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19.1 Canvass of Election

The Department of Elections recommends that the electoral board proceed with its ascertainment of the results immediately following the meeting to determine the qualifications of those persons who cast provisional votes. *See*, GREB 29. The procedures set forth below must be followed to ensure compliance with the requirements of [§ 24.2-671](#).

19.1.1 When and Where to Meet

The electoral board is required to begin their canvass of each election no later than 5:00 P.M. on the day after the election but the Department of Elections recommends that the canvass begin immediately following the provisional votes meeting. Be certain to plan the canvass to permit the timely completion of all required tasks. *See below*, GREB 19.2.5.

The meeting may take place in either the office of the Clerk of Circuit Court or the office of the general registrar. [§ 24.2-671](#). The location of the meeting depends upon where the election materials were delivered by the officers of election; either to the Clerk of the Circuit Court or to the office of the general registrar. [§ 24.2-668](#). The board may adjourn to another room in a public building to conduct its canvass and may adjourn to a later day as needed so long as it is not beyond seven days from the date of the election.

Notice must be given to the public, pursuant to the Virginia Freedom of Information Act, of when and where the canvass and the provisional ballots meeting will be held. Notice for the two meetings can be sent out together. *See*, GREB 26 (discussing notice requirements). Voters casting provisional ballots must be given notice of the time and place of the provisional ballots meeting at the polling place when casting their ballot. [§ 24.2-653](#), [52 USC §21082](#). If any voter casting a provisional ballot cast due to lack of ID has not provided the necessary ID document by the end of the provisional ballot meeting on the day after the election, the meeting must be postponed to a later date. It is suggested that the meeting be postponed until after the time period to provide the necessary document has elapsed, which is noon on the Friday following the election.

19.1.2 Who Must and May Attend

19.1.2.1 Mandatory - All Members of the Electoral Board and Staff

All members of the electoral board should be present for the canvass. In the event one member is unable to attend, two members constitute a quorum and may proceed to conduct the canvass.

Should the secretary of the electoral board be unable to attend the meeting due to some extreme emergency, the board *must* elect another of its members as acting secretary; all official documents concerning the canvass should be signed accordingly. In this case, the word “acting” is entered before the word “secretary” and the member so elected signs that line only. The line to the left of the position he holds on the board is left blank. **Only those members of the board present during the entire canvass may legally sign any document concerning it.**

19.1.2.2 Elective - The Registrar, Any Assistant Staff, and Representatives of the Clerk's Office on Assignment

During a primary election, each candidate is entitled to have as many representatives as there are teams of officials working to ascertain the results. In a general and/or special election, each political party and each independent candidate can have as many representatives as there are teams working to ascertain the results. The electoral board must use a room of sufficient size to accommodate these persons. These individuals must be allowed an unobstructed view of the proceedings.

The canvass is a public meeting of the electoral board. The general public may attend all or a portion of the meeting to the extent space is available.

- ① No person, regardless of official function or statutory right to be present, may disrupt the meeting or interfere with the canvass in any way. Inform unruly individuals that interruptions can cause errors and explain that questions concerning each precinct will be taken after work concludes but *before* the electoral board reseals the pollbooks, pollbook count forms, and the statement of results for the precinct.

19.1.3 Documents Used

The canvass requires five (5) documents:

- Pollbook or EPB Data
- Statement of Results
- Voting Equipment Printouts
- County/City Results Report
- Abstract of Votes

19.1.3.1 Pollbook and Pollbook Count

The pollbook is either a printout or electronic version of all of the eligible voters for a given precinct in a given election. It lists each eligible voter by last name and includes their ID number, full name, year of birth, town code (if applicable), super-district (if applicable), residence address, and mailing address. Additionally, each voter may have a pre-printed code beside their name to indicate one of the following:

- Voter requested an absentee ballot (AB).
- Individual is a temporary or federal overseas voter (T or F).

- Individual is a permanently registered overseas voter (R).
- Voter moved within the jurisdiction or is inactive (?).
- Voter has assigned number instead of social security number (A).

