



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Monday, November 21, 2016  
General Assembly Building  
Room C  
10:00AM

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SBE Board Working Papers



**STATE BOARD OF ELECTIONS  
AGENDA**

*DATE: November 21, 2016  
LOCATION: General Assembly Building, Room C  
TIME: 10:00 a.m.*

- I. CALL TO ORDER** *James B. Alcorn  
SBE Chair*
- II. APPROVAL OF MINUTES** *SBE Board Members*  
June 28, 2016  
August 30, 2016  
October 4, 2016  
November 8, 2016
- III. COMMISSIONER'S REPORT** *Edgardo Cortés  
ELECT Commissioner*
- IV. NEW BUSINESS**
- A. Certification of General Election – November 8, 2016** *Reiko Doğu  
Senior Elections Administrator*
- B. Electronic Pollbook Certification** *Paul Stenbjorn  
Director of Elections  
Administrator*
- V. OTHER BUSINESS & PUBLIC COMMENT**  
Next Meeting  
December 19, 2016-Electoral College-Noon-Senate Chamber
- VI. ADJOURNMENT**



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# Call to Order

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BOARD WORKING PAPERS  
James Alcorn  
SBE Chair



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STATE BOARD *of* ELECTIONS

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# Approval of Minutes

June 28, 2016  
August 30, 2016  
October 4, 2016  
November 8, 2016

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BOARD WORKING PAPERS  
SBE Board Members



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STATE BOARD *of* ELECTIONS

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# Approval of Minutes

## June 28, 2016

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BOARD WORKING PAPERS  
SBE Members

1 MINUTES

2

3 The State Board of Elections Board Meeting was held on Tuesday, June 28, 2016.  
4 The meeting was held at the Koger Center, Richmond - Midlothian, Virginia James River  
5 Room. In attendance, representing the State Board of Elections (SBE) was James Alcorn,  
6 Chairman; Clara Belle Wheeler, Vice Chair; and Singleton McAllister, Secretary. Also in  
7 attendance, representing the Department of Elections (ELECT) was Edgardo Cortés,  
8 Commissioner; Martin Mash, Policy Advisor, and Rose Mansfield, Clerk. Heather Hays  
9 Lockerman, Senior Assistant Attorney General and Counsel to SBE and ELECT  
10 attended. Chairman Alcorn called the meeting to order at 8:00AM.

11 The first order of business was the approval of the minutes from the State Board  
12 of Elections Board Meetings held on May 11, 2016. Chairman Alcorn asked if board  
13 members had any additions or corrections to the Board Meeting minutes as presented and  
14 there were none. Secretary McAllister moved *that the May 11, 2016 SBE minutes be*  
15 *approved as submitted.* Vice Chair Wheeler seconded the motion and the Board  
16 unanimously approved the motion.

17 The next order of business was the Commissioner Report presented by Edgardo  
18 Cortés, ELECT Commissioner. Commissioner Cortés stated that the annual training event  
19 for general registrars and electoral board members will convene after the conclusion of  
20 the SBE meeting and will last for several days as required by code. Commissioner Cortés  
21 stated that the Department of Elections (ELECT) underwent an internal reorganization. A  
22 new division was created as a result of input received from the elections community. This  
23 department will focus on community outreach and compliance efforts. ELECT will have  
24 a team of registrar liaisons. Registrar liaisons will be assigned to a specific region, within  
25 the Commonwealth.

26 Commissioner Cortés stated that ELECT distributed the presidential primary  
27 reimbursements to the localities. Commissioner Cortés stated that determining the actual  
28 costs of the elections requires expansion; as the current election cycle incurred costs  
29 above the expected amount, thus the reimbursements percentages were less than  
30 expected. Commissioner Cortés stated ELECT is preparing for voter list registration  
31 confirmation mailings and list maintenance activities. The mailings are expected to be

32 postmarked by July 8, 2016. Examples of the letters were sent to the general registrars  
33 offices to prepare the registrars for the return mailings.

34 Commissioner Cortés stated that the Division of Motor Vehicles (DMV) has been  
35 a longtime partner in the voter registration process. ELECT and the DMV have been  
36 working to improve the voter registration process. Commissioner Cortés stated that DMV  
37 will implement electronic voter registration at their offices. Citizens who complete their  
38 DMV transactions will be prompted to update their voter registration status. The DMV  
39 will communicate electronically the information to ELECT. Commissioner Cortés stated  
40 that list maintenance will improve as addresses are compared to DMV lists. DMV will  
41 pilot this program on July 1, 2016. Commissioner Cortés stated that ELECT will be  
42 providing electronic tools to third-party registration drives to allow their process to go  
43 paperless. This effort will increase accountability and will assist the general registrars in  
44 completing the registration process. ELECT will assign a URL to third-party groups and  
45 will use the ELECT Citizen Portal. Commissioner Cortés asked if there were additional  
46 questions.

47 Chairman Alcorn thanked the Department for their efforts. Vice Chair Wheeler  
48 questioned the security of voter data entered electronically. Commissioner Cortés  
49 explained the process and the security measures in place to protect the voter information  
50 entered during the voter registration process and how the process mirrors the voter  
51 registration process that currently has been in place since 2013. Secretary McAllister asked  
52 that the best practices for election reimbursement be discussed. Commissioner Cortés  
53 stated that when the General Assembly enacts new legislation that the cost be determined  
54 prior to passing. The Department has asked for budget amendments to support the  
55 mandated changes. Commissioner Cortés stated that this process has been an educational  
56 effort to assist the localities enduring new election legislation. Commissioner Cortés  
57 asked if there were additional questions and there were none.

58 The next order of business was the Certification of Election, June 14, 2016,  
59 presented by Reiko Doğu, Senior Elections Administrator. Ms. Doğu stated that two  
60 primary elections were held on June 14, 2016 for the purpose of selecting candidates to  
61 be the nominees of Virginia political parties for election to office on November 8, 2016.  
62 Ms. Doğu announced ballot count tabulations for each of the offices that held an election

63 on June 14, 2016. SBE members signed the Certificates of Elections for each of the  
64 offices. Chairman Alcorn moved *that the Board certify the results of the June 14, 2016*  
65 *primaries as presented and declare the winners of each primary to be that party's*  
66 *nominee*. Vice Chair Wheeler seconded the motion and the Board unanimously approved  
67 the motion.

68 The next order of business was the Regulation – Chapter 60 Final Adoption  
69 presented by Brooks Braun, ELECT Policy Analyst. Mr. Braun stated that the Board  
70 approved a 21 day comment period for the revised proposal which ended on April 25,  
71 2016. Mr. Braun stated that the Board received the public comments in their working  
72 papers. Mr. Braun stated that Chapter 60 had three public comment periods since 2013  
73 and reviewed the areas of the chapter that are under consideration. Chairman Alcorn  
74 moved *that the Board adopt the changes proposed by the Department of Elections as a*  
75 *result of periodic review of Chapter 60 of the Board's regulation in the Virginia*  
76 *Administrative Code*. Secretary McAllister seconded the motion. Chairman Alcorn asked  
77 if there were any comments.

78 Vice Chair Wheeler expressed concern that the *Code of Virginia* prohibits  
79 photography in the polling places, except by members of the press, as it relates to Chapter  
80 60. Vice Chair Wheeler commented that most cell phones have camera capabilities and  
81 stated that this will cause delays on Election Day as voters take selfie's with their ballot.  
82 Chairman Alcorn asked for clarification from the Commissioner on the *Code* provision.  
83 Commissioner Cortés stated that is not a *Code* provision but rather a regulation that is  
84 under the Board's authority regarding the use of cell phones in the polling locations.  
85 Chairman Alcorn stated that the use of cell phones and their camera devices is common  
86 place; "voting is a public act, and the privacy of the ballot is the voters' choice if they  
87 take a picture of themselves casting their ballot." Secretary McAllister stated that the  
88 available technology has changed and the public comments received indicate the interest  
89 in this regulation and our regulations should reflect those advancements. Chairman  
90 Alcorn clarified that the portion of Chapter 60 being reviewed was 1VAC20-60-30 as it  
91 relates to cell phones. Chairman Alcorn asked if there were any public comments.

92

93 Public comments were received by; Tammy Alexander, Secretary of Petersburg  
94 City Electoral Board; Walt Latham, General Registrar of York County; Stephanie Iles,  
95 General Registrar of Norfolk City; Greg Riddlemoser, General Registrar of Stafford  
96 County; Susan Reed, General Registrar of Manassas City; Charlotte Stevens, Chair of the  
97 Richmond City Electoral Board; Robin Williams, Chair of the Prince William Electoral  
98 Board; Sarah Williams, Vice Chair of the Bristol City Electoral Board; Russell Boraas,  
99 Secretary of the Hanover County Electoral Board; Tracy Howard, General Registrar of  
100 Radford City and Robin Lind, Secretary of the Goochland County Electoral Board.

101 Speakers addressed the following:

102 Tammy Alexander- EB – concerned about selfies- because of the timing marks on  
103 the ballot.

104 Walt Latham – GR -discussed the handling of overfull ballot containers.

105 Stephanie Iles – GR – We are against selfies in the polling locations.

106 Greg Riddlemoser – GR- discussed the handling of overfull ballot containers.

107 Susan Reed –GR – use of cell phones in general...phone calls received in polling  
108 locations is impeding other voters...also mentioned laptops have cameras.

109 Charlotte Stevens – EB – cell phones are totally disruptive in the polling location

110 Robin Williams – EB - selfie...their choice...not against.

111 Sarah Williams – EB - provided an educational summary of how to create rules in  
112 the polling locations.

113 Russell Boraas – EB - stated there will never be any evidence of intimidation in  
114 the polling locations this does not mean that is not happening.

115 Tracy Howard – GR- stated that a professor offered extra credit if they (students)  
116 could prove they voted.

117 Robin Lind- EB-cited code on the use of cellular phones... asked for clarification  
118 and uniformity.

119 Chairman Alcorn asked if there were additional comments and there were none.

120 Chairman Alcorn moved *that the motion seconded be amended to adopt the*  
121 *changes to IVAC 20-60-30 through IVAC 20-60-50 as recommended by ELECT as a*  
122 *result of periodic review of Chapter 60 of the Board's regulation in the Virginia*

123 *Administrative Code*. Secretary McAllister seconded the motion. The motion passed two  
124 to one: Chairman Alcorn, Yea; Secretary McAllister, Yea, and Vice Chair Wheeler, Nay.

125 The next order of business was the finalization of regulation resulting from  
126 periodic reviews of Chapter 80 (1VAC20-80) presented by Brooks Braun, ELECT Policy  
127 Analyst. Mr. Braun stated that the process began in 2013 and was opened for public  
128 comment twice. Mr. Braun stated that the changes are primarily the wording in the  
129 chapter to reflect the new definitions in the *Code*. Chairman Alcorn moved *that the*  
130 *Board adopt the changes proposed by the Department of Elections as a result of periodic*  
131 *review of Chapter 80, 1VAC 20-80-10 through 1VAC 20-80-20, of the Board's*  
132 *regulations in the Virginia Administrative Code*. Secretary McAllister seconded the  
133 motion. Chairman Alcorn asked if there were any comments and there were none. The  
134 Board unanimously passed the motion.

135 The next order of business was the Election Data Project presented by SBE  
136 Chairman, James Alcorn. Chairman Alcorn stated that this project is designed to be a  
137 form of communication. The election community and interested parties could use the  
138 information in a beneficial and objective manner to generate discussions about improving  
139 the process. Chairman Alcorn stated that: "The goal is to have clean and well run  
140 elections in Virginia." Chairman Alcorn provided a demonstration of the ELECT website  
141 location and data. Examples of the interpretation of data were provided. Chairman Alcorn  
142 stated that reviewing the data would provide an avenue to ask questions of those localities  
143 that are having consistent success to share their experiences and processes with the entire  
144 election community and to develop "Best Practices". Chairman Alcorn asked if there  
145 were any public comments. Public comments were provided by Roseanne Bencoach,  
146 General Registrar of the City of Charlottesville, and Robin Lind, Secretary of the  
147 Goochland County Electoral Board.

148 Chairman Alcorn asked if there was any other business to come before the Board.  
149 Commissioner Cortés stated that there were administrative items requiring the Board  
150 Members input regarding the GREB Workgroup that was established by SBE.  
151 Commissioner Cortés stated that the workgroup has membership vacancies requiring  
152 board action and the support of the workgroup by ELECT personnel has become tasking  
153 as ELECT prepares for the presidential election. Commissioner Cortés stated that the

154 general registrars and electoral boards associations previously suggested providing  
155 administrative support to the workgroup and ELECT would request that SBE would  
156 make that request at this junction. Chairman Alcorn clarified that the workgroup is  
157 required to follow all FOIA requirements and was sanctioned by SBE in its'  
158 establishment. Chairman Alcorn moved *that Katherine Hanley-GREB Workgroup Co-*  
159 *Chair and Al Ablowich- GREB Workgroup Member be officially nominated and placed in*  
160 *their respective positions on the workgroup.* Vice Chair Wheeler seconded the motion  
161 and the Board unanimously approved the motion. Chairman Alcorn moved *that ELECT*  
162 *withdrawn the administrative support of the GREB Workgroup with the understanding*  
163 *that ELECT will post the meetings and required documents to meet FOIA requirements.*  
164 Vice Chair Wheeler seconded the motion and without further comment the Board  
165 unanimously approved the motion.

166 Chairman Alcorn asked if there were additional public comments. Public  
167 comment was provided by Greg Riddlemoser, General Registrar of Stafford County;  
168 Steve Hunt, Chairman of the Fairfax County Electoral Board; Robin Lind, Secretary of  
169 the Goochland County Electoral Board; Rick Miller, General Registrar of Fredrick  
170 County; Cameron Sasnett, General Registrar of Fairfax County and Rosanna Bencoach,  
171 General Registrar of Charlottesville City . Chairman Alcorn asked if there was additional  
172 business to come before the Board and there was none.

173 Chairman Alcorn moved *that the Board adjourn.* Secretary McAllister seconded  
174 the motion. The Board unanimously approved the motion.

175 The meeting was adjourned at approximately 11:10AM. The Board shall  
176 reconvene on August 29, 2016 at 1:00PM in Richmond, Virginia – General Assembly  
177 Building – Room C.

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Secretary

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Chair

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Vice Chair

DRAFT



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STATE BOARD *of* ELECTIONS

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# Approval of Minutes

## August 30, 2016

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BOARD WORKING PAPERS  
SBE Members

1 MINUTES

2

3 The State Board of Elections Board Meeting was held on Tuesday, August 30,  
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 1:00PM.

12 The first order of business was the approval of the minutes from the State Board  
13 of Elections Board Meetings held on April 28, 2016, June 28, 2016, and August 10, 2016.  
14 Chairman Alcorn asked if board members had any additions or corrections to the Board  
15 Meeting minutes presented. Vice Chair Wheeler discussed suggested format changes to  
16 the meeting minutes of June 28, 2016 regarding public comments. SBE members tabled  
17 the minutes from the June 28, 2016 pending a review from the Clerk. Secretary  
18 McAllister moved *that the Board approve the minutes from the April 28, 2016 and*  
19 *August 10, 2016 meeting.* Vice Chair Wheeler seconded the motion and the Board  
20 unanimously approved the motion.

21 The next order of business was the Commissioner Report presented by Edgardo  
22 Cortés, ELECT Commissioner. Commissioner Cortés introduced ELECT Policy Analysts  
23 Joe Stanley and Arielle Schneider who recently joined the ELECT Team. Commissioner  
24 Cortés announced that long-term ELECT Team Member, Vanessa Archie would be  
25 joining the General Registrars' Liaison Team. Commissioner Cortés stated that ELECT  
26 recently hosted a Contingency of Operation Plan (COOP) meeting with state partners in  
27 preparation for the November Elections. Commissioner Cortés stated that this is an  
28 ongoing project and the support provided by state partners contributes to the success of  
29 the elections. Commissioner Cortés stated that ELECT joined other state election  
30 officials for informational conferences conducted by the Department of Homeland  
31 Security regarding the issue of cyber security. Commissioner Cortés stated that ELECT is

32 additionally, working with VITA and the FBI in partnership with the Secretary of  
33 Homeland Security to ensure the security of information and equipment. Commissioner  
34 Cortés stated that ELECT has provided guidance to the localities regarding the ordering  
35 of ballot orders to include the quantities depending on the equipment being utilized by the  
36 locality. Commissioner Cortés asked if there were questions.

