2022 GENERAL ELECTION RETROSPECTIVE

March 7, 2023



TABLE OF CONTENTS

Executive Summary
2022 General Election: Overview and Key Metrics4
2022 General Election: Code Compliance9
Voter and General Registrar Input13
Special Topics in Administering the 2022 General
Election
Voter Registrations and the Department of Motor Vehicles
Redistricting Mailings17
Translations19
Same-Day Registration
Authorized Representatives26
DemTech Electronic Pollbooks27
Precinct-Level Absentee Reporting28
Risk-Limiting Audits
2022 General Election: Voter Education Campaign31
2022 General Election: Call Center and Online
Complaints
Reflections: Impacts on General Registrars and Staff.35
Conclusion
Appendix A: Glossary of Terms:40
Appendix B: Voter Education Campaign Materials 42

Executive Summary

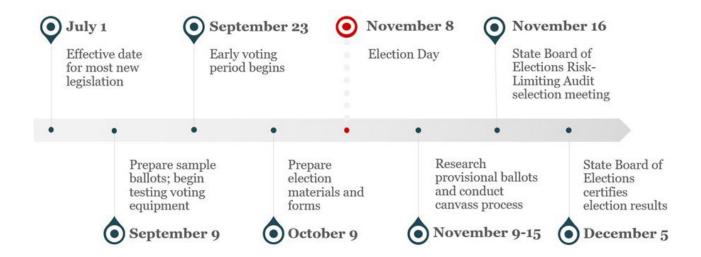
Following each November General Election since 2018, the Virginia Department of Elections (ELECT) has published a post-election report to create a historical record of the election. In producing the reports, ELECT's goal is to provide transparency in its efforts to continually improve the administration of elections in the Commonwealth and to showcase the tremendous joint effort of the State Board of Elections (SBE), ELECT staff, general registrars and their staffs, local electoral boards, and officers of election that results in accurate, fair, open, and secure elections in the Commonwealth.

This report includes key stakeholder perspectives about the 2022 General Election (also referred to as "2022 Election" or "Election" throughout this report) through incorporating data from two post-election surveys: a survey of Virginia residents by the University of Virginia Karsh Institute for Democracy, and a survey of Virginia's general registrar community by ELECT. This is consistent with a larger effort within ELECT to include more grassroots, evidenced-based approaches to the work of the Department.

This report highlights several areas, including law and regulatory changes impacting the administration of elections, election participation statistics, elections administration tasks and compliance metrics, special topics related to the 2022 Election, and reflections by the general registrar community of both the Election and election administration generally.

Following the 2020 United States Census (the results of which were delayed due to the COVID-19 pandemic), new districts were drawn in Virginia for the United States House of Representatives, the Senate of Virginia, and the Virginia House of Delegates. Additionally, redistricting at the local level was completed. This once-in-a-decade process added a level of complexity to the administration of the 2022 General Election which, in addition to the usual demands of running election, required the incorporation of changes and compliance with numerous related Code requirements. This was successfully navigated thanks to the hard work and expertise of staff in localities and at ELECT.

2022 General Election: Overview and Key Metrics



Common Terminology

Many terms are used to describe election results. For purposes of the data included in this report, please keep the following definitions in mind:

Absentee Voting includes in-person voting in the early voting period and by mailed absentee ballots.

Ballots Cast refers to the total number of voted ballots that counted towards the total results of an election. It does not include things like undervotes, uncured absentee ballots, or late, lost/damaged, or rejected ballots. For the purposes of this report, ballots cast refers to the 2022 General Election as a whole and does not refer to any one candidate. Typically, ballots cast is lower than reported turnout.

Voter Turnout or *Turnout* refers to the number of registered individuals that attempted to vote in an election. This data comes from the counts election officials enter into the Virginia Voter Registration Information System (VERIS) during canvass to describe both accepted and rejected ballots.

Votes Cast refers to the number of votes that counted towards the results of a particular contest. There could be fewer votes cast for a particular contest than total ballots cast, if a voter decided not to make a selection for a particular contest. This is known as an undervote. Votes cast may be lower than turnout.

The 2022 General Election was the first year for same-day registration and precinct level reporting, these created new reporting requirements which led to more complex data entry processes for localities. This may account for slight variations in data from different sources at ELECT but do not impact the results for any given contest.

Contest and Candidates

The 2022 General Election was held on Tuesday, November 8. There were 521 contests on ballots across the Commonwealth with a total of 1,488 candidates. There were no statewide contests in the 2022 General Election. The races included 11 for the United States House of Representative and many more for local offices, as shown below.

900 844 800 700 600 500 400 300 189 184 185 200 100 28 U.S. House of Representatives Continuon entre & Arthrites programmes de la Revenue Town Council Town Continues Clerk of Court City Conneil

Total Candidates by Contest

Participation

The following series of participation statistics aims to give a holistic picture of the 2022 Election regarding voter turnout, absentee and early voting, and provisional ballots. The statistics do not highlight any one contest. For the results of a particular race, please visit ELECT's website.¹

Voter Turnout Percentage Overall

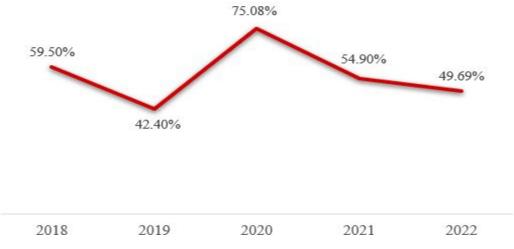
In the 2022 Election, 49.69% of total registered voters turned out to vote. When comparing voter turnout to a recent similar congressional midterm election, the 2018 General Election, 2022 saw nearly a 10% decline in voter turnout. The 2018 General Election, however, had record voter turnout with 3,374,382, the highest amount for a non-presidential election year since 1976.² This is consistent with the numbers below, which suggest that elections with statewide contests

¹ Virginia Department of Elections, Election Results, https://www.elections.virginia.gov/resultsreports/election-results/

²Virginia Department of Elections, Registration/Turnout Reports, https://www.elections.virginia.gov/resultsreports/registrationturnout-statistics/

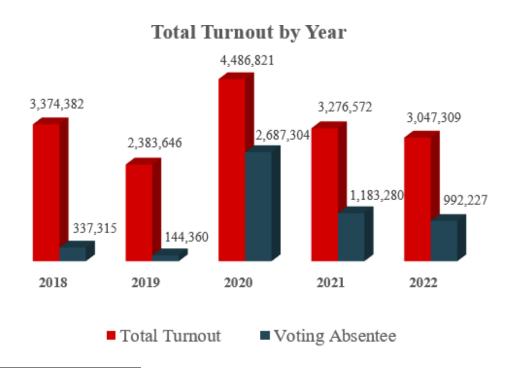
correlate with an increase in voter turnout, as 2019 and 2022 both had no statewide contests and the lowest percentage of turnout.³

Voter Turnout as Percentage of Total Registered



Voter Turnout: Absentee

While overall voter turnout in the 2022 Election was less than both the 2020 and 2021 elections, the turnout for absentee voting remains higher than pre-COVID elections in 2018 and 2019. This is likely attributed to 2020 legislation that expanded absentee voting.⁴



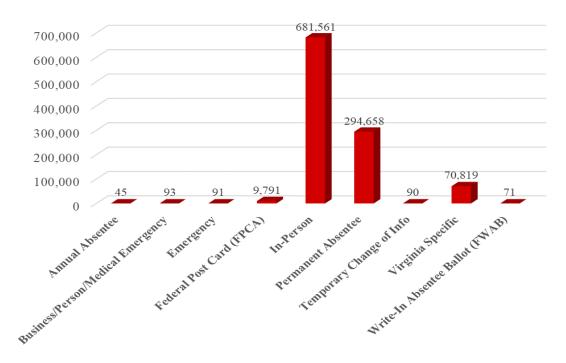
³ Virginia Department of Elections, Registration and Turnout Reports, Summary of Virginia Registration and Turnout Statistics, https://www.elections.virginia.gov/resultsreports/registrationturnout-statistics/

⁴ Code of Virginia, § 24.2-700

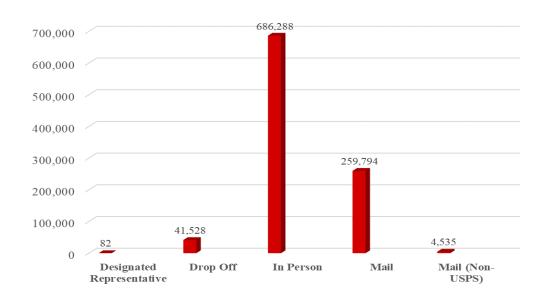
In-Person Absentee Voting (Early Voting) and Absentee Voting by Mail

As discussed previously, recent election cycles have seen exponential growth in absentee voting, both through in-person absentee (early voting) and absentee voting by mail. The following charts provide statistics about absentee applications and methods of return.

Absentee Applications by Type



Absentee Ballot Return Method



<u>Note:</u> The number of absentee ballots listed in the chart above reflects the breakdown of absentee ballots returned. The difference in the two charts may be explained by the following:

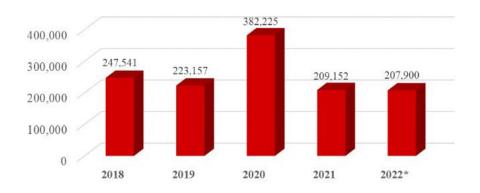
- Some absentee ballots when placed in the mail may never reach the voter or be damaged upon arrival in the mailing process.
- Some absentee voters may drop off their ballot on Election Day *or* change their mind and choose to vote in person on Election Day and return their unused or spoiled ballot.
- Some voters, who request absentee ballots, may forget to vote their ballot.

