



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter I

General Registrar/ Director of Elections

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I. GENERAL REGISTRAR/DIRECTOR OF ELECTIONS

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I.1 CHAPTER ORGANIZATION

This chapter discusses the role of the general registrar. §1.2 outlines general registrars' duties; discusses how local electoral boards appoint, remove, compensate, and support their general registrars; addresses the role of chief deputy registrars and other staff; offers suggestions on building relationships with other local government officials; and notes activities considered inappropriate for the position. §1.3 discusses requirements for the voter registration office. §1.4 briefly addresses how localities are to maintain their records and documents. §1.5 focuses on the process for reimbursing localities for their compensation of general registrars and electoral boards.



I.2 THE GENERAL REGISTRAR

Virginia has 133 independent cities and counties, ranging in population from under 3,000 to over 1 million. Each independent city or county has one general registrar and a three-member electoral board.¹ These four individuals are responsible for virtually all aspects of voter registration and election administration in their respective locality. As an appointed official, the general registrar is typically the public face of the local electoral process.

I.2.1 Duties

I.2.1.1 Duties in General

The Code of Virginia prescribes the duties of the general registrar and the electoral board. The most comprehensive, though not exhaustive, list of duties can be found in §24.2-114. The responsibilities listed in the Code are summarized below. General registrars are to:

- Maintain the office of the general registrar and establish and maintain additional public places for voter registration.²
- Participate in programs to educate the general public and encourage registration.³
 - Registrars cannot actively solicit applications for registration in a selective manner or offer anything of value for an application.⁴



Law Note Regarding General Registrars and Public Speaking Engagements

Pursuant to Virginia Office of the Attorney General [Opinion 23-005](#), a general registrar may speak about voter registration and voting at a meeting of a private, non-profit, non-partisan civic organization. However, the general registrar may not solicit, accept, use, or dispose of any money, grants, property, or services of the private host or party to fund election-related expenses.

- Perform duties within the county or city they are appointed to serve.⁵
 - There are two exceptions to this: registrars may, in order to register voters of their own county or city, go into a county or city within the Commonwealth that borders their own and conduct registration jointly with the registrar of that county or city; and registrars may participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.⁶
- Provide voter registration forms.⁷

¹ See §§24.2-106 and 24.2-110.

² See §24.2-114(1).

³ *Id.*, at (2).

⁴ *Id.*

⁵ *Id.*, at (2).

⁶ *Id.*

⁷ *Id.*, at (4).



- Indicate, when appropriate, that the registrant has registered by mail.⁸
 - People who register by mail must be identified as such on the registration records, lists of registered voters, lists of people who voted, and pollbooks used for the election.⁹
- Accept voter registration applications and requests for a transfer or change of address from residents of any county or city in the Commonwealth. For residents of another registrar's county or city, process in VERIS their completed applications or requests and forward them to the registrar of that county or city.
- Determine the applicant's eligibility to register, including checking for felony conviction and restoration of rights for residents of the registrar's own county or city.
- The registrar must notify the applicant of approval or denial.¹⁰
 - Within five (5) days of any voter registration or absentee application denial, the registrar must provide written notification to the applicant of the denial and the specific reason for the denial.¹¹
- Preserve order at, and in the vicinity of, the place of registration. To that end, registrars may:
 - Exclude people whose presence disturbs the registration process from the place of registration;
 - Appoint special officers for the place of registration (no more than three); and
 - Summon people in the vicinity to assist whenever, in the registrar's opinion, it becomes necessary to preserve order.¹²
- Maintain the official registration records for their county or city in the voter registration system. This includes:
 - Preserving the written applications of all people whose registrations were approved, and;
 - Preserving the written applications of all people whose registrations were denied or cancelled, for a period of four years.¹³
 - Once the application is uploaded into VERIS, the paper application may be disposed of.
- Immediately notify ELECT and the electoral board secretary if experiencing trouble processing applications for voter registration or absentee ballots in a timely manner.¹⁴
- Make the pollbooks available to the precincts and provide a copy of the pollbook data to ELECT after each election for voting credit purposes.¹⁵ For more information, refer to Chapter 4 (Voting Equipment).

⁸ *Id.*, at (5).

⁹ *Id.*

¹⁰ *Id.*, at (6).

¹¹ *Id.* at (9). See Virginia Admin. Code [1VAC20-20-70](#).

¹² *Id.*, at (7).

¹³ *Id.*, at (8).

¹⁴ See Virginia Admin. Code [1VAC20-20-70](#).

¹⁵ See [§24.2-114\(10\)](#).



- Retain the pollbooks in their principal office for **two years from the date of the election**.¹⁶
- Maintain accurate and current registration records and comply with all Code requirements for the transfer, inactivation, and cancellation of voter registrations.¹⁷
- Update the voter registration system to reflect changes to election districts, precincts, or polling places, and notify each affected voter of these changes by mail.¹⁸
 - If part of the registrar's county or city becomes part of another locality, transfer registration records of affected voters to the appropriate general registrar.
 - The general registrar of the voter's *new* locality is to notify the voter, by mail, of the change.¹⁹
- After processing a voter who registers in Virginia from another state, the Department of Elections will notify the voter's previous state electronically.²⁰
 - The program's efficacy is seamless when sourced from online voter registration applications.
 - The state abbreviation from a paper Virginia Voter Registration Application must be manually entered into VERIS for ELECT's notice to be provided.*
- Inquire if an individual is suspected of being registered and/or voting simultaneously in more than one state and/or territory of the United States at the same time, inquire about that individual's registration and voting history from authorities of other states. Cooperate when authorities of other states conduct such inquiries, by providing information from the voter's registration and voting records.²¹
- Review nominating petitions at the request of political party chairs, but only if the political party is nominating a candidate for a state legislative, constitutional, or local office, through a method other than a primary. Determine whether the signatures are from registered voters with an active status.²²
- Attend the annual training program provided by ELECT.
 - If a general registrar is unable to attend because of a personal or family emergency, the individual may designate one staff member to attend.²³
- Process returned absentee ballots by mail before polls close on Election Day.²⁴

¹⁶ *Id.*, at (11).

¹⁷ *Id.*, at (12). See also GREB Handbook Chapter 6 Voter Registration.

¹⁸ See [§24.2-114\(13\)](#).

¹⁹ *Id.*, at (14).

²⁰ *Id.*, at (15).

²¹ *Id.*, at (16).

²² *Id.*, at (17).

²³ *Id.*, at (19).

²⁴ See [§24.2-709.1](#).



- Carry out other such duties prescribed by the local electoral board.²⁵

1.2.1.2 Duties Delegated by Electoral Boards

The statutory responsibilities of general registrars and electoral board members are enumerated throughout the Code of Virginia.²⁶

Electoral boards have the authority to assign a range of their duties to the general registrar, yet certain core supervisory functions, **such as safeguarding ballots, assessing the registrar's performance, selecting officers of election representing political parties, adjudicating provisional ballots, and certifying election results, cannot be delegated.**

Electoral boards should be mindful of the many duties that the general registrar is legally required to perform and should have an awareness of the resources available to the registrar. If the general registrar needs additional staff to perform additional duties, particularly if those duties are delegated by the electoral board, the board should work with the local governing body to obtain adequate staffing. Virginia Code §24.2-112 authorizes the general registrar, at their discretion, to hire additional temporary, part-time employees when necessary. The governing body of that locality must compensate those employees as provided for by law.²⁷

The general registrar and electoral board should meet and develop a list of duties that are delegated to the registrar. The general registrar and electoral board should review this list annually and determine if changes are needed. For any duties delegated to the general registrar (and any changes to delegated duties thereafter), the following steps shall be taken:

- 1) The delegation should be explicitly outlined in the meeting minutes or incorporated into the general registrar's job description.
- 2) The decision to delegate should only be made after a discussion with the general registrar.
- 3) The delegation should be formally adopted during an electoral board meeting, and this decision should be documented in the minutes of that meeting for transparency.

Delegation to the general registrar does not absolve the electoral board of legal responsibility for the management of elections.

1.2.1.3 Duties Related to Officers of Elections²⁸

The general registrar will submit a plan to the electoral board that ensures that an adequate number of trained officers of election are available to serve in each election.²⁹

- The representation of the two parties shall be equal at each precinct having an even number of officers and shall vary by no more than one at each precinct having an odd number of officers.³⁰

²⁵ See [§24.2-114\(18\)](#).

²⁶ See [§§24.2-106](#), [24.2-106.01](#), [24.2-106.1](#), [24.2-107](#), [24.2-108](#), [24.2-109](#), [24.2-109.1](#), and [24.2-114](#) (this is a non-exhaustive list).

²⁷ See § 24.2-111.

²⁸ For electoral board duties related to officers of elections, see Chapter 2 Local Electoral Boards.

²⁹ See [§§24.2-115](#) and [24.2-115.2](#).

³⁰ See [§24.2-115](#).



- The electoral board may appoint additional citizens who do not represent any political party to serve as officers. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.”³¹
 - For a primary election involving only one political party, persons representing the party holding the primary shall serve as the officers of election, if possible.
- If the electoral board appoints a chief or assistant chief officer not affiliated with a political party, the general registrar must notify political parties at least 10 days prior to the election to allow for additional nominations.³²
- If an electronic voting machine is taken outside the polling place to assist a voter and the required information is not recorded or it is later proven the information recorded was intentionally falsified, the electoral board or general registrar must dismiss, at a minimum:
 - the chief officer or the assistant chief officer or both
 - any other officer of election shown to have caused the failure to record or intentional falsification³³
- The electoral board must ensure that the general registrar certifies to ELECT that training of the officers of election has been conducted consistent with training standards passed by the State Board of Elections.³⁴
- Providing instructions to any election officer who hasn't been previously instructed on the precinct's voting equipment lies with **either the electoral board or the general registrar**. If this responsibility is delegated to the general registrar, it must be expressed in writing as outlined in 1.2.1.2.
 - Instruction should take place no fewer than three and no more than 30 days before the upcoming election.³⁵
 - Each officer of election must receive additional training or instruction whenever Title 24.2 is changed or when an ELECT regulation is changed that alters the duties or conduct of the officers of elections. The additional training shall be provided promptly after the law or regulation has taken effect, but not less than three days prior to the first election occurring in the locality after the law or regulation has taken effect³⁶
- An electoral board member, the general registrar, or designated officer of election must administer an oath to each officer of election before the polls open.³⁷

³¹ *Id.*

³² See [§24.2-115\(C\)](#).

³³ See [§24.2-649.1](#).

³⁴ See [§§24.2-115.2\(C\)](#) (requiring certification), and [24.2-103\(B\)](#) (training standards).

³⁵ See [§24.2-636](#).

³⁶ See [§§24.2-115.2\(B\)](#)

³⁷ See [§24.2-611](#).



- The secretary of the electoral board or the general registrar must post a list of all appointed officers of election in the office of the general registrar. Whenever substitute or additional officers are appointed, the secretary or the general registrar must promptly add the name of the appointee to the public list.³⁸ This list is open to public inspection in the general registrar's office. The secretary of the electoral board or the general registrar must provide a copy of this list to any requesting political party or candidate, at a reasonable charge.³⁹

1.2.1.4 Duties Related to Polling Places

The local governing body is responsible for establishing and relocating polling places; this must be done by passing an ordinance. General registrars and local electoral boards should nonetheless be directly involved in the process to make sure that any proposed change or creation of a precinct adheres to state and federal law. In addition to administering the locality polling places and precincts, the general registrar must also take steps in an emergency to change the polling place. In the event of an emergency, the general registrar is obligated to promptly initiate actions to relocate the polling place. For further guidance on the management of polling places, refer to Chapter 3 "Precincts and Polling Places" and Chapter 5 "Accessibility."

If an emergency makes a normal polling place unusable or inaccessible less than 60-days before a general election, the electoral board or the general registrar must **request emergency approval from ELECT for a replacement polling place, which must be fully compliant with ADA guidelines:**



Submit a System Support ticket to complete an "Emergency Polling Place Change":

- Upon receipt of ELECT approval, give notice of the change to all candidates or the candidates' campaign whose name is on the ballot to be voted on in that polling place.
- Provide notice to the affected voters as appropriate to the emergency.⁴⁰
- The electoral board or the general registrar must provide and have posted at each polling place signs directing voters with disabilities and elderly voters to accessible entrances.⁴¹
- The electoral board or the general registrar must provide for curbside voting at every polling place for any voter with a disability or who is age 65 or older.⁴²
- The electoral board or the general registrar must provide voting booths at each polling place, including at minimum one (1) designed for voting by printed ballot. Voting booths must be well-lit and must permit a voter to cast their ballot in secret.⁴³

³⁸ See §24.2-115.

³⁹ *Id.*

⁴⁰ See §24.2-310(D).

⁴¹ See §24.2-604.1.

⁴² See §24.2-649.1. See also GREB Handbook Chapter 5 (Accessibility).

⁴³ See §24.2-609. See also GREB Handbook Chapter 4 (Voting Equipment).



- If a polling place has changed, notice must be posted at the old polling place, to the extent practicable, with information on how voters can find the new polling place. The notice must be posted at the old polling place for the first primary and general election conducted at the new polling place.⁴⁴

1.2.1.5 Duties Related to Candidates

After the filing deadline for each elections, the general registrar must enter all candidates who have filed for each local office into VERIS, including the names of any candidates who failed to qualify or voluntarily withdrew.⁴⁵

- The general registrar must notify each disqualified candidate and enter the reason for their disqualification into VERIS.⁴⁶ If you have additional questions, please submit a System Support ticket.
- A general registrar must also accept Statements of Economic Interests from candidates for a **constitutional office**.

Frequently Asked Candidate Ballot Access Questions

*Q: What is a **constitutional office**?*

A: Each county and city elects constitutional officers. These offices are:

Treasurer

Sheriff

Commonwealth's Attorney

Clerk of Court

Commissioner of Revenue

The Constitution of Virginia, Art. VII, Section 4 states that qualified voters of each county and city shall elect "a treasurer, a sheriff, an attorney for the Commonwealth, a clerk, who shall be clerk of the court in the office of which deeds are recorded, and a commissioner of revenue."

Q: What if the date of notarization is before the signatures are dated? A: If all the petition's signatures were signed after it was notarized, the entire petition is invalid; similarly, if an individual signature is dated after the notarization, that signature is invalid.

1.2.1.5.1 Duties Related to the Withdraw of a Primary Candidate (Effective January 1, 2025)

Pursuant to §24.2-538.1, a person who is a candidate for nomination by a political party primary and has qualified for the primary may submit on or after the 44th day before but before the immediate Tuesday before the primary election a notice of intent to withdraw.⁴⁷ Such notice must be signed and notarized.⁴⁸

⁴⁴ See [§24.2-306](#).

⁴⁵ See [§24.2-612](#).

⁴⁶ *Id.*

⁴⁷ See [§24.2-538.1](#).

⁴⁸ See [§24.2-612.2](#).



Upon receipt of the notice of intent to withdraw, the general registrar must immediately send the notice to ELECT. Within one calendar day of receiving such notice, the State Board of Elections will declare the remaining candidate as the nominee. Afterwards, as soon as possible, the local electoral board must petition the circuit court for the cancellation of the primary election.

1.2.1.5.2 *Duties Related to Removal of Certain Appointed or Elected Officers*

Constituents of an elected officer or an appointed officer may petition for that officer's removal from office for good reason specified under §24.2-233, using the petition form approved by the State Board of Elections.⁴⁹ Before a circuit court can begin the process of removing an officer, the Commonwealth's Attorney and the general registrar of the jurisdiction where the petition was filed must review the document.⁵⁰ A petition to remove elected officers or certain officers who have been appointed to fill an elective office must be reviewed by the general registrar to determine its petition signature sufficiency in accordance with the uniform standards approved by the State Board of Elections.⁵¹ The petition will be given to the general registrar by the clerk of the circuit court where the petition was filed.⁵²

The Department of Elections has provided a checklist for general registrars to use in their review of removal petitions.⁵³ The checklist covers all material and nonmaterial omissions as outlined in 1VAC20-60-90.⁵⁴

The general registrar shall certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court.⁵⁵

The general registrar may seek an extension of time from the circuit court for good cause.⁵⁶

The certification shall state:⁵⁷

- The number of signatures required,⁵⁸
- "The petition must be signed by a number of registered voters who reside within the jurisdiction of the officer equal to 10% of the total number of votes cast at the last election for the office that the officer holds."⁵⁹
- The number of signatures on the petition⁶⁰
- The number of valid registered voter signatures.⁶¹
- The signatures found to be invalid must be identified on the certification.⁶²

⁴⁹ See §§[24.2-233](#) and [24.2-235](#). See Virginia Admin. Code, [1VAC20-60-90](#). See also ELECT, [ELECT 233 Petition for the Removal of an Officer](#).

⁵⁰ See §[24.2-235](#).

⁵¹ See §§[24.2-235\(B\)](#); See Virginia Admin. Code [1VAC20-60-90](#).

⁵² See §[24.2-235\(A\)](#).

⁵³ See ELECT, [Review of Officer Removal Petition Pages Checklist](#). See also Virginia Admin. Code, [1VAC20-60-90](#).

⁵⁴ See Virginia Admin. Code, [1VAC20-60-90](#).

⁵⁵ See §[24.2-235\(B\)](#).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ See §[24.2-233\(4\)](#).

⁶⁰ See §[24.2-235\(B\)](#).

⁶¹ *Id.*

⁶² *Id.*



- The certification will also identify any material omissions in the petition.⁶³

1.2.1.6 Duties Related to Special Elections

The general registrar must provide public notice of each special election as soon as a copy of the writ of special election is received. The general registrar should post notice:⁶⁴

- On the official website for the county or city, or
- In at least 10 public places, or
- In a newspaper of general circulation in their locality, at least 10 days before the election.

If the special election is held in more than one locality, the general registrars may act jointly to provide notice.

As with other elections, “The general registrar shall give notice of the date, hours, and locations for registration on the final day of registration at least 10 days before each final day.”⁶⁵ This notice is to be posted on the official county or city website and published at least once in a newspaper of general circulation in the county or city, if available.⁶⁶ At least three days advance notice must be given for other times and locations for voter registration, e.g., a general registrar attends a public event on a Saturday where s\he offers and accepts voter registration applications. This notice is to be posted on the official website of the county or city and published at least once in a newspaper of general circulation or announced at least twice on a television station serving the county or city, if available.⁶⁷

1.2.1.7 Duties Related to Town Elections⁶⁸

The electoral board, along with the general registrar, must conduct elections for any town within its county.

For town office elections in any town split between two counties, the electoral board of the county in which the lesser part of the town is located shall (i) include town offices on the ballot for the county, and (ii) report the results ascertained for those town offices to the electoral board of the county in which the greatest part of the town is located for inclusion in the results of that county pursuant to §24.2-671.

For more information on election results ascertainment for a town split between two counties, refer to the Enhanced Results training materials found in the LMS course: Enhanced Results Training Materials.⁶⁹

⁶³ *Id.* See Virginia Admin. Code [1VAC20-60-90](#).

⁶⁴ See [§24.2-683](#).

⁶⁵ See [§24.2-415\(A\)](#).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ See [§24.2-601](#).

⁶⁹ See [Town Split Results Procedures](#).



1.2.1.8 Duties Related to Ballots

The general registrar must order the printing of a sufficient number of ballots for each election. This number is subject to the approval of both the local electoral board and ELECT. This determination should be based on the number of active registered voters and historical election data such as past voter turnout.⁷⁰ Reference GR/EB Chapter 7 and Chapter 10 for more detailed information on requirements.

The general registrar must send absentee ballots to requestors no later than 45 days before any election. Once the absentee voting period opens, the general registrar must send absentee ballots to requestors within three business days of receiving a completed absentee ballot application. In the case of a nonfederal special election, if time is insufficient to meet the deadline, the registrar must send the ballots as soon after the deadline as possible.⁷¹

The general registrar must certify to ELECT the locality's compliance with the Absentee Ballot deadline and report the number of ballots ordered.⁷² ELECT issues electronic surveys for this purpose and may direct the printing of additional ballots as per the Code of Virginia §24.2-612.

The general registrar must send ELECT proofs of each ballot style for verification and copies of each final ballot in the manner directed by ELECT.⁷³

Representative of electoral board to be present at printing. The electoral board or the general registrar must designate one person to be continuously present in the room where and when the ballots are being printed. If not an electoral board member, the designee must be paid at least \$20 per day.⁷⁴

Delivery of ballots to electoral board; checking and recording number. The electoral board or the general registrar must designate one of its members, the general registrar, or an employee, to receive the ballots after they are printed and certify the number received. The certificate must be filed with other election materials.⁷⁵

Sealing ballots. The electoral board or the general registrar must designate a person to affix the electoral board seal to each ballot and to sign a statement witnessing such. This statement must be filed with the board's minutes. If not an electoral board member, the person must be paid at least \$20 per day.⁷⁶

⁷⁰ See [§24.2-612](#).

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ See [§24.2-617](#).

⁷⁵ See [§24.2-618](#).

⁷⁶ See [§24.2-619](#).



Dividing ballots into packages for each precinct; delivery of absentee ballots. The electoral board or the general registrar must have the printed ballots sorted into one or more packages for each precinct while at least one electoral board member or designee of the board is present. The packages must remain in the exclusive possession of the general registrar until delivered to the officers of election of each precinct.⁷⁷ Any unused ballots at the close of the polls on Election Day should be sent by the general registrar to the clerk of the circuit court.

Delivery of packages to officers; opening packages. The secretary of the electoral board, a deputy registrar, or a staff member designated by the board, must deliver the packages of ballots to an officer of election of each precinct. The designee must obtain a receipt for each package and a certificate that the seals are unbroken.⁷⁸

1.2.1.9 Duties Related to Voting Equipment

Voting equipment custodians. The board and general registrar must employ a person or persons (called “custodians”) to program, maintain, test, calibrate, and deliver each voting machine before each election. **Custodians must be appointed and instructed at least 30 days before each election.**

A board member or a deputy registrar may be appointed by the board or general registrar to serve as custodian without pay for that service. However, whenever the law requires the presence of both a board member or registrar and a custodian, the same person cannot fulfill both roles.⁷⁹

With the approval of ELECT, the electoral board or general registrar may contract with the voting equipment vendor or another contractor to program, prepare, and maintain the voting machines. If this is done, the custodian’s role will be to instruct and supervise the vendor or contractor technicians and oversee the programming, testing, calibrating, and delivering of the equipment.⁸⁰ For more information, see Chapter 4, Voting Equipment.

A board member, an authorized representative of the electoral board, or the general registrar must be present at the final testing of each machine before each election. If a board member is serving as custodian, another board member must be present. The electoral board or general registrar may only authorize a representative to be present in their place if it is impracticable for a board member or general registrar to attend.⁸¹

Notice of final testing of voting system. The general registrar must notify appropriate local party chairs (or independent candidates for a city or town election if there are no party nominees on the ballot for any office) of the time and place of the final testing and sealing of the voting equipment. The notice must be in writing and sent by mail. Each political party or candidate notified must be allowed to have one representative present to witness the testing and sealing.⁸²

⁷⁷ See [§24.2-620](#).

⁷⁸ See [§24.2-621](#).

⁷⁹ See [§24.2-632](#).

⁸⁰ *Id.*, at (A).

⁸¹ *Id.*

⁸² See [§24.2-633](#).



Locking and securing after preparation. The general registrar must retain custody of all voting machine keys after the machines have been sealed.⁸³ The board or the general registrar must deliver the keys in sealed packages to designated officers of election in each precinct before the polls open.⁸⁴ The board or the general registrar may designate times and places for demonstrating and instructing the public on the proper use of the machines--however, no equipment shall be used for such instruction after being prepared and sealed for use in any election.⁸⁵ The general registrar must “provide ample protection against tampering with or damage to the equipment” after the voting equipment has been delivered to the polling places.⁸⁶

1.2.1.10 Duties Related to Election Day⁸⁷

Materials at polling places. The local electoral board is responsible for ensuring that the general registrar has all ballots, voting equipment, voting equipment keys, electronic pollbooks (if applicable) and emergency paper pollbooks, paper pollbooks (if applicable), furniture, and materials at all polling places before 6:00 a.m. on the day of the election.⁸⁸ The general registrar must furnish a copy of the Virginia Election Laws to each precinct for use by the officers of election on Election Day.⁸⁹ Copies of the election law books are distributed by and additional copies can be ordered from ELECT.

Sample ballots. The board or general registrar must furnish two sample ballots to each precinct. These must be posted for public inspection at each polling place on Election Day.⁹⁰ The general registrar must provide instructions available to voters on Election Day on how to use the voting system and properly vote.⁹¹ More detailed information can be found in GR/EB Chapter 10 and Chapter 11.

1.2.1.11 Duties Following the Election, Primary, or Referendum



The board or general registrar may direct that all materials from the precincts be returned to the office of the general registrar instead of to the Clerk of the Circuit Court. The general registrar must secure and retain these materials in their office and must convey them to the Clerk of the Circuit Court **by noon on the day following the electoral board’s ascertainment of the results.**⁹² The general registrar must retain one copy of the statement of results for public inspection.⁹³

⁸³ See [§24.2-634](#).

⁸⁴ See [§24.2-639](#).

⁸⁵ See [§24.2-635](#).

⁸⁶ See [§24.2-634](#).

⁸⁷ For electoral board duties related to Election Day, see GREB Handbook Chapter 2, Local Electoral Boards.

⁸⁸ See [§§24.2-610](#) and [24.2-637](#).

⁸⁹ See [§24.2-610](#).

⁹⁰ See [§24.2-641](#).

⁹¹ See [§24.2-647](#).

⁹² See [§24.2-668\(B\)](#).

⁹³ *Id.*



1.2.1.12 Duties Related to Absentee and Provisional Balloting⁹⁴

The general registrar must provide a ballot and other absentee materials to each registered applicant who properly submits a timely and complete application form no later than 45 days before any election. After the absentee voting commencement deadline, the general registrar must send absentee ballots to requestors within three business days of receiving a completed absentee ballot application.⁹⁵ Refer to GR/EB Chapters 7, 12, and 13 for more detailed requirements.



A **five-day waiting period** is required for persons who concurrently **apply to register in-person and apply to vote absentee**, with limited exceptions for military and overseas citizens.⁹⁶

General registrars must:

- Certify to ELECT that absentee ballots were sent to applicants by the date required by law and must provide certain information required to ensure compliance with absentee voting deadlines.⁹⁷
- Make applications for absentee ballots available and accept them electronically.⁹⁸
 - The general registrar must send absentee ballots electronically to eligible absent military, overseas voters, and designated print disabled voters.⁹⁹
- Provide a voting assistance form to any voters who indicate that they need assistance due to blindness, disability, or inability to read and write.¹⁰⁰
- Note, and preserve, any absentee ballot returned unused.¹⁰¹
- Provide a provisional ballot to anyone who lost, returned unused, did not receive, or accidentally spoiled his or her absentee ballot.¹⁰²



Due to the timeliness of the applicant's emergency request, the general registrar must rule on whether to accept or deny the request for an emergency absentee ballot from a voter where the cause of the voter's emergency is not one of the reasons specified in the Code.¹⁰³

⁹⁴ For more information on absentee voting, see Chapter 7 Absentee Voting and Chapter 12 Central Absentee Precinct (CAP). For more information on provisional ballots, see Chapter 13 Provisional Ballots.

⁹⁵ See [§24.2-706](#).

⁹⁶ See [§24.2-701\(A\)](#).

⁹⁷ See [§24.2-612](#).

⁹⁸ See [§24.2-701](#).

⁹⁹ See §§[24.2-704](#) and [24.2-706](#).

¹⁰⁰ See [§24.2-704](#).

¹⁰¹ See [§24.2-708\(A\)](#).

¹⁰² See [§24.2-708](#). See also Virginia Admin. Code [1VAC20-60-60](#).

¹⁰³ See [§24.2-705](#).



The general registrar must review all properly returned absentee ballots for statement of voter or VA-VBM Envelope B deficiencies that would render the returned ballot a rejected ballot and, within three days of finding such deficiencies, must notify the voter in writing or by email of the deficiency and how the deficiency may be corrected.¹⁰⁴

The common phrase for this deficiency resolution is the “absentee ballot curing process.”

- The notified voter may either correct his or her by mail deficiency before noon on the third day after the election or abandon his or her deficient by mail ballot for an in person absentee ballot by 5 pm on the Saturday before the election.
- Notification of absentee ballot deficiencies is not required for any by mail ballot received by the general registrar from the Saturday before the election through noon on the Friday after the election.¹⁰⁵

The board, or the general registrar, must mark the date of receipt of any absentee ballot and deposit it in an appropriate, secure container.¹⁰⁶

On the day before the election, the general registrar must compose a list (in triplicate) of the names of everyone who applied for an absentee ballot through the third day before the election.

- By noon on the day before the election, the general registrar must deliver two copies of the list to the electoral board.¹⁰⁷
 - The general registrar keeps one copy for their records.
- The general registrar must compose a supplementary list of everyone who voted absentee in person, and/or who applied for an emergency absentee ballot. The general registrar must deliver this list to the chief officer of election for every precinct by 5pm on the day before the election.¹⁰⁸

The general registrar must deliver all applications for absentee ballots, under seal, to the Clerk of the Circuit Court before noon on the day following the election.¹⁰⁹

The general registrar must report in-person absentee ballots cast during early voting separately from absentee ballots returned by mail. Both are to be reported by precinct pursuant to §24.2-667.1(A).¹¹⁰

The general registrar must also report the number of provisional ballots cast, the number of those provisional ballots determined to be valid by the electoral board, and the results of such valid provisional ballots by voters assigned to such precinct. Results from provisional voting and voting at the precinct on election day shall be reported separately, pursuant §24.2-667.1(B).

¹⁰⁴ See [§24.2-709.1](#). See Virginia Admin. Code [IVAC20-70.20](#).

¹⁰⁵ *Id.*

¹⁰⁶ See [§24.2-710](#).

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ See [§24.2-711](#).

¹¹⁰ See [§24.2-667.1](#).



- The results from absentee and provisional ballots must be submitted to ELECT no later than 5:00 pm on the tenth calendar day following an election, as ELECT must post these results on its website, pursuant to §24.2-667.1.
- For additional information on the counting and reporting of results from a Central Absentee Precinct (CAP), please reference Chapter 12 of the GREB and the State Board of Election's policy 2023-001 in the Election Law section of ELECT's website for further information.¹¹¹

Any person who fails to discharge their duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in the Code of Virginia §24.2-1001(A).

For more information on how to process returned by mail ballots for true "undeliverable" or cure ballots in VERIS, see ELECT's 2021-09-09 IS UPDATE – September 8, 2021 VERIS Deployment, Fifth Action Item.¹¹²

I.2.2 Appointment

The electoral board for each county and city meets every four years (starting from the month of May or June) to appoint the general registrar. The appointment is for a four-year term to begin the first of July of the year of appointment. The electoral board fills any general registrar vacancy for the remainder of an unexpired term.¹¹³ The appointment is for this specific term and is not subject to grievance procedures. Immediately after the meeting to appoint the general registrar, the secretary of the electoral board must certify the appointment to ELECT using the [General Registrar Certification of Appointment form](#) (SBE-110).

I.2.2.1 Job Qualifications

The general registrar should fit the following roles and have the following qualifications:

- A planner capable of assessing the current and future needs of citizens, establishing a schedule to meet those needs, and managing all phases of the registration process.
- An administrator able to manage all phases of the registration process, and the employees and volunteers responsible for its accomplishment.
- A budget analyst with the ability to determine the financing required for an effective registration program, and to obtain necessary funds by providing justification to the local governing body and working with local officials.
- A human resources officer capable of assessing the qualifications of prospective paid or volunteer deputy registrars, and clerical employees who may be needed.
- A trainer capable of training all deputy registrars, clerical employees, and, if delegated to do so, election officials, in the proper and efficient performance of their duties.
- A writer with the skills to compose press releases, legal notices, correspondence, and manuals.
- A public relations expert skilled at (or, at minimum, capable of appropriate and non-partisan) dealing with citizens, the press, the local government, the state government, and the federal government.

¹¹¹ See ELECT, [State Board of Elections Policy](#).

¹¹² See ELECT, Official Advisory 2021-09-09 > [2021 Advisories Archive](#).

¹¹³ See [§24.2-110](#).



- A public speaker willing to speak before the public about the election process.
- A person with technical ability able to understand and manage the technical aspects of the position such as creating mail merge documents (e.g., for correspondence with voters), using spreadsheets (e.g., for budget preparation) and using presentation software (e.g., for training officers of election).
- A monitor able to track and analyze federal and state legislative initiatives and voting trends to project the potential future impact on the locality, and to provide meaningful information to legislators when appropriate.
- An individual capable of quickly familiarizing herself\himself with the locality and its citizens to establish a registration and voter education plan that best meets the needs of the locality.

The person appointed general registrar may not be all these things when appointed but must become all of them or the registration and election processes may suffer.

The general registrar is instrumental in disseminating information to the public about the voting process. Press releases, public service announcements, and informational speeches are essential tools for public education. Application and voter guide displays can be arranged in highly visible locations that are frequented by citizens of the locality. In-person registration schedules can be arranged so that the registrar is available to the public at popular events and places. Visits to local high schools once or twice each year provide excellent opportunities to educate students. If general registrar staff will be accepting registration applications, the location must be open to the general public (unless it is in a school or at a naturalization ceremony), accessible to people with disabilities and the elderly, and the hours must be preannounced.¹¹⁴ The general registrar must know the county or city and the habits of its citizens in order to establish a registration plan that is responsive to the locality.



Case Note

On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice. For more information, see *Shelby County v. Holder*, 570 U.S. 2 (2013).

¹¹⁴ See [§24.2-412](#); see also [§24.2-413](#). But see [§24.2-412\(B\)](#) (detailing no need for public announcement if ongoing agreement in place).



I.2.3 Oath of Office

With a July 1st appointment date, each general registrar must, as soon as possible and not later than June 30, take and sign the oath of office prescribed in Va. Const. Art. II, § 7.¹¹⁵ Note that the Code provides more limited options for administering the registrar's oath than for administering the oath for the registrar's staff. A local judge or the Circuit Court Clerk will normally need to be called on to administer the registrar's oath. In contrast, the registrar may administer the oath for the registrar's staff.¹¹⁶

The general registrar must file the signed oath with the Circuit Court Clerk. This document is available from the Clerk. A copy of the signed oath also must be filed with the secretary of the electoral board.¹¹⁷

The secretary of the electoral board must ensure that the oath is taken and filed by the general registrar appointed by the Board. Failure to take it before acting as general registrar is punishable by a fine of not less than \$100 or more than \$1,000.¹¹⁸

I.2.4 The General Registrar and Political Activity

As per the Code of Virginia §24.2-110, "No general registrar shall serve as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of their locality." The statute does not define "volunteer worker," so the plain and ordinary meaning is used (i.e., a person who, of their own free will, provides services, without any financial gain).¹¹⁹ There has been some question over the years as to whether §24.2-110 prohibits contributing to candidates, placing bumper stickers on private vehicles, and the like. Being in a job involving politics, it is natural that a registrar will have political leanings and may have come from a campaign background. While the law does not require a registrar to be apolitical, **registrars must perform their duties in a nonpartisan manner**.¹²⁰ In particular, registrars should do nothing that might cause the public to perceive favoritism for one candidate or party over another. The Code expressly prohibits the general registrar from selectively soliciting registration or offering incentives for applications.¹²¹

I.2.5 Notary Services

Any person appointed as a member of an electoral board or a general registrar shall be **prohibited from collecting any fee as a notary** during the time of such appointment.¹²²

Any person appointed as a deputy registrar or officer of election shall be prohibited from collecting any fee as a notary for services relating to the administration of elections or the election laws.¹²³

¹¹⁵ See Va. Const. [art. II §7](#).

¹¹⁶ See [§24.2-120](#).

¹¹⁷ *Id.*

¹¹⁸ See [§49-11](#).

¹¹⁹ See [§2.2-3601](#).

¹²⁰ See 2003 Op. Va. Att'y Gen. 68 ([Oct. 17, 2003](#)).

¹²¹ See [§24.2-114\(2\)](#).

¹²² See [§47.1-19\(C\)](#).

¹²³ *Id.*



I.2.6 Removal

The local electoral board may, by a recorded majority vote and on notice, petition the circuit court where a general registrar serves for removal from office.¹²⁴ Likewise, the State Board of Elections, by a majority vote and on notice, may petition the circuit court where a general registrar serves for removal from office.¹²⁵

If a petition for removal has been filed against a general registrar, they may apply to the Virginia Division of Risk Management to assign counsel to their defense and any subsequent appeal. The website for the Virginia Division of Risk Management can be found [the Division of Risk Management website](#).



Law Note on Reappointment or Removal of a General Registrar

The Attorney General's 2023 opinion stated, "...[A]n electoral board may choose not to reappoint an incumbent general registrar, provided the decision to not reappoint an incumbent general registrar does not rest on impermissible grounds, including political motivations, and provided the process for appointing a new general registrar is objective and apolitical." For more information, see [2023 Op. Va. Att'y Gen. 23 \(May 15, 2023\)](#).

If a vacancy occurs in the office of general registrar, or the incumbent general registrar becomes unable to perform the duties of the office for an extended period, the electoral board may appoint an acting general registrar.¹²⁶ The electoral board and ELECT may arrange for the acting general registrar to receive the compensation designated for the general registrar. However, ELECT will only reimburse the locality for the salary of one incumbent of the position. The locality may still be liable for the salary of a temporarily incapacitated general registrar, under the normal personnel and compensation policies of the locality. The local government attorney or personnel officer should be able to advise the electoral board and the registrar of the appropriate interim compensation policies.

I.2.7 Compensation

The General Assembly sets the salary of general registrars in the annual Appropriations Act. The current plan is based on factors such as population and a cost-of-living adjustment in certain urban localities.

To determine the appropriate salary, ELECT uses the most recent official population estimate from the Weldon Cooper Center for Public Service at the University of Virginia.¹²⁷ The annual compensation of an incumbent may not be decreased due to declining population during her\his term.

¹²⁴ See [§24.2-109](#).

¹²⁵ *Id.* (Referencing [§24.2-234.1](#)).

¹²⁶ See [§24.2-110](#).

¹²⁷ See [State Budget](#). This is determined every July 1.



The general registrar must receive the annual compensation set by the General Assembly and may not be paid less¹²⁸ unless when taking an unpaid leave of absence brought about by extenuating circumstances. During any unpaid leave, the chief deputy or another appropriately qualified individual is appointed the acting general registrar by the electoral board.¹²⁹

Any local governing body may choose to pay the general registrar a salary supplement.¹³⁰ The general registrar who believes such a supplement is warranted should approach the local governing body with a proposal and justification for the supplement.

The registrar's salary must be paid by the local governing body. The salary amount (not including any supplement) is generally reimbursed to the locality by ELECT on an annual basis.

The locality must provide the same benefits to the general and deputy registrars and staff as provided to other employees of the locality.¹³¹ The local governing body has discretion to determine which benefit programs it can provide (e.g., retirement, medical, dental). Costs of these programs are borne entirely by the locality and/or the registrar, with no reimbursement from the Virginia Treasury.

The local governing body shall reimburse the general registrar and electoral board member for reasonable expenses and for mileage at the rate paid to members of the General Assembly when these are incurred while on official business. In the case of a dispute, ELECT will approve or disapprove the reimbursement.¹³² These expenses are not reimbursed from the Virginia Treasury. "Reasonable expenses" include, but are not limited to, costs for:

- Adequately training the registrar's staff. This includes the costs of training in the use of computers and other technology, and the cost of the general registrar to participate in the General Registrar Certification Program.
- Adequately training the officers of election.
- Conducting elections as required by the Code.
- Conducting voter education.¹³³

I.2.8 Certification

Virginia Code §24.2-103 requires the State Board of Elections, through the Department of Elections, to conduct a certification program for general registrars. General registrars have 12 months from their initial appointment and any subsequent reappointment to receive certification from the Department of Elections by completing at least the minimum number of course credits. An electoral board may ask the Board for an extension of three (3) months if the general registrar is unable to complete the certification program within the required timeframe. The Board will consider any request for an extension on a case-by-case basis.¹³⁴

¹²⁸ See [§24.2-111](#).

¹²⁹ See [§24.2-110](#).

¹³⁰ See [§24.2-111](#).

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ See [§24.2-103\(C\)](#).



The electoral board is required to provide proper notice and may, by a majority vote, institute proceedings for the removal of any general registrar who fails to receive or maintain certification as required by the Board in the circuit court where the general registrar serves.¹³⁵

I.2.9 Attendance/Absences

Any general registrar who will be out of the office for any reason for *more than* two weeks should provide written or email notice to their ERS liaison. (Emphasis added.) The Department of Elections will need to know who to contact in the office during the general registrar's extended absence.

Each locality's general registrar and electoral board secretary are individually responsible for ensuring that ELECT s receives the required notification. If an electoral board member or general registrar is absent due to unforeseen circumstances, the responsible person present, or staff, must send this notification. Notification should be in advance for any foreseeable absence.

General registrars should expect to work considerable overtime (evenings and weekends) during the busy election season and at other times throughout the year. The electoral board and general registrar should discuss expectations for whether compensatory time will be granted or if the registrar has scheduling flexibility. The general registrar and electoral board may consult the locality's human resource office for guidelines on overtime.

I.2.9.1 Jury Duty Exemption

General registrars, electoral board members, and the staff of either may request exemption from jury service starting 90 days before an election through 10 days after certification or the conclusion of any recount or contest.¹³⁶ Your local government attorney can assist you with communicating an exemption request to the court.

I.2.10 Deputy registrars

In localities with a population of over 15,500, the law requires at least one deputy registrar who serves at least one day a week. In localities with a population under 15,500, the law requires only one substitute registrar who can assume the duties of the general registrar in an emergency and who shall assist the general registrar upon request.¹³⁷ ELECT requests that if there are multiple deputies in a locality that the locality designates and communicates a "chief" deputy registrar to ensure there is a backup contact for the locality in the event the general registrars is not able to perform their duties.

A specific provision for Russell County requires at least one full-time deputy registrar who shall serve in the office of the general registrar.¹³⁸

¹³⁵ See [§24.2-109\(A\)](#).

¹³⁶ See [§8.01-341.1\(15\)](#).

¹³⁷ See [§24.2-112](#).

¹³⁸ *Id.*



No legal requirement can guarantee the availability of a well-trained deputy able to assume the registrar's duties in the registrar's absence and assist with the daily work of the office. The locality must provide funds to enable the general registrar to obtain the authorized staffing.¹³⁹ The electoral board sets the number of deputy registrars based on the statutory formula and the local governing body must fund them in a manner consistent with federal minimum wage requirements and applicable state and local compensation standards.

The general registrar has hiring and supervisory authority over the deputy registrars and establishes their duties. The electoral board has no authority to dictate whom the general registrar hires as assistants or deputy.¹⁴⁰ Like ELECT staff and the general registrar, the general registrar's staff must remain nonpartisan and is subject to a prohibition on volunteer campaign activity.¹⁴¹ The electoral board has ultimate responsibility for administering elections according to law and ensuring that the general registrar staff is competent and qualified to carry out their tasks.¹⁴²

1.2.10.1 Qualifications

Although a deputy registrar must be a registered voter of the Commonwealth, he or she does not have to be registered in the locality served. However, candidates who **are** residents of the locality may be given preference in hiring.¹⁴³

Localities may mutually agree to share a deputy registrar among two or more localities.¹⁴⁴ The localities must work out the details of when and where the deputy will work and how the deputy will be compensated. This arrangement may be ongoing, used for special short-term needs, or as part of a "backup plan" for emergencies. A paid deputy registrar cannot have a family relationship with the general registrar (i.e. cannot be the spouse, parent, grandparent, sibling, child, or grandchild of the general registrar).¹⁴⁵

1.2.10.2 Hiring, Compensation, and Benefits

Deputy registrars are normally hired as employees of the locality,¹⁴⁶ unless they are unpaid (in which case they are not considered state or local employees).¹⁴⁷ As such, hiring should be conducted under the personnel policies of the locality.

1.2.10.3 Term of Office

The electoral board sets the terms for deputy registrars. However, their terms may not extend beyond the term of the general registrar.¹⁴⁸ The general registrar should be familiar with local personnel policies that could affect their deputies, such as restrictions on termination without cause. The personnel director and/or attorney for the locality can provide information and guidance.

¹³⁹ See 2014 Op. Va. Att'y Gen. 46 ([Oct. 1, 2014](#)).

¹⁴⁰ See [§24.2-112](#).

¹⁴¹ See [§§24.2-103\(E\), 24.2-110, 24.2-112](#). See also 2003 Op. Va. Att'y Gen. 68 ([Oct. 17, 2003](#)).

¹⁴² See Va. Const. [art. II, § 8](#). See also [§24.2-109](#).

¹⁴³ See [§24.2-112](#).

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ See [§24.2-122](#).

¹⁴⁸ See [§24.2-112](#).



1.2.10.4 Unpaid Deputy Registrar

The general registrar may appoint deputy registrars who agree to serve without pay.¹⁴⁹ These volunteer deputies were used extensively before implementation of the National Voter Registration Act, for example, to staff registration sites at libraries and other public locations. As per §24.2-122, “deputy registrars who agree to serve without pay are not state or local employees for any purpose.” Due to the increased complexity and security required for automated processes, appointment of unpaid deputy registrars should be reserved for highly qualified and experienced persons such as retired elections personnel.

1.2.11 Other Staff and Volunteers

The general registrar may decide to use other staff in the office on an ongoing or occasional basis.¹⁵⁰ Such staff may not exercise the powers of the general or a deputy registrar.¹⁵¹ For example, they may not decide on whether to accept or deny a voter registration application. Localities may have restrictions on hiring or compensating family members. Please keep in mind that pursuant to §24.2-124.1, each general registrar, local electoral boards and all officers of the general registrar are prohibited from soliciting, accepting, using, or disposing of any money, grants, property, or services given by a private individual or non-governmental entity for the purposes of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of an election. While the use of existing permitted volunteer activities in Code is allowed, under the well-established rules of statutory construction, any other volunteer activities that are not enumerated in Code may be construed as impermissible. Specific questions regarding compliance of §24.2-124.1 should be directed to a locality’s counsel to remain in compliance.¹⁵² Consulting the local administration before adding staff can prevent potentially serious problems for the electoral board and general registrar.

1.2.12 Prohibited Activities

Registrars are prohibited by law from engaging in certain activities (note that paid deputy registrars are subject to the same restrictions as the general registrar, with limited exception):¹⁵³

- A general registrar may not hold any other elected or appointed office while serving as general registrar. However, with the consent of the electoral board, they may undertake other duties that do not conflict with their duties as general registrar.¹⁵⁴
- A general registrar may not run for any elected office filled by the voters of their locality, either during the term of their appointment, or for six months after their term ends.¹⁵⁵
- A general registrar may not serve as an officer of election (note the exception for deputy registrars provided in [§24.2-112](#)).¹⁵⁶

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ See [§24.2-114](#).

¹⁵² See [§24.2-124.1](#).

¹⁵³ See [§24.2-112](#).

¹⁵⁴ See [§24.2-110](#).

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*



A general registrar cannot collect fees from notarization during their appointment. (See 1.2.5). A general registrar may not offer legal, financial, or other advice. Voter registration applicants sometimes will ask questions that present issues outside the scope of the official responsibilities of the general registrar (e.g., the tax, financial aid, insurance, or other legal consequences of declaring a voting residence in a particular locality). Complex questions that may present nonelection issues should be referred to your county or city attorney for guidance.

The law provides that no private business enterprise may be conducted in the office of the general registrar.¹⁵⁷

The general registrar is prohibited by law from serving as the chair or other officer of any political party committee, at the state, local, or district level.¹⁵⁸ A general registrar may not serve as a worker (paid or volunteer) in the campaign of any candidate running for an office elected in whole or part by the voters the general registrar serves.¹⁵⁹ Deputy registrars also cannot serve as a paid or volunteer worker for a campaign for an office elected by the voters served, or serve as the chair or other officer of any political party. Unpaid deputies are not subject to these restrictions,¹⁶⁰ but any campaign work may not interfere with nonpartisan service to the public.

General registrars and staff must avoid any activity that can be construed as a conflict with the nonpartisan nature required of every registrar's office (i.e., the optics of anything that might cause the public to question whether the registrar's duties are carried out in a nonpartisan, fair, and legal manner). For example, registrars and their staff should decline invitations from political parties to offer registration applications to voters at partisan events.¹⁶¹

Absolutely no political campaigning, including collecting petition signatures or distributing referenda information, is allowed in the office of the registrar. Electoral board members and staff are expressly prohibited from collecting candidate petition signatures in any public building owned or leased by the locality served.¹⁶²

A general registrar is often asked to express an opinion on an issue or candidate. Registrars must refrain from making any comment that can be construed as partisan.¹⁶³ Registrars should express the facts in an unbiased way if compelled to answer.

General registrars should immediately call law enforcement when an individual threatens or uses force to disrupt the discharge of his\her duty. Further, any complaint or allegation of unlawful conduct covered under Title 24.2 that election officials are witness to or hear reported by citizens must be reported to the attorney for the Commonwealth of the county or city in which the alleged violation occurred.¹⁶⁴

¹⁵⁷ See [§24.2-411](#).

¹⁵⁸ See [§24.2-110](#).

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ See [§24.2-114\(4\)](#). See also 2003 Op. Va. Att'y Gen. 68 ([Oct. 17, 2003](#)), and 2005 Op. Va. Att'y Gen. 30 ([Apr. 5, 2005](#)).

¹⁶² See [§24.2-106.1](#).

¹⁶³ See 2003 Op. Va. Att'y Gen. 68 ([Oct. 17, 2003](#)).

¹⁶⁴ See [§§24.2-1002](#) and [24.2-1019](#).



In making speeches to groups or lectures to students, general registrars should never express opinions regarding candidates, officeholders, or issues.¹⁶⁵

A general registrar may not selectively solicit voter registration or offer anything of value in exchange for a voter registration application.¹⁶⁶ A registrar may only conduct voter registration in public places open to all citizens and at hours announced prior to holding the registration.¹⁶⁷

A general registrar must provide at least three days' advance notice for other times and locations for voter registration outside of those established in §§ 24.2-411, 24.2-411.2, 24.2-411.3, and 24.2-412, e.g., a general registrar's voter registration booth at a local farmer's market on a Saturday.¹⁶⁸

Registrars may provide nonpartisan education to any interested group about the need or process used to register and vote. If a registrar addresses one party's function, that registrar must also be available to any other party, independent candidate, or organization.

The registrar's duty to educate and encourage registration generally supports a variety of activities:

- Preparing posters and fliers encouraging voter registration.
- Posting signs encouraging registration.
- Purchasing media advertisements encouraging registration.
- Placing application and voter guide displays in state designated voter registration agencies and other public locations.
- Offering extended hours and additional locations for voter registration.

Registrars are prohibited from soliciting, accepting, using, or disposing of any money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections.¹⁶⁹ However, it is important to note the prohibition does not apply to: (i) the operation of polling places or voter satellite offices in a facility furnished by a prohibited entity; or (ii) the acceptance of federal government grants that are funded in whole or part by donations from a prohibited entity.

1.2.13 Working Alongside Local Government

The general registrar must often work closely with the city or county's local governing body and other local government officials. Good relationships with local government officials are important to ensuring that adequate resources and support are provided to the general registrar and electoral board.



Best Practice

The general registrar and electoral board should discuss the amount of time and resources that should be directed to locality-specific activities, such as participation in leadership teams and study committees.

¹⁶⁵ See 2003 Op. Va. Att'y Gen. 68 ([Oct. 17, 2003](#)).

¹⁶⁶ See [§24.2-114\(2\)](#).

¹⁶⁷ See [§24.2-412\(B\)](#).

¹⁶⁸ See [§24.2-415](#).

¹⁶⁹ See [§24.2-124.1](#).



However, the voter registration and election administration processes must remain separated from the local political structure to avoid the appearance of undue influence or bias. Expectations should be communicated to the locality to avoid misunderstandings and potential unintended consequences.

Registrars may find it helpful to identify key individuals in a locality with whom to consult on a variety of issues, including human resource and payroll management, information technology support, budgeting and purchasing, legal and legislative support, the locality's ADA Coordinator, mapping and street-file maintenance, i.e., a GIS resource, public information dissemination, public safety and traffic management, and school division support. The general registrar should also develop a working relationship with the local Circuit Court Clerk.

I.2.14 Management of the VERIS Directory and Local Contact Information

The Department of Elections will communicate with general registrars, electoral board members, general registrar staff, and other local government officials according to the data stored and maintained in VERIS. Beyond issuing Official ELECT Advisories to the broader elections community, ELECT uses email and direct telephone contact as its main communication vehicles when engaging with elections officials at the local level. ELECT relies heavily on fast and accurate acquisition of contact information from the VERIS Directory. It is imperative that the VERIS Directory be accurately maintained at all times and especially as the transition of local personnel occurs. For more information on maintaining the VERIS Directory, review ELECT's VERIS Directory Step by Step Instructions.

Furthermore, the general registrar is responsible for keeping the Department of Elections informed of the names, residence, mailing addresses, and home and business telephone numbers for each electoral board member.¹⁷⁰ It is also important to inform the Department of Elections of the email address, party affiliation, term start and end dates, and office held for each member.

Form: The Electoral Board Information Form (SBE-106) found in the FormsWarehouse should be used to provide this updated information. This form should now be uploaded using the designated GR/EB Onboard/Offboard/Update option found in Jira.

¹⁷⁰ See [§24.2-106](#).



I.3 THE VOTER REGISTRATION OFFICE

The local governing body is required by the Code of Virginia to provide the general registrar with clearly marked and adequately furnished public office space within the locality, including postage, stationery, equipment, office supplies, and necessary communications services (e.g. phone, fax, and internet).¹⁷¹ In addition, the locality must provide adequate funding for computers and support, supplies, and computer training for the general registrar and the staff, as well as sufficient funding for the general registrar to participate in the Board Certification Program.¹⁷² The Commonwealth of Virginia does not reimburse the locality for training expenses for general registrars, deputy registrars or officers of election.¹⁷³

The general registrar and local electoral board are responsible for securing sufficient funding from the local governing body for the conduct of elections. The locality must pay the entire "cost of conducting elections,"¹⁷⁴ but the Commonwealth pays or reimburses some or all these expenses:

- the general registrar's base salary¹⁷⁵
- electoral board salaries¹⁷⁶
- electoral board expenses (to the extent possible)¹⁷⁷
- the VERIS system and related expenses
- registration and absentee related forms

I.3.1 Contact Information and Public Access

The general registrar must ensure that the public can easily find contact information for the local voter registration office. For example, it is the general registrar's responsibility to list the office telephone number in the telephone directory under "Voter Registration" or "Elections."¹⁷⁸

The general registrar's office must be clearly marked.¹⁷⁹ Both exterior and interior signs should make the registration office easy for citizens to locate. All voter registration offices must be accessible to persons with disabilities and the elderly.¹⁸⁰ A statement of accessibility, a TTY number (it can be the locality's TTY number), and a number to call to request special accommodations are to be included in all advertising.

Pursuant to §24.2-418, current or past members of the electoral boards, the general registrar, deputy registrars, employees of the general registrar, and officers of election may provide a PO Box located in the Commonwealth, in addition to their residential address, which will be provided in lieu of their residential address on lists provided under §24.2-405, 24.2-406, 24.2-444, 24.2-706, or 24.2-710.¹⁸¹

¹⁷¹ See [§24.2-411](#).

¹⁷² See [§24.2-111](#).

¹⁷³ *Id.*

¹⁷⁴ See [§24.2-600](#).

¹⁷⁵ See [§24.2-111](#).

¹⁷⁶ See [§24.2-108](#).

¹⁷⁷ *Id.*

¹⁷⁸ See [§24.2-411](#).

¹⁷⁹ *Id.*

¹⁸⁰ See [§24.2-413](#).

¹⁸¹ See [§§24.2-110](#) and [24.2-418](#).



I.3.2 Operating Hours

All general registrar offices shall be open a minimum of five days each week.¹⁸²

For voter registration conducted outside regular office hours, the general registrar must give at least three days advance notice by posting it on the official website of the locality and publishing it at least once in a newspaper of general circulation in that locality, if one is available, or announcing it at least twice on a television station serving that locality.¹⁸³

If the office has at least one full-time deputy, lunch hours should be staggered so that the office is open continuously during the operating hours for each locality. A person working alone who must leave the office locked and unoccupied should put a note on the door giving the time of return. For example, "Back at 1:15 P.M.," and *not* "Back in 10 minutes."

In addition to normal office hours, each office *must* be open during the following times:

- On any day that has a 7:00 P.M. filing deadline with the local election office¹⁸⁴
 - Closing time for the office on that day shall be 7:00 P.M.
- On the final day of registration before any election¹⁸⁵
 - The registration books will close to in person registration at the office's normal closing time, but no earlier than 5:00 P.M.¹⁸⁶
 - The office must be open a minimum of eight hours that day.¹⁸⁷
 - If the last day falls on an official holiday, the next day the office is open for business must be considered the final day for registration.
 - The general registrar must give notice of the date, hours, and locations for registering on this final day of registration, at least 10 days in advance.¹⁸⁸
 - Such notice must be posted on the official website of the county or city and published at least once in a newspaper of general circulation in the county or city, if one is available.¹⁸⁹
- On the first *and* second Saturdays immediately preceding all elections.
 - The office must be open a minimum of eight hours *between* the hours of 8:00 A.M. and 5:00 P.M. to provide in-person absentee voting; however, the office must be open until 5:00 P.M. on the last Saturday before the election.¹⁹⁰



¹⁸² See [§24.2-411](#).

¹⁸³ See [§24.2-415](#).

¹⁸⁴ See [§§24.2-503](#), [24.2-507](#), and [24.2-510](#).

¹⁸⁵ See [§§24.2-416](#) and [24.2-414](#).

¹⁸⁶ See [§24.2-414.1](#).

¹⁸⁷ See [§24.2-414](#).

¹⁸⁸ See [§24.2-415\(A\)](#).

¹⁸⁹ *Id.*

¹⁹⁰ See [§24.2-701](#).



The registrar's office is both an official registration site and a polling place with publicly advertised authorized hours. There may be occasions when the registrar is working in the office on a day or time when the office is closed, particularly during the pre-election period. If a citizen comes to the office during this time, you cannot allow them to apply to register to vote, apply for an absentee ballot, or cast an absentee ballot,¹⁹¹ although you may offer them an application to complete and return by mail or when the office is open. Please suggest a pleasant reminder to the 24/7 availability of registering online through the Department of Elections' Citizen Portal as another option. These restrictions are necessary to ensure that all voters are treated fairly and uniformly.

I.3.3 Closings for Training

- The general registrar may close the office for off-site training purposes, provided that:
 - The office is closed for off-site training for no more than four days each year.
 - **Notice of the closure is posted at least 72 hours in advance and is posted on the official website of the locality and at least two public places.**¹⁹²
- The general registrar may close the office for training in the office, provided that:
 - This is done no more than once a quarter.
 - The period of closure does not exceed four hours.
 - In this situation, no advance notice need be provided.
- The general registrar **cannot** close the office for either off-site or in-office training:
 - Within the 7 days immediately before and immediately after an election.¹⁹³
 - During the 45-day period for in-person absentee voting.¹⁹⁴
 - On the final registration day.¹⁹⁵
 - On a Candidate filing deadline specified in Chapter 9.3 of the Code of Virginia.¹⁹⁶

I.3.4 Holidays

The general registrar's office follows the same holiday schedule as that observed by the local governing body – unless that holiday schedule conflicts with one of the mandated open dates specified by law.

¹⁹¹ See §§24.2-415 and 24.2-412(A).

¹⁹² See §24.2-411(C).

¹⁹³ *Id.*

¹⁹⁴ *Id.* See also §24.2-701.

¹⁹⁵ *Id.* See also §§24.2-414 and 24.2-414.1.

¹⁹⁶ *Id.* See also § 24.2-945 et seq.



State Holidays and Election Deadlines

Q: What happens when a major election deadline falls on a state holiday?

A: Outside of §24.2, ELECT may reference §1-210 Computation of time in Virginia subparagraph C to provide localities with direction. C states that “when an act of the General Assembly specifies a maximum period of time in which a legal action may be brought and the last day or part of a day on which the clerk’s office is closed as authorized by an act of the General Assembly, the act may be performed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk’s office is closed as authorized by an act of the General Assembly.”

I.4 RECORDS RETENTION AND MAINTENANCE

Record retention is a critical step in office management. General registrars and staff must manage a multitude of records, all of which are critical to the operation of the office and the locality’s elections. In all cases, localities are to maintain detailed records of all receipts, invoices, and documents related to expenditures for a period as specified by the Library of Virginia and make them available to ELECT or to state or federal auditors when requested. The Library of Virginia (LVA) has the authority to issue regulations governing the retention and disposition of state and local public records.¹⁹⁷ LVA has developed Records Retention & Disposition Schedules outlining the disposition of public records.¹⁹⁸ Please also see Chapter 9 (Records Access and Retention) for additional information.

Consult this schedule before a major shift in record keeping procedures to guarantee that record filing and storage is in accordance with law. Following the retention schedule and record maintenance best practices as outlined by LVA provides a safeguard against records deteriorating due to environmental factors or aging. Further, following best practices assists registrars and staff in finding records quickly to fulfill FOIA requests or any other requests for information.

I.5 GENERAL ASSEMBLY APPROPRIATION ACT (STATE BUDGET)

ELECT is required to reimburse local governments for compensation of the general registrar and the three electoral board members, as appropriated by the General Assembly.¹⁹⁹ The annual compensation for the registrars and the board members is set in the Appropriations Act.²⁰⁰

ELECT’s Business Manager²⁰¹ annually establishes the authorized salaries of all general registrars and local electoral board members based on the local population salary levels and criteria stated in the Appropriations Act.²⁰²

¹⁹⁷ See [§42.1-85](#).

¹⁹⁸ See [Library of Virginia](#).

¹⁹⁹ See [§§24.2-111](#) and [24.2-108](#).

²⁰⁰ See [State Budget](#).

²⁰¹ Contact fiscal@elections.virginia.gov.

²⁰² See [State Budget](#).



At the beginning of each fiscal year, authorized salary levels for the upcoming fiscal year are communicated to local finance offices and general registrars by way of a formal letter from ELECT Business Manager. To initiate the reimbursement process, ELECT's Business Manager sends an application for reimbursement form to each county/city fiscal department. The appropriate Local Fiscal Official completes and submits the completed application to ELECT's Fiscal Office. To this end, it is imperative that the registrar maintain and accurately update local fiscal contact information in VERIS.

As funding opportunities are released, general registrars and electoral board members are encouraged to follow the instructions provided by ELECT to ensure a timely and complete application for reimbursement.

Any material variances are investigated and resolved. Once resolved, ELECT Business Manager approves the application for processing. Any funds not needed for reimbursement at the end of the year revert to the General Fund for the Commonwealth of Virginia.





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 2

Local Electoral Boards

August 2025

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2. Local Electoral Boards

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REFERENCE Virginia Freedom of Information Act Opinion of the Virginia Attorney General (June 26, 2014) Opinion of the Virginia Attorney General (May 15, 2023) Virginia Freedom of Information Advisory Council Opinion (August 31, 2004) Virginia Freedom of Information Advisory Council Opinion (July 11, 2007) Beck v. Shelton, 267 Va. 482 (2004) Hill v. Fairfax Cty Sch Bd, 284 Va. 306 (2012) Shelby County, Ala. V. Holder, 133 S.Ct. 2612 (2013)	REGULATIONS 1VAC20-20-50. Fee for Nonattendance at Annual Training. 1VAC20-20-70 Duty to Request Assistance and to Notify Voters of Denial of Applications for Voter Registration or Absentee Ballots. 1VAC20-60-30: Electronic Devices in Polling Place 1VAC20-60-40: When Ballot Cast 1VAC20-60-60: Provisional Votes



2.1 CHAPTER ORGANIZATION

This chapter is written for both local electoral board members and their general registrars.

Members of local electoral boards are responsible for a substantial list of duties and possess a wide range of statutorily imposed authority. Herein, we discuss what makes up a local electoral board, and describe administrative obligations regarding providing notice, organizing, holding, recording, and closing a meeting. We also provide an overview, with references to the Code, of the main local electoral board responsibilities and duties regarding the conduct of elections. §2.2 presents the organization of each local electoral board, including the appointment of members, roles within the Board, terms, and required oaths of office. §2.3 distills the Virginia Freedom of Information Act (“FOIA” or “FOIA Act”) down to the key elements that apply to meetings held by local electoral boards and the State Board of Elections (hereafter “SBE”). The section discusses the three-day notice requirement applicable to all meetings held by local electoral boards or the SBE, including the Election Day exception and emergency meetings. §2.3.3 addresses meeting records, including working papers and materials, minutes (draft and final), and votes. §2.3.4 explains the circumstances and required motion which permits the SBE or a local electoral board to “close” a meeting, the requirement to certify each closed meeting, and public access to closed meetings. §2.3.5 notes that records regarding voting equipment and security plans may only be excluded from inspection and copying. It also details when a closed meeting is permitted when discussing voting equipment and election security plans, if two conditions are met.

§§2.4 and 2.5 outline administrative obligations each electoral board must observe, in addition to logistics of attending meetings and required trainings.



Please Note: Every general registrar and electoral board member should also be familiar with Chapter 9 (Records Access and Retention), which goes far beyond the general presumption that government records are open to the public upon request. Chapter 9 (Records Access and Retention) outlines the documents each general registrar is expected to provide for public inspection in the local general registrar’s office. The Chapter also addresses what requests for information can be redirected to the Department of Elections, specific restrictions throughout Virginia’s election laws on providing election records and voter data, and finally, records the public does and does not have access to.

2.2 ORGANIZATION OF THE LOCAL ELECTORAL BOARD

2.2.1 Composition

Two members of the electoral board represent the political party that received the highest number of votes in the last preceding gubernatorial election. One member of the electoral board represents the party that received the next highest number of votes.¹ “[If] the Governor [is] not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of appointment.”²

¹ See [§24.2-106](#). See also [VA Const. art. II, § 8](#).

² *Id.*



The terms of incumbent members are not interrupted or shortened “to comply with the political party representation requirements” when the newly elected Governor is of a different party than the previous Governor.³ Rather, electoral board representation regularly changes as the terms of incumbent members expire and new appointments are made, or when an interim appointment is necessary for an unexpired term. The first appointment (however occurring) for a seat previously held by a member representing the previous Governor's party must be given to the new Governor's party.⁴

2.2.2 Terms of Office

“Electoral board members [...] serve three-year terms and [are] appointed to staggered terms, one to expire at midnight on the last day of December each year.” Every year, one member of the electoral board in each county or city is appointed (or re-appointed) for a three-year term beginning on January 1 of the following year. Three years after the appointment, the term expires at midnight on the last day of December.⁵ Members can serve an unlimited number of terms.

NOTE: If, by the last day in December, the results of an election are not certified or there is an ongoing recount of an election, the board member's term does not expire until midnight on the day the results are certified, or the recount is concluded.

2.2.2.1 Court Ordered Expiration Date

Any order of appointment to the electoral board that specifies a term expiration date other than the last day of December has not been entered in accordance with law and should be corrected. An order specifying January 1 is construed to mean midnight on the last day of December.⁶ Your local government attorney can assist with contacting the circuit court if needed.

2.2.2.2 Party Recommendations and Representation

“The chairman [of the board] and the secretary [must] represent different political parties, unless the representative of the second-ranked political party declines in writing to accept the unfilled office.”⁷ The political party entitled to make recommendations must submit a list to the circuit court recommending at least three qualified voters of the county or city. The party must submit their recommendations for a full-term appointment by December 15. For a vacancy, recommendations must be submitted within 30 days of the date of the death or resignation of the departing member.⁸

³ *Id.*

⁴ See 2014 Op. Va. Att'y Gen. 32, ([June 26, 2014](#)).

⁵ See [§24.2-106](#).

⁶ *Id.* (specifying that the term is to end at midnight on the last day of December each year).

⁷ See [§24.2-106](#).

⁸ *Id.*



2.2.2.3 *Appointment*

In each county or city, an appointment to the electoral board is determined by “the chief judge of the judicial circuit for the county or city or that judge’s designee.”⁹ Later, the Code provides that “the chief judge, or his designee, shall promptly make [the] appointment from the recommendations (i) after receipt of the political party’s recommendation or (ii) after December 15 for a full term or after the 30-day period expires for a vacancy appointment, whichever [is first].”



Legislative Note

Current or former electoral board members are eligible for protected voter status under §24.2-418(B)(8).

2.2.2.4 *Interim Appointment of Temporary Member*

If a member of the electoral board dies or resigns during their term, the judge must make an interim appointment for the remainder of the unexpired term. In the case of a temporary absence or disability of an electoral board member, the senior judge appoints “on a meeting-to-meeting basis.”¹⁰ This temporary member must meet all of the same qualification requirements as a regular member, “and to the extent practicable maintain representation of political parties.”¹¹ In making an appointment to fill a vacancy for an unexpired term, the court must, to the extent practicable, maintain the adequate representation of Virginia’s two political parties.¹²

2.2.2.5 *Removal From Office*

If a member of the electoral board fails to discharge the duties of their office in accordance with the law, the State Board of Elections may petition the circuit court where the member resides for their removal from the local electoral board.¹³ The State Board of Elections must approve the removal petition by a majority vote.¹⁴ Any member of a local electoral board against whom a petition for the removal has been filed may apply to the Virginia Division of Risk Management to assign counsel to their defense and subsequent appeal.¹⁵

2.2.3 *Oath of Office*

Before entering any term or performing any duties, any newly appointed or re-appointed member of the electoral board must take and sign the oath of office.¹⁶ Any judge or the Clerk of the Circuit Court may administer the oath.¹⁷

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* See also §24.2-101 for the definition of “party” or “Political party”.

¹³ See §§24.2-103(E) and 24.2-234.1(A).

¹⁴ *Id.* See also ELECT, [ELECT-103\(E\) Petition for Removal of Local Electoral Board Member-SBE](#).

¹⁵ See §24.2-234.1(C).

¹⁶ See [Va. Const. art. II, § 7](#). See also §24.2-120.

¹⁷ See §49-3.



“Each member of an electoral board and general registrar [must] file the original signed oath in the clerk’s office of the circuit court of his county or city,” and a copy of it must be placed with the secretary of the electoral board.¹⁸ The Constitution requires this oath and failure to take it before serving is punishable by a fine of not less than \$100 or more than \$1,000.¹⁹

Form. A copy of the oath each electoral board member must sign, ELECT-120EB, can be found on ELECT’s Forms Warehouse > Local Administration > Electoral Board.

2.2.4 Required Notification of Change in Electoral Board

After the electoral board has met and elected its officers, the Secretary must immediately notify ELECT of any change in membership or officers of the electoral board and keep ELECT informed of the name, residence and mailing addresses, and telephone numbers of each electoral board member.”²⁰

Forms. When a new electoral board member is appointed:²¹

- Complete the Electoral Board Information form (ELECT-106)
- Retain in the records of the electoral board the writ of appointment, ELECT-106, the Electoral Board Member Oath and Qualification (ELECT-120EB), and the Certificate of Eligibility for Appointment to Electoral Board (ELECT-119)
- Retain a copy of the writ of appointment, ELECT-106, ELECT120EB, and ELECT119 in the records of the general registrar
- Submit a copy of the writ of appointment and ELECT-106 to ELECT

The general registrar must update the VERIS directory. Instructions are provided in the VERIS Step-by-Step Directory Entry. The general registrar must follow the onboarding and offboarding steps provided by their liaison, including submitting a JIRA ticket for the removal of the old electoral board member and the addition of the new electoral board member.

2.3 Meetings

FOIA ensures public access to state and local government meetings and records. The provisions of FOIA must be “liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government.”²² Any exemption, therefore, must be narrowly construed. This means that no meeting can be closed to the public unless specifically made exempt by FOIA or other specific law.²³

¹⁸ See [§24.2-120](#).

¹⁹ See [§49-11](#).

²⁰ See [§24.2-106](#).

²¹ The forms described can be found in Formswarehouse under [Local Administration](#).

²² See [§2.2-3700](#).

²³ See [§2.2-3700](#).



2.3.1 Public Bodies (the SBE and every local electoral board)

The three-member SBE and each three-member local electoral board are "public bodies" under FOIA.²⁴ Therefore, all electoral board meetings are open to the public.²⁵ The only possible exceptions, to hold a "closed" meeting, arise in strictly limited, explicitly stated circumstances. A meeting should not be closed to the public unless the meeting is specifically made exempt by FOIA or another law.

2.3.1.1 What is a Meeting?

A "meeting" occurs any time two members gather for the purpose of considering or transacting any public business.²⁶ This includes "work sessions".²⁷ Two members of a three-member electoral board may communicate via email without violating FOIA if no simultaneous communication occurs.²⁸ But remember, all emails are public records.²⁹



Law Note

In 2004 the Virginia Supreme Court held in *Beck v. Shelton*, 267 Va. 482, that email correspondence *may* constitute a meeting under FOIA, depending on "how the email is used." If the email is being used "as the functional equivalent of [a] letter communication by ordinary mail, courier, or facsimile transmission," it is *not* a meeting under FOIA. However, these communications are still considered public records under FOIA. The Virginia Freedom of Information Advisory Council issued an opinion in 2004 that stated that "members of a local electoral board are not violating FOIA by using email to communicate with one another." However, "emails relating to the transaction of public business are public records subject to access under FOIA" where there is a delay between when the email is sent and received and when a response is sent. It is important to note, however, that the Advisory Council suggested the implementation of a system that copies all emails to the registrar to keep on file for public inspection.

2.3.1.2 What isn't a Meeting?



The Code of Virginia §24.2-107 states that "the presence of two or more board members while the ballots, election materials, or voting equipment are being prepared, current or potential polling places are being inspected, or election officials are being trained, or a telephone call between two board members preparing for a meeting" does

²⁴ See [§2.2-3701](#).

²⁵ *Id.*

²⁶ See [§§2.2-3701 and 2.2-3708](#).

²⁷ See [§2.2-3701](#).

²⁸ See Virginia FOIA Council, [Advisory Opinion 19 \(2004\)](#).

²⁹ See [§2.2-3707](#).



not constitute a meeting, as long as “no discussion or deliberation takes place that would otherwise constitute a meeting.”³⁰

Social gatherings of two or more members of an electoral board are not prohibited, if public business is neither transacted nor discussed, and if the gathering was not called for the purpose of transacting or discussing public business.³¹



Law Note

A 2012 opinion by the Supreme Court of Virginia in *Hill v. Fairfax Cty. Sch. Bd.*, 284 Va. 306 (2012) found that emails between school board members did not constitute a meeting subject to notice and open meeting requirements. The court stressed that the determination was fact-based because the emails did not involve sufficient simultaneity and the back-and-forth exchanges were limited to two members, instead of all three. The Court held that use of email did not constitute a meeting, because the definition of a “meeting” under FOIA entails a degree of simultaneity.

The Court found that email was more akin to traditional forms of written correspondence, such as a letter or a facsimile, and that there may be a significant delay between the time an email communication is sent and received and when a response is sent. It is important to note that the Court stopped short of saying that use of e-mail could never be a meeting under FOIA. The dispositive determination in examining email under the meeting provisions of FOIA is to examine how the email was used. Members of public bodies need not refrain from using email in a manner that is the equivalent of sending a letter; however, members of public bodies should be cautioned against using email in a manner that appears to entail simultaneity.

³⁰ See [§24.2-107](#).

³¹ See [§2.2-3707](#).



2.3.1.3 *Required Meetings*

Local electoral boards are required by the Code of Virginia §24.2-107 to “meet during the first week in February” to appoint officers of election, and second, “during the month of March each year at the time set by the board.” Beyond these two required meetings, any electoral board member can call for a meeting.³² The electoral board must also meet to reorganize following a member’s appointment to fill a vacancy in an unexpired term.³³ In the year in which the term of the general registrar expires (2023 and every fourth year thereafter), the Code directs the board to meet in May or June to appoint or reappoint a general registrar for a four-year term to begin that July 1.³⁴

2.3.1.3.1 *First Week in February*

At its regular meeting in the first week of February, each electoral board appoints officers of election.³⁵ “Their terms of office [...] begin on March 1 following their appointment and continue, for a term not to exceed three years or until their successors are appointed.”³⁶

2.3.1.3.2 *During March*

Code Section 24.2-107 does not say the March meeting is required to be for the electoral board reorganization. The board may organize at any meeting but should do so as soon after a new member is appointed as possible. Va. Code § 24.2-107 still requires a meeting in March whether the board has already reorganized or not.³⁷

2.3.1.4 *Electronic Participation*

Electoral boards cannot conduct business “through telephonic, video, electronic or other [means of communication] where the members are not physically assembled” except as provided in §§ 2.2-3708.2 and 2.2-3708.3 of the Code of Virginia.³⁸ In situations other than declared states of emergency, electoral boards may conduct meetings through electronic communication means when certain conditions are met. Individual members may request to participate in a meeting remotely or the board may decide to hold an “all-virtual public meeting”. An “all-virtual public meeting” is when *all* members of the board participate remotely rather than being assembled in one physical location and which public access to the meeting is provided electronically.³⁹

Before any electoral board can conduct a meeting through electronic communication means, there must be a policy adopted by a recorded vote that does the following:⁴⁰

³² See [§24.2-107](#).

³³ See [§24.2-110](#).

³⁴ *Id.*

³⁵ See [§24.2-107](#).

³⁶ See [§24.2-115](#).

³⁷ See [§24.2-107](#).

³⁸ See [§2.2-3707](#).

³⁹ See [§2.2-3701](#).

⁴⁰ See [§2.2-3708.2\(D\)](#).



- Describes the circumstances under which an all-virtual public meeting and remote participation will be allowed.
- Describes the process the board will use for making requests to use remote participation, approving, or denying such requests, and creating a record of such requests.
- Fixes the number of times remote participation can be used by an individual member for personal matters to two meetings per calendar year or 25 percent of the meetings held per calendar year to the next whole number, whichever is greater; and
- Fixes the number of times an all-virtual public meeting can be used by the board to two meetings per calendar year or 50 percent of the meetings held per calendar year to the next whole number, whichever is greater. **All-virtual public meetings cannot be held consecutively with another all-virtual public meeting.**

For individual board members, in case of a personal matter, a temporary disability or other medical condition (impacting themselves or a family member), or the member's principal residence is more than 60 miles from the meeting location, which prevents the member's attendance, one electoral board member may participate electronically as long as five conditions are met:⁴¹

1. The electoral board has adopted a uniform written policy governing electronic participation as stated above.
2. The member notified the board's chair of the request to participate remotely (or vice-chair if requested by the chair).
3. A general description of the remote location the member is using is recorded in the minutes.
4. The reason the member requested to participate remotely is recorded in the minutes. *(If remote participation is disapproved, this must be recorded in the minutes.)*
5. The other two members are physically assembled for the purpose of attaining quorum. All meetings require a quorum of two members to conduct public business.

To conduct all-virtual public meetings, the electoral board must ensure the following nine conditions are met:⁴²

1. The electoral board has adopted a uniform written policy governing electronic participation as stated above.
2. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the meeting's required notice (along with a statement that notifies the public the method shall not be changed unless new notice pursuant to §2.2-3707 is provided).

⁴¹ See [§2.2-3708.2\(B\)](#).

⁴² See [§2.2-3708.2\(C\)](#).



3. Public access to the all-virtual public meeting is provided via electronic communication means which allows the public to hear all members of the board, and when audio-visual technology is available, see the members of the board as well.
4. A phone number or other live contact information is provided to alert the board of any audio or video transmission issues that arise. (The board must take a recess until public access is restored if transmission fails.)
5. A copy of the proposed agenda and all materials, unless exempt, furnished to the board for a meeting is made available to the public in electronic format at the same time it is made available to the board.
6. The public is afforded the opportunity to comment through electronic communication means.
7. If a closed session is held, transmission of the meeting to the public resumes before the board votes to certify the closed meeting as required by § 2.2-3712(D).
8. Minutes are taken as required by § 2.2-3707 and include the fact that the meeting was held through electronic communication means.
9. No two members of the board are together in any one remote location unless that location is open to the public.

When audio-visual technology is available, a member of the electoral board shall, for the purpose 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.⁴³ Pursuant to §2.2-3708.3(D), the electoral board must annually adopt a policy regarding their all-virtual public meetings.⁴⁴



Best Practice

A suggested electoral board policy for electronic participation in meetings can be found online at the Forms Warehouse (Suggested Electoral Board Policy for Electronic Participation in Meetings under Local Administration).

2.3.1.5 *Electronic Meetings in a Declared State of Emergency*⁴⁵

Electoral boards may meet by electronic communication means without a quorum of the board physically assembled at one location when the Governor has declared a state of emergency in accordance with §44-146.17, or if the locality in which the board is located has declared a local state of emergency pursuant to §44-146.21. To meet electronically, certain conditions must be met. It must be true that:

⁴³ See [§2.2-3708.3\(C\)\(3\)](#).

⁴⁴ See [§2.2-3708.3\(D\)](#).

⁴⁵ See [§2.2-3708.2](#).



- The nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
- The purpose of the meeting is to provide for the continuity of operations of the board or to allow the board to discharge its lawful purposes, duties, and responsibilities.

If the electoral board holds an electronic meeting under these circumstances, the following steps must be taken:

- Give notice to the public using the best available method given the nature of the emergency. The notice must be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting.
- Plan for public access to the meeting through electronic means including, to the extent practicable, videoconferencing technology.
- Provide the public with an opportunity to comment.
- Comply with the provisions of §2.2-3708.2 of the Code of Virginia; and
- State in the minutes of the meeting the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means.

2.3.2 Notice for Meetings of Public Bodies (the SBE and every local electoral board)

2.3.2.1 *Three Days' Notice*

Either the secretary or the member calling the meeting must provide notice to the public and all board members at least three business days prior to the meeting. Providing notice includes posting the date, time, and location of meetings in a prominent public location (such as on the locality website or a public bulletin board) and at the general registrar's office. Notice should also be provided electronically on the locality website.⁴⁶

⁴⁶ See [§24.2-107](#). See also [§2.2-3707](#).



**Law Note*****The FOIA Council’s opinion on Three Working Days: Weekends, Holidays, Day Of:***

The three working days do not include weekends or legal holidays, and the day of the meeting should not be counted as one of the three working days. All notices of special meetings must be *reasonable under the circumstance*. Public bodies should post notice at least three working days in advance of any meeting unless the factual circumstances surrounding a special or emergency meeting necessitate some shorter time period. The second requirement of subsection D is that notice of a special meeting must always *be given contemporaneously with the notice provided members of the public body*. Therefore, public notice of this special meeting should have been posted while notice was given to the members of the Committee.

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2.3.2.2 Emergency Meetings

Special or emergency meetings can be held, but notice must be given to the public contemporaneously with the notice provided to the electoral board members. An “emergency” meeting “means an unforeseen circumstance” arose requiring “immediate action,” therefore rendering the FOIA three-day notice requirement “impossible or impracticable.”⁴⁸ While emergency meetings must be public, a public body can go into closed session if there is a need to discuss a matter properly exempt under FOIA.⁴⁹

2.3.2.3 “Election Day” Exception

Under the Code of Virginia §24.2-107, electoral board members can discuss Election Day matters without formally noticing a meeting if “an effort has been made by all available means” to notify the public and board members.⁵⁰ The SBE anticipates that Election Days may require them to meet to discuss issues that arise that day, for example. Accordingly, the SBE proactively notices a meeting for each Election Day even though this exception exists.

⁴⁷ See Virginia FOIA Council Opinion [August 1, 2017](#). See also [§2.2-3707](#).

⁴⁸ See [§2.2-3701](#).

⁴⁹ *Id.*

⁵⁰ See [§24.2-107](#).



2.3.3 Meeting Records

2.3.3.1 *Materials*

All working papers and materials furnished to local electoral boards must be made available for public inspection upon request at the same time these documents are provided to the board members.⁵¹ Materials may include but are not limited to working papers, agendas, and memos.

2.3.3.2 *Minutes*



Minutes are required for all meetings and must be available for public inspection after being finalized and approved by the board. The secretary of the board should promptly prepare and deliver the draft minutes to the local general registrar's office after the meeting. Minutes must be posted on the locality's official public government website within seven working days of the final approval of the minutes.⁵²

2.3.3.3 *Votes*

Any public business must be transacted by a public vote in an open meeting. FOIA does not permit voting in secret, written ballots, or telephone polling by one board member of the others as per the Code of Virginia §2.2-3710.

2.3.3.4 *General Registrar Responsible for Providing Books, Papers, and Records to Public*

Books, papers, and records of the local electoral board shall be open to public inspection and copying whenever the general registrar's office is open for business either at the office of the board or at the office of the general registrar. The general registrar shall determine a reasonable charge, not to exceed the fee authorized pursuant to subdivision A 8 of §17.1-275, to be paid for copies made from the books, papers, and records of the board.⁵³ **No part of an individual's social security number on any record can be made available for inspection or copying by anyone.**

2.3.4 Closed Meetings

2.3.4.1 *Permitted for Strictly Limited Purposes*

Local electoral boards may hold closed meetings only in a few limited circumstances. Please refer to the Code of Virginia §2.2-3711(A) for a list of these reasons but note that FOIA does not *require* that these meetings must be closed. Rather, FOIA permits the board to decide if, in certain circumstances, a closed meeting is warranted.⁵⁴

⁵¹ *Id.*

⁵² See [§2.2-3707.2](#).

⁵³ See [§17.1-275](#).

⁵⁴ See [§2.2-3711](#).



2.3.4.2 *How to Close a Meeting: Member must Move (during an Open Meeting) to Close Meeting*

A member must make a motion, during an open meeting, to close the meeting. The motion must identify the subject matter, purpose “of the meeting as authorized in subsection A of §2.2-3711 or other provision of law,” and “applicable exemption from open meeting requirements provided in subsection A of §2.2-3711 or other provision of law” for discussing the subject in a closed meeting.⁵⁵ The board must restrict the topics discussed to only those matters stated in the motion, specifically exempted from FOIA.⁵⁶

2.3.4.3 *The Closed Meeting Must be Certified.*

At the end of any closed meeting, the board must “immediately reconvene in an open meeting and [...] take a roll call or other recorded vote” to certify the meeting. Each member must certify that to the best of that member’s knowledge the meeting heard, discussed, and considered:

- (i) only public business lawfully exempted under FOIA and
- (ii) only such business matters identified in the motion to close the meeting.

Any member who believes that there was a departure from these requirements should state this prior to the vote. This statement must be recorded in the minutes of the electoral board.⁵⁷

2.3.4.4 *Public Access to Closed Meetings*

The public should be informed as soon as the closed meeting ends and given sufficient time to reenter the room before the board certifies the closed meeting. A board “may permit nonmembers to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid the [board] in its consideration of a topic that is a subject of the meeting.”⁵⁸

2.3.5 *Voting Equipment and Election Security Plans*

Certain electoral board meetings and records concerning voting equipment and election security may be closed. However, records may only be excluded from inspection and copying, and meetings may only be closed under both of the following conditions:



- Records or discussions in the meeting describe protocols for maintaining the security of ballots or voting and counting equipment or reveal the results of risk assessments of specific local electoral procedures and
- The release of such records or discussions of such matters in an open meeting would compromise the security of an election.

The Code of Virginia §24.2-625.1(E) specifies that this section should not “be construed to prohibit the release of information concerning any breach of security in the conduct of an election.”⁵⁹

⁵⁵ See [§2.2-3711](#).

⁵⁶ See [§2.2-3712](#).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ See [§§24.2-625.1](#) and [2.2-3711](#) (34).



2.4 RESPONSIBILITIES

2.4.1 Administrative Tasks – the Secretary



It is always essential that one member of the electoral board serve as secretary to ensure that the board performs the necessary administrative duties. At any time that the secretary is incapacitated in such a way that makes it impossible for the secretary to carry out the duties of the position, the board should designate one of its other members as acting secretary. This designation must be made in an open meeting and recorded in the minutes of the board. Should the member elected as secretary die, resign, or become incapacitated in such a way that makes it impossible for that person to carry out the duties of the position, the electoral board may elect another of its members acting secretary until such time as a new member is appointed and the electoral board meets to reorganize.⁶⁰

The minutes of any board meetings held during such time and any required official documents must be signed accordingly. The annual compensation paid to any member shall not be affected by the member's temporary election as acting secretary.⁶¹

2.4.2 Attendance, Absences and Notice to ELECT

An electoral board member who has missed more than two meetings of the electoral board during the calendar year must also provide written or email notice to the Commissioner or Deputy Commissioner of the Department of Elections.

If any board member becomes unable to serve for an extended period of time but expects to return to the board later, the remaining members may request that the Court appoint a temporary member to ensure that the work of the board can go forward in an efficient and bi-partisan manner. If necessary for a quorum (two members) due to a member's temporary absence or disability, the senior circuit judge may appoint temporary members on a meeting-to-meeting basis; the temporary appointee is subject to the same qualification requirements as a regular member and must maintain party representation if practicable.⁶²

2.4.3 Annual Training

Each member of each electoral board must attend ELECT's annual training program the first year of [their initial] appointment and [in] the first year of any subsequent reappointment.⁶³ The local governing body is required to pay or reimburse the reasonable expenses and mileage costs for at least one member incurred in attending this training.⁶⁴

⁶⁰ See [§24.2-106](#).

⁶¹ See [§24.2-108](#).

⁶² See [§§24.2-106](#) and [15.2-1503](#).

⁶³ See [§24.2-106](#).

⁶⁴ See [§24.2-108](#).



Fee for Non-Attendance at Annual Training. The Board has the authority to charge a fee to those who register to attend the annual training but do not cancel their registration within 3 days before the event, and do not show up.⁶⁵ The fee must be limited to the cost incurred due to their non-cancellation.

2.4.4 Notary Services

Any person appointed as a member of an electoral board, or a general registrar shall be **prohibited from collecting any fee as a notary** during the time of such appointment.⁶⁶ Any person appointed as a deputy registrar or officer of election shall be prohibited from collecting any fee as a notary for services relating to the administration of elections or the elections law.⁶⁷

2.5 DUTIES

In general, the duties outlined below are the responsibilities of the whole electoral board; in some cases, they are responsibilities specifically assigned to the electoral board secretary. Some of these duties may be delegated to the registrar. Such delegation should be in writing and recorded in the minutes of the board. ELECT has developed a template to aid localities in documenting their delegations of authority, which may be adapted and revised to fit the individual needs of the localities.⁶⁸ The electoral board remains legally responsible for any statutory responsibility delegated to the registrar. Duties are grouped according to subject area. The core supervisory functions of the electoral board, such as protecting ballots, appointing officers, and evaluating the general registrar, cannot be delegated.

2.5.1 Duties Related to General Organization

- Electoral board members must take the oath of office.⁶⁹
- At least one member of each electoral board must attend the annual training provided by the Department of Elections.⁷⁰
- The secretary must notify the Department of Elections “of any change in the membership or officers of the electoral board.”⁷¹
- The electoral board must provide any information requested by the Department of Elections as provided: “Electoral boards and registrars shall provide information requested by the State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law.”⁷²

⁶⁵ See Virginia Admin. Code [IVAC20-20-50](#).

⁶⁶ See [§47.1-19\(C\)](#).

⁶⁷ *Id.*

⁶⁸ Formwarehouse, [EB-to-GR-Delegations.xlsx](#)

⁶⁹ See [§24.2-120](#).

⁷⁰ See [§24.2-106](#).

⁷¹ *Id.*

⁷² See [§24.2-103](#).



2.5.2 Duties Related to Polling Places

- The electoral board is responsible for **reviewing all polling places after each election** to determine that there will be polling places for the next election that meet the requirements of the Code of Virginia §§24.2-305-310.
- The “governing body of each county, city and town [must] provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections.”⁷³
- The **electoral board must assist** the local governing body in complying with various state and federal acts designed to **ensure the accessibility** of all polling places to persons with disabilities.⁷⁴
- “If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar [must] provide an alternate polling place.”⁷⁵
- “The electoral board or the general registrar [must] provide and have posted outside each polling place appropriate signs to direct people with disabilities and elderly persons to any special entrance designed for their use.”⁷⁶
- The electoral board or the general registrar must provide voting booths to each polling place, including at least one designed with privacy shields that permits the voter to vote a printed ballot in secret, is equipped with a writing surface, operative writing implements, and adequate lighting.⁷⁷
- When a polling place has changed, the electoral board or the general registrar must provide notice at the old polling place regarding the change and information on how voters may find their new polling place, if practicable.
 - This notice must be posted at the old polling place for the first primary and general election at the new polling place.
- The use of electronic devices inside the polling place is generally permitted. However, representatives of candidates and political parties authorized to observe the election are prohibited from taking photos or video within the polling place.⁷⁸
 - The determination of the officers of election of any dispute concerning the use of an electronic device in the polling place shall be subject to immediate appeal to the local electoral board.
 - An electoral board may not enact any policy that disallows the use of any electronic device by all individuals.

2.5.3 Duties Related to Voter Registration

- The electoral board or the general registrar may set additional hours for the voter registration office to be open.⁷⁹

⁷³See [§24.2-310](#).

⁷⁴ *Id.*

⁷⁵ See [§24.2-310](#).

⁷⁶ See [§24.2-604.1](#).

⁷⁷ See [§24.2-609](#); see also Chapter 3 Precincts and Polling Places.

⁷⁸ See Virginia Admin. Code [1VAC20-60-30](#). See also 2016 Op. Va. Att’y Gen. 38 ([Sept. 29, 2016](#)). (regarding the use of cameras and phones in polling places.)

⁷⁹ See [§24.2-411](#).



- The electoral board must approve any agreement for ongoing registration sites at businesses or other governmental agencies, as provided: “The agreement shall provide for the appointment of employees of the agency, business, or establishment to serve as deputy registrars and shall be in writing and approved by the local electoral board prior to implementation.”⁸⁰
- The electoral board or general registrar may set additional occasional registration sites.⁸¹
- The electoral board, along with the general registrar, should ensure that all permanent registration sites comply with various state and federal acts designed to ensure the accessibility of all polling places to persons with disabilities, such as the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans with Disabilities Act.⁸²
- Changes in hours and locations of official voter registration sites staffed with a government employee are subject to notice requirements.⁸³



Regulation Note

1VAC20-20-70: Duty to Request Assistance and to Notify Voters of Denial of Applications for Voter Registration or Absentee Ballots. General registrars should notify the secretary of the Board of Elections if he or she is having difficulty processing applications for voter registration or absentee ballots in a timely fashion in order to maintain in compliance with state and federal law (20-20-70(A)). If a registration or absentee ballot application is denied, the general registrar should provide the applicant with specific reasons why it was denied (20-20-70(B)). The board will automate this process through standard correspondence and the statewide voter registration system (20-20-70(B)).

2.5.4 Duties Related to Candidate Qualifications

- If requested by a candidate, the electoral board must notify the candidate of any deficiencies in his declaration of candidacy or his petitions “which can be corrected prior to the filing deadline.”⁸⁴

2.5.5 Duties Related to Primaries and Special Elections

- The secretary must post or publish any notice of a primary or special election that is received from the Department of Elections or other appropriate authority such as the Governor, Speaker of the House, or President pro tempore of the Senate.⁸⁵

⁸⁰ See [§24.2-412](#).

⁸¹ *Id.*

⁸² See [§24.2-413](#).

⁸³ See [§24.2-415](#).

⁸⁴ See [§24.2-505\(D\)](#).

⁸⁵ See [§§24.2-517](#) and [24.2-683](#).



- **For primaries**, within 5 days if the order, “Each secretary [must] post a copy of the notice on the official website of any county or city, post copies of the notice at not less than 10 public places in the county or city, or have notice of the election published at least once in a newspaper of general circulation in the county or city.”⁸⁶
- **For special elections**, “Each general registrar shall post a copy of the writ on the official website for the county or city or at not less than 10 public places or have notice of the election published once in a newspaper of general circulation in his jurisdiction at least 10 days before the election.”⁸⁷
 - “If the special election is held in more than one county or city, the general registrars may act jointly to have the notice published once before the election in the affected jurisdictions.”⁸⁸
- The electoral board must notify the locality’s treasurer or director of finance if any local office candidate is running unopposed in a primary, so that the candidate’s filing fee may be returned.⁸⁹ The Department of Elections will notify the locality’s treasurer or director of finance to return filing fees for unopposed General Assembly primary candidates.
- “In the event two or more [primary] candidates file simultaneously, the order of filing [is] then determined by lot by the electoral board.”⁹⁰

2.5.5.1 *Duties Related to the Withdraw of a Primary Candidate (Effective January 1, 2025)*

Once early voting has begun, if a qualified candidate for a primary election withdraws and as a result only one candidate remains, the electoral board may have to petition the circuit court for the cancellation of the primary election.

A qualified candidate for a primary election may submit *on or after* the 44th day before, but *prior to* the immediate Tuesday before the primary election, notice of intent to withdraw.⁹¹ Such withdrawal notice must be signed and notarized.⁹²

Upon receipt of the withdrawal notice within the timeframe stated above, the general registrar must immediately send the notice to ELECT and certify that the remaining candidate is now unopposed for the primary election. Within one calendar day of receiving such notice, the State Board of Elections will declare the remaining candidate as the nominee. As soon thereafter as possible, the local electoral board must petition the circuit court for the cancellation of the primary election.

⁸⁶ See [§24.2-517](#).

⁸⁷ See [§24.2-683](#).

⁸⁸ *Id.*

⁸⁹ See [§24.2-524](#).

⁹⁰ See [§24.2-529](#).

⁹¹ See [§24.2-612.2](#).

⁹² *Id.*



If a candidate for a primary election withdraws on or before the 45th day, or after the immediate Tuesday before the primary election and only one candidate remains, the primary election cannot be cancelled through this process.

2.5.6 Duties Related to Town Elections

- The electoral board, along with the general registrar, must carry out elections for any town within its county and any town whose major portion is within its county. In a November election, the electoral board in a locality containing a town whose major portion is within another county must report the results ascertained for the town offices to the county in which the greatest part of the town is located.⁹³
- For more information on election results ascertainment for a town split between two counties, visit ELECT’s Forms Warehouse > Election Management > Canvass Documents > Shared Towns One Pager (Word Document).

2.5.7 Duties Related to Ballots

- The general registrar must order the printing of the number of ballots he determines are sufficient for the proper conduct of the election. This number is “subject to the approval [of] the electoral board.”⁹⁴
- “The general registrar [must] make printed ballots available for absentee voting not later than 45 days before any election,” or as soon thereafter as possible for a nonfederal special election.⁹⁵
- The electoral board must certify its compliance with the deadline to the Department of Elections and report to SBE the number of ballots ordered.⁹⁶ The Department of Elections issues electronic surveys for this purpose.
- The general registrar must send “proofs of each printed ballot for verification, and copies of each final ballot” to the Department of Elections.⁹⁷
-
- “The electoral board or the general registrar [must] designate one person to be continuously present in the room in which the ballots are printed.” If not an electoral board member, the person must be paid at least \$20 per day.⁹⁸
- The electoral board or the general registrar must designate one of its members, or a registrar, or an employee, to “receive the ballots after they are printed and [to] certify the number of ballots received. This certificate must be filed with other” election materials.⁹⁹

⁹³ See [§24.2-601](#).

⁹⁴ See [§24.2-612](#).

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ See [§24.2-617](#).

⁹⁹ See [§24.2-618](#).



- The electoral board or the general registrar must designate a person to affix the electoral board seal to each ballot and to sign a statement witnessing such. This statement must be filed with the board’s minutes.¹⁰⁰
- The electoral board or the general registrar must have the printed ballots sorted for each precinct with at least one electoral board member or designee of the board present.¹⁰¹
- The electoral board must designate a member, or a registrar, or an employee, to “deliver to an officer of election of each precinct the official ballots for that precinct and obtain a receipt for the package or packages.”¹⁰²

2.5.8 Duties Related to Voting Equipment

- The board must keep all ballot containers to be used in the precincts.¹⁰³
- The board and general registrar must employ a person or persons (called “custodians”) to set up and test each voting machine before each election. “The local electoral board or general registrar may assign a board member or a deputy registrar to serve as a custodian without pay for such service.” A board member serving as the custodian may not also serve in his capacity as a board member when both the custodian and a board member are required to be present.¹⁰⁴
- “The final testing of the equipment prior to each election [must] be done in the presence of an electoral board member, a representative of the electoral board, or the general registrar.” Again, if a board member is serving as custodian, another board member must be present.¹⁰⁵
- The board must notify appropriate local party chairs (or independent candidates for a city or town election if there are no party nominees on the ballot for any office) of the time and place that the voting equipment will be prepared and sealed and allow the persons notified to have one representative each to witness the preparation and sealing.¹⁰⁶
- The general registrar must retain custody of all voting machine keys after the machines have been sealed.¹⁰⁷
- The board or the general registrar must deliver the keys in sealed packages to designated officers of election in each precinct before the polls open.¹⁰⁸

¹⁰⁰ See [§24.2-619](#).

¹⁰¹ See [§24.2-620](#).

¹⁰² See [§24.2-621](#).

¹⁰³ See [§24.2-623](#).

¹⁰⁴ See [§24.2-632](#).

¹⁰⁵ *Id.*

¹⁰⁶ See [§24.2-633](#).

¹⁰⁷ See [§24.2-634](#).

¹⁰⁸ See [§24.2-639](#).



- The board or the general registrar may designate times and places for “the exhibition of equipment containing sample ballots, showing the title of offices to be filled, and, so far as practicable, the names of the candidates to be voted for at the next election for the purpose of informing voters who request instruction on the use of equipment.”¹⁰⁹
- The board must take all necessary steps to assure the security of all voting equipment hardware, software, and firmware.¹¹⁰
 - Two members of any local electoral board may conduct site visits for the sole purpose of investigating compliance with security policies and procedures.
 - The electoral board of each county and city that utilizes electronic voting systems shall develop and annually update written plans and procedures to ensure the security and integrity of its electronic voting systems. The general registrar and ELECT are available, upon request, should the board need assistance in developing or reviewing its voting systems security plan.

2.5.9 Duties Related to Election Day

- The board must “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), and otherwise in good and proper order for use at the election.” before the polls open.¹¹¹
- The board or general registrar must “provide for each precinct in which any voting or counting machines are used two sample ballots.” “Such sample ballots [must] be posted for public inspection at each polling place during the day of election.”¹¹²
- The general registrar must provide to each polling place a model of a portion of the machine ballot face to use in instructing voters on how to use the machine.¹¹³

2.5.10 Duties Following the Election, Primary, or Referendum¹¹⁴

- The board or general registrar may direct the return of all materials from the precincts to the office of the general registrar instead of the Clerk of Circuit Court. These materials must be conveyed to the Clerk of the Circuit Court by noon on the day following the electoral board’s ascertainment of the results.¹¹⁵
- The board must meet beginning on the day after the election to determine the official results. A determination of the provisional ballots must be conducted within 10 days of the election.¹¹⁶ The board must deliver “the certification of the results of the count together with all ballots and envelopes,” to the Clerk of Circuit Court.¹¹⁷

¹⁰⁹ See [§24.2-635](#).

¹¹⁰ See [§24.2-625.1](#) et. seq. See also Chapter 4 Voting Equipment.

¹¹¹ See [§§24.2-610, 24.2-637](#).

¹¹² See [§24.2-641](#). See also Chapter 11 Election Day.

¹¹³ See [§24.2-647](#).

¹¹⁴ See Chapter 14 Canvass.

¹¹⁵ See [§24.2-668](#).

¹¹⁶ See Chapter 13 Provisional Ballots.

¹¹⁷ See [§24.2-653](#).



- The electoral board or general registrar may attempt to contact an individual who has voted a provisional ballot and remind the individual that they are permitted to provide a copy of a form of identification until noon on the Friday after Election Day.¹¹⁸
- “Each electoral board [must] meet at the clerk’s or general registrar’s office of the county or city for which they are appointed at or before 5:00 p.m. on the day after any election” to ascertain the results. This meeting may be adjourned to another day as needed, within 10 days from the date of the election.¹¹⁹
- The board must complete, certify, and sign abstracts of results for each office or question on any ballot in the locality. It must deliver copies of these abstracts to the appropriate authorities, depending on the type of election held.¹²⁰ Provisions for referenda can also be found in Title 15.2.
 - At its 2024 Session, the General Assembly granted election results ascertainment and provisional adjudication procedures to not exceed 10 days. However, the Assembly did not alter the six-day requirement for signed abstracts of votes cast documents to be delivered to the Department of Elections, i.e., §24.2-532. This might be perceived as a conflict. Rather, retaining the language “not to exceed” allows the participating localities in primary or non-November special elections the flexibility to end provisional and ascertainment procedures within the required timelines.
- The board must inform the Clerk of Circuit Court of any officer of election who has failed to return the election materials by the time of the board’s meeting to ascertain the results.¹²¹
- The board, along with the general registrar and the officers of election, must account for all used and unused paper ballots.¹²²
- If a local election results in a tie, “the electoral board [must] proceed publicly to determine by lot which of the candidates shall be declared elected.”¹²³
 - The secretary must make, and deliver, certificates of election to all winners of local offices.¹²⁴ Reminder: certificates of election may only be delivered or mailed until the winning candidate has satisfied § 24.2-948.2.¹²⁵

2.5.11 Duties Related to Absentee Balloting

- “The general registrar shall note on the voter’s record, opposite the name of the voter, the fact that the ballot was returned unused and the date of the return and shall carefully preserve the ballot with all ballots returned unused. Such ballots shall be delivered, with other returned ballots, to the officers of election on election day.”¹²⁶

¹¹⁸ See Virginia Admin. Code [1VAC20-60-60](#).

¹¹⁹ See [§24.2-671](#).

¹²⁰ See, e.g., [§§22.1-42](#), [24.2-532](#), [24.2-671](#), [24.2-675](#), [59.1-391](#).

¹²¹ See [§24.2-670](#).

¹²² See [§24.2-666](#).

¹²³ See [§24.2-674](#).

¹²⁴ See [§24.2-676](#).

¹²⁵ See [§24.2-948.2](#).

¹²⁶ See [§24.2-708](#).



- The board must deliver one attested copy of the final absentee applicants list to the chief officer of election for each precinct on the day before the election.¹²⁷
- “Absentee ballots shall be collected from drop-off locations in accordance with the instructions provided by the Department. Such instructions shall include chain of custody requirements and recordkeeping requirements. Absentee ballots shall be collected at least daily by (i) two officers of election or electoral board members representing the two major political parties where practicable or (ii) two employees from the office of the general registrar, in which case the general registrar or a deputy general registrar may collect the absentee ballots.”¹²⁸
- “The secretary of the electoral board [must] deliver all absentee ballots received after the election to the Clerk of Circuit Court.”¹²⁹
- Any “member of an electoral board ...” who fails to discharge his duty as provided in this section – if “guilty of willful neglect of his [her] duty” – shall be guilty of a Class 1 misdemeanor as provided in the Code of Virginia §24.2-1001(A).



Law Note

On June 25, 2013, the U.S. Supreme Court in *Shelby County, Alabama v. Holder*, 133 S.Ct. 2612, held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

2.5.12 Duties Related to Recounts¹³⁰

- “The [recount] petitioner and his counsel and each other party and their counsel under the supervision of the electoral board and its agents shall have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing.”¹³¹
- The board must assist and advise the court on establishing procedures for a recount.¹³²
- Board members must serve as recount coordinators if so, requested by the court.¹³³

¹²⁷ *Id.*

¹²⁸ See §24.2-707.1(D).

¹²⁹ See §24.2-711(C).

¹³⁰ See Chapter 15 Recounts and Contests.

¹³¹ See §24.2-802.1(A).

¹³² See §24.2-802.1(B).

¹³³ See §24.2-802.1(C). See also Chapter 15 Recounts and Contests.



2.5.13 Duties Related to Officers of Election

- The electoral board must appoint all officers of election for each precinct.¹³⁴
- “The electoral board by a recorded majority vote may remove from office, on notice, any [...] officer of election who fails to discharge the duties of his office according to law.”¹³⁵
- The electoral board must designate a chief officer and assistant chief officer for each precinct. “Not less than three [officers of election must] be appointed for each precinct.” “In appointing officers of election, representation [must] be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election.” “If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.”¹³⁶
- The Department of Elections sets the training standards for the officers of election to be fulfilled by the local electoral boards and general registrars. Department of Elections policy 2010-2 establishes the training standards.¹³⁷
- The electoral board must certify to the Department of Elections that training of the officers of election has been conducted consistent with Section 24.2-115.2 and [SBE Policy 2021-002](#).¹³⁸
- The Department of Elections recommends training any newly appointed officers before their first election and all officers whenever there are either Title 24.2 election law or ELECT regulation changes that alter the duties or conduct of the officers of election. The Code of Virginia also requires that officers of election must be trained on new changes at least three days prior to the first election in which the new law or regulation takes effect.¹³⁹
- “The board or the general registrar [must] not permit any person to serve as an officer [of election] who is not fully trained to conduct an election properly with the equipment” used in the precinct.¹⁴⁰
- An electoral board member, the general registrar, or designated officer of election must give an oath to each officer of election before the polls open.¹⁴¹
- “The secretary of the electoral board or the general registrar [must] prepare a list of the officers of election that [must] be available for inspection and posted in the general registrar’s office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary of the electoral board or the general registrar [must] promptly add the names of the appointees to the public list.”¹⁴²

¹³⁴ See §§24.2-109 and 24.2-115.

¹³⁵ See §24.2-109.

¹³⁶ See §24.2-115.

¹³⁷ See §24.2-103.

¹³⁸ See §24.2-115.2. See also SBE Policy [2021-002](#).

¹³⁹ *Id.*

¹⁴⁰ See §24.2-636.

¹⁴¹ See §24.2-611.

¹⁴² See §24.2-115.



- Officers of election must be instructed on how to assist voters who use curbside voting.¹⁴³

2.5.14 Duties Related to Registrars

2.5.14.1 *The Electoral Board Must Appoint the General Registrar*

Starting in May or June of 2023, and every four years after, the electoral board for each county and city meet to appoint the general registrar.¹⁴⁴ General registrars serve four-year terms beginning July 1 of the year of appointment.¹⁴⁵ The electoral board must fill any vacancy in the office of general registrar for the remainder of an unexpired term.¹⁴⁶ The electoral board may seek the assistance of the locality's human resource personnel to draft an advertisement, screen applications, and develop an interview format.

Following the expiration of the general registrar's four-year term, the electoral board is not required to reappoint the general registrar. However, the Attorney General stated in a 2023 opinion that "the decision to replace the registrar cannot be based on political affiliation or other impermissible grounds."¹⁴⁷ Additionally, the process by which an electoral board seeks to appoint a new general registrar must be objective and apolitical.

2.5.14.2 *Removal of the General Registrar*

The electoral board may institute proceedings for the removal of any general registrar who "fails to discharge the duties of their office according to law."¹⁴⁸ To remove a general registrar, the State Board of Elections or the electoral board must file a petition, signed by a majority of the State Board or the electoral board, with the circuit court in the locality where the general registrar serves.¹⁴⁹ The general registrar may apply to the Virginia Division of Risk Management to assign counsel to their defense and any subsequent appeals.

General registrars have 12 months after their appointment or reappointment to receive certification through the State Board's Certification Program. An electoral board may ask the State Board for a three-month extension of the deadline, and the State Board will consider such request on a case-by-case basis. If the general registrar does not receive certification, the electoral board is required to remove the registrar from their position.¹⁵⁰

¹⁴³ See [§24.2-649.1\(E\)](#).

¹⁴⁴ See [§24.2-110](#).

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ See 2023 Op. Va. Att'y Gen. 23 ([May 15, 2023](#)).

¹⁴⁸ See [§24.2-109\(A\)](#).

¹⁴⁹ See [§24.2-234.1](#). See also ELECT, [ELECT-109\(A\) Petition for Removal of General Registrar-Local Electoral Board](#) and [ELECT-103\(E\) Petition for Removal of General Registrar -State Board of Elections](#).

¹⁵⁰ See §§[24.2-103\(C\)](#) and [24.2-114\(19\)](#).



2.5.14.3 *Additional Duties*

The electoral board may prescribe additional duties – beyond those prescribed in the Code – to the general registrar.¹⁵¹ If this is done, the board should create a delegation of authority policy, which should become part of the minutes, listing those board duties that are being delegated to the general registrar to perform. The delegation of authority policy should be reviewed annually. ELECT recommends that the Secretary of each electoral board retain an updated list of delegated duties to provide to any new registrar. ELECT has developed a template that localities may use to track delegations, which may be adapted to fit the needs of individual localities.¹⁵² An example of how the State Board of Elections delegates duties to ELECT can be found on ELECT’s website.¹⁵³

2.5.14.4 *Deputy registrars*

“The electoral board [must] determine the number and set the term for deputy registrars.”¹⁵⁴ The term set by the electoral board may not extend beyond the term of the general registrar in office at the time but may also expire sooner.¹⁵⁵ The general registrar appoints all deputy registrars and establishes their duties. Localities with populations over 15,500 must have at least one deputy registrar. Smaller localities must have at least one substitute registrar who can perform the general duties if necessary.¹⁵⁶

2.5.14.5 *Performance Evaluation*

The electoral board must conduct an annual performance review of the general registrar each year for the 12-month period ending June 30. The electoral board must complete the review by August 1 and a copy of the summary of the review submitted to the Department of Elections as soon after discussing the GR’s performance review as possible. The electoral board must retain a copy of the complete review document in their files.¹⁵⁷

¹⁵¹ See [§24.2-114](#).

