



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Friday, January 8, 2016  
General Assembly Building  
Room C  
10:00AM

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SBE Board Working Papers



**STATE BOARD OF ELECTIONS  
AGENDA**

*DATE: January 8, 2016  
LOCATION: General Assembly Building, Room C  
TIME: 10:00 a.m.*

- I. CALL TO ORDER** *James B. Alcorn  
SBE Chair*
- II. APPROVAL OF MINUTES** *SBE Board Members*  
December 16, 2015
- III. COMMISSIONER'S REPORT** *Edgardo Cortés  
ELECT Commissioner*
- IV. LEGAL REPORT** *Anna Birkenheier  
ELECT & SBE Legal Counsel*
- V. OLD BUSINESS**
- A. Campaign Finance Update** *Brooks Braun  
ELECT Policy Analyst*
- VI. NEW BUSINESS**
- A. GREB Workgroup – Final Report** *GREB Workgroup Co-Chairs  
John Hager & Jean Jensen*
- B. City of Winchester request – voting equipment** *Edgardo Cortés  
ELECT Commissioner*
- C. Albemarle County Electoral Board Request for Guidance** *Edgardo Cortés  
ELECT Commissioner*
- D. Halifax County Voting Equipment Issues** *Edgardo Cortés*
- E. Richmond City Election Day Issues** *Edgardo Cortés*
- F. Prince William County** *Edgardo Cortés*
- G. 2016 Presidential Election Preparation & Planning** *James Alcorn  
SBE Chair*
- VII. OTHER BUSINESS & PUBLIC COMMENT**  
**Next Meeting – February 2, 2016-Patrick Henry  
Building-West Reading Room-11a.m.**
- VIII. ADJOURNMENT**



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# Call to Order

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BOARD WORKING PAPERS



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STATE BOARD *of* ELECTIONS

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# Minutes Approval December 16, 2015

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BOARD WORKING PAPERS  
SBE Board Members

1           MINUTES

2

3           The State Board of Elections Board Meeting was held on Wednesday, December  
4 16, 2015. The meeting was held in the General Assembly Building, Richmond, Virginia  
5 – Room C. 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; Martin Mash, Policy Advisor; Martha Brissette, Policy Analyst;  
9 Myron McClees, Policy Analyst; Brooks Braun, Policy Analyst; Reiko Doğu, Senior  
10 Elections Administrator, and Rose Mansfield, Clerk. Anna Birkenheier, Assistant  
11 Attorney General and Counsel to SBE and ELECT attended. Chairman Alcorn called the  
12 meeting to order at 10:10PM. Secretary Singleton McAllister arrived at 10:50PM.

13           The first order of business was the approval of the Minutes from the State Board  
14 of Elections Board Meetings held on November 3, 2015 and November 16, 2015.  
15 Chairman Alcorn asked if Board Members had any additions or corrections to the Board  
16 Meeting Minutes presented and there were none. Vice Chair Wheeler moved *to adopt the*  
17 *Minutes for the November 3, 2015 and November 16, 2015 meetings*. Chairman Alcorn  
18 second the motion. The Board unanimously approved the motion.

19           The second order of business was the Conflict of Interest Statement presented by  
20 Martha Brissette, ELECT Policy Analyst. Ms. Brissette stated that the 2015 legislative  
21 session passed ethics reform legislation that included changes to Virginia’s State and  
22 Local Government Conflict of Interest Act (COIA) and the General Assembly Conflict of  
23 Interest Act (GACOIA). Ms. Brissette stated that the effective date for those changes is  
24 January 1, 2016 and ELECT is proposing to meet the responsibility by utilizing the  
25 candidate bulletins to inform the “Candidates” of the changes. Ms. Brissette stated that  
26 the May 3, 2016 election would be the first election that candidates would be subject to  
27 the law change. Ms. Brissette stated that the information would be provided on the  
28 ELECT website and the Board would be approving the notification process/language as  
29 the legislators approved the change in their ethics reform legislation. Chairman Alcorn  
30 moved *that the Board (i) approve staff’s proposed additional language for the May 3,*  
31 *2016 municipal elections, and (ii) direct staff to add similar language to forms,*

32 *instructions and guidance documents where appropriate.* Vice Chair Wheeler second the  
33 motion and without public comment the Board unanimously approved the motion.

34 The next order of business was the General Registrars Full-Time requests  
35 presented by Martin Mash, ELECT Policy Advisor. Mr. Mash stated that the Virginia  
36 Budget authorizes and funds general registrars with a population in most counties under  
37 10,000 and cities under 7,500 to work on a part-time basis for most of the year. While the  
38 Budget does provide funding for the registrars to be compensated to work full-time for  
39 the months surrounding each year's May General Election (March through May), the  
40 Budget does not account for other elections, including local elections and primaries.  
41 Chapter 3, 2014 Acts of the Assembly, Item 84(C) (the "Budget") does include an  
42 appropriation from the general fund to provide temporary full-time status for part-time  
43 general registrars.

44 Mr. Mash informed the Board that the following localities submitted temporary  
45 full-time requests: Charles City County, City of Buena Vista, Craig County, Galax City,  
46 Mathews County, Richmond County, Surry County, Covington City, Bland County, and  
47 Lexington City. Commissioner Cortés stated that the range of dates varied in the request  
48 to fit the particulars of each of the localities requesting temporary full-time status. Vice  
49 Chair Wheeler moved *that the Board approve the requests from Charles City County,*  
50 *City of Buena Vista, Craig County, Galax City, Mathews County, Richmond County,*  
51 *Surry County, Covington City, Bland County, and Lexington City and that ELECT staff*  
52 *provide a list of the range of dates requested.* Chairman Alcorn second the motion and  
53 without public comment the Board unanimously approved the motion.

54 The next order of business was the Goochland County request for Post-Election  
55 Audit presented by Myron McClees, ELECT Policy Analyst. Mr. McClees stated  
56 Virginia Code § 24.2-671.1 allows for localities to request an audit of ballot scanner  
57 machines to assess their accuracy. Audits are often performed when new voting machines  
58 are being considered for potential certification for use in the Commonwealth however:  
59 the Electoral Board for Goochland County has unanimously voted to request an audit of  
60 its voting machines after anomalies in tallies were discovered during their canvass of the  
61 November 2015, General Election.

62 Mr. McClees reported that this will be the first time a post-election audit is  
63 conducted under this current *code* provision. The Chairman of the Goochland County  
64 Electoral Board has confirmed that the statutory requirements for an audit exist within  
65 their certified results. Mr. McClees stated that all candidates whose votes would be  
66 reassessed won by a margin of at least ten percent. Mr. McClees stated that the machines  
67 to be audited would be in precincts 101, 104, 201, 301, and 401. Mr. McClees stated that  
68 the audit would have no effect on the official election results and the totals determined  
69 during the audit are used to assess the accuracy of the voting machines. Mr. McClees  
70 stated that the audit documents provided to board members were provided by Larry  
71 Haake, General Registrar of Chesterfield County. Mr. McClees thanked Mr. Haake for  
72 his assistance on this request. Chairman Alcorn asked if there were any comments. Robin  
73 Lind, Chairman of the Goochland County Electoral Board approached the podium.

74 Mr. Lind stated that he was available to answer any questions regarding the  
75 request. Chairman Alcorn stated that he would look forward to reviewing the results of  
76 the audit. Vice Chair Wheeler noted that it was peculiar that candidates in uncontested  
77 elections would receive the same number of votes. Mr. Lind stated that the request for the  
78 audit was made for this reason and the integrity of the machines needs to be verified.  
79 Vice Chair Wheeler moved *that the Board approve the request from the Electoral Board*  
80 *of Goochland County for an audit of their ballot scanner machines in Precincts 101, 104,*  
81 *201, 301, and 401.* Chairman Alcorn second the motion and without further public  
82 comment the Board unanimously approved the motion.

83 The next order of business was the Commissioner Report. Commissioner Cortés  
84 stated ELECT has been working on the post-election details of the November 3, 2015,  
85 General Elections and preparing for the March 1, 2016 presidential primary.  
86 Commissioner Cortés stated that ELECT has filled the position of Business Manager and  
87 announced that Jeanine Black accepted the position. Commissioner Cortés thanked the  
88 Election Uniformity Team for their efforts in preparing for the dual primary in March,  
89 2016. Commissioner Cortés stated that ELECT has been focused on the certification  
90 process both on (i) voting equipment and (ii) electronic pollbooks. Commissioner Cortés  
91 stated that ELECT has been working with the vendors to strengthen the certification  
92 process and will have a report to present at the January, 2016 SBE Board Meeting.

93 Commissioner Cortés stated that ELECT implemented a state-wide registration system  
94 that allows localities to report on their equipment and to make changes when they  
95 purchase new equipment. Chairman Alcorn stated that having the equipment version  
96 indicator attached to the equipment identifier listed for each locality is important.  
97 Commissioner Cortés stated that ELECT is increasing activity on the social media sites  
98 and numerous enhancements have been made to the website. Commissioner Cortés stated  
99 that this has created an increase in the number of individuals who are utilizing the  
100 ELECT resources. Commissioner Cortés stated in November 2014, which was a federal  
101 election year, ELECT experienced approximately 9,700 sessions and in November 2015,  
102 ELECT experienced approximately 47,000 sessions. Chairman Alcorn asked if there  
103 were public comments. Greg Riddlemoser, General Registrar of Stafford County,  
104 provided public comment.

105 The next order of business was the Campaign Finance Violations presented by  
106 Brooks Braun, ELECT Policy Analyst. Mr. Braun stated that the first Stand by Your Ad  
107 complaint was for Arnika Green. Mr. Braun explained the materials associated to the  
108 complaint and the disclaimer violation associated to the materials. Chairman Alcorn  
109 asked if the candidate was present and wished to speak on the issue before the board. Ms.  
110 Green approached the podium. Ms. Green stated that the sender of the complaint against  
111 her campaign only sent in pictures of one side of her campaign signs. Ms. Green provided  
112 documentation to support that a sticker with the proper campaign disclosure where on her  
113 signs and provided the invoices to show the ordering of those items. Ms. Green provided  
114 a used sign to board members as evidence of the compliance. Board Members reviewed  
115 the materials presented by Ms. Green. Chairman Alcorn moved *that after reviewing the*  
116 *evidence presented the complaint against Ms. Green will be dismissed.* Vice Chair  
117 Wheeler second the motion and without comment the Board unanimously approved the  
118 motion.

119 Mr. Braun stated that the second Stand by Your Ad complaint was for Georgette  
120 Phillips. Mr. Braun explained the materials associated to the complaint and the disclaimer  
121 violation associated to the materials. Chairman Alcorn asked if the candidate was present  
122 and wished to speak on the issue before the board. Ms. Phillips approached the podium.  
123 Ms. Phillips apologized to SBE for the one-time error. Vice Chair Wheeler moved *that*

124 *the complaint be dismissed.* The motion lay on the floor for a lack of a second. Secretary  
125 McAllister stated that consistency of accessing fines for Stand by Your Ad violations was  
126 important and that SBE had previously accessed fines for similar violations. Vice Chair  
127 Wheeler rescinded her motion. Mr. Braun stated that ELECT recommends that SBE  
128 should find that Georgette Phillips has violated the provisions of Stand by Your Ad and  
129 should fine the campaign accordingly in an amount not to exceed \$1000.00. Chairman  
130 Alcorn moved *that SBE assess a civil penalty of \$100.00 to the Georgette Phillips*  
131 *Campaign.* Secretary McAllister seconded the motion and without further comment the  
132 Board unanimously approved the motion.

133 Mr. Braun stated that the next Stand by Your Ad complaint was for Townsend  
134 Van Fleet. Mr. Braun explained the materials associated to the complaint and the  
135 disclaimer violation associated to the materials. Mr. Braun stated that staff recommends  
136 that SBE should find that Townsend Van Fleet has violated the provisions of the Stand by  
137 Your Ad and should fine the campaign accordingly in an amount not to exceed \$1000.00.  
138 Chairman Alcorn stated that historically a first time offense has a penalty of \$100.00  
139 assessed to the candidate. Mr. Braun noted that there were four separate violations.  
140 Chairman Alcorn stated that this violation scenario should be researched by ELECT to  
141 maintain consistency in accessing fines. Chairman Alcorn moved *that SBE table the*  
142 *consideration to assess a fine to the Townsend Van Fleet Campaign.* Secretary  
143 McAllister second the motion and without public comment the board unanimously  
144 approved the motion.

145 Mr. Braun stated that the next Stand by Your Ad complaint was for Robert  
146 Gibbons. Mr. Braun explained the materials associated to the complaint and the  
147 disclaimer violation associated to the materials. Mr. Braun stated that the yard signs  
148 involved in the complaint were posed in the 14 days prior to an election and therefore:  
149 ELECT recommends a penalty of \$250.00. Chairman Alcorn asked if the candidate was  
150 present and wished to speak on the issue before the board. Mr. Gibbons approached the  
151 podium and stated that the disclosure was overlooked and apologized for the error and  
152 any embarrassment it may have caused his employer as he is an employee of the federal  
153 government. Mr. Gibbons stated that the error was his fault however: had no intention of  
154 committing the error. Greg Riddlemoser, General Registrar of Stafford County, spoke on

155 the behalf of Mr. Gibbons. Chairman Alcorn moved *that SBE assess a civil penalty of*  
156 *\$200.00 to the Robert Gibbons campaign.* Secretary McAllister seconded the motion and  
157 without further comment the Board unanimously approved the motion.

158 The next order of business was the campaign violation for Jacqueline Smith. Mr.  
159 Braun stated that ELECT received a complaint regarding candidate Jacqueline Smith and  
160 her print advertisement that did not contain the required Stand by Your Ad disclosure.  
161 Board members reviewed the submitted materials. Mr. Braun stated that ELECT  
162 recommends that SBE should find that Jacqueline Smith has violated the provisions of  
163 Stand by Your Ad and should fine the campaign accordingly in an amount not to exceed  
164 \$1000.00. Chairman Alcorn asked if the candidate was present and wished to speak on  
165 the issue before the board. The candidate was not present. Mr. Braun stated that the  
166 attorney for Ms. Smith was present and submitted a letter requesting deferral of the  
167 complaint. Chairman Alcorn moved *that SBE table the consideration to assess a fine to*  
168 *the Jacqueline Smith campaign.* Vice Chair Wheeler second the motion and without  
169 public comment the board unanimously approved the motion.

170 Mr. Braun stated that SBE was provided with a memorandum in the board  
171 working papers which discusses the protocol for handling campaign finance complaints.  
172 Vice Chair Wheeler stated that SBE should give consideration to the hearing of campaign  
173 finance complaints on the same time-line at they are received by ELECT verses after the  
174 election occurs. Chairman Alcorn asked that ELECT forward the complaints to the  
175 Board Members as they are received and SBE would direct ELECT to place the  
176 complaints on the agenda for the next appropriate board meeting depending on the  
177 circumstances of the complaint. No further input was received on campaign finance  
178 violations.

179 The next order of business was the Ballot Order Drawing for the Presidential  
180 Primary on March 1, 2016 presented by Rieko Doğu, Senior Elections Administrator. Ms.  
181 Doğu explained the process and explained that persons seeking ballot access for the  
182 presidential primary submitted their petitions to ELECT. ELECT then notified the parties  
183 of the acceptance of the petitions and the parties identified the qualifying candidates. Ms.  
184 Doğu identified by name the list of candidates to be placed on the Democratic Party,

185 March 1, 2016, Presidential Ballot. The ballot drawing was conducted by SBE and  
186 confirmed by Ms. Mansfield, SBE Clerk. The ballot order for the Democratic Party:

- 187 1. Hillary Clinton
- 188 2. Martin J. O'Malley
- 189 3. Bernie Sanders

190

191 Ms. Doğu identified by name the list of candidates to be placed on the Republican Party,  
192 March 1, 2016, Presidential Ballot. The ballot drawing was conducted by SBE and  
193 confirmed by Ms. Mansfield. The ballot order for the Republican Party:

- 194 1. Marco Rubio
- 195 2. Lindsey Graham
- 196 3. Ben Carson
- 197 4. Rand Paul
- 198 5. Mike Huckabee
- 199 6. Ted Cruz
- 200 7. Donald Trump
- 201 8. Jim Gilmore
- 202 9. Chris Christie
- 203 10. Jeb Bush
- 204 11. Rick Santorum
- 205 12. John Kasich
- 206 13. Carly Fiorina

207

208 Chairman Alcorn moved *that the Board certify the ballot order as drawn for the March*  
209 *1, 2016 Democratic and Republican Primaries*. Vice Chair Wheeler second the motion  
210 and without public comment the Board unanimously approved the motion.

211 The next order of business was the RPV Affirmation Statement presented  
212 by Rieko Doğu, Senior Elections Administrator. Ms. Doğu stated the steps prescribed in  
213 §24.2-545A of the *code* of the Commonwealth of Virginia:

214 If the party has determined that it will hold a presidential primary, each registered  
215 voter of the Commonwealth shall be given an opportunity to participate in the presidential  
216 primary of the political party, as defined in § 24.2-101, subject to requirements determined  
217 by the political party for participation in its presidential primary. The requirements may  
218 include, but shall not be limited to, the signing of a pledge by the voter of his intention to  
219 support the party's candidate when offering to vote in the primary. The requirements  
220 applicable to a party's primary shall be determined at least 90 days prior to the primary date  
221 and certified to, and approved by, the State Board.

222 Ms. Doğu stated that the letter and supporting materials requesting the Board to approve the  
223 use of a pledge is in the Board packet. The Department of Elections has taken the language  
224 proposed by the Republican Party of Virginia and formatted it for use in polling places on  
225 election day and for inclusion in the absentee voter packet. The formatting is based on similar  
226 documents previously approved by the Board in 2011.

227 Chairman Alcorn asked “What happens to the statements [RPV Pledge] after they are  
228 signed by the voter?” Ms. Doğu stated that the statements are treated as election materials  
229 and are handled in the same manner by being delivered to the clerk of the court with the other  
230 sealed election materials. Commissioner Cortés stated that the statement/oath is not available  
231 to the parties for inspection after the conclusion of the primary. Secretary McAllister inquired  
232 if the other political parties had requested a statement or oath similar to the Republican  
233 Parties request. Commissioner Cortés stated that the Democratic Party indicated in their  
234 certification that they were not requesting a statement or oath to be signed by voters.  
235 Chairman Alcorn inquired if there was a cost associated to the statements. Commissioner  
236 Cortés stated that the localities endure the cost in the printing and handling of the  
237 statements/election materials. Chairman Alcorn asked if there was any public comment.

238 Greg Riddlemoser, General Registrar of Stafford County, approached the podium.  
239 Mr. Riddlemoser stated that if the statement is allowed voters will be angered and logistically  
240 handling an additional 40,000 sheets of paper will be troublesome. Olga Hernandez, Virginia  
241 League of Women Voters, stated that a pledge and the process of issuing the pledge would be  
242 a nightmare to election officials and will unduly increase the length of the lines. Ms.  
243 Hernandez stated that the legality of being denied a ballot if the voter does not sign a  
244 statement/oath should be given consideration. Robin Lind, Chairman of the Goochland  
245 County Electoral Board, stated that he echo the sentiments of Mr. Riddlemoser. John Findlay,  
246 Executive Director of the Virginia Republican Party (RPV), stated that the RPV designed the  
247 statement/oath with consideration of not disenfranchising voters. Mr. Findlay stated that for  
248 clarification the document is a statement not a pledge. Mr. Findlay stated that the RPV has  
249 offered to distribute and pay for the cost associated to the statements and we were informed  
250 by ELECT that this would not be feasible. Mr. Findlay stated that the entry of telephone  
251 numbers and email addresses on the statement would be optional on the part of the voter.  
252 Therese Martin, Virginia League of Women Voters, stated that as an election officer the  
253 logistics will create long lines. Larry Haake, Chesterfield County General Registrar, stated

254 that a voter statement/pledge was utilized in the year 2000 by the Republican Party. Mr.  
255 Haake stated that the voters were angry and blaming election officials for the process and the  
256 delays. Vice Chair Wheeler inquired of Mr. Haake if this process was burdensome. Mr.  
257 Haake stated that the election officials, who are volunteers, blamed the election workers and  
258 became vocal citing a breach of privacy and unjust dedication to a party when Virginians do  
259 not registrar by political party. Mr. Haake stated that when a voter perceives that anything is  
260 between them and the ballot they become angry. Mr. Findlay returned to the podium and  
261 stated that the 2000 primary election had an unusually high turnout and stated that this data  
262 negates the concerns of the registrars and election officials. Lisa Jeffers, General Registrar of  
263 the City of Waynesboro, stated that this is a party request and the election officers will be  
264 trained. Chairman Alcorn asked if there were any additional comments and there were none.

265 Chairman Alcorn moved *that the Board approve the proposed Voter Statement of*  
266 *Republican Party Affiliation as amended by the Department of Elections staff specifically to*  
267 *change pledge to statement of the document requested by the RPV.* Vice Chair Wheeler  
268 second the motion and without further public comment the Board unanimously approved the  
269 motion.

270 Chairman Alcorn moved *that SBE go into recess until 12:40PM.* Vice Chair Wheeler  
271 seconded the motion and without public comment the Board unanimously approved the  
272 motion, The Board went into recess at 12:30PM. Chairman Alcorn moved *that the Board*  
273 *reconvene at 12:40PM.* Vice Chair Wheeler second the motion and without public comment  
274 the Board unanimously approved the motion.

275 Vice Chair Wheeler moved *that the SBE Board close the meeting to discuss*  
276 *specific legal matters requiring the provision of legal advice by legal counsel as*  
277 *authorized by § 2.2-3711(A)(7) of the Code of Virginia.* Chairman Alcorn seconded the  
278 motion and without public comment the Board unanimously approved the motion.  
279 Chairman Alcorn directed Clara Belle Wheeler, Vice Chair; Singleton McAllister,  
280 Secretary; Anna Birkenheier, Assistant Attorney General and SBE Counsel;  
281 Commissioner Cortés and Confidential Policy Advisor, Martin Mash to remain with the  
282 Board during the closed session. The Board went into executive session at 12:45PM.

283 At 2:15PM Chairman Alcorn moved *to reconvene in open session and a roll call*  
284 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*  
285 *certifying that during the closed meeting (i) only public business matters lawfully*

286 *exempted from open meeting requirements under this chapter, and (ii) only such public*  
287 *business matters as were identified in the motion by which the closed meeting was*  
288 *concerned were heard, were discussed or considered.* Secretary McAllister seconded the  
289 motion and the Board unanimously approved the motion. Ms. Mansfield performed the  
290 roll call vote and all Board Members approved the motion.

291 Secretary McAllister moved *that SBE authorize the Commissioner of Elections to*  
292 *participate in the continued settlement discussion in the case of Lee v. SBE and delegate*  
293 *to him the authority to approve a settlement agreement on behalf of the Board as per the*  
294 *Boards' instruction.* Chairman Alcorn second the motion and without public comment  
295 the Board unanimously approved the motion.

296 The next order of business was the Electronic Pollbooks Certification presented  
297 by Commissioner Cortés. Commissioner Cortés provided a summary of the process and  
298 stated that Virginia Information Technologies Agency (VITA) began an end-to-end  
299 security analysis and penetration tests in September, 2015. Commissioner Cortés stated  
300 that the Board voted to revise the certification process to include this new testing regime.  
301 During the review of EPB solutions VITA discovered that this solution may use external  
302 storage of data that would put sensitive records outside of the control of the  
303 Commonwealth. Commissioner Cortés stated that Virginia requires that all data classified  
304 as sensitive with respect to confidentiality, integrity, or availability remain within the  
305 geographical boundaries of the Commonwealth and that data classified as sensitive be  
306 housed only within facilities owned or leased by the Commonwealth. Commissioner  
307 Cortés stated that the systems to be certified are ES&S, KnowINK, and Robis Electronic  
308 Pollbook Systems. Commissioner Cortés reviewed the systems to be certified and the  
309 testing process for which each system underwent. Commissioner Cortés stated that  
310 ELECT has requested that the Board approve the systems with the inclusion of two  
311 provisions. Commissioner Cortés noted that ELECT is working diligently to protect  
312 voters' sensitive information.

313 Chairman Alcorn asked for an overview of the certification process and how it  
314 related to the electronic pollbooks. Commissioner Cortés stated that the certification  
315 standards that were adopted by SBE, this year, were more vigorous and provided the  
316 Board increase leeway in case there was something of concern to the Board that

317 additional testing could be requested. During the test elections there was an issue in one  
318 of the polling place where voter records were altered. This created a security concern and  
319 ELECT asked VITA to assist in the testing. As a result, ELECT asked SBE to allow an  
320 additional review by VITA. VITA discovered, during this review, a data management  
321 issue in that sensitive information was being maintained outside of the state requirements  
322 which create problematic data storage issues. Commissioner Cortés stated that ELECT is  
323 the data owner of the information and is responsible for protecting the information. The  
324 vendors have provided ELECT with solutions to these concerns.

325 Paul Stenbjorn, ELECT Consultant, spoke to the subject. Mr. Stenbjorn stated that  
326 an audit of the systems does not require ELECT personnel to travel to the locality but  
327 does require a statement by the locality that a test was conducted prior to deploying the  
328 equipment for use. Matt Davis, ELECT CIO, stated that the EPB systems currently  
329 awaiting certification are not manageable without the two provisions with the actions  
330 suggested by ELECT staff. Mr. Davis stated that a cloud hosted system that is not under a  
331 contractual agreement with the Commonwealth cannot be utilized. If a data breach  
332 occurs; the Commonwealth, ELECT, and Commissioner Cortés would be liable.  
333 Secretary McAllister stated that the concern in Fairfax County is that the new EPB's  
334 would not be a viable option with the certification timeline for the March, 2016  
335 presidential primaries if action was not expedited by VITA.

336 Chairman Alcorn asked if there were any public comments. Public speakers on  
337 this agenda item were: Cameron Sasnett, Fairfax County General Registrar; Greg  
338 Riddlemoser, Stafford County General Registrar; Steve Hunt, Chairman Stafford County  
339 Electoral Board; and Olga Hernandez, Virginia League of Women Voters. SBE members  
340 discussed options and motion language regarding certifying the EPB's.

341 Vice Chair Wheeler moved *that the Board certify the EPB systems, ES&S,*  
342 *KnowINK, and Robis for use in elections in the Commonwealth of Virginia, pursuant to*  
343 *the Electronic Pollbook Certification: Procedures & Requirements. Provided that: (i)*  
344 *Prior to entering into any contractual agreements for this solution, the locality must*  
345 *review the contract with the Department of Elections in its role as data owner and the*  
346 *Department of Elections must approve the contract language related to data security*  
347 *standards, (ii) The Department of Elections must be able to audit the installation of this*

348 *solution prior to its being deployed for use in any election, and (iii) that the Department*  
349 *of Elections must expedite the process working with the localities to achieve those goals.*  
350 Secretary McAllister second the motion and without further public comment the Board  
351 unanimously approved the motion.

352 The next order of business was the SB 11 Workgroup Final Report presented by  
353 Matt Davis, ELECT CIO. Mr. Davis stated that in 2014 the general assembly passed SB  
354 11 that directed SBE to convene a working group for the development of the initial  
355 instructions, procedures, services, security assessment, and security measures for the  
356 secure return by electronic means of voted absentee military-overseas ballots from  
357 uniformed-service voters outside of the United States. The workgroup has completed  
358 their report and is submitting the report to SBE for final submission to the Governor with  
359 the Boards' approval. Mr. Davis stated that the workgroup developed a solution which is  
360 in the report presented in the board working papers. Mr. Davis stated that military  
361 member would conduct all aspects of voting absentee on-line. Mr. Davis stated that the  
362 estimated annual cost is \$850,000 and a one-time development cost of \$1,400,000 with  
363 more specific details included in the report. Mr. Davis stated that the workgroup is  
364 asking that the submitted report be approved and that ELECT is directed to deliver the  
365 report to the Governors' Office and the members of both Privileges and Elections  
366 Committees. Secretary McAllister suggested that ELECT attach a letter to the report and  
367 send the final report to the Governor, Privileges and Elections Committee members, and  
368 General Assembly sponsors of the bill. Vice Chair Wheeler moved *that an introduction*  
369 *letter accompany the workgroup report and be delivered to the Governor and all*  
370 *members of both the Senate and the House Privileges and Elections Committee.* Secretary  
371 McAllister second the motion and without public comment the Board unanimously  
372 approved the motion.

373 Chairman Alcorn asked if there was any other business. Commission Cortés  
374 stated that Gary Fox, Elections Uniformity Supervisor would be retiring at the end of  
375 2015. Commission Cortés thanked Mr. Fox for his tireless efforts and dedication to the  
376 election process and community. Commission Cortés stated that Mr. Fox would be  
377 missed by ELECT. SBE Members wished Mr. Fox well and stated that they will miss his

378 expertize. Chairman Alcorn asked if there was any other business to come before the  
379 Board.

380 Vice Chair Wheeler asked about the touch screen equipment in Halifax County.  
381 Vice Chair Wheeler described the particulars of the situation with the equipment. Vice  
382 Chair Wheeler stated that 22 of the 55 machines had issues. Commissioner Cortés stated  
383 that a report would be delivered to SBE at the January 2016, board meeting. Chairman  
384 Alcorn asked if this locality was having a contest due to voting equipment irregularities.  
385 Commissioner Cortés stated that is a correct statement. Commissioner Cortés stated that  
386 Halifax County would be sent a request to attend the meeting.

387 Vice Chair Wheeler stated that the GREB Workgroup was due to present their  
388 final report today but did not. The goals and achievements of this workgroup were  
389 admirable. Vice Chair Wheeler asked that the workgroup be recommissioned for an  
390 additional year. Chairman Alcorn stated that issue will be taken up at the January 2016,  
391 board meeting.

392 Chairman Alcorn moved *that the Board adjourn*. Secretary McAllister seconded  
393 the motion and without further comment the Board voted unanimously to adjourn. The  
394 meeting was adjourned at approximately 4:10PM.

395 The Board shall reconvene on January 8, 2016 at 10:00AM in the General  
396 Assembly Building, Richmond, Virginia 23219 – Room C.

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Vice Chair

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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  
Anna Birkenheier  
Assistant Attorney General



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STATE BOARD *of* ELECTIONS

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# Old Business

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BOARD WORKING PAPERS



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# Campaign Finance Update

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BOARD WORKING PAPERS  
Brooks Braun  
ELECT Policy Analyst



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## Memorandum

**To:** James Alcorn, Chairman; ClaraBelle Wheeler, Vice Chair; Singleton McAllister, Secretary

**From:** Brooks C. Braun, Policy Analyst and Martin Mash, Confidential Policy Advisor

**Date:** January 7, 2016

**Re:** McCollum – Allegations of Incomplete Campaign Finance Report

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**Issue:** Whether payments received from one's private sector employer while campaigning fulltime are campaign contributions.

**Background:** The State Board of Elections (SBE) received a complaint from the Republican Party of Virginia alleging that Friends of Gary McCollum failed to appropriately disclose certain campaign contributions in violation of the Campaign Finance Disclosure Act. § 24.2-947.4 of the *Code of Virginia* requires that campaign committees disclose all financial activity in regularly required reports including all contributions. It is not immediately clear whether there is a violation of the law in this instance. Traditionally, the Department of Elections asks the complainant to contact the local Commonwealth's Attorney directly. Conversations with the Commonwealth's Attorney for the City of Virginia Beach resulted in a request for the SBE to provide guidance on this matter.

The allegations arose from reports that Mr. McCullum continued receiving payments from his employer during a specified period in which he was campaigning full time. The Republican Party of Virginia claims that this activity is in violation of the Campaign Finance Disclosure Act.

At issue is whether payments received from one's private sector employer while campaigning fulltime are campaign contributions.

**Relevant Statutory and Policy Provisions:**

§ 24.2-974.4(A) states that campaign finance reports "shall be filed on a form prescribed by the State Board and shall include all financial activity of the campaign committee."

§ 24.2-1019 provides "Any complaint or allegation concerning unlawful conduct under this title shall be filed with the attorney for the Commonwealth of the county or city in which the alleged violation occurred."



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**Conclusion:** Based upon the stated background information and the pertinent statutory authority. We ask that the Board make a determination as to the appropriateness of referring this matter to the Virginia Beach Commonwealth's Attorney.



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## Memorandum

**To:** James Alcorn, Chairman; ClaraBelle Wheeler, Vice Chair; Singleton McAllister, Secretary  
**From:** Brooks C. Braun, Policy Analyst  
**Date:** January 8, 2016  
**Re:** Express Advocacy

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**Background:** The Chairman has requested that a memorandum be prepared that addresses the topic of express advocacy. Several complaints alleging improper disclosure of advertisement's in the November, 2015 election are pending hearings before the Board until a decision regarding interpretation of the term "expressly advocating" as used in the *Code of Virginia* § 24.2-945.1.

**Disclosure Requirements and Express Advocacy:** Chapter 9.5 of Title 24.2, or Stand by Your Ad (SBYA), places disclosure requirements on certain political advertisements distributed in the Commonwealth. Only advertisements that meet the criteria outlined in § 24.2-955 of the *Code* fall within the scope of SBYA and may, therefore, be regulated by the State Board. That sections states in relevant part that "The disclosure requirements of [SBYA] apply to any sponsor of an advertisement in the print media or on radio or television the cost or value of which constitutes an *expenditure or contribution required to be disclosed* under Chapter 9.3[the Campaign Finance Disclosure Act (CFDA)][...]" (emphasis mine). Advertisements that do not constitute expenditures or contributions required to be disclosed under CFDA cannot be regulated by the Board. The *Code* defines both "expenditure" and "contribution" in § 24.2-945.1. Under that section expenditures and contributions are anything of value disbursed by or provided to a committee "for the purpose of *expressly advocating* the election or defeat of a clearly identified candidate." Therefore, any advertisement that does not "expressly advocat[e] the election or defeat of a clearly identified candidate" cannot be regulated by the Board.

The term "express advocacy" is a legal term of art that was created in the 1976 Supreme Court case *Buckely v. Valeo*. Since then, the term has been used and interpreted by a number of courts and legislatures at both the state and federal level. As time has progressed, the legal framework in which "express advocacy" is situated has become increasingly complex. The Department is concerned that because of this Board interpretation of the term may present a legal issue as much as a policy issue. Before the Department makes any policy recommendations relating to the Board's interpretation of "expressly advocating" the Department feels it would be prudent to ask legal counsel to clarify the legal parameters of the term as it is used the *Code*.

**Suggested Action:** The Board should ask their legal counsel to discuss with the Department the possible legal implications of establishing a policy regarding "express advocacy."



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# New Business

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BOARD WORKING PAPERS



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# GREB Workgroup Final Report

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BOARD WORKING PAPERS  
GREB Workgroup  
Co-Chairs John Hager & Jean Jensen

# Memorandum

To: Members of the State Board of Elections

From: GREB Workgroup Co-Chair John Hager & Co-Chair Jean Jensen

Date: December 16, 2015

Re: GREB Workgroup Final Report

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

*MOTION that the State Board accept the GREB Workgroup Final Report and Resolution of Recommendations and forward them to the Office of the Governor - Department of Administration, Members of the Privileges and Elections Committee of both houses, Speaker of the House, and the President of the Senate.*

## **Applicable Code Section: §**

## **Background:**

The GREB Workgroup charter was extended by the State Board of Elections on November 24, 2014, having been initially chartered on May 14, 2014. The primary purpose has been to study the duties and responsibilities of the electoral board and general registrar. That study has continued throughout 2015.

The 2015 interim report was presented on July 28, 2015. Our final report and resolution of recommendations is presented for this meeting.

Thank you for your consideration.

**A RESOLUTION REPORTING THE FINAL RECOMMENDATIONS OF THE  
GENERAL REGISTRAR ELECTORAL BOARD (GREB) WORKGROUP  
COMMISSIONED BY THE VIRGINIA STATE BOARD OF ELECTIONS TO  
CONSIDER THE DUTIES OF THE ELECTORAL BOARDS AND GENERAL  
REGISTRARS IN THE COMMONWEALTH OF VIRGINIA**

WHEREAS, elections are an essential part of government; and,

WHEREAS, Virginia's conduct and administration of elections in accordance with the 1971 Constitution of Virginia has served as a preeminent example of the highest standards of integrity and fairness towards all candidates and voters; and,

WHEREAS, the Virginia State Board of Elections, under the Code of Virginia, has a fundamental role in interpreting the law, setting policy where the law is unclear and ensuring that elections are conducted fairly and impartially and efficiently in accordance with law; and,

WHEREAS, the Commissioner of the Virginia Department of Elections is the chief administrative officer of the agency and serves, in part, to implement the policies and directives of the Virginia State Board of Elections as well as participating in ensuring uniformity, legality and purity in the conduct of elections; and,

WHEREAS, the duties of general registrars and electoral boards have not been reviewed since the 1991 JLARC study under Title 24.1; and,

WHEREAS, both the Voter Registrars Association of Virginia and the Virginia Electoral Board Association resolved it was time for another study; and

WHEREAS, the Virginia State Board of Elections unanimously adopted a resolution on May 14, 2014, establishing a General Registrar and Electoral Board (GREB) Workgroup to study and evaluate the duties of the general registrars and electoral boards members, the effects of increases in population and number of registered voters, the impact on the workload caused by changes in how votes are cast, and the increased educational requirements, qualifications and training of general registrars and electoral board members and compensation schedules associated with the office; and,

WHEREAS, the GREB Workgroup has determined that the duties required of Electoral Boards and General Registrars have significantly increased and become more complex in the past 20 years, due in part to the National Voter Registration Act, the Help America Vote Act of 2002, and the continued passage of additional new legislation by the United States Congress and the Virginia General Assembly; and,

WHEREAS, the GREB Workgroup issued recommendations in 2014 to consider adjustments to the Code of Virginia in the area of absentee voting and campaign finance administration, all of which were adopted by the 2015 General Assembly; and

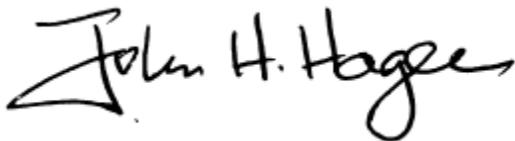
WHEREAS, the GREB Workgroup has continued to analyze survey data, resulting in even more recommendations for adjustments in the Code of Virginia to more accurately reflect responsibility and accountability in the conduct of elections; and,

WHEREAS, a new four-year term for the General Registrar/Director of Elections of each jurisdiction of the Commonwealth began July 1, 2015, it is a highly appropriate time to redefine certain duties and responsibilities;

NOW, THEREFORE BE IT RESOLVED on this 2<sup>nd</sup> day of December 2015, the GREB Workgroup recommends to the State Board of Elections that:

1. The budget submitted by the Commissioner of Elections setting the salary and population brackets for General Registrar/Director of Elections to be the same as that of the Treasurer should receive all necessary support and action to enable adoption by the General Assembly. This action is consistent with the recommendation of the GREB Workgroup in 2014;
2. The budget submitted by the Commissioner of Elections requesting a significant increase in funding in order to account for expiring federal funds should receive all necessary support and action to enable adoption by the General Assembly; and
3. The State Board of Elections adopt the Electoral Board Job Description included in the Final Report Section 2/Attachment 3 and instruct the Department of Elections to distribute that document to the various circuit court judges and local political party chairs for use in the appointment process to electoral boards; and
4. The Code of Virginia be modified to clarify responsibility between the Electoral Board and General Registrar/Director of Elections in the areas of ballots and elections, officers of election, and polling places, per Final Report Section 2/Attachment 2; and,
5. The State Board of Elections request that the General Assembly seek prompt re-codification of Virginia Code §24.2 to eliminate archaic language, eliminate contradictory requirements, and update references to reflect modern technology.

And, NOW BE IT FURTHER RESOLVED that the GREB Workgroup recommends to the State Board of Elections that there would be great value in the continuance of a study group such as the GREB Workgroup to facilitate recommendations and continue to review concerns in the election community.



The Honorable John H. Hager,  
Co-Chair



The Honorable Jean R. Jensen,  
Co-Chair

# A Review of Duties and Responsibilities of Electoral Boards and General Registrars

Final Report from the General  
Registrar/Electoral Board (GREB) Workgroup

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## Introduction

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Two study resolutions requested by the Voter Registrar's Association of Virginia (VRAV) and Virginia Electoral Board Association (VEBA) were introduced in the 2014 Session of the Virginia General Assembly [HJ22(Minchew), HJ24 (Webert)]. Each of these proposed studies noted that more than 20 years had passed since the last comprehensive Joint Legislative Audit and Review Commission (JLARC) study of General Registrar (GR) duties in 1992. The House Rules Committee, citing overload at JLARC, asked that these studies be referred to the State Board of Elections (SBE). In May 2014, the State Board of Elections established the GREB Workgroup with the task of reviewing the Duties and Responsibilities of the Commonwealth's 133 Electoral Boards (EBs) and General Registrars (GRs) and developing suggestions and changes to recommend to the Virginia General Assembly.

The initial 10 areas the Workgroup was to address are as follows:

- 1) Analysis of voter registration data of the 133 localities, to include the associated costs at both the local and state levels.
- 2) Gather data from the four year election cycle in order to identify workloads and costs associated with each type of election.
- 3) Examine the duties of General Registrars and Electoral Board members required by the Code of Virginia and VAC.
- 4) Compare the statutory and regulatory duties to the duties currently undertaken by the GRs and EBs.
- 5) Identify those duties statutorily belonging to the EBs that are routinely undertaken by the GRs.
- 6) Evaluate the effects on local offices of increases and shifts in the overall number of registered voters in the Commonwealth.
- 7) Analyze the impact on the workload of the GRs and EBs caused by changes in the manner in which votes are cast on and preceding Election Day.
- 8) Review the educational requirements, qualifications and training of GRs and EBs, and compensation schedules associated with those offices.
- 9) Identify efficiencies that may be achieved by uniform application of advances in technology utilized for voter registration and election administration.
- 10) Seek out "best practices" within the Commonwealth and, beyond that, offer improvements in the elections process.

## **Establishment of Workgroup**

The membership was based upon recommendations from the Virginia Electoral Board Association (VEBA) and the Voter Registrar's Association of Virginia (VRAV).

Special thanks are offered on behalf of the members of the Workgroup to the co-chairs, former Lieutenant-Governor John Hager and former SBE Secretary Jean Jensen, for their enthusiastic and genuine leadership and hard work.

Special thanks also to former SBE Chairman, Charlie Judd, and current SBE Vice-Chairman Clara Belle Wheeler, for their willingness to proceed in securing the resources and legislative actions to keep Virginia elections at the forefront of representative democracy.

### **Membership and affiliation of the GREB Workgroup:**

**Honorable Charlie Judd, former Chairman of the State Board of Elections 2011-2014**

**Honorable Clara Belle Wheeler, current Vice Chair State Board of Elections, (appointed in 2015)**

**Honorable John Hager, former Lieutenant Governor of Virginia, Co-chair of workgroup**

**Honorable Jean Jensen, former Secretary of the State Board of Elections, Co-Chair of workgroup**

**Renee Andrews, Falls Church City, VEBA representative**

**Mary "Tommie" Doxey, Newport News, VEBA representative (resigned September 2014)**

**Bill Thomas, Richmond City, VEBA representative (appointed October 2014)**

**Bill Bell, Isle of Wight County, VEBA representative**

**Robin Lind, Goochland County, VEBA representative**

**Larry Haake, Chesterfield County, VRAV representative**

**Barbara Gunter, Bedford County, VRAV representative**

**Tracy Howard, Radford City, VRAV representative**

Special thanks also to ELECT support staff

**Martha Brissette, elections uniformity, Department of Elections**

**Rose Mansfield, administration, Department of Elections**

### **First Year of Work – 2014**

The GREB Workgroup began meeting on a monthly basis in September 2014. The first report of the workgroup was presented in the form of a resolution to the State Board of Elections on November 24, 2014.

This resolution included a summary of actions from the initial meetings, recommendations for action by the Virginia General Assembly and the Department of Elections, and ongoing work and further recommendations of the group.

The recommended on-going work was:

1. Work with the appropriate authority in the implementation of the recommendations contained herein;
2. Further evaluate the roles and responsibilities of Electoral Board members to make certain their historically important role of checks and balances is maintained and emphasized (initial charge 3, 4, and 5);
3. Examine and recommend state funding mechanisms for voter registration and elections for the localities (initial charge 1 and 8);
4. Evaluate staffing of the general registrars' offices (initial charge 6 and 7);
5. Establish standards for continuing education needs and recognition for advanced studies (initial charge 8);
6. Analyze and review minimum funding and staffing levels of the Department of Elections to ensure a robust, efficient and responsive agency capable of conscientiously serving the more than 5 million voters registered in the Commonwealth today (initial charge 2 and 9); and
7. Study other areas as deemed necessary.

### **Second Year of Work – 2015**

An interim report was delivered to the State Board of Elections in July 2015 of work completed (Attachment 1). This final report provides an overview of tasks accomplished and areas recommended for continued study.

# 1- Work with the appropriate authority in the implementation of the recommendations contained in the 2014 resolution.

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The recommendations of the 2014 resolution were:

1. The General Registrar should be designated as “Director of Elections” for the locality being served — this can be accomplished by an amendment to §24.2-114(18), adding language to the effect that “The general registrar shall serve as Director of Elections for the locality”.
2. The Code of Virginia should be modified to reassign duties associated with absentee voting and campaign finance reporting to the General Registrar in the role as Director of Elections, Chapters 7 and 9 respectively in §24.2.
3. The compensation for the General Registrar/Director of Elections should be adjusted to reflect the duties now being formally re-assigned with all due responsibility and accountability. The duties of General Registrar/Director of Elections require a constant availability and service to the population of the locality, accompanied by peak workloads leading up to and following an election. The job requires adherence to complex laws and procedures to ensure integrity and accountability. Such a job pattern is remarkably similar to that of a locality Treasurer: constant service with peak periods during the year and specific legal requirements and guidelines to ensure integrity and accountability. Notwithstanding that Treasurers are elected and General Registrars are appointed, the GREB Workgroup recognizes that the similar work pattern and essential service to the locality are more alike than different and therefore recommends that the salary and population brackets for General Registrar/Director of Elections be the same as that of the Treasurer, including the additional compensation for completing a subject specific certification program as part of continuing education.
4. The General Assembly should be requested to resume 100% reimbursements through the Department of Elections for general registrar and electoral board salaries as provided for by statute 24.2-108 and 24.2-111

## Recommendations 1 and 2

Legislative patrons were identified for recommendations 1 and 2, resulting in HB1433 and SB1092. Both of the bills passed resulting in full implementation of recommendations 1 and 2.

### Recommendations 3 and 4

In close cooperation with the Commissioner of Elections, the Workgroup analyzed the fiscal impact of recommendations 3 and 4. The Commissioner incorporated the results in his budget proposal for the Department of Elections FY17-18 funding. This budget recommendation will also fully fund the increase of part-time registrars to full time.

## 2-Further evaluate the roles and responsibilities of Electoral Board members to make certain their historically important role of checks and balances is maintained and emphasized (initial charge 3, 4, and 5).

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Previous reports have explained a survey sent to all General Registrars and Secretaries of Electoral Boards for responses from the two groups to the same questions. This survey contained 97 questions about the duties of the Electoral Boards and asked whether these duties were carried out by the EB, the GR or shared by both.

Continuing analysis of that survey was conducted to identify those duties in the Code of Virginia most often shared by electoral boards and general registrars/directors of election. The areas involved elections, officers of election, and ballots. The study group identified approximately 36 Code sections for language adjustment to reflect the shared duties. These recommended changes made no substantive changes to the law itself, just to the responsibility between the electoral board and the director of elections. This document is included as Attachment 2.

As a result of this continuing analysis, the Workgroup was able to create a definition, job description and summary of electoral board duties. This document is itself a significant contribution to the process and should stand alone in adoption by the State Board of Elections, the Department of Elections, General Assembly, circuit courts, and any others who desire to understand the duties and responsibilities of Virginia electoral boards. It is found in Attachment 3.

### 3-Examine and recommend state funding mechanisms for voter registration and elections for the localities (initial charge 1 and 8).

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As noted earlier from our 2014 recommendation #4 in report item 1 on page 7, the budget submission of the Department of Elections includes restoration of full funding for reimbursements to localities for registrar and electoral board salaries.

Workgroup members have come to realize that not all Virginia localities recognize the seriousness of their responsibility to properly fund elections. It is apparent that some localities may not know how to properly plan for this funding.

The Commonwealth cannot stand as a leader in this discussion until its own obligations to localities are met, in terms of full funding required by Code. The “notwithstanding” exclusions in the Appropriations Act need to be seriously addressed by members of the General Assembly.

The success of the Commissioner of Elections’ FY17-18 budget submission will go a long way toward establishing the Commonwealth’s leadership role. Failure is not an option when supporting the voters of the Commonwealth. Success can only be achieved by adequate funding and support to the administration of elections, both statewide and locally.

## 4-Evaluate staffing of the general registrars' offices (initial charge 6 and 7).

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A survey of all localities was conducted to determine registrars' office staffing levels at three points of time: prior to the National Voter Registration Act of 1996, immediately post NVRA 1997 and current levels. The analysis of this data has proven very difficult. Our conclusion is that the numbers alone from this survey cannot offer the insight needed in conducting a proper analysis of staffing in local offices. Given different population ranges which dictate the number of office staff, which determines the impact of the duties, it is apparent that a more in depth data collection effort is needed.

Unless and until the Commonwealth meets its fiscal responsibilities as discussed on pages 8 and 11, a standard for staffing levels for local offices will continue to be difficult, if not impossible, to define and to implement.

## 5-Establish standards for continuing education needs and recognition for advanced studies (initial charge 8).

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This subject was reviewed in report item #8 of our interim report. We have no additional information to add to what has already been reported.

## 6-Analyze and review minimum funding and staffing levels of the Department of Elections to ensure a robust, efficient and responsive agency capable of conscientiously serving the more than 5 million voters registered in the Commonwealth today (initial charge 2 and 9).

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In May 2015, Commissioner of Elections Edgardo Cortés gave a summary presentation of Department of Elections funding to the GREB. He also gave an overview of the paradigm change the Department is undergoing from a typical physical staff support operation to a primary information technology support system.

Commissioner Cortés stated that there has been a dramatic reduction in general fund monies to the Department over the last couple of years. Funds from the Help America Vote Act (HAVA) have been and are currently being used as the main funding for the agency. He stated that roughly 60% of general operating funds are pulled from HAVA, but that the HAVA funds will be exhausted in the fiscal year 2019. Commissioner Cortés reviewed the costs, expenditures, and associated numbers from fiscal year 2007 to the fiscal year 2019. The presentation chart used by Commissioner Cortés is included in Attachment 4.

It is clear from his presentation that the General Assembly can no longer substitute federal dollars for state appropriations if the Department of Elections is to remain a responsible and viable state agency.

It is our considered opinion that the current level of funding and staffing at the Department of Elections is not sufficient to provide for the most basic oversight among the vastly disparate local operations of the 133 independent jurisdictions; nor is the Department able to encourage and ensure uniform compliance with Code requirements or agency regulations. This inability to perform oversight functions invites irregularity, mocks the notion of uniformity and threatens the integrity of the electoral process. That the Commonwealth has thus far avoided a catastrophic failure in an election can only be attributed to the extraordinary efforts by the dedicated men and women of the Virginia election community.

The FY17-18 budget request seeks the necessary funding from the Commonwealth to allow the Department of Elections to fulfil its responsibilities to ensure integrity of elections. GREB supports this budget submission wholeheartedly and recommends the State Board of Elections urge the General Assembly to fully fund this request.

## 7- Study other areas as deemed necessary.

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The most noticed item for which additional action should occur is a total review and revision of the Code of Virginia Title 24.2. Our interim report in report item #7 included the recommendation to amend or recodify Title 24.2. Having found even more outdated language, we reiterate the need to recodify.

A recodification of the entire chapter dealing with voting and elections, Title 24.2 of the Code of Virginia is sorely needed. Many sections are very outdated, referencing concepts that no longer exist or that create problems. For example, many Code sections that deal with ballots dating back to voting on paper ballots and hand-counting, which required a closer audit of ballots than is necessary today with vote counting equipment. §§24.2-616 – 24.2-621 are examples. Also, §24.2-112 addressing assistant registrars can be problematic because of its language that in some cases has population restrictions.

Other example sections with problems are:

1. §24.2-111 Compensation and expenses of general registrar;
2. §24.2-411 Office of general registrar to be provided postage, stationery, office supplies – is that all;
3. §24.2-116 Officers of Election to be paid at least \$75 – too low; and
4. §24.2-113 Special Assistant Registrars – obsolete;

The continuing analysis of duties found even more antiquated sections in the Code that cry out for updating.



# A Review of Duties and Responsibilities of Electoral Boards and General Registrars

Report from the General Registrar/Electoral  
Board (GREB) Workgroup

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## Executive Summary

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A 2014 action by the State Board of Elections (SBE) established a working group from the Virginia Electoral Board Association (VEBA) and the Voter Registrar's Association of Virginia (VRAV) to study the duties of electoral boards and general registrars, the impact on manpower, workload, resources and technology of the increase in registered voters and changes in methods of voting. Bi-partisan Co-chairs were appointed by the State Board of Elections. The GREB Workgroup began work in September 2014. In December 2014, the Workgroup adopted a resolution with recommendations found below under Analysis of Duties and Compensation. The full resolution is Attachment 1.

The Workgroup developed and analyzed several surveys, and received first hand empirical data from 99 of the Commonwealth's 133 jurisdictions. These surveys gathered information on responsibility versus performance of duties specified in the Code of Virginia and manpower resources over the years, using red-letter years such as 1996 (National Voter Registration - NVRA or "motor-voter" - implementation) and 2002 (Help America Vote Act - HAVA) as thresholds. The Workgroup's commission was renewed by SBE through 2015 and analysis of this information is ongoing.

### **Analysis of Duties**

Electoral Boards have had Code responsibility for Absentee Voting and Campaign Finance Reporting at the local level, but survey data showed registrars were actually performing the duties. Based on a recommendation approved by SBE and submitted to the General Assembly in 2015 via GREB efforts, Code responsibility for these two areas has been shifted to registrars, who have also now been designated Director of Elections for their locality.

Further analysis shows significant shared execution of duties related to officers of election, ballots, and polling places, even though Code responsibility is assigned to electoral boards. A recommendation is being developed for Code changes to reflect the potential involvement of the Director of Elections in these duties with continuing oversight by Electoral Boards.

### **Compensation**

This job pattern for General Registrar/Director of Elections is constant service accompanied by peak periods of activity during the year and specific legal requirements and guidelines to ensure integrity and accountability. This pattern is remarkably similar to that of a locality Treasurer and therefore the GREB Workgroup recommended that the salary and population brackets for General Registrar/Director of Elections be the same as those of the Treasurer, including the additional compensation for completing a subject specific certification program as part of continuing education. This recommendation was approved by SBE and a request has been made to the Commissioner of Elections to adjust his FY16-18 budget accordingly.

### **Manpower and Resource Impact Analysis**

In comparison to the threshold years of NVRA and HAVA, the number of registered voters has increased 72% while the number of actual elections conducted increased by 32%. Meanwhile material and funding resources to localities have diminished – some 30% reduction in state reimbursements – not counting resource cuts to elections from local governments. The complexity of elections has grown by virtue of legislation with such features as provisional ballots, photo ID requirements, UOCAVA laws, and more complicated processing requirements of absentee ballots. The determination of manpower impact based on analysis of historical manpower has been difficult due in part to a huge turnover in General Registrars, itself a telling factor. This impact remains under study and will be reviewed in the end of year report after more data is gathered.

### **Ongoing Efforts**

In addition to ongoing analysis of duties and manpower impacts on localities, the Workgroup is examining funding, education and training, the impact on all of legislative changes, and funding and staffing in the Department of Elections (ELECT). These topics will be included in the end of year report.

## Introduction

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Two study resolutions requested by the Voter Registrar’s Association of Virginia (VRAV) and Virginia Electoral Board Association (VEBA) were introduced in the 2014 Session of the Virginia General Assembly [HJ22(Minchew), HJ24 (Webert)]. Each of these proposed studies noted that more than 20 years had passed since the last comprehensive Joint Legislative Audit and Review Commission (JLARC) study of General Registrar (GR) duties in 1992. The House Rules Committee, citing overload at JLARC, asked that these studies be referred to the State Board of Elections (SBE). In May 2014, the State Board of Elections established the GREB Workgroup with the task of reviewing the Duties and Responsibilities of the Commonwealth’s 133 Electoral Boards (EBs) and General Registrars (GRs) and developing suggestions and changes to recommend to the Virginia General Assembly

The initial 10 areas the Workgroup was to address are as follows:

- 1) Analysis of voter registration data of the 133 localities, to include the associated costs at both the local and state levels.
- 2) Gather data from the four year election cycle in order to identify workloads and costs associated with each type of election.
- 3) Examine the duties of General Registrars and Electoral Board members required by the Code of Virginia and VAC.
- 4) Compare the statutory and regulatory duties to the duties currently undertaken by the GRs and EBs.
- 5) Identify those duties statutorily belonging to the EBs that are routinely undertaken by the GRs.
- 6) Evaluate the effects on local offices of increases and shifts in the overall number of registered voters in the Commonwealth.
- 7) Analyze the impact on the workload of the GRs and EBs caused by changes in the manner in which votes are cast on and preceding Election Day.
- 8) Review the educational requirements, qualifications and training of GRs and EBs, and compensation schedules associated with those offices.
- 9) Identify efficiencies that may be achieved by uniform application of advances in technology utilized for voter registration and election administration.
- 10) Seek out “best practices” within the Commonwealth and, beyond that, offer improvements in the elections process.

This section of the report summarizes the initial ten goals with a brief explanation, relevant discussion and resulting recommendations.

### **Establishment of Workgroup:**

The membership is based upon recommendations from the Virginia Electoral Board Association (VEBA) and the Voter Registrar’s Association of Virginia (VRAV).

The GREB Workgroup began meeting on a monthly basis in September 2014. The first report of the workgroup was presented in the form of a resolution to the State Board of Elections on November 24, 2014.

This resolution included a summary of actions from the initial meetings, recommendations for action by the Virginia General Assembly and the Department of Elections, and ongoing work and further recommendations of the group.

Special thanks are offered on behalf of the members of the workgroup to the co-chairs former Lieutenant Governor John Hager and former Secretary Jean Jensen for their enthusiastic and genuine leadership and hard work.

Special thanks also to former SBE Chairman, Charlie Judd and current Vice-Chairman Clara Belle Wheeler for their willingness to proceed in securing the resources and legislative actions to keep Virginia elections at the forefront of representative democracy.

**Membership and affiliation of the GREB Workgroup:**

**Honorable Charlie Judd, former Chairman of the State Board of Elections 2011-2014**

**Honorable Clara Belle Wheeler, current Vice Chair State Board of Elections, (appointed in 2015)**

**Honorable John Hager, former Lieutenant Governor of Virginia, Co-chair of workgroup**

**Honorable Jean Jensen, former Secretary of the State Board of Elections, Co-Chair of workgroup**

**Renee Andrews, Falls Church City, VEBA representative**

**Mary "Tommie" Doxey, Newport News, VEBA representative (resigned September 2014)**

**Bill Thomas, Richmond City, VEBA representative (appointed October 2014)**

**Bill Bell, Isle of Wight County, VEBA representative**

**Robin Lind, Goochland County, VEBA representative**

**Larry Haake, Chesterfield County, VRAV representative**

**Barbara Gunter, Bedford County, VRAV representative**

**Tracy Howard, Radford City, VRAV representative**

Special thanks also to ELECT support staff

**Martha Brissette, elections uniformity, Department of Elections**

**Rose Mansfield, administration, Department of Elections**

1-Analysis of voter registration data of the 133 localities, to include the associated costs at both the local and state levels.

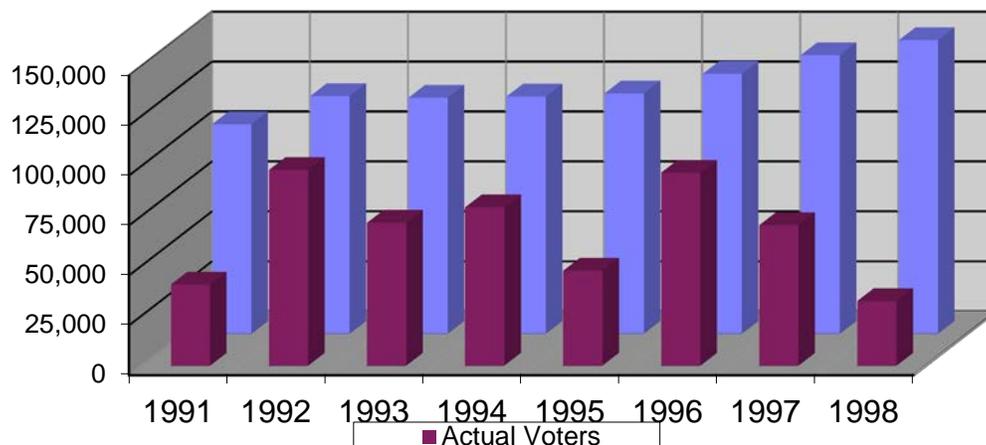
2-Gather data from the four year election cycle in order to identify workloads and costs associated with each type of election.

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### **Increases in population and costs**

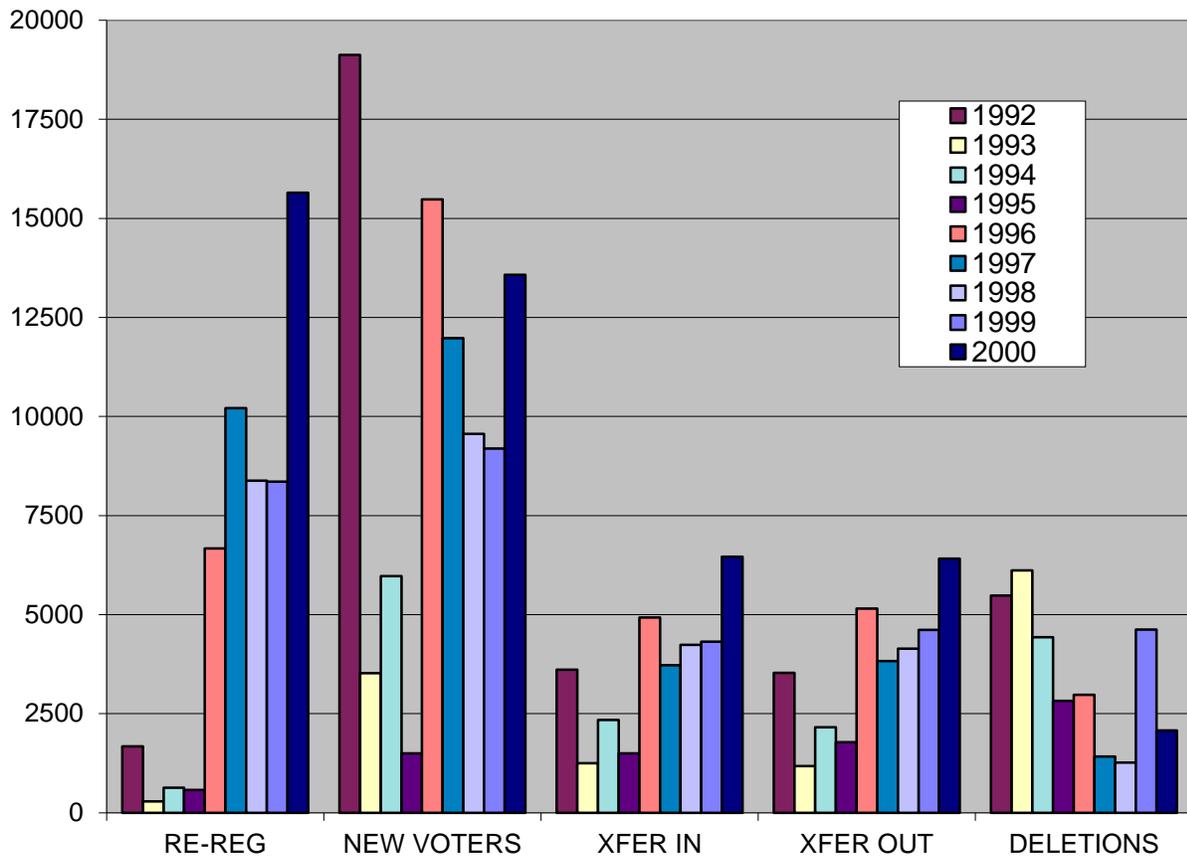
The study group utilized the existing data available from the Department of Elections and the Weldon Cooper Center for Public Service to establish that the population of Virginia has grown in the previous two decades by 23% from **6,696,100** in 1995 to approx. **8,260,405** in 2013. The number of registered voters in that same time frame has increased by 72% from **3,038,394** to **5,240,286** (Attachment 2.)

The increase in the number of registered voters is a direct result of the National Voter Registration Act (NVRA or “motor-voter”) implemented in 1996. Under NVRA, registering to vote almost became a by-product of obtaining a driver’s license. Monthly registration numbers in some cases went from double digits to thousands. At the same time, the requirement of registering to vote in person was eliminated, allowing registering by mail, via third-party registration drives, and other government offices (all in addition to the DMV effect). Many people registered who did not subsequently vote – as evidenced by the almost constant number of voters versus the increase in the number of registered voters. Despite the constant in number voting, election officials had to make election preparations based on the numbered registered. To do otherwise is a recipe for disaster. The following chart is an example from Chesterfield County, showing registered voters versus actual voters for the 4-year election cycle immediately preceding NVRA (1991-1994) and the 4-year cycle including NVRA (1995 – 1998).



Note on the chart that beginning in 1996, the implementation year of NVRA, the number of registered voters increased (blue bar) while the number of actual voters (purple bar) is very much aligned with the 1991–1994 data.

Another representation of impact of NVRA can be seen in actual processing of voters – re-registration, new voters, transfer in, transfer out and deletions. The chart shows increases in all categories except for deletions, which are strictly governed by the new law. (Again, this is Chesterfield County, but nonetheless representative of the NVRA impact.) 1992, 1996 and 2000 were presidential years when activity is always highest. 1999 reflects the NVRA purge under Deletions.



The associated costs for these elections and the increasing number of elections for the same time period were examined. A survey was sent to all General Registrars. While the survey did indicate that the number of elections had indeed risen in the comparative time periods, and the relative costs to localities had risen exponentially, the survey numbers indicated that among the 133 localities each local government maintained very different means of financing and tracking expenditures. The 89 responses were averaged as total costs overall for the most recent complete four year cycle of calendar years 2009-2012 inclusively and the number of individual election events.

2009: total costs of all respondent elections: \$3,034,348 holding 196 separate elections.

2010: total costs of all respondents: \$2,916,200 holding 207 separate elections

2011 total costs of all respondents: \$3,288,545 holding 156 separate elections

2012 total costs of all respondents: \$5,106,473 holding 348 separate elections

In this four year period, there were 907 separate elections held in the Commonwealth, including all federal, state, and local general, special and primary elections.

Fifteen years earlier in the four year period from 1996-1999 inclusively, that number was 687: a 32% increase over those fifteen years.

#### **INCREASES IN ABSENTEE VOTING:**

While the overall population of the Commonwealth as a whole has continued to increase, not all localities have grown. However, because of the increasing volume of registrations, absentee voters, and number of elections held, the workgroup found that even in those localities with stable or declining population, the workload and costs associated with elections continued to expand and increase.

Absentee voting over the same time period has increased by much greater margins, due to statutory expansion for eligibility to vote absentee, relaxing of previously stringent regulations within the Code of Virginia, and the concerted efforts of political parties and third party groups encouraging voters to vote absentee. In 1996 Absentee ballot use in Virginia numbered 116,606 registered voters. Absentee voting reached a high of 506,672 registered voters in the 2008 presidential election, a 335% increase.

(Attachment 3)

#### **Continuing evaluation and recommendations:**

- A. Data analysis of the surveys is ongoing, and will be utilized to further investigate areas needing to be addressed with respect to uniformity and integrity of the Virginia Election process.
- B. The Workgroup expects to be able to make significant recommendations of changes to §24.2 to further align code with the reality of the local Election Offices.
- C. Sampling of survey results from large, medium, and small localities concerning workload, registrations, and associated costs of elections will be utilized to demonstrate to the Governor and Virginia General Assembly the need for expedited support of election infrastructure and services.

3-Examine the duties of General Registrars and Electoral Board members required by the Code of Virginia and VAC.

4-Compare the statutory and regulatory duties to those currently undertaken by the GRs and EBs.

5-Identify those duties statutorily belonging to the EBs that are routinely undertaken by the GRs.

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From the first meeting of the GREB Workgroup, there was a desire to clearly identify the distribution and delegation of duties of the Electoral Board to General Registrars. The Department of Elections had previously enumerated the various Code-required duties. A second survey was sent to all General Registrars and Secretaries of Electoral Boards for responses from the two groups to the same questions. This survey contained 97 questions about the duties of the Electoral Boards and asked whether these duties were carried out by the EB, the GR or shared by both.

The 133 localities of Virginia divide these duties in myriad ways. So diverse was the division of the carrying out of duties of the Electoral Boards and General Registrars that the workgroup trained its focus on those duties that statutorily belonged to the Electoral Boards, but were universally delegated to or performed by the General Registrars.

This survey (Attachment 4) received 99 of 133 General Registrar responses and 67 of 133 Secretary responses (Attachment 5).

This survey showed conclusively that the duties most delegated to the General Registrars related to Absentee Voting and Campaign Finance. The results of this survey prompted a resolution reporting the initial results of the GREB Workgroup, dated November 17, 2014 and presented to the State Board of Elections at the November 24, 2014 meeting.

During that meeting Secretary Palmer moved that, *“the Board Members accept the first report and resolution from the GREB Workgroup and forward this to the office of the governor, speaker of the house, and president of the senate, chairs and members of the privileges and elections committees with the recommendation that with the Code of Virginia be amended to include the following; (i) The General Registrar should be designated as “Director of Elections” for the locality being served, (ii) The General Registrar should be reassigned duties associated with absentee voting and campaign finance, (iii) establishing a compensation program for the General Registrars equal to the position of Treasurer and (iv) that the recommendations have the full endorsement of the Virginia State Board of Election. Additionally, the GREB Workgroup should continue to explore the other areas identified in the resolution”* (SBE minutes, 11/24/2014).

The resulting actions included HB1433 (Cole) and SB1092 (Vogel) being overwhelmingly adopted by the Virginia General Assembly and signed into law by Governor McAuliffe, establishing the title of Director of Elections for General Registrars who carry out delegated statutory Electoral Board duties. These bills also transferred the statutory duties of chapters 7 and 9 of §24.2 of the Code of Virginia from the Electoral Boards to the General Registrars.

**Continuing evaluation and recommendations:**

- A. The recommendation concerning compensation reflecting that of the local treasurer that was approved by the State Board of Elections has been submitted to Commissioner of Elections with a request that the compensation adjustment be included in the Executive Budget of the Department of Elections for 2016-2018.
- B. The examination of EB and GR duties will continue for the lifetime of the workgroup, and as the 2016 General Assembly session approaches, the workgroup plans to further evaluate and recommend uniform alignment of statutory duties, VAC duties and local duties.
- C. The work group has developed a prescribed “job description” of the judicially-appointed Electoral Boards that would be appropriate as follows:
  - a. A reference document for the various party chairs at the locality level so those candidates nominated by them for appointment to the local Electoral Board will have a better understanding of the duties required and expectations of performance; and
  - b. A reference for the Supreme Court of Virginia to be included in the Circuit Court Judges Handbook, the appointing authority of Electoral Boards.

## 6-Evaluate the effects on local offices of increases and shifts in the overall number of registered voters in the Commonwealth.

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As the population of the Commonwealth increases and the voter registration rolls approach 6 million in 2016 the workgroup has focused on staffing of local offices.

Current §24.2-112 requires localities with populations of 15,500 or more to employ at least one assistant registrar who shall work at least one day a week. Those localities of fewer than 15,500 shall have a “substitute registrar” able to intervene when needed.

The workgroup found this code section to be archaic and unable to meet the current needs of Virginia’s voters and election processes. This section is being narrowly construed by some local governments to actually limit local offices just to that which is mentioned. For example, the language in paragraph 4 states:

*In any county or city whose population is over 15,500, there shall be at least one assistant registrar who shall serve at least one day each week in the office of the general registrar.*

Some localities are using this to limit an assistant registrar to ONLY one day a week. Clearly, this needs to be revisited and updated.

The limitations of understaffing are 16 localities that employ part-time General Registrars. These GRs are limited to 3 days a week during the months of January through August, and as a result are compensated at 60% of the minimum population salary bracket.

The part-time GRs are a result of the budget of the Commonwealth. Salary brackets and days of service are set out in the Appropriations Act as part of the Department of Elections biennial budget. The part-time status of the GRs of these 16 counties leaves the Commonwealth ripe for litigation on grounds of equal access, or lack thereof, since voters or potential voters do not have the full access of the general registrar in part-time localities as other localities. Those citizens of the localities who wish to run for office are also at a disadvantage, only being able to file paper work or campaign finance documentation only on specific workdays.

§24.2-112 requires assistant registrars to be employed by the General Registrar, based upon the number determined by the Electoral Board, §24.2-112 further states that the local governing body shall pay the salary of any assistants and that salary may be no less than the Federal minimum wage.

The combined issues of minimum assistance requirements, severability of the three local authorities involved, and the unfunded mandate of local fiscal responsibility for assistant registrars appears to have given local governing bodies a disincentive in many cases to adequately staff the Elections Offices. General Registrars must then recruit volunteers, or work additional uncompensated hours to maintain statutory requirements.

A survey of all localities was conducted to determine Election Office staffing levels at three levels: prior to the National Voter registration Act of 1996, immediately post NVRA 1997 and current levels. This analysis is still ongoing and will be presented in the year-end report.

**Continuing evaluation and recommendations:**

- A. Remove statutory minimums from §24.2-112, replacing those minimums with language to require the Electoral Boards and localities to provide, based upon recommendation from the GR, sufficient staffing to maintain office continuity and maintenance of training, as well as sufficient seasonal employees.
- B. Add to ELECT's biennium budget sufficient amounts to allow the 16 part-time GRs, at the option of each locality's Electoral Board or Director of Elections, full time status.

Note : Attorney General Mark Herring has issued an opinion that the GR has the statutory authority to hire seasonal and other part time employees and the locality has a statutory responsibility to pay those employees. (AG opinion 14-046 to the King William County Electoral Board of October 2014.)

## 7-Analyze the impact on the workload of the General Registrars and Electoral Boards caused by changes in in the manner in which votes are cast on and preceding Election Day.

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In 2004 the voting equipment used by most localities in the Commonwealth was deemed unfit for service due to the federal “Help America Vote Act of 2002.” All mechanical voting machines were replaced using HAVA funds to either acquire Direct Recording Electronic (DRE) or Optical Scan machines. Now a decade later, that equipment is reaching the end of its useful life span. The decertification of the Win-Vote machine in April 2015, and the likely decertification of other DREs, has placed and will continue to place significant financial burdens on the localities.

After the implementation of HAVA, most localities were compelled to establish a Central Absentee Precinct (CAP). This precinct accepts, records, casts and counts all of the localities’ absentee ballots, and is required by Code to begin accepting ballots 45 days prior to all elections.

The legal burden of preparation of ballots, setting up the CAP, providing the voting opportunity for absentee applicants, and preparing the voted ballots for the Officers of Election for counting on Election Day, now falls entirely to the General Registrar and staff.

For instance, Code section §24.2-701, Application for absentee ballot has been the subject of 32 separate Acts of Assembly since recodification of §24.1 in 1992. Further changes were made at the 2015 General Assembly session and more will surely come in future sessions. Every change made requires new forms and procedural changes within the Elections Office.

The effects of continued amendment to the Absentee Code section by the General Assembly, the federal Uniformed and Overseas Citizens Voting Act (UOCAVA), The Military and Overseas Voter Empowerment Act (MOVE), and electronic distribution and potential receipt of absentee ballots via e-mail, have all added to the complexity of the administration of absentee voting.

Within the past five years most localities have adopted the use of Electronic Poll Books (EPBs) at the behest of the General Assembly. However the use of laptops has proven problematic in some localities, prompting General Registrars to print paper back-up poll books to go to the polls with the EPBs.

While the EPBs provide some after-election relief of entering voter credit and can be utilized in a number of ways to provide voter service, their upkeep and replacement is costly. The poll book software program originally supported by SBE is no longer being supported and the original vendor is defunct. This creates additional burden on the localities and ELECT by varying the pollbook programs in use and the maintenance and software fees. Now the original EPB laptops have reached or are nearing the end of their useful life.

### Continuing evaluation and recommendations:

- A. The impact of major legislative changes such as NVRA and HAVA can be obvious, but subtle changes to the Code of Virginia can significantly strain resources and demand attention of an unexpected level. Consider the retraining that was required of polling place officials when voter ID became mandatory, and then again some 18 months later when that changed again to include a photo with the ID. There have been almost annual changes to the way voters are processed who have requested an absentee ballot, but show up on Election Day. More training for polling place officials – who are only citizens trying to perform a civic duty, hardly election professionals – along with more and more procedural changes tend to create more confusion than integrity. Each action related to §24.2 has impacts and consequences on all facets of the Virginia electoral process, especially on the registrars and electoral boards at the local level. These changes adversely affect all resource levels, including manpower, funding, logistics, and training and continue with a “snowball” effect over time as even more changes are enacted.
- B. Work with ELECT and SBE to find ways to create efficiencies in Code and Agency Regulation that reduces local impact but maintains uniformity and expected high levels of service.
- C. Amend archaic sections of §24.2 to reflect the reality of current office practices. Even better would be a recodification of the entire chapter. For example, many Code sections that deal with ballots date back to voting on paper ballots and hand-counting, which required a closer audit of ballots than is necessary today with vote counting equipment. §§24.2-616 – 24.2-621 are examples. As mentioned in Section 6, §24.2-112 can be problematic because of its language. Other example sections with problems are:
  1. §24.2-111 Compensation and expenses of general registrar;
  2. §24.2-411 Office of general registrar to be provided postage, stationery, office supplies – is that all;
  3. §24.2-116 Officers of Election to be made at least \$75 – too low; and
  4. §24.2-113 Special Assistant Registrars – obsolete;
- D. Establishment of a life cycle for the equipment used in voting would serve to minimize surprises to local governments responsible for purchases. ELECT has worked to establish contracts and keep pricing uniform, now the next step would be to consider life cycle and replacement by working with localities to establish uniform replacement tables. After that, there would be a need to emphasize to local governments the need to recognize a standardized update/replacement schedule based on life cycle of equipment, not unlike most already have with capital items such as fire apparatus and police vehicles.

## 8-Review the educational requirements, qualifications and training of GRs and EBs and compensation schedules associated with those offices.

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The Code of Virginia has no job-related requirements listed for the position of General Registrar or Electoral Board - other than being a registered voter of the locality. Excepting prohibitions on certain familial relationships, anyone could be appointed to these positions.

The workgroup recognizes that professional development, continuing education, and proper and continuous training is a necessary part of successful elections.

As the responsibilities and duties have grown, it has become increasingly apparent that the minimum standards for employment outlined in the code are not sufficient.

With the increases in code, federal law, and agency regulations, both the Electoral Boards and General Registrars require more training and education today than ever before. Appointments of General Registrars are set forth in Code as July 1<sup>st</sup> in the year prior to the presidential election year, and the learning curve for newly appointed GRs is very steep. Education, training, and professional development are paramount in maintaining elections and a registration system that is transparent, accurate, and thoroughly reliable.

In conjunction with the Election Center, The Voter Registrars Association of Virginia has established a continuing education program (CERA), with the cooperation of the SBE and ELECT a Virginia specific certification, (VREO), and previously in conjunction with the Weldon –Cooper Center for public service at UVA, the Certified Professional General Registrar program (CPGR). These continuing education opportunities have been in existence for GRs for almost 20 years.

The General Assembly has never recognized continuing education or certification in any meaningful way. While other constitutionally-required officers receive compensatory recognition for completion of continuing education, the General Registrars have been forced to remain in the 1971 “population only” pay brackets that are separate and much more widespread than all other local offices, with no opportunity for educational increases, scale increases, longevity increases, or merit increases.

Electoral Board annual evaluation of GRs was mandated in the 2004 General Assembly session as a tool to help further the professionalism and thus compensation of GRs, but to date has not been utilized for that purpose.

The Electoral Boards have no professional development or certification classes and are limited in their official training to a mandatory one member, once a year, annual training by the Department of Elections. Electoral Board members may also take advantage of limited VEBA training. Unfortunately not all Electoral Board members take advantage of their association training and many are unable to attend, or simply fail to attend ELECT's training program.

In years past, the Electoral Boards were compensated for attending annual training conducted by the Commonwealth; this practice was eliminated in the late 1990s.

Further, the compensation for members of some local Electoral Boards was decreased due to budgetary concerns in the 2012 budget year. The loss of the attendance stipend and the decrease in compensation for these officials has created a distinct disincentive for members to take the necessary time to maintain the level of training necessary to fulfill their administrative election role.

**Continuing evaluation and recommendations:**

- A. Referring to State Board of Elections minutes of November 24, 2014: *(iii) establishing a compensation program for the General Registrars equal to the position of Treasurer and (iv) that the recommendations have the full endorsement of the Virginia State Board of Election.*

So this recommendation aligns the population brackets of GRs with the article 7 Constitutional Officers, establishes the base salary of General Registrars to equal that of a locality's Treasurer within the same population bracket, and provide an incentive for continuing education and training received by the General Registrars through the established program.

- B. Review State Board of Elections and local Electoral Board compensation for adequacy. Currently, members of the State Board of Elections serve without any compensation whatsoever although their duties and responsibilities are certainly as onerous as those serving on Electoral Boards of the largest jurisdictions.
- C. Establish compensatory continuing education and mandatory training for the members of local Electoral Boards, utilizing all latest technology.
- D. Establish basic minimum standards for newly appointed Electoral Board members and General Registrars.
- E. Restore state funding of participant per diem for attending training.

9 - Identify efficiencies that may be achieved by uniform application of advances in technology utilized for voter registration and election administration.

10 - Seek out “best practices” within the Commonwealth and beyond, that offer improvements in the elections process.

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Efficiencies in both training and office practices have been discussed and generally agreed upon by the Workgroup, however discussion has been limited, and the search for best practices and the extended use of technology will continue as an ongoing portion of this project, together with ELECT and SBE, and among the memberships of VRAV and VEBA.

Suggested means to seek out best practices have included awards conferred by both statewide associations for those officials who have identified creative and successful means to achieve excellence within their localities.

The workgroup has discussed further use of technology to promote training and uniformity in the form of online video training modules, such as the security video training recently developed by ELECT. The Department of Elections and the two associations should work in conjunction to develop such courses as basic office processes training, legal issues, Freedom of Information Act training, and other courses to enable the GRs and EBs the ability to access the modules at any time. The online training modules would benefit officials and the public and could be maintained with cooperation of all stakeholders. The suggestion was made that with continued enhancement, on-line course work and testing would certainly enhance, and could replace the current “Annual Training.”

Also suggested was utilizing one or more of Virginia’s colleges or universities to create “Election Education courses,” by which continuing education credits may be obtained with the eventual possibility of accredited course work in the fields of elections.

**Continuing evaluation and recommendations:**

- A. Continue to seek ways to improve the use of technology in the training and maintenance of training for all election officials in the Commonwealth. Continue to seek creative means towards positive results and uniformity in practice and training.
- B. Work with SBE, ELECT and the statewide associations to develop web based instructional modules for training and reference for GRs, assistants and EBs.

## Attachment 1 – GREB Resolution of December 2014

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**A RESOLUTION REPORTING THE INITIAL RESULTS OF THE GENERAL REGISTRAR ELECTORAL BOARD (GREB) WORKGROUP COMMISSIONED BY THE VIRGINIA STATE BOARD OF ELECTIONS TO CONSIDER THE DUTIES OF THE ELECTORAL BOARDS AND GENERAL REGISTRARS IN THE COMMONWEALTH OF VIRGINIA**

WHEREAS, elections are an essential part of government; and,

WHEREAS, Virginia's conduct and administration of elections in accordance with the 1971 Constitution of Virginia has served as a preeminent example of the highest standards of integrity and fairness towards all candidates and voters; and,

WHEREAS, the Virginia State Board of Elections, under the Code of Virginia, has a fundamental role in interpreting the law, setting policy where the law is unclear and ensuring that elections are conducted fairly and impartially and efficiently in accordance with law; and,

WHEREAS, the Commissioner of the Virginia Department of Elections is the chief administrative officer of the agency and serves, in part, to implement the policies and directives of the Virginia State Board of Elections as well as participating in ensuring uniformity, legality and purity in the conduct of elections; and,

WHEREAS, the duties of general registrars and electoral boards have not been reviewed since the 1992 JLARC study; and,

WHEREAS, both the Voter Registrars Association of Virginia and the Virginia Electoral Board Association resolved it was time for another study; and

WHEREAS, the Virginia State Board of Elections unanimously adopted a resolution on May 14, 2014, establishing a General Registrar and Electoral Board (GREB) Workgroup to study and evaluate the duties of the general registrars and electoral boards members, the effects of increases in population and number of registered voters, the impact on the workload caused by changes in how votes are cast, and the increased educational requirements, qualifications and training of general registrars and electoral board members and compensation schedules associated with the office; and,

WHEREAS, the GREB Workgroup has determined that the duties required of Electoral Boards and General Registrars have significantly increased and become more complex in the past 20 years, due in part to the National Voter Registration Act, the Help America Vote Act of 2002, and the continued passage of additional new legislation by the United States Congress and the Virginia General Assembly; and,

WHEREAS, the GREB Workgroup survey analysis shows that the number of elections in the Commonwealth has increased in the past 20 years: 907 elections for the period 2009 through 2012 compared with 687 elections for the period 1996 through 1999 – a 32% increase; and,

WHEREAS, the GREB Workgroup survey of general registrars and electoral board secretaries shows that many of the duties assigned by the Code of Virginia to the Electoral Boards are in fact being performed by the General Registrars, most of these duties relating to elections and voting, and many due to the introduction of technology that specifically excludes Electoral Board participation; and,

WHEREAS, this is the first empirical data that confirms that general registrars work above and beyond the specifications in the Code of Virginia; and,

WHEREAS, a new four-year term for all general registrars of the Commonwealth begins July 1, 2015, it is a highly appropriate time to redefine certain duties and responsibilities; and,

WHEREAS, the execution of these election duties and the formal responsibility and accountability are essential to the high standard of uniformity and integrity of elections in Virginia;

NOW, THEREFORE BE IT RESOLVED on this 17<sup>th</sup> day of November 2014, by the GREB Workgroup that the following recommendations are made to the State Board of Elections regarding the duties of Electoral Boards and General Registrars:

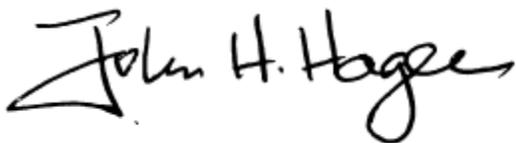
1. The General Registrar should be designated as “Director of Elections” for the locality being served — this can be accomplished by an amendment to §24.2-114(18), adding language to the effect that “The general registrar shall serve as Director of Elections for the locality”.
2. The Code of Virginia should be modified to reassign duties associated with absentee voting and campaign finance reporting to the General Registrar in the role as Director of Elections, Chapters 7 and 9 respectively in §24.2.
3. The compensation for the General Registrar/Director of Elections should be adjusted to reflect the duties now being formally re-assigned with all due responsibility and accountability. The duties of General Registrar/Director of Elections require a constant availability and service to the population of the locality, accompanied by peak workloads leading up to and following an election. The job requires adherence to complex laws and procedures to ensure integrity and accountability. Such a job pattern is remarkably similar to that of a locality Treasurer: constant service with peak periods during the year and specific legal requirements and guidelines to ensure integrity and accountability. Notwithstanding that Treasurers are elected and General Registrars are appointed, the GREB Workgroup recognizes that the similar work pattern and essential service to the locality are more alike than different and therefore recommends that the salary and population brackets for General Registrar/Director of

Elections be the same as that of the Treasurer, including the additional compensation for completing a subject specific certification program as part of continuing education.