The pollbook count form is a tally sheet used by officers of election to track the number of voters who checked in on Election Day. If an electronic pollbook (EPB) is used, this count is tracked automatically by the EPB.

19.1.3.2 Statement of Results

The statement of results (SOR) is a worksheet to check and submit the results for each precinct. The electoral board or general registrar must enter the office title, district name or number(if one exists), and the candidate names for each office and the question title and issue response for each question on the ballot in each precinct on Part D of the SOR. The remaining information is filled out by the officers of election and checked by the electoral board.

19.1.3.3 Voting Equipment Printouts

The results tapes produced by direct recording electronic and/or optical scan voting equipment must be compared for accuracy against any data entered from them onto Part D of the SOR.

19.1.3.4 County/City Results Reports

The County/City Results reports may be used to summarize all of the statements of results within a locality. Localities may use their own Excel spreadsheet or the reports available in the VERIS Reports Library. The County/City Results Report captures all offices applicable to a locality's election. The County/City Referendum Results Report captures all referenda applicable to a locality's election. The reports will identify the election, its date, and the locality name, code, and precincts involved. Offices and their candidates will appear in the same order as they are listed on the ballot.

19.1.3.5 Abstracts of Votes

The electoral board must direct the general registrar/staff to retrieve the "Abstract of Votes" VERIS report after it has determined the vote totals for each office or issue in an election. This will occur near the end of its canvass. The VERIS Abstract may need to be supplemented with the Write-in Certification/Continuation document if a write-in wins or the total number of write-in votes cast is 5% or more of the overall votes cast for the

office. The Write-in Certification/Continuation document is available in Forms Warehouse>[Abstract of Votes – Write in Certification Continuation](#) folder. The board must execute the Abstract following the procedures outlined in GREB 19.2.3.6.

19.1.4 Supplies Provided By Clerk or General Registrar

The Clerk of Court or the general registrar (general registrar only if materials are returned to the general registrar on election night) should provide to the electoral board, for each precinct, the #2 Statement of Results envelope and, if applicable, the #2A Printed Return sheet envelope.

- ① *Never* open the sealed envelope or receptacle containing voted ballots unless authorized to do so by the Commissioner of Elections of the Department of Elections, by order of a Court (*e.g.*, in a recount or contest), or as part of an audit pilot program conducted under § [24.2-671.1](#). **Opening the sealed counted ballots envelope or receptacle for any other reason could constitute illegal tampering subject to prosecution as a felony.** [§ 24.2-1009](#).
- ① The Department of Elections has a form for requesting permission from the Commissioner of Elections: Department of Elections Request to Inspect Sealed Election Materials (Form SBE-659). The registrar or an electoral board member can complete and fax or email the form to Gary Fox. Gary will facilitate the Department of Election’s review and approval process if appropriate. Permission is not granted until the Department of Elections returns the signed form.

19.2 How to Conduct the Canvass

The canvass is performed to verify and consolidate the results from the individual precincts. It requires actions by the officers of election, general registrar, and the electoral board.

19.2.1 Duties of the Officers of Election Related to the Canvass

The officers of election must accurately complete the pollbook count form (except when an electronic pollbook is used) and the statement of results and, if applicable, produce the voting equipment printouts (*e.g.* results tapes, precinct consolidation tape or final precinct report). For more detail, see the [Election Day Guide](#).

If any discrepancies exist on a statement of results, officers of election may be summoned to the canvass to correct the mistakes and sign the document.

19.2.2 Duties of the General Registrar Related to the Canvass

The duties performed by the general registrar break down into two sections, Before the Election and After the Election. The specifics of each section are described below.

19.2.2.1 Before the Election

The general registrar must check the County/City Results Reports to be certain of the following:

- If the locality uses a Central Absentee Precinct (CAP), the ## AB - Central Absentee Precinct is listed.
- The #_Provisional (Vote) Precinct is listed.
- The required lines for each precinct in the locality are provided.
- The offices, districts, candidates, and issues shown on each page are the correct ones for the precincts listed.
- No required office, candidate, or issue is missing from the document.

Call the Department of Elections immediately if any error is found.

