★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

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

EXECUTIVE SUMMARY:
The Department of Elections (ELECT), pursuant to § 24.2-707.1 (B) of the Code of Virginia, submits the Standards for the Establishment and Operation of Drop-off Locations (Standards). The Standards address requirements for drop-off locations including hours of operation and required notices, 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.

1. REQUIREMENTS FOR DROP-OFF LOCATIONS

1.1 General registrars are required to maintain drop-off locations for the deposit of completed absentee ballots at:

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

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

- A drop-off location at the general registrar's office or 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 and must be available for the hours that the polling place is open.
- Pursuant to Va. Code §707.1(A), the provisions of Va. Code §§ 24.2-604, 24.2-604.4, 24.2-605, 24.2-606, and 24.2-607 prohibiting certain conduct or activities, and allowing for designation of a law-enforcement officer in and around a polling place, shall apply to all drop-off locations.

2. ADDITIONAL LOCATIONS

- General registrars may establish additional drop-off locations within their county or city as they deem necessary. In addition to adhering to any criteria set by ELECT, additional drop-off boxes must be located on public property and be accessible to the public. ELECT highly recommends that registrars confer with their local electoral boards to help determine if and where to place additional drop-off locations.
- General registrars may use existing drop-off locations on government property as drop-off locations for elections (e.g., drop-boxes for making utility payments). However, any drop-off locations used 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 is provided on the locality's website no later than 55 days prior to any election.

3. 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, codified at § 24.2-310(C) of the Code of Virginia.

4. 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 when returning their ballots to drop-off locations.
- Hours of operation for the drop-off location must be available on the locality's website no later than 55 days prior to any election.
    - If a drop-off location has been relocated or removed, general registrars must post notice on their website and in their office.
- 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 ensures 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 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 (e.g., boxes that are outside) and the local election official does not wish for it to operate, it must:

- Be locked so ballots cannot be deposited in the box;
- Have clear signage indicating that the date of the Saturday before Election Day is the last day for voting at this box; and,
- Post notification of the last day for voting at this box on the locality's website and social media accounts to inform voters.

5. SECURITY STANDARDS FOR DROP-OFF LOCATIONS

5.1 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 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. When there is a potential violation of law where the footage could be used as evidence, 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) or be sealable with a tamper-evident seal. Only an elections officer, general registrar staff, or the general registrar or deputy should have access to the keys or combinations of the locks.
- The general registrar and their staff, electoral board members, or officers of election retrieving ballots should wear a badge or other identifier that readily identifies them as a designated ballot retriever. Such identification should not be easy to replicate.

- Localities should strongly consider the use of fire suppressant systems inside the drop box.
- The drop box must be clearly and visibly marked as an "Official Ballot Drop Box" in all languages required under both the federal Voting Rights Act of 1965 and Virginia's minority language requirements, codified at Va. Code § 24.2-128. The drop box must also include the following:
    - Language stating that tampering with the drop box is a felony.
    - A phone number connecting the voter to the locality's office.
    - 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.

5.2 Physical Security Requirements for Staffed Drop-off Locations

- Staffed locations do not need to use a drop box and instead they 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.
    - **These containers must be monitored by staff at all times and may not leave the possession of the drop-off location staff while in operation.**
- Drop box monitors should be officers of election 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.
- When the drop-off location is not in use, any mobile containers must be placed in an area that is inaccessible to the public or otherwise safeguarded from tampering.

6. CHAIN OF CUSTODY REQUIREMENTS

Absentee ballots shall be collected from each drop-off location at least daily by two officers of election 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. Use the form in Appendix A to keep a record of the ballot collection process. **Keeping a record of the chain of custody using this form is mandatory.**

When performing the daily retrieval of ballots, the retrieval team must ensure that all ballots are collected from the drop-off box.

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

6.1 Before Election Day

- The officers of election or employees will remove the ballots from the drop-off location and place them in a secure container.
- The first retrieval team member must count the number of collected ballots. The second retrieval team member must also count the number of collected ballots.
- With agreement on the counted ballot number, complete the *Ballot Collection from Drop Off Location (ELECT-C1289(B)(6)* form (Appendix A) and bring the form and ballots back to the general registrar's office.
- The container shall be sealed or locked by the officers of election or employees.
- The sealed or locked container shall be immediately transported to the general registrar's office by the officers of election or employees who collect the ballots.
- 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. Please note that all drop-off ballots should be logged into VERIS as "Drop Off" when choosing the return method from mail, in person, or other.

