



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Wednesday, May 11, 2016
General Assembly Building
Room C
10:00AM

SBE Board Working Papers



**STATE BOARD OF ELECTIONS
AGENDA**

*DATE: May 11, 2016
LOCATION: General Assembly Building, Room C
TIME: 10:00 a.m. – 2:00p.m.*

- I. CALL TO ORDER** *James B. Alcorn
SBE Chair*
- II. APPROVAL OF MINUTES** *SBE Board Members*
April 28, 2016
- III. COMMISSIONER'S REPORT** *Edgardo Cortés
ELECT Commissioner*
- IV. NEW BUSINESS**
- A. General Registrars' Full-Time Requests** *Martin Mash
ELECT Policy Advisor*
- B. June 2016 Primaries Update** *Reiko Doğu
Senior Elections Administrator*
1. Candidate Qualification
2. Redistricting
3. Special Election for SOV District 1
- C. Polling Place Access- Proposed Regulations** *Elizabeth Howard
Deputy Commissioner*
- D. SBE Training Standards** *Clara Belle Wheeler
SBE Board Member*
- E. List Maintenance Overview** *Edgardo Cortés & Matt Davis
Commissioner & ELECT, CIO*
- F. KnowInk Exception Request** *James Alcorn
Chairman*
- G. Voter Registration Form Lessons Learned** *James Alcorn*
- V. OTHER BUSINESS & PUBLIC COMMENT**
Next Meeting – June 14, 2016-Washington Building-B27 @ 8am
- VI. ADJOURNMENT**



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Call to Order

BOARD WORKING PAPERS
James Alcorn
SBE Chair



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Approval of Minutes April 28, 2016

BOARD WORKING PAPERS
SBE Board Members

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Thursday, April 28,
4 2016. 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; Elizabeth Howard, Deputy Commissioner; Martin Mash, Policy
9 Advisor, and Rose Mansfield, Clerk. Anna Birkenheier, Assistant Attorney General and
10 Counsel to SBE and ELECT attended. Chairman Alcorn called the meeting to order at
11 11:00AM.

12 Chairman Alcorn stated that this was the first SBE Meeting since the passing of
13 “Our Beloved Martha Brissette”, ELECT Policy Analyst. Chairman Alcorn stated that
14 Martha was dedicated to the election process, voters, and to anyone who needed help.
15 Chairman Alcorn called for a moment of silence in memory of Martha who was loved by
16 all that came to know her and that she is deeply missed.

17 The first order of business was the approval of the minutes from the State Board
18 of Elections Board Meetings held on March 15, 2016, and April 9, 2016. Chairman
19 Alcorn asked if board members had any additions or corrections to the Board Meeting
20 minutes as presented. Chairman Alcorn stated that changes had been submitted to the
21 Clerk for March 15, 2016 minutes. Secretary McAllister moved *to adopt the minutes for*
22 *the March 15, 2016, and the April 9, 2016 meetings as amended and or presented.* Vice
23 Chair Wheeler seconded the motion. The Board unanimously approved the motion.

24 The next order of business was the Commissioner Report presented by Edgardo
25 Cortés, ELECT Commissioner. Commissioner Cortés thanked the election community
26 for their kind words of support regarding the passing of Ms. Brissette.

27 Commissioner Cortés stated that the Governor designated, April 24-30, 2016 as
28 High School Registration Week and presented a proclamation from the Governor to SBE
29 Board Members. Commissioner Cortés stated that this is an effort to encourage young
30 people to get involved in the process. Commissioner Cortés stated that those individuals
31 who are 17 years of age can register to vote early and vote in the Presidential Election if

32 they have reached their 18th birthday by Election Day, November 8, 2016. Commissioner
33 Cortés thanked the general registrars’ offices and the civic organizations that have
34 conducted registration drives and who have spent time with the students discussing the
35 importance of civic participation. ELECT has worked with the Department of Education
36 and thank them for their support and assistance.

37 Commissioner Cortés stated that the ELECT social media sites have experienced
38 increased usage by the public. Commissioner Cortés thanked Tanya Pruett and Rob
39 Vance, ELECT staff members, for their efforts to maintain these sites and noted that the
40 increase in usage, over the past year, is at 3,500%.

41 Commissioner Cortés stated that the Governors’ Restoration of Rights Order will
42 not affect the process that the general registrars’ perform at the local level. ELECT is in
43 the process of transferring the data for use by the general registrars and will be complete
44 by weeks’ end. Commissioner Cortés stated that once the Governors’ order was issued
45 the general registrars’ were immediately notified of any impact on the local offices.
46 Commissioner Cortés stated that ELECT is working directly with the Secretary of the
47 Commonwealths’ (SOC) Office to restore the rights of all eligible individuals.
48 Commissioner Cortés asked if there were any questions.

49 Vice Chair Wheeler inquired: “If the Governors’ order is rescinded, and ELECT
50 has to remove people from the list, is there a procedure in place to handle this situation?”
51 Commissioner Cortés stated that the general registrars’ have legal responsibility to
52 process the registration forms and the Governor has the right under the constitution to
53 restore rights to the citizens of the Commonwealth. Commissioner Cortés stated that a
54 process is currently in place to transfer data to and from the SOC’s office.

55 Commissioner Cortés stated that the sunset date for touch screen voting
56 equipment usage in the Commonwealth has been set for July 1, 2020. Commissioner
57 Cortés provided a visual of the voting equipment that highlighted were the equipment
58 was still in use in the Commonwealth and noted that a letter has been sent to the localities
59 to plan appropriately.

60 Commissioner Cortés stated that the final budget moves existing part-time
61 registrars to full –time status across the Commonwealth. This change is effective on July
62 1, 2016. Commissioner Cortés stated that a packet of information regarding this change

63 will be headed to the localities in the near future. Commissioner Cortés noted that the
64 funding reimbursement will not be at 100%. Commissioner Cortés stated that in the
65 communications to the localities it will be noted that the change to full-time status for the
66 general registrars does not negate the need to maintain the assistant general registrars
67 staffing levels.

68 Commissioner Cortés stated that the General Assembly did not approve the
69 budget request for a call center for the November 2016 election. Commissioner Cortés
70 stated that activating a call center for the presidential primary was instrumental in
71 effectively serving the voters' of the Commonwealth. Commissioner Cortés stated that
72 the call center was able to handle the increase in the volume of calls related to the
73 election. Commissioner Cortés asked if there were additional questions and there were
74 none.

75 The next order of business was the Campaign Finance Updates presented by
76 Brooks Braun, ELECT Policy Analyst. Mr. Brooks stated that a complaint was received
77 at the Department of Elections alleging that Supporters of Jacqueline Smith for Clerk of
78 the Circuit Court had distributed pamphlets and posted a website with disclosure
79 statements that deviate from those required by statute. Mr. Brooks stated that ELECT
80 recommends a fine for each of three different improperly disclosed pamphlets, and an
81 additional fine for an improperly disclosed website. Chairman Alcorn asked if Ms. Smith
82 was present.

83 Ms. Smith approached the podium with legal counsel, Jonathan Francis. Mr.
84 Francis reviewed the details of the complaint and the related code sections. Mr. Francis
85 expressed doubt that the disclosure statement was in violation of Virginia's Stand by
86 Your Ad Law. Mr. Francis noted that the local commonwealth attorneys' office reviewed
87 the complaint and dismissed the issue. Mr. Francis stated that the disclosure was present
88 and that the matter should be dismissed by SBE. SBE members discussed the particulars
89 of the violation and determined that there were two separate issues with one issue being
90 in violation of the *Code*. Vice Chair Wheeler moved *that subject to the Board's authority,*
91 *Supporters of Jacqueline Smith for Clerk of the Circuit Court has be found in violation of*
92 *the print media disclosure requirements on two instances and a fine will be accessed for*

93 \$200.00. Secretary McAllister seconded the motion and without further comment the
94 Board unanimously approved the motion.

95 The next order of business was the Voter Registration Form presented by
96 Commissioner Cortés. Commissioner Cortés stated that at the May 13, 2015 SBE
97 meeting ELECT proposed a revised Virginia Voter Registration Application and changes
98 to the associated regulations. Commissioner Cortés stated that the proposed form and
99 regulations were published on Virginia Town Hall and in the Virginia Register for public
100 comment. The public comment period was extended multiple times and written
101 comments were accepted through August 3, 2015. Commissioner Cortés stated that
102 additional public comments were received at the June 22, 2015 and July 28, 2015 public
103 meetings of the State Board of Elections. ELECT has reviewed all oral and written
104 comments from voters, election officials, legislators, nonprofit organizations, members of
105 the public, and SBE.

106 Commissioner Cortés stated that during the 2016 legislative session, the General
107 Assembly passed two bills that Governor McAuliffe signed into law requiring revisions
108 to the Virginia Voter Registration Application by July 1, 2016. Commissioner Cortés
109 stated that after making various revisions in response to statutory changes and numerous
110 public comments, the Department consulted usability experts and performed usability
111 testing to assess contemplated Revisions. The final revised Virginia Voter Registration
112 Application and associated regulation incorporating public comments and feedback from
113 usability experts are included in the Board Working Papers and are presented for final
114 consideration and adoption by SBE members. Commissioner Cortés stated that the
115 proposed form was field tested for usability. Commissioner Cortés stated that the
116 application presented today has streamlined the application for the purpose of making it
117 easier for eligible Virginians to register to vote. Commissioner Cortés stated the proposed
118 application contains all the required information to determine if an applicant is eligible.
119 Commissioner Cortés reviewed the changes on the application and the associated
120 regulation, by section, in detail. Commissioner Cortés asked if there were any questions.