A returned absentee ballot counts toward turnout. As noted in ELECT's 2021 Post-Election Report, in-person absentee voting remains the most popular method to vote absentee in the Commonwealth. ⁵

New Registrants

The number of new registrants declined slightly in 2022 compared to 2021 and significantly compared to 2020.* The decrease from 2020 is expected; election cycles with a presidential race tend to drive higher voter registration. When comparing 2022 to a year with a similar election, the 2018 General Election, the number of new registrants was about 40,000 less. However, 2018 had a U.S. Senate race on the ballot, which likely drove voter registration efforts.

New Registrants by Year



*Data as of November 1, 2022

In terms of method of registration, the number of online applications submitted made up 88% of all applications submitted in 2022. Paper applications saw a rise from 7.9% in 2021 to 12% in 2022. This may be attributed to same-day registration, discussed in greater detail later in this report, which requires a paper voter registration application at the polling location.

⁵ Virginia Department of Elections, 2021 Post Election Report, https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/Post-Election-Report FINAL.1.24..22docx.pdftion-Report FINAL.1.24..22docx.pdf (virginia.gov)

⁶ Virginia Department of Elections, 2021 Post Election Report, https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/Post-Election-Report FINAL.1.24..22docx.pdf

2022 General Election: Code Compliance

To ensure the secure, efficient, and effective administration of an election, the SBE, ELECT, and local election officials all have legislative compliance requirements. In relation to requirements for local election officials, ELECT provides guidance and oversight to ensure uniformity. For newly passed legislation, the SBE and ELECT ensure proper implementation.

Key Compliance Metrics

ELECT requires reports, information, or certification of completion from general registrars for several election administration tasks. These requirements both fulfill statutory requirements and establish best practices to improve aspects of administration, such as election night reporting and abstract production.

Absentee Ballot Compliance Reporting

Pursuant to §24.2-612 of the Code of Virginia, general registrars are required to report to ELECT that ballots were available for absentee voting (both by mail and in-person) at least 45 days before Election Day.⁷ For 2022 General Election, 124 localities reported on-time and nine were late in reporting to ELECT. Ultimately, all localities were prepared with the requisite number of absentee ballots.

Ballot Proofing

Pursuant to §24.2-612 of the Code of Virginia, all ballots must be approved by ELECT prior to use in any general election.⁸ Of the 133 localities, 72 (54%) did not require revisions to their initial submissions, while 61 (46%) required revisions. Ultimately, ELECT reviewed and approved all ballots used in the 2022 General Election.

Logic and Accuracy Testing

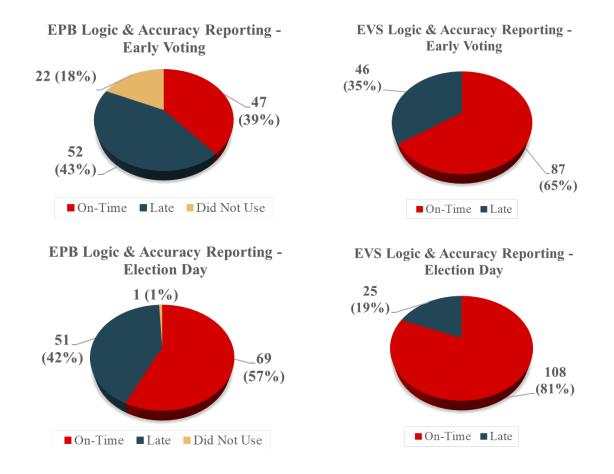
Prior to each election, electronic voting systems (EVS) and electronic pollbooks (EPB) must be tested for logic and accuracy pursuant to §24.2-633 of the Code of Virginia and 1VAC20-60-70 of the Administrative Code of Virginia. The Logic and Accuracy (L&A) Testing ensures that EVSs and EPBs are correctly recording voters who are checked in at polling places and the votes from each ballot cast. It is an important step in ensuring the security of the election.

L&A Testing must be performed on each machine before their use in early voting or on Election Day. ELECT requires each locality to certify that testing has been completed and report such information to ELECT. This allows ELECT to ensure both compliance with the law and that the EVS and EPB are accurate and ready for use in the election. While all localities using EVS and EPB performed the required L&A Testing reports, some were late in submission. Charts showing the submission of L&A reports to ELECT for both EVS and EPB are available below; note that some localities do not use EPB during early voting or on Election Day.

⁷ Code of Virginia, §24.2-612

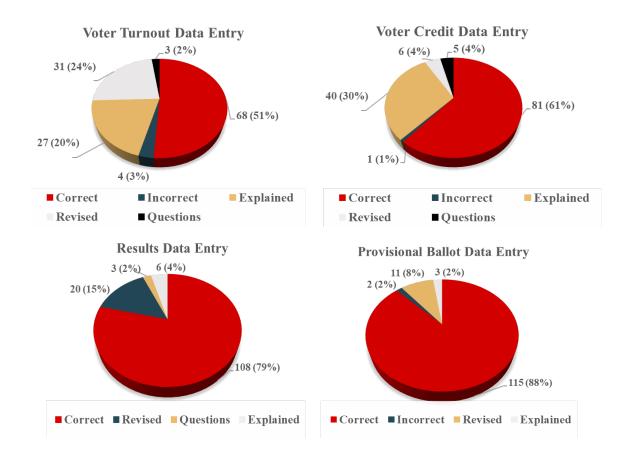
⁸ *Id*.

⁹ Code of Virginia, §24.2-633; Administrative Code of Virginia <u>1VAC20-60-70</u>



Abstracts of Votes

An abstract of votes is the official record of votes cast for candidates, constitutional amendments, and referenda prepared by a locality. It also provides the foundation upon, which elections are ultimately certified by the SBE. Therefore, it is essential that abstracts be correct. To that end, ELECT works closely with localities and provides the necessary guidance and support, which includes guidance and oversight of the data entry process. Prior to Election Day, ELECT sent detailed instructions to all general registrars reminding them of reports available in VERIS that allowed them to check and crosscheck data to ensure their entries are correct. The following charts provide metrics related to data entry compliance.



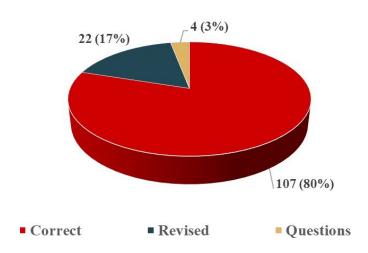
Once the abstracts are completed by localities, they are submitted electronically to ELECT for inspection. The electronic version must be submitted as soon as a locality's canvass concludes to ensure that ELECT has time to review and approve all abstracts across the Commonwealth. Upon approval of the electronic versions by ELECT, localities mail the originals to ELECT. ELECT, then, uses the approved abstracts to prepare abstracts that will be certified by the SBE. In preparing the abstracts for the SBE certification, ELECT runs the same reports used in verifying a locality's abstracts.

The pie chart below illustrates the revisions that took place during the abstract review process. This year saw a 6% increase in abstract revisions from 2021 General Election, in which only 11% of localities, 15 localities total, required revisions. This may be attributed to 2022 being the first year for absentee-by-precinct reporting requirements and same-day registration. Ultimately, all abstracts of votes were revised, where necessary, and certified by the SBE on Monday, December 5, 2022.

¹¹ Code of Virginia, § 24.2-667.1; § 24.2-420.1

¹⁰ Virginia Department of Elections, 2021 Post Election Report, https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/Post-Election-Report_FINAL.1.24..22docx.pdf

Abstract of Votes Submissions by Localities



<u>Note:</u> Questions refers to where something reported appears to be incorrect. In these situations, ELECT asks the general registrar to research the question and to either explain or correct the apparent issue. As stated above, these questions were resolved, and the corrected abstracts of votes were presented to the SBE for certification.

Recent Legislative Changes Impacting the 2022 General Election

The General Assembly passed several changes to elections administration during the 2020, 2021, and 2022 Regular Sessions that impacted the 2022 General Election. The legislation was signed into law by Governor Northam in 2020 and 2021, and Governor Youngkin in 2022. Much of it directly impacted voters and included changes to absentee voting, voter registration, and processes at polling places. Some had a less direct impact on voters and included changes to campaign finance reporting requirements, risk-limiting audit processes, deputy registrar classifications, and restrictions on gifts and funding at the state and local level. This report does not discuss *all* the election-related laws stemming from these recent General Assembly sessions that went into effect but rather provides overviews of the most consequential and insights into their impact on the 2022 General Election.

2020 Session

<u>HB 201</u> extended the period that an otherwise qualified person can register to vote in person up to and through election day, effectively providing for same-day registration in all elections. Prior to this legislation, registration records were closed in the 21 days before a primary or general election pursuant to § 24.2-416; there was no mechanism to register during this period unless someone was in the military or overseas. This bill became effective in October 2022.

2021 Session

<u>HB 2125</u> permitted voter preregistration for Virginia citizens who are 16 years of age or older and are otherwise qualified to register to vote. Preregistration does not allow any individual to vote in an election before the time already permitted by law. ELECT set up a process in VERIS that

allowed general registrars to approve the preregistration application and make the pre-registrant an active voter at the appropriate time. This bill became effective in October 2022.

<u>SB 1148</u> changed the date for primary elections from the second Tuesday in June to the third Tuesday in June. This bill also changed the deadline for filing nomination and candidacy papers for an office determined by a November general election from the second Tuesday to the third Tuesday in June.

2022 Session

SB 3 and HB 927 were identical bills that required general registrars to report to ELECT the results of absentee ballots cast by voters assigned to each precinct in the general registrar's locality. The bills also included "on-demand ballot printing systems and ballot marking devices" in the definition of a voting system. ELECT established standards for ascertaining and reporting precinct level absentee results.

