



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Wednesday, April 10, 2024
Martha Brissette Conference Room
Washington Building
Richmond, VA
Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=md27c17109e1b1dd64435dc4338c7e6f4>

Meeting password: fiJKNPRr757

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2428 111 7940

1:00 P.M.

SBE Board Working Papers



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Tuesday, April 10, 2024

LOCATION: 1100 Bank St.

Washington Bldg – Room B-27

Richmond, VA 23219

TELECONFERENCE:

+1-517-466-2023 US Toll

+1-866-692-4530 US Toll Free

Access code: 2428 111 7940

VIDEO CONFERENCE:

<https://covaconf.webex.com/covaconf/j.php?MTID=md27c17109e1b1dd64435dc4338c7e6f4>

Password: fiJKNPRr757

TIME: 1:00 P.M.

I. CALL TO ORDER

John O'Bannon, Chairman

II. APPROVAL OF MINUTES

Georgia Alvis-Long, Secretary

A. March 19, 2024

III. PUBLIC COMMENT

IV. COMMISSIONER'S REPORT

*Susan Beals
Commissioner*

**V. BALLOT DRAWING FOR SIMULTANEOUS
FILERS**

*Matt Abell
Elections Services*

VI. SPLIT PRECINCT

A. Prince William County

*Claire Scott
ELECT Policy Analyst*

VII. VOTER REGISTRTION APPLICATION

*Matt Abell
Election Services*

VIII. STAND BY YOUR AD

A. Williamsburg – James City County Republican Committee – PP-12-00611

*Tammy Alexander Campaign Finance
Compliance and Training Supervisor*

IX. FINALIZATION OF STAND BY YOUR AD DECISIONS FROM THE MARCH 19th MEETING

*Tammy Alexander Campaign Finance
Compliance and Training Supervisor*

X. VOTING SYSTEM CERTIFICATION FOR CLEAR BALLOT

*Londo Andrews
Voting Systems Security Manager*

XI. KNOWINK ELECTRONIC POLLBOOK CERTIFICATION

*Londo Andrews
Voting Systems Security Manager*

XII. ELECTION SYSTEMS & SOFTWARE ELECTRONIC POLLBOOK CERTIFICATION

*Londo Andrews
Voting Systems Security Manager*

XIII. CLOSED SESSION

XIV. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=37230>

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 Washington 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.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS

1 The State Board of Elections (“the Board”) meeting was held on Tuesday, March 19,
2 2024 in the Martha Brissette Conference Room of the Washington Building in Richmond,
3 Virginia. The meeting also offered public participation through electronic communication so the
4 remote public could view and hear the meeting. In attendance: John O’Bannon, Chairman;
5 Rosalyn R. Dance, Vice Chair; Georgia Alvis-Long, Secretary; Delegate Donald Merricks,
6 member; and Matthew Weinstein; member; represented the State Board of Elections (“the
7 Board”). Susan J. Beals, Commissioner, represented the Department of Elections (“ELECT”),
8 and Dennis Polio represented the Office of the Attorney General (“OAG”). Chairman O’Bannon
9 called the meeting to order at 1:00 P.M.

10 The first item of business was the approval of the minutes from the January 17, 2024 and
11 March 5, 2024 Board Meetings, presented by Secretary Alvis-Long. Delegate Merricks moved
12 *that the Board approve the minutes from the January 17, 2024 and March 5, 2024 Board*
13 *Meetings.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call
14 vote was taken:

15 Chairman O’Bannon – Aye

16 Vice Chair Dance – Aye

17 Secretary Alvis-Long – Aye

18 Delegate Merricks – Aye

19 Mr. Weinstein - Aye

20 The Chairman opened the floor to public comment. Irene Churins, Jeff McVey, Ken
21 Vande Vrede addressed the Board.

22 The next item of business was the Commissioner’s Report. Commissioner Beals thanked
23 the General Registrars, their staff members and our Electoral Board members for their work on
24 the March 5, 2024 Presidential Primary considering this was the first time that Virginia has had
25 forty-five days of early voting for a Presidential Primary. The Commissioner also mentioned the
26 2023 Post Election Report that was included in the Board’s Working Papers in which the
27 department has developed a report providing details about the General Election including the
28 results, candidates, voters, and issues in the Election Administration that have come up. She
29 thanked the members of the ELECT Policy Team for their hard work. The Commissioner also
30 acknowledged the great strides Virginia has made over the last year improving ADA accessibility
31 in our polling places.

32 The next item of business was the Certification of the March 5, 2024 Presidential
33 Primaries, presented by Matt Abell, Election Services Senior Advisor. *This memo is in the*
34 *Working Papers for the March 19, 2024 Meeting.* Mr. Weinstein moved *that the Board vote to*
35 *certify the results of the March 5, 2024 Democratic Party and Republican Party Presidential*
36 *Primary Elections and instruct ELECT staff to send certified results to Susan Swecker,*
37 *Chairwoman of the Democratic Party of Virginia, and Richard L. Anderson, Chairman of the*
38 *Republican Party of Virginia.* Delegate Merricks seconded the motion and the motion passed
39 unanimously. A roll call vote was taken:

40 Chairman O’Bannon – Aye

41 Vice Chair Dance – Aye

42 Secretary Alvis-Long – Aye

43 Delegate Merricks – Aye

44 Mr. Weinstein - Aye

45 The next item of business was the Split Precinct Waiver Request presented by Claire
46 Scott, ELECT Policy Analyst. Bedford County requested the first precinct waiver. *These*
47 *documents are in the Working Papers for the March 19, 2024 Meeting.* Delegate Merricks moved
48 *that the Board approve the Waiver to Administer a Split Precinct as requested by Bedford*
49 *County.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call vote
50 was taken:

51 Chairman O'Bannon – Aye

52 Vice Chair Dance – Aye

53 Secretary Alvis-Long – Aye

54 Delegate Merricks – Aye

55 Mr. Weinstein - Aye

56 The next split precinct request was from Chesterfield County. *These documents are in*
57 *the Working Papers for the March 19, 2024 Meeting.* Vice Chair Dance moved *that the Board*
58 *approve the Waiver to Administer a Split Precinct as requested by Chesterfield County.* Mr.
59 Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

60 Chairman O'Bannon – Aye

61 Vice Chair Dance – Aye

62 Secretary Alvis-Long – Aye

63 Delegate Merricks – Aye

64 Mr. Weinstein - Aye

65 The next split precinct request was from Hanover County. *These documents are in the*
66 *Working Papers for the March 19, 2024 Meeting.* Delegate Merricks moved that the Board
67 *approve the Waiver to Administer a Split Precinct as requested by Hanover County.* Mr.
68 Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

69 Chairman O'Bannon – Aye

70 Vice Chair Dance – Aye

71 Secretary Alvis-Long – Aye

72 Delegate Merricks – Aye

73 Mr. Weinstein - Aye

74 The next item of business was Stand By Your Ad, presented by Tammy Alexander,
75 Campaign Finance Compliance and Training Supervisor. Mrs. Alexander explained to the Board
76 the Schedule of Penalties for General Assembly and statewide offices as well as the REVISED
77 Schedule of Penalties for Local and Constitutional offices. The first complaint was against
78 Citizens for Local Government. Mrs. Alexander informed the Board that numerous complaints
79 via emails and articles were received regarding seven signs and two billboards inadequately
80 disclosed. Mrs. Joanne Price and Ms. Kim Bowman addressed the Board. Mrs. Alexander stated
81 there were two issues therefore her recommended motion was two-fold; one lack of Statement of
82 Organization and the second issue of the penalty. The violation of disclosure for seven
83 advertisements penalty of \$350 and \$500 penalty for failure to file a Statement of Organization
84 in a timely manner. After discussion and clarification Vice Chair Dance moved *subject to the*

85 *Board's authority under the Code of Virginia §24.2-955.3, to find Citizens for Local Government*
86 *in violation of §24.2-956 Stand By Your Ad print media disclosure requirements with regard to*
87 *seven print media signs and two billboards and assess a \$25 civil penalty. Mr. Weinstein*
88 *seconded the motion and the motion passed unanimously. A roll call vote was taken:*

89 Chairman O'Bannon – Aye

90 Vice Chair Dance – Aye

91 Secretary Alvis-Long – Aye

92 Delegate Merricks – Aye

93 Mr. Weinstein - Aye

94 The next complaint was against Friends of Nick Ignacio 2023. Mrs. Alexander informed
95 the Board that one complaint for unknown PAC/misrepresentation was submitted for one flier
96 undisclosed. She advised the Board this is the first time Mr. Ignacio was in violation and
97 recommended a \$50 penalty. Because this was his first time in violation Vice Chair Dance
98 moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Nick*
99 *Ignacio in violation of §24.2-956 Stand By Your Ad print media advertising requirements with*
100 *regard to one advertisement and assess a \$25 civil penalty. The motion failed. Delegate*
101 *Merricks moved subject to the Board's authority under the Code of Virginia §24.2-955.3, to find*
102 *Nick Ignacio in violation of §24.2-956 Stand By Your Ad print media advertising requirements*
103 *with regard to one advertisement and assess a \$50 penalty. Mr. Weinstein seconded the motion*
104 *and the motion passed unanimously. A roll call vote was taken:*

105 Chairman O'Bannon – Aye

106 Vice Chair Dance – Aye

107 Secretary Alvis-Long – Aye

108 Delegate Merricks – Aye

109 Mr. Weinstein - Aye

110 The next complaint was against Cooper for Clerk. Mrs. Alexander informed the Board
111 that a complaint was submitted for one billboard, one yard sign and one online ad for inadequate
112 disclosure and it was a first-time violation with a recommendation of a \$25 penalty. Mr. Cooper
113 addressed the Board. Vice Chair Dance moved *subject to the Board's authority under the Code*
114 *of Virginia §24.2-955.3, to find Cedrick Cooper in violation of §24.2-956 Stand By Your Ad print*
115 *media advertising requirements with regard to three advertisements and assess a \$25 penalty.*
116 Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call vote was
117 taken:

118 Chairman O'Bannon – Aye

119 Vice Chair Dance – Aye

120 Secretary Alvis-Long – Aye

121 Delegate Merricks – Aye

122 Mr. Weinstein - Aye

123 The next complaint was against Denise Tynes for School Board. Mrs. Alexander
124 informed the Board that a complaint was submitted for inadequate disclosure of one yard sign
125 and recommended a \$25 penalty. Ms. Tynes addressed the Board. Delegate Merricks moved

126 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Denise Tynes in*
127 *violation of §24.2-956 Stand By Your Ad print media advertising requirements with regard to one*
128 *advertisement and assess a \$25 penalty. Vice Chair Dance seconded the motion and the motion*
129 *passed unanimously. A roll call vote was taken:*

130 Chairman O'Bannon – Aye

131 Vice Chair Dance – Aye

132 Secretary Alvis-Long – Aye

133 Delegate Merricks – Aye

134 Mr. Weinstein - Aye

135 The next complaint was against Friends of Candidate Holden. Mrs. Alexander informed
136 the Board that a complaint was submitted for inadequate disclosure for one yard sign and
137 recommended a \$25 penalty. Mr. Holden addressed the Board. Vice Chair Dance moved *subject*
138 *to the Boards's authority under the Code of Virginia §24.2-955.3, to find Ronnie Holden in*
139 *violation of §24.2-956 Stand By Your Ad print media advertising requirements with regard to one*
140 *advertisement and assess a \$25 penalty. Mr. Weinstein seconded the motion and the motion*
141 *passed unanimously. A roll call vote was taken:*

142 Chairman O'Bannon – Aye

143 Vice Chair Dance – Aye

144 Secretary Alvis-Long – Aye

145 Delegate Merricks – Aye

146 Mr. Weinstein - Aye

147 The next complaint was against Amber Mabie for School Board. Mrs. Alexander
148 informed the Board that the complaint against Ms. Mabie was for not having disclosure on one
149 sign and one online ad and recommended a \$25 penalty. Ms. Mabie addressed the Board. Vice
150 Chair Dance moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to*
151 *find Amber Mabie in violation of §24.2-956 Stand By Your Ad print media advertising*
152 *requirements with regard to two advertisements and assess a \$25 penalty.* Mr. Weinstein
153 seconded the motion and the motion passed unanimously. A roll call vote was taken:

154 Chairman O'Bannon – Aye

155 Vice Chair Dance – Aye

156 Secretary Alvis-Long – Aye

157 Delegate Merricks – Aye

158 Mr. Weinstein - Aye

159 The next complaint was against Brian Walker for Commissioner. Mrs. Alexander
160 informed the Board the complaint against Mr. Walker was for not having disclosure on a palm
161 card and recommended a \$25 penalty. Vice Chair Dance moved *subject to the Board's authority*
162 *under the Code of Virginia §24.2-955.3, to find Brian Walker in violation of §24.2-956 Stand By*
163 *Your Ad print media advertising requirements with regard to one advertisement and assess a \$25*
164 *penalty.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll vote call
165 was taken:

