

State Board of Elections Annual Report

(January 1, 2024 – December 31, 2024)

March 4, 2025

Virginia Department of Elections



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Executive Summary

Under the Code of Virginia §24.2-103(J) the State Board of Elections (the Board), through the Department of Elections (ELECT), is pleased to provide the State Board of Elections Annual Report to the Governor and the Virginia General Assembly. Pursuant to §24.2-103 of the Code of Virginia, the Board supervises, coordinates, and adopts regulations governing the work of local electoral boards, registrars, and officers of election to ensure secure, uniform, and trustworthy elections. During the 2024 calendar year (January 1, 2024 – December 31, 2024), the Board met fourteen times, certifying four elections, approving one emergency regulation, amending two existing regulations, and attending to several election administrative and election security matters.



Introduction

The Virginia State Board of Elections (the Board) was created in 1946 as a non-political agency responsible for ensuring fairness, accuracy, and uniformity in all elections in the Commonwealth of Virginia. The Board promotes the proper administration of election laws, campaign finance disclosure compliance, and voter registration processes in the state by promulgating rules, amending regulations, issuing instructions, and providing information to local electoral boards and general registrars. The Department of Elections (ELECT) was formed in 2014 to conduct the Board’s administrative operations and other duties consistent with its delegated authority.

The Board consists of five members who are appointed by the Governor and confirmed by the General Assembly.¹ Three members are from the same political party as the Governor. Two members are from the political party with the next highest number of votes during the last preceding gubernatorial race. The current members can be found on ELECT’s website.² ELECT is led by a commissioner who is appointed by the Governor and confirmed by the General Assembly.³

Summary of Actions

In 2024, ELECT proposed approximately forty-three memorandums to the Board summarized in the table below.

| Topic | Number of Memorandums |
|----------------------------|-----------------------|
| Regulations | 4 |
| Election Administration | 9 |
| Certification of Elections | 4 |
| Election Security | 11 |
| Risk-Limiting Audits (RLA) | 4 |
| Stand by Your Ad (SBYA) | 4 |
| Miscellaneous | 7 |
| Total | 43 |

Regulations

Pursuant to Virginia Code §24.2-103, the Board has the authority to make rules and regulations, issue instructions, and provide information consistent with election laws to the electoral boards and

¹ Code of Virginia [§24.2-102](#).

² ELECT, [About Us](#).

³ Code of Virginia [§24.2-102](#).



general registrars (registrars).⁴ Electoral Boards and registrars must adhere to the rules and regulations of the Board, ensuring compliance with Virginia and federal laws. The Board approved amendments to two existing regulations and one emergency regulation was approved, which will be made permanent in 2025.

Amending Existing Regulations

1VAC20-100-10 Definitions⁵

Previously, the ranked choice voting (“RCV”) regulations (1VAC20-100-10 et seq.) required the elimination of one candidate in each round of the RCV tabulation process. In races with many candidates, including independents and write-ins, this could lead to extended tabulation during the canvass. To address this issue, many jurisdictions utilize batch elimination of multiple candidates for whom it is mathematically impossible to be elected. ELECT proposed additions to the definitions in the RCV regulations including the definition of “Batch Elimination” and “Mathematically impossible to be elected.” The Board unanimously approved the addition of these definitions on July 2, 2024.

1VAC20-100-50 Ranked choice voting tabulation⁶

Along with the regulation above, ELECT proposed a change in the tabulation of ranked choice voting. The proposed change to the existing RCV regulation would allow the option for batch elimination of multiple candidates in a round of instant runoff (single winner) RCV races where it is mathematically impossible for the eliminated candidates to be elected. The Board unanimously approved the addition of these definitions on July 2, 2024.

Emergency Regulation

1VAC20-90-40 Campaign Finance and Political Advertisements⁷

Pursuant to Chapter 557 of the 2020 Acts of Assembly, this regulation was promulgated to guarantee that disclosure statements on certain political print media advertisements are displayed conspicuously and proportionate to the size of the advertisement.⁸ The mandating statute allowed a delayed effective date for the requirements of July 1, 2024. The Board provided a further delayed enforcement of the new advertising standards until January 1, 2025. The requirements in the

⁴ Code of Virginia [§24.2-103](#).

⁵ Administrative Code of Virginia [1VAC20-100-10](#).

⁶ Administrative Code of Virginia [1VAC20-100-50](#).

⁷ See Emergency Text for [1VAC20-90-40](#).

