

Continued charge to GREB workgroup resulting from Resolution of November 2014:

The State Board of Elections at the November 24, 2014, meeting unanimously accepted the resolution presented to them by the GREB workgroup that *“(i) The General Registrar should be designated as “Director of Elections” for the locality being served, (ii) The General Registrar should be reassigned duties associated with absentee voting and campaign finance, (iii) establishing a compensation program for the General Registrar’s equal to the position of Treasurer, and (iv) that the recommendations have the full endorsement of the Virginia State Board of Election. Additionally, the GREB workgroup should continue to explore the other areas identified in the resolution.”*

The other areas identified in the resolution were:

- 1) Work with the appropriate authority in the implementation of the recommendations contained herein.
- 2) Further evaluate the roles and responsibilities of Electoral Board members to make certain their historically important role of checks and balances is maintained and emphasized.
- 3) Examine and recommend state funding mechanisms for voter registration and elections for the localities.
- 4) Evaluate staffing of the general registrars’ office.
- 5) Establish standards for continuing education needs and recognition for advanced studies.
- 6) Analyze and review minimum funding and staffing levels of the Department of Elections to ensure a robust, efficient and responsive agency capable of conscientiously serving the more than 5 million voters registered in the Commonwealth today.
- 7) Study other areas as deemed necessary.

This report section summarizes the ongoing charge with an explanation of each item and resulting recommendations.

1) Work with the appropriate authority in the implementation of the recommendations contained herein.

Members of the workgroup worked with Delegate Cole and Senator Vogel to introduce HB1433 and SB1092 establishing the title of Director of Elections and transferring the duties defined in §24.2 related to absentee voting and campaign finance from the Electoral Board to the General Registrar. Members of the workgroup worked closely with their professional associations, VEBA and VRAV, to educate their members on these changes and to communicate the need for these changes to their General Assembly representatives.

Senator Vogel had supported language in her bill to require full reimbursement to localities for the compensation of the Electoral Board and the General Registrar; however, due to a poor budgetary outlook in 2015, that language was removed.

The bills were adopted by the Virginia General Assembly and signed into law by Governor McAuliffe with an effective date of July 1, 2015.

Evaluation and recommendations:

- i. Work with ELECT to ensure that Resolution item number 3, adopted by the State Board of Elections at the November 2014 meeting, is included in the next biennium budget cycle.

Resolution item 3 is as follows:

“The compensation for the General Registrar/Director of Elections should be adjusted to reflect the duties now being formally re-assigned with all due responsibility and accountability. The duties of General Registrar/Director of Elections requires a constant availability and service to the population of the locality, accompanied by peak workloads leading up to and following an election. The job requires adherence to complex laws and procedures to ensure integrity and accountability. Such a job pattern is remarkably similar to that of a locality Treasurer: constant service with peak periods during the year and specific legal requirements and guidelines to ensure integrity and accountability. Notwithstanding that Treasurers are elected and General Registrars are appointed, the GREB Workgroup recognizes that the similar work pattern and essential service to the locality are more alike than different and therefore recommends that the salary and population brackets for General Registrar/Director of Elections be the same as that of the Treasurer, including the additional compensation for completing a subject specific certification program as part of continuing education.”

- ii. Work with ELECT to ensure that Resolution item number 4, adopted by the State Board of Elections at the November 2014 meeting, is included in the next biennium budget cycle.

Resolution item 4 is as follows:

“The General Assembly should be requested to resume 100% reimbursements through the Department of Elections for General Registrar and Electoral Board salaries as provided for by statute §24.2-108 and §24.2-111.”

2) Further evaluate the roles and responsibilities of Electoral Board members to make certain their historically important role of checks and balances is maintained and emphasized.

All members of the GREB workgroup recognize the important role of Electoral Board members in the oversight of elections duties in order to maintain checks and balances crucial to the integrity of the process.

The workgroup utilized the survey of Electoral Board duties as supporting evidence in our review of this charge (Attachment 1). In reviewing the responses related to Officers of Election (questions 4-12), Polling Places (questions 13-29), and Election and Ballots (questions 30-70) it was evident that both Electoral Board members and General Registrars saw these as “shared” duties. This group recognizes that although the physical completion of these duties was often performed by the General Registrar, Electoral Members are involved in the process and are exercising the necessary oversight to ensure that laws and regulations are being properly applied.

