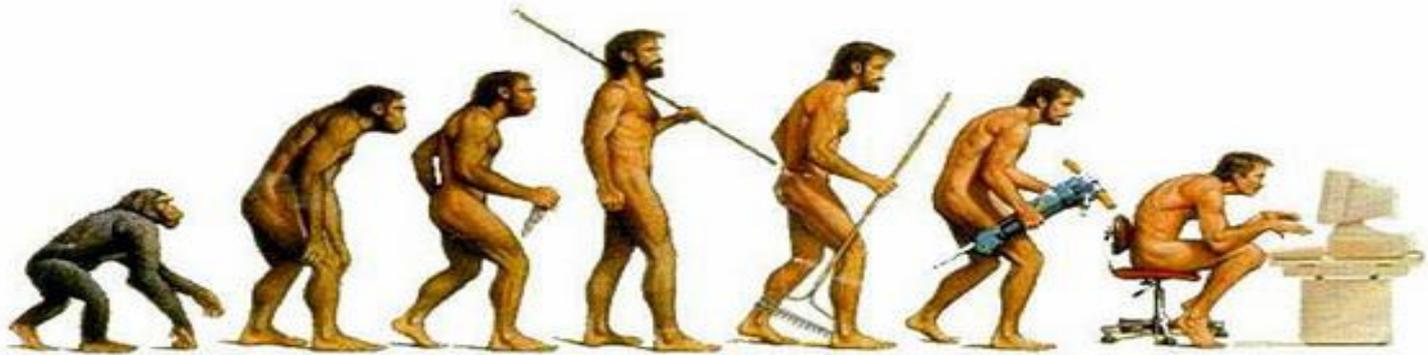


Evolution of Virginia Elections



The Good the Bad and the UGLY

- Voter Registration is utilized as a means of protecting the integrity of a given election.
- Voter Registration is often utilized as a political tool.
- The research for this project has unearthed closets full of skeletons! The beginning of voter registration in Virginia was to PREVENT people from voting! Proceed with caution!!!!

Virginia Voting until...

- Prior to the “War of Northern Aggression” The Election was in the hands of County sheriffs and City Sergeants.
- Voters (white, landowning males) travelled by horse and buggy to the courthouse.
- Viva Voce, Latin for “By Voice” compelled a voter to step up to the Sheriff's platform and declare his support for his candidate.
- This lasted well into the mid 1800's

As Virginia GREW

- Viva voce gradually fell out of favor due to:
 - Retaliation by losing candidates
 - Corrupt practices of gaining votes
- Secret ballot began to become the norm in Va. Elections.
- Localities began appointing Electoral Boards and Election judges to count the paper ballots
- Voters simply wrote their choice on a piece of paper, then dropped the “ballot” in a box

New Beginnings

- First mention in Virginia law of Registrars appointed by the Electoral Board, 1884 Anderson –McCormick Act.
 - William Anderson of Lexington and
 - J. Marshall McCormick of Warren County
 - This was one of a series of retaliations of the post reconstruction Democrats. The Act granted the General Assembly appointment of the local Electoral Boards who then appointed Registrars.

What did the Anderson-McCormick Act do?

- GA appointed Electoral Boards, who:
 - Appointed Registrars, one per ward
 - Appointed three election judges per ward or precinct.

The Anderson-McCormick Act essentially tied up all elections in favor of the post reconstruction Democrats

- However, gave Virginia the basis of the modern Electoral Board/Registrar/Officer relationship

Anderson-McCormick Act

Consequences

- Ballot Box stuffing by unscrupulous judges
- Discrimination against Republicans (remember the Party of Lincoln)
- Discrimination against African-Americans
- Discrimination against poor people
- Discrimination against anyone else who didn't support the Reconstruction Democrats
- ALSO, Bribery, Fraud, Intimidation and Violence

1894, The Walton Act

- Senator Morgan L. Walton representing Page and Shenandoah Counties.
- Recognized the issues of Ballot Box stuffing
- Introduced the “Australian Ballot”
 - Prior ballots were simply slips of paper with a candidates name written by the voter
 - “Australian Ballot” is a uniform ballot with names of all candidates.
 - Began the use of the Electoral Board Seal
 - Required the oath of printer

Significant changes

1890- General Assembly enacted “An Act In relation to preservation of order at the polls”

Fore runner of Chapters 6 and 10 of §24.2

1894- The Walton Act

1898- Provided for destruction of pollbooks

By this time the forebears of many of our current laws were in place. Quorum and minutes.

