★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, March 4, 2025
General Assembly Building
Senate Room A – 3rd floor
Richmond, VA
Video and Teleconference

Videoconference:

https://covaconf.webex.com/covaconf/j.php?MTID=medb4c3605e5ba6a1cd789000d18e9ef0

Meeting password: vVaPFTEF374

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2423 319 5516

1:00 P.M.

SBE Board Working Papers

STATE BOARD OF ELECTIONS
AGENDA

***DATE*: Tuesday, March 4, 2025**
***LOCATION:* General Assembly Building**
201 N. Ninth St. Richmond, VA 23219
Senate Room A – 3rd Floor
TELECONFERENCE:
+1-517-466-2023 US Toll
+1-866-692-4530 US Toll Free
Access code: 2423 319 5516
VIDEO CONFERENCE:
https://covaconf.webex.com/covaconf/j.php?MTID=medb4c3605e5ba6a1cd789000d18e9ef0
Password: vVaPFTEF374
***TIME*: 1:00 P.M.**

I. CALL TO ORDER — *John O'Bannon, Chairman*

II. APPROVAL OF MINUTES — *Georgia Alvis-Long, Secretary*
- **A. January 15, 2025**

III. PUBLIC COMMENT

IV. COMMISSIONER'S REPORT — *Susan Beals, Commissioner*

V. SBE ANNUAL REPORT — *Claire Scott, ELECT Policy Analyst*

VI. 2025 VOTING SYSTEM STANDARDS — *Brandon Smith, Chief Information Officer*; *Londo Andrews, Voting Systems Security Manager*

VII. 2025 ELECTRONIC POLLBOOK STANDARDS

Brandon Smith
Chief Information Officer
Londo Andrews
Voting Systems Security Manager

VIII. ANNUAL CORPORATE ATTESTATION

Brandon Smith
Chief Information Officer
Londo Andrews
Voting Systems Security Manager

IX. STAND BY YOUR AD

Tammy Alexander
Campaign Finance Compliance and Training Supervisor

- **A. A New Portsmouth with Mia Phillips - CC-24-00258**
- **B. Friends of Sam Rasoul for Delegate - CC-13-00560**
- **C. MIKE DUMAN FOR MAYOR - CC-20-00197**
- **D. The Hampton School Board Flyer:**
  - **- Friends of Dr. Tina Banks-Gray - CC-24-00524**
  - **- Friends of Ann Stephens Cherry - CC-16-00038**
  - **- Dr. Reginald Woodhouse for School Board - CC-20-00050**
  - **- Stephanie4SchoolBoard Campaign Committee - CC-20-00043**

X. CLOSED SESSION

XI. ADJOURNMENT

NOTE: https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=41103

Re. Entrance to the General Assembly Building
All members of the public visiting the General Assembly Building may enter the building through the doors marked public entrance on the south side of the building (Broad Street Entrance). Visitors with special needs may use the wheelchair accessible entrance.

To ensure the safety of employees and visitors, all non-credentialed visitors are required to pass through a security screening and have their personal items screened by an x-ray machine prior to entry to the building. Please note that all packages and bags are subject to physical search.

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

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

Citizens **MUST** activate their camera, with their face fully visible, before they will be given the opportunity to participate in public comment. Face coverings, which are not worn for religious reasons, are prohibited.

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

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

Re. How to Participate in Public Comment
If you are a member of the public and wish to participate, you must sign up in order to be recognized to speak. Please note the following:
If you are attending in person, please ensure your name is on the sign-up list at the front door.
If you are participating virtually using WebEx, sign up using the chat feature, located on the bottom right part of the WebEx application, to add your participant name.
If you are participating virtually using a phone and cannot access WebEx's chat feature, please send an email with your name and your phone number to FOIA@elections.virginia.gov. You will need to provide your first and last name and the phone number you've used to call in.

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS

The State Board of Elections ("the Board") meeting was held on Wednesday, January 15, 2025 in Senate Room C of the General Assembly Building in Richmond, Virginia. The meeting also offered public participation through electronic communication so the remote public could view and hear the meeting. In attendance: John O'Bannon, Chairman; Rosalyn R. Dance, Vice Chair; Georgia Alvis-Long, Secretary; Delegate Donald Merricks, member; and Matthew Weinstein, member represented the State Board of Elections ("the Board"). Susan J. Beals, Commissioner, represented the Department of Elections ("ELECT"), and Andrew Murphy and Leslie Haley represented the Office of the Attorney General ("OAG"). Chairman O'Bannon called the meeting to order at 1:00 P.M.

The first item of business was the Approval of the Minutes from the December 2, 2024 Board Meeting, presented by Secretary Alvis-Long. Delegate Merricks moved *to approve the minutes from the December 2, 2024 Board Meeting.* Vice Chair Dance seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Delegate Merricks – Aye

Mr. Weinstein – Aye

Chairman O'Bannon opened the floor to public comment. Darrel Bow and Ann Grigorian addressed the Board.

The next item of business was the Certification of the January 7, 2025 Special Elections presented by John Cronin, Election and Registration Services Supervisor. *This memo is in the*

Working Papers for the January 15, 2025 Meeting. Secretary Alvis-Long stated after reviewing the Abstracts of Votes Cast in the 2025 January Special Elections, I move *that the Board certify the statements to be correct and sign the statements and certificates of election.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Delegate Merricks – Aye

Mr. Weinstein – Aye

The next item of business was the Commissioner's Report, presented by Commissioner Beals. Commissioner Beals stated that since the December 2, 2024 Board Meeting, ELECT held the Electoral College on December 17, 2024, and three special elections on January 7, 2025. The Commissioner informed the Board that early-voting began in December and Louden County had a record breaking 4, 254 people vote on January 4th. Commissioner Beals expressed her appreciation to Appomattox County, Amelia County, Buckingham County, Cumberland County, Fluvanna County, Goochland County, Hanover County, Henrico County, Louden County, Louisa County, Powhatan County, and Prince Edward County for successfully holding a special election during a State of Emergency. The Commissioner expressed her appreciation to the Virginia Department of Emergency Management and Virginia Department of Transportation for assisting ELECT to ensure a safe and secure election.

Commissioner Beals informed the Board that a reporting issue regarding the 2024 General Election arose after the certification on December 2nd and after necessary documents

were sent to the National Archivist. The Commissioner informed the Board that ELECT received a report from Rockingham County that there was an error in their reporting. Commissioner Beals stated that it was an administrative error and did not affect the outcome of any race, nor did it have any material impact on the results on any election. The Commissioner stated that one of the key aspects to ELECT is ensuring uniformity in Elections, providing training and ensuring that everyone is completing it. Commissioner Beals opened the floor to Rockingham County. Dr. David K. McQuilkin, Chairman, Rockingham Electoral Board and Lisa Gooden, General Registrar Rockingham County. Their statement appears as Appendix: A and B.

The next item of business was the Risk Limiting Audit, presented by Claire Scott, ELECT Policy Analyst. *This report is in the Working Papers for the January 15, 2025 Meeting.* No action was required.

The next item of business was to Amend 1VAC20-20 presented by Ashley Coles, ELECT Senior Policy Advisor. *This memo is in the Working Papers for the January 15, 2025 Meeting.* Delegate Merricks moved *that the State Board of Elections approve the proposed amendments to 1VAC20-20-20 and the associated Documents Incorporated by Reference for 1VAC20-20.* Vice Chair Dance seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Delegate Merricks – Aye

Mr. Weinstein – Aye

The next item of business was the Campaign Finance Reg presented by Steve Koski, ELECT Compliance Advisor. *This memo is in the Working Papers for the January 15, 2025 Meeting.* Vice Chair Dance stated pursuant to the requirements of the Virginia Administrative Process Act, I move *that the Board approve 1VAC-20-90-40 as presented for commencement to the final stage.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Delegate Merricks – Aye

Mr. Weinstein – Aye

The next item of business was the GR/EB Compliance Issues presented by Steve Koski, ELECT Compliance Advisor. Mr. Koski informed the Board that ELECT has received complaints regarding Marianne McKay, Vice Chair; Norfolk Electoral Board, Chair Ann Craig, Vice Chair Chris Quesenberry, and Secretary Carol Colby; Radford Electoral Board, Chair Curtis Lilly and Vice Chair Scott Mares; Waynesboro Electoral Board, and Jennifer L. Maynard**,** General Registrar**;** City of Franklin. These *documents are in the Working Papers for the January 15, 2025 Meeting.* Chairman O'Bannon opened the floor for each person to provide a response to the complaint filed and to the persons who filed the complaint. Motions for each complaint were provided after closed session.

Marianne McKay, Vice Chair; Norfolk Electoral Board addressed the Board. Her statement appears as Appendix C. Paula Markham, and Arthur Devine addressed the Board.

Their statement appears as Appendix D and E. Catherine Nesmith, Clara Belle Wheeler, Chair of Albemarle County Electoral Board, Rebecca Wynn, Chair of Hampton Electoral Board, Atoy Carrington, Chair of Norfolk Electoral Board, Stephanie Iles, General Registrar of Norfolk, and Mike Ziegenfuss, Secretary of Norfolk Electoral Board addressed the Board. Vice Chair Chris Quesenberry of Radford Electoral Board, Secretary Carol Colby of Radford Electoral Board and Lindsey Williams addressed the Board. Attorney Thomas Ranieri, Chair Curtis Lilly; Waynesboro Electoral Board and Darrel Bow addressed the Board. Jennifer L. Maynard; General Registrar of City of Franklin addressed the Board. Purlie E. Banks; Chair, Nancy Parrish; Vice Chair and Gary Wise; Secretary of Franklin Electoral Board addressed the Board.

At 3:11 P.M., Delegate Merricks pursuant to Virginia Code Section 2.2-3711(A)(7), I move *that the Board go into closed session to discuss the issues regarding the General Registrar and Electoral Board members. In accordance with Section 2.2-3712(F), Susan Beals, Commissioner of Elections, Andrew Murphy and Leslie Haley of the Office of the Attorney General, and Steve Koski, ELECT Compliance Advisor will attend the closed session because their presence will reasonably aid the Board in its consideration of the subject of the meeting.* Vice Chair Dance seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Delegate Merricks – Aye

Mr. Weinstein – Aye

At 3:26 P.M., Delegate Merricks moved *to reconvene the meeting in open session, and take a roll call vote certifying that to the best of each member's knowledge (i) only such public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard or discussed by the State Board of Elections.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Delegate Merricks – Aye

Mr. Weinstein – Aye

Regarding the City of Franklin General Registrar issue, Delegate Merricks stated pursuant to § 24.2-103 of the Code of Virginia, I move *that the State Board of Elections direct its legal representation to prepare a petition to the Franklin Circuit Court for the removal of General Registrar Jennifer Maynard for failure to discharge her official duties under Virginia law.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Delegate Merricks – Aye

Mr. Weinstein – Aye

Regarding the City of Radford Electoral Board issue, Vice Chair Dance moved *that the State Board of Elections dismiss consideration of removal due to an insufficient basis to warrant State Board action pursuant to § 24.2-103 of the Code of Virginia.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Delegate Merricks – Aye

Mr. Weinstein – Aye

Regarding the City of Waynesboro Electoral Board issue, Delegate Merricks stated pursuant to § 24.2-103 of the Code of Virginia, I move *that the State Board of Elections direct its legal representation to prepare a petition to the Waynesboro Circuit Court for the removal of Curtis Lilly from the City of Waynesboro Electoral Board for failure to discharge his official duties under Virginia law.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Delegate Merricks – Aye

Mr. Weinstein – Aye

Regarding the City of Norfolk Electoral Board issue, Vice Chair Dance stated pursuant to § 24.2-103 of the Code of Virginia, I move *that the State Board of Elections direct its legal representation to prepare a petition to the Norfolk Circuit Court for the removal of Marianne McKay from the City of Norfolk Electoral Board for failure to discharge her official duties under Virginia law.* Mr. Weinstein seconded the motion and the motion passed. A roll call vote was taken:

Chairman O'Bannon – Aye

Vice Chair Dance – Aye

Secretary Alvis-Long – Aye

Delegate Merricks – Nay

Mr. Weinstein – Aye

The meeting adjourned at approximately 3:31 P.M.

_____
Chairman

_____
Vice-Chairman

_____
Secretary

_____
Board Member

_____
Board Member

APPENDIX: A
Dr. David K. McQuilkin
Chairman for Rockingham County Electoral Board

potential ramifications of this error can be quite substantial. Fortunately, no candidate had their election status altered. Therefore, the Rockingham County Electoral Board extends its sincere regret for this misstep. Understandable, our collective embarrassment is considerable, and the Electoral Board will work with Ms. Gooden and her staff to prevent such missteps in the future.

Third, the Board offers the following remedies to prevent any reoccurrence of this problem.

1. In all future pre-election training materials for election officers, the separation of pre-election CAP vote totals from Post-Election vote totals will be a written point of emphasis. Also, this item will be reiterated, in writing, to the CAP precinct chief's pre-and-post election guidance materials.
2. The same point of emphasis will also be incorporated in future training materials for the Registrar's office staff, again in writing, for preparation of preliminary vote reports to ELECT.
3. The Registrar will specifically review pre-and-post election CAP results prior to the Electoral Board's Canvass.

In conclusion, the Rockingham County Electoral Board expresses its appreciation to the Virginia State Electoral Board for the opportunity to address the Board regarding this matter. As one of our young staff members retrospectively observed regarding the situation being discussed today: "To err is a human foible. But do not allow it to define you. Instead, learn from the experience and become more knowledgeable." This is the intent of the Rockingham County Electoral Board going forward.

Response of the Rockingham County Electoral Board to Susan J. Beals, Commissioner, Commonwealth of Virginia, Department of Elections, Pertaining to the Rockingham County Election Results Error in the General Election of November 5, 2024:

Statement of Dr. David K. McQuilkin, Chair, Rockingham County Electoral Board:

As Chair of the Rockingham County Electoral Board, the Board has asked me to present the following statement to this hearing by the Virginia State Board of Elections concerning the issues of "The Rockingham County Election Results Error in the General Election of November 5, 2024."

First, the Board wishes to make the following notation before turning to the specifics of the issue at hand. Under the director of Lisa Gooden, Registrar and Director of Elections, the Rockingham Electoral Board has, during her tenure, greatly benefitted from her leadership, dedication, expertise, staff development and management, election oversight, and knowledge of election law and procedure. Given these attributes, Ms. Gooden has never given the Electoral Board cause to question her skills or her competence. That confidence remains unchallenged despite the unfortunate circumstance currently before the State Board of Elections. Moreover, we, the members of the Rockingham County Electoral Board view this situation as an anomaly, not a deliberate disregard of election management best practices.

Second, the Rockingham County Electoral Board recognizes that the error in question—a double counting of CAP votes—did occur and created an inaccurate report of the Rockingham County's final election results. The Board also recognizes this is not a trivial matter because the

184
185 APPENDIX: B
186 Lisa Gooden
187 Director of Elections for Rockingham County
188

Statement from Rockingham County's Director of Elections: First, I would remind the SBE that, according to State Code 2.2-3711(A)(1), matters regarding the assignment, promotion, demotion, performance, salary, disciplining, or resignation of a specific officer, appointee, or employee, are to be discussed in closed session. The fact that this did not occur is understandably unfortunate and seemingly a deliberate and political oversight by Commissioner Beals to cover the fact that ELECT did not recognize an error in results reporting for Rockingham County for the November 5, 2024 election.

I would first like to say to the State Board of Elections that I take my position as Director of Elections very seriously and refrain from engaging in partisan or political party affiliations. I take issue with the idea that I affiliate with a particular party as my actions reflect otherwise. I understand the gravity of the events that occurred during the 2024 November General Election and there should be no excuse. I do, however, want it to be known that our office was facing a few challenges during the recent election. First, the error in question was discovered by an out of state citizen who analyzes election data. This mistake was not originally discovered by Commissioner Beals or ELECT staff.

Of importance, Rockingham County saw a 60.1% increase over 2020 in provisional ballots. Without Same Day Registrations (SDRs), we would have seen an 87.71% decrease over 2020. Rockingham County averaged a 10.15% increase in registered voters over the past four years without an increase in staff, workstations, or space. It is important to note that Rockingham County's office only has four workstations. All four of these stations were filled with staff who were diligently working on SDRs. A total of 156 staff hours were logged during the five-day window ELECT

requested completion of SDRs. ELECT was notified multiple times via email with our progress on SDRs and the fact that it was highly unlikely that we would meet the requested (ELECT) deadline for processing these applications.

During the timeframe of July-August of 2024, I saw a total of 3 staff changes in my office. Attending and being engaged in trainings, I must admit, was not at the forefront of my priorities as I was in the middle of early voting, preparing and mailing absentee ballots, and acclimating new staff for Election Day. Looking back, I realize that these obstacles should not have taken precedence over training; however, I was doing the best that I could with what I was facing at the time. My staff and I have since completed the training sessions.

I take responsibility for the inaccurate reporting of post-election data as I failed to let my CAP team know to separate the post-election data from mailed absentee. Reporting true and correct data is the essence of my position and I acknowledge that this mistake should not have occurred. Thankfully, and **most importantly**, my reporting error did not affect the results or outcome for **<u>any</u>** contests **o**r winners. The data that was entered accurately reflected the tapes that were produced by the CAP team and *were not falsified in any way*. This mistake was *human error made unintentionally*.

During my tenure as General Registrar, I have never faced a situation like this. As you know, the corrected data for post-election has since been entered, and the Rockingham County Electoral Board verified, signed, and forwarded the corrected Abstract of Votes to the Department of Elections, as well as posting these to the county's website.

APPENDIX: C
Mariane McKay
Vice Chair of Norfolk Electoral Board

To: The Esteemed Members of the Virginia State Board of Elections: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, Delegate Merricks, and Mr. Weinstein
Ms. Susan Beals, Commissioner for the Virginia Department of Elections
Mr. Steve Koski, Compliance Advisor

From: Marianne McKay, Vice Chair, Norfolk Electoral Board

Date: January 15, 2024

Re: City of Norfolk Electoral Board Member Complaint

Withdrawal of Certification

I requested to withdraw my certification because as a Board member I was refused by Ms. Iles, the Director of Elections/General Registrar (DE/GR), to see the provisional ballot logs and the provisional ballot envelopes, which is, in my understanding, in violation of the Virginia Code. I shared with Ms. Iles and the other Board members reports of irregularities, improprieties, and misconduct at the Chesterfield precinct especially as it relates to the improper casting of Same Day Registration (SDR)/provisional ballots. The Authorized Representatives (AR) who volunteered at that precinct filed formal HAVA complaints. I also witnessed these anomalies and filed a HAVA complaint. Refer to Exhibit 1 for copies of the HAVA complaints filed by Catherine Nesmith, Tamara Hanger, and myself. The number of SDR/provisional ballots from the Chesterfield precinct alone was significant enough to impact the election results for the Superward 7 City Council race that qualified for a recount. The candidate only lost by 92 votes and there were 500 SDR/provisional ballots at the Chesterfield precinct alone.

If possible today, would you withdraw your certification of the November 2024 General Election in Norfolk? When I sent my email to the DE/GR, I concluded my email with "Please advise me if there are any other steps, I need to take to withdraw my certification," I was seeking further guidance. As the newest member of the Board, I hoped and expected to receive guidance, but I did not receive any guidance from the DE/GR. I would follow guidance and the Virginia State Code.

If similar facts presented themselves at the next election, would you refuse to certify that election? Only if those facts legally justify not certifying the election and only after requesting guidance again from the DE/GR.

What do you view as a permissible basis to not certify an election as required by law? If misconduct, improprieties, or irregularities occurring in the election/race could significantly impact the outcome of the election or race then I believe that would constitute an acceptable basis.

Processing and Adjudication of Provisional Ballots

I did not challenge the 5,000 plus provisional ballots cast on Election Day; however, I wanted the Board to assist with the process of reviewing the provisional ballot envelopes so the Board could determine whether the protocols and procedures established by the Virginia Code were followed or neglected, and if so to what extent: Were the provisional ballot envelopes sealed, Was all the required information present on the provisional ballot envelopes, and Were all the provisional ballots recorded on the provisional ballot log? The purpose for the Board's involvement in the process was so the Board could determine if changes such as adjustments to the staffing of the polling places or improving election training is needed. I had no intention of conducting research requiring access to VERIS. What is very disconcerting was Ms. Iles was not interested, and the Board was dismissive in being transparent in allowing firsthand observations of any problems that occurred and therefore unwilling to document what corrective steps, if any, were needed and taken. I believe the attitude of Ms. Iles and the Board was extremely unfortunate because it now gives the appearance of covering up the problems that occurred, exacerbated further by Ms. Iles' decision not to allow Board members and AR to observe the process. To this point, Jeannie Sylvia, an AR, was not allowed to observe the opening and scanning of the provisional ballot envelopes even though she had been at the Provisional Ballot Canvass on November 15, 2024 for the first couple of hours. Refer to Exhibit 2 for a copy of Jeannie Sylvia's and my HAVA complaint.

What was your understanding about the established process by the Electoral Board for adjudicating provisional ballots? The Board had no formal process (nothing in writing nor previously voted upon) for adjudicating provisional ballots, but the Board's practice to date had been to let the Registrar's office handle the complete processing of the provisional ballots and present to the Board their recommendations for accepting or rejecting the provisional ballots. The overwhelming number of (SDR)/Provisional Ballots caused a system failure which I believed warranted the involvement of the Board. The November 2023 Election had approximately 500 Provisional Ballots, whereas this past November 2024 Election the number jumped to 5,000. It is important to note that The Board received reports from Authorized Representatives (AR) and me at one precinct where anomalies in the provisional vote casting process were observed.

Was it your intent to personally review every provisional ballot? To the extent possible, I believe the board should have been there to assist the Registrar's office to review the provisional ballot envelopes for the required voter information, to verify that the provisional ballot log sheets were complete, and that the number of provisional ballots received were consistent with the number of ballots reported on the log sheets. It was not my intention for the board to research the information provided on the provisional ballot envelopes which required access to VERIS.

Training

I believe that the Norfolk election training needs to be updated, particularly in regard to AR because some election officers for the June 2024 Primary and the November 2024 Election denied AR their legal rights provided in the Virginia Code. Disparities between what election officers and AR believe the AR are allowed to do leaves the polling sites more open to chaos and unpleasant encounters between them. I have never promoted or encouraged illegal activities at the polling places, including taking photographs.

Another training issue that I believe needed to be addressed concerned the Driver Privilege Card (DPC) and the Virginia Privilege Identification (DPI). The DPC and the DPI have been listed as unacceptable forms of voter identification for years. At my urging, the election training offered for the November 2024 Election was the first time the DPC and DPI have been included in the training instruction but only for chiefs and assistant chiefs. Refer to Exhibit 3 for the email exchanges on this topic between Ms. Iles and myself. Recognizing the importance of this information for qualifying voters and knowing Ms. Iles did not provide training in recognizing the difference between a driver's license and a DPC in the pollbook officers training, nor did she inform the chiefs and assistant chiefs in their training that the pollbook officers had not received the training on the DPC and IPC, I texted/emailed the necessary information to adequately prepare the pollbook officers, chiefs, and assistant chiefs. Refer to Exhibit 4 for the DPC information.

Did you direct the chief or assistant chief officers of election to complete the Statement of Results (SOR) in a manner inconsistent with training? No, I have attended almost every training course since I have been on the Board, and the training never taught that only chiefs are to fill out both SORs. It is true, for the June 2024 Primary I visited, I instructed the chief and asst chief to each fill out the Statement of Results (SOR) separately and then compare their SORs to make sure they match, and that if they did not match, then they should figure out between them what the error was and correct it. This also has the benefit of having the chief work with and mentor the assistant chief, so assistant chiefs are better prepared to step up and be a chief if needed. Exhibit 5 shows the 3 slides used in the presentation to instruct chief and asst chief in filling out the Election Results Reporting Form and SOR. There is no mention of chiefs being the only ones to fill out both the SORs. In fact, the Election Results Reporting Form asks for the *Precinct Name*, *Your Name*, and *Are you Chief Officer?* I did not change protocols, I just provided more thorough training after Ms. Iles chose not to offer the required chief and assistant chief training before the June 2024 Primary as ~~is~~ required by the Virginia Code. Exhibit 6 shows the email informing Ms. Iles of the required training.

Political Activities

I consider working for the Election Integrity Committee (EIC) to be a benefit to both the election officers and the AR. When the AR is properly trained, they know what to look for when observing, but more importantly they will know how to avoid conflicts with election officers by calling a Board member if there is a question that cannot be resolved. Refer to

Exhibit 7 for the training handout I distributed at the EIC AR/poll watcher training. I did not hand out "The Protect the Vote" flier.

Can you explain why your activities related to training, staffing, and coordinating observers in Norfolk precincts are not contrary to your duty as an electoral board member not to engage in political activities? The electoral board job description II.B states Electoral Board Activity Prohibition: may not engage in political activities when performing official duties. Any training, recruiting (staffing), and precinct assignments/recommendations I offered for AR/observers, I did as a member of the Election Integrity Committee (EIC) and not as an Electoral Board Member nor while serving in that capacity. Also, I never presented myself as speaking for the Board or the Norfolk Office of Elections when acting in the EIC role.

Following FOIA Codes

There may be a genuine difference of opinion when Ms. Iles makes the charge that I am violating FOIA, but I have come to realize the Board is the one who violates FOIA when they vote to go into closed sessions under the pretense of being a personnel issue or security issue. Going into closed sessions can be, perhaps has been, used as a means to keep the public from fully seeing the activities of the Board. From my perspective there appears to have been little desire for the board to be fully transparent to the public with whom we are serving. The latest and, in my opinion, most egregious offense of a FOIA violation is when the Board voted 2 to 1 against my objections on November 27, 2024 to go into a closed session to hear the AR reports from the Chesterfield precinct. This was not a personnel issue nor security issue. Ms. Iles argued that because a name might be mentioned we must go into closed session. I pointed out that the AR who were reporting did not even know the names of the people they had observed. Her response was that if you mention the name of the precinct a person could possibly figure out who the individual is. I believe that what happened at the Chesterfield precinct is absolutely a matter of public interest and covered under FOIA, and the public was denied that information.

What is your response to the allegation that you continually attempted to conduct electoral board business via email in violation of FOIA?
Almost all my email communications were with the DE/GR requesting information, seeking clarification, or making a recommendation, and since the DE/GR is not on the Board, it is my understanding that those communications do not constitute a Board meeting. However, I copied the other two board members out of courtesy. Whenever I was accused of trying to have a board meeting by email, I ceased to send anymore emails on the topic under discussion. Also, to avoid future conflict in this area, I decided to avoid even the appearance of conducting an electronic meeting in violation of FOIA by not copying the other Board members when I send Ms. Iles emails going forward.

Other instances where I am accused of violating FOIA in conducting electronic meetings ~~is~~ included when I would send an email to request an unscheduled Electoral Board meeting, and in the email, I would state the reason for my request. For example, I sent an email on November 19, 2024 to the Board requesting a Board meeting ASAP and providing the basis for my request. I received no response, so I sent a second request on November 21, 2024 for

a meeting (Ms. Iles was copied this time). Ms. Iles sent an email that same day claiming I was violating FOIA with my request for a meeting because I included election information in the email (the information was to provide the reason for my request). I sent a third request stating my request for a Board meeting still stands, and Ms. Iles responded with "You violated FOIA and we are advising you of this as procedure and the law was violated." I do not believe requesting a meeting by email and providing the reason for the request constitutes a meeting by email and therefore would not be a FOIA violation. Exhibit 8 shows the email exchange.

Commitment to Electoral Board Responsibilities

I am accused of micromanaging because I take my responsibilities in following the Virginia Code seriously. The board passed a poorly crafted, overly broad motion delegating many tasks to the DE/GR without clarifying or even establishing a process for oversight responsibility. Exhibit 9 is a copy of the motion. I objected because I believe it was going to create more confusion, stress, tension, and chaos. My objection was not with delegating the tasks but with the Board using the motion to relinquish the Board's oversight responsibilities. The task can be delegated but it cannot legally delegate the Board's responsibility. Otherwise, why even have an Electoral Board if the Board can just let the DE/GR run the city elections. The accusation that I falsified information on a job description to interfere, overstep, and micromanage the Registrar and her staff is unfounded; my intent was to let her know what information I needed to do my job. Ms. Iles stated in her email on July 29, 2024, "The information that is on your attachment in RED has been added by someone and is NOT OFFICIAL from the state." However, my July 31, 2024 email cleared up the miscommunication and explained that the items I had included in RED were what I believe an Electoral Board member needs to do as part of their job and was not included as part of the job description. Refer to Exhibit 10 for a copy of the email.

As an individual member of the Electoral Board, do you view yourself as bound by decisions of the Electoral Board as a whole, including policies, procedures, and directives related to administering elections? Yes. The only exception would be if the Board voted for something that required one to act in violation of the Virginia State Code. If I oppose a decision because of a vote taken, I will still respect and abide by the decision of the majority vote. Two recent incidents illustrate some of the conflict between me and my fellow board members:

- At the September 24, 2024 Electoral Board meeting I moved to review the precinct assignments for parity. Neither of the Board members seconded the motion which virtually shut down efforts to improve parity for the November 2024 General Election. I accepted the results of my motion, and the Board moved on to the next topic.
- At the November 26, 2024 Electoral Board meeting I voted against going into a closed session because I believed and stated the topic of the closed session was not pertaining to personnel nor security issues but were reports presented by authorized representatives of irregularities and improprieties that occurred at a precinct. I believed the occurrence was a matter of public interest because the occurrence could have significantly impacted the outcome of the Norfolk Superward 7 City Council

race that was going to a recount. The board voted to hear the authorized representatives' reports in closed session, which I believed was a violation of FOIA.

Election Interference

The characterizations of election interference on my part are simply untrue. Ms. Iles and my interactions on June 21st at the Registrar's office lasted no more than 5 to 10 minutes. Refer to Exhibit 11 for the 13 email exchanges between Ms. Iles, the Board, and myself. I did not see any of the emails sent after the third email until the next day. It is clear from the email exchange that the whole incident ended on a positive note. Regarding the election interference for the November 2024 Election, I went to the Registrar's office on November 13, 2024 to get a firsthand look at the processing of the provisional ballots, and Ms. Iles refused to let me in; she only stepped out of the office long enough for me to hand her my supply case. While I was waiting, I called the Virginia Department of Elections to find out how I should deal with Ms. Iles' refusal to allow me to at least observe what is happening with the provisional ballot processing. She commented that Ms. Iles is probably stressed since Norfolk was inundated with an overwhelming number of provisional ballots, and she suggested that I read *Chapter 13: Provisional Ballots* from the Virginia Department of Elections Handbook and attempt to see Ms. Iles tomorrow. However, considering the resistance I was receiving, I just decided to wait and return on November 15, 2024 for the Provisional Ballot Count and Certification.

Sharing Information from The Board

The accusation that I withheld information from the Board about an incident that happened at a polling place is a mischaracterization. I explained that I do not bring a serious complaint to the Board unless the individual is willing to put it in writing. Once the individual had put his complaint in writing, I presented the complaint to the Board, which the Board then addressed at the meeting on August 15th. Refer to Exhibit 12 for a copy of the complaint. I am firm in this practice because I have experienced and have met other people who have experienced having false complaints leveled against them, and I think it is very unfair and unreasonable for one who is accused of misconduct to be unable to see the complaint in writing and/or face their accuser. I also think it is important that the first report or complaint that the Board receives should be first-hand and in the reporter's/complainer's own words rather than second-hand, which is subject to misremembering or even bias.

Origins of the Conflict and Tensions on the Board

Ms. Iles has complained that I "exhibit aggressive actions and a micromanaging mentality as a board member." It has been my observation that Ms. Iles has had a Board that for years deferred to her in the execution of her duties, with very little oversight, and she appears to have done an admirable job. Therefore, I can only conclude that my asking questions, seeking clarification, and making suggestions may have been misinterpreted by Ms. Iles as a purposeful and targeted critique of her work rather than as the purposeful and collaborative improvement of our election training and staffing (e.g., appointment and precinct assignment) processes ***that my*** actions were meant to be. It seems that my efforts and policies to achieve and maintain lawful elections conducted with integrity in a pleasant environment for both the voters and election officers have been perceived as micromanaging and an infringement upon the autonomy without accountability that she has become accustomed to. Ms. Iles does many things exceptionally

well, and I compliment her when she does, but there are areas where Norfolk can improve. For me, being a public servant is important and should be what we Board members should be striving to achieve. I personally would like Norfolk to be an example across the state for how the election process should be conducted.

Ms. Iles has leveled quite a few accusations about me such as I only talk to Republican representatives and ignore chief officers who are not Republicans. I make it a point to talk with and get to know everyone working at a precinct I visit. One of the reasons I go to as many election training courses as possible is because I want to be accessible to all the officers. I have never shared information from closed sessions, I have never insulted persons who are gay~~s~~ or hurled racial insults. As a matter of fact, back in July 2024 I emailed Ms. Carrington (Ms. Iles was copied) a very business-like and professional letter to her very hostile email cautioning her that she is bordering on defamation with such accusations, while still appealing to the Board to work together. Exhibit 13 shows my response to her email.

Ms. Iles in her complaint claims that "If we were in the public sector, Ms. McKay would have been sued for discrimination violations, as well as harassment, retaliation, and creating a hostile work environment." What Ms. Iles does not know is that I worked for the Old Dominion University Research Foundation, a public sector agency, where I served for 30 years with my closest colleague and supervisor, who happened to be an African American, without a single human or civil rights complaint.

What has saddened me the most is that Ms. Iles commented in her report to this committee that she was bothered and concerned by a very personal, heartfelt, handwritten letter I mailed to her home. But, instead of coming to me and sharing her concerns, she referred to her complaint to the State Board of Elections in a negative way. What she chose not to mention is that when I became a Board member, she texted me her contact information including her home address. Also, she chose not to mention that I wrote in the letter that I respected and trusted her as a colleague despite our differences. For Ms. Iles to acknowledge that I trusted, respected, and was complementary in that letter would have been contrary to the narrative she presented in her report of my performance as an Electoral Board member to the State Board of Elections. Refer to Exhibit 14 for a picture of the handwritten letter.

I believe that referring my case to the Circuit Judge for removal from the Norfolk Electoral Board would be a mistake for both the City of Norfolk and Virginia because removing me dismantles a guardrail that attempts to ensure lawful elections that will help build and restore the trust of the citizens of Norfolk and Virginia, and people's faith in our county's institutions is needed.

Very respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

Exhibit 1

I worked as a poll watcher, Tuesday Nov 5, 2024 at Chesterfield Precinct (405). There were minor infractions like not repeating their names, the person giving out ballots was subliminally touching the Democratic box by all the names while showing them how to vote. After mentioning these to the Chief, he corrected the individuals.

The most egregious infractions started with the provisional ballots. Early in the day, there were 5-6 provisional ballots at a time (didn't appear to be students).They were sat next to each other at 4-5 ft table with no screens between them. They finally added a couple of screens. They were told not to seal the ballot. Then the students came in about 10 at a time. Initially they placed them at the same table with the extras standing behind them. When the word got out, the students arrived in groups of 10-30. The cafeteria was set up with tables and the students were sent in there. ID's were not checked. I mentioned it to the chief and he said they were checked in the voting room. I was in the first room and very few ID's were checked. When a group of students came, they would check one ID and they would ask if all were from Norfolk State and they would answer in the affirmative. They then sent them to the cafeteria.

The cafeteria was loud and chaotic. There was no control. Students acted like it was a party, talking loud, sitting next to each other, discussing how to vote, asking "who are the Dems" on the list, talking on their phones. This continued until Marianne McKay arrived at about 3:45. Stephanie Isles also made an appearance and brought more ballots. I approached Stephanie and shared that they were not checking ID's. Stephanie Isles response was "we are doing the best we can." I was dismissed and felt that there was no interest in the fact that ID was not a priority. Filling in the provisional ballots were a priority, rather than following election laws. Students were specifically told not to seal the ballots by the election officials.

It was overheard the students saying "we get $50 for every D," "we are in the money now," and similar statements. Many took pictures of the "I voted sticker" and would sing they were in the money now. One student returned to grab an extra sticker for his friend who couldn't make it.

Catherine C. Nesmith

I was a poll worker on Tuesday November 5 at the Chesapeake voting precinct (City of Norfolk, #404) and observed the following actions:

- The wife of the voting precincts chief, who was also an election official, was observed hugging and high fiving numerous voters wearing Harris tee shirts.

- Unauthorized individuals were assisting voters with completing their ballots.

- Election officials handing out the actual ballot was observed pointing to democrat candidates when providing instructions on completing the ballots.

- Voters needing provisional ballots were sitting next to each other without dividers and discussing how to vote while they were filling out the provisional ballots.

- Large groups of students from Norfolk State University arrived at our polling precinct, many requesting provisional ballots. Due to the large number of voters arriving at once, election officials stopped checker voter ID and directed the students to a separate room to complete their ballots. The students were observed sitting at a table in a large group completing the ballots and discussing how they were voting. Some voters were observed making video calls requesting assistance with completion of their ballots. Additionally, the students requested assistance from election officials on how to vote for democrat candidates. Election officials were observed pulling democrat candidate sample ballots from the trash and distributing to voters. I notified election officials of my objection to video calls being made while completing the ballots. The election official told me and the voters they were not doing anything wrong and could continue doing whatever they wanted.

- As the students were leaving numerous students were overhead mentioning they were being paid to vote for democrat candidates and were observed taking pictures of their completed ballots and the voting sticker.

_____ _____

Tamara Hanger Date

_____ _____

Notary Signature Date

_____

Notary Commission Expiration Date

Marianne McKay's Observations at the Chesterfield Precinct #405

There were two Republican Authorized Representatives (PW for Poll Watchers) at the Chesterfield Precinct: Catherine Nesmith (Cathi) and Tamara Hanger (Tammy).

I received a phone call in the morning informing me that the chief would not let both PWs into the precinct to observe because they were told by the chief, Alonzo Bailey, there can't be two PWs in the polling place at a time. By the time I arrived in the morning at the precinct the two PWs were allowed in and sitting behind the Pollbook check-in station. I spoke with the chief, Alonzo Bailey, and explained to him that a PW for each pollbook is allowed to observe up to a maximum of 3 PW per political party. Alonzo showed me in the chief's handbook that it says it is up to the chief's discretion and I explained that applies to allowing more than the minimum number of watchers into the precinct. He was polite and accepted my explanation. I also informed Alonzo that the PWs can move about the room to observe (hear and see) everything that is going on but that they may not disrupt the voting process.

I came back by this precinct later that morning at the request of the registrar to bring the chief the Blue Bag for returning completed forms at the end of the evening (they were not packed in the chief's case as is customary). At that time the polling site was starting to pick up and one of the PW told me that voters were being taken into the room next door to fill out provisional ballots. I did not go into the room, but I informed the PW that they may go into the room to observe the process. As I was walking out with Alonzo, I informed the chief the "Virginia is for Voters" tee-shirt with the blue heart which he was wearing was a shirt making a political statement. I even explained the underlying message and asked him to please remove it (he was wearing it over top of another shirt). He told me an electoral board member gave it to him. I said even though it was given to him by a board member it was not sanctioned by the Board and we want Norfolk's elections to be beyond reproach and I would appreciate it if he would remove it (he still had not removed it when I returned later).

I did not make it back to that precinct again until 3:35 PM.

Below are the texts I received from the two PWs over the course of the day.

6:31 AM Cathi: He let us in but says it is his discretion since we came together.

8:21 AM: Cathi: Lots of new registration

8:23 AM Marianne: Not surprised. One of you can stand by to observe process if you want.

9:02 AM Cathi: Overwhelmed with first time voters. They are piling up.

9:39 AM Cathi: A lot of first time people with no screens between them when voting. They are elbow to elbow.

9:47 AM Cathi: They have just put a couple of screens

9:55 AM Marianne: Coming there now

9:56 AM Cathi: There also has been some family members sharing how to vote and no one correcting them

11:19 AM Cathi: they just took a bunch of new voters into a different room to fill out ballots.

11:56 Cathi: the Norfolk State come in groups of 10-20

12:09 PM Tammy: Over 100 provisional ballots in less than an hour

12:11 PM Cathi: Ubers and cars are bringing the students over.

12:45 PM Tammi: 230 since I started counting. It's gotten so busy that they're barely looking at the IDs. They're just glancing and going to the next one.

12:47 PM Tammi: Lots of first time voters.

12:54 PM Cathi: Tammy just said she heard over with the provisional that someone said they get $50 for every D that they vote.

1:03 PM Marianne: I'm calling the attorney liaison.

I called Sydney Volanski, the attorney liaison, to report what I was told, and I asked her to call the PW.

2:16 PM Tammy: Spoke with someone at that number. They said there's nothing that could be done. Just walked back into the room 77 students in here voting.

2:20 PM Marianne: (Grimmace faced frustration emoji) still put it on your report.

2:21 PM Tammi: We are now out of green forms [provisional envelopes].
2:22 PM Tammi: He wanted to know if you could bring more Marianne

2:25 PM Cathi: The provisionals are far greater than the regular vote.

2:27 PM Cathi: Can't the police or attorney go to Norfolk State and witness conversations at the pick up point.

2:44 PM Marianne: The chief needs to call Stephanie.

2:45 PM Tammi: Stephanie is here now She brought some

2:46 PM Marianne: Happy face emoji

2:47 PM Cathi: She is here. Not much for us to do. It is all students.

2:49 PM Tammi: They are not checking identification currently just a glance that they have it. We mentioned it to the chief and Stephanie and they said they're doing the best they can. Whatever that means

2:50 PM Cathi: We are thinking about going home. It is all students with same day. We have said our peace.

2:52 PM Marianne: Call me again.

2:55 PM Cathi: No one is checking Norfolk State students. They just say students and send them to the second room.

3:08 PM Tammi: Just walked back over to where all the students are voting. They look like they're having lunch sitting side by side talking about the voting. It's loud in here. You can barely hear yourself think. People pointing out each other's ballots just telling them what to do. This is beyond crazy.

3:09 PM Marianne: I'm going to another precinct then coming back by.

3:09 PM Tammi: Thank you

3:14 PM Cathi: they are walking out taking pictures of their I voted signs saying I got it. That is probably proof to get paid.

3:34 PM Cathi: One person said he had to get another one because a friend couldn't come. There is absolutely no id check with the student provisionals.

3:35 PM Marianne: less than 5 minutes away.

4:33 PM Cathi: The girls just held up their ballot and said money. Don't understand why someone doesn't go to Norfolk State where it is being initiated.

Arrived back at Chesterfield Precinct around 3:40 PM. Prior to my arrival I had a couple of phone conversations where they informed me that there was a total lack of disregard for following procedures and proper protocol. When they expressed a desire to leave and that they had nothing more to contribute, I explained that their reports of what they observe and witness are critical to changes being made in future elections.

When I arrived, in an effort to manage crowd control NSU students were lined up outside the room Alonzo had set up for handling the large influx of college students. Inside the very large room (half of a gymnasium) there were lots of students sitting next to each other at the tables together with no privacy screens talking with each other while filling out their ballots. Just inside the door there were approximately 15 to 20 students group together being instructed by an officer of election in how to fill out the provisional ballot envelopes. Then the provisional ballot envelopes and ballots were distributed to the students, and they were allowed to go to the table to fill out the ballots. Then the students' completed ballots were turned in and they were given their "I voted" sticker and left. At no point did an election officer check their ID's. I told Alonzo this was unacceptable. He said that his goal was to get students in and out quickly otherwise students would be standing in line for hours. I informed him that we need to set up a process that was as efficient as possible while following the election laws. So, I had an election officer provide directions to a small group of students upon entering the door on how to fill out the provisional ballot envelope; then they were given the provisional ballot envelope only and directed to go to the far-right side of the room to fill it out. Once they completed the envelope, they were to take the provisional ballot envelope and their identification to one of the two election officers seated at a table. There the election officer reviewed the envelope, checked their Id, completed the officer's section on the provisional envelope, and given a ballot which they were to take to a table on

the left side of the room to fill out. Once they completed the ballot, they were to fold it up and put it in the envelope, then seal the envelope and take it to the exit officer who would then take their ballot and give them an "I voted" sticker. For the students lined up outside the room to vote, I got two extra sample ballots and instructed the students to look at the sample ballot so they could see ahead of time what was on the ballot; I suggested if they did not know who to vote for then they should take a picture of the ballot and pass the sample ballot to the next student, and while they are standing in line they may do research on the candidates. I explained this would move the process along quicker Once this process was implemented the voting process for provisional ballots became smoother and much more orderly. While I remained at the precinct, I still had to go over to students and constantly inform them that they were not to be talking with each other.

