



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

# BOARD MEETING

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Tuesday, April 11, 2023

Virginia State Capitol

Richmond, VA

Video and Teleconference

Videoconference:

[https://covaconf.webex.c](https://covaconf.webex.com/covaconf/j.php?MTID=mb17cb6a8a81fcd760e8747ddf4eed6b8)

[om/covaconf/j.php?MTI](https://covaconf.webex.com/covaconf/j.php?MTID=mb17cb6a8a81fcd760e8747ddf4eed6b8)

[D=mb17cb6a8a81fcd760e](https://covaconf.webex.com/covaconf/j.php?MTID=mb17cb6a8a81fcd760e8747ddf4eed6b8)

[8747ddf4eed6b8](https://covaconf.webex.com/covaconf/j.php?MTID=mb17cb6a8a81fcd760e8747ddf4eed6b8)

Meeting password: mrQpeMqG543

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2425 752 8667

**1:00 P.M.**

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SBE Board Working Papers



**STATE BOARD OF ELECTIONS  
AGENDA**

**DATE: Tuesday, April 11, 2023**

**LOCATION: Virginia State Capitol – Senate Room 3  
1000 Bank St. Richmond, VA 23219**

**TELECONFERENCE:**

**+1-517-466-2023 US Toll**

**+1-866-692-4530 US Toll Free**

**Access code: 2425 752 8667**

**VIDEO CONFERENCE:**

**<https://covaconf.webex.com/covaconf/j.php?MTID=mb17cb6a8a81fcd760e8747ddf4eed6b8>**

**Password: mrQpeMqG543**

**TIME: 1:00 P.M.**

**I. CALL TO ORDER**

*John O'Bannon, Chairman*

**II. APPROVAL OF MINUTES**

*Georgia Alvis-Long, Secretary*

**A. March 7, 2023**

**III. COMMISSIONER'S REPORT**

*Susan Beals  
Commissioner*

**IV. CERTIFICATION OF MARCH 28, 2023  
SPECIAL ELECTIONS**

*Paul Saunders  
Elections and Registration Services  
Supervisor*

**V. CANDIDATE FILING EXTENSION**

*Paul Saunders  
Elections and Registration Services  
Supervisor*

**VI. SPLIT PRECINCT**

*Claire Scott  
ELECT Policy Analyst*

**A. Fairfax County**

**B. Loudoun County**

**C. Prince William County**

**VII. VOTER REGISTRATION APPLICATION**

*Ashley Coles  
ELECT Policy Analyst* 2

IX. PUBLIC COMMENT

X. CLOSED SESSION

XI. ADJOURNMENT

**NOTE:** <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=37225>

**Re. Entrance to the Virginia State Capitol**

All members of the public will be required to show his/her driver's license, passport or other government issued ID to enter the Capitol. Each person will go through the x-ray machine and follow the Expect the Check rules.

All State employees must always have on his/her state ID badge on while in the Capitol. Each employee must follow the Expect the Check rules.

**Re. Face Mask**

A face mask is required to enter the building if you have NOT been fully vaccinated. A face mask is NOT required if you are fully vaccinated.

**Re. public comment**

Public comment will first be heard from those persons participating in person as per the sign-up list. Next, we will hear from the persons who requested to speak via chat on the WebEx. Last, we will hear from persons who provided their name and phone number to [FOIA@elections.virginia.gov](mailto:FOIA@elections.virginia.gov).

**Re. limitation on individual participation in public comment**

Due to the large number of persons who may wish to speak, we encourage you to be as brief as possible, with a maximum of THREE minutes per person. We also ask that you be prepared to approach the podium or unmute yourself if you hear your name announced as the next participant.

**Re. individual requests for additional information**

Citizens seeking additional information related to matters on this agenda may submit questions to [info@elections.virginia.gov](mailto:info@elections.virginia.gov)

**Re. How to Participate in Public Comment**

If you are a member of the public and wish to participate, you must sign up in order to be recognized to speak. Please note the following:

If you are attending in person, please ensure your name is on the sign-up list at the front door.

If you are participating virtually using WebEx, sign up using the chat feature, located on the bottom right part of the WebEx application, to add your participant name.

If you are participating virtually using a phone and cannot access WebEx's chat feature, please send an email with your name and your phone number to [FOIA@elections.virginia.gov](mailto:FOIA@elections.virginia.gov). You will need to provide

your first and last name and the phone number you've used to call in.



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STATE BOARD *of* ELECTIONS

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# Approval of Minutes

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BOARD WORKING PAPERS

1           The State Board of Elections (“the Board”) meeting was held on Tuesday,  
2           March 7, 2023 in the Martha Brissette Conference Room of the Washington  
3           Building in Richmond, Virginia. The meeting also offered public participation  
4           through electronic communication so the remote public could view and hear the  
5           meeting. In attendance: John O’Bannon, Chairman; Rosalyn R. Dance, Vice Chair;  
6           Georgia Alvis-Long, Matthew Weinstein, and Delegate Donald Merricks,  
7           members; represented the State Board of Elections (“the Board”). Susan J. Beals,  
8           Commissioner, represented the Department of Elections (“ELECT”), and Joshua  
9           Lief and Travis Andrews represented the Office of the Attorney General (“OAG”).  
10          Chairman O’Bannon called the meeting to order at 1:00 P.M.

11          Chairman O’Bannon opened the floor for secretarial nominations. Delegate  
12          Merricks moved *that the Board nominate Mrs. Georgia Alvis-Long for Secretary*.  
13          Mr. Weinstein seconded the motion and the motion passed unanimously. A roll  
14          call vote was taken:

15          Chairman O’Bannon – Aye

16          Vice Chair Dance – Aye

17          Mrs. Alvis-Long – Aye

18          Mr. Weinstein – Aye

19          Delegate Merricks – Aye

20          The first item of business was the approval of the minutes presented by

21 Secretary Alvis-Long. Delegate Merricks moved *to approve the minutes*. Mr.

22 Weinstein seconded the motion and the motion passed unanimously. A roll call

23 vote was taken:

24 Chairman O'Bannon – Aye

25 Vice Chair Dance – Aye

26 Secretary Alvis-Long – Aye

27 Mr. Weinstein – Aye

28 Delegate Merricks – Aye

29 The second item of business was the Commissioner's Report presented by

30 Commissioner Beals. Commissioner Beals expressed her appreciation to Ashley

31 Coles; ELECT Policy Analyst, Rachel Lawless; Confidential Policy Advisor and

32 the ELECT Policy team for their great work during the January 2023 Legislative

33 Session. The Commissioner expressed her appreciation to the General Registrars

34 and Electoral Board members of the 15 localities that participated in the February

35 21st 4th congressional district. This includes Brunswick County, Charles City

36 County, Chesterfield County, City of Colonial Heights, Dinwiddie County, City of

37 Emporia, Greensville County, Henrico County, City of Hopewell, City of

38 Peterburg, Prince George County, City of Richmond, Southampton County, Surry

39 County and Sussex County. Commissioner Beals informed the Board that a Special

40 Election is being held March 7th in King William County for Treasurer, March

41 24th in Greene County for Clerk of Court, and March 28th in Hanover County,  
42 Henrico County, Charles City County, and the City of Richmond for Virginia  
43 Senate 9th District, and April 11th in Frederick County for Board of Supervisor.

44 The third item of business was the Certification of the February 21, 2023  
45 Special Election presented by Paul Saunders, Elections and Registration Services  
46 Supervisor. *This memo is in the Working Papers for the March 7, 2023 Meeting.*  
47 Delegate Merricks stated after reviewing the Abstracts of Votes Cast in the  
48 February 21, 2023 Special Election, I move *that the Board certify the statement to*  
49 *be correct and sign the statement and certificate of election.* Mr. Weinstein  
50 seconded the motion and the motion passed unanimously. A roll call vote was  
51 taken:

52 Chairman O'Bannon – Aye

53 Vice Chair Dance – Aye

54 Secretary Alvis-Long – Aye

55 Mr. Weinstein – Aye

56 Delegate Merricks – Aye

57 The fourth item of business was the Party Ballot Order Drawing presented  
58 by Paul Saunders, Elections and Registration Services Supervisor. *This memo is in*  
59 *the Working Papers for the March 7, 2023 Meeting.* Mr. Saunders conducted the  
60 drawing for the political party order. The ballot order is as follows:



61 1. Republican

62 2. Democratic

63 Delegate Merricks moved *that the Board certify the determination by lot of the*  
64 *ballot order for all general and special elections being held April 1, 2023 through*  
65 *April 1, 2024.* Mr. Weinstein seconded the motion and the motion passed  
66 unanimously. A roll call vote was taken:

67 Chairman O'Bannon – Aye

68 Vice Chair Dance – Aye

69 Secretary Alvis-Long – Aye

70 Mr. Weinstein – Aye

71 Delegate Merricks – Aye

72 The fifth item of business was the Post-Election Report presented by Rachel  
73 Lawless, Confidential Policy Advisor. *This memo is in the Working Papers for the*  
74 *March 7, 2023 Meeting.* Chairman O'Bannon opened the floor for public  
75 comment. Deb Wake, League of Woman Voter of Virginia; Geoff McVeigh; Ann  
76 Grigorian; Shelly Oberlander; and Elizabeth Block addressed the Board. As this  
77 was an informational item, no motion was required.

78 The sixth item of business was the Amendments to 1VAC20-60-80 & Form  
79 SBE-671.2 presented by Claire Scott, ELECT Policy Analyst. *This memo is in the*  
80 *Working Papers for the March 7, 2023 Meeting.* Secretary Alvis-Long moved *that*

81 *the Board approve the proposed amendments to regulatory action IVAC20-60-80*  
82 *and to Form SBE-671.2(D).* Vice Chair Dance seconded the motion and the motion  
83 passed unanimously. A roll call vote taken:

84 Chairman O'Bannon – Aye

85 Vice Chair Dance – Aye

86 Mrs. Alvis-Long – Aye

87 Mr. Weinstein – Aye

88 Delegate Merricks – Aye

89 The seventh item of business was the Split Precinct Waiver Request  
90 presented by Claire Scott, ELECT Policy Analyst. Bedford County requested the  
91 first precinct waiver. *These documents are in the Working Papers for the March*  
92 *7,2023 Meeting.* Delegate Merricks moved *that the Board approve the Waiver to*  
93 *Administer a Split Precinct as requested by Bedford County.* Vice Chair Dance  
94 seconded the motion and the motion passed unanimously. A roll call vote was  
95 taken:

96 Chairman O'Bannon – Aye

97 Vice Chair Dance – Aye

98 Secretary Alvis-Long – Aye

99 Mr. Weinstein – Aye

100 Delegate Merricks – Aye

101           The second split precinct request was from the City of Virginia Beach. *These*  
102 *documents are in the Working Papers for the March 7, 2023 Meeting.* Delegate  
103 Merricks moved *that the Board approve the Waiver to Administer a Split Precinct*  
104 *as requested by the City of Virginia Beach.* Vice Chair Dance seconded the motion  
105 and the motion passed unanimously. A roll call vote was taken:

106           Chairman O'Bannon – Aye

107           Vice Chair Dance – Aye

108           Secretary Alvis-Long – Aye

109           Mr. Weinstein – Aye

110           Delegate Merricks – Aye

111           The eighth item of business was the Finalization of Stand By Your Ad  
112 Decisions from January 18th Meeting, presented by Tammy Alexander, Campaign  
113 Finance Compliance Training Specialist. *This memo is in the Working Papers for*  
114 *the March 7, 2023 Meeting.* Delegate Merricks moved *that the Board finalize the*  
115 *decisions made on the twelve Stand By Your Ad (SBYA) violations assessed at the*  
116 *January 18, 2023 State Board of Elections (SBE) meeting.* Vice Chair Dance  
117 seconded the motion and the motion passed unanimously. A roll call vote was  
118 taken:

119           Chairman O'Bannon – Aye

120           Vice Chair Dance – Aye

121 Secretary Alvis-Long – Aye

122 Mr. Weinstein – Aye

123 Delegate Merricks – Aye

124 The ninth item of business was the presentation of the Advisory Review

125 Workgroup presented by Lisa Koteen Gerchick. *This presentation is in the*

126 *Working Papers for the March 7, 2023 Meeting.* As this was an informational item,

127 no motion was required.

128 The tenth item of business was the Update of the Certification Process

129 presented by Karen Hoyt-Stewart, Locality Security Program Manager. *This memo*

130 *is in the Working Papers for the March 7, 2023 Meeting.* Chairman O’Bannon

131 opened the floor to public comment. Ned Jones addressed the Board. Vice Chair

132 Dance moved *that the Board approve the current process for certifying voting*

133 *systems and electronic pollbooks and update the sections in the standards.* Mr.

134 Weinstein seconded the motion and the motion passed unanimously. A roll call

135 vote was taken:

136 Chairman O’Bannon – Aye

137 Vice Chair Dance – Aye

138 Secretary Alvis-Long – Aye

139 Mr. Weinstein – Aye

140 Delegate Merricks – Aye

141 The eleventh item of business was the Voting System Certification for  
142 Elections Systems & Software 6.3.0.0 presented by Karen Hoyt-Stewart Locality  
143 Security Program Manager. *This memo is in the Working Papers for the March 7,*  
144 *2023 Meeting.* Mr. Weinstein moved *that the Board certify the use of Election*  
145 *Systems & Software voting system – version 6.3.0.0 in elections in the*  
146 *Commonwealth of Virginia, pursuant to the State Certification of Voting Systems:*  
147 *Requirements and Procedures.* Vice Chair Dance seconded the motion and the  
148 motion passed unanimously. A roll call vote was taken:

149 Chairman O’Bannon – Aye

150 Vice Chair Dance – Aye

151 Secretary Alvis-Long – Aye

152 Mr. Weinstein – Aye

153 Delegate Merricks – Aye

154 Chairman O’Bannon opened the floor to public comment. Geoff McVeigh,  
155 Anne Kennedy, and Irene Clemins addressed the Board.