19.2.2.2 After the Election

Make available for public inspection, beginning at the conclusion of the electoral board's canvass, one copy of the County/City Results Report, one copy of the Statement of Results for each precinct and, if write-ins have been certified, one copy of the Write-Ins Certification completed by the officers of election for each precinct.

19.2.3 Duties of the Electoral Board Related to the Canvass

The ascertainment is made from the Statements of Results from each precinct. Complete one precinct before beginning another.

If it is necessary to summon officers to correct errors, the material used must be returned to its original envelope and set aside until they appear. If they cannot appear on the day of the canvass, follow the instructions for packaging and re-open the envelope when they do appear.

If applicable, examine the printed return sheet in each of the #2A Envelopes for completeness and then return the document to the envelope and prepare these envelopes for transmission to the Clerk of the Circuit Court.

If correction of errors will require access to counted ballots or voting machines, call the Department of Elections *before* proceeding further. Each political party and each independent candidate on the ballot (in a primary, each candidate) is entitled to have a representative present during this process. Parties and candidates must be provided with reasonable advance notice of the time and place of the inspection. The representatives must have an unobstructed view of the proceedings but cannot interfere in any way. When all representatives are present and Clerk of Court receives the Department of Elections' authorization to inspect either the counted ballots or voting machines, the canvass may proceed. As noted above, Request to Inspect Sealed Election Materials (Form SBE-659) can be completed and faxed or emailed to Gary Fox to request authorization.

19.2.3.1 Processing the Statement of Results

Thoroughly check the information entered by the officers on each set of forms to assure that no errors were made. This should be accomplished with a Democratic member of the board checking one copy of the statement and a Republican checking the other copy. Throughout this process, be sure to verify that the two forms agree. In large localities, it may be necessary to employ teams of two people to perform this function under the direct supervision of board members. In this case, each team should be comprised of one Democrat and one Republican. Each should check one copy of the statement of results to ensure that calculations are correct, all required information is provided, and all required signatures have been entered.

When DRE's are used with paper or optical scan ballots, check to be sure the officers have correctly entered the vote totals from the results printout to Part D of the statements of results.

Compare the number of voters voting with the total number shown as voting on Part C-1 of the statement of results. This is done by checking either the last page of the pollbook count sheet or the "Checked-In" count from the EPB. If they do not agree and no statement adequately explaining the disagreement has been entered in Part F, the officers must be called in to correct the statement of results or to enter the missing explanation.

Compare, for each office and issue, the total votes cast in Part D to the total number of people voting in Part C-1. If the total votes cast exceed the number who voted and no statement adequately explaining the disagreement has been entered in Part F, the officers must be called in to enter the missing explanation.

-  Only the officers of election may make changes to the statement of results. [§ 24.2-672](#). Therefore, if the officers made errors that can be corrected, the board *must* require a majority of the officers from the precinct to

appear before it to amend the returns. Officers representing both political parties must be present. Require the officers to appear either on the day of the canvass or no later than the following day.

If, in correcting their work, it appears that the officers will have to look at counted ballots or examine voting machines, **the board must contact the Department of Elections immediately before proceeding further with that precinct.** The registrar or an electoral board member must complete, fax or email Form SBE-659 to Gary Fox for review and approval. Permission is not granted until Gary returns the signed form. Further, each political party and each independent candidate on the ballot (in a primary, each candidate) is entitled to have a representative during this process. Parties and candidates must be provided with a reasonable advance notice of the time and place of the inspection. The representatives must have an unobstructed view of the proceedings but cannot interfere in any way. The canvass may not continue until all representatives are present (or have waived their right to be present in writing) and the Clerk of Court has received written authorization from the Commissioner of the Department of Elections to inspect the counted ballots or voting equipment.

