



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Tuesday, June 27, 2023
Martha Brissette Conference Room
Washington Building
Richmond, VA
Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=mdbadc0159e2d430f5dc84bd1e8dfa817>

Meeting password: BPuMZJsg583

Teleconference:

1-517-466-2023 US Toll
1-866-692-4530 US Toll-Free
Access Code: 2432 940 3624

1:00 P.M.



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Tuesday, June 27, 2023

**LOCATION: 1100 Bank St.
Washington Bldg – Room B-27
Richmond, VA**

**23219TELECONFERENCE:
+1-517-466-2023 US Toll
+1-866-692-4530 US Toll Free
Access code: 2432 940 3624**

**VIDEO CONFERENCE:
[https://covaconf.webex.com/covaconf/j.php?MTID=md
badc0159e2d430f5dc84bd1e8dfa817](https://covaconf.webex.com/covaconf/j.php?MTID=mdbadc0159e2d430f5dc84bd1e8dfa817)
Password: BPuMZJsg583
TIME: 1:00 P.M.**

I. CALL TO ORDER

John O'Bannon, Chairman

II. RISK LIMITING AUDIT

**A. Request for a Risk-Limiting Audit for the June 2023
Primary Election**

*Rachel Lawless
Confidential Policy Advisor*

**B. Generating the Random Seed Number for Risk Limiting
Audits**

*Claire Scott
ELECT Policy Analyst*

III. PUBLIC COMMENT

IV. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=38260>

Re. Entrance to the Washington Building

All members of the public will be required to show his/her driver's license, passport or other government issued ID to enter the building. All State employees must have on his/her state ID badge on at all times while in the building.

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.

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

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



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Risk Limiting Audit Drawing

BOARD WORKING PAPERS
Rachel Lawless
Confidential Policy Advisor
Claire Scott
ELECT Policy Analyst



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Request for a Risk-Limiting Audit for the June 2023 Primary Election

BOARD WORKING PAPERS
Rachel Lawless
Confidential Policy Advisor



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DEPARTMENT *of* ELECTIONS

Memorandum

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

From: Rachel Lawless, Confidential Policy Advisor

Date: June 27, 2023

Re: Loudoun County Request for a Risk-Limiting Audit of House of Delegates District 26: Approving the Request for a Risk-Limiting Audit and Granting an Extension of the Local Electoral Board's Certification Deadline

Recommended Motions:

I move that the State Board of Elections approve the request for a risk-limiting audit for the June 2023 Democratic Primary Race for the House of Delegates District 26 to be held on Wednesday, June 28, 2023 at 10:00 AM at the office of the general registrar of Loudoun County with the risk limit set at 10%.

I move that the State Board of Elections grants an extension for the Loudoun County Electoral Board's certification of the June 2023 Democratic Primary Race for the House of Delegates District 26 until Friday, June 30, 2023.

Relevant Code Sections: §24.2-534, §24.2-671.2(D); 1VAC20-60-80

Attachment: Loudoun County SBE-671.2(D) Request for a Risk-Limiting Audit

Background

Pursuant to §24.2-671.2(D), "A local electoral board may request that the State Board approve the conduct of a risk-limiting audit for a contested race within the local electoral board's jurisdiction." 1VAC20-60-80 prescribes the requirement for a request to approve a risk-limiting audit. To request a race for a risk-limiting audit (RLA), a local electoral board must select a race that is wholly contained within their locality that has a margin greater than 1% and cast a majority vote at a public meeting to request the audit. Further, local electoral boards must submit an SBE-671.2(D) Form to the Department of Elections (ELECT) to be considered. The State Board of Elections (SBE) will grant an RLA request if the form is properly completed, and all statutory requirements are met. Finally, the SBE may grant an extension to the local electoral board's certification of the audited contest under § 24.2-671 to complete the audit.

