



STANDARDS FOR THE ESTABLISHMENT AND OPERATION OF ABSENTEE BALLOT DROP-OFF LOCATIONS

EXECUTIVE SUMMARY:

The Department of Elections submits this document to the Chairmen of the House and Senate Committees on Privileges and Elections, the Senate Committee on Finance and Appropriations, and the House Committee on Appropriations, pursuant to the requirements of §24.2-707.1(B) of the Code of Virginia. The code directs that ELECT should submit these standards to the above annually by October 1.

IN GENERAL

The 2021 General Assembly voted to codify the use of absentee ballot drop-off locations in Virginia. These locations include both secured drop-boxes and staffed locations where a voter can return a completed absentee ballot.

REQUIREMENTS FOR DROP-OFF LOCATIONS

General registrars are required to maintain drop-off locations at:

- the general registrar's office;
- any satellite offices in the locality; and,
- at each polling place on Election Day.

The following rules apply to all drop-off locations in a locality:

- A drop-off location at the general registrar's office or at a satellite location *must* be available for the hours that the general registrar's office or satellite office is open.
- On Election Day, general registrars must operate a drop-off location at each precinct's polling place.
- These locations must be available for the hours that the polling place is open.

ADDITIONAL LOCATIONS

General registrars may establish additional drop-off locations within their county or city as they deem necessary. These must be accessible, on public property unless located at a polling place, and compliant with any other criteria set by the Department of Elections.

- The Department of Elections highly recommends that registrars confer with their local Electoral Boards to determine if and where to place additional drop-off locations.
- General registrars may use existing drop-boxes on government property as drop-boxes for elections (e.g. drop-boxes for making utility payments). However, any drop-box used



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must comply with all requirements in this guidance.

- General registrars may set different dates and hours for these locations, if appropriate notice of the times and dates are provided.

ACCESSIBILITY REQUIREMENTS

All drop-off locations must meet accessibility requirements, including being accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (Va. Code § 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). These are the same accessibility requirements as those for polling places, found in § 24.2-310(C) of the Code of Virginia.

OPERATION OF DROP-OFF LOCATIONS

General registrars may operate their drop-off locations as either 1) secured drop boxes; or 2) staffed drop-off locations.

- Individuals are not required to show identification (ID) when returning their ballots to drop-off locations.
- Hours of operation for the drop-off location should be available on the locality's website.
- At the general registrar's office, satellite locations, and polling places, clear signage should indicate where voters drop-off their ballots versus where voters vote in-person.
- On Election Day, it is especially important that proper signage ensure that drop-off voters do not mistakenly wait in line to vote with in-person voters.

On the Sunday and Monday before Election Day, general registrars are not required to operate drop-off locations at the general registrar's office or at satellite offices. However, *general registrars must* continue to collect ballots daily from any drop-off location or drop boxes that remain open to the public on those days. If a drop box is available to the public on those days (for example boxes that are outside) and general registrars do not wish for it to operate, it must 1) be locked so that ballots cannot be deposited in the box; and 2) have clear signage indicating that the last day for voting at this box is/was the date of the Saturday before Election Day.

SECURITY STANDARDS FOR DROP-OFF LOCATIONS

Physical Security Requirements for Secured Drop Boxes

- Must be constructed of durable material able to withstand vandalism, removal, and inclement weather, and be securely fastened to prevent moving or tampering.
- Drop boxes must be monitored by a video surveillance system 24 hours a day. Existing



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security systems on government property may be utilized for drop-box surveillance. Video surveillance equipment should be of sufficient quality to allow for facial recognition.

- Video surveillance footage must be retained for 30 days following the deadline to certify the election, or until the conclusion of any election contest, whichever is later; except where there is a potential violation of law where the surveillance could be used as evidence, then it must be retained through the statute of limitations or conclusion of judicial proceedings, whichever is later.
- A locality's drop boxes should be well lit and have a clearly identified ballot insertion slot.
- Drop boxes should have signage clearly indicating that they are absentee ballot drop-boxes.
- Drop boxes should be designed to prevent overflow.
- If a drop-off location has multiple drop boxes, then each should be labeled with a unique identifier, such as a number, letter, or string of numbers and letters. That identifier will be used to describe the particular drop box for record keeping and should be made to prevent alteration or removal.
- All drop boxes must have an opening slot that is not large enough to allow ballots to be tampered with or removed. The opening slot should be designed to minimize the ability for liquid to be poured into the drop box or for rainwater to seep in.
- All drop boxes must be secured by a lock (e.g. padlock). Only an elections officer, general registrar staff, or the general registrar or deputy should have access to the keys and/or combination of the lock.
- The individuals retrieving ballots should wear a badge or other identifier that readily identifies them as a designated ballot retriever. Such identification should not be easily replicatable.
- The drop box must be clearly and visibly marked as an "Official Ballot Drop Box" in all languages required under the federal Voting Rights Act of 1965. This includes:
 1. Language stating that tampering with the drop box is a felony.
 2. A phone number connecting the voter to the locality's office.
 3. A statement informing the public that no ballots will be accepted after 7:00 p.m. on Election Day, unless there are voters in line or the time for the closing of the polls has been extended by a court order.