4. The General Assembly should be requested to resume 100% reimbursements through the Department of Elections for general registrar and electoral board salaries as provided for by statute 24.2-108 and 24.2-111

And, NOW BE IT FURTHER RESOLVED that the GREB Workgroup recommends to the State Board of Elections that their resolution be continued during the ensuing year with a final report to the Governor, Secretary of Administration, State Board of Elections and Commissioner of Elections, on or before December 31, 2015, directing the Workgroup to:

1. Work with the appropriate authority in the implementation of the recommendations contained herein;
2. Further evaluate the roles and responsibilities of Electoral Board members to make certain their historically important role of checks and balances is maintained and emphasized;
3. Examine and recommend state funding mechanisms for voter registration and elections for the localities;
4. Evaluate staffing of the general registrars' offices;
5. Establish standards for continuing education needs and recognition for advanced studies; and
6. Analyze and review minimum funding and staffing levels of the Department of Elections to ensure a robust, efficient and responsive agency capable of conscientiously serving the more than 5 million voters registered in the Commonwealth today.
7. Study other areas as deemed necessary.



The Honorable John H. Hager,  
Co-Chair

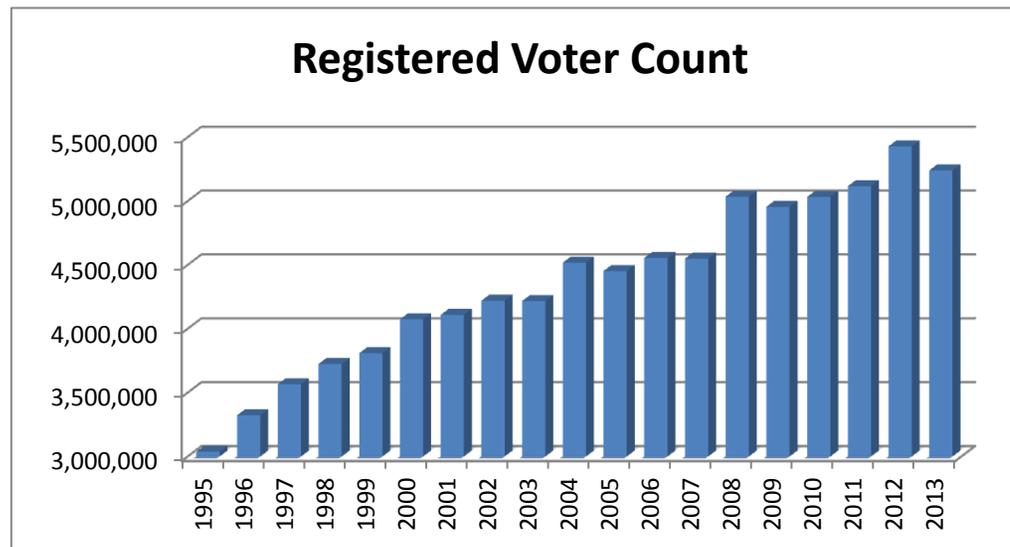
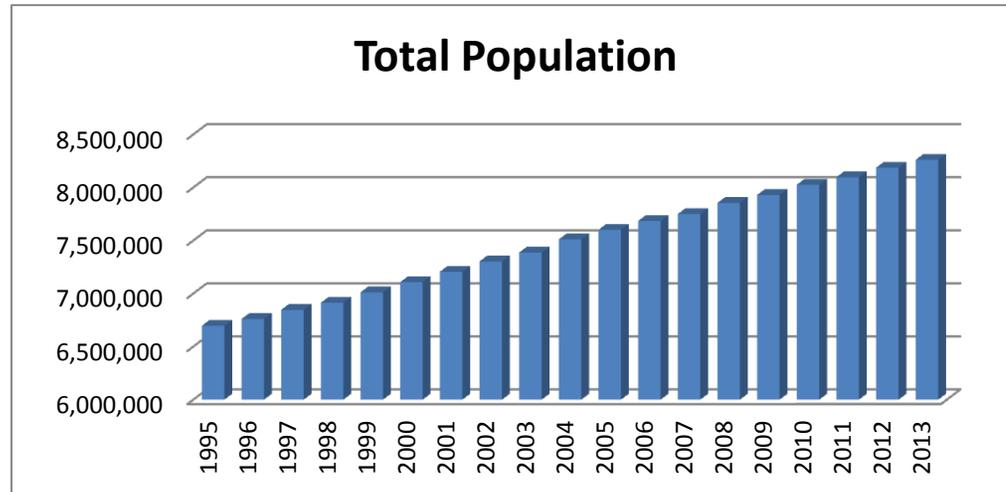


The Honorable Jean R. Jensen,  
Co-Chair

## Attachment 2 – Virginia Population and Voter Registration History

# Virginia Population and Voter Registration History

Year	Total Population*	Registered Voter Count**
1995	6,696,100	3,038,394
<b>1996</b>	<b>6,759,800</b>	<b>3,322,740</b>
1997	6,846,100	3,565,697
1998	6,912,800	3,724,683
1999	7,011,500	3,808,754
<b>2000</b>	<b>7,107,050</b>	<b>4,073,644</b>
2001	7,204,928	4,109,127
2002	7,302,731	4,219,957
2003	7,386,346	4,217,227
<b>2004</b>	<b>7,510,260</b>	<b>4,517,980</b>
2005	7,600,467	4,452,225
2006	7,683,718	4,554,683
2007	7,749,603	4,549,864
<b>2008</b>	<b>7,854,031</b>	<b>5,034,660</b>
2009	7,928,779	4,955,750
2010	8,025,514	5,032,144
2011	8,096,604	5,116,929
<b>2012</b>	<b>8,185,867</b>	<b>5,428,833</b>
2013	8,260,405	5,240,286
Population Increase	1,564,305 23%	2,201,892 72%



\*Per Weldon Cooper demographics website, July 1 estimates and census data.

\*\* Per Commonwealth of Virginia, Department of Elections website.

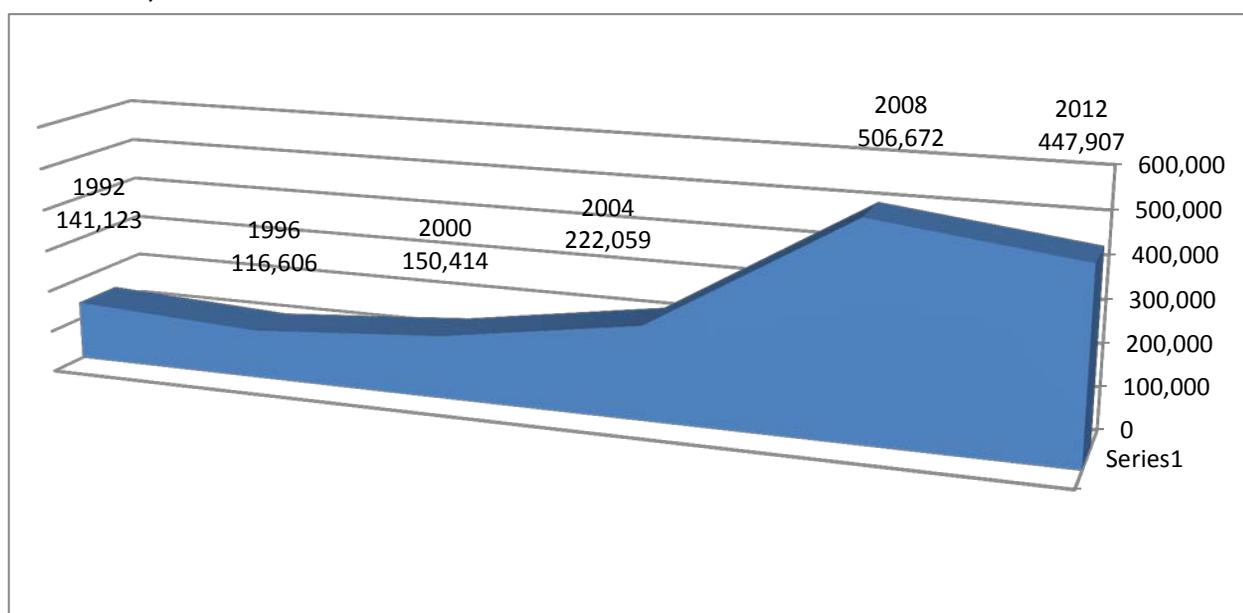
The National Voter Registration Act was implemented in March, 1996. This Act allowed voter registration forms to be submitted through DMV and other state agencies, or to be submitted by mail. After NVRA implementation, voters who remained inactive through two federal elections were removed from the rolls.

Attachment 3 – Growth in Absentee Voting

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Year	Total Registered	Total Voting	Turnout (% Voting of Total Registered)	Voting Absentee (Included in Total Voting)
2012	5,428,833	3,896,846	71.78%	447,907
2011	5,116,929	1,463,761	28.61%	59,519
2010	5,032,144	2,214,503	44.01%	106,888
2009	4,955,750	2,000,812	40.40%	88,182
<b>2008</b>	<b>5,034,660</b>	<b>3,752,858</b>	<b>74.50%</b>	<b>506,672</b>
2007	4,549,864	1,374,526	30.20%	30,619
2006	4,554,683	2,398,589	52.70%	116,629
2005	4,452,225	2,000,052	45.00%	75,982
<b>2004</b>	<b>4,517,980</b>	<b>3,223,156</b>	<b>71.40%</b>	<b>222,059</b>
2003	4,217,227	1,296,955	30.80%	35,716
2002	4,219,957	1,331,915	39.40%	44,493
2001	4,109,127	1,905,511	46.40%	52,344
<b>2000</b>	<b>4,073,644</b>	<b>2,789,808</b>	<b>68.50%</b>	<b>150,414</b>
1999	3,808,754	1,373,527	36.10%	10,686
1998	3,724,683	1,229,139	33.00%	31,494
1997	3,565,697	1,764,476	49.50%	47,571
<b>1996*</b>	<b>3,322,740</b>	<b>2,468,229</b>	<b>74.30%</b>	<b>116,606</b>
1995	3,038,394	1,585,783	52.20%	45,785
1994	3,000,560	2,078,106	69.30%	81,636
1993	2,975,121	1,817,777	61.10%	53,904
<b>1992</b>	<b>3,055,486</b>	<b>2,582,966</b>	<b>84.50%</b>	<b>141,123</b>
1991	2,791,747	1,371,940	49.10%	***
1990	2,735,339	1,252,971	45.80%	25,785
1989	2,737,340	1,821,242	66.50%	54,177
<b>1988</b>	<b>2,877,144</b>	<b>2,231,876</b>	<b>77.60%</b>	<b>108,237</b>
1987	2,657,412	1,571,110	59.10%	38,505
1986	2,609,698	1,115,179	42.70%	22,589
1985	2,597,904	1,377,966	53.00%	32,943
<b>1984</b>	<b>2,675,641</b>	<b>2,180,515</b>	<b>81.50%</b>	<b>113,686</b>
1983	2,330,595	1,178,707	50.60%	***
1982	2,234,011	1,454,628	65.10%	32,340
1981	2,214,926	1,437,382	64.80%	30,584
<b>1980</b>	<b>2,309,181</b>	<b>1,881,648</b>	<b>81.40%</b>	<b>84,811</b>
1979	2,050,499	1,059,158	51.60%	***
1978	2,026,515	1,251,471	61.70%	26,989
1977	2,022,619	1,267,208	62.70%	29,970
<b>1976</b>	<b>2,123,849</b>	<b>1,716,182</b>	<b>80.80%</b>	<b>***</b>

Presidential year absentee voters





# Attachment 4 – GREB Survey Questions

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# General Registrar / Electoral Board Duties

Please review the description of duties below and check whether they are performed exclusively by the General Registrar, exclusively by the Electoral Board, or performed jointly. These questions are to measure who ACTUALLY performs the work, NOT who is responsible.

Similar questions are being sent to the Electoral Board Secretaries. Please do not collaborate with your Secretary. Part of this exercise is to determine the perspective of the General Registrar and the Electoral Boards.

## 1. Locality

## 2. Name

## 3. Notify SBE of EB membership changes and contact info. Notify SBE and other EB members of disqualifying relationship requiring circuit court to appoint new member.

- GR Exclusive
- EB Exclusive
- Jointly

## 4. Recruit officers of election.

- GR Exclusive
- EB Exclusive
- Jointly

## 5. Notify officers of election of appointment

- GR Exclusive
- EB Exclusively
- Jointly

## 6. Determine number of officers and placement.

- GR Exclusive
- EB Exclusive
- Jointly

## 7. Name Chief and Assistant Chiefs.

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

### **8. Conduct training of officers of election.**

- GR Exclusive
- EB Exclusive
- Jointly

### **9. Appoint substitutes and additional officers of election as needed**

- GR Exclusive
- EB Exclusive
- Jointly

### **10. List / Database preparation and maintenance. Secretary responsible to post list and update with new appointments as made. Public list should not contain personal information. List is for inspection with no authorization to copy. Party or candidate can request copy with party designations and precincts.**

- GR Exclusive
- EB Exclusive
- Jointly

### **11. Appoint substitute to serve in place of officer of election with specified family relationships to candidate.**

- GR Exclusive
- EB Exclusive
- Jointly

### **12. Ensure that officers of election are eligible and sworn.**

- GR Exclusive
- EB Exclusive
- Jointly

### **13. Ensure adequate facilities for polling places are provided.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**14. Ensure accessibility of polling places (as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.).**

- GR Exclusive
- EB Exclusive
- Jointly

**15. Provide for alternative polling place if required in emergency, including obtain necessary approval.**

- GR Exclusive
- EB Exclusive
- Jointly

**16. Provide notice to voters of alternative polling place.**

- GR Exclusive
- EB Exclusive
- Jointly

**17. Recommend locality adoption of ordinance establishing Central Absentee Precinct (CAP) including town elections .**

- GR Exclusive
- EB Exclusive
- Jointly

**18. Notify the governing body of the locality of presidential precinct turnout exceeding 4,000 in time for locality to adjust within in 6 months. Watch for redistricting precinct freeze.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**19. Notify treasurer or director of finance to whom fee was paid if candidate is unopposed so that filing fee can be refunded. Determine primary ballot order for simultaneous filers. Prepare abstracts and certificates of votes.**

- GR Exclusive
- EB Exclusive
- Jointly

**20. Post notice of order for election.**

- GR Exclusive
- EB Exclusive
- Jointly

**21. In counties, control elections of situated towns: Lesser EB reports results to greater EB For split towns.**

**(IF NO TOWNS, JUST SKIP THIS QUESTION.)**

- GR Exclusive
- EB Exclusive
- Jointly

**22. Determine location of counting ballots in emergency**

- GR Exclusive
- EB Exclusive
- Jointly

**23. Allow election-day programs (e.g., pages and simulated elections) for students at polling places**

- GR Exclusive
- EB Exclusive
- Jointly

**24. Authorize neutral observers at polling places**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

### **25. Provide polling place signage for handicapped entrances**

- GR Exclusive
- EB Exclusive
- Jointly

### **26. Provide voting booths, at least one for printed ballots**

- GR Exclusive
- EB Exclusive
- Jointly

### **27. Provide copies of §24.2 at polling places for officers of election**

- GR Exclusive
- EB Exclusive
- Jointly

### **28. Follow requirements of §24.2 and the instructions of the State Board to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the proper official following the election**

- GR Exclusive
- EB Exclusive
- Jointly

### **29. Administer Election Day Oath to Officers of Election (stored with pollbook). Determine whether to use of electronic pollbooks of type approved by SBE and plan for provisional balloting if EPBs fail and no back up provided. Localities continuing to paper pollboks are responsible for associated costs starting 11.2.2010. 2008-2010 Appropriations Act, § 1-89).**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**30. Forward to SBE a list of county, city and town offices and candidates to be on ballot.**

**Forward to SBE list of candidates disqualified and reasons**

- GR Exclusive
- EB Exclusive
- Jointly

**31. Determine the number of ballots to be printed. Notify SBE.**

- GR Exclusive
- EB Exclusive
- Jointly

**32. Affix EB seal to any SBE provided statewide ballots.**

- GR Exclusive
- EB Exclusive
- Jointly

**33. Make printed ballots available for absentee voting.**

- GR Exclusive
- EB Exclusive
- Jointly

**34. Provide to SBE a statement of the number of printed ballots ordered to be printed, proofs of each printed and voting equipment ballot for verification, and copies of each final ballot.**

- GR Exclusive
- EB Exclusive
- Jointly

**35. Have presidential ballot printed at least 45 days before election.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

### **36. Provide for contract with ballot printer.**

- GR Exclusive
- EB Exclusive
- Jointly

### **37. Provide for representative to be present during ballot printing with signed statement under felony penalty (compensate \$20 unless board member).**

- GR Exclusive
- EB Exclusive
- Jointly

### **38. Receive and certify number of ballots received from printer.**

- GR Exclusive
- EB Exclusive
- Jointly

### **39. Cause seal of EB to be affixed to each ballot**

- GR Exclusive
- EB Exclusive
- Jointly

**40. Make one or more packages of ballots for each precinct in the election district. Each package shall contain a number of ballots determined by the board. Each of these packages shall be securely sealed in the presence of a member of the board or such designated person so that the ballots shall be invisible, and so that the packages cannot be readily opened without detection. On each of the packages shall be endorsed the name of the precinct for which it is intended and the number of ballots therein contained. Thereafter the packages designated for each precinct shall be delivered to the secretary of the board and remain in his exclusive possession until delivered by him, or by another board member, board employee, the general or an assistant registrar designated by the board, to the officers of election of each precinct as provided in § 24.2-621.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

### **41. Deliver sufficient number of ballots to GR for absentee voting**

- GR Exclusive
- EB Exclusive
- Jointly

**42. Before every election the secretary, or another board member, board employee, or the general or an assistant registrar designated by the board, shall deliver to an officer of election of each precinct the official ballots for that precinct and obtain a receipt for the package or packages and a certificate that the seals are unbroken. If the secretary or other such designated person is unable to deliver the official ballots, another member of the board shall deliver them.**

- GR Exclusive
- EB Exclusive
- Jointly

**43. Prepare a Voting Equipment Security Plan. Meetings may be closed to discuss voting equipment security (other than security breach in conducting election).**

- GR Exclusive
- EB Exclusive
- Jointly

**44. Assure each polling place, including CAP, has at least one accessible voting system with alternative language accessibility when required.**

- GR Exclusive
- EB Exclusive
- Jointly

**45. Determine the number of voting or counting machines to be used in election.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

### **46. Request SBE approval for test use of new equipment.**

- GR Exclusive
- EB Exclusive
- Jointly

### **47. Employ one or more voting machine custodians (may be employee shared with locality).**

- GR Exclusive
- EB Exclusive
- Jointly

### **48. Receive SBE approval for contractor to perform machine duties.**

- GR Exclusive
- EB Exclusive
- Jointly

### **49. Observe final testing and sealing of voting equipment**

- GR Exclusive
- EB Exclusive
- Jointly

### **50. Mail written notice to party chairs of final testing**

- GR Exclusive
- EB Exclusive
- Jointly

### **51. Retain custody of machine keys and deliver to Officers of Elections**

- GR Exclusive
- EB Exclusive
- Jointly

### **52. Designate times and places for machine demonstrations**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

### **53. Train officers of elections on machine operation**

- GR Exclusive
- EB Exclusive
- Jointly

### **54. Have the voting and counting equipment and all necessary furniture and materials at the polling places, with counters on the voting or counting devices set at zero (000), and otherwise in good and proper order for use at the election**

- GR Exclusive
- EB Exclusive
- Jointly

### **55. Dismiss officers of election responsible for failing to record or falsifying required information for machine assisted curbside voting.**

- GR Exclusive
- EB Exclusive
- Jointly

### **56. Deliver keys to the equipment and any electronic activation devices that are required for the operation of electronic voting equipment to the officer of election designated in a sealed envelope on which has been written or printed the name of the precinct for which it is intended.**

- GR Exclusive
- EB Exclusive
- Jointly

### **57. Sample ballots - The board shall provide for each precinct in which any voting or counting machines or direct electronic voting devices are used, two sample ballots, which shall be arranged as a diagram of the front of the voting device as it will appear with the official ballot for voting on election day. Such sample ballots shall be posted for public inspection at each polling place during the day of election.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**58. Inoperative equipment - When any voting or counting machine becomes inoperative in whole or in part while the polls are open, the officers of election shall immediately notify the board. If possible, the board shall dispatch a qualified technician to the polling place to repair the inoperative machine, or substitute the machine...No voting or counting machine that has become inoperative and contains votes may be removed from the polling place while the polls are open and votes are being ascertained. If the officers of election are unable to ascertain the results from the inoperative machine after the polls close in order to add its results to the results from the other machines in that precinct, the officers of election shall lock and seal the machine without removing the memory card, cartridge or data storage medium and deliver the machine to either the clerk of court or registrar's office as provided for in § 24.2-659. On the day following the election, the board shall meet and ascertain the results from the inoperative machine in accordance with the procedures prescribed by the machine's manufacturer and add the results to the results for the precinct to which the machine was assigned.**

- GR Exclusive
- EB Exclusive
- Jointly

**59. Direct officers of election on procedures to follow in counting ballots.**

- GR Exclusive
- EB Exclusive
- Jointly

**60. Provide demonstration equipment or signage on how to operate voting equipment.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**61. Receive all provisional ballots and determine if valid. During meeting in which EB is determining validity of provisional ballots, only persons authorized by § 24.2-653(B) those whose ballots are being considered along with their representative or legal counsel, and appropriate staff and legal counsel of the electoral board are permitted to be present at the electoral board meeting where the validity of provisional ballots are determined. The authorized representative of a political party of independent candidate will be permitted to stay in the room while the decision on validity of the provisional ballot is made as long as they are merely an observer and do not participate in or impede the process.**

- GR Exclusive
- EB Exclusive
- Jointly

**62. Secure equipment keys and election materials with Clerk of Court or General Registrar. Request SBE Secretary permission to inspect when needed. Arrange with clerk for disposition after required retention periods in compliance with Library of Virginia schedule GS-01.**

- GR Exclusive
- EB Exclusive
- Jointly

**63. Meet the day after the election to ascertain results, deliver one copy of SORs to GR, and deliver materials to Clerk of Court.**

- GR Exclusive
- EB Exclusive
- Jointly

**64. Announce results of any post-election audits.**

- GR Exclusive
- EB Exclusive
- Jointly

**65. Summon officers of election if needed to correct results**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**66. Make out and certify abstracts with EB seal and deliver to SBE.**

- GR Exclusive
- EB Exclusive
- Jointly

**67. Make out Certificates of Election for each office, deliver to each person elected.**

- GR Exclusive
- EB Exclusive
- Jointly

**68. Within 60 days after election, transmit list of those who voted to SBE for incorporation in lists made available under § 24.2-406. Recount or contest extends time to send.**

- GR Exclusive
- EB Exclusive
- Jointly

**69. Post copy of Writ for special election called.**

- GR Exclusive
- EB Exclusive
- Jointly

**70. Prepare referenda ballots and distribute to precincts, certify results to SBE, court which ordered referendum, other authority.**

- GR Exclusive
- EB Exclusive
- Jointly

**71. Absentee ballots for registered voters.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**72. FPCA applications for statewide office, EB issues printed ballots at least 90 days before election.**

- GR Exclusive
- EB Exclusive
- Jointly

**73. Replace AB ballots for certain disabled or ill voters**

- GR Exclusive
- EB Exclusive
- Jointly

**74. On receipt of an application from an applicant marked to indicate he will require assistance, the board shall deliver, with the items required by § 24.2-706, the voter assistance form furnished by the State Board pursuant to § 24.2-649.**

- GR Exclusive
- EB Exclusive
- Jointly

**75. Determine whether an applicant qualifies for emergency ballot**

- GR Exclusive
- EB Exclusive
- Jointly

**76. Provide an emergency AB ballot to designee for incapacitated or hospitalized voters, follow set procedures.**

- GR Exclusive
- EB Exclusive
- Jointly

**77. Review AB applications received from GR.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**78. Send ABs with all required forms to applicants, obtain certificate of mailing, and follow SBE instructions on AB procedures. UOCAVA voters outside Virginia may request emailed ballots (effective 7.1.09).**

- GR Exclusive
- EB Exclusive
- Jointly

**79. Provide for casting of AB votes on voting machines if CAP used.**

- GR Exclusive
- EB Exclusive
- Jointly

**80. Receive unused ballots from applicants who decide not to use. Confirm receipt of unused ballot when voter seeks to cast a regular ballot.**

- GR Exclusive
- EB Exclusive
- Jointly

**81. The EB shall note on the absentee voter applicant list, opposite the name of the person returning the ballot, the fact that the ballot was returned unused and the date of the return. The EB shall carefully preserve all ballots returned unused and deliver them, together with other returned ballots, to the officers of election on election day.**

- GR Exclusive
- EB Exclusive
- Jointly

**82. Decide opening time for CAP by agreement with GR if late (after 6 am before noon).**

- GR Exclusive
- EB Exclusive
- Jointly

**83. The local EB shall assist the Court as needed in recount procedures.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**84. Primary responsibility for local candidates who file locally, shared responsibility for reports required to be filed locally and with SBE.**

- GR Exclusive
- EB Exclusive
- Jointly

**85. Local candidates shall file “statement of organization” forms with EB. Efile option starting 2007.**

- GR Exclusive
- EB Exclusive
- Jointly

**86. Request for exemption from reporting filed with EB.**

- GR Exclusive
- EB Exclusive
- Jointly

**87. Paper reports of independent expenditures concerning local offices are filed with the EB.**

- GR Exclusive
- EB Exclusive
- Jointly

**88. CF reports may be filed electronically with SBE.**

- GR Exclusive
- EB Exclusive
- Jointly

**89. Non electronic CF filings for GA reports are filed both with SBE and the local EB.**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**90. Special large single pre-election contributions must be filed with the EB by 5 pm next day (or Mon. if Sat.). If within 24 hrs. of Election Day must receive day before Election Day.**

- GR Exclusive
- EB Exclusive
- Jointly

**91. EBs may close dormant files if certain conditions met.**

- GR Exclusive
- EB Exclusive
- Jointly

**92. CF reports on file are available for inspection and copying for cost.**

- GR Exclusive
- EB Exclusive
- Jointly

**93. EBs may grant extension for CF filings due to EB for good cause**

- GR Exclusive
- EB Exclusive
- Jointly

**94. EBs must report CF violations relating to locally filed reports to the Commonwealth's Attorney**

- GR Exclusive
- EB Exclusive
- Jointly

## General Registrar / Electoral Board Duties

**95. EB shall receive, catalog and review CF reports to verify that they are complete and filed timely. Notify the person within 21 days of report due date that information is incomplete or inaccurate. EB Secretary per SBE instructions shall assess and collect civil penalties; if unable to collect, report same to Commonwealth's Attorney for enforcement. Report to SBE penalties assessed, collected and reported to CA. Penalties collected on EB or GR initiative payable to local government.**

- GR Exclusive
- EB Exclusive
- Jointly

**96. Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the Secretary of the State Board or the general registrar or secretary of the local electoral board, as appropriate, shall notify, by certified mail, the candidate and treasurer, or person or political committee required to file a report with that board, that a filed report has not been completed, citing the omissions from the report. No penalty shall be assessed if the information required to complete the report is filed within 10 days of the date of mailing the written notice.**

- GR Exclusive
- EB Exclusive
- Jointly

**97. Conduct the canvass of each election.**

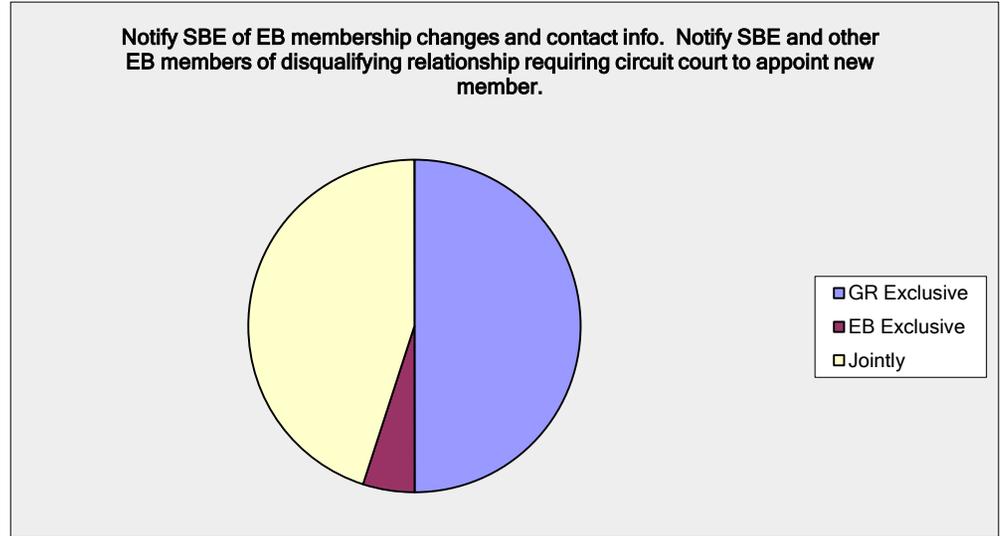
- GR Exclusive
- EB Exclusive
- Jointly

Attachment 5 – GREB Survey Results

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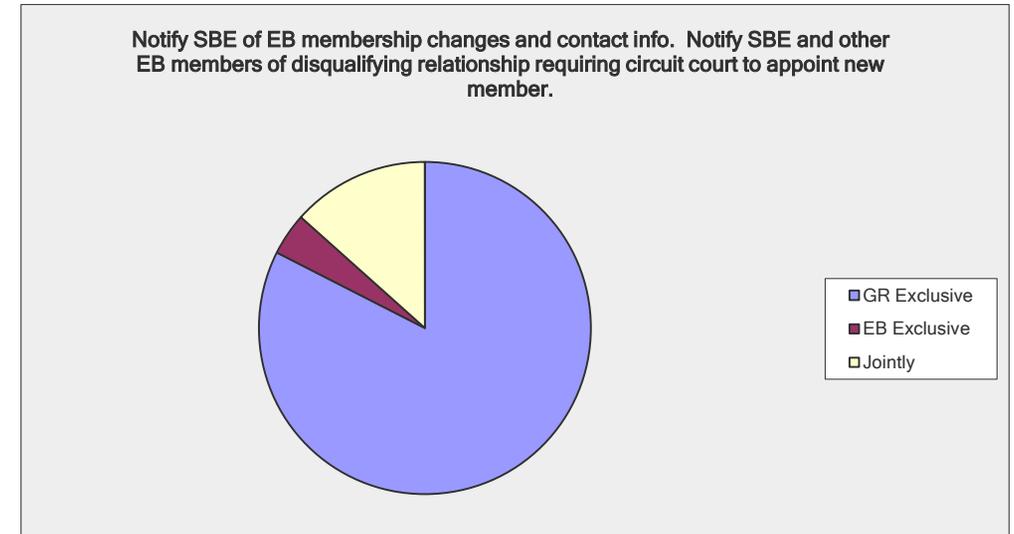
### Electoral Board / General Registrar Duties

Notify SBE of EB membership changes and contact info. Notify SBE and other EB members of disqualifying relationship requiring circuit court to appoint new member.		
Answer Options	Response Percent	Response Count
GR Exclusive	50.0%	30
EB Exclusive	5.0%	3
Jointly	45.0%	27
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



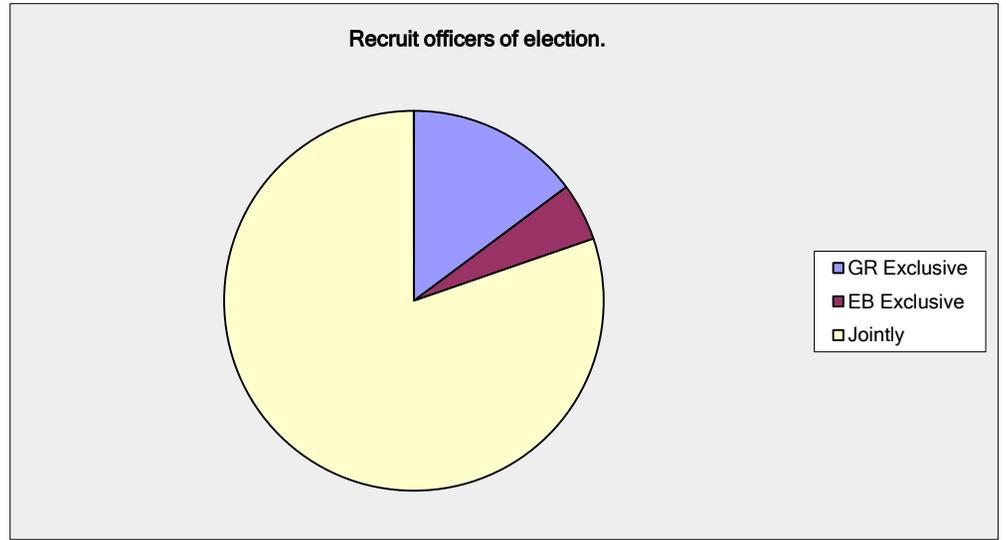
### General Registrar / Electoral Board Duties

Notify SBE of EB membership changes and contact info. Notify SBE and other EB members of disqualifying relationship requiring circuit court to appoint new member.		
Answer Options	Response Percent	Response Count
GR Exclusive	82.5%	80
EB Exclusive	4.1%	4
Jointly	13.4%	13
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



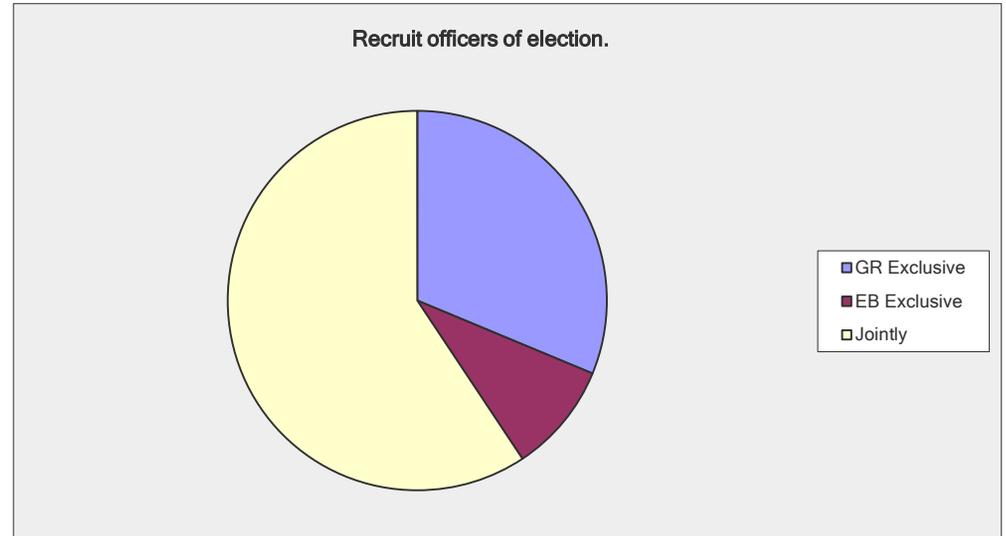
### Electoral Board / General Registrar Duties

Recruit officers of election.		
Answer Options	Response Percent	Response Count
GR Exclusive	14.8%	9
EB Exclusive	4.9%	3
Jointly	80.3%	49
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



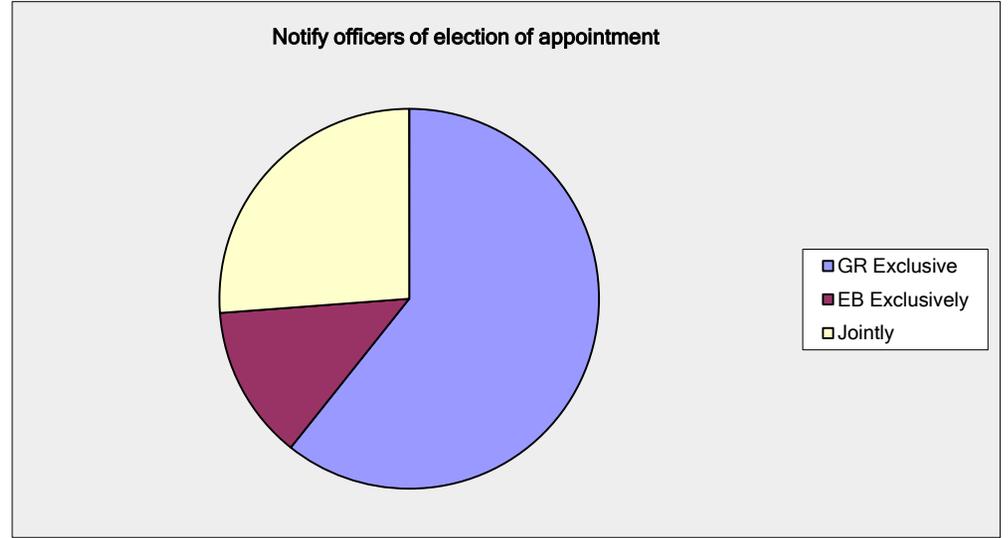
### General Registrar / Electoral Board Duties

Recruit officers of election.		
Answer Options	Response Percent	Response Count
GR Exclusive	31.3%	30
EB Exclusive	9.4%	9
Jointly	59.4%	57
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



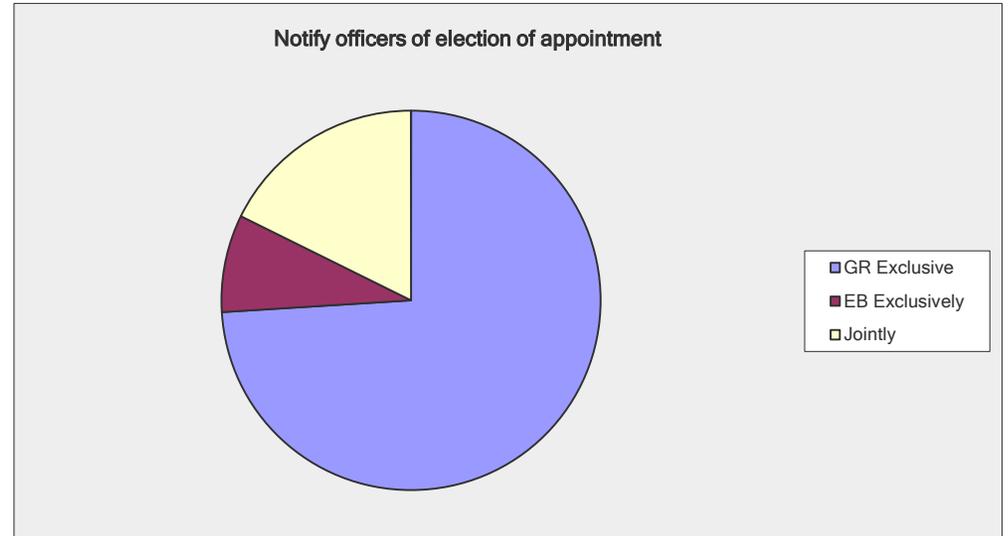
### Electoral Board / General Registrar Duties

Notify officers of election of appointment		
Answer Options	Response Percent	Response Count
GR Exclusive	60.7%	37
EB Exclusively	13.1%	8
Jointly	26.2%	16
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



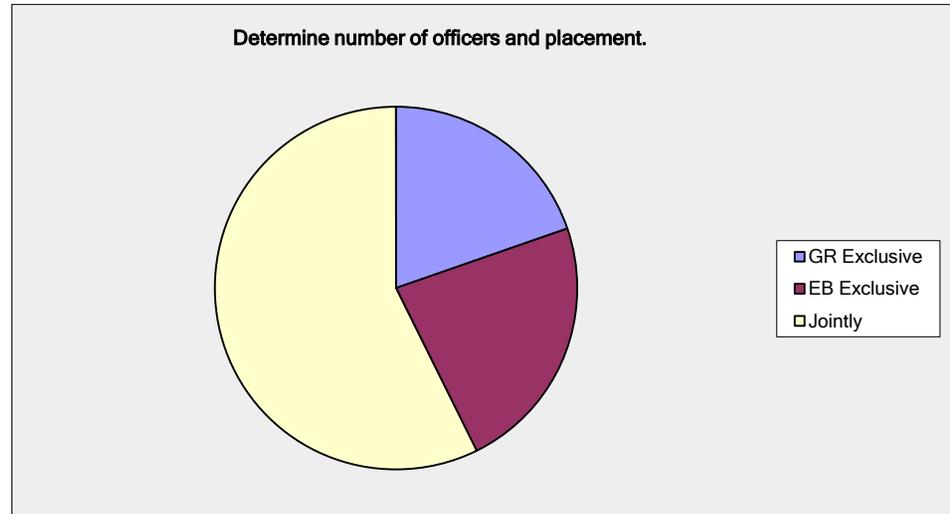
### General Registrar / Electoral Board Duties

Notify officers of election of appointment		
Answer Options	Response Percent	Response Count
GR Exclusive	74.0%	71
EB Exclusively	8.3%	8
Jointly	17.7%	17
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



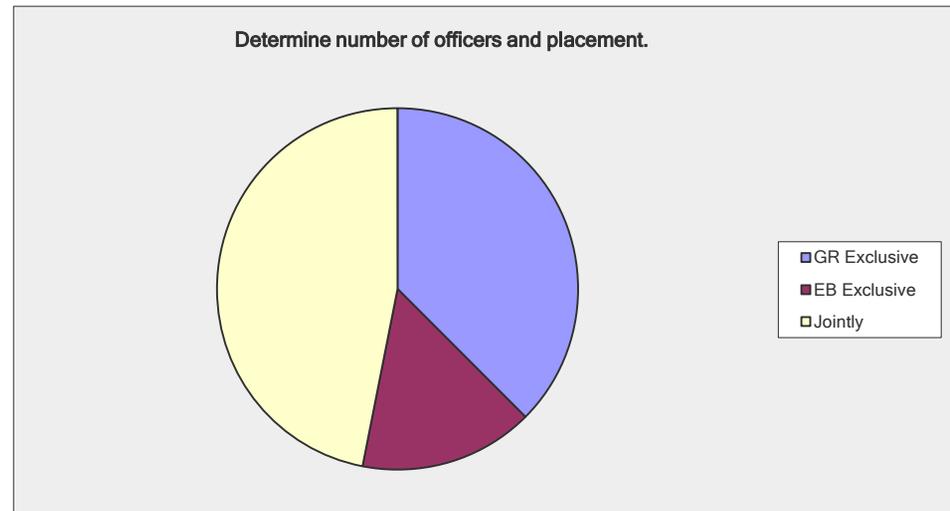
### Electoral Board / General Registrar Duties

Determine number of officers and placement.		
Answer Options	Response Percent	Response Count
GR Exclusive	19.7%	12
EB Exclusive	23.0%	14
Jointly	57.4%	35
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



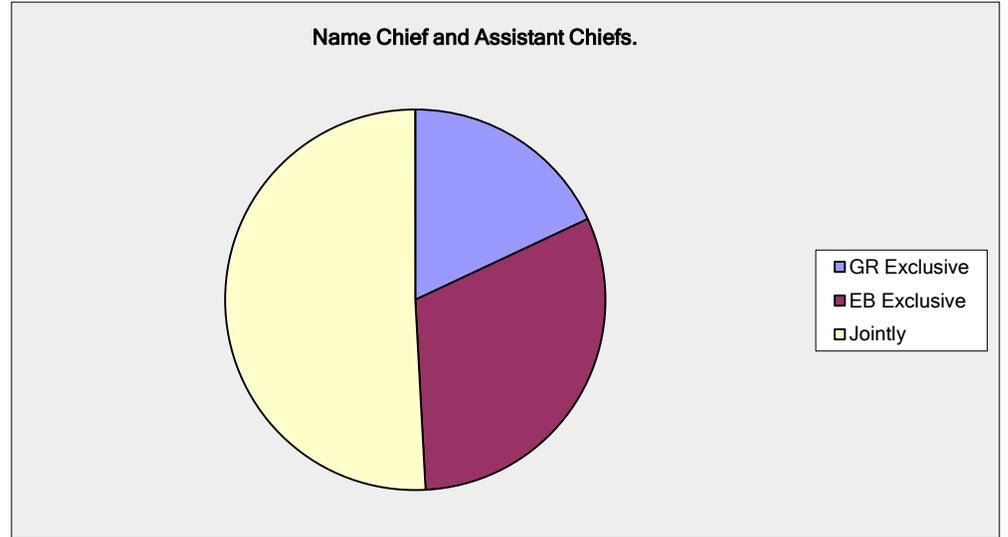
### General Registrar / Electoral Board Duties

Determine number of officers and placement.		
Answer Options	Response Percent	Response Count
GR Exclusive	37.5%	36
EB Exclusive	15.6%	15
Jointly	46.9%	45
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



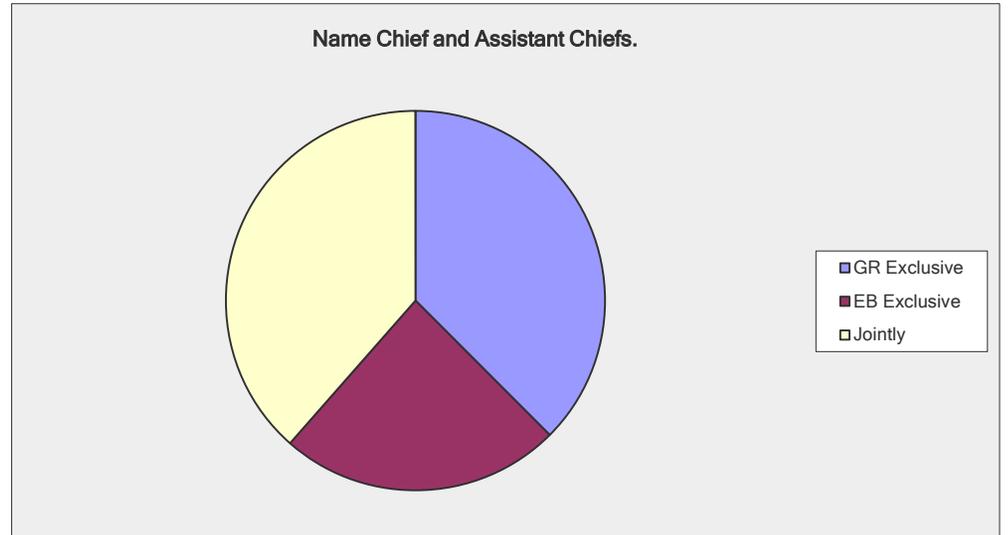
## Electoral Board / General Registrar Duties

Name Chief and Assistant Chiefs.		
Answer Options	Response Percent	Response Count
GR Exclusive	18.0%	11
EB Exclusive	31.1%	19
Jointly	50.8%	31
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



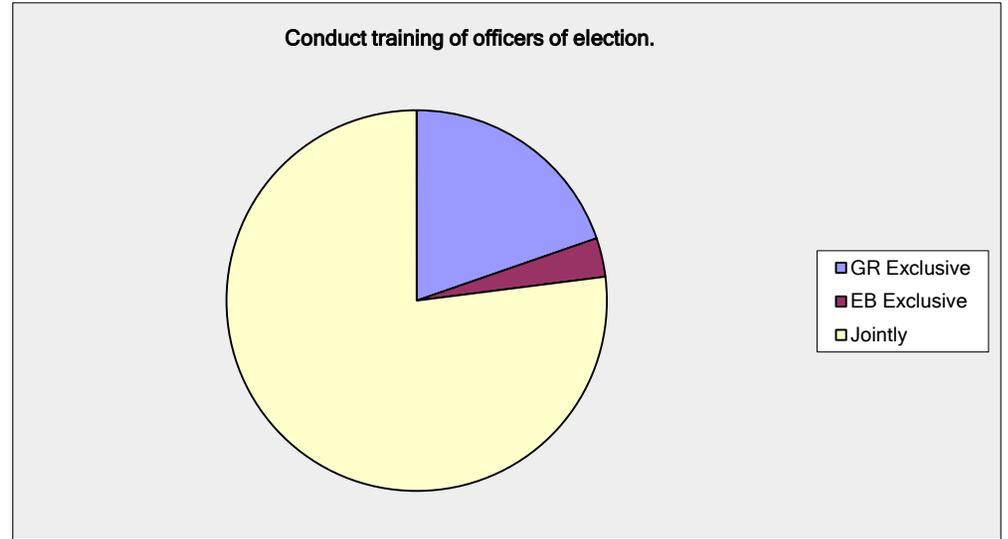
## General Registrar / Electoral Board Duties

Name Chief and Assistant Chiefs.		
Answer Options	Response Percent	Response Count
GR Exclusive	37.5%	36
EB Exclusive	24.0%	23
Jointly	38.5%	37
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



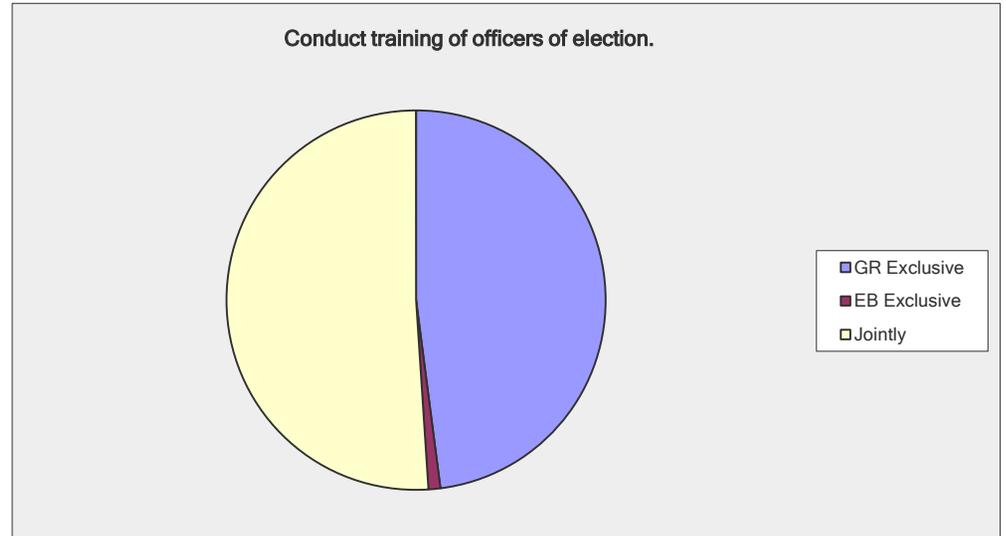
### Electoral Board / General Registrar Duties

Conduct training of officers of election.			
Answer Options	Response Percent	Response Count	
GR Exclusive	19.7%	12	
EB Exclusive	3.3%	2	
Jointly	77.0%	47	
<i>answered question</i>			<b>61</b>
<i>skipped question</i>			<b>0</b>



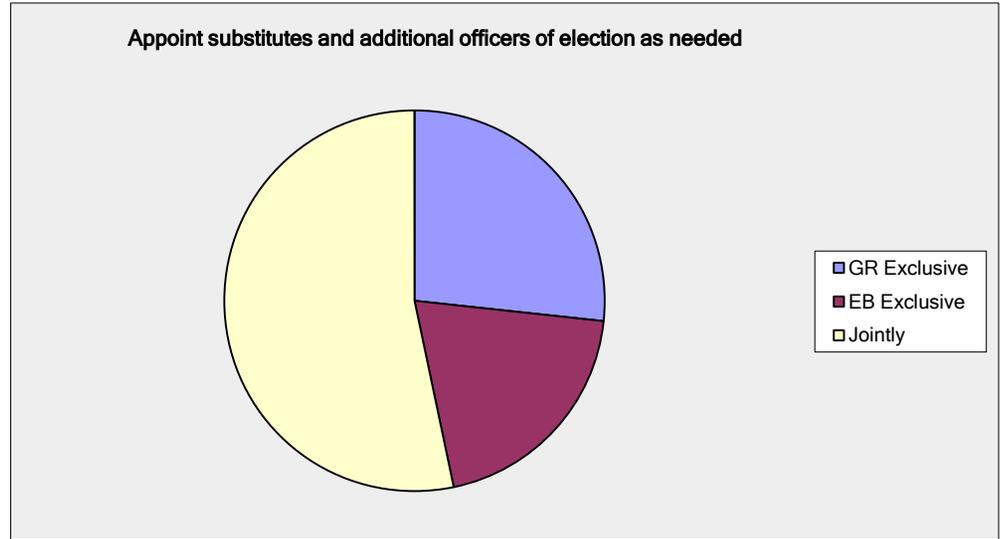
### General Registrar / Electoral Board Duties

Conduct training of officers of election.			
Answer Options	Response Percent	Response Count	
GR Exclusive	47.9%	46	
EB Exclusive	1.0%	1	
Jointly	51.0%	49	
<i>answered question</i>			<b>96</b>
<i>skipped question</i>			<b>1</b>



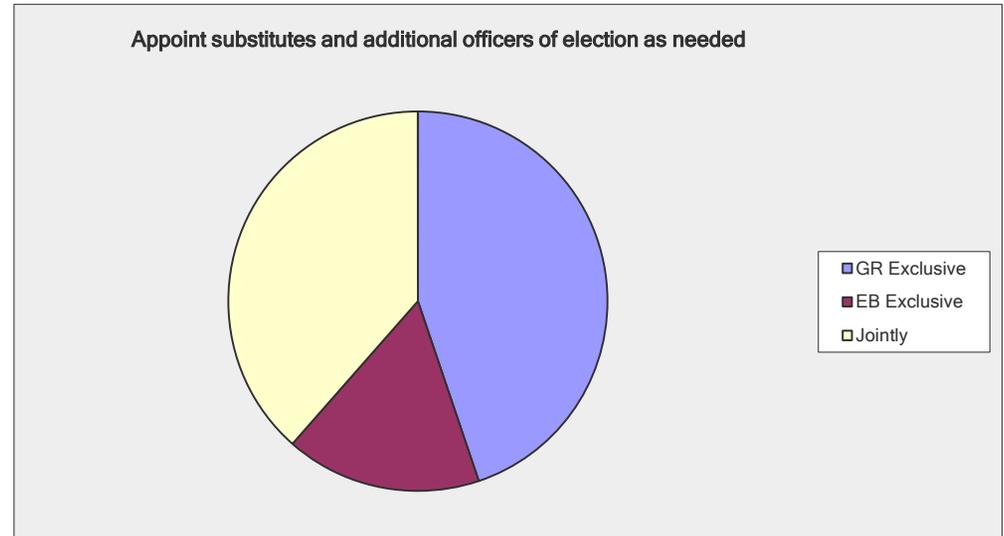
### Electoral Board / General Registrar Duties

Appoint substitutes and additional officers of election as needed			
Answer Options	Response Percent	Response Count	
GR Exclusive	26.7%	16	
EB Exclusive	20.0%	12	
Jointly	53.3%	32	
<i>answered question</i>			<b>60</b>
<i>skipped question</i>			<b>1</b>



### General Registrar / Electoral Board Duties

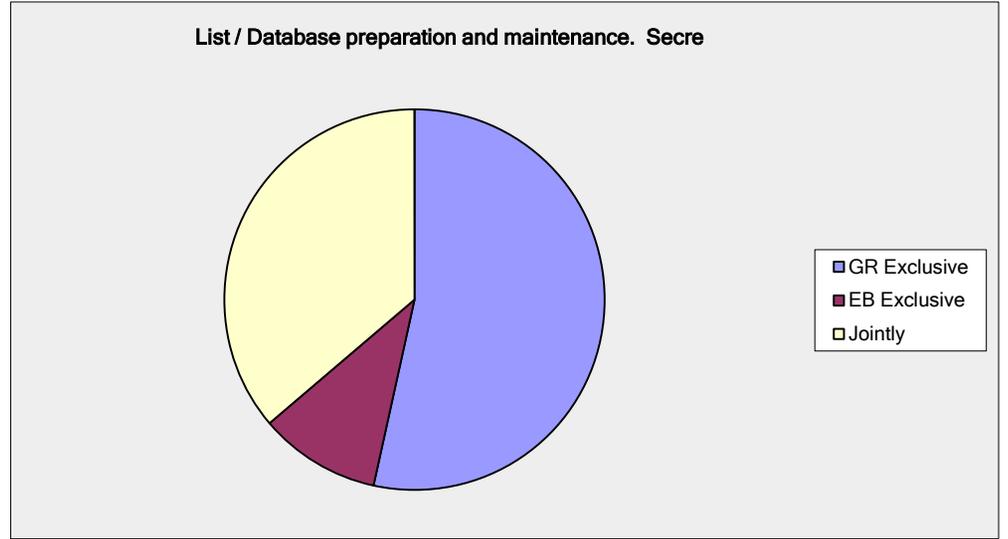
Appoint substitutes and additional officers of election as needed			
Answer Options	Response Percent	Response Count	
GR Exclusive	44.8%	43	
EB Exclusive	16.7%	16	
Jointly	38.5%	37	
<i>answered question</i>			<b>96</b>
<i>skipped question</i>			<b>1</b>



### Electoral Board / General Registrar Duties

List / Database preparation and maintenance. Secretary responsible to post list and update with new appointments as made. Public list should not contain personal

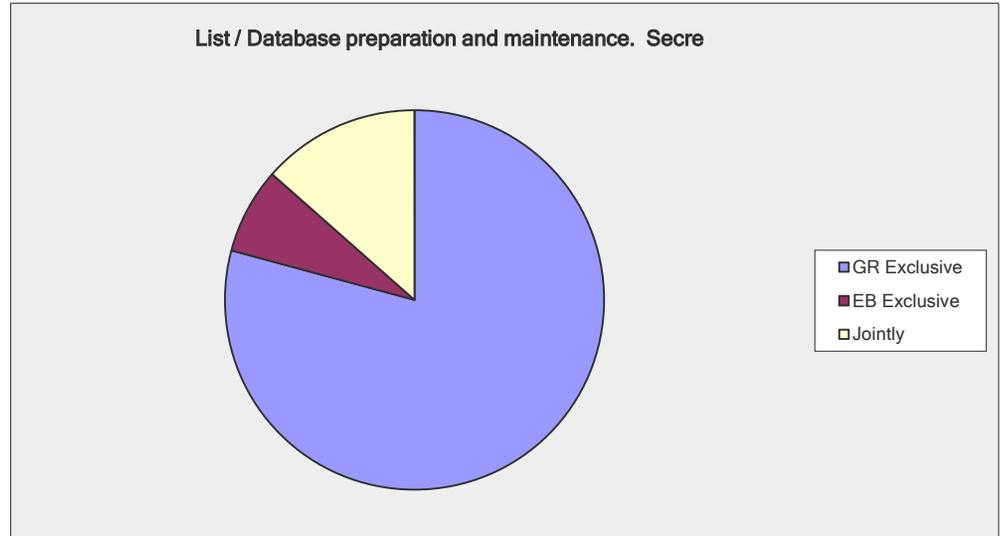
Answer Options	Response Percent	Response Count
GR Exclusive	53.4%	31
EB Exclusive	10.3%	6
Jointly	36.2%	21
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



### General Registrar / Electoral Board Duties

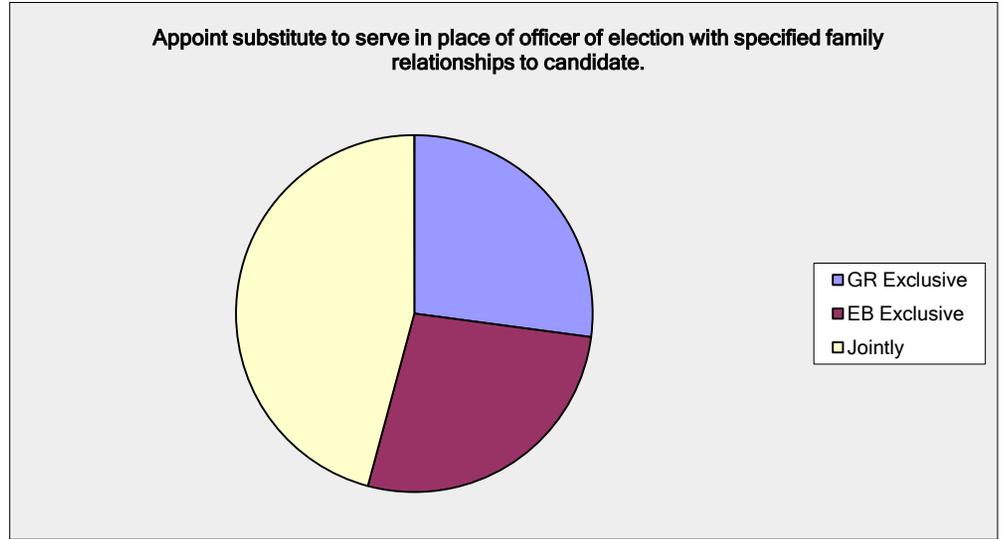
List / Database preparation and maintenance. Secretary responsible to post list and

Answer Options	Response Percent	Response Count
GR Exclusive	79.2%	76
EB Exclusive	7.3%	7
Jointly	13.5%	13
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



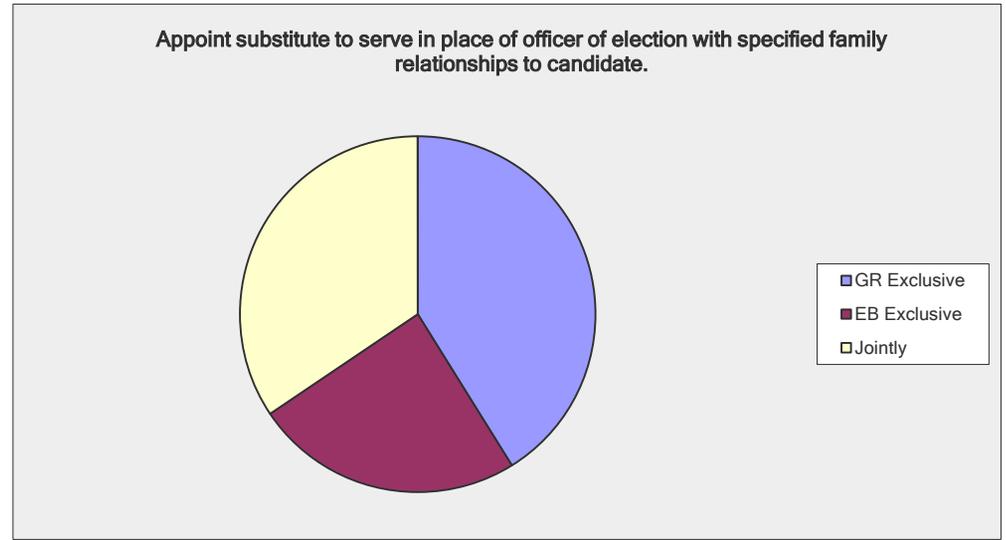
### Electoral Board / General Registrar Duties

Appoint substitute to serve in place of officer of election with specified family relationships to candidate.		
Answer Options	Response Percent	Response Count
GR Exclusive	27.1%	16
EB Exclusive	27.1%	16
Jointly	45.8%	27
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



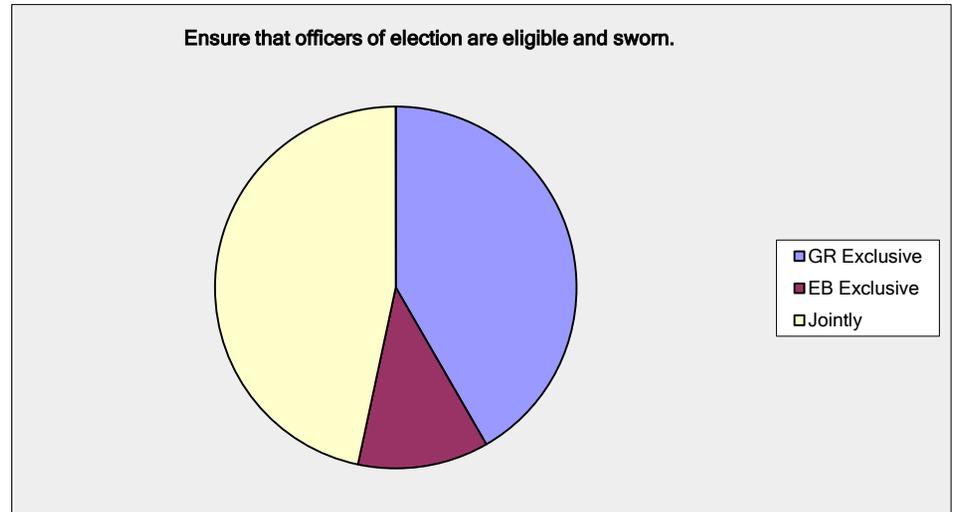
### General Registrar / Electoral Board Duties

Appoint substitute to serve in place of officer of election with specified family relationships to candidate.		
Answer Options	Response Percent	Response Count
GR Exclusive	41.1%	37
EB Exclusive	24.4%	22
Jointly	34.4%	31
<i>answered question</i>		<b>90</b>
<i>skipped question</i>		<b>7</b>



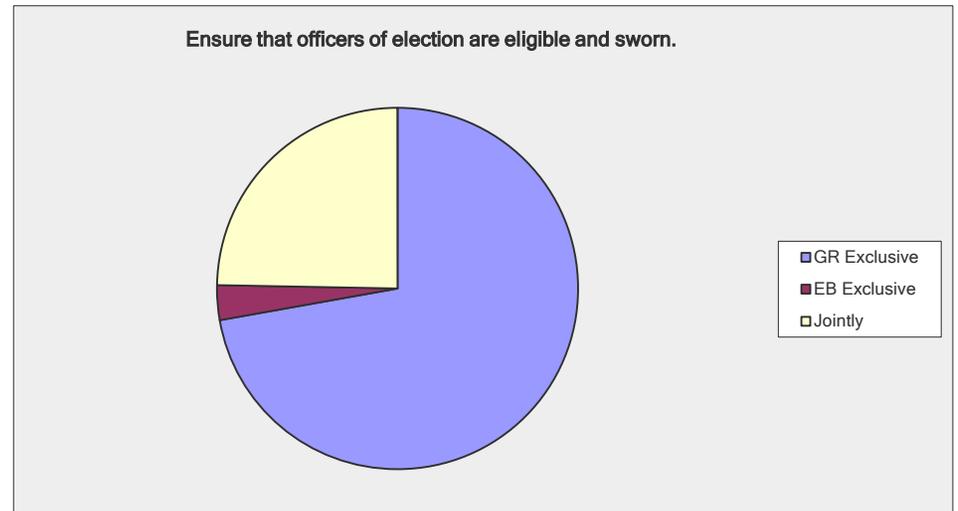
### Electoral Board / General Registrar Duties

Ensure that officers of election are eligible and sworn.		
Answer Options	Response Percent	Response Count
GR Exclusive	41.7%	25
EB Exclusive	11.7%	7
Jointly	46.7%	28
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



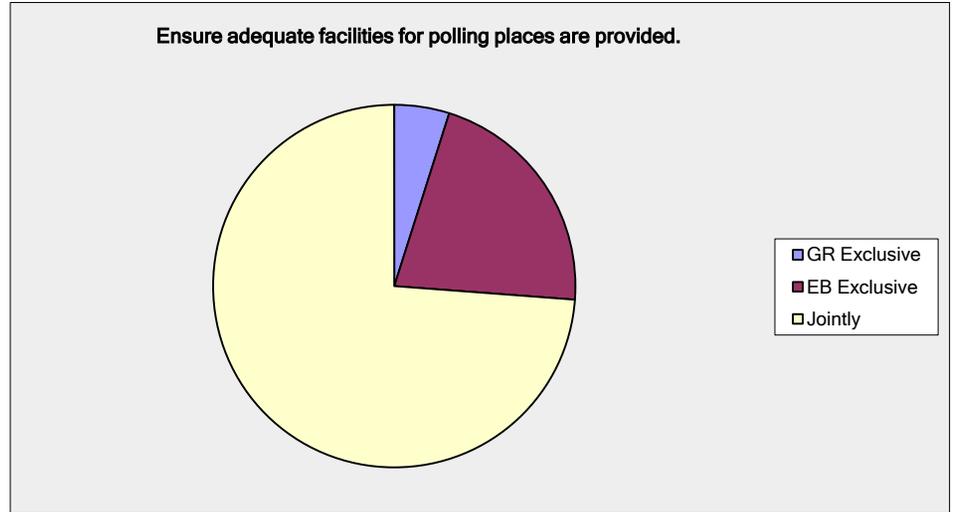
### General Registrar / Electoral Board Duties

Ensure that officers of election are eligible and sworn.		
Answer Options	Response Percent	Response Count
GR Exclusive	72.2%	70
EB Exclusive	3.1%	3
Jointly	24.7%	24
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



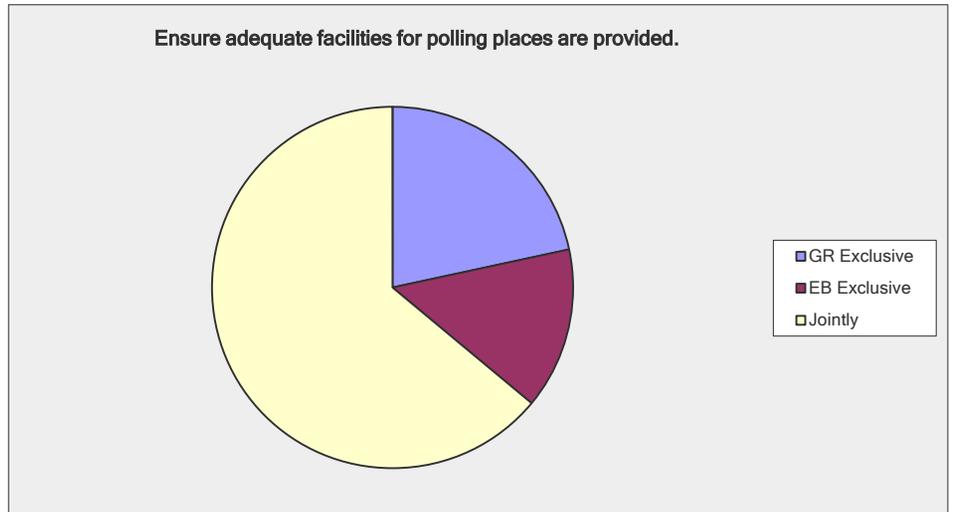
### Electoral Board / General Registrar Duties

Ensure adequate facilities for polling places are provided.		
Answer Options	Response Percent	Response Count
GR Exclusive	4.9%	3
EB Exclusive	21.3%	13
Jointly	73.8%	45
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

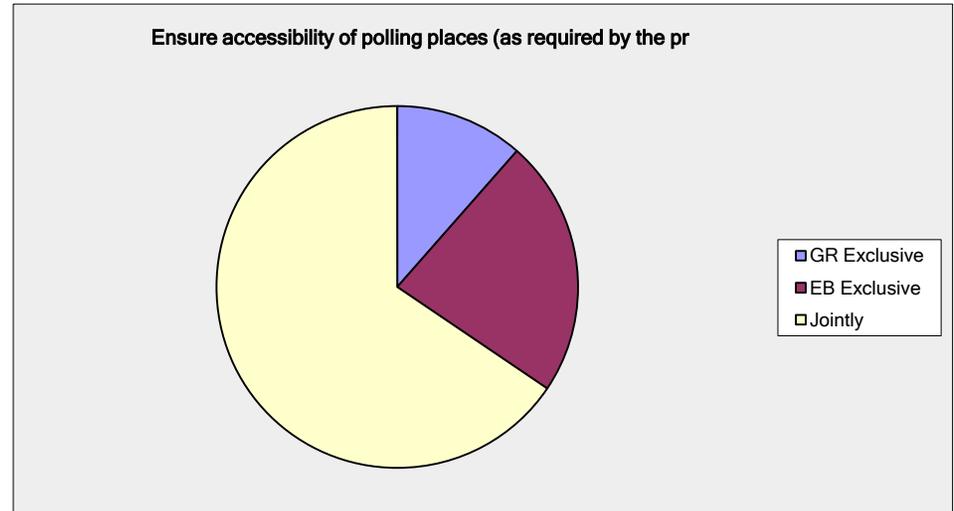
Ensure adequate facilities for polling places are provided.		
Answer Options	Response Percent	Response Count
GR Exclusive	21.6%	21
EB Exclusive	14.4%	14
Jointly	63.9%	62
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



### Electoral Board / General Registrar Duties

Ensure accessibility of polling places (as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and

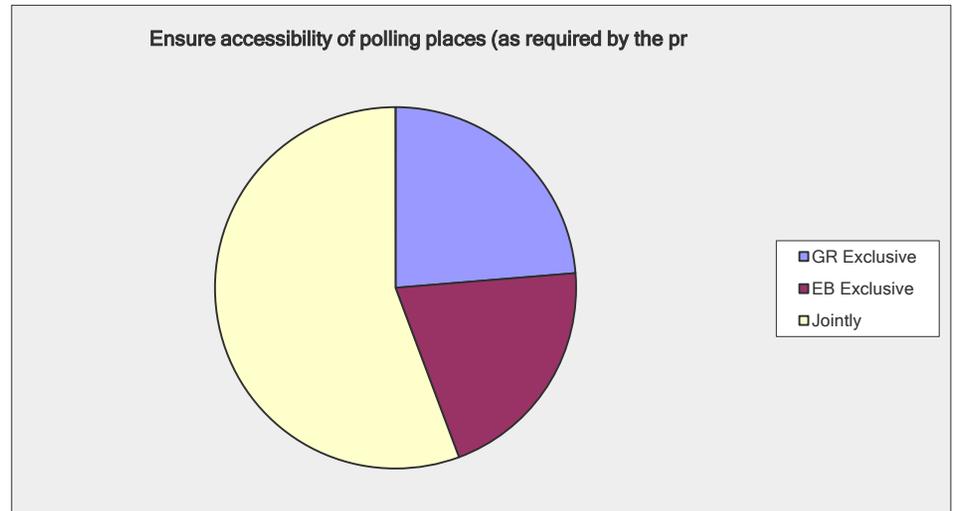
Answer Options	Response Percent	Response Count
GR Exclusive	11.5%	7
EB Exclusive	23.0%	14
Jointly	65.6%	40
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

Ensure accessibility of polling places (as required by the provisions of the Virginians with

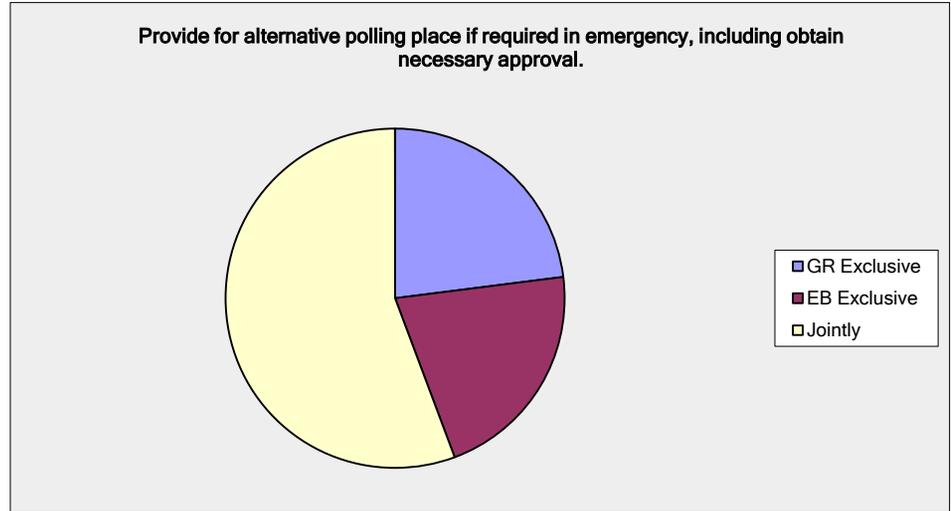
Answer Options	Response Percent	Response Count
GR Exclusive	23.7%	23
EB Exclusive	20.6%	20
Jointly	55.7%	54
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



### Electoral Board / General Registrar Duties

Provide for alternative polling place if required in emergency, including obtain necessary approval.

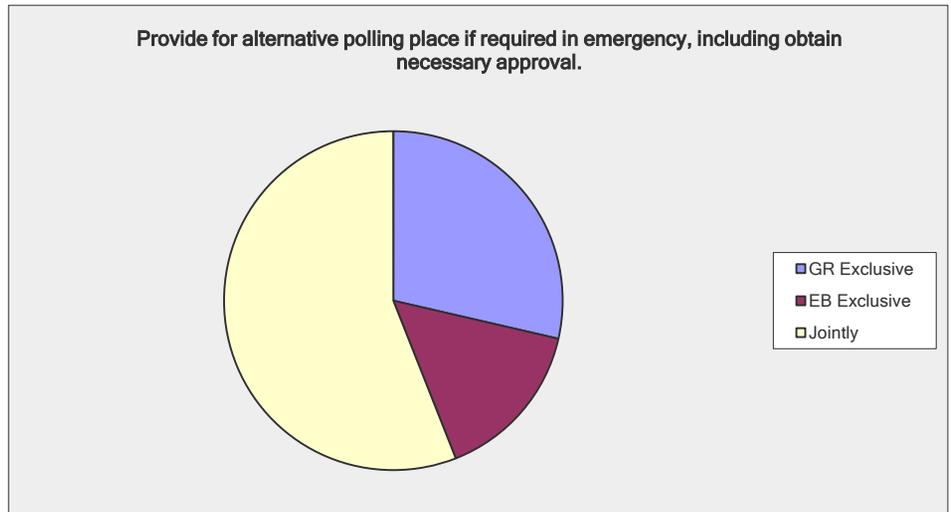
Answer Options	Response Percent	Response Count	
GR Exclusive	23.0%	14	
EB Exclusive	21.3%	13	
Jointly	55.7%	34	
<i>answered question</i>			<b>61</b>
<i>skipped question</i>			<b>0</b>



### General Registrar / Electoral Board Duties

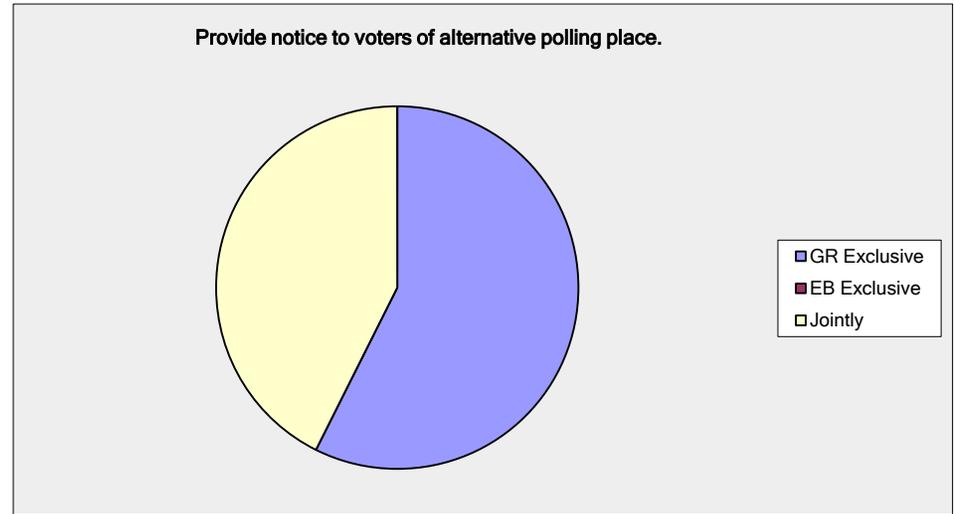
Provide for alternative polling place if required in emergency, including obtain necessary approval.

Answer Options	Response Percent	Response Count	
GR Exclusive	28.6%	26	
EB Exclusive	15.4%	14	
Jointly	56.0%	51	
<i>answered question</i>			<b>91</b>
<i>skipped question</i>			<b>6</b>



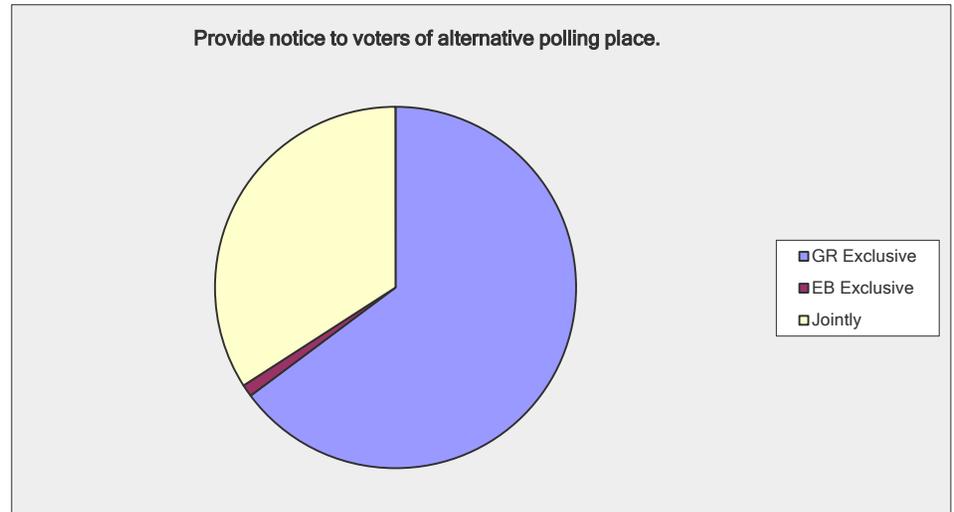
### Electoral Board / General Registrar Duties

Provide notice to voters of alternative polling place.		
Answer Options	Response Percent	Response Count
GR Exclusive	57.4%	35
EB Exclusive	0.0%	0
Jointly	42.6%	26
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



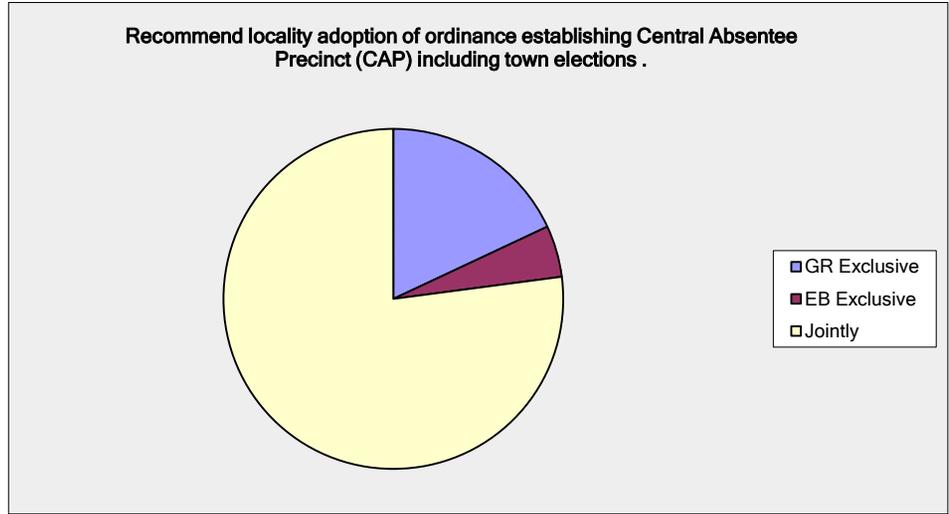
### General Registrar / Electoral Board Duties

Provide notice to voters of alternative polling place.		
Answer Options	Response Percent	Response Count
GR Exclusive	64.8%	59
EB Exclusive	1.1%	1
Jointly	34.1%	31
<i>answered question</i>		<b>91</b>
<i>skipped question</i>		<b>6</b>



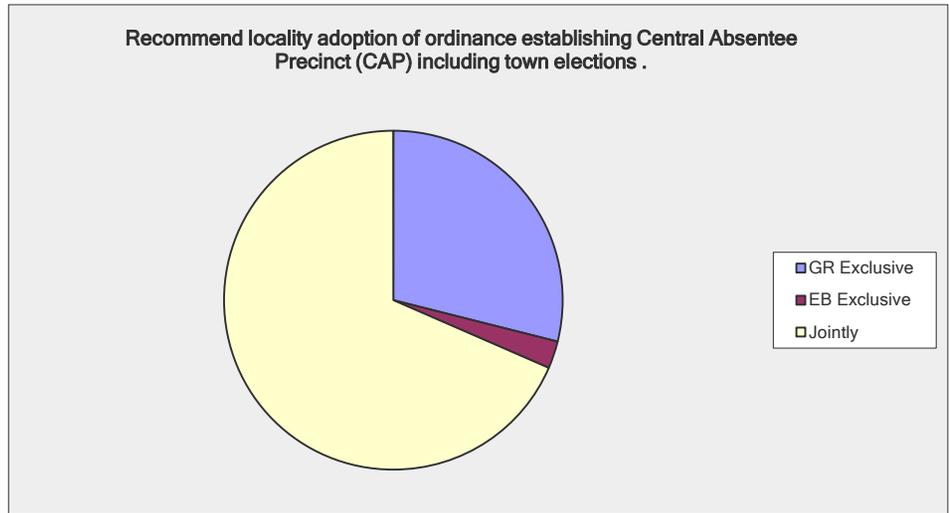
### Electoral Board / General Registrar Duties

Recommend locality adoption of ordinance establishing Central Absentee Precinct (CAP) including town elections .		
Answer Options	Response Percent	Response Count
GR Exclusive	18.0%	11
EB Exclusive	4.9%	3
Jointly	77.0%	47
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

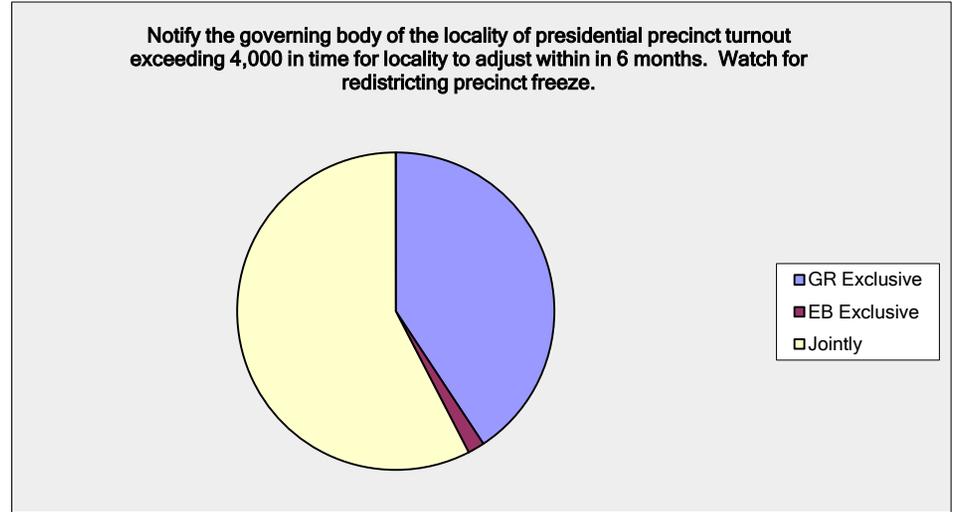
Recommend locality adoption of ordinance establishing Central Absentee Precinct		
Answer Options	Response Percent	Response Count
GR Exclusive	28.9%	22
EB Exclusive	2.6%	2
Jointly	68.4%	52
<i>answered question</i>		<b>76</b>
<i>skipped question</i>		<b>21</b>



### Electoral Board / General Registrar Duties

Notify the governing body of the locality of presidential precinct turnout exceeding 4,000 in time for locality to adjust within in 6 months. Watch for redistricting precinct freeze.