SB 80 and HB 205 were identical bills that prohibited the SBE, ELECT, each local electoral board, and all offices of the general registrar from soliciting, accepting, using, or disposing of any money, grants, property, or services, given by a private individual or nongovernmental entity for the purpose of funding voter education and outreach programs, voter registration programs, or any other expense incurred in the conduct of elections. The prohibition does not apply to: (i) the operation of polling places or voter satellite offices in a facility furnished by a prohibited entity, or (ii) the acceptance of federal government grants that have been funded in whole or part by donations from a prohibited entity.

SB 370 and HB 895 were identical bills that amended various sections of Virginia Code and added section § 24.2-671.2, which set new standards for the conduct of risk-limiting audits. The bills required risk-limiting audits to be performed before the certification of election results. The bills also extended the certification of the November election by the SBE from the third Monday in November to the first Monday in December. ELECT convened a workgroup to consider and propose a process and timeline for implementing risk-limiting audits of statewide contests.

<u>SB 211</u> and <u>HB 55</u> were identical bills that required the State Registrar of Vital Records to transmit a weekly list of decedents to ELECT. Previously, the list of decedents was transmitted monthly.

<u>HB 1140</u> required general registrars to provide notice of the cancellation of a voter's registration to the voter by mail and, if provided, by email. Previously, notice of cancellation was only required to be provided to a voter by mail.

Voter and General Registrar Input

In providing a complete picture of the 2022 General Election, it is essential to include the voices and perspectives of stakeholders outside of ELECT. To that end, ELECT arranged to obtain feedback from both voters and general registrars. ELECT sought to build on the success of previous reports by including more voices in the narrative of the 2022 General Election. The use of these surveys is part of a larger effort to incorporate more grassroots feedback into the policy and procedural decisions of ELECT and to produce evidenced based policy recommendations to senior leadership and the state legislature. Throughout the remainder of this report the results of

both surveys will be used to give a more holistic picture of the successes and challenges of the 2022 General Election.

Karsh Institute for Democracy - UVA 2022 Virginia Election Survey

This is the second year the Karsh Institute of Democracy has conducted a post-election survey (referred to as "2022 UVA Survey" throughout this report) of Virginia voters related to their voting experiences. In the 2022 UVA Survey, 762 Virginia residents were surveyed between November 9, 2022, and December 2, 2022. The 2022 UVA Survey was administered via the Qualtrics survey platform, with a sample provided by Dynata. The results were weighted by race, sex, education, and age to approximate the Virginia general adult population. ¹²

ELECT'S 2022 Post-Election Survey of General Registrars

For this report, ELECT wanted to incorporate the observations and opinions of those responsible for administering elections at the local level: general registrars. To that end, ELECT's Policy team designed a survey (referred to as "2022 ELECT Survey" throughout this report) to solicit feedback from these officials who play a critical role in elections in the Commonwealth

Methodology

After reviewing the literature and comparing other types of surveys of general registrars performed throughout the country, ELECT's policy team designed the 2022 ELECT Survey. It was composed of thirty questions, which took on a mixed-method approach by including both multiple choice and short answer questions and covered the following six categories: General Information; 2022 General Election: Big Picture; Impact of Legislation; Officers of Elections; Impact on Position and Office; and Final Thoughts. ELECT utilized Google forms to design the survey and to capture all the data. ELECT sent a communication via the Elections Registration Specialists (ERS) to all 133 general registrars, that included a brief explanation of and a link to the survey on December 16, 2022. The survey closed on December 24, 2022, giving registrars over a week to opt in.

Sample Size

Participation in the 2022 ELECT Survey was completely voluntary and anonymous. In order to participate, ELECT requested general registrars consent to the use of their data for this report; if a general registrar did not consent, the general registrar was not asked any further questions, ending the survey. Of the 133 general registrars surveyed, 88 general registrars responded to the survey; 87 consented to be included in this report. The result was a 66% response rate from the field. 48.3% of respondents had over twelve years' experience in elections administration, while 20.7% had less than three years, with the remainder of the sample falling between the two. Of the registrars sampled, data was provided by general registrars operating in small, medium, and large localities as defined by the number of registered voters, active and inactive: 41.4% of participants worked in localities with 20,000 or fewer, 44.8% of participants worked in localities with 20,000-80,000 voters, and 13% of participants worked in localities with 80,000 or more voters. Their responses

¹² Karsh Institute of Democracy, University of Virginia, UVA 2022 Virginia Election Survey Topline, December 2022

are included throughout this section to provide an additional perspective to the administration of the 2022 General Election.

Special Topics in Administering the 2022 General Election

The following three sections aim to illustrate the 2022 General Election by identifying, discussing, and addressing key challenges in a straightforward and transparent manner that improves the administration of elections in the Commonwealth. Topics are organized into three broad categories, depending on when they occurred, including: Pre-Election, Election Day, and Post-Election categories. Each category includes input from multiple stakeholders collected from the surveys previously discussed in this report.

Pre-Election

Three major challenges arose pre-election day. These included the delayed processing of voter registrations collected through the Department of Motor Vehicles (DMV), issues related to redistricting mailings required by the 2022 Budget Amendment, and errors with online translated election materials.

Voter Registrations and the Department of Motor Vehicles

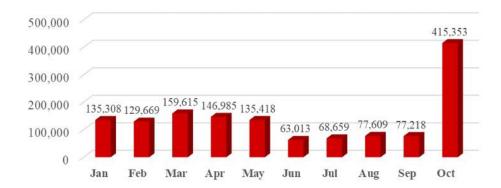
Information from transactions related to voter registration at the DMV is sent to localities through an automated process, where records are placed in Online Voter Registration (OVR) hoppers in VERIS for general registrars to process. In September, ELECT identified 107,000 DMV transactions that were not populated to local general registrars' OVR hoppers. A second batch of 149,000 additional transactions were identified at the end of October. The failure of the system to send these transactions to localities was caused by intermittent network issues that disrupted the automated processing of some, but not all, voter registration data. These transactions included: address updates, new registrations, and other changes resulting from visits to the DMV between May and September of 2022. Once the issues were addressed, there was a successful transfer of the voter registration data to registrars for processing.

ELECT's IT team performed a detailed after-action review related to the failure of the system to send some of the transactions to the OVR hoppers. It estimated that the issue began on May 18-19 of 2022. The Virginia Information Technologies Agency (VITA) performed server maintenance on the night of May 18, which required the server to be restarted. When the server was restarted, the automated process to transfer the DMV transactions to the OVR hoppers failed to restart. Following this, the IT team re-ran the process for two days while troubleshooting the issue. On May 20, 2022, the IT team resolved the job issue, restarted the process, and the OVR hoppers started populating that afternoon.

Between May and September, ELECT received occasional reports that the number of OVRs from DMV were lower than expected. Each report ELECT received was investigated and some missing OVRs were found in the hoppers each time. Therefore, since OVRs were making it to the hoppers from DMV, it appeared that the automated system was functioning.

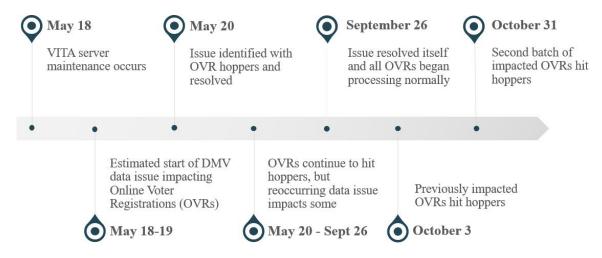
The following chart shows the monthly totals of voter registration applications received from DMV in the months leading up to the election.

DMV Monthly Application Totals



The first time ELECT received information about a specific person's voter registration that was not found in the hoppers was on September 28. Upon researching this voter, it was discovered that there was an issue between the computer code that receives the data from DMV and the computer code that presents the data to the VERIS application for processing. As ELECT conducted troubleshooting to discover the cause of the issue, it was discovered that the problem essentially corrected itself and OVRs began processing normally on September 26. The problem has not repeated itself since. While it is positive that the issue is resolved and has not repeated, this self-correction makes isolating the root cause of the problem a challenge. The ELECT IT team developed a trace to place on the connection to try to determine the root cause of the problem, though it is inconclusive to this point. ELECT has also added additional auditing code to alter the IT team to this type of issue in the future.

The following provides a visual overview of the events related to the impacted DMV voter registrations:



Since ELECT has a log of transactions, every record that comes in at the entry point and every record that is presented to VERIS for processing is recorded, ensuring that no data is lost. In this case, ELECT was able to determine exactly which OVRs failed. Those records were transferred

to general registrars for processing. General registrars acted quickly and processed the impacted voter registrations in time for the voters to cast a ballot in the Election. In the UVA Survey, only 2.5% of voters surveyed indicated a problem with their voter registration when attempting to vote, while an overwhelming 97.5% of respondents reported that they encountered no issues. 13

The consequences for general registrars related to this issue were sizable, especially for small and medium sized localities. Under LVAC20-20-70, ELECT offered localities aid in processing voter registration applications and made every attempt to assist localities. ¹⁴ Despite these efforts, most of the workload fell to localities reducing staffing resources in addition to causing stress and frustration in the final weeks leading up to the election. It is through the diligence and dedication of general registrars and their staffs that all voter registrations were processed and the impact on voters was minimized. Registrars noted the following in the 2022 ELECT Survey:

- "The time needed to process those (Voter Registrations) took staff away from other necessary tasks related to election preparation and early voting."
- "We are a 2 person office and while trying to filter calls, process over 120+DMV OVRs and handle early voting, along with SDR was a challenge."