Signature _____ Date _____

Printed Name _____

Exhibit 2

I arrived a few minutes before noon, when the provisional ballot meeting was to begin. We did not begin (called to order) until 12:45ish. I wasn't paying attention to exact time.

Stephanie announced the numbers for early voting and absentee.

SDR provisional ballots were announced next with a total of 3,904, 700 were early voting and 3,204 election day. 201 of the absentee/early voting but didn't surrender ballot were 201.

When Marianne brought up provisional ballot logs and that she had requested them on Tuesday, Zieg, Atoy and Stephanie all jumped in and talked over Marianne. They all said there's too much personal information on the SDR and/or logs. Stephanie proceeded to state that her and her team do the research for atoy, zieg and Marianne. Stephanie mentioned she was tired and had worked endlessly to verify the SDR's. There were two Universities and the naval base with way too many SDR's, even though they (I believe the Registrar tries to get out information to the universities and naval bases to register before the cutoff. I'm not sure the cutoff day, maybe the 2nd of November)?

She even mentioned that some Chiefs came in the day after election to sign the provisional logs or something to the effect because if they stayed at their precinct to finish, they would have been there all night . She again reiterated that the information on the green sheet SDR contains personal information (SS#'s etc) and her team does a thorough process of validating them. Marianne mentioned again, that she didn't understand why she can't see them as a member of the electoral board. She mentioned some irregularities in a prescient. She tried to read the election language with respect to provisional ballots and immediately zieg motioned to accept the registrar research and atoy & zieg said yay and Marianne a nay. By 1:32 we had adjourned until the SDR were processed to be certified. Marianne noted that authorized representatives had the right to request the redacted ballots so I asked for the redacted provisional logs as an authorized representative. Stephanie said it would not be tonight that I received the logs. That it could take days for her to photo copy them. I said no problem.
She then asked if I had a letter from John Sitka. *I want to note that before I requested the redacted logs, I was never asked to provide my authorized letter.* I said yes I have a letter. Zieg chimed in real quick and asked "is it an original?" I offered to show him the letter since I was not sure since it was on color paper. Zieg says to me, and in front of the board "it shouldn't be that hard to figure out." This felt very condescending, especially because it was in front of everyone. That's when Marianne jumped in and said it was Xeroxed. Then atoy, zieg and Carlos Clanton (the other observer like me, and also running for city council) said it needed to be an original. Stephanie did say we should/could call John Sitka to verify and also looked at my letter and said I needed code 24.2-653.01 on the letter. Another lady was there and I believe her name was Rosemarie.

When Stephanie suggested calling John Sitka, zieg <u>immediately</u> said he's(Sitka) not going to approve her (me) observing the process (of opening the SDR and feeding the ballot into the voting machine). Marianne called John and at first, he said yes and then said no. I saw her hand kinda signal a thumbs up, but then said he won't approve. Seems like zieg texted him to say no,

but that's just my opinion, because it changed. Stephanie and her crew went behind closed doors without observers and I believe started opening the green SDR's with provisional ballots.

It was a very awkward experience. Zieg and Atoy proceeded to have conversations. Talking about burger places, Pendulum meats, Zieg getting a haircut etc. They had no care to look at the logs or the provisional process. They both seem uninterested with election integrity. Marianne brought up again, the irregularities that were brought to her attention, like one precinct not asking for ID's, the "students' all sitting at a table filling out their ballots, asking their friends who are we voting for etc. Zieg says verbatim. We can't go back to ask about the ID being checked or not in Chesterfield (?) he said I know Alonzo (the chief?) is pretty relaxed or something similar. Marianne brought out a green sheet SDR and all 3 went through the "application) and realized, there was a place on the SDR for the chief to time stamp and check ID or not. It was like they just realized it was part of the application. Then Zieg and Atoy said they were going to get some lunch and invited Marianne to join if she wanted.

I do not know who is allowed to do the research on the SDR, but if Marianne had the right to see the names and cover of SDR or at least the right to get the provisional ballot log they definitely were trying to gang up on her and dismiss her inquiries.
Seems like willful neglect of duty on atoy and zieg.

I would like to mention that I have never met Zieg or Atoy before Friday November 15, 2024. I met Marianne at John Sitkas "thank you" lunch at the republican party of Norfolk luncheon on the 9th of November. It was just a quick introduction since we sat close to each other but at different tables. I have never spoken to her before we officially met right before the poll observing on November 15, where I was given the letter to observer the provisional ballots. I would also like to mention I started the process of becoming an Election Officer in May 2024. I returned the letter to Yvonne on 9/18/2024 and attended the official training with Stephanie on 10/5 at 2pm. Simultaneously, I had registered with True the Vote and attended a virtual training on 10/5 in the morning. I was a poll watcher at City Hall on 10/8 and 10/9.
I submitted my fees to become a member of the Norfolk Republican Party on 10/9 and attended a planning meeting on 10/12. I had never met Zieg or Marianne. In fact, I was shocked to find out Zieg was from my party because the way he treated Marianne at that meeting on 11/15. Everyone, especially atoy and zieg were hostile to her, and me (once I requested the provisional logs).

I will also mention that at some point while Marianne and I sat out the Registrars "waiting room" (between 2:30-3:30pm), a lady who obviously worked for the Registrar office, came out to get Stephanie's laptop she had left during the board meeting. Marianne kindly asked if they were counting ballots, or just opening the provisionals. The lady smirked and said we are doing our job.

I met John Sitka on 10/12 and had even emailed with him a few days before that. There should have been zero reasons that he would not approve me to be an authorized observer. Election Integrity is very important to all of us. I left about 4:30pm and the provisionals had not been counted or certified. Respectfully, Jeannie Sylvia

Report of the Provisional Ballot Canvass on November 15, 2024

Location:
Norfolk Office of Elections
810 Union Street
City Hall Building, Suite 100
Norfolk, Virginia 23510

Individuals Present:
Stephanie Iles, Director of Elections and General Registrar
Rosanna Bencoach, Deputy Director of Elections and Deputy Registrar
Atoy Carrington, Chair of the Norfolk Electoral Board
Marianne McKay, Vice Chair of the Norfolk Electoral Board
Michael Ziegenfuss, Secretary of the Norfolk Electoral Board
Carlos J. Clanton, Candidate for Superward 7 City Council
Jeannie Sylvia, Republican Authorized Representative

About 11:45 AM I met Ms. Sylvia in the foyer of City Hall to give her the Norfolk Republican Party Chair's Authorization letter and the ELECT's guidance on authorized representatives being able to receive a redacted copy of the Provisional Ballot Logs.

The meeting, which was scheduled for 12 noon, was convened late because Ms. Iles was having difficulty getting internet access which was needed to conduct the Provisional Canvass Review. Guests were acknowledged, but no authorization letters were requested at this time. Once the issue was resolved Ms. Carrington convened the meeting.

The following count figures were provided by Ms. Iles.

Total Provisional Ballots			4,518
Voters who did not have their Absentee Ballot to Surrender		201	
Voted a Provisional Ballot due to Election Officer Error		9	
Same Day Registration from Early Voting	700		
Same Day Registration from Election Day	3,204		
Same Day Registration (a specific type of Provisional ballot)		3,904	
Provisional Ballots Counted			4,114
Provisional Ballots at the Wrong Precinct	164		
Provisional Ballots at the Wrong Locality	41		
Provisional Ballots cast for Other Reasons	199		
Provisional Ballots Not Rejected			404

I brought up my request for the provisional log sheets from each of the precincts which I had requested on Wednesday, November 6, 2024. Mr. Ziegenfuss, Ms. Carrington, and Ms. Iles

dismissed my request as not being possible because of the massive number of provisional ballots. Ms. Iles to convey the magnitude of the number of provisional ballots received shared that some chiefs had to come in the next day to finish filling out the Provisional Ballot Log Sheets because if they stayed at the precinct to finish them, they would have been there all night. Ms. Iles also conveyed that there was personal information that needed to be protected. As we were discussing the provisional ballot process (reviewing, researching ballots, etc.), Mr. Ziegenfuss quickly interjected that he moves that the Board accepts the General Registrar's research and recommendations of the provisional ballots. The motion was seconded by Ms. Carrington. The vote passed two to one with my vote being the dissenting vote.

After the vote was taken, I still reiterated that I would like to see a copy of the Provisional Ballot Logs from the precincts and Ms. Iles stated the request must come from an authorized representative. I looked toward where Ms. Sylvia was sitting to let her know that she may request it. Ms. Sylvia then requested a redacted copy of the Provisional Ballot Logs, and Ms. Iles asked if she had an authorization letter, and she said she did and proceeded to hand it to Ms. Iles. Mr. Ziegenfuss immediately questioned Ms. Sylvia if it was a letter with an original signature and stated that he didn't believe Mr. John Sitka, the Republican Party Chair would have authorized the request (Note: Mr. Sitka was not present). Ms. Sylvia seemed a little taken back and responded to his question with what she knew, and Mr. Ziegenfuss responded in a rather belittling and condensing manner "that it [Mr. Ziegenfuss' question] shouldn't be a difficult question." Concerned about the awkwardness of the situation, I spoke up and let Mr. Ziegenfuss know that it was a copy of a signed authorization letter, which I knew because I was the one who had given it to Ms. Sylvia just before the meeting. Ms. Iles did comment that she would not be able to give Ms. Sylvia a copy of the Provisional Logs today, that it may take her a couple of days to give it to Ms. Sylvia because of the number of pages there are. Ms. Sylvia indicated that she understood and was fine with those conditions.

Ms. Sylvia also requested that she be able to view the opening and scanning of the Provisional Ballots to be counted, the ones Ms. Iles recommended the Board accept. Ms. Iles and Ms. Bencoach were looking over the authorization letter and eventually commented that it was unacceptable for accommodating Ms. Sylvia's request, but Ms. Iles said if Mr. Sitka, the Norfolk Republican Party Chair authorized her to observe the process then Ms. Sylvia would be permitted. I called Mr. Sitka and once I was on the phone with him, I explained that I needed him to authorize Ms. Sylvia to have his permission to observe the Provisional Ballot Count because the authorization letter given to her was not being accepted. He said he would, and I asked him to hold on while I waited to give Ms. Iles the phone. While waiting (less than a minute after Mr. Sitka told me yes) he abruptly changed his mind and said he "No, I'm (Mr. Sitka) not authorizing it, and he gave me no reason for his sudden change. I relayed to Ms. Sylvia that she was not allowed to observe the final processing of the provisional ballots.

While everyone waited, I once again brought up my concerns about what happened at the Chesterfield precinct concerning how the provisional ballot voting process was handled. I reiterated what was reported to me by the two poll watchers and what I witnessed when I got there. My comments did not arouse any concern from Mr. Ziegenfuss and Ms. Carrington. I

remember Mr. Ziegenfuss stating that the chief, Alonzo Bailey, was laid back and that Mr. Ziegenfuss doesn't really give much credence to Poll Watchers' reports. Ms. Sylvia left between 4:30 PM and 5:00 PM for a previous scheduled commitment. Sometime after Ms. Sylvia left, Ms. Iles came back and reported the results, and all the board members signed the papers certifying the election.

When the results were presented, I did not question the results or whether I was required to sign the election certification papers that evening. However, after the meeting was adjourned and I left the building and upon reflection, I began to have doubts as to whether I did the right thing. So, I slept on it and the next day I felt like I should send an email to Ms. Iles (copied Ms. Carrington and Mr. Ziegenfuss) stating reservations as to how I handled the certification. The email was labeled "Certification of the November 5, 2024, Election Results" and was sent at 2:56 PM on November 16, 2024.

Signature _____ Date _____

Printed Name _____

Notary Information

Signature _____ Date _____

Printed Name _____

Date Notary Expires _____

Notary Seal

Exhibit 3

Gmail

Marianne McKay <nebmckay@gmail.com>

Virginia Driver Privilege Card and Identification Privilege Card

5 messages

Marianne McKay <nebmckay@gmail.com> Fri, Oct 11, 2024 at 8:07 AM
To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, John Sitka <jsitka@liberty.edu>, "rich@richanderson.com" <rich@richanderson.com>, jwalczyk@gop.com
Bcc: Marianne McKay <mariannecramer1019@gmail.com>

Good morning Director of Elections and General Registrar Iles,

After training class yesterday for pollbook officers I informed you that our pollbook officers need to be instructed in how to tell the difference between a Virginia Driver Privilege Card and a Virginia Driver's License because even though the two cards look exactly alike, the Privilege Driver Card is not an acceptable type of voter identification because it is only issued to non-citizens. You disagreed with me and informed me that any voter presenting a driver privilege card whose name is in the pollbook will be allowed to vote. I have included the link below for the Virginia Department of Elections website which lists all the forms of voter identification that are acceptable. You will notice the last item on the list states that a Virginia Driver's Privilege Card is not an acceptable form of voter identification.

Voter-Identification-Chart---Revised-09.2024.pdf (virginia.gov)

This is an election integrity issue, and our training must be corrected immediately to reflect what is and is not acceptable voter identification. For the remaining pollbook training class at 6 p.m. today, the Voter Identification List should be distributed to all attendees along with an explanation on the difference between the two forms of identification, which is that on the front side of the Driver Privilege Card there is the number "9" under restrictions and on the back side there is the phrase "limited duration." The pollbook officer should also be instructed to ask the voter for another form of identification when presented with the driver privilege card. Then for the upcoming chief and assistant chief training, they need to be instructed on the differences and informed to go over this with their pollbook officers on Election Day morning as four pollbook training classes have already been completed and didn't have the benefit or instruction on this topic. Also, the current Voter Identification List should also be included in the Pollbook Officers Election Day Folder.

I trust you will appreciate, as I do, the importance of this issue to election integrity. Thank you for your attention to this matter.

Marianne McKay, Vice Chair
Norfolk Electoral Board

cc:
Richard Anderson, Chairman
Virginia Republican Party

John Walczyk, Virginia State Director, Election Integrity,
Republican National Committee

John Sitka, Chairman
Norfolk Republican Party, Candidate for 3rd Congressional District

---

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Fri, Oct 11, 2024 at 12:38 PM
To: Marianne McKay <nebmckay@gmail.com>

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, John Sitka <jsitka@liberty.edu>, "rich@richanderson.com" <rich@richanderson.com>, "jwalczyk@gop.com" <jwalczyk@gop.com>

Good afternoon Vice Chair McKay, et. al –

The Voter Identification List is included in the Pollbook Officer's Position Folder.

Also, the Acceptable Forms of ID poster provided by the state is posted near the pollbook officer table to advise voters of acceptable forms of identification.

Additionally, Chiefs and Assistant Chiefs are trained on voter identification.

Federal limits and Restricted Limits on a Virginia Driver's License are also applied for individuals with disabilities and/or prosthetics. The code you are referring to on the license is not just for non-citizens.

Please also note that when you go to renew your driver's license, if you do not obtain the Real ID in Virginia, you will have Federal Limits restrictions on your license.

Our office attends naturalization ceremonies twice a month at the U.S. Federal Courthouse to register new citizens to vote. These individuals will have or obtain a Social Security Number and, most likely, a driver's license.

Yes, there are non-citizens who may obtain a driver's license in the United States. However, in order to register to vote in Virginia you MUST be a U.S. citizen. That is the first question on the Virginia Voter Registration Application. Persons who are listed on our voter rolls have to affirm they are a citizen. If an individual were to lie on their voter registration application about citizenship (or previous felony information) that would be considered a false statement and would be referred to the Commonwealth's Attorney for review and possible prosecution. Non-Citizens would not be able to garner citizenship if this were to occur and would be deported. We are not Immigration Services. We trust that those who have properly registered to vote with our office and appear on our voter rolls are citizens of the United States of America.

Thank you.

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>
Sent: Friday, October 11, 2024 8:08 AM
To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Cc: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com>; John Sitka <jsitka@liberty.edu>; rich@richanderson.com; jwalczyk@gop.com
Subject: Virginia Driver Privilege Card and Identification Privilege Card

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com> Fri, Oct 11, 2024 at 3:36 PM
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, John Sitka <jsitka@liberty.edu>, "rich@richanderson.com" <rich@richanderson.com>, "jwalczyk@gop.com" <jwalczyk@gop.com>
Bcc: Marianne McKay <mariannecramer1019@gmail.com>

Good afternoon Director of Elections and General Registrar Iles,

I am glad to hear the Voter Identification List will be in the pollbook officers' position folder given to them on Election Day. And I agree with you that our office doesn't act as the Immigration Office nor am I suggesting we do this. What I am insisting on is that our pollbook officers know they must require one of the acceptable forms of Voter Identification on ELECT's list from a voter, and a Virginia Driver Privilege Card and Identification Privilege Card are not acceptable. Therefore if a voter presents a Driver Privilege Card then the voter should be told that this is a Driver's Privilege Card and is not an acceptable form of voter identification, then the pollbook officer can show the voter the list of acceptable identifications and ask them if they have any of these types of identification. If they do not then the voter should be given the opportunity to fill out an Identification Confirmation Form and then they can vote. If the voter chooses not to fill out the Identification Confirmation Form, then they are given a provisional ballot to fill out. Notice in this process the voter's citizenship status is never mentioned.

This process is required by the Virginia State Code and is necessary for election integrity. Therefore our pollbook officers must be trained to recognize a Driver Privilege Card, which will look exactly like a driver's license on the back and front except there will be a "9" under restrictions on the front side and on the back side it will identify the restriction as "Limited Duration." You are correct that there is more than one type of associated restriction that corresponds to a "9," however the difference is on the restriction given on the back side (ASD means Autism Spectrum and IntD means Intellectual Disability). Only a Driver Privilege Card will say "Limited Duration." I will bring a picture to training this evening to show you the front and back of a Driver privilege Card.

The following link takes you to the Virginia DMV's link for information on Driver Privilege Cards:

Driver Privilege Card | Virginia Department of Motor Vehicles

The link below takes you to the Virginia Code on Driver Privilege Cards and 46.2-328.3B1 specifically states the phrase "limited duration" on the back identifies it as a Driver Privilege Card.

§ 46.2-328.3. Driver privilege cards and permits (virginia.gov)

This should clarify what the requirement is.

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

Gmail

Marianne McKay <nebmckay@gmail.com>

Failure to Address Virginia Driver Privilege Card at Pollbook Training on 10/11/2024

1 message

Marianne McKay <nebmckay@gmail.com> Sat, Oct 12, 2024 at 9:03 AM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>
Bcc: John Sitka <jsitka@liberty.edu>

Good morning Chair Carrington and Secretary Ziegenfuss,

I attended the Pollbook Training last night, October 11th, and our Director of Elections and General Registrar Iles did not address the topic of Virginia Driver Privilege Cards as an unacceptable form of voter identification and how to recognize one after Ms. Iles and I exchanged three emails between us on this subject matter (both of you were copied in those email exchanges). I am going on record that I am informing you Ms. Iles failed to address this topic at the training last night. Furthermore, I am going on record that it is not too late for us to fully remedy this problem.

The remedy is for Ms. Iles to clearly point out in the upcoming chief and asst chief training that:

- A Virginia Driver Privilege Card and Virginia Identification Privilege Card are not acceptable forms of voter identification.
- Chiefs and asst chiefs need to be instructed in how to recognize a Virginia Driver License as actually being a Driver Privilege Card since they look exactly the same.
- Chiefs need to be instructed to go over this information with the pollbook officers at their polling site Election Day morning because the pollbook officers have not been instructed on this subject matter
- When the chiefs come in on the Monday before Election Day to pick up their case and Chief's Monday Folder they must be reminded to instruct their pollbook officers on the Driver Privilege Card
- The Monday folder should contain a handout showing them what a Driver Privilege Card looks like.
- The Pollbook Officer's Position Folder they are given on election Day should also contain the handout on how to recognize a Virginia Driver Privilege Card.

I realize the Board has delegated the task of training to Ms. Iles, but the Board cannot delegate our oversight responsibilities. I am going on record that for you to remain silent on this issue makes you complicit in the failure to ensure our pollbook officers, asst chiefs, and chiefs are adequately trained to carry out a lawful election.

I trust that you care as much as I do about lawful elections to take the necessary steps to ensure this failure in training is corrected.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

Exhibit 4

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Voter Identification

All voters casting a ballot in-person will be asked to show one form of identification. Any voter who does not present acceptable identification may instead sign a statement, subject to felony penalties, that they are the named registered voter who they claim to be. Any voter who does **not** present acceptable identification or sign this statement **must** vote a provisional ballot.

Identification	Is Accepted?
Virginia driver's license	Yes, may be current or expired.
Virginia DMV-issued ID card	Yes, may be current or expired.
Valid employee ID card, containing a photograph, issued by voter's employer in ordinary course of business (public or private employer)	Yes
U.S. Military ID	Yes
Valid student ID issued by a public or private high school or institution of higher education located in Virginia	Yes. Acceptable in electronic form only if is an officially adopted method of issuing a student ID by the institution.
Valid student ID, containing a photograph, issued by a public or private institution of higher education located in the U.S.	Yes. Acceptable in electronic form only if it is an officially adopted method of issuing a student ID by the institution.
Valid U.S. passport or passport card	Yes
Government-issued ID card from a federal, Virginia, or local political subdivision	Yes
Voter ID card issued by the Department of Elections	Yes
Voter confirmation documents	Yes
Valid tribal enrollment or other tribal ID	Yes, if issued by one of the 11 tribes recognized by Virginia.**
Nursing home resident ID	Yes, if issued by a government facility.
Current utility bill, bank statement, government check, or paycheck containing the name and address of the voter	Yes. The document cannot be more than 12 months old. Acceptable in physical or electronic form.
Any other current government document containing the name and address of the voter	Yes. Acceptable in physical or electronic form.
Signed ID Confirmation Statement	Yes
Out-of-state driver's license	**No**
Student ID from a high school located outside of Virginia	**No**
Membership card from private organization displaying a photograph	**No**
Credit card displaying a photograph	**No**
Virginia Driver Privilege Card and Identification Privilege Card	**No**

*"Valid" means the document is genuine and is not expired for more than twelve months, except for a Virginia driver's license or DMV-issued ID card, for which the expiration date should not be considered when determining its validity.

**The 11 recognized tribes are: Cheroenhaka (Nottoway), Chickahominy, Chickahominy Eastern Division, Mattaponi, Monacan, Nansemond, Nottoway, Pamunkey, Patawomeck, Rappahannock, and Upper Mattaponi. (https://www.commonwealth.virginia.gov/virginia-indians/state-recognized-tribes/)

Virginia Code § 24.2-643(B)

Image20240...

Caution: No way to distinguish from a Virginia ID card

Identity Privilege Card

1. Federal Limits Apply in the right-hand corner
2. Restrictions will have the number 9 in upper corner
3. Expiration date will be four years after issuance on the day of birth
4. Back of Card is decoded as "9: Limited Duration (See Expiration date on front)

1. If all of the above true, it is absolutely an Identity Privilege Card
2. If voter has another form of acceptable Identification, they are allowed to vote.
3. If unable to produce another form of identification, they can sign an ID Confirmation Statement and vote if they satisfy remainder of check-in requirements.
4. If they do not have acceptable ID and refuse to sign ID Confirmation Statement, they are allowed to vote provisional.

58%

Exhibit 5

Election Results Reporting Form

Election Results Reporting Form
November 5, 2024 *General & Special Elections*
★ RETURN THIS FORM IN THE FOLDER IN ENVELOPE #2 ★

1. Precinct Name _____
2. Your Name _____
3. Are you the Chief Officer? ___ Yes ___ No

4. TOTAL NUMBER OF BALLOTS CAST IN THIS PRECINCT?	4.
President and Vice President	TOTAL COUNT
5. Democratic Party Electors for Kamala D. Harris, President and Tim Walz, Vice President	5.
6. Republican Party Electors for Donald J. Trump, President and JD Vance, Vice President	6.
7. Green Party Electors for Jill E. Stein, President and Rudolph T. Ware III, Vice President	7.
8. Libertarian Party Electors for Chase R. Oliver, President and Mike ter Maat, Vice President	8.
9. Independent Electors for Claudia De La Cruz, President and Karina Garcia, Vice President	9.
10. Independent Electors for Cornel R. West, President and Melina Abdullah, Vice President	10.
11. Write-In	11.
12. Undervotes	12.
13. Overvotes	13.
Member – United States Senate	TOTAL COUNT
14. Timothy M. Kaine - D	14.
15. Hung Cao - R	15.
16. Write-In	16.
17. Undervotes	17.
18. Overvotes	18.
Member – House of Representatives - 3rd District	TOTAL COUNT
19. Robert C. "Bobby" Scott - D	19.
20. John Sitka, III - R	20.
21. Write-In	21.
22. Undervotes	22.
23. Overvotes	23.

TRAINING

On the Election Results Reporting Form record the Final Results from the machine tapes & SOR

1. Record total ballots cast

2. Record the final result totals for each candidate

The **CHIEF** should:
- Report the Precinct results

112

Completing the SOR

STATEMENT OF RESULTS 1
November 5, 2024 General & Special Elections
City of Norfolk, Virginia
Precinct:

Part 1. Turnout –
Obtain these numbers from the Pollpad Certification Form.

Total Number of Voters Marked in Pollpad as Voting	

Part 2. Votes Cast –
Obtain this information from the voting machine tape(s).

Total Number of Votes Cast on Machine(s)	

Curbside/OP Reporting
Obtain this number from the Pollpad Certification Form.

How many people voted curbside on Election Day? Outside Polls (OP)	

Part 3. Discrepancies.
Does the Total Number of Voters Marked in Pollpad as Voting = the Total Number of Votes Cast on Machine?
Please note: DO NOT SUBTRACT Outside Polls (OP) voters

☐Yes ☐No

If "No," please provide an explanation. If "Yes," continue to the back of this page

↑
Staple

ZERO TAPE
and
CLOSING (RESULTS) TAPE from Voting Machine
and
WRITE-IN TAPE (if a November Election)

ALL OFFICERS OF ELECTION MUST SIGN STATEMENT OF RESULTS AND RESULTS TAPES

(CONTINUED ON BACK)

Complete #1, 2 & 3 (parts a &b)

Do the Total Number of Voters Checked in equal the Number of Ballots cast on the Machine?

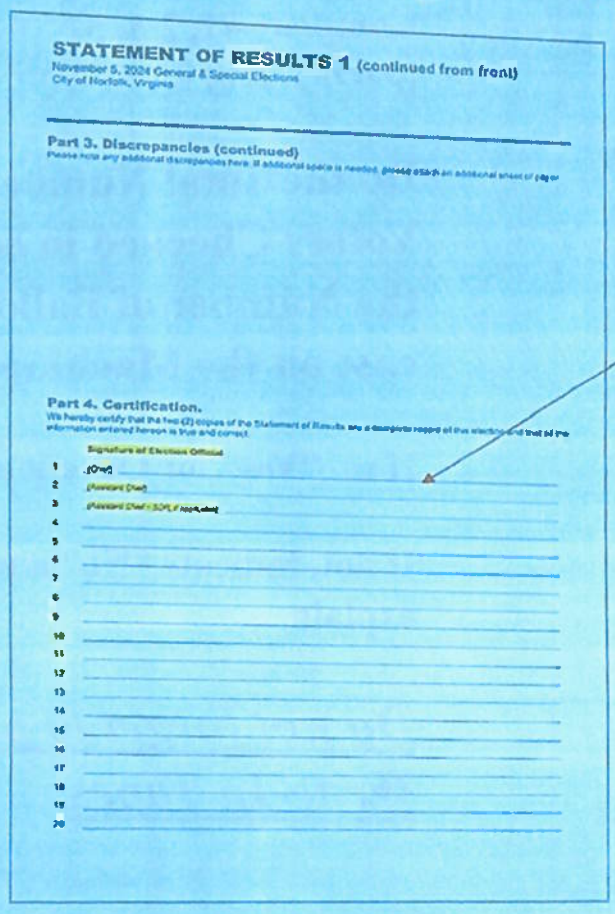
If so, "Yes" for Question #3

If not, indicate "No" and explain

Do not forget to print Write-In Tapes

113

Who must sign the SOR Certification?



STATEMENT OF RESULTS 1 (continued from front)
November 5, 2024 General & Special Elections
City of Norfolk, Virginia

Part 3. Discrepancies (continued)
Please note any additional discrepancies here. If additional space is needed, please attach an additional sheet of paper.

Part 4. Certification.
We hereby certify that the two (2) copies of the Statement of Results are a complete report of the election and that all the information entered hereon is true and correct.

Signature of Election Officials

1 (Chief)
2 (Assistant Chief)
3 (Assistant Chief / SOR, if applicable)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

Certification of Results

- **<u>All Officers</u> MUST sign after reviewing the entries.**
- This is a legal document that certifies the results of the election.
- <u>Do not sign until all entries have been made. Do not sign a form with blank spaces</u>

114

Exhibit 6

~~Appendix 45~~

Gmail

Marianne McKay <nebmckay@gmail.com>

Lack of Response to Requests

Marianne McKay <nebmckay@gmail.com>
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Tue, Apr 30, 2024 at 12:44 PM

Good morning Director of Elections and General Registrar Iles,

Thank you for your email and letting me know you were out of the office. I hope you enjoyed your time off.

Please correct me if I'm mistaken, I am assuming that the Officer of Training class on May 10, 2024 is the standard class that has been offered before previous elections and does not include pollbook training. However, I noticed that there is no training mentioned for Chiefs and Assistant Chiefs. This concerns me as I believe the Virginia State Statute 24.2-115 (5th paragraph) states, "The electoral board *shall ensure* that *each chief officer and assistant* is instructed in his duties not less than three nor more than 30 days before each election. *Each officer of election may* be instructed in his duties at an appropriate time or times before each November general election, and training of the officers of election shall be conducted as provided by Virginia State Statute 24.2-115.2" (italics are mine). So, it appears to me that there should be training scheduled for chiefs and assistants. It certainly does not have to be the standard chief training used before but could have a hands-on component for filling out paperwork and could cover some managerial issues.

Regarding the tentative assignment list 89% of the total number of election officers (281 out of 316) were listed as non-specified which is not the same as a non-partisan party affiliation. I have attached a chart of the total officers of election by party affiliation assigned to the precincts based on the tentative assignment list you emailed. I believe the first time "non-specified" was used, at least since I came on the Board in January 2023, was for the March 2024 Presidential Primary and at that time there were 41 officers with that designation. I expressed concern at that time and was told by you that the 'non-specified" designation was the result of a computer glitch and the party affiliation would revert back to what the original party affiliation was on March 1, 2024. So there should not be any "non-specified" party affiliation for any election officer on the tentative assignment list. So please resend the tentative appointment list for the upcoming June Primary with the officers party affiliation designated. An Electoral Board member cannot review appointment assignments for parity without this information and as I have mentioned before this responsibility cannot be delegated and lies with the Board.

My request to meet with you regarding the staffing process still stands, and please let me know if you would like me to resend the email where I explained the reason for requesting the meeting because I am happy to forward it to you. Regarding the other issues and comments you mentioned in your email, I agree those can be addressed at our next Electoral Board meeting on May 7, 2024 as you suggested.

Thank you for your support.

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

Total OOE by Party Affiliation Assigned to Precinct.docx
27K

Exhibit 7

Poll Watching Principles and Rules to Follow

- Be respectful and courteous to other volunteers and election officers.
- Do not interact with voters or election officers.
- Direct all questions to the chief and do so politely.
- Do not disrupt, obstruct, or interfere with the voting process; otherwise, the chief will ask you to leave.
- Follow all applicable laws for poll watchers.
- If you observe any procedures not being followed, witness any potential law violations, or notice anything unusual, then report your concerns to the chief. If you do not get a satisfactory response, then ask the chief to contact the General Registrar. If you still don't get a satisfactory response, then contact the member of the electoral board. (Marianne McKay 757.604.3314) or the Republican party hotline.
- Have your identification with you and bring your authorized letter to give to the chief (have several extra copies).
- You may use your phone to text, to read, or to research, but it cannot make any noise, so be sure to mute or silence it. (Only the chief or asst chief may use the official phone for election business: no exceptions tolerated. Note: This has always been the rule, but I am learning this is incorrect, so do not report it. What is true: taking digital images are not allowed nor is talking on the phone allowed, and their phone should be silenced too.) If you need to make a call, please let the chief know you are stepping outside the polling room/place.
- Be sure your cell phone is fully charged at the start of your day.
- You will be provided with a place to sit behind the pollbook officer; if you cannot hear the pollbook officer then let the chief know.
- You cannot sit at the chief's table, but you are allowed to stand or move about to observe.
- You must be allowed to observe and hear everything that takes place in the voting process.
- Keep a log and make notes from each polling place to share with the integrity team.
- Do not wear or display campaign items. Dress in layers and wear comfortable shoes, and you cannot be required to wear a mask or social distance.
- Do not eat or drink any of the election officers' food. You must bring your own snacks and drinks.
- You are not allowed to touch or handle any polling equipment, materials or paperwork.

Upon Arrival:

- Let an election officer know that you are an Authorized Representative/Observer/Poll Watcher (all terms for the same person) and let them know you need to check in with the chief and ask them to point you to that person.
- Hand the chief your authorization letter (he will keep it) and your ID; he will verify that you are a registered voter in Virginia.
- You will fill out a monitoring form; declare your electronics.

- Chief will cover the camera with a round sticker.
- Chief will give you a badge to wear which you will return before you leave. Sign in and out whenever entering or leaving the polling place.
- Ask the chief if he could introduce you to the officer handling curbside voting because you will be observing that process.
- Chief will show you where you can sit (behind the blueline which is 3 ft. behind the pollbook). If you can't see or hear you may "appeal." I suggest you confirm that you may move about the polling place as long as you are not interfering with the election process or violating the voter's privacy.
- Recommend you familiarize yourself with the polling place set up: location of chief's table, provisional ballot table, greeter/curbside officer, check-in station, ballot officer station, ballot marking station, touchwriter, and scanner/exit officer.
- If you arrive before the polling place opens, then check the ballot count on scanner (zero and lifetime counter) and zero tape.

Same Day Registration (SDR): is when the voter registers to vote (or the voter's name is not in the pollbook) and then votes the same day. The voter must cast a provisional ballot, which means the ballot will not be scanned.

1. The voter must cast their vote in the correct locality and precinct; so, the chief or assistant chief will call the Registrar's Office to verify the voter's precinct. If the voter is not at the correct polling place, the voter will be given the correct precinct and suggest that he go there.
2. If voter is at the correct polling place: they will be asked to show their identification.
3. Next the voter will be given a green provisional ballot envelope to fill out and the officer will instruct the voter which side of the form to fill out.
4. Note: both sides have an application printed on the envelope one side is for SDR and the other side is for all other reasons a provisional ballot is required.
5. Once the voter has completed the envelope, the officer should review it to ensure all questions have been answered that would cause the provisional ballot to be denied and that it is legible. Then the officer marks at the bottom of the envelope indicating that they have reviewed it.
6. The voter is then given a ballot to mark, and then the voter folds the marked ballot and places it in the envelope, seals the envelope and gives it back to the officer. Under no reason is the ballot to be cast in the optical scanner (scanner).
7. The officer gives the voter a provisional notice explaining why they cast a provisional ballot and what happens with the ballot.
8. The officer then records the provisional ballot on the Provisional Ballot Log Sheet and places the provisional ballot in a large envelope.
9. The voter should remain at the table for filling out the ballot until the ballot has been sealed in the envelope and given to the officer.

Other reasons for casting a provisional ballot include:

- An absentee ballot was received but the voter wants to vote in person and does not have his absentee ballot to surrender.
- The voter is shown in pollbook as already having voted.

- The voter does not have a valid ID and declined to complete ID Confirmation Statement.
- Voters are voting after hours due to a court order.
- All other reasons, such as voters choosing to vote at a precinct where they are not registered.

Follow steps #1-8 outlined above, except the voter will fill out the other side of the envelope labeled Virginia Provisional Vote (Non-Same Day Registration).

Drop Box: On Election Day an officer, usually stationed by the entrance door, will have a secure box/bag (blue or orange) where a person may return an absentee ballot.

- The secure bag is to be always monitored and never left unattended.
- If a voter comes to place the absentee ballot in the box, the officer may advise the voter that the secured envelope containing the ballot must be filled out completely and suggest to the voter that he open the outside envelope to check for name, address, year of birth, last 4 of Social Security Number, and voter signature).
- If the voter chooses to check that the secured envelope is filled out, then the voter should be instructed to place the secure envelope containing the ballot back in the outer envelope and place it in the drop box.
- Under no condition should the secure envelope be opened, or the ballot will be voided.
- When polls close, the ballots are taken out, counted, placed in an envelope, and chain of custody report is completed.

Qualifying a voter:

- When a voter checks in, the pollbook officer must ask for an ID.
- Once the pollbook officer has pulled up the voter's information in the pollbook, the pollbook officer then asks the voter to state his name and address. The voter may write down their name instead of stating it. The address given doesn't have to match the address on the ID, but it must match the address shown in the pollbook. If it doesn't then the pollbook officer will refer to the "What If ..." handout or call for chief/asst chief. If a flag appears the pollbook officer will also call for a chief, and the chief will probably have to call the Registrar or have the voter fill out a form.
- The pollbook officer must state back the voter's name as it appears in the poll book so the poll watcher can hear it.
- Once checked in, the pollbook officer will give the voter back his ID and a ticket for getting a ballot.
- Once a voter is checked in, they may not leave and return later.

If an absentee ballot is surrendered by a voter, the chief must void or spoil the ballot and the chief must qualify the voter by entering a special chief's code in the pollbook.

If an absentee ballot is required to be surrendered and the voter does not have it, then the voter must complete a provisional ballot.

Additional forms that may be required to be filled out before voting (Note: these forms would be filled out at the chief's table):

- Request for Assistance: If the voter needs assistance in voting, then both the voter and person assisting the voter must fill out the form.
- Affirmation of Eligibility: If a voter is designated as inactive, then the voter will need to fill out an Affirmation of Eligibility form.
- ID Confirmation Form: This is a form the voter must fill out under penalty of perjury, if they do not have an acceptable voter ID.

Curbside (or outside poll voter):

1. The officer will ask for an acceptable form of ID (if more than 1 person in the car will be curbside voting, then the exact process must be done for everyone) and ask the voter to state his name and address and inquire if voter needs assistance.
2. The officer will bring Id to the pollbook officer and advise that one has a curbside voter and confirm the voter's name and address.
3. The officer will use the ticket given by pollbook officer to obtain a ballot.
4. The officer will take a clipboard with pen, ballot, folder to place ballot in, assistance form in case it is needed, and I voted sticker to the voter. Note: for large parties (i.e. busload from a retirement home) up to 10 ballots may be checked in at a time.
5. The officer should advise the voter to wait while their ballot is being scanned and the officer signals them their ballot has been cast and they may leave.
6. Two officers should place the curbside voter's ballot in the scanner.

Duties of the Officers of Elections:

- Chief Officer (chief) is in charge of the polling place and election process.
- Assistant chief is responsible for assisting the chief and may handle same day registrations.
- Greeter/Drop Box Officer receives returned voted absentee ballots, encourage voter's to look at sample ballot, assist with crowd control.
- Pollbook officer qualifies the voter and gives the voter a ticket to obtain a ballot.
- Ballot officer marks the voter's ticket with a colored marker and gives the voter back the ticket along with a folder, ballot, and pen.
- Voting booth officer monitors the voters as they mark their ballot and keeps the area clean and free of campaign materials left by voters. Note: if a voter needs assistance at the voting booth, then two officers should approach the voter to assist; however, they should both leave before the voter marks his ballot.
- Exit officer takes the ticket from the voter before allowing the voter to cast their ballot and hands out the I voted sticker. The ballot can be inserted anyway but sideways. The scanner will make either a "happy" or an "angry" sound. This officer also assists the voter if the scanner rejects the ballot. If the ballot is rejected the exit officer should instruct the voter to reinsert the ballot and read what the machine says. The officer may give the voter the option of casting the ballot "as is" or surrendering that ballot and

receiving a new ballot. Then the exit officer can call the chief over to assist the voter with correcting the problem. If the chief must give the voter a new ballot to mark be sure the chief writes void or spoiled on the ballot, so it can't be counted later.

Miscellaneous

- There should be absolutely no conversations or comments made about politics or the candidates by the election officers. If this occurs report it immediately to the chief and make a note of how it was handled.
- If a voter is given a complaint form, the chief nor asst chief should accept it and should let the voter know they are required to mail it in.
- If you stay after the closing, then you can't leave before the results are reported. The chiefs have been instructed to tell Poll Watchers they must leave, but they are not required to leave. They may stay until all paperwork is completed and the officers have signed the paperwork (Two Statement of Results, 4 Accumulated Tapes and 2 Write-in Tapes, and the Printed Return Sheet).
- After closing, ballots must be removed from the ballot box and placed in another box and sealed.

Final Reminder Be Right and Be Polite!!!

If in doubt text or call the Electoral Board Member. Marianne McKay 757.604.3314

Exhibit 8

Gmail

Marianne McKay <nebmckay@gmail.com>

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Marianne McKay <nebmckay@gmail.com> Tue, Nov 19, 2024 at 10:53 AM
To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Good morning Chair Carrington and Secretary Ziegenfuss,

I am requesting a Board meeting ASAP because of irregularities and improprieties reported that have never occurred in previous elections since I have been on the Board, and because of my decision to want to withdrawal my certification of the election because the Board never saw the Provisional Ballot Logs or Ballots. I have mentioned my concerns in emails to our Director of Elections and General Registrar Iles and always copied the two of you so you would be apprised of events and circumstances. I once again reiterated them verbally to both of you at the Registrar's office on Friday, November 15, 2024 when we met to review the provisional report and certify the election.

Clearly there were serious mistakes and problems, but what I am most concerned about is the appearance of attempts to cover them up or dismiss them. How the Board has handled the Canvass in the past cannot be the method going forward with future elections. For example, I was aware that Officers of Election/Asst Chiefs/Chiefs were called in to sign Provisional Ballot Envelopes and Provisional Ballot Log Sheets, but I wasn't aware that Officers were called back in to finish filling out the Provisional Ballot Logs until Ms. Iles mentioned it at our Canvass on Friday, November 15th. Following are just some of the questions that should be answered:

- Did our office document what precincts turned in Provisional Log sheets that night without all the Provisional Ballots listed on them.
- Was it documented who came in to complete those log sheets.
- Were Provisional Ballots that had to be signed later by an officer later documented in some way?
- Regarding the Provisional Ballots how many were not signed by an Election Officer and from what precincts were they from.
- As an electoral board member, I still have never seen the Provisional Log sheets; have any of you?
- I do not know how many provisional ballots came from each precinct; do you?
- How many Provisional Ballots were accepted or declined from each precinct and why?

In addition, to complicate the mess we have created, we have a local race that was so close a recount is being requested. The race is for the Superward 7 City Council Race, which contains the Chesterfield and Lambert's Point Precincts, the two pecincts with the most college students. I am not personally familiar with what happened at Lambert's Point because I did not visit that precinct nor did I receive any complaints from there. If the candidates from the Superward 7 City Council Race become aware of what happened at Chesterfield it would seem to me they have legitimate grounds to question that a safe and secure election was conducted: it was reported that students were told not to seal their provisional ballot envelopes by election officer(s) and students were talking and asking each other who to vote for while filling out the ballots. Is this sufficient evidence to call into question that election and does it even legally warrant a candidate petitioning the court for either that race or that precinct having a new election; I don't know. What I am confident is that we as a Board need to be transparent at all levels as we seek to correct the errors and mistakes we made and not sweep it under the rug because the bottom-line is the Norfolk Electoral Board is responsible for conducting the elections in Norfolk.

Let me be perfectly clear, I am not trying to have a meeting by email, I am not asking for answers to the questions by email to the questions I have proposed, I am just providing the basis for my request to call an Electoral Board meeting ASAP to address these issues; of course I understand that we must provide three days public notice.

I mentioned in a previous email dated November 10, 2024 "Another Disturbing Report on Provisional Ballots at Chesterfield" that I would provide the Board with a copy of the HAVA complaints I received from the two Authorized Representatives from the Chesterfield precinct. I am including a copy of the document attached to Cathi's HAVA complaint; it is not notarized because she didn't make a copy of the document after it was notarized although she assured me it was the exact same document filed and would be willing to take it to a notary to confirm it is her statement. The other HAVA complaint filed by Tammy, who was out of town when I reached out to her to obtain a copy, will be given to me once she is back in town. The other attachment is the document I attached to my HAVA complaint regarding what I know and observed concerning the events and circumstances at the Chesterfield precinct.