37 SBE members exchanged information regarding the information presented and  
38 scenarios related to the situations that may occur on Election Day, November 2016.  
39 Chairman Alcorn suggested that ELECT send communications to the field and the public  
40 regarding Election Day preparations. Commissioner Cortés stated that the Governor sent  
41 a message to all state employees about volunteering to act as an officer of election in  
42 support of Election Day and the ELECT website is promoting the recruitment of these  
43 officers. Commissioner Cortés stated that Nancy Rodrigues, Secretary of Administration  
44 has been communicating with major employers, in the Commonwealth, regarding  
45 volunteer opportunities. Secretary McAllister stated that it is important that SBE and the  
46 Commonwealth stay informed about the ADA accessibility regulations to ensure  
47 compliance on Election Day. Commissioner Cortés stated that ELECT is reviewing  
48 public comments associated to the regulations. Recommendations are being compiled and  
49 will be presented to the Board on October 4, 2016.

50 The next order of business was the Campaign Finance Updates presented by  
51 Brooks Braun, ELECT Policy Analyst. Mr. Brooks stated that at the SBE meeting on  
52 January 8, 2016, SBE heard the matter of a complaint received from the Republican Party  
53 of Virginia alleging that Friends of Gary McCollum failed to appropriately disclose  
54 certain campaign contributions in violation of the Campaign Finance Disclosure Act. It  
55 was alleged that Mr. McCollum continued receiving payments from his employer during  
56 a specified period in which he was campaigning for an elective office. Mr. Brooks stated  
57 that Chairman Alcorn directed the Department to notify the commonwealth attorney's  
58 office regarding this matter and to update SBE when a determination is made. On January  
59 21, 2016, a letter was sent to Mr. Collin Stolle, Commonwealth's Attorney for the City of  
60 Virginia Beach. The letter included all correspondence received by the Department of  
61 Elections concerning this matter and stated that the Board had decided to forgo any  
62 hearings regarding the matter until the Mr. Stolle's office had concluded its review. The

63 letter also asked that Mr. Stolle keep the Board updated as to the disposition of the  
64 matter. The Department has received no further contact from the Commonwealth's  
65 Attorney for the City of Virginia Beach. On July 22, 2016, Mr. Johnathon Schronce,  
66 attorney for Mr. McCollum, contacted the clerk and asked that a letter from another  
67 attorney for Mr. McCollum, Mr. Whitt Clement, be presented to the Board for a decision  
68 at the August 30, 2016 meeting, included in the Board materials. In this letter Mr.  
69 Clement asks the Board to consider the matter resolved if Mr. McCollum files an  
70 amended report accounting for previously omitted payments. The letter asserts that the  
71 Commonwealth's Attorney for the City of Virginia Beach has agreed that such an action  
72 would resolve the matter. Chairman Alcorn asked if a representative from the McCollum  
73 campaign was present.

74 Johnathon Schronce, Attorney for Gary McCollum approached the podium. Mr.  
75 Schronce stated that Mr. McCollum believes that no further disclosure is required under  
76 the *Code* however; is willing to file a supplemental report to bring closure to the  
77 situation. Mr. Schronce reported that he had spoken with the Commonwealth's Attorney,  
78 City of Virginia Beach, Colin Stolle, regarding the situation and believes that a  
79 supplemental report would resolve the matter. Chairman Alcorn stated that the core  
80 question before the Board is whether an employer's continuing the pay of a candidate  
81 constitutes a campaign donation; if the candidate is campaigning verses working.  
82 Secretary McAllister stated that the resolve will set precedent and it is important to have  
83 a response to the letter sent to the Commonwealth's Attorney, as requested by SBE. Vice  
84 Chair Wheeler stated that there is concern that a reply has not been received by SBE and  
85 a statement from that office is required rather than a message relayed by an attorney  
86 representing Mr. McCollum. Chairman Alcorn moved *that this item be tabled without*  
87 *further discussion until a response is received by the Commonwealth's Attorney's Office*  
88 *of Virginia Beach*. Secretary McAllister seconded the motion and without public  
89 comment the Board agreed to table the agenda item.

90 The next order of business was the Ballot Drawing for the November 8, 2016  
91 election presented by Reiko Doğu, Senior Elections Administrator. Ms. Doğu explained  
92 the process and the ballot order drawing was conducted by SBE Members. The official  
93 ballot order drawn by SBE Board Members:

- 94 1. Democrat
- 95 2. Republican
- 96 3. Libertarian
- 97 4. Green
- 98 5. Constitution
- 99 6. Independent Green

100

101 Chairman Alcorn moved *that the Board certify the determination by lot of the*  
102 *order of political parties, recognized political parties and other groups to determine the*  
103 *ballot sequence of party candidates on the November 8, 2016 General Election ballot.*

104 Vice Chair Wheeler seconded the motion and without public comment the Board  
105 unanimously approved the motion.

106 The next order of business was the Independent Candidate Petition Update  
107 provided by Paul Stenbjorn, Director of Elections Administration. Mr. Stenbjorn stated  
108 that the filing deadline for the petitions for the independent presidential candidates was  
109 Friday, August 26, 2016 at noon. Mr. Stenbjorn reported that ELECT received a  
110 substantial amount of petitions from four party candidates. Additionally, ELECT  
111 received petition signatures from two independent candidates. Mr. Stenbjorn stated that  
112 the Department is evaluating the signatures and expects to have the process completed by  
113 Friday, September 2, 2016. Mr. Stenbjorn stated that if a candidate petitions are deficient  
114 ELECT will notify the organization and the organization has seven days to request a  
115 hearing by the Board to review the petitions deficiency. Vice Chair Wheeler asked when  
116 the ballots will be approved so that the printers can begin their tasking. Mr. Stenbjorn  
117 stated that the goal is to have the information to the printers no later than Friday,  
118 September 2, 2016. Mr. Stenbjorn stated that ELECT has communicated with the printers  
119 and they have indicated that this date is sufficient to meet their deadlines. Mr. Stenbjorn  
120 noted that previously petitions were sent to the localities for verification. Mr. Stenbjorn  
121 stated that in this situation, because of the time restraints, the verification process  
122 occurred at the Department.

123 The next order of business was the candidate extension presented by Paul  
124 Stenbjorn, Director of Elections Administration. Mr. Stenbjorn stated that Jaynel  
125 Pittman-Shaw who was a candidate for the City of Richmond-School Board Seat, has  
126 submitted a letter to the Board requesting an extension of the filing deadline for the

127 Statement of Economic Interest absent in her required filings. Mr. Stenbjorn noted that  
128 the decision to exclude her from the ballot was a local decision. Mr. Stenbjorn stated that  
129 she is exercising her right under *Code* to ask SBE for an extension. Ms. Pittman-Shaw  
130 approached the podium.

131 Ms. Pittman –Shaw asked SBE to grant an extension for the Statement of  
132 Economic Interest that was missing from her filing materials for the seat in which she  
133 sought. Ms. Pittman-Shaw stated that she confused this document with the financial  
134 statement that had a June, 2016 deadline. Ms. Pittman-Shaw stated that because of this  
135 error she has not been able to interact with the community as a candidate. Ms. Pittman-  
136 Shaw stated that she respectfully requests an extension from SBE so that she can  
137 complete the filing and be placed on the ballot. Chairman Alcorn thanked Ms. Pittman-  
138 Shaw for her time. Chairman Alcorn inquired if there was historical data regarding the  
139 Board granting an extension under the *Code* provision. Mr. Stenbjorn stated there was not  
140 a precedent for granting an extension for the reason cited by Ms. Pittman-Shaw.  
141 Chairman Alcorn moved *that SBE not grant the requested extension as requested by Ms.*  
142 *Pittman-Shaw.* Vice Chair Wheeler seconded the motion and without public comment the  
143 Board unanimously approved the motion.

144 The next order of business was the SBE Training Standards presented by Clara  
145 Belle Wheeler, SBE Vice Chair. Vice Chair Wheeler stated that the training standards  
146 were an effort of the GREB Workgroup. Vice Chair Wheeler called upon Larry Haake,  
147 General Registrar of Chesterfield County to present the document. Mr. Haake stated that  
148 the standards were developed in a generalized fashion so that the Department and the  
149 localities could individually develop their guidelines. Mr. Haake stated that the subject  
150 matters that required uniformity throughout the Commonwealth were assigned to the  
151 Department; while the subject matters that were specific to the locality were assigned to  
152 the locality. Mr. Haake stated that some subject matters, i.e. emergency response... were  
153 assigned a shared value as both the Department and the locality would be responsible for the  
154 training. Vice Chair Wheeler stated that she recommends that SBE accept the training  
155 document and extend gratitude to the workgroup for the collaborative efforts. SBE  
156 members reviewed the submitted training document and thanked the workgroup for their  
157 efforts. Chairman Alcorn suggested a change in the local training standards section that

158 removes: “The training, when combined with standards developed by the Department of  
159 Elections, shall be sufficient to produce an effective, error-free election.” from section  
160 one and be change to “The *local* training, when combined with standards developed by  
161 the Department of Elections, shall be sufficient to produce an effective, error-free  
162 election.”. Vice Chair Wheeler moved *that the standards with the recommended changes*  
163 *should be adopted and sent to the localities and the localities should utilize the standards*  
164 *in their training of officers of elections for the upcoming elections.* Secretary McAllister  
165 seconded the motion. Chairman Alcorn asked if there were any public comments.

166 Eric Payne, Citizen of the Commonwealth approached the podium and asked if  
167 the public had the opportunity to review the document and provide comment before  
168 consideration of adoption. Commissioner Cortés stated that the document presented was  
169 not produced by the Department. Vice Chair stated that the document had not been  
170 placed out for public comment as it is a compilation of the *Code*. Chairman Alcorn asked  
171 if there were additional comments. Cameron Sasnett, General Registrar of Fairfax  
172 County, approached the podium and stated that a training guide was needed to create  
173 uniformity. Chairman Alcorn asked if there were additional public comments and there  
174 were none. The Board unanimously passed the motion.

175 The next order of business was the Community Outreach Program update  
176 presented by Susan Lee, Community Relations & Compliance Support Manager. Ms. Lee  
177 stated that The Virginia Department of Elections (ELECT) has launched its *Virginia is*  
178 *for Voters* outreach campaign in preparation for the November 8, 2016 Presidential  
179 Election. ELECT developed the new *Virginia is for Voters* (VIFV) campaign slogan in  
180 partnership with Virginia Tourism, along with the Virginia Department of Elections  
181 tagline, “You Have Questions. We Have Answers.” Ms. Lee stated that The Virginia  
182 Department of Elections’ Fall, 2016 Voter Outreach Plan has been developed to offer  
183 statewide and regional voter outreach to complement and supplement voter outreach  
184 efforts conducted by general registrars at the local level. The Fall, 2016 Voter Outreach  
185 Plan includes a robust digital media campaign offered statewide across the  
186 Commonwealth of Virginia, as well as an extensive traditional media campaign that  
187 includes major media markets across the state. Ms. Lee outlined the components of the  
188 Voter Outreach Campaign and played the video associated with the upcoming public

189 service announcements. Ms. Lee stated that ELECT has partnered with VDOT to help  
190 get the message delivered through their conduits by utilizing signage with voter outreach  
191 messages. Ms. Lee recognized Rob Vance, ELECT Web developer and Tanya Pruett,  
192 ELECT Outreach Coordinator, for their efforts in creating a successful program. SBE  
193 Members discussed the campaign and noted that the campaign was aggressive in  
194 covering the Commonwealth, yet frugal in the expenditures. SBE Members thanked Ms.  
195 Lee for the efforts of the Community Outreach Campaign.

196 The next order of business was the VERIS presentation presented by Matt Davis,  
197 ELECT Chief Information Officer. Mr. Davis stated that VERIS is the statewide voter  
198 registration and election management system for the Commonwealth. Mr. Davis provided  
199 an overview of the history of the system to include the legal duties assigned to the  
200 Department. Ms. Davis explained the different sub-systems in VERIS to include the other  
201 applications VERIS feeds. Mr. Davis explained the interaction between VERIS and other  
202 entities such as the Social Security Administration. Mr. Davis explained the ELECT  
203 staffing structure designed to support the upcoming November election. Mr. Davis asked  
204 if there were any questions. Chairman Alcorn asked what the challenges of the division  
205 would be over the next couple years. Mr. Davis stated that data architecture will be a  
206 challenge. Vice Chair Wheeler asked if we should feel confident that someone will not  
207 hack into VERIS. Mr. Davis stated that the VERIS system has multiple layers of security.  
208 Mr. Davis stated that the monitoring of the system is extensive and ELECT has  
209 completed the tasks responsible for in protecting the system. Secretary McAllister stated  
210 that the establishment of best practices is evolving and asked if ELECT is working with  
211 other entities to protect the system. Mr. Davis stated that the systems being built within  
212 the security framework is being built to best practices standards.

213 Chairman Alcorn asked if there were any public comments. Gary Fox, PrintElect  
214 Representative expressed concern about the deadline for ballots and petition certification.  
215 Michael O'Neill, Landmark Legal Foundation-Legal Counsel expressed concern  
216 regarding the cross-check programs and a letter that was sent to SBE. Larry Haake,  
217 General Registrar of Chesterfield County, expressed that the introduction of the cross-  
218 check removal of voters is not acceptable and troublesome. Cameron Sasnett, General  
219 Registrar of Fairfax County, stated that he didn't like that the actual comments made

220 during the public comment period ,during the Homestead meeting, were not recorded in  
221 the official minutes. Chairman Alcorn asked if there were additional public comments  
222 and there were none. Chairman Alcorn directed the Clerk to insert the late arriving letter  
223 from Delegate Landes into the working papers.

224 Chairman Alcorn asked if there were comments. Vice Chair discussed the  
225 content of Delegate Landes' letter.

226 Chairman Alcorn moved *that the Board adjourn*. Secretary McAllister seconded  
227 the motion and without further comment the Board voted unanimously to adjourn.

228 The meeting was adjourned at approximately 4:00PM. The Board shall  
229 reconvene on October 4, 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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★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Approval of Minutes

## October 4, 2016

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BOARD WORKING PAPERS  
SBE Members

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, October 4,  
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, and Rose Mansfield,  
9 Clerk. Anna Birkenheier, Assistant Attorney General and Counsel to SBE and ELECT  
10 attended. Chairman Alcorn called the meeting to order at 10:00AM.

11 The first order of business was the Pre-Election Preparation Update presented by  
12 Edgardo Cortés, ELECT Commissioner. Commissioner Cortés stated that the Board’s  
13 working papers included the monthly registration statistics and they are posted on the  
14 agencies website; noting there are 4.9 million Virginians registered to vote.  
15 Commissioner Cortés stated that the focus on the paperless process; utilizing the tools at  
16 the Division of Motor Vehicles (DMV) and the utilization of the ELECT Citizen Portal,  
17 has been received favorably by Virginia Citizens, who are registering to vote or updating  
18 the current voter information. Commissioner Cortés stated that September 23, 2016 was  
19 National Voter Registration Day and Facebook pushed a reminder to subscribers about  
20 checking their voter registration status. As a result, the ELECT website experienced an  
21 increase of on-line activity. During a three day period there were over 51,000  
22 submissions on the website and over 18,000 registrations downloaded by the DMV.  
23 Commissioner Cortés stated that there have been 39,000 absentee ballot requests and  
24 15,000 voters have cast their absentee ballots in-person.

