

1 MINUTES

2

3 The State Board of Elections board meeting was held on Tuesday, June 19, 2018.

4 The meeting was held in Senate Room 3 in the Virginia State Capitol in Richmond,
5 Virginia.

6 In attendance: James Alcorn, Chairman; Clara Belle Wheeler, Vice Chair; and
7 Singleton McAllister, Secretary, represented the State Board of Elections (“The Board”).
8 On behalf of the Department of Elections (“ELECT”) was Christopher E. “Chris” Piper,
9 Commissioner, and Jessica Bowman, Deputy Commissioner. In attendance, representing
10 the Office of the Attorney General (“OAG”), was Anna Birkenheier, Assistant Attorney
11 General. Chairman Alcorn called the meeting to order at 11:38 AM.

12 The first order of business was to approve the minutes from the May 21, 2018 meeting.
13 Secretary McAllister *moved the Board approve the minutes as presented for the April 25,*
14 *2018 meeting.* Vice Chair Wheeler seconded the motion, and the motion passed
15 unanimously.

16 The next order of business was the Commissioner’s report, presented by
17 Commissioner Piper. The Commissioner gave an update from the June 12 primary
18 elections, informing the Board that the elections went smoothly. Commissioner Piper
19 reported that the main incidents on June 12 were three power outages. One locality’s power
20 outage caused the distribution of 13 provisional ballots. The other localities with power
21 outages had battery power and were able to use that as a backup so that voting was
22 unaffected. Commissioner Piper informed the Board of three separate, confirmed
23 shootings nearby schools that were operating as polling places. The schools went into
24 lockdown, but voting was unaffected. The Commissioner assured the Board that ELECT
25 was in discussions about how to handle these situations, and was working on continuity of
26 operations and contingency plans for the future. Commissioner Piper praised the localities
27 for the work done leading up to and during the elections, noting the efficiency of
28 communication especially during the aforementioned situations.

29 Commissioner Piper informed the Board that ELECT was in the process of hiring
30 a new Chief Information Officer, and that interviews were to be scheduled shortly.

31 ELECT's recruitment for a data analyst was almost complete, as well. The Commissioner
32 reminded the Board that annual training for general registrars (GRs) and electoral boards
33 (EBs) was taking place from Monday, June 25 through Tuesday, June 26 at the Koger
34 Center. Commissioner Piper noted the work done by Leslie Williams, Election
35 Administration Manager; Terry Wagoner, Manager of Compliance Support; and a team of
36 other ELECT staff members for the planning put into training. The Commissioner said the
37 first meeting of the Virginia Elections Benchmark Index Workgroup would take place
38 directly after the end of training on Monday, June 25, at 5:00 PM.

39 Commissioner Piper discussed post-election audit pilots, and said that ELECT was
40 continuing to work through issues and develop processes to prepare for post-primary
41 audits. The Commissioner said that ELECT would update the Board on those processes
42 when possible. Commissioner Piper thanked Confidential Policy Assistant of ELECT
43 James Heo for the work done on these processes, informing the Board that Mr. Heo went
44 to Indianapolis to witness a post-election audit, and was in touch with the Election
45 Assistance Commission ("EAC") and other officials to work on the project for the
46 Commonwealth in preparation for implementation after July 1.

47 Secretary McAllister asked about the personnel changes that occurred in Fairfax
48 County, referring to the replacement of the Fairfax County GR. Commissioner Piper said
49 the transition was very smooth, and said that Fairfax County staff was very skilled and able
50 to adjust quickly. The newly appointed GR was a long time employee of the Fairfax office,
51 and ELECT received no reported issues from the county on Election Day. Vice Chair
52 Wheeler asked if the appointment was temporary or permanent, and the Commissioner
53 replied it was permanent through the rest of the position's appointment term.

54 Vice Chair Wheeler stated that the three reports of gunfire on Election Day were
55 not involved at the polling places. The Vice Chair said the shootings were not related to
56 election activities, and that local authorities handled the situation. Commissioner Piper
57 clarified that the gunshots were nearby, not on, the grounds of the schools that were serving
58 as polling places. Chairman Alcorn commended locality staff, ELECT staff, and local law
59 enforcement that handled the situation and ensured voting continued safely.

60 Vice Chair Wheeler asked who the point person at ELECT was for locality issues
61 with the Virginia Election and Registration System (“VERIS”) since the Chief Information
62 Officer position was still vacant. Commissioner Piper said that Matthew Hayes, ELECT’s
63 System Integration & Support Specialist, was the contact for the VERIS ticketing system
64 and help desk. While ELECT conducted a search for a Chief Information Officer, Mr. Heo
65 was the point of contact for issues with Information Services at ELECT.

