



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Wednesday, April 1, 2015
Washington Building
Room B27
2:00PM

SBE Board Working Papers



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: April 1, 2015
LOCATION: Washington Building, Room B27
TIME: 2:00 p.m.

- I. CALL TO ORDER** *James B. Alcorn*
Chair
- II. APPROVAL OF MINUTES** *SBE Board Members*
March 3, 2015, March 7, 2015, & March 19, 2015
- III. COMMISSIONER'S REPORT** *Edgardo Cortés*
ELECT Commissioner
- IV. REPORT FROM LEGAL COUNSEL** *Anna Birkenheier*
SBE & ELECT
Legal Counsel
- V. NEW BUSINESS**
- A. Request for Full-Time Status- Mathews County** *Elizabeth Howard*
ELECT Deputy Commissioner
- B. Ballot Drawings** *Gary Fox*
ELECT Supervisor
- C. Electronic Poll Books – Certification Updates** *Cameron Sasnett*
ELECT Systems Support
Specialist
- VI. OTHER BUSINESS & PUBLIC COMMENT**
- VII. EXECUTIVE CLOSED SESSION**
Discussion of Pending Litigation Matters
Discussion of Voting Security Matters
- VIII. GOOD OF THE ORDER**
- IX. ADJOURNMENT**



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Call to Order

BOARD WORKING PAPERS



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STATE BOARD *of* ELECTIONS

Approval of Minutes
March 3, 2015
March 7, 2015
March 19, 2015

BOARD WORKING PAPERS
SBE Board Members



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STATE BOARD *of* ELECTIONS

Approval of Minutes March 3, 2015

BOARD WORKING PAPERS
SBE Board Members

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, March 3,
4 2015. The meeting was held in the Washington Building, Room B27, Richmond,
5 Virginia. In attendance, representing the State Board of Elections (SBE) was James
6 Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary.
7 Also in attendance, representing the Department of Elections (ELECT) was Edgardo
8 Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner; and Rose Mansfield,
9 Clerk. Kristina Perry Stoney, Senior Assistant Attorney General and Counsel and Anna
10 Birkenheier, Assistant Attorney General and Counsel to SBE and ELECT attended.
11 Chairman Alcorn called the meeting to order at 2:09PM.

12 The first order of business was an introduction of the newly sworn-in Vice Chair,
13 Clara Belle Wheeler of the Virginia State Board of Elections whose term initiated on
14 February 12, 2015. Vice Chair Wheeler provided an overview of her professional
15 background and expressed enthusiasm for her upcoming service to SBE.

16 The first order of business was the approval of Minutes from the State Board of
17 Elections Board Meeting held on February 4, 2015. Chairman Alcorn asked if Board
18 Members had any additions or corrections to the February 4, 2015 Board Meeting
19 Minutes and there were none. Secretary McAllister moved to adopt the Minutes for the
20 February 4, 2015 Board Meeting. Chairman Alcorn seconded the motion and the Board
21 unanimously approved the Minutes. Vice Chair Wheeler abstained on the vote to approve
22 the Minutes.

23 The next order of business was the Commissioner's Report delivered by
24 Commissioner Cortés. Commissioner Cortés stated that 27 legislative bills passed both
25 houses associated to elections. The Department of Elections tracked and provided
26 analysis for over 150 bills during the legislative session that just concluded.
27 Commissioner Cortés expressed gratitude for the work of the Election Uniformity Team
28 under the guidance of Susan Lee, Manager of Compliance & Administration and Sharon
29 Woo, Manager of the Fiscal Department, for all their efforts. Three of the bills were
30 agency related bills that updated the responsibilities in the code. The bills reflected the
31 Department of Elections responsibilities verses State Board of Elections responsibilities.

32 Commissioner Cortés noted that one bill was a result of the GREB Workgroup that
33 outlined responsibilities that were the duty of the general registrar verses the electoral
34 board. Commissioner Cortés stated that post July 1, 2015, the certification of the
35 November election will be held on the third Monday of November. Commissioner Cortés
36 stated that post July 1, 2015, voter registration cards will no longer be required at the
37 polls and registered voters will receive a letter providing the information previously
38 contained on the voter registration cards. Commissioner Cortés stated that post July 1,
39 2015; the number of scanners in the precincts on Election Day will increased.
40 Commissioner Cortés stated that the general assembly did not provide funding for the
41 replacement of legacy voting equipment across the commonwealth. Commissioner Cortés
42 outlined the impact of varying bills and their impact to the agency. Commissioner Cortés
43 asked if there were any questions. Chairman Alcorn asked Commissioner Cortés to
44 provide a summary of the Board Members responsibilities as impact by any recent
45 legislation. Commissioner Cortés was in agreement with the request.

46 The next order of business was the Legal Report presented by Anna Birkenheier,
47 Assistant Attorney General. Ms. Birkenheier stated that she did not have a report to
48 present at this Board Meeting.

49 The next order of business was the SB11 Update-Workgroup Recommendations
50 presented by Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that
51 SB11 was adopted in 2014, which provides for the electronic return of ballots by
52 uniformed military members. SBE is required to establish a working group to outline the
53 details of how this program will function before the bill returns to the general assembly
54 next year for final approval. Commissioner Cortés stated that a Request for Information
55 (RFI) was distributed to solicit information and to provide feedback to ELECT for which
56 ten organizations submitted information. Commissioner Cortés provided the proposed
57 workgroup composition to the Board Members. Commissioner Cortés requested that
58 Board Members approve the members that have stated they can participate in the
59 workgroup and as the vacancies are filled, Board Members could approve those
60 individuals at subsequent meetings. Commissioner Cortés recommended that the
61 Chairman of SBE serve on the SB11 Workgroup. Commissioner Cortés asked if there
62 were any questions. Chairman Alcorn stated that he would participate in the workgroup.

63 Vice Chair Wheeler volunteered to assist the workgroup by participating in the meetings.
64 The offer of assistance was accepted by SBE Board Members. Chairman Alcorn moved
65 *that the roster of names submitted for the SB11 Workgroup be accepted and approved.*
66 Secretary McAllister seconded the motion. Chairman Alcorn asked if there was public
67 comment and there was none. The Board unanimously approved the motion.

68 The next order of business was the Process for Certifying Elections presented by
69 Chairman Alcorn. Chairman Alcorn stated that this business was introduced during the
70 February 4, 2015, SBE Board Meeting. Chairman Alcorn stated that the focus would be
71 on process improvement. Commissioner Cortés stated that the request has been discussed
72 and ELECT will present during the April 2015, SBE Board Meeting. Chairman Alcorn
73 stated that the certification process and any suggested changes should be tested during the
74 certification of the June 9, 2015, primaries on June 23, 2015. Secretary McAllister stated
75 that the suggested changes and testing would be acceptable during the time period noted.
76 Chairman Alcorn asked if there were public comments and there were none.

77 The next order of business was the GREB Workgroup presented by
78 Commissioner Cortés. Commissioner Cortés presented an overview of the workgroup's
79 activities and stated that at the close of 2014, the workgroup provided a list of action
80 items, findings, and a resolution outlining their 2015 workgroup goals. The workgroup
81 membership includes a member of SBE and former SBE Chairman Judd served in that
82 capacity. On February 1, 2015, new SBE appointments occurred as prior SBE Board
83 Members ended their appointed term. This action requires that a new appointment to the
84 GREB Workgroup occur with the recommendation that Vice Chair Wheeler participate
85 as the SBE representative. Vice Chair Wheeler stated that former SBE Chairman Judd
86 continued representation on the GREB Workgroup would be desirable and beneficial to
87 the group and the entire elections community. Secretary McAllister stated that she would
88 support the continued representation of former SBE Chairman, Charles Judd on the
89 GREB Workgroup. Commissioner Cortés reviewed the 2015, GREB Workgroup goals
90 and stated that the workgroup is due to report to the SBE Board at the end of 2015, with
91 its' final recommendations. Secretary McAllister requested that a report from the
92 workgroup be presented to SBE Board Members mid-year on the status of their findings
93 and work-in-progress. Chairman Alcorn asked if there were public comments. Charles

94 Judd, former SBE Chairman, approached the podium. Mr. Judd stated that he would
95 continue to support the workgroup by serving in an ex-officio capacity. Chairman Alcorn
96 moved *that former SBE Chairman, Charles E. Judd, continue to serve, as a member, with*
97 *the GREB Workgroup and that the workgroup provide an update to the SBE Board mid-*
98 *year, 2015.* Secretary McAllister seconded the motion and the Board unanimously
99 approved the motion.

