

**REPORT OF THE
JOINT LEGISLATIVE AUDIT
AND REVIEW COMMISSION**

**REVIEW OF THE
STATE BOARD OF ELECTIONS**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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Preface

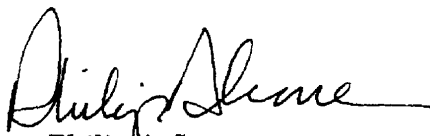
House Joint Resolution No. 51 (1998) directed the Joint Legislative Audit and Review Commission (JLARC) to study the State Board of Elections, including the relationship of the State Board with the local registrars, and the automated system used to maintain the registered voters list. This report presents the findings and recommendations related to management of the State Board, interaction of the Board and the registrars, and the Virginia Voter Registration System.

Management of the State Board of Elections has both internal and external components. This review found that both internal management and external support of the registrars are weak. Weak management has had a significant impact on the operations of the agency, which is evidenced by poor internal communications, a lack of discipline, and the failure of the State Board to carry out its statutory duties. The State Board has also not provided training to local elections officials and has failed to approve new voting equipment. As a result, the registrars reported being dissatisfied with the support provided by the Board.

This review also found cause for concern about the maintenance of the registered voters list. Information from the State Police and the Department of Health used by the State Board appears to be inaccurate in some instances, and the process used by the State Board to remove felons and the deceased may be inadequate.

In addition, the review found that the current automated system is inadequate to support the State Board and the local registrars. A new system which uses modern equipment, a high-speed network, and an improved database design will enhance the ability of registrars to ensure that the registered voters list is accurate. Proposals now being considered by the State Board appear to address the concerns identified in this report.

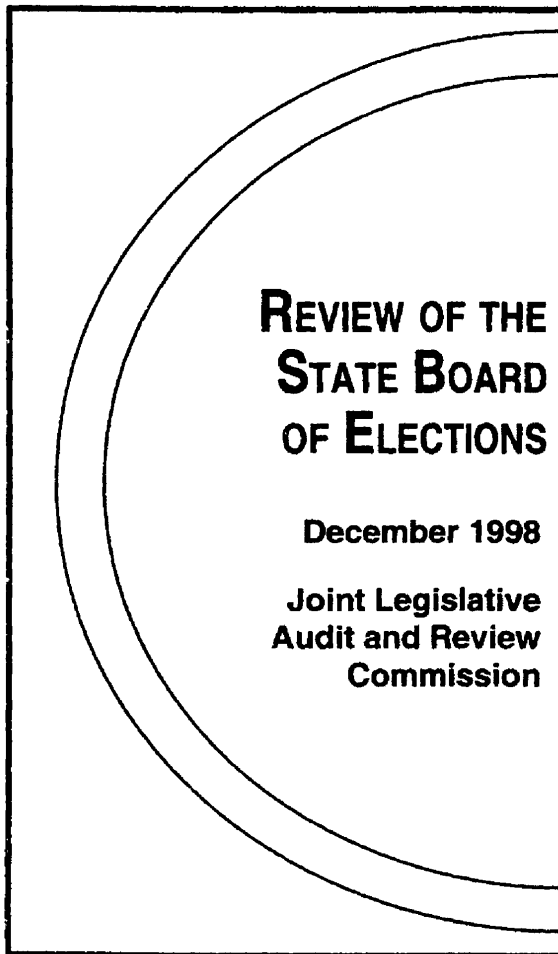
On behalf of the Commission staff, I would like to express our appreciation for the cooperation and assistance provided during this review by the State Board of Elections, the local registrars, the Virginia State Police, and the Virginia Department of Health.



Philip A. Leone
Director

December 23, 1998

JLARC Report Summary



House Joint Resolution No. 51 (1998) directed the Joint Legislative Audit and Review Commission (JLARC) to study the Virginia voter registration system, the operations of the State Board of Elections (SBE), and the relationship between the SBE and the general registrars. Responsibility for administering Virginia's election law is shared by several State and local entities. The SBE is responsible for ensuring "uniformity" and "purity" in the administration of voter registration and election laws. The SBE works with general registrars and electoral boards in each of the State's localities to accomplish these goals.

In recent years, the ability of the State Board of Elections to properly manage the voter registration and election administration processes has come under question. In fact, this review found significant problems with management of the State Board, weaknesses in the relationship between SBE and the local registrars, questions regarding the integrity of the voter registration process, and significant concerns about the adequacy of the Virginia Voter Registration System. To address the significant weaknesses identified, several management and staffing actions will be needed at SBE in order for it to properly fulfill its statutory responsibilities. In addition, a restructuring of the Board appears warranted given the changes in the work of the agency in recent years.

Several changes to the voter registration process are needed also. Among the most significant of the changes affecting voter registration in Virginia was the enactment by Congress of the National Voter Registration Act (NVRA) in 1993. Implementation of the NVRA has required major changes in the State's voter registration policy and process, including the requirement that the Department of Motor Vehicles and other State agencies accept voter registration applications. The State's decision to file suit against the federal government in an attempt to block implementation of the NVRA in Virginia impeded subsequent efforts to implement the program. At this point in time, various procedural modifications and technical improvements would enable more efficient and effective administration of these statutory provisions. Other significant improvements are necessary to ensure that laws prohibiting registration by convicted felons and removal of registrations for the

deceased are enforced to the fullest extent possible.

However, improvements in management and the processes used by SBE will not be sufficient by themselves to ensure the proper registration of voters or the efficient administration of elections. A major impediment for both SBE and the localities has been the inadequacy of the mainframe computer system used to maintain voter registration data and perform other electoral functions. The Virginia Voter Registration System (VVRS), first put into use in 1970, needs to be replaced by a modern system. By addressing management, process, and automated systems weaknesses, Virginia can again ensure that voter registration and elections administration functions of the State Board of Elections are sound.

Weak Management Adversely Affects Agency Operations and Local Support

In a small agency such as SBE, it is essential that top management provide leadership and guidance for staff. Without proper direction and support from agency management, employees may not complete assigned tasks, the quality of services may decline, and interaction with other agencies and customers may become difficult. In SBE, leadership and direction have been lacking, and agency operations have been negatively affected as a result. In turn, this has caused a deterioration in the services provided to the general registrars.

Leadership and Management of the State Board of Elections Has Been Weak. During the 12-month period from September 1997 to September 1998, the SBE Secretary and the deputy secretary were both frequently absent from the office, often for extended periods of time. These frequent absences weakened the ability of the SBE to carry out its statutory responsibilities. In both cases, the absences appear to have been due to health-related problems. In the

case of the SBE Secretary, staff were unaware of the reasons for his absences, resulting in significant speculation and confusion. Moreover, corrective actions that could have helped mitigate the effect of these absences on the agency, such as appointing an interim or acting deputy secretary, were not taken. Now that a chief deputy has been appointed, it is not clear what duties the position will assume.

The SBE is currently confronted by several internal management challenges. These include inadequate communications within the agency, a lack of employee cross-training, poor employee morale, insufficient information technology expertise among its staff, and the loss of most of its institutional knowledge and memory following the recent retirement of the long-time deputy secretary. In addition, some SBE employees cited a lack of discipline within the agency, attributed directly to the perceived laxness of agency management.

SBE management has failed to be proactive in improving agency operations and performance. While the General Assembly has authorized and funded 24 full-time positions for the agency, SBE has established only 20 full-time positions, some of which have been vacant for extended periods. The registrar liaison position, for example, has been left vacant for three years. SBE has also failed to make efficient use of its office space. The following recommendations are made:

- SBE should prepare a written position description for the chief deputy,
- SBE should develop a written management plan for establishment of 24 full-time staff positions as authorized by the Appropriation Act, and
- the Secretary of Administration and SBE should develop a plan for the as-

signment of adequate office space for the Board's employees and operations.

Internal Work Processes Are Inefficient.

The SBE has been slow or reluctant to examine its internal business processes and modify them when appropriate. There are some SBE work processes for which better utilization of staff and office technology appear to offer the potential for improved service to the agency's customers. These include: consolidation of the registered voters list and pollbook, correction of VVRS data prior to production and distribution of voter registration cards, and automation of candidate certification processing procedures. The following recommendations are made:

- the General Assembly may wish to authorize consolidation of the pollbook with the registered voters list,
- SBE should develop a management plan to (a) verify and edit information to be contained on a voter registration card prior to the actual printing of the card, (b) mail all voter cards from a central location utilizing reduced postage rates as authorized by the NVRA, and (c) ensure that all general registrars are able to utilize reduced postage rates, and
- SBE should examine its procedures for preparing lists of certified candidates in order to further automate the process.

Reorganization of the State Board of Elections Appears Appropriate. To address current weaknesses in management and to improve the agency's ability to carry out its statutory responsibilities, some restructuring of SBE may be appropriate. The purpose of the proposed reorganization is to promote stronger management direction of

the agency and better services for local registrars. Key elements in the restructuring include:

- Creation of an executive director position to serve as agency head, with the three member State Board of Elections providing oversight. The executive director would not be a member of the Board.
- Creation of a support services division to consolidate the financial, administrative, and information technology functions of the agency.
- Consolidation of the registration services division with the voter outreach division, to better integrate the administration of the NVRA into the management of registration services.
- Establishment and filling of all authorized positions, including an information technology position, a registrar liaison position, and other positions needed in the registration and election services divisions.

External Relations Between SBE and Localities Have Deteriorated. Many registrars report being dissatisfied with SBE's performance in providing information, training, and technical support to localities. For example, training seminars for registrars and electoral boards have been infrequent. In addition, procedures and handbooks provided to registrars are substantially out of date. These are indicative of the overall inadequacy of support for the general registrars.

Another issue which has harmed the State/local relationship relates to approval of new voting equipment. Due to a moratorium imposed by SBE, the agency is not reviewing applications for use of new types of voting equipment as required by statute.

Several registrars would like to purchase new, more technologically-advanced types of voting equipment, but are unable to because of the moratorium.

Recommendations to address concerns related to the support of local registrars by the SBE include:

- SBE should develop a written management plan for expenditure of appropriations for training of election officials and staff,
- the General Assembly may wish to specify that the provision of training seminars for general registrars and electoral boards is the responsibility of SBE, and
- SBE should resume performance of its statutory responsibilities pertaining to the review and certification of new types of voting equipment.

Significant Improvements in the Voter Registration Process Are Needed

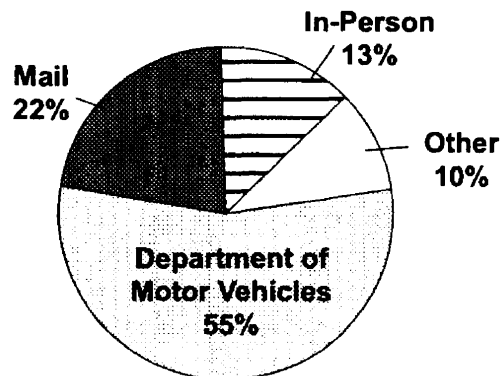
Implementation of the NVRA in Virginia has resulted in significant changes to the voter registration process. After two years, some of the difficulties associated with implementation of the NVRA continue to adversely affect the local registrars. Issues related to quality control and the relationship between SBE and the Department of Motor Vehicles remain partially unresolved. In addition, SBE has yet to take full advantage of improvements in technology which would assist the agency in ensuring that the registered voters list is accurate. As a result, some felons and decedents remain on the voter registration rolls.

Voter Registration Workload Has Increased Due to the NVRA. In 1996, about 65 percent of the voting age population was registered to vote, ranking Virginia 43rd of

45 states in the proportion of the population registered. The NVRA has helped to increase voter registration in Virginia. The total number of registered voters in Virginia increased from 3.0 million on January 1, 1996, just prior to implementation of the NVRA, to 3.6 million on January 1, 1998. While providing an indication that NVRA is achieving one of its key objectives, this 19 percent increase has added to the workload of general registrars by requiring more data entry and document handling. Some of the increase in workload would be expected, even if the new registration processes created by the NVRA worked without flaw. Unfortunately however, much of the increased workload for the registrars is the result of unnecessary work due to inadequacies in the registration application process. Specifically, work associated with incomplete and duplicate registrations now consumes much of the registrars' time.

The Quality Control Function for Applications Submitted at DMV Is Inadequate. As a result of the NVRA, DMV is now the largest single source of voter registration applications (see figure on following page). DMV is also the largest single source of applications which create additional unnecessary work for SBE and the registrars. The number of incomplete applications that are sent to the registrars indicates that quality control of the voter registration process is inadequate, particularly as it involves DMV. On average, 39 percent of registration applications submitted from DMV offices to general registrars during FY 1998 were incomplete and could not be processed without the registrar obtaining additional information. Incomplete applications are the most common reason for denials of registration. In FY 1998, more than 61,300 registration applications were denied. A major contributing factor leading to incomplete applications, besides failure of applicants to follow written instructions, is that DMV does

Sources of Voter Registration Applications, FY 1998



Note: "Other" includes State-designated voter registration agencies, armed forces recruitment offices, and minor miscellaneous sources.

not adequately check the completeness of the application upon receipt.

Duplicate registrations from DMV are also a source of additional workload. Duplicate registrations are those which result from an application that is submitted by an individual who is already registered to vote, and for whom no personal information (for example, name or residence address) has changed that would require a new voter registration transaction. During FY 1998, eight percent of all voter registration applications entered onto the VVRS were duplicates. However, 13 percent of applications received from DMV were duplicates, making it the single largest source of duplicate applications. An apparent lack of understanding by many DMV customers that they are applying to register to vote helps to produce the relatively large number of duplicates from DMV.

Duplicate registrations and denial of applications have become more prevalent following the implementation of the NVRA. This has increased the registrars' workload in ways that are largely unnecessary and avoidable. The following recommendations are made:

- DMV should ensure that its customers are notified that they may register to vote while at a DMV office,
- DMV should ensure that voter registration applications are properly completed before submitting the applications to the SBE, and
- the General Assembly may wish to require DMV to provide to each applicant who does not decline to register to vote the same degree of assistance with regard to completion of the registration application form as it provides with respect to completion of its own forms.

Improved Working Relationship Needed Between DMV, SBE, and Registrars. The administration of the NVRA in Virginia has been characterized by an inadequate working relationship between the SBE, DMV, and the general registrars. In particular, there has been poor coordination and communication between SBE and DMV. SBE staff and many registrars reported that their relationship with DMV is inadequate,

particularly in comparison to the relationships that have been developed with other State-designated voter registration agencies. Registrars believe that they have no control or influence concerning DMV activities that can significantly affect their workload.

DMV has taken certain steps, such as linkage of the DMV and SBE Internet sites and introduction of voter registration promotional advertising in its customer service centers, that indicate some willingness and desire to develop a stronger working relationship with SBE. However, a statutory requirement for coordination of voter registration-related activities of DMV, other State agencies, and the registrars appears necessary. A permanent coordinating committee would provide a mechanism for State agencies and local registrars to resolve issues related to the administration of the NVRA. The following recommendation is made:

- The General Assembly may wish to create a National Voter Registration Act Coordinating Committee comprised of senior management representatives of the State Board of Elections, the Department of Motor Vehicles, three other State-designated voter registration agencies, and five general registrars.

Electronic Linkage of DMV System and VVRS Would Enhance the Voter Registration Process. An integrated data sharing mechanism between the VVRS and DMV's mainframe computer system would reduce or eliminate needless duplication of effort in processing voter registration applications. Currently, because the transfer of applications from DMV to SBE and the registrars is a manual process, data keyed by DMV must be re-entered by the local registrars. There are approximately 90 duplicative keystrokes

per application keyed by DMV staff and the registrars. Elimination of double data entry by the registrars could also significantly reduce the potential for data entry errors.

Electronic data exchange could also help support an improved quality control process. For example, read-only access to the DMV system could provide SBE and the registrars with an additional method for verifying names, addresses, and other personal information of voter registration applicants. This type of access is currently available to nine general registrars' offices which have completed user agreements with DMV.

DMV officials have raised issues concerning privacy and privilege of DMV data as a potential obstacle to electronic data exchange with SBE. There does appear to be some difference in how voter registration data and DMV data are treated in the Code of Virginia in terms of privacy and privilege. However, these differences are not insurmountable and need not serve as an obstacle to development of an electronic linkage.

The following recommendations are made:

- SBE, DMV, and DIT should develop a plan for the electronic linkage of the Virginia Voter Registration System and the Citizen Services System maintained by DMV,
- the General Assembly may wish to explicitly allow electronic transfer of data between DMV, SBE, and each of the general registrars for purposes of administering State election laws, and
- SBE should execute a statewide user agreement with DMV on behalf of all general registrars as a means of obtaining access to additional information on voter registration applicants.

