

**Minutes of the GREB WorkGroup
September 18, 2018**

McGuireWoods Conference Room, Gateway Plaza

The GREB WorkGroup met at 10 am on September 18, 2018 in the McGuireWoods Conference Room in Richmond.

Present: John Hager, Al Ablowich, Barbara Gunter, Lisa Jeffers, Walt Latham, Robin Lind, Clara Belle Wheeler, Michele White; attending by teleconference: Renee Andrews, Tracy Howard. Attending from the public: Carol Noggle, Therese Martin, Maggi Luca, Wendy Fox, all from the LWV; Alison Robbins, GR, Wise County, Barbara Tabb, EB, Prince George County, Stephanie Isles, GR, Norfolk City, Bill Jenkins, GR, Sussex County, David Bjerke, GR, Falls Church City and Brenda Cabrera, GR, Fairfax City.

On a motion by Dr. Wheeler, seconded by Mr. Ablowich, the minutes were approved as corrected.

The resignation of Charles Judd was accepted with regret. On a motion by Ms. Andrews, seconded by Mr. Howard, the WorkGroup voted unanimously to direct the secretary to prepare a letter of appreciation and gratitude to Mr. Judd for his role as “Godfather” of the WorkGroup and long, devoted service to its goals.

Discussion ensued on the précis of prior WorkGroup Recommendations prepared by the secretary, (which is appended to these minutes). Dr. Wheeler said she had tried to get the State Board of Elections to address the recommendations but had been unsuccessful.

Discussion then turned to Charge 1 of the 2018 Recommendations. Mr. Latham said the JLARC report had raised questions about GR staffing and said it was a good opportunity to focus on pay scales to attract better qualified candidates.

In discussing Charge 2, Ms. White noted that NVRA transactions had tripled from 2014 to 2016 with triple the number of denials. The increase in workload caused her to put in a request for three additional assistants. We need the data, she said, for how much an election costs, how much ballots cost. We have a shortfall caused by a change in business practices.

Mr. Lind queried how many ballots different localities had ordered for the upcoming election, noting that Goochland had ordered 100%. Falls Church ordered 104%. Waynesboro ordered 60%.

Ms. Robbins said that §24.2-111 which establishes compensation for General Registrars is not strong enough, to which Ms. White replied that §24.2-112 says the Electoral Board shall establish the number of Assistant Registrars but funding is the issue.

Dr. Wheeler said the cost to send out Absentee Ballots is huge and more and more people are voting Absentee; however, she added, we can't reduce the number of Officers of Election on election day.

Ms. Martin said the experience was so different in Fairfax County with 243 precincts and support from the administration which believes "Voting is Fundamental."

Mr. Hager said that not all counties and cities have the level of support provided in Fairfax County.

Mr. Latham gave as an example of ignorance in local administration an instance in neighboring county where a financial officer had asked for a budget cut in the registrar's office to balance their books; when the registrar explained he had a June Primary coming up, the finance director said he just might not be able to do that.

Several other instances were discussed and Mr. Hager said they were all great examples that illustrated the diversity of the politics faced in different localities.

Discussion turned to Charge 3 relating to mis-assigned voters and Mr. Lind said that issue had been handled in the JLARC Report.

On Charge 4, cyber-security, Mr. Ablowich said the Commissioner had said that ELECT will be handling that issue. Mr. Lind said that increasing cyber-security actions were ongoing and that two-factor authentication would soon be introduced. Additional costs will be imposed on localities said Mr. Ablowich.

Mr. Lind gave a brief summary of the JLARC report and discussion began with Mr. Latham's observation that Electoral Boards need to be examined as well, many of which are not functioning well. More training is needed he said.

Discussion ensued on training issues, the possibility of having ELECT take over the programs for professional certification, the previous unsuccessful efforts to engage the Department in inviting professors or lawyers to assist with educational programs.

Mr. Hager suggested it would be helpful to tie in the JLARC report with the efforts of the WorkGroup.

Several members expressed support for salary supplements tied to certification levels. Discussion included historical background and Ms. Gunter pointed out that when the SBE took over the VREO program the staff did away with homework and the value diminished.

Discussion ensued about upcoming legislation dealing with precinct lines, mis-assigned voters, GIS, and different approaches to reforming the SBE. Mr. Hager asked for a list of new bills to be provided at the next meeting.

Discussion turned to reports of irregularities in the Hopewell City Electoral Board and several members expressed their opinions that the office of general registrar should be apolitical. Mr. Ablowich said the issue was a concern of the Benchmark Index Group which was looking into it.

At the end of the meeting, it was stated that all need to bring issues that would be discussed for inclusion in the year-end report.

The next meeting was set for Tuesday October 23 at 10 am.

The meeting adjourned at 12:28 pm.

[Subsequently, as a result of increased voter activity and consequent increased workload, the next meeting was re-scheduled for 10 am Monday, November 19, 2018.]

Respectfully Submitted,

A handwritten signature in black ink that reads "Robin Lind". The signature is written in a cursive, flowing style.

Robin Lind
Temporary Permanent Recording Secretary

GREB WorkGroup

Precis of Prior Recommendations

First Year of Work - 2014

The GREB Workgroup began meeting on a monthly basis in September 2014. The first report of the workgroup was presented in the form of a resolution to the State Board of Elections on November 24, 2014.

This resolution included a summary of actions from the initial meetings, recommendations for action by the Virginia General Assembly and the Department of Elections, and ongoing work and further recommendations of the group.

