

## General Registrar's & Electoral Board Workgroup

Minutes

The meeting was called to order on March 22, 2016 at 10:00AM by Co-Chair John Hager. Attending were electoral board (EBs) members William Bell, Bill Thomas, and Robin Lind and general registrar (GRs) Barbara Gunter. Charles E. Judd, Ex-Officio was present and the Department of Elections (ELECT) was represented by Rose Mansfield, ELECT Board Liaison and Martha Brissette, ELECT Policy Analyst; and members of the public. SBE, Vice Chair Clara Belle Wheeler was present representing SBE. No members of the public were present.

Co-Chair Hager submitted the GREB Workgroup minutes for approval from the December 2, 2015 meeting to the members. Mr. Lind *moved that the minutes be approved as submitted*. Vice Chair Wheeler seconded the motion and the GREB Workgroup Members unanimously approved the minutes.

Co-Chair Hager formally announced the resignation of Co-Chair Jean Jensen in December, 2015. Co-Chair Hager announced his resignation. Mr. Judd *moved that Mr. Hager continue in the role of Co-Chair*. Vice Chair Wheeler seconded the motion. GREB workgroup members discussed the available options of filling the empty chair and appointing a new member. Vice Chair Wheeler stated that the workgroup was an autonomous workgroup once it was appointed. Vice Chair Wheeler stated that the workgroup can make the appointments as required. Mr. Thomas made a substitute motion *to nominate and elect Mr. Hager as Chairman, until a replacement co-chair is elected and that Mr. Lind be appointed as chairman of the recruitment committee, with recommendations for membership solicited from Ms. Jensen*. The workgroup unanimously approved the motion.

The next order of business was the review of SBE Chairman James Alcorn's 2016 Virginia State Board of Elections Work Plan presented at the SBE Board Meeting on March 15, 2016. GREB workgroup members discussed the different comments that were associated to the charge of the workgroup. Mr. Lind stated that he would consider the recommendations during the recruitment committee selection process.

The next order of business was the review of legislation presented by Mr. Lind. Mr. Lind discussed budget recommendations to include the funding of general registrars to full-time status, raising general registrars to the level of the local treasurers, and budget considerations to support ELECT. Mr. Lind stated that complete funding was not in the Governor's budget. Workgroup members discussed funding issues within ELECT. Vice Chair Wheeler *moved that the workgroup enter into Executive Session to discuss personal matters within ELECT*. Chair Hager seconded the motion. SBE Clerk provided the code sections applicable to closing a public meeting. The motion was removed by Vice Chair Wheeler. Vice Chair Wheeler *moved that the workgroup go into Executive Session for the protection of the privacy of individuals in personnel matters not related to public business as provided by §2.2-3711(A)(4) of the Code of Virginia*. Mr. Judd seconded the motion, and the motion was unanimously passed.

47 Chair Hager identified that Ms. Brissette and Ms. Mansfield were to remain for the  
48 closed session. The workgroup went into closed session at 10:45AM.

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50 Chair Hager moved *that the workgroup reconvene, as provided by §2.2-3712(D) of the*  
51 *Code of Virginia, that the workgroup reconvene in open meeting and shall take a roll*  
52 *call vote to be included in the minutes of, certifying that to the best of each member's*  
53 *knowledge (i) only public business matters lawfully exempted from open meeting*  
54 *requirements under this chapter and (ii) only such public business matters as were*  
55 *identified in the motion by which the closed meeting was convened were heard,*  
56 *discussed or considered in the meeting by the public body. Any member of the public*  
57 *body who believes that there was a departure from the requirements of clauses (i) and*  
58 *(ii), shall so state prior to the vote, indicating the substance of the departure that, in*  
59 *his judgment, has taken place. Vice Chair Wheeler seconded the motion. A roll call*  
60 *vote was conducted by the SBE Clerk. The workgroup unanimously approved the*  
61 *motion. The workgroup entered open session at 11:20AM.*

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63 GREB Workgroup members continued the review of Legislation and Report  
64 provided by Mr. Lind. Members discussed the funding support of ELECT and  
65 expressed concerns and prospective legislation that would enable that support.

