

A wooden gavel with a dark handle and a light-colored head, resting on a thick stack of papers. The papers are yellowed and have various colored tabs (yellow, white, blue) sticking out. The background is a light, textured surface.

2024 Legislative Changes/Updates Webinar

Risk Limiting Audit

Matthew Abell,
Election Services Senior Advisor

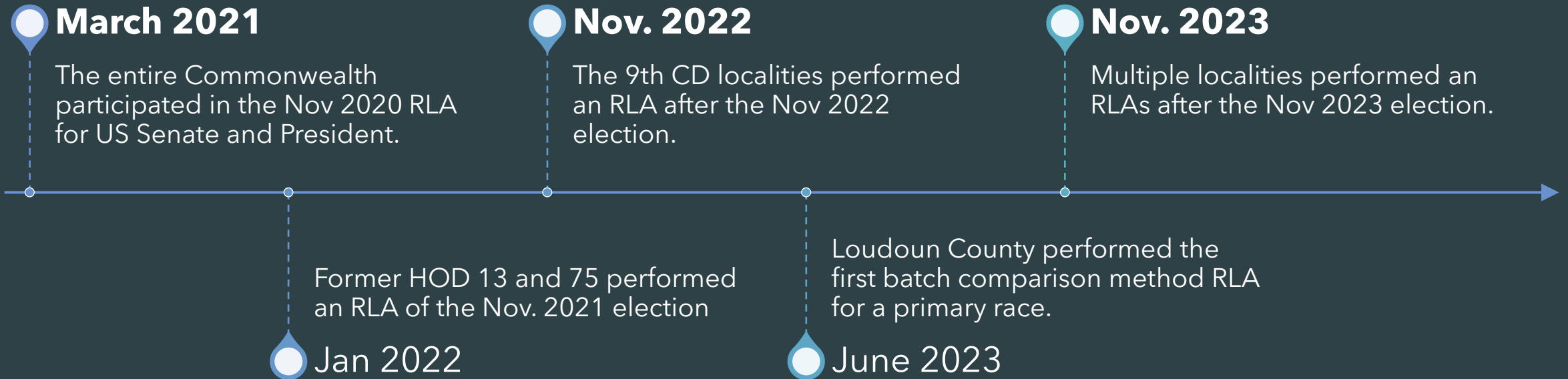


What is a Risk Limiting Audit?

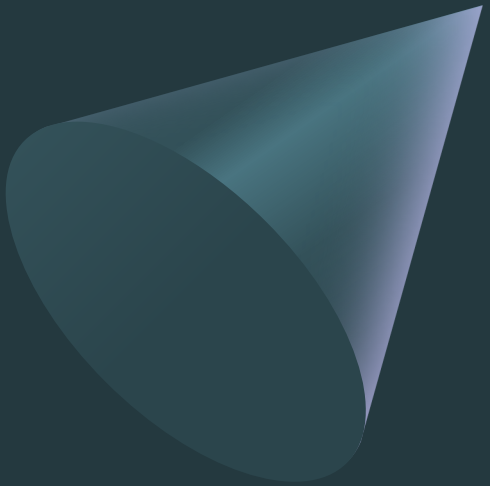
A risk-limiting audit is a post-election audit that gives a statistical level of confidence that the outcome of an election is correct.

Another way to express the definition is, after performing a risk-limiting audit, we can say that there is a high probability that the reported winners accurately reflect how voters marked their ballots.

Virginia has had RLA provisions since 2018



We have come a long way with RLA.



Topics for Today:

- The Commonwealth is in great shape for this November's RLA.
- Ballot tracking through early voting and on Election Day will pay dividends for all of us.
- Trust the quantity of ballots designated on the #3 Envelope.