Evaluation and recommendations:

- i. This review of Electoral Board oversight led to a discussion of the importance of the selection process in recruiting and appointing Electoral Board members. The Electoral Board for each locality is made up of three members who serve three-year staggered terms. Members are appointed by the Circuit court based on recommendations made by the local political parties.

A summary of electoral board duties and the associated Code section applicable to that duty is available through the Department of Elections. Discussion in the workgroup indicated the need for a more concise, easy to read, summary of duties. The result was the creation of an Electoral Board Job Description (Attachment 2). This Job Description takes into account the varying levels of participation by Electoral Board members in varying size localities by utilizing the word “ensure” on many of the duties. This will allow flexibility to the Electoral Board members in “ensuring” that the responsibilities of the General Registrar’s office are assigned and completed. The performance charts from the Electoral Board Duties Survey are reflective of the job description.

The Job Description will provide local party chairs a document to review with prospective appointees so that there can be a better understanding of their responsibilities, time requirements, and skills needed to perform their duties.

This workgroup also recommends that this Job Description be included in the Circuit Court Judges’ handbook to assist the Judges in better understanding the qualifications needed as they navigate through the appointment process of Electoral Board members

- ii. The workgroup discussed a possible Code revision to include an acknowledgement by the prospective nominee that they have received the job description and are aware of the duties of Electoral Board members.

3) Examine and recommend state funding mechanisms for voter registration and elections for the localities.

With the increase in time periods for absentee voting, increases in the number of registered voters, increases in the number of elections, and equipment changes brought forth with technology in electronic poll books and voting equipment, the cost of conducting elections continues to rise.

In years past, many of the supplies required to conduct elections were provided by the State Board of Elections. Recent years have seen much of that burden being pushed back to the locality level. These subtle, unfunded mandates, continue to build and have placed a burden on local budgets.

At the state level, the ELECT budget has experienced a reduction in general fund monies over the last few years. The void created by the lack of general fund monies has been filled by utilizing Help America Vote Act (HAVA) funds to satisfy the federal mandates driven by HAVA. Commissioner Cortes indicated in a report to the workgroup that roughly 60% of the general operating funds of the Department of Elections are pulled from HAVA monies. Based on current projections, those funds are expected to be depleted in Fiscal Year 2018.

Evaluation and recommendations:

- i. Workgroup members acknowledge that the support they used to receive from the Department of Elections is no longer in place and that response times have increased due to reduced staff at ELECT.
- ii. While the availability of HAVA monies has greatly benefited elections in Virginia, the reliance on those funds and the fact they are expiring has created a budget situation that must be addressed. The General Assembly must make critical decisions regarding the support of elections in the Commonwealth. Those decisions must address the ability of the Department of Elections to provide services to the more than 5 million voters and 133 local offices, the pay structure for the General Registrars in order to retain qualified appointees, and an on-going revenue source for maintaining the cost of technology upgrades and voting equipment replacements.
- iii. Virginia has established a pattern of conducting “special elections” on a year-round basis which greatly adds to the cost of administering elections both at the local and state level. Consideration should be given to conducting special elections in specific months to help manage the costs and ongoing staff time associated to those elections.

4) Evaluate staffing of the general registrars’ offices.

The workgroup utilized data available from the Department of Elections, population numbers from Weldon Cooper, and responses to the staffing survey conducted in September 2014, to evaluate staffing levels in the General Registrars’ offices (Attachment 3).

In the period from 1996 through 2014, population numbers and total registered voters showed significant and steady increases. A review of staffing adjusted to reflect “full time equivalent” positions also showed increases in most localities during that same timeframe. Although many localities have made efforts to increase staff in response to population, legislative, and regulatory changes that impact the office, others remain at inadequate levels with no ability to maintain office services in the absence of the General Registrar. Virginia also has 16 localities that still operate on a part-time basis.

