



★ VIRGINIA ★  
DEPARTMENT *of* ELECTIONS

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the Handbook

# Chapter 14

## Canvass

October 2022

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**14. CANVASS ..... 2**

**14.1 CHAPTER ORGANIZATION ..... 2**

**14.2 PREPARING FOR CANVASS ..... 4**

14.2.1 BASICS OF THE MEETING..... 4

14.2.2 REQUIRED TOTALS FOR CANVASS..... 6

14.2.3 ELECTION MATERIALS PROVIDED TO THE CLERK OF COURT AND THE GENERAL REGISTRAR ..... 7

**14.3 CONDUCTING THE CANVASS ..... 7**

14.3.1 DUTIES OF THE OFFICERS OF ELECTION ..... 7

14.3.2 DUTIES OF THE GENERAL REGISTRAR ..... 7

14.3.3 DUTIES OF THE ELECTORAL BOARD..... 8

14.3.4 DUTIES OF THE DEPARTMENT OF ELECTIONS..... 15

**14.4 AFTER THE CANVASS..... 15**

14.4.1 CERTIFICATES OF ELECTION ..... 15

14.4.2 LETTERS TO VOTERS WHOSE PROVISIONAL BALLOTS ARE REJECTED..... 18

[Back to top of document](#)



## 14. CANVASS

<p><b>REQUIRED FORMS</b></p> <p>SOR Printed Return Sheet (<a href="#">ELECT 658</a>)  <a href="#">Statement of Results Write-Ins Certification Request to Inspect Sealed Election Materials</a>          (Form ELECT- 659)  <a href="#">24.2-671.2(D) Request for Risk-Limiting Audit Form</a></p>	<p><b>ADDITIONAL RESOURCES</b></p> <p><a href="#">Write-Ins Certification/ Continuation Procedures Records for Circuit Court</a>  <a href="#">Same Day Registration FAQ</a>  <a href="#">Risk Limiting Audit Manual</a></p>
<p><b>REFERENCE</b></p> <p><a href="#">VERIS Step-by-Step: Election Results</a>  <a href="#">VERIS Step-by-Step: Voter History</a>  <a href="#">Certificate of Election Appointment Template (SBE 109)</a>  <a href="#">Landscape Certificate of Election</a>  <a href="#">Portrait Certificate of Election</a></p>	<p><b>REGULATIONS</b></p> <p><a href="#">1VAC20-20-70 Duty to Request Assistance and to Notify Voters of Denial of Applications for Voter Registration or Absentee Ballots</a></p> <p><a href="#">1VAC20-60-80 Request for risk-limiting audit for a contested race within a jurisdiction</a></p>

### 14.1 CHAPTER ORGANIZATION

The process of reviewing, confirming, and recording the official local results of each election is called a “canvass.” Local election officials in each locality conduct a canvass to verify and consolidate election results from the individual precincts. The officers of election, local electoral board, and general registrar are all jointly responsible for conducting an accurate and timely canvass, and then transmitting the results of the canvass to the Department of Elections through VERIS. The requirements for canvassing are codified in the Code of Virginia Title 24.2, §§24.2-671- 24.2-680. The purpose of this chapter is to provide an overview of the procedures for conducting a canvass in compliance with Virginia Code and is structured into three parts: Preparing for Canvass, Conducting the Canvass, and After the Canvass.

§14.2 outlines steps to prepare for canvass. The canvass occurs during a board meeting; thus, §14.2.1 discusses the basics of conducting a meeting, such as the need to follow requirements set in the Virginia Open Meetings and Freedom of Information Act. §14.2.2 discusses attendance and the important role of the secretary of the local electoral board. §14.2.3 lists materials needed to complete a canvass and explains the purpose of each document while §14.2.4 provides information regarding duties and responsibilities the clerk and general registrar have for canvass. The canvass is an intensive step-by-step process; general registrars and electoral board members must have a sound understanding of how the materials are to be used prior to beginning the canvass meeting. §14.3 provides a guide to conducting the canvass by focusing on the duties and responsibilities of four entities: the officers of election, local electoral board members, the general registrar, and the Department of Elections. §14.3.1 discusses the importance of the officers of election. It is very important that general registrars and local electoral board members are familiar with the duties of the officers of election because this position is critical in verifying results. §14.3.2 focuses on the general registrar whose role for the canvass includes bringing necessary supplies and ensuring that required documents are provided. §14.3.3 examines how the electoral board members fit into canvassing as their presence is important for counting and verification purposes. §14.4 concludes the chapter by giving a brief overview of what should occur after the canvass, which is primarily the



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responsibility of the general registrar and electoral board members. §14.4.1 discusses required filings regarding campaign finance reports, while §14.4.2 dives into the certificates of election which the local electoral board sends out. §14.4.3 closes the canvass chapter by discussing the work of general registrars, such as, sending out rejection letters to provisional and absentee ballot voters. While conducting a canvass seems complex, the canvass can be completed smoothly if each entity is aware of how their responsibilities fit within the process.