¹⁵² Formswarehouse, [EB-to-GR-Delegations.xlsx](#)

¹⁵³ See ELECT, [About Us](#).

¹⁵⁴ See [§24.2-112](#).

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ See [§24.2-109.1](#).



2.5.15 Prohibited Activities in the Conduct of Elections

Electoral boards are prohibited from soliciting, accepting, using, or disposing of any money, grants, property, or services, given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections.¹⁵⁸ The prohibition does not apply to: (i) the operation of polling places or voter satellite offices in a facility furnished by a prohibited entity; or (ii) the acceptance of federal government grants that are funded in whole or part by donations from a prohibited entity. It is important to note “services” can include volunteer efforts.

¹⁵⁸ See [§24.2-124.1](#).





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 3

Precincts and Polling Places

August 2025

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3. PRECINCTS AND POLLING PLACES

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3.1 CHAPTER ORGANIZATION

Members of the local electoral board and general registrars work with the local governing body to establish precincts and polling places that meet the requirements of law, the needs of the locality, and the needs of the voters in each precinct. This chapter discusses requirements and best practices for general registrars and electoral boards as they manage precincts and polling places in their locality.

The first part of this chapter, §3.2 Precincts, covers general information that registrars and electoral boards should know concerning precincts. First, §3.2.1 provides a general description of what a precinct is. Next, § 3.2.2 describes how to establish or change a precinct. Section 3.2.3 provides the legal framework for precincts and discusses situations in which changing or establishing precincts may be required or prohibited. Finally, §3.2.4 discusses split precincts. This section defines split precincts, discusses why it is ideal to prevent their creation, and how to eliminate them when they do occur.

The second part of this chapter, §3.3 Polling Places, covers general information that registrars and electoral boards should know concerning polling places. First, §3.3.1 provides a general definition of polling place. Next, §3.3.2 explains the process for establishing or relocating a polling place and includes a discussion of emergency polling place relocations. Section 3.3.3 discusses the basic legal requirements that all polling places must meet. A best practice guide that includes non-legal considerations for polling places is also included. Section 3.3.4 concludes the general discussion of polling places with an overview of how to operate a polling place located in a split precinct. Polling place layout, officer training, and Election Day procedures are covered.

Section 3.4 focuses the discussion of establishing and changing precincts and polling places, moving from the general discussion of working with the local governing body in §§3.2 and 3.3 to a more specific discussion of procedures to be followed by the registrar after an ordinance creating a new polling place has been passed. This discussion includes procedures for notifying ELECT and voters.



3.2 PRECINCTS

3.2.1 What is a 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.”¹ A precinct must be wholly contained in any district used to elect members of the local governing body.²

3.2.2 How to Establish or Change a Precinct

The governing body (board of supervisors, town council, etc.) of each locality is responsible for establishing or changing local precinct lines and **must do so by ordinance**.³ The local governing body cannot establish a precinct with more than “5000 registered voters.”⁴ At the time any precinct is established, each precinct in a county shall have “no fewer than 100 voters and each precinct in a city shall have no fewer than 500.”⁵

Even though the governing body bears the responsibility for creating local precincts, the general registrar and local electoral board should be directly involved in the process.

3.2.2.1 Governing Body Passes Ordinance

A general registrar or electoral board should alert the governing body to the need for a new precinct or the need to make precinct changes. The general registrar or electoral board should ensure that any proposal to change a precinct complies with federal and Virginia laws, including and especially the accessibility provisions and requirements for enacting a covered practice (see 3.3.2 How to Establish or Relocate a Polling Place). Local elections officials are responsible for helping the governing body understand the relevant considerations that go into determining precinct boundaries.

3.2.2.2 General Registrar Notifies ELECT of Precinct Change

The general registrar must submit a Standard Polling Place Change ([Jira ticket](#)) request to the Department of Elections for any non-emergency change to a local election district, precinct, polling place or local voter registration office move (Note: this Jira ticket submission process replaces the paper SBE-15 Polling Place Relocation form used in the past). The accompanying ordinance, meeting minutes, and/or certification of no objection from the Office of the Attorney General for the governing body where the change was formally adopted must be attached through the online ELECT Systems Support ticket portal at jsd.elections.virginia.gov. ELECT will review the documents and make the changes in VERIS.

¹ See [§24.2-307](#).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*



3.2.2.3 *Cannot Change Precincts within 60 Days Before a General Election*



Within the 60 days before a general election, changes to precincts are strictly prohibited. There is no emergency provision for making changes to precincts within the prohibited period.



Law Note

The Attorney General's 2006 opinion 06-014 stated that "a county board of supervisors is statutorily authorized to alter the boundaries of voting precincts at any time other than within sixty days before any general election." For more information, see [2006 Op. Va. Att'y Gen. 14 \(March 10, 2006\)](#).

3.2.3 Laws Governing Precincts

3.2.3.1 *Compact and Contiguous*

Each precinct must be a compact and contiguous geographic area with clearly defined and clearly observable boundaries.⁶ A "clearly observable boundary" can be man-made (e.g., roads, train tracks, etc.), or natural (e.g., rivers, lakes, etc.).⁷ A single precinct cannot overlap two *unconnected* territories but can contain more than one territory.

A precinct must also be wholly contained within an election district used for the election of one or more members of the governing body or school board for the city, county, or town.⁸ For example, where there are two adjacent districts for two separate school board seats, a single precinct cannot overlap the two districts.

The precinct must be located completely within one school board district or the other, but multiple precincts may be located inside one district.

3.2.3.2 *Minimum and Maximum Populations Served*

In addition to restricting the geographic boundaries of precincts, the Code also restricts the number of voters a precinct can serve.⁹ The Code does not restrict the number of registered voters in a town precinct.

- A **county precinct** – when established, can contain no less than 100 and no more than 5,000 registered voters.
- A **city precinct** – when established, can contain no less than 500 and no more than 5,000 registered voters.

⁶ See [§24.2-305\(A\)](#).

⁷ See [§24.2-305\(B\)](#).

⁸ See [§§24.2-307](#) (county and city) and [24.2-308](#) (town).

⁹ See [§24.2-307](#).





Please note that a precinct containing an insufficient number of registered voters may be established when a larger precinct cannot be created without causing a precinct split (see 3.2.4 Split Precincts below).¹⁰

3.2.3.3 *Changes in Population*

Precincts may need to be established or adjusted for any number of reasons. The general registrar or electoral board should notify the governing body when a precinct experiences a significant shift in population, particularly if the population begins to approach statutory limits. The general registrar **must notify the governing body if the presidential election turnout for a precinct exceeds 4,000**.¹¹ The governing body must revise the precinct boundaries within 6 months to avoid having more than 5,000 registered voters.¹²

3.2.3.4 *Town Precincts*

Counties that contain incorporated towns that conduct elections in accordance with the local charter will also designate town precincts. Town precincts are geographic boundaries that determine where residents of each town will vote. Each town must have at least one precinct.¹³ Town precincts and their associated polling places are only used when the election being conducted in the locality is solely for the election of town offices. Normally, town precincts are relevant to any special election conducted for the election of town offices only.



Best Practice

A town precinct is not prohibited from overlapping the boundary of a county precinct because town precincts are only operational when the surrounding county precincts are not conducting elections. However, when possible, avoid overlapping town precincts. See Code of Virginia §24.2-310(A).

Town elections conducted in conjunction with the November general election will use the surrounding county or city precincts. While town precincts may not divide town council or school board districts, there is no prohibition on these districts being divided by electoral precincts used generally.¹⁴

3.2.4 *Split Precincts*

With the exception of towns, a locality can only have a split precinct if a waiver has been granted by ELECT.¹⁵ A split precinct is one that overlaps election districts such that voters who live in the same precinct vote in different election districts. Not all voters in the same split precinct will receive the same ballot style on Election Day. A split precinct will need to have multiple ballot styles to serve all voters within the precinct.

¹⁰ See [§24.2-308](#).

¹¹ See [§24.2-307](#).

¹² *Id.*

¹³ See [§24.2-308](#).

¹⁴ See [§24.2-309](#).

¹⁵ See [§24.2-307](#).

**Policy Note**

Split precincts do not apply to town/county splits, nor do they apply to towns that are split between two or more localities. Split precincts are specifically for precincts that may have 2 or more election districts (i.e., HOD, VA Senate, Congressional districts, etc.) and the number of voters affected by the split is below the minimum threshold to create a precinct set by §24.2-307. The minimum threshold for a county is 100 voters; the minimum threshold for a city is 500 voters.

Precincts can be split by congressional or General Assembly district lines. They can also be split when a town lies within a larger precinct or across locality lines. However, not all elections will result in a split in a precinct. For example, an even-year general election will not be affected by general assembly district splits except in the instance of a special election in the general assembly office.

If a locality has a precinct that does not meet the minimum number of registered voters and the governing body would like to request a waiver from ELECT, localities must fill out a Split Precinct Waiver Request (JIRA ticket), which requires¹⁶:

- Basic information about the request (locality, contact information, etc.)
- Date the Governing Body's meeting occurred.
- Governing Body's Resolution OR
- Governing Body's Meeting Minutes.
- Information on any previous waiver requests.
- Precinct Number, Name, and a brief explanation of the reason for the request.

A locality may only administer a split precinct for elections held in the year the waiver is granted. The governing body of each locality must approve the request for a split precinct waiver each year when the split precinct impacts the elections for that year; resolutions from the previous year will not be accepted to renew a split precinct waiver.

3.2.4.1 *How Split Precincts Are Created*

Split precincts can be created in several ways. A precinct can be split if the boundary lines adopted by the General Assembly (i.e., the House of Delegates, State Senate) do not coincide with precinct lines adopted by the locality. This may occur during redistricting. The General Assembly is not required to draw boundaries that align with precinct boundaries.

A split may also be created when a boundary change between two localities (including an annexation) crosses over a General Assembly or congressional district line.

¹⁶ The JIRA ticket form can be found in VERIS.

3.2.4.2 *How to Prevent a Split Precinct*

When considering a proposed precinct, a locality may need to make adjustments to local districts together with precinct changes in order to prevent the creation of local splits. To avoid local splits after the decennial census, local redistricting should be done in tandem with local redefining of precinct boundaries.

Localities that elect their local governing bodies from districts in November of a redistricting year (i.e., 2011, 2021, etc.) must complete their work in time for use in any June primary that may be held for those offices and the November elections. The election calendar and redistricting timeframe make it necessary for these localities to do their work at the same time the Redistricting Commission is doing its work. In contrast, localities that do not elect local offices from districts in November of a redistricting year should be able to wait and run their November redistricting year general elections using the new precinct lines that the Redistricting Commission adopts. These localities have until December 31st of the redistricting year to complete redistricting local office districts. Local redistricting that can follow the Redistricting Commission's adopted plan has the advantage of allowing localities to adjust their precinct boundaries to eliminate split precincts or to create new precincts from the split precinct segments.

All localities should monitor the Redistricting Commission's work. This can be done by contacting the Division of Legislative Services. Advance knowledge of the Commission's plans can help localities develop plans to draw local lines that coincide with the state legislative and congressional district lines.¹⁷

3.2.4.3 *How to "Heal" a Split Precinct*

Occasionally, the creation of a split precinct is unavoidable. When a precinct is split, localities can sometimes take steps after the fact to remove the split. This is referred to as "healing" a split precinct.

The Code and accepted practice permit adjustments in lines following the decennial redistricting for the express purpose of making local district/ward lines coincide with state legislative or congressional lines. Methods by which adjustments can be made include the following:

- General Assembly enactment
- Local governing body adjustment affecting no more than the lesser of either 250 persons or 5% of the population of the ward or district¹⁸
- A judicially approved boundary change agreed to by adjacent localities¹⁹

These same strategies can be employed when a split precinct has been created by a boundary change or settlement between localities, an annexation (towns can annex; cities are currently prohibited from doing so), the creation of a new town or the reversion of a city-to-town status. The decennial district lines must be followed for the

¹⁷ See [Division of Legislative Services](#) for more information.

¹⁸ See [§24.2-304.1](#).

¹⁹ See [§15.2-3106](#) et seq.



General Assembly and congressional elections until the appropriate legislative body enacts changes to align the new jurisdictional lines.

When the methods discussed above are not effective, localities may wish to either create new precincts out of their split precinct segments or to adjust precinct boundaries to eliminate the split precinct. This could add some expense in terms of the number of election officials, machines, etc., but it is often preferable to living with the operational complexity of split precincts.

It is important to note that any changes to the boundaries of an election district or ward in a locality including changes made pursuant to a decennial redistricting measure are considered a covered practice. See 3.3.2 How to Establish or Relocate a Polling Place below, for instructions on how to enact a covered practice.

**Best Practice**

Voters often overlook or misunderstand voter registration notices. Expect more questions from voters in the year or two after a major redistricting. If the locality has new split precincts, ELECT suggests you provide supplementary training to all office personnel who interface with voters. Train staff not to rely on their own memory or knowledge about which precincts are where, or which districts share a precinct.

3.3 POLLING PLACES

3.3.1 What is a Polling Place

A polling place is a specific location (typically a public building) where voters go to cast their ballots on Election Day. There is one and only one polling place associated with each precinct. The governing body must establish each polling place by ordinance.²⁰ According to the Code of Virginia and a 2021 Advisory Opinion of the Office of the Attorney General, central absentee voter precincts, voter satellite offices, and offices of general registrars that are used as the designated location for early voting are considered “polling places” such that the requirements of §§ 24.2-129, 24.2-306, and 24.2-310(C) as well as the prohibitions of §24.2-604 (A) (iv) apply.²¹

3.3.2 How to Establish or Relocate a Polling Place

The local governing body is responsible for establishing and relocating polling places; this must be done by passing an ordinance.²² Generally, polling places should be located in public buildings whenever practical; not only does this ensure that the locality has full control over the polling place, but also that the polling place is compliant with state and federal accessibility laws.²³

²⁰ See [§24.2-307](#).

²¹ See §§ [24.2-129](#), [24.2-306](#), [24.2-310\(C\)](#), and [24.2-604\(A\)](#). See 2021 Op. Va. Atty. Gen. 40 ([September 1, 2021](#)).

²² *Id.*

²³ See [§24.2-310.1](#).





Best Practice for June Primaries in Schools

While Election Day in November is a state holiday, which closes school facilities for the day, the June Primary is not a state holiday and may take place while summer school is in session. If a polling place is located inside a school, consider reaching out to school staff well in advance of the June Primary to discuss if summer school will be in session that day and, if so, what arrangements can be made. For example, the cafeteria where voting usually takes place in November may be used on the day of the June Primary to feed students during summer school; school staff may be able to provide a library or gymnasium instead. If such a move is possible, consider placing additional signs or notices directing people to the new room location to ensure voters know where to go. Moving the location of the polling place within the same facility will not trigger the “covered practice” clause discussed below.

Any change that reduces the number of, consolidates, or relocates polling places in the locality is considered a “covered practice,” and a locality must meet certain requirements before the change can be enacted.²⁴ These requirements fall under what is called obtaining “preclearance.”

To enact a covered practice, the **governing body** of a locality must adhere to the following:

- The governing body will provide notice to the public at least 45 days in advance of the last date prescribed in the notice for public comment.
- Public comment must be accepted for a period of no fewer than 30 days.
- The governing body must conduct at least one public hearing during the public comment period.
- Wait an additional 30 days following the public comment period before the proposed change becomes effective.



Example Timeline of Preclearance Via Public Comment

If a locality intends to move a polling place before the June Primary, the process will take several weeks. If public comment will be taken from the 1st of March until the 30th of March, the governing body will need to provide public notice of the public comment period no later than 45 days before the end of the public comment period of March 30th. This would require the notice to be sent out by the governing body sometime around mid-February. The governing body will also need to have a public hearing sometime in March during the public comment period. Once March 30th passes, the governing body must wait 30 days before enacting the change, April 29. As a note, the 60-day prohibition on moving a polling place applies to general elections, specifically. Otherwise, the locality should at least be cautious moving polling places too close to a primary.

In lieu of a public comment period, the governing body can request to receive a certification of no objection from the Office of the Attorney General. The certificate of no objection indicates the covered practice does not have the purpose or effect of denying or abridging the right to

²⁴ See [§24.2-129](#)

vote based on race, color, or membership in a language minority group. General registrars and electoral boards should nonetheless be directly involved in the process: scouting the locality for potential polling places, meeting with operators of proposed polling place facilities, alerting the local governing body to the need for a polling place change, helping the governing body balance the relevant considerations that go into choosing a polling place, and managing existing polling places. A good working relationship with the local governing body and the other agencies of local government is of the utmost importance for accomplishing these tasks.

3.3.2.1 *Cannot Change Polling Place within 60 Days*



The local governing body cannot change the location of a polling place within the 60 days before any general election.²⁵ Unlike precincts, however, there are exceptions to this rule for certain emergency situations.

3.3.2.2 *“Emergency” Polling Place Relocation*

When an emergency makes a polling place inaccessible or unusable within 60 days before a General Election, either the electoral board or general registrar should act immediately to work with the local governing body to find an alternate polling place site in compliance with all applicable deadlines.

Frequently Asked Questions



What is an “emergency”?

The term “emergency” is narrowly defined in § 24.2-310(D) as “a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.”



Policy Note

In some circumstances where the Code confers responsibilities on the State Board of Elections, the Board has delegated these responsibilities to the Department of Elections. One example of this is the Department’s responsibility for approving emergency relocations of polling places where the Code of Virginia §24.2-310(D) reads that such a relocation is “subject to the prior approval of the State Board.”

The Department of Elections must provide prior approval for an emergency relocation of a polling place.²⁶ The Commissioner of Elections may request the State Board of Elections consider the matter before or after approving a request, as a matter for possible action for failure to properly discharge the duties of office.²⁷ An emergency

²⁵ See [§24.2-306\(A\)](#).

²⁶ See [§24.2-310\(D\)](#), “subject to the prior approval of the State Board.” This has been delegated to ELECT. See also ELECT, [About Us](#).

²⁷ See [§§24.2-103](#) and [24.2-234](#).



request cannot be approved unless it is clear that the nature of the emergency requires immediate action and approval by the Department of Elections. If a permanent relocation is not possible, the electoral board or general registrar may erect or rent a temporary building (e.g., a trailer) as the temporary site, if it is generally accessible to voters. Localities are required to provide notice to both voters and candidates once approval is granted.²⁸ Notice of any approved emergency relocation must be provided to all candidates and the voters, appropriate to the circumstances of the emergency. Additionally, a notice of the location change must also be posted to the extent practicable in the former location of the precinct.²⁹

For changes to polling locations within the 60-day prohibition period, only an emergency as defined under Va. Code §24.2-310(D) will suffice for a polling place change. A general registrar who realizes a polling location may be unsuitable for Election Day prior to the 60-day prohibition should submit a Standard Polling Place Change (JIRA ticket) request and the required pre-clearance documentation referenced in Chapter 3.3.2 to make the needed change.

Once the emergency concludes, the General Registrar will need to either comment on the emergency polling place ticket to move the polling place back to the original polling place or submit a new Jira ticket to revert the polling place location back to the original location. Alternatively, if use of a temporary polling place extends beyond the initial period of emergency approval, the locality will need to pursue and meet the requirements of a covered practice outlined in Chapter 3.3.2 and submit a new Standard Polling Place Change (JIRA ticket) request accordingly.

3.3.3 Laws Governing Polling Places

The polling place is the site of all major Election Day activities. Localities should select the polling place that best facilitates voting while complying with the following legal requirements.

3.3.3.1 Location Requirements

- There can be one, and only one, polling place for each county, city, or town precinct.³⁰
- The polling place must be located within the boundaries of the precinct it serves or within one mile of that boundary.³¹
 - Exception: In the event that there is **no suitable building** that could be used within the precinct or within one mile of the precinct boundary, a locality may request a One Mile Polling Place [Waiver \(JIRA ticket\)](#) from ELECT to establish a polling place that does not meet the location requirements.³² Waivers are generally used only in the case of an emergency, or for precincts that are

²⁸ See [§24.2-310\(D\)](#).

²⁹ See Code of Virginia [§24.2-306](#)

³⁰ See [§§24.2-307](#) (counties and cities) and [24.2-308](#) (towns).

³¹ See [§24.2-310\(A\)](#).

³² See [§24.2-310\(G\)](#).



established with less than the minimum number of registered voters pursuant to §24.2-309.³³

- In circumstances where a polling place is located outside the precinct it serves, multiple polling places may be situated within the same facility.³⁴
- The polling place must also be located in the locality that it serves.³⁵
 - Exception: a county may locate a polling place in a city that is “wholly contained within the county election district served by the precinct.”
 - Exception: a county may locate a polling place in a city where “the city is wholly contained within the county and the polling place is located on property owned by the county.”
 - Exception: In the event that there is **no suitable building** that could be used within the precinct or within one mile of the precinct boundary, a locality may request a waiver from ELECT to establish a polling place that does not meet this location requirement.³⁶

As with precincts, a town election for town offices held in November must use the regular polling places for the county in which most of the town is located.³⁷

3.3.3.2 Facility Requirements



All polling places must be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act,³⁸ the Voting Accessibility for the Elderly and Handicapped Act,³⁹ and the Americans with Disabilities Act⁴⁰ relating to public services.⁴¹

- The Department provides a checklist for determining whether a prospective polling place meets these requirements.⁴²
 - This requirement is discussed in depth in Chapter 5 Accessibility.
 - Localities are required to submit an ADA Compliance Confirmation annually to ELECT to verify that a checklist was used to inspect polling places and that the polling places are compliant.
- A polling place must be “located in a public building whenever practicable.”⁴³
 - If no public building is available, a polling place may be located in a building “which serves primarily as the headquarters, office, or assembly building”

³³ See §24.2-309.

³⁴ See §24.2-310(B).

³⁵ See §24.2-310(A).

³⁶ See §24.2-310(G).

³⁷ See §§24.2-601 and 24.2-310(A).

³⁸ See §51.5-1 et seq.

³⁹ See 52 U.S.C. §20101 et seq.

⁴⁰ See 42 U.S.C. §12131 et seq.

⁴¹ See §24.2-310(C).

⁴² See ELECT-310C.

⁴³ See §24.2-310(B).



- for “an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature.”⁴⁴
- The locality may only locate the polling place in another type of facility if no other building meets the requisite accessibility requirements and only with the approval of the Department of Elections.⁴⁵
- Where multiple polling places have been established within the same facility, each must be located in a “separate room” or have its own “separate and defined space.”⁴⁶ Ensure that OOE’s are aware of the multiple polling places in the facility and that enough OOE’s have been assigned to each polling place in the facility.

**Regulation Note**

1VAC20-20-80: Complaints. Anyone may make an informal complaint either by telephone or electronically (20-20-80(A)). It is the locality’s responsibility to respond to these complaints, but the locality may request assistance from the Board as needed (20-20-80(A)). The Board must provide the forms from the Help America Vote Act of 2002 to allow people to make formal requests (20-20-80(B)). These formal complaints require review and a response from the Commissioner or Deputy Commissioner, who may contact the locality to gather more information (20-20-80(B)). If the submitted complaint does not meet the requirements of a formal complaint, it may be responded to informally by the appropriate staff (20-20-80(B)).

⁴⁴ See [§24.2-310.1](#).

⁴⁵ *Id.*

⁴⁶ See [§24.2-310\(B\)](#).





Best Practice Guide to Selecting a Polling Place

Availability

The polling place should be available for all general, special, and primary elections. Selection of a public building for the location of a polling place helps to ensure availability.

Accessibility

As discussed above, polling places are legally required to meet accessibility standards related to public services outlined in the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans with Disabilities Act (“ADA”). Local electoral board should visit each potential new site and conduct an accessibility survey before recommending it. Localities should consider the effort and cost (and available funding) necessary to make the site accessible.

Convenience

Where possible, the polling place should be in a location that provides maximum ease of access for all voters in the county, city, or town precinct. A polling place should be on a well-known street or road, in a well-known public building, and in a location that requires the shortest driving time for voters in the outlying parts of the precinct. While there are no rules regarding maximum travel time to a polling place, it is recommended that, in general, a voter should not be expected to spend more than twenty minutes, under normal traffic and weather conditions, driving to the polling place from home.

Security

Polling place facilities should also provide a sense of security to voters while ensuring that a free, open, and transparent election is conducted. The ideal facility should have a secure area where voting equipment and materials can be safely stored overnight, should that be necessary.

Utilities

Proper utilities are important for ensuring the effective operation of election technology and the safety and comfort of voters and election officials at the polling place. At a minimum the polling place should have electricity, adequate lighting, and phone availability. Polling places should also have adequate heat for winter elections and air conditioning for summer elections. Restroom facilities are also important. Make sure election officials are aware of how to operate utilities when the option is available (e.g., if the thermostat for the room in which polling takes place can be adjusted, or if the polling place telephone requires a particular number to reach an outside line).



Order

Voting should be able to be conducted with minimal disruption by the activities that normally take place at a polling location. To evaluate whether this is possible, look at the overall facility and the actual polling place during a time of normal activity. For example, if a proposed polling place is in a school, visit on a day school is in session. Because there are elections throughout the year, this should be done even if the locality normally does not have class on November Election Days. Be careful with the use of gymnasiums in educational facilities. Negotiation with facility management may be necessary to ensure that no sporting or other events are scheduled for the evening of Election Day, particularly for special elections, and to make sure that sports equipment is not left where it can impede voting activities or be accessed by voters. Gyms are often cold and acoustically difficult for voters with hearing disability, so other types of rooms are preferred if available.

When evaluating the suitability of a polling place, identify potential hazard areas (e.g., steps/sidewalks that could be icy in winter, floors that could be slick when wet). Discuss your concerns with facility management or custodial staff to ensure that these problem areas will not cause issues on Election Day. Additionally, you may want to consider the safety in managing the 40-foot line pursuant to §24.2-604. For example, using a polling place entrance within 10-feet of street would lead to unsafe conditions and potentially impact the First Amendment rights of individuals wishing to campaign.

Emergency Preparedness

Each polling place should be equipped to respond to any number of emergency circumstances. Make sure that polling places are equipped with basic safety equipment (e.g., fire alarms, fire extinguishers, clearly marked exits). Talk to the property manager about whether emergency evacuation plans exist for each polling place (evacuation routes, meeting points, etc.). If a plan does not already exist, registrars or electoral boards should consider making one for officers. You should also consider contingency plans should an emergency make the polling place inaccessible on Election Day. For example, is there a secure space outside the polling place that could be used to conduct the election should the polling place become unusable? Is there a nearby facility that the polling place could be moved to in the event of an Election Day emergency? Registrars may consider keeping the contact information of such nearby facilities, just in case such an emergency occurs.

3.3.4 Operating a Split Precinct Polling Location

Split precincts require additional planning beyond that required to run a polling place with only a single ballot style. Current election technology should allow for the smooth operation of split precincts, but officers of election must be mindful of the ballot style that each voter should receive and have a well-documented process for identifying the ballot style that should be received by each voter.



**Best Practice**

Some localities use colored cards that are handed to voters that they exchange for the correct ballot style, other localities have the ballots accessible to the check in clerks who distribute ballots.

3.3.4.1 *Precinct Organization*

How a split precinct is laid out may vary, but variations tend toward two extremes. Some localities treat precinct segments separately. These localities may use colored cards that direct voters to separate areas where they are handed the correct ballot style and/or given access to the correct voting device. Other localities chose to have a less clear separation between precinct segments.

The choice of how to organize affects your polling place set-up, the number of machines, lines, and officers that you need, as well as the supplies used in the precinct and envelopes for returning the official supplies. Variables that may impact the choice of setup include the type of voting equipment in use, whether e-pollbooks or paper pollbooks are used, and whether you have more than one room inside the polling place available for voting.

3.3.4.2 *Officer Training*

Pre-election training sessions should include a special class for officers working in split precincts. It is important that these officers fully understand their responsibilities on Election Day.

Officers of election should be familiar with the geography of the split precinct and which voters are voting in each election. While the voters' ballot style should be clearly indicated on the electronic pollbook, it is still helpful for the officers of election to know which areas, neighborhoods, and subdivisions in the precinct are in the different segments of the split. This will be helpful in explaining to voters who ask why only certain offices are on their ballot.

Officers should understand the sign-in process, the operation of separate entry slips (if used), how to handle voters who are in the wrong line (if used), when to call the registrar's office, etc. It should be emphasized that a split does not affect how the pollbook will be marked.

Finally, officers in split precincts must understand how to complete the Statements of Results (SOR); two Statements must be completed for each precinct split.

3.3.4.3 *Conducting the Election*

After the voter has been checked in on the pollbook, the officer of election should either give them an entry slip that clearly shows which machine type or ballot style to use (when treating splits separately) or give them the correct ballot style (when splits are "combined").

For ballot scanner systems, separate scanners may be used for each split or all splits may be programmable on one scanner depending on the type of equipment and how



the locality chooses to manage their splits. Machine officers must be trained on how to manage splits on their equipment prior to Election Day.



Regulation Note

1VAC20-60-30: Electronic Devices in Polling Places. Regulation 20-60-30(A) states that individuals may use and bring electronic devices inside the polling place. Party candidates and representatives, however, are prohibited from taking photos or videos within the polling place.

Officers of election are authorized to monitor and restrict use of electronic devices inside the polling place if an individual's use hinders or delays the voting process, or if this device is being used to influence, intimidate, or solicit another individual's vote (20-60-30(B)).

Those found violating 20-60-30 may be asked to stop using their electronic device, to use their electronic device outside the polling place only, or to leave the polling place entirely (20-60-30(B)). However, a voter may not be removed from the polling place for use of an electronic device until after their ballot is cast (20-60-30(C)). Any determination an officer of election makes as to the use of electronic devices in polling places is subject to immediate appeal to the local electoral board (20-60-30(D)).

Electoral boards are also forbidden from enacting any policy that categorically denies use of electronic devices in polling places (20-60-30(E)).



Office of the Attorney General Opinion

Voters may take pictures of themselves or their ballot while in the polling place. However, voters are not allowed to communicate with others outside of the polling place (i.e., streaming on social media or calling another person) as this would be a violation of §24.2-1006. Taking pictures of other voters in the polling place is permitted unless the voter taking the picture infringes on another voter's ballot secrecy or is otherwise disruptive in the polling place.

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3.3.4.4 *Ascertaining the Results*

After the polls close, the officers of election should go about their closing/ascertainment routine as if there were two separate precincts. Two Statements of Results (SORs) should be completed for each precinct segment.

The Statement of Results (SOR) form should be labeled to identify the precinct segment it covers. Everything entered on the form should apply only to the precinct segment it covers. Particular care is required to enter the "number of voters voting" only for the relevant segment.

⁴⁷ See 2016 Op. Va. Att'y. Gen. 38, ([September 29, 2016](#)).



There is no need to separate each segment into separate election materials envelopes for return to the clerk of court or registrar. However, all sensitive materials (materials that will be needed by the electoral board during the canvass or materials that might be needed in a recount or contest) should be separately banded and bundled according to split precinct segments. Each bundle should be labeled with a piece of paper noting the appropriate precinct segment before the bundles are placed in the appropriate envelope. There is no need to separately bundle items that are not germane to a canvass, recount or contest, such as the Code book, officer of election buttons/badges and the like.

3.3.4.5 *Reporting Results*

Localities that assemble their unofficial results on election night by calling them into a central office must agree in advance on whether to report results by split precinct segment or by aggregating the segments in order to provide results for the complete precinct. The registrar or electoral board member should, when reporting to the media, report the aggregated results for the entire precinct. Reporting by split precinct segment serves no purpose and will only confuse media representatives.

3.4 PROCESS TO CHANGE PRECINCT OR POLLING PLACES

No changes that reduce the number of, consolidates, or relocates polling places in a locality can move forward without first having a public comment period with a public hearing or receiving a certificate of no objection (CNO) from the Attorney General. Refer to Chapters 3.3.2 through 3.3.2.2 for additional details.

3.4.1 *Providing Notice to the Department of Elections*

Precinct and polling place management in VERIS is handled by the Department of Elections. Once your change request has been submitted by submitting either a Standard or Emergency Polling Place Change ticket in JIRA, ELECT will process your ticket through JIRA and make the necessary updates in VERIS.

3.4.1.1 *More Than 60 Days Before a General Election*

If it is more than 60 days before a general election, a completed Standard Polling Place Change form must be submitted through JIRA to the Department of Elections. The ticket must include: (i) a copy of the ordinance or minutes from the local governing body; and (ii) supporting documentation that shows the preclearance process was followed, such as public hearing minutes or a copy of a certification of no objection. The Standard Polling Place Change form may be used for multiple purposes not involving polling place relocation (e.g., precinct line change, name change, change to the location of the general registrar's office). Please check the boxes on the form that describe the requested change and provide the required information (e.g., ADA compliance and electric company information for a polling place change).

3.4.1.2 *60 Days or Less Before the General Election*

If there are fewer than 60 days before the general election, the general registrar or electoral board should notify the Department of Elections of the proposed emergency relocation of the polling place by submitting a completed Emergency Polling Place



Change form through JIRA.⁴⁸ The locality should also provide the Department with a copy of a letter or some other form of correspondence that demonstrates that the local governing body is aware of the emergency polling place change as preclearance is not required for an emergency change.

Virginia Code §24.2-310(D) defines “emergency” as “a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.”⁴⁹ The use of the Emergency Polling Place Change form should only be used when circumstances meet this definition. For an emergency, only the polling place can be changed, and the change can only be made temporarily.

3.4.2 Providing Notice to Voters

The mailing costs and postage expenses for voter notification should be anticipated and included in the budget request associated with the precinct change.

Pursuant to §24.2-306, “Notice of a change in the location of a polling place shall also be posted, to the extent practicable, 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. This notice shall also include information on how voters may find their polling place.”⁵⁰

3.4.2.1 *More than 60 Days Before the Next Election*

The general registrar or electoral board must notify active voters by mailing a new voter registration notice if their county or city precinct, local election district, town/town precinct, super district, and/or legislative district (congressional, house or senate) when applicable, are changed. If a polling place is only being renamed or being relocated within the same building (e.g., from the cafeteria to the gym) then new voters notices are not required (but providing them is a best practice). If new notices are not sent out, localities should ensure that information is properly updated on a locality’s website and in VERIS. Additionally, signage directing the voter to the new location in the building is encouraged in order to reduce confusion. All active voters must be notified by mail at least 30 days prior to the next election.⁵¹ Inactive voters are excluded from this requirement.⁵²

Once ELECT has reviewed the details supplied using the Standard Polling Place Change or Emergency Polling Place Change (JIRA ticket) requests, along with the attached proof of relocation by the local governing body (e.g. an ordinance and meeting minutes, or certificate of no objection), the affected voters’ registration records will be updated accordingly. The Department of Elections can generate information for the voter registration notices, but localities are responsible for printing and mailing the voter

⁴⁸ See [§24.2-310](#). See ELECT, FormsWarehouse, [Emergency Procedures](#).

⁴⁹ See [§24.2-310\(D\)](#).

⁵⁰ See [§24.2-306](#).

⁵¹ *Id.*

⁵² See [§24.2-101](#).



registration notices.⁵³ Once ELECT has fully approved and processed a Polling Place Move request, general registrars must **wait** for VERIS to update overnight before printing the voter notices. VERIS will not exclude inactive voters from printing voter registration notices.

Additionally, the registrar or electoral board must publish notice of changes to districts, precincts or polling places prior to enactment.⁵⁴ Notice must be provided in a newspaper that is generally circulated in the affected precinct once a week for two successive weeks. The public notice must “state where descriptions and maps of proposed boundary and polling place changes may be inspected.”⁵⁵

3.4.2.2 *60 Days or Less Before the Next Election*

In the event of an emergency polling place relocation, the general registrar must give notice to “all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place.”⁵⁶ Registrars must also “provide notice to the voters appropriate to the circumstances of the emergency.”⁵⁷ In most circumstances outside the 30 days before the election, notice should look exactly like the notice provided for non-emergency polling place relocations (i.e. mailed voter information notices, and one notice a week for two weeks in a local paper). When the non-emergency requirements cannot be met, registrars should use all prudent means to ensure that all affected voters are notified of the emergency change (e.g. posting signage, via social media, on the locality's website, etc).

3.5 REVIEW OF INFORMATION WHEN DISTRICT OR PRECINCT BOUNDARIES CHANGE

3.5.1 *Locality's Requirement to Provide Information*

Any time the governing body of a locality changes the boundaries of a district or precinct, the governing body is required to provide a copy of the ordinance and a Graphic Information System (GIS) map to the following:

- The local electoral board,
- The Department of Elections, and
- The Division of Legislative Services.⁵⁸

If a locality does not have GIS capabilities, they may ask the Department of Elections for assistance in creating and providing the maps.⁵⁹

⁵³ See [§24.2-114\(13\)](#).

⁵⁴ See [§24.2-306](#).

⁵⁵ *Id.*

⁵⁶ See [§24.2-310\(D\)](#).

⁵⁷ *Id.*

⁵⁸ See [§§24.2-103.1](#), [24.2-304.3](#), and [24.2-306](#).

⁵⁹ See [§24.2-103.1](#).



3.5.2 Department of Elections Review of Information

Once the Department of Elections receives an ordinance and GIS map from a locality, the Department will review the information and compare it to current information in VERIS to ensure voters have been assigned to the correct districts. The Department will notify the General Registrar of any changes that may need to be made.⁶⁰

⁶⁰ See [§24.2-103.1](#).





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Chapter 4

Voting Equipment and Electronic Pollbooks

August 2025

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4. VOTING EQUIPMENT

REQUIRED FORMS ELECT Form 633 - Logic and Accuracy Certification (L&A) Survey	ADDITIONAL RESOURCES Election Assistance Commission's Logic and Accuracy Testing ELECT Election Security Webpage Logic and Accuracy Testing Guidelines Logic and Accuracy Checklists
REFERENCES Voting Systems Security Policy Ballot on Demand Systems Certification Standards Virginia Voting Systems Certification Standards Virginia Electronic Pollbook Certification Standards	STATUTES & REGULATIONS 1VAC20-60-50 Overfull Optical Ballot Scanner Container 1VAC20-60-70 Mandatory logic and accuracy testing for electronic pollbooks §24.2-625.1. Voting equipment security §24.2-632. Voting equipment custodians

4.1 CHAPTER ORGANIZATION

The purpose of this chapter is to provide an overview of important aspects of voting equipment. §4.2 discusses the required state certification of voting systems used for elections in the Commonwealth. §4.3 provides information on Ballot on Demand voting equipment. §4.4 provides information on electronic pollbooks. §4.5 discusses Ranked Choice Voting and the software used. §4.6 provides information on voting equipment. §4.7 provides information about equipment custodians and chain of custody for secured equipment §4.8 provides a brief outline to testing the equipment in the logic and accuracy (L&A) testing each locality must complete prior to Election Day. §4.9 discusses voting equipment security and audits. Lastly, §4.10 outlines aspects of FOIA that the local electoral board and general registrar should consider surrounding the security of voting systems.



4.2 STATE CERTIFICATION OF VOTING SYSTEMS

The State Board of Elections (SBE) has established a program by which vendors that manufacture, own, or offer for sale electronic voting or counting machines and ballots designed to be used with such equipment can apply for testing or certification of such voting systems and equipment.¹

Voting systems are defined as electronic voting and counting machines used in elections, ballot scanner machines, on-demand ballot printing systems, and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines.² All voting systems must be certified by the State Board prior to their use in an election and must be tested in an actual or mock election in one or more counties or cities.³ Voting systems must be capable of retaining and printing each ballot cast, in order for it to receive State Board approval for certification.⁴ A governing body cannot adopt the use of any voting system that has not been approved by the SBE.

Modification to a previously certified voting system requires a determination of whether the proposed change requires full recertification or is de minimis. No change of any kind can be made to any voting system software or firmware unless the Department of Elections has been informed of the proposed change and made a determination on the scope and effects of those changes on the certification of the system.

The SBE may decertify any previously approved voting system if it no longer complies with the standards adopted by the State Board or has critical software or hardware issues.⁵

The SBE uses the federal EAC VVSG 1.0/1.1 testing standard for certifying voting systems. The SBE will incorporate the new federal EAC VVSG 2.0 standard soon.⁶

4.3 STATE BOARD CERTIFICATION OF BALLOT ON DEMAND SYSTEMS

Ballot On Demand (BOD) systems are stand-alone units that print ballots for each precinct and ballot style within a locality. These systems are typically used during early voting to provide the appropriate ballot style to a voter at check-in but may also be used on Election Day if, for example, a locality runs out of a certain ballot style. BOD systems must be approved by the State Board.⁷ The Ballot on Demand System Certification Standards can be found on ELECT's election security page.⁸

4.4 STATE CERTIFICATION OF ELECTRONIC POLLBOOKS

Electronic pollbooks (EPB) must be approved by the SBE prior to use in elections in Virginia.⁹ The electronic pollbooks can be used to check-in voters at precincts and early voting sites.

¹ See §24.2-629. See also ELECT, [Voting System Certification Standard](#).

² See §24.2-101.

³ *Id.*

⁴ See §24.2-629.

⁵ *Id.*

⁶ ELECT plans to propose the new standard to the SBE in Q4 of 2025.

⁷ See §24.2-629.

⁸ See §24.2-611(D). See ELECT, [Virginia Ballot on Demand Systems Certification Standards](#).

⁹ See ELECT, [Election Security webpage](#).



Any modification to the hardware, software, firmware, infrastructure, or any component of a certified EPB, that is not determined to be de minimis, 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.¹⁰

ELECT reserves the right to examine any previously certified EPB system for any reason at any time. EPB systems that do not comply with the policies, guidelines, and directives regarding recertification as adopted and modified by the SBE from time to time may be decertified. The Department will work with vendors to resolve issues, but 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 Virginia and cannot be purchased by localities to conduct elections.

The federal EAC has adopted an EPB certification standard named, EPBCR 1.0. The SBE has incorporated some of the requirements from VEPBRC 1.0 into the current EPB standards. In the future our standards will indicate that vendors will be required to be VEPBRC 1.0 certified before the Commonwealth will allow the EPB to be used.

4.5 STATE CERTIFICATION OF RANKED CHOICE VOTING TABULATION SOFTWARE

The SBE has approved the use of a ranked choice voting (RCV) tabulation software, Universal RCV Tabulator v1.2.0 (RCTab). RCTab is a federally tested open-source software that meets the Voluntary Voting System Guidelines (VVSG) established by the U.S. Elections Assistance Commission. RCTab does not fall under the definition of a voting system as it does not count the ballots cast but rather tabulates the votes displayed on the Cast Vote Record produced by the electronic voting system. A RCTab security approval report can be found on FormsWarehouse.¹¹

4.6 VOTING EQUIPMENT



An **optical ballot scanning machine** is a voting system that counts marks made on paper by the voter. The tool used to make these marks is called the marking device. A polling place typically needs one optical ballot scanning machine for proper voting operation with certain exceptions for presidential elections.¹²

All localities are required to use a voting system at every precinct and for all elections held in the county, the city, or any part of the county or city.¹³ Choosing a voting and counting system is at the discretion of the local electoral board, but the systems chosen must be from the SBE's approved vendor and system list.

¹⁰ See ELECT, [Electronic Pollbook Certification Standard](#).

¹¹ See ELECT, [Ranked Choice Voting Tabulation Software Approval](#).

¹² See §24.2-627.

¹³ See §24.2-626.



With prior approval of the SBE, localities may experiment with new voting systems in one or more precincts.¹⁴ A new system may be one that has already been certified for use by the Department of Elections, or it may be one that is still in the testing stage. The electoral board must have approval from the State Board of Elections before experimental use of election equipment.¹⁵ The governing body of each county and city is responsible for purchasing the voting machines that have been approved by the State Board.¹⁶

4.6.1 Number of Voting Machines Required



Each precinct is required to deploy a minimum number of ballot scanner machines based on the number of registered voters in the precinct.¹⁷ Absentee voters may be excluded when determining the number of registered voters.¹⁸

- Each precinct must have at least one scanner and one voting booth with a marking device for each 425 registered voters.¹⁹
- During a presidential election, a precinct with more than 4,000 registered voters will be required to have two ballot scanning machines. This requirement may change if the governing body of the county or city, in consultation with the general registrar and local electoral board, determines a second ballot scanning machine is unnecessary.²⁰

4.6.2 Maintaining Digital Ballot Images

If your locality's voting system creates digital ballot images, these records must be maintained with the Clerk of the Circuit Court for twenty-two months for federal elections, and for one year for any other election.²¹ A locality may choose to transfer these records from the original data storage device to another device to ensure compliance with federal law. Any locality choosing to transfer records to another device should work closely with the vendor to ensure proper transfer prior to sealing the records. If a locality decides to host a ranked choice voting contest, their voting equipment must be able to produce a digital ballot image.

4.7 CUSTODIANS

The voting equipment custodian is an individual identified by the electoral board or the general registrar to oversee the programming, configuration, and testing of voting systems in the locality.²² The custodian programs and prepares voting and counting equipment and is charged with overseeing and instructing the vendor technician in programming, testing, calibrating, and delivery of the equipment.²³

¹⁴ See [§24.2-630](#).

¹⁵ See Code of Virginia 24.2-630

¹⁶ See [§24.2-626](#).

¹⁷ See [§24.2-627](#).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ See [52 U.S.C. § 20701](#). See [§24.2-669](#).

²² See [§24.2-632](#).

²³ *Id.*



The electoral board and general registrar are responsible for choosing a custodian and must appoint an individual to this position at least 30 days before each election. Any individual within this position must sign an oath prior to taking the position.²⁴

The electoral board may assign a board member or deputy registrar to serve without pay as a custodian; however, if the presence of a board member and the custodian is required, the same individual is prohibited from serving in both positions.²⁵

With the approval of the Department of Elections, the electoral board or general registrar may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing, and maintaining the voting equipment. The voting equipment custodians shall instruct and supervise the vendor or contractor technicians and oversee the programming, testing, calibrating, and delivering of the equipment. The vendor or contractor technicians shall be sworn to perform their duties honestly and faithfully.²⁶

4.8 LOGIC AND ACCURACY TESTING

Logic and accuracy testing is an integral part of preparing for an election. Each machine and electronic pollbook (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. This includes the Americans with Disabilities Act (ADA) accessible voting systems.²⁷ The logic and accuracy test for voting machines will also uncover any ballot printing or coding issues that may affect accurate and complete tabulation.

ELECT has created a [Logic and Accuracy Guidelines](#) document to assist localities with best practice principles when performing L&A. ELECT has also created several L&A templates for use with scanners, ADA, ballot on demand and electronic poll books. Those templates can be found in forms warehouse under [voting equipment](#). Before the L&A testing of voting machines for any election, the general registrar must provide a written notice to the chairman of the local committee of each political party, or for an election in which no candidate is a party nominee and which is held when no other election having party nominees is being conducted, to the candidates.²⁸

The notice must provide the time and place where the machines will be tested and state that the political party or candidate receiving the notice may have one representative present while the equipment is tested.²⁹ The representatives must be given an opportunity to see that the equipment is in proper condition for use at the election and that machines are properly sealed after testing.³⁰

Each machine should be tested with enough ballots or votes to substantiate that each machine recorded the correct number of votes for each candidate. An electoral board member, general

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ See [§24.2-626.1](#).

²⁸ See [§24.2-633](#).

²⁹ *Id.*

³⁰ *Id.*



registrar, or a designated representative, must be present during this process and must certify the results from each machine.³¹ A representative should be used only if it is impracticable for an electoral board member or the general registrar to be present.³² This representative cannot be the custodian or a vendor or contractor technician who was responsible for programming the ballot software, electronic activation devices, or electronic storage media.

Form ELECT-633 must be submitted electronically to the Department of Elections after L&A testing is complete for the voting machines.³³

Logic and accuracy testing for electronic poll books must be performed by 12:00 pm on the day before the election and testing must be certified to ELECT.³⁴ EPBs must be tested to ensure the proper election (or elections in the case of a dual primary) is loaded, the applicable voter registration files were downloaded so that all absentee ballot information is present, and that all precincts show the correct ballot style(s) for voters in the precinct.

Unlike L&A testing for voting machines, testing of EPBs does not require notice to be sent to the chairman of the local committee of each political party. Electronic pollbooks should be tested with the real data files of the election to verify that each precinct is present, correct ballot styles are assigned to several voters across party lines, and password-protected access is in place according to the designated roles at the polling locations.

Frequently Asked Questions

Can a candidate or her representative request to attend the L&A testing of voting machines?

Yes. The general registrar of each locality may exercise discretion in considering whether to grant a candidate's request to attend the testing. If the general registrar permits the requesting candidate to attend the testing, she/he must, as soon as reasonably possible, contact all other candidates for that office to provide an equal opportunity.

Can a general registrar proactively provide notice of the L&A testing to all candidates?

The general registrar must provide equal notice to all candidates or their representatives if they choose to do this. For example, a general registrar should not provide notice to some candidates by telephone and notice by mail to others.

Conducting logic and accuracy testing for electronic pollbooks identifies potential problems within the data files or election setup that might impact the voter check-in process. Carrying out these tests on pollbooks is instrumental in detecting any issues that might lead to either minor or major complications on the day of the election

³¹ *Id.*

³² See §24.2-632. See 2006 Op. Va. Atty. Gen. 58 (Sept. 15, 2006).

³³ See ELECT, FormsWarehouse, [Formsite Links](#).

³⁴ See Virginia Admin. Code, [IVAC20-60-70](#).



4.9 VOTING EQUIPMENT SECURITY

The electoral board or the general registrar of each locality must develop and annually update written plans and procedures to ensure the security and integrity of its electronic voting system.³⁵ The local electoral board is responsible for the security of all voting systems, including electronic pollbooks.³⁶ By August 31st each year, the electoral board and general registrar must sign and submit a cover letter confirming the review and updating of the plans through the Annual Voting Security System Plan Review survey in Formsites as directed by the Department of Elections.³⁷

4.9.1 Risk-limiting Audits



The Department of Elections is required to supervise a risk-limiting audit (RLA) performed by the localities. The purpose of the RLA is to verify that the electronic voting systems have accurately reported the outcome of an election.³⁸ In the Commonwealth, there are two methods for performing an RLA, ballot polling and batch comparison. Details regarding these methods are covered in the RLA Manual.³⁹ Local electoral boards may apply for an RLA of a race wholly contained within the jurisdiction of the local electoral board, pursuant to §24.2-671.2(D).⁴⁰

The Department of Elections has established RLA procedures which can be found in the RLA Manual.⁴¹ The local electoral board is required to submit the results of the audit to the Department. The Department is required to submit a report to the State Board detailing the audited election results and analysis of any detected discrepancies.

4.10 VIRGINIA FREEDOM OF INFORMATION ACT (FOIA)

There are limited exemptions from FOIA public meeting and records disclosure requirements for voting equipment security issues. However, “records of the Department of Elections or of a local electoral board, to the extent such records describe protocols for maintaining the security of ballots or voting and counting equipment, or reveal the results of risk assessments of specific local electoral procedures, the release of which would compromise the security of any election, shall be confidential and excluded from inspection and copying under the Virginia Freedom of Information Act (FOIA).”⁴²

An electoral board of the State Board of Elections may close a meeting to discuss security protocols and conduct security compliance site visits preceded and followed by open meetings about the visits.⁴³ Records describing security protocols or specific risk assessments that could compromise election security if released are exempt from disclosure.

³⁵ See [§24.2-625.1](#).

³⁶ *Id.*

³⁷ See ELECT, FormsWarehouse, [Formsites Links](#).

³⁸ See [§24.2-671.2](#).

³⁹ See ELECT, [RLA Manual](#).

⁴⁰ See [§24.2-671.2](#). See Virginia Admin. Code [IVAC20-60-80](#).

⁴¹ *Id.*

⁴² See [§24.2-625.1](#).

⁴³ *Id.*





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Chapter 5

Accessibility

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5. ACCESSIBILITY

REQUIRED FORMS ELECT-310C-Accessibility-Accessibility-Checklist.docx ELECT-310C-ADACC-ADA-Compliance-Confirmation-7.2023.pdf	ADDITIONAL RESOURCES Voting and Polling Places ADA.gov State and Local Governments ADA.gov U.S. Access Board ADA Accessibility Standards Accessibility Posters
REFERENCE Quick Start Guide – EAC 6 Tips ADA Checklist for Polling Places EAC Election Management Guide Chapter 19: Accessibility	REGULATIONS I VAC 20-20-40 Virginia's Help America Vote Act Plan

5.1 CHAPTER ORGANIZATION

Every qualified voter has the right to vote, regardless of whether he or she has a disability or limited English proficiency. This chapter is designed to help electoral board members and general registrars ensure that reasonable accommodations are made for all voters in both the registrar's office and at all polling places. §5.2 lists the key federal and state laws underpinning accessibility in elections throughout the Commonwealth. §5.3 discusses the requirements in these laws, divided into subject matters such as voting equipment, polling place accessibility, requests for assistance, and curbside voting. §5.4 discusses ADA requirements for officers of election training, §5.5 and §5.6 address both the limitations of implementation and the enforcement mechanisms designed to ensure voters with disabilities are guaranteed an equal opportunity to vote. §5.7 lists local, state, federal and other public sector resources focused on elections accessibility issues. §5.8 discusses a few funding suggestions for localities seeking to implement accessibility improvements.

5.2 LEGAL BASIS



The following laws govern accessibility in polling places:

- The Voting Rights Act of 1965 (VRA)¹
- Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA)²
- Title II of the Americans with Disabilities Act (ADA)³ and Rehabilitation Act of 1973⁴
- Help America Vote Act of 2002 (HAVA)⁵
- Virginians with Disabilities Act (VDA)⁶
- The Code of Virginia, Title 24.2⁷

¹ See [52 U.S.C. §20102](#).

² See [52 U.S.C. §20101](#).

³ See [42 U.S.C. §12131](#) et seq.

⁴ See [29 U.S.C. §794](#).

⁵ See [52 U.S.C. §20901](#).

⁶ See [§§51.5-1](#) and [51.5-43](#).

⁷ See [§24.2](#).



In addition, the United States Department of Justice (DOJ) has provided standards related to accessibility and a detailed ADA checklist for evaluating polling place accessibility.⁸

5.3 REQUIREMENTS

5.3.1 General Assistance to Voters

State and local governments must give persons with disabilities equal opportunity to benefit from all programs, services, and activities. This includes voting. Government entities and employees must communicate effectively with persons who have disabilities, ensure that buildings in which services are provided are accessible, and provide opportunities to request accommodating aids and services.⁹ Any voter requiring assistance may receive it from a person of the voter's choosing "(If he is blind, he may designate an officer of election or any other person to assist him. If he is unable to read and write or disabled for any cause other than blindness, he may designate an officer of election or some other person to assist him other than the voter's employer or agent of that employer, or officer or agent of the voter's union").¹⁰ ELECT has developed helpful signage regarding accessible voting that can be found on FormsWarehouse.

5.3.2 Voting Equipment

HAVA requires voting systems to be accessible for individuals with disabilities. They must allow for use in a private and independent manner, including non-visual access for the blind and visually impaired.¹¹ Virginia law requires that voting equipment allow alternative languages when DOJ determines that a specified number of the population does not speak or understand English well enough to engage in the electoral process.¹² These federal and state requirements override Virginia's general statutory rule declaring English the official state language.¹³



Law Note

Each polling place must **have at least one piece of voting equipment that permits a voter with a disability to cast his or her ballot in a private and independent manner.** The voting booth provided for persons casting provisional ballots should also be accessible. This should be a table that can accommodate a wheelchair. The table should be at least 30 inches wide, with a surface no more than 27 inches high, and an underneath clearance of at least 19 inches. If a voter with a disability wishes to vote on an inaccessible machine instead, he or she may request assistance.

⁸ See [Voting and Polling Places, ADA Checklist for Polling Places](#).

⁹ See [42 U.S.C. §12132](#). See also DOJ, [State and Local Government](#).

¹⁰ See [52 U.S.C. §10508](#); see [§§24.2-649, 24.2-704](#).

¹¹ See generally HAVA [52 U.S.C. §20101](#) et seq. See also GREB Handbook Chapter 15 Recounts and Contested Elections for more information on accessible voting machines.

¹² See [§24.2-626.1](#). See also [DOJ list of covered jurisdictions](#).

¹³ See [§1-511](#).



HAVA and the Code of Virginia require that every precinct has **at least one voting machine** that provides non-visual voting access for individuals with disabilities.¹⁴ **Voting equipment with audio capability for use by blind voters has been certified for use in Virginia.**¹⁵ It is **recommended that multiple officers of election at each polling place know how to set up, use, and instruct voters on use of the accessible voting system. For voters with a visual disability, the locality should also make magnifiers available at each polling place or at each voting station.** For most voting equipment, magnifying sheets tend to work better than magnifying glasses with handles. Magnifying sheets are relatively inexpensive and available in many stores or catalogs.

5.3.3 Voters who have a Visual or a Print Disability

Voters who indicate that they will require assistance due to a visual impairment or print disability are entitled to vote using an electronic ballot marking tool made available to the localities by the Department of Elections.¹⁶ The current electronic ballot marking tool is Enhanced Ballot; instruction for Enhanced Ballot can be found on ELECT's website.¹⁷ The Virginia Absentee Ballot Application Form (SBE 701/703.1) and ELECT's online Citizen Portal provide registered voters the option to identify as needing assistance due to a print disability. The General Registrar will offer those voters the ballot marking tool which allows them to electronically and accessibly receive and mark their absentee ballot using screen reader assistive technology. For more information on this process, refer to GREB Handbook Chapter 7, section 13.

5.3.4 Communications

All media materials concerning voter registration or voting which are distributed or published by the registrar's or electoral board's office or local governing body should prominently display the local voter registration office's email address and telephone number. This will allow better communication with voters who have hearing disabilities or other disabilities. It is strongly recommended that the general registrar use an official email address that is generic in nature and not based on the name of an individual. Using individual names can cause confusion when the individual is absent or retires, and the voter may still retain an old email address in their records or email address book.

Every registrar and electoral board member should actively publicize the availability of absentee ballots, curbside voting, accessible equipment, and the right to ask for assistance. It is important to ask each voter directly what works for them, with sensitivity to individual differences. **Voters should be informed that these accessibility measures, including curbside voting, are available throughout Virginia's 45 days of early voting at the general registrar's office or satellite voting locations, as well as on Election Day.**

5.3.4.1 Website

When a voter looks up his or her polling place on the ELECT website, the accessibility information which the locality entered in VERIS will be displayed. Localities should

¹⁴ See [§24.2-626.1](#).

¹⁵ See GREB Handbook Chapter 4 Voting Equipment for more information.

¹⁶ See [§24.2-103.2](#).

¹⁷ See ELECT, [Accessible Voting](#).



provide some detail as to the efforts made to ensure that the polling place is in fact ADA compliant, such as stating that a checklist was used to assess accessibility.

5.3.4.2 Teletypewriters (TTY or TDD)

Telecommunications devices for the deaf (“TDD”) or teletypewriters (“TTY”) provide another way for people to communicate and obtain information about registering and voting. A TTY or TDD is a device with a keyboard and display that allows users to send and receive typed messages across phone lines. TTY users can directly call other TTY users and exchange typed messages to easily communicate. Communication between a TTY/TDD-user and someone without a TTY device is also possible and can be accomplished by calling a Relay Service. A specially-trained Relay Service operator receives the messages on a TTY and relays the messages to a hearing individual using a standard telephone. A standard phone user can also place a call through a Relay Service operator to a TTY user. Many localities have a TDD/TTY line for government offices. If the locality doesn’t have a TDD/TTY line, instruct voters to use the ELECT TTY line, or use the TTY number of the Virginia Relay Center – a service designed specifically for TDD/TTY users, government agencies and other service providers.¹⁸ Speech-to-speech relay enables a person with a speech impairment to converse on the telephone via a trained communication assistant. To access these services, call “711.”

5.3.4.3 Signage

Signs instructing voters on the location of curbside voting, where to park, where to enter and exit the polling place, and which table to go to, etc. help reduce the verbal communication required for a voter with a hearing disability. **These aids are required on Election Day.** “The electoral board or the general registrar [must] provide and have posted outside each polling place appropriate signs to direct people with disabilities and elderly persons to any special entrance designed for their use.”¹⁹ Further, printed instructions for checking in at the pollbook table and for the use of voting equipment should be prominently displayed at the level where persons with disabilities can read. ELECT has developed several signs that can be posted in a polling place alerting voters to the resources available (see FormsWarehouse > Accessibility).

5.3.5 Minority Language Provisions

If the illiteracy rate of the minority group is higher than the national illiteracy rate and one of the following thresholds is met within that jurisdiction, the jurisdiction is required to provide all election information directed to English speaking voters in the covered minority language(s) as well.

Thresholds:²⁰

- More than 10,000 United States citizens of voting age residing there belong to a single language minority and are limited English proficient,

¹⁸ See [Virginia Relay](#).

¹⁹ See [§24.2-604.1](#).

²⁰ For more information about minority language provisions and thresholds, see [DOJ webpage for language minority voting rights](#).



- More than five percent of United States citizens of voting age residing there belong to a single language minority and are limited English proficient,
- More than five percent of American Indian citizens of voting age residing on an Indian reservation within the jurisdiction belong to a single language minority and are limited English proficient.

Pursuant to §24.2-128, “Whenever a covered locality provides any voting or election materials, it shall provide such materials in the language of the applicable minority group as well as in the English language. For purposes of this requirement, “voting or election materials” means registration or voting notices, forms, instructions, assistance, voter information pamphlets, ballots, sample ballots, candidate qualification information, and notices regarding changes to local election districts, precincts, or polling places. For purposes of this requirement, “registration notices” means any notice of voter registration approval, denial, or cancellation required by the provisions of Chapter 4 (§ 24.2-400 et seq.). A covered locality may distribute such materials in the preferred language identified by the voter.”²¹

As of December 2021, there are 4 Virginia localities that are required to provide materials in other languages:

- Fairfax County: Spanish and Vietnamese
- Prince William County: Spanish
- Manassas City: Spanish
- Manassas Park City: Spanish

Election results, voter registration information, and other related information are translated on ELECT’s website into Spanish, Korean, and Vietnamese.²²

Before any change occurs that would restrict interpreter services or materials in languages other than English, local governing bodies must follow the procedures regarding covered practices as outlined in § 24.2-129. Failure to do so could result in a cause of action brought in a circuit court by the Attorney General or any qualified voter.

5.3.6 Voter Registration Facility Accessibility

Pursuant to §24.2-413, registration locations, including the general registrar’s office and certain state and local agencies, must be accessible.²³ Further, the NVRA “Requires all offices that provide public assistance or state-funded programs that primarily serve persons with disabilities to provide an opportunity to register to vote in federal elections.”²⁴

5.3.7 Polling Place Accessibility

Polling places are required to be accessible by the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and Title II of the Americans with Disabilities Act.²⁵ The local governing body is required to provide “adequate facilities at each polling place

²¹ See [§24.2-128\(B\)](#).

²² See [§24.2-105.1](#).

²³ See [§24.2-413](#).

²⁴ See DOJ, [Voting and Polling Places](#).

²⁵ See [§24.2-310\(C\)](#).



for the conduct of elections.”²⁶ For the purpose of this law, ELECT interprets adequate facilities to include buildings that are physically accessible to persons with disabilities.

The electoral board should complete an approved ADA Checklist to ensure that any new polling place is accessible, or can be made so, before recommending it to the local governing body. The current [ELECT ADA Checklist \(rev. 2023\)](#) based upon the [DOJ ADA Checklist \(rev. 2016\)](#).²⁷ While electoral boards may use either checklist to assess and document ADA compliance, ELECT's ADA checklist includes the requirements for curbside voting as mandated by [§24.2-649.1](#). Accordingly, ELECT's ADA checklist is the recommended document for electoral board completion as it includes this unique state statutory requirement. **If a local electoral board prefers to use the DOJ's ADA Checklist (with expanded information and diagrams), they should take care to also assess and document compliance with curbside voting as required by §24.2-649.1**



The electoral board must complete an ADA Checklist every time the locality approves a new polling place or there is a change in accessibility at an existing polling place. As best practice, ELECT recommends that electoral boards periodically reassess the accessibility of all polling places. Just because a polling place was accessible last year does not mean it will be this year. For example, tree limbs could grow back, concrete could develop breaks, or parking signs may be removed. Investing a little time before each election can pay great dividends in preventing complaints about a new barrier at a previously accessible polling site.



Retention of and Public Access to the ADA Checklist

ADA checklists should be kept like election materials with the caveat that every time the polling place is used the 2 year clock starts again. The public is entitled to the checklist under §24.2-107 and can be inspected and copied.

Local electoral boards must also submit to ELECT each year an ADA Compliance Confirmation (ELECT-310C-ADACC ADA); this confirmation verifies that a checklist was used in the assessment of all polling places in the locality, affirms that the checklists are within the records of the local electoral board, and all polling places within the locality are compliant with applicable law.²⁸ This must also be confirmed annually during a public meeting of the electoral board and recorded in the minutes of the meeting.

When choosing a polling place, it is best practice to choose a location that is compliant year-round rather than a polling place that may need to be modified temporarily to comply with accessibility requirements.

Localities are authorized to use an alternative polling place if an emergency makes a polling place unusable or inaccessible.²⁹ The electoral board or general registrar must provide notice to all candidates appearing on that ballot and to the “voters appropriate to the circumstances of the emergency.”³⁰ ELECT must approve all emergency polling location changes.³¹ Emergency

²⁶ See [§24.2-310\(B\)](#).

²⁷ A suggested accessibility survey form and the Annual ADA Compliance Confirmation are included in Formswarehouse under [Accessibility](#).

²⁸ *Id.*

²⁹ See [§24.2-310\(D\)](#).

³⁰ See [§24.2-310\(C\), \(D\)](#).

³¹ *Id.*



polling place move requests are unforeseen, temporary in nature, and must be submitted by the general registrar through JIRA. If the condition at the original polling place is unable to be resolved in a timely manner, the locality will need to follow all pre-clearance requirements and submit a new JIRA ticket for a standard polling place change.³² Emergency polling place changes are meant to be temporary and only valid for the following election, not to be used for an entire year as this circumvents the preclearance requirements of §24.2-129.

When entering polling place information into VERIS, the registrar must check whether the polling place has met ADA standards and include a comment detailing the level of compliance. If an existing polling place is found to be inaccessible, take the following steps:

- Notify the local governing body that the locality's polling place is in violation.
- Determine whether reasonable permanent or temporary changes can be made to make the site accessible.
- If the site cannot be made accessible through reasonable means, survey the precinct and the adjoining area within one (1) mile of the precinct boundary in an attempt to find an alternative site that is accessible or can be made temporarily accessible on Election Day.
- The accessibility status of each polling place in the locality should always be updated in VERIS.

The following exceptions may be granted under United States and Virginia law:

- If an alternate site is in a private facility normally ineligible for polling place selection, the registrar may request that the State Board approve its use on an emergency basis due to the unavailability of any other building meeting accessibility requirements.³³
- The specifications made in this chapter reflect the 2010 ADA Standards. The 1991 ADA Standards and the 2010 ADA Standards, as applied to polling places, are very similar. Elements and spaces in a building constructed or altered before March 15, 2012, that complied with the 1991 ADA Standards may remain in compliance with the 2010 ADA Standards.

Parking Spaces

If parking is provided for voters, then accessible parking must also be provided at a ratio of one (1) accessible space for every 25 spaces in the parking lot. If only one accessible space is provided, it must be a van-accessible space.

To be considered accessible, a parking space must meet the following criteria:³⁴

- Be at least 8 feet wide for cars and 11 feet wide for vans.
 - Exception: van parking spaces can be 8 feet wide minimum where the access aisle is also 8 feet
- Have an access aisle that is 5 feet wide for car and van spaces (**all parking lots must have at least one van-accessible space**).
 - Two parking spaces may share a common access aisle.

³² See [§24.2-129](#).

³³ See [§24.2-310.1](#).

³⁴ See [ADA Center, Information on Accessible Voting](#). See also [Accessible Parking Spaces](#).



- **Must be marked with an upright sign with the symbol of accessibility.**
 - For van-accessible parking spaces, the sign must designate it as a van-accessible space. This does not prevent other non-van vehicles from parking in that space.
- **Located closest to the accessible entrance of the polling place.**
- Connected by an accessible aisle to an accessible route to the accessible entrance of the polling place.

Accessible parking spaces may be temporarily created for Election Day using portable signs and traffic cones. These parking places should be the closest spaces to the entrance, creating the shortest distance possible to travel. The route taken from the parking space to the entrance should be level, stable, and firm in all directions.

5.3.7.1 Signage

No special signs are required at buildings where all voters (those with disabilities and those without) use the same entrance on Election Day. However, if the accessible voting entrance is separate from the main voting entrance, then the following standards apply:³⁵

- The accessible entrance must be marked by the symbol of accessibility.
- All other entrances must have directions to the accessible entrance.

ELECT has also developed signage that can be posted in the polling place, alerting voters to the resources available. These signs can be found in FormsWarehouse.

NOTE: Curbside voting signage must be placed *upright* at every polling place.

5.3.7.2 Curbs and Ramps

Temporary ramps may be used on Election Day. However, a better solution is to work with the owner of the building to establish reasonable accessibility. Ramps are necessary where there are steps into the building or inside the building. Permanent ramps are the best option, but temporary ramps can also work when necessary. They can be purchased or rented from a variety of vendors in compliance with locality purchasing procedures.

Curbs or ramps in the path of travel must generally have the following features:³⁶

- They must be at least three feet (36 inches) wide not including any flared sides.
- They should have a stable, firm, slip-resistant walking surface.
- They should have a slope that rises or falls no more than one (1) foot in height for every 12 feet in length (the 1' in 12" rule).
- They should have a relatively level cross slope and should not be steeper than 1:48.
 - Cross slope is the slope perpendicular to the direction of the walkway and can be measured the same way as a slope.
- If a ramp is more than six inches off the ground, it must have handrails on both sides.

³⁵ See [ADA Accessibility Standards](#) and [ADA Checklist for Polling Places](#).

³⁶ *Id.*



- They cannot have openings greater than ½ inch wide.

5.3.7.3 Walkways (Inside & Out)

To be considered accessible, a walkway must meet the following criteria:³⁷

- It must be at least three feet (36 inches) wide.
- It should have a slope that rises or falls no more than one foot in height for every 12 feet in length.
- It should have no edges that could cause a person or service animal to trip or fall.
- It should have a relatively level cross slope (the slope perpendicular to the direction of the walkway).
- It should be made of a smooth, consistent material, i.e. no loose gravel or dirt.
- It should have headroom in the pathway of at least 80 inches from the surface.
- It cannot have openings greater than ½ inch wide.
- It cannot have abrupt changes in level greater than ½ inch tall unless a ramp is provided. Sudden changes in height less than ¼ inch tall are always acceptable; however, changes between ¼ inch and ½ inch can be beveled at a slope no greater than 1:2.
- The 1:12 rule applies to all standards of accessibility for walks, ramps, etc.

5.3.7.4 Protrusions

Items sticking out from walls (such as fire extinguishers) pose a threat to both blind voters – who cannot detect them with a cane – and to those with limited sight. Items mounted on walls between 27 and 80 inches off the floor cannot protrude more than 4 inches from the wall.

A temporary solution is to place a large item on the floor (such as a potted plant) below the protruding item to make it detectable with a cane. A permanent solution is to build protruding walls on either side of the item or lower the item so that it is less than 27 inches above the floor.³⁸

5.3.7.5 Doors and Doorways

Doors are among the most common accessibility barriers in polling places. For people in wheelchairs, an inaccessible door can defeat the hard work of getting out of a vehicle, through the parking lot, and up the walk. Several features can make a door inaccessible:

- Round doorknobs are difficult for people with limited use of their hands. Replace with ADA compliant hardware.³⁹ If they can't be replaced, buy levers that fit over round doorknobs.
- Interior doors must be operable with 5 pounds of force or less. As a temporary fix, prop the door open or station an election official (or election page) to assist with opening and closing.⁴⁰ The best solution (and most expensive) may be to install a power door opener.

³⁷ See [ADA Accessibility Standards](#) and [ADA Checklist for Polling Places](#).

³⁸ See [ADA Voting Solutions for Polling Places](#).

³⁹ *Id.*

⁴⁰ *Id.*



- There is no requirement for the opening force of exterior doors. However, 8.5 pounds of force is typically sufficient to keep the door closed and still be usable by persons with disabilities.⁴¹
- Door width is often a problem for wheelchairs. There should be at least 32 inches of clear space for a wheelchair to get through. This is measured from the face of the door to the stop on the other side, not including any door hardware.⁴¹ Some doors that just barely fail to meet this criterion can be adjusted to gain that extra inch or two by using special hinges.
- If there is a door threshold with an abrupt change of more than ¼ inch, it is inaccessible. Either a new threshold or a covering ramp will need to be installed.

5.3.7.6 Stairs

Based on reports to the federal Election Assistance Commission (EAC), stairs remain the greatest physical obstacle at our nation's polling places for both people in wheelchairs and those with difficulty walking. **If access to a polling place or voting room within a polling place involves stairs, then there must be an alternate route to the voting room; otherwise, the site is not accessible.**⁴² There must be, either inside or outside the building, a ramp or ramps, or an accessible elevator, or a wheelchair lift that voters with limited mobility can use to access the polling place. If an alternate route must be used, large signs directing voters with disabilities are required.⁴³ The main entrance should be the same as the accessible entrance, where possible.

5.3.7.7 Inside the Polling Place

The inside path of travel must meet the same guidelines as the path outside. Loose rugs, plush carpets, slick floors and the like can cause problems for people using wheelchairs, canes, and walkers. Further, **floor surfaces must be stable, firm, and slip resistant.**⁴⁴ Instruct officers of election to be sure that hallways and voting rooms are free of such hazards and to make adjustments as needed.

5.3.7.8 Seating

Every polling place should be furnished with seats for use by elderly voters or those with mobility impairments. Even if the polling place has no waiting lines, seats should be available for those lawfully present who just need to rest.

5.3.8 Request for Assistance

The Virginia Voter Registration Application includes a box allowing voters with physical disabilities to so indicate. Registrars should attempt to contact voters who check this box to explain available accommodations such as voting curbside or absentee with an application. Be sure to communicate to the Electoral Board and officers of election any information needed to plan for Election Day including arrival time for curbside voting. The Attorney General issued an opinion in 2010 that voters may communicate a request for curbside voting to election officials in advance of coming to the polling place.⁴⁵

⁴¹ *Id.*

⁴² See [ADA Checklist for Polling Places](#).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ See [2010 Op. Va. Att'y Gen. 46 \(Oct. 28, 2010\)](#).



As a best practice, when a voter requests assistance in their polling place, the voter and their designated assistant should fill out the SBE-649 form while in the polling place. However, the Code of Virginia does not specifically prohibit the voter and assistant from filling the SBE-649 form before arriving at the polling place. If the voter is unable to sign the document due to a disability or the inability to read or write, the mark discussed in §24.2-649, as well as in section 5.3.11 of this chapter, must be made in front of an officer of election.

5.3.9 Curbside Voting

Each polling place must offer a curbside voting option as well as an accessible entrance. Curbside voting does not satisfy or eliminate the requirement for an accessible entrance to the polling place that the voter can use at their option.

Curbside voting must be offered at every polling place. Any voter with a disability or who is age 65 or older is entitled to utilize curbside voting.⁴⁶ However, during a declared state of emergency related to a communicable disease, any voter, regardless of age or disability, is entitled to utilize curbside voting.⁴⁷



Law Note

Pursuant to the ADA [42 U.S.C. §12102](#), *disability* is defined as, “(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment.” Further, 42 U.S.C. §12132, states, “...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” Curbside voting is a government service for individuals with disabilities. This service must be available not only to individuals with a disability, pursuant to the provisions of the ADA and [§24.2-649.1](#).

The area designated for curbside voting outside of the polling place shall be within 150 feet of the entrance to the polling place. **This area shall be clearly marked with signage and include prominent instructions on how to notify an officer of election of the voter's request to vote outside of the polling place.**⁴⁸ In no case shall the voter or their assistant be required to enter the polling place to provide such notice.⁴⁹ The voter may choose to call ahead to alert election officials of their desire for curbside voting or may send another person inside the polling place to alert the officers of election.⁵⁰ The EAC also provides a quick start guide with some best practices for curbside voting.⁵¹

⁴⁶ See [§24.2-649.1](#).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ See [2010 Op. Va. Att’y Gen. 46 \(October 28, 2010\)](#).

⁵¹ See EAC, [Curbside Voting Quick Start Guide](#).



Take the following steps to ensure curbside voting goes smoothly:

- Provide clear and visible signage informing voters of the option to vote curbside, the location of curbside voting, and how a voter is supposed to notify an election official that he/she is waiting curbside. **The signage should be upright and visible in all venues and at all times while voting is taking place (e.g. at the registrar's office and any satellite offices used during the 45-days of early voting, as well as at all polling places).**
 - Ensure that no campaign/referendum materials or campaign personnel are blocking the curbside voting area or signage.
 - Establish a location that allows the curbside voter to obtain information from candidates and others campaigning outside the polling place.
 - Provide a method for the voter to announce his/her arrival (e.g. a buzzer, bell system, or phone number to call for curbside assistance).
 - Ensure that election officials inside the polling station respond promptly and deliver the same information that is provided to voters inside the polling location;
 - Provide a portable voting system that is accessible and allows the voter to cast his/her ballot privately and independently while voting curbside.⁵²



Best Practice

Chief Officers of Election or general registrars may assign an officer of election, election page, or volunteer to periodically check outside each polling location to monitor if curbside assistance is needed. More officers of election may be assigned to accommodate additional curbside voters.

5.3.10 Large Print Materials

The state must make registration and voting aids available for disabled and elderly individuals, including the large print instruction posters displayed in polling places and registrars' offices.⁵³ Large print directional and instructional signs should help voters with limited sight navigate the polling place and the voting process. Pictures or symbols on signs are also helpful.

5.3.11 No Signature or Mark Required for Certain Voters



No signature or mark is required for a voter who is blind to receive assistance at the polling place from an officer of election.⁵⁴ Additionally:

- The Request for Assistance form (ELECT-649) allows a voter to sign or make a mark to indicate their need for assistance inside the polling place from an elections officer or another assistant due to blindness, disability, an inability to read or write, or the need for language translation. However:

⁵² For more information on signage and accessibility, see DOJ, [The Americans With Disabilities Act, and Other Federal Laws Protecting the Rights of Voters with Disabilities](#).

⁵³ See [52 U.S.C. §20104](#).

⁵⁴ See [§24.2-649](#).



- A box can be checked to indicate if the voter is unable to sign due to a disability or the inability to read or write. In this case, the voter's own mark is sufficient signature and must be marked in the presence of an officer of election.
- No mark or signature shall be required of a voter who is blind.
- A voter registration form (VA-NVRA-1) does not have to be signed by the voter if they have a physical disability⁵⁵~~[[REDACTED]]~~.
- No signature is required by a voter's assistant on the Envelope B to return an absentee ballot.⁵⁶ If the voter is unable to sign the Envelope B due to a disability, then the person assisting should note that fact on the line for the signature of the voter.

5.3.12 Service Animals

Under the ADA, a service animal is defined as a dog (of any breed or size) or miniature horse that has been individually trained to do work or perform tasks for an individual with a disability. The task performed by the animal must be directly related to the person's disability. An emotional support or therapy animal who only provides comfort to the person is not considered a service animal under the ADA or the VDA.⁵⁷

Pursuant to Federal Regulation 28 CFR 35.136, a public entity may ask 2 questions to assess if an animal qualifies as a service animal: ⁵⁸

- Is the dog (or miniature horse) a service animal required because of a disability?
- What work or task has the animal been trained to perform?

Under no circumstances can a public entity require documentation of training, require demonstration of the task, or inquire about the nature of someone's disability.

While a service animal is *not* required to wear a vest or other ID that indicates they are a service animal, 28 CFR 35.136(d) states, "A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (*e.g.*, voice control, signals, or other effective means)." ⁵⁹

A public entity may ask the individual with a disability to remove their service animal if the animal is out of control and the handler does not take effective action to control the animal, or if the animal is not housebroken. In situations where the service animal is removed, the individual with a disability must still be provided with the opportunity to vote or otherwise engage in the elections process without the service animal.

⁵⁵ See Virginia Const., [art. II, §2](#). See also [§24.2-418\(A\)](#).

⁵⁶ See [§24.2-706\(C\)](#).

⁵⁷ See Code of Federal Regulations [28 CFR 35.136](#). See [§51.5-40.1](#).

⁵⁸ See Code of Federal Regulations [28 CFR 35.136](#).

⁵⁹ *Id.*



In situations where a voter with a service dog arrives at a polling place and another voter has a phobia of dogs or is allergic to dogs, both voters must be accommodated and shown the same level of respect and access to the polling place.

5.4 Officer of Election Training

Officer of Election training must include a section on working with persons with disabilities and operating the accessibility features of all voting equipment. Officer of Election online training course provided by ELECT includes a module addressing Accessibility and Etiquette. Officer of election training must also include instruction on how to assist voters who use curbside voting.⁶⁰ Please emphasize these key best practices regarding interacting with the elderly or persons with disabilities in every training:

⁶⁰ See [§24.2-649.1\(E\)](#).





Best Practices

Officers of election have the most face-to-face contact with voters with disabilities. They are in the best position to create a positive, inclusive voter experience.

Please –

- *look out for and, where possible, **remove obstacles** in the polling place;*
- *when needed, assist with door-opening;*
- *when requested, provide other means of helping;*
- *remember the **legal rights** of persons with disabilities **to ask for assistance** with ballot-marking—Ask your chief officer of election or general registrar for a recap if you aren't sure;*
- *keep an eye out for people requesting to **vote curbside** (an option offered for voters aged 65 or older and voters with disabilities) and*
- *be sensitive to the needs of voters with disabilities.*

Remember that people with disabilities want, expect, deserve, and are legally entitled to reasonable accommodations to give them equal access throughout the voting process. If the best alternative cannot be done, then try for the next best alternative.

- Treat people the **way you want** to be treated;
- Speak **directly to the person**, not to their companion;
- Change your position so you are **at eye level** with the person;
- **Introduce yourself** by name;
- Respect **personal space**; do not touch the person or the person's wheelchair, service animal, etc. without their prior consent or request;
- **Ask** the person **to repeat** what they said if necessary (including *writing it, or verbally repeating, or paraphrasing*);
- **Never** assume what a person is saying or what help they may need.
- *Do not assume* someone who is deaf or hard of hearing or who has an intellectual disability requires you to speak loudly or slowly;
- **Presume competence**;
- Let people be independent; **ask before** providing assistance; let the person control his/her movements;
- Do not ask questions focused on the person's condition and do not express sympathy or admiration or other feelings related to the person's disability;
- Treat adults as adults and with respect;
- Use "**people-first language**," which *puts the person before the disability* (e.g. Instead of "a disabled person," say "a person with a disability;" instead of "a table for a wheelchair is needed," say "a table for a person using a wheelchair is needed").
- Anyone can make mistakes. Offer an apology if you forget some courtesy. Keep a sense of humor and a willingness to communicate.



5.5 ENFORCEMENT

Adherence to the ADA is a requirement for all polling locations. Localities may face significant legal penalties for non-compliance. If questions arise regarding any limitations on a locality's ability to comply with federal and state accessibility laws, they should be directed to the locality's attorney and administrators.

5.5.1 Voting Accessibility for the Elderly and Handicapped (VAEHA)

Localities may be sued in a federal district court by either the United States Attorney General or any person who is personally aggrieved by the locality's noncompliance that prevented them from registering to vote or casting a ballot. Before any person may sue a locality under this law, the complainant must first notify the Commissioner of Elections of the non-compliant condition and allow 45 days to pass before continuing the lawsuit. This law can be used to force a locality to remove an inaccessible condition, but not to award attorney's fees unless the fees were accumulated forcing a locality to comply with an original court judgment.⁶¹

5.5.2 Americans with Disabilities Act (ADA)

Complaints of ADA Title II violations may be filed with the United States Department of Justice (DOJ) within 180 days of the date of the discrimination. In certain situations, cases may be referred to a mediation program sponsored by the DOJ. The DOJ may bring a lawsuit where it has investigated a matter and has been unable to resolve violations.⁶²

Title II may also be enforced through private lawsuits in federal court. It is not necessary for a complainant to file a complaint with the DOJ or any other federal agency, or to receive a "right-to-sue" letter before going to court.

5.5.3 Help America Vote Act (HAVA)

The DOJ's Civil Rights Division enforces HAVA.⁶³ Congress did not authorize private enforcement (via litigation) of the requirements of HAVA. Instead, HAVA directs private complaints to be filed into state administrative processes and assigns judicial enforcement to the DOJ.⁶⁴ Virginia's plan under the Help America Vote Act of 2002, 52 USC §20901 et seq., states the policy of the board and performance goals for the board to document and measure.⁶⁵

5.5.4 Virginians with Disabilities Act (VDA)

Pursuant to [§51.5-43](#), "No person with a disability who is otherwise entitled to vote under the provisions of [§ 24.2-400](#) and who is not disqualified from voting under the provisions of [§ 24.2-101](#) shall be denied the opportunity to register or vote in this Commonwealth because of such disability." Any person with a disability whose rights, guaranteed under the VDA, have been violated can bring a claim in state circuit court. The court can order the defendant (locality) to make changes to its practice or procedures, pay for the plaintiff's legal fees, and award compensatory damages not including payments for pain and suffering.

⁶¹ See [52 U.S.C. §20105](#).

⁶² See [2 U.S.C. §1331](#).

⁶³ See [52 U.S.C. §21111](#).

⁶⁴ See [52 U.S.C. §21112](#).

⁶⁵ See Virginia Admin. Code [IVAC20-20-40](#).



Localities are liable for violating the VDA for up to one year from the violation of a person's rights if the person started the action or filed a complaint by registered mail within 180 days of the alleged violation.⁶⁶

5.5.5 Code of Virginia

Virginia's adequate facilities provision has no separate enforcement mechanism; like other election law requirements for local governments, ELECT and local electoral boards play an important role in educating local governments. DOJ has brought enforcement actions against localities failing to meet federal law mandates.

5.6 RESOURCES

Registrars and electoral board members are not expected to be experts on building structural issues, machine technology for those with disabilities, or other assistive technologies. There are, however, several places and agencies that can provide information and assistance with these issues to help ensure the locality's compliance. The following are some of the resources available in Virginia.

5.6.1 Federal Agencies

Election Assistance Commission (EAC)

The EAC publishes a helpful guide addressing polling place accessibility, election officer training, and website accessibility. EAC has voter guides published in different languages, including Spanish, Chinese, Japanese, Korean, Tagalog, and Vietnamese.⁶⁷ The EAC website also provides other detailed reference materials on voting accessibility.⁶⁸

The EAC provides quick start guides and an innovative video training series for local elections officials and poll workers; we strongly recommend that you check them out [here](#).

Department of Justice (DOJ) and ADA.gov



The DOJ provides compliance guidelines in addition to a detailed [ADA Checklist for polling place accessibility](#) with design standards, technical assistance materials, and information about enforcement actions.⁶⁹ ADA.gov also provides information to help make voting accessible and resolve common accessibility barriers.

The DOJ provides information about the Americans with Disabilities Act (ADA) through a toll-free ADA Information Line, 1-800-514-0301. This service permits businesses, state and local governments, or others to call and ask questions about general or specific ADA requirements including questions about the ADA Standards for Accessible Design.⁷⁰

⁶⁶ See §51.5-46.

⁶⁷ Forms in alternate languages can be downloaded from the [EAC website](#).

⁶⁸ For more information on accessibility, please see the [EAC guide](#), and the [EAC voting accessibility website](#).

⁶⁹ See [52 U.S.C. §10303\(f\)](#), and [28 CFR 55](#). See also, [DOJ webpage on the ADA and voting](#).

⁷⁰ See [ADA Information Line webpage](#).



United States Access Board

The Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards.⁷¹ Created in 1973 to ensure access to federally funded facilities, the Access Board is now a leading source of information on accessible design. The Access Board develops and maintains design criteria for the built environment, transit vehicles, information and communication technology, and medical diagnostic equipment under the Americans with Disabilities Act of 1990 (ADA) and other laws. The ADA Accessibility Standards can be found on their website.⁷² The Access Board may be contacted at info@access-board.gov or 202-272-0080.

5.6.2 ADA Coordinators

The ADA requires governments to appoint an ADA coordinator if they have more than 50 employees. **If your locality meets this threshold, your local ADA Coordinator should prove to be an excellent resource.** This individual is most likely in the personnel or building inspections department of the local government. The local ADA coordinator may not be an expert on the technical aspects of ensuring accessibility, but he or she should be able to help with interpreting the law and with surveying potential or existing polling places to evaluate their accessibility. ELECT's ADA coordinator may be contacted by emailing adavoter@elections.virginia.gov.

5.6.3 Regional ADA Centers

The federally-supported ADA Center for the Mid-Atlantic Region provides training, information, and technical assistance on the Americans with Disabilities Act (ADA) for businesses, consumers, schools, and government agencies within the Mid-Atlantic Region. Government entities can call for guidance and information on what is required, who is covered, and how to work through a disability related question. Go their website for more information.⁷³

5.6.4 Centers for Independent Living

Virginia law also provides for government supported Centers for Independent Living, which are private, non-profit, community-based advocacy organizations staffed by persons with disabilities.⁷⁴ These agencies can provide advice and assistance with a wide variety of disability issues. There are many such centers across Virginia.⁷⁵

5.6.5 Virginia Department for the Deaf and Hard of Hearing

This department can provide information about sign language, interpreters, special hearing devices, and communications issues: Call 1-800-552-7917 or visit their website.⁷⁶

5.6.6 Virginia Department for the Blind and Vision-Impaired

This department can provide information about Braille accommodations, large print, recording on tapes, and other visual-assistive technologies: Call 1-800-622-2155 or visit their website.⁷⁷

⁷¹ See [US Access Board website](#).

⁷² See U.S. Access Board, [Accessibility Standards](#).

⁷³ See [Mid-Atlantic ADA Center website](#) has more information on accessible information technology and training resources.

⁷⁴ See [§51.1-163](#).

⁷⁵ For more information on the Centers for Independent Living, please visit their [website](#).

⁷⁶ Visit the Department for the [Deaf and Hard of Hearing website](#) for more information.

⁷⁷ See [Virginia Department for the Blind and Vision Impaired website](#) for more information.



5.6.7 Virginia Assistive Technology System (VATS)

VATS is a program of the Virginia Department of Rehabilitative Services. It is a statewide project working to increase awareness and accessibility of assistive technology through programs, information, and technical assistance. Their mission is to ensure that Virginians of all ages and abilities can acquire the appropriate, affordable assistive and information technologies and services they need to participate in society as active citizens. Its website includes an equipment finder. Call 1-800-552-5019 or see the Virginia Assistive Technology System website.⁷⁸

5.6.8 Job Accommodation Network

provides information on vendors and manufacturers of equipment and devices for people with disabilities: Call 1-800-526-7234 or visit their website.⁷⁹

5.6.9 disAbility Law Center of Virginia

The disAbility Law Center of Virginia (dLCV) is the designated Protection and Advocacy organization of Virginia. They provide many resources to people with disabilities and advocate for the independence and rights of people with disabilities. Call (804) 225-2042 or (800) 552-3962. They can also be contacted via their “Get-Help” portal at dLCV.org/get-help.

5.6 FUNDING ACCESSIBILITY IMPROVEMENTS

Electoral boards and registrar offices (like all public bodies) operate with limited resources. Below are suggestions to help afford accessibility improvements when the local governing body may be reluctant or unable to provide funding:

- Local Disability Services Boards may suggest grant money that can be used to make such purchases. Contact the local board to find out how to apply for funding.
- The federal government offers tax incentives for businesses to make their facilities more accessible to people with disabilities.
- Check with any of the agencies listed in the Resources section above. Many of the agencies have funds for purchasing assistive technology or know of inexpensive sources for these items.
- Consider sharing the costs of such items with other government offices that can use them when they are not needed for elections.

⁷⁸ See [Virginia Assistive Technology System website](#).

⁷⁹ See [Job Accommodation Network website](#).





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 6

Voter Registration

August 2025

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6. VOTER REGISTRATION

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6.1 CHAPTER ORGANIZATION

The purpose of this chapter is to discuss the voter registration laws, regulations, guidance and processes. Voter registration is the first step in an individual exercising their right to vote, making it a critical responsibility of the general registrar. The general registrar must contend with checking applications for eligibility standards and tracking and processing these documents within a limited amount of time as required by Virginia Election Code. §6.2 outlines the eligibility requirements that every applicant must satisfy prior to their application being processed and approved by the registrar. These requirements include but are not limited to age, citizenship, and residency. In particular, this section focuses on residency issues that often challenge registrars. Next, §6.3 provides information on the methods of registration that are available to applicants and discusses how, depending on the method of registration, the application will be processed. The Code of Virginia establishes deadlines for voter registration; thus, §6.4 focuses on these deadlines and any extensions provided depending on the status of the applicant. For example,



applicants categorized under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) may be provided an extension past the normal deadline. §6.5 provides information on the type of voter registration applications available, such as: the Virginia Voter Registration Application, the application received through the Department of Motor Vehicles, and forms that combine the voter registration application and the absentee application. §6.6 discusses the procedures that a registrar should complete prior to processing an application, while §6.7 dives into how an application should be processed using Virginia Election and Registration Information System (VERIS). §6.8 outlines the procedures for denying an application. Lastly, §6.9 discusses challenges against voter registrations.

6.2 WHO IS ELIGIBLE?

To be eligible to vote in the Commonwealth of Virginia, an individual must meet the following qualifications:

- 1) Age: Will be eighteen years of age or older by the date of the next general election;¹
- 2) Citizenship: Is a US citizen;²
- 3) Residence: Has domicile and place of abode in Virginia and in the precinct where he intends to vote;³
- 4) Non-Felon: Has not been convicted of a felony, or if convicted, has had his civil rights restored by the appropriate authority for the latest felony conviction;⁴
- 5) Mental Capacity: Has not been adjudicated mentally incompetent (i.e., legally incapacitated) or, if so, has had their competency (legal capacity) restored;⁵ and
- 6) Completed Registration: Provides all information required by law to be entered on the registration application material to determine qualification to vote.⁶

6.2.1 Age Requirement

To be registered, the applicant must be eighteen years of age or older on or before the date of the **next general** election.

¹ See Virginia Const. [Art. II, §1](#). See also §§[24.2-403](#) and [24.2-544\(D\)](#).

² See Virginia Const. [Art. II, §1](#).

³ See Virginia Const. [Art. II, §1](#). See also §[24.2-101](#) (defining “residence” as requiring domicile and place of abode).

⁴ See Virginia Const. [Art. II, §1](#).

⁵ *Id.*

⁶ See Virginia Const. [Art. II, §2](#). See also Virginia Admin. Code [IVAC20-40-40\(C\)](#) and [IVAC20-40-70\(B\)](#) (applications to register to vote cannot be denied for omitted information if they include all information required by law).



A 17-year old that will turn eighteen on or before the date of the next general election may be registered and permitted to vote in any intervening special or primary election.⁷ As for federal presidential years, any individual that will be 18 on or before the day of the next November general presidential election may register to vote and vote in any intervening presidential primary and any other primary held on the same day as the presidential primary.⁸

Individuals who are 16, but otherwise qualified, may be preregistered. Preregistered individuals are not permitted to vote.⁹ Once the individual turns 18, they will be automatically registered to vote.

6.2.2 U.S. Citizenship

The current Virginia Voter Registration Application complies with federal and state law by asking the applicant “Are you a U.S. citizen?”¹⁰ A response to this question must be provided.¹¹

If an applicant leaves this section blank or answers “No” to the question and signs the application, the application should be denied in VERIS and a denial notice sent. In the instance of an applicant leaving the answer blank, the denial notice should be sent with a new voter registration application.

If a voter seeks to update their original voter registration application but fails to check their citizenship status, the application should not be denied as the original voter registration application verified their citizenship status.

6.2.3 Residency

An applicant must establish residency in the precinct in which they wishes to vote.¹² Residency requires both domicile and place of abode.¹³ An applicant can establish a domicile by living in a locality with the intention to remain.¹⁴ Abode is the **physical** place where a person lives.¹⁵ Residency regulations provide a rule of broad construction to “provide the greatest opportunity to register and to vote.”¹⁶ Failure to establish residency may be grounds for denying the voter registration application.¹⁷

Applicants must provide their house number and street name, or rural route and box number, unless homeless. Only under certain circumstances may a post office box may be accepted as a

⁷ See §§[24.2-403](#) and [24.2-544\(D\)](#).

⁸ *Id.*

⁹ See [§24.2-403](#).

¹⁰ See Virginia Const. [Art. II, §2](#). See also [§24.2-418\(A\)](#).

¹¹ See Virginia Const. [Art. II, §2](#).

¹² See Virginia Const. [Art. II, §1](#).

¹³ *Id.* See also [§24.2-101](#) (defining “residence” as requiring domicile and place of abode).

¹⁴ See [§24.2-101](#).

¹⁵ *Id.*

¹⁶ See Virginia Admin. Code [IVAC 20-40-30\(A\)](#).

¹⁷ See Virginia Admin. Code [IVAC 20-40-40\(A\)](#) (if information required by law is missing from the application, that is grounds for denial).



mailing address (discussed later in this chapter).¹⁸ Address of a mailing service or a business office cannot be accepted (unless the applicant actually lives in the office).

An applicant who lives in a rural area and receives mail at a post office box may not have a rural route and box number. Such applicants may enter the number of the highway on which they live. Any applicant who does not have a house number/street name should, in the space provided on the application, enter enough description of the location of his home to enable the registrar to determine his precise location for precinct assignment purposes.¹⁹

The general registrar should ask any applicant who gives a residence address that will not also serve as a mailing address to supply a mailing address in the “Mailing Address” space. The Code does not specifically require this information, and 1VAC20-40-30(c) specifically states “no person shall be denied registration for failure to submit a mailing address.”

6.2.3.1 *Protected Voters*

Certain voters can request their residence addresses not appear on lists provided for public inspection.²⁰ These voters **must provide a post office box within Virginia** to receive protected voter status and are responsible for communicating changes to this address. The following individuals, and any person living at their residences, are permitted to provide alternative addresses:²¹

- Active or retired law enforcement officers
- Persons granted protective court orders under the authority of any court of competent jurisdiction
- Threatened or stalked individuals who have a written statement
- Participants in the address confidentiality program
- Active and retired federal and Virginia justices, judges, magistrates, and attorneys employed by the United States Attorney General or Virginia Attorney General
- Approved foster parents
- Current and former general and deputy registrars and their staff
- Current and former local electoral board members
- Current and former officers of election
- Current and former State Board of Election members
- Current and former Commissioners of Elections
- Current and former ELECT employees
- Current and former electors for President and Vice President

¹⁸ See §24.2-418(B).

¹⁹ See Virginia Admin. Code [1VAC20-40-30\(C\)](#).

²⁰ See §24.2-418(B).

²¹ *Id.*



Protected Voter Codes

ACP	Participant in the Attorney General's Address Confidentiality Program
LEO	Active or Retired law enforcement officer, judge, magistrate, U.S. or Virginia Attorney General attorney
CPO	Court-Issued Protected Order
TSC	Applicant or a member of their household has evidence or filed a complaint with law enforcement about being threatened or stalked
AFP	Approved to be a Foster Parent
LEO and CPO	Active or Retired Law Enforcement Officer, Judge, Magistrate, U.S. or Virginia Attorney General <i>and</i> Court-Issued Protective Order
LEO and TSC	Active or Retired Law Enforcement Officer, Judge, Magistrate, U.S. or Virginia Attorney General <i>and</i> Applicant or a member of their household has evidence or filed complaint with law enforcement about being threatened or stalked.
CPO and TSC	Court-issued protected order <i>and</i> Applicant or a member of their household has evidence or filed a complaint with law enforcement about being threatened or stalked.
LEO and CPO and TSC	Active or Retired Law Enforcement Officer, Judge, Magistrate, U.S. or Virginia Attorney General <i>and</i> Court Issued Protective Voter, and Applicant or a member of their household has evidence or filed complaint with law enforcement about being threatened or stalked.
PEO	Current or former State Board of Elections member, ELECT Commissioner and ELECT employee, Electoral Board Member,



	General Registrar, Deputy Registrar, employee in the Office of the General Registrar, Officer of election, or Commonwealth Electors for President and Vice President.

Applicants in any of these categories can have their residence address redacted on the registered voter list, the list of those who have voted, absentee applicant lists, and any other registration records available for inspection by third parties.²²

P.O. Box or private mailbox (PMB) addresses are only acceptable when the applicant cannot receive mail at their residence address (e.g., the residence address is not deliverable by the U.S. Postal Service)²³ or when the applicant is a protected voter. This address does not have to be in the locality of residence, but protected voter alternative P.O. Box addresses must be in Virginia.

If an applicant fails to provide a reason code for protected voter status and the general registrar cannot reach out to the applicant for supplemental information, the voter should be denied the protected status; **however, if the applicant is otherwise qualified they must be registered.** As a best practice and if time permits prior to the close of books, consider waiting 14 days for a response from the voter before denying protected voter status.

6.2.3.2 *Person whose domicile straddles two political subdivisions*

Property boundaries may not follow election district or locality boundaries. When an applicant's domicile and place of abode straddles two (or more) jurisdictions, a decision must be made as to where the person should be registered. If the applicant's dwelling unit falls totally within one jurisdiction, even if a portion of the applicant's property is in an adjacent locality, then the applicant can only be registered in the locality of the dwelling unit. If the dwelling unit straddles the boundary line, then the applicant is deemed to reside in the location of his bedroom or usual sleeping area.²⁴

6.2.3.3 *Homeless Applicants*

A person with no permanent address must describe on the application their actual physical dwelling place or location with sufficient specificity to allow the registrar to place them in a defined precinct. Such a person may list a mailing address where they can receive election mail; however, no person shall be denied registration for failure to submit a mailing address.²⁵

²² See §§[24.2-405\(D\)](#), [24.2-406\(D\)](#), [24.2-418\(B\)](#), [24.2-444\(C\)](#), [24.2-706](#), and [24.2-710](#).

²³ See Virginia Admin. Code [1VAC20-40-10](#)

²⁴ See Virginia Admin. Code [1VAC20-40-30\(E\)](#).

²⁵ See Virginia Admin. Code [1VAC20-40-30\(C\)](#).



6.2.3.4 *College Students*

Consider the following when determining the residency for college students:

- College students should register to vote in the city or county in which they are legal residents.
- The student determines and declares the city or county, and state in which he or she claims legal residence.²⁶ This may be the residence where his or her family lives, or the city or county and state where the school is located.
- A college student may claim residency at the school address where the student lives only a portion of the calendar year if the student otherwise meets the qualifications of legal residence for voter registration.²⁷ College students living on campus should list their dorm address as their residential address to ensure accurate registration and precinct assignment. This is especially important for large universities that may have multiple voting locations,.

6.2.3.5 *People Living in Different Locations for Different Seasons*

The residency status of persons who live elsewhere for a portion of the year (such as persons who spend winters in warmer climates, migrant workers, or persons who live part of the year on a sailboat, for example) will be determined by the applicant.²⁸ If the applicant has the intention to return to a location and considers the location their place of abode, they should be considered as having residency.²⁹

6.2.3.6 *Overseas Voters and Military Personnel*



Persons serving in the military, as well as their spouses and dependents, and overseas voters fall into a special class regarding residence. If upon entering military service, a person wishes to declare his last residence prior to entering service (his home of record) as his legal residence, he is considered to have residence there until he declares a different legal residence or leaves the service. If that address is no longer a recognized residential address, the voter must be assigned an address for voting purposes.³⁰

Tax laws permit military members to claim a residence for tax purposes only. A military member may be exempt from paying local and state taxes if they file a Certificate of Legal Residence form with the state or local government. Filing this form for tax

²⁶ See Virginia Admin. Code [IVAC20-40-10](#) (registrars must presume the address of residence declared by the applicant is where the applicant has domicile).

²⁷ See Virginia Admin. Code [IVAC 20-40-40\(C\)\(3\)](#) (registrars are to treat dormitories as permanent addresses) and [IVAC20-40-30\(B\)\(3\)](#) (registrars cannot make any presumptions about a person's residence based on the person's student status).

²⁸ See Virginia Admin. Code [IVAC20-40-10](#) (registrars must presume the address of residence declared by the applicant is where the applicant has domicile).

²⁹ See Virginia Const. [Art. II, §1](#) and Code of Virginia [§24.2-101](#) (defining "residence" as requiring domicile and place of abode, and defining "domicile" as living in a locality with intent to remain).

³⁰ See [§24.2-456](#)



purposes does not prohibit the service member from claiming Virginia as their legal residence for voter registration purposes.³¹

Great care must be taken before denying or canceling the voter registration of a service member. Action to deny registration can only be taken after considering the special rules applicable to military personnel and the relevant facts, which may require consulting ELECT staff or your local legal representative for guidance. Cancellation must always be authorized under one of the specific grounds detailed under the Code of Virginia §24.2-427. It is a violation of federal law punishable by a fine and up to five years imprisonment to knowingly deny or attempt to deny rights provided under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).³²

6.2.3.7 *Reviewing Residency*



A registrar has limited discretion in reviewing the residency portion of the voter registration application. As discussed above, residency requires domicile and place of abode and the registrar must “presume that domicile is at the address of residence given by the person on the application.”³³ If an applicant lists a location as where they sleep and this information is sufficient to assign the applicant to a polling place within the precinct, the application should be processed if the applicant meets all other eligibility requirements.³⁴

There are five situations in which a registrar **must** ask for additional information regarding an applicant’s residency.³⁵ When a situation requiring more information arises, the registrar is prohibited from denying the application.³⁶ Instead, the registrar must request more information by providing a form to the applicant, to which the applicant must respond in writing.³⁷ The application cannot be accepted or denied while the registrar is awaiting the applicant’s response.³⁸ If the applicant does not provide the information by the last day to register before the election, and the registrar is unable to determine the applicant’s residency through any other means, only then should the registrar deny the application.³⁹

Under 1VAC20-40-40, a general registrar must ask for additional information regarding residency when:

³¹ See 2006 Op. Va. Atty. Gen 48 ([Oct. 3, 2006](#)) (stating “a general registrar may not deny an application for voter registration or cancel the voter registration of a registered voter who is a service member of the armed forces of the United States based solely upon the filing of such certificate.”).

³² See [18 U.S.C. §608](#).

³³ See Virginia Admin. Code [1VAC20-40-10](#).

³⁴ See Virginia Admin. Code [1VAC20-40-60\(A\)](#).

³⁵ See Virginia Admin. Code [1VAC20-40-40\(C\)](#).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*



1. The applicant provides a mailing address in a different county, city, or state from his residential address.
2. The applicant provides a residential address that cannot receive mail or from which mail sent by the registrar's office is returned. The registrar is required to ask for an alternate mailing address. However, no person shall be denied registration for failure to submit a mailing address.
3. The applicant provides a temporary address.
 - Temporary addresses include hotels, motels, motor homes, hospitals and other short term medical care facilities, houseboats, campgrounds or other facilities that have durational restrictions, such as a 30-day limitation, or any other transient address that would not be considered as a typical permanent residence address. Temporary addresses do not include apartments or other facilities, such as dormitories, that provide for leases or other rental agreements of at least six months duration.
4. The applicant provides a nontraditional residential address.
 - A nontraditional residential address includes industrial or commercial buildings. If the individual sleeps there and considers the location to be their residence, the application should be processed.
5. The application causes a conflict with another existing voter in the statewide, voter registration system.

In all of the scenarios above, The registrar must ask **and** mail the supplemental questions provided in the form titled *Approved Inquiry as to Residency* found in FormsWarehouse under [VERIS-Voter Registration](#). This form must be answered and returned before the last day of registration. The application should be processed if, in responding to the supplemental questions, the applicant provides sufficient information for the registrar to assign the applicant to a polling place within the precinct and cancel any existing registration elsewhere. If the applicant does not provide sufficient information, the application must be denied.

6.2.4 Felony convictions

6.2.4.1 Virginia convictions

An applicant who has been convicted of a felony in Virginia loses eligibility to vote and cannot legally register to vote until their voting rights are restored by the Governor of Virginia.⁴⁰ The Governor has authority to restore voting rights of persons convicted of felonies in Virginia.⁴¹ An application to the Governor may be made through the Secretary of the Commonwealth or by circuit court petition.⁴²

⁴⁰ See Virginia Const. [Art. II, §1](#).

⁴¹ See Virginia Const. [Art. V, §12](#).

⁴² See [§§53.1-231.1 – 231.2](#) (detailing process for restoration of civil rights).



If a registered voter whose voting rights were restored is convicted of a new felony, the voter's registration must be cancelled.⁴³ The individual cannot legally register again in the Commonwealth of Virginia until their voting rights have been restored for the new felony.

6.2.4.2 *Convictions in other states*

A citizen moving to Virginia whose rights have been restored in the convicting state may register to vote in Virginia, as long as they indicate restored felon status on the Virginia voter registration application.⁴⁴ The registrar should consult the Commonwealth's Attorney who represents the registrar on denials of registration, when any questions arise on restoration of rights for a convicted felon outside the Commonwealth. If an applicant indicates that their rights have been restored in another state, you may refer to [vote.gov](https://www.vote.gov) for general guidance on voting after a felony in other states and territories. If an applicant indicates "yes" to a felony conviction but the conviction cannot be found in Virginia and restoration is not established, the application **should be denied** and the individual can appeal to the appropriate court.^[08]

6.2.4.3 *Federal Felony Convictions*

ELECT receives quarterly reports from the Department of Justice (DOJ) indicating federal felony convictions, which are then sent to general registrars via VERIS. These reports only provide an individual's SSN4 instead of the full 9-digit SSN. Therefore, when a search is conducted in VERIS using the full SSN you may not find a matching record if the federal conviction is the only record on file. It is best practice to conduct a felony search for an individual in VERIS using a combination of their name, date of birth, and SSN4 to account for federal convictions.

6.2.4.4 *Verification*

A convicted felon, whose rights have not been restored, who attempts to register or casts a vote may be prosecuted for false statements or illegal voting.⁴⁵ Therefore, general registrars should correct misunderstandings created by voter registration drives or others encouraging registration by former offenders.

Applicants may not know whether they have been convicted of a felony versus a misdemeanor, or whether their rights have been restored. The registrar may, as a matter of courtesy, assist the applicant in reaching out to the Secretary of the Commonwealth or other state authorities to help the applicant make this determination. Individuals have the right to challenge the record; the Virginia State Police (804-674-2000) provides information on the procedures to challenge the record. Individuals can request a criminal history search by filing a Criminal History Record Name Search (Form SP-167) with the Virginia State Police. The fee for filing this request is \$15.00.

⁴³ See [§24.2-427\(B\)](#)

⁴⁴ See 1999 Op. Va. Atty. Gen. 87 ([Aug. 3, 1999](#)).

⁴⁵ See §§[24.2-1004](#) (illegal voting and registrations) and [24.2-1016](#) (false statements).



Ultimately, the responsibility for such determinations rests with the applicant, who may need legal counsel.

If the proper classification is uncertain and cannot readily be determined from available information, the general registrar should request assistance from the Commonwealth's Attorney who represents the general registrar on registration matters.⁴⁶

Applicants whose rights have been restored may provide the registrar documents that show the restoration of their voting rights or simply provide the restoration date(s) on the registration application. If the applicant only provides the restoration date(s), the registrar must verify the date of restoration, determine the convicting jurisdiction, and determine if the convicting jurisdiction is in Virginia. Verification can be completed by contacting the applicant or by looking up the applicant's restoration order on the Secretary of the Commonwealth's website.⁴⁷ A general registrar may also request documentation to confirm the restoration of voting rights of a person previously convicted of a felony.⁴⁸ If an applicant is convicted of multiple felonies, the registrar must ensure the applicant has their rights restored for each felony conviction prior to registration. All documentation should be attached to the applicant's record in VERIS.

If an applicant is not eligible to register, the registrar should provide appropriate information to the applicant regarding the restoration-of-rights process. An applicant who disagrees with the registrar's determination may submit an application within 10 days of denial, and appeal the denial to the circuit court in the county or city of where he applied to register.⁴⁹

6.2.4.5 *Juvenile Convictions*

Sometimes an applicant will ask, "I was convicted of a felony as a juvenile. Can I register to vote?" or, "How do I answer the felony question?" The responsibility for such determinations ultimately rests with the applicant, who may need legal counsel.

NOTE: The place where the juvenile served his sentence (e.g., Department of Juvenile Justice facility or Department of Corrections' facility) **does not indicate whether he was convicted of a felony as an adult.** The most important factors are which court heard the case and the details of the conviction. If it was heard in Circuit ("adult") Court, contact your local Commonwealth's Attorney for information on determining conviction status.

6.2.5 *Persons Adjudicated Incapacitated*

The Virginia Constitution Article II §1 states, "no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished." It has been further

⁴⁶ See §24.2-422(A).

⁴⁷ See restore.virginia.gov

⁴⁸ See 2006 Op. Va. Atty. 48 ([Oct. 3, 2006](#)).

⁴⁹ See §24.2-422.



codified in §24.2-101 that "[n]o person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law."