- ① The electoral board is required to notify the Department of Elections when changes are made to the SOR or later to its certified abstract. The Department of Elections must post to its website an explanation for the change. The proper vessel for transmitting this communication is through the VERIS System. More comprehensive directions are available in the [VERIS Election Results Step by Step. § 24.2-671.](#)

19.2.3.2 Write-in Votes

Determining what may be counted as a write-in vote for a particular candidate often requires determining voter intent: Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained. See [52 U.S.C. 20303](#) (mandated standard for Federal Write-in Absentee Ballots). This standard is similar to that defined by SBE Policies 2007-002 and 2005-009 regarding candidate names on ballots which may include a known nickname. Write-in candidates are instructed to educate voters on using the candidate's full legal name to prevent problems.

Accounting for write-in votes at the canvass is governed by [§ 24.2-671](#). Reporting write-in vote totals on the Abstract of Votes is governed by [§ 24.2-675](#). Localities must always report the total number of write-in votes for an office on the Abstract of Votes in a non-primary election. The Code requires greater elaboration of the write-in vote total when the following occurs:

- The write-in vote total is 5% or more of the total votes cast for the office.
- A write-in winner wins the election.

In those instances, the electoral board must complete the Write-in Certification and, if applicable, the Write-In Continuation document. The Certification/Continuation permits the electoral board to identify the number of valid and invalid write-in votes contained within the write-in vote total. A valid write-in vote is a vote cast for a living individual (e.g. John Q. Public, George W. Bush or Douglas L. Wilder). An invalid write-in vote is a vote cast for a non living individual or a fictional character. Comments or gibberish written in are also considered invalid (e.g. “none of the above”, “why bother” or “OBX4life”).

The Write-In Certification/Continuation provides space for reporting all of the valid write-in votes cast. The valid votes are listed in alphabetical order. If the electoral board develops its own spreadsheet or program which is capable of printing a list of valid write-in votes in a similar way as the Write-In Continuation it may be used in lieu of the Write-In Continuation. This is offered as an opportunity to save time and is not a statement requiring the electoral board to create a spreadsheet or program. When a printed list is used instead of the Continuation, a statement should be inserted in the Valid Write-Ins – Detail section of the Write-In Certification directing Department of Elections to the list (e.g. “See attached list”).

VALID WRITE-INS - DETAIL

LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON CONTINUATION PAGES, AS NEEDED. ALL VALID WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 ABOVE.

TOTAL VOTES RECEIVED (IN FIGURE 8)

_____	_____
_____	_____
_____	_____
_____	_____

CONTINUED ON PAGES _____ THROUGH _____

Accounting for write-ins may be accomplished either manually using the procedures below or through entry on a PC. If using a PC, entry is done office-by-office, district-by-district, of the names of persons receiving write-ins and the votes each received. Invalid votes for each office and its district should also be included. A program will then sort the names (including names entered as “Invalid”) along with the number of votes received by each individual in each precinct.

The following procedures pertain to manual entry. From the write-ins certification prepared by the officers for each precinct, enter on 3 x 5 cards the following information:

- number of the precinct
- title of the office for which the write-in vote is cast
- district number or name (if any)
- name of the person who receives write-in votes for that office
- number of votes cast for that person in the precinct.

Include, for each precinct, a card on which invalid votes will be tallied. If the same person receives write-in votes in that precinct for more than one office, a separate card should be prepared for that person for each office. *See Exhibit A on page 20.* At this time, keep the cards organized by precinct; within each precinct, by office; and, within each office, alphabetical by name of the person receiving write-in vote(s).

Next, organize the card by each office and count the number of votes entered on all cards for the precinct to verify the number of write-ins entered in that column on the statement of results.

As additional precincts are canvassed, if the same person receives additional votes for the same office, prepare a separate card for each precinct in which votes were received by that person.

When satisfied that both statements of results for a precinct are correct, set aside the most legible copy of the statement of results for each precinct to be delivered to the general registrar who is required by law to make it available for public inspection. If write-ins have not yet been certified, place the precinct write-ins certification under seal in an envelope so identified until the board has completed the certification at which time they, too, are open to public inspection in the office of the general registrar.

Finally, return the pollbook(s) from each precinct, the second copy of the statement of results, and any printed inspection and results sheet to the #2 Envelope. Seal the envelope by placing a label across its flap. Sign and date the label, and return the sealed envelopes for all precincts to the Circuit Court Clerk.