156 At 2:03 P.M., Delegate Merricks moved *pursuant to Virginia Code Section*  
157 *2.2-3711(A)(7), that the Board go into closed session for the purpose of discussing*  
158 *pending and threatened litigation. In accordance with Section 2.2-3712(F), Susan*  
159 *Beals, Commissioner of Elections, Joshua Lief and Travis Andrews of the Office of*  
160 *the Attorney General and will attend the closed session because their presence will*

161 *reasonably aid the Board in its consideration of the subject of the meeting.*

162 Secretary Alvis-Long seconded the motion and the motion passed unanimously. A

163 roll call vote was taken:

164 Chairman O'Bannon – Aye

165 Vice Chair Dance – Aye

166 Secretary Alvis-Long – Aye

167 Mr. Weinstein – Aye

168 Delegate Merricks – Aye

169 At 2:32 P.M., Delegate Merricks moved *to reconvene the meeting in open*

170 *session, and take a roll call vote certifying that to the best of each member's*

171 *knowledge (i) only such public business matters lawfully exempted from open*

172 *meeting requirements under this chapter and (ii) only such public business matters*

173 *as were identified in the motion by which the closed meeting was convened were*

174 *heard or discussed by the State Board of Elections.* Vice Chair Dance seconded the

175 motion and the motion passed unanimously. A roll call vote was taken:

176 Chairman O'Bannon – Aye

177 Vice Chair Dance – Aye

178 Secretary Alvis-Long – Aye

179 Mr. Weinstein – Aye

180 Delegate Merricks – Aye

181           The meeting adjourned at 2:35P.M.

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Chairman

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187           \_\_\_\_\_  
Vice-Chair

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Secretary

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193           \_\_\_\_\_  
Board Member

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196           \_\_\_\_\_  
Board Member



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# Commissioner's Report

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BOARD WORKING PAPERS  
Susan Beals  
Commissioner





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# Certification of March 28, 2023 Special Election

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BOARD WORKING PAPERS  
Paul Saunders  
Elections and Registration Supervisor



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## Memorandum

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To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Matthew Weinstein, and Delegate Merricks  
From: Paul G. Saunders, III, Elections and Registration Services Supervisor  
Date: April 11, 2023  
Re: **Certification of Results for the March 28, 2023 Special Election**

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### **Suggested Motion for A Board Member to Make:**

"After reviewing the Abstracts of Votes Cast in the March 28, 2023 Special Election for Member, Senate of Virginia, 9<sup>th</sup> District, I move that the Board certify the results as presented and declare the winner."

### **Applicable Code Sections:**

- Va. Code § 24.2-679.  
A. "... The Board shall... make statements of the whole number of votes given... The Board members shall certify the statements to be correct and sign the statements. The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office. The Board members shall endorse and subscribe on such statements a certificate of their determination."  
  
B. "The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A."
- Va. Code § 24.2-680.  
"Subject to the requirements of § 24.2-948.2, the State Board shall without delay complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office... The names of members elected to the General Assembly shall be certified by the State Board to the clerk of the House of Delegates or Senate, as appropriate."

### **Attachments:**

Abstract and winner Certificate of Election for Member, Senate of Virginia 9<sup>th</sup> District.

**Background:**

- There are four (4) localities in the 9<sup>th</sup> Senate of Virginia District: Henrico County, Hanover County, Charles City County, and Richmond City.
- Upon completion of the election, local General Registrars entered all relevant election data into the Virginia Election and Registration System (VERIS).
- In accordance with Va. Code § 24.2-671, the local Electoral Boards conducted their provisional ballot meeting and canvass to ascertain and certify election results for the locality.
- Upon completion of canvass, the General Registrars forwarded the locality's certified Abstract of Votes to the Department of Elections.
- Upon receipt of the locality's Abstracts, ELECT's Elections Administration staff checked for errors and accepted the ascertained results.

**ELECT Staff Recommendation:**

ELECT staff recommends that the Board certify the results as presented and declare the winner.

# ABSTRACT of VOTES

Cast in the 2023 March Senate 09 Special Election held on 03/28/2023 for,

## Member, Senate of Virginia

9th District

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Lamont Bagby - Democratic	13552
Stephen J. Imholt - Republican	1495
Write-in	37
Total Number of Overvotes for Office	2

We, the undersigned State Board of Elections, upon examination of the official abstracts of votes filed with the Department of Elections for the election held on 03/28/2023, do hereby certify that the above is a true and correct abstract of votes cast at said election for the Member, Senate of Virginia and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member, Senate of Virginia.

Lamont Bagby - Democratic

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



\_\_\_\_\_, Chairman  
\_\_\_\_\_, Vice Chairman  
\_\_\_\_\_, Secretary  
\_\_\_\_\_, Member  
\_\_\_\_\_, Member  
\_\_\_\_\_, Acting Secretary

# COMMONWEALTH OF VIRGINIA

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETING:

*This is to certify, that at a meeting of the State Board of Elections, held in Richmond, Virginia on Tuesday the eleventh day of April, two thousand and twenty three, on examination of the official abstracts of votes on file with the Department of Elections it was determined that at the special election held on the twenty eighth day of March, two thousand and twenty three,*

*Lamont Bagby*

*was duly elected*

*Member Senate of Virginia, 9th District  
for the unexpired term ending on January 9, 2024.*

**Witness** the following official signatures and the seal of the State Board of Elections at Richmond, this Tuesday the eleventh day of April, two thousand and twenty three, in the two hundred and forty-eighth year of the Commonwealth.

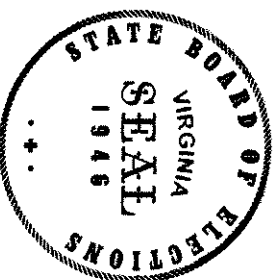
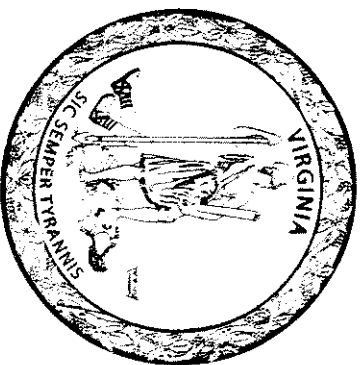
.....  
Chairman

.....  
Vice Chairman

.....  
Secretary

.....  
Member

.....  
Member





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# Candidate Filing Extension

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BOARD WORKING PAPERS  
Paul Saunders  
Elections and Registration Supervisor



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STATE BOARD *of* ELECTIONS

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**Memorandum**

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Matthew Weinstein, and Delegate Merricks

From: Paul G. Saunders, III, Elections and Registration Services Supervisor

Date: April 11, 2023

Re: Candidate Filing Extension

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**Motion if Board DOES GRANT Extension:**

Move that the Board *grant* an extension pursuant to Virginia Code § 24.2-503 for candidates to file the Certificate of Candidate Qualification and/or Statement of Economic Interests in relation to the June 2023 Primary Elections.

**Motion if Board DOES NOT Grant Extension:**

Move that the Board *does not grant* an extension pursuant to Virginia Code § 24.2-503 for candidates to file the Certificate of Candidate Qualification and/or Statement of Economic Interests in relation to the June 2023 Primary Elections.

**Applicable Code Sections:** Va. Code § 24.2-501 and Va. Code § 24.2-503

**Background:** Pursuant to Va. Code § 24.2-501, an individual that wants to be a candidate for office must submit a Certificate of Candidate Qualifications and a Statement of Economic Interests. As these required elements of candidate filings, failure to submit one or both documents would prohibit an individual from having their name printed on the ballot and becoming a candidate.

Pursuant to Va. Code § 24.2-503, the State Board of Elections may grant an extension of the filing deadlines for the Certificate of Candidate Qualifications and a Statement of Economic Interests. Any extension granted may only be for a 10 day time period from the time the Department of Elections sends the notice of extension to affected candidates. If the State Board of Election grants an extension, the Department of Elections must notify all candidates who have failed to file one or both of the documents of the extension.

A candidate's request for the Board to grant an extension is attached to this memorandum. The Elections Administration Division has also compiled a list of candidates who are required to file with the Department of Elections and would be permitted to file paperwork by the extension.

This list does not include any candidates for local offices who may need to file documents with their General Registrar or candidates that are reported as qualified on Certifications of Primary Candidates that have yet to be received or processed.

Candidates requiring an extension in order to qualify for ballot access for the June 2023 Primary Elections:

Luke Wright
Phillip "Phil" Scott
Robert P. Ruffolo
Branden Riley
Lisa Sales
Bradley G. Pollack
Richard Walker
Patricia Lynn Quesenberry
Aaron J. Bethea



**From:** [Richard Walker](#)  
**To:** [Election Administration \(ELECT\)](#)  
**Subject:** Extension request  
**Date:** Tuesday, April 11, 2023 10:10:45 AM

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Richard Walker Candidate for 79 District House of Delegates requesting an extension. The Board of Elections are indicating that they never received my paperwork to be on the ballot. I have copies of notarized paperwork filed January 3, 2023. My Petitions have been approved, Finance Reporting has been cleared, and I have been campaigning since January. I can be reached at 804 248-6756



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# Split Precinct Waivers

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BOARD WORKING PAPERS

Claire Scott

ELECT Policy Analyst



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## Memorandum

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To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Delegate Merricks, Mr. Weinstein  
From: Claire Scott, Policy Analyst  
Date: April 11, 2023  
Re: Split Precinct Waiver Request for Fairfax, Loudoun, and Prince William Counties

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***Suggested Motion:***

The Department of Elections (ELECT) does not have one suggested motion as each request to administer a split precinct will be reviewed and addressed individually. The State Board may move to: (i) *approve the split precinct waiver*, (ii) *deny the split precinct waiver*; or (iii) *defer review of the split precinct waiver request for a later meeting*.

***Applicable Code Sections:***

§24.2-307 Requirements for county and city precincts

***Split Precinct Background***

The Code of Virginia authorizes the State Board of Elections (SBE) to grant a waiver to administer a split precinct, if the governing body of a locality is unable to establish a precinct with the minimum number of registered voters without splitting the precinct, pursuant to §24.2-307.

Waivers must be requested by the governing body of a locality. This is often accomplished by a formal resolution passed by the governing body or by documenting the approval to request a waiver in the governing body's signed meeting minutes. These documents are submitted to ELECT by the general registrar of the locality along with the *SBE-307 Split Precinct Waiver* form. A locality may only administer a split precinct for elections held in the year the waiver is granted; therefore, a new waiver is required each calendar year.

***Attachments:***

Split Precinct Waiver Requests from Fairfax, Loudoun, and Prince William Counties  
Split Precinct Waiver Resolutions from the Fairfax, Loudoun, and Prince William County Boards of Supervisors.

***ELECT Staff Recommendation:***

Staff recommendations will be addressed for each individual request.

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Pursuant to Virginia Code § 24.2-307, split precincts must be eliminated in any congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city, unless a waiver is granted by the State Board.

A locality may only administer a split precinct for elections held in the year the waiver is granted (i.e. you must request a new waiver each year), and the governing body of the locality must approve to apply for a waiver to administer a split precinct.

Please type the information below. **Requests must be received at least two (2) weeks before the next scheduled State Board meeting to be heard at that meeting.**

Locality: Fairfax County Date: February 27, 2023

Contact Name/Title: Eric L. Spicer Phone Number: 703-324-4715

Email Address: eric.spicer@fairfaxcounty.gov

Date the Governing Body's Meeting Occurred: February 21, 2023

Supporting Documentation (Please Attach):

Governing Body's Resolution

Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted?  Yes  No

If Yes, When? March 8, 2022

Was it Granted?  Yes  No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
409	Pioneer/Franconia District	This small portion of the precinct shares no electoral attributes with any adjacent precinct. No voters impacted.
417	Garfield/Franconia District	This small portion of the precinct shares no electoral attributes with any adjacent precinct. No voters impacted.
856	Penderbrook/Springfield District	This small portion of the precinct shares no electoral attributes with any adjacent precinct. No voters impacted.
861	Burke #2/Springfield District	This small portion of the precinct shares no electoral attributes with any adjacent precinct. No voters impacted.

\*You may add additional pages/rows if more space is required.

**RESOLUTION TO APPLY FOR A WAIVER TO ADMINISTER PIONEER AND  
GARFIELD PRECINCTS IN THE FRANCONIA DISTRICT, AND THE PENDERBROOK AND  
BURKE NO. 2 PRECINCTS IN THE SPRINGFIELD DISTRICT AS SPLIT PRECINCTS**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on February 21, 2023, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, Virginia Code Section 24.2-307 requires each precinct to be wholly contained within a single congressional, Senate, House of Delegates, and local election district throughout the County for each election year, and

**WHEREAS**, in accordance with Virginia Code Section 30-399 and following the 2021 decennial census, the Virginia Supreme Court entered an order approving and adopting a plan reapportioning the House of Delegates, State Senate, and Virginia Congressional districts in Fairfax County on December 28, 2021, and

**WHEREAS**, the Pioneer and Garfield precincts in the Franconia District now contain a district line split resulting from the district boundaries established by the Virginia Supreme Court's redistricting of state and Congressional districts, and

**WHEREAS**, the Penderbrook and Burke No. 2 precincts in the Springfield District now contain a district line split resulting from the district boundaries established by the Virginia Supreme Court's redistricting of state and Congressional districts, and

**WHEREAS**, those four split precincts include a portion of a state or Congressional district with no registered voters, and

**WHEREAS**, Virginia Code Section 24.2-307 further requires that County precincts have no fewer than 100 registered voters, and

**WHEREAS**, Virginia Code Section 24.2-307 further requires that a locality's governing body apply to the State Board of Elections for a waiver to administer a split precinct if a split cannot be eliminated without creating a precinct that has fewer than the permitted, minimum number of voters, and

**WHEREAS**, eliminating the splits in the Pioneer, Garfield, Penderbrook, and Burke No. 2 precincts would result in precincts containing fewer than 100 registered voters, and

**WHEREAS**, the State Board of Elections will permit Office of Elections staff to submit such a waiver application on behalf of the Board of Supervisors if the Board has adopted a resolution confirming its decision to seek a waiver, and

**WHEREAS**, Virginia Code Section 24.2-307 further requires that the Board of Supervisors apply to the State Board for a waiver to administer a split precinct for the year in which the waiver is granted,

**WHEREAS**, on April 12, 2022, the State Board of Elections granted such a waiver to administer Pioneer, Garfield, Penderbrook, and Burke No. 2 as split precincts for all elections held in 2022,

**NOW THEREFORE BE IT RESOLVED** that the Board of Supervisors, in accordance with Virginia Code Section 24.2-307, shall apply to the State Board of Elections for a waiver to administer the Pioneer, Garfield, Penderbrook, and Burke No. 2 precincts as split precincts for any elections held in 2023; and

**BE IT FURTHER RESOLVED** that Office of Elections staff may file the Board's waiver application, in accordance with the procedures of the State Board of Elections.