Convicted Felons Remain on the Voter Registration Rolls. Article II, Section 1 of the *Constitution of Virginia* prohibits convicted felons from registering to vote, unless their voting rights have been restored by the Governor. However, there may be as many as 9,000 to 11,000 convicted felons identified by the Virginia State Police who have not had their voting rights restored and who were registered to vote as of July 5, 1998. The majority of these individuals are in localities with larger populations (see figure on following page). In addition, as many as 1,200 convicted felons received credit for voting in the November 1997 general election. Although the number of registered voters who are also potentially convicted felons represents well below one percent of all registered voters in Virginia, it also indicates that the current process utilized by SBE and the general registrars for maintaining the integrity of registration records may be flawed. In addition, a principle concern arising from the current list maintenance process is the veracity and completeness of data supplied to the State Board of Elections. The following recommendation is made:

- The General Assembly may wish to require that an electronic data link-

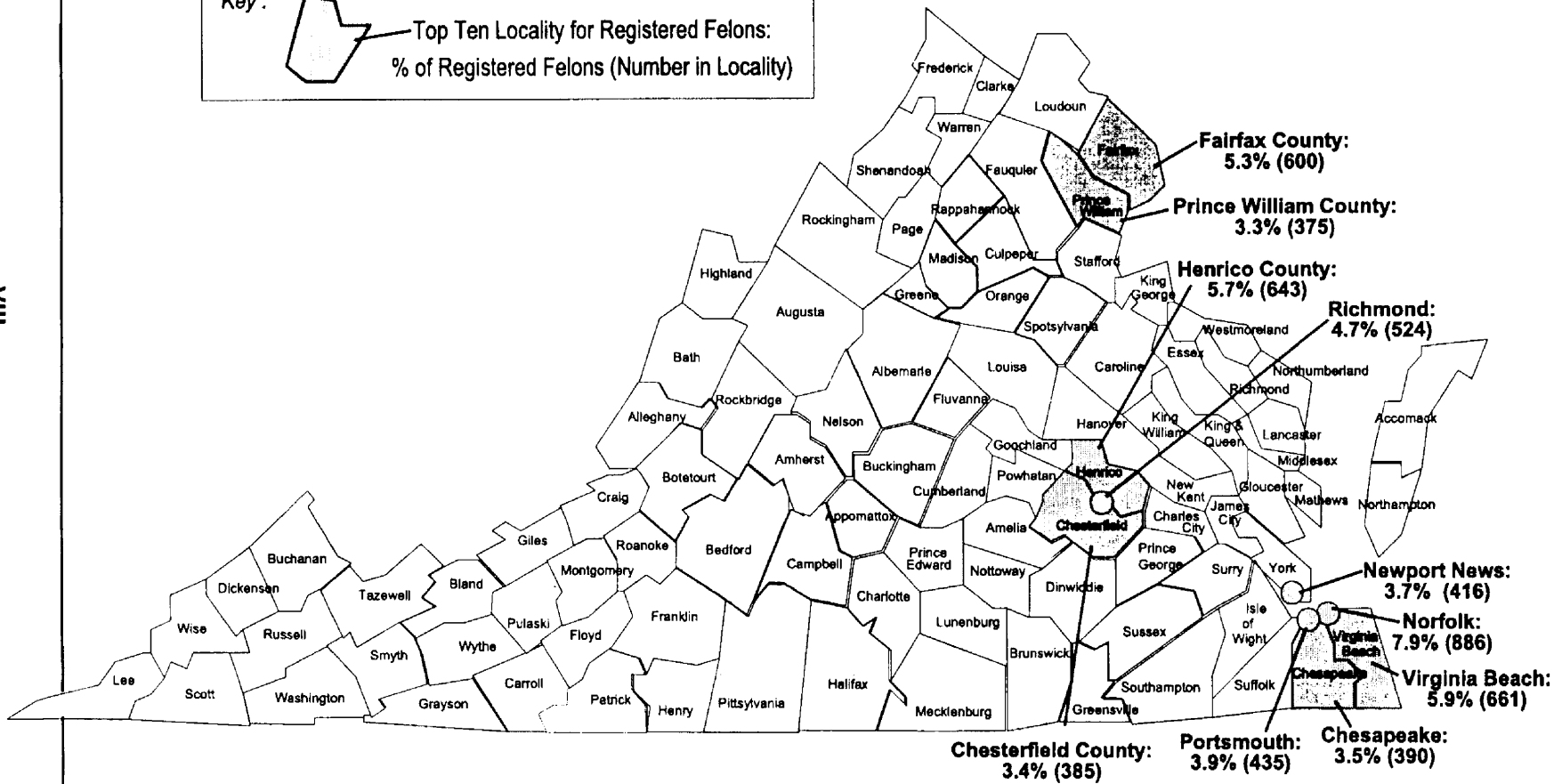
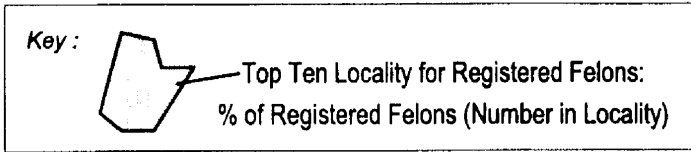
age be established between the Board of Elections and the Virginia State Police for the exchange of felony conviction information that is necessary to maintain the accuracy and integrity of the voter registration list. This electronic linkage should maintain an historical electronic file of all felony convictions that have occurred in Virginia. In addition, the State Board of Elections and the State Police should examine the feasibility of verifying voter registration applications against national sources of felony records.

Deletion of Deceased Individuals from Registration List Is Problematic. JLARC staff identified almost 1,500 instances in which the social security number of an individual who, according to VDH records, died between July 1, 1996, and June 30, 1997, remained on the State's registered voter's list as of July 7, 1998. Among those approximately 1,500 cases, JLARC staff identified through computer matches 144 instances in which the social security number of the deceased individual was credited with voting in the November 4, 1997 election (see table below). Matches of social security numbers between the VVRS and health de-

Number of Records Where Social Security Number Listed for Decedent Matches Social Security Number on Voter Registration List

<u>Registered Voters</u>	1,480
Records where name is the same on both lists	1,096
Records where name is different	384
<u>Credited with Voting in November 1997</u>	144
Records where name is the same on both lists	2
Records where name is different	142

Ten Localities with the Highest Percentage of Felons Registered to Vote As a Proportion of Registered Felons Statewide



partment databases produced different names from each list. For example, of the 144 social security numbers that had been credited with voting, only two had the same name associated with them on the health department list. Such discrepancies may occur as a result of data entry errors on the death certificate. These findings draw into question the accuracy of the social security numbers that SBE receives from VDH as part of the death record reporting process.

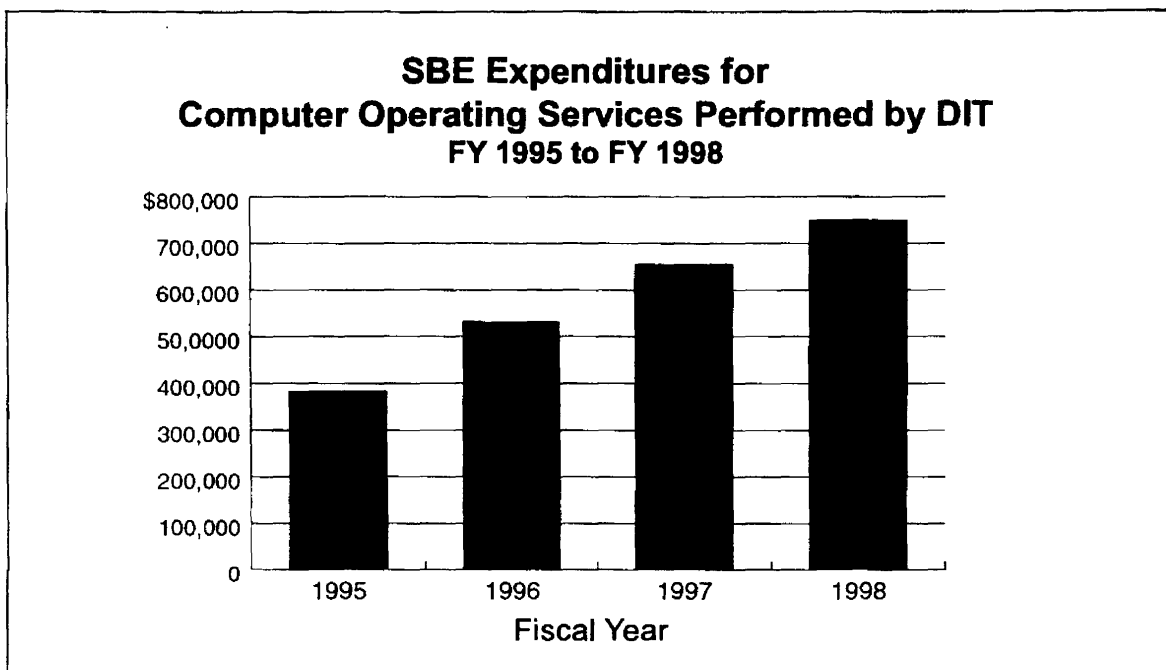
The following recommendations are made:

- SBE should work with the Virginia Department of Health and the general registrars to resolve discrepancies between the Virginia Department of Health and VVRS databases, and
- SBE should use the Social Security Master Death Record File on an annual basis in order to help ensure that decedents are removed from the voter registration rolls.

VVRS Is No Longer Adequate to Meet the Needs of the State or Localities

The Virginia Voter Registration System (VVRS) is a statewide computerized system for which the primary purpose is the maintenance of a current and accurate record of each person registered to vote in Virginia. The VVRS also performs certain functions that support election processing and administration. SBE staff are responsible for maintaining the system and responding to problems or questions concerning its use from general registrars. The system was implemented in 1970 and has been updated and supplemented on several occasions since then.

VVRS Costs Are Growing as the System Becomes Increasingly Inadequate. Several factors cast doubt on the continued viability and adequacy of the system to maintain an accurate record of registered voters. Costs associated with the VVRS, such as computer operating charges, have increased significantly over the last four fiscal years (see figure below) while response



time and general functionality have declined. In addition, registrars have identified several functions that would be beneficial to them in performing their responsibilities but which the current system does not provide. Finally, while registrars must interact with the VVRS in new ways due to the NVRA, the system is not designed to support these functions.

A New Voter Registration System Should Be Developed. In recent years, recommendations have been made to develop and implement an entirely new VVRS, however none have been implemented. The Gartner Group recommended that all State agencies, except the Department of Social Services, discontinue use of the Unisys mainframe by 2002. Since the VVRS resides on the Unisys mainframe, a new system will be needed to move to a different computer environment.

Computer technology has advanced greatly in the last few years, specifically with regard to personal computers and database management software. In addition, several high-speed, high-capacity telecommunications networks are currently available in the State. These advancements provide the opportunity to design a new voter registration system that greatly enhances the ability of general registrars and SBE staff to perform their responsibilities. However, development and implementation of such a system will require additional financial resources.

The following recommendations are made:

- SBE should consider the use of personal computers and desktop printers as an essential part of any new system;

- SBE should consider a system which will be able to transfer and receive data from systems operated by the Department of Motor Vehicles;
- SBE should pursue electronic data linkages with the Virginia State Police, Virginia Department of Health, and the U.S. Social Security Administration for purposes of removing felons and deceased individuals from the voter registration rolls;
- SBE should include electronic mail and a candidate certification component as integral features of any new system;
- SBE should develop any new system in an open environment that reduces dependence on any one single manufacturer or supplier and permits the consideration of several different platform options; and
- The development of any new system should include a plan and resources to provide necessary training on the operation of the system.

The General Assembly may wish to consider directing SBE to contract with DIT or a private consultant to provide assistance in the development, implementation, testing, and maintenance of any new system. SBE should present an estimate of the funding required for a new voter registration system to the House Appropriations and Senate Finance Committees prior to the 1999 Session.

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I. Introduction

Article II, Section 4 of the *Constitution of Virginia* establishes the powers and duties of the General Assembly pertaining to the registration of voters and the administration of elections. The General Assembly is to establish a “uniform system” for voter registration which includes: penalties for illegal, false and fraudulent registrations; proper transfer of all registered voters; and the maintenance of accurate and current registration records. The General Assembly also is to regulate the “time, place, manner, conduct, and administration of general primary and special elections.” To carry out these responsibilities, the General Assembly created a State Board of Elections and a local structure which includes electoral boards and general registrars.

Responsibility for administering Virginia’s election law is shared by several different State and local entities. The State Board of Elections (SBE) was created by statute in 1946 to:

supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections.

In order to accomplish these goals, SBE works with the general registrars and electoral boards in each of the State’s localities. Following the enactment of the National Voter Registration Act (NVRA) by Congress in 1993, the Department of Motor Vehicles (DMV) and several other State agencies also received responsibilities pertaining to voter registration.

Implementation of the NVRA in Virginia required major changes in the State’s voter registration policy and process. These changes have now been implemented, but various procedural modifications and technical improvements would enable State agencies and localities to administer these statutory provisions in a more efficient and effective manner. Other types of improvements are necessary to ensure that Virginia’s voter registration records are properly maintained, so that statutory provisions prohibiting registration by convicted felons and requiring prompt removal of the deceased from the rolls are enforced to the fullest extent possible. Improvements in management, staffing adjustments, and administrative initiatives are needed within SBE in order for it to fulfill its statutory responsibilities and work more effectively with other State and local agencies. In particular, the Virginia Voter Registration System (VVRS) has become a major impediment for both SBE and the localities. This State mainframe computer system is no longer adequate to maintain voter registration data and perform other electoral functions.

House Joint Resolution No. 51 of the 1998 General Assembly Session (Appendix A) directed the Joint Legislative Audit and Review Commission (JLARC) to study “the Virginia voter registration system and the operations of the State Board of Elections and the Commonwealth’s voter registrars and their offices.” This chapter provides an overview of the voter registration and election administration roles and re-

sponsibilities of several State agencies and local entities. These include the SBE, DMV, other State agencies, general registrars, electoral boards and other local officials. The study issues and study approach are also discussed in this chapter.

THE ROLE OF STATE AGENCIES IN VOTER REGISTRATION AND ELECTION ADMINISTRATION

The State Board of Elections is required by law to perform a variety of administrative and coordinating functions pertaining to voter registration and the conduct of elections throughout the State. The Department of Motor Vehicles and nine other State agencies are required to provide voter registration services as part of their normal customer service operations. The involvement of DMV and the other State agencies was initiated by the General Assembly in compliance with provisions of the NVRA, which will be discussed in greater detail in Chapter II. This section provides an overview of the statutory responsibilities of each of these State agencies.

State Board of Elections Coordinates Voter Registration and Supports Election Administration

Section 24.2 of the *Code of Virginia* charges the State Board of Elections with overseeing the work of local electoral boards and general registrars "to obtain uniformity in their practices and proceedings and legality and purity in all elections." The SBE is also charged with administering a central record-keeping system which contains a record of every registered voter in the Commonwealth. The General Assembly has appropriated \$8.8 million to SBE for FY 1999, and has authorized 24 staff positions for the agency.

Statutory Requirements of the State Board of Elections. The *Code of Virginia* charges the SBE with maintaining an accurate record of all persons registered to vote in the Commonwealth. Specifically, the SBE is required to operate and maintain a central record-keeping system of all registered voters, known as the Virginia Voter Registration System (VVRS). Section 24.2-103 of the *Code of Virginia* states that the SBE "shall make rules and regulations and issue instructions and provide information to the electoral boards and registrars to promote the proper administration of election laws." For example, the SBE provides the registrars with lists of persons who are to be removed from the voter rolls because they have either died, been convicted of a felony, been adjudicated mentally incompetent, or moved their place of residence. The SBE also conducts routine maintenance of the voter registration rolls by checking registrant information against the United States Postal Service's National Change of Address system. If the comparison with the post office records indicates a change in a registrant's eligibility, the SBE notifies the appropriate registrar.

The SBE is also required to provide other forms of support to the registrars and local electoral boards. This includes printing voter registration cards, providing

lists of registered voters by precinct to be used on election days, and designing and printing voter registration applications. The SBE is also required to approve all voting systems and equipment used by localities. This includes reviewing and evaluating applications submitted by voting equipment vendors for certification of that equipment for use in State and local elections.

In addition, the *Code of Virginia* requires the SBE to perform a number of activities related to the administration of elections. The SBE is responsible for accepting statements of qualifications, declarations of candidacy, and statements of economic interests from candidates of federal, statewide, General Assembly, and shared constitutional offices. The SBE must also verify the completeness of such documents submitted by candidates for locally-elected offices and filed with the registrars. The SBE oversees election activities at the local level such as reviewing ballots and ensuring compliance with election laws. In addition, the SBE receives certified abstracts of votes from every electoral board after each election, tabulates the abstracts, determines the candidate who received the most votes for each office, and certifies the election results.