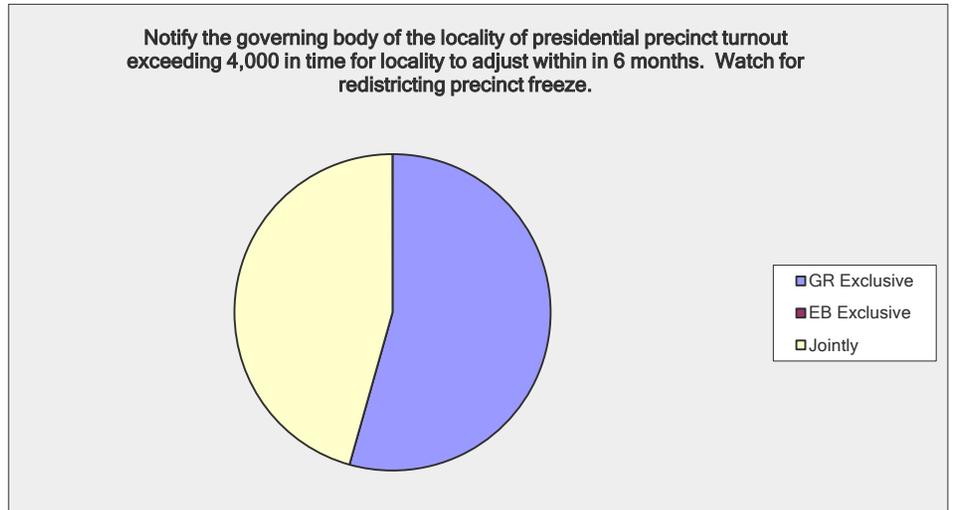
Answer Options	Response Percent	Response Count
GR Exclusive	40.7%	24
EB Exclusive	1.7%	1
Jointly	57.6%	34
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



### General Registrar / Electoral Board Duties

Notify the governing body of the locality of presidential precinct turnout exceeding 4,000

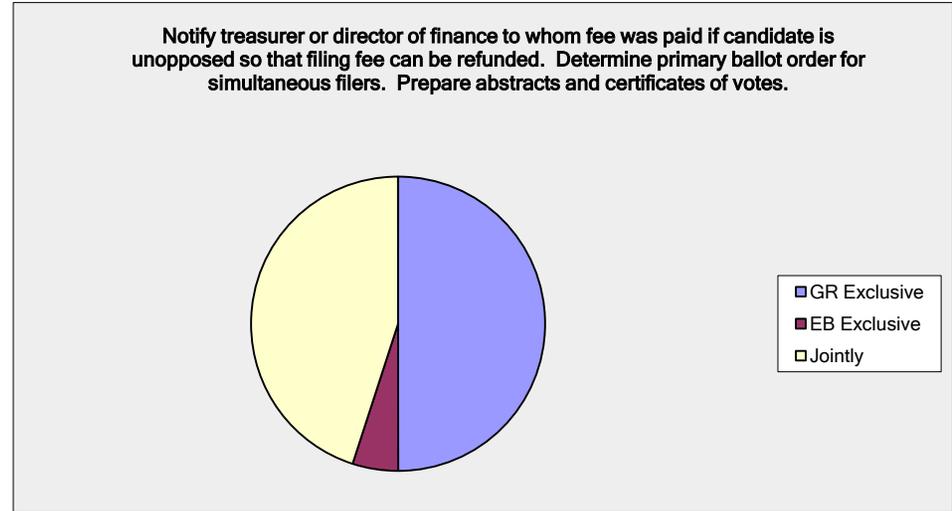
Answer Options	Response Percent	Response Count
GR Exclusive	54.4%	43
EB Exclusive	0.0%	0
Jointly	45.6%	36
<i>answered question</i>		<b>79</b>
<i>skipped question</i>		<b>18</b>



### Electoral Board / General Registrar Duties

Notify treasurer or director of finance to whom fee was paid if candidate is unopposed so that filing fee can be refunded. Determine primary ballot order for simultaneous filers.

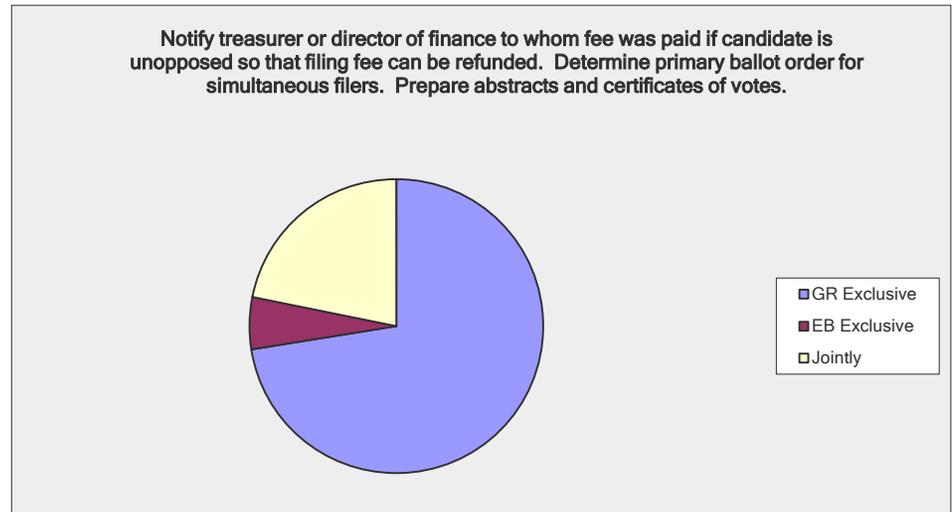
Answer Options	Response Percent	Response Count
GR Exclusive	50.0%	30
EB Exclusive	5.0%	3
Jointly	45.0%	27
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

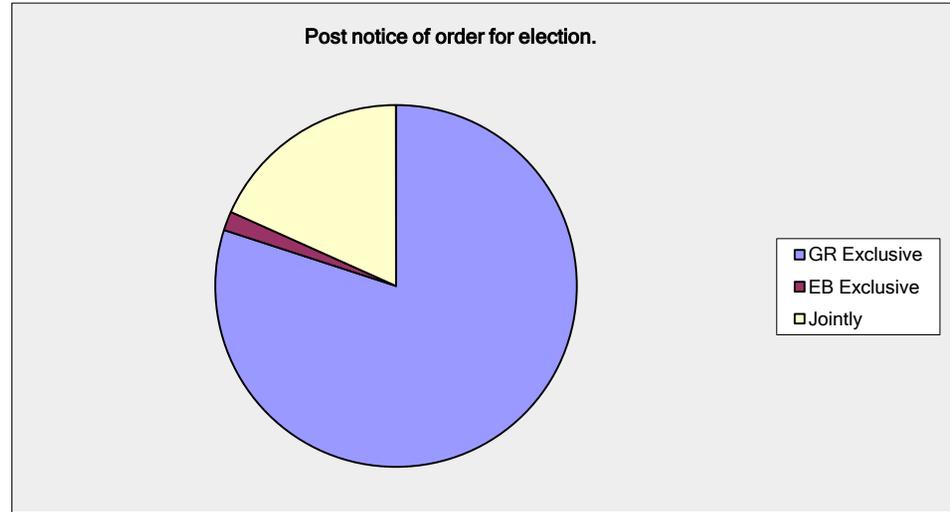
Notify treasurer or director of finance to whom fee was paid if candidate is unopposed so

Answer Options	Response Percent	Response Count
GR Exclusive	72.4%	63
EB Exclusive	5.7%	5
Jointly	21.8%	19
<i>answered question</i>		<b>87</b>
<i>skipped question</i>		<b>10</b>



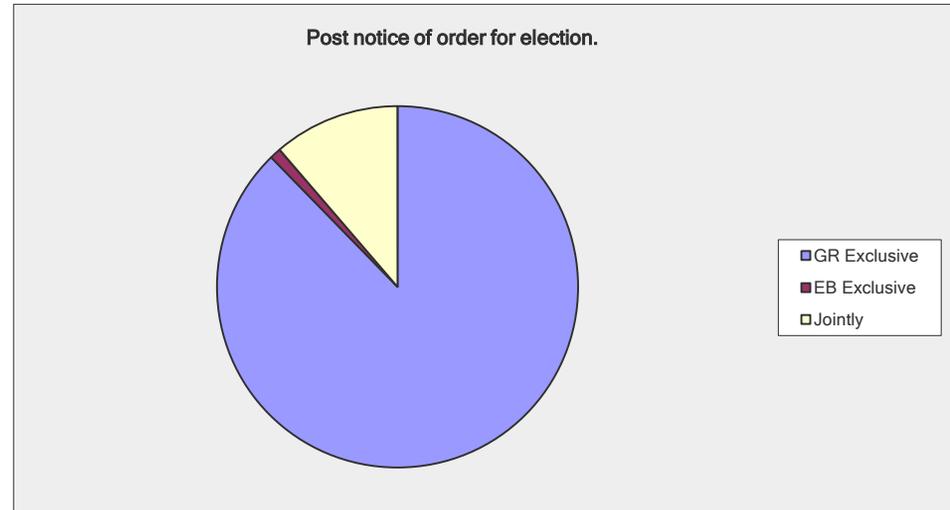
### Electoral Board / General Registrar Duties

Post notice of order for election.		
Answer Options	Response Percent	Response Count
GR Exclusive	80.0%	48
EB Exclusive	1.7%	1
Jointly	18.3%	11
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

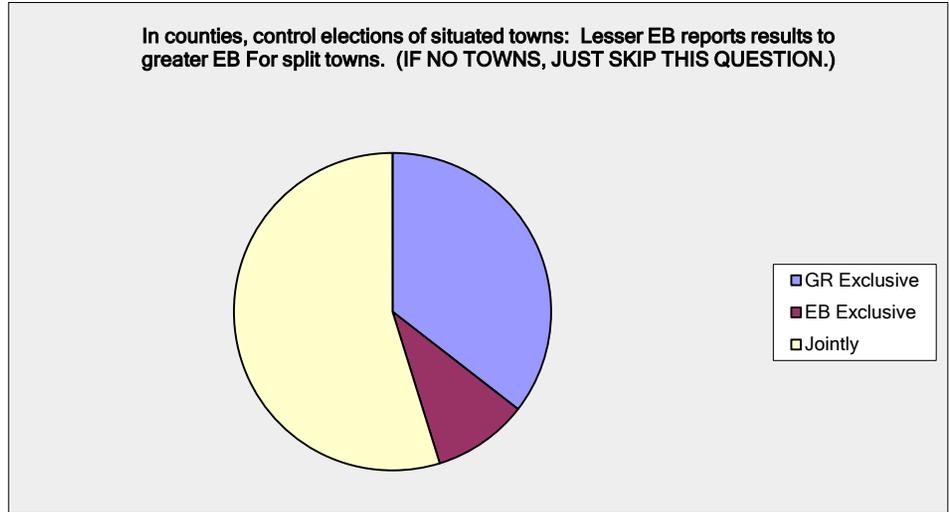
Post notice of order for election.		
Answer Options	Response Percent	Response Count
GR Exclusive	87.6%	85
EB Exclusive	1.0%	1
Jointly	11.3%	11
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



### Electoral Board / General Registrar Duties

In counties, control elections of situated towns: Lesser EB reports results to greater EB For split towns. (IF NO TOWNS, JUST SKIP THIS QUESTION.)

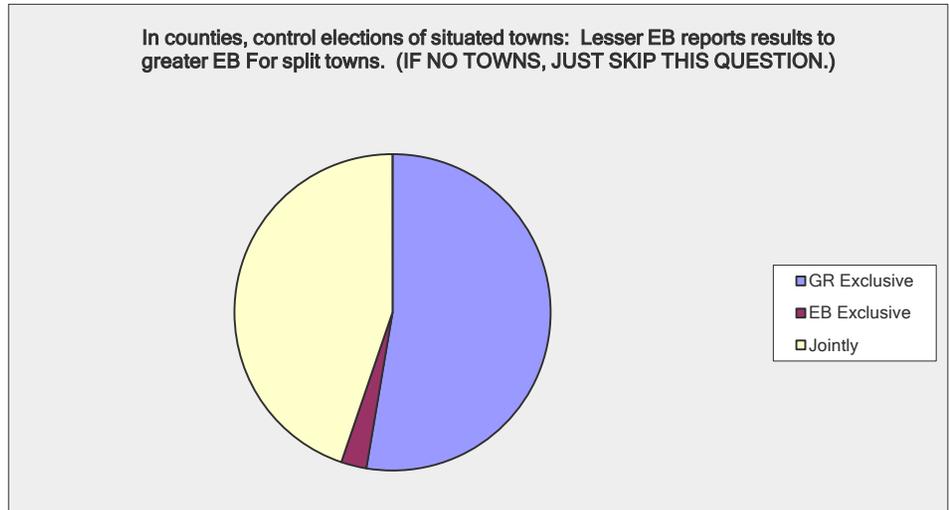
Answer Options	Response Percent	Response Count
GR Exclusive	35.5%	11
EB Exclusive	9.7%	3
Jointly	54.8%	17
<i>answered question</i>		<b>31</b>
<i>skipped question</i>		<b>30</b>



### General Registrar / Electoral Board Duties

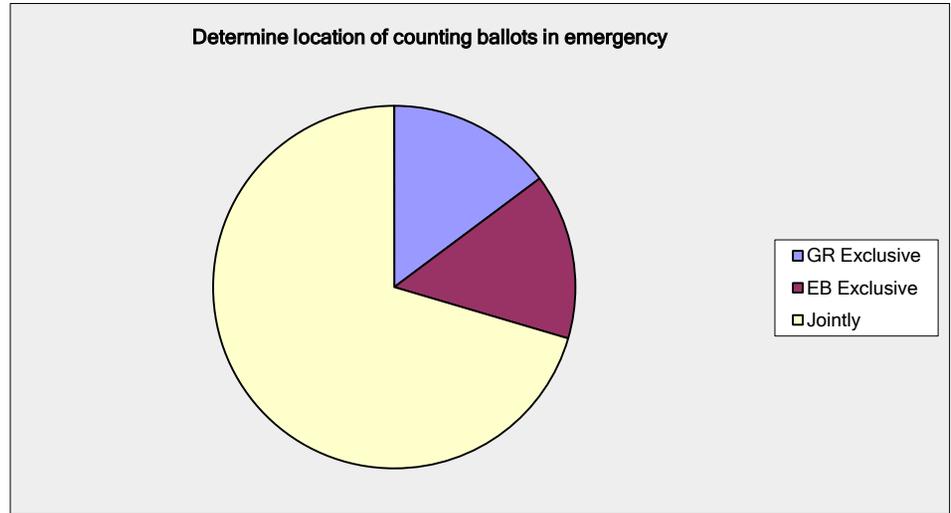
In counties, control elections of situated towns: Lesser EB reports results to greater EB

Answer Options	Response Percent	Response Count
GR Exclusive	52.6%	20
EB Exclusive	2.6%	1
Jointly	44.7%	17
<i>answered question</i>		<b>38</b>
<i>skipped question</i>		<b>59</b>



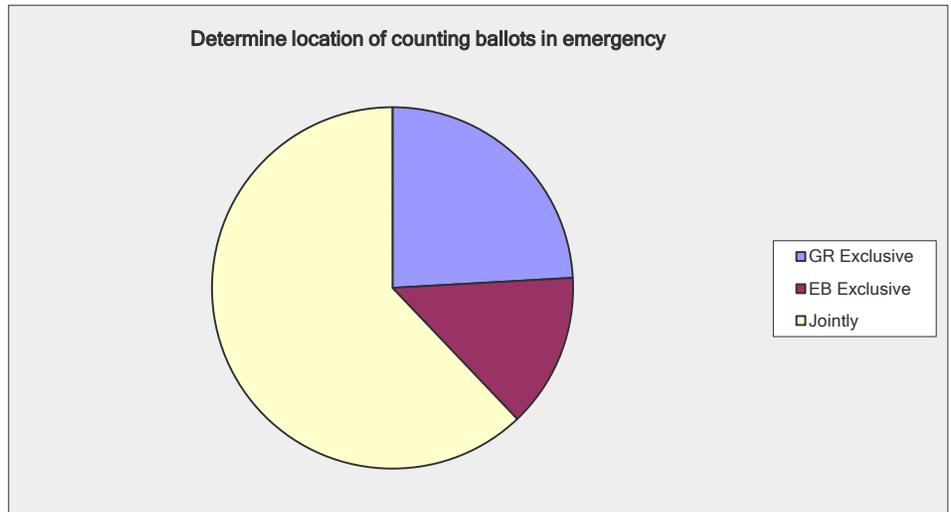
### Electoral Board / General Registrar Duties

Determine location of counting ballots in emergency		
Answer Options	Response Percent	Response Count
GR Exclusive	14.8%	9
EB Exclusive	14.8%	9
Jointly	70.5%	43
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



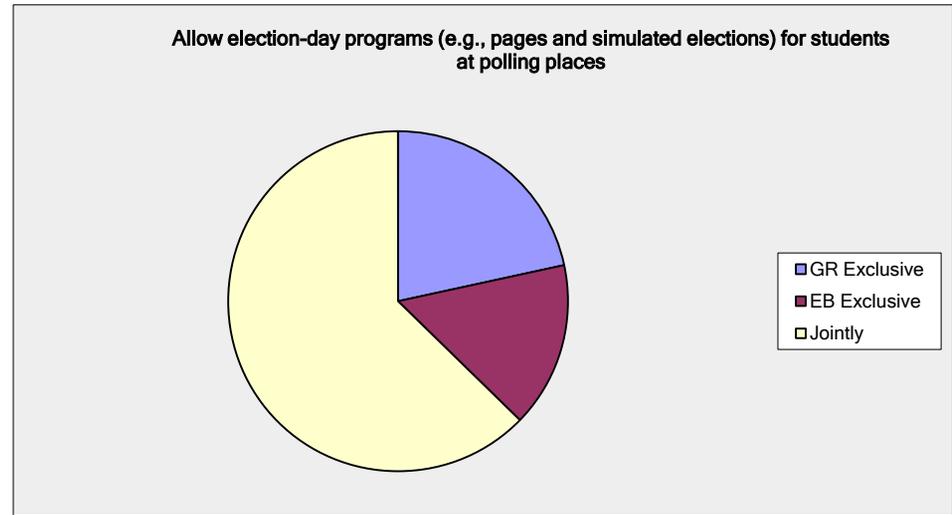
### General Registrar / Electoral Board Duties

Determine location of counting ballots in emergency		
Answer Options	Response Percent	Response Count
GR Exclusive	24.1%	21
EB Exclusive	13.8%	12
Jointly	62.1%	54
<i>answered question</i>		<b>87</b>
<i>skipped question</i>		<b>10</b>



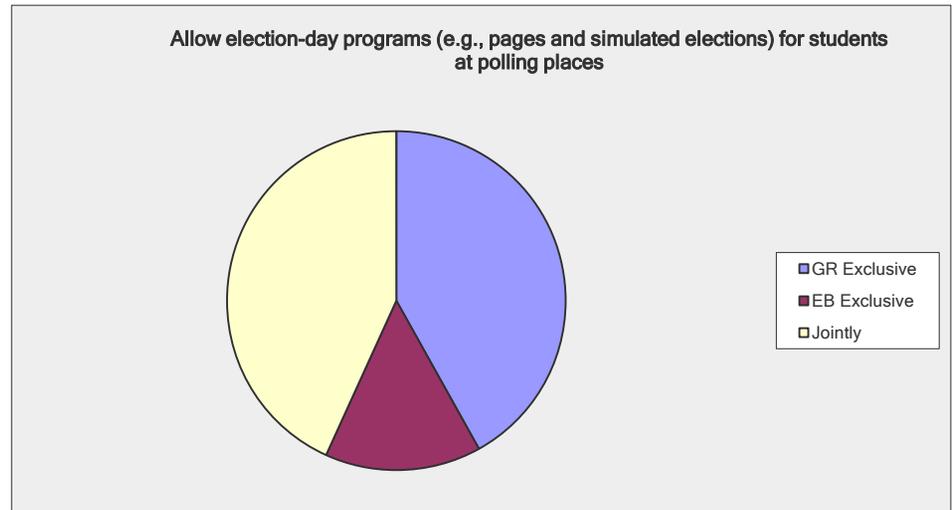
### Electoral Board / General Registrar Duties

Allow election-day programs (e.g., pages and simulated elections) for students at polling places		
Answer Options	Response Percent	Response Count
GR Exclusive	21.6%	11
EB Exclusive	15.7%	8
Jointly	62.7%	32
<i>answered question</i>		<b>51</b>
<i>skipped question</i>		<b>10</b>



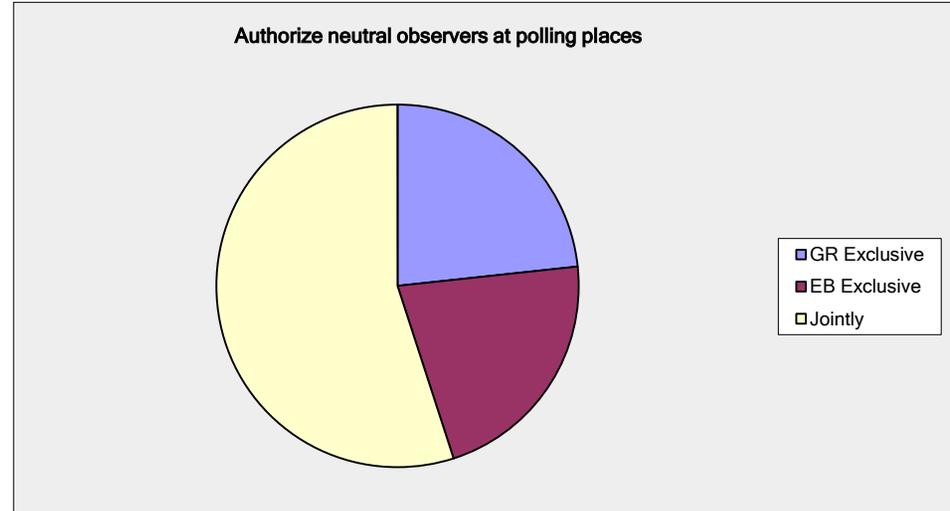
### General Registrar / Electoral Board Duties

Allow election-day programs (e.g., pages and simulated elections) for students at polling places		
Answer Options	Response Percent	Response Count
GR Exclusive	41.9%	31
EB Exclusive	14.9%	11
Jointly	43.2%	32
<i>answered question</i>		<b>74</b>
<i>skipped question</i>		<b>23</b>



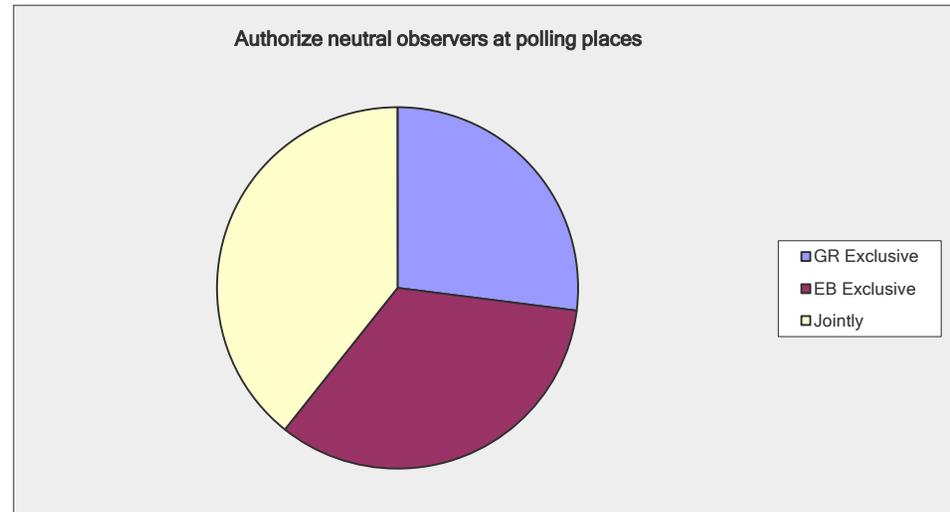
### Electoral Board / General Registrar Duties

Authorize neutral observers at polling places		
Answer Options	Response Percent	Response Count
GR Exclusive	23.3%	14
EB Exclusive	21.7%	13
Jointly	55.0%	33
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



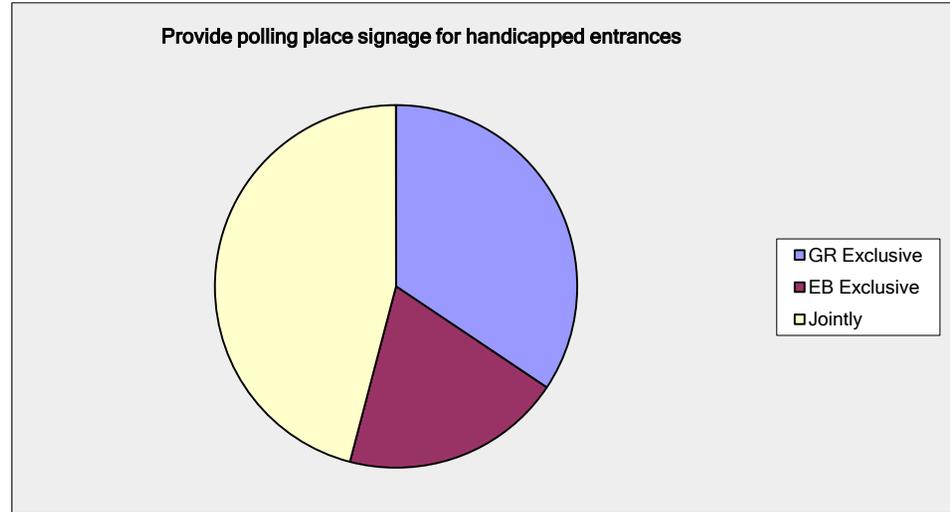
### General Registrar / Electoral Board Duties

Authorize neutral observers at polling places		
Answer Options	Response Percent	Response Count
GR Exclusive	27.0%	24
EB Exclusive	33.7%	30
Jointly	39.3%	35
<i>answered question</i>		<b>89</b>
<i>skipped question</i>		<b>8</b>



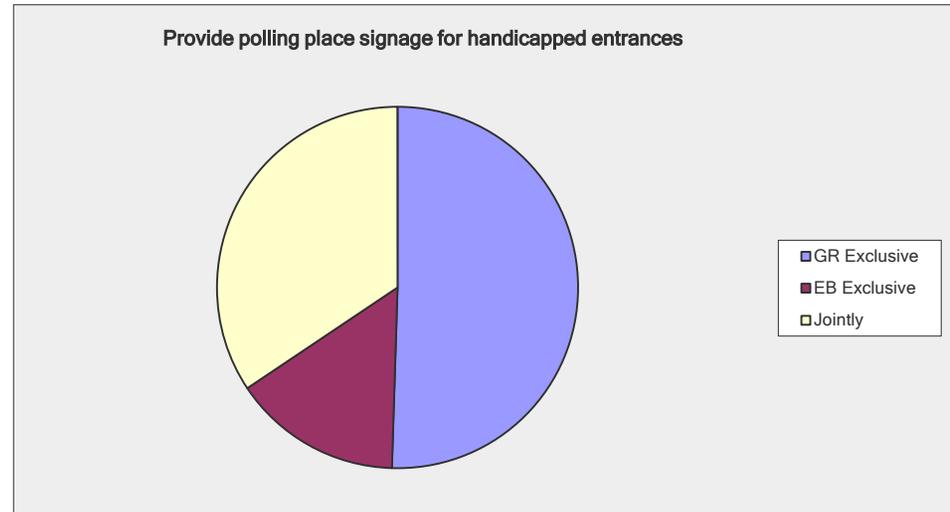
### Electoral Board / General Registrar Duties

Provide polling place signage for handicapped entrances		
Answer Options	Response Percent	Response Count
GR Exclusive	34.4%	21
EB Exclusive	19.7%	12
Jointly	45.9%	28
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



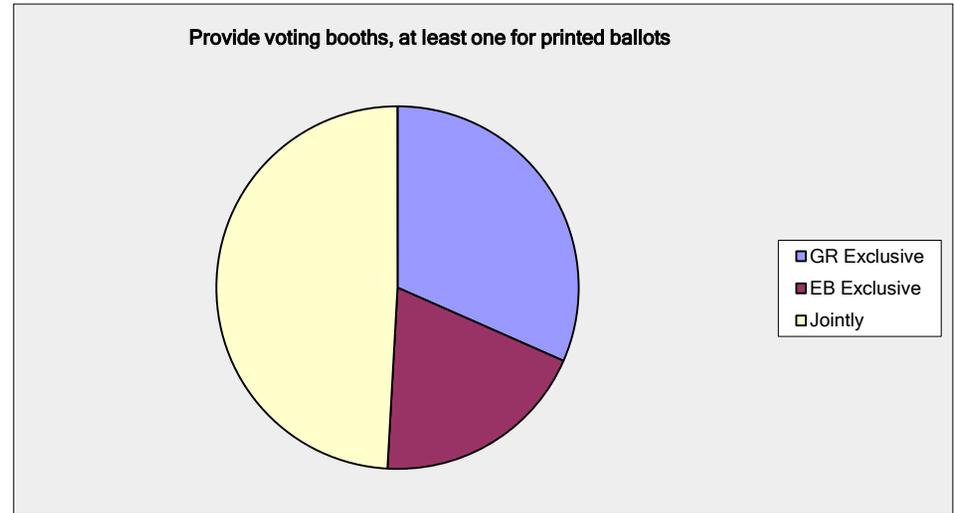
### General Registrar / Electoral Board Duties

Provide polling place signage for handicapped entrances		
Answer Options	Response Percent	Response Count
GR Exclusive	50.5%	47
EB Exclusive	15.1%	14
Jointly	34.4%	32
<i>answered question</i>		<b>93</b>
<i>skipped question</i>		<b>4</b>



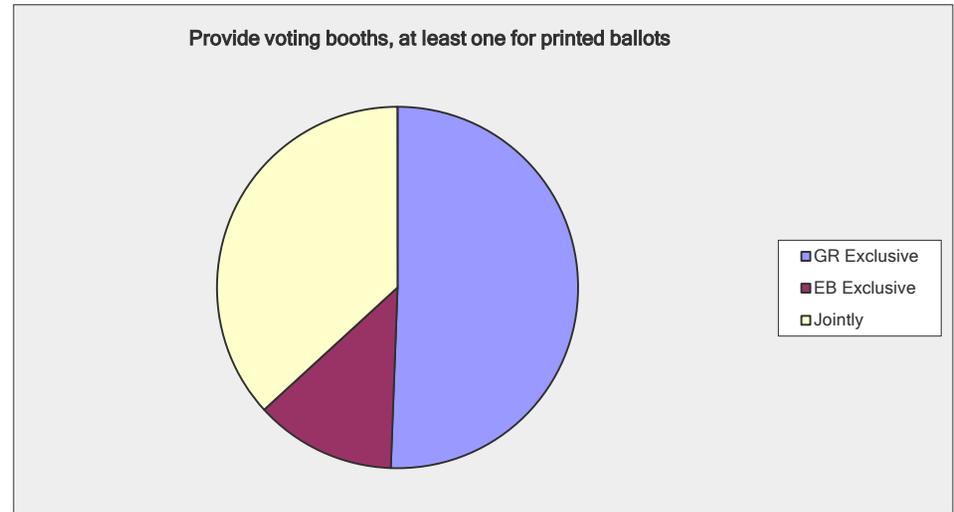
### Electoral Board / General Registrar Duties

Provide voting booths, at least one for printed ballots		
Answer Options	Response Percent	Response Count
GR Exclusive	31.6%	18
EB Exclusive	19.3%	11
Jointly	49.1%	28
<i>answered question</i>		<b>57</b>
<i>skipped question</i>		<b>4</b>



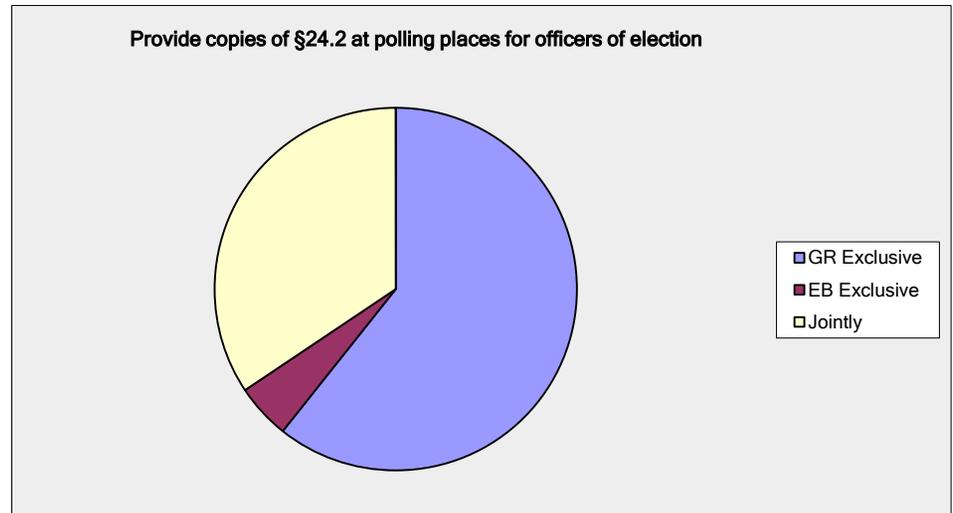
### General Registrar / Electoral Board Duties

Provide voting booths, at least one for printed ballots		
Answer Options	Response Percent	Response Count
GR Exclusive	50.6%	44
EB Exclusive	12.6%	11
Jointly	36.8%	32
<i>answered question</i>		<b>87</b>
<i>skipped question</i>		<b>10</b>



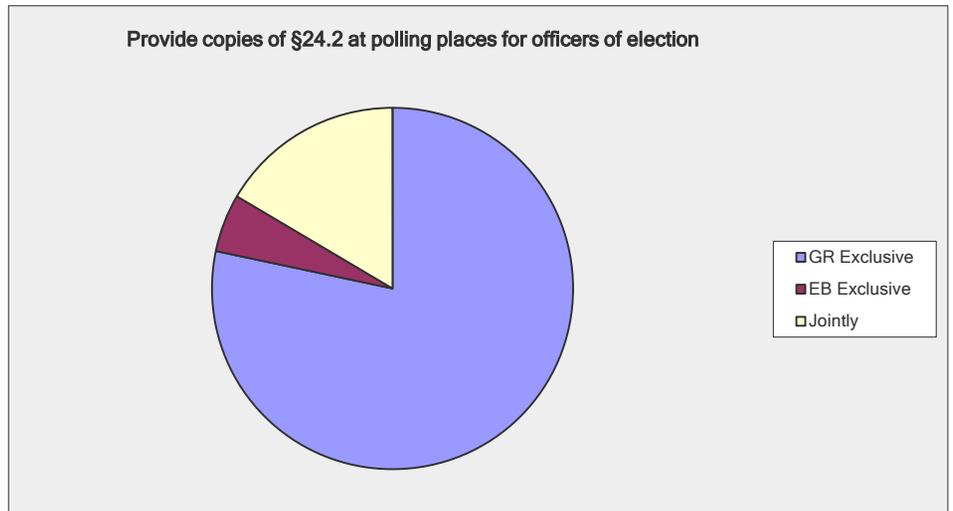
### Electoral Board / General Registrar Duties

Provide copies of §24.2 at polling places for officers of election		
Answer Options	Response Percent	Response Count
GR Exclusive	60.7%	37
EB Exclusive	4.9%	3
Jointly	34.4%	21
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

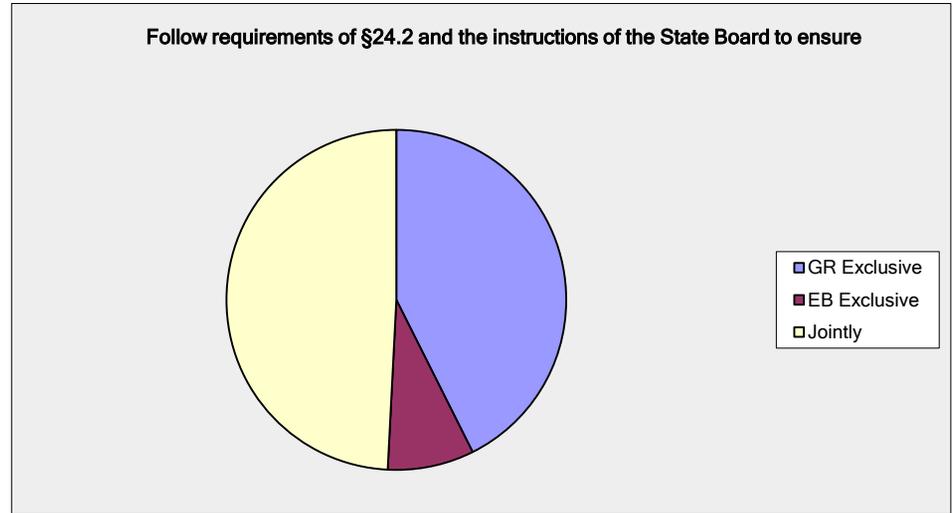
Provide copies of §24.2 at polling places for officers of election		
Answer Options	Response Percent	Response Count
GR Exclusive	78.4%	76
EB Exclusive	5.2%	5
Jointly	16.5%	16
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



### Electoral Board / General Registrar Duties

Follow requirements of §24.2 and the instructions of the State Board to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to

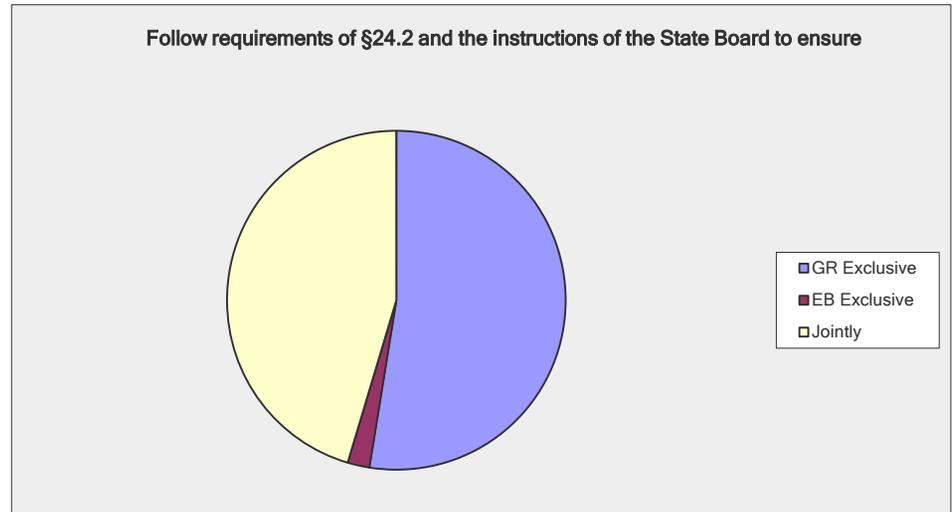
Answer Options	Response Percent	Response Count
GR Exclusive	42.6%	26
EB Exclusive	8.2%	5
Jointly	49.2%	30
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

Follow requirements of §24.2 and the instructions of the State Board to ensure that the

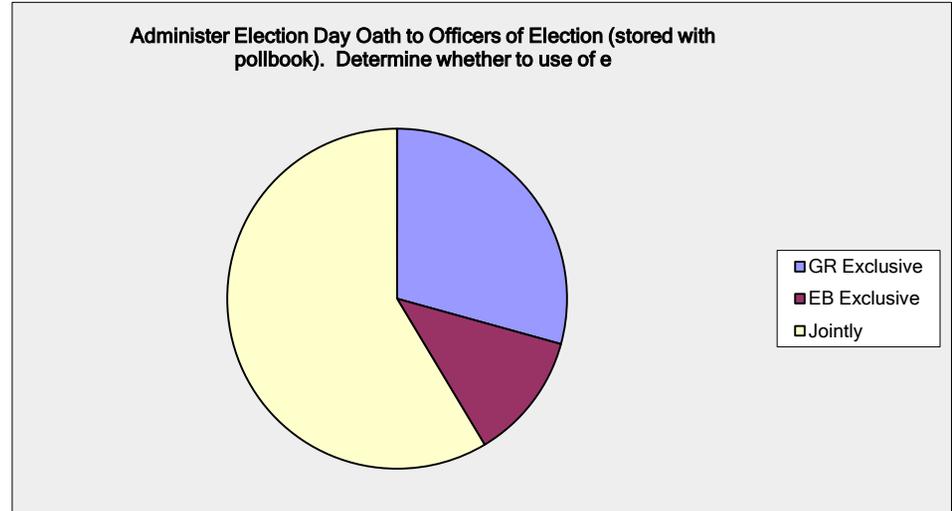
Answer Options	Response Percent	Response Count
GR Exclusive	52.6%	51
EB Exclusive	2.1%	2
Jointly	45.4%	44
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



### Electoral Board / General Registrar Duties

Administer Election Day Oath to Officers of Election (stored with pollbook). Determine whether to use of electronic pollbooks of type approved by SBE and plan for provisional

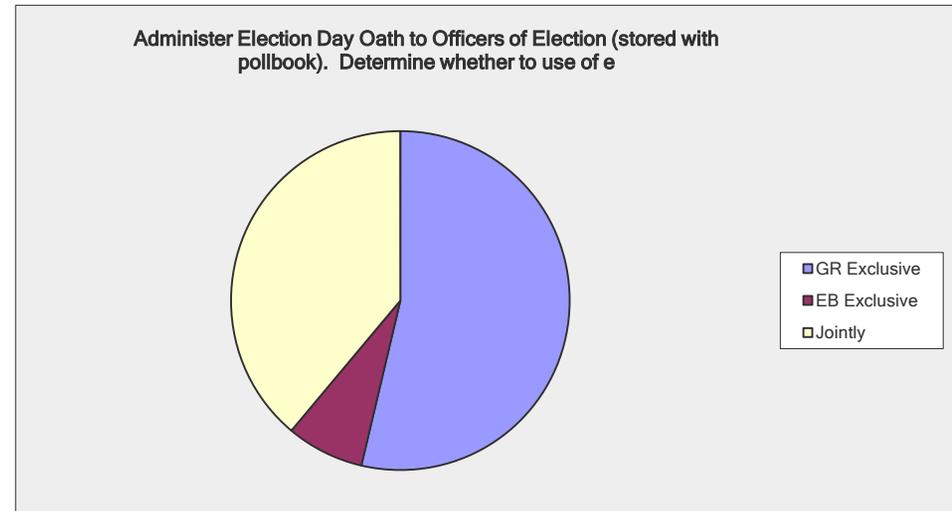
Answer Options	Response Percent	Response Count
GR Exclusive	29.3%	17
EB Exclusive	12.1%	7
Jointly	58.6%	34
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



### General Registrar / Electoral Board Duties

Administer Election Day Oath to Officers of Election (stored with pollbook). Determine

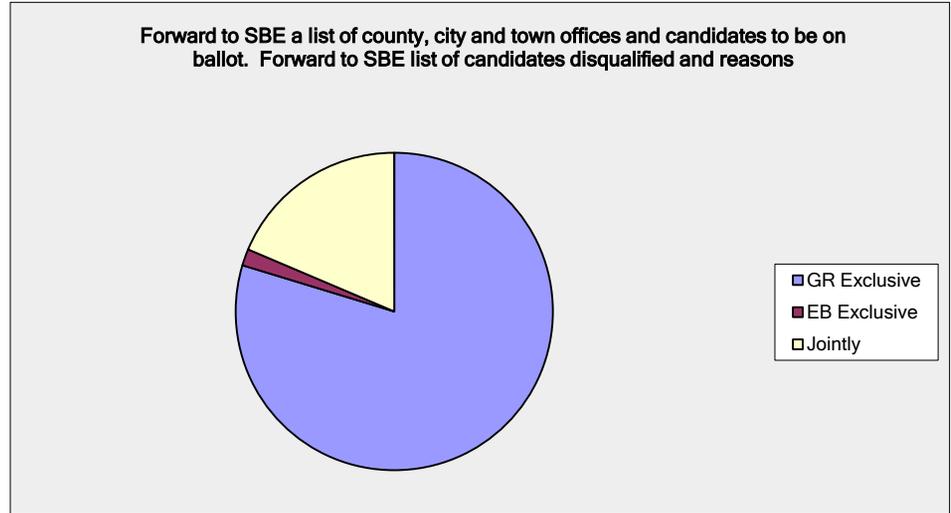
Answer Options	Response Percent	Response Count
GR Exclusive	53.7%	51
EB Exclusive	7.4%	7
Jointly	38.9%	37
<i>answered question</i>		<b>95</b>
<i>skipped question</i>		<b>2</b>



### Electoral Board / General Registrar Duties

Forward to SBE a list of county, city and town offices and candidates to be on ballot.  
 Forward to SBE list of candidates disqualified and reasons

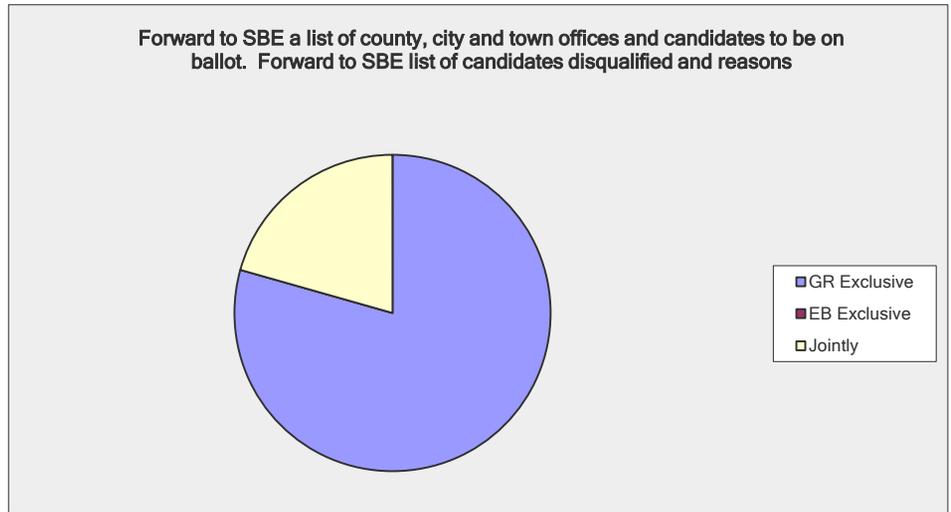
Answer Options	Response Percent	Response Count
GR Exclusive	79.7%	47
EB Exclusive	1.7%	1
Jointly	18.6%	11
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



### General Registrar / Electoral Board Duties

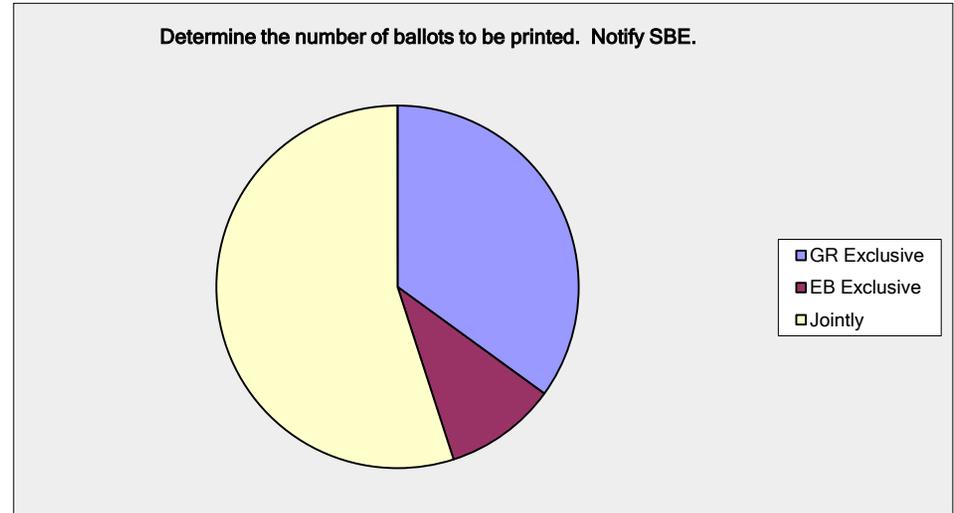
Forward to SBE a list of county, city and town offices and candidates to be on ballot.

Answer Options	Response Percent	Response Count
GR Exclusive	79.4%	77
EB Exclusive	0.0%	0
Jointly	20.6%	20
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



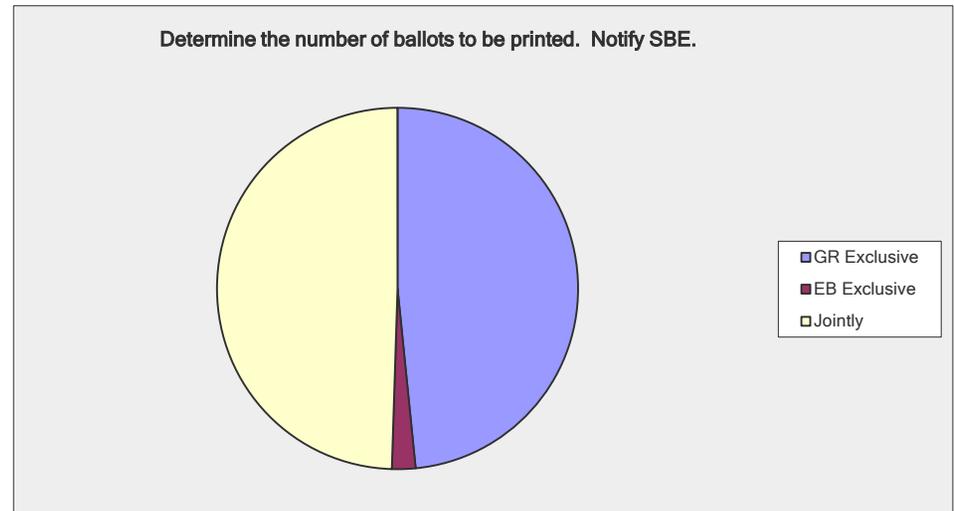
### Electoral Board / General Registrar Duties

Determine the number of ballots to be printed. Notify SBE.		
Answer Options	Response Percent	Response Count
GR Exclusive	35.0%	21
EB Exclusive	10.0%	6
Jointly	55.0%	33
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



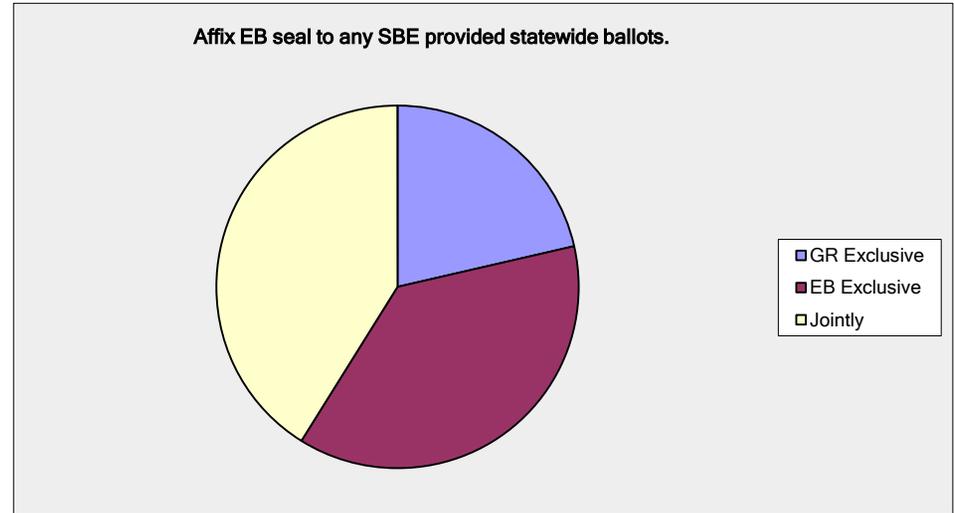
### General Registrar / Electoral Board Duties

Determine the number of ballots to be printed. Notify SBE.		
Answer Options	Response Percent	Response Count
GR Exclusive	48.4%	46
EB Exclusive	2.1%	2
Jointly	49.5%	47
<i>answered question</i>		<b>95</b>
<i>skipped question</i>		<b>2</b>



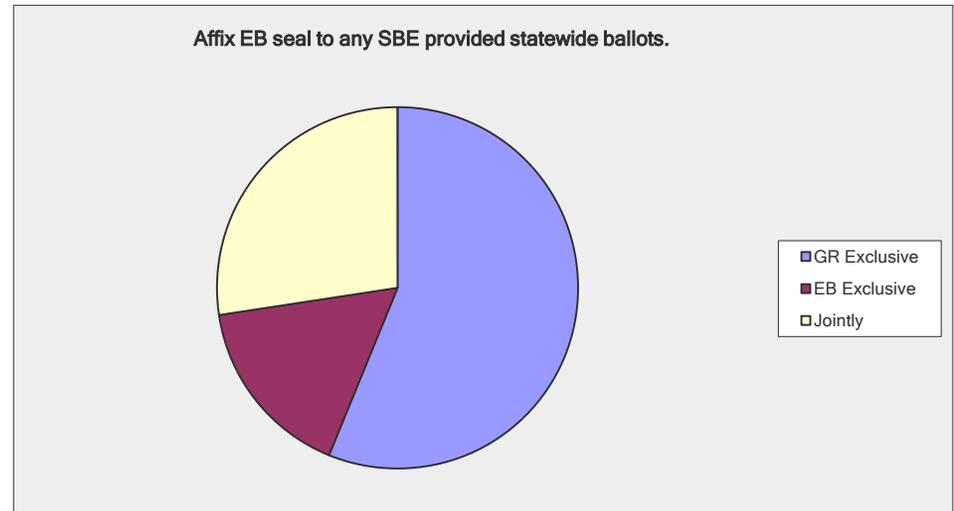
### Electoral Board / General Registrar Duties

Affix EB seal to any SBE provided statewide ballots.		
Answer Options	Response Percent	Response Count
GR Exclusive	21.4%	12
EB Exclusive	37.5%	21
Jointly	41.1%	23
<i>answered question</i>		<b>56</b>
<i>skipped question</i>		<b>5</b>



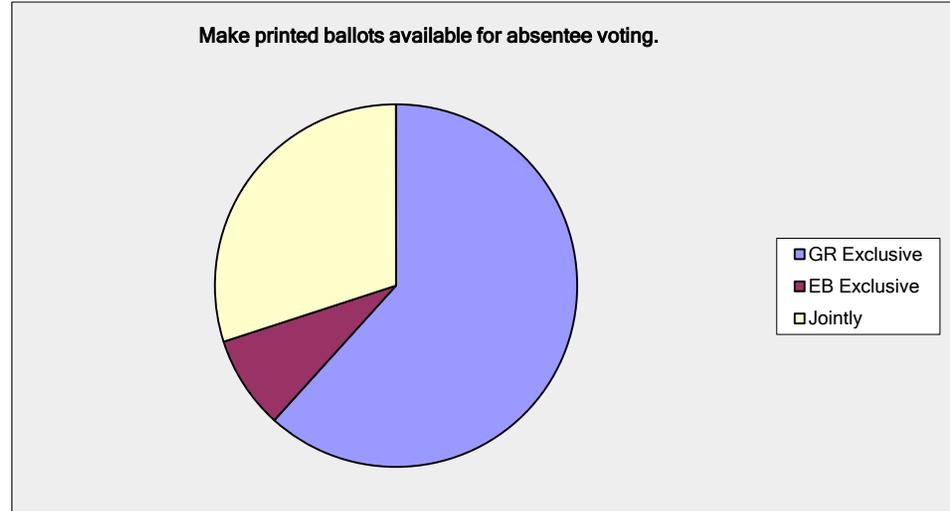
### General Registrar / Electoral Board Duties

Affix EB seal to any SBE provided statewide ballots.		
Answer Options	Response Percent	Response Count
GR Exclusive	56.2%	41
EB Exclusive	16.4%	12
Jointly	27.4%	20
<i>answered question</i>		<b>73</b>
<i>skipped question</i>		<b>24</b>



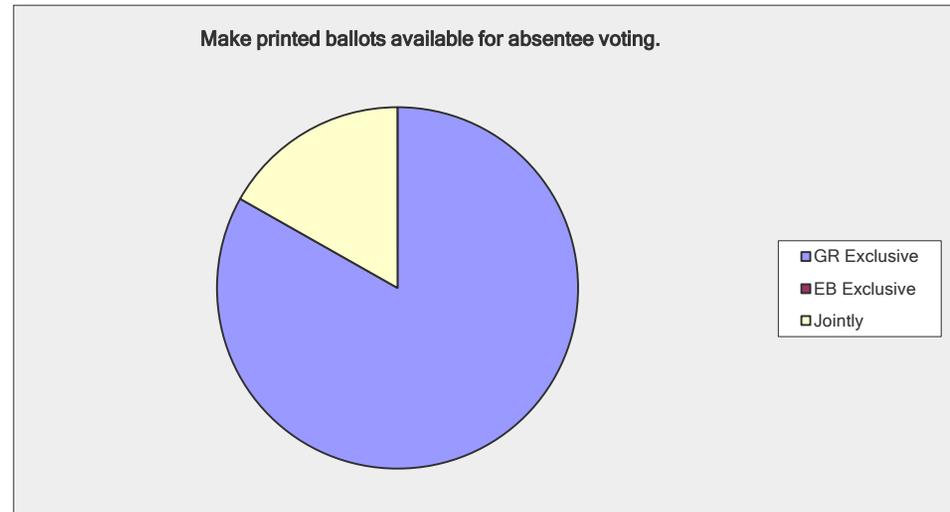
### Electoral Board / General Registrar Duties

Make printed ballots available for absentee voting.		
Answer Options	Response Percent	Response Count
GR Exclusive	61.7%	37
EB Exclusive	8.3%	5
Jointly	30.0%	18
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

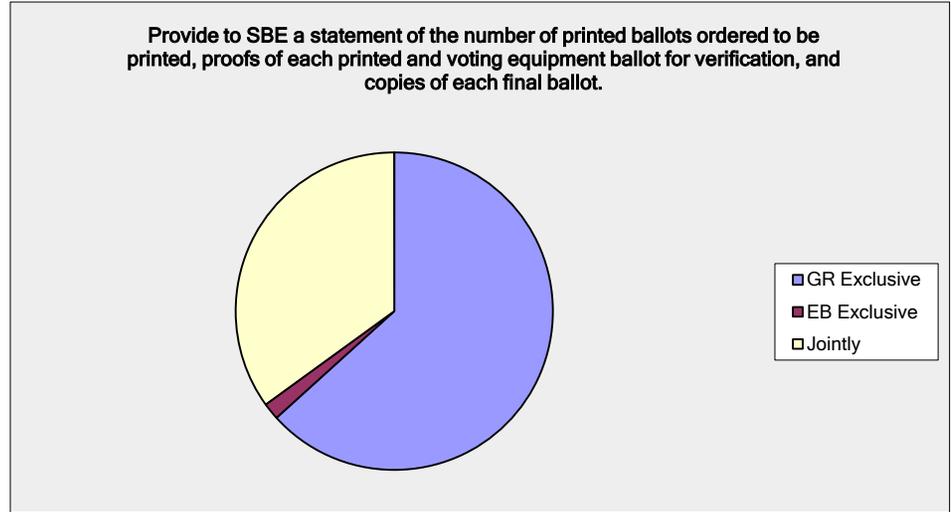
Make printed ballots available for absentee voting.		
Answer Options	Response Percent	Response Count
GR Exclusive	83.2%	79
EB Exclusive	0.0%	0
Jointly	16.8%	16
<i>answered question</i>		<b>95</b>
<i>skipped question</i>		<b>2</b>



### Electoral Board / General Registrar Duties

Provide to SBE a statement of the number of printed ballots ordered to be printed, proofs of each printed and voting equipment ballot for verification, and copies of each final

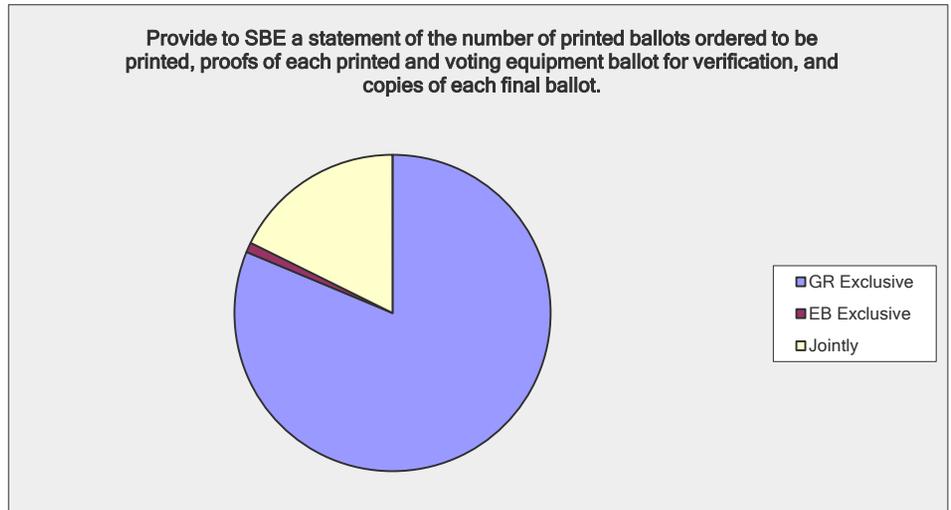
Answer Options	Response Percent	Response Count
GR Exclusive	63.3%	38
EB Exclusive	1.7%	1
Jointly	35.0%	21
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

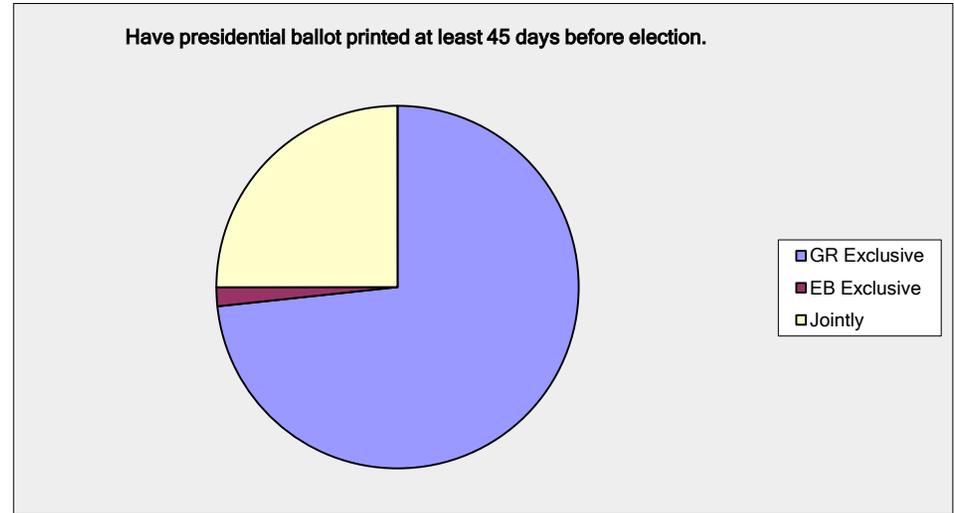
Provide to SBE a statement of the number of printed ballots ordered to be printed, proofs

Answer Options	Response Percent	Response Count
GR Exclusive	81.3%	78
EB Exclusive	1.0%	1
Jointly	17.7%	17
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



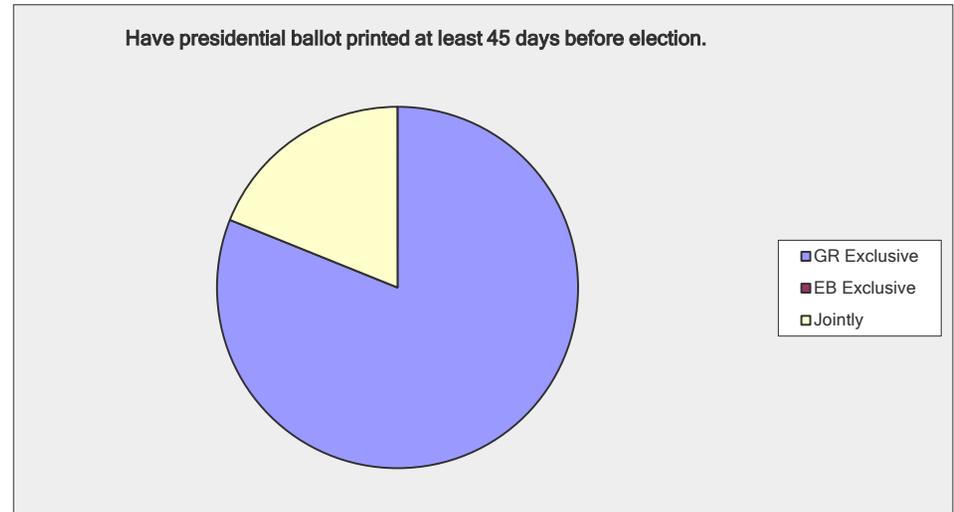
### Electoral Board / General Registrar Duties

Have presidential ballot printed at least 45 days before election.		
Answer Options	Response Percent	Response Count
GR Exclusive	73.3%	44
EB Exclusive	1.7%	1
Jointly	25.0%	15
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



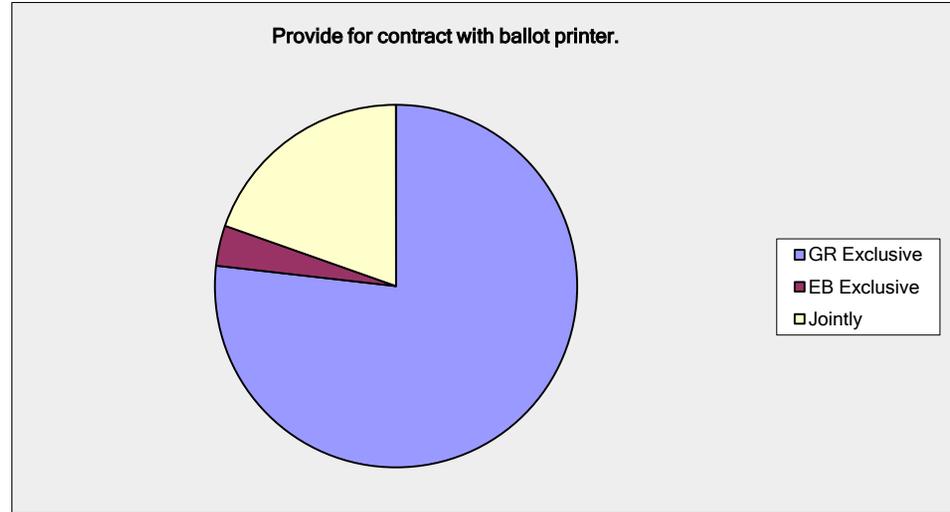
### General Registrar / Electoral Board Duties

Have presidential ballot printed at least 45 days before election.		
Answer Options	Response Percent	Response Count
GR Exclusive	81.1%	77
EB Exclusive	0.0%	0
Jointly	18.9%	18
<i>answered question</i>		<b>95</b>
<i>skipped question</i>		<b>2</b>



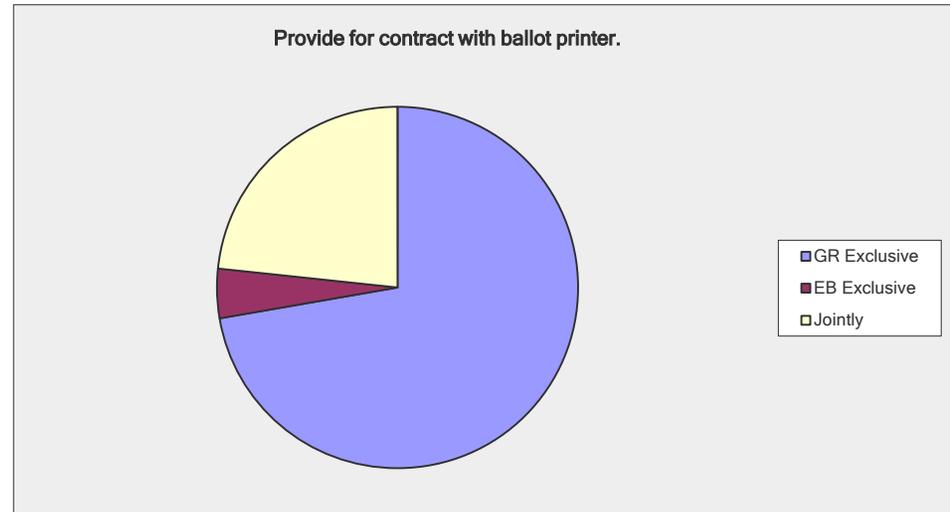
### Electoral Board / General Registrar Duties

Provide for contract with ballot printer.		
Answer Options	Response Percent	Response Count
GR Exclusive	76.8%	43
EB Exclusive	3.6%	2
Jointly	19.6%	11
<i>answered question</i>		<b>56</b>
<i>skipped question</i>		<b>5</b>



### General Registrar / Electoral Board Duties

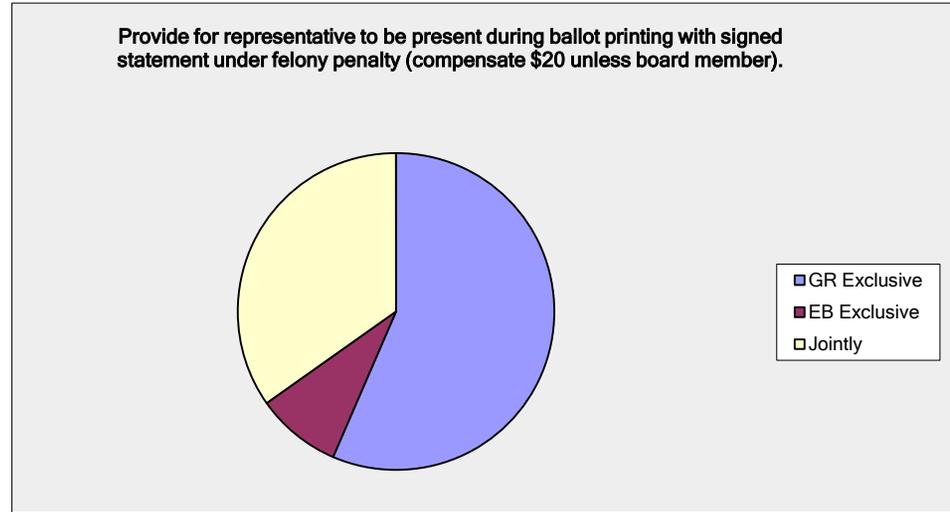
Provide for contract with ballot printer.		
Answer Options	Response Percent	Response Count
GR Exclusive	72.2%	65
EB Exclusive	4.4%	4
Jointly	23.3%	21
<i>answered question</i>		<b>90</b>
<i>skipped question</i>		<b>7</b>



### Electoral Board / General Registrar Duties

Provide for representative to be present during ballot printing with signed statement under felony penalty (compensate \$20 unless board member).

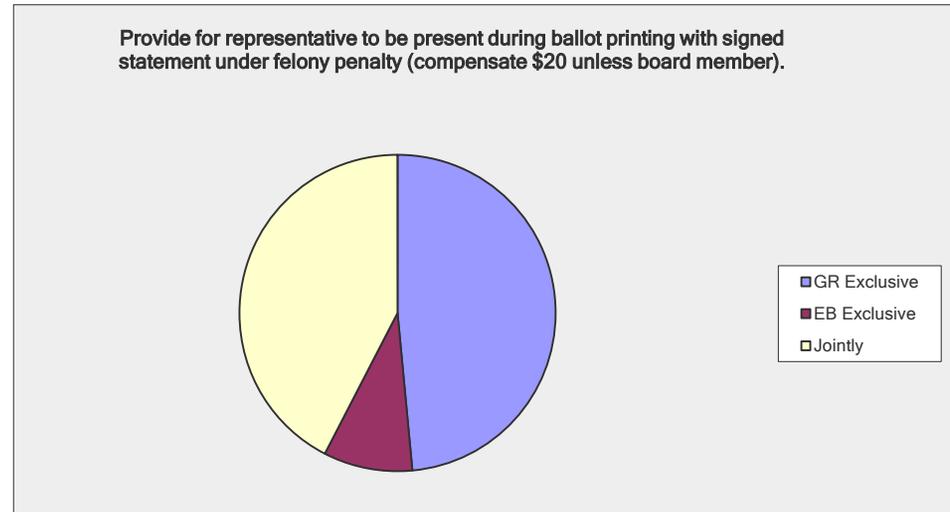
Answer Options	Response Percent	Response Count
GR Exclusive	56.5%	26
EB Exclusive	8.7%	4
Jointly	34.8%	16
<i>answered question</i>		<b>46</b>
<i>skipped question</i>		<b>15</b>



### General Registrar / Electoral Board Duties

Provide for representative to be present during ballot printing with signed statement

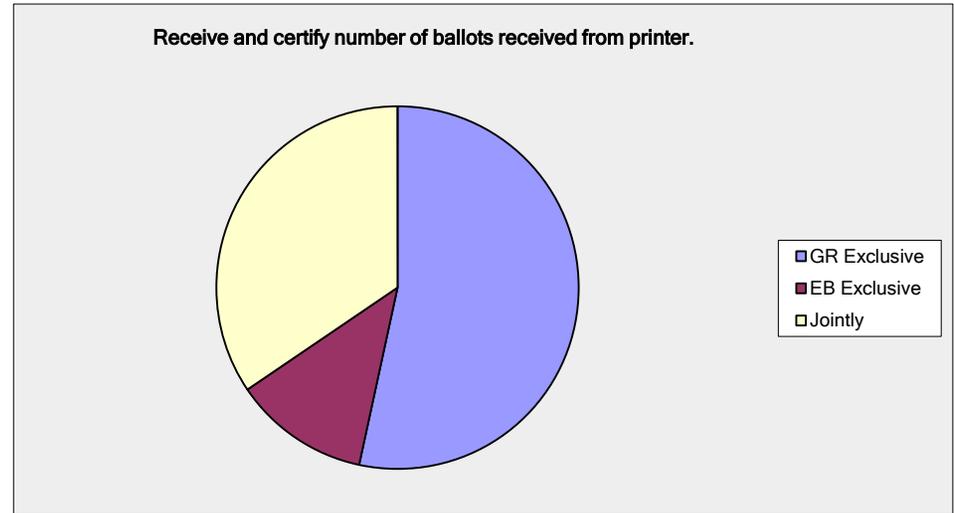
Answer Options	Response Percent	Response Count
GR Exclusive	48.5%	32
EB Exclusive	9.1%	6
Jointly	42.4%	28
<i>answered question</i>		<b>66</b>
<i>skipped question</i>		<b>31</b>



### Electoral Board / General Registrar Duties

Receive and certify number of ballots received from printer.

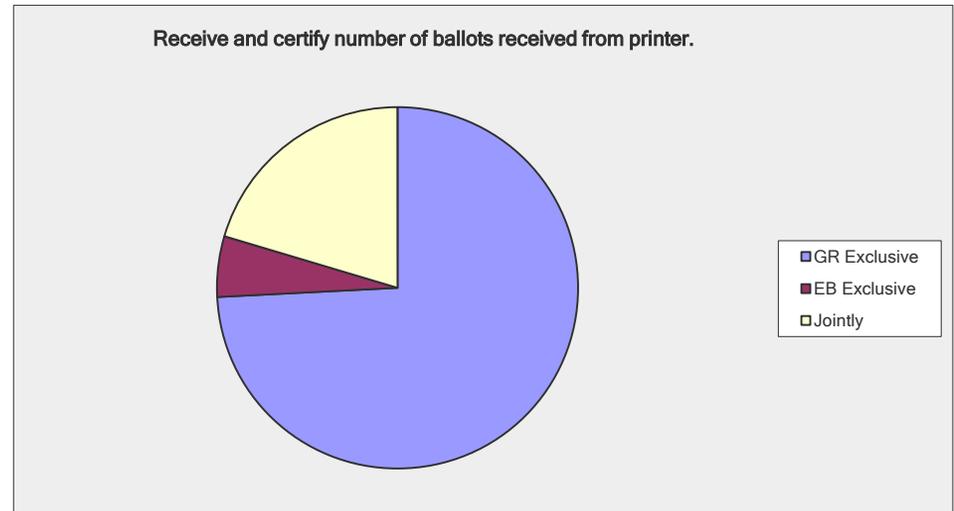
Answer Options	Response Percent	Response Count
GR Exclusive	53.4%	31
EB Exclusive	12.1%	7
Jointly	34.5%	20
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



### General Registrar / Electoral Board Duties

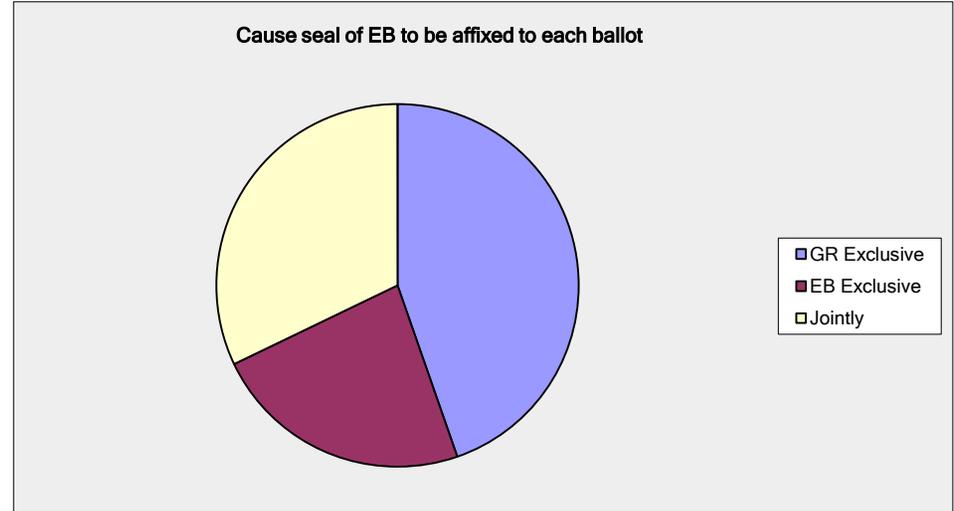
Receive and certify number of ballots received from printer.

Answer Options	Response Percent	Response Count
GR Exclusive	74.2%	69
EB Exclusive	5.4%	5
Jointly	20.4%	19
<i>answered question</i>		<b>93</b>
<i>skipped question</i>		<b>4</b>



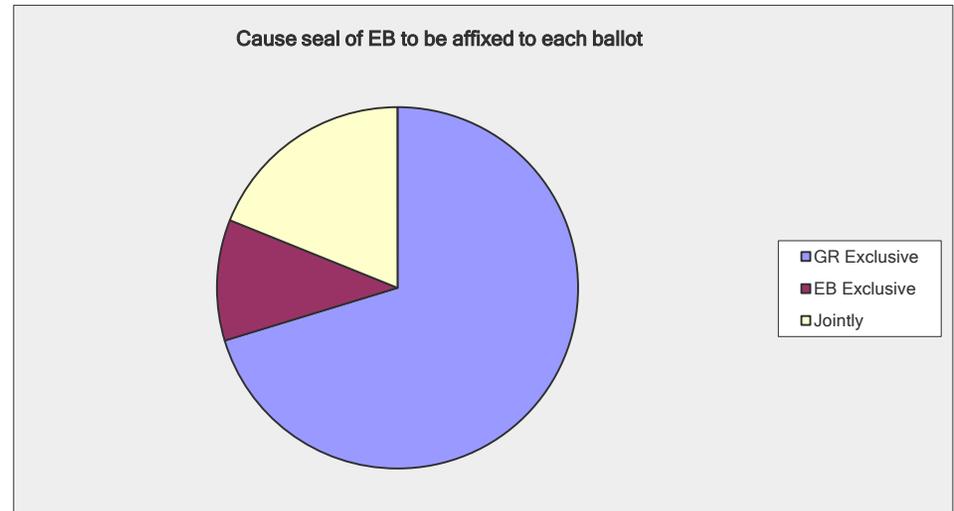
### Electoral Board / General Registrar Duties

Cause seal of EB to be affixed to each ballot		
Answer Options	Response Percent	Response Count
GR Exclusive	44.6%	25
EB Exclusive	23.2%	13
Jointly	32.1%	18
<i>answered question</i>		<b>56</b>
<i>skipped question</i>		<b>5</b>



### General Registrar / Electoral Board Duties

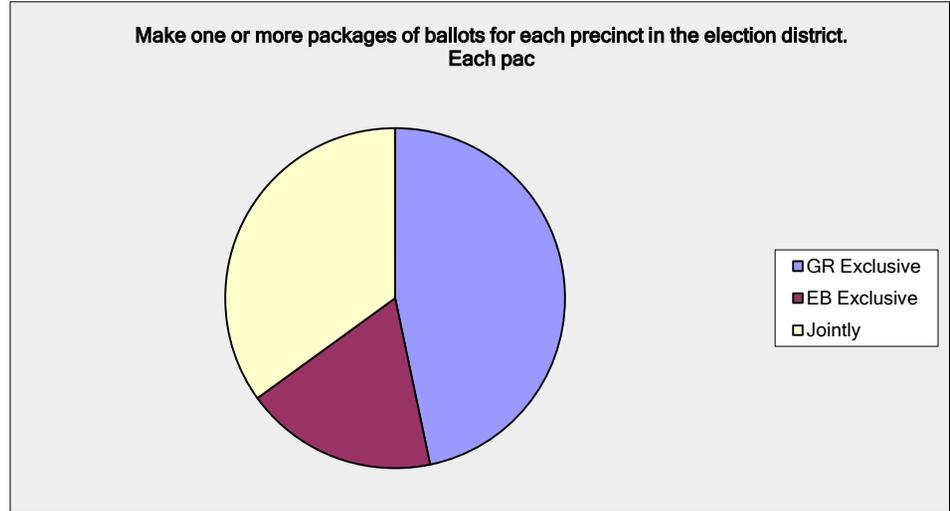
Cause seal of EB to be affixed to each ballot		
Answer Options	Response Percent	Response Count
GR Exclusive	70.3%	52
EB Exclusive	10.8%	8
Jointly	18.9%	14
<i>answered question</i>		<b>74</b>
<i>skipped question</i>		<b>23</b>



### Electoral Board / General Registrar Duties

Make one or more packages of ballots for each precinct in the election district. Each package shall contain a number of ballots determined by the board. Each of these

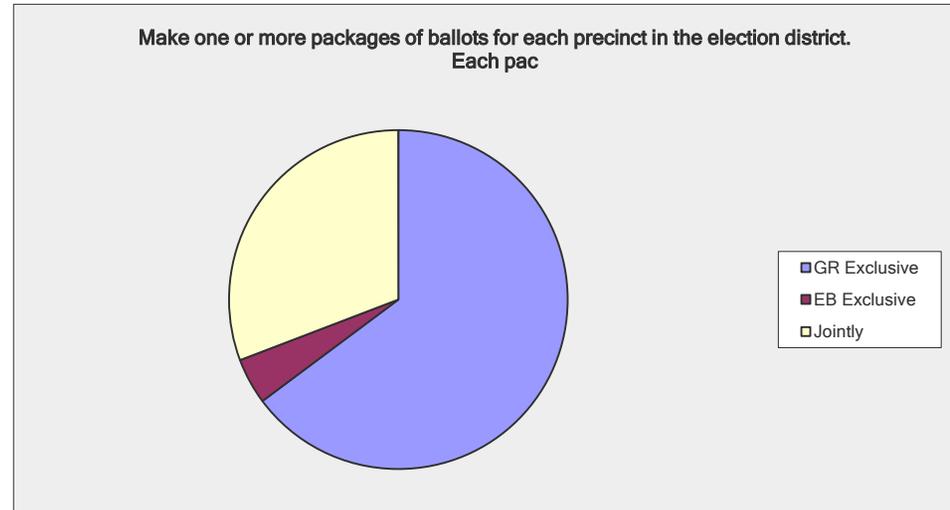
Answer Options	Response Percent	Response Count
GR Exclusive	46.7%	28
EB Exclusive	18.3%	11
Jointly	35.0%	21
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

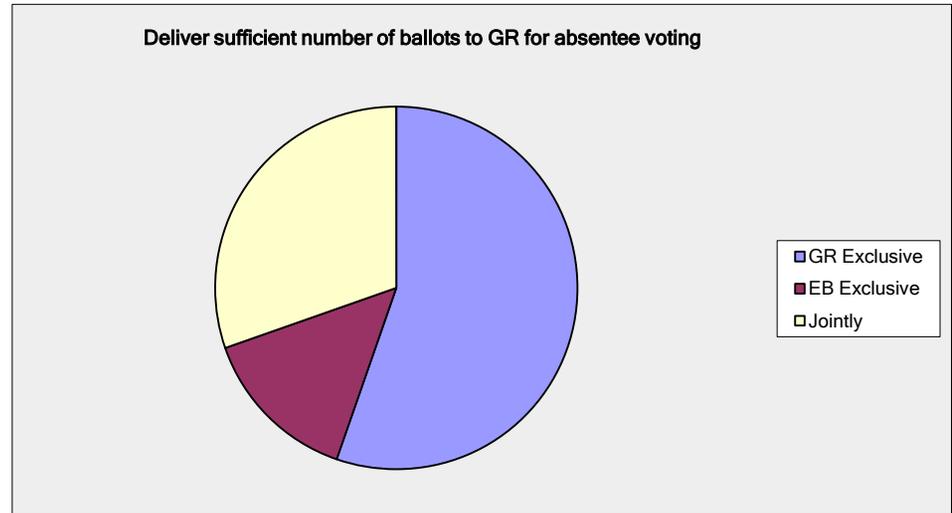
Make one or more packages of ballots for each precinct in the election district. Each

Answer Options	Response Percent	Response Count
GR Exclusive	64.8%	59
EB Exclusive	4.4%	4
Jointly	30.8%	28
<i>answered question</i>		<b>91</b>
<i>skipped question</i>		<b>6</b>



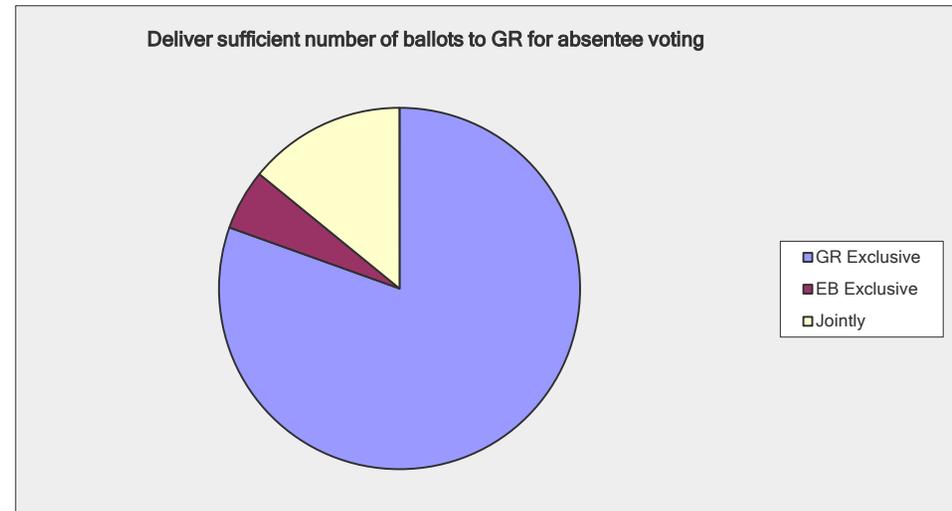
## Electoral Board / General Registrar Duties

Deliver sufficient number of ballots to GR for absentee voting		
Answer Options	Response Percent	Response Count
GR Exclusive	55.4%	31
EB Exclusive	14.3%	8
Jointly	30.4%	17
<i>answered question</i>		<b>56</b>
<i>skipped question</i>		<b>5</b>



## General Registrar / Electoral Board Duties

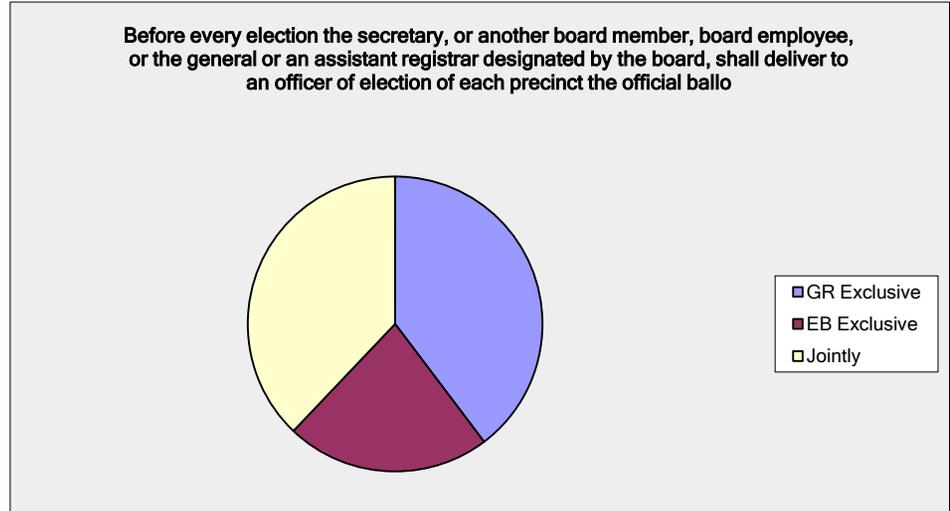
Deliver sufficient number of ballots to GR for absentee voting		
Answer Options	Response Percent	Response Count
GR Exclusive	80.4%	74
EB Exclusive	5.4%	5
Jointly	14.1%	13
<i>answered question</i>		<b>92</b>
<i>skipped question</i>		<b>5</b>



### Electoral Board / General Registrar Duties

Before every election the secretary, or another board member, board employee, or the general or an assistant registrar designated by the board, shall deliver to an officer of

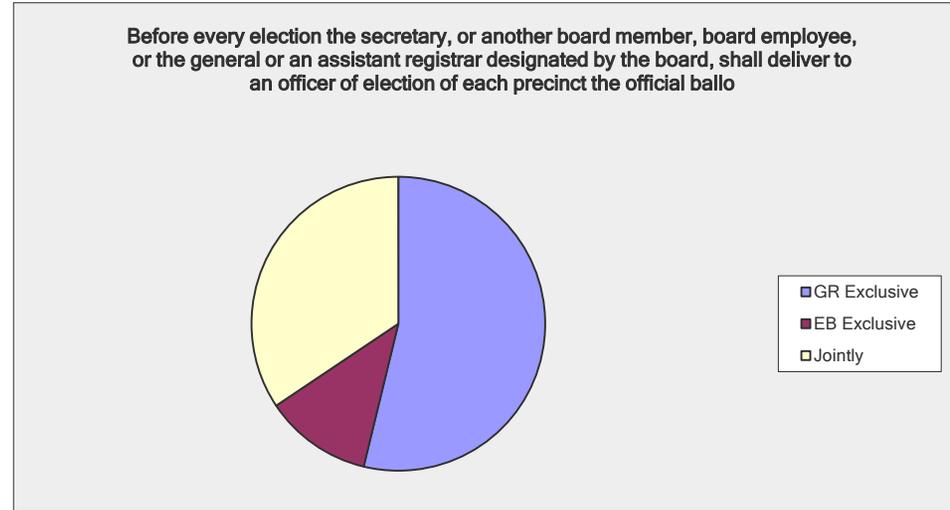
Answer Options	Response Percent	Response Count
GR Exclusive	39.7%	23
EB Exclusive	22.4%	13
Jointly	37.9%	22
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



### General Registrar / Electoral Board Duties

Before every election the secretary, or another board member, board employee, or the

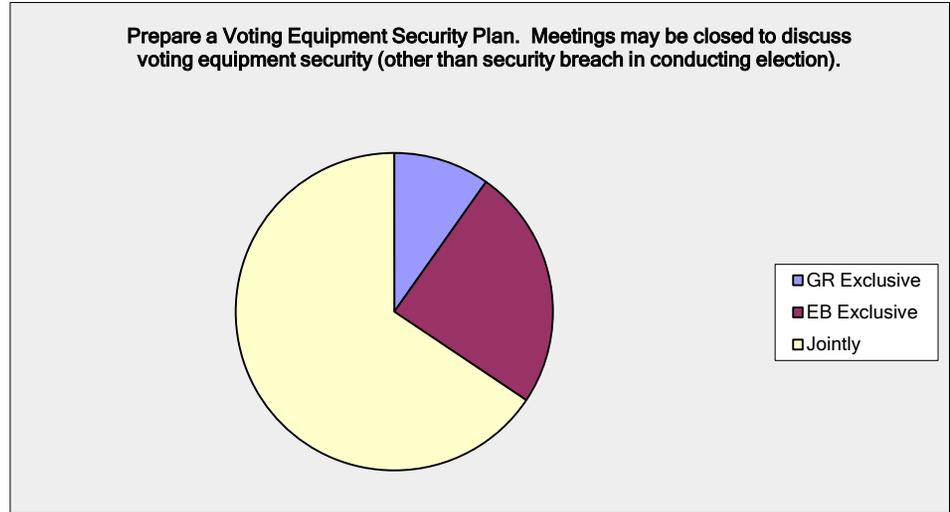
Answer Options	Response Percent	Response Count
GR Exclusive	53.8%	50
EB Exclusive	11.8%	11
Jointly	34.4%	32
<i>answered question</i>		<b>93</b>
<i>skipped question</i>		<b>4</b>



### Electoral Board / General Registrar Duties

Prepare a Voting Equipment Security Plan. Meetings may be closed to discuss voting equipment security (other than security breach in conducting election).