## 14.2 PREPARING FOR CANVASS

### 14.2.1 Basics of the Meeting

The canvass is a meeting of the electoral board; thus, the Virginia Freedom of Information Act applies.<sup>1</sup> Refer to Chapter 2: Local Electoral Board for additional information on public meeting requirements.

The provisional ballots meeting is a closed session and not open to the public, exempt from the Virginia Freedom of Information Act; in contrast, the canvass is open to the general public who may attend all or a portion of the meeting to the extent space is available.<sup>2</sup> Notice of the date, time, and location for the provisional ballots meeting and the canvass must be given to the public by the electoral board at **least three business days** prior to the meeting date.<sup>3</sup> While the canvass is required to begin no later than 5:00 PM on the day after the election, results from the canvass cannot be certified and submitted to the Department of Elections until provisional ballots are completed.

#### 14.2.1.1 When to Meet



The electoral board should proceed with canvassing immediately following adjourning the provisional ballots meeting, which is when qualifications of those persons who cast provisional votes is determined. The electoral board must begin the canvass no later than **5:00 PM on the day after the election**.<sup>4</sup> The board may adjourn as needed, not to exceed seven calendar days from the date of the election unless an extension has been granted for a risk-limiting audit (RLA).<sup>5</sup>

Before the electoral board can meet, the officers of election must deliver election materials on the night of the election to the clerk of the circuit court's office or the office of the general registrar.<sup>6</sup> If the officers of election do not deliver the materials before the canvass to the clerk or the office of the general registrar, the clerk of the circuit court must have law enforcement retrieve the materials.<sup>7</sup> This is discussed in greater detail in 14.2.3.

<sup>1</sup> See the Code of Virginia [§2.2-3707](#).

<sup>2</sup> See the Code of Virginia §24.2-653(B). See also the Code of Virginia [§2.2-3712](#).

<sup>3</sup> See the Code of Virginia [§2.2-3707](#).

<sup>4</sup> See the Code of Virginia §24.2-671.

<sup>5</sup> *Id.*

<sup>6</sup> See the Code of Virginia §24.2-668.

<sup>7</sup> See the Code of Virginia §24.2-670.



### 14.2.1.1 Where to Meet

The electoral board must hold the meeting “at the clerk’s or general registrar’s office of the [locality] for which they are appointed” and “may adjourn to another room of sufficient size in a public building.”<sup>8</sup> The board has some discretion in determining where the canvass should take place; written directions to the location of any room other than the clerk’s or general registrar’s office where the board will meet shall be posted at the doors of the clerk’s and general registrar’s offices prior to the beginning of the meeting.<sup>9</sup>

### 14.2.1.2 Attendance

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 back into Envelope #2.

#### 14.2.1.2.1 Whose Attendance is Required:



- All members of the electoral board *should* be present for the canvass; however, it is only mandatory that two members be present. In the event one member is unable to attend, two members of the electoral board constitute a quorum<sup>10</sup> and may proceed with the canvass. The member of the board that is unable to attend should notify ELECT.
  - When conducting a canvass, the secretary must be present. If the official secretary is unable to attend the canvass, the board members must elect one of the remaining board members to act as a secretary.<sup>11</sup> In acting as secretary, the board member must sign any official documents regarding the canvass as “acting secretary.” The member must sign the official document only as “acting secretary” and leave the line of their normal official capacity as board member blank.
  - When conducting a canvass, **only those members of the board present during the entire canvass may legally sign any document concerning it.** If you attach a signature of a member that was not present at the canvass or a member that was present does not sign, the electoral board must reconvene.
- The clerk of court or the general registrar must provide the pollbooks to the electoral board before the canvass, depending on the option chosen pursuant §24.2-668.<sup>12</sup>

#### 14.2.1.2.2 Whose Attendance is Optional:

- 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 individuals. These individuals must be allowed an unobstructed view of the proceedings

<sup>8</sup> See the Code of Virginia §24.2-671.