121 Chairman Alcorn asked for the detailed implementation plan, for the new
122 registration form, set for July 1, 2016. Commissioner Cortés stated that once the Board
123 approves the form, distribution of the form will be sent to the general registrars' and the

124 designated agencies prior to the July 1, 2016 deadline. Commissioner Cortés stated that
125 ELECT will update the online registration portal, ELECT training and associated
126 materials. Commissioner Cortés asked if there were additional questions. SBE members
127 and the Commissioner conducted a question and answer exchange related to the proposed
128 changes on the form and regulation. SBE members submitted formatting and verbiage
129 changes to the Commissioner for implementation prior to the release of the new proposed
130 form. Chairman Alcorn asked if there were public comments.

131 Comments were received by the following individuals: Greg Riddlemoser,
132 General Registrar of Stafford County; Bill Bell, Electoral Board Secretary of Isle of
133 Wright; Tracy Howard, President of the Voter Registrars Association of Virginia; Robin
134 Lind, Electoral Board Secretary of Goochland County; Larry Haake, General Registrar of
135 Chesterfield County; Senator Thomas “Tom” Garrett, Virginia District 22; Jake
136 Washburne, General Registrar of Albemarle County; Anna Scholl, Executive Director of
137 Progress Virginia, and Michelle Kanler Cohen, Election Counsel-Project Vote.

138 Chairman Alcorn moved *that the proposed affirmation on the proposed Virginia*
139 *Voter Registration Application be stricken and the existing affirmation be utilized.*
140 Secretary McAllister seconded the motion. Chairman Alcorn asked if there were
141 additional comments and there were none. Commissioner Cortés added a formatting
142 clarification. Vice Chair Wheeler stated that the General Registrars have expressed grave
143 and serious concerns over the proposed voter registration form. Vice Chair Wheeler
144 stated that serious consideration should be given to not changing a form during a
145 presidential election year. Vice Chair Wheeler stated that the Board has not had enough
146 time to review this form and this consideration should be tabled. Chairman Alcorn stated
147 that he appreciated the feedback. A roll call vote was taken on the motion: Chairman
148 Alcorn, Yea; Vice Chair Wheeler, Abstain; Secretary McAllister, Yea. The motion
149 passed 2-0. Vice Chair Wheeler moved *that the Board keep the information and continue*
150 *to use the current application and reconvene the workgroup after the November*
151 *elections.* The motion failed for lack of a second. Chairman Alcorn moved *that the Board*
152 *adopt the changes proposed by the Department of Elections to the Virginia Voter*
153 *Application Form and associated regulations as amended and discussed at today’s SBE*
154 *meeting.* Secretary McAllister seconded the motion. Chairman Alcorn asked if there was

155 any discussion and there was none. A roll call vote was taken on the motion: Chairman
156 Alcorn, Yea; Vice Chair Wheeler, Nay; and Secretary McAllister, Yea. The motion
157 passed 2-1.

158 Chairman Alcorn moved *that the Board adjourn*. Secretary McAllister seconded
159 the motion. Chairman Alcorn asked if there was any discussion and there was none. A
160 roll call vote was taken on the motion: Chairman Alcorn, Yea; Vice Chair Wheeler, Nay;
161 and Secretary McAllister, Yea. The motion passed 2-1.

162 The meeting was adjourned at approximately 2:25PM. The Board shall
163 reconvene on May 11, 2016 at 10:00AM in Richmond, Virginia – GAB-Room C.

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Secretary

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Chair

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Vice Chair

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New Business

BOARD WORKING PAPERS



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STATE BOARD *of* ELECTIONS

General Registrars' Requests

BOARD WORKING PAPERS
Martin Mash
ELECT Policy Advisor



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DEPARTMENT *of* ELECTIONS

Memorandum

To: Members of the State Board of Elections
From: Edgardo Cortés, Commissioner
Date: May 11, 2016
Subject: Electoral Board Request for Full-Time Status for General Registrar

Suggested motion for a Board member to make:

Move that the Board approve the request from the Electoral Board of City of Buena Vista for the period of May 16, 2016 through June 30, 2016.

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

Attachments:

Your Board materials include the following

- Signed request for temporary full-time status from City of Buena Vista Electoral Board

Background:

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

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

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

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

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

City of Buena Vista Electoral Board
2039 Sycamore Ave
Buena Vista, Virginia 24416

March 16, 2016

Mr. Edgardo Cortes
Commissioner, Virginia Department of Elections
Washington Building, First Floor
1100 Bank Street
Richmond, Virginia 23219

Dear Mr. Cortes,

The Buena Vista Electoral Board is seeking approval from the Virginia Department of Elections to change Emilie F. Staton's (Registrar, City of Buena Vista) employment status to Temporary Full Time Status for the months of April-June of 2016, IF a Primary is called for the June timeframe.

With the possibility of a primary in June, we feel that the registrar can better serve our voters with extended hours for absentee voting and to prepare for the upcoming election.

Thank you for your consideration on this matter. We will await your response.

Sincerely,



John D Brandt, Secretary
City of Buena Vista Electoral Board

Cc:

Emilie Staton, Registrar - City of Buena Vista
James Bradford, Chairman - City of Buena Vista Electoral Board
Gloria Martin, Vice Chairman - City of Buena Vista Electoral Board

City of Buena Vista
General Registrar of Voters
2039 Sycamore Avenue
Buena Vista Virginia 24416

May 2, 2016

Ms. Rose Mansfield

Our Electoral Board had requested Full Time status for May and June for the upcoming Republican Primary June 14th.

Starting date requesting is from May 16th until the end of June. I will be working part time from date until May 13th.

Thank you and we look forward to your response.

Sincerely,

Emilie Staton,GR
City of Buena Vista



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June 2016 Primaries Update

BOARD WORKING PAPERS
Reiko Doğu
Senior Elections Administrator



Memorandum

To: Members of the State Board of Elections
From: Reiko T. Dogu, Senior Elections Administrator
Date: May 11, 2016
Re: **June Primaries Update**

This is an update and presents no question for board decision. This update includes information about the process and status of:

- 1) Candidate qualification,
- 2) Congressional redistricting, and
- 3) The Special Election called for November 8, 2016 to fill the remainder of the term vacated by the untimely death of The Honorable John Miller.

Candidate Qualification

On January 6, the Department of Elections provided official notice to party chairs of the filing window for requesting a direct primary. That filing window was from February 10 to March 1. Va. Code § 24.2-516.

Parties notified the Department of Elections of the adoption of direct primary as the method of making the following thirteen nominations:

Republican

United States House of Representatives,
First Congressional District

United States House of Representatives,
Second Congressional District

United States House of Representatives,
Fourth Congressional District

United States House of Representatives,
Sixth Congressional District

United States House of Representatives,
Ninth Congressional District

United States House of Representatives,
Tenth Congressional District

Democratic

United States House of Representatives,
Second Congressional District

United States House of Representatives,
Third Congressional District

United States House of Representatives,
Fourth Congressional District

United States House of Representatives,
Eighth Congressional District

United States House of Representatives,
Eleventh Congressional District

United States House of Representatives,
Eleventh Congressional District

Arlington County Board of Supervisors



Candidates for these nominations then had a filing deadline of March 31, and the parties certified their candidate filings to the Department of Elections by the deadline of April 5. Of the thirteen primaries called on March 1, seven were uncontested and will therefore not be held. Uncontested primary candidates are declared the nominee of the party. Va. Code § 24.2-526. *See table below.*

June 14, 2016 Primaries to be held

	<i>Republican</i>	<i>Democratic</i>
First Congressional District	Robert J. Wittman*	Convention
Second Congressional District	<i>Primary</i> C. Pat Cardwell IV J. Randy Forbes Scott W. Taylor	Shaun D. Brown*
Third Congressional District	Convention	Robert C. "Bobby" Scott*
Fourth Congressional District	<i>Primary</i> Michael L. "Mike" Wade Jackee K. Gonzalez	<i>Primary</i> A. Donald McEachin Ella P. Ward
Fifth Congressional District	Convention	Convention
Sixth Congressional District	<i>Primary</i> Robert W. "Bob" Goodlatte Harry Griego	Convention
Seventh Congressional District	Convention	Convention
Eighth Congressional District	Convention	Donald S. Beyer, Jr. *
Ninth Congressional District	H. Morgan Griffith*	Convention
Tenth Congressional District	Barbara Jean Comstock*	Convention
Eleventh Congressional District	Convention	G.E. "Gerry" Connolly*
Arlington Board of Supervisors	Convention	<i>Primary</i> Erik Gutshall Libby T. Garvey
Senate of Virginia, First District*	Convention	<i>Primary</i> T. Monty Mason Shelly A. Simonds

* The party certified to the Department of Elections a single uncontested candidate. Where a primary nomination is uncontested, the uncontested candidate is declared the nominee of the party and his name is not printed on the ballot. Va. Code § 24.2-526. Primary filing fees paid by these candidates will be refunded. Va. Code § 24.2-524.

♦ This is a nomination for the November 8, 2016 special election to fill the vacancy created by the death of the Honorable John C. Miller on April 4, 2016. *See page 3 for more information.*



2016 Congressional Redistricting

On January 7, 2016 the United States District Court for Eastern Virginia instructed the Department of Elections to implement redrawn congressional districts. The 2016 congressional district lines are in effect for the nominations made at the 2016 June primaries. The internal process of updating the district boundaries in our databases was completed on April 16. Through the use of GIS software, the Department of Elections was able to implement the new lines in record time.

Two localities, Chesterfield and James City County, completed a further step of reprecincting. They chose to do this to limit the number of split precincts caused by the new district lines.

Senate of Virginia, First District for unexpired term ending January 7, 2020

When a vacancy in any office occurs less than seventy five but more than forty five days before a regularly scheduled primary, party authorities may choose to use the primary as their method of nomination for the special election to fill the vacancy. Va. Code § 24.2-536. On April 4, seventy one days before the June 14 primaries, a vacancy was created in the first district of the Senate of Virginia by the death of the Honorable John C. Miller. The writ, issued by Governor McAuliffe, called this special election on November 8, 2016.