⁸ 2020 Acts of Assembly [Chapter 557](#).



regulation were consistent with federal print media advertisement requirements established by the Federal Election Commission under 11 CFR § 110.11.⁹

The regulation requires a disclosure statement on a political advertisement to (i) be a sufficient font size to be clearly readable by the recipient of the communication; (ii) be contained in a printed box set apart from the other contents of the communication; and (iii) have a reasonable degree of color contrast with the advertisement background. The Board held a public hearing for public comment on this regulation on August 20, 2024. Once the regulation has completed the final stage, this regulation will become permanent in 2025.

Election Administration

Election Administration encompasses the proper administration of election laws, campaign finance disclosure compliance, and voter registration processes in Virginia. This includes creating rules, issuing instructions, and providing information consistent with state and federal election laws to promote the proper administration of elections and to obtain uniformity in the practices of election officials. The Board reviewed proposals from ELECT regarding election administration during the 2024 calendar year. Below is a summarization of items proposed to the Board including revisions to documents, certification of elections, and the form of ballots used in elections throughout the Commonwealth.

Certification of Elections

During the 2024 Calendar year, the Board certified four elections. The Board certifies federal and state elections including but not limited to the U.S. President, the U.S. Congress, and the Governor; local electoral boards certify local elections including but not limited to city councils, boards of supervisors, and mayors.¹⁰

- **January 17, 2024:** The Board certified the results of the January 9, 2024, Special Elections for House of Delegates District 48 and Senate of Virginia District 9, pursuant to Virginia Code §§24.2-679 and 24.2-680.¹¹
- **March 19, 2024:** The Board certified the results of the March 5, 2024, Presidential Primaries for both the Republican and Democratic parties. The winners were declared the nominees of their respective parties.

⁹ See Code of Federal Regulations [11 CFR §110.11](#).

¹⁰ Code of Virginia §§[24.2-676](#) and [24.2-679](#).

¹¹ Code of Virginia §§[24.2-679](#) and [24.2-680](#).



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- **July 2, 2024:** The Board certified the results of the June 18, 2024, U.S. Senate and U.S. House of Representatives Primaries for both the Republican and Democratic parties. The winners were declared the nominees of their respective parties.
 - **December 2, 2024:** The Board certified the results of the November 5, 2024, General Election. The Board certified the results of the elections for U.S. President, U.S. Vice President, U.S. Senate, and all eleven Congressional Districts.

Ballot Order

If two or more candidates file simultaneously, the order of the filing is determined by the electoral board or the Board, pursuant to Virginia Code §24.2-529.¹² Additionally, the Board must determine by lot the order of political parties, pursuant to Virginia Code §24.2-613.¹³ On April 10, 2024, the Board certified the order of candidates on the ballot for the primary elections held on June 18, 2024. On July 2, 2024, the Board certified the order of candidates on the ballot for all general and special elections being held between August 1, 2024, through July 31, 2025.

Party Abbreviations

Pursuant to §24.2-613(A), the ballots used in the Commonwealth must comply with the standards set forth by the Board including the approval of party abbreviations.¹⁴ ELECT staff proposed using the current abbreviations for various parties for all general and special elections held from August 20, 2024, to July 1, 2025. The Board unanimously approved the party abbreviations on July 2, 2024.

Split Precinct Waivers

Pursuant to Virginia Code §24.2-307, “If a governing body is unable to establish a precinct with the minimum number of registered voters without splitting the precinct between two or more congressional districts, Senate districts, House of Delegates districts, or local election districts, it shall apply to the State Board for a waiver to administer a split precinct. The State Board may grant the waiver or direct the governing body to establish a precinct with fewer than the minimum number of registered voters as permitted by § 24.2-309.”¹⁵ The minimum number of voters for a county precinct is one hundred, and the minimum for a city precinct is five hundred. Split precinct waivers

¹² Code of Virginia [§24.2-529](#).

¹³ Code of Virginia [§24.2-613](#).

¹⁴ *Id.*

¹⁵ Code of Virginia [§24.2-307](#).



must be renewed by the governing body each year. The Board granted six split precinct waivers for various counties and cities. During its July 2, 2024, meeting, the Board delegated the granting of split precinct waivers to ELECT.¹⁶

Electronic Participation in Meetings Policy¹⁷

2024 Acts of Assembly Chapter 56 amended the number of all-virtual public meetings of public bodies from 25% or two total of all meetings in a calendar year to 50% or two total of all meetings in a calendar year, whichever is greater.¹⁸ Further, the law also amended the participation criteria for such meetings; when audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails. ELECT proposed these amendments to the Board’s Electronic Participation Policy as well as an additional provision requiring members of the public to show their faces while providing comments virtually unless their face is covered for a religious purpose, like the policies adopted by the General Assembly.¹⁹ The Board unanimously approved these changes on May 28, 2024.