<sup>9</sup> *Id.*

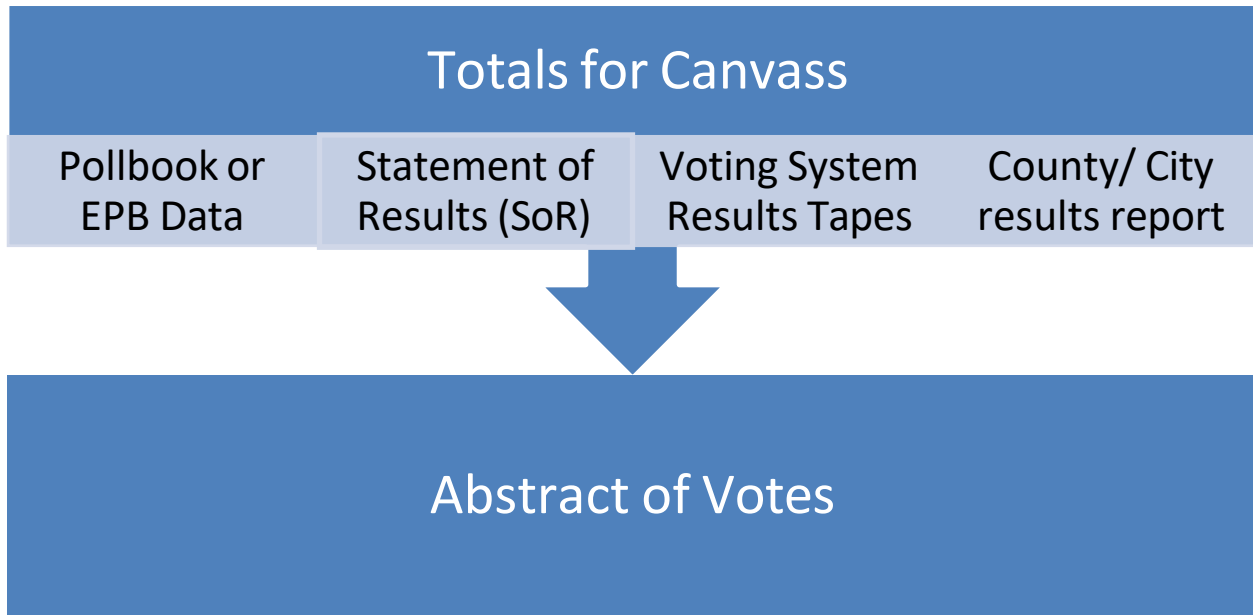
<sup>10</sup> See the Code of Virginia §24.2-107.

<sup>11</sup> See the Code of Virginia §24.2-106(B).

<sup>12</sup> See the Code of Virginia §24.2-668.



## 14.2.2 Required Totals for Canvass

14.2.2.1 *Pollbook and Pollbook Count Form*

A pollbook is either a printed or electronic list of all of the eligible voters for a given precinct in a given election. Pollbooks list 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, a 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).
- Voter utilized Same Day Registration (SDR)

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.



#### 14.2.2.2 *Statement of results*

The statement of results (“SOR”) is a worksheet officers use to submit the results for each precinct.<sup>13</sup> After polls close, officers of election begin to ascertain the votes by completing the SOR. Officers use materials such as the results tapes to complete the SOR; officers of election must complete certain fields on the SORs such as: the number of voters checked-in at the pollbook, the number of voters that voted outside the polling place, and the number of ballots cast on the voting machine. The electoral board, then, verifies this information.<sup>14</sup> Refer to Forms Warehouse for SOR Templates.

#### 14.2.2.3 *Voting System Results Tapes*

Optical scanning machines produce tapes prior to an election and once the election is completed. The tapes produced prior to the beginning of the election are known as Zero Tapes while the printouts at the end of the election are the results tapes. Your printouts from the end of the night will have a total number votes and, if applicable, tapes of any write-in names. Zero tapes and results tapes must be certified by the officials on election night; thus, each officer of election must sign these documents and submit a Printed Return Sheet (ELECT-658) for all machines within the polling place.

Optical scanning machines that are used in the Central Absentee Precinct (CAP) will also produce a result tape with office and issue results listed by the Election Day precincts. This result tape should be provided to the General Registrar so that the effort to confirm CAP by Precinct election results may be verified and corrected as needed. The electoral board should focus its attention on the cumulative results tapes and write in tapes.

#### 14.2.2.4 *County/City Results Reports*

The county/city results reports may be used to summarize all of the statements of results within a locality for all offices or referenda. The reports identify the election, its date, the locality name, code, and precincts involved. Offices and their candidates appear in the same order as they are listed on the ballot. The County/City Results Report captures all offices applicable to a locality’s election while the County/City Referendum Results Report captures all referenda applicable to a locality’s election.

#### 14.2.2.5 *Abstracts of Votes Cast*

The “Abstract of Votes” VERIS report is generated after vote totals for each office or issue are submitted into VERIS from the SOR. Towards the end of canvass, the local electoral board should have the general registrar or staff retrieve the “Abstract of Votes” VERIS report. The VERIS Abstract may need to be supplemented with the Write-in Certification/Continuation (available in the Forms Warehouse) if a write-in candidate wins or the total number of write-in votes cast is 10% or more of the overall votes cast for the office.

<sup>13</sup> See the Code of Virginia §24.2-654.

<sup>14</sup> See the Code of Virginia §24.2-671.





### 14.2.3 Election Materials Provided to the Clerk of Court and the General Registrar

ELECT provides two envelopes, Envelope 2 or 2B and Envelope 2A, to deliver elections materials to the clerk of court or to the general registrar.<sup>15</sup>

The clerk of court must receive a copy of the return sheets, a copy of the inspection sheet, and a copy of the statement of results to comply with §24.2-658, requiring the return sheets be made available the day after the election for 60 days for public inspection and transcription, regardless of the method of delivery chosen from §24.2-668.<sup>16</sup>

The Code of Virginia §24.2-668 provides 2 methods for delivering the two Envelopes to the clerk of court and the general registrar.