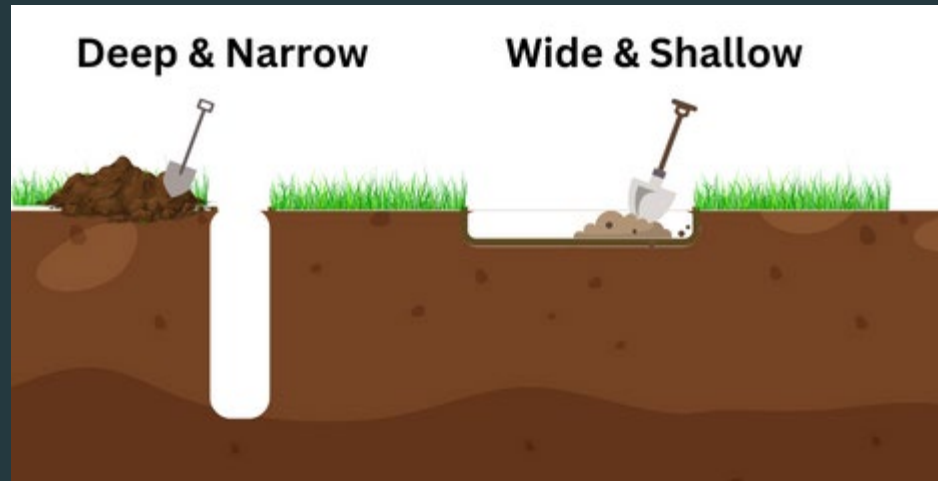
RLA Methods Available in Virginia

Batch Comparison

- Auditing every ballot within a batch of ballots, typically the size of a precinct
- Deep and Narrow

Ballot Polling

- Auditing a random, individual ballot within a batch of ballots
- Wide and Shallow



Thinking Ahead with Your Ballots

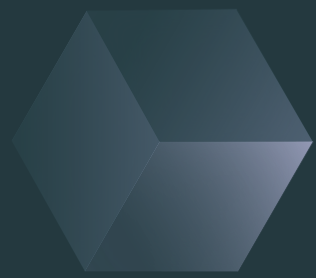
- Plan ahead on how you will organize ballots
- Smaller batches of ballots are easier to work through than larger batches
- Keep in mind 1VAC20-60-50 Overfull optical scan ballot container.
 - If you find that a machine seems too "full" that can be made into a batch of ballots
- Be sure to keep track of your batches in your ballot manifest



Ballot Manifests

- Ballot Manifests look the same for both Ballot Polling and Batch Comparison
- It is a 2 Column Excel spreadsheet.
 - Column A lists the names of all available batches
 - Column B lists how many ballots are in each of those ballots
- When uploading your ballot manifest into Arlo, please upload it as a Comma-Separated Value file (.csv).

Batch Name	Number of Ballots
107 - LITTLE RIVER	1086
114 - DULLES SOUTH	674
123 - CARDINAL RIDGE	634
209 - POTOMAC FALLS	1222
210 - CASCADES	1120
214 - SUGARLAND NORTH	984
215 - SUGARLAND SOUTH	1070
216 - LOWES ISLAND	1068
217 - SOUTH BANK	1180
220 - MIRROR RIDGE	922
221 - SENECA	841
701 - SULLY	748
702 - PARK VIEW	746
703 - ROLLING RIDGE	881
705 - FOREST GROVE	880
710 - STERLING	515
711 - GUILFORD	362
713 - CARTER	233
715 - OAK GROVE	352
EV1-1	698
EV1-2	2351
EV1-3	2391
EV1-4	2273
EV1-5	2273
EV1-6	2133
EV1-7	2133
EV1-8	2095
EV1-9	1891
EV2-1	2577
EV2-2	2363
EV3-1	2386





All Ballot Manifests Must
Be Uploaded to Arlo for
the RLA to Start.

Don't be that person and wait to the last
minute to prepare and upload your ballot
manifest!



How the Races will be Chosen

- 24.2-671.2(C) (1-3) state which RLAs are statutorily required
 - US House of Representatives
 - A random General Assembly race
 - A random shared Constitutional office, if there is not a statewide office on the ballot
- 24.2-671.2(C)(4) states that the SBE can select a race it finds appropriate to ensure that all localities participate at least once every 5 years
 - Typically, this is done with a statewide race
 - For example: US Senate, Governor, Lt. Governor, Attorney General



Providing Notice of the RLA

- The RLA is a public meeting of the local electoral board
- Provide notice to the public through your typical channels
- ELECT recommends providing notice to the local parties as well as to the candidates who are involved, especially if it is a local race



GRs, EBs, and the RLA

General Registrars

- Typically, act as the local admin. for the RLA (accessing Arlo, uploading documents into Arlo, communicating with ELECT)
- Available for questions from the public or authorized reps
- Provide guidance if questions arise

Electoral Board Members

- 24.2-671.2(G) requires at least one EB member from each party be present for the entire RLA
- Available for questions from the public or authorized reps
- Provide guidance if questions arise

Setting Up the Room For Success



Have enough space for your teams to work



Have a separate area for the public and press to observe



Have an area where teams can check-in/out batches

Authorized Representatives



24.2-671.2 is silent regarding the role of authorized representatives.