25 Commissioner Cortés stated the new general registrar liaison department has  
26 been working with the general registrar community to ensure compliance and to provide  
27 assistance which includes site visits. Commissioner Cortés stated that the voter outreach  
28 campaign continues utilizing the funding as allotted. Commissioner Cortés stated that  
29 media outlets (television and radio), social media (Facebook and Twitter), signage in  
30 commuter parking lots reminding voters of critical election dates and Constitutional  
31 Amendments (publications and flyers) continue to be utilized.

32 Commissioner Cortés stated that ELECT is continuing to work with their federal  
33 and state partners regarding cybersecurity issues related to the elections. Commissioner  
34 Cortés noted that the Department of Homeland Security issued tips and guidelines related  
35 to voting security registration systems. Commissioner Cortés stated that Virginia  
36 previously implemented the recommendations of the Department of Homeland Security.  
37 Commissioner Cortés stated that ELECT continues to conduct Contingency of Operation  
38 Plan (COOP) meetings with agencies within the Commonwealth. Commissioner Cortés  
39 thanked the Virginia Capitol Police for the work they perform daily and especially their  
40 support during the election cycles.

41 Commissioner Cortés stated that the voter photo identification law appeal was  
42 heard in the 4<sup>th</sup> Circuit Court and an independent candidate requested an injunction for  
43 ballot access in the United States District Court for the Eastern District of Virginia.  
44 Commissioner Cortés asked if there were any questions.

45 Chairman Alcorn asked ELECT to provide the absentee statistics from the 2012  
46 presidential election to SBE. Chairman Alcorn asked that a lessons learned agenda item  
47 be added to an appropriate SBE meeting after the election to discuss election related  
48 issues. Chairman Alcorn thanked ELECT for all the proactive work being conducted  
49 within the election community. Chairman Alcorn asked if ELECT was on budget with the  
50 voter outreach campaign. Commissioner Cortés stated that ELECT was frugal with the  
51 budget and has stayed within limits.

52 Vice Chair Wheeler asked about the transmission speed of the Virginia Election  
53 and Registration System (VERIS) utilized by the general registrars to verify voter  
54 information. Commissioner Cortés stated that information system received from other  
55 providers was in transition. Issues were identified and the Department enlisted help from  
56 another vendor to assist with address validation, while ELECT wrote the code to facilitate  
57 the transition. Commissioner Cortés stated that VERIS speed was impacted by National  
58 Voter Registration Day. Commissioner Cortés stated that general registrars are running  
59 reports tasking the VERIS resources that are currently available on-line. Commissioner  
60 Cortés stated the general registrar community has provided positive feedback to ELECT  
61 regarding posting the reports on-line. Vice Chair Wheeler asked if DMV had enhanced  
62 the system by sending a message to a voter that their application was received, thus

63 stopping the multiple entries of applications by the same voter. Commissioner Cortés  
64 stated that a time-out was installed in early 2016 that will not allow the voter to submit  
65 multiple entries of the same voter registration application. Commissioner Cortés stated  
66 that there is a process for the general registrar to handle multiple entries. Vice Chair  
67 Wheeler asked about first-time voters and if there was a flag on their record regarding  
68 their photo identification when requesting an absentee ballot. Commissioner Cortés stated  
69 that there was not a photo identification requirement for voting absentee ballot by mail.  
70 Commissioner Cortés stated that the first-time voter who registers on-line must appear in  
71 person in order to cast their ballot when their identification cannot be verified by DMV  
72 noting that this only affects a small percentage of first-time voters. Vice Chair Wheeler  
73 asked why ELECT sent provisional ballots to cover 33% of the localities registered  
74 voters. Commissioner Cortés stated that the provisional ballots were an expense covered  
75 by ELECT and as part of the COOP those ballots will be utilized in case of an emergency  
76 either manmade or by nature. Commissioner Cortés stated that it is important that the  
77 registrars are prepared for an emergency verses having several hundred individuals  
78 waiting to cast their ballot due to a manmade or natural situation. Chairman Alcorn  
79 stated that this process was appropriate for Election Day. Vice Chair Wheeler asked if  
80 ELECT was confident that deceased individuals are not being added to the voting rolls.  
81 Commissioner Cortés stated the Department has a complex list maintenance process and  
82 updates occur on a monthly and annual basis. The general registrar will be notified that  
83 the voter has passed and the registration will be cancelled. Additionally, this information  
84 is matched to the statewide data base. Commissioner Cortés stated: “I am very confident  
85 in the Department’s and general registrars ability to keep our rolls clean and address  
86 those issues as they arise.”

87 Secretary McAllister asked about the voter outreach program and the feedback  
88 received by ELECT. Commissioner Cortés stated that the program has been well received  
89 by the general registrars and it is encouraging to see Virginia voters updating their  
90 information the website. Secretary McAllister stated that it is encouraging that ELECT is  
91 working with federal and state partners regarding cybersecurity and it is comforting to  
92 hear that Virginia is in a good position for this election. Commissioner Cortés stated that  
93 Virginia is ahead of the curve on election related security and continues to monitor the

94 situation based on the guidelines and tips as received. Secretary McAllister asked if the  
95 general registrars have been informed about the information available in the system so  
96 that unnecessary reports will not be requested in VERIS, thus slowing the system.  
97 Commissioner Cortés stated that ELECT has been pushing out information to the general  
98 registrar's and asking them to run non-critical reports during the night.

99 The next order of business was the Regulatory Actions presented by James  
100 Alcorn, SBE Chairman. Chairman Alcorn noted that no action on these regulations would  
101 be taken at this meeting. The outstanding regulatory actions discussed were; Periodic  
102 Review of 1VAC20-60-Election Administration, Periodic Review of 1VAC20-80-  
103 Recounts and Contests, Proposed New 1VAC20-60-35-Polling Place Accessibility  
104 Assessments and Proposed Delegations Update 1VAC20-20Definitions. SBE Members  
105 and ELECT staff discussed the open items in review. Chairman Alcorn stated that these  
106 regulations would come before SBE after the November 2016 election for review and  
107 consideration. Chairman Alcorn asked if there was any public comment and there was  
108 none.

109 The next order of business was the Survey review presented by Commissioner  
110 Cortés. Commissioner Cortés stated that the survey tool utilized in 2015 was included in  
111 the working papers and it is recommended that a review be conducted to determine if any  
112 changes are required for the 2016 November elections survey. Commissioner Cortés  
113 stated that the revised survey will be sent to the general registrars post-election. SBE  
114 members suggested additions and changes. Commissioner Cortés requested that  
115 additional changes and suggestions be submitted to ELECT by Election Day.

116 Chairman Alcorn asked if there were any public comments. Greg Riddlemoser,  
117 Stafford County General Registrar approached the podium. Mr. Riddlemoser stated that  
118 the communications of ELECT are appropriate and of quality. Mr. Riddlemoser stated  
119 that SBE communications have been untimely. Mr. Riddlemoser stated that ELECT's  
120 voter outreach program was excellent. He stated that people assume that localities have  
121 unlimited resources when they talk about the length of lines. Mr. Riddlemoser stated that  
122 the complexity of the ballot adds to the length of lines. Mr. Riddlemoser stated that he  
123 wouldn't have released the new voter application before a presidential election. Mr.  
124 Riddlemoser stated that he would have tested VERIS before turning on several options

125 and would not have let DMV into the voter system. He further stated he wouldn't have  
126 done the ELECT Citizens Portal without verification and that citizen's portal for absentee  
127 ballot requests is dirty. There is nothing in the system that tells the voter they are  
128 registered or have already requested an absentee ballot and kicks it back to the homepage  
129 and the volume of electronic downloads is crushing the general registrars. Mr.  
130 Riddlemoser asked SBE to turn off the electronic modular after the voter registration  
131 deadline and for SBE to turn off the absentee ballot request modular after the deadline  
132 and fix the VERIS system the way the general registrars would like it fixed. Chairman  
133 Alcorn asked if there were additional public comments.

134 Theresa Martin, President of the League of Women (LWV) Voter's-Northern  
135 Virginia approached the podium. Ms. Martin stated that the ELECT voter outreach  
136 campaign was extremely helpful in conducting third party registration events and express  
137 gratitude for the help the Department provided. Ms. Martin stated that the LWV endorses  
138 the new voter registration form and complimented the ease of completing the application.  
139 Chairman Alcorn asked if there were comments and there were none.

140 Chairman Alcorn moved *that the Board adjourn*. Vice Chair Wheeler seconded  
141 the motion and without further comment the Board voted unanimously to adjourn.

142 The meeting was adjourned at approximately 1:00PM. The Board shall  
143 reconvene on November 8, 2016 at 8:00AM in the Martha Brissette Room – Washington  
144 Building, Richmond, Virginia.

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Secretary

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Chair

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Vice Chair

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★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Approval of Minutes

## November 8, 2016

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BOARD WORKING PAPERS  
SBE Members

1 MINUTES

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3 The State Board of Elections Board Meeting was held on Tuesday, November 8,  
4 2016. The meeting was held in the Washington Building – Martha Brissette Conference  
5 Room, Richmond, Virginia. In attendance, representing the State Board of Elections  
6 (SBE) was James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and Singleton  
7 McAllister, Secretary. Also in attendance, representing the Department of Elections  
8 (ELECT) was Edgardo Cortés, Commissioner; Elizabeth Howard, Deputy Commissioner;  
9 Martin Mash, Policy Advisor and Rose Mansfield, Clerk. Anna Birkenheier, Assistant  
10 Attorney General and Counsel to SBE and ELECT attended. Chairman Alcorn called the  
11 meeting to order at 8:00AM.

12 The first order of business was the Commissioner Report delivered by  
13 Commissioner Cortés. Commissioner Cortés stated that the precincts opened on time with  
14 the exception of two locations that were delayed momentarily. Commissioner Cortés  
15 noted that there were approximately a dozen issues related to voting equipment across the  
16 Commonwealth. Commissioner Cortés stated that the voting process was not interrupted  
17 as alternative voting methods were utilized. Commissioner Cortés provided the details to  
18 SBE members. Commissioner Cortés stated that on this Election Day, there are 5.6  
19 million voters eligible to cast their ballots and that over 500 thousand absentee ballots  
20 have been cast.

21 Chairman Alcorn moved *that the Board recess until 12:00PM*. Vice Chair Wheeler  
22 seconded the motion and without further comment the Board voted unanimously to recess.  
23 The Board recessed at 8:30AM. Chairman Alcorn moved *that the Board reconvene the*  
24 *meeting at 12:05PM*. Secretary McAllister seconded the motion. The Board unanimously  
25 approved the motion. Chairman Alcorn requested an update on Election Day activities from  
26 the Commissioner.

27 Commissioner Cortés provided updates, from the morning briefing, stating the  
28 issues presented were resolved and or a process was adopted to adjust to the situation.  
29 Commissioner Cortés noted that the precincts that were experiencing long wait-times  
30 deployed extra equipment. Commissioner Cortés stated that the elections community was  
31 provided guidance on how to handle voters who appeared to cast a ballot in-person at the

32 polls, who were in possession of a previously requested absentee ballot. Commissioner  
33 Cortés stated that ELECT is providing guidance on various routine issues to the general  
34 registrar community. Commissioner Cortés stated that pre-election preparations proved  
35 invaluable as the general registrar’s offices are prepared with their election materials, i.e.  
36 provisional ballots. Commissioner Cortés stated that the call center had fielded over  
37 30thousand calls from voters in the Commonwealth on varying topics. The Board  
38 expressed confidence in the ability of the call center to appropriately answer the  
39 questions presented. SBE members expressed gratitude to the Commissioner, ELECT  
40 staff members and the general registrars’ offices for their work in creating a smooth  
41 running Election Day.

42 Chairman Alcorn moved *that the Board recess until 6:30PM*. Vice Chair Wheeler  
43 seconded the motion and without further comment the Board voted unanimously to recess.  
44 The Board recessed at 12:30PM. Chairman Alcorn moved *that the Board reconvene the*  
45 *meeting at 6:35PM*. Secretary McAllister seconded the motion. The Board unanimously  
46 approved the motion. Chairman Alcorn requested an update on Election Day activities from  
47 the Commissioner.

48 Commissioner Cortés stated that the ELECT call center has received over four  
49 thousand inquires and over 155thousand sessions had occurred on the ELECT website.  
50 Commissioner Cortés stated that there were a few Electronic Poll Book (EPB) issues in  
51 one locality and the resolve was that the voters cast their ballots provisionally.  
52 Commissioner Cortés stated that currently the focus is on wait-times for voters and the  
53 closing of the polls. Commissioner Cortés stated that the issues of the day were routine  
54 and a response plan was in place.

55 Commissioner Cortés stated that SBE requested a post-election survey. This  
56 survey was delivered to SBE on October 4, 2016 and today. Chairman Alcorn provided a  
57 review of the survey and stated that questions were added to reflect SBE initiatives. Vice  
58 Chair Wheeler asked who would be completing the surveys. Commissioner Cortés stated  
59 that it would be helpful to have one response from each of the localities. Secretary  
60 McAllister asked about the timeline of the survey. Commissioner Cortés stated that  
61 ELECT respectfully requests that all input from the Board be received by November 21,  
62 2016. Commissioner Cortés stated the goal is to have preliminary survey results delivered

63 to the field prior to the next legislative session. Commissioner Cortés asked if there were  
64 additional questions and there were none.

65 Chairman Alcorn moved *that the Board adjourn*. Secretary McAllister seconded  
66 the motion and without further comment the Board voted unanimously to adjourn.

67 The meeting was adjourned at approximately 7:00PM. The Board shall  
68 reconvene on November 21, 2016 at 10:00AM in the General Assembly Building –  
69 Room C, Richmond, Virginia.

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Secretary

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Chair

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Vice Chair

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★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# New Business

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BOARD WORKING PAPERS



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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Certification  
Of  
General Election  
November 8, 2016

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BOARD WORKING PAPERS  
Reiko Doğu  
Senior Elections Administrator



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## Memorandum

To: Members of the State Board of Elections  
From: Reiko Dogu, Senior Elections Administrator  
Date: November 21, 2016  
Re: Summary of the Department's efforts to present election results to the State Board of Elections for certification

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**Applicable Code Sections:** §§ 24.2-675, 24.2-679, 24.2-680 and 24.2-948.2.

**Background:** In preparation for this State Board of Elections meeting, at which election results from the 2016 November General Election will be certified, staff members at the Department of Elections (“ELECT”) complete a number of verification procedures to ensure that all relevant election data entered into the Virginia Election and Registration System (VERIS) by the localities appear to accurately reflect what happened on Election Day (§ 24.2-679). ELECT staff verify that voter turnout and provisional voter turnout values have been entered for each precinct. When voter turnout has not been entered by a locality, ELECT staff ask for the voter turnout to be entered by the locality as quickly as possible. ELECT staff verify that a locality's abstract vote totals for each candidate thereon match the election results that have been entered into VERIS. When the voter turnout and election results have been entered, ELECT staff run several VERIS election results error check reports to verify the apparent accuracy of the local data entered. When it becomes apparent that a corrected abstract is needed through this error review process, ELECT staff request that the locality complete an amended abstract per § 24.2-675. This verification by ELECT staff positions the State Board to better understand the election results reported by each jurisdiction.

ELECT staff brings copies of each locality's abstract of votes for each office being certified by the State Board. ELECT staff also prepares a written statement document for the Board Members to sign once the abstract totals have been read and confirmed to be accurately reflected on the written statement.

ELECT staff also prepares certificates of elections for those apparent winners. After the election results are

confirmed, the three Members of the State Board sign the certificates of election for each successful candidate. ELECT staff must review the requirements of § 24.2-948.2, if applicable, before issuing certificates to the successful candidates.

Prior to each election, the ELECT staff reminds the general registrars and electoral board members to follow the Departments’ guidance in canvassing the local election results by referring them to EB/GR Manual Chapter 18 – Canvassing Results. A copy of Chapter 18 is provided for your review.