Appointment of registrars. Ineligibility to hold office. Change of residence by voter, appeal of decision by registrar and Conservator of the peace.

Registration 1900

- Sec 78 of the Walton Act provided for Voter registration
 - Registration day was the 2nd Tuesday in May
 - Registrar physically sat in his own voting precinct to add and change voters
 - TEN days prior to the November General Election Registrar was required to sit again for a single day to add and make changes
 - \$2 per day for each day the registrar sat and took applications
- Allowed registration on other days, with pay equal to that of Commissioner for registering births and deaths
- Registrar then had 5 days to post the list and send duplicate to the voting place

Convention of 1902

- Poll Tax and “Understanding Clause”
 - 40 years after the “War of Northern Aggression” the Virginia Constitution was re-written.
 - Changed appointment of local Electoral Boards to Local Judges. Judges were of course appointed by the Democratic General Assembly.

The Registrar and the Constitution of '02

The “Understanding Clause” of the 1902 Constitution compelled the Registrar to disqualify those men who could not explain a passage from the newly adopted Constitution. That passage was up to the Registrar.

Of course likely Democratic voters were given a pass while African-Americans and Republicans were thoroughly quizzed with the most difficult legal language.

The Registrar and the Constitution of '02

- The Poll Tax
 - A fee of \$1.50 was due to the Commissioner of Revenue, who would receipt the prospective voter.
 - The Applicant had to show the receipt to the Registrar in order to ATTEMPT to be registered.
 - The “Understanding Clause” would be applied and based on the applicants “answer” maybe the applicant would be registered....Maybe not.

For example

“Understanding Clause”

- Democratic questions:
- Do you understand “Every Male citizen who is 21 years of age or older...”?
- Did your father or Grandfather Serve in the Civil War? (Grandfather Clause exemption)
- Republican and African American Questions:
- Explain Article 2§19...
- Explain the 17 sections of the Bill of Rights

Fast Forward.....

- 1915 Harry F Byrd elected to Va. Senate
- 1915 Grandfather clause as exemption to “Understanding Clause” ruled Unconstitutional
- 1920 19th Amendment ratified, Women allowed to vote
- 1926 Byrd Elected governor,
 - Beginning of the Byrd Machine
 - 1928 Statute created electoral board composed of two major parties
 - And appointments of Election Judges to represent the two major parties
- 1946 Virginia establishes State Board of Elections and Code Commission
- 1950 Virginia Law set out in codified titles, election law becomes §24
- 1964 24th Amendment ratified removed poll taxes in FEDERAL elections
- 1964 Hamm v State Board of Elections, violation of equal protection to keep books separated by race
- 1964 Civil Rights Act bars unequal registration practices
- 1965 Voting Rights Act, last nail in the coffin for literacy and conditional registrations
- 1966 Poll Tax deemed unconstitutional in ALL elections
 - Harper v. VA State Board of Elections
- 1966 Harry F. Byrd dies, with him the remnants of the segregatists Byrd Machine.

SO?? What does this have to do with Elections today????

- 1968 Virginia General Assembly enacted House Joint Resolution 73
- Election Laws Study Committee
- CH. 462 Va. Acts of Assembly (1970)
- Recodifies Title 24 into Title 24.1
- Establishes Central Voter Registration System
- Establishes General Registrars in ALL localities
- Enacts Absentee Voting reforms

New §24.1

- SBE Authority broadened and clarified, uniformity main objective
- Initial establishment of “Officers of Election” replacing election judges
- Established annual “no vote” purge beginning in 1974
- Mandated the use of uniform applications and forms
- Mandated open records and public inspection
- Mandates public office of voter registration and public notice
- Established uniform terms of Registrar and Electoral Board members

New Constitution, 1971

- Current Virginia Constitution
- Overwhelmingly approved by Virginia Voters November 3, 1970
- Removed all of the old Voting tests and requirements EXCEPT:
 - Residency (6 month requirement) Previously 1 year, later removed by 1976 Amendment
 - Felon
 - Incapacity, Previous Constitution indicated no idiots or lunatics
 - Age changed from 21 to 18 by the ratification of the 26th Amendment 1971
 - Citizenship

New §24.1

- Created Office of the General Registrar
 - §24.1-43
- Established an outline of General Registrar duties
 - §24.1-46- Now §24.2-114
- Required the use of mechanical equipment
 - 24.1-203, establishes minimum number of voters in each precinct – now §24.2-626
- Created the Central Voter Roster System
 - 24.1-23 - 28 –now §24.2-404-407

So now we have General Registrars, how were things handled in the 70's?

