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STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Wednesday, February 4, 2015  
Washington Building  
Room B27  
2:00PM

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SBE Board Working Papers



**STATE BOARD OF ELECTIONS  
AGENDA**

*DATE: February 4, 2015  
LOCATION: Washington Building, Room B27  
TIME: 2:00 p.m.*

**I. CALL TO ORDER**

*James B. Alcorn  
Chair*

**II. INTRODUCTION OF SBE BOARD MEMBERS**

**III. COMMISSIONER'S REPORT**

*Edgardo Cortés  
ELECT Commissioner*

**IV. REPORT FROM LEGAL COUNSEL**

*Kristina Perry Stoney  
SBE & ELECT  
Legal Counsel*

**V. NEW BUSINESS**

**A. Electronic Participation In Meetings-Policy**

*Edgardo Cortés  
ELECT Commissioner*

**B. SB11Update – Workgroup Recommendations**

*Edgardo Cortés  
ELECT Commissioner*

**C. Administrative Code**

- a) Administrative Code – 1 VAC 20-20-10
- b) Administrative Code – 1 VAC 20-20-30
- c) Administrative Code – 1 VAC 20-20-60

*Edgardo Cortés  
ELECT Commissioner*

**D. Process for Certifying Elections**

*James Alcorn  
SBE Chairman*

**VI. OTHER BUSINESS & PUBLIC COMMENT**

**VII. EXECUTIVE CLOSED SESSION**  
Discussion of Pending Litigation Matters

**VIII. GOOD OF THE ORDER**

**IX. ADJOURNMENT**



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# Call to Order

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BOARD WORKING PAPERS



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# Commissioner's Report

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BOARD WORKING PAPERS  
Edgardo Cortés  
Commissioner  
Department of Elections



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# Legal Report

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BOARD WORKING PAPERS  
Kristina Perry Stoney  
Senior Assistant Attorney General



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# New Business

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# Electronic Participation in Meetings

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BOARD WORKING PAPERS  
Edgardo Cortés  
ELECT Commissioner



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DEPARTMENT *of* ELECTIONS

**Memorandum**

To: Members of the State Board of Elections  
From: Martha Brissette, Policy Analyst  
Date: February 4, 2015  
Subject: FOIA: Suggested Policy for Electronic Participation in Meetings

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**Suggested motion for a Board member to make:** I move that the Board approve the proposed policy to allow members of the State Board of Elections to participate electronically in meetings effective immediately.

**Affected Regulations:** 1 VAC 20-20-30(H) (no change required)

**Applicable Code Sections:** Va. Code §§ 2.2-3707, 2.2-3708, 2.2-3708.1, 2.2-3711, 2.2-3712

**Board Materials:** Suggested Policy Draft

**Background:**

As permitted by Va. Code § 2.2-3708.1, amended effective July 1, 2014, the Department of Elections staff is recommending that the Board adopt a written policy to allow for electronic participation in meetings in the case of an emergency or personal matter of a member. Staff originally presented this recommendation to the Board at its meeting on August 27, 2014. At that time, the Board members requested that staff present the recommendation again at a later date that would allow consideration by members beginning new terms.

The Virginia FOIA Advisory Council provides this summary of the 2014 legislative change:

Removes the requirement that a public body approve by a majority vote of the members present at a meeting the remote participation in the meeting by one of its members. The bill instead requires the public body to have adopted a written policy allowing for and governing participation, including an approval process for such participation of its members by electronic communication means. Once adopted, the public body shall apply this policy strictly and uniformly, without exception, to its entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. HB 193 (2014 Acts of Assembly, c. 492) and SB 161 (2014 Acts of Assembly, c. 524).  
<http://foiacouncil.dls.virginia.gov/2014updt.pdf>

## **Suggested Policy for Electronic Participation in Meetings**

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**PURPOSE:** To establish a policy that provides for the State Board of Elections to properly conduct meetings with the electronic participation of its members.