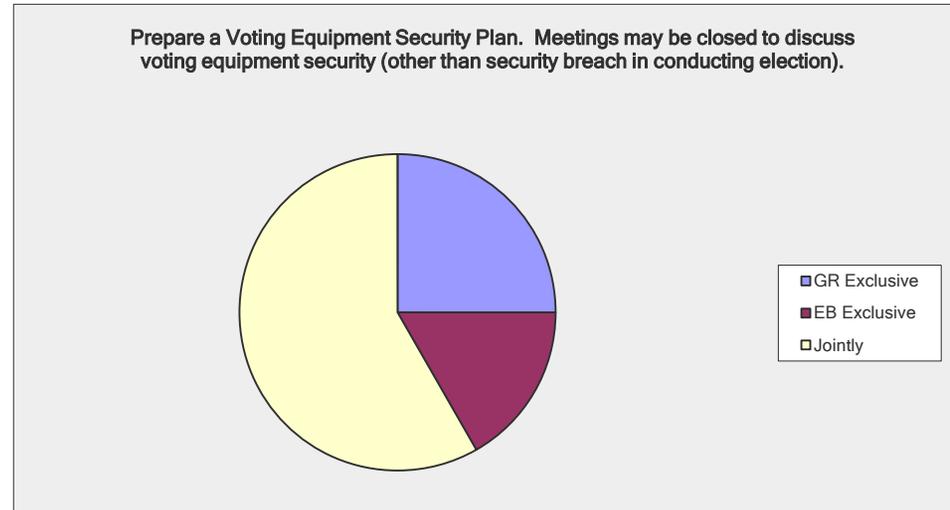
Answer Options	Response Percent	Response Count
GR Exclusive	9.8%	6
EB Exclusive	24.6%	15
Jointly	65.6%	40
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

Prepare a Voting Equipment Security Plan. Meetings may be closed to discuss voting equipment security (other than security breach in conducting election).

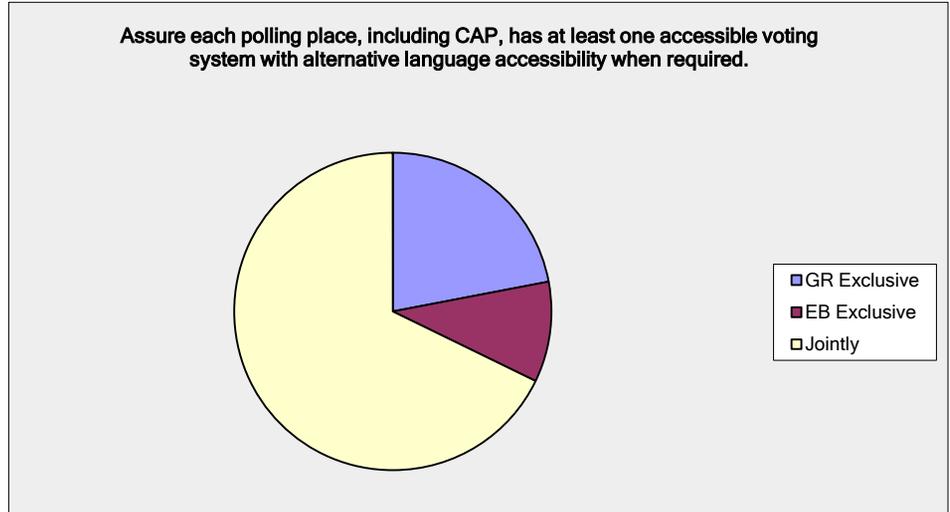
Answer Options	Response Percent	Response Count
GR Exclusive	25.0%	24
EB Exclusive	16.7%	16
Jointly	58.3%	56
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



### Electoral Board / General Registrar Duties

Assure each polling place, including CAP, has at least one accessible voting system with alternative language accessibility when required.

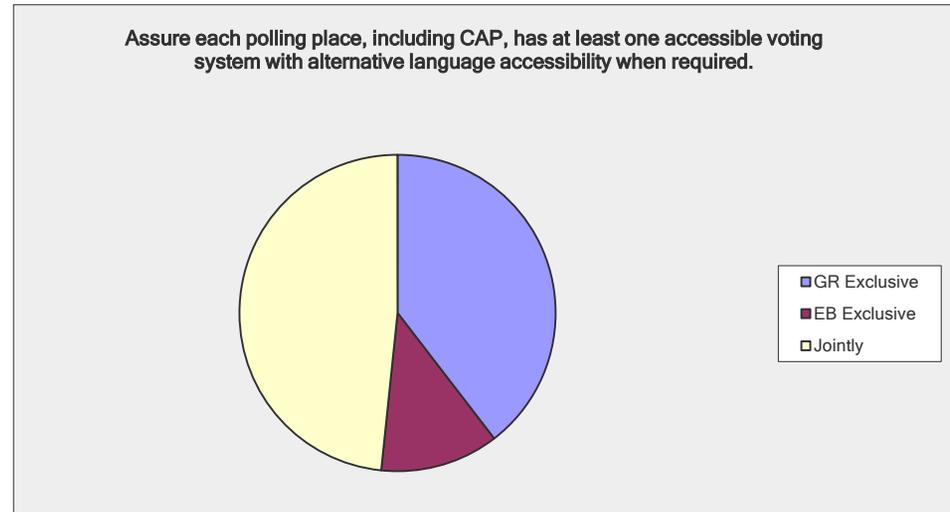
Answer Options	Response Percent	Response Count
GR Exclusive	22.0%	13
EB Exclusive	10.2%	6
Jointly	67.8%	40
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



### General Registrar / Electoral Board Duties

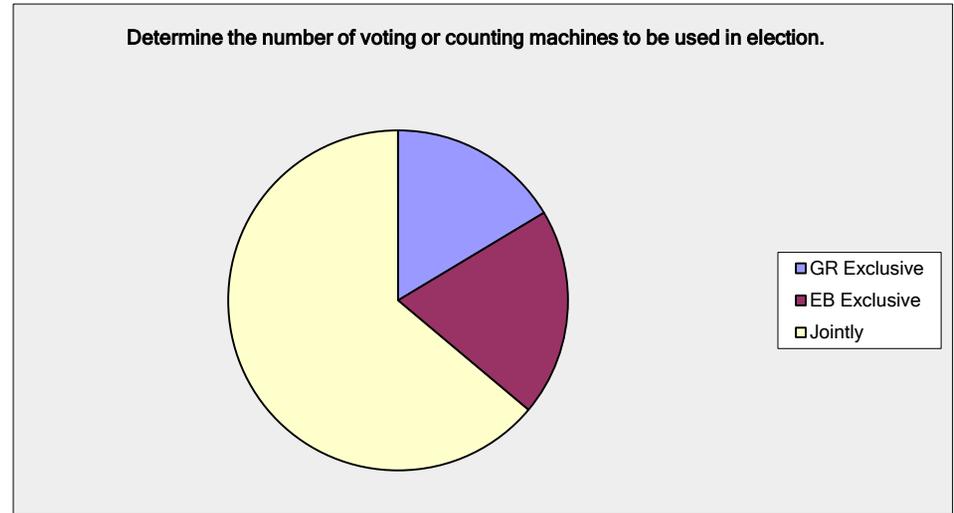
Assure each polling place, including CAP, has at least one accessible voting system with alternative language accessibility when required.

Answer Options	Response Percent	Response Count
GR Exclusive	39.6%	36
EB Exclusive	12.1%	11
Jointly	48.4%	44
<i>answered question</i>		<b>91</b>
<i>skipped question</i>		<b>6</b>



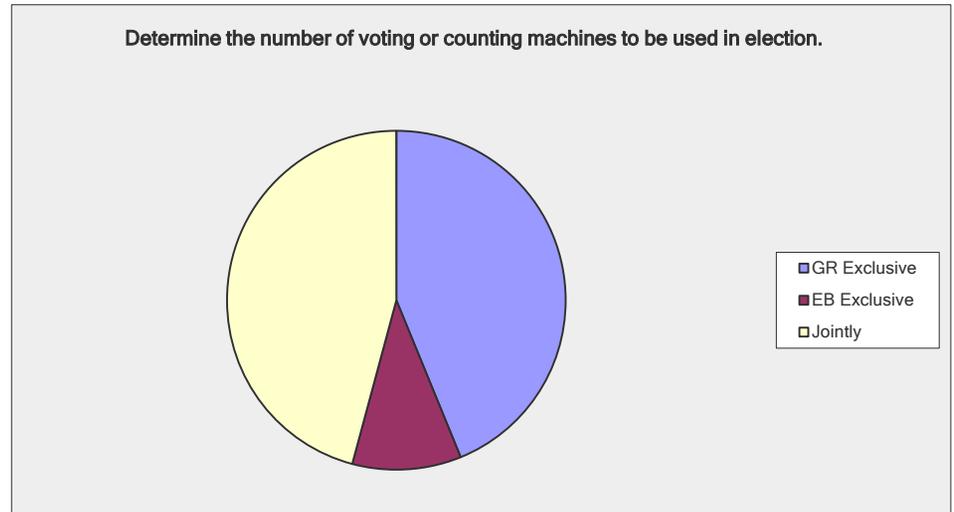
### Electoral Board / General Registrar Duties

Determine the number of voting or counting machines to be used in election.		
Answer Options	Response Percent	Response Count
GR Exclusive	16.4%	10
EB Exclusive	19.7%	12
Jointly	63.9%	39
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



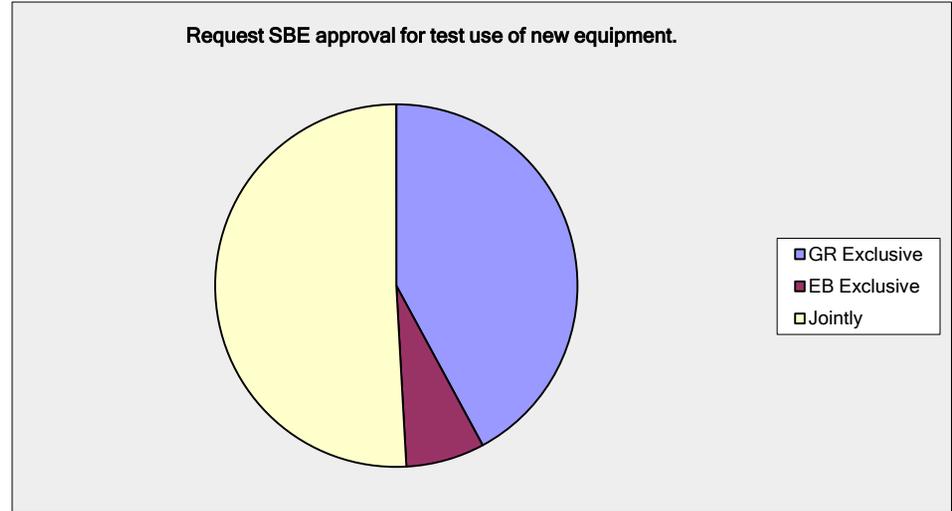
### General Registrar / Electoral Board Duties

Determine the number of voting or counting machines to be used in election.		
Answer Options	Response Percent	Response Count
GR Exclusive	43.8%	42
EB Exclusive	10.4%	10
Jointly	45.8%	44
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



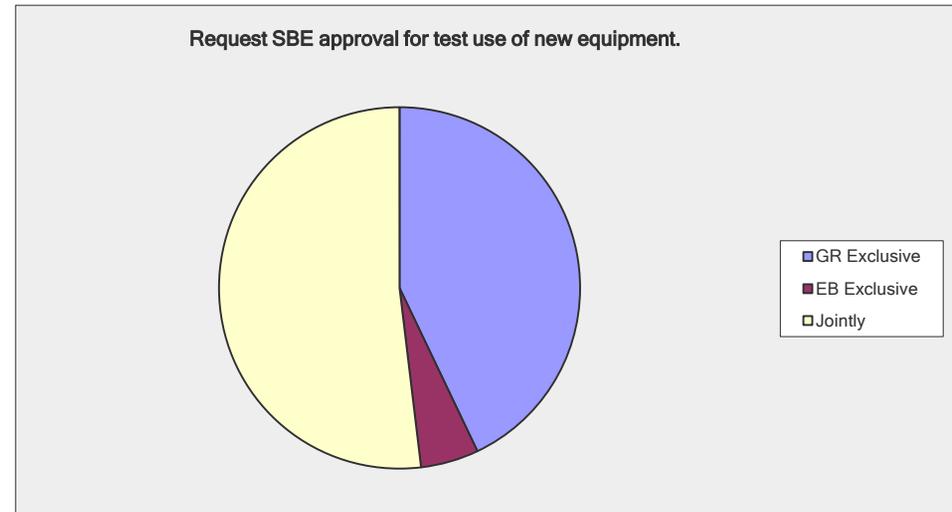
### Electoral Board / General Registrar Duties

Request SBE approval for test use of new equipment.		
Answer Options	Response Percent	Response Count
GR Exclusive	42.1%	24
EB Exclusive	7.0%	4
Jointly	50.9%	29
<i>answered question</i>		<b>57</b>
<i>skipped question</i>		<b>4</b>



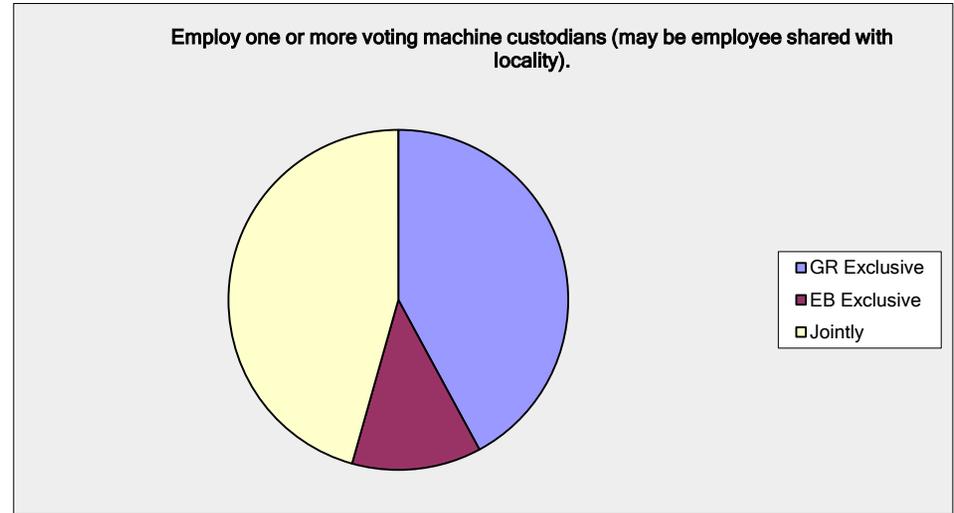
### General Registrar / Electoral Board Duties

Request SBE approval for test use of new equipment.		
Answer Options	Response Percent	Response Count
GR Exclusive	42.9%	33
EB Exclusive	5.2%	4
Jointly	51.9%	40
<i>answered question</i>		<b>77</b>
<i>skipped question</i>		<b>20</b>



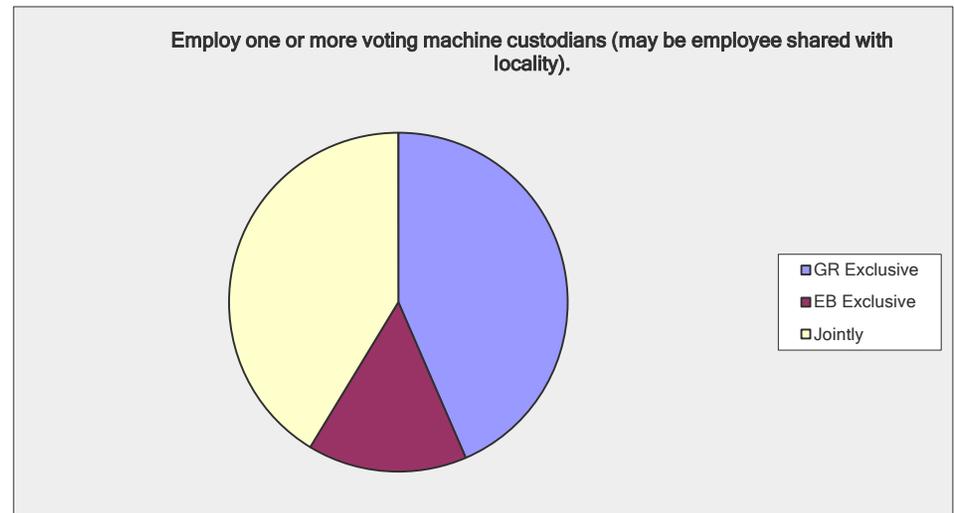
### Electoral Board / General Registrar Duties

Employ one or more voting machine custodians (may be employee shared with locality).		
Answer Options	Response Percent	Response Count
GR Exclusive	42.1%	24
EB Exclusive	12.3%	7
Jointly	45.6%	26
<i>answered question</i>		<b>57</b>
<i>skipped question</i>		<b>4</b>



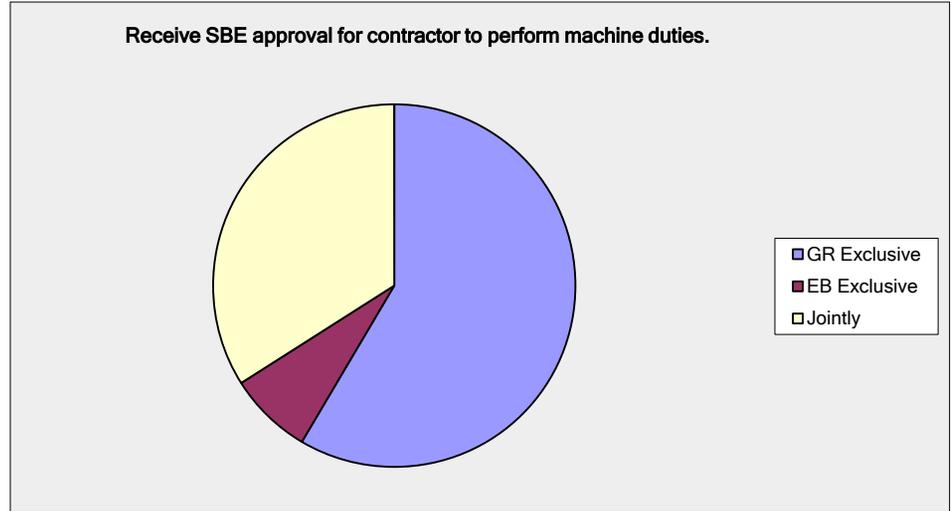
### General Registrar / Electoral Board Duties

Employ one or more voting machine custodians (may be employee shared with locality).		
Answer Options	Response Percent	Response Count
GR Exclusive	43.5%	40
EB Exclusive	15.2%	14
Jointly	41.3%	38
<i>answered question</i>		<b>92</b>
<i>skipped question</i>		<b>5</b>



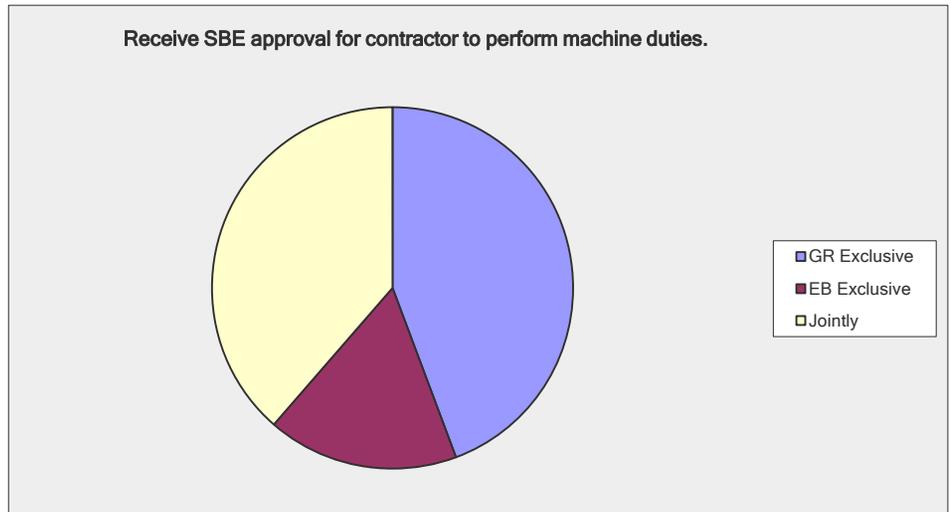
### Electoral Board / General Registrar Duties

Receive SBE approval for contractor to perform machine duties.		
Answer Options	Response Percent	Response Count
GR Exclusive	58.5%	31
EB Exclusive	7.5%	4
Jointly	34.0%	18
<i>answered question</i>		<b>53</b>
<i>skipped question</i>		<b>8</b>



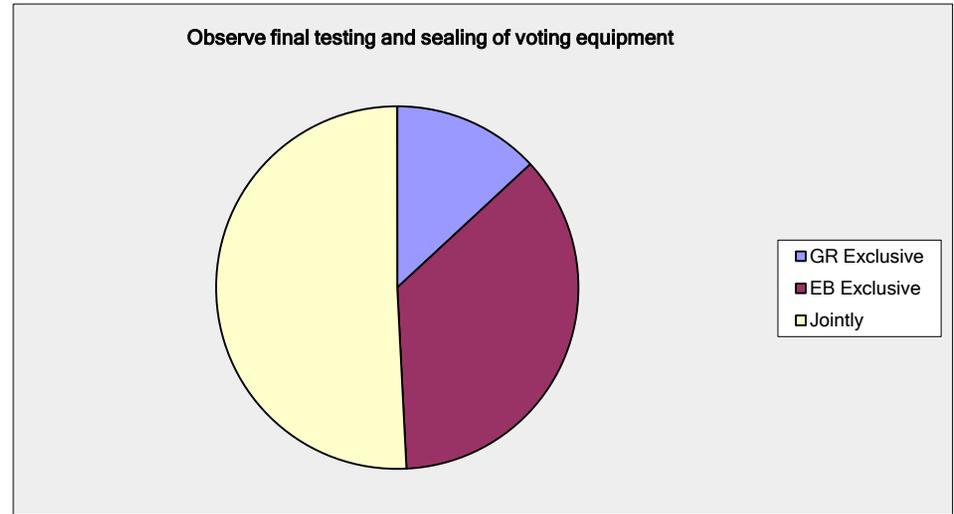
### General Registrar / Electoral Board Duties

Receive SBE approval for contractor to perform machine duties.		
Answer Options	Response Percent	Response Count
GR Exclusive	44.3%	31
EB Exclusive	17.1%	12
Jointly	38.6%	27
<i>answered question</i>		<b>70</b>
<i>skipped question</i>		<b>27</b>



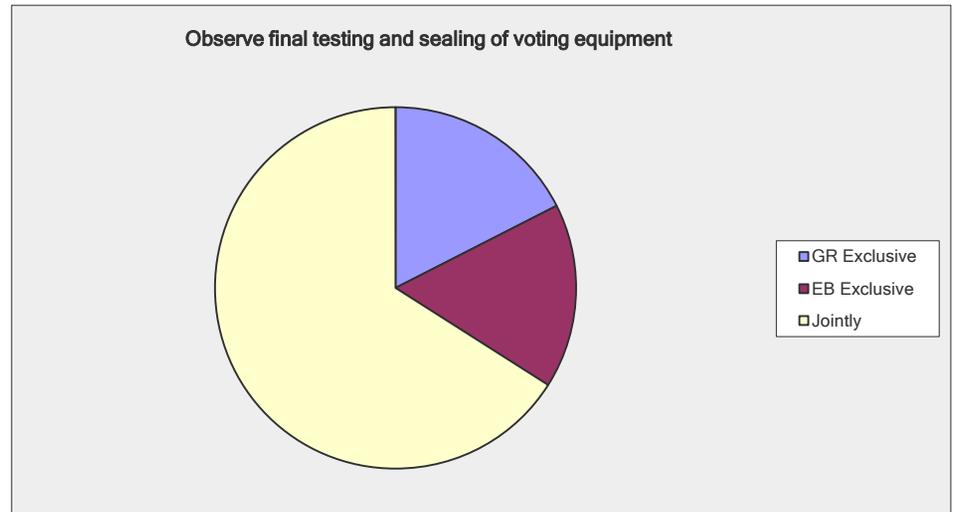
### Electoral Board / General Registrar Duties

Observe final testing and sealing of voting equipment		
Answer Options	Response Percent	Response Count
GR Exclusive	13.1%	8
EB Exclusive	36.1%	22
Jointly	50.8%	31
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



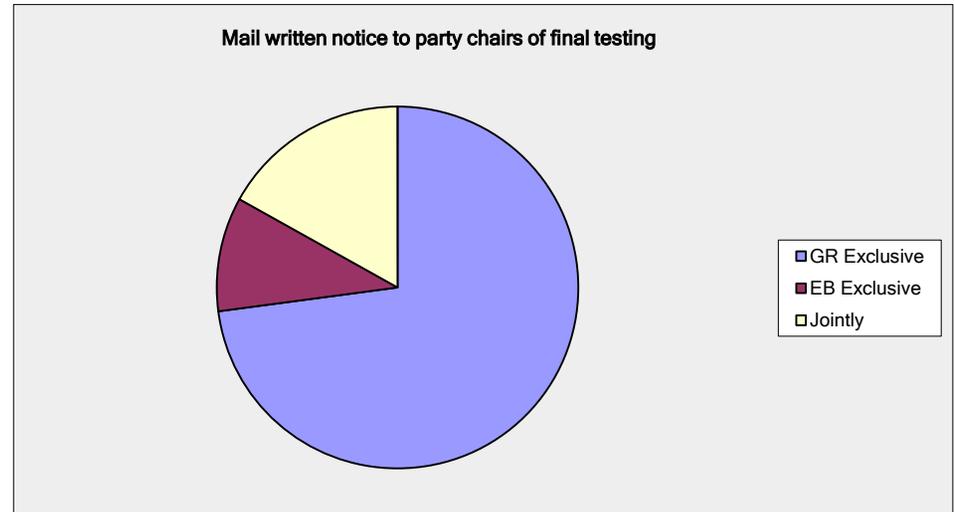
### General Registrar / Electoral Board Duties

Observe final testing and sealing of voting equipment		
Answer Options	Response Percent	Response Count
GR Exclusive	17.5%	17
EB Exclusive	16.5%	16
Jointly	66.0%	64
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



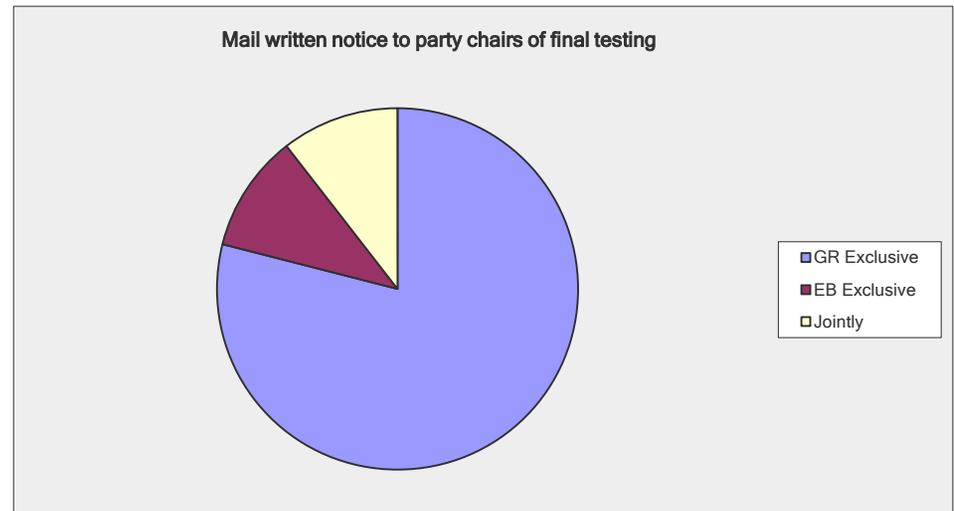
### Electoral Board / General Registrar Duties

Mail written notice to party chairs of final testing		
Answer Options	Response Percent	Response Count
GR Exclusive	72.9%	43
EB Exclusive	10.2%	6
Jointly	16.9%	10
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



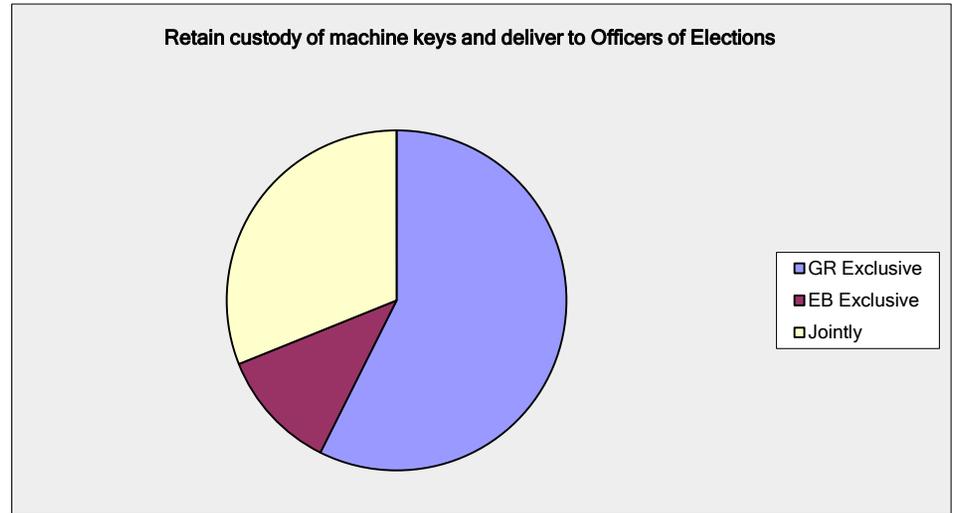
### General Registrar / Electoral Board Duties

Mail written notice to party chairs of final testing		
Answer Options	Response Percent	Response Count
GR Exclusive	78.9%	75
EB Exclusive	10.5%	10
Jointly	10.5%	10
<i>answered question</i>		<b>95</b>
<i>skipped question</i>		<b>2</b>



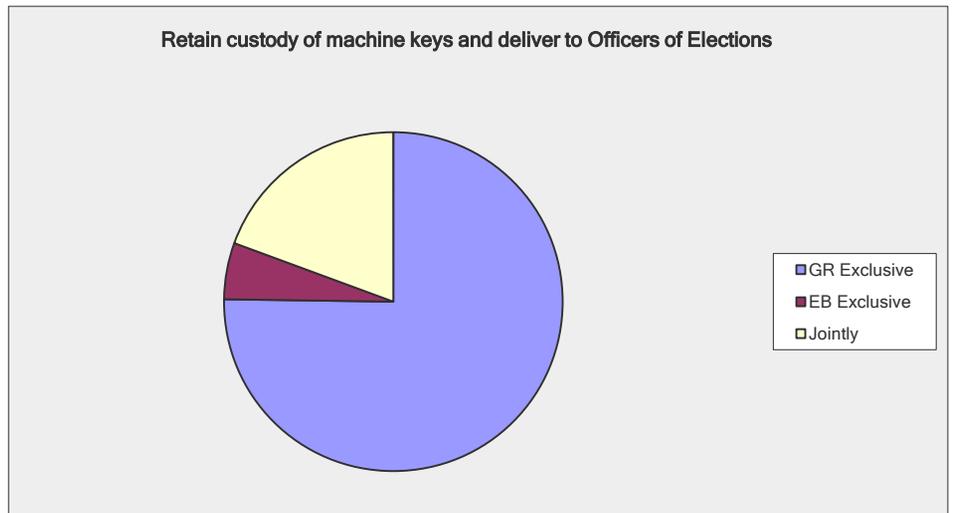
### Electoral Board / General Registrar Duties

Retain custody of machine keys and deliver to Officers of Elections		
Answer Options	Response Percent	Response Count
GR Exclusive	57.4%	35
EB Exclusive	11.5%	7
Jointly	31.1%	19
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



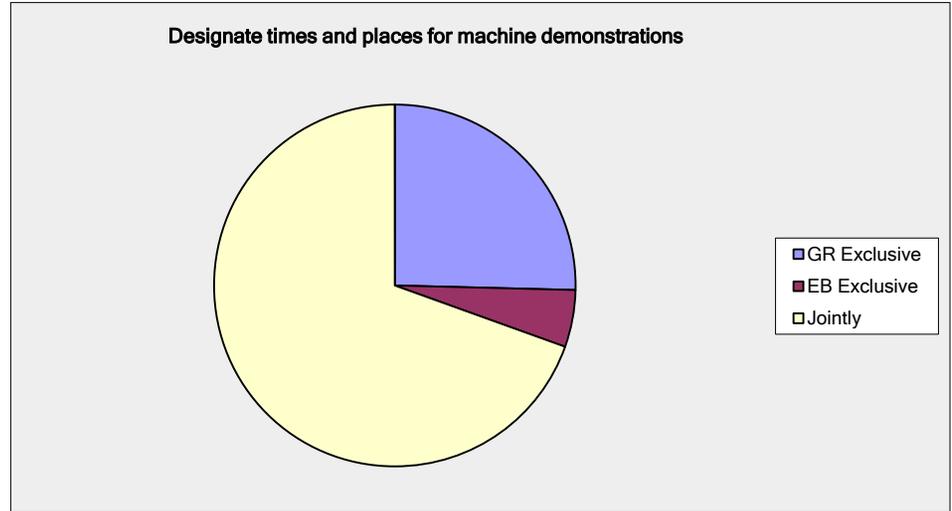
### General Registrar / Electoral Board Duties

Retain custody of machine keys and deliver to Officers of Elections		
Answer Options	Response Percent	Response Count
GR Exclusive	75.3%	70
EB Exclusive	5.4%	5
Jointly	19.4%	18
<i>answered question</i>		<b>93</b>
<i>skipped question</i>		<b>4</b>



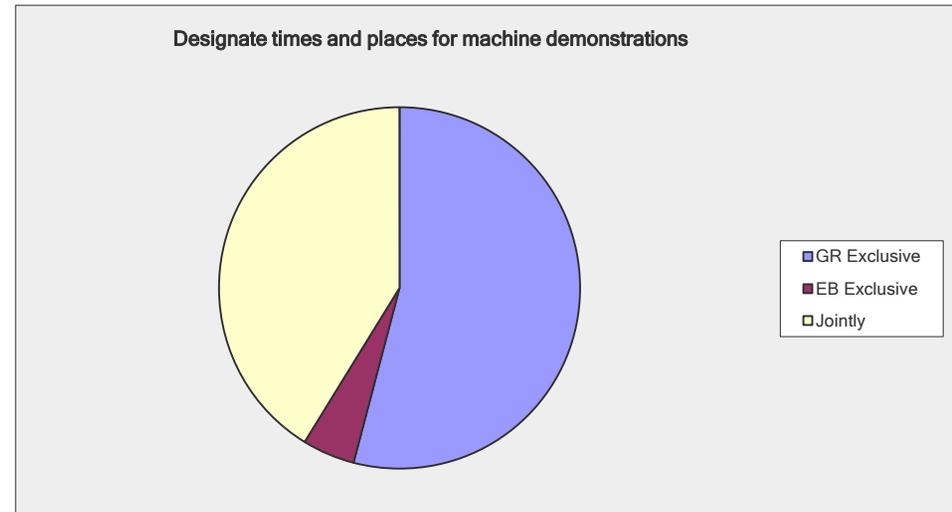
### Electoral Board / General Registrar Duties

Designate times and places for machine demonstrations		
Answer Options	Response Percent	Response Count
GR Exclusive	25.4%	15
EB Exclusive	5.1%	3
Jointly	69.5%	41
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



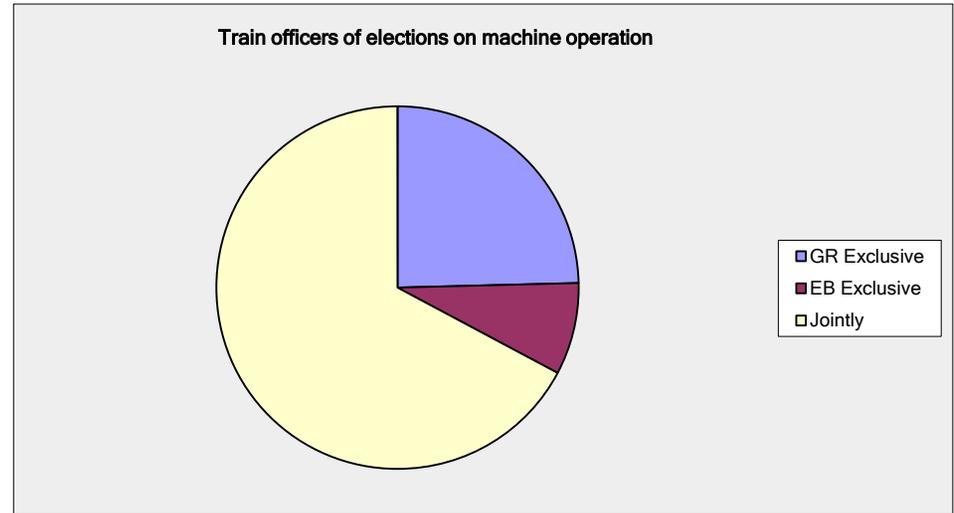
### General Registrar / Electoral Board Duties

Designate times and places for machine demonstrations		
Answer Options	Response Percent	Response Count
GR Exclusive	54.1%	46
EB Exclusive	4.7%	4
Jointly	41.2%	35
<i>answered question</i>		<b>85</b>
<i>skipped question</i>		<b>12</b>



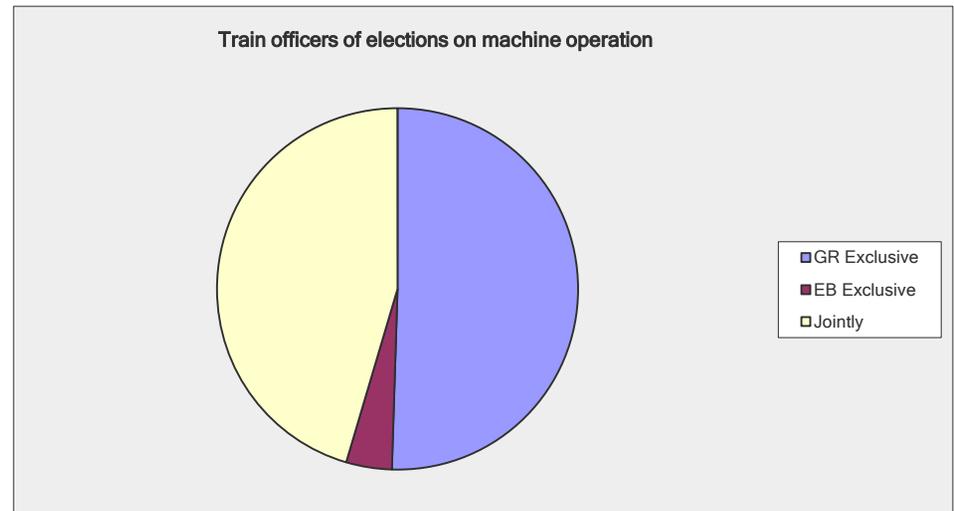
## Electoral Board / General Registrar Duties

Train officers of elections on machine operation		
Answer Options	Response Percent	Response Count
GR Exclusive	24.6%	15
EB Exclusive	8.2%	5
Jointly	67.2%	41
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



## General Registrar / Electoral Board Duties

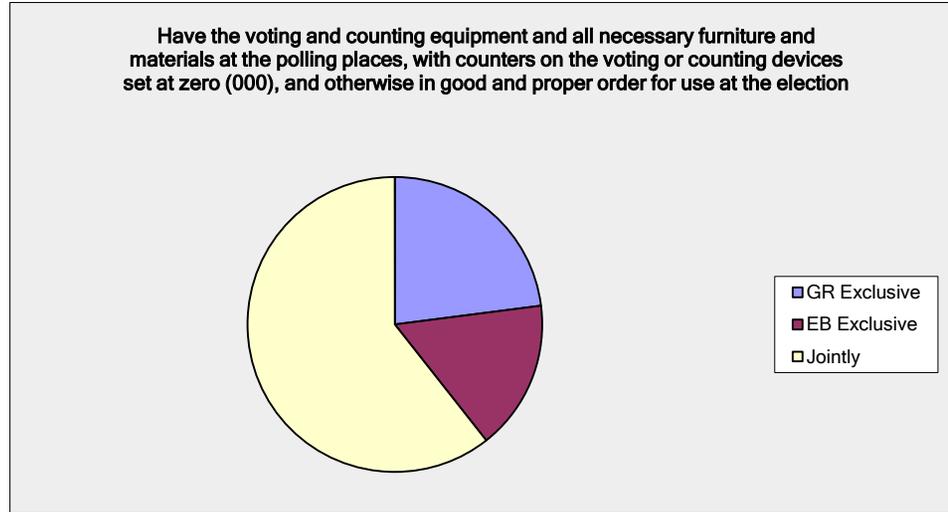
Train officers of elections on machine operation		
Answer Options	Response Percent	Response Count
GR Exclusive	50.5%	49
EB Exclusive	4.1%	4
Jointly	45.4%	44
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



### Electoral Board / General Registrar Duties

Have the voting and counting equipment and all necessary furniture and materials at the polling places, with counters on the voting or counting devices set at zero (000), and

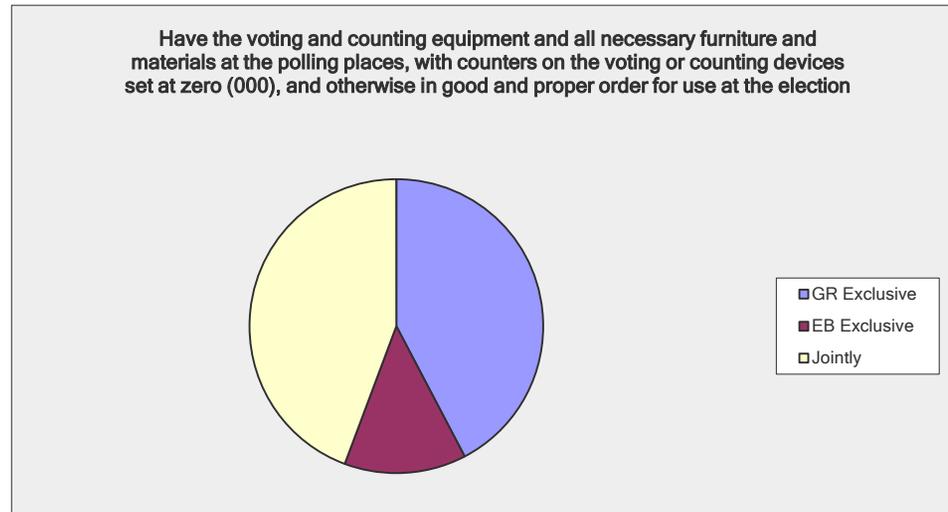
Answer Options	Response Percent	Response Count
GR Exclusive	23.0%	14
EB Exclusive	16.4%	10
Jointly	60.7%	37
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

Have the voting and counting equipment and all necessary furniture and materials at the

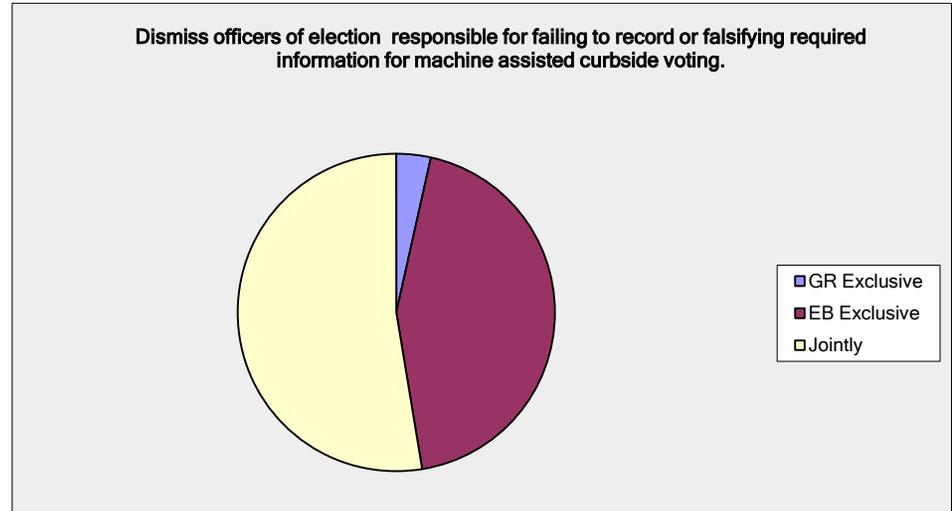
Answer Options	Response Percent	Response Count
GR Exclusive	42.3%	41
EB Exclusive	13.4%	13
Jointly	44.3%	43
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



### Electoral Board / General Registrar Duties

Dismiss officers of election responsible for failing to record or falsifying required information for machine assisted curbside voting.

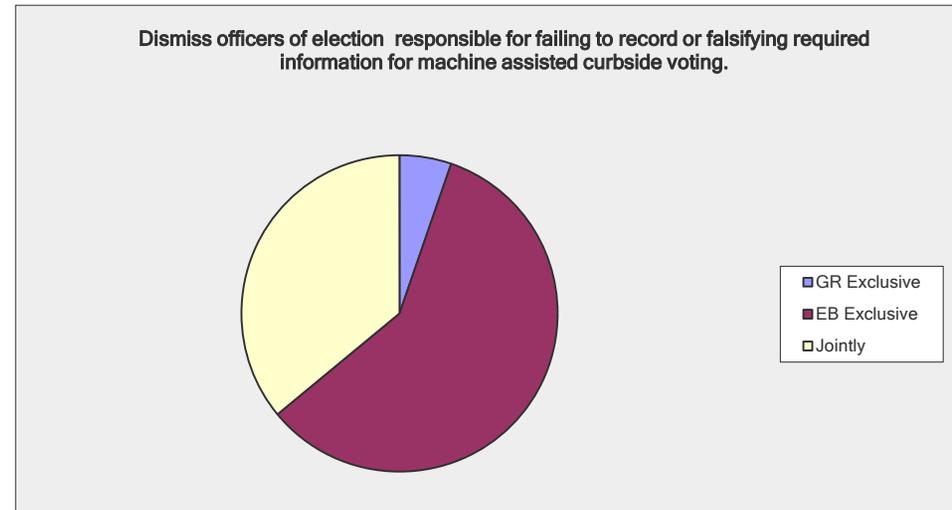
Answer Options	Response Percent	Response Count
GR Exclusive	3.5%	2
EB Exclusive	43.9%	25
Jointly	52.6%	30
<i>answered question</i>		<b>57</b>
<i>skipped question</i>		<b>4</b>



### General Registrar / Electoral Board Duties

Dismiss officers of election responsible for failing to record or falsifying required

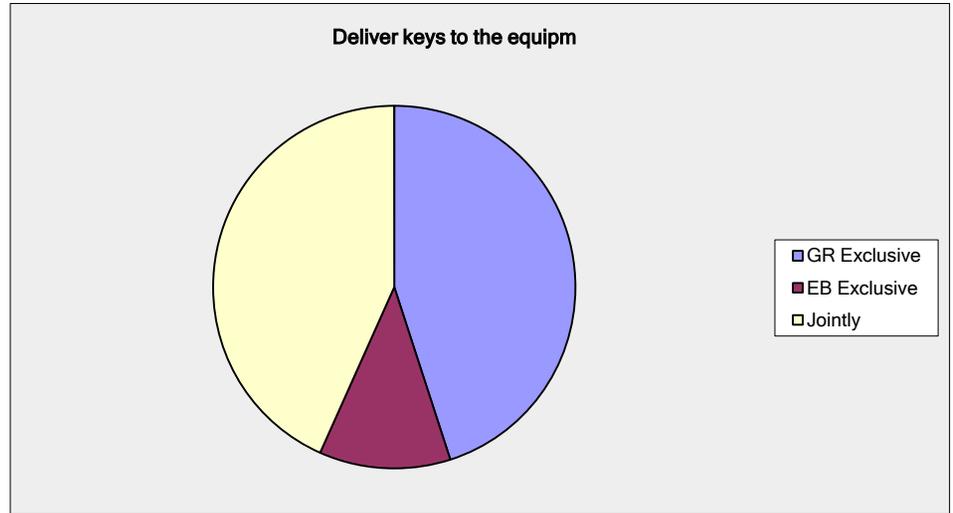
Answer Options	Response Percent	Response Count
GR Exclusive	5.3%	4
EB Exclusive	58.7%	44
Jointly	36.0%	27
<i>answered question</i>		<b>75</b>
<i>skipped question</i>		<b>22</b>



### Electoral Board / General Registrar Duties

Deliver keys to the equipment and any electronic activation devices that are required for the operation of electronic voting equipment to the officer of election designated in a

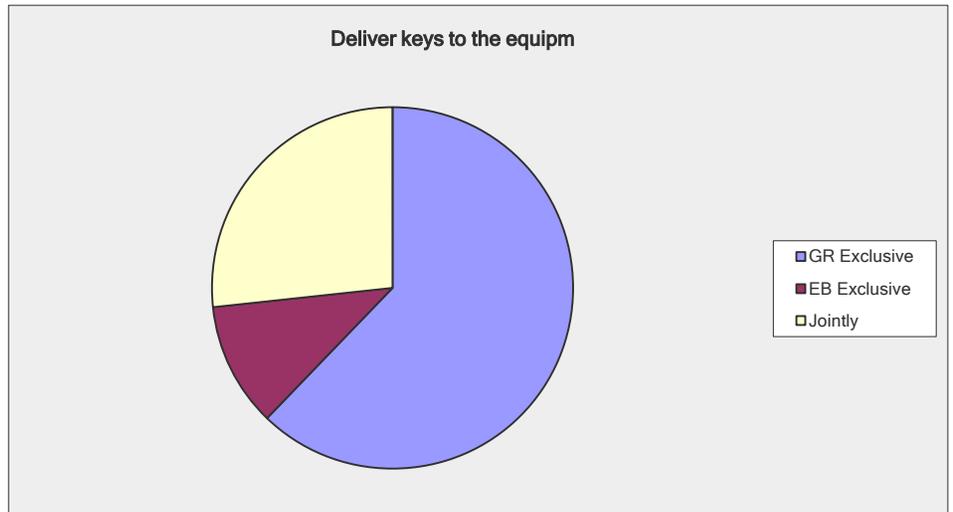
Answer Options	Response Percent	Response Count
GR Exclusive	45.0%	27
EB Exclusive	11.7%	7
Jointly	43.3%	26
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

Deliver keys to the equipment and any electronic activation devices that are required for

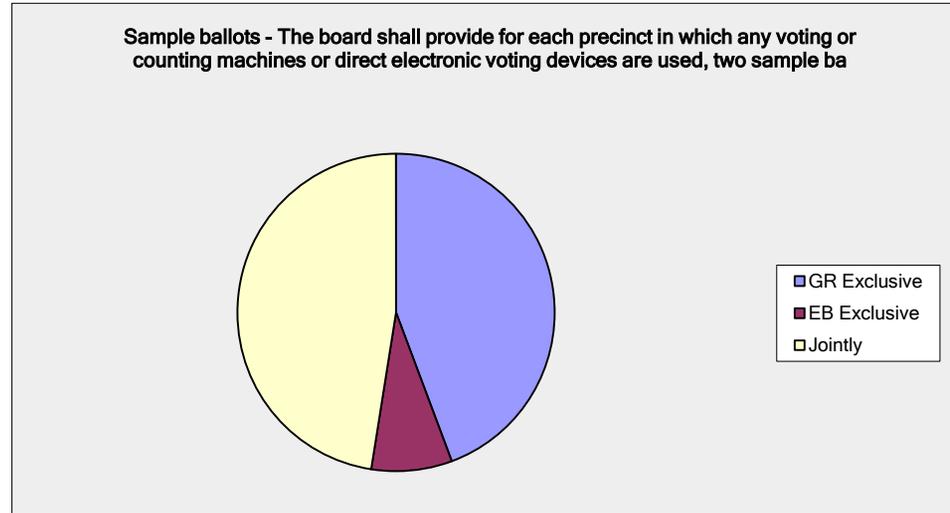
Answer Options	Response Percent	Response Count
GR Exclusive	62.2%	56
EB Exclusive	11.1%	10
Jointly	26.7%	24
<i>answered question</i>		<b>90</b>
<i>skipped question</i>		<b>7</b>



### Electoral Board / General Registrar Duties

Sample ballots - The board shall provide for each precinct in which any voting or counting machines or direct electronic voting devices are used, two sample ballots,

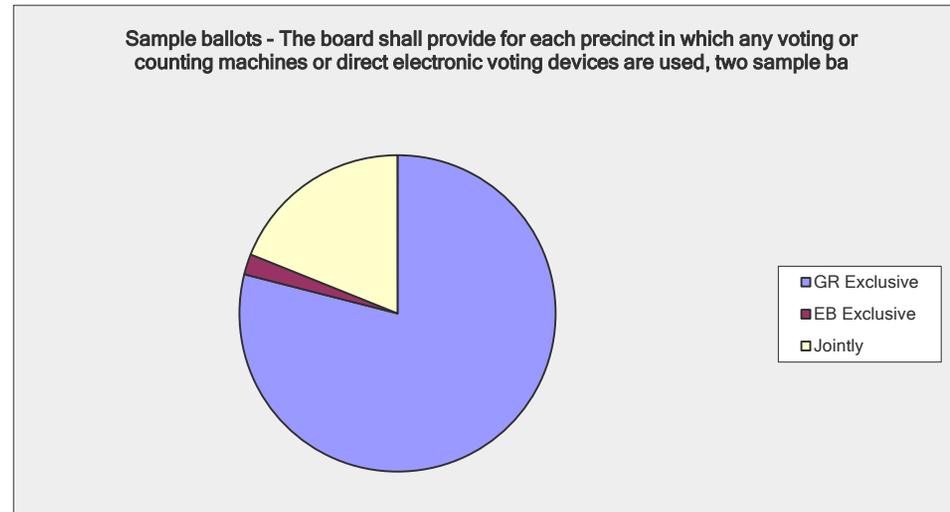
Answer Options	Response Percent	Response Count
GR Exclusive	44.3%	27
EB Exclusive	8.2%	5
Jointly	47.5%	29
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

Sample ballots - The board shall provide for each precinct in which any voting or

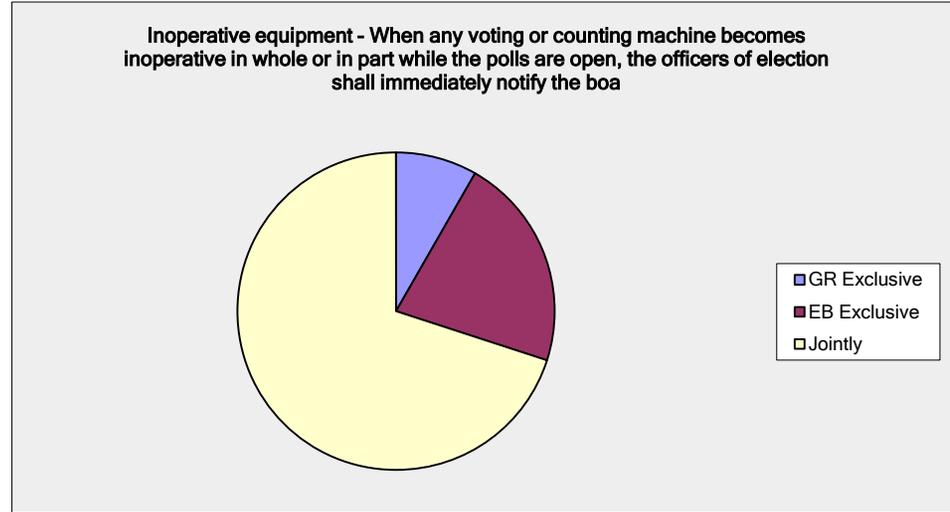
Answer Options	Response Percent	Response Count
GR Exclusive	78.9%	75
EB Exclusive	2.1%	2
Jointly	18.9%	18
<i>answered question</i>		<b>95</b>
<i>skipped question</i>		<b>2</b>



### Electoral Board / General Registrar Duties

Inoperative equipment - When any voting or counting machine becomes inoperative in whole or in part while the polls are open, the officers of election shall immediately notify

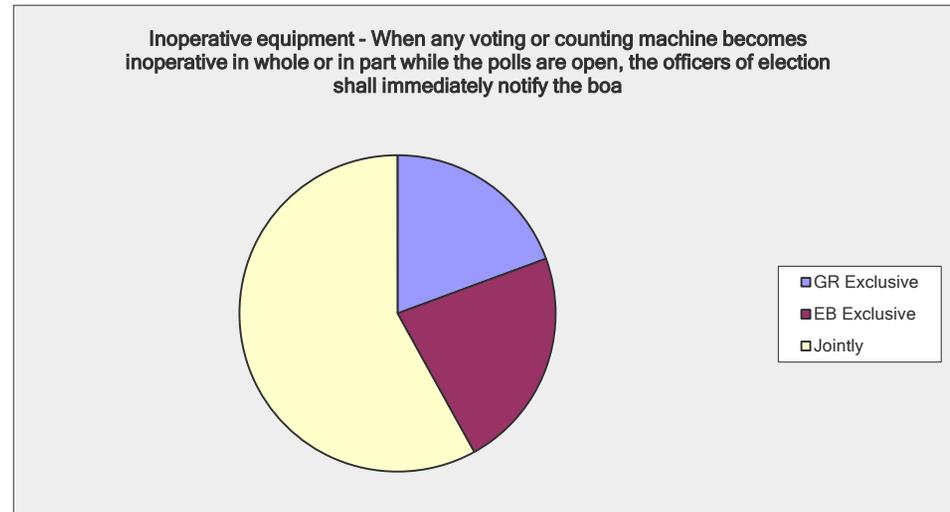
Answer Options	Response Percent	Response Count
GR Exclusive	8.3%	5
EB Exclusive	21.7%	13
Jointly	70.0%	42
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

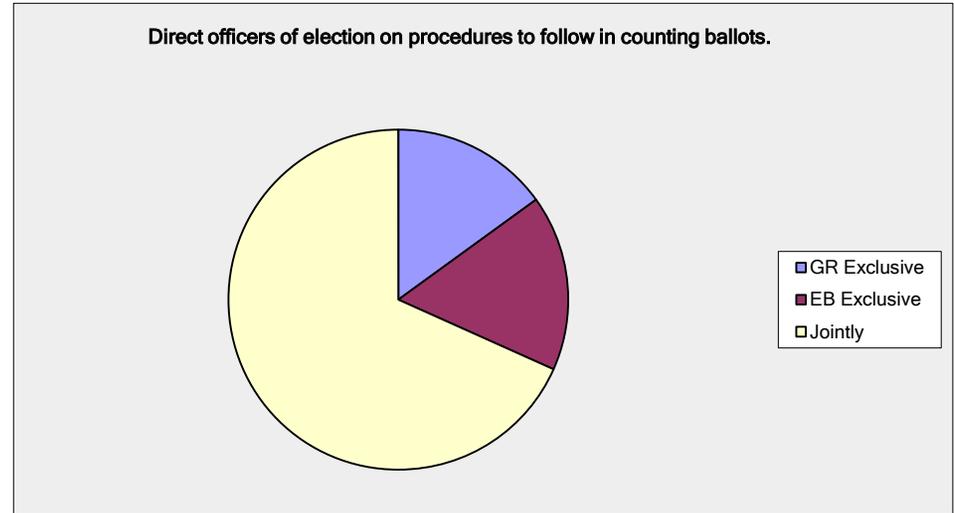
Inoperative equipment - When any voting or counting machine becomes inoperative in

Answer Options	Response Percent	Response Count
GR Exclusive	19.4%	18
EB Exclusive	22.6%	21
Jointly	58.1%	54
<i>answered question</i>		<b>93</b>
<i>skipped question</i>		<b>4</b>



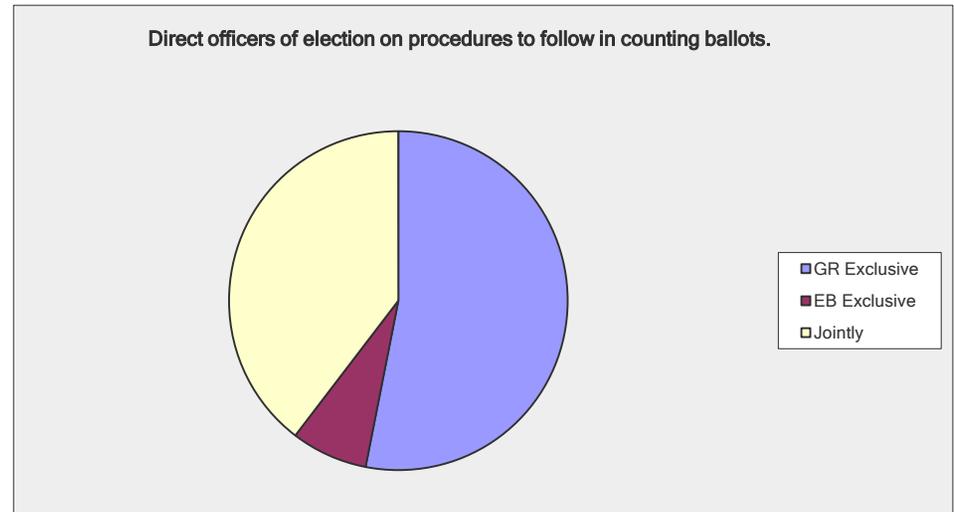
### Electoral Board / General Registrar Duties

Direct officers of election on procedures to follow in counting ballots.		
Answer Options	Response Percent	Response Count
GR Exclusive	15.0%	9
EB Exclusive	16.7%	10
Jointly	68.3%	41
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



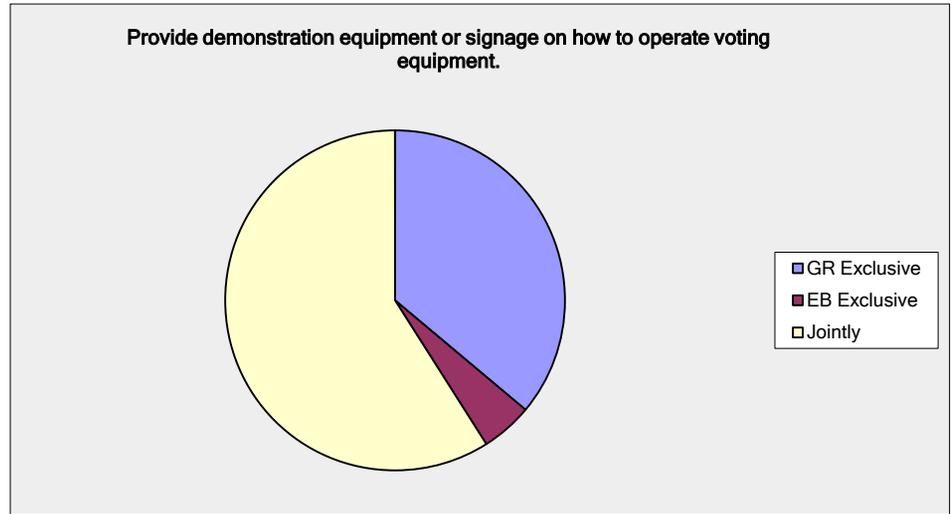
### General Registrar / Electoral Board Duties

Direct officers of election on procedures to follow in counting ballots.		
Answer Options	Response Percent	Response Count
GR Exclusive	53.1%	51
EB Exclusive	7.3%	7
Jointly	39.6%	38
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



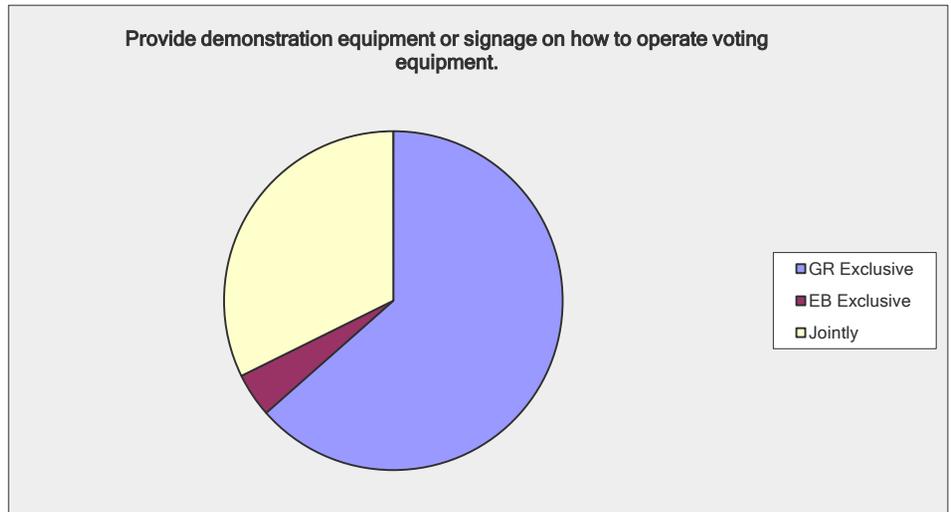
### Electoral Board / General Registrar Duties

Provide demonstration equipment or signage on how to operate voting equipment.		
Answer Options	Response Percent	Response Count
GR Exclusive	36.1%	22
EB Exclusive	4.9%	3
Jointly	59.0%	36
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

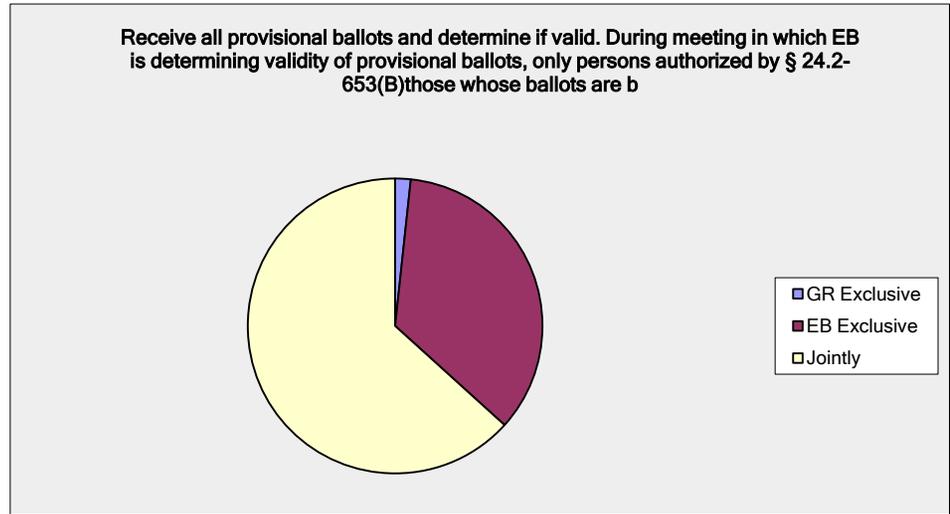
Provide demonstration equipment or signage on how to operate voting equipment.		
Answer Options	Response Percent	Response Count
GR Exclusive	63.5%	61
EB Exclusive	4.2%	4
Jointly	32.3%	31
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



### Electoral Board / General Registrar Duties

Receive all provisional ballots and determine if valid. During meeting in which EB is determining validity of provisional ballots, only persons authorized by § 24.2-

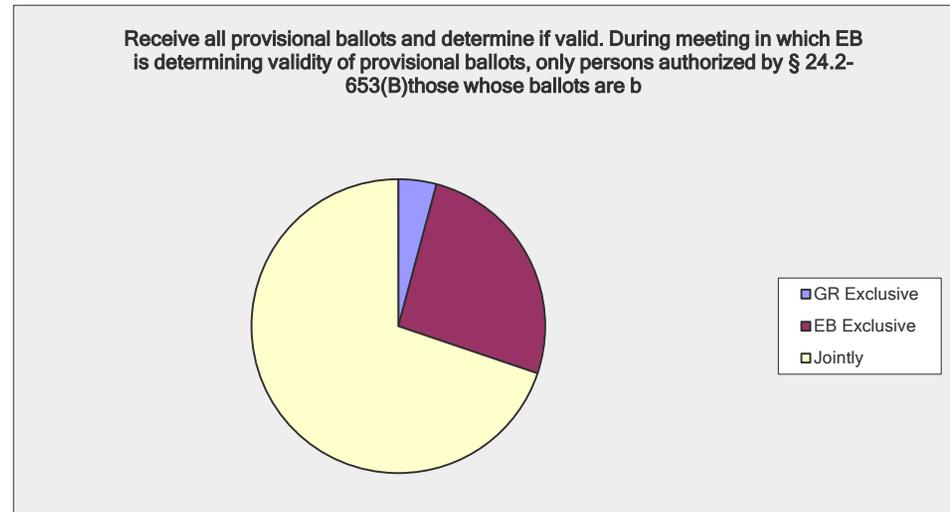
Answer Options	Response Percent	Response Count
GR Exclusive	1.7%	1
EB Exclusive	35.0%	21
Jointly	63.3%	38
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

Receive all provisional ballots and determine if valid. During meeting in which EB is

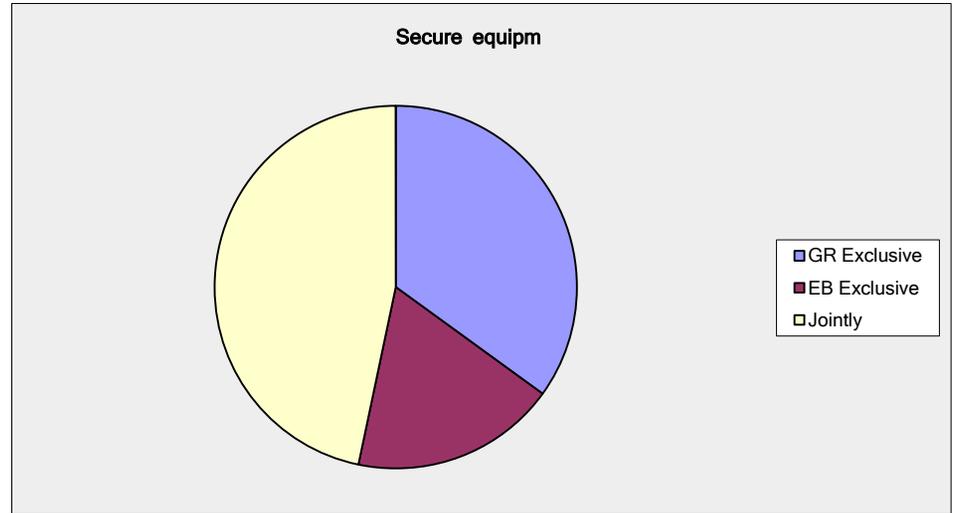
Answer Options	Response Percent	Response Count
GR Exclusive	4.2%	4
EB Exclusive	26.0%	25
Jointly	69.8%	67
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



### Electoral Board / General Registrar Duties

Secure equipment keys and election materials with Clerk of Court or General Registrar. Request SBE Secretary permission to inspect when needed. Arrange with

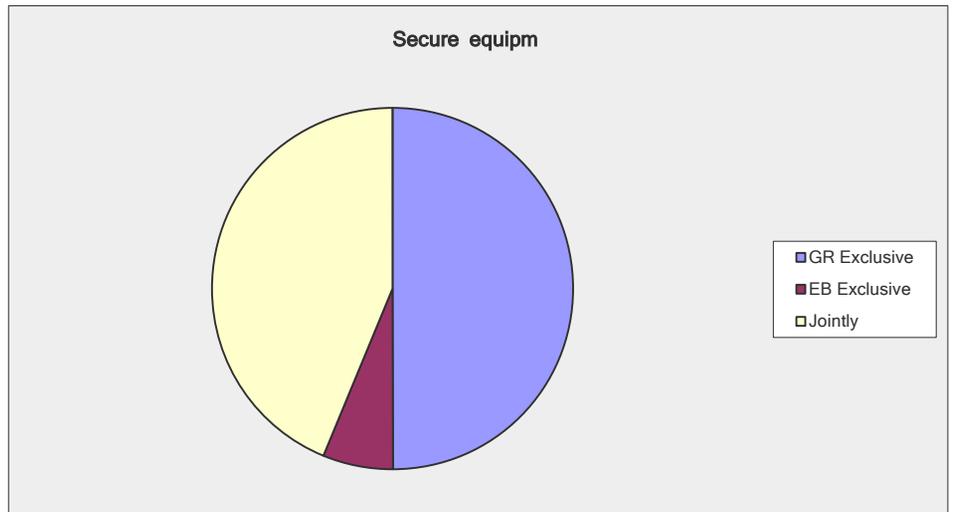
Answer Options	Response Percent	Response Count
GR Exclusive	35.0%	21
EB Exclusive	18.3%	11
Jointly	46.7%	28
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

Secure equipment keys and election materials with Clerk of Court or General Registrar. Request SBE Secretary permission to inspect when needed. Arrange with

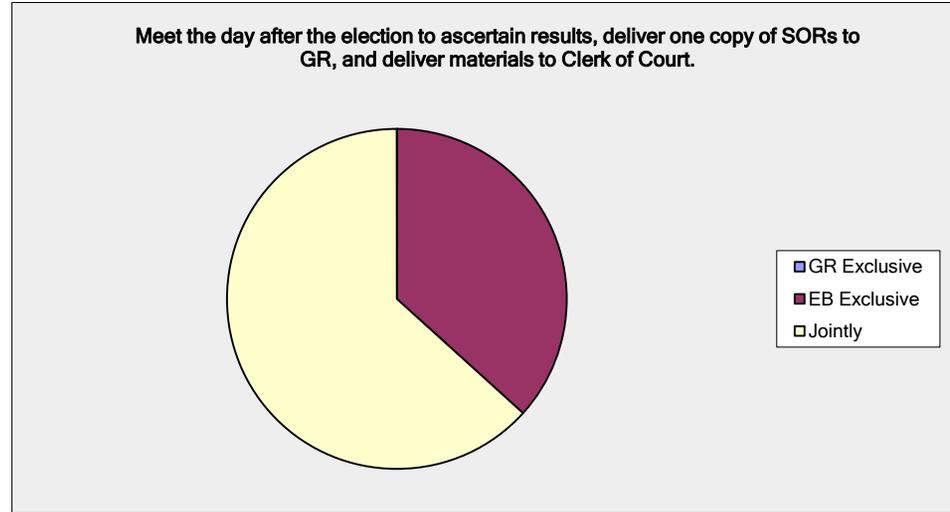
Answer Options	Response Percent	Response Count
GR Exclusive	50.0%	48
EB Exclusive	6.3%	6
Jointly	43.8%	42
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



### Electoral Board / General Registrar Duties

Meet the day after the election to ascertain results, deliver one copy of SORs to GR, and deliver materials to Clerk of Court.

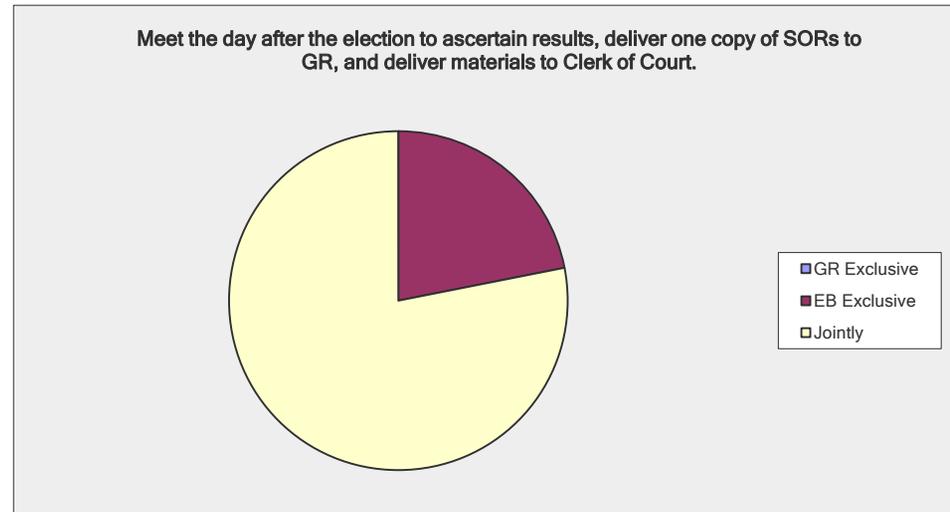
Answer Options	Response Percent	Response Count
GR Exclusive	0.0%	0
EB Exclusive	36.7%	22
Jointly	63.3%	38
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

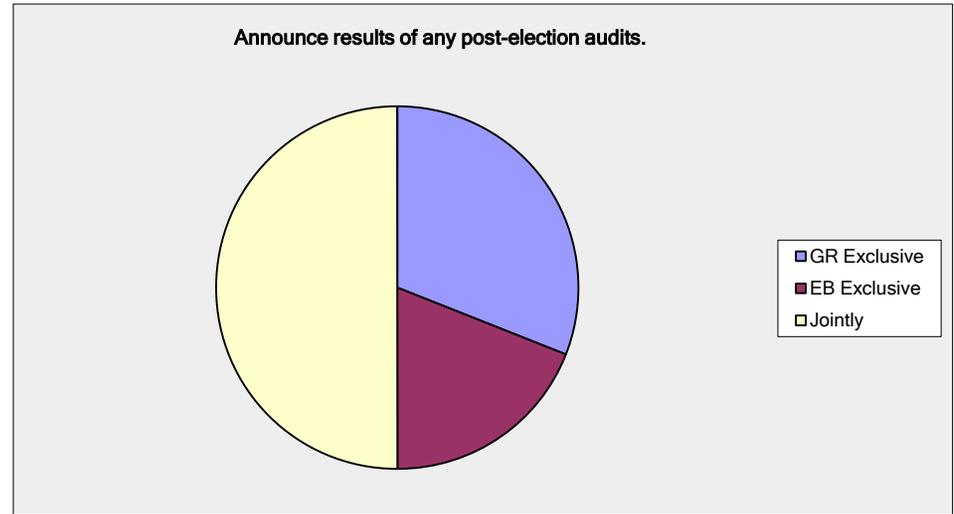
Meet the day after the election to ascertain results, deliver one copy of SORs to GR, and deliver materials to Clerk of Court.