The RLA is a public meeting, and the public is allowed to observe the process.



ELECT recommends as a best practice to treat authorized representatives as you would during Canvass.

ARs can take a closer look at the process but must not interfere with the RLA process or distract the teams while they are working.

Resources Available about the RLA



RLA Manual - Gives a thorough step-by-step process of the RLA



RLA Training Courses - Gives an overview of each of the methods used in VA



Arlo Audit Planner - Estimates the number of ballots/batches for an RLA



Webinar on September 5th featuring a demonstration of the Arlo software platform by VotingWorks



Questions?



Break

10:00am-10:15am

2024 Legislative Session: Enacted Legislation

LEGISLATIVE UPDATE MEETING

PRESENTED BY ELECT POLICY TEAM

2024 Legislative Session: By the Numbers



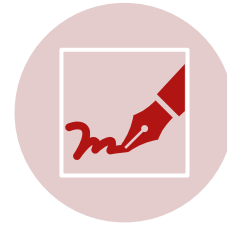
116 BILLS
INTRODUCED



35 BILLS PASSED
THE GENERAL
ASSEMBLY



13 BILLS VETOED
BY THE
GOVERNOR



22 BILLS SIGNED BY
THE GOVERNOR



24 COMMITTEE
MEETINGS



16 MEETINGS WITH
STAKEHOLDERS



Election Administration

- ABSENTEE VOTING
- VOTER REGISTRATION
- CANVASS

HB1330

Absentee voting; persons confined awaiting trial or for conviction of a misdemeanor.

Codifies that any registered voter who is confined while awaiting trial or for having been convicted of a misdemeanor may vote by absentee ballot

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- No Code provisions regarding requirements for facilitating voting of registered, confined voters.- Confined voters awaiting trial or serving misdemeanor conviction may vote via absentee, as they are not considered ineligible under VA law and the Absentee Application provides that they may list as a temporary address their place of confinement.	<ul style="list-style-type: none">- Institution in which registered voter is confined while awaiting trial or for misdemeanor conviction must provide the means for the person to vote via mail-in absentee.- Confined voters awaiting trial or serving misdemeanor expressly added as those who can provide temporary address for absentee application.- These confined voters added as protected group related to civil penalty for interference with voting by person acting under lawful authority.

HB943

Voter registration; protected voter status, elections officials.

Adds to the list of protected voters any person serving as a member of a local electoral board, a general registrar, a deputy registrar or employee in an office of a general registrar, or an officer of election.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- Election officials and employees cannot register as protected voters for purposes of releasing a mailing address in lieu of a residence address in lists given under election code.	<ul style="list-style-type: none">- Election officials and employees can register as protected voters for purposes of releasing a mailing address in lieu of a residence address in lists given under election code.

SB 364

Elections; protection of election officials; penalty.

Expands protected voter class and scope of crime related to interfering with election officials administering an election.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- Election officials and employees not protected voters for purposes of releasing residence address in lists given under election code.- Class 5 felony to hinder or prevent officers of election from "holding" an election at polling locations.	<ul style="list-style-type: none">- Current and former election officials and their employees (including SBE & ELECT) as well as current and former electors for President or Vice President added as protected voters for purposes of releasing residence address in lists under election code.- Class 5 felony for intentionally hindering or preventing election officials and employees from "administering" an election.

HB998

Conduct of elections; electoral board to meet to ascertain results; permitted period of adjournment.

Extends the deadline for local electoral boards to meet after an election for the purpose of certifying the election results and submitting the abstract of results to ELECT from seven days after the date of the election to 10 days after such date.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- Electoral boards have 7 days from election day to ascertain the results of the election.	<ul style="list-style-type: none">- Electoral boards would be able to adjourn their canvass meetings up to 7 days from the mail-in absentee ballot deadline, which is 3 days after election day, for a total of 10 days after the election.