The workgroup also reviewed §24.2-112 regarding minimum staffing requirements (Attachment 4). The workgroup found that this Code section fails to meet the needs of the elections process. It is also used by many localities to deny support beyond the minimum established in Code.

Evaluation and recommendations:

- i. The impact of increased duties in response to the volume of Code, agency regulations, federal regulations, and insufficient trained staff support forces the General Registrar to work additional uncompensated hours and has an impact on the turnover of General Registrars. The last 10 years has seen a turnover of approximately 78 General Registrars.
- ii. Recommend that ELECT add budget amounts sufficient to fund the 16 part-time localities on a full-time basis.
- iii. Amend §24.2-112 with language that removes the minimum staffing requirements for General Registrars' offices and requires the locality to provide staffing sufficient to ensure properly trained staff are available based on a recommendation from the General Registrar and approved by the Electoral Board.
- iv. Remove language in §24.2-112, paragraph 7, *"and shall be the equivalent of or exceed the minimum hourly wage established by federal law in 29 U.S.C. §206 (a) (1), as amended."* Compensation should be fixed and paid by the local governing body at a competitive rate for their duties.

5) Establish standards for continuing education needs and recognition for advanced studies.

The workgroup recognizes that continuing education and proper training is essential to conducting successful elections.

For nearly 20 years, the General Registrars have made it a priority to participate in continuing education opportunities. They initially worked toward a Certified Professional General Registrar program (CPGR) certification through Weldon-Cooper and UVA. Currently, they are working with The Election Center, a nationally recognized elections professional foundation, who designed a Virginia Registered Election Official program, geared specifically to election law and best practices in Virginia. The program consists of eight core courses leading to a VREO certification. The first class was certified in 2007. They continue to add recertification courses as the program continues to expand. This program is patterned after the Certified Elections/Registration Administrator program offered by The Election Center on a national basis. Most General Registrars and many Electoral Board members have obtained their VREO certification and several have obtained their CERA certification.

This workgroup recommended to the State Board of Elections, and the State Board of Elections approved a resolution on November 24, 2014, for *"(iii) establishing a compensation program for the General Registrar's equal to the position of Treasurer and (iv) that the recommendations have the full endorsement of the Virginia State Board of Elections."*

Evaluation and recommendations:

- i. General Registrars are not recognized for their professional development program, even though it is just as relevant to their responsibilities as those attended by the Treasurers, Commissioners, and Deputies who receive additional compensation for seeking certifications in their field of service. Encourage The State Board of Elections to act on the resolution adopted in November 2014 and include a compensation program in their budget for continuing education.
- ii. Establish a mandatory training program for new Electoral Board members to cover the basic duties of their job.
- iii. Explore use of regional training opportunities for Electoral Board members to reduce travel expense to localities.
- iv. Explore use of more on-line training opportunities for both the General Registrar and Electoral Board members to reduce training and associated travel expenses to localities.

6) Analyze and review minimum funding and staffing levels of the Department of Elections to ensure a robust, efficient and responsive agency capable of conscientiously serving the more than 5 million voters in the Commonwealth today.

At the May 12, 2015, workgroup meeting, Commissioner Cortes presented a financial overview to the members. The review included information of the use of HAVA funds to support the Department of Elections operating budget. Approximately 60% of ELECT's operating budget is funded with HAVA monies. It was revealed that the HAVA funds are projected to expire during fiscal year 2018.

Evaluation and recommendations:

It is apparent that ELECT will need to submit a budget with significant increases from prior year budgets as the HAVA monies will soon be expired. The workgroup recommends a comprehensive review of needs including adjustments to General Registrar salaries and reimbursement to localities so that all of these can be presented as a complete package in the budget request.

7) Study other areas as deemed necessary.

In the process of discussing the items defined above, many other subjects were identified. Those items identified include:

- i. Definition of "Director of Elections".
- ii. Legal counsel for General Registrar and Electoral Board.
- iii. Policy – Changes in interpretation of Code every 4 years with changes in the Governor's office.

- iv. Voting Offices on Campus – better ways to utilize campus volunteers to assist with student voter registration drives.
- v. Use of technology for training and education.
- vi. Others ???

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