Please let me know when an electoral board meeting will be called.

Thank you for your prompt attention to this matter.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

2 attachments

Catherine Nesmith's formal HAVA compliant filed .docx
28K

Observations at the Chesterfield Precinct.docx
33K

Gmail

Marianne McKay <nebmckay@gmail.com>

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Iles, Stephanie <Stephanie.Iles@norfolk.gov>
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Atoy B. Carrington (atoycarringtoneb@gmail.com)" <atoycarringtoneb@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Thu, Nov 21, 2024 at 11:19 AM

Good morning Vice Chair McKay, et. al –

You indicated you sent an email on November 19th to the other Board members requesting an emergency meeting; however, this office was not made aware of any request for a meeting.

By virtue of you directly emailing the other Board members, you have violated FOIA as you were discussing election-related business and did not provide proper public notice of such meeting. Section 2.2-307 Parts C & D of the Freedom of Information Act (FOIA) indicate, *"No meeting shall be conducted through telephonic, video, electronic, or other electronic communication means where the members are not physically assembled to discuss or transact public business" and " The notice shall be posted at least three working days prior to the meeting."*

You have put all three Electoral Board members at risk of a civil violation and penalty. This is not the first time you have attempted to discuss Electoral Board business outside of a properly noticed public meeting. Should the Circuit Court, find that a violation was willfully and knowingly made, it shall impose upon such officer, employee, or member in his/her individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than $500 nor more than $2,000, which amount shall be paid into the Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than $2,000 nor more than $5,000.

Regarding your below concerns about Provisional ballot logs, below is guidance from the Virginia Department of Elections:

> "A redacted provisional ballot log may be made available to authorized representatives of political parties or independent candidates. All confidential information must be redacted from the provisional ballot log to include: any part of the Social Security Number, the reason for issuing the Provisional Ballot, and whether the ballot was counted."

At no time during the provisional canvass which began on Wednesday, November 6th, did an Authorized Representative from either political party or independent candidate request a copy of the Provisional Log. When the Provisional meeting resumed on Friday, November 15th, there were no Authorized Representatives present who requested the log. The Observer who attended the meeting with you was not authorized by the Republican Party of Norfolk per Chairman Sitka. Electoral Board members may not request a copy of the Provisional Ballot Log – either original or redacted.

As previously discussed, when the Electoral Board meets to conclude canvass review of the Provisional Ballots cast, research and review has been completed by our office staff as we are the custodians who have access to the statewide Virginia voter registration database (VERIS) to review an applicant's eligibility, voting location, and voting history. The Electoral Board does not have access to VERIS. This is why we present to the Board our research so that the Board can make an informed decision without knowing specifically who has cast a Provisional ballot, but rather, whether or not they are eligible to have cast that ballot. Secrecy of the ballot is vital to the democracy of the Commonwealth. We trust this information is helpful in clarifying office procedures when handling Provisional ballots.

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Marianne McKay <nebmckay@gmail.com> Thu, Nov 21, 2024 at 12:18 PM
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington (atoycarringtoneb@gmail.com)" <atoycarringtoneb@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Ms. Iles,

I did not request an emergency meeting: I even acknowledged a three day notice is needed for the meeting I requested. Below is a quote from my email.

> "Let me be perfectly clear, I am not trying to have a meeting by email, I am not asking for answers to the questions by email to the questions I have proposed, I am just providing the basis for my request to call an Electoral Board meeting ASAP to address these issues; of course I understand that we must provide three days public notice."

If I should have copied you in my email request to the other members of the Norfolk Electoral Board for a meeting on November 19, 2024, I apologize. I have always tried to conduct my responsibilities in a professional manner consistent with the electoral board's job description and Virginia Code.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

Gmail

Marianne McKay <nebmckay@gmail.com>

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Marianne McKay <nebmckay@gmail.com> Thu, Nov 21, 2024 at 12:33 PM
To: Atoy Carrington <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Chair Carriington et al.

My request for an electoral board meeting still stands.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

Gmail

Marianne McKay <nebmckay@gmail.com>

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Thu, Nov 21, 2024 at 12:43 PM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Atoy B. Carrington (atoycarringtoneb@gmail.com)" <atoycarringtoneb@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good afternoon Vice Chair McKay –

You violated FOIA and we are advising you of this as procedure and the law was violated.

You requested a meeting via email (ASAP, emergency or regular…) and then discussed election-related business on the email without proper public notice.

[Quoted text hidden]

Exhibit 9

Whereas: The Norfolk Electoral Board has managed and delegated many of its duties to the General Registrar/Director of Elections. The Secretary of the Electoral Board moves that these duties be articulated and added to the GR/DE's job description. To wit, but not limited to the following:

1). Hiring, screening, and listing of candidates for officers of election for approval of the board for appointment;

2). Staffing, training and utilizing officers of election to maximize the proper execution of each election and all voters experience at each polling place;

3). Procuring services of technicians, equipment delivery, software and hardware voting equipment and ballots;

4). All testing of equipment and ballots;

5). Keeping the Electoral Board appraised of any developments concerning the above duties;

Shall be carried out by the GR/DE with general and not detailed oversite. This is to ensure the GR/DE has enough latitude to carry out these duties.

Exhibit 10

Gmail

Marianne McKay <nebmckay@gmail.com>

Request for Evauations

Marianne McKay <nebmckay@gmail.com> Wed, Jul 31, 2024 at 9:28 AM
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>
Bcc: Marianne McKay <mariannecramer1019@gmail.com>

Good morning Director of Elections and Registrar Iles,

Thank you for your email because your response gives me the opportunity to clear up any misunderstandings.

I apologize that the wording in parts of my email were not clear and led to your misinterpreting my comments. The comments in red ink included in the attachment with ELECT's Electoral Board Job Description were not meant to be interpreted as part of the job description. I meant to convey that only the part in black [ink] is ELECT's job description, and what I should have said is the items in red [ink] are the information [I believe] a board member needs to fulfill one's job responsibilities (note: the words in the brackets were not in the original email I sent but should have been for clarity in my communications).

Also, I appreciate you providing the current job description. I compared the job description you provided with what I had retrieved from the website and there were some differences. The most significant difference was in the job description I provided which said, "the authority for the administration of *all aspects* of elections for the locality remains with the Electoral Board, including oversight of the General Registrar/Director of Elections" and the current one that you provided which said, "the authority for the administration of *many aspects* of elections for the locality remains with the Electoral Board, including oversight of the General Registrar/Director of Elections" (the difference between the two is in italics). Given the current job description you provided, I would change my statement from "…. the board must have access to all information pertaining to the election," to "….. the board should have access to information pertaining to the many aspects of the election for which they are responsible."

But the main point I wanted to make was conveying what information I think an electoral board member needs to fulfill the duties of item #5 on the current job description you provided which is worded the same as item #6 on the job description I had provided. That item number specifically states the following responsibility: "Appointment of officers of election and ensuring training, assignment, and review of precinct officers of election occurs." Once again, I want to be clear in the attachment that what is in red ink is the information I believe is needed to do my job. It appears to me our differences are access to information electoral board members should have.

My comment that your refusal to provide the information is unacceptable is NOT meant to be a threat but is my feedback to you on your decision to not provide the requested information. There have been other times when I have indicated to you that something was unacceptable and other times when I have complimented or praised your performance. Giving and receiving constructive feedback is a characteristic of any well-run organization, agency, or business and is very much a part of my management style.

Regarding the upcoming August 13th Board meeting where a closed session to address personnel decisions is on the agenda, this should be a two-step process. The first closed session is for the Board to decide which if any incident(s) or situation(s) require disciplinary action (corrective action), and for those cases that warrant disciplinary action (corrective action), then the second step involves another closed session for calling that individual in to discuss the matter with them. Given our organizational structure, handling it in this manner aligns with human resources standards or best practices.

I am hopeful that at an upcoming Board meeting, Ms. Carrington, Mr. Ziegenfuss, you, and I can come up with a process that best serves the Norfolk Department of Elections, our officers of elections, and the public.

Exhibit 11

Gmail

Marianne McKay <nebmckay@gmail.com>

Incidence Reports

13 messages

#1 **Marianne McKay** <nebmckay@gmail.com> Fri, Jun 21, 2024 at 7:42 AM
To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Good morning Director of Elections Iles and General Registrar,

As I mentioned yesterday at the conclusion of Canvass, I plan to review the incidence reports from all the precincts. I will be in the downtown area this afternoon and will stop by the Norfolk Office of Elections at 1:30 p.m. today to review them there.

Thank you for your support.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Fri, Jun 21, 2024 at 9:19 AM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

#2

Good morning Vice Chair McKay –

Thank you for the email.

We will be completing CAP post-election results this afternoon and completing required information for the state by this afternoon's deadline.

Therefore, we would prefer you to reschedule for another time that is convenient.

Thank you.

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2022)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>
Sent: Friday, June 21, 2024 7:42 AM
To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Cc: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com>
Subject: Incidence Reports

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

[Quoted text hidden]

#3

Marianne McKay <nebmckay@gmail.com> Fri, Jun 21, 2024 at 11:13 AM
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>

I assure you I will not interfere or disrupt your and the staff's work in any way at all. I will still be there at 1:30.

Thank you,
Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

#4

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Fri, Jun 21, 2024 at 11:22 AM
To: Marianne McKay <nebmckay@gmail.com>
Cc: "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Atoy B. Carrington (atoycarringtoneb@gmail.com)" <atoycarringtoneb@gmail.com>

Good morning Vice Chair McKay -

Thank you for the email.
As stated yesterday, I would like the opportunity to review any Incident Reports from Election Day before they might be shared. We are currently working on Provisional votes, results reporting, and election data entry as we have required deadlines today as mandated by the state. We also have CAP post-election processing to complete this afternoon. Therefore, we are not available to share this information with you at this time. There is no need to come to the office this afternoon.

Thank you for your understanding.

Stephanie L. Iles
CERA, VREO, & Virginia Certified General Registrar (2022)
Director of Elections & General Registrar
Norfolk Office of Elections
810 Union Street (City Hall Building)
Suite 100
Norfolk, VA 23510
Phone: 757-664-4353/Fax: 757-664-4685
Email: Stephanie.Iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>
Sent: Friday, June 21, 2024 11:13:55 AM
To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Subject: Re: Incidence Reports

[Quoted text hidden]

#5

Atoy Carrington <atoycarringtoneb@gmail.com> Fri, Jun 21, 2024 at 11:26 AM
To: Stephanie.Iles@norfolk.gov
Cc: nebmckay@gmail.com, nebhmz@gmail.com

Stephanie Iles will be working on her required tasks. Marianne McKay cannot send will not be accommodated today. Marianne McKay is not entitled to assign separate tasks as she chooses to the Registrar.

[Quoted text hidden]

#6

Atoy Carrington <atoycarringtoneb@gmail.com> Fri, Jun 21, 2024 at 12:23 PM
To: Stephanie.Iles@norfolk.gov
Cc: nebmckay@gmail.com, nebhmz@gmail.com

Ms. McKay, your arrival will be the beginning of your interference. As Chair, this email will serve as an official advisement to the Registrar and the Office of Elections to continue with the requirements needed for the state. There is no need to accommodate Ms. McKay's request at this time. All assignments originate from the Board in the Board Room at City Hall and agreed upon by majority vote of the Board. This has not taken place. Therefore, Ms. McKay request or insistence is completely and totally out of line. We will all meet on Tuesday, June 25th 12noon as discussed yesterday

[Quoted text hidden]

#7

H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com> Fri, Jun 21, 2024 at 3:11 PM
To: Atoy Carrington <atoycarringtoneb@gmail.com>
Cc: Stephanie.Iles@norfolk.gov, nebmckay@gmail.com

Dear Vice Chair Ms. McKay,

As a fellow member of the Norfolk Electoral Board and the Republican Party;
I'm concerned that you are going from being assertive to interfering with an election. When anyone hampers the process of the election they are interfering. This becomes a crime. You must stop immediately and progress with normal procedures. Interfering with the Registrar's efforts to get her required work done in the required time frame is not only unacceptable behavior but may also be illegal.

Respectfully,
Mike Ziegenfuss
Secretary
Norfolk Electoral Board

On Jun 21, 2024, at 12:23 PM, Atoy Carrington <atoycarringtoneb@gmail.com> wrote:

[Quoted text hidden]

#8

Marianne McKay <nebmckay@gmail.com> Sat, Jun 22, 2024 at 1:43 PM
To: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>
Cc: "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Dear Chair Carlington and Sec. Ziegenfuss,

I don't see it that way. However, if you do then you may file a complaint with the State Board of Elections.

Sincerely,
Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

#9

Marianne McKay <nebmckay@gmail.com> Sat, Jun 22, 2024 at 2:03 PM

#9 continued

To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Director of Elections Iles,

I was disappointed and frustrated that I was unable to see the Incident Reports from the precincts yesterday. I am not interested in making this a performance issue. Overseeing elections is the responsibility of the electoral board, and I cannot do my job without seeing them. I will be down Monday afternoon (June 24th) to view them.

Thank you for your support.

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

#10

H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com> Sun, Jun 23, 2024 at 4:24 PM
To: Marianne McKay <nebmckay@gmail.com>
Cc: Atoy Board <atoycarringtoneb@gmail.com>, Stephanie Iles <stephanie.iles@norfolk.gov>

Dear fellow Board Members and DE/GR Ms.Iles:

Ms.McKay, I also would like to see the incident reports. I propose that we review them as a group during our upcoming meeting Tuesday. This will have a minimal impact on the staff. Also, we are going to have everyone's attention. If Ms. Carrington wishes to view them, they'll be available.

Vice Chair Ms. McKay, I share your frustration. You cannot expect our Registrar to be available on short notice all the time, for all we know Ms. Iles may be out of the office Monday afternoon. Maybe you already have an appointment with the Registrar. If not, I hope this proposal works for you and everyone. After all it's only one day later and before Certification.

Please consider this opportunity to work as a team. It might save you a trip downtown.

Truly Yours,
H. Michael Ziegenfuss
Norfolk Electoral Board

Begin forwarded message:

From: Marianne McKay <nebmckay@gmail.com>
Date: June 22, 2024 at 2:03:12 PM EDT
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>
Subject: Re: Incidence Reports

[Quoted text hidden]

#11

Atoy Carrington <atoycarringtoneb@gmail.com> Sun, Jun 23, 2024 at 9:10 PM
To: nebhmz@gmail.com
Cc: nebmckay@gmail.com, stephanie.iles@norfolk.gov

I agree with Mr Ziegenfuss. We should maintain our current schedule and meet collectively as a group in the Board Room on Tuesday, 12noon at City Hall.

[Quoted text hidden]

#12

Marianne McKay <nebmckay@gmail.com> Mon, Jun 24, 2024 at 7:48 AM
To: Atoy Carrington <atoycarringtoneb@gmail.com>

#12 continued

Cc: nebhmz@gmail.com, stephanie.iles@norfolk.gov

Good morning Mr Ziegenfuss,

I am very encouraged to know you would like to review the incident reports too and I think your suggestion that the Board review them together is a terrific idea! It sounds like Ms. Carrington is amenable to your proposal too, so everyone can definitely include me as being on board with us reviewing them together at this Tuesday's meeting.

Everyone have a wonderful day!

Thanks for your solution and support,

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

Iles, Stephanie <Stephanie.Iles@norfolk.gov> Mon, Jun 24, 2024 at 10:54 AM
To: "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Atoy B. Carrington (atoycarringtoneb@gmail.com)" <atoycarringtoneb@gmail.com>, Marianne McKay <nebmckay@gmail.com>

#13

Good morning Board members –

Per your request, the Incident Reports from the June 18, 2024 Republican Party Primary Election will be available for review by the Board at our continuation of canvass meeting tomorrow at 12PM.

We will need to complete review of Central Absentee Precinct and Provisional Ballots at this time to certify and sign the Abstracts.

[Quoted text hidden]

Exhibit 12

From: R L Johnson
To: Marrianne McKay

12 August, 2024

The purpose of this memo is to advise of actions taken by the Assistant Chief at the Broad Creek Polling place on June 18th 2024. This was the day of the Republican primary.

At approximately 0745hrs on 18JUN 2024, I entered the Broad Creek polling place and introduced myself to the staff.

I provided a copy of the signed letter which designated me as an authorized poll watcher for the primary election. At that time a female staff member identified herself as the Chief. i understood her to say her name was Lavaughn (sp?).

Shortly after the conversation with the person who identified herself as the Chief, Mr. Arthur Devine stepped forward and introduced himself as the Chief. Subsequently, Mr. Deviine asked that I complete the sign-in form.

I completed the sign-in form and returned it to Mr. Devine. We spoke for several minutes about my plans for checking in and out during the course of the day. I advised Mr. Devine that I was scheduled to check in at several other precincts and that I would be returning to Broad Creek ES polling place later in the afternoon.

It was my observation that no voters had entered the polling place before or during my visit. Aside from the person who initially mis-identified herself as the Chief, there were no other issues or observations to note . It is not clear why this person would falsely indicate that she was the 'Chief'. Later in the afternoon, I was advised that the person claiming to be the polling place Chief was actually the Assistant Chief.

In the course of the day, I visited four (4) other polling places, Poplar Hall, Chesterfield ES, Taylor ES, and the Virginia Zoo.

At approximately 1630hrs on 18JUN2024, I returned to Broad Creek ES polling place. At that time, I approached the ACTUAL polling place Chief, Mr. Arthur Devine for the purpose of letting him know that I had returned. We spoke briefly about the number of voters for the day.

At that time, the person whom had earlier falsely identified herself as the 'Chief' advised me that the ONLY location that I was permitted to occupy was behind the poll book table. She further specified that I was to sit in the chair behind the line of tape placed on the floor. She repeated these instructions three times in an unprofessional tone of voice.

I indicated that the specific directions as to where I was permitted to position was very clear and that I would gladly show her the written guidelines that are provided by the Virginia Dept of Elections. I indicated that I had these guideline documents with me and would like to review them if necessary.

She responded with "that is how we were trained, you must sit behind the poll book table and nowhere else".

P.2

I asked again for here to review the Dept of Elections guidelines document, and she repeated the previous statement "that's how we were trained".

It should be noted that during this exchange, Mr. Devine was shaking his head in disagreement with the statements be made by Lavaughn (sp?).

At that juncture, I left the Broad Creek polling place.

The above statement is true and accurate with regards to the events which took place at the time and location indicated.

R L Johnson
5515 Woodbine Road
Norfolk VA 23502
757 438 9453 cell

Gmail Exhibit 13 Marianne McKay <nebmckay@gmail.com>

Comments at Meeting Counterproductive to Creating a Cooperative Team Effort

Marianne McKay <nebmckay@gmail.com> Thu, Jul 18, 2024 at 8:12 AM
To: Atoy Carrington <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>
Cc: "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>
Bcc: Marianne McKay <mariannecramer1019@gmail.com>

Dear Chair Carrington and Sec. Ziegenfuss,

After Chair Carrington's July 7 email and the hostile environment at the last Board meeting, I'd like to address several specific points.

First, Chair Carrington's assertion that "[f]rom the moment [I] joined the Electoral Board in January 2023, [I] immediately began to insult [her] and [her] entire race of people, while in the presence of others," is demonstrably false and verges on defamation. I have never mocked her personally or any racial group generally. I have also never disparaged the City Council. These baseless accusations underscore why I began audio-recording Board meetings in January of this year, despite the attempt by Mr. Ziegenfuss and Ms. Carrington to vote to disallow recordings of the Board's *public meetings*.

Second, Chairman Carrington is right about one thing: the Norfolk Electoral Board is not the Ms. Carrington, Mr. Ziegenfuss, or "Marianne McKay show." Aware of that, I have only ever attempted to ensure this Board fulfills its *nonpartisan* duties. I've always respected votes by this body, even when my proposals regarding training materials and precinct parity were summarily rejected with little to no serious deliberation by this Board. Contrary to Chair Carrington's email, "our actions in the performance of our duties should" be *respectfully* questioned by staff, the public, and especially other Board members when there is room for improvement. We must all follow Board rules and regulations, as well as State law, and no member of this Board should expect other members to heed their *personal* "directives." Put simply, attention to Board matters, by a Board member, is not "highly inappropriate," "disrespectful," or "cruel."

Finally, I remain completely open to constructive criticism and advice from anyone who offers it, including fellow Board members, the Registrar, and the public. Deeply personal attacks, of course, are not constructive.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

On Sun, Jul 7, 2024 at 8:12 PM Atoy Carrington <atoycarringtoneb@gmail.com> wrote:
[Quoted text hidden]

Exhibit 14

Thursday, June 27, 2024

Dear Stephanie,

I'm sending this letter because I want to share my heart which is not always the easiest to do because my natural inclination is the rational, analytical, and objective temperament. I truly do not like the stress, conflict, and tension on the Board and the times when you and I have bucked heads. Literally to help me deal with the frustration and exasperation, since Advent ended, I have just been reading and rereading the book of Proverbs in the Bible for guidance and wisdom (if it's the 5th day of the month I read Proverbs 5, if its the 21st day I read Proverbs 21, etc). I share that with you because today is the 27th and 3 verses stood out to me: Prov. 27:5-6, 17. They say.....

Better is open rebuke
than hidden love.
Wounds from a friend can be trusted,
but an enemy multiplies kisses.
As iron sharpens iron,
so one person sharpens another.

Your letter slamming me was pretty harsh, but I can honestly say I'm appreciative that you sent it because it gave me pause to reflect and seek the opinion and counsel of people I trust and therefore get a perspective I missed. Despite some of our differences the wounds from your open rebuke, I consider to be from a colleague I respect and trust, and with time hopefully say friend. I don't say it enough but I think you do a very good job and that you are a good and decent person who cares →

about people and wants the best and strives to do what's right. I am confident that we will work through our differences & we'll both come out better for it (the iron sharpening iron).

I will share this story, decades ago my husband and I were renovating our kitchen and discussing where the refrigerator would go; where I wanted to put it he kept saying it won't work. We went round and round. Finally he grabbed a tape measure and painter's tape and laid out the floor ~~MAGNOLIA~~ plan I was wanting. I looked and said, "Charlie, you're right it's not going to work. His response, "You can be convinced but you're a hard sell." I thought you might relate :) lol. Thanks for all your hardwork and efforts!

From a painting by Marcia Long

Colonial Williamsburg
www.colonialwilliamsburg.org

Very truly yours,
Marianne

© 2021 The Colonial Williamsburg Foundation

MADE IN THE USA

APPENDIX: D
Paula Markham

- I became involved with ~~the~~ election integrity this past August when I volunteered to serve as a pollbook elections officer
- My personal experience with voting had always been positive, and I have answered surveys inquiring about my perception of Virginia election integrity in the positive.
- This year, I decided to become involved to discover if my perception was reality. I wanted to learn more about the election process, if there were any obvious holes in the system in my area (Norfolk), and, if so, what was being done to fix them.
- In addition to attending every online and in-person training necessary, I also became certified to register voters, and I began attending the Norfolk Election Board meetings beginning in September.
- I attended the September, November, December, and January meetings where I was disappointed to see what appeared to me to be a stonewalling of efforts by Ms. Marianne McKay Cramer for parity of authorized representatives and election officers at the various precincts. I witnessed wild gesticulations on the part of Ms. Carrington during Ms. Cramer's discussion and reading of the Virginia Code regarding parity and encouraging the Board to take more responsibility for the oversight of the AR and OE assignments to ensure parity. I witnessed the Registrar, Ms. Iles, stand up and leave the room abruptly without saying where she was going and when or if she would return. I witnessed Mr. Ziegenfuss ~~suggest~~ interrupt Ms Cramer to suggest that Ms. Cramer make a motion to go into closed session if she wanted to discuss the parity of assignments, and then I witnessed no one seconding the motion so that the issue was tabled.
- I was later disappointed to hear from a poll watcher at one precinct who felt so threatened by an election officer—I believe she named Ms. Carrington, a Board member—that she left. She was the only person of her party there so she had no other witnesses or support. This situation could have been avoided if Ms. Cramer's motion for more Board oversight of Authorized Representatives and Election Officers had been passed.

- I mentioned that I attended a myriad of trainings. I observed that Ms. Marianne Cramer was at every training—both online and in person—that I attended.

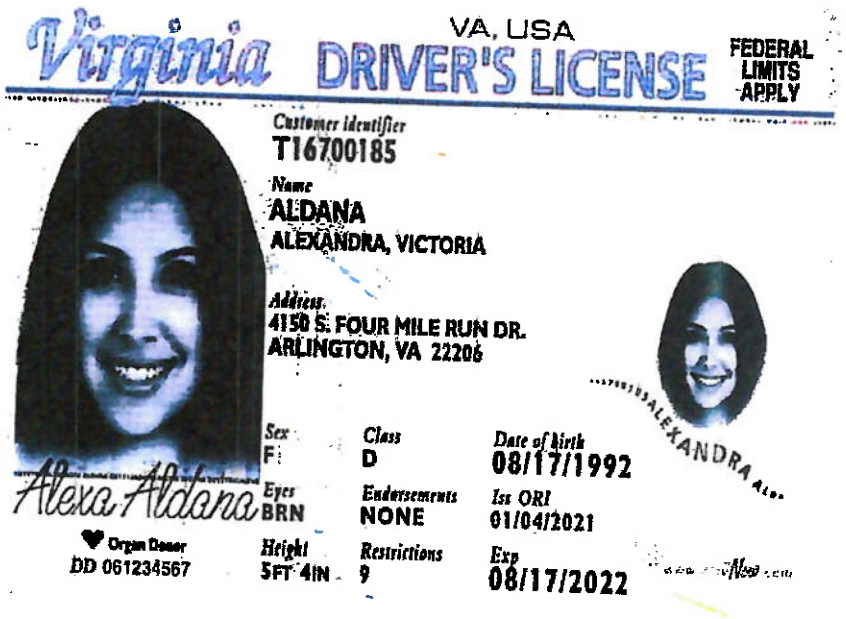
- I mentioned that I attended 4 Board meetings between September and January. I am sad to say that I witnessed other Board members belittling Ms. Cramer's suggestions, making personal attacks (e.g., "Marianne, you just want to be in control and you're not!"), and in general dismissing and ignoring all of her suggestions for greater parity, oversight, and security of our elections that would go a long way to improve election integrity and the People's trust in the system. I'd like to say Ms Cramer never responded in kind to her fellow board members. I only witnessed professional behavior on her part.
- I would like to happily report that my experience as an Pollbook Officer at Taylor Elementary in Ghent in Norfolk was very positive. When I arrived, there was a packet for each of us election officers that had a great picture of the Driver Privilege Card and Virginia Identification Card that cleared up for me the confusion I was left with after attending the Pollbook Officer in-person training sessions conducted by the Registrar, Ms Iles. To the best of my knowledge, of the 12 election officers present, I was the only one from my party. Every rule was followed, as far as I could see, to the letter. All the officers assisted each other in following the Code. The Pollbook Officer beside me even reminded an Assistant Chief that he needed two people to walk with him to a curbside voter and asked if I would accompany him. It was a great experience and I commend every officer that was present there.

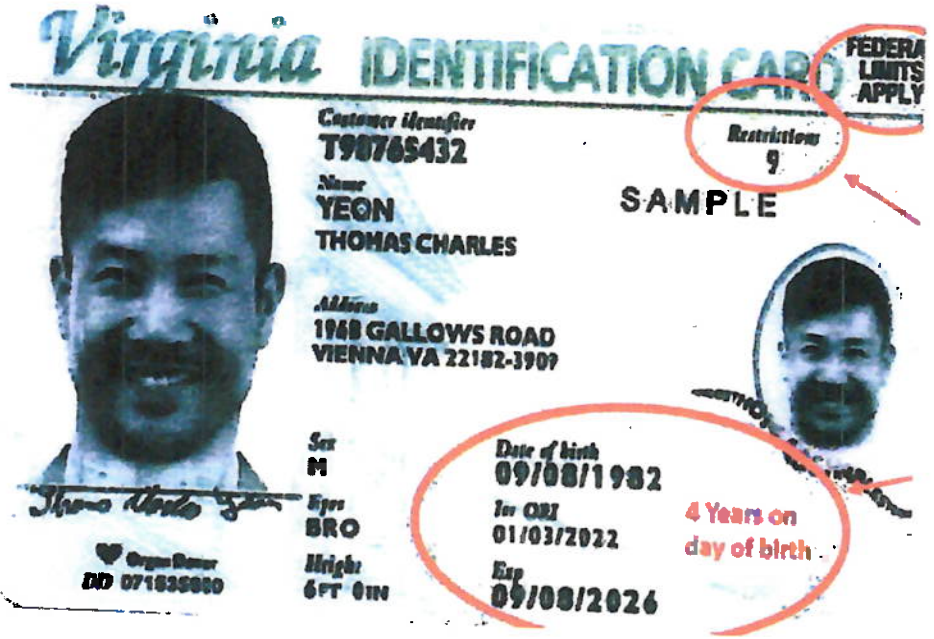
- Lastly, I would like to say that Ms. Marianne Cramer's ideas and suggestions were always backed up by a reading of the applicable portion of the Virginia Code. Her ideas and suggestion always seemed reasonable to me and were always within—some even mandated by—the Virginia Code, so I am left perplexed as to why these minor improvements of process were met with such resistance by her fellow Board members.

Paula T. Markham, Norfolk Resident
January 15, 2025

Not Acceptable ID

- Out of state Driver's Licenses *(? Military/dependent ID)*
- Driver's Privilege Card & Virginia Identification Card – Indicates Federal Limits Apply, Restrictions 9, and Limited Duration on Back of Card





Inquire if has other identification and offer Affirmation statement if does not

APPENDIX: E
Arthur Devine

From: Arthur Devine

First reported to Mike Ziegenfuss - Tuesday, October 24, 2023

To: Norfolk Electoral Board

Subj: Norfolk Electoral Board Violation and suggested remedy

On the 17th of October, 2023, at the Norfolk's Electoral Assistant Chief training;

I took a seat on the second row from the front row and to the far left.

To my right was an African-American woman, who always serves as an election officer at the Little Creek Elementary precinct for many years, and another African-American woman seated two chairs to her right, and most likely serves as an election officer at the Broad Creek precinct.

1. The African-American female tenured electoral board member (named Atoy) greeted me with a hug as she came in after me.
2. I stood up to greet her, then I sat down and while I was sitting, she came closer to my ear to whisper to me the following: "We have a new board member who is straight-up MAGA!"
3. I could only respond to that message in bewilderment and astonishment.
4. I did NOT initially understand why Ms Atoy thought it was necessary to tell me that.
5. I was puzzled, caught off guard, and speechless.
6. Then, Ms Atoy greeted the African-American female sitting to my right with a similar short greeting followed by the sounds of the same whispered message I received about the "new board member who is a straight-up MAGA!"
7. Then, Ms Atoy repeated this behavior to a third trainee, who was also an African-American female, all before the new board member (a white female named Marianne) entered the room.
8. Later on, I began to understand why Ms Atoy would assume that because the three of us trainees were African-American like herself, that we would also be anti-MAGA.
9. I realized later that this kind of behavior goes against our training to be non-partisan. Her whispered message can lead us trainees to believe that MAGA supporters should NOT be on the Norfolk Electoral Board and perhaps should NOT be allowed to vote either.

On behalf of those of us knowingly or unknowingly were injured by the direct behavior that is a violation of this Electoral team's mission to facilitate the vote without partiality, and without demeaning people because of their possible different political alignment.

I submit to the team and governing leaders of this team an opportunity to correct and administer
correction to insure this injury will NOT happen again;
And that this injurious behavior will NOT be tolerated;
And that this injurious behavior will NOT remain unchallenged;
And encourage each member of this team to say something if we see or experience anything like this;
And to recognize this behavior as a threat to the integrity of the electoral team, and that it is counterproductive.

I also submit to you, that if the violator agrees and is truly remorseful, then the violator should make it known to the team and/or those directly affected that what she did as outlined above, is a perfect example of what should NOT be practiced or tolerated in our precincts and training sessions.

I submit this letter in good faith for the integrity of and betterment of our electoral process,

Sincerely,

Arthur W. Devine, Jr. Arthur W. Devine Jr.

ELIZABETH A CALDWELL
Notary Public
Commonwealth of Virginia
Registration No. 8049944
My Commission Expires Apr 30, 2027

Elizabeth Caldwell 11/21/23

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Public Comment

BOARD WORKING PAPERS

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Susan Beals
Commissioner

2024 General Election Retrospective

February 26, 2025

TABLE OF CONTENTS

EXECUTIVE SUMMARY 1
KEY TAKEAWAYS 2
INTRODUCTION 2
STRUCTURE OF ELECTIONS IN THE COMMONWEALTH 3
TIMELINE OF THE 2024 GENERAL ELECTION 5
TRAINING AND PREPARATION 7
- Implementation of Enacted Legislation 7
- ELECT Trainings 9
- Local, State, and Federal Partnerships 10
- Locality Pre-Election Compliance 11

THE ELECTION 13
- Contest and Candidates 13
- Voting Population 14
- New Registrations 15
- Voter Turnout Percentage 16
- Ballots Cast by Category 18
- Absentee Voting 19
- Provisional Voting 20
- Same Day Registration 21

POST-ELECTION PERIOD 22
- Canvass Process - Triple Check of Results 22
- Risk-Limiting Audit 23
- State Certification 23
- Electoral College 24

2024 GENERAL REGISTRAR SURVEY & REFLECTIONS 24
SPECIAL TOPICS FROM 2024 GENERAL ELECTION 31
- USPS and Absentee Ballots 31
- Electoral Board Member and General Registrar Compliance Issues 32

VOTER ENGAGEMENT CAMPAIGN 32
CONSTITUENT SERVICES 35
CONCLUSION 40
Appendix A: Terminology 41
Appendix B: Provisional Ballot Envelope 43
Appendix C: Voter Education Campaign Materials 45

EXECUTIVE SUMMARY

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

This report includes key stakeholder perspectives about the 2024 General Election (also referred to as "2024 Election" or "Election" throughout this report) through incorporating data from an ELECT post-election survey of Virginia's general registrar community.

This report highlights several areas, including law changes impacting the administration of elections, election participation statistics, elections administration tasks and compliance metrics, special topics related to the 2024 Election, and reflections by the general registrar community on both the Election and election administration generally.

KEY TAKEAWAYS

Based upon ELECT's observations and feedback from the general registrar community, the following are major themes and takeaways emerging from the 2024 General Election:

- Same Day Registration (SDR) remains an administrative challenge for localities, which was amplified in 2024 by a high volume of SDR voters (114,894 SDR ballots).
- Many localities struggle to meet expanding obligations in the 10-day post-election period.
- General registrars continue to convey the need for additional personnel resources, particularly in the form of a full-time deputy registrar.
- ELECT partnered with stakeholders to prevent and mitigate external challenges in 2024, including issues with the United States Postal Service.
- Results were confirmed in two races selected by post-election audits, including the race for U.S. Senate.
- Virginia's meeting of the Electoral College was successfully held on December 17, 2024, with all necessary documents provided to the required federal and state recipients.
- General registrars noted improvements since 2023 with two critical state systems: the Virginia Election and Registration Information System (VERIS) and the Election Night Reporting (ENR) system.

INTRODUCTION

Election administration in the Commonwealth has fundamentally changed over the past five years with the implementation of legislation expanding early and absentee by mail voting, including 45-day early voting prior to elections, and making other sweeping changes to elections including SDR, ranked-choice voting, and new requirements to provide increased transparency of election results.

While the expanded early voting period has been in place since the 2020 General Election, 2024 was the first time 45-day early voting was available for all three scheduled elections in one year. With the addition of special elections, some localities in the Commonwealth administered 175 days of voting, meaning they were voting for nearly half of the year (48% of 2024). Across the Commonwealth, this effort required approximately 15,000 officers of election to facilitate early voting, as well as operating precincts on Election Day.

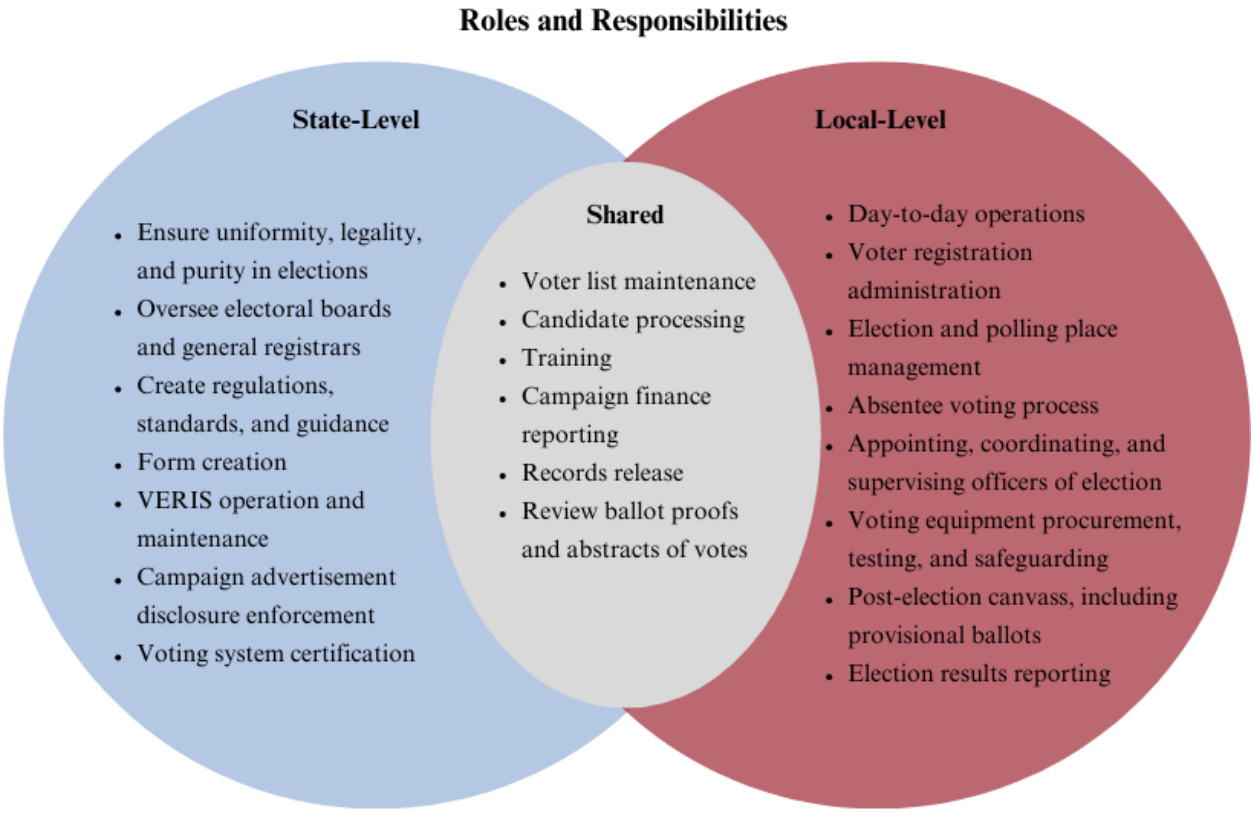
In addition to active voting periods, multiple recounts were held, including for the Fifth Congressional District Republican primary that involved 24 localities. Furthermore, Virginia conducted two post-election, pre-certification risk-limiting audits of the general election contests for the First Congressional District and the United States Senate.

The expansion of early and by mail voting and other new requirements has caused the traditional role of an election administrator to expand. Operating elections in the Commonwealth is no longer a twice-a-year endeavor, but rather a 365-day operation that requires a team of individuals working at both the state and local levels to plan, prepare, support, and deliver accurate, fair, open, and secure elections for the citizens of the Commonwealth. This report aims to capture the changing landscape and document the efforts of election officials during the 2024 General

Election, while also reflecting on and learning from these experiences to inform policy decisions about Virginia's elections in the future.

STRUCTURE OF ELECTIONS IN THE COMMONWEALTH

Virginia's electoral system is built upon a framework of state and local cooperation. Localities are primarily responsible for the direct administration of elections; this local control is a hallmark of Virginia's electoral system and a key aspect of the checks and balances that make elections in the Commonwealth safe and secure. The state also plays a key role, including having general oversight of local election officials, to ensure legality and uniformity in elections throughout the Commonwealth.



State-Level Administration

The SBE is the regulatory body that oversees elections in the Commonwealth. Created in 1946, it consists of five members appointed by the governor and confirmed by the General Assembly. The SBE members represent both major political parties, with three members being of the sitting governor's party and two members of the party that received the second most votes for Governor.[1] SBE members have staggered, four-year terms. Before the creation of ELECT, the SBE bore the state level administrative responsibilities provided by the Code (in addition to its responsibilities to promulgate regulations and procedures) to maintain the legality and purity of

[1] Va. Code § 24.2-102 (A).

all elections in the Commonwealth, including issuing instructions and guidance to electoral boards and general registrars to ensure *uniformity* in their practices and proceedings and overseeing campaign finance disclosure compliance, maintaining the centralized voter registration system and creating standards and procedures for list maintenance processes.

In 2014, ELECT was created as an executive branch agency under the Secretary of Administration to carry out the administrative functions of the SBE. ELECT is led by the commissioner of elections, who is appointed by the governor and confirmed by the General Assembly.[2] ELECT is both directly assigned duties under the Code and delegated duties by the SBE. In addition to taking over many of the SBE's administrative duties described above, the administrative demands on ELECT have increased with the implementation of transformative legislation in recent years and the general expansion of the use of technology and data in election administration. In furtherance of this work, the Office of the Attorney General provides legal advice to the SBE and ELECT.

Local Administration

The administration of elections in each of the 133 independent cities and counties in the Commonwealth is carried out by a general registrar and a three-member electoral board.[3] Under Virginia law, electoral boards are primarily responsible for the conduct of elections (including oversight of officers of election) and appointing the general registrar, whereas the primary function of general registrars is to ensure the proper registration of qualified individuals and maintenance of the voter rolls.

The electoral board is comprised of two members representing the party of the governor and one member representing the party receiving the second highest vote total for governor in the previous gubernatorial election. Electoral board members are appointed by the circuit court for the locality, selected from a list of nominations provided by each party, and serve staggered, four-year terms. Some of the duties of electoral boards include appointing and overseeing the work of the general registrar, ensuring polling places meet all legal requirements, appointing and coordinating officers of election, conducting the canvass, and certifying locality results.

General registrars are appointed by the electoral board for a term of four years.[4] Duties of general registrars include maintaining the office for voter registration, educating the public regarding registration, providing voter registration forms, processing voter registration applications, ensuring the list of registered voters is maintained, preparing pollbooks for precincts, ensuring redistricting is completed, reviewing candidate petitions, and administering the absentee ballot process. Beyond expressly enumerated duties in the Code, general registrars conduct the numerous day-to-day operations of the elections office, including many election administration duties delegated by the electoral board, which is the reason that many general registrars also have the title of director of elections. Electoral board members are paid a small

---

[2] Va. Code § 24.2-102 (B).
[3] Va. Code § 24.2-106 (A).
[4] Va. Code § 24.2-110 (A).

stipend for their attendance at electoral board meetings and election-related activities, while general registrars are full-time employees.

Officers of election are appointed by electoral boards to terms not to exceed three years.[5] Political parties provide a list of proposed officers of election from which the appointments are made. Officers of election play an important role in staffing and operating polling places. Led by a chief officer of election, they are responsible for the conduct of elections at polling places, including checking in voters and providing ballots, ensuring all required voting processes and procedures are followed, assisting voters with questions, administering curbside voting, ensuring authorized representatives and observers comply with all requirements, maintaining a safe and orderly environment, and recording the machine-reported results on the Statement of Results.

TIMELINE OF THE 2024 GENERAL ELECTION

Due to the March Presidential Primary, 2024 presented a full calendar for voters and election officials in the Commonwealth. The following graphic provides an overview of key dates in the 2024 General Election cycle.

{Continued on next page}

[5] Va. Code § 24.2-115 (A).