Campaign Finance

- INDEPENDENT EXPENDITURES
- EXEMPTIONS

HB730/SB692

Campaign finance; independent expenditure reports, electronic filing required.

- Requires all independent expenditure reports to be filed electronically
- Intention is for it to be available online in an accessible format to members of the public

Effective July 1, 2025

How it Works Currently	How it Will Change <u>JULY 1, 2025</u>
<ul style="list-style-type: none">- Independent expenditure reports can be filed in writing to the state or general registrar, depending on the related race, or electronically to the state.	<ul style="list-style-type: none">- Independent expenditure reports may only be filed electronically with the state and provided to the public in a manner consistent with existing requirements for other campaign finance reports.

HB1346/SB577

Campaign finance; exemption for candidates for certain directors.

- Creates an exemption from the requirement to designate a separate campaign depository on the SOO for candidates for director of soil and water conservation
- Allows a candidate to rescind the certification

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- All candidates for local office and director of a soil and water conservation must designate campaign depository on statement of organization.	<ul style="list-style-type: none">- Candidates for director of a soil and water conservation who do not contribute to own campaign nor expend money on campaign can file for exemption from designating campaign depository on statement of organization.- Exemption with certification of qualifications filed with general registrar.



Candidates

- PRIMARIES
- PETITIONS

HB55/SB131

Primary elections; candidates for nomination, withdrawal of candidacy.

Creates a process to cancel a primary election when there is only one remaining candidate once voting has begun.

Effective January 1, 2025

How it Works Currently	How it Will Change on <u>JANUARY 1, 2025</u>
<ul style="list-style-type: none">- Currently, there is no process to cancel a primary for this reason in this period.	<ul style="list-style-type: none">- Candidate submits withdrawal to registrar between 44 days and 7 days before the primary election resulting in only one candidate remaining.- Registrar provides withdrawal to electoral board and State Board, certifying that only one candidate remains.- State Board declares the remaining candidate the nominee within one day of notice.- Electoral board petitions court to cancel election.

HB90/SB 109

Candidates; declaration of candidacy for primary.

Changes the statement on the declaration of candidacy (505/520 form) to include if a primary candidate withdraws, they cannot be placed on the ballot for the general election.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- A candidate for nomination by primary must declare that if defeated in the primary election they will not have their name printed on the ballot for that office in the succeeding general election.- Primary candidates that rightfully withdraw from the election are not considered “defeated” and may appear on the ballot for that office in the succeeding general election	<ul style="list-style-type: none">- Any candidate that withdraws or is defeated in the primary, must declare they will not appear on the ballot for that office in the succeeding general election if they do not win the nomination.

SB 165

Candidates for office; petition of qualified voters, start date.

Clarifies petition signatures can be collected on January 1 of each year, or on and after the day on which the writ of election is issued in the case of a special election.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- Candidates can begin to collect petition signatures from qualified voters beginning January 2 of the year in which the general election is held.- Candidates can begin to collect petition signatures on the day on which a writ of election is issued in the case of a special as a result of a State Board of Elections policy	<ul style="list-style-type: none">- Candidates can begin to collect petition signatures from qualified voters beginning January 1 of the year in which the general election is held.- Codifies in Title 24.2 that candidates can begin collection petition signatures on the day on which a writ of election is issued in the case of a special.

Break



NEXT TOPICS:

- POLLING PLACES
- MISCELLANEOUS
- BUDGET BILL



Polling Places

- CURBSIDE VOTING
- NOTICES

HB441/SB605

Polling place; assistance for certain voters, clarifies definition of "person with a disability."

Expands the definition of disability for purposes of curbside voting to voters with disabilities to include any permanent or temporary disability. Officers of election will be required to be trained on assisting voters who use curbside voting.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- Any voter with a physical permanent or temporary disability or who is aged 65 or older can use curbside voting.	<ul style="list-style-type: none">- Any voter with a permanent or temporary disability or is age 65 or older can use curbside voting.- Officers of election would be required to be trained on assisting voters who use curbside voting.

HB940

Elections administration; change to location of polling place; additional notice requirement.