66 The next order of business was the review of the revised guidelines for conducting
67 voter registration drives, presented by Garry Ellis, ELECT’S NVRA Coordinator and
68 Senior Liaison. Mr. Ellis proposed the Board approve the revisions to the third party voter
69 registration drive training PowerPoint and guidelines in accordance with Va. Code
70 §24.2416.6. Mr. Ellis informed the Board the revisions were to clarify certain
71 requirements, making it easier for both localities and third party groups to understand
72 policies and procedures. Chairman Alcorn asked Mr. Ellis to highlight what changes were
73 made. Mr. Ellis noted the previous guidelines required a three-digit code for voters to
74 indicate the reason for requesting protected status; the new guidelines no longer require
75 that three-digit code, and instead required the voter check the corresponding box for their
76 situation. Mr. Ellis detailed revisions to a part of the guidelines that described how an
77 individual could submit an application because localities had confusion about accepting
78 applications not in their jurisdiction. The new guidelines asked third party groups “to the
79 extent possible” to sort and deliver applications to the correct locality, but Mr. Ellis noted
80 that Code requires GRs accept applications regardless of whether the applicant is in their
81 jurisdiction or not.

82 The new guidelines’ statement asking third party groups to sort applications to the
83 extent possible seeks to alleviate the burden on localities.

84 Secretary McAllister asked if the new guidelines were vetted with the elections
85 community. Mr. Ellis said they were not, as the revisions were minor. Vice Chair Wheeler
86 proposed the revisions be sent to the elections community and brought before the Board at
87 the next meeting with the community’s suggestions and input. Mr. Ellis noted the
88 guidelines had been in effect since 2013 with no opposition from the community, and said
89 the revisions before the Board provide clarity to ambiguous portions of the guidelines. Mr.

90 Ellis said the guidelines were set in Code, and that there had been no other confusion from
91 localities than the issues discussed. Chairman Alcorn agreed with Mr. Ellis, and suggested
92 the Board move forward with approval; the Chairman said if they found other revisions,
93 the Board could discuss the guidelines at a later date.

94 Vice Chair Wheeler asked whether the only two changes from current guidelines to
95 the proposed guidelines addressed the protected status section and phrasing to third party
96 recruiters to sort applications “to the extent possible.” The Vice Chair asked then if the
97 proposed guidelines explicitly directed localities to take any and all applications, regardless
98 of the locality of residence. Mr. Ellis said that the phrase “to the extent possible” was
99 already in previously approved versions of the guidelines, and said the proposed guidelines
100 clarify that localities are required to accept all applications submitted. Vice Chair Wheeler
101 stated that she heard from localities that GRs receive a large number of applications from
102 third party groups. The Vice Chair acknowledged that being required to accept applications
103 outside of their own jurisdiction put additional strain and work on the localities, and asked
104 how the issue with third party groups could be alleviated.

105 Chairman Alcorn noted that localities are bound by Code to accept all applications,
106 saying that if a third party dropped off a lot of applications that that meant there were a lot
107 of people who needed to be registered. The Chairman stated the revised guidelines were
108 compliant with Code and struck a good balance between requirements and best practices.
109 Mr. Ellis said that ELECT recommended the Board approve the changes. Chairman Alcorn
110 moved *that the Board approve the proposed revisions to the Third Party Voter Drive*
111 *Training PowerPoint and Guidelines to Conduct a Voter Registration Drive.* Secretary
112 McAllister seconded the motion. Vice Chair Wheeler said the Board should hear feedback
113 from the community during annual training. The motion passed unanimously.

114 Theresa Martin, League of Women Voters, addressed the Board regarding an online
115 list of persons who completed the online training required of individuals engaging in third
116 party voter registration drives. Ms. Martin requested the list be made searchable, saying
117 it’s difficult for third party groups to confirm that volunteers completed the training because
118 the document is long, unsearchable, and onerous. Commissioner Piper suggested Ms.
119 Martin speak with Mr. Ellis on a solution.

120 The next order of business was to review proposed amendments to the current
121 Virginia absentee ballot application, presented by Samantha Buckley, Policy Analyst at
122 ELECT. Ms. Buckley referred to HB397, a bill passed during the 2018 session that
123 amends, the requirements for Virginia's absentee ballot applications provided in §24.2701.
124 This bill removes the statutory requirement for a person to provide the last four of their
125 social security number when completing an absentee application in the GRs office. Ms.
126 Buckley said ELECT changed the form to comply the amended law, and recommended the
127 Board adopt the change. Ms. Buckley stated the change needed to be implemented by July
128 1.