2024 Election Timeline

January 9 2024
Special Election

March 5 2024
Presidential Primary

May 3 2024
Start of Early Voting for June primary

July 1 2024
Most legislation goes into effect

August 1 2024
Recount for Congressional District 5

January 19 2024
Start of Early Voting for March primary

March 19 2024
SBE certifies the primary

June 18 2024
Primary day, filing deadline for non-presidential independent and third-party candidates

July 2 2024
SBE certifies the primary

November 4 2024
Localities certify Logic and Accuracy testing of voting systems to ELECT

October 15 2024
Registration deadline to vote regular ballot; same-day registration available through Election Day

September 10-18 2024
Ballot proofing

August 23 2024
Presidential Independent and Third-Party Candidate filing deadline

November 5 2024
Election Day

November 2 2024
Early Voting ends

September 20 2024
Absentee Voting begins

August 26 - September 9 2024
ELECT and localities process Presidential petitions to determine ballot access

November 6 2024
Canvass begins; research conducted on provisional voters

November 15 2024
Deadline for local electoral boards to certify the election

November 17 2024
Random selection of U.S. House race by SBE

November 21 2024
U.S. House of Representatives batch comparison Risk Limiting Audit conducted

December 11 2024
Start of early voting for 2025 January Special Election

November 8 2024
Deadline to receive marked absentee ballots post marked by election day

November 17 - December 1 2024
ELECT reviews abstracts and other election information for accuracy

November 20 2024
U.S. Senate ballot polling Risk Limiting Audit conducted

December 2 2024
SBE certifies the election

Electors are appointed

December 17 2024
Electoral College held

TRAINING AND PREPARATION

When not actively preparing to host the next election, the SBE, ELECT, general registrars, and electoral boards work to implement new legislation, refine and create new processes, educate voters, provide important technological updates, and train staff and officers of election on statutory requirements.

"Three elections in one year provided us with a comprehensive understanding of the complexities involved in the electoral process and the importance of thorough preparation and responsiveness." - Anonymous General Registrar

Implementation of Enacted Legislation

Since 2020, state and local election officials in Virginia have successfully implemented over 100 enacted pieces of election-related legislation, including some with many individual requirements. During the 2024 General Assembly Session, numerous pieces of legislation were approved that directly impacted voters and election administration, including expanding the availability of curbside voting, increasing polling place notice requirements, expanding minority language requirements, codifying the availability of absentee voting for confined individuals, providing voters with a constitutional referendum regarding property tax exemptions for certain surviving spouses, changing campaign finance reporting requirements and candidate filing requirements, adding an administrative process to cancel a primary election, and extending the deadline for Electoral Boards to certify election results.

This report does not discuss all the election-related laws that passed during the 2024 General Assembly Session but provides an overview of approved legislation that was most impactful on the 2024 General Election. A comprehensive summary of all 2024 election law changes can be found on ELECT's website.[6]

Absentee Voting

Individuals confined while awaiting trial or after a misdemeanor conviction have always been eligible to vote by absentee ballot if they had not been convicted of a felony. However, the statutory language that clarified this fact was removed when individuals were no longer required to have an excused reason to vote absentee. Acts of Assembly 553 recodified existing rights by adding this specific language back into the Code of Virginia for clarity.[7] This bill also required the institution or facility in which such voter is confined to (i) provide the means and opportunity for such voter to complete and submit a timely application for an absentee ballot and to properly mark his absentee ballot and (ii) ensure such voter's marked absentee ballot is returned in accordance with law. ELECT updated guidance documents and certification training for general registrars following the enactment of this bill.

---

[6] ELECT, Election Law, Election Law and Reference, https://www.elections.virginia.gov/election-law/
[7] 2024 Va. Acts 553.

Certification of Elections
Acts of Assembly 738 extended from 7 days to 10 days the deadline after a general election for electoral boards to certify election results and submit the abstract of votes to the SBE.[8] With the increase in the number of provisional ballots localities must process and adjudicate due to SDR, extending the deadline for electoral boards to certify election results was beneficial for the 2024 General Election. As a result of the extension, various administrative processes, trainings, forms, and guidance documents were updated, including the Risk-Limiting Audit Manual to ensure RLA administrative timelines coincided with the extended certification deadline.

Electoral College Clarifications
Acts of Assembly 801 recodified and consolidated existing provisions related to the Electoral College and added additional provisions, including requiring that electors be a citizen of the United States and a legal resident of the Commonwealth of Virginia.[9] This bill also clarified that a "refusal to act" that leads to a vacancy of an elector is when an elector refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's oath. It also created an allowance for the substitution of electors for third-party and independent candidates. Finally, consistent with 2022 amendments to the federal Electoral Count Act by Congress, the meeting of the electors for Virginia was moved to noon on the first Tuesday after the second Wednesday in December following their election; previously the Electoral College meeting occurred on the first Monday. This did not have a significant impact on existing processes but required ELECT to update candidate forms and documents, including the Oath for Electors.

Minority Language Requirements
Acts of Assembly 406 required the following information to be available and translated into any language that is spoken by a language minority group (consistent with § 24.2-128): (i) the role of and contact information for the SBE, ELECT, electoral boards, and general registrars and (ii) information about absentee voting, polling hours, Virginia's voter identification requirements and acceptable forms of identification, the casting of ballots, and a means for voters to find their polling place.[10] The bill also required ELECT's website to allow a voter to review any information about themself that is kept in the statewide voter registration database, which is currently done through Citizen Portal. ELECT has undertaken a wide range of efforts within the last three years to provide more translations to its website, including offering election results in three languages for the first time in 2023. This bill reinforced already existing best practices and ensured accessibility for future elections.

Polling Places
Acts of Assembly 191 and 515 expanded the definition of a "person with a disability" for purposes of curbside voting to include voters with any permanent or temporary disability.[11]

---

[8] 2024 Va. Acts 738.
[9] 2024 Va. Acts 801.
[10] Va. Code §24.2-128. *See* 2024 Va. Acts 406.
[11] 2024 Va. Acts 191. 2024 Va. Acts 515.

Previously, only voters with a physical permanent or temporary disability or who are aged 65 or older could use curbside voting.[12] These bills brought the definition of a "person with a disability" in § 24.2-101 in alignment with the Americans with Disabilities Act (ADA) and the Virginians with Disabilities Act (VDA), which require individuals with disabilities, whether physical or mental, to have equal access to government services and programs.[13] These bills also required officers of election to be trained in assisting voters who use curbside voting. This legislation resulted in amendments to officer of election training, general registrar's certification training, and Election Day guidance documents.

Protected Voter Status

As it pertains to voter registration, Acts of Assembly 309 and 787 increased the class of individuals eligible to register as a protected voter.[14] Protected voters are permitted by law to provide on their voter registration application, in addition to their residence street address, a post office box address located within the Commonwealth to be included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants. Combined, these bills added to the list of eligible protected voters any current or former elector for president and vice president of the United States, State Board of Elections member, ELECT commissioner and staff, member of a local electoral board, general registrar, deputy registrar or employee in an office of a general registrar, or officer of election. The SBE approved an updated voter registration form in response to this legislation, and ELECT collaborated with the Department of Motor Vehicles (DMV) to ensure the new protected voter statuses were available to individuals conducting eligible voter registration DMV transactions.

ELECT Trainings

As the election landscape in Virginia continues to change and the administrative demands expand, it is essential that all election officials are fully informed and prepared to serve voters, whether they are new or continuing their service. In furtherance of this effort for the 2024 General Election, ELECT developed and/or updated 20 different types of training. These trainings covered topics such as election security standards, SDR, Virginia legislative changes, officer of election requirements, election observer standards, and the ENR system. ELECT also provided updates to general registrars' certification curriculum and the annual training for Electoral Board members. Trainings are provided online through ELECT's Learning Management System (LMS), virtually through webinars, or in person depending on the type of course.

Virginia Elections Workshop (VEW)

One of the largest training events organized by ELECT is the annual Virginia Elections Workshop (VEW). The VEW event is held as part of the SBE's certification program for general

---

[12] Va. Code §24.2-649.1.
[13] Va. Code §24.2-101. *See* Americans with Disabilities Act, 126 U.S.C. §12131. *See* Va. Code §51.5-40.1.
[14] 2024 Va. Acts 309. 2024 Va. Acts 787.

registrars and brings election officials from across the Commonwealth together to discuss a series of election related topics. The 2024 VEW event was held on July 18 and included the following agenda topics:

- Logic and Accuracy Testing
- Campaign Finance
- SDR
- Accessibility for voters with disabilities
- Write-In Certification
- ENR
- RLA

Feedback from multiple surveys has continued to inform and improve the curriculum of ELECT's training. ELECT consistently reevaluates how trainings are provided to local election officials to ensure they can learn and adapt to any changes required to administer smooth and successful elections. Several trainings have been planned in preparation for 2025 both in response to emerging topics in election administration and proposed legislative changes.

Local, State, and Federal Partnerships

The Virginia Election Day Operations Team (VEOP) is a group that supports collaboration with election administrators, law enforcement, emergency management, and representatives from the state, local, and federal levels. The VEOP Team meets at least twice a year, usually before early voting begins for the primary and November general elections. Meetings with these stakeholders have proved invaluable, as they involve important discussions about election preparations and resources to address issues that may impact election operations.

Other partners include the Virginia State Police, Virginia Capitol Police, Virginia Department of Emergency Management, Virginia Department of Motor Vehicles, Virginia National Guard, U.S. Federal Bureau of Investigation, and U.S. Department of Homeland Security. Not only do many of these agencies work with ELECT in preparation for every election, but they also serve as valuable partners on Election Day, often working with ELECT staff from the opening to the closing of polls.

Many of Virginia's emergency management and law enforcement partners also participate in local and national tabletop exercises with ELECT. These exercises are designed to discuss strategies for mitigating cyber and physical impacts on election operations and election infrastructure. Through these preparations, localities, ELECT, and their partners are better prepared to respond to emergencies and incidents.

United States Postal Service

With the expansion of absentee voting, the use of mail-in absentee ballots has become more common in Virginia. As a result, this increased usage has required a greater reliance on the United States Postal Service (USPS). Beginning in 2023, as it became clear there were growing issues with mail delivery in Virginia, ELECT began work to address related concerns about the timely delivery of absentee ballots.

Since 2024 featured three major elections in Virginia, ELECT engaged in constant contact with local, regional, and national representatives from USPS to address issues with mail-in ballots, including identifying ballots that were falsely marked "undeliverable" and tracking ballots that were being delivered to the wrong localities. ELECT continues to participate in regular meetings with USPS to address new and ongoing service issues. For further discussion on issues related to USPS, please see the SPECIAL TOPICS FROM 2024 GENERAL ELECTION section.

Locality Pre-Election Compliance

A key component of the state's responsibility to ensure uniformity, legality, and purity in elections is measuring locality compliance with applicable laws, regulations, policies, and procedures. This is partly carried out during the pre-election period by surveying localities and verifying their answers to ensure completion of necessary tasks and uniform operations where statutorily required. The following graphic shows key compliance tasks about which localities communicate heavily with ELECT.[15]

{Continued on next page}

[15] *See* Va. Code § 24.2-101, -632, -633 (Logic and Accuracy Testing Certification of Voting Systems including BOD) (2024). *See* 1 Va. Admin Code § 20-60-70 (Logic and Accuracy Testing Certification of Electronic Pollbooks). *See* Va. Code § 24.2-612, (Absentee Ballot Compliance and Ballot Proofing and Printing). *See* Va. Code § 24.2-603, (Hours Polls to be Open). *See* Va. Code § 24.2-70.2 (Satellite Locations and Drop Box Security Measures). *See* 1 Va. Admin Code § 20-70-60.

Accurate Elections

- Logic and Accuracy (L&A) Testing Certifications of Electronic Pollbooks and Voting Systems
  - *All localities perform L&A testing of all voting systems and electronic pollbooks before Election Day and report the completion of the testing to ELECT.*
- Ballot on Demand (BOD) Printers and systems are operating properly
  - *All localities must perform L&A testing for BOD systems*

Fair Elections

- Absentee Ballot Deadline Compliance
  - *Each general registrar shall report to ELECT, in writing on a form approved by ELECT, whether he has complied with the applicable [absentee ballot] deadline, no later than five days after absentee ballots are made available*

Open Elections

- Ballot Proofing and Printing Approval
  - *Appropriate number of ballots ordered by localities*
  - *All ballots must be approved by ELECT prior to their use in any general election.*
- All localities opened on time on Election Day
  - *Polling location hours are 6:00 am - 7:00 pm*

Secure Elections

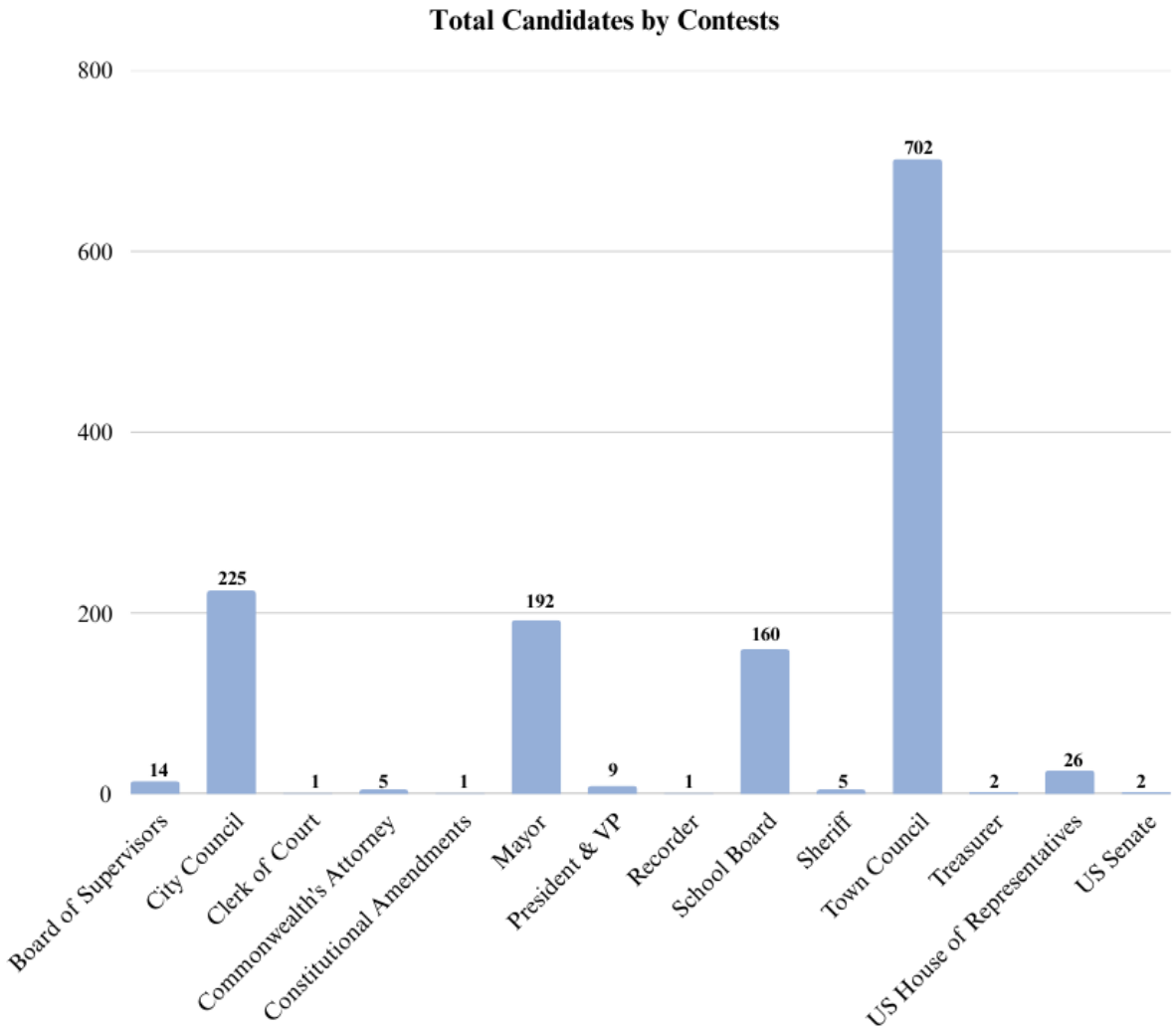
- Satellite Locations and Drop Box Security Measures
  - *Localities must report to ELECT that all required security measures have been installed no more than 90 days and no less than 60 days before Election Day.*

THE ELECTION

The 2024 General Election was held on Tuesday, November 5, 2024. The following subsections provide metrics about participation and other aspects of administering the election.

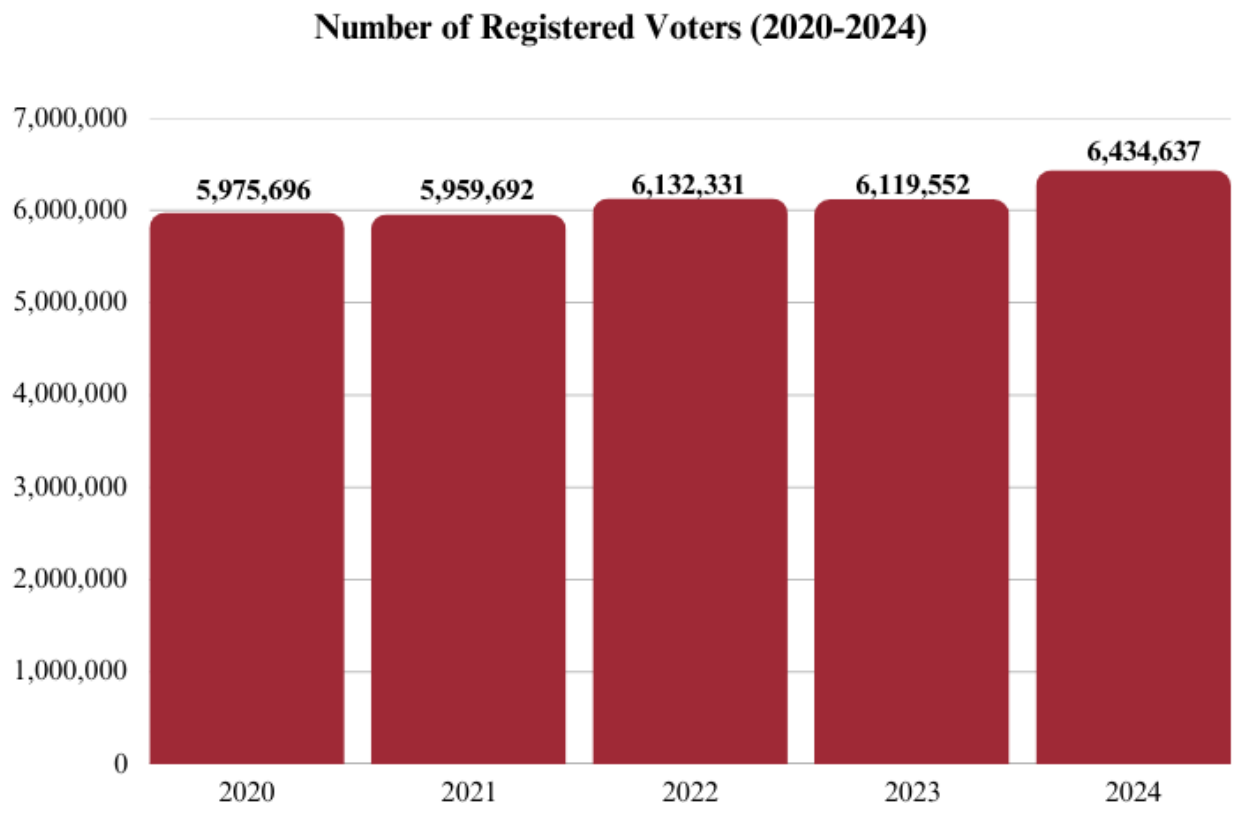
Contest and Candidates

There were 964 contests and a constitutional referendum on the ballot across the Commonwealth with a total of 1,344 candidates. Statewide contests included electors for U.S. president and vice president, U.S. Senate, eleven seats in the U.S. House of Representatives, and a constitutional referendum to expand the current tax exemption to surviving spouses of soldiers who are determined by the U.S. Department of Defense to have died in the line of duty, including those who have been killed in action.



Voting Population

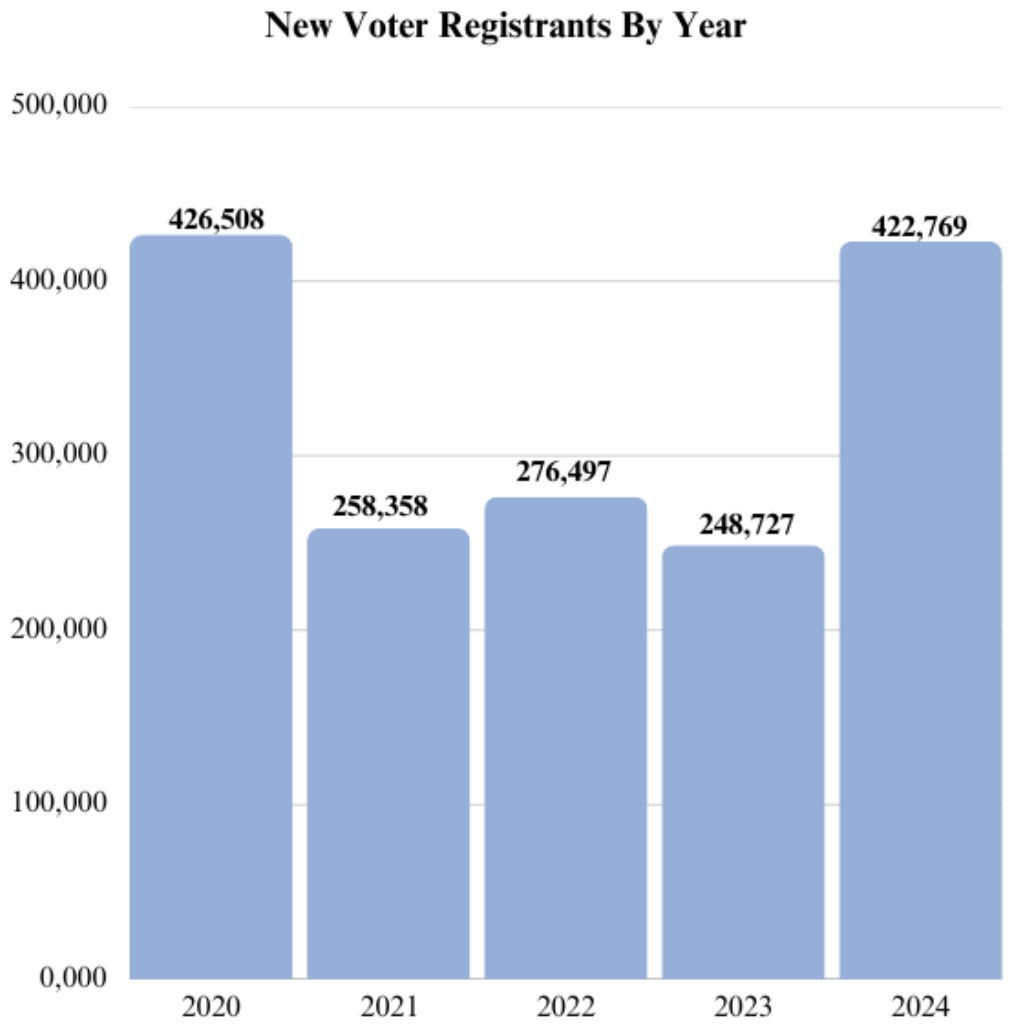
The chart below shows voter registration totals over the last five years, with a general gradual increase over the years. In 2024, out of 8.8 million Virginians, 6,434,637, or 73% were registered to vote. The registration numbers include both active and inactive voters. Inactive voters are those who do not respond to a notice confirming their address within 30 days of being sent the notice following the federally mandated National Change of Address (NCOA) confirmation mailings.[16] Inactive voters are still fully registered and may change their status back to active with any voter-initiated action, such as updating their registration, voting, or requesting an absentee ballot. An inactive voter status does not affect a voter's ability to vote in any election. However, if an inactive voter remains inactive for two general federal elections, these individuals may have their voter registrations cancelled. As this cancellation process occurs the year following a federal general election, the total number of registered voters tend to be slightly lower in odd numbered years.



[16] *See* National Voter Registration Act, 52 U.S.C. § 20507. *See* Va. Code § 24.2-428.

New Registrations

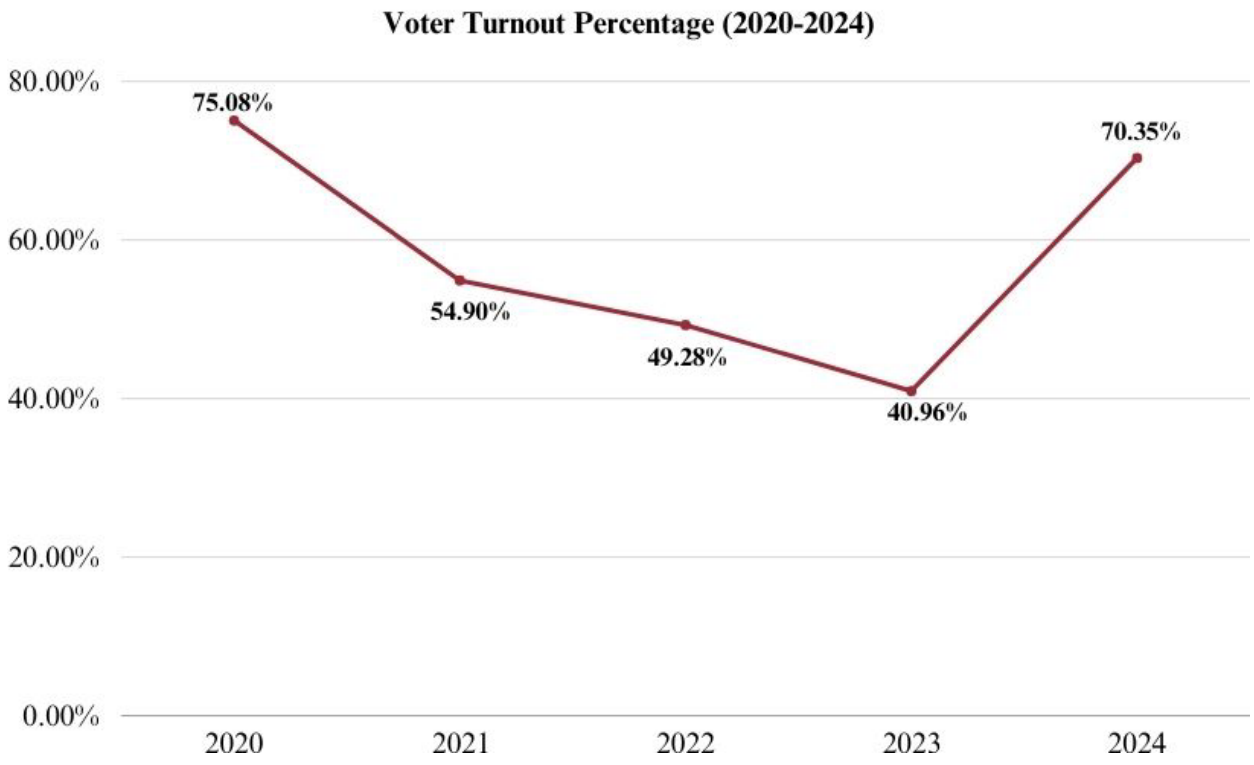
Virginia currently has more registered voters than ever before, with the largest number of new voter registrations occurring in years in which federal elections are held. In 2024, Virginia had 422,769 new voter registrants. While this was a significant increase from 2023, this number is a 0.8% decrease relative to new registrants in 2020, a year that also featured a presidential election. Additionally, although the overall number of new registrations is relatively large, only 39,717 more people voted in the 2024 Election compared to the 2020 Election despite there also being an overall increase in the number of registered voters (see Ballots Cast vs. Registered Voters graphic in next subsection). While this data is not included in the graph below, as of December 2024, 1,900 individuals are preregistered to vote, meaning they are at least 16 but will not be 18 before the next general election.[17] Preregistered voters are not registered (and thus not reflected in new registrant statistics) until they become eligible to vote.



[17] Va. Code § 24.2-403.1.

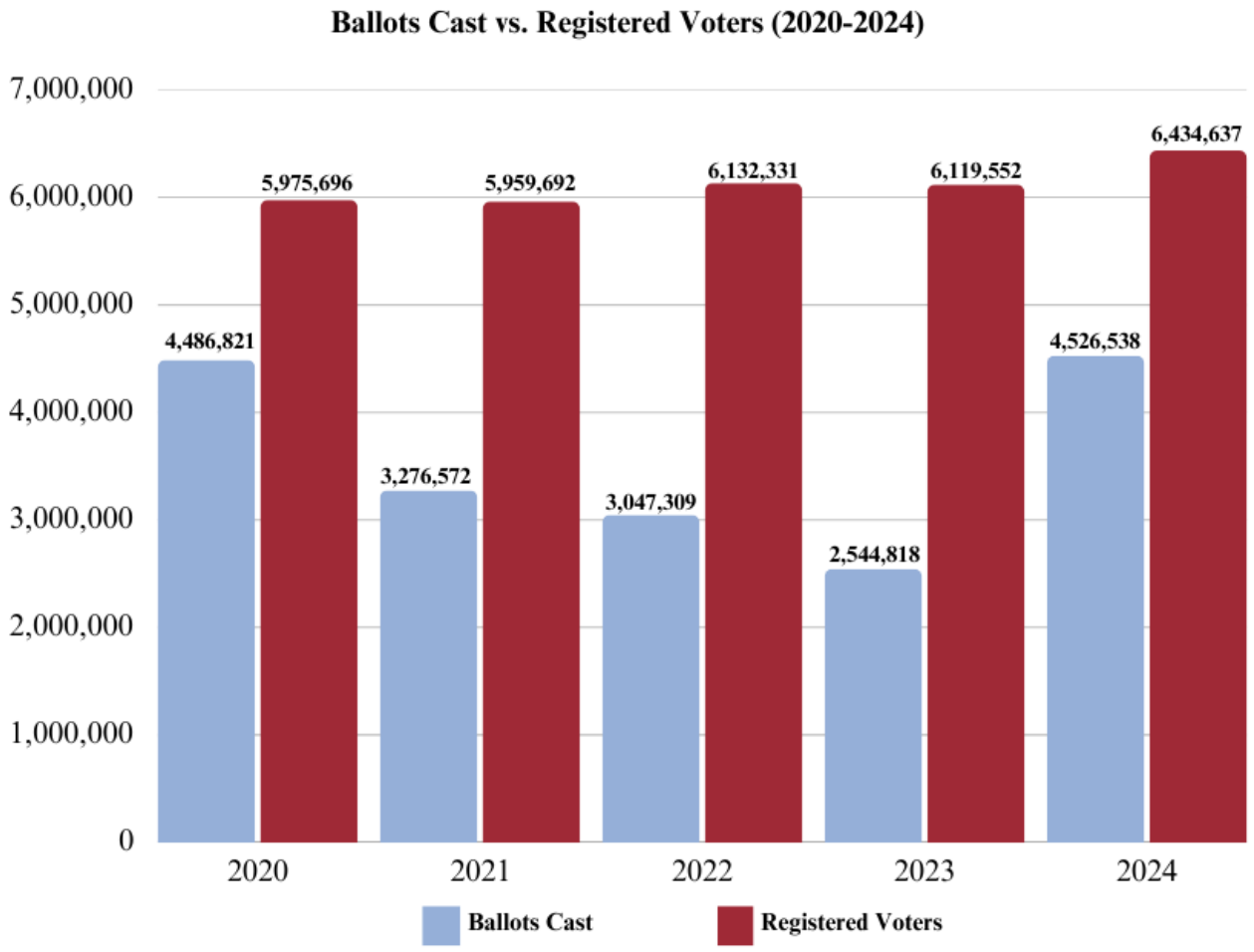
Voter Turnout Percentage

Historically, a presidential election on the ballot results in a higher voting turnout percentage compared to other election years. Voter turnout refers to the number of registered individuals who *attempted* to vote in an election. Total voter turnout for the 2024 Election was 70.35%. This demonstrates a decrease of 4.73% in voter turnout compared to the 2020 elections.



{Continued on next page}

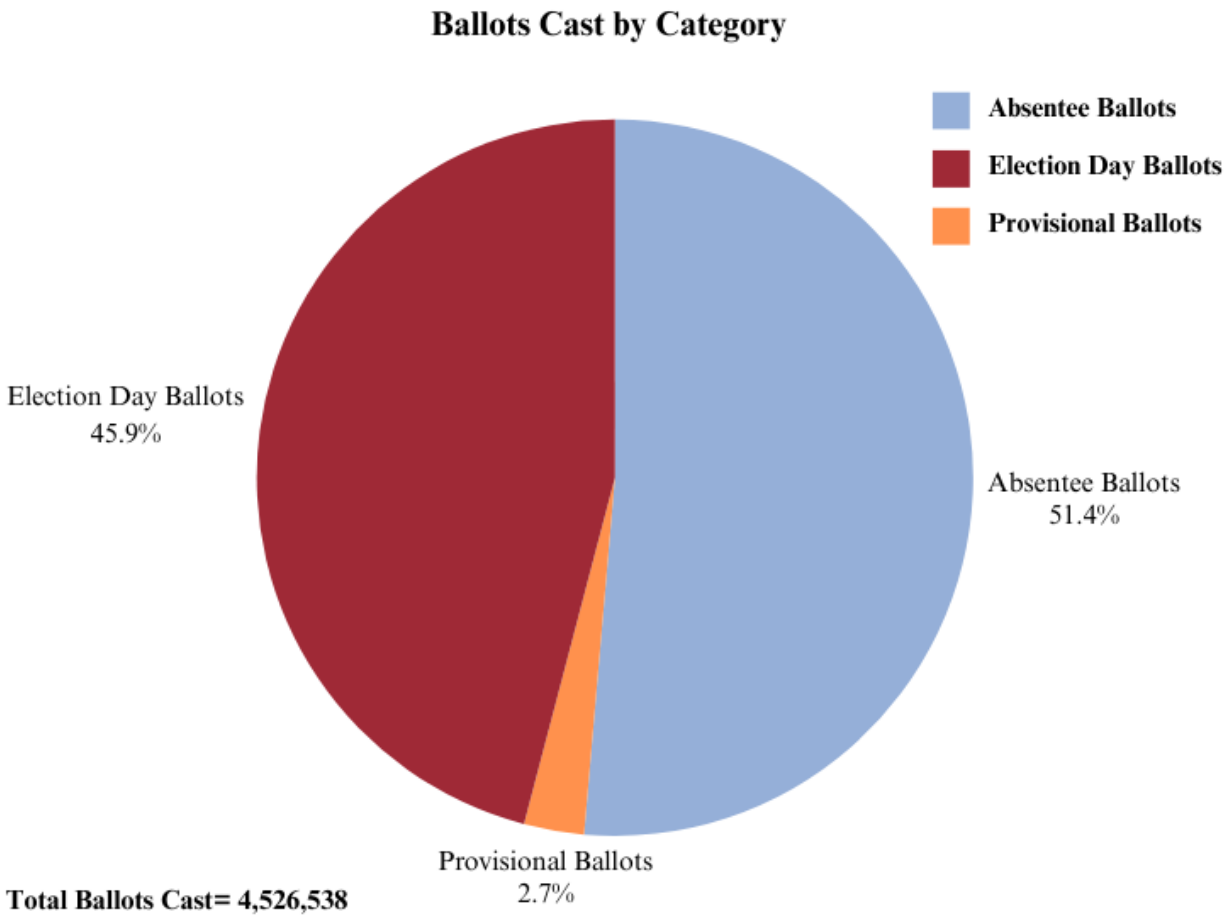
The graph below offers an alternative way to depict voter turnout data from 2020 to 2024. ELECT calculates voter turnout as the number of ballots cast by the number of registered voters. During 2024, 4,526,538 Virginians cast ballots out of 6,434,637 registered voters, resulting in voter turnout of 70.35%.



{Continued on next page}

Ballots Cast by Category

The next chart shows the types of ballots cast by category. Ballots cast refers to the total number of ballots counted towards the total results of an election. Categories of ballots cast include Election Day (In-Person), Absentee (Early In-Person, By Mail, Drop-off), and Provisional ballots.

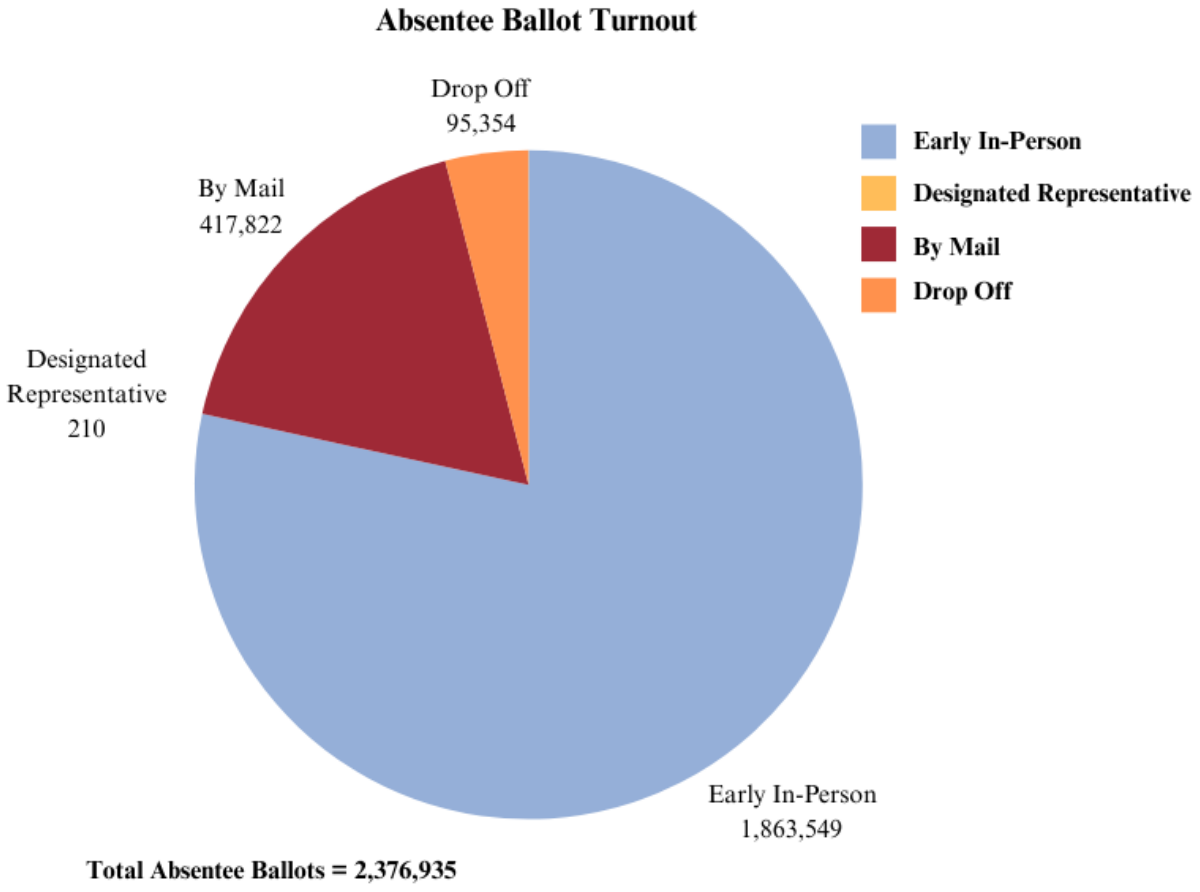


{Continued on next page}

Absentee Voting

In 2024, 51.4% of ballots cast were attributed to absentee voting. After legislation passed in 2020 to expand early voting, over 50% of ballots cast in the two subsequent presidential election years (2020 and 2024) were absentee. However, when compared to 2020 absentee statistics, 2024 absentee turnout was down 8.5%.[18] Public health concerns brought on by the COVID-19 pandemic may have contributed to the increase in absentee voter participation during the 2020 presidential election. However, regardless of the slight decrease from the 2020 General Election, absentee voting remains popular with voters.

Absentee ballots cast via in-person early voting remains the most common method, followed by mail returned via the United States Postal Service (USPS). The chart below provides statistics on the method of absentee voter turnout.



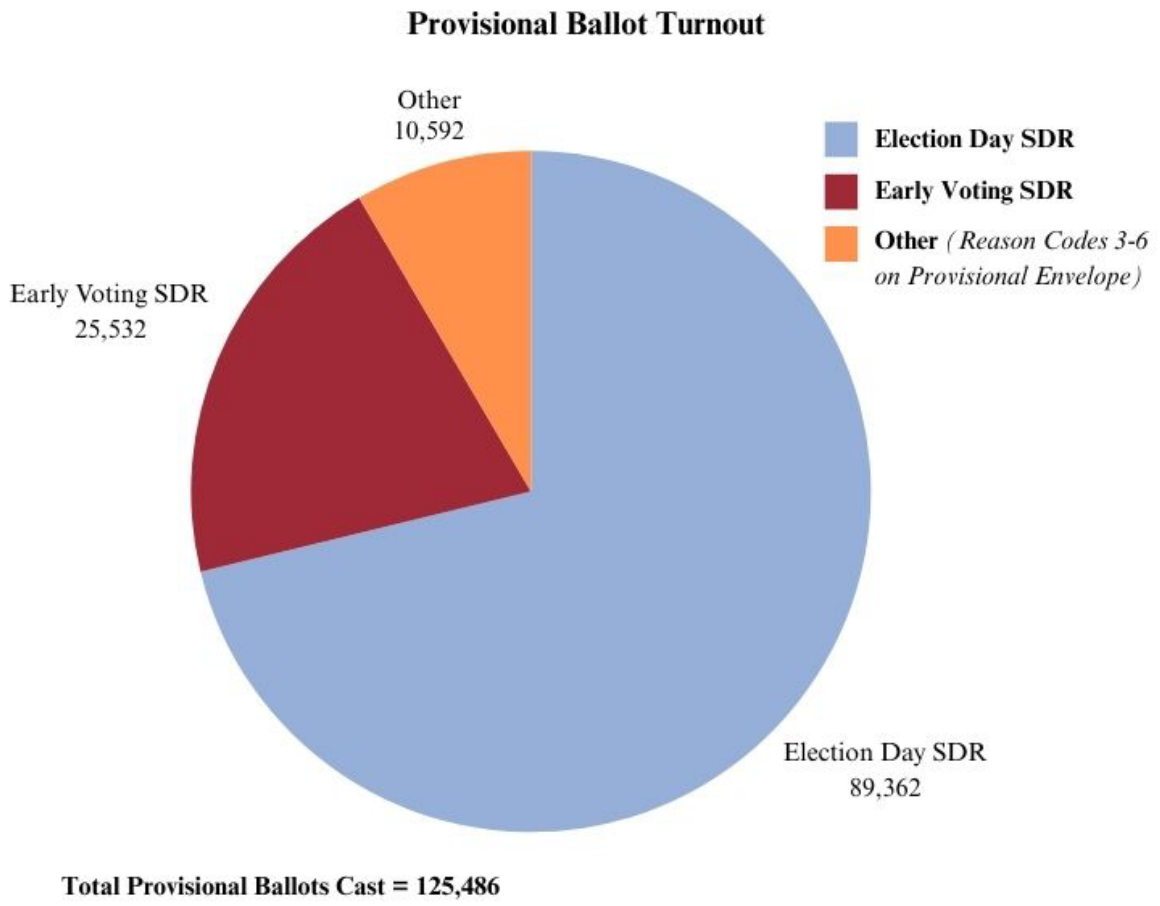
{Continued on next page}

[18] ELECT, 2020 Post-Election Report, https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/PostElectionReport_FinalRevised_211001.pdf.