The Department of Elections notified both parties of the option to use the June primaries as the method of nominating candidates for this special election. The Republican Party chose to nominate their candidate using another method. The Democratic Party adopted the June 14 primary as their method of nomination for this special election.

The processes of candidate qualification and ballot creation were accelerated to ensure that absentee voting for this special race could begin at the same time as the regularly scheduled primary. Every locality participating in a June primary has received approval to print ballots in preparation for the April 29 start of absentee voting.



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Polling Place Access Proposed Regulations

BOARD WORKING PAPERS
Elizabeth Howard
Deputy Commissioner



Memorandum

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

From: Elizabeth Howard, Deputy Commissioner

Date: April 28, 2016

Re: Proposed Regulation 1VAC20-60-35 – Polling Place Accessibility Assessments

Suggested Motion: I move that the Board seek public comment, for a period of 21 calendar days, on proposed 1VAC 20-60-35: Polling Place Accessibility Assessments.

Affected Regulations: 1VAC20-60-35

Applicable Code Sections: Va. Code § 24.2-310, and § 51.5 et seq.; 42 U.S.C. § 20101 et seq., 42 U.S.C. § 15461, 52 U.S.C. § 20101 et seq.

Board Materials: Proposed 1VAC20-60-35

Background:

Va. Code § 24.2-310(C) requires all polling places to be accessible to all qualified voters as required under the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The statute further *requires* the State Board of Elections (“SBE”) to provide instructions to the localities to ensure compliance with this statute. Va. Code 24.2-310(C) (“The State Board shall provide instructions to local electoral boards and general registrars to assist localities in complying with the requirements of the Acts.”).

The Help America Vote Act authorizes the protection and advocacy system of each state to “ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places.” (42 U.S.C. § 15461). Pursuant to Va. Code § 51.5-39.13, the Governor appointed the Virginia disAbility Law Center (“DLCV”) as the protection and advocacy program in Virginia. In this role, DLCV is charged with “*protect[ing] and advocat[ing]* for the rights of persons with mental, cognitive, sensory, physical, or other disabilities and to receive federal funds on behalf of the Commonwealth of Virginia to implement the federal Protection and Advocacy for Individuals with Mental Illness Act, the federal Developmental Disabilities Assistance and Bill of Rights Act, the federal Rehabilitation Act, the Virginians with Disabilities Act (§ 51.5-1 et seq.), and such other related programs as may be established in state or federal law.” Va. Code § 51.5-39.13 (emphasis added).

In furtherance of its mission, DLCV randomly selected more than 30 localities in which to conduct accessibility audits of polling locations during the March 1, 2016 presidential primary. At the March 15, 2016 SBE meeting, Clyde Matthews, Deputy Director of DLCV, presented the initial findings from



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DLCV's accessibility audits. These initial findings indicate that approximately 20% of the polling locations audited did not comply with Va. Code § 24.2-310(C). To better address this problem going forward, DLCV requested the following:

- 1) Reminder from the State Board to all localities stating that general registrars are legally responsible for selecting polling locations that are accessible as required pursuant to Va. Code § 24.2-310(C);
- 2) Official authorization to conduct audits for the purpose of assessing accessibility;
- 3) Policy Statement from the State Board acknowledging DLCV's role in ensuring polling place accessibility.

Considering the startling initial findings, coupled with the fact that multiple localities refused to allow DLCV access to their polling places to conduct these important audits, these requests are more than reasonable. As the State Board is mandated to provide instructions to ensure full compliance with this important statute, the State Board should adopt the attached proposed regulations.

Before official adoption, the Department requests that the Board first approve a 21 day public comment period for the proposed regulations. There are multiple reasons for having a public comment period, most important of which is that the practice is required in Governor McAuliffe's Executive Order Number 17. The materials made available for comment will include the attached draft regulation and the background information included in this memorandum.



townhall.virginia.gov

Exempt Action Proposed Regulation Agency Background Document

Agency name	Department of Elections
Virginia Administrative Code (VAC) citation(s)	1 VAC 20-60-35
Regulation title(s)	Polling Place Accessibility Assessments
Action title	Creation of 1 VAC 20-60-35
Date this document prepared	04/28/2016

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of The Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Va. Code § 24.2-310(C) requires all polling places to be accessible to all qualified voters as required under the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The statute further *requires* the State Board of Elections (“SBE”) to provide instructions to the localities to ensure compliance with this statute. Va. Code 24.2-310(C) (“The State Board shall provide instructions to local electoral boards and general registrars to assist localities in complying with the requirements of the Acts.”).

The Help America Vote Act authorizes the protection and advocacy system of each state to “ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places.” (42 U.S.C. § 15461). Pursuant to Va. Code § 51.5-39.13, the Governor appointed the Virginia disAbility Law Center (“DLCV”) as the protection and advocacy program in Virginia. In this role, DLCV is charged with “*protect[ing] and advocat[ing]* for the rights of persons with mental, cognitive, sensory, physical, or other disabilities and to receive federal funds on behalf of the Commonwealth of Virginia to implement the federal Protection and Advocacy for Individuals with Mental Illness Act, the federal Developmental Disabilities Assistance and Bill of Rights Act, the federal Rehabilitation Act, the Virginians with Disabilities Act (§ 51.5-1 et seq.), and such other related programs as may be established in state or federal law.” Va. Code § 51.5-39.13 (emphasis added).

In furtherance of its mission, DLCV randomly selected more than 30 localities in which to conduct accessibility audits of polling locations during the March 1, 2016 presidential primary. At the March 15, 2016 SBE meeting, Clyde Matthews, Deputy Director of DLCV, presented the initial findings from DLCV’s accessibility audits. These initial findings indicate that approximately 20% of the polling locations audited did not comply with Va. Code § 24.2-310(C). To better address this problem going forward, DLCV requested the following:

- 1) Reminder from the State Board to all localities stating that general registrars are legally responsible for selecting polling locations that are accessible as required pursuant to Va. Code § 24.2-310(C);
- 2) Official authorization to conduct audits for the purpose of assessing accessibility;
- 3) Policy Statement from the State Board acknowledging DLCV’s role in ensuring polling place accessibility.

Considering the startling initial findings, coupled with the fact that multiple localities refused to allow DLCV access to their polling places to conduct these important audits, these requests are more than reasonable. As the State Board is mandated to provide instructions to ensure full compliance with this important statute, the State Board should adopt the proposed regulations.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

None.

disABILITY LAW CENTER OF VIRGINIA



Protection & Advocacy for Virginians with Disabilities

1512 Willow Lawn Drive, Suite 100, Richmond, VA 23230
www.dLCV.org

T:800-552-3962
F:804-662-7431

April 29, 2016

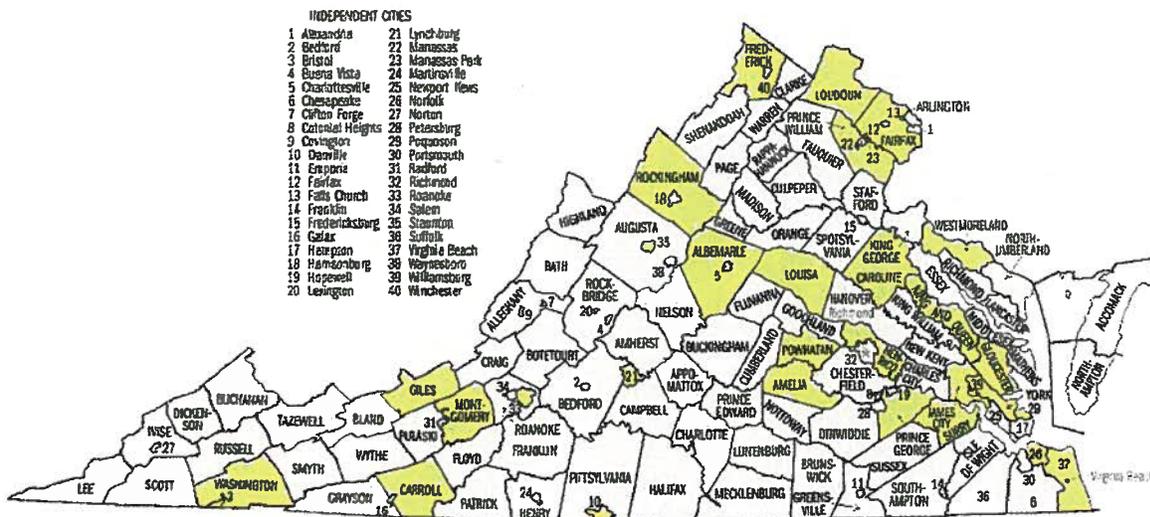
Commissioner Edgardo Cortés
Virginia Department of Elections
Washington Building, First Floor
1100 Bank Street
Richmond 23219

Dear Commissioner:

The disAbility Law Center of Virginia (dLCV) is the designated protection and advocacy system for Virginia, pursuant to Va. Code § 51.5-39.13. Under the Help America Vote Act (HAVA), dLCV seeks to ensure full participation in the electoral process for individuals with disabilities, including access to polling places.

On March 1, 2016, dLCV staff randomly selected 202 polling places in 31 jurisdictions across the Commonwealth (See Table 1 below). We conducted a survey to assess whether each location is accessible under the Americans with Disabilities Act, focusing on such features as accessible parking; ramps, and path of travel; availability of curbside voting; and alternative voting formats.

Table 1 - Map



dLCV provided prior written notice to each Registrar of our intended survey activity. Only three jurisdictions denied dLCV staff access within the designated "Prohibited Area", citing concerns with possible distraction of polling officials. In fact, the typical survey was completed in 10 minutes or less, with no impact on polling operations. dLCV staff did not engage in any partisan activity, did not approach any individual seeking to vote, and did not engage in any activity prohibited under Va. Code § 24.2-604.

A summary of our findings is included in the following table. Surprisingly, significant barriers to voting were identified in 49 of the 202 polling places surveyed, or approximately 24% (see Table 2 attached).