- Forms were created for uniformity throughout the state
- The Central Roster System began to maintain a statewide data base
- Registrars sent copies of registrations to the SBE, where they were entered centrally
- Changes and deletions handled similarly
- §24.1-43 provided base salaries and days of service based upon population
- SBE determined the number of days each office was to be opened
 - As few as 1 day per week to 5 days per week
- **§24.1 consisted of 10 chapters with a TOTAL of 281 consecutively numbered sections contained in a book of 170 pages.**

The 70's weren't that long ago!
Well it's been 44 years!!!!

- Personal Computers? HA! It'll never fit!
- Cell phone? What's that? Where's the cord?
- E-mail? Never heard of it!
- Touch Screen? This isn't Star Trek!
- Optical Scan? Huh? I have a pair of glasses!
- Printer? What's wrong with the IBM Selectric?
- Fax machine? We have the Post Office!



Transition and change: Old habits are hard to break!

- Some offices remained in the same private offices or businesses as precinct Registrars.
- Poll books were BOOKS, the Officers wrote down names in long hand sequentially as the voter checked in.
- SBE printed reports, voter cards, Alpha Rosters, precinct record listings, Poll books, etc...
- The Registrar registered voters, by hand and mailed batches of applications for the State Board to enter on the Central Roster
- We checked petitions against the card file with paper clips!

Constitutional Amendment of 1986

- Agreed to on November 4, 1986
- Article 2, §8 Amended to create the Constitutional Office of “General Registrar”.
- General Registrars established as a single appointee of the Electoral Board, replacing previous system of Precinct or Ward Registrars.
- Also prohibited an elected official or deputy of elected official from being an ASSISTANT GR

So what else has changed?

- Lots of stuff!
- Salaries removed from Code to become part of the Appropriation Act around 1980,
- 1982 Pay steps within population categories eliminated
- 1986 part time Registrars days standardized
- 1988 Dummy Terminals and the VVRS
- 1990 Minimum 3 day weeks for part time
- 1991 Registrar became the agent of the Electoral Board for Candidate reports and C&E's. Previously all filings were with the Clerk of Circuit Court.

SALARY TANGENT

- JLARC study of 1991 last examination of Registrar's salaries and duties
- Comparisons made to State's salary structure and pay grades
- In '91 there were 23 job grades with 20 steps
- In 2012 there are 15 job Grades with 10 steps
- In '91 Registrar population brackets were assigned comparisons with state brackets 7-16
- Current salary rates are comparable with current median steps of pay grades 8-14
- JLARC only defined Registrar's duties as stated by Code and measurable workloads such as voters registered, changes processed and transfers initiated.
- Electoral Board duties done by the Registrar's were NOT considered
- Last substantial increase to Registrar's Salaries came in 99-00 budget years when the General Assembly increased salaries across the board by 8% over two years, in response to additional duties imposed by NVRA.
- Our next increase came in 2004
- We've been frozen since December 1st, 2007, until last year.

oath of office prescribed in the Constitution of this Commonwealth. He shall subscribe such oath and file it in the clerk's office of the circuit court, and such registrar shall file a copy of such oath with the secretary of his electoral board.

Each local governing body shall furnish the general registrar with suitable public office space, adequately furnished, located within the county, or within any city in which the county courthouse is located, or city, and with postage, stationery, equipment and office supplies as may be necessary. Reasonable expenses for general registrars, as approved by the State Board of Elections, shall be paid by the local governing body.

General registrars shall receive as annual compensation for their services a sum to be fixed by the State Board of Elections based on the number of normal days of service per week, which compensation shall be not less than the following minimums nor more than the following maximums:

Population	Salary Per Year				
	Normal Days of Service Per Week				
	One	Two	Three	Four	Five
0-25,000					
Minimum	\$1560	\$3120	\$4680	\$6240	\$7800
Maximum	1896	3793	5689	7585	9482
25,000-50,000					
Minimum			5160	6880	8600
Maximum			6272	8363	10452
50,000-100,000					
Minimum					9482
Maximum					11524
100,000-150,000					
Minimum					10975
Maximum					13340
150,000-200,000					
Minimum					12100
Maximum					14707
200,000-350,000					
Minimum					14007
Maximum					17025
350,000-over					
Minimum					16214
Maximum					19709

Provided, however, such minimums and maximums may be adjusted by cost of living variances applicable to State employees.