6.2 On Election Day

- At each polling place and each drop box, the two mandatory officers of election or employees **must** be at the drop-off location at 7:00 p.m. to collect the final cast ballots. Any person in line to drop off their ballot at 7:00 p.m. is allowed to do so.
- The retrieval team must collect all ballots from the drop-off location, checking that no ballots are left behind in the container. When closing and securing a drop-off location at 7:00 p.m. on Election Day, ensure that all ballots have been collected by:
    - Inspecting the interior of the container.
    - Confirm that no ballots are caught in the opening of the container or in the seams of the container.
    - Secure the drop-off location with a lock or other seal provided by the general registrar.
- The first retrieval team member must count the number of collected ballots. The second retrieval team member must also count the number of collected ballots.
- With agreement to the counted ballot number, complete the *Ballot Collection from Drop Off Location* form and bring the collection form and ballots back to the general registrar's office.
- The drop-off location must be locked or secured in such a way that no ballots may be submitted after 7:00 p.m., after all voters in line at 7:00 p.m. have submitted their ballot.
- The sealed or locked container shall be immediately transported to the general registrar's office OR the central absentee precinct by the officers of election or employees who collect the ballots.

6.3 Post-Election Day

No ballots shall be retrieved from a drop box for processing after 7:00 p.m. on Election Day. The security focus in post-election shifts from drop-off ballots to those ballots delivered by the United States Postal Service (USPS). Confirming Election Day postmarks for those ballots delivered or acquired from USPS by noon on the third day after

the election is paramount. Localities must follow 1VAC20-70-20 (F) when investigating missing or illegible USPS postmarks.

Please note that all drop-off ballots should be logged into VERIS as "Drop Off" when choosing the "Received by Method." These ballots do not need to be counted on Election Night but must be counted as soon as possible in the following days.

If ballots are found in the drop-off location after it was locked and secured at 7:00 p.m. on Election Day, election officials must immediately contact their locality's attorney and alert ELECT.

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

7. 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 no later than 55 days prior to any election.
- If a drop-off location has been removed or relocated, the general registrars must post notice both in the general registrar's office and on the official website within 24 hours of removing or relocating the drop box.

These notices shall remain posted for the duration of the period during which absentee ballots may be returned, through **the Saturday before Election Day, *or* as long as drop-off locations (including drop boxes) remain open, whichever is later**.

8. RECORD RETENTION REQUIREMENTS

General registrars shall create and retain a record each time ballots are collected from a drop-off location, using the *Ballot Collection from Drop-off Location* form found in Appendix A or on ELECT's website. General registrars may store either physical copies of these records or electronic copies. Records should be retained for at least 24 months after the date of the election. Security footage of drop boxes must be retained for 30 days after certification.

9. BALLOT RETURNED TO DROP-OFF WITH NO OUTER ENVELOPE

9.1 For drop-boxes

If general registrars receive a ballot with no outer envelope but with 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.

9.2 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.

10. 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 guarantee that all votes have the opportunity to be counted, general registrars should take reasonable action to deliver these ballots to the correct general registrar'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.

10.1 Take the following actions to handle these ballots:

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

11. EMERGENCY CONSIDERATIONS

If a drop-box is suspected to be broken, tampered with, missing, or if chain-of-custody is unverifiable, the general registrar must investigate, document their findings, and report the incident to local law enforcement and ELECT, 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 work with the locality to ensure compliance with a court order, if issued. Prior to the issuance of a court order the general registrar may want to prepare a draft notice of the issue and prepare for the potential of instructions from a court to post that notice 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.

Pursuant to Va. Code § 24.2-1009, the willful, fraudulent, or wrongful tampering of a ballot container is a Class 5 felony.

These Standards are posted on ELECT's website in (i) Results/Reports - Election Security-Resources and (ii) FormsWarehouse under Absentee Voting – Drop Off Locations.

Appendix A-Ballot Collection from Drop-Off Locations

Ballot Collection From Drop-Off Locations

Drop-box unique identifier (if applicable) _____

Drop-off location

_____
Location Name

_____
Address

_____
City State Zip

Date and time of ballot collection

__/__/__ __:__
Date Time am/pm

Names of officers of election or employees who collected ballots (minimum two)

_____
Collector 1

_____
Collector 2

_____
Any additional collectors (if applicable)

Number of ballots collected _____

Collector affirmation

I attest that I performed my duty to safely and securely collect all ballots from this drop-off location at the time and date stated. I then immediately delivered all collected ballots to either the general registrar's office or central absentee precinct.

Collector 1 signature

_____ __/__/__
Signature Date

Collector 2 signature

_____ __/__/__
Signature Date

Any additional collectors signature (if applicable)

_____ __/__/__
Signature Date

Number of ballots received in GR Office _____

Received by

_____ _____/_____/_____
Name

_____
Signature

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