Updating the Voter Registration Application

2024 Act of Assembly Chapter 309 amended Virginia Code §24.2-418 to allow current and former Board members, Commissioners of Elections, ELECT staff, general registrars, electoral board members, and officers of election to provide PO Boxes when registering to vote.²⁰ As such, the Virginia Voter Registration Application needed to be revised. The effective date of the changes was set to July 1, 2024, when the law requiring the change would come into effect. The Board unanimously approved these changes on April 10, 2024.

Election Security

The Board and ELECT consistently work to ensure the integrity and security of every election is upheld in the Commonwealth. Throughout the 2024 calendar year, the Board performed its role in election

¹⁶ State Board of Elections, July 2, 2024, [Meeting Agenda](#).

¹⁷ State Board of Elections [Policy 2024-001](#).

¹⁸ 2024 Acts of Assembly [Chapter 56](#).

¹⁹ See Virginia Senate, [Senate Virtual Participation Policy](#). See Virginia House of Delegates, [Public Participation in Remote Meetings](#).

²⁰ 2024 Acts of Assembly [Chapter 309](#).



security by approving various updates related to pollbooks, voting systems, and voting system security.

Voting System Certification

Hart InterCivic Verity Voting 2.7

On January 17, 2024, ELECT requested the Board certify the use of the Hart InterCivic (Hart) Verity Voting 2.7 system. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. Hart provided the certification fee, and the testing/evaluation was conducted from October 23 through October 26, 2023, at the ELECT facilities in Virginia. In addition, the system was successfully tested in a mock election in Essex County on October 27, 2023. The Hart voting system presented for certification under 2.7 completed the Virginia Voting Systems State Certification requirements. The Board motioned and approved the use of the updated system by a unanimous vote.

Clear Ballot ClearVote 2.4

On May 28, 2024, ELECT requested the Board certify the use of the Clear Ballot ClearVote 2.4 voting system. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. Dominion provided the certification fee, and the testing/evaluation was conducted from January 22 through January 25, 2024, at the ELECT facilities in Virginia. In addition, the system was successfully tested in a mock election in Petersburg City on April 24, 2024. The Clear Ballot voting system presented for certification under 2.4 completed the Virginia Voting Systems State Certification requirements. The Board motioned and approved the use of the updated system by a unanimous vote.

Electronic Pollbook Certification

Knowink PollPad 3.4.8

On May 28, 2024, ELECT requested the Board certify the use of the Knowink PollPad 3.4.8. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. Knowink provided the certification fee, and the testing/evaluation was conducted from March 11 through March 13, 2024, at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Chesterfield County on April 26, 2024. The Knowink PollPad presented for certification under version 3.4.8 completed the Virginia Electronic Pollbook State Certification requirements. The Board motioned and approved the use of the updated electronic pollbook by a unanimous vote.



Election Systems and Software ExpressPoll 7.2.6.0

On May 28, 2024, ELECT requested the Board certify the use of the Election Systems and Software (ES&S) ExpressPoll 7.2.6.0. During the preliminary review, the state-designated evaluation agent conducted a preliminary analysis of the Technical Data Package and other materials provided and prepared test assertions. ES&S provided the certification fee, and the testing/evaluation was conducted from March 18 through March 20, 2024, at the ELECT facilities in Virginia. In addition, the system was successfully tested in a Mock Election in Chesterfield County on April 26, 2024. The ES&S ExpressPoll presented for certification under version 7.2.6.0 completed the Virginia Electronic Pollbook State Certification requirements. The Board motioned and approved the use of the updated electronic pollbook with three ayes and two nos.

Experimental Use of a Certified Voting System

Pursuant to §24.2-630, experimental use of certified voting systems during an election is permitted with the approval of the Board.²¹ Winchester City sought permission to use the Unisyn OpenElect FreedomVote Scan with software version 2.2 and firmware version 2018 in a test run during the early and absentee voting period of the Virginia presidential primary held on March 5, 2024. The Board had previously certified this voting system and unanimously approved Winchester City's request during their January 17, 2024, meeting. On August 20, 2024, Winchester City also sought to use the Unisyn OpenElect FreedomVote Scan with software version 2.2 and firmware version 2018 for early voting, absentee voting, and the central absentee precinct (CAP) during the November General Election; the Board unanimously approved Winchester City's request.