129 Chairman Alcorn moved *the Board approve the proposed revisions to the Virginia*
130 *Absentee Ballot Application for use beginning July 1, 2018.* Vice Chair Wheeler asked if
131 the bill change was being implemented because of a bill that was signed by the Governor,
132 and Ms. Buckley said yes. Secretary McAllister seconded the motion, and the motion
133 passed unanimously.

134 Ms. Buckley then presented the in-person absentee ballot application. Ms. Buckley
135 explained that ELECT worked with the Center for Civic Design ("CCD") to design this
136 new form. Ms. Buckley explained that previous documents brought before the Board,
137 including the provisional ballot suite and the Ballot Standards, were also designed with
138 assistance from CCD. Ms. Buckley said GRs requested a form that is functional and
139 simplified for voters applying to vote absentee in the GR office. CCD spoke to and worked
140 with the Forms Workgroup and Absentee ("AB") Workgroup, conducted usability testing,
141 and revised the forms a number of times. Ms. Buckley noted the new form had fewer
142 instructions than the original form, as a voter would be filling out the form in office with
143 the GR, who could help answer questions.

144 Chairman Alcorn asked what information was removed from the previous version
145 of the form. Ms. Buckley said the new form no longer required individuals indicate
146 delivery method, as the form would be filled out in-person in the GRs office; further Ms.
147 Buckley said that the new form was optional. ELECT would provide instructions to GRs
148 on how and when to use the form. Ms. Buckley stated the new form was more direct for
149 the voter. Chairman Alcorn noted that the new form instructed voters who need assistance

150 completing ballots be issued an entirely separate and different form (the assistance form)
151 in addition to the proposed application.

152 The Chairman asked what would be an example of a new change on the application
153 that was not provided by Code. Ms. Buckley directed the Board to the section of the
154 application where an individual was asked for their former name, address, and move date.
155 Ms. Buckley said this was not required by Code but was suggested by GRs to make it easier
156 for localities to locate the voter and be sure the voter was applying and voting in the correct
157 precinct. Vice Chair Wheeler noted this section was on the previous version of the form,
158 and said she did not see the need for a new form. Commissioner Piper said ELECT was
159 listening to concerns from the community, and that the community asked for a simpler form
160 for individuals applying to vote in-person so these individuals could be processed quicker.
161 The Commissioner reiterated that the form was optional, and that GRs that did not want to
162 use it could use the other approved absentee application. Chairman Alcorn agreed that a
163 simpler version of the form could be quicker for some offices, and asked if the layout of
164 the in-person application and other approved absentee application could match, and if their
165 order could match how data was entered in VERIS. The Chairman asked if the forms could
166 be formatted to match VERIS, making it easier for the GR to enter data.

167 Ms. Buckley said the layout in VERIS would be difficult to translate into a form,
168 and said the application presented had been looked over by GRs and CCD. Chairman
169 Alcorn asked if the absentee application could be reformatted to follow the same flow as
170 the proposed in-person form. The Chairman noted if the new form was easier, requested
171 by the GRs, and designed by CCD, then the same principles should be applied to the current
172 absentee application. Commissioner Piper acknowledged previous requests to have forms
173 match the layout of pages in VERIS, and encouraged the Board to approve the in-person
174 application. The Commissioner agreed at looking at making the forms match VERIS
175 layout.

176 Secretary McAllister agreed with the Chairman's concerns, and also voiced concern
177 about two different forms performing essentially the same function. Vice Chair Wheeler
178 agreed, bringing up the assistance form that would need to be filled out in addition to the
179 proposed form for voters that need assistance. The Vice Chair said the previous form of

180 the application included an assistance section, which erased the need to use the assistance
181 form. With the proposed form, the voter would have to fill out two forms whereas
182 previously they could have just filled out one. Ms. Buckley said no GR had a problem with
183 the assistance section being removed from the form, and that GRs were aware that a
184 separate assistance form would have to be used, and that ELECT tried to match the GRs
185 requests as closely as possible.

