	

24.2-949.2	C. ... The State Board shall be required to provide a link from its Internet website to the federal political action committee's electronically displayed Federal Election Commission campaign finance disclosure reports.	D	9/17/19	
24.2-949.5	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the political action committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	9/17/19	
24.2-949.5	G. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	9/17/19	
24.2-949.6	A. <u>Political action committees shall file the prescribed campaign finance reports with the State Board in accordance with the applicable provisions of this section.</u>	D	9/17/19	
24.2-949.6	D. ... After September 30, or after the date a political action committee has filed its statement of organization if the political action committee has filed its statement of organization on or after October 1, and until the November election day, <u>the political action committee shall report any single contribution of \$500 or more to the State Board in writing or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board by 11:59 p.m. on the following day, or for a contribution received on a Saturday, by 11:59 p.m. on the following Monday.</u>	D	9/17/19	
24.2-949.7	In addition to the quarterly reports required by § 24.2-949.6, political action committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the political action committee files its quarterly disclosure reports.</u>	D	9/17/19	
24.2-949.8	A. <u>Political action committees required to file reports by this article shall file all statements and campaign finance reports with the State Board.</u>	D	9/17/19	
24.2-949.8	B. <u>A political action committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the</u>	D	9/17/19	

	political action committee files a final report.			
24.2-949.8	C. For political action committees that are not subject to the provisions of subsection B, any report required to be filed with the State Board shall be deemed to be filed by the deadline for the report if it is mailed and postmarked not later than the deadline for filing the report.	D	9/17/19	
24.2-949.8	B. ... <u>Any political action committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year.</u>	D	9/17/19	
24.2-949.9	A. <u>Any political action committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 shall so notify the State Board.</u>	D	9/17/19	
24.2-949.9:1	D. On the same day that an <u>out-of-state political committee submits its statement of organization to the State Board</u> , (i) it shall file a list of each contributor who has contributed to the committee \$2,500 or more in the aggregate between the immediately preceding January 1 and the date on which the statement of organization is filed with the contributor's name, address, occupation, employer, and place of business and the dates and amounts of the contributor's contributions during the period covered by the report; and (ii) it shall file a report of the contributions it has made to candidate campaign committees or political committees registered with the State Board between the immediately preceding January 1 and the date on which the statement of organization is filed.	D	9/17/19	
24.2-949.9:2	B. After the committee has met the requirements of § <u>24.2-949.9:1</u> and upon making any contribution to a candidate campaign committee or political committee registered in Virginia, <u>the committee shall report its contributions and contributors in accordance with subsection C to the State Board of Elections by computer or electronic means as prescribed in § 24.2-946.1.</u>	D	9/17/19	
24.2-949.9:3	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any other out-of-state political committee, an <u>out-of-state political committee shall (i) request its State Board of Elections registration number from that other out-of-state political committee and (ii) verify that number with the State Board.</u>	D	9/17/19	
24.2-949.9:4	Prior to accepting contributions of \$10,000 or more in the aggregate in any calendar year from any one federal political action committee or out-of-state political committee, a <u>political committee shall (i) request the federal political action committee's or out-of-state political committee's State Board of Elections registration number from the committee and (ii) verify</u>	D	9/17/19	

	that number with the State Board .			
24.2-950.2	Except as provided in § 24.2-950.1, <u>each political party committee that anticipates receiving contributions or making expenditures in excess of \$200 in a calendar year shall file with the State Board a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of \$200 or on which it otherwise becomes subject to the provisions of this article. <u>Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.</u></u>	D	9/17/19	
24.2-950.4	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the political party committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	9/17/19	
24.2-950.4	G. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	9/17/19	
24.2-950.7	In addition to the quarterly reports required by § 24.2-950.6, political party committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.</u>	D	9/17/19	
24.2-950.8	A. ... <u>Any political party committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	D	9/17/19	
24.2-950.8	C. Other political party committees required to file reports by this article shall file all campaign finance reports with the State Board, if filing by electronic means, or with the State Board and the general registrar for its jurisdiction if filing campaign finance reports by nonelectronic means.	D	9/17/19	

24.2-950.9	A. <u>Any political party committee that, after having filed a statement of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$200 shall so notify the State Board.</u>	D	9/17/19	
24.2-951.1	A. <u>Any referendum committee subject to the provisions of this article shall file with the State Board a statement of organization within 10 days after its organization, or if later, within 10 days after the date on which it has information that causes the committee to anticipate it will receive contributions or make expenditures in excess of the pertinent amounts stated in the definition of referendum committee in § 24.2-945.1. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.</u>	D	9/17/19	
24.2-951.3	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the referendum committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	9/17/19	
24.2-951.3	F. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	9/17/19	
24.2-951.7	In addition to the reports required by §§ 24.2-951.4, 24.2-951.5 and 24.2-951.6, referendum committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the person or committee files its quarterly disclosure reports.</u>	D	9/17/19	
24.2-951.8	A. <u>Referendum committees required to file statements or reports by this article shall file all reports with the State Board.</u>	D	9/17/19	
24.2-951.8	B. A referendum committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the referendum committee files a final report or until subject to the provisions of subsection B of § 24.2-951.1.	B	9/17/19	

24.2-951.8	C. <u>Any referendum committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	D	9/17/19	
24.2-951.9	A. <u>Any referendum committee that disbands after having filed a statement of organization shall so notify the State Board.</u>	D	9/17/19	
24.2-952.1	<u>Each inaugural committee shall file with the State Board a statement of organization within 10 days after its organization. Any change in information previously submitted in a statement of organization shall be reported to the State Board within 10 days following the change.</u>	D	9/17/19	
24.2-952.3	A. <u>The reports required by this article shall be filed on a form prescribed by the State Board and shall include all financial activity of the inaugural committee. All completed forms shall be submitted in typed, printed, or legibly hand printed format or electronically as provided in § 24.2-946.1. Persons submitting the forms shall do so subject to felony penalties for making false statements pursuant to § 24.2-1016.</u>	D	9/17/19	
24.2-952.3	F. <u>The State Board shall provide for a "no activity" report that may be filed for any reporting period in which the filer has no activity to report.</u>	D	9/17/19	
24.2-952.5	<u>In addition to the reports required by § 24.2-952.4, inaugural committees shall report any single contribution or loan of \$10,000 or more received at any time during the calendar year within three business days of receipt of the contribution or loan. 1. <u>The report shall be filed on a "large dollar contribution report" form prescribed by the State Board and shall be filed in writing or electronically in the same manner as the committee files its quarterly disclosure reports.</u></u>	D	9/17/19	
24.2-952.6	A. <u>Inaugural committees required to file reports by this chapter shall file all campaign finance reports with the State Board.</u>	D	9/17/19	
24.2-952.6	B. <u>An inaugural committee that is required by this chapter to file reports with the State Board, and that accepts contributions or makes expenditures in excess of \$10,000 in any calendar year, or that accepted contributions or made expenditures in excess of \$10,000 in the previous calendar year, shall file its reports with the State Board by computer or electronic means in accordance with the standards approved by the State Board until such time as the committee files a final report.</u>	D	9/17/19	