Although we have already communicated these findings to the respective general registrars, dLCV urges the Department and the State Board of Elections to assist localities in complying with the legal requirement under Va. Code § 24.2-310.C that all polling places "shall be accessible to qualified voters" as required by the VDA, the ADA, and HAVA.

Our goal is to work with you and the voter registrars to identify barriers to voting for individuals with disabilities that can be eliminated prior to the November 2016 general election. Any issues we identified have been reported directly to the General Registrar for that jurisdiction.

If you have any questions regarding this report or dLCV's ongoing work under HAVA, please contact me at 1-800-552-3962, or by email at clyde.mathews@dlcv.org.

Sincerely,


Clyde W. Mathews, Jr
Deputy Director

Attachment

Table 2 – Summary of Polling Sites Surveyed by dLCV March 2016

Location	Total Surveys	Accessible Parking and Signage	Accessible Path of Travel to Entrance	Accessible Entrance and Doors	Accessible Path to Voting Booth	Accommodations were Readily Accessible
Albermarle	8	7	7	6	8	8
Amelia	4	3	3	3	n/a**	2
Bristol	2	2	2	2	2	2
Caroline	5	4	5	3	n/a**	n/a**
Carroll	17	14	13	13	14	8
Danville	16	11	10	13	11	15
Fairfax	7	5	5	6	7	6
Frederick*	5	3	3	1	n/a*	n/a*
Giles	5	3	2	2	3	1
Gloucester	5	4	4	4	4	4
Halifax	7	5	4	6	7	7
Henrico	7	7	7	6	7	5
James City	5	3	5	4	5	5
King and Queen*	2	1	2	2	n/a*	n/a*
Loudoun	18	18	18	18	18	18
Lynchburg	7	6	5	5	7	7
Louisa*	8	8	8	8	n/a*	n/a*
Montgomery	6	6	6	6	6	6
Norfolk	8	3	5	4	5	5
Powhatan	8	8	8	8	7	8
Prince George	3	3	2	1	3	3
Prince William	7	6	7	7	7	7
Roanoke	5	5	4	5	5	5
Rockingham	5	5	5	5	5	5
Staunton	5	2	2	3	4	5
Surry	4	4	4	3	4	4
Virginia Beach	6	6	6	6	6	6
Washington	6	5	3	2	1	n/a*
Westmoreland	6	0	5	6	6	6
Williamsburg	2	2	2	2	1	2
York	3	3	3	3	3	3
Totals	202	162	165	162	153	153

*indicates jurisdiction that denied full access to polling place

**Indicates only exterior was surveyed



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STATE BOARD *of* ELECTIONS

SBE Training Standards

BOARD WORKING PAPERS
Clara Belle Wheeler
SBE Vice Chair



Standard	Code Section	Content
<p>1. Each electoral board shall develop a written plan for training officers of election based on the Election Day Guide, the “What If…” document, records of incidents, complaints, reviews of officer of election performance in previous elections, and problems encountered in previous elections. Each electoral board shall certify in writing to the Department of Elections that the plan has been developed.</p>	<p>§24.2-103-(A) & (B)</p>	<p>Each training plan shall include:</p> <ul style="list-style-type: none"> • Training Materials • Expected Costs • Evaluation program
<p>2. The electoral board shall review the training plan annually and update as needed to reflect changes in election laws and instructions from the Department of Elections. The Department of Elections shall be notified by written or electronic notice that the review has been conducted.</p>	<p>§24.2-103 (B)</p>	<p>In reviewing the training plan the board shall:</p> <ul style="list-style-type: none"> • Evaluate the performance of officers of election in the preceding election; • Examine records of complaints received regarding officers of election or the conduct of the election; • Identify errors discovered during the Canvass of Results that need to be corrected.
<p>3. The electoral board shall ensure that all chief officers and assistant chiefs are trained before each election and that both receive identical training on the overall operation of the polling place.</p>	<p>§24.2-604 § 24.2-626.1 §24.2-638 § 24.2-647 §24.2-649 §24.2-710 - 712</p>	<p>This training shall include:</p> <ul style="list-style-type: none"> • The function of all officer positions within their precinct; • How to open and close the polls; • Accessibility; • How to set up, ensure the proper operation of and extract results from all equipment used in the precinct.
<p>4. All chief officers and assistant chiefs shall be trained on emergency procedures or other disruptions that may occur on Election Day.</p>	<p>§ 24.2-604 §24.2-606 §24.2-607 §24.2-608</p>	<p>This training shall include how to respond to:</p> <ul style="list-style-type: none"> • Natural disasters such as weather; • Terrorist attacks and bomb threats;



		<ul style="list-style-type: none">• Human interference with the voting process such as campaigning in the prohibited area or disorderly conduct;• Accidental occurrences such as fire, or power outage;• Assignment of officers to secure the polling place under emergency conditions or on the event of an evacuation;• Procedures for reproduction ballots in emergency.
5. The electoral board shall train officers of election to carry out their responsibilities for preventing fraud, deceit and abuse in the conduct of the election.	§24.2-611 § 24.2-649	This shall include: <ul style="list-style-type: none">• How to preserve order in the polling place;• How to recognize and respond to voter intimidation and fraud;• The role of observers inside the polling place and outside the polling place;• The role of assistants and translators.• Activities prohibited and permitted inside and outside the polling place.• Curbside voting.
6. All chief officers and assistants shall, and all officers should be trained on procedures to be followed when a provisional ballot is cast and when the polling hours are extended by order of a court of competent jurisdiction.	§24.2-653	This training shall include: <ul style="list-style-type: none">• How to process voters who are not listed properly in the pollbook;• The circumstances under which polling hours may be extended;• The procedures to be followed if polling hours are to be extended;• How to process a valid order to extend polling hours;• How to explain to a provisional voter the time and place of the voting canvass and their right to appear.



7. All chief officers and assistant chiefs shall be trained on the proper completion of the Statement Of Results and any other tasks associated with determining and properly securing the results of the election.	§24.2-654 §24.2-655 through §24.2-668	This training shall include proper procedures for closing the polls: <ul style="list-style-type: none">• A detailed explanation of the various component parts of the Statement Of Results;• How to prepare a proper Statement Of Results including placement of voting machine tapes;• Common errors and best practices in preparing the Statement Of Results;• Correct procedures for securing, packing and delivering materials to the electoral board.
8. All electoral boards shall train officers on the types of equipment used in the polling place.	§ 24.2-626.1 §24.2-636 §24.2-642 §24.2-647 §24.2-648 § 24.2-649	This training shall include: <ul style="list-style-type: none">• How to demonstrate the use of the equipment to voters;• Hands on use of the voting equipment used in the polling place;• How to process voters on the electronic pollbooks if these are used in the polling place;• How to assist a voter who needs instruction on the use of the voting equipment after entering the machine;• How to proceed when voting equipment is inoperative
9. All officers of election shall receive training on how to process on the poll book a person who offers to vote.	Constitution of Virginia, Art. II §1 §24.2-400 §24.2-643	This training shall include: <ul style="list-style-type: none">• Who is a qualified voter;• What identification is required of a voter in order to vote;• How to handle a voter who does not have identification;• How to handle a voter whose name does not appear on the poll book;• How to handle a voter whose address does not match the poll book or the proffered identification documentation.



<p>10. Electoral boards shall train all new officers of election in accordance with applicable federal and state laws, regulations and constitutional requirements, and the instructions and policies adopted by the Department of Elections, to carry out their duties in a courteous, knowledgeable and impartial manner. Required items of instruction include, but are not limited to the Election Day Guide, “What If” guidance document provided by the Department of Elections</p> <ul style="list-style-type: none"> • Election Day Guide • “What If” guidance document provided by the Department of Elections • Records Retention and Voter Privacy 	<p>§24.2-103 §24.2-604</p>	<p>Officers of election shall be instructed:</p> <ul style="list-style-type: none"> • How to provide prompt, courteous service to all voters and persons entitled to enter the polling place; • How to exercise sensitivity in dealing with elderly voters and voters with disabilities; • How to determine the identification requirements for voting; • How to determine the qualifications of a qualified voter; • How to process a provisional voter and the circumstances which may cause a voter to be asked to cast a provisional ballot.
<p>11. The electoral board shall train officers in the requirements and processes of absentee voting.</p>	<p>§24.2-700 §24.2-711</p>	<p>All officers shall understand what to do if an absentee voter appears in person in a polling place in a locality where absentee ballots are processed in a Central Absentee Precinct.</p> <p>All officers working in a Central Absentee Precinct or in a polling place where absentee ballots are counted shall understand:</p> <ul style="list-style-type: none"> • The requirements for casting an absentee ballot; • The procedures for determining the validity of a received ballot; • How to process ballots by the method in use in the polling place; • What to do when a person who has applied for an absentee ballot appears in person; • Be instructed in the rules and procedures that apply to these polling places.



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STATE BOARD *of* ELECTIONS

List Maintenance Overview

BOARD WORKING PAPERS
Edgardo Cortés & Matt Davis
ELECT Commissioner & ELECT CIO

Additional Background Material Available at:
<http://elections.virginia.gov/resultsreports/maintenance-reports/index.html>



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DEPARTMENT *of* ELECTIONS

Annual List Maintenance Report

July 1, 2013 – June 30, 2014

Executive Summary

The Department of Elections (ELECT) is pleased to report to the members of the Privileges and Elections Committees of the Virginia General Assembly in accordance with the Code of Virginia sections § 24.2-404 (F) and § 24.2-404.4 which requires the State Board of Elections (SBE) to report annually on each of its activities undertaken to maintain the Virginia voter registration system.