100 The next order of business was the Administrative Code updates presented by
101 Martha Brisette, ELECT Policy Analyst. Ms. Brisette stated that the three
102 administrative codes being presented were discussed at the SBE Board Meeting on
103 February 4, 2015. Ms. Brisette stated that as a result of the change of structure, of the
104 now Department of Elections, that occurred in July, 2014, several administrative code
105 sections require updating. Ms. Brisette stated that the three code sections require public
106 comment. Anna Birkenheier, Assistant Attorney General, stated that the review of
107 changes will be completed after the recommended changes complete the public comment
108 period on Regulatory Town Hall. Ms. Brisette provided an overview of the changes and
109 stated that the position of commissioner needs to be inserted in the code with previously
110 aligning responsibilities of the secretary who was the previously designated agency head.
111 Chairman Alcorn stated that Administrative Code section 1 VAC 20-20-60 should be
112 amended to reflect “Delegations to the Commissioner of the Department of Elections”
113 and the motion to post for public comment should reflect this change. Secretary
114 McAllister moved *that Administrative Code Section 1 VAC 20-20-60 should be amended*
115 *to reflect “Delegations to the Commissioner of the Department of Elections”.* Vice
116 Chair Wheeler seconded the motion. Chairman Alcorn asked if there was public
117 comment and there was none. The Board unanimously approved the motion. Vice Chair
118 Wheeler moved *that the Board seek public comment through May 15, 2015, on the*
119 *proposed amendments to conform its regulation to 2013 legislation designation the*
120 *Commissioner of Election as the agency head responsible for supervising the conduct of*
121 *elections or eligibility to vote which affects 1 VAC 20-20-10, 1 VAC 20-20-30, and 1 VAC*
122 *20-20-60 of the 2013 Virginia Acts Chapter 542.* Secretary McAllister seconded the
123 motion. Chairman Alcorn asked if there was public comment and there was none. The
124 Board unanimously approved the motion.

125 Chairman Alcorn opened the floor to other business and public comment. William
126 Card, Chairman of the Prince William County Republican Committee approached the
127 podium. Mr. Card stated that on February 24, 2015 he did not file the appropriate
128 paperwork indicating their primary. Mr. Card stated that he called ELECT on February
129 25, 2015 and filed the necessary paperwork. Mr. Card stated:”We really have not
130 damaged anyone by filling late and there are similar situations covered by the code. I am
131 asking SBE to accept our request to grant an extension to the deadline and therefore to
132 accept the request for five primaries.” Chairman Alcorn asked SBE counsel to inform the
133 Board Members on their authority to issue extensions on statutory deadlines. Ms.
134 Birkenheier stated that this conversation would be appropriate in closed session.
135 Commissioner Cortés stated that the request for primary was on February 24, 2015 and
136 ELECT received the Prince William County paperwork subsequent to the deadline.
137 Commissioner Cortés stated that historically waivers have not been extended for missed
138 deadlines. Vice Chair Wheeler stated that §24.2-511 may give SBE the opportunity to be
139 lenient when the party chair is in error and after every attempt was made to produce the
140 paperwork on time. Commissioner Cortés stated that if a staff member is absent their
141 email generates an automatic reply that directs the individual to an alternative staff
142 member and additionally the front office is open during normal business hours to answer
143 and direct calls. Mr. Card stated that he acknowledges that he is in error and as a result is
144 asking SBE for a waiver to the deadline. Chairman Alcorn stated that a closed session is
145 required to consider this request. Chairman Alcorn moved *that the SBE Board close the*
146 *meeting to discuss specific legal matters requiring the provision of legal advice by legal*
147 *counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia.* Secretary McAllister
148 seconded the motion and without public comment the Board unanimously approved the
149 motion. Chairman Alcorn directed Clara Belle Wheeler, Vice Chair; Singleton
150 McAllister, Secretary; Kristina Perry Stoney, Senior Assistant Attorney General and SBE
151 Counsel; and Anna Birkenheier, Assistant Attorney General to remain with the Board
152 during the closed session. The Board went into Executive Session at 3:20PM.

153 At 3:40PM Chairman Alcorn *moved to reconvene in open session and a roll call*
154 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
155 *certifying that during the closed meeting (i) only public business matters lawfully*

156 *exempted from open meeting requirements under this chapter, and (ii) only such public*
157 *business matters as were identified in the motion by which the closed meeting was*
158 *concerned were heard, were discussed or considered.* Secretary McAllister seconded the
159 motion and the Board unanimously approved the motion. Rose Mansfield, Clerk,
160 performed the roll call vote and all Board Members approved the motion.

161 Chairman Alcorn stated that after consultation with SBE Counsel the SBE Board
162 Members have reviewed the code and it is determined that in this particular situation
163 (Prince William County), candidates are able to participate in the electoral process and
164 the Board does not have the authority to grant an extension. Chairman Alcorn thanked
165 Mr. Card for bringing this matter before the Board. Chairman Alcorn asked if there were
166 additional public comments.

167 Kirk Showalter, General Registrar of Richmond City approached the podium. Ms.
168 Showalter stated that she wanted to review the pending certification procedures for
169 electronic pollbooks. The City of Richmond is in the process of procuring new
170 equipment. Ms. Showalter detailed the concerns and processes of the City of Richmond's
171 pollbooks. Ms. Showalter suggested changes to the current procedures. Ms. Showalter
172 stated that Mr. Scott Leiendecker from Knowink-innovative election solutions was
173 present to answer any questions the Board Members may have regarding this request and
174 the systems Knowink provides to the elections community. Mr. Leiendecker joined Ms.
175 Showalter at the podium. Vice Chair Wheeler stated that the electronic pollbooks only
176 communicate with the precinct they are associated with which is a safe guard designed to
177 protect the information. Ms. Showalter stated that the ability to view information away
178 from the precinct is essential to running Election Day effectively. Chairman Alcorn stated
179 that the security of the electronic pollbooks is essential. Mr. Leiendecker explained the
180 nuisances of the equipment Knowink developed that will address the concerns that Ms.
181 Showalter presented. Chairman Alcorn asked that any written materials and or brochures
182 be presented to the Board Members. Chairman Alcorn asked if there were any other
183 public comment and there were none.

184 Chairman Alcorn asked if there were comments for the Good of the Order and
185 there were none.

186 Secretary McAllister moved *that the Board adjourn*. Vice Chair Wheeler
187 seconded the motion and without further comment the Board voted to adjourn. The
188 meeting was adjourned at approximately 4:06PM.

189 The Board shall reconvene on April 1, 2015 at 2:00PM in the Washington
190 Building, 1100 Bank Street, Room B27, Richmond, Virginia.

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Secretary

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Chair

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Vice Chairman

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STATE BOARD *of* ELECTIONS

Approval of Minutes March 7, 2015

BOARD WORKING PAPERS
SBE Board Members

1 MINUTES

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3 The State Board of Elections held a Special Meeting on Saturday, March 7, 2015.
4 The meeting was held in the Omni Homestead, 1766 Homestead Drive, Monroe Room,
5 Hot Springs, Virginia. In attendance, representing the State Board of Elections (SBE) was
6 James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; Singleton McAllister,
7 Secretary. Also in attendance, representing the Department of Elections (ELECT) was
8 Edgardo Cortés, Commissioner and Elizabeth Howard, Deputy Commissioner. Kristina
9 Perry Stoney, Senior Assistant Attorney General participated via Skype. Chairman
10 Alcorn called the meeting to order at 10:30AM.