**ADOPTED** this 21st day of February, 2023.

A Copy – Teste:



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Jill G. Cooper  
Clerk for the Board of Supervisors



\* VIRGINIA \*  
STATE BOARD of ELECTIONS

**Waiver to Administer a  
Split Precinct**

Pursuant to Virginia Code § 24.2-307, split precincts must be eliminated in any congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city, unless a waiver is granted by the State Board.

A locality may only administer a split precinct for elections held in the year the waiver is granted (i.e. you must request a new waiver each year), and the governing body of the locality must approve to apply for a waiver to administer a split precinct.

Please type the information below. **Requests must be received at least two (2) weeks before the next scheduled State Board meeting to be heard at that meeting.**

Locality: Loudoun County

Date: 03/17/2023

Contact Name/Title: Judith "Judy" Brown, Director of Elections

Phone Number: 703-777-0382

Email Address: judy.brown@loudoun.gov

Date the Governing Body's Meeting Occurred: 02/21/2023

Supporting Documentation (Please Attach):

Governing Body's Resolution

Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted?  Yes  No

If Yes, When? \_\_\_\_\_

Was it Granted?  Yes  No

Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
713	Carter / Sterling	The House of Delegates district line between districts 26/27 does not follow a "clearly definable boundary" as required by Va. Code 24.2-305 that could be used when conducting local redistricting. Most of the precinct is within House district 27. This split will impact 449 voters who be in House district 26.
321	Brambleton Middle / Little River	The Senate district line between districts 31/32 does not follow a "clearly definable boundary" as required by Va. Code 24.2-305 that could be used when conducting local redistricting. Most of the precinct is within Senate district 32. This split will impact 3 voters who will be in Senate district 31.
321	Brambleton Middle / Little River	The House of Delegates district line between districts 26/29 does not follow a "clearly definable boundary" as required by Va. Code 24.2-305 that could be used when conducting local redistricting. Most of the precinct is

		within House district 26. This split will impact 3 voters who will be in House district 29.
326	Independence / Little River	The Senate district line between districts 31/32 does not follow a "clearly definable boundary" as required by Va. Code 24.2-305 that could be used when conducting local redistricting. Most of the precinct is within Senate district 31. This split will impact 0 voters who will be in Senate District 32. New residential construction in this area could result in potentially 13 homes in House district 32.

*\*You may add additional pages/rows if more space is required.*





Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, February 21, 2023, at 4:00 p.m.

IN RE: Waiver to Administer Split Precincts for the June 20, 2023, Primary Election and November 7, 2023, General Election (2011: Blue Ridge/Dulles / 2022: Little River/Sterling)

Vice Chair Saines moved that the Board of Supervisors adopt the proposed Resolution Authorizing the Director of Elections to Apply for a Waiver from the State Board of Elections to Administer Split Precincts for the June 20, 2023, Primary Election and the November 7, 2023, General Election, provided as Attachment 1 to the February 21, 2023, Board of Supervisors Business Meeting Action Item.

Seconded by Supervisor Umstaddt.

Voting on the Motion: Supervisors Briskman, Glass, Kershner, Letourneau, Saines, Turner, and Umstaddt– Yes; None– No; Supervisors Buffington and Randall – Absent for the vote.

COPY TESTE:

DEPUTY CLERK TO THE LOUDOUN COUNTY  
BOARD OF SUPERVISORS

**February 21, 2023**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF LOUDOUN COUNTY,  
VIRGINIA, AUTHORIZING THE DIRECTOR OF ELECTIONS TO APPLY FOR A  
WAIVER FROM THE STATE BOARD OF ELECTIONS TO ADMINISTER SPLIT  
PRECINCTS FOR THE JUNE 20, 2023 PRIMARY ELECTION AND THE NOVEMBER  
7, 2023 GENERAL ELECTION.**

WHEREAS, Virginia Code § 24.2-307 mandates that “each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city”; and

WHEREAS, the County of Loudoun (“County”) has three split precincts – 713-Carter, 321-Brambleton Middle, and 326-Independence; and

WHEREAS, the decennial redistricting established new federal, state, and local districts; and

WHEREAS, Virginia Code § 24.2-305 provides that each election district and precinct shall have clearly defined and clearly observable boundaries; and

WHEREAS, Virginia Code § 24.2-307 provides that if a local governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more federal, state, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct.

NOW, THEREFORE, the Board of Supervisors of Loudoun County, Virginia hereby resolves that the Loudoun County Director of Elections is authorized and directed to apply to the State Board of Elections for a waiver to administer the following split precincts for the June 20, 2023 Primary Election and the November 7, 2023 General Election: 712-Carter, 321-Brambleton Middle, and 326-Independence.

The undersigned Clerk or Deputy Clerk of the Board of Supervisors of Loudoun County, Virginia, certifies that the forgoing Resolution was adopted by the Board of Supervisors on February 21, 2023.



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Tim Hemstreet, Clerk  
Board of Supervisors of Loudoun County, Virginia

# Carter Precinct of Sterling Election District

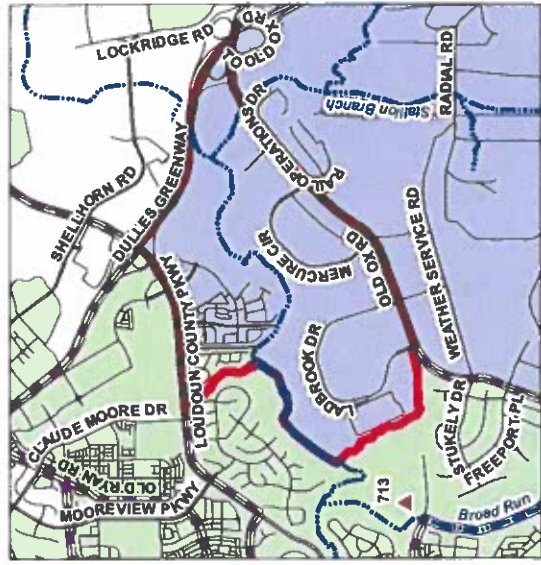
Precinct  
713 Carter

Polling Place  
Rosa Lee Carter Elementary School

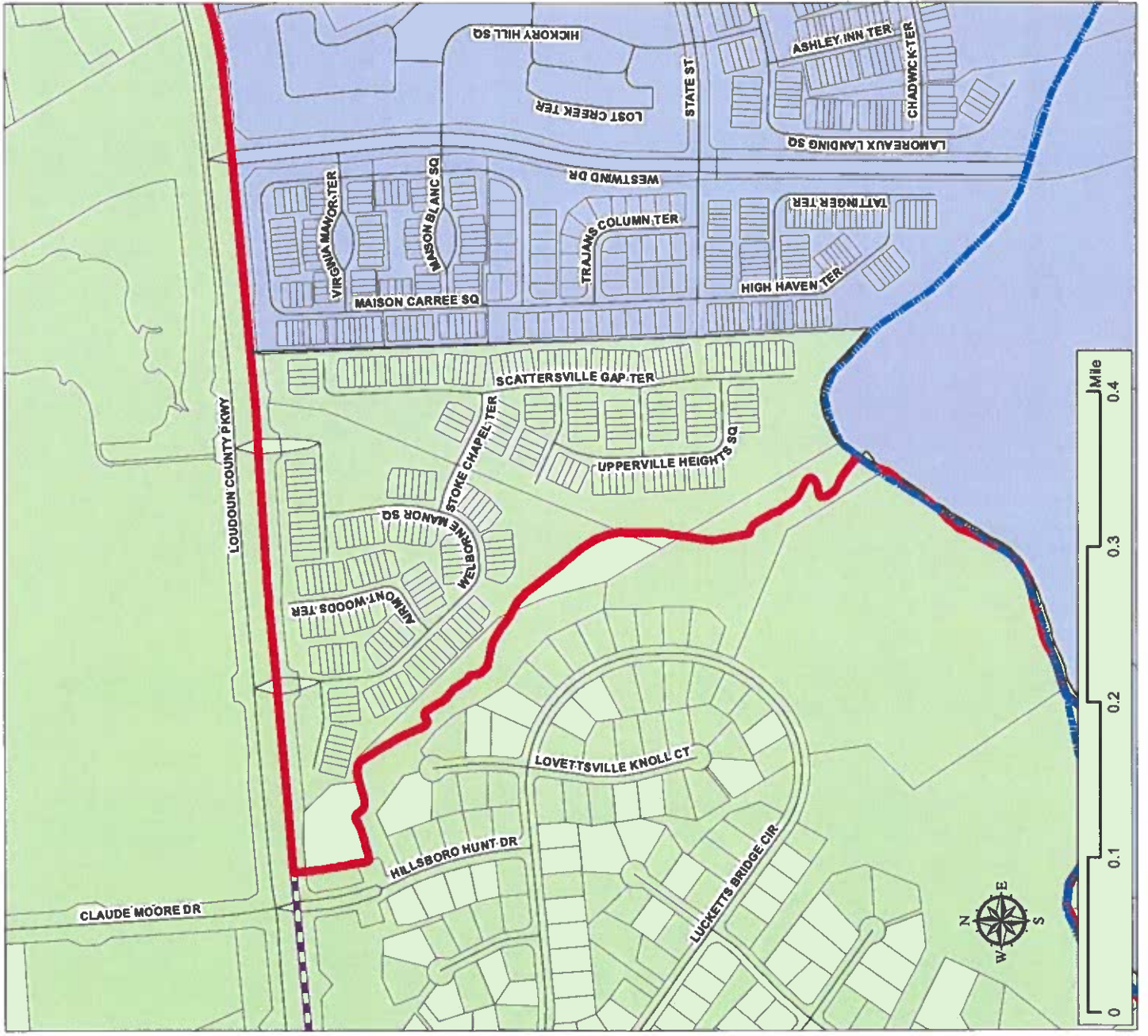
Location  
43330 Loudoun Reserve Dr

- ▲ Existing Polling Location
- Existing Carter Precinct
- Existing Precincts
- VA House District 26
- VA House District 27
- Major Water
- Parcels

Existing Carter Precinct



Map Number 2023-047 Map Date: February 7, 2023  
Map prepared by Loudoun County  
Office of Mapping & Geographic Information





# Brambleton Middle Precinct of Little River Election District

Precinct

321 Brambleton Middle

Polling Place

Brambleton Middle School

Location

23070 Learning Circle

▲ Existing Polling Location

Existing Carter Precinct

Existing Precincts

VA Senate District 31 & 32 Boundary

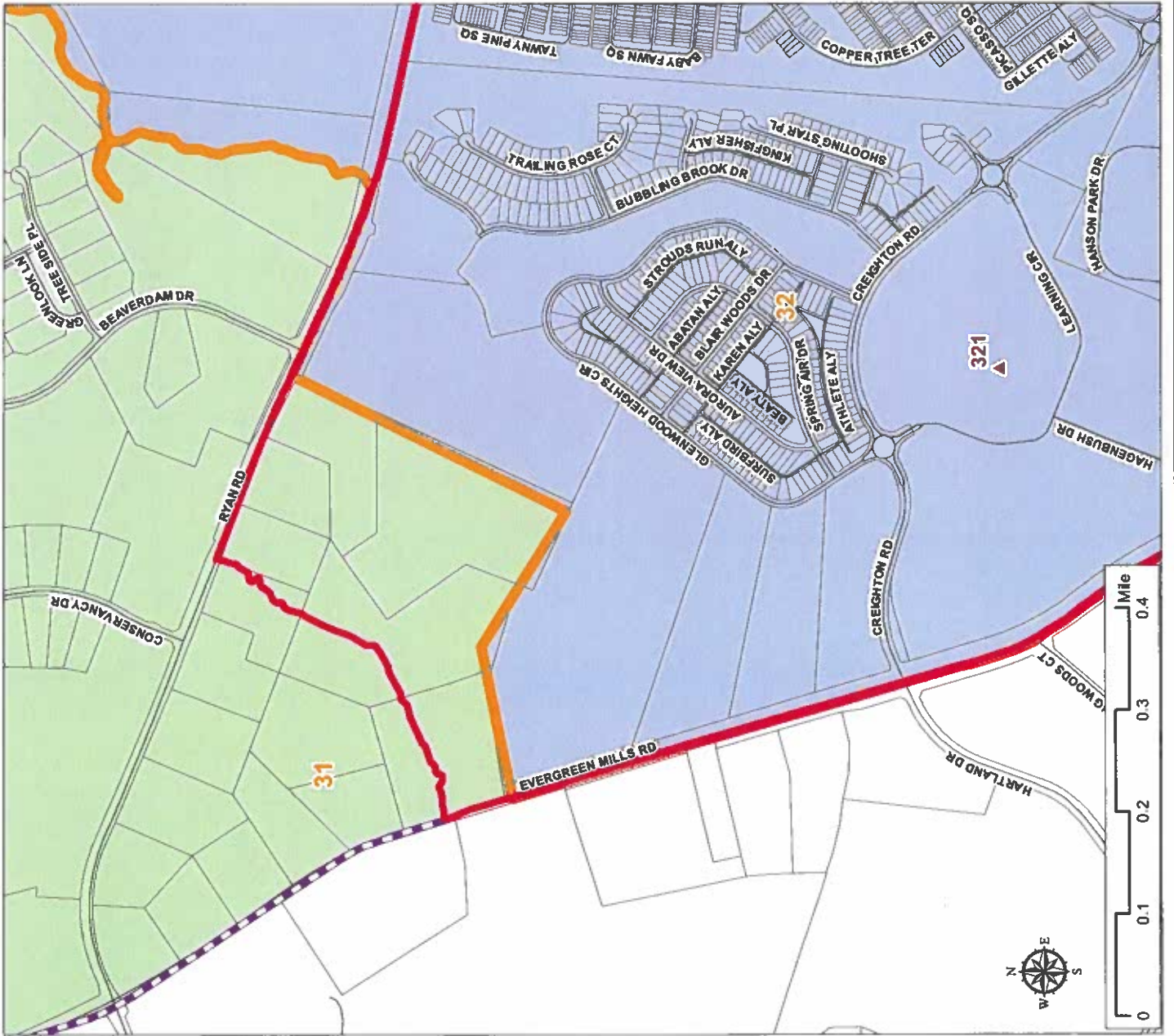
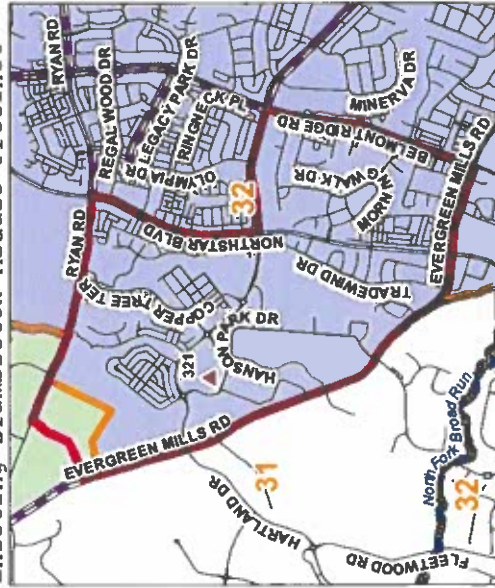
VA House District 26