The SBE is also responsible for ensuring that candidates and political parties adhere to campaign finance disclosure laws (§ 24.2-900 *et seq.* of the *Code of Virginia*). Section 24.2-903 of the *Code of Virginia* requires SBE to “summarize the provisions of the election laws relating to campaign contributions and expenditures and provide for distribution of this summary and prescribed forms to each candidate, person, or committee upon their first filing with the State Board” The SBE is also required to “designate the form” of the campaign contributions and expenditures report, as well as to provide filing instructions to assist persons in completing the reports. The SBE is further required to establish and implement a system for receiving and cataloging campaign finance disclosure reports, and for verifying that the reports are “complete and received on time.”

Recent amendments to the *Code of Virginia* have given SBE additional responsibilities concerning campaign finance disclosure reporting. According to §24.2-914.1 of the *Code of Virginia*, the SBE shall:

- Develop and approve standards for preparation, production, and transmittal of campaign finance reports by computer or electronic means by January 1, 1998;
- Accept any campaign finance reports filed via computer or electronic means by candidates for the General Assembly, Governor, Lieutenant Governor, or Attorney General beginning January 1, 1999; and
- Make all campaign finance reports, whether or not they were filed electronically, available to the public via the Internet by January 1, 2001.

Structure of the State Board of Elections. The State Board of Elections is comprised of three members appointed by the Governor and subject to confirmation by the General Assembly. The three members of the Board must be qualified voters of

Virginia. Two members of the Board represent the political party which cast the greatest number of votes in the last gubernatorial election, and the other member must be from the political party casting the second highest number of votes. The Governor must designate one member of the Board as the Secretary, who receives a salary fixed by law and employs the personnel necessary to carry out the duties assigned to the SBE. The members of the SBE serve four-year terms which begin on February 1. The terms of the current Board members expire in 1999.

The SBE is currently organized into three divisions in order to achieve its mission. These three divisions are: Registration Services, Election Services, and Voter Outreach. Two smaller organizational units, headed by the Administrative Services Manager and Business Manager, respectively, provide support services to the agency as a whole. Figure 1 illustrates the organization and staffing of SBE.

The Registration Services division works directly with the VVRS to produce the numerous voter registration lists and documents needed by the registrars. These include voter registration cards, lists of registered voters used at polling places on election days, and reports of all changes made to voter registration records used to verify the accuracy of those changes. In addition, the Registration Services division administers statutory provisions that charge SBE with making specific election-related information available to the public as directed by the *Code of Virginia*. For example, the SBE must make lists of registered voters available to candidates and political parties at a reasonable cost.

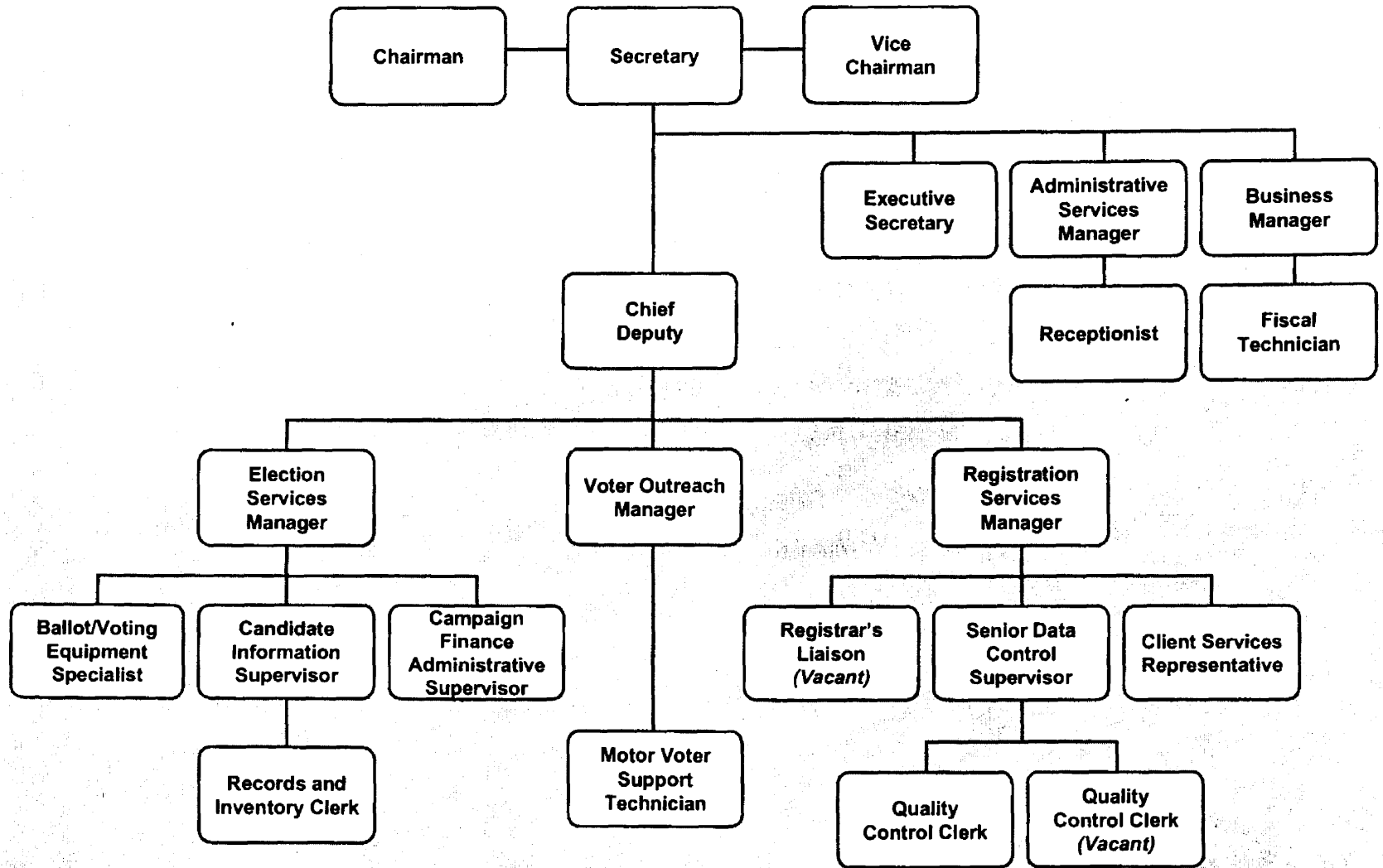
The Elections Services division is responsible for ensuring the legality and purity of elections within the Commonwealth. This division oversees the activities of the local electoral boards and registrars in administering elections. The staff of this division instruct local electoral boards and registrars in how to conduct elections and provide them with interpretation of the election laws. The Election Services division also reviews all ballots used in elections, monitors polling places for compliance with federal requirements, and approves voting equipment. This division is also responsible for qualifying candidates for elected office and reviewing and verifying election results from each precinct.

The Voter Outreach division administers voter registration application processing operations as required by provisions of the NVRA. For example, this division receives voter registration applications completed at the Department of Motor Vehicles and other State agency offices, and those submitted by mail, sorts the applications, and distributes them to the appropriate local registrar. This division also coordinates the voter registration activities of the other State agencies involved with the NVRA, and all of the local registrars.

The SBE administrative services manager, and the business manager, provide administrative and financial support for the entire agency. This includes budgeting, human resources, procurement, and payroll processing. The business manager is also responsible for the agency's internal automated systems, including both hardware and software needs. In addition, the unit headed by the business manager is responsible

Figure 1

State Board of Elections Organizational Chart



Source: JLARC graphic based on State Board of Elections chart.

Note: graphic does not include two temporary positions in the Motor Voter Division, two temporary positions in the Election Services Division, and one part-time position in the Election Services Division.

for performing the activities necessary to reimburse localities for compensation paid to general registrars and electoral board members.

Expenditures by the State Board of Elections. The State Board of Elections spent a total of \$8,382,712 in FY 1998. However, approximately 60 percent of these funds, or \$4,972,225, were transfer payments to the localities for the salary and expenses of the general registrars and local electoral board members (Figure 2). Therefore, only about 40 percent of SBE expenditures support its internal operations. Moreover, approximately 70 percent of the expenditures for internal operations were used to support the operation and maintenance of the Virginia Voter Registration System.

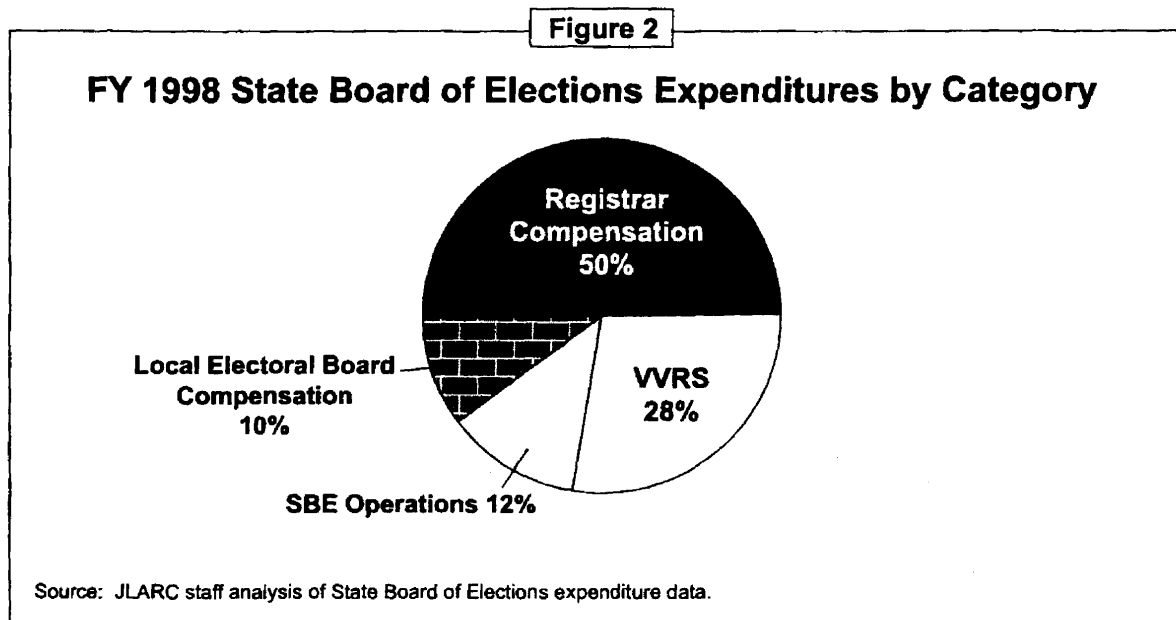


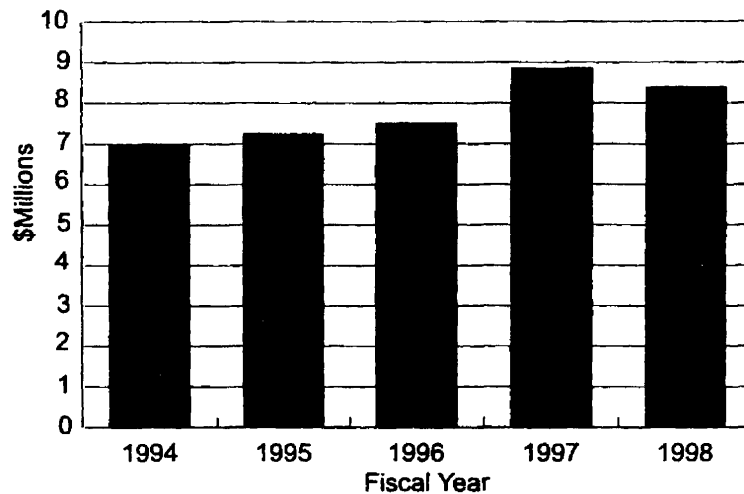
Figure 3 shows expenditures by the SBE over the past five fiscal years. Overall, the annual expenditures were relatively stable until FY 1997, which was the first full fiscal year following implementation of the NVRA. The expenditures for FY 1997 were 15 percent greater than that of the previous year. One-third of this increase is directly attributable to the NVRA. Other significant factors contributing to the expenditure growth were increased transfer payments to localities, and greater use of contractual services. As can be seen in Figure 3, expenditures for FY 1998 were slightly less than those in FY 1997.

The National Voter Registration Act Changed the Registration Process in Virginia

The National Voter Registration Act (NVRA) resulted in significant changes to the voter registration process in Virginia. Specifically, this federal law requires a much broader range of voter registration services than had been required by State law. The National Voter Registration Act was passed by Congress in 1993. To make regis-

Figure 3

State Board of Elections Expenditures, FY 1994 - FY 1998



Source: JLARC staff analysis of State Board of Elections expenditure data.

tration easier, it requires a number of State agencies to provide voter registration services. The law specifically identifies the Department of Motor Vehicles, social services agencies, and agencies providing services to the disabled as voter registration agencies. The NVRA also requires states to accept registration by mail.

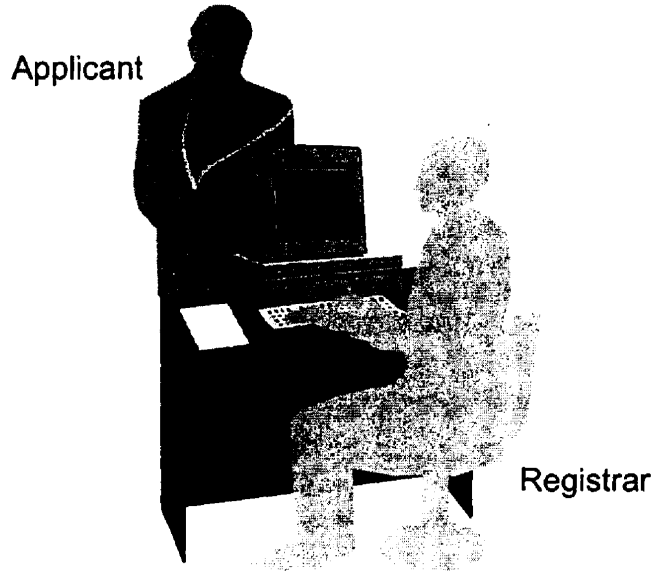
The impact of the NVRA on the Virginia voter registration process is shown in Figure 4. In the process prior to the NVRA, an individual went to the registrar's office and filled out the registration application in order to register to vote. The information provided by the applicant was reviewed while the applicant was in the office, and any missing or incorrect information was corrected. With this in-person process, quality control was relatively easy for the local registrars, because the applicant could be questioned prior to leaving the office. Completed applications were keyed into the voter registration system by the registrar, and the original applications were kept on file by the registrar's office.

The process is now more complicated as shown in bottom half of Figure 4. With implementation of the NVRA, most voter registration applications are now completed at the Department of Motor Vehicles or other State offices, and are mailed to the Board of Elections for sorting and distribution to the registrars. Applications are also mailed directly to the Board of Elections from applicants. The Board of Elections bundles the applications it has received and mails them to the registrars. When the registrars receive the applications, they process the completed applications and enter the registration information into the State voter registration system. Since many application forms are incomplete, many of the registrars spend considerable time and effort to contact the applicant by telephone or mail to complete the applications. It is this process that has increased the workload of the registrars, and added to the complexity of the registration process.

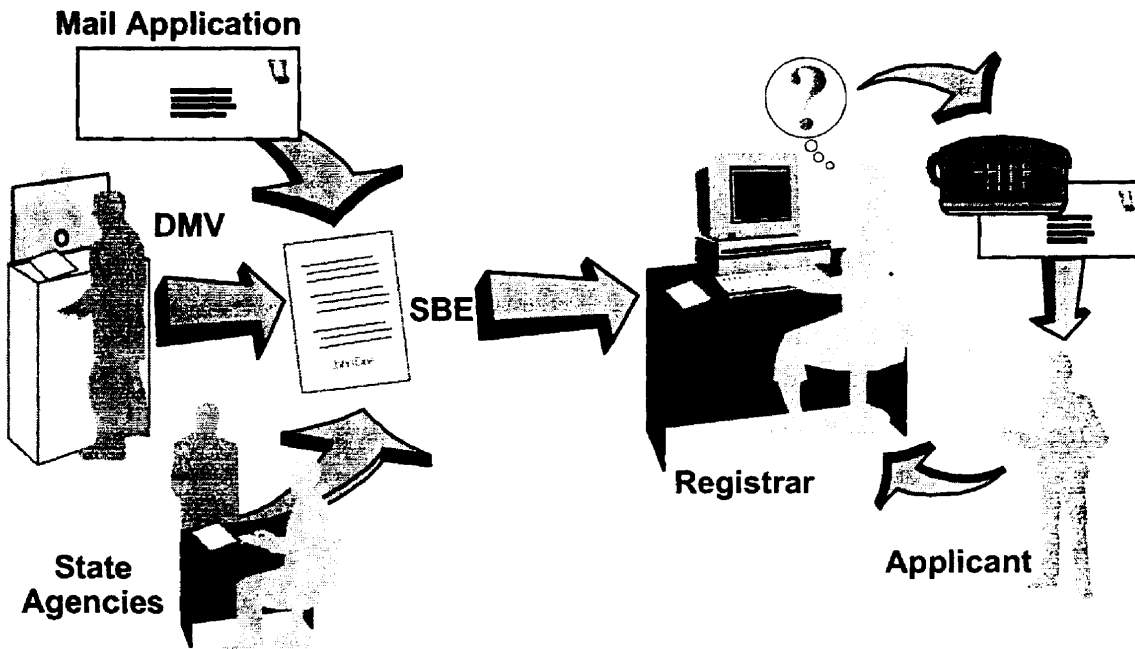
Figure 4

Voter Registrations Process and Workflow

Process Prior to the NVRA



Process After the NVRA



Source: JLARC staff graphic.