19.2.3.3 Processing the County/City Results Report

Each entry must be *neat* and *legible*. Figures should be in pencil to permit easy correction of data, if necessary.

One member of the board must complete this document or similar results template with its completion witnessed by a member representing the opposite party.

When completed, give the county/city results report to the general registrar so that the member of the registrar's staff assigned the task may key this data into the VERIS Election Post-Processing screens.

The person recording data must determine the following:

- The total number of votes cast in the precinct for each candidate or issue response listed
- The total number of write-in votes cast for each office (if permitted for the election)
- The number of over-votes cast in the precinct for each candidate, etc

The total number of votes cast for all candidates, including write-ins, for any one single-seat office, or responses for any one issue, *must not* exceed the total number of persons voting in that precinct and in that district.

If the number of votes cast for candidates or issue responses is higher than voters voting due to human or machine error, the number on the voting machine must be used. Enter a statement to that effect on the reverse side of each copy of the County/City Results Report on which the precinct is listed just as the officers of election entered a statement on the Statements of Results.

- ① Check and *double-check* each total entered for each precinct. After completion of data entry by the general registrar or registrar's staff member, the VERIS Election Results will provide locality totals for each candidate and issue.

When satisfied that the totals for the locality are accurate, ask the electoral board if they want the Abstract of Votes VERIS report run.

19.2.3.4 Voter Turnout

“Voter turnout” is defined by the Department of Elections as the total number of individuals who participate in an election. Participation comes in many forms. Election participants include:

- Absentee voters who return their voted absentee ballot to the electoral board on or before Election Day in accordance with [§ 24.2-707](#) or, in cases of delayed issuances of absentee ballots, absentee voters who return their voted absentee ballot to the electoral board in accordance with [§ 24.2-707](#) that arrive after Election Day but before the second business day before the Department of Election's canvass on the fourth Monday in November ([§ 24.2-709](#));

- Voters who check in with the pollbook officers on Election Day even if their actions post-check in lead them not to cast a ballot (e.g. ballot abandonment); and
- Individuals who are allowed to cast a provisional ballot.

A voter turnout number must be determined for each precinct involved in an election. Line C-1 of Part C-1 of each precinct's SOR should be the precinct's voter turnout number. The Department of Elections will provide more detailed guidance on reporting voter turnout before each election in its "Canvass of Votes Cast" letter. Once voter turnout has been determined for each precinct, provide the numbers to the general registrar/staff so that the numbers may be keyed into the VERIS System.

19.2.3.5 VERIS Reports Available to Confirm Accurate Election Results

After entering the election results and voter turnout into VERIS, the general registrar/staff must request the "Election Error Results v2 – by Office" and "Turnout Versus Vote Cast Error Report" for the election.

- The "Election Error Results v2 – by Office" report brings together and analyses the total votes cast and voter turnout entered into VERIS for each precinct. Its purpose is to identify with an "Error" symbol when a precinct has more votes cast than voters voting.
- The "Turnout Versus Vote Cast Error Report" also brings together and analyzes the total votes cast and voter turnout entered into VERIS for each precinct. Its purpose is to review the votes cast against the voter turnout in a converse analysis using the "Election Error Results" report. The report provides a percentage for each precinct calculated on the difference between the votes cast and turnout in comparison to the precinct's turnout. Low percentages are normal and are generally explained by the habitual under vote capacity permitted in the Code (e.g. 999 votes cast minus 1,000 turnout equals a difference of 1; 1 difference divided by 1,000 turnout equals 0.1%). High percentages are abnormal and may be explained either by human error in reporting an over-inflated voter turnout or by human error in under-reporting votes cast (e.g. 500 votes cast minus 1,000 turnout equals a difference of 500; 500 difference divided by 1,000 turnout equals 50.0%). Upon investigation, the electoral board finds that the officers did not report a bank of DRE machines from the precinct.

The reports must be brought to the electoral board. The board will analyze, investigate and resolve votes cast/voter turnout discrepancies as needed and in compliance with the established procedures set forth in this Chapter. If the board needs assistance in interpreting their reports, they may contact the election services, election administration, and staff.