VA House District 27

Major Water

Parcels

Existing Brambleton Middle Precinct



Map Number: 2023-048 Map Date: February 7, 2023  
 Map prepared by Loudoun County  
 Office of Mapping & Geographic Information



# Independence Precinct of Little River Election District

Precinct  
326 Independence  
Polling Place  
Independence High School  
Location  
23249 Hagenbush Dr

- ▲ Existing Polling Location
- Existing Independence Precinct
- Existing Precincts
- VA Senate District 26
- VA Senate District 27
- Major Water
- Parcels

Existing Independence Precinct







Map Number: 2023-049 Map Date: February 7, 2023  
Map prepared by Loudoun County  
Office of Mapping & Geographic Information





# Independence Precinct of Little River Election District

Precinct  
326 Independence  
Polling Place  
Independence High School  
Location  
23249 Hagenbush Dr

- ▲ Existing Polling Location
-  Existing Independence Precinct
-  Existing Precincts
-  VA Senate District Boundary
-  Major Water
-  Parcels

Existing Independence Precinct



VA Senate District 26  
VA Senate District 27



Map Number: 2023-049(b) Map Date: February 7, 2023  
Map prepared by Loudoun County  
Office of Mapping & Geographic Information





★ VIRGINIA ★  
 STATE BOARD of ELECTIONS

**Waiver to Administer  
 a Split Precinct**

Pursuant to Virginia Code § 24.2-307, split precincts must be eliminated in any congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city, unless a waiver is granted by the State Board.

A locality may only administer a split precinct for elections held in the year the waiver is granted (i.e. you must request a new waiver each year), and the governing body of the locality must approve to apply for a waiver to administer a split precinct.

Please type the information below. **Requests must be received at least two (2) weeks before the next scheduled State Board meeting to be heard at that meeting.**

Locality: Prince William County

Date: March 22, 2023

Contact Name/Title: Eric Olsen

Phone Number: 703-792-6470

Email Address: eolsen@pwcgov.org

Date the Governing Body's Meeting Occurred: March 21, 2023

Supporting Documentation (Please Attach):

Governing Body's Resolution

Governing Body's Meeting Minutes

Any Previous Waiver Requests Submitted?  Yes  No

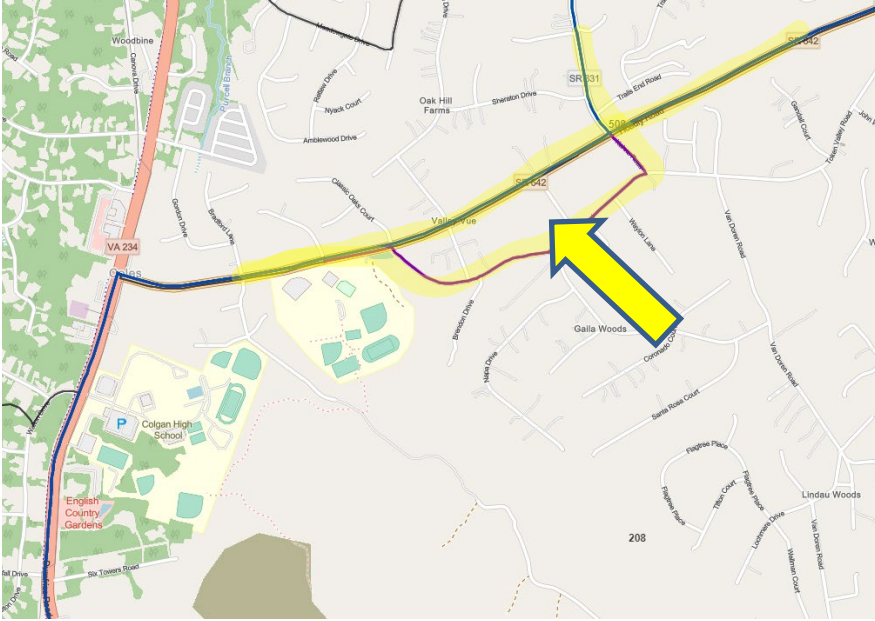
If Yes, When? March, 2022

Was it Granted?  Yes  No

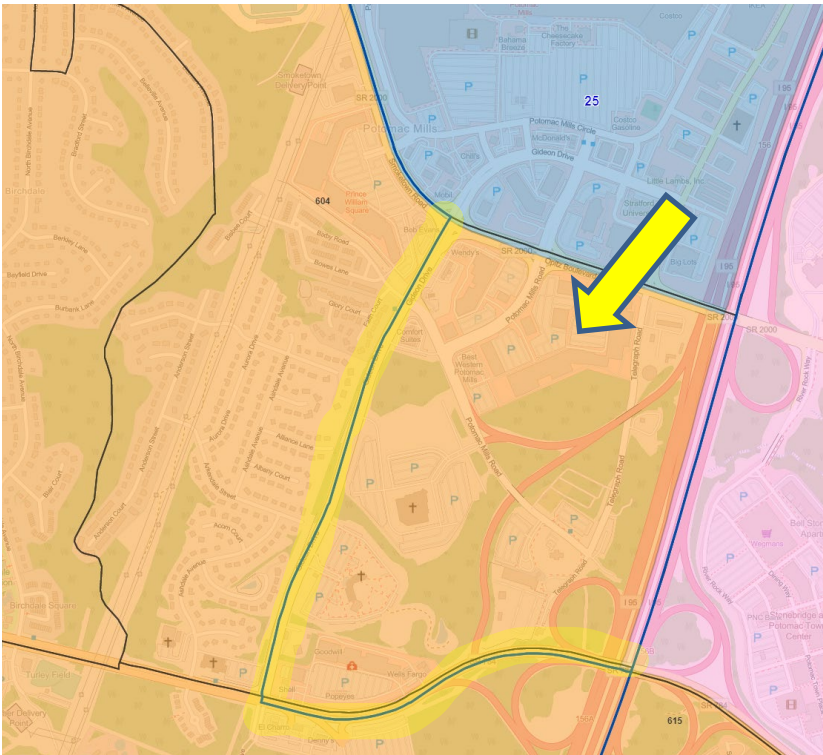
Precinct #	Precinct Name/District	Please explain the reason for the waiver request and include the number of voters impacted.
208	Colgan (Coles District)	The boundary separating the 7 <sup>th</sup> and 10 <sup>th</sup> Congressional districts and the boundary between the 24 <sup>th</sup> and 25 <sup>th</sup> Virginia House districts create a small split in Precinct 208 that cannot be remedied. Less than 75 voters currently reside in this area. (Picture next page)
604	Gar-Field (Neabsco District)	Both Virginia House and Senate boundaries (that follow Gideon Drive and Dale Boulevard) and the intersection of three magisterial districts create a small pocket with Precinct 604. It is a largely commercial area and less than 50 voters in short term/temporary housing reside in this area. (Picture next page)



Prince William County - Pct 208



Prince William County - Pct 604





**MOTION: VEGA**

**March 21, 2023  
Regular Meeting**

**SECOND: BAILEY**

**Res. No. 23-162**

**RE: WAIVER REQUEST FOR VOTING PRECINCT SPLITS IN ACCORDANCE WITH VIRGINIA CODE SECTION 24.2-307 – NEABSCO AND COLES MAGISTERIAL DISTRICTS**

**ACTION: APPROVED**

**WHEREAS**, pursuant to Virginia Code Section 24.2-307 requires each voting precinct in Prince William County to be wholly contained within a single congressional district, Senate district, House of Delegates district, and magisterial district; and

**WHEREAS**, Virginia Code Section 24.2-307 of the Code of Virginia further provides that the Prince William Board of County Supervisors (Board) may request the State Board of Elections to grant a waiver from the above stated requirement if a congressional, Senate, or House of Delegates district splits a voting precinct and the Board is unable to establish a precinct containing at least 100 registered voters that is wholly contained within a single congressional district, Senate district, House of Delegates district, and magisterial district; and

**WHEREAS**, the State’s redistricting of congressional and state districts and the Reprecincting Ordinance adopted by the County on March 1, 2022, created the following precinct splits: (1) Precinct 208 (Colgan) in the Coles District is split by Congressional Districts 7 and 10. (2) Precinct 604 (Gar-Field) in the Neabsco District is split by both the 29th and 33rd Virginia Senate Districts and the 24th and 25th Virginia House Districts; and

**WHEREAS**, the split portions of Precincts 208 and 604 cannot be merged into adjacent precincts without creating additional splits; and

**WHEREAS**, the number of registered voters impacted by the split portions of Precincts 208 and 604 each contain less than 100 registered voters; and

**WHEREAS**, the County previously applied for and was granted a Waiver by the State Board of Elections regarding the split portions of Precincts 208 and 604 in 2022; and

**WHEREAS**, a waiver granted by the State Board of Elections only covers one (1) election year, and the County must apply for a new waiver for subsequent election years;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors hereby directs the General Registrar of the Office of Elections to file an application with the State Board of Elections for a waiver to administer split voting precincts pursuant to Virginia Code Section 24.2-307.

**ATTACHMENT:** Application to State Board of Elections

**March 21, 2023**  
**Regular Meeting**  
**Res. No. 23-162**  
**Page Two**

**Votes:**

**Ayes:** Angry, Bailey, Boddye, Franklin, Lawson, Vega, Weir, Wheeler

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

**For Information:**

Office of Elections

County Attorney

ATTEST: \_\_\_\_\_

*Andrea P. Madden*

Clerk to the Board



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# Voter Registration Application

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BOARD WORKING PAPERS  
Ashley Coles  
ELECT Policy Analyst



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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## Memorandum

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To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Matthew Weinstein, and Delegate Merricks  
From: Ashley Coles, Policy Analyst  
Date: April 11, 2023  
Re: Amended Voter Registration Application

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***Suggested Motion:***

*"I move that the State Board of Elections approve the amended Virginia Voter Registration Application, pursuant to 1VAC20-40 and the 2023 Session of the General Assembly, pending final passage of House Bill 2024 and Senate Bill 1310, to be effective July 1, 2023."*

***Background:***

During the 2023 Session of the General Assembly, identical bills HB 2024 and SB 1310 were introduced. These bills amend Virginia Code provisions regarding personal information of retired judges and magistrates. As it pertains to the State Board of Elections, these bills amend §24.2-418 by permitting any active or retired magistrate to register as a protected voter. Currently, any active or retired judge may already register as a protected voter. These bills have been amended by the Governor and are awaiting review by the General Assembly during reconvened session on Wednesday, April 12.

Additionally, pursuant to 1VAC20-40-10, an alternative mailing address may be included on a voter registration application when "the residence address of the applicant cannot receive mail". However, the language on the current voter registration application states an alternative mailing address can be used if a residence address is "not serviced by the U.S. Postal Service". This has created some confusion for localities so ELECT is suggesting the voter registration application be amended to match existing statutory language.

Should HB 2024 and SB 1310 pass as amended, a significant amount of time is required to ensure the updated voter registration application can be translated, printed, and distributed to localities by the July 1 effective date.

***Applicable Code Sections:***

- §24.2-418
- 1VAC-20-40-10

***Attachments:***

- Amended Virginia Voter Registration Application - Revised April 2023

# Virginia Voter Registration Application

Use blue or black ink

**Starred (\*) items are required.** If you do not complete all of the items that are marked with \*, your application may be denied (See instructions on reverse side).

1.  YES  NO  
\* I am a citizen of the United States of America.

\* Full social security number  No SSN was ever issued.

\* Date of birth

\* Gender

2. \* Last name \_\_\_\_\_ Jr. Sr. II III IV (Circle if applicable)  
\* First name \_\_\_\_\_ \* Middle name \_\_\_\_\_  None  
\* Residence address (May not be a P.O. Box) \_\_\_\_\_ Apt # \_\_\_\_\_  
\* City/Town \_\_\_\_\_ \* ZIP \_\_\_\_\_  
E-mail \_\_\_\_\_ Phone \_\_\_\_\_

3. \* Have you ever been convicted of a felony or judged mentally incapacitated and disqualified to vote? .....  YES  NO If YES, has your right to vote been restored? .....  YES  NO

4.  I am an active-duty uniformed services member, spouse or dependent; or an overseas citizen.  
 I am providing a mailing address (below) because my residence address cannot receive mail or I am homeless.  
 I am providing a Virginia P.O. Box (below) to protect my residence address from public disclosure because I or a household member is/has:  
 An active or retired law enforcement officer, judge, magistrate, U.S. or Virginia Attorney General attorney.  
 Been granted a court issued protective order.  
 In fear for personal safety from being threatened or stalked by another person.  
 A participant in the Virginia Attorney General's Address Confidentiality Program.  
 Been approved to be a foster parent.

My mailing address (Complete only if you have checked a box in this section)

\_\_\_\_\_

\_\_\_\_\_

5.  I am currently registered to vote in another state: \_\_\_\_\_. (Indicate state of previous registration)

6.  I am interested in being an Officer of Election (poll worker) on Election Day. Please send me information.

7. **AFFIRMATION: I swear/affirm, under felony penalty for making willfully false material statements or entries, that the information provided on this form is true. I authorize the cancellation of my current registration and I have read the Privacy Act Notice.**

\* Signature \_\_\_\_\_ Today's date: \_\_\_\_\_

By checking this box, I affirm both that I am an individual with physical disabilities and the Affirmation Statement above. Pursuant to Article II, § 2 of the Constitution of Virginia, individuals with physical disabilities are not required to sign the application for voter registrations.