If the officers of elections are directed to give the clerk of court the election materials outlined in §24.2-668(A), the officers of elections must deliver the materials no later than noon of the day following the election. The clerk of court is to retain Envelope 2A and provide the electoral board with Envelope 2 or Envelope 2B for the canvass.<sup>17</sup>

If the officers of elections are directed to give the election materials to the general registrar, as provided in §24.2-668(B), on the night of the election or the morning following the election, the general registrar is to provide Envelope 2 or Envelope 2B and the election materials therein to the electoral board and provide the clerk of court Envelope 2A for the required public inspection and preservation of records.<sup>18</sup> All other election materials outlined in §24.2-668(A) shall be provided by the general registrar to the clerk of court by noon of the day following the ascertainment of the results of the elections by the electoral board.

<sup>15</sup>See the Code of Virginia §24.2-668.

<sup>16</sup>See the Code of Virginia §§24.2-668 and 24.2-658

<sup>17</sup>See the Code of Virginia §24.2-668(A)

<sup>18</sup>See the Code of Virginia §24.2-668(B)



### 14.3 CONDUCTING THE CANVASS

The purpose of the canvass is to compile and certify vote totals and voter turnout for each precinct within your locality. The canvass requires actions by the officers of elections, general registrar, and the electoral board, all of which are transmitted by the general registrar or staff to the Department of Elections for website publishing. The purpose of this section is to understand the responsibilities of each entity within the canvass process.

#### 14.3.1 Duties of the Officers of Election

The officers of election are critical to the canvass process because the officers begin the process by ascertaining, or verifying, vote totals for each machine on election night. Information that is collected and verified by the officers of election will be provided to the general registrar and the local electoral board for certification. For more details, see the Election Day Guide. Officers of election must accurately complete:

- The pollbook count form (except when an electronic pollbook is used),
- Duplicate statements of results,<sup>19</sup> and
- Produce the voting equipment printouts (e.g. results tapes, precinct consolidation tape or final precinct report).<sup>20</sup>



#### Best Practice

In certifying returns provided by officers of election, the general registrar or electoral board may discover discrepancies in the totals provided. To correct any discrepancies, the board must summon the officers of election to the canvass at which point the discrepancy can be amended and signed by the officers (§24.2-672). The officers should be required to appear either on the day of the canvass or no later than the following day.

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 the officers of election cannot appear on a particular day during the canvass, follow the instructions for packaging and re-open the envelope when the officers appear.

#### 14.3.2 Duties of the General Registrar

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

<sup>19</sup> See the Code of Virginia §§24.2-657 and 24.2-668.

<sup>20</sup> See the Code of Virginia §24.2-657.



#### 14.3.2.1 *Before the Election*

The general registrar should check the County/City Results Reports worksheet or similarly generated spreadsheet to be certain of the following:

- The three required Central Absentee Precinct (CAP) reporting elements are listed, i.e., the ## AB - Central Absentee Precinct, ## EV – Central Absentee Precinct, and ## PE – Central Absentee Precinct.
- 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.

Additionally, the general registrar should prepare for the precinct level reporting of absentee ballots cast before and during election day.<sup>21</sup>

#### 14.3.2.2 *After the Canvass*

After the canvass is complete, the general registrar should make available for public inspection one copy of the following:<sup>22</sup>

- County/City Results Report or similarly generated spreadsheet (if applicable),
- Statement of results for each precinct, and
- Write-Ins Certification completed by the officers of election for each precinct (if applicable).

### 14.3.3 *Duties of the Electoral Board*

The electoral board completes and certifies the abstract of votes. To create the abstract of votes, the officers of election supply the statement of results to the electoral board who reviews these documents and certifies them. This process is the ascertainment of results. The majority of this process is completed through VERIS by the general registrar or his or her staff. Refer to VERIS Step-by-Step: Election Results for more information.

#### 14.3.3.1 *Processing the statements of result*

Officers of election must submit two copies of the statements of results for each precinct. Each copy should be checked for discrepancies by the electoral board members, a Democratic board member and a Republican board member should each check a copy for matching information.

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 matching information, and all required signatures have been entered.

<sup>21</sup> See the Code of Virginia §24.2-667.1.

<sup>22</sup> See the Code of Virginia §24.2-671.



- Electoral board members should ensure that all voting systems in the polling location are properly accounted for in the statement of results and that all machine tapes from all voting systems in use are present
- Compare the number of voters voting with the total number shown as voting on 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, the officers must be called in to correct the statement of results or to enter the missing explanation.<sup>23</sup>
- Officers may have to look at counted ballots or examine voting machines to correct discrepancies in the returns, if so; the board must contact the Department of Elections immediately **before** proceeding further with that precinct. The registrar or an electoral board member must complete, and fax or email a Request to Inspect Sealed Election Materials (Form ELECT- 659) to Election Services for review and approval.<sup>24</sup> Permission is not granted until Election Services returns the signed form.