Requires notice of a change in the location of a polling place to be posted at the location last used for such polling place on the day of the first primary election and first general election conducted in the new location, to the extent practicable.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- New provision.	<ul style="list-style-type: none">- Notice of polling place change is required at the old location for the first primary and general election held in the new polling place.- Notice must include information on how to find the new polling place.

HB1003

Precincts and polling places; notice of changes mailed at least 30 days prior to election.

Changes polling place notice requirements from 15 days before an election to 30 days.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- Notice of a change in polling place is required 15 days prior to a general, primary, or special election.	<ul style="list-style-type: none">- Notice of a change in polling place is required 30 days prior to a general, special, or primary election.



Miscellaneous

- ELECTORAL COLLEGE
- MINORITY LANGUAGES
- LOCAL VACANCIES
- FOIA

HB111

*President and Vice President;
binding of electors, filling
vacancies.*

- Largely maintains established process related to Electoral College. Creates a new chapter in 24.2 (Chapter 2.1) to recodify and consolidate existing statutes & adds additional provisions, including regarding qualifications of electors.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- Electors must submit oath that they will vote for candidate to which they are bound by law.- Electors for third-party and independent candidates can only be substituted prior to noon on the 74th day before the election due to death or disqualification.- At the meeting of the electors, a vacancy is created by an elector's refusal to act.- Electoral college meeting is the first Monday after the 2nd Wednesday in December	<ul style="list-style-type: none">- In addition to submitting oath, electors must be a citizen of the United States and a legal resident of the Commonwealth.- Electors for third-party and independent candidates can also be substituted prior to noon on the 74th day before the election due to withdrawal.- "Refusal to act" that leads to the vacancy of an elector in the current version of Code is elaborated upon as an elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's oath.- Electoral college meets the first Tuesday

HB989

Elections administration; duties of Dept. of Elections, required election and voter participation

Requires the State Board to provide specific information for voters on its website and requires that such information is translated, and all translated portions of the website be reviewed for accuracy prior to the start of early voting.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- ELECT/State Board is required to translate the following election materials into specific minority languages: registration or voting notices (any notice of voter registration approval, denial, or cancellation), forms, instructions, assistance, voter information pamphlets, ballots, sample ballots, candidate qualification information, and notices regarding changes to local election districts, precincts, or polling places.- ELECT/State Board also translates through Google Translate: (i) the role of and contact information for the State Board and local electoral boards; (ii) how and where to register to vote; (iii) how and where to vote, including information about absentee voting, polling hours, Virginia's voter identification requirements and acceptable forms of identification, the casting of ballots, and a means for voters to find their polling place; and (iv) the voter's current information kept in the statewide voter registration database.	<ul style="list-style-type: none">- ELECT/State Board would review all translated portions of its website for accuracy and make appropriate updates prior to the start of early voting for every primary and general election held in Virginia.- The additional information ELECT currently translates would be mandated and ELECT would also have to translate any laws, regulations, policies, or forms pertaining to any of the information in clauses (i), (ii), and (iii).- ELECT will use the statewide language translation solution to provide all website translations on a permanent basis.

HB69

Vacancies in elected local offices; interim appointments, notice requirement.

Requires governing body (city, county, school board) to hold a public meeting prior to making an interim appointment to fill a vacancy among its members (or for a popularly elected mayor); must make applicant materials available to public.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- A governing body may fill a vacancy among its membership (or of a popularly elected mayor) with an interim appointment within 45 days of the vacancy.	<ul style="list-style-type: none">- At least 7 days prior to making an interim appointment, the governing body would have to hold a public meeting to provide the names of those being considered for the appointment.- Required application materials (resume and any other materials required by the board) must be open for public inspection.

HB894/SB734

*Virginia Freedom of Information Act;
electronic meetings*

Allows public bodies to convene up to 50% of their meetings per calendar year as all virtual public meetings, rounded up to the next whole number.

With respect to all-virtual public meetings, when audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.

This policy must be adopted at least annually.