Adjudications of incapacity result in loss of voting rights unless a court order expressly preserves voting rights. Circuit court clerks are required to furnish ELECT with lists of persons ineligible to vote due to adjudications of incapacity, which ELECT then transmits to local offices.⁵⁰

Only a court adjudication of incapacity can take away a person's voting rights for mental incompetence. Unless a court has determined that a person is incapacitated, that person retains their voting rights. It is a crime to try to "vote for that person" - no matter how noble the aims may be (e.g., "I know how my family member would have wanted to vote"). Improperly completing an absentee ballot application, signing another's name, or otherwise rendering improper assistance, must be referred to the Commonwealth's Attorney in the locality in which the votes were cast or were attempted to be cast.

6.2.6 Social Security Numbers



A full social security number is only required when the applicant is providing an original voter registration application **and** has not checked the "No SSN" box on the application.⁵¹ SSNs are not guaranteed to be unique, and the Social Security Administration has advised that individuals may share the same valid SSN. While VERIS accepts the SSN for internal tracking and searching purposes, VERIS will assign a Voter ID unique identifier to each voter registered in the system. This assigned Voter ID protects each individual's vote against improper dilution and helps detect duplicate registration and fraud.

Occasionally an applicant will object to providing his or her SSN in order to register to vote. If the applicant has been issued an SSN and indicated they have an SSN on their voter registration application, they are required to provide this information for voter registration purposes.⁵²

The federal Privacy Act of 1974 and Virginia's Government Data Collection and Dissemination Practices Act ("Data Act") both require that applicants be informed of the legal basis for requesting the SSN and its possible uses.⁵³

NOTE: SSN is not required for a transfer or a change of name or address. A transfer or change of name or address application from a voter who omits his SSN must still be processed.⁵⁴

6.3 METHODS OF REGISTRATION

Virginia authorizes six ways to apply for registration:

⁵⁰ See §24.2-410.

⁵¹ See Virginia Admin. Code [1VAC20-40-70\(B\)\(1\)](#).

⁵² See Virginia Admin. Code [1VAC20-40-70](#).

⁵³ See [5 U.S.C. §552](#). See also [§2.2-3800](#) et seq.

⁵⁴ See Virginia Admin. Code [1VAC20-40-70\(F\)](#) (applications from already registered voters must be processed as a request to transfer or change, as long as the application contains some new information and is signed).



- Online by internet application to the Department of Elections,⁵⁵
- By application at the polls to an officer of election-on-election day,⁵⁶
- In person before a registrar,
- By application at a state designated voter registration agency,⁵⁷
- By directly mailing an application to the general registrar,⁵⁸ and
- By third-party voter registration drives.⁵⁹

While there are multiple methods of registration, an applicant does not become registered until the application is reviewed and accepted by his/her local general registrar. This distinction is important. Applications taken by personnel at the Department of Motor Vehicles or other agencies are only applications; they are not legally effective as registrations until the appropriate general registrar accepts them as complete and valid.

6.3.1 Online

Applicants may register online using ELECT's website.⁶⁰ Applications submitted online to ELECT can be accepted through 11:59 p.m. on the final day of registration preceding an election. To complete the application process and sign the application electronically, the applicant must have a driver's license or identification issued by the DMV.⁶¹ A voter may also check their status and/or update their voter registration electronically.⁶² The web address for the online application is: <https://www.elections.virginia.gov/register>.

6.3.2 At the Polls on Election Day

Officers of election must provide any person offering to vote provisionally with an application to register.⁶³ If the person's provisional ballot is not counted, but the person is qualified to register to vote and their application contains all information required by law, their submitted application should be processed and accepted. See later in this chapter and in GREB Handbook Chapter 13 for more information on the provisional process and same day registration.

6.3.3 In-Person Registration

6.3.3.1 In the Voter Registration Office

Eligible Virginia residents may complete a voter registration application in person at the registrar's office during legally authorized official business hours.

⁵⁵ See §24.2-416.7(A).

⁵⁶ See §24.2-653.

⁵⁷ See §§24.2-411.3 (Department of Motor Vehicles) and 24.2-411.2 (other state-designated voter registration agencies).

⁵⁸ See §24.2-416.1.

⁵⁹ See §24.2-416.3.

⁶⁰ See §24.2-416.7(A).

⁶¹ See §24.2-416.7.

⁶² *Id.*

⁶³ See §24.2-653.



On the final day of registration preceding an election, applications must be accepted until 5:00 pm.⁶⁴ If any applicants are in line at the office of the general registrar's office at the 5:00 pm deadline, the general registrar must make a list all applicants in line, and accept their applications as timely, if complete.⁶⁵

The registrar, or the Electoral Board, may establish additional office hours for registration beyond those normally scheduled.⁶⁶ Any extended public hours beyond regular office hours in the registrar's office and any additional locations for voter registration must be advertised. There are several provisions governing advertising of additional times and locations:

- Any hours or locations must be advertised at least three days in advance.⁶⁷ Notice must be posted on the locality website, and either published at least once in a newspaper of general circulation in the locality or announced at least twice on a television station serving the locality (if one is available).⁶⁸
- Notice is not required for:
 - the regular office hours of the general registrar's office or of any co-located office normally staffed by at least one registrar,⁶⁹
 - any office or location offering voter registration services or forms in the normal course of its daily business,⁷⁰ and
 - any other locations that do not have a government employee statutorily authorized to receive voter registration applications present, but that offer mail-in forms.⁷¹ For example, § 24.2-416.3 provides for registration applications to be available through agents of the Department of Game and Inland Fisheries statewide. However, since these agents are not authorized to accept applications and applicants are responsible for sending their own applications to the appropriate registrar, these agents are not subject to the public notice requirement.

6.3.3.2 Other Registration Sites

As an alternative or in addition to expanded office hours, the general registrar or Electoral Board may establish additional registration sites to meet the registration needs of the locality. Like additional office hours, these additional sites must be advertised to the public; including posting the notice on the locality website if applicable.⁷²

⁶⁴ See §24.2-414.1.

⁶⁵ See §24.2-414.

⁶⁶ See §24.2-415 (for hours outside of regular office hours, advance notice must be given).

⁶⁷ See §24.2-415.

⁶⁸ See §24.2-415.

⁶⁹ *Id.*, at (B).

⁷⁰ *Id.*

⁷¹ See §24.2-415(B). It is the participation of one of these authorized government employees or a registrar that triggers the public notice requirement.

⁷² See §24.2-415.



6.3.3.2.1 School Sites

ELECT encourages general registrars to work with each local high school at least annually to educate students about pre-registration. Any person who is otherwise qualified and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, may preregister to vote in any election except as provided in §24.2-403.⁷³ Contact school administration and government teachers about arranging an opportunity to speak to the students about voter rights and responsibilities and to encourage service as an officer of election. Registration drives conducted by the general registrar at high schools and naturalization ceremonies may be closed to the public.⁷⁴

6.3.3.2.2 Registration through State Agencies

As part of the National Voter Registration Act (NVRA), certain public agencies must offer voter registration applications to most customers at their state, regional, or local offices.⁷⁵ The opportunity to apply to register is provided at the time of the original application for services from the public agency and when filing for re-certification, re-admission, renewal, or change of name or address.⁷⁶ Agency personnel must assist clients with completing voter registration forms as they would for their own forms, unless the applicant refuses such assistance.⁷⁷

The law does not specify what assistance must be provided and permits flexibility to develop solutions to accommodate particular needs of persons with disabilities; however, Virginia law prohibiting discrimination against persons with disabilities must be followed⁷⁸. For example, non-English speaking clients may be referred to ELECT for language translations of the Virginia Voter Registration Application and other forms. The federal Election Assistance Commission website may provide translations of the National Mail Voter Registration Form in additional languages such as Spanish or Korean.⁷⁹ Designated agency personnel do not consider issues of client eligibility to register to vote. Eligibility determination is the responsibility of the general registrar.

The state office of each designated public agency sets policy for distributing, displaying, collecting, and returning applications in accordance with NVRA requirements.

ELECT distributes display boxes, application forms, and other needed supplies to all appropriate agencies. Designated State Agencies can order materials from [ELECT's website](#). Registrars should be prepared to supplement these when needed.

⁷³ See [§24.2-403.1](#).

⁷⁴ See [§24.2-412 \(C\)](#).

⁷⁵ See [§24.2-411.2\(A\)](#).

⁷⁶*Id.*, at (D)(1).

⁷⁷ See National Voter Registration Act (NVRA), [52 U.S.C. §20506\(a\)\(6\)\(C\)](#). See also [§24.2-411.2\(C\)\(2\)](#).

⁷⁸ See [§51.5-43](#) ("No person with a disability ...shall be denied the opportunity to register or vote...because of such disability").

⁷⁹ See [EAC website](#) for additional languages.



The Code of Virginia designates the following agencies as registration sites in accordance with NVRA and §§24.2-411.1 and 24.2-411.2:

- Department of Motor Vehicles
- Agencies whose primary function is to provide public assistance
- Agencies whose primary function is to provide state-funded programs primarily engaged in providing services to persons with disabilities
- Armed Forces recruitment offices
- Regional offices of the Department of Game and Inland Fisheries and the offices of the Virginia Employment Commission in the Northern Virginia Planning District 8



Agencies are required to transmit applications to ELECT no later than five business days after the date of receipt.⁸⁰

6.3.3.2.3 Registration at the Department of Motor Vehicles

The National Voter Registration Act (NVRA) signed in 1995 was enacted for the purpose of simplifying the voter registration process and increasing access to voter registration opportunities to all populations. One of the most significant impacts to voter registration through NVRA was “motor-voter.” Essentially, Motor-Voter mandates the execution of voter registration opportunities as an interagency process.

As mandated by NVRA and state law, almost any person who comes to an office of the DMV to apply for, replace, renew, or change an address on a driver’s license or special identification card (“qualifying transactions”) must be given the opportunity to apply to register to vote at the same time.

ELECT and the DMV developed a process of voter registration application for most DMV customers. Customers using DMV customer service centers have the options to complete a voter registration application or submit a notice of change of address or other information electronically, dramatically reducing the number of paper applications received by localities. Customers at DMV customer service centers who apply for or replace a driver’s license or DMV ID card, renew a license or ID card, or update an address on file with DMV will be presented with the opportunity to register to vote as required by the National Voter Registration Act. If the voter agrees, the information will be transmitted to general registrars for processing within five days of receipt.

Virginia is an “opt-in” voter registration state. This means that Customers must affirmatively decline to register to vote rather than affirmatively choosing to register.⁸¹

During the DMV transaction, customers must answer the same questions as those found on the paper form of the Voter Registration Application, including whether they are US citizens. If the customer attests to not being a US citizen or does not answer the citizenship question, they will not be asked any questions related to voter registration.

⁸⁰ See §§[24.2-411.3](#) (DMV) and [24.2-411.2\(G\)](#) (all other state-designated voter registration agencies).

⁸¹ See §[24.2-411.3](#).



Similarly, a DMV customer using the DMV website to conduct any one of the transactions mentioned above will be provided with the opportunity to electronically transmit a voter registration application.

The electronic DMV applications are processed by general registrars in a manner consistent with other electronically-received registration applications.

6.3.4 Mail Registrations

Voters can register by mailing an application directly to a voter registration office or ELECT.⁸² Voters may also complete an application and give it to a third party (someone other than a sworn registrar or state-designated agency employee) to forward to a voter registration office.⁸³ Persons entitled to vote absentee under the Uniformed and Overseas Citizens Voting Act may combine a registration application with an application for an absentee ballot on a Federal Post Card Application (FPCA) or a ballot using the Federal Write-In Absentee Ballot (FWAB).

Applications received through any form of mail service, including the U.S. Postal Service, Federal Express, United Parcel Service, DHL, or any other mail carrier, are considered to have been received through the mail and should be coded as “S” in VERIS.

For federal elections, anyone may vote absentee by mail. First time voters who registered by paper will be required to mail in a copy of a HAVA compliant ID for their vote to be counted.

6.3.5 Third Party Registration Drives

Anyone can distribute and receive registration applications.⁸⁴ Any individual or group obtaining 25 or more voter registration applications from ELECT or a local office is required to register with , and provide information as required to ELECT, receive training, and execute a sworn affidavit that they will abide by all Virginia voter registration laws and rules.⁸⁵

ELECT is required to furnish a reasonable number of blank mail applications to any individual or group who requests them.⁸⁶ Likewise, registrars should be prepared to furnish small quantities of applications to anyone who may request them. If a person or group requests a large number of applications, please refer them to ELECT. Individuals with blank applications may go door-to-door, set up display boxes with applications at business or other establishments, distribute applications to members of their organizations, or otherwise distribute applications however they wish. Individuals and groups conducting voter drives are not subject to the same restrictions imposed on “official” registration sites conducted by a registrar.⁸⁷ Restrictions on official sites that are not applicable to third parties include prohibitions on conducting registration at events requiring an entry fee to access the registration location or where

⁸² See [§24.2-416.1](#).

⁸³ See [§24.2-416.3\(A\)](#).

⁸⁴ See [§24.2-416.3\(B\)](#).

⁸⁵ See [§24.2-416.6](#).

⁸⁶ See [§24.2-416.3\(A\)](#).

⁸⁷ See [§24.2-412\(C\)](#).



campaigning is taking place at the same location.⁸⁸ However, a third party may not pay its volunteers or employees based on the number of completed voter registration applications they collect.⁸⁹

When the local registrar or Electoral Board furnishes individuals or groups multiple copies of the voter registration application (even if providing fewer than 25 copies), it must also provide the instructions and an outline of penalties for destruction of, or failure to mail or deliver signed applications.⁹⁰

Third-party registration drives may decide to simply distribute applications and put the responsibility on the applicants to mail their applications to the voter registration office or ELECT. A third party offering to return the completed applications to the voter registration office must provide the applicant a receipt.⁹¹ In either case, the application must be treated as a mail application.

If the third party offers to return a completed and signed application for the applicant, return must be made within ten days or by the close of registration, whichever comes first. Not doing so is a Class 1 misdemeanor.⁹² Unlawful use or disclosure of social security numbers or parts thereof is a felony.⁹³ Unlawful disclosure of other personal information may facilitate identity theft.⁹⁴

6.4 SUBMISSION DEADLINES



With the exception of online voter registration applications, voter registration for general, primary, and special elections closes at the normal close of business⁹⁵ on the eleventh day before the election and remains closed for the **ten days preceding the election and on Election Day**.⁹⁶

Electronic applications may be submitted until 11:59 p.m. on the eleventh day preceding the election.

However, for any special election that has been called by the Governor, Speaker of the House of Delegates, President pro tempore of the Senate, or by either House of the General Assembly, registration must be closed for the **six days preceding the election and Election Day**.⁹⁷

⁸⁸ See [§24.2-1003](#).

⁸⁹ See [§24.2-416.6](#).

⁹⁰ *Id.*

⁹¹ See [§24.2-418.1](#).

⁹² See [§24.2-1002.01](#).

⁹³ See [§24.2-1002.1](#).

⁹⁴ See [§18.2-186.3](#).

⁹⁵ See [§24.2-414.1](#).

⁹⁶ See [§24.2-416](#).

⁹⁷ *Id.*



In the event that a failure of the Virginia online voter registration system occurs before the scheduled close of registration, the Governor has the authority to extend registration for a period of time equal to the amount of time the online registration system was unavailable. This extension can be rounded up to the nearest whole day, with an additional whole day for voter education efforts.⁹⁸

After books are closed for any election, the registrar can accept applications during this time, but applications cannot be approved and processed until registration reopens the day after the election.

6.4.1 Applications Received by Mail

If an application is received through the U.S. Postal Service (USPS) and is postmarked on or before the final day of registration, the application must be accepted as timely regardless of when it is actually received.⁹⁹ If an application is received through the USPS and its postmark is missing, illegible, or has no date, the application must be accepted as timely if received by the fifth day after registration closed.¹⁰⁰

If a mail application is received by any other means – through another mail system such as UPS or Federal Express, or through a third party – it must be accepted as timely only if it was received by 5:00pm on the final day of registration, regardless of when it was postmarked or sent.¹⁰¹

6.4.2 Exceptions to Normal Application Deadline



In certain situations, the law allows for a registration to relate back or be considered effective as of the date of application. For example, in the context of provisional voting, a voter whose name does not appear on the pollbook may vote provisionally and fill out a registration application at the polls.¹⁰² If it is found that the person is a qualified voter, and the person provides evidence of having submitted a timely registration application at the DMV or another state-designated voter registration agency prior to the close of registration, the person's Election Day application will become effective as of the day the person initially applied.¹⁰³

Certain citizens receive an extended deadline to register *by mail* regardless of the postmarked date. If the citizen is eligible to be registered and, if by reason of active duty, they are normally absent from the city or county where they reside, the citizen's application may be accepted and approved.¹⁰⁴ The following individuals' application may be submitted with an application for an absentee ballot or a federal write-in absentee ballot:

- Any member of a uniformed service on active duty;

⁹⁸ See [§24.2-416\(B\)](#).

⁹⁹ See [§24.2-416.4\(A\)](#).

¹⁰⁰ *Id.*

¹⁰¹ See [§24.2-416.4](#).

¹⁰² See [§24.2-653\(A\)](#).

¹⁰³ See [§24.2-653](#).

¹⁰⁴ See [§24.2-419](#).



- Any spouse or dependent residing with a person listed as active duty; and
- Any person temporarily residing outside the US.

Certain categories of citizens are allowed an extended time to register. Applicants who fall into any of these categories may register *in person* up to and including Election Day:¹⁰⁵

- Active-duty members of the uniformed services, their spouses, and dependents residing with them, who, because of such active duty, meet at least one of the following criteria:
 - Are normally absent from the locality in which they reside.
 - Have been absent from the locality and returned to reside there within the twenty-eight days prior to the election.¹⁰⁶
- Persons formerly on active duty in the armed forces who were discharged from service during the sixty days preceding the election, their spouses, and their dependents (whether or not residing with them).¹⁰⁷
- Persons who reside temporarily outside the United States, their spouses, and dependents residing with them who, by reason of such temporarily overseas residency, meet at least one of the following criteria:
 - Are normally absent from the locality in which they reside.
 - Have been absent from the locality and returned to reside there within twenty-eight days prior to the election.¹⁰⁸

Same Day Registration

Notwithstanding any provisions of §24.2-416 any person who is qualified to register to vote shall be entitled to register in person up to and including the day of the election at the office of the general registrar for the locality in which the person resides or at the polling place for the precinct in which such person resides. Voters who opt to register and vote on the same day, will be given a provisional ballot. The voter's registration form will be entered into VERIS by the general registrar's office for registration validation by the deadline set by ELECT. This registration and provisional ballot will be reported to the electoral board during the canvass. If the electoral board confirms the validity, the ballot will be counted. If the electoral board determines that the registration is invalid, the ballot will not be counted.¹⁰⁹ Please review Chapter 13 Provisional Ballots for additional information.



Best Practice

Do not process the OVR hopper applications when books open after an election until after ELECT has run the Same Day Registration Duplicate Report.

¹⁰⁵ See §24.2-420.1.

¹⁰⁶ *Id.*, at (A).

¹⁰⁷ *Id.*, at (B).

¹⁰⁸ *Id.*, at (A).

¹⁰⁹ See §24.2-420.1 Extended time for individuals to register in person.



6.5 APPLICATIONS

There are several different types of voter registration applications. The State Board of Elections must approve all types of state applications for use.¹¹⁰ Where available, application forms may be downloaded from the Internet, printed, and used like pre-printed registration applications. A fax submission of an application is not acceptable, except in the case of a Federal Postcard Application (FPCA), discussed below, or for a change of address or transfer. The following types of official application forms, both current and prior versions¹¹¹, as well as approved Spanish, Korean, and Vietnamese translations, can be accepted:

- Virginia Voter Registration Application (paper or online)
- Department of Motor Vehicles Application
- National Voter Registration Application
- Federal Post Card Application (FPCA)
- Federal Write in Absentee Ballot (FWAB)

6.5.1 Virginia Voter Registration Application (VA-NVRA-1)

This form may be used in-person, by mail, by third party groups, and agency applicants and can be distributed by the general registrar throughout the locality in display boxes. ELECT may provide these boxes, or registrars may design and purchase their own display boxes.

The current application is titled Virginia Voter Registration Application (VA-NVRA-1). When properly completed, the form contains all the information necessary to process the application.

Printed forms can be ordered from the ELECT using the Formsite order form¹¹²

An applicant may submit an electronically-signed voter registration application for processing. These applications and signatures are valid for purposes of voter registration.

6.5.2 Older Versions of the Virginia Application

Various versions of the official Virginia Voter Registration Application (VA-NVRA-1) form remain in circulation, including a previous 5" X 11" version (with a 3" X 5" perforated tear-off portion on the left side) used immediately before and after Virginia's implementation of NVRA in 1996.

Prior versions of any voter registration application must be accepted by registrars for voter registration under 1VAC20-40-70: Applications for Voter Registration; Affirmation of United States. Prior versions of any voter registration application may not be denied for failure to provide information that is deemed not material.

Unless ELECT instructs otherwise, registrars should accept these older applications. However, some of these older applications request information no longer required by law. If processing an

¹¹⁰ See §24.2-418(A) ("The application to register shall be only on a form or forms prescribed by the State Board"). See also Virginia Admin. Code 1VAC20-40-70(A).

¹¹¹ See Virginia Admin. Code 1VAC20-40-70(J)

¹¹² See ELECT, [Voter Registration and Election Materials Order Form](#).



application using one of these older forms, registrars should not deny the application for failure to provide information no longer required.¹¹³

6.5.3 National Application

The National Mail Voter Registration Form is designed by the United States Election Assistance Commission (EAC).¹¹⁴ The national form comes with a booklet that explains voter registration requirements for each state. Therefore, even though the form itself does not specify Virginia requirements, the requirements are provided to the applicant with the application. Some of the questions on the Virginia application do not appear on the national application. However, all information required for registration in Virginia is on the form, either in the form of questions or as part of the statement the applicant must sign.

Translations of the national form and instructional booklet are available from the EAC website.¹¹⁵ Armed Forces recruitment offices use a variant of the national form. It is printed in red and is labeled “DD 2644” in the corner.

6.5.4 Combined Voter Registration and Absentee Application-- Federal Post Card Application (FPCA) and Federal Write-In Absentee Ballot (FWAB)

Overseas citizens, military members, and their dependents may use FPCA or FWAB. They are available on the website of the Federal Voting Assistance Program (FVAP).¹¹⁶

FPCA forms may serve as applications both for voter registration and for absentee ballots.¹¹⁷ Forms received for both purposes should be photocopied. The original forms should be retained as the registration application, and the photocopies retained as the application for an absentee ballot.

Unlike other registration application forms, the FPCA may be sent by fax or scanned as an email attachment to registrars or ELECT. If it is complete, an emailed or faxed FPCA is sufficient to apply for registration, and mailing the original is not required.¹¹⁸

The FWAB is designed for use as a backup ballot if an applicant’s timely requested absentee ballot does not arrive in time. The FWAB, commonly called the federal “backup” ballot, includes a registration application page similar to the FPCA. Virginia allows use of the FWAB for all elections in which the voter is eligible to vote.¹¹⁹ The FWAB is also available for download from the FVAP.

¹¹³ See Virginia Admin. Code [IVAC20-40-70\(J\)](#).

¹¹⁴ See [Election Assistance Commission website](#).

¹¹⁵ See [Election Assistance Commission website](#).

¹¹⁶ See Federal Voting Assistance Program, <https://www.fvap.gov/>.

¹¹⁷ See [§24.2-458\(B\)](#).

¹¹⁸ See Virginia Admin. Code [IVAC20-45-30s](#).

¹¹⁹ See §§[24.2-461](#) and [24.2-702.1\(A\)](#).



In processing a FPCA or FWAB, keep in mind not all information requested on the form is material for registration. If information that is not material is omitted, the application for voter registration should still be processed. The following omissions are not material:¹²⁰

- On an application that declares active-duty military status: Service ID number, rank, grade, or rate.
- On an application that declares temporary overseas residence with a date of last residence: Employer name and address.
- On an application that declares indefinite overseas residence: Date of last residence.

6.6 PROCEDURES UPON RECEIPT OF VOTER REGISTRATION APPLICATIONS

6.6.1 Determine Which Applications Belong to Other Localities

Registrars will likely receive some applications that are not for their locality. **The registrar must determine to which locality these applications belong and forward them to the appropriate voter registration office.**¹²¹ If the registrar is uncertain about the correct locality, it is suggested that the registrar call the locality where the application is suspected to belong.



Only the registrar in the locality for which an applicant is applying for registration can determine whether the application is complete and acceptable..¹²²

The original application should be forwarded to the correct locality as soon as practicable, with attention to upcoming registration deadlines. The sending general registrar must indicate to the receiving general registrar the origin of the application by a note attached to each application or a cover sheet (similar to that used by ELECT) for a group of applications indicating the common origin of the applications.

General registrars should make a file copy of any forwarded application to document compliance with HAVA processing standards.

6.6.1.1 Forwarding Applications near the Registration Deadline



Mailed applications received during the final two days before the close of registration that belong to another locality, as well as those received after the close of registration but that appear to be timely, should be transmitted by using one of the following methods:

- Fax the application to the appropriate locality **and** mail the original application, making a photocopy of each before sending. Remember to redact sensitive personal information from an application before faxing or emailing, unless the email is encrypted. Sensitive personal information includes date and month of birth, any

¹²⁰ See Virginia Admin. Code [1VAC20-45-20\(B\)](#).

¹²¹ See [§24.2-114\(6\)](#).

¹²² *Id.*



part of the social security number, and **residence addresses of protected voters**. The year of birth is not required to be redacted.¹²³

- Arrange to deliver the applications in person.

6.6.1.2 Ensuring Receipt

Making file copies of applications forwarded by mail assures that a record of the application exists in case it becomes lost in delivery. GRs should confirm receipt by conducting a VERIS search for the social security number in Active, Incomplete, and Denied statuses. If a reasonable period of time has passed and VERIS indicates no record of action by the receiving registrar, the forwarding registrar should call to determine if the application has been received. Delivery confirmation service may also be considered.

6.6.2 Determine Application Completeness

A completed application is required in order to register a new applicant for voter registration.

A completed application means an application that provides all required information.

A fully completed application is not necessary to transfer or change the address of a currently registered voter. A currently registered voter only needs to submit (in person, mail, email, or fax) a signed statement in order to update or transfer his or her registration.¹²⁴ An update is not required to have all the same information as a new applicant.

Registrars receive many applications that do not contain all the information required by law and have the legal duty to deny any application from a new applicant (a person who is not already registered) that is incomplete when received.¹²⁵

State Board of Elections' regulation governing incomplete applications for registration implements federal law by identifying certain information as neither material to determining voter qualification nor required by the Code of Virginia, and prohibits a registrar from denying an application for the failure of an applicant to provide any of the following information:¹²⁶

1. Social security number if the applicant checks the box indicating no SSN was ever issued;
2. Gender;
3. Generational suffix;
4. Middle name if the voter checks the box indicating none;
5. Email address;
6. Daytime telephone number;
7. Response indicating protected voter status, military status, overseas status, or any other information requested in Box 4;
8. Mailing address;

¹²³ See Virginia Admin. Code [IVAC20-20-20](#).

¹²⁴ See Virginia Admin. Code [IVAC20-40-70\(F\)](#) (all applications, even if incomplete, from already registered voters must be processed as a request to transfer or change, as long as the application contains some new information and is signed).

¹²⁵ See Virginia Admin. Code [IVAC20-40-40\(A\)](#).

¹²⁶ See Virginia Admin. Code [IVAC20-40-70](#).



9. State in which the applicant is currently registered if the applicant is currently registered in Virginia;
10. Response indicating interest in serving as an officer of election;
11. Signature of applicant if applicant indicates that he is an individual with physical disabilities;
12. Response indicating the applicant has a physical disability if the application is signed by the applicant; or
13. Date of the application.

Current regulations do not require the registrar to request nonmaterial missing information. If any nonmaterial missing information is obtained, the registrar must add the information manually, including the registrar's name and the date of the addition on the reverse side of the form to indicate that the general registrar made the alteration. The registrar is prohibited from changing information provided by the applicant on the application without written, signed authorization from the applicant.¹²⁷

6.6.2.1 Registration Date

The general registrar accepting an application enters the date of acceptance on the application form as follows:

- Standard Virginia Voter Registration Application form (VA-NVRA-1): The registrar must enter the date of registration on any available space on the form and may enter precinct name or number or town code, if applicable.
- Federal forms (National, FPCA, FWAB): the registrar must enter the date of registration on any available space on the form.

The registration date in VERIS automatically defaults to the date of data entry for a new voter and remains the original registration date for an existing voter. This date can be changed if necessary. In general, this should be the date the registrar accepted the application and deemed it complete. Limited exceptions include:

- Any valid application received in person by one registrar and forwarded to another registrar should show the date received by the first registrar as the registration date;
- Any valid application received in person at the DMV or any other state-designated agency should show the date it was received by that agency as the registration date;
- Mailed applications that are complete and show a timely postmark before the deadline, as well as applications lacking a postmark that are received by mail within 5 days after the deadline, are considered timely and should show the final day of registration as the registration date¹²⁸ (unless eligible for extended registration for certain military and overseas voters);
- Active-duty uniformed services members, overseas voters, and their eligible family may register in person up to and including the day of the election;¹²⁹

¹²⁷ See Virginia Admin. Code [1VAC20-40-70\(D\)](#).

¹²⁸ See [§24.2-416.4\(A\)](#).

¹²⁹ See [§24.2-420.1](#).



- Registration applications from active-duty uniformed services members and their eligible family accompanying applications for absentee ballots must be accepted regardless of the close of books.¹³⁰
- In person voter registration is available to all qualified individuals.¹³¹

6.6.2.2 Name

The applicant's full name is required and because a middle name may be material to determining voter qualification, registrars are required to do the following under 1VAC20-40-70(c):¹³²

- Contact the applicant, if the applicant indicates that they have no middle name, the registrar shall process the application.
- Contact the applicant, if the applicant indicates that they have a middle name, the registrar shall inform the applicant that the middle name is required, deny the application, and send the applicant a new application.
- If the registrar is unable to contact the applicant and is therefore unable to determine if the application is incomplete, the registrar shall give the benefit of doubt to the applicant and process the application.

Many applicants enter their middle initial instead of their middle name. For some applicants, the initial *is* their middle name; while other applicants have no middle name. In order to determine if the applicant has a more complete middle name than appears on the application, the registrar can either perform a "Voter Search" or after entering information on the "Add Voters" page, select "Process" for a system search for duplicates. If the registrar determines the applicant is already registered with a middle name, the registration should be updated only if new information is provided.¹³³ Do not remove the middle name or initial when updating the record unless the applicant specifically indicates that they no longer have a middle name or initial. DMV data, if available, can also be checked to see if the applicant has a more complete middle name on file at the DMV.

Alternatively, the registrar can try to contact the applicant. If the registrar can obtain a more complete name, it should be used when entering the applicant in the VERIS. If the registrar cannot get a more complete name and is unable to determine whether the applicant has a middle name or not, registrars are required to accept the name as printed on the application.¹³⁴

6.6.2.3 Age

A new applicant must provide their date of birth. If the date of birth question is not completed, the registrar may attempt to contact the applicant by phone or letter to

¹³⁰ See [§24.2-419](#).

¹³¹ See [§24.2-420.1](#).

¹³² See Virginia Admin. Code [1VAC20-40-70](#).

¹³³ See [§24.2-423](#). See Virginia Admin. Code [1VAC20-40-70](#).

¹³⁴ See Virginia Admin. Code [1VAC20-40-70](#).



correct the information. If the registrar is able to obtain the correct information and determine whether the applicant meets the age requirement, the incomplete application in VERIS can be entered as “Approve” to register an otherwise-qualified voter. If the applicant cannot be reached, the application must be denied.¹³⁵

Pre-Registration of 16-Year Olds¹³⁶

Any person who is otherwise qualified and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, may preregister to vote. This preregistration does not entitle a person 16 years of age or older to vote in any election except as provided in §24.2-403.¹³⁷

If a voter registration application is completed by a voter who is between the ages of 16 and 17 years old (for example, a 17-year-old who will not turn 18 before the General Election), the general registrar or deputy registrar will process the voter registration the same as they would any other voter registration application. When the general registrar or deputy clicks the “process” button, they will get a notice stating, “Voters under 17 years of age must be pre-registered.” The applicant will be placed in the “Pre-Registration” Hopper. General registrars should send a notice to the pre-registered voter indicating that their application has been received and instructing them to update their information if their address changes. At the time of eligibility, the pre-registered voter will be marked as eligible and should be processed by the general registrar or their staff.

6.6.2.4 Residency – Protected Voters

If an applicant has claimed protected status on the application form and provided a P.O. Box address anywhere in the Commonwealth, the registrar must indicate the protected status on the “Add Registration” page of VERIS by checking the appropriate box for protected voters.

Do not deny a voter registration application when no P.O. Box address is supplied. Instead, the general registrar should contact the applicant to explain this provision of the law and give the applicant the opportunity to provide the needed information. The Attorney General’s Address Confidentiality Program (ACP) provides a free post office box option to victims of domestic violence or stalking.¹³⁸ VERIS requires that the registrar enter a P.O. Box in the mailing address field in order to process and approve an application once the protected voter status box is checked. USPS post office boxes and other commercial mailboxes may be provided as alternative addresses for publication in lists.¹³⁹

¹³⁵ See Virginia Const. [Art. II, §2](#) (date of birth is required information). See also Virginia Administrative Code [IVAC20-40-40\(A\)](#) (applications missing information required by law must be denied).

¹³⁶ See [§24.2-403.1](#).

¹³⁷ *Id.*

¹³⁸ See the [Office of The Attorney General website](#) for more information on the Address Confidentiality Program.

¹³⁹ See Virginia Admin. Code [IVAC20-40-10](#).



6.6.2.5 Social Security Number



It is extremely rare for a U.S. citizen not to have an SSN. If the applicant is not currently registered to vote and has indicated “none” in the space for the SSN, the application should be accepted and entered in VERIS with the SSN field left blank. Select the “Applicant has not been issued SSN” checkbox when processing the application in order to “Approve” the application and register the otherwise qualified voter. VERIS will generate a unique “Voter ID.” If the space for the SSN is left blank, and the applicant is not currently registered to vote, the application should be denied due to “missing information”.¹⁴⁰ Select the checkbox for missing SSN. This action will automatically generate a notice of denial to send to the applicant stating that the SSN was missing. If, in response to this letter of denial, the otherwise qualified applicant states that he has no SSN, then the application can be accepted and a unique “Voter ID” generated.

Applicants who continue to refuse to provide a social security number may be informed that the Code requires that her application must be denied, and they have the right to appeal the denial to the circuit court.¹⁴¹

6.6.2.6 Gender



No application may be denied for failure to indicate gender.¹⁴² The registrar may enter an applicant’s gender as male, female, or unknown.

6.6.2.7 Conviction of Felony/ Adjudication of Incapacity– Restoration of Rights

A new applicant must provide information regarding their rights and disqualification of voting rights. The application asks: “Have you ever been convicted of a felony or judged mentally incapacitated and disqualified to vote?” This question must be answered by new, unregistered applicants.

If the applicant answers “YES,” the applicant must also answer whether their right to vote was restored. If the applicant answers “YES,” and the applicant is otherwise qualified, the application should be approved. Applicants whose rights have been restored may provide the registrar documents showing the restoration of their voting rights or simply provide the restoration date(s) on the registration application. If the applicant only provides the restoration date(s), the registrar must verify the date of either a restoration by the Governor of Virginia in the case of a felony conviction, or a court order issued to restore voting rights previously removed due to mental incapacity. For restoration by the Governor, the registrar will need to determine the convicting jurisdiction and that the convicting jurisdiction is in Virginia. Verification can be

¹⁴⁰ See Virginia Const. [Art. II, §2](#) (social security number is required information if the applicant has one). See also Virginia Admin. Code [1VAC20-40-70\(B\)\(1\)](#) (omission of social security number is only immaterial if the applicant indicates they have no SSN).

¹⁴¹ See [§24.2-422\(A\)](#).

¹⁴² See Virginia Admin. Code [1VAC20-40-70\(B\)\(2\)](#).



completed by contacting the applicant or by looking up the applicant's restoration order on the Secretary of the Commonwealth's website.¹⁴³ A general registrar may also request documentation to confirm the restoration of voting rights of a person previously convicted of a felony.¹⁴⁴ If an applicant is convicted of multiple felonies, the registrar must ensure the applicant has their rights restored for all felonies convicted prior to registration. All documentation should be attached to the applicant's record in VERIS.

If the applicant answers "yes" to a felony conviction or loss of voting rights due to a determination of mental incapacity and "no" to their rights being restored, the applicant is not eligible to be registered. The application should be denied based on their submission. If an applicant is not eligible to register, the registrar should provide appropriate information to the applicant regarding the restoration –of rights process.

An applicant who disagrees with the registrar's determination may submit an application, within 10 days of denial, and appeal the denial to the circuit court in the county or city where they applied to register.¹⁴⁵ The auto-generated VERIS denial correspondence for a felony conviction provides the applicant with contact information needed to challenge the Virginia State Police findings (804-674-2000 or vsp.virginia.gov) and also information on the civil rights restoration of rights process (Secretary of the Commonwealth) – 804-692-0104 or restore.virginia.gov.

For individuals who were adjudicated to be mentally incapacitated, they will need to reach out to the court that adjudicated their case and may have to petition the court where they were adjudicated to have their rights restored. Contact information for a particular court can be found on <https://www.vacourts.gov/directories/rule115>.

6.6.2.8 Signature

The applicant must sign the application in the box provided.¹⁴⁶ By signing, the applicant is affirming the following registration statement:

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.

An applicant unable to sign due to physical disability may make a mark or an assistant may sign the application, including their name and address below the signature line.¹⁴⁷ A

¹⁴³ See restore.virginia.gov

¹⁴⁴ See 2006 Op. Va. Atty. Gen. 48 ([Oct. 3, 2006](#)).

¹⁴⁵ See [§24.2-422](#).

¹⁴⁶ See [§24.2-418\(A\)](#).

¹⁴⁷ See [§24.2-418\(A\)](#). See also Virginia Admin. Code [1VAC20-40-70\(B\)\(11\)](#).



small checkbox below the signature line allows the applicant to request assistance with voting.

6.6.3 How to Process Incomplete Applications

Incomplete applications must be processed in VERIS to:



- Deny a new voter application because required information is missing;¹⁴⁸ or
- Enter an application as “Incomplete” while attempting to contact the applicant to gather the missing required information.

VERIS provides the registrar two ways to determine whether an applicant is currently registered when processing an incomplete application:

- Searching for the applicant on the “Voter Search” page by a number of criteria including the voter name, and full SSN or a portion thereof.
- Selecting “Add Voters” from the VERIS navigation bar and entering the information that is present on the application. Once the “Process” button is selected, the system will search for and return any duplicate registrations.

If the applicant is not currently registered in Virginia, the registrar may not “Approve” the registration until complete information is received. The application should be saved as “Incomplete” in order to contact the applicant and obtain the missing information if possible; otherwise, the application must be denied. When denying such an application, “Missing Information” should be selected as the reason for denial with the appropriate boxes checked to indicate what information was missing. This will automatically generate a denial notice to send to the applicant that lists the specific items that were incomplete. A new application must be sent with the denial notice if the applicant failed to sign the application, or failed to provide a required item of information on the application.¹⁴⁹

6.6.4 Processing Updates

If the voter is currently registered, the registrar must accept the application and update the voter’s registration when the application contains new information and is signed.¹⁵⁰ If the application contains no new information, it should still be accepted and will show as a duplicate or re-registration with no new information or updates. If the new application indicates any new information that would serve to cancel the voter’s registration, such as (i) felony conviction without subsequent restoration of rights by the Governor or (ii) adjudication of mental incapacity without language retaining the persons eligibility to vote or a subsequent court order restoring eligibility in the case of mental incapacity, then the registrar must deny the application and cancel the voter’s registration.¹⁵¹ If the registrar determines that a match exists in VERIS to

¹⁴⁸ See Virginia Admin. Code [1VAC20-40-40\(A\)](#).

¹⁴⁹ See [§24.2-422\(A\)](#).

¹⁵⁰ See Virginia Admin. Code [1VAC20-40-70\(F\)](#).

¹⁵¹ See [§24.2-427\(B\)](#).



the voter on the application (a duplicate), the existing voter registration should be updated with information from the newly signed and submitted application.

6.6.5 Processing Transfers and Reinstatements

If while entering information from the voter registration application, the receiving registrar's office sees a current registration in Virginia, processing the application will automatically transfer the voter's registration from the other Virginia locality. The receiving registrar need not notify the registrar in the applicant's former locality because VERIS automatically transfers the applicant from the old locality and informs the registrar there of the transfer.¹⁵²

VERIS will also automatically notify the registrar when a cancelled voter is reinstated by registering to vote in a new locality. This notice is in the form of a new transfer record in the former locality's hopper. The new hopper notice should be retained to remind the registrar in the former locality to send any records for the reinstated voter to the voter's new locality, retaining a copy until receipt is confirmed.

ELECT recommends that localities scan all paper forms received to simplify the registration and transfer process.

6.7 PROCESSING A VALID VOTER REGISTRATION APPLICATION IN VERIS

6.7.1 Entering applicants on VERIS



Processing voter registration applications is a major element of registrars' duties.¹⁵³ Depending on the size of the locality and the resources available, a registrar may find themselves overwhelmed. Because processing applications must be completed under tight deadlines, a registrar should seek assistance from their local board to assure compliance with state and federal law.¹⁵⁴ Refer to VERIS User Manual Step-by-Step *Add-Update Voter* for more information on processing applications.

6.7.1.1 Application Origin Codes

NVRA Tracking ID is used in VERIS to identify the source of each voter registration application. Codes to be used for identifying these sources in VERIS are as follows:

Code	NVRA Tracking ID
M	Military Recruiting
F	Federal Forms (FPCA or FWAB)
A	Public Assistance
S	State Mail in Form
D	Discretionary Agencies

¹⁵² See [§24.2-424\(D\)](#).

¹⁵³ See [§24.2-114](#).

¹⁵⁴ See Virginia Admin. Code [1VAC20-20-70\(A\)](#).



C	Disability Offices
T	Third Party Voter Drive
N	National Form
R	Confirmation Notice
I	Voter Card
O	Other Document/ Information
V	Department of Motor Vehicles
R	Confirmation Transfer

6.7.2 Correspondence

Once an application is approved, VERIS will automatically generate a voter registration notice and any other information necessary to send to the voter. Notices and cards can be printed off in batch mode or individually. It is best to wait until verifying the accuracy of the data entry before printing. Any notices needing to be removed due to error can be removed before printing by removing the page from the print job. Corrections can also be added so that only the revised, correct voter registration notices will print in that batch.

Any applicant that is 16 years of age or older but who will not be 18 years of age on or before the day of the next general election may be eligible to pre-register to vote.¹⁵⁵ Applicants, who are considered “pre-registered” to vote, should receive correspondence that acknowledges receipt of their application. This correspondence will be generated automatically by VERIS.

6.7.3 Processing an Out-of-State Cancellation

If the applicant has indicated previous registration in another state, the election authorities in that state will be notified that the individual is now registered in Virginia.¹⁵⁶ Once you enter the previous state of residence in VERIS, ELECT will send notices to the state of previous residence.

6.8 DENYING A REGISTRATION APPLICATION

There are several reasons for denying an application. When a registrar makes the determination to deny an application, the applicant must receive a notice of the denial and the specific reason his application was denied.¹⁵⁷ Further, any denial must be accompanied by a new voter registration application.

The following are reasons for voter registration application denials:

- The applicant has provided incomplete information required on the application.¹⁵⁸
- The applicant has provided information that indicates he is not qualified to register (*e.g.*, too young, convicted felon, or not a citizen).¹⁵⁹

¹⁵⁵ See [§24.2-403.1](#).

¹⁵⁶ See [§24.2-114\(15\)](#).

¹⁵⁷ See Virginia Admin. Code [1VAC20-20-70\(B\)](#). See also [§24.2-114\(9\)](#).

¹⁵⁸ See Virginia Admin. Code [1VAC20-40-40\(A\)](#).

¹⁵⁹ See Virginia Const. [Art. II, §2](#).



- The applicant did not sign the application.¹⁶⁰
- The registrar determines the applicant matches a prohibited voter record.

The registrar must send the notice within 5 days of denying the registration.¹⁶¹ The denial notice and correspondence is automatically generated through VERIS. The denial must be in writing and, if provided by the applicant, by email or telephone. A denial due to a felony conviction or death will automatically cancel the current registration. If the applicant provided a telephone number, the general registrar may contact the applicant to make corrections.

6.8.1 Steps for Processing

1. Mark the application

If using the standard Virginia application, enter the date of denial and the reason for the denial wherever you can find space on the form.

2. Enter the application into VERIS

Applications can be entered in VERIS either by first completing a “Voter Search” or going straight to the “Add Voters” page as noted above.

After the application to be denied is entered, the “Deny” button is selected with the appropriate reason for denial from the drop-down box. Space is also provided for any other comments needed. If the denial reason selected is “Missing Information” the appropriate boxes are checked to indicate what was missing. An explanation of the denial drop-downs may be found in the VERIS Step-By-Step.

The system will automatically generate denial notices listing the reason for denial selected and will insert any other comments provided. These letters can be printed individually or in batch mode. Selecting batch reporting allows the selection of the appropriate Voter Registration Acknowledgment report and allows the selection of printing all letters or individual letters.

By entering all denied applications and entering the NVRA Tracking ID, it is not necessary to keep a separate tally of all denied applications. VERIS will be able to report the number of denials entered for each Application Origin Code. VERIS will also enable the registrar to search for all denied applications.

3. Copy and File

Mail the denial letter to the applicant. If the applicant was denied due to incomplete information, include a new application form with the mailing.¹⁶²

¹⁶⁰ See §24.2-418.

¹⁶¹ See §24.2-422(A).

¹⁶² See §24.2-422(B).



If the applicant was denied due to a felony conviction, include information from the Secretary of the Commonwealth that describes procedures for applying for restoration of voting rights.

6.8.1.1 *Transferring Registrations*

Localities receiving applications for transfers should request from the losing locality the alpha card when the alpha card is not available electronically on the VERIS record.

1. Create an empty envelope library with each localities' number and address, which is a best practice used by many localities.
2. Run the **Transfer Out Registrations** report each Friday. Set the date from the previous Friday to Thursday (i.e. Running a report for 02/02 means setting the start date as Friday, Jan 26 with an end date of Thursday, Feb 1.).
3. If you are a **non-scanned** alpha location, pull the alphas using the report and note the receiving locality name or number in a corner of the alpha.
4. Once alpha cards are pulled, insert them into the receiving localities' envelope and put it in the mail.

6.9 CHALLENGES TO VOTER REGISTRATIONS

Whenever a registered voter is alleged to be “improperly registered” either by the general registrar or by any three qualified voters of the locality in which the allegation is made, the general registrar must hold a hearing to determine if that voter’s registration should be cancelled.¹⁶³ While there are no specific definitions for what’s considered “improperly registered”, it is important to note that the challenge process cannot be used solely because a voter may have moved.¹⁶⁴ If the registrar determines a voter’s potential move is the basis of a challenge, the registrar should inform the petitioners that a hearing under §24.2-429 cannot be conducted as voters who may have moved are subject to the confirmation process pursuant to §20507 of the NVRA and §24.2-428 of the Code of Virginia.¹⁶⁵

If the registrar determines a challenge is on a basis other than a voter’s move to a new address, the registrar may begin the notice and hearing process as long as it is not within 60 days of a November general election or within 30 days of any other election.¹⁶⁶ Should a challenge be filed during this restricted timeframe, the registrar should send a letter to the voters who filed the challenge acknowledging receipt and notifying these individuals that hearings will not be held until after the election in accordance with state law.

Prior to administering a hearing there are several notice requirements that must be met:

6. The registrar must post at the courthouse or publish in a newspaper of general circulation in the locality the name of the registered voter on a list of persons whose registrations are to be cancelled.

¹⁶³ See [§24.2-429](#).

¹⁶⁴ *Id.*

¹⁶⁵ See §§[24.2-428](#) and [24.2-429](#). See [52 U.S.C. §20507](#).

¹⁶⁶ *Id.*



7. The registrar must also certify the above list and deliver or send by mail to the chairman of each political party in the locality. If sent by mail, obtain a certificate of mailing.
8. The registrar must also send a notice by mail to the last known address of each registered voter on the list, stating (i) the reasons provided by law for the cancellation, (ii) the facts on which the cancellation is based, and (iii) when the registrar will hear at the registrar's office during regular office hours, testimony produced for or against the right of persons named in the notice to be retained on the registration records.

The hearing must be held not less than 10 days after the mailing of the notice to the voter(s) on the list. At the hearing, the registrar shall hear the testimony produced and determine whether the registered voter named in the notice is qualified to vote in the county or city. The registrar should ensure there is a formal transcript of the hearing and of any testimony provided. If the person is no longer qualified to vote, the registrar shall cancel the voter's registration. Additionally, if the registered voter who is challenged fails to appear to the hearing, their registration shall be cancelled.¹⁶⁷ The registrar is permitted to continue the hearing for a period of not more than 30 days in order to make a final determination.

If the voter who was challenged, or any other qualified voter of the locality, disagrees with the general registrar's decision to cancel or not cancel the voter's registration, they may submit an appeal to the circuit court of the associated locality.¹⁶⁸ Ultimately, the voter bears the burden of proving that they are qualified to vote in the locality.¹⁶⁹ It is important that the registrar contact the local counsel for any legal guidance prior to administering a hearing if there are any procedural questions.

¹⁶⁷ *Id.*

¹⁶⁸ See §[24.2-430](#).

¹⁶⁹ See *Sachs v. Horan*, [252 Va. 247](#), 475 S.E.2d 276 (1996)



VERIS INFORMATION INDEX

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

Timeliness of Applications

See [section 3.4](#)

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See [section 3.5.6](#).

Procedures Upon Receipt of Voter Registration Applications

See [section 3.6](#).

Processing a Valid Voter Registration Applications in VERIS

See [section 3.7](#).

Denying an Application

See [section 3.8](#).

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





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 7

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August 2025

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7. ABSENTEE VOTING

APPLICATIONS AND FORMS Virginia Vote by Mail Application Form (SBE-701/703.1) Virginia Permanent Absentee Voter Single Election Change (SBE-703.1C) Federal Post Card Application (FPCA) Federal Write-In Absentee Ballot (FWAB) Emergency Absentee Ballot Application (ELECT-705) Request for a Replacement Absentee Ballot (Certain Disabled or Ill Voters) (SBE-703.2(1)) Voter Affidavit – AB Cure (ELECT-707AF) Ballot Collection From Drop-Off Locations ENVELOPES Absentee Envelope A (VA-VBM-Envelope-A) Absentee Envelope B (VA-VBM-Envelope-B) INSTRUCTIONS Absentee Voting Instructions (ELECT-706.4) Absentee Voting Instructions (With Asst Form) UOCAVA Mail Instructions (ELECT-706.4) UOCAVA Email Instructions (ELECT-706.4) Instructions for Voting an Emergency Absentee Ballot (ELECT-705) Instructions for Voting a Replacement Absentee Ballot (SBE-703.2) ADDITIONAL RESOURCES HAVA Notice to Absentee Voters (ELECT HAVA-1) Statement of Designated Representative of Voter with a Disability, Illness, or Pregnancy (ELECT 703.2(2)) Statement of Voter: AB Ballot Not Received or Lost (SBE-708) Virginia Request for Assistance with Voting an Absentee Ballot (ELECT-704(AB)) Ballot On Demand Printing Guidance What Ifs	REFERENCE ELECT Absentee and Early Voting Webpage ELECT Military & Overseas Webpage ELECT Accessible Voting Webpage FVAP Virginia Voting Assistance Guide Code of Virginia Title 24.2 Chapter 4.1: Uniform Military and Overseas Voters Act Code of Virginia Title 24.2 Chapter 7: Absentee Voting Forms Warehouse: Absentee OAG Official Opinion Wurzer 21.040 REGULATIONS 1VAC20-45. Absent Military and Overseas Voters 1VAC20-70. Absentee Voting https://www.oag.state.va.us/files/Opinions/2021/21-040-Wurzer-Issued.pdf

7.1 CHAPTER ORGANIZATION

This chapter serves as a guide to help registrars and electoral boards perform their responsibilities for absentee voting in accordance with the Code of Virginia, the Virginia Administrative Code, and the State Board of Elections' policies. This chapter follows the sequence of absentee ballot processes during an election cycle and explains steps and preparations that both general registrars and local electoral boards must take to facilitate absentee voting.

This chapter begins with guidance for administering a locality's absentee program. §7.2 provides general information on absentee voting, highlights the 45-day deadline, and the 3 days within the



receipt deadline. §7.3 provides a list of important absentee deadlines at a high level. §7.4 addresses records, and §7.5 briefly outlines the three kinds of special ballots Virginia voters may use in certain circumstances.

Part One: Pre-Election Day Absentee Voting includes §7.6, discussing absentee readiness, including ballot printing and certification. §7.7, the largest section in the Absentee Voting chapter, outlines the different types of absentee applications to vote by mail, the requirements of each application, and general processes related to each specific kind of absentee application. §7.8 addresses in-person absentee voting. Both §§7.7 and 7.8 discuss the procedures that must be taken by general registrars and local electoral boards and establish requirements of voters to be eligible to vote either by mail or absentee in-person. §7.9 discusses change of address issues for In-Person Voters.

Part Two: Military and Overseas Voters includes §§7.10 and 7.11, which explain how to administer absentee voting with respect to military and overseas voters.

Part Three: Election Day addresses curbside voting and provides guidance on what to do if a voter needs assistance voting at the absentee precinct.

Part Four: Processing Absentee Ballot outlines how to receive mailed ballots, issue replacement ballots, process ballots before Election Day, and what to do if a UOCAVA voter's ballot has been returned after the polls close. This part also discusses the requirement to pre-process absentee ballots, the absentee ballot cure process, and material omissions on absentee ballot envelopes.

**Note**

For questions on polling place requirements during the early voting period, please refer to Chapter 3 (Precincts and Polling Places), Chapter 5 (Accessibility), and Chapter 18 (Satellite Locations).

7.1.1 Who is Entitled to Vote by Absentee Ballot

Any registered voter may vote by absentee ballot. Registered voters may choose to vote absentee by-mail or in-person. By-mail absentee voters may return their ballots to a drop-off location.¹ The rules for each kind of absentee voting are discussed later in this chapter.

The absentee ballot option includes individuals who are confined for a misdemeanor conviction or are awaiting trial.² The institution or facility will need to provide the voter with (i) means and opportunity to complete and submit an absentee application, (ii) the means and opportunity to mark his absentee ballot in accordance with the provisions of § 24.2-707, and (iii) ensure such voter's marked absentee ballot is returned in accordance with the provisions of § 24.2-709. General registrars may need to work with local sheriffs and Department of Corrections staff to help facilitate this process.

7.1.2 The 45 Day Absentee Deadline



Send ballots for all absentee applications on hand as soon as the ballots are received from the printer, but **“not later than 45 days prior to any election or within three business days of the**

¹ See [§24.2-707.1](#).

² See [§24.2-700.1](#).



receipt of a properly completed absentee ballot application, whichever is later. In-person absentee voting begins when printed ballots for the election are available and continues through the Saturday prior to Election Day.³



Exception: For **non-federal special elections**: “if time is insufficient to meet the applicable deadline [45 days before an election], then the general registrar [must] make printed ballots available as soon after the deadline as possible.”⁴ The Department of Elections will send a survey at the deadline to verify compliance.

7.1.3 Required to send Absentee Ballot within 3 Days of Receiving Complete Application

Ballots must be sent within 3 business days of receipt of a properly completed application following the 45-day absentee deadline. Electoral boards and general registrars have shared statutory responsibilities under §§24.2-612 and 24.2-706 to send ballots out on time.

- Process absentee ballot applications on a regular schedule throughout the year.
- Enter absentee ballot applications promptly into VERIS as they are received for the upcoming election. Entering applications into VERIS allows the voter to check their absentee ballot status online and assures the voter that the application has been received.
- Run absentee reports regularly, check the applications against the report, and make corrections as needed.
 - Daily Absentee Application List for the majority of data keyed for SBE-701, SBE-703.1, SBE-703.1(C), and Federal Post Card Applications (FPCA).
 - Ongoing Absentee Applications List for SBE-703.1 to verify the voter’s political party primary selection.

The ongoing report might be rather large in certain jurisdictions. Requesting to receive the report in CSV format for conversion to Excel will greatly improve the user’s ability to filter and sort for easier data review.



EXCEPTION: An absentee ballot application from an applicant who has registered to vote in person “[must] be held and processed no sooner than [five days] after the date that the applicant registered to vote.” **Military and overseas voters are exempt from this requirement.**⁵

7.2 ABSENTEE DEADLINES

Deadlines stated as a time of day must be adjusted for daylight savings time when applicable.

Timeline	Action
12 months before the election:	Earliest opportunity to apply for an absentee ballot. ⁶

³ See [§§24.2-612 and 24.2-701.1](#).

⁴ *Id.*

⁵ See [§24.2-701](#).

⁶ See [§24.2-701\(A\)](#).



45 days before the election:	Deadline for absentee ballots to be mailed or emailed for applications on file. ⁷
11 days before the election:	Deadline to register to vote a regular ballot. ⁸ 5 days after registration: Absentee application can be processed after in-person registration.⁹
11 days before the election by 5 pm EST	Deadline to apply for an absentee ballot by mail ¹⁰
10 days before the election:	Books are closed (same-day registration begins). ¹¹
7 days before the election:	Deadline for the general registrar to begin pre-processing absentee ballots as described in § 24.2-709.1(B).
Friday before Election Day:	Any ballot received on or before this date is subject to the absentee ballot cure process described in the Code of Virginia. ¹²
Noon on Saturday before the election:	The earliest that a person can learn of his/her need for an emergency absentee ballot due to their business, profession, or occupation, or a family medical emergency. ¹³
Afternoon on Saturday before the election:	An officer of election who accepts an Election Day assignment outside his/her voting precinct and has not yet voted can request an emergency absentee ballot. ¹⁴
5 pm on Saturday before the election:	Deadline to vote in-person absentee. ¹⁵
5 pm on Saturday before the election:	Deadline for a voter with a disability or illness who has been sent an absentee ballot to request a replacement ballot using a designated representative. ¹⁶
2 pm on the day before the election:	Deadline to request an Emergency Absentee Ballot Application for either: an individual who was unable to apply for an absentee ballot by the deadline due to hospitalization or illness of himself or a family member, death of a family member, or other emergency

⁷ See [§24.2-612](#). See also [52 U.S.C. § 20302](#).

⁸ See [§24.2-414](#).

⁹ See [§24.2-701](#).

¹⁰ See [§24.2-701\(B\)\(2\)](#).

¹¹ See [§24.2-416](#).

¹² See [§24.2-709.1](#).

¹³ See [§24.2-705\(B1\)](#).

¹⁴ See [§24.2-705\(B2\)](#).

¹⁵ See [§24.2-701](#).

¹⁶ See [§24.2-703.2](#).



	found to justify receipt of an absentee ballot an individual who is unable to vote on election day due to hospitalization or illness, the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify receipt of an emergency absentee ballot that occurred after the deadline for applying for an absentee ballot; Green Form.¹⁷ Deadline for late in-person Business/Personal/Emergency voters to vote (Buff/Cream Form) and late assigned officers of election.¹⁸
5 pm on the day before the election:	Deadline for the designated representative to return with the completed application for the hospitalized voter and to pick up a ballot.
Election Day:	Electoral board members must deliver all returned absentee ballots to precincts or CAP. ¹⁹
Immediately after 7 pm on Election Day:	Deliver any remaining returned ballots to precincts or CAP. ²⁰
Noon the third day after Election Day:	Deadline for FWAB to be received and serve as the absentee application and ballot based on voter affirmation of a timely completed FPCA, if registered or eligible for late registration.²¹ Deadline to receive absentee ballots that were postmarked on or before Election Day.²² Deadline for voters to cure their absentee ballot.²³

¹⁷ See [§24.2-705](#).

¹⁸ See [§24.2-705\(B\)](#).

¹⁹ See [§24.2-710](#).

²⁰ See [§24.2-709](#).

²¹ See [§24.2-702.1](#).

²² See [§24.2-709](#).

²³ See [§24.2-709.1](#).



After the completion of the canvass:	The registrar must transmit original absentee ballot applications to the clerk of the circuit court. ²⁴
5 pm on the second business day before the State Board of Elections meets to certify results:	Deadline for a returned absentee ballot of a UOCAVA voter to be counted only if : ²⁵ • The ballot was received after Election Day • The ballot was requested on or before the 45-day deadline but sent after the 45-day deadline in §24.2-612.²⁶ • The voter is confirmed to be a UOCAVA voter.
After the Election on a date as instructed by the Department of Elections (normally 30 days after):	Deadline to send late ballots received after the election to the clerk of the circuit court, provided the ballots were not eligible to be counted late. ²⁷



Regulation Note

1VAC20-60-40: When Ballot Cast. A voter has not cast a vote until a permanent record of the person's vote is preserved. 20-60-40(B) provides that this can be done by **inserting an optical scan ballot** into a counter. A vote is not cast until the voter (or an officer of election or assistant if requested and desired by the voter) completes one of those actions.

Remember: No one else can cast a voter's ballot unless doing so at the direction of the voter. However, if a voter inserts a ballot into an optical scanner, leaves, and then the ballot is returned by the scanner due to an over vote or under vote, the officer of election can cast the ballot for that voter. Absentee voters are considered to have cast their ballots at the moment they personally deliver the ballot to the general registrar, electoral board, or an authorized carrier for returning the ballot.



Frequently Asked Question

What happens when a major election deadline falls on a state holiday?

Outside of Title 24.2 of the Code, ELECT may reference § [1-210\(C\) of the Code \(Computation of time\)](#) to provide localities with direction. It states that "when an act of the General Assembly specifies a maximum period of time in which a legal action may be brought and the last day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, the act may be performed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly."

²⁴ See [§24.2-710](#).

²⁵ See [§24.2-709\(C\)](#).

²⁶ See [§24.2-612](#).

²⁷ See [§24.2-711](#).



7.3 ABSENTEE BALLOT RECORDS

7.3.1 Copies Requested for Inspection

If copies of AB applications are requested for inspection by a Virginia registered voter, inspect the absentee ballot applications prior to being copied and redact the full/partial social security number and day and month of birth, if provided, so those elements are not visible. “No list or application containing an individual’s social security number, or any part thereof, or the individual’s day and month of birth, shall be made for inspection or copying by anyone.”²⁸



- For Protected Voters, **redact the residence address in addition to all other personally identifying information.**
- Please see Chapter 9 Records Retention for the appropriate retention schedule.

7.3.2 Absentee Ballot Application Chain-of-Custody

The general registrar is required to deliver all applications, under seal, to the clerk of the circuit court after the electoral board canvass is complete. A voter’s permanent absentee ballot application, i.e., SBE-703.1, must be maintained in the general registrar’s office. Therefore, a copy of the voter’s permanent absentee ballot application must be sent to the clerk of court after each applicable election. A voter’s original single election absentee ballot application, i.e., SBE-701, must be sent to the clerk of court. A review of a voter’s permanent absentee ballot change application, i.e., SBE-703.1(C), will be necessary before determining if the original or a copy is sent to the clerk of court. A request to permanently change a voter’s political party for primary elections must be maintained along with the voter’s permanent absentee ballot application until such time as another political party change is submitted or the voter requests to be removed from the permanent absentee program.



Exception: This does not include the original FPCAs and FWABs that are retained for registration. Retention for registration records is 4 years after cancellation.²⁹ Send copies of these to the clerk instead of the originals.

7.4 SPECIAL BALLOTS

Virginia provides special ballots to certain voters in certain situations. The three special ballots are:

- Federal-only absentee ballot (every even numbered year).
- Presidential-only absentee ballot (every fourth year from 2024).
- Federal write-in absentee ballot (FWAB – any Federal election).

²⁸ See [§24.2-706](#).

²⁹ See [§24.2-114\(8\)](#).



In ordering federal-only and presidential-only ballots, the Department recommends ordering a small quantity of each for allocation to the Election Day voting precincts. There is a greater chance of using presidential-only ballots in a presidential election than federal-only ballots. However, the availability of each will serve the locality well should such a voter appear to vote on Election Day. The main use of these special ballots will be for by-mail absentee voting versus paper ballots for the federal-only and presidential-only ballot styles.

7.4.1 Federal-Only Absentee Ballots

7.4.1.1 *In General*

Some overseas voters only qualify for ballots for federal offices. These are voters who have moved overseas, have no place of abode in Virginia, and did not provide an employment reason for being overseas.³⁰ Voters must request a federal-only ballot using either the Virginia Absentee Ballot Application Form or the FPCA.

7.4.1.2 *Eligibility*

Federal-only ballots are issued to applicants residing overseas who meet the following qualifications:

- No longer have a Virginia place of abode, but their last place of residence in the U.S. was in Virginia;³¹
- Are not military voters or the spouse or dependents residing with the member of the military;
- Did not provide an employment reason for moving overseas or show that the applicant “is the spouse or dependent of a person employed overseas.”³²

7.4.1.3 *General Registrar Action*

- Mark these applications with “Federal-Only Ballots” in the upper right corner of the form.
- Enter into VERIS in the usual manner.³³
 - Select the applicable Military and Overseas Voter category from the Virginia Absentee Ballot Application Form or FPCA.
 - Enter all information concerning registration and the last date of residence.
 - Registration is permanent under 2012 legislation.
 - VERIS will set the default for the ballot to Federal-Only.
 - Issue the ballot in the usual manner.

³⁰ See [§24.2-453](#).

³¹ See [§24.2-101](#) for definition of residency.

³² See [§24.2-453](#).

³³ See VERIS Step-by-Steps (instructions for data entry).



7.4.2 Presidential-Only Absentee Ballot

Federal and Virginia law require issuing an absentee voter a ballot limited to Presidential and Vice-Presidential electors in **one situation only**.³⁴

- A registrant who has moved from the Commonwealth of Virginia fewer than thirty days before a Presidential Election. Enter these applications into VERIS using the “Presidential-Only” exception code, which is available for selection during the presidential election.
- After the election, these presidential-only voters must be cancelled based on moving their residence to a new state shown on the application.³⁵
- Keep a copy of completed applications, as the original needs to go to the clerk of court, for voters who qualify for Presidential-Only ballots to process as voter requests for cancellation after the election. Retain with voter registration records as per the Library of Virginia’s retention schedule.



This provision does not apply to a Presidential Primary.



An application that indicates a voter is moving overseas rather than to another state must be processed under the procedures for UOCAVA voters; the FPCA may be a better choice for the voter.³⁶

Like “federal only” ballots required for certain overseas citizens, these “presidential only” ballots for departing citizens moving to other states require special handling to assure voters entitled to full ballots are not disenfranchised on the one hand, and voters ineligible for the full ballot do not vote illegally on the other.

7.4.3 Federal Write-In Absentee Ballots (FWAB)

The FWAB is designed “for use in general, special, primary, and runoff elections for Federal office by absent uniformed services voters and overseas voters who make timely application for, and do not receive, States absentee ballots.”³⁷ Applicants often mail an FWAB about the same time as an FPCA. Additionally, Virginia Code Sections §§ 24.2-454 and 24.2-461 allow for FWAB use in non-federal elections.³⁸

- “An absent uniformed services voter or overseas voter who submits a Federal write-in absentee ballot and later receives a State ballot, may submit the State absentee ballot, regardless of whether a FWAB has been received.”³⁹ §24.2-1004 clarifies that there is no double voting since the FWAB is not counted if the regular state ballot is also received in time.

³⁴ See [52 U.S.C. §§20302\(a\)\(2\)](#) and [§20310\(5\)\(B\),\(C\)](#). See also [§24.2-402](#). See Section 11.7. The *presidential only* ballot differs from a *federal only* ballot required in federal elections for an overseas citizen eligible to vote absentee under UOCAVA or UMOVA who has no Virginia place of abode.

³⁵ See [§§24.2-402](#) and [24.2-427\(B\)\(v\)](#).

³⁶ See [Federal Post Card Application \(FPCA, Standard Form 76\)](#).

³⁷ See [52 U.S.C. §20303](#).

³⁸ See [§§24.2-454](#) and [24.2-461](#).

³⁹ See [52 U.S.C. §20303](#).



- The regular state ballot will be easier to process and count than if the choices on the FWAB are handwritten.



Please see Section 7.8.2 for more information about the FWAB.

7.5 PART ONE: PRE-ELECTION DAY ABSENTEE VOTING

7.5.1 Absentee Ballot Readiness

7.5.1.1 When and How to Order Printed Ballots

When? As soon as the general registrar receives confirmation from the Department of Elections that the candidate and referendum, if applicable, VERIS data is stable for ballot proof generation, the general registrar should request one of the available VERIS reports for distribution to the voting equipment vendor/ballot printer (see list below).

Available VERIS Reports:

- Ballot Proofing Mock-up Report
 - Ballot Styles Detail Report
 - Ballot Styles Summary Report
- Reminder: For CAP by precinct reporting post-election, make sure to choose “Yes” as the answer for “Show Precincts:” in the VERIS report description set-up screen.

Along with the VERIS report, provide the quantities of each precinct ballot needed for both by-mail and in-person absentee voting methods. Verify that the voting equipment vendor/ballot printer has all the information required to prepare the ballot proofs. Remember that your ballots must be proofed and approved by ELECT before printing. The Department of Elections provides SBE’s ballot standards that should be followed when producing ballots.⁴⁰

Consider the following when ordering ballots:



- Number of active registered voters⁴¹
- Historical election data, including voter turnout, in similar elections⁴²
- Number of ongoing applications
- Expected turnout for any race that appears to have greater local interest than expected
- Extra ballots (for the precincts and early voting)
- When applicable, quantities of federal-only or presidential-only ballots.
- With increased by-mail applications, there are likely to be more voters who bring their marked or unmarked ballot to early voting or to the polling place on Election Day and need a replacement ballot.

⁴⁰ See [Forms Warehouse](#), Election Management/Ballots/SBE Ballot Standards and Verification Procedures.

⁴¹ See [§24.2-612](#).

⁴² *Id.*





Note: The number of ballots to be printed is subject “to approval by the electoral board” and the Department of Elections.⁴³

7.5.1.2 Common Ballot Proofing Errors

Review for the following errors when proofing ballots:

- Either the precinct number, name, or both are left out. Both must be listed in either the header or the footer of the ballot.
- The write-in instruction is omitted. Examples can be found in the [SBE Ballot Standards](#).
- Either an incorrect candidate, office ballot order, or both are incorrect. The correct office ballot order can be found in the [SBE Ballot Standards](#).
- Stating "no candidates" for an office. If an office does not have any qualified candidates, then only the write-in line(s) should be there. Do not indicate that there are no candidates.
- The middle name or middle initial is missing in the ballot name. If the candidate's voter record indicates they have a middle name, it must be represented in their ballot name. Guidelines for ballot names are located on the back of the Certificate of Candidate Qualification (501) and in the [SBE Ballot Standards](#).
- The middle name or initial is not listed before the nickname.
- An instruction is not listed at the bottom of the ballot pointing voters to the back of the ballot if it continues to the back for more offices, issues, or both.
- Spelling errors.
- A vendor or VERIS report is submitted instead of the actual ballot proofs.
- A mock-up from the vendor is submitted instead of the actual final ballot proof (generally, mock-ups will not have the full header or any instructions). If it doesn't look exactly like the final ballot, it's not what ELECT needs and will not be accepted.
- Only submitting the front page of the ballot. ELECT also needs the back of the ballot to confirm that the seal or seal placeholder is present.

7.5.2 Distribute Ballot Oaths and Ensure Timely Return of Signed Documents

Virginia Code Sections §§24.2-616 – 24.2-621 require localities to treat ballot printing with purpose, security, and with a delineated chain of custody. A locality might strongly consider distributing the ballot printer oath statements identified below at the time it submits its ballot order with its voting equipment vendor/ballot printer. Establish the expected return of signed oaths based on the “Signature Trigger” event, also identified.

Ballot Printer Oath	Signature Trigger
Oath, Statement of Printer SBE-616	Vendor or printer accepts printing assignment. No more than a few days after receipt of GR's print request.
Oath, Statement of Electoral Board or General Registrar Representative SBE-617	Printer completes printing quantities requested.

⁴³ *Id.*



Oath, Statement of Person Affixing Seal and Packaging Ballots SBE-619	For ballot artwork electronic files, after insertion of the electoral board's seal within the voting equipment vendor's proprietary software Rare: For printed ballots on a printing machine that will affix the electoral board's seal during printing, after the print job is complete.
Oath, Certificate of Number of Ballots Delivered to Electoral Board or General Registrar SBE-618	At the time of ballot quantity delivery to the electoral board or general registrar.

Reminder: If additional absentee ballot quantities are ordered, additional ballot printer oaths will be needed, except for SBE-619 when electronic ballot artwork files already containing the electoral board's seal are used.

7.5.3 Third Party Mailing and Assembly of Printed Ballots

General registrars may contract with a third party for the printing, assembly, and mailing of ballots.⁴⁴ The State Board of Elections has promulgated regulatory action 1VAC20-70-90, which regulates the process of forming these contracts. Any contract executed must be provided to ELECT.⁴⁵ Signed contracts should be [uploaded](#) as part of the AB compliance survey provided by ELECT.

Under 1VAC20-70-90, the general registrar is ultimately responsible for guaranteeing compliance with all relevant requirements under the Code of Virginia, including but not limited to the requirements of § 24.2-612 and § 24.2-706.⁴⁶

7.5.4 Start Absentee Voting When Ballots are Received From Printer

First, certify the number of all ballots received from the printer, including the ballots to be used for absentee voting.⁴⁷ Remember to file a copy of the receipt in the electoral board minutes.⁴⁸

- The applications for absentee ballots must be entered into VERIS and proofed before the printed ballots are received.

Begin absentee voting as soon as the ballots are received; general registrars do not have to wait for the mandated 45-day deadline to begin sending out absentee ballots.⁴⁹



Best Practice

Conduct logic and accuracy testing on the voting systems before you send out any absentee ballots.

⁴⁴ See [§24.2-706\(D\)](#).

⁴⁵ See Virginia Admin. Code [1VAC20-70-90\(B\)\(7\)](#).

⁴⁶ See Virginia Admin. Code [1VAC20-70-90](#).

⁴⁷ See [§24.2-618](#).

⁴⁸ *Id.*

⁴⁹ See [§24.2-612](#) (The general registrar shall make printed ballots available for absentee voting *not later than* 45 days prior to any election).

7.5.4.1 *Be Ready to Email Ballots*



Localities should have a specific email address established for eligible overseas, military, and print disabled voters who have requested to receive ballots via email. The Department offers the software Enhanced Ballot to localities as an option to facilitate the distribution of email absentee ballots. Access to the Enhanced Ballot application is through the OKTA single sign-on home page. Localities will be able to access the Enhanced Ballot user guide once logged into the application through the “Support” button. Once in the system, local users should pay particular attention to managing locality-specific configurations and settings.

Elections within Enhanced Ballot are established by the Department prior to the commencement of absentee voting. VERIS data is the source of ballot content displayed within Enhanced Ballot. If a candidate name or office detail is changed within VERIS, the change will need to be moved from VERIS to Enhanced Ballot. Communication with ELECT’s Elections and Registration Specialist (ERS) staff when changes occur is essential for swift updates to Enhanced Ballot.

Prior to the commencement of absentee voting, a locality will need to add its absentee email voters to Enhanced Ballot. The VERIS report that will accomplish importing voters into Enhanced Ballot is the “Absentee Ballots To Be Emailed” report. The report must be requested in the CSV file format for proper importation to Enhanced Ballot. The normal course of action is a main upload of a locality’s email absentee voters performed prior to absentee commencement. Thereafter, manual entry of new email absentee voters may be done within Enhanced Ballot. Be sure that all absentee ballot application processors recognize and alert the appropriate member of the general registrar’s staff when new email absentee voters are identified so that post-commencement email absentee voters are not overlooked.

Print disabled absentee voters may request to receive absentee ballots by email. To facilitate a private and independent voting method, a locality must use Enhanced Ballot.⁵⁰ The permission for a non-UOCAVA voter to receive an absentee ballot by email is relatively new, and some absentee voters are unfamiliar with the assistance choices presented. Traditional human assistance is available, as well as the Enhanced Ballot private and independent path. Attention is needed when processing absentee ballot applications for situations where an applicant has designated a print disabled situation but neither requested to receive the ballot via email nor selected the “Needs Assistance” designation. Correspondence with the voter, either by phone or email, normally addresses the issue. Make written notes of the voter’s selection on the absentee ballot application with the time, date, and initials of the person corresponding with the voter. Also, make the necessary changes to the voter’s absentee ballot application in VERIS. If the print disabled voter declines the use of Enhanced Ballot, the voter must be mailed the request for assistance form.⁵¹

⁵⁰ See [§24.2-103.2](#).

⁵¹ See [§24.2-704](#).



A locality will be required to mail the print disabled voter his/her postage-paid return mailing envelope with tactile marking, envelope B, and ADA absentee ballot instructions. The VERIS report “Absentee Email Return Labels” will be needed to begin the mailing process. Having a prepared batch of print disabled mailing bundles with the supplies needed will reduce preparation time when supplies are needed. The Department offers two ADA absentee ballot instructions, so be sure to identify the difference and keep supplies of each available, i.e., FormsWarehouse > Absentee > Absentee Mail Instructions > ADA Enhanced Ballot Voting Instructions without assistance and with assistance. Additional labels will be needed to mail the materials to the print disabled voter, i.e., a delivery label with the voter’s address and a return label for the general registrar’s office. These additional labels must be generated by the means available within the general registrar’s office. Therefore, the return label to the general registrar’s office will not contain an Intelligent Mail barcode. This is the one exception to 1VAC20-70-70(B).⁵²

A locality may choose to use its email account for sending email ballots. Once you have approved ballots, create template email files ready to send to UOCAVA voters. The voting equipment vendor or ballot printer can provide a PDF file of all precinct ballots used in your locality. Incorporate these PDF files into the email to UOCAVA voters, along with the additional materials the voter will require to complete the ballot.⁵³

In the case of an emergency that will not allow sufficient time for the distribution and handling of absentee ballot applications and absentee ballots, the Commissioner of the Department of Elections shall have the authority to designate alternative methods and procedures to handle such applications and ballots.⁵⁴ The reference is made within this section of the Chapter to acknowledge that the alternative methods designated may include an expansion to the email ballot process.

7.5.4.2 *Be Ready with Ballots for In-Person Absentee Voting*

In-person absentee voting may take place in the office of the general registrar, or at another location or locations in the county or city approved by the governing body.⁵⁵

Most absentee voters in the Commonwealth cast ballots in-person. Therefore, you should plan accordingly to ensure that a sufficient number of each precinct ballot in your locality is on hand. If your locality uses a ballot on demand printing system, please follow the Department’s 8/30/2023 ballot on demand guidance.

In-person absentee voting is much like running forty-five Election Days. The Department of Elections highly recommends operating all in-person absentee voting with officers of election. The Department is aware of the permission granted for the general registrar and staff to operate in-person absentee voting and understands that resources and officer availability drive this permission. However, officer of election utilization for in-person absentee voting allows for an improved voter experience, improved officer of

⁵² See Virginia Admin. Code [1VAC20-70-70](#).

⁵³ See [FormsWarehouse](#), Absentee Voting/Ballots-UOCAVA.

⁵⁴ See [§24.2-713](#).

⁵⁵ See [§§24.2-701.2](#) and [24.2-712](#).



election performance through repetition, and improved general registrar staff availability. Advanced planning will be needed with the ranks of officers of election. A summer availability survey for fall service is advisable. Additionally, communicate with the county or city payroll department about the officer of election pay. Certain officers may earn enough pay to require withholding. The ability for the general registrar/staff to observe the officers of election work in an Election Day environment is invaluable.

7.5.5 Certify Ballot Readiness to ELECT

The general registrar must certify to the Department of Elections that ballots were ready by the required date and that all applicants on file were sent ballots by the 45-day deadline.⁵⁶

If the general registrar's office is closed on Saturday, the certification must be provided to the Department of Elections after the close of business on Friday. If the office is open on Saturday, the certification must be provided to the Department after the close of business on Saturday. If Friday is a holiday and the office is closed both Friday and Saturday, the certification must be provided on Thursday.

Additional reporting may be required. For each election, the Department of Elections will provide notice when an electronic survey is available to collect the required certification of the compliance deadline and review of ballot orders.

7.6 APPLICATIONS TO VOTE ABSENTEE BY MAIL

The following are the types of applications and instructions used for voters requesting a ballot by mail.

7.6.1 Virginia Absentee Ballot Application Form (SBE 701/703.1)

7.6.1.1 *In General*

The Virginia Absentee Ballot Application form lets registered voters apply to vote absentee for an upcoming election within the next twelve (12) months.⁵⁷ The form also allows a registered voter to request to receive at his or her residence address by mail absentee ballots for all future elections.⁵⁸ Anyone may request an application. Applications must be returned to the Registrar's office completed in full and signed. Applications may be filed no more than twelve (12) months before an election. The application must be submitted to the appropriate registrar no later than 5:00 p.m. on the eleventh day prior to the election, which would be the second Friday preceding an election held on a Tuesday. In-person absentee voting does not require an application. A registered voter may vote absentee in-person through the Saturday immediately preceding any election.

Applications may be signed electronically and can be received by mail, fax, in person, or by email with an electronic signature, or through ELECT's Citizen Portal website. Applicants who apply in person may wish to request that a ballot be mailed to them.

⁵⁶ See [§24.2-612](#).

⁵⁷ See [§24.2-701](#).

⁵⁸ See [§24.2-703.1](#).



Ballots are sent by mail to applicants who apply by mail, fax, or email (see exception below). Citizens covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) may apply on the Virginia application, though they are encouraged to use the Federal Post Card Application (FPCA). UOCAVA voters are eligible to have their ballots sent to them by email, fax, or mail.⁵⁹

7.6.1.2 *Virginia Permanent Absentee Voter Change Form (SBE 703.1C)*

Permanent absentee voters may use this form to change where their ballot is mailed for one election, change the political party primary ballot mailed for one primary election, change the political party primary ballot mailed for all primary elections, or cancel their permanent absentee voter status.⁶⁰

7.6.1.2.1 *Eligibility*

All Virginia registered voters are eligible to vote by absentee ballot.⁶¹ UOCAVA citizens who apply using the Virginia Absentee Ballot Application are eligible to have their ballots sent to them by email or fax, but only for the one election requested. Print disabled voters may also have their ballots sent to them by email.⁶² Those confined awaiting trial or for a misdemeanor conviction must be provided the opportunity to apply for an absentee ballot by the institution in which they are held.⁶³

If the absentee applicant is not currently registered and the books are not closed, the applicant may apply to register to vote. If absentee voting has not yet begun, this individual may apply for a mail absentee ballot. However, that voter must wait at least five days after his registration application is granted before his absentee ballot application can be processed or before voting absentee in-person.⁶⁴ If absentee voting has begun, this individual may vote in person after the five-day waiting period (military and overseas voters are exempt from this requirement). If the voter wants to vote immediately and does not want to wait, they may vote provisionally. If books are closed, the same-day registration process must be used, and the person will vote provisionally in person.

- Some voters may be eligible for late registration if they qualify under §24.2-419 or §24.2-420.1.

7.6.1.3 *How to Process the Virginia Vote by Mail Application Form (SBE 701/703.1)*⁶⁵

- Check each application for missing information. Each application **must** contain the following:
 - The election for which the ballot is being requested, **unless the voter elects to complete the “Permanent Absentee Option” section of the form.**

⁵⁹ See below discussion on use of the Federal Post Card Application (FPCA).

⁶⁰ See [§24.2-703.1\(C\)](#).

⁶¹ See [§24.2-700](#).

⁶² See [§§24.2-103.2](#) and [24.2-704](#).

⁶³ See [§24.2-700.1](#).

⁶⁴ See [§24.2-701](#).

⁶⁵ See [§24.2-701](#).



- The applicant's **printed name** and the **last four digits** of the applicant's **social security number**.
- The applicant's residence address in Virginia.
- Unless the applicant is disabled, all applications for absentee ballots must be signed by the applicant.
- Additionally, please review the following non-mandatory information:
 - Assistance with Ballot: If checked, indicate this in VERIS and be certain to send the *Request for Assistance in Voting an Absentee Ballot* form with the ballot (ELECT-704 (AB)). **Print disabled voters may also indicate that they would like to receive their ballots electronically by email.**
 - If the voter has moved:
 - Enter the change of address in VERIS if a *Vote by Mail Application* is received before the books close.
 - **Do not** enter a change of address in VERIS if the books have closed.
 - **Note:** Moving conditions apply.⁶⁶
- Then, look up the voter in VERIS:
 - Compare the information on the application with the data recorded in VERIS.
 - If the information matches, move to "Absentee History" in VERIS and check for any absentee application already on file.
 - If the registration address provided does not match and the voter has not completed the "Change of Name/Address" section, contact the voter and confirm the residence address. With confirmation and voter registration open, edit the voter's registration address to match the address provided before proceeding. With confirmation and voter registration closed, apply the move conditions before proceeding, but retain a copy of the application with other voter registration applications that did not meet the deadline for processing after the election.
 - If VERIS information for the voter shows "Vote in Person" or "Verify ID" flags, refer to these sections in this Chapter.
 - **If there is no absentee application on file, enter the absentee data and process the application.**
- Refer to VERIS Step-by-Steps for detailed processing instructions.
- Complete the "Office Use Only" block on the form.
- The voter is now ready for a ballot to be mailed, emailed, or faxed.
- Follow instructions for mailing, emailing, and faxing ballots.

7.6.1.4 Incomplete Virginia Vote by Mail Application (SBE 701/703.1)

"In reviewing the application for an absentee ballot, the general registrar [must] not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee."⁶⁷

⁶⁶ See section on changes of address in this Chapter for details.

⁶⁷ See [§24.2-706](#).



**Best Practice**

If information is missing from an application for an absentee ballot, try to collect the missing information by phone, email or fax for anything other than the signature.

Indicate the name of the person providing the information, the date and initial the form or attach a copy of the fax or email response. If no one can be reached within 3 business days, deny the application in VERIS.

If the voter is registered, send a new application to the voter with the letter generated by VERIS requesting the missing information. If the voter has provided a fax number or email, save time by faxing or emailing the letter and a new application.

If the voter is not registered, contact ELECT for a template or create your own to notify the voter.

Please note that the voter's *full* SSN is requested on the application to assist in finding the voter's record, but it is *not* required.⁶⁸ A voter cannot be denied an absentee ballot for failure to provide the full SSN.⁶⁹

**Frequently Asked Questions**

What if the voter forgets to include the last four digits of SSN?

§24.2-706 requires the general registrar to determine if the omission prevents determining qualification to vote absentee.

What if the voter forgets to sign the application?

The voter's signature is required, as the voter must attest to the accuracy of the information provided in order to determine whether the voter is qualified. The voter must be denied for failure to sign. You should send a new application to the voter with the denial letter generated by VERIS.

⁶⁸ See [§24.2-701](#). §24.2-701(C) provides authority for the application to collect the last four digits of the voter's social security number.

⁶⁹ See also 52 U.S.C. [§10101\(a\)\(2\)\(B\)](#).





Policy Note on Electronic Signatures for Absentee Ballot Applications

The State Board of Elections in May 2015 determined that applications requesting absentee ballots may be signed electronically. Registrars are directed to accept electronic signatures as long as the applicant is required to affirmatively check a box confirming acknowledgement of the Affirmation Statement on the Vote by Mail Application and the completed Application includes a disclaimer indicating that it includes an electronic signature. Accepting electronic signatures increases voter convenience and makes it easier for currently registered voters who are qualified to cast an absentee ballot.

7.6.1.5 Help America Vote Act (HAVA) ID Requirement by Mail⁷⁰

In a federal election, first-time voters who registered by mail will be noted with the “Verify ID” flag in VERIS.

- **Permissible forms of ID** for these voters *when voting by mail* include the following:⁷¹
 - Virginia Voter Card
 - Virginia Driver’s License/Identification Card
 - Copy of a current and valid photo identification
 - Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.
- **Exemptions** from HAVA ID when voting by mail:⁷²
 - Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters
 - Other federal entitlement
 - Commissioner of Elections determines that no accessible polling place is available for a voter with physical disability or age 65 or older.

Nonexempt first-time voters must be sent the HAVA ID notice (ELECT-HAVA-1) with ballots for *federal elections*; this includes students.

- Must return a copy of the required ID with his or her ballot.
- If HAVA ID is returned, edit absentee ballot information in VERIS to indicate that ID was returned by checking the “ID Provided” box in VERIS.
- Failure to return proper HAVA ID requires Provisional Ballot processing.⁷³
- Change the ballot status in VERIS to “Provisional” and note on the absentee ballot record that the ballot was cast as Provisional.

⁷⁰ See [§24.2-706](#).

⁷¹ *Id.*

⁷² See [52 U.S.C. §21083](#). See also [§24.2-706](#).

⁷³ See Chapter 13 Provisional Ballots.



7.6.1.6 Change of Address Scenarios for Ballots by Mail⁷⁴

The action taken is dependent upon whether the books are open or closed. After the books close, the date the voter moved is essential in determining whether the voter is qualified to vote in the election(s) in which he/she applies to vote. Ballots must be mailed within 3 business days upon receipt of a properly completed application (if the voter registered in person, count the 3 business days from acceptance of the registration application).⁷⁵ Act on missing information or problems immediately, and document your actions. If problems cannot be resolved quickly, deny the *Vote by Mail Application* in VERIS.

Use your resources. Refer to the “What Ifs” document for current moving conditions. Below are change of address scenarios with guidance on how to process these applications.

7.6.1.6.1 The Voter has Moved to a New Address Within Your Locality and Wants a Ballot by Mail⁷⁶

- If the application is received **before** the books close and the “Change of Name/Address” section is completed, change the address in VERIS and process the application using the voter’s new address.
- If the application is received **before** the books close and the “Change of Name/Address” section is not completed, contact the voter for confirmation of the voter’s address, date of move, and eligibility. Once all elements are present to proceed, edit the voter’s registration record before processing the absentee ballot application.
- If the application is received **after** the books close:
 - Do not change the address in VERIS.
 - If the voter meets the moving conditions in §24.2-401 and is submitting SBE-701, process the application in VERIS using the old address, but mail the ballot to where the voter resides.
 - If the voter meets the moving conditions in §24.2-401 and is submitting SBE-703.1, immediately contact to the voter and proceed by either (i) denying the application for voter’s submission of SBE-703.1 or (ii) having the voter submit SBE-703.1(C) before processing the application in VERIS using the old address but mail the ballot to the address provided on SBE-703.1(C).
 - Keep a copy of the *Virginia Absentee Ballot Application* to make an address change *after* the election.
 - If the voter does not meet the moving conditions in §24.2-401, the application must be denied.
 - Enter the denial in VERIS and state the reason.
 - Mail denial notice to the voter.
 - Voter may not vote by mail or in person.

⁷⁴ See [§24.2-401](#).

⁷⁵ See [§24.2-612](#).

⁷⁶ See [§24.2-401](#).



- If applicable, keep a copy of the *Virginia Absentee Ballot Application* to make an address change *after* the election.
- In all cases where voter registration is closed, a discussion with the voter about Virginia's Same Day Voter Registration process is warranted. Document voter decisions with written notes on the Virginia Absentee Ballot Application when an application is abandoned. Abandoned applications will still go to the circuit court clerk after the election.

7.6.1.6.2 The Voter has Moved to a New Address Within Your Locality but is Registered in Another Virginia Locality and Wants a Ballot by Mail⁷⁷

If the application is received **before** the books close, request a copy of the voter's record from the other locality to be sent to you immediately. In cases where the applicant provided a full Social Security number, redaction of the first five digits is necessary,⁷⁸ Even when sent via encrypted email.⁷⁹

With receipt of the voter's record, update the voter's registration record in VERIS and process the application for a ballot by mail. Comment on the VERIS voter record that you are waiting for the original voter registration record to be received from the previous locality.

In cases where the losing locality has associated a *Virginia Voter Registration Application* to the voter's record in VERIS, process the change of address and proceed with accepting the absentee ballot application. Make sure to check that the associated voter registration application is complete before processing.

If the application is received **after** the books close, send the voter's *Virginia Absentee Ballot Application Form* to the voter's old locality with the first five digits of the Social Security number redacted, if provided. The old locality will determine whether the voter is eligible to vote under moving conditions in §24.2-401 or if the application should be denied. The old locality is responsible for sending the denial notice, if needed.

⁷⁷ See [§24.2-401](#).

⁷⁸ Redact means to alter or truncate data so that no sensitive personal information is accessible.

⁷⁹ See Virginia Admin. Code [1VAC20-20-20](#).



**Regulation Note****1VAC20-20-20. Electronic Transmission of Records Containing Sensitive Personal Information; Encryption or Redaction Required.**

Election officials must use encryption technology that meets the Security Requirements for Cryptographic Modules, FIPS PUB 140-2, with change notices through December 2002, of the National Institute of Technology of the United States Department of Commerce to transmit any records containing sensitive personal information. This includes e-mails and faxes including sensitive information. This regulation defines “sensitive personal information” as: more than four digits of a social security number or other identifier other than a voter identification number, day and month of birth, and the residence address of voters qualified for protection under 24.2-418. If encryption is not used, all sensitive personal information must be redacted before being electronically transmitted. “Redact” means to alter or truncate data so no sensitive personal information is accessible.

7.6.1.6.3 The Voter has Moved to a New Address in Another Virginia Locality and Wants a Ballot by Mail⁸⁰

If the application is received **before** the books close, send a copy of the voter record with the *Virginia Absentee Ballot Application* to the new locality.



Alternatively, scan and associate the voter’s registration application to the record in VERIS before sending the *Virginia Absentee Ballot Application* to the new locality.

Remember: The **full** Social Security number must always be covered before faxing or emailing unless encrypted.⁸¹

- The new locality will process the transfer, then process the *Vote by Mail Application* and send the ballot.
- **Do not send a ballot from the old locality.**

If the application is received **after** the books close, confirm the date the voter moved into the new address on the *Virginia Absentee Ballot Application Form*.

- If not listed on the *Virginia Absentee Ballot Application Form*, the voter must be contacted.
- If the voter meets the allowable moving conditions in §24.2-401 and is eligible to vote in the old locality:
 - Look up the voter in VERIS.
 - Check for any absentee ballot record.
 - Process the *Virginia Absentee Ballot Application Form* SBE-701 using the voter’s old address and mail the ballot to where the voter resides.
 - Process Virginia Absentee Ballot Application Form SBE-703.1 by either (i) denying the application for the voter’s submission of SBE-701 or (ii) having the voter submit SBE-703.1(C) before

⁸⁰ See [§24.2-401](#).

⁸¹ See Virginia Admin. Code [1VAC20-20-20](#).



- processing the application in VERIS using the old address but mail the ballot to the address provided on SBE-703.1(C).
- If the voter does not meet the moving conditions, the application must be denied.
 - Enter the denial in VERIS and state the reason.
 - Mail denial notice to the voter.
 - The voter may not vote by mail or in person.
 - Keep a copy of the *Virginia Absentee Ballot Application Form* to make an address change *after* the election
- After the election, use a copy of the *Virginia Absentee Ballot Application Form* as authorization to transfer the voter to his/her new locality. Send the application copy to the new locality.
- In all cases where voter registration is closed, a discussion with the voter about Virginia's Same Day Voter Registration process is warranted. Document voter decisions with written notes on the Virginia Absentee Ballot Application when an application is abandoned. Abandoned applications will still go to the circuit court clerk after the election.

7.6.1.6.4 The Voter has Moved to a New Address in Another State and Wants a Ballot by Mail⁸²

"The general registrar may cancel the registration of any person for whom a notice has been submitted [...] and forwarded to the general registrar that the voter has moved from the Commonwealth."⁸³ The signed *Virginia Absentee Ballot Application Form* is your authorization to cancel the voter. Thus, the *Virginia Absentee Ballot Application* should be denied and his/her voter registration cancelled.

- Before cancellation, the general registrar must "mail notice of such cancellation to the person at both his new address, [...] and the address at which he had most recently been registered in Virginia."⁸⁴
- Send a denial letter and keep a copy of the *Virginia Absentee Ballot Application Form* as your authorization for the cancellation. The original application will go to the circuit court clerk after the election.



Exception for Presidential Election only: If a voter has moved to another state less than 30 days before a Presidential General Election, he/she may be eligible for a Presidential Only ballot from his/her old Virginia address.⁸⁵ After the election, the voter's Virginia voter registration must be cancelled in VERIS.

⁸² See [§§24.2-402](#) and [24.2-427](#).

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ See [§24.2-402](#).



7.6.1.6.5 The Voter has Moved to Your Locality but VERIS Flags a Warning that the Voter has Been Issued a Ballot from His Old Locality and the Voter Wants a Ballot by Mail

- **Application received before the books close:**
 - Begin processing the transfer.
 - A warning message will appear in VERIS depending on “Ballot Status.”
 - **If Status = Issued**
 - Warning message will read “Warning: Active Absentee Application in _____ County/City will be cancelled.”
 - Update voter’s registration.
 - VERIS will automatically cancel/void any ballot in the old locality after the transfer is complete (The ballot cannot be counted in the old locality).
 - Process the *Virginia Absentee Ballot Application* and send the ballot from the new locality.
 - **If Status = Marked or On Machine or Pre-Processed**
 - Warning message will read “Warning: Voted ballot in _____ County/City.”
 - The voter cannot vote in the new locality because the ballot has already been cast.
 - The application and the ballot from the old locality will remain unchanged, as this voter has already cast his/her ballot.
 - DO NOT process the new *Virginia Absentee Ballot Application Form* in VERIS.
 - The new locality should notify the voter that the application has been denied because a ballot has already been cast in this election from his/her old locality.
 - Inform the voter that his/her new address will be updated after the election.
 - Keep a copy of the application to request an alpha card from the old locality and update it after the election. In cases where the voter has a voter registration application associated with his/her record, update after the election.
 - If the voter denies having already cast a ballot, offer a provisional ballot.
- **Application received after the books close:**
 - The new locality should notify the voter that the application has been denied because it is past the deadline to update their registration record to the new address. The notice should also inform the voter if a ballot has already been issued for this election from the old locality. If the voter claims not to have received the absentee ballot, discuss using the Statement of Voter Affidavit.
 - Inform the voter that his/her new address will be updated after the election.
 - Keep a copy of the *Virginia Absentee Ballot Application Form* to request an alpha card and update after the election.



7.6.1.6.6 The Voter Did Not Complete the Change of Address Option and Wants a Ballot by Mail

- If the applicant did not specifically request a change of address and the residence address does not match the address listed in VERIS, call or email the voter to confirm he/she has moved.
 - Note the information provided by the voter on the *Virginia Absentee Ballot Application Form* and date and sign in red pen.
 - If the voter is qualified, send a ballot.
 - If the voter is not qualified, deny the *Virginia Absentee Ballot Application Form*.
- If the applicant is not registered in your locality, call or email the voter to confirm whether to update his/her voter registration.
 - If the voter is qualified, send a ballot.
 - If the voter is not qualified, deny the *Virginia Absentee Ballot Application Form*.
- The *Virginia Absentee Ballot Application Form* can serve to transfer voters because it is a signed statement indicating a change of address.
- Prior address and date moved are not required to be stated on the *Virginia Absentee Ballot Application Form*, but may be needed after the books close to apply the moving conditions of §24.2-401.

7.6.1.6.7 Managing Permanent Absentee Voters Throughout the Year as They Depart Your Locality

Request the VERIS Absentee Report “Cancelled Absentee Applications Due to Transfer” every week or two, depending on the size of your locality. For the individuals found on the report, send them ELECT’s “Absentee Cancellation Template.docx” letter along with a Virginia Absentee Ballot Application Form. The file is available on [Forms Warehouse > Absentee > Absentee Voting > Cancellation](#). Pull the voter’s Virginia Absentee Ballot Application Form SBE-703.1 out of the active file and transfer it to the cancelled file. Cancelled Virginia Absentee Ballot Application Forms may be collected throughout the year and transmitted to the circuit court clerk after the November election.

7.7 FEDERAL POST CARD APPLICATION (FPCA, STANDARD FORM 76)

7.7.1 In General

Most FPCAs are submitted by military members, overseas citizens, and their families. The FPCA can serve as both a registration application and an absentee ballot request.⁸⁶ All revisions of the form containing the required information are acceptable.

7.7.1.1 Attorney General 1971 Opinion on “Place of Abode” for Military

In a 1971 opinion, the Virginia Attorney General stated that servicemen who had a place of abode in Virginia prior to their assignment to active duty elsewhere must constructively retain the Virginia place of abode; otherwise, these members of society

⁸⁶ See [§24.2-703](#).



would be deprived of the electoral franchise. Such servicemen should be permitted to register to vote as though they still resided at this old place of abode and should be put in the precinct where such place of abode is located.⁸⁷

7.7.1.2 Who is Eligible to Use FPCA

Block 1 of the FPCA identifies the following eligible classes of voters:

- “A member of a uniformed service on active duty who [...] is absent from the place of residence where [...] otherwise qualified to vote.”⁸⁸
- “A member of the merchant marine who [...] is absent from the place of residence where [...] otherwise qualified to vote.”⁸⁹
- “A spouse or dependent of a member [of a uniformed service or merchant marine] who [...] is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.”⁹⁰]
- U.S. citizens residing outside the U.S. and who are qualified to vote in the last place in which the person was domiciled before leaving the U.S.⁹¹

The registrations for uniformed service, merchant marine, spouses, and dependents are permanent with full ballot eligibility. The registrations for U.S. citizens residing outside the U.S. are permanent, dependent upon whether the application indicates:

- The voter retains a place of abode in Virginia.
- The voter is employed overseas or is the spouse or dependent of the individual employed overseas.⁹²

To provide further assistance in processing FPCA, an illustration of Block 1 of the FPCA is provided. An illustration of the VERIS Absentee Reason Codes is also provided.

1. Who are you? Pick one.

☐ I request an absentee ballot for all elections in which I am eligible to vote AND:	☐ I am on active duty in the Uniformed Services or Merchant Marine -OR- ☐ I am an eligible spouse or dependent.
☐ I am a U.S. citizen living outside the country, and I intend to return.	
☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.	
☐ I am a U.S. citizen living outside the country, I have never lived in the United States.	

6A - Military - Domestic
 6B - Military - Spouse/Dependent - Domestic
 6C - Temporarily Residing Outside US (Full Ballot)
 6C - Temporarily Residing Outside US (Federal Only Ballot)
 6D - Temporarily Residing Outside US Due To Employment
 6E - Military - Overseas
 6F - Military - Spouse/Dependent - Overseas
 Incomplete Information

Uniformed Service, merchant marine, spouse, and dependents applicants will be keyed in VERIS using Reason Codes 6A, 6B, 6E, or 6F depending on the address provided in Block 3 on the FPCA.

⁸⁷ See 1971-1972 Op. Atty Gen. Va. 153.

⁸⁸ See [52 U.S.C. §20310](#).

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² See [§24.2-453](#).



U.S. citizens living outside the country with an intent to return will be keyed in VERIS using Reason Code 6C – Temporarily Residing outside US (Full Ballot).

U.S. citizens living outside the country with uncertain intentions to return must be contacted if the application does not indicate employment abroad. With confirmation of employment, key in VERIS using Reason Code 6D – Temporarily Residing Outside US Due to Employment. Without confirmation of employment, key in VERIS using Reason Code 6C – Temporarily Residing Outside US (Federal Only Ballot).

U.S. citizens who have never lived in the United States will be keyed in VERIS using Reason Code 6C – Temporarily Residing Outside US (Federal Only Ballot).

7.7.1.3 *State Law Definitions – Uniform Military and Overseas Voting Act (UMOVA)*⁹³

- Provides additional definitions expanding federal law protections on voting rights of absent military and overseas citizens.
- Permits U.S. citizens residing overseas, whose last residence in the U.S. was in Virginia but who no longer maintain an abode in Virginia, to receive absentee ballots for elections for federal office.⁹⁴
- Persons born overseas to Virginia parents may be eligible to vote in Virginia elections.⁹⁵
- Eligibility for a full ballot is defined by state law based on retaining a place of abode in Virginia or employment overseas.⁹⁶

7.7.1.4 *Late Military Registrant By Mail*⁹⁷

The applicant must:

- Be eligible to register and otherwise qualified to vote.
- Be a member of the uniformed services of the US on active duty, a member of the merchant marine, or the spouse or dependent residing with the same, and
- By reason of active duty or merchant marine service, be normally absent from the city or county in which he/she resides.⁹⁸

Persons eligible for late voter registration may do so after the books are closed up to and including Election Day.⁹⁹ They must be given a registration date equal to the final day of registration (effective date).

7.7.1.5 *FPCA Duration of Eligibility – How Long Ballots Must be Sent*

“An application [...] that is received by the general registrar no later than 5:00 p.m. on the eleventh day prior to the election shall be considered a standing request for

⁹³ See [§§24.2-451](#) and [24.2-470](#).

⁹⁴ See [§24.2-452](#).

⁹⁵ *Id.*

⁹⁶ See Va. Const. [Art. I, §1](#); See also [§24.2-453](#).

⁹⁷ See [§24.2-419](#).

⁹⁸ See also [§24.2-452](#).

⁹⁹ See [§24.2-419](#).



absentee ballots through December 31 of the year following the calendar year of [their] application.”¹⁰⁰

7.7.1.6 *How to Process the FPCA*

Board regulation 1 VAC 20-45-30 allows accepting a faxed or scanned email attachment as an original application for registration and absentee ballot request.¹⁰¹

- FPCA may be signed electronically for registration and absentee ballot requests.
- FPCA may be returned by mail, in person, by fax, or by email.
- The FPCA is both a voter registration and absentee ballot request.
 - Make a copy of the FPCA for the absentee application.
- Overseas voters on short vacations or business trips less than a year should use the “Virginia Absentee Ballot Application SBE-701”, not the FPCA, which provides continuing ballots through the next calendar year.



Regulation Note

1VAC20-45-30: Electronic Submission of Federal Post Card Application

An applicant who is eligible for registration and applies for registration and requests an absentee ballot on a Federal Post Card Application may apply for registration and the absentee ballot by facsimile or e-mail. Electronically submitted FPCA applications are sufficient for registration and requesting an absentee ballot if signed and otherwise complete.

7.7.1.7 *FPCA Acknowledgment*

If ballots are not ready to be mailed and the FPCA is properly completed and ready for a ballot, the applicant should receive an acknowledgement notice or email. The content of the notice or email should include:

- The type of ballot he or she will receive, i.e., Full Ballot or Federal Only Ballot.
- How you will send the ballot (i.e., mail, email, or fax).

7.7.1.8 *Checking the FPCA*

- Section 1 is the classification of voter type (uniformed services, etc.) The applicant also provides name, suffix, previous name, date of birth, and Social Security Number.
 - **Social Security Number:** If the applicant is already registered, only the last four digits of the Social Security Number (SSN) are needed. **If the person is not yet registered, the full SSN is required.**
 - If a voter does not have a Social Security number and “none” is written in the box, VERIS will assign an identification number. Department of Elections staff can check the DMV record to verify no SSN.¹⁰²
- Section 2 is for a valid residence address in your locality.
- Section 3 is for the mailing address of the applicant, i.e., where the applicant is now.
 - Current military or overseas address to which the ballot should be sent.
 - An alternate address to mail the ballot.

¹⁰⁰ See [§24.2-703](#).

¹⁰¹ See [§24.2-457](#).

¹⁰² See [§46.2-208\(B\)\(9\)](#).



- Section 4 is for contact information (email, alternate email, phone, and fax).
- Section 5 is the ranked preference of method for receiving ballot (mail, email, fax). The applicant may also provide political party preference for primary elections:
 - If a party is provided, primary ballots are sent for that party's primary.
 - If no party is provided, no primary ballot is sent.
- Section 7 is for the applicant's signature to the affirmation statement.



Regulation Note

1VAC20-45-20: Voter Registration. No presumption for or against residence may be based on a person's presence or absence in the following circumstances: being employed in the service of the Commonwealth or the United States, whether military or civilian.

With respect to material omissions on Federal Write-In Absentee Ballots, the following omissions are **not material**: omitting service identification number, rank, grade, or rate on an application that declares active military duty status, employer name and address on an application that declares temporary overseas residence with no date of last residence, employer name and address on an application that declares temporary overseas residence with a date of last residence, and date of last residence on an application that declares indefinite overseas residence (20-45-20(B)(4)).

Eligibility for a full absentee ballot requires providing the name and address of an employer outside the United States (20-45-20(B)(3)). Lastly, the date of last residence for an application declaring indefinite overseas residence without indicating the date of last residence in the United States is the **date the application is signed** (20-45-20(B)(4)).

7.7.1.9 Processing a Properly Completed FPCA



- Perform a "Voter Search" in VERIS to determine if the voter is registered to vote at the address given in Part 2.
 - If the voter is not registered and the books are open, process as a new registration in VERIS according to the VERIS Step-by-Steps. Use the original FPCA you received for registration and a copy for the absentee ballot application.
 - If the voter is registered, proceed to "Absentee History" and check for an AB application already on file. If no application has been processed, enter the data into VERIS according to the Step-by-Steps.
- If the voter is not registered and the books are closed, consider whether the applicant is eligible for late military registration.¹⁰³
- If needed, you may attach the properly completed FPCA to a sheet of paper on which an "Office Use Only" section *Virginia Absentee Ballot Application Form* has been printed and complete that information.

¹⁰³ See above late military registration.

- Check VERIS to verify that the proper full or federal-only ballot status is assigned based on the information provided. Federal-only ballots are for US citizens residing abroad who have no current place of abode in Virginia and who are neither employed overseas nor the eligible family of a person employed overseas or a uniformed services voter. “To be eligible to vote in state and local elections, the application of an overseas voter who has given up his place of abode in Virginia must show that the applicant is employed overseas or the spouse or dependent of a person employed overseas.”¹⁰⁴

7.7.1.10 Processing an Incomplete FPCA

- Contact the voter to obtain any missing information. Email is usually the fastest method.
- Process the application as soon as the missing information is obtained.
- If the signature is missing, the voter must send a new completed FPCA.
 - Deny the application in VERIS.
 - Send a new FPCA or the link to FVAP.
 - Send the denial by email whenever possible.

7.7.1.11 Using the FPCA for Multiple Elections – Ongoing Application

The FPCA is valid for all elections and is “considered a standing request for absentee ballots through December 31 of the year following the calendar year of the date of the application.”¹⁰⁵

- Once the FPCA has been processed and approved, VERIS treats it as an ongoing application through the expiration date, and it does not have to be reentered for each eligible upcoming election.
- The application for ongoing ballots may be submitted at any time after the previous year’s November general election.
- The applicant must meet applicable deadlines for both voter registration and absentee ballot requests.
- Ongoing applicants on file are eligible for ballots for special elections held in November or December, provided their applications have not yet expired, **unless otherwise specified in the FPCA**.
- Any voter sending in the FPCA after the November general election for the *next year* and at least 11 days before the special election is also eligible to receive ballots for that special election, provided the voter has met the voter registration deadline.
- “If an official reply to the application or an absentee ballot sent to the applicant is returned as undeliverable, no other ballots [may] be sent” to the voter until a new application is filed and accepted.¹⁰⁶
 - Double-check mailing and email addresses.
 - The default method to send the ballot is **by mail** if nothing is selected.¹⁰⁷

¹⁰⁴ See Va. Const. [Art. II, §1](#); see also [§24.2-453](#).

¹⁰⁵ See [§24.2-703](#).

¹⁰⁶ *Id.*

¹⁰⁷ See [§24.2-706](#).



7.7.1.12 Activating the Ongoing Application



Activating the ongoing applications will allow VERIS to generate a ballot line for the specified election in which the applicant is eligible for a ballot. All ongoing applications for a specified election are activated at one time.

- To activate ongoing applications, take the following steps:
 - Click on the “Absentee” tab on the VERIS Tool Bar.
 - Click on the “Ongoing Absentee Ballots” link.



VERY IMPORTANT: You *must* activate your ongoing applications *for every election* before you set your ballot ready date *for every election*! All ongoing applications are activated at one time. Permanent absentee ballot applications will be updated along with any military or overseas voters if you have them.

- Select the appropriate election from the dropdown menu.
- Click on the “Generate Ballots” button.
- Request and print/review the Daily Absentee Applications List and the Ongoing Absentee Application List VERIS reports after the activation of the ongoing applications finishes.
 - When PDF files are viewed rather than printed, save the report with a review date added to the file’s name.
- Review each application that is eligible for a ballot and proof it against the reports. The reports and applications should match.
 - The Daily Absentee Applications List report will confirm the mailing address or email address of the applicant.
 - The Ongoing Absentee Application List report will confirm the applicant’s selected political party for primary ballots or that no political party was selected.
- Resolve any issues with missing applications or missing entries on the report.
- Complete this process in time to mail your ballots. “The general registrar [must] make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application.”¹⁰⁸
- When ballots are ready and the ballot-ready date is set, each ongoing ballot line will be updated to show the ballot sent date.
- Refer to the Absentee Processing VERIS Step-by-Steps for additional details.

7.7.2 Federal Write-In Absentee Ballots (FWAB)

7.7.2.1 In General

The FWAB is designed “for use in general, special, primary, and runoff elections for Federal office by absent uniformed services voters and overseas voters who make timely

¹⁰⁸ See [§24.2-612](#).



application for, and do not receive, States absentee ballots.”¹⁰⁹ Applicants often mail a FWAB around the same time as an FPCA.