19.2.3.6 Processing the Abstracts of Votes

If these procedures are followed carefully, there should be no errors. Should an error be discovered, solve the error in the proper manner and re-run the Abstract of Votes report.

If required to certify write-ins at the time of the canvass when the *Abstracts* are completed, either compile the results of computer entries or reorganize the 3 x 5" cards by office and, within each office and district, in alphabetical order by name of the person receiving write-in votes.

For each office, complete one *Abstract* and, if write-ins equal 5% or more of the total number of votes cast for the office or a person was elected by write-in vote, the *Write-Ins Certification*. If applicable, complete one *Abstract* for each issue: Follow these procedures for filling out abstracts:

- Enter any required district number or name.
- List candidates in the same order and manner in which they appeared on the ballot and enter the total number of votes each received.
- Enter the total number of write-ins on the line provided.
- On issue Abstracts, enter the total number of votes for (yes) and against (no) the issue.
- Check and double check each total entered.
- For any office listed, enter the name of the candidate elected in the space provided for that purpose.

If two or more candidates for any such office receive the same (and highest) number of votes, follow the procedures in GREB 19.2.6 to determine the winner.

If it is determined that a *Write-Ins Certification* page is necessary, enter the appropriate numbers in the Write-Ins Summary (Lines 1, 2 and 3). Enter, in alphabetical order, the names of persons receiving valid write-in votes and the number of votes received by each in the "Valid Write-Ins – Detail." The "Write-Ins Certification – Continuation" will permit a complete reporting of write-in names. A supplemental list of valid write-in totals may be used in lieu of the "Write-Ins Continuation". See Section 19.2.3.2.

- ① If the total number of write-ins cast for an office is less than 5% of the total number of votes cast for that office and no one was elected to that office by write-in votes, the Write-Ins Certification is not required. [§ 24.2-675](#).

All members of the electoral board who participate in the canvass must sign each original *Abstract* and *Write-Ins Certification* (if required) in the spaces indicated. See, Exhibit B.

- ① The second signature of the Secretary must not yet be affixed.

For offices, make three copies of each completed and signed *Abstract* and, if required for the office, the *Write-Ins Certification*. For issues, make four copies of the *Abstract*. The Secretary must sign each copy again, attesting that it is a true copy, and affix the Seal of the Electoral Board.

Preserve one attested copy of each *Abstract* and, if required for the office, the *Write-Ins Certification* as part of the minutes of the meeting at which the results were ascertained. Place the originals (unattested) in a file to be kept with the minute book.

19.2.3.7 Where to Send Documents for General and Special Elections

For all General and Special elections for all offices and referenda, place one attested *Abstract* and, if completed at the time of the canvass, each *Write-Ins Certification*, in an envelope labeled *Abstract Envelope For (county or city name)*. Please **DO NOT** fold the *Official Abstract* or *Write-Ins Certification*. Then, immediately send it as directed by the Department of Elections. [§§ 24.2-532, 24.2-675](#).

Forward one attested copy of each document for recording in the record book of the local governing body. For elections for town office or town referenda, send the documents to the Clerk of the Town Council. For General or Special Elections for all other offices or referenda, send the documents to the Clerk of the Board of Supervisors or City Council.

If the *Write-Ins Certification* is delayed as permitted by law, then on or before the Tuesday next following the election, write-ins must be determined and one attested copy of this document mailed to Department of Elections and one forwarded to the appropriate entity named above.

Forward one attested copy of each *Abstract* for local referenda to the Circuit Court Clerk.

19.2.3.8 Where to Send Documents for Primary Elections

For Primary Elections for offices to be canvassed by the Department of Elections (all offices not set forth below in GREB 19.2.6), place one attested copy of each *Abstract* in an envelope labeled *Abstract Envelope For (county or city name)*. Please **DO NOT** fold the official *Abstract*. Then, immediately send it as directed by the Department of Elections.