24.2-952.6	C. <u>Any inaugural committee that has been filing electronically, but does not anticipate accepting contributions or making expenditures in excess of \$10,000 in the upcoming calendar year, may sign a waiver, on a form prescribed by the State Board, to exempt the committee from the electronic filing requirement for the calendar year. Such waiver form shall be submitted and received no later than the date the first report is due covering activity for that calendar year.</u>	D	9/17/19	
24.2-952.7	A. <u>Any inaugural committee that, after having filed a statement of organization, disbands shall so notify the State Board.</u>	D	9/17/19	
24.2-953	D. In the case of a willful violation, the violator shall be guilty of a Class 1 misdemeanor. There shall be a rebuttable presumption that the violation of this chapter was willful if the violation is based on a person's failure to file a report required by this chapter and his failure to file continues for more than 60 days following his actual receipt of written notice of his failure to file sent to him by certified mail, return receipt requested, by the State Board or a general registrar. Such notice shall be sent to the most recent mailing address provided by the candidate or committee.	D	9/17/19	
24.2-953.3	G. <u>The State Board shall notify the public through its official Internet website of a failure to file a complete report by a candidate for statewide office or the General Assembly and the identity of the violator following the date for compliance established pursuant to this section.</u>	D	9/17/19	
24.2-953.4	C. If the report or information required to complete the report is not filed within the seven-day period, the Commissioner shall assess against the candidate and treasurer, who shall be jointly and severally liable, a civil penalty of \$500 for each day that the violation continues on and after the eighth day following the date of mailing the written notice. The Commissioner may grant an additional period for compliance, not to exceed two weeks, for good cause shown and in response to a request filed within the seven-day period. However, no additional period shall be granted for compliance with the requirement under subdivision A 8 of § 24.2-947.6 to file a report not later than the eighth day before the election. <u>The State Board shall notify the public through its official Internet website of the violation and identity of the violator.</u>	D	9/17/19	
24.2-953.5	C. <u>The State Board of Elections shall institute proceedings pursuant to § 24.2-104 against any committee that fails to comply with the provisions of § 24.2-947.3:1, 24.2-949.2, 24.2-949.9:1, 24.2-949.9:2, 24.2-949.9:3, or 24.2-949.9:4 and, after notice by the State Board, continues for more than five days to remain noncompliant.</u>	B	9/17/19	
24.2-955.3	D. <u>The State Board, in a public hearing, shall determine whether to find a violation of this chapter and to assess a civil penalty.</u>	B	9/17/19	

24.2-955.3	D. ... At least 10 days prior to such hearing, <u>the State Board shall send notice by certified mail to persons</u> whose actions will be reviewed at such meeting and may be subject to civil penalty. Notice shall include the time and date of the meeting, an explanation of the violation, and the maximum civil penalty that may be assessed.	D	9/17/19	
24.2-959.1	<u>The person making the telephone call shall disclose</u> the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ 24.2-945 et seq.), the full name of the committee and <u>a registration number provided by the State Board</u> ; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.	D	9/17/19	
24.2-959.1	<u>The person making the telephone call shall disclose</u> the following identifying information: the name of the political committee if the calls are authorized by that committee or an agent of that committee; and in the case of a committee that has filed a statement of organization under Chapter 9.3 (§ 24.2-945 et seq.), the full name of the committee and <u>a registration number provided by the State Board</u> ; or in any other case, the full name and residence address of the individual responsible for the campaign telephone calls.	D	9/17/19	
10.1-528	The expenses of such elections shall be paid by the counties or cities concerned. <u>The State Board of Elections shall publish, or have published within the district, the results of the election.</u>	D	9/17/19	
			9/17/19	
30-19.9	When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, <u>the State Board of Elections shall cause to be printed and distributed</u> to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. <u>The State Board shall post the explanation</u> on its site on the Internet. <u>It also shall cause such explanation to be published</u> by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the election at which the proposed	D	9/17/19	

	amendment is to be presented to the people.			
30-19.10	Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to the voters by the General Assembly, <u>the State Board of Elections shall cause to be printed and distributed</u> to the general registrar of each county and city, not less than ninety days prior to the election, copies of information about the referendum to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election. <u>The State Board of Elections also shall cause the information to be published</u> by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.	D	9/17/19	
30-19.10	<u>The State Board of Elections also shall cause the explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the referendum.</u>	D	9/17/19	
30-19.9	When a proposed amendment is to be submitted to the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and § 30-19, the <u>State Board of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ninety days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to election officials to be posted at the polling places on the day of the election.</u>	D	9/17/19	
30.19.9	<u>The State Board shall post the explanation on its site on the Internet. It also shall cause such explanation to be published by paid advertisement in each daily newspaper with an average daily circulation of more than 50,000 in Virginia, and published in Virginia or in a contiguous state or district, once during the week preceding the final day for registration and once during the week preceding the election at which the proposed amendment is to be presented to the people.</u>	D	9/17/19	



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Stand by Your Ad

BOARD WORKING PAPERS

Arielle A. Schneider

Policy Analyst



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Stand By Your Ad

September 17, 2019

State Board of Elections Meeting



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Stand By Your Ad

September 17, 2019

State Board of Elections Meeting

Print Media

1. Audrey for Supervisor CC-19-00715
2. Friends of Steve Adragna CC-17-00419
3. Friends of Virginia CC-19-00343
4. Howard Phillips Campaign CC-19-00905
5. J. Baxter Stegall for Nottoway Commonwealth's Attorney CC-19-00562
6. Jeff Huffman
7. Kersey for Sheriff CC-19-00029
8. Trudy Berry for Delegate CC-18-00227

Advertisement, 24.2-955.1

“Advertisement means any message appearing in the print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9.3”

Contribution or Expenditure, 24.2-945.1

“Contribution means money and services of any amount, in-kind contribution, and any other thing of value, given, advanced, loaned, or in any other way provided to a candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate ... Contribution includes money, services, or things of value in any way provided by a candidate to his own campaign ...”

“Expenditure means money and services of any amount, and any other thing of value, paid, loaned, provided or in any other way disbursed by any candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate ...”

Candidate, 24.2-101

“Candidate means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot. ...

For the purposes of Chapters 9.3 and 9.5, “candidate” shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 8 of Chapter 9.3.”

Express Advocacy

Express Advocacy – A direct or indirect contribution, in-kind contribution, independent expenditure or loan made to a candidate or political committee for the purpose of influencing the outcome of an election; *an advertisement that refers to a party or candidate(s) by name and states “Vote for...”; “Support”; “Elect...”; “Smith for Congress”; “Send Him Home”; “Oppose”, etc.*

Schedule of Penalties *candidates for General Assembly or local candidates*

Section 15.3 - Penalties for Candidates for General Assembly or Local Office

The following penalties will apply only to General Assembly or local candidates and/or their campaign committees which sponsor political advertisements.

Print Media

Violators shall be assessed a penalty as follows:

- \$50 for a first time violation with explanation, apology and/or remedial measures taken
- \$100 for a first time violation without explanation, apology and/or remedial measures taken
- \$250 for any second violation
- \$500 for any third violation
- \$1000 for any fourth or subsequent violation

If the advertisement is disseminated or on display in the 14 days prior to or on the Election Day for which the advertisement pertains, the above penalties will be doubled and the maximum penalty would be \$2,500.

1. Audrey for Supervisor CC-19-00715

AUDREY REGNERY FOR SUPERVISOR
30 SEPTEMBER SONG LANE
WASHINGTON, VA 22747
540 675 1114
540 407 0040 CELL
AUDREY_REGNERY@AOL.COM

August 21, 2019

Mr. Richard Loth
11 Old Ski Lodge Ln.
Washington, VA 22747-1852

Dear Mr. Loth,

I'm writing to let you know I'm running for Rappahannock County supervisor for the Hampton District and to ask for your support.