- “An absent uniformed services voter or overseas voter who submits a Federal write-in absentee ballot and later receives a State ballot, may submit the State absentee ballot” regardless of whether a FWAB has been received.¹¹⁰ §24.2-1004 clarifies there is no double voting since the FWAB is not counted if the regular state ballot is also received in time.
 - The regular state ballot will be easier to process and count than if the choices on the FWAB are handwritten.
-  **FVAP has developed** technology on its website for federal elections to enable voters to print a FWAB with their choices from ballot data provided by the Department of Elections. This technology makes it less important for these voters to return the regular state ballot. The Department of Elections offers similar technology to enable localities to issue ballots by sending links a voter can use to download and print a ballot for return by mail. Please contact your Liaison if your locality would like more information on this program.

7.7.2.2 What the FWAB is Used For

“A covered voter may use the [...] federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if [the declaration accompanying the FWAB] is received by the applicable deadline.”¹¹¹

- “If the declaration is received after that date, [the FWAB] must be treated as an application to register to vote for subsequent elections.”¹¹²
- “A covered voter may use the [...] federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot.”¹¹³
- Absentee Ballot Application for the enclosed ballot only.
- Voted Ballot for one election only.

7.7.2.3 Who May Use the FWAB

“Covered voters” include¹¹⁴:

- “A uniformed-service voter or an overseas voter who is registered to vote in this state;”¹¹⁵
- “A uniformed-service voter [...] whose voting residence is in this state and who otherwise satisfies this state’s voter eligibility requirements;”¹¹⁶

¹⁰⁹ See [52 U.S.C. §20303](#).

¹¹⁰ *Id.*

¹¹¹ See [§24.2-457\(B\)](#).

¹¹² *Id.*

¹¹³ See [§24.2-458\(D\)](#).

¹¹⁴ See [§24.2-452\(I\)](#) (defining “covered voters”).

¹¹⁵ *Id.*

¹¹⁶ *Id.*



- “An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, [...] satisfies this state’s voter eligibility requirements;”¹¹⁷
- “An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter been of voting age and, except for a state residency requirement, [...] satisfies this state’s voter eligibility requirements;”¹¹⁸
- “An overseas voter who was born outside the United States, is not described in [the bullets above] and, except for a state residency requirement, [...] satisfies this state’s voter eligibility requirements, if:”¹¹⁹
 - “The last place where a parent or legal guardian of the voter was, or [...] would have been, eligible to vote before leaving the United States is within this state; and”¹²⁰
 - “The voter has not previously registered to vote in any other state.”¹²¹

7.7.2.4 When Can the FWAB Be Used

Federal law mandates, and Virginia law allows, that UOCAVA applicants may use the FWAB as a backup ballot.¹²² A qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of §24.2-700 may use a federal write-in absentee ballot in any election.¹²³ A FWAB cannot be rejected on the basis that no FPCA can be found or because the applicant indicates on the FWAB that no FPCA has been submitted.¹²⁴

However, no regular ballot can be sent without a FPCA or Virginia Absentee Ballot Application SBE-701, nor will ballots continue without a FPCA. General registrars should encourage absent military and overseas citizens to submit a FPCA, using a FWAB only if concerned a regular ballot will not arrive on time.¹²⁵ When the FWAB is received affects the action to take if no FPCA can be found:

- More than 45 days before the election, with sufficient time to submit an FPCA, the general registrar should contact the voter to request an FPCA so a regular ballot can be issued and ballots sent for future elections.
- Less than 22 days before the election from an unregistered overseas citizen—FWAB is valid as registration for future elections only.
- Less than 7 days before election—if military or registered overseas citizen, a voted ballot can be accepted; if unregistered overseas citizen, FWAB is valid as registration for future elections only.¹²⁶

7.7.2.5 FWAB Mailing Deadlines Allowed

Active duty military, their spouses, and dependents may mail their FWAB from any location in the US or overseas. Federal law stipulates that non-military overseas citizens

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ See [§24.2-452\(1\)](#).

¹²² See [52 USC §20303](#).

¹²³ See [§24.2-702.1](#).

¹²⁴ See [§§24.2-457](#) and [24.2-458](#).

¹²⁵ See [ELECT website](#) and [FVAP Virginia Voting Assistance Guide](#).

¹²⁶ See [§24.2-459](#).



must mail their FWAB from outside the United States for the ballot to count.¹²⁷ The FWAB instructions include addressing the voted ballot to the appropriate general registrar or Electoral Board.¹²⁸ FWABs may not be returned electronically as a voted ballot. Any applicant sending a FWAB electronically should be notified immediately that this method of return is not authorized for any voted ballot, and a FPCA is required to request ballots sent.¹²⁹

7.7.2.6 *How the FWAB is to be Mailed*

The timely mailing rule provided in § 24.2-416(4) applies if FWAB is used for registration. There is no five-day hold for mailed applications from military and overseas applicants under § 24.2-701.¹³⁰

- **Before Books Close:** “A covered voter may use the [...] federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the [FWAB], if the declaration is received by the applicable deadline for registration.”¹³¹ This means that accepting a completed FWAB received by the **registration** deadline is timely for registration, absentee ballot application, and voted ballot.
- **After Books Close:** “If the [completed FWAB] is received after [the registration deadline], it must be treated as an application to register to vote for subsequent elections.”¹³² This means that accepting a completed FWAB received by the deadline for returning ballots (postmarked on or before Election Day) is timely for registration, absentee ballot application, and voted ballot **only if** the applicant is eligible for late registration.¹³³ You can accept a completed FWAB received by the deadline for returning ballots, but after the close of books, as timely for an absentee ballot application and voted ballot if the applicant is already registered to vote in the jurisdiction.¹³⁴

¹²⁷ See [52 USC §20303](#).

¹²⁸ See [§24.2-462](#).

¹²⁹ See [§§24.2-702.1](#) and [24.2-707](#). See also [FVAP Virginia Voting Assistance Guide](#).

¹³⁰ See [§§24.2-416.4](#) and [24.2-706](#).

¹³¹ See [§24.2-457\(B\)](#).

¹³² *Id.*

¹³³ See [§24.2-419](#) (addressing late military registration).

¹³⁴ See [§24.2-702.1](#).





Regulation Note

1VAC20-45-40: Material Omissions from Federal Write-in Absentee Ballots (FWAB).

Timely received FWAB applications are valid, unless an omission from the application is material. In order to be accepted as timely, the applicant must meet the applicable registration deadline, but §24.2-419 extends the mail in deadline for certain military applicants (20-45-40(B)).

The following are **always considered material omissions**; any application containing these omissions are invalid: the applicant did not sign or check the assistance box, there is no declaration/application page, information on the declaration/application page needed to determine the voter's identity or eligibility, which may include, but is not limited to, current military or overseas address. Under §24.2-707 and 1VAC20-70-80, failure to provide the year of birth *or* the last four digits of the voter's social security number, or if the voter was never issued a social security number the unique identifier assigned to the voter, are always considered material omissions *unless* there is a declared state of emergency related to a communicable disease of public health threat.

The following are **immaterial omissions** that **do not render the application invalid**: not listing the applicant's name as "Last, First, Middle," listing a middle initial or maiden name instead of a full middle name, omitting the street identifier, such as "Street" or "Avenue", the county or city if the locality is clearly identifiable based on the address given, omitting the zip code, omitting the date the voter signed the ballot, not sealing the ballot in the security envelope, so long as the outside envelope containing the ballot and declaration/affirmation page was sealed (20-45-40(D)(7)), and submitting a ballot containing offices or issues for which he is not eligible (20-45-40(D)(8)).

7.7.2.7 Additional Tools Available

- How To Process a FWAB VERIS Step-by-Steps.
- Department of Elections Regulation 1VAC20-45-40:¹³⁵ "Material Omissions from Federal Write-in Absentee Ballots."

7.7.2.8 Tables

- **Table 1** summarizes the action to be taken when only an FWAB is received.
- **Table 2** summarizes the action to be taken when both an FPCA and an FWAB are received for the same applicant.
- **Table 3** summarizes the action to be taken when both a voted state ballot and FWAB are received from the same applicant.
- **Table 4** summarizes the action to be taken when an FWAB is received after the election.

¹³⁵ See Virginia Admin. Code [1VAC20-45-40](#).



**Best Practice:**

Ensure that each FWAB voter that has the Official Backup Ballot counted or rejected receives voting credit for the election in VERIS. Most General Registrars keep the voter's "Ballot Status" as "FWAB" for tracking purposes. The "FWAB" designation will not provide the voter voting credit. A general registrar may edit the "Ballot Status" to "Marked" or "Rejected" which will automatically provide voting credit. An alternative approach is to manually add the voter's voting credit. When this is done, the voting credit must be designated as "Absentee" and the "Ballot" designation as either "Full Ballot" or "Federal Only." In the "Comments" section, please indicate that the "Voter's FWAB was either counted or rejected."

Table 1—Instructions for Processing FWABs Alone		
Description	Action to Take with FWAB	Code
Applicant is registered or meets applicable registration deadline and FWAB is received by the deadline for returning ballots.	- Retain original FWAB Voter Information page for registration file and make 2 additional copies of the Voter Information page, one for AB Application and one to go with the ballot to serve as the Statement of Voter. - Enter Voter Information pages that have made the applicable deadline for permanent registration¹³⁶ - Enter the FWAB as both an AB Application and a received ballot. - Indicate the date, time received, and the precinct code. - Indicate Congressional, Senate, and House as needed. - Send FWAB to CAP on Election Day. No further ballots are issued under the FWAB.	§24.2-416 §24.2-419 §24.2-702.1
An unregistered applicant does not meet the applicable registration deadline and is not eligible for late registration (e.g., an FWAB received for an unregistered overseas citizen after the COB deadline).	- FWAB is eligible for registration; FWAB ballot not counted, and no ballot sent without FPCA. - Keep the original FWAB Voter Information page and make one or two copies for a denied absentee application. - Write "VOID" on the original FWAB Official Backup Ballot. - Place the ballot in the "Federal Write-In Absentee Ballots Voided" (SBE-FED) envelope for your locality. - Within 90 days of rejection, the electoral board must "send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot was rejected" (e.g., no timely registration application, ballot received after election, etc.).¹³⁷ - The FWAB Voter Information page is effective for registration after the election. - Voter must submit a new FPCA to request ballots for future elections.	§24.2-416 §24.2-419 §24.2-702.1

Table 2—FPCA and FWAB for Same Applicant—Ballot Issuance

¹³⁶ See [§§24.2-457\(B\)](#) and [24.2-458\(D\)](#).

¹³⁷ See [§24.2-711.1](#).



Description	Action to Take with FPCA	Action to Take with FWAB Official Backup Ballot (OBB)	Code
FPCA and FWAB are received together and meet the Absentee Ballot Application deadline, and the applicant is registered or meets the applicable registration deadline.	- Process as AB Application. - Issue regular state absentee ballot, full or federal only, depending on registration status.	- Hold the FWAB OBB until noon on the third day after the election to allow time for the state ballot to be returned. - If the state ballot does not come back by noon on the third day after the election, process the FWAB as a voted ballot and send it to CAP.	§24.2-702.1 §24.2-703 §24.2-706 §24.2-709
Neither FPCA nor FWAB meets the applicable registration deadline, and the voter is <i>not</i> eligible for late registration (e.g., a FWAB is received for an unregistered overseas citizen after the COB deadline).	- FPCA is not eligible for this election. - Retain FPCA to process after the election. After the Election - If not registered, use FPCA for registration. - Process FPCA as an AB Application for future elections. This application will continue as an ongoing AB Application for the statutory period.	- FWAB Voter Information page is <i>not</i> eligible for registration, Absentee Ballot Application, or voted ballot for the current election. - Keep the original FWAB Voter Information page and make one or two copies to keep for registration and a denied absentee application. - Write “void” on the original FWAB OBB. - Place the ballot in the “Federal Write-In Absentee Ballots Voided” (SBE-FED) envelope for your locality. - Within 90 days of rejection, the electoral board must “send a written explanation of the reason for rejection of an absentee ballot to the voter whose absentee ballot was rejected” (e.g., no timely registration application, ballot received after election, etc.).¹³⁸	§24.2-416 §24.2-419 §24.2-702.1 §24.2-703
FPCA and FWAB are received together, but FPCA has NOT met the regular AB Application deadline (11 days before Election Day).	- FPCA not eligible for this election - Retain FPCA to process after the election. After the Election: - If not registered, use FPCA for registration. - Process FPCA as an AB Application for future elections. - This application will continue as an ongoing AB Application for the statutory period.	If the voter is registered or eligible for late registration: - Process FWAB Voter Information page as AB Application and FWAB OBB as a voted ballot. <i>Do not</i> send a state ballot. If the voter is not registered: - Follow instructions under “Does not meet applicable registration deadline” found above.	§24.2-702.1 §24.2-703

¹³⁸ *Id.*

Table 3—State Ballot Issued and FWAB Received for Same Applicant Before Election—Counting Ballots			
Description	Action to Take with State Ballot	Action to Take with FWAB Official Backup Ballot (OBB)	Code
A regular state ballot was issued. Both the state ballot and FWAB are received before Election Day (VERIS shows state ballot was sent but not yet received).	- Enter the state ballot as received, selecting “Marked” as the ballot status. - Send state ballot to CAP on Election Day.	- Write “VOID” on the FWAB OBB. - Place the FWAB in the “Federal Write-In Absentee Ballots Voided” (SBE-FED) envelope for your locality.	§24.2-702.1 §24.2-703 52 USC §20303
Regular state ballot was issued but <i>not</i> received; only FWAB was received by deadline for returning ballots.	No action needed	- Enter FWAB ballot as received, using the edit function. - Select “FWAB” as the ballot status. - Indicate the date, time received and precinct code. - Indicate Congressional, Senate and House as needed. - Place this ballot with the other “hand count” CAP ballots.	§24.2-702.1 §24.2-709 52 USC §20303

Table 4—FWAB Received After Election

State Ballot Sent on Time		
Description	Action to Take with FWAB	Code
FWAB is received after the election but VERIS shows state ballot was issued and received as a voted ballot.	- No VERIS action needed for keying FWAB Voter Information page as AB application as state ballot was already received. - Place the FWAB Official Backup Ballot (OBB) in envelope labeled “Ballots Received after Election” for Clerk of the Court.	§24.2-710
FWAB is received after the election but VERIS shows state ballot was issued on time but was <i>not</i> received as a voted ballot.	Best Practice: Registrars may choose to process the FWAB as a ballot returned “LATE” on VERIS for tracking purposes. Use the edit function on the ballot line. - Rejecting the ballot will allow the voter to check the status of the FWAB on the Department of Elections website after the election. - Place the FWAB OBB in envelope labeled “Ballots Received after Election” for Clerk of the Court.	§24.2-710
State Ballot NOT Sent on Time		
Original state ballot requested by FPCA or SBE-701 on or before, but <i>not</i> sent by, the 45-day deadline. State ballot NOT returned, only FWAB is received after election	- FWAB is received before 5 pm on the second business day before the State Board of Elections meets to ascertain the results of the election. - Process as a received “FWAB” ballot using the edit function on the ballot line. - Count FWAB OBB or reject for material omission.¹³⁹	§24.2-612 §24.2-709(B)
NO State Ballot Sent		
FWAB is received after the election and VERIS shows NO state ballot was issued.	- The FWAB Voter Information page is effective for registration after the election. - Place the FWAB OBB in envelope labeled “Ballots Received after Election” for Clerk of the Court. Best Practice: Inform voter that FWAB was received after the election and that a FPCA must be submitted to request ballots for future elections.	§24.2-702.1 §24.2-710

¹³⁹ See Virginia Admin. Code [IVAC20-45-40](#).



7.7.3 Permanent Absentee Voting with the Vote By Mail Application Form (SBE 701/703.1)

7.7.3.1 In General

By completing the “Permanent Absentee Option” section of the SBE 701/703.1 form, a voter may receive all ballots for which he is eligible.

If a voter who has already completed the “Permanent Absentee Option” section of the form submits a new SBE 701/703.1, you should contact the voter to confirm whether he/she intend to supersede the active ongoing application.

7.7.3.2 Eligibility

Any registered voter is eligible to complete the “Permanent Absentee Option” section of the form and to receive all ballots they are entitled to, unless or until the voter is removed or cancelled from the Permanent Absentee List.¹⁴⁰

7.7.3.3 Registrar Requirements

- Keep the original application on file indefinitely.
- Voters who join the permanent absentee voter list must have their ballots sent to “the address in the voter’s registration record...”¹⁴¹ If the voter wishes to use a different mailing address for a single election, the voter must complete and submit the form SBE-703.1C “Virginia Permanent Absentee Ballot Change Application.”¹⁴²

7.7.3.4 Removal from the Permanent Absentee List

A voter is removed from the permanent list under the following conditions:¹⁴³

- The voter requests in writing to be removed from the list.
- The voter’s registration is cancelled.
- The voter’s registration is placed on inactive status.
- The voter moves to a different address not in the same county or city as his registration.
- If a voter is removed from the permanent list, the General Registrar should send a notice of removal and explain the reason for removal. VERIS will automatically generate this letter.

7.7.3.5 Processing the Application

Confirm the application is properly completed and contains all of the required information to process an absentee ballot application.

- Printed name and address, last four digits of the SSN, and signature.¹⁴⁴
 - “No action undertaken to fulfill any requirement [...] to register or vote [is] valid or complete when the action is based on the exercise of a power of attorney.”¹⁴⁵

¹⁴⁰ See §§24.2-700 and 24.2-703.1.

¹⁴¹ See §24.2-703.1.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ See §24.2-123.



- “No ballot [can] be sent to, or in care of, any other person.”¹⁴⁶
- Which party’s primary ballot would the voter like to receive for any relevant primary election. If neither party is checked, primary ballots will not be sent.
- Assistant’s Statement (only required when the first box is checked in the “Assistance with Ballot” section is checked)
 - Assistant’s full name, residence address, and signature;¹⁴⁷
 - Voter unable to sign, if applicable.¹⁴⁸
- Change of Address
 - Look up the voter in VERIS.
 - Enter the change of address in VERIS if a Virginia Absentee Ballot Application is received before the books close.
 - **Do not** enter a change of address in VERIS if the books have closed.
 - **Note: Moving** conditions may apply.
 - Compare the information on the application with the data recorded in VERIS.
 - If the information matches, move to “Absentee History” in VERIS and check for any Virginia Absentee Ballot Application already on file.
 - If there is no Virginia Absentee Ballot Application on file, enter the absentee data and process the application.
 - Refer to VERIS Absentee Processing Step-by-Steps for detailed processing instructions.
 - Complete the “Office Use Only” block in the top right corner of the form.
 - The voter is now ready for a ballot to be mailed.
 - Follow instructions for mailing ballots.
- UOCAVA voters
 - Military and Overseas voters, unless using an FPCA, can only be processed as a 701 application when using a different mailing address from their residence address.
 - Permanent AB requires that the ballot be mailed to the same address as the voter's registration address. Thus, not allow them to use the permanent option.
 - Applications should be processed as you would any other 701. However, in this scenario, you should make sure that the mailing address is different from the residence address.

7.7.3.6 *Activating Ongoing Applications*

Activating the ongoing applications will allow VERIS to generate a ballot line for the specified election in which the applicant is eligible for a ballot. All ongoing applications for a specified election are activated at one time. Follow the steps below to activate ongoing applications in VERIS:

- Hover the cursor over the “Absentee” tab on the VERIS toolbar.
- Click on the “Ongoing Absentee Ballots” link in the drop-down menu.
- Select the appropriate election from the dropdown menu.
- Click on the “Generate Ballots” button.

¹⁴⁶ See [§24.2-701\(C\)\(3\)](#).

¹⁴⁷ See [§24.2-704](#).

¹⁴⁸ *Id.*





VERY IMPORTANT: You must activate your ongoing applications for every election before you set your ballot ready date for every election.

All ongoing applications are activated at one time. Annual applications will be updated along with any military or overseas voters if you have them.

- Request and print the “Daily Absentee Application List” and the “Ongoing Absentee Application List” VERIS reports after the activation of the ongoing applications finishes.
 - When PDF files are viewed rather than printed, save each report with a review date added to the file’s name.
- Review the applications that are eligible for a ballot and proof them against the reports. The reports and applications should match.
 - The Daily Absentee Applications List report will confirm the mailing address or email address of the applicant.
 - The Ongoing Absentee Application List report will confirm the applicant’s selected political party for primary ballots or that no political party was selected.
- Resolve any issues with missing applications or missing entries on the report.
- Complete this process in time to mail your ballots.¹⁴⁹
- When ballots are ready and the ballot-ready date is set, each ongoing ballot line will be updated to show the ballot sent date.
- Refer to the Absentee Processing VERIS Step-by-Step instructions for additional details.

7.7.4 Emergency Absentee Ballot Application – Request Prior to 2:00 p.m. the Day Before the Election (ELECT-705)

7.7.4.1 In General

“Any person registered and otherwise qualified to vote may request at any time prior to 2:00 p.m. on the day preceding the election that he be permitted to vote by emergency absentee ballot with the assistance of his designated representative.”¹⁵⁰

7.7.4.2 Eligibility

- Registered voters may request an emergency absentee ballot for the following reasons:
 - They were unable to apply for an absentee ballot by the deadline due to their hospitalization or illness, or the hospitalization, illness, or death of a spouse, child, or parent, or other emergency found to justify the receipt of an absentee ballot;¹⁵¹ or
 - They will be unable to vote on Election Day due to their hospitalization or illness, the hospitalization, illness, or death of a spouse, child, or parent, or

¹⁴⁹ See [§24.2-612](#).

¹⁵⁰ See [§24.2-705\(A\)](#).

¹⁵¹ *Id.*



other emergency found to justify receipt of an emergency absentee ballot after the deadline for applying for an absentee ballot.¹⁵²

- Request must be made prior to 2:00 p.m. on the day before an election.¹⁵³

7.7.4.3 Request for Emergency Absentee Ballot Application (ELECT-705)

The voter or designated representative must ask the Registrar to provide an *Emergency Absentee Ballot Application* by phone, email, or in writing at any time prior to 2 pm on the day preceding the election and provide the name of the person selected to be the representative.¹⁵⁴ The designated representative must “be age eighteen or older and [cannot] be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.”¹⁵⁵

- The *Emergency Absentee Application* (ELECT-705) is given to the designated representative for delivery to the hospitalized voter or to the voter at the voter’s current residence as shown on the registration records. The *Emergency AB Application* may be faxed or emailed to the designated representative or the voter.¹⁵⁶

7.7.4.4 Return of Completed Application

“On receipt of the completed form and a determination of the qualification of the requesting voter to vote, the general registrar shall provide, in accordance with the applicable provisions of this chapter, an absentee ballot to the designated representative for delivery to the requesting voter.”¹⁵⁷

- The general registrar must verify the following:¹⁵⁸
 - That the applicant is a qualified voter;
 - That the name of the designated representative is listed;
 - That the completed application is received “no later than 5:00 pm on the day preceding the election.”¹⁵⁹
 - That the requesting voter has properly completed and signed the application;
 - That the designated representative has signed and completed the witness portion of the form.

7.7.4.5 Providing the Absentee Ballot for the Hospitalized/Incapacitated Voter

- Prepare the absentee ballot in the same manner as a mailed absentee ballot but include the *Instructions for Voting an Emergency Absentee Ballot* (SBE-705(2)).
- Request ID from the designated representative to assure that he/she is the person designated by the voter. Photo ID is preferred, but any item bearing the representative’s name is acceptable.
 - Failure to provide identification will not disqualify the application.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ See [§24.2-705](#).

¹⁵⁶ See [§24.2-705](#).

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*



- Enclose the instructions with the ballot that advises the representative that the completed absentee ballot must be delivered to the general registrar's office prior to 7:00 pm on Election Day.
- Enclose a *Request for Assistance* (ELECT-704 (AB)) form if the voter indicates he/she will need assistance with the absentee voting materials.
- Enter the hospitalized or incapacitated applicant's name on the Emergency Absentee Ballot Applicants List (SBE-710-Supp).

7.7.4.6 *Statement of Designated Representative*

Upon returning the absentee ballot, the representative must complete the *Statement of Designated Representative of Hospitalized or Incapacitated Voter (Green)* (SBE-705(2)), stating under oath that he:

- Is the designated representative,
- Meets the qualifications of a representative,
- Personally delivered the ballot to the voter who applied,
- Was in the presence of the voter when he/she marked the ballot; that it was placed in the envelope provided; the envelope sealed and the statement on its reverse side completed by the voter, and
- Returned the sealed ballot to the Electoral Board at the Registrar's office.

7.7.4.7 *Registrar's Certification*

After the representative has executed the affidavit, the registrar or deputy registrar must complete the lower portion of the form by inserting the following:

- Application number,
- Precinct name and number,
- Date ballot returned, and
- Time ballot returned.
- The Registrar or deputy registrar must sign the form and attach it to the *Emergency Absentee Ballot Application* for that voter.



Entering Into VERIS

- Enter the application information into VERIS.
- The *Emergency AB Application* is listed as an application type in the absentee application drop down menu.
- Select "*Emergency Application*" (SBE-705).
- Received by method will automatically populate with "designated representative."
- The reason type will populate and only allow "2A – Disability or Illness."
- Use "2A – Disability or Illness" even if the reason is bereavement or otherwise incapacitated and use the comments field to explain.
- Select "Designated Representative" from the "Ballot Sent by" drop down menu.

7.7.4.8 *Delivery of Ballots*

“The ballot shall be counted only if the ballot is received by the general registrar prior to the close of polls, and the general registrar shall deliver the ballot to the officers of election at each appropriate precinct.”¹⁶⁰ “Before the polls close on [Election Day], the electoral board [must] deliver the absentee ballot containers to, and obtain receipt from, the officers of election at each appropriate precinct.”¹⁶¹ “Any ballot returned to the electoral board or general registrar prior to the closing of the polls, but after the ballot container has been delivered, [must] be delivered in an appropriate container to the officers of election at each appropriate precinct.”¹⁶²

7.7.5 *Emergency Absentee Ballot Application – Voting In-Person up to 2:00 pm the Day Before the Election (Emergency Travel for Business, Hospitalization or Death in Immediate Family and Late Assignment of Election Officer ELECT-705)*

7.7.5.1 *Eligibility*

Code of Virginia §24.2-705(B) states “A qualified voter may vote absentee in person in the office of the general registrar through 2:00 p.m. on the day immediately preceding the election by complying with the requirements of §24.2-643 and affirming that one of the qualifying reasons will prevent him from voting on Election Day.”

7.7.5.2 *Qualifying Reasons*¹⁶³

- Voter will be absent on business, profession, or occupation;¹⁶⁴
- Voter or a member of voter’s immediate family has been hospitalized;¹⁶⁵
- Death of a member of [voter’s] immediate family;¹⁶⁶ which means child, grandchild, parent, grandparent, legal guardian, sibling, or spouse of the voter.
- The voter is an officer of election who was assigned after 12:00 p.m. on the Saturday before the election to work in a precinct other than his own on Election Day.¹⁶⁷



Enter into VERIS

- Application type = emergency application
- Received by method = in-person or other
- Reason type = business, illness or disability or election official
- Ballot sent by method = in-person
- Complete the application process and the received ballot process.
- See VERIS Step-by-Steps.

¹⁶⁰ See [§24.2-705](#).

¹⁶¹ See [§24.2-710](#).

¹⁶² *Id.*

¹⁶³ See [§24.2-705\(B\)](#).

¹⁶⁴ See [§24.2-705](#).

¹⁶⁵ See [§24.2-705](#).

¹⁶⁶ *Id.*

¹⁶⁷ See [§24.2-705](#).



7.7.6 Mailing Absentee Ballots

7.7.6.1 *In General*

“The general registrar [must] make printed [absentee] ballots available [...] not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later.”¹⁶⁸

**Best Practice**

Proof applications against labels/reports for every mailing. Check for “Needs Assistance (NA)” or “ID Required” on the label and make sure the corresponding additional form(s) is/are including in the outgoing envelope.



VERY IMPORTANT: Per 1VAC20-70-70 All absentee ballot envelopes used for mailing the ballot and materials to the voter and for the voter to return their ballot must contain the following elements:

- An Intelligent Mail barcode (IMb) that is unique to the voter.
- The official U.S. Postal Service Election Mail insignia.

7.7.6.2 *Assembling Ballots*

Assemble as follows for each ballot to be mailed on the Certificate of Mailing (COM):

- Obtain *Instructions for Voting an Absentee Ballot* for ballot type (ELECT-706-4).

**VERIS**

VERIS reports are used for processing ballots for applications previously entered. Reports can be scheduled one time, daily, weekly, or monthly.

- Daily Absentee Applications List
- Certificate of Mailing
- Absentee Ballot Mailing Labels
- Generated Ongoing Ballots List

If a voter has applied in-person for a ballot but would like the ballot to be mailed, be certain to change “In Person” to “Mail” in the “Ballot Sent By” field in VERIS.

- **Note:** when there is a proposed constitutional amendment or statewide referendum on the ballot, the instructions **must** include a link to the ELECT webpage explaining the proposed amendment or referendum.¹⁶⁹
- Seal the ballot in Ballot Envelope A Ballot within (VA-VBM-Envelope-A-7-2023).
- Use *Envelope B - Statement of Voter* - for which there are two versions:
 - UOCAVA (for UOCAVA voters only).¹⁷⁰
 - Statement of Voter (for all voters other than UOCAVA). (VA-VBM-Envelope-B-7-2023)

¹⁶⁸ See [§24.2-612](#).

¹⁶⁹ See [§24.2-706\(C\)\(4\)](#).

¹⁷⁰ See [52 U.S.C. §20302\(b\)](#).



- Self-address a return envelope with the VERIS generated return label.
- Use the left-hand label printed from VERIS for the “Return Envelope.”
- Insert the “Return Envelope” and all the above materials into the “Mailing Envelope.”
- Affix the right-hand label to the “Mailing Envelope” and seal.
- Use postage free “Mailing Envelope” for UOCAVA ballots.

7.7.6.3 *Special Forms that may also be Included*

- *Request for Assistance Form* if needed (ELECT-704(AB))
- *HAVA ID Form* if needed (ELECT-HAVA-1)
- FPCA if needed¹⁷¹

7.7.6.4 *Certificate of Mailing*

- Print labels first
- Printing labels generates the “Certificate of Mailing”

7.7.6.5 *Order for Printing Labels and Certificate of Mailing*

- Ballot Style – Full or Federal Only
- Congressional District
- Senate District
- House District
- Voting Precinct
- Alpha Order

Postage free ballots are listed after the “Certificate of Mailing” labels and are repeated in the same order.

Mail the absentee ballots using the “Certificate of Mailing.” The Certificate provides the proof that the ballots were mailed and the address to which they were mailed. The number of ballots mailed must equal the number of names on the “Certificate of Mailing.” Make corrections and adjustments to the totals within VERIS for the “Certificate of Mailing. Print or reprint the “Certificate of Mailing” when finished.

Deliver the ballots and the “Certificate of Mailing” to the Post Office. USPS will stamp the “Certificate of Mailing” as proof that the ballots were mailed.

Note: the Code of Virginia authorizes expedited mailing of ballots through commercial carriers other than USPS and authorizes use of alternative forms of evidence of mailing that may be less costly such as intelligent mail bar coding. Work with your local administration and USPS on procedures that may be available to lower absentee mailing costs.¹⁷²

¹⁷¹ See [§24.2-706\(5\)](#).

¹⁷² See [§§24.2-704 and 24.2-706](#).



7.7.7 Emailing or Faxing the Ballots

The general registrar is required to send the blank ballot, the form for the envelope for returning the marked ballot and instructions to the voter by these electronic procedures if the UOCAVA applicant so requests.¹⁷³

7.7.7.1 Procedures

- UOCAVA and Print Disabled voters may request ballots emailed or faxed.¹⁷⁴
- Proof your daily email/fax ballot applications against the “Daily Absentee Applications” list.
- If arranging for a time to send the ballot by fax is a problem, you can inform the voter that emailing the ballot is also an option.

7.7.7.2 E-mailed or Faxed Ballot Assembly for a Locality not using Enhanced Ballot

Include the following with each e-mailed or faxed ballot:

- VotingInstructions.pdf
- BallotWithin.pdf = Envelope A
- ABEnvelope.pdf = Envelope B
- ReturnEnvelopeTemplate.pdf = Outside Return Envelope
- FPCA, if needed¹⁷⁵

7.7.8 Drop-off Locations

7.7.8.1 In General

Each year the Department is required by October 1st to provide the Chairman of the House and Senate Committees on Privileges and Elections, the Senate Committee on Finance and Appropriations, and the House Committee on Appropriations with the standards for the establishment and operation of drop-off locations, which includes necessary security requirements.

These standards address required drop-off locations, including hours of operation and required notices to the public, accessibility requirements, physical security requirements for both secured drop-boxes and staffed drop-off locations, chain of custody requirements, recordkeeping requirements, corrections or cures for voter errors in use of drop-boxes, and emergency considerations. The Standards are found on FormsWarehouse¹⁷⁶

7.8 VOTING ABSENTEE IN-PERSON / EARLY VOTING

7.8.1 In General

All rules for voting at a polling place apply to In-Person Absentee Voting at the general registrar’s office or at a satellite office, including:

- Prohibiting voters from being accompanied by anyone other than an authorized assistant or his/her child age 15 or younger.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ See [§24.2-706\(5\)](#). See ELECT, FormsWarehouse, [Absentee](#) for forms.

¹⁷⁶ See [§24.2-707.1](#). See ELECT, FormsWarehouse, [Absentee](#) for the latest Drop Off Standards.



- Prohibiting political activity within 40 feet of the entrance of the polling place structure.¹⁷⁷
- Offering in person absentee voters a provisional ballot if, for example, the voter does not have ID or is not listed in VERIS and claims to have registered at the DMV.¹⁷⁸
- Offering Same Day Voter Registration for early voters on the day after voter registration ends.
- Allowing voters to drop-off ballots at drop-off locations without providing identification.¹⁷⁹
- Allowing a voter until Friday at noon following the election to provide a copy of acceptable identification to the electoral board.¹⁸⁰

Virginia law prohibits persons registering to vote in person while the books are open from also voting absentee in person at the same time; “an application that is completed in person at the same time that the applicant registers to vote [must] be held and processed no sooner than the fifth day after the date that the applicant registered to vote.”¹⁸¹



EXCEPTION: This five-day waiting period does not apply to “covered” military and overseas voters voting absentee as defined in §24.2-452.¹⁸²

7.8.2 No Application is Required for Voting In-Person

The requirement for in-person absentee voters to complete an absentee ballot application in order to vote absentee has been removed.

Any registered voter offering to vote absentee in person shall provide his name and his residence address in the county or city in which he is offering to vote.

7.9.2.1 Procedures

In-Person absentee voting shall be available on the forty-fifth day prior to any election and shall continue until 5:00 pm on the Saturday immediately preceding the election.¹⁸³ Pursuant to § [24.2-701.1](#), the electoral board or general registrar may also provide for absentee voting in person on Sundays.¹⁸⁴ The deadline to vote in person is close of business on the Saturday before the election.¹⁸⁵ If an early voter changes his or her mind and wishes to vote by mail, direct voters to the Virginia Absentee Ballot Application. Be sure to check the application while the voter is present. This will greatly reduce errors or inconsistencies over voter registration changes.

Take the following steps for in-person absentee voting when VERIS is Used to check-in voters:

¹⁷⁷ See Chapter 3 Precinct or Polling Place Requirements and Procedures (discussing polling places).

¹⁷⁸ See Chapter 13 Provisional Ballots (discussing provisional voting).

¹⁷⁹ See [§24.2-706](#).

¹⁸⁰ See Chapter 13 Provisional Ballots.

¹⁸¹ See [§24.2-701](#).

¹⁸² See [§§24.2-452](#) and [24.2-701\(A\)](#).

¹⁸³ See [§24.2-701.1](#).

¹⁸⁴ *Id.*

¹⁸⁵ See [§§24.2-701.1](#).



- Ask the voter to provide their name and address. Ask the voter for *one* form of acceptable identification before the voter is allowed to vote. ID is for identifying the voter only.¹⁸⁶ If the voter does not have an acceptable form of ID, they can fill out and sign the ID Confirmation Statement.
- Look up voter in VERIS to determine if the voter is registered in your locality and at the address they provided.¹⁸⁷
- Check for flags, including Military, Overseas, Verify ID, and Vote in Person.
- Check Absentee History for any absentee application already on file.
- If there is no current absentee application on file, enter the absentee information and process the voter.
 - Refer to VERIS Step-by-Steps for detailed processing instructions.
- If there is an application on file, see sections addressing Voter Listed as Absentee, Military, and Overseas voters.
- Complete the In-Person information for “On Machine” or “Marked” in VERIS.
- If voter requests assistance, be sure to check the “Assistance Requested” box in VERIS.
- The voter is now ready to use the voting equipment or a paper ballot. See related sections for details.
- As on Election Day, if the voter is in line to vote in-person absentee when the general registrar’s office (or other location used for absentee voting) closes, the voter must be allowed to vote.

Take the following steps for in-person absentee voting with Electronic Pollbooks (EPBs):

- Ask the voter to provide their name and address. Ask the voter for *one* form of acceptable identification before the voter is allowed to vote. ID is for identifying the voter only.¹⁸⁸ If the voter does not have an acceptable form of ID, they can fill out and sign the ID Confirmation Statement.
- Type in the voter’s name to find the voter in the EPB.
- If the voter needs assistance or is voting curbside, make sure to check those flags within the voter’s EPB record.
- Confirm the record on the screen matches the voter and check-in the voter.
- If the EPB produces a voter check-in receipt, hand the receipt to the voter.
- If the EPB check-in also facilitates the printing of the voter’s ballot, hand the voter his or her ballot.
- Voters will proceed to the privacy booths to vote their ballot.
- Voters with voted ballots will proceed to the voting equipment to insert their ballot into the voting equipment.
- If possible, have the voter acknowledge the “Ballot Counted” or “Thank you for voting” message displayed on the voting equipment.

¹⁸⁶ See [§24.2-706](#); see also Chapter 13 Provisional Ballots for acceptable ID changes and provisional voting for lack of acceptable ID and other reasons.

¹⁸⁷ See Late Voter Registration (describing eligibility for late registration).

¹⁸⁸ See [§24.2-706](#); see also Chapter 13 Provisional Ballots for acceptable ID changes and provisional voting for lack of acceptable ID and other reasons.



- At the end of each early voting day, upload EPB check-in data to VERIS for assignment of voting credit.
- Each morning after early voting commencement, upload the locality's "supplemental voter file" from VERIS into the EPBs operating software in accordance with the manufacturer's specifications.

Note: In the case of a special election, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election for there to be 45 days of absentee voting, absentee voting in person shall be available as soon as possible after the issuance of the writ.

7.8.3 Voting Machines Used for Absentee Voting

- Follow the proper control procedures established for the equipment used in your locality.
- Provide the voter with a private place to vote.
- Instruct the voter on how to insert the ballot into the voting machine.

7.8.4 Voter Listed as an Absentee Voter Comes to Vote in Person

7.8.4.1 In General

A voter who has already been issued an absentee ballot might come to the general registrar's office before Election Day, or to the Central Absentee Precinct (CAP) or regular precinct polling place on Election Day. The action to take depends on the "Ballot Status" in VERIS and whether the voter has the absentee ballot in hand. The following can occur:

- Voter comes in with a ballot already voted.
- Voter comes in with a blank ballot.
- Voter comes in with a defaced ballot.
- Voter comes in without the ballot because it has been lost, defaced or not received.

To void a ballot, a general registrar or officer of election should mark the ballot as spoiled. Record the name, voter ID, and precinct for all voided ballots on the *Statement of Results* or on a separate sheet to be attached to the *SOR*. "What If" **problem 19** addresses the absentee voter who appears on Election Day at the CAP or regular polling place.

- If the absentee voter surrenders a damaged ballot to the officer of election, the voter can vote normally.¹⁸⁹
- If the absentee voter brings a voted ballot, he may ask the officer to void his absentee ballot and vote normally.¹⁹⁰ Voided ballots are placed into Envelope 4.
- If the absentee voter has no ballot and lost or did not receive their ballot or received their ballot damaged, they may complete the Goldenrod form "Statement of Voter AB Ballot Not Received or Lost" available on Forms Warehouse. Voters sign this form subject to felony penalty for a false statement. If the voter completes the form, they may vote a regular absentee

¹⁸⁹ See [§24.2-708](#).

¹⁹⁰ *Id.*



ballot. Otherwise, the voter may cast a provisional ballot. If the officer of election, general registrar or electoral board member can confirm return of the ballot unused or defaced before Election Day, then the voter may cast a regular absentee ballot.¹⁹¹

- If an absentee voter abandons his ballot at the polling place with no communication with an officer of election, the ballot should be voided and placed into Envelope 4. This action can be noted on the SOR.

7.8.4.2 The Process in the Office Before Election Day When a Voter brings in a By Mail Absentee Ballot

- Voter brings a voted ballot to the office before Election Day:
 - Follow your office procedures for receiving voted ballots.
- Voter brings the unmarked, damaged, and/or defaced ballot:
 - **Option A:** If unmarked, encourage voter to vote the ballot he/she has in hand and place in the drop box when done voting.
 - **Option B:** If the voter requests to vote on the machine proceed to the following:
 - Confirm ballot belongs to voter.
 - Look up the voter in VERIS.
 - Ballot status should be “Issued” for the current election.
 - Write VOID across the ballot envelope and place in Envelope 4.
 - Have the voter provide his name and residence address in the county or city in which he is offering to vote.
 - Process the voter as having a “new” *AB Application* in VERIS for an in-person/on machine voter. Please note that the voter himself does not need to complete an application to vote in person. However, you will select the “IN PERSON” application type in VERIS to process this voter.
 - Add a comment in the “Status Change Reason” box that the voter returned the paper ballot “Unmarked.”
 - Voter may now proceed to vote normally on equipment.
-  Keep in mind that a ballot initially issued by mail in VERIS would be superseded by a ballot later issued in person/on machine.
- Voter does not bring the ballot (ballot was lost, not received or defaced)
 - Look up the voter in VERIS.
 - Ballot status should be “Issued” for the current election.
- If the ballot status is “Marked” or “On Machine,” the voter has already voted and cannot be reissued a second ballot.
- If the voter’s status is “Marked” or “On Machine” and the voter insists that he/she has not voted, a provisional ballot should be offered.
 - If the voter’s Ballot status is “Issued,” have the voter complete the *Goldenrod Form*.
 - Maintain the *Goldenrod Form* with your absentee records.
 - Process the application as “new” in VERIS for an in-person/on machine voter.
- Add a comment in the “Status Change Reason” box that the voter’s ballot was not received, was lost or was defaced and *Goldenrod Form* was signed.
 - Voter may now proceed to vote a regular absentee ballot.

¹⁹¹ *Id.*



Keep in mind that a ballot initially issued by mail in VERIS would be superseded by a ballot later issued in person/on machine.

7.9 CHANGE OF ADDRESS ISSUES FOR IN-PERSON VOTERS

7.9.1 In General

The action to be taken depends upon whether the books are open or closed. After the books close, the date the voter moved is key in determining whether the voter is qualified to vote in the election in which he/she offers to vote.

- “A person who is qualified to vote except for having moved his residence from one precinct to another within the Commonwealth may vote in the precinct from which he has moved [...] unless his registration has been transferred or cancelled as provided in” the Code of Virginia Chapter 4.¹⁹²
- “A person may continue to vote in the precinct from which he has moved [for a limited period of time], provided that:
 - He has moved his residence from one precinct to another in the same registrar’s jurisdiction and the same congressional district;
 - He has failed to respond to the notice provided [...];
 - His registration has not been transferred or cancelled [...];
 - He has affirmed [...] his new address before an officer of election.”¹⁹³

7.9.2 The Voter has Moved to a New Address within Your Locality

7.9.2.1 Voter Offers to Vote before the Books Close

- Ask the voter to fill out a Virginia Voter Registration Application and provide the new address.
- Change address in VERIS and process the voter using the voter’s new address.
- In cases where EPBs are being used, making the voter’s address change in the EPB application will be required before the voter is checked in. Follow the manufacturer’s guidance in these situations as data transfer from the EPB application to the EPB units is needed before the voter can be checked in at the new address.

7.9.2.2 Application Received after the Books Close and Voter Does Not Wish to use Same Day Voter Registration

- Ask the voter to fill out a Virginia Voter Registration Application and provide the new address.
- Do not change address in VERIS.
- If the voter meets the moving conditions, process the *voter’s offer to vote* using the old address.¹⁹⁴
 - Keep a copy of the *Virginia Voter Registration Application* to make address change after the election.

¹⁹² See [§24.2-401](#).

¹⁹³ *Id.*

¹⁹⁴ See [§24.2-401](#) (describing the moving conditions).



- If the voter does not meet the moving conditions, the *offer to vote* must be denied for the current election.
 - Voter may not vote in person.
 - Enter the denial in VERIS and state the reason.
 - Keep a copy of the *Virginia Voter Registration Application* to make address change after the election.
- If voter is not eligible to vote at the old address and the voter says he has changed address by mail or at DMV, a provisional ballot may be offered.

Voters that choose to use SDR must complete the Provisional ballot envelope completely and vote a provisional ballot.

7.9.3 The Voter has Moved to a New Address Within Your Locality but is Registered in Another Virginia Locality

7.9.3.1 Before the Books Close

- Voter should complete the name and address portions of the *Virginia Voter Registration Application* for his/her new address or otherwise provide the relevant address change information.
- Process the voter registration in VERIS as a new registrant.
- Process the offer to vote in VERIS using the new address.
- When using EPBs, update the voter's record in the EPB application before checking in the voter. Follow the manufacturer's guidance in these situations as data transfer from the EPB application to the EPB units is needed before the voter can be checked in at the new address.

The voter is now ready to vote according to office procedures.

7.9.3.2 After the Books Close and the Voter Does Not Wish to use Same Day Voter Registration

- If eligible to vote in old locality under §24.2-401, offer the voter the option of going there to vote absentee.
- Have the voter complete a *Virginia Voter Registration Application* before he/she leaves your office to be processed after the election or offer another means for the voter to change her address.
- If voter is not eligible to vote at the old locality and the voter says he/she has changed address by mail or at DMV, a provisional ballot may be offered.

Voters that choose to use SDR must complete the provisional ballot envelope completely and vote a provisional ballot.

7.9.4 The Voter has Moved to a New Address in Another State

- The offer to vote should be denied and his/her voter registration cancelled.
- **Exception** for Presidential elections only: "A person who is qualified to vote except for having moved his residence from the Commonwealth after the [30th] day preceding a presidential election may vote in the precinct from which he has moved



only in that election and only for [the offices of President and Vice President].”¹⁹⁵
After the election, the voter’s registration must be cancelled in VERIS.

7.9.5 The Voter has Moved to your Locality, but VERIS Flags a Warning that the Voter has been Issued a Ballot from his old Locality

7.9.5.1 Application Received Before the Books Closed

- Begin processing the transfer.
- Warning message will appear in VERIS depending on “Ballot Status.”
- **Status = Issued**
 - Warning message will read “Warning: Active Absentee application in _____ County /City will be cancelled.”
 - Update the voter’s registration (5-day waiting period applies).
 - VERIS will automatically cancel/void any ballot in the old locality after the transfer is complete (the ballot cannot be counted in the old locality).
- **Status = Marked or On Machine**
 - Warning message will read “Warning: Voted ballot in _____ County/City.”
 - Voter cannot vote normally in new locality because ballot has already been cast. However, if the voter denies having voted, then a provisional ballot must be offered.
 - The *Virginia Absentee Ballot Application* or in person record and the ballot from the old locality will remain unchanged as this voter has already cast his/her ballot.
 - *Do not* process the new *AB Application* in VERIS.
 - Voter should complete a new *Virginia Voter Registration Application* to be processed after the election or provide another method of address change.

7.9.5.2 In-Person Absentee Voter Attempts to Vote After the Books Close and is Not Registered and Not Eligible for Late Registration

Voters that choose to use SDR must complete the provisional ballot envelope completely and vote a provisional ballot.

An individual that refuses to complete the Same Day Voter Registration cannot vote in the locality because registration has closed until after the election. Advise voter he may return to vote in old locality if eligible under moved voter rules or provisionally. If voter insists eligible in new locality, offer a provisional ballot.

Part Two: Uniformed, Overseas Citizen Voters

7.10 VOTERS FLAGGED IN VERIS – UOCAVA

7.10.1 In General

A UOCAVA flag is added to a voter’s registration in VERIS in the following circumstances:

- A *Virginia Voter Registration Application* (VA-NVRA-1) is entered with a military or overseas mailing address and the UOCAVA flag is checked.

¹⁹⁵ See [§24.2-402](#).



- A *Federal Post Card Application* (FPCA) is entered for registration and/or absentee ballot request.
- A *Federal Write-In Absentee Ballot* (FWAB) is entered for registration and/or absentee application and voted ballot.
- A *Virginia Absentee Ballot Application Form* (SBE 701/703.1) is entered as an absentee ballot request using a military or overseas voter category.

A UOCAVA flag does not automatically mean an active ongoing absentee record is on file:

- If the FPCA or FWAB has expired and the voter has not updated his registration, the UOCAVA flag still shows.
- If an SBE 701/703.1 Virginia Absentee Ballot Application Form is used, with a military or overseas voter category, the UOCAVA flag is not automatically deleted after the election, even though the application is a one-time use only.

The UOCAVA flag is automatically removed when a Virginia Voter Registration Application is processed in VERIS without a military or overseas voter category selected.

7.10.2 UOCAVA Voter Comes to Vote Absentee in Person before Books Close

7.10.2.1 UOCAVA, Federal Only Flags – Ballot not Issued

The voter should be asked “Have you returned to the U.S. permanently or separated from the Military?”

- If “yes,” do the following:
 - Have voter complete a new *Virginia Voter Registration Application* to update address or provide another means for the voter to update her address.
 - Update the voter’s record in VERIS.
 - VERIS will remove the UOCAVA flag.
 - Allow the voter to vote routinely.
 - When using EPBs, update the voter’s record in the EPB application before checking in the voter. Follow the manufacturer’s guidance in these situations as data transfer from the EPB application to the EPB units is needed before the voter can be checked in at the new address.
- If “no,” do the following:
 - Have voter provide name and registration address.
 - Have voter complete a new FPCA for future elections.
 - A voter that is allowed to vote a full ballot may now proceed to vote routinely.
 - A voter that is allowed to vote a federal only ballot may now proceed to vote routinely.

7.10.2.2 Military, Overseas, Federal Only Flags – Ballot Issued

The voter should be asked “Have you returned to the U.S. permanently or separated from the Military?”

- If “yes” and the voter did *not* receive the ballot, do the following:
 - Have the voter complete a new *Virginia Voter Registration* application to confirm address, update other information, or provide another means for the voter to update her address.



- Update the voter's registration record in VERIS.
 - VERIS will remove the UOCAVA flag.
 - Have voter complete the *Statement of Voter (Gold Form)* for the current election.
 - Retain the *Gold Form* with your absentee records.
 - Update voter's registration in VERIS.
 - Process the voter as "new" in VERIS for an in-person/on machine voter.
 - Add a comment in the "Status Change Reason" box that the voter's ballot was not received, was received damaged, or was lost and *Gold Form* was signed.
 - Voter may now proceed to vote routinely.
-  Keep in mind that a ballot initially issued by mail in VERIS will be superseded by a ballot later issued in person/on machine.
- If "yes" and the voter has the ballot in hand, do the following:
 - **Option A:** If voter's residence address has *not* changed
 - Encourage voter to vote the ballot he/she has in hand. Have the voter complete a new *Virginia Voter Registration Application* (VA-NVRA-1) to confirm address and other information.
 - VERIS will remove the UOCAVA flag once the application is entered after the election.
 - **Option B:** If voter's residence *has* changed
 - Have the voter complete a new *Virginia Voter Registration* (VA-NVRA-1) application to update address, update other information, or provide another means for the voter to update her address.
 - Update the voter's registration in VERIS.
 - VERIS will remove the UOCAVA flag.
 - Confirm that the voter's voting precinct is the same.
 - If the precinct is the same
 - The voter may vote the ballot in hand.
 - If the precinct is *not* the same
 - Write "VOID" across the ballot envelope and place in Envelope 4.
 - Process the voter as "New" in VERIS for an in-person/on machine voter.
 - Add a comment in the "Status Change Reason" box that the voter returned paper ballot "Unmarked" and has a new residence.
 - **Option C:** If the voter requests to vote on the machine and the voter's residence has *not* changed
 - Confirm ballot belongs to voter.
 - Search the voter in VERIS.
 - Ballot status should be "Issued" for the current election.
 - Write "VOID" across the ballot envelope and place in Envelope 4.
 - Have the voter confirm their name and address.
 - Process the voter as having a "New" "IN PERSON" application in VERIS for an in-person/on machine voter.

- Add a comment in the “Status Change Reason” box that the voter returned paper ballot unmarked.
- Voter may now proceed to vote routinely.



Keep in mind that a ballot initially issued by mail in VERIS will be superseded by a ballot later issued in person/on machine.

- If “no,” do the following:
 - Choose the scenario best suited to the voter from the previous section above for the applicable action to be taken noting the following:
 - Do *not* update voter’s registration prior to voting.
 - No *Virginia Voter Registration Application* is needed.
 - Have the voter complete a new FPCA to request absentee ballots for future elections.
 - Process this FPCA *after* the election.

7.10.2.3 UOCAVA Voter Comes to Vote Absentee in Person after Books Close

For the applicable actions, determine which scenario is best suited to the voter from UOCAVA Voter Comes to Vote Absentee in Person before Books Close (§7.10.2) above.

Follow those procedures while noting the following:

- Do not update voter’s registration until after the election unless eligible for late registration.
- Discuss the voter’s options on completing a Same Day Voter Registration transaction only if the voter has returned to the U.S. permanently or separated from the Military. Proceed with those steps as needed.
- A Federal Only voter is not eligible to vote in a Non-Federal election unless returning permanently and voter qualifies for late registration.
- Moving conditions apply to any voter that has changed *permanent* residence and not eligible for late registration.¹⁹⁶
 - Apply moving conditions beginning with the day the voter returned to the U.S.
- Moving conditions may not apply in the following circumstances:
 - The voter has returned to the U.S. for a short-term assignment.
 - The voter is in temporary housing waiting to move into his/her new permanent residence. The moving conditions will not begin until the voter has acquired the new permanent residence.

7.11 UOCAVA VOTERS’ LATE VOTER REGISTRATION (AFTER BOOKS CLOSE)

7.11.1 Eligibility

- “Any member of a uniformed service of the United States, as defined in §24.2-452, who is on active duty;”¹⁹⁷
- “Any person who resides temporarily outside of the United States;”¹⁹⁸

¹⁹⁶ See [§24.2-420.1](#).

¹⁹⁷ See [§§24.2-419](#) and [24.2-201](#).

¹⁹⁸ *Id.*



- “Any spouse or dependent residing with a person listed [above].”¹⁹⁹
 - These individuals may apply by mail²⁰⁰ or in-person.
 - Registration on the FPCA also serves as an absentee ballot application.²⁰¹
- “Any person who was on active duty as a member of a uniformed service [...] and discharged from the uniformed service during the sixty days immediately preceding the election, and his spouse or dependent.”²⁰²
 - These individuals must apply in person to register late.
- Persons who, by reason of active duty or temporary overseas residence who are “normally absent from the city or county in which they reside or [...] have been absent from such city or county and returned to reside there during the twenty-eight days [...] preceding the election.”²⁰³
 - These individuals must apply in person to register late.

7.11.2 Date of Registration

Persons eligible for late voter registration may “be entitled to register in person up to and including the day of the election.”²⁰⁴ They must be given a date of registration equal to the final day of registration.

Part Three: Election Day

7.12 VOTER NEEDS ASSISTANCE AT CENTRAL ABSENTEE PRECINCT

For any voter who needs assistance with using the voting equipment or reading or understanding the ballot and/or voting procedures take the following steps:

- The voter and assistant must complete the *Request for Assistance* form (ELECT-649).
- Follow the instructions on the form carefully.
- The voter may request assistance because of a physical disability or inability to read or write. “If [the voter] is unable to read and write or disabled for any cause other than blindness, [he or she] may designate an officer of election or some other person to assist [...] other than the voter’s employer or agent of that employer, or officer [...] of the voter’s union.”²⁰⁵
- A blind voter may “designate an officer of election or any other person to assist him.”²⁰⁶
- “In any precinct in which an electronic voting machine is available that provides an audio ballot, the officers of election shall notify a voter requiring assistance [...] that such machine is available for him [or her] to use to vote in privacy without assistance.”²⁰⁷ However, the voter is not required to use this equipment.

¹⁹⁹ *Id.*

²⁰⁰ See [§§24.2-419](#) and [24.2-201](#).

²⁰¹ See [§24.2-419](#).

²⁰² See [§24.2-420.1](#).

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ See [§24.2-649\(B\)](#).

²⁰⁶ *Id.*

²⁰⁷ See [§24.2-649\(E\)](#).



- For any voter who indicates that they have a visual impairment or print disability and indicates that they will require assistance on their application, the general registrar is required to offer and provide the applicant with the ballot marking tool with screen reader assistive technology.
- **Blind or sight-impaired voters do not have to sign the assistance form;** blind voter's assistants must sign.²⁰⁸
- "Neutral observers" or "authorized representatives" from the party/candidate at the polling place "**shall not be allowed** in any case to provide assistance to any voter [...] or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place."²⁰⁹
- If a voter requests that her ballot be translated and has not designated an individual to assist her take the following steps:
 - "An officer of election, before he assists as interpreter, [must] inquire of the representatives authorized to be present [...] whether they have a volunteer available who can interpret for the voter."²¹⁰
 - However, authorized representatives or volunteer interpreters often will not be present at absentee voting locations.
 - If available, only one interpreter from each party shall be allowed to listen to interpretation by the Officer of Election.²¹¹
 - "The voter may designate one of the volunteer party or candidate interpreters to provide assistance."²¹²
 - Whoever assists must be qualified to assist and must complete the necessary parts of *Request for Assistance* form.
 - If voter denies assistance, he/she must cancel the request on the *Request for Assistance* form.

7.13 ABSENTEE BY MAIL VOTERS VOTING EARLY OR ON ELECTION DAY

Under § [24.2-708](#), absentee by mail voters are allowed to vote in-person at the CAP, but only for the narrow reasons listed in the subsections of the statute, which include:

- Unused Absentee Ballots(A), "Any person who has applied for and received an absentee ballot may choose not to vote absentee and shall be entitled to cast a ballot in accordance with the provisions of this subsection... The voter shall then be entitled to vote a regular ballot in the office of the general registrar, or he may choose to vote at his proper polling place or *at a central absentee voter precinct on the day of the election.*"
- Lost/Never Received Absentee Ballots(B), "Any person who has applied for and has been sent an absentee ballot but does not receive the ballot or loses the ballot shall be entitled to cast a ballot in accordance with the provisions of this subsection... The voter may, on the

²⁰⁸ See [§24.2-649\(B\)](#).

²⁰⁹ See [§§24.2-604\(C\),\(I\)](#).

²¹⁰ See [§24.2-649\(C\)](#).

²¹¹ *Id.*

²¹² *Id.*



day of the election, offer to vote at his proper polling place or *at a central absentee voter precinct*, and he shall be entitled to cast a provisional ballot pursuant to § [24.2-653.1](#).”

- Spoiled/Defaced Absentee Ballots(C), “Any person who has applied for and has been sent an absentee ballot that has been unintentionally or accidentally defaced and rendered unfit for voting shall be entitled to cast a ballot in accordance with the provisions of this subsection... The voter shall then be entitled to vote a regular ballot in the office of the general registrar, or he may choose to vote at his proper polling place or *at a central absentee voter precinct on the day of the election*.” [emphasis provided]

As absentee voters are allowed to cast their ballot at the CAP for these reasons, curbside voting must be provided, pursuant [24.2-649.1](#). Any voter with a disability or who is age 65 or older is entitled to utilize curbside voting.²¹³ However, during a declared state of emergency related to a communicable disease, any voter, regardless of age or disability is entitled to utilize curbside voting.²¹⁴

*For additional information on curbside voting, see GREB Handbook Chapter 5.

7.13.1 Voting Procedures

When an absentee by mail voter requests to vote curbside, the officer of election or the general registrar staffer may need to revisit the vehicle if the voter does not express initially his absentee status. The permission to vote normally is only permitted after the voter completes the Statement of Voter AB Ballot Not Received or Lost (Goldenrod)(SBE-708). In cases where VERIS is being used to check-in voters, update voter’s absentee record before beginning the in-person “Add Application” process. In cases where EPBs are being used, provided signed Statement of Voter to the Chief Officer or Deputy Chief so that the voter’s absentee ballot designation within the EPB can be overridden for a normal check-in.

7.13.1.1 The Curbside Packet

- Prepare curbside voting materials in advance. The curbside voting packet should include:
 - Statement of Voter AB Ballot Not Received or Lost;
 - Privacy folders;
 - Ballot marking device (pen, pencil or special tool as needed; never use a highlighter);
 - Clipboard;
 - *Request for Assistance* form;
 - *ID Confirmation Statements*;
 - *Affirmation of Eligibility*;
 - *Virginia Voter Registration Applications*;
 - *Provisional ballot materials* (Envelopes, Notice to Voter, Officer of Election Instructions);²¹⁵
 - “I Voted” sticker.

²¹³ See [§24.2-649.1](#).

²¹⁴ See [§24.2-649.1](#).

²¹⁵ See Chapter 13 Provisional Ballots.



7.13.1.2 The Process

- Perform a voter/absentee search in VERIS before going to the car if the voter has called the office from their car. If possible, write the voter's information on a piece of paper to assist with EPB check-in.
- Upon arrival at the vehicle, verify his/her identification. If no acceptable identification and the voter refuses to sign an ID Confirmation Statement, the voter can only vote provisionally.²¹⁶
- Compare the information provided by the voter on the application with the information you have from VERIS. Be certain to check for any change of address.
 - Ask the voter to complete a new *Virginia Voter Registration Application* (VA-NVRA-1), if necessary.
 - It may be appropriate to offer the voter a provisional ballot; *e.g.*, the voter's record is marked "Verify ID" in VERIS and the voter does not have the acceptable photo ID, or the voter is not listed in VERIS and voter says he/she registered at the DMV.²¹⁷
 - If appropriate, discuss and offer Same Day Voter Registration option.
 - If the voter is not eligible to vote, explain why he/she cannot vote.
- Once you have determined that the voter is eligible to vote in a locality, the Statement of Voter is complete, and the voter has been checked in, give the voter his/her ballot.
- Complete the *Request for Assistance* form, if needed, both voter and assistant sections.
- Allow "the voter [to] mark the printed ballot in a secret manner and, obscuring his [or her] vote," insert the ballot into the privacy folder.²¹⁸
- Assist the voter as needed.
- The person accompanying the ballot to the curb may be the assistant.
- Have the voter place the voted ballot into the privacy folder. Give the voter his/her "I Voted" sticker.
- Return to the office immediately.
- When VERIS is used to check-in voter, update the voter's absentee record in VERIS.
- Click "Add Application" in VERIS and use the following designations:
 - Ballot Status "In Person"
 - Ballot status reason is "Voted in Person – OP"
- Make a note in the "Approval Box" that the voter voted outside the poll.
- Complete the "Office Use Only" box at the top of the application.
- In cases where EPBs are being used, provide signed Statement of Voter to the Chief Officer or Deputy Chief so the voter's absentee ballot designation within the EPB can be overridden for a normal check-in.
- Deposit the ballot into the voting machine.

²¹⁶ See Chapter 13 Provisional Ballots for details.

²¹⁷ See Chapter 13 Provisional Ballots (discussing provisional voting).

²¹⁸ See Code of Virginia [§24.2-649.1](#).



**Best Practice**

Obtain the voter's information from the voter by phone or from the person accompanying the voter to the absentee precinct. Write down the voter's full name, address, and Voter ID number as it appears in VERIS. Having this information early will assist in the check-in procedures that follow and may provide the voter with a faster voting experience.

Part Four: Processing Absentee Ballots

7.14 RECEIPT OF MAILED VOTED BALLOTS

7.14.1 In General

Voted absentee ballots may only be returned by mail, through a commercial delivery service, to a drop-off location, or in person by the voter.²¹⁹

If returned in person, voted ballots must be returned to the general registrar before the closing of the polls on Election Day.²²⁰ Drop-off ballots must be returned to a drop-off location before the close of polls on Election Day.²²¹ Ballots returned by mail must be postmarked on or before Election Day and received by noon on the third day after the election.²²² Any ballot found abandoned at the polling place must be rejected.

7.14.2 Receipt of the Ballot – Marked or Unmarked

- Slit open the return envelope to determine whether the ballot was returned used or unused.
 - A ballot returned in Envelope A is *unused* with a VERIS “Ballot Status” of “Unmarked” and “Ballot Status Reason” is “Voter doesn’t want to vote AB.” A ballot returned in this manner is not subject to the absentee ballot cure process.
 - A ballot returned in Envelope B is *used* with a VERIS “Ballot Status” of “Marked” if the envelope has no material omissions or errors. If the envelope has a material omission or error, the VERIS “Ballot Status” is “Unmarked” and the “Ballot Status Reason” is “Needs Cure.” The voter has an opportunity to cure the material omission or error under the absentee ballot cure process. Review [1VAC20-70-20](#) for a list of material and immaterial omissions.
 - A ballot returned as “*UNDELIVERABLE*” is *unused* with a VERIS “Ballot Status” of “Unmarked” and the “Ballot Status Reason” is “Undeliverable.”
-  **Do not open Envelope B (Marked Ballot). Do not separate.** Keep ballot contents with an outer return envelope.
- Perform an “Absentee Search” in VERIS and update the record by entering the date the ballot was received.
 - Enter the “Ballot Received by Method” and the “Ballot Status” to indicate whether the ballot was returned “Marked” or “Unmarked.”

²¹⁹ See [§§24.2-707](#) and [24.2-707.1](#).

²²⁰ See [§24.2-709](#).

²²¹ *Id.*

²²² *Id.*



- Enter “Ballot Status Reason” when necessary.
 - Enter “Ballot Status Comment” when necessary. Entering ballot cure comments will be extremely helpful to staff that encounter cure voters.
 - Secure the ballots in an appropriate locked container or secured location.
 - The “*Daily Absentee Ballots List*” will include all applicants whose records are updated with returned ballots.
 - Proof the report to assure all records are properly updated.
-  “A voter who has returned his unused ballot before the day of the election [is] entitled to vote a regular ballot in person on Election Day.”²²³

7.14.3 Requirement for Last Four of Social Security Number and Year of Birth on Envelope B

Recent legislative changes, enacted during the 2023 Virginia General Assembly Session, removed the witness signature requirement for an absentee ballot Envelope B and replaced it with the last four digits of a voter’s social security number and their year of birth. If a voter attested (when they registered to vote) that they were never issued a social security number, the voter is permitted to provide their voter ID in place of the last four digits of a social security number. If the voter fails to provide their year of birth or the last four digits of their social security number (or the unique identifier assigned to the voter in the voter registration system, if applicable), these are considered material omissions and the ballot will have to go through the absentee cure process outlined below before it can be counted. For additional information on what is considered a material omission on Envelope B, please reference 1VAC20-70-20.²²⁴

7.14.4 Absentee Ballot Cure Process

The cure process applies to absentee ballots returned to the General Registrar up to four days prior to the date of the election. This means that a ballot is received by mail at the General Registrar’s office by that date or deposited at a drop-off location on or before four days before Election Day.

Follow the procedures below when you receive absentee ballot envelopes with an incomplete or incorrect voter statement or any error or failure that would render the ballot void by law.

- Set-aside any returned absentee ballot envelopes returned on or before the Saturday prior to the election that contain an error or failure that would render the ballot void.
- Within three days of receiving such an envelope, you are required to contact the voter either by phone, email, or in writing, and provide information to the voter as to how to correct the issue so that his ballot may be counted.
- Keep a record of each effort to contact a voter using the absentee cure log (found on forms warehouse). The record should contain the date and either the content of the message or, if you contact a voter by phone, a brief summary of the message or conversation.
- The voter is entitled to make the necessary correction any time before noon on the third day after Election Day.

²²³ See [§24.2-708](#).

²²⁴ See Virginia Admin. Code, [1VAC20-45-20](#) on material omissions.



- A corrected ballot shall then be counted pursuant to the procedures set forth in § 24.2-709.1 of the Code of Virginia, if the voter is found to be entitled to vote.
- Until the deadline to request an absentee ballot, when you contact a voter, you should provide the option for them to request a new ballot. If you issue a new ballot, then the first ballot shall be preserved with other spoiled absentee ballots.
- After the deadline to cure pursuant to §24.2-709.1 (B), let the voter know that it is past the date to issue a new ballot by mail.²²⁵ Make the voter aware of the option to cure his envelope in person or to cast a new ballot in person. If the voter chooses to cast a new ballot in person, the first ballot shall be preserved with other spoiled absentee ballots.
- For voters whose completed ballots are missing the voter's signature or the last four digits of their Social Security Number (*or* assigned Voter ID number, if applicable) or the year of birth, you may issue the Voter Affidavit – AB Cure form (found on Forms Warehouse > Absentee > Absentee Voting > Absentee Cure Process) rather than issuing a new ballot. A voter's signed, returned affidavit will act in place of these material omissions for purposes of curing the voter's ballot. Please note that voters may return their affidavits electronically, following the instructions on the attached affidavit [form](#).

7.14.5 UOCAVA Voters with Ongoing Ballots

- If a ballot is returned as “*UNDELIVERABLE*,” no other ballots shall be sent under that application.²²⁶
- *Do not* expire the application until after the election is over because this action would cancel the ballot line and remove the voter from the “Final Absentee Report.” The report should reflect the return of the “Unmarked/Undeliverable” ballot.



Best Practice

If a UOCAVA voter returns a ballot as unused in *Envelope A* and his ongoing AB application has not expired, ELECT recommends that you contact the voter to see if they will continue to need ballots for the remainder of the ongoing application. It could be that the voter has returned the ballot unused because he chose not to vote in that election or maybe he has returned from overseas or military duty and no longer requires absentee ballots.

7.15 ISSUING REPLACEMENT BALLOTS

7.15.1 Ballot not Received or Lost (Statement of Voter Form (ELECT-708))

7.15.1.1 In General

- “If for any reason a person who has applied for and has been sent an absentee ballot does not receive the ballot, receives the ballot defaced/damaged, or loses the ballot, he [is] entitled to cast another ballot.”²²⁷
- The voter must complete the *Statement of Voter* form (ELECT-708).²²⁸

²²⁵ See [§24.2-709.1\(B\)](#).

²²⁶ See [§24.2-703](#).

²²⁷ See [§24.2-708](#).

²²⁸ *Id.*



- The *Statement of Voter* can be completed and signed in-person, by mail, email attachment or fax. If time is short for sending the *Statement of Voter*, it may be included with the replacement ballot. However, if time is so short that the ballot will likely not arrive to the individual in time, it is recommended to contact the voter and inform them that voting in person is advised.
- If a replacement ballot is mailed with the *Statement of Voter* included, omission of that document may be material if the omission prevents determining eligibility;²²⁹ provisional treatment may be needed if it cannot be determined whether the voter has already voted.²³⁰

7.15.1.2 The Process

- The voter must attest to the following information on the *Statement of Voter* form:²³¹
 - Full legal name.
 - A choice of ballot not received ballot lost, or ballot damaged.
 - Current legal residence address.
 - Last four (4) digits of the voter's Social Security number are required.
 - The voter *must* sign the form or request assistance.
 - Fill in the date signed.
- The Absentee Precinct staff must take the following steps:
 - Perform an "Absentee Search" in VERIS to acquire the voter's record.
 - Reissue the ballot in the manner requested by the voter.



Best Practice

Check the form for complete information and signature. Check the voter's absentee record in VERIS to be sure a ballot has not been returned before reissuing a ballot. Send the replacement ballot by the voter's chosen method: in person, by mail or by email or fax, if qualified. Follow VERIS Step-by-Step instructions for data entry. Attach the *Statement of Voter* to the *Virginia Absentee Ballot Application*.

7.15.2 Ballot not received or Lost by Disabled, Ill, or Pregnant Voter Designated Representative (Statement of Disabled, Ill, or Pregnant Voter Form (SBE-703.2(1)))

7.15.2.1 In General

- An absentee voter who is disabled, ill, or pregnant may request a replacement ballot and designate a representative to obtain the replacement ballot on his/her behalf using the *Statement of a Voter With a Disability, Illness, or Pregnancy* form (SBE-703.2(1)).²³²
- If time allows for the routine replacement ballot process using the *Statement of Voter form*, designating a representative may not be necessary.

²²⁹ See Virginia Admin. Code [1VAC20-70-20](#).

²³⁰ See [§24.2-651.1](#).

²³¹ See [ELECT-708](#).

²³² See [§24.2-703.2](#).



7.15.2.2 Conditions for Using

“A voter seeking to cast an absentee ballot may obtain a replacement absentee ballot subject to the following conditions:

- The voter who applied for an absentee ballot has a disability or illness.
- The application was approved and an absentee ballot mailed to the voter.
- The voter did not receive, received damaged, or has lost the absentee ballot on or before the Saturday before the election.”²³³

7.15.2.3 Deadlines

- “The voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before Election Day.”²³⁴
- The voter must “designate, in writing, a representative to obtain a replacement absentee ballot on his behalf [...] and to return the [...] ballot [...] no later than the close of polls on the day of election for which the absentee ballot is valid.”²³⁵

7.15.2.4 The Process

- “The voter may request a replacement absentee ballot by the close of business for the local elections office on the Saturday before Election Day.”²³⁶
- The voter must then designate a representative to obtain the replacement absentee ballot on his/her behalf.²³⁷
- “The representative [must] be age eighteen or older and [must] not be an elected official, a candidate for elected office, or the deputy, spouse, parent, or child of an elected official or candidate.”²³⁸
- The voter and representative, if assistance is required, must complete the *Statement of a Voter With a Disability, Illness, or Pregnancy* form and sign to the following information:²³⁹
 - That the voter did not receive, lost, or received defaced/damaged the requested ballot.²⁴⁰
 - That the voter is a citizen of the U.S. and is registered and qualified to vote in the city or county.
 - That the voter is a resident or qualified to vote under the allowable moving conditions.²⁴¹
 - That the voter confirms residence address and eligibility to vote in the election.
 - That the designated representative meets the age and other qualifications noted above.
- The representative will receive the *Statement of Designated Representative of a Voter with a Disability, Illness, or Pregnancy* form (SBE-703.2(2)) with the ballot that

²³³ *Id.*

²³⁴ See [§24.2-703.2](#).

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ *Id.*

²⁴¹ See [§24.2-401](#).



he/she must complete and sign stating that the instructions for the representative were followed.

- If the voter needs assistance in marking his/her ballot, a *Request for Assistance* form (ELECT-704(AB)) will also be given to the representative with the ballot.
- The voter and the representative must complete the *Request for Assistance* form.
- The representative must return the properly completed ballot “no later than the close of polls on the day of election for which the absentee ballot is valid” along with the *Statement of Designated Representative* form and *Request for Assistance* form, if used.²⁴²
- Statements on the *Statement of Designated Representative* form and *Request for Assistance* form are subject to felony penalties for making false statements.²⁴³

7.16 PROCESSING BALLOTS BEFORE ELECTION DAY – EXPEDITED PROCEDURES

7.16.1 In General

The general registrar is responsible for preprocessing absentee ballots before Election Day as needed. However, preprocessing becomes mandatory beginning on the seventh day immediately preceding the election.²⁴⁴ Preprocessing extends to mailed ballots that are not optically scanned such as FWABs and ballots sent to the voter by email.²⁴⁵

7.16.2 Preprocessing Requirements

The registrar may begin pre-processing returned absentee ballots at any time. However, the registrar *must* begin pre-processing absentee ballots beginning on the seventh day immediately preceding the election.²⁴⁶

To pre-process, the general registrar must either:

- Open the sealed ballot envelope and insert the ballot in ballot scan counting equipment without initiating vote totals;²⁴⁷ *or*,
- Open the sealed ballot envelope and deposit the ballot into a secured container that the general registrar has designated specifically for pre-processing.²⁴⁸

Additional requirements:

- At least two officers of election, one representing each political party, must be present during all hours when sealed ballot envelopes are opened for the purpose of pre-processing absentee ballots.

²⁴² See [§24.2-703.2](#).

²⁴³ See [§24.2-1016](#).

²⁴⁴ See [§24.2-709.1\(B\)](#).

²⁴⁵ See [§24.2-709.1](#).

²⁴⁶ *Id.*

²⁴⁷ *Id.*

²⁴⁸ *Id.*



- Administrative code requires that notice be given to **both** political party chairs regarding the times and places for each pre-processing meeting to allow sufficient time for an authorized representative to be present. This applies to all races, even primaries.²⁴⁹

7.16.2.1 Administrative Steps

- GR or GR Staff ensure all VERIS ballot statuses are “Marked” before providing envelopes to the CAP officers.
- CAP officers examine the Statement of Voter on Envelope B and note its completion.²⁵⁰
- Mark the pollbook or the absentee applicant list that the voter has voted.²⁵¹
 - You may also assign Pollbook Count Numbers to the *Final Absentee Report* or other similar report that indicates the voter has voted.
- If you are choosing to run the ballot through optical scan equipment, open the voted ballot envelopes (B) and insert the optical scan ballot into the tabulator without initiating any ballot count totals.²⁵²
 - See Chapter 12 Central Absentee Precinct (CAP) for requirements and procedures.
 - See The State Board of Election’s Policy on the Counting and Reporting Results of Absentee Ballots from a Central Absentee Precinct.
- GR or GR Staff ensure all VERIS ballot statuses are edited to reflect “Pre-Processed.”



Regulation Note

1VAC20-70-40: Alternative Processing Procedures for Absentee Ballots Returned Before Election Day. 1VAC20-70-40 states requirements general registrars must take when expediting counting absentee ballots returned before Election Day. General registrars are to: ensure that the general registrar staff follow all previously prescribed instructions for processing and verifying absentee ballots (1VAC20-70-40(1)), secure all absentee ballots at the end of each day following principles of dual custody and chain of control (1VAC20-70-40(2)), ensure that the staff are following the requirements of 24.2-709.1 including the requirement that at least 2 officers of election (one from each party plus one) be present (1VAC20-70-40(3)), and give notice to the local political party chairs of the time and place for processing absentee ballots with sufficient time to allow these party representatives to be present (1VAC20-70-40(4)).

7.17 BALLOTS RETURNED AFTER POLLS HAVE CLOSED

7.17.1 Qualifications for Counting

Any ballot that is delivered by the voter to the General Registrar’s office must be received by the time the polls close on Election Day to be counted. However, ballots mailed or sent by an

²⁴⁹ See Virginia Admin. Code [1VAC20-70-40](#).

²⁵⁰ See [§24.2-709.1](#).

²⁵¹ *Id.*

²⁵² *Id.*



expedited delivery service are required to be postmarked on or before Election Day as long as the ballot is received by 12:00 pm, noon, on the third day after the election (Friday in most cases).²⁵³ For the purposes of absentee voting, a postmark includes “any other official indicia of confirmation of mailing by the United States Postal Service or other postal or deliver service.”²⁵⁴

Some ballots mailed by voters may make it to the General Registrar with a missing or illegible postmark. These ballots should be processed according to regulation 1VAC20-70-20.

7.18 UOCAVA BALLOTS RETURNED AFTER THE POLLS CLOSE

7.18.1 Qualifications for Counting

Absentee ballots from a UOCAVA voter received after the polls close on Election Day must be counted according to the procedures set forth in §§ 24.2-700 - 24.2-713 if all of the following circumstances are met:²⁵⁵

- The ballot was received after noon on the third day after Election Day, and;
- The ballot was “received before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election”²⁵⁶ and;
- The ballot was “requested on or before but not sent by the deadline for making absentee ballots available under § 24.2-612”²⁵⁷ and;
- The ballot was “cast by an absentee voter who is eligible for an absentee ballot under subdivision (A)(2) of § 24.2-700.”²⁵⁸

7.18.2 Actions to be Taken

If any ballots meet all of the above criteria, the electoral board must immediately notify the Commissioner of Elections that qualifying late ballots have been received. If the electoral board has ascertained the results of the election and the absentee applications and provisional ballot materials have already been sent to the circuit court, permission from the Commissioner of Elections must be obtained to retrieve these materials, using the *Request to Inspect Sealed Election Materials* form (ELECT-659-669).

The qualified late ballots must be considered by the electoral board in a canvass according to the provisions of §24.2-671. Set this canvass after the time for receiving such ballots has passed. Notify the political party chairs and independent candidate(s) of the time, place, and purpose of the meeting so they may attend.²⁵⁹

7.18.3 Procedure for Counting Late UOCAVA Ballots

Determine if any UOCAVA voters are entitled to vote and to have their late ballot counted.²⁶⁰ Prepare a separate pollbook marked “Late UOCAVA Ballots.” Prepare an amended *Statement of*

²⁵³ See [§24.2-709\(B\)](#).

²⁵⁴ *Id.*

²⁵⁵ See [§24.2-709](#).

²⁵⁶ *Id.*

²⁵⁷ *Id.*

²⁵⁸ *Id.*

²⁵⁹ See [§24.2-671](#).

²⁶⁰ See [§24.2-709](#).



Results. Record the name of each voter in the pollbook whose ballot will be counted. Determine that the sealed envelope containing the ballot is properly completed and the oath is signed. Open the envelope to be sure that only one ballot or ballot set has been enclosed. Without looking at or disclosing how the ballot has been marked, place the ballot or ballot set in the ballot container. Repeat this process for all ballots to be counted. Count the ballots, certify on the *Statement of Results*, and present SOR to the General Registrar so that amended election results can be added to the Enhanced Results application.

Prepare an amended abstract for each office that was changed by the counted ballots.²⁶¹ All electoral board members present must certify the amended abstracts.²⁶² The electoral board secretary or acting secretary must prepare attested copies of the amended abstract(s). Submit an electronic copy of the amended abstracts immediately to the Department of Elections as directed by the Department. Send a copy of the attested document(s) immediately by overnight delivery or hand deliver to the Department of Election. Distribute the remaining amended abstract copies as directed by § 24.2-675.

Place the pollbook and one copy of the SOR in Envelope #2 labeled “Late UOCAVA Ballots” and send it to the circuit court for retention as provided in § 24.2-668. Place the counted ballots considered by the electoral board in Envelope # 3 labeled “Late UOCAVA Ballots” and send it to the circuit court for retention as provided in §§ 24.2-669 and 24.2-710. Within 90 days send written rejection notice to voter(s) whose ballot could not be counted.²⁶³



VERIS Step by Steps

[Absentee Processing](#) explains in detail how to process absentee ballots and applications.

[Add-Update Voter](#) explains how to update and/or add a voter.

For further assistance, contact [VERIS help](#)

²⁶¹ *Id.*

²⁶² *Id.*

²⁶³ See [§24.2-711.1](#).



APPENDIX A

ABSENTEE REPORTS IN VERIS

The following chart may help in deciding which VERIS absentee reports to turn to produce first, the intended purpose and content of each report, and when it is to be used.

Name of Report	Recommended Order of use	What it is	When to use & When to Run	Helpful Tips
Daily Absentee Applications List	First	Contains list of absentee applicants processed, received or updated on a specified date or within a specified range (used to reconcile ballots with applications)	Daily	Use as a proofing tool
Ongoing Absentee Applications List	As needed	Contains list of Ongoing absentee applications processed as well as date & method application received, type, reason	Before you generate your ongoing and before setting ballot ready date	Use as a proofing tool
Generated Ongoing Absentee Ballots list	As needed	Contains list of ballots generated in the ongoing process. The list also contains the following: ballot sent method, application type, date, reason code, status change & returned date	After you generate your ongoing and before you set your ballot ready date.	Use as a reconciliation tool, to ensure that the ongoing applications eligible to vote in the selected election are listed
Daily Absentee Ballots List	Second	Contains list of absentee applicants processed as well as ballot types, ballot status, and returned date of ballots received or updated on a specified date or within a specified range (used to reconcile ballots with applications)	Daily	May also be used as a proofing tool
Certificate of Mailing (COM)	Third	Contains a list of absentee voters who were sent ballots. Additionally used as proof of mailing	Daily	Labels must be printed prior to running COM. This report should only be run once per day or names may be repeated on second COM



Name of Report	Recommended Order of use	What it is	When to use & When to Run	Helpful Tips
Final Absentee Report	As needed	Contains details on all absentee applications and ballots for the selected election	As needed	Run after Ballot Ready Date has been entered. Prior to that, no data will be produced. Can be used as a reconciliation document
Final Absentee Totals	As needed	Contains the final absentee totals for the selected election (such as total count of applicants, unused ballots returned and marked ballots returned by precinct)	As needed	Run after Ballot Ready Date has been entered. Prior to that, no data will be produced. A great report to reconcile totals with on a daily basis once mail out has begun
Cumulative Control Totals	As needed	Real-time statistics on all applications received, ballots sent (broken down by Ballot Sent By Method), and ballots received (broken down by Ballot Received by Method) by precinct for the selected Election	As needed	
Public Absentee Applications List – Cumulative (with or without email add)	As needed	Public inspection list of all absentee applications for an election	As needed	
Issued Absentee Ballots List	As needed	List of voters that have been issued an absentee ballot for a given date or date range. The report also lists the current status of the ballot (e.g., marked, on machine)	As needed	Run after Ballot Ready Date has been entered. Prior to that, no data will be produced
Absentee Email Labels	As needed			



Name of Report	Recommended Order of use	What it is	When to use & When to Run	Helpful Tips
Approved Absentee Applications list	As needed	The report displays absentee applications that were approved for a specified election and locality		
Absentee Application statistics	As needed	Number of Absentee applications received within a specified date range.		
Cancelled Absentee Applications due to transfer	Once a week	Absentee applications that have been cancelled because they have been transferred		This is a cumulative list
Deleted Ballots	As needed	The report displays the names and addresses of voters whose absentee ballots for the specified election have been deleted		

Town absentee reports are separate and must be selected when having a town election.



APPENDIX B**FREQUENTLY ASKED ABSENTEE QUESTIONS****1. When does a voter's FPCA expire?**

An FPCA expires on December 31 of the following year from the date received (§ 24.2-703). All applications received during this year (2025) will expire 12/31/2026. The applicant can also choose to specify an earlier date to end the standing request. **In the event that a second federal postcard application is received from the voter, any previous applications are considered superseded, and the duration of the most recently received application will apply.**

2. If a voter was born overseas to US citizens can she vote? If so, what is her classification and what address do we use?

Yes, an adult born overseas to US citizens can vote. The classification is Federal Only unless the application notes that his/her parents are overseas for employment. Then the voter could qualify for a full ballot. The parents' last legal residence in the U.S. should be used. For more, see § 24.2-456, which states that a voter who was born outside the United States to parents who were/are eligible to vote in Virginia must be assigned to the voting precinct of the address of the last place of residence in Virginia of the parent or legal guardian of the voter.

3. Does a registration for an FPCA Federal Only application expire at the same time the absentee ballot application expires?

No. Registration is now permanent. § 24.2-442 used to require that a Federal Only voter's registration would expire at the end of the FPCA's term. This law was repealed in 2012 and replaced with the Uniformed Military and Overseas Voter's Act. § 24.2-451.

4. If on Item 3 the date of the election is not complete do I deny the AB application?

Do not deny the AB application if the date of the election is missing. If your locality is holding a primary election when you receive the application, try to call or email the voter to determine the election they are applying for if they marked a primary and general election box. If the voter cannot be reached, process the application for the primary and send another AB application to the voter in July for the November Election. Applications received after the primaries but before the next General Election should be processed for the upcoming November Election (because applications can be received up to one year ahead of an Election.)

5. Does the 5 day wait period apply to transfers of registration?

Yes, if the voter is registering in the new locality in person and seeking to vote in person or applying to vote by mail.

6. If I get a DMV OAB in my hopper for an election we are not having, what do I do with the application? How do I get rid of it?

VERIS will allow you to process the application as a "Denied-Not Eligible" for the election not being held.

7. I have a voter that brings their ballot to my office during In Person absentee voting period. Do I allow them to vote that ballot? What are the procedures?

Yes. Try to convince voter to vote the ballot they have in their hand. If voter insists on casting a ballot through the scanner, the issued absentee ballot must be rendered void, and the voter must be given an opportunity to vote in person. Place the void ballot in Envelope #4. **Note:** the Voter MAY NOT place a ballot received in the mail through the IN PERSON scanner at the registrar's office.

If voter did **not receive, received damaged, or lost their ballot**, they must sign the gold form. This applies only to In Person absentee voting (does not apply to precincts on Election Day). They would still be allowed to vote in-person. Note in comments "gold form signed" and (best practice) attach gold form to new application.

8. I have a voter that brings their ballot to the precinct on Election Day; are they allowed to vote that ballot?

Try to have the voter drop the completed AB ballot package in the absentee drop box located in the precinct. However, an unvoted ballot brought to the precinct is considered void (place in Envelope 4) and, using EPB instructions per locality, the voter may be unchecked as issued an AB ballot and allowed to vote on scanner and issued a ballot from precinct ballot supply.

9. I have a voter who comes to the polling place on Election Day. Their record is marked as voting Absentee in the pollbook, but they do not have a ballot with them. Can they vote?

Voter must vote provisional, UNLESS it is determined the ballot was returned to the Registrar's office unused. For more, see What Ifs question 19.

10. When is a "mail" ballot considered cast?

An absentee voter who votes other than in person shall be deemed to have cast his ballot at the moment he personally delivers the ballot to the general registrar or electoral board or relinquishes control over the ballot to the U.S. Postal Service or other authorized carrier for returning the ballot as required by law. Virginia Administrative Code **VAC20-60-40 When Ballot Cast**

11. How many AB applications can I give to a voter requesting multiples?

There is not a specific limit; however, if a large number of applications are being requested, we suggest giving them training. There is a registration training available through ELECT, but not one specific to AB at this time. It would be acceptable for the registrar to provide training on proper completion of application. The requestor can also make copies of the application instead of the registrar's office having to provide them.





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 8

List Maintenance

August 2025

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8. LIST MAINTENANCE

REFERENCE ELECT's Annual List Maintenance Reports	ADDITIONAL RESOURCES EAC Fact Sheet: List Maintenance and NVRA

8.1 CHAPTER ORGANIZATION

The National Voter Registration Act (NVRA) is the federal law that requires each state to make a reasonable effort to remove the names of ineligible voters from the official list of registered voters.¹ Virginia meets this requirement in part through list maintenance processes. The Code of Virginia §24.2-427, outlines the conditions that the general registrar must cancel voter registrations.²

This chapter provides elections officials with the background, law, and practical “how-to” to follow list maintenance practices that comply with federal and state laws. §8.1 defines maintenance and list data sources such as the Department of Motor Vehicles and Central Criminal Records Exchange which ELECT is required to provide general registrars. §8.2 shows the federal law underpinning Virginia’s VERIS list maintenance system and introduces the topics of §8.3 and §8.4, the cancellation and confirmation programs.

8.1.1 Definition of List Maintenance

List maintenance is the process by which elections officials retain accurate and current lists of registered voters. The basic framework for list maintenance is established in Code of Virginia §24.2-427³ These provisions implement the NVRA⁴.



The Department of Elections must promptly provide information to general registrars regarding list maintenance (deceased, moved outside locality of residence, felony conviction, adjudication of incapacity, declared noncitizen who has not timely affirmed U.S. citizenship, other disqualification provided by law).⁵ General registrars must act upon this information within **30 days**.

8.1.2 ELECT Data Sources

The Department of Elections must receive, review, and provide to registrars the following information:

- A monthly list of all persons convicted of a felony during the preceding month and a comprehensive annual list of all persons ever convicted of a felony from Virginia’s Central Criminal Records Exchange (CCRE);⁶
- a weekly list of all persons 17 years of age or older who have died in the Commonwealth from the Virginia Department of Health;⁷

¹ See National Voter Registration Act [52 USC §20507\(a\)\(4\)](#).

² See [§24.2-427](#).

³ See [§24.2-427](#) et seq.

⁴ See NVRA, [52 USC §20501](#) et seq.

⁵ See [§24.2-404\(A\)\(4\)](#).

⁶ See [§24.2-409](#).

⁷ See [§24.2-408](#).



- duplicate registrations identified from comparing other states' registration and voting information with annual reporting⁸ to the General Assembly which can be found online at [Voter List Maintenance Report webpage](#).
- information exchanges with other state election officials.⁹

8.2 FEDERAL AND STATE LAWS GOVERNING LIST MAINTENANCE

8.2.1 National Voter Registration Act (“NVRA”)

The NVRA is a federal program which mandates that each state develops and maintains programs to ensure accurate and current voter registration rolls. These list maintenance programs are required to be **uniform, nondiscriminatory and in compliance with the Voting Rights Act**.¹⁰ NVRA does not permit a list maintenance system to remove the name of a voter from the list because of failure to vote, to prohibit selective or discriminatory voter removal practices. NVRA divides the required list maintenance programs into two major areas: cancellations and confirmations.

8.2.2 VERIS List Maintenance: Cancellations and Confirmations

The NVRA list maintenance programs requirements are managed through the Virginia Election and Registration Information System (“VERIS”).¹¹ VERIS is a central record keeping system, mandated by the Code of Virginia § 24.2-404, that makes it possible to add or cancel registrants, maintain records of “Active” and “Inactive” voters, generate reports of transactions and activity, track the origin of registration applications, maintain records of confirmation mailings, and interface with other State agencies.¹²

8.2.3 NVRA-Mandated Records Access

Lists of voters whose registration have been cancelled under list maintenance programs are available for public inspection and copying.¹³ The general registrar must post the list at the courthouse, or have it published in a newspaper of general circulation, in the general registrar’s community.¹⁴ The general registrar must provide a certified copy of the list to the chairman of each political party in the locality. An electoral board may approve accepting a registrar’s electronic read email receipt as equivalent to a certificate of mailing to the party chair required by Virginia law.¹⁵

⁸ See LIS Reports to the General Assembly, required as per the Code of Virginia [§24.2-404](#) (F), report pending.

⁹ See [§24.2-404.4](#).

¹⁰ See [Voting Rights Act of 1965, 51 U.S.C. §10101 et seq.](#)

¹¹ See [§24.2-404](#).

¹² See GREB Chapter 9 (Records Access and Retention) (providing details on what records are available for public inspection and copying).

¹³ See [52 U.S.C. §20507\(i\)](#). See [§24.2-444\(A\)](#).

¹⁴ See [§24.2-429](#).

¹⁵ *Id.*





Frequently Asked Questions about the NVRA

Can the public request copies of voter registration applications? Yes. While elections records in VERIS are exempt from the Freedom of Information Act as per §24.2-404 (B), the National Voter Registration Act (NVRA) requires each general registrar's office to provide copies of voter registration applications submitted after July 20, 2011, and other documents relating to voter registration maintenance activities, including copies of correspondence to voters including denial letters if available. **Social security numbers and day as well as month of birth must be completely redacted before providing these applications for inspection.**

Can any member of the public request records? A request for voter registration applications invokes the NVRA, federal law which requires the provision of voter registration applications to any requestor, regardless of whether the requestor is a state resident. Regarding other records, general registrars are only obligated to provide records under the Virginia Freedom of Information Act to residents of the Commonwealth.

Under the NVRA, what are the circumstances under which Virginia can remove a person's name from the voter registration rolls? Section 8 permits States to remove the name of a person from the voter registration rolls upon the request of the registrant and, as Virginia law provides, for mental incapacity or criminal conviction. The Act also requires States to conduct a general list maintenance program that makes a reasonable effort to remove ineligible persons from the voter rolls by reason of the person's death, or a change in the residence of the registrant outside of the jurisdiction.

What is "removal at the request of the registrant"? A removal at the request of the registrant under the NVRA involves first-hand information from a registrant that can originate in at least 3 ways: 1) a registrant requesting to remove his or her name from the voting registration list, 2) a registrant completing and returning a notice card indicating an address change outside the jurisdiction, or 3) a registrant submitting a new application registering to vote a second time in a new jurisdiction, and providing information regarding the registrant's prior voter registration address on the new application, which the State can use as a request to cancel or transfer his or her prior registration. **A registrant advising of a new address within the same jurisdiction or registering to vote a second time at a new address within the same jurisdiction, should trigger an updating of the original registration, rather than its cancellation.**



8.3 CANCELLATION PROGRAMS

8.3.1 Deceased Voters

The name of a person who is known to be deceased must be removed from the voter registration rolls.¹⁶ In order to *know* that a voter is deceased for purposes of cancellation, local registrars should receive reliable information that provides certainty of the death. Acceptable sources that provide such information include:

- Confirmation of death by deceased voter's family or estate (Requires the ELECT 427B Form)¹⁷
- Confirmation of death by registrar or deputy registrar who personally knows the deceased voter (Requires the ELECT 427B Form)
- Records from the State Registrar of Vital Records processed through the hopper.
- Records from local health officials
- A death certificate
- An obituary posted in a newspaper distributed within the locality or on a website of a licensed funeral home (Requires the registrar or deputy to complete the ELECT 427B Form)
- NAPH SIS requests submitted to ELECT via JIRA Ticket

ELECT compares the voter lists with records belonging to the Bureau of Vital Statistics and the Social Security Administration (SSA). The Department of Elections complies with the requirement to match the SSA death list annually by October 1.¹⁸ Additionally, the State Registrar of Vital Records is required to electronically transmit a *weekly* list of all persons 17 years of age or older, who have died in the Commonwealth, to ELECT.¹⁹ The VERIS "Hopper" and "Agency Updates" screens will reflect this information and the following steps should be taken for processing:

¹⁶ See [52 USC §20507 \(a\)\(4\)\(A\)](#). See [§24.2-427\(B\)](#).

¹⁷ See [ELECT-427 Registration Report of Death of Registered Voter](#).

¹⁸ See [§24.2-404.3](#).

¹⁹ See [§24.2-408](#).





VERIS

Once the identity of a deceased individual has been matched with the information of the registered voter, cancel the voter registration using the VERIS “Hopper” or the “Change Status” screens. On the “Change Status” screen, select “Deceased” for the NVRA reason and place important supporting information in the “Comment” section.

- Mark the back of the application in the box provided for deceased. Include the date of death, date of deletion, and the source of the information.
- If a box is not provided, record the information on the lower right corner of the back of the application.
- Attach appropriate documentation to the back of the application or keep the documentation in a separate file. Scan documentation and attach to VERIS record.
- File the application form in the Deleted file.
- Retain and destroy application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.

VERIS will generate a cancellation letter expressing condolences to “The Family of” the deceased former voter. Consideration should be given to timing the mailing of the notification to allow time for grieving (about 10 days following a published death notice is appropriate). Notice of the cancellation must also be provided by email if one was provided.²⁰

8.3.2 Felony Conviction

The name of a person who has been convicted of a felony must be removed from the official list of registered voters.²¹ General registrars have three basic responsibilities regarding felony convictions:

1. Remove names when felony information in VERIS is updated once a month and annually.
2. Review the official list of registered voters “21 to 14 days” before primary and general elections.²²
3. Deny registration to new applicants with felony convictions for which rights have not been restored for their most recent felony

If a voter that previously had their rights restored and commits a new felony, the individual must have their voter registration cancelled.²³

²⁰ See [§24.2-427\(B\)](#).

²¹ See [52 USC §20507\(a\)\(3\)\(B\)](#). See [§24.2-427\(B\)](#).

²² See [§24.2-427](#).

²³ *Id.*



8.3.3 Restoration of Rights

Registrars have increased responsibilities to detect and remove felons and determine restoration of rights. General registrars are required to conduct a pre-election review “**within 21 to 14 days before any primary or general election**”.²⁴



VERIS

The VERIS “Hopper” and “Felon Search” screens will reflect the new information. Take the following steps:

- Process all Felony Conviction potential matches through the “Hopper.”
- Determine if a registered voter matches the Felony Conviction information. If so, approve the match to cancel the voter’s registration. Individual voters may also be cancelled through the “Change Status” screen. On the “Change Status” screen, select “Felon” for the NVRA reason and place important supporting information in the “Comment” section.

Non-VERIS Steps for Hard-Copy Applications

- Mark the box provided for “Convicted of Felony” on the back of the application. Include the date of conviction, and the State Police SID number.
- If a box is not provided, record the information on the lower right corner on the back of the application.
- Attach appropriate documentation to the back of the application or keep the documentation in a separate file. Scan the documentation and attach to the VERIS record.
- File the application in the “Deleted” file.
- Retain and destroy application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.
- Mail the notice generated by VERIS stating the reason for removal and any comments entered when processing the cancellation. Include an Application and Instructions for Restoration of Civil Rights Form. Notice of the cancellation must also be provided by email if one was provided.

²⁴ See [§24.2-427](#).



**Best Practice**

We suggest considering the following when processing felony conviction data:

- The information concerning a felony conviction is not always accurate. Most errors can be accounted for by administrative error, wrongful felony convictions, identity theft, or felony charges that should have been reduced to misdemeanors.
- Individuals have the right to challenge the record; the Virginia State Police (804-674-2000) provides information on the procedures to challenge the record.
- You can request a criminal history search by filing a Criminal History Record Name Search (Form SP-167) with the Virginia State Police. The fee for filing this request is \$15.00.
- The Department of Elections will research to confirm accuracy of the conviction information upon request from the general registrar.
- Once an error has been corrected through State Police procedures, the individual will receive notification of the correction from the State Police or appropriate authority. Any person who wishes to be reinstated must provide this documentation to the general registrar.

Please note that persons convicted in other states or under federal law may have their rights restored by “other appropriate authority” determined by the law of the convicting jurisdiction. Other state laws may provide for restoration through much simpler or even automatic processes. Thus, a citizen moving to Virginia whose rights have been restored in the convicting state may register to vote in Virginia indicating restored felon status on the Virginia voter registration application.

8.3.4 Adjudicated Incapacitated

The name of a person who has been adjudicated incapacitated by a court must be removed from the lists of eligible registered voters unless the court order specifically provides voting rights.²⁵

Adjudications for Incapacity can only be ordered by a Circuit Court, which may recognize an order from another state. **Simple commitment to an institution for treatment does not constitute an adjudication of mental incompetence or incapacity.** The Circuit Court Clerks are required to send a monthly report of all persons adjudicated incapacitated to the Department of Elections.²⁶ This required reporting may involve persons in other states and countries under the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.²⁷

A legal representative of a person under an adjudication of incapacity may petition the circuit court to make provision for voting rights. If the order is silent regarding voting rights, the person is disqualified from voting.

²⁵ See [52 USC §20507\(a\)\(3\)\(B\)](#). See [§24.2-427\(B\)](#); [§64.2-2000](#).

²⁶ See [§24.2-410](#).

²⁷ See [§64.2-2001](#) et seq.



**Best Practice**

The Department of Elections is responsible for entering relevant data into VERIS. In rare cases, the circuit clerk may forward these reports directly to your office. Please be sure to forward the reports to the Department of Elections and notify the clerk's office that the reports should be delivered to the Department of Elections. The Code of Virginia permits the Commissioner and Deputy Commissioner to determine the manner of reporting, which may be electronic.

**VERIS**

The VERIS “Hopper” and “Mentally Incapacitated” screens will reflect the information entered by ELECT. The following steps should be taken:

- Process all potential matches through the “Hopper” that appear for the locality. The general registrar must determine if a registered voter matches the adjudication information. If so, approve the match to cancel the voter's registration. Individual voters may also be cancelled through the “Change Status” screen. On the “Change Status” screen, select “Mentally Incapacitated” as the NVRA reason and place important supporting information in the “Comment” section.

Non-VERIS Steps for Hard-Copy Applications

- Mark the box provided for “Adjudicated Incapacitated” on the back of the application. Include the date of the adjudication and the Circuit Court case number.
- If a box is not provided, record the information on the lower right corner on the back of the application.
- Attach appropriate documentation to the back of the application or keep the documentation in a separate file.
- File the application in the Deleted file.
- Retain and destroy application and attached documentation in compliance with the GS-1 Records Retention and Disposition Schedule.
- Mail the notice of cancellation generated by VERIS, stating the reason for removal and any comments entered when processing the cancellation. Notice of the cancellation must also be provided by email if one was provided.



8.3.5 Personal Request

Anyone who wishes to cancel their voter registration for personal reasons may submit a signed written request either by mail, fax, or in person.²⁸ The general registrar must send correspondence confirming the voter's removal within 10 days of receiving a notice of cancellation. The following steps should be taken:



VERIS

- Process a “Personal Request” cancellation using the VERIS “Change Status” screen.
- Select “Per Choice” as the reason to cancel the voter. Place important supporting information in the “Comment” section.
- Cancelling a voter's record through VERIS will automatically generate the required correspondence, which must be sent within ten (10) days of receipt of the request for cancellation.
- Notice of the cancellation must also be provided by email if one was provided.



Law Note

Pursuant to §24.2-427, to cancel registration during the twenty-two (22) days before an election, the voter must make the request in person at the registrar's office or submit a written notarized request. Voters who mail a personal request cancellation notice during the twenty-two (22) days before an election may not be cancelled for that election unless the mailed request is notarized.¹ The Code of Virginia §24.2-427(A) states that “Any registered voter may cancel his registration and have his name removed from the central registration records by signing an authorization for cancellation and mailing or otherwise submitting the signed authorization to the general registrar.” Cancel “at least 22 days prior to an election in order to be valid in that election.” The general registrar shall acknowledge receipt of the authorization and advise the voter ... that his registration has been canceled within 10 days of receipt of such authorization.

Non-VERIS Steps for Hard-Copy Applications

- Mark the box provided for “Personal Request” on the back of the application.
- If a box is not provided, record the information in the lower right corner on the back of the application.
- Scan the documentation and attach it to the cancelled VERIS record.
- Attach the documentation for the removal to the back of the application form or keep this information in a separate file.

²⁸ See [52 USC §20507\(d\)\(1\)\(A\)](#). See also [§24.2-427\(A\)](#).



- File the application in the Deleted file.
- Retain and destroy application and attached documentation in compliance with the GS-1 Records Retention and Disposition Schedule.
- Mail the notice of cancellation generated by VERIS, stating the reason for removal and any comments entered when processing the cancellation.

8.3.6 Error

A general registrar on occasion may need to cancel voter registrations in VERIS to correct administrative error. Administrative corrections that do not actually cancel a voter do not require notice. When making corrections, please note the following types of cancellations:

- If, after approving registration, the general registrar discovers evidence of ineligibility such as omission of citizenship or a felony conviction without restoration and, if confirmation of registration has not been sent, the registrar may cancel a voter and re-enter the information correctly using the following steps:
 - Delete the voter using the VERIS “Change Status” screen. Select cancel for the reason of “Registrar Error,” or “Ineligible.” Important supporting information can be entered in the “Comment” section.
 - Re-enter the voter’s information into VERIS and deny for the appropriate reason. This action will automatically generate the required correspondence to be sent to the voter listing the reason(s) for the denial. Delete any generated correspondence regarding an approval created in error.

Non-VERIS Steps for Hard-Copy Applications

- Mark the box provided for “Denied” on the back of the application.
 - If a box is not provided, record the information on the lower right corner on the back of the application.
 - Scan the documentation and attach to the denied VERIS record.
 - Attach the documentation for the removal to the back of the application form or keep this information in a separate file.
 - File the application in the “Denied” file.
 - Retain and destroy application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.
 - Mail the notice of denial generated by VERIS, stating the reason(s) for removal and any comments entered when processing the cancellation/denial.
- If, after approving the registration and mailing correspondence confirming registration, the general registrar discovers evidence of ineligibility such as a felony without restoration, then the regular cancellation process under §24.2-427 must be followed. This requires the general registrar to mail notice of cancellation and the right of appeal to the voter. Follow these steps:
 - Remove the voter using the VERIS “Change Status” screen. Select “Registrar Error,” or “Ineligible” as the reason to cancel the voter. Important supporting information can be entered in the “Comment” section.



- Notate the back of the application “Error Deleted.”
 - File the application in the “Deleted” file.
 - Scan the documentation and attach to the cancelled VERIS record.
 - Attach appropriate documentation to the back of the application or keep the documentation in a separate file.
 - Retain and destroy application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.
 - Mail the notice of cancellation generated by VERIS, stating the reason for removal and any comments entered when processing the cancellation.
 - Notice of the cancellation must also be provided by email if one was provided.²⁹
- If, after approving the registration and mailing the confirmation correspondence, the general registrar discovers information warranting inquiry as to residence, then the general registrar may request an address confirmation mailing (SBE 114(6) Form) or initiate the hearing procedure.^{30 31} The general registrar’s refusal to cancel can also be appealed by any qualified voter of the locality.



Law Note: §24.2-430

“Any person whose registration was cancelled in accordance with the decision of the general registrar pursuant to §24.2-429 shall have the right of appeal, as provided in §24.2-422, to the circuit court of the county or city in which he offers to register. Any qualified voter of the county or city shall have the same right of appeal from the decision of the general registrar refusing to cancel the registration of any person alleged to be improperly registered.”

8.3.7 Voter Now Registered in Another State

Voter registration in Virginia must be cancelled when the general registrar receives a notice signed by the voter or from a voter registration official of another state that the voter has registered in that other state.³² These notices require the following actions:

- Process all Out-of-State cancellations on the “Change Status” screen. Select the “Out of State” box and place important supporting information in the “Comment” section.

Non-VERIS Steps for Hard-Copy Applications

- Notate the back of the application out-of-state.
- Scan relevant documentation and attach to cancelled VERIS record.
- Attach appropriate documentation to the back of the application or keep the documentation in a separate file.

²⁹ See [§24.2-427\(B\)](#).

³⁰ See [§24.2-429](#).

³¹ See [§24.2-430](#).

³² See [52 USC §20507\(a\)\(4\)](#); See [§24.2-427\(B\)](#).



- File the application in the “Deleted” file.
- Retain and destroy application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.
- Mail the notice of cancellation generated by VERIS, stating the reason for removal and any comments entered when processing the cancellation. Notice of the cancellation must also be provided by email if one was provided.³³

8.3.8 Non-Citizen

Each month the Department of Motor Vehicles (DMV) is required to furnish to Department of Elections a complete list of all persons who have indicated that they are not a United States citizen to DMV.³⁴ ELECT currently receives this information and transmits it to the appropriate general registrar. When notification is received, the following steps should be taken.³⁵

- The general registrar is required to mail a notice of pending cancellation to each registered voter identified by DMV as a non-citizen. The voter is given 14 days from the date the notice was mailed to return a signed statement affirming citizenship.
- If the notice is returned as complete and affirmed, mark the voter as affirmed in VERIS and scan and attach the Affirmation to the voter’s VERIS record.
- VERIS will automatically cancel the registration of any voter who does not respond to the notice within 21 days.
- Non-citizen cancellations are processed through the “Hopper.” Determine if a registered voter matches the non-citizen information provided by ELECT. If so, use “Cancel Voter” to approve the match and cancel the voter’s registration. Individual voters may also be cancelled through the “Change Status” screen. On the “Change Status” screen, select “Declared Non-Citizen” for the reason and place important supporting information in the “Comment” section.

Non-VERIS Steps for Hard-Copy Applications

- Notate the reason for the cancellation on the back of the application.
- Scan and attach documentation to cancelled VERIS record.
- Attach appropriate documentation to the back of the application or keep the documentation in a separate file.
- Retain and destroy the application and attached documentation in compliance with the GS-01 Records Retention and Disposition Schedule.
- Mail the notice of cancellation generated by VERIS, stating the reason for removal and any comments entered when processing the cancellation. Notice of the cancellation must also be provided by email if one was provided.³⁶

³³ See [§24.2-427\(B\)](#).

³⁴ See [§24.2-410.1\(B\)](#).

³⁵ See [§24.2-427\(B\)\(1\)](#).

³⁶ See [§24.2-427\(B\)](#).



**Law Note**

Cancellations under any list maintenance program must be made no later than 90 days before the date of the next federal primary or general election, pursuant to [52 USC §20507\(C\)\(2\)\(A\)](#).

8.3.9 VERIS: How to Obtain List of Voters Whose Record was Cancelled



To obtain the listing of all voters whose record was cancelled, select the Cancelled–Other report from the VERIS Reports Library. You should use a date range to identify voters cancelled during a certain time frame such as 1/15/15 – 1/19/15. VERIS will generate a report containing public information authorized in §24.2-444.³⁷ You should print four (4) copies of this report for distribution as follows:

- One (1) copy must be posted at the courthouse or published in a newspaper of general circulation in your locality.
- Two (2) copies must be certified by you and delivered or mailed, obtaining a certificate of mailing, to the chair of each political party in your locality; and
- One (1) copy is for your records and available for public inspection and copying under Va. Code §24.2-444(B).³⁸

**Best Practice**

Run the Error and Validation report in VERIS. This provides a report of all updates to the voter rolls in your locality over a designated period.

VERIS>Reports>Reports Library>Voter>Error & Validation>Your Locality

**Law Note: §24.2-444**

“The Department shall provide to each general registrar, for each precinct in his county or city, lists of registered voters for inspection. The lists shall contain the name, address, year of birth, gender, and all election districts applicable to each registered voter. The lists shall be opened to public inspection at the office of the general registrar when the office is open for business. ... The Department shall provide to each general registrar lists of persons denied registration for public inspection. Such lists may be provided electronically through the Virginia voter registration system and produced in whole or in part upon a request for public inspection.”