The SBE and ELECT are charged by federal and state law to maintain a central voter registration database. § 24.2-404 charges the SBE and ELECT with maintaining a “complete, separate, and accurate record of all registered voters in the Commonwealth.” Virginia was a leader in this area as one of the first states in the country to introduce a centralized voter registration database. In 2007, the state introduced the Voter and Election Registration Information System (VERIS) which expanded the database to include other processes handled by the SBE such as candidate and petition processing as well as list maintenance reporting. One such report is derived from VERIS and posted monthly on our website. The report documents Virginia’s registration statistics and can be found here:

<http://elections.virginia.gov/index.php/resultsreports/registration-statistics/>

Virginia maintains its voter registration list through a variety of processes. Each of those processes is introduced below, along with references to the section of the Code of Virginia whereby ELECT and SBE derive their authority to conduct such activities.

Maintaining an accurate list of registered voters requires using a mix of General Fund and federal dollars granted to Virginia through the Help America Vote Act (HAVA). Virginia is soon to run out of the HAVA funds granted and these activities will need to be maintained solely with General Funds. For example, SBE spent \$53,226 on vendor and printing costs for its 2013 confirmation mailing (described in detail below). SBE spent an additional \$81,882 on postage to mail the federally required annual mailing. The next confirmation mailing went out in early July 2014. Postage costs are just under \$153,000 for this mailing and printing costs are approximately \$45,000 for the most recent mailing. ELECT also participates in the Electronic Registration Information Center Project (ERIC) and the Interstate Voter Registration Crosscheck program which are also detailed below.

Virginia is a national leader in comparing our voter registration data against other states as evidenced by being one of only a few states to participate in both programs; however, our membership plus printing and postage for the mailings required for these programs cost in excess of \$300,000 annually. These costs are tangible, but the increase in processes required to perform these list maintenance activities require hiring additional skilled technical staff which can process the data, analyze it, and provide it to the local general registrars through our central voter registration database. Other activities such as felon, death, and non-citizen maintenance activities

are also discussed below and do not have a specific dollar figure attached, but require a significant portion of staff time.

ELECT relies heavily on local electoral boards, general registrars, and their staff to ensure an accurate list. More and more is being asked of our local voter registration offices to accurately and timely process data reviewed and analyzed by ELECT and loaded into the database. Our successes in maintaining our list would not be possible without their involvement and outstanding dedication and hard work.

Of note, on July 1, 2014, the Code of Virginia established the Department of Elections as a separate entity from the SBE. SBE and ELECT are used interchangeably throughout the report. During the timeline of the report however, ELECT did not yet exist.

Confirmation Mailings

Pursuant to state (§ 24.2-428) and federal law, SBE conducts an annual address match of Virginia's voters against records in the United States Postal Service's (USPS) National Change of Address (NCOA) registry. The NCOA database consists of information reporting change of address requests submitted by individuals to the USPS when moving. The USPS records the change of address requests and shares that information with commercial vendors for a variety of purposes.

The SBE annually submits the entire list of registered voters to a vendor to determine if any voters have submitted a change of address with the USPS. Voters who have a standing change of address with the USPS are then sent a confirmation mailing to the last known Virginia address asking the voter to verify their address or request cancellation of the voter's record. Voters are provided a postage prepaid envelope where the voter can respond confirming that his/her address did or did not change and requesting the general registrar to cancel his/her registration, if appropriate.

Voters who do not respond to the notice within 30 days are moved to an inactive status. Those voters will then be removed from the rolls if they fail to vote over a period of two federal elections (2 to 4 years). The SBE completed its most recent annual National Change of Address match in August 2013. Approximately, 287,733 voters were mailed a confirmation notice. As a result of this process, approximately 193,500 voters were moved from active to inactive status in August 2013.

Following each federal election, SBE will cancel those individuals who have been on the inactive list without voting for a period of two federal elections. Following the 2012 General Election, SBE cancelled approximately 202,804 inactive records from the voter rolls.

Comparison of Data with Other States

When a voter moves out of state and registers to vote in their new state, the voter should indicate to the new state that they were previously registered in Virginia. The new state should then notify Virginia that the voter wants to cancel their Virginia voter registration. This process is extremely slow, relies on self-reporting by voters and other states, and it is prone to errors.

The Code of Virginia section § 24.2-404.4 requires the SBE to attempt to establish a data sharing relationship with the neighboring states to maintain the accuracy of the voter registration list.

The SBE participates in the Interstate Voter Registration Crosscheck Program (Crosscheck) run by the State of Kansas. Each January, the participating states share their voter registration lists and receive back a list of potential duplicate registrations. In January 2014, 28 states shared approximately 101,000,000 records. Participating states included North Carolina, Tennessee, Kentucky, West Virginia, Massachusetts, Pennsylvania, South Carolina, Georgia, Ohio, Michigan, Indiana, Illinois, Mississippi, Louisiana, Arkansas, Missouri, Iowa, South Dakota, Nebraska, Kansas, Oklahoma, Colorado, Arizona, Nevada, Idaho, Washington and Alaska. As a result of this match, the SBE identified 49,566 registered voters who appear to have registered in one of the other states after their last date of activity in Virginia.

The SBE also participates in the Electronic Registration Information Center (ERIC) and starting sharing data with this program on a regular basis in January 2014. States participating in ERIC include Maryland, Delaware, Colorado, Utah, Nevada and Washington. The District of Columbia (DC) and Minnesota are in the process of joining ERIC at this time. During the period of this report, 10,184 voters were identified as having registered in one of the other states after their last date of activity in Virginia.

Each of these voters identified in these two programs was entered into the confirmation process provided for in the National Voter Registration Act (NVRA) and in the Code of Virginia section § 24.2-428 and will receive a confirmation mailer at their Virginia address and a cancellation request mailer at their out-of-state address in July-August 2014.

In addition, the SBE worked directly with DC in the fall of 2013 and identified 3,718 voters registered in both Virginia and DC. These voters were marked for confirmation on Virginia's voter registration list and will be receiving a confirmation mailer at their Virginia address in July-August 2014.

The Crosscheck program does not have a direct fee associated with it, however, the initial data back from Crosscheck requires substantial agency handling to determine what data is usable and what data is not usable. The ERIC program had a \$100,000 membership fee during the last membership cycle. That cost will go down with each new state that comes on board and the data quality from the ERIC program is significantly better than with the Crosscheck program.

While the membership cost for ERIC is expected to go down, membership in ERIC requires the SBE to reach out to voters identified as having incorrect information and to individuals who are not yet registered to vote, but appear to be eligible.

From July 1, 2013 – June 30, 2014, 70,147 voters were cancelled after registering to vote in another state.

Felon Records

Felon records are received by the SBE from two sources:

- § 24.2-409 requires the Virginia State Police (VSP) Central Criminal Record Exchange (CCRE) to provide the SBE with monthly lists of felony convictions. This section of the Code of Virginia also requires CCRE to provide SBE with an annual list of all felony convictions.
- NVRA requires that the U.S. Attorney's Offices provide SBE with felony conviction information on the federal level. § 24.2-409.1 requires SBE to share this information with the local general registrars.

Each month, the data from CCRE downloaded from the VSP and is loaded into the Virginia voter registration system. The federal felony conviction information is received on paper at the SBE, and SBE staff enters the conviction information into the voter registration system. The records are matched against existing registered voters and any potential matches are provided to the responsible local general registrar for further review and processing.

In addition, in August 2013, the SBE obtained the entire felon dataset from CCRE, containing approximately 16,000,000 records. This information was loaded into the voter registration system and any matched records were provided to the responsible local general registrar for further review and processing.

From July 1, 2013 – June 30, 2014, 7,227 voters were cancelled after a felony conviction was reported to the SBE.

Mentally Incapacitated Adjudications

Pursuant to § 24.2-410 of the Code of Virginia, the clerks of the circuit courts send the SBE a paper-based monthly report indicating any individuals who were adjudicated mentally incapacitated. SBE staff enters the information into the voter registration system and the records are matched against existing registered voters. Any potential matches are provided to the responsible local general registrar for further review and processing.

From July 1, 2013 – June 30, 2014, 388 voters were cancelled after a mentally incapacitated adjudication was reported to SBE.

Non-Citizen Records

The Code of Virginia section § 24.2-410.1 requires the Department of Motor Vehicles (DMV) to ask its applicants if they are a citizen or not. If the applicant indicates that they are not a citizen, the DMV provides their information to the SBE. SBE matches the information to the voter registration list and any potential matches are provided to the responsible local general registrar for further review and processing.

The Code of Virginia section § 24.2-427 B authorizes ELECT to use of the Department of Homeland Security's Systematic Alien Verification for Entitlements Program (SAVE Program) for purposes of verifying citizenship status. ELECT has established a memorandum of understanding with DHS and is now working to setup required training for its staff members on the use of the system. ELECT expects that the SBE will have to establish regulations for the use of the SAVE Program. In addition, there is pending litigation in Florida over the use of the SAVE Program for voter registration purposes that ELECT is keeping a close eye on.

ELECT will also be issuing a letter to the clerks of the courts in Virginia that, among other things requests that they grant access to the general registrars the list of potential jurors who declare themselves to not be a citizen.

From July 1, 2013 – June 30, 2014, 434 voters were cancelled after declaring themselves to be a non-citizen.

Death Records

Two sections of code provide instruction to the SBE in regards to ensuring that voters who have died are removed from the voter registration list in a timely manner:

- § 24.2-404.3 requires the SBE to conduct a match of the voter registration list against the list of deceased persons maintained by the Social Security Administration (SSA). The SSA distributes its death records through the U.S. Department of Commerce's National Technical Information Service (NTIS). The SBE subscribes to a monthly update data service from the NTIS so that it can obtain this data.
- § 24.2-408 requires the Bureau of Vital Statistics at the Virginia Department of Health (BVS) to provide to the SBE with a monthly list of those who have died in the previous month. Currently, the BVS uploads a monthly file to the SBE containing these records.

Each month, the data from NTIS and BVS is loaded into the Virginia voter registration system. The records are matched against existing registered voters and any potential matches are provided to the responsible local general registrar for further review and processing.

