

Minutes of the GREB WorkGroup
October 12, 2017

The GREB WorkGroup met at 10:02 am on October 12, 2017 in the Conference Room, McGuire Woods, Gateway Plaza, Richmond, Virginia.

Present: Co-Chairs John Hager and Kate Hanley, Al Ablowich, William Bell, Barbara Gunter, Clara Belle Wheeler, Michele White and Robin Lind. Charles Judd and Tracy Howard joined by telephone.

Mr. Hager announced that William Thomas had tendered his resignation from the WorkGroup, personal affairs rendering it impossible for him to continue.

At the request of Mr. Judd, the chair agreed to stray from the Agenda to consider Charge 4, the Structure of the State Board of Elections, as first order of business.

Mr. Judd reviewed the history of the State Board of Elections, legislation over the past seven years, proposed, as amended, and as adopted, and the consequential difficulties of the present structure.

A draft of his proposal for restructuring was circulated and discussion ensued.

10:19 Lisa Jeffers joined the meeting.

Ms. Gunter said that a requirement for electoral experience "in Virginia" might be confining and exclude qualified candidates. Mr. Hager agreed and moved, seconded by Mr. Lind, that the words be stricken. Motion approved 8-1.

Ms. White suggested the value of having longer term appointments to encourage longevity.

Ms. Hanley suggested several editorial excisions to eliminate words that would raise red flags.

Mr. Lind suggested the value of modeling the nomination process to the state board to that of local electoral boards whose members are nominated by their respective political parties.

Dr. Wheeler suggested going to the General Assembly for nominations.

Ms. Hanley gained consensus from the WorkGroup on sending the draft back to the subcommittee for removing "nits." Mr. Lind agreed to return with three separate versions for consideration of the WorkGroup.

The WorkGroup then took up consideration of Charge 1, the report on the VRAV Survey. Ms. Hanley reported on a discussion she had with the Secretary of

Transportation on the problems with backroom computer communications with the Department of Elections.

Ms. Jeffers, Ms. Gunter and Ms. White both commented that recent changes had created better, faster connections within VERIS and Ms. White said there is a better experience on the citizen portal.

Mr. Howard said that Matt Davis at ELECT and DMV were working hard to make the data bases mesh.

Mr. Lind circulated a copy of a registration application that appeared in a local hopper which had neither social security number nor signature, a result of the DMV database not being connected to VERIS.

Mr. Bell said Matt Davis had reported that improvements would occur as new servers went online. He suggested a letter was not necessary.

The board then addressed Charge 2: Performance Evaluation of the Director of Elections. Discussion ensued on the draft submitted by Renee Andrews, who was absent. On a motion by Mr. Bell, seconded by Ms. White, the report was accepted as revised.

Discussion then ensued on Charge 3: Implementation of the Risk Limiting Audit required under SB 1254.

Dr. Wheeler declared the original intent was to find out if ballot scanners work; the bill is now much more complicated than that, she said.

Mr. Ablowich pointed out that there is a need to find the theory behind the methodology to check the machines. You'd want to use the same machines that were in the precinct, he said, and there are serious problems with auditing machines which might be leased rather than owned, and no longer available

Mr. Lind said that as written, the legislation has to be changed. If allowed to go into effect it can only destroy confidence in election results because if the results are proven wrong there is no provision to recall or remove the officials who have been elected. You're not permitted to change the results, he said.

Mr. Hager suggested that we propose a system that would work in order to solve it.. I think you need to throw that out and start over.

Ms. White suggested a pilot program could be conducted in Prince William County town elections in May of 2018.

Mr. Lind pointed out that if legislation could be introduced under emergency provisions it would go into effect immediately rather than waiting until July 1.

Dr. Wheeler said it is important to get it right first not just get it first.

Mr. Hager suggested that Mr. Lind contact Sen. Obenshain, again about the issue. Explain carefully why we have these problems. Dr. Wheeler agreed to help set up a meeting.

Ms. Hanley suggested the subcommittee report back with suggestion for a pilot program in May and legislation be introduced to defer SB 1254 until sometime in the future when pilot program can be reviewed.

Ms. Jeffers asked what the Dept. of Elections has done to implement this bill and Mr. Howard said the Commissioner has indicated they are not interested in doing anything until after the first of the year.