## \* Virginia Voter Registration Application Receipt

The application collector must submit your completed application within 10 days or by the deadline to register for the next election, whichever comes first. You can check your voter registration status online at [www.elections.virginia.gov/registration](http://www.elections.virginia.gov/registration). If you do not receive confirmation of your voter registration status within 30 days, contact your local voter registrar or the Virginia Department of Elections.

\_\_\_\_\_

Name, phone and e-mail of office, group or individual receiving application

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date application received

Thank you for applying to vote in Virginia!

# Virginia Voter Registration Application

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With this form, you can register to vote in elections in Virginia. You can also use this form to change the information on your Virginia voter registration.

## Register to Vote

If you are currently registered to vote, you do not have to use this form unless you have moved or changed your name.

**ATTENTION:** Overseas citizens, uniformed service voters, qualifying spouses and dependents may register using the Federal Post Card Application (FPCA), available at [www.fvap.gov](http://www.fvap.gov).

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## Go Online

You may complete your voter registration application online at [www.elections.virginia.gov/registration](http://www.elections.virginia.gov/registration). You may also check your voter registration status online at [www.elections.virginia.gov/registration](http://www.elections.virginia.gov/registration).

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## Your Address

You must provide a street address or a description of where you live as a residence address. As required by the Code of Virginia, you may only provide a mailing address in Box 4 if: (1) your residence address cannot receive mail; (2) you are homeless; (3) you are an overseas citizen; or (4) you are a uniformed service member, or qualifying spouse or dependent. Qualified protected voters must provide a Virginia post office box in Box 4 to receive protected voter status. No other applicant can list a mailing address.

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## How to Mail

Mail your completed application to your local registrar. Use the online address lookup tool if you do not know your registrar's address: [www.elections.virginia.gov/localGR](http://www.elections.virginia.gov/localGR) or mail your application to:

Virginia Department of Elections  
1100 Bank Street  
Richmond, VA 23219

Mailed applications must be postmarked at least 22 days before the next election in which you plan to vote. A qualified active-duty uniformed services member, spouse or dependent is NOT subject to the mailing deadline if by reason of active duty, you are normally absent from the locality in which you reside.

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## Questions?

Call your local voter registration office or call (800) 552-9745 • TTY 711.

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## Privacy Act Notice

When registering to vote, Article II, Section 2 of the Constitution of Virginia (1971) requires you to provide your social security number, if you have one. If you do not provide your social security number, your application will be denied. Voting officials use the social security number as a unique identifier to ensure that no voter is registered in more than one place.

Your application will only be open to inspection by the public if the social security number is removed. Your social security number will appear on reports produced only for official use by voter registration and election officials, for jury selection purposes by courts, and all lawful purposes. Your decision to decline to register to vote as well as the office where you submit your application, if you choose to do so, are confidential and will only be used for voter registration purposes.

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## ID Requirements

All voters must show one acceptable form of ID or provide a written statement when voting in-person. In federal elections, all first time voters who registered by mail will be required to provide one acceptable form of ID; a written statement will not be accepted.

For a complete list of acceptable forms of ID visit: [www.elections.virginia.gov/voterID](http://www.elections.virginia.gov/voterID).

**Need more information?** Go Online: [www.elections.virginia.gov](http://www.elections.virginia.gov) Or Call: (800) 552-9745 TTY: 711

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**WARNING: INTENTIONALLY VOTING MORE THAN ONCE IN AN ELECTION OR MAKING A MATERIALLY FALSE STATEMENT ON THIS FORM CONSTITUTES THE CRIME OF ELECTION FRAUD, WHICH IS PUNISHABLE UNDER VIRGINIA LAW AS A FELONY. VIOLATORS MAY BE SENTENCED TO UP TO 10 YEARS IN PRISON, OR UP TO 12 MONTHS IN JAIL AND/OR FINED UP TO \$2,500.**



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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# KnowInk Electronic Pollbook Certification

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BOARD WORKING PAPERS  
Johnathan Barbett  
Director of Information Security



★ VIRGINIA ★  
STATE BOARD *of* ELECTIONS

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## Memorandum

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To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Matthew Weinstein, and Delegate Merricks

From: Johnathan Barbett, Information Security Director

Date: April 11, 2023

Re: Knowink- Poll Pad Plus version 3.4

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**Suggested motion for Board Member to make:**

I move that the Board certify the use of Knowink Poll Pad Plus version 3.4 for elections in the Commonwealth of Virginia, pursuant to the State Certification of Electronic Pollbooks: Requirements and Procedures.

**Applicable Code Section:** § 24.2- Chapter 6 –611

Attachments:

Your Board materials include the following:

- Knowink Poll Pad Plus 3.4 Audit Report letter provided by SLI Compliance
- Henrico, March 2nd, 2022 Mock Election correspondence
- Virginia Electronic Pollbook Certification Standard: *Requirements and Procedures*

**Background:**

Following the steps prescribed in the Virginia State Certification of Electronic Pollbooks: Requirements and Procedures, Knowink initiated the certification evaluation to the Department of Elections. They provided their Technical Data Package and Corporate Information (required for phase 2 of the Requirements and Procedures). Both of these submissions were deemed complete and in sufficient detail to warrant phase 3, the Preliminary Review. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the TDP and other materials provided and prepared test assertions. Knowink provided the certification fee and the testing/evaluation was conducted on February 27th through March 1st, 2023 at the Virginia Department of Elections offices in Richmond, Virginia. In addition, the system was successfully tested in a Mock Election in Henrico on March 2nd, 2022. The Knowink Poll Pad Plus (electronic pollbooks) presented for certification under version 3.4 successfully completed Virginia Electronic Pollbook State Certification requirements.





March 17<sup>th</sup>, 2023

Commissioner Susan Beals  
1100 Bank Street, 1st Floor  
Richmond, VA 23219-3947

**Re:** Audit of the KNOWiNK Poll Pad Plus 3.4 Election Poll Book

Dear Ms. Beals,

SLI Compliance is submitting this letter as a summary of the auditing efforts for KNOWiNK Poll Pad Plus 3.4 Election Poll Book system.

The evaluation was conducted on February 27<sup>th</sup> to March 1<sup>st</sup>, 2023, in the Virginia Department of Elections offices in Richmond, Virginia.

The scope of the audit included verifying compliance with the requirements/test assertions contained in appendices D (Test Assertions) and G (Hardware Guidelines) in the appropriate VA Electronic Pollbooks Certification Standards and Virginia test cases, which is currently accepted for testing and certification by the Virginia Department of Elections.

SLI also confirmed that a source code review was performed and a penetration or security test report for the KNOWiNK Poll Pad Plus 3.4 Election Poll Book system were provided to Virginia for their acceptance.

It has been determined that the KNOWiNK Poll Pad Plus 3.4 Election Poll Book system meets the audited acceptance criteria of the State of Virginia’s ePollBook Standard, meets the requirements of Virginia Election Laws §24.2, except for the following:

- To unmask passwords at text entry (T0065)

KNOWiNK Poll Pad Plus 3.4 Election Poll Book system components audited were comprised of:

Application/OS	Version
PollPad3-Build 4	3.4.0
IOS	15.7.1

Device	Model
Apple iPad Air 2	MGL12LL/A

Sincerely,  
Michael Santos  
Director, VSTL  
SLI Compliance



COMMONWEALTH OF VIRGINIA  
**County of Henrico**  
Office of Voter Registration and Elections  
Mark J. Coakley, General Registrar and Director of Election

March 2, 2023

Honorable Members of the Board  
Commissioner Beals

On Thursday, March 2, 2023, a representative of KNOWink successfully demonstrated Epluse version 3.4 at the County of Henrico Voter Registration and Elections Office. Observers present were Karen Hoyt-Stewart, Locality Security (Voting Tech) Program Manager, Virginia Department of Elections and Henrico staff members Mark J Coakley, Registrar, Anne Marie Middlesworth, Deputy Director of Elections, and Deepmala Gurjur, Technology Support Specialist.

KNOWink created a test election database, demonstrating pre-election L&A, voter look-up, voter check-in, pre-marked absentee voter, inactive voters, and ballot-on-demand printing capabilities. The sample election concluded with voter credit uploaded to VERIS at the end of each voting period. Four Poll Pads were used. Two were for peer-to-peer connection, one for pre-processing, and the fourth was the server connecting to the Poll Print BOD device.

As a KNOWink customer, Henrico has great confidence in the Virginia rollout of version 3.4 for the June Primary elections.

Please contact me if you have any questions about today's presentation.

Respectfully,

Mark J Coakley  
Registrar/Director of Elections

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# Electronic Pollbook Certification Standard

January 2020

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## Chapter 1: Introduction

### 1.1. Purpose of Procedures

These procedures provide a formal and organized process for vendors to follow when seeking state certification for an electronic pollbook (EPB) system in Virginia. To this end, these procedures are designed to:

1. Ensure conformity with Virginia election laws relating to the acquisition and use of EPB systems
2. Evaluate and certify EPB systems marketed by vendors for use in Virginia
3. Evaluate and re-certify additional capabilities and changes in the method of operation for EPB systems previously certified for use in Virginia
4. Standardize decertification and recertification of EPB systems

### 1.2. Specific Requirements

1. Compliance with the Code of Virginia and the policies and regulations issued by the State Board of Elections (SBE) or Department of Elections (ELECT) must be substantiated through the State Certification Test conducted by an independent testing authority recognized by the National Institute of Standards and Technology (NIST); referred to in this document henceforth as VSTL
2. Any modification to the hardware, software, firmware, infrastructure or any component of a certified EPB will invalidate the prior certification unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability or accessibility of the system; see Appendix J for the De Minimis Change Guideline that is applicable for hardware
3. An EPB shall not contain the following voter registration data:
  - a. DMV Customer Number
  - b. Full or Partial Social Security Number
  - c. Birth Month and Day

### 1.3. Decertification

ELECT reserves the right to reexamine any previously certified EPB system for any reason at any time. Any EPB system that does not pass certification testing will be decertified. An EPB system that has been decertified by the SBE cannot be used for elections held in the Commonwealth of Virginia and cannot be purchased by localities to conduct elections.

In addition, the SBE reserves the right to decertify the EPB systems if the vendor does not comply with any of the following requirements:

1. Notify ELECT of any incident, anomaly or security-related breach experienced in an election jurisdiction, within 24 hours of knowledge
2. Report to ELECT within 30 calendar days of knowledge of any changes to Corporate Information, including:
  - a. Business Entity and Structure
  - b. Parent and Subsidiary companies
  - c. Capital or equity structure
  - d. Control; identity of any individual, entity, partnership, or organization owning a controlling interest
  - e. Investment by any individual, entity, partnership, or organization in an amount that exceeds 5% of the vendor's net cash flow from the prior reporting year
  - f. Location of manufacturing facilities; including names of the third-party vendor(s) employed to fabricate and/or assemble any component part of the voting and/or tabulating system being submitted for certification, along with the location of all of their facilities with manufacturing capability
  - g. Third-party vendors
  - h. Good Standing status
  - i. Credit rating
3. Submit any modifications to a previously certified EPB system to ELECT for review within 30 calendar days from modification; see Appendix H for appropriate reporting process
4. If the operating system or any component has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT:
  - a. ELECT must receive the upgrade plan at least 12 months before the Last Date of Mainstream Support
  - b. The Last Date of Mainstream Support cannot include any type of Extended Support, as defined in Appendix H
  - c. The EPB system may still automatically be decertified as defined in Appendix H
5. Update all software with the latest patching and vulnerability updates in alignment with Appendix E.

**NOTE:** The SBE reserves the right to require recertification when changes to regulations and/or standards occur.

#### **1.4. Recertification**

See Appendix F for ELECT's guidelines on when EPB systems must go through recertification.

## Chapter 2: Basis for Certification

### 2.1. State Certification Testing

State certification testing will evaluate the design and performance of an EPB system seeking certification to ensure that it complies with all applicable requirements in the Code of Virginia and the SBE and ELECT regulations and policies. ELECT will examine the essential system functions, operational procedures, user guides, documents, certification reports from other states, and reviews from product users.

The EPB system must demonstrate accuracy, reliability, security, usability and accessibility throughout all testing phases.

State Certification Testing will examine all system operations and procedures, including:

1. Receive and process the voter registration and election information
2. Accurately maintain whole and separate count(s) of voters distinguishable by:
  - a. Ballot Style (Voter's Party/primary, Precinct, Precinct Split)
  - b. Curbside Voter
  - c. Challenged Voter
  - d. Voter Status
  - e. Provisional
  - f. Absentees
  - g. Early Votes
3. Provide an intuitive and easy to navigate user interface
4. Perform data and operational integrity safeguard tests including:
  - a. Ability to add or remove new units without disturbing the existing units
  - b. Power supply and battery life with an option to display power usage
  - c. Display an appropriate message when the EPB device is operating at less than 20% of remaining power
  - d. Display an appropriate error message when the EPB fails to check in a voter
5. Capacity/Load Test Report to include the maximum number of voters that the configuration/network setting can handle
6. Performance Report to include the optimal duration of check-in process per voter
7. System monitoring and notification of system errors, including:
  - a. Perform a self-test for peripheral connectivity
  - b. Visible display indicating power supply/battery life
  - c. Visible display indicating system connections



8. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one to all of the EPBs become inoperable, and if there is not an alternate recovery means available then the removable storage must reflect the voter activity record at that moment and can be used to continue with election
9. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
10. Support the industry standard for clean wipe method remotely and manually
11. Transaction Logging and Audit Reports including the following details:
  - a. Log all changes to EPB post the initial download
  - b. Transactions at the polling places
  - c. Export logs in a readable format
  - d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
12. All modules and data are cryptographic and are FIPS 140-2 v1 compliant including at rest and in transit
13. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
14. Harden the EPB system using the vendor's procedures and specifications.

## **2.2. EPB Hardware, Firmware, Infrastructure, or Component Elements**

All equipment used in an EPB system shall be examined to determine its suitability for election use according to the appropriate procedures contained in this document. Equipment to be tested shall be identical in form and function with production units. Engineering or development prototypes are not acceptable. See Appendix G for hardware guidelines.