Department of Motor Vehicles Is Required to Offer Voter Registration

Section 24.2-411.1 of the *Code of Virginia* prescribes DMV's involvement with voter registration in Virginia. According to the statute, the agency shall provide the opportunity to register to vote to each person who comes to a DMV office to:

- apply for, replace, or renew a driver's license;
- apply for, replace, or renew a special identification card; or
- change an address on an existing driver's license or special identification card.

In compliance with provisions of the NVRA, State statute requires that the method used to receive an application for voter registration at DMV offices shall avoid duplication of the license portion of the DMV driver's license application. To that end, only the "minimum additional information necessary to enable registrars to determine the voter eligibility of the applicant and to administer voter registration and election laws may be required." DMV uses a combined application form for a driver's license and voter registration. Through DMV's involvement alone, there are now 73 additional locations, in the form of DMV customer service centers, at which Virginia residents may register to vote.

DMV Structure for Administering Voter Registration Requirements.

DMV uses a multi-disciplinary team approach for addressing NVRA-related issues. There is a core team of about five people from various agency units. These include staff responsible for forms design, procurement, printing, legislative and legal affairs, motorist licensing, and field operations/customer service support. DMV data processing staff are involved in NVRA team activities on an as-needed basis. This team makes recommendations to DMV management on changes to DMV policies and procedures that are considered necessary in order to administer NVRA.

According to SBE, each DMV customer service center should have one individual in charge of all voter registration activities. This person should be responsible for ensuring an adequate supply of forms, monitoring voter registration activities, training new employees, overseeing the transmittal of voter registration forms to the SBE, and resolving coordination issues between State or local election officials. However, none of these specific items are required by the *Code of Virginia*, or the NVRA.

Voter Registration Procedure at DMV. When an individual walks into a DMV customer service center, he or she is directed to the information desk. The DMV employee stationed at the information desk determines the type of transaction that the customer wishes to complete, and furnishes the appropriate DMV form. DMV customers are to be told that "You may also apply to register to vote by completing and signing this section." DMV employees working at the information desk have been instructed in writing by DMV management to draw a line with a black marker beside the required information for voter registration to emphasize the area that must be completed if the

customer wants to apply to register to vote. When the customer subsequently gives the completed form to the DMV customer service representative, it is placed in an in-basket to await further processing.

At the end of each day, the DMV audit clerk reviews all of the applications and separates the voter registration portion. Only applications that are signed by applicants over the age of 17 are to be sent to the SBE. If there is no signature, or if the applicant is under age 17, the application and the carbon are shredded in order to comply with confidentiality requirements. All of the voter registration applications received that day are to be counted and placed in a bundle with the receipt date and count written on a plain piece of paper placed on top of the bundle. The bundle of applications is then placed in an envelope and sent to SBE.

State statute requires that DMV transmit completed voter registration applications to SBE not later than five business days after the date of receipt. The registration applications are mailed to SBE twice a week, except during periods prior to the close of registration for an election, when they are mailed out daily. According to the DMV Commissioner, on the last day for voter registration prior to an election, DMV staff personally take the envelope to the post office to ensure it is postmarked that day. This is done even though the date on the application is used to determine timeliness.

Other State Agencies Have Been Designated as Voter Registration Sites

The Secretary of the State Board of Elections, based on consultation with the Office of the Attorney General, designated the following public assistance and disability-related State agencies as voter registration agencies in compliance with §24.2-411.2 of the *Code of Virginia*:

- Department of Social Services,
- Department of Health,
- Department of Mental Health, Mental Retardation, and Substance Abuse Services,
- Department of Rehabilitative Services,
- Department for the Rights of Virginian's with Disabilities,
- Department for the Visually Handicapped, and
- Department for the Deaf and Hard of Hearing.

In compliance with provisions of the NVRA, Section 24.2-411.2 of the *Code of Virginia* specifically designates regional offices of the Department of Game and Inland Fisheries, offices of the Virginia Employment Commission in the Northern Virginia planning district, and armed forces recruitment offices as additional voter registration agencies.

The *Code of Virginia* requires that each voter registration agency make the following services available on the agency premises:

- distribution of mail voter registration forms provided by SBE;
- assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance;
- receipt of completed voter registration application forms; and
- distribution of a voter registration application prescribed by SBE with each application for service or assistance, or upon admission to a facility or program, and with each re-certification, readmission, or renewal.

These agencies are further required by statute to provide each applicant who does not decline to register to vote with “the same degree of assistance with regard to the completion of the voter registration application as is provided by the office with regard to the completion of its own applications, unless the applicant refuses assistance.” Voter registration agencies are required by statute to transmit completed voter registration applications to the SBE not less than five business days after the date of receipt.

Agency Coordinator. According to SBE, agencies must designate a program coordinator to serve as the liaison with SBE. This individual should develop procedures for implementing the program, train employees, and establish systems for distributing materials to field locations and transmitting completed applications to SBE. The agencies are responsible for providing a means by which their clients may choose or decline to register to vote.

Requirements for the Client Service Provider. According to SBE, agency personnel who provide front-line client service should ask each new client, or current client when he or she recertifies or changes his address, whether he would like to register to vote. Agency personnel must complete a Voter Registration Agency Certification form, prescribed by SBE, for all new or re-certifying clients and ask the client to sign it. This form asks the individual if he or she would like to register vote. The client is asked to provide one of three responses:

- I am already registered to vote at my current address, or I am not eligible to register to vote;
- Yes, I would like to apply to register to vote; or
- No, I do not want to register to vote.

The certification form should then be kept in the client’s file for two years as evidence that the opportunity to register to vote was offered.

THE ROLE OF LOCALITIES IN VOTER REGISTRATION AND ELECTION ADMINISTRATION

Article II, Section 8 of the *Constitution of Virginia* requires that each county and city have a three-member electoral board, a general registrar, and officers of election. This considerable amount of local control of the electoral process corresponds to the financial responsibility on the part of localities. Section 24.2-600 of the *Code of Virginia* states that the cost of conducting elections shall be paid for by cities and counties. This section provides an overview of the roles and responsibilities of electoral boards, general registrars, and officers of election.

Electoral Boards Are Responsible for Local Administration of Elections

Section 24.2-106 of the *Code of Virginia* requires an electoral board in every city and county to administer elections. Electoral boards are comprised of three members appointed by a majority of the circuit court judges for that jurisdiction. In addition, the electoral boards are responsible for appointing registrars and officers of election. Electoral boards are required to meet during the first week in February and at least once during March of each year. One member of the board is elected chairman, and another is elected secretary. Electoral boards often delegate many of their election responsibilities to the registrar.

Statutory Responsibilities of Electoral Boards. According to Section 24.2-109 of the *Code of Virginia*, electoral boards are required to perform “duties assigned by this title, including but not limited to, the preparation of ballots, the administration of absentee ballot provisions, the conduct of the election, and the ascertaining of the results of the election.” They are responsible for appointing the general registrar and officers of election for their locality. The secretary of the electoral board must prepare a list of election officers prior to March 1 each year. The electoral board may also remove these persons from office for failure to discharge their duties according to law. In addition, the electoral board shall determine the number and set the term for assistant registrars. Electoral board members are reimbursed by the State for expenses and mileage and may be paid any additional allowance for expenses the locality deems appropriate.

Additional Responsibilities Listed in Electoral Board Handbook. In addition to the statutory responsibilities of electoral boards, the SBE has prescribed additional duties. These are contained in the SBE’s *Electoral Board Handbook*, and include:

- assist the local governing body in finding new polling places,
- inspect each polling place on election day,
- train chief and assistant election officer for each precinct (SBE recommends that all election officers be trained),

- manage the design, production, verification and sealing of paper ballots,
- prepare a list of absentee ballot applicants and provide the list to the chief officer of election at each precinct,
- obtain necessary election materials from SBE prior to every election, and
- report to the Commonwealth's Attorney the name and address of any candidate who fails to file a required campaign finance disclosure report on time.

Registrars Responsible for Registering Voters and Other Duties

General registrars are appointed to four-year terms by the electoral board. Registrars must be qualified voters in the jurisdiction for which they serve. In addition, registrars may not hold elected or appointed office, or work for a political party or candidate while serving their term.

Registrars are required by the *Code of Virginia* to maintain an office open to the public, make voter registration applications available, and conduct educational programs to inform the public about voter registration. Registrars are also required to accept and process all voter registration applications. If the application received is for a resident of the registrar's jurisdiction, the registrar must then determine whether the applicant is qualified to register to vote and promptly notify them of their registration or denial. The registrar is also required to maintain the official registration records of their locality on the VVRS and keep original registration applications on file as prescribed by the *Code of Virginia*.

General registrars must make changes to the registration records whenever they are notified of a change of a registrant's name, address, or election district. Registrars must remove registrants from the rolls if they become ineligible due to death, felony conviction, or have been adjudicated incompetent. If a registrant moves to another jurisdiction, this information must be forwarded to the appropriate registrar in the new place of residence.

Other duties performed by registrars include verifying signatures on petitions, notifying registrants when changes are made to election districts or polling places, and accepting financial disclosure statements and other documents from candidates and elected officials.

Delegation of Duties by Electoral Boards. Only three localities — Alexandria, Fairfax County, and Prince William — have either a full-time electoral board secretary and/or full time staff assigned to support the electoral board. In all the other localities, the registrars' offices either in effect serve as staff to the electoral boards or, less typically, the electoral boards perform their duties with no assistance from the registrars. Section 24.2-114 of the *Code of Virginia* requires registrars to "carry out such other duties as prescribed by the electoral board." Registrars estimate spending on average nearly 25 percent of their time performing duties delegated to them by the electoral board. There is considerable variation around this average:

The registrars in Lexington, Culpeper and Charlotte reported spending only one percent of their time on duties delegated by their electoral boards. However, the Prince William and Richmond City registrars reported spending 70 percent of their time on these types of tasks. The Norfolk registrar reported that 98 percent of her time was devoted to such tasks.

Most registrars reported that the percentage of their time required to carry out duties delegated by their electoral board had increased over the past several years:

- 58 percent reported an increase,
- 37 percent reported no real change, and
- 5 percent reported a decrease.

There appears to be a varying level of satisfaction with this arrangement among the registrars. Some registrars like this arrangement, since they feel it results in better service to the residents of their locality. Other registrars feel that this presents them with an undue burden and that, in practice, the distinction between the registrar's role and that of the electoral boards is diminishing, statutory provisions notwithstanding. Prior proposals developed at the State level to revise the current structure of responsibilities between the general registrars and the electoral boards failed to achieve consensus between the general registrars and the electoral board members.

Additional Duties Listed in General Registrar's Handbook. In addition to the statutory responsibilities of general registrars, the SBE has prescribed additional duties in its *General Registrar's Handbook*. For example, the registrar must be present at the instruction meeting for officers of election to instruct the officers in the procedures they are to follow in marking the registered voters list, handling problem voters, and communicating with the registrar's office.

Registrars also have absentee voting responsibilities. For example, the registrar must complete the lower portion of the affidavit of the designated representative of a hospitalized voter. In addition, all absentee ballot applications are retained by the registrar until time has expired for contesting the results of an election. The registrar is required to transmit original applications for absentee ballots to the clerk of circuit court by noon of the day following an election. Registrars are also responsible for accepting and reviewing a number of different forms and reports from candidates. These include:

- Certificate of Candidate Qualifications,
- Statement of Economic Interests,
- Declaration of Candidacy, and
- Petition of Qualified Voters.

A relatively new responsibility for registrars involves campaign finance disclosure reporting. The general registrar or, if so decided by the electoral board, its secretary, must receive and review reports required to be filed with them by candi-

dates. These include candidates for county and city constitutional offices, local governing bodies and school boards, and the General Assembly (who also must file with SBE). In addition, county or city political party committees in localities with populations greater than 100,000 must file their disclosure reports with the registrar. In each case, the registrar must review and acknowledge receipt of the report within seven days.

The registrars are also required to review each report for completeness. In the case of incomplete filings, the registrars are supposed to make a copy of any page with an incomplete entry, indicate the problem, and prepare a letter to the candidate or treasurer that the amended report must be received within ten days of the letter or an apparent willful violation will be reported to the Commonwealth's Attorney for possible prosecution. For any General Assembly candidate, the registrar is required to send a copy of the letter and attachments to SBE.

Staffing of General Registrar Offices. The *Code of Virginia* requires registrars who serve in localities with a population of 10,000 or more to serve at least five days per week. Registrars in localities with a population of 9,999 or less must work at least three days per week. There are currently 13 counties and 11 cities with part-time registrars. However, registrars in the smaller localities are required to have their offices open five days per week from August 1 through December 31 of each year.

The *Code of Virginia* also permits local electoral boards to determine the number of assistant registrars for their locality. Assistant registrars are appointed by the registrar. Section 24.2-112 of the *Code of Virginia* requires localities with a population of more than 15,500 to have one assistant registrar who serves at least one day per week. Localities with a population of less than 15,500 must have at least one substitute registrar who is able to serve in case the registrar cannot perform their duties.

Compensation of General Registrars. The compensation of general registrars is set by the General Assembly in the Appropriation Act. The necessary funding is appropriated to the State Board of Elections which then passes it on to the localities. In FY 1998, the SBE transferred \$4,147,826 to localities for registrar compensation.

The JLARC report titled *Compensation of General Registrars*, issued in 1991, examined the State's salary structure for registrars, access to fringe benefits on the part of registrars, and possible options for the General Assembly to consider in deciding the appropriate State share of registrar compensation. This study does not re-examine those issues.

Election Officers Operate Polling Places on Election Day

The *Code of Virginia* requires the appointment of no less than three competent citizens to serve as officers of election at each polling place throughout the State. The electoral board designates one officer as the chief officer of election and one officer as the assistant for each precinct. Election officers are responsible for ensuring proper, lawful functioning and operation of the polling place on election day. While there are

many specific, technical duties that election officers must perform on election day, the duties can be summarized into five broad categories:

- setting up the polling place, which includes ensuring that the initial count on each piece of voting equipment is set to zero, and announcing the opening of the polls;
- ensuring that each individual who comes to the polls to vote is properly registered;
- maintaining a running count of the number of voters;
- providing voters with any needed assistance, such as providing paper ballots to disabled individuals who are unable to enter the polling place, or demonstrating how to use the voting equipment; and
- tallying the precinct election results, which includes obtaining the results from each piece of voting equipment, completing the statement of results form, calling in the unofficial precinct results, and delivering the election results as directed by the electoral board.

Voter Registration and Election-Related Expenditures

With the exception of general registrar salaries and compensation payments made to electoral board members, all decisions concerning voter registration and election administration-related expenditures are the responsibility of local governing bodies. This includes the number of additional staff to be provided to the registrar's office. Statewide, on average, a registrar's office has three total staff including the general registrar. Most of the registrar's offices in localities with a population of 50,000 or less are below the statewide average of three total staff.

Election administration, while not a major local expense overall, can nonetheless be costly. The more elections that a locality has to conduct in a given year, the higher the total cost. In addition, depending on the actual voter turnout for the election, the cost on a per vote basis can vary substantially. For example, on a per vote basis, local elections conducted in May 1998 were more expensive than the statewide election conducted in November 1997. On average statewide, the per voter cost of the May 1998 elections was \$278, while the per voter cost of the November 1997 election was \$14. There was significantly greater variation across localities in the cost per voter for the May 1998 election, as its median was \$102 while the median cost per voter for November 1997 was \$13.

THE JLARC REVIEW

House Joint Resolution No. 51 of the 1998 General Assembly Session directs JLARC to study the Virginia voter registration system, the operations of the State Board of Elections, and the relationship between the State Board of Elections and the general registrars. This section lists the study issues, discusses the various research

activities that were conducted as part of the review, and provides a brief outline for the remainder of the report.

Study Issues

JLARC staff developed three major study issues in order to evaluate the overall efficiency and effectiveness of the State Board of Elections and its relationship with Virginia's general registrars:

- Is the voter registration process in Virginia efficient and effective?
- Is the State Board of Elections appropriately staffed, organized, and managed to provide adequate support, assistance, and guidance to localities?
- Is the Virginia Voter Registration System adequate for the State Board of Elections and general registrars to administer and enforce statutory provisions governing voter registration and election administration?