#### Law Note

**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 a risk-limiting audit pursuant to §24.2-671.2. **Opening the sealed counted ballots envelope or receptacle for any other reason could constitute illegal tampering subject to prosecution as a felony** as per the Code of Virginia §24.2-1009.

- Each political party and each independent candidate on the ballot (in a primary, each candidate) is entitled to have a representative during this process.<sup>25</sup> 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.<sup>26</sup>

<sup>23</sup> See the Code of Virginia §24.2-672.

<sup>24</sup> See the Code of Virginia §24.2-659.

<sup>25</sup> See the Code of Virginia §24.2-671.

<sup>26</sup> See the Code of Virginia §24.2-671.



The electoral board is required to notify the Department of Elections when changes are made to the SOR, or later, to its certified abstract and include a reason, which will be posted to the Department of Elections website.<sup>27</sup> The proper mode of transmitting this communication is through the VERIS System. Refer to the VERIS Step-by-Step Election Results for more information.

- Once the results are ascertained, the secretary of the board must return to the clerk:
  - all pollbooks,
  - any printed inspection and return sheets, and
  - one copy of each statement of results.<sup>28</sup>

#### 14.3.3.2 Write-in Votes

Write-in votes cannot be cast for primary elections.<sup>29</sup> Localities must always report the **total** number of write-in votes for an office, if applicable.

**Currently, a write-in certification form is required when the write-in vote total is 10% or more of the total votes cast for the office, or a write-in winner wins the election.**<sup>30</sup>

In each instance, the electoral board must complete the Write-in Certification and, if applicable, the Write-In Continuation form. The Certification form tallies valid, invalid, and total votes received for the write-in candidate.



#### Best Practice

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 should be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained. 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 name.

The Write-In Certification/Continuation provides space for reporting all of the write-in votes cast. The valid write-in votes should be listed in alphabetical order. These forms are not required, if the electoral board develops its own spreadsheet or program that is capable of printing a list of valid write-in votes in a similar way as the Write-In Continuation. The spreadsheet may be used in lieu of the Write -In Continuation. Newer voting systems permit the production of a write- in report from the voting systems themselves. This report is also acceptable and may be used in lieu of the Write -In Continuation.

<sup>27</sup> See the Code of Virginia §24.2-671.1.

<sup>28</sup> See the Code of Virginia §24.2-671.

<sup>29</sup> See the Code of Virginia §24.2-529.

<sup>30</sup> See the Code of Virginia §§24.2-671 and 24.2-675.



Accounting for write-ins may be accomplished either manually or by computer. If using a computer, 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.

#### 14.3.3.3 *Processing the County/City Results Report*

One member of the board (Democratic or Republican) may complete the county/city results report worksheet or a similar results template and have the completion witnessed by a member representing the opposite party. The worksheet information should be entered into VERIS Election Post-Processing screen by the general registrar or staff.

The board member 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), and
- The number of over-votes cast in the precinct for each candidate.

The total number of votes cast for all candidates, including write-ins (for non-primaries), 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.

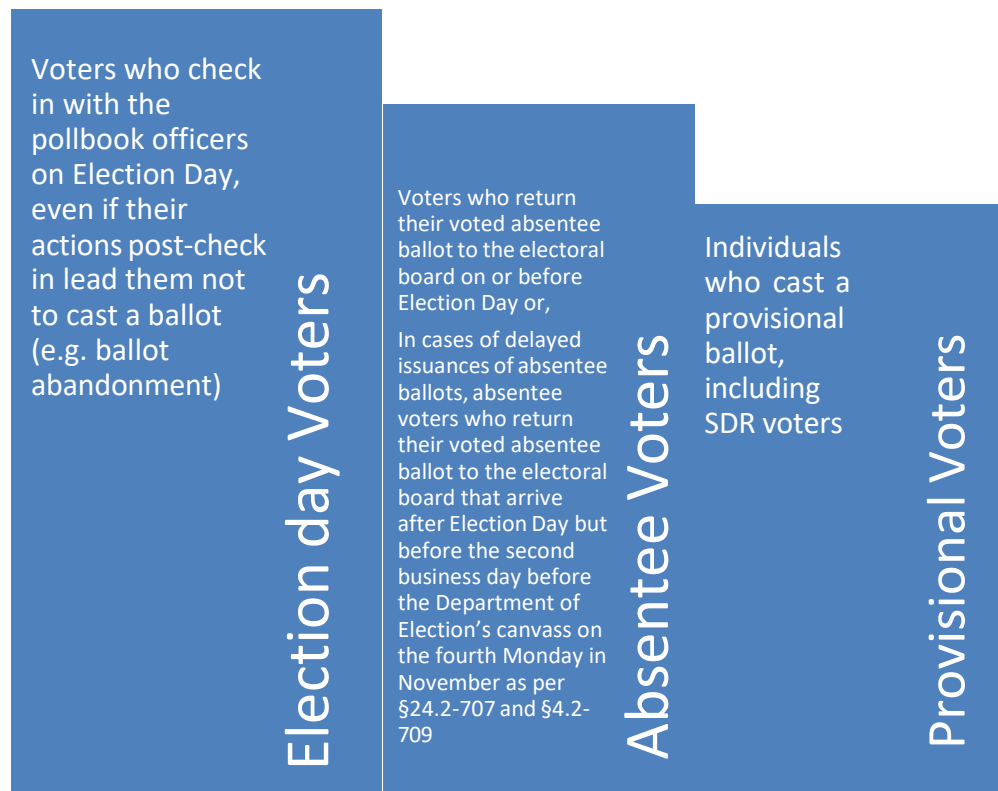
If the number of votes cast for candidates or issue responses is higher than voters voting due to human or machine error, the number on the voting machine must be used. Enter a statement to that effect on the reverse side of each copy of the County/City Results Report or similarly generated spreadsheet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