166 Chairman O'Bannon – Aye

167 Vice Chair Dance – Aye

168 Secretary Alvis-Long – Aye

169 Delegate Merricks – Aye

170 Mr. Weinstein - Aye

171 The next complaint was against Chris Torre Election. Mrs. Alexander informed the
172 Board that the complaint against Mr. Torre was for not having disclosures on three signs and one
173 postcard and recommended a \$25 penalty. Mr. Torre addressed the Board. Vice Chair Dance
174 moved *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Chris*
175 *Torre in violation of §24.2-956 Stand By Your Ad print media advertising requirements with*
176 *regard to four advertisements and assess a \$25 penalty.* Mr. Weinstein seconded the motion and
177 the motion passed unanimously. A roll call vote was taken:

178 Chairman O'Bannon – Aye

179 Vice Chair Dance – Aye

180 Secretary Alvis-Long – Aye

181 Delegate Merricks – Aye

182 Mr. Weinstein - Aye

183 The next complaint was against Douglas Whitelock for Board of Supervisor. Mrs.
184 Alexander informed the Board that the complaint against Mr. Whitelock was for inadequate
185 disclosure for two signs and recommended a \$25 penalty. Mr. Whitelock addressed the Board.
186 Delegate Merricks moved *subject to the Board's authority under the Code of Virginia §24.2-*

187 *955.3, to find Douglas Whitelock in violation of §24.2-956 Stand By Your Ad print media*
188 *advertising requirements with regard to two advertisements and assess a \$25 penalty.* Vice Chair
189 Dance seconded the motion and the motion passed unanimously. A roll call vote was taken:

190 Chairman O'Bannon – Aye

191 Vice Chair Dance – Aye

192 Secretary Alvis-Long – Aye

193 Delegate Merricks – Aye

194 Mr. Weinstein - Aye

195 The next complaint was against Friends of Jim Hopkins. Mrs. Alexander informed the
196 Board that the complaint against Mr. Hopkins was for not having disclosure on one yard sign and
197 recommended a \$25 penalty. Mr. Hopkins addressed the Board. Vice Chair Dance moved
198 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Jim Hopkins in*
199 *violation of §24.2-956 Stand By Your Ad print media advertising requirements with regard to one*
200 *advertisement and assess a \$25 penalty.* Mr. Weinstein seconded the motion and the motion
201 passed unanimously. A roll vote call was taken:

202 Chairman O'Bannon – Aye

203 Vice Chair Dance – Aye

204 Secretary Alvis-Long – Aye

205 Delegate Merricks – Aye

206 Mr. Weinstein - Aye

207 The next complaint was against Friends of Matt Strickland. Mrs. Alexander informed the
208 Board that the complaint against Mr. Strickland was for having no disclosure on three signs and
209 one flyer. Mrs. Alexander stated that this falls under the General Assembly Senate of Virginia
210 therefore he does not qualify for the \$25 first time violation penalty thus recommended a \$500
211 penalty. Mr. Strickland, Mr. Mike Rose, Ms. Jennifer Peterson, Ms. Jessica Warbarker, and Mr.
212 Daniel Cortez addressed the Board. Mr. Dennis Polio with the Office of Attorney General
213 addressed Mr. Strickland with follow up questions for clarification. Upon further discussion and
214 after two failed motions by Vice Chair Dance to administer the \$500 penalty to Mr. Rose since it
215 was his doing and secondly to pass it by the consensus was to investigate further. Vice Chair
216 Dance moved *to investigate further and take this item back up in the April 10, 2024 meeting.* Mr.
217 Weinstein seconded the motion. A roll call vote was taken:

218 Chairman O'Bannon – Nay

219 Vice Chair Dance – Aye

220 Secretary Alvis-Long – Aye

221 Delegate Merricks – Aye

222 Mr. Weinstein - Aye

223 The next complaint was against Gagnon for Town Council. Mrs. Alexander informed the
224 Board the complaint was for having no disclosure for multiple signs and recommended a \$25
225 penalty. Mr. Gagnon addressed the Board. Vice Chair Dance moved *subject to the Board's*
226 *authority under the Code of Virginia §24.2-955.3, to find Eric Gagnon in violation of §24.2-956*
227 *Stand By Your Ad print media advertising requirements with regard to five advertisements and*

228 *assess a \$25 penalty.* Mr. Weinstein seconded the motion and the motion passed unanimously. A
229 roll call vote was taken:

230 Chairman O'Bannon – Aye

231 Vice Chair Dance – Aye

232 Secretary Alvis-Long – Aye

233 Delegate Merricks – Aye

234 Mr. Weinstein - Aye

235 The next complaint was against Graham Montrose for Henrico. Mrs. Alexander informed
236 the board the complaint was for having no disclosure on multiple signs and one card and
237 recommended a \$25 penalty. Ms. Montrose addressed the Board. Vice Chair Dance moved
238 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Graham*
239 *Montrose in violation of §24.2-956 Stand By Your Ad print media advertising requirements with*
240 *regard to six advertisements and assess a \$25 penalty.* Mr. Weinstein seconded the motion and
241 the motion passed unanimously. A roll call vote was taken:

242 Chairman O'Bannon – Aye

243 Vice Chair Dance – Aye

244 Secretary Alvis-Long – Aye

245 Delegate Merricks – Aye

246 Mr. Weinstein - Aye

247 The next complaint was against Lindsay Rich for MCPS School Board District E. Mrs.
248 Alexander informed the board the complaint was for having no disclosure on four signs and
249 recommended a \$25 penalty. Vice Chair Dance moved *subject to the Board's authority under the*
250 *Code of Virginia §24.2-955.3, to find Lindsay Rich in violation of §24.2-956 Stand By Your Ad*
251 *print media advertising requirements with regard to four advertisements and assess a \$25*
252 *penalty.* Mr. Weinstein seconded the motion and the motion passed unanimously. A roll call vote
253 was taken:

254 Chairman O'Bannon – Aye

255 Vice Chair Dance – Aye

256 Secretary Alvis-Long – Aye

257 Delegate Merricks – Aye

258 Mr. Weinstein - Aye

259 The next complaint was against Philip Buttery for School Board. Mrs. Alexander
260 informed the board the complaint was for having no disclosure on one sign and recommended a
261 \$25 penalty. Mr. Buttery addressed the Board. Vice Chair Dance moved *subject to the Board's*
262 *authority under the Code of Virginia §24.2-955.3, to find Philip Buttery in violation of §24.2-956*
263 *Stand By Your Ad print media advertising requirements with regard to one advertisement and*
264 *assess a \$25 penalty.* Mr. Weinstein seconded the motion and the motion passed unanimously. A
265 roll call vote was taken:

266 Chairman O'Bannon – Aye

267 Vice Chair Dance – Aye

268 Secretary Alvis-Long – Aye

269 Delegate Merricks – Aye

270 Mr. Weinstein – Aye

271 The next complaint was against Sabio 4 Fairfax. Mrs. Alexander informed the board the
272 complaint was for having no disclosure on two fliers and one sign and recommended a \$25
273 penalty. Vice Chair Dance moved *subject to the Board's authority under the Code of Virginia*
274 *§24.2-955.3, to find Tony Sabio in violation of §24.2-956 Stand By Your Ad print media*
275 *advertising requirements with regard to two advertisements and assess a \$25 penalty.* Mr.
276 Weinstein seconded the motion and the motion passed unanimously. A roll call vote was taken:

277 Chairman O'Bannon – Aye

278 Vice Chair Dance – Aye

279 Secretary Alvis-Long – Aye

280 Delegate Merricks – Aye

281 Mr. Weinstein – Aye

282 The next complaint was against VoteSandySchoolBoard. Mrs. Alexander informed the
283 Board the complaint was for having no disclosure on one sign and recommended a \$25 penalty.
284 Ms. Harrington addressed the Board. Vice Chair Dance moved *subject to the Board's authority*
285 *under the Code of Virginia §24.2-955.3, to find Sandy Harrington in violation of §24.2-956*
286 *Stand By Your Ad print media advertising requirements with regard to one advertisement and*
287 *assess a \$25 penalty.* Mr. Weinstein seconded the motion and the motion passed unanimously. A
288 roll call vote was taken:

289 Chairman O'Bannon – Aye

290 Vice Chair Dance – Aye

291 Secretary Alvis-Long – Aye

292 Delegate Merricks – Aye

293 Mr. Weinstein – Aye

294 The next complaint was against Woodward for Supervisor. Mrs. Alexander
295 informed the Board the complaint was for having no disclosure on one email and recommended
296 a \$25 penalty. Mr. Purcell and Mr. Woodward addressed the Board. Vice Chair Dance moved
297 *subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Mr. Woodward in*
298 *violation of §24.2-956 Stand By Your Ad print media advertising requirements with regard to one*
299 *advertisement and assess a \$25 penalty.* Mr. Weinstein seconded the motion and the motion
300 passed unanimously. A roll call vote was taken:

301 Chairman O'Bannon – Aye

302 Vice Chair Dance – Aye

303 Secretary Alvis-Long – Aye

304 Delegate Merricks – Aye

305 Mr. Weinstein – Aye

306 The next complaint was against Yesenia for School Board. Mrs. Alexander
307 informed the Board the complaint was for having no disclosure on one sign and recommended a
308 \$25 penalty. Ms. Yesenia stated Dr. Kimberly Mehlman-Orozco would address the Board on her

309 behalf due to her traumatic brain injury. Vice Chair Dance moved *subject to the Board's*
310 *authority under the Code of Virginia §24.2-955.3, to find Yesenia Lassiter in violation of §24.2-*
311 *956 Stand By Your Ad print media advertising requirements with regard to one advertisement*
312 *and assess a \$25 penalty.* Mr. Weinstein seconded the motion and the motion passed
313 unanimously. A roll call vote was taken:

314 Chairman O'Bannon – Aye

315 Vice Chair Dance – Aye

316 Secretary Alvis-Long – Aye

317 Delegate Merricks – Aye

318 Mr. Weinstein – Aye

319 The next item of business was Campaign Finance Regulations for Print Media
320 Advertisements presented by Ashley Coles, ELECT Policy Analyst. *This memo is in the Working*
321 *Papers for the March 19, 2024 Meeting.* Mr. Weinstein suggested to provide examples to ensure
322 clarity. No motion was required.

323 At 3:05 P.M., Vice Chair Dance moved *pursuant to Virginia Code Section 2.2-3711(A)(7),*
324 *that the Board go into closed session for the purpose of discussing pending and threatened*
325 *litigation. In accordance with Section 2.2-3712(F), Susan Beals, Commissioner of Elections, and*
326 *Dennis Polio of the Office of the Attorney General, will attend the closed session because their*
327 *presence will reasonably aid the Board in its consideration of the subject of the meeting.* Mr.
328 *Weinstein seconded the motion and the motion passed unanimously.* A roll call vote was taken:

329 Chairman O'Bannon – Aye

330 Vice Chair Dance – Aye

331 Secretary Alvis-Long – Aye

332 Delegate Merricks – Aye

333 Mr. Weinstein - Aye

334 At 3:29 P.M., Vice Chair Dance moved *to reconvene the meeting in open session, and*
335 *take a roll call vote certifying that to the best of each member’s knowledge (i) only such public*
336 *business matters lawfully exempted from open meeting requirements under this chapter and (ii)*
337 *only such public business matters as were identified in the motion by which the closed meeting*
338 *was convened were heard or discussed by the State Board of Elections.* Delegate Merricks
339 seconded the motion and the motion passed unanimously. A roll call vote was taken:

340 Chairman O’Bannon – Aye

341 Vice Chair Dance – Aye

342 Secretary Alvis-Long – Aye

343 Delegate Merricks – Aye

344 Mr. Weinstein - Aye

345 The meeting adjourned at 3:30 P.M.

346

347

348 _____
Chairman

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State Board of Elections
Tuesday, March 19, 2024
FINAL Meeting Minutes

350

351

Vice-Chair

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Secretary

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Board Member

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Board Member

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STATE BOARD *of* ELECTIONS

Public Comment

BOARD WORKING PAPERS



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Commissioner's Report

BOARD WORKING PAPERS
Susan Beals
Commissioner



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STATE BOARD *of* ELECTIONS

Ballot Drawing for Simultaneous Filers

BOARD WORKING PAPERS
Matt Abell
Election Services



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STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Matthew Weinstein, and Delegate Merricks
From: Matthew Abell, Election Services Senior Advisor
Date: April 10, 2024
Re: Candidate Ballot Order for June 2024 Primaries

Suggested motion for a Board member to make:

"I move that the Board certify the determinations by lot of the order of candidates on the ballot for primary elections to be held on June 18, 2024."

Applicable Code Sections:

Va. Code § 24.2-529 – "The primary ballots for the several parties taking part in a primary shall be composed, arranged, printed, delivered, and provided in the same manner as the general election ballots except that at the top of each official primary ballot shall be printed in plain black type the name of the political party and the words "Primary Election." The names of the candidates for various offices shall appear on the ballot in an order determined by the priority of the time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board or the State Board as in the case of a tie vote for the office. No write-in shall be permitted on ballots in primary elections."