186 Vice Chair Wheeler asked how many GRs reviewed the form. Ms. Buckley said
187 two Workgroups and about 25 GRs saw the form; she clarified she did not have an exact
188 number, but that she could provide it at a later time. Ms. Buckley said the form had been
189 available on BaseCamp for a long time, and acknowledged that not all localities would be
190 fully satisfied with the new form. Ms. Buckley offered the Board more time to review the
191 form and bring concerns and suggestions to her before they approved it. Chairman Alcorn
192 agreed to delaying approval, in order to give the Board time to look at the form further and
193 to give ELECT time to see if the form could be restructured to match the VERIS data-entry
194 screens. Secretary McAllister agreed, and suggested the Board take up the form at the next
195 meeting on Monday, June 25.

196 Deputy Commissioner Bowman asked if the Board would require the localities to
197 use the form, rather than the proposed idea of having the form be optional. The Deputy
198 Commissioner reminded the Board that the changes they approved on the absentee
199 application had to be made by July 1, which would be difficult to do if the form had to be
200 restructured or reformatted to match the in-person application as suggested. Deputy
201 Commissioner Bowman noted that ELECT and localities would have to order forms soon
202 for use in November, and urged the Board to take up the issue no later than the next
203 meeting.

204 The next order of business was Stand By Your Ad (“SBYA”) hearings, presented
205 by Arielle A. Schneider, Policy Analyst at ELECT. Ms. Schneider told the Board there
206 were three SBYA complaints. Two of the complaints were print media related, and the last
207 was about a campaign telephone call. Ms. Schneider reminded the Board of print media
208 advertisement requirements, noting that advertisements that mention no other candidates
209 in the ad require the name of the sponsoring candidate; and that advertisements that

210 mention another candidate need to specify whether or not that other candidate did or did
211 not authorize the ad. Ms. Schneider also discussed the Board's decision on substantial
212 compliance, where an advertisement would only be substantially compliant if the words
213 used in the disclosure unambiguously convey the information required by Chapter 9.5 of
214 §24.2.

215 The first print media complaint was against Fauquier Voters for the Truth, LLC
216 ("FVFTT"). The ad in question was a double-sided flyer, where the disclosure stated the
217 ad was funded by FVFTT; the ad also mentioned a number of candidates. Ms. Schneider
218 explained that on April 29, 1,100 leaflets reproducing the letter on the flyer in question
219 were distributed. The letter was a withdrawal of candidacy request by Keith McDonald,
220 who was a candidate for the Warrenton Town Council. Ms. Schneider said the letter was
221 taken from public record and unaltered. Ms. Schneider recommended the Board not find
222 FVFTT in violation. Though the disclosure should technically say, "Paid for Fauquier
223 Voters for the Truth. Not authorized by a candidate," Ms. Schneider noted the Board's
224 previous decision on substantial compliance. Because FVFTT used "funded" rather than
225 "paid for," Ms. Schneider suggested the ad could be considered substantially compliant
226 due to the words' similar definitions.

227 Chairman Alcorn said the question in front of the Board was if the disclosure met
228 the definition of substantial compliance. Ms. Schneider said the Board had yet to set
229 precedent on the issue. Chairman Alcorn moved *subject to the Board's authority under*
230 *the Code of Virginia §24.2-955.3, to find Fauquier Voters for the Truth, LLC. not in*
231 *violation of §24.2-956 print media requirements.* Vice Chair Wheeler seconded the
232 motion. Chris Bonner, from FVFTT, was present, and Vice Chair Wheeler asked if the
233 advertisement was two different flyers. Mr. Bonner said the advertisement was the front
234 and back of one flyer.

235 Chris Granger, member of Fauquier County's Board of Supervisors, informed the
236 Board that he was the complainant for the campaign telephone call. Mr. Granger stated the
237 issue was not with the disclosure, but rather was about the fact that FVFTT was not a
238 registered Political Action Committee ("PAC") at the time of the advertisements. Mr.
239 Granger informed the Board that FVFTT registered as a PAC on May 4, 2018, and provided

240 the Board with documents showing that FVFTT donated over \$500 to candidates running
241 for office since 2015. Mr. Granger stated that organizations that received and made
242 expenditures on behalf of political campaigns needed to be registered as PACs so that
243 voters knew where candidates' money came from. Mr. Granger noted that FVFTT was
244 doing business in a very public race, and were not registered as a PAC; FVFTT had filed
245 as of the Board meeting, but had done business since 2015 without reporting or properly
246 filing.

247 Chairman Alcorn thanked Mr. Granger and said his concerns were in regards to
248 another Code section and not to SBYA. The Chairman said as a matter of due process that
249 the Board would schedule Mr. Granger's issue for another Board meeting in order to give
250 FVFTT a chance to answer, as well as to give ELECT staff and the Board time to prepare.
251 Chairman Alcorn then addressed the earlier motion to find FVFTT not in violation of
252 SBYA, and the motion passed unanimously.