Physical Security Requirements for Staffed Drop-off Locations

- Staffed locations do not need to use a drop box, and instead may have ballots placed into either 1) a container placed behind a counter; *or* 2) a portable container that can be transported to a curbside or mobile voting area.
- However, these containers **must be monitored at all times and may not leave the possession of the drop-off location staff while in operation.**



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- These individuals should be officers of election or electoral board members representing the two major parties, when practicable, or two employees from the office of the general registrar. Registrars and deputy registrars may also staff drop-off locations.
- To secure ballots, these individuals must use a container that can be locked or sealed
- Once the drop-off location is not in use, any mobile containers must be placed in an area that is inaccessible to the public and/or otherwise safeguarded from tampering during the hours not in use.

CHAIN OF CUSTODY REQUIREMENTS

Absentee ballots shall be collected from each drop-off location at least daily, by two officers of election or electoral board members representing the two major political parties, when practicable, or by two employees from the office of the general registrar, unless the drop-off location is in the office of the general registrar, in which case the general registrar or a deputy may collect the absentee ballots.

Officers of election, electoral board members, or employees should follow the instructions below to collect ballots from drop-off locations:

Before Election Day

1. The officers of election, electoral board members, or employees will remove the ballots from the drop-off location and place them in a secure container.
2. That container will be sealed or locked by the officers of election, electoral board members, or employees with their signatures, the date, and a record of the number of ballots that have been secured in the container.
3. The sealed or locked container shall be immediately transported to the general's registrar office by the officers of election, electoral board members, or employees who collect the ballots.
4. At the general registrar's office, these ballots shall be processed following the procedures in § 24.2-709.1 and § 24.2-711 of the Code of Virginia.
5. Please note that all drop-off ballots should be logged into VERIS as "Mail/Non-USPS" when choosing the return method from mail, in person, or other.

On Election Day

1. Follow steps 1 and 2 above.
2. The sealed or locked container shall be immediately transported to the general's registrar office OR the central absentee precinct by the officers of election, electoral board members, or employees who collect the ballots.
3. At each polling place, and each drop-box, the two mandatory officers of election,



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electoral board members, or employees *must* be at the drop-off location at 7 pm to collect the final cast ballots. Any person in line to drop-off their ballot at 7 pm is allowed to do so.

4. Please note that all drop-off ballots should be logged into VERIS as "Mail/Non USPS" when choosing the return method from mail, in person, or other. These ballots do not need to be counted on Election Night but must be counted as soon as possible in the following days.

Use the form in Appendix A to keep a record of the ballot collection process. **Keeping a record of chain of custody using this form is mandatory.**

NOTICE REQUIREMENTS FOR DROP-OFF LOCATIONS

- General registrars must post notice of each drop-off location in the general registrar's office.
- General registrars must post notice of each drop-off location on the official website of the county or city.

These notices shall remain posted for the duration of the period during which absentee ballots may be returned; that is, through **the Saturday before Election Day, or as long as drop-off locations (including drop boxes) remain open, whichever is later.** ELECT has also provided space on the Absentee Ballot Instructions for localities to provide information on where to find drop-off locations in their jurisdictions.

RECORDKEEPING REQUIREMENTS

General registrars should create and retain a record each time ballots are collected from a drop-off location, using the attached form "**Ballot Collection from Drop-off Locations.**" General registrars may store either physical copies of these records or electronic copies. Records should be retained for at least 18 months after the date of the election.

BALLOT RETURNED TO DROP-OFF WITH NO OUTER ENVELOPE

For drop-boxes

If general registrars receive a ballot with no outer envelope but a complete Envelope B, they should accept the ballot and process it normally. If Envelope B contains material errors or omissions, follow the cure process outlined in ELECT's Official Guidance Absentee Cure Process.



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For staffed drop-off locations

If a voter attempts to return his or her ballot without the outer envelope, and general registrars or their staff notice before he or she has tendered the ballot to them, then they may ask the voter to place the ballot in the outer envelope. If the voter does not have the outer envelope or does not wish to place the ballot in the outer envelope, then the general registrar or their staff should proceed to accept the ballot in sealed Envelope B.

BALLOT DROPPED OFF IN THE WRONG LOCALITY

The absentee ballot instructions direct voters to use drop-off locations in their own locality. However, some voters may drop-off their ballots at other localities in error. **To ensure that all votes have the opportunity to be counted, general registrars should take reasonable action to deliver these ballots to the correct GR's office.** If general registrars receive a ballot that should have been delivered to a different locality, they should either hand-deliver the ballot or forward it to the correct office, depending on how practicable physical delivery is.

Take the following actions to handle these ballots:

1. Create a system to record any ballots that were incorrectly delivered to the locality.
2. As soon as possible, mail or, if practicable for a nearby locality, hand-deliver those ballots to the correct locality.
3. If delivered by hand, these ballots should not leave the possession of the GR, deputy GR, or registrar staff delivering the ballots until delivered to the correct office.

EMERGENCY CONSIDERATIONS

If a drop-box is suspected broken, tampered with, missing, or if chain-of-custody is unverifiable, the general registrar must investigate, document their findings, and report the incident to the Department of Elections, as appropriate. If there is any evidence of the above, the general registrar must also notify the Commonwealth's Attorney. If any ballots may have been affected, ELECT will instruct a locality to post notice of the issue and allow impacted voters to complete the gold emergency form and cast a new ballot.

Any video security surveillance recordings of a box that has been tampered with should be retained, and local law enforcement shall be contacted as soon as possible.