KEY TAKEAWAYS

- ELECT has prioritized the creation of logging and alert features in the existing VERIS and is designing the new statewide voter registration system to include designated monitoring requirements.
- ELECT has partnered with VITA to provide a third-party after-action report to identify additional areas of improvement in the existing system.

Redistricting Mailings

During the 2022 General Assembly Session, a \$2.2 million budget amendment passed requiring ELECT to send voter notices to all Virginia voters impacted by decennial redistricting efforts. Despite efforts by ELECT to inform Virginia voters of the changes made to their election districts in a statewide mailing of postcards with the information, only 55% of those surveyed in the 2022 UVA Survey indicated that they received a postcard, while 25.8% could not remember, and 19.2% stated they never received a postcard. ¹⁶

¹³ Karsh Institute of Democracy, University of Virginia, UVA 2022 Virginia Election Survey Topline, December 2022
¹⁴ Virginia Administrative Code, 1VAC20-70-70

¹⁵Virginia State Budget, Budget Amendments, Voter Notices Requiring New Districts, 89 #2h, https://budget.lis.virginia.gov/amendment/2022/1/HB30/Introduced/FA/89/2h/

¹⁶ Karsh Institute for Democracy, University of Virginia, UVA 2022 Virginia Election Survey, December 2022

During the redistricting mailing process, ELECT encountered issues regarding incorrect voter notices being received by Virginia residents. These issues are discussed in greater detail below.

Northern Virginia

Voter notices were sent to voters in seven towns in Fairfax and Prince William counties that included incorrect voting location information for Election Day. The error was due to a printing issue by the third-party vendor, under contract with ELECT for the past three years, in which the voting location listed on the notice was kept static on the print job and not changed for each voter as designed. The number of affected voters in each town is as follows:

Dumfries: 3029 Occoquan: 878 Clifton: 199 Vienna: 12,169

Haymarket: 1079 Quantico: 367 Herndon: 13,387

The general registrars of Fairfax County and Prince William County sent corrected notices to these voters. ELECT reimbursed the localities for related expenses. These notices did not impact any voter's ability to vote early because the notices only contained incorrect voting information for Election Day polling places, which were corrected by the second mailing. The incorrect polling location listed in Fairfax City reported zero issues on Election Day with voters from other polling locations coming to vote.

Southwest Virginia

Voters in Southwest Virginia with post office (P.O.) boxes were sent incorrect information. The incorrect mailings were a result of the printer being jostled and misaligned. The printer took full responsibility and reimbursed ELECT for the cost of the mailing. Localities in Southwest Virginia with more than 20 affected voters were:

Bristol City: 116 Dickenson: 2097 Norton: 314 Tazewell: 5147

Buchanan: 5300 Grayson: 29 Russell: 5286 Washington: 1494

Amherst: 57 Lee: 2455 Scott: 1463 Wise: 7342

Several additional localities had between 1 and 10 voters affected. Those voters were contacted by ELECT. Corrected notices were mailed to all affected voters. The new notices were printed on yellow paper to note that they were a correction.

Sussex County

The Sussex County general registrar discovered that incorrect address for two polling locations were entered into VERIS and printed on voter notices sent to voters there. ELECT relies on the accurate input of these locations to print their notices. After discovering this error, the general registrar's office printed and mailed corrected notices.

General registrars expressed concerns that the mailings further eroded confidence in elections. One general registrar described the impact stating, "This again put more strain on the localities by having to take the time to go pay return postage and answer the numerous calls about the notices."

KEY TAKEAWAYS

- ELECT is reexamining the relationships it has with printers and securing a printer with the capacity and trust for large projects.
- ELECT is evaluating its internal processes and creating a more standard approach to future mailings.

Translations

Pursuant to §24.2-128 of the Code of Virginia and the Federal Voting Rights Act, election materials are required to be translated into minority languages in both covered localities and covered states.¹⁷ Covered localities in the Commonwealth are determined by the Census Bureau, based on a formula laid out in the Voting Rights Act, and designated by the United States Department of Justice. In Virginia, there are four covered localities that are required to translate election materials:

Fairfax County Hispanic, Vietnamese

Manassas CityHispanicManassas Park CityHispanicPrince William CountyHispanic

ELECT strives to provide voting or election materials on its website in four languages: English, Spanish, Vietnamese, and Korean. These materials include but are not limited to the following: registration or voting notices, forms, instructions, assistance, voter information pamphlets, ballots, sample ballots, candidate qualification information, and notices regarding changes to local election districts, precincts, or polling places; "registration notices" means any notice of voter registration approval, denial, or cancellation. At the beginning of the 2022 General Election cycle, it was found that many of these materials were either not translated or were translated but were out-of-date. ELECT made great efforts and strides to correct this oversight. By Election Day, all required voting or election materials were translated into the required languages with the addition of Korean. Currently, ELECT uses an approved third-party translating service to have all such materials translated for ELECT's website. Seeing the need for greater access and more efficient translation, ELECT has begun seeking translation software to automate some translations on its website.

KEY TAKEAWAYS

- ELECT needs a more efficient, accurate way to provide language translations.
- ELECT will continue to constantly monitor and update its website to provide content to all Virginia voters.
- ELECT needs to develop a way to verify language translations are accurate.

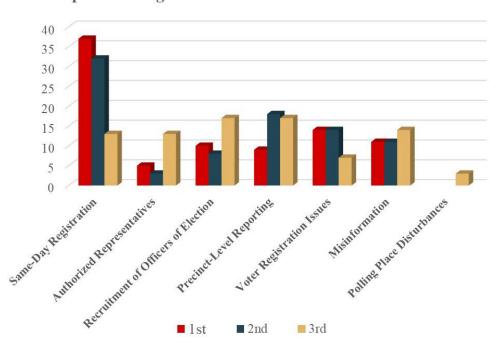
¹⁷ Code of Virginia, <u>§24.2-128</u>; United States Department of Justice, Civil Rights Division, About Language Minority Voting Rights, https://www.justice.gov/crt/about-language-minority-voting-rights

Election Day

This section discusses issues related to administration on Election Day, including the impact of same-day voter registration, relationships with authorized representatives, and complications with Demtech Pollbooks during the 2022 General Election.

Same-Day Registration

Based upon the responses to the 2022 ELECT Survey, same-day registration was the area of election administration that presented the biggest challenge for general registrars, with over 75% of respondents ranking it as their first or second top challenge:



Top 3 Challenges in Relation to 2022 General Election

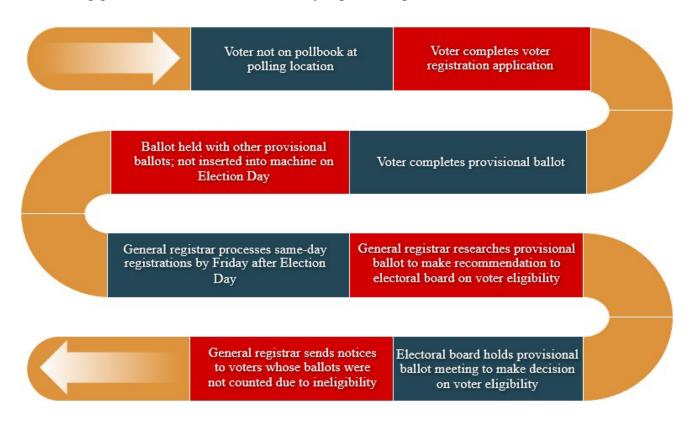
Although passed during the 2020 General Assembly Session, same-day registration for all voters became effective for the first time during the 2022 November General Election. Same-day registration is a type of in-person registration generally conducted after registration records close that involves registering to vote and casting a ballot on the same day. This is consistent with the implementation in Virginia, where a provisional ballot process is utilized.

In developing the process for same-day registration, ELECT staff collaborated with stakeholders in the general registrar community. A primary consideration in the same-day registration process was the fact that individuals would be submitting a registration and casting a ballot simultaneously. One related concern was the inability to process a registration prior to a ballot being cast. Further, it is not possible to confirm if a same-day registration was completed at a different location on

¹⁸ Code of Virginia, § 24.2-420.1

Election Day, as the Commonwealth does not currently require every locality to operate with an electronic pollbook, nor does it allow for internet connectivity on Election Day; these two factors make it impossible to confirm if a same-day registration was completed in a different locality.

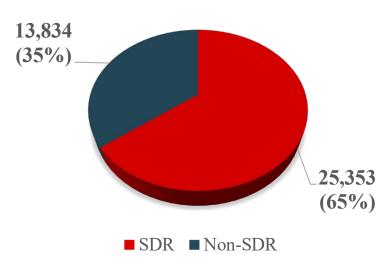
Accounting for these considerations, it was ultimately decided that the best way to conduct same-day registration in the most secure manner was to utilize a provisional ballot process. The following gives an overview of the same-day registration process:



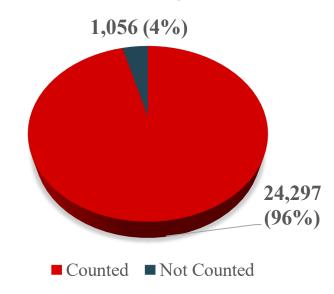
For the 2022 General Election, the same-day registration process was available beginning on October 18, the first day registration records were closed. Individuals could register and vote using same-day registration during the early voting period, through Saturday, November 5, and on Election Day.

While provisional ballots may be used for several reasons such as: missing, lost, or damaged absentee ballot submissions on Election Day, or a voter both does not have identification and refuses to sign an identification confirmation statement, this report primarily focuses on their use in the same-day registration process, which was by far the largest driver of their use. In terms of the canvass process, there is no distinction between provisional ballots used in the same-day registration process and those cast for other reasons. All provisional ballots are researched for voter eligibility by the registrars and either approved or rejected by the electoral boards as part of the canvass process. In total, there were 39,187 provisional ballots submitted. 25,353 of those ballots were used in the same-day registration process.