253 The next SBYA complaint was about an alleged violation in Chesapeake. Ms.
254 Schneider showed the Board the advertisement, which was a sample ballot in the standard
255 goldenrod color. Ms. Schneider said the complainant stated her daughter received the
256 advertisement as a handout in church on April 29. Ms. Schneider noted ELECT was not
257 sure what the distribution date of the flyers was, and said it was up to the Board to determine
258 if the date of distribution at the aforementioned church was the date of violation. The flyer
259 listed a number of candidates, and the disclosure read, "Authorized by the candidates." Ms.
260 Schneider said this was an incomplete disclosure, as there was a requirement the sample
261 ballot that mentions candidates state that it was paid for an authorized by those candidates.
262 Ms. Schneider stated the disclosure was non-compliant, but that the named candidates
263 wrote a letter that they asked to Ms. Schneider read. The letter explained that the disclosure
264 was used on other sample ballots before in previous elections, and included an apology for
265 the oversight if the disclosure was found to be in violation.

266 Denise Waters, complainant, spoke, and told the Board that Ella Ward and Dwight
267 Parker, two of the individuals listed on the sample ballot, had been in office for over 10
268 years. Ms. Waters acknowledged the apology in the presented letter, but said the candidates
269 should know better after their long tenures. Chairman Alcorn noted during the May 25

270 meeting, the Board discussed what constituted an apology, including that an individual or
271 group take responsibility for their. The Chairman asked if the candidates' letter met the
272 requirements for an apology. Vice Chair Wheeler stated that ignorance of the laws was not
273 an excuse for violations and that there should be a fine exacted. Chairman Alcorn clarified
274 that there would be a fine assessed, but the fine would be reduced with an apology. Ms.
275 Schneider agreed with the Chairman, saying the first time penalty for a print media
276 violation was \$100, reduced to \$50 with an apology. Given the proximity of the violation
277 to the election, the fine would be doubled. Chairman Alcorn moved *subject to the Board's*
278 *authority under the Code of Virginia §24.2-055.3, to find Dwight Parker, Ella Ward, Les*
279 *Smith, Jr., Patricia King, and Sharon Johnson-Clayton in violation of §24.2956 Stand By*
280 *Your Ad print media disclosure requirements with regard to an advertisement, and are*
281 *fined \$100 each.* Vice Chair Wheeler seconded the motion.

282 Secretary McAllister asked if each candidate would be fined \$100, or if \$100 was
283 the overall fine. Ms. Schneider said the candidates didn't establish a PAC, and were just
284 sponsoring the ad together. Ms. Schneider added the Board had not encountered a similar
285 situation before. Vice Chair Wheeler stated the fine should be \$100 for each candidate,
286 resulting in five different fines. Secretary McAllister asked what Ms. Schneider's
287 recommendation would be, and Ms. Schneider deferred to the Board's discretion. Ms.
288 Birkenheier noted §24.2-955.3 addressed penalizing any sponsor, so recommended levying
289 a penalty against each sponsor. Ms. Schneider agreed with Ms. Birkenheier's
290 interpretation. The motion passed unanimously.

291 The next SBYA hearing was in regard to an alleged violation by FVFTT in the form
292 of a campaign telephone call. Ms. Schneider stated this was the first violation of this kind
293 brought to the Board, and that there were only disclosure requirements for telephone calls.
294 ELECT was provided a voicemail as evidence, and Ms. Schneider asked the Board if a
295 voicemail should be held to telephone call disclosure requirements. The requirements for
296 a telephone call require that the candidate or committee must be identified before the
297 conclusion of the call; the caller ID must identify the name of the sponsoring committee,
298 but ELECT did not know what the caller ID showed. Ms. Schneider played the voicemail
299 for the Board.

300 Vice Chair Wheeler noted that the candidates or committees are required to identify
301 themselves before the end of the call, and that FVFFT did so and therefore met the
302 requirements. Ms. Schneider recommended the Board not find FVFFT in violation of
303 campaign telephone call disclosure requirements. Chairman Alcorn stated a voicemail
304 should have to meet telephone call disclosure requirements, and agreed with the Vice Chair
305 that the disclosure was there and that there should be no penalty. Chairman Alcorn moved
306 *subject to the Board's authority under the Code of Virginia §24.2-955.3 to find Fauquier*
307 *Voters for the Truth LLC not in violation of §24.2-959.1 campaign telephone call*
308 *requirements.* Vice Chair Wheeler seconded the motion, and the motion passed
309 unanimously.