Forward one attested copy of each document to the appropriate chair of the political party holding the primary. For a U.S. House of Representatives primary, send the documents to

the congressional district chair. For primaries for the General Assembly, send the documents to the chair of the Senate or House of Delegates district. For constitutional offices shared by more than one county or city, send the documents to the clerk of each such county or city.

- ① *Abstracts* for primary elections for United States President and Senate, Governor, Lieutenant Governor, and Attorney General are sent only to the Department of Elections and not to any political party chair.

For primary elections for all county, city, or local district offices, forward one attested copy of each *Abstract* to the chair of the county or city of the party holding the primary and to the Department of Elections.

19.2.4 Reminders

As soon as the canvass is concluded and the *Abstracts* are signed and attested, but no later than the time required in the specific instructions for the election, the Department of Elections must receive the following:

- By fax (804-225-3706), one copy of the abstract for each office and issue canvassed by the Department of Elections
- By First Class Mail or as instructed by the Department of Elections, one attested copy of each *Abstract* and each *Write-ins Certification* (if applicable)

19.2.5 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. [§ 24.2-674](#).

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.

19.2.6 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. [§§ 24.2-534, 24.2-679](#).

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.

19.3 After The Canvass

19.3.1 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. [§ 24.2-948.2](#). 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 in compliance with [§ 24.2-953.3](#).
- The candidate has paid any civil penalty and returned any contribution required to be returned pursuant to [§ 24.2-953.5](#).

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.

19.3.2 Certificates of Election

According to [§ 24.2-676](#), the electoral board is responsible for issuing the certificates of election for the following offices¹:

- 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

¹ 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.

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. [§§ 24.2-102, 24.2-676](#). 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 Department of Election's SharePoint>Forms Warehouse>[Election Management>Certificate of Election, Local](#) folder. See Exhibit B on page 21. 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. [§ 49-3](#).

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 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. [§ 24.2-946.3](#). 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.

19.3.3 Letters to Voters whose Provisional/Absentee Ballots are Rejected

After the canvass, the general registrar must notify, in writing, all persons whose provisional ballot was 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. *See*, GREB 29. 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.

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 (90) 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. *See*, GREB 11.

19.4 Exhibits

19.4.1 Exhibit A: Manual Tally of Write-In Votes

0101
GOVERNOR

JOHN WRITE-IN 2

0101
HOUSE OF DELEGATES
56TH DISTRICT

JOHN WRITE-IN 2

19.4.2 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 deposited in the office of the Clerk of the Circuit Court it was
ascertained and 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

at Anywhere, Virginia

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

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

19.4.3 Exhibit D: Canvass Certification Checklist

1. Tapes

- Zero Tape - Signed by Chief and Assistant Chief Officers of Election
- Result Tapes 1-4 – Signed by Chief and Assistant Chief Officers of Election

2. (Yellow or White) Printed Return Sheet

- Packed in Envelope #2A - Label signed by 2 officers
- Signed by all Officers
- Result Tape #3 Attached

3. Statement of Results

- Packed in Envelope #2 - Label signed by 2 officers
- Signed by all officers
- Result Tapes #1 and #2 attached to correct SOR and signed by Chief and Asst Chief Officers¹
- Part A - Check for accuracy
- Parts B & C - Check for completeness
- If applicable, Part D – Check for accuracy and completeness
- 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)
- 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)

- Packed in Envelope #2 - Label signed by 2 officers

5. Oath of Officer form

- Packed in Envelope #2 - Label signed by 2 officers
- Signed by all officers
- Chief Officer signed twice (top & bottom)

6. Pollbook Count form(s) [NOT REQUIRED IF ELECTRONIC POLLBOOK IS USED]

- Packed in Envelope #2
- 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))
- Total number of voters recorded in Certification section of the Pollbook Count Sheet (1 – 1,000).
- Pollbook Count Sheet (1 – 1,000) signed by 1 Officer of Election

7. Write-In Certification (none for primary elections)

- Packed in Envelope #2
- Copy 1 & Copy 2 returned
- Number of write-ins of each candidate totaled correctly
- No signatures on form

8. Provisional Ballot(s)

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