Provisional Voting

The next chart shows provisional voter turnout grouped by reason code on the provisional ballot envelope. A provisional ballot refers to a method for people to vote whose eligibility to vote cannot be confirmed at the polling place. These ballots are reviewed by the local electoral boards during the post-election canvass to determine if the voter is eligible to vote, and if so, that vote will be counted. Provisional ballots are handled, tracked, and counted separately from other ballots, and officers of election are instructed to select a reason code to denote why a voter is being given a provisional ballot:

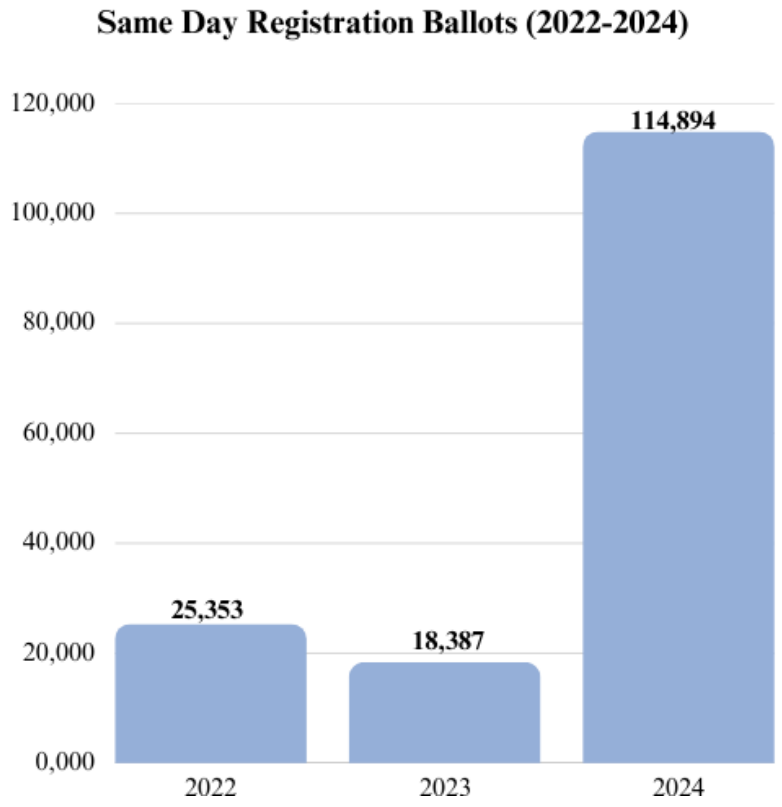
- Reason #1 – Same Day Registration (SDR) or voter's name does not appear in the pollbook.
- Reason #3 – Voter is voting after normal poll closing time due to a court order
- Reason #4 – Voter applied for an absentee ballot but does not have the ballot
- Reason #5 – Voter is shown in the pollbook as already having voted
- Reason #6 – Other
- Reason #7 – Voter did not show the required ID nor sign the ID confirmation statement



{Continued on next page}

Same Day Registration

The 2024 General Election saw the first use of SDR in a presidential election, which was first available to voters in 2022. SDR provides voters the right to register to vote up to and including Election Day at the office of their general registrar or their polling place.[19] This impacts the 21 days before an election when registration records are closed,[20] during which individuals can use SDR to complete a voter registration application and vote a provisional ballot at the same time. The use of provisional ballots is necessary for the SDR process due to the administrative delay in entering registration information into VERIS, which necessitates post-election verification that an SDR voter was eligible to be registered and did not vote in multiple locations. While a significant increase in SDR voters was expected compared to the previous two general elections, the volume of SDR voters was significantly higher relative to the two previous general elections.



{Continued on next page}

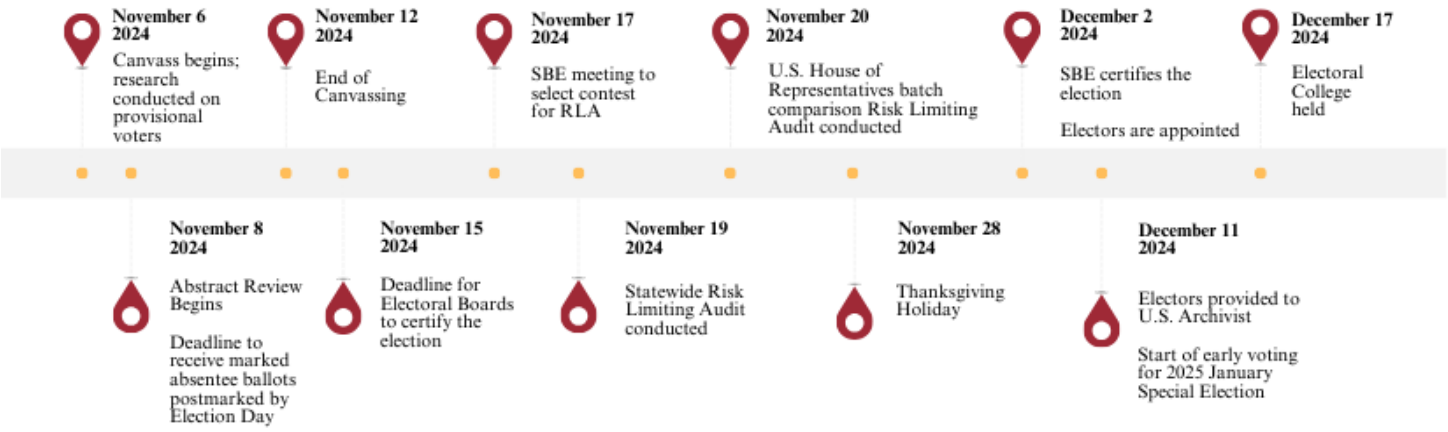
[19] Va. Code § 24.2-420.1.
[20] Va. Code § 24.2-416.

POST-ELECTION PERIOD

The focus on elections tends to be on Election Day itself and the immediate leadup. However, the period immediately following an election is crucial, as localities confirm election night results, adjudicate provisional ballots, conduct important equipment checks, and, most importantly, certify election results. Key tasks in this period include:

- Locality Data Entry
- Canvass and Local Certification
- State Abstract Review
- Risk-Limiting Audit (RLA)
- Electoral College

2024 Post-Election Timeline



Canvass Process - Triple Check of Results

All election results go through a multi-tiered reporting structure initiated in the precincts with the preparation of the statement of results by the chief officer of election, followed by a secondary review by electoral boards as part of its preparation of the abstracts of votes during the canvass process, followed by a review of abstracts by ELECT staff.

On the day immediately following the election, general registrars and electoral boards were required to start the canvass. The purpose of the canvass is to compile and certify vote totals and voter turnout for each precinct within the locality. The canvass requires actions by the officers of elections, general registrar, and electoral board members. To prepare and conduct the canvass, localities must review all voting system results tapes, pollbook data, and the statements of results from precincts to create the abstract of votes. Provisional ballots must also be researched and adjudicated during the canvass, including those of SDR voters.

The canvass concluded on November 15, 2024, which is the deadline provided to electoral boards to certify under Virginia law, meaning localities have just ten days to complete all the

required canvass tasks.[21] To illustrate this challenge, Fairfax County, the largest locality in the Commonwealth, had to complete its canvass, which included adjudicating 16,153 provisional ballots, in this 10-day period. The certified abstracts of votes prepared by the electoral boards were then provided to ELECT for review.

Risk-Limiting Audit

While ELECT staff conducted important data verification checks on the submitted abstracts of votes and flagged potential inconsistencies, localities prepared to conduct an RLA of at least one contest. The purpose of the RLA is to confirm that voting systems accurately report the results of the election. For the 2024 General Election, Virginia law required an RLA of a randomly selected U.S. House of Representatives race. Additionally, the SBE voted prior to the election to conduct an RLA of the U.S. Senate race.

At its RLA meeting held on September 3, 2024, the First Congressional District was randomly selected for the required RLA. Additionally at this meeting, the SBE decided to utilize two different approved methods for conducting the RLAs: the batch comparison method for the U.S. House contest and the ballot polling method for the U.S. Senate contest.

In recent years, batch comparison audits have been conducted on local races, wholly contained within one jurisdiction, in Orange, Loudoun, and Arlington counties. However, the First District batch comparison RLA for 2024 was the largest-scale batch comparison RLA ever conducted in the Commonwealth. It required 137,627 ballots across seven localities to be reviewed. In comparison, the U.S. Senate RLA, which utilized the ballot polling method, only required 1,878 ballots to be reviewed. Both audits met their risk limits and confirmed with over 90% confidence that the voting systems accurately reported election night results. Additional information on the 2024 RLAs can be found on ELECT's website.[22]

RLAs play an integral role in verifying the accuracy of voting systems and are one aspect of a larger effort to ensure that Virginia runs fair and free elections. Voting machines are certified by the SBE, undergo logic and accuracy testing before every election, and are subject to post-election audits to monitor their reliability and functionality. Additionally, electoral boards must submit detailed security plans that outline the measures that their localities are taking to store and protect sensitive election technology and data.

State Certification

After confirmation of the audited races, review of local abstracts of votes by ELECT, certification of local results by electoral boards, and review of locality abstracts by ELECT, ELECT presented the SBE abstracts of votes for the following elections: electors for U.S. president and vice president, U.S. senator, U.S. representative (Districts 1 through 11), Commonwealth's attorney for Emporia City and Greensville County, and the constitutional

---

[21] Va. Code § 24.2-671(A).
[22] ELECT, Risk-limiting Audits, https://www.elections.virginia.gov/resultsreports/election-security/rla/.

amendment referendum. The SBE certified all races as presented at its meeting on December 2, 2024.

Electoral College

After certification by the SBE, ELECT prepared for Governor Youngkin's review and issuance of a Certificate of Ascertainment of Electors, which sets forth the presidential and vice-presidential electors chosen by the voters of the Commonwealth. Consistent with federal law, this certificate was provided to the archivist of the United States, with duplicate original versions provided to the electors to conduct their business.

The capstone to the 2024 General Election effort in the Commonwealth was the meeting of the electors at the Virginia Capitol at noon on December 17, 2024. After filling a vacancy due to one elector being absent, the electors cast their votes for president for Kamala Harris and for vice president for Tim Walz and created eight Certificates of Votes. The electors directed that six of the Certificates of Votes be combined with the six Certificates of Ascertainment and be provided to recipients as follows: one set to the chief judge of the U.S. District Court for the Eastern District of Virginia, two sets to the archivist of the United States, and two sets to the Virginia commissioner of elections. The additional Certificates of Votes were provided to the librarian of Virginia and the SBE chairman.

2024 GENERAL REGISTRAR SURVEY & REFLECTIONS

Keeping in the tradition of the past two years, ELECT surveyed general registrars to solicit feedback on election administration topics. This provides ELECT and policymakers with information regarding administrative challenges faced by general registrars, areas for change or improvement in training and guidance, and general concerns about working environment, resources, and future election administration.

Methodology

The survey utilized a mixed-method research design of multiple choice and short answer questions. It contained 26 questions in total.

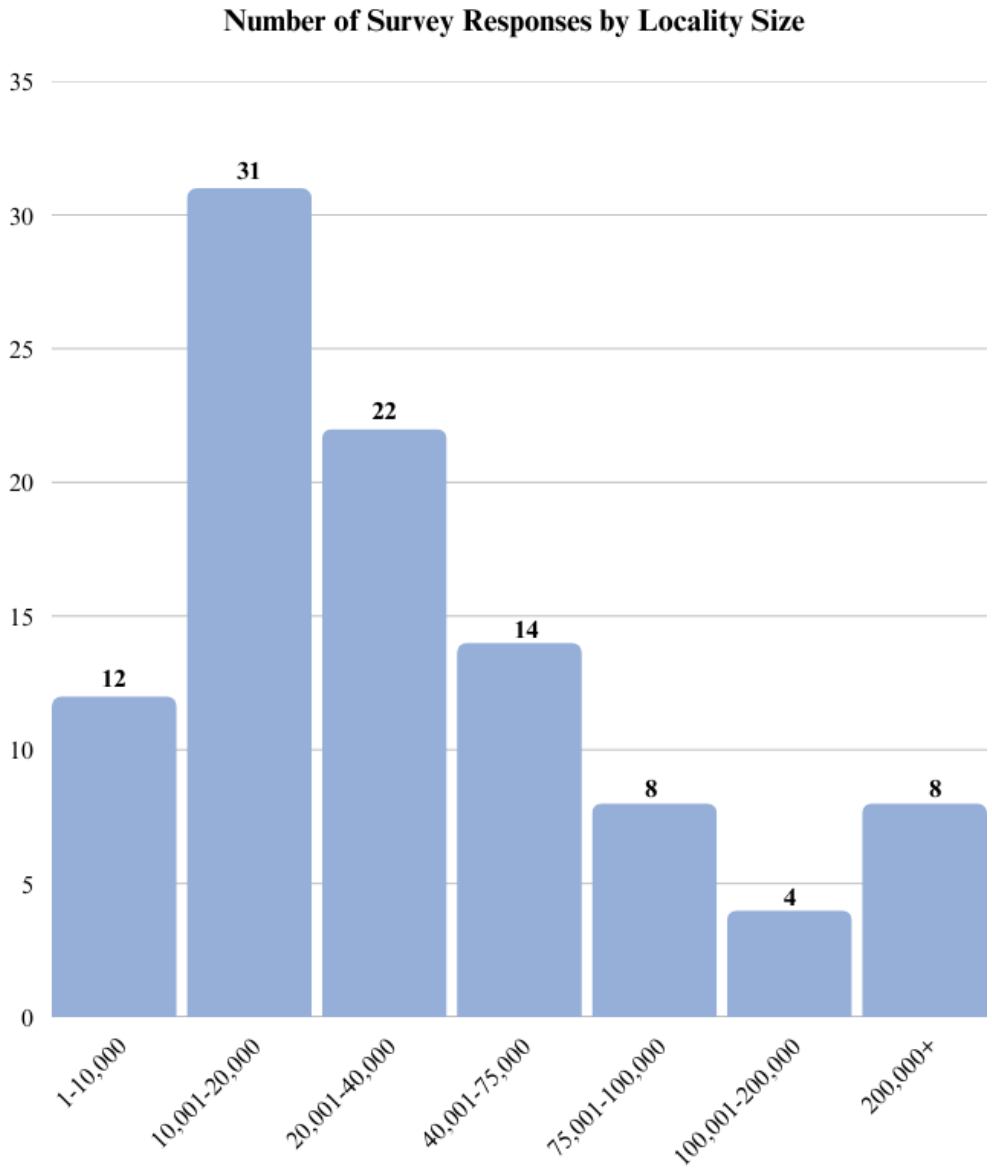
Participation

The survey was live from Thursday, December 5, 2024-Monday, December 23, 2025. 99 out of 133 general registrars consented to participating in the survey, which equated to 74% response rate among the total population of general registrars. There was an average response time of forty-two minutes and fifty-one seconds per respondent.

{Continued on next page}

Demographics

Various levels of tenure were reflected in the participants of the survey, ranging from 0-3 years up to 12 plus years of election administration experience, with 54% of the respondents having twelve or more years of work history. Respondents also serve diverse geographic populations of the Commonwealth with rural, suburban and urban communities, including localities with populations of less than 10,000 and over 200,000 residents, represented. The mean survey participant works in mid-sized localities with populations ranging from 10,000-40,000 residents.



Frequently Discussed Topics in Election Administration

While there was a wide range of issues discussed by general registrars in their responses to the 2024 ELECT Survey, certain topics received repeated mention. This section provides an overview of these topics and direct feedback from general registrars.

Same Day Registration

In the 2022 ELECT Survey, general registrars overwhelmingly listed SDR as one of the top challenges in administering the election, with over 75% of respondents ranking it as their first or second top challenge. As a result, ELECT solicited input from general registrars as part of an effort to explore options to streamline the SDR process, including in relation to training and forms. This led to a redesigned provisional ballot envelope which contained the voter registration application on one side and the more traditional provisional elements on the reverse. This would require SDR voters to only fill out the voter registration side of the envelope, thereby reducing the administrative time spent on each SDR voter.

In the 2023 ELECT Survey, provisional voting/SDR was still reported as a top challenge, with 20% of respondents ranking it as their top challenge and 23% ranking it second. However, 50% of respondents stated that the process established for provisional voting/SDR in the 2023 versus 2022 was either somewhat improved or much improved. After the 2023 General Election, ELECT again worked with general registrars to refine the redesigned provisional envelope (see Appendix B).

In the 2024 Elect Survey, general registrars once again listed SDR as a top challenge, with over 86% ranking it first or second. Based upon comments in the survey, this high percentage appears to be attributable to the large volume of SDR voters in 2024. However, based upon feedback after the three elections with SDR, there also appears to be a prevailing view of SDR as an inherently burdensome from an administrative standpoint due to its nature as a provisional voting process.

The post-election administrative burden for SDR was an area of emphasis for respondents to the 2024 ELECT Survey. This process for SDR generally consists of two phases, the research and registration phase and the adjudication phase. General registrars have always had the responsibility of conducting research on provisional voters to make recommendations about eligibility to the electoral board but, with SDR, they must additionally register these individuals and enter this information into VERIS. Aside from the processing of SDRs being a labor-intensive task, it is also done under a tight timeframe. All SDR voter information must be entered into VERIS by a date certain to provide ELECT time to run an SDR duplicate report to identify any individuals who voted SDR in multiple localities before these ballots are considered by electoral boards. Previously, the deadline for entering SDR voters into VERIS was the Friday after the election. After discussions with general registrars and in anticipation of a high volume of SDR voters, this deadline was extended to the Monday after the election.[23] Even with this extension, though, research and registration during this period takes significant staff resources when there is a high volume of SDR voters. After any duplicate SDRs are resolved, general registrars then assist the electoral boards in the adjudication process which must be completed in time for the electoral board to meet its 10-day certification deadline.[24]

---

[23] This was made possible due to the extension of the canvass deadline by the 2024 Acts of Assembly 738.
[24] Va. Code § 24.2-671.

General registrars were asked in the 2024 ELECT Survey, based upon their experience in multiple elections, to identify process changes that would ease the administrative burden of SDR. They suggested a range of ideas for process improvements. These included pushing back the registration deadline to closer to the election, the elimination of SDR altogether, only providing SDR during early voting, only providing SDR at the general registrar's office, more staffing availability, enhanced technology at the polling locations (including pollbook/laptop connectivity for the purpose of SDR and the ability to complete SDR applications electronically), and a better mechanism to determine the proper polling location for SDR voters before they complete the required form.

Based upon the feedback from general registrars over the past three years and the efforts of general registrars and ELECT to improve the process, the following are key takeaways:

- Since SDR must be a provisional process due to technological constraints, it is necessarily burdensome from an administrative standpoint in the current framework for Virginia elections, both at the polling place for voters and officers of election and in the post-election process for general registrars and their staffs.
- After each election in which SDR has been used, ELECT has solicited general registrar feedback and explored ways in which the SDR process can be streamlined for voters and election officials/staff. ELECT continued this practice after the 2024 General Election and is actively exploring additional measures for process improvements, particularly in relation to data entry. ELECT will also review its SDR training and make updates and/or additions where necessary.
- If SDR continues to be used in large numbers, more significant structural changes will likely be required to substantially reduce the administrative burden, such as limiting SDR to the general registrar's office or taking necessary action (including legislative) to provide technological means to not require provisional voting for SDR.

Improved Performance of VERIS

A common concern raised in the 2023 ELECT Survey about the 2024 Election cycle was the reliability of Virginia's Election and Registration Information System (VERIS). An aging system implemented in 2007, VERIS serves as the statewide voter registration system tasked with maintaining voter rolls and supporting other key aspects of the Commonwealth's electoral process. ELECT is actively building a new system to replace VERIS but continues to focus on efforts to maximize the current system's existing functionality. In 2024, the ELECT technical team (IT) led a massive effort to minimize technical debt and focused their efforts on performance issues rather than technical enhancements. Some of the highlights from this work include:

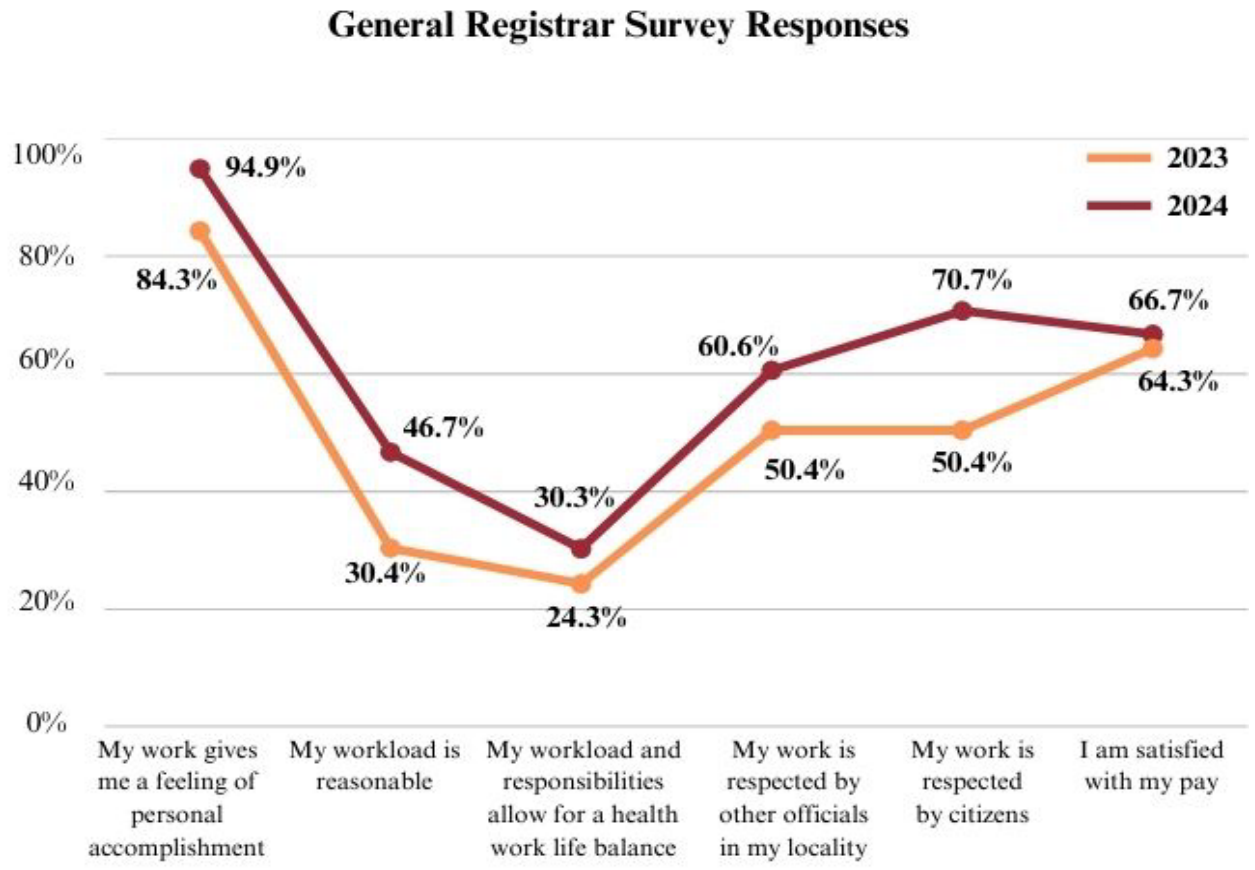
- Continuous cycle of report optimization to increase efficiency.
- Completing logging and endpoints project on all external applications.
- True load-balance for production server.
- Moved from hybrid to full cloud.

- Executed the first Commonwealth of Virginia statewide change freeze for the November General Election to ensure no changes were being made that could impact operations.

As a result of these efforts, 65% of 2024 ELECT Survey respondents reported an improvement in the performance of VERIS over the previous year.

Job Satisfaction, Workload, and Well-Being

As election laws and policies have changed, so has the role of a general registrar. Over the last five years, general registrars in the Commonwealth have adapted and successfully implemented many legislative changes making election officials in the Commonwealth some of the most experienced election administrators in the country. As shown in the next graph, ELECT surveyed general registrars regarding their overall job-satisfaction and well-being both in 2023 and 2024 to compare sentiments across multiple-election cycles.



Overwhelmingly, general registrars saw increased job satisfaction despite the intense workload and scrutiny inherent in a presidential election year. When asked about their overall job satisfaction in 2024, 42% of general registrars who responded indicated that they were very satisfied with their current role, an increase of 7% over the previous year, while 39% indicated they were somewhat satisfied. Only 11% of general registrars reported that they were either somewhat or very dissatisfied in the role, which saw no change over the previous year.

Additionally, 95% of general registrars who responded to the survey said that they either strongly agreed or somewhat agreed that their work gives them a feeling of personal accomplishment and 91% of respondents affirmed that they were proud to work in elections. In addition, 86.6% of general registrars reported that they feel that they fully utilize their skills, abilities, and knowledge in their work.

The survey results also indicated that general registrars felt more supported in their roles this year than in 2023 by both the public and their peers. When compared to responses gathered in the previous year, general registrars saw a 15% increase in how they perceived their work to be respected by the public and a roughly 10% positive increase in how they perceived other officials in their locality viewed their work.

In 2023, ELECT asked general registrars about the impacts of the role on their physical and mental health. 66% of general registrars responded that the job had a negative impact.[25] In 2024, ELECT asked the same question to track the effect of the role across multiple years, most respondents indicated that the impact to their health remained the same or declined when compared to previous years. Many general registrars still struggle with work life balance in addition to large workloads. One general registrar wrote,

> "I need to learn to put this job in perspective and not let it take over my entire life during election season. I need to learn to stop taking everything to heart. You would think after all my years of service I would have learned that."

Helping election administrators to find ways to deal with job stress on their physical and mental health will be key to retaining their expertise and talent moving forward.

The rigor of Commonwealth's election schedule also contributes to the intensity of the role. Virginia is unique in that it hosts general elections every year. Unlike many states, Virginia holds off-year elections, which is a general election that takes place in the United States when neither a presidential nor midterm election is held. Virginia election officials are some of the most experienced in the nation. One general registrar noted,

> "Yes, we are experienced, and Virginia is better because of it. However, we simply do not have an appropriate amount of time to review and implement improvements to our processes to better serve our voters because our time between elections is so limited."

Over the last five years, election administrators in the Commonwealth implemented over 100 pieces of legislation all the while hosting at least two elections every year. Legislation has been introduced to reduce the number of primaries during a presidential year to two as well as to study the Virginia election cycle for possible reductions and improvements.[26]

---

[25] ELECT, 2023 Post-Election Survey of General Registrars, Virginia Department of Elections.
[26] *See* SB 1119, 2025 Reg. Sess. *See* HB 1794, 2025 Reg. Sess. *See* SJ 253, 2025 Reg. Sess.

Staffing

When asked about resourcing needs in 2024, general registrars reiterated from last year that space and staffing were still among their top challenges.

As localities work to comply with the numerous new legal requirements from recent years, many question whether staffing levels, dictated by the individual localities, have kept up with need. In reviewing data from both the 2023 and 2024 surveys, it is apparent that limited staffing, particularly in small to mid-size localities, may strain the uniformity and purity of elections in the Commonwealth. The 2023 Report, which saw an 88.7% response rate, indicated that 61% of localities operate with one or no full-time staff person outside of the general registrar. This leaves many elections offices in the Commonwealth operating with single points of failure, where an unexpected accident or illness may be detrimental to staffing an office or even running an election. It also hinders continuity in operations in the event of a general registrar dismissal or retirement. The following are comments from general registrars on this issue:

> "[W]hile it was a challenging year, I love my job and just wish our locality saw the need for least one full time assistant. I'm 60 years old and would like to properly have the chance to train my assistant in becoming a registrar."

> "[S]maller offices need to have at least one full-time deputy position (subsidized by the state) which would allow for coverage in the office should an emergency arise with the General Registrar. A part-time two day a week deputy is just not willing to run the office independently especially in such a busy election year."

> "[Y]ou can't expect to hire part-time help and they do things 100 percent correct. It's also hard to find part-time (employees) willing to put up with the demands of the workload in the elections office."

Lack of staffing also contributes to burnout among local election administrators. One respondent reflected

> "[B]eing a small locality that only utilizes Deputy Registrars on an 'on-call' basis, a GR (general registrar) has to be in the office every hour of every day during the 45-Day Early Voting period. You have to postpone doctor's appointments and miss out on a lot of family functions."

Registrars repeatedly highlighted the need for the state to step in and provide funding for one full-time deputy registrar. While general registrars' official salaries are reimbursed by the state, additional office staff salaries currently are not. The operational needs of many localities are left to the decision of County and City Administrators. Those general registrars without dedicated full-time staff often must rely on officers of election or electoral board members to fill staffing gaps in addition to excessive amounts of overtime. Budgetary language was proposed during the 2025 General Assembly Session to fund a full-time deputy registrar at 80% of the general

registrar's salary.[27] While this amendment failed in committee, it initiated an important discussion around staffing and resource needs in the Commonwealth's local elections offices.

General registrars also highlighted the need for dedicated legal representation in the survey. A 1983 opinion of the Office of the Attorney General found that local counsel has an obligation to defend general registrars and electoral boards in litigation.[28] However, the access that these officials have to legal resources for consultation are often limited. With ELECT unable to provide legal advice to localities, many are left with unanswered questions that could result in legal liability. Feedback from the 2024 ELECT Survey included the following,

> "GRs and EBs need independent legal advice. We cannot always depend on our local govt attorneys. Some can, some can't. The AG (Attorney General) isn't our legal representation. The Department has made it clear they can't provide legal advice. The idea that GRs and EBs are dealing with such a consequential and litigious area of government administration without any dedicated legal representation is unwise and not very well thought out."

Several general registrars also noted that workloads were increasing for officers of elections. General registrars used words like overwhelmed, frustrated, and stressed to describe the morale of their officers. With increasingly complex processes, some general registrars cited the need for experienced officers of election in key leadership positions within the precinct. This can sometimes come into conflict with the requirement of party parity, as there are not sufficient officers of experience always available from both parties. Officers of election with strong skill sets are especially needed for SDR due to its nature as a provisional process; errors in paperwork in that process can lead to a vote not being counted during the canvass. This complexity has also rendered recruitment and retention a difficult task. One general registrar stated

> "[W]e have done everything in our power to recruit and retain competent officers of election to sufficiently staff our polling locations. With the increase in their ED (Election Day) workload, we've lost several who just do not want to deal with the stress anymore."

SPECIAL TOPICS FROM 2024 GENERAL ELECTION

In the lead up and execution of any general election, instances occur that require ELECT and localities to address emerging election-related concerns on a variety of election administration topics. This section provides an overview of some of the noteworthy issues that impacted the administration of the 2024 General Election.

USPS and Absentee Ballots

Absentee ballot complaints for 2024 primarily focused on issues with receiving or returning absentee ballots. As discussed in the TRAINING AND PREPARATION section above, while

---

[27] *See* SB 800, Member Request, Item 78 #1s, 2025 Reg. Sess.
[28] 82 Va. Att'y Gen. 225 (1983), 1983 Va. Att'y Gen. WL 225.

ELECT worked closely with USPS to address past and present issues, localities and voters still faced challenges when mailing in their absentee ballots. The types of issues, and number of localities that experienced the issues, are as follows:

- Late returned absentee ballots (30)
- Delays in ballots arriving to voters (42)
- Mail returned to the general registrar's office or voter as "undeliverable" (39)
- Absentee ballots without a postmark (29)
- Intelligent Mail Barcode (IMB) was not scanned (27)
- Ballots lost in the mail (32)

Through ELECT's voter education efforts and media outreach, voters were encouraged to return their mail-in ballots as soon as possible to avoid their ballots arriving too late to be counted. Voters also had the option to return their mail-in ballots in person to the general registrar's office, to a drop off location, or to their polling place or Central Absentee Precinct on Election Day. ELECT will continue to communicate and collaborate with the USPS to ensure that all mail-in ballots are prioritized, delivered, and counted.

Electoral Board Member and General Registrar Compliance Issues

Throughout every election year, the SBE and ELECT receive, evaluate, and monitor compliance issues that are raised in relation to the performance of duties by electoral board members and general registrars. Generally, issues can be addressed through training and guidance. However, when there are repeated issues or there is an instance of a severe dereliction of duty, the SBE must decide whether more severe action is required in the form of petitioning the circuit court for removal proceedings due to failure to discharge duties.[29]

At its January 15, 2025, meeting, the SBE considered whether to petition for removal proceedings against the Franklin City General Registrar, two members of the Radford City Electoral Board, one member of the Waynesboro City Electoral Board, and one member of the Norfolk City Electoral Board. The SBE heard testimony from the officials and from all interested parties. The board ultimately voted to file removal petitions in the circuit court in the cases of Franklin City, Waynesboro City, and Norfolk City.[30, 31]

VOTER ENGAGEMENT CAMPAIGN

For the 2024 General Election, ELECT executed a five-week, statewide "We Count Virginia" voter education awareness campaign to educate Virginians about the timing of Election Day and the early voting period and to reinforce the fact that when a person votes in Virginia — whether early in person, by mail, or on Election Day — it counts. The campaign ran from September 30 through November 5, with an emphasis placed on October. The media campaign leveraged

---

[29] Va. Code § 24.2-103.
[30] Va. Code § 24.2-235.
[31] The Waynesboro City Electoral Board member resigned after this decision but before proceedings were commenced in the circuit court.

online, radio, and print channels. Campaign materials were presented in Spanish, Korean, and Vietnamese where possible.

Campaign Components

The following provides a summary of ELECT's outreach efforts in the campaign. For the full components of the campaign, please see Appendix C.

Broadcast Media (Radio)

- Markets included Washington D.C., Richmond/Petersburg, Hampton Roads, Bristol/Tri-Cities, Roanoke/Lynchburg, Charlottesville, Harrisonburg, Winchester/Culpeper, and Fredericksburg.
- Rural radio ran in 16 markets defined as rural by the Office of Management and Budget.
- Campaign advertising ran on Spanish radio stations in Richmond, Hampton Roads, and D.C., and a Korean radio station in D.C.
- Ads were also run on top streaming platforms such as Spotify, AudioGo, and Amazon.

Print Media

- Print ads were placed in 18 major daily newspapers as well as Spanish, Korean, Vietnamese, and African American publications. One half-page color insertion was published in each publication.
- Flyers in English, Spanish, Korean, and Vietnamese were also developed for ELECT to distribute to its partners, localities, and advisory boards in support of the voter education campaign.

Social Media and Online Advertising

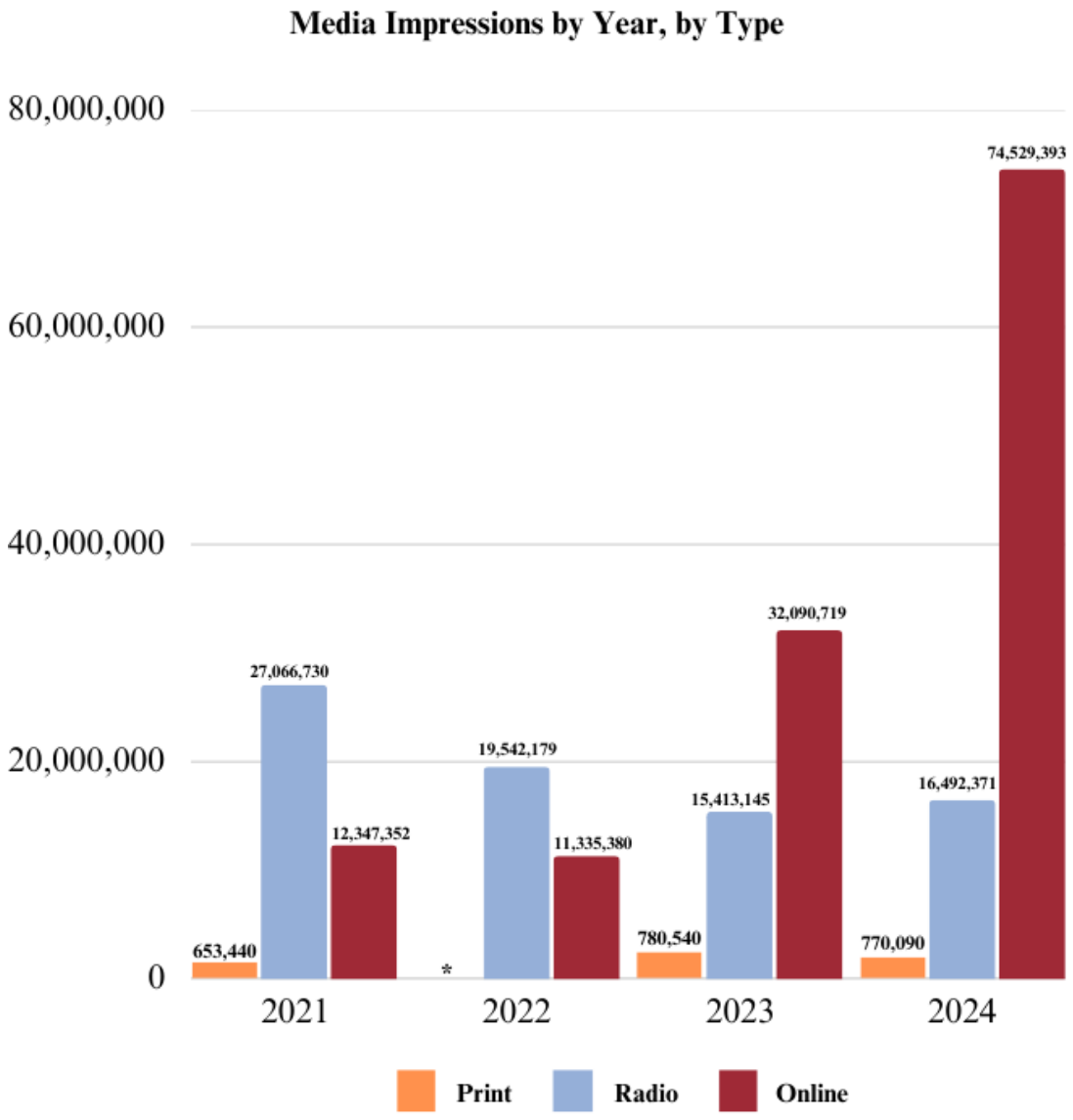
- ELECT issued 50 social graphics and post captions for Facebook and X, along with a social media posting schedule that started on September 16.
- Online banner ads ran statewide in English, Spanish, and Korean newspaper websites.
- Online ads also included mobile ads and Facebook/Instagram story ads targeted to English and Spanish speakers 18+ statewide.

Media Analytics

The campaign garnered over 91.7 million impressions across online, radio, and print. An impression is defined as an individual view, and multiple impressions can be attributed to a single individual.

- Online advertisements received 74,529,393 impressions or 81% of overall impressions (this includes mobile, paid social, banner ads, and streaming audio).
- Radio advertisements received 16,492,371 impressions or 18% of overall impressions (of measured markets).
- Print advertisements received 770,090 impressions or 1% of overall impressions.

ELECT began reporting media analytics in 2021. Compared to previous years, the 2024 campaign has garnered the most impressions to date. This year's campaign nearly doubled all impressions across radio, print, and online platforms, with online impressions having the most impact by a significant margin. However, there was a decline in CTR compared to last year.



*In 2022, ELECT did not report on the number of printed newspaper impressions, but ELECT did have ads placed on fifty-seven newspaper websites, four of which were in Spanish, generating 4,214,064 impressions.[32]

[32] ELECT, 2022 Gen. Election Retrospective, p. 31 (March 7, 2023).

CONSTITUENT SERVICES

As part of its post-election reporting, ELECT provides data regarding inquiries and complaints fielded during the election cycle. ELECT provides three primary avenues for the submission of inquiries and complaints: a call center, an online complaint tool, and a voter complaint form.

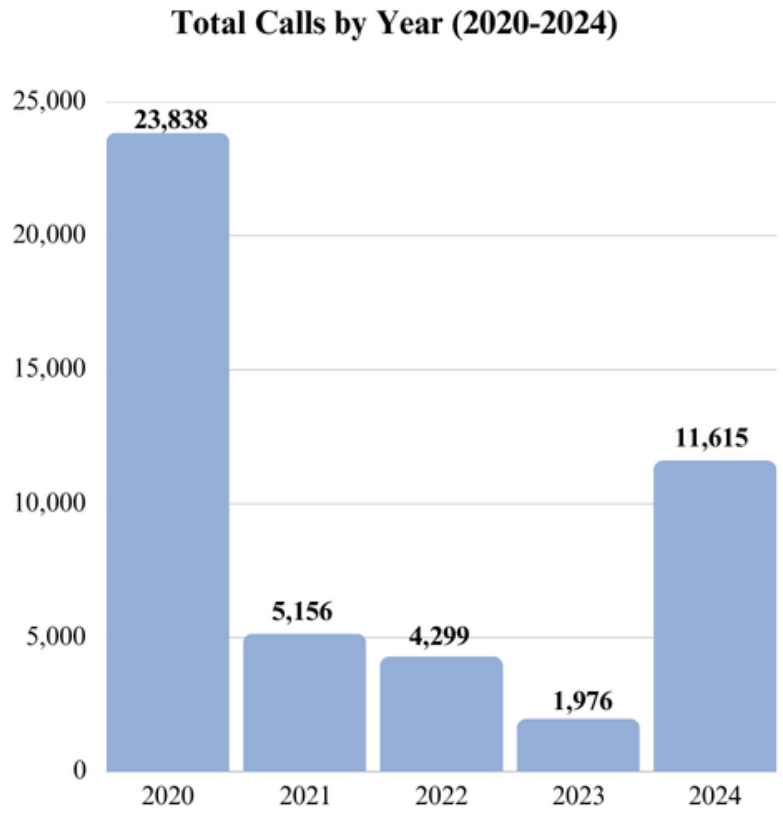
As previously discussed, there have been significant changes to Virginia's election laws in recent years. The SBE, ELECT, and local election officials made great efforts to implement these changes in the most efficient and streamlined manner possible, including by increasing the amount of voter information available on ELECT's website, translating more voter information (Korean, Vietnamese, and Spanish, emphasizing the accessibility of its website for voters with disabilities (including better website navigation and more screen reader-friendly tools and documents), improving processes and procedures by providing more guidance documents, promulgating regulations to address gaps in approved legislation, and increasing training opportunities. Local election officials bolstered the training materials for staff and officers of election, to ensure they were more prepared and had a greater knowledge of election law and procedures when serving in a polling place. These efforts may have contributed to the overall decline in calls and complaints to ELECT. Further, voters also appear to be looking for and receiving more of their information online, as shown in the VOTER ENGAGEMENT CAMPAIGN section of this report.

Call Center

To manage the influx of calls and provide the best customer service possible, ELECT contracted with a third-party vendor to operate a call center from August 26 to November 8 to field constituent inquiries. While the call center was operational, voters who called ELECT's phone numbers were redirected to the call center. Most calls were addressed by the call center, with only 81 calls transferred to ELECT for staff review. The average wait time for callers was 37 seconds and the average talk time was a little over three minutes.

{Continued on next page}

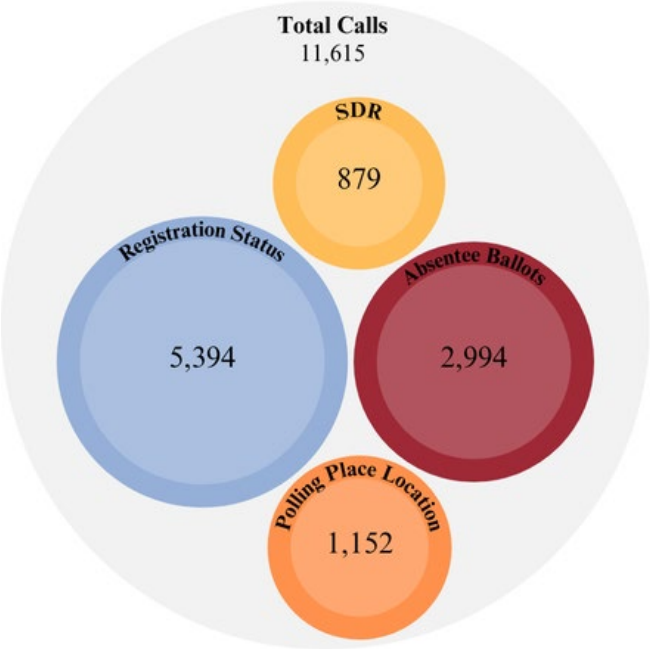
The following graph shows the total amount of calls received by the call center in each of the last five elections. As expected, due to the traditionally increased interest in presidential elections, the highest number of calls were received in 2020 and 2024. However, there was a 48% reduction in number of calls received in 2024 compared to 2020.



{Continued on next page}

Out of the 11,615 calls received while the call center was open, the topics that received the most calls remained the same as in previous years and included questions about registration statuses, absentee ballots, and polling locations, as shown in the graphic below.