AUDREY REGNERY FOR SUPERVISOR
30 SEPTEMBER SONG LANE
WASHINGTON, VA 22747

Mr. Richard Loth
11 Old Ski Lodge Ln.
Washington, VA 22747-1852

AUTO

As a divorced single mom, I raised two boys here. I sent them to public school, and for much of the time I worked two jobs to make ends meet.

You probably remember that in the late 70s and 80s it was often tough for women to find the same kind of work that men did. But that didn't slow me down -- I was persistent.

I worked for Old Dominion Manufacturing in Culpeper welding trash

(Over, please . . .)

Page 3

brought to the county spent over \$25,000 here -- money that otherwise would have stayed elsewhere.

In May of this year I chaired the committee that organized the Rapp at Home golf tournament at Headmaster's Pub Golf Course in Sperryville, raising \$8,000, almost twice as much as was raised the last year.

became a Class C machinist, was a hydraulics mechanic, worked on a shrimp boat in the gulf, drove a tractor trailer, and was a breeding specialist for the farm.

chaired John Bourgeois' Hall in Littleton.

taught me a lot about working conditions to the issues before Rappahannock and the county.

about the last thing I did last spring. But as things went, and meaningless of addressing real issues, the Hampton seat, which is a long conversation with me to run.

leadership with a vision for everyone.

(recently widowed), we moved to



AUDREY REGNERY FOR SUPERVISOR
30 SEPTEMBER SONG LANE
WASHINGTON, VA 22747
540 675 1114
540 407 0040 CELL
AUDREY_REGNERY@AOL.COM

Partnership for a Better Rappahannock


ism. My business depends on visitors who come here, and I do anything I can to make them feel welcomed and eager to return and enjoy the beauty of Rappahannock. We need to do the same thing twice.

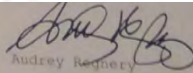
band and Cell Phones. We're falling behind in broadband and service access. Modern telecommunications are necessary for businesses to flourish, for emergency response, and for access for elderly and children who need these lifelines.

ing. Aging residents who can no longer drive struggle with driving. They don't want to be isolated or leave Rappahannock. They would thrive if there were a walkable town area where they could live near friends. We need to consider housing options that address the needs of all of our community so that time residents aren't forced to move away.

and Rescue. We don't have enough volunteer personnel for our fire and Rescue departments. This is literally a life or death issue. It's time to make it more attractive for volunteers to provide these valued services.

publicly.




Audrey Regnery

The candidate, or others working on her behalf, sent a five-page letter, via a computerized mass-mailing system, to registered voters within the Hampton voting district in Rappahannock County, Virginia. The letter arrived in voters' mailboxes on or around Friday, August 23. The letter, which is attached to this complaint as a series of .jpg files, lacks entirely the "paid for" disclosure required under § 24.2-956.1 of the Code of Virginia (i.e., "Requirements for print media advertisements sponsored by a person or political committee, other than a candidate campaign committee--It shall be unlawful for any person or political committee to sponsor a print media advertisement that constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) unless the following requirements are met: 1. It bears the legend or includes the statement: 'Paid for by _____ [Name of person or political committee].'"

Online SBYA complaint sent in by Keir Whitson
Violation Date: August/23/2018

263
One letter – no disclosure

Audrey Regnery

to me ▾

Wed, Sep 11, 4:38 PM (3 days ago)



Tammy,

Thank you for your kindness as I told you I made a mistake that was not intentional. I have contacted my lawyer so hopefully he will be there at the hearing to defend me.

Thank you for your help.

Audrey Regnery

30 September Song Lane

Washington, Virginia 22747

540-675-1114

audreyregnery@aol.com

Additional Apology and Response

One sign – one side

VOTE FOR
**Audrey
Regnery**

Rappahannock County Board of
Supervisors, Hampton District

Online SBYA complaint sent in by Keir Whitson
Complaint Date: August/26/2018

**Detailed
Description
of Violation**

On or around August 26, 2019, the candidate began placing yard signs on properties within the Hampton voting district in Rappahannock County, Virginia. The candidate's yard signs placed to date lack entirely the "paid for" disclosure required under applicable Virginia code, as excerpted below from the Virginia Department of Elections' Summary of Laws and Policies for Candidate Campaign Committees. See attached photo of one of the candidate's yard signs that was placed on Harris Hollow Road near Washington, Virginia.



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

August 29, 2019

Audrey for Supervisor CC-19-00715
30 September Song Lane
Washington, VA 22747

Dear Audrey for Supervisor:

The State Board of Elections is in receipt of a complaint 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 Audrey for Supervisor. A copy of the challenged advertisement is included with this letter.

The State Board of Elections is holding a public meeting on Tuesday, September 17, 2019 at 1:00 P.M. to determine whether a violation has occurred and whether to impose civil penalties. You or a representative may attend and/or provide additional information to the Board that may be helpful in regarding this matter. You may also email a response to the complaint and/or information you would like the Board to consider to the Department of Elections Campaign Finance team at CFDA@elections.virginia.gov.

For more information about how the State Board of Elections adjudicates complaints regarding campaign advertisements, please refer to SBE Policy 2018-001, available online on the Department of Elections website: <https://www.elections.virginia.gov/media/formswarehouse/Board-Policies/SBE-Policy-2018-001-StandByYourAdHearings.pdf>.

The meeting will be held in Senate Room 3 in the Virginia State Capitol, located at 1000 Bank St, Richmond, Virginia, 23219. To get to Senate Room 3, please enter through the main entrance to the Capitol building on Bank Street.

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.

Pursuant to §24.2-955.3, the State Board of Elections is notifying you via certified mail at least 10 days prior to the hearing. For more information, please visit the Department website:
<http://www.elections.virginia.gov/board>

Sincerely,

Tammy L. Alexander

Certified Mail Tracking Number: 7011 2970 0000 0040 2629

Audrey for Supervisor
30 September Song Lane
Washington, VA 22747

Regnery Response

4 September 2019

Commonwealth of Virginia
Department of Elections
1100 Bank Street, First Floor
Richmond, VA 23219

Ladies and Gentlemen:

This responds to your letter to me of August 29 concerning a complaint about a possible violation of Virginia's Stand by Your Ad law.

Rather than appear at the hearing on September 17, 2019, I would like to respond by email. Please consider this letter as my answer.

I am a first-time candidate, running for the Board of Supervisors of Rappahannock County. I am a homemaker, a mother and a grandmother, and although I do my best to know and understand the law, I cannot deny that I failed to adhere to the law in this instance, and did have signs printed and a letter mailed to the approximately 1100 registered voters in the Hampton District of Rappahannock County, introducing myself and stating my position on county issues. I did fail to have printed "paid for by Audrey for Supervisor" on those materials.

When your August 29 letter arrived, on Saturday, August 31, my husband and I prepared stickers, stating "paid for by Audrey for Supervisor" and drove around affixing one to each of the 13 campaign signs which we had put up. Of course, we affixed such stickers to the several signs that we have put up since.

Since the letter in question had already been sent out, there was little that I could do to rectify the situation. However, I should point out that the letter arrived to voters in envelopes bearing my name and address. The letter's caption was "Audrey Regnery for Supervisor," and the letter was signed by me, so all that was really missing was "paid for by..." Even without those three words, it was obvious

that I sent these letters and posted the signs—so obvious, in fact, that Mr. Whitson knew exactly who to file his complaint against. Additionally, I think you will agree that neither the letter, nor the signs, included anything negative about my opponent. In fact, neither even mentioned him.