After these totals are verified as accurate, the electoral board should run an Abstract of Votes report in VERIS.

#### 14.3.3.4 *Voter Turnout*

“Voter turnout” is the total number of individuals who participate in an election. A voter turnout number must be determined for each precinct involved in an election. Participation comes in many forms. Election participants include:





Voter turnout number should be listed on the precinct's SOR. Once voter turnout has been determined for each precinct, this information should be entered into VERIS. Turnout needs to be reported by certain districts in order to properly account for the number of ballots issued and to confirm the number of votes cast in a precinct.

#### 14.3.3.5 VERIS Reports Available to Confirm Accurate Election Results

After entering the election results, voter turnout, and Election Day and Provisional voting credit into VERIS, three separate reports should be generated to check for accuracy. The electoral board should analyze and resolve votes cast/voter turnout discrepancies that are flagged in these reports. A JIRA ticket may need to be submitted by the general registrar in case of issues with voting credit. If the board needs assistance in interpreting their reports, they may contact the Department of Elections' election services, election administration, and staff.

Run the following reports: (1) *Election Error Results v2 – by Office,* (2) *Turnout Versus Vote Cast Error Report,* and (3) *Voting Credit Audit by Locality.*

- The *Election Error Results v2 – by Office* report identifies precincts having a higher number of votes cast than turnout. If there are more votes than turnout, documentation must be provided by the officers of election on the statement of results. Undocumented errors must be corrected.
- The *Turnout Versus Vote Cast Error* report identifies precincts having a higher number of turnout than votes cast. While a small percentage (i.e., less than 3%) may be explained by undervotes, a larger percentage might be due to a gross



error such as completely missing a precinct or voting machine. This report is designed to help catch those situations.

- The *Voting Credit Audit by Locality* report compares voter turnout and voting credit for each precinct. The *Voting Credit Audit by Locality* report identifies differences in voter turnout and voting credit. An exact match of the numbers is best; however, a slight deviation between numbers may occur. The general registrar should resolve any significant differences or report issues as necessary through the submission of a JIRA ticket.

#### 14.3.3.6 Processing the Abstracts of Votes



For each office, complete one *Abstract* and, if write-ins equal 10% 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 referendum issue. Registrars generate the Abstract report in VERIS. Refer to VERIS Step-by-Step: Election Results for more information.

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, attesting that it is a true copy, and affix the seal of the electoral board.

- All members of the electoral board who participate in the canvass must sign each original *Abstract* and *Write-Ins Certification* (if applicable) **before** the secretary affixes the seal of the electoral board and second signature.
- 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.<sup>31</sup> Place the originals (unattested) in a file to be kept with the minute book.

**A tie may occur** when two or more candidates for any such office receive the same (and highest) number of votes. To determine the winner, follow the procedures in *Determination of Tied Results* in this chapter.

**Write-ins vote totals may also need to be certified**, pursuant to §24.2-675.

- 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 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.
- If a write-in candidate appears to have received the highest number of votes for an office, the general registrar should add the candidate to VERIS with a party of “Write-in” enter the number of votes this candidate received, subtract that from the other write-in votes and update the totals in VERIS. Then the write-in candidate should be marked as the winner in VERIS and a new abstract should be produced.

<sup>31</sup> See the Code of Virginia §24.2-675





The other criteria for candidacy still need to be met by a write-in winner, including campaign finance reports. This vote distribution will also be necessary for the VERIS CAP by Precinct election results reporting.

#### 14.3.3.7 *Where to Send Abstracts/ Write-In Certifications*

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)*. **DO NOT** fold the *Official Abstract* or *Write-Ins Certification*. Immediately send it as directed by the Department of Elections.<sup>32</sup>

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 online submission of one copy of the abstract for each office and issue canvassed, and
- 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).