Calls Received by Topic

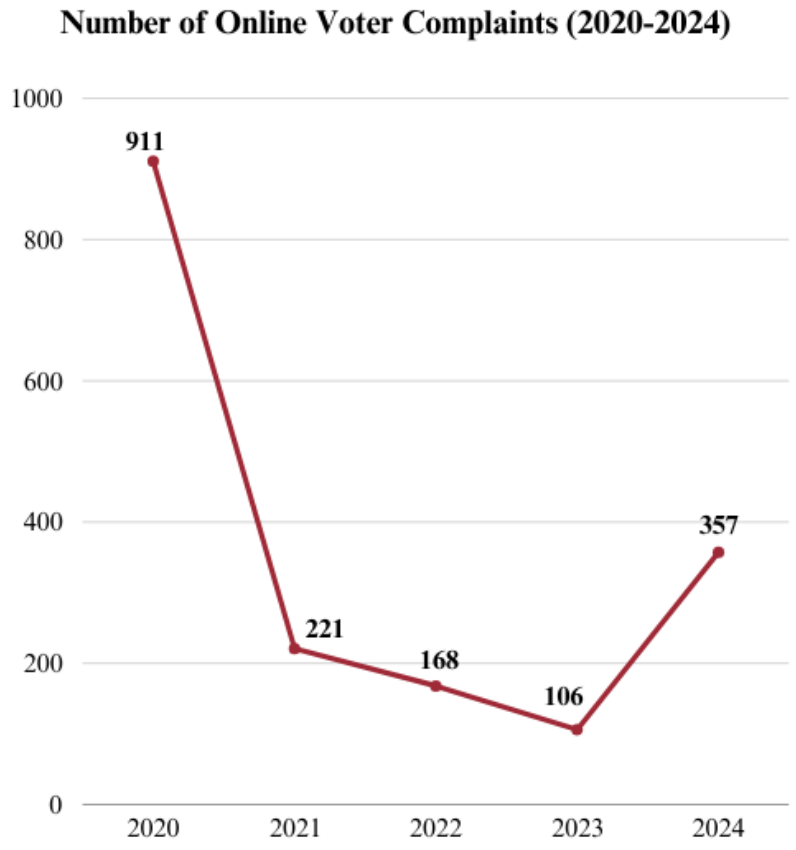


Online Complaints

ELECT provides an online tool for voters to raise issues during an election cycle and have them resolved quickly. Typically, ELECT forwards these issues to general registrars to address. In many cases, the general registrar or officers of election are already aware of a particular situation and working on a response. In 2024, 62 complaints were filed before Election Day, 106 were filed on Election Day, and 89 were filed after Election Day.

{Continued on next page}

The following chart shows total online complaints over the past five years. In 2024, ELECT received 357 complaints from August to November, significantly lower than the 911 complaints in 2020.[33]



{Continued on next page}

[33] This was also lower than the 599 complaints related to the 2016 presidential election. See ELECT, November 3, 2020 Post-Election Report, p. 24 (Oct. 1, 2021).

The next chart provides a breakdown of online complaints, by issue, over the last five years.

Complaint Type	2020	2021	2022	2023	2024
Absentee Ballots	161	24	18	12	51
Accessibility	9	6	8	2	13
Ballots	232	21	20	13	43
Candidates	0	0	0	8	5
General Comments	42	16	15	12	26
Identification	23	11	11	6	22
Law Enforcement	0	2	0	0	0
Long Lines	3	0	0	0	4
Other	160	38	33	22	60
Vandalism	1	0	0	0	5
Voter Fraud	4	137	18	8	30
Voter Intimidation	56	53	21	17	66
Voter Registration	51	16	16	4	21
Voting Equipment	36	15	8	2	11
Total	**911**	**221**	**168**	**106**	**357**

Voter intimidation was the most common complaint this year, with a total of 66 complaints. The number of complaints in this category follows the trends that ELECT has seen in previous years; voter intimidation complaints tend to go up during presidential elections and statewide elections when voter turnout and interest are higher. Many of the submissions were related to the experience while approaching a polling place, cited the aggressive nature of campaigning outside of the polling place. The total voter intimidation complaints for 2024 exceeded 2020, which may be partly attributable to a continued increase in political polarization (i.e., campaign activity by the opposing party may now be viewed as more openly hostile than previously). Political parties and campaigns may wish to consider counseling their employees and volunteers on how to interact with voters to avoid perceptions of intimidation. Other voter intimidation complaints related to how close campaign signs were to the entrance of a polling place.[34] While ELECT works to address complaints once received, it is often the case that the general registrar has already resolved the matter.

Voter registration complaints often arose when voters learned they were not registered to vote when checking in at a polling place, even though they had previously registered. There are a variety of reasons why these voters were not registered where expected, including if they had not voted in the previous two federal election cycles after being placed on inactive status.[35] Voters may also have registered to vote after the close of books; voters who register during that period

[34] Va. Code § 24.2-604 (requires campaign workers and campaign materials to remain 40 away from the entrance of a polling place).
[35] Va. Code § 24.2-428.2.

are not processed until after the election.[36] Regardless, SDR allowed these voters to register and vote a provisional ballot on Election Day. Also worth noting is the previously addressed effort to push back the date for the closing of registration records to be closer to Election Day, which may be beneficial to reduce these instances.

Identification complaints, the volume of which was about the same as in 2020, primarily focused on issues about acceptable voter identification at the polling place. The types of acceptable voter identifications are outlined in the Code of Virginia and the federal Help America Vote Act.[37] Based upon these, ELECT compiles a list of acceptable identifications for use by officers of election, which is available on its website.[38] Despite this list being available at the polling place, and extensive training by the general registrars and ELECT, there were still some instances of uncertainty. ELECT continually reviews the list of acceptable identification to provide clarification, where possible, and explores additional avenues for training.

Voter Complaint Form

ELECT provides a Voter Complaint Form on its website, which is used for both complaints alleging violations of the federal Help America Vote Act (HAVA)[39] and informal, general complaints. Information about the Voter Complaint Form process can be found on ELECT's website. [40] Complaints that do not allege a HAVA violation are processed as an informal complaint and forwarded to the applicable locality for local officials to address.[41]

ELECT received 31 complaints using the Voter Complaint Form. Upon review by ELECT staff, no complaints rose to the level of an alleged violation of HAVA. A response was issued in each case, and complaints were forwarded to the appropriate localities for further action and awareness. ELECT plans to review the HAVA compliance process in 2025 to determine whether any process improvements are necessary.

CONCLUSION

The successful administration of three safe and secure statewide elections in the Commonwealth in 2024 was a collective effort of dedicated officials and staff at the local, state, and federal levels. Virginia continues to be a model of well-run elections for states across the country. Nonetheless, ELECT is constantly searching for improvements to improve the experience of voters and local election officials. The feedback from general registrars and other information gathered in this report will provide valuable insights into the administration of elections in the Commonwealth to the public, lawmakers, and all other important stakeholders in our democracy.

---

[36] Va. Code § 24.2-416.
[37] Va. Code § 24.2-643(B). *See* 52 U.S.C. § 21083.
[38] ELECT, Acceptable Forms of Voter Identification (Sept. 2024).
[39] Help America Vote Act of 2002, 52 U.S.C §§ 21081-21112.
[40] ELECT, Virginia Voters' Election Day Complaint Form (Sept. 2017).
[41] 1 Va. Admin. Code § 20-20-80.

Appendix A: Terminology

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

Absentee Voting is the process of casting ballots other than in-person at the polling place on Election Day, including in-person voting in the early voting period and by mailed/dropped off ballots.

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

Ballots Cast refers to the total number of ballots counted towards the total results of an election. For example, one paper ballot may have three elections on it. No matter how many bubbles are filled in for each race - all three races, one race, or none at all - the one paper ballot is considered one ballot cast.

Department of Elections (ELECT) is the Virginia state agency that is tasked with the administrative and programmatic operations assigned by law and, further, discharges duties as delegated by the State Board of Elections.

General Registrars are election administrators appointed by the electoral board of a county or city. They are responsible for all aspects of voter registration and election administration duties as assigned by law and delegated by the electoral board. Some have the additional title of "director of elections."

General Registrar and Electoral Board Handbook (GREB Handbook) is a guidance document created by ELECT to provide an overview of election-related tasks, processes, procedures, and statutory and regulatory requirements for local election officials.

Electoral Boards are local three-member boards appointed by the chief judge of a judicial circuit to administer elections for a county or city. They are composed of (i) two members from the political party that received the highest number of votes at the preceding gubernatorial election and (ii) one member from the party that received the next highest number of votes at the preceding gubernatorial election. For a list of full duties, please see Chapter 2 of the GREB Handbook found on ELECT's website.[42]

Officers of Election local election officials appointed by the electoral board to administer elections at polling places in all elections.

---

[42] ELECT, GREB Handbook, Chapter 2, Local Electoral Boards, (Aug. 2024).

Virginia Election Registration Information System (VERIS) is the centralized election administration and voter registration system currently in use in Virginia that is operated and maintained by the Department of Elections.

Voter Turnout refers to the number of registered individuals that attempted to vote in an election. ELECT calculates turnout as the amount of ballots cast by the amount of active and inactive voters and is commonly expressed as a percentage.

Votes Cast refers to the number of votes cast that go towards a particular election, meaning a particular candidate, referendum, etc. Referring to the example above, one paper ballot may have three races on it. If a voter makes one selection in each of the three races, a total of three votes have been cast on the one ballot.

Appendix B: Provisional Ballot Envelope

Same Day Registration Provisional Ballot
Voter resides in this precinct but is not on this precinct's pollbook

SDR

Precinct # _____

Primary elections—Party ballot ☐ D ☐ R

Starred (*) items are required. *If you do not complete all of the items that are marked with *, your application may be denied.*

1 * ☐ Yes ☐ No I am a citizen of the United States of America

* Full social security number ___ ___ ___ - ___ ___ - ___ ___ ___ ___ ☐ SSN never issued

* Date of Birth *(MM/DD/YYYY)* ___ ___ / ___ ___ / ___ ___ ___ ___

* Gender _____

2 * Last Name _____ Jr. Sr. II III IV *(Circle one)* Other *(write in)* _____

* First Name _____ * Middle Name _____ ☐ None

* Residence Address *(May not be a P.O. Box)* _____ Apt. _____

* City/Town _____ * ZIP Code _____

Email _____ Phone ___ ___ ___ - ___ ___ ___ - ___ ___ ___ ___

3 * ☐ Yes ☐ No **I have been convicted of a felony or judged mentally incapacitated and disqualified to vote.**

☐ Yes ☐ No If yes, has your right to vote been restored?

4 ☐ I am an active-duty uniformed services member, spouse or dependent; or an overseas citizen.

☐ I am providing a mailing address *(below)* because my residence address cannot receive mail or I am homeless.

☐ I am providing a Virginia P.O. Box *(below)* to protect my residence address from public disclosure because I or a household member is/has:

- ☐ An active or **retired law enforcement officer, judge, magistrate, U.S. or Virginia Attorney General attorney.**
- ☐ Been granted a court issued protective order.
- ☐ In fear for personal safety from being threatened or stalked by another person.
- ☐ **A participant in the Virginia Attorney General's Address Confidentiality Program.**
- ☐ Been approved to be a foster parent.
- ☐ **A current or former state or local election official, their employee, or Commonwealth elector for** President or Vice President

My mailing address
(Complete only if you have checked a box in this section)
_____
_____

5 ☐ I am currently registered to vote in another state. **Name of state** _____

6 ☐ I am interested in being an officer of election (poll worker) on Election Day. Send me information.

7 * **AFFIRMATION: I swear/affirm, under felony penalty for making willfully false material statements or entries, that the information provided on this form is true and that, to the best of my knowledge, I am eligible to vote in this election. I authorize the cancellation of my current registration and I hereby affirm that I have read the Privacy Act Notice and Warning.**
(See other side of envelope for Privacy Act Notice and Warning.)

▶ *** Signature** X _____ **Today's date** ___ ___ / ___ ___ / ___ ___ ___ ___
(MM/DD/YYYY)

☐ **By checking this box, I affirm both that** I am an individual with physical disabilities **and the Affirmation Statement above. Pursuant to** Article II, § 2 of the Constitution of Virginia, individuals with physical disabilities are not required to sign the application for voter registrations.

Election Officer Use

☐ #1 Same Day Registration (not on pollbook)

Time: _____ a.m. p.m. (circle one)

☐ Yes ☐ No Did voter show ID **or** complete ID Confirmation Statement?

Comments

Election Officer Signature X _____

Office/Electoral Board Use

Voter ID # _____

Adjudication ☐ **Count** ☐ **Do not count**

Voter Identification

1. If the voter returns with the proper identification, check this box and sign ☐ X _____
2. Attach a copy of the identification document.

ELECT-653-English-07/2024

Provisional Ballot - All other provisional reasons

Precinct # _____

Voter is on this precinct's pollbook

Primary elections—Party ballot ☐D ☐R

Starred (*) items are required. *If you do not complete all of the items that are marked with *, your vote may not count.*

1 * Last Name _____ Jr. Sr. II III IV *(Circle one)* Other *(write in)* _____

* First Name _____ * Middle Name _____ ☐ None

2 * Date of Birth *(MM/DD/YYYY)* ___ ___ / ___ ___ / ___ ___ ___ ___

3 * Social Security Number ___ ___ ___ - ___ ___ - ___ ___ ___ ___

Last 4 digits required

Providing your full Social Security number may help determine your eligibility to vote.

4 * Residence Address *(May not be a P.O. Box)* _____ Apt. _____

* City/Town _____ * ZIP Code _____

If address is different than voter registration record, provide the date you moved *(MM/DD/YYYY)* ___ ___ / ___ ___ / ___ ___ ___ ___

5 Email _____ Phone ___ ___ ___ - ___ ___ ___ - ___ ___ ___ ___

6 **Statement of Voter**

To the best of my knowledge, I am a registered voter of this locality, and I am eligible to vote in this election. I hereby affirm that I have read the Privacy Act Notice and Warning.

▶ *** Signature** X _____ **Today's date** ___ ___ / ___ ___ / ___ ___ ___ ___ *(MM/DD/YYYY)*

Privacy Act Notice: This form requires personal information, including information related to your Social Security number, for identification purposes and to prevent fraud. Federal law (the Privacy Act and Help America Vote Act) and state law (the Virginia Constitution, Article II, § 2; Title 24.2 of the Code of Virginia; and the Virginia Government Data Collection and Dissemination Practices Act) authorize collecting this information and restrict its use to official purposes only. Failure to provide the requested information may prevent determining your eligibility to vote and result in your provisional ballot not being counted.

Warning: Intentionally making a materially false statement on this form constitutes the crime of election fraud, punishable as a felony in Virginia. Violators may be sentenced up to 10 years in prison, or up to 12 months in jail and/or fined up to $2,500.

Election Officer Use

Select a Reason

- ☐ #3 Voting after hours due to court order
- ☐ #4 Vote by mail - no ballot to surrender
- ☐ #5 Shown on pollbook as already voted
- ☐ #6 Other _____
- ☐ #7 Voter does not have required ID and declined to complete the ID Confirmation Statement

Comments

Election Officer Signature X _____

Staff/Electoral Board Use

Voter ID # _____

Adjudication ☐ **Count** ☐ **Do not count**

Voter Identification

1. If the voter returns with the proper identification, check this box and sign ☐ X _____
2. Attach a copy of the identification document.

ELECT-653-English-07/2024

Appendix C: Voter Education Campaign Materials

Radio

Radio Broadcasting

:30

AVO: An important message from the Virginia Department of Elections: We count, Virginia. The voice of Virginians will be heard in the November General Election. Vote early in person, by mail, or on Election Day, November fifth. When you vote, it counts. That's something you can count on. Learn more at Vote dot Virginia dot gov.

Mensaje importante del Departamento de Elecciones de Virginia: ¡Virginia sí cuenta! Los ciudadanos de Virginia decidirán su futuro en las elecciones generales de noviembre. Vota por anticipado en persona, por correo o el día de las elecciones el 5 de noviembre. ¡Tu voto sí cuenta! ¡Cuenta con eso! Más información en Vote punto Virginia punto gov.

버지니아 선거 관리부에서 전하는 중요한 메시지가 있습니다. 버지니아의 투표가 중요합니다. 11월 총선에서 버지니아 주민들의 목소리를 들려주세요. 직접 또는 메일을 통해 사전 투표를 하거나 11월 5일 선거일에 투표하세요. 여러분의 투표가 정말 중요합니다. 투표의 힘을 믿으세요. 더 자세한 내용은 Vote dot Virginia dot gov에서 알아보세요.

Streaming Radio

:30

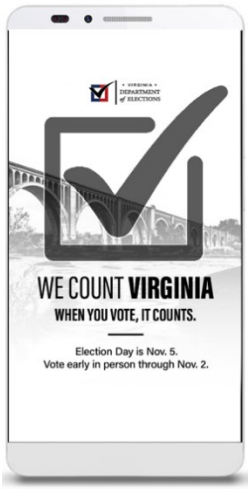
AVO: The November General Election is fast approaching. And the Virginia Department of Elections wants you to know: Your vote matters. Count on it. Whether you vote early, in person, through November second. Or on Election Day, November fifth, when polling locations will be open from 6am to 7pm. You vote. We count. Virginia wins. Learn more and make your voting plan at Vote dot Virginia dot gov. We count Virginia.

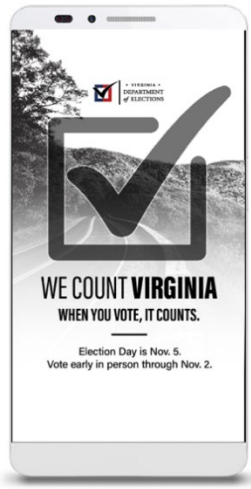
Public Radio

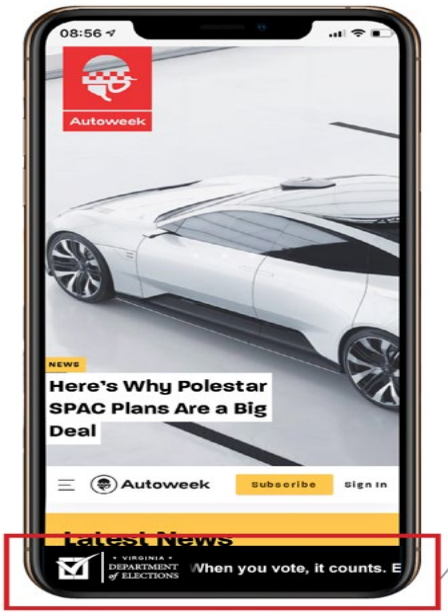
:15

The November General Election is fast approaching. Whether you cast your ballot during early in-person voting, by mail, or on Election Day, November fifth. We count Virginia. Learn more at Vote dot Virginia dot gov

Digital Ads



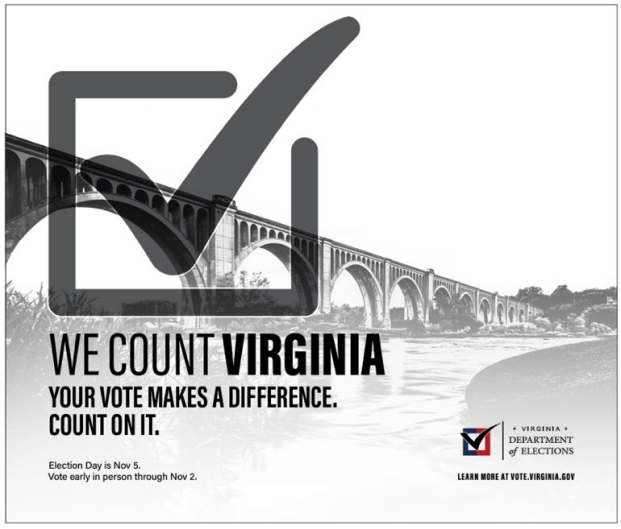




When you vote, it counts. Election Day is Nov 5. Vote early in person through Nov 2. We count Virginia. Learn more at Vote.Virginia.gov

Social Graphics

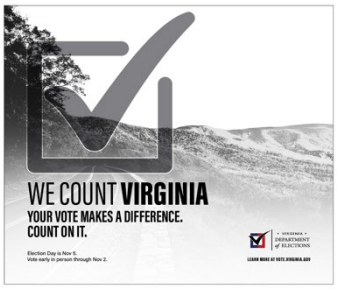
Print

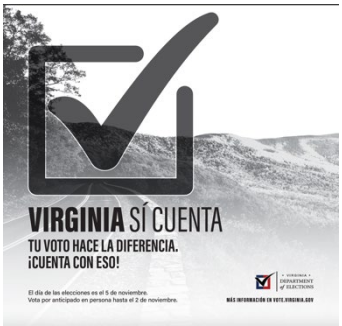

WE COUNT VIRGINIA
YOUR VOTE MAKES A DIFFERENCE.
COUNT ON IT.
Election Day is Nov 5.
Vote early in person through Nov 2.
VIRGINIA DEPARTMENT of ELECTIONS
LEARN MORE AT VOTE.VIRGINIA.GOV

WE COUNT VIRGINIA
YOUR VOTE MAKES A DIFFERENCE.
COUNT ON IT.

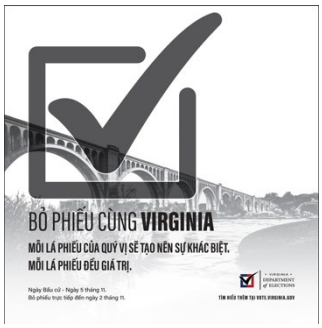
WE COUNT VIRGINIA
YOUR VOTE MAKES A DIFFERENCE.
COUNT ON IT.

WE COUNT VIRGINIA
YOUR VOTE MAKES A DIFFERENCE.
COUNT ON IT.

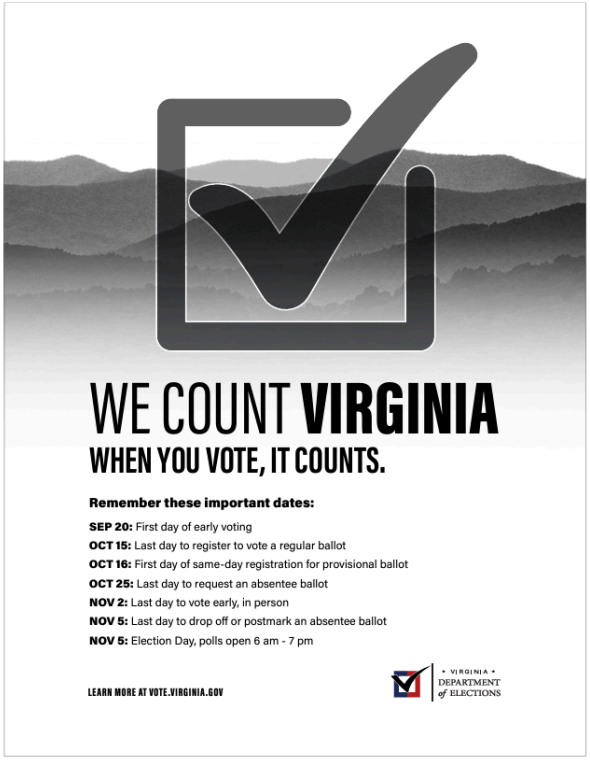

WE COUNT VIRGINIA
YOUR VOTE MAKES A DIFFERENCE.
COUNT ON IT.

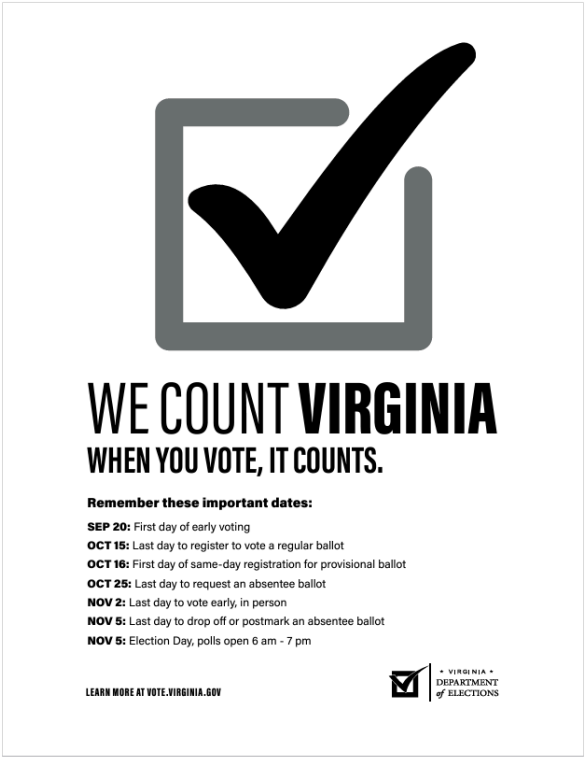

VIRGINIA SÍ CUENTA
TU VOTO HACE LA DIFERENCIA.
¡CUENTA CON ESO!
El día de las elecciones es el 5 de noviembre.
Vota por anticipado en persona hasta el 2 de noviembre.

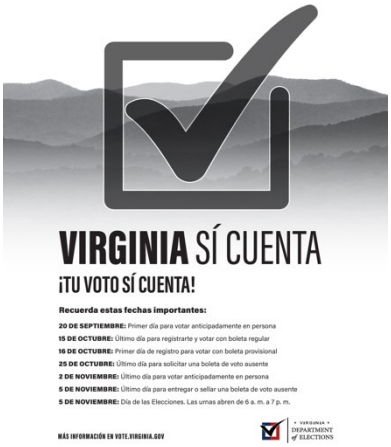
버지니아의 투표가 중요합니다
여러분의 투표가 변화를 일으킵니다.
투표의 힘을 믿으세요.


BỎ PHIẾU CÙNG VIRGINIA
MỖI LÁ PHIẾU CỦA QUÝ VỊ SẼ TẠO NÊN SỰ KHÁC BIỆT.
MỖI LÁ PHIẾU ĐỀU GIÁ TRỊ.
Ngày Bầu cử - Ngày 5 tháng 11.
Bỏ phiếu trực tiếp đến ngày 2 tháng 11.

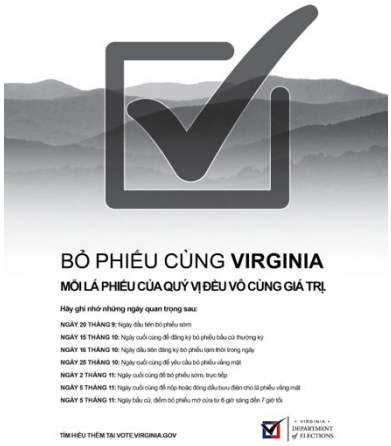
Flyers


WE COUNT VIRGINIA
WHEN YOU VOTE, IT COUNTS.
Remember these important dates:
SEP 20: First day of early voting
OCT 15: Last day to register to vote a regular ballot
OCT 16: First day of same-day registration for provisional ballot
OCT 25: Last day to request an absentee ballot
NOV 2: Last day to vote early, in person
NOV 5: Last day to drop off or postmark an absentee ballot
NOV 5: Election Day, polls open 6 am - 7 pm
LEARN MORE AT VOTE.VIRGINIA.GOV
VIRGINIA DEPARTMENT of ELECTIONS


WE COUNT VIRGINIA
WHEN YOU VOTE, IT COUNTS.
Remember these important dates:
SEP 20: First day of early voting
OCT 15: Last day to register to vote a regular ballot
OCT 16: First day of same-day registration for provisional ballot
OCT 25: Last day to request an absentee ballot
NOV 2: Last day to vote early, in person
NOV 5: Last day to drop off or postmark an absentee ballot
NOV 5: Election Day, polls open 6 am - 7 pm
LEARN MORE AT VOTE.VIRGINIA.GOV
VIRGINIA DEPARTMENT of ELECTIONS


VIRGINIA SÍ CUENTA
¡TU VOTO SÍ CUENTA!
Recuerda estas fechas importantes:
20 DE SEPTIEMBRE: Primer día para votar anticipadamente en persona
15 DE OCTUBRE: Último día para registrarte y votar con boleta regular
16 DE OCTUBRE: Primer día de registro para votar con boleta provisional
25 DE OCTUBRE: Último día para solicitar una boleta de voto ausente
2 DE NOVIEMBRE: Último día para votar anticipadamente en persona
5 DE NOVIEMBRE: Último día para entregar o sellar una boleta de voto ausente
5 DE NOVIEMBRE: Día de las Elecciones. Las urnas abren de 6 a. m. a 7 p. m.
MÁS INFORMACIÓN EN VOTE.VIRGINIA.GOV
VIRGINIA DEPARTMENT of ELECTIONS

버지니아의 투표가 중요합니다
여러분의 투표가 정말 중요합니다.
다음 중요한 투표 날짜를 꼭 기억하세요.
9월 20일: 사전 투표 첫 날
10월 15일: 일반 투표용지에 투표하기 위해 등록하는 마지막 날
10월 16일: 잠정 투표를 위한 당일 등록 첫 날
10월 25일: 부재자 투표 신청 마지막 날
11월 2일: 직접 사전투표할 수 있는 마지막 날
11월 5일: 부재자 투표를 드롭오프 또는 우편 투표하는 마지막 날
11월 5일: 선거일, 투표 시간 오전 6시–오후 7시
자세한 내용은 VOTE.VIRGINIA.GOV에서 알아보세요.
VIRGINIA DEPARTMENT of ELECTIONS


BỎ PHIẾU CÙNG VIRGINIA
MỖI LÁ PHIẾU CỦA QUÝ VỊ ĐỀU VÔ CÙNG GIÁ TRỊ.
Hãy ghi nhớ những ngày quan trọng sau:
NGÀY 20 THÁNG 9: Ngày đầu tiên bỏ phiếu sớm
NGÀY 15 THÁNG 10: Ngày cuối cùng để đăng ký bỏ phiếu bầu cử thường kỳ
NGÀY 16 THÁNG 10: Ngày đầu tiên đăng ký bỏ phiếu tạm thời trong ngày
NGÀY 25 THÁNG 10: Ngày cuối cùng để yêu cầu bỏ phiếu vắng mặt
NGÀY 2 THÁNG 11: Ngày cuối cùng để bỏ phiếu sớm, trực tiếp
NGÀY 5 THÁNG 11: Ngày cuối cùng để nộp hoặc đóng dấu bưu điện cho lá phiếu vắng mặt
NGÀY 5 THÁNG 11: Ngày bầu cử, điểm bỏ phiếu mở cửa từ 6 giờ sáng đến 7 giờ tối
TÌM HIỂU THÊM TẠI VOTE.VIRGINIA.GOV
VIRGINIA DEPARTMENT of ELECTIONS

★ VIRGINIA ★
STATE BOARD of ELECTIONS

SBE Annual Report

BOARD WORKING PAPERS

Claire Scott
ELECT Policy Analyst

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, and Mr. Weinstein

From: Claire Scott, Policy Analyst

Date: March 4, 2025

Re: 2024 State Board of Elections Annual Report for the Governor and General Assembly

Proposed Motion

"I move that the State Board of Elections approve the State Board of Elections Annual Report for 2024 as presented."

Applicable Statute

§24.2-103 Powers and duties in general; report

Background

Pursuant to §24.2-103 of the Code of Virginia, The State Board (the "Board" or SBE) supervises, coordinates, and adopts regulations governing the work of local electoral boards, registrars, and officers of election to ensure secure, uniform, and trustworthy elections. The SBE is required to submit an annual report to the Governor and the General Assembly on the activities of the Board and the Department of Elections (ELECT) in the previous year.

During the 2024 calendar year (January 1, 2024 – December 31, 2024), the Board met fourteen times, certifying four elections, approving one emergency regulation, amending two existing regulations, and attending to several election administrative and election security matters. The attached report gives additional details on the Board's activities. Upon approval, the Board will be submitted to the Governor and the General Assembly as well as made available to the public on ELECT's website

ELECT Recommendation

ELECT staff recommends the State Board of Elections approve the Annual Report for 2024 as presented.

State Board of Elections Annual Report

(January 1, 2024 – December 31, 2024)

March 4, 2025

Virginia Department of Elections

Contents

Executive Summary 4

Introduction 5

Summary of Actions 5

Regulations 5

Amending Existing Regulations 6

1VAC20-100-10 Definitions 6

1VAC20-100-50 Ranked choice voting tabulation 6

Emergency Regulation 6

1VAC20-90-40 Campaign Finance and Political Advertisements 6

Election Administration 7

Certification of Elections 7

Ballot Order 8

Party Abbreviations 8

Split Precinct Waivers 8

Electronic Participation in Meetings Policy 9

Updating the Voter Registration Application 9

Election Security 9

Voting System Certification 10

Hart InterCivic Verity Voting 2.7 10

Clear Ballot ClearVote 2.4 10

Electronic Pollbook Certification 10

Knowink PollPad 3.4.8 10

Election Systems and Software ExpressPoll 7.2.6.0 11

Experimental Use of a Certified Voting System 11

Locality Election Security Standards 11

Risk-Limiting Audits 12

November 2024 General Election RLAs....12
Campaign Finance....13
Stand by Your Ad Citations....13
March 19, 2024....13
April 10, 2024....13
Campaign Finance Reports and Records Review....13
Miscellaneous....14
Delegations of Authority....14
Request to Remove a Local Electoral Board Member....14
Lynchburg City Drop-off Ballots and CAP Processing for the June Primary Election15
Conclusion....15

Executive Summary

Under the Code of Virginia §24.2-103(J) the State Board of Elections (the Board), through the Department of Elections (ELECT), is pleased to provide the State Board of Elections Annual Report to the Governor and the Virginia General Assembly. Pursuant to §24.2-103 of the Code of Virginia, the Board supervises, coordinates, and adopts regulations governing the work of local electoral boards, registrars, and officers of election to ensure secure, uniform, and trustworthy elections. During the 2024 calendar year (January 1, 2024 – December 31, 2024), the Board met fourteen times, certifying four elections, approving one emergency regulation, amending two existing regulations, and attending to several election administrative and election security matters.

Introduction

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

The Board consists of five members who are appointed by the Governor and confirmed by the General Assembly.[1] Three members are from the same political party as the Governor. Two members are from the political party with the next highest number of votes during the last preceding gubernatorial race. The current members can be found on ELECT's website.[2] ELECT is led by a commissioner who is appointed by the Governor and confirmed by the General Assembly.[3]

Summary of Actions

In 2024, ELECT proposed approximately forty-three memorandums to the Board summarized in the table below.

Topic	Number of Memorandums
Regulations	4
Election Administration	9
Certification of Elections	4
Election Security	11
Risk-Limiting Audits (RLA)	4
Stand by Your Ad (SBYA)	4
Miscellaneous	7
Total	**43**

Regulations

Pursuant to Virginia Code §24.2-103, the Board has the authority to make rules and regulations, issue instructions, and provide information consistent with election laws to the electoral boards and

[1] Code of Virginia §24.2-102.
[2] ELECT, About Us.
[3] Code of Virginia §24.2-102.

general registrars (registrars).[4] Electoral Boards and registrars must adhere to the rules and regulations of the Board, ensuring compliance with Virginia and federal laws. The Board approved amendments to two existing regulations and one emergency regulation was approved, which will be made permanent in 2025.

Amending Existing Regulations

1VAC20-100-10 Definitions[5]

Previously, the ranked choice voting ("RCV") regulations (1VAC20-100-10 et seq.) required the elimination of one candidate in each round of the RCV tabulation process. In races with many candidates, including independents and write-ins, this could lead to extended tabulation during the canvass. To address this issue, many jurisdictions utilize batch elimination of multiple candidates for whom it is mathematically impossible to be elected. ELECT proposed additions to the definitions in the RCV regulations including the definition of "Batch Elimination" and "Mathematically impossible to be elected." The Board unanimously approved the addition of these definitions on July 2, 2024.

1VAC20-100-50 Ranked choice voting tabulation[6]

Along with the regulation above, ELECT proposed a change in the tabulation of ranked choice voting. The proposed change to the existing RCV regulation would allow the option for batch elimination of multiple candidates in a round of instant runoff (single winner) RCV races where it is mathematically impossible for the eliminated candidates to be elected. The Board unanimously approved the addition of these definitions on July 2, 2024.

Emergency Regulation

1VAC20-90-40 Campaign Finance and Political Advertisements[7]

Pursuant to Chapter 557 of the 2020 Acts of Assembly, this regulation was promulgated to guarantee that disclosure statements on certain political print media advertisements are displayed conspicuously and proportionate to the size of the advertisement.[8] The mandating statute allowed a delayed effective date for the requirements of July 1, 2024. The Board provided a further delayed enforcement of the new advertising standards until January 1, 2025. The requirements in the

[4] Code of Virginia §24.2-103.
[5] Administrative Code of Virginia 1VAC20-100-10.
[6] Administrative Code of Virginia 1VAC20-100-50.
[7] *See* Emergency Text for 1VAC20-90-40.
[8] 2020 Acts of Assembly Chapter 557.

regulation were consistent with federal print media advertisement requirements established by the Federal Election Commission under 11 CFR § 110.11.[9]

The regulation requires a disclosure statement on a political advertisement to (i) be a sufficient font size to be clearly readable by the recipient of the communication; (ii) be contained in a printed box set apart from the other contents of the communication; and (iii) have a reasonable degree of color contrast with the advertisement background. The Board held a public hearing for public comment on this regulation on August 20, 2024. Once the regulation has completed the final stage, this regulation will become permanent in 2025.

Election Administration

Election Administration encompasses the proper administration of election laws, campaign finance disclosure compliance, and voter registration processes in Virginia. This includes creating rules, issuing instructions, and providing information consistent with state and federal election laws to promote the proper administration of elections and to obtain uniformity in the practices of election officials. The Board reviewed proposals from ELECT regarding election administration during the 2024 calendar year. Below is a summarization of items proposed to the Board including revisions to documents, certification of elections, and the form of ballots used in elections throughout the Commonwealth.

Certification of Elections

During the 2024 Calendar year, the Board certified four elections. The Board certifies federal and state elections including but not limited to the U.S. President, the U.S. Congress, and the Governor; local electoral boards certify local elections including but not limited to city councils, boards of supervisors, and mayors.[10]

- **January 17, 2024**: The Board certified the results of the January 9, 2024, Special Elections for House of Delegates District 48 and Senate of Virginia District 9, pursuant to Virginia Code §§24.2-679 and 24.2-680.[11]

- **March 19, 2024**: The Board certified the results of the March 5, 2024, Presidential Primaries for both the Republican and Democratic parties. The winners were declared the nominees of their respective parties.

[9] *See* Code of Federal Regulations 11 CFR §110.11.
[10] Code of Virginia §§24.2-676 and 24.2-679.
[11] Code of Virginia §§24.2-679 and 24.2-680.

- **July 2, 2024:** The Board certified the results of the June 18, 2024, U.S. Senate and U.S. House of Representatives Primaries for both the Republican and Democratic parties. The winners were declared the nominees of their respective parties.

- **December 2, 2024**: The Board certified the results of the November 5, 2024, General Election. The Board certified the results of the elections for U.S. President, U.S. Vice President, U.S. Senate, and all eleven Congressional Districts.

Ballot Order

If two or more candidates file simultaneously, the order of the filing is determined by the electoral board or the Board, pursuant to Virginia Code §24.2-529.[12] Additionally, the Board must determine by lot the order of political parties, pursuant to Virginia Code §24.2-613.[13] On April 10, 2024, the Board certified the order of candidates on the ballot for the primary elections held on June 18, 2024. On July 2, 2024, the Board certified the order of candidates on the ballot for all general and special elections being held between August 1, 2024, through July 31, 2025.

Party Abbreviations

Pursuant to §24.2-613(A), the ballots used in the Commonwealth must comply with the standards set forth by the Board including the approval of party abbreviations.[14] ELECT staff proposed using the current abbreviations for various parties for all general and special elections held from August 20, 2024, to July 1, 2025. The Board unanimously approved the party abbreviations on July 2, 2024.

Split Precinct Waivers

Pursuant to Virginia Code §24.2-307, "If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § 24.2-309." [15] The minimum number of voters for a county precinct is one hundred, and the minimum for a city precinct is five hundred. Split precinct waivers

[12] Code of Virginia §24.2-529.
[13] Code of Virginia §24.2-613.
[14] *Id*.
[15] Code of Virginia §24.2-307.

must be renewed by the governing body each year. The Board granted six split precinct waivers for various counties and cities. During its July 2, 2024, meeting, the Board delegated the granting of split precinct waivers to ELECT.[16]

Electronic Participation in Meetings Policy[17]

2024 Acts of Assembly Chapter 56 amended the number of all-virtual public meetings of public bodies from 25% or two total of all meetings in a calendar year to 50% or two total of all meetings in a calendar year, whichever is greater.[18] Further, the law also amended the participation criteria for such meetings; when audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails. ELECT proposed these amendments to the Board's Electronic Participation Policy as well as an additional provision requiring members of the public to show their faces while providing comments virtually unless their face is covered for a religious purpose, like the policies adopted by the General Assembly.[19] The Board unanimously approved these changes on May 28, 2024.

Updating the Voter Registration Application

2024 Act of Assembly Chapter 309 amended Virginia Code §24.2-418 to allow current and former Board members, Commissioners of Elections, ELECT staff, general registrars, electoral board members, and officers of election to provide PO Boxes when registering to vote.[20] As such, the Virginia Voter Registration Application needed to be revised. The effective date of the changes was set to July 1, 2024, when the law requiring the change would come into effect. The Board unanimously approved these changes on April 10, 2024.

Election Security

The Board and ELECT consistently work to ensure the integrity and security of every election is upheld in the Commonwealth. Throughout the 2024 calendar year, the Board performed its role in election

[16] State Board of Elections, July 2, 2024, Meeting Agenda.
[17] State Board of Elections Policy 2024-001.
[18] 2024 Acts of Assembly Chapter 56.
[19] *See* Virginia Senate, Senate Virtual Participation Policy. *See* Virginia House of Delegates, Public Participation in Remote Meetings.
[20] 2024 Acts of Assembly Chapter 309.

security by approving various updates related to pollbooks, voting systems, and voting system security.

Voting System Certification

Hart InterCivic Verity Voting 2.7

On January 17, 2024, ELECT requested the Board certify the use of the Hart InterCivic (Hart) Verity Voting 2.7 system. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. Hart provided the certification fee, and the testing/evaluation was conducted from October 23 through October 26, 2023, at the ELECT facilities in Virginia. In addition, the system was successfully tested in a mock election in Essex County on October 27, 2023. The Hart voting system presented for certification under 2.7 completed the Virginia Voting Systems State Certification requirements. The Board motioned and approved the use of the updated system by a unanimous vote.

Clear Ballot ClearVote 2.4

On May 28, 2024, ELECT requested the Board certify the use of the Clear Ballot ClearVote 2.4 voting system. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. Dominion provided the certification fee, and the testing/evaluation was conducted from January 22 through January 25, 2024, at the ELECT facilities in Virginia. In addition, the system was successfully tested in a mock election in Petersburg City on April 24, 2024. The Clear Ballot voting system presented for certification under 2.4 completed the Virginia Voting Systems State Certification requirements. The Board motioned and approved the use of the updated system by a unanimous vote.

Electronic Pollbook Certification

Knowink PollPad 3.4.8

On May 28, 2024, ELECT requested the Board certify the use of the Knowink PollPad 3.4.8. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. Knowink provided the certification fee, and the testing/evaluation was conducted from March 11 through March 13, 2024, at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Chesterfield County on April 26, 2024. The Knowink PollPad presented for certification under version 3.4.8 completed the Virginia Electronic Pollbook State Certification requirements. The Board motioned and approved the use of the updated electronic pollbook by a unanimous vote.

Election Systems and Software ExpressPoll 7.2.6.0

On May 28, 2024, ELECT requested the Board certify the use of the Election Systems and Software (ES&S) ExpressPoll 7.2.6.0. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. ES&S provided the certification fee, and the testing/evaluation was conducted from March 18 through March 20, 2024, at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Chesterfield County on April 26, 2024. The ES&S ExpressPoll presented for certification under version 7.2.6.0 completed the Virginia Electronic Pollbook State Certification requirements. The Board motioned and approved the use of the updated electronic pollbook with three ayes and two nos.

Experimental Use of a Certified Voting System

Pursuant to §24.2-630, experimental use of certified voting systems during an election is permitted with the approval of the Board.[21] Winchester City sought permission to use the Unisyn OpenElect FreedomVote Scan with software version 2.2 and firmware version 2018 in a test run during the early and absentee voting period of the Virginia presidential primary held on March 5, 2024. The Board had previously certified this voting system and unanimously approved Winchester City's request during their January 17, 2024, meeting. On August 20, 2024, Winchester City also sought to use the Unisyn OpenElect FreedomVote Scan with software version 2.2 and firmware version 2018 for early voting, absentee voting, and the central absentee precinct (CAP) during the November General Election; the Board unanimously approved Winchester City's request.

The vendor agreed to participate in these tests to evaluate the purchase of the scanning voting equipment for Winchester City. ELECT supports any efforts by localities to test certified voting systems not presently used in a locality. Localities may find through such test use cases, better ways to manage and improve election efforts and processes in their locality. This is an excellent option available to localities to test certified voting equipment before making a purchasing decision.

Locality Election Security Standards

The purpose of the Locality Election Security Standards (LESS) is to ensure that each county and city meets election security standards designed to maintain the security and integrity of the Virginia voter registration system and supporting technologies through appropriate security controls, policies, practices, and procedures. On May 28, 2024, ELECT staff presented information to the Board regarding ways to improve the security of localities and available grants to fund such improvements.

[21] Code of Virginia §24.2-630.