11 Chairman Alcorn stated that this special meeting of SBE was being conducted at
12 the request of the Prince William County Electoral Board and because SBE received
13 updated information on the Prince William County Republican Committee that was
14 introduced by William Card during the SBE Board Meeting on March 3, 2015. Chairman
15 Alcorn asked Commissioner Cortés to provide background information on the subject
16 matter.

17 Commissioner Cortés stated that Mr. Card, Chairman of the Prince William
18 County Republican Committee spoke to Board Members on March 3, 2015. Mr. Card
19 requested an extension to the deadline, as his office failed to submit the necessary
20 paperwork indicating the parties nominating process by the required date of February 24,
21 2015. On Wednesday, March 4, 2015, ELECT received a call from the party attorney to
22 discuss the interpretation of the code and the historical selection of the parties' choice of
23 selecting a primary nominating process. Commissioner Cortés stated that ELECT was in
24 consultation with the Attorney General's Office and sent SBE Board Members an email
25 which was relayed to the Prince William County Electoral Board with the details of how
26 ELECT would proceed. SBE has not called for a primary regarding this matter; however,
27 if the local electoral board believes they are legally obligated to hold a primary that
28 ELECT would not hinder the local electoral board from moving forward. The Prince
29 William County Electoral Board requested that ELECT hold a special meeting to discuss
30 what action either ELECT or SBE would initiate and to provide direction to the electoral
31 board members. Commissioner Cortés asked if there were any comments.

32 Tony Guiffré, Secretary of the Prince William County Electoral Board, was
33 recognized for comment. Mr. Guiffré stated that the swift action ELECT has taken, as
34 well as the interest that SBE has taken, is appreciated because he believes there is a
35 solution.

36 Seeing no further public comment at that time, Chairman Alcorn moved *that the*
37 *SBE Board close the meeting to discuss specific legal matters requiring the provision of*
38 *legal advice by legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia.*
39 Vice Chair Wheeler seconded the motion and without public comment the Board
40 unanimously approved the motion. Chairman Alcorn directed Clara Belle Wheeler, Vice
41 Chair; Singleton McAllister, Secretary; Kristina Perry Stoney, Senior Assistant Attorney
42 General and SBE Counsel; Commissioner Cortés, ELECT Commissioner; and Elizabeth
43 Howard, ELECT Deputy Commissioner to remain with the Board during the closed
44 session. The Board went into Executive Session at 10:40AM.

45 At 11:10AM Chairman Alcorn *moved to reconvene in open session and a roll call*
46 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
47 *certifying that during the closed meeting (i) only public business matters lawfully*
48 *exempted from open meeting requirements under this chapter, and (ii) only such public*
49 *business matters as were identified in the motion by which the closed meeting was*
50 *concerned were heard, were discussed or considered.* Vice Chair Wheeler seconded the
51 motion and the Board unanimously approved the motion. Commissioner Cortés
52 performed the roll call vote and all Board Members approved the motion.

53 Chairman Alcorn stated that after consultation with SBE Counsel, SBE Board
54 Members would not initiate a vote or take action regarding the matter presented in Prince
55 William County. Chairman Alcorn stated that it is the role of the Prince William County
56 Electoral Board to decide if they have the authority and responsibility to conduct a
57 primary for those offices for which the primaries are being challenged. Chairman Alcorn
58 recommended that the electoral board consult with their attorney and stated that as
59 provided in code, those individuals could contact SBE Counsel. Ms. Stoney stated that it
60 should be noted that the Office of the Attorney General only represents SBE and ELECT
61 in this matter and could not provide legal advice to the Prince William Electoral Board,
62 but would be willing to consult with the electoral board's counsel. Chairman Alcorn

63 asked ELECT to schedule a general business meeting in the near future to address this
64 issue. Chairman Alcorn asked if there were public comments and there were none.

65 Vice Chair Wheeler moved *that the Board adjourn*. Secretary McAllister
66 seconded the motion and without further comment the Board voted unanimously to
67 adjourn. The meeting was adjourned at approximately 11:25AM.

68 The Board shall reconvene on April 1, 2015 at 2:00PM in the Washington
69 Building, 1100 Bank Street, Room B27, Richmond, Virginia.

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Secretary

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Chair

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Vice Chairman

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STATE BOARD *of* ELECTIONS

Approval of Minutes March 19, 2015

BOARD WORKING PAPERS
SBE Board Members

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Thursday, March 19,
4 2015. The meeting was held in the Washington Building, Room B27, Richmond,
5 Virginia. In attendance, representing the State Board of Elections (SBE) was James
6 Alcorn, Chairman and Clara Belle Wheeler, Vice Chair. Also in attendance, representing
7 the Department of Elections (ELECT) was Edgardo Cortés, Commissioner; Elizabeth
8 Howard, Deputy Commissioner; and Rose Mansfield, Clerk. Kristina Perry Stoney,
9 Senior Assistant Attorney General and Counsel and Anna Birkenheier, Assistant
10 Attorney General and Counsel to SBE and ELECT attended. SBE Secretary Singleton
11 McAllister participated telephonically. Chairman Alcorn called the meeting to order at
12 3:10PM.

13 Chairman Alcorn moved *that Secretary McAllister could participate*
14 *telephonically in this Board Meeting, March 19, 2015, as allowed by the SBE Electronic*
15 *Participation Policy 2015-003*. Vice Chair Wheeler seconded the motion. Secretary
16 McAllister abstained from the voting on the motion. The Board unanimously approved
17 the motion without public comment.

18 Chairman Alcorn noted that the public comment period on the agenda would be
19 handled as the first order of business. Chairman Alcorn asked if there were any public
20 comments and there were none.

21 The seconded order of business was the Commissioner Report delivered by
22 Commissioner Cortés. Commissioner Cortés stated that the ELECT Website is
23 continually being updated and increasingly being sourced for new information.
24 Commissioner Cortés stated that under the primary elections page ELECT has posted
25 information on the individuals who have filed their certificate of candidate qualifications.
26 Commissioner Cortés stated that the political parties will be able to access the
27 information about the candidates and the information is listed by district. Chairman
28 Alcorn inquired about how the political parties access this information prior to the change
29 on the website. Commissioner Cortés stated that ELECT Staff would receive calls
30 regarding this information. Vice Chair Wheeler thanked the commissioner for the

31 continued development of the website as it is a service to the public and creates
32 transparency.

33 The next order of business was the Legal Report presented by Anna Birkenheier,
34 Assistant Attorney General. Ms. Birkenheier stated that she request an executive closed
35 session.

36 Chairman Alcorn moved *that the SBE Board close the meeting to discuss specific*
37 *legal matters requiring the provision of legal advice by legal counsel as authorized by §*
38 *2.2-3711(A)(7) of the Code of Virginia.* Vice Chair Wheeler seconded the motion and
39 without public comment the Board unanimously approved the motion. Chairman Alcorn
40 directed Clara Belle Wheeler, Vice Chair; Singleton McAllister, Secretary; Kristina Perry
41 Stoney, Senior Assistant Attorney General and SBE Counsel; Anna Birkenheier,
42 Assistant Attorney General; John Daniel, Deputy Attorney General; Joshua Heslinga,
43 Assistant Attorney General to remain with the Board during the closed session. The
44 Board went into Executive Session at 3:20PM.