Total Provisional Voter Turnout

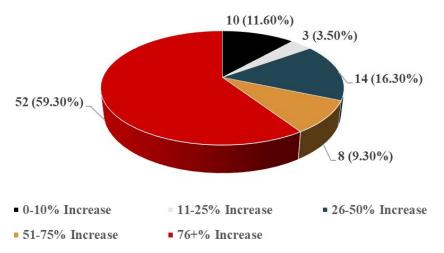


SDR Provisional Ballot Turnout Total = 25,353



Unsurprisingly, over half of the general registrars responding to the 2022 ELECT Survey experienced an increase of greater than 50% in provisional ballots from the 2021 General Election to the 2022 General Election.

What was the percentage increase in provisional ballots in your locality compared to the 2021 General Election?



Based upon the feedback from general registrars, this influx of provisional ballots was the primary cause of challenges in implementing same-day registration.

40 30 20 10 **Training Staff** Voter Increase in Impact of Education Provisional Provisional Ballots Ballots on Canvass ■ 1st ■ 2nd

Top 2 Challenges in Implementing Same-Day Registration

Generally, general registrars noted that the increase in provisional ballots put pressure on operations both at polling locations and in general registrars' offices. In particular, many general registrars reported delays and/or confusion for officers of election in administering the same-day process. Often, these challenges resulted in higher demand for assistance from the general registrar's office to provide support to officers of election:

- "SDR represents a major challenge in the time, manpower, and research needed to process SDR ED voter registrations, SDR provisional ballots, and to manage and track the needed research for each of these provisional ballots."
- "Seasoned and senior Chief and Asst. Chief election officials, although trained appeared to need assistance in providing provisional ballots"
- "All Chiefs on Election Day felt overwhelmed with the number of Provisionals required to document and go through filling out required paperwork. I worked very hard training my Chiefs on SDR but they were overwhelmed with all the variables in deciding whether they were dealing with SDR and if they were in the correct precinct."
- "The level of complication and challenges in handling all important details with accuracy is an overwhelming task for officers of election to handle. They are not full-time employees with the level of training that discerning all details requires."
- "Training will not change the fact that this is being handled at the polling place by workers who work 1 or 2 days a year."
- "Trained the staff on it best we could with not knowing ourselves how it worked in real time. Poll workers are increasingly older and need more guidance during the process."

Some general registrars noted that it was hard to predict the number of required provisional ballots needed; in some localities, general registrars had to arrange for additional ballots to be delivered to precincts with heavy same-day registration activity. Additionally, technology challenges with administering same-day registration at polling places were raised, including the lack of connectivity for electronic pollbooks:

- "Electronic Pollbook connectivity would enable information to be added and transmitted to office and/or other precincts."
- "Determining whether a voter is at the correct precinct due to no technology for election officials to determine where addresses fall on street files."
- "A better system for cross referencing the citizens who are registering and voting same day."
- "[E]very single one has to be called in to the GR's office to ensure voter is in correct polling place."

Some general registrars raised the prospect of centralization of the same-day registration process in order to address these challenges with polling places and officers of election:

- "The polling place is no place for administrative office functions. Voter registration is an office function."
- "Honestly, change in the [C]ode, that requires all same day to take place at our office."

General registrars in the 2022 ELECT Survey also raised the issue of the impact of same-day registration on the post-election process. In line with the common concern of the implementation of several new requirements, many general registrars noted the burden of layering report-by-

precinct on top of same-day registration. Also, due to the provisional nature of the process and increased volume, general registrars and local electoral boards faced additional responsibilities in what was already considered a tight timeframe to complete the canvass process. This burden was particularly felt by general registrars who have the responsibility of researching voter registration applications related to same-day registration voters and making provisional ballot recommendations to their electoral boards. The canvass and post-election process are discussed in greater detail later in this report, though the following are observations from registrars:

- "Considering the number of staff with VERIS access in our office, there is not enough time from election day until the end of canvass to process all the SDR Provisionals as accurately as we would prefer."
- "With a long period for absentee ballots to arrive, more provisional ballots to process, and the state having to complete a risk-limiting audit anyway, a longer certification period for locals should be a no brainer."
- "Our team was exhausted from early voting and election day, adding a large amount of provisionals put a lot of pressure on our office during the canvass. We did not have enough time to be as meticulous as we would have liked, which lead to simple mistakes."
- "The number of provisionals at canvass took much more extensive work by the EB and staff to research each provisional ballot. This took additional time, and this creates difficulty in concluding the canvass within the statutorily allotted time."
- "The lack of time we had to research and log each provisional ballot."
- "Preparing for the canvass was more difficult with the increase in provisional ballots. If we didn't have the additional days [due to the Veterans Day holiday], I'm not sure we would have been ready for the final provisional ballot meeting on Friday."

While challenges existed, it is important to note that some general registrars did express positive observations regarding same-day registration or, at least, some optimism about the ability to administer same-day registration in the future:

- "I know SDR has many Registrars up in arms, but we definitely saw situations in precincts on Election Day that were diffused because SDR is available. The stress level decrease for our Election Officers was remarkable."
- "SDR just being a [n]ew process and giving the Officers of Election an additional workload, they will grasp the concept in time."
- "SDR being new, was difficult to navigate. Going forward, with all of the information, it seems that it will be less of an issue."

Further, based upon the results of the 2022 UVA Survey, same-day registration does not appear to have had a significant negative impact on the voter experience on Election Day. 88.1% of respondents indicated that things ran "very well" and that no problems arose at their polling place,

while 10.2% reported that things went "Okay" and only 1.7% reported "not well" or "terrible". This was a slight increase from the 2021 UVA Survey, which indicated that 87.6% of survey respondents selected that operations ran very well and 10.8% indicated that things ran "Okay" at their polling place during the 2021 General Election. ²⁰

KEY TAKEAWAYS

- ELECT will identify and provide additional areas of training for both general registrars and officers of election.
- ELECT will work with stakeholders to identify aspects of the same-day registration process that can be added, eliminated, or adjusted to facilitate a more uniform, streamlined process.
- One solution for the stress at polling locations is to require all same-day registration to occur at general registrars' offices.
- Extending the canvass period would provide additional time for general registrars and electoral boards to process the influx of provisional ballots stemming from same-day registration.

Authorized Representatives

An authorized representative "of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, [has the right] to remain in the room in which the election is being conducted at all times."²¹ This includes the right "to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election."²²

In observing the conduct of elections at polling places, authorized representatives serve an important function in the electoral process. Over the years, ELECT has received many questions about managing the presence of authorized representatives and has issued guidance related to the rights, responsibilities, and limitations on authorized representatives.

The topic of authorized representatives was frequently raised by general registrars in the 2022 ELECT Survey. Based upon these comments, many of the general registrars find aspects of the authorized representatives to be an additional administrative challenge:

• "The Chiefs felt that some were trying to interfere with the process as they wanted to cause scenes in front of voters."

¹⁹ Karsh Institute of Democracy, University of Virginia, UVA 2022 Virginia Election Survey Topline, December 2022 ²⁰ Election 2021 Democracy, Voter Confidence and Electoral Integrity in Virginia, University of Virginia, Karsh Institute of Democracy, Paul Freedman, Jennifer L. Lawless, Galen Sheely, April 2022, https://karshinstitute.virginia.edu/sites/karshinstitute.virginia.edu/files/Election%202021%20Report_Final%20-%20KARSH.pdf

²¹ Code of Virginia, <u>§24.2-604.4(A)</u>

²² Code of Virginia, § 24.2-604.4(C).

- Some were very aggressive and insisted on hovering over our officers of election. We had to ask them to back up and give some space especially around the voting machine."
- "Pulling away from our core responsibilities."
- "[N]ot following the laws set forth in the authorized rep guidelines."
- "[O]verwhelming and combative at times. They followed our EOs around during Early Voting and at times were disruptive to the process.

It is important to note that despite these issues, the 2022 UVA Survey indicates that voters had an overwhelmingly positive experience at their polling place. On a sliding scale that went from very well, okay, not well, and terrible, 88.1% or respondents thought that things were run very well in their polling place and that 81.3% of poll workers did an excellent job.²³ When asked if the voters surveyed encountered any sort of harassment inside or outside of the polling place, 97.7% of respondents said no.

KEY TAKAWAY: ELECT will consult with stakeholders in relation to this important issue to facilitate better working relationships. In addressing the concerns of general registrars, ELECT will continue to provide guidance and explore avenues for new processes to ensure that authorized representatives can serve their important function under the Code without unduly disrupting polling place operations.

Dem Tech Electronic Pollbooks

As of 2019, Virginia is one of thirteen states that certify electronic pollbooks (EPBs). In the Commonwealth, localities have over 8,000 pollbooks supported by four vendors: Election Systems and Software, Knowink, Dem Tech, and Robis Elections. DemTech is the most widely used electronic pollbook in Virginia, with 94 localities as customers.

While no issues occurred with DemTech electronic pollbooks during the 45 days of early voting, some localities had issues with their DemTech pollbooks on Election Day. Several factors contributed to these issues. The primary cause was a malfunctioning time chip in some units that caused the EPBs to slow down, which required them to be restarted. The secondary issue was a de minimus change approved update that allowed the key, which refers to the USB flash drive used in unlocking the EPB for use, to remain in the unit. Users had to pull out and reinsert the key to open the EPB, which resulted in confusion for some officers of election.

Localities were delayed in purchasing the upgraded EPBs, shrinking the amount of time to train and understand the upgrades. One general registrar noted the impact saying, "[L]ocalities were scrambling to get the new software and receive training, so they could pass the information on the to their officers of elections." Despite these issues, all data was found to be secure and accurate on the EPBs after an analysis of the audit logs and VERIS logs was conducted.