OFFICE	CANDIDATE
Member, United States Senate (Republican)	Hung Cao Edward C. "Eddie" Garcia Jr.
Member, House of Representatives, 2nd District (Democrat)	Missy Cotter Smasal Jeremiah A. "Jake" Denton IV
Member, House of Representatives, 7th District (Republican)	Jon P. Myers Derrick M. Anderson Cameron D. Hamilton
Member, House of Representatives, 7th District (Democrat)	Carl B. Bedell Elizabeth R. Guzman Cliff D. Heinzer Margaret Angela Franklin Briana D. Sewell Eugene S. Vindman
Member, House of Representatives, 10th District (Republican)	Aliscia N. Andrews Mike W. Clancy Alex H. Isaac Jr.

OFFICE	CANDIDATE
Member, House of Representatives, 10th District (Democrat)	Marion Devoe Sr. Eileen Filler-Corn Jennifer B. Boysko Atif M. Qarni Suhas Subramanyam Dan I. Helmer Krystle Veda Kaul
Member, House of Representatives, 11th District (Democrat)	Gerald E. "Gerry" Connolly Ahsan M. Nasar



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STATE BOARD *of* ELECTIONS

Split Precinct

BOARD WORKING PAPERS
Claire Scott
ELECT Policy Analyst



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STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Delegate Merricks, and Matthew Weinstein
From: Claire Scott, Policy Analyst
Date: April 10, 2024
Re: Prince William County Split Precinct Waiver

Suggested Motion:

"I move that the State Board of Elections approve the split precinct waiver for Prince William County."

Applicable Code Sections:

§24.2-307 Requirements for county and city precincts

Split Precinct Background:

Pursuant to §24.2-307 of 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 the same statute, the minimum number of registered voters for a county precinct is 100, and the minimum for a city precinct is 500.

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:

- Prince William County Split Precinct Waiver Request and Resolution

ELECT Staff Recommendation:

Staff recommends approving the Prince William County Split Precinct Waiver.



★ 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 21, 2024

Contact Name/Title: Eric Olsen

Phone Number: 703-798-8514

Email Address: eolsen@pwcgov.org

Date the Governing Body's Meeting Occurred: March 19, 2024

Supporting Documentation (Please Attach):

Governing Body's Resolution

Governing Body's Meeting Minutes

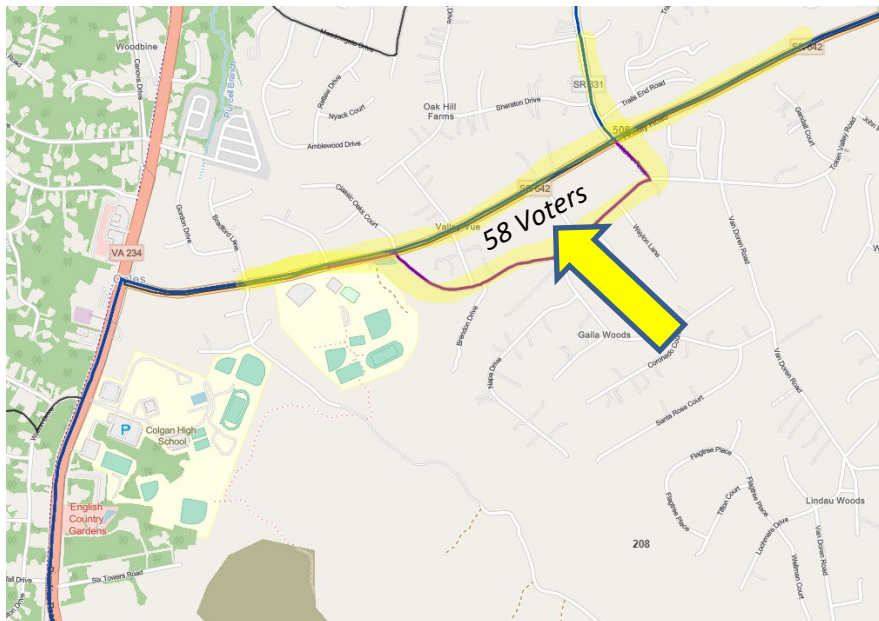
Any Previous Waiver Requests Submitted? Yes No

If Yes, When? _2022, 2023_

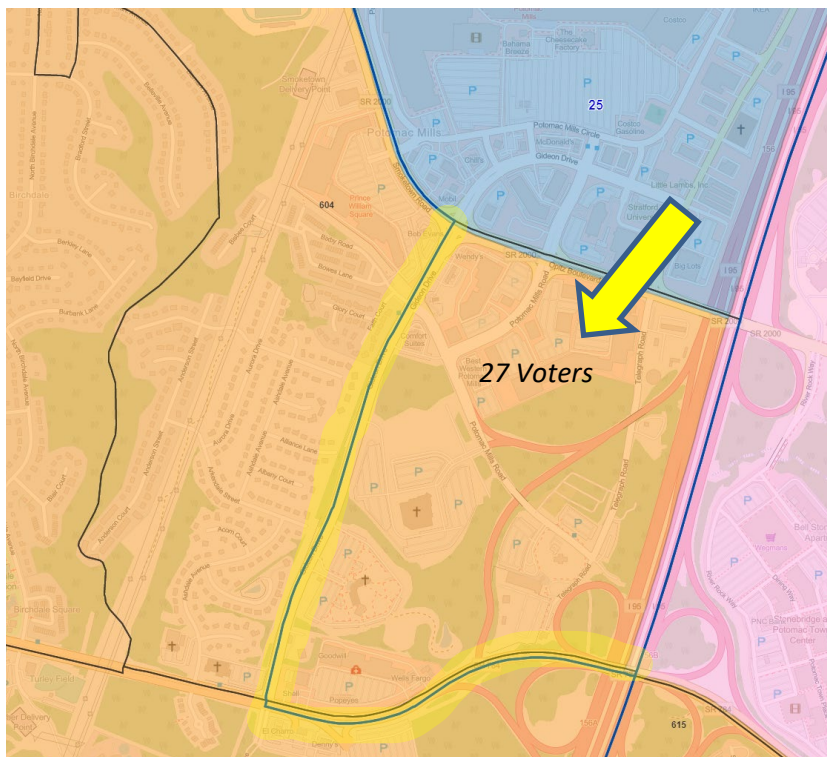
Was it Granted? Yes No

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 th and 10 th Congressional districts and the boundary between the 24 th and 25 th Virginia House districts create a small split in Precinct 208 that cannot be remedied. Only 58 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 only 27 voters in short term/temporary housing reside in this area. (Picture next page)

Prince William County - Pct 208



Prince William County - Pct 604 - Supervisor districts



MOTION: ANGRY

**March 19, 2024
Regular Meeting
Res. No. 24-259**

SECOND: BODDYE

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 (58 voters) and 604 (27 voters) 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 2023; and

WHEREAS, a waiver granted by the State Board of Elections only covers one 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 19, 2024
Regular Meeting
Res. No. 24-259
Page Two

Votes:

Ayes: Angry, Boddye, Franklin, Jefferson, Vega, Weir

Nays: None

Absent from Vote: None

Absent from Meeting: Bailey, Gordy

For Information:

Office of Elections

County Attorney

ATTEST: _____

Andrea P. Madden

Clerk to the Board



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Voter Registration Application

BOARD WORKING PAPERS
Matt Abell
Election Services



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Delegate Merricks and Matthew Weinstein
From: Matthew Abell, Election Services Senior Advisor
Date: April 10, 2024
Re: Amended Voter Registration Application

Suggested motion:

"I move that the State Board of Elections approve the amended Virginia Voter Registration Application, pursuant to Acts of Assembly Chapter 309, to be effective July 1, 2024.

Background:

During the 2024 Session of the General Assembly, the Governor signed into law HB 943 (*Acts of Assembly Chapter 309*) which permits current local election officials to register as protected voters. *Acts of Assembly Chapter 309* shall be effective July 1, 2024, and permits current electoral board members, general registrars, deputy registrars, employees in the office of the general registrar, and officers of election to provide a PO Box upon registering to vote. This PO Box is furnished in lieu of their residential address on any list required to be provided under Title 24.2

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. Therefore, ELECT is presenting the amended application for the State Board's Approval.

Applicable Code Sections:

- §24.2-418

Attachments:

- Amended Virginia Voter Registration Application - Revised April 2024

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.
 Currently serving as a local election official or their employee.

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. 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

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.

Go Online

You may complete your voter registration application online at www.elections.virginia.gov/registration. You may also check your voter registration status online at www.elections.virginia.gov/registration.

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.

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 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.

Questions?

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

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.

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.

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

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

Stand by Your Ad

BOARD WORKING PAPERS
Tammy Alexander
Campaign Finance Compliance and Training Supervisor

STAND BY YOUR AD

April 10, 2024

State Board of Elections Meeting



Advertisement, 24.2-955.1

“*Advertisement* means any message appearing in the print media, on television, or on radio that constitutes a contribution or expenditure under Chapter 9.3”

Contribution or Expenditure, 24.2-945.1

“*Contribution* means money and services of any amount, in-kind contribution, and any other thing of value, given, advanced, loaned, or in any other way provided to a candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate ... Contribution includes money, services, or things of value in any way provided by a candidate to his own campaign ...”

“*Expenditure* means money and services of any amount, and any other thing of value, paid, loaned, provided or in any other way disbursed by any candidate, campaign committee, political committee, or person for the purpose of expressly advocating the election or defeat of a clearly identified candidate ...”



Candidate, 24.2-101

“Candidate means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot. ...

For the purposes of Chapters 9.3 and 9.5, “candidate” shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 8 of Chapter 9.3.”



§ 24.2-955. Scope of disclosure requirements.

The disclosure requirements of this chapter apply to any sponsor of an advertisement in the print media, on radio or television, or placed or promoted for a fee on an online platform, the cost or value of which constitutes an expenditure or contribution required to be disclosed under Chapter 9.3 (§ 24.2-945 et seq.) except that the disclosure requirements of this chapter do not apply to (i) an individual who makes independent expenditures aggregating less than \$1,000 in an election cycle for or against a candidate for statewide office or less than \$200 in an election cycle for or against a candidate for any other office or (ii) an individual who incurs expenses only with respect to a referendum.



1 VAC20-90-30. Express advocacy.

When used in Chapter 9.3 (§ 24.2-945 et seq.) and Chapter 9.5 (§ 24.2-955 et seq.) of Title 24.2 of the Code of Virginia, "expressly advocating" or any variation thereof shall mean any communication that uses phrases such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject," or any variation thereof or any communication when taken as a whole and with limited reference to external events, such as the proximity to the election, that could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates because (i) the electoral portion of the communication is unmistakable, unambiguous, and suggestive of only one meaning and (ii) reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidates.



Print Media

No Other Candidate Mentioned in Ad	Another Candidate Mentioned (who approved the ad)	Another Candidate Mentioned (did not approve the ad)	Jointly Sponsored Ad
"Paid for by John Doe." OR "Authorized by John Doe."	Paid for by John Doe. Authorized by Jane Smith, candidate for Delegate.	Paid for by John Doe. Not authorized by any other candidate.	Paid for by John Doe, Donald Duck and Jane Smith.

"Print media" means billboards, cards, newspapers, newspaper inserts, magazines, printed material disseminated through the mail, pamphlets, fliers, bumper stickers, periodicals, websites, electronic mail, non-video or non-audio messages placed or promoted for a fee on an online platform, yard signs, and outdoor advertising facilities. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement of this section applies only to one page, fold, or face.



Schedule of Penalties

General Assembly and statewide offices

- \$100 per violation if first time before Board for SBYA
- \$300 per violation
- If advertisement disseminated or on display within 14 days prior to or on Election Day, penalty will be doubled



REVISED Schedule of Penalties

Local and Constitutional offices

- \$50 per violation if first time before Board for SBYA
- \$100 per violation
- If advertisement disseminated or on display within 14 days prior to or on Election Day, penalty will be doubled
- If by unanimous vote, the Board agrees that both the seriousness of the offense and harm to the public are low, the Board may replace any penalties assessed under this schedule for violations of print media advertisements with a \$25 penalty, as long as the sponsor has not previously violated Stand By Your Ad



Print Media

1. Williamsburg – James City County Republican Committee – PAC-12-00611



Williamsburg - James City County Republican Committee - PAC-12-00611

Commonwealth of Virginia, SAMPLE Ballot
 County of James City
 General Election
 Tuesday, November 7, 2023

Stonehouse C 0063

Making selections
 To vote for a candidate, fill in the oval to the left of the name.
 To write in a candidate who is not already on the ballot, fill in the oval and write the name of the person on the line.
 If you want to change a vote or if you have made a mistake, ask an election officer for another ballot.
 If you make marks on the ballot besides filling in the oval, your votes may not be counted.