Any modification to existing hardware, firmware, infrastructure, or other components will invalidate the prior certification by the SBE unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system. See Appendix J for the De Minimis Change Guideline that is applicable for hardware.

EPB systems generally utilize vendor-designed software operating on a variety of commercial-off-the-shelf hardware devices. Certification shall be provided to only similarly identical, and previously designated, hardware and operating systems at the time of certification.

### 2.3. EPB System Software Elements

EPB system software shall be examined and tested to ensure that it adheres to the performance standards specified within this document. EPB Desktop applications must be compatible with all computers, devices, operating system, platforms as specified in the system requirements. See Appendix D for software requirement test assertions.

Any modifications to existing software will invalidate the prior certification by the SBE unless ELECT can review and provide an assurance to the SBE that the change does not affect the accuracy, reliability, security, usability, or accessibility of the system. See Appendix J for the De Minimis Change Guideline that is applicable for software.

### 2.4. Early Voting Connection Requirements

Beginning in November 2020, pursuant to the Code of Virginia, Title 24.2 Elections, [Chapter 7, Absentee Voting](#), Virginia will have a no-excuse absentee in person voting period, referred to as Early Voting.

The new law also allows electoral boards the opportunity to provide additional locations within their locality for all Early Voting activities. Based on the number of registered voters, each locality's electoral board will determine whether to open additional Early Voting locations. Any registered voter within each locality can vote at any one of the Early Voting locations within the specified period prior to Election Day. This requires each locality to have secure connectivity to the voter registration information (VRI) throughout the Early Voting period to:

1. Confirm the person is eligible to vote in the election
2. Confirm the person has not previously voted in the election
3. Record voter history in real-time.

Reference Appendix K for an additional list of security-related requirements that are applicable only for those vendors choosing to host EPBs in the Cloud, as a part of their solution for managed connectivity to/from locality devices during this Early Voting period.

## Chapter 3: Review and Approval Process

### 3.1. Summary of Process

The State certification is limited to the final products that have been used in full production environment and available for immediate installation. The certification review process goes through six phases. At the end of each phase, ELECT will evaluate the results to determine the certification status.

#### Six Phases of the Certification Review Process:

1. Certification Request from Vendor
2. Preliminary Review
3. Technical Data Package (TDP) to VSTL
4. Certification Test Report from VSTL
5. On-Site Testing in Mock Election
6. Approval by the SBE.

### 3.2. Certification Review Process

#### Phase 1: Certification Request from Vendor

A vendor will request a certification for either a specific EPB system, software, firmware, hardware, and/or modification to an existing certified EPB system. This request should include the following information:

1. EPB Certification Application Form, signed by a company officer; see Appendix I
2. A copy of the certification(s) from other state(s) for the proposed EPB
3. Whether the proposed EPB system has ever been denied certification or had certification withdrawn in any state
4. Eight copies of a brief overview description of the EPB system
  - a. Typical marketing brochures are usually sufficient for the description
5. A list of all states where the proposed EPB system version is currently used
6. The vendor, VSTL and ELECT will review a statement of work that will result in the VSTL providing an estimate for the cost of testing. Testing will take place at the headquarters of the VSTL to limit the cost of testing. ELECT will give an estimate for their own staff to travel as well. Once this is agreed to, a check or money order for the non-refundable fee for an EPB system certification request and applicable fees for modifications to a previously certified EPB system, as applicable, will be paid.

- a. All fees must be collected before the certification will be granted
  - i. Make checks or money order payable to Treasurer of Virginia
- 7. TDP must clearly identify all items:
  - a. If the TDP is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
  - b. Upon the receipt of the corrected TDP from the vendor, the evaluation of the EPB system will be rescheduled
- 8. Corporate Information must clearly identify all items:
  - a. If the Corporate Information is incomplete or the items in the package are not clearly identified, the entire package could be returned to the vendor
  - b. The evaluation process will be rescheduled after the corrected package is received.

**NOTE:** The request package with the items above should be sent to the location indicated in Appendix B.

### **Technical Data Package**

The TDP must contain the following items if they were not included in the TDP submitted:

1. *Hardware Schematic Diagrams*: Schematic diagrams of all hardware
2. *Hardware Theory of Operations*: Documentation describing the theory of operation of the hardware including power cords and backup battery
3. *System architecture with network and infrastructure connectivity*: Documentation to include system architecture, network, and data flow diagrams and to clearly specify all applicable components, cloud services and infrastructure connectivity
4. *Software Deviations*: Include any exception(s) to the Security Content Automation Protocol (SCAP) checklist; document the reason why there is an exception and the mitigating controls/tools in place to secure the system
5. *Software System Design*: Documentation describing the logical design of the software
  - a. This documentation should clearly indicate the various modules of the software, such as:
    - i. The list of functions
    - ii. System flowchart
    - iii. The interrelationships of modules
    - iv. The list of data formats that the EPB system can import and export
  - b. Clearly specify the operating system and version with:
    - i. The Last Date of Mainstream Support, as defined in Appendix H
    - ii. SHA256 hash value, and modification

6. *Software and Firmware Source Code*: A copy of the EPB, software and firmware source code including the operating system, directory structure of the source code, and a map to show how the source code was built into the final install files. The source code will be sent to the VSTL for review to VVSG standards and/or the vendor should supply VSTL report that the code was reviewed to the standards within the past year. If the operating system or any component has reached and/or will reach the Last Date of Mainstream Support within 18 months, as defined in Appendix H, send an upgrade plan with target date(s) to ELECT. The Last Date of Mainstream Support cannot include any type of Extended Support.
7. *Independent Third-Party Application Penetration Analysis Report*: An accredited application penetration test conducted, within the past 12 months, to analyze the system for potential vulnerabilities according to current industry standards. Potential vulnerabilities may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the EPB system, whether or not the vulnerabilities can be mitigated through compensating controls. Pursuant to Virginia Code § 24.2-625.1, the Penetration Analysis Report is confidential and excluded from inspection and copying under the Virginia Freedom of Information Act. If a penetration test has been conducted in another state within the past 12 months on the same version of the EPB system, then that may be submitted to fulfill this requirement.
8. *Customer Maintenance, Repair & Troubleshooting Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will provide maintenance, repair and troubleshooting of the system
9. *Operations Manual*: Documentation that is normally supplied to the customer for use by the person(s) who will operate the system
10. *User Guide and Documents*: The vendor should provide the following:
  - a. A quick reference guide with detail instructions for a precinct election officer to set up, use, and shut down the EPB system
  - b. Clear model of EPB system architecture with the following documentations:
    - i. End User Documentation
    - ii. System-Level and Administrator-Level Documentation
    - iii. Developer Documentation
  - c. Failsafe data recovery procedures for information in the EPB system
  - d. A list of customers who are using or have previously used the EPB system

- i. The description of any known incidents or anomalies involving the functioning of the EPB system, including how those incidents or anomalies were resolved with customer and date
11. *Recommended Security Practices*: CIS Security Best Practices, including:
  - a. System Security Architecture
  - b. System Event Logging
  - c. System Security Specification
  - d. Security Content Automation Protocol (SCAP)
  - e. Cryptography
  - f. Equipment and Data Security
  - g. Network and Data Transmission Security
  - h. Access control
  - i. Authentication procedure
  - j. Software
  - k. Physical Security
12. *Standard Contract, Product Support and Service Level Agreement (SLA)*: Customer and Technical Support hours and contact information. The SLA should specify the escalation timeline and procedure with contact information. Vendor's capacity to provide, including:
  - a. On-Site Support and Technical Support within the SLA on:
    - i. Election Day (defined as the start of the Early Voting period up to and including Election Day; see Appendix K)
    - ii. Within 60 days before Election Day
  - b. Resolution to outstanding issue(s), repair, maintenance and service requests within 30 days
13. *Maintenance Services, Pricing and Financing Options*: A list of maintenance services with price. Terms for replacing a component or EPB system. Available financing options for purchase or lease
14. *Warranty*: The vendor should provide a list of warranty specifications to include the following:
  - a. The period and extent of the warranty
  - b. Repair or Replacement
    - i. The circumstances under which equipment is replaced rather than repaired
    - ii. The method by which a user requests such replacement
  - c. Warranty coverage and costs

- d. Technical documentation of all hardware and software that is used to certify that the individual component will perform in the manner and for the specified time
15. *Software License Agreement*
  16. *Test Data and Software*: Vendor's internal quality assurance procedure, internal or external test data and reports, and software that can be used to demonstrate the various functions of the EPB system. Vendor should also verify that the version of the applications submitted are identical to the versions that have undergone the certification testing; for example, hash testing tools.
  17. *Non-Disclosure Agreement*: If applicable.

**NOTE:** If the EPB system is certified, ELECT will retain the TDP as long as the EPB system is marketed or used in the Commonwealth of Virginia.

### **Corporate Information**

Corporate Information must contain the following items:

1. History and description of the business including the year established, products and services offered, areas served, branch offices, subsidiary and parent companies, capital and equity structure, identity of any individual, entity, partnership, or organization owning a controlling interest, and the identity of any investor whose investments have an aggregate value that exceeds more than 5% of the vendor's net cash flow in any reporting year
2. Management and staff organization, number of full time and part-time employees by category, and resumes of key employees who will assist Virginia localities in acquiring the system if it is authorized for use
3. Certified financial statements for current and past three (3) fiscal years
  - a. If the vendor is not the manufacturer of the EPB system, then submit the certified financial statements of the manufacturer for the past three (3) fiscal years
4. Bank Comfort Letter from the vendor's primary financial institution
  - a. If the vendor uses more than one financial institution, multiple Comfort Letters must be submitted
5. Certificate of Good Standing issued within 2 months
6. Credit rating issued within 2 months
7. If publicly traded, indexes rating of the business debt
8. Gross sales in EPB products and services for the past three (3) fiscal years and the percent of the vendor's total sales

9. The location of all facilities with manufacturing capability; including names of the third-party vendor(s) that are employed to fabricate and/or assemble any component part of the EPB system being submitted for certification, along with the location of all of their facilities with manufacturing capability
10. The location and servicing capability of each facility that will be used to service the EPB system for certification and the service limitation of the facility
11. Quality assurance process used in the manufacturing and servicing of the EPB system
12. Configuration management process used with the EPB system.

**NOTE:** If the EPB system is certified, ELECT will retain the Corporate Information as long as the EPB system is marketed or used in Virginia. ELECT will sign a statement of confidentiality for Corporate Information only.

### ***Proprietary Information***

Prior to or upon submission of its certification request, the vendor shall identify any information in its request and/or accompanying materials that it believes should be treated as confidential and proprietary. Furthermore, the vendor must state the reasons why such information should be treated as confidential and proprietary.

“Identify” means that the information must be clearly marked with a justification as to why the information should be treated as confidential and proprietary information. A vendor shall not designate as proprietary information (a) the entire certification request or (b) any portion of the certification request that does not contain trade secrets or proprietary information.

ELECT cannot guarantee the extent to which any material provided will be exempt from disclosure in litigation or otherwise. ELECT, however, agrees to provide the vendor with five (5) days’ notice prior to disclosing such material to third parties so that the vendor has the opportunity to seek relief from a court prior to the disclosure of such materials by ELECT.

### **Phase 2: Preliminary Review**

The Voting Technology Coordinator or designee will review the TDP, Corporate Information and other materials provided, and notify the vendor of any deficiencies. Certification of the EPB system will not proceed beyond this phase until the TDP and Corporate Information are complete.

The Voting Technology Coordinator or designee will notify the vendor to submit the following for evaluation:

1. Production working model of the EPB to run through all phases of testing, including:



- a. All hardware, software and firmware necessary to run the EPB
  - b. Software shall be provided in a format readable by the EPB hardware that is being submitted for certification
  - c. All commercial-off-the-shelf software and necessary drivers, including the operating system, any software applications for logging, reporting, printing, etc.
  - d. All peripheral devices, including those required for usability and accessibility
  - e. Any other components recommended by the manufacturer for use
2. Copy of the Test documents from prior VSTL certification testing, including Test Plan, Test Report, Test Procedures, and Test Cases
  3. A release to the VSTL to respond to any requests for information from the Commonwealth of Virginia
  4. A release to other states which have decertified the system or prior versions of the system to respond to any requests for information from the Commonwealth of Virginia
  5. Any other materials and equipment deemed necessary by ELECT

The Voting Technology Coordinator or designee will conduct a preliminary analysis of the TDP and the EPB system with VSTL. The Voting Technology Coordinator or designee will also review the Corporate Information and other materials to prepare an Evaluation Proposal, which includes:

1. Components of the EPB system to be certified
2. Financial stability and sustainability of the vendor to maintain product support and contractual agreement for the EPB system
3. Preliminary analysis of TDP

### **Phase 3: Technical Data Package to Voting Systems Test Laboratory**

In addition, the vendor should submit the TDP to the Voting Technology Coordinator, who shall provide the TDP to the VSTL following review.

### **Phase 4: Certification Test Report from VSTL**

VSTL will work directly with the vendor and ELECT designee to complete all test assertions and test cases and the Certification Test Report will be sent to ELECT upon completion.

### **Phase 5: On-Site Testing in Mock Election**

ELECT will coordinate with a local jurisdiction to test the EPB system in a Mock Election. With the vendor present, the Electoral Board members from the local jurisdiction along with ELECT will oversee the test use of the system in a Mock Election.

### **Phase 6: Approval by the SBE**

Based on the report from the VSTL, the results from the On-Site Testing in Election and other information in their possession, the SBE will decide whether the EPB system will be certified for use in the Commonwealth of Virginia. The decision will be sent to the vendor.

### **3.3. Incomplete Certification Process**

If the certification process is terminated, the vendor will forfeit all fees received by ELECT. Any certification process terminated under this provision must be re-initiated from Phase 1. The vendor is responsible to pay all outstanding balance due to ELECT before ELECT accepts subsequent requests from the vendor.

ELECT reserves the right to terminate the certification process when:

1. Vendor does not respond to a request from ELECT within 90 days
2. ELECT issues any concerns regarding the certification
3. The Vendor withdraws from the process
4. The system fails the VSTL certification test
5. The test lab cannot conduct the certification testing with the equipment on-hand

## Appendices

### A – Glossary

**Anomaly** – Any event related to the security or functioning of the EPB system that is out of the ordinary regardless of whether it is exceptional or not; a deviation from the norm.