Loudoun County's SBE-671.2(D) Request for Risk-Limiting Audit of the Democratic Primary Race for the House of Delegates District 26

The Loudoun County Electoral Board (LCEB) submitted an SBE-671.2 (D) Form on June 22, 2023, to the Department of Elections (ELECT) indicating the following information (see attachment):

- LCEB met on June 21, 2023, and unanimously voted to apply for an RLA for the Democratic Primary Race for the House of Delegates District 26.
- LCEB requested a *batch comparison* method of conducting an RLA.
- House of Delegates District 26 is wholly contained within the jurisdiction of the LCEB.
- The margin between the candidate with the most votes and the candidate with the second most votes is equal to or greater than 1.0%.
- LCEB requested that the audit be conducted on June 28, 29, or 30 of 2023.

The request made by the Loudoun County Electoral Board meets the criteria outlined in 1VAC20-60-80 and in §24.2-671.2 of Virginia Code. ELECT staff recommends approving the Loudoun County Electoral Board's request for a risk-limiting audit of the June 2023 Democratic Primary Race for House of Delegate District 26 for June 28, 2023.

Granting an Extension for the Local Electoral Board's Certification Deadline

Pursuant to 1VAC20-60-80, "Upon granting an electoral board's request for a risk-limiting audit, the State Board of Elections may grant an extension not to exceed two weeks of the local electoral board's certification deadline pursuant to § 24.2-671 of the Code of Virginia if necessary for the conduct of the audit." While the regulation does allow for an extension up to two weeks for the local electoral board to certify, the full two weeks cannot be given as the State Board of Elections must certify the results of the primary no later than 14 days following the primary, pursuant to §24.2-534. Certification of the June 2023 primary will be on July 5, 2023. ELECT staff recommends that the SBE extend the LCEB's certification of the June 2023 Democratic Primary Race for the House of Delegates District 26 until Friday, June 30, 2023, to allow enough time to complete the audit.

Setting the Risk Limit

Pursuant to §24.2-671.2(F), the State Board of Elections (SBE) is to set the risk limit for RLAs in the Commonwealth. A risk limit is the maximum chance that the RLA will fail to correct an incorrectly reported outcome. For example, a 10% risk-limit means that there is as a 90% chance that the RLA will correct an incorrect outcome. Every RLA that has been held in the Commonwealth of Virginia has used a 10% risk-limit. ELECT staff recommends that the SBE set the risk limit for the June 2023 Democratic Primary Race for the House of Delegates District 26 at 10%.

ELECT Staff Recommendations

ELECT recommends approving the Loudoun County Electoral Board's request for a risk-limiting audit of the June 2023 Democratic Primary Race for the House of Delegates District 26 for June 28, 2023 at 10 AM at the office of the general registrar of Loudoun County.

ELECT recommends setting the risk limit to 10% for the resulting RLA.

ELECT recommends granting an extension of the LCEB's certification of the June 2023 Democratic Primary Race for the House of Delegates District 26 until Friday, June 30, 2023.



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Generating the Random Seed Number for Risk Limiting Audits

BOARD WORKING PAPERS
Claire Scott
ELECT Policy Analyst



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DEPARTMENT *of* ELECTIONS

Memorandum

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

From: Claire Scott, Policy Analyst

Date: June 27, 2023

Re: Loudoun County Request for a Risk-Limiting Audit of the Democratic Primary Race for House of Delegates District 26: Generating the Random Seed Number

Relevant Code Sections: §24.2-671.2; 1VAC20-60-80

Background

The risk-limiting audit (RLA) software uses a 20-digit random seed number to objectively select the batches of ballots to be retrieved for the audit. A random seed number specifies the starting point of a computer-generated random sequence of numbers. Once this number is inputted into the software, the auditing software will randomly select and generate a list of batches to be retrieved based on the sample size required for the audit.

Generating a Random Seed Number

To create this random number, members of the Department of Elections (ELECT) staff will roll a ten-sided dice twenty times and record the number of each number roll on a whiteboard. This random seed number will be recorded and posted to ELECT's YouTube channel. The 20-digit number generated by this activity will be inputted into the RLA software by the RLA Administrator and used for the RLA of the Democratic Primary for House of Delegates District 26.

Notice of RLA

The Loudoun County Board will begin the RLA for the June 2023 Democratic Primary race for the House of Delegates District 26 on Wednesday, June 28, 2023 at 10:00 A.M. at the office of the general registrar of Loudoun County.



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Public Comment

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