The League of Women Voters of Virginia Education Fund
501 East Franklin Street, Suite 624
Richmond, VA 23219
(804) 521-4171
www.LWV-VA.org

Report of a Panel Discussion: Virginia's Election Practices and the Presidential
Commission on Election Administration Recommendations
Prepared by Read Bavely*

Introduction

On April 26, 2014, the League of Women Voters of Virginia Education Fund sponsored a panel discussion to highlight areas of Virginia's (VA) election administration practices in light of recommendations of the bipartisan Presidential Commission on Election Administration (PCEA) report published in January[1]. The event was held in Fairfax County in connection with the organization's annual Council meeting. It brought together three prominent VA election officials as presenters including: the Secretary of the Fairfax County Electoral Board, Brian Schoeneman; the General Registrar of the Loudoun County Office of Elections, Judy Brown; and former acting General Registrar of Prince William County, Kimball Brace, who is the president of Election Data Services, Inc. Both Schoeneman and Brace served on their respective counties' Bipartisan Commission (or Task force) on the Election Process. The discussion was moderated by the Executive Director of the National Association of Secretaries of State (NASS), Leslie Reynolds. Each presenter discussed the Virginia perspective of a particular area of election management experience or electoral scene which had been addressed from the national viewpoint by the PCEA.

The main focus areas of the discussion involved Virginia's current performance in the implementation of PCEA recommendations (Reynolds), election data management (Brace), poll list maintenance implications (Brown) and election officer recruitment and training (Schoeneman).

Leslie Reynolds, Moderator—Opening Remarks

The panel was kicked off by Reynolds who offered an optimistic perspective on VA election administration practices with firsthand experience having worked as a poll worker for Arlington County for 14 years as well as through direct contact with the VA Department of

Elections (formerly known as the State Board of Elections-SBE). She referred to a recent Pew Center on the States Election Performance Index which ranked VA in the top 20. This ranking is anticipated to rise with expectations that the state's index will increase once the July 2013 statewide implementation of online voter registration (OVR) is accounted for, which has yielded over 63,000 applicants to date. Given that OVR is inextricably linked with voter list maintenance operations, Reynolds turned the floor over to Brown for the locality-specific General Registrar's perspective.

Judy Brown--List Maintenance and OVR

OVR systems, as highlighted and recommended by the PCEA, are invaluable to election administration. These systems have contributed to reductions in registration data entry errors, voter fraud instances, application processing times, locality costs, registration barriers to voters with disabilities, provisional ballots and election day lines, as well as increased state integration and promotion capabilities and overall levels of voter participation. Given the increasing mobility of American voters, with 12% of the American public changing residences each year [2], OVR is a faster, more individualized and more accessible tool (with 24/7 convenience) for voters to update their registration information relative to paper application systems. Greater accessibility for updating registration information helps eliminate poll book irregularities like outdated addresses, duplicate records and name changes. It is especially attractive to younger voters and can simplify the meeting of registration requirements for voters who wish to update their residence address when moving away for college, hopefully inducing greater levels of youth turnout.

OVR, in its capacity to fulfill the various election administration functions listed above, eases list maintenance responsibilities and allows more time afforded to local election officials to improve other aspects of the electoral process such as election officer training. Better trained poll workers combined with more accurate poll books can significantly help shorten lines on election day by decreasing the number of voter problems and provisional ballots having to be issued. With smaller numbers of provisional voters, election officials can spend more time in the post-election period studying other areas of election administration improvement like polling place accessibility, voting equipment maintenance, election data gathering, etc.

Brown highlighted an integral problem associated with OVR in VA involving the use of voters' Department of Motor Vehicles (DMV) customer ID numbers. These ID numbers enable

the OVR system to capture the required voter's signature from their signature used on DMV forms which allows for the process to be completely electronic. Without a customer ID number, voters may still fill out the application online but must take additional steps to ensure the application gets accepted; they have to print out the application to provide their signature and then either mail or personally bring in their application to their local elections office. The customer ID number requirement also presents other problems such as voters' confusion about what the number actually is and often an inability of voters without a number to readily print out the form when using smartphones and other mobile devices to complete the application. VA localities should try to beef up their voter education outreach efforts to help reduce the confusion associated with these numbers and the OVR process in general. Organizations conducting third party registration drives, like the League, also need to consider changes in their procedures given the introduction of OVR.

The PCEA report also recommends the integration of voter information provided to DMV with statewide voter registration lists. Brown touched on this recommendation by noting that since the implementation of OVR, the number of applications being received through DMV has decreased. Moreover, the paper-based system that DMV relies upon is often flawed by the clerk's neglect to verify the application has been fully and correctly completed, contributing to greater number of voters required to vote provisionally after claiming that they had registered with DMV. Brown explained that DMV is working with the localities to transition to a customer window available on the OVR system which would indicate application incompletion and or rejection material, such as checking the "NO" box for citizenship or "YES" boxes for felony convictions and mentally incapacitated adjudications without giving applicable rights restoration dates.