**REFERENCES:** Va. Code §§ 2.2-3707, 2.2-3708, 2.2-3708.1, 2.2-3711, 2.2-3712

### **GENERAL REQUIREMENTS AND POLICY ESTABLISHMENT**

Board members may participate by electronic means in a meeting of the Board under the following conditions:

- The means of electronic participation permits simultaneous communication;
- The meeting complies with all other requirements of the Virginia Freedom of Information Act; and
- Subsequent to its adoption by the majority of the Board, this policy is posted on the website normally used for notice of public meetings.

### **ACTION DURING THE MEETING**

When a meeting with electronic communication is conducted, the Board must comply with the following guidelines:

- A quorum of two members of the Board must be physically present at the meeting place; and
- Any disapproval of a member's participation from a remote location shall be recorded in the minutes with specificity. Votes must be taken by roll call.

### **MEMBER ATTENDANCE REQUIREMENT**

- Annually, each member of the Board may participate remotely in 25% of the meetings of the electoral board or two meetings if the board meets more than eight (8) times. Each member must physically attend at least 75% of meetings annually.

### **DOES NOT AFFECT EXECUTIVE SESSIONS**

- This policy does not affect the Board's right to exclude the public from an executive session in which a member participates by electronic communication.

### **DECLARED EMERGENCIES**

The Board may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, provided

- the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- the purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this section, the Board shall

- give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Board;
- make arrangements for public access to the meeting;
- make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Board and that have been made

available to the Department of Elections staff in sufficient time for duplication and forwarding to all locations at which public access will be provided;

- recorded minutes of the meeting; and
- record in the minutes votes taken by name in roll-call fashion.

The nature of the emergency and the fact that the meeting was held by electronic communication means shall be stated in the minutes of the meeting.

If the Board meets by electronic means as provided in this section, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year:

- the total number of electronic communication meetings held that year;
  - the dates and purposes of the meetings;
  - the number of sites for each meeting;
  - the types of electronic communication means by which the meetings were held;
  - the number of participants, including members of the public, at each meeting location;
  - the identity of the members of the Board recorded as absent and those recorded as present at each meeting location;
  - a summary of any public comment received about the electronic communication meetings;
- and
- a summary of the Board's experience using electronic communication meetings, including its logistical and technical experience.

Effective Date: February 5, 2015



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# SB11 Update Workgroup Recommendations

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BOARD WORKING PAPERS  
Edgardo Cortés  
ELECT Commisioner



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DEPARTMENT *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections

From: Edgardo Cortés, Commissioner

Date: February 4, 2015

Re: Workgroup on Secure Return of Voted Overseas Military Absentee Ballots (2014 SB 11 Enacted Chapter 604)

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### **Suggested actions for a Board member to make:**

*I move that the Board approve the Workgroup Charter and appoint the following members to serve on the workgroup in addition to the Commonwealth's Chief Information Officer and Chief Information Security Officer:*

**Applicable Code Sections:** 2014 Virginia Acts Chapter 604, third enactment clause

### **Attachments:**

Your Board materials include the following:

- 2014 Virginia Acts Chapter 604
- Draft Project Charter

### **Background:**

Last session's Senate Bill 11 enacted as Chapter 604 in the third enactment clause states as follows:

That the State Board of Elections shall convene a working group to assist with the development of the initial instructions, procedures, services, security assessment, and security measures required by this act for the secure return of voted absentee military-overseas ballots by electronic

means. Such working group shall include the Chief Information Officer of the Commonwealth, the Chief Information Security Officer of the Commonwealth, representation of local boards of elections and general registrars, and others designated by the State Board of Elections. The working group shall submit an annual report to the Governor and General Assembly on the feasibility and cost of implementing the secure return of voted absentee military-overseas ballots from uniformed-service voters outside of the United States beginning January 1, 2016.