45 At 3:45AM Chairman Alcorn *moved to reconvene in open session and a roll call*
46 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
47 *certifying that during the closed meeting (i) only public business matters lawfully*
48 *exempted from open meeting requirements under this chapter, and (ii) only such public*
49 *business matters as were identified in the motion by which the closed meeting was*
50 *concerned were heard, were discussed or considered.* Vice Chair Wheeler seconded the
51 motion and the Board unanimously approved the motion. Ms. Mansfield performed the
52 roll call vote and all Board Members approved the motion.

53 Chairman Alcorn asked if there were public comments and there were none.

54 Vice Chair Wheeler moved *that the Board adjourn.* Secretary McAllister
55 seconded the motion and without further comment the Board voted unanimously to
56 adjourn. The meeting was adjourned at approximately 3:50PM.

57 The Board shall reconvene on April 1, 2015 at 2:00PM in the Washington
58 Building, 1100 Bank Street, Room B27, Richmond, Virginia.

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Secretary

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Chair

Vice Chairman

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STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Edgardo Cortés
Commissioner
Department of Elections



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STATE BOARD *of* ELECTIONS

Legal Report

BOARD WORKING PAPERS
Anna Birkenheier
Assistant Attorney General



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New Business

BOARD WORKING PAPERS



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STATE BOARD *of* ELECTIONS

Matthews County Request for Full-Time Status

BOARD WORKING PAPERS
Elizabeth Howard
ELECT Deputy Commissioner



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Members of the State Board of Elections
From: Edgardo Cortés, Commissioner
Date: April 1, 2015
Subject: Electoral Board Request for Full-Time Status for General Registrar

Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of the County of Mathews for the period of April 1, 2015 through June 30, 2015.

Applicable Code Sections: Chapter 3, 2014 Acts of the Assembly, Item 84(C)

Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from Mathews County Electoral Board

Background:

The Virginia Budget authorizes and funds general registrars with a population in most counties under 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the Budget does provide funding for the registrars to be compensated to work full-time for the months surrounding each year's May General Election (March through May), the Budget does not account for other elections, including local elections and primaries.

Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an appropriation from the general fund to provide temporary full-time status for part-time general registrars. Specifically, the Budget states:

C. Included in the appropriation for this Item is \$30,900 the first year and \$30,900 the second year from the general fund to provide temporary full-time status for part-time general registrars. Such temporary full-time status may be granted by the Board of Elections, upon request of the Local Electoral Board, in recognition of temporary or permanent increases in workload. In making its determination, the Board of Elections shall consider elections, if any, required to be conducted by the locality during January through July, and evidence submitted by the Local Electoral Board to document increases in workload. Such evidence shall include specific data with comparisons, by transaction type and by month experienced, of

past and present workloads. Temporary full-time status, if granted, may include all or part of the time normally worked on a part-time basis.

ELECT staff recommendation is to approve the request from Mathews County. The request is reasonable and reflects the timeframe in which the obligations for the May General Election reach the point where a part-time registrar should be in the office full-time. Part-time registrars have the same obligations as registrars in larger localities, including meeting important absentee ballot deadlines, administering in-person absentee voting and all the other assorted duties and responsibilities associated with properly administering an election.

Mathews County Electoral Board



P. O. Box 328
Mathews, VA 23109

MEMORANDUM

TO: Edgardo Cortes, Commissioner, Department of Elections

FROM: Josephine B. Thorpe, Chairman

DATE: March 2, 2015

SUBJECT: Request to work full-time for possible June 9, 2015 Primary

In the event of a possible June Primary, please grant temporary full-time status, for April, May and June 2015, to Carla Faulkner, Registrar, Mathews County to enable her to carry out the increased workload.

Chapter 847, 2007 Acts of Assembly, Item 1-86, paragraph C, states SBE may grant temporary full-time status upon the request of the local electoral board, in recognition of temporary or permanent increase in workload.

- Preparation for the Primary Election on June 9, 2015
- Absentee voting for the primary election will begin on April 24, 2015
- Conduct voter registration for high school seniors
- Recruiting and training election officials

If applicable, I would appreciate your approval of the temporary full-time status to assure each voter has an equal opportunity and is not disenfranchised by our limited office hours. We attempt to provide the best service possible to our community; we feel it is impossible to do this on a part-time basis.

Thank you for your consideration and if you have any questions please feel free to contact me.

Respectfully,

A handwritten signature in cursive script that reads "Josephine B. Thorpe, Chair".

Josephine B. Thorpe
Chairman



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STATE BOARD *of* ELECTIONS

Ballot Drawings

BOARD WORKING PAPERS
Gary Fox
Elections Administration Supervisor



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STATE BOARD *of* ELECTIONS

Electronic Pollbooks Certification Updates

BOARD WORKING PAPERS
Cameron Sasnett
ELECT Systems Support Specialist



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STATE BOARD
of ELECTIONS

To: Members of the State Board of Elections

From: Cameron Glenn Sasnett – Systems Integration and Support Specialist

Date: April 1, 2015

Re: Revision of EPB Certification Requirements

Suggested motion for a Board member to make:

I move that the Board strike the current standing EPB certification documents and approve and adopt the document *VAEPB Certification Procedures and System Requirements REV-0315* as the Board's official certification guidance document.

Applicable Code Sections: §24.2-611(D).

Attachments:

Your Board materials include the following:

- A draft of *VAEPB Certification Procedures and System Requirements REV-0315*

Background:

§24.2-611(D) of the Code of Virginia allows all localities to expend their own funds to purchase electronic pollbooks that have been approved for use in elections by the State Board. ELECT staff redeveloped the Certification document(s) to better incorporate specific requirements for enhanced security and encryption methodologies.

This document further provides for the framework for EPB Vendors to bring their systems to the SBE for certification testing that were prohibit previously due to contradictions in the certification requirements and the *Code of Virginia*.



Virginia State Board of Elections

ELECTRONIC POLLBOOK CERTIFICATION

Procedures & System Requirements

Rev-0315

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PART 1: INTRODUCTION

1.1. PURPOSE OF PROCEDURES

These procedures have been developed and approved as part of a continuing effort to improve the administration of elections in the Commonwealth of Virginia. They provide a formal and organized process for vendors to follow when seeking state certification for an electronic pollbook system or a significant improvement or modification to an existing electronic pollbook system currently certified for use in Virginia. To this end these procedures are designed to:

1. Ensure conformity with Virginia election laws relating to the acquisition and use of electronic pollbook systems and equipment;
2. Provide an organized and consistent means of evaluating and certifying electronic pollbook systems and equipment marketed for use in Virginia;
3. Provide an organized and consistent means of evaluating and re-certifying additional capabilities and changes in the method of operation for electronic pollbook systems previously certified for use in Virginia;
4. Provide for the improvement of the electoral process by ensuring that all electronic pollbook systems operate properly and are installed and tested in compliance with the State Board of Elections approved procedures; and
5. Provide for the accurate recording and reporting of a list of voters who participated in an election for any jurisdiction in which each certified system is used.

1.2. AUTHORITY

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

1.3. SCOPE OF REQUIREMENTS PROGRAM

1. The electronic pollbook system and equipment must comply with the provisions within the *Code of Virginia* and the *Virginia Administrative Code* relating to pollbooks, voting, and voter registration.
2. The electronic pollbook system or equipment must comply with the provisions in the *Code of Virginia* relating to pollbooks (Chapter 6, Article 3 of Title 24.2).