**Suggested Motion:**

“After reviewing the Abstracts of Votes Cast in the 2016 November General Election, I move that the Board certify the statements to be correct and sign the statements and certificates of election.”

**Offices certified by the State Board of Elections:** The 2016 November General Election included races for sixteen offices and two proposed constitutional amendments, the results of which must be endorsed and subscribed on a certified statement from the State Board of Elections. § 24.2-679. The offices and referendums certified by the State Board of Elections are:

**1. Thirteen Electors for President and Vice President of the United States of America**

Elected by votes cast in all 133 cities and counties in Virginia.

**2. Member, United States House of Representatives, Congressional District One**

Elected by votes cast in:

CAROLINE COUNTY	KING & QUEEN COUNTY	COUNTY
ESSEX COUNTY	KING GEORGE COUNTY	PRINCE WILLIAM COUNTY
FAUQUIER COUNTY	KING WILLIAM COUNTY	RICHMOND COUNTY
FREDERICKSBURG CITY	LANCASTER COUNTY	SPOTSYLVANIA COUNTY
GLOUCESTER COUNTY	MATHEWS COUNTY	STAFFORD COUNTY
HANOVER COUNTY	MIDDLESEX COUNTY	WESTMORELAND COUNTY
JAMES CITY COUNTY	NEW KENT COUNTY	
	NORTHUMBERLAND	

**3. Member, United States House of Representatives, Congressional District Two**

Elected by votes cast in:

ACCOMACK COUNTY	NORFOLK CITY	VIRGINIA BEACH CITY
HAMPTON CITY	NORTHAMPTON COUNTY	WILLIAMSBURG CITY
JAMES CITY COUNTY	POQUOSON CITY	YORK COUNTY

**4. Member, United States House of Representatives, Congressional District Three**

Elected by votes cast in:

CHEESAPEAKE CITY	ISLE OF WIGHT COUNTY	PORTSMOUTH CITY
FRANKLIN CITY	NEWPORT NEWS CITY	SUFFOLK CITY
HAMPTON CITY	NORFOLK CITY	

**5. Member, United States House of Representatives, Congressional District Four**

Elected by votes cast in:

CHARLES CITY COUNTY	GREENSVILLE COUNTY	SOUTHAMPTON COUNTY
CHEESAPEAKE CITY	HENRICO COUNTY	SUFFOLK CITY
CHESTERFIELD COUNTY	HOPEWELL CITY	SURRY COUNTY
COLONIAL HEIGHTS CITY	PETERSBURG CITY	SUSSEX COUNTY
DINWIDDIE COUNTY	PRINCE GEORGE COUNTY	
EMPORIA CITY	RICHMOND CITY	

**6. Member, United States House of Representatives, Congressional District Five**

Elected by votes cast in:

ALBEMARLE COUNTY	CUMBERLAND COUNTY	LUNENBURG COUNTY
APPOMATTOX COUNTY	DANVILLE CITY	MADISON COUNTY
BEDFORD COUNTY	FAUQUIER COUNTY	MECKLENBURG COUNTY
BRUNSWICK COUNTY	FLUVANNA COUNTY	NELSON COUNTY
BUCKINGHAM COUNTY	FRANKLIN COUNTY	PITTSYLVANIA COUNTY
CAMPBELL COUNTY	GREENE COUNTY	PRINCE EDWARD COUNTY
CHARLOTTE COUNTY	HALIFAX COUNTY	RAPPAHANNOCK COUNTY
CHARLOTTESVILLE CITY	HENRY COUNTY	

**7. Member, United States House of Representatives, Congressional District Six**

Elected by votes cast in:

AMHERST COUNTY	HIGHLAND COUNTY	ROCKINGHAM COUNTY
AUGUSTA COUNTY	LEXINGTON CITY	SHENANDOAH COUNTY
BATH COUNTY	LYNCHBURG CITY	STAUNTON CITY
BEDFORD COUNTY	PAGE COUNTY	WARREN COUNTY
BOTETOURT COUNTY	ROANOKE CITY	WAYNESBORO CITY
BUENA VISTA CITY	ROANOKE COUNTY	
HARRISONBURG CITY	ROCKBRIDGE COUNTY	

**8. Member, United States House of Representatives, Congressional District Seven**

Elected by votes cast in:

AMELIA COUNTY	HENRICO COUNTY	POWHATAN COUNTY
CHESTERFIELD COUNTY	LOUISA COUNTY	SPOTSYLVANIA COUNTY
CULPEPER COUNTY	NOTTOWAY COUNTY	
GOOCHLAND COUNTY	ORANGE COUNTY	

**9. Member, United States House of Representatives, Congressional District Eight**

Elected by votes cast in:

ALEXANDRIA CITY	FAIRFAX COUNTY
ARLINGTON COUNTY	FALLS CHURCH CITY

**10. Member, United States House of Representatives, Congressional District Nine**

Elected by votes cast in:

ALLEGHANY COUNTY	GILES COUNTY	ROANOKE COUNTY
BLAND COUNTY	GRAYSON COUNTY	RUSSELL COUNTY
BRISTOL CITY	HENRY COUNTY	SALEM CITY
BUCHANAN COUNTY	LEE COUNTY	SCOTT COUNTY
CARROLL COUNTY	MARTINSVILLE CITY	SMYTH COUNTY
COVINGTON CITY	MONTGOMERY COUNTY	TAZEWELL COUNTY
CRAIG COUNTY	NORTON CITY	WASHINGTON COUNTY
DICKENSON COUNTY	PATRICK COUNTY	WISE COUNTY
FLOYD COUNTY	PULASKI COUNTY	WYTHE COUNTY
GALAX CITY	RADFORD CITY	

**11. Member, United States House of Representatives, Congressional District Ten**

Elected by votes cast in:

CLARKE COUNTY	LOUDOUN COUNTY	PRINCE WILLIAM COUNTY
FAIRFAX COUNTY	MANASSAS CITY	WINCHESTER CITY
FREDERICK COUNTY	MANASSAS PARK CITY	

**12. Member, United States House of Representatives, Congressional District Eleven**

Elected by votes cast in:

FAIRFAX CITY	FAIRFAX COUNTY	PRINCE WILLIAM COUNTY
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**13. Special election for Member, Senate of Virginia, First Senate District**

Elected by votes cast in:

HAMPTON CITY	NEWPORT NEWS CITY	WILLIAMSBURG CITY
JAMES CITY COUNTY	SUFFOLK CITY	YORK COUNTY

**14. Special election for Member, Senate of Virginia, Fifth Senate District**

Elected by votes cast in:

CHESAPEAKE CITY	NORFOLK CITY
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**15. Special election for Member, Virginia House of Delegates, Seventy Seventh District**

Elected by votes cast in:

CHESAPEAKE CITY	SUFFOLK CITY
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**16. Special election for Member, Virginia House of Delegates, Ninety Third District**

Elected by votes cast in:

JAMES CITY COUNTY	NEWPORT NEWS CITY	WILLIAMSBURG CITY
		YORK COUNTY

**17. Proposed constitutional amendment question 1**

Answered by votes cast in all 133 cities and counties in Virginia.

**18. Proposed constitutional amendment question 2**

Answered by votes cast in all 133 cities and counties in Virginia.



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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BOARD WORKING PAPERS

### 18.2.5 Responsibility for Certification of Results/Determination of Tied Results

The electoral board is solely responsible for the final certification of the results of elections for local referenda and for the following offices:

- Constitutional offices not shared with another locality (Circuit Court Clerk, Commonwealth's Attorney, Sheriff, Commissioner of Revenue, Treasurer)
- Member, Board of Supervisors (including tiebreaker)
- Member, School Board
- City and Town offices
- Soil and Water Conservation Directors

The Department of Elections is responsible for the final certification of the results of elections for statewide and/or regional referenda **and for all other offices not listed above**, including any of the constitutional offices named above which are shared by more than one locality.

Should the ascertainment of the results of the election for any of the offices certified by the electoral board (those set forth above) indicate that two or more candidates received the same (and highest) number of votes, the electoral board must first check and double check again the total votes cast for each candidate. If no error is found, determine the successful candidate by a drawing conducted by the electoral board at a meeting open to the public.<sup>22</sup>

While not required by law to do so, the electoral board should notify the candidates involved so that they or their representatives may be present for the drawing. In any event, assure that some witnesses are present.

To conduct the drawing, take the following steps:

- Enter the name of each of the candidates receiving a tie vote on a separate slip of opaque paper.
- Exhibit the slips, one at a time, to any interested person who is present.
- Fold each slip and seal it, individually, in an opaque envelope or other small opaque container.
- Place all envelopes or containers in another opaque container large enough to mix them thoroughly.
- Shake the container thoroughly and have one of the members of the electoral board draw out one envelope or container to select the winner.

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<sup>22</sup> [§ 24.2-674](#).



### 18.2.6 Duties of the Department of Elections Related to the Canvass

In order to verify the accuracy of the *Abstract*, the Department of Elections will compare the data keyed into the VERIS Election Post-Processing screens to the totals entered on the *Abstracts of Votes*. The Department of Elections will require the general registrar or the electoral board, as appropriate, to correct any error found and may summon either to Richmond, if necessary.

The Department of Elections may require any electoral board member to respond immediately and swiftly to correct any error found. A canvass for a primary must be completed no later than fourteen days after the date of the primary. For November elections, the canvass must be completed by the third Monday in November.<sup>23</sup>

The Department of Elections will post to its website comprehensive reports indicating, for each precinct, the actual election results and other vital information such as voter turnout percentages and percentages of votes cast for each candidate.

## 18.3 AFTER THE CANVASS

### 18.3.1 Campaign Contribution and Expenditure Reports

All candidates are required to file the reports of campaign contributions and expenditures unless the *Request for Exemption from Reporting Requirements* is filed.<sup>24</sup> An electoral board cannot issue a certificate of election to any successful candidate until the following conditions have been met:

- The candidate has filed all campaign finance reports required in [§ 24.2-947.6\(A\) \(3\) - \(9\)](#), [§ 24.2-947.7\(A\) \(3\) - \(6\)](#), and [§ 24.2-947.8\(B\) \(1\) & \(2\)](#), as applicable.
- A final report has been filed, if required by [§ 24.2-948.1\(C\)](#).
- The candidate has responded to and complied with any notice that additional information is required to complete a report.<sup>25</sup>
- The candidate has paid any civil penalty and returned any contribution required to be returned.<sup>26</sup>

A board should issue a certificate as soon as the post-election report has been filed, and all of the above conditions have been satisfied, including payment of civil penalties, in order that the successful candidate may qualify to take office prior to the date on which he is required to do so. Otherwise, the office may be declared vacant.

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<sup>23</sup> [§§ 24.2-534, 24.2-679](#).

<sup>24</sup> [§ 24.2-948.2](#).

<sup>25</sup> [§ 24.2-953.3](#).

<sup>26</sup> [§ 24.2-953.5](#).



### 18.3.2 Certificates of Election

According to [§ 24.2-676](#), the electoral board is responsible for issuing the certificates of election for the following offices<sup>27</sup>:

- Member, Board of Supervisors (including Tiebreaker)
- Constitutional offices not shared (Clerk of Court, Commonwealth's Attorney, Sheriff, Commissioner of Revenue, Treasurer)
- City and Town offices regularly elected at a May or November election;
- School Board; and
- Soil and Water Conservation Directors

The Department of Elections is responsible for issuing certificates of election for all other offices, including all constitutional offices shared by more than one jurisdiction.

The secretary of the electoral board must make out a certificate of election for each person determined by the board to have received the most votes for each of the offices indicated above.<sup>28</sup> These certificates should be done in a manner that makes them attractive and suitable for framing. At the very least, they should be completed by a person whose handwriting is decorative.

Two sample certificate forms are posted to the [Forms Warehouse](#).<sup>29</sup> It is important that the dates entered for the beginning and end of the term of office are the correct ones for the specific office being certified. For example, councils elected in May take office on either July 1 or September 1. Therefore, the term may end on either June 30 or August 31 and may be either a two-year or a four-year term. Your local government attorney can be consulted if needed.

The secretary or acting-secretary must sign each certificate of election. The certificates may be delivered in person, delivered by another member of the board or a registrar, or transmitted by certified mail. Upon delivery, inform the person that the certificate should be exhibited to the officer who administers the oath of office as evidence of his/her election victory. An oath must be administered by a Clerk of Court of record, by any judge, by a Commissioner or Clerk of the State Corporation Commission or by the Secretary of the Commonwealth.

Notify candidates for any of the offices set forth above who fails to file the required reports of campaign contributions and expenditures that, if such reports are not filed, the

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<sup>27</sup> If funds are available, blank certificates will be provided by the Department of Elections; otherwise, the locality must print its own. The Secretary of the Commonwealth has granted permission for localities to use the seal of the Commonwealth on certificates of election they print.

<sup>28</sup> Va. Code [§§ 24.2-102, 24.2-676](#).

<sup>29</sup> See [Exhibit B: Certificate of Election](#).



electoral board will be required to report to the Commonwealth's Attorney that the candidate has failed to comply with reporting requirements and may be subject to prosecution.<sup>30</sup> Carefully preserve a copy of any such letter as it may be needed as evidence in a court proceeding. Report to the Commonwealth's Attorney, in writing, any candidate who fails to file any required report by the deadline set in the notification letter.

- ① For November elections, the Department of Elections must certify final results on the third Monday of November and, in the interim, will verify the accuracy of the precinct and county or city results the electoral board has certified. The electoral board should stand ready to respond immediately to any request from the Department of Elections for investigation and correction of any error found in the certification. Any such request will come by telephone and may come during evening or weekend hours as this work cannot be delayed if it is to be accomplished in the time required by law.
- ① If the person receiving the highest number of votes is unqualified to serve in the position (i.e. not a resident), they still must be declared the winner. They will, however, be unable to take the oath of office. This will create a vacancy that is to be filled according to statute.

### 18.3.3 Letters to Voters whose Provisional/Absentee Ballots are Rejected

After the canvass, the general registrar must notify, in writing, all persons whose provisional ballot were not counted because they were found unqualified. The letter should give the following information:

- If they wish to be eligible to vote in future elections, they must complete a Virginia Voter Registration Application Form (one was provided to them on Election Day).
- The date of the close of books deadline for the next election by which to return the application in the pre-addressed envelope provided

For persons already registered, VERIS will automatically generate letters when their record is updated to indicate the provisional ballot was not counted.<sup>31</sup> For persons not registered who have not completed a registration application, the notification letter should include a voter registration application and inform the person that if they wish to be eligible to vote in future elections, they must complete the application and return it in the pre-addressed envelope provided before the close of the books for the next election in the county or city.

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<sup>30</sup> § 24.2-946.3.

<sup>31</sup> See [Provisional Ballots](#).



The electoral board is also required to send a written explanation of the reason for rejection of an absentee ballot to the voter within ninety days of the date of rejection. VERIS will automatically generate letters for voters whose absentee ballots were rejected after the voters' records are updated to indicate the ballots were rejected.<sup>32</sup>

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<sup>32</sup> See [Absentee Voting](#).



**18.4 EXHIBITS****18.4.1 Exhibit A: Manual Tally of Write-In Votes**

0101

GOVERNOR

JOHN WRITE-IN 2

0101

HOUSE OF DELEGATES

56TH DISTRICT

JOHN WRITE-IN 2



## 18.4.2 Exhibit B: Certificate of Election



**COMMONWEALTH**  
*of*  
**VIRGINIA**

TO ALL TO WHOM THESE PRESENTS SHALL COME-GREETING:

This is to Certify, *that at a meeting of the Electoral Board*  
*of the* **County of Anywhere**  
*held on* (enter date of canvass) , 20 , *on an examination of the official records and*  
*deposited in the office of the Clerk of the Circuit Court it was ascertained*  
*determined that at the election held on*  
(enter date of election) , 20 ,

**Successful Y. Candidate**

*was duly elected*

(enter office title and district, if any)

*for a term commencing* (enter date)\* , 20  
*and ending* (enter date) , 20 .



