

Minutes of the GREB WorkGroup
December 19, 2017

The GREB WorkGroup met at 10:00 am on December 19, 2017 in the Conference Room, McGuireWoods, Gateway Plaza, Richmond, Virginia.

Present: Co-Chairs John Hager and Kate Hanley, Al Ablowich, William Bell, Tracy Howard, Lisa Jeffers, Charlie Judd, Walt Latham, Robin Lind, Michele White and Clara Belle Wheeler. From the public: Bob Jensen, Jason Corwin, Wanda Judd, and Cameron Sasnett.

Ms. Hanley took the chair, and noted the “exceptional red corduroy pants” being sported by Mr. Judd; on a motion by Ms. White, seconded by Mr. Lind, the minutes of 11-30-17 were adopted unanimously as clarified and corrected.

Mr. Lind summarized the progress on the Work Plan for 2017 and discussion ensued on Charge 1 — the Report on the VRAV Survey.

Mr. Corwin, who had developed the original survey, described its intent and explained a new survey would be undertaken to see if the errors which had been identified had been corrected by ELECT.

Mr. Bell said legislation had not been proposed since progress was apparently being made.

Mr. Lind recalled that Mr. Howard had suggested a change in §24.2-427 B.-1 that deadline be pushed back to 30 days rather than 14 days to notice they had been reported non citizens.

Discussion continued with Mr. Latham suggesting the survey be conducted by VRAV and Mr. Judd countering that a requirement in the Code would ensure its execution. Mr. Latham questioned the effectiveness of this method.

Dr. Wheeler suggested the findings could be made more effectual if they were reported to the State Board of Elections in a public meeting.

Mr. Sasnett said the State Board, regardless of any delegation, is ultimately responsible for the approval of any mechanisms used for reporting election results, registration, etc.; the forms used throughout the state are approved by the State Board.

After further extensive discussion, on a motion by Mr. Howard, seconded by Ms. White, the WorkGroup voted unanimously to adopt the following recommendation for its Final Report:

“The Department of Elections be required to conduct annual technology surveys to identify the most pressing issues and have the VRAV Technology Committee work with the Department of Elections to prioritize, make recommendations, and test proposed solutions to the issues identified. The results of these surveys shall be reported publicly to the State Board of Elections by March 1 of each year.”

Discussion then returned to Mr. Howard’s recommendation to seek a change in §24.2-427-B-1. from 14 to 30 days for removing voters from the rolls after non-citizen declaration.

Mr. Lind offered a motion to seek an amendment to the existing language: “The general registrar shall mark “inactive” the registrations of such persons who do not respond within 30 days to the notice to the notice that they have been reported not to be United States citizens.” Seconded by Mr. Bell.

Mr. Lind pointed out that similar language existed in §24.2-428 E.

Discussion ensued on the two issues of “30 days” and “inactive.” Mr. Latham asked for a bifurcation of the motion which passed by a vote of 6-4.

A subsequent motion on the proposal for a 30-day notice passed unanimously.

The motion on using the term “inactive” rather than “cancelled,” generated extensive discussion, much of which indicated different interpretations of the law and process. The vote on the motion passed 6-4.

Mr. Howard agreed to speak to Delegate Nick Rush about possibly being patron for the bill.

Charge 2: the recommendation for changes in Director of Elections Performance Review, was completed previously and consequently passed by.

On Charge 3: the changes to §24.2-671.1 caused by SB 1254. Dr. Wheeler said Senator Obenshain requested her meeting with him be delayed until January; she said the issue had turned into a huge ball of wax, more complicated than it needed to be.

Ms. White said that the Electoral Board in Prince William County had given permission to conduct a pilot audit of town elections in May with four different kinds of Risk Limiting audits.

Mr. Ablowich pointed out that there are two different kinds of audits: one of machines, one of the outcome of elections. He said if there are problems it raises the question: does that affect public perception? Discussion ensued on the importance of public confidence.

Ms. White moved that the GREB WorkGroup recommend that the State Board of Elections approve Prince William County's request for a pilot Audit of the May Town elections after the elections are certified, using four different procedures and make a public report of the findings. Seconded by Dr. Wheeler.

Carried unanimously.

On Charge 4: Reforming the State Board of Elections.

As a result of the approval of the proposed reform at the prior meeting, Mr. Judd discussed preparations for a legislative bill; mentioned meeting with Sen. Janet Howell and Del. Mark Sickles following an Arts Commission meeting and providing a précis to them. He said Mr. Sickles was certainly on board and would mention it to colleagues. He reported that Del. Margaret Ransone would introduce the bill in the House. Mr. Lind said Sen. Edwards had agreed to introduce it in the Senate and that Sen. Vogel's Legislative Assistant had called him for specifics and said she expressed her strong support.

One issue raised in discussions with legislators was lowering the number of nominees for appointment from five to three. Dr. Wheeler said she agreed that narrowing the choice would be more prudent. She also expressed concern about the nomination process, offering the alternative of nominations from the legislative caucus.

Lengthy discussion ensued about party structure and preferences including digressions into impact on local boards.

Ms. Hanley stated this was a report and there was no language to change. Mr. Bell and Mr. Latham asked for electronic distribution of the proposed language so that all members of the WorkGroup would be reading from the same page. Mr. Lind agreed to distribute since the language had already been submitted to Legislative Services.

On Charge Five: List Maintenance

Mr. Howard explained that List Maintenance is governed by NVRA and was already done; he described a problem with the SAVE program that makes it functionally impossible to implement.

Mr. Lind reminded the chair that Mr. Hager had asked at the previous meeting that language be developed to compel ELECT to provide accurate and reliable data, ensure the accuracy and explain the methodology. Mr. Lind referred to HB 28 from Del. Mark Cole to amend §24.2-404 to move the reporting deadline from August 1 to November 1 and suggested recommending an amendment to that bill:

“The report shall contain an explanation of the methodology used in gathering and analyzing the data, and an affirmation from the head of the department, with reference to §24.2-1016, that the data is accurate and reliable.”

Mr. Lind moved the recommendation. Mr. Bell seconded. Mr. Latham raised concern about the language but declined to offer an amendment. The original motion passed unanimously.

Mr. Hager suggested Mr. Lind contact Del. Cole about the original intent of the bill and discuss the recommended amendment.

Charge 6: Recommending Review, Correction and Approval of GIS voter Placement

Lengthy discussion ensued on the issues arising from the mis-placed voters in the 28th House District in the November General Election, the widespread reports of similar issues in other parts of the Commonwealth, and the conflicting responsibilities of state and local governments.

On a motion by Mr. Bell, seconded by Mr. Lind, the issue was gently laid on the table for consideration next year.

Under Old Business:

The WorkGroup voted to reaffirm its recommendation from the 2016 Report proposing that salary levels form General Registrars/Director of Elections be conformed to that of locality Treasurer, and that reimbursement to localities be restored to 100% as required by §24.2-108 and -111.

Under New Business:

Mr. Latham reported on the on-going JLARC Study.

General discussion ensued with issues being raised by JLARC staff; specific deficits in departmental guidance; and disagreements over policy and Code interpretations.

There being no further business, the WorkGroup adjourned at 12:54 pm.

Respectfully Submitted,

Robin Lind
Temporary Permanent Recording Secretary