Such sum is to be paid by the governing bodies of the counties and cities for which the governing bodies shall be reimbursed annually from the State treasury.

The local governing body shall supplement the salary of any general registrar whose office, on July one, nineteen hundred seventy-four, has a salary scale provided by a county or city higher than that determined by the State Board of Elections for such office, until the State salary scale is equal to or higher than that of such county or city. There shall be no reimbursement out of the State treasury for such supplements. No other additional compensation shall be paid to the general registrar by the local governing body. No salary shall be reduced by reason of a change of population during the term for which a general registrar was appointed. Salary scales in the affected counties or cities shall be adjusted, in accordance with the population, by the State Board of Elections in

Salaries and population scale from §24.1-43 1976 edition.

Reimbursement of Salaries by the Commonwealth assumed in 1974.

Originally local mandate.

**Comparative salaries current and adjusted 1976
Based on 2014 US Gov. inflation multiplier 1 : 4.18**

	1976 real	1976 adjusted	Current
3 day	\$4680-5689	\$23,780	\$26,017
0-25,000	\$7800-9482	\$39,634	\$44,230
25,001-50,000	\$8600-10,452	\$43,689	\$48,600
50,001-100,000	\$9482-11,524	\$48,170	\$53,264
100,001-150,000	\$10975-13340	\$55,761	\$59,526
150,001-200,000	\$12100-14707	\$61,475	\$65,192
200,001 +	\$14007-17025	\$71,172	\$86,165
350K +	\$16214-19709	\$82,383	

Things that make you go Hmmmm?

What are 38 years worth of additional duties worth?

After adjusting for inflation, less than 10%

Back Then....

- Training was held in Richmond, as incentive to Electoral Boards the SBE paid a stipend to each member who attended
- There were percentage reimbursements from the state to the localities for the associated costs of the elections
- Registrars were required to hold additional satellite registration sites, but prohibited to solicit registrations
- Registration applications were accounted for and never allowed to leave the office or the satellite site
- Registrars were required to have special SBE permission to hold joint registrations with another locality

Fast forward....

- 1984 The Voting Accessibility for the Elderly and Handicapped Act
- 1984 Fair Elections Practices Act Update expanding contribution and expenditure reporting
- 1986 UOCAVA passes Congress
- 1988 Statewide registration terminals installed in each Registrar's office. VVRS
- 1990 Registrar's offices prohibited from being in a place of business
- 1990 Americans with Disabilities Act passes Congress
- 1992 recodification of §24.1 into §24.2, 334 separate code sections in 187 pages
- 1992 Registration deadline shortened from 31 days to 29
- 1993 National Voter Registration Act passes congress
- March 1, 1996 General Assembly enacts NVRA in VA as an emergency measure
- DMV increases registration applications by aprox. 33%. Denials Mount!
- NCOA now plays major role in the annual purge
- Third party registration drives now common in Virginia
- Paid annual training for E-boards abandoned
- VRAV began holding internal training sessions with the Cooperation of SBE
- 1997-98 Windows based VVRS 2 trials introduced into a few Registrars offices

Continuing fast forward

- 1999-00 VVRS 2 abandoned
- Audrey Piatt, long time Deputy Secretary, passes.
- 1999 Personal computers with internet access placed by SBE and VITA into all Registrar's offices
- "govote" e-mail addresses assigned to offices without e-mail
- §24.2 now 230 pages with 338 Sections
- 1999 Gov. Gilmore creates pilot Voter ID, stopped by court order
- 2000 Bush v. Gore, Florida Hanging Chads
- 2002 Help America Vote Act, ID's required
- 2002 Governor Warner first reduces locality reimbursement *
- 2004 Required disposal of Mechanical Voting Machines in VA. HAVA replaces with Accessible DRE's and optical scan.
- 2004 First use of "Provisional ballots" as challenged ballots
- 2005 Code mandates annual training attendance for Registrars and Board members without stipend or reimbursement