**De Minimis Change** – A minimum change to a certified EPB system’s hardware, software, TDP, or data. The nature of changes will not materially alter the system’s reliability, functionality, capability, or operation. Under no circumstance shall a change be considered De Minimis Change, if it has reasonable and identifiable potential to impact the system’s performance and compliance with the applicable EPB Standard. Reference: EAC Testing & Certification Program Manual version 2.0 and Notices of Clarification.

**Department of Elections (ELECT)** – ELECT conducts the SBE's administrative and programmatic operations and discharges the board's duties consistent with delegated authority.

**Election Officer** – A registered voter in Virginia appointed by a local electoral board to serve at a polling place for any election. Officers of election must attend training conducted by the electoral board or the general registrar. Some of their duties on Election Day include identifying qualified voters and checking them in on the pollbooks; handing voters their correct ballots; telling voters the proper procedure for inserting ballots into the voting machine; and, when applicable, providing a voter with a provisional ballot.

**Electronic Pollbook (EPB) System**– A system containing an electronic list of registered voters that may be transported and used at a polling place. This is the official list of registered voters eligible to vote in the election; it is used to verify a voter’s eligibility to receive a ballot and captures voter history in real time to prevent double voting. The term “electronic pollbook system” refers to the total combination of mechanical, electro-mechanical, electronic and digital equipment (including the software, firmware, and documentation required to program, control, and support the equipment).

**Incident** – Any event related to the security or functioning of the EPB system that may have caused or caused an interruption to the Check-in and/or Reporting process.

**Precinct** – A precinct is a geographic area within a locality or a town, established by ordinance by the local governing body. As per the Code of Virginia § 24.2-307, the “governing body of each county and city may establish as many precincts as it deems necessary.” A precinct must be wholly contained in any district used to elect members of the local governing body. The local governing body also determines the location of the polling place where residents vote.

**State Board of Elections (SBE)** – The State Board of Elections is authorized to supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of election; to provide electronic application for voter registration and delivery of absentee ballots to eligible military and overseas voters; to establish and maintain a statewide automated voter registration system to include procedures for ascertaining current addresses of registrants; to prescribe standard forms for registration, transfer and identification of voters; and to require cancellation of records for registrants no longer qualified. [Code of Virginia, Title 24.2](#), Chapters [1](#), [4](#) and [4.1](#).

**Voting Systems Test Laboratory (VSTL)** – Test laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) to be competent to test EPB systems.

## **B - Contacts**

### **The Department of Elections**

The certification request package should be sent to:

Virginia Department of Elections  
ATTN: EPB System Certification  
1100 Bank Street, 1st Floor  
Richmond, Virginia 23219-3497

All other inquiries should be sent to:

Email: [info@elections.virginia.gov](mailto:info@elections.virginia.gov)

### C – Acceptance Test

As required by the Code of Virginia §24.2-629 (E) and the procurement process, the local jurisdiction with the assistance of state officials or consultants will conduct the Acceptance Test.

The local jurisdiction will examine that the purchased or leased system to be installed is identical to the certified system and that the installed equipment and/or software are fully functional and compliant with the administrative and statutory requirements of the jurisdiction. The state requires localities to perform hash testing of applications software, as well as, send a letter to ELECT, as required by the procurement process, to confirm that the versions of all software and model(s) of equipment received are identical to the certified system.

As part of the acceptance test the vendor will demonstrate the system's ability to execute its designed functionality as presented and tested during certification, including:

1. Mark voters as checked in, voted, and given a ballot only after specific actions
2. Provide the user notification and display an appropriate instruction based on the voter status:
  - a. Protected voters
  - b. Inactive voters
  - c. Absentee voters
  - d. Voters out of precinct
  - e. Voters that already voted
3. Perform data and operational integrity safeguard tests including:
  - a. Ability to add or remove new units without disturbing the existing units
  - b. Power supply and battery life with an option to display power usage
  - c. Display an appropriate message when the EPB device is operating at less than 20% of remaining power
  - d. Display an appropriate error message when the EPB fails to check in a voter
4. Performance Report to include the optimal duration of check-in process per voter
5. System monitoring and notification of system errors, including:
  - a. Perform a self-test for peripheral connectivity
  - b. Visible display indicating power supply/battery life
  - c. Visible display indicating system connections
6. Comply with and enable voter and operator compliance with all applicable procedural, regulatory, and statutory requirements
7. Produce an audit log

8. Close the election and provide multiple secure files which are capable of providing voter credit to the Voter Registration System
9. Data preservation and redundancy to maintain a printable checklist format of the voter registration record and voter activity record on a removable storage. When one to all of the EPBs become inoperable, and if there is not an alternate recovery means available, then the removable storage must reflect the voter activity record at that moment and can be used to continue with election
10. During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity
11. Secure the reliable data transfers and display appropriate message for each data transfer to outside of closed network including electronic data management system, central server and cloud data service (This is only for testing of EPBs that will be used for Early Voting)
12. Transaction Logging and Audit Reports including the following details:
  - a. Log all changes to EPB post the initial download
  - b. Transactions at the polling places
  - c. Export logs in a readable format
  - d. The EPB's audit log(s) must be encrypted, track all transactions and include a date/time stamp
13. All modules and data are cryptographic and are FIPS 140-2 v1 compliant including at rest and in transit
14. Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management
15. Support the industry standard for clean wipe method remotely and manually.

### **Audit and Validation of Certification**

It is the responsibility of both the vendor and the local jurisdiction to ensure that an EPB system, that is supplied or purchased for use, in the Commonwealth of Virginia has been certified by the SBE. It is the responsibility of the vendor to submit any modifications to a previously certified EPB system to the ELECT for review.

If any questions arise involving the certification of an EPB system in use in Virginia, ELECT shall verify that the EPB system in use is identical to the EPB system submitted for certification. Any unauthorized modifications to a certified system may result in decertification of the system by the SBE or bar an EPB system vendor from receiving certification of EPB systems in the future with the Commonwealth of Virginia.

**D – Test Assertions**

The following test assertions will be executed by the ELECT designated VSTL.

<i>Statutory Requirement</i>	<i>Test Assertions</i>
<i>If EPBs are used in the locality or electronic voter registration inquiry devices are used in precincts in the locality, the Department shall provide a regional or statewide list of registered voters to the general registrar of the locality. The Department shall determine whether regional or statewide data is provided. Neither the pollbook nor the regional or statewide list or registered voters shall include the day and month of birth of the voter, but shall include the voter's year of birth. § 24.2-404(A7)</i>	I – The EPB must display the voter's birth year, but no other birthday information.
<i>In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems. § 24.2-406(C)</i>	I – The EPB cannot have a field to display partial or complete Social Security Numbers.
<i>The EPB System shall have the ability to prepare a separate pollbook report for each party taking part in a primary election at the same time. § 24.2-531</i>	I – The EPB provides a report that can be filtered by party.
<i>Record the name and consecutive number of the voter at the time he offers to vote. Enter an EPB record for each voter and recording each voter's name, including voters unable to enter the polling place, and for verifying the accurate entry of the</i>	I – The EPB provides an input field to record name and consecutive number of a voter when they present themselves to vote.
	II – The EPB shall automatically enter consecutive numbers from a given starting point.



<p><i>EPB record for each registrant on the Virginia Voter Registration System. § 24.2-611(B)</i></p>	<p>III – The EPB System shall have the ability to indicate whether a voter voted “Outside Polls” or “OP.” The operator shall be allowed to notate independently or in conjunction with other notations set forth in these requirements. The EPB System shall have the ability to provide listings and counts of such voters.</p>
<p><i>The State Board shall incorporate safeguards to assure that the records of the election, including the pollbook, voter count sheets, or other alternative records, will provide promptly an accurate and secure record of those who have voted. § 24.2-611(C)</i></p>	<p>I – The EPB must produce an audit log that records data that has been successfully transferred.</p>
<p><i>In the event that the EPBs for a precinct fail to operate properly and no alternative voter list or pollbook is available, the officers of election, in accordance with the instructions and materials approved by the State Board, shall (i) maintain a written list of the persons EPB and (ii) provide to each person EPB a provisional ballot to be cast as provided in § 24.2-653. § 24.2-611(E)</i></p>	<p>I – The EPB must be able to produce a data output in a format deemed necessary by the Commonwealth of Virginia.</p>
	<p>II – The EPB must maintain data preservation and redundancy so in the case where the EPB becomes inoperable the data that has been input can be retrieved.</p>
<p><i>If the person challenged refuses to sign the statement, he shall not be permitted to vote. If, however, he signs the statement, he shall be permitted to vote on the voting system in use at the precinct, unless he is required to cast a provisional ballot pursuant to § 24.2-651.1</i></p> <p><i>When the voter has signed the statement and is permitted to vote, the officers of election shall mark his name on the pollbook with the first or next consecutive number from the voter count form, or</i></p>	<p>I – The EPB must have the capability to display an indication that a voter has been challenged.</p>
	<p>II – The EPB must have the functionality to identify a voter that cannot be processed as a regular voter. This functionality has to be configurable so that the election day reasons can be updated without a software update.</p>
	<p>III – The name of required document must be pre-loaded in EPB. Poll worker must be able to</p>

<p><i>shall enter that the voter has voted if the pollbook is in electronic form, and shall indicate on the pollbook that he has signed the required statement in accordance with the instructions of the State Board.</i></p> <p><i>If the envelope containing a voted absentee ballot has been properly signed by the voter, such ballot shall not be subject to challenge pursuant to this section. § 24.2-651</i></p>	<p>select from the voter check-in screen the name of document that the voter is required to sign.</p>
<p><i>Any person who offers to vote, who is listed on the pollbook, and whose name is marked to indicate that he has already voted in person in the election shall cast a provisional ballot as provided in § 24.2-653. The State Board of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots. § 24.2-651.1</i></p>	<p>I – The EPB must disable all check in options if the voter’s status is VOTED.</p> <p>II – The EPB must require a supervisor control to change the voter status from VOTED or add the absentee status.</p>
<p><i>The data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. § 24.2-668(C)</i></p>	<p>I – All reports produced by the EPB must contain election identification information.</p> <p>II – The removable media must be able to be sealed, transportable, and retain information as required.</p>
<p><i>Before the polls open, the officers of election at each precinct shall mark, for each person on the absentee voter applicant list, the letters "AB" (meaning absentee ballot) in the EPB record column on the pollbook. § 24.2-711</i></p>	<p>I – The EPB must notify and provide user instructions for absentee and early voters (“AB”).</p> <p>II – The EPB must require supervisor controls to change the absentee status of a voter.</p>

<i>Functional Requirement</i>	<i>Test Assertions</i>
<i>Allows user to cancel a voter check-in. Requires supervisor controls prior to cancellation of a voter check-in. Provides ability to select reason for cancellation.</i>	I – The EPB must have the ability to cancel a voter check-in.
	II – The EPB must provide the ability to select a reason for cancellation and provide an input for a supervisor password.
<i>At voter check in, provide notification of “inactive” voter status, including on-screen instructions and options for processing the “inactive” voter.</i>	I – The EPB must have the functionality to identify a voter that cannot be processed as a regular voter.
	II –The EPB displays on-screen instructions.
	III –The EPB allows selection of the appropriate document name that the voter is required to sign.
<i>Provides the voter address look-up to redirect voters to the correct polling place. Contains additional functionality to include driving directions.</i>	I – The EPB must contain a feature that allows the user to look-up voter’s address to redirect them to the correct polling place.
	II – The EPB must contain a feature that includes driving directions.
<i>Provides a variety of voter look-up capabilities, including first and last name, year of birth, address, District, and Voter ID. Enables each search to be filtered to reduce the number of records returned. Allows configuration of additional advanced search capabilities.</i>	I – All search for voters must have the capability for an advanced search so results can be filtered on any combination of the following data: last name, first name, year of birth, address, District and Voter ID.

<i>Maintain separate elections such as primary elections for multiple parties. Manage the voter list and counts by separate elections.</i>	I – The EPB must have the ability to manage the voter list and count by party in a partisan election.
<i>Allows configuration of on-screen poll worker instructions and messages without software changes.</i>	I – The EPB must have a feature that allows for messaging and instructions to be editable without requiring a software update.
<i>Allows configuration of document name(s) when a voter's status requires a document to be signed.</i>	I – The EPB must have a feature that allows for configuration of document name(s) prior to Election Day without requiring a software update.
<i>Ability to customize workflow requirements according to the State and/or jurisdiction requirements and preferences.</i>	I – The EPB must be customizable so changes in workflow requirements and/or the change State procedures in the voter check-in process can be accommodated.
<i>Provides the user with a continuous on-screen voter check-in count, customizable by specific category.</i>	I – The EPB must display and automatically update the voter credits issued and synchronize with other units on a network.
<i>Displays an opening screen to allow the user to confirm election date, polling place location, number of eligible voters, and zero voter check-in count prior to opening the polls.</i>	I – The EPB must have a verification screen that displays the election date, polling place location, the number of voters for the location, and zero voter have checked in.
<i>Users with minimal system knowledge should be able to configure and customize reports.</i>	I – The EPB reporting module should be configurable and customizable by a user with minimal system knowledge.
<i>Receive and process the voter registration and election information.</i>	I – The EPB must be able to add, remove, update, and delete stored information.