For these reasons, despite my technical failure to include the "paid for by" disclaimer on my materials, the public's interest in knowing the sources of payment for political advertising has not been harmed, as it was clear to any fair-minded observer that these were my campaign materials. Therefore, I respectfully request that because of the minimal infraction of the Stand by Your Ad law, that the matter be dismissed without penalty.

Thank you,


Audrey Regnery

2. Friends of Steve Adragna CC-17-00419

Tell us WHERE and WHEN you saw the ad(s). Add additional pages if needed.

Sunday, August 11, 2019

Precinct 840 - West Springfield

Does not have a disclaimer

Tell us WHERE and WHEN you saw the ad(s). Add additional pages if needed.

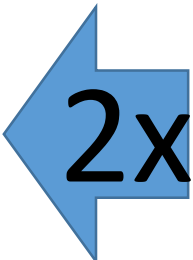
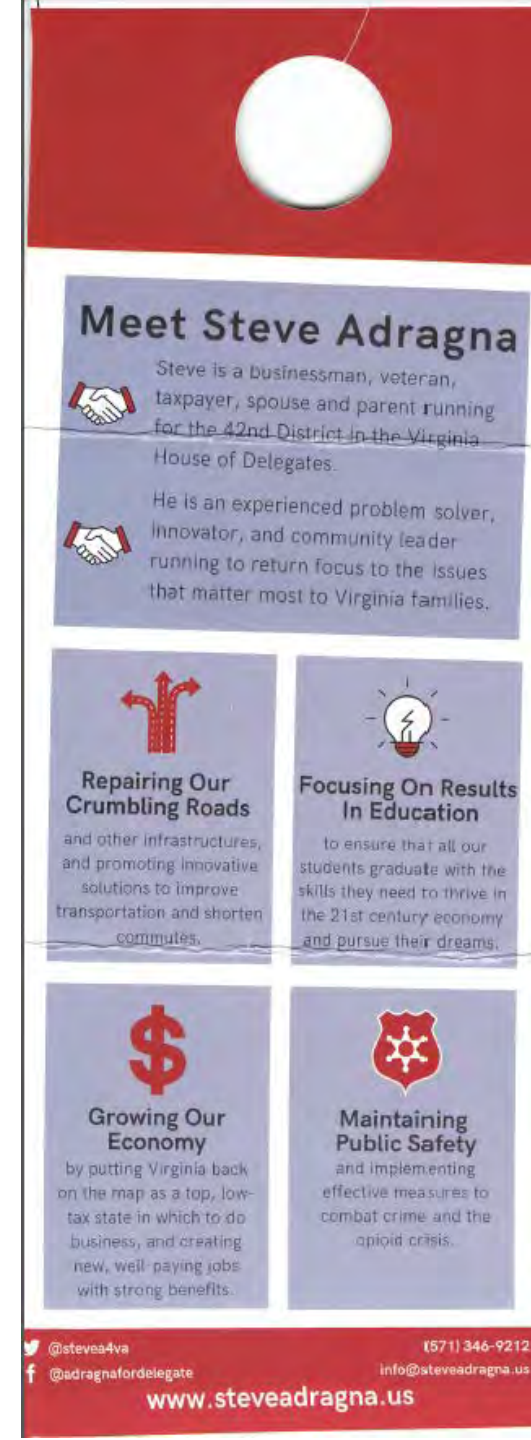
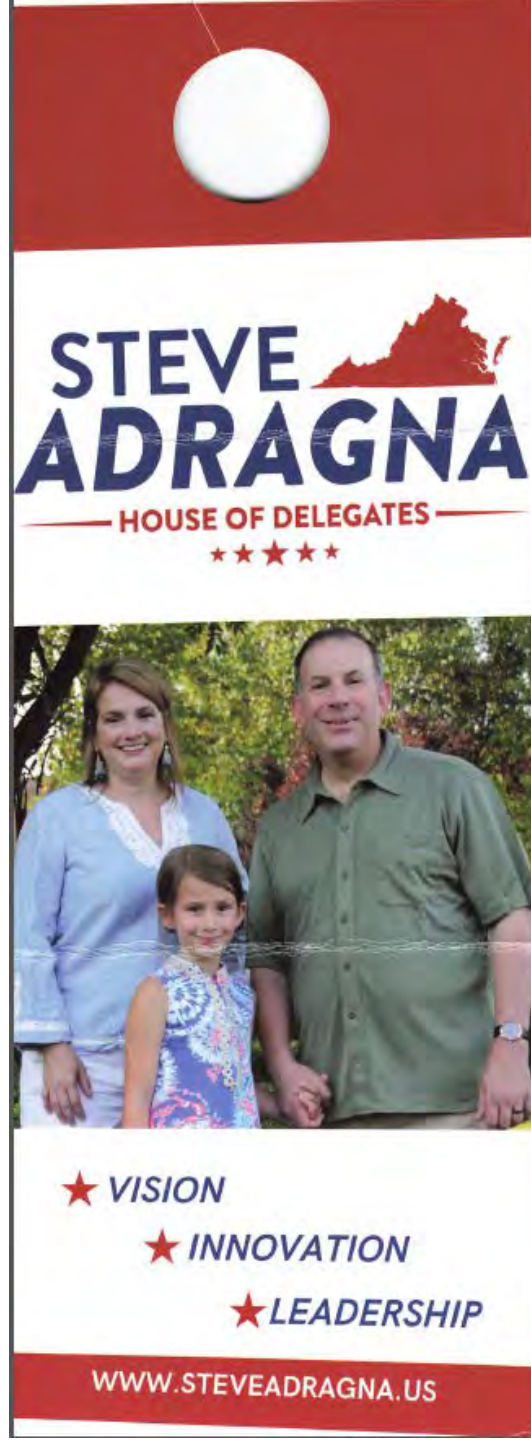
Sunday, August 11, 2019

Precinct 840 - West Springfield

Does not have a disclaimer.

2 anonymous complaints from the same person

2 door hangers – no disclosure



Additional Doorhanger Received after Initial Notice

Tell us WHERE and WHEN you saw the ad(s). Add additional pages if needed.

Saturday, August 3, 2019

Precinct 812 - Valley

Does not have a disclaimer

1 anonymous complaint via snail mail

1 door hanger – no disclosure

Meet Steve Adragna

Steve is a businessman, veteran, taxpayer, spouse and parent running for the 42nd District in the Virginia House of Delegates.

He is an experienced problem solver, innovator, and community leader turning to return focus to the issues that matter most to Virginia families.

Repairing Our Crumbling Roads
and other infrastructures, and promoting innovative solutions to improve transportation and shorten commutes.

Focusing On Results In Education
to ensure that all our students graduate with the skills they need to thrive in the 21st century economy and pursue their dreams.

Growing Our Economy
by putting Virginia back on the map as a top, low-tax state in which to do business, and creating new, well-paying jobs with strong benefits.

Maintaining Public Safety
and implementing effective measures to combat crime and the opioid crisis.

STEVE ADRAGNA
HOUSE OF DELEGATES
★★★★

★ VISION
★ INNOVATION
★ LEADERSHIP

WWW.STEVEADRAGNA.US

@STEVEA4VA (571) 346-9212
www.steveadragna.us



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

August 29, 2019

Friends of Steve Adragna CC-17-00419
P.O. Box 7133
Fairfax Station, VA 22039

Dear Friends of Steve Adragna:

The State Board of Elections is in receipt of a complaint 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 Friends of Steve Adragna CC-17-00419. A copy of the challenged advertisement is included with this letter.

