

Recommendations and Options: Operations and Performance of Virginia's Department of Elections

RECOMMENDATION 1

The Virginia Department of Elections should improve its process for updating the state's voter registration list by using the USPS National Change of Address data at least twice a year. (Chapter 2)

RECOMMENDATION 2

The Virginia Department of Elections should work with experts to assess and improve the name-matching algorithm used as part of its list maintenance program. (Chapter 2)

RECOMMENDATION 3

The Virginia Department of Elections should convene a workgroup to review the electronic voter registration process through the Virginia Department of Motor Vehicles. The workgroup should identify changes that would improve the accuracy of voter registration information and the efficiency of the process. The workgroup should submit a report and recommendations to the House and Senate Privileges and Elections Committees by July 1, 2019. (Chapter 2)

RECOMMENDATION 4

The Virginia Department of Elections should allocate at least one full-time staff position to maintaining the voter registration list. (Chapter 2)

RECOMMENDATION 5

The Virginia Department of Elections should conduct formal, periodic reviews to identify opportunities to improve the list maintenance process. (Chapter 2)

RECOMMENDATION 6

The Virginia Department of Elections should develop written guidance and a training module for general registrars on how to verify whether a voter should be removed or added to the voter registration list and the processes to be used to correct inaccuracies on the list. (Chapter 2)

RECOMMENDATION 7

The General Assembly may wish to consider amending § 24.2-404 of the Code of Virginia to require the Virginia Department of Elections (ELECT) to conduct periodic assessments to ensure that voters are assigned to the correct state legislative and congressional districts based on their residential addresses. ELECT should share the results of its assessment with registrars and ensure that these voters are correctly assigned. (Chapter 2)

RECOMMENDATION 8

The General Assembly may wish to consider amending the Code of Virginia to require that localities report to the Virginia Department of Elections (ELECT) all local boundary agreements. ELECT should consider these agreements when conducting periodic assessments of voter assignments. (Chapter 2)

RECOMMENDATION 9

The Virginia Department of Elections, in consultation with the Virginia Division of Legislative Services, should provide written guidance for general registrars on how to assign legislative districts for those voters whose residential addresses fall into different districts depending on the map used. (Chapter 2)

RECOMMENDATION 10

The General Assembly may wish to considering including language in the Appropriation Act to direct the Virginia Department of Elections to work with the Virginia Geographic Information Network to ensure that all general registrars use Geographic Information System technology to assign voters to districts and precincts. (Chapter 2)

RECOMMENDATION 11

The Virginia Department of Elections should develop a detailed, written status report regarding improvements to the Virginia Election and Registration Information System through September 2018. The report should be submitted to the Virginia Information Technologies Agency, the House Appropriations and Privileges and Elections Committees, and the Senate Finance and Privileges and Elections Committees by November 1, 2018. (Chapter 3)

RECOMMENDATION 12

The General Assembly may wish to consider including language in the Appropriation Act to withhold additional funds allocated for FY20 to rebuild the Virginia Election and Registration Information System pending satisfactory progress implementing improvements for which additional funding was provided in FY18 and FY19. (Chapter 3)

RECOMMENDATION 13

The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Elections (ELECT), in consultation with the Virginia Information Technologies Agency, to comprehensively assess whether to replace or rebuild the Virginia Election and Registration Information System by examining the feasibility, costs, and benefits of each option. ELECT should consult external experts with recent experience helping other states rebuild or replace their elections information systems. (Chapter 3)

RECOMMENDATION 14

The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Elections (ELECT) to develop and implement a plan to provide greater oversight of local elections administration. The plan should detail strategies ELECT will use to (i) identify and assess major risks to election integrity and (ii) conduct activities to provide greater confidence that these risks are being mitigated. ELECT should submit its plan to the House and Senate Privileges and Elections Committees by July 1, 2019. (Chapter 4)

RECOMMENDATION 15

The Virginia Department of Elections should develop and implement (i) a process for developing, updating, reviewing, and approving the guidance provided to general registrars and (ii) an internal reference guide and a process for keeping records of the guidance provided to registrars. (Chapter 4)

RECOMMENDATION 16

The Virginia Department of Elections (ELECT) should develop clear guidelines, both for ELECT staff and for general registrars, on which types of questions should be answered by ELECT staff and which should be directed to the Office of the Attorney General. (Chapter 4)

RECOMMENDATION 17

The Virginia Department of Elections should (i) ensure that training topics reflect the training needs of local elections officials and prior elections issues and problems; (ii) ensure that training is accurate and sufficiently detailed to be useful to local elections officials; and (iii) make training available in a variety of formats, including online. (Chapter 4)

RECOMMENDATION 18

The Virginia Department of Elections (ELECT) should develop and implement a formal training program for new staff, to include (i) training on job-specific responsibilities, (ii) an overview of elections administration in Virginia, and (iii) training on ELECT's administrative policies and procedures. (Chapter 5)

RECOMMENDATION 19

The General Assembly may wish to consider including language in the Appropriation Act directing the Virginia Department of Elections (ELECT) to create a permanent, full-time position of director of operations subject to the Virginia Personnel Act (§ 2.2-2900 et seq.). The position should be responsible for managing day-to-day operations at ELECT and ensuring (i) fulfillment of the agency's mission and responsibilities; (ii) compliance with state and federal elections laws and regulations; and (iii) compliance with ELECT's business, administrative, and financial policies. (Chapter 5)

RECOMMENDATION 20

The General Assembly may wish to consider amending § 2.2-2905 of the Code of Virginia to eliminate the appointed positions of chief deputy commissioner and confidential policy advisor for the Virginia Department of Elections. (Chapter 5)

RECOMMENDATION 21

The Virginia Department of Elections should consolidate its Election Services and Community Relations and Compliance Support divisions into a single division that provides guidance and training and conducts oversight of general registrar operations. (Chapter 5)

OPTION 1

The General Assembly could amend the Code of Virginia to assign the Department of Elections exclusive authority to add and remove voters from the state's voter registration list. (Chapter 2)