	<p>II – The EPB must be able to retrieve a specific voter from a list of provided voters and issue voter credit.</p>
<p><i>Accurately maintain whole and separate count(s) of voters distinguishable by Ballot Style (Voter’s Party/primary, Precinct, and Precinct Split), Curbside Voter, Challenged Voter, Voter Status, Provisional, Absentees and Early Votes.</i></p>	<p>I – The EPB must be able to provide reports that distinguish voters by ballot style, party, precinct, precinct split, curbside voter, and voter status.</p>
<p><i>The EPB shall have the ability and the option to scan the barcode of a Virginia driver’s license.</i></p>	<p>I – The EPB must be able to scan the barcode from the Virginia State Issued IDs: Driver’s License.</p> <p>II – If the download is successful, display the voter name and address on the check-in screen.</p> <p>III – Display an appropriate message if the ID is not accepted.</p>

<i>System Requirement</i>	<i>Test Assertions</i>
<p><i>EPBs cannot connect to a Voting System at any time.</i></p>	<p>I – The EPB must not be required for the voting system to perform any functions, but may provide a digital code for the voter’s ballot retrieval on Ballot Marking Devices.</p> <p>II – The EPB cannot connect to the voting system.</p>

<p><i>During an interruption of network connection, EPBs should retain and synchronize all voter activities upon restoration of connectivity.</i></p>	<p>I – The EPB must be networkable. Once networked together all EPB’s must synchronize to the most current voter information.</p> <p>II – If network connectivity is lost, once restored all devices on the network must synchronize.</p>
<p><i>Perform data and operational integrity safeguard tests including:</i></p> <ul style="list-style-type: none"> <li><i>i. Ability to add or remove new units without disturbing the existing units</i></li> <li><i>ii. Power supply and battery life with an option to display power usage</i></li> <li><i>iii. Display appropriate message when the EPB device is operating at less than 20% of remaining power</i></li> <li><i>iv. Display appropriate error message when a voter is not counted</i></li> <li><i>v. Capacity/Load Test report to include the maximum number of voters the configuration setting can handle</i></li> </ul> <p><i>Performance report to include the optimal duration of check-in process per voter.</i></p>	<p>I – The EPB must have a report that provides statistics on the duration of voter check-in process and the maximum number of voters the configuration can handle.</p>
<p><i>System monitoring and notification of system errors including:</i></p> <ul style="list-style-type: none"> <li><i>i. Perform a self-test for peripheral connectivity</i></li> <li><i>ii. Visible display indicating power supply/battery life</i></li> <li><i>iii. Visible display indicating system connections.</i></li> </ul>	<p>I – The EPB must have battery status indicator and a peripheral connectivity indicator.</p> <p>II – The EPB must log all system errors and notify the user of errors that can be corrected by the user.</p>

<i>Security Requirement</i>	<i>Test Assertions</i>
<i>Support the industry standard for clean wipe method remotely and manually.</i>	I -The EPB must support the ability to write ones and zeros or shred all removable media.
<i>Utilize security best practices for internet connectivity including network, wireless, and cloud services.</i>	I – The EPB must employ the following management techniques: <ul style="list-style-type: none"> <li>• Upgrade to a Modern Operating System and keep it up-to-date</li> <li>• Exercise Secure User Habits</li> <li>• Leverage Security Software</li> <li>• Safeguard against Eavesdropping</li> <li>• Protect Passwords</li> <li>• Limited Use of the Administrator Account</li> <li>• Employ Firewall Capabilities</li> <li>• Implement WPA2 on the Wireless Network</li> <li>• Limit Administration to the Internal Network</li> </ul>
<i>Comply with the latest encryption standard for all data including data-at-rest and data-in-transit. This requirement applies to all IT equipment including mobile and stand-alone.</i>	I – All modules and data are cryptographic and are FIPS 140-2 v1 compliant.
	II – The EPB’s audit log must be encrypted, track all transactions and include a date/time stamp.
<i>Comply with the NIST SP 800-63B or better digital identity guidelines for authentication and lifecycle management.</i>	I – All passwords used by the EPB follow the NIST SP 800-63B Standard.
	II – All passwords used by the EPB must allow upper case, lower case, numbers, and special characters.
	III – The same password cannot be reused within at least the past 10 times.

	IV – The EPB requires passwords to be changed every 6 months.
<p><i>Comply with the Access Management best practices for System Administrator and Network Administrator.</i></p>	<p>I – The EPB must employ the following management techniques:</p> <ul style="list-style-type: none"> <li>• Centralization of all components</li> <li>• Role Based Access Control</li> <li>• Employ Zero Trust Identity Security</li> <li>• Use the Principle of Least Privilege</li> <li>• Automated Onboarding</li> <li>• Automated Off-boarding</li> <li>• Orphaned Account Detection and Removal</li> <li>• Multifactor Authentication</li> <li>• Notification of failed logon attempts</li> <li>• Notification of use of Privileged Accounts.</li> </ul>
<p><i>Harden the EPB System using the vendor’s procedures and specifications.</i></p>	<p>I – The EPB Vendor must provide a system hardening specification for the system.</p> <p>II – Assessed via automated scanning tools (i.e. CIS L1 benchmarks).</p>
<p><i>Restrict connections to EPBs from the specified devices such as the printer and authorized USB at the polling place. Reject all connections from other external devices.</i></p>	<p>I – The EPB must restrict all ports to only allow known system components to communicate with the EPB and not allow unknown device to connect.</p>
<p><i>EPBs should be configured to synchronize data within the defined network only. Disable connection to all unauthorized network including publicly</i></p>	<p>I – The EPB must be networkable. Once networked together all EPB’s must synchronize to the most current voter information.</p>



<p><i>accessible network. Any external connectivity must be IP whitelisted.</i></p>	<p>II - Any failure of a device can not impact the remaining units.</p>
	<p>III – The EPB must not connect to unauthorized networks.</p>
	<p>IV – The EPB must not allow connections that are not IP whitelisted.</p>
<p><i>Secure and reliable data transfers and display appropriate message for each data transfer to outside of the approved network including electronic data management system, central server and cloud data service.</i></p>	<p>I – The EPB must have success and failure message to the user for the transfer of data outside of the approved network.</p>
<p><i>When wireless is activated on an EPB device, there is a very visible means/mechanism that alerts others of this state.</i></p>	<p>I – The EPB effectively alerts others when the wireless state is activated on EPB device. (E.g. clearly visible indicator light on device, text alert, etc.)</p>

<i>Audit Requirement</i>	<i>Test Assertions</i>
<p><i>Transaction Logging and Audit Reports includes the following details:</i></p> <ul style="list-style-type: none"> <li><i>a. Audit trail of election data preparations</i></li> <li><i>b. Transactions at the polling places</i></li> <li><i>c. View and export logs in a readable format</i></li> <li><i>d. Identify and manage security incidents and fraudulent activities</i></li> <li><i>e. Track and resolve operational problems.</i></li> </ul>	<p>I – The EPB must have a transaction log containing the following:</p> <ul style="list-style-type: none"> <li>• Records of election preparation</li> <li>• Records of transactions in the polling place</li> <li>• Human-readable logs</li> <li>• Ability to export logs</li> <li>• Identify and manage security incidents and fraudulent activities</li> <li>• Track and resolve operational problems.</li> </ul>

<p><i>Reconciliation of data load to EPB to handle exceptions and discrepancies.</i></p>	<p>I – The EPB must provide a verification that the data loaded for the election was successful, accurate, and any discrepancies in the process handled.</p>
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**E – Software Patching Guidelines**

All vendors must comply with the policies, guidelines, and directives regarding software patching of EPB systems as adopted and modified by the SBE from time to time.

**F – Recertification Guidelines**

All vendors must comply with the policies, guidelines, and directives regarding recertification of EPB systems as adopted and modified by the SBE from time to time.

If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue, and ultimately the SBE reserves the right to decertify the EPB system.

An EPB system that has been decertified by the SBE cannot be used for elections held in the Commonwealth of Virginia and cannot be purchased by localities to conduct elections.

**G – Hardware Guidelines**

Memory devices or USB drives provided with the EPB system and/or supplied to localities must follow these standards:

1. Must be fully wiped per the DoD 5220.22-M wiping standard to prevent any preloaded software from being inadvertently installed on the systems
2. Must be cryptographic and FIPS 140-2 v1 compliant
3. Must use SHA256 hashing algorithm or higher
4. Must comply with applicable Commonwealth information security standards
5. Must comply with applicable policies, guidelines, and directives as adopted and modified by the SBE from time to time.

## H – EPB System Modifications & Product End of Life Planning

### EPB System Modifications

The process for reporting modification will be determined by ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time.

### Product End of Life Planning

“End-of-life” (EOL) is a term used with respect to product (hardware/software/component) supplied to customers, indicating that the product is in the end of its useful life (from the vendor’s point of view), and a vendor stops sustaining it; i.e. vendor limits or ends support or production for the product.

Product support during EOL varies by product. Depending on the vendor, EOL may differ from end of service life, which has the added distinction that a vendor of systems or software will no longer provide maintenance, troubleshooting or other support. For example, Extended Support is the period following end of Mainstream Support.

The definitions of Last Date of Mainstream Support and Extended Support, as applicable to decertification/recertification and associated policies and procedures, will be determined by ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time. As of initial adoption of this standard by the SBE, the definitions are as follows:

Mainstream Support: The first phase of the product lifecycle; when support is complimentary

Extended Support: The phase following Mainstream Support, in which support is no longer complimentary

Last Date of Mainstream Support: The last day of Mainstream Support

Policies and procedures applicable to decertification/recertification of EPB systems which contain software or hardware components that have and/or will reach the Last Date of Mainstream Support within 18 months, will be determined by ELECT based upon policies, guidelines, and directives as adopted and modified by the SBE from time to time.

An EPB system could still be decertified even if an upgrade plan is submitted. This could happen for a variety of reasons, such as a vendor is not showing progress in meeting their upgrade plan.

**I – EPB Certification Application Form**

Certification <input type="checkbox"/>	Recertification <input type="checkbox"/>
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The company officer or designee who is responsible for the Electronic Pollbook System should complete this form. With this signature, the company officer agrees to a release for the VSTL as well as other states that may have decertified the EPB to respond to any questions by ELECT. This application must be signed by a company officer and enclosed in the EPB Certification Request Package.

Check if you prefer to have the VSTL testing performed at another site to be specified which may require additional cost for the testing.

Name of Company: \_\_\_\_\_

Name and Title of Corporate Officer: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Primary Address of Company: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Name of EPB System to be certified: \_\_\_\_\_

Version Number/Name of EPB System to be certified: \_\_\_\_\_

I reviewed and confirmed that the EPB meets the requirements of the Virginia Electronic Pollbook Certification Standard. My company will comply with additional requests in a timely manner to complete this certification.

Signature of Corporate Officer: \_\_\_\_\_

Date: \_\_\_\_\_

## **J – De Minimis Change Guideline**

The SBE has adopted the EAC's De Minimis Change Guideline and applicable EAC Notice of Clarification of De Minimis Change Guidelines to manage a minimal hardware and/or software related change to a certified EPB system in a consistent and efficient manner. Software De Minimis Changes should have the following general characteristics:

1. Update a discrete component of the system and do not impact overall system functionality
2. Do not affect the accuracy of the component or system
3. Do not negatively impact the functionality, performance, accessibility, usability, safety, or security of a component or system
4. Do not alter the overall configuration of the certified system
5. Can be reviewed and/or tested by VSTL personnel in a short amount of time (approximately less than 100 hours).

A vendor must submit the VSTL's endorsed package to ELECT for approval. A proposed De Minimis Change may not be implemented to the certified EPB system until the change has been approved in writing by ELECT.

### **VSTL Endorsed Changes**

The vendor will forward to ELECT any change that has been endorsed as De Minimis Change by VSTL. The VSTL's endorsed package must include:

1. The vendor's initial description of the De Minimis Change, a narrative of facts giving rise to, or necessitating, the change, and the determination that the change will not alter the system's reliability, functionality, or operation.
2. The written determination of the VSTL's endorsement of the De Minimis Change. The endorsement document must explain why the VSTL, in its engineering judgment, determined that the proposed De Minimis Change meets the definition in this section and otherwise does not require additional testing and recertification.

### **VSTL Review**

The vendor must submit the proposed De Minimis Change to a VSTL with complete disclosures, including:

1. Detailed description of the change
2. Description of the facts giving rise to or necessitating the change



3. The basis for its determination that the change will not alter the system's reliability, functionality, or operation
4. Upon request of the VSTL, the EPB system model at issue or any relevant technical information needed to make the determination
5. Document any potential impact to election officials currently using the system and any required notifications to those officials
6. Description of how this change will impact any relevant system documentation
7. Any other information the VSTL needs to make a determination.

The VSTL will review the proposed De Minimis Change and make an independent determination as to whether the change meets the definition of De Minimis Change or requires the EPB system to undergo additional testing as a system modification. If the VSTL determines that a De Minimis Change is appropriate, it shall endorse the proposed change as a De Minimis Change. If the VSTL determines that modification testing and recertification should be performed, it shall reclassify the proposed change as a modification. Endorsed De Minimis Change shall be forwarded to ELECT for final approval. Rejected changes shall be returned to the vendor for resubmission as system modifications.

#### **ELECT's Action**

ELECT will review the proposed De Minimis Change endorsed by a VSTL. ELECT has sole authority to determine whether any VSTL endorsed change constitutes a De Minimis Change under this section.

**ELECT's Approval:** ELECT shall provide a written notice to the vendor that ELECT accepted the change as a De Minimis Change. ELECT will maintain the copies of approved De Minimis Change and track such changes.

**ELECT's Denial:** ELECT will inform the vendor in writing that the proposed change cannot be approved as De Minimis Change. The proposed change will be considered a modification and requires testing and certification consistent with this Certification Standard.

De Minimis Change is not applicable to the EPB system currently undergoing the State Certification testing; it is merely a change to an uncertified system and may require an application update.

## K – Early Voting Connection Requirements

The following additional requirements exist if the EPB Vendor utilizes the cloud to host EPBs for locality access during the Early Voting period:

1. Utilize security best practices for internet connectivity including network, wireless, and cloud services.
2. Utilize a cloud service provider (CSP) whose infrastructure and applications are NIST 800-53 certified through a third party entity.
3. Ensure that CSP SLA contains three major components: Service level objectives, Remediation policies, and penalties/incentives related to NIST compliance, exclusions, and caveats.
4. The connection via VPN must be FIPS 140-2 v1 certified, whether it is a dedicated SSLVPN or just a dedicated connection. If there is a dedicated connection, thorough documentation must be provided.
5. If the EPB Vendor supplies the mobile devices, ensure compliance with NIST 800-53 in relation to these devices, as is done with the infrastructure.
6. Storage, processing, migration, access control, and detection to and from the cloud must be NIST 800-53 compliant.
7. Ensure the CSP is NIST certified by validating their credentials through their third-party certification provider. Ask for internal vulnerability/penetration testing reports, audit reports, incident reports, and evidence of remedial actions for any issues raised. Also, verify tracking of mitigating action-tracking mechanisms (POA&M tracking).

All vendors must comply with the policies, guidelines, and directives regarding Early Voting connection requirements as adopted and modified by the SBE from time to time.



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