Effective July 1, 2024

How it Worked Before July 1	How it Changed After July 1
<ul style="list-style-type: none">- Limits the number of all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.	<ul style="list-style-type: none">- Public bodies may convene up to 50% of their meetings per calendar year as all virtual public meetings, rounded up to the next whole number.- when audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.- Adopted on an annual basis



Budget Bill

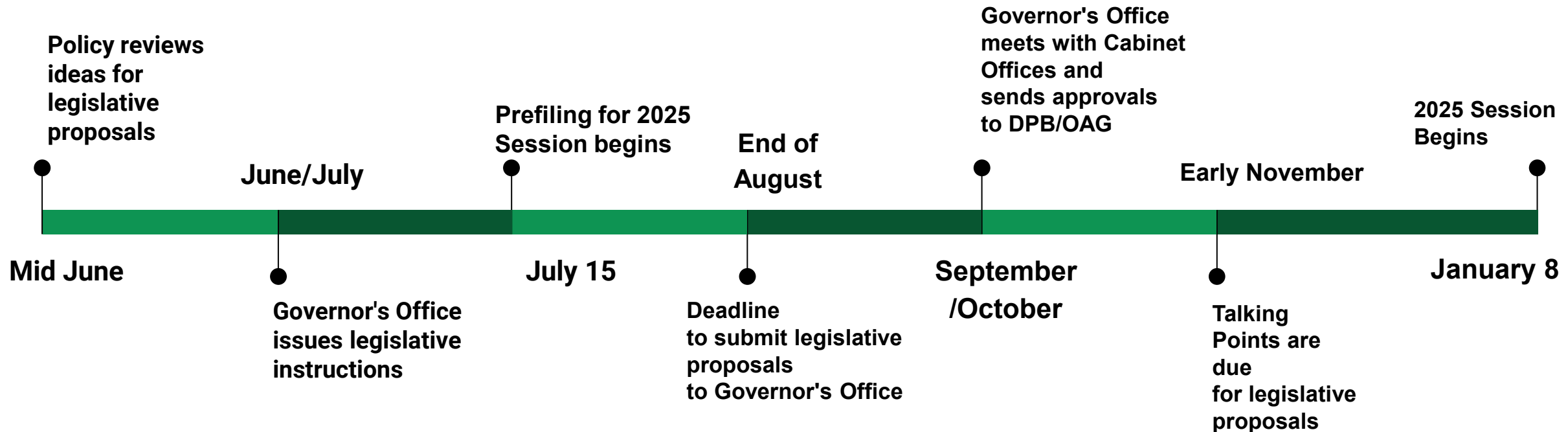


Key Budget Amendments

- \$190,000 is being provided to hold a constitutional referendum on expanding tax exemptions for surviving spouses of soldiers who died in the line of duty.
- Redirects the use of ARPA funds for localities with paper poll books to obtain electronic poll books, and to upgrade ballot-on-demand systems if needed.
- Included language that an RLA cannot be conducted for a presidential election.

Post Session Timeline: Preparing for 2025

*This is a general timeline which is subject to change**





Questions?