**Witness the following official Signature and Seal of the Board**

*this (enter date)day of (enter month), 20 (enter year)*

\_\_\_\_\_

\* Note: For a Special Election to fill a vacancy enter: upon qualification, 20\_\_\_\_.



**18.4.3 Exhibit C: Canvass Certification Checklist**

- 1. Tapes**
  - a. Zero Tape - Signed by Chief and Assistant Chief Officers of Election
  - b. Result Tapes 1-4 – Signed by Chief and Assistant Chief Officers of Election
- 2. (Yellow or White) Printed Return Sheet**
  - a. Packed in Envelope #2A - Label signed by 2 officers
  - b. Signed by all Officers
  - c. Result Tape #3 Attached
- 3. Statement of Results**
  - a. Packed in Envelope #2 - Label signed by 2 officers
  - b. Signed by all officers
  - c. Result Tapes #1 and #2 attached to correct SOR and signed by Chief and Asst. Chief Officers
  - d. Parts B & C - Check for completeness
  - e. If applicable, Part D – Check for accuracy and completeness
  - f. Equal number of voters on result tape and Pollbook Count forms (if not, a statement has been entered in the Part F - Explanation of Incidents)
  - g. Total Votes Cast for each office or issue is equal to or less than the last line in Part C of the SOR and Pollbook Count Sheet
- 4. Pollbook(s)**
  - a. Packed in Envelope #2 - Label signed by 2 officers
- 5. Oath of Officer form**
  - a. Packed in Envelope #2 - Label signed by 2 officers
  - b. Signed by all officers
  - c. Chief Officer signed twice (top & bottom)
- 6. Pollbook Count form(s) [NOT REQUIRED IF ELECTRONIC POLLBOOK IS USED]**
  - a. Packed in Envelope #2
  - b. Numbers marked consecutively and correctly (last number marked should be the same as the last line of Part C – Pollbook Count (PBC) and Reconciliation (SOR))
  - c. Total number of voters recorded in Certification section of the Pollbook Count Sheet (1 – 1,000).
  - d. Pollbook Count Sheet (1 – 1,000) signed by 1 Officer of Election
- 7. Write-In Certification (none for primary elections)**
  - a. Packed in Envelope #2
  - b. Copy 1 & Copy 2 returned
  - c. Number of write-ins of each candidate totaled correctly
  - d. No signatures on form



**8. Provisional Ballot(s)**

- a. Sealed in Envelope #1A, and if applicable, 1B, with 2 signatures
- b. Sealed in small green envelopes with 1 signature
- c. Details recorded on Incident Report by Chief Officer





★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## GREB Handbook

### Chapter 19

### Recounts and Contested Elections

June 2016

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## 19. Recounts and Contested Elections

### 19.1 RECOUNTS

The state recount laws apply to all elections held in the Commonwealth, including primaries, general or special elections for offices, or referenda or questions before the electorate.<sup>1</sup>

Virginia election law does not contain any provisions for a losing candidate in a party-conducted (non-primary) nomination process to request a recount of non-primary results. The Party Plan, rules or bylaws of that party, or the "Call" and rules for the non-primary nominating event may provide such a process.

#### 19.1.1 Filing the petition

##### 19.1.1.1 Margin of victory

A petition for a recount may be filed only in the event that there is a difference of not more than one percent (1%) of the total vote cast for the apparent winner and any apparently defeated candidate, as certified by the Department of Elections or the electoral board.<sup>2</sup> A recount is available when the following rule is true:

$$\frac{(Total\ votes\ for\ winner) - (Total\ votes\ for\ recount\ petitioner)}{(Total\ votes\ for\ winner) + (Total\ votes\ for\ recount\ petitioner)} < 0.01$$

A recount may be filed when there is a difference of not more than five percent (5%) of the total vote cast for the apparent winner and any apparently defeated candidate, if either such candidate was a write-in candidate.

$$\frac{(Total\ votes\ for\ winner) - (Total\ votes\ for\ recount\ petitioner)}{(Total\ votes\ for\ winner) + (Total\ votes\ for\ recount\ petitioner)} < 0.05$$

<sup>1</sup> §§ 24.2-800 - 802; § 24.2-800(A).

<sup>2</sup> § 24.2-800.



### *19.1.1.2 When to File*

A recount cannot be requested until the election is certified. The petition for a recount, other than an election for presidential electors, must be filed within ten (10) days from the day the Department of Elections or the electoral board certifies the results of the election.<sup>3</sup> If the winner for that office is certified at the local level, this means ten (10) days from the date the electoral board certifies the results; if the winner is certified by the State Board of Elections, it means ten (10) days from day the State Board of Elections certifies the results.

### *19.1.1.3 Where and How to File*

In the case of an election for a statewide office, a petition for a recount must be filed in the Circuit Court of the City of Richmond.<sup>4</sup> In the case of any other election for office, a petition for a recount must be filed in the Circuit Court of the county or city in which the candidate being challenged resides.<sup>5</sup>

A petition for a recount must set forth the results as certified by the Department of Elections or the electoral board and must also request that the Court recount the ballots or redetermine the count of any direct electronic voting device.<sup>6</sup> A copy of the petition for a recount must be served on the candidate apparently elected or nominated within ten days after the Department of Elections or electoral board has certified the results of the election.<sup>7</sup> In a referendum, a copy of the petition for a recount shall be served on the governing body of chief executive officer of the jurisdiction in which the election was held.

## **19.1.2 Preparing for the recount**

### *19.1.2.1 Selecting the Recount Court*

The Chief Judge of the Circuit Court in which the petition is filed must promptly notify the Chief Justice of the Supreme Court of Virginia. The Chief Justice of the Supreme Court of Virginia then designates two additional judges to sit with the Chief Judge. These three judges constitute the full recount court that will hear the case.<sup>8</sup>

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<sup>3</sup> [§ 24.2-801.](#)

<sup>4</sup> [§ 24.2-801.](#)

<sup>5</sup> [§ 24.2-801.](#)

<sup>6</sup> [§ 24.2-801.](#)

<sup>7</sup> [§ 24.2-801.](#)

<sup>8</sup> [§ 24.2-801.](#)



### *19.1.2.2 Standards*

The State Board of Elections adopts and issues standards for the conduct of recounts. The Chief Judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.<sup>9</sup> The [Recount Step by Step Instructions](#) and [Examples for Handcounting](#) are on the Department of Elections website under the “Election Laws, Regulations, and Policies” page. For uniformity, the Department of Elections has directed that the [Ballot Examples](#) are to be used whenever ballots must be hand counted, whether in an election or in a recount.

### *19.1.2.3 Uniform Procedures Required*

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting devices in use in the election district.<sup>10</sup>

### *19.1.2.4 Preliminary Hearing*

Shortly after the petition for a recount is filed, there shall be a preliminary hearing held by the Chief Judge to hear motions and set the recount procedures, subject to review by the full court.<sup>11</sup> It is highly suggested that the general registrar and/or electoral board attend this hearing to provide guidance to the court as necessary.

### *19.1.2.5 Court Hearing*

After the full court is appointed, there shall be a hearing to decide all motions and the rules of the recount procedures.<sup>12</sup> It is highly suggested that the general registrar and/or electoral board attend this hearing to provide guidance to the court as necessary.

## **19.1.3 Rules and Procedures for Conducting the Recount**

The following rules and procedures are presented in summary form and also apply to a recount pertaining to a referendum or question before the electorate as discussed below. For a more detailed accounting, please review [§ 24.2-802](#) in its entirety.

### *19.1.3.1 Which Votes to Count*

The determination of the votes in a recount is based on votes cast in that election. Votes that cannot be taken into account include the following:

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<sup>9</sup> [§ 24.2-802.](#)

<sup>10</sup> [§ 24.2-802.](#)

<sup>11</sup> [§ 24.2-802.](#)

<sup>12</sup> [§ 24.2-802.](#)



- Any absentee ballots or provisional ballots sought to be cast but ruled invalid and not counted in the election
- Ballots cast only for administrative or test purposes and voided by the officers of election
- Ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter who has cast a counted ballot cannot be raised as an issue in a recount.<sup>13</sup> It may only be raised in a contest.<sup>14</sup>

#### *19.1.3.2 Party Representatives*

Each party to the proceeding is permitted to select an equal number of officers of election who served during the election to serve as recount officials and alternates.<sup>15</sup> On the request of any party to the recount, the court may allow that party to appoint one representative observer for each team of recount officials. The representative observers must have an unobstructed view of the work of the recount officials. The expenses of its representative observers shall be borne by each party.<sup>16</sup>

#### *19.1.3.3 Other Officials*

Teams of recount officials, substitutes, and observers are designated to undertake the count and determine the vote according to the provisions set forth in the code.<sup>17</sup> The Court supervises the recount and may require delivery of any and all pollbooks, ballots, absentee ballots, etc., or may assume supervision thereof through the recount coordinators and officials. The court may select pairs of recount coordinators to serve for each county or city in the election district that shall be members of the county or city electoral board and represent different political parties.<sup>18</sup>

#### *19.1.3.4 Procedures for Different Ballot Types*

For paper ballots, the recount official will hand count the paper ballots using the [Ballot Examples for Hand counting Paper or Paper-Based Ballots for Virginia Elections and Recounts](#).<sup>19</sup>

For direct recording electronic equipment (DRE), the recount officials must open the sealed envelopes containing the machine print out to record the results.<sup>20</sup>

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<sup>13</sup> [§ 24.2-802](#).

<sup>14</sup> [§ 24.2-803](#) et seq.

<sup>15</sup> [§ 24.2-802\(C\)](#).

<sup>16</sup> [§ 24.2-802\(C\)](#).

<sup>17</sup> [§ 24.2-802\(C\)](#).

<sup>18</sup> [§ 24.2-802\(C\)](#).

<sup>19</sup> [§ 24.2-802\(C\)](#).



For optical scan tabulators, the recount officials shall rerun all ballots through an appropriately programmed tabulator. Any ballots set aside as overvotes, undervotes, containing write-ins, or where a tabulator could not be appropriately programmed to set aside such votes must be hand counted using the [Ballot Examples for Handcounting Paper or Paper-Based Ballots for Virginia Elections and Recounts](#).<sup>21</sup> If the total number of optical scan ballots counted by the ballot reader plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, the recount officials must count all the ballots by hand using the [Ballot Examples for Handcounting Paper or Paper-Based Ballots for Virginia Elections and Recounts](#).<sup>22</sup>

#### 19.1.3.5 *Concluding the Recount*

The recount officials write down and submit to the Court the number of valid ballots cast in the precinct for each of the two candidates in the recount, or for or against the question.<sup>23</sup> If the number of votes recorded on the direct electronic voting (DRE) devices is greater than the number of names on the pollbooks of persons voting on said devices, the figures recorded on the devices themselves shall be accepted as correct.

At the conclusions of the recount, after allowing the parties to visually inspect any questioned ballots and after hearing the arguments of the parties, the Court will rule on the validity of all questioned ballots and votes. By an appropriate order, the Court certifies to the Department of Elections and other appropriate electoral boards, the vote for each party to the recount or the vote for and against the question and declare the winning candidate or question accordingly.<sup>24</sup>

The recount proceeding shall be final and not subject to appeal.<sup>25</sup> However, a candidate who was originally declared the winner, who loses as a consequence of a recount, may file a written complaint or a notice to contest the result, as applicable, within ten days of the entry of the order of the recount Court.<sup>26</sup> Procedures are set forth under the provisions governing Contested Elections.<sup>27</sup>

#### 19.1.3.6 *Costs*

The costs of the recount are assessed against the counties and cities comprising the election district if one of the following occurs:

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<sup>20</sup> [§ 24.2-802\(C\)](#).

<sup>21</sup> [§ 24.2-802\(C\)](#).

<sup>22</sup> [§ 24.2-802\(D\)\(3\)](#).

<sup>23</sup> [§ 24.2-802\(D\)\(3\)](#).

<sup>24</sup> [§ 24.2-802\(D\)](#).

<sup>25</sup> [§ 24.2-802\(H\)](#).

<sup>26</sup> [§ 24.2-814](#).

<sup>27</sup> [§§ 24.2-803 - 814](#).



- The candidate petitioning for the recount wins
- The petitioners for a referendum win
- There is a difference of not more than one half of one percent, prior to the recount, between the two candidates

Normally the costs "assessed against the counties and cities" are their own respective costs that they pay to conduct the recount (reprogramming, mileage, officials, etc.).

When none of the above circumstances occurs, the costs are assessed against the petitioning candidate. The manner in which costs can be assessed against the petitioner and are calculated is discussed in detail in the code.<sup>28</sup> Any petitioner who may be assessed costs must post a bond with the Court in the amount of ten dollars per precinct in the area subject to the recount.<sup>29</sup>

#### 19.1.4 Special Procedures for Recounts of Elections for Presidential Electors

Because of the federal deadline for seating of presidential electors, the General Assembly in 2003 enacted legislation to ensure that any presidential recount in Virginia would be concluded no later than six days before the date set for the meeting of the presidential electors (so that Virginia's electoral votes could be counted). Detailed procedures for the filing of a petition for such a recount are set forth in [§ 24.2-801.1](#). Other deadlines (such as the date for the holding of the preliminary hearing) are shortened. Most importantly, any contest of such election would proceed concurrently, and not wait upon the results of the recount. The procedures and deadlines for the contest are in [§ 24.2-805](#).

#### 19.1.5 Referendum recounts

##### 19.1.5.1 Filing the petition

A petition for a recount involving a question or referendum may be filed only in the event that the difference in the vote for and against is not more than fifty votes or one percent of the total vote, whichever is greater, as certified by the State Board of Elections or the electoral board.<sup>30</sup>

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<sup>28</sup> [§ 24.2-802](#)(E), (F).

<sup>29</sup> [§ 24.2-802](#)(G).

<sup>30</sup> [§ 24.2-800](#)(C).



Should the vote difference fall within this range, fifty or more voters qualified to vote on the question may appeal from the determination of the State Board of Elections or electoral board by signing and filing a petition for a recount.<sup>31</sup> The petition for a recount must be filed within ten days from the day the State Board of Elections or the electoral board certifies the results of the election.<sup>32</sup> In the case of a statewide referendum, a petition for a recount must be filed in the Circuit Court of the City of Richmond. In the case of any other referendum, a petition for a recount must be filed in the Circuit Court of a county or city comprising a part of the election district.<sup>33</sup>

A petition for a recount must set forth the results as certified by the State Board of Elections or the electoral board and must also request that the Court recount the ballots or redetermine the count of any direct electronic voting (DRE) device. A copy of the petition for a recount must be served on the governing body or chief executive officer of the jurisdiction in which the election was held within ten days after the State Board of Elections or electoral board has certified the results.<sup>34</sup>

#### *19.1.5.2 Conducting the Recount*

The procedures for conducting the recount with respect to a question or referendum are the same as those set forth above in summary form with respect to elections for office.<sup>35</sup>

### **19.1.6 Contesting a Recount**

Any candidate originally determined the apparent winner in a primary or other election, but who subsequently loses as a consequence of a recount, may contest the election pursuant to the applicable provisions of a contested election discussed below.<sup>36</sup>

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<sup>31</sup> [§ 24.2-800\(C\)](#).

<sup>32</sup> [§ 24.2-801](#).

<sup>33</sup> [§ 24.2-801](#).

<sup>34</sup> [§ 24.2-801](#).

<sup>35</sup> See [§ 24.2-802](#).

<sup>36</sup> [§ 24.2-814](#).



### 19.1.7 Disposition of Election Records After a Recount

Official election records conveyed to the court in a recount proceeding by election or recount officials or by another Clerk of Court, must be secured and retained by the Clerk who received them, until the recount is concluded, and afterwards until the time for initiating a contest for that same election has expired and no contest is pending.