²³ Karsh Institute for Democracy, University of Virginia, UVA 2022 Virginia Election Survey Topline, December 2022

DemTech will provide new time chips to all customers to ensure the time and date are correct when data is entered into VERIS along with a detailed instructions on how to install and synchronize the chip. Training for both DemTech employees and localities will be provided for better understanding of the system and how to communicate issues and solutions. DemTech is making available online training for all localities using their EPBs.

KEY TAKEAWAY: DemTech, ELECT, and localities are working together to ensure that these issues do not occur in future elections.

Post-Election

This section discusses precinct-level reporting of absentee results and challenges related to the administration of the 2022 Risk-Limiting Audit.

Precinct-Level Absentee Reporting

In 2021, §24.2-667.1 of the Code was created to require the reporting of the number and results of absentee ballots cast early in-person separately from all other absentee ballots.²⁴ In 2022, this was amended to add a requirement for reporting for each precinct the number and results of absentee ballots cast by voters assigned to that precinct.

To comply with the report-by-precinct requirement, localities must have different ballot styles for each precinct to ensure that there is breakdown by precinct when the ballots are processed at the central absentee precinct. This is in addition to ensuring that the early, in-person absentee ballots for each precinct are maintained separately. Finally, the precinct-level information must be entered into VERIS.

Overall, general registrars viewed the precinct-level reporting requirement as burdensome for a variety of reasons. Some pointed to aspects of preparing for the Election that were impacted by the requirement:

- "Of the two big Code changes, precinct-level reporting is a bigger challenge because of the number of ballot styles needed to run a CAP."
- "Precinct-level reporting was burdensome to our office, the voting equipment vendors, and our officers of election."
- "Precinct level reporting made cost very high for a locality like mine that does not have districts."
- "The cost of ballots is a future budgeting increase."

Other general registrars discussed challenges in the administration of the election due to the requirement:

• "Between in-person and mail, the tracking of each precinct's ballot by style creates an exponential threat of making an accidental mistake when issuing a ballot."

²⁴ Code of Virginia, <u>§24.2-667.1</u>

- "Precinct level reporting was extremely tedious and time consuming. One of the biggest challenges we all have is voters showing up on election day or during early voting who have requested a vote by mail ballot. This is very time consuming and frustrating for the voters."
- "My highly experienced CAP workers have already told me that they are not going to work CAP again unless it is simplified."

Some general registrars pointed to the burden of entering the required data and the general impact on the logistics of the post-election process:

- "Reporting CAP results by precinct created a lot more work for CAP Officers and Staff entering election night results and post-Election results."
- "It took over 1 hour to print the opening tapes for this election in our CAP. It also took over an hour to close the machines down on election night. Which slows down our results reporting, and in today's climate does NOT foster faith in the election process."
- "Late voter registration applications and precinct level reporting added a ton of work and stress to an already severely over-loaded GR!"
- "Difficult to accumulate early voting machines tapes for more than one early voting site to enter precinct level totals."
- "If we did not have the reporting software, we would have had over 11K data entry points prior to entering data into VERIS. Talk about errors! But, with the reporting software, it was a simpler process; however, entering the election night data into VERIS is rather confusing."

KEY TAKEAWAY: ELECT will continue to evaluate the established processes for this requirement and consult with affected stakeholders. To the extent possible, ELECT will explore options for greater clarity, simplification, and uniformity in how the process of report-by-precinct is handled, from the development of ballots to the entry of results in VERIS.

Risk-Limiting Audits

Pursuant to §24.2-671.2 of the Code of Virginia, ELECT is required to coordinate a precertification risk-limiting audit of ballot scanner machines in the Commonwealth. The 2022 November General Election Risk-Limiting Audit (RLA) took place in the three weeks following the general election for the United States House of Representatives. During the November 16th meeting of the SBE, United States House of Representatives District 9 was randomly chosen by the Chairman of the SBE to be audited. ELECT announced the successful completion of the audits on December 1, 2022. The results confirmed with over 99% confidence that the machines accurately reported the results of the race.

-

²⁵ Code of Virginia., §24.2-671.2

Batch Comparison vs. Ballot Polling

With the passage of new RLA legislation during the 2022 General Assembly Session, localities were on a much tighter timeline than any previous years to complete their RLA. Previous legislation mandated that participating localities conduct their RLAs post-certification, while current legislation mandates that RLAs be completed *before* certification. Despite the certification of the election being pushed to the first Monday in December, localities had roughly 9.5 business days to complete their RLA, when factoring in the Thanksgiving holiday.

Even though ELECT received no public comment regarding the type of method used to conduct RLAs, in the two workgroup meetings, composed of members of the general registrar and electoral board communities and ELECT staff, held in July and August of 2022, inquiries were made regarding the method of RLA used in the Commonwealth in the month leading up to the 2022 General Election. Some constituents raised the idea of changing or adding other methods, such as a batch comparison RLA, for the RLA method.

The manual, approved by the SBE in September of 2022 and vetted through the workgroup, details the ballot polling method only. Given the introduction of a new statutory requirements that introduced a shorter timeline to conduct the 2022 RLA as well as several new election laws, such as the introduction of Same-Day Registration and Absentee by Precinct Level Reporting, ELECT recommended that the SBE not expand the method of conducting the RLAs at the November 16th SBE meeting. Further, there was no time to create and train on new standards for conducting a batch comparison RLA or solicit recommendations from the field. Without the time to train and develop new standards, a last-minute change to the process on such a short timeline could have threatened the validity of the audit.

One of the strengths of utilizing the ballot polling method to conduct a risk-limiting audit is that it relies on statistical principals to assess each race and pull only a sample size of ballots necessary to achieve confidence in the election results. This results in fewer ballots being retrieved and reviewed, which results in a significantly reduced workload for localities. While ballot polling is recommended as the most practical option for conducting RLAs in the Commonwealth of Virginia, further research may lead to the option of allowing for different methods of conducting RLAs of future local contests.

KEY TAKEAWAYS:

• On behalf of the SBE, ELECT is researching the practicality of offering the batch comparison method as an option for future RLAs to allow localities some flexibility in determining the type of RLA they would like to conduct.

2022 General Election: Voter Education Campaign

The 2021 UVA Survey revealed that Virginians' "positive voting experiences were overwhelmed by national narratives that worked to undermine confidence." That's why, for the 2022 voter education campaign, ELECT wanted to focus on the ease and accessibility of voting in Virginia. The "Virginia is for Voters" campaign encouraged Virginians to make their vote count by sharing details about how, when, where eligible Virginians can vote. Please see Appendix B for examples of materials used in this campaign.

Media Campaign

The campaign was executed across online media and radio targeted to the general public as well as underserved populations.

- Online buys were targeted statewide via Virginia Press Services, with digital banner and newspaper website ad placements. The buy also includes mobile ticker tape ads and multiple streaming radio platforms.
- In radio markets that are rated, the buy included the top-rated stations against adults 18+. For smaller and non-rated markets, stations were identified based on prior statewide media buying experience. Radio markets included Bristol/TriCities, Charlottesville, Fredericksburg, Hampton Roads, Harrisonburg, Richmond, Roanoke/Lynchburg, Washington DC, Winchester/Culpeper, and 13 rural markets (Northern Neck/Middle Peninsula, Eastern Shore, Blackstone, Bluefield, Clintwood, Farmville, Lebanon, Norton, Orange, Pennington Gap, South Boston, Stuart, and Wytheville).
- Spanish-speaking Virginians were also targeted through the media buy, including statewide banner ads, newspaper websites, mobile ticker tape ads, and streaming radio, with creative translated into Spanish.

Media Analytics

Paid media for the campaign generated 30,877,559 impressions* from October 11-November 8, 2022.

- Online generated 11,335,380 impressions.
- Radio generated 19,542,179 impressions (from measured markets).

Online advertising for the campaign earned 107,105 clicks to the ELECT website, for an overall Click-Through Rate** (CTR) of 0.94%.

- Mobile ads generated 3,591,982 impressions, and 102,546 clicks, for a 2.85% CTR.
- Ads placed on 57 newspaper websites, four of which were Spanish language, generated 4,214,064 impressions and 3,037 clicks, for a .07% CTR.
- Statewide display ads generated 1,902,224 impressions and 1,010 clicks, for a .05% CTR.

²⁶ Election 2021 Democracy, Voter Confidence and Electoral Integrity in Virginia, University of Virginia, Karsh Institute of Democracy, Paul Freedman, Jennifer L. Lawless, Galen Sheely, April 2022, https://karshinstitute.virginia.edu/sites/karshinstitute.virginia.edu/files/Election%202021%20Report_Final%20-%20KARSH.pdf, p. 10

• Streaming radio generated 1,627,110 impressions and 512 clicks, for a .03% CTR.

Spanish-language digital added to campaign earned the same CTR as English-language, indicating an appetite for this type of information. (In 2021, Spanish-language advertising ran in print media only.)

The addition of mobile ads in the 4-week campaign helped ELECT achieve more clicks to the website than the year prior, despite a lower media budget.

- *An impression is defined as an individual view, and multiple impressions can be attributed to a single individual.
- **Click Through Rate (CRT) is calculated by dividing the number of clicks to the website by impressions generated.

Social Media Toolkit

A social media toolkit was developed for the Virginia Department of Elections and its partners to support the voter education campaign. A new icon for accessibility was incorporated into the social graphics supporting an accessibility message. The toolkit included social shareables in English, Spanish, Korean, and Vietnamese.