The SBE also receives a death report from the Electronic Registration Information Center (ERIC) every 60 days. ERIC also subscribes to the NTIS data and compares Virginia's data to the SSA data. In addition, ELECT conducted a death records audit in August 2013 using a vendor. Death records identified by the ERIC process and the death audit process are also provided to the responsible local general registrar for further review and processing.

The SBE pays \$2,730 for its annual subscription for the SSA data. The BVS data is provided free of charge. The ERIC program had a \$100,000 membership fee its first year, but the death report is one of several reports that the SBE receives from ERIC. The death audit cost the SBE \$12,393.

From July 1, 2013 – June 30, 2014, 46,049 voters were cancelled due to having been identified as deceased.



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KnowInk Exception Request

BOARD WORKING PAPERS
James Alcorn
SBE Chairman



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Your info, their screw-ups.

Home

About

Breach Laws

Privacy Policy

Transparency Reports

[Home](#) » [Breach Types](#) » [Exposure](#) » Personal info of 93.4 million Mexicans exposed on Amazon (UPDATED)

Apr
22
2016

Personal info of 93.4 million Mexicans exposed on Amazon (UPDATED)

Posted by Dissent at 7:13 am
Breach Incidents,
Exposure, Government
Sector, Non-U.S., Of Note

[Add comments](#)

In today's installment of "Epic Infosecurity #FAIL," more than 93.4 million Mexican citizens have had their voter registration details exposed online due to a misconfigured database. Why a database with Mexican voters' information was hosted on a server outside of Mexico, who uploaded it to Amazon, and why it wasn't properly secured are questions in search of answers.

Last week, MacKeeper Security Researcher Chris Vickery contacted DataBreaches.net to report that he had discovered yet another misconfigured MongoDB database. This one, 132 GB in size, appeared to contain

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voter registration data from 93,424,710 Mexican citizens.

Vickery, who has blogged about this incident on the [MacKeeper blog](#), provided this site with a redacted screen cap of an individual's record:



```

Json Text of Documents:
/* 0 */
{
  "id" : ObjectId("████████████████████"),
  "CONSECUTIVO_ALFABETICO POR SECCION" : ██████████,
  "CLAVE ELECTOR" : "████████████████████",
  "FOLIO NACIONAL" : NumberLong("██████████"),
  "OCR" : NumberLong("██████████"),
  "APELLIDO_PATERNO" : "██████████",
  "APELLIDO_MATERNO" : "██████████",
  "NOMBRE" : "██████████",
  "FECHA_NACIMIENTO" : ██████████,
  "LUGAR_NACIMIENTO" : ██████████,
  "SEXO" : ██████████,
  "OCUPACION" : "██████████",
  "CALLE" : "██████████",
  "NUM_EXTERIOR" : ██████████,
  "NUM_INTERIOR" : ██████████,
  "COLONIA" : ██████████,
  "CODIGO_POSTAL" : ██████████,
  "TIEMPO_RESIDENCIA" : ██████████,
  "ENTIDAD" : ██████████,
  "DISTRITO" : ██████████,
  "MUNICIPIO" : ██████████,
  "SECCION" : ██████████,
  "LOCALIDAD" : ██████████,
  "MANZANA" : ██████████,
  "EN_LISTA_NOMINAL" : ██████████,
  "NUM_EMISION_CREDENCIAL" : ██████████,
  "FECHA_INSCRIPCION_PADRON" : ██████████,
  "GEMELO" : ██████████
}

```

Courtesy of Chris Vickery

The record contains the individual's name, complete address, date of birth, mother's and father's last names, occupation, and their unique voting credential code (number/identifier). Mexico currently recognizes two types of voter cards. One contains OCR numbers; the other contains a different type of formatted identifier. This database, labeled "padron2015," appears to contain OCR numbers. No pictures or financial information was included in the database.

Although there was no information included in the leaky database that could point us to its

Dissent on (CORRECTED) QNB hackers to leak more data of another big bank soon – Kaspersky

Contact Me

If you know about a breach that should be included on this site or want to contact me, e-mail me: [admin\[at\]databreaches.net](mailto:admin[at]databreaches.net)
OpenPGP key:
0x0625E4BA

FingerPrint:
03A3 FC9B 05AA B1E2 CC7C 9413 6180
60DD 0625 E4BA

Transparency Report

As of May 2, 2016, this site has not received any government requests for information on site visitors or those who provide information to this site:

- 0 subpoenas or warrants
- 0 National Security Letters or FISA court orders
- 0 gag orders

This notice will be updated quarterly.
Archived reports can be found [here](#)

owner or who had uploaded it to Amazon cloud services, the data appeared to be voter registration data compiled by the **Instituto Nacional Electoral** (INE).

After some discussion as to whom to notify and how, Chris decided to report his discovery to the State Department and let them contact their Mexican counterparts in the spirit of cooperation. When he got no meaningful response, he reached out to the State Department's Office of Mexican Affairs, who told him they would forward his alert up the chain. When that still didn't achieve the desired results of getting the database secured, Chris contacted the U.S. Secret Service, Department of Homeland Security, and US-CERT. He also contacted the Mexican embassy directly:

After I explained the situation over the phone, they wanted proof of the breach and gave me an email address to send it to. I sent them an explanation with the IP address and two screenshots as evidence. The embassy has never even responded to that email.

(First lesson to be learned by INE: provide an easy-to-find email address on your web site for people to report security breaches.)

As fate would have it, though, Chris was speaking up at Harvard about his research and mentioned the leak. A student from Mexico verified the accuracy of his father's record,

and a faculty member tried to assist Chris with the notification problem by giving him other individuals to contact. Chris eventually heard back from someone from the Instituto Federal Electoral, (IFE/INE), who thanked Chris and who said they would get right on getting it secured. Of note, the coordinator said that the IP address was not theirs and he was investigating to see who was responsible for the database being on that IP address. In a subsequent communication to DataBreaches.net, the coordinator reported that the numbers in the database did not match national historic numbers, and that had become part of their investigation, too.

The database has now been secured.

Publication of this post was delayed until now at the request of the Mexican government to give them time to investigate and to secure the database.

The Risk to Mexican Citizens

This is not the first time voter registration information of Mexican citizens has been leaked or otherwise compromised. In what became an international incident in 2003, Latin American countries learned that ChoicePoint was buying – and selling – information on citizens of their countries. And in discussing this incident with [Héctor Guzmán](#), Partner at BGBG Abogados (Data Protection & Privacy practice), DataBreaches.net learned that Mexico has had other leaks involving voter information. Guzmán pointed DataBreaches.net to a previous breach in [2010](#) that also contained [extensive data](#), all of which were up for sale. And in May, [2012](#), there was another investigation by the Mexican

government concerning an entire electoral roll that had been found for sale. A November, 2013 article on *Global Voices* also noted [data up for sale](#) on buscardatos.com.

DataBreaches.net has no indication that the current leak is associated with any attempt to sell the data, but given that 2015 data has now been found exposed in 2016, the Mexican government may wish to review their protections, because as [Guzmán](#) explains, the risk is huge:

Mexico is (still) dealing with security issues in many parts of its territory. So even when this “padron” is not a completely reliable source of the place where citizens actually live, most of the time the address contained in the padron coincides with their real address. Then, if you have access to this database, you will know exactly where they live.

That and the fact that this information may provide information to companies that otherwise might have need to spend a lot of time and money to get this kind of data.

“This incident clearly erodes the confidence of citizens in a lot of government bodies. Some citizens might decide to never provide their data again to the INE, the next time their

ID expires,” Guzmán adds, noting that although it’s a relief that financial and bank information were not leaked, “the information could still be used for criminal purposes since the location of citizens are available.”

Mexico’s data protection laws do not require the government to notify individuals of this incident.

Entire Countries Breached

With this leak, Mexico now joins a list of countries where almost the entire population has had their personal information leaked or breached, as 93.4 million represents over 72% of Mexico’s estimated population. [Belize](#), [Greece](#), [Israel](#), [Philippines](#), and [Turkey](#) have also experienced leaks of the majority of their population’s personal information. And of course, let’s not forget that Chris Vickery had also discovered [191 million U.S. voters](#)’ data leaking due to a similarly misconfigured database.

Update 1: Dell Cameron has some great coverage over on [Daily Dot](#) as to the frustration Chris Vickery experienced with Amazon when he tried to get them to take the database down. *Una versión en Español de este artículo está disponible [aquí](#).*

Update 2: It looks like INE responded publicly and has filed a complaint (?) against whoever is responsible, but it’s not clear to me (translation issues) if they know who is responsible. See tweets today by [@INEMexico](#). I am still trying to get a statement and some answers from INE.

Interpone el INE denuncia por uso indebido de la Lista Nominal de Electores

  [Ciro Murayama](#)

 [@CiroMurayamaINE](#)

Se identificó en Amazon Estados Unidos información correspondiente a una copia de la Lista Nominal de Electores

El INE realizó una denuncia ante la Fiscalía Especializada para la Atención de Delitos Electorales (FEPADE) y se inició un procedimiento ante instancias internas

Apenas conoció el hecho, la Dirección Ejecutiva del Registro Federal de Electores realizó las siguientes acciones:

- 1** Verificó que los datos, en efecto, coincidían con los de la Lista Nominal de Electores con corte al 15 de febrero de 2015 que se entregó para su verificación, como mandata el artículo 151 numeral 1 de la Ley General de Instituciones y Procedimientos Electorales.
- 2** De inmediato inició gestiones para que se diera de baja del sitio de almacenamiento de datos de Amazon la información de la copia de la Lista Nominal de Electores, lo que ocurrió la madrugada de este viernes 22 de abril.
- 3** Se cotejó la información de la Lista Nominal publicada en el portal referido para identificar a qué copia entregada correspondía. Esos hallazgos se hicieron del conocimiento de la FEPADE, de la Policía Cibernética y de la Unidad Técnica de lo Contencioso Electoral del INE.
- 4** Desde el miércoles 20 de abril se presentó una denuncia de carácter penal ante la FEPADE y a la fecha también se inició un Procedimiento Ordinario Sancionador a cargo de la Unidad Técnica de lo Contencioso Electoral del INE para que se impongan las sanciones que correspondan.