Virginia has received significant federal funding, over \$1.8 million in 2011, to improve the voting experience for voters eligible under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). All our hard work and improvements fall short when the ballot requested and delivered electronically must be mailed back home. Even express mail where available will not always work. Where the express mail is required to correct official error, the cost is potentially crippling and a logistical nightmare depending on the number of voters affected.

For several years, the State Board of Elections has supported legislation to address these concerns. SB 11 enacted in the 2014 session tentatively approves secure electronic return of uniformed-services ballots” subject to review of best practices and convening of a workgroup to assist with developing procedures. The legislation includes a further condition requiring reenactment by the 2016 General Assembly.

Pursuant to the legislative mandate, we have developed a proposed Charter to guide the workgroup activities and a proposed list of participants in addition to those required by the legislation reviewed above. Staff has taken other action to prepare for the workgroup such as working with the Department of General Services to develop a Request for Information (RFI) with a close date in early February. A suggested schedule of meetings has been developed with other meeting times to be determined by the workgroup as needed.

Staff has a proposed motion for the Board to approve the Charter and appoint members to the workgroup.

**VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION**

**CHAPTER 604**

*An Act to amend and reenact § 24.2-706 of the Code of Virginia, relating to absentee voting and procedures; secure return of voted military-overseas ballots.*

[S 11]

Approved April 4, 2014

**Be it enacted by the General Assembly of Virginia:**

**1. That § 24.2-706 of the Code of Virginia is amended and reenacted as follows:**

**§ 24.2-706. Duty of general registrar and electoral board on receipt of application; statement of voter.**

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the State Board of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter and notify the secretary of the electoral board. In reviewing the application for an absentee ballot, the general registrar and electoral board shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the electoral board shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the secretary or registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."
2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is \_\_\_\_\_ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of \_\_\_\_\_ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter .....

Date .....

Signature of witness ....."

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the electoral board by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 42 U.S.C. § 15483 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. § 1973ff et seq.), information provided by the State Board specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the State Board.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar or the secretary of the electoral board, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar or the secretary of the electoral board. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar or the secretary may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the electoral board, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the secretary or general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate of mailing shall not be required. The electoral board, at the time when the printed ballots for the election are available, shall send by the deadline set forth in § 24.2-612 the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter by electronic transmission if the voter so requests. The voted ballot shall be returned to the electoral board as otherwise required by this chapter.

*For purposes of this paragraph, a "uniformed-service voter" means an individual who is qualified to vote and is a member of the active or reserve components of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard who is on active duty, or a member of the Virginia National Guard on activated status. The State Board shall provide instructions, procedures, services, a security assessment, and security measures for the secure return of voted absentee military-overseas ballots by electronic means from uniformed-service voters outside of the United States. The instructions for electronic transmission and submission shall be in the form prescribed by the State Board. The State Board may modify the Statement of Voter provided in subdivision 2 to make it compatible with electronic submission. The State Board shall, in consultation with local boards of election and general registrars, develop and update annually a security assessment and security measures to ensure the accuracy and integrity of absentee voting by electronic means under this section. Such security measures shall (i) reasonably secure the transmission, processing, and storage of voter data from interception and unauthorized access in accordance with security policies and procedures of the Commonwealth and (ii) develop a procedure for security review after each election based on evaluation of the number of or any discrepancy in the votes received electronically.*

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

**2. That the State Board of Elections shall work with federal, state, local, and other appropriate entities to establish best practices for uniformed-service voter authentication and identification and for the secure return of voted absentee military-overseas ballots by electronic means pursuant to the provisions of this act.**

**3. That the State Board of Elections shall convene a working group to assist with the development of the initial instructions, procedures, services, security assessment, and security measures required by this act for the secure return of voted absentee military-overseas ballots by electronic means. Such working group shall include the Chief Information Officer of the Commonwealth, the Chief Information Security Officer of the Commonwealth, representation of local boards of elections and general registrars, and others designated by the State Board of Elections. The working group shall submit an annual report to the Governor and General Assembly on the feasibility and cost of implementing the secure return of voted absentee military-overseas ballots from uniformed-service voters outside of the United States beginning January 1, 2016.**