The State Board of Elections is holding a public meeting on Tuesday, September 17, 2019 at 1:00 PM to determine whether a violation has occurred and whether to impose civil penalties. You or a representative may attend and/or provide additional information to the Board that may be helpful in regarding this matter. You may also email a response to the complaint and/or information you would like the Board to consider to the Department of Elections Campaign Finance team at CFDA@elections.virginia.gov.

For more information about how the State Board of Elections adjudicates complaints regarding campaign advertisements, please refer to SBE Policy 2018-001, available online on the Department of Elections website: <https://www.elections.virginia.gov/media/formswarehouse/Board-Policies/SBE-Policy-2018-001-StandByYourAdHearings.pdf>.

The meeting will be held in Senate Room 3 in the Virginia State Capitol, located at 1000 Bank St, Richmond, Virginia, 23219. To get to Senate Room 3, please enter through the main entrance to the Capitol building on Bank Street.

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.

Pursuant to §24.2-955.3, the State Board of Elections is notifying you via certified mail at least 10 days prior to the hearing. For more information, please visit the Department website: <http://www.elections.virginia.gov/board>.

Sincerely,

Tammy L. Alexander

Certified Mail Tracking Number: 7011 2970 000 0040 2650

Adragna Response

Possible SBYA Violations  Inbox x   

 **Alexander, Tammy**  Wed, Sep 11, 3:11 PM (1 day ago) 
Good afternoon, Mr. Adragna As you are aware, there was a complaint against your campaign for two undisclose...

 **Steve Adragna** Wed, Sep 11, 10:22 PM (17 hours ago)   
to me ▾

Dear Ms. Alexander --

My apologies; I was in meetings until the evening hours today. Yes, it's fine to combine the referenced doorhanger into a single case with the others. It's a variant of the same hanger, and as Mr. McCort advised earlier this week, as soon as we detected the error we applied an appropriate sticker and since have ordered a corrected and compliant version of the same item.

Thank you for bringing the item to my attention and for providing the option of having the Board review the variants together.

Sincerely,

Steve Adragna

Stategist Response

----- Forwarded message -----

From: Sean McCort <smccort@thelukenscompany.com>

Date: Mon, Sep 9, 2019 at 1:57 PM

Subject: Response Complaint - Friends of Steve Adragna

To: CFDA@elections.virginia.gov <CFDA@elections.virginia.gov>

To whom it may concern,

Friends of Steve Adragna has received notice, dated 29 August, of the Board's upcoming public hearing. Thank you for the opportunity to provide additional information to the Board for its consideration.

The subject of the complaint was a printed "door hanger," which inadvertently was printed without the proper disclaimer. Upon discovering the printing error, the campaign immediately generated labels with the appropriate disclaimer and affixed them to all cards on hand. Please refer to the attached photo to see the corrective action taken.

Additionally, upon discovery of the error, the campaign collected all outstanding door hangers and ceased distribution until all had been corrected by means of the referenced sticker. The campaign also has ordered a fresh run of door hangers with a corrected proof that is in compliance.

Moreover, the campaign established a strict review process for all printed materials, under the direction of the campaign manager, requiring all to be inspected for a disclaimer and full compliance prior to any distribution. We share as an example an image of the campaign's flyer for Back to School Nights, which prominently displays the required disclaimer and was printed in large quantity several weeks prior to receiving the Board's notice of our earlier unintentional infraction.

We respectfully request that the Board either impose no penalty in this case, or impose only a modest penalty, as the error was inadvertent; the campaign acted immediately to correct its error upon discovering it; the campaign put in place a process to ensure that no future violation will occur; and, indeed, subsequent printing of new campaign literature demonstrates that the review process has been effective and that all subsequent literature is fully in compliance.

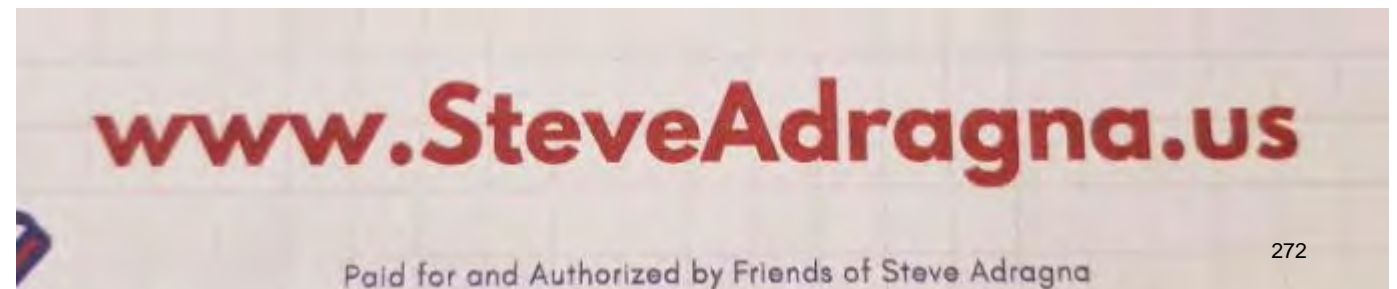
Sincerely,
Sean McCort
Senior Strategist

2800 S Shirlington Road, 9th Floor | Arlington, VA 22206

Phone: 703-845-8484 ext. 242


Fax: 703-845-9655 | Mobile: 334-233-0050

thelukenscompany
tlcpolitical.com



Remediation on Existing Stock

ADRAGNA
— HOUSE OF DELEGATES —
★ ★ ★ ★ ★



Authorized & paid for by
Friends of Steve Adragna

★ **VISION**

273

3. Friends of Virginia Smith CC-19-00343



35 complaints filed through the SBYA online complaint form by William Pace from 8/21/2019 - present

35 Individual Signs
Front and Back for most



Alexander, Tammy

Sep 11, 2019, 4:04 PM (16 hours ago)



Good afternoon, Virginia It was a pleasure speaking with you this afternoon. Thank you for agreeing to ...



Virginia Smith

8:18 AM (20 minutes ago)



to me ▾

Good morning Tammy,

I hope all is well where you are this morning.

Thank you for emailing the list of complaints in reference to our campaign signs.

This is to confirm that I received it on Wednesday, September 11th.

I am planning to attend the meeting on Tuesday, September 17th in Senate room 3.

Thanks again,

Virginia



Violation date 08-21-2019

Detailed Description of Violation Virginia Smith for Senate yard sign found without the campaign disclaimer in the public Right of Way (median) on U.S. Route 360 near the Virginia Center for Behavioral Rehabilitation near Burkeville.



Violation date 08-21-2019

Detailed Description of Violation Virginia Smith for Senate yard sign found without the campaign disclaimer in the public Right of Way on Route 58 west of South Hill near Baskerville heading towards Boydton. Sign was on the ground near the side of Route 58 when discovered.



Violation date 08-21-2019

Detailed Description of Violation Virginia Smith for Senate yard sign found without the campaign disclaimer (maybe in the public Right of Way) on Route 1 (North Mecklenburg Avenue) in South Hill across the street from the VCU Health Community Memorial Hospital.

Violation date 08-22-2019

Detailed Description of Violation Virginia Smith for Senate yard sign found without the campaign disclaimer on U.S. Business Route 58 (Riverside Drive) near James Road in Danville.



2 signs on 2 complaints
Same location



Violation date 08-22-2019

Detailed Description of Violation

Virginia Smith for Senate yard sign (first of two) found at a booth without the campaign disclaimer at the Prince George County Back to School Fair at Scott Memorial Park.