Los datos de la copia de la Lista Nominal de Electores ya no son accesibles a través de internet y están en curso averiguaciones penales y administrativas.

No hay indicios de que en algún momento se vulneraran los sistemas de seguridad del Padrón Electoral y Lista Nominal, ni de intromisiones externas a la base Informática del Instituto Nacional Electoral.



Ciro Muraya...

[@CiroMurayamaINE](#)

[Follow](#)

Va infografía sobre acciones de [@INEMexico](#) contra uso indebido de lista nominal

4:12 PM - 22 Apr 2016

61

15

Update 3: It seems that the [INE has identified the source of the leaking database](#) but isn't announcing it yet. And from the article, it sounds like copies provided to political parties – who are entitled to get the copies – are somehow electronically watermarked, which enabled the INE to trace the database back to its owner.

Curiously, they are saying the February 2015 database had 81 million voters, although the database Chris Vickery found shows over 93 million records. Perhaps there are some duplicates in there?

Update 4: [I received a response from INE, which I've posted in a new post.](#) Yes, there were duplicates in the database.

Update 5: See also [Mexico launches criminal probe into exposure of voter information.](#)

Update 6: Chris Vickery informs me that the Mexican embassy in Washington D.C. called him over the weekend to apologize for not responding to his first email alert. It seems it went to their spam folder and was deleted. How do you say, “Oi veh” in Spanish?

Update 7 (Apr. 27): A reader kindly informed me that **Movimiento Ciudadano**, one of the political parties that had legitimate access to Mexico's voter data list, has [admitted it was their copy of the voter's list.](#) [See my post my about their outrageous attempt to blame the researcher, here.](#)

Update 8 (Apr. 28) [See my latest follow-up story here](#) about the political party misleading the Mexican people and how Amazon did not tell them they were “hacked.”



Election fraud feared as hackers target voter records

By Cory Bennett - 05/02/16

A series of data breaches overseas are spurring concerns that hackers could manipulate elections in the United States.

Since December, hundreds of millions of voters in the U.S., the Philippines, Turkey and Mexico have had their data discovered on the web in unprotected form. In some instances, legitimate security researchers found the information, but in others, malicious hackers are suspected of pilfering the data for criminal purposes.

The data breaches are raising questions as the U.S. considers whether to move toward electronic balloting. More people than ever are using the internet to register to vote and to request mail-in ballots. Some states have even become vote-by-mail only in recent years.

“If you can’t keep the voter registration records safe, what makes you think you can keep the votes safe?” asked Pamela Smith, president of election watchdog Verified Voting.

For a politically inclined hacker, insecure voter data could “very easily” create a pathway to “massive” voter fraud, said Joseph Kiniry, CEO of Free & Fair, which advocates for secure digital election systems.

“If you can go in there and delete rows based on someone’s name or political affiliation, we will have a massively screwed up election process on the day,” he said.

In the U.S., experts say there are few clear standards for locking down voter registration data and hackers have caught on to this fact. Andrew Komarov, chief intelligence officer at identity protection firm InfoArmor, said fraudsters are targeting electoral records at an unprecedented clip.

“They’re looking for something fresh and new they can trade in underground [markets],” he said.

A gargantuan amount of voter data is now for sale, much of it posted in the last six months. In some countries, such as the Philippines and Mexico, every single registered voter has been caught up in voter registration breaches.

In the U.S., an independent security researcher in December said he discovered a database containing 191 million American voters’ information. The dataset — which included names, addresses, birth dates, party affiliations, phone numbers and emails — spanned all 50 states and the District of Columbia.

These details are valuable to cyber criminals, who can bundle the information in batches of 5 to 10 million and flip it on the dark web for between three and five bitcoins a set — or roughly \$1,350 to \$2,250 — according to Komarov, who tracks such sales.

That's not a ton of money — far less than medical records command, for example — but voter data is easy to obtain. The hackers are taking advantage of disparate and lacking security standards guarding voter registration databases, specialists say.

Congress in 2002 passed the Help America Vote Act, which directed each state to create a computerized statewide voter registration database. The move has many tangible benefits. Registering online enfranchises more people, is more accurate and saves the government money.

But robust digital security guidelines — which are often determined on a state-by-state basis — were not well established when the systems were being developed. Local electoral authorities often didn't have the technical know-how to properly protect the data, and numerous third-party vendors were not held to a high enough standard, several researchers concluded.

U.S. officials also don't always classify electoral records as sensitive data, Kiniry said. In some states, voter registration information is public record. That means federal security standards required for so-called "personally identifiable information" don't necessarily apply to voter records.

But any time several pieces of publicly available data are collected in one location, the dataset becomes desirable to hackers. The more personal details a fraudster has, the easier it is to conduct identity theft.

"It's time to treat such [voter] information as high-security government information," said David Maman, a cloud security expert with database security firm HexaTier.

Until that time comes, identity thieves will likely focus on voter records. The breaches in the past six months are "orders of magnitude larger than anything we've seen previously," Kiniry said.

The sheer scale of the attacks, with hundreds of millions of electoral records exposed, has also brought attention to the vulnerability of the data, a prospect that worries fair voting advocates.

"If you can impersonate a person, you can request a ballot, you could submit changes to a system," said Smith, of Verified Voting. "And that could affect whether a voter gets a ballot or not."

The amount of information in the databases raises the possibility of meddling in elections on a large scale, Kiniry said.

"In the USA, the concern I hold is if our registration systems are easily manipulated, we're not going to see breaches, were going to see voter ID manipulation remotely," he said, meaning hackers could be "removing people who should be there."

"That can have as big an impact on an election as anything else," Kiniry added.

For now, the threat is speculative. But the U.S. not yet had an election in the wake of these massive breaches that revealed the inherent insecurity of voter data.

“This election is going to be very exciting, shall we say,” Kiniry said.

Davis, Matthew (ELECT)

From: Craft, John (VITA)
Sent: Thursday, April 28, 2016 8:26 AM
To: 'Newsome, Erica'; Edwards, Tammy (VITA)
Cc: Sasnett, Cameron G; Dent, Michael; David Greenwalt; Davis, Matthew (ELECT); Watson, Michael (VITA)
Subject: RE: Fairfax County Exception Request for Use of AWSS

Ms. Newsome,

Good morning and thank you for submitting your request. This request must be submitted through the Virginia Department of Elections (ELECT) since that agency is the data owner for commonwealth voter registration data. In addition, the request must be submitted as a eGov hosting request rather than a standard security exception. Security review is an integral part of this process and we will be happy to work with ELECT to identify and document any areas requiring a security exception in the event they wish to move forward with the request. All hosting solutions must comply with the Commonwealth of Virginia Hosted Environment Information Security Standard (http://www.vita.virginia.gov/uploadedFiles/VITA_Main_Public/Library/PSGs/HostedEnvironmentInformationSecurityStandardSEC52501.pdf). Please let me know if you have any questions or we need to discuss in more detail. Thank you!

John Craft

Commonwealth Security Architect
Commonwealth Security and Risk Management
Virginia Information Technologies Agency (VITA)
VITA – *Powering the commonwealth's digital government*
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VITA Customer Care Center - Call (866) 637-8482 (toll free) to report an outage or request service. Or e-mail the VCCC at vccc@vita.virginia.gov. Please note: E-mail should not be used to report critical issues or outages impacting an agency. To report a critical issue, please call the VCCC directly.

From: Newsome, Erica [mailto:Erica.Newsome@fairfaxcounty.gov]
Sent: Wednesday, April 27, 2016 3:21 PM
To: Commonwealth Security; Edwards, Tammy (VITA)
Cc: Sasnett, Cameron G; Dent, Michael; David Greenwalt
Subject: RE: Fairfax County Exception Request for Use of AWSS
Importance: High

Good Afternoon,

This email is to request a status update on the Exception Request submitted to your Office on April 18, 2016 for Fairfax County's use of AWS.

Thank-you,

Erica R. Newsome

Information Technology Manager

Fairfax County Office of Elections
12000 Government Center Parkway
Suite 323
Fairfax, Virginia 22035
(703) 324-4753 Office
(703) 345-8092 Mobile
erica.newsome@fairfaxcounty.gov

From: Newsome, Erica
Sent: Monday, April 18, 2016 10:42 AM
To: 'CommonwealthSecurity@vita.virginia.gov'
Cc: Sasnett, Cameron G; Dent, Michael; David Greenwalt; 'Edwards, Tammy (VITA)'
Subject: Fairfax County Exception Request for Use of AWSS
Importance: High

Good Morning,

Please find the attached Exception Request from Fairfax County Office of Elections to use Amazon Web Services with the KNOWiNK Poll Pad.