Research Activities

Several qualitative and quantitative research activities were undertaken to address the issues in this study. Qualitative research activities included structured interviews, site visits to general registrar offices, document reviews, telephone interviews with election administration organizations, and a telephone survey of election agency officials in other selected states. Quantitative research activities included analyses of the State's entire voter registration database, analyses of State databases of convicted felons and deceased individuals, analysis of voter registration application processing data, analysis of SBE financial and budgetary data, and analysis of data collected through a mail survey of general registrars.

Structured Interviews with SBE and Other State Agencies. JLARC staff interviewed all of the SBE employees during the course of this study. Several SBE employees were interviewed more than once. Staff at other State agencies were also interviewed. These agencies included: DMV, the Department of Information Technology (DIT), the Council on Information Management (CIM), the Department of Planning and Budget, the Department of Health, and the Virginia State Police. In addition, staff from the General Assembly's Division of Legislative Services were interviewed concerning the SBE and issues pertaining to voter registration.

JLARC staff conducted telephone interviews with staff from the following State agencies:

- Department of Social Services,
- Department of Health,
- Department of Mental Health, Mental Retardation, and Substance Abuse Services,

- Department of Rehabilitative Services,
- Department for the Rights of Virginian's with Disabilities,
- Department for the Visually Handicapped,
- Department for the Deaf and Hard of Hearing,
- Department of Game and Inland Fisheries, and
- Virginia Employment Commission.

JLARC staff also conducted telephone interviews with staff from the Federal Election Commission, the National Association of State Election Directors, and the Election Center, as well as with certain voting equipment vendors.

Site Visits to General Registrars Offices. Visits were made to the general registrar's office in each of the following localities: Bedford County, Charles City County, Chesterfield County, Fairfax City, Fairfax County, Franklin City, Fredericksburg, Henrico County, Isle of Wight County, New Kent County, Norfolk, Norton, Prince William County, Richmond City, Roanoke County, Rockingham County, Virginia Beach, Westmoreland County, Williamsburg, and Wise County. The general registrar from Radford, who is also president of the Voter Registrars Association of Virginia, was interviewed by telephone. JLARC staff also interviewed the electoral board secretaries from Fairfax County and Bedford County.

During 15 of the 20 site visits, JLARC staff interviewed the general registrar, examined the type of voting equipment used in the locality, and reviewed a sample of voter registration records in order to collect data for subsequent analysis. Several types of registration data were collected, including:

- date of the voter registration application,
- date the registration was entered onto the VVRS,
- date a registration transfer was requested,
- date the registration transfer was made on the VVRS,
- dates of registration deletion following notification that a person had been adjudicated mentally incompetent, and
- dates of registration deletion following notification that an individual had died.

Sites visits to Charles City, Chesterfield, Henrico, New Kent and Richmond were only for purposes of interviewing the registrar.

Document Reviews. Several different types of documents were examined by JLARC staff. These included:

- VVRS design and functional capability documents, systems planning studies and reports, including a VVRS II requirements analysis prepared in 1994, and user manuals prepared by SBE, DIT, and CIM;
- documents concerning the certification and procurement of voting equipment, including (1) applications submitted to SBE by vendors and localities for the approval of new types of voting equipment, (2) SBE studies leading to the approval or disapproval of various forms of electronic voting equipment, (3) vendor manuals concerning the features and attributes of each type of equipment, and (4) procurement requests submitted to SBE from localities;
- SBE handbooks for general registrars and electoral boards;
- SBE agency policies and procedures, staff position descriptions, hiring freeze exemption requests, employee training requests, procurement records, performance measures, and information published on the SBE Internet homepage;
- relevant statutes, including Title 24.2 of the *Code of Virginia*, the NVRA, and the Code of Federal Regulations;
- SBE budget submissions and year-end financial reports;
- documents describing administration of the NVRA, including voter registration application forms, DMV management directives to its customer service centers, SBE instructions to voter registration agencies, and reports prepared by the FEC;
- SBE campaign finance disclosure report review files, and planning documents concerning electronic filing of campaign finance reports; and
- SBE ballot proofing files.

Mail Survey of Registrars. JLARC staff mailed a survey to all 135 general registrars as part of the data collection process. Types of data requested through the survey included:

- voter registration application processing information not available from the SBE or the VVRS, such as the number of applications denied by registrars, and the reasons for denials;
- concerns regarding VVRS system limitations and deficiencies;
- desired enhancements and improvements to the VVRS;
- an office technology inventory, such as personal computers purchased by the locality, VVRS terminals provided by SBE, additional VVRS terminals purchased by localities, VVRS printers provided by SBE, additional printers provided by the locality, and E-mail addresses;
- a voting system inventory, such as the date equipment was acquired, remaining useful life, replacement cost, maintenance expense, storage expense, and transportation expense;

- extent and type of election administration duties delegated by local electoral board; and
- level of satisfaction with SBE operations and performance.

JLARC staff obtained a 97 percent response rate to the survey. Registrars in only four localities failed to respond to the survey.

Analysis of Voter Registration Application Processing Data. Utilizing voter registration data collected at registrars offices, from SBE, and from the registrar survey, JLARC staff analyzed the prevalence of various sources of voter registration applications, such as from DMV, other State agencies, mail-in applications, or in-person registration at registrars offices. JLARC staff also analyzed the timeliness of processing various voter registration transactions, such as adding new registrations, transferring existing registrations, and deleting registrations. JLARC staff also analyzed the extent of incomplete, and duplicative, registration applications.

Analysis of Budgetary and Financial Data. The analysis of budgetary and financial data from SBE included:

- an assessment of SBE expenditure trends,
- an assessment of SBE staff position establishments and vacancies, and
- a comparison of the SBE budgetary requests to the submitted executive budget.

Telephone Survey of Other Selected States. JLARC staff surveyed staff of other state election agencies by telephone. The purpose of these interviews was to collect data in order to compare the VVRS with automated systems in other states which utilize a centralized, statewide approach to voter registration. Utilizing information published by the FEC, JLARC staff selected a sample of 15 states that had either implemented or are in the process of implementing such a system. JLARC staff contacted each of the 15 states, completed in-depth interviews with staff in 14 of the states, and received detailed automated system documents from six states.

The data were subsequently analyzed by JLARC staff in order to identify the best practices of other state systems related to system features, peripheral equipment, and the infrastructure used for telecommunications linkages. JLARC staff also sought to identify innovations concerning the use of voting system technology. Election agency staff from the following states were interviewed: Alaska, Arkansas, Connecticut, Delaware, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Michigan, Minnesota, North Carolina, Oklahoma, and South Carolina.

Comparative Analysis and Matching of SBE Voter Registration Data to State Felony Convictions and List of Decedents. JLARC staff conducted a variety of quantitative analyses on four large datasets as part of this study. These datasets

contained voter registration records, felony conviction records, death records, and restoration of voting rights records. The purpose of these analyses was to determine the extent to which individuals who are not eligible to register to vote — specifically convicted felons and the deceased — were nonetheless still registered to vote. A separate analysis was performed to determine whether any such persons who were still registered had in fact received credit for voting in the November 1997 general election. These analyses, which were based on identifying common social security numbers, names and dates of birth between registered voters and convicted felons, and between registered voters and deceased individuals, were performed with assistance from the Division of Legislative Automated Systems.

The registration database contained approximately 3.6 million individual voter registration records, as of July 7, 1998, and is maintained on the VVRS by the SBE. This database included information such as the registrant's name, date of birth, social security number, registration date, locality of registration, and whether or not the individual voted in the November 1997 general election. The felony database contained felony conviction data maintained by the Virginia State Police. This database, which contained records for approximately 748,000 felons convicted during the time period October 4, 1945 to August 4, 1998, included information such as name, date of birth, social security number, and date of felony conviction. The death database, maintained by the Virginia Department of Health, contained records of approximately 52,000 individuals who died during the time period July 1, 1996 to June 30, 1997. This database included information such as name, social security number, and date of death. A fourth database, containing records of convicted felons whose voting rights have been restored by gubernatorial action, was also analyzed by JLARC staff. This database, which is maintained by the Secretary of the Commonwealth, is relatively small compared to the other three, containing about 5,200 individual records. The methodology used by JLARC staff to perform these analyses is described in more detail in Appendix B.

Report Organization

This chapter has provided an overview of the statutory responsibilities of the State agencies and local officials involved in voter registration and election administration activities. Chapter II examines the soundness of Virginia's voter registration policy and process, with particular emphasis on administration of provisions of the NVRA. Chapter III assesses the organization, operations and management of the State Board of Elections, including the nature of its relationship with the State's localities. Finally, Chapter IV evaluates the adequacy of Virginia's centralized, statewide automated voter registration system, and discusses desirable features to be considered as part of development of any new automated system.

II. Virginia's Voter Registration Policy and Process

Sections 1 and 2 within Article II of the *Constitution of Virginia* govern the qualification of voters and requires that all voters be registered. In order to be eligible to register to vote, a person must meet all of the following criteria:

- be a resident of Virginia,
- be a citizen of the United States,
- be 18 years of age,
- not claim the right to vote in any other state,
- not be declared mentally incompetent by a court of law, and
- if convicted of a felony, have one's right to vote restored.

Section 24.2-411 of the *Code of Virginia* designates the office of the general registrar as the principal place for voter registration in Virginia. However, the State's voter registration system changed radically in March 1996 with the implementation of the NVRA. In particular, the number of locations at which State residents could register to vote was tremendously increased. In May 1995, the State sued to block implementation of this federal mandate, which contributed to a slow start on the part of State agencies and general registrars toward implementation and proper administration. The NVRA constituted a major change in policy which the State and its political subdivisions are still struggling to administer efficiently and effectively.

While some administrative and procedural improvements have been made, additional progress is needed in several aspects of voter registration processing. For example, a better quality control mechanism is needed for reviewing voter registration applications. In addition, steps should be taken to automate application processing. Furthermore, while the *Code of Virginia* requires that convicted felons, the mentally incompetent, and the deceased are to be removed from the registration rolls, the ability of the State and localities to administer these provisions is limited and requires the attention of SBE management. This chapter discusses the findings of JLARC's review of Virginia's process for administering and enforcing statutory voter registration requirements. This includes both relatively new procedures mandated by the NVRA, as well as processes and requirements that pre-dated NVRA implementation.

VOTER REGISTRATION ADMINISTRATION REQUIRES FURTHER IMPROVEMENT

The NVRA constituted a massive change in Virginia's voter registration law, policy, and process. The NVRA requires each state to provide its citizens with the opportunity to register to vote, or change their registration information, while they are receiving services from certain state agencies. Agencies which provide motor vehicle services, social services, and services to the disabled are required to participate. States

are also required to provide citizens with the opportunity to register to vote through the mail. Furthermore, NVRA established new requirements for maintaining the accuracy of voter registration information, and for canceling the registration of individuals who failed to vote. All of these changes required, and continue to require, substantial procedural, policy, and attitudinal adjustments by SBE, other State agencies, and general registrars.

Effective and efficient administration of the NVRA in Virginia remains a work-in-progress. Several improvements have been made since 1996. For example, the SBE moved the function of receiving, sorting and distributing voter registration applications from an outside contractor and assigned the function to in-house staff, which resulted in significant savings. In addition, DMV is no longer transmitting unsigned registration applications, or applications from under-age individuals, to SBE.

However, as is discussed in this section, there are still many opportunities to further improve the methods by which the voter registration function is administered. For example, better quality control is needed by DMV application intake in order to reduce the large volume of incomplete applications which unnecessarily add to the workload of general registrars. In addition, needless duplication of effort during application data entry should be eliminated. Furthermore, the process by which voter registration cards are produced and distributed can be made more cost-effective. However, the ability of State agencies and general registrars to improve the administration of voter registration policy and processes is dependent in many ways upon needed improvements to the VVRS, which will be discussed in Chapter IV.

Initial Implementation of NVRA in Virginia Was Difficult

In 1993 the U.S. Congress passed the National Voter Registration Act (NVRA) as a mechanism to expand and revise voter registration procedures to make it easier for persons to register to vote and remain registered. The purpose of the Act was to increase voter participation in elections. It was recognized that implementation of the NVRA would create additional costs for states. However, aside from authorizing a special reduced postage rate for NVRA-related mailings, the legislation did not provide any financial assistance to states to assist with implementation.

For most states, the effective date for the NVRA was January 1, 1995. Key provisions of the NVRA include:

- simultaneous application for a driver's license or DMV identification card and voter registration;
- application in person at designated government agencies, including public assistance agencies, agencies that primarily provide services to persons with disabilities, and armed services recruitment offices;
- voter registration by mail;

- certain notice and removal procedures to protect registered voters who have moved;
- fail-safe voting procedures to allow registered voters to update their addresses and vote on election day.

Virginia implemented the provisions of the NVRA later than many other states. This was due to two primary factors. First, many states had already voluntarily implemented provisions required by the NVRA prior to enactment of the federal mandate. Second, Virginia filed a lawsuit to block implementation of the NVRA in Virginia. Consequently, in order to implement NVRA, Virginia had to do more in less time than most other states.

Early Implementation by Other States. NVRA constituted more of a change to Virginia's voter registration process than that of many other states, as many states had DMV registration and mail-in registration prior to NVRA mandate. According to the FEC, many other states had implemented provisions of the NVRA on their own prior to it becoming federal law in January 1995. Twenty-five states, including Delaware, Maryland, North Carolina, Tennessee, West Virginia, as well as the District of Columbia, had a "motor voter" registration program in place prior to NVRA passage (Exhibit 1). In addition, 29 states including Maryland, Kentucky, North Carolina, South Carolina, and the District of Columbia had implemented a mail-in voter registration process prior to NVRA passage.

Virginia Filed Suit Against Federal Government After Legislation Implementing NVRA Provisions Was Vetoed. HB 2327 and SB 911, which were

Exhibit 1

**States that Implemented Voter Registration at
Department of Motor Vehicles Prior to Effective Date
of National Voter Registration Act**

Alaska	Maine	North Carolina
Arizona	Maryland	Ohio
Delaware	Michigan	Oregon
District of Columbia	Mississippi	Rhode Island
Hawaii	Montana	Tennessee
Illinois	Nevada	Texas
Iowa	New Jersey	Washington
Kansas	New Mexico	West Virginia
Louisiana	New York	

Note: Six additional states (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming) are considered exempt from the NVRA because they either do not require voter registration or allow registration on election day.

Source: *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 1995-1996* (Federal Election Commission).

passed during the 1995 General Assembly Session to implement the provisions of the NVRA, were vetoed by the Governor on May 5, 1995. On that same day, the Attorney General filed suit in federal district court in Richmond challenging the constitutionality of the NVRA. The suit asked the court to permanently block enforcement of the NVRA in Virginia. In response to the State's suit, the federal government filed a counterclaim on July 3, 1995, asking the federal district court to compel immediate implementation of the NVRA in Virginia. On October 3, 1995, the federal district court heard and rejected the State's constitutional challenge to the NVRA. The court further ruled that the effective date for NVRA in Virginia would be March 6, 1996. The federal court's decision to uphold the constitutionality of the NVRA was consistent with other federal court decisions in California, Illinois, and Pennsylvania.

Effect of State Lawsuit on NVRA Implementation. One SBE official reported that, while the State lawsuit did not cause SBE to stop its efforts to plan for eventual implementation of NVRA, it did require the agency to proceed more "cautiously." However, several general registrars stated that the lawsuit did have adverse consequences for NVRA implementation:

Virginia sued to stop implementation and did not authorize the State Board to prepare for the changes until forced by the court to do so. Therefore, the preparation time was not enough to prevent having problems. Most states spent several years planning and preparing for implementation. Virginia only spent a few months. [SBE] started earlier but apparently put all planning on hold until after the court ordered implementation and set the date for it to start.

* * *

Implementation of NVRA by SBE was done in a rush without much forethought and therefore some procedures have been changed so many times which has added to the constant confusion and turmoil for Registrars and Election Officials.

Some DMV officials told JLARC staff that the State's lawsuit impaired planning efforts that had been ongoing in order to implement the NVRA:

In June 1995, DMV staff had developed a recommended approach for automated processing of voter registration applications within the agency's customer service centers. Under this approach, the DMV driver's licensing computer system would have used data from the driver's license record to create an electronic voter registration application. Data common to DMV and SBE would have been routed to a printer. The form would contain spaces for the applicant to fill in data elements unique to SBE. After the form was completed and signed, the form would be sent to the SBE. DMV officials said that "everything stopped during the State lawsuit." After the court rejected the State's suit, DMV employees were told to do what was necessary to

implement NVRA as quickly as possible. As a result, there was not sufficient time to implement the recommended approach.