The vendor agreed to participate in these tests to evaluate the purchase of the scanning voting equipment for Winchester City. ELECT supports any efforts by localities to test certified voting systems not presently used in a locality. Localities may find through such test use cases, better ways to manage and improve election efforts and processes in their locality. This is an excellent option available to localities to test certified voting equipment before making a purchasing decision.

Locality Election Security Standards

The purpose of the Locality Election Security Standards (LESS) is to ensure that each county and city meets election security standards designed to maintain the security and integrity of the Virginia voter registration system and supporting technologies through appropriate security controls, policies, practices, and procedures. On May 28, 2024, ELECT staff presented information to the Board regarding ways to improve the security of localities and available grants to fund such improvements.

²¹ Code of Virginia [§24.2-630](#).



On September 3, 2024, ELECT staff presented proposed limited changes to the LESS, focusing on efficiency which localities can use to meet baseline requirements. The Board unanimously approved the changes to the LESS.

Risk-Limiting Audits

Pursuant to Virginia Code §24.2-671.2(B), the Board must promulgate rules and procedures for the conduct of risk-limiting audits (RLA).²² ELECT staff updated the RLA Manual that encompasses all rules and procedures to conduct RLAs in the Commonwealth. This updated Manual was presented to the Board on July 2, 2024, and unanimously approved. The RLA Manual can be found on ELECT's website as Chapter 19 of the General Registrar and Electoral Board Handbook.²³

November 2024 General Election RLAs

The Board had unanimously approved a ballot polling RLA for the U.S. Senate during its September 3, 2024, meeting. The U.S. Senate race RLA began on Wednesday, November 20, 2024, at 10 AM. 125 localities out of 133 were selected to audit a random number of ballots. 1,878 ballots were sampled across the Commonwealth. The risk limit of 10%, set by the State Board of Elections, was successfully met in the first round of the RLA, confirming the voting machines accurately reported the outcome of the race.

Pursuant to §24.2-671.2(C)(1), the localities of a randomly selected U.S. Congressional District are required to perform an RLA during years when the race occurs on the ballot.²⁴ The batch comparison RLA method for a U.S. Congressional District was unanimously approved during the September 3, 2024, meeting. U.S. Congressional District 1 was randomly selected by the members of the State Board of Elections on Monday, November 18, 2024. This RLA began on Thursday, November 21, 2024, at 10 AM. Seven out of eighteen localities audited nineteen randomly selected batches of ballots, a total of 137,627 ballots. The risk limit of 10%, set by the State Board of Elections, was successfully met in the first round of the RLA, confirming the voting machines accurately reported the outcome of the race.

A report regarding these RLAs can be found on ELECT's Election Security webpage.²⁵

²² Code of Virginia [§24.2-671.2\(B\)](#).

²³ ELECT, General Registrar and Electoral Board Handbook, Chapter 19 [Risk-Limiting Audits](#).

²⁴ Code of Virginia [§24.2-671.2\(C\)](#).

²⁵ ELECT, [Risk-Limiting Audits](#).



Campaign Finance

Stand by Your Ad Citations

Stand by Your Ad (SBYA) is a provision of the 2002 Bipartisan Campaign Reform Act, which requires any candidate running for federal political office to identify themselves on and approve any political advertisement. Virginia Code §24.2-955 states that any sponsor of print media, radio, television, or online platform advertising is required to disclose their sponsorship on said advertisement.²⁶ If a violation of Political Campaign Advertisement occurs, §24.2-955.3 states the penalties and in what manner the Board must handle the assessment of the violation.²⁷

For statewide or General Assembly offices, ELECT recommends a one hundred dollar penalty for a first-time violation and three hundred dollars thereafter, doubling the value if the violation is within fourteen days of the election. For local or constitutional offices, ELECT recommends a fifty dollar penalty for a first-time violation, and one hundred dollars thereafter, again doubling the penalty within fourteen days of an election. If the Board unanimously agrees that the consequences of the ad are low, the Board may address a twenty-five dollar violation so long as the perpetrator is a first-time offender.

March 19, 2024

The Board held a public hearing to assess the violations of Virginia Code §24.2-955 for the November 2023 general election. The Board heard nineteen cases, finding eighteen guilty, and differing action on one. The Board assessed a total of \$475 in civil penalties. The Board dismissed the differed case and affirmed the rest of their findings on April 10, 2024, during a public meeting.