Member Senate of Virginia 26th District Vote for only one <input checked="" type="radio"/> Ryan T. McDougle - R <input type="radio"/> Pamela R. Garner - D <input type="radio"/> Write-in	Commissioner of Revenue Vote for only one <input checked="" type="radio"/> Cameron P. Boone <input type="radio"/> Richard W. Bradshaw <input type="radio"/> Write-in
Member House of Delegates 71st District Vote for only one <input checked="" type="radio"/> Amanda E. Batten - R <input type="radio"/> Jessica L. Anderson - D <input type="radio"/> Write-in	Treasurer Vote for only one <input checked="" type="radio"/> Jennifer Otey Tomes <input type="radio"/> Write-in
Clerk of Court Vote for only one <input checked="" type="radio"/> Elizabeth E. O'Connor <input type="radio"/> Write-in	Member Board of Supervisors Stonehouse District Vote for only one <input checked="" type="radio"/> Barbara E. Null <input type="radio"/> Lisa L. Ownby <input type="radio"/> Write-in
Commonwealth's Attorney Vote for only one <input checked="" type="radio"/> Nate R. Green <input type="radio"/> Write-in	Member School Board Stonehouse District Vote for only one <input checked="" type="radio"/> Michael T. Hosang <input type="radio"/> Damon K. Walker <input type="radio"/> Write-in
Sheriff Vote for only one <input checked="" type="radio"/> David J. Hardin <input type="radio"/> Write-in	

Turn the ballot over

**Soil and Water Conservation Director
Colonial District**
 Vote for not more than two
 Robert E. "Bob" Lund, Jr.
 Stephen M. Zabinski, Jr.
 Write-in
 Write-in

Auth _____ County _____

NOTICE: This ballot is for informational purposes only. Any reproduction of this ballot SHALL NOT be printed on white paper. The authority statement used for this ballot must comply with the requirements of either federal or state law, as appropriate. For state requirements, see §24.2-956 of the Code of Virginia. For federal requirements, call the Federal Election Commission, 1-800-424-9530.

Auth _____ County _____

Authorized and paid for by the Williamsburg-JCC Republican Committee

NOTICE: This ballot is for informational purposes only. Any reproduction of this ballot SHALL NOT be printed on white paper. The authority statement used for this ballot must comply with the requirements of either federal or state law, as appropriate. For state requirements, see §24.2-956 of the Code of Virginia. For federal requirements, call the Federal Election Commission, 1-800-424-9530.

1 flier – Incomplete Disclosure

What it should have said, "Authorized and paid for by the Williamsburg – JCC Republican Committee. Not authorized by a candidate." OR "Authorized and paid for by the Williamsburg – JCC Republican Committee. Authorized by [Name(s) of candidate(s)]."



Williamsburg - James City County Republican Committee - PAC-12-00611

- Complainant: Dianna Moorman, GR James City County
- Complaint: Inadequate disclosure and false statement
- Violation Date: October 3, 2023
- Election Date: November 7, 2023

§24.2-622 Unofficial Sample Ballots

Sample ballots not authorized by electoral boards and provided by electoral boards or general registrars to precincts pursuant to § 24.2-641 are permitted to be printed and circulated, which includes publication in newspapers or on the Internet.

Such sample ballots shall not be printed on white paper and shall include on their face the words "sample ballot" in a font size no smaller than 24 point.

All sample ballots, excepting those official sample ballots authorized by electoral boards and provided by electoral boards or general registrars to precincts pursuant to § 24.2-641, are advertisements for purposes of Chapter 9.5 (§ 24.2-955 et seq.). Voters may take sample ballots into the voting booth or enclosure, but shall not give, tender, or exhibit such sample ballot to any person, other than an assistant designated under § 24.2-649, while inside the polling place or within the prohibited area designated by § 24.2-604.



Commonwealth of Virginia, SAMPLE Ballot
 County of James City
 General Election
 Tuesday, November 7, 2023

Stonehouse C
 00403

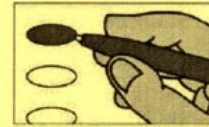
Official Sample

Making selections

To vote for a candidate, fill in the oval to the left of the name.

To write in a candidate who is not already on the ballot, fill in the oval and write the name of the person on the line.

If you want to change a vote or if you have made a mistake, ask an election officer for another ballot. If you make marks on the ballot besides filling in the oval, your votes may not be counted.



**Member Senate of Virginia
 26th District**

Vote for only one

- Ryan T. McDougle - R**
- Pamela R. Garner - D**
- Write-in**

Commissioner of Revenue

Vote for only one

- Cameron P. Boone**
- Richard W. Bradshaw**
- Write-in**

**Member House of Delegates
 71st District**

Vote for only one

- Amanda E. Batten - R**

Treasurer

Vote for only one

- Jennifer Otey Tomes**
- Write-in**



Williamsburg - James City County Republican Committee - PAC-12-00611

Recommended Motion:

I move, subject to the Board's authority under the Code of Virginia §24.2-955.3, to find Williamsburg – James City County Republican Committee in violation of §24.2-956.1 Stand By Your Ad print media advertising requirements with regard to one advertisement and assess a **\$100** penalty.





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STATE BOARD *of* ELECTIONS

Finalization of Stand by Your Ad Decisions from the March 19th Meeting

BOARD WORKING PAPERS
Tammy Alexander
Campaign Finance Compliance and Training Supervisor



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Delegate Merricks, Matthew Weinstein
From: Tammy Alexander, Campaign Finance Compliance and Training Supervisor
Date: April 10, 2024
Re: Final Decisions for SBYA Hearings from March 19, 2024

Recommended Motion

I move that the Board finalize the decisions made on the eighteen Stand By Your Ad (SBYA) violations assessed at the March 19, 2024 State Board of Elections (SBE) meeting and to dismiss the remaining matter.

Background

March 19, 2024, the Department of Elections (ELECT) presented nineteen possible SBYA violations to the Board. The Board found the following on eighteen committees:

1. Citizens for Local Government - **\$25.00**
2. Friends of Nick Ignacio 2023 - CC-23-00009 - **\$25.00**
3. Cooper for Clerk - CC-23-01440 - **\$25.00**
4. Denise Tynes for School Board - CC-23-01881 - **\$25.00**
5. Friends of Candidate Holden - CC-23-00301 - **\$25.00**
6. Amber Mabie For School Board, Shenandoah District - CC-23-02371 - **\$25.00**
7. Brian Walker for Commissioner - CC-22-00705 - **\$25.00**
8. chris torre election - CC-23-02399 - **\$25.00**
9. Douglas Whitelock for Board of Supervisor - CC-23-02334 - **\$25.00**
10. Friends of Jim Hopkins - CC-23-00528 - **\$25.00**
11. Gagnon for Town Council - CC-23-00847 - **\$25.00**
12. Graham Montrose for Henrico - CC-23-00672 - **\$25.00**
13. Lindsay Rich for MCPS Schoolboard District E - CC-23-01278 - **\$25.00**
14. Philip Buttery for School Board - CC-21-00056 - **\$25.00**
15. Sabio 4 Fairfax - CC-23-00548 - **\$25.00**
16. VoteSandySchoolBoard - CC-23-00636 - **\$25.00**
17. Woodward for Supervisor - CC-23-01533 - **\$25.00**
18. Yesenia For School Board - CC-23-02153 - **\$25.00**

Based on information received at the March 19, 2024 meeting, staff recommends dismissing the complaint against Friends of Matt Strickland - CC-21-01101.

If the Board chooses to make and pass the recommended motion presented above, then final decision documents will be presented to the Board for their signatures at the end of the meeting.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Voting System Certification for Clear Ballot

BOARD WORKING PAPERS
Londo Andrews
Voting Systems Security Manager



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

From: [Londo Andrews](#), Voting Systems Security Manager

Date: April 10, 2024

Re: Clear Ballot, LLC - Voting System Certification – ClearVote 2.4 version

Suggested motion for Board Member to make:

I move that the Board certify the use of Clear Ballot voting system – ClearVote 2.4 in elections in the Commonwealth of Virginia, pursuant to the State Certification of Voting Systems: *Requirements and Procedures*.

Applicable Code Section: § 24.2- Chapter 6 - 629

Attachments:

Your Board materials include the following:

- Clear Ballot, ClearVote 2.4 voting system Certification letter provided by SLI Compliance
- Arlington County January 26, 2024 Mock Election correspondence
- Virginia State Certification of Voting Systems: *Requirements and Procedures*

Background:

Following the steps prescribed in the Virginia State Certification of Voting Systems: *Requirements and Procedures*, Clear Ballot initiated the certification evaluation to the Department of Elections on December 7, 2023. Clear Ballot provided their Technical Data Package (TDP) and Corporate Information (required under step 2 of the *Requirements and Procedures*). Both of these submissions were deemed complete and in sufficient detail to warrant step 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. Clear Ballot provided the certification fee and the testing/evaluation was conducted on January 22nd through January 25th, 2024 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Arlington County on January 26, 2024. Clear Ballot voting system presented for certification under ClearVote 2.4 successfully completed the Virginia Voting Systems Certification requirements.



March 25, 2024

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

Re: Audit of the Clear Ballot ClearVote 2.4 voting system

Dear Ms. Beals,

SLI Compliance is submitting this report as a summary of the auditing efforts for the Clear Ballot ClearVote 2.4 voting system.

The evaluation was conducted from January 22nd to 25th, 2024 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 Virginia Voting Equipment Certification Standards (version 2.1, March 2023) and Virginia test cases, which is currently accepted for testing and certification by the Virginia Department of Elections. SLI confirmed that a source code review was performed. A penetration test report for the ClearVote 2.4 voting system was provided.

It has been determined that the ClearVote 2.4 voting system meets the audited functional acceptance criteria of the State of Virginia’s Voting Equipment Standard, meets the requirements of Virginia Election Laws §24.2.

Components of the Clear Ballot ClearVote 2.4 voting system

Components	Serial Number	Version/model
Clear Design Admin Server - T140	HT99N23	OEMR T140
Design Monitor	CN-00GWNR-FCC00-76H-A69I-A00	Dell ST 90665D2
Clear Design Admin Client laptop	FN3WSG3	Latitude -5521
Brother Report printer	U64964A8N238334	HL-L2350DW
Clear Mark All-in-one (Thermal configuration)	4610001003	46100-1-1
Thermal Printer	4620001003	46200-1-1
Clear Mark Setup Case Ballot box (Thermal)	6232101003	62321-1-2
Clear Mark All-in-one (Laser configuration)	4610001970	46100-1-1
Lexmark Laser printer	460012341W822	MS521
Clear Mark Setup Case Ballot box (laser)	6232201003	62322-1-2
UPS battery backup device	PWLLNZ000011	PR1500RT2U
Clear Cast Go	CCER0401008	44100-3-5
Clear Cast Go ballot box	6231101995	61211-1-3
Scan Station Laptop	8JSBGG3 - C30C000286	Latitude -5521
Count Admin - Server T440	J0QFK93	OEMR T440
MY book backup storage	VRGWXH9D	WDBBGB0040HBK-NESN E4C -5021Q
Count Admin - Client Laptop	HN3WSG3	Latitude -5521
Central Scanner - Fujitsu	C30C000286	Fi-7900



Network Switch	PSZ26301J4V	Cisco 350 series
USBs		SDCZ73-032G-A46 or -G46 SanDisk - 32GB

Sincerely,
Michael Santos
Director, VSTL
SLI Compliance



GRETCHEN REINEMEYER
GENERAL REGISTRAR

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RICHARD SAMP
CHAIR
DOMINICK SCHIRIPA
VICE CHAIR
KIMBERLY PHILLIP
SECRETARY

January 26, 2024

Susan Beals, Commissioner
Virginia Department of Elections

Dear Commissioner Beals,

Thank you for the invitation and opportunity to assist the State’s certification of the Clear Ballot Groups ClearVote 2.4 voting system. We appreciate the opportunity to have the first look at the software and equipment.

On January 26, 2024, we participated in the Mock Election for the state certification process for Clear Ballot systems. These present were, from Arlington County, Jackie Letizia and myself, and the Department of Elections representative Londo Andrews.

The voting equipment models used in the Mock Election were: ClearDesign, ClearMark, ClearCast, and ClearCount with software version 2.4.

During the Mock Election, there were no incidents or any kind or any issues. The machines worked as predicted and programmed. Tabulated results were accurate for ballots cast. Write-ins were captured and able to be adjudicated using ClearCount or from results tapes. Overvotes and undervotes were tested on both the ClearCast precinct-based scanners and ClearCount central scanner. Both were identified allowing voter intent to be determined. ClearDesign was able to program multiple ballot styles with a great deal of flexibility allowing compliance with Virginia’s ballot standards.

After a review of the voting system, our recommendation is for approval of the Clear Ballot Groups ClearVote 2.4 solution in Virginia.