2022 General Election: Call Center and Online Complaints

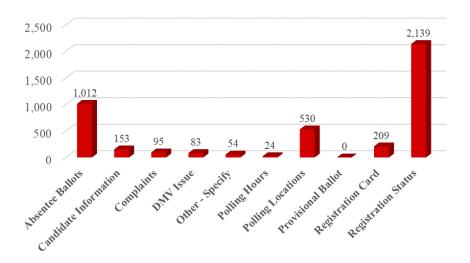
As part of its post-election reports, ELECT provides data regarding inquiries and complaints fielded in the given election cycle. These focus on two avenues: the call center and the online complaint form.

Call Center

ELECT contracts with Adapt Business Solutions to create a call center during the general election cycle, when more calls placed to ELECT. Overall, the average handle time was 3:48 minutes, average talk time was 3:39 minutes, and the average call wait time was 5 seconds. The topics that received the most calls remained the same as previous election years; the top three topics include: registration status, absentee ballot information, and polling location information. Compared to the 2021 General Election call center metrics found in the 2021 Post-Election Report, ELECT saw a reduction in total calls across all categories.²⁷

²⁷ Virginia Department of Elections, 2021 Post-Election Report, https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/Post-Election-Report_FINAL.1.24..22docx.pdf

Number of Calls from August 30 to November 11



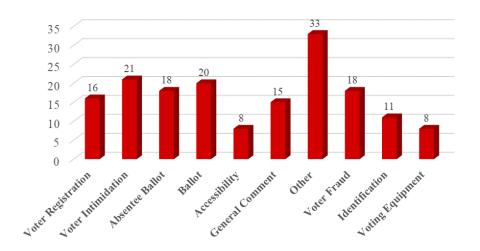
Online Complaints

For several years, ELECT has provided an <u>online tool</u>²⁸ for voters to voice their concerns about an election. In most cases, because election officials in the voter's locality best adjudicate these issues, ELECT forwards these issues to the local general registrar. ELECT follows up with the local general registrar to determine the outcome. A few of these issues are more urgent and require immediate attention from ELECT staff. These issues most often involve whether someone is registered to vote, finding a voter's correct polling place, or other factors that may limit a voter's ability to cast a ballot. By providing a high-level overview of the patterns of voter complaints, the system alerts ELECT staff to analyze complaint data and monitor what may be a situation developing in a locality or precinct. In the majority of cases, the general registrar or officers of election are already aware of a particular situation (e.g. long lines, voting machine issues, etc.) and are working on a solution, and simply have not had time to contact ELECT. In rare cases, ELECT will be the first to report a problem or pattern of issues to the general registrar. Either way, the voter complaint system allows ELECT and general registrars to quickly recognize and work to resolve Election Day issues.

ELECT received 175 online complaints, which represents a minute fraction of the total number of voters who participated in the 2022 General Election. Most online complaints were filed on Election Day with 115. ELECT saw a significant reduction in online complaints compared to previous years. Below are charts related to both online complaints and the call center for the 2022 Election cycle.

²⁸ Virginia Department of Elections Voter Complaint Form, https://fs28.formsite.com/vaelect/yynt8fwwin/index.html

Online Complaints by Type



Online Complaints by Year

Complaint Type	2017	2018	2019	2020	2021	2022
Absentee Ballot	18	26	8	161	24	18
Accessibility	15	32	6	9	6	8
Ballot	26	27	45	232	21	20
General Comment	26	42	17	42	16	15
Identification	12	27	8	23	11	11
Law Enforcement	1	2	1	0	2	-
Long Lines	2	113	0	3	0	-
Other	45	69	33	160	38	33
Vandalism	0	0	0	1	0	-
Voter Fraud	12	20	4	137	18	18
Voter Intimidation	34	44	5	56	53	21
Voter Registration	29	11	17	51	16	16
Voting Equipment	12	62	10	36	15	8
Total	232	475	154	911	221	168

Reflections: Impacts on General Registrars and Staff

As the frontline keepers of our democracy, general registrars, their staffs, and officers of election often work in challenging environments with many demands. Virginia is one of five states that hold off-year elections, requiring registrars to administer an election every year, often with several special elections. In addition to implementing the foundational legislative changes discussed previously, general registrars in the last three years have navigated a global pandemic and an increasingly polarized political environment - all of this while successfully executing their "normal" duties of administering multiple elections with little to no incidents. This was done in conjunction with the reconfiguration of new congressional, state, local, and precinct lines as part of decennial redistricting efforts and amidst several complications brought on by an aging voter registration system. With the vital role of general registrars in our electoral process, ELECT prioritizes a strong relationship and open line of communication between ELECT and localities. In addition to the 2022 ELECT Survey, this priority was demonstrated with personal visits by Commissioner Beals to the offices of 35 general registrars as well as bi-weekly calls with leadership from both the general registrar and electoral board communities to discuss emerging issues and concerns.

While the input of general registrars was sought largely for their perspectives on election administration, it is also important for ELECT, the General Assembly, and the public to hear directly from general registrars about their personal experiences in their roles, in part so that they receive the necessary support to continue to run fair and free elections in the Commonwealth. As part of the 2022 ELECT Survey, general registrars were provided the opportunity to shed light on their profession by asking questions about job satisfaction, positive and negative aspects of their role, and various impacts on staff and officers of election. A series of quotes from the general registrars' responses are included throughout this section.

Job Satisfaction

"We all work very hard to maintain what is required, and we care deeply of our professions."

General registrars are dedicated public servants committed to serving their communities, educating voters, and ensuring the effective administration of elections. This is evidenced in part by the longevity of the survey respondents, about two-thirds of whom reported experience of eight or more years in both election administration and service to their current localities. Unsurprisingly, the survey responses reflected this dedication and commitment.

"Continuing to demonstrate in word and deed that our Democracy indeed still works is most important to me."

"I feel like this is a noble calling and is a patriotic endeavor."

"I work with wonderful, committed people."

An overwhelming number of general registrars particularly noted their satisfaction in working for and with voters. One general registrar responded, "I enjoy serving my community and ensuring our locality is accessible and fair for all." Another offered, "I enjoy finding new ways to engage

with and educate the voting community."

A key aspect of the job for many general registrars is the deep sense of comradery with their peers and staff, with one pointing to "the support and wealth of knowledge shared by our general registrars throughout the Commonwealth." Another indicated, "We have a great team with the staff, the [electoral board] and our officers, and it's very rewarding to work with people who want to achieve the same goal: helping voters."

Overall, a significant majority of registrars reported satisfaction with their positions. On a scale of 1 to 5, with 1 being the least satisfied and 5 being very satisfied, over 70% selected either 4 or 5.

Challenges of the Job

While respondents had many positive things to say about their roles, they also spoke frankly about challenges. While challenges particular to the 2022 General Election have already been discussed, registrars raised a range of other issues that impact their positions.

"This job is and always has been a pressure cooker. There are no do overs and mistakes aren't tolerated. With all the changes since 2020, we now have an election season that runs from mid-August through early December. Burnout is real and it is happening across the Commonwealth."

Voter Experience

Misinformation circulated to voters was a commonly mentioned challenge by respondents. "Even in elections, like the November 2022 General Election, that run 'smoothly', it is a very big threat that we see voters on a daily basis who don't believe their votes count or that they are somehow 'victims' of a system designed to work against them."

Despite concerns from registrars that voters were hearing misinformation that may make them less confident in election results, the 2022 UVA Survey data indicated that voters had an overwhelmingly positive experience at the polls -- over 88% of participants said operations at their polling place ran "very well," over 80% said poll workers were excellent, and over 90% encountered no problems with the voting equipment – and 88.5% of respondents were "very confident" or "somewhat confident"-- that the votes in the 2022 General Election were counted as intended.²⁹

Politicized Environment

General registrars described their experiences having to play referee between political parties. One general registrar wrote, "I have concerns about the politicization of elections in Virginia and what I see as codified threats of prosecution of Registrars by representatives of both parties (on charges ranging from "fraud protection" to "voter disenfranchisement")." Another indicated that, "Parties have a responsibility to bring the temperature back down. Lies about stolen elections not only

²⁹ Karsh Institute of Democracy, University of Virginia, UVA 2022 Election Survey Topline, December 2022

disenfranchise voters...but also increase risk for election officers and administrators." General registrars describe the increasingly hostile work environment, in which some fear for their safety and the safety of their staff by stating, "lifelong public servants with excellent intentions and tireless work ethics have to take abuse..." One general registrar described placing signs around the office to encourage voters to "be nice" to staff: "We actually had to post SIGNS at our service windows and polling locations asking voters to please be KIND to our officers because we're all just trying to do our best to make sure their votes count."

Impacts on Health

General registrars indicated that their job contributes to health concerns they have experienced. 56.6% of general registrars indicated that the job has had some impact on their physical and/or mental health, while 27.6% of participants responded that the job had a significant impact; only 13.8% selected that the job had no impact. One respondent stated, "I have always joked that this job is going to kill us but it's not really a joke. Look at the health problems a good majority of the Registrars have, stress has not helped any of them." Another mentioned that the physical aspects of the job needed more awareness; this was echoed by another respondent who contributed, "Our bodies react by our backs "going out", neck pain, shoulder pain, migraines and catching multiple viruses and infections. It is a hard job for me and my staff." Multiple respondents indicated that they worked beyond forty-hour work weeks. One general registrar stated, "[E]ach election cycle requires me to put my entire life on hold for at least 10 weeks. A normal day is 11 - 12 hours (plus the weekends)." Another reflected, "you cannot plan any family time or schedule any trips to decompress. You never know when or what is coming up. If you do take a week off, 7 hour drive to a beach, you are constantly checking your emails for any urgent matters. You cannot relax even on a vacation."