Violation date 08-22-2019

Detailed Description of Violation

Virginia Smith for Senate yard sign (second of two) found at a booth without the campaign disclaimer at the Prince George County Back to School Fair at Scott Memorial Park.



Violation date 08-24-2019

**Detailed
Description
of Violation**

Virginia Smith for Senate yard sign found without the campaign disclaimer at Quick Fuel gas station on U.S. Route 1 outside of South Hill near Dollar General. The location shows up as "Parham" on Google Maps.



One side only



Violation date

08-24-2019

Detailed Description of Violation

Virginia Smith for Senate yard sign found without the campaign disclaimer at the corner of Ruffin Road and Route 10 in Prince George County.

Violation date

08-24-2019

Detailed
Description of
Violation

Virginia Smith for Senate yard sign found without the campaign disclaimer at the corner of Jordan Point Road and Route 10 in Prince George County.





Violation date 08-24-2019

Detailed Description of Violation

Virginia Smith for Senate yard sign found without the campaign disclaimer at the corner of Courthouse Road and Route 156 in Prince George County near an Exxon gas station.

Violation date

08-27-2019

**Detailed Description
of Violation**

Virginia Smith for Senate yard sign found without the campaign disclaimer near Southside Elementary School on East Witt Road in Blairs.









August 29, 2019

1 - Virginia Smith for Senate yard sign found without the campaign disclaimer on the corner of New Cox Road (U.S. Route 460) and Tranquility Lane (State Route 628) in Dinwiddie County.

2 - Virginia Smith for Senate yard sign found without the campaign disclaimer at the abandoned Hyco Landing Grocery and Fishing Supplies store on U.S. Route 360 in Halifax County heading eastward.

3 - Virginia Smith for Senate yard sign found without the campaign disclaimer in the public Right of Way (median) on the corner of Watsons Wood Road (State Route 49) and Patrick Henry Highway (U.S. Route 360).

September 3, 2019

4 - Virginia Smith for Senate yard sign found without the campaign disclaimer on U.S. Route 58 outside of Boydton in Mecklenburg County. It's located just past the original Randolph-Macon College landmark.

5 - Virginia Smith for Senate yard sign found without the campaign disclaimer in the public Right of Way on Route 58 heading east towards South Hill.

6 - Virginia Smith for Senate yard sign found without the campaign disclaimer out in front of a hair salon on Courthouse Road in Prince George County.

7 - Virginia Smith for Senate yard sign found without the campaign disclaimer at the corner of Old Stage Road (Route 609) and James River Drive (State Route 10) in Prince George County.

8 - Virginia Smith for Senate yard sign found without the campaign disclaimer at the corner of Hines Road (Route 625) and James River Drive (State Route 10) in Prince George County.

9 - Virginia Smith for Senate yard sign found without the campaign disclaimer at the corner of Morning Star Road (Route 1201) and James River Drive (State Route 10) near Martin's Brandon Episcopal Church in Prince George County.

10 - Virginia Smith for Senate yard sign found without the campaign disclaimer at the corner of Ruffin Road (Route 156) and Old Stage Road (Route 609) a mile away from the Sycamore United Methodist Church in Prince George County.

11 - Virginia Smith for Senate yard sign found without the campaign disclaimer in front of a property on Old Stage Road (Route 609) in Prince George County.

September 5, 2019

12 - Virginia Smith for Senate yard sign found without the campaign disclaimer on the corner of Easley Street and Virginia Avenue (Route 58 Business) in Clarksville in Mecklenburg County.

13 - Virginia Smith for Senate yard sign found without the campaign disclaimer in the public Right of Way on U.S. Route 360 near Orchard Road west of Burkeville in Nottoway County.

14 - Virginia Smith for Senate yard sign found without the campaign disclaimer in the public Right of Way on U.S. Route 460 in front of a storage facility and across the street from a gas station in Crewe in Nottoway County.

September 7, 2019

15 - Virginia Smith for Senate yard sign found without the campaign disclaimer on State Route 40 across the street from Cluster Pines Holiness Church in Pittsylvania County.

16- Virginia Smith for Senate yard sign found without the campaign disclaimer on the corner of U.S. Route 460 and Route 1034 near a Dollar General in Crewe in Nottoway County.

17 and 18 - Virginia Smith for Senate yard sign (first of five) found without the campaign disclaimer on Cox Road (U.S. Route 460 Business) near a funeral home and an Exxon Gas Station just east of the Blackstone town limits in Nottoway County.

18 and 19 - Virginia Smith for Senate yard sign (second of five) found without the campaign disclaimer on Cox Road (U.S. Route 460 Business) near a funeral home and an Exxon Gas Station just east of the Blackstone town limits in Nottoway County.

19 and 20 - Virginia Smith for Senate yard sign (third of five) found without the campaign disclaimer on Cox Road (U.S. Route 460 Business) near a funeral home and an Exxon Gas Station just east of the Blackstone town limits in Nottoway County.

20 and 21 - Virginia Smith for Senate yard sign (fourth of five) found without the campaign disclaimer on Cox Road (U.S. Route 460 Business) near a funeral home and an Exxon Gas Station just east of the Blackstone town limits in Nottoway County.

21 and 22 - Virginia Smith for Senate yard sign (fifth of five) found without the campaign disclaimer on Cox Road (U.S. Route 460 Business) near a funeral home and an Exxon Gas Station just east of the Blackstone town limits in Nottoway County.

September 8, 2019

23 - Virginia Smith for Senate yard sign found without the campaign disclaimer at an Exxon gas station on U.S. Route 58 heading eastbound in Halifax County. The location shows up as "Smiley's General Merchandise" on Google Maps.

24 - Virginia Smith for Senate yard sign found without the campaign disclaimer at a major intersection in South Boston, U.S. Routes 58 (Bill Tuck Highway) and 501 (Huell Matthews Highway) in Halifax County. The sign is located at the Hardee's.



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner
August 29, 2019

Jessica N. Bowman
Deputy Commissioner

Friends of Virginia
P.O. Box 734
North Prince George, VA 23875

Dear Friends of Virginia:

The State Board of Elections is in receipt of a complaint 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 Friends of Virginia. A copy of the challenged advertisement is included with this letter.

The State Board of Elections is holding a public meeting on Tuesday, September 17, 2019 at 1:00 P.M. to determine whether a violation has occurred and whether to impose civil penalties. You or a representative may attend and/or provide additional information to the Board that may be helpful in regarding this matter. You may also email a response to the complaint and/or information you would like the Board to consider to the Department of Elections Campaign Finance team at CFDA@elections.virginia.gov.

For more information about how the State Board of Elections adjudicates complaints regarding campaign advertisements, please refer to SBE Policy 2018-001, available online on the Department of Elections website: <https://www.elections.virginia.gov/media/formwarehouse/Board-Policies/SBE-Policy-2018-001-StandByYourAdHearings.pdf>.

The meeting will be held in Senate Room 3 in the Virginia State Capitol, located at 1000 Bank St, Richmond, Virginia, 23219. To get to Senate Room 3, please enter through the main entrance to the Capitol building on Bank Street.

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.