³⁷ See [§24.2-444](#).

³⁸ *Id.*



8.4 Confirmation Programs

NVRA requires each state to conduct “regular periodic reviews” to identify voters who may have moved from their address of registration.³⁹ The Code of Virginia §24.2-428 implements NVRA by requiring an annual systematic review of the voter registration records to identify voters who may have moved without notifying the general registrar.⁴⁰ This review will not immediately cancel a voter from the registration rolls, but does initiate the process for confirming residence addresses.

Several factors can trigger the requirement to request a voter confirm their registration. This includes the U.S. Postal Service’s “National Change of Address” program analysis, a notification of out of state activity reported by the Department of Motor Vehicles, or a discrepancy noted in a voter address.

Please note that cancellation may incidentally result from this process if the voter fails to respond to a confirmation request or take other specified action for two general federal elections.⁴¹

8.4.1 U.S. Postal Service’s “National Change of Address”

Many states, including Virginia, use the U.S. Postal Service's National Change of Address (“NCOA”) program to systematically analyze their voter registration records.⁴² At least once a year, the Department of Elections uses the information in the NCOA database registry to match the voter registration addresses of all “Active” registrants in VERIS with USPS addresses. Any voter whose residence address listed in VERIS does not match the address listed with USPS is scheduled to be sent by “forwardable” mail a “Confirmation Notice” to confirm his/her residence address information.

8.4.2 DMV Notification of Out-of-State

Notification that a voter has relocated will also prompt a confirmation notice to be sent to a voter, in addition to the NCOA postal match confirmation process.

Each month VERIS receives an updated electronic file from DMV of persons who have surrendered their Virginia driver’s license indicating relocation to another state. VERIS will automatically search for any potential matches of registered voters in the electronic file from DMV. The potential matches will appear in the VERIS “Hopper” for the locality. After reviewing the record, the general registrar may select the record that is a match. This will initiate a request for a “Confirmation Notice” to be sent to the voter.

³⁹ See [52 USC §20507\(a\)\(4\)\(B\)](#).

⁴⁰ See [§24.2-428](#).

⁴¹ See [§24.2-428.2](#).

⁴² See [§24.2-428](#) (defining Virginia’s procedures).



8.4.3 Address Discrepancy

Another reason to request confirmation of a voter's address is the indication of an address discrepancy. General registrars can request a confirmation notice be sent to a registrant based upon reliable information indicating that the registrant has moved. This includes official mail returned as undeliverable or an address on a candidate petition that differs from the address of voter registration. The general registrar may also request a confirmation but should do so only if information warranting inquiry as to residence is discovered.

Frequently Asked Questions



*What if the USPS NCOA information shows that the voter **moved within the same locality**?* Registrars should mark the voter record for confirmation.

*What if the USPS NCOA data shows that the voter **moved within the Commonwealth but different locality**?* The general registrar should forward that information to the general registrar of that locality and the voter record should be marked for confirmation.

8.4.4 ELECT's Confirmation Mailing

The Department of Elections initiates an annual "Confirmation Mailing" using the information in VERIS from the NCOA postal match and general registrar confirmation requests.⁴³ The steps of the "Confirmation Mailing" process are as follows:

- The program provides a data file for each identified registrant whose address does not match the United States Postal Service address.
- The data file is imported into VERIS, and "Confirmation Mailing" is recorded in the registrant's record. The data file is sent to the mail vendor. (The data file will also include registrants who were marked for confirmation mailing by the general registrar). The mail vendor prepares and mails the Confirmation Notice to registrants.
- The Confirmation Notice contains a return, postage paid card and instructions for completing the card. The notices are sent by forwarded mail and must provide the voter an opportunity to confirm or change their information.
- When Confirmation Notices are received, the information is recorded in VERIS. This data is then utilized by the general registrar for various purposes, such as updating a voter's address, transferring the voter's details to a different locality within Virginia, deregistering a voter who has relocated outside of Virginia, or performing any essential actions to keep the registration list up to date. Confirmation programs are available for public inspection and copying.⁴⁴ Registrars can request reports by accessing the VERIS Reports Library.⁴⁵

⁴³ See [52 USC §20507\(c\)\(B\)](#).

⁴⁴ See [§24.2-444\(B\)](#).

⁴⁵ See Chapter 9 Records Access and Retention for details on records available for public inspection.



If a response to the “Confirmation Notice” is not received “in thirty days after it is sent to the voter, the registered voter's name shall be placed on inactive status”.⁴⁶

- Voters on “Inactive” status in VERIS can be returned to “Active” status by a voter-initiated action. Actions such as change of address, re-registration, or voting in an election can reactivate the voter.
- Any voter who is marked “Inactive” should be removed from the permanent absentee list, if applicable. This is a manual process that must be performed by the general registrar or designated staff member, if no response has been received.⁴⁷
- Voters who fail to respond to an address confirmation request and fail to take any voter-initiated action for **two federal elections** will have their voter registration cancelled in the NVRA cancellation program. This cancellation function is **automated in VERIS** and occurs **after each November federal election**.⁴⁸
- VERIS does not automatically cancel or expire a voter's Permanent AB application when the voter's registration is inactivated due to non-response to NCOA mailings. Voters on the Permanent Absentee List whose registration status is set to “Inactive” due to non-response to NCOA mailings will need to have their Permanent AB applications manually cancelled by the locality that approved their Permanent AB application.¹⁸

⁴⁶ *Id.*

⁴⁷ See [§24.2-703.1\(D\)](#).

⁴⁸ *Id.*



VERIS

Follow these steps to cancel or expire Permanent AB applications of voters inactivated due to non-response of NCOA mailings:

1. Open the attached spreadsheet.
2. Filter the list to show only your locality.
3. For each voter on the list in your locality:
 - a. Search for the voter from the Absentee Search in VERIS.
 - i. Click the pencil icon beside the unexpired, approved Permanent AB application on the Absentee History page.
 1. If you do not have the pencil icon, it may indicate that another locality approved the application. If so, contact the locality or submit a Jira ticket to have the application expired.
 - ii. Cancel or expire the application.
 1. To cancel the application, change the Application Status to "Cancelled or Duplicate".
 2. To expire the application, change the Expiration Date to the date the Voter Registration records were inactivated for NCOA.
 - iii. Change the status reason to "Expired or Cancelled due to Inactivated Voter Registration for NCOA Mailing Non-Response".
 - iv. Click "Save".
4. Once all applications in the list for your locality have been cancelled or expired, notify your ERS Specialist by email.



8.4.5 Return of Registered Voter to Active Status

Pursuant to the Code of Virginia §24.2-428.2, general registrars return to active status registered voters who were placed on inactive status if the voter “notifies the general registrar of a change of address”, “responds to a confirmation notice with information that the voter continues to reside at the registration address”, “votes or attempts to vote” in a primary, special or general election or “transfers his registration to another county or city within the Commonwealth”.⁴⁹

8.5 NATIONWIDE INFORMATION EXCHANGES

When a voter moves out of state and registers to vote in their new state, the voter should indicate to the new state that they were previously registered in Virginia. The new state should then notify Virginia that the voter wants to cancel their Virginia voter registration. The Code of Virginia §24.2-404.4 requires ELECT to attempt to establish a data sharing relationship with the neighboring states to maintain the accuracy of the voter registration list.⁵⁰ For a comprehensive

⁴⁹ See [§24.2-428.2](#).

⁵⁰ See [§24.2-404.4](#).



overview of ELECT’s list maintenance practices, please visit the website and review the yearly list maintenance reports found [here](#).⁵¹

In 2023, ELECT began a new initiative to establish one-to-one data sharing agreements with several states. As of June 2025, Virginia maintains one-to-one data sharing agreements with Alabama, Georgia, Kentucky, Maryland, Mississippi, Ohio, South Carolina, Tennessee, Texas, Washington D.C., and West Virginia. ELECT matches its list of registered voters directly with lists provided by partner states. More information regarding these agreements and any of the other list maintenance practices described in this chapter may be found in ELECT’s statutorily required List Maintenance Report located on ELECT’s website and on the General Assembly’s Legislative Information System website.⁵²

⁵¹ See ELECT, Voter Registration and List Maintenance, <https://www.elections.virginia.gov/resultsreports/maintenance-reports/>.

⁵² See §24.2-404(F). See ELECT, Voter Registration and List Maintenance, <https://www.elections.virginia.gov/resultsreports/maintenance-reports/>.





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 9

Records Access and Retention

August 2025

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9. RECORDS ACCESS AND RETENTION

REQUIRED FORMS Library of Virginia: Blank ARC-1 Form Library of Virginia: Blank RM-3 Form	ADDITIONAL RESOURCES Records Retention and Disposition Schedule (GS-01) Library of Virginia: Virginia Public Records Management Manual Chapter 7 and 8 Library of Virginia: Electronic Records Guidelines Records Retention and Disposition Schedule for Localities Library of Virginia: Records Management Library of Virginia: Instructions for Completing the Certificate of Records Destruction (RM-3Form) Library of Virginia: Instructions for Completing Archival Transfer List and Receipt (Form ARC-1)
REFERENCE Virginia FOIA Council: FOIA Charges Guide 2023 Virginia FOIA Council: Access to Public Records Virginia FOIA Council: Email: Use, Access & Retention Virginia FOIA Council: Responding to Requests from Out-of-State Virginia FOIA Council: Forms and Sample Letters Virginia Department of Elections FOIA Page: Freedom of Information Act	REGULATIONS 1VAC20-20-20 Electronic Transmission of Records Containing Sensitive Personal Information; Encryption or Redaction Required 1VAC20-40-90 Voter Photo Identification Cards

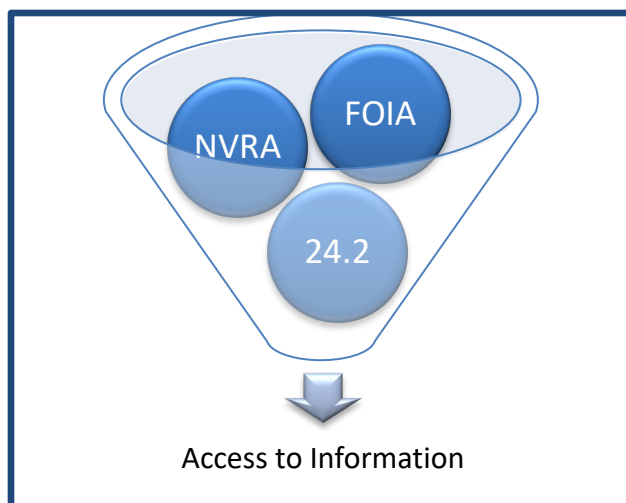
9.1 CHAPTER ORGANIZATION

A general registrar serves as the custodian of a wide range of both public and confidential documents. Public access to records is essential to ensure government transparency but must be limited to protect individual security. Before releasing information, the general registrar must understand what is being requested, who is requesting the information, and the rules underlying the disclosure of that information. This chapter provides a general overview of concepts and rules that govern records access and retention.

The sources of law that touch access to records that general registrars are most often challenged with are Virginia Freedom of Information Act (FOIA), code within Title 24.2, and the National Voter Registration Act (NVRA).

§9.1 provides a brief overview of FOIA, relevant code of 24.2, and NVRA. When determining the release of information, FOIA, NVRA, and certain sections of 24.2 can act as a filter for information either through mandate or providing discretion to the general registrar. For instance, many government records are available under FOIA; however, information can be excluded or exempted from FOIA requests due to the nature of the information. §9.1.4 and §9.1.5 discuss personal information that must be redacted prior to any information release.





§9.2 dives into handling a FOIA request and discusses the elements of a request and creating a proper response. This section also provides examples of proper responses depending on the record being requested. §9.2.3 describes certain exemptions, such as protecting security information related to voting systems and working papers of a public body. §9.2.4 and §9.2.5 briefly focus on enforcement and penalties for not fulfilling a request.

§9.3 describes what information is required to be provided under NVRA and best practice guidance on how release of information should be conducted for this act. This section is especially important as general registrars often receive requests that fall under NVRA. §9.4 closes this chapter with a brief introduction into records retention and a reference chart for localities' retention schedule.

9.1.1 FOIA: Definition of a “Public Record”

Virginia’s Freedom of Information Act (FOIA) defines public records broadly to include **all records** a public body or officer creates, owns, or possesses during their appointment, employment, or public duties.¹ Drafts and preliminary versions of documents are considered public records and available for public access under FOIA.²



Best Practice

Electronic records, including e-mails, are covered by FOIA, unless some content-based exemption applies (e.g., attorney client privilege). The Virginia Freedom of Information Advisory Council published a useful guide called *E-Mail: Use, Access & Retention* which explains public access to local government officials’ and employees’ email and discusses how email correspondence must be saved.

9.1.1.1 What is Not a Public Record?

Public records do not include certain personnel records unless protection is waived by the individual in writing.³ FOIA does not require creating a record that does not exist at

¹ See [§2.2-3701](#).

² See Virginia FOIA Council Opinion [AO-3-00](#).

³ See [§2.2-3705.1](#).



the time of the request.⁴ Additionally, FOIA may provide other exemptions (discussed later in the chapter). For example, a government body may withhold personal contact information such as home or business address, email, or telephone number.⁵

9.1.2 Title 24.2 and Election and Registration Records



Election law restricts access to voter registration and election records.⁶ “*The Virginia Freedom of Information Act shall not apply to records about individuals maintained in this system [VERIS].*”⁷ Voter records in VERIS are not available to the public, even under a FOIA request, as per the Code of Virginia §24.2-404(B).⁸

Often, requests for information regarding an individual’s voting history will come to a registrar; this information cannot be released, and the request should be denied. Further, lists of registered voters are not available under FOIA. As will be discussed later in this chapter, §§24.2-405 and 24.2-444 govern access to lists of registered voters.⁹ Similarly, lists of those who voted are also not available under FOIA, but may be available to certain groups under §§24.2-406 and 24.2-407.¹⁰

If you are not sure whether a particular record is addressed by election law or FOIA, you should contact your local commonwealth’s attorney or locality FOIA officer. Once it is determined that no election law or FOIA exemption applies, the records are open to inspection and copying. Reasonable costs are allowed, including time required to redact protected information.¹¹

It is important to be aware of what code section is providing or restricting access. For instance, absentee ballot applications are not NVRA but rather Va. Code §24.2-706, which permits the inspection of absentee ballot applications only by a registered Virginia voter during regular office hours.¹²

9.1.3 National Voter Registration Act and Registration Records

Protecting voter privacy requires strict compliance with statutory restrictions. The National Voter Registration Act (NVRA) established mandates for states regarding the voter registration process and the maintenance of related records. Prior to July 20, 2011, voter registration applications were not publicly available. As a result of *Project Vote v. Long*, voter registration applications submitted on or after July 20, 2011, are available for public disclosure if confidential information is properly redacted.¹³

⁴ See [§2.2-3704](#).

⁵ See [§2.2-3705.1\(10\)](#).

⁶ See [§2.2-3703\(B\)](#).

⁷ See [§24.2-404\(B\)](#). See also [§2.2-3700](#) et seq. (Virginia Freedom of Information Act).

⁸ See [§24.2-404](#).

⁹ See [§24.2-405](#) and [§24.2-444](#).

¹⁰ See [§24.2-406](#) and [§24.2-407](#).

¹¹ See [§24.2-107](#).

¹² See [§24.2-706](#).

¹³ See *Project Vote v. Long*, [682 F.3d 331](#) (E.D. VA. 2012). See also *Project Vote v. Long* [Consent Decree](#).



**Law Note**

The *Project Vote* Consent Decree outlines requirements general registrars must follow regarding maintenance and public inspection of voter registration applications. General registrars are required to:

- Maintain for at least two years and make available for public inspection (including photocopying) completed voter registration applications,
- Redact social security numbers of all completed voter registration applications, and
- Redact the residence address of individuals permitted to provide a post office box address in lieu of residence address due to protected voter status under Va. Code §24.2-418(B).

9.1.4 Generally Redacted Information

Sensitive information is often collected as part of the process of administering elections. Public access to information is important, but it must be balanced with an individual's right to privacy. Therefore, state and federal laws restrict public access to sensitive personal information.

Before sending any records that contain sensitive personal information electronically through email or fax, you should review the contents of each record. You must encrypt or redact sensitive information per 1VAC20-20-20: Electronic Transmission of Records Containing Sensitive Personal Information; Encryption or Redaction Required.¹⁴ Sensitive personal information includes: (1) more than four digits of a social security number or other unique identifier **other than voter identification number**; (2) day and month of birth; or (3) the residence address of voters qualified for protective status under Va. Code §24.2-418.¹⁵

You are required to redact the following information when providing the following information:



- All or part of an individual's social security number;¹⁶
- The birth month and date;¹⁷
- The residence address of an individual with protected status authorized by §24.2-418(B);¹⁸

9.1.5 Social Security Numbers

State and local governments are prohibited from collecting social security numbers without statutory authorization.¹⁹ Election law authorizes collection of all or part of social security numbers for certain purposes, including voter registration.²⁰ The release of social security

¹⁴ See Virginia Admin. Code [1VAC20-20-20](#).

¹⁵ *Id.* See also [§24.2-418](#).

¹⁶ See [§24.2-405](#) and [§24.2-444](#).

¹⁷ See [§24.2-444](#).

¹⁸ See §§[24.2-405](#), [24.2-406](#), and [24.2-444](#).

¹⁹ See [§2.2-3808](#). See also Privacy Act of 1974, [5 U.S.C. §552\(a\)](#).

²⁰ See [§24.2-418](#).



information in election records is strictly regulated.²¹ Unauthorized release of a voter's or registration applicant's social security number or a part thereof is a Class 5 felony.²²

If the SSN (or part) appears on a record or list open for inspection or copying, the number must be covered so it cannot be read. Marking out the SSN may not be sufficient protection when copying records as the numbers may still be visible after copying.



You must **completely obscure** the social security number. Please remember to take care to

- cover the information manually before photocopying, or
- complete "Black Out" formatting if using Adobe Acrobat.

9.2 HANDLING A FOIA REQUEST FOR INFORMATION

This section discusses how a FOIA request for information should be handled and the elements of a request. A seemingly complex information request can be simplified by engaging with the requester, understanding their specific needs, and providing them with a chance to clarify their requirements. FOIA is largely a matter of customer service, i.e., good communication. Requestors often may not know what report or document to request but they have an idea of what information they want to find.

9.2.1 Elements of a FOIA Request

FOIA requests for state and local records can be made only by Virginia residents or representatives of print or broadcast media reaching Virginia.²³ Requests from non-Virginians or other media representatives may be granted or denied at your discretion.²⁴

9.2.1.1 The Request

The request does not have to be in writing. If the request is made by mail, it will contain the requestor's name and address. If the request is made in person, the office may require the requestor to provide his name and legal address. Nothing in FOIA defines the way in which the requestor must provide his name and legal address, either by stating it or in writing (such as signing a logbook). If the request, name, and address are not provided in writing, record them for the office's information and protection.

The request for records does not need to reference FOIA to invoke the requirements of the Act. If the request is from a qualified requestor (a Virginia citizen or reporter, with both categories broadly interpreted), and is a request for information, it should be considered a FOIA request.

9.2.1.2 "Reasonable Specificity"

The request should include enough information for the recipient to identify whether there are any records in the office (or the official's possession) *which* satisfy the request. If there is any question about what is being requested, contact the requestor to discuss the request and response. Keep notes (or emails) on these discussions and file them

²¹ See §§24.2-405, 24.2-406, and 24.2-444.

²² See §24.2-1002.1.

²³ See §2.2-3704.

²⁴ See *McBurney v. Young*, U.S. Sup. Ct. [Slip. Op. No. 12-17](#) (4/29/2013). See also Virginia FOIA Council, [Responding to Requests from Out-of-State](#).



with the request in the office FOIA file in case there is ever any question about the request and response.²⁵

9.2.2 Responding to a Request

Under FOIA, the general rule is that the public official or employee must respond to the requestor within five working days of receiving the FOIA request; you may request an extension for providing information.²⁶

9.2.2.1 Responses



As a public body, your office is subject to FOIA requests. As the custodian of the requested records, you must respond within five working days of receiving the request. If the response is made within five working days, you will have an additional seven workdays in which to provide one of the following responses:

- The requested records are being entirely withheld,
- The requested records are being provided in part and are being withheld in part,
- The requested records could not be found or do not exist, or
- It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period.²⁷

Refer to the Virginia FOIA Advisory Council for sample response letters.

9.2.2.2 Charges



Under the Code of Virginia §2.2-3705.1, “a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. **No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body.** Any duplicating fee charged by a public body shall not exceed the actual cost of duplication.”²⁸

A public body is also required to have a written policy that (i) explains how the public body assesses charges for accessing or searching for requested records, and (ii) notes the current fee charged, if any, for accessing and searching for such requested records.²⁹ The local electoral board may establish a cost policy specific to the office of the general registrar, or they may adopt an existing policy created by the locality. The cost policy must be published on the public body’s website and made available upon request. ELECT has provided a link to this policy in the reference section of this chapter that may be used as a potential template for localities.

When you assess charges, you should choose the method that is the most cost effective for producing the records consistent with your written cost policy.³⁰ Charges may include the time needed to access, find, copy, and mail/ship the documents, and

²⁵ See [§2.2-3704](#).

²⁶ *Id.*

²⁷ *Id.*

²⁸ See [§2.2-3705.1](#).

²⁹ See [§2.2-3704.1](#)

³⁰ *Id.*



the actual cost of the copies and the mailing/shipping. The costs of fringe benefits or other overhead expenses may not be added to the charged personnel costs.³¹ If the FOIA request is a repeat of a previous FOIA request, charge the amount to reproduce the previous records not the amount charged for the previous request. Reasonable charges not exceeding actual cost may be assessed for searching, accessing, supplying, and duplicating public records.

If the resident requests an advance estimate, all charges for supplying the requested records must be estimated in advance.³²

- **For requests above \$200**, you may ask the requestor to pay in advance, and you do not have to fulfill the request until receipt of this advance payment.³³
- **For requests under \$200**, the office may *not* require the requestor to pay the charges before turning over the requested documents. If any requestor does not pay in a reasonable time, report the bill to the office that handles normal debt collection for the local government.

Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.³⁴

9.2.3 FOIA Exemptions

FOIA must be “liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government.”³⁵ Unless a public body, its officers, or employees expressly invoke a specific exemption provided by FOIA or another statute, all public records are available for inspection and copying upon request. Any exemption from public access to records must be narrowly construed, and no record can be withheld unless specifically made exempt by FOIA or other specific law.³⁶ The Virginia Freedom of Information Advisory Council's website includes an excellent summary and discussion about records exemptions of general applicability; this guide addresses most of the exemptions that might ever be needed by a local electoral board or a general registrar.³⁷

Below is a brief overview of certain frequently requested records that are exempted from FOIA but may be provided at the discretion of the custodian unless disclosure is prohibited by law. Prior to making any decision to withhold information, the general registrar should discuss FOIA access with their local legal counsel.

³¹ For more information about allowable costs under FIOA, see Virginia FOIA Council's [FOIA Charges Guide](#).

³² See [§2.2-3704](#).

³³ *Id.*

³⁴ *Id.*

³⁵ See [§2.2-3700](#).

³⁶ See [§2.2-3700](#) et seq.

³⁷ See [Access to Public Records](#). See also Virginia FOIA Council's [Records Exemptions of General Applicability](#)



9.2.3.1 *Records Regarding Computer Software and Electronic Security*

"Computer software developed by or for a state agency, public institution of higher education in the Commonwealth, or political subdivision of the Commonwealth."³⁸

"Information that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system."³⁹

Election law provides an exemption for plans relating to voting equipment security.⁴⁰ The exemption is applicable for "protocols for maintaining the security of ballots or voting and counting equipment...." And any information that reveals "the results of risk assessments of specific local electoral procedures."⁴¹

9.2.3.2 *Records compiled in lawfully closed meetings.*

Records created in or compiled *exclusively* for use in closed meetings lawfully held under the Code of Virginia §2.2-3711(34) are excluded from mandatory disclosure.⁴² Disclosure is at the discretion of the general registrar unless prohibited by law. This rule may be applicable to certain documents produced exclusively for the local electoral board's provisional ballot meeting *since* this meeting is a closed meeting.

NOTE: No record that is otherwise open to inspection under FOIA will be considered exempt because it was reviewed or discussed in a closed meeting.⁴³

9.2.3.3 *Working Papers of a Public Body*

"Working papers" means records prepared by or for any of the following named public official for his personal or deliberative use.⁴⁴

- Office of the Governor;
- Lieutenant Governor;
- Attorney General;
- Members of the General Assembly (and legislative aides working on a member's behalf);
- Division of Legislative Services;
- Mayor or chief executive officer of any political subdivision of the Commonwealth; or
- President or other chief executive officer of any public institution of higher education in Virginia.⁴⁵

However, no record, that is otherwise open to inspection under FOIA, will be determined exempt *because* it was attached to or incorporated within any working paper or correspondence.

³⁸ See [§2.2-3705.1\(7\)](#).

³⁹ See [§2.2-3705.2](#).

⁴⁰ See [§24.2-625.1](#).

⁴¹ *Id.*

⁴² See [§2.2-3705.1](#).

⁴³ See [§2.2-3705.1](#).

⁴⁴ See [§2.2-3705.7](#).

⁴⁵ See [§2.2-3705.7](#).



NOTE: This exception does not extend to local electoral boards or the general registrar unless they are involved in preparing working papers for a named state or local official.

9.2.3.4 *Inmates and Criminal Information*

Historically, Virginia has closed criminal records, but increasingly criminal record information is available online through the courts and law enforcement offices. Any information a general registrar receives regarding criminal records must be kept confidential unless permitted by code.⁴⁶ The Division of Central Criminal Records Exchange provides felony information to the Department of Elections only for purposes of allowing registrars to cancel the registration of any voter known to be a convicted felon.⁴⁷

Requests for information regarding criminal records should be referred to the State Police.

9.2.4 **Enforcement**

In any action to enforce FOIA, the public body bears the burden of proof to establish an exemption by a preponderance of the evidence.⁴⁸ Any failure by a public body to follow the procedures established by FOIA is presumed to be a violation.⁴⁹

9.2.5 **Penalties**

If you violate FOIA, you may be held **personally liable**. The civil penalty imposed will be no less than \$500 nor more than \$2,000.⁵⁰ For a second or subsequent violation, the civil penalty will be no less than \$2,000 or more than \$5,000.⁵¹ The public body can also be required to pay the requestor's attorneys' fees.⁵²

9.3 **HANDLING AN NVRA REQUEST FOR INFORMATION**

The National Voter Registration Act does not specify a deadline or procedures for responding to requests. ELECT recommends the following best practices for responding to requests for voter registration applications under the NVRA:

- NVRA requests should be acknowledged promptly with an estimate of the cost for responding. You may ask for advance payment if estimated costs exceed \$250 before proceeding with the request.
- Within 10 working days after acknowledging the request, copies of requested applications held by your office that were **submitted on or after July 20, 2011**, should be provided with confidential information redacted. These include social security numbers, the identity of the voter registration agency through which a particular voter registered, and, where applicable, the residence street address of any individual *who* provides a post office box

⁴⁶ See §24.2-409 and §19.2-389.

⁴⁷ See §§24.2-409 and 24.2-427.

⁴⁸ See §2.2-3713.

⁴⁹ See §2.2-3713.

⁵⁰ See §2.2-3714.

⁵¹ See §2.2-3714.

⁵² See §2.2-3713.



address *instead* of his street address under §24.2-418(B).⁵³ The time involved to redact may be charged to the first request for which the redacted copies are prepared.

- If a request involves *a lengthy search or will be extraordinarily voluminous*, you should make reasonable efforts to reach an agreement with the requester concerning the production of the applications requested. Additionally, you should consult your local government attorney or Commonwealth's Attorney if you are unable to reach an agreement to prepare for possible enforcement action under NVRA. Under 52 USC §20510(b)(3), no prior notice is required to bring suit for alleged violations within 30 days of a federal election.⁵⁴

9.3.1 Voter Registration Applications

Individuals or organizations may request to see voter registration applications, and as general registrar, you should supply these documents in compliance with NVRA. **Voter registration applications received before July 20, 2011 are not available to anyone other than the voter or authorized law enforcement.**⁵⁵

9.3.2 Information to Provide for an NVRA Request

A FOIA request is distinct from an NVRA request. Where information may not be available under FOIA, it may be available under NVRA. NVRA makes available for public inspection and photocopying “*all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of the registration records pursuant §§24.2-427, 24.2-428, and 24.2-428.1...*” (emphasis added).⁵⁶ These records available under NVRA do not include voter registration applications submitted *before* July 20, 2011.

Virginia Code §24.2-444(C) outlines what information must be redacted when providing these records:⁵⁷

- All or part of an individual's social security number;
- The residence address of an individual who has provided a post office box address in lieu of her residence addresses due to protected voter status as authorized by Va. Code §24.2-418(B);
- The declination by an individual to register to vote and related records;
- The identity of the voter registration agency an individual registered through; and
- The day and month of birth of an individual.

9.3.3 The Precinct List

A general registrar may receive a request for a list of registered voters from a locality. This list is also known as the “record precinct list” and should be made available for public inspection in each office of the general registrar.⁵⁸ This list does not provide voter history. In providing this information, check that all sensitive personal information is redacted, including:⁵⁹

⁵³ See [§24.2-418](#).

⁵⁴ See NVRA, [52 U.S.C. §20510](#).

⁵⁵ See *Project Vote v. Long*, [682 F.3d 331](#) (E.D. VA. 2012). See also *Project Vote v. Long* [Consent Decree](#).

⁵⁶ See [§24.2-444](#).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*



- All or part of an individual's social security number, including the last four digits;
- The residence address of an individual who has provided a post office box address in lieu of her residence addresses due to protected voter status authorized by Va. Code §24.2-418(B);
- The declination by an individual to register to vote and related records;
- The identity of the voter registration agency an individual registered through; and
- The day and month of birth of an individual.

9.3.4 The Voter History List

The Department of Elections is required to furnish, "at a reasonable price," lists of registered voters and persons voting in elections to certain authorized individuals and organizations for specific purposes.⁶⁰ Persons interested in purchasing lists of registered voters and history should be referred to ELECT's <https://www.elections.virginia.gov/candidatepac-info/client-services/> department for information on eligibility and cost

9.4 RECORDS RETENTION

The Library of Virginia provides numerous schedules to assist state and local government agencies in maintaining and disposing of records in compliance with applicable legal requirements. The Library of Virginia Records Retention Schedule GS-01 for Local Election Records was updated and made effective May 26, 2010. The shared Retention Schedule for the State Board and Department of Elections is available on the Library of Virginia website. If any schedule conflicts with federal or state election law requirements, the statutory requirements must be followed.

While reformatting records is at the discretion of the locality, the Department of Elections strongly encourages localities to digitalize records for accessibility, storage, and preservation purposes. **Both permanent and non-permanent records may be digitalized.** After records are digitalized, inspected, and approved according to established standards, the ***originals may be destroyed***, unless specifically prohibited by law. **The digital version will be considered the official copy of record.**

Appendix A provides a quick reference chart for records retention for localities. General registrars and staff should review the Library of Virginia's full schedule on the website. Additionally, Appendix B provides a summary table of frequently requested records.

⁶⁰ See §§[24.2-405](#) through [24.2-407.1](#).



APPENDIX A: GUIDELINES: RETENTION OF RECORDS

The following chart is taken from the Library of Virginia's (LVA) Records Retention and Disposition Schedule. Refer to the LVA's [Virginia Public Records Management Manual Chapter 7 and 8](#), [Electronic Records Guidelines](#), and [Records Retention and Disposition Schedule](#) for full guidance.

TYPE OF RECORD (Non-Permanent)		RETENTION SCHEDULE
Administrative Management Records: Registrar (EX: policies, reference materials, management assessments, and reports)		5 years or until superseded, whichever is longer
Absentee Ballots: Applicant List		2 years after election
Absentee Ballots: Drop Box Surveillance		30 days after closed
Ballots: Counted and Uncounted (Federal)		2 years by Circuit Court after election
Ballots: Counted and Uncounted (Non-Federal)		1 year by Circuit Court after election
Ballots: Unused		Retain by Circuit Court until time has expired for initiating a recount, contest, or other proceeding
Candidate Qualification: Campaign Finance Final Report		1 year after the successive election
Candidate Qualification: Campaign Finance Final Report Not Filed (Candidate seeking same office)		Retain through the next general election
Candidate Qualification Forms: Non-Campaign Finance		2 years after receipt
Change of Address Confirmation Records (NVRA)		2 years after deadline for response
Damaged Applications: Voter Registration Applications		4 years after date received
Election Materials (EX: copies of absentee ballot applications, poll books and pollbook count sheets, election day logs)		2 years after applicable election
Electoral Board: Administrative Records (EX: Action plans, accessibility audit reports, cert. of training programs)		Retain as long as administratively necessary
Officers of Election List: Appointments (Form SBE 115)		Retain until superseded with a new list
Receipts and Certificates for Ballots (Forms SBE 616 - 621)		2 years after the applicable election
VERIS: Database and Documentation		Retain database reports as long as administratively necessary
Voter/ Election Mail: Returned		2 years after receipt



Voter Registration Applications: Approved, Cancelled, Transferred Out	4 years after cancellation
Voter Registration Application: Denied	4 years after denial

TYPE OF RECORD (Permanent)	Any original records with <u>permanent retention</u> or <u>records created before 1913</u> must be offered in writing to the Library of Virginia before destruction of the originals.
Abstracts	
Electoral Board: Minutes	
List of Those Who Voted (LTWV): Pre-1970	
Precinct Redistricting Materials	
Voting Rights Act/ USDOJ Correspondence	



APPENDIX B: SUMMARY TABLE FREQUENTLY REQUESTED ITEMS

Records provided generally may not contain any SSN, driver license number, birthday, birth month, or protected voter residence address.

	Record	Inspect	Copy	Department of Elections
1.	Voter registration application received before 7.20.2011	Commonwealth attorney, applicant, or applicant's authorized representative	Commonwealth attorney, applicant, or applicant's authorized representative	Registrar is custodian
2.	Voter registration application redacted (received on or after 7.20.2011)	General public (NVRA request)	Where available, may charge reasonable cost for copying only	Registrar is custodian
3.	List of registered voters	General public only in form of precinct record listing containing the data specified in § 24.2-444(A)	No, only for inspection	Qualified requestors enumerated in § 24.2-405 may receive more information
4.	Cancelled list (felony, adjudication, confirmed move, declared noncitizen)	General public (NVRA request)	May charge the cost for copying	Registrar is custodian



	Record	Inspect	Copy	Department of Elections
5.	List of Those Who Voted.	Can only be provided by ELECT	See Department of Elections	Qualified requestors enumerated in § 24.2-406 may purchase voter list with voting history for the last 4 years (individual records are not provided)
6.	Absentee ballot applications	Virginia registered voter	No, only for inspection	Registrar is the custodian
7.	Absentee applicant list	Virginia registered voter	Physical copying only; cannot be sent electronically by GR	Electronically to requesting party or candidate
8.	Campaign Finance reports	General Public (does not need to be a resident of Virginia)	May charge a reasonable cost for copies	Has electronic submissions in COMET
9.	Petitions	Citizen or entity of Virginia. Any SSN or part must be redacted	Yes, can charge reasonable cost not to exceed actual time incurred copying/supplying	If filed with state
10.	Candidate forms (e.g., declaration, qualification, economic interest)	Citizen or entity of Virginia. Any SSN or part must be redacted.	Yes, can charge reasonable cost not to exceed actual time incurred copying/supplying	If filed with state
11.	List of officers of election with party designations.	Names public but personal information may be withheld.	Only parties and candidates can receive copies. EB Secretary or general registrar must provide to requesting candidates and parties for cost	If filed with state or available in VERIS



	Record	Inspect	Copy	Department of Elections
12.	Provisional Ballot Logs	Only the individuals eligible to attend the provisional ballot meeting (requires redactions)	Only the individuals eligible to attend the provisional ballot meeting (requires redactions)	Registrar is the custodian
13.	Drop off Location Chain of Custody forms	Citizen or entity of Virginia	Citizen or entity of Virginia	Registrar is the custodian
14.	Statement of Results (SORs) Tapes	Available for inspection at the General Registrar's Office while the office is open for business	Available for copying in the General Registrar's Office while the office is open for business	Registrar is the custodian

Supporting citations:

1. Va. Code §§ 24.2-114(8) , 24.2-444 .
2. <i>Project Vote v. Long</i> consent decree (1.30.13); Va. Code § 24.2-444(B) .
3. Va. Code §§ 24.2-405 , 24.2-444 .
4. Va. Code §§ 24.2-114(8) , 24.2-444(B) , 52 USC §20507(i) .
5. Va. Code §§ 24.2-406 , 24.2-407
6. Va. Code § 24.2-706 , 52 USC §20701 .
7. Va. Code § 24.2-706 , 52 USC §20701 .



8. Va. Code § 24.2-946.2 .
9. Va. Code Title 24.2 Chapter 5 , GS-01, Series 000509 .
10. Va. Code §§ 2.2-3114 , 2.2-3115 . GS-01, Series 000509 .
11. Va. Code § 24.2-115 .
12. Va. Code § 24.2-653.01
13. Va. Code § 24.2-707.1
14. Va. Code § 24.2-107





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 10

Election Day Prep

August 2025

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10. ELECTION DAY PREP

REQUIRED FORMS ELECT-15512-HAVA Complaint Form ELECT-604 Prohibited Area and Activities Poster ELECT-613 Explanation of Political Party Abbreviations Sign and Instructions ELECT-643B – Attention All Voters Acceptable ID Poster ELECT-649.1 – Curbside Voting Sign HAVA-2 – Voting Information Poster (Federal Election Only) HAVA-4 – Voting Rights and Responsibilities Officer of Election Training Standards published by the State Board of Elections	ADDITIONAL RESOURCES Ballot Oath templates ELECT-538.1P-Notice-of-Primary-Cancellation-Poster- ELECT-538.1AB-Notice-of-Primary-Cancellation-AB-Slips- ELECT-612.1P Notice of Withdrawal Poster Template ELECT-612.1AB Notice of Withdrawal AB Slips Template Election Materials Order Form Statement of Results (SOR) Write-ins Certification
REFERENCE 5-Year Schedule of General Elections Deadlines Calendar Forms Warehouse Virginia Department of Elections Website	REGULATIONS 1VAC20-20-80. Complaints. 1VAC20-40-70. Applications for voter registration; affirmation of united states citizenship. 1VAC20-60-30. Electronic devices in polling place. 1VAC20-60-40. When ballot cast.

10.1 CHAPTER OVERVIEW

This chapter provides a series of election day checklists. §10.2 suggests steps that should be taken annually when considering upcoming deadlines for known elections, including scheduling access to polling places and annual officer of election training. §§10.3-10.13 outline pertinent deadlines and provide suggestions for preparing for each election gradually, over the course of six months. §§10.14-10.19 cover election day and a high-level overview of the subsequent election-related tasks the general registrar and local electoral board must ensure are complete.

We recommend that general registrars prepare an election checklist suited to their locality and its unique needs using the information contained in this chapter. This may require an adjustment to the timeline and additional details based on the type of election, equipment used to record ballots, and the type of pollbooks used to qualify voters at the polls. Be sure to read the chapters on Canvass (Chapter 14) and Provisional Ballots (Chapter 13), which contain essential post-election processes that should be considered when preparing for an election.

In the Commonwealth, we conduct statewide elections every November, have the possibility of primary elections each June, Presidential primary elections every four years in March, and a special election could be called nearly any time of year. As such, planning for the known elections can allow you more time to address unexpected elections.



10.2 ANNUAL ELECTION DAY PREP

10.2.1 Schedule Access to Polling Places

- Ask well in advance of the election that an election representative be added to the school district's "calendar committee" to have direct input into the school schedule.
- Notify polling place facility managers of all possible dates for all scheduled elections based on the 5-year Schedule of General Elections which is available on the [Department of Elections's website](#) (ELECT).
- Notify polling place facility managers when it is known that a primary election will or will not be held.
- Notify polling place facility managers of upcoming special elections as soon as the date is known.
- Schedule meeting facilities for the canvasses that year: "Written directions to the location of any room other than the clerk's or general registrar's office where the board will meet shall be posted" before the canvass begins.¹



You cannot change a polling place or precinct within 60 days before a GENERAL election. At this point in the pre-election timeline, please make sure all polling places are accessible, usable, and ready for an election. If an emergency occurs, you may ask the Department of Elections to approve the emergency and an alternative polling place by submit an Emergency Polling Place Change ticket in the System Support Portal in JIRA.

10.2.2 Officer of Election Training Schedule and Facility Reservations

You must establish a training schedule compliant with the State Board of Elections [training standards](#).² Each officer of election must complete training using training materials developed by ELECT and approved by the State Board of Elections and located on the [Department of Elections website](#).³ **Officers of election must complete one of these trainings before serving in their first election.**⁴ This requirement applies to **each term** for which the officer of election is appointed.⁵ Make reservations for training facilities in advance to ensure their availability.

Election laws change annually, and Virginia requires that each officer of election shall receive additional training or instruction whenever changes to election procedures are made to the Code or to regulations that alter the duties or conduct of the officers of election.⁶

¹ See §[24.2-671](#).

² See §§[24.2-103](#) and [24.2-115](#).

³ See §[24.2-103](#).

⁴ See §[24.2-115.2\(A\)](#).

⁵ *Id.*

⁶ See §[24.2-115.2\(B\)](#).

10.3 SIX MONTHS TO ELECTION DAY

- Review polling place ADA accessibility. Make site visits to identify any changes needed to ensure compliance and to confirm any changes made since the last time the facility was used do not negatively impact ongoing suitability.⁷
- Review quantities of absentee ballot by mail supplies against permanent absentee voter numbers and the projected absentee by mail voter turnout. Review in-stock quantities and each form revision date against ELECT's Forms Warehouse under Absentee Voting or against communications from ELECT on pending form updates. Reorder quantities as needed. If possible, order an envelope with a peel sealer mechanism to avoid gum seals closing prematurely with summer or fall humidity.
- If applicable, review quantity of blank ballot on demand (BOD) paper stock. Reorder paper as needed.

10.4 120 DAYS TO ELECTION DAY

10.4.1 Notify Officers of Election and Schedule Training Sessions

Give the election officers ample advance notice to ensure attendance at the necessary training. The training for these officers must either use the materials created by ELECT and approved State Board of Elections (SBE) or the online training course available on the [Department of Elections website](#). The Training Standards of the State Board of Elections are in the [Forms Warehouse](#).

10.4.2 Notify Local Elections Support Resources of Election Schedule

- Notify security departments, warehouse supervisors, school superintendents, principals, custodians, and other building managers of increased activity at locations where election preparations are performed.
- Establish election support and security procedures with police/sheriff/emergency/IT departments.
- Verify that the space used for the canvass meeting will be available.

10.5 90 - 60 DAYS TO ELECTION DAY

- Prepare a folder specific to the upcoming election. This folder will be used to deposit forms and other information particular to that election. If you are using a paper folder, print out a copy of your checklist and attach it to the inside of your election folder.
- Review current versions of all election day forms, signs, envelopes, and materials.
Order enough of the above materials in accordance with ELECT's instructions via the [Election Materials Order Form](#).
- Reproduce all election day instructions and forms in sufficient quantities.

⁷ See [Accessibility](#) section of FormsWarehouse.



Exclusive to a Primary Election: Upon receipt, post a copy of ELECT's notice calling for election on the official website of the county or city, at not less than 10 public places in the county or city, or have the notice published at least once in a newspaper of general circulation in the county or city.⁸

- Once all local offices, candidates, and issues are determined, verify all are correct and complete in VERIS. Stay updated on instructions from ELECT on candidate filing timelines and procedures.
- Upon receipt of ballot proofing instructions from ELECT, design (or coordinate with your vendor to design) the ballots. Review the layout and format with your vendor according to the SBE Ballot Standards and submit a waiver request if specifics cannot be met.⁹
- Submit ballot proofs to the Department of Elections for approval.¹⁰

Designate one person to be continuously present in the room in which the ballots are printed from the start to the end of the work and ensure printer strictly complies with the undertakings in the printer's statement.¹¹

- Submit ballot order to your printer or vendor.
- Acquire the vendor's\printer's statement that they will only print the number of ballots requested and that all imperfect ballots will be destroyed. As a template for completing this task, use or model a locality specific statement as seen in form ELECT-616 Oath, Statement of Printer.¹² Ballot oaths can be found in [Forms Warehouse](#).

Acquire the designated representative's signed statement that all ballots were printed, packaged, and shipped to the general registrar. As a template for completing this task, use or model a locality specific statement as seen in form ELECT-617 Oath, Statement of Electoral Board Representative.¹³

- Acquire the signed statement that either a member of the electoral board, general registrar, or some other person designated by the electoral board or general registrar, ensured that the electoral board seal was affixed to the back of each official ballot\official ballot electronic file. As a template for completing this task, use or model a locality specific statement as seen in form ELECT-619 Oath, Statement of Representative Who Witnessed the Affixing of Ballots.¹⁴
- Complete form ELECT-618(2) "Certificate of Number of Ballots Received from Printer" and file with the minutes of the Board.¹⁵
- Complete all [pre-election](#) surveys sent by ELECT.
 - Provide notice of voting systems testing (logic and accuracy testing or L&A) "(I) to the chairman of the local committee of each political party, or (ii) in a primary election, to the

⁸ See §24.2-517.

⁹ See SBE Ballot Standards and Ballot Standards Waiver Request on [FormsWarehouse](#)

¹⁰ See §24.2-612.

¹¹ See §24.2-617.

¹² See §24.2-616.

¹³ See ELECT-617, FormsWarehouse, [Election Management](#).

¹⁴ See §24.2-619.

¹⁵ See §24.2-618.



chairman of the local committee of the [...] party holding the primary, or (iii) in a city or town council election in which no candidate is a party nominee [...], to the candidates.”¹⁶

- Conduct L&A testing of (i) voting systems, including ADA accessible voting systems, (ii) if applicable, electronic pollbooks (EPBs), and, (iii) if applicable, ballot on demand (BOD) printers used during early voting.¹⁷
- Complete the ELECT-633 AB/EV L&A Testing Certification Survey upon request by ELECT for each type of equipment.¹⁸
- If Election Day voting systems were tested at the same time as the early voting systems, complete the Certification Survey for that equipment as well.
- Lock and seal the voting systems dedicated for early voting.¹⁹
- If not using a ballot on demand (BOD) system, prepare ballots for voting so that they are available for voting forty-five (45) days before any election.²⁰
- Prepare sample ballots (be sure to review [§24.2-622](#)).²¹
- Distribute sample ballots.

If Election Day voting systems and EPBs were not tested at the same time as the early voting systems, set a date to conduct the final logic and accuracy test required for each as applicable

- Seal the counting equipment for the election after testing.²²
- Publish notice of absentee voting days and hours.
- Conduct a refresher meeting with staff covering procedures for the upcoming election.²³
- Submit work orders for distribution and return of polling place equipment and materials.
- Establish pre-Election Day staffing for the following duties:
 - Final polling place material preparations and distribution plans.
 - Electronic pollbook data management and testing.

Sunday or Monday pollbook and supply pickup.

- Polling place equipment distribution.
- Saturday absentee voting support;²⁴
 - 2 Saturdays before all elections.
- If applicable, Sunday absentee voting support.²⁵

¹⁶ See [§24.2-633](#).

¹⁷ See §§[24.2-632](#), [24.2-633](#), and [1VAC20-60-70](#).

¹⁸ See ELECT, FormsWarehouse, [Formsite Links](#).

¹⁹ See [§24.2-634](#).

²⁰ *Id.*

²¹ See [§24.2-622](#) for details on preparing sample ballots.

²² See [§24.2-634](#).

²³ *Id.*

²⁴ See [§24.2-701.1](#).

²⁵ *Id.*



- Establish Election Day staffing for the following duties:
 - Polling place opening and reporting support.
 - Machine techs
 - Polling place operating support.
 - Machine techs
 - Electronic pollbook techs
 - Reliefs
 - Rovers
 - Results reporting.
 - Polling place closing support.
- Establish post-Election Day staffing for the following duties:
 - Material transfer between clerk of circuit court and canvass site.
 - Clerical and communication support for canvass.
 - Canvass procedures and documentation.

Polling place equipment and supply pickup.

- CAP and provisional ballots reporting in Enhanced Results.
 - SDR voter registration processing.
 - Provisional ballot research.
 - Risk Limiting Audit (RLA) preparation.
 - Start charging electronic pollbooks and voting machines.
 - Ensure that you have a sufficient supply of “I Voted” stickers. If you do not, order enough for the upcoming election.
- Determine staffing needs for processing both online and paper voter registration applications and online and paper absentee applications
- Establish a procedure for managing the increased flow of electronic and paper applications.

10.6 45 DAYS TO ELECTION DAY

- **Begin absentee voting for all elections.²⁶ Please see Part One, Two, and Four of Chapter 7 Absentee Voting for more information.**

Complete the [AB Compliance](#)/Ballots Being Ordered survey certifying absentee voting readiness and indicating number of ballots ordered upon request by ELECT.

²⁶ See [§24.2-612](#).



If Election Day voting equipment was not tested at the same time as the early voting ones, conduct logic and accuracy testing of voting systems and EPBs used during pre-processing and Election Day.²⁷

If not submitted previously, complete the ELECT-633 L&A Testing Certification Survey upon request by ELECT.

- Lock and seal voting systems for pre-processing and Election Day.²⁸
- Be prepared for inclement weather that may affect the early voting process.²⁹

Ensure any polling place change notices have been mailed to the affected voters before the 30-day deadline.³⁰

- Be prepared for potential candidate withdrawals: candidates can withdraw at any time. If voting has already begun there are some considerations local offices should take to ensure voters are aware.
- Candidates may, but are not required to, use the [ELECT-612.2 Candidate Withdrawal Form](#).
 - Depending on how close Election Day is, localities may need to send [ELECT-612.1AB – Notice of Withdrawal AB Slips](#) with all absentee ballots and post [ELECT-612.1P – Notice of Withdrawal Posters](#) at all early voting locations and Election Day polling locations. Coordinate with ELECT on next steps in this scenario.
 - **For Primary Elections Only:** A qualified candidate for a primary election may submit *on or after* the 44th day before, but *prior to* the immediate Tuesday before the primary election, notice of intent to withdraw.³¹ Such notice must be signed and notarized. If such notice is received within the timeframe stated above and only one candidate remains the primary election may be cancelled. **Please see section 2.5.5.1 of Chapter 2 Local Electoral Boards for more information.**
 - In addition to the 612.1AB and 612.1P slips, localities will need to send [ELECT-538.1AB – Notice of Primary Cancellation AB Slips](#) with all absentee ballots and post [ELECT-538.1P – Notice of Primary Cancellation Posters](#) at all early voting locations and Election Day polling locations.
 -

10.7 30 DAYS TO ELECTION DAY

- Review in the [Learning Management System \(LMS\)](#) items included in the Election Night and Post-Election Process Official ELECT Advisory upon notice by ELECT that it is ready.
- Review in the [Learning Management System \(LMS\)](#) Enhanced Results Training Materials and begin testing in Enhanced Results upon notice by ELECT it is ready.
- Attend any Enhanced Results Training online webinars put on by ELECT.
- Complete the [Election Setup Verification Survey](#) upon request by ELECT.

²⁷ See §§[24.2-632](#), [24.2-633](#), and [1VAC20-60-70](#).

²⁸ See §[24.2-634](#).

²⁹ Chapter 3 Precincts and Polling Places and Chapter 11 Election Day Manual discuss emergency preparedness for polling places and some procedures for emergencies. FormsWarehouse also has a section on [Emergency Procedures](#). See also ELECT Official Advisory 2024-01-18 Early Voting, Absentee Voting, and Inclement Weather.

³⁰ See §[24.2-306](#).

³¹ See §[24.2-538.1](#).



- Mail to all affected registered voters notices of adopted changes to election district, town, precinct, or polling place other than the office of the general registrars.³²
- Verify polling place communications.

Set aside voided copy of ballot(s) to be sent to ELECT with the certified abstracts after canvass.³³

- Update Election Day emergency contact numbers.
- Prepare polling place materials:
 - Code of Virginia, [Title 24.2 Virginia Election Law](#)
 - Forms:
 - Emergency paper pollbook (used if EPBs fail)³⁴
 - Electronic pollbook summary screen sheet (if electronic pollbooks used)
 - Statement of Results³⁵
 - Printed Return Sheet³⁶
 - Write-In Certification for each set of the Statement of Results³⁷
 - Officer of Election Oaths³⁸
 - Officer of Election Suggestion
 - Officer of Election Interest
 - Grievance complaint form³⁹



Regulation Note

1VAC20-20-80: Complaints. Anyone may make an informal complaint either by telephone or electronically (20-20-80(A)). It is the locality's responsibility to respond to these complaints, but the locality may request assistance from the Board as needed (20-20-80(A)). The Board must provide the forms from the Help America Vote Act of 2002 to allow people to make formal requests (20-20-80(B)). These formal complaints require review and a response from the Commissioner or Deputy Commissioner, who may contact the locality to gather more information (20-20-80(B)). If the submitted complaint does not meet the requirements of a formal complaint, it may be responded to informally by the appropriate staff (20-20-80(B)).

³² See [§24.2-306](#).

³³ The general registrar shall send to the Department of Elections a statement of the number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. See Code of Virginia [§24.2-612](#).

³⁴ See [§24.2-611](#).

³⁵ See [Statement of Results](#)

³⁶ See [ELECT-658](#).

³⁷ See [Statement of Results \(SOR\) Write-ins Certification](#).

³⁸ See [Oath or Affirmation for Officers of Election SBE-120.docx](#).

³⁹ See Voter Complaint Form [ELECT-11512](#); see also Virginia Admin. Code [1VAC20-20-80](#).



- Affirmation of Eligibility⁴⁰
- Machine tracking sheets
- Ballot Record Report⁴¹
- ID Confirmation Statement⁴²
- Voter Name Mistake Report
- Voter Registration Application⁴³
- Provisional Ballot Envelope⁴⁴
- Provisional Ballot Log⁴⁵
- Provisional Voter Notice⁴⁶
- Provisional Voter Notice – Identification⁴⁷
- Voter Registration Cancellation Request
- Notification of Death⁴⁸
- Request for Assistance⁴⁹
- Incident Report⁵⁰
- Overvote Notice
- Payroll
- Receipt for absentee ballot delivery
- Sample ballots
- Results-tracking Call-in Sheets
- Envelopes and Labels.⁵¹
 - Envelope 1A – Provisional ballots⁵²
 - Envelope 1B – After-hours provisional ballots, used only if instructed.
 - Envelope 2 or 2B – Oaths, Pollbooks, Statements of Results, etc.⁵³

⁴⁰ See [Affirmation of Eligibility](#).

⁴¹ See [Ballot Record Report, Non-Federal](#); [Ballot Record Report, Federal](#)

⁴² See [ELECT-643ID – ID Confirmation Statement](#).

⁴³ See [Voter Registration Application](#).

⁴⁴ See [Provisional-Envelope---Rev-2023.pdf \(virginia.gov\)](#)

⁴⁵ See [ProvisionalBallotLogRev08.23.pdf \(virginia.gov\)](#)

⁴⁶ See [ELECT-653B-Provisional-Voter-Notice_Rev-8-2023.doc \(live.com\)](#)

⁴⁷ See [ELECT-643Pr Provisional Voter Notice - Identification](#).

⁴⁸ See [ELECT-427B](#).

⁴⁹ See [Request for Assistance](#).

⁵⁰ See [Incident Report](#).

⁵¹ See [Checklist Certification of Materials Used in Elections, ELECT-659-668](#).

⁵² See [Officer certification to reuse empty provisional votes envelope 1A](#).

⁵³ See [Envelope 2](#).



- Envelope 2A – Yellow printed return sheet⁵⁴
- Label 3 – Counted ballots⁵⁵
- Envelope 3A – overfull optical scan ballot container⁵⁶
- Envelope 4 – Spoiled and void ballots⁵⁷
- Envelope 5 – Unused absentee ballots, rejected/unopened/empty absentee envelopes⁵⁸
- Envelope 6 – Unused ballots⁵⁹
- Envelope 7 – Voting equipment keys, data storage units, machine seals⁶⁰
- Federal Elections ONLY – Envelope 7FED – copy of data storage unit(s).⁶¹
- Envelope 8 – Completed paperwork⁶²
- Envelope 9 – Virginia Election Law book(s) (optional)
- Envelope 10 – Officer of Election buttons/name badges
- Envelope 11 – 4th set of optical scanner result tapes for HAND delivery to GR office (if used)
- Envelope 12 – duplicate and name mistakes list, notification of death of registered voter (optional)
- Inside Signs:
 - Attention All Voters/Acceptable ID⁶³
 - Voter Process to Check In and Vote⁶⁴
 - No Smoking⁶⁵
 - How to Vote (based on equipment used)
 - Sample ballot
 - Prohibited Area and Activities⁶⁶
 - Explanation of Political Party Abbreviations⁶⁷

⁵⁴ See [Envelope 2A](#).

⁵⁵ See [Envelope 3](#).

⁵⁶ See [Envelope 3A](#). See also [IVAC-20-60-50](#).

⁵⁷ See [Envelope 4](#).

⁵⁸ See [Envelope 5](#).

⁵⁹ See [Officer certification for Unused Envelopes](#).

⁶⁰ See [Envelope 7](#).

⁶¹ See [Envelope 7FED](#).

⁶² See [Label Envelope 8](#).

⁶³ See Attention All Voters (Acceptable ID) ([ELECT 643B](#)).

⁶⁴ See [Voter Check In Process Poster](#).

⁶⁵ See [No Smoking Sign](#).

⁶⁶ See §§[24.2-604\(B\)](#) and [24.2-607](#).

⁶⁷ See Explanation of Political Party Abbreviations ([ELECT-613](#)).

- Voter Rights and Responsibilities⁶⁸
- Voting Information (HAVA-2)
- Voter ID Requirements (HAVA-3)



Regulation Note

1VAC20-60-30: Electronic Devices in Polling Places. Regulation 20-60-30(A) states that individuals may use and bring electronic devices inside the polling place; party candidates and representatives, however, are prohibited from taking photos or videos within the polling place. Officers of election are authorized to monitor and restrict use of electronic devices inside the polling place if an individual's use hinders or delays the voting process, or if this device is being used to influence, intimidate, or solicit another individual's vote (20-60-30(B)). Those found violating 20-60-30 may be asked to stop using their electronic device, to use their electronic device outside the polling place only, or to leave the polling place entirely (20-60-30(B)). However, a voter may not be removed from the polling place for use of an electronic device until after their ballot is cast (20-60-30(C)). Any determination an officer of election makes as to the use of electronic devices in polling places is subject to immediate appeal to the local electoral board (20-60-30(D)). **Electoral boards are also forbidden from enacting any policy that categorically denies use of electronic devices in polling places (20-60-30(E)).**

Additionally, pursuant to [OAG Opinion 16-038](#), voters may take a picture of their ballot; however, they must not communicate with others outside the polling place, i.e. stream on social media, reveal another voter's ballot, or otherwise disrupt the election process.

- Outside Signs:
 - Vote Here
 - Accessible Door Access
 - Accessible Parking
 - Curbside Voting with Instructions
 - Voter Parking
 - Polling Place
 - Polling Place with Arrow
 - No Campaigning Beyond This Point
 - Precinct Name

⁶⁸ See [Voter Rights and Responsibilities](#).



- **Support Materials:** sealed voting machine key envelopes,⁶⁹ packing tape, masking tape, painter's tape, calculators, pens, pencils, ballot marking pens, paper clips, note paper, stapler and staples, rulers, scissors, tape measure, precinct maps, voter permits/access cards, numbered envelopes, labels, lanterns, umbrellas, uninterruptable power supplies, flashlights, sidewalk chalk, 40-foot marker lines, extension cords, surge protectors, band-aids, first aid kits, clip boards, magnifying sheets, pencil sharpeners, permanent markers, scotch tape and dispenser, rubber bands, rulers, wire cutters, hand sanitizer, "I Voted" stickers, banker's boxes.
- Prepare Election Day Guide for non-CAP precincts, Election Day Guide for CAP, and What Ifs for use in the election.⁷⁰
- Prepare items that will be needed for the canvass:
 - Checklist of items to be retained by the registrar.
 - Provisional vote log to be used by the Electoral Board if provisional votes are counted.
 - Tally sheet for the Electoral Board to tally provisional votes that are counted.

10.8 20 DAYS TO ELECTION DAY

- Send reminder notices to officers of election about instruction meeting.
- Send notices to party chairs about programming of voting machines, if not done earlier.⁷¹
- Send notice to warehouse custodians regarding the programming/transport of equipment.⁷²
- Power up electronic pollbooks to verify that they are functioning properly.
 - Charge the batteries.
 - Download initial pollbook data file(s) produced by ELECT from VERIS. Verify that the data is complete and accurate.
 - Build initial electronic pollbook election file. Verify accuracy.
- Continue testing in Enhanced Results and attending any training online webinars.
- Prepare and publish public notice of final registration day at least 10 days before the close of books. This notice must include "the date, hours, and locations for registration."⁷³

10.9 15 DAYS TO ELECTION DAY

- Prepare results tally sheets.
- Provide copies of tally sheets to personnel assisting with reporting results. Ensure personnel who may assist with entering results into Enhanced Results have access to and complete training for Enhanced Results. If they do not, submit an Enhanced Voting System Support Jira ticket for them, making sure to check the Enhanced Results check box.

⁶⁹ See §24.2-639.

⁷⁰ Click [here](#) to find these forms.

⁷¹ See §24.2-633.

⁷² See §24.2-632.

⁷³ See §§24.2-414, 24.2-415, and 24.2-416.



- Continue testing in Enhanced Results and attending any training online webinars.

10.10 10 DAYS TO ELECTION DAY

- Complete close of voter registration.⁷⁴
- Paper pollbooks (if used):
 - Verify complete.
 - Set up splits. Hand correct for additions, deletions, changes, corrections. Pollbook count forms (if paper pollbooks used)⁷⁵
- Package and seal ballots for polling places.⁷⁶
- Prepare receipts for delivery of ballots, final absentee ballots list, and other election materials.
- Post notice of the canvass.⁷⁷
- Mandatory preprocessing of absentee ballots begins on the seventh day immediately preceding an election (see Chapter 7 of GREB).⁷⁸
- Ensure a plan is in place to post notice of any polling place changes at the previous location used. (Only necessary for the first primary and general election at a new polling place).
- Continue testing in Enhanced Results and attending training online webinars.

10.11 3 DAYS TO ELECTION DAY

- Ensure all same-day registration records from early voting are entered. Conduct final checks of paper pollbooks, supplies.
- Alphabetize or sort election oath forms in order of chief pickup schedule. Conduct final in-person early voting. On the Friday or Saturday before an election, hold required preprocessing meeting.

10.12 2 DAYS TO ELECTION DAY

- Download and print Final AB List.⁷⁹
- Electoral Board signs Final AB List.⁸⁰
- Prepare AB ballots to deliver to CAP.⁸¹

⁷⁴ See §24.2-416; see also Virginia Admin. Code [1VAC20-40-70](#). See Chapter 6 Voter Registration for more information.

⁷⁵ See [ELECT-643 PBC](#).

⁷⁶ See §24.2-620.

⁷⁷ See §24.2-671.

⁷⁸ See §24.2-709.1

⁷⁹ See §24.2-710.

⁸⁰ *Id.*

⁸¹ *Id.*



- Download final pollbook data for electronic pollbooks, create distribution files, and prepare EPBs for distribution.
- Print paper pollbooks.

10.13 MONDAY BEFORE ELECTION DAY

- Chief Pollbook/Supply pickup.
- Final emergency absentee ballot voting and update precinct lists.⁸² For November general election, send certification to ELECT that training of election officials was completed.⁸³
- If not already completed and uploaded to ELECT, complete the ELECT-633L&A Testing Certification Survey as required.
- Review in the [Learning Management System \(LMS\)](#) items included in the Election Night and Post-Election Process Official ELECT Advisory.
- Review in the [Learning Management System \(LMS\)](#) Enhanced Results Training Materials and confirm you have a plan for results reporting after polls close.
- Confirm notices are posted at any previous polling places that have been changed with information on how voters may find their new polling place. Provide translations, as necessary.⁸⁴

10.14 TUESDAY ELECTION DAY

- Have a GREAT ELECTION!
- Ensure CAP officers stop preprocessing at 7:00pm and begin printing the CAP machine tapes to receive ballot totals for summary reporting in Enhanced Results. Any outstanding ABs will be part of the post-election absentee totals reported later.
- Receive election results from polling places after polls close.
Enter required results in Enhanced Results only after polls close at 7:00 p.m. Utilize the Enhanced Results use procedures checklist in the training materials
 - Summary Entry totals for Early Voting Absentee
 - Summary Entry total for Mailed Absentee
 - Detailed Results Entry totals for each precinct's Election Day
- Enter election night provisional counts in Enhanced Results on the Statistics Entry page
- Email ea@elections.virginia.gov when all election night requirements are entered in Enhanced results to receive verification from ELECT that all required entries are complete and nothing further is needed from you and your team.
- Receive election materials from chiefs after election.

⁸² See §24.2-705.

⁸³ See §24.2-115.

⁸⁴ See §24.2-306.



- Deliver (or transfer) election materials to the clerk of court in accordance with the Circuit Court Clerks Guidance memo provided in the Election Night and Post-Election Process LMS Course and in accordance with local procedures approved by the clerk of court. Alternatively, the Electoral Board may instruct the officers of election to deliver materials to the registrar's office.⁸⁵

10.15 WEDNESDAY (ELECTION DAY + 1)

- To prepare for the canvass, print out/export the data that was entered into Enhanced Results on election night. Use these print outs to compare to the data determined to be correct during the canvass.

Review in the [Learning Management System \(LMS\)](#) items included in the Election Night and Post-Election Process Official ELECT Advisory.

Review in the [Learning Management System \(LMS\)](#) Enhanced Results Training Materials, including the post-election day canvass checklist.

- Receive copies of ID documents from provisional voters who lacked ID on election day.⁸⁶
- Receive election materials from clerk of court.
- Check in returned election materials.
- Enter same-day registration (SDR) records from Election Day into VERIS. This must be completed before the SDR Duplicate Report can be run by ELECT and the provisional ballot meeting can be completed.

Begin provisional ballot meeting.

- If ID has not been provided by the end of meeting for any provisional ballots cast due to lack of ID, the meeting will have to be adjourned to a later date (no later than the third day after the election [Friday]. If the third day is a weekend or holiday, the deadline becomes noon of the next business day [Monday]). Conduct canvass.⁸⁷

While reviewing Statements of Results, input election turnout and curbside data into Enhanced Results to help complete the canvass.

- Enter hand-counted ballots results and turnout in Enhanced Results.
- If there is a write-in winner, create candidate in Enhanced Results and move their results out of the Write-In "bucket" row and into the newly created candidate row on the Summary Entry page and all applicable Detailed Results Entry precinct pages.

Don't process hopper until after SDR duplicate report is run by ELECT.

10.16 THURSDAY (ELECTION DAY +2)

- Receive copies of ID documents from provisional voters who lacked ID on election day.⁸⁸

⁸⁵ See §§[24.2-659](#) and [24.2-668](#).

⁸⁶ See §[24.2-653](#).

⁸⁷ See Chapter 14 Canvass.

⁸⁸ See §[24.2-653](#).



- Enter same-day registration records from Election Day into VERIS. This must be completed before the SDR Duplicate Report can be run by ELECT and the provisional ballot meeting can be completed.

Conduct provisional ballot meeting.

- If ID has not been provided by the end of meeting for any provisional ballots cast due to lack of ID, the meeting will have to be adjourned to a later date (no later than the third day after the election [Friday]. If the third day is a weekend or holiday, the deadline becomes noon of the next business day [Monday]). Conduct canvass.⁸⁹

While reviewing Statements of Requirements, input election turnout and curbside data into Enhanced Results to help complete the canvass.

- Enter hand-counted ballots results and turnout in Enhanced Results.

If there is a write-in winner, create candidate in Enhanced Results and move their results out of the Write-In “bucket” row and into the newly created candidate row on the Summary Entry page and all applicable Detailed Results Entry precinct pages.

Don’t process hopper until after SDR duplicate report is run by ELECT.

10.17 FRIDAY [MONDAY IN CASE OF HOLIDAY] (ELECTION DAY +3)

- Receive copies of ID documents from provisional voters who lacked ID on election day until noon.⁹⁰
- Enter same-day registration records from Election Day into VERIS. This must be completed before the SDR Duplicate Report can be run by ELECT and the provisional ballot meeting can be completed. For primaries, SDRs must be entered by Close of Business (COB) the Friday after the election, and for general elections, SDRs must be entered by COB Monday.
- Coordinate with local USPS mail contact to ensure delivery of any remaining absentee ballots in USPS possession prior to the noon deadline.
- Review returned absentee ballots for postmarks (if postmarks are added locally vs at regional processing plants, postmarks will be completed by local postmasters and may be referred to by USPS as a round mark) acceptable to be processed as post-election absentee ballots.⁹¹
- Deliver appropriate absentee ballots to the CAP officers for processing.
- Conduct canvass.⁹²

While reviewing Statements of Results, input election turnout and curbside data into Enhanced Results to help complete the canvass.

- Enter post-election results and turnout in Enhanced Results.

⁸⁹ See Chapter 14 Canvass.

⁹⁰ *Id.*

⁹¹ See §24.2-709. See Virginia Admin. Code [IVAC20-70-20](#).

⁹² See Chapter 14 Canvass.



- Enter hand-counted ballots results and turnout in Enhanced Results.

If there is a write-in winner, create a candidate in Enhanced Results and move their results out of the Write-In “bucket” row and into the newly created candidate row on the Summary Entry page and all applicable Detailed Results Entry precinct pages. If possible, make Provisional Ballot Meeting rulings on persons who lacked ID.

10.18 SATURDAY (ELECTION DAY +4)

- Review and incorporate ELECT’s Final Same Day Registration Duplicate Report into provisional ballot meetings.

10.19 MONDAY THROUGH FRIDAY (ELECTION DAY +6 THROUGH 10)

- Note that while the deadline for the November General canvass is 10 days after the election, **the deadline for the June Primaries canvass is 6 days after the election.**⁹³
- Complete Provisional Ballot Meeting.
- Enter the number of absentee ballots cast by precinct must be posted no later than 5:00 p.m. on the tenth day after the election.⁹⁴
- Enter provisional election results by precinct and turnout into Enhanced Results by no later than 5:00 p.m. on the tenth day after the election.⁹⁵
- Conduct canvass.⁹⁶
- While reviewing Statements of Results, input election turnout and curbside data into Enhanced Results to help complete the canvass.
- Enter post-election results and turnout in Enhanced Results.
- Enter hand-counted ballots results and turnout in Enhanced Results.
- If there is a write-in winner, create candidate in Enhanced Results and move their results out of the Write-In “bucket” row and into the newly created candidate row on the Summary Entry page and all applicable Detailed Results Entry precinct pages.
- Verify that all data entered in Enhanced Results matches the data determined to be correct at the conclusion of canvass.
 - Summary Entry page
 - Detailed Results Entry precinct pages
 - Statistics Entry pages
 - Voter Turnout Entry page

⁹³ See [§24.2-532](#)

⁹⁴ See [§24.2-667.1](#)

⁹⁵ *Id.*

⁹⁶ See Chapter 14 Canvass.



- Upload EPB voting credit
 - Run the Credit Audit Report in VERIS.
 - Resolve issues, if present.
- Manually add provisional voter credit to VERIS.
- Run the Enhanced Results reports to ensure accuracy of data entered.
 - Compare the Credit Audit Report in VERIS to the Voter Turnout report in Enhanced Results.

If able, resolve any validation errors in Enhanced Results. If unable to clear a validation error, provide an explanation of why to ELECT with abstracts. Refer to the data validation page on the use procedures to assist with discrepancies and reach out to ELECT with questions before submitting abstracts.

- Mark local office winners in Enhanced Results.
- Pull Abstract of Votes from Enhanced Results and have Electoral Board members certify.
- If Write-Ins Certification is required, create and have Electoral Board members confirm accuracy and certify.
- Submit certified copies of abstracts, required explanation documents, Write-Ins Certifications, and scanned voided ballots to ELECT via the [Abstract of Votes Submission form](#).
 - Respond to staff requests for additional information, if requested, as a result of reviewing your submission and entered data.
 - Mail abstracts and Election Results Certification Checklist to the Department of Elections only after approved to do so.
- Enter provisional data for counted and rejected ballots into VERIS and process letters.⁹⁷
- Enter rejected absentee ballot data into VERIS and process letters.⁹⁸
- Process new voter registration applications.
- Re-seal and deliver materials to clerk of court.

10.20 MONDAY (ELECTION DAY +13)

- Watch State Board of Elections meeting to see if your locality is chosen or approved for a risk-limiting audit (RLA).
- Instructions for locality participation in an RLA will be sent to all affected localities.
- Review the RLA Manual.⁹⁹

⁹⁷ See Chapter 13 Provisional Ballots.

⁹⁸ See Chapter 14 Canvass.

⁹⁹ See Chapter 19 RLA Manual.



10.21 ELECTION DAY + 30

- Deliver absentee ballots received after election to Clerk of Court.¹⁰⁰

10.22 POST-ELECTION

- If your locality is having a recount, review the following for information about recounts and contested elections:
 - GREB Chapter 15 Recounts and Contests
 - Virginia Administrative Code 1VAC20-80-20¹⁰¹ Code of Virginia, Title 24.2, Chapter 8¹⁰²
 - [Recount](#) page in FormsWarehouse
 - Recount Course in ELECT's [Learning Management System \(LMS\)](#).
- Retrieve materials from Clerk of Court.
 - Oath completed by the officers of election.
 - Voting machine keys.
 - Voting machine memory cards.
 - If a federal election, make copies of each thumb drive for submission back to the circuit court clerk in Envelope 7FED. Follow your security protocols\ELECT guidance\Voting Equipment vendor guidance when copying voting equipment thumb drives.
 - Paper Pollbooks (if used).
 - Pollbook count sheets (if used).
 - EPB thumb drives.
- If your locality does not use EPBs, manually enter voter credit into VERIS using paper pollbooks.
- Run the Credit Audit Report out of VERIS and the Voter Turnout report out of Enhanced Results and compare.

Notify ELECT staff once all credit is entered into VERIS via the Election Results Certification Checklist, and if you determine changes need to be made to turnout in Enhanced Results.

¹⁰⁰ See [§24.2-710](#).

¹⁰¹ See Virginia Admin. Code [1VAC20-80-20](#) for information about recounts and contested elections.

¹⁰² See [§24.2-800](#) et. seq.





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter II

Election Day Manual

August 2025

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11. ELECTION DAY MANUAL

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11.1 CHAPTER ORGANIZATION

This chapter should be a resource for general registrars, local electoral board members, and officers of election. §11.2 addresses common questions and situations that can arise on election days such as general disruptions, campaigning near or in the polling place, voters or elections officials bringing weapons into polling places, electronic devices, authorized representatives, and children in the polling place. This section also addresses the exception in the Code of Virginia permitting a voter on the sex offender registry to go to a public school if that is the voter's lawful polling place.

Read §11.3 before election day so you are familiar with emergency procedures. However, you can also use §11.3 as a quick resource guide. §11.3 can be used in each polling place by the chief officers of election who are responsible for reacting to emergencies, providing notice, and following emergency protocols. §11.3.1 specifically discusses preparedness planning; §11.3.2 provides guidance for where, when, and how to resume voting if the circumstances require a polling place to be evacuated. Use §11.3.4 as a resource for emergencies that may arise immediately such as the inability to enter a polling place due to high water or locked doors. Refer to §11.3.5 for all other emergency responses.

§11.5 discusses Election Day complaints (both informal complaints and Help America Vote Act complaints). §11.6 covers common Election Day offenses and how to respond appropriately.



11.2 GUIDELINES FOR ELECTION DAY

11.2.1 General Disruption and Campaigning Within the Polling Place

If a voter or any other person is disrupting the polls, or any person is campaigning within the prohibited area or polling place, there are certain steps that can be taken to contain the situation.

First, election officials (preferably two officials) should ask the person to cease the disruption or ask the person who is campaigning to leave the prohibited area and polling place. If the person is entering or inside the polling place to vote, make sure the voter is aware of the prohibition on campaigning in this area. If the person continues to campaign or becomes disruptive, officers of election should call 9-1-1. (Note: If you call 9-1-1, be sure to identify yourself as the chief election officer or an election official.) Remember to **complete an Incident Report** (form can be found in [FormsWarehouse under Election Management](#)).

Please keep in mind the restrictions applicable to any person in the polling place, outlined in the Code of Virginia §§ 24.2-604 and 24.2-607 and in the Prohibited Areas and Activities posters that are required to be hung at all early voting and Election Day polling locations. Restrictions include:¹

- **No person** in the polling place may “(i) **hinder or delay** a qualified voter; (2) give, tender, or exhibit any ballot, ticket, or campaign or referendum materials to any person; (iii) solicit or in any manner **try to influence any person in casting his ballot**; (iv) hinder or delay any officer of election (v) be in a position to **see the marked ballot of any voter**; or (vi) **otherwise impede** the orderly conduct of the election.” Code § 24.2-604(D).
- **Do not allow observers to provide any assistance to any voter.** Make sure observers are not wearing any indication they are authorized to help voters. Code §24.2-604(C).
- **No person can intimidate or interfere** with any qualified voter to prevent the voter from casting a secret ballot. Code § 24.2-607.

These prohibited activities shall not be construed to prevent a person approaching or entering the polling place for the purpose of voting from wearing a shirt, hat, or other apparel (including a sticker or button) with a candidate’s name or slogan on it.²

11.2.2 Weapons in the Polling Place

Virginia law prohibits bringing firearms and other weapons within 40 feet of any building or any part thereof that is being used as a polling place unless otherwise authorized by law such as:³

- Any law-enforcement officer or any retired law-enforcement officer qualified pursuant to Code of Virginia § 18.2-308.016(C);
- Any person occupying his own private property that falls within 40 feet of a polling place; or

¹ See [§§ 24.2-604](#) and [24.2-607](#).

² See [§24.2-604](#).

³ *Id.*



- An armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia, whose employment or performance of his duties occurs within 40 feet of any building, or part thereof, used as a polling place.



Officers of election have the authority to preserve order in the polling place. If a person in possession of a weapon or firearm is acting in violation of Virginia law, the officers of election may first order the person to stop and leave the prohibited area. If the person does not stop, the officers of election, by a majority vote, may order the arrest of the individual by a law enforcement officer.⁴ **In no circumstance should an officer of election or other elections official possess any weapon while in the polling place.**

11.2.3 Sex Offender Registry Exception

A voter listed on the sex offender registry normally cannot go near or inside a public school. However, the Code of Virginia § 18.2-370.5 provides an **explicit exemption for voters** whose polling location is located inside a school: these provisions “shall not apply to such adult if he is a lawfully registered and qualified voter and is coming upon such property solely for purposes of casting his vote”.⁵

11.2.4 Electronic Devices in the Polling Place (1VAC20-60-30)

The use of electronic devices in the polling place is generally accepted. However, representatives of candidates and political parties authorized to observe the election are prohibited from taking photos or video within the polling place.⁶

Officers of election may restrict the use of electronic devices *if* such use hinders, delays, or disrupts the voting process. The decision to restrict the use of electronic devices must be agreed to by a majority of the officers of election at that polling place.⁷ This decision is immediately appealable to the local electoral board. While an individual may be asked to leave the polling place for being disruptive, no voter may be removed from the polling place for the disruptive use of an electronic device until after the voter has cast their ballot.

No electoral board may enact a policy that completely disallows the use of electronic devices by all individuals.⁸

11.2.5 Representatives and Observers

Questions regarding authorized representatives and neutral observers are addressed in the Code of Virginia §24.2-604(C), 24.2-604.4, and 24.2-604.5⁹ and in the ELECT-604 Dos and Don'ts for Campaigners and Authorized Representatives (found in [FormsWarehouse under Election Management](#)). No person in the polling place may hinder or delay a qualified voter, give, tender,

⁴ See [§24.2-607\(A\)](#).

⁵ See [§18.2-370.5](#).

⁶ See Virginia Admin. Code [1VAC20-60-30](#).

⁷ *Id.*

⁸ *Id.* See 2016 Op. Va. Att'y. Gen. 16 ([Sept. 29, 2016](#)).

⁹ See [§§ 24.2-604\(C\), 24.2-604.4, and 24.2-604.5](#).



or in any manner try to influence a voter, be in a position to see the marked ballot of any voter, or otherwise impede the orderly conduct of the election.

Do not allow observers to provide any assistance to any voter. Make sure observers are not wearing any indication that they are authorized to help voters.

11.2.5.1 Authorized Representatives

Officers of election shall admit authorized representatives for the Democratic and Republican parties and independent candidates to the polling place as long as the total number of representatives complies with the Code of Virginia § 24.2-604.4; this statute limits the number of representatives for each political party or candidate to the greater of one authorized representative per pollbook, or three representatives of any political party or independent candidate.¹⁰

Each authorized representative must be a qualified voter in the Commonwealth (of any jurisdiction).¹¹ Each authorized representative must present a written statement authorized and signed by the party chair or independent candidate. Photocopies of the written statement are acceptable.

11.2.5.2.1 Must Be Authorized in Writing

The local electoral board or general registrar may authorize *in writing* the presence of additional neutral observers as may be deemed appropriate.¹² Local electoral boards and registrars should consider adopting a consistent policy for responding to such requests and objective criteria for deciding. This will help ensure fair treatment of requestors.

11.2.5.2.2 Grant Equal Access

If a local EB or GR grants authorization to neutral observers in addition to the authorized representatives, please keep in mind the optics of granting permission to one group without also providing notice and the opportunity to other similar or opposing groups that may wish to be present. Other factors that may be considered by the electoral board or general registrar are the number of voters expected, the amount of equipment allocated, and the number of officers scheduled to be in each precinct.

While a general policy denying requests from any group not required to have access to polling places is allowable, you should consider if other options would assist in making the election process more transparent. These options include limiting neutral observers to the less busy times of day and/or offering to allow access during a non-presidential election.

11.2.6 Children in the Polling Place

As a rule, a voter may be accompanied into the voting booth by children aged fifteen or younger.¹³ Under laws that prohibit disruption of voting, the officers may ask a parent whose

¹⁰ See [§24.2-604.4](#).

¹¹ *Id.*

¹² *Id.*

¹³ See [§24.2-643\(A\)](#).



child becomes unruly to get them under control. **In no case should an officer of election or electoral board member ever touch or discipline the child.** It is the parent's responsibility to control the child he or she has brought into the polling place. If the child feeds the ballot into the tabulator or otherwise casts the ballot and the voter has not completed the ballot, a new ballot will **not be provided**. If a ballot is damaged, the voter may "void" it and a new ballot can be issued. However, children should not be allowed to mark or play with a ballot. While Code language allowing a child to accompany the voter is written in the singular, there is not a one child per voter limit.

The officer should normally assume that the child accompanying the voter is "his [or her] child." No affirmation of kinship is required. Only the most obvious abuses should be questioned. For example, a teacher trying to claim a class of twenty as "his children" obviously does not fall within the intended meaning of the law. The class would fall under the definition of "neutral observers", which can only be authorized in writing in advance by the electoral board.¹⁴

11.3 IN CASE OF EMERGENCY

The Code of Virginia states that polls **MUST** be open for voters to place their vote at 6:00 a.m.¹⁵ Officers of election **MUST** be present by 5:15 a.m.¹⁶ Officers other than the chief and assistant chief may be assigned to work less than a full election day.¹⁷

11.3.1 Preparedness and Immediate Response

Each Chief Officer of Election should be instructed to divide the below in-case-of-emergency tasks amongst the officers of election *before voting commences at 6 am on Election Day*. If this has not been done, the Chief Officer of Election should assign these tasks by priority prior to announcing the emergency to the public.

Prepare by assigning one of the below mandatory tasks to each officer of election *in advance of the emergency*.

1. Take a headcount of all persons in the polling location.
2. Call the general registrar and/or electoral board.
3. Alert all present individuals of the emergency circumstances as calmly as appropriate and remind them of the predetermined assembly area. All present persons should assemble at a predetermined assembly point at least 300 feet away from the building (or as close to 300 feet as terrain/conditions will allow) and outside of parking areas, if possible.
4. Take quick note of the "Public Counter" number on the machine(s).
5. List the names of those who checked in before the evacuation but were unable to vote.

¹⁴ See [§24.2-604](#).

¹⁵ See [§24.2-603](#).

¹⁶ See [§24.2-639](#).

¹⁷ See [§24.2-115.1](#).



6. If the emergency permits, all officers of election should be prepared to take the below items out of the compromised polling place:
 - a. Counter
 - b. Ballot container(s)
 - c. Pollbook(s)
 - d. Unused ballots
 - e. Necessary forms and materials to allow voting to continue
 - i. Affirmation of Eligibility
 - ii. Provisional voting materials
 - iii. Precinct lists
 - f. Vital Supplies (cell phone, tape, etc.)

11.3.2 Resume Voting After Evacuation: How, When and Where

General registrars and officers of election should seek to ensure that voting can recommence (outside the polling place) as soon as it is both possible and safe.

11.3.2.1 If the polling place does not have operational voting equipment or sufficient ballots

Use emergency paper ballots as per Code of Virginia § 24.2-642.¹⁸ If electronic pollbooks are used and unavailable, provisional ballots should be issued to all voters.

11.3.2.2 If you cannot restart voting outside the polling place

Contact your local Electoral Board to request authorization for an alternative polling location. The local Electoral Board may authorize moving the polling to another location but must do so with the Department of Elections' approval. If the relocation is authorized, an election official must leave directions to the new location posted on the doors of the original polling place (post on both the main entrance and other accessible entryways, if applicable). If the election official is unable to safely move near the building to place the poster, consider placing a sign or poster along the typical route voters would take to approach the building. It is recommended that local election officials provide public notice of the emergency change as soon as possible in addition to alerting local parties and campaigns regarding the emergency change.

The directions should indicate the time this polling place was vacated and, on whose authority, e.g., "Vacated by authority of the Electoral Board, 2 p.m. To vote, please report to _____." As a best practice, consider adding a number for voters to call with any questions.

¹⁸ See [§ 24.2-642](#).



11.3.3 Emergency Polling Place Relocation on Election Day

After receiving notice of an emergency at a polling place, the general registrar or electoral board should:

- Contact local law enforcement and local emergency management.
- Contact the Department of Elections via your assigned ERS Liaison to propose an alternative location. An alternate location must be established within the precinct or within 1 mile outside the precinct boundary. The safest, most efficient shelter should be used to resume voting as soon as possible after the new location has been approved.
- Complete the Emergency Polling Place Change System Support JIRA ticket.
- Voters must be notified of the new polling location by the most efficient means, such as fliers and the news media (television and radio, if possible).
- Candidates on the ballot (or their campaigns) must also be notified of the new polling location.

The chief officer of election should:

- Plan to transport the necessary equipment & supplies to the new location.¹⁹
- Advise voters at the polling location who had not yet voted of the new polling location.
- Post notices at and outside the old (original) polling place.

11.3.4 Common Election Day Emergencies

11.3.4.1 Cannot Enter the Polling Location

In the case of **high water** before or after the polls open:

- First notify the registrar, who will in turn contact the local electoral board.
- The electoral board must follow the guidelines established in your Election Emergency Procedures.
- After the alternate plans have been finalized, the electoral board and chief election official will notify election officials on how to proceed.

In the case of **locked doors**:

- If the Chief Officer of Election does not have the key for the polls, they should ensure, prior to Election Day, that they have phone numbers for contacting a facility custodian or the management staff.
- If the Chief Officer of Election cannot contact facility staff, they should contact the registrar and begin following the guidelines for an alternate polling location.

¹⁹ See [§24.2-638](#).



11.3.5 Emergencies Involving Election Officials and Supplies

If the **chief election official does not arrive with the supplies by 5:15 a.m.:**

- Any election official present should notify the general registrar.
- The office staff will attempt to reach the chief at their home.
- If the chief cannot immediately get to the polls with the supplies and books, the electoral board will deliver supplies, ballots, and a machine key immediately to the polling place.
- Until the pollbooks (which are in the custody of the chief) arrive, the registrar's office must be called to verify that each voter is qualified. For each qualified voter who votes on the registrar's authorization before the pollbooks arrive, record the voter's full name, street address, and pollbook count (PBC) number on a notepad.
- Once the officers have the pollbooks, they record the voters and PBC numbers in the appropriate sections (double-checking names and addresses to make sure the correct voter is marked).
- If there is no phone service, or the registrar is not available, follow the normal procedures for a voter who is not listed on the pollbook, using a paper ballot, and completing the Provisional Ballot envelope. Do not mark these voters on the notepad or pollbook.

If a voter must leave before you receive ballots, take their name and phone number. If the voter returns later in the day, place them at the front of the line, if one exists. However, a voter who has already been checked in on the pollbook as present to vote and then leaves may not return and vote later.

If the chief election official is ill or has a family emergency before the election

- The assistant chief or other designated official will be notified to pick up the supplies and ballots.
- That individual will serve as chief in the absence of the originally designated chief.

If the supplies are destroyed, immediately call the registrar so that new supplies may be furnished.

- The supplies and ballots must not be left overnight in an automobile. The chief should ensure the supplies, equipment, and ballots are safely secured both at home and at the polling location when they check their equipment. If the supplies are destroyed, the registrar's staff will then replace supplies.

In the event that the **precinct is short of election officials,**

- The shortage must be reported as the chief or assistant chief becomes aware.
- The registrar's office will attempt to replace the official.
- The other election officials must proceed in opening the polls.
- If an officer of election is absent or unable to serve and the polls have been open for one hour, the remaining officers of election shall appoint a substitute officer of election for the



precinct. The substitute officer shall possess the same qualifications and, after taking the requisite oath, have the same powers as officers appointed by an electoral board.²⁰

11.4 OTHER DIFFICULTIES ON ELECTION DAY

In the event that voting equipment **malfunctions or is damaged**:

- Immediately report the malfunction to the voting machine technicians or the registrar/electoral board's office.
- Follow procedures in the Code of Virginia under "Inoperative Equipment."²¹
- When using optical scan ballots, voting will continue normally except for the tabulating.
 - Any voted ballots must be placed in the emergency ballot container. The ballots will remain in that container until the polls close and then the ballots will be fed through the counter.
 - If the officials neglect to place the ballots in the emergency ballot container before running the tapes, the technicians and an electoral board member must be summoned to the precinct and observe while all the ballots are run through the counter again before the results can be reported.
 - The ballots may have to be read or hand-counted if the locality does not have the equipment.

In the event that the **ballot container is damaged or missing**:

- Immediately report this to the registrar and a technician will be sent to repair or replace the container.
- If the emergency ballot slot cannot be used, the voters must place their ballots in the black supply container, or other container that is sealed and has a slot on top.
- The ballots must remain in that container until the polls close and then the ballots must be fed through the tabulator.

In the event that **a voter willfully damages a ballot**:

- Place the damaged ballot with the spoiled ballots and reissue the ballot.
- Explain the suspected reason why the ballot was rejected by the voting system (crumpled, folded, etc.) and remind them not to damage the ballot.
- If the voter intentionally renders the ballot unreadable a second time in violation of the officer's instructions, the officer of election shall reissue the ballot and tell the voter that further intentional damage will result in contacting law enforcement.

If the voter intentionally renders their ballot unreadable a third time, officers of election should inform the general registrar and call law enforcement.²²

²⁰ See [§ 24.2-118](#).

²¹ See [§ 24.2-642](#).

²² See [§24.2-1009](#) (willfully tampering with records and documents used in the electoral process is a Class 5 felony).



In the event that the **precinct phone is not working**:

- Report the problem to the facility's custodial or the management staff.
- Another phone may be obtained to report the nonfunctional phone or down service to the registrar.
- If needed, a wireless phone may be provided until phone service is restored.

In the event that the **registrar's phones are not working**:

- Use wireless phones until service is restored.
- Notify all precincts of the new temporary number at which the registrar's staff may be reached.

In the event of **power failure at the registrar's office**:

- Decide if the staff will be relocated.
- Notify election officials of the new location and contact information.

In the event of a **power failure at the polling location**:

- Immediately report this to the registrar.
- The general registrar must report the outage to their ERS Liaison. The following information will be requested:
 - Contact information of person reporting the outage (specifically a call-back phone number).
 - Exact location of the outage (the complete physical address).
 - If known, approximate time the outage occurred.
 - If known, the name of the power company.
 - Did the outage interrupt the voting process in any way? If so, how?
 - Is there any known damage to any of the equipment?
- Report the problem to the facility's custodial or the management staff.
- Continue voting on available ballots, using provisional ballots as needed if electronic pollbooks are unavailable.

In the event the **ballot box fills**, officers of election may open the ballot container and empty the ballots with the following safeguards:

- The optical scan ballot container shall be opened in plain sight of any authorized party representatives or other observers and, once the ballots have been deposited into an auxiliary ballot container, both ballot containers shall remain in plain sight in the polling place.



- Any such auxiliary ballot container used shall have a lock and key and an opening of sufficient size to admit a single folded or unfolded ballot and no more.²³
- At least two officers of election, representing both political parties, must transfer the ballots.²⁴ Two members of one single party may transfer the ballots if the election taking place is a single-party primary.

11.5 ELECTION DAY COMPLAINTS

One of the most important responsibilities of state and local election officials is ensuring the transparent and fair operation of elections. In support of this endeavor, local election officials should ensure that all Election Day workers are trained in Election Day procedures and be prepared with appropriate responses to any complaints or violations. The purpose of this section is to discuss election officials' responses to complaints and violations that may occur.

11.5.1 Election Day Complaints

Voters should make complaints directly to the local general registrar or to the Department of Elections at any time. Complaints can range from a polling place having a long line to voting equipment being inaccessible. Election officials should take each complaint seriously and decide what solutions they can provide and be aware of when complaints or conflicts should be escalated to the proper authorities. Generally, complaints can be categorized into informal and formal. Election officials who witness Election Day violations or receive complaints should document the incident or complaint using the Incident Report Form (found in [FormsWarehouse under Election Management](#)).²⁵

11.5.2 Informal Complaints

Local election officials can receive informal complaints from any voter; thus, procedures should be in place to handle complaints or conflicts and officials should aim to resolve these issues on the local level. Voters may also make informal complaints directly to the Department of Elections. Complaints filed [online](#), by e-mail, or received by phone to the Department will immediately be emailed to the general registrar. If the complaint is time sensitive the email will be followed by a phone call. Direct voters to the Department of Elections [website](#) for information on how to file formal and informal complaints.

²³ See [§24.2-623](#).

²⁴ See Virginia Admin. Code [1VAC20-60-50](#).

²⁵ See HAVA, [52 U.S.C. §21081 et. seq.](#)

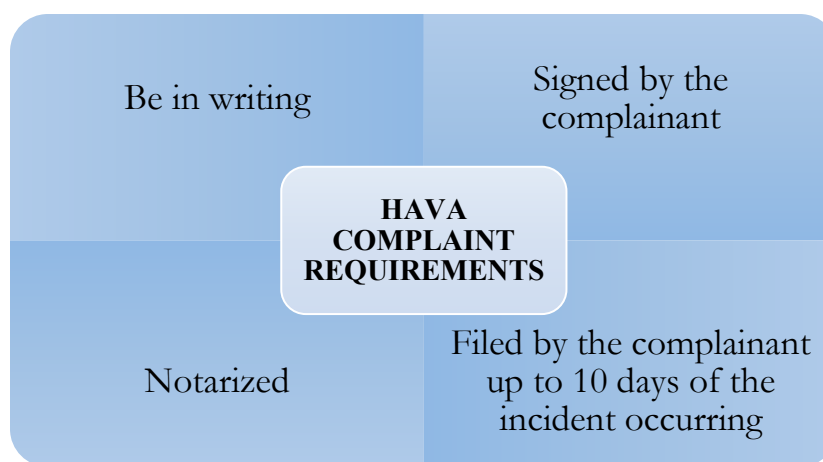


11.5.3 HAVA Complaints

The Help America Vote Act (HAVA) of 2002 made reforms to America's voting process by establishing minimum standards for states regarding election administration.²⁶ Subchapter III of HAVA contains standards regarding voting systems, provisional voting and voting information, a computerized statewide voter registration list, and requirements for first-time voters who register by mail.²⁷ HAVA standards are critical to the operation of an election.

Section 21112 of HAVA requires states to establish a procedure for Election Day complaints. Therefore, the State Board of Elections developed regulation 1VAC20-20-80 and the HAVA Administrative Complaint Procedure.²⁸ The form and procedure can be found in [FormsWarehouse under Election Management](#).

HAVA complaints will fall into two categories: informal and formal.



A HAVA complaint must be in writing, signed by the complainant, notarized, and filed up to 10 days before or after the incident occurs. If a complaint is improperly notarized, please report the notary to the Secretary of the Commonwealth. The ELECT-15512 HAVA Complaint form should be available at each polling location for voters, though voters are not required to use the Department's form to file their HAVA complaint.

The Department of Elections determines the severity of the complaint and whether a complaint is formal or informal. HAVA requires complaints be resolved within 90 days or referred to alternative dispute resolution as per 52 U.S.C § 21112.²⁹ If necessary, the Department will contact the general registrar or local electoral board for information concerning the complaint. The general registrar and local electoral board will be allowed an opportunity to review the Department's proposed response.

²⁶ *Id.*

²⁷ *Id.*

²⁸ See Virginia Admin. Code [1VAC20-20-80](#).

²⁹ See HAVA, 52 U.S.C. [§21112](#).



11.6 ELECTION DAY OFFENSES

Local election officials may witness or receive complaints regarding violations outside the scope of their authority. An official should know what situations should be referred to authorities and what situations can be handled within their office.



Best Practices

Properly training Election Day workers is the best way officials can prevent confusion and misunderstandings that might lead to offenses.

Ensure workers know where the ELECT-604 Prohibited Areas and Activities poster is displayed in their precinct and have access to a copy of the Do's and Don'ts for Campaigners and Authorized Representatives.

11.6.1 Common Election Day Offenses

Loitering within the prohibited 40-foot boundary area of a polling place is probably the most frequent Election Day violation as per § 24.2-604.³⁰ Usually, officers of election warn such violators before taking legal action. If a violator repeatedly refuses to heed such a warning, then law enforcement assistance may be requested.

Offenses relating to assisting voters: Any voter who needs assistance in preparing his ballot because of a physical disability or inability to read or write (including those with limited English proficiency) can request such assistance per § 24.2-649.³¹ The assistant (who may be an officer of election) must cast the ballot for the voter according to the direction of that voter. The assistant cannot in any way influence the decision of the voter nor divulge how the person voted. Violation of any of these laws related to assistance is punishable as a Class 1 misdemeanor and may be a felony if related to absentee voting or false statements per § 24.2-649(D).³²

11.6.2 Campaign Finance Related Offenses: Reporting and Advertising

The general registrar is required to perform certain duties relating to the filing of campaign finance reports, assessing civil penalties, and referring matters to the Commonwealth's attorney. Candidates or committees looking to appeal civil campaign finance penalties assessed by a general registrar may be directed to the Department of Elections website [e](#).

Campaign-related offenses are, for the most part, otherwise outside the scope of local election officials' authority.

Complaints about campaign telephone calls to solicit or convey information for participating candidates or political parties are also not within the scope of the authority of the local election official. Political calls are not covered by federal or state "Do Not Call" laws and lists. Voters may ask political parties and committees voluntarily to remove the voter's information from their contact lists.

³⁰ See [§24.2-604](#).

³¹ See [§24.2-649](#).

³² *Id.*



The local government is responsible for enforcing ordinances such as the placement of campaign signs.³³ Refer these complaints to the city or county attorney or administrator.

Voters wishing to file complaints related to Stand By Your Ad laws may be directed to the Department of Elections [website form](#). Beginning July 1, 2026, voters or campaign donors may also file complaints with the Department of Elections relating to the impermissible use of campaign funds for personal use.

11.6.3 Violations of Federal Law

Questions or complaints regarding violations of federal laws should be directed to the appropriate United States Attorney for the geographic area ([Eastern](#) or [Western](#) District of Virginia) or to the [United States Department of Justice Voting Rights Section](#).

11.6.4 Severe Offenses

Local election officials often receive complaints regarding issues outside the scope of their authority. When this occurs, the official should refer the complainant to the appropriate authorities. Officials may also witness violations and should be prepared to document and report these violations. The Department of Elections staff, local election officials, or the public may report an alleged violation of any provision of Title 24.2 to the Commonwealth's Attorney as per the Code of Virginia § 24.2-1019.³⁴ Questions regarding state offenses and suspected violations of state law should be directed to the Commonwealth's Attorney for the locality in which the incident allegedly occurred or may be directed to the Virginia Attorney General.

³³ See [§15.2-109](#).

³⁴ See [§24.2-1019](#).



APPENDIX A: EMERGENCY REPRODUCTION OF BALLOTS

SBE Policy 2008-004 defines inoperable or unavailable equipment for the purposes of Code of Virginia §§ 24.2-642 and 24.2-646.1, which allow for the use of paper ballots, and the reproduction of emergency paper ballots by the officers at the polls in certain emergency situations.³⁵ SBE Policy 2008-004 “Inoperable Equipment” and 2008-011 “Unavailable Voting Equipment,” are available on the Department of Elections [website](#).³⁶

The Department of Elections also granted permission to all localities which used optical scan ballots for any precinct (including absentee voting), to use the optical scan ballot or a copy of the optical scan ballot in lieu of the official paper ballot.

When distributing election materials to the polling locations, ensure each precinct is provided a master copy of ELECT-646.1 Authorization to Reproduce Ballots (found in [Formswarehouse under Emergency Procedures](#)). Chief and assistant chief officers should be instructed on the purpose and use of this form in their training, which should also include examples of situations in which such reproduction might be needed. Emergency supplies should include copies of the form and instructions.

Before the election, the electoral board or general registrar for each polling place should determine if a copy machine is available for officer use, and how the officers can obtain access to it, especially before and after normal business hours. If there is no access to a copy machine at the polling location, the Chief should know where the nearest quick copy store is, and its hours.

Such copying capability might also be needed if the polling hours are extended by court order and the number of provisional ballot envelopes runs low and cannot be resupplied in time to continue voting without interruption.³⁷ If additional provisional ballot envelopes are needed, an officer may photocopy both sides of a blank provisional ballot envelope to be attached to a plain envelope or securely wrapped and sealed around the outside of the folded paper or optical scan ballot (with the information normally on the envelope visible, but the ballot kept private) if no plain envelopes are available. **Do not staple through any ballot.**

³⁵ See [§§ 24.2-642, 24.2-646.1](#) (explaining when emergency equipment may be allowed).

³⁶ See SBE Policy [2008-004](#) Definition of Inoperable Equipment, and [2008-011](#) “Definition of Unavailable Equipment”.

³⁷ See [§24.2-653\(C\)](#) (explaining the circumstances in which a court may extend the polling hours).



APPENDIX B: COURT EXTENDS POLLING HOURS

In any situation where the officers of election are notified that the polling hours have been extended by court order, any person who offers to vote after the normal closing time of 7 p.m. must vote a provisional ballot. **This does not apply to voters who are in line at 7 p.m.**³⁸

- If news of the extended hours did not come from the general registrar or electoral board or via delivery of an official copy of the order from the court, the chief or assistant chief officer should immediately attempt to verify the extension with the registrar or electoral board. If a copy of the order is delivered to the polling place, the chief or assistant chief should immediately inform the general registrar or electoral board of its receipt and contents.
- Estimate the number of extra paper or optical scan ballots and provisional ballot envelopes that will be needed during the extended polling hours (all voters during that time must vote provisional ballots) and ask the general registrar or electoral board to have them delivered to the polling place. If there is not enough time to have them delivered, proceed with the stock on hand and use the procedures for emergency paper ballots, only if approved by the electoral board.³⁹ If additional provisional ballot envelopes are needed, an officer may photocopy both sides of a blank provisional ballot envelope to be attached to a plain envelope or securely wrapped and sealed around the outside of the folded paper or optical scan ballot (with the information normally on the envelope visible, but the ballot kept private) if no plain envelopes are available. **Do not staple through any ballot.** Provisional voting envelopes can also be printed from [FormsWarehouse under Election Management](#) or stored on a flash drive.
- All qualified voters who are in line when polls would normally close must vote in the usual manner.
- Any voter entering the line after the normal closing time, but before the extended closing time, must vote by provisional ballot.
 - Keep a separate running count of the number of provisional ballots issued after the normal poll closing time. What one judge orders, a higher court may overturn, so the ballots and counts must be kept separate.
 - These voters may also be voting a provisional ballot for any of the usual reasons, such as lack of ID, therefore all applicable reasons should be marked.
 - These voters will not be marked with a pollbook count number to indicate that they have voted but will be listed in the same manner as other provisional voters.

These ballots will be counted and added to the results by the electoral board; they are not counted at the polls by the officers.⁴⁰
- After all voters in line by the extended poll closing time have voted, proceed to close the polls and report the results normally. If extra lines or comments must be added to the Statement of Results to separately account for the ballots cast after the normal poll closing time, do so before the Statement is signed and the materials are sealed.

³⁸ See [§24.2-653\(C\)](#).

³⁹ See [§24.2-642](#).

⁴⁰ See Chapter 13 Provisional Ballots.





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 12

Central Absentee Precinct (CAP)

August 2025

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12. CENTRAL ABSENTEE PRECINCT (CAP)

FORMS CAP Ballot Receipt CAP Counter Record CAP Rejected/Unused Ballot Record SBE-643(PBC)Poll Count 1-1000 form SBE-611.1 Officer of Election Day Oath ELECT-C1289(B6) Ballot Collection from Drop-Off Locations	ADDITIONAL RESOURCES Charter Provisions Virginia's Guide to Hand-Counting Ballots
REFERENCE CAP Election Day Guide (EDG) What ifs SBE Policy 2023-001 Counting and Reporting of Absentee Results from the Central Absentee Precinct	REGULATIONS 1VAC20-70-20 Material Omissions from Absentee Ballots 1VAC20-70-40 Alternative Processing Procedures for Absentee Ballots Returned Before Election Day 1VAC20-70-70 Mandatory Mailing Elements on Absentee Ballot Envelopes.

12.1 CHAPTER ORGANIZATION

A central absentee precinct (CAP) is “a precinct established by a county or city [...] for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.”¹ CAPs are used to facilitate the counting of absentee ballots centrally and streamline the process of absentee ballot tabulation. CAPs are established for a county or city upon the enactment of an ordinance by the local governing body of a county or city.² The growing number of voters who choose to vote absentee and the continuing expansion of the number of voters who are eligible to cast absentee ballots make the CAP an increasingly important tool for localities. This chapter provides an overview of why and how CAPs are established, and how they are run.

The Department of Elections Election Day Guide (EDG) for the CAP is an essential resource for planning and operating the CAP. Refer to that guide for more specific information on how to run a CAP.

Section 12.3.1 begins the chapter by providing guidance on how election officials can work with the local governing bodies to establish a CAP. §12.4 discusses the factors to consider when choosing the CAP’s location.

The discussion then turns to how CAPs are run. Section 12.5 discusses staffing and operating hours, including training and the requirement that CAP officers themselves vote absentee. Section 12.6 offers practical suggestions about how to arrange a CAP.

Section 12.7 discusses in-person absentee voting as it relates to a CAP. This begins with an overview of in-person absentee rules generally, followed by best practices and specifics for voting in-person

¹ See [§24.2-101](#).

² See [§24.2-712\(A\)](#).



absentee. Other pre-election activities are discussed in §12.8. A planning checklist is provided to aid registrars in thinking about how to prepare their CAP in §12.8.1. Section 12.8.2 discusses pre-processing of absentee ballots. Section 12.8.3 shows how preparing a CAP is essentially the same as preparing any other precinct.

Election Day activities are discussed in §12.9. Section 12.9.1 discusses how to open a CAP for voting, including an explanation of ballot delivery and set up procedures. Section 12.9.2 outlines CAP activities during Election Day: how to split CAP members into processing teams, how to process ballots, and special circumstances that may arise during processing. Section 12.9.3 discusses the option to begin hand counting at 12:00 p.m. The procedures for hand counting ballots are provided. Finally, §12.9.4 discusses closing the CAP.

12.2 PRELIMINARY NOTES FOR RUNNING A CAP

12.2.1 LOCAL ELECTORAL BOARD

The local electoral board must take the following steps to establish a CAP:

- Find a suitable location for the CAP and ensure that it will be available whenever needed.
- Determine the projected per election cost of operating the CAP.
- Request that the local governing body of the county or city enact an ordinance establishing the CAP.
- Provide to the local governing body the location of the recommended site and the funding required.
 - If the location of the CAP changes, the relocation of the CAP is considered a covered practice under §24.2-129 (5) and subject to preclearance.³



Law Note

The Attorney General's 2021 opinion 21-40 stated that central absentee voter precincts, voters satellite offices, and the offices of the general registrar that are used as the designated location for early voting are considered "polling places." As such, the CAP must meet the same requirements as any other polling place, being accessible to voters with disabilities under the ADA and offer curbside voting. For more information, see [2021 Op. Va. Att'y Gen. 40 \(Sept. 1, 2021\)](#).

³ See [§24.2-129 \(5\)](#). See also [2021 Op. Va. Att'y Gen. 40 \(Sept. 1, 2021\)](#). See also GREB Handbook, Chapter 3 Precincts and Polling Places.



12.2.2 LOCAL GOVERNING BODY MUST PROVIDE NOTICE



Before adopting an ordinance, the local governing body must give such public notice as is required for any other ordinance that creates a change in an election district, precinct, or polling place.⁴

- Notice of the adoption of the ordinance must be published in a newspaper with general circulation in the precinct once a week for two successive weeks prior to enactment.⁵
- Forward a copy of the final adopted ordinance to the Department of Elections immediately after enactment.⁶
- Finally, submit a JIRA ticket to the Department of Elections.

12.3 LOCATION OF THE CAP

Prior to Election Day, in-person and by-mail absentee voting are conducted in the office of the general registrar and any designated satellite location.⁷ However, on Election Day, the room in which the CAP will be located should not be in the immediate office of the general registrar. It should, however, be located as close to that office as possible. It must also meet certain other requirements:

- The room must:
 - be large enough to permit the proper organization of the required work and to hear the appeal of any absentee voter who may appear on election day.
 - be equipped, on election day, with sufficient furniture (i.e., tables and chairs) for assigned officers of election and for organizing the precinct lists of absentee ballot applicants and the ballots and accompanying material for each precinct.
 - not be used for any other function at the time of the CAP.
- The CAP must meet the same accessibility standards as any polling place.⁸

12.4 STAFFING AND HOURS

Generally, officers appointed to the CAP must report on Election Day not later than 5:15 a.m.⁹ and must remain until the results have been finally ascertained.¹⁰ **At least three officers of election must be appointed to the CAP;** additional officers may be appointed by the electoral board as needed.¹¹

- The general registrar may delay the opening of the CAP until after 6:00 a.m. if the office of the registrar is open to receive ballots before the CAP is open.¹² Officers of

⁴ See [§24.2-306](#).

⁵ See [§24.2-306\(A\)](#).

⁶ See [§§24.2-306\(C\)](#) and [24.2-712\(B\)](#).

⁷ See [§§24.2-701.1](#), [24.2-701.2](#), and [24.2-707](#).

⁸ See [§24.2-310\(C\)](#).

⁹ See [§24.2-639](#).

¹⁰ See [§24.2-712\(E\)\(2\)](#).

¹¹ See [§24.2-712\(B\)](#).

¹² See [§24.2-712\(G\)](#).



election whose primary responsibility is to assist with closing the precinct and reporting the results of votes, must arrive at least one hour before polls close.¹³

- The office of the general registrar must be available to provide any service to walk-in absentee voters that would otherwise be available to them at the CAP.
- Ballots or other documents brought to the registrar's office before the CAP opens must be delivered by the registrar to the CAP.
- The Code provides localities with some flexibility in staffing the CAP.¹⁴
- The chief and assistant chief must be present all times the CAP is open; **other officers may work split shifts.**
- Additional officers may be required to adequately perform all the duties.
 - Officers will be required to work in teams to cast and count the ballots.
 - The chief officer should be free to organize the work of all and ensure that each team follows proper procedures.
- The total number of officers needed is determined by the number of absentee ballots to be handled and/or the number of differing ballot styles.
 - The number of absentee voters in previous, similar elections can help determine the number of officers needed for a given election. These statistics are available:
 - On ELECT's Election Night Reporting page for each separate election. On [ELECT's results page](#), click on the link for the election, then either click Vote Method for an office or navigate to the Reports page to see the Voter Turnout report.
 - Depending on the election, on file in the office of the general registrar.
 - *For elections held before June 2023*, see the [Election Results](#) page of the Department's Website. Select the "CSV documents" link under the Voter Turnout by Election section.
- **A given team of officers may process only the ballots of one election district at a time.** Given a sufficient number of different ballot styles, additional teams of officers may be needed.
- If all of the voters in the county or city do not vote in the same Congressional, State Senate or House of Delegates district, multiple ballot styles may be used.
- The number of email ballots and other hand-counted ballots for a given election will impact the number of officers needed.
- The officers of election appointed to serve in a CAP should be trained specifically for their duties in the CAP.