On September 3, 2024, ELECT staff presented proposed limited changes to the LESS, focusing on efficiency which localities can use to meet baseline requirements. The Board unanimously approved the changes to the LESS.

Risk-Limiting Audits

Pursuant to Virginia Code §24.2-671.2(B), the Board must promulgate rules and procedures for the conduct of risk-limiting audits (RLA).[22] ELECT staff updated the RLA Manual that encompasses all rules and procedures to conduct RLAs in the Commonwealth. This updated Manual was presented to the Board on July 2, 2024, and unanimously approved. The RLA Manual can be found on ELECT's website as Chapter 19 of the General Registrar and Electoral Board Handbook.[23]

November 2024 General Election RLAs

The Board had unanimously approved a ballot polling RLA for the U.S. Senate during its September 3, 2024, meeting. The U.S. Senate race RLA began on Wednesday, November 20, 2024, at 10 AM. 125 localities out of 133 were selected to audit a random number of ballots. 1,878 ballots were sampled across the Commonwealth. The risk limit of 10%, set by the State Board of Elections, was successfully met in the first round of the RLA, confirming the voting machines accurately reported the outcome of the race.

Pursuant to §24.2-671.2(C)(1), the localities of a randomly selected U.S. Congressional District are required to perform an RLA during years when the race occurs on the ballot.[24] The batch comparison RLA method for a U.S. Congressional District was unanimously approved during the September 3, 2024, meeting. U.S. Congressional District 1 was randomly selected by the members of the State Board of Elections on Monday, November 18, 2024. This RLA began on Thursday, November 21, 2024, at 10 AM. Seven out of eighteen localities audited nineteen randomly selected batches of ballots, a total of 137,627 ballots. The risk limit of 10%, set by the State Board of Elections, was successfully met in the first round of the RLA, confirming the voting machines accurately reported the outcome of the race.

A report regarding these RLAs can be found on ELECT's Election Security webpage.[25]

[22] Code of Virginia §24.2-671.2(B).
[23] ELECT, General Registrar and Electoral Board Handbook, Chapter 19 Risk-Limiting Audits.
[24] Code of Virginia §24.2-671.2(C).
[25] ELECT, Risk-Limiting Audits.

Campaign Finance

Stand by Your Ad Citations

Stand by Your Ad (SBYA) is a provision of the 2002 Bipartisan Campaign Reform Act, which requires any candidate running for federal political office to identify themselves on and approve any political advertisement. Virginia Code §24.2-955 states that any sponsor of print media, radio, television, or online platform advertising is required to disclose their sponsorship on said advertisement.[26] If a violation of Political Campaign Advertisement occurs, §24.2-955.3 states the penalties and in what manner the Board must handle the assessment of the violation.[27]

For statewide or General Assembly offices, ELECT recommends a one hundred dollar penalty for a first-time violation and three hundred dollars thereafter, doubling the value if the violation is within fourteen days of the election. For local or constitutional offices, ELECT recommends a fifty dollar penalty for a first-time violation, and one hundred dollars thereafter, again doubling the penalty within fourteen days of an election. If the Board unanimously agrees that the consequences of the ad are low, the Board may address a twenty-five dollar violation so long as the perpetrator is a first-time offender.

March 19, 2024

The Board held a public hearing to assess the violations of Virginia Code §24.2-955 for the November 2023 general election. The Board heard nineteen cases, finding eighteen guilty, and differing action on one. The Board assessed a total of $475 in civil penalties. The Board dismissed the differed case and affirmed the rest of their findings on April 10, 2024, during a public meeting.

April 10, 2024

The Board held a public hearing to assess the violations of Virginia Code §24.2-955 by the Williamsburg-James City County Republican Committee. The Board heard the case and found them guilty. The Board assessed a one hundred dollar civil penalty. The Board affirmed their findings on May 28, 2024, during a public meeting.

Campaign Finance Reports and Records Review

Pursuant to §24.2-948.5, ELECT has the authority to review the reports and records of the campaign committees. ELECT staff worked to create the framework for completing the reviews required by

[26] Code of Virginia §24.2-955.
[27] Code of Virginia §24.2-955.3.

§24.2-948.5.[28] This includes email notifications to candidate campaign committees. Email reminders were issued in the first week of August, September, October, and November. These reminders were sent to the contacts on Statements of Organization for the offices for the November general election, including losing primary candidates. These reminders simply state what the committees need to have ready in the event they are chosen for review. On November 18, 2024, the Board directed ELECT staff to draw candidate campaign committees by using tickets in a tumbler. After the drawing, the chosen committees were contacted and instructed on how to submit their documents for review. Once the documents are received the reviews will begin. A report on those reviews will be made available to the Board, the Governor, and the General Assembly by July 1, 2025.

Miscellaneous

Delegations of Authority

During the 2024 calendar year, the Board also reviewed the Delegations of Authority. The Delegations specified the roles and responsibilities of ELECT as delegated by the Board. On July 2, 2024, the Board approved the retention of some aspects of authority while delegating some to ELECT. Pursuant to 2024 Acts of Assembly chapter 801, a new chapter of the Code of Virginia was created dedicated to presidential electors, Chapter 2.1 of Title 24.2, consolidating the presidential elector code provisions from various chapters into one; the Board retained the same authority as it had before the creation of the new chapter as well as delegating the same authorities to ELECT as before.[29] The Board retained three authorities regarding procedures for canceling a primary election after the withdrawal of a primary election. The Board delegated one authority to ELECT regarding split precincts. A previous delegation was removed in Chapter 1 of Title 24.2 regarding the information on ELECT's website due to a change in law.[30] The document containing all delegations of authority from the Board to ELECT can be found on ELECT's website.[31]

Request to Remove a Local Electoral Board Member

Pursuant to Virginia Code §24.2-234.1, "Any member of a local electoral board may be removed from office by the circuit court in whose jurisdiction he resides upon a petition signed by a majority of the members of the State Board as provided in § 24.2-103. The circuit court shall proceed with such removal by the provisions of § 24.2-235."[32] The Board may petition a circuit court for the removal of

[28] Code of Virginia §24.2-948.5.
[29] Code of Virginia Chapter 2.1 of Title 24.2.
[30] 2024 Acts of Assembly Chapter 989.
[31] ELECT, About Us.
[32] Code of Virginia §24.2-234.1.

a member of a local electoral board who fails to discharge the duties of his office by law.[33] On May 28, 2024, ELECT presented to the Board a request to remove Maria Kinney from the Charles City County Electoral Board. On July 2, 2024, the Board reviewed the materials presented and unanimously moved to petition the Circuit Court of Charles City County for the removal of Maria Kinney from the Charles City County Electoral Board.

Lynchburg City Drop-off Ballots and CAP Processing for the June Primary Election

The General Registrar of Lynchburg City provides a central drop-off box inside the Registrar's office during early voting pursuant to § 24.2-707.1.[34] Following the June Primary Election on June 18, 2024, seven ballots were found inside the drop-off box; this was in violation of the Code of Virginia and the Absentee Ballot Drop-off Location Standards approved by the Board as the drop-off box is meant to be cleared on the night of the Election and secured in such a way as to prevent additional ballots being submitted past the deadline.[35] The chairman of the Lynchburg Electoral Board gave testimony and assurances to the Board on August 20, 2024, that procedures will be put in place to ensure this situation does not occur in the future.

Conclusion

A wide variety of regulations, amendments, administrative policies and procedures, and election security updates were approved by the Board in 2024. The Board certified new voting systems and electronic pollbooks by the state certification process. Furthermore, the Board accurately certified the election results of multiple primary, general, and special elections. The State Board of Elections, through the Department of Elections, will continue to supervise and coordinate the work of elections administrators in every locality to promote and support accurate, fair, open, and secure elections for the citizens of the Commonwealth.

[33] Code of Virginia §24.2-103.
[34] Code of Virginia §24.2-701.1.
[35] ELECT, 2024 Standards for Absentee Ballot Drop Off Locations.

★ VIRGINIA ★
STATE BOARD of ELECTIONS

2025 Voting System Standard

BOARD WORKING PAPERS

Brandon Smith
Chief Information Officer
Londo Andrews
Voting Systems Security Manager

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, and Mr. Weinstein

From: Brandon Smith, Chief Information Officer

Date: March 4, 2025

Re: Changes to Certification Standards for Voting Systems and Electronic PollBooks. Addition of Annual Vendor Attestation.

Suggested motion:

I move that the Board approve the proposed changes to the standards for certifying voting systems and electronic pollbooks with an additional requirement of an annual vendor attestation.

Summary:

Vendors requesting state certification for a voting system, software, firmware, hardware, and/or modification must follow certification standards that have been approved by the State Board of Elections (SBE) for their products to be in-use in the Commonwealth. Standards were previously reviewed and approved by the State Board of Elections (SBE) in March of 2023.

Background:

Electronic Pollbook Standard:

Primary changes were updates to Code references and language pertaining to those updates to account for amendments/additions to the Code. Updates to the submission of the Technical Data Package to change from paper to digital.

Voting System Standard:

Primary changes were updates to Code references and language pertaining to those updates to account for amendments/additions to the Code. Updates to the submission of the Technical Data Package to change from paper to digital.

Annual Vendor Attestation:

Pursuant to the Virginia Department of Elections (ELECT) Voting System Certification Standard, Section 1.3. This will require an annual submission of items from each vendor and will allow ELECT to ensure they have accurate information on changes, incidents, upgrades, and corporate information annually.

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Voting System Certification Standard

March 2025
Version 2.2

DRAFT

Change History

Version	Brief Description of Change	Date	Author
1.0	Adoption by the State Board of Elections Primary changes were to improve clarity, security-related requirements, and document format; moving information that would likely change over time to appendices	09/17/2019	ELECT
2.0	Adoption by the State Board of Elections Primary changes were in alignment with feedback and addition of Appendices I & J	11/18/2019	ELECT
2.1	Adoption by the State Board of Elections Primary changes were the amount to be deposited by vendor for costs of travel, expense and billable hours by the VSTL for the certification process and specifics regarding the location and timeline of the certification	03/07/2023	ELECT
2.2	Adoption by the State Board of Elections Primary changes were updates to Code references and language pertaining to those updates to account for amendments/additions to the Code. Updates to the submission of the Technical Data Package to change from paper to digital.	03/04/2025	ELECT

Chapter 1: Introduction **3**

1.1. Purpose of Procedures *3*

1.2. Specific Requirements *3*

1.3. Decertification *4*

1.4. Recertification *5*

Chapter 2: Basis for Certification **6**

2.1. Federal Compliance Testing *6*

2.1.1. Voting System Hardware, Firmware, Infrastructure or Component Elements 7

2.1.2. Voting System Software Elements 7

2.2. State Certification Testing *8*

Chapter 3: Review and Approval Process **9**

3.1. Summary of Process *9*

3.2. Certification Review Process *9*

Phase 1: Certification Request from Vendor 9

Phase 2: Preliminary Review 15

Phase 3: Technical Data Package to Voting System Test Laboratory (VSTL) 16

Phase 4: Certification Test Report from VSTL 16

Phase 5: On-Site Testing in Mock Election 16

Phase 6: Approval by the SBE 16

3.3. Incomplete Certification Process *16*

Appendices **18**

A – Glossary *18*

B – Contacts *21*

C – Acceptance Test *22*

D – Test Assertions *24*

E – Software Patching Guidelines *38*

F – Recertification Guidelines *39*

G – Hardware Guidelines *40*

H – Voting System Modifications & Product End of Life Planning *41*

I – Voting System Certification Application Form *44*

J – De Minimis Change Guideline *45*

K – Cast Vote Record Clarification *48*

Chapter 1: Introduction

1.1. Purpose of Standard

This Standard has been developed and issued as part of a continuing effort to improve the administration of elections in the Commonwealth of Virginia. It provides 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 Standard is designed to:

1. Ensure conformity with Virginia election laws relating to the acquisition and use of voting systems
2. Evaluate and certify voting systems marketed by vendors for use in Virginia
3. Evaluate and re-certify additional capabilities and changes in the method of operation for voting systems previously certified for use in Virginia
4. Standardize decertification and recertification of voting systems
5. Ensure 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

1. Compliance with the requirements contained in the Voluntary Voting System Guidelines (VVSG) 1.0/1.1. VVSG 2.0 will be incorporated in a future Standard update once EAC has certified equipment under that 2.0 standard.
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 Help America Vote Act (HAVA) 52 USC §21081(a)(3), (4), §203 of the Voting Rights Act (52 USC §10503) and Virginia Code §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. Notify ELECT of any incident, anomaly or security-related breach experienced in an election jurisdiction, within 24 hours of knowledge
2. Report to ELECT within 30 calendar days of knowledge 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 from modification; see Appendix H for appropriate reporting process
4. If the operating system or any component has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT:
    a. ELECT must receive the upgrade plan at least 12 months before the Last Date of Mainstream Support
    b. The Last Date of Mainstream Support cannot include any type of Extended

Support, as defined in Appendix H

c. The voting system may still automatically be decertified 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

Pursuant to Va. Code §24.2-629 of the Code of Virginia, voting systems must comply with applicable state and federal requirements. The definition of "voting system" as used here in is 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.[1]

Federal Compliance Testing demonstrates that the voting system adheres to all requirements set forth in the VVSG by the EAC. Evidence of compliance is the certification of the system by the EAC. See HAVA, 52 USC §21081. Commonwealth certification adheres to the federal EAC VVSG 1.0/1.1 standards. The Department of Elections is aware that the EAC is actively conducting certification testing of several vendor systems under the EAC VVSG 2.0 standards. The Commonwealth is reviewing the EAC VVSG 2.0 standards and will incorporate them into future revisions to the Virginia Voting System Certification Standard. 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.

2.1. Federal Compliance Testing

EAC certification serves as evidence of compliance. All vendors must have their equipment software proposed for Commonwealth certification certified directly by EAC. This is proven by presenting the EAC certificate of certification with the system and version the vendor is requesting to be certified by the Commonwealth. 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.

The Commonwealth uses a specific request to certify process. This process, includes submitting a Microsoft Excel submission file, provided by the Commonwealth and completed by the vendor, to ELECT. The submission file lists all required documents a vendor must submit with a request to certify. The submission file also provides a naming convention, document formatting requirements, and contents to be contained in each document. If the documents received do not follow the requirements in the submission

[1] This standard does not address ballot on demand systems. For more information please see Virginia Ballot on Demand Systems Certification Standards, August 2022.

file, the request will be sent back to the vendor for correction. 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 and Test Report used by the Voting System Test Laboratories (VSTL) in performing EAC certification testing or results of testing conducted by a federally certified VSTL to the applicable VVSG.
3. A release for provision to the VSTL allowing responses to requests for information from the Commonwealth of Virginia
4. A release for provision to other states that have decertified the system or prior versions of the system to respond to 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, Infrastructure 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 hardware guidelines.

Any modification to existing hardware, firmware, infrastructure or other components will invalidate the prior certification by the SBE unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system. See Appendix J for the De Minimis Change Guideline that is applicable for hardware.

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 1.0/1.1 version of the VVSG by the EAC (See Section 2.1).

Any modification to existing software will invalidate the prior certification by the SBE, unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system. See Appendix J for the De Minimis Change Guideline that is applicable for software.

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 on the review screen if a voter does not follow the ballot instruction; allow the voter to override the warning messages for overvote, undervote, blank ballot, 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 in a readable format
11. Does not have a built-in function for wireless connections or communications 12. Comply with the encryption requirement(s) as stated in Appendix D
13. Comply with the password protection requirement(s) as stated in Appendix D 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. Preliminary Review
3. Technical Data Package
4. Certification Test Report from VSTL 5. On-Site Testing in Mock 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, hardware, and/or modification to an existing certified voting system. This request should include the following information:

1. Voting System Certification Application Form, and certification request excel submission file, signed by a company officer; see Appendix I
   NOTE: This should clearly identify the specific voting system to be evaluated for certification, and:
   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 (See Section 2.1)
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 states where the proposed voting system version is currently used
6. A list of the general pricing for procurement of the proposed voting system
7. The vendor will provide a check for $20,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor if the difference of the VSTL's invoices are less, and the refund amount is over $100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond. Certification is a week-long event, starting Monday and ending on Friday. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.
    a. Checks for $20,000 must be received by ELECT before the certification will be started. Make checks or money order payable to Treasurer of Virginia
        i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219
8. TDP must clearly identify all items as required in the certification request (excel submission file):
    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 a completed and correctly submitted TDP from the vendor, the evaluation of the voting system will be rescheduled
9. 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. The evaluation process will be rescheduled after the corrected package is received.

NOTE: The certification request package containing the items above should be sent to the location indicated by ELECT.

Technical Data Package

1. The TDP must be fully digital and Optical Character Recognition (OCR) compliant and contain the following items: Change Log. The TDP must contain a document that clearly defines the changes from the last voting system certified in the Commonwealth to the system being submitted for certification

2. *Hardware Schematic Diagrams*: Schematic diagrams of all hardware
3. *Hardware Theory of Operations*: Documentation describing the theory of operation of the hardware, not limited to power cords and backup battery
4. *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. The list of 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 with:
        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 modification
5. *Software Deviations:* Include any exception(s) to the Security Content Automation Protocol (SCAP) checklist; document the reason why there is an exception and the mitigating controls/tools in place to secure the system
6. *Software Source Code:* A source code evaluation conducted in accordance with applicable Software Design and Coding Standards
7. *Definition of Marked Oval*: Define the system thresholds used to declare a readable mark in an oval to be read by the scanner
8. *Independent Third-Party Application Penetration Analysis Report*: An accredited application penetration test conducted, within the past 12 months, 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 and whether 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. If a penetration test has been conducted in another state within 12 months on the same version of the voting system, then that may be submitted to fulfill this requirement.
9. *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

10. *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.
11. *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) if 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 operating system or any component (hardware and/or software) has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT; the Last Date of Mainstream Support cannot include any type of Extended Support, as defined in Appendix H.
12. *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

13. *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 the start of the in-person absentee voting period 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
14. *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
15. *Warranty:* The vendor should provide a list of warranty specifications to include the following:
    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
16. *Software License Agreement*
17. *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. Vendor should also verify

that the versions of the applications submitted are identical to the versions that have undergone federal compliance testing for example, hash testing tools
18. *Non-Disclosure Agreement or Oath between the Vendor and VSTL*.

Please review the submission file for more information on the naming conventions, content and formatting to be used in the TDP documents.

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 and locations 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. 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 confidentially 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.

Pursuant to §2.2-3705.6(3), proprietary information is exempt from records requests under the Virginia Freedom of Information Act (VFOIA). Records required to be released that contain both proprietary and non-proprietary information will be redacted before disclosure. 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 can seek relief from a court prior to the disclosure of such materials by ELECT.

Phase 2: Preliminary Review

The Voting Technology Coordinator or designee 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 designee will conduct a preliminary analysis of the Technical Data Package with VSTL. The Voting Technology Coordinator or 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 3: Technical Data Package to Voting System Test Laboratory (VSTL)

In addition, the vendor should submit the TDP to the Voting Technology Coordinator, who shall provide the TDP to the VSTL following review.

Phase 4: Certification Test Report from VSTL

VSTL will work directly with the vendor and ELECT designee to complete all test assertions and test cases and the Certification Test Report will be sent to ELECT upon completion.

Phase 5: On-Site Testing in Mock Election

Vendor will coordinate with the local jurisdiction to test the voting system at a minimum of one polling place. With the vendor present, at least one member of the electoral board and the General Registrar from the local jurisdiction, and a representative from ELECT will oversee the test of the system in a mock election.

Phase 6: Approval by the SBE

Based on the report from the VSTL, 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.
6. A failure of any step in the test assertions process, during the certification week.

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.

Anomaly – Any event related to the security or functioning of the voting system that is out of the ordinary regardless of whether it is exceptional or not; a deviation from the norm.

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

De Minimis or Engineering Change Order (ECO) Change – A minimum change to a certified voting system's hardware, software, TDP, or data. The nature of changes will not materially alter the system's reliability, functionality, capability, or operation. Under no circumstance shall a change be considered De Minimis Change, if it has reasonable and identifiable potential to impact the system's performance and compliance with the applicable Voting Standard. Reference: EAC Testing & Certification Program Manual version 2.0 and Notices of Clarification.

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.

Incident – Any event related to the security or functioning of the voting system that may have caused or caused an interruption to the Check-in and/or Reporting process.

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 is 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, a 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 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: 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.

As part of the acceptance test the vendor will demonstrate the system's ability to execute its designed functionality as presented and tested during certification, including:

1. Process simulated ballots for each precinct or polling place in the jurisdiction
2. Display an appropriate message on the review screen 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 shall verify the voting system in use is identical to the voting system that was submitted for certification. Any unauthorized modifications to a certified system may result in decertification

by the SBE or bar the vendor from receiving certification of voting systems in the future with the Commonwealth of Virginia.

D – Test Assertions

The following test assertions will be executed by the ELECT designated VSTL.

General Requirements	
Statutory Requirement	*Test Assertions*
§ 24.2-626.1. Acquisition and use of accessible voting devices. *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.* *2. Provide alternative language accessibility when required by § 203 of the Voting Rights Act of 1965 (52 U.S.C. § 10503).*	I – The voting system must support audio ballots. II – Using the voting system, an individual voting by audio ballot does not require assistance by marking the ballot. III – The voting system must support multiple languages; including, English, Spanish, Vietnamese and allow future additions and support of other languages.
§ 24.2-629 (B)(1). State Board approval process of electronic voting systems. *It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.*	I – Must be able to alter instructions on the voting system's electronically displayed ballots and audio ballots for ADA/BMD machines.
§ 24.2-629 (B)(3). State Board approval process of electronic voting systems. *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 - The voting system must support multiple ballot styles on a single tabulator in a primary election. II – All voting systems must provide a voter verifiable audit trail, a permanent paper record of each vote.

General Requirements	
§ 24.2-629 (B)(5). State Board approval process of electronic voting systems. *It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no more.*	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.
§ 24.2-657. Determination of vote on voting systems. *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.*	II – Public and private ballot counters increment for each accepted ballot. The ballot counters do not increment for ballots rejected by the system.
	III – The voting system records how many ballots are cast as overvotes, undervotes, Write-ins, and blank ballots for each contest and question.
§ 24.2-629 (B)(9). State Board approval process of electronic voting systems. *It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.*	I – Each tabulator has a lifetime counter/ "protective counter" that cannot be reset without reloading the firmware.
	II – The "protective counter" increments correctly for each ballot accepted by the tabulator.

	III – The “protective counter” does not increment for ballots not accepted by the tabulator.
§ 24.2-629 (B)(10). State Board approval process of electronic voting systems. *It shall be provided with a counter, that at all times during an election shall show how many persons have voted.*	I – Each tabulator has a “public counter” which tracks the number of ballots processed and accepted for an election.
	II – The “public counter” increments correctly for each ballot accepted by the tabulator.
	III – The “public counter” does not increment for ballots not accepted by the tabulator.
§ 24.2-629 (B)(11). State Board approval process of electronic voting systems. *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 – The voter cannot be identified in any manner on a ballot.
	II – The voting system audit records contain no information on a specific voter.
	III – The voting system must provide a “privacy sleeve.”
§ 24.2-629 (B)(12). State Board approval process of electronic voting systems. *It shall be programmable to allow ballots to be separated when necessary.*	I – All Write-ins can be segregated physically with a diverter or logically separated with an electronic Write-in Report.
	II – Voting systems that centrally process ballots must physically separate Write-ins from other ballots or logically separate ballots with Write-in votes electronically.
§24.2-629(B)(13). State Board approval process of electronic voting systems. *It shall retain each printed ballot cast.*	I – Voting systems must be able to read and store printed, paper ballots.

General Requirements	
§ 24.2-629 (B)(14). State Board approval process of electronic voting systems. *Ballot scanner machines shall report, if possible, the number of ballots on which a voter under voted or over voted.*	I – The voting system must alert the voter when the ballot submitted has an overvote or undervote, or the ballot is blank.
	II – The voting system must allow the voter to submit a ballot with an overvote or undervote, or a blank ballot.
	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.
	IV – All Write-ins are properly handled including segregation of Write-ins physically with a diverter or logically with electronic Write-in Report.
§ 24.2-637. Furniture and equipment to be at polling places. *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 – 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.
§ 24.2-658. Machines with printed return sheets; disposition of sheets.	I – The voting system can support the ability to print multiple results tapes.

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.	II- The voting system allows for the tapes to be printed in at least the formats and positions listed below:
	• Total precinct ballots cast (how many ballots were fed through the machine)
	• Contest:
	  ○ Contest of ballots cast (all ballots fed into machine that had that contest on it, <u>including overvotes and undervotes</u>)
	  ○ Votes cast for each candidate
	  ○ Write-in total
	  ○ Overvote totals
	• Multi-seat contest:
	  ○ Ballots cast
	  ○ Votes cast for each candidate
	  ○ Write-in
	  ○ Overvotes
	  ○ Undervotes For example, a "vote for 3" for which a ballot has only voted for one candidate would have 2 undervotes displayed on the tape. This way it adds up to the total ballots cast for the contest x the amount of seats to be held (in this case 1vote+2undervotes= 1ballots cast x 3seats to be filled)
	
	Ranked Choice Votes
	  ○ Ballots cast
	  ○ First round votes Cast
	  ○ Write-ins
	  ○ First round overvotes
	  ○ First round undervotes (if first round is skipped, it is counted as one undervote)
	  ○ Write-in image

	RLA ○ Vote totals by contest by batch or report that does the same ○ Ability to batch on tabulator
§ 24.2-802.2. Procedure for recount. ***For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the parties or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to §24.2-802. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to §24.2-802. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result calculated for ballots accepted by the ballot scanner machine during the recount shall be considered correct for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.***	I – The voting system can be programmed to recount a single contest. II –Voting systems must be able to display on tape only the count and totals for contest that is to be recounted

General Requirements	
Functional	*Test Assertions*
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 – The voting system must provide written and audio instruction for electronically displayed ballots on ADA/BMD machines.
	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.
Define ballot formats for a primary election, a general election, and special election including all voting options defined by the Code of Virginia.	For a Virginia Primary Election, the voting system must define the primary ballot as follows: • Open Primary • Two Parties • No Write-in candidates • Support split precincts • Voting for N of M contests • Support of all contests • Support for all candidates • Multi-language support (English, Spanish, Vietnamese) • Referendum/Question contests

	For a Virginia General Election, the voting system must define the general ballot as follows: 1. Partisan contests 2. Non-partisan contests 3. Write-in candidates 4. Support for split precincts 5. Voting for N of M contests 6. Support of all contests 7. Support for all candidates 8. Multi-language support (English, Spanish, Vietnamese) 9. Referendum/Question contests
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 – The voting system must produce a CVR in human-readable format.
The CVR must integrate in a readable format.	I – The voting system can export the CVR to a portable transport media. The voting system must produce a CVR in human-readable format.
The voting system must be able to perform the Logic and Accuracy Tests.	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.
	IV – The voting system provides a verifiable means that all test data are removed after the completion of the Logic and Accuracy Test from the voting system.

	V – Test ballots can be produced by a Ballot Marking Device (BMD) and can be used in the known test deck.
The voting system must comply with the requirements for Write-in image and format.	I – The voting system must make a copy of the voter's Write-in vote; the copy must be as legible as the original.
1VAC20-100-10. Definitions (Ranked Choice Voting). *"Ranked choice undervote" means a voter has left a ranking unassigned.*	I – Allow for the selection of at least three (3) rankings in a ranked choice voting (RCV) race. II – Tabulate and report on tapes the first-choice rankings, undervotes, overvotes, and write-in votes. III – Create a cast vote record (CVR) of all rankings, undervotes, overvotes, and write-ins. IV – Allow for write-ins to be assigned rankings for tabulation in rank choice voting.
1VAC20-100-10. Definitions (Ranked Choice Voting). *"Ranked choice voting" means a method of casting and tabulating votes in which … voters rank candidates in order of preference ….*	
1VAC20-100-50(A). Ranked choice voting tabulation. *For all elections for an office conducted by ranked choice voting, only first-choice rankings shall be counted in the first-choice ranking tabulation round.*	
1VAC20-100-70(B). Election Results (Ranked Choice Voting). *A record of votes cast at all rankings, as tabulated in the first-choice ranking tabulation round, shall be created and retained for public inspection and copying.*	
1VAC20-100-65. Write-Ins (Ranked Choice Voting). *Pursuant to § 24.2-644 C of the Code of Virginia, at all elections conducted by ranked choice voting*	

except primary elections, any voter may 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.	
1VAC20-100-10. Definitions (Ranked Choice Voting). *"Ranked choice overvote" means a voter assigned more than one candidate the same ranking.*	

Security Requirements	
Statutory	Test Assertions
§ 24.2-625.2. Wireless communications at polling places. *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 – 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."
	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."
§ 24.2-634. Locking and securing after preparation. *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 against tampering with or damage to the equipment.*	I – The tabulation component of the voting system must have the ability to be physically locked and require a key.
The voting system must allow instruction to voters to be modified through administrative rights.	I – Only those with administrative rights can alter the instruction to voters.

The voting system cannot have the built-in wireless communications abilities.	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.
The voting system must comply with the latest encryption standard.	I – All modules are cryptographic and are FIPS 140-2 v1 compliant.
	II – All stored images are digitally signed.
	III – All digital hashes use SHA256 hashing algorithm or higher.
	IV – Hash testing performed on voting system to ensure software is the same as EAC certified software version presented for certification
The voting system must comply with the latest password protection standards.	I – The voting system must require for a minimum 8-character password.
The voting system must be hardened using the voting system provider's procedures and specifications.	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
§ 24.2-671.2. Risk-limiting Audits C. The Department shall provide that the following risk-limiting audits be conducted: 1. In the year of a general election for members of the United States House of Representatives, a risk-limiting audit of at least one randomly selected contested race for such office; 2. In the year of a general election for members of the General Assembly, a risk-limiting audit of at least one randomly selected contested race for such office; 3. In any year in which there is not a general election for a statewide office, a risk-limiting audit of at least one randomly selected contested race for a local office, including constitutional offices, for which certification by the State Board is required under § 24.2-680; and 4. In any year, any other risk-limiting audit of a contested race that is necessary to ensure that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate. Such audits must be approved by at least a two-thirds majority vote of all members of the Board. D. A local electoral board may request that the State Board approve the conduct of a risk-limiting audit for a contested race within the local electoral board's jurisdiction. The state board shall promulgate regulations for submitting such requests. The State Board shall grant an extension of the local electoral board's certification deadline under § 24.2-671 as necessary to accommodate the conduct of a	I – The voting system must be capable of producing a CVR for purposes of conducting a post-election risk-limiting audit.

risk-limiting audit conducted pursuant to this subsection. The Department may count a risk-limiting audit conducted pursuant to this subsection toward the requirement in subdivision C 4.	

E – 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 EAC and 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.

If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue, and ultimately the SBE reserves the right to decertify the voting system.

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.

G – Hardware Guidelines

Memory devices or USB drives provided with the voting system and/or supplied to localities must follow these standards:

1. Must be fully wiped per the DoD 5220.22-M wiping standard to prevent any preloaded software from being inadvertently installed on the systems
2. Must be cryptographic and FIPS 140-2 v1 compliant
3. Must use SHA256 hashing algorithm or higher
4. Must comply with applicable Commonwealth information security standards
5. 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 process of reporting modification 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 of Mainstream Support and Extended Support, as applicable to decertification/recertification and associated policies and procedures, will be determined by the ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time. As of initial adoption of this standard by the SBE, the definitions are as follows:

Mainstream Support: The first phase of the product lifecycle; when support is complimentary
Extended Support: The phase following Mainstream Support, in which support is no longer complimentary
Last Date of Mainstream Support: The last day of Mainstream Support

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 ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time.

A voting system could still be decertified even if an upgrade plan is submitted. This could happen for a variety of reasons, such as a vendor is not showing progress in meeting their upgrade plan.

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Vendor Notification of "End of Life"

We have certified equipment with the SBE and have determined that the following (hardware/software/components) in our certified system will, within 18 months, be at "End of Life" status. Complete this form (for the areas applicable), attach the upgrade plan and send to:

Secretary of SBE, 1100 Bank Street, 1st Floor, Richmond, VA 23219

"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.

Mainstream Support: The first phase of the product lifecycle; when support is complimentary
Extended Support: The phase following Mainstream Support, in which support is no longer complimentary
Last Date of Mainstream Support: The last day of Mainstream Support

Vendor_____Date:_____

Certified Voting Systems Impacted:_____

Certified Version(s) Software:_____ Firmware:_____

Certified Product:_____

Certified EPB System Impacted:_____

Certified Version(s):_____

DATE(S) FOR "END OF LIFE":

_____ Operating System
_____ (description)_____ Software
_____ (Modules or Packages) (description)_____
Product(s) (components)
(description)_____

Vendor must submit an upgrade plan to the SBE 12 months in advance of "End of Life". The plan should include timeline(s), list of impacted localities, estimated cost for localities (if any), and VSTL report(s) showing the upgrade(s) will ensure all systems operate properly with the new upgrade(s) and/or replacements(s).*

*A voting system could still be decertified even if an upgrade plan is submitted. This could happen for a variety of reasons, such as a vendor is not showing progress in meeting their upgrade plan.

ELECT Personnel Received and Reviewed by_____ Date:_____

EOL Upgrade Plan ☐ Approved ☐ REJECTED SBE Meeting:_____

I – Voting System Certification Application Form

Certification ☐ Recertification ☐

The company officer or designee who is responsible for the voting system should complete this form. With this signature, the company officer agrees to a release for the VSTL as well as other states that may have decertified the voting system to respond to any questions by ELECT. This application must be signed by a company officer and enclosed in the Voting System Certification Request Package.

☐ Check if you prefer to have the VSTL testing performed at another site to be specified which may require additional cost for the testing.

Name of Company: _____

Name and Title of Corporate Officer: _____

Contact Phone Number: _____

Email Address: _____

Primary Address of Company: _____

City, State, Zip Code: _____

Name of voting system to be certified: _____

Version Number/Name of Voting System to be certified: _____

I reviewed and confirmed that the voting system meets the requirements of the Virginia Voting System Certification Standard. My company will comply with additional requests in a timely manner to complete this certification.

Signature of Corporate Officer: _____

Date: _____

Rev. 03/07/2023

J – De Minimis Change Guideline

The SBE has adopted the EAC's De Minimis Change Guideline and applicable EAC Notice of Clarification of De Minimis Change Guidelines to manage a minimal hardware and/or software change to a certified voting system in a consistent and efficient manner. Software De Minimis Changes should have the following general characteristics:

1. Update a discrete component of the system and do not impact overall system functionality
2. Do not modify the counting or tally logic of a component or the system (formatting changes to reports are allowable)
3. Do not affect the accuracy of the component or system
4. Do not negatively impact the functionality, performance, accessibility, usability, safety, or security of a component or system
5. Do not alter the overall configuration of the certified system (e.g. adding ballot marking device functionality to a previously certified DRE component) 6. Can be reviewed and/or tested by VSTL personnel in a short amount of time (approximately less than 100 hours).

A vendor must submit the VSTL's endorsed package to ELECT for approval along with a copy of the EAC determination. A proposed De Minimis Change may not be implemented to the certified voting system until the change has been approved in writing by ELECT.

VSTL Endorsed Changes

The vendor will forward to ELECT any change that has been endorsed as De Minimis Change by VSTL. The VSTL's endorsed package must include:

1. The vendor's initial description of the De Minimis Change, a narrative of facts giving rise to, or necessitating, the change, and the determination that the change will not alter the system's reliability, functionality, or operation.
2. The written determination of the VSTL's endorsement of the De Minimis Change. The endorsement document must explain why the VSTL, in its engineering judgment, determined that the proposed De Minimis Change meet the definition in this section and otherwise does not require additional testing and recertification.

VSTL Review

The vendor must submit the proposed De Minimis Change to a VSTL with complete disclosures, including:

1. Detailed description of the change
2. Description of the facts giving rise to or necessitating the change

3. The basis for its determination that the change will not alter the system's reliability, functionality, or operation
4. Upon request of the VSTL, the voting system model at issue or any relevant technical information needed to make the determination
5. Document any potential impact to election officials currently using the system and any required notifications to those officials
6. Description of how this change will impact any relevant system documentation
7. Any other information the VSTL needs to make a determination.

The VSTL will review the proposed De Minimis Change and make an independent determination as to whether the change meets the definition of De Minimis Change or requires the voting system to undergo additional testing as a system modification. If the VSTL determines that a De Minimis Change is appropriate, it shall endorse the proposed change as a De Minimis Change. If the VSTL determines that modification testing and certification should be performed, it shall reclassify the proposed change as a modification. Endorsed De Minimis Change shall be forwarded to ELECT for final approval. Rejected changes shall be returned to the vendor for resubmission as system modifications.

ELECT's Action

ELECT will review the proposed De Minimis Change endorsed by a VSTL. ELECT has sole authority to determine whether any VSTL endorsed change constitutes a De Minimis Change under this section.

ELECT's Approval: ELECT shall provide a written notice to the vendor that ELECT accepted the change as a De Minimis Change. ELECT will maintain the copies of approved De Minimis Change and track such changes.

ELECT's Denial: ELECT will inform the vendor in writing that the proposed change cannot be approved as De Minimis Change. The proposed change will be considered a modification and requires testing and recertification consistent with this Certification Standard.

De Minimis Change is not applicable to the voting system currently undergoing the State Certification testing; it is merely a change to an uncertified system and may require an application update.

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Virginia State Board of Elections | Request for De Minimis Change

In accordance with the State Certification of Voting System and Electronic Pollbook Requirements and Procedures, SBE has adopted guidelines to manage hardware/software related changes to certified Voting System and Electronic Pollbook System. To request a De Minimis Change the procedure begins with a letter, from the vendor to the Secretary of the State Board of Elections and the VSTL endorsed package for the De Minimis Change. This letter shall begin the process to evaluate whether the De Minimis Change will be approved for use on Voting Systems and/or Electronic Pollbooks certified in Virginia.

De Minimis Changes should have the following characteristics:

1. Update a discrete component of the system and do not impact overall system functionality.
2. Do not affect the accuracy of the component or system.
3. Do not negatively impact the functionality, performance, accessibility, usability, safety, or security of a component or system.
4. Do not alter the overall configuration of the certified system.
5. Can be reviewed and/or tested by VSTL personnel in a short amount of time (approx. less than 100 hours).

Vendor description of the De Minimis Change:_____

_____

Description of the facts giving rise to or necessitating the change: _____

_____

Document any potential impact to election official currently using the system and any required notifications to those officials. _____

_____

☐ VSTL endorsed package included.

Signature of Company Officer: _____ Date:_____

ELECT's Action: Received by: _____ _____ _____ Date: _____

Reviewed by: _____ _____ _____ Date: _____

☐ APPROVED ☐ REJECTED

Vendor Notified of Status by: (initials) _____ Date: _____

K – Cast Vote Record Clarification

1. A permanent record of all votes produced by a single voter
2. Electronic CVRs are called ballot images
3. CVR is evidence that a ballot was available for review by the voter
4. CVR should have an identifier that can be linked to an identifier on the corresponding paper ballot provided; the scanner creating the CVR can impress an identifier on the ballot as it is scanned
5. CVR should include indications of what actions the scanner took if the scanner does contest-rule post-processing of the ballot selections
6. CVR has indications of marginal marks, mark quality/density (if scanner is capable).
7. A CVR can include signed/hashed references to an associated image of the ballot or images of write-ins made by the voter on a paper ballot

★ VIRGINIA ★
STATE BOARD of ELECTIONS

2025 Electronic Pollbook Standards

BOARD WORKING PAPERS
Brandon Smith
Chief Information Officer
Londo Andrews
Voting Systems Security Manager

★ VIRGINIA ★
DEPARTMENT of ELECTIONS

Electronic Pollbook Certification Standard

March 2025

DRAFT

Chapter 1: Introduction **2**
1.1. Purpose of Procedures 2
1.2. Specific Requirements 2
1.3. Decertification 2
1.4. Recertification 4
Chapter 2: Basis for Certification **5**
2.1. State Certification Testing 5
2.2. EPB Hardware, Firmware, Infrastructure, or Component Elements 6
2.3. EPB System Software Elements 7
2.4. Early Voting Connection Requirements 7
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: Preliminary Review **14**
Phase 3: Technical Data Package to Voting Systems Test Laboratory **15**
Phase 4: Certification Test Report from VSTL **15**
Phase 5: On-Site Testing in Mock Election **15**
Phase 6: Approval by the SBE **15**
3.3. Incomplete Certification Process 15
Appendices **17**
A – Glossary 17
B - Contacts 19
C – Acceptance Test 20
D – Test Assertions 22
E – Software Patching Guidelines 34
F – Recertification Guidelines 35
G – Hardware Guidelines 36
H – EPB System Modifications & Product End of Life Planning 37
I – EPB Certification Application Form 38
J – De Minimis Change Guideline 39
K – Early Voting Connection Requirements 41

Chapter 1: Introduction

1.1. Purpose of Procedures

These procedures provide a formal and organized process for vendors to follow when seeking state certification for an electronic pollbook (EPB) system in Virginia. To this end, these procedures are designed to:

1. Ensure conformity with Virginia election laws relating to the acquisition and use of EPB systems
2. Evaluate and certify EPB systems marketed by vendors for use in Virginia
3. Evaluate and re-certify additional capabilities and changes in the method of operation for EPB systems previously certified for use in Virginia
4. Standardize decertification and recertification of EPB systems

1.2. Specific Requirements

1. The EAC federal VEPBCR 1.0 standards are not fully applied to the Commonwealth EPB certification standard. The Commonwealth still relies on its own EPB certification standards for most of its certification process.
2. Compliance with the Code of Virginia and the policies and regulations issued by the State Board of Elections (SBE) or Department of Elections (ELECT) must be substantiated through the State Certification Test conducted by an independent testing authority recognized by the National Institute of Standards and Technology (NIST); referred to in this document henceforth as VSTL
3. Any modification to the hardware, software, firmware, infrastructure or any component of a certified EPB will invalidate the prior certification unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability or accessibility of the system; see Appendix J for the De Minimis Change Guideline that is applicable for hardware
4. An EPB shall not contain the following voter registration data:
    a. DMV Customer Number
    b. Full or Partial Social Security Number
    c. Birth Month and Day

1.3. Decertification

ELECT reserves the right to reexamine any previously certified EPB system for any reason at any time. Any EPB system that does not pass certification testing will be decertified. An EPB 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 EPB systems if the vendor does not comply with any of the following requirements:

1. Notify ELECT of any incident, anomaly or security-related breach experienced in an election jurisdiction, within 24 hours of knowledge
2. Report to ELECT within 30 calendar days of knowledge 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 EPB system to ELECT for review within 30 calendar days from modification; see Appendix H for appropriate reporting process
4. If the operating system or any component has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT:
    a. ELECT must receive the upgrade plan at least 12 months before the Last Date of Mainstream Support
    b. The Last Date of Mainstream Support cannot include any type of Extended Support, as defined in Appendix H
    c. The EPB system may still automatically be decertified 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 changes to regulations and/or standards occur.

1.4. Recertification

See Appendix F for ELECT's guidelines on when EPB systems must go through recertification.

Chapter 2: Basis for Certification

2.1. State Certification Testing

State certification testing will evaluate the design and performance of an EPB system seeking certification to ensure that it complies with all applicable requirements in the Code of Virginia and the SBE and ELECT regulations and policies. ELECT will examine the essential system functions, operational procedures, user guides, documents, certification reports from other states, and reviews from product users.

The EPB system must demonstrate accuracy, reliability, security, usability and accessibility throughout all testing phases.

State Certification Testing will examine all system operations and procedures, including:

1. Receive and process the voter registration and election information
2. Accurately maintain whole and separate count(s) of voters distinguishable by:
    a. Ballot Style (Voter's Party/primary, Precinct, Precinct Split)
    b. Curbside Voter or Outside Polls
    c. Challenged Voter
    d. Voter Status
    e. Provisional
    f. Absentees
    g. Early Votes
3. Provide an intuitive and easy to navigate user interface
4. Perform data and operational integrity safeguard tests including:
    a. Ability to add or remove new units without disturbing the existing units
    b. Power supply and battery life with an option to display power usage
    c. Display an appropriate message when the EPB device is operating at less than 20% of remaining power
    d. Display an appropriate error message when the EPB fails to check in a voter
5. Capacity/Load Test Report to include the maximum number of voters that the configuration/network setting can handle
6. Performance Report to include the optimal duration of check-in process per voter
7. System monitoring and notification of system errors, including:
    a. Perform a self-test for peripheral connectivity
    b. Visible display indicating power supply/battery life
    c. Visible display indicating system connections

8. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one or all of the EPBs become inoperable, and if there is not an alternate recovery means available then the removable storage must reflect the voter activity record at that moment and can be used to continue with election
9. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
10. Support the industry standard for clean wipe method remotely and manually
11. Transaction Logging and Audit Reports including the following details:
    a. Log all changes to EPB post the initial download
    b. Transactions at the polling places
    c. Export logs in a readable format
    d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
12. All modules and data are cryptographic and are FIPS 140-2 v1 compliant including at rest and in transit
13. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
14. Harden the EPB system using the vendor's procedures and specifications.