Pursuant to §24.2-955.3, the State Board of Elections is notifying you via certified mail at least 10 days prior to the hearing. For more information, please visit the Department website:

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

Sincerely,

Tammy L. Alexander

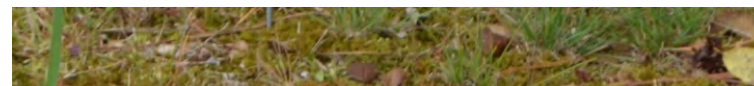
Certified Mail Tracking Number: 7011 2970 0000 0040 2551

4. Howard Phillips Campaign CC-19-00905

SBYA Online Complaint filed by Alfred McKegg



Campaign signs for Jackie Phillips, candidate for Supervisor in Accomack County's 7th District, do not bear the required "approved by" or "paid for" credit line. The signs are posted in numerous places in Onancock and Cashville, Virginia.



One Sign- One View



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

August 29, 2019

Howard Phillips Campaign CC-19-00905
15629 Cashville Rd.
Onancock, VA 23417

Dear Howard Phillips Campaign:

The State Board of Elections is in receipt of a complaint 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 Howard Phillips Campaign CC-19-00905. A copy of the challenged advertisement is included with this letter.

The State Board of Elections is holding a public meeting on Tuesday, September 17, 2019 at 1:00 PM to determine whether a violation has occurred and whether to impose civil penalties. You or a representative may attend and/or provide additional information to the Board that may be helpful in regarding this matter. You may also email a response to the complaint and/or information you would like the Board to consider to the Department of Elections Campaign Finance team at CFDA@elections.virginia.gov.

For more information about how the State Board of Elections adjudicates complaints regarding campaign advertisements, please refer to SBE Policy 2018-001, available online on the Department of Elections website: <https://www.elections.virginia.gov/media/formswarehouse/Board-Policies/SBE-Policy-2018-001-StandByYourAdHearings.pdf>.

The meeting will be held in Senate Room 3 in the Virginia State Capitol, located at 1000 Bank St, Richmond, Virginia, 23219. To get to Senate Room 3, please enter through the main entrance to the Capitol building on Bank Street.

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.
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Pursuant to §24.2-955.3, the State Board of Elections is notifying you via certified mail at least 10 days prior to the hearing. For more information, please visit the Department website: <http://www.elections.virginia.gov/board>.

Sincerely,

Tammy L. Alexander

Certified Mail Tracking Number: 7011 2970 0000 0040 2643

From: Patricia M. White <pwhite@co.accomack.va.us>
Sent: Thursday, September 5, 2019 11:22 AM
To: Piper, Christopher
Cc: Tammy Alexander; Spencer Morgan
Subject: Campaign Signs

Good Morning,
I have just spoken with one of my candidates running for supervisor in district 7, Howard Jackie Phillips. He said he received a certified letter from you telling him that he needed to appear for a hearing on Tuesday, Sept. 17th in Richmond concerning a campaign violation.

I had received an email from Al McKegg on Wednesday Aug. 28th, probably the same person who notified you, that Mr. Phillips did not have an authorization on his campaign signs. At that time I told the Mr. McKegg that the local Commonwealth Attorney was the one who would handle any willful campaign violations, however as I always have for any candidate I would notify Mr. Phillips of the omission. I was able to contact Mr. Phillips and he told me he would pick up all his signs and have them corrected, which he did the next day.

Our Commonwealth Attorney, Spencer Morgan came to see me last Thursday to let me know he had received the email also, I told him that I had spoken to Mr. Phillips and that he was picking up his signs to have them corrected. Mr. Phillips came in my office on Friday, the 30th to tell me that the signs had been picked up and corrected placing his authorization on them. Mr. Morgan, the CA came in later that day and I informed him also that the signs had been corrected. Mr. Morgan said that he was going to write a letter to all parties stating that he found this not to be a willful act and that no further action would be taken.

After our conversation this morning I told Mr. Phillips that I would email you with these details. We are both somewhat confused as to why no one from Richmond has contacted either myself or Mr. Morgan to get more information. Mr. Phillips is also confused as to why now since he has fixed the signs he must appear at a hearing on Tuesday in Richmond?

I felt that I should let you know how this has been handled locally so that you had more detail into how it was handled, if you have any questions, please contact me.

Thank You,
Patty

Patricia M. White
General Registrar-Director of Elections
Accomack County
23312 Courthouse Ave.
PO Box 97
Accomac, VA 23301-0097
(757)787-2935



Voting is a Privilege

Registration is a Right

Response from Mr. Phillips GR

5. J. Baxter Stegall for Nottoway Commonwealth's Attorney CC-19-00562



Complaint as submitted



7/14/19
All over Nottoway County
where they've been placed -

Anonymous Complaint via snail mail - received July 18, 2019

One Sign- One View



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner
August 29, 2019

Jessica N. Bowman
Deputy Commissioner

J. Baxter Stegall for Nottoway Commonwealth's Attorney
405 E. Tennessee Ave
Crewe, VA 23930

Dear J. Baxter Stegall for Nottoway Commonwealth's Attorney:

The State Board of Elections is in receipt of a complaint 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 J. Baxter Stegall for Nottoway Commonwealth's Attorney. A copy of the challenged advertisement is included with this letter.

The State Board of Elections is holding a public meeting on Tuesday, September 17, 2019 at 1:00 P.M. to determine whether a violation has occurred and whether to impose civil penalties. You or a representative may attend and/or provide additional information to the Board that may be helpful in regarding this matter. You may also email a response to the complaint and/or information you would like the Board to consider to the Department of Elections Campaign Finance team at CFDA@elections.virginia.gov.

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The meeting will be held in Senate Room 3 in the Virginia State Capitol, located at 1000 Bank St, Richmond, Virginia, 23219. To get to Senate Room 3, please enter through the main entrance to the Capitol building on Bank Street.

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- 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.
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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.

Pursuant to §24.2-955.3, the State Board of Elections is notifying you via certified mail at least 10 days prior to the hearing. For more information, please visit the Department website: <http://www.elections.virginia.gov/board>.

Sincerely,

Tammy L. Alexander

Certified Mail Tracking Number: 7011 2970 0000 0040 2605

5. Jeff Huffman

Complaint for Sign 1

Two of the attached large signs have been posted so far by Jeff Huffman, Craig County Candidate for Sheriff. The attached sign is on RT 311 (the main road of Craig County) directly after the county line bordering Roanoke County. NO DISCLAIMER



First Sign – Front and Back

Anonymous Complaint via snail mail - received July 29, 2019

Jeff Huffman

Complaint for Sign 2

I am reporting an improper disclaimer on Craig County Candidate for Sheriff, Jeff Huffman's campaign signs which have been distributed county-wide during the course of the months of June and May. The disclaimer on the signs does not include a statement indicating who paid for the signs, only that the candidate approved them.



Second Sign – Full sign and Close Up of Disclosure of same sign



Anonymous Complaint via snail mail - received July 29, 2019



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner
August 29, 2019

Jessica N. Bowman
Deputy Commissioner

Jeff Huffman
397 Little Mountain Trl
New Castle, VA 24127

Dear Jeff Huffman:

The State Board of Elections is in receipt of a complaint 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 Jeff Huffman. A copy of the challenged advertisement is included with this letter.

The State Board of Elections is holding a public meeting on Tuesday, September 17, 2019 at 1:00 P.M. to determine whether a violation has occurred and whether to impose civil penalties. You or a representative may attend and/or provide additional information to the Board that may be helpful in regarding this matter. You may also email a response to the complaint and/or information you would like the Board to consider to the Department of Elections Campaign Finance team at CFDA@elections.virginia.gov.