The recommended on-going work was:

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 (initial charge 3, 4, and 5);
3. Examine and recommend state funding mechanisms for voter registration and elections for the localities (initial charge 1 and 8);
4. Evaluate staffing of the general registrars' offices (initial charge 6 and 7);
5. Establish standards for continuing education needs and recognition for advanced studies (initial charge 8);
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 (initial charge 2 and 9); and
7. Study other areas as deemed necessary.

Second Year of Work - 2015

An interim report was delivered to the State Board of Elections in July 2015 of work completed.

- 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 preceding 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.

Third Year of Work – 2016 Work Plan

Charge 1: Evaluate Staffing (and thereby local support) of Directors of Election Offices

This effort will be to measure local support gauged by appropriate staffing for the Director of Elections, with a particular focus on those previous part-time offices that moved to full-time July 1, 2016.

Charge 2: Standards for and Recognition of Continuing Education

A summary of other constitutional offices that have salary supplements based on attaining professional certifications would be extremely helpful. The Workgroup should conduct studies and analysis of this data that could provide actionable legislative remedy for completion of such certification programs as CERA and VREO.

Charge 3: Examine State Funding Mechanisms for Localities

The GREB Workgroup recommends the Department of Elections reintroduce its Budget requests for Director of Elections salary brackets to be conformed to those of Treasurer; that localities receive 100% reimbursement of electoral board and director of elections salaries as required by §24.2-108 and -111, and that funding be provided to replace the HAVA monies which are fully depleted in FY2018.

The Workgroup’s recommendation, and the SBE’s subsequent endorsement, that compensation for Directors of Election/General Registrars be increased to the same level as Treasurer, did not gain administrative or legislative support. However, at least one jurisdiction has already implemented that recommendation, at least one other has it budgeted for FY 2018, and another increased the salary by 25% in September.

Resistance to adequately fund elections at the local level will not disappear while the Budget Act continues to disregard Code requirements for state reimbursement to localities for the costs they incur.

Charge 4: Funding of ELECT

Budget Amendments were introduced to request funding to replace the dwindling HAVA monies that will be exhausted in FY2018. These amendments failed but the \$7 million need persists. Without this funding, the Department of Elections will be unable to function.

The Workgroup should seek reliable data that can be communicated to the administration and general assembly.

Charge 5: How is ELECT serving the needs of the election community?

The Commissioner of Elections will be invited to provide an update on his previously reported transition to a primarily Information Technology operation.

Charge 6: Roles & Responsibilities of Electoral Board Members

Although a new document (“Electoral Board Job Description”) was developed creating a definition, job description and summary of Electoral Board duties, distribution has been inadequate.

A renewed effort is required to distribute this document to all Electoral Boards, members of the General Assembly, state and local political chairs and party executive directors, clerks of court and Circuit Court Judges. The Workgroup should reach out to the leadership of VRAV and VEBA to encourage them to provide qualified speakers for statewide organizations such as VACo, VML, Virginia Clerk’s Association, and Judicial Conference when they conduct regional or state meetings.

While the document will need regular up-dating to reflect changing Code Requirements, legislation, rule or regulation is recommended requiring Electoral Board nominees to affirm they have read and agreed to the document before their nomination is accepted by the Circuit Court judge.

Charge 7: Recodification

The Workgroup previously recognized the need for recodification of §24.2 and recommended it to the State Board of Elections, which unanimously accepted the recommendation; in light of the limited resources available to the Code Commission the Workgroup should continue to look at ways to get the job done in the most effective, efficient and least costly way possible.

Charge 8: Other Issues

The Workgroup must be willing to consider other issues that arise from the review, analysis and pursuit of the preceding charges.

Fourth Year of Work – 2017 Work Plan

Charge 1:

Investigate issues raised by the Directors of Election from Fairfax and Prince William Counties on VERIS transactions and non-citizen declarations generated by DMV. Evaluate appropriate oversight recommendations in dealings between ELECT and outside agencies providing actionable data.

Charge 2:

Recommend revision of the GR/DoE Annual Evaluation Form to simplify and eliminate unnecessary questions; explore a complementary Confirmation of Performance acknowledgement to be completed by Electoral Board members for submission to the local Circuit Court Judges responsible for appointment.

Charge 3:

Evaluate procedures to be implemented for SB 1284, requiring audits of ballot scanning machines, which takes effect July 1, 2018.

Charge 4:

Re-examine the structural make-up of State Board of Elections and Commissioner of Elections with research into the background of original legislative intent.

Charge 5:

Research List maintenance and List Management with reference to signature capture, and accessibility of federal databases.

Charge 6:

The Workgroup must be willing to consider other issues that arise from the review, analysis and pursuit of the preceding charges.

Fifth Year of Work – 2018 Work Plan

Charge One:

A study of compensation for Directors of Election, to be conducted by GR members.

Charge Two:

A study of the funding of elections and reimbursement to localities by the state; to be conducted by EB members with the addition of Ms. White.

Charge Three:

A study of the GIS capabilities of local jurisdictions relating to voter assignment and establishing precinct lines, with a recommendation to the Department of Elections and/or the General Assembly for legislative remedy.

Charge Four:

A study of Cyber Security measures, risk assessment and mitigation efforts in local jurisdictions.

Following discussion of these new charges at the March 14, 2018 meeting, in recognition that the State Board of Elections had not yet responded to the recommendations of the 2016 and 2017 Reports, the WorkGroup agreed to re-order the charges to update the charges from the 2017 Report as the new Charge One.