310 Vice Chair Wheeler asked Ms. Schneider if ELECT received a SBYA complaint
311 from someone in a city council race in Charlottesville City from 2017. Ms. Schneider said
312 she would need to look into it and get back to the Vice Chair with confirmation.

313 The next order of business was the re-certification of the November 2017 general election,
314 presented by Ms. Williams. Ms. Williams informed the board that Amherst County,
315 Brunswick County, and Nelson County realized earlier in 2018 that there were some issues
316 with the certifications from the 2017 November general election. Ms. Williams said
317 Amherst and Brunswick made data entry errors that they discovered, and that Nelson failed
318 to include some of the hand count totals in their vote total. Ms. Williams stated that the
319 GRs updated VERIS, that local EBs met to recertify the election and sign new locality
320 abstracts and applicable certificates. The Board was provided with new abstracts in their
321 Board materials, and Ms. Williams said that no offices or contests were changed in terms
322 of outcome; the errors were small. Vice Chair Wheeler motioned *the Board certify the*
323 *results of the November 7, 2017 general election as presented for the offices of Governor,*
324 *Lieutenant Governor, Attorney General, and House of Delegates Districts 20 and 75, and*
325 *sign the abstracts.* Secretary McAllister seconded the motion, and the motion passed
326 unanimously.

327 The next order of business was the following presentation on mis-assigned voters,
328 presented by Commissioner Piper:



★ VIRGINIA ★

DEPARTMENT *of* ELECTIONS

An Overview of Mis-Assigned Voters



Background

- 2017 House of Delegates Election
 - Voters were found to be improperly placed in the 88th HoD District; should have been in 28th
 - Following the election, several localities reached out to ELECT requesting assistance to identify potential mis-assigned voters
 - After review, ELECT determined it could assist in providing localities a guide to help identify potential mis-assigned voters, but it would require the locality to make the final decision on district assignment



How did it happen?

When a split is apparent, a GR will have the option of determining which precinct the voter may be placed in.

This placement is a **manual process**, not determined by VERIS. Human error may occur which impacts voter district association.

Each column lists the State Senate as District 28 while House of Delegates is split between the 28th District and 88th District. House of Delegates and State Senate should be the same district (28th). With a check, the GR can place 107 voters in the correct district or split the district by placing voters in the incorrect district.

Street Segment Overview
Street: Stafford Glen CT
Number: 100 - 810
City/State/Zip: Stafford VA 22554
Unit Number:
O/E/B: Both
Residential: Yes

Jurisdiction Type:

Precinct:

Select Districts

<input type="checkbox"/>	0000	<input type="checkbox"/>	0000
<input type="checkbox"/>	01	<input type="checkbox"/>	01
<input type="checkbox"/>	028	<input type="checkbox"/>	028
<input type="checkbox"/>	028	<input type="checkbox"/>	088
<input type="checkbox"/>	GARRISONVILLE	<input type="checkbox"/>	GARRISONVILLE



How did it happen?

The image to the left shows a map of the 703 - Hampton precinct. (Outlined in red) It also shows the address points for 100-810 Stafford Ct Note the split between the 28th and 88th house districts in the 703 precinct



The image to the left show the split within VERIS associated to the 703 precinct. The 0000 split is represented by the green area and the 0001 split is represented by the red area. 100 – 810 Stafford Ct was incorrectly assigned to the 0001 split

Select Districts

	0000	0001
Congressional	01	01
State Senate	028	028
House of Delegates	1028	088
Election	GARRISONVILLE	GARRISONVILLE



The Law

- The Code of Virginia does not provide any single entity explicit oversight regarding modification of local election district lines
 - General Assembly draws Congressional, House, and State Senate district lines
 - Localities draw local office district lines and voting precincts
 - ELECT provides VERIS to link voters to appropriate districts and precincts
 - Localities send ELECT data on their precinct lines, but there is no method to verify how they were done or if they were done correctly
 - ELECT has no oversight in ensuring voters are properly placed in the correct precinct



The Law

- § 24.2-302.2 (C) of the Code of Virginia states,
“Parts of counties and cities listed...are defined by
reference to the 2010 Census reports...***Precincts
shall be interpreted to refer to those in existence
on April 1, 2011...notwithstanding subsequent
changes made by localities.***” emphasis added
 - These are referred to as “census block data”
 - Changes to county lines or precincts after 2011 cannot
be considered when determining voting precinct



