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

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

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

The next order of business was the review of the 2015 GREB Workgroup Final report presented to SBE in January 2016. Workgroup members discussed the completed items. Mr. Lind noted that the workgroup recommendation to have §24.2 recodify was presented to SBE at their March 15, 2016 meeting. Ms. Brissette explained the process to workgroup members. Mr. Judd stated that advances in technology have had a great effect on how the Code is written, interpreted, and enforced. Members discussed unfunded mandates given to the localities from the legislators of the General Assembly. Chair Hager stated that the section on the standards for continuing education and recognition for advanced studies needs to be explored. Mr. Judd stated that the minimum funding and staffing levels of ELECT relates to the Executive Session. Ms. Gunter stated with new standards and consistent change, training is essential. Members discussed training options. Vice Chair Wheeler noted that she has been charged, in her role on SBE, to spearhead a conversation and provided recommendations for change in the area of education in the election community. Vice Chair Wheeler stated that the workgroup should foster the education efforts of SBE and ELECT. Vice Chair Wheeler recommended conducting training at an increased frequency in different arenas for GR’s and EB’s.

Mr. Judd suggested that the training impact of new legislation should be added to the legislative request. Mr. Lind stated that the constitutional amendments to be added to the November 2016, General Election will add training requirements to the Officers of Election agenda; as this item will affect the wait times on Election Day. Mr. Judd stated, especially in this last cycle, that the Administration really does not care if the Department (ELECT) is adequately funded or staffed: “I do not see any evidence that they really care, at all. They don’t seem to care that we will have chaos at the polls…and then not go to bat for the budget item to make sure there is not at least, adequate staff, to me, speaks volumes, and I want to make sure this is...
included in the minutes.” Ms. Gunter stated that for many years general registrars and electoral board members have obtained advanced election related education certification and an action by the General Assembly to recognize and compensate those individuals should be initiated by the workgroup.

The next order of business was the Business Strategy for 2016, presented by Mr. Hager. Chair Hager reviewed the 10 initial areas the workgroup was to address:

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

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

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

Commissioner Cortés stated that he would speak with the SBE Vice Chair Wheeler after the meeting.

Commissioner Cortés stated that in regards to the funding and support to the localities; clarification on what support is desired is required. Mr. Lind provided examples of how ELECT has provided support to the localities previously based on need and in emergency situations. Mr. Lind stated that ELECT does not currently have the resources to provide those services. Commissioner Cortés stated that the Department currently sends staff to assist localities when the situation warrants this resolve. Ms. Gunter stated that the localities could benefit from assistance in the ordering of election supplies. Ms. Gunter stated that with the passing of each election the deadlines are narrowing and it is becoming increasing stressful to adequately prepare for Election Day. Ms. Gunter stated that response time in the area of ballot proofing needs to be improved to increase the support level to the
localities. Mr. Lind stated that the workgroup also discussed the funding levels and
the disparity between the Commissioners’ salary and the salaries of other
commissioners in the Commonwealth. Mr. Bell stated that the ELECT budget has
become so lean that it is down to the bottom and in a lot of cases there is only one
person in a department. Mr. Judd stated that the workgroup really supports the
agency and the workgroup has no other desire. Mr. Judd stated that as a matter of
record, he was disappointed in the Administration for not supporting the budget
needs of the Department.

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

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

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

Co-Chair –Vacant

Co-Chair John Hager