1.4. APPLICABILITY

1. The procedures outlined in this document are applicable to all electronic pollbook systems first used on or after the effective date of this document.
2. These procedures are intended to assist local jurisdictions in identifying electronic pollbook systems that meet all state requirements and are available for purchase based on any individual locality requirements.
3. The requirements of these procedures are waived for any electronic pollbook system or equipment previously certified for and in use in the Commonwealth of Virginia on or before May 1, 2014. The State Board of Elections reserves the right to require re-certification of these systems or equipment at any future date.
4. Any modification to the hardware, firmware, or software of an existing system which has previously been certified by the Virginia State Board of Elections in accordance with these procedures will, in general, invalidate the certification unless it can be determined by the State Board of Elections that the change does not affect the accuracy, reliability, security, usability or accessibility of the system.
5. The intent of these procedures is to ensure that electronic pollbook systems have been shown to be reliable, accurate, usable, accessible and capable of secure operation before they are certified for use in the Commonwealth. EPB Systems with performance proven in commercial applications may be deemed acceptable, provided that they are shown to be compatible with the operational and administrative requirements of the election environment.

Typically, the vendor will be required to provide documentation of a product's proven performance, such as test reports to comparable standards. Products not in wide commercial use, regardless of their performance histories, will require qualification, certification, and acceptance tests before they can be used.

6. Electronic pollbook 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.
7. For the purpose of certification, web-based electronic pollbook systems that are operated via a web browser, must certify all requirements across all anticipated device platforms and browsers.
8. Re-certification shall be required when a vendor makes significant changes or enhancements to its electronic pollbook system. This shall include, and not limited to, changes to:
 - a. The programming language in which the certified software was written.
 - b. The addition of functionality not previously certified, to include, but not limited to items such as Electronic Signature Capturing/Verification and Voter Photo Display.
 - c. The operating System(s). Minor updates to previously certified operating systems are excluded, however and SBE will determine if an update to a previously certified operating system is classified as major or minor and shall be consulted prior to any patching of an operating system. Generally, SBE will only seek certification of operating system updates if the update results in a risk to the interfacing systems used for the electronic pollbook device.”

1.5. DECERTIFICATION

The State Board of Elections reserves the right to reexamine and reevaluate any previously certified electronic pollbook system for any reason, at any time. Any previously certified electronic pollbook system that does not pass the re-certification testing will be decertified. An electronic pollbook system that has been decertified by SBE may not be used in elections in the Commonwealth.

PART 2: REVIEW AND APPROVAL PROCESS

2.1. SUMMARY OF PROCESS

These procedures are limited to those systems and equipment that are in full production and available for immediate installation and use.

A total of six (6) steps have been established to carry out The Review and Approval Process. These steps are designed so that the State Board of Elections can, at any point, make a determination to continue the evaluation.

2.2. PROCEDURE FOR CERTIFICATION

The evaluation of the electronic pollbook system will proceed in the following steps:

2.2.1. Step 1: Submit Letter of Request for Certification and Certification Fee

The certification evaluation procedure shall be initiated by a letter from the vendor of the electronic pollbook system to the Secretary of the State Board of Elections requesting certification for either a specific electronic pollbook system or for a software, firmware, or hardware modification to a certified electronic pollbook system.

Vendors must pay a certification fee of \$5,000.00 for Electronic Pollbook System certification and any other fees as required for requests for modifications to a previously certified electronic pollbook system. If SBE's actual costs for reviewing the vendor's submission exceed the amount of the initial fee, the vendor agrees to reimburse SBE for all additional costs incurred. All fees must be collected before certification will be granted.

The State Board of Elections will notify the vendor of the earliest date after which the requested certification evaluation can begin.

If the State Board of Elections finds any reason to deny the request, the vendor will be notified in writing and the certification fee will be returned.

The request to begin the certification process for an electronic pollbook system shall be a written letter addressed to:

Virginia Department of Elections
Election Administration and Compliance Division
1100 Bank Street, 1st Floor
Richmond, Virginia 23219

Letter of Request for Certification Components

The request shall be signed by a company officer and contain the following information:

- Identification of the specific electronic pollbook system to be evaluated for certification. Each electronic pollbook system or version of an electronic pollbook system requires a separate request for certification. Each component of the hardware, firmware, and software must be identified by version number.
- Copies of documents substantiating completion of certification by any other states' election administration agency.
- Whether the proposed electronic pollbook system has ever been denied certification or had certification withdrawn in any other state.
- A brief overview description of the electronic pollbook system. Typical marketing brochures are usually sufficient for this description (4 copies).
- The completed *Ability to Comply* form (Appendix B).
- A check or money order for the non-refundable certification fee must be included with this request before any certification work begins.

2.2.2. Step 2: Submit a Technical Data Package and Corporate Information

The vendor shall submit a Technical Data Package, Corporate Information, and other material described within this section of the document to an evaluation agent. The vendor will be supplied with the contact information of the evaluation agent.

The evaluation agent will review the Technical Data Package, Corporate Information, and other materials provided and notify the vendor of any deficiencies. Certification of the electronic pollbook system will not proceed beyond this step until the Technical Data Package and Corporate Information are completely submitted.

Technical Data Package Components

Each item in the package must be clearly identified; if the TDP is incomplete or the items in the package are not clearly identified, the entire package may be returned to the vendor and the evaluation of the electronic pollbook system rescheduled.

- *Customer Maintenance Documentation.* Documentation describing any maintenance that the vendor recommends can be performed by a customer with minimal knowledge of the system.

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- *Operations Manual.* Operations documentation that is normally supplied to the customer for use by the person(s) who will operate the equipment.
- *Recommended Use Procedures.* Specific election administration procedures recommended for use with the system.
- *Software License Agreement.* The software license agreement must be perpetual. An annual renewable support fee may be included as an option.
- *Software Source Code.* A copy of the electronic pollbook source code shall be provided. It shall be supplied in the form of a listing and in a machine-readable form on media that is readable by the electronic pollbook system. If there is any chance of ambiguity, the required compiler must be specified.
- *Software System Design.* Documentation describing the logical design of the software. This documentation should clearly indicate the various modules of the software, their functions, and their interrelationships with each other.
- *Customer Documentation.* A complete set of all documentation which is available to the purchaser/user of the electronic pollbook system. Clearly identify the documentation that is included in the cost of the system and the documentation that is available for an additional charge.
- *Standard Contract.* Statement of deliverables to include: verification statement that equipment purchased is identical to equipment certified by the State Board of Elections, software licenses, warranties, support services provided, etc. and associated cost of each.
- *Warranty.* The period and extent of the warranty and the method of repair/replacement for all hardware items; the circumstances under which equipment is replaced rather than repaired and the method by which a user requests such replacement; additional warranties that are available over and above the standard warranty, what these warranties cover, and their costs; the period and extent of warranty and the method of correction or replacement for all software provided as part of the electronic pollbook system; and the technical documentation provided with all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time.

- *Test Data/Software.* Any available test data and/or software that can be used to demonstrate the various functions of the electronic pollbook system or verify that the version of the applications submitted are identical to the versions that will be certified.
- *Recommended Security Practices.* Documentation of the practices recommended by the vendor to ensure the optimum security and functionality of the system.

If the electronic pollbook system is certified, the State Board of Elections will retain all contents of the Technical Data Package as long as the electronic pollbook system is marketed or used in the Commonwealth of Virginia.

Corporate Information Components

Before evaluation can begin, the vendor must submit to the evaluation agent the Corporate Information as detailed below with each item clearly identified. If the Corporate Information is incomplete or the items in the package are not clearly identified, the entire package may be returned to the vendor and evaluation of the electronic pollbook system rescheduled.

The Corporate Information shall contain the following items:

- History and description of the business including year established, products and services offered, areas served, branch offices and subsidiary and/or parent companies.
- Management and staff organization, number of full time employees by category, number of part-time employees by category, resumes of key employees who will assist Virginia localities in acquiring the system if it is authorized for use.
- Audited Report of the business' most current fiscal year.
- Comfort letter from the business' primary bank. If the business uses more than one, multiple comfort letters must be submitted.
- Gross sales in voting products and services for the past three (3) years and the percent that is representative of the total sales of the business and its subsidiaries.
- The location and servicing capability of each service facility that will be used to service the electronic pollbook system for certification and the service limitation of the facility.
- If publicly traded, indexes rating the business debt.