Sincerely,

Gretchen Reinemeyer
General Registrar and Director of Elections



Voting System Certification Standard

March 2023

Version 2.1

Change History

Version	Brief Description of Change	Date	Author
1.0	Adoption by the State Board of Elections Primary changes were to improve clarity, security-related requirements, and document format; moving information that would likely change over time to appendices	09/17/2019	ELECT
2.0	Adoption by State Board of Elections Primary changes were in alignment with feedback and addition of Appendices I, & J	11/18/2019	ELECT
2.1	Adoption by the State Board of Elections Primary changes were the amount to be deposited by vendor for costs of travel, expense and billable hours by the VSTL for the certification process and specifics regarding the location and timeline of the certification.	03/07/2023	ELECT

Chapter 1: Introduction..... 3

 1.1. Purpose of Procedures.....3

 1.2. Specific Requirements3

 1.3. Decertification.....4

 1.4. Recertification5

Chapter 2: Basis for Certification..... 6

 2.1. Federal Compliance Testing6

 2.1.1. Voting System Hardware, Firmware, Infrastructure or Component Elements7

 2.1.2. Voting System Software Elements7

 2.2. State Certification Testing.....7

Chapter 3: Review and Approval Process 9

 3.1. Summary of Process9

 3.2. Certification Review Process9

 Phase 1: Certification Request from Vendor9

 Phase 2: Preliminary Review15

 Phase 3: Technical Data Package to Voting System Test Laboratory (VSTL)15

 Phase 4: Certification Test Report from VSTL.....15

 Phase 5: On-Site Testing in Mock Election16

 Phase 6: Approval by the SBE.....16

 3.3. Incomplete Certification Process.....16

Appendices 17

 A – Glossary.....17

 B – Contacts19

 C – Acceptance Test20

 D – Test Assertions22

 E – Software Patching Guidelines.....32

 F – Recertification Guidelines.....33

 G – Hardware Guidelines34

 H – Voting System Modifications & Product End of Life Planning.....35

 I – Voting System Certification Application Form.....37

 J – De Minimis Change Guideline38

 K – Cast Vote Record Clarification.....41

Chapter 1: Introduction

1.1. Purpose of Procedures

These procedures have been developed and issued as part of a continuing effort to improve the administration of elections in the Commonwealth of Virginia. They provide a formal and organized process for vendors to follow when seeking state certification for a new voting system or for improvements/modifications to a previously certified voting system in Virginia. To this end the procedures are designed to:

1. Ensure conformity with Virginia election laws relating to the acquisition and use of voting systems
2. Evaluate and certify voting systems marketed by vendors for use in Virginia
3. Evaluate and re-certify additional capabilities and changes in the method of operation for voting systems previously certified for use in Virginia
4. Standardize decertification and recertification of voting systems
5. Ensure that all voting systems operate properly and are installed and tested in compliance with the State Board of Elections' (SBE) procedures
6. Ensure accurate report of all election results from jurisdictions that use each certified system.

1.2. Specific Requirements

1. Compliance with the requirements contained in the latest version of the Voluntary Voting System Guidelines (VVSG) which are currently accepted for testing and certification by the U.S. Election Assistance Commission (EAC), or prior version if within the EAC transition period.
2. The voting system must comply with the provisions in the Code of Virginia relating to voting equipment (Article 3, [Chapter 6 of Title 24.2](#))
3. The voting system must comply with any applicable regulations or policies issued by the SBE or ELECT
4. The vendor must ensure that the voting system can accommodate an interactive visual and non-visual presentation of information to voters, and alternative languages when required. (See HAVA, 42 USC 15481(a)(3), (4), §203 of the Voting Rights Act (42 USC 1973aa-1a) and Virginia Code Section 24.2-626.1).

1.3. Decertification

ELECT reserves the right to reexamine any previously certified voting system for any reason at any time. Any voting system that does not pass certification testing will be decertified. A voting 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 voting systems if the vendor does not comply with 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 voting 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 voting 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 new VVSG guidelines or changes to regulations and/or standards occur.

1.4. Recertification

See Appendix F for ELECT's guidelines on when voting system must go through recertification.

Chapter 2: Basis for Certification

The Code of Virginia requires a voting system to be in compliance with the Federal and State Certification Standards.

Federal Compliance Testing demonstrates that the voting system adheres to all requirements set in the most up-to-date version of the VVSG by the EAC. The primary evidence of compliance is the certification of the system by the EAC. Federal compliance may also be demonstrated through testing conducted by a federally certified Voting System Test Lab (VSTL) to the applicable VVSG. Meeting the requirements contained in the VVSG will substantiate compliance with the voting system requirements contained in Section 301 of the Help America Vote Act of 2002 (HAVA).

State certification testing will evaluate that the voting system complies with all applicable requirements of the Code of Virginia and SBE and ELECT regulations and policies.

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

2.1. Federal Compliance Testing

Federal Compliance Testing is performed to demonstrate compliance with the latest version of the VVSG currently accepted for testing and certification by the EAC, or prior version if within the EAC transition period. EAC certification serves as prima facie evidence of compliance; federal compliance may also be demonstrated through testing conducted by a federally certified VSTL to the applicable VVSG. ELECT will make the final decision on compliance based on all available information. If there is evidence of a material non-compliance, ELECT will work with the vendor to resolve the issue.

To support a review of Federal Compliance Testing, the following documents shall be provided to ELECT:

1. A full copy of the Technical Data Package (TDP) submitted for Federal compliance testing
2. A copy of the Test Plan, and Test Report used by the VSTL in performing EAC certification testing; or results of testing conducted by a federally certified VSTL to the applicable VVSG
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 additional information ELECT believes is necessary to determine compliance with the applicable VVSG or Commonwealth of Virginia Voting System Certification Standards.

2.1.1. Voting System Hardware, Firmware, Infrastructure or Component Elements

All equipment used in a voting 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.

2.1.2. Voting System Software Elements

Voting system software shall be examined and tested to ensure that it adheres to the performance standards specified in the latest version of the VVSG currently accepted for testing and certification by the EAC, or prior version if within the EAC transition period.

Any modification 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.

2.2. State Certification Testing

State certification testing will evaluate the design and performance of a voting system seeking certification to ensure that it complies with all applicable requirements in the Code of Virginia and SBE and ELECT regulations and policies. ELECT will examine the essential system functions, operational procedures, user guides, documents, and reviews from product users. Hash testing will be conducted to confirm that the application software is identical to the certified versions of federal compliance testing.

ELECT will evaluate the user experience with the current and prior versions of the voting system and certification reports from other states. In addition, the security and reliability analysis of the product model will be reviewed to determine the usability of the voting system for Virginia Elections.

State Certification Testing will examine all system operations and procedures, not limited to:

1. Define ballot formats for primary elections, general elections, and special elections including all voting options defined by the Code of Virginia

2. Install applications and election-specific programs and data in the ballot counting device
3. Count ballots
4. Prepare to perform and conduct the Logic and Accuracy tests
5. Obtain voting data and audit data reports
6. Support recount or election audits
7. Address compliance with physical and language accessibility requirements
8. Display an appropriate message on the review screen if a voter does not follow the ballot instruction; allow the voter to override the warning messages for overvote, undervote, blank ballot, or invalid Write-in to cast voter's ballot
9. Create a Cast Vote Record (CVR) for each vote for all elections
10. Integrate CVRs in a readable format
11. Does not have a built-in function for wireless connections or communications
12. Comply with the encryption requirement(s) as stated in Appendix D
13. Comply with the password protection requirement(s) as stated in Appendix D
14. Harden the voting system using the vendor's procedures and specifications
15. Comply with the requirements for Write-in image and format.

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

1. Voting System Certification Application Form, signed by a company officer; see Appendix I

NOTE: This should clearly identify the specific voting system to be evaluated for certification, and:

- a. Each voting system or version of a voting system requires a separate request for certification
 - b. Each component of the hardware, firmware, software, and other components must be identified by version number
2. Copies of documents substantiating completion of federal compliance testing, including whether the proposed voting system has been certified under the latest version of the VVSG currently accepted for certification by the EAC or tested by a federally certified VSTL, or prior version if within the EAC transition period
 3. Whether the proposed voting system has ever been denied certification or had certification withdrawn in any state, or by the EAC
 4. Eight copies of a brief overview description of the voting system
 - a. Typical marketing brochures are usually sufficient for the description

5. A list of all states where the proposed voting system version is currently used
6. The vendor will provide a check for \$20,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor's if the difference of VSTL's invoices are less and the refund amount is over \$100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond. Certification is a week long event, starting Monday and ending on Friday. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.
 - a. Checks for \$20,000 must be received by ELECT before the certification will be started Make checks or money order payable to Treasurer of Virginia
 - i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219
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 voting 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, not limited to power cords and backup battery
3. *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. Its interrelationships with each other
 - iv. The list of data formats that the voting 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. The latest operating system version, security patches available, SHA256 hash value, and modification
- 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 Source Code*: A source code evaluation conducted in accordance with Software Design and Coding Standards of the most current version of the VVSG approved after March 1, 2015
- 6. *Definition of Marked Oval*: Define the system thresholds used to declare a readable mark in an oval to be read by the scanner
- 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 voting 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 12 months on the same version of the voting 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. At a minimum, the manual should include the maximum volume and speed of the scanner, the maximum capacity of container bin, ballot box, storage units, electronic storage device, and instructions for the proper and safe operation of the system to prevent injury or damage to any individual or the hardware, including fire and electrical hazards.

10. *User Guide and Documents*: The vendor should provide the following:
 - a. Quick reference guide with detailed instructions for a precinct election officer to set up, use, and shut down the voting system
 - b. ADA compliant training material that:
 - i. May be in written or video form
 - ii. Must be in a format suitable for use at a polling place as a simple “how-to” guide(s)
 - c. Clear model of voting system architecture with the following documentations:
 - i. End-User Documentation
 - ii. System-Level and Administrator-Level Documentation
 - iii. Developer Documentation
 - d. Failsafe voting system data recovery procedures
 - i. For example: Recovery procedures for retrieving duplicated (contingency recovery) information from a different location within the device (or another device if networked capability is allowed and certified) in the event that access to the primary storage area is not possible for some unforeseen reason
 - e. A list of customers who are using or have previously used the voting system
 - i. The description of any known incidents or anomalies involving the functioning of the voting system, including how those incidents or anomalies were resolved with customer and date
 - f. If the operating system or any component (hardware and/or software) 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, as defined in Appendix H.
11. *Recommended Security Practices*: CIS Security Best Practices, not limited to:
 - 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. SLA should specify the escalation timeline and procedures with contact information. Vendor's capacity to provide, not limited to:
- a. On-Site Support and Technical Support within SLA on:
 - i. Election Day (defined as the start of the in-person absentee voting period up to and including Election Day)
 - 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 voting equipment. 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, ballot decks, and software that can be used to demonstrate the various functions of the voting system. Vendor should also verify that the versions of the applications submitted are identical to the versions that have undergone federal compliance testing; for example, hash testing tools
17. *Non-Disclosure Agreement*: If applicable.

NOTE: If the voting system is certified, ELECT will retain the TDP as long as the voting 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 voting 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 voting 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 voting and/or tabulating 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 voting and/or counting system for certification and the service limitation of the facility
11. Quality assurance process used in the manufacturing and servicing of the voting system
12. Configuration management process used with the voting system.

NOTE: If the voting system is certified, ELECT will retain the Corporate Information as long as the voting 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 voting system will not proceed beyond this phase until the TDP and Corporate Information are complete.

The Voting Technology Coordinator or designee will conduct a preliminary analysis of the Technical Data Package 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 voting system to be certified
2. Financial stability and sustainability of the vendor to maintain product support and contractual agreement for the voting system
3. Preliminary analysis of TDP

Phase 3: Technical Data Package to Voting System Test Laboratory (VSTL)

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 the local jurisdiction to test the voting system at two polling places. 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 voting 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

The following terms are defined in the United States Election Assistance Commission (EAC), the Code of Virginia and Virginia General Registrars and Electoral Boards (GREB) Handbook.

ADA – Americans with Disability Act (ADA) of 1990 broadly protects the rights of individuals with disabilities in employment, access to State and local government services, places of public accommodation, transportation, and other important areas of American life. The ADA also requires newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities.

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

Cast Vote Record (CVR) – Permanent record of all votes produced by a single voter.

De Minimis Change – A minimum change to a certified voting 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 Voting 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 Assistance Commission (EAC) – The Help America Vote Act (HAVA) directs the U.S. Election Assistance Commission (EAC) to provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories. HAVA also introduces different terminology for these functions. Under the EAC process, test labs are “accredited” and voting systems are “certified.” The term “standards” has been replaced with the term “*Guidelines*.” As prescribed by HAVA, the EAC process was initially based on the 2002 Voting Systems Standards and will transition to the latest standards issued.

Help America Vote Act of 2002 (HAVA) – The Help America Vote Act (HAVA) of 2002 made reforms to America’s voting process by establishing minimum standards for states regarding election administration. Title III of HAVA contains standards regarding voting systems, provisional voting and voting information, computerized statewide voter registration list, and

requirements for first-time voters who register by mail. HAVA standards are critical to the operation of an election.