**4. That the provisions of this act amending § 24.2-706 shall not become effective unless reenacted by the 2016 Session of the General Assembly.**



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## Project Charter

# Secure Return of Voted Overseas Military Absentee Ballots

# Secure Electronic Return of Voted Military-Overseas Absentee Ballots

## INTRODUCTION

### Overview of the Project

The State Board of Elections is required to provide instructions, procedures, services, security assessment, and security measures for the secure return, by electronic means, of voted absentee military –overseas ballots based on the State Senate Bill SB-011 which was passed by the 2014 General Assembly. The bill summary as passed reads:

**Absentee voting and procedures; secure return of voted military-overseas ballots.** Requires the State Board of Elections to provide instructions, procedures, services, a security assessment, and security measures for the secure return by electronic means of voted absentee military-overseas ballots from uniformed-service voters outside of the United States. The bill requires the State Board to develop and update annually a security assessment and security measures to ensure the accuracy and integrity of such votes. The State Board is directed to convene a working group for the development of the initial instructions, procedures, services, security assessment, and security measures, and the working group is required to submit an annual report to the Governor and General Assembly beginning January 1, 2016, on the feasibility and cost of implementation of the secure return of such military-overseas ballots. Additionally, the State Board is directed to work with federal, state, local, and other appropriate entities to establish best practices for uniformed-service voter authentication and identification and for the secure return of such military-overseas ballots. The provisions of this bill amending § 24.2-706 will not become effective unless reenacted by the 2016 Session of the General Assembly. This bill is identical to HB759.

### Purpose of the Project Charter

This project charter will provide an understanding of the project, the reason for the project and its justification. The Project Charter will be reviewed by the project team and approved. The final approval will be the Commissioner of the Department of Elections.

## PROJECT OBJECTIVE AND SCOPE

### Objective

The objective of this project is to develop a means by which to provide the secure return, electronically, of voted ballots of military-overseas voters with an annual report to document the security assessment and security measures to ensure the accuracy and integrity of voted military-overseas absentee ballots beginning January 1, 2016.

### Scope

The scope of this project is to

- Identify and convene a working group

# Secure Electronic Return of Voted Military-Overseas Absentee Ballots

- With the working group, develop and provide the initial instructions, procedures, services, security assessment, and security measures for securing the return of military-overseas ballots
- Work with federal, state, local, and other appropriate entities to establish best practices for uniformed-service voter authentication and identification and for the secure return of such military-overseas ballots
- Develop a report on the feasibility and cost of implementing a process to ensure the secure return of voted military and overseas absentee ballots
- Submit and update this report annually to the Governor and General Assembly beginning January 1, 2016

## Meetings

Based on Virginia Code § 24.2-625.1, the purpose of the meetings for this initiative complies with the definition in the code granting permission to hold closed meetings for these discussions.

B. The State Board of Elections or a local electoral board **may hold a closed meeting pursuant** to the provisions of the Virginia Freedom of Information Act for the purpose of **discussing protocols for maintaining the security of ballots or voting and counting equipment**, or risk assessments of specific local electoral procedures, **where discussion of such matters in open meeting would compromise the security of any election**. Nothing in this subsection shall be construed to authorize a closed meeting to discuss any breach of security in the conduct of an election.