- Quality assurance process used in the manufacturing of the electronic pollbook system.
- Configuration management process used with the electronic pollbook system.

If the electronic pollbook system is certified, the State Board of Elections will retain the Corporate Information as long as the electronic pollbook system is marketed or used in Virginia. The Department of Elections will sign a statement of confidentiality for corporate information only.

Proprietary Information

The vendor must clearly mark any information it requests be treated as confidential and proprietary before providing it to Virginia representatives for evaluation. Stating that the entire package is proprietary will be insufficient. All pages of the documentation that contain information the vendor considers proprietary information must be clearly marked as such. The State Board of Elections cannot guarantee the extent to which any material provided will be exempt from disclosure in litigation or otherwise.

Any non-profit or government agency, including the Virginia State Board of Elections, shall be exempt from sections 2.2.1 and 2.2.2 of this document, at the discretion of the Virginia State Board of Elections.

2.2.3. Step 3: Allow for Preliminary Review

The evaluation agent will conduct a preliminary analysis of the Technical Data Package, Corporate Information, and other materials provided and prepare an Evaluation Proposal containing the following information:

- Components of the electronic pollbook system requiring evaluation.
- Identification of any additional materials needed to ascertain financial stability and capabilities of the vendor to maintain support of the electronic pollbook system.
- Description of the activities required to complete the portion of the evaluation performed by the evaluation agent.
- Estimate of time required to complete the portion of the evaluation performed by the evaluation agent.

2.2.4. Step 4: Receive Authorization to Proceed

The vendor will review the Evaluation Proposal and notify the Virginia Department of Elections, in writing, of the desire to continue or terminate the evaluation process. A copy of this notification will be sent to the evaluation agent.

2.2.5. Step 5: Test/Pilot Election

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

2.2.6. Step 6: Certification

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

2.3. AUDIT AND VALIDATION OF CERTIFICATION

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

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

2.4. TIME FRAME

The State Board of Elections reserves the right to terminate the certification process at any time if the vendor fails to proceed in a timely manner. In particular, if a period of three months expires between any request for information by the Board or its evaluation agent and the vendor's response to that request, the Board will terminate the certification process. If the certification process is terminated under this provision, the vendor will forfeit any fees received by SBE. Any

certification process terminated under this provision must be re-initiated from Step 1, Section 2.2: Procedure for Certification.

The certification process is also terminated when:

- a. SBE issues a determination regarding certification;
- b. The Vendor withdraws from the process; or
- c. The system fails the certification test; or
- d. The vendor cannot conduct the certification testing with the equipment on-hand.

The process can only be re-initiated from Step 1, Section 2.2.: Procedure for Certification, if the process is terminated under conditions b, c, or d.

PART 3: CERTIFICATION

3.1. CERTIFICATION OVERVIEW

There are two distinct elements of testing that an electronic pollbook system must successfully complete before it can be certified for use in the Commonwealth of Virginia. These two levels are a **Technical Requirements Evaluation, Virginia Functional Configuration Audit, and Acceptance Testing.**

The Technical Requirements Evaluation is performed to ensure that the electronic pollbook system complies with any statutory and administrative requirements pertaining to data security and usage.

The Functional Configuration Audit is performed to assure that the electronic pollbook system complies with statutory, administrative, and operational requirements set forth by the State Board of Elections.

The Acceptance Testing is a locality event that will be completed after the electronic pollbook system is delivered to a locality to ensure that the system is functionally identical to the system that was certified.

3.2. TECHNICAL REQUIREMENTS EVALUATION

Prior to, or concurrently with, providing its electronic pollbook system to the State Board of Elections for a Functional Configuration Audit, the vendor shall submit its electronic pollbook system to a VSTL to verify functionality, stability, and applicability of the elements of the electronic pollbook system as set forth in this document.

The primary goal of the Technical Requirements Evaluation is to determine if the electronic pollbook system appropriately and securely warehouses, manages, and transfer voter registration data in compliance with the standards set forth by this document.

To support a review of Technical Requirements Evaluation, the following documents shall be provided to SBE:

1. A full copy of the Technical Data Package (TDP);
2. A copy of the Test Plan, Test Report and all Test Procedures and Test Cases from the VSTL;
3. A release to the VSTL to respond to any requests for information from all agencies in the Commonwealth of Virginia;

4. A release to other state election administration agencies which have certified the system or prior versions of the system to respond to any requests for information from the Commonwealth of Virginia; and

3.2.1. Electronic Pollbook System Hardware Elements

All equipment used in the electronic pollbook system shall be examined to determine if it is suitable for election use according to the appropriate procedures contained within this document. Equipment to be tested shall be identical in form and function with production units. Engineering or development prototypes are not acceptable.

Any modifications to existing hardware that has been previously certified by SBE will invalidate the prior certification unless it can be determined by the State Board of Elections that the change does not affect the accuracy, reliability, security, usability or accessibility of the system.

The Virginia SBE recognizes that most EPB vendors develop simple software solutions to be applicable to a variety of commercial-off-the-shelf (COTS) hardware elements that are traditionally chosen by its customers. It is because of this, SBE will only certify an EPB System on current or profoundly similar hardware platforms. A profoundly similar hardware platform shall be any device capable of running the identical version of the operating system as that being certified.

If the vendor is providing a “web-based” EPB solution, the system may only be certified on the devices that are submitted to the VSTL and SBE for the testing.

3.2.2. Electronic Pollbook System Software Elements

All elements of the electronic pollbook system software shall be examined and tested to ensure that it adheres to the performance standards specified within this document. This shall include but is not limited to, the firmware/operating system/platform of all hardware elements,

Modifications to existing software that has been previously certified by SBE will invalidate the certification unless it can be determined by the State Board of Elections that the change does not affect the accuracy, reliability, security, usability or accessibility of the system.

If the vendor wishes to provide a single feature enhancement to a previously certified system, the vendor shall have the opportunity to provide documentation and certification that the code and algorithms previously certified were not substantially altered to facilitate the addition of the single feature. Vendors may submit only one single feature enhancement within a six month window without the necessity to recertify the entire EPB System.

If the EPB system's operating system requires a modification after the system is certified the system shall maintain its certification with the operating system update, so long as the modification is provided solely to the operating system, the vendor provides notification of the modification of operating systems prior to their installation, and the update is provided directly from the operating system developer (ie Microsoft, Apple, or Android). This shall apply only to minor version numbers of operating systems.

The vendor shall submit to SBE, along with the operational version of the software, the source code and version change logs its electronic pollbook software at time of testing or modification.

SBE will not allow any EPB software wholly or containing components utilizing Alpha or Beta versions of software or programs to be tested.

3.3. VIRGINIA FUNCTIONAL CONFIGURATION AUDIT

State certification testing is intended to verify that the design and performance of the electronic pollbook system being certified complies with all applicable requirements of the *Code of Virginia* and SBE regulations and policies.

The certification test is not intended to require exhaustive tests of system hardware and software attributes; these are evaluated during the Technical Requirements Audit. However, all system functions, which are essential to the conduct of an election, will be evaluated.

An important focus of Virginia Functional Configuration Audit is to review the operation of the EPB system. This review requires making inquiries of other users of the system. State certification reports and other evaluations of the system are read and analyzed for insight into the suitability of the system for use in Virginia.

The recommended use procedures are examined along with the EPB system to determine how well the system will integrate into Virginia election law and management practices.

Testing is performed to evaluate the system with respect to the specific practices of Virginia.

Testing will evaluate all system operations and procedures that:

- a. Receive and process data containing applicable voter registration information;
- b. Receive and process data containing applicable polling place information;
- c. Receive and process data containing applicable election information;
- d. Verify system readiness for operation;

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- e. Accurately maintain whole and separate count(s) of voters distinguishable by Ballot Style, Voter's Party, Precinct, Precinct Split, Curbside Voter, Challenged Voter;
- f. Perform data and operational integrity safeguard tests including:
 - i. Removal and replacement of EPB units and other components,
 - ii. Variable power source evaluation(s);
- g. Obtain data and audit data reports; and
- h. Support recount or election audits.