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

Logic and Accuracy Testing – Logic and accuracy testing is an integral part of preparing for an election. Each machine (not a sampling of machines) that will be used in an election must be tested prior to that election to ensure it has been programmed correctly and is functioning properly. The logic and accuracy test will also uncover any ballot printing or coding issues that may affect accurate and complete tabulation. Each machine should be tested with a sufficient number of ballots or votes to substantiate that each machine recorded the correct number of votes for each candidate. An electoral board member, general registrar, or a designated representative, must be present during this process and must certify the results from each machine. Form ELECT-633 must be submitted electronically to the Department of Elections after logic and accuracy testing is complete.

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 System – The total combination of mechanical, electromechanical, and electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment, that is used to define ballots, cast and count votes, report or display election results, recount votes and maintain and produce any audit trail information.

Voting System Test Laboratory (VSTL) – Test labs that are accredited to perform conformance testing of voting systems will use SBE approved voting system certification standard to guide the development of test plans, the testing of systems, and the preparation of test reports and recommendations for granting state certification.

B – Contacts

The Department of Elections

The certification request package should be sent to:

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

All other inquiries should be sent to:

Email: 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 local jurisdiction could also perform a hash testing of application 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. Process simulated ballots for each precinct or polling place in the jurisdiction
2. Display an appropriate message on the review screen if a voter does not follow the ballot instruction.
 - a. Able to override the warning messages for overvote, undervote or blank ballot to cast the ballot
3. Handle Write-in votes
4. Create a Cast Vote Record (CVR) per each vote
5. Produce an input to or generate a final report of the election, and interim reports as required
6. Generate system status and error messages
7. Comply with and enable voter and operator compliance with all applicable procedural, regulatory, and statutory requirements
8. Produce an audit log

Validation of Certification

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

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

D – Test Assertions

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

General Requirements	
<i>Statutory Requirement</i>	<i>Test Assertions</i>
<p><i>§ 24.2-626.1. Acquisition and use of accessible voting devices.</i></p> <p><i>1. Provide for at least one voting system equipped for individuals with disabilities at each polling place, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.</i></p> <p><i>2. Provide alternative language accessibility when required by § 203 of the Voting Rights Act of 1965 (52 U.S.C. § 10503).</i></p>	<p>I – The voting system must support audio ballots.</p>
	<p>II – Using the voting system, an individual voting by audio ballot does not require assistance by marking the ballot.</p>
	<p>III – The voting system must support multiple languages; including, English, Spanish, Vietnamese and allow future additions and support of other languages.</p>
<p><i>§ 24.2-629 (1). State Board approval process of electronic voting systems.</i></p> <p><i>It shall provide clear instructions for voters on how to mark or select their choice and cast that vote.</i></p>	<p>I – Must be able to alter instructions on the voting system’s electronically displayed ballots and audio ballots.</p>
<p><i>§ 24.2-629 (3). State Board approval process of electronic voting systems.</i></p> <p><i>It shall be capable of processing ballots for all parties holding a primary election on the same day, but programmable in such a way that an individual ballot cast by a voter is limited to the party primary election in which the voter chooses to participate.</i></p>	<p>I - The voting system must support multiple ballot styles on a single tabulator in a primary election.</p>
	<p>II – All voting systems must provide a voter-verifiable audit trail, a permanent paper record of each vote.</p>
<p><i>§ 24.2-629 (5). State Board approval process of electronic voting systems.</i></p> <p><i>It shall enable the voter to cast votes for as many persons for an office as lawfully permitted, but no</i></p>	<p>I – The voting system can present an accurate ballot based on a voter’s geopolitical subdivision based on the districts, regions, cities or other boundaries defined by the Commonwealth of Virginia.</p>

General Requirements	
<p><i>more. It shall prevent the voter from casting a vote for the same person more than once for the same office. However, ballot scanner machines shall not be required to prevent a voter from voting for a greater number of candidates than he is lawfully entitled to.</i></p>	<p>II – The voting system presents the voter only with candidates and contests that they are lawfully permitted to vote for.</p>
	<p>III – The voting system allows for the selection of multiple candidates or contest options. The voting system restricts the voter to select only a certain number of candidates or options in each contest. The voting system allows the voter to select a different number of candidates or options in each contest on the ballot.</p>
<p><i>§ 24.2-629 (7). State Board approval process of electronic voting systems.</i></p> <p><i>It shall provide the voter with an opportunity to correct any error before a ballot is cast.</i></p>	<p>I – For electronically displayed ballots, the voting system must provide the voter with a screen to review their selected choices prior to submitting the ballot.</p>
	<p>II - For electronically displayed ballots, the voting system must provide the voter the ability to return to a contest or question to make corrections. The system must also allow for an audio voter to return to any contest or question.</p>
	<p>III – The voting system must provide a warning or alert on the review screen to the voter for an incomplete or incorrect ballot; i.e. overvotes, undervotes, blank ballot.</p>
	<p>IV – ADA voting system must provide a voter-verifiable audit trail, a permanent record of each vote that can be checked for accuracy by the voter before the vote is submitted.</p>
<p><i>§ 24.2-629 (8). State Board approval process of electronic voting systems.</i></p> <p><i>It shall correctly register or record and accurately count all votes cast for candidates and on questions.</i></p>	<p>I – All component and system-level reports generated by the voting system provide accurate results that can be verified against known results.</p>

General Requirements	
<p><i>§ 24.2-657. Determination of vote on voting systems.</i></p> <p><i>In the presence of all persons who may be present lawfully at the time, giving full view of the voting systems or printed return sheets, the officers of election shall determine and announce the results as shown by the counters or printed return sheets, including the votes recorded for each office on the Write-in ballots, and shall also announce the vote on every question. The vote as registered shall be entered on the statement of results. When completed, the statement shall be compared with the number on the counters on the equipment or on the printed return sheets. If, on any ballot scanner, the number of persons voting in the election, or the number of votes cast for any office or on any question, totals more than the number of names on the poll books of persons voting on the machines, then the figures recorded by the machines shall be accepted as correct. A statement to that effect shall be entered by the officers of election in the space provided on the statement of results.</i></p>	<p>II – Public and private ballot counters increment for each accepted ballot. The ballot counters do not increment for ballots rejected by the system.</p> <p>III – The voting system records how many ballots are cast as overvotes, undervotes, Write-ins, and blank ballots for each contest and question.</p>
<p><i>§ 24.2-629 (9). State Board approval process of electronic voting systems.</i></p> <p><i>It shall be provided with a "protective counter," whereby any operation of the machine before or after the election will be detected.</i></p>	<p>I – Each tabulator has a lifetime counter/ "protective counter" that cannot be reset without reloading the firmware.</p> <p>II – The "protective counter" increments correctly for each ballot accepted by the tabulator.</p> <p>III – The "protective counter" does not increment for ballots not accepted by the tabulator.</p>
<p><i>§ 24.2-629 (10). State Board approval process of electronic voting systems.</i></p>	<p>I – Each tabulator has a "public counter" which tracks the number of ballots processed and accepted for an election.</p>

General Requirements	
<p><i>It shall be provided with a counter that at all times during an election shall show how many persons have voted.</i></p>	<p>II – The “public counter” increments correctly for each ballot accepted by the tabulator.</p>
	<p>III – The “public counter” does not increment for ballots not accepted by the tabulator.</p>
<p>§ 24.2-629 (11). State Board approval process of electronic voting systems.</p> <p><i>It shall ensure voting in absolute secrecy. Ballot scanner machines shall provide for the secrecy of the ballot and a method to conceal the voted ballot.</i></p>	<p>I – The voter cannot be identified in any manner on a ballot.</p>
	<p>II – The voting system audit records contain no information on a specific voter.</p>
	<p>III – The voting system must provide a “privacy sleeve.”</p>
<p>§ 24.2-629 (12). State Board approval process of electronic voting systems.</p> <p><i>It shall be programmable to allow ballots to be separated when necessary.</i></p>	<p>I – All Write-ins can be segregated physically with a diverter or logically separated with an electronic Write-in Report.</p>
	<p>II – Voting systems that centrally process ballots must <u>physically separate Write-ins from other ballots</u> or logically separate ballots with Write-in votes electronically.</p>
<p>24.2-629 (13). State Board approval process of electronic voting systems.</p> <p><i>Ballot scanner machines shall report, if possible, the number of ballots on which a voter under voted or over voted.</i></p>	<p>I – The voting system must alert the voter when the ballot submitted has an overvote or undervote, or the ballot is blank.</p>
	<p>II – The voting system must allow the voter to submit a ballot with an overvote or undervote, or a blank ballot.</p>
	<p>III – The voting system must count ballots cast with an undervote, overvote, or blank ballot. The system must be capable of producing a human-readable report on the number of ballots on which a voter under voted, and the number of ballots on which a voter over voted.</p>

General Requirements	
	IV – All Write-ins are properly handled including segregation of Write-ins physically with a diverter or logically with electronic Write-in Report.
<p><i>§ 24.2-637. Furniture and equipment to be at polling places.</i></p> <p><i>Before the time to open the polls, each electoral board shall ensure that the general registrar has the voting and counting equipment and all necessary furniture and materials at the polling places, with counters on the voting or counting devices set at zero (000).</i></p>	I – The tabulation component of the voting system must have a public counter. Upon opening of the polls, the tabulator must print a zero-proof report and the voting system must provide a means by which the report and the counter can be reconciled.
<p><i>§ 24.2-658. If machines that print returns are used, the printed inspection sheet and two copies of the printed return sheet containing the results of the election for each machine.</i></p>	I – The voting system can support the ability to print multiple results tapes.
<p><i>§ 24.2-802. (Effective until July 1, 2020) Procedure for recount.</i></p> <p><i>The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots. The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.</i></p>	I – The voting system can be programmed to recount a single contest.

General Requirements	
<i>Functional</i>	<i>Test Assertions</i>
<p><i>Voting equipment must display an appropriate message if a voter does not follow the ballot instruction. Allow the voter to override the warning message to cast his/her ballot.</i></p>	<p>I – The voting system must provide written and audio instruction for electronically displayed ballots.</p>
	<p>II - The voting system must allow the voter to return to a contest or question to make corrections for electronically displayed ballots. The voting system must allow an audio voter to return to a contest or question to make corrections.</p>
	<p>III – The voting system must provide feedback to the voter for incomplete/ incorrect votes. i.e. overvotes, undervotes, blank ballot.</p>
	<p>IV – The voting system must allow the voter to override warning messages for incomplete/ incorrect votes. i.e. overvotes, undervotes, blank ballot.</p>
<p><i>Define ballot formats for a primary election, a general election, and special election including all voting options defined by the Code of Virginia.</i></p>	<p>For a Virginia Primary Election, the voting system must define the primary ballot as follows:</p> <ul style="list-style-type: none"> • Open Primary • Two Parties • No Write-in candidates • Support split precincts • Voting for N of M contests • Support of all contests • Support for all candidates • Multi-language support (English, Spanish, Vietnamese) • Referendum/Question contests
	<p>For a Virginia General Election, the voting system must define the general ballot as follows:</p> <ol style="list-style-type: none"> 1. Partisan contests

General Requirements	
	<ol style="list-style-type: none"> 2. Non-partisan contests 3. Write-in candidates 4. Support for split precincts 5. Voting for N of M contests 6. Support of all contests 7. Support for all candidates 8. Multi-language support (English, Spanish, Vietnamese) 9. Referendum/Question contests
<i>The voting system must create a Cast Vote Record (CVR) defined as, a Permanent record of all votes produced by a single voter whether in electronic, paper or other form, for each ballot for all elections.</i>	I – The voting system must produce a CVR in human-readable format.
<i>The CVR must integrate in a readable format.</i>	I – The voting system can export the CVR to a portable transport media. The voting system must produce a CVR in human-readable format.
<i>The voting system must be able to perform the Logic and Accuracy Tests.</i>	I – The voting system can be programmed for a primary, general, or special election.
	II – The voting system can process a known test deck containing valid marks, non-valid marks, undervotes, overvotes, and Write-in votes.
	III – The voting system can report accurate results from the known test deck.
	IV – The voting system provides a verifiable means that all test data are removed after the completion of the Logic and Accuracy Test from the voting system.
	V – Test ballots can be produced by a Ballot Marking Device (BMD) and can be used in the known test deck.

General Requirements	
<i>The voting system must comply with the requirements for Write-in image and format.</i>	I – The voting system must make a copy of the voter’s Write-in vote; the copy must be as legible as the original.