Increased Voter Registration Has Added to State and Local Workload

The total number of registered voters in Virginia increased from 3,033,634 on January 1, 1996, just prior to the implementation of NVRA, to 3,596,589 on January 1, 1998. This 19 percent increase over that two-year period provides an indication that Virginia is achieving one of the primary objectives of NVRA, which was "to establish procedures that will increase the number of eligible citizens who register to vote...." The 19 percent increase was more than twice as great as the nine percent rate of increase over the four-year period from 1992 to 1996.

The percentage of the voting age population registered to vote in Virginia has also increased over the past several years. Voting age population (VAP) refers to the number of individuals 18 years of age and older, and is estimated by the U.S. Census Bureau. In 1994, 60 percent of the VAP was registered to vote. By 1996, about 65 percent of the VAP was registered, ranking Virginia 43rd of 45 states. By January of 1998, about 71 percent of the VAP was registered. However, the amount of new registrants is far less than the 90 percent of VAP that SBE had originally projected for budgetary and planning purposes.

Voter Registration Rates of Virginia Localities. Voter registration rates, as a percentage of the voting age population, vary among Virginia's localities. Table 1 identifies the top ten and bottom ten Virginia localities in terms of voter registration rates. Unfortunately, VAP includes certain types of people who are not eligible to vote, including resident aliens and convicted felons. According to the Census Bureau, the number of such individuals — particularly resident aliens — varies remarkably from state to state. VAP also includes other individuals who may not be eligible to vote in a particular state, such as active duty military personnel stationed within the State, and students attending college in Virginia while maintaining a permanent legal residence in another state. It is no coincidence that nine of the ten localities with the lowest registration rates are homes to institutions of higher education. A tenth locality is home to a State correctional institution. While VAP has its limitations, at this point an adequate alternative measure is not available. The voter registration and voter turnout rates for all Virginia localities are provided in Appendix C.

Effect on General Registrar Workload. At the most basic level, the increase in registered voters due to the NVRA has increased the workload of the general registrars. All of the new applications must be received, key entered, and manually filed by the registrars and their staffs. The SBE estimates that the workload of general registrars has increased 30 percent on average as a result of NVRA. Some registrars estimate that voter registration transactions performed by their offices have increased even more. For example, the registrar for the City of Alexandria reported a 125 percent increase in transactions from 1993 to 1997. The King William County registrar estimates that transactions are 30 to 50 percent higher as a direct result of the NVRA.

Table 1

Voter Registration Rates of Selected Virginia Localities as of January 1, 1998

<u>Locality</u>	<u>Voter Registration Percentage</u>
Surry	88.52
James City	87.65
Loudon	84.66
Cumberland	83.81
New Kent	83.67
Dickenson	83.60
Roanoke County	82.94
Henrico	82.90
Highland	82.66
Poquoson	82.35
Norfolk	59.20
Staunton	59.13
Prince Edward	58.78
Montgomery	58.74
Richmond County	56.90
Fredericksburg	52.59
Williamsburg	47.82
Harrisonburg	47.74
Radford	47.19
Lexington	44.77

Source: JLARC staff analysis of State voter registration data as of January 1, 1998, and voting age population estimates as of July 1996 prepared by U.S. Census Bureau.

In addition to adding newly registered voters, however, the registrars must also deal with additional types of situations and transactions that have become much more prevalent since the implementation of NVRA. These include duplicate registrations and denial of applications. Duplicate registrations are those which result from an application that is submitted by an individual who is already registered to vote, and for whom no personal information (for example, name or residence address) has changed that would require a new voter registration transaction.

An application can be denied for one of several reasons, including:

- lack of U.S. citizenship,
- felony conviction without restoration of voting rights,
- submission of an incomplete application, and

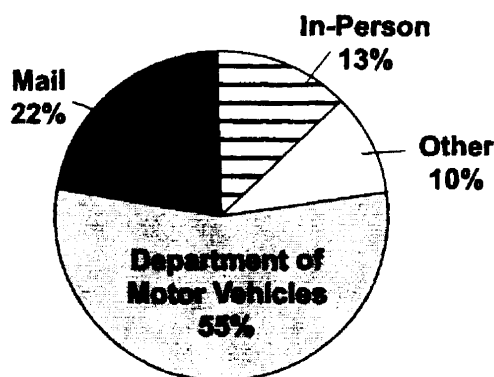
- legal declaration of mental incompetence without restoration of voting rights.

During FY 1998, registrars denied a total of 61,319 voter registration applications, which was approximately 10 percent of all applications submitted.

DMV is the Largest Single Source of Voter Registration Applications. Most voter registration applications in Virginia are completed in DMV customer service centers and submitted to the SBE for subsequent distribution to the appropriate general registrar's office. The percentage of total voter registration applications submitted through DMV is far greater than those submitted via any other source, such as by mail, through other designated State voter registration agencies, or even in person at general registrar offices. In FY 1998, 55 percent of applications came from DMV, compared to 22 percent by mail, 13 percent from in-person registration, and 10 percent from other minor sources, including other designated State voter registration agencies (Figure 5).

Figure 5

Sources of Voter Registration Applications, FY 1998



Note: "Other" includes State-designated voter registration agencies, armed forces recruitment offices, and minor miscellaneous sources.

Source: JLARC staff analysis of voter registration application data provided by the State Board of Elections.

Other Designated State Voter Registration Agencies Are the Source of Few Applications. The relatively low number of applications submitted through State agencies other than DMV raises some questions concerning how these agencies may be administering the NVRA. JLARC staff interviewed the voter registration contacts in each designated agency. JLARC staff were frequently told that most clients of these agencies were already registered to vote (Table 2). Using a form prescribed by SBE, the agencies all keep records of their clients who decline to register to vote.

Table 2

**Reasons Reported by Agencies for Low Number of
Voter Registration Applications Submitted through
State-Designated Voter Registration Agencies**

Department for the Deaf and Hard of Hearing	A very high percentage of DDHH clients are already registered to vote.
Department for the Rights of Virginians with Disabilities	Most DRVD clients are already registered to vote and have already been offered the opportunity by a number of other agencies whose services they utilize.
Department for the Visually Handicapped	Many DVH clients are already registered to vote. But many of them do not vote in elections because they find the process difficult and demeaning.
Department of Game and Inland Fisheries	Offices are not in metropolitan areas, are very hard to find and only people with DGIF business generally use them.
Department of Health	Most VDH clients report that they have already registered to vote at DSS or DMV.
Department of Mental Health, Mental Retardation, and Substance Abuse Services	People come to their facilities for many serious problems, none of which are related to voter registration. Therefore, it is not surprising that few people take the opportunity to register to vote.
Department of Rehabilitative Services	Relatively small size of the population which uses their services, compared to DMV. Approximately 10,000 people apply for services from DRS per year, compared to 37,000 per day at DMV.
Department of Social Services	Local DSS offices are usually located in very close proximity to the general registrar - often in the same building. If a DSS client is interested in registering to vote, he or she would probably do so in the registrar's office.
Virginia Employment Commission (Northern Virginia Planning District)	Most VEC clients indicate they are already registered to vote.
Source: JLARC staff telephone interviews with State agency staff.	

Processing of Approved Applications Appears to Be Timely

The *Code of Virginia* requires that DMV and other State-designated voter registration agencies transmit applications to SBE within five days of receipt. Anecdotal information provided to JLARC staff indicated that timely transmission of applications was initially a problem following the implementation of NVRA. However, timeliness of processing approved applications does not currently appear to be a serious problem. JLARC staff reviewed records for a total of 663 voter registration applications and 478 registration transfers. On average, applications were received by the registrars and entered onto the VVRS seven days after the application was completed. Transfers of existing registrations from one locality to another were completed, on average, 14 days from the date the transfer was requested. Table 3 summarizes the results of JLARC's analysis.

The variation in processing time among localities is most likely due to a combination of workload differences and differences in work processes. For example, registrars in some localities go to their local social service offices on a daily basis to pick up any voter registration applications completed that day.

In other localities, however, the social services department sends completed applications to SBE for subsequent transmittal back to the general registrar. In addition, some registrars' offices key enter their application data on the same day registration applications are received. Other offices, typically in larger localities, hold new applications and only perform data entry on certain days of the week.

While this analysis found that approved applications were processed in a timely manner, the analysis also found a relatively large number of incomplete or erroneous forms. For example, 14 percent of the total applications reviewed by JLARC staff, and 11 percent of the transfers, lacked a signature date. As a result, those cases had to be excluded from the analysis. An additional two percent of the applications, and one percent of the transfers, were also excluded from the analysis because the case records were clearly erroneous — apparently as the result of data entry errors.

Quality Control Function for Applications Submitted at DMV Is Inadequate

While the timely transmission of applications is necessary for efficient and effective administration of NVRA, it is not by itself sufficient. Quality control of the application process is another key component. Prior to NVRA, the State had an effective quality control mechanism for processing voter registration applications. This was because all registration applications had to be completed in-person before a registrar. Consequently, individuals went to the registrar's office for the express purpose of registering to vote, and the registrar would ensure that the application form had been properly and completely filled out before the person left the office. However, since most applications are no longer completed before a registrar but rather are completed at DMV offices, registrars are no longer in a position to perform that type of quality control function.

Table 3

Timeliness of Voter Registration Application and Transfer Processing

Locality	Number of Days from Application Date to Actual Registration		Number of Days from Transfer Request Date to Actual Transfer	
	Average	Median	Average	Median
Bedford County	12.4	10.5	12.7	9.0
Fairfax City	2.1	0.5	13.8	11.0
Fairfax County	10.9	11.0	3.5	0.0
Franklin City	2.4	0.0	8.6	0.0
Fredericksburg	7.0	6.0	11.2	7.0
Isle of Wight	6.7	6.0	4.6	0.0
Norfolk	3.9	0.0	26.1	34.0
Norton	13.0	1.0	6.6	6.0
Prince William	6.9	7.0	19.4	15.0
Roanoke County	5.9	0.0	10.7	9.5
Rockingham	8.5	7.0	10.4	9.0
Virginia Beach	2.8	0.0	29.5	33.5
Westmoreland	9.7	10.0	27.0	32.0
Williamsburg	9.8	6.5	10.9	10.0
Wise	16.0	11.5	8.7	4.0
Aggregate	7.4	6.0	14.1	9.0

Note: Analysis sample consisted of 560 registration applications and 420 registration transfer requests processed during March 1998.

Source: JLARC staff analysis of voter registration processing data collected from site visits to 15 general registrars offices during June and July, 1998.

Since the implementation of NVRA, there have been strong indications that the quality control over the voter registration process has become inadequate. In particular, it appears that a large number of incomplete application forms are being sent to registrars from DMV customer service centers. According to the responses to JLARC's survey of general registrars, on average, 39 percent of registration applications submitted from DMV offices during FY 1998 were incomplete and could not be processed without the registrar obtaining additional information. The incomplete rate is very high compared to the 11 percent of mail-in applications that were incomplete. As can be seen in Table 4, incomplete applications are the most common reason for which applications are denied.

In response to the JLARC survey, many registrars provided detailed information concerning the number of different ways in which voter registration applications were not being properly completed. For example:

Table 4

**Denial of Voter Registration Applications
by General Registrars (Total Number of Denials by
Reason and as Percent of Total Applications Submitted)**

Reason	FY 1997		FY 1998	
	Number of Denials	Percent of All Applications	Number of Denials	Percent of All Applications
Non-U.S. citizen	20,771	2.9%	14,141	2.3%
Felony conviction	8,722	1.2	7,700	1.3
Mentally-incompetent	1,226	0.2	882	0.1
Incomplete application, Other	61,943	8.7	38,596	6.3
TOTAL DENIALS	92,662	13	61,319	9.9

Source: JLARC staff analysis of general registrar survey response data and SBE data on total useable voter registration applications submitted.

The Virginia Beach registrar reviewed 1,552 applications submitted by DMV. Of these, 214 contained the middle initial only rather than the entire middle name; 398 lacked a date next to the signature, 381 lacked information concerning the address of prior registration, and 334 lacked a place of birth.

* * *

Of the approximately 150-200 applications received by the Montgomery County registrar from DMV per week, almost half have missing information.

While the number of denials decreased by one-third from FY 1997 to FY 1998, registrars still must deal with a far larger number of denials than prior to NVRA. Recent revisions to the combined driver's license/voter registration application form may help achieve further reductions, but it is still too early to tell. In addition, only three years of DMV's five-year driver's license renewal cycle have elapsed since implementation of NVRA. Whether the recent decrease in denials will continue during 1999 and 2000, as additional DMV customers renew their licenses and choose whether or not to register to vote, remains to be seen.

The DMV Commissioner uses the number of complaints from registrars as an indicator of DMV performance. According to the DMV Commissioner, most of the complaints received from registrars are about specific applications as opposed to systemic problems. However, during this study many registrars cited the large number of in-

complete applications coming from DMV as a systemic problem that is affecting their operations. Many registrars are of the opinion that the problem of incomplete applications can be resolved only with the cooperation and assistance of DMV:

The Department of Motor Vehicles is creating more work for everyone by making every person who comes in for a driver's license register to vote. This is creating a lot of unnecessary work for the registrar since the State Board makes us put every application in the system, even though the person is already registered and is active in the election system.

* * *

When DMV receives an application, they should ensure that the application is filled out completely and correctly, like they do for vehicle licensing and change of address forms. DMV applies a different level of scrutiny to the voter registration portion of the combined form. Better management and better training is needed at DMV.

The number of incomplete forms received from DMV customer service centers has been a source of frustration for SBE staff:

Applications from the Department of Motor Vehicles are generating the bulk of the registration workload.... We receive cards with no address, fake information, no social security number, incomplete information, and some where it is clearly written that the individual did not wish to register to vote but was instructed to sign the application. DMV has the advantage of actual customer contact....With training, the DMV staff could reduce our workload without greatly increasing theirs.

Processing Incomplete Applications Creates Additional Work for Registrars. Incomplete voter registration applications create additional work and inefficiency for registrars. JLARC staff received numerous comments from registrars to this effect during the study. For example:

Registrars spend many wasted hours processing registration applications due to incomplete and inaccurate information.

* * *

I cannot say the NVRA is being administered as effectively as it should be, as evidenced by the number of incompletes, re-registrations, and denials we have encountered.

The processing of incomplete voter registration applications raises a number of problematic issues concerning the uniformity of voter registration practices. For

example, registrars exhibit varying degrees of effort to contact individuals in order to obtain missing information prior to issuing a denial letter. Therefore in some jurisdictions, an individual who filled out an incomplete form but really does wish to register may have less chance of becoming registered than in other jurisdictions. Furthermore, to the extent that additional information is obtained through the efforts of the registrar, the extent to which that information has been provided subject to legal oath is questionable.

The SBE has instructed registrars to simply deny incomplete applications. However, several registrars told JLARC staff that they did not do so for two primary reasons. First, they view their proper function as doing what is necessary to add a person to the registration rolls rather than looking for a reason to deny an application. In addition, several registrars reported that it is less costly to do telephone follow-up than to issue a denial letter.

Many registrars expressed the opinion that the individual applicant is responsible for filling out the form completely and accurately. The idea of individual responsibility for filling out the form completely and correctly in accordance with the stated instructions has a great deal of validity. However, in practice, that ideal is not being realized to the extent that many registrars would like to see. Moreover, the consequences of those incomplete applications are being passed entirely onto the registrars.

Numerous registrars have stated that many people do not realize that they have filled out a voter registration application on the DMV form. Consequently, when such individuals are sent voter cards, denial letters, or receive follow-up phone calls seeking additional information, they frequently ask why they are being contacted since they did not intend to register to vote. Oftentimes, according to the registrars, individuals become upset since they do not want to be registered to vote for personal reasons.

Unnecessary Applications Submitted by Registered Voters also Adds to Registrar Workload. An apparent lack of understanding by many DMV customers that they are applying to register to vote helps to produce a relatively large number of "duplicate" voter registrations. That is, a registered voter completes a DMV transaction and unwittingly applies to register to vote in the process. This application is sent to the appropriate registrar, who performs all of the necessary work to process the application and register the voter again. This work is completely unnecessary and wasteful, and could be avoided in large part if DMV did more to ensure that its customers recognize and understand that they are also applying to register to vote if they sign Section B of the combined form.

During FY 1998, eight percent of all voter registration applications entered onto the VVRS were duplicates. However, the percentage of duplicate applications received from DMV was 13 percent. With the exception of applications received from the Department of Game and Inland Fisheries and the Virginia Employment Commission, DMV had by far the highest percentage of duplicate applications among all of the sources of voter registration applications:

- DGIF/VEC - nine percent,
- Mail-in - four percent,
- Public Assistance Agencies (DSS, DMHMRSAS, and VDH) - four percent,
- In-person - two percent, and
- Disability-Related Agencies (DRVD, DRS, DDHH, and DVH) - one percent.