More Major Actions and Some Growing Pains

- February 2007- Introduction to VERIS
- 2007 Statutory moratorium placed on DRE's §24.2-626
- Absentee voting for all practical purposes now the responsibility of Registrar's office
- 2009 General Assembly re-defines, "Domicile and Place of Abode" §24.2-101
- 2009 MOVE Act, significantly expands UOCAVA
- 2008-10 Registrar offices become responsible for Poll Books through VERIS
- 2009 First State Board Agency Regulations, currently 9 chapters
- 2010 Registration deadline decreased from 29 to 21 days
- 2013 Preclearance "formula" provision of Voting Rights Act, struck down by Supreme Court
- 2013 On-Line voter registration
- 2013 Felon clemency expedited
- 2013 Required training for 3rd party registration groups
- 2014 Photo ID implemented
- 2014 §24.2 now 345 individual sections in 377 pages

Every little bit, makes a little bit more!

Small annual amendments to the code that have added up to increased duties

- Absentee code section: previously §24.1-227, current §24.2-701. Amended 30 times since recodification.
- Absentee periods expanded from 40 days to 45 days, special election AB expanded to 45 days from 30
- Absentee waiting period when registration and absentee periods coincide
- Special Annual Absentee Applications
- On-going absentee applications
- UOCAVA and MOVE acts, electronic ballots & 100 day publication
- Deadlines decreased from 31 days, to 29 days in 1993, to 21 days in 2010
- NVRA expands registration to 3rd party groups, mail in registration, government agencies
- Protected classes of citizens register differently PO Box addresses
- Training and affidavits of 3rd party groups
- VA expands registration through the internet
- Pollbook production from 7 days prior to an election to 2 days before the election (Sunday!)
- ID protection and public access of records
- NCOA, ERIC, Crosscheck, List maintenance
- Voting equipment security plan (annual)
- Emergency Polling place plan (annual)
- Officer training plan (annual)
- Canvass extensions for provisional voters
- Campaign finance and disclosure forms
- Office photography and printing of ID's