## Proposed Meeting Schedule

Date	Purpose
April , 2015	Initial presentation and options Discussion
July , 2015	Finalize direction
Mid November 2015	Approve final recommendation

## Major Milestones

- All working group representatives identified and confirmed
- Working group representatives convened

# Secure Electronic Return of Voted Military-Overseas Absentee Ballots

- Appropriate members of federal, state, local and other entities identified to establish best practices for uniformed-service voter authentication and identification and for the secure return of military-overseas ballots
- Security assessment and feasibility developed
- Instructions, procedures, and services necessary for securing return of voted military-overseas ballots documented
- Best practices for military-overseas voter authentication and identification documented
- Feasibility and implementation cost report

## Major Deliverables

- Security assessment and feasibility of the secure return of voted military-overseas ballots
- Instructions, procedures, and services necessary for securing return of military-overseas ballots
- Best practices for military-overseas voter authentication and identification
- Feasibility and implementation cost report

## Assumptions

A representative mix of appropriately qualified professionals can be identified who are willing and able to participate on the working group with sufficient frequency.

Technology exists to provide a secure return of military-overseas ballots electronically.

## Constraints

Input from working group is limited to their collective availability to meet.

The deliverables of this project will become effective only if the bill requiring them is reenacted by the 2016 Session of the General Assembly.

## BUSINESS NEED OR OPPORTUNITY

The goal of this project is to comply with Senate Bill 11 as passed by the 2014 General Assembly to ensure that all authentic ballots cast by military-overseas voters within the deadline can be counted without dependence on the movement of mail in foreign countries or the U.S. and absent of the threat of fraud.

# Secure Electronic Return of Voted Military-Overseas Absentee Ballots

## PROJECT CHARTER ACCEPTANCE

Approvers for Department of Elections

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Edgardo Cortes, Commissioner  
Department of Elections

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Date

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Matt Davis, Chief Information Officer  
Department of Elections

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Date

Proposed Work Group Representation	Named Members
Commonwealth of Virginia CIO	Sam Nixon
Commonwealth of Virginia CISO	Mike Watson
Member from Verified Voting	Jeremy Epstein
Senators	Linda T. Puller ( D )
	Jeff McWaters ( R )
Delegates	Bill R. DeSteph, Jr. ( R )
	Michael T. Futrell ( D )
Local CIOs	Barry Condry, Chesterfield County
	Leslie Fuentes, Hampton City
Local Election Officials	Donna Patterson, Virginia Beach City GR
	Gregg Riddlemoser, Stafford County GR
	Tammy Alexander, Petersburg EB
Board of Elections Member	James Alcorn, Secretary
Veteran & Defense Affairs Representative	Secretary John C. Harvey, Jr.
Computer Scientists	
Security Experts	Lou Karwoski
	Renault Ross



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# Administrative Codes

1 VAC 20-20-10

1 VAC 20-20-30

1 VAC 20-20-60

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BOARD WORKING PAPERS  
Edgardo Cortés  
ELECT Commissioner

### **1VAC20-20-10. Definitions.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the Virginia State Board of Elections.

"Secretary" means the Secretary of the State Board of Elections.

"Commissioner" means the Commissioner of Elections. Unless the context requires otherwise, all references to the Secretary in forms, regulations and guidance documents prepared before July 1, 2014, shall include the Commissioner.

### **1VAC20-20-30. Organization of State Board of Elections; seal.**

A. The board shall have a chairman and a vice chairman of the board, in addition to the ex-officio secretary. The chairman shall preside at all meetings and perform the usual functions of a presiding officer and such other duties as are imposed by these regulations or from time to time by the board. In the chairman's absence, the vice chairman shall perform these functions and duties. Each member, ~~except the secretary,~~ shall receive a per diem and expenses for attendance. Expenses shall be reported on forms approved by the Department of Accounts. The secretary is authorized to sign the vouchers for the payment of such expenses.

~~B. The secretary shall be authorized and it shall be the secretary's duty to employ such assistants and to purchase such equipment and supplies as are necessary from time to time, subject to the provisions of the law creating the board and the provisions of the laws and rules relating to the budgetary and personnel systems. The secretary or secretary's designee is authorized to execute necessary vouchers for the payment of the salaries of such assistants and for equipment and supplies so secured.~~

~~C.~~ D. The ~~secretary~~ Commissioner is authorized and directed to perform all duties of a routine and administrative character imposed upon the board by the law creating the same and other such duties delegated to the ~~secretary~~ Commissioner by the board.