Significant Code Amendments

Many general registrars noted the volume of new laws in recent years as a challenge. As one general registrar noted:

"[T]he legislature considers us secondary to political considerations [T]here needs to be an Election Law Commission that reviews elections and develops proposals (or reviews them) based on desirable processes and systems. Handling them on a whatever-pops-up-this-session basis, along with registrars and electoral board members running around trying to convince the legislators about the pros or cons of proposals, is an unreasonable and unserious way of handling elections."

As stated by another general registrar:

"Our officers of election feel like we pile on more and more and we have to train more and more and they do not feel like it is worth it. With each new law/requirement, it costs more to administer elections, and we do not have the budget for it. There is strain on our voting systems due to new requirements, and eventually will require us to have to purchase new equipment."

Relationship with ELECT

General registrars proposed suggestions for improving their relationship with ELECT. In reviewing the results of the 2022 ELECT Survey, a recurring theme was the need for ELECT to issue training and guidance sooner. Similarly, ELECT should continue to engage general registrars and solicit more feedback, when developing new processes and procedures. One general registrar noted that, "[N]ew legislation and ELECT's assumption on how that will playout in the GR office, doesn't always work. Continue to partner with us to build a better tool." An effort should also be made by ELECT to streamline processes whenever feasible by reducing duplicative paperwork and processes and solicit feedback from the elections' community when possible.

The statewide voter registration system maintained by ELECT, VERIS, was also the subject of many comments. One general registrar noted, "[Their] primary concern is the continued viability of VERIS." Others noted the insufficiency or lack of specific elements of VERIS operations. While ELECT continues to work to maintain and improve VERIS, and will address concerns to the extent feasible, efforts are also underway to address many of these concerns in the development of the new system to replace VERIS, which is scheduled to "Go-Live" in February of 2025.

Relationship with Electoral Board

Some of the feedback from general registrars suggests opportunities for improvement in the relationship between them and their electoral boards. There appears to be some confusion as it relates to the delineation of duties between general registrars and electoral boards. As one general registrar wrote, "I cannot do my actual job [when] spending hours a day doing [electoral board] tasks." Another general registrar suggested, "[electoral board] members should have a clear list of things they must do," and that they "have to walk [the electoral board] through each and every step of the canvass." While there is not clear data confirming this is a widespread issue, there are nevertheless opportunities to evaluate current guidance and materials and explore opportunities for additional training.

Officers of Election

Recruiting and training officers of election is an essential duty of general registrars. Especially as it relates to recruiting, this is also an area of great challenge for general registrars. In comparison to the previous two election cycles, 29.9% of respondents found it more difficult to recruit officers of election for the 2022 General Election, while 59.8% found it about the same; compared to election cycles prior to 2020, 33.3% found it more difficult to recruit, with 43.7% finding it about the same. As one stated, "[R]ecruiting [officers of election] is our biggest challenge every election. The next biggest issue is [officers of election] following instructions." There were several contributing factors to this area of challenge presented by the general registrars, some of which have already been mentioned in this report, including the highly charged environment in which elections are conducted.

Some general registrars found it more difficult to recruit officers of election due to the increasing age of those who are most likely to serve in the role. As one registrar wrote, "[O]ur election officials consist of mostly older voters and we had many who opted not to participate this election." Another stated, "90% of [their officers of election] are elderly."

Another issue raised by several general registrars relates to the involvement of political parties in the process and the requirement for representation to be balanced between parties. When asked if local political parties meet their obligations in providing nominations for officers of election, 39.1% said responded "usually not" and 35.6% responded "never." As a result, there are concerns about the inability to provide the required balance. As one general registrar noted, "[B]alance of [officers of election] is difficult in our locality, predominantly leaning towards one party." Another noted that, while they do not have problems recruiting in general, "the majority of our officers are non-partisan and want to remain that way."

As previously mentioned, new legislation requires new training for officers of election and can result in errors at polling places, as demonstrated in the discussion of same-day registration. Further, significant time and resources must be dedicated to training, with one general registrar noting, "[It] drains time, manpower, and resources away from election preparation and the Early Voting process."

Impact on Continued Service

Despite their pride and commitment to both Virginia voters and the democratic process, being a general registrar comes with significant challenges brought on by constant change, stress, and distrust in the political process. ELECT asked general registrars if recent election cycles, since 2020, impacted their desire to continue serving in their current positions. 44.8% of respondents selected that they are *less likely* to continue in their positions, while 42.5% said that recent cycles had *no impact* and the remaining 12.6% of participants selected that they were *more* likely to continue.

Conclusion

Virginia's elections are run by steadfast, dedicated public servants committed to serving their communities, educating voters, and furthering the democratic process. Every election provides ELECT the opportunity to observe, evaluate, and adjust. As demonstrated throughout this report, the 2022 election cycle has provided opportunities for such review. Each key takeaway addressed will influence future trainings and guidance as well as future election cycles. By working together, planning in advance, and implementing best practices, the vast majority of election administrative challenges are solved quickly and in ways that improve the voter's experience.

Appendix A: Glossary of Terms

Authorized Representatives are qualified voters of any jurisdiction in the Commonwealth tasked with seeing and hearing what is occurring at the voter check-in table on behalf of a political party or an independent candidate.

Ballots Cast refers to the total number of voted ballots that counted towards the total results of an election. It does not include things like undervotes, overvotes, uncured absentee ballots, or late, lost/damaged, or rejected ballots. For the purposes of this report, ballots cast refer to the 2022 General Election as a whole and does not refer to any one candidate. Typically, ballots cast is lower than reported turnout.

Department of Elections (ELECT) is tasked with the administrative and programmatic operations and discharges the Board's duties consistent with delegated authority.

General Registrars are appointed by the local electoral board of a county or city to be responsible for all aspects of voter registration and to be the director of elections in their locality.³⁰ Elections are run in the Commonwealth by 133 general registrars operating in both rural and urban localities in every county and independent city in the state.

Local Electoral Boards are three-member boards appointed by the chief judge of a judicial circuit to administer elections for a county or city. They are composed of two members two the political party that received the highest number of votes in the last preceding gubernatorial election. One member of the electoral board represents the party that received the next highest number of votes.³¹ For a list of full duties, please see Chapter 2 of the GREB Handbook found on ELECT's website.³²

Officers of Election are appointed by the local electoral board to serve at a polling place for any election.

State Board of Elections (SBE) is authorized to supervise, coordinate, and adopt regulations governing the work of local electoral boards, registrars, and officers of elections'; to provide electronic application for voter registration and delivery of absentee ballots to eligible military and overseas voters; to establish and maintain a statewide automated voter registration system to include procedures for ascertaining current addresses of registrants; to prescribe standard forms for registration, transfer and identification of voters; and to require cancellation of records for registrants no longer qualified.

Virginia Election Registration Information System (VERIS) is the election administration and voter registration system currently in use in Virginia. This system has been in operation since 2007; it will be replaced in early 2025 by a new statewide voter registration system (SVRS).

³¹ Code of Virginia, §24.2-106

³⁰ Code of Virginia, §24.2-101

³² Virginia Department of Elections, "GREB Handbook, Chapter 2, Local Electoral Boards", July

^{2022,} https://www.elections.virginia.gov/media/grebhandbook/2022-updates/2 Local Electoral Boards (2022).pdf

Votes Cast refers to the number of votes that counted towards the results of a particular contest. There could be less votes cast for a particular contest than total ballots cast, if a voter decided not to make a selection for a particular contest. This is known as an undervote. Votes cast may be lower than turnout.

Turnout refers to the number of individuals who attempted to vote in an election. This data comes from the counts election officials enter into the voter registration system (VERIS) during canvass to describe both accepted and rejected ballots.

Appendix B: Voter Education Campaign Materials

Radio

English

CASTING: Female, mid 30s to early 40s, conversational and NOT announcer sounding.

CYMBALS

AVO: At the Virginia Department of Elections, we realize there's a lot of new information about voting. To help you focus, we've got just the thing.

SFX: Cymbal crash

AVO: Cymbals! Make sure you're registered. And confirm your polling location. Redistricting could affect that. Cymbals please!

SFX: Cymbal crash

AVO: You can vote early in-person, absentee by mail, or on Election Day,

November eighth, at your polling location. For more info.

SFX: Cymbal crash

AVO: Go to vote dot Virginia dot gov.

SFX: Cymbal crash

Radio

English

CASTING: Male, mid 30s to early 40s, medium deep tone, confident and optimistic.

VIRGINIA IS FOR VOTERS

AVO: Election Day is November eighth. At the Virginia Department of Elections, we mean it when we say, Virginia is for voters. We work hard to make it easy for all eligible voters to cast a vote. Democracy works in Virginia. Every vote counts here. Whether you vote early, in person, or by mail. For more information about registration, important dates, and polling locations, go to vote dot Virginia dot gov. That's vote dot Virginia dot gov.

Radio

Spanish

El día de las elecciones es el 8 de noviembre. En el Departamento de Elecciones de Virginia hablamos en serio cuando decimos que Virginia es para los votantes. Trabajamos duro por facilitar a todos los votantes elegibles la emisión de su voto. En Virginia, la democracia funciona. Ya sea que votes por adelantado, en persona o por correo; aquí, cada voto cuenta. Para obtener más información sobre el registro, las fechas importantes y los lugares de votación, visita Vote punto Virginia punto gov.

Digital Banners

English



Digital Banners

Spanish (produced in multiple ad sizes)



Mobile Ads

English

Election Day is Nov. 8. Make it count, Virginia. Learn more at Vote. Virginia.gov.

Mobile Ads

Spanish

Las elecciones son el 8 de noviembre. Haz que cuente, Virginia.Infórmate en Vote.Virginia.gov.

Shareables

English



















Shareables

Spanish





















Shareables

Korean















Shareables

Vietnamese



