The test environment will include the preparation and operation of election and voting databases, and the validation, consolidation, and reporting of administrative and voter credit data as required by law.

The state may perform hash testing of applications software to verify that the versions provided by the vendor are identical to the versions that have undergone Technical Requirements Evaluation.

3.3.1. Chart of Statutory Requirements

The chart below details EPB functional requirements as designated by statutory standings contained within *The Code of Virginia, Title 24.2. Elections*.

For the purpose of this chart, the following terms shall apply:

EPB System – an entire software and hardware solution (including networking and peripheral devices) that consists of an election management module and deployed scalable and networkable Precinct EPBs.

Precinct EPB – a software and hardware solution (including networking and peripheral devices) that are operated specifically within a precinct for the purpose of checking voters into the polling place(s).

VERIS – The Virginia Elections and Registration Information System. This is the online voter registration and election management portal used by SBE and ELECT to manage voters and elections.

Code Section	Requirement
Va. Const. Art. II, § 2	The EPB System shall have the ability to ensure that only voters residing within specific precinct are allowed to be checked into the current precincts on election day.
§ 24.2-531	The EPB System shall have the ability to prepare a separate pollbook report for each party taking part in a primary election at the same time.
§ 24.2-668(C)	The Precinct EPB shall have the ability to read and write data upon a removable memory device that can produce a list of those who voted. The Precinct EPBs removable memory device shall be sealable with other records of the election from the precinct. - or - The Precinct EPB must have the ability to produce a physical printed list directly from the pollbook device of persons who voted. The Precinct printed list of those who voted shall be formatted in a manner as to be sealable with other records of the election from the precinct.
§ 24.2-668(C)	The EPB System shall have the ability to indicate the election in which the data and reports were used.

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Code Section	Requirement
§ 24.2-611(B) § 24.2-668(C)	The EPB system shall have the ability to produce a final consolidated list of those who voted for the purpose of applying voter credit to VERIS.
§ 24.2-611(B)(ii)	The Precinct EPB shall have the ability to indicate whether a voter voted “Outside Polls” or “OP.” The operator shall be allowed to notate independently or in conjunction with other notations set forth in these requirements.
§ 24.2-611(B)	The Precinct EPB shall have the ability to automatically record a consecutive number of the voter at the time he offers to vote.
§ 24.2-611(C)	The EPB System shall employ AES standardized encryption methodologies to safeguard the data.
§ 24.2-651 § 24.2-652	The Precinct EPB shall have the ability to indicate when a voter has signed a required statement allowing him to vote. The Precinct EPB and the EPB System shall have the ability to provide listings and counts of such voters.
§ 24.2-652	The Precinct EPB shall have the ability to add additional voter records to the data set. This action shall prompt the Precinct EPB operator to verify that the addition was authorized by a locality’s General Registrar.
§ 24.2-653	The Precinct EPB shall NOT contain the ability to apply a consecutive pollbook count (PBC) number to any voter who cast a Provisional Ballot. The Precinct EPB and EPB System shall be able to produce a separate report listing all voters who cast a Provisional Ballot.
§ 24.2-711	The EPB System shall contain the ability to identify voters (contained within the initiating data set) who have already voted via the absentee process. All such voters, shall be displayed, at minimum, with the designation of “AB” in the record listing.
§ 24.2-711	The Precinct EPB shall contain the ability to produce a printable and/or screen displayed listing of all voters having been marked with “AB.”
§ 24.2-711	The Precinct EPB shall contain the ability for the operator to edit any voter record to include or to update a voter’s record to reflect a corrected or updated status of absentee voting.

3.3.2. Chart of Operational & Technical Requirements

The chart below details EPB operational and technical requirements as determined necessary for the effective use of EPB systems in Virginia.

For the purpose of this chart, the following terms shall apply:

EPB System – an entire software and hardware solution (including networking and peripheral devices) that consists of an election management module and deployed scalable and networkable Precinct EPBs.

Precinct EPB – a software and hardware solution (including networking and peripheral devices) that are operated specifically within a precinct for the purpose of checking voters into the polling place(s).

VERIS – The Virginia Elections and Registration Information System. This is the online voter registration and election management portal used by SBE and ELECT to manage voters and elections.

Applicability	Requirement
Database	The EPB System shall contain the ability to import, collect, store, retrieve, display, and edit information for all voter records and fields provided by VERIS.
Search/Lookup	The Precinct EPBs shall contain the ability to retrieve and display information for voters by any combination of manual or automated search fields: Last Name, First Name, Street Address, District Information, Voter ID Number, and/or DMV Customer Number
Simultaneous Elections	The EPB system and Precinct EPBs shall maintain the ability to consolidate the functional operations of multiple simultaneous elections while maintaining separate pollbook counts for each election.
Simultaneous Elections	The EPB system and Precinct EPBs shall maintain separate unique election records for each election held on the same day.
Simultaneous Elections	The Precinct EPBs shall prohibit the ability for any voter who has participated in one of the elections from participating in any of the other elections held on the same day without indicating that he has participated in the other election.

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Applicability	Requirement
Overall Capabilities	The EPB System and Precinct EPBs shall be structured with sufficient storage, networking, and processor components to access, display, and process 100% of voter records for a precinct containing at least 10,000 voter records.
Overall Capabilities	The EPB System and Precinct EPBs shall be structured with sufficient storage, networking, and processor components to access, display, and process voters from datasets with at least 800,000 voter registration records contained within the data set.
Overall Capabilities	The EPB System and Precinct EPBs shall have the ability to support all VA election types and ballot combinations.
Voter Check-In	The Precinct EPBs shall have the capability of providing the EPB operator with sufficient voter record information for determining a voter’s eligibility to vote, voter status, voted status, absentee status, districts and precinct information, and ballot code/type.
Voter Check-In	The Precinct EPBs shall have the ability to display informational prompts and/or warnings based on non-qualifying voter criteria. The Precinct EPBs shall have the ability to require an advanced user authentication to “override” check-ins for non-qualified voters.
Multiple Unit Synchronization	The Precinct EPBs must have the ability to conspicuously and automatically display and update the total count of voters checked-in at the precinct. If the Precinct EPBs communicate outside of their precinct, then EPB System shall have the ability to prohibit the display and/or combination of pollbook counts within any other precinct.
Multiple Unit Synchronization	The EPB System and Precinct EPBs shall be configured in such a manner that when any two (2) or more Precinct EPBs are networked together, all data on any one of the Precinct EPBs is automatically and simultaneously synchronized between all other Precinct EPBs.
Continuity of Operations	The EPB System and Precinct EPBs shall be configured to automatically synchronize data across any authorized device at added to the precinct network.

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Applicability	Requirement
User Interface & Reports	The Precinct EPBs shall contain the ability to display data reports on the Precinct EPB device screen and should allow the operator to send reports to a printer. At minimum, available reports must be able to contain a timestamp, the election identification information, total number of voter's assigned to a precinct, total number of "AB" voters, total number of voters with status of "active," total number of voters with status of "inactive," total voters checked-in, and total number of voters checked-in by party.
Overall Capabilities	The Precinct EPBs shall be capable of automatically switching to a self-contained direct current power source and not interrupt the operation or integrity of the data.
User Interface	The Precinct EPBs shall be configured in such a way that the operator is provided indication when the Precinct EPB device(s) is operating on battery power (DC). The Precinct EPBS shall be capable of operating on batter
Data Security	The EPB System and Precinct EPBs shall be configured to ensure controlled, secure logical/administrative access.
Data Security	The EPB System and Precinct EPBs shall be capable of providing accessible and exportable comprehensive audit logs of all transactions to include at minimum, timestamp and transaction/event.
Data At-Rest Security	The EPB System, Precinct EPBs, and all other components shall be configured in such a manner to provide a constant static data encryption methodology that minimally meets AES Data Encryption Standards at a level utilizing at least 256-bit keys.
Data In-Motion Security	The EPB System and Precinct EPBs shall be configured and managed in such a manner that all data in-motion maintains the highest level of physical or digital protections. The EPB System and Precinct EPBs shall be configured and managed in such a manner that they may never connect to publically accessible network.