~~D.~~ E. The ~~secretary~~ Commissioner is authorized to do all things necessary to the proper execution of the law creating and governing the board and in the performance of the duties imposed upon it insofar as the same are not from their nature such as can be performed only by the board in its corporate capacity.

~~E.~~ F. The ~~secretary~~ Commissioner is authorized and directed to consult with and obtain the advice of the Attorney General, on behalf of and in the name of the board, whenever in the ~~secretary~~ Commissioner's judgment occasion arises.

FG. Routine and informal action of the board or of the ~~secretary~~ Commissioner within the scope of the ~~secretary~~Commissioner's authority may be evidenced merely by the signature of the ~~secretary~~Commissioner.

GH. Two members of the board shall constitute a quorum for the transaction of business at any duly constituted meeting.

HI. Notice of each meeting of the board shall be given to all board members either by the secretary or the member calling the meeting at least three business days prior to the meeting except in the case of an emergency as defined in § [2.2-3701](#) of the Code of Virginia. Notice shall be given to the public as required by § [2.2-3707](#) of the Code of Virginia. All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq. of the Code of Virginia). All meetings shall be open to the public unless the board goes into a closed meeting pursuant to § [2.2-3711](#) of the Code of Virginia.

IJ. A record of formal official and definitive actions of the board shall be preserved in a record book which may be bound or loose leaf.

JK. The secretary shall keep the seal of the board and affix the seal to evidence formal action of the board.

#### **1VAC20-20-60. Delegations to Secretary Commissioner of State Board of Elections.**

A. In addition to the authority described in [1VAC20-20-30](#), the ~~secretary~~ Commissioner has the delegations of authority to the secretary detailed in the ~~board's minutes of December 2, 2004, as amended September 14, 2010~~ board's published guidance documents available through the Virginia Regulatory Town Hall and Registrar of Regulations. Board staff (i) may update that listing to correct citations and (ii) shall post the list to the Internet in order that additional delegations or other modifications may be proposed to the board by any interested person.

B. The ~~secretary~~ Commissioner is authorized to prescribe the paper ballot reconciliation form under § [24.2-666](#) of the Code of Virginia and to develop, maintain, and prepare instructions for the operation of poll equipment before, during, and after the closing of the polls and in preparation of the statements of results.

C. The ~~secretary~~ Commissioner shall monitor and control the quality and cost of the copies of Title 24.2 of the Code of Virginia and other election materials that the board provides to electoral boards for use at each precinct.

D. Subject to the board's policy oversight, the ~~secretary~~ Commissioner has authority to conduct the board's administrative and programmatic operations and to discharge the board's duties consistent with specific delegations of authority.

E. The ~~secretary~~ Commissioner is authorized to establish and maintain a central repository of forms and instructions approved for use in conducting elections. The forms and instructions shall

be organized following a standard naming convention consisting of name taken from the first descriptive line, a statutory or other authority identifier, and revision date.



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STATE BOARD *of* ELECTIONS

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# Certifying Elections Process

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BOARD WORKING PAPERS  
James B. Alcorn  
SBE Chairman



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STATE BOARD *of* ELECTIONS

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# Other Business & Public Comment

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BOARD WORKING PAPERS



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# Executive Session Closed Meeting

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BOARD WORKING PAPERS  
SBE Board Members



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# Good of the Order

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BOARD WORKING PAPERS



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# Adjournment

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BOARD WORKING PAPERS



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# BOARD MEETING

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Wednesday, February 4, 2015  
Washington Building  
Room B27  
2:00PM

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SBE Board Working Papers  
Prepared by Rose Mansfield  
SBE Clerk