Afterwards, if the Clerk of the court where the recount was conducted is in possession of official election records conveyed from another county or city, not normally part of his jurisdiction, the Clerk must return those records to the Clerk of Court for that county or city. The election records should otherwise be handled the same as all other records for that election under appropriate laws or regulations.<sup>37</sup>

## 19.2 CONTESTED ELECTIONS

### 19.2.1 Applicability and overview

An unsuccessful candidate for most elections, special elections or primaries can initiate a contest. The rules and procedures governing a contested election vary depending upon the office for which the election was held. The basic procedures described below apply to General Assembly elections.<sup>38</sup>

### 19.2.2 Exceptions

Contests of elections for the U.S. Senate or U.S. House of Representatives are conducted under the procedures of the respective Houses.<sup>39</sup> Virginia law does not cover this subject.

Additionally, Virginia law does not provide procedures to contest the results of a presidential primary.<sup>40</sup> More generally, Virginia election law does not contain any provisions for a losing candidate in a party-conducted nomination process to contest the results. The Party Plan, rules or bylaws of that party, or the "Call" and rules for the nominating event may provide such a party-conducted process.

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<sup>37</sup> §§ 24.2-668, 669.

<sup>38</sup> § 24.2-803.

<sup>39</sup> See [U.S. Const. Art. I, § 5](#) ("Each house shall be the judge of the elections, returns and qualifications of its own members...").

<sup>40</sup> Presidential primaries are a fairly recent development in Virginia (first held in 1988 as a one-time event, then put into state law in 1999).



### 19.2.3 Procedures governing a contested election to the general assembly

#### 19.2.3.1 Notice of Intent to contest

To initiate a contest, the losing candidate (contestant) first must give written notice of his intent to contest the election, both to the party who has been declared the apparent winner (contestee) and the Clerk of the appropriate House. Additionally, the contestant must post a surety bond in the amount of \$100 for each precinct contained in whole or in part of the district contested. If the contestant wins the contest, the bond shall be returned. If the contestant loses the contest, the bond shall be forfeited to the extent of the contestee's actual and documented costs of defending against the contest.<sup>41</sup>

Notice must be submitted within thirty days following the date of the election or three days after the conclusion of a recount, whichever is later. The notice must state the grounds upon which the contest will be based. These grounds must include either or both of the following<sup>42</sup>:

- Objections to the contestee's eligibility based on specific allegations
- Objections to the conduct or results of the election that, if proven true, would have a probable impact on the outcome of the election

Within ten days of service of this notice, the contestee must file a written answer with the Clerk of the appropriate House. The answer must admit or deny the allegations or state that he has no knowledge of particular allegations. Additional defenses may be included. This answer must be signed by the contestee and verified by oath or affirmation.<sup>43</sup>

Either party following service of the notice may take depositions. The contestant must complete depositions within twenty days and the contestee within thirty days, following the date of the notice of intent to contest the election. Written affidavits by a witness may be submitted if stipulated to in writing by both parties.<sup>44</sup> Either party may apply to the Clerk of the Circuit Court of the county or city in which the party resides, or the Clerk shall issue subpoenas for witnesses.<sup>45</sup>

#### 19.2.3.2 Petition and subsequent Proceedings

A written petition must be filed with the clerk of the appropriate house within the time frame specified in [§ 24.2-803\(E\)](#).

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<sup>41</sup> [§ 24.2-803](#).

<sup>42</sup> [§ 24.2-803\(B\)](#).

<sup>43</sup> [§ 24.2-803\(C\)](#).

<sup>44</sup> [§ 24.2-803\(D\)](#).

<sup>45</sup> [§ 24.2-803\(E\)](#).



The Clerk shall refer the record to the Committee on Privileges and Elections which, unless another Committee is designated, shall hear the contest, conduct an investigation, and report its findings and recommendations to the house for action.<sup>46</sup> The house may declare either party the winner or declare the election void and order a writ of election. Should it be determined that there is a tie vote, there shall be a determination by lot; however, no recount shall be permitted.<sup>47</sup> Should the house find that the contest was brought in bad faith by a two-thirds vote, the contestant shall be ordered to pay the contestee any amount above the posted bond in order to reimburse the contestee for his actual and documented costs in defending against the contest.<sup>48</sup>

#### 19.2.4 Variances applicable to contests in other elections

##### *19.2.4.1 Contest of Election of Governor, Lieutenant Governor or Attorney General*

Notice of intent to contest must be filed with the Clerk of the House of Delegates. The filing of a petition to contest must be within two days of either the commencement of a Special Session of the General Assembly convened expressly to hear the contest, or of the beginning of the next scheduled General Assembly, whichever occurs first.<sup>49</sup> At the time of filing the notice, the contestant shall post a surety bond of \$10 per precinct in the state. A final determination will be made by both houses of the General Assembly sitting jointly, presided over by the Speaker.<sup>50</sup>

##### *19.2.4.2 Contest of Election of Presidential and Vice Presidential Electors, United States Senate or, Primary for Statewide Office*

The proceedings shall be in the Circuit Court of the City of Richmond before a special court composed as specified in [§ 24.2-805](#).

Notice of intent to contest a presidential election shall be filed no later than 5:00 p.m. on the second calendar day after the day the Department of Elections certifies the results. A copy of the complaint shall be served on each contestee within five calendar days after the Board's certification. The contestee's answer shall be filed within five calendar days after the complaint is served on him.

The contest shall not wait upon the results of any recount. The proceedings shall be completed at least six days before the fixed time for the meeting of electors.

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<sup>46</sup> [§ 24.2-803\(G\)](#).

<sup>47</sup> [§ 24.2-674](#).

<sup>48</sup> [§ 24.2-803\(H\)](#).

<sup>49</sup> Why two days? The new terms for these offices begin at noon on the first Saturday after the second Wednesday in January, when the regular session of the General Assembly convenes.

<sup>50</sup> [§ 24.2-804](#).



*19.2.4.3 Contest of Primary for the U.S. House of Representatives, State Senate, House of Delegates, or any County, City, Town or District Office, or Contest of Election of any County, City, Town or District Office*

The contest is conducted in the Circuit Court of the county or city in which the challenged candidate resides before a special court composed as specified in [§ 24.2-806](#). Specific rules governing the procedures for contesting any of these elections are covered in detail under [§§ 24.2-807 - 813](#).

**19.2.5 Bond**

Only candidates contesting elections for Governor, Lt. Governor, Attorney General, the House of Delegates, or the State Senate are required to post bond in order to contest the election. There is no bond requirement for other candidates filing contests.





★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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## GREB Handbook

### Chapter 20

### Records Access and Retention

June 2016

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## 20. Records Access and Retention

### 20.1 SUMMARY TABLE FREQUENTLY REQUESTED ITEMS

Records provided generally may not contain any SSN, voter ID or driver license number, birth day, birth month, or protected voter residence address. Code exceptions for law enforcement and voter or verified representative.

	<b>Record</b>	<b>Inspect</b>	<b>Copy</b>	<b>Department of Elections</b>	<b>Retain</b>
1.	Voter registration application received before 7.20,2011	Commonwealth attorney, applicant or applicant's authorized representative	Commonwealth attorney, applicant or applicant's authorized representative	GR is custodian	4 years after cancelled
2.	Voter registration application <b>redacted</b> (received on or after 7.20.2011)	General public NVRA request	Where available, may charge reasonable cost—see NVRA guidelines	GR is custodian	2 years
3.	List of registered voters (Precinct Record Listing)	General public only in form of precinct record listing containing the data specified in <a href="#">24.2-444(A)</a>	May provide copy for cost.	Qualified requestors enumerated in <a href="#">24.2-405</a> may receive more information.	Until replaced by new list.
4.	Denied registration list	General public redacting reason	May provide copy for cost.	Registrar is custodian.	Until replaced by new list. Denied applications retained 4 yrs. but are not



	<b>Record</b>	<b>Inspect</b>	<b>Copy</b>	<b>Department of Elections</b>	<b>Retain</b>
					available unless submitted on or after 7/20/2011 (redacted). See above.
5.	Cancelled list (felony, adjudication, confirmed move, declared noncitizen)	General public redacting reason	For cost.	Registrar is custodian.	4 years but redacted only available for public inspection and copying for two years
6.	Confirmation list and responses	Public (redact protected voter residence addresses)	Public for cost.	Registrar is custodian.	2 years
7.	List of Those Who Voted.	See Department of Elections	See Department of Elections.	Qualified requestors enumerated in <a href="#">24.2-406</a> may purchase voter list with voting history for the last 4 years. See <a href="#">SBE Policy 2009-003</a>	Not required. Department of Elections maintains.
8.	Pollbooks	Same as above	Same as above	Same as above	2 years.



	<b>Record</b>	<b>Inspect</b>	<b>Copy</b>	<b>Department of Elections</b>	<b>Retain</b>
9.	Absentee ballot applications	Virginia registered voter (unless also for registration)	No effective 7.1.2010.	GR then Circuit Court	2 years (or as voter registration)
10.	Absentee applicant list	Virginia registered voter	Virginia registered voter. May charge reasonable cost.	Electronically to requesting party or candidate.	2 years
11.	Final absentee applicant list	Public	No. May provide for cost.	GR is custodian then Circuit Court	2 years
12.	Campaign Finance reports	Public but redact any financial account numbers.	Yes, electoral board can charge reasonable cost not to exceed circuit court clerks.	Yes	1 year after final report or through next general election for pertinent office.
13.	Petitions	Public except any SSN or part must be redacted.	Yes, electoral board can charge reasonable cost not to exceed circuit court clerk's	If filed with state	5 years or through the next general election for that office, whichever is later
14.	Candidate forms (e.g., declaration, qualification, economic interest)	Public except any SSN or part must be redacted	Yes, electoral board can charge reasonable cost not to exceed circuit court clerk's	If filed with state.	5 years or through the next general election for that office, whichever is later.
15.	List of officers of election with	Only parties and candidates can access party	EB Secretary must provide to requesting	If filed with state or available in	Until superseded.





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STATE BOARD *of* ELECTIONS

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BOARD WORKING PAPERS

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

### 10th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
Barbara Jean Comstock	210,791
LuAnn L. Bennett	187,712
Write-in	1580
Total Number of Overvotes for Office	39

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**Barbara Jean Comstock**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

11th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
G. E. "Gerry" Connolly	247,818
Write-in	34,185
Total Number of Overvotes for Office	319

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**G. E. "Gerry" Connolly**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member Senate of Virginia

### 1st District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
T. Monty Mason	49,251
Thomas R. Holston	31,740
John B. Bloom	3534
Write-in	237
Total Number of Overvotes for Office	49

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member Senate of Virginia

**T. Monty Mason**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

### 1st District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
Robert J. "Rob" Wittman	230,213
M. D. "Matt" Rowe	140,785
Glenda Gail Parker	12,866
Write-in	737
Total Number of Overvotes for Office	54

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**Robert J. "Rob" Wittman**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Electors for President and Vice President

1st District, 2nd District, 3rd District, 4th District, 5th District, 6th District, 7th District, 8th District,  
9th District, 10th District, 11th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
Hillary Clinton	1,981,473
Donald J. Trump	1,769,443
Gary Johnson	118,274
Evan McMullin	54,054
Write-in	31,870
Jill Stein	27,638
Total Number of Overvotes for Office	1880

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the President and Vice President

### Electors for Hillary Clinton

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

### 2nd District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
Scott W. Taylor	190,475
Shaun D. Brown	119,440
Write-in	652
Total Number of Overvotes for Office	83

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**Scott W. Taylor**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

### 3rd District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
Robert C. "Bobby" Scott	208,337
M. L. "Marty" Williams	103,289
Write-in	714
Total Number of Overvotes for Office	32

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**Robert C. "Bobby" Scott**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

### 4th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
A. Donald McEachin	200,136
Michael L. "Mike" Wade	145,731
Write-in	789
Total Number of Overvotes for Office	50

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**A. Donald McEachin**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member Senate of Virginia

### 5th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
Lionell Spruill, Sr.	66,989
Write-in	2624
Total Number of Overvotes for Office	3

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member Senate of Virginia

**Lionell Spruill, Sr.**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

### 5th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
Tom A. Garrett, Jr.	207,758
Jane D. Dittmar	148,339
Write-in	659
Total Number of Overvotes for Office	12

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**Tom A. Garrett, Jr.**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

### 6th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
Robert W. "Bob" Goodlatte	225,471
Kai E. Degner	112,170
Write-in	768
Total Number of Overvotes for Office	47

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**Robert W. "Bob" Goodlatte**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Delegates

77th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
C.E. "Cliff" Hayes, Jr.	27,116
Write-in	856
Total Number of Overvotes for Office	1

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Delegates

**C.E. "Cliff" Hayes, Jr.**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

### 7th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
David A. Brat	218,057
Eileen M. Bedell	160,159
Write-in	947
Total Number of Overvotes for Office	49

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**David A. Brat**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

### 8th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
Donald S. Beyer, Jr.	246,653
Charles A. Hernick	98,387
Julio Gracia	14,664
Write-in	972
Total Number of Overvotes for Office	12

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**Donald S. Beyer, Jr.**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Delegates

93rd District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
Michael P. Mullin	20,417
Heather L. Cordasco	17,634
Write-in	93
Total Number of Overvotes for Office	4

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Delegates

**Michael P. Mullin**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of VOTES

Cast in the 2016 November General Election held on 11/08/2016 for,

## Member House of Representatives

### 9th District

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED</i>
H. Morgan Griffith	212,838
Derek W. Kitts	87,877
Janice Allen Boyd	9050
Write-in	549
Total Number of Overvotes for Office	16

We, the undersigned State Board of Elections, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on 11/08/2016, do hereby certify that the above is the true and correct Abstract of Votes cast at said election for the Member House of Representatives

**H. Morgan Griffith**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, Chairman

\_\_\_\_\_, Vice Chairman

\_\_\_\_\_, Secretary

# ABSTRACT of REFERENDUM VOTES

Cast in the COMMONWEALTH of VIRGINIA  
at the 2016 November General Election held on November 08, 2016 for,

## Proposed Constitutional Amendment Question 1

Should Article I of the Constitution of Virginia be amended to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise?

QUESTION RESPONSE

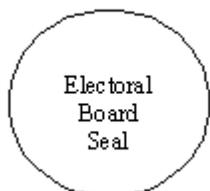
TOTAL VOTES RECEIVED  
(IN FIGURES)

Total YES votes	1,743,255
Total NO votes	2,015,475
Total Number of Overvotes for Question	926

We, the State Board of Elections, upon examination of the official records provided by the local Electoral Boards of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the proposed constitutional amendments.

**NOT PASSED**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_



\_\_\_\_\_, Chairman  
\_\_\_\_\_, Vice Chairman  
\_\_\_\_\_, Secretary  
\_\_\_\_\_, Secretary, State Board

# ABSTRACT of REFERENDUM VOTES

Cast in the COMMONWEALTH of VIRGINIA  
at the 2016 November General Election held on November 08, 2016 for,

## Proposed Constitutional Amendment Question 2

Shall the Constitution of Virginia be amended to allow the General Assembly to provide an option to the localities to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty, where the surviving spouse occupies the real property as his or her principal place of residence and has not remarried?

QUESTION RESPONSE

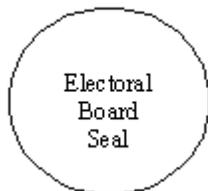
TOTAL VOTES RECEIVED  
(IN FIGURES)

Total YES votes	3,031,341
Total NO votes	770,134
Total Number of Overvotes for Question	507

We, the State Board of Elections, upon examination of the official records provided by the local Electoral Boards of the election held on November 08, 2016, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the proposed constitutional amendments.