Respectfully,

Erica R. Newsome

Information Technology Manager

Fairfax County Office of Elections
12000 Government Center Parkway
Suite 323
Fairfax, Virginia 22035
(703) 324-4753 Office
(703) 345-8092 Mobile
erica.newsome@fairfaxcounty.gov

Davis, Matthew (ELECT)

From: CIO of the Commonwealth (VITA)
Sent: Monday, May 02, 2016 12:38 PM
Subject: Cloud hosting strategy, revised hosting exception process

Good afternoon,

Cloud hosting strategy, revised hosting exception process

At the March 9 agency information technology resource (AITR) meeting, one of the topics covered was recent requests from agencies for non-premise hosting, also referred to as cloud hosting. The Virginia Information Technologies Agency (VITA) has seen an increase in the number of procurement and project requests for cloud hosting from agencies over the past few months. *At the present time, the commonwealth strategy does not include the use of cloud hosting as a method for providing information technology (IT) services.*

VITA recognizes the value of using cloud services and is currently engaged in multiple efforts to facilitate your use of those services:

1. Cloud strategy –The Customer Advisory Council (CAC) is developing a draft strategy and vision for cloud hosting, and is expected to make a recommendation soon to the chief information officer (CIO).
2. Cloud brokerage service – VITA is working with agencies and other stakeholders to develop a cloud brokerage service to accommodate cloud hosting requests from agencies and provide centralized oversight for cloud-based services. The cloud brokerage service will speed up the process for review of cloud hosting requests and remove the burden from the agency to provide oversight functions but will involve additional costs. The service pilot is projected to be ready in the July – September timeframe.
3. Revised hosting exception request process – Until the cloud strategy and brokerage service are both complete and operational, agencies should use the [hosting exception request process](#), which has been updated to include a supplemental form that must be completed as part of the request. VITA will only consider exceptions for hosting services in two instances:
 - a. An agency is already hosting with a provider and is continuing with the same solution
 - b. A hosted solution is the only option available from the supplierIn either case, review of each hosting exception requests will include evaluation of the agency business case, the cost and billing model, and contractual terms and conditions. There also are specific technical requirements that must be documented and approved as part of the hosting exception request submission. *Please note, however, that the current commonwealth hosting policy does not include placing sensitive data onto third-party infrastructure.*

There may be other factors that must be considered that may impact the adjudication of a hosting exception request. This guidance may change as requests are evaluated; therefore, please be sure to reference the most recent guidance on the VITA website [here](#) for future requests. Additionally, VITA will require a contract review at the initiation of a hosting contract, periodically as required and upon contract extensions or renewals.

Thank you for your patience as we work toward a cost-effective solution while maintaining an appropriate level of security for your data. Please don't hesitate to contact your customer account manager (CAM) if you have any questions.

Nelson

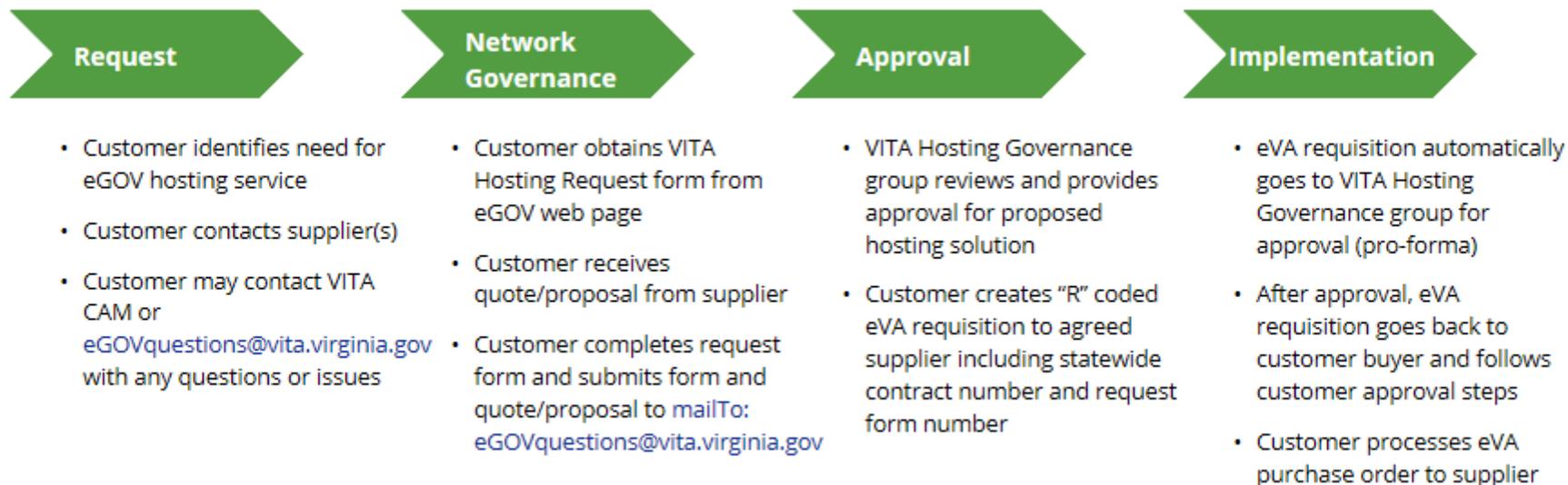
Nelson P. Moe
CIO of the Commonwealth
VITA - Powering the commonwealth's digital government
www.vita.virginia.gov
(804) 517 9166 (m)

c: CAMs, Executive Team, Todd Kissam, Mike Sandridge, VITACOMMS, Zeta Wade and Tonya Broadnax



eGov Hosting Summary

eGOV Hosting Request Process *How to engage a hosting supplier* Summary



eGov Hosting Process Steps

eGOV Hosting Request Process

How to engage a hosting supplier

Engagement Phases and Process Steps



Phase	Who	What
Request	Customer	Identify the need for eGOV hosting; if your site is transitioning from Virginia Interactive (VI), VITA is including the hosting along with the transition rollout schedule.
Request	Customer	Contact suppliers and receive proposals. Select desired solution.
Request	Customer	Customer may contact eGOV service advisor with questions or for assistance.
Request	Customer	Download and complete the VITA Hosting Request form.
Request	Customer	Email the completed request form and supplier proposal to mailto: eGOVquestions@vita.virginia.gov . VITA will decision all request forms within 10 business days.
Hosting Governance	Service Lead	Review the customer / supplier proposed solution.
Hosting Governance	Service Lead	If requested, assist customer in selection of supplier.
Hosting Governance	Service Lead	Ensure that VITA internal reviews are performed.
Approval	Service Lead	Communicate governance/solution review outcome to customer.
Approval	Customer	Create eVA requisition for hosting to identified supplier ("R" code the requisition, include the statewide contract number and the VITA Hosting Request form number on the requisition)
Approval	Service Lead	eVA routes requisition to service lead; service lead approves requisition based on previous agreements.
Approval	Customer	eVA requisition is processed through customer approval steps

Implementation	Customer	Customer buyer places eVA purchase order and sends to identified supplier.
Implementation	Supplier	Hosting supplier fulfills the purchase order and bills the customer.
Implementation	Customer	Customer pays the supplier.



**Non-eGOV Hosting Exception Request Form
(10/06/2015)**

Completed form should be emailed to: eGOVquestions@vita.virginia.gov

Please note: Vendors may provide assistance in completing this form. Questions can be submitted to eGOVquestions@vita.virginia.gov.

Form Number: _____

(Use agency acronym & date, mmddyy, i.e. VITA0010113)

1. Requesting Agency Contact Information	
a. Requesting Agency:	
b. Request Date:	
c. Agency Contact Person:	
d. Contact Person's Title:	
e. Contact Person's Phone #(s):	
f. Contact Person's E-Mail:	

2. Type of <u>Exception</u> Request	
a. <input type="checkbox"/>	Temporary Exception Until: _____
b. <input type="checkbox"/>	Permanent Exception
c. Provide a summary of the exception request:	

3. Justification for Exception Request

a. Describe the business reason(s) for the exception request:

b. Identify any government or industry standards supporting the exception request:

c. Describe technical reason(s) for requesting the exception:

d. Describe the proposed technology alternative:

e. Provide a business case (cost benefits or effectiveness analysis) that supports the exception request:

4. Impact of Exception Request

a. Describe the impact on the agency's IT architecture, infrastructure and existing or planned systems should this exception request be approved.

b. Describe the financial impacts of using the proposed technology alternative.

c. Describe the alternative(s) for should this exception be denied.

d. Describe any the impacts the exception could have outside your agency (other agencies, vendors, etc.):

5. Sensitive Data & Critical Business Function

Note: If the application/system is new, the agency will start with the Risk Assessment (RA), move to the Business Impact Analysis (BIA), then enter everything into Commonwealth Enterprise Technology Repository (CETR) and Archer.

If the agency wants a SaaS solution, then the data classification should be done prior to contacting the vendor.

a. Does this exception include sensitive data or mission critical as defined by SEC501? If yes, please specify the type of data (i.e., names, addresses, social security numbers, etc.)?

b. When was the data classification process performed and/or updated for this application?

If the data is classified as sensitive, what regulations or COV requirement govern the use of this data?

(The following can be provided in attachments)

1. Provide the most recent data classification results for this application.
2. Provide a copy of any regulations or COV requirements that govern the use of this data.

<p>c.</p>	<p>Does or will the application access, store or modify commonwealth data? If yes, will the data be located outside of the COV domain? If yes, state the physical location of the data. Please document the type of data and the mechanism used to access the data in a secure manner (encryption, file permissions, authentication mechanisms).</p>
------------------	--

3. Agency Compliance & Agreement

- In order to obtain the resources outside of the ITP, the agency Information Security Officer (ISO) and Agency IT Representative (AITR) agree to the following actions, by signing below: Agency will annually submit this form and attachments indicating any changes to the environment.
- If non-compliance to SEC501 security guidelines, agency agrees to correct compliance issue and reimburse VITA for all costs incurred, on a time and material basis, during the period of non-compliance.
- Agency understands that by seeking this exception, that the following ITP services will not be routinely performed by VITA and/or its partners:
 - o Direct security oversight
 - o Intrusion detection
 - o Security logging review
 - o Architecture Reviews

<p>Agency Information Security Officer Printed Name:</p>	
<p>Information Security Officer Signature:</p>	
<p>Date Signed:</p>	

Comments:
Agency, and vendors have reviewed and contributed to this document

AITR Printed Name:

AITR or designee Signature:

Date Signed:

a. Additional comments or information:



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Voter Registration Form Lessons Learned

BOARD WORKING PAPERS
James Alcorn
SBE Chairman



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Adjournment

BOARD WORKING PAPERS



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STATE BOARD *of* ELECTIONS

BOARD MEETING

Wednesday, May 11, 2016
General Assembly Building
Room C
10:00AM

SBE Board Working Papers
Prepared by Rose Mansfield
SBE Clerk