Federal legislation, embodied by the 1993 National Voter Registration Act (NVRA and the 2002 Help America Vote Act (HAVA), has helped facilitate another recommendation included in the PCEA report to expand interstate voter list exchanges. Brown noted that the VA General Assembly has passed multiple bills to help facilitate these exchanges, including legislation in 2013 mandating the state to share its registration data with our neighboring states. Therefore, in terms of this recommendation, VA has been relatively in front of the curve. In fact, VA was one of the founding members of the Electronic Registration Information Center (ERIC), joining in 2010, and also was the first state on the eastern seaboard to join the Interstate Voter Registration Cross Check (IVRCC) Program in 2012.

In 2013, IVRCC data incorporated sharing between 22 states and over 84 million registration records. One controversial aspect of using this data in VA occurred late in the summer of 2013 when the program identified around 80,000 records with a high probability of matching registrations in multiple states. Around 23,000 of these records had already been removed through normal cancellation procedures by the time SBE received the data. The SBE requested that local registrars review and take appropriate action on the other 57,000, of which approximately 38,000 were eventually removed. The timing of the mandate right before a statewide gubernatorial election contributed to the surrounding controversy in the media, concerned organizations and the general public. Without the appropriate time to work through the data, a number of registration records were cancelled where they shouldn't have. This caused additional Election Day problems when voters notified their locality's election office that they had been inaccurately removed and thus needed to be reinstated; contributing to more Election Day congestion and lines.

ERIC, IVRCC and other forms of interstate information sharing help localities better capture voters who have deceased or moved out of state, allowing for appropriate cancellation of these voters' registrations. It also helps identify voters who have moved into or within the state--thus improving the quality of list maintenance functions. However, as reflected by the 2013 controversy, the timing of mandated cancellations needs to give ample time to allow for local election officials to sort through the data and correctly identify whose registration record does or doesn't deserve to be removed.

Kimball Brace--Data Management

Brace caught the audience's attention by providing examples of the diverse size of jurisdictions – counties, cities, townships, etc. – which conduct elections. In the more than 10,000 total jurisdictions, the average number of registered voters is only slightly over 14,000. Other examples: Approximately 400 jurisdictions have more than 100,000 registered voters; 44 percent have fewer than 1,000; only 15 have more than one million.

Data management is essential to election administration due to its capacity to help smoothen electoral processes and identify areas of needed reform or improvement. Since there is so much diversity associated with election administration with stark disparities in the geographical size and number of registered voters serviced by various jurisdictions, one size fits all solutions don't tend to work. Therefore, jurisdiction specific data can help develop the

solutions necessary to improve election administration within that specific particular locality. Fairfax County, as the largest county in the Commonwealth servicing over 700,000 voters and 238 precincts, would benefit from individual precinct data measurements such as average wait lengths, average time spent marking and casting the ballot, turnout levels, longest line times, numbers of voter problems, maximum polling place capacities etc. On the other hand, Norton City, with only around 2,300 registered voters and one precinct, might benefit more from peak registration period data as to determine the necessary hours the part-time General Registrar should be actively involved with election administration.

In relation to the PCEA report, data management is a vital part to implementing the recommendation to develop models for effective distribution of polling place resources as well as many of the recognized best practices associated with voter flow management. For computerized tools such as resource calculators to effectively help determine allocation, credible data is required to satisfy the calculations. Moreover, post-election precinct data measurements, like timing of the last ballot cast, the total number of voter problems, and the number of issued provisional ballots, could help identify 'problem precincts' which necessitate greater resource allocation in the future; or even a more drastic change of polling place selection and voter apportionment.

Election Day line length data should be readily advertised and updated regularly on the locality website to allow voters to plan accordingly and avoid more congestive periods of the day like early morning and late evenings (before and after work). Brace suggested this data be updated every half an hour but for most precincts just hourly would probably suffice. Fairfax County has adopted a method which somewhat accommodates this best practice called the 311 system which records line length and other election day problems and thus can provide many of the measurements associated with effective data management. However, the difficulty with this system is that it is based on calls which come from the precinct to the central office of elections regarding voter problems. Gathering other pertinent data like line length recordings while trying to solve the specific problem at hand is often an issue, and, can even contribute to more polling place congestion during busy periods by captivating the time of the chief election officer. A better system could be incorporated into the electronic polls books where the chief or even other supporting election officers running the poll book table could input this data regularly at their discretion during more lull periods of voter traffic. Moreover, line length data is also gathered

regularly with officers calling in voting totals which could again be simplified if it were electronically submitted.

Brace also commented on a feature of the 2012 election which League members who served as election officers had noted: the high percentage of inactive voters who showed up, which usually required a determination to be made by the precinct chief. Every time a voter is sent to the chief for an eligibility decision to be made adds to the length of lines at the polls.