Lunch Break

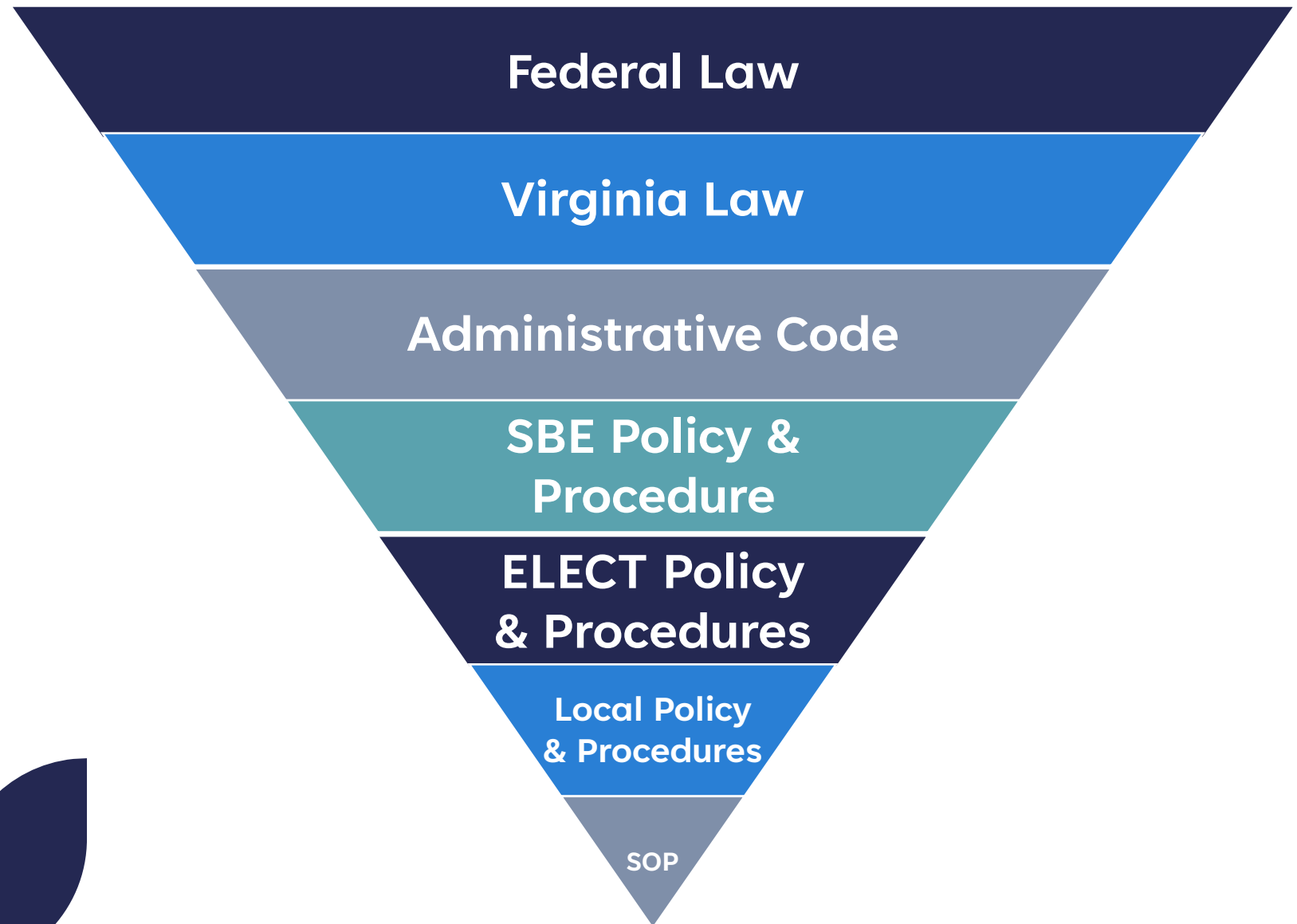
11:25am-12:30pm

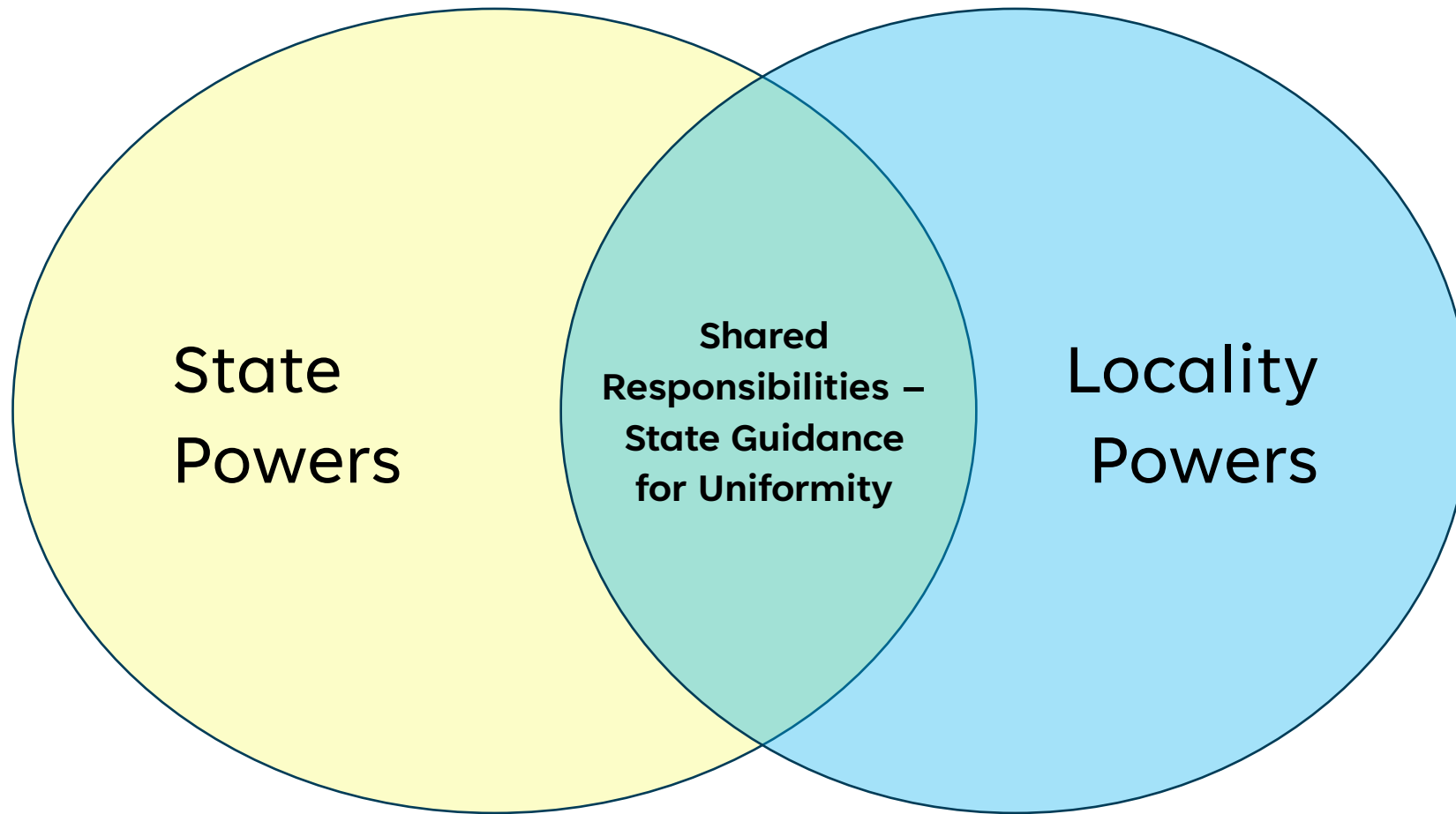


ELECT and Localities: Powers and Responsibilities



Hierarchy of Authority





Spheres of Influence



Yours or Mine?

General Roles and Responsibilities

State

Localities

Shared



Why can't ELECT provide legal advice?

- Clear vs. ambiguous statutory provisions
- Balancing uniformity and local control
- Approach differs by locality
- ELECT cannot shield local liability

The slide features a white background with decorative blue elements. In the top-left corner, there is a solid blue quarter-circle. In the bottom-right corner, there are two overlapping semi-circles, one in a medium blue and the other in a darker blue. A vertical light blue bar runs along the right edge of the slide.

Questions?

Q&A Session- 10 minutes

Break

1:00pm-1:10pm





Part 2: Where can ELECT help?



Advice for Working with Local Counsel

- Establish dialogue and strong relationship
- Understand local attorney/client dynamics
- What should I be asking them?
- Where should they be helping?
- ELECT is willing and able to provide context





Contracts/Procurement

- Third-party vendors
- Regulation provides floor
- Uniformity vs. best local practices
- Local counsel involvement
- General considerations

Candidate Qualification



Virginia Petition of Qualified Voters (continued)

Candidate Ballot Name: _____

Note to Petition Signer

- Your signature on this petition must be your own and does not:
- You may sign petitions for more than one candidate.
- **Privacy notice:**
 - Providing the last four digits of your SSN is optional. You may
 - The information provided will be checked against the official
 - This form is available for public inspection but your SSN, or
- **Fraud notice:** Any willfully false material statement or entry may be punishable as a Class 5 felony.

Office Use Only	#	Petition Signer	
	7.	Print Full Name _____	Signature _____
		Full Residential Address (including city/state/zip) (PO Box not acceptable) _____	
	8.	Print Full Name _____	Signature _____

Managing Polling Locations





Records Releases



The slide features a white background with decorative blue elements. In the top-left corner, there is a solid blue quarter-circle. In the bottom-right corner, there are two overlapping semi-circles, one in a medium blue and the other in a darker blue. A vertical light blue bar runs along the right edge of the slide.

Questions?

Q&A Session- 10 minutes