Then & now

- 1971



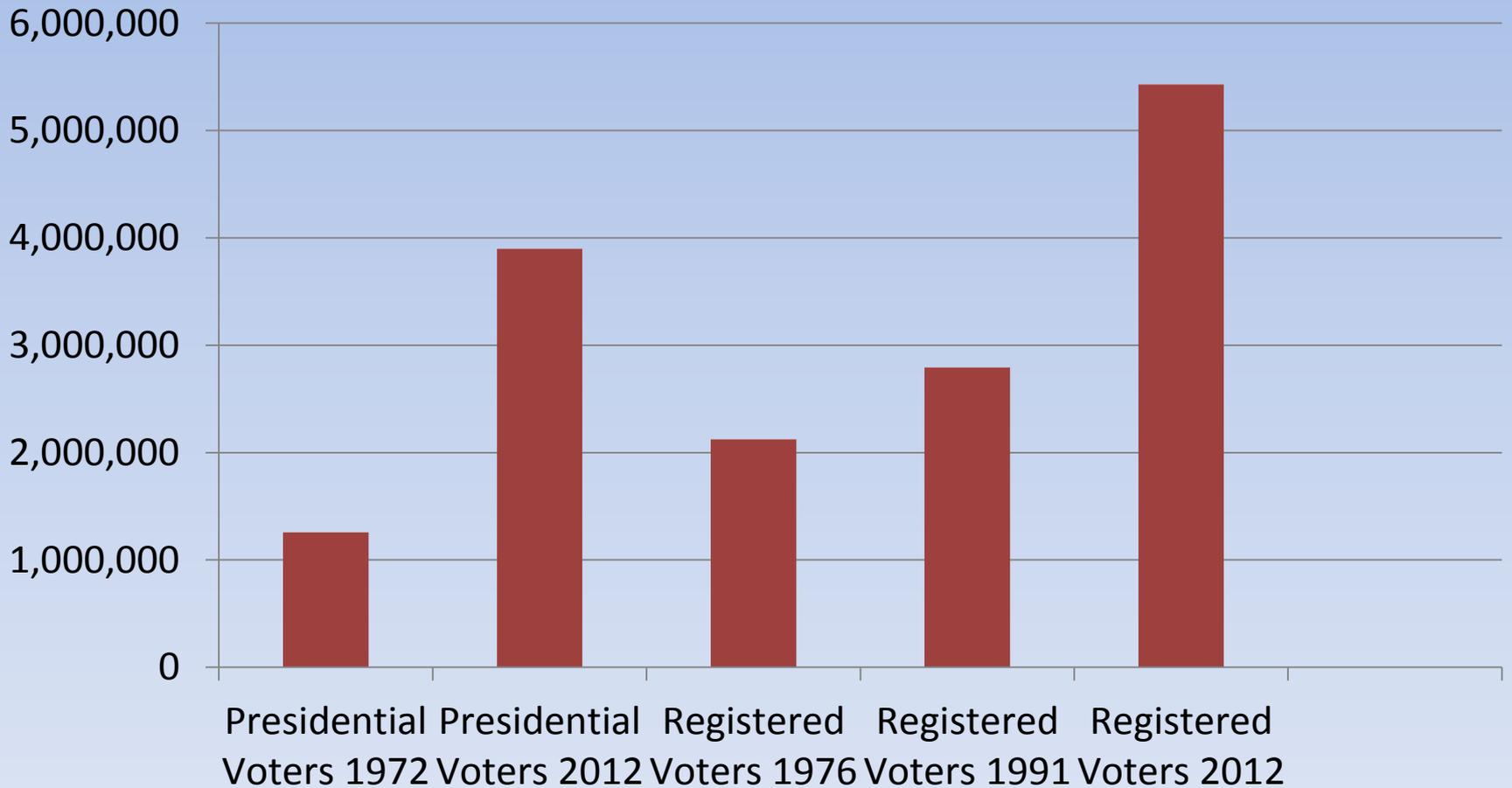
- 2014



Perspective

- Since The General Registrar's Office established state wide, there have been:
- At least 12 different Voter Registration Applications, each with multiple versions
- 11 Presidential Elections electing 8 Presidents
- 13 Governors
- 8 State Board Secretaries & 1 Director of Elections
- At least 7 Federal Acts relating to voting
- 2 JLARC Studies 1991 Compensation for GRs and 1999 Study of SBE

Perspective



Expansion of the code

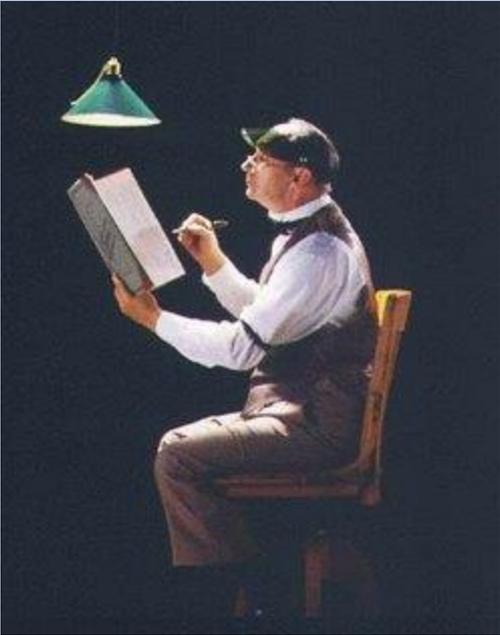
- §24.1 began life in 1971 as a thin little book of a mere 135 pages, with a 32 page index.
- Current §24.2 has become 377 pages long plus 12 pages of appendices and a 53 page index.
- Agency regulations and Federal Election law further expand responsibilities

Growth and expansion in the office and Duties

- Even though statutorily Electoral Boards still hold Election related duties, the modern General Registrar is responsible for:
 - Absentee voting (now prosecutable!)
 - Officer training and recruiting and pay
 - Voting Machine maintenance, setup, and distribution
 - Set up and testing of electronic pollbooks
 - Printing the stuff that USED to be provided
 - Pollbooks, forms, signs, envelopes, SOR's, Election Day Guides for Officers, What-if's, etc...
 - Packing officer/election materials
 - And getting them to the right precinct
 - Media relations
 - Maintaining a modern, professional office
 - Administration of staff (when you have staff)
 - Expertise in; Virginia Election Law, Federal Election law, modern computers and old fashioned filing, handicapped accessibility, budgets, documentation.....

So Where are we going?

- Legislatively: The General Assembly increases the number of election related bills each year. Avg. 168 per session over the last 4 of 5 years
- Federally: According to the Election Center, there are currently 14 Federal bills relating specifically to elections and registration
- Regulatory: SBE's agency regulations will assuredly continue to expand. Addition of multi-state list maintenance and comparisons.
- Change to Department of Elections and Creating the Office of Commissioner
- Locally: Tight budgets, mandate reactive Supervisors and Councils, additional elections, bigger precincts and fewer resources



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