12.4.1 CAP OFFICERS OF ELECTION MUST VOTE ABSENTEE

The officers of election appointed to serve in a CAP must vote by absentee ballot, as they are not permitted to leave the CAP on Election Day for any purpose, unless they are designated to work a split shift, an option that is not available to chief and assistant chief(s).

¹³ See [§24.2-115](#).

¹⁴ See [§24.2-712](#).



They may apply and vote by-mail or in-person **but** must observe the same deadlines for doing so as all other absentee voters.



An officer of election who is assigned to serve in a precinct other than the officer's precinct of residence after noon on the Saturday before the election may apply for and vote absentee in-person before 2:00 p.m. on the day before the election at the office of the general registrar in the county or city in which he lives.

12.5 BEFORE ELECTION DAY

The preparation necessary for CAP is the same as preparing a typical polling place for Election Day. For a detailed checklist for polling place preparation, please read GREB Chapter 10 Election Day Prep.¹⁵ For more information on how to preprocess absentee ballots before CAP is opened on Election Day, please read GREB Chapter 7 Absentee Voting.¹⁶ Appendices A, B, and C of this chapter also provide information on preparing CAP and the preprocessing of absentee ballots.

12.6 ELECTION DAY

12.6.1 OPENING THE CAP

12.6.1.1 Ballot Delivery on Election Day

The general registrar must deliver all absentee ballot containers of returned ballots to the CAP officers. The chief officer of CAP must sign the receipt for the ballots he/she is accepting from the general registrar.

12.6.1.2 Election Day Set Up

Take the following steps to set up before the polls open on Election Day:

- Welcome authorized representatives.
- Chief election officer must administer the Officer of Election Oath for all the other officers, and they all sign the Oath form. The chief signs at the bottom and completes the information below the signature line.
- Chief will establish and name (A, B, C, etc.) the teams to process ballots.
- Set out election supplies.
- Set out ballot boxes.
- Set up voting equipment.
- Post required signs and posters.
- Fill in the number of absentee ballots delivered to the CAP on the Ballot Record Report
- Open the polls at 6:00 am (or later time determined by the general registrar)

¹⁵ See ELECT, [GREB Handbook](#).

¹⁶ *Id.*



12.6.2 During the Day

If any voter enters the CAP while the polls are open, the officers should take care to preserve the privacy and security of any absentee materials they are working on at that time. As a polling place, the CAP is subject to the same requirements and restrictions regarding the presence of authorized representatives as any other polling place.¹⁷ While a rare occurrence, curbside voting needs to be made available under §24.2-649.1 in the event a voter brings an unmarked ballot to the CAP pursuant to §24.2-712(C).¹⁸ Please note, you are permitted to conduct a special Election Day page program for high school students at the CAP.¹⁹

12.6.2.1 Processing Absentee Ballots

Teams of officers work together during the day to process paper ballots. Each team consists of three officers and is named (Team A, Team B, Team C, etc.) by the chief. The three officers are the check-in officer, the pollbook officer, and the ballot officer. See the CAP EDG for specific procedures for each station. The station duties listed in the CAP Election Day Guide is best practices. Localities may rearrange the duties to suit their specific needs.

Materials Needed for Each Team

Station One Check-In Officer	Station Two Pollbook Officer	Station Three Ballot Officer
CAP Pollbook (Final AB Report)	Pollbook Count form for each ballot style	Letter opener and stapler
Ballots in return envelopes	Black or blue pen	Ballot Box – one per ballot style
Black or blue pen	Rejected Ballot Count form	Container for empty envelopes of accepted ballots-one per ballot style
Ruler	Unused Ballot Count form	Container to hold rejected ballots-may be in the possession of the chief
Provisional ballot log and Envelope 1	Ruler	Container to hold unused ballots
Rejected ballot log – this may be handled by a separate team	Rejected Ballot Count form – this may be handled by a separate team	Container to hold hand count ballots

¹⁷ See [§24.2-604\(C\)](#).

¹⁸ See [§24.2-649.1](#).

¹⁹ See [§24.2-604.3](#).



12.6.2.2 WHEN A BALLOT IS REJECTED

- Follow the procedures in the CAP Election Day Guide for processing the ballot and determining whether it should be rejected. As a reminder, the absentee ballot cure process applies to any ballot received by the Friday immediately preceding Election Day.²⁰

**Regulation Note****1VAC20-70-20: Material Omissions from Absentee Ballots**

A timely received absentee ballot is not invalid if it contains an error or omission that is not material to proper processing. See the regulation in 1VAC20-70-20 for a list of material and non-material omissions. The regulation contains the catchall provision that, if there is an omission on an Envelope B that is not addressed in this regulation, then whether this omission is material must be determined by a majority of the officers of the election present.

- At least two officers of election, one representing each political party, should write and sign a statement explaining the reason the ballot was rejected. This should be done directly on the unopened envelope or on an attachment to the unopened envelope.
- Complete the Rejected Ballot Log as each rejected ballot is processed. Record the voter's name and the Virginia resident address and a detailed explanation of why the ballot was rejected. For rejected UOCAVA voters, list the current military or overseas mailing address.
- Copy the return envelope and envelope B for each rejected ballot and give to the registrar along with a copy of the Rejected Ballot Log.
- Within 90 days of the election, the registrar or electoral board must send a letter to each voter, whose ballot was rejected, explaining why the ballot was rejected.²¹
- Notice is required for a ballot rejected as late.

12.6.2.3 HAVA ID AND OTHER SPECIAL CIRCUMSTANCES

- **HAVA requires** voters who register to vote by mail on or after January 1, 2004, to provide **specific ID** when they vote by mail the first time in a federal election. If the HAVA ID is not provided by the voter, an absentee ballot returned by mail must be set aside as a provisional ballot and sent to the electoral board that will not be able to count the ballot unless qualified ID is provided by the Friday noon deadline.
 - **Federal law** provides limited **exemptions** to HAVA ID requirements for federal elections; state ID requirements must still be met (UOCAVA

²⁰ See [§24.2-709.1\(C\)](#)

²¹ See [§24.2-711](#).



voters, a handicapped or elderly voter when the Commissioner of Elections determines no accessible polling place is available and voters moving outside Virginia are eligible to request ballots for President and Vice-President only.)

- Since 2011 Virginia has required counting the ballots of any otherwise qualified absentee voter who dies after casting his ballot that is returned before Election Day.²² *Disqualification for other reason, such as felony conviction, requires excluding the ballot from those to be counted, if possible.*

12.6.3 OPTIONAL NOON (12:00 P.M.) HAND COUNT

The Code of Virginia §24.2-712 authorizes officers to begin the process of hand counting any ballots that are deemed valid but cannot be counted by voting equipment at noon (12:00 PM) on Election Day.²³ Such ballots may include:

- Federal Write-In Absentee Ballots (FWABs)
- Ballots that were rejected by the voting equipment.

The use of cell phones or other communication devices is prohibited during this period once hand counting begins, and the prohibition remains in effect until the polls close. People remaining in the CAP during this period must sign a statement under oath that they will not transmit any counts until after the polls close. Violation of this oath is a Class 1 misdemeanor.²⁴

Once the CAP has been properly secured and oaths have been administered, hand counting may proceed.

12.6.3.1 HAND COUNTING TEAMS

Hand counted ballots are handled by teams of three officers as follows:

- Tally sheet officer one: records the votes cast for each candidate and write-in as announced by the reporting officer.
- Tally sheet officer two: records the votes cast for each candidate and write-in as announced by the reporting officer.
- Reporting officer three: Reads out loud, in a clear voice, one complete ballot at a time, all the candidates and write-ins receiving a vote on each ballot for each office.

A fourth officer should also be viewing and verifying votes as read.

12.6.3.2 HAND COUNTING PROCESS

At the direction of the chief, and using the guidelines provided in Virginia's Guide to Hand-Counting Ballots, begin the hand count ballots using the following procedure:²⁵

²² See [§24.2-709\(C\)](#).

²³ See [§24.2-712\(D\)](#).

²⁴ *Id.*

²⁵ See [Virginia's Guide to Hand-Counting Ballots](#) in Formswarehouse.



- Both tally sheet officers will simultaneously record a tic mark on the tally sheet for each candidate or write-in as read aloud.
- Each time a candidate receives the 5th vote, the two tally sheet officers will simultaneously speak out loud the word “Tally.”
 - This indicates that the counts agree.
 - **If the counts do not agree, stop and recount until the error is found.**
- Each time the tally agrees, set the ballots aside to indicate they have been reconciled.
- Begin the process again with the next ballots until you reach “Tally” and they have been reconciled.
- Set aside all “questionable ballots” as the ballots are read aloud.
- Continue counting until all ballots have been completed or set aside for review.

12.6.3.3 QUESTIONABLE BALLOTS

- Examine each questionable ballot to determine which are valid and which are void.
- Tally the valid ballots.
- When a ballot is not marked according to the instruction and the voter’s intent is questionable, the team members should consult with the chief officer. Using the State Board of Elections guidelines, the chief and the officers must agree whether the voter’s intention can be determined.
- If “yes,” place a tic mark for the selected candidate.
- If “no,” process as any other void ballot (see below).

12.6.3.4 HAND COUNTING WRITE-IN VOTES ON PAPER BALLOTS

Election officers must record and count the write-in names **as they are written by the voter**. The officers are **not** to make any decision as to count or not count similarly spelled names as possibly being the same person. It is the responsibility of the electoral board to make that decision.

- Write in the name of each person who received a write-in vote on the Write-In Certification sheet of the Statement of Results and place a tic mark in the vote column.
- Count all write-in votes with the exact-same-spelled name as votes for that same person by adding the tic mark next to his/her name.
- Count similarly spelled names (e.g., Pat Brown vs. Patricia Brown) separately. They must be listed as a separate write-in entry on the Write-In Certification sheet of the SOR.
- DO NOT COUNT a write-in vote cast with a rubber stamp or sticker.
- DO NOT COUNT a write-in vote for any person for any office if that person’s name is preprinted on the ballot for that office.
- DO NOT COUNT any write-in vote that has more votes than the number allowed for that particular office.



- DO NOT COUNT if the voter has voted for the same person for the same office more than one time.²⁶

12.6.3.5 Hand Counted Void Ballots

There are situations when counting paper ballots that require you to void a part of a ballot or void the entire ballot.²⁷

If a ballot is found to have been voted for a greater number of names for **any one office** than the number of persons required to fill that office, void all votes on the ballot for that particular office only. Use the following procedure:

- Write “VOID” on the front of the ballot over the office section being voided.
- Write a statement on the back of the ballot stating why the office was voided (Sample Statement: “The Office of Mayor section of this ballot was voided because the voter voted for more than one candidate”).
- Place this ballot with all other ballots to be counted.
- Count only the remaining offices that are valid.

If you find a ballot which has been over voted for **all offices**, you must void the entire ballot. Use the following procedure:

- Write “VOID” on the front of the ballot over each office section.
- Write a statement on the back of the ballot stating why the ballot was voided (Sample Statement: “This entire ballot was voided because the voter over voted in each office listed on the ballot”).
- Place the voided ballot in Envelope 4.

12.6.4 Closing the Polls at CAP—Counting Must Start Immediately, if it has not Already.

12.6.4.1 Closing Procedures

Close the polls using the procedures outlined in the CAP Election Day Guide.

12.6.4.2 Hand Count Ballots

If hand counting has not already begun (see Optional 12:00 Hand Count above), begin counting any ballots that need to be hand counted.

12.6.4.3 Pollbook Count Forms

Certify the pollbook Count form, the Unused Ballot Count form and the Rejected Ballot Count form.

12.6.4.4 Reporting Results of Absentee Ballots from Central Absentee Precinct Results

After the polls have closed at 7:00 PM, localities will initiate ballots totals as follows:²⁸

²⁶ See [§24.2-644\(D\)](#).

²⁷ See [§24.2-663](#).

²⁸ See [§24.2-712\(E\)](#).



- i. *Early In-Person* machines at **7:00 PM**.
- ii. *Mail-In Ballots* machines at **7:00 PM**, if finished processing, and **8:00 PM**, if not.
- iii. Any mail-in ballots not processed by 8:00 PM on Election Night can be processed and included in the Post-Election CAP totals.

The *consolidated total* of both in-person and mailed-in absentee ballots, processed as of Election Day, will be entered into the election night reporting system on the night of the election. By Precinct totals will be added as time allows. On the night of the Election and in the days following, the consolidated totals will be separated by precinct as time allows. All absentee ballot totals by precinct will be provided by no later than **5:00 P.M.**, on the **tenth day** following the election.²⁹ Based on locality inputs, the Department of Elections will post these separated absentee ballot results on its website for the public.³⁰



For details on how to process absentee ballots in VERIS, consult the Absentee Processing Step-by-Step document.

²⁹ See § [24.2-667.1](#).

³⁰ See §§ [24.2-105.1](#) and [24.2-667.1](#).



APPENDIX A

HOW TO ARRANGE A CAP

Officers of election should arrange the necessary furniture, equipment, and materials in the room in which the CAP is located upon the arrival of all the officers. To save time on Election Day, if access is available to the CAP room the afternoon before the election, the officers may arrange their tables and chairs and post their signs. They should not set up the voting machines.

- Tables on which to organize the ballots for each precinct or voting district, both before and after processing
- Tables on which to organize lists of absentee ballot applications, pollbooks, and *Statements of Results* forms, both before and after processing
 - Separate paper pollbooks are required for each election district.
 - Adjust setup accordingly if EPBs are used.
- Tables on which to organize oaths, packing envelopes and other paperwork.
- A table with privacy for any voter who needs to vote in-person on election day.
- A table for the chief officer
- Tables and chairs for each team of officers
- Tables for personal needs during breaks (do not smoke inside the polling place)
- Tables for voting machines (unless the equipment has legs)
- Containers on each team's table for processing ballots and envelopes
- Separate ballot containers for each election district
- Extra chairs as needed.
- Power cords and surge protectors sufficient to operate the equipment.

Since most of these activities are sequential rather than simultaneous, the same furniture can be utilized for several of the various functions.

On Election Day, the registrar should immediately deliver to the officers all applicant lists and voted ballots. The voted ballots should be securely transported in covered, sealed containers. Unless processed earlier according to §24.2-709.1, the voted ballots should be sealed up in their unopened marked ballot envelope **B**. That sealed envelope **B** should be inside the voter's opened return envelope. If necessary, a brief review should be conducted of the procedures to be followed and the materials to be handled. The general registrar may participate in this review provided one or more assistant registrars cover the registrar's office. Generally, however, the chief officer should know the responsibilities, duties, and requirements for the CAP, and should conduct the review.



APPENDIX B

IN-PERSON ABSENTEE VOTING STEPS

We previously stated that a CAP only exists on Election Day. Prior to that time, in-person and by-mail absentee voting is conducted in the office of the general registrar and may additionally be conducted in your locality's voter satellite offices. Because absentee voting is so closely related to the CAP, we provide the following information to help electoral boards and registrars.

The following guidelines are to be followed for in-person absentee voting:

- In-person absentee voting must be available 45 days prior to primary and general elections. The exception to this legal requirement would be for a special election when the ballots must be available as soon as possible. Note: In-person absentee voting begins before the close of registration for that election.
- Identification requirements for in person absentee voting are the same as for voting at the polls on Election Day. See Chapter 7 for further details on administering in person absentee voting.
- Any voting equipment used for in-person absentee voting for this purpose must be programmed and tested in the same manner as voting equipment used on election day.³¹
- When entering the absentee application into VERIS, you must select the following:
 - **"Application Received By"** method is **"In-person,"**
 - **"Ballot Sent By"** is **"In-person,"**
 - **"Ballot Received By"** method is **"In-person,"**
 - **"Ballot Status"** is **"On Machine."**



This will capture the information that the voter has cast his/her ballot on voting equipment prior to Election Day. It will prevent the voter from voting again either by absentee ballot or in-person on Election Day and will also prevent a voter who transfers his/her registration from voting again in the new locality.

- **An accessible machine is required for in-person absentee voting.**³²
- **For specific instructions on using VERIS for in-person absentee voters, see the VERIS Step-by-Step instructions for absentee voting located on the VERIS home page.**

³¹ See [§§24.2-632-634](#). See also Chapter 15, Recounts and Contested Elections.

³² See [§24.2-626.1](#).



APPENDIX C

Expedited Processing VERIS Cheat Sheet

Batch Ballot Process

As ballots are received by mail that have a VERIS barcode on the return address label:

1. Note on the outer envelope the date received.
2. Open the outer envelope and remove the inner envelope (B)
3. Examine the inner envelope (B) containing the ballot to verify completion of the required voter information.
4. Note the ballot status on the outer envelope.
5. Save the inner envelopes (B) that can be pre-processed in a separate stack from the inner envelopes (B) of ballots with issues.
6. Note on the outer envelope if an acceptable ID was included in the outer envelope.
7. Batch the outer envelopes by Election, Date Received, Method Received (Mail, Mail (Non-USPS), In Person, Designated Representative), ID Included in the outer envelope or not.

VERIS Process - Individually Entering Ballots Pre-Processed (Not Recommended)

8. Go to "Absentee Search" in VERIS
9. Enter the voter's name or ID number on the return address label.
10. Make sure you have the correct voter.
11. Make sure you have the correct election from the drop-down box. If not, select the correct election from the drop-down box.
12. At the "Absentee Ballots" line (Not the AB Application line) click on the pencil
13. Change the ballot status from "Marked" to "Pre-Processed" in the drop-down box.
14. In the "Status Reason" box type "Pre-Processed" and the date of the pre-processing
15. Scroll down and click "Save."

VERIS Process - Batch Processing * (Recommended for High Volume of ballots)

16. For each batch without IDs, click the link under Absentee from the VERIS Home Page named "AB Batch Receipt – without IDs."
17. For each batch with IDs, click the link under Absentee from the VERIS Home Page named "AB Batch Receipt – with IDs."
18. Enter the Date Received
19. Enter the Received by Method (Mail, Mail (Non-USPS), In Person, Designated Representative)
20. Scan the barcode on the return address label for each outer envelope in the batch.
21. The voters name, YOB and last 4 of the SNN will list on the VERIS page in the Received Ballots section with Status defaulted to Marked and Status Reason defaulted to Ballot Returned
22. After all the envelopes in the batch have been scanned, changed the Status for each voter as noted on the outer envelope and update the Status Reason as necessary.
23. Click "Save"



- a. This will update the ballot status, status reason, receipt date, and receipt method for the matching ballot records in VERIS.
- b. All entries with a ballot status of Marked, Pre-processed (Early Voting), or On Machine (Election Day or CAP) will record the voter's voting credit for that election.
- c. If the ballots are received using the "with ID" option, the Voter's Personal ID Provided flag is set to "Yes."

Pre-Process Ballots

24. Open the absentee ballot record in VERIS either through batch processing or the individual process and change the ballot status to Pre-Processed. For batch processing, Ballots that were previously entered as "marked" will default to the status "pre-processed" once re-scanned into VERIS through the batch process.

For ballots with errors, each office should set uniform internal procedures to ensure that voters only receive Voter Credit if their ballot is eligible to be counted. See the Pre-Processing Guidance for the Department's recommended procedures.





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 13

Provisional Ballots

August 2025

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13. PROVISIONAL BALLOTS

REQUIRED FORMS Provisional Voter Notice (ELECT-653N) Provisional Vote Envelope (ELECT-653) Precinct Provisional Ballots Log (ELECT-653LOG) Provisional Votes Pollbook (SBE-653p) ID Confirmation Statement (ELECT-643ID)	ADDITIONAL RESOURCES Virginia's What-Ifs U.S. Election Assistance Commission, EAC Advisory 2005-2006: Provisional Voting and Identification Requirements (2005) Department of Elections Voter Identification List
REFERENCE Help America Vote Act (HAVA) 52 USC Chapter 209 Code of Virginia, Chapter 6, Article 4 Code of Virginia §2.2-3700 et seq. (VA Freedom of Information Act) Training Standards for Officers of Elections Same Day Registration Processes and Procedures (ELECT Guidance) Enhanced Results Virginia Use Procedures: Election Results¹ VERIS Step-by-Step: Voter History (See User Guides page on VERIS) ²	REGULATIONS 1VAC20-40-10 Definitions 1VAC20-60-60 Provisional Votes

13.1 CHAPTER ORGANIZATION

"In simplest terms, provisional voting represents the right of an individual, to reserve their right to vote and postpone the voter eligibility determination to a time when more perfect or complete information may be provided."³

Federal and state laws require polling locations to provide provisional ballots on election days to ensure that eligible Virginians have an opportunity to cast a vote. Officers of election should be trained to provide provisional ballots if a voter states, but officials cannot verify, that they are eligible or did not already vote, and in the rare circumstance a court extends polling hours past 7:00 pm.

This chapter provides an overview of the proper provisional ballot procedures to be used before, during, and after Election Day. First, §13.2 discusses preparing provisional ballots for Election Day. Next, §13.3 outlines when a provisional ballot should be issued. §13.4 details the specific reasons a provisional ballot may be offered: such as, lack of acceptable ID or the voter's name missing from the pollbook (which includes Same Day Registration). §13.5 outlines general procedures election officials should follow when issuing a provisional ballot. §13.6 discusses the provisional ballot meeting, and how the voter's eligibility to vote will be determined. §13.8 discusses how provisional ballot election results and turnout are reported. §13.9 closes the chapter by outlining certain requirements regarding provisional ballot notification and voter credit.

¹ Contact General Registrar if unable to access.

² *Id.*

³ U.S. Election Assistance Commission, [EAC Advisory 2005-006](#).



13.2 PREPARATIONS FOR ELECTION DAY

Complete the following the Friday before Election Day:



- **Provide public notice of the date and time of the provisional ballots meeting and canvass**
Notice of the date, time, and location at which the provisional ballots meeting and the canvass will be held must be given by the electoral board at least *three working days* prior to the meeting date.⁴
- **Train officers of election**
Hold the training session for chief and assistant chief officers of election no more than thirty but no less than three days before the election.⁵ The training must include procedures that officers of election must follow to offer an eligible voter a provisional ballot.⁶ All precinct chiefs and assistant chiefs must be trained to:
 - offer provisional voting as required pursuant to state and federal law,
 - secure additional ballots or envelopes when needed, and
 - ask the provisional voter, regardless of reason, to complete a voter registration application.⁷

Resources: You can use the *What Ifs* reference sheet, Provisional Vote Envelope, Precinct Provisional Ballot Log, Envelope 1A, and Envelope #8 to train officers of election.

- **Stock**
Each polling place must have sufficient ballots, Provisional Ballots Logs, provisional ballot envelopes, voter registration applications, and Provisional Voter Notice forms (ELECT-653N).⁸

13.3 WHEN TO PROVIDE A PROVISIONAL BALLOT

The right to cast a provisional ballot is created in Section 302 of the Help America Vote Act (HAVA). Pursuant to HAVA, when an individual declares that he or she is a registered and eligible voter in a federal election, that individual “shall be permitted to cast a provisional ballot” if (1) their name does not appear on the official list of eligible voters or (2) “an election official asserts that the individual is not eligible to vote.”⁹

This right to receive a provisional ballot is contingent upon only one thing (per Section 302(a)(2)), the individual’s execution of a written affirmation that he or she is both a registered and eligible voter for the election at issue.¹⁰

⁴ See [§2.2-3707](#).

⁵ See [§24.2-115](#).

⁶ See SBE Policy [Training Standards](#).

⁷ See [§24.2-653\(A\)](#).

⁸ See [§§24.2-643\(B\)](#) (requiring provisional ballots be used at the polls) and [24.2-653\(A\)](#) (requiring provisional ballots, provisional ballot envelopes, provisional ballots log, and written notice be used at the polls).

⁹ See HAVA [§302\(a\)](#).

¹⁰ See *Sandusky Co. Democratic Party v. Blackwell* [387 F3d 565, 574](#) (6th Cir. 2004).



“[T]he primary purpose of HAVA was to prevent on-the-spot denials of provisional ballots to voters deemed ineligible to vote by poll workers. Under HAVA, the only permissible requirement that may be imposed upon a would-be voter before permitting that voter to cast a provisional ballot is the affirmation contained in [42 U.S.C.] §15482(a): that the voter is a registered voter in the jurisdiction in which he or she desires to vote, and that the voter is eligible to vote in an election for federal office.”¹¹

Provisional voting works only if the right to vote a provisional ballot is always available whenever a voter’s eligibility is in question.¹²

13.3.1 Provisional ballots for Split Precincts

Any voter assigned to a split precinct who believes he was provided a ballot for the incorrect election district may request to vote a provisional ballot for the district he was assigned to by the general registrar and the district he believes is the correct election district. This option must be requested prior to casting any vote. The voter will submit a provisional ballot for both election districts. Your election officers should treat the provisional as they would any other provisional ballot. Your electoral board will make the determination as to which provisional vote is valid. The provisional reason code for this situation should be 6: *OTHER*.

13.4 HOW TO COMPLETE A PROVISIONAL BALLOT ENVELOPE

The provisional envelope features one side for Same Day Registration (“SDR”) voters (which also serves as a Voter Registration Application) and another side for non-SDR voters. Only one side of the envelope will be used.

Below are examples of the sections for completion by the officer of election on the SDR and Non-SDR sides of the provisional ballot envelope. The listed reasons are circled for the provisional ballot being cast. The officer of election must mark the appropriate reason for issuing the ballot in order for the ballot to be considered complete.

¹¹ *Id.*

¹² See EAC Advisory [2005-006](#).



Election Officer Use

Select a Reason

- ☐ #3 Voting after hours due to court order
- ☐ #4 Vote by mail - no ballot to surrender
- ☐ #5 Shown on pollbook as already voted
- ☐ #6 Other _____
- ☐ #7 Voter does not have required ID and declined to complete the ID Confirmation Statement

Comments

**Election Officer
Signature**

X

NOTE: You can mark more than one reason. If the voter who is missing a proper identification document and casting a provisional ballot for:

- Reason #1, the officer of election should answer “No” to the question “Did voter show ID or complete ID Confirmation Statement?”
- Reasons #3-6, the officer of election should also mark reason #7: “Voter does not have required ID and declined to complete ID Confirmation Statement.”¹³

13.4.1 Reason #1 – Same Day Registration or Voter’s name is NOT in pollbook

Sometimes an officer of election may not be able to find the voter’s name in the pollbook. When this occurs, the officer of election should double check the voter’s name and precinct.

- **Check the voter’s name.**
 - Ask the voter for correct spelling of name or if there has been a recent name change.¹⁴
 - Check for the voter’s name at the end of the alphabetical section of the pollbook or on any separate listing provided by the registrar.¹⁵

¹³ See *What-Ifs*, Problem 14.

¹⁴ See *What-Ifs*, Problem 14.

¹⁵ See *Id.*



- **Check the voter's precinct.**

- Check the street file records, alpha roster, electronic pollbooks, or other such materials provided to determine if the voter is in the correct precinct.
- If the voter is found to be in the incorrect precinct, inform the voter that the voter file indicates that they are currently registered to vote at {current address}. Advise the voter that in Virginia, a ballot will only be counted at the polling location where she is registered. However, inform the voter that they may cast a provisional ballot at the current polling location.

If it is confirmed that voter's name is not in pollbook, the officer of election should follow *Same Day Registration Processes and Procedures*¹⁶ to determine whether the voter is eligible to vote under Mover's Rules, or if the voter should vote provisionally using SDR.

13.4.2 Reason # 3 – Polling Hours Extended by Court Order



A court may issue an order extending the hours the polls are to be open. If this occurs, both the general registrar and chief election officers will be made aware of the court order. **In this circumstance, any voter who was not in line when the polls would have closed (but for the court order, i.e. 7:00 pm) must vote by a provisional ballot.**¹⁷

NOTE: All provisional ballots cast after the normal polling hours for Reason #3 must be kept **separate** from other ballots and recorded in a separate provisional ballots pollbook.¹⁸ Do not record them in the regular pollbook.¹⁹ The Provisional Ballot Log will serve as the pollbook for these ballots.²⁰ The officers should start a new log page and not mix these entries with those for provisional voters during normal hours.²¹ You must keep these votes separate so that if a higher court reverses the order extending hours, officials can determine which ballots were cast during regular hours and which ballots were cast during the extended hours.

13.4.3 Reason # 4 – Voter on Absentee Ballot List Appears at Regular Polling Place or Central Absentee Precinct; Voter Says Absentee Ballot Lost, not Received, or Returned Spoiled, Damaged, or Unused – On or before Election Day

Sometimes a voter's name may appear on the Absentee Ballot (AB) list. If a voter whose name is on the AB list appears at his assigned polling place or the Central Absentee Precinct (CAP), the officers of election should check the final absentee applicant list to determine whether the voter has *returned* an absentee ballot.²² The AB list should indicate if a ballot was returned either marked or unmarked.²³

¹⁶ See *SDR Processes and Procedures* §§ 20.3 and 20.4

¹⁷ See §24.2-653(C). See also HAVA, [52 U.S.C. §21082\(c\)](#).

¹⁸ See §24.2-653(C).

¹⁹ See §24.2-653(C).

²⁰ See *What-Ifs*, Problem 14.

²¹ See §24.2-653(C).

²² See *What-Ifs*, Problem 19.

²³ See §§24.2-708 (requiring general registrar to mark on the absentee list ballots returned unmarked) and [24.2-710](#) (requiring general registrar to mark the absentee list ballots returned marked).



- **If the AB list shows *no ballot returned*:**
 - On Election Day, offer the voter a provisional ballot.²⁴ Please note that during the early voting period, this voter could sign and complete the gold form and vote a regular ballot rather than a provisional ballot.²⁵
 - Mark reason #4 on the provisional ballot envelope, which includes the required statutory statement of non-receipt or loss of the absentee ballot.
- **If the AB list shows a ballot *was returned*:**
 - If the ballot was **returned unvoted** to the electoral board or general registrar before Election Day, the voter must be allowed to vote a regular ballot if this information can be confirmed. If the ballot's return cannot be confirmed, the voter may only be provided with a provisional ballot.²⁶
 - **If the ballot was returned with marks and/or unfit for voting to the electoral board or general registrar before or on Election Day**, the voter must be allowed to vote a regular ballot.
 - If the ballot's return cannot be confirmed, the voter must vote a provisional ballot.²⁷
 - **If the ballot was returned with marks and/or unfit for voting to the officers of election at the correct polling place or CAP on Election Day**, the voter must be allowed to vote with a regular ballot in his or her precinct.²⁸
- The voter should provide one form of required ID, including the ELECT-643-ID statement. If ID is not provided, the checkbox stating "Voter ALSO did not present required identification" should be marked.
- The officer must select Reason # 4 if the ballot was not received or was lost, if applicable.²⁹
- This provisional ballot should be counted if the voter is still a qualified voter, and the local electoral board verifies the voter *did not also* have a voted absentee ballot *counted*.³⁰

13.4.4 Reason # 5 – The Voter is listed in the pollbook as “Having Already Voted”

A person who attempts to vote but is listed in the pollbook as having already voted *must* be given a provisional ballot to vote if the voter insists that they have not already voted during the current election.³¹

²⁴ See §§24.2-653.1 (voters who did not receive or lost absentee ballots), 24.2-708 (voters who did not receive or lost absentee ballots, or return of unmarked ballot cannot be confirmed), 24.2-711 (officers must apply 653.1 and 708 when voter on absentee list who has not returned an unused ballot offers to vote). See also *What-If's*, Problem 14.

²⁵ See §24.2-708(B)(1).

²⁶ See §24.2-708(A).

²⁷ See §24.2-708(C).

²⁸ See §24.2-708(C).

²⁹ See *What-If's*, Problem 14.

³⁰ See §24.2-663 (ballots from voters who have already cast a vote in that election cannot be counted).

³¹ See §24.2-651.1.



The provisional ballot should be counted if the local electoral board concludes that the voter is eligible to have their vote counted.³² This situation most often arises when two people bear the same name and have the same address (e.g. Zebediah Rutherford Jackson and Zebediah Rutherford Jackson Jr.), but it does also happen in other instances. The provisional ballot should count only if:

- an officer of election is able to attest to the fact that they marked the wrong voter, AND
- no evidence exists that either person attempted to actually vote twice.

13.4.5 Reason # 6 – Other: Casting a Provisional Ballot for a Reason Not Listed

This reason is used in circumstances where an unforeseen circumstance or emergency causes either a regular ballot to be unavailable or it is not clear that the voter should be allowed to cast a regular ballot. Some of the situations that can arise include electronic pollbook failure,³³ registration equipment malfunctions, or an insufficient amount of traditional ballots.

The ballot should be counted if the voter should have been permitted to cast a regular ballot when they attempted to vote on Election Day.³⁴

13.4.5.1 Electronic pollbook is inoperable or inaccessible

Provisional voting is required if electronic pollbooks become inaccessible or inoperable at a precinct, and no alternate list or pollbook is available.³⁵ The officers of election at the location must keep a written list of those who cast provisional ballots due to this occurrence.³⁶

13.4.6 Identification – The Voter Fails to Provide Proper ID



All people attempting to vote in-person must present identification before being issued a regular ballot. A list of acceptable IDs can be found on ELECT's website.³⁷ Any person failing to present acceptable ID may either sign an ID Confirmation Statement confirming their identity or must be given a provisional ballot.³⁸

If a voter does not have any of the acceptable ID listed above, the voter may sign an ID Confirmation Form attesting to their identity. If a voter signs this form, they may vote a traditional ballot.

If a voter is designated in the pollbook with an "H" by their name, they must meet the HAVA standard for IDs.

³² See §24.2-663 (ballots from voters who have already cast a vote in that election cannot be counted).

³³ See §24.2-611(E).

³⁴ See §24.2-653(B).

³⁵ See §24.2-611.

³⁶ See §24.2-611(E) (discussing form of pollbooks).

³⁷ See §24.2-643(B). See ELECT, [Voter Identification List](#) for complete list of acceptable identification.

³⁸ *Id.*



Officers of election should select reason #7 for voters voting provisionally only due to failure to show proper ID and refusal to sign the ID Confirmation Statement. If voter voting provisionally for reasons #1-6 also fails to provide proper ID and sign the ID Confirmation Statement:

- For SDR voters, officer of election should select reason #1 and answer “No” to question “Did voter show ID or complete ID Confirmation Statement?”
- For non-SDR voters, officer of election should select reason voter is voting provisionally (#3-6) and reasons #7.³⁹

Provisional ballots cast due to lack of ID will only be counted if the voter submits a copy of the necessary ID or a completed ID Confirmation Statement prior to noon on the third day following the election (if the third day is a holiday, the voter will have until the next business day).⁴⁰ A voter may submit the required document by USPS or commercial mail delivery, fax, e-mail, or in person.⁴¹ The voter may also request to extend the provisional ballot meeting to the next day for up to ten calendar days for a general election or up to six calendar days for a primary election for Reasons #1-6.⁴²

13.4.6.I *HAVA ID Required/ID Copy not sent with Absentee Ballot*

All voters must provide proper identification if their vote is to be counted. If a voter has a HAVA ID requirement, requested an absentee ballot⁴³ and returns the absentee ballot but does not include a photocopy of one of the acceptable forms of IDs described above, the ballot must be treated as if it were a provisional ballot.⁴⁴

Voters are instructed not to seal the copy of their ID inside the oath envelope containing the voted ballot. The officer should check to see if a copy of a HAVA ID is enclosed with the ballot in the B security envelope (but without fully opening the envelope or looking at the ballot).

If no HAVA ID is returned, the officers should reseal the envelopes from the voter (signing and dating the seal) and place the set in the large **1A** envelope to transmit to the electoral board.

The officers may want to attach a note to the outside of the voter's envelope stating “No HAVA ID.” In this instance, the voter is not present to sign a statement; thus, the smaller Provisional Ballot Envelope with the voter's statement should not be used.

³⁹ See *What-Ifs*, Problem 14.

⁴⁰ See §24.2-653(B).

⁴¹ *Id.*

⁴² See §§ 24.2-653.01(A) and 24.2-532(primary canvass lasts 6 days.)

⁴³ See HAVA, 52 U.S.C. §21083(b). See also §24.2-706(4).

⁴⁴ See HAVA, 52 USC §21083(b)(2)(B).



13.4.7 Voter Who has Moved



An otherwise qualified voter who moves *within* Virginia may return to *vote normally* in his or her former precinct under either of the following scenarios ***unless his or her registration has been transferred or cancelled:***⁴⁵

- The voter moved from one precinct to another within the Commonwealth since the last November general election.
- The voter moved since the second previous federal general election, and the voter moved within the same locality and within the same congressional district.⁴⁶

NOTE: A move within the precinct does not affect the voter's ability to vote in that precinct as long as the voter is still registered.⁴⁷

13.5 ELECTION DAY: GENERAL PROVISIONAL BALLOT PROCEDURES

13.5.1 Provide Voter Registration Application

As a best practice, officers of election should offer a voter registration application to each voter voting provisionally, regardless of reason.⁴⁸

13.5.2 Required to Provide Official Provisional Ballot Information



The officer of election must provide certain information to each person who casts a provisional ballot.⁴⁹ A supply of Provisional Voter Notice forms (ELECT-653N) should be available at each precinct, and should be preprinted with all the required information:⁵⁰

- That a determination of his right to vote will be made by the local electoral board;
- The time, date, and location the electoral board will meet to consider provisional ballots;
- That the voter has the right to be present at the meeting;
- The voter has until noon on Friday following the election to provide ID information;⁵¹
- The voter has a right to request an extension of time (as deemed reasonable by the electoral board and not to exceed ten days) to provide information to the board on issues other than ID;⁵² and
- The email address, fax number, and mailing address of the office which will accept ID submissions, if at issue.

The officer must also check the appropriate reason(s) the ballot was voted provisionally. Any voter without the required identification should be supplied with the Provisional Voter Notice.⁵³

⁴⁵ See Va. Const. [Art. II, §1](#) (allowing voters who moved from one precinct to another in Virginia to continue to vote in their old precinct as provided for by state law).

⁴⁶ See [§24.2-401](#).

⁴⁷ See *What-Ifs*, Problem 5.

⁴⁸ See [§24.2-653\(A\)](#).

⁴⁹ See HAVA, [52 USC §21082\(a\)\(5\)\(A\)](#). See also [§24.2-653\(A\)](#).

⁵⁰ See [§24.2-653\(B\)](#).

⁵¹ *Id.*

⁵² See [§24.2-653.01\(A\)](#).

⁵³ See [§24.2-643\(B\)](#).



This form alerts the voter to the fact, if they did not provide valid identification or sign the ID Confirmation Statement at the polling place, their ballot will not be counted unless a copy of the required identification or completed ID Confirmation Statement is submitted to the electoral board by noon on the third day following the election, and gives detailed instructions on how to make such a submission. Refer to the Forms Warehouse *Election Management, Provisional* folder for an outline of documents.

NOTE: If the third day falls on a holiday, the voter will be given an extension until noon the next business day per Va. Code § 1-210.

13.5.3 How-to Guide for Provisional Vote Envelope and Ballot



All provisional voters must provide an acceptable ID or sign an ID Confirmation Statement.⁵⁴ For a voter casting a provisional ballot under Reason #1 who does not provide an acceptable ID or sign the ID Confirmation statement, the officer of election should select “NO” to the question under the reason code that asks “Did voter show ID or complete ID Confirmation Statement?”. For a provisional voter using Reason #3-6 who does not provide an acceptable ID or sign an ID Confirmation Statement, the officer of election should also select Reason #7: “Voter does not have required ID and declined to complete ID Confirmation Statement.”

The officer of election fills in the number/name of the precinct in the top right corner of the Provisional Envelope on the side determined to be used for that voter (SDR or non-SDR). The officer of election then gives this envelope to the voter and explains that the voter must enter all required information on only that side of the envelope. The officer must verify that the voter has provided all information requested and have the voter fill in any missing information. The officer should request that the voter complete the envelope before giving the ballot to the voter.⁵⁵

Next, the officer of election gives the provisional vote envelope and the ballot (or ballot set) to the voter, instructs the voter to place the voted ballot(s) inside the envelope, seal the envelope and return the sealed envelope to the officer.⁵⁶

When the voter returns the sealed envelope to the officer, the officer must read to the voter the Affirmation/Statement of Voter on the side of the provisional envelope completed by the voter. After the Affirmation/Statement is read, the voter must sign the envelope.

In the section titled ELECTION OFFICER, the officer must check the appropriate reason(s) the voter is casting a provisional ballot and sign where indicated.⁵⁷

⁵⁴ See §24.2-653(A).

⁵⁵ See *What-Ifs*, Problem 14.

⁵⁶ See §24.2-653(A). See also *What-Ifs*, Problem 14.

⁵⁷ See *What-Ifs*, Problem 14.



**Regulation Note**

1VAC20-60-60: Provisional Votes. The general registrar or electoral board may, but is not required to, attempt to contact people who voted provisionally to remind them that they have until noon on the third day following the election to provide a copy of the required identification.



Same Day Registration Provisional Ballot

Voter resides in this precinct but is not on this precinct's pollbook**SDR**

Precinct # _____

Primary elections—Party ballot ☐ D ☐ R**Starred (*) Items are required.** If you do not complete all of the items that are marked with *, your application may be denied.

1 * ☐ Yes ☐ No I am a citizen of the United States of America

* Full social security number _____ ☐ SSN never issued

* Date of Birth (MM/DD/YYYY) ____ / ____ / ____

* Gender _____

2 * Last Name _____ Jr. Sr. II III IV (Circle one) Other (write in) _____

* First Name _____ * Middle Name _____ ☐ None

* Residence Address (May not be a P.O. Box) _____ Apt. _____

* City/Town _____ * ZIP Code _____

Email _____ Phone _____ - _____ - _____

3 * ☐ Yes ☐ No I have been convicted of a felony or judged mentally incapacitated and disqualified to vote.
☐ Yes ☐ No If yes, has your right to vote been restored?

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.
☐ A current or former state or local election official, their employee, or Commonwealth elector for president or vice president.

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

5 ☐ I am currently registered to vote in another state. **Name of state** _____

6 ☐ I am interested in being an officer of election (poll worker) on Election Day. 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 and that, to the best of my knowledge, I am eligible to vote in this election. I authorize the cancellation of my current registration and I hereby affirm that I have read the Privacy Act Notice and Warning. (See other side of envelope for Privacy Act Notice and Warning.)

► * Signature X Today's date ____ / ____ / ____
 (MM/DD/YYYY)

☐ 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.

Election Officer Use

☐ #1 Same Day Registration (not on pollbook)
 Time: _____ a.m. p.m. (circle one)

☐ Yes ☐ No Did voter show ID or complete ID Confirmation Statement?

Comments

Election Officer Signature X

Office/Electoral Board Use

Voter ID # _____

Adjudication ☐ Count ☐ Do not count

Voter Identification

1. If the voter returns with the proper identification, check this box and sign ☐ X

2. Attach a copy of the identification document.

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★ VIRGINIA ★
 DEPARTMENT of ELECTIONS

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Provisional Ballot - All other provisional reasons

Precinct # _____

*Voter is on this precinct's pollbook*Primary elections—Party ballot ☐ D ☐ R**Starred (*) Items are required.** If you do not complete all of the items that are marked with *, your vote may not count.

1	* Last Name _____	Jr. Sr. II III IV (Circle one)	Other (write in) _____
	* First Name _____	* Middle Name _____	☐ None
2	* Date of Birth (MM/DD/YYYY) ____ / ____ / ____		
3	* Social Security Number ____ - ____ - ____		
	Last 4 digits required Providing your full Social Security number may help determine your eligibility to vote.		
4	* Residence Address (May <u>not</u> be a P.O. Box) _____		Apt. _____
	* City/Town _____	* ZIP Code _____	
	If address is different than voter registration record, provide the date you moved (MM/DD/YYYY) ____ / ____ / ____		
5	Email _____ Phone ____ - ____ - ____		

6 Statement of Voter

To the best of my knowledge, I am a registered voter of this locality, and I am eligible to vote in this election. I hereby affirm that I have read the Privacy Act Notice and Warning.

▶ * Signature **X**

Today's date ____ / ____ / ____
(MM/DD/YYYY)

Privacy Act Notice: This form requires personal information, including information related to your Social Security number, for identification purposes and to prevent fraud. Federal law (the Privacy Act and Help America Vote Act) and state law (the Virginia Constitution, Article II, § 2; Title 24.2 of the Code of Virginia; and the Virginia Government Data Collection and Dissemination Practices Act) authorize collecting this information and restrict its use to official purposes only. Failure to provide the requested information may prevent determining your eligibility to vote and result in your provisional ballot not being counted.

Warning: Intentionally making a materially false statement on this form constitutes the crime of election fraud, punishable as a felony in Virginia. Violators may be sentenced up to 10 years in prison, or up to 12 months in jail and/or fined up to \$2,500.

Election Officer Use**Select a Reason**

- ☐ #3 Voting after hours due to court order
- ☐ #4 Vote by mail - no ballot to surrender
- ☐ #5 Shown on pollbook as already voted
- ☐ #6 Other _____
- ☐ #7 Voter does not have required ID and declined to complete the ID Confirmation Statement

Comments

Election Officer
Signature

X**Staff/Electoral Board Use**

Voter ID # _____

Adjudication ☐ Count ☐ Do not count

Voter Identification

- If the voter returns with the proper identification,
check this box and sign ☒ **X** _____
- Attach a copy of the identification document.

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13.5.4 Precinct Provisional Ballot Log



The officer of election must complete the Precinct Provisional Ballot Log, available from ELECT, with all the requested information, marking the box under the number(s) corresponding to the reason(s) the provisional ballot was issued.⁵⁸

If the voter provides additional information, you can include details as listed below:

- the person said he or she submitted an application at a DMV location, or submitted a change of address to the registrar's office;
- the date the voter submitted a registration application and method by which it was submitted; and
- any other information the registrar requests to help research the voter's registration status.⁵⁹

If the voter claims to have submitted an application at a DMV or other NVRA designated agency, the officers should include the agency name, location, and the voter's estimate of the date of submission to enable ELECT to look up the voter's record. If the voter has a receipt for his or her registration from the DMV or the agency, that should also be noted.

The Precinct Provisional Ballot Log must be placed inside the Envelope #8 so that the registrar can use this information to research the claim made by the person offering the provisional ballot. This log will also be used in the days following the election by the electoral board to track the determination of all provisional ballots offered in the locality.

⁵⁸ *Id.*

⁵⁹ *Id.*



Provisional Ballot Log**GR/Satellite Office:**

Election Date: _____ Log Date(s): _____

Election Type: _____

Locality: _____

Place in Envelope 8**What to do at the end of the day**

Enter the total number of Provisional Vote envelopes for each reason code.

			Totals
Voter's name IS NOT on pollbook. Voter:	1	Same Day Registration (or not on pollbook)	
Voter's name IS on the pollbook, and voter:	3	is voting after normal poll closing time due to court order	
	4	applied for an absentee ballot, but does not have the ballot	
	5	is shown in the pollbook as already having voted	
	6	Other (any reason not captured in the other codes)	
	7	Voter did not show required ID and declined to complete ID confirmation statement	

What to do during the day

Copy information from the Provisional Vote envelopes below

1	Voter name	SSN# last 4	Reason code
	Last name _____ Middle _____	_____	1 3 4 5 6 7
	First name _____ Suffix _____	Notes	
	Address _____		
	City/town _____, State _____ Zip code __ __ __ __		
	Birth year only	Phone number	
	_____-_____-_____-_____-_____-_____-	(_____-_____-_____-_____-_____-_____-)	
2	Voter name	SSN# last 4	Reason code
	Last name _____ Middle _____	_____	1 3 4 5 6 7
	First name _____ Suffix _____	Notes	
	Address _____		
	City/town _____, State _____ Zip code __ __ __ __		
	Birth year only	Phone number	
	_____-_____-_____-_____-_____-_____-	(_____-_____-_____-_____-_____-_____-)	
		Registrar use only	
		Was this vote counted? YES NO	
		Why not?	
		Date:	

**If polling hours were extended by court order**

After the polls close and the provisional ballot envelopes are removed by the officers from the emergency ballot box, two officers of election representing different parties must complete this process:

- Two officers, one from each party, should separate any provisional ballots with Reason #3 checked (other reasons may also be checked); one stack of envelopes should have reason #3 checked on *all* the envelopes, and one stack should *not* have Reason #3 checked on any.



- Count the number of sealed Provisional Votes (green envelopes) cast during normal hours (i.e. Reason #3 is NOT checked on any of the envelopes) and place in the 1A envelope.
 - Officers of election may want to place a rubber band around those ballots cast in the Provisional Vote Envelope only due to reason #7. These ballots require no further investigation by the registrar.
 - Localities may opt for using separate 1A Envelopes for different categories of provisional voters (e.g., a separate 1A Envelope for SDR voters).
- Put the Precinct Provisional Ballot Log for the provisional ballots cast during normal hours in Envelope #8.
- Enter the number of green envelopes with ballots cast during normal hours on Line 1 on the back of the 1A envelope ("NONE" may be entered if applicable OR officers may be instructed to complete the Officer Certification to Reuse Empty Provisional Ballot Envelope 1A).
- Sign the certification on the back of the 1A envelope (TWO OFFICERS).
- Seal the 1A envelope with a label, signing and dating the label (TWO OFFICERS).

If polling hours were extended by court order, TWO OFFICERS representing different parties must repeat the above procedures to count the green envelopes with Reason #3 checked (other reasons may also be checked); put those envelopes for the provisional ballots cast *after* normal hours in the 1B envelope; complete, sign, and seal the 1B envelope.

13.6 ELECTORAL BOARD'S PROVISIONAL BALLOT MEETING

13.6.1 When to Meet

The electoral board is required to meet at the circuit clerk's or general registrar's office on the day after the election at or before 5:00 pm.⁶⁰ ELECT recommends that the meeting begin by noon on the day after the election to determine the qualifications of persons who cast provisional votes before beginning the canvass. The time selected must be included in the required Provisional Voter Notice form (ELECT-653N) given to each provisional voter at the polls.⁶¹

Please note that if the locality has Same Day Registration Applications (SDRs) for the election, the provisional ballot meeting shall not be completed until after the SDR Duplicate report is made available and reviewed. This is due to the possibility of multiple registrations/provisional ballots. The statewide deadline for processing all Same Day Voter Registration (SDR) applications is 5:00 pm on the third day after the election, with the SDR Duplicate Report being run by ELECT

⁶⁰ See *What-If's*, Problem 14.

⁶¹ See §24.2-653(B).



and forwarded to localities the fourth day after the election. Results from the canvass cannot be certified and submitted to ELECT until all ballots have been addressed.

13.6.2 Where to Meet

The electoral board must hold the meeting “at the clerk’s or general registrar’s office of the [locality] for which they are appointed” and they “may adjourn to another room of sufficient size in a public building.”⁶² You must clearly provide the address of the location selected in the required Provisional Voter Notice given to each provisional voter at the polls.⁶³

13.6.3 Who Must Attend



All members of the electoral board should be present for this meeting and the canvass of the election. In the event one member is unable to attend, two members constitute a quorum⁶⁴ and may proceed to determine the qualifications of persons who cast provisional votes.

- Should the secretary of the electoral board be unable to attend the meeting, the two remaining Board members must decide who will serve as “acting secretary.”⁶⁵ Please see Chapter 2 (Local Electoral Boards) for more information.
- All official documents related to processing provisional votes and the canvass must be signed by the Secretary or acting Secretary and all other present board members. Only those members of the board present during the entire process are required to legally sign any official document.
- The general registrar must appear at the meeting with the documentation necessary to confirm the eligibility of provisional voters.

13.6.4 Who is Permitted to Attend

Limited attendance is permitted at the provisional ballot meeting only for the following individuals:

- Persons who cast provisional ballots who wish to present evidence or request an extension (while the person’s ballot is adjudicated).
- Legal counsel and representatives of the person who cast the provisional ballot (while the person’s ballot is adjudicated).
- One authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election who is a qualified voter anywhere in the Commonwealth must be allowed to attend the provisional meeting but cannot participate in the process. Each such representative must present a written statement signed by the county or city party chair, the independent candidate, or the primary candidate as appropriate. Such chair or candidate may serve as his or her own representative and they may not be asked to submit a written statement

⁶² See §24.2-671.

⁶³ See §24.2-653(B).

⁶⁴ See §24.2-107.

⁶⁵ See §24.2-106.



- authorizing himself or herself.⁶⁶ If the representative presents the required documentation, the general registrar must permit them to observe the meeting.
- Appropriate staff and legal counsel of the electoral board.⁶⁷

13.6.5 The Meeting

The provisional ballot meeting is a “meeting” of the electoral board; thus, the Virginia Freedom of Information Act applies with the exception of the requirement for the meeting to be open to the general public. The purpose of the Code provision requiring limited attendance is to protect the private information of provisional voters. It provides for transparency in the process, though, by allowing for authorized observers.

- Prior to beginning the meeting, the electoral board should have the #1A (and, if used, the #1B) provisional votes envelopes for **all** precincts.
- A provisional voter may ask that the meeting be extended to the next day (for up to three workdays for ID provisional voters (Reason #7)⁶⁸ and ten calendar days for Reason #1-6 provisional voters) to provide evidence or information.⁶⁹ The electoral board may grant an extension that it deems reasonable to determine the status of the provisional vote.⁷⁰
- If the provisional ballot meeting is adjourned, the canvass may still proceed on schedule.
- **The canvass cannot be completed until the provisional ballot meeting is totally completed and adjourned.**

13.7 DETERMINE THE QUALIFICATION OF ALL PROVISIONAL VOTERS BEFORE OPENING ANY INDIVIDUAL ENVELOPES

To protect voter privacy, the local electoral board should determine the eligibility of all provisional voters before opening any of the provisional ballot envelopes.

- The electoral board should open, one precinct at a time, the #1A envelope (and, if used, the #1B envelope) marked “provisional votes.” The local electoral board has the discretion to make a determination as to whether a voter is eligible under Virginia law. The local electoral board should proceed to determine the qualifications, one by one, without opening the green envelopes, of each person who cast a ballot in a green provisional ballot envelope.
 - The first qualification is that the person be registered to vote.
 - Second, the person must have been legally eligible to vote in the precinct in which the vote was cast.⁷¹

The general registrar should provide any information available to determine if the voter casting a provisional ballot was legally eligible to vote in the precinct and submitted a copy of a valid ID if required.

⁶⁶ See [§24.2-653.01\(B\)](#).

⁶⁷ See [§24.2-653.01\(B\)](#).

⁶⁸ See [§24.2-653.01\(A\)](#).

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ See [§24.2-653.01\(C\)](#).



NOTE: The electoral board or general registrar must keep a detailed list of the provisional ballots counted and not counted for three reasons:

1. The general registrar must notify, in writing, those voters whose provisional ballots were not counted, giving the reason the provisional ballot was not counted.⁷²
2. This information will be entered into VERIS in order to apply voting credit for the counted ballots and generate appropriate correspondence.
3. The votes from the counted ballots and turnout data from all the provisional ballots must be entered into Enhanced Results. The general registrar shall report for each precinct in his locality the total number of provisional ballots cast, the number determined to be valid by the electoral board, and the results of such valid provisional ballots by voters assigned to such precinct no later than 5:00 pm on the tenth day after the election⁷³ using the Enhanced Results Virginia Use Procedures.



Law Note

Beginning July 1, 2025, general registrars must report provisional election results by precinct. As localities were previously only reporting summary provisional results for the locality, consideration should be taken into how this change affects all current provisional processes. Ensure emphasis is given to these changes in processes when training officers of election and office staff and during the provisional ballot meeting.

The registrar should mark the original Precinct Provisional Ballot Log to indicate if the ballot was counted and the reason for the determination. The registrar should also make and retain a copy of the ballot log for records. The *original* Precinct Provisional Ballot Log must be returned to Envelope #8, to be sealed and stored in the clerk's office.⁷⁴

13.7.1 Person Determined Not Qualified

For persons determined not qualified to have their votes counted, the following steps should be taken:

1. The green envelope must remain sealed.⁷⁵
2. Mark the ballot as disqualified across the front of the unopened green envelope and explain why the ballot has been disqualified (for example: not qualified (felon, etc.), not legally eligible to vote in the precinct, voter did not provide required ID).
3. Return the voter's sealed, green envelope to the 1A (or 1B, if used) envelope for that precinct marked "provisional votes."
4. Note on the 1A (or 1B) envelope the number of green envelopes for disqualified persons remaining at the conclusion of the determination for that precinct.

⁷² See [§24.2-653.01\(C\)](#). See also HAVA, [52 U.S.C. §21082\(a\)\(5\)\(A\)](#).

⁷³ See [§24.2-667.1\(B\)](#).

⁷⁴ See [§24.2-653.01\(E\)](#).

⁷⁵ See [§24.2-653.01\(C\)](#).



13.7.2 Person Determined Qualified

One provisional vote pollbook is used for the city or county. The pollbook should be marked with the name of the city or county (or town) and the words “provisional votes.” Voters who have been determined qualified, should be marked in the provisional votes pollbook.⁷⁶

- **Special Procedures for Provisional Voting Reason #3:** The 1B envelopes should have been used if polling place hours were extended by court order. If the court order has not been overturned when the provisional ballots are otherwise ready to be counted, the provisional ballots counted from the 1B envelope must be entered in a **separate pollbook** marked with the county, city or town name (and congressional district if split) and “votes cast after normal voting hours.” Votes cast after normal voting hours (after-hours ballots) must be kept separate and cannot be mixed with ballots cast during normal voting hours.⁷⁷ Ballots cast during normal voting hours should be completed first. The electoral board should both verify that the ballot box is empty and seal the counted ballots cast during normal voting hours for delivery to the clerk (below), before beginning to count the ballots cast after normal voting hours.

NOTE: The general registrar, working with ELECT, may search the DMV or NVRA agency record to determine if the provisional voter has any records pertaining to registration.

If proof is presented that indicates the person submitted an application or attempted to register or change their registration at the DMV or another NVRA agency *prior* to the close of books, the voter submitted a completed application at the polls on election day, and the registrar determines from that application that the voter was qualified to vote in that precinct, the **provisional ballot must be counted by the electoral board.**

13.7.2.1 Steps for Qualified Provisional Ballots

1. Open the green envelope of the voter determined to be qualified.
2. Place the ballot in the appropriate ballot box without any further inspection than to assure that only a single ballot or ballot set has been cast and that the ballot is a genuine ballot, without looking at the printed inside of the ballot.⁷⁸
3. Place the *opened, empty* green envelopes for each precinct in the 1A (or 1B, if used) envelope for that precinct.
4. Note on the envelope the number of green envelopes contained therein for persons determined to be qualified.

13.8 Reporting Provisional Ballot Data in Enhanced Results

Pursuant to §24.2-667.1(B), general registrars must report to the Department of Elections for each precinct in their locality: the total number of provisional voter turnout (counted and not counted) for

⁷⁶ See §24.2-653.01(C).

⁷⁷ See §24.2-653(C).

⁷⁸ See §24.2-653(B).



both early voting and in-person voters as well as the number of qualified (counted) provisional votes cast as determined after the provisional ballot meeting.⁷⁹ These results must be [inputted no](#) later than 5:00 p.m. on the tenth day following a general election. Provisional Ballot election results and turnout must be reported to the Department in Enhanced Results, the software used by ELECT for election night reporting. Detailed instructions on reporting data in Enhanced Results can be found in the Enhanced Results Virginia Use Procedures, which are located in ELECT's internal Learning Management System (LMS), in the Enhanced Results Training Materials course.

Provisional ballots are reported in Enhanced Results in three ways:

1. Turnout by reason code (all provisional ballots – accepted and rejected)
 - a. Early Voting SDR Turnout (Reason Code #1)
 - b. Election Day SDR Turnout (Reason Code #1)
 - c. Other Turnout (Reason Code #s 3, 4, 5, 6)
 - d. No ID Turnout (Reason Code #7)
2. Turnout by precinct (all provisional ballots – accepted and rejected)
3. Election Results (ballots cast and votes) by precinct (accepted ballots only)
Note that Va. Code §24.2-667.1 changed in 2025 (SB 1044) to require election results to be reported by precinct. Previously, localities were only reporting summary election results for provisional ballots.

13.8.1 Election Night Provisional Counts

Before election night the general registrar or their office staff should determine the number of early voting provisional envelopes they have for the locality, broken down by reason code.

On election night, precincts are to report to the general registrar's office how many provisional envelopes they have, broken down by reason code.

The general registrar or their office staff are to combine the precinct data to give them the total number of Election Day provisional envelopes, broken down by reason code, then add the broken down early voting envelope totals. Note: Early Voting SDR and Election Day SDR should not be combined. For all other reason codes, combine early voting and election day.

The grand total number of provisional envelopes for the locality, broken down by reason code, is to be reported in Enhanced Results, in the Statistics Entry – Provisional Turnout Totals page.

13.8.2 After the Provisional Ballot Meeting

Following the adjudication of the provisional ballots during the canvass, the general registrar must report the provisional ballots data into Enhanced Results. **All data must be entered in Enhanced Results no later than** the tenth day by 5:00 p.m. following the election for general elections, no later than the sixth day by 5:00 p.m. following a primary election, and by the deadline determined by the Department of Elections for special elections.

⁷⁹ See [§24.2-667.1](#).



13.8.2.1 *Statistics Entry – Provisional Turnout Totals Page*

The initial election night provisional counts entered in Enhanced Results in the Statistics Entry – Provisional Turnout Totals page should be reviewed and appropriate corrections made if necessary to ensure all provisional ballots (accepted and rejected) are accounted for.

13.8.2.2 *Voter Turnout Entry Page – Provisional Column*

All provisional ballots (accepted and rejected) are reported by precinct in the Voter Turnout Entry page in the Provisional Column. Note that early voting and election day ballots are **not** reported separately, **nor** are they reported in any other voting method column.

13.8.2.3 *Detailed Results Entry – Precinct Pages – Provisional Column*

Beginning July 1, 2025⁸⁰ – Election Results (ballots cast and votes) for **accepted** provisional ballots only are reported by precinct in the Detailed Results Entry individual precinct pages, in the provisional column. Note that early voting and election day ballots are **not** reported separately, **nor** are they reported in any other voting method column.

13.9 NOTIFICATION AND VOTER CREDIT



After the determination of all provisional ballots by the electoral board, the registrar must enter all provisional ballot information into VERIS for individual voters in order to apply voting credit and issue correspondence to voters whose provisional ballots were not counted.

13.9.1 Enter Individual Voter Information

A provisional voter may have an inactive status, cancelled registration, or not be in VERIS at all. The registrar must search and manually add information regarding the provisional ballots in VERIS for each provisional voter. Refer to *VERIS Step-by-Step Voter History* for more information on modifying voter history.

A voter with a provisional ballot that was not counted must have the reason for this determination entered in VERIS to produce the appropriate required correspondence for mailing.⁸¹ For persons already registered, VERIS will automatically generate letters when their record is updated to indicate the provisional ballot was not counted. For persons not registered who have not completed a registration application, the notification letter should include a voter registration application and inform the person that if they wish to be eligible to vote in future elections, they must complete the application and return it in the pre-addressed envelope provided before the close of the books for the next election in the county or city.

For a provisional voter with a cancelled registration, the registrar must reinstate the individual's voter registration, enter the provisional voting information, and change any relevant information.

⁸⁰ See [SB1044](#) and [§24.2-667.1\(B\)](#).

⁸¹ See [§24.2-653\(B\)](#).



If a voter submitted an application for a different locality, the application should be copied and provided to the other locality, so the person can be registered.

A voter who did not submit an application or the application submitted was incomplete should have a voter registration application included in his/her mailing. To add information regarding non-registrants, the registrar should add the non-registered individual's information under "Non-Registrant Provisional" in VERIS.

Refer to the *VERIS Step-by-Step Voter History* for more information on modifying voter history.





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 14

Canvass

August 2025

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14. CANVASS

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REFERENCE Canvass Documents Code of Virginia, Title 24.2 Definitions Enhanced Results Training Materials Risk Limiting Audit Manual Same Day Registration Online Training Course VERIS Step-by-Steps (VERIS > Links)	REGULATIONS 1VAC20-20-70 Duty to Request Assistance and to Notify Voters of Denial of Applications for Voter Registration or Absentee Ballots 1VAC20-60-80 Request for risk-limiting audit for a contested race within a jurisdiction

14.1 CHAPTER ORGANIZATION

The process of reviewing, confirming, and recording the official local results of each election is called a “canvass”. The canvass of results, together with the adjudication of provisional voter eligibility, are the main tasks to be completed in the certification period. Local election officials in each locality conduct a canvass to verify and consolidate election results from the individual precincts. The officers of election, local electoral board, and general registrar are all jointly responsible for conducting an accurate and timely canvass. General registrars and office staff are responsible for transmitting the results of the canvass after certification to the Department of Elections (ELECT) through Enhanced Results and the Abstracts of Votes Submission form. The requirements for canvassing and certification are codified in the Code of Virginia §§ 24.2-671 - 24.2-680.

The purpose of this chapter is to provide an overview of the procedures for conducting the canvass in compliance with Virginia Code and is structured into three parts: Preparing for the Canvass, Conducting the Canvass, and After the Canvass.

§14.2 outlines steps to prepare for the canvass. The canvass occurs during a board meeting; thus, §14.2.1 discusses the basics of conducting a meeting, such as the need to follow requirements set in the Virginia Open Meetings and Freedom of Information Act. §14.2.2 discusses the data needed to conduct canvass and where to pull it all from. It also discusses how to report certified results to ELECT. §14.2.3 lists how election materials are delivered to the clerk of court and general registrar on election night or the day after and at the end of canvass. Information is also provided on how the Juneteenth holiday can affect June primary canvasses.



The canvass is an intensive step-by-step process; general registrars and electoral board members must have a sound understanding of how the materials are to be used prior to beginning the canvass meeting. §14.3 provides a guide to conducting the canvass by focusing on the duties and responsibilities of four entities: the officers of election, the general registrar, the local electoral board members, and ELECT. §14.3.1 discusses the importance of the officers of election. It is very important that general registrars and local electoral board members are familiar with the duties of the officers of election because this position is critical in verifying results. §14.3.2 focuses on the general registrar, whose role for the canvass includes bringing necessary supplies and ensuring that required documents are provided. §14.3.3 examines how the electoral board members fit into canvassing as their presence is important for counting and verification purposes. §14.3.4 discusses ELECT's role in reviewing the election results and other data reported by localities and its responsibility in providing all election results and data to the public.

§14.4 concludes the chapter by giving a brief overview of what should occur after the canvass, which is primarily the responsibility of the general registrar and electoral board members. §14.4.1 discusses campaign finance requirements election winners must comply with before receiving a certificate of election. It further discusses which entity is responsible for issuing which certificates of election: the local electoral board or the State Board of Elections (SBE). §14.4.2 discusses what to do with election records, materials, and ballots once canvass has concluded. §14.4.3 closes the canvass chapter by discussing general registrar VERIS tasks for voters whose provisional and absentee ballots could not be counted.

While conducting a canvass seems complex, the canvass can be completed smoothly if each entity is aware of how their responsibilities fit within the process.

14.2 PREPARING FOR CANVASS

14.2.1 Basics of the Meeting

The canvass is a meeting of the electoral board; thus, the Virginia Freedom of Information Act (FOIA) applies.¹ Refer to [Handbook Chapter 2: Local Electoral Board](#) for additional information on public meeting requirements.

The canvass is open to the public, who may attend all or a portion of the meeting.² It is important to note, though, that the provisional ballot meeting, which is a separate meeting that happens alongside the canvass during the certification period, is a limited-attendance meeting and not open to the public (all other Freedom of Information Act requirements apply).³ The limited attendance at the provisional ballot meeting allows for deliberations and the presentation of evidence by a provisional voter for qualification purposes. For additional information on provisional ballots, please see [Handbook Chapter 13: Provisional Ballots](#).

Notice of the date, time, and location for the provisional ballots meeting and the canvass must be given to the public by the electoral board **at least three business days** prior to the

¹ See [§2.2-3707](#).

² See [§24.2-653\(B\)](#). See also [§2.2-3712](#).

³ See GREB Handbook Chapter 13, Provisional Ballots, for more information on the provisional ballot meeting.



meeting.⁴ This information must also be provided in the provisional voter notices given to the provisional voters at the time of voting.

14.2.1.1 When to Meet

Before the electoral board can meet for canvass, the officers of election must deliver election materials on the night of the election to the clerk of the circuit court's office or the office of the general registrar.⁵ If the officers of election do not deliver the materials before the canvass to the clerk or the office of the general registrar, the clerk of the circuit court must have law enforcement retrieve the materials from the officer of election.⁶ This is discussed in greater detail in 14.2.3.



The electoral board must begin the provisional ballots meeting and the canvass **no later than 5:00 PM on the day after the election**⁷ The provisional ballot meeting is recessed immediately after convening to allow general registrar staff the opportunity to conduct voter research and process same-day registration (SDR) applications (the Department of Elections (ELECT) recommends beginning the provisional ballots meeting by noon on the day after the election for this purpose). The canvass proceeds immediately after recessing the provisional ballot meeting..

The electoral board will most likely hold the canvass over several days due to multiple deadlines occurring on the third day after the election. General registrar offices must process mailed absentee ballots postmarked on or before Election Day that are received by noon on the third day after the election. Approved provisional ballots must also be canvassed, the majority of which will be SDR voters. The statewide deadline for processing all SDR applications is 5:00pm on the third day after the election, with the SDR Duplicate Report being run by ELECT and forwarded to localities the fourth day after the election. Results from the canvass cannot be certified and submitted to ELECT until all ballots have been addressed.

ELECT recommends a consistent schedule each day during the certification period that the board convenes to make it easier for voters and the public to know when they can or cannot attend. For example, hold the provisional ballots meetings each morning then the canvass each afternoon. The board may adjourn as needed, not to exceed six calendar days from the date of the election for June Primaries and ten calendar days from the date of the election for the November General, unless an extension has been granted for a risk-limiting audit (RLA).⁸ For special elections not held in November and where the State Board must certify the results, the State Board must meet as soon as possible to ascertain and certify the results. If results are not received from the locality within seven days of the election, the State Board must meet on a day-to-day basis.⁹ Therefore, local electoral boards should work diligently to have results as soon as possible, but no later than seven days after a special election held at any time other than in November. For special elections not held in November that do not involve

⁴ See [§2.2-3707](#)

⁵ See [§24.2-668](#).

⁶ See [§24.2-670](#).

⁷ See [§24.2-671](#).

⁸ *Id.*

⁹ See [§24.2-679\(B\)](#).



State Board certification, the local electoral board must work as quickly as possible to provide results and abstracts for the special election. ELECT will work with localities to ensure compliance on a case-to-case basis.

For June primaries, the State Board of Elections (SBE) must certify results fourteen days after the day of the election.¹⁰ For November elections, SBE must certify results on the first Monday in December. In the interim, ELECT staff will verify the accuracy of the results each local electoral board has certified.¹¹



Dual primary reminder: Everything must be reported by primary in Enhanced Results. Democratic and Republican data cannot be combined. Ensure that all officers of election, office staff, and EB members are aware of the necessity to keep and record everything accurately and by primary and are provided with the resources and training needed to conduct Early Voting (EV), Election Day (ED), and the Post-Election (PE) process accordingly. **The provisional ballots meeting and canvass procedures should include double and triple checks to ensure the correct data is entered in the correct primary in Enhanced Results. Keeping paperwork and materials separated and clearly marked when storing after canvass is also important for if questions arise that require reviewing again.**

14.2.1.2 Where to Meet

The electoral board must hold the canvass meeting “at the clerk’s or general registrar’s office of the [locality] for which they are appointed” and “may adjourn to another room of sufficient size in a public building.”¹² The board has some discretion in determining where the canvass should take place. Written directions to the location of any room other than the clerk’s or general registrar’s office where the board will meet shall be posted at the doors of the clerk’s and general registrar’s offices prior to the beginning of the meeting.¹³

14.2.1.3 Public Disruptions and Participation

No person, regardless of official function or statutory right to be present, may disrupt the meeting or interfere with the canvass in any way. Inform unruly individuals that interruptions can cause errors and explain that questions concerning each precinct will be taken *after* work concludes but *before* the electoral board reseals the pollbooks, pollbook count forms, and the statement of results (SOR) for the precinct back into Envelope #2.

14.2.1.4 Whose Attendance is Required:

All members of the electoral board *should* be present for the canvass; however, it is only mandatory that two members be present. In the event one member is unable to attend, two members of the electoral board constitute a quorum and may proceed with the canvass.¹⁴ The member of the board that is unable to attend should notify ELECT.

When conducting a canvass, the secretary must be present. If the official secretary is unable to

¹⁰ See [§24.2-534](#)

¹¹ See [§24.2-679](#).

¹² See [§24.2-671](#).

¹³ *Id.*

¹⁴ See [§24.2-107](#).



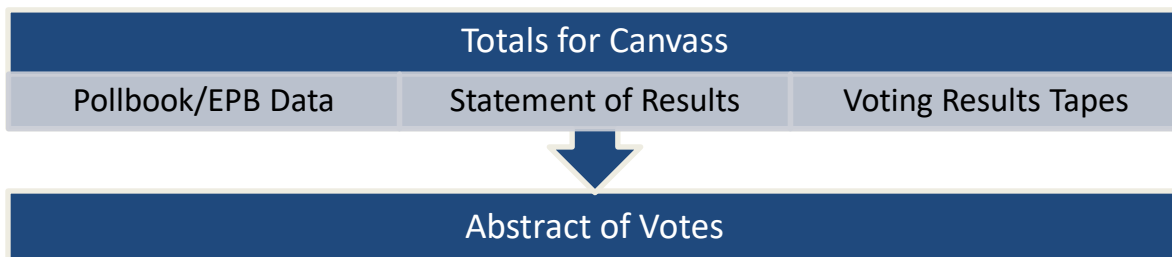
attend the canvass, the board members must elect one of the remaining board members to act as secretary.¹⁵ In acting as secretary, the board member must sign any official documents regarding the canvass as “acting secretary”.

When conducting a canvass, **only those members of the board present during the entire canvass may legally sign any document concerning it.** If you attach a signature of a member that was not present at the canvass or a member that was present does not sign, the electoral board must reconvene.

14.2.1.5 Whose Attendance is Optional:

During a primary election, each candidate is entitled to have as many representatives as there are teams of officials working to ascertain the results. In a general and/or special election, each political party and each independent candidate can have as many representatives as there are teams working to ascertain the results. The electoral board must use a room of sufficient size to accommodate these individuals. These individuals must be allowed an unobstructed view of the proceedings.

14.2.2 Required Totals for Canvass



14.2.2.1 Pollbook and Pollbook Count Sheet

A pollbook is a printed (PPB) or electronic (EPB) list of all the voters in a precinct eligible to vote in an election. Pollbooks list each eligible voter by last name and includes their ID number, full name, year of birth, town code (if applicable), super-district (if applicable), residence address, and mailing address. Additionally, a voter may have a pre-printed code beside their name to indicate one of the following:

- Voter requested an absentee ballot (AB).
- Individual is a temporary or federal overseas voter (T or F).
- Individual is a permanently registered overseas voter (R).
- Voter moved within the jurisdiction or is inactive (?).
- Voter has an assigned number instead of a social security number (A).
- Voter utilized Same Day Registration (SDR)



Note: All precincts must have a paper copy of each pollbook (PPB) available on Election Day

¹⁵ See [§24.2-106\(B\)](#).



(one for each party if having a dual primary), even if you use electronic pollbooks (EPBs).¹⁶ Paper copies are not required for early/absentee voting, but it is encouraged.

The pollbook count sheet is a tally sheet used by officers of election to track the number of voters who checked in on election day. A pollbook count sheet template can be found in [FormsWarehouse under Election Management](#). If an electronic pollbook (EPB) is used, this count is tracked automatically.



Dual primary reminder: Everything must be reported by *primary* in Enhanced Results. Procedures for checking people in on the pollbook and marking the count sheet, as well as all other Election Day paperwork, should include double and triple checks to ensure the voter is being checked in/accounted for on the correct primary pollbook and count sheet.

14.2.2.2 Statement of Results (SOR)

After polls close, officers of election begin to ascertain the votes by completing the SOR. SOR templates can be found in [FormsWarehouse under Statement of Results and Other Results](#). **Two copies of the SOR must be completed for each precinct.** Officers use materials such as the results tapes to complete the SOR. Officers of election must complete certain fields on the SORs such as: the number of voters checked in at the pollbook, the number of voters that voted outside the polling place (“curbside”), and the number of ballots cast on the voting machine. Officers use the completed SOR to submit the results for each precinct.¹⁷ The electoral board, then, verifies this information during canvass.¹⁸



Dual Primary Reminder: Everything must be reported by primary in Enhanced Results. Procedures for completing SORs, as well as all other Election Day and Night paperwork, should include double and triple checks to ensure the data is being recorded on the correct primary’s paperwork.

14.2.2.3 Voting System Results Tapes

Optical scanning machines produce tapes prior to an election and once the election is completed. The tapes produced prior to the beginning of the election are known as Zero Tapes while the printouts at the end of the election are the results tapes. Your printouts from the end of the night will have a total number of votes and, if applicable, tapes of any write-in names. Zero tapes and results tapes must be certified by the officials on election night; thus, each officer of election must sign these documents and submit an ELECT-658 Printed Return Sheet for all machines within the polling place. A printed return sheet template can be found in [FormsWarehouse under Statement of Results and Other Results](#). At least two copies of the results tapes should be printed, one that is kept with the statement of results and one for the clerk of court to be available the next day in their office.¹⁹

Optical scanning machines that are used in the Central Absentee Precinct (CAP) will also produce a result tape with office and issue results listed by the Election Day precincts. This result tape should be provided to the General Registrar so that the effort to confirm CAP by

¹⁶ See §§[24.2-610](#) and [24.2-611](#).

¹⁷ See [§24.2-654](#).

¹⁸ See [§24.2-671](#).

¹⁹ See [§24.2-658](#).



Precinct election results may be verified and corrected as needed. The electoral board should focus its attention on cumulative results tapes and write in tapes.

14.2.2.4 Abstracts of Votes Cast

The Enhanced Results “Certification” report (Abstract of Votes) is generated in Enhanced Results after vote totals for each office or issue are entered in Enhanced Results and confirmed correct. Once all data entered in Enhanced Results is confirmed correct, the local electoral board should have the general registrar or staff mark local winners, as determined by the board, and generate and print the Abstract of Votes. Enhanced Results instructions can be found in the Enhanced Results Training Materials course in ELECT’s Learning Management System (LMS).

The Abstract may need to be supplemented with the ELECT-675 Write-Ins Certification and Continuation if a write-in candidate wins **or** the total number of write-in votes cast for the office is 10% or more of the overall votes cast for the office. When you generate the abstract in Enhanced Results, there will be a note on the abstract notifying you that an ELECT-675 Write-Ins Certification is required for the office. The Write-Ins Certification can be found in [FormsWarehouse under Election Management](#))



Note: The ELECT-675 Write-Ins Certification and Continuation is a different document from the SOR Write-Ins Certification.

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

Envelope 2 or 2B and Envelope 2A are used to deliver elections materials to the clerk of court or to the general registrar election night or the morning after the election.²⁰ Artwork of these envelopes to provide to your printer can be found in [FormsWarehouse under Print Ready Materials Artwork](#). The Circuit Court Clerks Guidance memo that outlines all envelopes used to store election records and related items can be found in [FormsWarehouse under Election Management](#) then under Canvass Documents.



Dual primary reminder: Everything must be reported by primary in Enhanced Results. While one envelope may contain election materials for both primaries, securing the materials separately with clear labeling within the envelope is essential to ensuring accuracy in reporting. This separation should be maintained after canvass as well for if questions arise that require reviewing the materials again.

The clerk of court must receive a copy of the return sheets, a copy of the inspection sheet, and a copy of the SOR to comply with Code of Virginia §24.2-658, which requires the return sheets be made available the day after the election and for 60 days thereafter for public inspection and transcription, regardless of the method of delivery chosen from Code of Virginia §24.2-668.²¹

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

²⁰ See [§24.2-668](#).

²¹ See [§§24.2-658](#) and [24.2-668](#).



1. If the officers of elections are directed to give the clerk of court the election materials outlined in Code of Virginia §24.2-668(A), the officers of elections must deliver the materials no later than noon on the day following the election. The clerk of court is to retain Envelope 2A and provide the electoral board with Envelope 2 or 2B for the canvass.²²
2. If the officers of elections are directed to give the election materials to the general registrar, as provided in Code of Virginia §24.2-668(B), on the night of the election or the morning following the election, the general registrar is to provide Envelope 2 or 2B and the election materials therein to the electoral board and provide the clerk of court Envelope 2A for the required public inspection and preservation of records.²³ All other election materials outlined in Code of Virginia §24.2-668(A) shall be provided by the general registrar to the clerk of court by noon on the day following the ascertainment of the results of the election by the electoral board.

²² See [§24.2-668\(A\)](#).

²³ See [§24.2-668\(B\)](#).





Juneteenth Holiday

Juneteenth is a federal and state holiday that occurs on June 19th every year. As the June primary is set on the third Tuesday of June, Juneteenth may occur in the days following the June primary election, affecting canvass.

If Juneteenth occurs on the day following the primary, when canvass typically begins, the clerk of court's office may be closed that day, and the electoral board will need to choose how election materials will be delivered to the clerk of court's office in this situation.

Electoral boards have 3 options:

1. **Officers of election may deliver materials to the clerk of court on election night.** Please keep in mind that if this option is selected, coordination will have to take place with the clerk of court as this will fall outside of normal business hours.
2. **Officers of election may deliver election materials by noon the day following Juneteenth.** Code of Virginia §1-210 directs that when a deadline falls on a legal holiday or day when the clerk's office is closed, as authorized by an act of the General Assembly, that the act may be performed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed by an act of the General Assembly. Therefore, localities may adjust their post-election timelines by delaying the delivery of election materials to the next business day.
3. **Officers of election may be directed to convey the elections materials to the principal office of the general registrar on election night or the morning after.** The general registrar will deliver the election results to the clerk by noon on the day following the ascertainment of the results of the election by the electoral board. Pursuant to Code of Virginia §§24.2-668(B) and 24.2-659(G), the general registrar will be responsible for securing and retaining these materials in their office, in addition to delivering the results by noon on the day following the conclusion of the local canvass.

Electoral boards may still choose to begin canvass on Juneteenth. The occurrence of Juneteenth in the days following the June primary, much like Veterans Day in November, **does not extend canvass, the ballot cure deadline as set out in Code of Virginia §24.2-709.1(C), the absentee deadline as set out in Code of Virginia §24.2-709(B), or the provisional deadline as set out in Code of Virginia §24.2-653(B).**

14.3 CONDUCTING THE CANVASS

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

More information on the steps that need to be taken during canvass can be found in ELECT's Learning Management System (LMS) courses: Enhanced Results Training Materials and Election Night and Post-Election Process. Additionally, ELECT will email Official ELECT



Advisories to localities in the weeks before the election and during canvass with help information reminders. General registrars and locality staff with Okta access can search past advisories in the Advisory Archive, which can be accessed by logging in to Okta and selecting the Elections Secure Access Portal then Advisory Archive.

14.3.1 Duties of the Officers of Election

The officers of election are critical to the canvass process because the officers begin the process by ascertaining, or verifying, vote totals for each machine on election night. Information that is collected and verified by the officers of election will be provided to the general registrar and the local electoral board for certification. For more details, see chapters 11 and 12 of this handbook, as well as the ELECT-103EDG and ELECT-103CAP Election Day Guides found in [FormsWarehouse under Election Management](#).



Dual primary reminder: Everything must be reported by primary in Enhanced Results. Election night procedures should include double and triple checks to ensure the data is being recorded on the correct primary's paperwork, all materials are being put in envelopes secured separately by primary and clearly labeled, and the data is transmitted to the general registrar and office staff in a way that they are able to record correctly as well.

Officers of election must accurately complete:

- The pollbook count form (except when an electronic pollbook is used),
- Duplicate SORs,²⁴ and
- Produce the voting equipment printouts (e.g., results tapes, precinct consolidation tape or final precinct report).²⁵



Best Practice

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

If it is necessary to summon officers to correct errors, the material used must be returned to its original envelope and set aside until they appear. If the officers of election cannot appear on a particular day during the canvass, follow the instructions for packaging and re-open the envelope when the officers appear.

14.3.2 Duties of the General Registrar

The duties performed by the general registrar for the canvass break down into two sections: Before the Election and After the Canvass. The specifics of each section are described below and in Chapter 10 of this Handbook.

²⁴ See [§§24.2-657](#) and [24.2-668](#).

²⁵ See [§24.2-657](#).



14.3.2.1 Before the Election

The general registrar should:

- Review all items found in ELECT's Learning Management System (LMS) course: Enhanced Results Training Materials.
- Review all items found in the LMS course: Election Night and Post-Election Process.
- Review all Official ELECT Advisories emailed to localities to ensure you have the most up to date information and instructions.
- Attend any Enhanced Results online training webinars put on by ELECT.
- Review the election in Enhanced Results for accuracy of precincts, offices, candidates, and issues. Note that **ELECT creates elections in Enhanced**. An advisory will be sent when an election is ready for locality review and testing.
- Ensure all staff that will need access to Enhanced Results have it and are familiar with how to enter data. If a staff member needs access, submit an Enhanced Voting System Support Jira ticket.
- Enter data and test in Enhanced Results (while the election is in testing mode) to ensure familiarity with how to enter data election night and after.
- Practice exporting and importing the fillable excel in Enhanced Results and determine how it can be most useful to your locality.. For more information see the Enhanced Results Training Materials in LMS.
- Talk with your vendor and the Enhanced Voting support team to determine if importing a vendor file is a viable option for your locality.
- Make a plan with office staff and officers of elections for reporting data to the office and entering reported data into Enhanced Results.
- Print the Definitions document found in [FormsWarehouse under Election Management](#) then under Canvass Documents for the electoral board to use as a reference.



Dual primary reminder: Everything must be reported by primary in Enhanced Results. Democratic and Republican data cannot be combined. Ensure that all officers of election, office staff, and EB members are aware of the necessity to keep and record everything accurately and by primary and are provided with the resources and training needed to conduct Early Voting (EV), Election Day (ED), and Post-Election (PE) processes accordingly.





Law Note Regarding 2025 Legislative Change SB1044

Beginning July 1, 2025, general registrars must report provisional election results *by precinct*. As localities were previously only reporting summary provisional results for the locality, general registrars should take time to consider how this change affects **all** their current provisional processes, from envelope handling during early voting through how the envelopes and ballots are stored after canvass. Locality documents should be reviewed to determine if edits should be made to accommodate this new way of reporting or if separate documents should be created. Ensure emphasis is given to these changes in processes when training officers of elections and office staff and when discussing the provisional ballots meeting with your electoral board. When the 2025 November General election is ready for locality testing in Enhanced Results users should conduct testing to familiarize themselves on data entry, validation, and reports changes. When it is available, read the Enhanced Results Use Procedures - Generals and Specials located in LMS Course: November 2025 Enhanced Results Training Materials.

14.3.2.2 After the Canvass

After the canvass is complete, the general registrar should make available for public inspection one copy of each of the following:²⁶

- Enhanced Results exported fillable excel or similarly generated spreadsheet (if applicable).
- SOR for each precinct.
- SOR Write-Ins Certification completed by the officers of election for each precinct (if applicable).

These documents may also be copied by the public with their own device, or they may purchase a copy pursuant to Code of Virginia §17.1-275(A)(8).



Note: The general registrar should retain at least one voided ballot from each precinct, including splits. One is to be kept with the canvass meeting minutes. If the voided ballots cannot be scanned, a second set will need to be retained for mailing to ELECT after abstracts have been accepted.²⁷

14.3.3 Duties of the Electoral Board

The electoral board completes and certifies the abstract of votes. To create the abstract of votes, the officers of election supply the SOR to the electoral board who reviews these documents and certifies them. This process is the ascertainment of results. Much of this process is completed through Enhanced Results by the general registrar or their staff. The general registrar should refer to the Enhanced Results training materials found in LMS course: Enhanced Results Training Materials.



Note: Once all local winners are confirmed and before generating the Abstracts of Votes, the

²⁶ See [§24.2-671](#).

²⁷ See [§24.2-612](#).



general registrar must mark the winners as such in Enhanced Results.

14.3.3.1 Processing the Statements of Results (SORs)



Dual primary reminder: Everything must be reported by primary in Enhanced Results. Democratic and Republican data cannot be combined. Electoral board members should ensure their process for reviewing all materials and then returning them to the appropriate envelope ensures there is no comingling of materials. Everything must be kept separate, even after canvass, to ensure any follow up questions can be answered.

Officers of election must submit two copies of the SOR for each precinct. Each copy should be checked for discrepancies by the electoral board members, a Democratic board member and a Republican board member should each check a copy for matching information. In large localities, it may be necessary to employ teams of two people to perform this function under the direct supervision of board members. In this case, each team should be comprised of one Democrat and one Republican. Each should check one copy of the SOR to ensure matching information, and all required signatures have been entered.

- Electoral board members should ensure that all voting systems in the polling location are properly accounted for in the SOR and that all machine tapes from all voting systems in use are present.
- Compare the number of voters voting with the total number shown as voting on the SOR. This is done by checking either the last page of the pollbook count sheet or the “Checked-In” count from the EPB. If they do not agree and no statement adequately explaining the disagreement has been entered, the officers must be called in to correct the SORs or to enter the missing explanation.²⁸



Law Note

Never open the sealed envelope or receptacle containing voted ballots unless authorized to do so by the Commissioner of the Department of Elections, by order of a Court (*e.g.*, in a recount or contest), or as part of a risk-limiting audit pursuant to Code of Virginia §24.2-671.2. **Opening the sealed counted ballots envelope or receptacle for any other reason could constitute illegal tampering, which is subject to prosecution as a felony per Code of Virginia §24.2-1009.**

- Officers may have to look at counted ballots or examine voting machines to correct discrepancies in the returns. If this is the case, authorization must be granted by ELECT **before** proceeding further with that precinct. The registrar or an electoral board member must complete the [ELECT-659 Request to Inspect Sealed Election Materials form](#).²⁹ Once the request has been approved by the Department you will receive an email confirmation with the completed, signed form.
 - Each political party and each independent candidate on the ballot (in a primary, each candidate) is entitled to have a representative during this process.³⁰ Parties and

²⁸ See [§24.2-672](#).

²⁹ See [§24.2-659](#).

³⁰ See [§24.2-671](#).



candidates must be provided with a reasonable advance notice of the time and place of the inspection. The representatives must have an unobstructed view of the proceedings but cannot interfere in any way.³¹

- The electoral board is required to notify ELECT when changes are made to the SOR, or later, to its certified abstract, and include a reason, which will be posted to ELECT's website.³²
 - Revisions may be made to the data entered in Enhanced Results without notifying the Department up to the point at which abstracts are submitted to the Department via the Abstracts of Votes online submission form.
 - If changes need to be made after the Department has approved the submitted abstracts, notify your ERS Liaison right away of what changes need to be made and why. They will instruct you how to move forward with making the required changes in Enhanced Results and/or submitting the revised abstract.
- Once the results are ascertained, the secretary of the board must return to the clerk:
 - all pollbooks,
 - any printed inspection and return sheets, and
 - one copy of each SOR.³³

14.3.3.2 Write-in Votes

Write-in votes cannot be cast in primary elections.³⁴ For general and special elections localities must always report write-in vote totals for each office 1) locality wide by voting method (early voting, mailed absentee, election day, provisional, post-election) and 2) the precinct breakdown by voting method.

For each office in the election localities should create a list with the following information:

- Write-in name
 - Variations of the same name should be accounted for together.
- The number of votes the name received **by precinct** and **locality total**.
- If the name is valid or invalid.
 - At all elections, except primary elections, it is lawful for any voter to vote for any person *other than the listed candidates* for the office by writing or hand printing the person's name on the official ballot.³⁵
 - No write-in vote shall be counted for an office for any person whose name appears on the ballot as a candidate for that office.³⁶

³¹ See [§24.2-671](#).

³² See [§24.2-671](#).

³³ See [§24.2-671](#).

³⁴ See [§24.2-529](#).

³⁵ See [§24.2-644\(C\)](#).

³⁶ See [§24.2-644\(D\)](#).



- No write-in vote shall be counted when it is apparent that a voter has voted for the same person for the same office more than one time.³⁷
- Consult the Virginia Guide to Hand-Counting Ballots for examples³⁸
- If validity is in question, the electoral board is responsible for making the determination.
- Illegible/no-name written write-in votes must be accounted for in the list as well to ensure an accurate reporting of the total number of write-in votes for the office.



Best Practice

Determining what may be counted as a write-in vote for a particular candidate often requires determining voter intent. Any abbreviation, misspelling, or other minor variation in the form of the name of a write-in candidate or other name provided by a voter should be disregarded in determining the validity of the vote, if the intention of the voter can be ascertained. Write-in candidates should be instructed to educate voters on using the candidate's full name.

Once you have accounted for all write-in votes for the office, the list should be sorted by valid/invalid, then alphabetically. You may choose to create separate precinct lists as well. It is encouraged to create the list(s) electronically for ease of sorting and editing, but the locality may create a physical list if they so choose.

All valid write-in votes for each office must be counted by the Electoral Board. The Electoral Board must record the valid write-in votes in the minutes of the canvass meeting.³⁹



Note: When entering write-in votes in Enhanced Results, each office has **one** write-in “bucket” line, **even if the office is multi-seat (vote for more than one)**. If your results tapes provide write-in votes broken down by write-in line for multi-seat offices, **the votes from all write-in lines must be combined** and totals reported in the **one** write-in “bucket” line.

In an election for a local office in a locality or town with a **population of no more than 4,000 persons**:

- If the person having the **highest** number of votes for the office is elected by write-in votes and is not qualified to hold such office or declines to assume such office, the person having the second highest number of votes shall be deemed to have been elected to such office and shall receive the certificate of election.
- If the person having the **second highest** number of votes is not qualified to hold such office or declines to assume such office, the person having the third highest number of votes shall be deemed to have been elected to such office and shall receive the certificate of election.
- If the person having the **third highest** number of votes is not qualified to hold such office or declines to assume such office, a vacancy shall be declared and filled by special

³⁷ *Id.*

³⁸ See ELECT, [Virginia's Guide to Hand-Counting Ballots](#).

³⁹ See [§ 24.2-671](#)



election.⁴⁰

In all other cases, if the person having the highest number of votes for the office is elected and is not qualified to hold such office or declines to assume such office, a vacancy shall be declared and filled by special election.

In an election for a local office certified by the electoral board, if, after triple checking, it is determined that two or more people have tied for having the most votes, the electoral board must conduct a public drawing to determine the winner.⁴¹ Additional information can be found in section 14.3.3.5 below.

- FAQ: If the winner is not qualified to hold the office or declines to assume the office, what happens?
 - A vacancy shall be declared and filled by special election.
 - Exception: the winner was a write-in and the locality/town has a population of no more than 4,000 people.
- FAQ: If two people tie for the highest votes and one of them is not qualified, or does not want, to hold the office, does the other person automatically win?
 - No, the drawing still must be done to determine the winner. If the person drawn does not qualify to hold the office or declines to assume the office, a vacancy shall be declared and filled by special election.
 - Exception: the winner was a write-in and the locality/town has a population of no more than 4,000 people.

Once the write-in winner is determined, the general registrar will need to create a candidate line for them in Enhanced Results and move their election results out of the Write-In “bucket” row and into the newly created candidate row on the Summary Entry page and all applicable Detailed Results Entry precinct pages. For more information refer to the Enhanced Results training materials found in the LMS course: Enhanced Results Training Materials.



Note: The criteria for candidacy must be met by write-in winners, including submitting campaign finance reports.

An ELECT-675 Write-Ins Certification and Continuation must be completed by the electoral board when:

- A write-in candidate wins the election.

OR

- The write-in vote total for an office is 10% or more of the total votes cast for the office.⁴²

The Abstract generated in Enhanced Results, will indicate that an ELECT-675 Write-Ins Certification and Continuation is required for the office. The form tallies valid, invalid, and total write-in votes received for the office and provides a list of all valid votes. The form can be found in [FormsWarehouse under Election Management](#) then under Canvass Documents.

⁴⁰ See [§24.2-673\(B\)](#).

⁴¹ See [§ 24.2-674](#)

⁴² See [§§24.2-671](#) and [24.2-675](#).





Note: The ELECT-675 Write-Ins Certification and Continuation is a different document from the SOR Write-Ins Certification.

The Continuation page may be copied as many times as needed to provide the full list of valid write-in votes. Alternatively, if the electoral board develops its own list of valid write-in votes in a similar way as the Continuation page, that list may be used in lieu of the Continuation page. Newer voting systems permit the production of a write-in report from the voting systems themselves. This report is also acceptable and may be used in lieu of the Continuation page.

More information on the ELECT-675 Write-Ins Certification and Continuation can be found in section 14.3.3.6 below.

14.3.3.3 Voter Turnout

Voter turnout is the total number of individuals who attempted to vote in an election. Voter turnout totals must be determined for each precinct, broken down by voting method (early voting, election day, mailed absentee, provisional, post-election). For more information review the Definitions document found in [FormsWarehouse under Election Management](#) then under Canvass Documents.

Once voter turnout has been determined for each precinct, the general registrar or staff will need to enter the information into Enhanced Results in the election's Voter Turnout Entry page.

14.3.3.4 Enhanced Results Data Validation, Enhanced Results and VERIS Reports Available to Confirm Accurate Election Results

After entering the election results and voter turnout into Enhanced Results general registrars should analyze and resolve all data validation errors that are flagged in the Data Validation section in Enhanced Results. Any data validation errors that cannot be cleared must be explained. The general registrar must include explanations/supporting documentation with the Abstracts when submitting the [Abstracts of Votes online submission form](#).

There are several reports in Enhanced Results that can be run to help find and resolve validation errors. Additionally, exporting the precinct results excel spreadsheet from Enhanced Results may prove to be helpful in finding errors. For more information refer to the Enhanced Results training materials found in the LMS course: Enhanced Results Training Materials.

After entering/uploading voting credit into VERIS, the Enhanced Results Voter Turnout report should be compared to the VERIS Voting Credit Audit by Locality report (found in VERIS > Reports Library > Election) and any discrepancies should be corrected or explained. If it is determined that the credit was entered/uploaded incorrectly in VERIS, the general registrar should submit a System Support JIRA ticket as soon as possible so ELECT IT staff can research and help resolve any issues found. The general registrar should provide their ERS Liaison with the ticket number so they can help facilitate a timely resolution.

If the general registrar or electoral board needs assistance in interpreting data validation errors or reports, they may contact their ERS Liaison or the ERS Election Administration team.



14.3.3.5 Determination of Tied Results

If the results of an election for a local office certified by the electoral board indicate that two or more candidates received the same (and highest) number of votes, the electoral board must first check and double check again the total votes cast for each candidate. If no error is found, the electoral board must conduct a public drawing to determine the winner.⁴³

Notify the candidates involved so that they or their representatives may be present for the drawing. The board should continue with the drawing even if a candidate's representative fails to show.⁴⁴ In any event, ensure that witnesses are present.

To conduct the drawing, take the following steps:

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

14.3.3.6 Processing the Abstracts of Votes and ELECT-675 Write-Ins Certification and Continuation



Note: If there is a write-in winner, before generating the Abstracts, the general registrar will need to create a candidate line for them in Enhanced Results and move their results out of the Write-In "bucket" line and into the newly created candidate line on the Summary Entry page and all applicable Detailed Results Entry precinct pages. For more information refer to the Enhanced Results training materials found in the LMS course: Enhanced Results Training Materials.

Once all data entered in Enhanced Results is confirmed complete and correct, all validation errors have been cleared or explained, and local winners have been declared, the general registrar must mark the winners and generate the Abstracts in Enhanced Results in the election's Certification page. For more information refer to the Enhanced Results training materials found in the LMS course: Enhanced Results Training Materials.

For each office and referendum, complete two original Abstracts. For offices that require one, complete two ELECT-675 Write-Ins Certifications and Continuations (found in [FormsWarehouse under Election Management](#) then under Canvass Documents).

- Each original abstract and ELECT-675 Write-Ins Certification and Continuation (if applicable) must be dated and signed by all members of the electoral board **who participate in the canvass**.

⁴³ See [§24.2-674](#).

⁴⁴ *Id.*



- The secretary will only sign once, on the *Secretary/Acting* line.
- One set of **originals** that are dated and signed are to be:
 - Copied. At least 4 sets of copies should be made.
 - Put in a file to be kept with the meeting's minutes.
- The second set of **originals** that are dated and signed are to:
 - Be attested to as a certified copy by the secretary (secretary signs on the *Secretary (Certified Copy)* line).
 - Have the electoral board seal affixed by the secretary.
 - Be kept with the meeting's minutes.
- One set of **copies** are to be kept with the meeting minutes.
- The second set of **copies** are to be attested to and seal affixed by the secretary and kept with the meeting's minutes.⁴⁵
- What to do with the third and fourth sets of copies is explained below in section 14.3.3.7.



Note: if corrections are required during ELECT's review that result in the electoral board having to certify revised abstracts or ELECT-675 Write-Ins Certifications and Continuations, the general registrar and electoral board must ensure all incorrect originals and copies are replaced with the final accepted versions.

An ELECT-675 Write-Ins Certification and Continuation must be completed by the electoral board when:

- A write-in candidate wins the election.

OR

- The write-in vote total for an office is 10% or more of the total votes cast for the office.⁴⁶

If it is determined that an ELECT-675 Write-Ins Certification and Continuation form is necessary, follow the instructions on the form to ensure it is completed accurately:

- Enter the appropriate numbers in the Write-Ins Summary section (Lines 1, 2, and 3).
- Enter, in alphabetical order, the **valid** names of persons receiving write-in votes and the number of votes received by each in the Valid Write-Ins – Detail section.
 - The Continuation page should be copied as many times as needed for a complete reporting of valid write-in names. Alternatively, if the electoral board develops its own list of valid write-in votes in a similar way as the Continuation page, that list may be used in lieu of the Continuation page.
- To ensure accuracy of reporting on the ELECT-675 Write-Ins Certification and Continuation perform the following checks:
 - Adding Write-Ins – Summary section lines 1 Invalid Write-Ins and 2 Valid Write-Ins

⁴⁵ See [§24.2-675](#).

⁴⁶ See [§§24.2-671](#) and [24.2-675](#).



must equal line 3 Total Write-Ins.

- The total on line 2 Valid Write-Ins in the Write-Ins – Summary section must equal the total of all votes for everyone listed in the Valid Write-Ins – Detail section (including Continuation pages).
- The Write-Ins – Summary section line 3 Total Write-Ins total must equal the total votes on the Abstract for the write-in winner plus the write-in “bucket”.



Note: The criteria for candidacy must be met by write-in winners, including submitting campaign finance reports.

14.3.3.7 Where to Send Abstracts/ Write-Ins Certifications and Continuations

As soon as the canvass is concluded, but no later than the tenth day after the election for the November General, sixth day after for the June Primary, the general registrar must submit the following to ELECT using the [Abstract of Votes online submission form](#). This electronic submission meets the requirements set out in Va. Code §§ [24.2-532](#) and [24.2-678](#).

- A scan of the attested copy of each abstract and ELECT-675 Write-Ins Certification and Continuation (if applicable) with seals affixed.
- If applicable, a document containing explanations for all validation errors that could not be cleared, discrepancies between credit and turnout, and any other explanations or supporting documentation that will help the Department in their review.
- A scan of each precinct’s voided ballot, including all splits.



Note: The general registrar and electoral board must remain available through the State Board of Elections (SBE) certification meeting to respond immediately to any requests from ELECT or SBE for additional information and/or correction of any errors found during their review or meeting.

Only after ELECT authorizes, mail the following to the Department of Elections, Attn: Abstracts:

- The attested copies with seals affixed of the abstracts and ELECT-675 Write-Ins Certifications and Continuations (if applicable) that were submitted electronically to, and accepted by ELECT.
- A completed Election Results Certification Checklist – ELECT-103(A) (found in [FormsWarehouse under Election Management](#) > Canvass Documents).
- Only if you were unable to submit electronically, one of each voided ballot.

For **general** elections: forward an attested copy with seals attached of the abstracts and ELECT-675 Write-Ins Certifications and Continuations (if applicable) that were accepted by ELECT to the following entities for recording in the record book of the local governing body:⁴⁷

- To the Clerk of the City Council or Board of Supervisors,
- For town elections, to the Clerk of the Town Council,

⁴⁷ See [§24.2-675](#).



- For local referenda, to the Circuit Court Clerk for the locality.

For **primary** elections: unless directed otherwise by ELECT, forward an attested copy with seals attached of the abstracts that were accepted by ELECT to the following entities:⁴⁸

- For U.S. House of Representatives, to the congressional district party chair.
- For General Assembly, to the Senate or House of Delegates district party chair.
- For all local offices, to the county or city party chair.
 - For constitutional and town offices that are shared by multiple localities, to the party chair of each county or city sharing the office.
- For United States President, United States Senate, Governor, Lieutenant Governor, and Attorney General do **not** send to any political party chair.



Dual primary reminder: Republican primary abstracts are only sent to republican party chairs. Democratic primary abstracts are only sent to Democratic party chairs. Before sending primary abstracts, triple check that the correct primary's abstracts are going to the correct party's chairs.

14.3.3.8 Requesting a Risk-Limiting Audit (RLA) for a Local Contest

The electoral board may request for a local race to be part of the risk-limiting audits (RLA) chosen by the State Board of Elections. The electoral board may hold a vote during the canvass to select a contested race wholly contained within the jurisdiction of the county or city to audit.⁴⁹ The contest must have a margin greater than or equal to 1%.⁵⁰

If the electoral board approves by a majority vote the request for an audit, they must submit an SBE-671.2(D) Request for Risk-Limiting Audit form (found in [FormsWarehouse under Risk Limiting Audit](#)) to ELECT. ELECT will present the request to the State Board of Elections (SBE) for consideration.⁵¹ If the request is granted by SBE, an extension may be granted, up to two weeks, for the electoral board's certification deadline.

More information on the RLA process can be found in the RLA Manual, located in chapter 14 of this handbook and in [FormsWarehouse under Risk Limiting Audit](#).

14.3.3.9 Responsibility for Certification of Results

The State Board of Elections (SBE) is responsible for the final certification of results and declaring winners for most offices and issues that cross locality lines, i.e. federal, statewide, General Assembly, shared constitutional, and Soil and Water Conservation Directors.⁵² Review Code of Virginia [§ 24.2-601](#) for responsibility information on shared towns.⁵³

The local electoral board is responsible for the final certification of results and declaring

⁴⁸ See [§24.2-532](#).

⁴⁹ See [§24.2-671.2\(D\)](#). See also Virginia Admin. Code [1VAC20-60-80](#).

⁵⁰ See Virginia Admin. Code [1VAC20-60-80](#).

⁵¹ *Id.* See also [SBE-671.2\(D\)](#).

⁵² See [§24.2-680](#).

⁵³ See [§24.2-601](#).



winners for all local offices and issues that are wholly contained within the locality.⁵⁴ Review Code of Virginia [§ 24.2-601](#) for responsibility information on shared towns.⁵⁵

14.3.4 Duties of the Department of Elections

To verify the accuracy of the Abstracts of Votes, the Department of Elections' (ELECT) Election and Registration Services (ERS) staff will review and compare the data entered in Enhanced Results by the locality. They will then compare the results totals entered in Enhanced Results to the totals on the attested abstracts submitted by the locality. ERS staff will notify the general registrar of any errors or questions found immediately after their review is complete.

Upon notification by ERS staff that there are errors or questions that need to be resolved, the general registrar or the electoral board, as appropriate, are required to research and correct any errors found and answer questions posed immediately. If the locality is unable to correct an error, they must provide an explanation as to why and any supporting documentation that may exist.⁵⁶

ELECT is required to post all by precinct absentee (early voting, mailed absentee, and post-election) election results to its website by no later than 5:00 pm on the tenth calendar day following an election.⁵⁷ **Beginning July 1, 2025** ELECT must also post all by precinct provisional results to its website by no later than 5:00 pm on the tenth calendar day following an election.⁵⁸ This is accomplished by localities entering all of their election results into Enhanced Results by the deadline.⁵⁹



Best Practice

Localities should enter all election results into Enhanced Results as soon as possible so validation checks can be run, researched, and errors corrected before the deadline for submitting Abstracts to ELECT (ten days after the election for general elections, six days after the election for primaries, as soon as possible after the election for special elections not occurring in November).

ELECT will post to its website comprehensive reports indicating, for each precinct, the actual election results, and other vital information such as voter turnout percentages and percentages of votes cast for each candidate.

14.4 AFTER THE CANVASS

14.4.1 Campaign Finance Reporting and Certificates of Election

A certificate of election can be provided to the candidate with the highest number of votes only after the individual complies with campaign finance reporting requirements.⁶⁰ The

⁵⁴ See [§24.2-671](#).

⁵⁵ See [§24.2-601](#).

⁵⁶ See [§24.2-675](#).

⁵⁷ See [§24.2-667.1](#).

⁵⁸ *Id.*

⁵⁹ See [§24.2-667.1](#).

⁶⁰ See [§24.2-948.2](#).



following conditions must be met:

- The candidate has filed all campaign finance reports required in Code of Virginia.
- A final report has been filed, if required by Code of Virginia §24.2-948.1(C).
- The candidate has responded to and complied with any notice that additional information is needed to complete any required report.⁶¹
- The candidate has paid any civil penalty and returned any contribution required to be returned.⁶²

Notify candidates for any of the offices who fail to file the required reports of campaign contributions and expenditures that, if such reports are not filed, the electoral board will be required to report to the Commonwealth's Attorney that the candidate has failed to comply with reporting requirements and may be subject to prosecution.⁶³ Report to the Commonwealth's Attorney, in writing, any candidate who fails to file any required report by the deadline set in the notification letter.

The certificate of election is made out by the secretary of the electoral board once the board has determined the election results and verified with the general registrar each winning candidate's compliance with Code of Virginia §24.2-948.2.⁶⁴ The secretary must make out a certificate for each person who received the highest number of votes. Two sample certificate templates can be found in [FormsWarehouse under Election Management](#) then under Certificate of Election, Local. The dates entered for the beginning and end of the term of office must be correct for the specific office being certified. If the election was a special to fill a vacated seat, the certificate must indicate this. Your local government attorney can be consulted if needed.

The secretary of the electoral board is responsible for issuing the certificates of election for most offices that are wholly contained within the locality.⁶⁵ Review Code of Virginia § 24.2-680 for responsibility information on Soil and Water Conservation Directors. The secretary or acting secretary must sign each certificate of election. If a certificate of election is withheld through Code of Virginia §24.2-948.2, the secretary must issue the certificate promptly once compliance is met.⁶⁶ While the Code of Virginia only requires the transmittal of certificates of election to the winners, the officer administering the oath of office may request the electoral board provide them with a certificate of election as well.

The State Board of Elections (SBE) is responsible for issuing certificates of election for most offices and issues that cross locality lines, i.e. federal, statewide, General Assembly, shared constitutional and town, and Soil and Water Conservation Directors.⁶⁷



Note: The general registrar and electoral board must remain available through the State Board of Elections (SBE) certification meeting to respond immediately to any requests from ELECT or

⁶¹ See [§24.2-953.3](#).

⁶² See [§24.2-948.2](#).

⁶³ See [§24.2-946.3](#).

⁶⁴ See [§24.2-676](#).

⁶⁵ See [§24.2-680](#).

⁶⁶ See [§24.2-948.2](#).

⁶⁷ See [§24.2-680](#).



SBE for additional information and/or correction of any errors found during their review or meeting.

For June primaries, SBE must certify results fourteen days after the day of the election.⁶⁸ For November elections, SBE must certify results on the first Monday in December. In the interim, Department of Elections (ELECT) staff will verify the accuracy of the results each local electoral board has certified.⁶⁹

A member of the electoral board or the general registrar may deliver a certificate in person or by certified mail.⁷⁰ Upon delivery, inform the person that the certificate should be exhibited to the officer who administers the oath of office as evidence of their election victory. An oath must be administered by a Clerk of Court of record, by any judge, by a Commissioner or Clerk of the State Corporation Commission, or by the Secretary of the Commonwealth.

14.4.2 What to Do with Your Election Records, Materials, and Ballots

The Circuit Court Clerks Guidance memo outlines all envelopes used to store election records and related items. The memo can be found in [FormsWarehouse under Election Management](#) then under Canvass Documents.

After completing canvass and all other duties related to closing the election (for example submitting abstracts to ELECT), you should prepare all records and papers generated in connection with the election for retention. For instance, documents such as voter registration applications submitted during election day, should be entered into VERIS and digitalized or stored.

All election materials outlined in Code of Virginia §24.2-668(A) not already in the possession of the clerk of court, shall be provided by the general registrar to the clerk of court by noon on the day following the ascertainment of the results of the election by the electoral board.

Pursuant to Code of Virginia §24.2-669, ballots, both counted and uncounted, are to be delivered to your Clerk of the Circuit Court for retention purposes. Your Clerk serves as the “owner” of the ballots. The length to which your clerk should keep the ballots is dependent on the type of election in which the ballots were generated.

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

For federal election ballots:

- The Help America Vote Act (HAVA)⁷¹ provides federal requirements and prohibitions related to election administration. One such requirement surrounds “all paper and records” generated in relation to voting or voter registration. HAVA requires your federal ballots be kept with your Clerk for twenty-two (22) months.
- Some voting equipment creates digital images of the ballots when determining the vote

⁶⁸ See [§24.2-534](#).