Forward a copy of each certified abstract for recording in the record book of the local governing body to the following:<sup>33</sup>

- To the Clerk of the City Council or Board of Supervisors,
- For town elections, send the documents to the Clerk of the Town Council,
- For local referenda, to the Circuit Court Clerk of the locality.

*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.

#### 14.3.3.8 *Requesting a Risk-Limiting Audit for a Local Contest*

Pursuant to §24.2-671.2(D) a local electoral board may request a local race be a part of the risk-limiting audits chosen by the State Board of Elections. The local electoral board may hold a vote during the canvass to select a contest to audit.<sup>34</sup> The contest must have a margin greater than or equal to 1% and the number of estimated ballots to be sampled exceeds 15% of the total number of ballots cast.<sup>35</sup>

If the local electoral board approves by a majority vote the request for an audit, the local electoral board must submit an ELECT 24.2-671.2(D) FORM to the State Board of Elections for consideration.<sup>36</sup> If the request is granted by the State Board of Elections an extension may be granted, up to two weeks, for the electoral board's certification deadline.

<sup>32</sup> See the Code of Virginia §§24.2-532 and 24.2-675.

<sup>33</sup> See the Code of Virginia §24.2-675.

<sup>34</sup> See the Code of Virginia §24.2-671.2(D). See also Administrative Code of Virginia IVAC20-60-80.

<sup>35</sup> See Administrative Code of Virginia IVAC20-60-80.

<sup>36</sup> *Id.*



#### 14.3.3.7.1 Special Considerations for Primary Elections



As soon as the canvass is concluded and the *Abstracts* are signed and attested, but by no later than the sixth day after the primary election, the Department of Elections must receive the following: by online submission of one copy of the abstract for each office and issue canvassed, and by First Class Mail or as instructed by the Department of Elections, one attested copy of each *Abstract*.<sup>37</sup>

Place one attested copy of each *Abstract* in an envelope labeled *Abstract Envelope For (county or city name)*. **DO NOT** fold the official *Abstract*. Immediately send it as directed by the Department of Elections.<sup>38</sup>

For primary elections for all county, city, or local district offices, forward one attested copy of each *Abstract* and certificates to the Department of Elections and to the chair of the county or city of the party holding the primary.<sup>39</sup>

- For a U.S. House of Representatives primary, send the documents to the congressional district party committee.
- For primaries for the General Assembly, send the documents to the party chair of the Senate or House of Delegates district.
- For constitutional offices including those shared by more than one county or city, send the documents to the party chair of each county or city.

#### 14.3.3.9 Responsibility for Certification of Results

The State Board of Elections is responsible for the final certification of the results of statewide elections, regional referenda, and any constitutional offices shared by more than one locality.<sup>40</sup> The electoral board is responsible for the final certification of the results of county, city, town, if applicable, or local election district offices other than shared constitutional offices. The electoral board is also responsible for the final certification of the results for and against county, city, town, if applicable, and/or local election district referendum\bond issues.<sup>41</sup>

#### 14.3.3.10 Determination of Tied Results

If 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 lot conducted by the electoral board at a meeting open to the public.<sup>42</sup>

Notify the candidates involved so that they or their representatives may be present for the drawing. The board should continue with the drawing even if a candidate's representative fails to show.<sup>43</sup> In any event, ensure that witnesses are present.

<sup>37</sup> See the Code of Virginia §§24.2-532 and 24.2-675.

<sup>38</sup> See the Code of Virginia §24.2-532.

<sup>39</sup> *Id.*

<sup>40</sup> See the Code of Virginia §24.2-680.

<sup>41</sup> See the Code of Virginia §24.2-671.

<sup>42</sup> See the Code of Virginia §24.2-674

<sup>43</sup> *Id.*



To conduct the drawing, take the following steps:

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

After completing these steps, the general registrar should make sure to mark the winner in VERIS for **all** offices certified by the local electoral board.

#### 14.3.4 Duties of the Department of Elections

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.

The Department of Elections may require any electoral board member to respond immediately and swiftly to correct any error found.<sup>44</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.

### 14.4 AFTER THE CANVASS

#### 14.4.1 Certificates of Election



The certificate of election is made out by the secretary of the electoral board once the board has determined the election results and verified with the general registrar each winning candidate's compliance with §24.2-948.2.<sup>45</sup> The secretary must make out a certificate for each person who received the highest number of votes. Two sample certificate forms are posted to the Forms Warehouse.

**NOTE:** The dates entered for the beginning and end of the term of office must be correct for the specific office being certified. Your local government attorney can be consulted if needed.

The secretary of the electoral board is responsible for issuing the certificates of election for each county, city, town, or district office other than an office shared by more than one county or city.<sup>46</sup> The secretary or acting-secretary must sign each certificate of election. If a certificate of election is withheld through § 24.2-948.2, the secretary must issue the certificate promptly once such issue is resolved.

<sup>44</sup> See the Code of Virginia §24.2-675.

<sup>45</sup> See the Code of Virginia §24.2-676.