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Sincerely,

Tammy L. Alexander

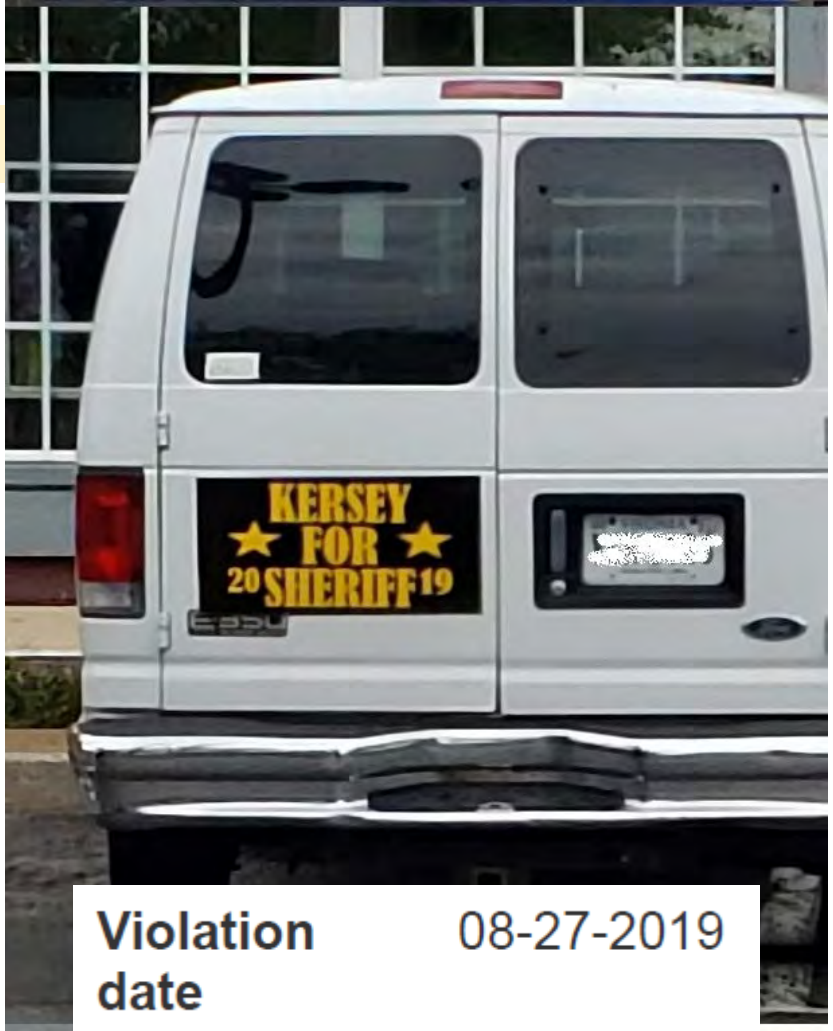
Certified Mail Tracking Number: 7011 2970 0000 0040 2599

7. Kersey for Sheriff CC-19-00029

Two signs – one side each



Violation date 07-31-2019



Violation date 08-27-2019

My opponent for Sheriff, Rhan Kersey, does not have any disclaimer on his yard signs as to who paid for them.



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner
August 29, 2019

Jessica N. Bowman
Deputy Commissioner

Kersey for Sheriff
P.O. Box 34236
North Chesterfield, VA 23234

Dear Kersey for Sheriff:

The State Board of Elections is in receipt of a complaint 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 Kersey for Sheriff. A copy of the challenged advertisement is included with this letter.

The State Board of Elections is holding a public meeting on Tuesday, September 17, 2019 at 1:00 P.M. to determine whether a violation has occurred and whether to impose civil penalties. You or a representative may attend and/or provide additional information to the Board that may be helpful in regarding this matter. You may also email a response to the complaint and/or information you would like the Board to consider to the Department of Elections Campaign Finance team at CFDA@elections.virginia.gov.

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Pursuant to §24.2-955.3, the State Board of Elections is notifying you via certified mail at least 10 days prior to the hearing. For more information, please visit the Department website: <http://www.elections.virginia.gov/board>.

Sincerely,

Tammy L. Alexander

Certified Mail Tracking Number: 7011 2970 0000 0040 2582

8. Trudy Berry for Delegate CC-18-00227

Trudy Berry's campaign website does not feature any campaign disclaimer. Not one of her site's webpages.

Webpage links of infractions

<https://www.trudyberry.com/>
<https://www.trudyberry.com/about-trudy/>
<https://www.trudyberry.com/issues/>
<https://www.trudyberry.com/events/>
<https://www.trudyberry.com/contact/>
<https://www.trudyberry.com/volunteer/>
<https://www.trudyberry.com/donate/>

I will also send hard copies of the infractions.

Complaint filed by William Pace via online complaint form 8/26/2019

This is all that appears on each page of Trudy Berry for Delegate's website as of 8/26/2019



Copyright © 2019 **Trudy Berry** | **Privacy Policy** | Site by: **BarkingCreative.com**



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

Christopher E. "Chris" Piper
Commissioner

Jessica N. Bowman
Deputy Commissioner

August 29, 2019

Trudy Berry for Delegate CC-18-00227
PO Box 184
Victoria, VA 23974

Dear Trudy Berry for Delegate:

The State Board of Elections is in receipt of a complaint 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 Trudy Berry for Delegate. A copy of the challenged advertisement is included with this letter.

The State Board of Elections is holding a public meeting on Tuesday, September 17, 2019 at 1:00 P.M. to determine whether a violation has occurred and whether to impose civil penalties. You or a representative may attend and/or provide additional information to the Board that may be helpful in regarding this matter. You may also email a response to the complaint and/or information you would like the Board to consider to the Department of Elections Campaign Finance team at CFDA@elections.virginia.gov.

For more information about how the State Board of Elections adjudicates complaints regarding campaign advertisements, please refer to SBE Policy 2018-001, available online on the Department of Elections website: <https://www.elections.virginia.gov/media/formswarehouse/Board-Policies/SBE-Policy-2018-001-StandByYourAdHearings.pdf>.

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Pursuant to §24.2-955.3, the State Board of Elections is notifying you via certified mail at least 10 days prior to the hearing. For more information, please visit the Department website: <http://www.elections.virginia.gov/board>.

Sincerely,

Tammy L. Alexander

Certified Mail Tracking Number: 7011 2970 0000 0040 2612

Berry Response

----- Forwarded message -----

From: **Trudy Berry** <trudy@trudyberry.com>

Date: Sat, Sep 7, 2019 at 3:24 PM

Subject: Trudy Berry for Delegate - Notice of SBYA Violation

To: <cfda@elections.virginia.gov>

Please acknowledge receipt of this message.

September 7, 2019

Trudy Berry for Delegate

PO Box 184

Victoria, VA 23974-0184

Commonwealth of Virginia

State Board of Elections

[1100 Bank Street](#)

[Richmond, VA 23219](#)-3639

CFDA@elections.virginia.gov



Dear Board Members:

I apologize for my oversight. As a first time candidate, I made myself aware of the election laws and regulations and referred to them often, but this particular disclosure requirement slipped by me. After I received your notification on September 5, I immediately had the disclosure placed on each of my web pages. The following day, I sought help to ensure I had the disclosure worded properly, and changed it accordingly (see photo below).

During the course of my campaign, I made sure my disclosure was on my business cards, literature, signs, and newspaper ads. I did not design my website, but as the person accountable for its contents, I take responsibility for missing the disclosure detail when I approved it. I will review, again, the elections laws to try to preclude further violations.

I place myself at the mercy of the Board and ask for your leniency in any determination you make.

Respectfully,

Trudy Berry

Candidate for Delegate

VA House District 61

trudy@trudyberry.com