Security Requirements	
<i>Statutory</i>	Test Assertions
<p>§ 24.2-625.2. <i>Wireless communications at polling places.</i> <i>There shall be no wireless communications on election day, while the polls are open, between or among voting machines within the polling place or between any voting machine within the polling place and any equipment outside the polling place. For purposes of this section, the term wireless communication shall mean the ability to transfer information via electromagnetic waves without the use of electrical conductors.</i></p>	<p>I – The voting system will not transfer information between or among voting machines wirelessly. Here, wirelessly means “via electromagnetic waves without the use of electrical conductors.”</p>
	<p>II – The voting system will be unable to communicate wirelessly between devices inside and outside the polling place. Here, wirelessly means “via electromagnetic waves without the use of electrical conductors.”</p>
<p>§ 24.2-634. <i>Locking and securing after preparation.</i> <i>When voting equipment has been properly prepared for an election, it shall be locked against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be retained in the custody of the general registrar and delivered to the officers of election as provided in § 24.2-639. After the voting equipment has been delivered to the polling places, the general registrar shall provide ample protection against tampering with or damage to the equipment.</i></p>	<p>I – The tabulation component of the voting system must have the ability to be physically locked and require a key.</p>
<i>Functional</i>	Test Assertions
<p><i>The voting system must allow instruction to voters to be modified through administrative rights.</i></p>	<p>I – Only those with administrative rights can alter the instruction to voters.</p>

Security Requirements	
<i>The voting system cannot have the built-in wireless communications abilities.</i>	I - No component of the voting system can have wireless communications hardware unless disabled in the BIOS (password protected/locked BIOS and non-default password is different for each locality). i.e. wireless network cards, Bluetooth, infrared.
<i>The voting system must comply with the latest encryption standard.</i>	I – All modules are cryptographic and are FIPS 140-2 v1 compliant.
	II – All stored images are digitally signed.
	III – All digital hashes use SHA256 hashing algorithm or higher.
<i>The voting system must comply with the latest password protection standards.</i>	I – The voting system must require for a minimum 8 character password.
<i>The voting system must be hardened using the voting system provider’s procedures and specifications.</i>	I – The Security Content Automation Protocol (SCAP) for the voting system must be provided.
	II – The voting system can be verified to be in compliance with the SCAP checklist and all manufacturer procedures and specifications.

Audit Requirements	
Statutory	Test Assertions
<p><i>§ 24.2-671.1. Audits of ballot scanner machines.</i></p> <p><i>A. The Department of Elections shall coordinate a post-election risk-limiting audit annually of ballot scanner machines in use in the Commonwealth. The localities selected for the audit shall be chosen at random with every locality participating in the Department's annual audit at least once during a five-year period. The purpose of the audits shall be to study the accuracy of ballot scanner machines.</i></p> <p><i>B. No audit conducted pursuant to this section shall commence until after the election has been certified and the period to initiate a recount has expired without the initiation of a recount. An audit shall have no effect on the election results.</i></p> <p><i>C. All audits conducted pursuant to this section shall be performed by the local electoral boards and general registrars in accordance with the procedures prescribed by the Department. The procedures established by the Department shall include its procedures for conducting hand counts of ballots. Candidates and political parties may have representatives observe the audits.</i></p> <p><i>D. The local electoral boards shall report the results of the audit of the ballot scanner machines in their jurisdiction to the Department. At the conclusion of each audit, the Department shall submit a report to the State Board. The report shall include a comparison of the audited election results and the initial tally for each machine audited and an analysis of any detected discrepancies.</i></p>	<p>I – The voting system must be capable of producing a CVR for purposes of conducting a post-election risk-limiting audit.</p>

E – Software Patching Guidelines

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

F – Recertification Guidelines

All vendors must comply with the policies, guidelines, and directives regarding recertification of voting 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 voting system.

A voting 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 voting 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 – Voting System Modifications & Product End of Life Planning

Voting System Modifications

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

A voting 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.



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DEPARTMENT of ELECTIONS

Vendor Notification of “End of Life”

We have certified equipment with the SBE and have determined that the following (hardware/software/components) in our certified system will, within 18 months, be at “End of Life” status. Complete this form (for the areas applicable), attach the upgrade plan and send to:

Secretary of SBE, 1100 Bank Street, 1st Floor, Richmond, VA 23219

“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.

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

Vendor _____ Date: _____

Certified Voting Systems Impacted: _____

Certified Version(s) Software: _____ Firmware: _____

Certified Product: _____

Certified EPB System Impacted: _____

Certified Version(s): _____

DATE(S) FOR “END OF LIFE”:

	Operating System (description) _____
	Software (Modules or Packages) (description) _____
	Product(s) (components) (description) _____

Vendor must submit an upgrade plan to the SBE 12 months in advance of “End of Life”. The plan should include timeline(s), list of impacted localities, estimated cost for localities (if any), and VSTL report(s) showing the upgrade(s) will ensure all systems operate properly with the new upgrade(s) and/or replacements(s).*

*A voting 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.

ELECT Personnel Received and Reviewed by _____ Date: _____

EOL Upgrade Plan Approved REJECTED SBE Meeting: _____

I – Voting System 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 voting 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 voting system to respond to any questions by ELECT. This application must be signed by a company officer and enclosed in the Voting System 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 voting system to be certified: _____

Version Number/Name of Voting System to be certified: _____

I reviewed and confirmed that the voting system meets the requirements of the Virginia Voting System 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 change to a certified voting 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 modify the counting or tally logic of a component or the system (formatting changes to reports are allowable)
3. Do not affect the accuracy of the component or system
4. Do not negatively impact the functionality, performance, accessibility, usability, safety, or security of a component or system
5. Do not alter the overall configuration of the certified system (e.g. adding ballot marking device functionality to a previously certified DRE component)
6. 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 along with a copy of the EAC determination. A proposed De Minimis Change may not be implemented to the certified voting 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 meet 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 voting 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 voting 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 certification 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 recertification consistent with this Certification Standard.

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



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Virginia State Board of Elections | Request for De Minimis Change

In accordance with the State Certification of Voting System and Electronic Pollbook Requirements and Procedures, SBE has adopted guidelines to manage hardware/software related changes to certified Voting System and Electronic Pollbook System. To request a De Minis Change the procedure begins with a letter, from the vendor to the Secretary of the State Board of Elections and the VSTL endorsed package for the De Minimis Change. This letter shall begin the process to evaluate whether the De Minimis Change will be approved for use on Voting Systems and/or Electronic Pollbooks certified in Virginia.

De Minimis Changes should have the following 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 (approx. less than 100 hours).

Vendor description of the De Minimis Change: _____

Description of the facts giving rise to or necessitating the change: _____

Document any potential impact to election official currently using the system and any required notifications to those officials. _____

VSTL endorsed package included.

Signature of Company Officer: _____ Date: _____

ELECT's Action: Received by: _____ Date: _____

Reviewed by: _____ Date: _____

APPROVED

REJECTED

Vendor Notified of Status by: (initials) _____ Date: _____

K – Cast Vote Record Clarification

1. A permanent record of all votes produced by a single voter
2. Electronic CVRs are called ballot images
3. CVR is evidence that a ballot was available for review by the voter
4. CVR should have an identifier that can be linked to an identifier on the corresponding paper ballot provided; the scanner creating the CVR can impress an identifier on the ballot as it is scanned
5. CVR should include indications of what actions the scanner took if the scanner does contest-rule post-processing of the ballot selections
6. CVR has indications of marginal marks, mark quality/density (if scanner is capable).
7. A CVR can include signed/hashed references to an associated image of the ballot or images of write-ins made by the voter on a paper ballot



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STATE BOARD *of* ELECTIONS

KnowINK Electronic Pollbook Certification

BOARD WORKING PAPERS
Londo Andrews
Voting Systems Security Manager



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DEPARTMENT *of* ELECTIONS

Memorandum

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

From: [Londo Andrews](#), Voting Systems Security Manager

Date: April 10, 2024

Re: KNOWink, LLC Electronic Pollbook (EPB) System Certification – Pollpad 3.4.8 version

Suggested motion for Board Member to make:

I move that the Board certify the use of KNOWink electronic pollbook system – Pollpad 3.4.8, in 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 Pollpad 3.4.8 EPB system certification letter provided by SLI Compliance
- Chesterfield County, March 14, 2024 Mock Election correspondence
- Virginia State Certification of Electronic Pollbooks: *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 on Jan. 8, 2024. Knowink provided their Technical Data Package and Corporate Information (required under step 2 of the Requirements and Procedures). Both of these submissions were deemed complete and in sufficient detail to warrant step 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 March 11th through March 13th, 2024 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Chesterfield County on March 14, 2024. The Knowink PollPad (electronic pollbook) presented for certification under version 3.4.8 successfully completed Virginia Electronic Pollbook State Certification requirements.



Chesterfield County Office of the General Registrar

Office Location - 9848 Lori Road (Court Square) ♦ 804-748-1145 ♦ 804-751-0822 (fax)
Mailing Address - PO Box 1690 ♦ Chesterfield, VA 23832 ♦ Registrar@Chesterfield.gov

GENERAL REGISTRAR

Missy Vera

ELECTORAL BOARD

CHAIR – Dorothy Jaeckle

VICE CHAIR – Rick Michael

SECRETARY – Lynette Clements

March 22, 2024

RE: KnowInk Mock Election

Londo Andrews, M.S. CIS
Va. Voting Systems Security Manager
Virginia Department of Elections
1100 Bank Street, 1st Floor
Richmond, VA 23219

Dear Mr. Andrews,

I am writing to extend my sincere appreciation for the invitation to participate in the State's certification process and the opportunity to contribute to the successful execution of the mock election, specifically focusing on the integration and functionality of the KnowInk poll pads and Epulse

On March 14th, 2024, we participated in the Mock Election for the state certification process for KnowInk. Those present were, from Chesterfield County, Missy Vera, Leslie Foreman, Tangela Kersey, Michael Schwartz and Izaiah Coleman, and the Department of Elections representative Londo Andrews.

During the recent mock election utilizing the KnowInk poll pads along with Epulse, we are pleased to confirm that there were no reported issues with the equipment. The systems operated precisely as expected, facilitating the electoral process seamlessly. The voter credit file was uploaded with no issue, each poll pad was able to load election, open polls, check in voter, attempted to make errors however the system did not allow them to proceed and lastly close polls and retrieve voter credit for that day.

I would be remiss if I did not extend my gratitude to the entire team involved in orchestrating this effort. Their dedication and professionalism significantly contributed to the favorable outcome of the mock election.

Thank you once again for affording us this opportunity. We look forward to the prospect of future collaborations and remain committed to supporting the advancement of our electoral processes.

Missy Vera
General Registrar and Director of Elections

A handwritten signature in blue ink, appearing to be "Missy Vera".



March 21st, 2024

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

Re: Audit of the KNOWiNK Poll Pad Plus 3.4.8 Election Poll Book

Dear Ms. Beals,

SLI Compliance is submitting this letter as a summary of the auditing efforts for KNOWiNK Poll Pad Plus 3.4.8 Election Poll Book system.

The evaluation was conducted on March 11th to March 13th, 2024, 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 3.4.8 Election Poll Book system were provided to Virginia for their acceptance.

It has been determined that the KNOWiNK Poll Pad Plus 3.4.8 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:

- Provide option to unmask passwords at text entry (T0066)

KNOWiNK Poll Pad Plus 3.4.8 Election Poll Book system components audited were comprised of:

Application/OS	Version
PollPad3	3.4.8
iOS	17.2, 17.3.1

Device	Model
iPad 9th gen WIFI	MGL12LL/A
iPad 7th gen WIFI	MW6W2LL/A
Kyocera Printer	ECOSYS P3150dn
Star Micronics Printer	MCP31LB
MikroTik Router	hEX lite / RB750r2
TP-Link Link Power Injector	TL-POE150S
MacBook Laptop w/ePulse	ePulse version 6.128.0
Gigabit + PoE Adapter	P/N: L6-NETPOE
cradlepoint router	MM221200004744

Sincerely,
Michael Santos
Director, VSTL
SLI Compliance



Electronic Pollbook Certification Standard

March 2023

Chapter 1: Introduction	3
1.1. Purpose of Procedures.....	3
1.2. Specific Requirements	3
1.3. Decertification	3
1.4. Recertification	5
Chapter 2: Basis for Certification.....	6
2.1. State Certification Testing	6
2.2. EPB Hardware, Firmware, Infrastructure, or Component Elements.....	7
2.3. EPB System Software Elements	8
2.4. Early Voting Connection Requirements	8
Chapter 3: Review and Approval Process	9
3.1. Summary of Process	9
3.2. Certification Review Process.....	9
Phase 1: Certification Request from Vendor	9
Phase 2: Preliminary Review	14
Phase 3: Technical Data Package to Voting Systems Test Laboratory	15
Phase 4: Certification Test Report from VSTL	15
Phase 5: On-Site Testing in Mock Election.....	16
Phase 6: Approval by the SBE	16
3.3. Incomplete Certification Process	16
Appendices	17
A – Glossary.....	17
B - Contacts	19
C – Acceptance Test.....	20
D – Test Assertions	22
E – Software Patching Guidelines.....	33
F – Recertification Guidelines	34
G – Hardware Guidelines.....	35
H – EPB System Modifications & Product End of Life Planning	36
I – EPB Certification Application Form.....	37
J – De Minimis Change Guideline	38
K – Early Voting Connection Requirements	40

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 will provide a check for \$10,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor's if the difference of VSTL's invoices are less and the refund amount is over \$100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond.