Brian Schoeneman--Election Officer Recruitment and Training

Providing a sufficient supply of well-trained poll workers with experienced chiefs and assistant chiefs to manage each precinct is an endless demand for local election officials yet is probably the most crucial piece to running a smooth election day. Schoeneman reported that Fairfax County needs approximately 2,500 election officers for each general election and pointed out various issues associated with election officer recruitment such as low compensation, long hours, and relatively little interest by young voters. Schoeneman underscored the fact that the average age of an election officer nationally is 62 years old; a number which is known all too well by election officials around the country. In Fairfax County, 30% of election officers are over the age of 70 with only 15% under the age of 50.

The PCEA report addresses these statistics and makes the recommendation that local election officials make conscientious efforts to recruit college and high school students as well as public and private sector employees. Schoeneman touched on this recommendation by pointing out Fairfax County's high school page program which works with county high school government teachers to recruit their students as election pages or officers. This program represents a win-win-win relationship between the county, students and teachers where the students fulfill their required volunteer hours, the teacher gets to promote a hands-on form of civic education, and the county has an expanded pool for officer recruitment. However, college student recruitment is still relatively low. One way of improving this recruitment pool would be for VA election officials to work with local community college and university professors (especially within the government and political science fields) in fall semesters to offer some form of extra credit to students who serve. In regards to public and private sector recruitment, employers ought to not only allow late arrivals on election days to encourage turnout, but should also actively encourage poll worker participation as a sense of civic duty by not penalizing employees who wish to take the day off to serve.

Compensation and long hours issues also constrain recruitment and often have a self-fulfilling nature to promoting the average older age pool. Retirees who have time to take an entire day and who serve based more on a sense of civic pride rather than pay incentives naturally become the largest source of poll workers. Schoeneman discussed how in 2013 Fairfax County increased compensation for all of its officers to slightly more than minimum wage for the hours served, which would potentially help induce greater numbers to serve. He indicated that this increase had helped expand the recruitment pool especially with younger voters; particularly those students in the page program who turned 18 (becoming eligible to register) beginning to sign up to serve as full election officers and receive the compensation. Moreover, while chiefs and assistant chiefs are obliged by law to work the entire day, expanding split-shift positions for average election officers is another way to expand the recruitment pools, though not favored by many elections officials.

The current age statistics associated with poll workers can present technological issues with some of the older workers not familiar with up-to-date technology when introducing new voting equipment as Fairfax County is doing this November. The county goal is to have new[3] optical scan machines and ADA[4 -] compliant ballot-on-demand devices placed in all 238 precincts by the general election. This will require retraining by all election officials in the county who wish to serve. If well understood by trained officers, these machines will help advance election administration and more clearly prevent instances of undervotes or overvotes, as well as significantly improving ADA accessibility, an important point in PCEA report recommendations. However, if there is significant election officer confusion based on inadequate training, this implementation might prove to be problematic. This expanded use of new technology underscores the need for access to younger pools of potential officers to recruit. Ideally, younger officers could manage the more technological aspects associated with the electronic polls books and new voting machines leaving the statutory and customer service responsibilities open for the officers less comfortable with the new equipment.

Finally, Schoeneman underscored the need for bilingual poll workers, another PCEA focus, especially in a locality as large and diverse as Fairfax County. While Fairfax is covered by the Voting Rights Act (§203)[5] to require election materials (including ballots, registration applications, website access, outreach information etc.) be translated to Spanish, the need for bilingual poll workers to answer questions associated with these materials and to overcome other

language barriers is crucial in precincts with a high level of limited English proficiency voters. Many bilingual high school students were assigned to such precincts in the last election.

Final points in brief

The PCEA reported on many best practices in election administration:

- some of these have already been adopted by VA and its local jurisdictions;
- more could be adopted by some jurisdictions although there are no "one size fits all solutions" to election management problems;
- legislation may be required in some instances; and
- additional resources are needed--while these often follow foul-ups, there is a better way!

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[1] January 2014 Presidential Commission on Election Administration; available at:
https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf

[2] Press Release, U.S. Census Bureau, Census Bureau Reports National Mover Rate Increases After a Record Low in 2011 (Dec. 10, 2012), available at:
http://www.census.gov/newsroom/releases/archives/mobility_of_the_population/cb12-240.html.

[3] Election Systems & Software; more information available at:
http://www.essvote.com/

[4] Americans with Disabilities Act (1990); more information available at:
http://www.ada.gov/

[5] Voting Rights Act of 1965 (Public Law 89-110); more information available at:
http://library.clerk.house.gov/reference-files/PPL_VotingRightsAct_1965.pdf

*Note: Alexander Read Bavely is a student at George Mason University; this report was prepared from notes taken at the panel discussion, with oversight provided by Therese Martin, LWV-VA voter advocacy coordinator.

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