Answer Options	Response Percent	Response Count
GR Exclusive	0.0%	0
EB Exclusive	21.9%	21
Jointly	78.1%	75
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



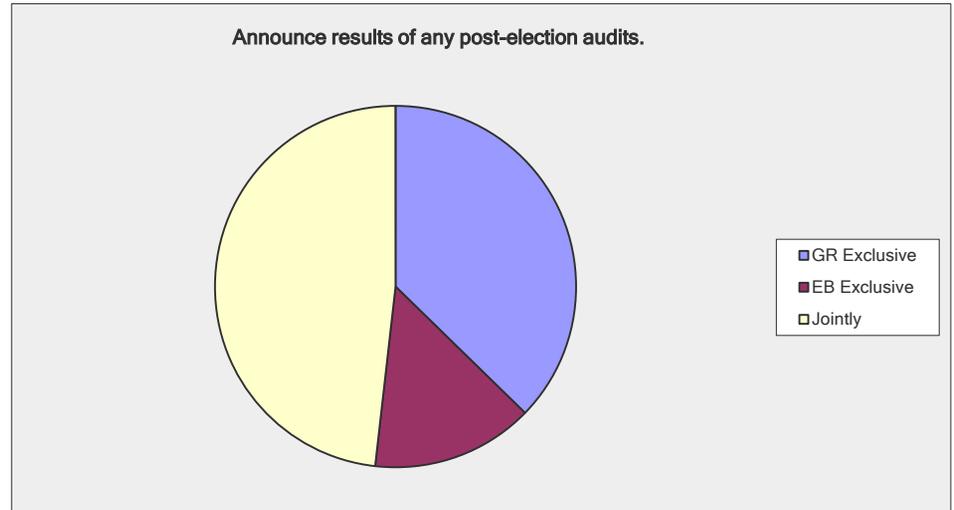
### Electoral Board / General Registrar Duties

Announce results of any post-election audits.		
Answer Options	Response Percent	Response Count
GR Exclusive	31.0%	18
EB Exclusive	19.0%	11
Jointly	50.0%	29
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



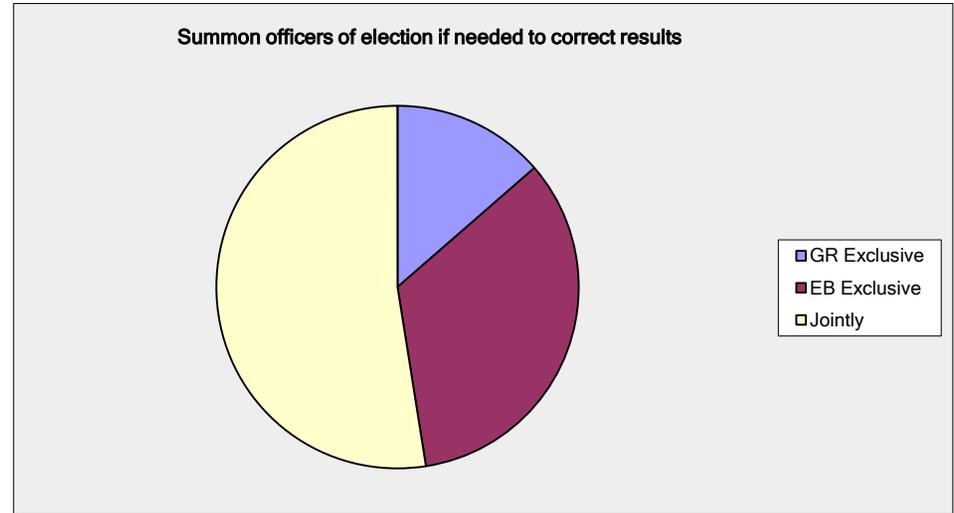
### General Registrar / Electoral Board Duties

Announce results of any post-election audits.		
Answer Options	Response Percent	Response Count
GR Exclusive	37.3%	31
EB Exclusive	14.5%	12
Jointly	48.2%	40
<i>answered question</i>		<b>83</b>
<i>skipped question</i>		<b>14</b>



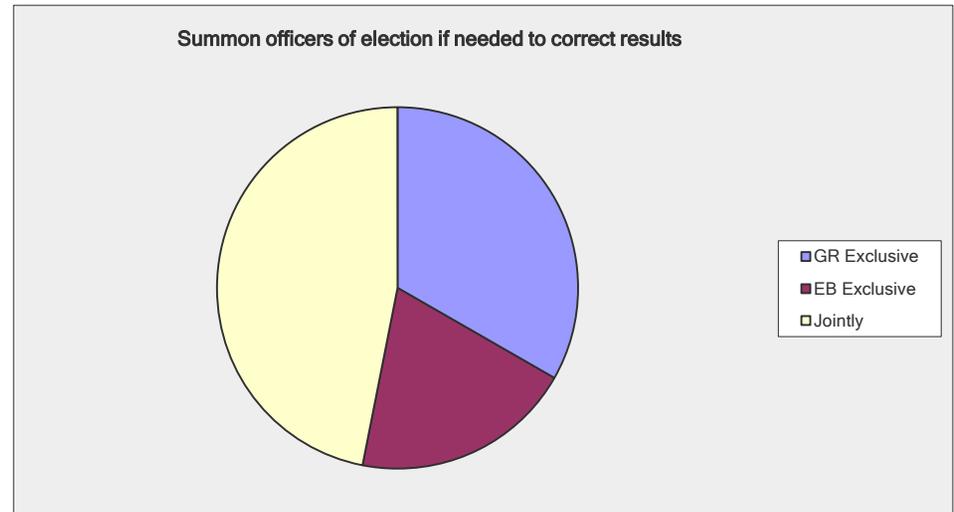
### Electoral Board / General Registrar Duties

Summon officers of election if needed to correct results		
Answer Options	Response Percent	Response Count
GR Exclusive	13.6%	8
EB Exclusive	33.9%	20
Jointly	52.5%	31
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



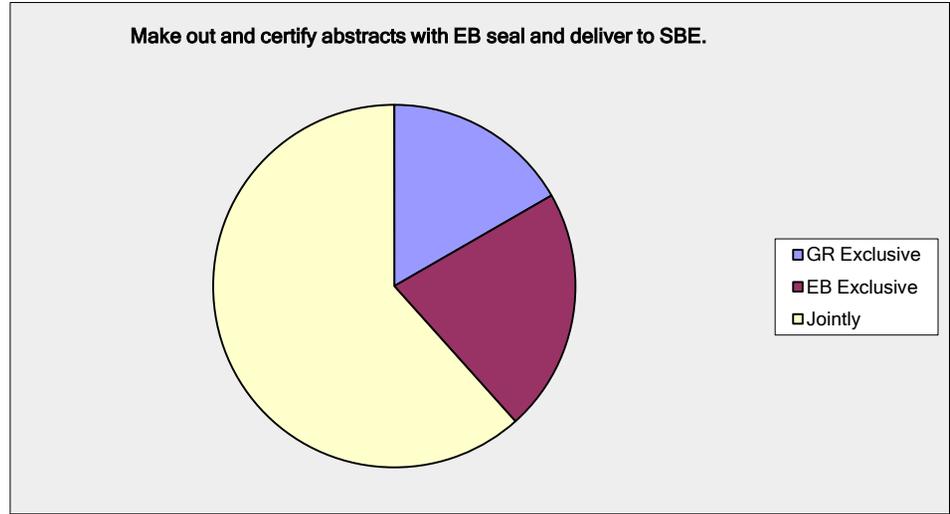
### General Registrar / Electoral Board Duties

Summon officers of election if needed to correct results		
Answer Options	Response Percent	Response Count
GR Exclusive	33.3%	32
EB Exclusive	19.8%	19
Jointly	46.9%	45
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



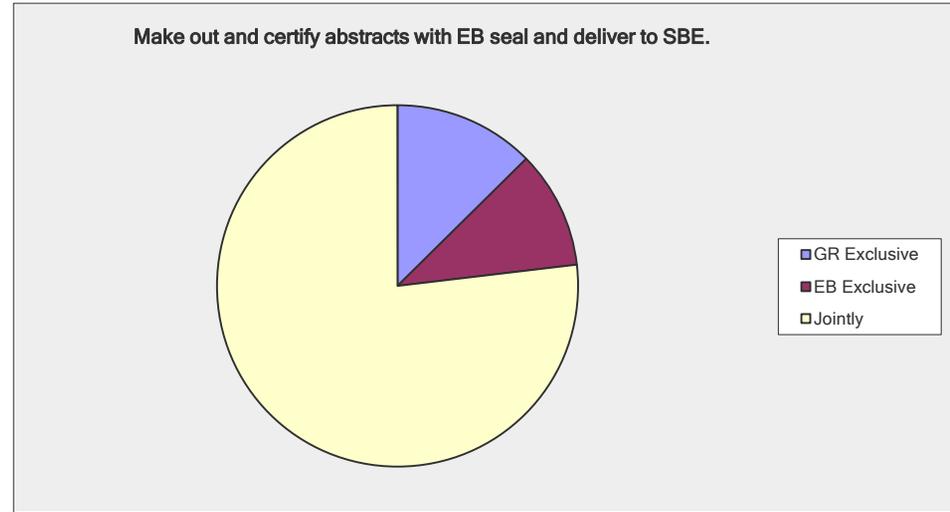
### Electoral Board / General Registrar Duties

Make out and certify abstracts with EB seal and deliver to SBE.		
Answer Options	Response Percent	Response Count
GR Exclusive	16.7%	10
EB Exclusive	21.7%	13
Jointly	61.7%	37
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

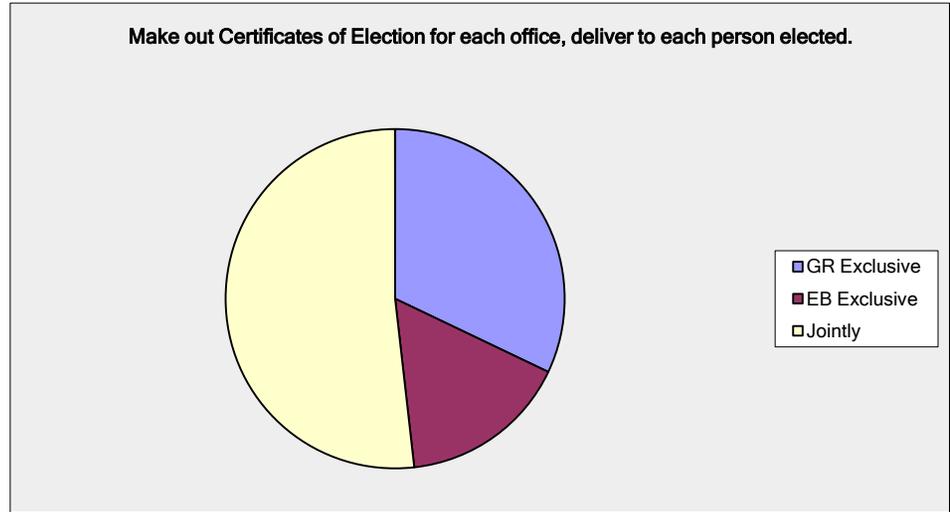
Make out and certify abstracts with EB seal and deliver to SBE.		
Answer Options	Response Percent	Response Count
GR Exclusive	12.6%	12
EB Exclusive	10.5%	10
Jointly	76.8%	73
<i>answered question</i>		<b>95</b>
<i>skipped question</i>		<b>2</b>



### Electoral Board / General Registrar Duties

**Make out Certificates of Election for each office, deliver to each person elected.**

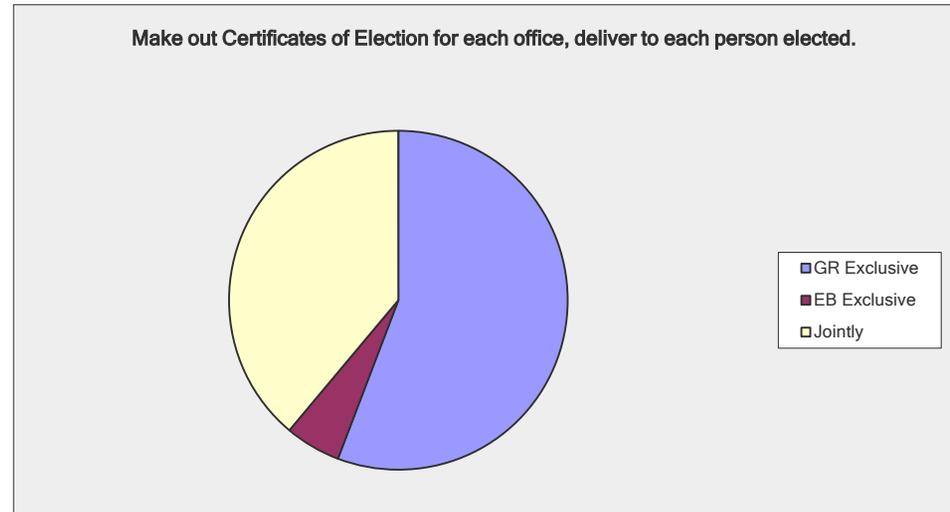
Answer Options	Response Percent	Response Count
GR Exclusive	32.1%	18
EB Exclusive	16.1%	9
Jointly	51.8%	29
<i>answered question</i>		<b>56</b>
<i>skipped question</i>		<b>5</b>



### General Registrar / Electoral Board Duties

**Make out Certificates of Election for each office, deliver to each person elected.**

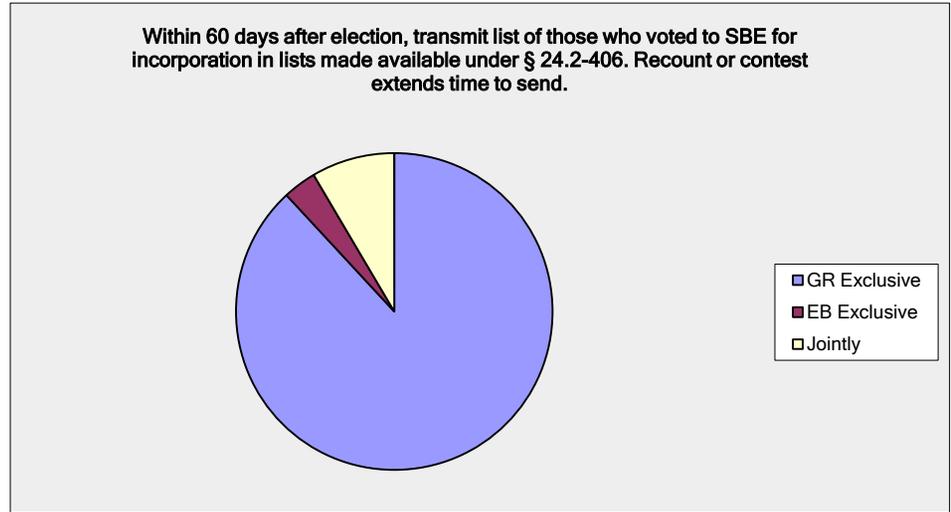
Answer Options	Response Percent	Response Count
GR Exclusive	55.8%	53
EB Exclusive	5.3%	5
Jointly	38.9%	37
<i>answered question</i>		<b>95</b>
<i>skipped question</i>		<b>2</b>



### Electoral Board / General Registrar Duties

Within 60 days after election, transmit list of those who voted to SBE for incorporation in lists made available under § 24.2-406. Recount or contest extends time to send.

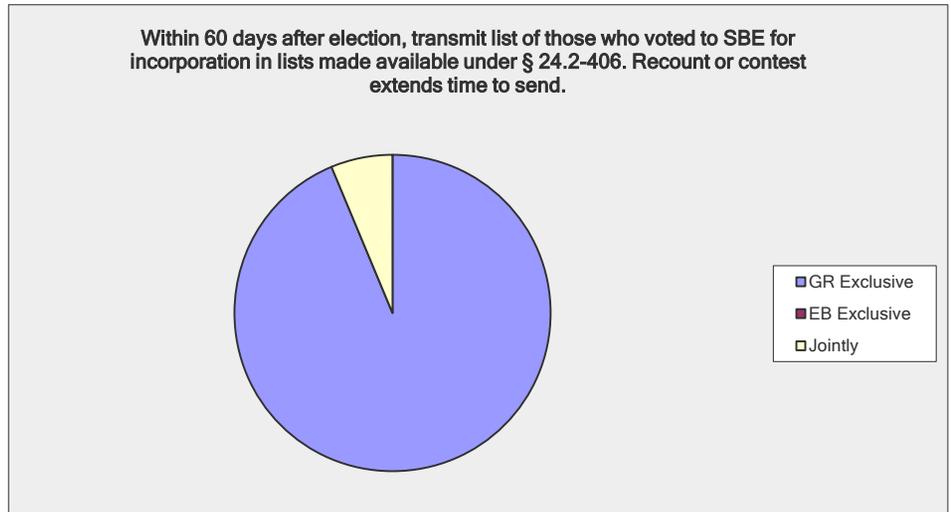
Answer Options	Response Percent	Response Count
GR Exclusive	88.1%	52
EB Exclusive	3.4%	2
Jointly	8.5%	5
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



### General Registrar / Electoral Board Duties

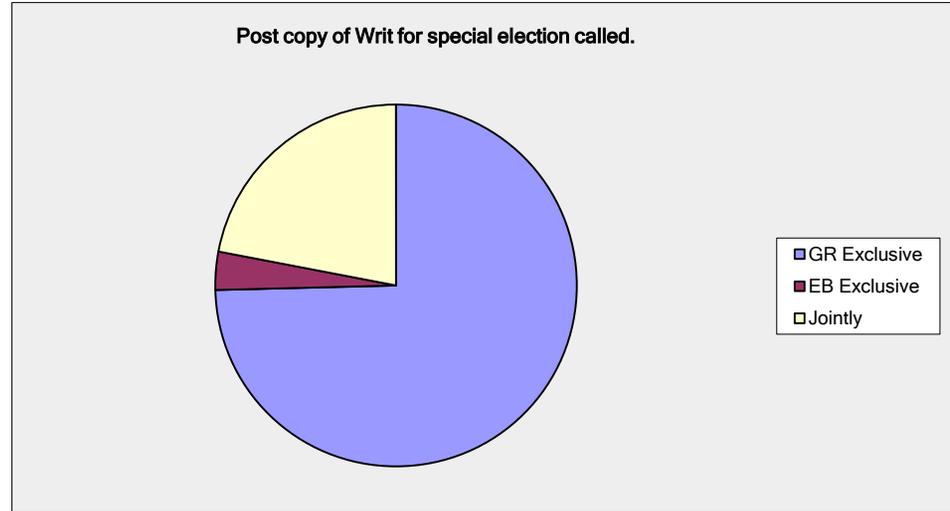
Within 60 days after election, transmit list of those who voted to SBE for incorporation in

Answer Options	Response Percent	Response Count
GR Exclusive	93.8%	90
EB Exclusive	0.0%	0
Jointly	6.3%	6
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



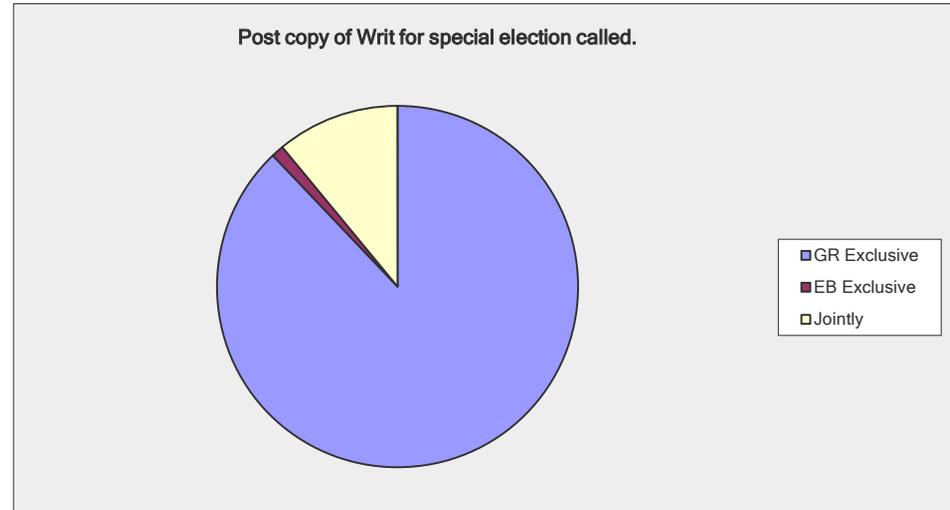
### Electoral Board / General Registrar Duties

Post copy of Writ for special election called.		
Answer Options	Response Percent	Response Count
GR Exclusive	74.6%	44
EB Exclusive	3.4%	2
Jointly	22.0%	13
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



### General Registrar / Electoral Board Duties

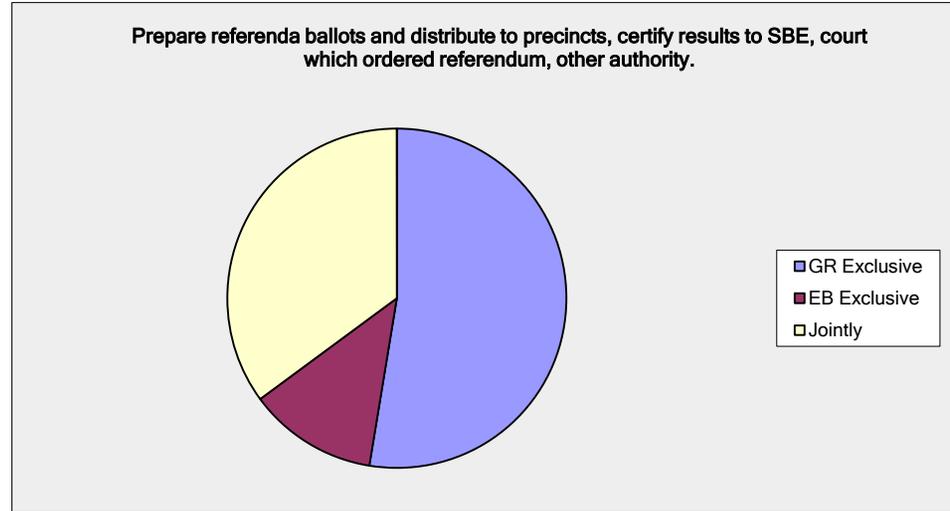
Post copy of Writ for special election called.		
Answer Options	Response Percent	Response Count
GR Exclusive	87.9%	80
EB Exclusive	1.1%	1
Jointly	11.0%	10
<i>answered question</i>		<b>91</b>
<i>skipped question</i>		<b>6</b>



### Electoral Board / General Registrar Duties

Prepare referenda ballots and distribute to precincts, certify results to SBE, court which ordered referendum, other authority.

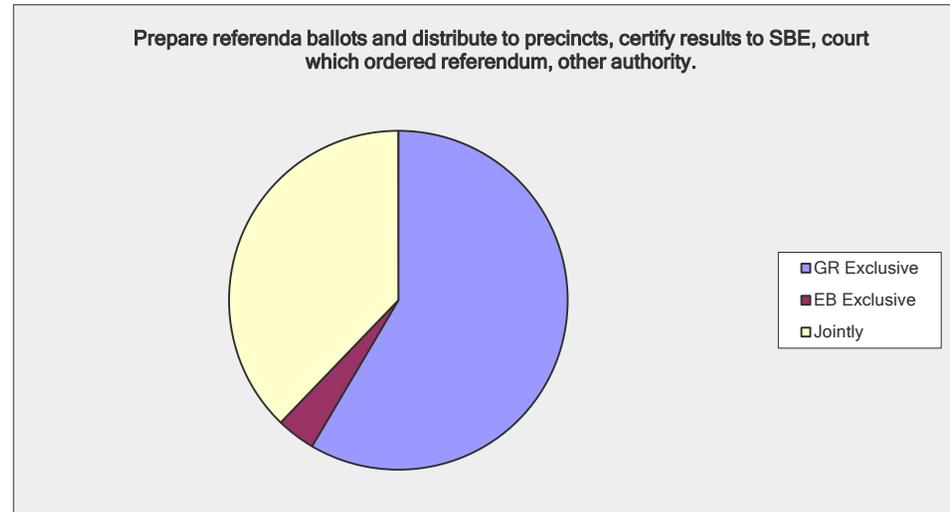
Answer Options	Response Percent	Response Count
GR Exclusive	52.6%	30
EB Exclusive	12.3%	7
Jointly	35.1%	20
<i>answered question</i>		<b>57</b>
<i>skipped question</i>		<b>4</b>



### General Registrar / Electoral Board Duties

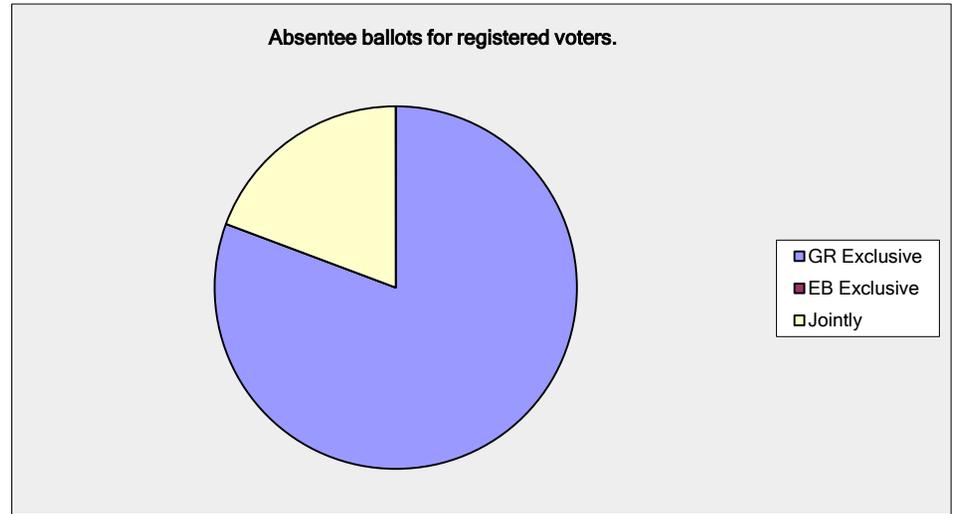
Prepare referenda ballots and distribute to precincts, certify results to SBE, court which ordered referendum, other authority.

Answer Options	Response Percent	Response Count
GR Exclusive	58.5%	48
EB Exclusive	3.7%	3
Jointly	37.8%	31
<i>answered question</i>		<b>82</b>
<i>skipped question</i>		<b>15</b>



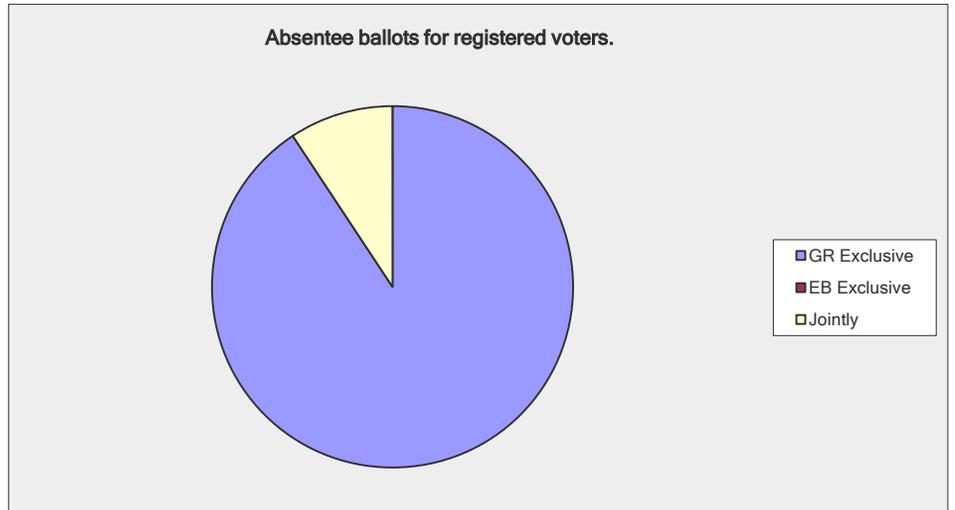
### Electoral Board / General Registrar Duties

Absentee ballots for registered voters.		
Answer Options	Response Percent	Response Count
GR Exclusive	80.7%	46
EB Exclusive	0.0%	0
Jointly	19.3%	11
<i>answered question</i>		<b>57</b>
<i>skipped question</i>		<b>4</b>



### General Registrar / Electoral Board Duties

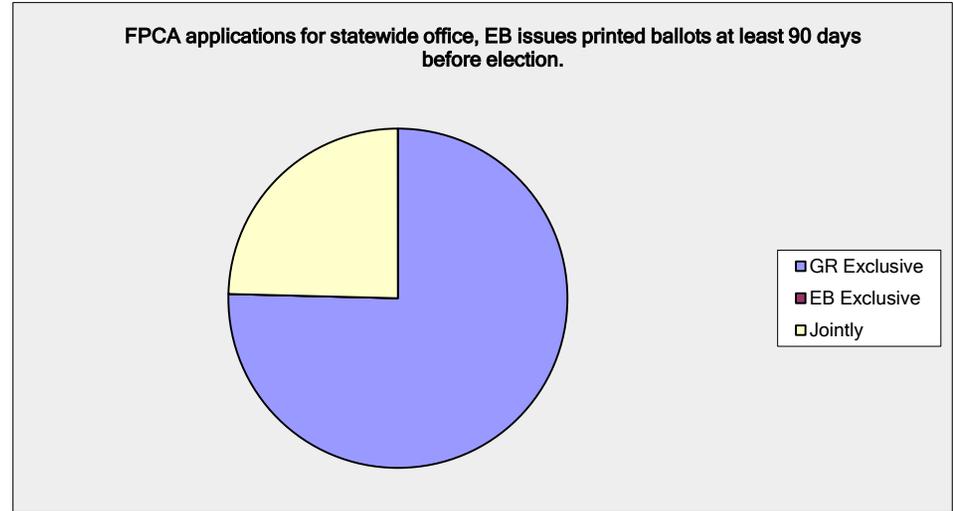
Absentee ballots for registered voters.		
Answer Options	Response Percent	Response Count
GR Exclusive	90.7%	88
EB Exclusive	0.0%	0
Jointly	9.3%	9
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



### Electoral Board / General Registrar Duties

FPCA applications for statewide office, EB issues printed ballots at least 90 days before election.

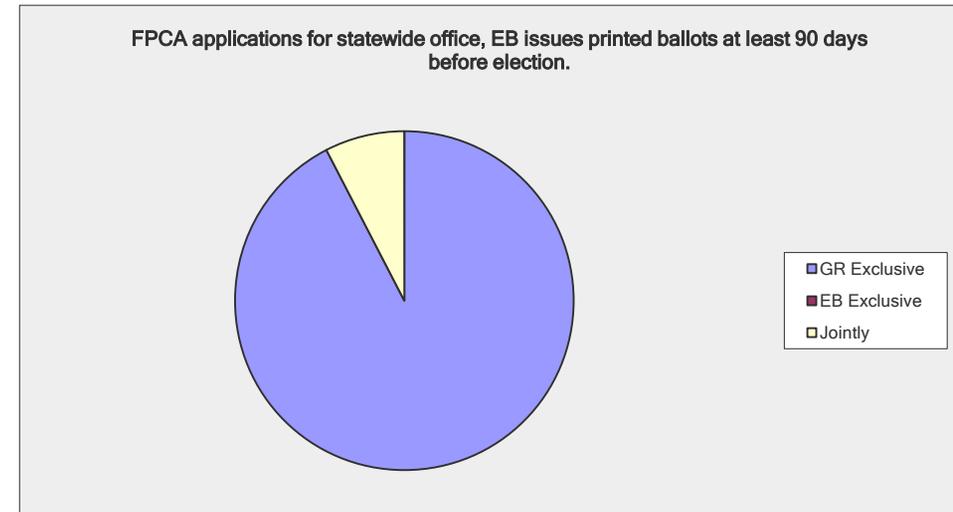
Answer Options	Response Percent	Response Count
GR Exclusive	75.4%	43
EB Exclusive	0.0%	0
Jointly	24.6%	14
<i>answered question</i>		<b>57</b>
<i>skipped question</i>		<b>4</b>



### General Registrar / Electoral Board Duties

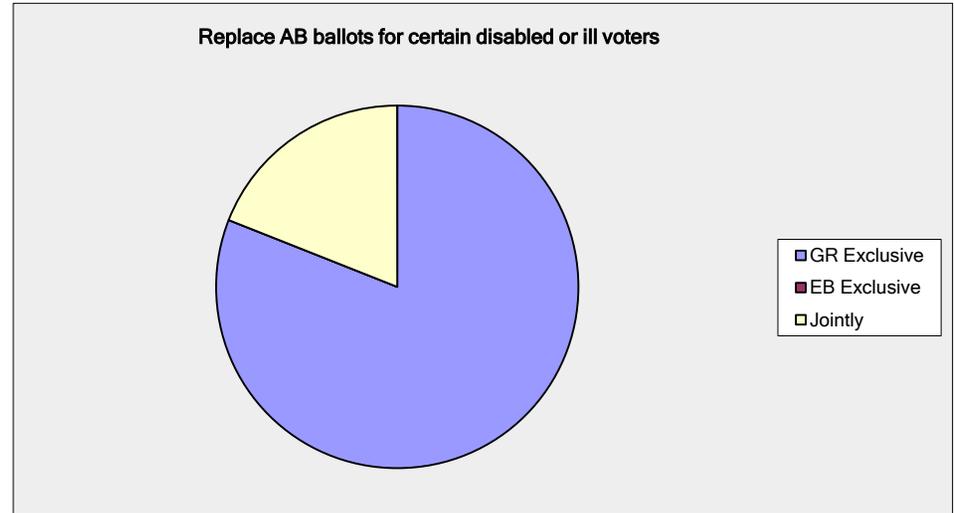
FPCA applications for statewide office, EB issues printed ballots at least 90 days before election.

Answer Options	Response Percent	Response Count
GR Exclusive	92.4%	85
EB Exclusive	0.0%	0
Jointly	7.6%	7
<i>answered question</i>		<b>92</b>
<i>skipped question</i>		<b>5</b>



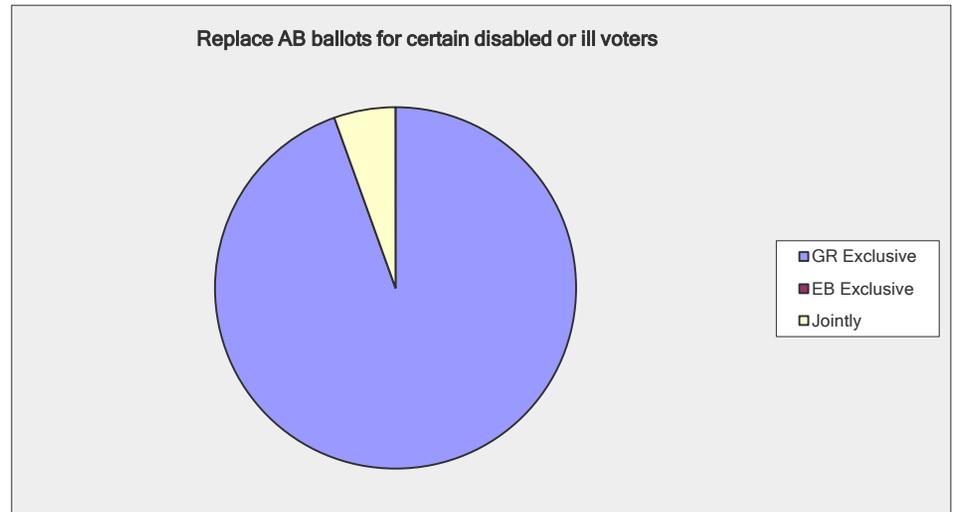
### Electoral Board / General Registrar Duties

Replace AB ballots for certain disabled or ill voters		
Answer Options	Response Percent	Response Count
GR Exclusive	81.0%	47
EB Exclusive	0.0%	0
Jointly	19.0%	11
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



### General Registrar / Electoral Board Duties

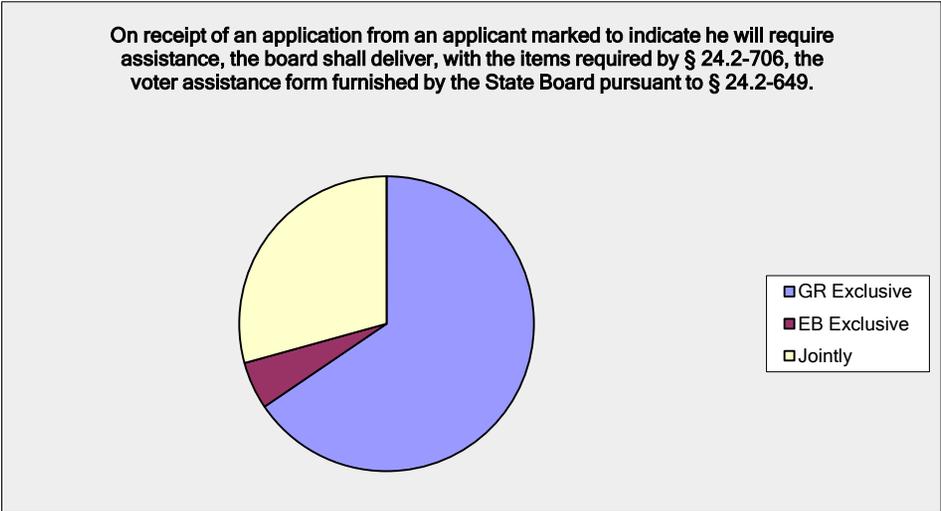
Replace AB ballots for certain disabled or ill voters		
Answer Options	Response Percent	Response Count
GR Exclusive	94.5%	86
EB Exclusive	0.0%	0
Jointly	5.5%	5
<i>answered question</i>		<b>91</b>
<i>skipped question</i>		<b>6</b>



### Electoral Board / General Registrar Duties

On receipt of an application from an applicant marked to indicate he will require assistance, the board shall deliver, with the items required by § 24.2-706, the voter

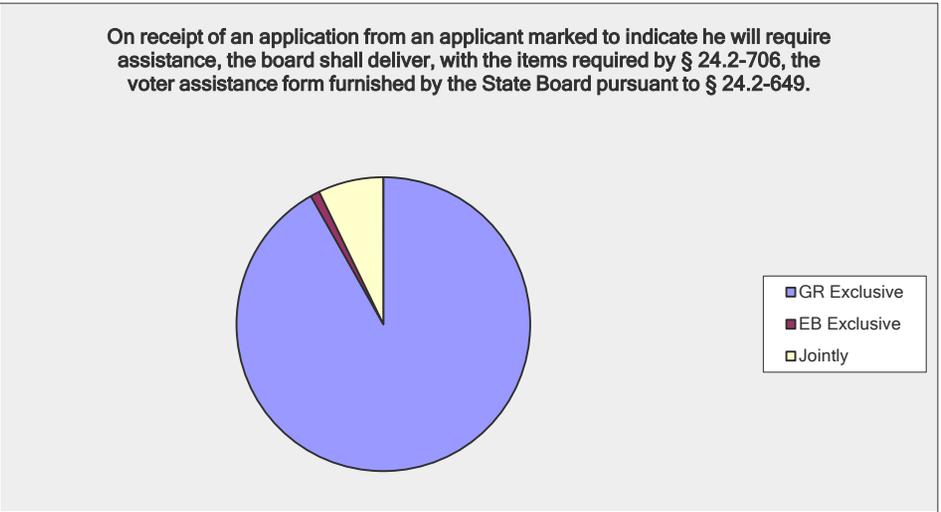
Answer Options	Response Percent	Response Count	
GR Exclusive	65.5%	38	
EB Exclusive	5.2%	3	
Jointly	29.3%	17	
			<b>58</b>
<i>answered question</i>			
<i>skipped question</i>			<b>3</b>



### General Registrar / Electoral Board Duties

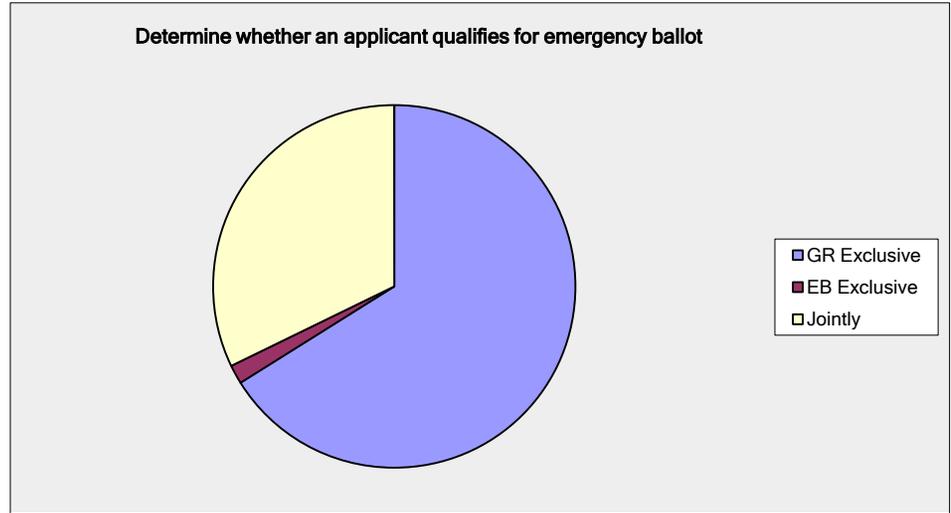
On receipt of an application from an applicant marked to indicate he will require assistance, the board shall deliver, with the items required by § 24.2-706, the voter

Answer Options	Response Percent	Response Count	
GR Exclusive	91.8%	89	
EB Exclusive	1.0%	1	
Jointly	7.2%	7	
			<b>97</b>
<i>answered question</i>			
<i>skipped question</i>			<b>0</b>



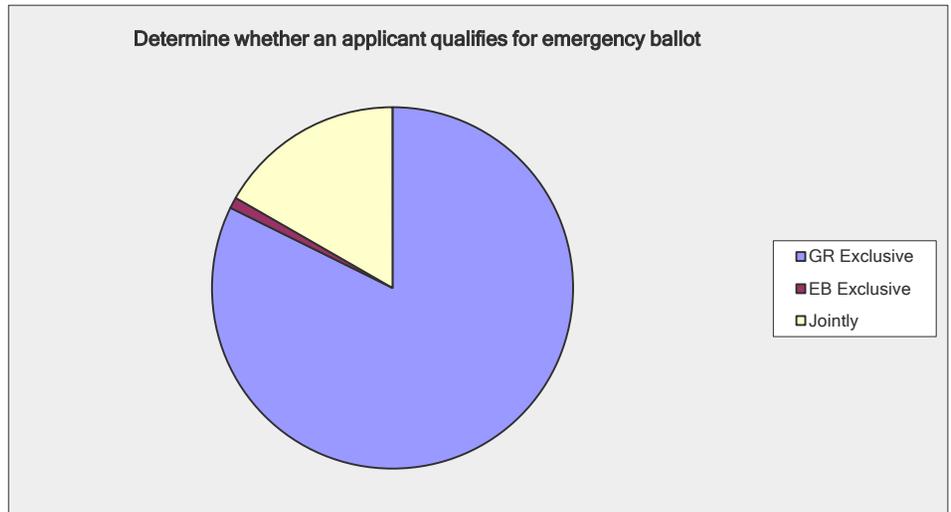
### Electoral Board / General Registrar Duties

Determine whether an applicant qualifies for emergency ballot		
Answer Options	Response Percent	Response Count
GR Exclusive	66.1%	39
EB Exclusive	1.7%	1
Jointly	32.2%	19
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



### General Registrar / Electoral Board Duties

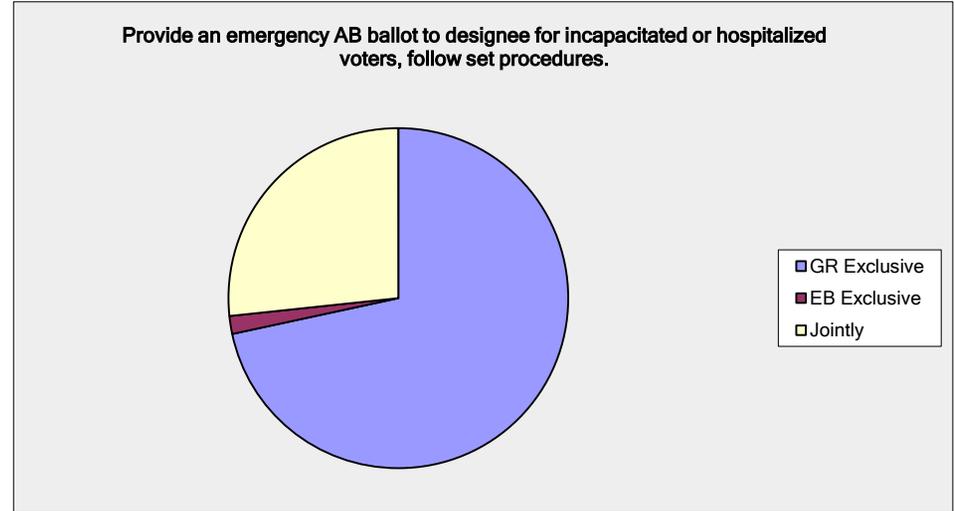
Determine whether an applicant qualifies for emergency ballot		
Answer Options	Response Percent	Response Count
GR Exclusive	82.3%	79
EB Exclusive	1.0%	1
Jointly	16.7%	16
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



### Electoral Board / General Registrar Duties

Provide an emergency AB ballot to designee for incapacitated or hospitalized voters, follow set procedures.

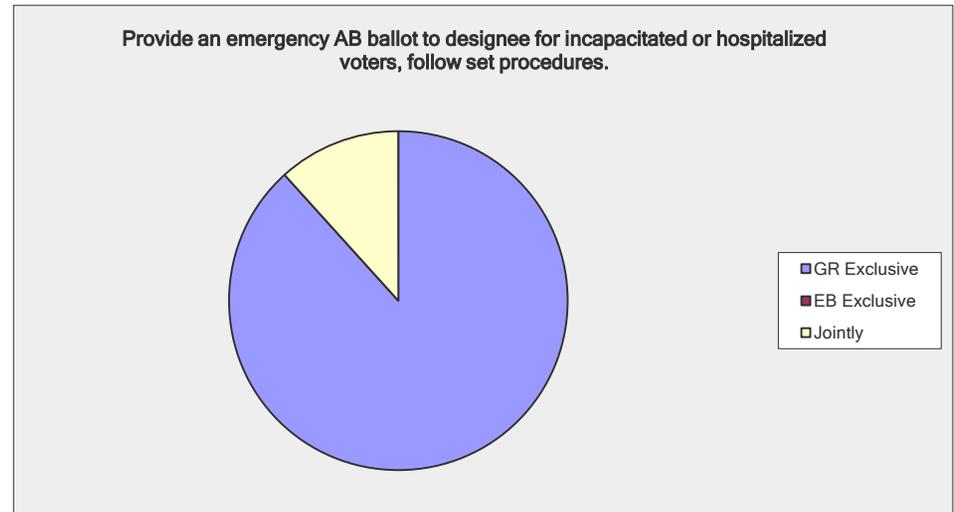
Answer Options	Response Percent	Response Count
GR Exclusive	71.7%	43
EB Exclusive	1.7%	1
Jointly	26.7%	16
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

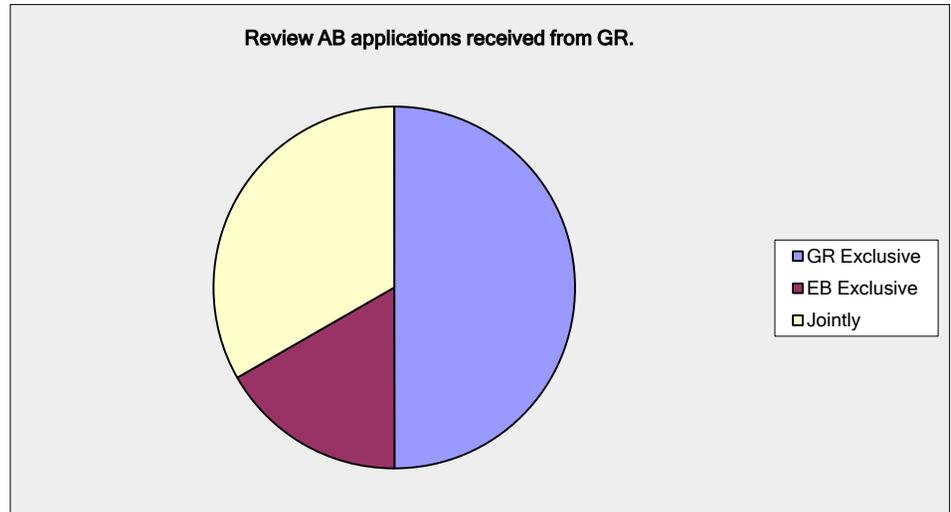
Provide an emergency AB ballot to designee for incapacitated or hospitalized voters, follow set procedures.

Answer Options	Response Percent	Response Count
GR Exclusive	88.3%	83
EB Exclusive	0.0%	0
Jointly	11.7%	11
<i>answered question</i>		<b>94</b>
<i>skipped question</i>		<b>3</b>



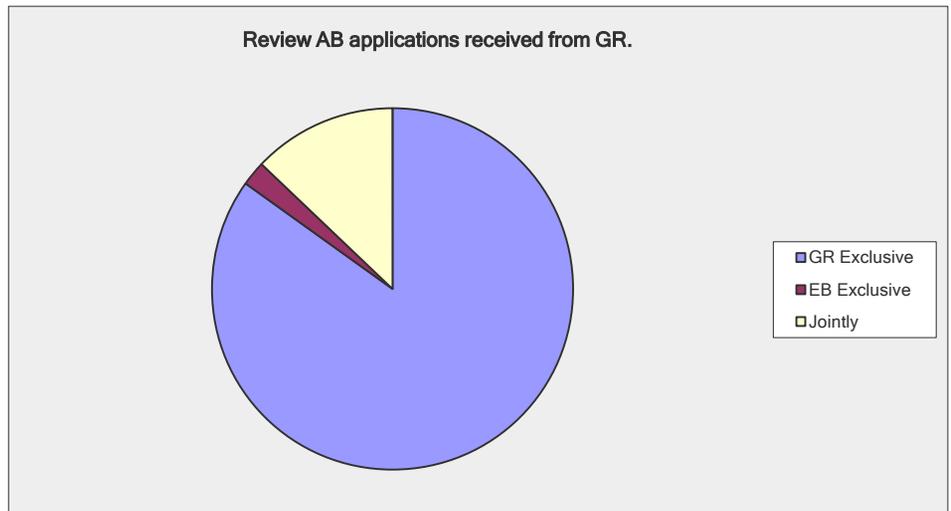
### Electoral Board / General Registrar Duties

Review AB applications received from GR.		
Answer Options	Response Percent	Response Count
GR Exclusive	50.0%	30
EB Exclusive	16.7%	10
Jointly	33.3%	20
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

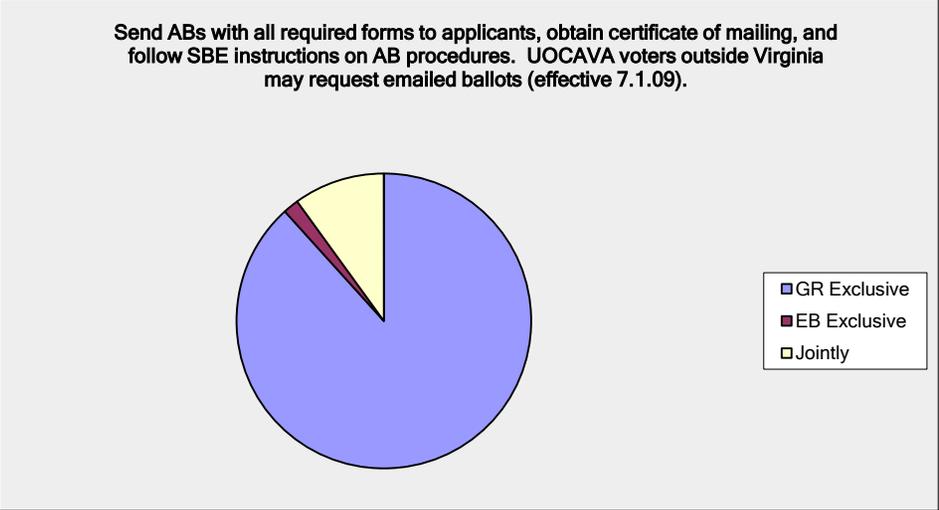
Review AB applications received from GR.		
Answer Options	Response Percent	Response Count
GR Exclusive	84.9%	79
EB Exclusive	2.2%	2
Jointly	12.9%	12
<i>answered question</i>		<b>93</b>
<i>skipped question</i>		<b>4</b>



### Electoral Board / General Registrar Duties

Send ABs with all required forms to applicants, obtain certificate of mailing, and follow SBE instructions on AB procedures. UOCAVA voters outside Virginia may request

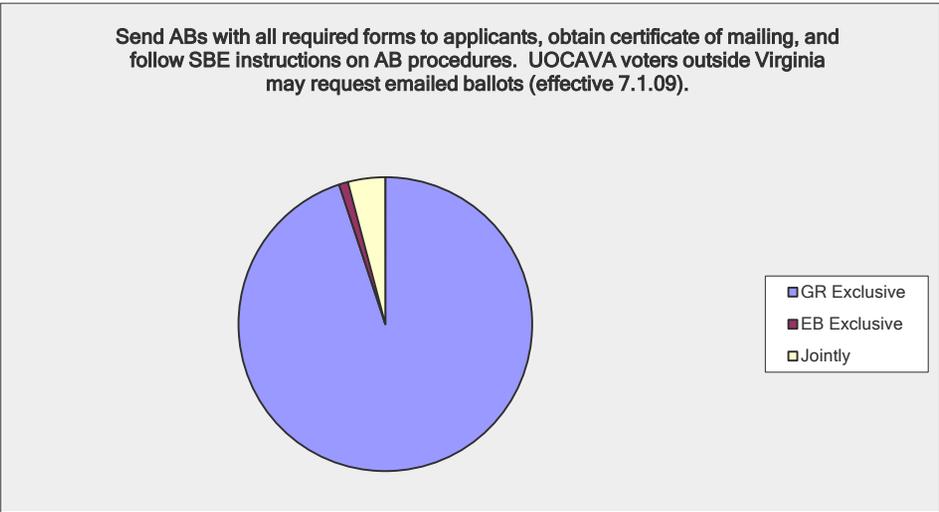
Answer Options	Response Percent	Response Count
GR Exclusive	88.3%	53
EB Exclusive	1.7%	1
Jointly	10.0%	6
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

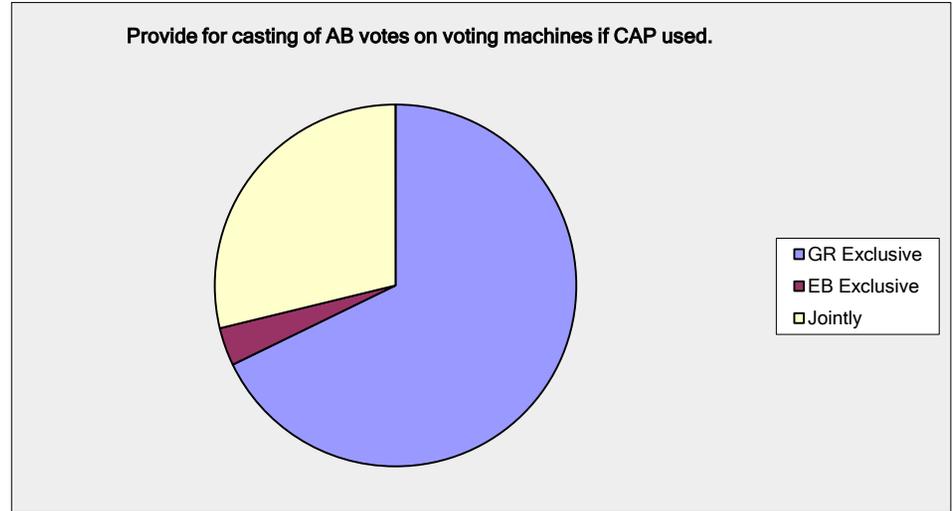
Send ABs with all required forms to applicants, obtain certificate of mailing, and follow

Answer Options	Response Percent	Response Count
GR Exclusive	94.8%	92
EB Exclusive	1.0%	1
Jointly	4.1%	4
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



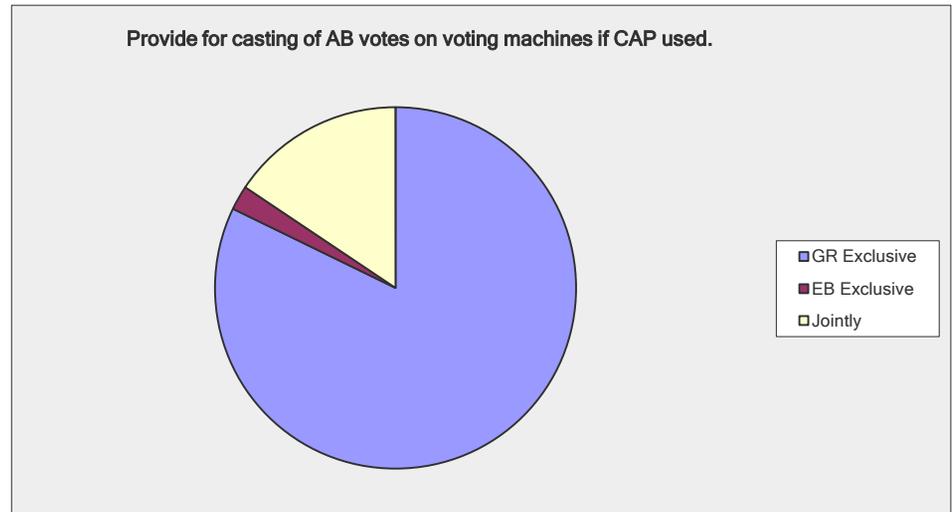
### Electoral Board / General Registrar Duties

Provide for casting of AB votes on voting machines if CAP used.		
Answer Options	Response Percent	Response Count
GR Exclusive	67.8%	40
EB Exclusive	3.4%	2
Jointly	28.8%	17
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



### General Registrar / Electoral Board Duties

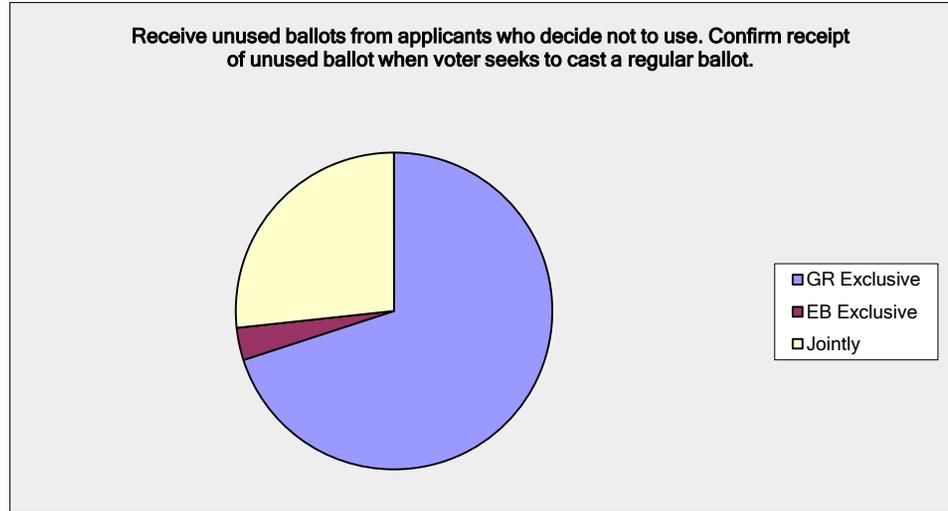
Provide for casting of AB votes on voting machines if CAP used.		
Answer Options	Response Percent	Response Count
GR Exclusive	82.2%	74
EB Exclusive	2.2%	2
Jointly	15.6%	14
<i>answered question</i>		<b>90</b>
<i>skipped question</i>		<b>7</b>



### Electoral Board / General Registrar Duties

Receive unused ballots from applicants who decide not to use. Confirm receipt of unused ballot when voter seeks to cast a regular ballot.

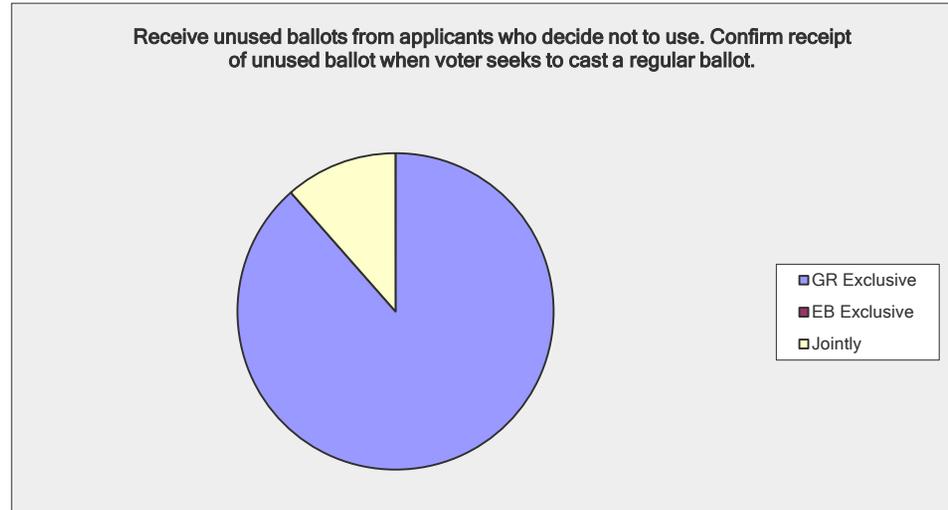
Answer Options	Response Percent	Response Count
GR Exclusive	70.0%	42
EB Exclusive	3.3%	2
Jointly	26.7%	16
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

Receive unused ballots from applicants who decide not to use. Confirm receipt of unused ballot when voter seeks to cast a regular ballot.

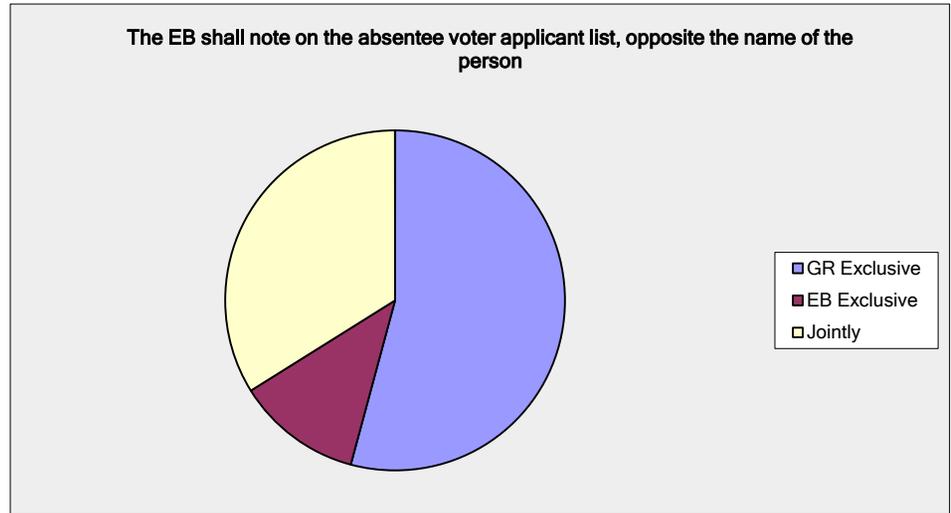
Answer Options	Response Percent	Response Count
GR Exclusive	88.5%	85
EB Exclusive	0.0%	0
Jointly	11.5%	11
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



### Electoral Board / General Registrar Duties

The EB shall note on the absentee voter applicant list, opposite the name of the person returning the ballot, the fact that the ballot was returned unused and the date of the

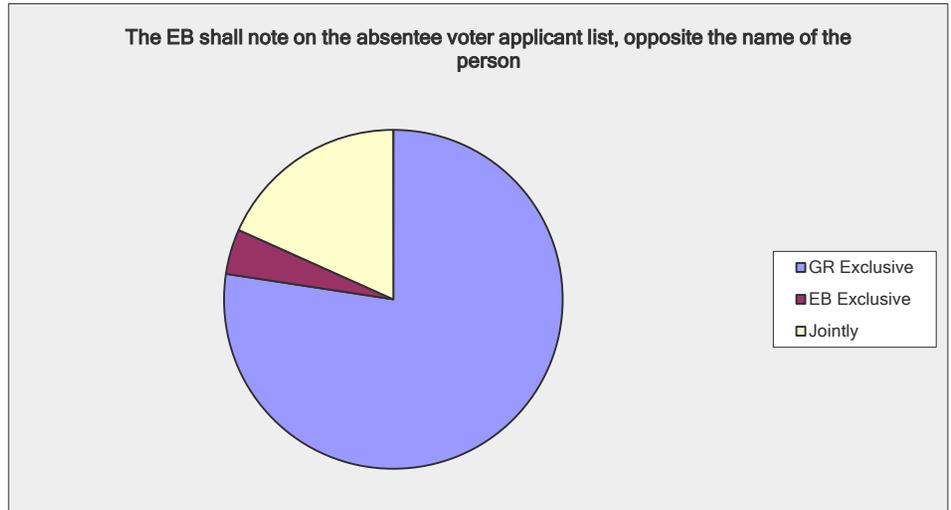
Answer Options	Response Percent	Response Count
GR Exclusive	54.2%	32
EB Exclusive	11.9%	7
Jointly	33.9%	20
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



### General Registrar / Electoral Board Duties

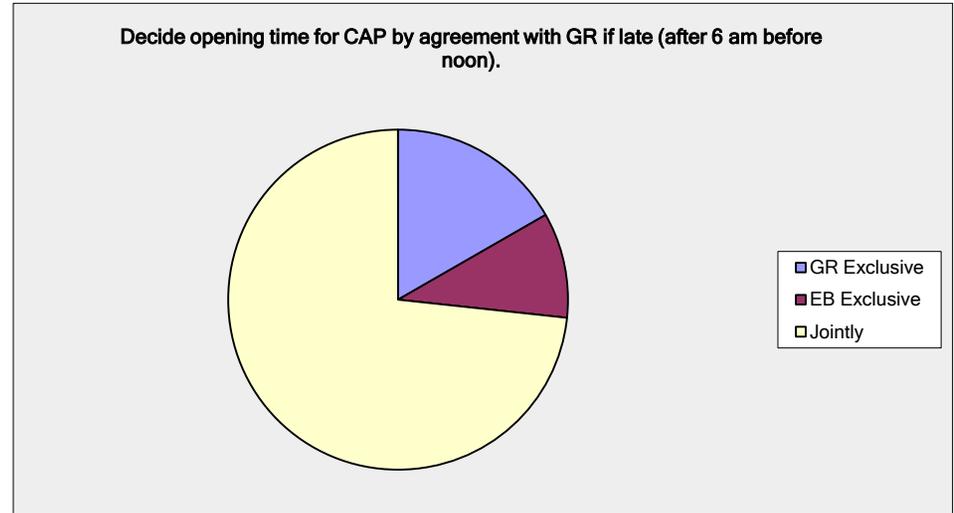
The EB shall note on the absentee voter applicant list, opposite the name of the person

Answer Options	Response Percent	Response Count
GR Exclusive	77.4%	72
EB Exclusive	4.3%	4
Jointly	18.3%	17
<i>answered question</i>		<b>93</b>
<i>skipped question</i>		<b>4</b>



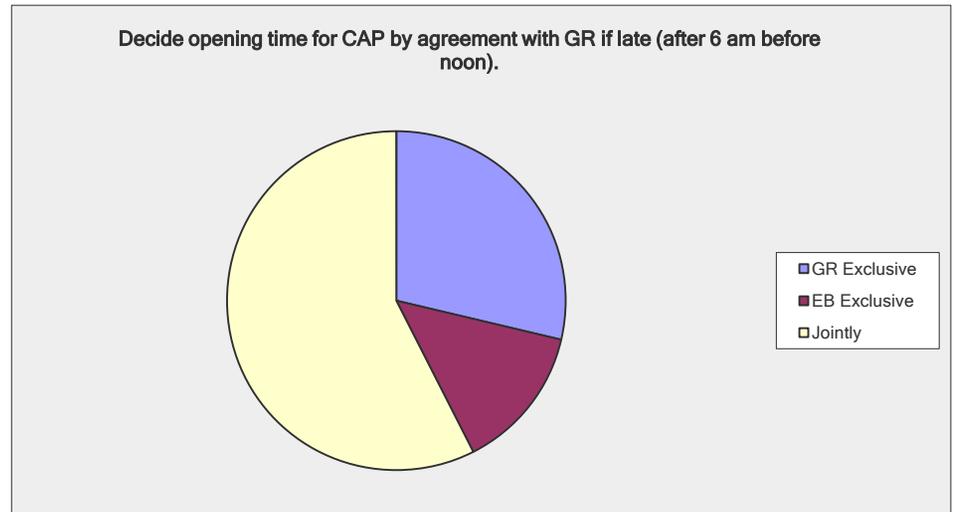
### Electoral Board / General Registrar Duties

Decide opening time for CAP by agreement with GR if late (after 6 am before noon).		
Answer Options	Response Percent	Response Count
GR Exclusive	16.7%	10
EB Exclusive	10.0%	6
Jointly	73.3%	44
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



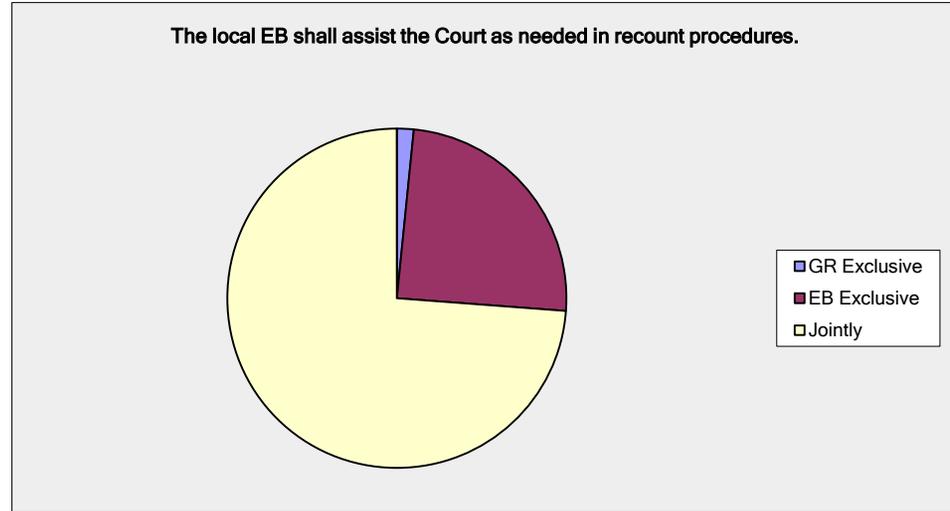
### General Registrar / Electoral Board Duties

Decide opening time for CAP by agreement with GR if late (after 6 am before noon).		
Answer Options	Response Percent	Response Count
GR Exclusive	28.7%	25
EB Exclusive	13.8%	12
Jointly	57.5%	50
<i>answered question</i>		<b>87</b>
<i>skipped question</i>		<b>10</b>



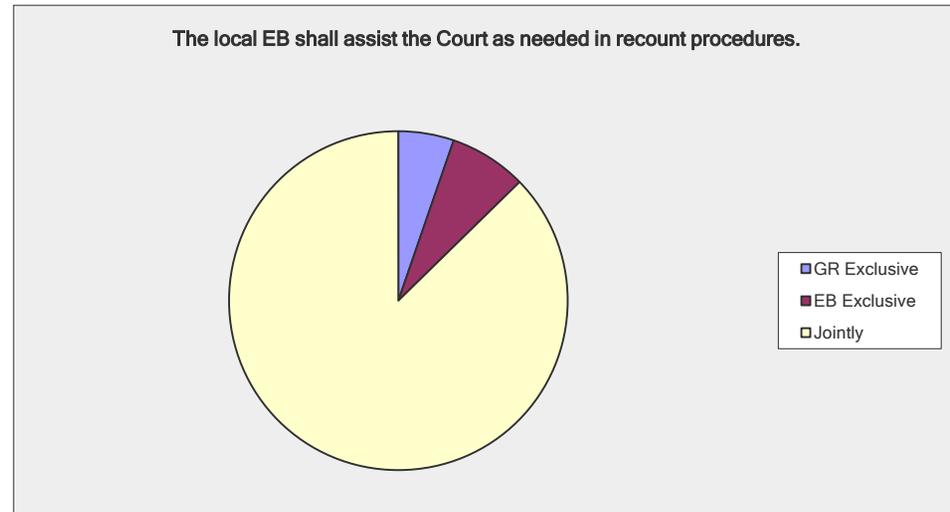
### Electoral Board / General Registrar Duties

The local EB shall assist the Court as needed in recount procedures.		
Answer Options	Response Percent	Response Count
GR Exclusive	1.6%	1
EB Exclusive	24.6%	15
Jointly	73.8%	45
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

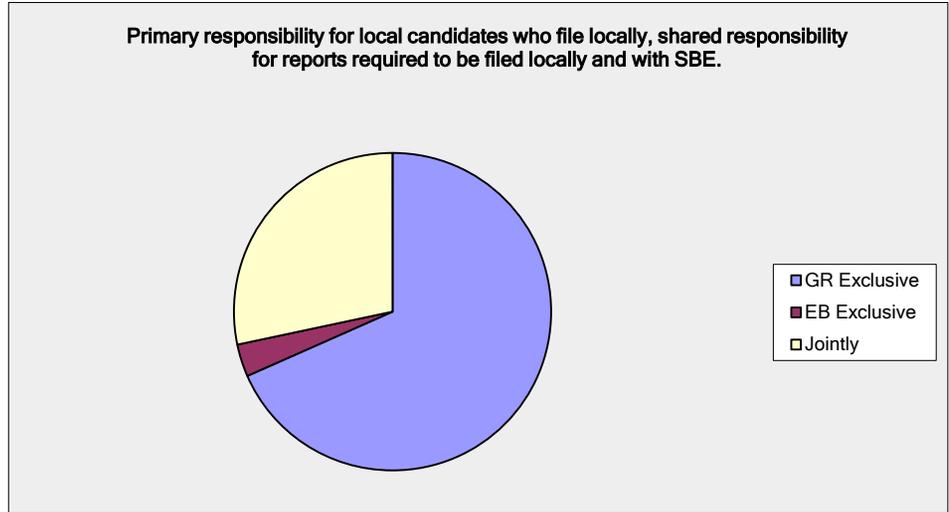
The local EB shall assist the Court as needed in recount procedures.		
Answer Options	Response Percent	Response Count
GR Exclusive	5.3%	5
EB Exclusive	7.4%	7
Jointly	87.4%	83
<i>answered question</i>		<b>95</b>
<i>skipped question</i>		<b>2</b>



### Electoral Board / General Registrar Duties

Primary responsibility for local candidates who file locally, shared responsibility for reports required to be filed locally and with SBE.

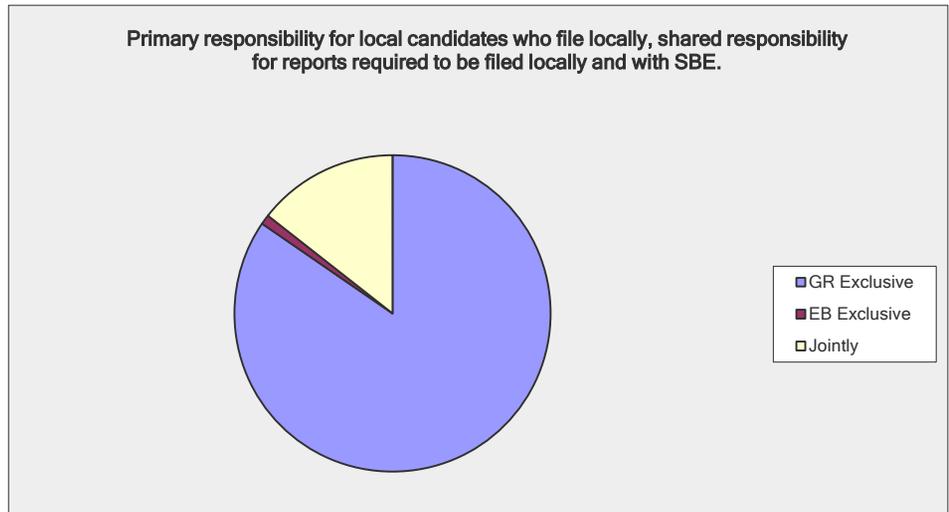
Answer Options	Response Percent	Response Count
GR Exclusive	68.3%	41
EB Exclusive	3.3%	2
Jointly	28.3%	17
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

Primary responsibility for local candidates who file locally, shared responsibility for reports required to be filed locally and with SBE.

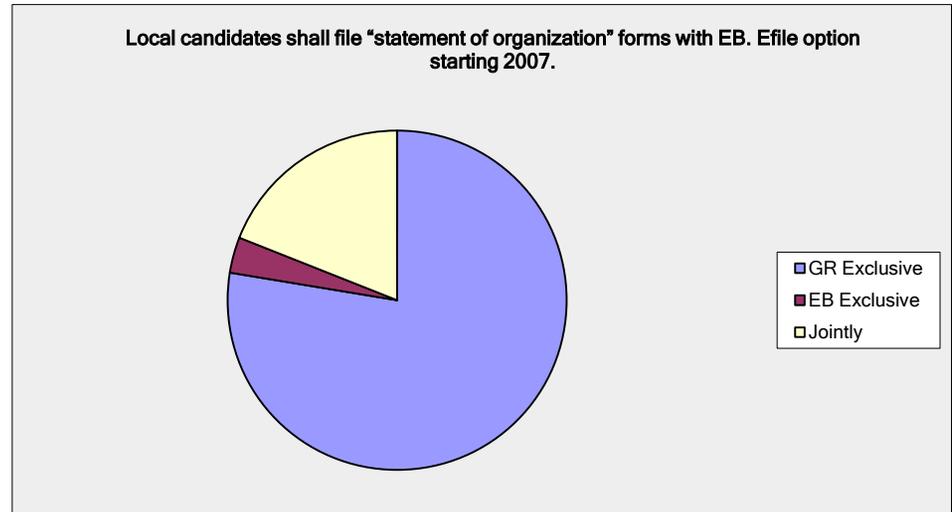
Answer Options	Response Percent	Response Count
GR Exclusive	84.5%	82
EB Exclusive	1.0%	1
Jointly	14.4%	14
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



### Electoral Board / General Registrar Duties

Local candidates shall file "statement of organization" forms with EB. Efile option starting 2007.

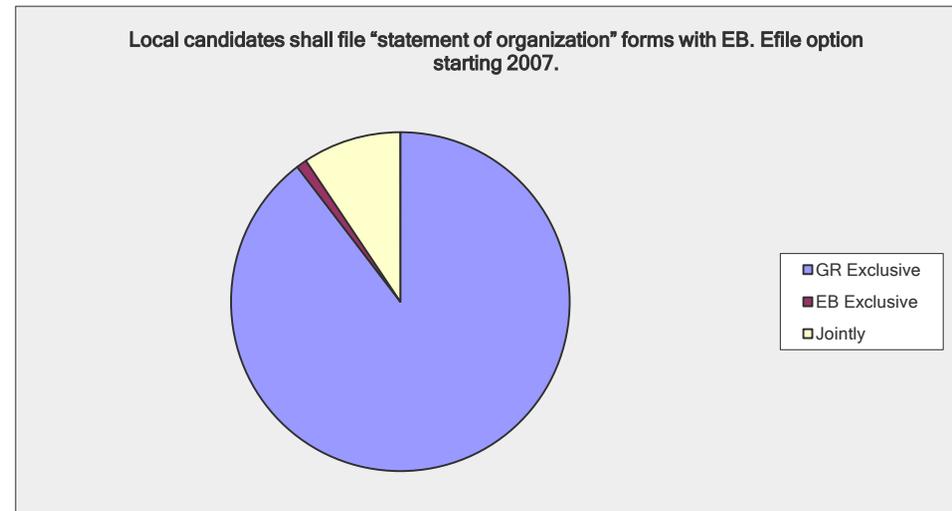
Answer Options	Response Percent	Response Count
GR Exclusive	77.6%	45
EB Exclusive	3.4%	2
Jointly	19.0%	11
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



### General Registrar / Electoral Board Duties

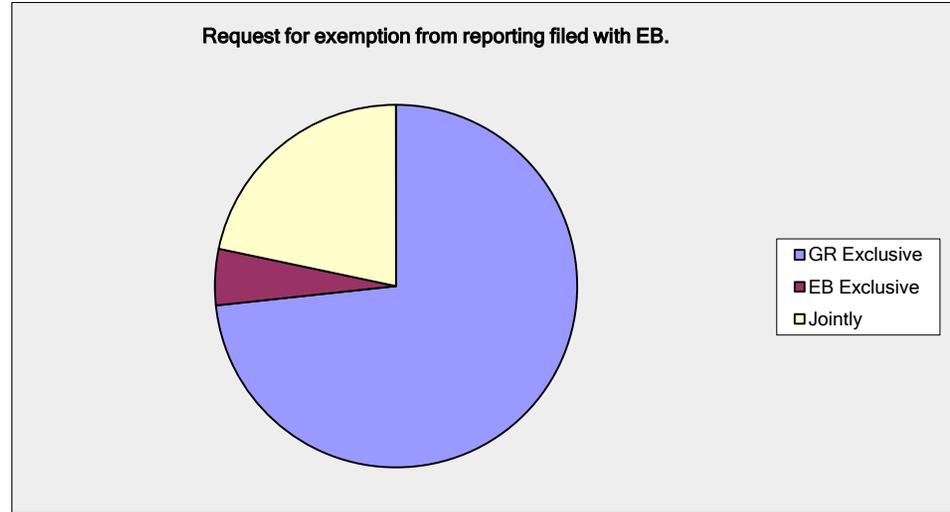
Local candidates shall file "statement of organization" forms with EB. Efile option starting 2007.

Answer Options	Response Percent	Response Count
GR Exclusive	89.6%	86
EB Exclusive	1.0%	1
Jointly	9.4%	9
<i>answered question</i>		<b>96</b>
<i>skipped question</i>		<b>1</b>



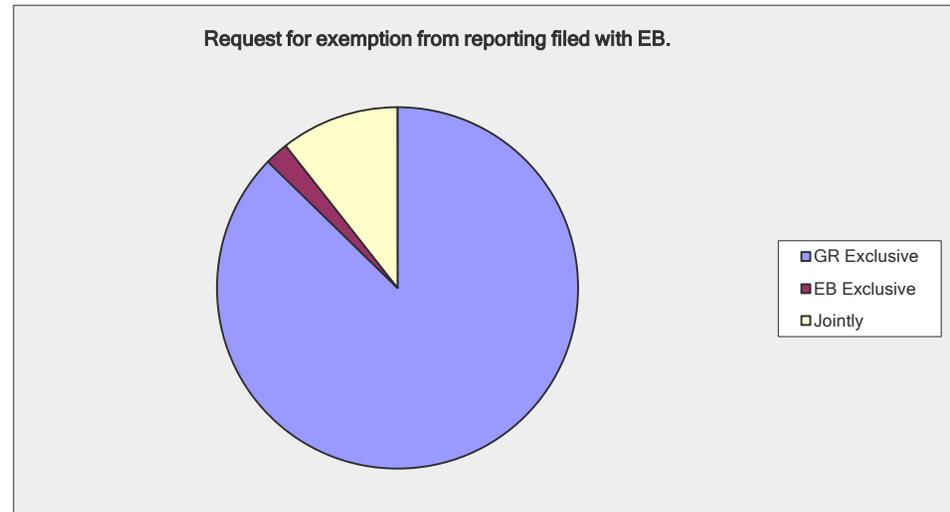
### Electoral Board / General Registrar Duties

Request for exemption from reporting filed with EB.		
Answer Options	Response Percent	Response Count
GR Exclusive	73.3%	44
EB Exclusive	5.0%	3
Jointly	21.7%	13
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

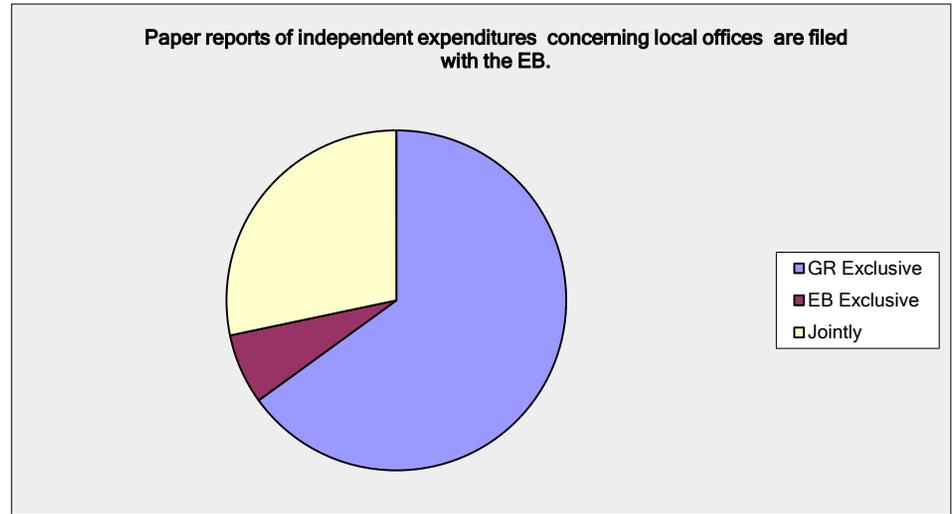
Request for exemption from reporting filed with EB.		
Answer Options	Response Percent	Response Count
GR Exclusive	87.2%	82
EB Exclusive	2.1%	2
Jointly	10.6%	10
<i>answered question</i>		<b>94</b>
<i>skipped question</i>		<b>3</b>



### Electoral Board / General Registrar Duties

Paper reports of independent expenditures concerning local offices are filed with the EB.

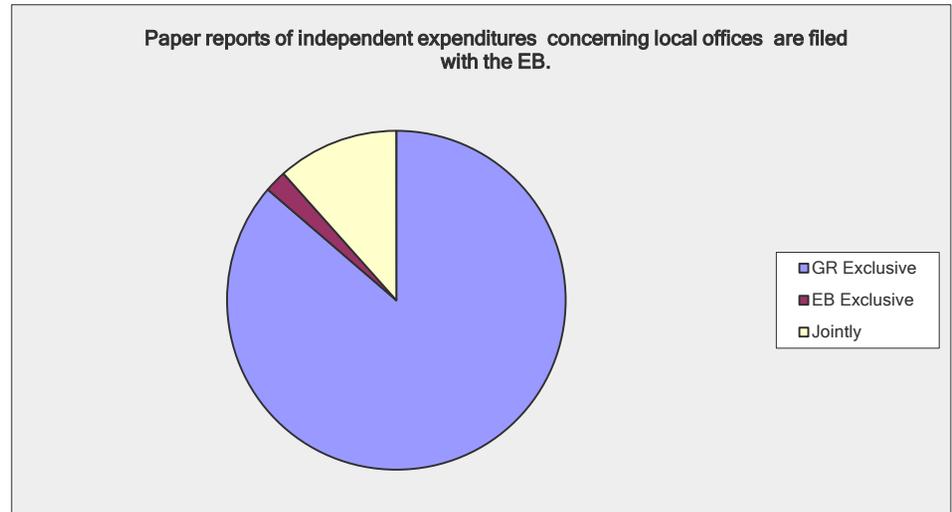
Answer Options	Response Percent	Response Count
GR Exclusive	65.0%	39
EB Exclusive	6.7%	4
Jointly	28.3%	17
<i>answered question</i>		<b>60</b>
<i>skipped question</i>		<b>1</b>



### General Registrar / Electoral Board Duties

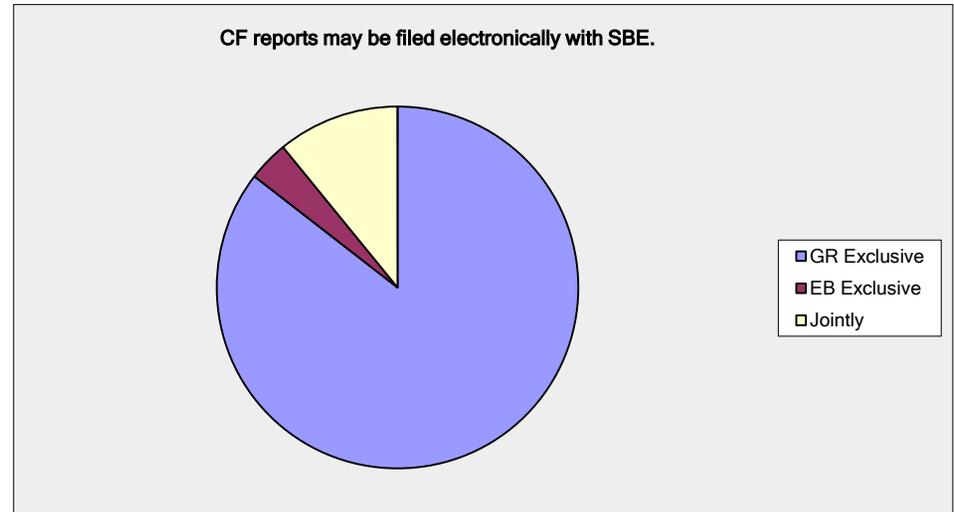
Paper reports of independent expenditures concerning local offices are filed with the

Answer Options	Response Percent	Response Count
GR Exclusive	86.3%	82
EB Exclusive	2.1%	2
Jointly	11.6%	11
<i>answered question</i>		<b>95</b>
<i>skipped question</i>		<b>2</b>



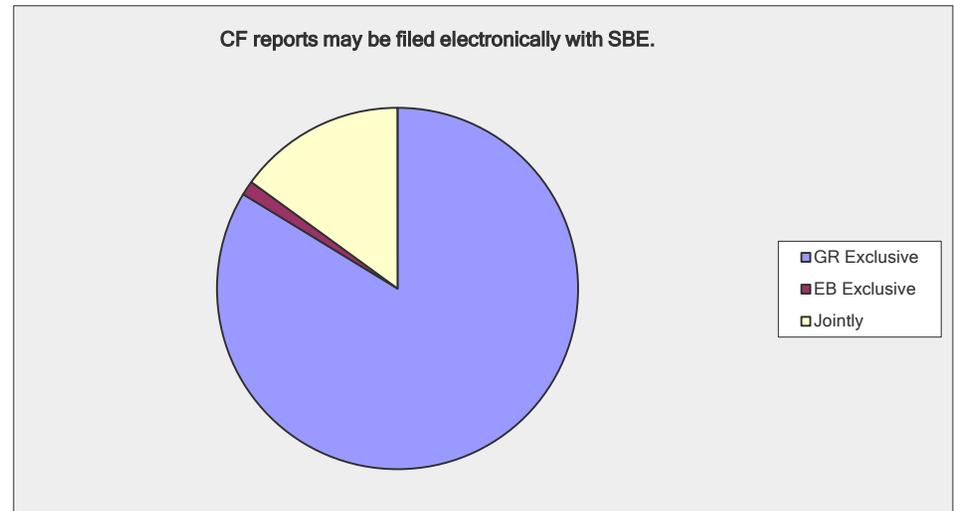
### Electoral Board / General Registrar Duties

CF reports may be filed electronically with SBE.		
Answer Options	Response Percent	Response Count
GR Exclusive	85.5%	47
EB Exclusive	3.6%	2
Jointly	10.9%	6
<i>answered question</i>		<b>55</b>
<i>skipped question</i>		<b>6</b>



### General Registrar / Electoral Board Duties

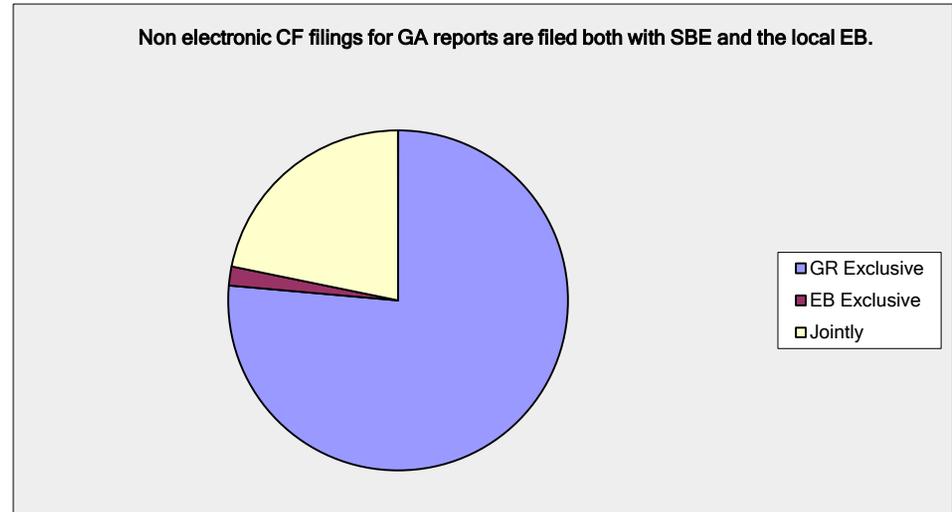
CF reports may be filed electronically with SBE.		
Answer Options	Response Percent	Response Count
GR Exclusive	83.8%	67
EB Exclusive	1.3%	1
Jointly	15.0%	12
<i>answered question</i>		<b>80</b>
<i>skipped question</i>		<b>17</b>



### Electoral Board / General Registrar Duties

Non electronic CF filings for GA reports are filed both with SBE and the local EB.

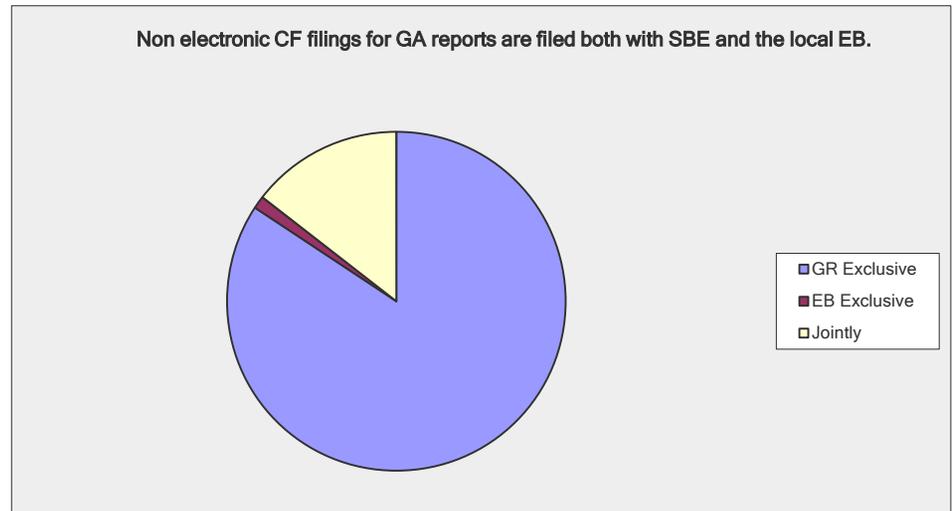
Answer Options	Response Percent	Response Count
GR Exclusive	76.4%	42
EB Exclusive	1.8%	1
Jointly	21.8%	12
<i>answered question</i>		<b>55</b>
<i>skipped question</i>		<b>6</b>



### General Registrar / Electoral Board Duties

Non electronic CF filings for GA reports are filed both with SBE and the local EB.