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Applicability	Requirement
Data In-Motion Security	<p><i>If Precinct EPBs utilize LAN networking connectivity:</i></p> <p>All Precinct EPBs must be connected via LAN Ethernet Cable utilizing a closed and independent switch.</p> <p>-or-</p> <p>All Precinct EPBs must be connect via a closed wireless non-SSID broadcasting router with WPA/WPA2 encryption methodology employed, including and additional filtration scenario to allow only the known Precinct EPB devices the ability to connect to the wireless network.</p> <p>-and-</p> <p>The Precinct EPBs shall be configured in such a manner as to only be capable of connecting to the designated wireless networking device.</p>
Data In-Motion Security	<p><i>If EPB System and Precinct EPBs utilize WAN networking connectivity:</i></p> <p>All Precinct EPBs must be connected via a wireless non-SSID broadcasting router or network with at minimum WPA/WPA2 encryption methodology employed, including an additional filtration scenario to allow only the known Precinct EPB devices within the precinct to connect to the wireless network.</p> <p>-and-</p> <p>The EPB System shall be configured in a manner that all data transmission shall only use full tunneling methodology that permits specific routing and approved encryption standards. (VPN)</p> <p>-and-</p> <p>The EPB System and Precinct EPBs shall be configured in such a manner that the wireless infrastructure must authenticate each client device prior to access.</p> <p>-and-</p> <p>The EPB System and Precinct EPBs shall be configured in such a manner that two-factor authentication is employed.</p>
Data Storage & Redundancy	<p>All Precinct EPBs shall be configured in such a manner to automatically replicate and securely encrypt a copy of the data at all times to a removable/relocatable memory device such as a USB Memory Flash Drive.</p>

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 Electronic Pollbook Certification
 Procedures & System Requirements

Applicability	Requirement
Data Storage & Redundancy	<p><i>If the EPB System and Precinct EPBs are designed in such a manner to not be capable of connecting to a peripheral memory device:</i></p> <p>The Precinct EPBs shall be configured in such a manner to provide for the functionality to print reports and lists within the precinct at all times.</p> <p>-and-</p> <p>The Precinct EPBs shall maintain connectivity to the EPB System where each Precinct EPB’s local data shall stay copied, secured, and remotely accessible at all times.</p>
Maintenance & Support	The purchase of an EPB System and Precinct EPBs shall include warranty and service agreement options (hardware, software, technical support— telephone helpdesk, on-site support).
Maintenance & Support	The vendor of an EPB System and Precinct EPBs shall provide comprehensive training options for the locality.

3.4. ACCEPTANCE TEST

Acceptance Tests will be conducted by the local jurisdiction, with the assistance of state. Acceptance testing will be performed as part of the procurement process for the electronic pollbook system.

The local jurisdiction will conduct tests to confirm 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 capable of satisfying the administrative and statutory requirements of the jurisdiction. The state may require localities to perform hash testing of applications software for this purpose. SBE will request that upon acquiring equipment, the locality forwards a letter to SBE confirming that the versions of all software and model(s) of equipment received are identical to the certified system that was ordered.

The acceptance test will demonstrate the system's ability to execute its designed functionality as advertised and tested, including but not limited to:

- a. Create a deployable election based on the type of locality;
- b. Mark voters as having voted and been given a ballot only after specific action;
- c. Provide the user notification and prompt specific action for: protected voters, inactive voters, absentee voters, voters out of precinct, voters that already voted;
- d. Provide for the ability to add a voter to the electronic pollbook and to the ability to record as the voter as having voted;
- e. Generate system status and error messages;
- f. Comply with and enable voter and operator compliance with all applicable procedural, regulatory, and statutory requirements.
- g. Produce an audit log.
- h. Close the election and provide multiple secure files capable of providing voter credit to SBE systems.

APPENDIX A - GLOSSARY

Acceptance Testing - The purpose of acceptance testing is to demonstrate and confirm to the greatest extent possible that the electronic pollbook systems purchased or leased by a local jurisdiction are identical to the electronic pollbook systems certified by the State Board of Elections and that the electronic pollbook systems equipment and software are fully functional and capable of satisfying the administrative and statutory requirements of the local jurisdiction. Acceptance testing is conducted when electronic pollbook systems are initially received by the local electoral board from a vendor or other outside source (e.g., another local jurisdiction).

Certification Testing - The purpose of certification testing is to verify that the design and performance of the electronic pollbook system being tested comply with all of the requirements of the *Code of Virginia*. Certification testing is not intended to exhaustively test all of the electronic pollbook system hardware and software attributes; these are evaluated during qualification testing by an approved VSTL. However, all electronic pollbook system functions, that are essential to the conduct of an election and a recount, are evaluated.

Electronic Pollbook System - 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). The system is used to verify voter registration; track and report or the voter count total(s); and to maintain and produce any review audit information.

Evaluation Agent – A staff member, or independent contractor, designated by the Virginia State Board of Elections to perform analysis and testing of an electronic pollbook system.

Functional Configuration Audit – A series of comprehensive tests of the Electronic Pollbook System to determine the specific and situational capability and compatibility of the system to facilitate the statutory and administrative requirements

Technical Requirements Evaluation - The purpose of Technical Requirements Evaluation is to demonstrate that the electronic pollbook system complies with the requirements of its own design specifications and operates in accordance with the statutory and administrative requirements of the Commonwealth of Virginia and the State Board of Elections. This testing encompasses selective in-depth examination of software; inspection and evaluation of electronic pollbook system documentation; tests of hardware under conditions simulating the intended storage, operation, transportation, and maintenance environments; and tests to verify system performance and function under normal and abnormal operating conditions. Technical Requirements Evaluation is normally conducted by a Voting System Test Laboratory (VSTL).

Voting Systems Test Laboratory (VSTL): Test laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) to be competent to test electronic pollbook systems. When NVLAP has completed its evaluation of a test lab, the Director of NIST will forward a recommendation to the EAC for the completion of the accreditation process. It can also be referred to as an electronic pollbook system Test Laboratory.

APPENDIX B – ABILITY TO COMPLY FORM

This form is required to initiate the procedures of Electronic Pollbook System Certification in Virginia. A corporate officer of the primary company that is responsible for the development, maintenance, and support of the Electronic Pollbook System must complete this form.

Name of Company: _____

Primary Address of Company: _____

City, State, Zip Code: _____

Name of EPB System to be certified: _____

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

Brief description of software capabilities, hardware components, and operating systems(s) to be certified: _____

Name and Title of Corporate Officer: _____

I acknowledge that I have reviewed the entirety of *Electronic Pollbook Certification, Procedures & System Requirements, Rev-0315* and acknowledge that the above stated Electronic Pollbook System contains the ability to meet all requirements as designated within sections 3.3.1. Chart of Statutory Requirements and 3.3.2. Chart of Operational & Technical Requirements.

Furthermore, I acknowledge that the above stated company and Electronic Pollbook System will comply with all elements of this certification program.

Signature of Corporate Officer: _____

Date: _____

**This form is to be submitted with the Request for Certification Letter.*

APPENDIX C - CONTACTS

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Adjournment

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BOARD MEETING

Wednesday, April 1, 2015
Washington Building
Room B27
2:00PM

SBE Board Working Papers
Prepared by Rose Mansfield
SBE Clerk