**PASSED**

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_



\_\_\_\_\_, Chairman  
\_\_\_\_\_, Vice Chairman  
\_\_\_\_\_, Secretary  
\_\_\_\_\_, Secretary, State Board



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STATE BOARD *of* ELECTIONS

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# Electronic Pollbook Certification

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BOARD WORKING PAPERS  
Paul Stenbjorn  
Director of Elections Administrator



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

## Memorandum

To: Members of the State Board of Elections  
From: Paul Stenbjorn, Director of Elections Administrator  
Date: November 21, 2016  
Re: Certification of Department of Elections State (EPB) Solution

---

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

I move that the Board certify the Department of Elections State (EPB) Solution for use in elections in the Commonwealth of Virginia, pursuant to the *State Certification of Electronic Pollbooks: Procedures and Systems Requirements*.

**Applicable Code Section:** § 24.2-611 (D), §2.2-3803, §2-2.2009.

### **Attachments:**

Your Board materials include the following:

- PRO V&V Lab Test Report
- Pilot/Test Election Evaluation

### **Background:**

Following the steps prescribed in the *Virginia State Certification of Electronic Pollbooks: Procedures and Systems Requirements*, the Department of Elections initiated the certification evaluation of the state (EPB) solution by sending the state solution to an EAC approved voting system testing laboratory (VSTL) PRO V&V for testing on February 13, 2016. The EPB solution was evaluated by the VSTL and the report is included in this package.

The State Board of Elections electronic pollbook certification guidelines require that all electronic pollbooks are tested in a pilot election prior to final certification as specified in section 2.2.5 of the VAEPB Certification Procedures and System Requirements REV-0515. The system was piloted in a general election in the County of New Kent on November 8, 2016.

In September 2015, the Board voted to revise the certification process to include security certification in which the Virginia Information Technologies Agency (VITA) evaluates all EPB solutions and subjects the solutions to an end-to-end security analysis and penetration test as part of the certification process. The state (EPB) solution was submitted to VITA for security analysis on February 4, 2016.

During the functional configuration audit (section 3.3), the VITA conducted an end-to-end security analysis and penetration test of the solution. ELECT provided VITA with two reference laptops running Windows 8, two USB memory devices (thumb drives), an unmanaged Linksys 5-port workgroup switch, and access to the VERIS database extract for the purpose of this test.

Providing that localities implementing this solution follow certain best practices in deploying these systems, this solution should conform to state certification guidelines and its tests did not result in a compromise of the application or data. Please note that the VITA end-to-end review determined that the solution was delivered with weak default credentials and that ELECT is responsible for communicating the protection requirements to access that data in compliance with commonwealth security standards.

Additionally VITA noted:

“ELECT is the data owner for VERIS data and is responsible for communicating the protection requirements to access that data in compliance with commonwealth security standards. When VERIS data is provided to localities as part of the [pollbook] solution, the localities become the data custodians, and ELECT is responsible for ensuring that the localities perform required responsibilities to secure the data in compliance with commonwealth security standards... ELECT should ... provide documentation detailing how they will assure that localities are executing data custodian responsibilities in compliance with commonwealth security standards.”

### **Summary:**

In light of this end-to-end review, the Department of Elections is reviewing its current certification requirements and data ownership and audit requirements as detailed in the Information Technology Resource Management Information Security Standard 501-09 Media Protection Policy and Procedures prepared by the Chief Information Officer (CIO) of the Commonwealth. As such, in order for this solution to be deployed in any locality localities must agree to secure the data in compliance with commonwealth security standards. The responsibilities of data custodians, as defined in SEC 501-09, include:

1. Protecting the data in their possession from unauthorized access, alteration, destruction or usage.
2. Establishing, monitoring and operating IT systems in a manner consistent with COV information security policies and standards.
3. Providing data owners with reports, when necessary and applicable.



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STATE BOARD *of* ELECTIONS

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BOARD WORKING PAPERS



**ELECTORAL BOARD**  
Kenneth C. Moore, Jr., Secretary  
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To: Virginia State Board of Elections  
CC: Paul Stenbjorn, Election Administration Supervisor; Eugene Burton, Voting Technology; Matthew Davis, CIO  
From: Kenneth C. Moore, Jr. Secretary  
Karen M. Bartlett, General Registrar, Elections Director  
Date: November 14, 2016  
Subject: Pilot Test Assessment of Electronic Pollbook Developed by Department of Elections

### Background

New Kent County in partnership with the Department of Elections (ELECT) agreed to run a side by side test of their Electronic Pollbook (EPB) during the November 8, 2016, General & Special Election. (Side-by-side indicates that the paper pollbooks would be used as the official record for the General Election.) The ten New Kent polling locations participated in the parallel test: 3 polling places had 3 computers networked together with handheld scanners for precincts 103 – Southern Branch, 201 – Quinton, and 401 – Providence Forge. The other 7 polling places had 2 computers networked together with hand held scanners.

The electronic poll book system was successfully pilot tested within the New Kent County General Election on November 8, 2016. The core competencies for the new electronic poll book system will be listed below as components of the Election Day processing: Prior to Election Day, Election Day, Post-Election Day.

### Prior to Election Day

The Virginia Department of Elections worked directly with New Kent County in several sessions for training officers of elections on how to use the EPB software. The Virginia Department of Elections created user guides and quick start guides to assist in the training efforts of the new software.

The ELECT staff worked with the New Kent County General Registrar's office to test the new equipment with the EPB software and prepare the new equipment for delivery to each precinct on Election Day. The equipment was pre connected together to ease the need to spend time getting the equipment ready in the precinct.

The software is integrated with the Virginia Department of Elections VERIS information system. The following competencies provided by the software are listed below.

- Fully owned and supported by the Virginia Department of Elections.
- Simplified election setup process.

### **Voter Registration and Elections Office**

Health & Human Service Building, 7911 Courthouse Way, Suite 400 \* P.O. Box 128 \* New Kent, Virginia 23124-0128  
804-966-9699 \* Open Monday – Friday, 8:00 AM – 4:30 PM (except holidays)

- Integrated with the VERIS information system via DAGR software to provide seamless integration with the election data maintained by the election community.
- 
- Created the poll book software, files, .pdf reports and pollbooks based on the user's selections and latest election data.
- All software updates are handled automatically via DAGR software interface and stored on removable USB drives for distribution to the local precincts.

### Election Day

The Department of Elections deployed a resource on Election Day within New Kent County to provide system support and handle any issues on Election Day.

In accordance with state standards, New Kent County operated its current paper poll book system in conjunction with the new Department of Elections poll book software. Officers of Election were instructed to check-in voters using both methods. Officers of Election were provided a Quick User Guide to perform open, check-in, and close procedures with the new system.

The Department of Elections staff visited the precincts throughout the day to identify issues, areas of improvement, and likes or dislikes with the new Department of Elections poll book software in a live election setting. The competencies displayed are outlined as follows:

- Simplified setup and shutdown process. Officers of Election were able to perform operations with a 3 page training guide. The user interface was used by a variety of election officials with different levels of computer experience. All were able to operate the software based on previous training without a lot of instructions.
- Fast and accurate check-in process. Officers of Election were able to easily search and check-in voters. The speed of check-in was praised by multiple election officials.
- Provided search and lookup capability for out of precinct voters. Allows directing the voter to the correct polling location without a call to the General Registrar.
- Provided the flags and reporting mechanisms to handle various voting scenarios.

Some reported issues that were handled on Election Day include:

- One new laptop would not turn on due to battery not being charged. This was resolved by plugging in the laptop and allowing it to properly charge.
- Unable to login with the Chief password. This was resolved by resetting the Caps Lock button.
- Unable to login to the third machine in a network of 3 machines. No problem found. Was able to reset the software, turn off caps lock, and login to the machine.
- A malfunction of one of the hand scanners. Replaced the scanner with a backup scanner.
- One precinct reported a reconciliation issue between paper, EPB, and voting machine.

- Several questions about how to close the EPB software at the end of the night. Several precincts attempted to use the Chief password instead of the Open/Close password.

### Post-Election Day

The Department of Elections worked directly with New Kent County to ensure that the election processing during the election was accurate via reporting and check-in counts. The Department of Elections retrieved data from the USB drives for verification and post-election processing which includes voter credit processing. The competencies displayed are as follows:

- Although not used as the primary electronic poll book device, the check-in counts were verified with the official poll book count from the paper pollbooks.
- Ease of integration into the VERIS information system creates a seamless user experience to quickly update the voter credits.

If any additional information regarding the context of this document is needed, please feel free to contact the Virginia Department of Elections. Thank you for providing the opportunity to describe the live election experience in New Kent County with the new electronic poll book system on November 8, 2016.

### Summary and Recommendation

Due to the successful side by side test and positive feedback by the Election officials in New Kent County utilizing the Department of Elections EPB software during the November 8, 2016 General Election it is recommended that software is considered for certification by the Virginia State Board of Elections.

A few of the key advantages gained by utilizing the Department of Elections EPB software include:

- Better line management of voters with electronic pollbooks. The paper process requires longer lines depending on how the paper pollbooks are split. This was the biggest problem observed in large precincts.
- No software costs to the localities who choose to utilize the Department of Elections EPB software.
- Ease of use. Elections officials with various levels of computer skills are able to quickly learn to process check-ins electronically.
- Integration with Department of Elections VERIS information system for pre-election and post-election processing.

  
Kenneth C. Moore, Jr., Secretary  
New Kent County Electoral Board



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STATE BOARD *of* ELECTIONS

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BOARD WORKING PAPERS



**CERTIFICATION TEST REPORT**  
**FOR**  
**EXAMINATION OF ELECTRONIC POLL BOOK (ePollBook)**  
**FOR**  
**VIRGINIA STATE BOARD OF ELECTIONS**

Prepared by: Wendy Owens

**Wendy Owens, VSTL Program Manager**

**June 8, 2016**

Pro V&V, Inc.  
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Huntsville, AL 35803  
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## 1.0 INTRODUCTION

An examination was performed to confirm that the submitted electronic Poll Book (hereafter referred to as “ePollBook”) meets the functional certification requirements for use in the Commonwealth of Virginia. This examination was performed per the guidelines set forth by the Virginia State Board of Elections for the certification of ePollBooks. This Test Report documents the procedures followed, the results obtained, and the conclusions drawn from that examination.

### 1.1 References

The documents listed below were utilized in the development of the Test Report.

- Virginia State Board of Elections - Electronic Pollbook Certification Procedures & System Requirements Rev-0515 – Approved - 05/13/2015

### 1.2 Terms and Abbreviation

*This subsection lists terms and abbreviations relevant to this examination*

“ePB” – Electronic Poll Book Solution or ePollBook

“COTS” – Commercial Off-The-Shelf

“SVRS” – Statewide Voter Registration System

“TCI” – Test Case Identifier

“TDP” – Technical Data Package

“DAGR” - Virginia Desktop Application for General Registrars

### 1.3 Background

As of May 13, 2015, 2013, Virginia required the certification of electronic poll books (ePBs) in accordance with Virginia State Board of Elections Electronic Pollbook Certification Procedures & System Requirements Rev-0515. Section 3.2 Technical Requirements Evaluation requires that the vendor submit its electronic pollbook system to a VSTL for verification of requirements prior to or concurrently with submitting the system to the State Board of Elections for a Functional Configuration Audit.

## 2.0 TEST ITEMS

This section contains detailed descriptions of the submitted electronic poll book solution including: ePBs for required functional configuration testing, items tested during the evaluation (including all software, hardware, and peripherals, both proprietary and COTS), necessary for test performance.

Vendor Name and Product Name and Model Number:

Vendor/Manufacturer Information	
<b>Name:</b>	Virginia Department of Elections
<b>Address:</b>	1100 Bank St
	Richmond, Virginia 23219
<b>Primary Point of Contact:</b>	Terry Shelton
<b>Product Name and Model Number:</b>	VA ePB
<b>Date of Submission:</b>	April 22, 2016

The Virginia Electronic Pollbook System was tested in one configuration with one polling location. The general configuration tested is identified below:

**Configuration 1**

- 3 Toshiba Satellite Laptops: Model – C855-S5356
- 1 Citizen Terminal Printer: Model – CT-S31A
- 1 Netgear Switch: Model – FS605 v3
- 1 Honeywell Barcode Scanner: Model - 4600g
- 3 USB Drives: Model – various

**2.0a Software**

The software listed in Table 2.0a was used during the examination of the ePollBook. Table 2.0a provides the component name and software/firmware version of the unit examined.

**Table 2.0a Software**

*This subsection contains a listing of the software and firmware being evaluated.*

Component Name	Version	Unique Identifier (digital signature or hash value)
Virginia Electronic Pollbook System	1.0.0.0	On File

**2.0b Hardware**

Table 2.0b provides hardware component name, description, and model number for the unit that was examined.

**Table 2.0b Hardware**

Component Name	Model/VersionNumber	Serial Number	Description
Toshiba Satellite Laptops	C855-S5356	YC263577Q	COTS laptops
	Windows 8.1	YC263678Q	
		YC263562Q	

**2.0c Peripherals**

Table 2.0c provides the information for the peripheral components used during the examination.

**Table 2.0c Peripherals**

Part Name	Model Number	Serial Number	Description
Citizen Thermal Printer	CT-S31A	793702	Thermal receipt printer
Netgear Switch	FS605 v3	1FM1853T0383F	Switch
Honeywell Barcode Scanner	4600g	Z-43-00499	Barcode Scanner
Crucial USB drive 4 GB	n/a	n/a	USB drive
Centon USB drive 2 GB	n/a	n/a	USB drive
Kingston USB drive 8 GB	n/a	n/a	USB drive

**2.0d Technical Data Package**

All relevant manufacturer-provided documentation that was provided during the examination is listed in the table below.

**Table 2.0d Documentation**

Document Name	Revision	Issue Date
Virginia Electronic Pollbook System: E.P.B User’s Guide	1.0.0.0	February 2016
Virginia Electronic Pollbook System: D.A.G.R. User’s Guide	001	9/20/2015
Virginia Electronic Pollbook System: E.P.B. Quick Reference Guide	--	--
ePB Getting Started Guide	--	--
Virginia Electronic Pollbook System: Technical Data Package	1.0.0.0	February 2016

**2.0e Third Party Test Reports**

All relevant third party test reports including report numbers, revisions, and issue dates are included in the table below.

**Table 2.0e Third Party Test Reports**

Report Title	Description	Revision	Issue Date
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**2.0f Previous Test Results**

Any previous testing performed that is relevant to the examination and the ePollBook being evaluated is listed in the table below.

**Table 2.0f Previous Test Results**

Report Title	Description	Revision	Issue Date
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**2.0g Known Fielded Use**

Other jurisdictions in which the electronic poll book solution has been fielded are identified in the table below.

**Table 2.0g Known Fielded Use**

Jurisdiction	Point of Contact	Numbers of Years	Known Fielded Issues
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**3.0 TEST PROCESS**

**3.1 General Information**

The examination of the previously identified electronic poll book solution was performed by the following laboratory:

<b>Laboratory Name:</b>	Pro V&V, Inc.
<b>Address:</b>	700 Boulevard South, Suite 102
	Huntsville, AL 35803
<b>Primary Point of Contact:</b>	Jack Cobb
	Laboratory Director

**3.2 Test Approach**

To meet the VA electronic pollbook requirements, test cases were executed that were specifically designed to evaluate the electronic pollbook system to the requirements of the VA State Board of Elections.

**3.3 Test Cases**

The test cases for functional certification testing are identified below. Each test case was assigned a unique Test Case Identifier (TCI) to identify the requirement being tested. All steps of the tests cases contained an expected result to provide objective pass/fail criteria. There were no dependencies for execution of the test cases.