2.2. EPB Hardware, Firmware, Infrastructure, or Component Elements

All equipment used in an EPB 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 hardware guidelines.

Any modification to existing hardware, firmware, infrastructure, or other components will invalidate the prior certification by the SBE unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system. See Appendix J for the De Minimis Change Guideline that is applicable for hardware.

EPB systems generally utilize vendor-designed software operating on a variety of commercial-off-the-shelf hardware devices. Certification shall be provided to only similarly identical, and previously designated, hardware and operating systems at the time of certification.

2.3. EPB System Software Elements

EPB system software shall be examined and tested to ensure that it adheres to the performance standards specified within this document. EPB Desktop applications must be compatible with all computers, devices, operating system, platforms as specified in the system requirements. See Appendix D for software requirement test assertions.

Any modifications to existing software will invalidate the prior certification by the SBE unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system. See Appendix J for the De Minimis Change Guideline that is applicable for software.

2.4. Early Voting Connection Requirements

Pursuant to the Code of Virginia, §24.2-701.1, Virginia has a no-excuse absentee in person voting period, referred to as Early Voting. Electoral boards have the opportunity to provide additional locations within their locality for all Early Voting activities. Each locality's electoral board will determine whether to open additional Early Voting locations. Any registered voter within each locality can vote at any one of the Early Voting locations within the specified period prior to Election Day. This requires each locality to have secure connectivity to the voter registration information (VRI) throughout the Early Voting period to:

1. Confirm the person is eligible to vote in the election
2. Confirm the person has not previously voted in the election
3. Record voter history in real-time.

Reference Appendix K for an additional list of security-related requirements that are applicable only for those vendors choosing to host EPBs in the Cloud, as a part of their solution for managed connectivity to/from locality devices during this Early Voting period.

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 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. Preliminary Review
3. Technical Data Package (TDP) to VSTL
4. Certification Test Report from VSTL 5. On-Site Testing in Mock Election
6. Approval by the SBE.

3.2. Certification Review Process

Phase 1: Certification Request from Vendor

A vendor will request a certification for either a specific EPB system, software, firmware, hardware, and/or modification to an existing certified EPB system. All parts of the certification package to the Commonwealth must be digital and OCR compliant. This request should include the following information:

1. EPB Certification Application Form, signed by a company officer; see Appendix I
2. A copy of the certification(s) from other state(s) for the proposed EPB
3. Whether the proposed EPB system has ever been denied certification or had certification withdrawn in any state
4. Eight copies of a brief overview description of the EPB system
    a. Typical marketing brochures are usually sufficient for the description
5. A list of all states where the proposed EPB system version is currently used
6. The vendor will provide a check for $10,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor's if the difference of VSTL's invoices are less and the refund amount is over $100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond. Certification is two-day event. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.

a. Checks for $10,000 must be received by ELECT before the certification will be started Make checks or money order payable to Treasurer of Virginia
    i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219

7. 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 EPB 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.

The certification process and the test assertions in the test assertion section will be strictly followed. All systems must pass ALL test assertions as defined and written in the test assertions section. No variations or deviations will be allowed. It is the responsibility of the vendor to verify before request submission, that vendor system complies with all tests assertions as defined and laid out in the test assertion section. If not, the vendor will fail certification.

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

Technical Data Package - (please review the excel file)

There is an excel file you must submit with your request! If you do not see the excel file, please request the "Vendor EPB_System Certification Standard ... Submission Checklist" excel file from us.

With your application comes an excel file, that allows you to check-off what you have submitted. This excel file also explains that files and contents of files must meet a certain naming convention and have in them only the content expressed in the file name. Please review the excel file for more information. The TDP files you submit must be formatted with the proper naming convention listed on the excel file and have the accurate content in the file. If not, your full submission will be rejected. Your TDP must contain the following items if they were not included in the TDP submitted:

1. Change log. The TDP must have a document that clearly defines only the changes from the last EPB certified in the Commonwealth to the newer system being requested to be certified

2. Hardware Schematic Diagrams: Schematic diagrams of all hardware
3. Hardware Theory of Operations: Documentation describing the theory of operation of the hardware including power cords and backup battery
4. System architecture with network and infrastructure connectivity: Documentation to include system architecture, network, and data flow diagrams and to clearly specify all applicable components, cloud services and infrastructure connectivity
5. Software Deviations: Include any exception(s) to the Security Content Automation Protocol (SCAP) checklist; document the reason why there is an exception and the mitigating controls/tools in place to secure the system
6. 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. The list of functions
      ii. System flowchart
      iii. The interrelationships of modules iv. The list of data formats that the EPB system can import and export
   b. Clearly specify the operating system and version with:
      i. The Last Date of Mainstream Support, as defined in Appendix H
      ii. SHA256 hash value, and modification
7. Software and Firmware Source Code: A copy of the EPB, software and firmware source code including the operating system, directory structure of the source code, and a map to show how the source code was built into the final install files. The source code will be sent to the VSTL for review to VVSG standards and/or the vendor should supply VSTL report that the code was reviewed to the standards within the past year. If the operating system or any component has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT. The Last Date of Mainstream Support cannot include any type of Extended Support.
8. Independent Third-Party Application Penetration Analysis Report: An accredited application penetration test conducted, within the past 12 months, 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 EPB 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. If a penetration test has been conducted in another state within the past 12 months on the same version of the EPB system, then that may be submitted to fulfill this requirement.

9. 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
10. Operations Manual: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system
11. User Guide and Documents: The vendor should provide the following:
    a. A quick reference guide with detail instructions for a precinct election officer to set up, use, and shut down the EPB system
    b. Clear model of EPB system architecture with the following documentations:
        i. End User Documentation
        ii. System-Level and Administrator-Level Documentation
        iii. Developer Documentation
    c. Failsafe data recovery procedures for information in the EPB system
    d. A list of customers who are using or have previously used the EPB system
        i. The description of any known incidents or anomalies involving the functioning of the EPB system, including how those incidents or anomalies were resolved with customer and date
12. Recommended Security Practices: CIS Security Best Practices, including:
    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
13. Standard Contract, Product Support and Service Level Agreement (SLA): Customer and Technical Support hours and contact information. The SLA should specify the

escalation timeline and procedure with contact information. Vendor's capacity to provide, including:

a. On-Site Support and Technical Support within the SLA on:
   i. Election Day (defined as the start of the Early Voting period up to and including Election Day; see Appendix K)
   ii. Within 60 days before Election Day
b. Resolution to outstanding issue(s), repair, maintenance and service requests within 30 days

14. Maintenance Services, Pricing and Financing Options: A list of maintenance services with price. Terms for replacing a component or EPB system. Available financing options for purchase or lease
    a. A list of the general pricing and cost for procurement the proposed electronic pollbook system.
15. Warranty: The vendor should provide a list of warranty specifications to include the following:
    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
16. Software License Agreement
17. Test Data and Software: Vendor's internal quality assurance procedure, internal or external test data and reports, and software that can be used to demonstrate the various functions of the EPB system. Vendor should also verify that the version of the applications submitted are identical to the versions that have undergone the certification testing; for example, hash testing tools.
18. Non-Disclosure Agreement or Oath between the Vendor and VSTL

NOTE: If the EPB system is certified, ELECT will retain the TDP as long as the EPB 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 EPB 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 EPB 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 EPB 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 EPB system for certification and the service limitation of the facility
11. Quality assurance process used in the manufacturing and servicing of the EPB system
12. Configuration management process used with the EPB system.

NOTE: If the EPB system is certified, ELECT will retain the Corporate Information as long as the EPB system is marketed or used in Virginia. ELECT will sign a statement of confidentially 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.

Pursuant to §2.2-3705.6(3), proprietary information is exempt from records requests under the Virginia Freedom of Information Act (VFOIA). Records required to be released that contain both proprietary and non-proprietary information will be redacted before disclosure. ELECT cannot guarantee the extent to which any material provided will be exempt from disclosure in litigation. 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: Preliminary Review

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

The Voting Technology Coordinator or designee will notify the vendor to submit the following for evaluation:

1. Production working model of the EPB to run through all phases of testing, including:
    a. All hardware, software and firmware necessary to run the EPB
    b. Software shall be provided in a format readable by the EPB hardware that is being submitted for certification
    c. All commercial-off-the-shelf software and necessary drivers, including the operating system, any software applications for logging, reporting, printing, etc.
    d. All peripheral devices, including those required for usability and accessibility
    e. Any other components recommended by the manufacturer for use
2. Copy of the Test documents from prior VSTL certification testing, including Test Plan, Test Report, Test Procedures, and Test Cases
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 decertified the system or prior versions of the system to respond to any requests for information from the Commonwealth of Virginia
5. Any other materials and equipment deemed necessary by ELECT

The Voting Technology Coordinator or designee will conduct a preliminary analysis of the TDP and the EPB system with VSTL. The Voting Technology Coordinator or designee will also review the Corporate Information and other materials to prepare an Evaluation Proposal, which includes:

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

Phase 3: Technical Data Package to Voting Systems Test Laboratory

In addition, the vendor should submit the TDP to the Voting Technology Coordinator, who shall provide the TDP to the VSTL following review.

Phase 4: Certification Test Report from VSTL

VSTL will work directly with the vendor and ELECT designee to complete all test assertions and test cases, and the Certification Test Report will be sent to ELECT upon completion.

Phase 5: On-Site Testing in Mock Election

ELECT Vendor will coordinate with a local jurisdiction to test the EPB system in a Mock Election at one location. With the vendor present, at least one member of the electoral board or the General Registrar present 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 VSTL, the results from the On-Site Testing in Election and other information in their possession, the SBE will decide whether the EPB 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
6. Any step in the test assertions process, that fails during the certification week.

Appendices

A – Glossary

Anomaly – Any event related to the security or functioning of the EPB system that is out of the ordinary regardless of whether it is exceptional or not, a deviation from the norm.

De Minimis Change or ECO (Engineering Change Order) – A minimum change to a certified EPB system's hardware, software, TDP, or data. The nature of changes will not materially alter the system's reliability, functionality, capability, or operation. Under no circumstance shall a change be considered De Minimis Change, if it has reasonable and identifiable potential to impact the system's performance and compliance with the applicable EPB Standard. Reference: EAC Testing & Certification Program Manual version
2.0 and Notices of Clarification.

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

Election Officer – A registered voter in Virginia appointed by a local electoral board to serve at a polling place for any election. Officers of election must attend training conducted by the electoral board or the general registrar. Some of their duties on Election Day include identifying qualified voters and checking them in on the pollbooks; handing voters their correct ballots; telling voters the proper procedure for inserting ballots into the voting machine; and, when applicable, providing a voter with a provisional ballot.

Electronic Pollbook (EPB) System– A system containing an electronic list of registered voters that may be transported and used at a polling place. This is the official list of registered voters eligible to vote in the election; it is used to verify a voter's eligibility to receive a ballot and captures voter history in real time to prevent double voting. The term "electronic pollbook 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).

Incident – Any event related to the security or functioning of the EPB system that may have caused or caused an interruption to the Check-in and/or Reporting process.

Precinct – A precinct is a geographic area within a locality or a town, established by ordinance by the local governing body. As per the Code of Virginia § 24.2-307, the "governing body of each county and city may establish as many precincts as it deems necessary." A precinct must be

wholly contained in any district used to elect members of the local governing body. The local governing body also determines the location of the polling place where residents vote.

State Board of Elections (SBE) – 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.

Voting Systems Test Laboratory (VSTL) – Test laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) to be competent to test EPB systems.

B - Contacts

The certification request package should be sent to:

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

All other inquiries should be sent to: 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 state requires localities to perform hash testing of applications 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.

As part of the acceptance test the vendor will demonstrate the system's ability to execute its designed functionality as presented and tested during certification, including:

1. Mark voters as checked in, voted, and given a ballot only after specific actions
2. Provide the user notification and display an appropriate instruction based on the voter status:
    a. Protected voters
    b. Inactive voters
    c. Absentee voters
    d. Voters out of precinct
    e. Voters that already voted
3. Perform data and operational integrity safeguard tests including:
    a. Ability to add or remove new units without disturbing the existing units
    b. Power supply and battery life with an option to display power usage
    c. Display an appropriate message when the EPB device is operating at less than 20% of remaining power
    d. Display an appropriate error message when the EPB fails to check in a voter 4. Performance Report to include the optimal duration of check-in process per voter
5. System monitoring and notification of system errors, including:
    a. Perform a self-test for peripheral connectivity
    b. Visible display indicating power supply/battery life
    c. Visible display indicating system connections

6. Comply with and enable voter and operator compliance with all applicable procedural, regulatory, and statutory requirements
7. Produce an audit log
8. Close the election and provide multiple secure files which are capable of providing voter credit to the Voter Registration System
9. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one to all of the EPBs become inoperable, and if there is not an alternate recovery means available, then the removable storage must reflect the voter activity record at that moment and can be used to continue with election
10. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
11. Secure the reliable data transfers and display appropriate message for each data transfer to outside of closed network including electronic data management system, central server and cloud data service (This is only for testing of EPBs that will be used for Early Voting)
12. Transaction Logging and Audit Reports including the following details:
    a. Log all changes to EPB post the initial download
    b. Transactions at the polling places
    c. Export logs in a readable format
    d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
13. All modules and data are cryptographic and are FIPS 140-2 v1 compliant including at rest and in transit
14. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
15. Support the industry standard for clean wipe method remotely and manually.

Audit and Validation of Certification

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

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

D – Test Assertions

The following test assertions will be executed by the ELECT designated VSTL.

Statutory Requirement	Test Assertions
§24.2-404(A)(7) If EPBs are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list or registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth.	I – The EPB must display the voter's birth year, but no other birthday information.
§24.2-406(C) In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.	I – The EPB cannot have a field to display partial or complete Social Security Numbers.
§24.2-530 All persons qualified to vote, pursuant to §§ 24.2-400 through 24.2-403, may vote at the primary. No person shall vote for the candidates of more than one party.	I – The EPB provides a report that can be filtered by party. • Requirement above must be displayable on EPB for OE on election day, As well as a report capability through EPB management software.
§24.2-611(B) Record the name and display consecutive number of the voter at the time he offers to vote. Enter an EPB record for each voter and recording each voter's name, including voters unable to enter the polling place, and for verifying the accurate entry	I – The EPB provides a mechanism to display name and consecutive number of a voter when they present themselves to vote.
	II – The EPB provides a mechanism to input name and then display consecutive number of a voter when they present themselves to vote.

of the EPB record for each registrant on the Virginia Voter Registration System.	III – The EPB shall automatically enter consecutive numbers from a given starting point.
	IV – The EPB System shall have the ability to indicate whether a voter voted "Outside Polls" or "OP.", often referred to has curb-side voting. The operator shall be allowed to notate independently or in conjunction with other notations set forth in these requirements. The EPB System shall have the ability to provide listings and counts of such voters.
§ 24.2-611(C) The Department 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.	I – The EPB must produce an audit log that records data that has been successfully transferred.
§ 24.2-611(F) In the event that the EPBs 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 EPB and (ii) provide to each person EPB a provisional ballot to be cast as provided in § 24.2-653.	I – The EPB must be able to produce a data output in a format deemed necessary by the Commonwealth of Virginia.
	II – The EPB must maintain data preservation and redundancy so in the case where the EPB becomes inoperable the data that has been input can be retrieved.
§24.2-651 If the person challenged refuses to sign the statement, he shall not be permitted to vote. If, however, he signs the statement, he shall be permitted to vote on the voting system in use at the precinct, unless he is required to cast a provisional ballot pursuant to § 24.2-651.1. 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	I – The EPB must have the capability to display an indication that a voter has been challenged.
	II – The EPB must have the functionality to identify a voter that cannot be processed as a regular voter. This functionality has to be configurable so that the election day reasons can be updated without a software update.

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 indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.	III – The name of required document must be pre-loaded in EPB, or the Poll worker must be able to select from the voter check-in screen the name of document that the voter is required to sign or be given instructions on how to handle various election check-in processes.
§ 24.2-651.1 Any person who offers to vote, who is listed on the pollbook, and whose name is marked to indicate that he has already voted in person in the election shall cast a provisional ballot as provided in § 24.2-653.	I – The EPB must disable all check in options if the voter's status is VOTED.
	II – The EPB must require a supervisor control to change the voter status from VOTED
	III – The EPB must require a supervisor control to change the voter status to absentee.
§ 24.2-668(C) 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.	I – All reports produced by the EPB must contain election identification information.
	II – The removable media must be able to be sealed, transportable, and retain information as required.
§ 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 EPB record column on the pollbook.	I – The EPB must notify and provide user instructions for absentee and early voters ("AB").
	II – The EPB must require supervisor controls to change the absentee status of a voter.

Functional Requirement	Test Assertions
Allows user to cancel a voter check-in. Requires supervisor controls prior to cancellation of a voter check-in. Provides ability to select reason for cancellation.	I – The EPB must have the ability to cancel a voter check-in.
	II – The EPB must provide the ability to select a reason for cancellation and provide an input for a supervisor password.
At voter check in, provide notification of "inactive" voter status, including on-screen instructions and options for processing the "inactive" voter.	I – The EPB must have the functionality to identify a voter that cannot be processed as a regular voter.
	II –The EPB displays on-screen instructions.
	III –The EPB allows selection of the appropriate document name that the voter is required to sign or be given instructions on how to handle various election check-in processes
Provides the voter address look-up to redirect voters to the correct polling place. Contains additional functionality to include driving directions.	I – The EPB must contain a feature that allows the user to look-up voter's address to redirect them to the correct polling place.
	II – The EPB must contain a feature that includes driving directions or the address of the correct polling place.
Provides a variety of voter look-up capabilities, including first and last name, year of birth, address, District, and Voter ID. Enables each search to be filtered to reduce the number of records returned. Allows configuration of additional advanced search capabilities.	I – All search for voters must have the capability for an advanced search so results can be filtered on any combination of the following data: last name, first name, year of birth, address, District and Voter ID.

Maintain separate elections such as primary elections for multiple parties. Manage the voter list and counts by separate elections.	I – The EPB must have the ability to manage the voter list and count by party in a partisan election.
Allows configuration of on-screen poll worker instructions and messages without software changes.	I – The EPB must have a feature that allows for messaging and instructions to be editable without requiring a software update.
Allows configuration of document name(s) when a voter's status requires a document to be signed.	I – The EPB must have a feature that allows for configuration of document name(s), or configuration of instructions on how to handle various check-in processes, prior to Election Day without requiring a software update.
Ability to customize workflow requirements according to the State and/or jurisdiction requirements and preferences.	I – The EPB must be customizable so changes in workflow requirements and/or the change State procedures in the voter check-in process can be accommodated.
Provides the user with a continuous on-screen voter check-in count, customizable by specific category.	I – The EPB must display and automatically update the voter credits issued and synchronize with other units on a network.
Displays an opening screen to allow the user to confirm election date, polling place location, number of eligible voters, and zero voter check-in count prior to opening the polls.	I – The EPB must have a verification screen that displays the election date, polling place location, the number of voters for the location, and zero voter have checked in.
Users with minimal system knowledge should be able to configure and customize reports.	I – The EPB reporting module should be configurable and customizable by a user with minimal system knowledge.
Receive and process the voter registration and election information.	I – The EPB must be able to add, remove, update, and delete stored information.

	II – The EPB must be able to correctly update and show changes in poll book due to supplemental voter registration file updates during EV.
	III – The EPB must be able to retrieve a specific voter from a list of provided voters and issue voter credit.
	IV – The EPB must provide a verification that the voter and election data are accurately loaded in the EPB.
Accurately maintain whole and separate count(s) of voters distinguishable by Ballot Style (Voter's Party/primary, Precinct, and Precinct Split), Curbside Voter, Challenged Voter, Voter Status, Provisional, Absentees and Early Votes.	I – The EPB must be able to provide reports that distinguish voters by ballot style, party, precinct, precinct split, curbside voter (outside polls OP), and voter status.
The EPB shall have the ability and the option to scan the barcode of a Virginia driver's license.	I – The EPB must be able to scan the barcode from the Virginia State Issued IDs: Driver's License.
	II – If the download is successful, display the voter name and address on the check-in screen.
	III – Display an appropriate message if the ID is not accepted.

System Requirement	Test Assertions
EPBs cannot connect to a Voting System at any time.	I – The EPB must not be required for the voting system to perform any functions but may provide a digital code for the voter's ballot retrieval on Ballot Marking Devices.
	II – The EPB cannot connect to the voting system.
Hash testing	System must have HASH test performed to verify the system being certified is the system presented in TDP for certification
During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity.	I – The EPB must be networkable. Once networked together all EPB's must synchronize to the most current voter information.
	II – If network connectivity is lost, once restored all devices on the network must synchronize.
Perform data and operational integrity safeguard tests including: i. Ability to add or remove new units without disturbing the existing units ii. Power supply and battery life with an option to display power usage iii. Display appropriate message when the EPB device is operating at less than 20% of remaining power iv. Display appropriate error message when a voter is not counted v. Capacity/Load Test report to include the maximum number of voters the configuration setting can handle Performance report to include the optimal duration of check-in process per voter.	I – The EPB must have administrative options for higher level reporting on election operations.
	II – The EPB must be able to have a report that provides statistics on the duration of voter check-in process and the maximum number of voters the configuration can handle.

System monitoring and notification of system errors including: i. Perform a self-test for peripheral connectivity ii. Visible display indicating power supply/battery life iii. Visible display indicating system connections.	I – The EPB must have battery status indicator and a peripheral connectivity indicator.
	II – The EPB must log all system errors and notify the user of errors that can be corrected by the user.

Security Requirement	Test Assertions
Support the industry standard for clean wipe method remotely and manually.	I -The EPB must support the ability to write ones and zeros, shred all removable media and wipe EPB device.
Utilize security best practices for internet connectivity including network, wireless, and cloud services.	I – The EPB must employ the following management techniques: • Upgrade to a Modern Operating System and keep it up-to-date • Exercise Secure User Habits • Leverage Security Software • Safeguard against Eavesdropping • Protect Passwords • Limited Use of the Administrator Account • Employ Firewall Capabilities • Implement WPA2 on the Wireless Network • Limit Administration to the Internal Network
Comply with the latest encryption standard for all data including data-at-rest and data-in-transit. This requirement applies to all IT equipment including mobile and stand-alone.	I – All modules and data are cryptographic and are FIPS 140-2 v1 compliant.
	II – The EPB's audit log must be encrypted, track all transactions and include a date/time stamp.
Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.	I – All passwords used by the EPB follow the NIST SP 800-63B Standard.
	II – All passwords used by the EPB must allow upper case, lower case, numbers, and special characters.
	III – The same password cannot be reused within at least the past 10 times. The EPB has automated

	features that keep track of password reuse and enforces policy of no reuse within 10 passwords.
	IV – The EPB requires passwords to be changed every 6 months. The EPB has automated feature that enforces passwords change policy of every 6 months.
	V – The EPB must provide the option to mask or unmask passwords at text entry.
Comply with the Access Management best practices for System Administrator and Network Administrator.	I – The EPB must employ the following management techniques: • Centralization of all components • Role Based Access Control • Employ Zero Trust Identity Security • Use the Principle of Least Privilege • Orphaned Account Detection and Removal • Multifactor Authentication • Notification of failed logon attempts • Notification of use of Privileged Accounts.
Harden the EPB System using the vendor's procedures and specifications.	I – The EPB Vendor must provide a system hardening specification for the system.
	II – Assessed via automated scanning tools (i.e. CIS L1 benchmarks).
Restrict connections to EPBs from the specified devices such as the printer and authorized USB at the polling place. Reject all connections from other external devices.	I – The EPB must restrict all ports to only allow known system components to communicate with the EPB and not allow unknown device to connect.

EPBs should be configured to synchronize data within the defined network only. Disable connection to all unauthorized networks including publicly accessible network. Any external connectivity must be IP whitelisted.	I – The EPB must be networkable. Once networked together all EPB's must synchronize to the most current voter information.
	II - Any failure of a device cannot impact the remaining units.
	III – The EPB must not connect to unauthorized networks.
	IV – The EPB must not allow connections that are not IP whitelisted.
When wireless is activated on an EPB device, there is a very visible means/mechanism that alerts others of this state.	I – The EPB effectively alerts others when the wireless state is activated on EPB device. (E.g. clearly visible indicator light on device, text alert, etc.)

Audit Requirement	Test Assertions
Transaction Logging and Audit Reports includes the following details: a. Audit trail of election data preparations b. Transactions at the polling places c. View and export logs in a readable format d. Identify and manage security incidents and fraudulent activities e. Track and resolve operational problems.	I – The EPB must have a transaction log containing the following: • Records of election preparation • Records of transactions in the polling place • Human-readable logs • Ability to export logs • Identify and manage security incidents and fraudulent activities • Track and resolve operational problems.
Reconciliation of data load to EPB to handle exceptions and discrepancies.	I – The EPB must provide a verification that the data loaded for the election was successful, accurate, and any discrepancies in the process handled.

E – Software Patching Guidelines

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

If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue, and ultimately the SBE reserves the right to decertify the EPB system.

An EPB 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.

G – Hardware Guidelines

Memory devices or USB drives provided with the EPB system and/or supplied to localities must follow these standards:

1. Must be fully wiped per the DoD 5220.22-M wiping standard to prevent any preloaded software from being inadvertently installed on the systems
2. Must be cryptographic and FIPS 140-2 v1 compliant
3. Must use SHA256 hashing algorithm or higher
4. Must comply with applicable Commonwealth information security standards
5. Must comply with applicable policies, guidelines, and directives as adopted and modified by the SBE from time to time.

H – EPB System Modifications & Product End of Life Planning

EPB System Modifications

The process for reporting modification will be determined by ELECT 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 of Mainstream Support and Extended Support, as applicable to decertification/recertification and associated policies and procedures, will be determined by ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time. As of initial adoption of this standard by the SBE, the definitions are as follows:

Mainstream Support: The first phase of the product lifecycle; when support is complimentary
Extended Support: The phase following Mainstream Support, in which support is no longer complimentary
Last Date of Mainstream Support: The last day of Mainstream Support

Policies and procedures applicable to decertification/recertification of EPB 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 ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time.

An EPB system could still be decertified even if an upgrade plan is submitted. This could happen for a variety of reasons, such as a vendor is not showing progress in meeting their upgrade plan.

I – EPB Certification Application Form

Certification ☐	Recertification ☐

The company officer or designee who is responsible for the Electronic Pollbook System should complete this form. With this signature, the company officer agrees to a release for the VSTL as well as other states that may have decertified the EPB to respond to any questions by ELECT. This application must be signed by a company officer and enclosed in the EPB Certification Request Package.

☐ Check if you prefer to have the VSTL testing performed at another site to be specified which may require additional cost for the testing.

Name of Company: _____

Name and Title of Corporate Officer: _____

Contact Phone Number: _____

Email Address: _____

Primary Address of Company: _____

City, State, Zip Code: _____

Name of EPB System to be certified: _____

Version Number/Name of EPB System to be certified: _____

I reviewed and confirmed that the EPB meets the requirements of the Virginia Electronic Pollbook Certification Standard. My company will comply with additional requests in a timely manner to complete this certification.

Signature of Corporate Officer: _____

Date: _____

J – De Minimis Change Guideline

The SBE has adopted the EAC's De Minimis Change Guideline and applicable EAC Notice of Clarification of De Minimis Change Guidelines to manage a minimal hardware and/or software related change to a certified EPB system in a consistent and efficient manner. Software De Minimis Changes should have the following general characteristics:

1. Update a discrete component of the system and do not impact overall system functionality
2. Do not affect the accuracy of the component or system
3. Do not negatively impact the functionality, performance, accessibility, usability, safety, or security of a component or system
4. Do not alter the overall configuration of the certified system
5. Can be reviewed and/or tested by VSTL personnel in a short amount of time (approximately less than 100 hours).

A vendor must submit the VSTL's endorsed package to ELECT for approval. A proposed De Minimis Change may not be implemented to the certified EPB system until the change has been approved in writing by ELECT.

VSTL Endorsed Changes

The vendor will forward to ELECT any change that has been endorsed as De Minimis Change by VSTL. The VSTL's endorsed package must include:

1. The vendor's initial description of the De Minimis Change, a narrative of facts giving rise to, or necessitating, the change, and the determination that the change will not alter the system's reliability, functionality, or operation.
2. The written determination of the VSTL's endorsement of the De Minimis Change. The endorsement document must explain why the VSTL, in its engineering judgment, determined that the proposed De Minimis Change meets the definition in this section and otherwise does not require additional testing and recertification.

VSTL Review

The vendor must submit the proposed De Minimis Change to a VSTL with complete disclosures, including:

1. Detailed description of the change
2. Description of the facts giving rise to or necessitating the change
3. The basis for its determination that the change will not alter the system's reliability, functionality, or operation

4. Upon request of the VSTL, the EPB system model at issue or any relevant technical information needed to make the determination
5. Document any potential impact to election officials currently using the system and any required notifications to those officials
6. Description of how this change will impact any relevant system documentation
7. Any other information the VSTL needs to make a determination.

The VSTL will review the proposed De Minimis Change and make an independent determination as to whether the change meets the definition of De Minimis Change or requires the EPB system to undergo additional testing as a system modification. If the VSTL determines that a De Minimis Change is appropriate, it shall endorse the proposed change as a De Minimis Change. If the VSTL determines that modification testing and recertification should be performed, it shall reclassify the proposed change as a modification. Endorsed De Minimis Change shall be forwarded to ELECT for final approval. Rejected changes shall be returned to the vendor for resubmission as system modifications.

ELECT's Action

ELECT will review the proposed De Minimis Change endorsed by a VSTL. ELECT has sole authority to determine whether any VSTL endorsed change constitutes a De Minimis Change under this section.

ELECT's Approval: ELECT shall provide a written notice to the vendor that ELECT accepted the change as a De Minimis Change. ELECT will maintain the copies of approved De Minimis Change and track such changes.

ELECT's Denial: ELECT will inform the vendor in writing that the proposed change cannot be approved as De Minimis Change. The proposed change will be considered a modification and requires testing and certification consistent with this Certification Standard.

De Minimis Change is not applicable to the EPB system currently undergoing the State Certification testing; it is merely a change to an uncertified system and may require an application update.

K – Early Voting Connection Requirements

The following additional requirements exist if the EPB Vendor utilizes the cloud to host EPBs for locality access during the Early Voting period:

1. Utilize security best practices for internet connectivity including network, wireless, and cloud services.
2. Utilize a cloud service provider (CSP) whose infrastructure and applications are NIST 800-53 certified through a third-party entity.
3. Ensure that CSP SLA contains three major components: Service level objectives, Remediation policies, and penalties/incentives related to NIST compliance, exclusions, and caveats.
4. The connection via VPN must be FIPS 140-2 v1 certified, whether it is a dedicated SSLVPN or just a dedicated connection. If there is a dedicated connection, thorough documentation must be provided.
5. If the EPB Vendor supplies the mobile devices, ensure compliance with NIST 800-53 in relation to these devices, as is done with the infrastructure.
6. Storage, processing, migration, access control, and detection to and from the cloud must be NIST 800-53 compliant.
7. Ensure the CSP is NIST certified by validating their credentials through their third-party certification provider. Ask for internal vulnerability/penetration testing reports, audit reports, incident reports, and evidence of remedial actions for any issues raised. Also, verify tracking of mitigating action-tracking mechanisms (POA&M tracking).

All vendors must comply with the policies, guidelines, and directives regarding Early Voting connection requirements as adopted and modified by the SBE from time to time.

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Annual Corporate Attestation

BOARD WORKING PAPERS
Brandon Smith
Chief Information Officer
Londo Andrews
Voting Systems Security Manager

Annual Voting System Vendor Certification

Certified Voting System/Version:	Vendor:
Mailing Address:	Contact Person: Title: Telephone: Email:
For the period beginning _____ and ending _____ Must be submitted annually **no later than January 31**.	

Pursuant to the Virginia Department of Elections (ELECT) Voting System Certification Standard (Standard), Section 1.3, I certify the following:

a. Vendor has notified ELECT of all incidents, anomalies or security-related breaches experienced in an election jurisdiction, if any (if not, Vendor has attached all necessary supporting documentation to this Certification regarding such incident/anomaly/security-related breach).
b. Vendor has notified ELECT of all changes to Corporate Information, if any (if not, Vendor has attached all necessary supporting documentation to this Certification regarding any changes to Corporate Information).
c. Vendor has provided to ELECT all modifications to the certified voting system, if any (if not, Vendor has attached all necessary documentation to this Certification regarding modifications and is actively pursuing compliance with the Standard, Section 1.3 and Appendix H).
d. Vendor has provided to ELECT an upgrade plan for all operating systems or components that have reached the Last Date of Mainstream Support or will reach the Last Date of Mainstream Support within 18 months, if any (if not, Vendor has attached all necessary documentation to this Certification regrading such systems/components and is actively pursuing compliance with the Standard, Section 1.3 and Appendix H).
e. Vendor has updated all software for the certified voting system with the latest patching and vulnerability updates (if not, Vendor has attached all necessary supporting documentation to this Certification regarding necessary updates and is actively pursuing compliance with the Standard, Section 1.3 and Appendix E).

Name:	Title:
Signature:	Date:
Note: Please ensure all necessary supporting documentation is attached.	

★ VIRGINIA ★
STATE BOARD of ELECTIONS

Stand by Your Ad

BOARD WORKING PAPERS

Tammy Alexander
Campaign Finance Compliance and Training Supervisor

STAND BY YOUR AD

March 4, 2025

State Board of Elections Meeting

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."

§ 24.2-955. Scope of disclosure requirements.

The disclosure requirements of this chapter apply to any sponsor of an advertisement in the print media, on radio or television, or placed or promoted for a fee on an online platform, the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than $1,000 in an election cycle for or against a candidate for statewide office or less than $200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.

1VAC20-90-30. Express advocacy.

When used in Chapter 9.3 (§ 24.2-945 et seq.) and Chapter 9.5 (§ 24.2-955 et seq.) of Title 24.2 of the Code of Virginia, "expressly advocating" or any variation thereof shall mean any communication that uses phrases such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject," or any variation thereof or any communication when taken as a whole and with limited reference to external events, such as the proximity to the election, that could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates because (i) the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning and (ii) reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidates.

Print Media

No Other Candidate Mentioned in Ad	Another Candidate Mentioned (who approved the ad)	Another Candidate Mentioned (did not approve the ad)	Jointly Sponsored Ad
"Paid for by John Doe." OR "Authorized by John Doe."	Paid for by John Doe. Authorized by Jane Smith, candidate for Delegate.	Paid for by John Doe. Not authorized by any other candidate.	Paid for by John Doe, Donald Duck and Jane Smith.

"Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, websites, electronic mail, non-video or non-audio messages placed or promoted for a fee on an online platform, yard signs, and outdoor advertising facilities. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.

Schedule of Penalties
General Assembly and statewide offices

- $100 per violation if first time before Board for SBYA
- $300 per violation
- If advertisement disseminated or on display within 14 days prior to or on Election Day, penalty will be doubled

Schedule of Penalties
Local and Constitutional offices

- $50 per violation if first time before Board for SBYA
- $100 per violation
- If advertisement disseminated or on display within 14 days prior to or on Election Day, penalty will be doubled
- If by unanimous vote, the Board agrees that both the seriousness of the offense and harm to the public are low, the Board may replace any penalties assessed under this schedule for violations of print media advertisements with a $25 penalty, as long as the sponsor has not previously violated Stand By Your Ad

Print Media

1. Friends of Sam Rasoul for Delegate - CC-13-00560
2. A New Portsmouth with Mia Phillips - CC-24-00258
3. MIKE DUMAN FOR MAYOR - CC-20-00197
4. Hampton School Board Candidates
   I. Friends of Dr. Tina Banks-Gray - CC-24-00524
   II. Friends of Ann Stephens Cherry - CC-16-00038
   III. Dr. Reginald Woodhouse for School Board - CC-20-00050
   IV. Stephanie4SchoolBoard Campaign Committee - CC-20-00043

Friends of Sam Rasoul for Delegate - CC-13-00560

Complaint: Incomplete Disclosure

Complainant: Charles Nave

One (1) Flyer

Violation Date: October 29, 2024

November 5, 2024

Within 14 days of Election

Friends of Sam Rasoul for Delegate - CC-13-00560

Recommended Motion:

I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Friends of Sam Rasoul for Delegate in violation of §24.2-956 Stand By Your Ad print media advertising requirements with regard to one advertisement and assess a $____ penalty.

A New Portsmouth with Mia Phillips - CC-24-00258

Complaint: No Disclosure

Complainants: David House & Bill Dodson

Two (2) Signs

Violation Date: Early September 2024

November 5, 2024

A New Portsmouth with Mia Phillips - CC-24-00258

Recommended Motion:

I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find A New Portsmouth with Mia Phillips in violation of §24.2-956 Stand By Your Ad print media advertising requirements with regard to two advertisements and assess a $____ penalty.

MIKE DUMAN FOR MAYOR - CC-20-00197

Complaint: No Disclosure

Complainant: Linda Oaks

Violation Date: October 20, 2024

One (1) Flyer

November 5, 2024

RE-ELECT

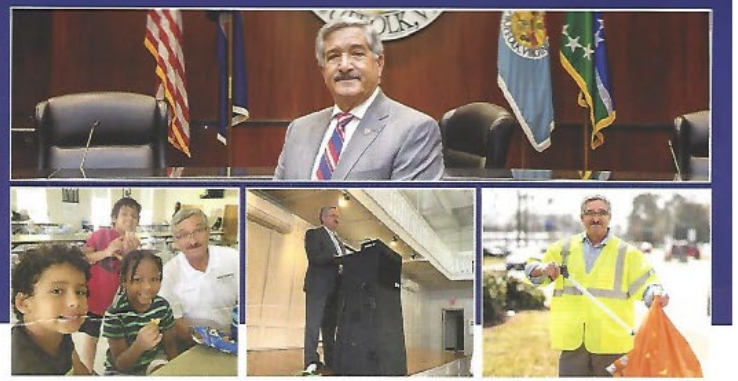
MIKE DUMAN

MAYOR

EXPERIENCE MATTERS

Mike Duman, President of Mike Duman Auto Superstore, began his automotive career at 19 and became the youngest Ford dealer in the U.S. at 29. He served on Suffolk City Council from 2010 until being elected Mayor in 2020. He has actively been involved in and supported many worthwhile causes in the community for over 40 years. Mike holds a business management degree from ODU and served as a Military Intelligence Officer in the Army Reserve.

EXPERIENCE☆LEADERSHIP☆INTEGRITY



EXPERIENCE MATTERS☆A PROVEN RECORD OF SOUND DECISIONS AND FISCAL RESPONSIBILITY

Transparency:

I believe that trust is built through integrity, honesty, and empathy, ensuring citizens feel heard and are confident in their leaders.

Education

During my current mayoral term funding for schools has increased by 23% and currently accounts for 27% of all local funding. It is imperative we provide funding to our school system that provides the ability to attract and retain qualified teachers and support staff.

Public Safety:

I'm committed to ensuring law enforcement and fire services have the resources, training, and support needed to maintain a safe environment for all citizens.

Economic Development / Managed Growth:

We must continue to focus growth within existing developed areas, protect rural character, foster a vibrant mix of uses and activities in Downtown and North Suffolk, and leverage existing infrastructure.

Transportation:

There are multiple ongoing road improvements in progress and future repairs scheduled. We must continue to pursue all state and federal revenue opportunities to address this issue and ensure adequate infrastructure to accommodate future growth.

ENDORSED BY:

Virginia Police Benevolent Association

Suffolk Professional Firefighters

VISIT OUR WEBSITE

www.mikedumanformayor.com

MIKE DUMAN FOR MAYOR - CC-20-00197

Recommended Motion:

I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find MIKE DUMAN FOR MAYOR in violation of §24.2-956 Stand By Your Ad print media advertising requirements with regard to one advertisement and assess a $____ penalty.

Hampton School Board Candidates

Friends of Dr. Tina Banks-Gray - CC-24-00524
Friends of Ann Stephens Cherry - CC-16-00038
Dr. Reginald Woodhouse for School Board - CC-20-00050
Stephanie4SchoolBoard Campaign Committee - CC-20-00043

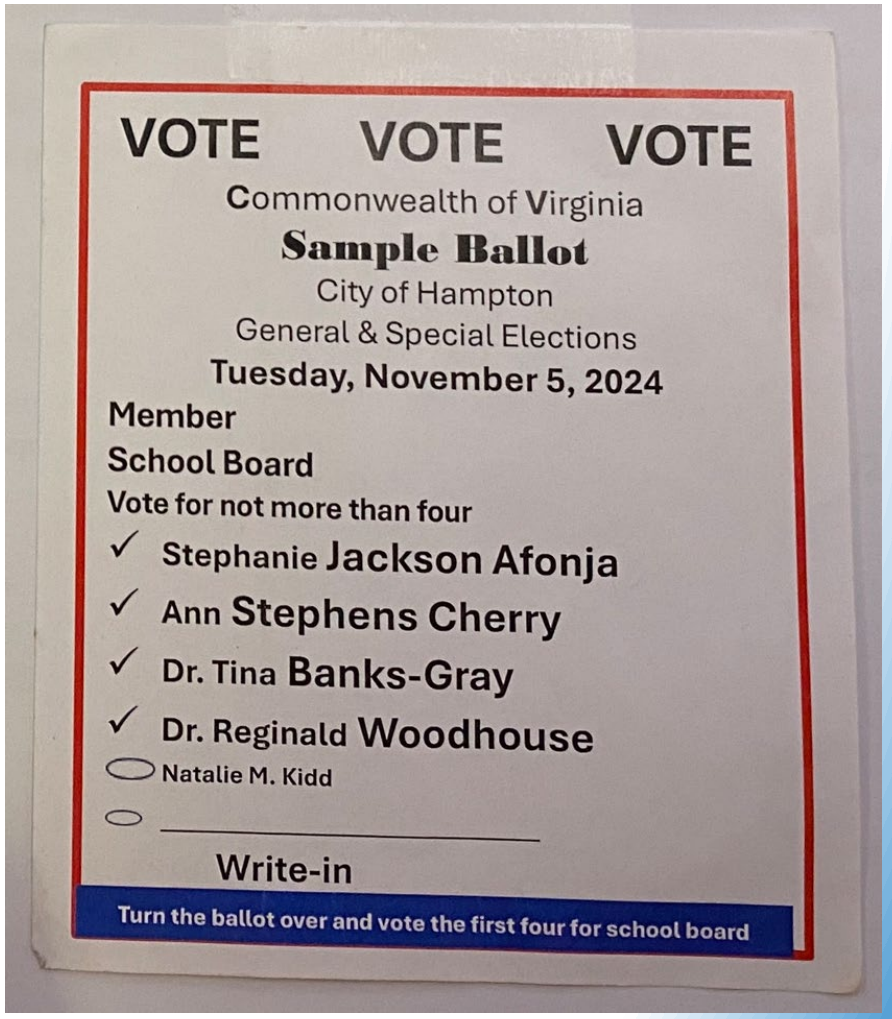
Complaint: No Disclosure

Complainant: Gregory Kidd

One (1) Flyer

Violation Date: October 15, 2024

November 5, 2024



Hampton School Board Candidates

Friends of Dr. Tina Banks-Gray - CC-24-00524
Friends of Ann Stephens Cherry - CC-16-00038
Dr. Reginald Woodhouse for School Board - CC-20-00050
Stephanie4SchoolBoard Campaign Committee - CC-20-00043

Recommended Motion:

I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Friends of Dr. Tina Banks-Gray, Friends of Ann Stephens Cherry, Dr. Reginald Woodhouse for School Board, and Stephanie4SchoolBoard Campaign Committee in violation of §24.2-956 Stand By Your Ad print media advertising requirements with regard to one advertisement and assess a $____ penalty.

★ VIRGINIA ★

STATE BOARD *of* ELECTIONS

Closed Session

BOARD WORKING PAPERS