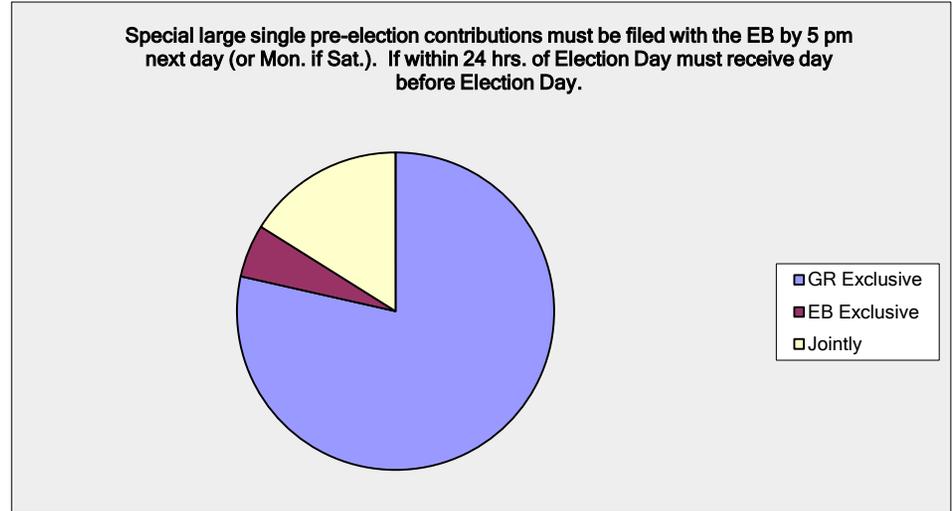
Answer Options	Response Percent	Response Count
GR Exclusive	84.3%	70
EB Exclusive	1.2%	1
Jointly	14.5%	12
<i>answered question</i>		<b>83</b>
<i>skipped question</i>		<b>14</b>



### Electoral Board / General Registrar Duties

Special large single pre-election contributions must be filed with the EB by 5 pm next day (or Mon. if Sat.). If within 24 hrs. of Election Day must receive day before Election Day.

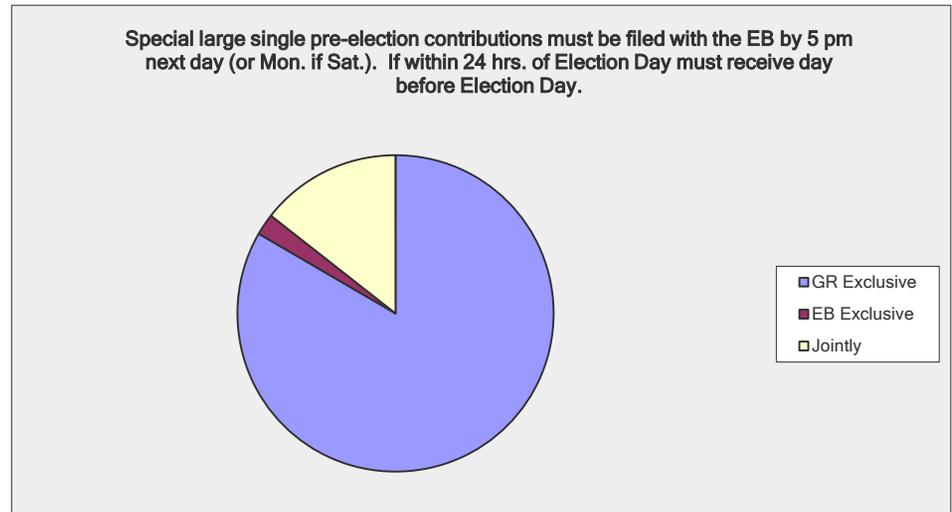
Answer Options	Response Percent	Response Count	
GR Exclusive	78.6%	44	
EB Exclusive	5.4%	3	
Jointly	16.1%	9	
			<b>answered question</b> 56
			<b>skipped question</b> 5



### General Registrar / Electoral Board Duties

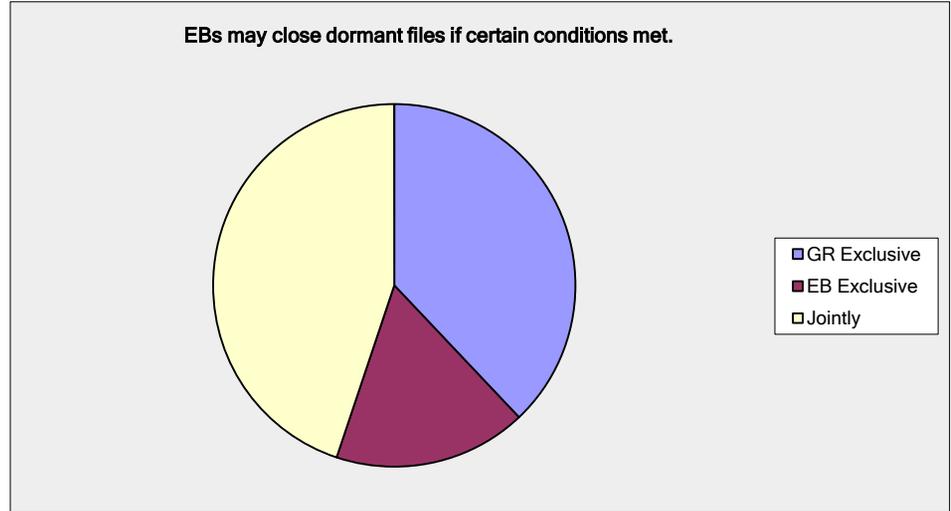
Special large single pre-election contributions must be filed with the EB by 5 pm next day (or Mon. if Sat.). If within 24 hrs. of Election Day must receive day before Election Day.

Answer Options	Response Percent	Response Count	
GR Exclusive	83.3%	75	
EB Exclusive	2.2%	2	
Jointly	14.4%	13	
			<b>answered question</b> 90
			<b>skipped question</b> 7



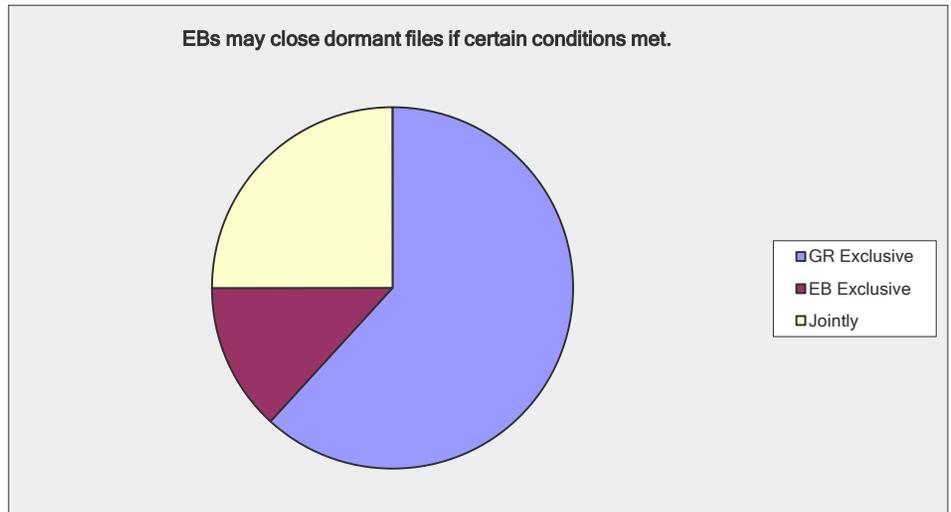
### Electoral Board / General Registrar Duties

EBs may close dormant files if certain conditions met.		
Answer Options	Response Percent	Response Count
GR Exclusive	37.9%	22
EB Exclusive	17.2%	10
Jointly	44.8%	26
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



### General Registrar / Electoral Board Duties

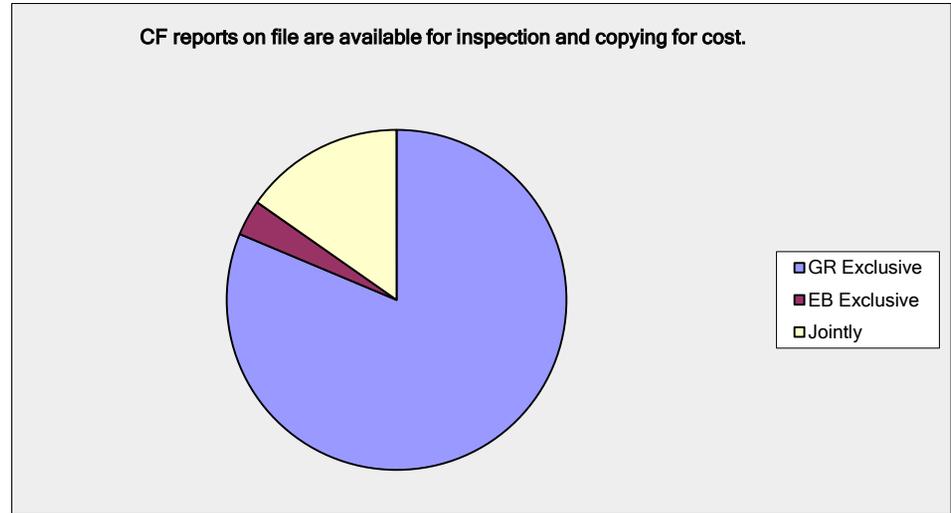
EBs may close dormant files if certain conditions met.		
Answer Options	Response Percent	Response Count
GR Exclusive	61.8%	42
EB Exclusive	13.2%	9
Jointly	25.0%	17
<i>answered question</i>		<b>68</b>
<i>skipped question</i>		<b>29</b>



### Electoral Board / General Registrar Duties

CF reports on file are available for inspection and copying for cost.

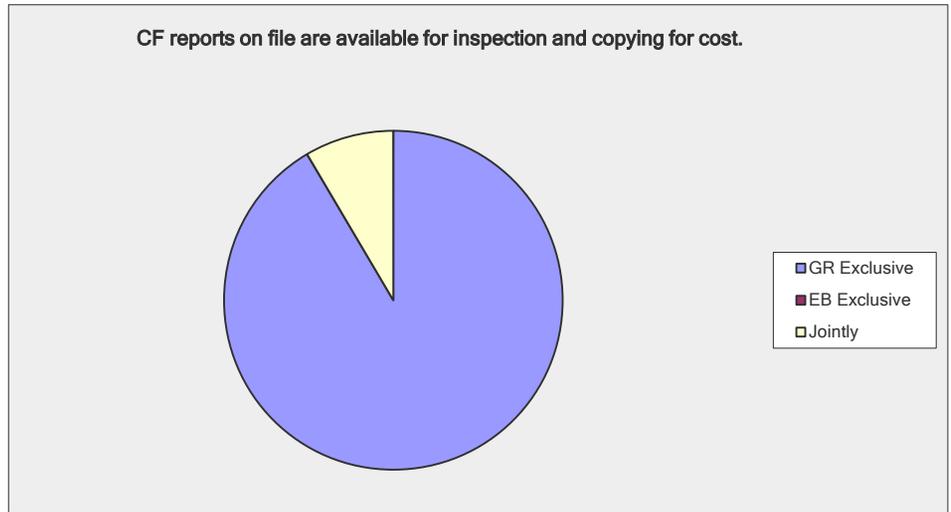
Answer Options	Response Percent	Response Count
GR Exclusive	81.4%	48
EB Exclusive	3.4%	2
Jointly	15.3%	9
<i>answered question</i>		<b>59</b>
<i>skipped question</i>		<b>2</b>



### General Registrar / Electoral Board Duties

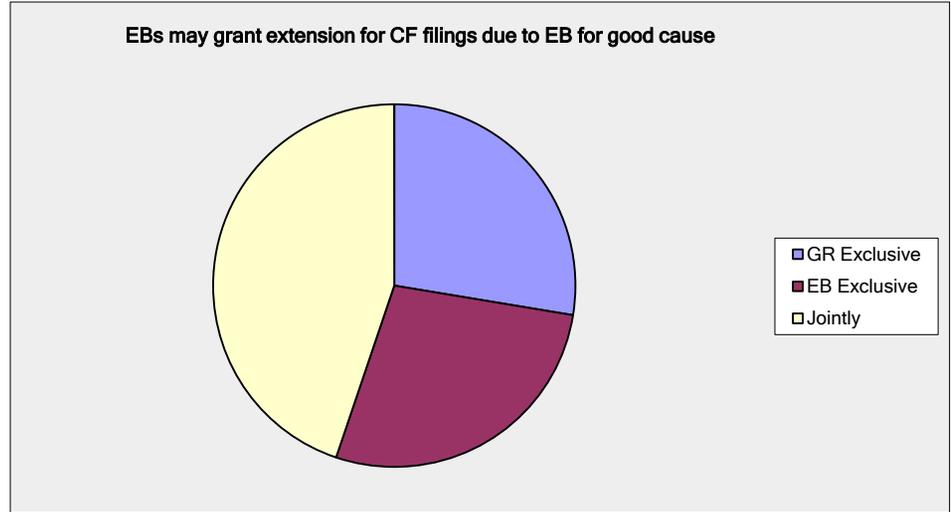
CF reports on file are available for inspection and copying for cost.

Answer Options	Response Percent	Response Count
GR Exclusive	91.5%	86
EB Exclusive	0.0%	0
Jointly	8.5%	8
<i>answered question</i>		<b>94</b>
<i>skipped question</i>		<b>3</b>



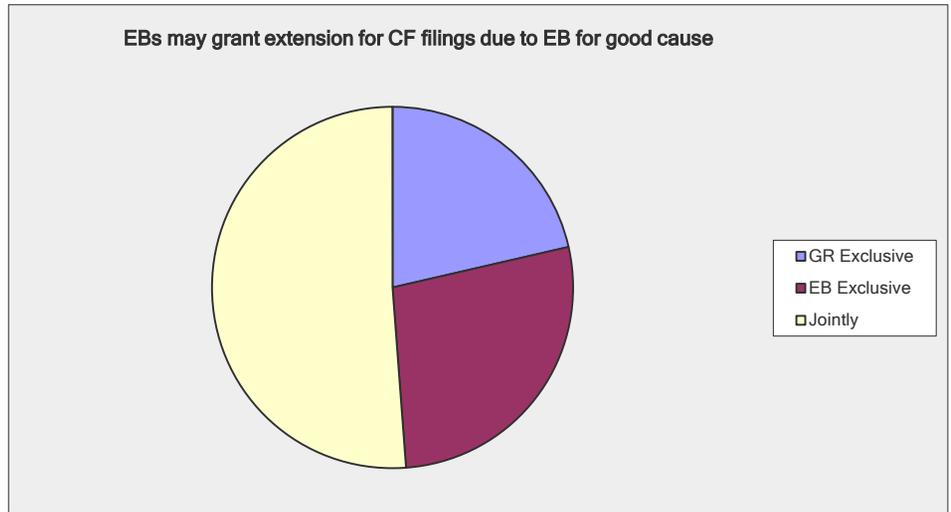
### Electoral Board / General Registrar Duties

EBs may grant extension for CF filings due to EB for good cause		
Answer Options	Response Percent	Response Count
GR Exclusive	27.6%	16
EB Exclusive	27.6%	16
Jointly	44.8%	26
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



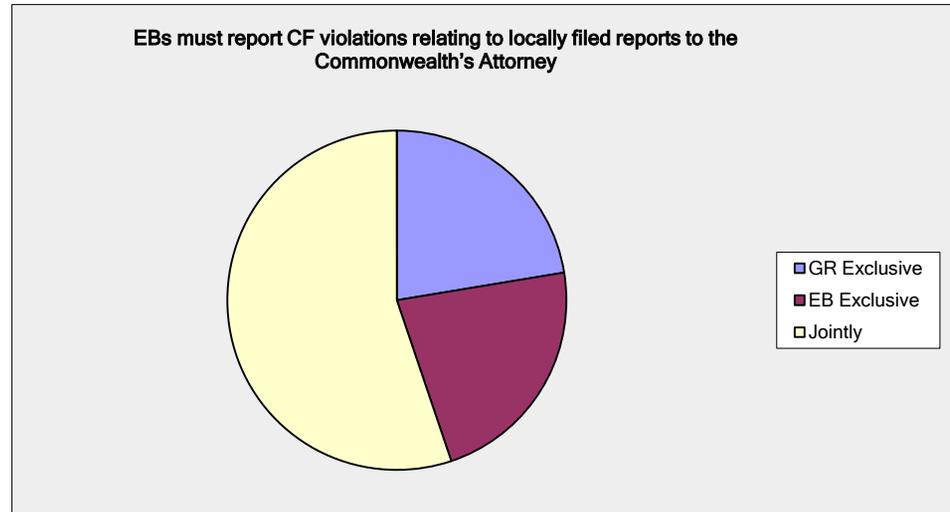
### General Registrar / Electoral Board Duties

EBs may grant extension for CF filings due to EB for good cause		
Answer Options	Response Percent	Response Count
GR Exclusive	21.4%	18
EB Exclusive	27.4%	23
Jointly	51.2%	43
<i>answered question</i>		<b>84</b>
<i>skipped question</i>		<b>13</b>



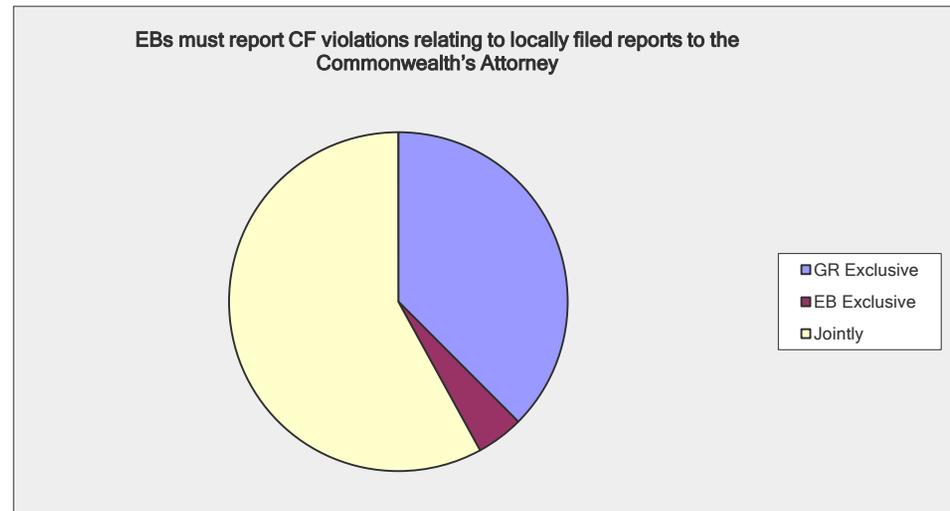
### Electoral Board / General Registrar Duties

EBs must report CF violations relating to locally filed reports to the Commonwealth's Attorney		
Answer Options	Response Percent	Response Count
GR Exclusive	22.4%	13
EB Exclusive	22.4%	13
Jointly	55.2%	32
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



### General Registrar / Electoral Board Duties

EBs must report CF violations relating to locally filed reports to the Commonwealth's Attorney		
Answer Options	Response Percent	Response Count
GR Exclusive	37.5%	33
EB Exclusive	4.5%	4
Jointly	58.0%	51
<i>answered question</i>		<b>88</b>
<i>skipped question</i>		<b>9</b>

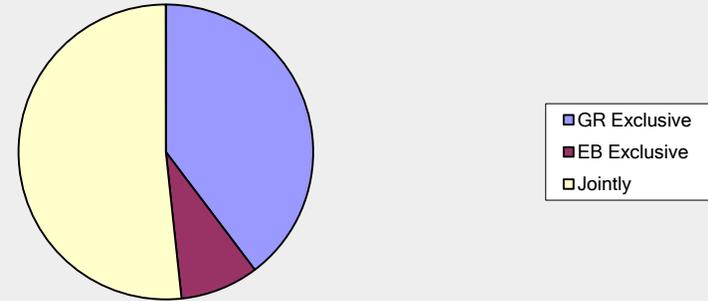


### Electoral Board / General Registrar Duties

EB shall receive, catalog and review CF reports to verify that they are complete and filed timely. Notify the person within 21 days of report due date that information is incomplete

Answer Options	Response Percent	Response Count
GR Exclusive	39.7%	23
EB Exclusive	8.6%	5
Jointly	51.7%	30
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>

EB shall receive, catalog and review CF reports to verify that they are complete and filed timely. Notify the person within 21 days of report due date that information is incomplete or inaccurate. EB Secretary per SBE instructions

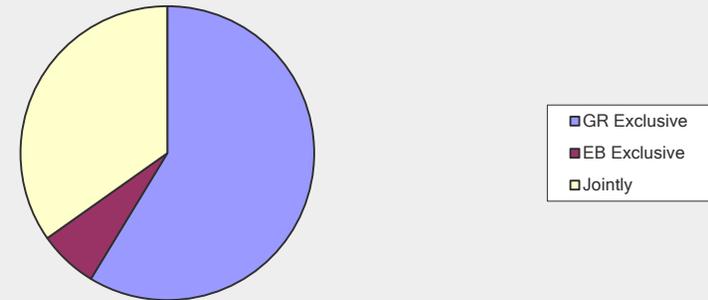


### General Registrar / Electoral Board Duties

EB shall receive, catalog and review CF reports to verify that they are complete and filed

Answer Options	Response Percent	Response Count
GR Exclusive	58.7%	54
EB Exclusive	6.5%	6
Jointly	34.8%	32
<i>answered question</i>		<b>92</b>
<i>skipped question</i>		<b>5</b>

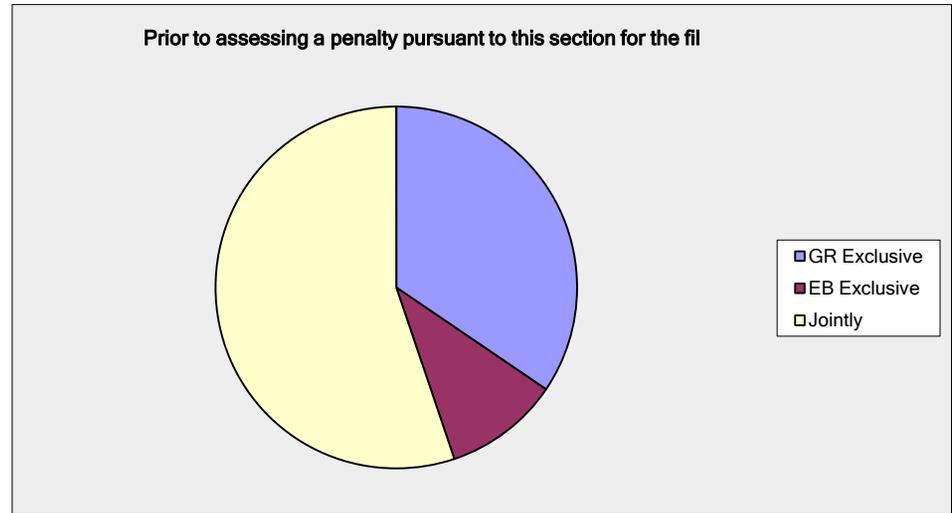
EB shall receive, catalog and review CF reports to verify that they are complete and filed timely. Notify the person within 21 days of report due date that information is incomplete or inaccurate. EB Secretary per SBE instructions



### Electoral Board / General Registrar Duties

Prior to assessing a penalty pursuant to this section for the filing of an incomplete report, the Secretary of the State Board or the general registrar or secretary of the local

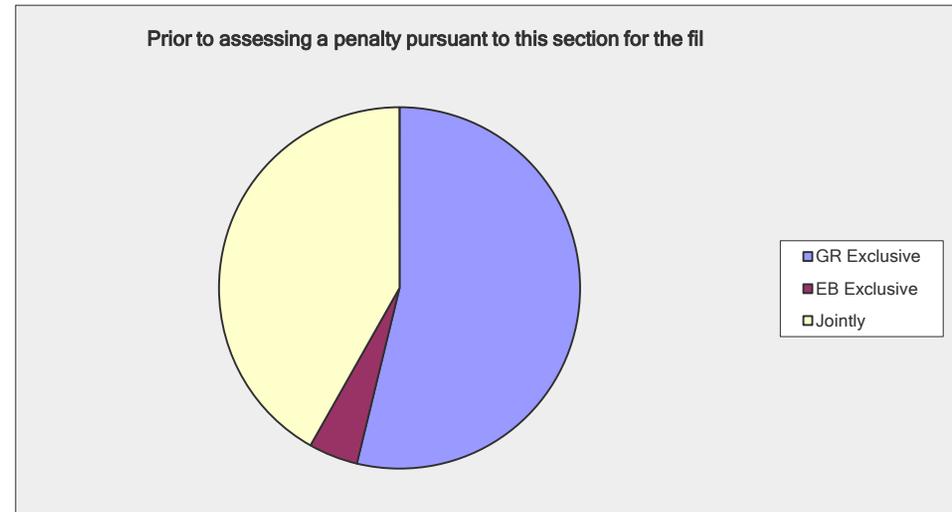
Answer Options	Response Percent	Response Count
GR Exclusive	34.5%	20
EB Exclusive	10.3%	6
Jointly	55.2%	32
<i>answered question</i>		<b>58</b>
<i>skipped question</i>		<b>3</b>



### General Registrar / Electoral Board Duties

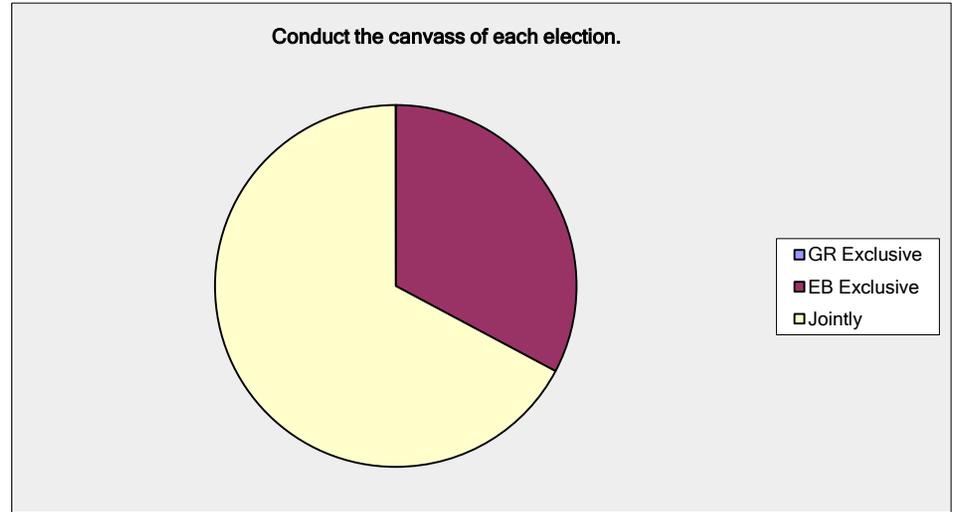
Prior to assessing a penalty pursuant to this section for the filing of an incomplete report,

Answer Options	Response Percent	Response Count
GR Exclusive	53.8%	49
EB Exclusive	4.4%	4
Jointly	41.8%	38
<i>answered question</i>		<b>91</b>
<i>skipped question</i>		<b>6</b>



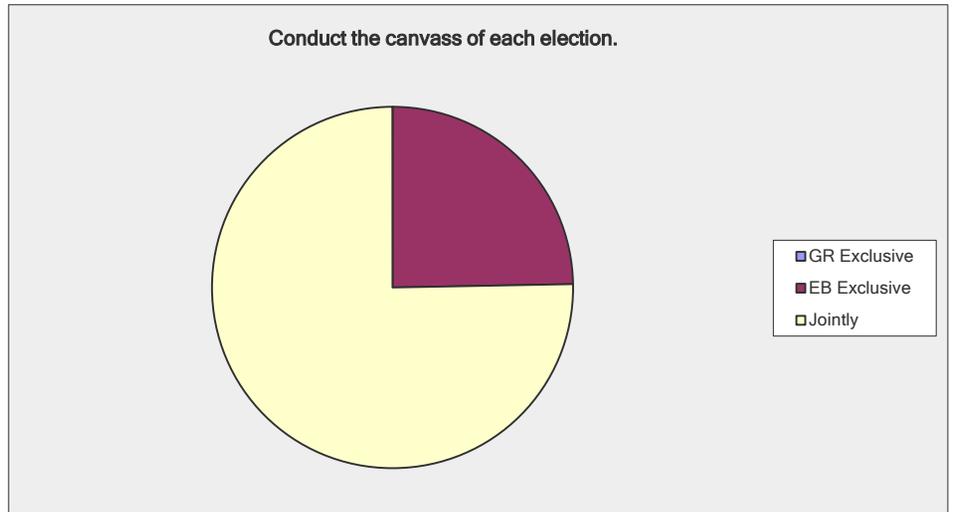
### Electoral Board / General Registrar Duties

Conduct the canvass of each election.		
Answer Options	Response Percent	Response Count
GR Exclusive	0.0%	0
EB Exclusive	32.8%	20
Jointly	67.2%	41
<i>answered question</i>		<b>61</b>
<i>skipped question</i>		<b>0</b>



### General Registrar / Electoral Board Duties

Conduct the canvass of each election.		
Answer Options	Response Percent	Response Count
GR Exclusive	0.0%	0
EB Exclusive	24.7%	24
Jointly	75.3%	73
<i>answered question</i>		<b>97</b>
<i>skipped question</i>		<b>0</b>



## Attachment 2 – Recommended Bill to Update Code of Virginia

---

1 A BILL to amend and reenact §§ 24.2-115, 24.2-115.1, 24.2-117, 24.2-310, 24.2- 406,  
2 24.2-604, 24.2-604.1, 24.2-609, 24.2-610, 24.2-611, 24.2-612, 24.2-614, 24.2-616, 24.2-  
3 617, 24.2-618, 24.2-619, 24.2-620, 24.2-621, 24.2-627, 24.2-631, 24.2-632, 24.2-633,  
4 24.2-634, 24.2-635, 24.2-636, 24.2-637, 24.2-638, 24.2-639, 24.2-641, 24.2-642, 24.2-  
5 647, 24.2-659, 24.2-668, 24.2-683, 24.2-684, and 24.2-712 of the Code of Virginia,  
6 relating to duties of the electoral board.

7

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

9

10 **1. That §§ 24.2-115, 24.2-115.1, 24.2-117, 24.2-310, 24.2-406, 24.2-604, 24.2-604.1, 24.2-**  
11 **609, 24.2-610, 24.2-611, 24.2-612, 24.2-614, 24.2-616, 24.2-617, 24.2-618, 24.2-619, 24.2-**  
12 **620, 24.2-621, 24.2-627, 24.2-631, 24.2-632, 24.2-633, 24.2-634, 24.2-635, 24.2-636, 24.2-**  
13 **637, 24.2-638, 24.2-639, 24.2-641, 24.2-642, 24.2-647, 24.2-659, 24.2-668, 24.2-683, 24.2-**  
14 **684, and 24.2-712 of the Code of Virginia are amended and reenacted as follows:**

15

16 **§ 24.2-115. Appointment, qualifications, and terms of officers of election.**

17 Each electoral board at its regular meeting in the first week of February of the year in  
18 which the terms of officers of election are scheduled to expire shall appoint officers of election.  
19 Their terms of office shall begin on March 1 following their appointment and continue, at the  
20 discretion of the electoral board, for a term not to exceed three years or until their successors are

21 appointed. The director of elections shall prepare, and submit to the electoral board, a plan to  
22 ensure adequate numbers of trained officers of election are available to serve in each election.

23

24 Not less than three competent citizens shall be appointed for each precinct. However, a  
25 precinct having more than 4,000 registered voters shall have not less than five officers of election  
26 serving for a presidential election, and the electoral board shall appoint additional officers as  
27 needed to satisfy this requirement. Insofar as practicable, each officer shall be a qualified voter  
28 of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth.  
29 In appointing the officers of election, representation shall be given to each of the two political  
30 parties having the highest and next highest number of votes in the Commonwealth for Governor  
31 at the last preceding gubernatorial election. The representation of the two parties shall be equal at  
32 each precinct having an even number of officers and shall vary by no more than one at each  
33 precinct having an odd number of officers. If practicable, officers shall be appointed from lists of  
34 nominations filed by the political parties entitled to appointments. The party shall file its  
35 nominations with the secretary of the electoral board at least 10 days before February 1 each  
36 year. The electoral board may appoint additional citizens who do not represent any political party  
37 to serve as officers. If practicable, no more than one-third of the total number of officers  
38 appointed for each precinct may be citizens who do not represent any political party.

39

40 Officers of election shall serve for all elections held in their respective precincts during  
41 their terms of office unless a substitute is required to be appointed pursuant to § 24.2-117 or the  
42 electoral board decides that fewer officers are needed for a particular election, in which case  
43 party representation shall be maintained as provided above. For a primary election involving

44 only one political party, persons representing the political party holding the primary shall serve  
45 as the officers of election if possible.

46

47 The electoral board shall ensure that one officer is designated as the chief officer of  
48 election and one officer as the assistant for each precinct. The officer designated as the assistant  
49 for a precinct, whenever practicable, shall not represent the same political party as the chief  
50 officer for the precinct. Notwithstanding any other provision of this section, where  
51 representatives for one or both of the two political parties having the largest number of votes for  
52 Governor in the last preceding gubernatorial election are unavailable, citizens who do not  
53 represent either of those two political parties may be designated as the chief officer and the  
54 assistant chief officer. In such case, the director of elections shall provide notice to  
55 representatives of both parties at least 10 days prior to the election that it intends to use  
56 nonaffiliated officers so that each party shall have the opportunity to provide additional  
57 nominations. The electoral board may also appoint at least one officer of election who reports to  
58 the precinct at least one hour prior to the closing of the precinct and whose primary responsibility  
59 is to assist with closing the precinct and reporting the results of the votes at the precinct.

60

61 The electoral board shall ensure that each chief officer and assistant is instructed in his  
62 duties not less than three nor more than 30 days before each election. Each officer of election  
63 may be instructed in his duties at an appropriate time or times before each November general  
64 election, and training of the officers of election shall be conducted consistent with the standards  
65 set by the State Board pursuant to subsection B of § 24.2-103. Each electoral board shall ensure

66 that the director of elections certify to the State Board that such training of all officers of  
67 elections has been conducted every four years.

68

69 Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve  
70 at any election during his term of office, the electoral board may at any time appoint a substitute  
71 who shall hold office and serve for the unexpired term.

72

73 Additional officers shall be appointed in accordance with this section at any time that the  
74 electoral board determines that they are needed or as required by law.

75

76 If practicable, substitute officers or additional officers appointed after the electoral  
77 board's regular meeting in the first week of February shall be appointed from lists of nominations  
78 filed by the political parties entitled to appointments. The electoral board or director of elections  
79 shall inform the political parties of the electoral board's decision to make such appointments and  
80 the party shall file its nominations with the secretary of the electoral board or the director of  
81 elections within five business days.

82

83 The secretary of the electoral board or director of elections shall prepare a list of the  
84 officers of election that shall be available for inspection and posted in the director of elections'  
85 office prior to March 1 each year. Whenever substitute or additional officers are appointed, the  
86 secretary or director of elections shall promptly add the names of the appointees to the public  
87 list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary  
88 or director of elections shall provide a copy of the list of the officers of election, including their

89 party designation and precinct to which they are assigned, to any requesting political party or  
90 candidate.

91

92 **§ 24.2-115.1. Officers of election; hours of service.**

93 The electoral board or director of elections may provide that the officers of election for  
94 one or more precincts may be assigned to work all or a portion of the time that the precinct is  
95 open on election day or reassigned to another precinct for the remaining portion of election day,  
96 as needed. Any officer of election assisting with the closing of the precinct and reporting the  
97 results of the votes at the precinct shall be required to report to the precinct at least one hour  
98 prior to the closing of the precinct. However, the chief officer and the assistant chief officer,  
99 appointed pursuant to § 24.2-115 to represent the two political parties, shall be on duty at all  
100 times. The electoral board or director of elections may provide for the administration of the oath  
101 of office provided for in § 24.2-120 and the oath required in § 24.2-611 to be kept with the  
102 pollbook at times convenient for officers of election assigned to work only a portion of the time  
103 that the precinct is open on election day.

104

105 **§ 24.2-117. Request for removal of officer of election.**

106 A candidate may require the removal of an officer of election for the election in which he  
107 is a candidate by a request in writing, filed at least seven days before the election with the  
108 electoral board appointing the officer, on the grounds that the officer is the spouse, parent,  
109 grandparent, sibling, child, or grandchild of an opposing candidate. A member of the electoral  
110 board may also request the removal of an officer of election whom he knows to be the spouse,  
111 parent, grandparent, sibling, child, or grandchild of a candidate in the election by a request in

112 writing, filed at least seven days before the election with the electoral board. The electoral board  
113 shall ensure that a different officer is assigned to work at the precinct to comply with a timely  
114 written request under this section.

115

116

117 **§ 24.2-310. Requirements for polling places.**

118 A. The polling place for each precinct shall be located within the county or city and either  
119 within the precinct or within one mile of the precinct boundary. The polling place for a county  
120 precinct may be located within a city (i) if the city is wholly contained within the county election  
121 district served by the precinct or (ii) if the city is wholly contained within the county and the  
122 polling place is located on property owned by the county. The polling place for a town precinct  
123 may be located within one mile of the precinct and town boundary. For town elections held in  
124 November, the town shall use the polling places established by the county for its elections.

125

126 B. The governing body of each county, city, and town shall provide funds to enable the  
127 director of elections to provide adequate facilities at each polling place for the conduct of  
128 elections. Each polling place shall be located in a public building whenever practicable. If more  
129 than one polling place is located in the same building, each polling place shall be located in a  
130 separate room or separate and defined space.

131

132 C. Polling places shall be accessible to qualified voters as required by the provisions of  
133 the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly  
134 and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act

135 relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions  
136 to the local electoral boards and director of elections to assist the localities in complying with the  
137 requirements of the Acts.

138

139 D. If an emergency makes a polling place unusable or inaccessible, the electoral board or  
140 director of elections shall provide an alternative polling place and give notice of the change in  
141 polling place, including to all candidates, or such candidate's campaign, appearing on the ballot  
142 to be voted at the alternative polling place, subject to the prior approval of the State Board. The  
143 director of elections shall provide notice to the voters appropriate to the circumstances of the  
144 emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen  
145 combination of circumstances, or the resulting state, that calls for immediate action.

146

147 E. It shall be permissible to distribute campaign materials on the election day on the  
148 property on which a polling place is located and outside of the building containing the room  
149 where the election is conducted except as specifically prohibited by law including, without  
150 limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within  
151 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of  
152 clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board,  
153 campaign materials may be distributed outside the polling place and inside the structure where  
154 the election is conducted, provided that the "Prohibited Area" (i) includes the area within the  
155 structure that is beyond 40 feet of any entrance to the polling place and the area within the  
156 structure that is within 40 feet of any entrance to the room where the election is conducted and  
157 (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve

158 campaigning activities inside the building where the election is conducted when an entrance to  
159 the building is from an adjoining building, or if establishing the 40-foot prohibited area outside  
160 the polling place would hinder or delay a qualified voter from entering or leaving the building.

161

162 F. Any local government, local electoral board, or the State Board may make monetary  
163 grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or  
164 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the  
165 accessibility requirements of this section. Nothing in this subsection shall be construed to  
166 obligate any local government, local electoral board, or the State Board to appropriate funds to  
167 any non-governmental entity.

168

169 **§ 24.2-406. Lists of persons voting at elections.**

170 A. The Department of Elections shall furnish, at a reasonable price, lists of persons who  
171 voted at any primary, special, or general election held in the four preceding years to (i)  
172 candidates for election or political party nomination to further their candidacy, (ii) political party  
173 committees or officials thereof for political purposes only, (iii) political action committees that  
174 have filed a current statement of organization with the Department of Elections pursuant to §  
175 24.2-949.2 or with the Federal Elections Commission pursuant to federal law, for political  
176 purposes only, (iv) incumbent officeholders to report to their constituents, and (v) members of  
177 the public or a nonprofit organization seeking to promote voter participation and registration by  
178 means of a communication or mailing without intimidation or pressure exerted on the recipient,  
179 for that purpose only. Such lists shall be furnished to no one else and shall be used only for  
180 campaign and political purposes and for reporting to constituents. Unless such lists are not

181 available due to a pending recount or election contest, the director of elections shall submit the  
182 list of persons who voted to the Department of Elections within 14 days after each election. The  
183 director of elections of localities using nonelectronic pollbooks shall submit the list of persons  
184 who voted to the Department of Elections within seven days after the pollbooks are released  
185 from the possession of the clerk of court. The Department of Elections shall make available such  
186 lists no later than seven days after receiving them from the director of elections.

187 B. The Department of Elections shall furnish to the Chief Election Officer of another  
188 state, on request and at a reasonable price, lists of persons who voted at any primary, special, or  
189 general election held for the four preceding years. Such lists shall be used only for the purpose of  
190 maintenance of voter registration systems and shall be transmitted in accordance with security  
191 policies approved by the State Board of Elections.

192 C. In no event shall any list furnished under this section contain the social security  
193 number, or any part thereof, of any registered voter, except for a list furnished to the Chief  
194 Election Officer of another state permitted to use social security numbers, or any parts thereof,  
195 that provides for the use of such numbers on applications for voter registration in accordance  
196 with federal law, for maintenance of voter registration systems.

197 D. Any list furnished under this section shall contain the post office box address in lieu of  
198 the residence street address for any individual who has furnished at the time of registration or  
199 subsequently, in addition to his street address, a post office box address pursuant to subsection B  
200 of § [24.2-418](#).

201

202           **§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering;**  
203           **presence of representatives of parties or candidates; simulated elections; observers;**  
204           **news media; penalties.**

205  
206           A. During the times the polls are open and ballots are being counted, it shall be unlawful  
207 for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii)  
208 within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to  
209 any person or to solicit or in any manner attempt to influence any person in casting his vote; or  
210 (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

211  
212           B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet  
213 of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch  
214 type. The notices shall also state the provisions of this section in not less than 24-point type. The  
215 officers of election shall post the notices within the prohibited area to be visible to voters and the  
216 public.

217  
218           C. The officers of election shall permit one authorized representative of each political  
219 party or independent candidate in a general or special election, or one authorized representative  
220 of each candidate in a primary election, to remain in the room in which the election is being  
221 conducted at all times. A representative may serve part of the day and be replaced by successive  
222 representatives. The officers of election shall have discretion to permit up to three authorized  
223 representatives of each political party or independent candidate in a general or special election,  
224 or up to three authorized representatives of each candidate in a primary election, to remain in the

225 room in which the election is being conducted. The officers shall permit one such representative  
226 for each pollbook station. However, no more than one such representative for each pollbook  
227 station or three representatives of any political party or independent candidate, whichever  
228 number is larger, shall be permitted in the room at any one time. Each authorized representative  
229 shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall  
230 present to the officers of election a written statement designating him to be a representative of  
231 the party or candidate and signed by the county or city chairman of his political party, the  
232 independent candidate, or the primary candidate, as appropriate. If the county or city chairman is  
233 unavailable to sign such a written designation, such a designation may be made by the state or  
234 district chairman of the political party. However, no written designation made by a state or  
235 district chairman shall take precedence over a written designation made by the county or city  
236 chairman. Such statement, bearing the chairman's or candidate's original signature, may be  
237 photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate  
238 whose name is printed on the ballot shall serve as a representative of a party or candidate for  
239 purposes of this section. Authorized representatives shall be allowed, whether in a regular  
240 polling place or central absentee voter precinct, to be close enough to the voter check-in table to  
241 be able to hear and see what is occurring; however, such observation shall not violate the secret  
242 vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with  
243 the orderly process of the election. Any representative who complains to the chief officer of  
244 election that he is unable to hear or see the process may accept the chief officer's decision or, if  
245 dissatisfied, he may immediately appeal the decision to the local electoral board or director of  
246 elections. Authorized representatives shall be allowed, whether in a regular polling place or  
247 central absentee voter precinct, to use a handheld wireless communications device, but shall not

248 be allowed to use such a device to capture a digital image inside the polling place or central  
249 absentee voter precinct. The officers of election may prohibit the use of cellular telephones or  
250 other handheld wireless communications devices if such use will result in a violation of  
251 subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to  
252 provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they  
253 are authorized to assist voters either inside the polling place or within 40 feet of any entrance to  
254 the polling place.

255  
256 D. It shall be unlawful for any authorized representative, voter, or any other person in the  
257 room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or  
258 other campaign material to any person; (iii) solicit or in any manner attempt to influence any  
259 person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see  
260 the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the  
261 election.

262  
263 E. The officers of election may require any person who is found by a majority of the  
264 officers present to be in violation of this section to remain outside of the prohibited area. Any  
265 person violating subsection A or D shall be guilty of a Class 1 misdemeanor.

266  
267 F. This section shall not be construed to prohibit a candidate from entering any polling  
268 place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes  
269 per polling place per election day, provided that he complies with the restrictions stated in  
270 subsections A, D, and K.

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G. This section shall not be construed to prohibit a minor from entering a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board or director of elections has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board or director of elections and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

H. The local electoral board or its director of elections, may conduct a special election day program for high school students, selected by the electoral board or director of elections in cooperation with high school authorities, in one or more polling places designated by the electoral board or director of elections, other than a central absentee voter precinct. The program shall be designed to stimulate the students' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place. Each student shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times. Election pages may observe the electoral process and seek information from the chief officer of election, but shall not handle or touch ballots, voting machines, or any other official election materials, or enter any voting booth.

294 I. A local electoral board or director of elections may authorize in writing the presence of  
295 additional neutral observers as it deems appropriate, except as otherwise prohibited or limited by  
296 this section. Such observers shall comply with the restrictions in subsections A and D and shall  
297 not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to  
298 wear any indication that they are authorized to assist voters either inside the polling place or  
299 within 40 feet of any entrance to the polling place.

300

301 J. The officers of election shall permit representatives of the news media to visit and film  
302 or photograph inside the polling place for a reasonable and limited period of time while the polls  
303 are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii)  
304 shall not film or photograph any person who specifically asks the media representative at that  
305 time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the  
306 ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or  
307 photograph the voter list or any other voter record or material at the precinct in such a way that it  
308 divulges the name or other information concerning any individual voter. Any interviews with  
309 voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be  
310 conducted outside of the polling place and the prohibited area. The officers of election may  
311 require any person who is found by a majority of the officers present to be in violation of this  
312 subsection to leave the polling place and the prohibited area.

313

314 K. The provisions of subsections A and D shall not be construed to prohibit a person who  
315 approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or  
316 other apparel on which a candidate's name or a political slogan appears or from having a sticker

317 or button attached to his apparel on which a candidate's name or a political slogan appears. This  
318 exemption shall not apply to candidates, representatives of candidates, or any other person who  
319 approaches or enters the polling place for any purpose other than voting.

320

321 **§ 24.2-604.1. Signs for special entrances to polling places.**

322

323 The electoral board or director of elections shall provide and have posted outside each  
324 polling place appropriate signs to direct people with disabilities and elderly persons to any  
325 special entrance designed for their use.

326

327 **§ 24.2-609. Voting booths.**

328

329 Each electoral board or director of elections shall provide at each polling place in its  
330 county or city one or more voting booths. At least one booth shall be an enclosure which permits  
331 the voter to vote by printed ballot in secret and is equipped with a writing surface, operative  
332 writing implements, and adequate lighting. Enclosures for voting equipment shall provide for  
333 voting in secret and be adequately lighted. "Voting booth" includes enclosures for voting printed  
334 ballots and for voting equipment.

335

336 **§ 24.2-610. Materials at polling places.**

337

338 A. The State Board shall provide copies of this title to each director of elections for each  
339 precinct in its county or city and each member of the electoral board. The director of elections

340 shall furnish a copy of this title to each precinct for the use of the officers of election on election  
341 day.

342

343 B. Pursuant to subdivision A 7 of § 24.2-404, the State Board shall transmit to the  
344 director of elections of each county and city pollbooks for each precinct in which the election is  
345 to be held. The data elements printed or otherwise provided for each voter on the pollbooks shall  
346 be uniform throughout the Commonwealth.

347

348 C. The electoral board, director of elections, and officers of election shall comply with  
349 the requirements of this title and the instructions of the State Board to ensure that the pollbooks,  
350 ballots, voting equipment keys, and other materials and supplies required to conduct the election  
351 are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the  
352 proper official following the election.

353

354 **§ 24.2-611. Form and signing of pollbooks; records of persons voting; electronic**  
355 **pollbooks.**

356

357 A. The following oath shall be on a form prescribed by the State Board, administered to  
358 all officers of election, and kept by the officers of election with the pollbook:

359

360 "I do solemnly swear (or affirm) that I will perform the duties for this election according to law  
361 and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse  
362 in conducting this election."

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The oath shall be administered to each officer of election by the director of elections, a member of the electoral board, or an officer of election designated by the director of elections and secretary of the electoral board, who shall be so identified on the form. The oath shall be signed by each officer of election and the person administering the oath. The pollbook shall be marked to identify the election for which it is used.

B. The State Board shall provide the pollbook pursuant to subdivision A 7 of § 24.2-404. The pollbook shall (i) provide a space for the officer of election to record the name and consecutive number of the voter at the time he offers to vote and (ii) be retained in accordance with the provisions governing pollbooks in this title. The State Board shall make available a numerical check sheet required to be used with pollbooks in printed form to determine the consecutive number to be recorded with the name of the voter by the officer of election. In electronic pollbooks, the consecutive number shall be entered automatically when the officer of election records that the voter has voted. When the name and number of the last qualified voter have been entered on the pollbook, the officer of election responsible for that pollbook shall sign a statement on the check sheet, or on a separate form if an electronic pollbook is used, certifying the number of qualified registrants who have voted. The State Board shall provide instructions to the local electoral boards, director of elections, and officers of election for the conduct of the election and for procedures for entering a voting record for each voter and recording each voter's name, including voters unable to enter the polling place, and for verifying the accurate entry of the voting record for each registrant on the Virginia Voter Registration System. Notwithstanding

385 any other provision of this title, for any election held on or after November 1, 2010, all pollbooks  
386 provided by the State Board shall be in electronic form only.

387

388 C. The State Board shall incorporate safeguards to assure that the records of the election,  
389 including the pollbook, voter count sheets, or other alternative records, will provide promptly an  
390 accurate and secure record of those who have voted.

391

392 D. Any locality may expend its own funds to purchase electronic pollbooks that have  
393 been approved for use in elections by the State Board.

394

395 E. In the event that the electronic pollbooks for a precinct fail to operate properly and no  
396 alternative voter list or pollbook is available, the officers of election, in accordance with the  
397 instructions and materials approved by the State Board, shall (i) maintain a written list of the  
398 persons voting and (ii) provide to each person voting a provisional ballot to be cast as provided  
399 in § 24.2-653.

400

401 **§ 24.2-612. List of offices and candidates filed with Department of Elections and**  
402 **checked for accuracy; when ballots printed; number required.**

403

404 Immediately after the expiration of the time provided by law for a candidate for any  
405 office to qualify to have his name printed on the official ballot and prior to printing the ballots  
406 for an election, each director of elections shall forward to the Department of Elections a list of  
407 the county, city, or town offices to be filled at the election and the names of all candidates who

408 have filed for each office. In addition, each director of elections shall forward the name of any  
409 candidate who failed to qualify with the reason for his disqualification. On that same day, the  
410 director of elections shall also provide a copy of the notice to each disqualified candidate. The  
411 notice shall be sent by email or regular mail to the address on the candidate's certificate of  
412 candidate qualification, and such notice shall be deemed sufficient. The Department of Elections  
413 shall promptly advise the director of elections of the accuracy of the list. The failure of any  
414 director of elections to send the list to the Department of Elections for verification shall not  
415 invalidate any election.

416

417 Each director of elections shall have printed the number of ballots he determines will be  
418 sufficient to conduct the election, subject to approval of the electoral board.

419

420 Notwithstanding any other provisions of this title, the Department of Elections may print  
421 or otherwise provide one statewide paper ballot style for each paper ballot style in use for  
422 presidential and vice-presidential electors for use only by persons eligible to vote for those  
423 offices only under § 24.2-402 or only for federal elections under § 24.2-453. The Department of  
424 Elections may apportion or authorize the printer or vendor to apportion the costs for these ballots  
425 among the localities based on the number of ballots ordered. Any printer employed by the  
426 Department of Elections shall execute the statement required by § 24.2-616. The Department of  
427 Elections shall designate a representative to be present at the printing of such ballots and deliver  
428 them to the appropriate director of elections pursuant to § 24.2-617. Upon receipt of such paper  
429 ballots, the electoral board or director of elections shall affix the electoral board seal. Thereafter,

430 such ballots shall be handled and accounted for, and the votes counted as the Department of  
431 Elections shall specifically direct.

432

433 The director of elections shall make printed ballots available for absentee voting not later  
434 than 45 days prior to any election or within three business days of the receipt of a properly  
435 completed absentee ballot application, whichever is later. In the case of a special election,  
436 excluding for federal offices, if time is insufficient to meet the applicable deadline established  
437 herein, then the director of elections shall make printed ballots available as soon after the  
438 deadline as possible. For the purposes of this chapter, making printed ballots available includes  
439 mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a  
440 qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700.  
441 Not later than five days after absentee ballots are made available, each director of elections shall  
442 report to the Department of Elections, in writing on a form approved by the Department of  
443 Elections, whether ~~it~~ he has complied with the applicable deadline.

444

445 Only the names of candidates for offices to be voted on in a particular election district  
446 shall be printed on the ballots for that election district.

447

448 The director of elections shall send to the Department of Elections a statement of the  
449 number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies  
450 of each final ballot. If the Department of Elections finds that, in its opinion, the number of ballots  
451 ordered to be printed by any local electoral board is not sufficient, it may direct the director of  
452 elections to order the printing of a reasonable number of additional ballots.

453

454           **§ 24.2-614. Preparation and form of presidential election ballots.**

455

456           As soon as practicable after the seventy-fourth day before the presidential election, the  
457 State Board shall certify to the director of elections of each county and city the form of official  
458 ballot for the presidential election which shall be uniform throughout the Commonwealth. Each  
459 director of elections shall have the official ballot printed at least forty-five days preceding the  
460 election.

461

462           The ballot shall contain the name of each political party and the party group name, if any,  
463 specified by the persons naming electors by petition pursuant to § 24.2-543. Below the party  
464 name in parentheses, the ballot shall contain the words "Electors for \_\_\_\_\_,  
465 President and \_\_\_\_\_, Vice President" with the blanks filled in with the names of the  
466 candidates for President and Vice President for whom the candidates for  
467 electors are expected to vote in the Electoral College. A printed square shall precede the name of  
468 each political party or party designation.

469

470           Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a  
471 class; the order of the groups shall be determined by lot by the State Board; and the groups shall  
472 immediately precede the independent class on the ballot. The names of the candidates within the  
473 independent class shall be listed alphabetically.

474

475           **§ 24.2-616. Duties of printer; statement; penalty.**

476           The printer contracting with or employed by the electoral board or director of elections to  
477 print the ballots shall sign a statement before the work is commenced agreeing, subject to felony  
478 penalties for making false statements pursuant to § 24.2-1016, that he will print the number of  
479 ballots requested by the electoral board or director of elections in accordance with the director of  
480 elections's instructions; that he will print, and permit to be printed, directly or indirectly, no more  
481 than that number; that he will at once destroy all imperfect and perfect impressions other than  
482 those required to be delivered to the director of elections; that as soon as such number of ballots  
483 is printed he will distribute the type, if any, used for such work and that he will not communicate  
484 to anyone, in any manner, the size, style, or contents of such ballots.

485

486           A similar statement shall be required of any employee or other person engaged in the  
487 work.

488

489           **§ 24.2-617. Representative of electoral board to be present at printing; custody of**  
490 **ballots; electoral board may disclose contents, style, and size.**

491

492           The electoral board or director of elections shall designate one person to be continuously  
493 present in the room in which the ballots are printed from the start to the end of the work and  
494 ensure that the undertakings of the printer's statement are complied with strictly. For the  
495 discharge of this duty the person, other than a board member, shall receive at least twenty dollars  
496 per day.

497

498 As soon as the ballots are printed they shall be securely wrapped and sealed, and the  
499 designated person shall assure their delivery to the director of elections, allowing no one to  
500 examine them until delivery.

501  
502 The designated person shall sign a statement, subject to felony penalties for making false  
503 statements pursuant to § 24.2-1016, that he has faithfully performed his duties, that the printer  
504 has complied with the requirements of law, and that only the requested number of ballots have  
505 been printed and are being delivered to the director of elections.

506  
507 This section shall not be construed to prohibit any electoral board or director of elections  
508 from publishing or otherwise disclosing the contents, style, and size of ballots, which  
509 information electoral boards or director of elections are authorized to publish or otherwise  
510 disclose.

511  
512 **§ 24.2-618: Delivery of ballots to electoral board; checking and recording number.**

513 A member of the electoral board or the director of elections shall receive the ballots after  
514 they are printed, and shall certify the number of ballots received. The director of elections shall  
515 file this certificate with other materials for the election.

516

517 **§ 24.2-619. Sealing ballots.**

518 The electoral board or director of elections or his designee shall cause the seal of the  
519 board to be affixed in his presence to every ballot printed as provided in this chapter. The seal  
520 shall be on the side reverse from that on which the names of the candidates appear. The seal may

521 be affixed on the ballot either mechanically or manually. The member of the board or director of  
522 elections or other person designated shall sign a statement, subject to felony penalties for making  
523 false statements pursuant to § 24.2-1016, that the seal of the electoral board was affixed to the  
524 ballots in his presence in the manner prescribed by law, setting forth the name of every person  
525 taking part in the affixing of the seal, and stating that he has faithfully performed his duties. His  
526 statement shall be filed with the minutes of the board. For his services in causing the seal to be  
527 affixed to the ballots, the person designated, other than a board member, director of elections or  
528 assistant registrar, shall receive at least twenty dollars per day.

529

530 Any person designated to seal the ballots, shall return the seal to the secretary as soon as  
531 the sealing is completed.

532

533 Every person taking part in affixing the seal to the ballots or in placing the ballots in  
534 packages shall give his statement, subject to felony penalties for making false statements  
535 pursuant to § 24.2-1016, that he has faithfully performed his duties and that he will not divulge  
536 to anyone the contents of the ballots or any part thereof. The director of elections shall retain  
537 these statements to be filed with the minutes of the board.

538

539 **§ 24.2-620. Dividing ballots into packages for each precinct; delivery of absentee**  
540 **ballots.**

541

542 The electoral board or director of elections shall cause to be made, in the presence of at  
543 least one member of the board, or designee of the board , one or more packages of ballots for

544 each precinct in the election district. Each package shall contain a number of ballots determined  
545 by the board or director of elections. Each of these packages shall be securely sealed in the  
546 presence of a member of the board or such designated person so that the ballots shall be  
547 invisible, and so that the packages cannot be readily opened without detection. On each of the  
548 packages shall be endorsed the name of the precinct for which it is intended and the number of  
549 ballots therein contained. Thereafter the packages designated for each precinct shall be delivered  
550 to the director of elections and remain in his exclusive possession until delivered by him, or by a  
551 board member, board designee, or assistant registrar, to the officers of election of each precinct  
552 as provided in § 24.2-621.

553

554 The electoral board shall ensure that sufficient ballots for those offering to vote absentee  
555 are delivered to the director of elections by the deadline stated in § 24.2-612. Any such ballots  
556 remaining unused at the close of the polls on election day shall be sent by the director of  
557 elections or the electoral board to the clerk of the circuit court of the county or city.

558

559 **§ 24.2-621: Delivery of packages to officers; opening packages.**

560

561 Before every election, a member of the electoral board or the director of elections or an  
562 assistant registrar, shall deliver to an officer of election of each precinct the official ballots for  
563 that precinct and obtain a receipt for the package or packages and a certificate that the seals are  
564 unbroken.

565

566 Before opening the polls, the officers of election shall open the sealed package and carefully  
567 count the ballots. If there is more than one package, additional packages shall be opened as  
568 needed and the ballots counted as provided in this section.

569

570

571 **§ 24.2-627. Electronic voting or counting machines; number required.**

572

573 A. The governing body of any county or city that adopts for use at elections direct  
574 recording electronic machines shall provide for each precinct at least the following number of  
575 voting machines:

576

577 In each precinct having not more than 750 registered voters, 1;

578

579 In each precinct having more than 750 but not more than 1,500 registered voters, 2;

580

581 In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;

582

583 In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;

584

585 In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;

586

587 In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;

588

589 In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.

590

591 B. The governing body of any county or city that adopts for use at elections ballot  
592 scanner machines shall provide for each precinct at least one voting booth with a marking device  
593 for each 425 registered voters or portion thereof and shall provide for each precinct at least one  
594 scanner. However, each precinct having more than 4,000 registered voters shall be provided with  
595 not less than two scanners at a presidential election, unless the governing body, in consultation  
596 with the director of elections and the electoral board, determines that a second scanner is not  
597 necessary at any such precinct on the basis of voter turnout and the average wait time for voters  
598 in previous presidential elections.

599

600 C. The local electoral board of any county or city and director of elections shall be  
601 authorized to conduct any May general election, primary election, or special election held on a  
602 date other than a November general election with the number of voting or counting machines  
603 they determines is appropriate for each precinct, notwithstanding the provisions of subsections A  
604 and B.

605

606 D. For purposes of applying this section, a director of elections may exclude persons  
607 voting absentee in his calculations, and if so, the director of elections shall send to the  
608 Department a statement of the number of voting systems to be used in each precinct. If the State  
609 Board finds that the number of voting systems is not sufficient, it may direct the local director of  
610 elections to use more voting systems.

611

612           **§ 24.2-631. Experimental use of voting systems and ballots prior to approval of the**  
613           **system.**

614  
615           The State Board is authorized to approve the experimental use of voting or counting  
616 systems and ballots for the purpose of casting and counting absentee ballots in one or more  
617 counties and cities designated by the Board (i) that have established central absentee voter  
618 election districts and (ii) whose electoral board and director of elections submits to the Board for  
619 approval a plan for the use of such system and ballots. The Board is also authorized to approve  
620 the experimental use of voting or counting systems and ballots in one or more precincts in any  
621 county or city whose electoral board and director of elections submits to the Board for approval a  
622 plan for such use. The use of such systems and ballots at an election shall be valid for all  
623 purposes.

624  
625           **§ 24.2-632. Voting equipment custodians.**

626           A. For the purpose of programming and preparing voting and counting equipment,  
627 including the programming of any electronic activation devices or data storage media used to  
628 program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the  
629 electoral board and director of elections shall employ one or more persons, to be known as  
630 custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed,  
631 and sworn to perform their duties honestly and faithfully, and for such purpose shall be  
632 appointed and instructed at least 30 days before each election. With the approval of the State  
633 Board, the electoral board or director of elections may contract with the voting equipment vendor  
634 or another contractor for the purpose of programming, preparing and maintaining the voting

635 equipment. The voting equipment custodians shall instruct and supervise the vendor or  
636 contractor technicians and oversee the programming, testing, calibrating and delivering of the  
637 equipment. The vendor or contractor technicians shall be sworn to perform their duties honestly  
638 and faithfully and be informed of and subject to the misdemeanor and felony penalties provided  
639 in §§ 24.2-1009 and 24.2-1010.

640  
641 The final testing of the equipment prior to each election shall be done in the presence of  
642 an electoral board member or a representative of the electoral board or the director of elections.  
643 The electoral board or director of elections may authorize a representative to be present at the  
644 final testing only if it is impracticable for them to attend, and such representative shall in no case  
645 be the custodian or a vendor or contractor technician who was responsible for programming the  
646 ballot software, electronic activation devices, or electronic data storage media.

647  
648 B. Notwithstanding the provisions of subsection A, the local electoral board or director of  
649 elections may assign a board member or an assistant registrar to serve as a custodian without pay  
650 for such service. The board member or assistant registrar serving as custodian shall be fully  
651 competent, thoroughly instructed, and sworn to perform his duties honestly and faithfully, and  
652 for such purpose shall be appointed and instructed at least 30 days before each election.

653 Whenever the presence of an electoral board member or the director of elections and custodian is  
654 required by the provisions of this title, the same person shall not serve in both capacities.

655

656 **§ 24.2-633. Notice of final testing of voting system; sealing equipment.**

657

658           Before the final testing of voting or counting machines for any election, the director of  
659 elections shall mail written notice (i) to the chairman of the local committee of each political  
660 party, or (ii) in a primary election, to the chairman of the local committee of the political party  
661 holding the primary, or (iii) in a city or town council election in which no candidate is a party  
662 nominee and which is held when no other election having party nominees is being conducted, to  
663 the candidates.

664  
665           The notice shall state the time and place where the machine will be tested and state that  
666 the political party or candidate receiving the notice may have one representative present while  
667 the equipment is tested.

668  
669           At the time stated in the notice, the representatives, if present, shall be afforded an  
670 opportunity to see that the equipment is in proper condition for use at the election. When a  
671 machine has been so examined by the representatives, it shall be sealed with a numbered seal in  
672 their presence, or if the machine cannot be sealed with a numbered seal, it shall be locked with a  
673 key. The representatives shall certify for each machine the number registered on the protective  
674 counter and the number on the seal. When no party or candidate representative is present, the  
675 custodian shall seal the machine as prescribed in this section in the presence of a member of the  
676 electoral board or the director of elections or their representative.

677  
678           **§ 24.2-634. Locking and securing after preparation.**

679           When voting equipment has been properly prepared for an election, it shall be locked  
680 against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered

681 seal, it shall be locked with a key. The equipment keys and any electronic activation devices  
682 shall be retained in the custody of the director of elections and delivered to the officers of  
683 election as provided in § 24.2-639. After the voting equipment has been delivered to the polling  
684 places, the director of elections shall provide ample protection against tampering with or damage  
685 to the equipment.

686

687 **§ 24.2-635. Demonstration of equipment.**

688 In each county, city, or town in which voting or counting equipment is to be used, the  
689 electoral board or director of elections may designate times and places for the exhibition of  
690 equipment containing sample ballots, showing the title of offices to be filled, and, so far as  
691 practicable, the names of the candidates to be voted for at the next election for the purpose of  
692 informing voters who request instruction on the use of the equipment. No equipment shall be  
693 used for such instruction after being prepared and sealed for use in any election. During  
694 exhibitions, the counting mechanism, if any, of the equipment may be concealed from view.

695

696 **§ 24.2-636. Instruction as to use of equipment.**

697 No fewer than three nor more than thirty days before each election, the ~~electoral board~~  
698 electoral board or director of elections shall instruct, or cause to be instructed, on the use of the  
699 equipment and his duties in connection therewith, each officer of election appointed to serve in  
700 the election who has not previously been so instructed. The electoral board or director of  
701 elections shall not permit any person to serve as an officer who is not fully trained to conduct an  
702 election properly with the equipment. This section shall not be construed to prevent the  
703 appointment of a person as an officer of election to fill a vacancy in an emergency.

704

705           **§ 24.2-637. Furniture and equipment to be at polling places.**

706           Before the time to open the polls, each electoral board shall ensure that the director of  
707 elections has the voting and counting equipment and all necessary furniture and materials at the  
708 polling places, with counters on the voting or counting devices set at zero (000), and otherwise in  
709 good and proper order for use at the election.

710

711           The director of elections shall have the custody of such equipment, furniture, and  
712 materials when not in use at an election and shall maintain the equipment in accurate working  
713 order and in proper repair.

714

715           **§ 24.2-638. Voting equipment to be in plain view; officers and others not permitted**  
716 **to see actual voting; unlocking counter compartment of equipment, etc.**

717           During the election, the exterior of the voting equipment and every part of the polling  
718 place shall be in plain view of the officers of election.

719

720           No voting or counting machines shall be removed from the plain view of the officers of  
721 election or from the polling place at any time during the election and through the determination  
722 of the vote as provided in § 24.2-657. However, an electronic voting machine that is so  
723 constructed as to be easily portable may be taken outside the polling place pursuant to subsection  
724 A of § 24.2-649 and to assist a voter age 65 or older or physically disabled so long as: (i) the  
725 voting machine remains in the plain view of two officers of election representing two political  
726 parties or, in a primary election, two officers of election representing the party conducting the

727 primary, provided that if the use of two officers for this purpose would result in too few officers  
728 remaining in the polling place to meet legal requirements, the machine shall remain in plain view  
729 of one officer who shall be either the chief officer or the assistant chief officer; (ii) the voter casts  
730 his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649; and (iii)  
731 there remain sufficient officers of election in the polling place to meet legal requirements. After  
732 the voter has completed voting his ballot, the officer or officers shall immediately return the  
733 voting machine to its assigned location inside the polling place. The machine number, the time  
734 that the machine was removed and the time that it was returned, the number on the machine's  
735 public counter before the machine was removed and the number on the same counter when it was  
736 returned, the names of the voters who used the machine while it was removed provided that  
737 secrecy of the ballot is maintained in accordance with guidance from the State Board, and the  
738 name or names of the officer or officers who accompanied the machine shall be recorded on the  
739 statement of results. If a polling place fails to record the information required in the previous  
740 sentence, or it is later proven that the information recorded was intentionally falsified, the  
741 electoral board or director of elections shall dismiss at a minimum the chief officer or the  
742 assistant chief officer, or both, as appropriate, and shall dismiss any other officer of election who  
743 is shown to have caused the failure to record the required information intentionally or by gross  
744 negligence or to have intentionally falsified the information. The dismissed officers shall not be  
745 allowed thereafter to serve as an officer or other election official anywhere in the  
746 Commonwealth. In the case of an emergency that makes a polling place unusable or inaccessible,  
747 voting or counting machines may be removed to an alternative polling place pursuant to the  
748 provisions of subsection D of § 24.2-310.

749

750           The equipment shall be placed at least four feet from any table where an officer of  
751 election is working or seated. The officers of election shall not themselves be, or permit any  
752 other person to be, in any position or near any position that will permit them to observe how a  
753 voter votes or has voted.

754

755           One of the officers shall inspect the face of the voting machine after each voter has cast  
756 his vote and verify that the ballots on the face of the machine are in their proper places and that  
757 the machine has not been damaged. During an election, the door or other covering of the counter  
758 compartment of the voting or counting machine shall not be unlocked or open or the counters  
759 exposed except for good and sufficient reasons, a statement of which shall be made and signed  
760 by the officers of election and attached to the statement of results. No person shall be permitted  
761 in or about the polling place except the voting equipment custodian, vendor, or contractor  
762 technicians and other persons authorized by this title.

763

764           **§ 24.2-639. Duties of officers of election.**

765           The officers of election of each precinct at which voting or counting machines are used  
766 shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment,  
767 furniture, and other materials for the conduct of the election. The officers of election shall verify  
768 that all required equipment, ballots, and other materials have been delivered to them for the  
769 election. The officers shall post at least two instruction cards for direct recording electronic  
770 machines conspicuously within the polling place.

771           The keys to the equipment and any electronic activation devices that are required for the  
772 operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to

773 the officer of election designated by the electoral board or director of elections in a sealed  
774 envelope on which has been written or printed the name of the precinct for which it is intended.  
775 The envelope containing the keys and any electronic activation devices shall not be opened until  
776 all of the officers of election for the precinct are present at the polling place and have examined  
777 the envelope to see that it has not been opened. The equipment shall remain locked against  
778 voting until the polls are formally opened and shall not be operated except by voters in voting.

779

780           Before opening the polls, each officer shall examine the equipment and see that no vote  
781 has been cast and that the counters register zero. The officers shall conduct their examination in  
782 the presence of the following party and candidate representatives: one authorized representative  
783 of each political party or independent candidate in a general or special election, or one authorized  
784 representative of each candidate in a primary election, if such representatives are available. Each  
785 authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth.  
786 Each representative, who is not himself a candidate or party chairman, shall present to the  
787 officers of election a written statement designating him to be a representative of the party or  
788 candidate and signed by the county or city chairman of his political party, the independent  
789 candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable  
790 to sign such a written designation, such a designation may be made by the state or district  
791 chairman of the political party. However, no written designation made by a state or district  
792 chairman shall take precedence over a written designation made by the county or city chairman.  
793 Such statement, bearing the chairman's or candidate's original signature, may be photocopied and  
794 such photocopy shall be as valid as if the copy had been signed.

795

796 If any counter, other than a protective or private counter, on a ballot scanner or direct  
797 recording electronic machine is found not to register zero, the officers of election shall  
798 immediately notify the director of elections who shall, if possible, substitute a machine in good  
799 working order, that has been prepared and tested pursuant to § 24.2-634. No ballot scanner or  
800 direct recording electronic machine shall be used if any counter, other than a protective or private  
801 counter, is found not to register zero.

802

803 **§ 24.2-641. Sample ballot.**

804 The electoral board or director of elections shall provide for each precinct in which any  
805 voting or counting machines are used, two sample ballots, which shall be arranged as a diagram  
806 of the front of the voting or counting machine as it will appear with the official ballot for voting  
807 on election day. Such sample ballots shall be posted for public inspection at each polling place  
808 during the day of election.

809

810 **§ 24.2-642. Inoperative equipment.**

811 A. When any voting or counting machine becomes inoperative in whole or in part while  
812 the polls are open, the officers of election shall immediately notify the electoral board or director  
813 of elections. If possible, the electoral board or director of elections shall dispatch a qualified  
814 technician to the polling place to repair the inoperative machine. All repairs shall be made in the  
815 presence of two officers of election representing the two political parties or, in the case of a  
816 primary election for only one party, two officers representing that party. If the machine cannot be  
817 repaired on site, the director of elections shall, if possible, substitute a machine in good order for  
818 the inoperative machine and at the close of the polls the record of both machines shall be taken

819 and the votes shown on their counters shall be added together in ascertaining the results of the  
820 election.

821

822 No voting or counting machines, including inoperative machines, shall be removed from  
823 the plain view of the officers of election or from the polling place at any time during the election  
824 and through the determination of the vote as provided in § 24.2-657 except as explicitly provided  
825 pursuant to the provisions of this title.

826

827 No voting or counting machine that has become inoperative and contains votes may be  
828 removed from the polling place while the polls are open and votes are being ascertained. If the  
829 officers of election are unable to ascertain the results from the inoperative machine after the polls  
830 close in order to add its results to the results from the other machines in that precinct, the officers  
831 of election shall lock and seal the machine without removing the memory card, cartridge, or data  
832 storage medium and deliver the machine to either the clerk of court or director of elections's  
833 office as provided for in § 24.2-659. On the day following the election, the electoral board shall  
834 meet and ascertain the results from the inoperative machine in accordance with the procedures  
835 prescribed by the machine's manufacturer and add the results to the results for the precinct to  
836 which the machine was assigned.

837

838 Nothing in this subsection shall prohibit the removal of an inoperative machine from a  
839 precinct prior to the opening of the polls or the first vote being cast on that machine. Any  
840 machine so removed shall be placed in the custody of an authorized custodian, technician,  
841 director of elections or electoral board representative. If the inoperative machine can be repaired,

842 it shall be retested and resealed pursuant to § 24.2-634 and may be returned to the precinct by an  
843 authorized custodian, technician, director of elections or electoral board representative. The  
844 officers of election shall then open the machine pursuant to § 24.2-639.

845  
846 B. In any precinct that uses a ballot that can be read without the use of the ballot scanner  
847 machine, if the ballot scanner machine becomes inoperative and there is no other available  
848 scanner, the uncounted ballots shall be placed in a ballot container or compartment that is used  
849 exclusively for uncounted ballots. If an operative scanner is available in the polling place after  
850 the polls have closed, such uncounted ballots shall be removed from the container and fed into  
851 the scanner, one at a time, by an officer of election in the presence of all persons who may be  
852 lawfully present at that time but before the votes are determined pursuant to § 24.2-657. If such a  
853 scanner is not available, the ballots may be counted manually or as directed by the electoral  
854 board.

855  
856 C. An officer of election may have copies of the official paper ballot reprinted or  
857 reproduced by photographic, electronic, or mechanical processes for use at the election if (i) the  
858 inoperative machine cannot be repaired in time to continue using it at the election, (ii) a  
859 substitute machine is needed to conduct the election but is not available for use, (iii) the supply  
860 of official printed ballots that can be cast without use of the inoperative machine is not adequate,  
861 and (iv) the local electoral board approves the reprinting or reproducing of the official paper  
862 ballot. The voted ballot copies may be received by the officers of election and placed in the  
863 ballot container and counted with the votes registered on the voting or counting machines, and  
864 the result shall be declared the same as though no machine has been inoperative. The voted ballot

865 copies shall be deemed official ballots for the purpose of § 24.2-665 and preserved and returned  
866 with the statement of results and with a certificate setting forth how and why the same were  
867 voted. The officer of election who had the ballot copies made shall provide a written statement of  
868 the number of copies made, signed by him and subject to felony penalties for making false  
869 statements pursuant to § 24.2-1016, to be preserved with the unused ballot copies.

870

871 **§ 24.2-647. Voting systems; demonstration on election day.**

872

873 The director of elections shall provide at each polling place on election day, for the voting  
874 system in use, a model of or materials displaying a portion of its ballot face. The model or  
875 materials shall be located on the table of one of the officers or in some other place accessible to  
876 the voters. An officer of election shall instruct any voter who requests instruction before voting  
877 on the proper manner of voting. The officer may direct the voter's attention to sample ballots so  
878 that the voter may become familiar with the location of questions and names of offices and  
879 candidates.

880

881 For ballot scanner machines, an officer of election, using a demonstration ballot and machine,  
882 shall show each voter who requests, immediately on entry to the polling place, the manner in  
883 which the ballot is to be voted.

884

885 If any voter, after entering the voting booth, asks for further instructions concerning the  
886 manner of voting, two of the officers from different political parties shall give such instructions  
887 to him, but no officer shall in any manner request or seek to persuade or induce any such voter to

888 vote for or against any particular ticket, candidate, or question. After giving such instructions and  
889 before the voter votes, the officers shall leave the voting booth, and the voter shall cast his ballot  
890 in secret.

891

892 **§ 24.2-659. Locking voting and counting machines after election and delivering keys**  
893 **to clerk; printed returns as evidence.**

894

895 A. If the voting or counting machine is secured by the use of equipment keys, after the  
896 officers of election lock and seal each machine, the equipment keys shall be enclosed in an  
897 envelope that shall be sealed and have endorsed thereon a certificate of an officer of election  
898 stating the election precinct, the number of each machine, the number on the seal, and the  
899 number of the protective counter, if one, on the machine. The sealed envelope shall be delivered  
900 by one of the officers of the election to the clerk of the circuit court where the election was held.  
901 The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed,  
902 all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk  
903 of the circuit court by noon on the day following the election. If the voting or counting machines  
904 are secured by the use of equipment keys or electronic activation devices that are not specific to  
905 a particular machine, after the officers of election lock and seal each machine, the equipment  
906 keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and  
907 have endorsed thereon a certificate of an officer of election stating the election precinct. The  
908 sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit  
909 court where the election was held.

910

911           If the voting or counting machine is secured by removal of the data storage device used in  
912 that election, the officers shall remove the data storage device and proceed to lock and seal each  
913 machine. The data storage device shall be enclosed in an envelope that shall be sealed and have  
914 endorsed thereon a certificate of an officer of election stating the election precinct, the number of  
915 each machine, the number on the seal, and the number of the protective counter, if one, on the  
916 machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of  
917 the circuit court where the election was held. The equipment keys used at the polls shall be  
918 sealed in a different envelope and delivered to the clerk who shall release them to the director of  
919 elections upon request or at the expiration of the time specified by this section.

920

921           If the voting or counting machine provides for the creation of a separate master electronic  
922 back-up on a data storage device that combines the data for all of the voting or counting  
923 machines in a given precinct, that data storage device shall be enclosed in an envelope that shall  
924 be sealed and have endorsed thereon a certificate of an officer of election stating the name of the  
925 precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of  
926 the circuit court where the election was held. The data storage device for the individual machines  
927 may remain sealed in its individual machine until the expiration of the time specified by this  
928 section. The equipment keys and the electronic activation devices used at the polls shall be  
929 sealed together in a separate envelope and delivered to the clerk who shall release them to the  
930 electoral board or director of elections upon request or at the expiration of the time specified by  
931 this section.

932

933           The voting and counting machines shall remain locked and sealed until the deadline to  
934 request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is  
935 pending thereafter, until it has been concluded. The machines shall be opened and all data  
936 examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an  
937 authorized representative of the State Board or the electoral board or director of elections at the  
938 direction of the State Board in order to ensure the accuracy of the returns. In the event that  
939 machines are examined under clause (ii) of this paragraph, each political party and each  
940 independent candidate on the ballot, or each primary candidate, shall be entitled to have a  
941 representative present during such examination. The representatives and observers lawfully  
942 present shall be prohibited from interfering with the officers of election in any way. The State  
943 Board , local electoral board, or director of elections shall provide such parties and candidates  
944 reasonable advance notice of the examination.

945

946           When recounts occur in precincts using direct recording electronic machines with printed  
947 return sheets, the printed return sheets delivered to the clerk may be used as the official evidence  
948 of the results.

949

950           When the required time has expired, the clerk of the circuit court shall return all voting  
951 equipment keys to the electoral board.

952

953           B. The local electoral board or director of elections may direct that the officers of election  
954 and custodians, in lieu of conveying the sealed equipment keys to the clerk of the circuit court as  
955 provided in subsection A, shall convey them to the principal office of the director of elections on

956 the night of the election. The director of elections shall secure and retain the sealed equipment  
957 keys and any other electronic locking or activation devices in his office and shall convey them to  
958 the clerk of the court by noon of the day following the ascertainment of the results of the election  
959 by the electoral board.

960

961 **§ 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to**  
962 **clerk or director of elections.**

963

964 A. After ascertaining the results and before adjourning, the officers shall put the  
965 pollbooks, the duplicate statements of results, and any printed inspection and return sheets in the  
966 envelopes provided by the State Board. The officers shall seal the envelopes and direct them to  
967 the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus  
968 sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced,  
969 spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by  
970 one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court  
971 by noon on the day following the election.

972

973 The clerk shall retain custody of the pollbooks, paper ballots, and other elections  
974 materials until the time has expired for initiating a recount, contest, or other proceeding in which  
975 the pollbooks, paper ballots, and other elections materials may be needed as evidence and there  
976 is no proceeding pending. The clerk shall (i) secure all pollbooks, paper ballots and other  
977 election materials in sealed boxes; (ii) place all of the sealed boxes in a vault or room not open to  
978 the public or to anyone other than the clerk and his staff; (iii) cause such vault or room to be

979 securely locked except when access is necessary for the clerk and his staff; and (iv) upon the  
980 initiation of a recount, certify that these security measures have been taken in whatever form is  
981 deemed appropriate by the chief judge.

982

983         After that time the clerk shall deliver the pollbooks to the director of elections who shall  
984 return the pollbooks or transfer a copy of the electronic data to the State Board as directed by §  
985 24.2-114 for voting credit purposes. After the pollbooks are returned by the State Board, the  
986 director of elections shall retain the pollbooks in his principal office for two years from the date  
987 of the election. The clerk shall retain the statement of results and any printed inspection and  
988 return sheets for two years and may then destroy them.

989

990         B. The local electoral board or director of elections may direct that the officers of  
991 election, in lieu of conveying the materials to the clerk of the circuit court as provided in  
992 subsection A of this section, shall convey the materials to the principal office of the director of  
993 elections on the night of the election or the morning following the election as the board directs.  
994 The director of elections shall secure and retain the materials in his office and shall convey to the  
995 clerk of the court, by noon of the day following the ascertainment of the results of the election by  
996 the electoral board, all of the election materials. The director of elections shall retain for public  
997 inspection one copy of the statement of results.

998

999         C. If an electronic pollbook is used, the data disc or cartridge containing the electronic  
1000 records of the election, or, alternately, a printed copy of the pollbook records of those who voted,  
1001 shall be transmitted, sealed and retained as required by this section, and otherwise treated as the

1002 pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be  
1003 construed to require that the equipment or software used to produce the electronic pollbook be  
1004 sealed or retained along with the pollbook, provided that the records for the election have been  
1005 transferred or printed according to the instructions of the State Board.

1006

1007 **§ 24.2-683. Writ for special election to fill a vacancy.**

1008 Whenever the Governor, Speaker of the House, President pro tempore of the Senate, or  
1009 either house of the General Assembly orders a special election, he, or the person designated to  
1010 act for the house, shall issue a writ of election designating the office to be filled at the election  
1011 and the time to hold the election. He shall transmit the writ to the secretary of the electoral board  
1012 and director of elections of each county or city in which the election is to be held. Each director  
1013 of elections shall post a copy of the writ on the official website for the county or city or at not  
1014 less than 10 public places or have notice of the election published once in a newspaper of general  
1015 circulation in his jurisdiction at least 10 days before the election. If the special election is held in  
1016 more than one county or city, the secretaries and directors of elections may act jointly to have the  
1017 notice published once before the election in the affected jurisdictions.

1018

1019 Whenever a special election is ordered to fill a vacancy otherwise than under the preceding  
1020 paragraph, the officer ordering the election shall issue his writ of election at the time the vacancy  
1021 occurs, designating the office to be filled at the election and the time and place to hold the  
1022 election. He shall direct and transmit the writ to the secretary of the electoral board and director  
1023 of elections of each county or city in which the election is to be held. The secretary or director of  
1024 elections, or secretaries or directors of elections if the election will be held in more than one

1025 county or city, shall proceed to cause public notice to be given of the election in the same  
1026 manner as is required in the preceding paragraph.

1027 A copy of any order calling a special election to fill a vacancy shall be sent immediately  
1028 to the State Board.

1029

1030 **§ 24.2-684. How referendum elections called and held, and the results ascertained**  
1031 **and certified.**

1032 Notwithstanding any other provision of any law or charter to the contrary, the provisions  
1033 of this section shall govern all referenda.

1034 No referendum shall be placed on the ballot unless specifically authorized by statute or  
1035 by charter.

1036 Whenever any question is to be submitted to the voters of any county, city, town, or other  
1037 local subdivision, the referendum shall in every case be held pursuant to a court order as  
1038 provided in this section. The court order calling a referendum shall state the question to appear  
1039 on the ballot in plain English as that term is defined in § 24.2-687. The order shall be entered and  
1040 the election held within a reasonable period of time subsequent to the receipt of the request for  
1041 the referendum if the request is found to be in proper order. The court order shall set the date for  
1042 the referendum in conformity with the requirements of § 24.2-682.

1043 A copy of the court order calling a referendum shall be sent immediately to the State  
1044 Board by the clerk of the court in which the order was issued.

1045 The ballot shall be prepared by the appropriate director of elections and distributed to the  
1046 appropriate precincts. On the day fixed for the referendum, the regular election officers shall

1047 open the polls and take the sense of the qualified voters of the county, city, town, or other local  
1048 subdivision, as the case may be, on the question so submitted. The ballots for use at any such  
1049 election shall be printed to state the question as follows:

1050 "(Here state briefly the question submitted)

1051 [ ] Yes

1052 [ ] No"

1053 The ballots shall be printed, marked, and counted and returns made and canvassed as in other  
1054 elections. The results shall be certified by the secretary of the appropriate electoral board to the  
1055 State Board, to the court ordering the election, and to such other authority as may be proper to  
1056 accomplish the purpose of the election.

1057 **§ 24.2-712. Central absentee voter precincts; counting ballots.**

1058

1059 A. Notwithstanding any other provision of law, the governing body of each county or city  
1060 may establish one or more central absentee voter precincts in the courthouse or other public  
1061 buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county  
1062 or city. The decision to establish any absentee voter precinct shall be made by the governing  
1063 body by ordinance; the ordinance shall state for which elections the precinct shall be used. The  
1064 decision to abolish any absentee voter precinct shall be made by the governing body by  
1065 ordinance. Immediate notification of either decision shall be sent to the Department of Elections  
1066 and the electoral board.

1067

1068 B. Each central absentee voter precinct shall have at least three officers of election as  
1069 provided for other precincts. The number of officers shall be determined by the electoral board  
1070 and director of elections.

1071  
1072 C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day  
1073 of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the  
1074 director of elections on or before the day of the election, he shall be allowed to vote it, and his  
1075 ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

1076  
1077 The officers at the absentee voter precinct shall determine any appeal by any other voter  
1078 whose name appears on the absentee voter applicant list and who offers to vote in person. If the  
1079 officers at the absentee voter precinct produce records showing the receipt of his application and  
1080 the certificate or other evidence of mailing for the ballot, they shall deny his appeal. If the  
1081 officers cannot produce such records, the voter shall be allowed to vote in person at the absentee  
1082 voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied,  
1083 the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he  
1084 may vote on presentation of a statement signed by him that he has not received an absentee ballot  
1085 and subject to felony penalties for making false statements pursuant to § 24.2-1016.

1086  
1087 D. Absentee ballots may be processed as required by § 24.2-711 by the officers of  
1088 election at the central absentee voter precinct prior to the closing of the polls but the ballot  
1089 container shall not be opened and the counting of ballots shall not begin prior to that time. In the  
1090 case of machine-readable ballots, the ballot container may be opened and the absentee ballots

1091 may be inserted in the counting machines prior to the closing of the polls in accordance with  
1092 procedures prescribed by the Department of Elections, including procedures to preserve ballot  
1093 secrecy, but no ballot count totals shall be initiated prior to that time.