- TCI-01 Redundant Removable Memory
- TCI-02 Eligible Voter
- TCI-03 Backup Power Supply
- TCI-04 Reporting
- TCI-05 Storage
- TCI-06 Audit
- TCI-07 Transmission
- TCI-08 Technical Review

	VA Code Section	GENERAL VOTING OPERATION	PASS	FAIL
1	§ 24.2-531	Ability to produce a separate pollbook report for each party taking part in any primary	X	
2	§24.2-668(C)	Redundant memory devices which can produce a list of those who have already voted -- at least one of these devices shall be removable by an Officer of Election in case of emergency.	X	
3	§24.2-668(C)	Ability to mark reports in order to identify the election for which it is used	X	
4	§ 24.2-611	Ability to automatically record the consecutive number of the voter at the time he offers to vote	X	
5	§ 24.2-611	Ability to record voting credit for each in-person and curbside voter. And audit features which permit verification of proper data transfer into Virginia Election and Registration Information System (VERIS). (§24.2-611)	X	
6	§ 24.2-611	And audit features which permit verification of proper data transfer into Virginia Election and Registration Information System (VERIS).	X	
7	§ 24.2-611	Ability to incorporate safeguards to assure that the records of the election, including the voter record and voter count records, will provide prompt, accurate, and secure records of those who have voted.	X	
8	§ 24.2-643	For federal elections, the ability to identify any voter who is required by 42 U.S.C.S. § 15483(b) of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state. (§24.2-643);	X	
9	§ 24.2-651	When a voter's qualifications are challenged, the ability to record that the challenged voter signed the required Oath if he is allowed to vote.	X	
10	§ 24.2-652	When a person offers to vote and his name does not appear on the EPB for that precinct, and required conditions are met: The ability to allow the Officer of Election to enter a new voter record and check in the voter, and record that the voter signed the required statement in accordance with State Board's instructions.	X	
11		Ability to allow Officers of Election to add a voter record when a voter votes a Provisional ballot. The voter shall NOT receive a consecutive pollbook count (PBC) number. The EPB shall be able to produce a separate report listing all voters who cast a Provisional ballot.	X	
12	§ 24.2-668	Ability to store the election results on a removable data memory device, capable of being sealed, conveyed, and retained as required by §24.2-668, and otherwise treated as the pollbook for that election for all purposes subsequent to the election;	X	
13		Ability to record the notation "P" (meaning paper ballot) for a voter who voted on a traditional [vs. optical scan ballot] paper ballot for any reason. (§24.2-666);	X	
14	§ 24.2-711	Ability to record the notation "AB" (meaning absentee ballot) for each person on the absentee voter applicant list prior to opening the polls and prior to election day. (§24.2-711);	X	
15	§ 24.2-711	Ability to produce, on screen and on a paper printout, a report of all voters having been marked with "AB" prior to the opening of the polls so that the officers of election at each precinct may check the report for accuracy and make any additions or corrections required. (§24.2-711);	X	
16		If a voter who previously requested an absentee ballot {name is marked with an "AB"} presents himself to vote in person and meets the required conditions, the ability to allow the Officer of Election to change the voter record to indicate a Provisional ballot was cast, the proper form was signed,	X	

		and NOT assign a consecutive pollbook count (PBC) number to that voter. (§24.2-653.1)		
17		If a voter offers to vote whose name is marked as already having voted meets the required conditions to be permitted to vote, the ability for the officers of election to allow such voter to vote, indicate that the proper statement was signed, and assign a second consecutive voter number to that voter (§24.2-651.1).	X	
18		Provide for the importing, collection, storage, retrieval, displaying, and editing of information [typical database type functions] for all registered voter records generated by the state voter registration system; shall allow for retrieval and display of information on registered voters by various search criteria, e.g. voter name, ID number, DMV number, locality, precinct, address, etc	X	
19		Be capable of importing and populating Department of Motor Vehicles (DMV) data (i.e. Customer Numbers; Inventory Control Numbers) that is integrated with voter registration records or provided separately.	X	
20		Have sufficient storage and memory to house, process, and display a pollbook voter record for all voter records in the state voter registration system.	X	
21		Have the ability to support all VA election types and ballot combinations. Shall be capable of providing sufficient voter record information for determining a voter's eligibility to vote, correct precinct, and ballot style.	X	
22		Be capable of obtaining voter identification information by scanning/reading barcodes on various documents including Driver's Licenses and Voter Registration Cards, and searching voter records using that information.	X	
23		Have the ability to display user defined and edited informational prompts when voter meets specified criteria (i.e. HAVA voter).	X	
24		Be capable of: tracking the pollbook count (PBC); automatically updating it upon checking in a voter; synchronizing it across networked units simultaneously; displaying it conspicuously, continuously (without user action)	X	
25		Have the ability to generate reports and display them on screen, send to a printer, and save to a removable storage device. Shall be able to track and report current voting statistics. Shall be able to produce summary reports.	X	
26		Be configurable such that any two (2) or more EPB units may be interconnected via cable (networked) such that inputs on any EPB unit is synchronized between all EPB units in the same polling place, simultaneously. Upon inserting a new unit to networked units in a polling place, all data stored on the active unit(s) shall be synchronized automatically to the new unit. The insertion or removal of a unit, or failure of any networked unit, shall not have any impact on the remaining active units. An alert shall be displayed on the active units if a networked unit loses its connection to the network.	X	
27		Have a backup power supply (battery), such that, in the absence of AC power, the battery takes over automatically without the loss of any data. Battery power status should be displayed continuously with appropriate prompts/warnings before the system shuts down due to power loss. The battery should sustain the unit for a minimum of 2 hours and, preferably, 4 hours.	X	
28		Be single use (only system administration and EPB associated applications/functions).	X	
29		Provide controlled, secure logical/administrative access.	X	

30		Have full audit tracking capability of all transactions. Audit logs shall be encryption protected and data shall include timestamp and user identity.	X	
31		Use data encryption equivalent to current industry standards.	X	
32		Have redundant data storage devices, one of which must be removable (of current industry standards and readily available; i.e. USB type flash drive). All data on removable storage devices shall be protected with data encryption.	X	
33		Be capable of being 'loaded' for an election via a removable data storage device (as opposed to being required to access a network or the Internet).	X	
34		Include warranty and service agreement options (hardware, software, technical support—telephone helpdesk, on-site support).	X	
35		Include comprehensive user training provided by the vendor.	X	

#### 4.0 TEST FINDINGS AND RECOMMENDATIONS

##### **TCI-01 Redundant Removable Memory and Counter**

The objective of this test case is to determine if the electronic poll book solution has redundant remove memory and a counter.

During execution of this test case, that electronic poll book solution being evaluated, as configured per the provided technical documentation, was subjected to the following testing:

- The ability to automatically record the consecutive number of the voter at the time he offers to vote
- The ability to record voting credit for each in-person and curbside voter.
- Ability to store the election results on a removable data memory device, capable of being sealed, conveyed, and retained as required by §24.2-668, and otherwise treated as the poll book for that election for all purposes subsequent to the election;
- Redundant memory devices which can produce a list of those who have already voted -- at least one of these devices shall be removable by an Officer of Election in case of emergency.
- Be capable of being 'loaded' for an election via a removable data storage device (as opposed to being required to access a network or the Internet).
- Have redundant data storage devices, one of which must be removable (of current industry standards and readily available; i.e. USB type flash drive). All data on removable storage devices shall be protected with data encryption.
- Be capable of: tracking the poll book count (PBC); automatically updating it upon checking in a voter.

**Summary Findings:** The actual results obtained during execution met the expected results. The objective criteria for evaluation were analyzed and the ePB met the criteria. During execution of this test case, it was verified that the Virginia Electronic Pollbook System does have a redundant removable memory and a counter.

## **TCI-02 Voter Eligibility**

The objective of this test case is to determine if the electronic poll book can retrieve voter records and be updated for voter eligibility.

During execution of this test case, that electronic poll book solution being evaluated, as configured per the provided technical documentation, was subjected to the following testing:

- For federal elections, the ability to identify any voter who is required by 42 U.S.C.S. § 15483(b) of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state. (§24.2-643)
- When a voter's qualifications are challenged, the ability to record that the challenged voter signed the required Oath if he is allowed to vote.
- When a person offers to vote and his name does not appear on the EPB for that precinct, and required conditions are met:
  - The ability to allow the Officer of Election to enter a new voter record and check in the voter, and record that the voter signed the required statement in accordance with State Board's instructions.
  - Ability to record the notation "P" (meaning paper ballot) for a voter who voted on a traditional [vs. optical scan ballot] paper ballot for any reason. (§24.2-666);
  - Ability to record the notation "AB" (meaning absentee ballot) for each person on the absentee voter applicant list prior to opening the polls and prior to Election Day. (§24.2-711);
  - Ability to produce, on screen and on a paper printout, a report of all voters having been marked with "AB" prior to the opening of the polls so that the officers of election at each precinct may check the report for accuracy and make any additions or corrections required. (§24.2-711);
  - If a voter who previously requested an absentee ballot {name is marked with an "AB"} presents himself to vote in person and meets the required conditions, the ability to allow the Officer of Election to change the voter record to indicate a Provisional ballot was cast, the proper form was signed, and NOT assign a consecutive pollbook count (PBC) number to that voter. (§24.2-653.1)
  - If a voter offers to vote whose name is marked as already having voted meets the required conditions to be permitted to vote, the ability for the officers of election to allow such voter to vote, indicate that the proper statement was signed, and assign a second consecutive voter number to that voter (§24.2-651.1).
- Ability to allow Officers of Election to add a voter record when a voter votes a Provisional ballot. The voter shall NOT receive a consecutive pollbook count (PBC) number. The EPB shall be able to produce a separate report listing all voters who cast a Provisional ballot.
- Ability to allow Officers of Election to add a voter record when a voter votes a Provisional ballot. The voter shall NOT receive a consecutive pollbook count (PBC) number. The EPB shall be able to produce a separate report listing all voters who cast a Provisional ballot.
- Have the ability to support all VA election types and ballot combinations. Shall be capable of providing sufficient voter record information for determining a voter's eligibility to vote, correct precinct, and ballot style.
- Be capable of obtaining voter identification information by scanning/reading barcodes on various documents including Driver's Licenses and Voter Registration Cards, and searching voter records using that information.

Summary Findings: The actual results obtained during execution met the expected results. The objective criteria for evaluation were analyzed and the ePB met the criteria. During execution of this test case, it was verified that the Virginia Electronic Pollbook System can retrieve voter records and be updated for voter eligibility.

### **TCI-03 Backup Power Supply**

The objective of this test case is to determine if the backup power supply (battery) initiates and preserves data for a minimum of 2 hours in case of a power loss.

During execution of this test case, that electronic poll book solution being evaluated, as configured per the provided technical documentation, was subjected to the following testing:

- Have a backup power supply (battery), such that, in the absence of AC power, the battery takes over automatically without the loss of any data. Battery power status should be displayed continuously with appropriate prompts/warnings before the system shuts down due to power loss. The battery should sustain the unit for a minimum of 2 hours and, preferably, 4 hours.

Summary Findings: The actual results obtained during execution met the expected results. The objective criteria for evaluation were analyzed and the ePB met the criteria. During execution of this test case, it was verified that the Virginia Electronic Pollbook System has a backup power supply which preserves data for a minimum of two hours in case of power loss.

### **TCI-04 Reporting**

The objective of this test case is to determine if the electronic poll book solution has the ability to produce a separate report for each party taking part in any primary, the ability to mark reports in order to identify the election for which the epollbook is used, and the ability to generate, display, print, and save reports to a removable storage device.

During execution of this test case, that electronic poll book solution being evaluated, as configured per the provided technical documentation, was subjected to the following testing:

- Ability to produce a separate pollbook report for each party taking part in any primary.
- Ability to mark reports in order to identify the election for which it is used
- Have the ability to generate reports and display them on screen, send to a printer, and save to a removable storage device. Shall be able to track and report current voting statistics. Shall be able to produce summary reports.

Summary Findings: The actual results obtained during execution met the expected results. The objective criteria for evaluation were analyzed and the ePB met the criteria. During execution of this test case, it was verified that the Virginia Electronic Pollbook System has the ability to produce separate reports, can mark reports in order to identify elections, and can generate, display, print, and save reports to removable storage devices.

### **TCI-05 Storage**

The objective of this test case is to determine if the electronic poll book solution has sufficient storage and memory to house, process, and display a poll book voter record for all voter records in the county voters registration system.

During execution of this test case, that electronic poll book solution being evaluated, as configured per the provided technical documentation, was subjected to the following testing:

- Have sufficient storage and memory to house, process, and display a poll book voter record for all voter records in the county voter registration system.

Summary Findings: The actual results obtained during execution met the expected results. The objective criteria for evaluation were analyzed and the ePB met the criteria. During execution of this test case, it was verified that the Virginia Electronic Pollbook System has sufficient storage and memory to store, process, and display poll book voter records for all voter records in the voter registration system for the county.

### **TCI-06 Audit**

The objective of this test case is to determine if the electronic poll book solution has audit capabilities and encrypts the audit logs.

During execution of this test case, that electronic poll book solution being evaluated, as configured per the provided technical documentation, was subjected to the following testing:

- Have full audit tracking capability of all transactions. Audit logs shall be encryption protected and data shall include timestamp and user identity.

Summary Findings: The actual results obtained during execution met the expected results. The objective criteria for evaluation were analyzed and the ePB met the criteria. During execution of this test case, it was verified that the Virginia Electronic Pollbook System has audit capabilities and encrypts the audit logs.

### **TCI-07 Transmission and Data Transfer**

The objective of this test case is to determine if the electronic poll book can be networked, a new unit added to the network, and an initial unit removed from the network. Upon exchanging units data is synchronized between all units on the network and an alert is displayed on all units when network connectivity is lost.

During execution of this test case, that electronic poll book solution being evaluated, as configured per the provided technical documentation, was subjected to the following testing:

- Ability to record voting credit for each in-person and curbside voter. And audit features which permit verification of proper data transfer into Virginia Election and Registration Information System (VERIS). (§24.2-611)
- And audit features which permit verification of proper data transfer into Virginia Election and Registration Information System (VERIS).
- Be capable of importing and populating Department of Motor Vehicles (DMV) data (i.e. Customer Numbers; Inventory Control Numbers) that is integrated with voter registration records or provided separately.

- Be configurable such that any two (2) or more EPB units may be inter-connected via cable (networked) such that inputs on any EPB unit is synchronized between all EPB units in the same polling place, simultaneously. Upon inserting a new unit to networked units in a polling place, all data stored on the active unit(s) shall be synchronized automatically to the new unit. The insertion or removal of a unit, or failure of any networked unit, shall not have any impact on the remaining active units. An alert shall be displayed on the active units if a networked unit loses its connection to the network.

Summary Findings: The actual results obtained during execution met the expected results. The objective criteria for evaluation were analyzed and the ePB met the criteria. During execution of this test case, an analysis was performed and the Virginia Electronic Pollbook System transmitted using SSL for LAN and WAN transmissions:

- The electronic poll transmits data that is encrypted.

### **TCI-08 Technical Review**

The objective of this test case is to determine if the electronic poll book provides safeguards for voter records and voter counters, be single use, and uses current industry standard encryption.

During execution of this test case, that electronic poll book solution being evaluated, as configured per the provided technical documentation, was subjected to the following testing:

- Ability to incorporate safeguards to assure that the records of the election, including the voter record and voter count records, will provide prompt, accurate, and secure records of those who have voted.
- Be single use (only system administration and EPB associated applications/functions).
- Use data encryption equivalent to current industry standards.

Summary Findings: The actual results obtained during execution met the expected results. The objective criteria for evaluation were analyzed and the ePB met the criteria. During execution of this test case, it was verified that the Virginia Electronic Pollbook System provides safeguards for voter records and counters, is single use, and does use current industry standard encryption.

## **5.0 CERTIFICATION FOR USE**

Based on the testing performed and the results obtained, the electronic poll book solution identified in this report meets the requirements set forth in Virginia Electronic Pollbook Certification procedures & System Requirements and is recommended for use in the Commonwealth of Virginia.

Yes

No



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# Adjournment

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BOARD WORKING PAPERS



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STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Monday, November 21, 2016  
General Assembly Building  
Room C  
10:00AM

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SBE Board Working Papers  
Prepared by Rose Mansfield  
SBE Clerk