DMV Employees Required to Notify Customers of Voter Registration Opportunity. DMV management has instructed staff in its customer service centers to verbally inform customers that they may register to vote while at DMV. Written NVRA processing instructions to DMV employees state:

When you give the customer the DL1M application, you **MUST** say the following statement and point to the voter registration section of the application: "You may also apply to register to vote with this form by completing and signing this section." Use the phrase above exactly. Do not paraphrase or change the wording. Following these instructions will ensure that DMV is in compliance with the motor voter act.

DMV management personnel have told JLARC staff they are confident this is in fact being done by DMV employees.

Based on the observations of SBE staff, it appears that DMV employees are not informing customers of their ability to register to vote in a uniform, consistent way as required by DMV policy.

Staff in SBE's voter outreach division conducted site visits to six DMV customer service centers in the Richmond metropolitan area in order to observe whether or not DMV employees stationed at the information desk were notifying customers that they could register to vote. Two separate visits were made to each location, for a total of 12 tests. According to the SBE staff, only twice were they told they could also register to vote. On three occasions in which voter registration notification was not provided, DMV employees nonetheless required the individual to sign the voter registration portion of the combined form.

* * *

The SBE voter outreach manager went to a DMV customer service center in Chesterfield County on December 31, 1997. DMV was expecting the individual to come pick up a pack of completed voter registration forms. While standing in line at the information desk, the individual observed that the DMV employee at the information desk was handing out blank DMV forms to the individuals. However, prior to actually handing the person the form, the DMV employee was tearing off the voter registration portion and discarding it. The SBE em-

ployee observed this happen to about six customers. The SBE employee criticized the performance of the DMV employee, and asked to speak to the manager. However, the employee in question was the manager. The SBE employee was told that the reason the voter registration portions were being torn off was because the DMV staff were too busy. SBE reported the incident to DMV. Subsequently, DMV advised SBE that the situation had been resolved.

Screening of Voter Registration Applications by DMV Employees. When NVRA was first implemented in Virginia, DMV did not perform any screening or checking of the applications that were submitted by its customers. However, after complaints by a number of registrars that too many applications were being received either unsigned or from individuals who were not old enough to register to vote, DMV modified its procedures. Consequently, DMV employees are now required to ensure that the application is both signed and from an individual old enough to register to vote prior to sending the application to SBE. DMV employees do not check to ensure that each item on the combined form has been properly completed prior to sending the application to SBE.

DMV's Concerns with the Registration Application Review Function. DMV has been successful in limiting the extent to which it must review or check voter registration applications. According to the DMV Commissioner:

DMV is neither authorized nor qualified to screen voter registration applications for specific voter registration-related items. The completeness of an application and a customer's eligibility may only be determined by the appropriate election officials as part of the voter registration process. For these reasons, our employees have been instructed not to review the voter application and to refer all questions relating to voter registration to the customer's voter registrar.

One of DMV's major concerns about increasing its scope of voter registration responsibilities, such as reviewing submitted applications for completeness, is the perceived negative effect that it would have on the agency's ability to meet its customer service performance objectives. DMV has established performance objectives for the amount of time a customer must wait prior to speaking with a customer service representative (15 minutes), and the amount of time that it takes the customer service center to process the customer's transaction (seven minutes). JLARC staff examined data concerning the performance of each of DMV's customer service centers against these two benchmarks over a three-month time period. Based on a review of DMV's data, summarized in Table 5, it appears highly questionable that a quick, simple completeness check on an application would severely compromise DMV's ability to provide satisfactory customer service to its customers.

DMV is the only State-designated voter registration agency that is not specifically required by the *Code of Virginia* to "provide to each applicant who does not decline to register to vote the same degree of assistance with regard to completion of the regis-

Table 5

**Department of Motor Vehicles' Customer Service Center (CSC)
Performance Compared to Customer Service Benchmarks
(Wait Time Benchmark = 15 minutes; Transaction Benchmark = 7 minutes)**

<u>Month</u>	<u>Statewide Average Wait Time</u>	<u>Statewide Average Transaction Time</u>	<u>CSCs Not Meeting Wait Time Benchmark</u>	<u>CSCs Not Meeting Transaction Time Benchmark</u>	<u>CSCs Not Meeting Either Benchmark</u>
June 1998*	9:34	5:12	4	5	0
July 1998*	10:12	5:00	2	0	0
August 1998*	9:26	4:52	3	0	0

*There were 71 customer service centers in June 1998, and 72 customer service centers in July and August 1998.
Source: JLARC staff analysis of Department of Motor Vehicles' customer service center data.

tration application form as is provided by the office with respect to completion of its own forms." According to SBE documents, DMV personnel should offer the same level of assistance, such as help for non-English speaking customers, that they offer for completion of their own forms. This statutory distinction appears unwarranted and inconsistent with the concept of providing a broader array of voter registration services through the agencies. The General Assembly may wish to remove this distinction.

During interviews with JLARC staff, some DMV officials offered several reasons why it would not be appropriate for DMV customer service representatives to review voter registration applications for completeness. First, according to DMV officials, the customer service representatives would be performing the functions of registrars that they are not qualified to perform. Second, DMV officials are concerned that the customer service representatives would be required to ask DMV customers sensitive questions, such as whether they had ever been convicted of a felony.

These impressions are mistaken. The following modification to the existing DMV process is all that is required, and would be extremely beneficial to controlling the quality of voter registration applications that are sent to the registrars:

- Check section B of the combined form to see if the voter registration application has been signed.
- If the application is signed, review the rest of the voter registration application to ensure that each required piece of information has been submitted.
- If any required information is missing, ask the customer if he or she wishes to register to vote. If yes, point out to the customer the missing information that needs to be provided. If no, detach and shred section B of the combined form.

These modifications can be made without any need for a DMV customer service representative to ask customers any sensitive questions. Furthermore, these modifications would not require DMV employees to perform the role of registrars, since the DMV employees would not be responsible for determining whether or not to approve the application.

Weaknesses in the quality control aspect of the voter registration function create additional, needless work for registrars and should be improved. How, where, and when this function should be performed are issues that need to be addressed. Nonetheless, given the fact that DMV is the largest single source of voter registration applications, it would be most efficient and effective in terms of the overall voter registration system to focus quality control improvement efforts on the activities of DMV.

Recommendation (1). The Department of Motor Vehicles should take all necessary steps to ensure that employees in its customer service centers notify customers of the fact that they may also register to vote at the Department of Motor Vehicles office.

Recommendation (2). The Department of Motor Vehicles should modify the operational practices of its customer service centers, and provide adequate managerial supervision and oversight, in order to ensure that voter registration applications are properly completed before submitting the applications to the State Board of Elections.

Recommendation (3). The General Assembly may wish to amend §24.2-411.1 of the *Code of Virginia* to require that the Department of Motor Vehicles provide to each applicant who does not decline to register to vote the same degree of assistance with regard to completion of the registration application form as it provides with respect to completion of its own forms.

Improved Working Relationship Needed Between DMV, SBE and Registrars

The administration of the NVRA in Virginia has been characterized by a frequently inadequate working relationship between the SBE, DMV, and the general registrars. The two State agencies and the 135 local officials have not demonstrated their ability to work together effectively and consistently in order to administer provisions of the *Code of Virginia* and the NVRA. Part of the problem may be attributed to structural and organizational issues. For example, SBE and DMV report to different cabinet Secretaries. Other problems may stem from the fact that there are no real incentives for State agencies such as DMV to cooperate with SBE and the registrars in administering provisions of the NVRA.

During the Summer of 1998, several actions taken by DMV, such as linkage of the DMV and SBE Internet sites, appear to indicate a willingness and desire to develop

a stronger working relationship with SBE. However, those actions were taken only after the start of this study, and particularly after it became apparent to DMV that its operations, along with those of SBE and the registrars, would be examined as part of JLARC's review of the voter registration system. A statutory mechanism to coordinate the voter registration-related activities of DMV, other State agencies, and the registrars would be beneficial, and provide a greater degree of assurance that effective coordination of the voter registration system will become the norm and not the exception.

Coordination and Communication Between SBE and DMV. The SBE voter outreach manager began work for SBE on May 1, 1997. According to this employee, on her first day with SBE she called DMV to arrange a meeting with DMV employees who were responsible for NVRA matters. However, she was told "not to enter the DMV headquarters building without permission." It took the SBE voter outreach manager two months to obtain a meeting with DMV staff. Subsequently, the voter outreach manager asked to be put on the NVRA team within DMV. The same individual told JLARC staff that she went to only one meeting with DMV and that no improvements resulted from that meeting.

During 1998, the SBE voter outreach manager attempted to establish a system of regular monthly meetings with DMV to discuss NVRA-related issues and to make necessary decisions in order to properly administer the program. A meeting was scheduled for July 14, 1998, but was canceled by DMV the day before the meeting. DMV canceled the meeting upon learning that two registrars and a representative from the Attorney General's Office would be accompanying the SBE voter outreach manager to the meeting. In addition, DMV's view of the purpose for such meetings was different from that of SBE. In an e-mail to the SBE voter outreach manager, the coordinator of the DMV NVRA team stated that:

Evidently, we need to rethink the purpose behind the meetings. I understand that you would like to have meetings where decisions can be made. Unfortunately decisionmaking was not part of the scope of our original meetings....I will work to see when we can reschedule a meeting at the agency head level.

The inadequate working relationship between SBE and DMV has had some consequences, and has not served to promote smooth and efficient operation of the State's voter outreach program.

SBE staff developed a "receipt" form to be provided to DMV customers who submitted a voter registration application. The purpose of this form as envisioned by SBE would be to clearly notify individuals that they have submitted a voter registration application. The form states that the individual has taken the first step towards registering to vote, and that if the application is approved by the registrar a voter card will be mailed to the individual. Several other states provide some form of dated voter registration receipt at DMV offices. This receipt could also potentially be used as a "fail-safe" device in the event an

individual's name does not appear on the registered voter's list at the polls, but he or she claims to have registered at DMV. Currently there is no way to tell how, where or when voter registration applications may have been lost following submission at DMV.

Initially DMV indicated to SBE that it did not want to use such a form. However, the DMV NVRA team did agree to study the form and consider it for possible use. One member of the DMV NVRA team subsequently told JLARC staff that DMV had decided not to use the form. However, another DMV official said that use of the form was still under review. At this point, SBE does not know if or when use of this form will be implemented.

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During the Spring of 1998, SBE staff learned that none of the DMV forms currently used as part of the voter registration process had been submitted to the U.S. Department of Justice (DOJ) for pre-clearance in compliance with the provisions of the federal voting rights act. These forms include the combined driver's license / voter registration application form, the driver's license renewal form, and the DMV change of address form. Staff from SBE and the Office of the Attorney General (OAG) discovered the problem when the SBE voter outreach manager mentioned to the OAG that the combined application form was in its eleventh revision. The OAG informed SBE that it had not been aware of the previous revisions. Only the original combined application form had been approved by the DOJ. All DMV correspondence relating to the matter had been copied to an individual who had left the OAG three years before. No one knows where the mail ended up. As a result, the forms were never sent to DOJ for approval. From now on, SBE will ensure that all new forms and revisions to existing forms will be forwarded to designated OAG staff for subsequent forwarding to DOJ. DMV claims that it is SBE's responsibility to get approval for the forms from DOJ. But, according to SBE staff the forms are DMV forms so this should be their responsibility. The combined application form and the driver's license renewal form were subsequently approved by DOJ in the Summer of 1998.

* * *

During the Spring of 1998, SBE staff notified DMV that the DMV change of address form was not in compliance with §24.2 - 411.1 of the Code of Virginia. Specifically, the form did not also contain a voter registration application, as required by State law enacted by the 1996 General Assembly. SBE needs to know the address of previous registration, which is provided on a voter registration application, in order to promptly and accurately transfer registrations between lo-

calities. Upon receipt of a DMV change of address form in its current version, SBE and /or registrars have to look up every registrant on the VVRS in order to determine their previous address. This can delay the processing of registration transfers for up to two weeks, which is especially problematic close to the registration deadlines prior to elections. DMV completed its revisions to the change of address form in September 1998 and submitted it to SBE. The revision must now be sent to DOJ for approval. According to SBE, the revised form is expected to be put into use by early 1999.

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In order to clearly identify DMV customer service centers as voter registration sites, SBE and registrars have previously suggested that DMV make use of print advertising, such as posters, within each customer service center. No such posters are currently displayed. DMV was originally opposed to the idea, stating that DMV customer service centers already have a large number of signs and messages for its customers to read and react to - and that any additional signs or posters would not catch the attention of its customers. While the JLARC study was in progress, the DMV Commissioner agreed to display voter registration "tent cards" at customer service windows in DMV branch offices.

Relationship Between DMV and Registrars. As has been previously discussed, the large number of incomplete voter registration applications coming from DMV offices has helped to foster a relatively negative view of DMV among the general registrars. The inadequacy of communication and coordination between SBE and DMV also affects the registrars, many of whom feel that they have no control or influence concerning DMV activities that wind up affecting their workload. Many registrars told JLARC staff that their relationship with DMV is inadequate, particularly in comparison to relationships that they have developed with other State-designated voter registration agencies:

One registrar from Central Virginia said registrars were encouraged not to go to their local DMV offices. "I have not gone." In contrast to DMV, the registrar said VDH and DSS had done stellar jobs ensuring that applications are forwarded timely and complete.

* * *

A registrar from the Richmond metropolitan area said that overall, the introduction of DMV into the process has made everything very difficult. DMV has been particularly uncooperative. For example, when the NVRA was first introduced, this registrar offered to provide training to each agency involved. However, DMV refused to even speak with the registrar about training. On the other hand, DSS was very

amenable to this registrar's suggestions, and they do not have many problems with applications coming from DSS.

* * *

One registrar from Southwest Virginia said that she has never spoken with the supervisor at the local DMV office. This is because she assumes that SBE is dealing with DMV. She has received memos to that effect. This registrar still receives incomplete applications from DMV, most of which also happen to be duplicates. The registrar said that after the first few months of also getting incomplete applications from DSS, she walked down the street to the local DSS office and spoke with the supervisor. She told him that she appreciated the applications, but that it is vital for complete information to be provided. Since that discussion, incomplete applications from DSS are no longer a problem.

DMV has become the State's single-largest voter registration site. To date, this fact appears to have not been adequately recognized. Such recognition will be necessary if improvements are to be made to the NVRA program in Virginia. The DMV Commissioner has told customer service center employees that:

DMV is only a 'pass-through' agency whose purpose is to offer its customers the opportunity to apply to register to vote. We then forward all voter registration applications to the Board of Elections in Richmond; therefore, we are not a voter registration location.

This is a distinction without much of a practical difference given how the voter registration process actually works in Virginia. As previously discussed, registrars are no longer in a position to perform a quality control check at the time of application intake. Consequently, following submission of an application at DMV, there may be no basis for a registrar to deny the application, unless the form is incomplete, or unless the applicant has admitted to a felony conviction, lack of citizenship, or mental incompetence.

Statutory NVRA Coordinating Committee Would Be Beneficial. The SBE Secretary is statutorily-responsible, pursuant to §24.2-404.1 of the *Code of Virginia*, for the "coordination of State responsibilities" under the NVRA. In order to improve the efficiency and effectiveness of Virginia's administration of the NVRA provisions, a statutory amendment designed to broaden the State's NVRA coordination mechanism would be helpful. Such an approach was suggested by several registrars during the study. For example:

DMV has come a long way in helping with this process, but a liaison group of registrars and DMV personnel might add further enhancements to the entire system. A systems approach should be used to develop closer collaborations between DMV and the general registrar's office and other appropriate agencies with the goal being exceptional

customer service for our voters and accuracy of information provided to registrars.

This coordinating committee should consist of employees from appropriate State agencies, as well as some general registrars. The State agencies should include SBE, DMV, and several of the other State-designated voter registration agencies. In order to balance the interests of the other State agencies with the need to limit the committee to a manageable size, the State-designated voter registration agencies except DMV and SBE could rotate on and off of the coordinating committee on a periodic basis. The State agency representatives should have sufficient decisionmaking authority to modify agency practices and procedures, and to commit and deploy agency resources, as necessary in order to promote the efficient and effective administration of the NVRA in Virginia. To that end, membership from State agencies should preferably be drawn from the deputy or assistant commissioner ranks. The committee should be required to meet on at least a quarterly basis. Given the existing provisions of §24.2-404.1 of the *Code of Virginia*, the SBE chief deputy should be the committee chair.

The responsibilities of the committee should include:

- ensuring adequate communications among all of the State and local entities involved in voter registration,
- identifying emerging issues that may affect administration of the NVRA in Virginia, and ensuring that administrative practices are properly modified following any statutory revisions,
- ensuring that NVRA operations and processing are properly coordinated among all the State and local entities,
- identifying any information and training needs for employees of voter registration agencies, and
- obtaining and deploying the resources necessary to meet those needs.