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67 The next order of business was the review of the 2015 GREB Workgroup Final  
68 report presented to SBE in January 2016. Workgroup members discussed the  
69 completed items. Mr. Lind noted that the workgroup recommendation to have §24.2  
70 recodify was presented to SBE at their March 15, 2016 meeting. Ms. Brissette  
71 explained the process to workgroup members. Mr. Judd stated that advances in  
72 technology have had a great effect on how the *Code* is written, interpreted, and  
73 enforced. Members discussed unfunded mandates given to the localities from the  
74 legislators of the General Assembly. Chair Hager stated that the section on the  
75 standards for continuing education and recognition for advanced studies needs to  
76 be explored. Mr. Judd stated that the minimum funding and staffing levels of ELECT  
77 relates to the Executive Session. Ms. Gunter stated with new standards and  
78 consistent change, training is essential. Members discussed training options. Vice  
79 Chair Wheeler noted that she has been charged, in her role on SBE, to spearhead a  
80 conversation and provided recommendations for change in the area of education in  
81 the election community. Vice Chair Wheeler stated that the workgroup should foster  
82 the education efforts of SBE and ELECT. Vice Chair Wheeler recommended  
83 conducting training at an increased frequency in different arenas for GR's and EB's.  
84 Mr. Judd suggested that the training impact of new legislation should be added to  
85 the legislative request. Mr. Lind stated that the constitutional amendments to be  
86 added to the November 2016, General Election will add training requirements to the  
87 Officers of Election agenda; as this item will affect the wait times on Election Day.  
88 Mr. Judd stated, especially in this last cycle, that the Administration really does not  
89 care if the Department (ELECT) is adequately funded or staffed: "I do not see any  
90 evidence that they really care, at all. They don't seem to care that we will have chaos  
91 at the polls...and then not go to bat for the budget item to make sure there is not at  
92 least, adequate staff, to me, speaks volumes, and I want to make sure this is

93 included in the minutes.” Ms. Gunter stated that for many years general registrars  
94 and electoral board members have obtained advanced election related education  
95 certification and an action by the General Assembly to recognize and compensate  
96 those individuals should be initiated by the workgroup.  
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98 The next order of business was the Business Strategy for 2016, presented by Mr.  
99 Hager. Chair Hager reviewed the 10 initial areas the workgroup was to address:

- 100  
101 1) Analysis of voter registration data of the 133 localities, to include the  
102 associated costs at both the local and state levels.
- 103 2) Gather data from the four year election cycle in order to identify  
104 workloads and costs associated with each type of election.
- 105 3) Examine the duties of General Registrars and Electoral Board members  
106 required by the Code of Virginia and VAC.
- 107 4) Compare the statutory and regulatory duties to the duties currently  
108 undertaken by the GRs and EBs.
- 109 5) Identify those duties statutorily belonging to the EBs that are routinely  
110 undertaken by the GRs.
- 111 6) Evaluate the effects on local offices of increases and shifts in the overall  
112 number of registered voters in the Commonwealth.
- 113 7) Analyze the impact on the workload of the GRs and EBs caused by  
114 changes in the manner in which votes are cast on and proceeding Election  
115 Day.
- 116 8) Review the educational requirements, qualifications and training of GRs  
117 and EBs, and compensation schedules associated with those offices.
- 118 9) Identify efficiencies that may be achieved by uniform application of  
119 advances in technology utilized for voter registration and election  
120 administration.
- 121 10) Seek out “best practices” within the Commonwealth and, beyond that,  
122 offer improvements in the elections process.