April 10, 2024

The Board held a public hearing to assess the violations of Virginia Code §24.2-955 by the Williamsburg-James City County Republican Committee. The Board heard the case and found them guilty. The Board assessed a one hundred dollar civil penalty. The Board affirmed their findings on May 28, 2024, during a public meeting.

Campaign Finance Reports and Records Review

Pursuant to §24.2-948.5, ELECT has the authority to review the reports and records of the campaign committees. ELECT staff worked to create the framework for completing the reviews required by

²⁶ Code of Virginia [§24.2-955](#).

²⁷ Code of Virginia [§24.2-955.3](#).



§24.2-948.5.²⁸ This includes email notifications to candidate campaign committees. Email reminders were issued in the first week of August, September, October, and November. These reminders were sent to the contacts on Statements of Organization for the offices for the November general election, including losing primary candidates. These reminders simply state what the committees need to have ready in the event they are chosen for review. On November 18, 2024, the Board directed ELECT staff to draw candidate campaign committees by using tickets in a tumbler. After the drawing, the chosen committees were contacted and instructed on how to submit their documents for review. Once the documents are received the reviews will begin. A report on those reviews will be made available to the Board, the Governor, and the General Assembly by July 1, 2025.

Miscellaneous

Delegations of Authority

During the 2024 calendar year, the Board also reviewed the Delegations of Authority. The Delegations specified the roles and responsibilities of ELECT as delegated by the Board. On July 2, 2024, the Board approved the retention of some aspects of authority while delegating some to ELECT. Pursuant to 2024 Acts of Assembly chapter 801, a new chapter of the Code of Virginia was created dedicated to presidential electors, Chapter 2.1 of Title 24.2, consolidating the presidential elector code provisions from various chapters into one; the Board retained the same authority as it had before the creation of the new chapter as well as delegating the same authorities to ELECT as before.²⁹ The Board retained three authorities regarding procedures for canceling a primary election after the withdrawal of a primary election. The Board delegated one authority to ELECT regarding split precincts. A previous delegation was removed in Chapter 1 of Title 24.2 regarding the information on ELECT’s website due to a change in law.³⁰ The document containing all delegations of authority from the Board to ELECT can be found on ELECT’s website.³¹

Request to Remove a Local Electoral Board Member

Pursuant to Virginia Code §24.2-234.1, “Any member of a local electoral board may be removed from office by the circuit court in whose jurisdiction he resides upon a petition signed by a majority of the members of the State Board as provided in § 24.2-103. The circuit court shall proceed with such removal by the provisions of § 24.2-235.”³² The Board may petition a circuit court for the removal of

²⁸ Code of Virginia [§24.2-948.5](#).

²⁹ Code of Virginia [Chapter 2.1 of Title 24.2](#).

³⁰ 2024 Acts of Assembly [Chapter 989](#).

³¹ ELECT, [About Us](#).

³² Code of Virginia [§24.2-234.1](#).



a member of a local electoral board who fails to discharge the duties of his office by law.³³ On May 28, 2024, ELECT presented to the Board a request to remove Maria Kinney from the Charles City County Electoral Board. On July 2, 2024, the Board reviewed the materials presented and unanimously moved to petition the Circuit Court of Charles City County for the removal of Maria Kinney from the Charles City County Electoral Board.

Lynchburg City Drop-off Ballots and CAP Processing for the June Primary Election

The General Registrar of Lynchburg City provides a central drop-off box inside the Registrar's office during early voting pursuant to § 24.2-707.1.³⁴ Following the June Primary Election on June 18, 2024, seven ballots were found inside the drop-off box; this was in violation of the Code of Virginia and the Absentee Ballot Drop-off Location Standards approved by the Board as the drop-off box is meant to be cleared on the night of the Election and secured in such a way as to prevent additional ballots being submitted past the deadline.³⁵ The chairman of the Lynchburg Electoral Board gave testimony and assurances to the Board on August 20, 2024, that procedures will be put in place to ensure this situation does not occur in the future.

Conclusion

A wide variety of regulations, amendments, administrative policies and procedures, and election security updates were approved by the Board in 2024. The Board certified new voting systems and electronic pollbooks by the state certification process. Furthermore, the Board accurately certified the election results of multiple primary, general, and special elections. The State Board of Elections, through the Department of Elections, will continue to supervise and coordinate the work of elections administrators in every locality to promote and support accurate, fair, open, and secure elections for the citizens of the Commonwealth.

³³ Code of Virginia [§24.2-103](#).

³⁴ Code of Virginia [§24.2-701.1](#).

³⁵ ELECT, [2024 Standards for Absentee Ballot Drop Off Locations](#).