Dr. Wheeler moved, seconded by Mr. Lind, that the issue be returned to the subcommittee for further development. Adopted unanimously.

Discussion then turned to Charge 5, List Maintenance. Mr. Howard reported on new servers with improved service. Further changes will not be added until after election.

Mr. Lind reported on ELECT's Annual Report on List Maintenance and his early review of the 2017 Report. Mr. Bell said he had reviewed the figures from his jurisdiction said the month-to-month figures don't work. Losses and Gains and Net don't add up. Percentages are astronomical.

Mr. Hager asked who might be using the report. Mr. Lind said he imagined a 10,660 page report was not being used. He said his review, with Ms. White, of Prince William County data showed 195,000 transactions conducted for a yield of 11,103 new registrations.

Ms. Hanley said their experience in Fairfax was similar.

Mr. Lind said this kind of data would indicate the workload falling on local registrars, the lack of funding, the lack or respect for the office that is having to deal with issues way under the radar. You're going to break it if you continue doing this, he said.

Ms. Hanley they would have 30-40,000 transactions in their hopper with duplicates appearing again and again.

Mr. Howard that duplicates are being held in VERIS when the data is exact but they still come in batch reports.

Mr. Lind said a summary would be prepared for the next meeting with a recommendation.

Under Old Business, Mr. Howard reported on Code Commission changes including a very short list of obsolete language to be removed from the Code. He said the archaic language runs up against current policy and practice which would have to be cured by re-codification and to re-write the entire section.

Dr. Wheeler said there seemed to be many instances of Policy which conflict with Code.

Candidate Filing Requirements passed by.

On a motion by Mr. Lind, seconded by Mr. Bell, the WorkGroup voted unanimously to seek legislation to amend §24.2-112 to require a full time assistant in each locality

Recognition of Professional Certification, set aside.

Mr. Howard said in his discussions with the Commissioner the Dept's budget request has gone forward to the Budget for 100% reimbursement to localities for EB and GR salaries. He added that there was no guarantee it would be included.

Mr. Lind said that Delegate Lee Ware had indicated he was prepared to introduce an immediate budget amendment to restore 100% reimbursement if it was not included in the Governor's budget.

Discussion ensued on salary brackets for Directors of Election and lack of uniformity in compensation. Ms. Jeffers said she had gathered information for a little more than half of jurisdictions but had been unable to gather the remaining 58. Approximately 20% receive a supplement from their locality. Some General Registrars received the 2% state employee increase; some did not. The Budget Act has reduced the reimbursement to localities.

According to Mr. Bell the actual deficiency in reimbursement to localities is 30.4%

Ms. Hanley emphasized the need for more specific data to make general registrars more like county employees, to direct them to be treated as Agency Heads. She estimated that more than half of the county employees in Fairfax receive supplements.

Ms. Gunter said her board had recommended she be paid "on par" with other department heads.

Mr. Ablowich described his surprise, on his initial appointment to his electoral board, to learn that the Registrar salary was set at a fixed level by the legislature, not a sliding scale.

Ms. Hanley asked Ms. Gunter and Ms. Jeffers to serve on a subcommittee to report back at the next meeting.

Mr. Hager enquired about the use of the term General Registrar compared to the new term Director of Elections. Ms. Hanley discussed the combination of "at will" and "merit" employees who are deputy registrars, adding that there was a term of art in Human Relations departments. Ms. White said her employees are all required to sign an agreement exempting them from grievance procedures and have an oath that extends only through her own term of appointment.

Dr. Wheeler said it would be an important topic for discussion in VEBA and VRAV training.

Brief discussion ensued on the recodification of §24.2. Mr. Howard said it was not certain that recodification had been scheduled but he would learn more at the Code Commission meeting on October 16.

Under Good of the Order, Mr. Lind displayed a copy of "The Best Seat in The House," written by Co-Chair John Hager which had just been published by Dietz Press, which he highly recommended.

The WorkGroup agreed to meet next on Thursday, November 30 at 10 am.

There being no further business, the WorkGroup adjourned at 12:40 pm.

Respectfully Submitted,

Robin Lind
Temporary Permanent Recording Secretary