⁶⁹ See [§24.2-679](#).

⁷⁰ See [§24.2-676](#).

⁷¹ See [HAVA of 2002](#).



count. Per United States Code 52 USC 20701, these digital ballot images originating from a federal election must be retained for twenty-two (22) months.⁷² If your locality's voting system creates digital ballot images, these records must be maintained with the Clerk of the Circuit Court for twenty-two (22) months as mandated by federal law.

- The start time for your ballots' retention period begins on the date of the federal election. These retention requirements are only applicable when a federal office is on the ballot. This requirement is in addition to all other requirements of Title 24.2 of the Code of Virginia to preserve election materials.⁷³

If your locality falls under this requirement as it pertains to digital ballot images, you may choose to transfer the records from the original data storage device to another device to ensure compliance with federal law. If your locality chooses to transfer these records to another device, ensure the transfer was properly executed prior to sealing the records. Work closely with your vendor and IT support in your locality.

14.4.3 Letters to Voters whose Provisional or Absentee Ballots are Rejected

After the canvass, the general registrar must notify, in writing, all persons whose provisional or absentee ballot were not counted because they were determined to be unqualified to have their vote counted in the election.⁷⁴ The reason for this determination must be entered into VERIS; doing so will produce the required correspondence for mailing.⁷⁵ The registrar must search and manually add information regarding the provisional ballots in VERIS for each provisional voter. Refer to VERIS Step-by-Step Voter History for more information on modifying voter history.

A provisional voter may be registered, have an inactive status, cancelled registration, or not be in VERIS at all. For persons already registered, VERIS will automatically generate letters when their record is updated to indicate the provisional ballot was not counted. For persons not registered who have not completed a registration application, the notification letter should include a voter registration application and inform the person that if they wish to be eligible to vote in future elections, they must complete the application and return it in the pre-addressed envelope provided before the close of books for the next election in the county or city.



Enhanced Results/VERIS

Throughout this chapter you can find information related to Enhanced Results and VERIS. However, if you cannot find what you are looking for, please see the Enhanced Results Training Materials Course in LMS or VERIS Step-by-Steps for a walkthrough of all Enhanced Results or VERIS processes.

⁷² See [52 USC §20701](#).

⁷³ See [Title 24.2](#).

⁷⁴ See [§24.2-653.01\(C\)](#).

⁷⁵ See [§24.2-653.01\(C\)](#). See also Virginia Admin. Code [1VAC20-20-70](#).





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 15

Recounts and Contests

August 2025

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15. RECOUNTS AND CONTESTS

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REFERENCE Recount Step by Step Instructions (SBE) Virginia's Guide to Hand-Counting Ballots (ELECT) Simultaneous Recount Instructions (ELECT)	REGULATIONS 1 VAC 20-80-20 Recounts and Contested Elections

15.1 CHAPTER ORGANIZATION

Recounts do not occur often enough to be considered a routine part of an election year. Please take the opportunity, however, to refresh your knowledge of the laws and regulations that govern the circumstances and ways a recount can occur.

§15.2 outlines that a candidate cannot petition the court for a recount unless the election resulted in a margin of victory not more than 1 percent. If either the winner or the apparently unsuccessful candidate ran as a write-in candidate, a recount can be requested as long as the difference is not more than 5 percent.

§15.2.3 discusses the timeline for filing a recount petition, where to file the recount petition, and what components a petition for a recount must contain. §15.2.5 summarizes rules and procedures for conducting the actual recount when authorized.

§15.2.6 applies only to recounts of elections for presidential elections, and §15.2.7 applies only to recounts of referendums. §15.2.8 adds that if the apparent winner subsequently loses because of the recount, that apparent winner may contest the election. §15.2.10 provides essential reminders regarding the proper, secure handling of the election records used to conduct the recount.



15.2 RECOUNTS

15.2.1 Recount Laws

The recount laws found in the Code of Virginia¹ apply to “all elections held in the Commonwealth,” which includes primaries, general or special elections for offices, multi-winner races, ranked choice voting races, and referenda or questions before the electorate.²

Virginia election law does not allow a losing candidate in a party-conducted nomination process (non-primary) to request a recount of non-primary results. The rules or bylaws of the political party, or the “Call” and rules for the non-primary nominating event may permit such a process.

15.2.2 Recount Determined by Margin of Victory

15.2.2.1 Recount Only if Difference is No More than 1 Percent (1%)

A petition for a recount may be filed only if there is a difference of not more than one percent (1%) of the total vote cast for the apparent winner and any apparently defeated candidate, as certified by the State Board of Elections or the electoral board.³

For multi-winner races, the “apparent winner” for purposes of naming the parties to the recount in a petition is the winning candidate with the lowest vote total.⁴

In a ranked choice voting (“RCV”) election, a losing candidate must be within the required threshold of a winning candidate in the round of tabulation in which the winning candidate first reaches the required threshold to be elected.⁵

15.2.2.2 Recount for Write-In Candidate Only if Difference Not More Than 5 Percent (5%)

A petition for a recount may be filed when there is a difference of not more than five percent (5%) of the total votes cast for the apparent winner and any apparently defeated candidate, if either such candidate was a write-in candidate.⁶

15.2.3 Petition for a Recount



A recount cannot be requested until the election is certified. As per §24.2-801, a “petition for a recount of an election, other than an election for presidential electors, shall be filed within 10 days from the day the State Board or the electoral board certifies the result of the election.”

Certified by the local electoral board	Deadline is 10 days from the day the results are certified
Certified by the State Board of Elections (SBE)	Deadline is 10 days from the day the SBE certifies the results

¹ See §§24.2-800 – 802.3 (prescribes procedures for recounts).

² See §24.2-800(A).

³ See §24.2-800(B).

⁴ See *Recounts Step-by-Step Guide*, p. 4, “**Third**”, second paragraph.

⁵ See *Recounts Step-by-Step Guide*, p. 4, “**Second**”, third paragraph.

⁶ See §24.2-800(B).



15.2.3.1 Where and How to File

For non-statewide offices, the petition must be filed in the circuit court of the county or city in which the candidate being challenged resides. Here, the losing candidate has 10 calendar days from the day the results were certified to file a petition with the appropriate court.⁷

For statewide offices, the petition must be filed in the Circuit Court of the City of Richmond. Here, the losing candidate has 10 days from the day the results were certified to file a petition with the appropriate court.⁸

15.2.3.2 What to File

The petition to the appropriate court must contain:

1. The certified results of the election,
2. A request to the appropriate court to have the ballots in the election recounted⁹; and, when applicable,
3. For multi-winner races, a listing of all winning candidates not named as party to the recount in the petition.¹⁰

In a referendum, a copy of the petition shall be served on the governing body or chief executive officer of the jurisdiction in which the election was held.¹¹

In a multi-winner race, a copy of the petition shall be served on all winning candidates not named as party to the recount in the petition.¹² This gives a winning candidate not named as a party in the petition the opportunity to request to be added as a party to the proceedings. The Court may also act on its own initiative to add parties if “full justice cannot be done.”¹³

*15.2.4 A Recount Court**15.2.4.1 Selecting the Recount Court*

A recount court (hereafter the “Court”) will be established (*see* Va. Code §§ 24.2-801 and 801.1) once the petition is appropriately filed. The Court will consist of three judges: the Chief Judge of the Circuit Court of where the recount petition was filed, and two (2) judges appointed by the Chief Justice of the Supreme Court of Virginia. The Court will preside over the entirety of the recount process.

⁷ See [§24.2-801](#).

⁸ *Id.*

⁹ *Id.*

¹⁰ See *Recount Step-by-Step Instructions*, p. 4, “**Third**”, second paragraph.

¹¹ See [§24.2-801](#).

¹² See *Recount Step-by-Step Instructions*, p. 4 and 5, “**Third**”, second paragraph.

¹³ See [§8.01-7](#).



15.2.4.2 Standards

As required by the Code, the State Board of Elections adopted standards for the conduct of recounts (Recounts Step-by-Step Instructions).¹⁴ The Chief Judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.¹⁵ These standards include the Recounts Step-by-Step Instructions and Virginia's Guide to Hand-Counting Ballots. For uniformity, the Department of Elections has directed that the Guide to Hand-Counting Ballots is to be used whenever ballots must be hand counted.¹⁶



Regulation Note

1VAC 20-80-20: Recounts and Contested Elections

The standards for recounts and contests are governed by Chapter 8 of Title 24.2.

- The procedures issued by the State Board of Elections are to be implemented as uniformly as possible throughout the entire recount zone.
- The State Board of Elections' guidelines for hand-counting ballots shall be used when manually counting ballots.
- When a recount request is filed, ELECT must send copies of instructions corresponding to the types of ballots and equipment used in each county or city involved to the appropriate clerk of court and local electoral board.
- To prepare for the recount, circuit court clerks are required to:
 1. Secure all printed ballots and other election materials in sealed boxes
 2. Store these boxes in a vault or room not open to the public or to anyone other than the clerk and his or her staff
 3. Keep the room or vault locked at all times except when necessary for the clerk to access the room, and
 4. Certify that these security measures have been taken.

After a recount has been requested, the local electoral board must recommend to the court a location and estimated personnel for completing the recount, a complete list of all officers of election who served in the election to be recounted, with the political party they represented at that election, the precinct they served at, their address and phone number, and an indication of which officers served as chief or assistant chief officers, and a list of the members of the electoral board and the political parties they represent. The Commissioner of ELECT may provide recommendations and information prior to the preliminary hearing and can request information from the electoral board of the county or city involved, which that board must provide. The State Board of Elections and the Department of Elections are to provide any other assistance requested by the court [20-80-20(H)].

¹⁴ See §24.2-802(A) (requiring creation of standards), §24.2-802(B) (requiring additional standards for simultaneous recounts, and §24.2-802(C) (requiring standards for multi-winner races).

¹⁵ See §24.2-802(D).

¹⁶ See Virginia Admin. Code [1VAC20-80-20\(G\)](#).



15.2.4.3 *Uniform Procedures Required*

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting devices in use in the election district.¹⁷

15.2.4.4 *Preliminary Hearing*

Within five days (for elections for presidential electors) or seven days (for all other elections) after the petition for a recount is filed, there shall be a preliminary hearing held by the Chief Judge to hear motions and set the recount procedures, subject to review by the full court.¹⁸ At this preliminary hearing, the Chief Judge will also “review all security measures taken for all ballots and voting and counting machines and direct, as s\he deems necessary, all appropriate measures to ensure proper security to conduct the recount,” as per §24.2-802.1(A).¹⁹

The Chief Judge may set the place for the recount and delivery\transportation of election material and voting systems to that place under appropriate safeguards. In a multi-jurisdictional office\issue recount, the Chief Judge may set the recount places, delivery of election materials, and transportation of voting systems to those locations. The Judge’s appropriate safeguards are delineated in § 24.2-802.1(A). All of the Chief Judge’s preliminary rulings are subject to review, alteration, and finalization by the full court.

Additionally, for multi-winner races, the Chief Judge should rule on motions regarding the addition of other winning candidates as parties to the recount.²⁰ It is highly suggested that the general registrar and/or electoral board attend this hearing to provide guidance to the court as necessary.

15.2.4.5 *Court Hearing*

After the full court is appointed, a hearing will be held to dispose of all motions and make a final determination of the rules of the recount procedures.²¹ ELECT recommends that the general registrar and/or electoral board attend this hearing to provide guidance to the court as necessary.

15.2.5 *Rules and Procedures for Conducting the Recount*

The following rules and procedures are presented in summary form and also apply to a recount pertaining to a referendum or question before the electorate as discussed below.

¹⁷ See §24.2-802.1(B).

¹⁸ See §24.2-802.1(A).

¹⁹ See §24.2-802.1(A).

²⁰ See *Recounts Step-by-Step Instructions*, p. 21.

²¹ See §24.2-802.1(B).



**Best Practice**

Please also note that you can go online to the Forms Warehouse, in the Recount folder, under the Miscellaneous tab, to access a PowerPoint presentation, “Recounts 101”, which have proven very helpful for learning and training purposes. For a more detailed accounting, please review §24.2-802.2 in its entirety.

15.2.5.1 Programming Voting Machines and Performing Logic and Accuracy Testing Prior to the Recount

The procedures addressed in this Section are from § 24.2-802.1 and §24.2-802.2.²² The general registrar in concert with the electoral board and the designated voting equipment custodian should work with the locality’s voting equipment vendor to ensure the following programming requirements are established in the recount equipment. The voting machines must be programmed to only count votes for the recount candidates\issue responses and to set aside ballots containing write-in votes, overvotes, and undervotes.²³ Any ballot that cannot be read by the programmed voting machine for these settings must also be put aside and hand counted using the standards promulgated by the State Board pursuant to § 24.2-802.2.²⁴

For ranked choice voting (RCV) election recounts, ensure the necessary voting machines, computers, software, data storage devices, and other necessary items are prepared for RCV tabulation in accordance with guidance from the Department of Elections.²⁵

After the voting machines are programmed, delivered to the recount site and in accordance with the Recount Court’s directives, the recount officials will run a pre-designated test check of voted ballots through each scanner to ensure logic and accuracy is successfully achieved prior to use.²⁶ The logic and accuracy testing, location, and those participants and witnesses are designated by the Recount court. Always follow the Court’s directions in these preliminary programming and testing procedures. As stated earlier, being aware of these timing events is why ELECT recommends attending the full court’s hearing.

Once the machines are programmed and tested, if the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to § 24.2-802.2(D)(2).²⁷

²² See [§24.2-802.1](#) and [§24.2-802.2](#).

²³ See [§24.2-802.2\(D\)\(2\)](#).

²⁴ *Id.*

²⁵ See *Recounts Step-by-Step Instructions*, p. 9.

²⁶ See [§24.2-802.2\(D\)\(2\)](#).

²⁷ *Id.*



15.2.5.2 How are Ballots Counted?

First, ballots will be scanned by recount officials. For RCV races, a cast vote record will be produced to be used later in the RCV tabulation rounds.²⁸

Second, the set aside ballots will be hand counted. The recount team will also hand count any ballot that was hand counted on election day. For RCV races, hand-counted ballots will be tallied on a spreadsheet (in accordance with guidance from ELECT) that will be used later in the RCV tabulation rounds.²⁹

Third, if the recount team cannot agree, the ballot will be challenged and handed to the Court for adjudication. When a ballot is challenged by the recount officials, the Court will adjudicate the validity of the ballot and the voter's intent. Additionally, the Court will certify the results of the recount to the State Board and electoral board.³⁰

15.2.5.3 Party Representatives

Each party to the recount proceeding can choose an equal number of officers of election who served during the election to serve as recount officials and alternate recount officials.³¹ As per §24.2-802.1(C), this number "is to be fixed by the court and be sufficient to conduct the recount within a reasonable period."³² On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers must have an unobstructed view of the work of the recount officials. The expenses of its representative observers shall be borne by each party.³³

15.2.5.4 Other Officials

Teams of recount officials, substitutes, and observers are designated to undertake the count and determine the vote according to the provisions set forth in the code and the SBE standards.³⁴ The Court is responsible for supervising the recount. It may do so by requiring delivery of "any or all pollbooks used and any or all ballots cast at the election" or it may indirectly "assume supervision...through the recount coordinators and officials."³⁵ The Court may select pairs of recount coordinators to serve for each county or city in the election district that shall be members of the county or city electoral board and represent different political parties.³⁶

²⁸ See *Recounts Step-by-Step Instructions*, p. 18.

²⁹ See *Recounts Step-by-Step Instructions*, p. 19.

³⁰ See [§24.2-802.2](#).

³¹ See [§24.2-802.1\(C\)](#).

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ See [§24.2-802.1\(D\)](#).

³⁶ See [§24.2-802.1\(C\)](#).



15.2.5.5 Procedures for Different Ballot Types

For **paper ballots**, hand count the ballots using the Virginia's Guide to Hand-Counting Ballots.³⁷ The classification of "paper ballots" categorizes machine unreadable ballots such as Enhanced Ballots or any ballot sent via email to UOCAVA or print disabled voters, absentee ballots that are returned by mail that are damaged when opened, e.g., cut by a mechanical opener, Federal Write in Absentee Ballots, and, if applicable, provisional ballots hand counted by the electoral board rather than having been run through a voting machine.

For **optical scan tabulators**, rerun all machine-readable ballots through an appropriately programmed tabulator.³⁸ Any ballots set aside as overvotes, undervotes, or containing write-ins; any ballots not accepted by the tabulator; or any ballots for which a tabulator could not be appropriately programmed must be hand counted using the 'Virginia's Guide to Hand-Counting Ballots'.³⁹

If the total number of optical scan ballots counted by the ballot reader plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, the recount officials must count the votes on all of the ballots by hand using the Virginia's Guide to Hand-Counting Ballots.⁴⁰

15.2.5.6 Ranked Choice Voting Tabulation

The recount officials, with guidance from ELECT, will upload the cast vote records produced in the ballot scanning and hand counting stages into the approved RCV tabulation software approved.⁴¹ In general, the RCV process varies depending on the vendor used; this includes the RCV tabulation rounds due to differences in cast vote records produced by various vendors. Since there are multiple vendors used by localities, it is not possible to enumerate all procedural details. Localities will be provided with ELECT guidance for detailed administration of RCV tabulation rounds.⁴²

15.2.5.7 Concluding the Recount

The recount officials must write down and submit to the Court the number of valid ballots cast in the precinct for each of the candidates in the recount, or for or against the question. If the number of votes recorded on the voting machines is greater than the number of names on the pollbooks of persons voting, the figures recorded on the machines themselves shall be accepted as correct.⁴³

For a local office recount, all precincts involved, i.e., Election Day, Central Absentee Precinct – Early Voting, Mailed Absentee, and Post Election, and Provisional report final recount totals as described above.

³⁷ See §24.2-802.2(D)(1) (requiring recount officials count paper ballots according to SBE standards). See also Virginia Admin. Code [1VAC20-80-20\(G\)](#).

³⁸ See §24.2-802.2(D)(2).

³⁹ See §24.2-802.2(D)(2) (requiring recount officials count such ballots according to SBE standards for hand counting ballots). See also Virginia Admin. Code [1VAC20-80-20\(G\)](#).

⁴⁰ See §24.2-802.2(D)(2).

⁴¹ See Virginia Admin. Code [1VAC20-100-50\(E\)](#).

⁴² See *Recounts Step-by-Step Instructions*, p. 18.

⁴³ See §24.2-802.2(E).



For multi-jurisdictional office recount, each locality will report all precincts and forward all results and challenged ballots to the recount court. The recount court will direct the accumulation of all locality results. Following the court's directions will aide greatly in a successful outcome.

15.2.5.8 *Certifying the Recount*

At the conclusion of the recount, after allowing the parties to visually inspect any questioned ballots and after hearing the arguments of the parties, the Court will rule on the validity of all questioned ballots and votes.⁴⁴

By an appropriate order, the Court will certify to the State Board and other appropriate electoral boards the vote for each party to the recount or the vote for and against the question. The Court will declare the winning candidate or question accordingly.⁴⁵ The Certification of Recount 802-CC form should be used. Should the recount court's final order determine a new winner, it will direct either the State Board or the electoral board to issue a new certificate of election.

Changes in vote totals identified by the recount must be entered into Enhanced Results under the recount results section for the office. A recount is a court action and, thus, should be kept separate from the original "official results." The recount court's final order will contain the final recount results. The recount results will be posted on the Enhanced Results website.⁴⁶ The public will then be able to view both the original "official results" and the recount court's final recount results.

15.2.5.9 *In the Event of a Tie*

If the certified results of the recount determine a tie, in a majority of cases, the Court must issue a writ for a special election.⁴⁷

15.2.5.10 *Appealing the Recount*

The recount proceeding shall be final and not subject to appeal.⁴⁸ However, a candidate who was originally declared the winner and loses as a consequence of a recount, may file a written complaint or a notice to contest the result, as applicable, within ten days of the entry of the order of the recount Court.⁴⁹ Procedures for contesting the result are set forth under the provisions governing Contested Elections.⁵⁰

15.2.5.11 *Costs*



The costs of the recount are assessed against the counties and cities comprising the election district if one of the following occurs:

- The candidate petitioning for the recount wins;

⁴⁴ See §24.2-802.2(F).

⁴⁵ *Id.*

⁴⁶ See §24.2-802.2(F).

⁴⁷ See §24.2-802.2(H).

⁴⁸ See §24.2-802.2(G).

⁴⁹ See §24.2-814.

⁵⁰ See §24.2-803 et seq.



- The petitioners for a referendum win; or
- There is a difference of not more than one half of one percent of the total vote, prior to the recount, between the two candidates.⁵¹

When none of the above circumstances occurs, the costs are assessed against the petitioning candidate.⁵² The manner in which costs can be assessed against the petitioner and are calculated is discussed in detail in the code.⁵³ Any petitioner who may be assessed costs must post a bond with the Court in the amount of ten dollars per precinct in the area subject to the recount.⁵⁴

15.2.6 Special Procedures for Presidential Elections

The unique recount petition timing established in § 24.2-802.1(A) ensures that any recount in an election for presidential electors in Virginia would be concluded no later than six days before the date set for the meeting of the presidential electors (so that Virginia's electoral votes could be counted).⁵⁵ Detailed procedures for the filing of a petition for such a recount are set forth in §24.2-801.1.⁵⁶ Other deadlines (such as the date for the holding of the preliminary hearing)⁵⁷ are shortened. Most importantly, any contest of such election would proceed concurrently, and not wait upon the results of the recount. The procedures and deadlines for the contest are in §24.2-805.⁵⁸

15.2.7 Referendum recounts

15.2.7.1 Filing the petition

A petition for a recount involving a question or referendum may be filed only in the event that the difference in the vote for and against is not more than fifty votes or one percent of the total vote, whichever is greater, as certified by the State Board of Elections or the electoral board.⁵⁹

⁵¹ See §24.2-802.3(A).

⁵² *Id.*

⁵³ See §§24.2-802.3(A) and (B).

⁵⁴ See §24.2-802.3(C).

⁵⁵ See §24.2-801.1.

⁵⁶ See §24.2-801.1.

⁵⁷ See §24.2-802.1(A) (requiring recount preliminary hearing in an election for presidential electors be held within five days of the filing of the petition).

⁵⁸ See §24.2-805.

⁵⁹ See §24.2-800(C).



Should the vote difference fall within this range, fifty or more voters qualified to vote on the question may appeal from the determination of the State Board of Elections or electoral board by signing and filing a petition for a recount.⁶⁰ The petition for a recount must be filed within ten days from the day the appropriate electoral board certified the results of the election.⁶¹ In the case of a statewide referendum, a petition for a recount must be filed in the Circuit Court of the City of Richmond.⁶² In the case of any other referendum, a petition for a recount must be filed in the Circuit Court of any county or city comprising a part of the election district.⁶³

A petition for a recount must set forth the results as certified by the State Board of Elections or the electoral board and must also request that the Court recount the ballots.⁶⁴ A copy of the petition must be served on the governing body or chief executive officer of the jurisdiction in which the election was held within ten days after the State Board of Elections or electoral board has certified the results.⁶⁵

15.2.7.2 *Conducting the Recount*

The procedures for conducting the recount with respect to a question or referendum are the same as those set forth above in summary form with respect to elections for office.⁶⁶

15.2.8 Contesting a Recount

Any candidate originally determined the apparent winner in a primary or other election, but who subsequently loses as a consequence of a recount, may contest the election pursuant to the applicable provisions of a contested election discussed below.⁶⁷

15.2.9 Disposition of Election Records After a Recount



Official election records conveyed to the Court in a recount proceeding by election or recount officials or by another Clerk of Court, must be secured and retained by the Clerk who received them until the recount is concluded and afterwards until the time for initiating a contest for that same election has expired and no contest is pending.⁶⁸

Afterwards, if the Clerk of the Court where the recount was conducted is in possession of official election records conveyed from another county or city, not normally part of his jurisdiction, the Clerk must return those records to the Clerk of Court for that county or city. The election records should otherwise be handled the same as all other records for that election under appropriate laws or regulations.⁶⁹

⁶⁰ *Id.*

⁶¹ See [§24.2-801\(A\)](#).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ See [§24.2-801\(B\)](#).

⁶⁵ See [§24.2-801\(C\)](#).

⁶⁶ See [§24.2-802.2](#).

⁶⁷ See [§24.2-814](#).

⁶⁸ See *Recounts Step-by-Step Instructions*, pg. 20. See also [§§24.2-668\(A\)](#), [24.2-669](#), and [24.2-802\(A\)](#); and Virginia Admin. Code [1VAC20-80-20\(C\)](#) (detailing procedures for how clerks of circuit courts in possession of official election records and materials should secure them).

⁶⁹ See *Recounts Step-by-Step Instructions*, p. 20.



15.3 CONTESTS

15.3.1 Overview

§15.3 presents the second part of this chapter; §15.3.2 outlines how unsuccessful candidates can contest the results of an election, §15.2.3-5 cover the exceptions applicable to certain elections and §15.2.6 concludes by explaining the bond requirements for candidates contesting elections for statewide office in the Commonwealth.

15.3.2 Applicability and Who Can Contest

An unsuccessful candidate in most general elections, special elections, or primaries can initiate a contest. The rules and procedures governing a contested election vary depending upon the office for which the election was held. Within the Code of Virginia, §24.2-803 relates to contests of elections for General Assembly; §24.2-804 to contests of elections for Governor, Lieutenant Governor, and Attorney General; §24.2-805 to contests of elections for presidential and vice presidential electors, as well as primaries for U.S. Senate and for statewide offices; and §24.2-806 to contests of all other primaries and elections.⁷⁰

15.3.3 Exceptions

Contests of elections for the U.S. Senate or U.S. House of Representatives are conducted under the procedures of the respective Houses.⁷¹ Virginia law does not cover this subject.

Additionally, Virginia law does not provide procedures to contest the results of a presidential primary.⁷² More generally, Virginia election law does not contain any provisions for a losing candidate in a party-conducted nomination process other than a primary to contest the results. The Party Plan, rules or bylaws of that party, or the "Call" and rules for the nominating event may provide for such a party-conducted process.

15.3.4 Procedures governing a contested election to the General Assembly

15.3.4.1 How to Initiate Contest

To initiate a contest, the losing candidate (contestant) first must give written notice of his intent to contest the election, both to the party who has been declared the apparent winner (contestee) and the Clerk of the appropriate House. Additionally, the contestant must post a surety bond in the amount of \$100 for each precinct contained in whole or in part of the district contested. If the contestant wins the contest, the bond shall be returned. If the contestant loses the contest, the bond shall be forfeited to the extent of the contestee's actual and documented costs of defending against the contest.⁷³

⁷⁰ See §§[24.2-803](#) – [24.2-806](#).

⁷¹ See [U.S. Const. Art. I, §5](#) ("Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members...").

⁷² Presidential primaries are a fairly recent development in Virginia (first held in 1988 as a one-time event, then put into state law in 1999).

⁷³ See [§24.2-803\(B\)](#).



15.3.4.2 *Contestant must Provide Notice within 30 days of election or 3 days after recount*

Notice must be submitted within thirty days following the date of the election or three days after the conclusion of a recount, whichever is later. The notice must state the grounds upon which the contest will be based. These grounds must include either or both of the following:

- Objections to the contestee's eligibility based on specific allegations
- Objections to the conduct or results of the election, accompanied by specific allegations that, if proven true, would have a probable impact on the outcome of the election⁷⁴

15.3.4.3 *Contestee Must Answer*

Within ten days of service of this notice, the contestee must file a written answer with the Clerk of the appropriate House. The answer must admit or deny the allegations or state that he has no knowledge of the contestant's allegations. Additional defenses may be included. This answer must be signed by the contestee and verified by oath or affirmation.⁷⁵

15.3.4.4 *Depositions*

Either party, following service of the notice, may take depositions. The contestant must complete depositions within twenty days and the contestee within thirty days, following the date of the notice of intent to contest the election. Written affidavits by a witness may be submitted if stipulated to in writing by both parties. Either party may apply to the Clerk of the Circuit Court of the county or city in which the party resides, or the Clerk shall issue subpoenas for witnesses.⁷⁶

⁷⁴ See §24.2-803(B).

⁷⁵ *Id.*, at (C).

⁷⁶ *Id.*, at (D).



15.3.4.5 *Subsequent Proceedings*

A written petition must be filed with the clerk of the appropriate house within ten days of the filing of the notice of intent to contest the election if contesting a November general election. If the election was held on a different date, the written petition may be filed within ten days of the filing of the notice, or within two days of the commencement of the next General Assembly session, whichever is later.⁷⁷ The Clerk shall refer the record⁷⁸ to the Committee on Privileges and Elections which, unless another Committee is designated, shall hear the contest, conduct an investigation, and report its findings and recommendations to the house for action.⁷⁹ The house may declare either party the winner or declare the election void and order a writ of election.⁸⁰ Should it be determined that there is a tie vote, there shall be a determination by lot;⁸¹ however, no recount shall be permitted.⁸² Should the house find, by a two-thirds vote, that the contest was brought in bad faith, the contestant shall be ordered to pay the contestee any amount above the posted bond in order to reimburse the contestee for his actual and documented costs in defending against the contest.⁸³

15.3.5 Exceptions applicable to contests in other elections

15.3.5.1 *Contest of Election of Governor, Lieutenant Governor, or Attorney General*

Notice of intent to contest must be filed with the Clerk of the House of Delegates. The filing of a petition to contest must be within two days of either the commencement of a Special Session of the General Assembly convened expressly to hear the contest, or of the beginning of the next scheduled regular session of the General Assembly, whichever occurs first.⁸⁴ At the time of filing the notice, the contestant shall post a surety bond of \$10 per precinct in the state. A final determination will be made by both houses of the General Assembly sitting jointly, presided over by the Speaker.⁸⁵

15.3.5.2 *Contest of Election of Presidential and Vice-Presidential Electors or Primaries for United States Senate or Statewide Office*

The proceedings shall be in the Circuit Court of the City of Richmond before a special court composed as specified in §24.2-805.⁸⁶

⁷⁷ *Id.*, at (E).

⁷⁸ *Id.*, at (G) (the “record” includes the notice, answer, petition, reply, depositions, and affidavits).

⁷⁹ *Id.*

⁸⁰ *Id.*, at (H).

⁸¹ See §24.2-674.

⁸² See §24.2-803(H).

⁸³ See §24.2-803(H).

⁸⁴ See §24.2-804. The Code includes a two-day deadline for these offices because the new terms for these offices begin at noon on the first Saturday after the second Wednesday in January, when the regular session of the General Assembly convenes.

⁸⁵ See §24.2-804.

⁸⁶ See §24.2-805.



Notice of intent to contest an election for presidential or vice-presidential electors shall be filed no later than 5:00 p.m. on the second day after the day the Department of Elections certifies the results. A copy of the complaint shall be served on each contestee within five days after the Board's certification. The contestee's answer shall be filed within five days after the complaint is served on him.

The contest shall not wait upon the results of any recount. The proceedings shall be completed at least six days before the fixed time for the meeting of electors.⁸⁷

15.3.5.3 Contest of Primary for the U.S. House of Representatives, State Senate, House of Delegates, or any County, City, Town or District Office, or Contest of Election of any County, City, Town, or District Office

The contest is conducted in the Circuit Court of the county or city in which the challenged candidate resides before a special court composed as specified in §24.2-806.⁸⁸ Specific rules governing the procedures for contesting any of these elections are covered in detail under §§24.2-807 - 813.⁸⁹

15.3.6 Bond

Only candidates contesting elections for Governor, Lt. Governor, Attorney General, the House of Delegates, or the State Senate are required to post bond in order to contest the election.⁹⁰ There is no bond requirement for other candidates filing contests.

⁸⁷ See §24.2-805.

⁸⁸ See §24.2-806.

⁸⁹ See §24.2-807-813.

⁹⁰ See §§24.2-803(B) and 24.2-804 (requiring posting of bonds for contests of elections for General Assembly, Governor, Lieutenant Governor, and Attorney General).





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 16

Candidate Processing

August 2025

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16. CANDIDATE PROCESSING

REQUIRED FORMS Candidate Qualification Forms	ADDITIONAL RESOURCES Candidate Bulletins VERIS Election Setup Step-by-Steps (access from VERIS) SBE Ballot Standards Review of Candidate Petition Page Checklist Review of Referendum Petition Page Checklist Elect-Receipt Candidate Filing Receipt
REFERENCE Virginia Legislative Information System Charter Provisions Virginia Constitution	REGULATIONS IVAC20-50-20. Materials omissions from candidate petitions and petition signature qualifications. IVAC20-50-30. Appeals of petition signature insufficiency

16.1 CHAPTER ORGANIZATION

During candidate processing times, elections officials throughout the Commonwealth, at both the state and local level, interact and cooperate in concert for the shared goal of free, fair, open and secure elections. This chapter outlines the process local election officials use to verify candidate eligibility to run for office and appear on a ballot.

§16.2 describes the documents and forms candidates use to qualify for the ballot and provides a process by which local offices should process candidate filings. §16.2.3 focuses particularly on the SBE-501 Certificate of Candidate Qualification, which is a required form for every candidate. Candidates use this form to provide the preferred spelling and presentation of their name on the ballot. Upon receipt, local staff review these preferences to ensure the candidate's preference complies with SBE Ballot Standards. §16.3, in turn, explains the possibility of a ten-day extension for candidates to file either or both the Certificate of Candidate Qualification and Statement of Economic Interests forms.

§16.4 discusses how petitions can be collected, outlines requirements for circulators, and the requirement that each candidate have a Declaration of Candidacy (SBE-505/520) form on file before the petitions can be processed and verified. This section details how to process the petitions required by Va. Code §24.2-506 and 507, including petitions submitted by General Assembly candidates, independent candidates for federal and statewide office, and candidates in a political party primary. §16.5 provides an overview of how to verify the petitions, with reference to the SBE Material Omissions regulation, the petitions checklist, and the VERIS step-by-step. §16.6 explains the appeal process for candidates whose petitions were determined to be insufficient



Last, §16.7 and § 16.8 focus on two ballot-related aspects of candidacy: how a candidate can withdraw and what information a prospective write-in candidate needs to know. §16.9 briefly considers a few other candidates filing related responsibilities such as the general registrar's obligation to check petitions for local independent candidates, and the formal certification to the Department of Elections of the number of registered voters who signed petitions for independent candidates for certain offices.

Disclaimer regarding Candidates for Local Offices: Remind candidates for local, city, and town municipal office to review their local city or town charter when considering a run for public office. City or town charters may include candidate qualification requirements in addition to, and/or different from, those present in Title 24.2. Direct questions about charter provisions to the city or town attorney for guidance.¹



Note regarding Records Retention. **All candidate filings, including petitions and copies of statements of economic interest are open to public inspection and copying for reasonable costs.**² You **must redact** all portions of candidates' social security numbers and other personally identifiable information from these records before releasing them publicly.

16.2 PROCESSING CANDIDATE FORMS

Refer individuals seeking information about running for office to candidate bulletins on ELECT's website.³

16.2.1 Candidate Forms

16.2.1.1 Certificate of Candidate Qualification (SBE-501)

Each candidate to appear on a ballot must file this form to certify under oath that they are qualified to vote for and hold the office they are running for.⁴ As per Va. Code §24.2-501, "[e]very candidate for election to statewide office, the United States House of Representatives, or the General Assembly shall file the statement with the State Board. Every candidate for any other office shall file this form with the general registrar of the county or city where [s]he resides."

- ☐ Every candidate for **statewide office** (Governor, Lieutenant Governor, and Attorney General), the **US Senate**, the **US House**, or the **General Assembly** files this form with the **Department of Elections**.
- ☐ Every candidate for **any other office** files this form with their **general registrar**.

¹ See Virginia Charters, [Virginia Charters](#)

² See GREB Chapter 2 Local Electoral Boards, discusses FOIA.

³ See ELECT, [Candidate Bulletins](#).

⁴ See §24.2-501.



16.2.1.2 Declaration of Candidacy (SBE-505/520)

This form must be filed with the Petition of Qualified Voters.⁵ Va. Code §24.2-505 requires that the declaration be “on a form prescribed by the board, designating the office for which he is a candidate,” witnessed by two qualified voters or “acknowledged before some officer authorized to take acknowledgements,” and signed by the candidate. Party candidates nominated by a non-primary method are not required to submit a declaration unless required by their party to do so.⁶

- ☐ Independent candidates for **local and constitutional offices** file this form with the **general registrar**.
- ☐ Primary candidates for **General Assembly, local and constitutional offices** file this form with the **party chair** for the district in which they are running.
- ☐ All candidates for **President, Commonwealth-wide offices** file this form with the Department of Elections.⁷



Law Note

Acts of Assembly Chapters 166 and 230 of 2024 clarified rules regarding what is commonly referred to as Virginia’s “sore loser law”. Qualified candidates for a primary election cannot withdraw before Election Day and have their name printed on the ballot for the succeeding general election (as an independent candidate for example) for the same office. However, these individuals may still become write-in candidates.

16.2.1.3 Petition of Qualified Voters (SBE506/521)

The Department of Elections prepares and distributes this form in two sizes: legal and letter. The first submission of a completed petition page must be filed together with the SBE-505/520 Declaration of Candidacy.⁸ Independent candidates for general elections may not circulate petitions until after January 1 of the year in which the election is held. Candidates for special elections may not circulate petitions until after the issuance of the writ or order calling the election. Petition signature requirements are listed in the *Candidate Bulletins*.⁹ Material omissions from candidate petitions and candidate qualification are enumerated in 1VAC20-50-20 of administrative Code.¹⁰

16.2.1.4 Statement of Economic Interests (SOEI)

According to Va. Code §24.2-502, a “written statement of economic interests (SOEI) shall be filed by” candidates.¹¹ There are two types of candidates SOEIs; one for

⁵ See §24.2-505.

⁶ See §24.2-511.

⁷ See §§24.2-505 (independent candidates) and 24.2-522 (primary candidates).

⁸ See §24.2-506.

⁹ See ELECT, [Candidate Bulletins](#). See Virginia Admin. Code [1VAC20-50-20](#) and [1VAC20-50-30](#). See §§ [24.2-506](#), [24.2-521](#), and [24.2-543](#).

¹⁰ See Virginia Admin. Code [1VAC20-50-20](#).

¹¹ See §24.2-502.



General Assembly candidates and one for statewide office and constitutional and local office candidates. A candidate for a statewide office or the General Assembly must file the SOEI with the Department of Elections. A candidate for a constitutional office must file with the general registrar. A candidate for member of a governing body or elected school board of any county, city, or town with a *population more than 3,500 persons* must file an SOEI with the general registrar of the county or city per Code of Virginia §24.2-502.¹²

The SOEI requirement does not apply to federal candidates or candidates for director of Soil and Water.¹³ It also does not apply to incumbents who are a candidate for reelection to the same office.¹⁴ Incumbents file an SOEI annually while in office on or before February 1 with the Ethics Advisory Council per Va. Code § 2.2-3115.¹⁵ Direct questions on how to complete the SOEI form for either incumbents or candidates to the Ethics Advisory Council.

16.2.1.5 *For Party Chairs Only: Party Certification (SBE-511)*

This form only applies to political parties who seek to nominate a candidate by means other than a primary. This form is completed and submitted by the party chair. Please note: A candidate nominated by a political party is not required to submit a Declaration of Candidacy or Petitions of Qualified Voters. SBE-511 Party Certification for local and constitutional offices should be filed with both the Department of Elections and the general registrar of the county in which the name of the candidate will appear on the ballot.¹⁶ For all other offices, with the Department of Elections.

16.2.2 General Processing

16.2.2.1 *At a Glance*

When the candidate files documents, review all submitted filings to confirm that all required forms are included and that each is properly signed and notarized. Advise the candidate if you see any deficiencies with the submitted documents. If a required document is missing, you may notify the candidate. Be sure that a candidate has submitted a Declaration of Candidacy before accepting petition pages, as per Va. Code §24.2-506 and 521, which require that petition pages be submitted along with the Declaration of Candidacy.¹⁷

16.2.2.2 *Provide Receipt*

Scan the filed documents and provide the filer with a receipt listing the submitted documents. If documents are mailed in, you may provide a receipt through the mail or email. You can find ELECT's candidate filing receipt ("Elect-Receipt Candidate Filing Receipt") online in Forms Warehouse. Localities can determine what order to process

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See §2.2-3115.

¹⁶ See §24.2-511.

¹⁷ See §24.2-506. See also §24.2-521.



candidate filings. ELECT recommends processing filings chronologically in the order they were submitted.

16.2.2.3 *Document Time of Filing*

Va. Code §24.2-613 provides that all independent candidates for an office “shall appear on the ballot in an order determined by the priority of time of filing all required paperwork for the office.”¹⁸

“Time of filing” for independent candidates means the date and time at which the independent candidate files the required number of petition signatures at least equal to the number required for the office to achieve ballot access.¹⁹ The date and time a candidate files enough petition signatures (valid or not) to meet the requirement is the date/time of filing for that candidate.

16.2.2.4 *Simultaneous Filing*

While such submission does not make the candidate *qualified*, once they do submit all of the required candidate qualification documents, the time of filing the petition signatures required for the office determines their order on the ballot. Further, “time of filing” for offices with no required petition signatures is when the candidate files the certificate of candidate qualification form.

In the event that “two or more candidates file simultaneously; the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office” as per Va. Code §24.2-613.²⁰

16.2.2.5 *Single Candidate Qualifies for Primary*

Any office for which only a single candidate has qualified will not hold a primary as per Va. Code §24.2-526, which states “[w]henever ...there is only one declaration of candidacy in a political party for the nomination of any office, the person filing the declaration shall be declared the nominee of the party for the office ... and his name shall not be printed on the ballot for the primary.”²¹

16.2.2.6 *VERIS*

Add the candidate in VERIS after receiving either the candidate’s certificate of candidate qualification or declaration and petitions. All candidates, including partial filers and late filers, must have a candidate record. The candidate’s VERIS record will allow for additional tracking of required documents. Should the candidate fail to qualify, set the candidate’s status to “Not Qualified” and record the reason in the Comments section of the VERIS record.

16.2.3 *Steps to Process the SBE-501 Certificate of Candidate Qualification*

Every candidate must file a certificate of candidate qualification; as per 24.2-501, it “shall be a requirement of candidacy ... that a person must file a written statement under oath, on a form

¹⁸ See §24.2-613.

¹⁹ See §§24.2-506 and 24.2-613.

²⁰ See §24.2-613.

²¹ See §24.2-526.



prescribed by the State Board.”²² In accordance with State Board of Elections policy, a candidate’s certificate of candidate qualification “shall not be submitted before January 1st of the election year” unless a future election’s filing deadline falls in the current calendar year.²³



Policy (and Law) Note

Va. Code §§24.2-506 and 521 generally requires that candidate petitions be circulated after January 1 of the election year; Va. Code also requires candidates to file other documents to meet ballot access requirements that do not specify a date that it must be prepared or signed by. Therefore, the State Board of Elections adopted a policy to resolve this, stating that “unless Va. Code specifically provides otherwise, documents filed by a candidate to satisfy ballot access requirements shall not be submitted before January 2nd of the election year.”

16.2.3.1 *Verify the SBE-501 Certificate of Candidate Qualification*

Immediately upon receipt of a certificate of candidate qualification, staff should look over the document to verify the following:

- The SBE-501 form specific to the office type was completed.
- The form is complete, signed, and notarized.
- The candidate is registered at the address listed in question 4 on the form, and the address is in the district in which the candidate seeks election, as per the Constitution of Virginia.²⁴
- The candidate’s name matches the candidate’s voter record in VERIS.
- The way the candidate has requested the name to be listed on the ballot meets the requirements detailed in the SBE Ballot Standards.



VERIS

If the name matches, enter VERIS. Comprehensive instructions on entering a candidate are available in the **VERIS Election Setup Step by Step**. If the name the candidate wants on the ballot complies with the SBE Ballot Standards, enter it into the “Ballot Name” field. Enter the ballot name in upper/lower case with proper punctuation. Acknowledge receipt of all forms filed by the candidate in the “Candidate Qualifications” section of the candidate’s VERIS record.

16.2.3.2 *Ensure the Candidate Name Complies with SBE Standards*



The SBE adopted new standards for candidate names which are available on the Ballot Standards document or the SBE-501.²⁵ Review the standards carefully to determine if the candidate’s name follows SBE standards. If the candidate’s chosen ballot name does not comply with SBE standards and the general registrar and the candidate cannot come to an agreement on the candidate’s ballot name, direct the candidate to speak with

²² See [§24.2-501](#).

²³ See §§24.2-503, 24.2-507(5) and 24.2-510(5).

²⁴ See Va. Const. [Art. 2 §5](#).

²⁵ See ELECT, [Ballot Standards](#). See ELECT, [Candidate Forms](#).

election services at ELECT.

16.3 EXTENSIONS

Under Va. Code §24.2-503, the “State Board (SBE) may grant an extension of any deadline for filing either or both written statements [Candidate Qualification and Statement of Economic Interests forms].”²⁶ The statute requires that “all candidates who have not filed their statements” be notified of the extension. Any extension granted by the State Board of Elections is for a “fixed period of time of **ten days** from the date of the mailing of the notice of the extension.” Previously, extensions were delegated to the Department by the SBE but this was rescinded in October of 2019.²⁷

16.4 PROCESSING CANDIDATE PETITIONS

16.4.1 Petitions verified by general registrars.

A general registrar must verify petitions filed by:

1. Independent (non-party) candidates for all offices in general or special elections.²⁸
2. Groups seeking to get a referendum question on the ballot.²⁹
3. Non-primary General Assembly, constitutional office, or local office candidates, if asked by the party chair.³⁰

16.4.2 Must be filed with SBE-505/520 Declaration of Candidacy

Petitions that are to be verified by general registrars must be accompanied by the filing of an SBE-505/520 Declaration of Candidacy.³¹ This form must be filed “along with” the petitions as per the Code of Virginia §§24.2-506 and 507.³² This does not mean the candidate must turn all his petition forms in at one time. Upon filing, staff should verify that the candidate is a qualified, registered voter or has a voter registration application or change of address/transfer application on file, if the SBE-505/520 Declaration of Candidacy is received after the close of books.

If the Declaration of Candidacy form is witnessed rather than notarized, verify that the two witnesses are also qualified registered voters.³³ If not, the candidate must file a new declaration to file his petitions. If the office does not require petitions and the declaration is found to be deficient in any way, the replacement declaration must be filed prior to the filing deadline.

16.4.3 Timeline and Transmission Requirements



Transmit declarations and petitions filed with the registrar’s office by independent local office candidates to the local electoral board within three days of receipt for certification.²⁰ Timely processing will provide the local electoral board ample time to notify any candidate who

²⁶ See [§24.2-503](#).

²⁷ See ELECT, [Delegations of Authority](#).

²⁸ See [§24.2-506](#).

²⁹ See [§24.2-684.1](#).

³⁰ See [§24.2-114\(17\)](#).

³¹ See ELECT, [Candidate Forms](#).

³² See [§24.2-506](#) through [24.2-507](#).

³³ See [§24.2-505](#).



requested to be notified in writing of deficiencies in their filings, and to certify qualified candidates to Department of Elections by the required deadline. Further, it will ensure that Department of Elections receives the candidate information necessary to do the following:

- Verify accuracy of electoral boards' candidate certifications and make sure that the information is accurately reflected in VERIS.
- Assemble data needed for candidate processing and ballot designs.
- Provide materials needed by electoral boards for ballot preparation.
- Communicate, as needed, with potential candidates.
- Post a candidate list to Department of Election's website for access by the general public.

16.4.4 Petitions for Primaries

The political party has sole authority in designating its primary candidates. The Department of Elections strongly prefers that general registrars do not participate in primary petition verification. Checking primary petitions unnecessarily involves the Commonwealth in party processes and creates the possibility of liability in cases of discrepancies.³⁴ In instances where a method other than a primary is used to nominate a candidate, a general registrar may be asked to review any petition required by the party in its nomination process to determine if the those signing the petition are registered voters with an active status (see 16.9.6 for additional information.)³⁵

16.4.5 Petitions for General Assembly Candidates

VERIS permits the controlling locality (the locality at which the candidate resides) to process all signatures within the district. The controlling locality is responsible for making sure the petitions are processed. The controlling locality may request the assistance of the other localities in the relevant district if necessary. If this distribution is necessary, mail General Assembly petition pages to other district localities immediately. Include with the petitions the name of the contact person for the campaign, the phone number for the contact person, the date the petitions were filed, and the number of petition pages filed so the other jurisdictions may create their own petition under the candidate's master petition.³⁶ The general registrar should use the Petitions Step by Step Instructions in VERIS to create the master petition, petition, and process petition pages.

16.4.6 Petitions for Independent Candidates for Federal and Statewide Offices

The Department of Elections will set up a master petition in VERIS and then forward the petition pages with a cover letter to the appropriate general registrar(s) for verification. The cover letter will provide information needed to create a petition for their locality under ELECT's master petition. The general registrar should use the Petitions Step by Step Instructions in VERIS. A locality must verify the petition signatures on the pages sent by the Department of Elections irrespective of the jurisdictional origins of the petition signer. When verification is complete, the general registrar must return the processed petitions to the Department of Elections.³⁷

³⁴ See [§24.2-527](#).

³⁵ See [§24.2-114 \(17\)](#).

³⁶ See [§24.2-505\(B\)](#).

³⁷ See [§24.2-506\(B\)](#). See also Virginia Admin. Code, [1VAC20-50-20](#).



16.5 VERIFYING CANDIDATE PETITIONS

16.5.1 Resources

16.5.1.1 *SBE 1VAC 20-50-20*

Please read the State Board of Elections material omission regulations, 1VAC20-50-20 (candidate petitions) and 1VAC20-60-20 (referendum petitions) before the candidate filing window opens. Download or print the Review of Candidate/Referendum Petition Pages Checklist (hereafter “Petition Checklist”) from the Formswarehouse.³⁸ Provide staff members with the Petition Checklist before starting petition verification to review and answer any questions about what constitutes a material omission on a petition page and what constitutes a material omission for an individual signature. If material information, such as that listed in sections B and C of 20-50-20 and 20-60-20, is omitted from a petition page or a signature line, the respective page or signature will not be considered valid.³⁹ Note also that section D of 20-50-20 and 20-60-20 lists several omissions that are classified as “nonmaterial.”⁴⁰ A petition or signature may not be invalidated on the basis of one of these omissions, as long as the registrar can “independently and reasonably verify the validity of the petition or signature.”⁴¹

16.5.1.2 *Petition Checklist*

Use the Petition Checklist.⁴² Begin with line 1 on the first petition page. Ensure that the page and line number you are working on matches the page and line number in VERIS. The “Petitions” Step by Step Instructions in VERIS are useful to navigate VERIS while you track your work on the paper petition page as you input each signature into VERIS. As you check each name in VERIS, mark the left margin beside the line number for the signer with one or, if necessary, two of the alpha character notations, as appropriate.

16.5.1.3 *Petition Signatures from Voters Whose Registration was Previously Cancelled*

Code of Virginia § 24.2-506(B) and Virginia Administrative Code 1VAC20-50-40 require that if an individual signs a petition and their registration record indicates that the petition signer has been cancelled, the reviewer (general registrar or ELECT) must keep the petition signer’s name and the reason for the cancellation on a separate list retained with the petition record.⁴³

16.5.2 Troubleshooting

16.5.2.1 *Affidavit and Notarization*

If the affidavit is complete and notarized, continue to the Verification Steps. If the affidavit is incomplete or not signed by the circulator but it has been notarized, the petition page may not be processed. Proper notarization includes registration number,

³⁸ See ELECT, [Ballot Access Candidate Qualification](#). See Virginia Admin. Code, [1VAC20-50-20](#) (candidate petitions) and [1VAC20-60-20](#) (referendum petitions).

³⁹ See Virginia Admin. Code, [1VAC20-50-20](#) (candidate petitions) and [1VAC20-60-20](#) (referendum petitions).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² See ELECT, [Ballot Access Candidate Qualification](#).

⁴³ See [§24.2-506\(B\)](#). See also Virginia Admin. Code, [1VAC20-50-40](#).

commission expiration date, and seal.⁴⁴ Notary mistakes may be corrected if time permits. At the general registrar's discretion, the incorrectly notarized forms may be returned to the candidate. Please report notaries who fail to properly execute their duties to the Secretary of the Commonwealth.

Any corrected petitions must be re-filed before the appropriate candidate filing deadline. A receipt itemizing the number of pages being returned to the candidate/campaign should be kept in the candidate's file.

16.5.2.2 *Circulator Eligibility*

A circulator can be any person legally residing in the United States who is not a minor nor a felon whose rights have not been restored.⁴⁵ A circulator who signs the affidavit claiming to be a legal resident of the United States, a non-minor and a non-felon will be taken at his word subject to a false statement penalty.⁴⁶ Petition pages with eligible circulators can be processed. Set aside those pages with ineligible circulators. Once the circulator is determined to be eligible, check the rest of the names on that page.

The petition form requires an additional attestation to be signed by nonresident circulators. Any circulator that is not a resident of Virginia is required to sign a statement consenting to jurisdiction of the courts of Virginia in "resolving any disputes concerning the circulation of petitions...."⁴⁷



Law Note

The United States 4th Circuit Court overruled Virginia's requirement that petitions circulators must live in the Commonwealth. Virginia statute imposes an additional requirement that circulators hold Virginia residency. This cannot be enforced under the U.S. 4th Circuit Court's ruling in *Libertarian Party v. Judd*. The court's ruling obviates the statutory requirement that a circulator be a legal resident of the Commonwealth.

16.5.3 Number of Signatures

VERIS will permit a local user to shift the status of a local master petition to "Certified" only after the minimum number of signatures has been added to the master petition. The local VERIS user must shift the status of a local candidate's master petition to "Certified" before being allowed to shift the status of the local candidate's record to "Qualified." If the registrar finds that he made an error and needs to remove one or more accepted signatures, the registrar must go back into VERIS and return the local master petition to "In Process." This action should also allow a return of the candidate's record to "In Process." Once the error is addressed, the local master petition must be returned to "Certified" or "Rejected" and the candidate's record returned to "Qualified" or "Disqualified" as applicable to the outcome of

⁴⁴ See Virginia Admin. Code [IVAC20-50-20](#) (candidate petitions) and [IVAC20-60-20](#) (referendum petitions).

⁴⁵ See [§24.2-506](#). See Virginia Admin. Code [IVAC20-50-20](#) (candidate petitions) and [IVAC20-60-20](#) (referendum petitions).

⁴⁶ See [§24.2-1016](#).

⁴⁷ See [§24.2-506](#).

the review.

16.5.3.1 *Measure the Number of Registered Voters to Determine Signature Requirements*

Use the number of registered voters as of January 1st to determine all signature requirements that are based on the number of registered voters in any county, city, town, district, or ward.⁴⁸ In a redistricting year, the signature requirement is based on the number of registered voters in any county, city, town, district, or ward at the time the legislation or ordinance is adopted.

16.5.3.2 *Signature Requirements for Candidate Petitions*

The minimum number of signatures of qualified voters required for candidate petitions shall be as follows:

1. Candidates seeking the nomination of a national political party for the office of the President of the United States, 5,000 signatures, including at least 200 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the same political parties primary for president.⁴⁹
2. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General, 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in the Commonwealth.⁵⁰
3. For a candidate for the United States House of Representatives, 1,000 signatures.⁵¹
4. For a candidate for the Senate of Virginia, 250 signatures.⁵²
5. For a candidate for the House of Delegates or for a constitutional office, 125 signatures.⁵³
6. For a candidate for membership on the governing body or elected school board of any county or city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;⁵⁴
7. For a candidate for membership on the governing body or elected school board of any town that has more than 3,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures.⁵⁵

⁴⁸ See §§24.2-506, 24.2-521.

⁴⁹ See §24.2-545

⁵⁰ See §24.2-521(B).

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*



8. For a candidate for membership on the governing body or elected school board of any town that has at least 1,500 but not more than 3,500 registered voters, 50 signatures; or if from a ward or other district not at large, 25 signatures.⁵⁶
9. For a candidate for membership on the governing body or elected school board of any town that has fewer than 1,500 registered voters, no petition shall be required.⁵⁷
10. For a candidate for director of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1, 25 signatures; and,⁵⁸
11. For any other candidate, 50 signatures.⁵⁹

16.6 APPEALS

A non-party candidate has the right to appeal a determination by the electoral board that the candidate's petitions do not contain the minimum number of signatures of qualified voters for the office sought.⁶⁰ Appeals are conducted by the determining body in accordance with regulations set forth by the State Board of Elections as per Va. Admin Code 1VAC20-50-30.⁶¹

Scope of Appeal. As per Va. Code §24.2-506, consideration on appeal is "limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the requirements of [Title 24.2 of Va. Code and regulations for petitions set forth by the State Board of Elections]."⁶²

Where and How to File. The appeal must be made in writing, and delivered by mail, email, or fax. The appeal must be notarized and received by the appropriate deadline as per 1VAC20-50-30. A candidate for city, county, or town office files her appeal with the local electoral board. A candidate for any other office files with the Department of Elections.⁶³

When to File. A candidate for an office other than President of the United States must file her appeal within five (5) calendar days of the issuance of the notice of disqualification. A candidate for the office of President of the United States must file within seven (7) calendar days of the issuance of the notice of disqualification.⁶⁴

Finality. The outcome of the appeal is final and not subject to further challenge.⁶⁵

Scheduling. Scheduling will be critical in ensuring that the appeal ends promptly. An appeal may

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ See [§24.2-506](#)

⁶¹ See Virginia Admin. Code, [1VAC20-50-30](#).

⁶² See [§24.2-506](#).

⁶³ See [§24.2-506](#). See Virginia Admin. Code, [1VAC20-50-30](#).

⁶⁴ See Virginia Admin. Code [1VAC20-50-30](#).

⁶⁵ See [§24.2-506](#). See Virginia Admin. Code, [1VAC20-50-30](#).



not begin until a decision is rendered regarding a non-party candidate's petition signatures. According to 1VAC20-50-30, the body that received the appeal notice "shall establish the time and place where the appeal will be heard and convey this information immediately to the candidate."⁶⁶ If the candidate provided an email address, an email notification should be sent. If the candidate did not provide an email address, the notification should be sent by first-class mail.⁶⁷ Absentee ballot preparation should not be finalized until all appeals have concluded. The electoral board should consult its county/city attorney to develop a timeline for the appeal and to answer legal questions.

16.7 CANDIDATE WITHDRAWAL

16.7.1 Candidate Steps to Withdraw

Any previously qualified candidate who decides that they no longer want to be a candidate must "submit a signed written notice declaring his [her] intent to withdraw from such election" as per Va. Code §24.2-612.2.⁶⁸ Subsequent procedures for withdrawal of a primary candidate are delineated in §§24.2-536, 24.2-537, and 24.2-538; while procedures applicable to the withdrawal of a general or special election political party nominee are in §§24.2-539 and 24.2-540.⁶⁹ The Department of Elections provides *ELECT-612.2 Candidate Withdrawal Form* for candidates to complete and have notarized if they wish to withdraw.⁷⁰ This document is not a required document and the candidate may submit *any* written notice of withdrawal as long as it is notarized. The withdrawal statement must include the candidate's name, the candidate's signature, the office the candidate was seeking and the election date and must specifically state that they are withdrawing as a candidate.⁷¹ Newspaper articles or press conferences do *not* constitute an official notice of withdrawal.

A candidate must send his/her withdrawal notice to the general registrar of the county or city in which the candidate resides. The general registrar should notify *ELECT* of the withdrawal. For an election held in more than one county or city, the general registrar is required to also notify the other appropriate general registrars. Upon receiving a notice of withdrawal, the general registrar must post the notice on the official website for the county or city, if election information is posted on the website.⁷²

16.7.2 Adminstrating a Candidate Withdrawal

What if a general registrar receives a notice of withdrawal from a candidate certified by the Department of Elections (e.g., General Assembly)?

- **For Any Election.** Immediately fax or email the notice of withdrawal to the Elections Administration division at (804) 371-0194 or ea@elections.virginia.gov. Include a comment indicating who received the notice and when.

⁶⁶ See Virginia Admin. Code, [1VAC20-50-30](#).

⁶⁷ *Id.*

⁶⁸ See [§24.2-612.2](#).

⁶⁹ See [§§24.2-536](#), through [24.2-540](#).

⁷⁰ See *ELECT*, [Ballot Access Candidate Qualification](#).

⁷¹ See [§24.2-612.2](#).

⁷² See [§24.2-612.1](#).



- **For Primaries Only.** If a candidate withdraws on or after the 44th day before but before the Tuesday immediately preceding a primary election and there is only one candidate remaining:⁷³
 - Immediately fax or email the notice of withdrawal to the Elections Administration division at (804) 371-0194 or ea@elections.virginia.gov. Include a comment indicating who received the notice and when.
 - Within one calendar day of receiving such notice and certification, the State Board shall declare the remaining candidate to be the nominee of such political party for the office sought.
 - As soon as possible thereafter, the local electoral board shall petition the circuit court for the cancellation of the primary election.

Will the withdrawn candidates' name remain on the ballot?

- For withdrawn candidates that are not a party nominee, the Department of Elections determines, based on the time available before the election and the status of the ballots for the election, whether ballots containing the name of the withdrawn candidate must be reprinted.⁷⁴ If the Department of Elections decides that the name will remain on the ballot, it will provide to the secretary of the electoral board and the general registrar a notice explaining that the candidate's withdrawal occurred after the ballots were printed and, therefore, the name remains on the ballot.
- As per Va. Code §24.2-612.1, "if ballots are not corrected to delete the candidate's name, the general registrar shall provide a list of candidates who have withdrawn to be posted in each polling place and to be available to the public. If election information is posted on the official website for the county or city, notice of the candidate's withdrawal shall also be posted on that website."⁷⁵
- Note that if a candidate's name is on the **primary ballot** and they are not nominated then their name is not to appear on the following general election ballot.⁷⁶



What if the withdrawal notice is received before ballot preparation begins?

- Change the candidate's status to "Withdrawn" on the "Candidate Maintain" page in VERIS.

What if a candidate's name remains on the ballot because the candidate died or withdrew after the ballots were printed?

- The status field must continue to display "Qualified." This will ensure that the candidate's name appears on the election results screen to allow entry of the votes cast for the withdrawn candidate.

16.8 WRITE-IN CANDIDACY

Write-ins are permitted for any office elected in a general or special election.⁷⁷

⁷³ See §24.2-538.1.

⁷⁴ See §24.2-612.1.

⁷⁵ See §24.2-612.1.

⁷⁶ See §24.2-520.

⁷⁷ See §24.2-644(C).



16.8.1 Running as a Write-in

Write-ins are not required to submit any ballot access documents.

16.8.2 Voting for a Write-In

The write-in vote must be handwritten by the voter unless the voting system in use provides a means to enter the name electronically.⁷⁸ Pursuant §24.2-673(B), if a write-in candidate for a local office in a locality with 4,000 people or less achieves the highest number of votes but either declines or is not qualified to hold such office then the next candidate with the highest number of votes will be deemed to have been elected to such office.⁷⁹ Write-in candidates, who decline office in this instance, should fill out a Form for Write-In Refusal and this form should be kept for record retention purposes in the general registrar's office.

16.9 ADDITIONAL CANDIDATE-RELATED RESPONSIBILITIES**16.9.1 General registrar to run report to determine the offices and order of candidates.**

Once the general registrar enters qualified and non-qualified candidates in VERIS, the registrar can run the Certification of Candidates Report to determine the offices and the order of candidates as they should appear on the ballot.

16.9.2 Certify to local electoral board the declaration of candidacy and petitions of all independent candidates

The general registrar must check the declaration of candidacy and petitions, if required, of all independent (non-party) candidates for offices to be certified by the local electoral board. Within three days of receipt, the general registrar must transmit these documents to the electoral board together with the certification of the registration status of the candidate, the completeness of the declaration of candidacy and either (i) that the petitions contained the required number of signatures of qualified voters for the office sought, or (ii) that the petitions did not contain a sufficient number of signatures of qualified voters.⁸⁰ When insufficient signatures are found for a candidate, include the deficient number found.

The general registrar certifies the signatures of registered voters that appear on petitions of independent (non-party) candidates for the following offices:⁸¹

- Clerk of Court, when not shared with another county or city
- Commonwealth's Attorney, when not shared with another county or city
- Sheriff, when not shared with another county or city
- Commissioner of Revenue
- Treasurer, when not shared with another county or city
- Soil and Water Conservation Director
- Chairman or Member, Board of Supervisors or County Board
- Chairman or Member, School Board
- Mayor, City or Town
- Member, City or Town Council

⁷⁸ See §§[24.2-644](#), [24.2-648](#).

⁷⁹ See §[24.2-673\(B\)](#).

⁸⁰ See §[24.2-505](#).

⁸¹ *Id.*



16.9.3 Certify petition signature filings to ELECT

The general registrar must formally acknowledge to the Department of Elections the number of registered voters in the county or city which appear on petitions for independent candidates for these offices:⁸²

- President and Vice President
- United States Senate
- United States House of Representatives
- Governor
- Lieutenant Governor
- Attorney General
- Senate of Virginia
- House of Delegates
- Constitutional Offices shared by one or more counties and/or cities

The totals recorded by VERIS are used to certify the number of signatures for all offices. No separate certification is required.

If requested in writing by an independent candidate for the General Assembly or a shared constitutional office, the general registrar or secretary of a local electoral board should notify the candidate of any deficiencies in the declaration of candidacy and petitions that can be corrected prior to the filing deadline.⁸³ If so requested, the general registrar may advise the candidate as to the number of valid signatures identified on his petitions.

16.9.4 Local electoral board notifies candidate(s) of deficiencies

After the filing deadline, whenever a candidate for local office must be disqualified because of deficiencies in the candidate's declaration of candidacy or petitions, the local electoral board must notify the candidate of the disqualification in writing.⁸⁴

16.9.5 Local electoral board certifies candidates

Immediately after any filing deadline and the conclusion of any petition signature appeals, the general registrar and secretary of the electoral board must certify all qualified candidates to the Department of Elections using VERIS.⁸⁵

You must enter the names of any disqualified candidates along with the reason for disqualification in VERIS.

16.9.6 Review petitions filed by a *non-primary* candidate seeking party nomination

A political party chair may request that the general registrar verify the petitions filed by a non-primary candidate seeking the party's nomination.⁸⁶ If so requested, the general registrar should check these forms and return them to the political party chair as quickly as possible. Include the number of signatures of registered voters that appear on the petitions when returning the forms.

⁸² *Id.*

⁸³ See §24.2-505(D).

⁸⁴ See §24.2-612.

⁸⁵ *Id.*

⁸⁶ See §24.2-114(17).



To accomplish the petition verification for local offices in VERIS, create a candidate, create a master petition, and associate your locality to the master petition. For a General Assembly candidate, contact Department of Elections so that staff can create the candidate record and the master petition.





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 17

Campaign Finance

August 2025

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17. CAMPAIGN FINANCE

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REFERENCE Code of Virginia, Chapter 9.3 (Campaign Finance Disclosure Act of 2006) Code of Virginia, Chapter 9.5 (Political Campaign Advertisements) SBE Policy 2010-001 Delinquent Civil Penalties to Commonwealth’s Attorney SBE Policy 2025-001 Campaign Finance Penalty Appeal Procedures	REGULATIONS 1VAC20-90-10 et seq.

17.1 CHAPTER ORGANIZATION

Chapter 9.3 of Title 24.2 of the Code of Virginia comprises the *Campaign Finance Disclosure Act of 2006* (CFDA). With the exceptions noted below, the CFDA applies to all elections for state and local public office in the Commonwealth and to nominations of political party candidates for those offices, whether by primary, nominating conventions, mass meetings, or other nominating methods.¹ Each general registrar administers the CFDA for candidates as described below.

First, §17.2 sets out the scope of Virginia campaign finance law. §17.3 distinguishes committees that are required to file locally with the office of the general registrar. §17.4 explains how to determine a committee’s election cycle, which is key in setting the committee’s filing requirements. §17.5 discusses campaign finance reporting requirements. §17.5.1 discusses the methods by which candidates may file and to whom candidates must submit their filings. §17.5.2 and 17.5.3 provide more details on electronic filing, respectively.

¹ See §[24.2-945](#).



§17.6 provides an overview of the forms that committees may be required to file. The statement of organization is discussed in §17.6.1; this is the campaign finance form that committees are likely to have to submit first. A detailed explanation of how to process the form is provided. Scheduled reports are discussed in §17.6.2. This section covers timing of reports and how reports are processed. The rest of the sections in §17.6 discuss types of special reports: §17.6.3 covers large pre-election contribution reports, §17.6.4 covers independent expenditure reports, and §17.6.5 covers final reports. This is followed by a discussion of exemption forms in §17.6.6, which addresses who can file for exemption and the types of filings that are covered.

§17.7 provides a brief note on the retention of reports. In §17.8 the discussion turns to penalties for CFDA violations. Section 17.9 discusses Chapter 9.5 of the Code of Virginia (commonly referred to as Stand by Your Ad [SBYA]), which sets forth disclaimer requirements for campaign advertisements and telephone calls.² Registrars have minimal responsibilities for reporting potential violations under this chapter of the Code. At the end of this chapter of the Handbook, please find appendixes containing templates registrars may use to notify candidates of potential violations.

17.2 EXEMPT FROM VIRGINIA CAMPAIGN FINANCE LAW

Candidates³ for the following offices are exempt from the provisions of CFDA and SBYA:⁴

- Member of the U.S. Congress
- President and Vice President of the United States
- Any town office in a town with a population less than 25,000
 - unless local ordinance provides that CFDA provisions apply OR
 - unless the candidate accepts contributions or makes expenditures in excess of \$25,000 within the candidate's election cycle.
- Political party committee officer

All other candidates in the Commonwealth are subject to the provisions of Chapters 9.3 and 9.5 of Title 24.2.

² See [§24.2-955 et seq.](#)

³ See [§24.2-101](#) (definition of "candidate").

⁴ See [§24.2-945](#).



Frequently Asked Questions



Who are candidates for the purposes of implementing the CFDA? "Candidate" includes any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, or one of its governmental units, in a party nomination process or general, primary, or special election.

Is a write-in candidate considered a candidate and required to submit reports? Write-in candidates are included in the definition of candidate and are subject to the reporting requirements under CFDA and SBYA.

The provisions of Chapters 9.3 and 9.5 of Title 24.2 also apply to other political entities defined in Code: political action committees (PACS), out-of-state political committees, political party committees, referendum committees, and inaugural committees.⁵

17.3 WHICH COMMITTEE TYPES FILE LOCALLY?

All of the entities mentioned above that fall under the provisions of Chapters 9.3 and 9.5 of Title 24.2 are required to file campaign finance reports electronically with the State Board of Elections using the COMET system. General registrars are still responsible, however, for reviewing local candidate reports.

17.4 ELECTION AND REPORTING CYCLES

The candidate's election cycle is determined by the office for which the candidate decides to run. The election cycle begins on January 1 of the year the candidate first seeks election to that office through December 31 immediately following the election for such office.⁶ For a candidate who seeks election in successive elections for the same office, the next election cycle shall begin on January 1 immediately following each election for that office and continue through December 31 immediately following the next successive election for the same office.

17.4.1 Cycle is Set with the Filing of the Statement of Organization

For administrative purposes, a committee that files a statement of organization has ongoing filing requirements until a final report is filed. A candidate committee is responsible for timely filing all required reports in the intervening period, regardless of whether the candidate is actively seeking office. Candidates and parties can close their committee registration at any time by filing a final report.

⁵ See [§24.2-945.1](#).

⁶ See [§24.2-947](#).



17.4.2 Special Elections Campaign Finance Cycles

A candidate may begin campaigning for a special election to fill a vacant seat prior to the special election writ being issued. If the writ for a special election has not been called, then the election date on the statement of organization should indicate the next general election date for the office sought. The statement of organization must be amended to reflect the date of the special election once the writ has been issued, and the candidate has decided to run in the special election.

17.5 CAMPAIGN FINANCE REPORTING

17.5.1 How and to Whom Committees File

ELECT is responsible for maintaining a centralized database to receive campaign finance reports and other required filings that are filed electronically;⁷ this electronic campaign finance report creation and filing application is known as COMET (Committee Electronic Tracking). COMET enables candidates to electronically file (e-file) required disclosure reports.

Candidates for General Assembly and local or constitutional offices must file their campaign finance reports with the State Board of Elections electronically. Registrars should direct candidates to ELECT's *COMET Quick User Guide* to help them get started with online filing. There is no cost for using COMET and all support for this application is provided by ELECT. Additionally, COMET reminds candidates of upcoming reports and prevents them from submitting incomplete reports, which helps prevent candidates from incurring penalties.

Candidates for local or constitutional office shall file reports by computer or electronic means.⁸ These candidates *shall not be* required to file an additional paper copy of the electronic reports with the general registrar of the locality in which they reside.⁹

17.5.2 Electronic Filings (through COMET)

Candidates for General Assembly: Must send a signed copy of their statement of organization to their local general registrar.

Forms submitted by a candidate for local or constitutional office: ELECT will process and retain those reports, notifying the locality when such reports are filed so that they can be reviewed for completeness by the general registrar.

⁷ See §24.2-946.1.

⁸ See §24.2-947.5.

⁹ *Id.*



17.6 DISCLOSURE FORMS

Virginia requires public disclosure of all contributions received and expenditures made by regulated political entities. Virginia does not limit contributions.¹⁰ Below is a list of the types of filings, information about those filings, and procedures for processing them. While most of these filings will be made online through COMET, registrars should be familiar with each of these types of filings and the forms on which they are filed.

17.6.1 Statement of Organization (SOO)

The Statement of Organization¹¹ is the first document that a committee must file. An SOO establishes the committee, to which all future filings and communications are linked.

17.6.1.1 What the SOO Does (Legally)

The statement of organization creates a candidate campaign committee, which becomes the committee designated by a candidate to receive all contributions and make all expenditures for him or on his behalf in connection with his nomination or election for a particular office.¹²

17.6.1.2 When to File an SOO



All individuals within the scope of Virginia campaign finance law must file a statement of organization **within 10 calendar days** of meeting any one of the following conditions:¹³

- Accepting contribution of any amount
- Spending any funds for the campaign (including personal funds)
- Paying a filing fee for any party nomination method
- Filing an ELECT-501 certificate of candidate qualification
- Appointing a campaign treasurer; designating a campaign committee or bank account

17.6.1.3 How to Amend an SOO



The committee has **10 days** from the date of any change to their current statement of organization to submit an amended statement of organization with new information.¹⁴ A candidate can amend an SOO by filing an amendment in COMET.

¹⁰ Federal law may impose certain prohibitions on state and local elections (e.g., all candidates for elected office in the U.S. are prohibited from accepting contributions from foreign nationals (see 8 USC § 441e). Such prohibitions are enforced by the [Office of the United States Attorney](#), to whom any questions about compliance should be directed.

¹¹ Form CFDA-947.I Candidate Statement of Organization.

¹² See §24.2-945.1.

¹³ See §24.2-947.1.

¹⁴ See §24.2-947.1(D).



17.6.1.4 How to Process an SOO

Upon receipt of the **CDFA-947.1 Statement of Organization form for candidates**, ELECT reviews most of the form for completeness. The general registrar must only review the committee activity dates section to determine the correct start date (and confirm that ELECT has created an accurate filing schedule).

- If the statement is “New,” check to make sure that none of the dates of activity are more than 10 days prior to the receipt of the statement.
- If it has been more than 10 days since one of the dates provided, a penalty for late filing should be assessed.
- If there are no dates provided in the campaign activity sections, the date of submission of the SOO is considered the filing start date, because it is considered the date the campaign treasurer was named.
 - An SOO is not considered incomplete if some or all of the campaign activity sections are missing a date.
- Under new legislation approved in 2024 (HB 1346/SB 577), candidates for soil and water conservation director may seek an exemption from designating a campaign depository on the SOO;¹⁵ the exemption is applied in the same manner as the general reporting exemption for local candidates. See Section 17.6.6 for more information.

17.6.2 Scheduled Disclosure Reports

Scheduled disclosure reports are the most detailed reports that committees must file. These periodic reports disclose contributions received and expenditures made during certain time periods. Virginia laws emphasize transparency and aim to ensure an educated public.

17.6.2.1 When Are Reports Due



The reporting schedule for a campaign committee is determined by the election cycle associated with the office that the candidate is running for and the date of the election. The Code provides generalized reporting schedules for candidates in the November General Election¹⁶ and special elections.¹⁷ The Department of Elections provides a yearly schedule of specific candidate reporting deadlines on its website.¹⁸

Filings on COMET must be made by 11:59 p.m. on the filing deadline date.

If a candidate has more than one candidate committee open, all committees must file scheduled disclosure reports for all open committees on the same schedule as the active candidate committee. ELECT will sync those committee schedules.

¹⁵ See §24.2-948.1(C).

¹⁶ See §24.2-947.6.

¹⁷ See §24.2-947.8.

¹⁸ See *Campaign Filing Schedule*.



17.6.2.2 *How to Process Reports*

The general registrar receives and reviews campaign finance reports as outlined in this Chapter.¹⁹

Reports by local or constitutional candidates will be forwarded to the appropriate locality. The email will include the date the report was submitted, whether or not it was timely, and a link to the report found on the ELECT website to assist the responsible local election official in cataloging and reviewing the report. COMET automatically acknowledges the receipt of electronically filed reports with an e-mail to the committee.

17.6.3 Large Pre-Election Contribution Reporting

Candidates for local or constitutional offices must file a large pre-election contribution report if they receive a contribution exceeding \$500 in the eleven days before a nominating event or election for which the individual is a candidate.²⁰

Candidates running unopposed in a non-primary nominating event are not required to file large pre-election reports in relation to the nominating event, but still must file such reports required by Code in relation to the date of a primary election, regardless of whether they are on the ballot in the primary election.²¹

Deadline to file the report is no later than 11:59 p.m. on the day following receipt or 11:59 p.m. Monday if a contribution is received on a Saturday.²² If a contribution is received within the 24-hour period before the election, the contribution must be reported by 11:59 p.m. on the day before the election.²³ The contributions shown on these reports must also be reported on the candidate's next scheduled report.

17.6.4 Independent Expenditure Reports

An independent expenditure is an expenditure made without coordination or involvement of the candidate supported or opposed. "Coordinated or Coordination" is defined as action taken (i) at the express request or suggestion of a candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee; or (ii) with material involvement of the candidate, a candidate's campaign committee, or an agent of the candidate or his campaign committee in devising the strategy, content, means of dissemination or timing of the expenditure.²⁴ The Code definition does not require that the candidate have knowledge of the expenditure.

¹⁹ See [§24.2-946.3\(C\)](#).

²⁰ See [§24.2-947.9](#).

²¹ *Id.*

²² See [§§24.2-947.9](#) and [949.6](#).

²³ See [§24.2-947.9](#).

²⁴ See [§24.2-945.1](#).



17.6.4.1 When Independent Expenditure Reports Due

Persons, candidate campaign committees, and political committees are required to submit independent expenditure reports²⁵ after making an independent expenditure that has exceeded the aggregate of \$200 for the election cycle in relation to a local election.²⁶ This is an aggregate of all independent expenditures and not aggregated solely on a candidate-by-candidate basis.



Expenditure reports are due within 24 hours after the funds are expended, or 24 hours after advertising materials are published or broadcast to the public; whichever occurs first.

17.6.4.2 Where to file Independent Expenditure Reports

Independent expenditure reports must be filed electronically.²⁷ Independent expenditures made to support or oppose a candidate for General Assembly or statewide office must be reported to ELECT. Independent expenditures made to support or oppose candidates for local and constitutional offices must be submitted to the local general registrar. Copies of any independent expenditure reports filed locally should be placed in the existing file for the candidate who is indicated on the report as being supported or opposed.

Pursuant to legislation approved in 2024 (HB 730/SB 692), all independent expenditure reports **must be filed electronically to ELECT as of July 1, 2025.**

17.6.5 Final Report

A final report closes out a committee and ends all reporting obligations. A committee must continue to file scheduled campaign finance reports on the appropriate schedule until a final report is filed indicating all debts for the committee have been paid and the committee's balance has been returned to zero.²⁸

17.6.5.1 When to File Final Report

All candidates are required to file a final report.²⁹ A candidate committee final report is due when one of the following occurs:³⁰

- The candidate no longer seeks election to the same office in a successive election;
- The candidate seeks election to a different office; or
- The candidate is deceased.

²⁵ Form CFDA-945.2 Independent Expenditure Report.

²⁶ See §24.2-945.2.

²⁷ *Id.*

²⁸ See §24.2-948.4.

²⁹ Form CFDA-948.4 Final Report Cover Sheet.

³⁰ See §24.2-948.4.



A final report can be filed at any time, however, it should be filed as soon as possible after one of the triggering events listed above. Additionally, a candidate who is running for the same office in successive elections may keep their campaign account open.

17.6.5.2 *Disbursement of Surplus Funds*

A committee is authorized to disburse surplus funds by the methods listed below:³¹

- Transfer to a future election for the candidate or to retire the deficit of the current campaign (or transfer to an affiliated organization in the case of a political party committee);
- Return to a contributor in an amount not to exceed the contributor's original contribution;
- Donation to any organization described in § 170(c) of the Internal Revenue Code;³²
- Contribution to one or more candidates or to any political committee;
- Contribution to any political party committee; or
- Defraying any ordinary, non-reimbursed expense related to the committee (or related to the elective office in the case of a candidate campaign committee).

No candidate may convert any contributed moneys, securities, or personal property to his personal use in the context of a final report.³³ Prohibited personal use extends to immediate family members.³⁴

Effective July 1, 2026, the limitations on the disposition of excess contributions also apply to items acquired using campaign contributions.³⁵

³¹ See [§24.2-948.4\(D\)](#).

³² See [26 USC § 170\(c\)](#).

³³ See [§24.2-948.4\(D\)](#).

³⁴ *Id.*; See also [§30-101](#) (definition of “immediate family”).

³⁵ See 2025 Acts of Assembly Chapter 535 (HB 2165/SB 1002).



Additional restrictions on the use of campaign funds for personal use take effect on July 1, 2026, pursuant to 2025 Acts of Assembly Chapter 535 (HB 2165/SB 1002). These provisions list permissible and impermissible personal uses of campaign funds, create a process for candidates and campaigns to request advisory opinions regarding expenditures, and create a complaint process for impermissible uses by candidates/campaigns.³⁶ Until the effective date of that bill, the limitations in personal use are as set forth by the Attorney General's office in a written explanation to ELECT, which provides that candidates are prohibited from converting "any contributed moneys, securities, or like intangible personal property to his personal use or to a member of the candidate's 'immediate family' as that term is defined in § 30-101. The General Assembly has clearly prohibited the personal use of campaign contributions by candidates, but only in the context of the filing of the required final campaign finance report."³⁷

17.6.5.3 Termination Statement

A *Termination Statement* must be completed in COMET. It indicates that all debts have been paid, all monies received and spent have been reported and, if surplus funds remain, the amount and disposition of those funds. The termination statement must be filed on paper even if the committee files their reports electronically.

17.6.6 Local Candidate and Director of Soil and Water Reporting Exemption Request

A candidate for local office or for director of soil and water may request an exemption from filing scheduled campaign finance reports.³⁸ A candidate wishing to request an exemption must file the exemption form by paper with his general registrar. The general registrar will then scan and email a copy of the exempt form to ELECT where the filing schedule will be reset in COMET to allow for the Final Report to be filed electronically.

Eligibility for Exemption. The exemption applies if the candidate certifies the following:

- Has not and will not solicit or accept any contribution from any other person or PAC during the course of his campaign.
- Has not and will not contribute to his own campaign more than \$1,000.
- Has not and will not expend more than \$1,000 during his campaign.
- Has and will comply with the requirements of CFDA.

³⁶ *Id.*

³⁷ See [Attorney General's Explanation of "Personal Use"](#), p. 2.

³⁸ See [§24.2-948.1](#); Form CDFA-948.1 Request for Exemption from Reporting Requirements.



Other Reports Required by CFDA. Even if a candidate is exempt from filing scheduled reports, (s)he is still required to file certain other reports required by CFDA. The candidate must still create a campaign committee by filing a statement of organization and opening a separate bank account (unless exempt). The committee must still file a special report for qualifying independent expenditures.³⁹ Also, committees must still file a special report for qualifying large pre-election contributions⁴⁰ by a candidate to his own campaign. Further, an exempt candidate must file a final report after the election.⁴¹ A candidate claiming exemption is prohibited from taking office until a final report detailing activity since the beginning of the campaign is filed by his/her committee.⁴²

Request to Rescind Exemption. A candidate who has received an exemption may, at any time, request that exemption be rescinded.⁴³ A candidate is required to do so before violating any of the terms of the exemption mentioned above. Once an exemption is rescinded, the candidate's campaign committee will follow the appropriate reporting schedule for scheduled disclosure reports. The first scheduled report must show all the receipts and expenditures from the first activity date reported on the statement of organization.

17.7 RECORDS RETENTION



Campaign finance reports filed locally must be retained through the next general election for the office to which they pertain unless the candidate has filed a final report. Reports for terminating candidates must be retained at least one year after the final report is filed, or the next general election for the office to which they pertain. After expiration of the applicable retention period, the reports can be destroyed according to the instructions set forth by the Library of Virginia.⁴⁴ Please see Chapter 9 (Records Access and Retention) for more information.

17.8 PENALTIES

General registrars are required to assess penalties for certain violations of Chapter 9.3 of Title 24.2 by candidates required to file locally.⁴⁵ The Code of Virginia provides a range for the amount of each penalty but requires the State Board of Elections to provide uniform schedules for local election officials to follow in carrying out their responsibility to assess civil penalties for campaign finance report violations.⁴⁶ You can find schedules of civil penalties for each type of committee on the ELECT website, under Campaign Finance. **No local entity has the authority to waive or reduce these penalties.**⁴⁷

³⁹ See [§24.2-945.2](#).

⁴⁰ See [§24.2-947.9](#).

⁴¹ See [§24.2-948.1\(B\)](#).

⁴² See [§§24.2-948.1](#) and [948.4](#).

⁴³ See [§24.2-948.1](#); see also Form CFDA-948.IR Rescind Request for Exemption from Reporting Requirements.

⁴⁴ See Library of Virginia General Retention Schedules for Localities - Voter Registration and Elections ([GS-01](#)).

⁴⁵ See [§24.2-946.3\(D\)](#).

⁴⁶ See [§24.2-946.3\(I\)](#).

⁴⁷ See [§24.2-946.3](#) (no election official or staff may waive or reduce such penalties, except as provided in the Code of Virginia §24.2-946.3).



Committees must make their checks payable to the treasurer of their locality for deposit to their general fund. The payment does not have to be received from the committee's bank account. Payment can come from any account.

Penalty notices must include information about the right and method to appeal. Additionally, penalty notices must be sent either via certified mail (and general registrars must retain all documentation related to the mailing) or electronically with confirmation of receipt.⁴⁸

17.8.1 Failure to File Report

The Code provides for a civil penalty not to exceed \$500 for failure to file a required report, and a penalty of \$1,000 for each subsequent failure to file in the same election cycle.⁴⁹ Notices of penalties are provided via certified letter by the State Board or general registrar. Failure to file the required report and pay the assessed penalty within 60 days of receipt of the letter will result in referral to the appropriate attorney for the Commonwealth.

If delivery of the certified letter to the committee's primary mailing address is returned undeliverable or the recipient refused to sign, then the matter shall immediately be referred to the appropriate attorney for the Commonwealth by the general registrar.

17.8.2 Late Report

If a required report or statement is not filed at the conclusion of a filing deadline, the general registrar is required to assess a penalty. The State Board of Elections imposes an initial late report penalty of \$100. The Code provides that for each subsequent late report in the same election cycle the general registrar must assess a penalty of \$1,000.⁵⁰

The general registrar must notify the committee of civil penalty and collection procedures via email or regular postal mail (see Appendix A). If (i) the payment is not received within 60 days of the deadline and (ii) an appeal has not been filed (or has been filed and dismissed), the matter is referred to the appropriate Commonwealth's attorney for collection.⁵¹

17.8.3 Incomplete Reports

If any required information is not included or the report is not completed properly, the report is incomplete.⁵² However, some missing information does not necessarily mean that a report should be considered incomplete for the purpose of levying a civil penalty. The State Board has adopted a "Best Efforts" policy which holds that campaign finance reports are not considered incomplete if:

⁴⁸ SBE Policy [2025-001](#) *Campaign Finance Penalty Appeal Procedures*.

⁴⁹ See [§24.2-953.1](#).

⁵⁰ See [§24.2-953.2](#).

⁵¹ See SBE Policy [2010-001](#) *Delinquent Civil Penalties to Commonwealth's Attorney*.

⁵² See Campaign Finance Laws and Policies Summaries.



Less than 20% of contributors are missing required information on Schedule A or Schedule B; or less than 20% of any other itemized information does not include the required information (For example, if there are 100 itemized contributors on Schedule A, then no more than 20 of those contributors can have missing information).

If this condition does not apply, the report is considered incomplete, and the general registrar should proceed as follows:

- Prepare a certified letter to the committee that outlines the omissions found in the report.
 - See Template C in the Appendix below.
 - The letter should state that an amended report must be received within ten days of mailing the letter or a civil penalty of \$100 will be assessed.⁵³
 - Due to the short amount of time involved, it is recommended that the general registrar also attempt to contact the committee via email or telephone to ensure they receive the necessary information.
- Send the letter by Certified Mail – Return Receipt Requested.⁵⁴
- Preserve a copy of the letter and the stamped USPS receipt for certified mail.

The committee must amend the report by the due date or request additional time. Extensions of no more than 14 days can be granted by the general registrar.⁵⁵ If the committee fails to amend their report in a timely fashion, a \$100 penalty should be assessed.⁵⁶ The Code provides that for each subsequent incomplete report in the same election cycle the general registrar must assess a penalty of \$1,000.⁵⁷ The general registrar should increase the amount of the penalty by \$500 every 60 days until a fully compliant filing is made.⁵⁸ However, the civil penalty imposed for incompleteness relative to any single report should not exceed \$500 “unless the total of the filer's reportable contributions or the total of the filer's reportable expenditures is \$10,000 or more.”⁵⁹

17.8.4 Appeals of Civil Penalties

Beginning July 1, 2025, civil campaign finance penalties assessed by ELECT or general registrars pursuant to § 24.2-946.3 may be appealed to the State Board within 60 days of receipt of the penalty and adjudicated in an in-person hearing.⁶⁰ All appeals must be filed with ELECT, and the State Board will hold a public hearing to determine whether relief should be granted. Relief may only be granted if the State Board finds that there were 1) circumstances that made filing or

⁵³ See [§24.2-953.3\(B\)](#).

⁵⁴ See [§24.2-101.01](#) (subsequent identical mail can be sent by regular mail).

⁵⁵ See [§24.2-953.3\(D\)](#).

⁵⁶ See Campaign Finance Laws and Policies Summaries.

⁵⁷ See [§24.2-953.3\(F\)](#).

⁵⁸ See [§24.2-953.3\(E\)](#).

⁵⁹ See [§24.2-953.3\(A\)](#).

⁶⁰ See [§24.2-953.6](#).



requesting an extension before the deadline impracticable or 2) there was an administrative error in issuing the penalty.

Questions about appeals may be directed to CFAppeals @elections.virignia.gov.

17.9 POLITICAL ADVERTISEMENTS

The law commonly known as “Stand By Your Ad” (SBYA) is found in Chapter 9.5 of Title 24.2 of the Code and contains the requirements for disclaimers on political advertisements.⁶¹ In contrast to campaign finance reports, the law does not impose any duty on local election officials to report or sanction possible advertising violations. Please refer those with questions on the content and requirements of the law to Chapter 9.5 of the Code of Virginia and the various campaign finance law summary documents that can be found on the ELECT website.⁶² All complaints related to SBYA should be referred to ELECT via the SBYA complaint form found on ELECT’s website.

⁶¹ See [§24.2-955 et seq.](#)

⁶² See Campaign Finance Laws and Policies Summaries.



Appendix A: Letter Templates

The following are recommendations for letters to be sent to delinquent committees.

Template A: Unfiled Statement of Organization

Candidate/Committee

Address Line 1

Address Line 2

City, VA Zip Code

Dear Filer:

A statement of organization is required to be submitted within 10 days of undertaking any of the actions referenced in § 24.2-947.1 of the Code of Virginia. Our records indicate that your Statement of Organization is past due.

The § 24.2-947.1 also requires that a civil penalty be imposed for failure to file a Statement of Organization within 10 days.

As a result, the [name of locality] general registrar must assess a penalty in the amount of [penalty amount]. Please make your check payable to the treasurer of [name of locality] and forward this payment to the [name of locality] office of the general registrar within 10 business days. If payment is not received within 30 days, [name of locality] general registrar will be required to forward this matter to the appropriate Commonwealth's attorney who must initiate proceedings for its collection. The Statement of Organization must be filed within ten (10) business days from the date of this letter.

Pursuant to Va. Code § 24.2-953.6(A), if circumstances made it impracticable to file or request an extension by the deadline or the penalty was wrongfully assessed due to an administrative error, you may file an appeal to the State Board within 60 days of receipt of the penalty at. Pursuant to Va. Code § 24.2-953.6(C), the State Board may, <https://cfapps.elections.virginia.gov/Appeal> in its discretion, grant relief for good cause shown. For questions related to the appeal process, please contact CFAppeals@elections.virginia.gov. If you have any further questions, please feel free to contact our office at [phone number].

Sincerely,

Staff Name

Staff Title



Template B: Late Filing

Candidate/Committee

Address Line 1

Address Line 2

City, VA Zip Code

Dear Candidate/Committee:

A careful review of our records shows that [committee name] filed its report on [submission date] which was after the report's required deadline of [report due date].

According to the civil penalty schedule adopted by the State Board of Elections, the committee must be assessed a penalty of \$100 for not submitting the required campaign finance report by the deadline. Any additional late reports during this election cycle will result in a \$1000 fine.

The failure to pay the civil penalty within 60 days of the deadline for this filing period will result in the [name of locality] general registrar requesting the Commonwealth's attorney to enforce collection.

Filing Period Ending	Report Deadline	Assessed Penalty
Invoice Number:	TOTAL AMOUNT DUE	

Please make your check in the amount of [amount fined] payable to the treasurer of [name of locality]. Please reference invoice number [fine ID] and forward this payment to the [name of locality] office of the general registrar.

Pursuant to Va. Code § 24.2-953.6(A), if circumstances made it impracticable to file or request an extension by the deadline or the penalty was wrongfully assessed due to an administrative error, you may file an appeal to the State Board within 60 days of receipt of the penalty at <https://cfapps.elections.virginia.gov/Appeal>. Pursuant to Va. Code § 24.2-953.6(C), the State Board may, in its discretion, grant relief for good cause shown. For questions related to the appeal process, please contact CFAppeals@elections.virginia.gov.

If you feel that you require additional information or have received this letter in error, please contact our office as soon as possible at [phone number].

Sincerely,

Staff Name

Staff Title



Template C: Incomplete Report

Candidate/Committee

Address

City, State Zip Code

Dear Filer:

This letter acknowledges receipt of your campaign's [type of report] dated [date report was submitted]. Though filed timely, this report has been reviewed and found to be incomplete. The report is missing the following information required by Virginia Code § 24.2-947.4:

Incomplete Required Information	Date Amended Report Due
[description of the missing information]	[Month, Day, Year] (10 days from the mailing of the letter)

Your committee has until the date listed above to re-file the aforementioned completed report, or you will be subject to a civil penalty as established in Virginia Code § 24.2-953.3.

Please be advised that the penalties required to be assessed for late or incomplete filings are detailed in the *Candidate Campaign Committee Summary of Laws and Policies* which can be found at the Department of Elections' website: elections.virginia.gov. If you have any questions you may contact this office at [phone number].

Sincerely,

Staff Name

Staff Title



Template D: Letter to Commonwealth's Attorney

Commonwealth's Attorney
Address Line 1
Address Line 2
City, VA Zip Code

Dear Commonwealth's Attorney:

As required by § 24.2-946.3 of the Code of Virginia, I am hereby notifying you that [name of campaign committee] has failed to file required reports and has not made payment on a subsequently assessed civil penalty after being duly notified and given an extended opportunity to do so. [name of campaign committee] has already either exhausted or declined to appeal the penalty with the State Board of Elections pursuant to § 24.2-953.6.

This office assessed the committee a penalty totaling [penalty amount].

This matter is referred to you for your review. I ask that you please institute proceedings for the collection of the civil penalties assessed and, if you deem it appropriate, prosecution of a Class 1 misdemeanor as provided by § 24.2-953 et seq. of the Code. Civil penalties collected are to be made payable to the treasurer of the [name of locality] and must be forwarded to this office for deposit.

We appreciate your attention to this matter. If you require further information, you may contact the general registrar's office at [GR office phone number].

Sincerely,

Staff Name
Staff Title





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 18

Satellite Offices

August 2025

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18. SATELLITE OFFICES

REQUIRED FORMS Satellite Early Voting Checklist	ADDITIONAL RESOURCES Virginia Constitution Art. II Sec. 7 Code of Virginia §24.2-129 Code of Virginia §24.2-701.2 Locality Charter Provisions
REFERENCE Virginia Office of Attorney General Opinion 21-040 Standards for Absentee Ballot Drop Off Locations	REGULATIONS 1VAC20-70-60 Security requirements for absentee satellite offices

18.1 IN GENERAL

“The governing body of any county or city may establish, by ordinance, voter satellite offices to be used in the locality for absentee voting in person. The governing body may establish as many offices as it deems necessary. No change in, including the creation or abolishment of any voter satellite office shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the locality once a week for two successive weeks.”¹

As absentee voting increases in popularity, localities may wish to open satellite offices to use for absentee voting in person. The decision whether to open a satellite office or multiple satellite offices should be made by your locality in consultation with both the general registrar and members of the electoral board. Here are some factors to consider when determining whether to have voter satellite offices for in person absentee voting:

- Can your general registrar’s office alone handle the expected volume of in person absentee voting?
- Would opening a satellite office or offices ease the burden on your registrar’s office?
- Are there public buildings in your locality that are ADA compliant and could be used as satellite offices?

If your locality does desire to open one or more satellite offices, here are some additional considerations to make:

- Are you placing satellite offices in high population areas to guarantee maximum value?
- If you have multiple offices, are they in distinct geographical areas within your locality to serve all local communities?
- Do you have adequate staff and volunteers to run the number of satellite offices that you wish to open?

¹ See [§24.2-701.2](#).



- Do you have the additional resources required to operate these locations, including voting machines, physical space (for example parking), ballots of every ballot style, and an adequate internet and cyber-security infrastructure?

18.2 ESTABLISHING A SATELLITE OFFICE

As noted above, satellite offices must be established by local ordinance. Your local governing body has its own process for establishing ordinances, and the process for establishing satellite offices should be the same as the process for establishing a polling place location. If you are unsure of your local process, you may wish to contact your city or county attorney's office for further information.

18.3 REQUIREMENTS

Voter satellite offices for in-person absentee voting must meet the following requirements²:

- Must be in a public building owned or leased by the county, city, or town.
- Must have adequate facilities for the protection of all elections materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.
- Must be accessible to qualified voters and in compliance with the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans with Disabilities Act.
- The governing body of each county, city, and/or town shall provide funds to enable the general registrar to provide adequate facilities for the conduct of elections.

18.4 NOTICE

Prior to enacting a new satellite office, consolidating, relocating, or changing an existing location, notice shall be provided in a newspaper having general circulation in the locality once a week for two successive weeks.³ Notice must also be mailed to all registered voters regarding any change to the voter satellite office at least 30 days prior to the next primary, general, or special election.⁴

Not later than 55 days prior to any election, the general registrar shall post notice of all satellite offices and the dates and hours of operation of each in the office of the general registrar and on the official website for the county or city; this notice shall remain for the duration of the absentee voting period.⁵

If the voter satellite office has moved, notice will have to be posted, if practicable, at the old polling place telling voters about the move and how they can find information to find the new polling place.⁶ The notice must be posted for the first primary and general election that the new polling place is in use.

² See [§24.2-701.2](#).

³ *Id.*

⁴ See [§24.2-306](#).

⁵ See [§24.2-701.2](#).

⁶ See [§24.2-306](#).



18.5 RELOCATION, CONSOLIDATION, AND CLOSURE

Localities may have to move or close satellite offices to suit the needs of their voters. This section covers the requirements for making changes to satellite offices.



Law Note

Pursuant to [§24.2-101](#), ““Polling place” means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.” In [Opinion 21-040](#) from 2021, the Virginia Office of the Attorney General stated that this definition applies to satellite offices for absentee voting. Therefore, polling place regulations and requirements also apply to satellite offices, such as the prohibition of firearms within 40 feet of a polling place, pursuant to [§24.2-604\(A\)\(iv\)](#), and the required “preclearance” process for covered practices, pursuant to [§24.2-129](#).



Because a satellite office is a polling place, establishing, changing, or abolishing a satellite office cannot be done within 60 days of a general election, pursuant to both [§24.2-306](#) and [§24.2-701.2\(A\)](#).

Since a satellite office is treated as a polling place under Virginia Law, the closure, relocation, or consolidation of any voter satellite office is considered a covered practice and subject to preclearance. Pursuant to [§24.2-129](#), there are certain actions that are considered “covered practices”; these covered practices include, “Any change that reduces the number of or consolidates or relocates polling places in the locality, except where permitted by law in the event of an emergency.”⁷ As such, these changes must go through the “preclearance” process as described in the statute.⁸ The local governing body is responsible for establishing and relocating polling places, including satellite offices; this must be done by passing an ordinance.⁹

To enact a covered practice the governing body of a locality must adhere to the following¹⁰:

- Present the proposed change in advance for public comment for a minimum of 30 days.
- Conduct at least one public hearing.
- Wait an additional 30 days following the public comment period before the proposed change becomes effective.

In lieu of a public comment period, the governing body can receive a certification of no objection from the Office of the Attorney General.¹¹ The certificate of no objection indicates the covered practice does not have the purpose or effect of denying or abridging the right to vote

⁷ See [§24.2-129](#).

⁸ *Id.* See also 2021 Op. Va. Att’y Gen. 40 ([September 1, 2021](#)).

⁹ *Id.*

¹⁰ See [§24.2-129](#).

¹¹ *Id.*



based on race, color, or membership in a language minority group. See GR/EB Chapter 3 for more detailed information on polling places.

18.6 EMERGENCY CHANGES

If an office becomes unusable due to an emergency, the electoral board or general registrar shall provide an alternative location subject to State Board approval.¹² The registrar will provide notice to voters appropriate to the circumstances of the emergency. Generally, this means providing as much notice as possible given the proximity of the emergency to an upcoming election.

18.7 HOURS OF OPERATION

Localities may choose the hours that their satellite offices operate, so long as appropriate notice is given of the times and dates.¹³ However, satellite offices are **required** to be open a minimum of eight hours between 8:00 and 5:00 pm on the first and second Saturday immediately preceding an election.¹⁴ Localities should operate their satellite offices in ways that are fair to all members of their community, guaranteeing absentee voting access for all voters in the locality.

18.8 CYBERSECURITY EXPECTATIONS

Because voter satellite offices essentially serve as early polling places, there must be measures in place to guarantee the cybersecurity of each satellite office. The State Board of Elections, through the Department of Elections, has promulgated a cybersecurity readiness checklist.¹⁵ Localities will need to complete this checklist and meet all relevant deadlines before the Department of Elections will allow a satellite office to have VERIS and e-pollbook connectivity.¹⁶ If you are considering opening satellite offices, please complete a readiness checklist for each satellite office that your locality is establishing. The checklist can be obtained through the Department of Elections.¹⁷

¹² *Id.*

¹³ *Id.*

¹⁴ See §24.2-701.1(B).

¹⁵ See ELECT, [Satellite Early Voting Readiness Checklist](#).

¹⁶ See Virginia Admin. Code [1VAC20-70-60](#).

¹⁷ *Id.* See ELECT, [Satellite Early Voting Readiness Checklist](#).



APPENDIX A: Commonwealth of Virginia Early Voting Satellite Location Guidelines

The purpose of this document is to establish uniform satellite location guidelines for Early Voting in the Commonwealth of Virginia. These guidelines are provided to address the various components and processes involved in the administration of elections.

Overview of Satellite Location

A satellite location(s) is a large polling location provided to have easier access for voters during the Early Voting period, 45 days before the Election. A satellite location(s) will include tables and chairs set up just like a precinct polling location, except that all ballot styles must be provided. Additionally, all voting equipment must be set up like CAP to accept all ballot styles.

Outdoor and indoor signage will be very important for directions on where to enter, check-in, vote, and exit.

General registrars should plan to have extra personnel to utilize as runners to travel to and from their office as needed.

Consider the following components when selecting a satellite location:

1. Traffic flow
 - a. Easy entrance and easy exit
 - b. Evaluate/review need for traffic control.
2. Parking area
 - a. Estimate how many voters anticipated in an hour at the height of voting (10- 12 days before the Election); look at your past absentee ballot numbers to make the estimate
 - b. Plan for one voter per car to determine how many parking spaces may be needed.
 - c. Consider other area businesses/offices in the same facility and their parking needs during the same hours as the satellite location.
 - d. Consider the following peak hours for voting:
 - i. From 7 am to 9 am
 - ii. From noon to 1 pm
 - iii. From 4 pm to 5pm
 - e. Consider if public transit (i.e. busses, trains) is available and the closest stop location for that public transit.
3. Visibility
 - a. Location is easily visible from the road.
 - b. Signage can be posted in areas to help direct voters.
 - c. The location is in a secure area.



4. Cost

- a. Monthly and/or bi-monthly lease(s) are available.
- b. Utilities included in the rent/lease price.
- c. Government and/or public property

5. Facilities

- a. Public restrooms are available.
- b. Ramps are provided for wheelchair access.
- c. Doors meet the HAVA required width and have mechanical switches to open for access.
- d. Heating and air conditioning in the facility
- e. Large room area(s) / tables and chairs available / multiple electrical outlets

6. Communication

- a. Access to telephone service, if possible
- b. Access to internet access through VPN service

7. Accessibility

Does the location fulfill all the requirements for the ADA, VDA, §24.2-701.2, and other required accessibility law requirements?



APPENDIX B: Commonwealth of Virginia Off-Site Satellite Early Voting Locations Contingency Plan

The purpose of this document is to confirm that each locality may open satellite locations during the Early Voting period prior to Election Day, beginning in November 2020.

Note: If an emergency does occur at a satellite office, please contact and inform the Department of Elections by reaching out to your ERS Liaison

Loss of Connectivity to State VERIS for Voter Check-in Contingency Plan:

Issue: The loss of connectivity to State VERIS impacts the ability to promptly update voter history, leading to potential multiple voting instances at different early voting sites on the same day.

To address this issue, the following steps must be taken:

- a. Maintain Updated Backup Data:
 - Keep an up-to-date backup data file of all eligible voters on laptops.
 - Update this backup data file on a nightly basis throughout the early voting period.
- b. Provision of Visual Precinct Boundary Maps:
 - If laptops become unusable due to the connectivity loss, distribute visual precinct boundary maps to all locations.
 - These maps will aid in accurately determining the correct ballot style for each voter.
- c. Usage of Provisional Ballot Envelopes:
 - When checking in voters using the backup data file, direct them to use provisional ballot envelopes.
 - Voters will seal their voted ballots in these envelopes, and poll workers will complete essential information on each envelope.
- d. Post-Connectivity Restoration Actions:
 - Once connectivity is reestablished, poll workers will update the voter history in VERIS.

Loss of Electricity in Any Early Voting Location Contingency Plan:

Issue: In the event of power loss, which may result in the inability to check-in voters

To address this issue, the following steps must be taken:

- a. All early voting locations will be equipped with fully charged portable battery packs. These packs will serve to recharge laptops and EPB devices. Additionally, if necessary, these battery packs can be utilized to charge cell phones for poll workers.



- b. Should the battery backup on the voting equipment also fail, an alternative approach will be implemented. Ballots will be placed in the auxiliary bin for scanning once power is restored.

Parking and Traffic Flow Concerns Contingency Plan:

Issue: Not enough parking, traffic is backing up, etc.

To address this issue, the following steps must be taken:

- a. Notify area police and sheriff department officials of peak early voting days. Request traffic control assistance, including potential redirecting of traffic flow during peak voting times
- b. Work with nearby businesses/office complexes to utilize available parking during peak times

Long Lines for Voter Check-in Contingency Plan:

Issue: More voters than expected at satellite office.

To address this issue, the following steps must be taken:

- a. Monitor timing and flow of voters to inform voters in line of approximate wait period. Stage a poll worker to “walk the line” and inform voters of the wait time and other options available to them
- b. Stay in touch with other early voting locations to monitor number of voters in line. Redirect voters to other sites that are experiencing shorter lines

Shortage of Ballots Contingency Plan:

Issue: Not enough ballots at the satellite office.

To address this issue, the following steps must be taken:

- a. Develop a ballot tracking method that provides advance notice of upcoming ballot shortages for certain ballot styles
- b. Designate “ballot runners” to retrieve additional ballots PRIOR to running out
- c. If using a Ballot on Demand printer, have a backup printer or supply of ballots for all precincts in the event of printer breakdowns

Shortage of Workers Contingency Plan:

Issue: Not enough officers of election at satellite office.

To address this issue, the following steps must be taken:

- a. Designate and train backup poll workers to assist during absences and/or peak voting time periods
- b. Reallocate staff from locations with lower voter turnout to the high turnout locations
- c. Train all full-time staff; utilize the full-time staff when there are no other options





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Risk Limiting Audit Manual

VIRGINIA DEPARTMENT OF ELECTION

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1. Risk-limiting Audit

REQUIRED FORMS SBE-671.2(D) Form Request for Risk-Limiting Audit Request to Inspect Sealed Election Materials for a Post-Election Audit	ADDITIONAL RESOURCES Virginia's Guide to Handcounting Ballots Chain of Custody Template RLA on FormsWarehouse
REFERENCE RLA Scale Method Video RLA K Cut Method Video Random Seed Number Generation Video RLA Reports	REGULATIONS 1VAC20-60-50. Overfull optical scan ballot container. 1VAC20-60-80. Request for a risk-limiting audit for a contested race within a jurisdiction.

1.1 Overview

§24.2-671.2 of the Code of Virginia requires that Risk-limiting audits (RLAs) be performed by the electoral board (EB) and general registrars (GR) under the supervision of ELECT using procedures prescribed by the State Board of Elections (SBE) outlined in this document. This document describes the SBE procedures and includes guidance on the following:

- Methods for conducting the RLA.
- Randomly selecting contested races and determining the risk limit.
- Preparing for an RLA, including guidelines for organizing ballots, selecting venues, and securing appropriate materials by EBs and GRs.
- Ballot custody, accounting, security, and written record retention procedures that ensure a complete and accurate collection of cast ballots from which samples are drawn.
- Hand counting of the audited ballots.

Ensuring transparency and understanding of the process by participants and the public, including guidelines for direct observation by members of the public, representatives of the candidates involved in the RLA, and representatives of the political parties.

1.1.1 Definition of an RLA

An RLA is a type of post-election audit that utilizes statistical methods and a manual review of paper ballots to confirm that the electronic voting system accurately reported the correct outcome of an election. RLAs analyze a random sample of hand-counted ballots to confirm election results. If the margin of an election is wide, fewer votes are audited; if the margin is narrow, more ballots are audited until a large enough sample is reviewed to confirm the results of the contest.¹

1.1.2 History of RLAs in Virginia

RLAs provide strong statistical evidence that the declared winner of a contest received the most votes. In 2017, the Virginia General Assembly passed legislation that amended the Code of

¹ See [National Conference of State Legislatures, Risk-Limiting Audits](#)

Virginia to include RLAs of ballot scanner machines in use in the Commonwealth, and the changes went into effect on July 1, 2018. Following enactment, pilot RLAs were conducted throughout the Commonwealth, with the first statewide RLA occurring in 2022. A detailed account of all statutorily required RLAs may be found in reports located on ELECT’s website. Every locality in the Commonwealth participated in a ballot-polling RLA of the 2024 U.S. Senate race, which is explained in greater detail in the 2024 November RLA Report.²

2. RLA Basics

2.1 Methods

Pursuant to §24.2-671.2(B), the State Board of Elections (SBE) is required to set the processes and procedures for each RLA performed.³ While there are three methods for conducting a risk-limiting audit, the State Board of Elections has approved two RLA methods for use in the Commonwealth of Virginia: *ballot polling* and *batch comparison methods*. Ballot-polling audits manually review a randomly selected, sufficiently large sample of ballots to determine if the overall outcome of an election contest was correctly reported. Batch-comparison audits manually review randomly selected physical batches of ballots, such as those cast in one precinct, and compare those results with corresponding machine counts.⁴ Although the ballot polling and batch comparison methods differ in their sampling methodology, both methods achieve the same goal of confirming that voting systems are accurately reporting election results. The SBE votes on the method for statutorily required RLAs by no later than September for each November General Election.