Certification is two-day event. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.

- a. Checks for \$10,000 must be received by ELECT before the certification will be started Make checks or money order payable to Treasurer of Virginia
 - i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219
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 - (please review the excel file)

There is an excel file you must submit with your request! If you do not see the excel file, please request the "Vendor EPB_System Certification Standard ... Submission Checklist" excel file from us.

With your application comes an excel file, that allows you to check-off what you have submitted. This excel file also explains that files and contents of files must meet a certain naming convention and have in them only the content expressed in the file name. Please review the excel file for more information. The TDP files you submit must be formatted with the proper naming convention listed on the excel file and have the accurate content in the file. If not your full submission will be rejected. Your 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 (please review the excel file)

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

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.

	II – The EPB must be able to retrieve a specific voter from a list of provided voters and issue voter credit.
	III – The EPB must provide a verification that the voter and election data are accurately loaded in the EPB.
<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>	I – The EPB must be able to provide reports that distinguish voters by ballot style, party, precinct, precinct split, curbside voter, and voter status.
<i>The EPB shall have the ability and the option to scan the barcode of a Virginia driver’s license.</i>	I – The EPB must be able to scan the barcode from the Virginia State Issued IDs: Driver’s License.
	II – If the download is successful, display the voter name and address on the check-in screen.
	III – Display an appropriate message if the ID is not accepted.

<i>System Requirement</i>	<i>Test Assertions</i>
<i>EPBs cannot connect to a Voting System at any time.</i>	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.
	II – The EPB cannot connect to the voting system.

<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"> <i>i. Ability to add or remove new units without disturbing the existing units</i> <i>ii. Power supply and battery life with an option to display power usage</i> <i>iii. Display appropriate message when the EPB device is operating at less than 20% of remaining power</i> <i>iv. Display appropriate error message when a voter is not counted</i> <i>v. Capacity/Load Test report to include the maximum number of voters the configuration setting can handle</i> <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"> <i>i. Perform a self-test for peripheral connectivity</i> <i>ii. Visible display indicating power supply/battery life</i> <i>iii. Visible display indicating system connections.</i> 	<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"> • Upgrade to a Modern Operating System and keep it up-to-date • Exercise Secure User Habits • Leverage Security Software • Safeguard against Eavesdropping • Protect Passwords • Limited Use of the Administrator Account • Employ Firewall Capabilities • Implement WPA2 on the Wireless Network • Limit Administration to the Internal Network
<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"> • Centralization of all components • Role Based Access Control • Employ Zero Trust Identity Security • Use the Principle of Least Privilege • Automated Onboarding • Automated Off-boarding • Orphaned Account Detection and Removal • Multifactor Authentication • Notification of failed logon attempts • Notification of use of Privileged Accounts.
<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>

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

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



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Election Systems & Software Electronic Pollbook Certification

BOARD WORKING PAPERS
Londo Andrews
Voting Systems Security Manager



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

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

From: [Londo Andrews](#), Voting Systems Security Manager

Date: April 10, 2024

Re: Election Systems and Software, LLC Electronic Pollbook (EPB) System Certification
- ExpressPoll 7.2.6.0 version

Suggested motion for Board Member to make:

I move that the Board certify the use of Election Systems & Software (ES&S) electronic pollbook system – ExpressPoll 7.2.6.0, in 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:

- ES&S ExpressPoll 7.2.6.0 EPB system certification letter provided by SLI Compliance
- Chesterfield County, March 21, 2024 Mock Election correspondence
- Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*

Background:

Following the steps prescribed in the Virginia State Certification of Electronic Pollbooks: *Requirements and Procedures*, Election Systems & Software (ES&S) initiated the certification evaluation to the Department of Elections on Feb. 26, 2024. ES&S provided their Technical Data Package and Corporate Information (required under step 2 of the Requirements and Procedures). Both of these submissions were deemed complete and in sufficient detail to warrant step 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. ES&S provided the certification fee and the testing/evaluation was conducted on March 18th through March 20th, 2024 at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Chesterfield County on March 21, 2024. The ES&S ExpressPoll (electronic pollbook) presented for certification under version 7.2.6.0 successfully completed Virginia Electronic Pollbook State Certification requirements.



March 22nd, 2024

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

Re: Audit of the Election Systems & Software ExpressPoll 7.2.6.0

Dear Ms. Beals,

SLI Compliance is submitting this letter as a summary of the auditing efforts for Election Systems & Software ExpressPoll 7.2.6.0.

The evaluation was conducted on March 18th to March 20th, 2024, 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 Election Systems & Software ExpressPoll 7.2.6.0 were provided to Virginia for their acceptance.

It has been determined that the Election Systems & Software ExpressPoll 7.2.6.0 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 (T0066)
- Onboarding and Off-boarding is completed manually (T0067)
- Audit reports must be requested through Election Systems and Software (T0077, T0078 and T0079)



Election Systems & Software ExpressPoll 7.2.6.0 components audited were comprised of:

Application/iOS	Version
Windows 10	LTSC 2019
ExpressPoll	7.2.6.0

Device	Serial Number	Model
DEMOPB00059	O67660310451	Microsoft Surface Go 2
DEMOPB00064	0B36PFP222533F	Microsoft Surface Go 3
DEMOPB00062	0B36PFY222533F	Microsoft Surface Go 3
DEV00000011	0B36XWV222533F	Microsoft Surface Go 3
DEMOPB00068	0B36PPF222533F	Microsoft Surface Go 3
Flip Stand	A2347A000008	M01600
Flip Stand	A2347A000074	M01600
Flip Stand	A2228A007352	M01600
Flip Stand	A2347A000003	M01600
Terminal Pollbook Stand	W0-05266-6439	97-10025-01
Terminal Pollbook Stand	W0-05266-6441	97-10025-01
ExpressVote Activation Card Printer	O1903424601	4200
ExpressVote Activation Card Printer	O1903350248	4200
ExpressVote Activation Card Printer	O1903424605	4200
ExpressVote Activation Card Printer		4200
Epson TM-T20III Thermal Receipt Printer	X7AT166329	M267D
Epson TM-T20III Thermal Receipt Printer	X7AT166335	M267D
Epson TM-T20III Thermal Receipt Printer	X7AT213187	M267D
Epson TM-T20III Thermal Receipt Printer	X7AT213186	M267D
Brother BOD6400 Compact Printer	U65540J2N781546	HL-L6400DW
Brother BOD9310 Compact Color Printer	U64644L1F445884	HL-L9310CDW
ATT Netgear Nighthawk	6A8321NX5343B	MR1100

Sincerely,
 Michael Santos
 Director, VSTL
 SLI Compliance



Chesterfield County Office of the General Registrar

Office Location - 9848 Lori Road (Court Square) ♦ 804-748-1145 ♦ 804-751-0822 (fax)
Mailing Address - PO Box 1690 ♦ Chesterfield, VA 23832 ♦ Registrar@Chesterfield.gov

GENERAL REGISTRAR

Missy Vera

ELECTORAL BOARD

CHAIR – Dorothy Jaeckle

VICE CHAIR – Rick Michael

SECRETARY – Lynette Clements

March 22 2024

RE: ES&S Mock Election

Londo Andrews, M.S. CIS
Va. Voting Systems Security Manager
Virginia Department of Elections
1100 Bank Street, 1st Floor
Richmond, VA 23219

Dear Mr. Andrews,

I am writing to express my sincere appreciation for the invitation to partake in the State's certification process and the opportunity to contribute to the proficient execution of the mock election, with particular emphasis on the integration and functionality of ExpressPoll and Express Connect.

On March 21st, 2024, we participated in the Mock Election for the state certification process for ExpressPoll. Those present were, from Chesterfield County, Missy Vera, Leslie Foreman, Tangela Kersey, Michael Schwartz and Izaiah Coleman, and the Department of Elections representative Londo Andrews.

In the recent mock election where the Express Poll Election equipment was deployed, we are delighted to affirm that no complications were reported with the equipment. The systems performed exactly as anticipated, effectively streamlining the electoral procedures. Each unit of the Express Poll equipment executed its tasks successfully. Throughout the process we were able to check in voters, print receipt tape along with ballots. This was done on both early voting along with election day tablets and each performed with no issues.

I would like to extend my sincere appreciation to the entire team involved in organizing this event. Their unwavering dedication and professionalism have significantly contributed to the successful execution of the mock election, resulting in a favorable outcome.

Once again, thank you for allowing us to take part in this enriching experience. I look forward to continuing to contribute to the promotion of democracy and civic participation in our community.

Missy Vera
General Registrar and Director of Elections



Electronic Pollbook Certification Standard

March 2023

Chapter 1: Introduction	3
1.1. Purpose of Procedures.....	3
1.2. Specific Requirements	3
1.3. Decertification	3
1.4. Recertification	5
Chapter 2: Basis for Certification.....	6
2.1. State Certification Testing	6
2.2. EPB Hardware, Firmware, Infrastructure, or Component Elements.....	7
2.3. EPB System Software Elements	8
2.4. Early Voting Connection Requirements	8
Chapter 3: Review and Approval Process	9
3.1. Summary of Process	9
3.2. Certification Review Process.....	9
Phase 1: Certification Request from Vendor	9
Phase 2: Preliminary Review	14
Phase 3: Technical Data Package to Voting Systems Test Laboratory	15
Phase 4: Certification Test Report from VSTL	15
Phase 5: On-Site Testing in Mock Election.....	16
Phase 6: Approval by the SBE	16
3.3. Incomplete Certification Process	16
Appendices	17
A – Glossary.....	17
B - Contacts	19
C – Acceptance Test.....	20
D – Test Assertions	22
E – Software Patching Guidelines.....	33
F – Recertification Guidelines	34
G – Hardware Guidelines.....	35
H – EPB System Modifications & Product End of Life Planning	36
I – EPB Certification Application Form.....	37
J – De Minimis Change Guideline	38
K – Early Voting Connection Requirements	40

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 will provide a check for \$10,000 to cover the costs for the travel, expense and billable hours by the VSTL for the certification process. Refunds will be provided to the vendor's if the difference of VSTL's invoices are less and the refund amount is over \$100.00. Testing will take place at ELECT, Washington Building, 1100 Bank Street, Richmond, VA 23219. The VSTL technician will travel to Richmond.

Certification is two-day event. Voting system equipment for certification will be sent before certification begins and shipped out after it is complete.

- a. Checks for \$10,000 must be received by ELECT before the certification will be started Make checks or money order payable to Treasurer of Virginia
 - i. Checks or money orders should be made payable to Treasurer of Virginia and mailed to: Voting Technology / ELECT, 1100 Bank Street, 1st Floor, Richmond, VA 23219
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 - (please review the excel file)

There is an excel file you must submit with your request! If you do not see the excel file, please request the "Vendor EPB_System Certification Standard ... Submission Checklist" excel file from us.

With your application comes an excel file, that allows you to check-off what you have submitted. This excel file also explains that files and contents of files must meet a certain naming convention and have in them only the content expressed in the file name. Please review the excel file for more information. The TDP files you submit must be formatted with the proper naming convention listed on the excel file and have the accurate content in the file. If not your full submission will be rejected. Your 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 (please review the excel file)

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

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>III – The EPB must provide a verification that the voter and election data are accurately loaded in the EPB.</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 provide reports that distinguish voters by ballot style, party, precinct, precinct split, curbside voter, and voter status.</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"> <i>i. Ability to add or remove new units without disturbing the existing units</i> <i>ii. Power supply and battery life with an option to display power usage</i> <i>iii. Display appropriate message when the EPB device is operating at less than 20% of remaining power</i> <i>iv. Display appropriate error message when a voter is not counted</i> <i>v. Capacity/Load Test report to include the maximum number of voters the configuration setting can handle</i> <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"> <i>i. Perform a self-test for peripheral connectivity</i> <i>ii. Visible display indicating power supply/battery life</i> <i>iii. Visible display indicating system connections.</i> 	<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"> • Upgrade to a Modern Operating System and keep it up-to-date • Exercise Secure User Habits • Leverage Security Software • Safeguard against Eavesdropping • Protect Passwords • Limited Use of the Administrator Account • Employ Firewall Capabilities • Implement WPA2 on the Wireless Network • Limit Administration to the Internal Network
<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>V – The EPB must provide the option to mask or unmask passwords at text entry.</p> <p>I – The EPB must employ the following management techniques:</p> <ul style="list-style-type: none"> • Centralization of all components • Role Based Access Control • Employ Zero Trust Identity Security • Use the Principle of Least Privilege • Automated Onboarding • Automated Off-boarding • Orphaned Account Detection and Removal • Multifactor Authentication • Notification of failed logon attempts • Notification of use of Privileged Accounts.
<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>

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

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