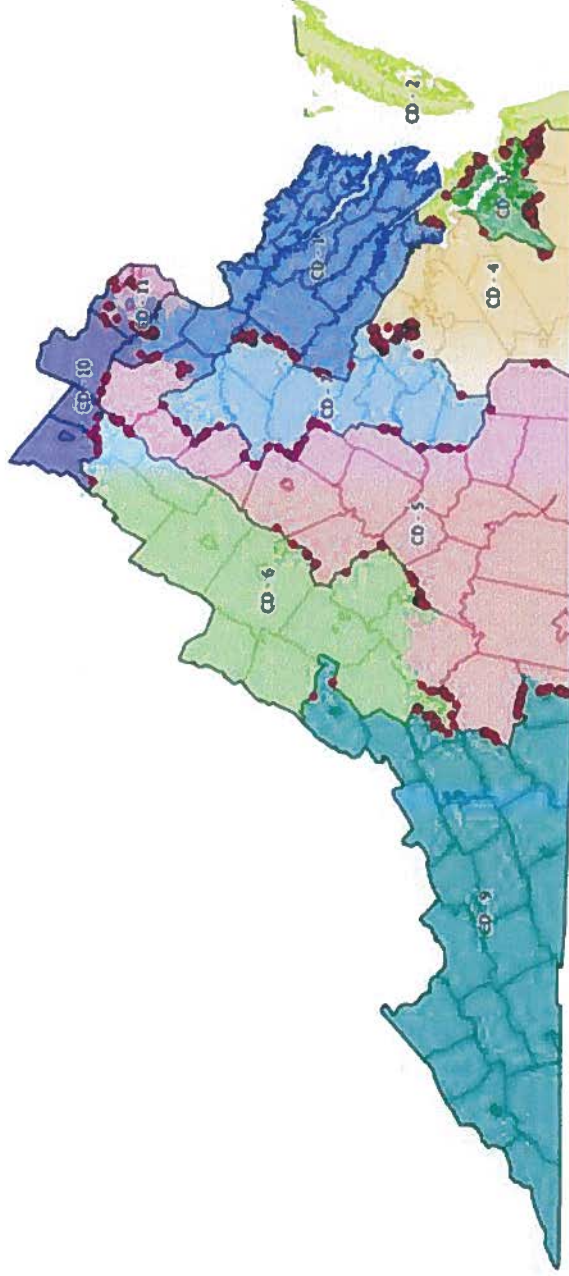
ELECT's Process

- ELECT used GIS mapping software along with U.S. Census block data
- What is GIS?
 - A GIS or Geographic Information System integrates hardware, software and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information or location information.



ELECT's Process

VERIS Addresses Misassigned Image (By Congressional District)



- ELECT identified potential mis-assigned voters and sent data to localities for verification
- Majority of findings were “edge cases”



Issues Discovered

- Situations that may lead to issues with district lines:
 - Human error when using Geographic Information System (GIS) data (see 2017 28th and 88th HOD)
 - Historical disputes of county lines
 - Misunderstanding of the use of precinct descriptions as written in Va. Code



Issues Discovered

- Situations that may lead to issues with district lines (cont.):
 - Counties may have **informal agreement to the existence of county lines**
 - No formal agreement or adopted ordinance increases likelihood of mistakes when placing voters due to a lack of defined boundaries.



Issues Discovered

- Situations that may lead to issues with district lines (cont.):
 - Incorrect use of county information (taxes, utility services, etc.)
 - GRs may incorrectly determine a voter belongs in an election district/precinct because the voter pays taxes or receives utility services from a specific locality.
 - Taxes, utility services, etc. have no influence on election districts or where a person votes.



Issues Discovered

- State Board “Vote Where You Sleep” Regulation
 - 1 VAC 20-40-30 (E) states, “A person whose residence is divided by a jurisdictional boundary line or election district boundary line shall be deemed to reside in the location of his bedroom or usual sleeping area.”
 - Residences are only accessible from County A, but home is physically located in County B
 - “Taxation without Representation” and “Representation without Taxation”



Challenges

- GIS is not perfect
 - Squeeze lines, etc.
 - Technology is improving, changing
- Va. Code locks localities to decennial census data even if locality lines change
 - Precincts are added and removed or moved entirely
- No oversight of the process
 - DLS provides lines, localities implement, but no one is legally required to verify that voters are properly placed



The Way Ahead

- ELECT pledges to work with the legislature and the localities to determine how to improve the process



Challenges

- GIS is not perfect
 - Squeeze lines, etc.
 - Technology is improving, changing
- Va. Code locks localities to decennial census data even if locality lines change
 - Precincts are added and removed or moved entirely
- No oversight of the process
 - DLS provides lines, localities implement, but no one is legally required to verify that voters are properly placed