2.2 RLA Selection and Notification Process

Pursuant to § 24.2-671.2, RLAs must be conducted **before** a race has been certified.⁵ ELECT must ensure that an RLA is conducted for at least one randomly selected contest each year. The Code of Virginia provides the contests eligible for selection for an RLA depending on the election cycle, as outlined in §24.2-671.2(C) and illustrated below.⁶

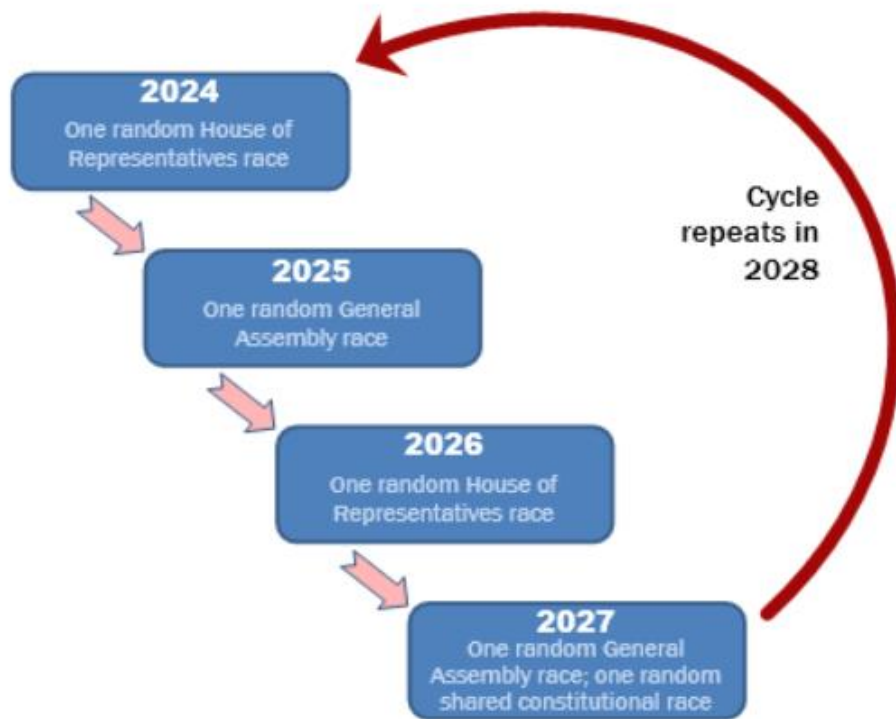
² See [ELECT, Risk-Limiting Audits](#).

³ See [§24.2-671.2\(B\)](#).

⁴ *Id.*

⁵ See [§24.2-671.2](#).

⁶ *Id.*



The SBE may also choose to audit a race in any other year that ensures that each locality participates in a risk-limiting audit of an office within its jurisdiction at least once every five years or that the State Board finds appropriate. The SBE defines participation in an RLA as the uploading of a ballot manifest.

Additionally, §24.2-671.2(D) allows local electoral boards to *request* a risk-limiting audit of a contested race within the EB’s jurisdiction. Using *SBE-671.2(D) Form: Request for Risk Limiting Audit*, a locality may submit its request to the SBE for approval.⁷ Examples of races wholly contained within a locality’s jurisdiction *may* include but are not limited to: mayoral, school board, city council, clerk of court, treasurer, or sheriff. Localities that are partially included in a House of Delegates district, State Senate district, or U.S. House of Representatives district are not able to request to audit just their portions of those races. Section 2.2.3 of this manual details how to apply for an RLA.

2.2.1 Selecting a Contest for Statutorily Mandated RLAs

For those contests eligible for an RLA as designated by the year in §24.2-671.2(C), the SBE will only consider races with margins greater than 1%.⁸ All contests that meet that threshold will be placed in the selection pool and will be drawn at the SBE meeting held on the third Monday in November. There is no statutory requirement to audit a primary election.

⁷ See [ELECT, SBE-671.2\(D\) Form](#)

⁸ See Va. Admin. Code, 1VAC20-60-80.

For those contests eligible for an RLA in a given year under §24.2-671.2(C), the SBE Chair or designated representative will randomly draw at least one race(s) to audit from this pool. Before the random selection takes place, a member of ELECT staff will explain the selection method. Examples of random selection methods may include drawing a contest from a bowl or rolling dice to determine the audited contest and will be chosen at the discretion of the Commissioner. The selection will be held and recorded during a public meeting to ensure that the chosen race is completely random and observable by the public.

2.2.2 SBE Requested RLAs

Under §24.2-671.2(C)(4) of the Code of Virginia, the SBE has the right to require an RLA of any race to ensure that each locality participates in an RLA at least once every five years or that the SBE otherwise deems appropriate.⁹ If the SBE decides to audit a race pursuant to §24.2-671.2(C)(4) of the Code of Virginia, the SBE must approve such audit by a two-thirds majority vote. The approval of this contest takes place at an SBE meeting held two months before the June primary, and no later than the September before the November General Election. This will allow localities time to plan for the audit ahead of the start of early voting. The approval of such races will be contingent on the outcome of the race, as no race may be audited that has a margin of less than 1%. The SBE will request ELECT to add this item to the Board agenda before the SBE meeting where the vote will take place.

2.2.3 Applying for an RLA of a Local Contest

In consultation with their local general registrar, a local electoral board may request SBE approval for an RLA of a contested local race wholly contained within its jurisdiction. The SBE has promulgated both a regulation to guide EBs in selecting a race for an RLA as well as the *SBE-671.2(D) Form* that localities must use to request a race for an RLA. EBs may choose between utilizing the ballot polling or batch comparison method of conducting a Risk-Limiting Audit upon approval of the SBE.

An electoral board must cast a majority vote at a public canvass meeting to request an RLA for a particular contested local race, wholly contained within the jurisdiction of the electoral board.¹⁰ Further, an electoral board must sign and complete the current *SBE-671.2(D) Form* and identify the local race(s) subject to the requested RLA. All board members should sign and date the form. Once completed, the secretary of the electoral board must send the form to ELECT via the locality's Elections and Registration Specialist. These forms must be submitted to ELECT no later than the close of business the day before the publicly noticed RLA SBE meeting (the date will vary depending on the election cycle).

The SBE will grant an RLA request if the form is properly completed, all statutory requirements are met, and the request is submitted on time. Finally, the regulation specifies that, as needed,

⁹ See [§24.2-641.2](#).

¹⁰ See Va. Admin. Code, 1VAC20-60-80.

the SBE will grant a two-week extension to an electoral board's local certification deadline under § 24.2-671 to accommodate the completion of the RLA.¹¹

2.2.3.1 Key Factors When Considering Applying for an RLA of Local Contest

When considering applying for an RLA of a race wholly contained within the jurisdiction of the electoral board, ELECT recommends considering the following:

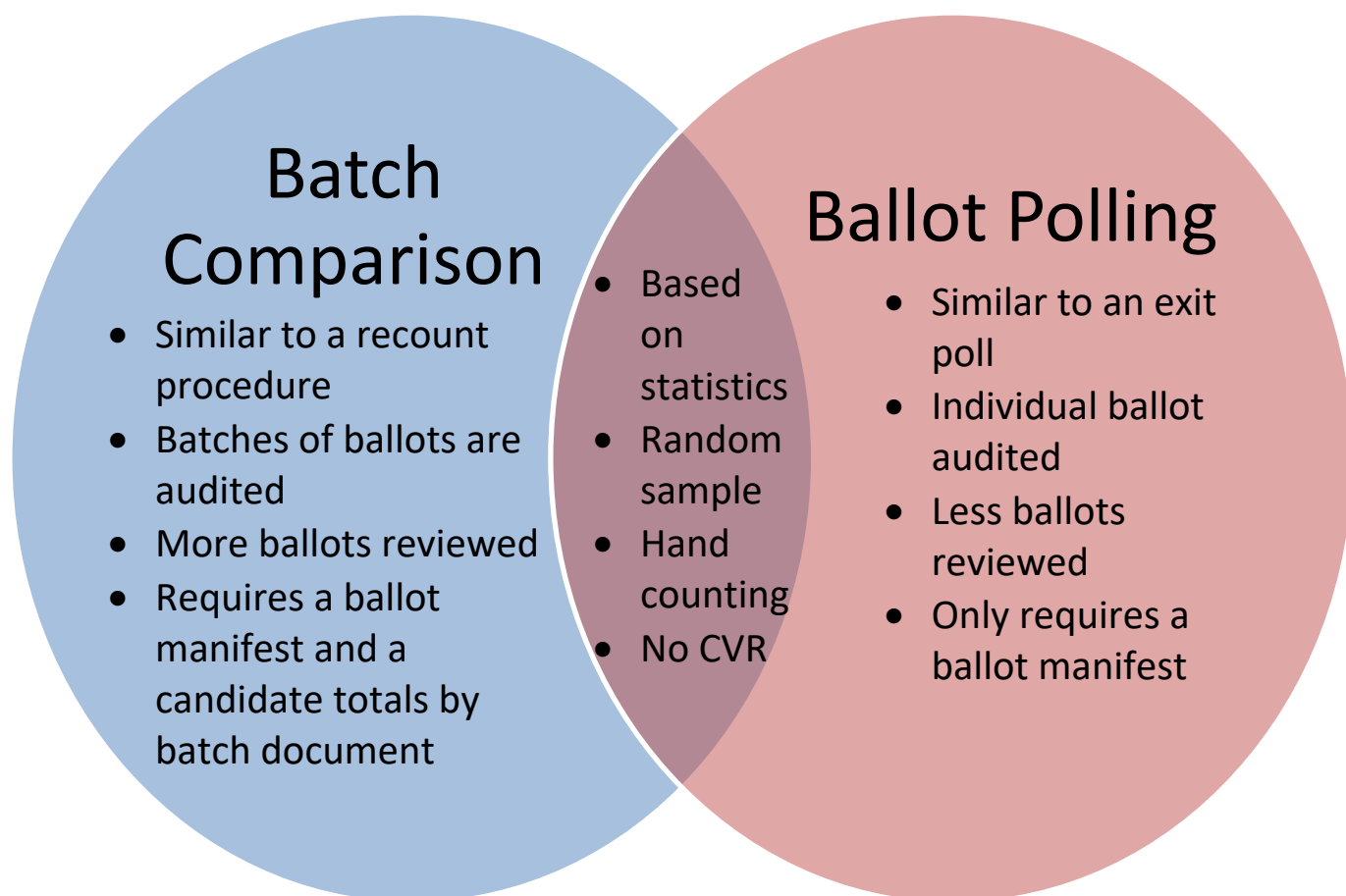
2.2.3.1.1 METHOD CHOICE

The SBE gives EBs the option to choose between the use of two RLA methods for applications submitted pursuant to §24.2-671.2(D): ballot polling and batch comparison.

Ballot-polling typically requires the smallest number of ballots to produce strong evidence that a reported outcome was correct. This method has been used by the Commonwealth since RLAs were first required by statute. It is the easiest method for the public to observe the interpretation of ballots. A ballot-polling audit is like an exit poll, where a statistically significant number of voters are sampled to make inferences about the outcome of a race. In the case of ballot-polling RLAs, a statistically significant number of ballots are randomly sampled to test the accuracy of the voting system's counts in the election.

Batch-comparison is an audit where batches of ballots (e.g., all ballots cast in a precinct) are randomly selected, counted, and compared to test the accuracy of the voting system's count in the election. This method tends to use the most ballots of either method, causing a greater number of ballots to be reviewed than ballot-polling and may require more staff and time to complete the audit. Additionally, when Arlo, the RLA software, is set up for a batch-comparison audit it tends to select, although random, the precincts with more ballots. Therefore, localities should expect to review over a thousand ballots, if utilizing this method.

¹¹ See [§24.2-671](#).



Tip

You can use the Arlo Planner Tool to create an *estimate* of the number of ballots or batches that may be required to conduct an RLA for your race. The Arlo Planner Tool can be found here: [Arlo Planner Tool, by VotingWorks](#). This tool is available to the public and does not require a login to access.

2.2.3.1.1.1 An Example of Sample Sizes for Both Methods

In 2024, a batch comparison method RLA was performed for the U.S. Congressional District 1 race. Below ELECT shows the number of batches and ballots that were pulled in that RLA as well as the estimated number of ballots that would have been pulled for a ballot polling RLA of the same race, with the risk limit set to 10%, to provide a real-world example of the amount of work required for each method. This race had 478,906 ballots cast with a margin of 9.78% between the candidate with the most votes and the candidate with the second most votes.

Batch-comparison District 1	Ballot-Polling Estimate for District 1
19 batches with 137,627 ballots total	868 ballots



Note about performing both a ballot polling RLA and a batch comparison RLA

If your locality must perform both a ballot polling RLA and a batch comparison RLA, can you use the same ballot manifest for both? Yes, the ballot manifest for one may be used for the other. *However*, in this event, the batches listed in the ballot manifest **must** be the same as your precincts. For example, if 100 ballots were cast in Precinct 1, then Batch 1 would have 100 ballots. The candidate by batch file must match with the ballot manifest for a batch comparison method RLA. This is discussed in greater detail in 5.2.2 Creating a Candidate Total by Batch File. You may also choose to create two separate ballot manifests for greater ease in locating ballots.



Reminder

ELECT reminds localities that should an electoral board choose to apply for an RLA, the batches or ballots used to conduct the RLA will be randomly chosen by Arlo, no matter which RLA method, and will not be chosen by the applying EB.

2.2.3.1.2 TIME

Pursuant to §24.2-671.2 of the Code of Virginia, ELECT is required to ensure that RLAs of certain contests are conducted each year. The SBE will select those contests, approve applications from localities requesting an RLA, and any other RLAs ordered by the SBE during a meeting held on the third Monday in November. This creates a very tight timeline for the RLAs, which must be completed before certification and in spite of the Thanksgiving holiday. This means localities will have approximately 8 business days to complete the RLA process during a general election, i.e., 6 days in 2024, 6 days in 2025, 11 days in 2026, 11 days in 2027, and 6 days in 2028.

This timeline may be further compounded during a November General Election by choosing a *different* method than the SBE for an RLA of a local contest. For example, the SBE may choose to conduct an RLA using the ballot polling method in a jurisdiction. If an EB chooses to utilize a batch comparison method for a local race, then the EB would be running two different types of RLAs at the same time, which may take additional time to complete.

If an EB applies for an RLA of a primary, the timeline is even more compressed. For a June primary, an electoral board will have 3-4 business days from the time of approval of the RLA to the date for the SBE to declare a nominee. This timeline may also include the 4th of July, depending on the year. Given these time constraints, an RLA of a primary, while not prohibited by statute, is not recommended.



Reminder

As RLAs are a required step during the post-election period and will be performed after every general election, EB members should check their vacation schedule and expect to be available for the purposes of an RLA after the canvass has been completed and before the SBE certifies a general election.



FAQ: Does applying for a RLA of a local race allow a locality to opt out of other RLAs to meet their statutory requirements?

If a locality opts for an RLA of a race wholly contained within its jurisdiction, it is not exempted from the required yearly, randomly selected RLA or any contest that the SBE may randomly request to be audited.

2.2.3.1.3 STAFFING

As part of the RLA, EBs must recruit audit review boards (see section 3.4 for more information about audit review boards). An audit review board is a two-person team assigned to review ballots and record a hand tally of the results. The required number of audit review boards is based on the number of batches that are needed for an RLA. However, when a single batch contains a large number of ballots, additional audit review boards may be assigned to the batch to tally the ballots more effectively and efficiently. For example, a batch comparison method RLA must have batches that are the size of your precincts. Your locality may have only a few batches, but those batches may be large based on the number of ballots cast in a precinct.

Thus, more audit review boards may be needed to tally those ballots effectively and efficiently.

- On average, an audit review board can pull 20-25 ballots per hour utilizing the ballot polling method. If many ballot containers must be retrieved, this average decreases to about 15-20 ballots per hour. It may take longer to locate a specific ballot within a stack of ballots utilizing the ballot polling method, which accounts for the additional time.
- On average, an audit review board utilizing the batch comparison method could audit approximately 220 ballots per hour. Batch comparison audit review boards can work more quickly because they are not searching for specific, random ballots but instead working through all ballots in a “batch.” That being said, the review board or boards have substantially more ballots to review. This may be further complicated when the Central Absentee Precinct (CAP) is chosen for audit, as not every ballot will contain the chosen race or if an audit review board must sort out ballots that do not contain the audited race.

2.2.3.1.4 COST

As noted above, audit review boards will need to be recruited to process the ballots or batches that will be hand counted. Each audit review board consists of two individuals; if more ballots

or batches are sampled, more people will need to be compensated to complete the RLA process on time. While §24.2-671.2 does not discuss the compensation of audit review board members, it is recommended that audit review board members be compensated similarly to officers of election.

2.3 SBE Administrative Tasks

In addition to the SBE's role in selecting and approving races for audit, the SBE plays a role in setting the risk limit, choosing the method of conducting the RLA, and generating the random seed number. These tasks are outlined below and performed at one of two SBE meetings held prior to the RLA.

2.3.1 Setting the Risk Limit

A *risk limit* is the maximum chance that the RLA will fail to correct an incorrectly reported outcome. For example, a 10% risk limit means that there is a 90% chance that the RLA will correct an incorrect outcome. To date, every RLA in Virginia has used a 10% risk limit.

The SBE will set the *risk limit* of any RLA following industry best practices and will announce the risk limit of each RLA at a public meeting held prior to the RLA. The approval of the risk limit takes place at an SBE meeting held no later than the September prior to the November General Election.

2.3.2 Generating the Random Seed Number

For each audited race, the RLA software uses a 20-digit random seed number to select ballots for retrieval. A random seed number specifies the starting point of a computer-generated random sequence of numbers. The 20-digit random seed number is created during an SBE meeting and is observable by the public.

To create this random number, the SBE Chair or designated representative(s) rolls twenty, ten-sided dice (numbered zero through nine), one time each. As each dice is rolled, the resulting number is recorded on a whiteboard. Any person may be designated by the SBE Chair to roll the dice; it may be done by one person or multiple people.

If there are applications approved by the SBE from electoral boards pursuant to Title 24.2-671.2(D), a new, additional 20-digit seed number will be generated via the process explained above.

The 20-digit number generated by this activity will be inputted into the RLA software by the *RLA Administrator* on ELECT's staff. Once this number is inputted, the auditing software will randomly select and generate a list of ballots to be retrieved based on the sample size. For an illustrated example of this process, please review the *Random Seed Number Generation* video

on ELECT's YouTube channel.¹²

3. RLA Preparation

3.1 Overview

Due to the compressed timeline for RLAs, localities can take actions before Election Day to set themselves up for a successful RLA should they be chosen to audit a race, including:¹³

- Determining RLA location;
- Scheduling the public meeting;
- Recruiting Audit Review Boards;
- Reviewing ballot accounting and storage practices; and,
- Logging ballot manifest quantities produced from early voting and pre-processing.

3.2 Determining the Location of the RLA

A locality must consider a space for the RLA that can accommodate the public and that is ADA-compliant. The facility where an RLA takes place must also have an internet connection to download and print retrieval lists, placeholder pages, RLA board credentials, and labels.

If only a few ballots are required for an RLA, it may be possible to conduct the RLA at the courthouse. If more space is needed or if no workspace is available, the RLA may take place in another suitable location, such as: the GR's office, a library, a firehouse, a school, etc. Localities should reach out to their Clerk of Court to discuss the potential for an RLA well ahead of the general election to assure the availability of the election material required for audit and answer any questions or concerns the Clerk may have about the process. If selected for an RLA, it is important to work with local Clerks of Court to consult on the physical space in which to conduct the RLA.

3.3 Scheduling the Public Meeting

Pursuant to § 2.2-3707¹⁴ and §24.2-671.2(G), an RLA must be conducted as a public meeting. The EB and the GR shall conduct an RLA within their jurisdiction. Once the electoral board has selected a location for the RLA, it must provide the location to ELECT; ELECT will select the date and time for the RLA to begin. ELECT will publish the list of contested races along with the date, time, and location of the RLA as soon as practical.

¹² See ELECT, Random Seed Number Generation Video.

¹³ See the Appendix for an example of the timeline for the November General Election

¹⁴ See [§2.2-3707.](#)



Reminder

An RLA round cannot be completed and results known until all localities have submitted their results to Arlo. Therefore, it is imperative that localities start at the time set by ELECT to avoid delays, especially if additional rounds are necessary.

Local party chairpersons involved in the race being audited must also be notified of the date and time of the RLA by the general registrar. Candidates should also be notified when the local electoral board has requested an RLA of that race and the request was approved by the SBE.

Authorized representatives may be sent by parties and candidates to observe the RLA. As the RLA is a public meeting, authorized representatives are allowed to attend. Authorized representatives should be provided the same level of observance as they would during the Canvass.¹⁵ Local electoral boards should set up the location of the RLA to allow the public and authorized representatives the ability to observe the RLA.

Additionally, at least one member of the electoral board representing each party, one Republican and one Democrat, must participate in and be present for the duration of the RLA.¹⁶ If the electoral board is unable to have one Republican or one Democrat present for the duration of the RLA, the local electoral board should seek the appointment of a temporary electoral board member of the missing political party, pursuant to §24.2-106.¹⁷ For example, if there is only one Democrat on the electoral board and that person will be unavailable for the RLA, then the electoral board should notify ELECT and petition the court for the appointment of a temporary electoral board member to represent the Democratic party during the duration of the RLA.

In addition to electoral board members and the GR, meeting attendees may include:

- Clerk of Court
- Audit Board members;
- General public;
- Representatives from political parties;
- Candidates;
- Campaign staff; *and*,
- Local party chairs.

Localities should plan for at least one full day to conduct the RLA. For RLAs required by the Code of Virginia, ELECT will set the time and date of the RLA; the public meeting set by the EB to

¹⁵ See [§24.2-671](#). See also ELECT, [GREB Chapter 14](#). See also ELECT, [Do's and Don'ts for Campaigners and Authorized Representatives](#).

¹⁶ See [§24.2-641.2](#).

¹⁷ See [§24.2-106](#). See also [§24.2-671.2\(G\)](#) (requiring at least one EB member from each party be present for the RLA).

perform the RLA must match the time and date of the RLA unless good cause can be shown as to why that is not possible. Since the sample is random, there is no way to predetermine the number of ballots a locality must retrieve.

For RLAs requested by a local EB, a date and time may be suggested by the local EB to ELECT; the suggestion must be communicated at the same time as the submission of the request for the RLA. ELECT will work with the local EB to determine if the date and time suggested are acceptable to ensure that the RLA is performed within the specified timeframe set by the Code of Virginia.

3.4 Recruiting RLA Audit Review Boards

An *Audit Review Board* is a two-person team that retrieves specified ballots, records the results of the ballot, and inputs the results into the ballot software. GRs and/or the electoral board determine the audit board(s). Audit board members can be: staff, officers of election, electoral board members, GRs, or representatives from each party and/or candidates. Audit boards do not have to declare a party affiliation. As a best practice, it is recommended that the audit board consist of one Democrat and one Republican to ensure balanced representation.

The number of *Audit Review Boards* is based on the number of ballot storage containers that must be opened and not on the number of ballots to be retrieved. The average numbers for both the ballot-polling and the batch-comparison method are provided below.

- Ballot-polling: On average, an audit board can pull 20-25 ballots per hour. If many ballot containers must be retrieved, the average decreases to about 15-20 ballots per hour.
- Batch-comparison: On average, an audit board could audit about 220 ballots per hour.

Since localities retrieve random ballots when utilizing the ballot-polling method, it can take audit boards longer to locate the appropriate ballot in a stack of ballots, which results in fewer ballots being retrieved per hour. Whereas in the batch-comparison method, every ballot in a stack is counted in a precinct. While this may be quicker than locating random ballots, more ballots need to be reviewed using the batch-comparison method.

3.5 Reviewing Ballot Accounting and Storage Practices

When preparing for an RLA, it is a good time to review ballot accounting practices, which include ballot tracking, ballot reconciliation, and chain of custody forms and procedures. Ballot accounting forms the basis of a ballot manifest by providing the number of ballots in an envelope/box/container (ballot manifests are explained in greater detail for ballot polling in section 4.3 Creating a Ballot Manifest and for batch comparison in section 5.2.1 Creating a Ballot Manifest.) It is imperative that the ballots remain organized and clearly marked within the contents of the box. It is important to consider both methods when storing your ballots,

having a storage plan for organizing ballots can save a lot of time when conducting an RLA.



1VAC20-60-50. Overfull optical scan ballot container.

If an optical scan reader is in danger of malfunctioning due to too many ballots, then it may be opened with the appropriate safeguards listed in 1VAC20-60-50. Whether an optical scan reader has become too full is based on the judgment of the general registrar or electoral board of the locality. If an optical scan reader is emptied for this reason, a new batch may be created for a ballot manifest.

ELECT has designed a sample chain of custody form to document the control, transfer, and disposition of ballots during an RLA. Localities may choose to utilize this form or design their own to suit their specific needs. This sample form can be found in FormsWarehouse under the RLA section.

3.6 Suggested Supplies

While not required, the following is a list of helpful supplies for a successful RLA:

- Table and chairs for each audit board;
- Bright colored paper;
- Bright-colored removable labels;
- Tally sheets;
- Pens;
- Rubber fingers;
- Device to open containers;
- Materials to reseal containers, if necessary;
- Device with Wi-Fi/cellular to enter ballot tallies (laptop, smartphone, etc.); *and*,
- Printer (for printing RLA materials if unable to print materials prior to beginning the RLA).

4. The Ballot-Polling Method of the Risk-Limiting Audit

4.1 Overview

Once a locality is selected for an RLA or the electoral board has requested an RLA, it must do the following:

- Notify the public and participants identified in sections 3.2 and 3.4 of this manual;
- Submit an ELECT 659-Request to Inspect Sealed Election Material form;
- Create and upload the ballot manifest; *and*,
- Gather supplies.

For the purpose of this manual, a batch is a documented set of ballots created by a voting system, an officer of election, or other election official.

4.2 Submitting a Request to Inspect Sealed Election Materials for a Post-Election Audit

Pursuant to Va. Code § 24.2-659, a locality must receive permission from the ELECT to unseal ballots cast on Election Day for a post-election audit. Localities are required to submit a Request to Inspect Sealed Election Materials for a Post-Election Audit to obtain permission. The form is submitted to ELECT for signature authorization and then presented to the Clerk of the Circuit Court to access ballots from the election. This form may be found in FormsWarehouse under the RLA section.

In the case of a statewide RLA or an RLA that includes multiple localities, ELECT may issue a general letter instead of a Request to Inspect Sealed Election Materials for a Post-Election Audit at the discretion of ELECT staff.

4.3 Creating a Ballot Manifest

A *ballot manifest* is a two-column Excel spreadsheet created by localities that includes a list of the “Batch Name” (Column A) and the “Number of Ballots” (Column B).

	A	B
1	Batch Name	Number of Ballots
2	Precinct 1	301
3	Precinct 2	302

The ballot manifest creates an inventory of every ballot cast in a locality. Depending on the size of the locality, a ballot manifest should take one hour or less to complete. As a best practice, localities are encouraged to build their ballot manifest as they go. To select random ballots or batches, *all* participating localities must upload a ballot manifest before the audit can begin.



Note about Performing Both a Ballot-polling RLA and a Batch-comparison RLA

In the event that your locality has to perform *both* a ballot polling RLA and a batch comparison RLA, pay attention to the design of your ballot manifest for each method. While the ballot manifest for one may be used for the other, the batches listed in the ballot manifest ***must*** be the same as your precincts. For example, if 100 ballots were cast in Precinct 1, then Batch 1 would have 100 ballots. This is not only for consistency but also so that the candidate by batch file matches with the ballot manifest for a batch comparison method RLA, discussed in 5.2.2 Creating a Candidate Total by Batch File. You may also choose to create two separate ballot manifests for each separate method for greater ease in locating ballots.

Batch information can be found on Ballot Record Reports or Label #3. ELECT encourages localities to have discussions with their Clerk of Court prior to the election. During these conversations, localities should work with their Clerk of Court to discuss storage limitations, the location of the RLA, and chain of custody concerns.¹⁸

The number of ballots in each batch should be verified independently of the tabulator. The information to create a ballot manifest may be found in the following places:

- Ballot Record Reports from precincts
- Inventory the ballot boxes at the Clerk of Court. Label #3 should contain the information needed.

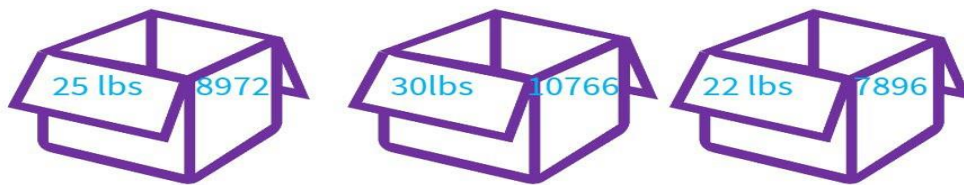
The left screenshot shows a form titled 'Ballot Record Report' with fields for 'LOCALITY', 'ELECTION DATE', 'Precinct', and 'No. of Ballots'. It also includes a section for the Clerk of the Circuit Court with instructions on how to use the report. The right screenshot shows a more detailed report with a table of results and a section for 'Total Ballots Used'.

- Electronic Pollbook Data
 - **Reminder:** Check Incident Reports or Officer of Election notes for occurrences of failing to check-in voters. This will allow the EPB number to be increased to the correct number.)

¹⁸ See Democracy Fund, Knowing It's Right, Part Three, Planning and Conducting a Risk-Limiting Audit Pilot, Jennifer Morrell, June 2020.

- VERIS data from the Final Absentee Report
- Calculating the Number of Ballots in a container by weight.
 - If the number of ballots in a specific container is unknown, a locality can perform a simple equation to approximate the number of ballots in each box. To do this, each container box must be weighed. The weight of each box is added together. The total of this sum is then divided by the total number of ballots cast. The result of this equation is then multiplied by the weight of the corresponding box to get the number of ballots (see graphic).

Calculating Ballots by Weight



Total Weight = 77lbs

Total ballots from vote history/credit = 27,634

$27634 / 77 = 358.88$

Box 1 = 25lb * 358.88 = 8972

Box 2 = 30lb * 358.88 = 10766

Box 3 = 22lb * 358.88 = 7895

Helpful Tips and Reminders:

- All types of ballots are included (in-person, mail-in, provisional, etc.) in the manifest.
- Localities may label the “Batch Name” in any way that helps keep them organized (example: Precinct 101, Box 26, Container 8, etc.). Batch names are unique to each locality.
- Boxes/Containers/Envelopes that contain large amounts of ballots may be grouped into smaller units to ease the physical challenges of conducting the RLA, if it is reflected in the batch name (example of “batch names”: Precinct 101 Unit 1; Box 26 Unit 2; Container 8 Unit 3 etc.).



	A	B
1	Batch Name	Number of Ballots
2	Precinct 1, Batch 1	200
3	Precinct 1, Batch 2	200
4	Precinct 1, Batch 3	71
5		

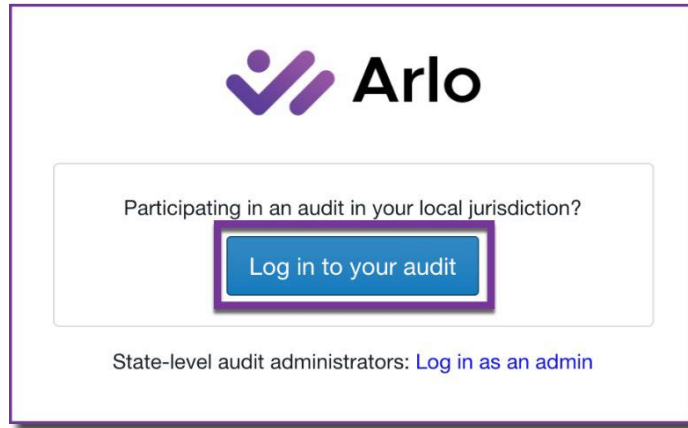
- Keep the spreadsheet simple; avoid color coding and bold, so the ballot auditing software can read it.
- Run a quick equation in Excel to check that all ballots have been accounted for in a locality. After performing this check, make sure to **delete** this sum before uploading the manifest into the RLA software.
- Build a ballot manifest as the ballots are being stored after an election in preparation for future RLAs.
- ELECT staff are available to troubleshoot specific challenges and provide support.

4.4 Uploading a Ballot Manifest

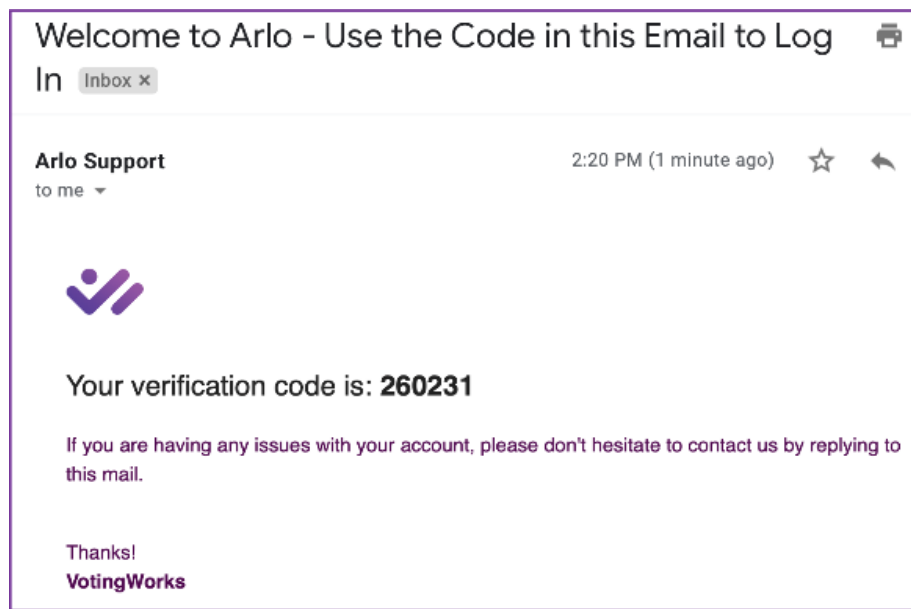
Once the ballot manifest is created, it is saved as a **.csv file** (CSV UTF-8, CSV (Macintosh), and CSV (MS-DOS) are all acceptable) and uploaded into the auditing software. The RLA software lets participants know if a mistake has been made when creating or uploading the manifest by generating an error message. Mistakes may include: empty rows, incorrect file formats (the manifest must be saved as a .csv file), or ballot totals in any rows or columns. All ballot manifests must be submitted by all participating localities to start the RLA.

Once the software receives all the ballot manifests, it will compile them into one large ballot list. This master list will be used to select random ballots across participating localities. Ballot manifests must be uploaded no later than the Thursday after the SBE's random draw. Once all ballot manifests are uploaded, the RLA can begin. Detailed instructions on how to upload a ballot manifest into the current auditing software are listed below:

1. Using Google Chrome or Safari as your browser, go to this link:
<https://arlo.voting.works>
2. Click Log in to your audit.



3. Enter your email address. Check your email for a new email with the subject.
4. "Welcome to Arlo - Use the Code in this Email to Log In" - enter the verification code.



5. Click on the button with the locality name.



- Click the Browse button and navigate to the ballot manifest .csv file that was created. Once selected, click Upload File.



The audit has not started.

Ballot manifest not uploaded.

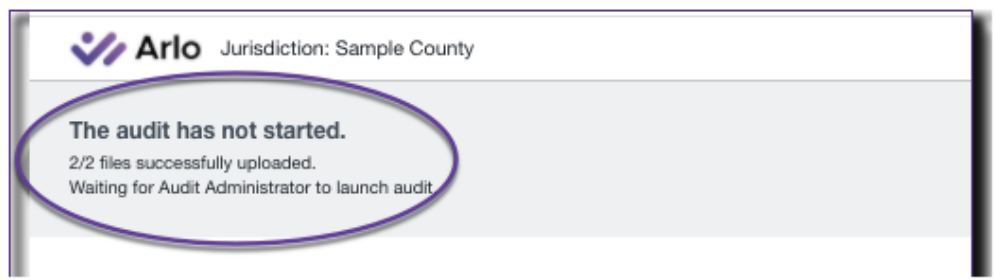
Audit Source Data

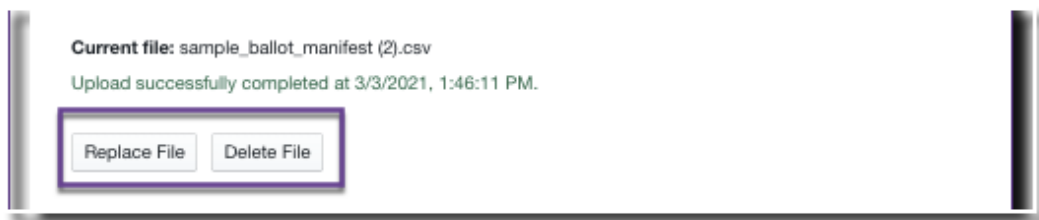
Ballot Manifest

Click "Browse" to choose the appropriate Ballot Manifest file from your computer. This file should be a comma-separated list of all the ballot boxes/containers used to store ballots for this particular election, plus a count of how many ballot cards (individual pieces of paper) are stored in each container.

(Click here to view a sample file in the correct format.)

- When the upload is successful, a message will appear at the top of the screen that says, "files successfully uploaded." If a mistake is found after a ballot manifest has been uploaded, participants have the option to log back in and use the **Replace File** button to update the file or delete the file by clicking the **Delete File** button.





8. Once the steps for uploading your ballot manifest have been completed, log out before exiting the screen.

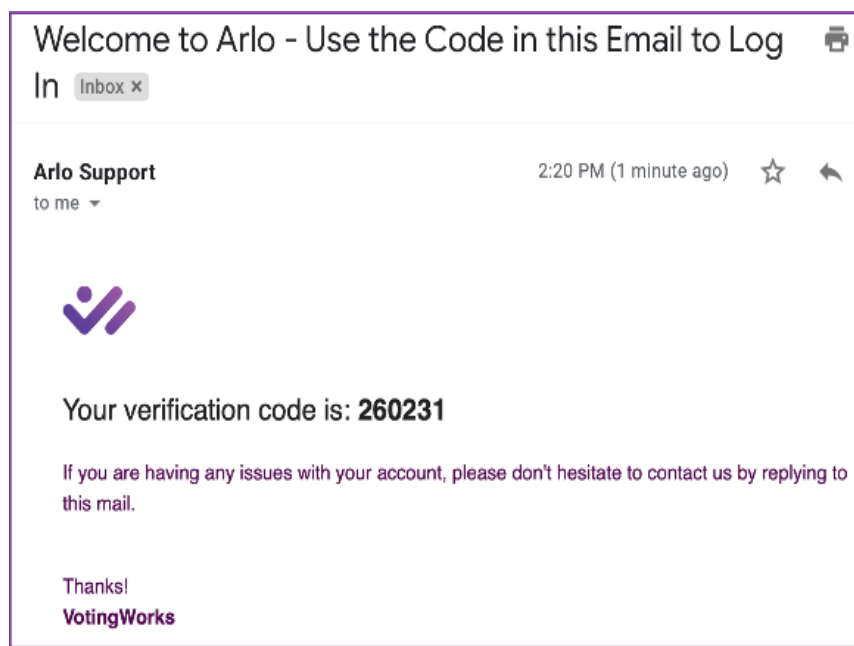
4.5 The Public Meeting

4.5.1 Ballot Retrieval Process

4.5.1.1 Log In to RLA Software

Once the list of ballots to be audited has been generated by the RLA software, participants will log into the RLA software to review the list of ballots they must retrieve to complete the RLA.

1. Using Google Chrome or Safari as your browser, go to this link: <https://arlo.voting.works>
2. Click Log in to your RLA.
3. Enter email address.
4. Check your email for a new email with the subject "Welcome to Arlo - Use the Code in this Email to Log In" - enter the verification code.

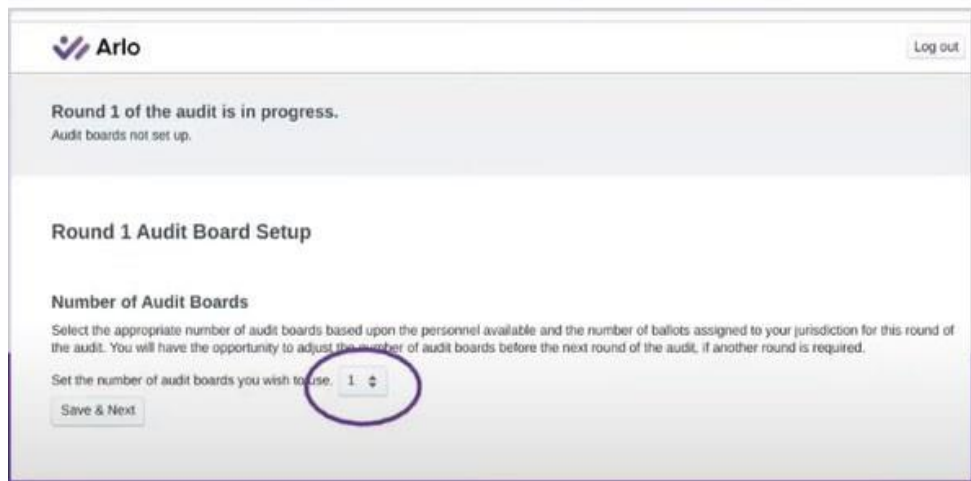


5. Click on the button with the locality name.

Sample County

4.5.1.2 Audit Boards

The RLA software will ask how many audit boards will be participating in the RLA.



The screenshot shows the Arlo software interface. At the top, there's a header with the Arlo logo and a 'Log out' button. Below the header, a message states 'Round 1 of the audit is in progress.' and 'Audit boards not set up.' The main section is titled 'Round 1 Audit Board Setup'. Under the heading 'Number of Audit Boards', there is a paragraph explaining that the user should select the appropriate number of audit boards based on personnel available and the number of ballots assigned. Below this, it says 'Set the number of audit boards you wish to use.' followed by a text input field containing the number '1' and a spinner icon. This input field is circled in red. At the bottom left of this section is a 'Save & Next' button.

4.5.1.3 Download and Print

The RLA software will sort ballot retrieval lists, placeholder sheets, ballot labels, and audit board credentials for every audit board. Print each item for each audit board.

TEST RLA ELECTION - April 8, 2021

Round 1 of the audit is in progress.

1 of 1 audit boards complete.

Waiting for all jurisdictions to complete Round 1.

Round 1 Data Entry

0 ballots to audit in Round 1

	Download Aggregated Ballot Retrieval List
	Download Placeholder Sheets
	Download Ballot Labels
	Download Audit Board Credentials

Audit Board Progress

0 of 0 ballots audited



Audit Board #1: no ballots to audit

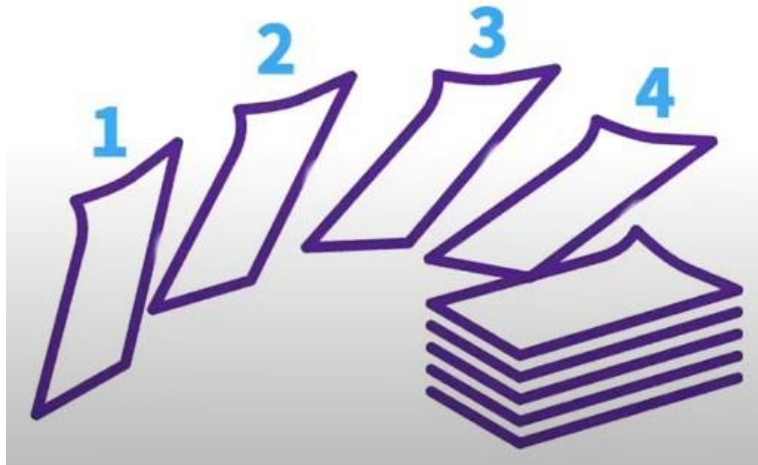
- **Ballot Retrieval List:** A ballot retrieval list is a list of ballots to be retrieved by a locality. The “Batch Name” will be the naming convention used in the ballot manifest. Since the selection is random, precincts may have multiple ballots to be retrieved, and some precincts may have none.

	A	B
1	Batch Name	Ballot Number
2	Precinct 1	90
3	Precinct 2	2
4	Precinct 2	197
5	Precinct 4	27
6	Precinct 5	313
7	Precinct 5	578
8	Precinct 5	587

- The ballot number reflects the numerical order of a specific ballot. To audit ballot number 90 in Precinct 1, for example, a member of the audit board must count from the top, each stored ballot until they reach the 90th ballot in the batch.
- **Placeholder sheets:** Placeholder sheets are individual sheets that contain each batch name and number (ex. Precinct 1, Ballot Number 90). They come in the form of a PDF and are printed on brightly colored paper. These sheets will be used to mark the place of the ballot that is being retrieved in the stack of ballots.
- **Ballot Labels:** Ballot Labels should be placed on ballots when retrieved. A bright-colored, removable label is recommended but not required.
- **Audit Board Credentials for Data:** The RLA software will create a username and password for the audit board members. The link at the bottom of the audit board credentials or QR code will direct audit board members to the site to enter the ballot totals.

4.5.2 Retrieving and Tallying Ballots

1. Review the list of ballots and retrieve the necessary containers.
2. Perform any change of custody that may be required by the Clerk of Court. The chain of custody needs to be documented. ELECT has a sample form that may be used to document the chain of custody, or a locality may design its own form.
3. Remove ballots from the box and place them in a neat stack.
4. Review the *Ballot Retrieval List* to determine which ballot to select.
5. Starting at the top of the stack, count ballots until the desired ballot is reached.



6. Once the ballot needed to be retrieved is reached, pull it out of the stack and insert the placeholder sheet in the stack to mark its position. Place the removable label on the ballot. The placeholder sheets and ballot labels are generated by the RLA software.
7. Once all ballots have been pulled from the containers, the audit board will use the procedures established by the SBE for conducting hand counts of ballots.¹⁹ These procedures are outlined in FormsWarehouse under Election Management, Election Day Instructions and Forms, and Virginia's Guide to Hand-Counting Ballots. Include the batch name, ballot number, and the vote on the tally sheet. ELECT has sample tally sheets available for use during an RLA, but a locality may choose to create its own.

	Batch Name	Ballot No.	YES	NO	TOTAL
YES					
NO				X	

¹⁹ See [ELECT, Commonwealth of Virginia, Hand Counting Guide](#).



What happens if an audit review board cannot agree on how to process a ballot?

When an audit review board cannot ascertain or agree to the voter's intent on the RLA contest, the audit review team should alert the electoral board for further review. The ballot should be set aside until the electoral board is able to review the ballot. The electoral board will review the ballot pursuant to Virginia's Guide to Hand counting Ballots and make a final decision regarding the voter's intent.

8. Localities may return ballot(s) to the appropriate container(s) or keep all the ballots from the RLA in a designated envelope/container.
9. The containers should be resealed and returned to the Clerk of the Circuit Courts following the Chain of Custody procedures.

4.5.2.1 Alternative Methods to "Counting Down the Stack"

If a locality has a batch that is too large to locate a single ballot efficiently by counting down the stack of ballots, the locality may perform the **K-Cut Method** to locate the ballot or utilize a **Commercial Scale**. The methods are explained in more detail below:

K-Cut Method

To make a k-cut of a given stack of ballots:

- Cut the stack into two parts at *random*, designating a "top" part and a "bottom" part.
- Switch the order of the parts by moving the "bottom" part to the top and the "top" part to the bottom.
- The two parts are placed together.
- Cut the stack at least five times.
- The ballot at the top of the new stack is selected.²⁰

A locality must perform a k-cut five times before selecting the top ballot. A random number must be used to dictate the percentage of the cut. One way to randomize the percentage of the cut is to utilize a random number generator set to 1-100.²¹ The number generated then becomes the percentage of the cut (*example* 23=23% of the stack is moved to the bottom.)

After performing the cut five times the top ballot becomes the retrieved ballot. The k-cut method is repeated for each random ballot that must be extracted from the stack of ballots. The Department's k-cut method demonstration video is available on FormsWarehouse.²²

Commercial Scale

Localities may utilize a commercial scale to locate a ballot. Using a ballot scale is highly accurate, saves time, and places less stress on a locality's audit board. By calculating the average weight of the ballots, a scale can easily identify the corresponding ballot in a ballot

²⁰ See [k-Cut: A Simple Approximately-Uniform Method for Sampling Ballots in Post-Election Audits](#), Mayuri Sridhar and Ronald L. Rivest, Massachusetts Institute of Technology

²¹ See [Sample Random Number Generator](#)

²² See FormsWarehouse, [Virginia Dept. of Elections: Risk Limiting Audit](#).

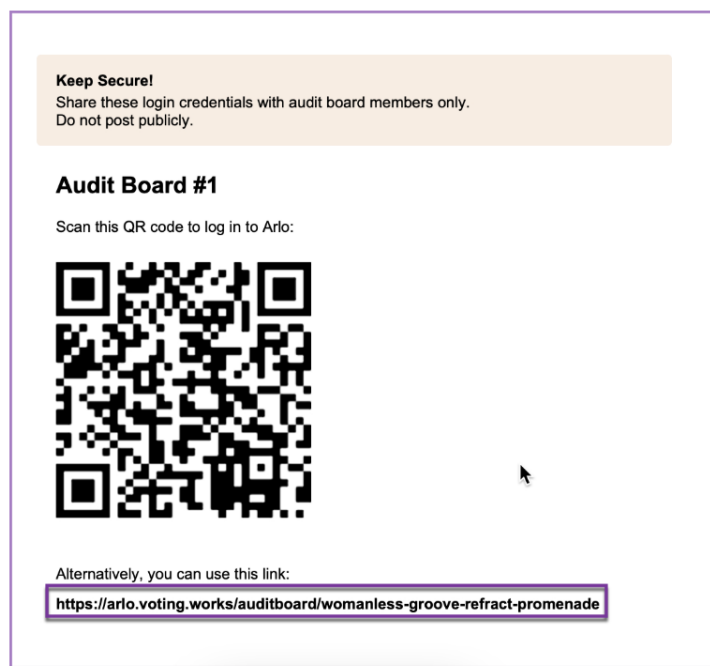
retrieval list.²³¹⁹ The Department's scale method demonstration video is available on FormsWarehouse > Risk Limiting Audit.

Helpful Tips and Reminders:

- ELECT has a scale that can be loaned to a locality. Localities may send an email to their Elections and Registration Specialist to request the use of the scale.
- ELECT has sample Chain of Custody forms and Tally Sheets available for use in FormsWarehouse.

4.6 Ballot Entry into the RLA Software

The link and/or QR code found at the bottom of the audit board credentials will take audit board members to the data entry portal to input the results of the RLA. A device with a Wi-Fi connection is needed to record the paper tally sheet. This may include a laptop or a smartphone. If using a smartphone, scan the QR code or type in the URL into the web browser.



1. The audit board members will be prompted to sign in. The audit board will see the list of ballots. Audit board members will “key in” results from the list of ballots. If a locality has 22 ballots to retrieve, there will be 22 separate fields to record each ballot. ELECT recommends that both audit board members participate with one audit board member reading the results and one audit board member entering the results. Audit board members must **both** agree on the results of each ballot.

²³ See [Weight, Weight, Don't Tell Me: Using Scales to Select Ballots for Auditing, Cynthia Sturton, Eric Recorla, and David Wanger, University California Berkeley](#)

2. Click the **Audit First Ballot** or **Audit Ballot** button to begin.

Arlo Audit Board #1: Bob, Jane Log out

0 of 17 ballots have been audited.
Audited: 0 Not Audited: 17

Audit First Ballot

Ballots for Audit Board #1

Batch	Ballot Number	Status	Actions
ABM-3	1	Not Audited	Audit Ballot
ABM-3	12	Not Audited	Audit Ballot
ABM-3	17	Not Audited	Audit Ballot
ABM-4	10	Not Audited	Audit Ballot
ABM-6	5	Not Audited	Audit Ballot

Instructions

1. Locate and retrieve the list of ballots to audit from storage.
2. Audit each ballot by indicating the votes you see marked.
3. Once all ballots are audited, click Submit Audited Ballots. Once results are submitted, no further edits can be made.

3. Go through the ballots in order.
4. There is a Ballot Card Data Entry screen for each ballot. Under Audit Board Selections the batch name and ballot number of the ballot being audited is listed. If the ballot has not been retrieved, use the “Ballot Not Found” button. Use the “All Ballots” button to return to the full list of ballots selected for audit. Select the candidate marked on the ballot, both audit board members need to agree with the results. Click Review. Verify accuracy before clicking **Submit & Next Ballot** button.

Arlo Audit Board #1: **Bob, Jane** [Log out](#)

◀ All Ballots **Audit Ballot Selections**

Batch **ABM-3** Ballot Number **1** **Ballot Not Found**

Ballot Contests

Colors

White

Pink

Blue

Green

Yellow

Orange

Blank Vote

Not on Ballot

Invalid Write-In

Add Note

Back Submit Selections

Instructions

1. Confirm that you are looking at the correct ballot for the batch and position. If the ballot was not located, select **Ballot Not Found** at the top of the screen.
2. For each contest, select all the candidate/choices which you see marked on the paper ballot. Select **Blank Vote** if the voter did not make any selections. Select **Not on Ballot** if the contest does not appear on the ballot. Select **Invalid Write-In** for a write-in adjudicated as invalid.
3. Once all votes are recorded, **Submit Selections** and proceed to the next ballot until all ballots have been audited.

5. Select the candidate(s) marked on the ballot. Both audit board members should agree. Then select Submit Selections.

Overvote - select each candidate marked by the voter

Contest not voted - select the Blank Vote button

Contest not on ballot - select Not on Ballot button

Invalid Write-In - select Invalid Write-In (if a contest has valid write-in candidates, a Write-In button will be listed with contest choices)

After each ballot, the audit review board will be prompted to confirm the ballot selections. After confirmation, go to the next ballot.

6. When all ballots have been inputted, audit boards should return to the audit overview screen to verify every ballot has been entered into the audit software. Once everything has been verified, click the **"Auditing Complete-Submit Results"** button.


Audit Board #1: Bob, Jane
Log out

17 of 17 ballots have been audited.
Audited: 17 Not Audited: 0

Submit Audited Ballots

Ballots for Audit Board #1

Batch	Ballot Number	Status	Actions
ABM-3	1	✓ Audited	Re-Audit
ABM-3	12	✓ Audited	Re-Audit
ABM-3	17	✓ Audited	Re-Audit
ABM-4	10	✓ Audited	Re-Audit
ED_14	4	✓ Audited	Re-Audit
ED_17	2	✓ Audited	Re-Audit

Submit Audited Ballots

Instructions

1. Locate and retrieve the list of ballots to audit from storage.
2. Audit each ballot by indicating the votes you see marked.
3. Once all ballots are audited, click Submit Audited Ballots. Once results are submitted, no further edits can be made.

- Audit board members will sign off. Names must be keyed in exactly how the audit board member signed in. For example, if the caps lock was on when the audit board member signed in, then the caps lock must be on when the audit board member signs out.


Audit Board #1

Audit Board #1: Board Member Sign-off

Thank you for completing the ballots assigned to your Audit Board. Please sign your name below to confirm that all ballots were audited to the best of your ability and in accordance with the appropriate state statutes and guidelines.

If another round of auditing is needed, you will be notified by election officials.

Audit Board Member: RACHEL LAWLESS

Full Name

Audit Board Member: rachel lawless

Full Name

4.7 Completion of the Ballot-Polling RLA

When all audit boards have completed their ballot entry and the risk limit has been met, the

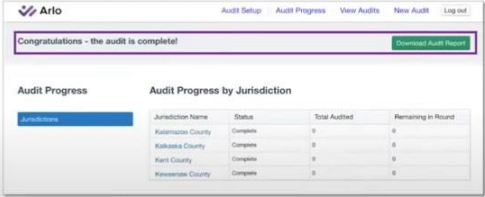
Audit Progress screen will display the message “Congratulations - the audit is complete!”

If the risk limit was not met after all the ballots have been audited for the contest, the audit software will initiate another round of sampling. A new ballot retrieval list, placeholders, labels, and audit board credentials will be generated for an additional round of ballot retrieval. If more than one locality is auditing for the same office, both localities must complete before the software will determine the need for the second round and subsequently generate the new retrieval list(s)

Audit Completion

Completed

Additional Sampling



The screenshot shows the 'Arlo' interface with a navigation bar at the top containing 'Audit Setup', 'Audit Progress', 'View Audits', 'New Audit', and 'Log out'. The main content area has a purple header bar with the message 'Congratulations - the audit is complete!' and a green button labeled 'Download Audit Report'. Below this, there are two sections: 'Audit Progress' with a 'Jurisdictions' tab, and 'Audit Progress by Jurisdiction' which contains a table.

Jurisdiction Name	Status	Total Audited	Remaining in Round
Kalamazoo County	Complete	0	0
Kalamazoo County	Complete	0	0
Kalamazoo County	Complete	0	0
Kalamazoo County	Complete	0	0

Round 2 of the audit is complete - another round is needed

When you are ready, start Round 3

Start Round 3

Pursuant to § 24. 2-671.2 (I), if an RLA of a contested race escalates to a full hand count, the results of the hand count shall be used to certify the election in lieu of the tabulation of the unofficial results obtained prior to the conduct of the RLA.²⁴ If, after a certain number of rounds of RLA, the risk limit has not yet been met, Arlo will indicate that a full hand count is required if it finds the sample size needed is the same as the actual amount of ballots.

²⁴ See [§24.2-671.2](#).

5. The Batch-comparison Method of the Risk-Limiting Audit

Once a locality has been approved for a batch-comparison RLA, it must do the following:

- Notify the public and participants identified in section 3.2 and 3.4 of this manual;
- Submit a Request to Inspect Sealed Election Materials for a Post-Election Audit form;
- Create and upload the ballot manifest as described in section 5.2.1;
- Create and upload the candidate totals by batch file as described in 5.2.2; and,
- Gather Supplies for the RLA

5.1 Submitting a Request to Inspect Sealed Election Materials for a Post-Election Audit

Pursuant to Va. Code § 24.2-659, a locality must receive permission from the ELECT to unseal ballots cast on Election Day for a post-election audit. Localities are required to submit a [Request to Inspect Sealed Election Materials for a Post-Election Audit](#) form to obtain permission. Once submitted, the form is sent to ELECT for signature authorization and then presented to the Clerk of the Circuit Court to access ballots from the election. This form may be found in FormsWarehouse under the RLA section.

In the case of a statewide RLA or an RLA that includes multiple localities, a general letter may be issued instead of a Request to Inspect Sealed Election Materials for a Post-Election Audit at the discretion of ELECT staff.

5.2 Create the RLA Documents

For a batch-comparison RLA, Arlo requires two documents, a *Ballot Manifest* and a *Candidate Totals by Batch* file. Both documents are discussed below. For the purposes of this manual, a batch is a documented set of ballots created by a voting system, an officer of election, or other election official. In Virginia, a batch is the equivalent of a precinct when utilizing the batch-comparison RLA Method.

5.2.1 Creating a Ballot Manifest

The ballot manifest is an inventory of every ballot cast in a locality for a particular race. A ballot manifest is a two-column Excel spreadsheet created by localities that includes a list of the “Batch Name” (Column A) and the “Number of Ballots” (Column B). Unlike in a ballot polling ballot manifest, the batches listed in the ballot manifest for a batch comparison audit must be the size of your precincts. For example, if precinct 1 had 100 ballots cast, then precinct 1 would be entered under Column A and 100 would be entered under Column B (*see below*).

	A	B
1	Batch Name	Number of Ballots
2	Precinct 1	301
3	Precinct 2	302



Note about Performing Both a Ballot-polling RLA and a Batch-comparison RLA

In the event that your locality has to perform both a ballot polling RLA and a batch comparison RLA, the ballot manifest for one may be used for the other. However, in this event, the batches listed in the ballot manifest **must** be the same as your precincts. For example, if 100 ballots were cast in Precinct 1, then Batch 1 would have 100 ballots. This is not only for consistency but also so that the candidate by batch file matches with the ballot manifest for a batch comparison method RLA, discussed in 5.2.2 Creating a Candidate Totals by Batch File. You may also choose to create two separate ballot manifests for each separate method for greater ease in locating ballots.

5.2.2 Creating a Candidate Totals by Batch File

Unlike a ballot polling method RLA, a batch comparison RLA needs the number of ballots cast for each candidate from each batch. Due to various voting systems capabilities and for the purposes of uniformity across the Commonwealth, the size of a batch must be the size of a precinct as that is the only way to get the total number of ballots cast for any candidate. The total number of ballots cast for any candidate must, then, be placed into a spreadsheet called the *Candidate Totals by Batch File*, which outlines each batch of ballots and how many ballots were cast for each candidate in a particular batch.

To create a *Candidate Totals by Batch File*, open a spreadsheet program to create a simple spreadsheet.

- Column A labeled “Batch Name” is for your batch name. The batch names in column A must match the batch names in your ballot manifest.
- Additional columns should be labeled with the names of the candidates. You should use the names on the ballot. Write-ins may be lumped together unless they have reached the threshold for a write-in certification.

	A	B	C	D
1	Batch Name	John Doe	Jane Smith	Write-in
2	Precinct 1	100	200	1
3	Precinct 2	200	100	2

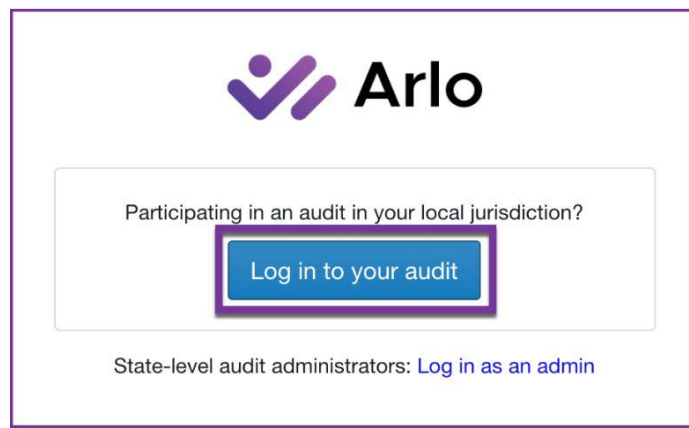
Enter the data for your locality from your statements of results. When you're finished, review the spreadsheet to ensure the total number of batches matches the number of batches in your ballot manifest and that the candidate totals are correct. Then, save the file as a .csv file. More information can be found regarding the construction of candidate totals by batch files in the Learning Management System (LMS) RLA course.

5.3 Uploading the Ballot Manifest and Candidate Totals by Batch files

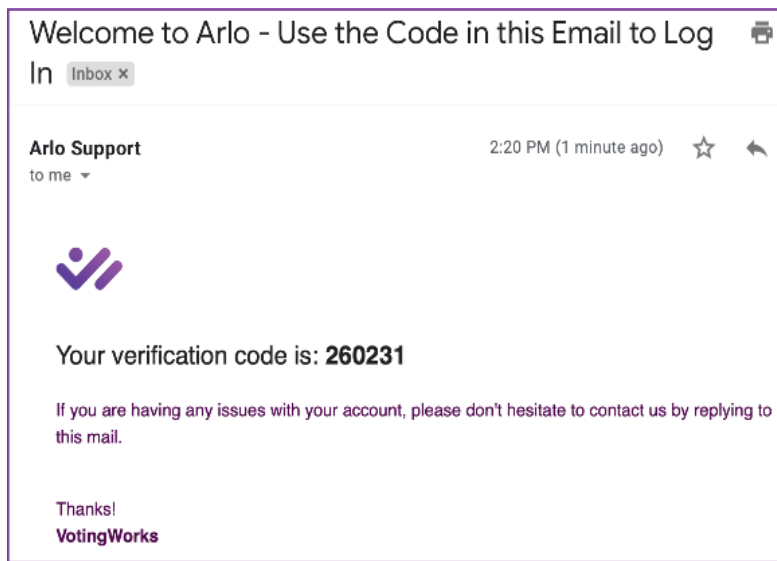
Once the ballot manifest and the candidate totals by batch files are created, participants will

save the ballot manifest and candidate totals by batch files as **.csv files** (CSV UTF-8, CSV (Macintosh) or CSV (MS-DOS) are all acceptable) and upload the spreadsheets into the auditing software. The RLA software will let participants know if a mistake has been made when creating or uploading the files by generating an error message. Mistakes can include: empty rows, incorrect file formats (the manifest must be saved as a .csv file), or ballot totals in any rows or columns. The ballot manifest and the candidate total by batch files must be uploaded no later than the Thursday after the SBE's random draw. Once the files are uploaded the RLA can begin. Detailed instructions, on how to upload a ballot manifest and the candidate totals by batch into the current auditing software, are listed below:

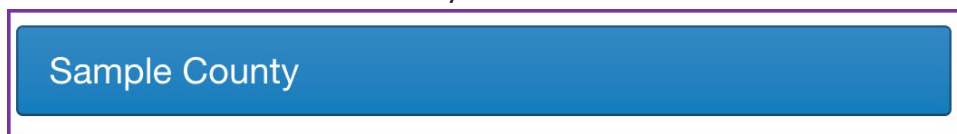
1. Using Google Chrome or Safari as your browser, go to this link:
<https://arlo.voting.works>
2. Click Log in to your audit.



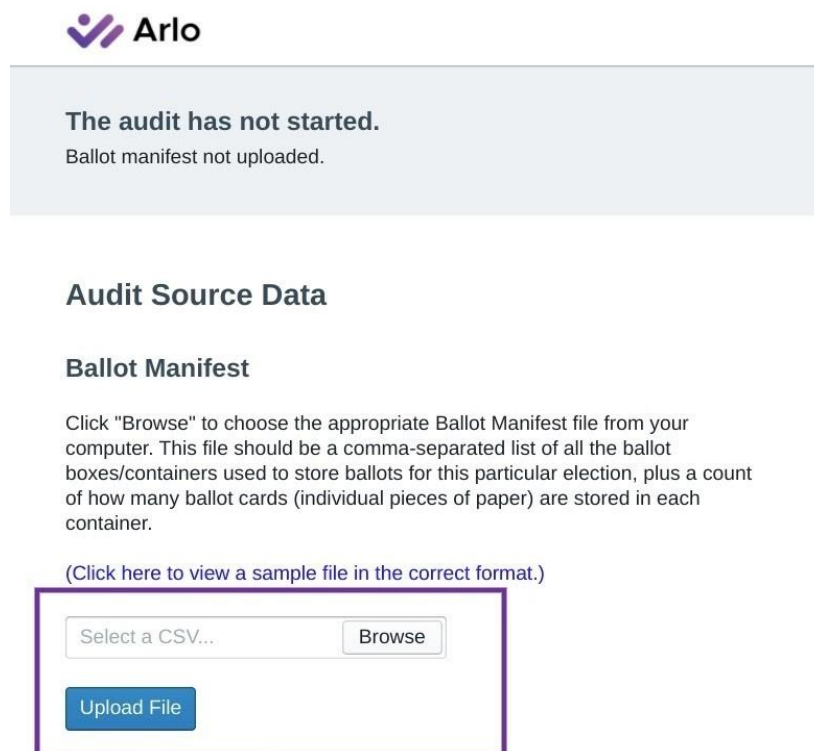
3. Enter email address.
4. Check your email for a new email with the subject "Welcome to Arlo - Use the Code in this Email to Log In" - enter the verification code.



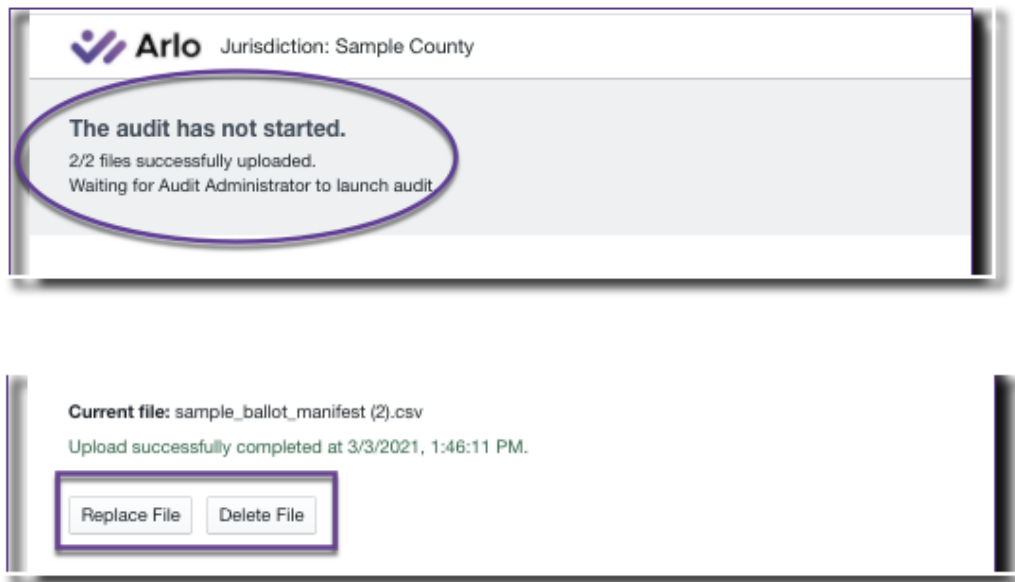
5. Click on the button with the locality name.



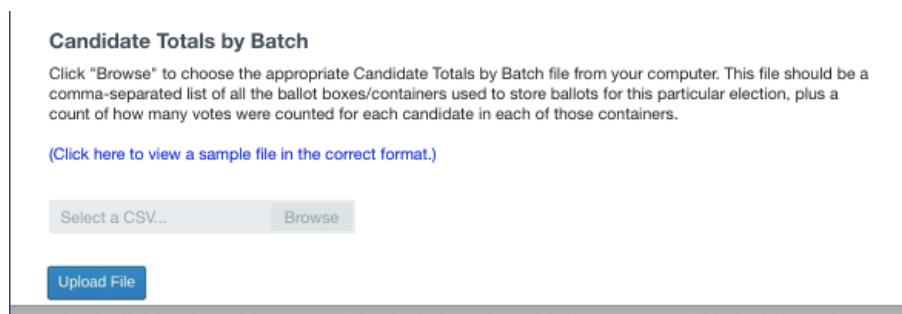
6. Click the Browse button and navigate to the ballot manifest .csv file that was created. Once selected, click Upload File.



- When the upload is successful, a message will appear at the top of the screen that says, "Ballot manifest uploaded." If a mistake is found after a ballot manifest has been uploaded, participants have the option to log back in and use the **Replace File** button to update the file.



- Next, a prompt will appear below the Ballot Manifest section to upload the Candidate Totals by Batch. click the Browse button to navigate to the candidate totals by batch .csv file. Once selected, click the Upload File button. Remember, the batch names in the Candidate Totals by Batch file must match the batch names in the ballot manifest and the totals listed in the Candidate Totals by Batch match your statements of results.



5.4 Retrieving and Tallying

After the audit begins, the locality will receive a batch retrieval list. To retrieve batches, refer to your batch retrieval list to determine what batches are needed.



Best Practice

Unlike in the ballot polling method, Arlo does not assign the audit review boards to specific batches on the batch retrieval list. ELECT recommends assigning more experienced officers of election or staff to audit review boards who will review the larger batches on the batch retrieval list, such as the CAP.

- Retrieve the correct container(s) using the required chain of custody verification steps.
- Pull the entire batch of ballots out of the storage container and organize it into a neat stack of ballots. If the container contains more than 1000 ballots, ballots should be removed from the container and sorted into manageable stacks, leaving the rest of the ballots in the container until the previous stack is tallied.²⁵



Batch Comparison FAQ: What if a ballot does not have the race on it?

These ballots are not to be counted as part of a batch comparison RLA. Arlo and the RLA are only focused on the race being audited. Therefore, only ballots with the race on them should be audited as part of the batch comparison RLA and entered in Arlo.

This typically occurs when the batch selected is the CAP or an early voting AB batch and the locality performing the batch comparison RLA has more than one district race, for example, 2 or more Congressional Districts, House of Delegates Districts, or Virginia Senate Districts.

When auditing a batch, it is recommended that the audit review boards first sort out the ballots that do not have the audited race. For example, if a locality is auditing the race for HOD District A but also had a race for HOD District B during the same election, the audit review board should first sort out the HOD District B ballots from the ballot container since those ballots do not have the HOD District A race on them. Once separated, the audit review board should begin counting the ballots by either method described below.

The ballots that do not have the audited race should be set aside within view of the audit review board, such as in a separate stack on the table or placed back into the box after they have been separated from the ballots that do have the audited race on them. Once the audit review board has completed their tally of the ballots with the race on them, the audit review board should place all ballots back into the container(s) they came in to ensure a proper chain of custody for all ballots in the batch.

These actions should only be done for a batch comparison RLA. Instructions on how to handle ballots that do not have the audited race on them during a ballot polling RLA are described in the ballot polling portion of this manual, specifically Section 4.6.

²⁵ See [VotingWorks, Batch Retrieval & Tally](#)

5.4.1 Methods for Retrieving Ballots

There are two methods for retrieving and tallying during a batch comparison RLA. For larger batches, multiple audit review boards may be assigned. Audit review boards should be encouraged to prioritize accuracy over speed; it is better to have the correct count the first time, and it takes more time than to have to redo the count.

The Sort-and-Stack Method²⁶

- a. For each ballot: one audit board member picks up a single ballot from the stack and reads the vote for the contest being audited aloud, then hands the ballot to the second audit board member.
 - i. The second audit board member verifies that the vote that is on the ballot is indeed what the first audit board member read, then places the ballot in the “stack” that corresponds to the vote.
 - ii. The first audit board member should watch to make sure the ballot is placed in the correct stack.
 - iii. A stack should be created for each contest choice (including write-in), overvoted/blank/undervoted ballots, duplicated ballots, and ballots where the audit board cannot agree on the voter’s intent.
- b. Count the ballots in each stack by having one member of the audit board verbally count the ballot while handing it to the other member for verification.
 - i. Count the ballots in groups of 10, stacking the groups at right angles to each other, so you can easily count the complete groups when you are done. For instance, if you have seven groups of 10 ballots each plus an extra 3 ballots, the total tally would be 73.
 - ii. Record the total tally for each candidate on the Audit Board Batch Tally Sheet.

The Hashmarking Method²⁷

- a. Prepare a Tally Sheet
 - i. For this method, a tally sheet should be prepared. The tally sheet should:
 1. Be organized in the same order as the ballot.
 2. List each contest and associated choices (including write-ins when applicable) to be audited.
 3. Include a space for overvotes and blank/undervotes for each contest.
 4. Have space for tally marks after each choice.
- b. Tally the Votes: One audit board member reads the choice for the first contest being audited to the second audit board member who makes a tally mark on the tally sheet. Repeat for all contests being audited. Ideally, a third audit board member should observe the ballot marks and tally sheet tallies.

²⁶ *Id*

²⁷ *Id.*

- i. Completing this process in groups of 20, 50, 100, or some other set number allows for verification checks throughout the process. Once the set number is completed, add up the tally marks to ensure the same number was tallied for each contest.
- c. Complete Audit Board Batch Tally Sheet: When all ballots are tallied, total the tally marks and complete the Audit Board Batch Tally Sheet.



What happens if an audit review board cannot agree on how to process a ballot?

When an audit review board cannot ascertain or agree to the voter's intent on the RLA contest, the audit review team should alert the electoral board for further review. The ballot should be set aside until the electoral board is able to review the ballot. The electoral board will review the ballot pursuant to Virginia's Guide to Hand-counting Ballots and make a final decision regarding the voter's intent.

5.5 Batch Tally Entry into Arlo

All tallies from the batches selected must be uploaded into Arlo; the audit will remain open until all tallies have been uploaded. Tallies can be entered by audit boards, a specified member of the staff, an electoral board member, or the GR.

To create tally entry accounts for audit boards or for a specified individual, select Set Up Tally Entry Accounts on the Set Up Tally Entry Accounts screen. If only one designated participant will be entering tallies, select *Skip*.²⁸

²⁸ See [VotingWorks, Batch Tally Entry into Arlo, Voting Works](#)


Arlo
jonah+ja.losangeles@...

Test County — General Election
Round 1
0/4 batches audited

1 Prepare Batches
2 Set Up Tally Entry Accounts
3 Enter Tallies

1


Download Batch Retrieval List

For each batch in the retrieval list:

- Find the container in storage
- Perform the required chain of custody verification steps
- Take the batch of ballots out of the container and stack them

2


Download Batch Tally Sheets

There will be one tally sheet for each batch. Use these tally sheets when recording the audited votes in each batch.

Continue >


Arlo
jonah+ja.losangeles@...

Test County — General Election
Round 1
0/4 batches audited


Prepare Batches

2
Set Up Tally Entry Accounts

3
Enter Tallies

Do you want to set up additional tally entry accounts?

If you want to have multiple people entering tallies at the same time, set up tally entry accounts for them. Otherwise, use your account to enter the tally for each batch you audit.

Set Up Tally Entry Accounts
Skip

< Back

Continue >

A designated participant should provide the audit boards or the specified individual with the login link displayed on the screen (each link is unique). Then, the audit board or specified individual should Log In by entering their name(s) and party affiliation, if provided. A login code will be provided, the participants enter that code to authenticate the Tally Entry User(s) by selecting Enter Login Code, entering the code, and selecting Confirm to complete the login

process.²⁹

Jurisdiction Manager

Tally Entry User

To enter the candidate totals for a batch, select the batch from the list on the left-hand side of the Enter Tallies screen or use the search batches function, and, then, click Edit Tallies, enter the vote totals from the Batch Tally Sheet, and select Save Results.³⁰ Once all batches have been entered and reviewed, a designated participant can select Finalize Tallies.²⁷

²⁹ *Id.*

³⁰ *Id.*

Arlo

Test County — General Election | Round 1 | 0/4 batches audited

✓ Prepare Batches | ✓ Set Up Tally Entry Accounts | 3 Enter Tallies

Search batches...

- Tabulator A - Batch 1
- Tabulator A - Batch 2
- Tabulator A - Batch 3
- Tabulator A - Batch 4

Tabulator A - Batch 1

Vote Totals

Choice	Votes
Alice Adams	12
Bob Bates	8
Carol Copeland	

Edit Tallies

< Back Finalize Tallies

If multiple Audit Board Batch Tally Sheets were used to tally a batch, select the drop-down next to Edit Tallies and select Use Multiple Tally Sheets to enter more than one tally sheet. The individual who enters the tally sheet should edit the name at the top to identify who completed the entry of the Batch Tally Sheet; this helps keep a chain of custody for the data entered. Next, enter the votes, and select Save Sheet (the Edit Tallies button changes to Save Sheet after selection).³¹ Select Sheet 2 to add another Batch Tally Sheet, and Select +Add Sheet to add another Tally Sheet as needed.³² The Vote Totals tab is the sum of votes for all sheets entered.³³

³¹ *Id.*

³² *Id.*

³³ *Id.*

5.6 Completion of a Batch-comparison RLA

When all audit boards have completed their tally entry and the risk limit has been met, the *Audit Progress* screen will display the message “Congratulations - the audit is complete!”

If the risk limit was not met after all the batches have been audited for the contest, the audit software will initiate another round of sampling. A new batch retrieval list, placeholders, labels, and audit board credentials will be generated for an additional round of batch retrieval.

Pursuant to § 24.2-671.2(l), if an RLA of a contested race escalates to a full hand count, the

results of the hand count shall be used to certify the election in lieu of the tabulation of the unofficial results obtained prior to the conduct of the RLA.³⁴ After a certain number of rounds of RLA and the risk limit has yet to be met, Arlo will indicate that a full hand count is required if it finds the sample size needed is the same as the actual amount of ballots.

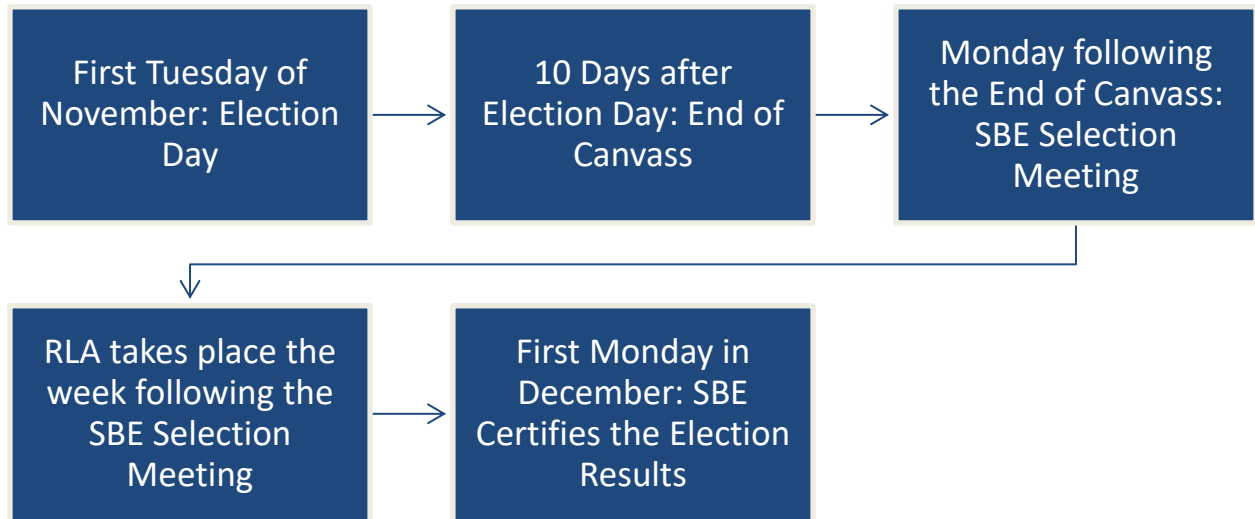
6. Results

At the conclusion of the RLA, ELECT will submit a report to the SBE on the findings of the RLA. If your locality is participating in an RLA and would like to provide feedback to be included in the report, contact your RLA Administrator from ELECT with your findings. The report will include the results of the RLA as well as an analysis of any detected discrepancies. ELECT has also created a sample press release template that localities may utilize, which can be found in the RLA section in FormsWarehouse.

³⁴ See [§24.2-671.2](#).

7. APPENDIX

7.1 General Timeline for a Risk-Limiting Audit after a General Election





★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

the Handbook

Chapter 20

Ranked Choice Voting

August 2025

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20. RANKED CHOICE VOTING (RCV)

REQUIRED FORMS RCTab Installation Request Form ELECT Form 633 Logic and Accuracy Certification	ADDITIONAL RESOURCES Ranked Choice Voting Resource Center RCTAB FormsWarehouse: Ranked Choice Voting Campaign Finance Laws and Policies
REFERENCE Code of Virginia §24.2-673.1 Charter Provisions SBE RCV Ballot Standards RCTab Software Approval 2023 RCV Study	REGULATIONS Va. Admin. Code Chapter 100

20.1 CHAPTER ORGANIZATION

This chapter outlines the adoption, administration, and reporting of Ranked Choice Voting (RCV) in Virginia. In this chapter, section 20.2 provides a general overview of RCV. Section 20.3 focuses on the adoption of RCV by the local governing body and the related requirements for notifying ELECT. Section 20.4 outlines the steps to administer an RCV race, including similarities and differences from other forms of voting. Section 20.5 discusses results tabulation both with RCTab and without RCTab. Section 20.6 discusses Election Night Reporting (ENR) in more detail while utilizing the Enhanced Voting software and the post-election process. Section 20.7 briefly discusses voter outreach on RCV. Section 20.8 provides a glossary of terms.

20.2 WHAT IS RCV?

In 2020, legislation was approved that provided RCV as an option for localities to elect their local boards of supervisors and city councils.¹ RCV is a method of casting and tabulating votes in which:

- (i) Voters rank candidates in order of preference;
- (ii) Tabulation proceeds in rounds where the last-place candidate is eliminated until a candidate(s) receives the necessary number of votes to be elected;
- (iii) When a candidate is eliminated, their voter's vote is transferred to the voter's next-ranked candidate; and
- (iv) Tabulation ends when the number of candidates elected equals the number of offices to be filled.

¹ See [§24.2-673.1](#).



RCV is used in Virginia in both single-winner races where only one seat is up for election ("instant runoff voting") and multi-winner races where multiple seats are up for election ("single transferable vote").² More details about these forms of RCV are detailed later in this chapter but, for purposes of simplicity, this chapter generally uses "RCV" as an umbrella term to describe all references to the subject and draws distinctions as necessary. Additional terminology developed for the implementation of R can be found in 1VAC20-100-10 and in the Glossary in section 20.8 of this chapter.³

**Note**

The RCV statute, §24.2-673.1, will expire on July 1, 2031, unless new legislation changes this statute.

20.3 ESTABLISHING AN RCV OFFICE

Establishing RCV as the method to be used for an eligible elected office requires passage of an ordinance by a majority vote of the county board of supervisors or city council. The decision to use RCV must be made in consultation with the local electoral board and general registrar.⁴ The following code requirements should be referenced in developing an ordinance for RCV:⁵

1. RCV shall only be valid for the election specified in the adopted ordinance.
2. The ordinance must be enacted no later than 90 days prior to the date of the specified election.
3. RCV may not be conducted for a primary with fewer than three candidates.⁶
4. Any locality that adopts an RCV ordinance must electronically transfer the signed ordinance to the Department of Elections. Localities should complete, scan, and submit the signed ordinance to the [RCTab Installation Request Survey](#) and alert their ERS Liaison.

Additional considerations when developing an ordinance include:



- Localities *will not* be splitting the cost to change VERIS or anything related to Election Night Reporting (ENR).
- Localities *will* be responsible for payment related to upgrading software. To utilize the tabulation software, your locality's voting machines **MUST** be able to produce a Cast Vote Record (CVR). Localities will be responsible for any upgrades to their voting machines to accommodate this requirement. ELECT encourages you to speak with your voting machine vendor about available options and potential costs.
- Both ELECT and localities are responsible for voter outreach initiatives and certain associated costs. Localities should plan to host educational events and develop materials in addition to those provided on the ELECT website to educate voters on the RCV process.⁷
- Localities should also consider costs related to ballot design. ELECT encourages you to speak with your vendor about potential costs.

² See [§24.2-673.1\(A\)](#). See Virginia Admin. Code [1VAC20-100-10](#), and [1VAC20-100-50](#).

³ See Virginia Admin. Code [1VAC20-100-10](#).

⁴ See [§24.2-673.1\(B\)](#).

⁵ See Virginia Admin. Code [1VAC20-100-30](#).

⁶ *Id.*

⁷ See ELECT, [Ranked Choice Voting](#). See also ELECT, [Ranked Choice Voting](#) on FormsWarehouse.



ELECT strongly encourages local election officials to be proactive in providing information to their localities in the administration of RCV.

20.4 RCV ADMINISTRATION

The administration of an election using RCV shares many similarities with traditional plurality voting. Most notably, RCV does not impact candidate filing or campaign finance. However, as previously mentioned, there are also key differences that are important to understand to properly administer. This section will detail aspects of election administration unique to RCV that will help ensure a successful RCV election.

20.4.1 Ballot Standards

All ballot forms for RCV must comply with SBE standards, which can be found under the RCV section of FormsWarehouse.⁸ While registrars should always review all aspects of the standards before working with a vendor to create their ballots, the following are some important considerations:

- Registrars should follow the order on ELECT's ballot standards.
- RCV races are printed on the same ballots as all other races; there is no need for separate pages for RCV races.
- Voter instructions are different for RCV. Therefore, RCV races must have instruction sections at the top of the ballot page on which the race is placed.⁹
- RCV races require unique office headers with instructions for voters.¹⁰
- The grid style layout must be used for RCV. If a locality has multiple RCV races, they must be listed down the ballot.¹¹
- The number of write-in lines must match the number of seats to be elected. For example, an RCV office with three seats available must have three lines for the voter to write in votes.¹²
- While write-ins are permitted for RCV elections¹³, keep in mind that they are not permitted for primaries.¹⁴ Additionally, no RCV may be conducted for a primary with fewer than three candidates.¹⁵

20.4.2 Voting an RCV Ballot

Aside from marking to rank the candidates on the ballot for RCV, the voting process does not change from traditional voting. RCV race(s) are printed on the same ballot as all other non-RCV races. After making their selections, voters place their ballots in the machines, and the machines record the voters' selections. RCV tabulation rounds are conducted after all ballots are received and counted.

⁸ *Id.* See ELECT [Ballot Standards for Ballots with Ranked Choice Voting \(RCV\) Races](#), June 2, 2022.

⁹ *Id.*, page 19.

¹⁰ *Id.*, page 27-31.

¹¹ *Id.*, page 21.

¹² *Id.*, page 40.

¹³ See Virginia Admin. Code [1VAC20-100-65](#).

¹⁴ See [§24.2-529](#).

¹⁵ See Virginia Admin. Code [1VAC20-100-30](#).



While RCV provides the option to rank each candidate, voters are not required to rank choices. Voters can rank as few or as many candidates as are allowed, including just one (See Section 20.5.2.1 for further discussion on ranking candidates).

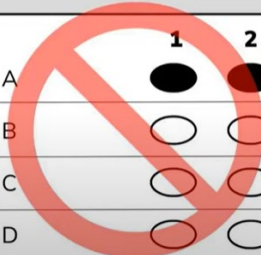
Limits on ranking candidates may vary depending on a locality's ballot scanning machine vendor. The SBE set the maximum number of rankings at 10.¹⁶ Therefore, if a ballot scanner machine allows up to five rankings, but there are seven candidates on the ballot, the voters may only rank five of those seven candidates. **It is important to note that the ranking limit does not impact the number of candidates allowed on the ballot. It only impacts how many of those candidates on the ballot a voter can rank.**

20.4.2.1 Ballot Scenarios and Treatment

The following are important ballot scenarios to understand regarding RCV:

1. **Ranked choice overvote:** a voter assigned more than one candidate the same ranking.¹⁷ For example, the voter ranked Candidate A and Candidate B both as their second choice.
 - a. In the case of a ranked choice overvote for a ranking on a ballot, the ranking shall not be counted in any round, and the next valid ranking shall be counted in all rounds except the first-choice ranking tabulation.¹⁸
2. **Duplicate ranking:** a voter has assigned one candidate multiple rankings.¹⁹ For example, the voter ranked Candidate A as their 2nd and 3rd choice.
 - a. A ballot with a duplicate ranking shall be counted unless the voter's choice was defeated in a previous round. The candidate may not be counted twice; only the highest ranking is counted.²⁰ Valid rankings for other candidates after a duplicate ranking shall be counted.

Rank up to 3 candidates. Vote for one candidate in each rank.			
	1	2	3
Candidate A	☒	☒	☒
Candidate B	☐	☐	☐
Candidate C	☐	☐	☐
Candidate D	☐	☐	☐



3. **Skipped ranking:** a voter has left a ranking unassigned but ranks a candidate at a subsequent ranking.²¹ For example, the voter chose Candidate A as their 1st choice, skipped their 2nd choice, and put Candidate B as their 3rd choice.

¹⁶ See ELECT, [Ballot Standards for Ballots with Ranked Choice Voting \(RCV\) Races](#), page 30, June 2, 2022.

¹⁷ See Virginia Admin. Code [IVAC20-100-10](#).

¹⁸ See Virginia Admin. Code [IVAC20-100-40](#).

¹⁹ See Virginia Admin. Code [IVAC20-100-10](#).

²⁰ See Virginia Admin. Code [IVAC20-100-40](#).

²¹ See Virginia Admin. Code [IVAC20-100-10](#).

- a. If a ballot has a skipped ranking, the next valid ranking shall be counted, except in the first-choice ranking tabulation round.²²
- b. In the event the ballot reaches two consecutive skipped rankings, the ballot will be considered an inactive ballot and not be counted for further rounds.²³

Rank up to 3 candidates. Mark no more than 1 oval in each column.			
	1	2	3
Candidate A	☐	☒	☐
Candidate B	☐	☐	☒
Candidate C	☐	☐	☐
Candidate D	☐	☐	☐

4. **Tie breaking:**
 - a. In the event two candidates have an equal number of votes for a seat after all RCV rounds, prior to a recount, the candidate elected shall be determined by lot.²⁴
 - b. In the event two or more candidates have an equal number of votes and the fewest number of votes in an RCV round, tabulation cannot be continued until one of them is defeated. The person to continue as an active candidate shall be determined by lot.²⁵
5. **Unreadable ballot:** In the event the general registrar receives a ballot that cannot be read by the ballot scanner machine, the general registrar or election official shall transpose the voter's intent to a machine readable ballot.²⁶ Ballot transcription is allowed in the administering of a RCV contest, due to the nature of tabulation. Ballot transcription guidance can be found on FormsWarehouse but may only be used for RCV ballots.

20.5 RESULTS TABULATION

After voting concludes and votes are ascertained by the officers of election, the first-round results will be available. However, since ballots in Virginia elections can be received up to noon on the third day after Election Day (provided they are postmarked by Election Day), there may be some outstanding ballots.²⁷ **Therefore, determinations about whether a candidate has reached the maximum possible threshold in first-choice tabulation or whether additional tabulation rounds are required shall not be made run until all ballots are received.**

²² See Virginia Admin. Code [IVAC20-100-40](#)

²³ *Id.* ("Inactive ballot" means a ballot that can no longer be counted due to the ballot having not active candidates in the round).

²⁴ See Virginia Admin. Code [IVAC20-100-40](#). See also [§24.2-674](#)

²⁵ *Id.*

²⁶ See Virginia Admin. Code [IVAC20-100-60](#). See ELECT, FormsWarehouse, [Ranked Choice Voting](#).

²⁷ See [§24.2-709](#)



20.5.1 Understanding Types of RCV and Determining Winners

As previously mentioned, there are two types of RCV, the use of which depends on whether there is one or are multiple seats to be filled. The following two subsections detail how RCV tabulation rounds are calculated in each case.

20.5.1.1 Instant Run-Off Voting (Single Winner)

For any RCV race for a single seat, the process is called Instant Runoff Voting.²⁸ If a candidate emerges from the first-choice ranking tabulation round with a vote total greater than or equal to the maximum possible threshold, that candidate is the winner and no additional tabulation rounds are required.²⁹ Whether a candidate has reached this threshold in the first-choice round cannot be determined until all post-election ballots have been counted.

- Maximum possible threshold = ((Total ballots cast for the office)/(Seats to be elected+1))+1, with any fraction disregarded.

If no candidate reaches the maximum possible threshold in the first-choice ranking tabulation, additional tabulation rounds are required. As this chapter has detailed, the rounds include eliminating the lowest vote receiving candidate per round and redistributing that eliminated candidate's votes to the other remaining active candidates. This is done in the additional rounds until a candidate reaches more than 50% of the votes, or until there are two candidates remaining.³⁰

20.5.1.2 Single Transferable Vote (Multi-Winner/Proportional RCV)

When there is more than one seat in the office being filled by the RCV election, the RCV type is called Single Transferable Vote.³¹ In this type of race, if the number of seats is greater than or equal to the number of candidates, then all candidates are elected.

If there are more candidates than seats, RCV tabulation rounds are required. This is similar to Instant Runoff Voting, where in each round the lowest vote receiving candidate is eliminated, with their votes transferring to the remaining active candidates. For a candidate to be declared a winner, they must reach either the maximum possible threshold in the first-choice ranking round or the election threshold in the additional rounds. While essentially a majority, the election threshold is calculated by the equation below:³²

- Election threshold=

$$\left(\frac{\text{Total votes cast}}{\text{Seats to be elected} + 1} \right) + 1$$

²⁸ See Virginia Admin. Code [IVAC20-100-10](#)

²⁹ See Virginia Admin. Code [IVAC20-100-50](#)

³⁰ *Id.* ("If two or fewer active candidates remain, the candidate with the greatest number of votes is elected and tabulation is complete.").

³¹ See Virginia Admin. Code [IVAC20-100-10](#)

³² *Id.*



For example, if there are 1,000 total votes cast for 3 seats, then the election threshold for a candidate is 251. If Candidate A reaches 251 votes after the first round they are declared elected. If no other candidate reaches that threshold, then the rounds continue. See the same equation with the examples numbers included below.

- 251 election threshold=

$$\left(\frac{1000}{3 \text{ seats} + 1} \right) + 1$$

Once one of the candidates reaches the election threshold, each vote for that candidate in subsequent rounds is declared a “surplus vote” and distributed to the remaining active candidates at a new “transfer value.” This means each vote above that threshold has a percentage allocated to their next available ranking. The transfer value is determined by multiplying the old transfer value to the surplus fraction. See below for how this surplus is calculated.³³

- Surplus Fraction=

$$\frac{(\text{Elected Candidate's Vote Total} - \text{Election Threshold})}{\text{Elected Candidate's Vote Total}}$$

Under the previous example, if Candidate A received 400 votes, the surplus fraction is 0.3725. Since each ballot begins by having a transfer value of 1, the new transfer value of each ballot that elected Candidate A is 0.3725. For that round, all ballots for Candidate A will transfer 37.25% of a vote to their second choices. This way, despite ranking the popular Candidate A first, those voters will still have their second rank count to some degree.

- 0.3725 Surplus Fraction=

$$\frac{(400 \text{ Votes for Candidate A} - 251 \text{ Election Threshold})}{400 \text{ Votes for Candidate A}}$$

20.5.2 Tabulation Steps

In RCV races, tabulation occurs in two phases:

³³ See Virginia Admin. Code [1VAC20-100-10](#) and [1VAC20-100-50](#); a transfer value is the proportion of a vote that ballot will contribute to its highest-ranked active candidate. Each ballot begins with a transfer value of one. If a ballot contributes to the election of a candidate under [1VAC20-100-50](#), it receives a new transfer value.



1. scanning of ballots, ascertainment of votes, and creation of the cast vote record (CVR) by the voting system at the polling locations;
2. transferring of votes and calculating in RCV rounds at a central tabulation location.

The first phase of tabulation determines whether a candidate has sufficient first-choice rankings to win the election. If a candidate does not reach the maximum possible threshold, additional tabulation rounds are required to select a winner.

This subsection goes further into detail on the components required to tabulate the RCV results, including the use of necessary software.

20.5.2.1 *Use of a Cast Vote Record*

A Cast Vote Record (CVR) is an electronic record of the selections made on each ballot. This is particularly important for RCV tabulation, as the CVR shows the ranking assigned to each candidate on each ballot and is used in the RCV tabulation rounds. To utilize the RCV Tabulation software (RCTab) that is described in the following section, a CVR for each voting machine is required to be produced. Localities are encouraged to speak with their vendors about the production of the CVR and should contact ELECT with concerns.

Note: The SBE revised the RCV regulations to require localities to preserve a record of votes cast in an RCV election for the purpose of public inspection.³⁴

20.5.2.2 *RCTab*

ELECT has procured the use of RCV tabulating software, RCTab, from the Ranked Choice Voting Resource Center (RCVRC). The use of software is required to tabulate RCV rounds in the most accurate, efficient manner. ELECT chose to procure a third-party tabulation software that was compatible with the CVR file formats produced. RCTab is the most comprehensive RCV round tabulation software to be federally tested under the Voluntary Voting System Guidelines (VVSG) and has been utilized across the country to conduct RCV elections held in New York and Michigan.³⁵ RCTab 1.2.0 is the current version certified and approved for use in the Commonwealth.

As an open source software, use of RCTab software for elections in Virginia requires specific computer configuration and security practices (hardening) to download, install, and use the software.

Localities are responsible for the operation of RCV/RCTab software and will complete all the procedures and processes for its use for each eligible election.



Best Practice

Though purchasing, installing, validating, and managing RCTab software can be completed by persons with basic technology skills. It is suggested that persons with a fairly good understanding of computer basics be employed to set-up and manage RCTab.

³⁴ *Id.*

³⁵ See [RCV Study](#), 2023.

Specifically, localities are responsible for:

- Purchasing and hardening of approved devices for RCTab software
- Downloading of secured RCTab software
- Installation of RCTab software
- Validation of the RCTab software through HASH validation
- Gathering the voting machine flash drives or CVR files
- Running and managing the RCTab software and components
- Formatting the CVR files in preparation for import into the RCTab software
- Running the RCV rounds in RCTab
- Uploading any files and final results into ELECT's Election Night Reporting system
- Completing post-election RCTab and RCV procedures
- Maintaining and securing all devices that are for RCV (i.e. devices that will run RCTab and secure flash drives). Keep in mind that devices for RCV can only be used for RCV tabulation.

Steps to request and use RCTab software:

**Note**

As of June 2024, localities who already use RCTab may continue with the same version and procedures already used to implement and manage RCTab. Any new locality must comply with the instructions and procedures as per this section. If RCTab is updated to its next version, ALL localities must follow the procedures in this section to download, install, and use RCTab software in their locality.

1. The first step is to complete the [RCTab Installation Request Survey](#), ideally after the local completion of the ordinance approving use of RCV. This survey lets ELECT know a locality will be using RCV for an upcoming election and gives ELECT a record of the ordinance that approved its use in your locality. This survey requires a locality to upload the ordinance approving RCV in its jurisdiction.

Once ELECT receives the fully completed survey (with attached locality ordinance), the requesting locality will receive access to a Box folder with the following information for the correct equipment that needs to be purchased for RCTab software:

- i. Accessing ELECT secure server for RCV/RCTab documents and instructions
 - ii. Systems purchasing, configuration, and hardening instructions and agreements
 - iii. USB Drive Requirements and Procedures
2. The second step is for the locality to purchase the appropriate equipment, harden it, and then submit a second survey, [RCTab Configuration and Security Hardening](#), along with the signed RCV -Ranked Choice Voting Installation, Storage, and Security Requirements Agreement.



Once the secondary survey is completed and submitted, ELECT will provide access to the secured RCTab software by sending instructions on downloading, installing, using, and managing RCTab software and equipment.

**Logic and Accuracy Testing of RCV Equipment**

All voting system equipment used in an RCV election will need to go through Logic and Accuracy (L&A) testing; localities will attest to the completion of L&A testing for RCV equipment as part of the L&A survey required before each election. See [ELECT Form 633 Logic and Accuracy Certification](#).

3. Once these steps are complete, the locality should reference the documents on usage and communicate with their vendor and ELECT on questions.

20.5.2.3 Hand-Count and Hand-Tabulation Procedures

In the context of RCV, hand-tabulation is different than hand-counting ballots. Hand-counting ballots is the process by which ballots are manually counted rather than read by the voting machine in the first-choice ranking round. For more information on hand-counting, [Virginia's Guide to Hand-Counting Ballots](#) should be utilized. Hand-tabulation is the process in RCV during which rounds are conducted without the use of tabulation software. ELECT has developed hand-tabulation step-by-steps and procedures for use, instead of RCTab, as required by any of the following scenarios:

- Scenario #1: The voting system is not working properly, requiring hand-counting of the ballots and hand-tabulation of the RCV rounds.
- Scenario #2: RCV tabulation software is unavailable or not working the days after the election, requiring hand-tabulation in the RCV rounds.
- Scenario #3: The Cast Vote Record (CVR) is not in the proper format for RCTab to read, requiring hand-tabulation in the RCV Rounds.
- Scenario #4: Both the voting machines and the RCV Tabulation software are not working properly, requiring hand-counting of the ballots and hand-tabulation in the RCV rounds.

20.6 RESULTS REPORTING AND POST-ELECTION

20.6.1 Election Night Reporting- Enhanced Voting

The results for elections conducted by ranked choice voting shall be reported along with other results reported on Election Night, except that such results shall clearly be identified as preliminary and based on the first rankings in a ranked choice voting election. On Election Night, localities will enter those preliminary first-round/initial results into Enhanced Results.

The following is an example of the display on the public site for the initial round totals:



Member County Board (Arlington County)

(Vote for not more than two)

TEST DATA FOR DEMO ONLY

☆ Follow Collapse ▾

Ranked Choice Contest

Disclaimer: Round 1 Results

Below results display the first choice votes for the ranked choice contest. Final tabulation rounds and winner(s) will be displayed once all ballots have been received and counted, and may take up to 7 days.

Candidate	Round 1
Candidate A	17% 80,000 votes
Candidate B	17% 80,000 votes
Candidate C	17% 80,000 votes
Candidate D	17% 80,000 votes
Candidate E	17% 80,000 votes
Candidate F	17% 80,000 votes

Precincts reporting 5/55 as of 60 minutes ago

[View results by precinct](#)

Since ballots can be received until noon on the third day after Election Day, any RCV rounds cannot be tabulated until after all ballots are received. Therefore, unofficial winners cannot be declared on election night unless a candidate unofficially reaches the election threshold, or majority, in the initial totals. Once all tabulations for additional needed rounds are completed using RCTab, the results of the tabulation rounds will be entered in Enhanced Results.

See the following as an example of the display on the public site after RCV rounds are completed:

Member County Board (Arlington County)

(Vote for not more than two)

TEST DATA FOR DEMO ONLY

☆ Follow Collapse ▾

Ranked Choice Contest

Candidate	Round 1	Round 2	Round 3	Round 4	Round 5	Round 6	Round 7
Candidate A Winner	16% 10 votes	32% 20 votes +10	48% 30 votes +10				
Candidate B Winner	19% 12 votes	19% 12 votes	19% 12 votes	31% 18 votes +6	37% 18 votes	46% 18 votes	
Candidate C	16% 10 votes	16% 10 votes	16% 10 votes	17% 10 votes	20% 10 votes	x Eliminated	
Candidate D	16% 10 votes	16% 10 votes	16% 10 votes	17% 10 votes	x Eliminated		
Candidate E	16% 10 votes	16% 10 votes	x Eliminated				
Candidate F	16% 10 votes	x Eliminated					

[Learn more about ranked choice voting](#) ⓘ

**Note:**

While all results on election night are unofficial until the Canvass and certification by the SBE, it is important to be prepared to explain the RCV tabulation timeline to voters and media who may inquire.

20.6.2 Post Election

Once the election is concluded, RCV rounds completed, results posted, and results certified, the post-election procedures of RCV largely are the same as traditional races. Please refer to the post-election advisory that ELECT provides before each election that describes storage of materials and considerations. For recount instructions, please refer to the Recount Step-by-Step Instructions.³⁶

20.7 VOTER OUTREACH

It is always important to educate the voters of your locality about upcoming elections. This becomes even more important when RCV is on the ballot, as many voters will be unfamiliar with the process, particularly as it relates to marking their ballots. While ELECT is required to post educational information about RCV on its website, localities must also be prepared to conduct outreach and education on RCV. ELECT recommends that you reach out to other localities that previously have conducted an RCV election if you are looking for additional assistance. ELECT has created forms relating to Ranked Choice Voting and has posted this information on FormsWarehouse under the Ranked Choice Voting section.³⁷

Per [1VAC20-100-80](#): Any county board of supervisors or city council that adopts an ordinance to conduct an election by ranked choice voting shall develop and distribute educational information about ranked choice voting no later than 60 days before the specified election.

“Educational information” is nonpartisan, plain language that includes information about the adoption of RCV for an election, an explanation of the RCV process, an unmarked official sample RCV ballot for review, and instructions on how to read and mark the ballot.³⁸ The education information must be:

- Published in the local newspaper, posted on the locality's website, or mailed to active and inactive voters eligible to vote in the specified election.
- Posted in the office of the general registrar no later than 60 days before the specific election and made available for distribution if requested by the public.
- Posted in each satellite office and polling place operating for the election.³⁹

Based upon the experience in Arlington County and the experience of other jurisdictions across the country, voter education is a critical component for RCV elections, particularly when newly introduced. As previously described, prior to the Arlington County primary election, both ELECT and Arlington County undertook significant efforts to educate voters, but many citizens and

³⁶ See ELECT, [Recount Step-by-Step Instructions](#) (rev. 8/23).

³⁷ See ELECT, FormsWarehouse, [Ranked Choice Voting](#).

³⁸ See Virginia Admin. Code [1VAC20-100-80](#).

³⁹ *Id.*



community groups still contended that more was needed. Arlington County's Department of Voter Registration and Elections developed an outreach plan, conducted multiple educational presentations, and created numerous educational materials, including toolkits that could be used by community organizations to educate their constituencies.



20.8 GLOSSARY

Term	Synonym(s)	Definition																				
Active Ballot		Ballot that counts toward an active candidate in the current round of counting.																				
Active candidate		Candidate who has not been defeated during round-by-round vote counts. In a count that lasts multiple rounds, the number of active candidates will decrease with each round.																				
Duplicate ranking		Voter has assigned one candidate multiple rankings. Rank up to 3 candidates. Vote for one candidate in each rank. <table><thead><tr><th></th><th>1</th><th>2</th><th>3</th></tr></thead><tbody><tr><td>Candidate A</td><td>☒</td><td>☒</td><td>☒</td></tr><tr><td>Candidate B</td><td>☐</td><td>☐</td><td>☐</td></tr><tr><td>Candidate C</td><td>☐</td><td>☐</td><td>☐</td></tr><tr><td>Candidate D</td><td>☐</td><td>☐</td><td>☐</td></tr></tbody></table>		1	2	3	Candidate A	☒	☒	☒	Candidate B	☐	☐	☐	Candidate C	☐	☐	☐	Candidate D	☐	☐	☐
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Candidate D	☐	☐	☐																			
Election threshold	Quota	The number of votes sufficient for a candidate to be elected in a multi-winner, single transferable vote contest, except in the first-choice ranking tabulation round. The election threshold equals the total votes counted for active candidates in the first round of tabulation, divided by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions. Election threshold = ((Total votes cast)/ (Seats to be elected+1)) +1, with any fraction disregarded. Number of ballots cast for office Number of seats to be filled + 1 + 1 = Threshold (Round down to whole number)																				
First-choice ranking tabulation round	Initial RCV results First round results	The stage of tabulation of first-choice rankings completed at each precinct on the voting system. For all elections for an office conducted by ranked choice voting, only first-choice rankings shall be counted in the first-choice ranking tabulation round.																				
Highest-ranked active candidate		Active candidate assigned to a higher ranking than any other active candidates.																				

Inactive ballot	Exhausted ballot	Ballot that can no longer be counted due to the ballot having no active candidates in the round.																				
Instant-runoff voting	Single-Winner	A single-winner, ranked-choice voting contest in which no more than one seat in the office must be filled by the election.																				
Last-place candidate	Lowest ranked candidate	The candidate with the fewest votes in a round of a ranked choice voting election.																				
Maximum possible threshold		The number of first-choice rankings from active ballots received in the first-choice ranking tabulation round sufficient for a candidate to be elected. The maximum possible threshold equals the total ballots cast for the office, including valid first-choice rankings, undervotes, skipped rankings, or overvotes for the office, divided by the sum of one plus the number of offices to be filled, then adding one, disregarding any fractions. Maximum possible threshold = ((Total ballots cast for the office)/(Seats to be elected+1))+1, with any fraction disregarded.																				
Ranked choice overvote		A voter assigned more than one candidate the same ranking. Rank up to 3 candidates. Vote for one candidate in each rank. <table><tr><td></td><td>1</td><td>2</td><td>3</td></tr><tr><td>Candidate A</td><td>☒</td><td>☐</td><td>☐</td></tr><tr><td>Candidate B</td><td>☒</td><td>☐</td><td>☐</td></tr><tr><td>Candidate C</td><td>☒</td><td>☐</td><td>☐</td></tr><tr><td>Candidate D</td><td>☒</td><td>☐</td><td>☐</td></tr></table>		1	2	3	Candidate A	☒	☐	☐	Candidate B	☒	☐	☐	Candidate C	☒	☐	☐	Candidate D	☒	☐	☐
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Ranked choice undervote		A voter has left a ranking unassigned. (Different than Skipped Vote as described below).																				
Ranked-choice voting election	Rank Choice Voting RCV	A method of casting and tabulating votes in which: (i) voters rank candidates in order of preference (ii) tabulation proceeds in rounds such that in each round either an active candidate or candidates are elected or the last-place candidate is eliminated																				

		(iii) votes for voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled.																				
Ranking		The ordinal number assigned on a ballot to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking, and so on, consecutively, up to the maximum allowed ranking.																				
Round	Tabulation Round	A stage of the vote tabulation in a ranked-choice voting election in which a person may be elected or the last- place candidate is defeated.																				
Single transferable vote	Multi-Winner Proportional RCV	More than one seat in the office must be filled by the election.																				
Skipped ranking		A voter has left a ranking unassigned but ranks a candidate at a subsequent ranking. Rank up to 3 candidates. Mark no more than 1 oval in each column. <table><thead><tr><th></th><th>1</th><th>2</th><th>3</th></tr></thead><tbody><tr><td>Candidate A</td><td></td><td></td><td></td></tr><tr><td>Candidate B</td><td></td><td></td><td></td></tr><tr><td>Candidate C</td><td></td><td></td><td></td></tr><tr><td>Candidate D</td><td></td><td></td><td></td></tr></tbody></table>		1	2	3	Candidate A				Candidate B				Candidate C				Candidate D			
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Surplus fraction	Residual fraction	A number equal to the quotient of the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total, (or $(V-T)/V$, in which "V" is the elected candidate's vote total and "T" is the election threshold), truncated after four decimal places. This number is used in multi winner RCV races to determine what fraction of surplus votes should be distributed to the remaining, unelected active candidates.																				

		$\frac{\text{Candidate's total \# of votes} - \text{Threshold}}{\text{Candidate's total \# of votes}} = \text{Surplus Fraction}$
Surplus vote		The number of votes a candidate receives beyond the election threshold set for a transferable vote race.
Tabulation Results	RCV results	The final results after the tabulation rounds are conducted. Initial, first round results are entered into the tabulation software, which then runs the rounds and eliminates last place candidates until the highest ranked candidate(s) meet the election threshold. Note: if no candidate reaches the election threshold in the first return of votes, tabulation rounds are needed.
Tabulator	Tabulation Software RCTab	The software that conducts the rounds for a ranked-choice election. This is separate from the voting machine where ballots are inserted.
Transfer value		The proportion of a vote that a ballot will contribute to its highest-ranked active candidate. Each ballot begins with a transfer value of one. If a ballot contributes to the election of a candidate under 1VAC20-100-50 B, it receives a new transfer value.