123 Members discussed each area as presented and ideas for advancing the support of  
124 each area were considered. Members discussed the appointment of Electoral Board  
125 Members and their training, as well as, the negative effect this has on conducting  
126 elections. Ms. Gunter stated that item number seven should be explored for further  
127 impact. Chair Hager stated that the workgroup needs to develop a new agenda for  
128 the year. Chair Hager stated that the points not completed should be encompassed  
129 in the new workplan. The workgroup meeting schedule was discussed. Chair Hager  
130 identified members; Mr. Lind, Mr. Haake, and Mr. Howard to work on a business  
131 strategy for 2016 and to have that strategy presented at the next workgroup  
132 meeting. GREB Workgroup members welcomed Commissioner Cortés to the

133 meeting. Chair Hager provided an overview of the current workgroup meeting  
134 progress on an agenda for the year. Chair Hager asked for the Commissioner input  
135 on the agenda.

136 Commissioner Cortés stated that he had tried to join the meeting earlier, but when  
137 he arrived, there was a sign on the door stating the meeting was closed and in  
138 Executive Session. Commissioner Cortés stated that he was not aware of an  
139 Executive Session on the agenda and inquired as to the purpose of the Executive  
140 Session. Chair Hager stated that the session dealt with a couple of personnel issues  
141 that workgroup members felt should not be discussed publically. Mr. Judd stated  
142 that it was for our own education. Commissioner Cortés stated that this workgroup,  
143 is a workgroup of the Board, charged to do a set number of things and I am  
144 concerned to hear that it is a personnel issue because neither the Workgroup nor  
145 the Board have personnel matters under their purview. Mr. Judd stated that a  
146 couple members of the workgroup were made aware of a situation and began to talk  
147 in code, and I said if this is something that will affect what we do here, this  
148 workgroup, we need to know. The feeling was that we would rather not have that as  
149 a part of the minutes. So all we did was share what they had heard and that was the  
150 extent. Commissioner Cortés stated that this reasoning is not really closed session  
151 worthy. Ms. Gunter stated that it stemmed from the conversation that we thought  
152 that ELECT was not fully funded enough to provide the support that localities  
153 needed. Mr. Judd noted that ELECT staff remained in the room. Commissioner  
154 Cortés stated that he was not sure if this made him feel better or worse since it was  
155 a personnel issue being discussed. Mr. Judd stated that we did not want the  
156 conversation to be a part of the minutes. Commissioner Cortés stated that it is not a  
157 reason to go into closed session because you do not want something in the minutes.  
158 Commissioner Cortés stated that he would speak with the SBE Vice Chair Wheeler  
159 after the meeting.

160 Commissioner Cortés stated that in regards to the funding and support to the  
161 localities; clarification on what support is desired is required. Mr. Lind provided  
162 examples of how ELECT has provided support to the localities previously based on  
163 need and in emergency situations. Mr. Lind stated that ELECT does not currently  
164 have the resources to provide those services. Commissioner Cortés stated that the  
165 Department currently sends staff to assist localities when the situation warrants  
166 this resolve. Ms. Gunter stated that the localities could benefit from assistance in the  
167 ordering of election supplies. Ms. Gunter stated that with the passing of each  
168 election the deadlines are narrowing and it is becoming increasing stressful to  
169 adequately prepare for Election Day. Ms. Gunter stated that response time in the  
170 area of ballot proofing needs to be improved to increase the support level to the

171 localities. Mr. Lind stated that the workgroup also discussed the funding levels and  
172 the disparity between the Commissioners' salary and the salaries of other  
173 commissioners in the Commonwealth. Mr. Bell stated that the ELECT budget has  
174 become so lean that it is down to the bottom and in a lot of cases there is only one  
175 person in a department. Mr. Judd stated that the workgroup really supports the  
176 agency and the workgroup has no other desire. Mr. Judd stated that as a matter of  
177 record, he was disappointed in the Administration for not supporting the budget  
178 needs of the Department.

179 Chair Hager asked if there was additional business and there was none. Chair Hager  
180 opened the floor to public comment and none were received.

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182 Mr. Lind moved *that the workgroup adjourn*. Chair Hager seconded the motion and  
183 the workgroup unanimously approved the motion.

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185 There being no further business, the GREB Workgroup adjourned at 12:50PM. The  
186 next scheduled meeting of the GREB Workgroup is April 28, 2016 at 8:30AM in  
187 Room C of the General Assembly.

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Co-Chair -Vacant

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Co-Chair John Hager