1094

1095 As soon as the polls are closed in the county or city the officers of election at the central  
1096 absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee  
1097 ballot and report the results in the manner provided for counting and reporting ballots generally  
1098 in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

1099

1100 E. The electoral board or director of elections may provide that the officers of election for  
1101 a central absentee voter precinct may be assigned to work all or a portion of the time that the  
1102 precinct is open on election day subject to the following conditions:

1103

1104 1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to  
1105 represent the two political parties, are on duty at all times; and

1106

1107 2. No officer, political party representative, or other candidate representative shall leave  
1108 the precinct after any ballots have been counted until the polls are closed and the count for the  
1109 precinct is completed and reported.

1110

1111 F. The director of elections may provide that the central absentee voter precinct will open  
1112 after 6:00 a.m. on the day of the election provided that the office of the director of elections will  
1113 be open for the receipt of absentee ballots until the central absentee voter precinct is open and

1114 that the officers of election for the central absentee voter precinct obtain the absentee ballots  
1115 returned to the director of elections' office for the purpose of counting the absentee ballots at the  
1116 central absentee voter precinct and provided further that the central absentee voter precinct is the  
1117 same location as the office of the director of elections.

Attachment 3 – Electoral Board Job Description

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## **Electoral Board Job Description**

### **Summary:**

The Electoral Board of each County and City in Virginia is made up of three members who serve three-year staggered terms. Two members are members of the political party of the most recently elected governor. The chair and secretary must represent different political parties unless the position is declined. Although the bipartisan board is appointed by the Circuit Court based upon local party recommendations, each member must carry out official duties in a nonpartisan manner. The authority for the administration of all aspects of elections for the locality remains with the Electoral Board, including oversight of the General Registrar/Director of Elections, and is responsible to the State Board of Elections for that administration. It employs and supervises the General Registrar, who handles voter records. Generally, the work of the Electoral Board should be shared equally by all three members, although the Secretary has additional responsibilities.

### **I. Responsibilities:**

#### **A. Election administration includes:**

1. Approve and recommend polling places within the precincts established by the local government.
2. Approval of voting equipment to be used, and development and approval of a security plan to keep all equipment and materials secure.
3. Ensure the creation, production and proper custody of ballots.
4. Ensure the proper conduct of Logic and Accuracy (L&A) test to be sure equipment is programmed correctly for each election.
5. Assistance in conducting absentee voting.
6. Appointment of officers of election and ensuring that training, assignment and review of precinct officers of election occurs.
7. Ensure coordination with other local government departments (e.g., police, sheriff, public works, IT, schools) to ensure smooth conduct of each election.
8. Assistance in procuring, packing and delivering supplies to polling places.
9. Ensure proper setup of polling places prior to each election.
10. Assistance in polling places and offices as needed on Election Day. Availability to respond to inquiries from media, voters and political parties
11. Conduct of post-election canvass to ascertain that all precinct results are accurate and complete.
12. Based on input from the General Registrar, determination of validity and counting of provisional ballots.
13. The Electoral Board's signatures on the certification of results following the canvass is the ultimate declaration of the truth, accuracy and dependability of the vote totals being submitted to the Commonwealth and is thus the foundation of the democratic process.

- B. The Electoral Board has additional responsibilities, including:
1. Appointment, removal and annual performance evaluation of General Registrar.
  2. Certification of candidates, when required. .
  3. Conduct of meetings in accordance with the Freedom of Information Act (FOIA).
  4. Familiarity with federal and state laws that must be followed in conducting elections.
  5. Attendance at training programs provided by Virginia Department of Elections (ELECT).
  6. Together with the General Registrar, administration of the Office of Elections, including budgeting and dealing with local government officials, as needed.
  7. The Secretary of the Electoral Board has specific tasks and responsibilities according to the Code and must take and keep accurate minutes of all board meetings.

**II. Electoral Board Activity Prohibitions:**

- A. May not collect any fee as a notary during the time of such appointment.
- B. May not engage in political activities when performing official duties.
- C. May not solicit signatures for candidate petitions in a public building.

**III. Qualifications:**

The following qualification is required by law:

- Must be a qualified voter of the County or City, in good legal standing.

**IV. Disqualifications:**

- A. Must not be directly related to another Electoral Board member or General Registrar or to a candidate or holder of elected office.
- B. May not serve as chair of a political party, at local, district or state level, and may not hold elected office or offer to be a candidate for elected office
- C. May not be employed by or hold incompatible office under federal, state or local government (ELECT will provide a list of incompatible offices)

**V. Additional desirable characteristics:**

- A. Customer-service orientation in dealing with voters.
- B. Computer literacy, as much business is conducted via email.
- C. Ability to travel around the County or City.
- D. Public speaking ability to conduct training or address groups.
- E. Writing ability to write training materials, legislative positions, or analyses.
- F. Basic budgeting skills.

- G. Knowledge of basic legal concepts and judicial proceedings; willingness to become deeply familiar with United States Code Title 52 and Virginia Code Title 24.2 governing Elections and administrative regulations thereunder.
- H. Assertive manner when needed to enforce compliance with code or regulations.

**Conditions:**

Service on the Electoral Board is in the nature of a part-time seasonal job. There is a general election every year in November and a primary election most years in June. In addition, there may be City or Town elections in May and special elections whenever called. From six to two weeks prior to each election, the board may need to be available a few times per week for a few hours. The week prior to and the week of the election, the board needs to be available most of the time, including 5am-10pm or later on Election Day. At other times the board may meet monthly and may attend training or networking meetings or conferences. Members may be asked to address local groups or attend meetings of interest.

## Attachment 4 – Commissioner Cortés' Presentation Chart

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## Projected use of remaining HAVA Funds

- FY14 \$ 3,802,500
- FY15 \$ 5,313,313
- FY16 \$ 7,310,020
- FY17 \$ 4,789,752
- FY18 \$ 3,426,380
- FY19 \$ 0



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STATE BOARD *of* ELECTIONS

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# City of Winchester Voting Equipment Request

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BOARD WORKING PAPERS  
Edgardo Cortés  
ELECT Commissioner



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

To: Members of the State Board of Elections

From: Edgardo Cortés, Commissioner

Date: January 8, 2016

Re: Experimental Use of Approved Voting Systems in City of Winchester

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

I move that the Board approve the experimental use of the Unisyn OpenElect voting system and Election Systems and Software DS200 and ExpressVote voting system in the City of Winchester for the March 1, 2016 presidential primary election.

**Applicable Code Sections:** § 24.2-630.

### **Attachments:**

Your Board materials include the following:

- Request from City of Winchester to trial the Unisyn OpenElect voting system and Election Systems and Software DS200 and ExpressVote voting system

### **Background:**

Virginia election law provides for the experimental use of certified voting systems during an election, with the approval of the State Board of Elections. The City of Winchester is seeking permission to trial the Unisyn OpenElect voting system and Election Systems and Software DS200 and ExpressVote voting system during the March 1, 2016 presidential primary election. This equipment has been previously certified by SBE. Both vendors have agreed to participate in this trial that will be used to evaluate the purchase of digital scan voting equipment for the City of Winchester. The Department of Elections supports any efforts by localities to transition away from DREs to new voting equipment. This is an excellent option available to localities to test certified voting equipment prior to making a purchasing decision.

# CITY OF WINCHESTER, VIRGINIA

## OFFICE OF ELECTIONS AND VOTER REGISTRATION



Elizabeth W. Martin  
*General Registrar*  
107-A N. East Lane  
Winchester, VA 22601  
540.722.7910  
(Fax) 540.545-7925  
[vote@winchesterva.gov](mailto:vote@winchesterva.gov)

---

Mr. Gary Fox, Supervisor  
Election Administration  
Department of Elections  
1100 Bank St., 1<sup>st</sup> Floor  
Richmond, VA 23219

Dear Gary:

With the goal of transitioning to a digital scan voting system as soon as realistically possible, the Winchester Electoral Board is seeking approval to test two digital scan voting systems in the March 1, 2016 Presidential Primary, as covered in the Code of Virginia, §24.2-630.

We are currently considering equipment from both ES&S and ESO. This experimental use would also include each vendor's system for voters with disabilities. One of our city's precincts would use the ESO OVO and the OVI, while another would use the ES&S DS200 and Express Vote.

Each of the vendors involved has agreed to accommodate this request, and I am hopeful that we will receive approval from the State Board.

Sincerely,

*Liz*

Elizabeth Martin  
General Registrar





**CITY OF WINCHESTER, VIRGINIA**  
**OFFICE OF ELECTIONS AND VOTER REGISTRATION**

Elizabeth W. Martin  
*General Registrar*  
107-A N. East Lane  
Winchester, VA 22601  
540.722.7910  
(Fax) 540.545-7925  
[vote@winchesterva.gov](mailto:vote@winchesterva.gov)

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STATE BOARD *of* ELECTIONS

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# Albemarle County Electoral Board Request for Guidance

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BOARD WORKING PAPERS  
Edgardo Cortés  
ELECT Commissioner

**From:** James Heilman <[jheilman@albemarle.org](mailto:jheilman@albemarle.org)>

**Date:** January 6, 2016 at 2:50:33 PM EST

**To:** "[jalcorn@elections.virginia.gov](mailto:jalcorn@elections.virginia.gov)" <[jalcorn@elections.virginia.gov](mailto:jalcorn@elections.virginia.gov)>, "[clarabelle.wheeler@elections.virginia.gov](mailto:clarabelle.wheeler@elections.virginia.gov)" <[clarabelle.wheeler@elections.virginia.gov](mailto:clarabelle.wheeler@elections.virginia.gov)>, "[singleton.mcallister@elections.virginia.gov](mailto:singleton.mcallister@elections.virginia.gov)" <[singleton.mcallister@elections.virginia.gov](mailto:singleton.mcallister@elections.virginia.gov)>

**Cc:** "[edgardo.cortes@elections.virginia.gov](mailto:edgardo.cortes@elections.virginia.gov)" <[edgardo.cortes@elections.virginia.gov](mailto:edgardo.cortes@elections.virginia.gov)>, "[comunications@VEBANEWS.org](mailto:comunications@VEBANEWS.org)" <[comunications@VEBANEWS.org](mailto:comunications@VEBANEWS.org)>, William Love <[wlove@albemarle.org](mailto:wlove@albemarle.org)>, "Richard J. Washburne" <[rwashburne@albemarle.org](mailto:rwashburne@albemarle.org)>, Clarice Schermerhorn <[cschermerhorn@albemarle.org](mailto:cschermerhorn@albemarle.org)>, Peter Wurzer <[pwurzer@albemarle.org](mailto:pwurzer@albemarle.org)>

**Subject:** Disposition of certain absentee ballots in Republican Presidential Primary

Dear SBE members,

As Secretary of the Albemarle County Electoral Board. I am writing to ask for your review/clarification of guidance we have received from ELECT staff concerning acceptance/rejection of certain mail-in absentee ballots in the the Republican Presidential Primary.

The issue: We have received guidance that, along with the ballot, instructions shall be sent to all voters applying for the Republican ballot informing them to place their completed Republican "Statement of Affiliation" inside the return envelope and NOT inside the ballot envelope. Fair enough. But we all can assume that a significant number of voters will not pay attention to the instructions and will wrongly place the Statement inside the ballot envelope. To a query from our Registrar Jake Washburne on whether returned ballots with the Statement wrongly put in the ballot envelope should be counted or rejected, we received the following guidance: "Whether a mistake in following this instruction should void the ballot will need to be determined by a majority of the officers." (The full text of the response is below my signature.)

The problem: I feel, as do my fellow Board members, that following this guidance will lead to a significant lack of uniformity and consistency in the electoral process across the Commonwealth. Albemarle CAP officers may vote to accept all these ballots, while Charlottesville CAP officers may vote to reject them all. Richmond may vote to accept; Henrico, to reject. Such inconsistency in accepting mail-in ballots serves neither the process nor the voters well. I do not feel strongly one way or the other as to whether these ballots should be counted, but I do feel strongly that we should all be processing such ballots in the same manner. Therefore I ask that you consider directing ELECT to revise the guidance we have received.

Sincerely,

James M. Heilman  
Electoral Board Secretary

Here is the full text of the query and the guidance received:

If a Republican absentee ballot is returned by mail, and if the absentee voter puts the signed Republican Party pledge inside the inner envelope along with the voted ballot, is this ballot not counted?

Please refer to our administrative regulation 1 VAC 20-70-20, available at <http://law.lis.virginia.gov/admincode/title1/agency20/chapter70/section20/> Similar to the request for assistance form that is sometimes misplaced, a majority of the CAP officers will need to determine the issue. The absentee ballot instructions clearly state:

"To ensure that your ballot can be counted, please sign and print your name below and include this completed statement alongside the Ballot(s) envelope inside the pre-addressed return envelope. Do not place this form inside the Ballot(s)

envelope." <https://voterinfo.sbe.virginia.gov/FormWarehouse/Docs/Election+Management//Primary//2016%20RPV%20Statement%20-%20Absentee.pdf> Whether a mistake in following this instruction should

void the ballot will need to be determined by a majority of the officers considering the federal law standard that prohibiting denial for an error or omission not material to determining eligibility under state law. 52 USC 10101(a)(2)(B). If the voter's signed form can be found then a majority could find the mistaken placement should not be considered material.



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STATE BOARD *of* ELECTIONS

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# Halifax County Voting Equipment Issues

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BOARD WORKING PAPERS  
Edgardo Cortés  
ELECT Commissioner



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ELECTIONS

Edgardo Cortés  
Commissioner

Elizabeth L. Howard  
Deputy Commissioner

December 30, 2015

William Crews, Chair  
Patricia Wingler, Secretary  
Ellen Kent, Vice Chair  
Heather Harding, General Registrar

Re: State Board of Elections Requests Your Appearance

Dear Electoral Board Members and Registrar Harding:

At its meeting on December 16, 2015, the State Board of Elections adopted a motion directing that you provide information to the Board addressing the following:

- (1) Calibration issues reported to have affected several of your voting machines.

The Board in discussing these issues stressed that the focus should be upon the lessons learned and plans for corrective actions that might help other localities avoid similar problems in the future.

The next scheduled meeting of the Board is Friday, January 8, 2016, at 10:00 a.m. in House Room C of the General Assembly Building on Broad Street, Richmond, Virginia 23219.

At least one member of the Electoral Board and the General Registrar should plan to appear and address the Board.

We appreciate the high level of cooperation we have received from you and your staff in keeping us updated about this situation. Do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Howard".

Elizabeth L. Howard

cc: Members of the State Board of Elections



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STATE BOARD *of* ELECTIONS

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# Richmond City Election Day Issues

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BOARD WORKING PAPERS  
Edgardo Cortés  
ELECT Commissioner



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ELECTIONS

Edgardo Cortés  
Commissioner

Elizabeth L. Howard  
Deputy Commissioner

December 31, 2015

Ms. J. Kirk Showalter, General Registrar  
Ms. C. Starlet Stevens, Chairman  
Ms. Ophelia M. Daniels, Vice-Chairman  
Ms. Cecelia A.B. Dabney, Secretary  
VIA EMAIL

Re: Request to Appear

Dear Electoral Board Members and Registrar Showalter:

The State Board of Elections (“State Board”) is authorized to supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of election. The Department of Elections (“the Department”) conducts the board’s administrative and programmatic operations and discharges the board’s duties consistent with delegated authority. In carrying out these duties, the Department was made aware of several election administration problems occurring in the 2015 General Election in the City of Richmond through complaints and calls from voters and media reports.

Multiple sources indicated that there were consistent and alarming errors with respect to, among other things, improper programming and maintenance of Electronic Poll Books (“EPBs”), incorrect issuance of ballots, and poll worker training. Further, local media reports attribute seemingly inaccurate statements regarding these issues to Registrar Showalter. State Board of Elections Chairman James Alcorn has been notified of these reports and has requested additional information. The Department plans to provide the requested information to the State Board at its next regularly scheduled meeting on January 8, 2016.

To ensure that the Board has sufficient details regarding this series of Election Day concerns, please provide the following information no later than Wednesday, January 6, 2016 at 5:00 p.m.:

- 1) Confirmation of the following facts:
  - a. Ms. J. Kirk Showalter is the General Registrar (“GR”) for the City of Richmond.
  - b. The following individuals serve on the City of Richmond Electoral Board:
    - i. C. Starlet Stevens, Chairman
    - ii. Ophelia M. Daniels, Vice-Chairman
    - iii. Cecelia A.B. Dabney, Secretary

- c. The General Registrar is responsible for the proper programming of electronic pollbooks deployed on Election Day.
- d. Shortly after the polls opened on Election Day, November 3, 2015, election officials from multiple precincts reported systemic electronic pollbook failures to Registrar Showalter.
  - i. List the precincts which reported electronic pollbook failures to your office:
- e. Shortly after the polls opened on Election Day, November 3, 2015, multiple voters complained that they were unable to cast a ballot at their polling location due to EPB failures.
- f. From approximately 6:15am to 6:40am, Department staff attempted to contact Registrar Showalter.
- g. As Department staff were unable to reach Registrar Showalter by phone, Terry Wagoner, Registrar Liaison & Absentee and Accessibility Coordinator, walked over to the City of Richmond GR's office at approximately 6:40am to obtain an update regarding the multiple reports of EPB failures across the City and the best contact number for Registrar Showalter.
- h. At 6:49am, Commissioner Cortés sent Registrar Showalter an email stating:

Kirk – here's additional reports that have come in regarding Richmond polling places.

Precincts reporting issues to us

101 – unclear issue – voter claims to have been turned away

102 – EPB issue – appears to be resolved

203 – EPB issues?

404 – voting machines down

Report of a citywide issue with EPBs?
- i. Registrar Showalter did not respond to this communication.
- j. At approximately 7:15am, when the Department was still unable to reach Registrar Showalter, Mr. Eugene Burton, Voting Technology Coordinator, was sent to the closest Richmond precinct: Main Street Station.

- k. Mr. Burton arrived at the Main Street Station precinct at approximately 7:30 a.m. The Main Street precinct is a split precinct. It serves voters in both the 9<sup>th</sup> and 16<sup>th</sup> State Senate Districts.
- l. Upon his arrival, Mr. Burton observed election officials attempting to use the electronic pollbooks (“EPBs”) to check in voters upon their arrival. He observed that the election officials were unable to finalize the check-in process because, contrary to standard procedure, the EPBs were programmed to require a ballot ID number. Because of this improper programming, Mr. Burton observed that election officials were unable to finalize the check-in process using the EPBs.
- m. Mr. Burton then observed election officials recording voters’ names on a white piece of paper. The election officials included a number next to each name written. Upon further observation, Mr. Burton concluded that the election officials were initiating the check-in process on the EPBs, but when unable to finalize the check-in procedure, the election officials wrote down a number and the voter’s name on the piece of paper.
- n. Mr. Burton quickly determined a solution to the problem which merely required the election officials to enter a unique number for ballot ID number during the EPB check-in process. He recommended using the number included on the ticket provided to the voter during the check-in process to City of Richmond voters.
- o. The election officials at the Main Street precinct promptly implemented this solution and began finalizing the check-in process using the EPBs.
- p. At approximately 8:00 a.m., Mr. Burton left the Main Street precinct. He went directly to Registrar Showalter’s office. He spoke with Registrar Showalter directly and informed her that the pollbooks had been improperly programmed and provided the solution. Mr. Burton also instructed Registrar Showalter to promptly communicate this solution to the election officials at every precinct in the City of Richmond.
- q. During this meeting with Registrar Showalter, the staff member responsible for EPB deployment entered Registrar Showalter’s office. Mr. Burton asked him, “Why was the Ballot ID number option inserted into the EPB template during programming?” The staff member responded, “I apologize. I asked Registrar Showalter if I could insert this option into the [EPB] template, and she told me, ‘Yes.’” Mr. Burton responded that the Department never instructed election officials to use this feature. Further, this “ballot ID number” function was only for use in other states – not Virginia.
- r. At approximately 8:00 a.m., Governor McAuliffe appeared at Precinct 607 – Main Library, 101 E Franklin St., to cast his vote. The Governor provided his DMV-issued license and the election official asked him for an additional photo ID, contrary to state law, State Board of Elections regulations and Department of Elections Guidance

- Documents which provide detailed instructions to poll workers regarding voter identification requirements.
- s. The Department spoke with Registrar Showalter at approximately 9:30 a.m. The Commissioner reiterated that the problem with EPBs was the result of improper programming and that multiple voters had contacted the Department to report that they were unable to vote due to the EPB issues.
  - t. After being informed by Department staff that multiple voters had reported being turned away at the polls, the press attributed the following statement to Registrar Showalter: “[T]o our knowledge, [the EPB failures] did not stop voting.”
  - u. Subsequent to the conversation with Mr. Burton in which he informed Registrar Showalter that the EPBs had been improperly programmed by her staff and provided instructions to solve the problem, press reports attributed quotes to Registrar Showalter in which she claims that failure to properly program the EPBs was a result of a “new process” of the Department requiring election officials to “enter a voter ID number” in the EPBs. She continued, “We didn’t realize that was a requirement.”
  - v. At various times on Election Day, employees of the Commonwealth of Virginia attempted to use an acceptable form of identification as voter identification. However, contrary to state law, regulations of the Board of Elections and guidance documents issued by the Department, City of Richmond election officials demanded additional identification from many of these qualified voters who presented proper identification.
  - w. Intermittently during Election Day, multiple voters contacted the City of Richmond Office of Elections to complain that they were provided the incorrect ballot at their precinct.
  - x. Newspaper reports attribute Registrar Showalter to various statements regarding the issuance of incorrect ballots to voters in the City of Richmond on Election Day. These reports include statements indicating that the issuance of incorrect ballots at split precincts was the result of voter error and there was nothing her office could do to prevent such mistakes unless the State Board certified new pollbooks.
  - y. As early as 2013, the EPB vendor, in coordination with the Department of Elections, hosted EPB training for GRs, staff and election officials in Richmond and across the Commonwealth. At these trainings, the proper EPB programming procedure for split precincts was taught and reviewed. The proper programming instructions are included in various documents provided by the vendor. Multiple members of the City of Richmond Office of Election staff attended multiple trainings at which this function was reviewed.
  - z. At approximately 6:20 p.m., Mr. Gary Fox and Mr. Martin Mash were asked to obtain an update on the Richmond City election administration complaints. They phoned

Registrar Showalter to discuss the ongoing complaints received from voters and political parties during the day.

- aa. Mr. Fox shared information about the complaints, specifically the complaints regarding the incorrect issuance of ballots to voters voting at split precincts.
- bb. In response, Registrar Showalter stated, “We’re way ahead of you. We’ve known about this issue. I don’t doubt it happened... This happens in split precincts. Voters get in the wrong line after the greeter greets them and they don’t know what ballot they are supposed to have.” She stated that voters would change lines contrary to the instructions provided by the greeters. “The voter didn’t know that they received the wrong ballot. It happens all the time... If we could have our new pollbooks, we wouldn’t have this issue... This is why I hate split precincts.” Registrar Showalter noted that “Precinct workers were notified to be more careful.”
- cc. Registrar Showalter did not inform at least one of the members of the City of Richmond Electoral Board regarding election officials’ improper demand for additional identification from the Governor and other eligible voters on Election Day.
- dd. The City of Richmond has had consistent and ongoing problems with proper programming of EPBs. On multiple occasions, these problems have resulted in the City of Richmond failing to provide the list of voters in an election to the Department within 30 days of an election as required pursuant to state statute. For example, the City of Richmond failed to provide complete and timely voter lists for the following elections:
  - June 2015 Democratic Primary – 18 precincts did not close their pollbooks properly. The Department of Elections did not receive voter credit information until the court released the drives so they could properly close them and retrieve voter credit.
  - November 2014 – 12 precincts did not close their pollbooks properly. The Department did not receive timely voter credit information.
  - June 2014 Republican Primary – Richmond failed to provide credit information for Precinct 414. This failure was discovered on July 28, 2014. The Department’s subsequent review of the problem resulted in the discovery that the City of Richmond had failed to follow the instructions for proper voter credit reporting during their initial upload. The City of Richmond’s failure necessitated additional Department resources to address and resolve the issue.

The Board, in discussing these issues, stressed that the focus should be upon the lessons learned and plans for corrective actions that might help other localities avoid similar mistakes in the future.

The next scheduled meeting of the Board is Friday, January 8, at 10:00 a.m. in House Room C of the General Assembly Building on Broad Street, Richmond, Virginia 23219.

The General Registrar and the members of the Electoral Board should plan to attend the meeting. Staff members involved in EPB management and programming of the electronic pollbooks should also attend so that technical questions by the Board members may fully addressed.

We appreciate the high level of cooperation we have received from your staff in keeping us updated about your efforts to address this situation.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Howard".

Elizabeth L. Howard  
Deputy Commissioner

cc: Members of the State Board of Elections



James Alcorn, Chairman  
Clara Belle Wheeler, Vice Chair  
Singleton B. McAllister, Secretary  
Virginia State Board of Elections  
1100 Bank Street  
Richmond, VA 23219

January 7, 2016

Dear Mr. Alcorn, Dr. Wheeler, and Mrs. McAllister:

We write to express our support for the State Board of Elections' ("SBE") effort to address the concerns raised regarding the administration of November's election in the City of Richmond. The reported concerns include: (1) Voters who were turned away at the polls and polls that were opened late due to incorrectly programmed electronic poll books; (2) Voters who received the wrong ballot at split precincts; and (3) Election officials that improperly requested additional identification from multiple voters, including Governor McAuliffe, when they appeared in person to cast a ballot.

Unfortunately, the issues that we saw in November are not an anomaly. The administration of elections in the City of Richmond has been a longstanding problem, with glaring shortfalls in poll worker training, equipment maintenance, and completeness of poll books. The Democratic Party of Virginia ("DPVA") and the Richmond Democratic Committee expressed its concerns to the Richmond Registrar and Electoral Board on multiple occasions in 2015 and was disappointed with the response. We are gravely concerned about the lack of transparency in the election administration's operations that has left so many important questions unanswered. This is an urgent and paramount issue that calls into question the fundamental right to vote – the single most important right we hold as Americans, and the public deserves to know why some voters in Richmond experienced issues exercising that right.

To solve these problems, it is imperative that the Registrar and the Richmond Electoral Board first acknowledge that the problems exist and implement procedures to address them in advance of the 2016 elections. Only by opening its doors to the public will the Board receive the input and accountability necessary to ensure voters are able to exercise the most sacred of their constitutionally guaranteed rights in 2016 without fear of being improperly turned away, or not having their vote counted correctly.

Below we have provided some examples of issues with election administration in the City of Richmond that the DPVA has collected in the last several elections. We hope that the data may provide some recent historical context and be of use in your discussions.



## **A. Training Issues**

- In 2015 and 2014, we received reports that voters' photo IDs were improperly challenged, particularly in instances when the address on the photo ID did not match the voter registration address.
- In 2015, election workers were incorrectly checking in individuals by first asking for their names and if their addresses had changed rather than asking the voters to state their names and addresses.
- In 2015, we were able to confirm several instances of voters being provided with the wrong ballot in split precincts. Some voters had to identify their residence on a map so the election officers could determine which ballot to provide. This led to human error and substantial delay.
- In 2015, voters were turned away and told to come back to at least two precincts at another time due to the broken electronic poll books.
- In 2012 and 2014, we received multiple reports of voters who were not provided with provisional ballots as required by federal law.

## **B. Machine Issues**

- In 2015, we received numerous reports that electronic poll books across the city were not working properly. We later learned that this was due to incorrect programming. Additionally, election workers with poll book issues in their precincts were unable to quickly reach the City of Richmond Registrar for guidance. The DPVA was also unable to reach the City of Richmond Registrar to report the problems.
- In 2014, there were widespread machine issues across the city due to the age of the voting machines.
- In 2012, voting machines were sent to the wrong precincts. Voting machine tags in the precinct did not match the inventory, causing significant delay in the opening of the polls.

## **C. Incomplete Poll Books**

- In 2012, 2013, and 2015, we saw issues with voters who had changed their registration not appearing in the poll book. In 2015, when reporting these issues to an election officer, one of our poll workers was informed that there have been some human errors in the past that have prevented re-registrations from appearing in the city.



- In 2012 and 2013 the DPVA engaged in widespread voter registration efforts, particularly on college campuses. In both years, the DPVA saw reports of Virginia Commonwealth University (“VCU”) students showing up to the polls with new, valid voter ID cards that listed the specific precinct where they appeared as their polling place. However, the poll workers in those precincts were unable to find their names in the poll book. In addition, other VCU students who had registered with the school never received their voter registration cards, and were also not listed in the poll books at their precincts.
- In 2012, voters – primarily new registrants – were called into the registrar individually in some precincts to verify their identity.

These incident reports are a representative sampling of the issues with election administration in the City of Richmond that the DPVA has recorded in recent elections.

Our hope is that this meeting will shed light on the issues that have occurred in Richmond, not only this year, but also in years past, that have resulted in Richmond citizens encountering serious problems while trying to exercise their right to vote.

Very truly yours,

A handwritten signature in black ink that reads "Susan R. Swecker".

Susan R. Swecker  
Chairwoman  
Democratic Party of Virginia

CC: Edgardo Cortes, Commissioner of the Department of Elections; Rebecca Slutzky, Executive Director of the Democratic Party.

# City of Richmond



DWIGHT C. JONES  
MAYOR

January 9, 2016

State Board of Elections  
James Alcorn, Chairman  
Clara Belle Wheeler, Vice Chair  
Singleton B. McAllister, Secretary  
1100 Bank Street  
Richmond, VA 23219

Dear Members of the State Board of Elections:

This November we are anticipating a record number of voters as Richmonders head to the polls to elect a President, Vice President, Members of Congress, a Mayor, City Council, and School Board. We saw this in 2008 and 2012, and I expect a similar turnout this November. We need to be prepared.

However, based on reports from the 2015 state legislature elections, we may not be ready. I want to voice my concern over how voting issues that surfaced during Election Day, November 3, 2015 were handled. Throughout the day as well as for weeks after, I heard from voters who found it difficult to vote. I received complaints about incorrect information presented to voters by insufficiently-trained election officers. I heard about voters who were being turned away from the polls that were opened late due to incorrectly programmed poll books.

More disturbingly, I also read in news reports about voters who received the wrong ballot at certain precincts, as well as election officials improperly asking for additional ID when it was not required. This even happened to the Governor and First Lady of Virginia. If this is the experience of Virginia's First Family, how much more widespread could it be? These accounts and experiences voting are simply unacceptable.

Public trust in our voting system is a sacred pledge we make in our democracy. If these accounts of voter displeasure can happen in an election where turnout was low, it does not bode well for an election where turnout will be extremely high. This would result in long lines, voter confusion, and a significant amount of disenfranchised voters. I firmly believe that we need to have elections that encourage participation by all, and from reports this past November, we have a lot of work to do.

I am concerned that without proper training and oversight, we will experience the same problems that we experienced in 2015 in the City of Richmond.

Therefore, to encourage transparency and openness, I encourage Richmonders to attend meetings of the Electoral Board. I will be sending out regular communication to the public at large on when the Richmond Electoral Board will be meeting as provided by the Registrar's office. I anticipate finding additional office space at City Hall to accommodate increased electoral activity and in the weeks ahead, will work to increase participation in Election Day poll workers. I would encourage all Richmonders to come to these meetings and voice any concerns and ideas they may have in order to help make the elections run as smoothly as possible.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Dwight C. Jones". The signature is written in a cursive style with a horizontal line above the first name.

Mayor Dwight C. Jones  
City of Richmond



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Prince William County Recap

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BOARD WORKING PAPERS  
Edgardo Cortés  
ELECT Commissioner



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ELECTIONS

Edgardo Cortés  
Commissioner

Elizabeth L. Howard  
Deputy Commissioner

October 20, 2015

Michele L. White, VREO  
Director of Elections, Prince William County  
9250 Lee Ave, Suite 1  
Manassas, VA 20110

Dear Director White:

You have asked whether the local electoral board should adopt a policy that requires verification of the signature on Envelope B to the signature contained on the voter's registration (alpha) card. I strongly urge the electoral board not to proceed with this ill-advised plan of action. The Code of Virginia provides no authority to make signature comparisons as a prerequisite to counting a properly completed absentee ballot. Imposing such a requirement could violate state and federal law prohibiting unequal treatment of voters and denying votes for errors or omissions not material to determining the voter's eligibility. Requiring additional scrutiny of certain absentee ballots based solely on the method the voter selected for submitting a properly completed absentee ballot request is potentially a violation of the Constitution of the United States, the Constitution of Virginia and various other state and federal laws, regulations and policies.

Section 24.2-706 expressly prohibits challenging returned absentee ballots which have the envelope B voter statement properly completed and signed:

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.

This prohibition is restated in § 24.2-651. No existing statute, State Board of Elections policy or regulation, or Department of Elections guidance supports a requirement to compare signatures before counting a voted absentee ballot.

As stated in my communication of October 9, 2015, particular cases presenting concern about potential violation of election laws should be referred to the Commonwealth's attorney under § 24.2-1019 with reference to Chapter 23 of the Handbook for guidance:

<https://voterinfo.sbe.virginia.gov/GREBHandbook/Docs/2015+Chapters/Chapter%2023%20Election%20Offenses.pdf>

Sincerely,

A handwritten signature in black ink, appearing to read "Edgardo Cortés", written over a horizontal line.

Edgardo Cortés

-----Original Message-----

From: Howard, Elizabeth (ELECT) (ELECT) <[Elizabeth.Howard@elections.virginia.gov](mailto:Elizabeth.Howard@elections.virginia.gov)>

To: mwhite <[mwhite@pwcgov.org](mailto:mwhite@pwcgov.org)>; tonyguiffre <[tonyguiffre@aol.com](mailto:tonyguiffre@aol.com)>; lawoffices <[lawoffices@jmreynoldspllc.com](mailto:lawoffices@jmreynoldspllc.com)>; kscarborough <[kscarborough@ana.net](mailto:kscarborough@ana.net)>

Cc: Cortes, Edgardo (ELECT) (ELECT) <[Edgardo.Cortes@elections.virginia.gov](mailto:Edgardo.Cortes@elections.virginia.gov)>; Mash, Martin (ELECT) (ELECT) <[Martin.Mash@elections.virginia.gov](mailto:Martin.Mash@elections.virginia.gov)>

Sent: Tue, Nov 24, 2015 2:26 pm

Subject: Request to Appear at State Board Meeting on December 16, 2015

Electoral Board Members and General Registrar White –

Please see the attached Request to Appear at the State Board's next regularly scheduled meeting on December 16, 2015 at 10 a.m.

Sincerely,

Elizabeth L. Howard  
Deputy Commissioner  
Virginia Department of Elections  
1100 Bank Street  
Richmond, VA 23219  
(804) 864-8904



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ELECTIONS

Edgardo Cortés  
Commissioner

Elizabeth L. Howard  
Deputy Commissioner

November 23, 2015

Chairman Guy Anthony Guiffré  
Vice Chair Jane M. Reynolds  
Secretary Keith A. Scarborough  
General Registrar Michele White  
VIA EMAIL

Re: Request to Appear Before State Board of Elections

Dear Electoral Board Members and Registrar White:

As you know, the Virginia Department of Elections (the “Department”) was recently notified of alleged actions undertaken and directed by Prince William County Electoral Board Chairman Guy Anthony Guiffré which, if true, may constitute serious violations of federal and state law. State Board of Elections (“State Board”) Chairman James Alcorn has been notified of these allegations and has requested additional information. The Department plans to provide the requested information to the State Board at its next regularly scheduled meeting on December 16, 2015.

In order for the Department to provide an update of this situation to the State Board, please provide the following information no later than Friday, December 4, 2015 at 5:00 p.m.:

- 1) Confirmation of the following:
  - a. Mr. Guy Anthony (“Tony”) Guiffré is the Chairman of the Prince William County Electoral Board.
  - b. On October 20, 2015, Prince William County General Registrar (“GR”) Michele White submitted the following question to the Department of Elections: “Should the voter’s signature from the Ballot B envelope [returned absentee ballot envelopes] be verified against the voter’s registration card? Please cite the code where this applicable.”
  - c. Subsequent to receiving the response by the Department noting that conducting signature verifications on select returned absentee ballot envelopes may constitute violations of federal and state law, the Prince William County Electoral Board

voted against conducting signature verification procedures on any returned absentee ballot envelopes at its public meeting on October 20, 2015.

- d. On Election Day, November 3, 2015, Mr. Guiffre instructed staff at the Central Absentee Precinct (“CAP”) to segregate and retain the empty return absentee ballot envelopes in which voters who submitted an absentee ballot application with an electronic signature returned their absentee ballots (“Empty Return Absentee Ballot Envelopes”).
- e. Mr. Guiffre subsequently instructed that these materials should not be delivered to the Clerk of Court with all other election materials that were delivered to the Clerk pursuant to statute.
- f. GR Michele White scheduled personal vacation time for November 16 – 17, 2015.
- g. During GR White’s absence, Mr. Guiffre selected four individuals (the “Four Individuals”) and “deputized” them.
- h. This “deputiz[ation]” process involved the Four Individuals signing an Officer of Election Oath.
- i. This Oath is typically only administered to Officers of Election who serve solely on or shortly before Election Day and whose names have been published on the Prince William County Office of Elections’ website.
- j. Neither the GR nor the two additional members of the Prince William County Electoral Board were notified that these individuals were selected by Mr. Guiffre or “deputized” beforehand.
- k. Dissimilar to the names of all other Prince William County Officers of Election, the names of these individuals have not been posted on the Prince William County Office of Election’s website or otherwise been made public.
- l. Mr. Guiffre and the Four Individuals entered the Prince William County Office of Elections (the “Office”) during GR White’s absence on November 16, 2015.
- m. The Prince William County Electoral Board concluded the canvass of the November 3, 2015 election prior to November 16, 2015.
- n. While in the Office, Mr. Guiffre retrieved the Empty Return Absentee Ballot Envelopes.
- o. Mr. Guiffre did not obtain authorization to access these election materials from the State Board of Elections.
- p. Mr. Guiffre did not obtain authorization to access these election materials from the Prince William County Electoral Board.
- q. Mr. Guiffre did not have a court order to inspect these election materials.
- r. Mr. Guiffre provided these Empty Return Absentee Ballot Envelopes to the Four Individuals.

- s. Mr. Guiffre instructed staff members of the Prince William County Office of Elections to retrieve the voter registration applications of the voters whose empty absentee ballot return envelopes he had provided to the Four Individuals.
- t. No personal identifying information (“PII”), including the voter’s social security number and birthdate, was redacted from these voter registration forms.
- u. These voter registration forms were provided to the Four Individuals by Mr. Guiffre.
- v. Mr. Guiffre did not notify the state political parties, the local political parties or any independent candidates who appeared on the November 2015 ballot that this inspection was to take place at any time prior to inspection.
- w. Mr. Guiffre and the Four Individuals reviewed the voter registration forms and matched the voter registration forms to the information included on the outside of the Empty Return Absentee Ballot Envelopes.
- x. Mr. Guiffre and the Four Individuals conducted a signature verification process in which the signatures on the voter registration forms were compared to the signatures on the Empty Return Absentee Ballot Envelopes.
- y. No representative of any political party was present during this process.
- z. Upon learning of Mr. Guiffre’s alleged actions, Prince William County Electoral Board Secretary Keith Scarborough called an Emergency Meeting of the Prince William County Electoral Board on November 20, 2015.
- aa. At this board meeting on November 20, 2015, the board immediately went into executive session.
- bb. No minutes were taken at this meeting.

If any of the statements above are inaccurate, please provide the correct information.

- 2) Names, addresses and contact information of the Four Individuals.
- 3) Description of the Prince William County Electoral Board’s plan in response to the allegations.
- 4) Any additional relevant or noteworthy information related to the above alleged conduct.
- 5) Description of actions taken in response to a formal complaint submitted to the Prince William County Electoral Board on September 23, 2015, alleging that voter fraud may have occurred when an individual identified as “Tony Guiffre” submitted an absentee ballot application.

The next scheduled meeting of the Board is Wednesday December 16, 2015, at 10:00 a.m. in House Room C of the General Assembly Building on Broad Street, Richmond, Virginia 23219.

At least one member of the Electoral Board should plan to appear and address the Board. The General Registrar or a staff member is also encouraged to be present to respond fully to technical questions the Board members may have.

We appreciate the high level of cooperation we have received from your staff in keeping us informed of this situation.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Elizabeth L. Howard  
Deputy Commissioner

cc: James Alcorn, Chairman  
Clara Belle Wheeler, Vice Chair  
Singleton McAllister, Secretary

## Democrats accuse rogue elections official of compromising voter privacy

By **Jenna Portnoy** December 1

RICHMOND — Election officials in Prince William County this week asked the Commonwealth’s attorney to investigate one of their own.

They say Guy Anthony Guiffré, a member of the county electoral board, might have broken state and federal laws in his quest to determine whether someone improperly used technology to impersonate voters in last month’s election.

At issue is a state rule that says a voter can apply for an absentee ballot online using an electronic signature instead of the old-fashioned way — with paper and pen.

ADVERTISING

Guiffré, a Republican, says the system opens the door to fraud. To prove it, he recruited four friends — while the county’s registrar was away — to inspect 151 absentee ballot documents and registration records laden with Social Security numbers and other personal information. In doing so, Democrats say, he compromised the meticulous process used to handle ballots, usurped his authority and violated voter privacy.

“It’s my obligation as an individual electoral board member to make sure if I see something that looks extremely suspicious to do something about it,” he said.

State election officials, the two Democrats on the county’s electoral board and the registrar don’t see it that way.

In a letter last week, the office of Virginia Elections Commissioner Edgardo Cortés said that Guiffré’s actions “may constitute serious violations of federal and state law.” County officials were summoned to the state elections board’s next meeting on Dec. 16.

In response, Keith A. Scarborough and Jane M. Reynolds, both members of Prince William’s electoral board, and County Registrar Michele L. White referred the matter to the Commonwealth’s attorney and alerted the state attorney general.

The dispute is the latest episode in a debate that started this summer when House Speaker William J. Howell (R-Stafford) set up a secure Web site to make it easier for voters to request absentee ballots electronically.

The site — which utilized electronic signatures instead of pen and ink — raised the ire of Howell’s primary opponent but didn’t catch fire until Sen.-elect Scott A. Surovell (D-Fairfax) started to have success with a similar Web site.

Going door to door, he claims to have helped 900 voters request absentee ballots, while the Stafford registrar has said Howell’s site yielded just 17 requests. The volume of Prince William applications alerted elections officials — and political operatives.

Bill Card, chairman of the Prince William GOP, said he worried that the technology could have unintended consequences and encourage abuse. He called Surovell’s system “certainly not illegal but unwholesome.”

Surovell called the effort “voter intimidation in its purest form.” “These kinds of tactics are straight out of the Republican National Committee voter-suppression handbook,” he said.

Tram Nguyen, co-executive director of New Virginia Majority, said the integrity of elections depends on voters having confidence in elections officials’ integrity.

“These are serious allegations against an electoral board chair that the Commonwealth’s attorney must investigate in earnest and with greatest transparency,” she said.

In the meantime, Guiffré said he can’t understand what all the fuss is about when he’s simply seeking fairness.

After the Nov. 3 election, he made sure that absentee ballot envelopes were not sealed at the clerk of court’s office, per protocol, and instead kept separate in the county office, according to the state’s letter. About two weeks later, he and four Republicans, whom he had deputized using the same oath poll workers take, went to the office while the registrar was absent — a situation Guiffré calls a coincidence.

The group — who had no training in handwriting analysis — compared the envelopes with registration records and made photocopies. Then, Guiffré said, he told staff that an inch-and-a-half-thick stack of copies could be destroyed.

This isn’t the first time Guiffré, an accountant, has launched his own study. Earlier this year, he said he applied for absentee ballots online no less than four times as a test.

The result? “I found out it works pretty crappy and it needs to be changed,” he said.

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Jenna Portnoy covers Virginia politics for The Washington Post.

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## PRINCE WILLIAM COUNTY ELECTORAL BOARD MINUTES

September 17, 2015

**CALL TO ORDER** The Prince William County Electoral Board met on September 17, 2015, at 2:07 pm in the Office of Elections conference room. Attending the meeting were EB members Chairman Guy Anthony Guiffre, Vice Chairman Jane Reynolds and Secretary Keith Scarborough.

**CITIZENS' TIME** No visitors were present.

**MINUTES** Secretary Scarborough moved and Vice Chairman Reynolds seconded that the Minutes for the August 13 meeting be approved as written. Chairman Guiffre declared the Minutes be adopted as written.

### **NEW BUSINESS**

**ELECTION OFFICERS' UPDATE** Election Officer Coordinator Gambrill presented a list of 18 new Election Officers (EOs) for approval to the EB. An additional 38 on the list had already been accepted by the EB through email. A motion was made by Secretary Scarborough and seconded by Vice Chairman Reynolds that the list be accepted as presented for the term through February, 2017. Chairman Guiffre accepted the list approved by unanimous vote. He requested that she send them the list by email. EOC Gambrill reported that she had had 60 cancellations; 25 of these remain to be filled. For the November election, there will be approximately 775 EOs used. The EO Manuals are being printed. The after-election midnight survey will include the questions, "Did you use the Manual?" and "Are the books worthwhile?"

**FUTURE VREO CERTIFICATION** The content of the past VREO classes was discussed. A motion was made by Chairman Guiffre and seconded by Secretary Scarborough that the Electoral Board not support funding for anyone going to the VREO certification classes. The motion passed unanimously.

**ELECTRONIC SIGNATURES ON ABSENTEE BALLOT APPLICATIONS** The EB discussed the format of the electronic signatures that are appearing on the absentee ballot (AB) applications. Director of Elections White distributed a letter from Tracy Gordon. Chairman Guiffre wants all ballots produced in response to an electronically-signed application to be set aside as Provisional to be considered by the EB after the election. The EB members agreed that they were not opposed to electronically-signed documents, only to non-verifiable ones. The issue will be discussed at the next EB meeting. Chairman Guiffre will send a letter out to the whole GR-EB membership list discussing the issue.

**FY17 BUDGET** Director of Elections White turned in the budget numbers to the County Budget Committee. The Budget Congress meets next week when she will defend her proposed budget. EB wants copies of what was sent to the County for the budget.

**L&A TESTING FOR NOVEMBER ELECTION** DoE White explained that the process went well, thanks to the organization by Equipment Specialist Wilson and EO Trainer Mulligan.

### **WAREHOUSE UPDATE**

**Security System** DoE White has gotten one quote on a security system. When one is chosen, we will have to see if it portable and also usable somewhere else.

**Equipment Delivery on Election Day** Chairman Guiffre and Equipment Specialist Wilson are working on this item. Chairman Guiffre has a client who could transport the equipment. He will have to rent the trucks. The office will need to provide maps, a routing for the trucks to each precinct and dimensions of the cages. They

will need 16' box trucks with lift gates. We will probably need six trucks to get the delivery done in one day. An EO will be needed to ride along in each truck.

Electronic Pollbooks The new EPBs have been ordered.

### **VOTER RESTORATION OF RIGHTS PROGRAM**

Administrative Manager of Elections Dutton discussed her telephone conversation with Anita White concerning the Restoration of Rights Program. Ms. White's sorority proposed holding the informational program as an outreach program. When she realized the date they had chosen conflicted with the celebration of the Voter Rights Act of 1965, they decided to reschedule, perhaps in December. Ms. White had also wanted to combine the program with a Third Party Voter Registration outreach event with participation from our office.

### **THIRD PARTY VOTER REGISTRATION TRAINING PROGRAM**

DoE White explained that there had not been time this fall to organize and conduct a training program. It is available online through the Virginia Department of Elections as a self-contained training module, complete with an ending test. The names of those who pass are compiled on a list so that they are able to pick up more than 50 Voter Registration Applications, if they are available. Secretary Scarborough suggested that July, 2016, would be a good time to offer the training for next year's election.

### **VOTER OUTREACH**

Booklet DoE White has not had time to revamp the booklet after the last discussion, and she does not think it can be produced in time for this year's election.

Video That Ran Before Primary Election Ask Jason Grant to start running the video again.

BOCS Newsletters Ask BOCS members to include information about the new voting equipment in their newsletters.

**PAGE PROGRAM** Judy Anderson from the League of Women Voters is coordinating the Page Program. Page applications will be picked up on September 21 from Jeff Girvan, Supervisor of History and Social Science for PWC Schools.

**STAFFING** Jonathan Alvarez, Supply Specialist, will be starting September 21. Two Assistant Registrars, Shayna DeBruce and Kristin Love, will begin September 28. The advertisement for the Communications Specialist started September 16. The position for an Equipment Coordinator has been advertised. Amy Gambrell's and Cynthia Martinez's positions have been upgraded.

**PURCHASE OF TABLETS** Chairman Guiffre said we would not buy the tablets this year.

### **STAFF REPORTS FOR BOCS**

Moving the Ashton Precinct to the Ben Lomond Community Center

Adding another in-person absentee voting location at the Ferlazzo Center

Granting flexibility in locating the Central Absentee Precinct

AEM Dutton explained that the Staff Reports were due in the office of the Clerk of the BOCS on Monday, September 21. If approved, the items would be on the October 6 Agenda for the BOCS to set a date for a public hearing for each of the items.

### **STUDY OF WAIT TIMES AT THE ELECTION**

Chairman Guiffre is interested in pursuing this study at three to five precincts for the November, 2015 election. For the Presidential Election, we would use more precincts. Secretary Scarborough suggested that it could be asked at the Chief Officer training if anyone is interested in assisting with this.

**SUBPOENA** DoE White was served with a subpoena during the EB meeting for the case involving voter identification. Chairman Guiffre explained that Kirk Showalter from Richmond is organizing a conference call for Registrars who have been served with the possibility that they all seek counsel from a single entity, rather

than using a different counsel from each locality. DoE White was directed to send a digital copy of the subpoena to each EB member as well as to County Attorney Jeff Notz for his review and comments.

**REDISTRICTING LAWSUIT(S)** Secretary Scarborough discussed possible outcomes of the redistricting lawsuits and how they might affect our office.

**POLLCHIEF** There was a brief discussion about PollChief and Konnech. The EB would like a demonstration about Poll Chief at an upcoming meeting.

**WEBSITE** DoE White said she will have the information on our website about finding a voter's polling place rearranged on the website page so that it is more visible and easier to find. Currently one has to scroll all the way to the bottom of the page.

**PLAN FOR NEXT MEETING** It was decided that the EB would meet at one of the upcoming training sessions, perhaps for dinner meeting before a Chief Officers' training program. No specific date was chosen.

**ADJOURNMENT** The meeting was adjourned at 5 pm.

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Guy Anthony Guiffre  
Chairman

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Jane M. Reynolds  
Vice Chairman

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Keith A. Scarborough  
Secretary



## PRINCE WILLIAM COUNTY ELECTORAL BOARD MINUTES

October 7, 2015

**CALL TO ORDER** The Prince William County Electoral Board met on October 7, 2015, at 7:10 pm in the Historic Manassas Courthouse. Attending the meeting were EB members Chairman Guy Anthony Guiffre, Vice Chairman Jane Reynolds and Secretary Keith Scarborough. The Chairman called the meeting to order and explained that this was a meeting called to address a couple of very important issues.

**CITIZENS' TIME** Chairman Guiffre asked that anyone who wished to speak to please sign the Sign-In Sheet. Chairman Guiffre asked that anyone who had comments on the first issue, Incorrect Candidates Names on Ballots, wait until discussion of that issue. He then asked if anyone was here to address any other issue. Mr. Rokey Suleman said that he would have comments on that issue and other issues of the agency. Chairman Guiffre said that he would have three minutes to speak and could also talk with them after the meeting. Mr. Suleman asked if that discussion would be in open session or closed.

**MINUTES** With agreement from the other Board members, the Chairman deferred approval of the minutes from the September 17 Board meeting until the next meeting.

### **NEW BUSINESS**

#### **INCORRECT CANDIDATES NAMES ON NOVEMBER 3, 2015, BALLOTS**

Comments were taken from the audience:

**Rokey Suleman** Significant issues have been brought to his attention over the last several months regarding administration of the agency, culminating in the misstep of incorrect names on the ballots. People have a right to know that I was terminated from here, and I have kept in contact with others since that time. Over the last six or seven months people have talked with me and have been concerned with the way things are being administered regarding elections. You have a vendor who is seriously concerned that you are not capable of handling this election. There is an EPB vendor who is saying that your voting machine vendor is telling everyone you are not prepared for this election and is frightened of failure. I held my tongue when the Hart system was put on hold this year. I held my tongue when a staff member was fired for giving incorrect ballots to voters. I held my tongue when a voter was given a second ballot and, therefore, two ballots were voted for that incidence. That is a horrific breach of protocol. I held my tongue when I found out that this agency was contemplating violating federal law by not programming voting equipment to kick back overvoted ballots. People at the state have come to me and said there are serious issues. This has culminated with lack of oversight and proofing of your ballots. You have serious administrative issues that the Board must take into consideration.

**Earnest Porta** I am the Democratic candidate for the Occoquan seat on the Board of County Supervisors. When I first saw the ballot, I noticed that my name was listed incorrectly on it. It should have been Earnie W. Porta, Jr., because "Earnie" is how everyone knows me. I had completed the form properly within the amount of space allotted. Initially I wanted to have the ballots corrected. I had not been notified by staff of the change. But then I realized that it would cost \$80,000 to \$100,000 for the change; I could not ask taxpayers to pay for this change. Signs at the polling places would not work, either. It is unfortunate that this happened, but I do not want to fix the problems. The staff has been very responsive and clear about the problems.

**Bill Card** Honestly, I just signed the roster for my attendance, not to speak. I have talked with the candidates and I echo Mr. Porta's assessment. No one is asking the taxpayers to sustain the burden of \$80,000 to \$100,000 to fix this.

**Carmella Foreman** I signed the sheet for my attendance.

**Marty Nohe** My name, Martin E. "Marty" Nohe, will appear properly on the ballot. I am also here representing Michael C. "Mike" May. I do not see any reason to pay that much money to fix a problem that will not have an effect on the election. That being said, we do not think this is meaningless. One thing that almost any American can agree on is that there is the orderly holding of elections in which any citizen can stand in front of his

neighbors and ask them to vote. This is a sacred trust, and every government employee, whether it be a police officer, social worker or serving on the Board of Elections, has to do two things: to conform with the law and be a responsible steward of the taxpayers' money. In this case, unfortunately, we are not conforming with the law. The law calls for a certain way the names are to appear on the ballot, and the candidates have discretion in that manner. However, in being a responsible steward of the taxpayers' money, it does not seem reasonable to spend this large sum. But we do seem to think there is some need to mediate the harm. If "Marty" were left out of the listing, there would be only a small impact. However, if it said "Mary," the impact would be much greater. I feel that some sort of notification to voters would be appropriate whether it be in the voting room hallway or in the newspaper. The staff, the Electoral Board, the State Board of Elections and the candidates should follow the letter of law. Also, candidates should not have to spend time explaining to voters about the errors. My last observation to be made that I think it is important is that it has been suggested that a front line employee made an error. You need processes to check and double check the names. No one individual should take the blame. Fix the process.

Harry Wiggins Chairman of the PWC Democratic Party. No candidate is happy when the ballot is not as it should be. However, we should not spend \$100,000 to change the ballots. Voters will not read the signs in the polling place; therefore, they are of no value. Whatever is decided, do so expeditiously. We are trying to print sample ballots for the election. Do not modify names at this point. This is not a failure of one person; rather an institutional failure.

Kimball Brace I simply signed up for attendance.

Chairman Guiffre recognized Kim Brace and Rokey Suleman as two former short-time General Registrars for this office. He further noted that there are three of the GRs present who have served PWC in the last two-year period.

Gerald Foreman Chairman Guiffre received a voice mail message from Mr. Foreman that was complimentary of office staff.

### **FURTHER DISCUSSION OF ISSUE**

Chairman Guiffre stated that the issue came to the Board's attention and grew from there. They did not start out by pointing fingers. They took the issue very seriously and listened to the complaints, made suggestions and tried to fix the issue. They sought legal advice from the Virginia Department of Elections as well as from the County Attorney's office. They were treading on thin ice. At this point, the absentee ballots had been issued; it was realistically too late to reprogram all the voting machines; and the Cities of Manassas and Manassas Park would also be affected. The Office of Elections had failed the candidates and voters by not printing the names as they should have. We fully understand how it happened and have instituted new processes and procedures.

Secretary Scarborough agreed with Chairman Guiffre. A serious mistake was made, but we did not leave off the complete name; the printed names were close. The initial inclination was to reprint the ballots because we understand the effort the candidates make for name recognition. Research showed the steps necessary would have a significant cost. When making the legal checks, more potential issues were raised. The logistics, the cost and the legal issues led us to conclude that there would be more serious legal problems than if we were to proceed using the ballots as printed. I was open to using printed signs if the candidates thought that would be helpful. However, the County Attorney said there are potential issues in the wording of the signs—we would be highlighting one candidate over another.

The Electoral Board apologizes that the issue came up. All of the Board members take seriously the accuracy and integrity of the election. We are disappointed that we have fallen short on what should have done.

Vice Chairman Reynolds stated that the Board must notify the candidates of any proposed changes in advance before moving forward on ballots. She further stated that we will remedy the problem.

Director of Elections White said she had printed a statement to distribute. She is committed to second pair of eyes reviewing everything. Everyone will see the paperwork for the ballots in the future. She will handle it herself with the Electoral Board.

### **MOTION**

Secretary Scarborough moved that the Electoral Board proceed to use the ballots as currently printed.

Vice Chairman Reynolds seconded the motion.

Chairman Guiffre called for the vote. The motion passed unanimously.

The Electoral Board and Office of Elections will continue to use the ballots as currently printed.

**DIRECTIVE** Chairman Guiffre issued a Directive to the Director of Elections to continue on with the process in place with no more errors and to make no changes to the voting process established at this point in time.

Chairman Guiffre offered a solution to handling questions that might arise on Election Day. In the Friday Night Letter that he authors to the Chief Officers, he would let them know how the candidates actually wanted their names to appear on the ballot in case a question is raised. They would then have the knowledge to answer questions. The Electoral Board would also discuss this more at a later date.

He again recognized Gerry Foreman for his immediate response to the letter and for his complimentary comments about how he has always been treated as a candidate. Chairman Guiffre said that even though mistakes are made, the staff goes way beyond what is necessary to help candidates and voters. He had been talking to the Chief Officers in the training classes. He asked them if anyone knew what the Electoral Board is and what it does. One former employee framed it exactly when he said, "The Electoral Board is the body that takes responsibility for the mistakes the staff makes." We will try to do our jobs better. No personal service will be lessened for the candidates. We appreciate that the candidates are not asking us to go way beyond to fix the problem.

Bill Card Mr. Card made the observation that, when they were looking for voting equipment to use for their firehouse primary, they had not known until that time how much it cost to print ballots. The ballots are individually printed and have a separate pdf for each one. He said it would be financially beneficial for the taxpayers to challenge the vendor to drive down the cost of ballots. He surmised that it will cost more than \$100,000 to print ballots for the 2016 Presidential Election next year.

Rokey Suleman commented that there is no reason why the printing of ballots cannot be publicly bid because there are organizations or businesses that will do that. Chairman Guiffre warned that there would not be conversations between audience members.

Marty Nohe questioned about the legal references. Had they checked with the Attorney General's office, the County Attorney or whom. Chairman Guiffre responded that the responses had been from attorneys with the Virginia Department of Elections and the County Attorney's office.

Question from Audience Will there be a decision tonight about notification?

Chairman Guiffre said that any changes to tonight's discussion will be sent to candidates. There were five candidates who had errors on the naming.

Earnie Porta He said he agrees with the Election Officer letter and does not want a press release.

### **ELECTRONIC SIGNATURES ON ABSENTEE BALLOT APPLICATIONS**

Director of Elections White said that the total number of ballots issued to requestors with electronic signatures is 584; 52 of those ballots have been returned. Of the 569 regularly-signed AB Applications, 109 have been returned. In VERIS, ELECT has added an online AB Application. If a voter chooses to vote absentee using the online application, the application will go into a hopper. If the voter uses a candidate's website, the application comes from the candidate into the Absentee Email Box.

The Director of Elections asked the Board members how they wanted the staff to proceed with the ballots with electronic signatures.

Chairman Guiffre explained that there is a controversy on whether the typed signatures are verifiable signatures. He said that the *Virginia Code* requires that the person applying for the ballot has to be the voter. The person submitting the ballot has to be the voter. With the signatures on the two forms (AB Application and Ballot B Envelope) and the signature on the voter registration card, we could verify if the signer is the voter. He further stated that, back a few years, they looked at a few signatures with a liberal eye and witnessed that some signatures had the name spelled incorrectly. There were only a few of those so they did not worry. They assumed that a parent was trying to help a child receive a ballot. Their current concern here is the electronic nature of the signature. In PWC one candidate has sent us over 500 applications with the typed signature. Having a little knowledge about electronics and computers, it would be easy to set up a procedure to automatically request and have ballots sent to unknowing individuals. Chairman Guiffre is also concerned that not all the candidates were aware of this capability, so there was an advantage to one candidate over another. He said that a candidate could walk up to house and say, "Do you want to support me? Push this button. The ballot will be automatically sent." He has received reports from other candidates that have seen that every house on a block has gotten an application. He is concerned that we cannot verify that voter's signature. He is not questioning the integrity of candidates who are doing this. He feels there is no way of tying the typed signatures

to the individuals who will be receiving the ballots. Of the 500+ people with ballots, the VERIS record shows ballot as issued. On Election Day these people will show on the EPB as having an absentee ballot issued, unless they have returned the ballot. Some of these voters may forget they did this. They go to polls and are marked as having received an absentee ballot. If they do not have the ballot in hand, they must vote provisionally. The Provisional Ballots go the Board on the day after election. When the ballot is returned to the office, it is entered in VERIS as "marked." If the voter goes to the polls and says he did not send in ballot, he will vote provisionally.

Rokey Suleman commented that the Provisional Ballot just will not count because records show that the ballot has already been returned and the voter will not have the ballot in hand. Chairman Guiffre responded to Mr. Suleman, "Rokey, please do not interrupt with this because you are probably behind some of this nonsense. This is really serious."

If you have 52 ballots returned, 25 of these individuals may show up at the polls and vote provisionally. They come to us to decide. How are we going to accept those second ballots we are getting? And these are the people who come to the meeting and tell us that we know nothing of the absentee ballot you are talking about. Who are you going to believe—the absentee ballot that has no verification on it or the person who is voting provisionally and is before you with his driver's license?

Rokey Suleman If I may jump in here. You have the ballot received; it is physically signed by the voter when it is returned, so if he votes provisionally, it will not count. If you do not have a physically signed ballot in hand, the Provisional Ballot would count. I do not see what the issue is here and am kind of confused as to why you accused me of being behind something.

Chairman Guiffre All that you say is true. I think we can do that, but we might also have somebody in there saying I am this person; I did not send that ballot back to you even though it might look like my signature on it, I did not send it back to you.

Rokey Suleman They don't know that; you don't have the signature on file in VERIS; you don't have that stuff.

Chairman Guiffre How do we turn them down then?

Director of Elections White Actually, we do have that because we have the signature in DMV and the signature in VERIS, and DMV and VERIS are now married.

Rokey Suleman You turn them down if you have the absentee ballot on file; they returned the ballot; and the provisional does not count. If there is no absentee ballot on file, then the provisional counts. They don't know if you have it returned or not. You determine that when you come back after the election and you look at CAP to see what has been returned.

Director of Elections White On the EPB, if a person has been issued an absentee ballot, that person is flagged as an absentee voter. The CO could call the office to check on the voter's record. Or the CO would look at his Final Absentee Report printout that we print on Saturday night. If the column says "marked," that means the ballot was actually returned in that voter's name, and we have a ballot in the office for that individual. But, if it says "issued," then it means we mailed the ballot out and we never got it back. So, if it was issued and we never got a ballot back, and a voter walks in and says he forgot or lost his ballot, we give him a Provisional Ballot.

Secretary Scarborough If a voter walks in and the EPB shows he requested an absentee ballot and it has been received and is listed as "marked," then what do we do with the voter? Director of Elections White responded that he could still vote provisionally, and you end up with two ballots in that person's name. Whether to count the second ballot would be up to the EB to determine.

Chairman Guiffre But we do not know that until Election Day. If we have allowed the typed signature absentee ballot to go through the process in CAP, we won't be able to correct the issue. We won't have the ballot there in a sealed envelope where we can cast it or not cast it.

Secretary Scarborough We have the ballot, and we can compare the ballot to the signature on the voter registration application.

Chairman Guiffre Yes. OK I will go for that. Is that a motion?

Director of Elections White Could you repeat that, please, Secretary Scarborough.

Secretary Scarborough If the concern is that we don't have a signature with the typed-in signature, but we still have it if the ballot is returned, we can compare the signature on the ballot with the signature on the voter registration application.

Chairman Guiffre If that is a motion, I will second it.

Secretary Scarborough If there is any question about whether a signature on a typed-in signature is valid, if I signed a Fedex paper and you can see my signature, you have a signature to compare with my voter registration application. I do not know that we have ever done that. I do not recall that we have looked at or compared signatures before we sent out an absentee ballot. But when we get the ballot back, whether the voter typed in the name or signed it, we have the signature on the outside of the ballot before we ever open it to compare to the signature on the voter registration application.

Chairman Guiffre I would support doing that. That would solve my issues temporarily.

Director of Elections White So that I am clear and can relay this to staff. We have already set these ballots aside. You do not want us to do anything with them until Ascertainment. Is that what you are saying?

Chairman Guiffre No. What Keith is suggesting is when the absentee ballots come back that have been requested by a typed-in name, that the signature is matched with the signature card on file. If it matches, no problem. We would then process them as we normally do, except for the signature verification.

Secretary Scarborough I would ask that we do it for all of the applications, not just for those that are received with a typed-in signature.

Chairman Guiffre We would be comparing the signature on the ballot returned, not the application, correct?

Secretary Scarborough That is correct.

Chairman Guiffre The ballots returned are the only real numbers in the game. So, if we can do that, it will allay some of my fears.

Secretary Scarborough Since we have had 52 ballots returned, the staff can start with those. I understand the concern about signature verification and typing in a signature. The technology, in fact, was first developed by the Speaker of the House earlier this year. So, to say that not all the campaigns and not all the parties had access to it is somewhat incorrect. This issue came up and the SBE issued a decision back in May that typed-in versions of electronic signatures were acceptable. They were used by the Speaker in his June Primary, all 14 of them. The technology is out there. We now have candidates or a single candidate using it, and we have campaigns that are not as sophisticated but aggressive about knocking on doors, signing up people to vote. The technology is available for any candidate to use if he or she wants to use it. I do not want to appear to raise allegations that there is something nefarious going on just because one candidate has produced all of these electronic applications while no other candidates have. In fact, I believe there was a similar kind of link on Mr. Foreman's site for a while as well as on Mr. Parrish's site. I do not know whether they are still there. Both of the state parties have the technology, and I know it is on the Democrats' site; I do not know about the Republican site. This week the SBE talked about it again and said that they are not going to change the rules in the middle of the season. All those applications that have followed the law or the rules that we (SBE and ELECT) put out are acceptable.

Chairman Guiffre They has also said that they are going to revisit the issue in a couple of months after the election. At this time I will be happy if they just checked the signatures on the ballot with those on the VRA application.

Director of Elections White Are they to check the signatures on all the ballots, even those from the applications with real signatures? That would be about 1000 at this point.

Secretary Scarborough Just do the ones from the typed-in signatures/electronic signatures because that is going to be a smaller number.

**This is a Directive.**

Chairman Guiffre We still want to track them to see what happens to them.

Bill Card Wouldn't it be prudent during your educational process for the Election Officers to track how many times voters show up and are told that they will have to vote provisionally because they have already requested and/or submitted their absentee ballot? Also, should you not be tracking how many times you end up with a provisional ballot as a consequence of this issue?

Chairman Guiffre If a voter asks for a provisional ballot, we will have that information. In training today we also asked them to track certain information: If voter shows up in line, talks to the Chief Officer and then leaves without voting. The Chief Officers are trained to explain the provisional system to the voters and to let them vote. We don't want them to turn anyone away.

If there is a mismatch on a signature, that will be a provisional vote. The Board will determine the signature later.

on. This does not lock us into a position; we can look for someone else next year if we need to do so. Is there a motion?

Director of Elections White I would prefer to go with Spooner because he does know our equipment, the different sizes of the Cages, the locations and where to go. His folks know where to go. I will tell you there are other GRS who are interested to know what direction we follow. My feeling is to stick with Spooner.

Chairman Guiffre For reasons stated, I can't support using Spooner. He's going to be out of business sometime. Because he took so long to respond, I was concerned and started looking at another vendor.

### **MOTION**

Secretary Scarborough moved that we continue to use Spooner Hull for delivery of the voting equipment. If Spooner goes out of business next year, then the contract is void and we will have to look at alternatives at that time. We are not in a situation that we have to look at alternatives right now.

The Motion was seconded by Vice Chairman Reynolds.

AYES: Reynolds, Scarborough

NAYS: Guiffre

The Motion passes on a vote of 2-1.

### **EPB CONTRACT**

Director of Elections White has received two bids—one from Demtek and the other from Tilt Development. She has reviewed both bids, and although Demtek is much cheaper at \$8750, it does not seem to provide the full need for us. Demtek would deploy the Advocate software on the new Lenovas which we just purchased. Tilt Development would install the new software and would also test the new software at least two weeks prior to Election Day. It would take pollbook data on Saturday evening and place all the data on flashdrives to be deployed on Election Day. They will be responsible for the proper splits and other anomalies as in a dual primary; and they will have one person onsite for Election Day support. Their coverage is more comprehensive.

Secretary Scarborough In an email from Brian Fahey who was previously responsible for this work, his estimate of the time necessary to do these preparations was enormous. The Tilt Development Company is local; we need the security of people in Virginia that are familiar with our processes.

Chairman Guiffre commented that these qualifications had never been brought up before.

Secretary Scarborough said that in the past we had people on staff who could have done the job. However, several people have taken other jobs and are not present to do the necessary tasks. No one anticipated this happening, which is why we have had to go with an outside vendor. We could save money on the vendor and then have a problem which staff could not handle.

Chairman Guiffre Did Brian recommend this company?

Director of Elections White No, he mentioned another person locally. The cost of the contract is \$100 per laptop (400 x \$100 = \$40,000).

Chairman Guiffre This cost is absolutely ridiculous to put Advocate on the 400 laptops and then to download from VERIS the voting records to add to each laptop. Matt said that this latter process is a 10-minute job per laptop. Brian did it easily on Sunday morning in few hours. Tilt is requiring \$40,000 to do this. Demtek is the owner of Advocate Pro now. The man who does the programing is offering to come here himself and load the new upgraded program on all the laptops for \$8750.

Director of Elections White The contracts are not the same and do not offer comparable responsibilities. Tilt is including testing of the data and Election Day support. She talked to Brian Fahy who said it took him days to install the program on all the laptops.

Chairman Guiffre talked with someone else who told him that the older program was a lot harder to install; one can install the new program in about 10-15 minutes per laptop. The man from Demtek will come in and not even ask us for staff assistance and do it in a day. He would do it this weekend.

Director of Elections White We have inexperienced staff.

Chairman Guiffre This is not the way to spend PWC money.

Director of Elections White I do not think the proposals are comparable. The less expensive offering would simply install new software on the new Lenova laptops. The other would include onsite support for Election Day, copying data from VERIS onto the flashdrives and making sure the data is tested; and test the pollbooks ahead of time.

Audience Question If there appear to be a large number of mismatched signatures, will the campaigns and public be notified of that as we move forward? And what will you do with the ballots on which the signatures do not match?

Director of Elections White The Provisional meeting is a public meeting, so anyone may attend.

Audience Question Is that not done after Election Day? I did not know whether you would start matching signatures before Election Day.

Rokey Suleman It sounds as if she is talking about absentee ballots and wants to know if you will be checking the signatures on the absentee ballots against the registration card. Audience: Yes.

Director of Elections White I understand. That would be done in our office, and if we did find something that does not match, we will set it aside.

Chairman Guiffre No, we are not going to be doing this on a daily announcing situation. Unless someone in the office thinks there is something everyone should know, we do not just go out and make an announcement over something small.

If half came back with mismatched signatures, yes, that would be made public.

### **CAGE DELIVERY CONTRACT**

Director of Elections White She distributed two proposals for the Cage Delivery Process. One from All Site Delivery and another from Mr. Spooner Hull as a renewal contract. With the All Site Contract, we would also be paying the cost of an Election Officer to accompany each of the drivers to the sites. With All Site we would have more direct control of the situation.

Chairman Guiffre asked that the chosen contract be given to the Purchasing Department to review and to also request a quick turnaround. We must be certain that All Site Delivery is insured. Chairman Guiffre had asked All Site to be conservative in their estimate so that the cost would be less when they are finished. He also commented that All Site's quote of \$15,000 is close to \$5000 less than the other offer, even with the additional Election Officer costs. A very detailed report of how long each part took to accomplish must be kept.

Director of Elections White asked whether the All Site contract is good through the end of 2016 as is Mr. Hull's?

Chairman Guiffre said that no, it is only a quote for the November, 2015, delivery. If we do not like what we see, then we will have to do it again.

Kim Brace As a Chief Officer at one precinct, will the staff at the school be aware that someone new is delivering the Cage?

Chairman Guiffre replied that we are not even sure that the staff is the same as received the Cage the last time.

Mr. Brace said that that may be true in some cases, but not in his case because the staff member has been there a long time. He will not recognize the new person.

Chairman Guiffre said that there will be an Election Officer with the delivery person.

Kim Brace Alerting each polling place that there will be someone new with the Cage might be a good idea to do.

Chairman Guiffre We will take that as a suggestion. It probably would not hurt to send an email to watch out for this new truck.

Secretary Scarborough I am concerned that this is a one-time offer. We have had Spooner delivering our equipment for years; they know the territory; they know the areas. He has offered his rate through the end of December for all the elections next year. I am concerned about going to someone who is a contractor and construction people. They are not people who know about elections, and they are going to be renting trucks, picking up and delivering our equipment to the precincts and going back on Wednesday to retrieve. To save \$5000 we are going to someone we have never used before and who are not in the moving business. They are in the construction business. I do not understand why we would do this instead of going with Spooner.

Chairman Guiffre The only reason we are doing this is because Spooner was unresponsive and did not get his contract to us in a timely fashion. We cannot count on him to be in business next year. We can count on this company to be in business next year. All they have to do is to provide trucks and drivers. They certainly have drivers. They are not a moving company, but I did not have time to go around to other places to dig this up and neither did the Director of Elections. If it had not been for this contract, we would have had Spooner's and that was it. All Site's is \$5000 cheaper than Spooner's. Spooner does the same as this company will do. It is not rocket science. I cannot see spending the extra money because of that warm fuzzy feeling especially since we know that Spooner is getting ready to retire and sell his business. It just does not make sense to me to continue

Chairman Guiffre Demtek would also test the data on the laptops if he were asked. We do not need someone here on Election Day. We have been using the Advocate Program for 6 about years.

Secretary Scarborough We had Brian Fahey here for the other Election Days to troubleshoot. We have no one on staff currently to do this.

Chairman Guiffre Who is teaching the EPBs class now?

Director of Elections Matt Wilson is teaching the classes with backup staff.

Chairman Guiffre Then there are two people on staff who know the laptops. For training they have to load programs and data, so they know how to do it. I just do not think we have to spend all this money.

### **MOTION**

Secretary Scarborough moved that the Electoral Board accept the contract offered by Tilt Development Company for preparing the laptops for Election Day.

Vice Chairman Reynolds seconded the Motion.

Chairman Guiffre called for the vote.

AYES: Reynolds, Scarborough

NAYS: Guiffre

The Motion passed on a vote of 2-1.

Chairman Guiffre will notify the two individuals whom he asked to submit bids that they were not accepted.

### **STAFF REPORTS**

#### **Adding 5<sup>th</sup> Absentee Voting Location**

At the Board of County Supervisors meeting, they approved having a public hearing to discuss establishing an additional absentee voting location at the Ferlazzo Building.

#### **Moving a Voting Location**

At the same BOCS meeting, they approved holding a public hearing to move the voting location from the Bull Run Library to the Ben Lomond Community Center. The precinct name would change from Ashton to the Ben Lomond Precinct. However, if they rename the Ben Lomond Center to the Pat White Community Center, then the precinct could be named the Pat White Precinct. She served on the Electoral Board for a long time.

Signs will be posted at the library for the November election, notifying voters of the proposed change. The first time they would vote at the new location would be for the March 1, 2016, Presidential Preference Primary.

#### **Update on Subpoena**

Director of Elections White said that all the requested materials had been copied. She asked Jeff Notz to notify the lawyer to arrange for them to pick up the materials. The Order from the federal court had stated that they be delivered but Jeff Notz said they would make arrangements to come pick up the two boxes. It would cost us to ship them as well as the cost of the Temp to make the copies.

Secretary Scarborough explained that several lawsuits have been filed challenging the voter ID law, and we and almost every other locality in Virginia were served in one of the suits filed. The subpoena required an enormous amount of information going back several years. Director of Elections White has worked with Jeff Notz and has compiled all the information available.

Chairman Guiffre further explained that the subpoena was so extensive that we thought we would object to the subpoena because it is election time. The FOIA requests take time away from the important office responsibilities.

Rokey Suleman May I have one question before you adjourn? I am looking for information on L&A testing. Has the L&A testing on the machines been completed?

Director of Elections White Yes, it has been.

Rokey Suleman Was there any delay for equipment problems or splits being incorrect or improper anything?

Director of Elections White No, it went through just fine.

Rokey Suleman No problems at all?

Director of Elections White L&A was delayed because of programming errors. We had trouble with the vendor and had to send stuff back but we got it right the second time. There was miscommunication with the vendor, but we are good to go.

**ADJOURNMENT**

Secretary Scarborough moved to adjourn at 8:40 pm. Vice Chairman Reynolds seconded the motion. Chairman Guiffre declared the meeting adjourned.

\_\_\_\_\_  
Guy Anthony Guiffre  
Chairman

\_\_\_\_\_  
Jane M. Reynolds  
Vice Chairman

\_\_\_\_\_  
Keith A. Scarborough  
Secretary



## PRINCE WILLIAM COUNTY ELECTORAL BOARD MINUTES SPECIAL MEETING

October 20, 2015

**CALL TO ORDER** The Prince William County Electoral Board held a Special Meeting on October 20, 2015, at 7:02 pm in the Historic Manassas Courthouse. Attending the meeting were EB members Chairman Guy Anthony Guiffre, Vice Chairman Jane Reynolds and Secretary Keith Scarborough. The Chairman called the meeting to order and explained that this was a meeting called by the Secretary of the Board. The Chairman questioned whether proper notice of the meeting had been given, notifying party chairs and all of the candidates. He also reminded the Secretary that he made a motion at the last meeting regarding electronic signatures created online that they would be verified by comparison with registration records and it passed unanimously.

**ELECTION OFFICERS** Election Officer Coordinator Gambrell offered a list of Election Officers to be approved. Secretary Scarborough moved that the list be approved, and Vice Chairman Reynolds seconded the motion. The motion was approved by consensus of the Electoral Board.

**OTHER BUSINESS** Secretary Scarborough wanted to ask the sense of the group for a motion that staff not be asked to make any other changes in the administration of the election since we are two weeks out. They need to finish up and conduct the election.

As an example, on Friday we learned that the names of write-ins can be printed out from the voting machines. However, only the number of write-ins needs to be reported on the SOR. We should not add any more responsibilities to the machine operators when they have not been trained to print these write-in tapes.

**MOTION** Secretary Scarborough moved that no more changes to the election processes and rules of the election could be made after this meeting tonight. Vice Chairman Reynolds seconded the motion. The motion passed unanimously.

### **ELECTRONIC SIGNATURES ON ABSENTEE BALLOT APPLICATIONS**

**Secretary Scarborough** After the last EB meeting on electronic signatures, I did some research. The SBE has twice discussed this issue in open session. We have discussed it. It is physically possible to compare the names on the ballots when they come back, but is it appropriate or legally proper to do that. He spoke with legislators and EB members in other counties. We are required and have been directed by the SBE to treat all the absentee ballots in the same manner, no matter what type of signature they have. We were directed after the meeting this summer to do so. This whole issue seems to have started with Speaker Howell's June Primary Election. His application allowed voters to file with electronic signatures. His Primary opponent challenged that. The issue went to court and to the SBE. The SBE voted unanimously that an electronic signature was a valid signature on an AB Application. On May 13 Commissioner Cortes sent an email informing us to accept electronic signatures on AB Apps. In July there was a conference call with SBE at which time we were directed to accept the electronic signatures.

In October the SBE had a meeting and the issue was on the agenda. There was a lengthy discussion, including attendance by several candidates and EB members there. Once again, at the October 6 meeting, the SBE agreed unanimously to make no change in their previous policy. On October 6 the Commissioner sent out an email reaffirming that electronic signatures were to be accepted.

After the last meeting, I felt that we were doing something illegal or improper in doing something differently with the absentee ballots, directing staff to set them aside. We must treat these absentee ballots the same as the others. By agreeing to match signatures in VERIS at the last meeting, we were imposing a new requirement on the absentee process not authorized by law. I asked ELECT to contact Commissioner Cortes about matching signatures. I received an answer this afternoon. Our actions would be in violation of state and federal law; we have no legal authority to do the signature matching.

I feel compelled to move to treat every absentee ballot returned identically and that none be subjected to any kind of signature verification.

**MOTION** Secretary Scarborough moved that every returned absentee ballot be treated identically and that none be subjected to any kind of signature scrutiny. The motion was seconded by Vice Chairman Reynolds.

**Discussion of the Motion:**

**Chairman Guiffre** responded that he did not know the Commissioner had been requested for an opinion. He would disregard that. The voter must check the box on the application—he quoted from SBE records.

In his profession he deals with electronic signatures with the IRS for filing federal taxes. There is only one way he knows of for that practice. He repeated that the applicant must check the box.

**Commissioner Cortes** then said that the box was not necessary to appear on the application.

Pre-processing of absentee ballots was explained by Chairman Guiffre. They look at the ballot envelope; they usually do not see the application to see the box. Checking the signature is the only way we have of making sure it is legitimate; no signature verification. The law requires a signature on the application, the ballot envelope and on the registration application. Some areas of the state do look at matching signatures; they do it when looking at some provisional ballots. Treating all voters the same—in-person absentee voting requires ID from the voter. It is incumbent upon the EB to make the election as fair as possible and to use the tools available to do so.

When the election is over, Chairman Guiffre plans to check on signatures for ballots that were submitted. He is not casting any dispersions on anyone collecting these electronically-signed applications. SBE now has an online application if the voter has a signature on file with DMV. If voter has not done anything with DMV, he has to print out the application and sign it. SBE cannot tell us how to check these ballot envelopes, to match them against the application forms and the signature against the form or to check the signature on the VRA.

**Vice Chairman Reynolds** Two weeks before the election we cannot change procedures to handle absentees. I do not want to violate state and federal law. We have been told to mail the ballots to anyone who applies.

**Commissioner Cortes** Signatures are required on the AB Application. The UETA law provides for electronic signatures to be valid. We cannot ask our EOs to match signatures. The SBE has set out what is required on the B Envelope. There is no provision in the Regulations to allow signature checking. The B Envelope requirements are in the *Code* and in the Regulations. The AB Application need not contain the check box on the application; SBE policy relating to Applications is limited to the electronic signature itself.

**Chairman Guiffre** totally disagrees with the policy of SBE and ELECT on this issue.

**Secretary Scarborough** thinks the record is pretty clear.

**Speakers:**

**Paul O'Meara** Coles District. Thanked the EB for the opportunity to speak. To insure fair and open elections, if you leave a stone unturned, then you are not doing your job. Please use every tool available to count every ballot, but not fraudulent ones.

**Carmella Foreman** Passed out a statement from Mayor Foreman because he could not attend. She said she fully supports the AB process and then read the statement. She supports signature verification.

**Bill Card** This is the best-attended EB meeting I have ever attended. As recently as Sunday I was asked whether the absentee ballots are even counted. ABs were sent out to wrong people 2 years ago. The integrity of the vote was questioned. I voted absentee for 23 years because of my military service. My first time in-person was in PWC. I am concerned about the nature of this meeting. For other meetings I have received an email notification. Verifying the signatures is the common sense approach—not to take this is absurd. I voted through the Surovell site. It went well. Please pay attention to any anomalies that appear in this election. This process is different from any other election process—for the first time in a long time.

**Erin from Woodbridge District** I echo the same sentiments. Election signatures should be verified; verification provides a safety net against fraud. We need safeguards because of the steps in technology. She described a situation in Texas in 2012.

**Delegate Jackson Miller** Comparing the Speaker Howell case to this situation is like apples to oranges AG ruled that electronic signatures are valid. "It is very distressing to me that I was not notified of this meeting. He said he has been notified about every other meeting this Board has had. Never before have I been ashamed of the

Electoral Board representing me. It is starting to concern me. Mr. Cortes is not an attorney. Was the AG asked for a legal opinion on this?"

Chairman Guiffre The law does not preclude us from doing this. There is no doubt that both Democrats and Republicans commit voter fraud. There just are not any resources put into voter fraud.

Jane Beyer was notified by the party chairman of this meeting. She was not sent a notification. She supports verification of signatures. She recalled that notarization used to be required of Absentee Applications.

Person in wheelchair: She signs her name on her Absentee Application. If you do not verify the signatures, you will be will treating them differently. She asked the Board to withdraw the motion.

Bill Card How were the chairmen of the political parties notified? He was not notified.

Lady in Audience She agrees with everyone. Prince William County is a good, right and decent place to live. She is concerned that if absentee signatures not being checked puts a stain on the election processes.

Chairman Guiffre asked those in support of the motion to rise. No one did.

He further stated that he believed the notice was insufficient for the meeting and that, therefore, it was not a legal meeting. On Friday morning there was not a notice on the office door.

DoE Michele White said that there was a sign on door Friday afternoon. The meeting was noticed on the website.

### **MOTION**

The vote was taken

AYES: Reynolds, Scarborough

NAYS: Guiffre

The Motion passed 2-1. No signatures are to be checked.

Chairman Guiffre stated that the motion may have passed, but I am casting doubt on legality of this meeting because I think the motion is absolutely ridiculous. I believe they are choosing which part of the Code they want to enforce.

Chairman Guiffre made a motion that this meeting did not have proper notice. Motion failed for lack of a second.

**ADJOURNMENT** The meeting was adjourned at 8 pm.

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Guy Anthony Guiffre  
Chairman

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Jane M. Reynolds  
Vice Chairman

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Keith A. Scarborough  
Secretary

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[pwcvote@pwcgov.org](mailto:pwcvote@pwcgov.org)

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Michele L. White

## PRINCE WILLIAM COUNTY ELECTORAL BOARD

### **ELECTORAL BOARD MINUTES**

### **EMERGENCY MEETING held Friday, November 20, 2015**

**CALL TO ORDER:** The Prince William County Electoral Board held an Emergency Meeting on Friday, November 20, 2015, at 2:00 pm at the Office of Elections.

Attending the meeting were EB members Chairman Guy Anthony Guiffre, Vice Chairman Jane Reynolds and Secretary Keith Scarborough. Mr. Kimball Brace was also in attendance, along with Deputy Commissioner Liz Howard. At 2:00 pm the Chairman calls the meeting to order.

The Chairman recognizes the attendance of Deputy Commissioner Liz Howard from SBE. Secretary Keith Scarborough makes a motion pursuant to Code 2.2-3711 A1 to go into closed session to discuss personnel matters. Vice-Chairman Jane Reynolds seconds the motion. Chairman Guiffre states that the Electoral Board has gone into closed session and asks the three people to leave the room. About an hour later, Ms. Howard is called into conference with the Prince William County Board Members. Shortly thereafter, Ms. Howard departs and Director of Elections White is called into the closed session.

At approximately 5:20 pm, Vice-Chairman Reynolds makes a motion to adjourn the meeting, Secretary Scarborough seconds. Director White is directed to draft a letter concerning the events occurring on Monday, November 16, and Tuesday, November 17, to the Commonwealth Attorney, the Attorney General and the Virginia State Board of Elections.

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Guy Anthony Guiffre, Chairman

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Jane M. Reynolds, Vice Chairman

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Keith A. Scarborough, Secretary



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### PWC Electoral Board Public Meeting Minutes - November 30, 2015

#### CALL TO ORDER

2:00 P.M.