The Way Ahead

- ELECT pledges to work with the legislature and the localities to determine how to improve the process

353 Chairman Alcorn thanked the Commissioner for the transparency on the topic. The
354 Chairman agreed that ELECT did not have responsibility to verify all the cases, but asked
355 what the responsibility was on the locality to make sure it was being done correctly. The
356 Chairman noted that ultimately the Board was responsible for elections in Virginia and had
357 a responsibility to ensure that the processes were being done correctly. Commissioner
358 Piper stated doing this analysis was a huge strain on ELECT staff, and that he was unsure
359 if ELECT could verify and do similar analysis on a regular basis with current funding and
360 staffing. The Commissioner stated a lot of information was uncovered during this research,
361 and that he felt comfortable going into the November 2018 election with regards to
362 congressional district data and that localities had done a great job.

363 Secretary McAllister acknowledged the Commissioner's hesitancy in regards to
364 time and resources, but shared the Chairman's concern with the Board's sense of
365 responsibility. Secretary McAllister hesitated to make a decision or recommendation at
366 this time, and urged there to be a more in-depth conversation on the issue of oversight. The
367 Secretary acknowledged that technology is getting better, but also acknowledged that the
368 integrity of voting processes was in question. The Secretary noted the importance of
369 focusing on these issues, and suggested getting higher-level government agencies and
370 officials involved to be sure that ELECT could have the resources and funding to manage
371 the processes it needed to. Commissioner Piper agreed, saying it was easy to assign blame
372 but that the issue was a complex one with multiple levels of responsibility; from the local
373 level to the state level to the legislative level. The Commissioner stated there was not an
374 overnight fix for the issues, but that ELECT decided to be transparent with what has
375 happened up until this point so that the discussion on solutions and resolutions could begin.
376 Chairman Alcorn said it was not a simple problem with a simple solution, but stated that
377 §24.2-103 gives the Board ultimate responsibility and authority on what should be done or
378 what processes should be happening at a regular basis; including how the Board wants
379 localities to handle redistricting.

380 Vice Chair Wheeler said that ELECT's previous administration knew about these
381 issues before, but did not take action on them. The Vice Chair noted the Commissioner's
382 point that no single entity was explicitly responsible for these processes, and said that there
383 needs to be a change from the General Assembly in this arena. The Vice Chair referenced

384 a bill during the 2018 legislative session that would require that localities verify and make
385 accurate their districts within their locality before the November elections. Vice Chair
386 Wheeler acknowledged the lack of resources at both state and local levels, but said there
387 were tech experts and advisors at different levels of the Commonwealth that could provide
388 help. Vice Chair Wheeler encouraged education in localities, reminding the Board of the
389 work ELECT did to sort out the mis-assigned voter situation in Fredericksburg, including
390 working day and night to fix the issue. The Vice Chair encouraged ELECT to assist
391 localities that could not afford GIS staffing or programs in this area.

392 Commissioner Piper agreed with the Board's sentiments on resolving the issue.
393 Chairman Alcorn said there should be a priority to fix congressional districts for November,
394 and suggested the Board, localities, and ELECT find ways to navigate things like informal
395 agreements between counties and census block data. Commissioner Piper complimented
396 the work all the localities did on this project, and that they do daily.

397 Chairman Alcorn then moved to adjourn the meeting. Vice Chair Wheeler
398 seconded the motion, and the motion passed two to nothing. The meeting was adjourned
399 at approximately 1:51 PM. The next Board meeting will be on June 25 at 3:00 PM.

400

401

402

403

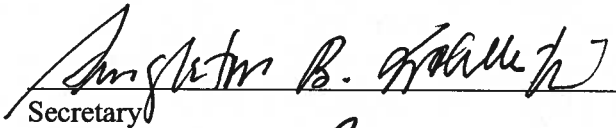
404

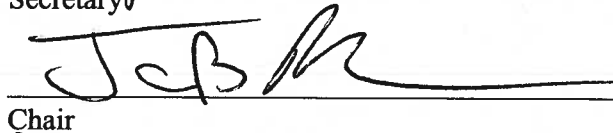
405

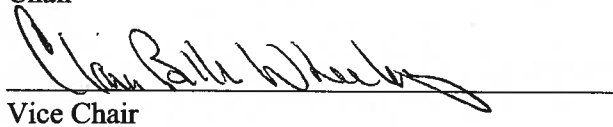
406

407

408


Secretary


Chair


Vice Chair