<sup>46</sup> *Id.*



The State Board of Elections is responsible for issuing certificates of election to:<sup>47</sup>

- Members elected to the United States Congress,
- Members elected to the General Assembly,
- Governor,
- Lieutenant Governor,
- Attorney General,
- Constitutional offices shared by more than one county or city, and
- Persons elected to soil and water conservation districts.

For November elections, the State Board of Elections must certify results on the first Monday of December and, in the interim, will verify the accuracy of the results each local electoral boards has certified.<sup>48</sup> The electoral board should stand ready to respond immediately to any request from the Department of Elections for correction of any error found in the certification.

The electoral board may deliver certificates in person, by another member of the board or a registrar, or transmitted by certified mail.<sup>49</sup> 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.

A certificate of election cannot be provided to the candidate with the highest number of votes until the individual complies with campaign finance reporting requirements.<sup>50</sup> The following conditions must be 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 needed to complete any required report.<sup>51</sup>
- The candidate has paid any civil penalty and returned any contribution required to be returned.<sup>52</sup>

Notify candidates for any of the offices who fail 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.<sup>53</sup> 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.

<sup>47</sup> See the Code of Virginia §24.2-680.

<sup>48</sup> See the Code of Virginia §24.2-679.

<sup>49</sup> See the Code of Virginia §24.2-676.

<sup>50</sup> See the Code of Virginia §24.2-948.2.

<sup>51</sup> See the Code of Virginia §24.2-953.3.

<sup>52</sup> See the Code of Virginia §24.2-948.2.

<sup>53</sup> See the Code of Virginia §24.2-946.3



### 14.4.2 What to do with Your Ballots

After completing canvass and all other duties related to closing the election (for example submitting abstracts), you should prepare all records and papers generated in connection with the election for retention. For instance, documents such as voter registration applications submitted during election day, should be entered into VERIS and digitalized or stored. Pursuant to 24.2-669, ballots - both counted and uncounted - are to be delivered to your Clerk of the Circuit Court for retention purposes. Your Clerk serves as the “owner” of the ballots. The length to which your clerk should keep the ballots is dependent on the type of election in which the ballots were generated.

For non-federal elections, your counted ballots will be retained for one year and then destroyed by the Clerk if no election contest or legal proceeding is pending. Your uncounted ballots may be destroyed after the time to call a recount has expired.

About your federal ballots

- The Help America Vote Act (HAVA) provides federal requirements and prohibitions related to election administration. One such requirement surrounds “all paper and records” generated in relation to voting or voter registration. Your federal ballots will be kept with your Clerk for twenty-two (22) months.
- Some voting equipment creates digital images of the ballots when determining the vote count. Per 52 USC 20701, these digital ballot images originating from a federal election must be retained for twenty-two (22) months. If your locality’s voting system creates digital ballot images, these records must be maintained with the Clerk of the Circuit Court for twenty-two (22) months as mandated by federal law.
- The start time for your ballots retention period begins on the date of the federal election. These retention requirements are only applicable when a federal office is on the ballot. This requirement is in addition to all other requirements of Title 24.2 of the Code of Virginia to preserve election materials.
- If your locality falls under this requirement as it pertains to digital ballot images, you may choose to transfer the records from the original data storage device to another device to ensure compliance with federal law. If your locality chooses to transfer these records to another device, ensure the transfer was properly executed prior to sealing the records. Work closely with your vendor and IT support in your locality.



### 14.4.3 Letters to Voters whose Provisional or Absentee Ballots are Rejected

After the canvass, the general registrar must notify, in writing, all persons whose provisional or absentee ballot were not counted because they were determined to be unqualified to have their vote counted in the election.<sup>54</sup> The reason for this determination must be entered into VERIS; doing so will produce the required correspondence for mailing.<sup>55</sup> The registrar must search and manually add information regarding the provisional ballots in VERIS for each provisional voter. Refer to *VERIS Step-by-Step Voter History* for more information on modifying voter history.

A provisional voter may be registered, have an inactive status, cancelled registration, or not be in VERIS at all. For persons already registered, VERIS will automatically generate letters when their record is updated to indicate the provisional ballot was not counted. 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>54</sup> See the Code of Virginia §24.2-653.01(C).

<sup>55</sup> See the Code of Virginia §24.2-653.01(C). See also [IVAC20-20-70](#).





### VERIS INFORMATION INDEX

Use this index to find the VERIS related information in this chapter by clicking on the page number and section.

#### Write-in Votes

- See [section 1.3.3.2.](#)

#### Processing the County/City Results Report

- See [section 1.3.3.3.](#)

#### VERIS Reports Available to confirm Accurate Election Results

- See [section 1.3.3.5.](#)

#### Processing the Abstract of Votes

- See [section 1.3.3.6.](#)

#### Letters to Voters Whose Provisional/Absentee Ballots are Rejected

- See [section 1.4.3.](#)

*Can't find what you're looking for? See the VERIS Step-by-Step guide for a walkthrough of all of VERIS's processes.*

