

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 poll book (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 ADA accessible voting systems required pursuant to §24.2-626.1.²⁷ The logic and accuracy test for voting machines will also uncover any ballot printing or coding issues that may affect accurate and complete tabulation.

Before the logic and accuracy 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 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 a 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.

²⁵ *Id.*

²⁶ *Id.*

²⁷ See Code of Virginia [§24.2-626.1](#).

²⁸ See Code of Virginia [§24.2-633](#).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² See Code of Virginia [§24.2-632](#). See 2006 Op. Va. Atty. Gen. 58 ([September 15, 2006](#)).



Form ELECT-633 must be submitted electronically to the Department of Elections after logic and accuracy testing is complete for the voting machines.³³

Per Virginia Administrative Code 1VAC20-60-70, 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 logic and accuracy 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.

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. 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.

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

³⁴ See Virginia Administrative Code, [1VAC20-60-70](#).