To Reconvene EB Executive Session from November 20, 2015

#### Executive Session of 20 November Directives

- Registrar White to produce draft letter to Inactive Voters
- Registrar White to submit monthly budget
- Registrar White to provide spreadsheet re Part F issues
- Registrar White to provide update on EPB flash drive analysis
- Registrar White to draft RFP for outside consultant re EPB failures
- Registrar White to draft letter to Attorney General, Commonwealth's Attorney and State Board of Elections

#### ELECTORAL BOARD CHAIRMAN

- Draft letter to AG, CA and SBE given to Board members.
- Discussion of exact material and wording to be included in draft letter and update to addressee.
- Chair objected to tone of letter.
- **MOTION:** (Secretary Scarborough) Amend letter to change addressees, update signature block and provide statement re signatories and objections with letter to be sent by November 1, 2015. **APPROVED**
- **MOTION:** (Secretary Scarborough) Hold all documents produced on 16 & 17 November, 2015, as is due to alleged improprieties. **APPROVED** Objected to by Chairman Guiffré who also advise he would provide FOIA request in writing for documents.
- **MOTION:** (Secretary Scarborough) Electoral Board member personal direct requests to Office of Elections staff will be curtailed and any request must be given to Registrar White. **APPROVED**

#### CITIZEN'S TIME

2:37 P.M.

#### REGULAR ORDER CALLED

2:50 P.M.

#### Officers of Elections – Election Officer Coordinator Amy Gambrill

- Ms. Gambrill provided Board with list of 206 new Election Officer candidates.



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- **MOTION:** (Secretary Scarborough) To accept all new appointments as provided by Ms. Gambrell. **APPROVED**
- Estimate of 1275 total Eos needed for upcoming elections.
- **MOTION:** (Chairman Guiffre) Registrar White is to research and return with a recommendation re full time staff assistant for the Election Officer Communication Coordinator. **APPROVED**
- Proposed EO assignment of 6 at each precinct for the March 1 Primary. Tabled until next EB meeting.
- Ms. Gambrell directed to provide an allocation worksheet to the Board to include turnout by precinct for each of the last 2 Presidential primary elections (2008 & 2012).
- Ms. Gambrell provided the Board with a proposed training schedule for the 1 March Primary.
- Board was advised that on Jan 4, 2016, EO assignment letters will be mailed and that the EO manuals must be sent to press on January 8, 2016.

### **2016 Election deadlines and dates for In-Person Absentee (IPAB) locations**

- Registrar White provided Board with proposed dates/times for IPAB locations.
- Draft schedule tentatively approved by Board with modifications to opening hours reserved.
- Nov 8, 2016, draft schedule was tabled until a later date (TBD) until more data re times which IPAB voters arrive and prior election turnout.

### **New Voter Research Request from Del Anderson**

- Registrar White provided research requested by Del Anderson re new voter mail which was returned to his office. Del Anderson requested explanation why he had received returned mail.
- Ryan Mulligan of the Office of Elections provided explanation that in the vast majority of cases, Del Anderson's mail was improperly addressed (missing apartment number, trailer locations, etc).

### **Draft SOR and Results Excel Template for March 1**

- Registrar White provided copies of the proposed SOR and Excel templates to be used for reporting the March 1 Presidential primary.
- Board requested a copy of a Verity Scan results tape which will be provided by Winston Forrest.
- Registrar White advised the board that all changes must be made by January 8.



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### Draft Letter to Inactive Voters

- Registrar White proposed sending letters to all inactive voters in an effort to limit delays in check in at the polling places.
- Discussion was tabled pending further research into costs and effectiveness of direct mail response cards.
- Voter education mailing for November 8 General Election was discussed along with need to purchase additional software and whether an outside designer would be a better option.
- Timing of education/outreach mailing was discussed as being sent approximately 8 weeks prior to General Election with all design/production dates to be based on target mailing date.

### Request to Purchase add'l Verity Scans and Hand Held Scanners prior to Nov 8, 2016

- Registrar White requested the board use available capital funds to purchase additional equipment for the precincts.
- Hand Held scanners for Electronic Poll Books are currently limited to 2 per precinct, additional scanners would cost approx. \$3100.
- **MOTION** (Chairman Guiffre) Make funds available in the amount of \$3200 to purchase hand held scanners. **APPROVED**
- Board decided that additional analysis (sealed ballot box vs additional scanner) was required before authorizing additional Verity Scanners for the precincts.

### Directive to submit Monthly Budget update to the Electoral Board

- Registrar White provided the board with the budget summary (month/YTD) as of November 28, 2015.
- Board directed the budget lines for office equipment and election equipment
- Board directed there be a follow-up on rental fees for privately owned polling places with a proposal by Chairman Guiffre to increase rental payments to \$200 tabled until the next Electoral Board meeting.

### Goal to get 25% of voters to vote Absentee

- Registrar White proposed reaching out to voters in an attempt to increase AB voting in an effort to alleviate lines on Election Day. EB members questioned general vs targeted advertising and how effective advertising would be.
- Chair requested information on other jurisdictions and how they handled AB promotion.
- Tabled until later date (TBD) Registrar White was directed by the Board to provide specific ideas to advertise AB use.



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### **Legislative Updates & Proposed Requirements for EB/GR to file Statement of Economic Interests**

- Diana Dutton has been tasked to provide updates every Wednesday and of the semi-annual requirement to file SoEI.

### **Update on moving Ashton from Bull Run Library to Ben Lomond and on the opening of the Ferlazzo AB location**

- ELECT has approved the new precinct location and mailings to voters will be going out before the end of December
- Ferlazzo AB location has been scheduled and proposed hours of operation was provided with the entire proposed schedule tentatively accepted earlier.

### **Directive to track Part F problems in Excel**

- Registrar White provided a report of issues encountered on Election Day as reported on schedule F of the SOR.
- Board questioned Ms. White regarding trends in the data. Number 1 issue was connectivity issue with the EPBs at poll open.

### **Directive to compare Red/Yellow?Blue EPB Flash drive: Combining names/duplicates**

- Registrar White and Matt Wilson advised there were no issues with duplicate check ins at the polling locations due to the connectivity issues many locations had on Election Day. There were no duplicate check ins recorded.

### **Directive to have outside consultant report on EPB connectivity failure – Draft RFP**

- Registrar White was directed to contact DemTech re WiFi connectivity failure.
- Chairman suggested hiring Election Officers to try to recreate the problems which occurred on 3 November.
- Unanimous consent was received that 5 test locations should be sufficient to test ED issues.
- Tabled until Draft RFP could be provided and schedule of testing is produced.

### **Response to SBE Letter: Request to Appear December 16, 2015**

- Registrar White tasked to draft response letter for the State Board of Elections.
- Chairman requests that EB members be provided a copy of the draft response prior to release.
- All members and Registrar White intend to attend the meeting on 16 December.



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### Approval of minutes

- Registrar White provided copies of minutes for EB meetings held on 17 September 2015, 7 October 2015, 20 October 2015, 20 November 2015 and the audio recording for the 7 October 2015 EB meeting.
- Board tabled acceptance of minutes until all members could review.

### New Business

#### Additional Marking Stations

- Chairman Guiffre asked if more portable marking stations were available and whether they were needed for the precincts.
- Research was requested into the possibility the PWC print shop could create the stations/signage and what the cost would be.
- Logistics of distributing additional stations to the precinct discussed. Will they fit in equipment cage? Will CO/AOs be required to pick up? Etc.

#### New Instruction Material on Ballot Marking Procedures

- Chairman Guiffre suggested additional signage at the polling station to instruct voters how to properly mark a paper ballot.
- Chair also suggested adjusting sensitivity of scanners to avoid small, unintentional marks on the ballot and avoid overvote issues on many spoiled ballots from Election Day
- A Voter Education mailing is being planned by Registrar White to be sent later in the year.

#### Public Notice Procedures Update

- Chair requested the date/time of a public notice be written on each public notice document to assist in notice compliance auditing.
- Registrar White instructed to provide Board with written verification of public notice updates to website.

### ADDITIONAL CITIZEN'S TIME

#### Next EB Meeting

- EB Agreed to next Electoral Board Meeting will occur on Thursday, 17 December, 2015 at 2:15 P.M. in the Office of Elections Conference Room.

**ADJOURNED**

**5:26 P.M.**



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### IN ATTENDANCE

**Guy Anthony Guiffré, Chairman**  
**Jane M. Reynolds, Vice Chairman**  
**Keith A. Scarborough, Secretary**  
**Michele L White, GR/DE**  
**Amy Gambrill, Election Officer Coordinator**  
**Diana Dutton, Administrative Manager of Elections**  
**Winston Forrest, Election Communications Coordinator**  
**Ryan Mulligan, Election Training Administrator**  
**Matthew Wilson, Assistant Equipment Specialist**  
**Jacob Alderman**  
**Kim Brace**  
**William Card**  
**Carol D Fay**  
**Marie Hoerst**  
**Rokey Suleman**  
**Jo Watts**  
**Deborah L Weber**

DRAFT



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### PWC Electoral Board Public Meeting Minutes – Thursday, December 17, 2015

#### CALL TO ORDER

2:00 P.M.

#### CITIZEN'S TIME

2:00 P.M.

- Carol Nogle asked about current outreach in the High Schools. Winston Forrest, PWC Election Communications Coordinator, discussed the current state of the Youth Voter Outreach program with plans to include schools not currently scheduled in advance of the registration deadline for the March 1, 2016, Presidential Primary.
- Bill Card brought up the state of the politicization of the Republican Party “Loyalty Oath”. Asked that it be called a “Statement of Intent”.
- Kim Brace requested that voters be made aware through written documentation of the process re the 1 March 2016 Primary Election and the choice between Democratic and Republican ballots.

#### REGULAR ORDER CALLED

2:09 P.M.

#### NEW BUSINESS

##### Minutes

- Minutes for EB Meetings of Sept 17, Oct 7, Oct 20, Nov 20 and November 30 were submitted to the EB for approval.
- Secretary Keith Scarborough moved that acceptance be tabled until next EB meeting so that all members could review. **APPROVED**

##### Proposed Electoral Board Policies

- Registrar White submitted draft policies for consideration and adoption by the Electoral Board.
- Chairman Guiffré moved that the policies be reviewed by the EB for adoption or change at a later date and each proposed policy be considered individually. **APPROVED**
- Individual policies discussed were:
  1. Candidate name proofing – Proposed that proofs be sent to candidates to confirm all names are accurate as requested given space limitations on ballots and software.
  2. Election materials to Clerk of Court – Policies to be updated to more accurately reflect most recent SBE policies and procedures.



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3. No Procedural changes to be made to Election processes after EO manuals sent to print – SBE procedural/policy changes would still be adhered to.
  4. Individual directives from EB members to the GR and staff must be voted on and approved by a majority. Approved at EB meeting of 30 November 2015.
  5. Electoral Board Minutes, Meeting Notification and Agenda. – EB Meeting Agenda should be available one week prior to any scheduled EB meeting, Scheduled EB Meetings should be posted and announced within 1 business day of decision, draft minutes should be made available to EB members within 3 business days, audio file of EB meeting should be made available to EB members within 3 business days, EB members should have 4 business days to review and request changes.
  6. Update to Election Day procedures to include write-in report be printed at EOD in each precinct.
- Items 4-6 above **AGREED** to unanimously.

### **Representation by County Attorney's Office**

- PWC Attorney has withdrawn representation from ongoing lawsuit re photo IDs. Request to be made for Jeff Noth & Michelle Roble to attend next EB meeting to discuss possible future work with the PWC EB and Office of Elections.

### **Officers of Election,**

- New EOs submitted by Ms. Gambrell **APPROVED** unanimously.
- Directive that prior 2 primary elections be used to assist with estimated turnout and possible EO needs at each precinct.
- Chairman Guiffre requested that equal representation between parties be attempted.
- Draft of RPV oath documents was requested by the EB for review ASAP. Election day processes involving RPV requirements discussed (check-in, notification, possible voter issues, etc.). Training documentation for possible issues to be prepared and sent to EB for comment/approval.

### **Presidential Primary Schedule for In-Person Absentee locations**

- Registrar White submitted revised schedule of IPAB openings for approval. Chairman Guiffre directed study of turnout by day at each location. **APPROVED**

### **EPB Consultation – Wireless Connectivity Failure Study**

- Mike Mallon of the Office of Elections will run study in 5 locations. Suggested EB adopt wired only policy for security. Advised that early patch of Advocate software had been received prior to Election Day and this version had known issues. Chairman Guiffre directed consideration that wireless and wired operation be explored further. Further discussion tabled until next EB meeting.



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### Legal Issues Before Electoral Board

- Chairman Guiffre motions that complaint be written re potential voter fraud and that Registrar White draft letter of complaint to SBE for EB approval.
- Discussion re ongoing matter regarding possible release of protected voter information during/after absentee voter signature investigation

### Acting GR assignment

- Chairman Guiffre requested Registrar White to assign a deputy to act in her stead when the GR is unavailable for extended periods of time. Registrar White is directed to find a suitable person-in-charge during possible absences.

### Next Electoral Board Meeting

- Chair moves that next EB meeting be on Friday, 15 January 2016. **APPROVED**

### Continuing Business

- Additional Hand Scanners approved at last EB meeting have not been ordered
- Diana Dutton directed to report on all privately owned precincts and possible raise in the rental rates. Also directed to research school issues from Midnight Survey and Schedule F.
- Direction for update on progress to hire full time EO Coordinator Assistant. Registrar White advised paperwork had not been initiated, PWC HR will need to be advised and approval through BOCS for a new FT position.
- Chairman Guiffre directed further study on split-shifts for EOs based on how they are handled in other jurisdictions and what issues may be encountered.
- Chairman Guiffre directed research into how precinct reports and materials can be returned on Election Night.
- Update on Voter Registration counts for PWC. Added 2153 new voters since 3 November 2015, 2 precincts are over 4000 registered voters and 8 are close. May need to add precincts soon.
- Chairman Guiffre wants report on jurors unable to serve from Clerk of Court in an effort to research voter fraud.



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Jane M. Reynolds, Vice Chairman  
Keith A. Scarborough, Secretary

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

### **Budget**

- PWC Office of Elections is out of funds for Election Officers, several invoices from HART IC were received that were unexpected and not budgeted for. Registrar White disagrees with HART and has requested PWC Contracting support in clearing up issues. Also expects to go before the BOCS to request additional funds to cover expected expenses for the 3 remaining elections this FY.
- Registrar White requested direction on ballot order. Chair motions that an order based on 37% of registered voters be made to handle voter turnout expected.

### **APPROVED**

### **Motion to Adjourn**

**4:56 PM**

### **APPROVED**

DRAFT

## Presentation to Virginia State Board of Elections in open meeting

December 16, 2015

I am Guy Anthony Guiffré, Chairman of the Prince William Electoral Board speaking as an individual member. The views expressed here are mine

I have been a member of the PWCEB since February 23, 2007 when the Circuit Court of Prince William County made the appointment. As Chairman of the Electoral Board of Prince William County I take it as my solemn responsibility to ensure that every election conducted in the County results in an honest and accurate vote count reflecting the will of Prince William's electorate.

- Elections should be conducted openly and without the slightest hint of cheating or fraud.
- When a voting procedure has the effect of making fraud more likely to occur, it is the job of election officials to closely monitor the election results and to change any part of the process where fraud is suspected or discovered.
- In this past election cycle, I became aware of a new practice that seems to have evolved in several locations in the Commonwealth where absentee ballot applications are applied for by simply typing in the name of a registered voter on an online template. In many cases, multiple absentee ballot applications have been submitted from a single email address – not the voters'.
- Under these new procedures, either the voter or any third party in possession of a voter's identifying information is able to prepare and submit an absentee ballot application. This was what occurred in the election that took place on November 3, 2015.

- Some candidates apparently took advantage of this giant cyber loophole by going door-to-door, then using the contact time with the voter at his or her front door to enter that voter's identifying information directly on the tablet of the campaign worker or the candidate. Once that private information was entered, it was submitted electronically right on the spot.
- When I learned of this procedure I became alarmed. I was struck by the potential for fraud presented by an election process that allows for the mere typing in of a voter's name on an electronic template...and pays no mind to the fact that multiple absentee ballot applications may originate from a single email address. It was also a concern to me that so much of the responsibility for compliance with SBE requirements was, in effect, handed over to the candidates.
- I shared my concern with the other members of the Prince William Electoral Board and...in open session on October 7<sup>th</sup>...on the motion of Secretary Keith Scarborough, the Board voted unanimously to conduct a comprehensive signature verification of all absentee ballot applications. The process was to have required three Officers of Election with at least one representing each Party to compare the voter signature on the original voting registration form with that required to be placed on the outside of the absentee ballot envelope.
- Fearing that this process might become too burdensome, our Board then unanimously chose to conduct a signature audit only on those absentee ballot applications that were submitted online using the unverifiable typed signature I just described.

- Several days later, I discovered that Secretary Scarborough directed Prince William Electoral Board staff NOT to conduct any signature verification whatsoever. Not in a position to unilaterally overturn a Board motion, another open meeting was called by Secretary Scarborough, and held on November 20<sup>th</sup> to reverse his own action taken on October 7<sup>th</sup>. An estimated 50 citizens were in attendance. But not a single citizen advocated doing away with the signature verification the Board authorized on October 7<sup>th</sup>.
- Commissioner Cortez was in attendance at the November 20<sup>th</sup> meeting and gave his view that it might be illegal to conduct signature verifications. It is totally beyond me why a system as flawed as one allowing for the simple typing of a voter's name in place of a pen and ink signature or a genuine digital signature should not be verified to detect fraud.
- If I, as Chairman of the Prince William Electoral Board, am powerless to inspect a blatantly flawed electoral process to ensure that fraud has not occurred, then who on earth can perform this function? Of what value is it to say that voting fraud is a crime in the Commonwealth, if the top officer in a Virginia county is threatened and intimidated against performing his legitimate tasks?
- In one cross section of 753 internet absentee ballot applications received from, mostly, a single email address, I conducted signature verifications for these cases using duly sworn Elections officers. First I determined the percentage of ballots that was never returned to the Electoral Board. By this I mean ballots that were applied for, approved by staff, and mailed; but never voted. 56% fell into this category. They were applied for but never returned; leaving unanswered the question of how many of these folks actually ever wanted absentee ballots in the first place. Why

would hundreds of people apply for absentee ballots and then refrain from using them? As predicted, several of these very same voters presented themselves to vote in-person saying they did not apply for or receive a ballot by mail.

- 151 of the 753 typed signature applications were chosen randomly as a sample. This means that the pen and ink signatures on the voter registration cards were compared with those on the outside of the envelopes containing the actual cast absentee ballots. In 6.6% of the comparisons, the signatures did NOT match. This means that more than likely, the person signing the ballot envelope was not the voter who had the right to sign. One such incident is unacceptable.
- The members of this State Board were advised several months ago, not only by me, but many others, that this system was flawed. The response of the State Board of Elections has been disappointing. The State Board has exhibited no interest in ensuring that any possible abuse of the electronic system be ended immediately. On the other hand, they authorized a process that seems to be at variance with what is officially noticed in the Virginia Administrative Code. The Virginia Administrative Code is the official source for administrative rules relating to all of Virginia's administrative agencies, including the State Board of Elections.
- Title 1 of the Virginia Administrative Code at Section 20-70-50 provides that an application for absentee ballot must be submitted on "...any version of an approved absentee ballot application form." But the Code's definition of what constitutes an "approved" application is so vague as to be virtually meaningless. Title 1 of the Virginia Code at Section 20-70-10 states only that an application for an absentee ballot means one that's submitted on a

form "...approved for that purpose according to state and federal laws.." Since these unspecified state and federal laws are nowhere defined or in any way cross-referenced in this rule section, the definition leaves open the possibility that anyone, including even candidates, can devise and produce such a form, which is surely an absurd outcome.

- But there is at least some degree of specificity in the Virginia Administrative Code relating to the submission of absentee ballot applications. Namely, there is a reference to the Virginia Absentee Ballot Form SBE-701 as an approved prototype. Since forms authorized by the State Board of Elections are displayed directly in the Virginia Administrative Code, the instructions and requirements for submitting those forms necessarily also appear in the Code.
- Form 701 as it appears in the Virginia Administrative Code contains express instructions to absentee voters as to how to submit their absentee ballot applications. Those instructions state the following in plain English: [Quote] "Please mail this application to your general registrar listed on page 2. Please do not return this application to the State Board of Elections. You may also submit your application by fax or scanned email attachment." [Unquote.]
- These instructions were still online as of December 13, 2015, meaning they were the ones officially noticed to all voters as of the date of the November 3<sup>rd</sup> election. Yet our SBE took the position in the last election cycle that the simple act of typing out the name on an electronic template was sufficient.
- And the SBE maintained this position even though the current publicly posted Form 701 fails on its face to meet one of SBE's

own stated criteria for the acceptance of an internet application. The SBE told my Electoral Board that a disclaimer statement indicating that an electronic signature was used needs to be located “somewhere on the application.” Yet on the SBE’s own official version of Form 701 posted in the Virginia Administrative Code as recently as December 13, no such disclaimer statement appears. Is each Electoral Board or candidate supposed to devise its own version of the Form?

- In conclusion, I ask you, Virginia’s State Board of Elections to:
- Immediately suspend the practice of typed-signature applications.
- Develop guidance to verify Ballot Envelope Signatures. The perception of fraud is real among the voting public. My observation at 6.6% is a high rate that validates that perception.
- To enforce the submission rules of AB by mail applications to the rules stated on ELECT’s Web-site and those instructions attached to the current forms.
- Thank you for the opportunity to bring this extremely important issue to your attention.

## THE COPIED ABSENTEE BALLOT APPLICATIONS

November 2, 2015 email from Mr. Guiffre to the Director of Elections/General Registrar: "Michele, I do not know the entire after election process. But as stated at our EB meeting, after election I want access to the AB by mail applications – all of them and I want access to the ballot envelopes – all of them. I will make an appointment to review them this week. Thanks, Tony."

1. Mr. Guiffre stated that he wanted access to the AB by mail applications and the ballot envelopes. Refer to minutes, this was not a motion approved by the entire Board. Note: the minutes have still not been approved by the Board.
2. Procedures Concerning Election Records for Clerk of Circuit Court:  
PART XV: SBE-710-1 – Absentee Ballot Applications:  
Section 24.2-710 of the Code of Virginia requires that the General Registrar to retain all applications for absentee ballots through Election Day. The General Registrar must deliver the applications to the Circuit Court either by noon of the day after the election or after the Electoral Board has conducted its canvass (24.2-671 and 24.2-653). Section 24.2-671 allows for the canvass to be adjourned from day to day for a period of time not to exceed seven calendar days. You [the Clerk of Court] are to retain these applications under seal for one year, following which you [the Clerk of Court] may destroy them. This envelope may be opened only to pursuant to the provisions of 24.2-669.

**SUMMARY:** the General Registrar is the custodian of the Absentee Ballot Applications. Upon the conclusion of Election the General Registrar should have delivered Envelope SBE-710-1 with the enclosed Absentee Ballot Applications from the office location to the Clerk of Court, either by noon on November 4, 2015 or at the conclusion of the Electoral Board canvass. The Electoral Board did not conclude its canvass until Friday November 6 around 7pm. The General Registrar should have then delivered the Absentee Ballot Applications enclosed in Envelope SBE 710-1 on Monday morning November 9, 2015. At the conclusion of the canvass on November 6, Mr. Guiffre again verbally stated to both Electoral Board members and the Registrar that he wanted access to the Absentee Ballot Applications. This was not in the form of a motion. The other two Board members and the General Registrar did not respond to this verbal instruction. While the Registrar was on leave Monday November 16 2015 and Tuesday, November 17 2015 Mr. Guiffre, with the Four Individuals, conducted his inspection and began copying the un-redacted original Absentee Ballot Applications. On Tuesday, November 17, 2015 it is understood that Mr. Guiffre instructed staff, Diana Dutton, to take the original Absentee Ballot Applications from the election to the Clerk of Court. It is also understood that on Tuesday, November 17, 2015, that Mr. Guiffre left the Four Individuals in custody of the original un-redacted Absentee Ballot Applications, while he left the Registrar's Office to attend a Board of County Supervisors' Meeting.

Again, it is important to note that PII (Personally Identifiable Information) was not redacted from the original Absentee Ballot Applications and that copies were made in this un-redacted state.

Applicable Code (see attached):

Code of Virginia Sections 24.2-653; 24.2-669; 24.2-671 and 24.2-710.

## THE COPIED UN-REDACTED ABSENTEE BALLOT APPLICATIONS

The General Registrar returned to the office Wednesday November 18, and secured the copied un-redacted Absentee Ballot Applications in the locked AB (Absentee Ballot) Room. The copied un-redacted Absentee Ballot Applications had been left by the Four Individuals in the locked conference room. Only Office of Elections staff have the code to unlock both the conference room and the secure AB room.

1. On Friday November 20, the Electoral Board held an Emergency Meeting. During closed session of that Emergency Meeting, Mr. Guiffre asked the Registrar where the copied un-redacted Absentee Ballot Applications were located. The Registrar responded to all three Electoral Board members that the documents were in the secure AB Room.
2. On Monday, November 23, Mr. Guiffre sent an email to the Registrar, staff member Diana Dutton, and the other two board members: "Michele, Sorry I missed you. I went through the docs you had secured. Cynthia helped me. I went through and gave Cynthia the copies of docs that I believed were not useful in my research. I asked Cynthia to destroy them. The remaining docs to be redacted this week are in a envelop[e] where you left them for me. Thanks. I doubt that I will be back in until after Thanksgiving. Therefore Happy Thanksgiving. eat healthy. Tony." The subject line of the email was: Redacting.
3. Ms. Martinez did not destroy the unwanted copies as instructed by Mr. Guiffre. Registrar White took the unwanted copies from Ms. Martinez into her possession. Registrar White also removed an envelope from the secure AB Room, which was marked TONY GUIFFRE. This envelope contained the copied absentee ballot applications that Mr. Guiffre wanted redacted and released to him by the Registrar. This envelope and the unwanted copies were locked in the Registrar's office. Only Registrar White has keys to locked compartments within her office.
4. On Monday, November 23, Registrar White drafted and emailed a letter to the Commonwealth Attorney's Office. The intent of this letter was to request an investigation of Mr. Guiffre. The Registrar was directed to draft and submit this letter as a result of a motion by the Electoral Board, held at their meeting of Friday November 20, 2015.
5. Registrar White responded to Mr. Guiffre's Monday, November 23 email: "Tony, In reading 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to inspection: No election record containing an individual's social security number, or any part thereof, shall be made available for inspection or copying by anyone. Even in a redacted state, it seems that the Board should not make these election records to anyone. Please advise as members of the Electoral Board that staff should (or should not) release these records. Thank you"
6. On November 24, Mr. Guiffre wrote: "It is expected that the SS# be redacted and any other information the code requires (I believe the birth date would be, but not the birth year) Please have the docs ready by Friday. Thanks Tony." This is the same email subject line: Redacting.

7. On November 25, Mrs. Reynolds wrote: "I think staff needs to hold off on doing anything further until our meeting on Monday. I will make myself available to discuss."
8. On November 26, Mr. Scarborough wrote: "Since this matter will be investigated by the Commonwealth's Attorney and the Office of the Attorney General, NO further action (including the destruction of any documents created or copied) should be taken by any Electoral Board member, the Registrar or any staff person from the Office of Elections with regard to the search and review of various election documents. Everything should be frozen in place." Again, this was in response to the same email subject line: Redacting.
9. In an email written to the Registrar and County Attorney Jeff Notz, Mr. Guiffre wrote: " Michele: Secretary Scarborough does not believe a verbal request for documents equates to a FOIA subject to all its rules. I happen to know differently. I do consider prior verbal requests to have been issued subject to FOIA and are now delinquent. To help Keith. Pursuant to the Virginia Freedom of Information Act (FOIA), located 2.2-3700 et seq. of the Code of Virginia, I hereby ask to obtain copies of documents in your possession. These documents were the subject of yesterday's meeting. These documents should still be in the envelop[e] left in your office. These documents need to be redacted per voter privacy rules. It is my opinion that the clock has already been used up in providing these documents. Therefore time is of essence. Respectfully, Tony Guiffre, Chairman PWC EB. PS: At yesterday's meeting, a motion made by Keith and seconded by Jane instructing you not to abide by this FOIA request is not enforceable. CC: Jeff Notz. The subject line of this email is: FOIA request made by PWC Electoral Board Chairman Guiffre, dated December 1, 2015.
10. The email discussion continued with the Electoral Board members, the County Attorney and the Registrar, Mr. Scarborough indicated: "Given the pending investigations, I do not believe these documents should be released." [summarized] Mr. Guiffre responded: "Keith and Jane have already interfered with a verbal FOIA request for the same documents in the possession of the Director of Elections. I see that as an illegal action and as Chairman I moved the directive to Ms. White out of order. Which was quickly over-ruled by a vote of the majority. There is NO investigation at this time, it has only been requested. In any event, the FOIA request is a separate action for existing documents that I expect to be honored by the Director of Elections. Thanks Tony."
11. On December 2, Registrar White turned over both the unwanted un-redacted copies and the envelope marked TONY GUIFFRE over the Detective James A. Moore. Detective James A. Moore is with the Prince William County's Commonwealth Attorney's Office. Registrar White prepared and signed a chain of custody document describing the un-redacted copies and the envelope marked TONY GUIFFRE. The Detective, Registrar White and several staff witnessed the transfer of custody and signed the chain of custody document.

**SUMMARY:** Chapter 6 of the GREBook, Records Access and Retention, Table 6.1, Page 3, Item #9:

	Record	Inspect	Copy	Department of Elections	Retain
9.	Absentee Ballot Applications	Virginia Registered Voter (unless also for registration)	No Effective 7.1.2010	GR then Circuit Court	2 years

Supporting Virginia Code: 24.2-706, 42 USC 1974

According to the table above, Absentee Ballot Applications cannot be made available except to the Applicant who made the Absentee Ballot Request. No copies should have been made and the original un-redacted Absentee Ballot Applications should have remained in the custody of the General Registrar and then turned over to the Circuit Court.

#### 6.4 Protection of Social Security Numbers, Page 23 of the GREBook:

Election law authorizes collection of all or part of social security numbers for certain purposes, including voter registration, **absentee ballot request** and provisional voting. At the same time, the law strictly prohibits release of social security number information without specific authorization. §§ 24.2-407.1, 24.2-416.5. **Unauthorized release of a voter or registration applicant social security number or a part thereof is a felony.** § 24.2-1002.1. If the SSN (or part) appears on a record or list open for inspection or copying, the number must be covered so it cannot be read. Marking out the SSN may not be sufficient protection when copying records as the numbers may still be visible after copying. To ensure complete protection of SSN, cover the information and check the copy prior to releasing to someone other than the voter or applicant, their authorized representative or a Commonwealth's Attorney investigating an election offense. Voter registration applications containing the SSN cannot be made available except to the applicant, his authorized representative<sup>13</sup>, or a Commonwealth's Attorney. §§ 2.2-3806, 24.2-1019. In any other circumstance, a court order may be necessary and local government legal counsel should be consulted. Since 2010, state law has prohibited state and local governments from collecting social security numbers without statutory authorization. 2.2-3808.

Applicable Code (see attached):

Code of Virginia Sections 24.2-407.1; 24.2-416.5; 24.2-1002.1; 24.2-1019; 2.2-3806 and 2.2-3808

## THE FOUR INDIVIDUALS

During the absence of the General Registrar from the Office of Elections, on Monday November 16 and November 17, Mr. Guiffre selected Four Individuals to visit the office. Neither the General Registrar or the other two Electoral Board Members were notified that these Four Individuals were selected and were called to the Prince William County Office of Elections. Mr. Guiffre and the Four Individuals entered the Prince William County Office of Elections during the General Registrar's absence on Monday November 16 and Tuesday November 17, 2015.

1. Mr. Guiffre used SBE 611.1 Officer of Election Oath to the Four Individuals. This Oath was not signed by the Secretary of the Electoral Board or the General Registrar. This oath was administered solely by Mr. Guiffre on November 16, 2015.
2. SBE 611.1 refers directly to Election Day activities 24.2-611. The intent of SBE 611.1 covers duties on Election Day, not administrative functions conducted in the office after the fact. See below.
3. The Four Individuals were not appointed in compliance with 24.2-115, since each party was not given equal representation in this exercise. Further, these names were not published on publically available lists and were not approved under the form of a motion by the full Electoral Board.
4. No code exists that gives Officer of Election authority to inspect Voter Registration documents that contain PII, of voters, to include DOB and SSN.

Applicable Code (see attached):

Code of Virginia Sections 24.2-107; 24.2-115; 24.2-118; 24.2-120; 24.2-611; 24.2-668

## INSPECTION OF UNREDACTED VOTER REGISTRATIONS BY MR. GUIFFRE and THE FOUR INDIVIDUALS

On Monday November 16 and Tuesday November 17, Mr. Guiffre and the Four Individuals compared Voter Registration Application signatures to the Ballot B Envelopes [Statement of Absentee Voter].

According to staff accounts, these are the events that occurred, again in the absence of the General Registrar.

The Four Individuals and Mr. Guiffre entered the Staff Only area of the office. They sat around the Lektrier which contains all of the original Voter Registration documents, which are in alphabetical order. The Four Individuals and Mr. Guiffre had the Ballot B envelopes in hand.

At the request of the Four Individuals and Mr. Guiffre, staff located and pulled corresponding Voter Registration Applications. The Four Individuals and Mr. Guiffre compared signatures between the two documents.

Upon the determination of the Four Individuals and Mr. Guiffre, they would request that staff make a copy of the Voter Registration Application. These copies were collected by the Four Individuals and Mr. Guiffre.

On Tuesday November 17, staff describes Mr. Guiffre departing the Office of Elections, leaving the Four Individuals with a staff member still making copies of Voter Registration Applications.

A loose pile of Copied Materials left in the Conference Room contained:

- Copies of Unredacted Voter Registration Applications
- Copies of Unredacted Absentee Ballot Applications
- Copies of Ballot B Envelopes
- Copies of Unredacted FPCAs
- Copies of Provisional Ballot Logs

An envelope of materials marked "TONY GUIFFRE" contained:

- Copies of Unredacted Voter Registration Applications
- Copies of Unredacted Absentee Ballot Applications
- Copies of Ballot B Envelopes
- Copies of Unredacted FPCAs
- Copies of Provisional Ballot Logs

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\*\*Please read the written account of events submitted by Ms. Diana Dutton, Ms. Cynthia Martinez, Ms. Michelle Croft, Mr. Ryan Mulligan and Ms. Amy Gambrell -- see attached.\*\*

Email response from Diana Dutton on November 16, subject: Update on Tony and AB Applications:  
"They are coming back in the morning to do the pile of apps Tony had in his hand. I really do not know what they are doing with the AB Applications in the conference room. I have not been in there with them.

I am taking all of the labelled boxes to the Courthouse tomorrow morning, with Tony's permission. I have retaped them and they are ready to go. I do not know where the original AB apps are. Tony made copies of everything in color, so I am not sure we can tell the originals from the copies."

After the Special Electoral Board meeting held on Friday November 20 and after Director of Elections/General Registrar Michele White was directed to send a letter to State Board, the Attorney General and the local Commonwealth Attorney, Mr. Guiffre clearly stated his intent to take the copies in the envelope into his possession.

On December 2, Director of Elections/General Registrar Michele White released the copied unredacted materials, both the pile and the envelope marked "TONY GUIFFRE" to Detective James E. Moore. Photos of the copied documents and the envelope marked "TONY GUIFFRE" were taken by Ms. White and are stored on her County issued iPhone. Ms. White created a Chain of Custody document outlining the copied unredacted documents. Mr. Moore, Ms. White and 3 Office of Elections staff members observed the contents of both the pile and envelope, then all signed the Chain of Custody document. Please see attached.

**SUMMARY:** Chapter 6 of the GREBook, Records Access and Retention, Table 6.1, Page 2, Items #1 and #2:

	Record	Inspect	Copy	Department of Elections	Retain
1.	Voter Registration Application received before 07/20/2011	Commonwealth Attorney, Applicant or the Applicant's Authorized Representative	Commonwealth Attorney, Applicant or the Applicant's Authorized Representative	GR is Custodian	4 years after cancellation
2.	Voter Registration Application redacted (received on or after 07/20/2011)	General Public NVRA request	Where available, may charge reasonable cost, see NVRA guidelines.	GR is Custodian	2 years

Applicable Code (see attached):

Supporting Virginia Code: 24.2-416-.5, 24.2-444(C), 18.2-186.3

According to the table above, no copies should have been made of any Voter Registration application received before July 20, 2011. Additionally, none of the Voter Registration copies were ever redacted.

The General Registrar is the Custodian of these records. Mr. Guiffre and the Four Individuals gained unauthorized access to Personal Identifiable Information.

6.4 Protection of Social Security Numbers, Page 23 of the GREBook:

Election law authorizes collection of all or part of social security numbers for certain purposes, including **voter registration**, absentee ballot request and provisional voting. At the same time, the law strictly prohibits release of social security number information without specific authorization. §§ 24.2-407.1,

24.2-416.5. **Unauthorized release of a voter or registration applicant social security number or a part thereof is a felony.** § 24.2-1002.1. If the SSN (or part) appears on a record or list open for inspection or copying, the number must be covered so it cannot be read. Marking out the SSN may not be sufficient protection when copying records as the numbers may still be visible after copying. **To ensure complete protection of SSN, cover the information and check the copy prior to releasing to someone other than the voter or applicant, their authorized representative or a Commonwealth's Attorney investigating an election offense. Voter registration applications containing the SSN cannot be made available except to the applicant, his authorized representative<sup>13</sup>, or a Commonwealth's Attorney.** §§ 2.2-3806, 24.2-1019. In any other circumstance, a court order may be necessary and local government legal counsel should be consulted. Since 2010, state law has prohibited state and local governments from collecting social security numbers without statutory authorization. 2.2-3808.

## **OBSERVING SIGNATURES ON THE ALPHA CARDS AND AB APPLICATIONS, NOVEMBER 16-17, 2015**

On November 16 Tony came to the office to look at election materials. Because I was not initially involved in what was going on, that was all I was aware of. I was asked by someone (maybe Tony) for an Oath Form which I pulled from my files.

Later Tony came to my office about getting assistance with looking up voter records in the Lektriever, and I told him that only staff members may access and use the Lektriever and the voter cards in it. He could not do so. He asked whom he might ask for assistance, and I suggested Rizwana and Maria because everyone else was very busy.

Ryan and Cynthia were concerned about what was going on at the Lektriever.

I walked to the Lektriever to observe the process. Three or four ladies were seated near the Lektriever. Tony read the name on the application and Maria found the card. One of the group then compared the signature on the alpha card with the signature on the application or envelope to see if they matched. The one they compared did match. They were only looking at the two signatures while I was there; not studying the alpha card. The card remained in the filing drawer. Ryan (reluctantly) said he could spare Maria in the morning to continue assisting since he would have Kimberly up front.

Tony told me that the ladies would be returning in the morning to do the pile of apps he had in his hand. I really do not know exactly what they are doing with the AB Applications in the conference room. I have not been in there with them.

Tony said that I could take the elections materials over to the Courthouse on Tuesday (by that time it was too late on Monday to take them over.) I retaped the boxes in preparation for Tuesday's delivery.

Tuesday morning Tony came to the office sometime around 8:30, I believe. He stopped by my office and talked a little about the previous evening's Roundtable.

About 9:30 I loaded up three carts with the boxes to take to the Courthouse. The group was meeting with Tony in the conference room. Kristin, Maria and I took the boxes to the Courthouse.

Later in the morning Ryan, Cynthia and Amy came in my office and were upset about what was going on at the Lektriever. Tony was no longer here, and the ladies, with Maria's help, were repeating Monday's procedure with the alpha cards and the envelopes or applications. If one of the matches is not good, they request that Maria make a copy of the alpha card. I tried to calm everyone down and asked them to not continue talking about the problem, "stirring the pot," as I called it. It just made things emotionally worse. I tried to explain to them that you were aware of what is going on, and we just have to "deal with it." We all understand that it is not right, but we cannot do anything more.

Cynthia told me that Michelle Croft was very, very upset. I found her sitting in her car. We talked about 15 minutes. She was terribly distraught, emotionally, about the flagrant violation of the legal requirement that none of the personal information was redacted and that outside people were going through our files. She was upset to the point of feeling physically sick. She was also concerned that the press might learn of these activities, and the reputation of our office would be compromised.

I approached the women who were there comparing the signatures. I briefly explained that the process they were following was not allowed/legal and that is why they were feeling the tension in our office. By *Code* certain personal information must be redacted before the records can be seen. I asked them to be careful not to study any information on the alpha cards; only compare the signatures. They assured me that they were trying to be respectful of our records and were only there to look at the signatures. They were not aware that they might be doing something wrong.

Maria was slow in producing each alpha card because she is not used to working with these records, so they asked Ryan to help them. Maria continued to make the copies.

After I told Jane that I had not been able to take the Absentee Applications over to the Courthouse because I did not know where they were, she called Tony. He called me and said he thought I had taken all the materials in the room because he saw me put the boxes on the three carts. I returned to the conference room and found three more boxes at the end of the table: two were the AB Apps and the third was a box of envelopes from pre-processing. I sealed them and readied them for the Courthouse.

The ladies were preparing to leave. They told me that Tony had requested that I see that they were not taking anything with them from the room. Maria was working with them to package up paperwork. She put materials in a sealed envelope with Tony's name on it. It was put on top of a pile of copied materials on the cart in the room. The ladies left. I then loaded the three boxes and took them to retention storage in the Courthouse.

A handwritten signature in black ink that reads "Diana Dutton". The signature is written in a cursive, flowing style with a large initial 'D'.

Diana Dutton

Concerning 11/16-11/17/15.

The following is an account of events as close as I can recall.

On Monday morning, Nov. 16, 2015, a little before 9am, Tony came to my desk and asked for a report that I had been keeping as a spreadsheet throughout the Nov. 2015 General Election tracking the number of absentee ballot applications received by using electronic signatures. This was a special spreadsheet created outside normal election reports. It was not an unusual request and I didn't think anything of it.

Shortly thereafter, Ryan came from the front saying there was a lady in the front asking about an absentee meeting with Tony. We went down the hall to where Tony was talking to another staff member, to let him know about the person and ask if there was a meeting. We had not been aware of a meeting.

I had been expecting Tony to come to look through all the absentee application himself, personally. I did not know anything about another person coming. That being the case, I said something along the lines of that to Tony and that he had not asked me to copy these applications to redact personal information. I cannot recall the exact words, but the general outcome was that it was offhandedly said oh yes, he had thought about that and should probably swear them in. He said he would probably then ask for copies and redaction depending on what they see.

I'm not sure what time, but I was asked to come show how the applications were arranged in the boxes. The denials, duplicates, anyone not sent a ballot was labeled in one section. Another section was labeled for the applications for which no ballot was returned. The rest were arranged by precinct were the applications that ballots had been returned or voter in person.

I felt like this was not planned with us ahead of time since we had just thought only Tony was going to be looking at these applications. (which he had requested to do and we had not sent them to the courthouse yet because of this request)

I felt compelled to send an email to Michele asking if this was OK. She replied to my email that she also did not know it would be a group event and we need to just let him proceed. I sent updates throughout the day.

The group closed themselves in the conference room with the boxes of absentee applications. I did see Tony in the copy room using the copier.

I understood from another staff member that one of the group kept trying to come to the inner office section. After lunch, I observed that one of the group had apparently been instructed on the use of the copier and was making copies. I assumed of the absentee applications.

I'm not sure what point in time, Tony came and asked me about the B envelopes. He had the box of returned envelopes, but didn't know where the B envelopes were. I went with him to the conference room and showed how CAP keeps them all together, back inside the outer envelope and bundled by precinct.

Later, he came and asked why they were not finding ALL the envelopes that ballots had been returned in. I realized the pre-processed ballot envelopes were in a separate box, which was also in the conference room and showed him that.

I do not know at what point everyone left that day.

During the course of the day, however, there was a very strained feeling in the office. I had several other things on my list to accomplish, which I either didn't do well, or took twice as long to do. I had planning some instruction to a new employee which took far longer than it should.

Tuesday, Nov. 17, 2015

Either Mon or Tues, Tony had asked me how long and how many staff did I think it would take to pull all the alpha cards of the applications they had copied.

At a different time, again, I can't remember if it was Monday or Tuesday, Tony came to ask me a question that started with, "as the senior person here..... ", but I stopped him by letting him know that Diana was here.

The group of people returned Tuesday morning. The first I saw of them, they were gathered around the alpha card file lektrevor in what almost looked like a classroom setting.

My understanding to this was Tony, having been told that only an employee could use the lektrevor where voter alpha cards are filed, was now having a temporary employee pull alphas requested by the group so they could look at the signature of the alpha as compared to the B envelopes which again had been copied.

I do not believe any redactions were made to any copies and the alphas are NOT subject to ANY public scrutiny and certainly not without the private information being redacted.

I do not know when they finished or when they left. I know that Tony did leave and left the group of people here on their own.

Again on Tuesday, there was a very stained, uncomfortable atmosphere in the office. Work was disrupted by the lack of access to the lektrevor.

I was not happy by any of the way this was handled. I felt like it was very wrong to have people coming in to look at original documents that had not had information redacted. At some point I learned or heard Tony say that this was personal (not Electoral Board) and from that point I personally feel like this was an abuse of a position of authority.

This is as best an account that my memory serves of facts. I could not help but include my feelings as well.

Respectfully submitted,  
Cynthia S. Martinez  
11/18/15

November 20, 2016

First thing the morning of Monday, November 16<sup>th</sup>, Winston Forrest and I were speaking in my office when Tony Guiffre entered to tell us his plan for the Chiefs Roundtable. Cynthia Martinez came to tell Tony that she was concerned because she had not redacted the copies of absentee ballot applications that he had requested to review. She had not been aware that he intended to invite several non-staff/Electoral Board persons to view them. Tony acknowledged and thanked her for thinking of this, and then said it was okay because that he was going to swear in these persons as Election Officers.

A short time later I went to speak with Cynthia about scheduling meetings and she expressed concern to me about the unknown persons working with Tony. I suggested she notify Michele White. She said she had already sent an email and Michele had directed her to keep her informed of any developments. Cynthia said she felt better by emailing Michele, said that she was very upset and she motioned (hands to face re: feeling hot). I expressed my concern that these persons are not Election Officers (I had walked by the conference room and did not recognize them) and asked did she know where Tony found them/what group they might be with, she did not. We wondered if the other Electoral Board members were aware of what Tony was doing and whether there were representation from both parties.

Ryan added that on Monday, one of the ladies had walked back into the area off-limits to the public and into the copy room to make copies of some applications. He advised her that she is not permitted in that area, but she did this repeatedly. He stated that if he were she, he would probably be thinking, "Who is he to tell me this, when Tony has told me to do this." I could see the ladies gathered at the card file. Diana went to speak with Tony, and subsequently reported that the group was finishing for the day and would be back the next morning.

I had intended to email Michele to inform her that several of us in the office were very concerned, but I got sidetracked and remembered Tuesday morning, November 17<sup>th</sup> that I had not done so. I intended to then send an email that morning, but this was overcome by events because when I went to speak with Diana in her office. Part way through the conversation Cynthia and Ryan interrupted. I was standing in the doorway and noted when they walked up that they were agitated. Cynthia reported that ladies in the group working with Tony were looking at alpha cards in the lektriever. Cynthia said Tony had tasked Maria to pull the alpha cards for the women to view the signature and compare to the signature on the corresponding absentee ballot application. I stated that Maria should not be doing that because she is not a staff member, rather a Temp, and thereby she should not be authorized/responsible to do so. Cynthia added that Maria was very uncomfortable performing this task. Diana said that Maria is a sworn Assistant Registrar, and that she would use the ruler to cover the SSN and date of birth.

I went back to finish my conversation with Diana. Cynthia came to say that Michelle Croft had come to her very concerned after seeing the group at the lektriever. She said she told Michelle that she was keeping Michele White informed by email and we needed to just let things go, but Michelle planned to report it. Cynthia was worried that Michelle would be fired for going over Michele's head. I sent some emails and meeting invites to Michele White later on that day, and she asked me to call her. During that call I mentioned to her the newest concerns and she said she had been in contact with the other Electoral Board members about it.

On Wednesday morning, November 18<sup>th</sup>, I saw Tony sitting in the conference room. He appeared to be reviewing the copies of the absentee ballot applications and corresponding alpha cards that had been photocopied the day prior.

Tony presided over the Chiefs Roundtable Monday evening from 7:00 – 9:00 p.m. In the course of the discussion one of the Chiefs mentioned that some voters who had been issued absentee ballots by mail had to vote provisionally because they did not remember requesting mailed ballots. Someone asked if there is any plan to require signature verification for persons who vote absentee by mail. Tony responded there is no requirement, however, he has a “personal agenda” to require such. He added that he was “doing a study now to find out the real issues.” Earlier in the day I had considered whether I might ask Jane Reynolds about what had transpired, since I knew she would be at the meeting; but decided against it in deference to Michele White and because Tony openly admitted his agenda in front of her.

I have some ongoing concerns about Tony Guiffre. His demeanor, attitude and actions have sustained a hostile working environment for the Office of Elections staff. Some specific examples include:

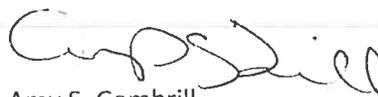
-- He says whatever comes into his head, does not seem to have a filter to preclude saying anything that may be inappropriate. I tried a couple of times to hint at him when he made inappropriate remarks to staff shortly after I started work in this office, but I do not believe he took that seriously. And, in fact, during our discussion Monday morning, in response to something that Winston said to him, Tony referred to errata and joked “errata, erotica.” I said to Winston in front of Tony, “you didn’t hear what he said,” and when he acknowledged he did, I replied, “you were trying not to.”

-- The entire staff is directed not to argue points with the Electoral Board because of Tony. He does not take kindly to anyone questioning him or pointing out pertinent facts that may not support his goals. When I believe I must make a point, I am very careful how I word it.

-- The entire staff is also directed, since Doug Geib’s tenure, to not act upon requests from the Electoral Board (and Tony, specifically, because he is the only one who had a tendency to task individual staff members directly). And, in fact, I did forward an email for Tony that I learned after the fact I should not have done so because it was not known to GR Doug Geib and CDR Brenda Cabrera.

-- In September 2014, I expressed my concern about action taken by Tony, then Secretary of the Electoral Board, and Doug Geib, then General Registrar for Prince William County. I was reprimanded by Tony in the closed session of the next Electoral Board meeting. At the same meeting, Brian Fahey also expressed some concern from the IT perspective, and he was shot down. Following that meeting, Tony barely spoke to me for several months. Both he and Doug took it very personally and I personally believe this is because they both knew they did something wrong but would not admit such. I would be happy to provide further information if so desired.

-- He also makes the Director and staff look bad in front of Election officers. I would be happy to elaborate on this as well.



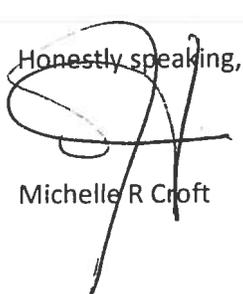
Amy S. Gambrell

Election Officer Coordinator (Assistant Registrar)

Michelle R. Croft  
9250 Lee Ave Suite 1  
Manassas, VA 20110  
(703) 792-6476  
MCroft@pwcgov.org  
November 18, 2015

On Monday 11/16/2015 I observed Mr. Guy Anthony Guiffre along with 4 or 5 other people (whom I did not recognize) in the conference room with the door closed. Later on throughout the day I saw them going back and forth to the copy room. I noticed that they were photocopying actual Absentee applications that were not redacted. At the time I was busying myself with what I was doing so I did not realize what was going on. Then on 11/17/2015 I heard Mr. Guiffre voice in the office. Later on that morning I saw a few women at the lektriever (where we keep the alpha cards) with one of the temps that help us in the office. I inquired as to why the strangers were at the Lektriever to my co-workers Cynthia Martinez. She told me that Tony (Mr. Guiffre) was the one that was allowing the women to do this (while he was not present in the office). My co-worker also seemed distressed at what was going on in the office. I was immediately worried and upset by this because the general public have entrusted us with their personal information and I hold this responsibility very seriously. There are some that do not want to give us their social security numbers. Which, by law we must have in order to register them to vote. If they do not provide us with the social we will deny them until they furnish the social to us. How can we demand social security information from them if we allow anyone to access their information? I called our General Registrar MS. Michele White (as she was out of the office) and told her of my concerns and she told me to send her an email so she could document what is taking place. I believe that Mr. Guiffre blatantly abused his powers because if any other person come into the office and said that they needed to do what Mr. Guiffre did, they would have been denied access to the information unless the personal information was redacted. I felt helpless and undermined especially yesterday 11/17/2015 when he left the women here by themselves without supervision by him to access voters alpha cards. I believe that Mr. Guiffre has created a hostile environment in the Office of Elections and I believe that he abused his power and broke the law. I also think this hostile environment that he has created has been occurring for the longest time.

Honestly speaking,



Michelle R Croft

On Monday November 18, 2015, an electoral board member and a group of individuals I did not recognize were looking over absentee ballot applications (which contain social security numbers) and making copies of some of them and copies of some of the envelopes the ballots were returned in that were supposed to have been signed by the voter. The copier that was being used is in the back part of the office.

As I work in the front office, one of my responsibilities is to only allow authorized individuals into the back of the office where sensitive personal information for voters and employees is kept including but not limited to social security numbers. At multiple points I had to keep individuals whom I did not recognize from entering the back of the office to make copies. I made it very clear to at least one of them that I could not allow them into the back.

I was successful in making sure that only the board member was allowed into the back to make copies until I took my lunch break. When I returned I found out from other staff that these individuals had been in the back of the office.

This made some of the staff uncomfortable since no one knew who these people were and as I stated earlier there is a lot of sensitive information in the back.

The next day the group returned and was instructed by the board member to compare the signatures on the voter registrations to the signatures on the envelopes. To allow complete strangers into the back made me uncomfortable.

Granted it was decided that only a staff member should be allowed to pull the voter's registration but to have individuals in such close proximity to our voter's personal information and allowing them to have access to certain voter's absentee ballot applications and voter registrations that had not been redacted made me very uncomfortable.

I feel that I was put in a difficult situation since the group was acting at the behest of an electoral board member but their actions went against office policy and what I felt was ethical.

  
Ryan Mulligan

This written record shows that the following documents that were in the Director of Elections possession have been released to the Prince William County Commonwealth Attorney's office through Detective James E. Moore on December 2, 2015.

The documents included:

Copies of Absentee Ballot Applications and return Absentee B Envelopes "Statement of Absentee Voters" from voted ballots during the November 3, 2015 Election. These copies were made by Chairman Guiffre on November 16 and November 17, 2015 as observed by Office of Elections Staff. These copies contained PII which has not been redacted. One pile is loose, combined into binder clips.

A second pile is contained in a large envelope marked "Tony Guiffre". These contain hand written notes, Provisional Ballot logs, additional Absentee Ballot Applications, return Absentee B Envelopes "Statement of Absentee Voters" from voted ballots during the November 3, 2015 Election again without any PII having been redacted. There are also some Voter Registrations enclosed, also without PII being redacted.

Finally, Director White is including two emails regarding these documents.

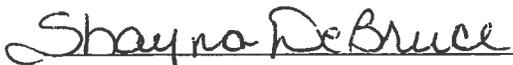
The witnesses and Detective James A. Moore have signed below, indicating the change in possession of these documents to the Prince William County Commonwealth Attorney's Office.

  
James A. Moore, Detective

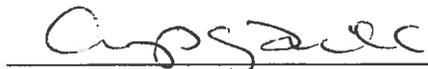
Date: 12-2-2015

  
Michele L. White, Director of Elections

Date: 12/2/2015

  
Shayna DeBruce, Assistant Registrar

Date: 12/2/15

  
Amy Gambrell, Officer of Election Administrator

Date: 12/02/2015

  
Matthew Wilson, Assistant Elections Equipment Specialist

Date: 12/2/15

COMMONWEALTH OF VIRGINIA

**OFFICER OF ELECTION OATH**

COUNTY/CITY OF \_\_\_\_\_

ELECTION DATE Nov 3 2016

PRECINCT NAME \_\_\_\_\_

**OATH OF OFFICER  
DELEGATED TO ADMINISTER OATH TO OTHER OFFICERS**

I do solemnly swear (or affirm) that I will perform the duties for this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election.

*Tommy J. Spivey, Chairman of Election Board*  
SIGNATURE OF DELEGATED OFFICER OF ELECTION

\_\_\_\_\_  
SIGNATURE OF SECRETARY OR REGISTRAR ADMINISTERING OATH

**OATH OF ALL OTHER OFFICERS OF ELECTION**

I do solemnly swear (or affirm) that I will perform the duties for this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election.

Signatures of Officers of Election:

- 1. MARIE HOERST
- 2. Deborah K. Weber
- 3. JAN BURCH
- 4. Dorothy Miller
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_

- 10. Marie Hoerst
- 11. Deborah K. Weber
- 12. Jan Burch
- 13. Dorothy Miller
- 14. \_\_\_\_\_
- 15. \_\_\_\_\_
- 16. \_\_\_\_\_
- 17. \_\_\_\_\_
- 18. \_\_\_\_\_

*Tommy J. Spivey*  
SIGNATURE OF PERSON ADMINISTERING OATH

Chairman PWCEB  
TITLE OF PERSON ADMINISTERING OATH

11/16/2015  
DATE ADMINISTERED

# PRINCE WILLIAM COUNTY OFFICE OF ELECTIONS



9250 Lee Avenue, Suite 1  
Manassas, Virginia 20110-5554  
Phone: (703) 792-6470  
Fax: (703) 792-6461  
[www.pwcgov.org/vote](http://www.pwcgov.org/vote)  
[pwcvote@pwcgov.org](mailto:pwcvote@pwcgov.org)

**ELECTORAL BOARD**  
Guy Anthony Guiffre, Chairman  
Jane M. Reynolds, Vice Chairman  
Keith A. Scarborough, Secretary

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

December 4, 2015

State Board of Elections  
Virginia Department of Elections  
Washington Building  
1100 Bank Street, First Floor  
Richmond, VA 23219

Response to Request to Appear Before State Board of Elections

Deputy Commissioner Elizabeth L. Howard,

In a letter dated November 23, 2015, it was requested that the following information be provided no later than today, December 4, 2015.

Please review the attached letter and related documents and emails. It should be noted that the minutes included are in draft form and were not approved at the last Prince William County Electoral Board meeting which met again this past Monday November 30, 2015.

In Part 3 of the letter, a description of the Prince William County Electoral Board's plan in response to the allegations is requested. The only plan in place was to report these allegations to the local Commonwealth Attorney's Office, the Attorney General's Office and the State Board of Elections. These reports have been sent to each office.

In addition, certain documents and copies of documents that were created or obtained by Mr. Guiffre on November 16 and 17, which had been in the possession of the Director of Elections/General Registrar, have now been turned over to the custody of the PWC Commonwealth's Attorney.

Finally, all three Prince William County Electoral Board Members and the Director of Elections/ General Registrar Michele L. White plan to appear before the State Board on December 16, 2015.

Sincerely,

Michele L. White,  
Director of Elections/General Registrar  
Prince William County

cc: James Alcorn, Chairman  
Clara Belle Wheeler, Vice Chair  
Singleton McAllister, Secretary

Guy Anthony Guiffre, Chairman PWC  
Jane M. Reynolds, Vice Chair PWC  
Keith A. Scarborough, Secretary PWC



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ELECTIONS

Edgardo Cortés  
Commissioner

Elizabeth L. Howard  
Deputy Commissioner

November 23, 2015

Chairman Guy Anthony Guiffré  
Vice Chair Jane M. Reynolds  
Secretary Keith A. Scarborough  
General Registrar Michele White  
VIA EMAIL

Re: Request to Appear Before State Board of Elections

Dear Electoral Board Members and Registrar White:

As you know, the Virginia Department of Elections (the "Department") was recently notified of alleged actions undertaken and directed by Prince William County Electoral Board Chairman Guy Anthony Guiffré which, if true, may constitute serious violations of federal and state law. State Board of Elections ("State Board") Chairman James Alcorn has been notified of these allegations and has requested additional information. The Department plans to provide the requested information to the State Board at its next regularly scheduled meeting on December 16, 2015.

In order for the Department to provide an update of this situation to the State Board, please provide the following information no later than Friday, December 4, 2015 at 5:00 p.m.:

- 1) Confirmation of the following:
  - a. Mr. Guy Anthony ("Tony") Guiffré is the Chairman of the Prince William County Electoral Board. ✓ yes
  - b. On October 20, 2015, Prince William County General Registrar ("GR") Michele White submitted the following question to the Department of Elections: "Should the voter's signature from the Ballot B envelope [returned absentee ballot envelopes] be verified against the voter's registration card? Please cite the code where this applicable." ✓ yes (see attached email) 10/20/2015
  - c. Subsequent to receiving the response by the Department noting that conducting signature verifications on select returned absentee ballot envelopes may constitute violations of federal and state law, the Prince William County Electoral Board

potential  
officers of election are presented  
monthly to the Electoral Board  
and approved by all EB members  
then those EDs are appointed.

- voted against conducting signature verification procedures on any returned absentee ballot envelopes at its public meeting on October 20, 2015. (see attached ✓ yes oct 20 minutes)
- d. On Election Day, November 3, 2015, Mr. Guiffré instructed staff at the Central Absentee Precinct ("CAP") to segregate and retain the empty return absentee ballot envelopes in which voters who submitted an absentee ballot application with an electronic signature returned their absentee ballots ("Empty Return Absentee Ballot Envelopes"). → see attached NOV 2 email X
- e. Mr. Guiffré subsequently instructed that these materials should not be delivered to the Clerk of Court with all other election materials that were delivered to the Clerk pursuant to statute. ✓
- f. GR Michele White scheduled personal vacation time for November 16 – 17, 2015. ✓
- g. During GR White's absence, Mr. Guiffré selected four individuals (the "Four Individuals") and "deputized" them. ✓
- h. This "deputiz[ation]" process involved the Four Individuals signing an Officer of Election Oath. ✓ (see attached OATH used)
- i. This Oath is typically only administered to Officers of Election who serve solely on or shortly before Election Day and ~~whose names have been published on the Prince William County Office of Elections' website.~~
- j. Neither the GR nor the two additional members of the Prince William County Electoral Board were notified that these individuals were selected by Mr. Guiffré or "deputized" beforehand. ✓
- k. Dissimilar to the names of all other Prince William County Officers of Election, the names of these individuals have not been posted on the Prince William County Office of Election's website or otherwise been made public. ✓
- l. Mr. Guiffré and the Four Individuals entered the Prince William County Office of Elections (the "Office") during GR White's absence on November 16, 2015. ✓
- m. The Prince William County Electoral Board concluded the canvass of the November 3, 2015 election prior to November 16, 2015. → On Friday NOV 5 @ 7 pm
- n. While in the Office, Mr. Guiffré retrieved the Empty Return Absentee Ballot Envelopes. ✓
- o. Mr. Guiffré did not obtain authorization to access these election materials from the State Board of Elections. ✓
- p. Mr. Guiffré did not obtain authorization to access these election materials from the Prince William County Electoral Board. ✓
- q. Mr. Guiffré did not have a court order to inspect these election materials. ✓
- r. Mr. Guiffré provided these Empty Return Absentee Ballot Envelopes to the Four Individuals. ✓

- s. Mr. Guiffre instructed staff members of the Prince William County Office of Elections to retrieve the voter registration applications of the voters whose empty absentee ballot return envelopes he had provided to the Four Individuals. ✓
- t. No personal identifying information ("PII"), including the voter's social security number and birthdate, was redacted from these voter registration forms. ✓
- u. These voter registration forms were provided to the Four Individuals by Mr. Guiffre. ✓
- v. Mr. Guiffre did not notify the state political parties, the local political parties or any independent candidates who appeared on the November 2015 ballot that this inspection was to take place at any time prior to inspection. ✓
- w. Mr. Guiffre and the Four Individuals reviewed the voter registration forms and matched the voter registration forms to the information included on the outside of the Empty Return Absentee Ballot Envelopes. ✓
- x. Mr. Guiffre and the Four Individuals conducted a signature verification process in which the signatures on the voter registration forms were compared to the signatures on the Empty Return Absentee Ballot Envelopes. ✓
- y. No representative of any political party was present during this process. ✓
- z. Upon learning of Mr. Guiffre's alleged actions, Prince William County Electoral Board Secretary Keith Scarborough called an Emergency Meeting of the Prince William County Electoral Board on November 20, 2015. ✓
- aa. At this board meeting on November 20, 2015, the board immediately went into executive session. ✓
- bb. No minutes were taken at this meeting. - (see attached)

If any of the statements above are inaccurate, please provide the correct information.

- 2) Names, addresses and contact information of the Four Individuals. ✓ (see attached)
- 3) Description of the Prince William County Electoral Board's plan in response to the allegations. ✓ see response cover letter
- 4) Any additional relevant or noteworthy information related to the above alleged conduct.
- 5) Description of actions taken in response to a formal complaint submitted to the Prince William County Electoral Board on September 23, 2015, alleging that voter fraud may have occurred when an individual identified as "Tony Guiffre" submitted an absentee ballot application. (see attached)

The next scheduled meeting of the Board is Wednesday December 16, 2015, at 10:00 a.m. in House Room C of the General Assembly Building on Broad Street, Richmond, Virginia 23219.

At least one member of the Electoral Board should plan to appear and address the Board. The General Registrar or a staff member is also encouraged to be present to respond fully to technical questions the Board members may have. ✓

We appreciate the high level of cooperation we have received from your staff in keeping us informed of this situation.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Elizabeth L. Howard  
Deputy Commissioner

cc: James Alcorn, Chairman  
Clara Belle Wheeler, Vice Chair  
Singleton McAllister, Secretary

## White, Michele

---

**From:** White, Michele  
**Sent:** Tuesday, October 20, 2015 9:44 AM  
**To:** 'Cortes, Edgardo (ELECT)'  
**Cc:** 'Howard, Elizabeth (ELECT)'  
**Subject:** verifying signatures question

Edgardo,

The Prince William County Electoral Board meets tonight to discuss verifying signatures on returned Absentee Ballots. This is in response to electronically signed Absentee Ballots applications. The Board is considering verifying all returned Absentee Ballots by comparing the signature of the voter on Envelope B against the signature of the voter's registration [alpha] card.

If you would please, answer the following question:

Should the voter's signature from the Ballot B envelope be verified against the voter's registration card? Please cite the code where this applicable.

Thank you.

Michele L. White, VREO  
Director of Elections & General Registrar, Prince William County  
PWC Office of Elections  
9250 Lee Ave, Suite 1  
Manassas, VA 20110  
703-792-6472 - Office  
703-798-8514 – County Cell  
[MWhite@pwcgov.org](mailto:MWhite@pwcgov.org) - Direct email  
<http://www.pwcgov.org/government/dept/vote> - Website



## PRINCE WILLIAM COUNTY ELECTORAL BOARD MINUTES SPECIAL MEETING

October 20, 2015

**CALL TO ORDER** The Prince William County Electoral Board held a Special Meeting on October 20, 2015, at 7:02 pm in the Historic Manassas Courthouse. Attending the meeting were EB members Chairman Guy Anthony Guiffre, Vice Chairman Jane Reynolds and Secretary Keith Scarborough. The Chairman called the meeting to order and explained that this was a meeting called by the Secretary of the Board. The Chairman questioned whether proper notice of the meeting had been given, notifying party chairs and all of the candidates. He also reminded the Secretary that he made a motion at the last meeting regarding electronic signatures created online that they would be verified by comparison with registration records and it passed unanimously.

**ELECTION OFFICERS** Election Officer Coordinator Gambrill offered a list of Election Officers to be approved. Secretary Scarborough moved that the list be approved, and Vice Chairman Reynolds seconded the motion. The motion was approved by consensus of the Electoral Board.

**OTHER BUSINESS** Secretary Scarborough wanted to ask the sense of the group for a motion that staff not be asked to make any other changes in the administration of the election since we are two weeks out. They need to finish up and conduct the election.

As an example, on Friday we learned that the names of write-ins can be printed out from the voting machines. However, only the number of write-ins needs to be reported on the SOR. We should not add any more responsibilities to the machine operators when they have not been trained to print these write-in tapes.

**MOTION** Secretary Scarborough moved that no more changes to the election processes and rules of the election could be made after this meeting tonight. Vice Chairman Reynolds seconded the motion. The motion passed unanimously.

### **ELECTRONIC SIGNATURES ON ABSENTEE BALLOT APPLICATIONS**

**Secretary Scarborough** After the last EB meeting on electronic signatures, I did some research. The SBE has twice discussed this issue in open session. We have discussed it. It is physically possible to compare the names on the ballots when they come back, but is it appropriate or legally proper to do that. He spoke with legislators and EB members in other counties. We are required and have been directed by the SBE to treat all the absentee ballots in the same manner, no matter what type of signature they have. We were directed after the meeting this summer to do so. This whole issue seems to have started with Speaker Howell's June Primary Election. His application allowed voters to file with electronic signatures. His Primary opponent challenged that. The issue went to court and to the SBE. The SBE voted unanimously that an electronic signature was a valid signature on an AB Application. On May 13 Commissioner Cortes sent an email informing us to accept electronic signatures on AB Apps. In July there was a conference call with SBE at which time we were directed to accept the electronic signatures.

In October the SBE had a meeting and the issue was on the agenda. There was a lengthy discussion, including attendance by several candidates and EB members there. Once again, at the October 6 meeting, the SBE agreed unanimously to make no change in their previous policy. On October 6 the Commissioner sent out an email reaffirming that electronic signatures were to be accepted.

After the last meeting, I felt that we were doing something illegal or improper in doing something differently with the absentee ballots, directing staff to set them aside. We must treat these absentee ballots the same as the others. By agreeing to match signatures in VERIS at the last meeting, we were imposing a new requirement on the absentee process not authorized by law. I asked ELECT to contact Commissioner Cortes about matching signatures. I received an answer this afternoon. Our actions would be in violation of state and federal law; we have no legal authority to do the signature matching.

I feel compelled to move to treat every absentee ballot returned identically and that none be subjected to any kind of signature verification.

**MOTION** Secretary Scarborough moved that every returned absentee ballot be treated identically and that none be subjected to any kind of signature scrutiny. The motion was seconded by Vice Chairman Reynolds.

**Discussion of the Motion:**

**Chairman Guiffre** responded that he did not know the Commissioner had been requested for an opinion. He would disregard that. The voter must check the box on the application—he quoted from SBE records.

In his profession he deals with electronic signatures with the IRS for filing federal taxes. There is only one way he knows of for that practice. He repeated that the applicant must check the box.

**Commissioner Cortes** then said that the box was not necessary to appear on the application.

**Pre-processing of absentee ballots was explained by Chairman Guiffre**. They look at the ballot envelope; they usually do not see the application to see the box. Checking the signature is the only way we have of making sure it is legitimate; no signature verification. The law requires a signature on the application, the ballot envelope and on the registration application. Some areas of the state do look at matching signatures; they do it when looking at some provisional ballots. Treating all voters the same—in-person absentee voting requires ID from the voter. It is incumbent upon the EB to make the election as fair as possible and to use the tools available to do so. When the election is over, Chairman Guiffre plans to check on signatures for ballots that were submitted. He is not casting any dispersions on anyone collecting these electronically-signed applications. SBE now has an online application if the voter has a signature on file with DMV. If voter has not done anything with DMV, he has to print out the application and sign it. SBE cannot tell us how to check these ballot envelopes, to match them against the application forms and the signature against the form or to check the signature on the VRA.

**Vice Chairman Reynolds**. Two weeks before the election we cannot change procedures to handle absentees. I do not want to violate state and federal law. We have been told to mail the ballots to anyone who applies.

**Commissioner Cortes**. Signatures are required on the AB Application. The UETA law provides for electronic signatures to be valid. We cannot ask our EOs to match signatures. The SBE has set out what is required on the B Envelope. There is no provision in the Regulations to allow signature checking. The B Envelope requirements are in the *Code* and in the Regulations. The AB Application need not contain the check box on the application; SBE policy relating to Applications is limited to the electronic signature itself.

**Chairman Guiffre** totally disagrees with the policy of SBE and ELECT on this issue.

**Secretary Scarborough** thinks the record is pretty clear.

**Speakers:**

**Paul O'Meara** Coles District. Thanked the EB for the opportunity to speak. To insure fair and open elections, if you leave a stone unturned, then you are not doing your job. Please use every tool available to count every ballot, but not fraudulent ones.

**Carmella Foreman** Passed out a statement from Mayor Foreman because he could not attend. She said she fully supports the AB process and then read the statement. She supports signature verification.

**Bill Card** This is the best-attended EB meeting I have ever attended. As recently as Sunday I was asked whether the absentee ballots are even counted. ABs were sent out to wrong people 2 years ago. The integrity of the vote was questioned. I voted absentee for 23 years because of my military service. My first time in-person was in PWC. I am concerned about the nature of this meeting. For other meetings I have received an email notification. Verifying the signatures is the common sense approach—not to take this is absurd. I voted through the Surovell site. It went well. Please pay attention to any anomalies that appear in this election. This process is different from any other election process—for the first time in a long time.

**Erin from Woodbridge District** I echo the same sentiments. Election signatures should be verified; verification provides a safety net against fraud. We need safeguards because of the steps in technology. She described a situation in Texas in 2012.

**Delegate Jackson Miller** Comparing the Speaker Howell case to this situation is like apples to oranges AG ruled that electronic signatures are valid. "It is very distressing to me that I was not notified of this meeting. He said he has been notified about every other meeting this Board has had. Never before have I been ashamed of the

Electoral Board representing me. It is starting to concern me. Mr. Cortes is not an attorney. Was the AG asked for a legal opinion on this?"

Chairman Guiffre The law does not preclude us from doing this. There is no doubt that both Democrats and Republicans commit voter fraud. There just are not any resources put into voter fraud.

Jane Beyer was notified by the party chairman of this meeting. She was not sent a notification. She supports verification of signatures. She recalled that notarization used to be required of Absentee Applications.

Person in wheelchair: She signs her name on her Absentee Application. If you do not verify the signatures, you will be will treating them differently. She asked the Board to withdraw the motion.

Bill Card How were the chairmen of the political parties notified? He was not notified.

Lady in Audience She agrees with everyone. Prince William County is a good, right and decent place to live. She is concerned that if absentee signatures not being checked puts a stain on the election processes.

Chairman Guiffre asked those in support of the motion to rise. No one did.

He further stated that he believed the notice was insufficient for the meeting and that, therefore, it was not a legal meeting. On Friday morning there was not a notice on the office door.

DoE Michele White said that there was a sign on door Friday afternoon. The meeting was noticed on the website.

### **MOTION**

The vote was taken

AYES: Reynolds, Scarborough

NAYS: Guiffre

The Motion passed 2-1. No signatures are to be checked.

Chairman Guiffre stated that the motion may have passed, but I am casting doubt on legality of this meeting because I think the motion is absolutely ridiculous. I believe they are choosing which part of the *Code* they want to enforce.

Chairman Guiffre made a motion that this meeting did not have proper notice. Motion failed for lack of a second.

**ADJOURNMENT** The meeting was adjourned at 8 pm.

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Guy Anthony Guiffre  
Chairman

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Jane M. Reynolds  
Vice Chairman

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Keith A. Scarborough  
Secretary

## White, Michele

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**From:** Tony Guiffre <tonyguiffre@aol.com>  
**Sent:** Monday, November 02, 2015 11:17 AM  
**To:** White, Michele; kscarborough@ana.net; lawoffices@jmreynoldspllc.com  
**Subject:** Re: Absentee Voters

Michele,

I don't know the entire after election process.

But, as stated at our EB meeting, after election I want access to the AB by mail ballot applications- all of them and I want access to the ballot envelopes - all of them. I will make an appointment to review them after this week.

Thanks

Tony

**Tony Guiffre, Chairman**  
**Prince William County Electoral Board**

703-867-8623 cell

-----Original Message-----

**From:** White, Michele <MWhite@pwcgov.org>  
**To:** Tony Guiffre <tonyguiffre@aol.com>; Keith Scarborough <kscarborough@ana.net>; Jane M. Reynolds <lawoffices@jmreynoldspllc.com>  
**Sent:** Mon, Nov 2, 2015 10:58 am  
**Subject:** Fwd: Absentee Voters

Thought the Board members might be interested in the same numbers. See below.

Michele

Sent from my iPhone

Begin forwarded message:

**From:** Absentee Voting  
<AbsenteeVoting@pwcgov.org<mailto:AbsenteeVoting@pwcgov.org>>  
**Date:** November 2,  
2015 at 9:26:20 AM EST  
**To:** 'Michele McQuigg'  
<mmcquigg@verizon.net<mailto:mmcquigg@verizon.net>>  
**Cc:** "White, Michele"  
<MWhite@pwcgov.org<mailto:MWhite@pwcgov.org>>, "Dutton, Diana C."  
<DDutton@pwcgov.org<mailto:DDutton@pwcgov.org>>  
**Subject:** RE: Absentee  
Voters

Michele,

These are the numbers I have as of the end of

Saturday.

Thank you,  
Cynthia S. Martinez  
Prince William  
County  
[absenteevoting@pwcgov.org](mailto:absenteevoting@pwcgov.org)<<mailto:cmartinez@pwcgov.org>>  
703-792-6481  
703-792-6470  
703-792-4973 (fax)

Realize  
your power. Work it. Protect it. Vote it !!  
From: Michele McQuigg  
[<mailto:mmcquigg@verizon.net>]  
Sent: Sunday, November 01, 2015 8:03 PM  
To:  
Absentee Voting  
Subject: Absentee Voters  
Importance: High

A few  
questions:

How many people have voted in-person?            2,462

How many  
people have requested that an absentee ballot be mailed to them?  
2,602

Of those who requested an absentee ballot be mailed, how many sent the  
request electronically?            753

How many absentee ballots have been returned  
to your office?            1,297

Of those returned to your office, how many of them  
were requested electronically?            299

If you have any questions, please  
e-mail me at [mmcquigg@verizon.net](mailto:mmcquigg@verizon.net)<<mailto:mmcquigg@verizon.net>> or call me at  
703-491-2294.

Thank you,  
Michele McQuigg

## PRINCE WILLIAM COUNTY OFFICE OF ELECTIONS



9250 Lee Avenue, Suite 1  
Manassas, Virginia 20110-5554  
Phone: (703) 792-6470  
Fax: (703) 792-6461  
[www.pwcgov.org/vote](http://www.pwcgov.org/vote)  
[pwcvote@pwcgov.org](mailto:pwcvote@pwcgov.org)

**ELECTORAL BOARD**  
Guy Anthony Guiffré, Chairman  
Jane M. Reynolds, Vice Chairman  
Keith A. Scarborough, Secretary

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

### PRINCE WILLIAM COUNTY ELECTORAL BOARD **ELECTORAL BOARD MINUTES** **EMERGENCY MEETING held Friday, November 20, 2015**

**CALL TO ORDER:** The Prince William County Electoral Board held an Emergency Meeting on Friday, November 20, 2015, at 2:00 pm at the Office of Elections.

Attending the meeting were EB members Chairman Guy Anthony Guiffré, Vice Chairman Jane Reynolds and Secretary Keith Scarborough. Mr. Kimball Brace was also in attendance, along with Deputy Commissioner Liz Howard. At 2:00 pm the Chairman calls the meeting to order.

The Chairman recognizes the attendance of Deputy Commissioner Liz Howard from SBE. Secretary Keith Scarborough makes a motion pursuant to Code 2.2-3711 A1 to go into closed session to discuss personnel matters. Vice-Chairman Jane Reynolds seconds the motion. Chairman Guiffré states that the Electoral Board has gone into closed session and asks the three people to leave the room. About an hour later, Ms. Howard is called into conference with the Prince William County Board Members. Shortly thereafter, Ms. Howard departs and Director of Elections White is called into the closed session.

At approximately 5:20 pm, Vice-Chairman Reynolds makes a motion to adjourn the meeting, Secretary Scarborough seconds. Director White is directed to draft a letter concerning the events occurring on Monday, November 16, and Tuesday, November 17, to the Commonwealth Attorney, the Attorney General and the Virginia State Board of Elections.

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Guy Anthony Guiffré, Chairman

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Jane M. Reynolds, Vice Chairman

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Keith A. Scarborough, Secretary

Four Individuals Names and Addresses:

Marie Hoerst  
12690 Landview Dr  
Manassas, VA 20112

Deborah L. Weber  
8643 Bannerwood Dr  
Manassas, VA 20109

Jan Burch  
8559 Dover Downs Court  
Gainesville, VA 20155

Dorothy Miller  
14008 Aden Road  
Nokesville, VA 20181

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## White, Michele

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**From:** Tony Guiffre <tonyguiffre@aol.com>  
**Sent:** Monday, September 21, 2015 4:38 PM  
**To:** Martinez, Cynthia S.  
**Subject:** Re: I just applied online

a GOP Candidate.  
Hope you are tracking sources.

I had to offer no proof. All I needed was my DoB and Last 4 ssn.

I may do more, if I see them.  
Keep this email in your file.

If all 30 some do this, many over lap so you are like to get dups, please advise if you do.

**Tony Guiffre Accounting Services LLC**  
**8573C Sudley Road**  
**Manassas, VA 20110**

**Tony Guiffre, Chairman**  
**Prince William County Electoral Board**

703-867-8623 cell

-----Original Message-----

**From:** Martinez, Cynthia S. <cmartinez@pwcgov.org>  
**To:** White, Michele <MWhite@pwcgov.org>; Tony Guiffre <tonyguiffre@aol.com>  
**Cc:** Dutton, Diana C. <DDutton@pwcgov.org>  
**Sent:** Mon, Sep 21, 2015 4:25 pm  
**Subject:** RE: I just applied online

Where on line did you go? Just curious.  
Cynthia

---

**From:** White, Michele  
**Sent:** Monday, September 21, 2015 4:21 PM  
**To:** Tony Guiffre  
**Cc:** Martinez, Cynthia S.; Dutton, Diana C.  
**Subject:** RE: I just applied online

Ok! I will put Cynthia on alert for it.

Michele L. White, VREO  
Director of Elections & General Registrar, Prince William County

**From:** Tony Guiffre [<mailto:tonyguiffre@aol.com>]  
**Sent:** Monday, September 21, 2015 3:16 PM  
**To:** [tonyguiffre@aol.com](mailto:tonyguiffre@aol.com); White, Michele  
**Subject:** I just applied online

Thank you. You have successfully completed your absentee ballot application.

A copy of your application has been e-mailed to you. You do not need to do anything else. A signed copy of your application was submitted to your local registrar.

If you have any questions, please contact your local registrar's office.

**Tony Guiffre Accounting Services LLC**  
**8573C Sudley Road**  
**Manassas, VA 20110**

**Tony Guiffre, Chairman**  
**Prince William County Electoral Board**

703-867-8623 cell

## White, Michele

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**From:** Tony Guiffre <tonyguiffre@aol.com>  
**Sent:** Monday, September 21, 2015 4:45 PM  
**To:** Martinez, Cynthia S.; White, Michele  
**Cc:** Dutton, Diana C.  
**Subject:** Re: I just applied online

I just submitted a second one.  
Thanks..see me in jail

**Tony Guiffre, Chairman**  
**Prince William County Electoral Board**

703-867-8623 cell

-----Original Message-----

**From:** Martinez, Cynthia S. <cmartinez@pwcgov.org>  
**To:** White, Michele <MWhite@pwcgov.org>; Tony Guiffre <tonyguiffre@aol.com>  
**Cc:** Dutton, Diana C. <DDutton@pwcgov.org>  
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**Subject:** RE: I just applied online

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Cynthia

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**Cc:** Martinez, Cynthia S.; Dutton, Diana C.  
**Subject:** RE: I just applied online

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Michele L. White, VREO  
Director of Elections & General Registrar, Prince William County

---

**From:** Tony Guiffre [<mailto:tonyguiffre@aol.com>]  
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**To:** [tonyguiffre@aol.com](mailto:tonyguiffre@aol.com); White, Michele  
**Subject:** I just applied online

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If you have any questions, please contact your local registrar's office.

**Tony Guiffré Accounting Services LLC**  
**8573C Sudley Road**  
**Manassas, VA 20110**

**Tony Guiffré, Chairman**  
**Prince William County Electoral Board**

703-867-8623 cell

## White, Michele

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**From:** White, Michele  
**Sent:** Tuesday, September 22, 2015 6:33 PM  
**To:** Martinez, Cynthia S.; Tony Guiffre  
**Subject:** RE: Guiffre,T - Absentee Ballot Application - denial

Tony. That is because Cynthia could not find you under your "business" address

Michele L. White, VREO  
Director of Elections & General Registrar, Prince William County

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**From:** Martinez, Cynthia S.  
**Sent:** Tuesday, September 22, 2015 6:14 PM  
**To:** Tony Guiffre; White, Michele  
**Subject:** Guiffre,T - Absentee Ballot Application - denial

Tony,  
I received this application today in the absentee voting email box.  
I sent the first attachment so you would see what it looks like.  
The second attachment is the letter this person would be mailed. (it would be signed before mailing)

*Cynthia S. Martinez*  
Prince William County  
[absenteevoting@pwcgov.org](mailto:absenteevoting@pwcgov.org)  
703-792-6481  
703-792-4973(fax)

*Realize your power. Work it. Protect it. Vote it !!*

## White, Michele

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**From:** Martinez, Cynthia S.  
**Sent:** Wednesday, September 23, 2015 9:54 AM  
**To:** Scott Surovell  
**Cc:** White, Michele  
**Subject:** RE: FYI

Yes. There was all kinds of incorrect information on it. It was denied on several counts.  
Cynthia

**From:** Scott Surovell [<mailto:ssurovell@gmail.com>]  
**Sent:** Wednesday, September 23, 2015 8:30 AM  
**To:** Martinez, Cynthia S.  
**Subject:** FYI

Cynthia:

I noticed that an application came through from a Tony Guiffre in Manassas last night.

It does not appear it was filled out correctly - given that's not his legal name, there was a name change entered for the same name and an address change entered for the same address, and I don't see anyone by that name on the voter file or at that address.

It was not put in by my campaign.

Thanks.

Scott S.

--

**Delegate Scott A. Surovell**  
44th District  
General Assembly of Virginia

**Candidate for State Senate**  
36th District of Virginia  
General Assembly of Virginia

Capitol 804.698.1044  
Capitol Fax 804.698.6744  
Local 571.249.44TH (4484)  
Local Fax 703.542.3741  
Local Mail: P.O. Box 289, Mt. Vernon, VA 22121  
Richmond Website <http://bit.ly/SASOfficialSite>  
Campaign/Constituent Website - [www.scottsurovell.org](http://www.scottsurovell.org)  
The Dixie Pig Blog - [scottsurovell.blogspot.com](http://scottsurovell.blogspot.com)  
Twitter - <http://twitter.com/ssurovell>  
Facebook - <http://www.facebook.com/scott.surovell>

**Law Firm Office**

Surovell Isaacs Petersen & Levy PLC  
4010 University Drive, Suite 200  
Fairfax, VA 22030  
Direct 703.277.9750  
Fax 703.591.9285  
Email - [ssurovell@SIPLFirm.com](mailto:ssurovell@SIPLFirm.com)  
[www.SIPLFirm.com](http://www.SIPLFirm.com)

**White, Michele**

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**From:** tonyguiffre@aol.com  
**Sent:** Tuesday, September 29, 2015 10:14 PM  
**To:** PWC Office of Elections  
**Subject:** Guiffre,Tony - no last name in sig - Absentee Ballot Application  
**Attachments:** 2015 Absentee Ballot Application -- Guiffre.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please find the attached absentee ballot application from Tony Guiffre. If there are any questions, please call (703) 867-8623.

## White, Michele

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**From:** tonyguiffre@aol.com  
**Sent:** Tuesday, September 29, 2015 10:16 PM  
**To:** PWC Office of Elections  
**Subject:** Guiffre,Tony - (dup) no last name in sig - - Absentee Ballot Application  
**Attachments:** 2015 Absentee Ballot Application -- Guiffre.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please find the attached absentee ballot application from Tony Guiffre. If there are any questions, please call (703) 867-8623.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# 2016 Presidential Election Preparation & Planning

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BOARD WORKING PAPERS  
James Alcorn  
SBE Chair



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Other Business & Public Comment

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BOARD WORKING PAPERS



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STATE BOARD *of* ELECTIONS

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# Adjournment

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BOARD WORKING PAPERS



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Friday, January 8, 2016  
General Assembly Building  
Room C  
10:00AM

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SBE Board Working Papers  
Prepared by Rose Mansfield  
SBE Clerk