Recommendation (4). The General Assembly may wish to amend §24.2-404.1 of the *Code of Virginia* in order to create a National Voter Registration Act Coordinating Committee comprised of senior management representatives of the State Board of Elections, the Department of Motor Vehicles, three other State-designated voter registration agencies, and five general registrars. The mission of the committee should be to promote the coordinated, efficient, and effective administration of the provisions of the National Voter Registration Act by State agencies and local officials. The State Board of Elections' chief deputy should be designated as the chairman of the committee. The committee should meet on at least a quarterly basis. All of the State-designated voter registration agencies except the State Board of Elections and the Department of Motor Vehicles should rotate on and off of the committee on a periodic basis.

Electronic Linkage of DMV System and VVRS Offers Potential Benefits

A single, combined form is used in DMV's customer service centers for DMV applications and voter registration (although the Federal Election Commission advised JLARC staff that a combined form is not required by federal law). Despite the use of a single form, no electronic linkage of information on the form is performed by DMV and SBE. An integrated data sharing mechanism between the VVRS and DMV's main-frame computer system could help support an improved quality control process, and could also enable the State and its localities to eliminate needless duplication of effort in processing voter registration applications.

The Federal Election Commission has recommended that states establish such electronic linkages, where feasible, in order to administer the NVRA. DMV considered several options for the electronic processing of voter registration applications in 1994 — during the time when plans for the eventual implementation of NVRA were being developed. These options were based on various degrees of electronic linkage between SBE and DMV in order to facilitate the exchange of electronic data.

The consideration originally given to electronic linkage was disrupted when the State filed suit to block implementation of the NVRA. Since then, there have been no further discussions concerning this concept. Several issues need to be addressed in order to facilitate an electronic linkage, such as the potential use of electronic signatures, which will be discussed in greater detail in Chapter IV. According to DMV officials, automation itself is not an obstacle since technical problems can be solved. The key issues are determining what the State wants to accomplish with the system, and how it wants to implement necessary changes.

Four Options Were Considered by DMV in 1994. In May 1994, DMV expressed a long-range goal of total electronic processing of voter registration data involving any type of DMV transaction. DMV envisioned a paperless process utilizing digitized signatures and bar code technology. However, the DMV motor voter project team recognized that this long-range goal might not be achievable by the 1996 NVRA implementation date. Consequently, DMV staff identified and analyzed four options for the design of intermediate systems and processes in order to support the long-range goal (Table 6).

DMV staff eventually recommended in June 1995 a scaled-back version of option three, in which a voter registration application would be electronically generated at DMV customer service centers, but the common data would not be electronically transmitted to SBE. However, due to a lack of implementation time resulting from the State's lawsuit, DMV eventually implemented option four. According to DMV officials, registrars were hesitant about moving to a fully automated system, as they did not want to relinquish the traditional system of paper records.

According to the FEC, several states have established electronic linkages between their motor vehicle and election agencies. For example:

Table 6

Voter Registration Processing Options Considered by Department of Motor Vehicles in 1994

<i>Option</i>	<i>Scenario</i>	<i>Issues to be Addressed</i>	<i>Requirements</i>	<i>DMV Staff Recommendation</i>
1. Electronic Processing - No Paper	DMV keys all common data and unique SBE data into DMV computer system. All data, including digitized signature, is sent electronically to SBE	Collection of detailed information on rural route address locations if process is to be entirely paperless Privacy protection concerning felony conviction and mental incompetence questions if process is to be entirely paperless	Acceptance of digitized signatures by U.S. Department of Justice and SBE Technology to allow electronic exchange and use of data between SBE and DMV Separation of digitized signature and photograph on DMV records	Would meet long-range goal of total electronic processing Should be considered when SBE and U.S. Department of Justice accept digitized signatures
2. Electronic Processing with Signature Card Only	DMV keys all common data. Fields for unique SBE data are included on a signature card. Applicant fills-in information and signs the card. The cards are sent to SBE for subsequent keying of the unique data, while the common data is transmitted electronically	Collection of detailed information on rural address locations if process is to be entirely paperless Method by which SBE will match the signature card to the electronic record	Technology to allow electronic exchange and use of data between SBE and DMV SBE system to allow matching of signature card and electronic record New form to serve as signature card	Should be considered if SBE can accept paper signature card with no other identifying data

Table 6
(continued)

**Voter Registration Processing Options Considered
by Department of Motor Vehicles in 1994**

<i>Option</i>	<i>Scenario</i>	<i>Issues to be Addressed</i>	<i>Requirements</i>	<i>DMV Staff Recommendation</i>
3. Electronic Printing of voter Registration Application	DMV keys all common data, which is then used in the electronic printing of a voter registration application at the DMV customer service center. The applicant fills in the unique SBE data in the fields provided and signs the form. The forms are sent to SBE for subsequent keying of the unique data, while the common data is transmitted electronically	Method by which SBE will match the printed form to the electronic record	Technology to allow electronic exchange and use of data between SBE and DMV SBE system to allow matching of signature card and electronic record Host and branch software changes to capture, store, and transmit unique SBE data Add check-box to drivers license and ID applications for voter registration option Additional printers in customer service centers	Most practical short-term option
4. Combined Forms - All Paper Process	DMV applications and SBE forms are combined. Applicant completes both forms at same time. No additional data beyond what is needed for DMV records would be keyed by DMV employees. Electronic transfer of data to SBE, while still feasible, would not be necessary	None specified	Development of combined form	All current drafts of combined form would place an undue burden on the customer, and on branch office personnel. This option should be considered only if other options prove unfeasible

Source: JLARC staff analysis of DMV motor voter project documentation dated May 17, 1994.

Massachusetts electronically records data from voter registration applications at all driver license examining stations. Each site electronically transmits a file of applications received that day to a central computer at the state department of transportation, which then creates a file of voter registration applications and transmits them to the voter registration mainframe computer. County computers dial up to the mainframe to transfer individual files. Counties can usually retrieve registration applications received on a given day by 11:00 p.m. the same day.

* * *

New Jersey's automated system of voter registration in motor vehicle offices requires that those who wish to register must simply sign their name and county of residence. All other necessary information is taken from the motor vehicle file and electronically transferred to the state election database.

Voter Registration Application Data Common to DMV and SBE Is Key-Entered Twice Creating Needless Duplication of Effort. All of the data on the voter registration application that is common to both DMV and SBE is entered by DMV customer service staff and then again in the general registrar's office. The following data elements are common for SBE and DMV purposes:

- social security number;
- gender;
- date of birth;
- name (last, first, full middle or maiden);
- residence/home address; and
- mailing address (if different from residence address).

JLARC staff estimate that, from an overall perspective, there are approximately 90 duplicative key strokes performed to enter common data per application. This estimate assumes that the applicant's mailing address is the same as his or her residence address. If not, the estimate would be higher. Keying this data twice is an inefficient use of public resources. If the DMV and SBE computer systems were linked to allow the electronic transfer of data, the data-entry workload of general registrars could be reduced, thereby making the overall State/local voter registration process less labor-intensive and more automated. Furthermore, elimination of double data entry of the common data elements would significantly reduce the potential for data entry errors of the common data. This approach would be consistent with options two and three considered by DMV in May 1994.

DMV Could Potentially Perform All Voter Registration Application Data Entry. One of the voter registration processing options considered by DMV in May 1994 was based on the premise that all voter registration data entry would be per-

formed by DMV employees. The following data elements on the combined application form are needed for voter registration only:

- citizenship,
- status as an active or retired law enforcement officer,
- protective court order status,
- felony conviction status,
- mental incompetence status,
- signature, and
- address of previous voter registration.

If all voter registration data entry was performed in DMV customer service centers, the number of additional key strokes required by DMV employees per transaction would vary depending upon the applicant's individual circumstances. JLARC staff developed a range of estimates for the number of additional key strokes that would be necessary. Based on information currently required on the application, the additional keystrokes could be as few as one or as many as 82. If DMV employees determine that a DMV customer does not wish to register to vote, no additional key entry would be necessary. One member of the DMV NVRA team told JLARC staff that there was no reason why DMV could not handle the data entry for voter registration as part of its normal operations.

Linkage Could Promote Voter Registration Quality Control Efforts.

Even if electronic linkage of the DMV computer system and the VVRS does not occur to the extent that data can be actually transmitted for processing purposes, more basic forms of linkage could still be helpful. For example, read-only access to the DMV system could provide SBE and the registrars with an additional method for verifying names, addresses, and other personal information of voter registration applicants. This could be particularly useful when registrars attempt to read and process written applications on which one or more of the data elements are barely legible.

In order to obtain read-only access to DMV data, the following nine general registrars have entered into user agreements with DMV:

- | | |
|-------------------|------------------|
| • Arlington | • Lynchburg |
| • Augusta | • Manassas |
| • Charlottesville | • Prince William |
| • Fairfax County | • York |
| • Henrico | |

Use of these agreements to obtain access to DMV data, such as name, address and social security number, would appear to offer potential benefits for voter registration processing. All registrars should have access to the DMV data, particularly until such time that an actual electronic linkage exists between DMV and VVRS.

It would appear to be both feasible and beneficial for the SBE to negotiate and execute a blanket user agreement with DMV on behalf of all the general registrars.

This approach would require SBE and the registrars to decide upon common, specific types of data to be obtained from DMV. Such an approach would also be potentially beneficial to DMV, as it would only have to develop a single user agreement, instead of 126 additional user agreements with registrars who currently do not have access to DMV data.

An electronic linkage could also potentially provide SBE and the registrars with access to DMV records which indicate whether or not a specific individual completed a transaction in a given DMV customer service center on a given day. This information is important during periods close to the registration deadline for an election if an applicant has failed to date his or her signature. SBE can currently only obtain this information by telephone from DMV.

Data Privacy and Privilege Issues Have Been Cited by DMV. DMV officials have raised issues concerning privacy and privilege of DMV data as a potential obstacle to an electronic data linkage with SBE. There does appear to be some difference in how voter registration data and DMV data are treated by the *Code of Virginia* in terms of privacy and privilege. Consequently, the common data elements maintained by SBE are treated differently by the *Code of Virginia* than those maintained by DMV, even though it is the same data.

Section 24.2-444 of *Code of Virginia* specifies that voter registration records are open to public inspection at general registrars' offices by any registered voter. In practice, the name, date of birth, address, gender, and all applicable election districts for each registered voter are available for public inspection. The public access records are sorted by precinct and do not include social security numbers. Registrars permit individuals to hand copy information, but do not permit photocopies to be made. Section 24.2-405 of the *Code of Virginia* authorizes the SBE to sell voter registration data without social security numbers to candidates, elected officials, non-profit institutions that support voter registration activities, and political party committees. Active or retired law enforcement officers, or individuals with a court-issued protective order, may furnish a post office box within their jurisdiction instead of residence address for inclusion on precinct lists and data sold to the previously mentioned groups.

Section 46.2-208 of the *Code of Virginia* governs the release of information maintained by DMV. "Personal information" on file with DMV shall be considered privileged records. Personal information is defined in §2.1-379 of the *Code of Virginia* as including:

All information that describes, locates, or indexes anything about an individual including his real or personal property holdings derived from tax returns, and his education, financial transactions, medical history, ancestry, religion, political ideology, criminal or employment record, or that affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such individual; and the record of his presence or membership in an organization or activity, or admission to an institution.

Data relating to driver's license status and driver activity, and all information pertaining to the driver's vehicle, are also considered privileged by statute.

The DMV Commissioner is permitted to release such privileged information only upon written request under any of 20 different situations, including requests from:

- a parent or guardian;
- an insurance carrier for driving records;
- any business organization or its agent for pursuing remedies which require locating an individual;
- a motor vehicle rental or leasing company for driving records;
- any governmental entity, law enforcement officer, attorney for the Commonwealth, or court for notification of any differences between the entity's record of an individual and DMV's record;
- another driver licensing authority; and
- an employer or prospective employer for notification of any differences between the employer's information concerning the individual and DMV's record.

The statutory differences that exist do not appear to be insurmountable, and could be resolved easily by the General Assembly through statutory revision. In addition, the fact that DMV has entered into user agreements with general registrars appears to discount concerns over privilege and privacy of the data. Still, some statutory revision may be desirable in order to properly facilitate an electronic linkage between SBE and DMV.

Recommendation (5). The State Board of Elections, the Department of Motor Vehicles, and the Department of Information Technology should develop a plan for the electronic linkage of the Virginia Voter Registration System and the Citizen Services System maintained by the Department of Motor Vehicles. This plan should be based on work originally performed by the Department of Motor Vehicles in 1994 designed to facilitate paperless electronic processing and key entry of voter registration applications by the Department of Motor Vehicles. The plan should be presented to the Senate Finance Committee, the Senate Privileges and Elections Committee, the House Appropriations Committee, and the House Privileges and Elections Committee prior to the 2000 Session of the General Assembly.

Recommendation (6). The General Assembly may wish to amend Section 46.2-208 of the *Code of Virginia* to explicitly allow electronic transfer of data between the Department of Motor Vehicles, the State Board of Elections, and each of the Commonwealth's general registrars for purposes of adminis-

tering Title 24.2 of the *Code of Virginia*. The following data elements should be specifically authorized to be transferred: social security number, name (first, last, full middle, or maiden), gender, date of birth; daytime telephone number, full residence/home address, full mailing address (if different from residence address); and county or city of residence.

Recommendation (7). The State Board of Elections should work with the Department of Motor Vehicles and the general registrars to negotiate, develop, and execute a single, common user agreement to enable general registrars to obtain access to data maintained by the Department of Motor Vehicles. The State Board of Elections and the Department of Motor Vehicles should be the signatories to the user agreement.

INTEGRITY OF VIRGINIA'S VOTER REGISTRATION RECORDS NEEDS IMPROVEMENT

Activities designed to maintain the accuracy and integrity of voter registration records are typically referred to as "list maintenance." These activities are very important because the *Constitution of Virginia* sets out in specific terms the qualifications of persons who may register to vote. Virginia is one of only a few states allowed to require the use of an individual's social security number as part of the voter registration application. The use of social security numbers for list maintenance is extremely helpful because it is used by other government agencies as a standard identifier. However, the effectiveness of this approach is limited in Virginia as a result of data reporting inaccuracies by other agencies to SBE. For example, the data received by SBE may contain inaccurate social security numbers, false names, and inadequate information.

Moreover, the list maintenance process is inefficient and time consuming. A lack of electronic data exchanges with other agencies required to provide SBE with data greatly contributes to this problem. As a result, the ability of SBE and the registrars to enforce, in a timely and effective manner, provisions of the State's election laws concerning illegal and fraudulent registrations and voting has limitations which need to be addressed.

Use of Social Security Number in Voter Registration Is Beneficial

The federal Privacy Act of 1974 prohibited states from using an individual's full social security number for voter registration purposes unless the state had such a requirement prior to January 1975. Virginia qualified for this exemption. Therefore, the State was allowed to continue to enforce its constitutional requirement that a voter registration applicant must supply a social security number. According to the FEC, Virginia is one of only seven states that can and do require an individual's full social security number for voter registration.

Virginia's social security number requirement for voter registration provides the State with an important tool that most other states do not have. Since an individual's social security number is used as an identifier by other agencies, matching or confirmation of data is made easier. This is especially helpful for SBE and the general registrars, who are required to maintain the integrity of the registered voter list. However, there are opportunities for Virginia to make better use of the social security number data as part of its overall efforts to administer and enforce voter registration requirements.

Quality Control of Virginia's Voter Registration Records Is Labor-Intensive

The State's list maintenance activities are largely manual and time consuming in nature. For example, currently the State Police and the Department of Health print lists of convicted felons and deceased individuals, respectively, and transmit those lists to SBE. SBE forwards them to the individual registrars who use these lists to search the VVRS for the names of people registered in their locality. Likewise, registrars must use lists of mental incompetents sent to them by SBE or the circuit court clerks. The National Change of Address (NCOA) program, on the other hand, appears to be less paper-intensive.

Registration Cancellation of Convicted Felons Is Cumbersome. The clerks of the courts throughout the State are required to report the disposition of all cases resulting in felony convictions to the Virginia State Police within 30 days. This information, which includes full name, social security number, and finger prints, is kept on the Central Criminal Records Exchange (CCRE) and is also forwarded to the FBI. According to State Police staff, false names and social security numbers submitted by convicted individuals are commonplace. For example, one individual may appear on the list several times as a result of supplying police with different names and social security numbers.

One individual appeared on the felony conviction list 80 different times in FY 1997. This individual used a combination of five different social security numbers, six different birth dates, and 15 different names.

During fiscal year 1998, there were more than 35,000 felony convictions in the State, according to State Police staff.

The Virginia State Police transmit to SBE a monthly computer printout, sorted by locality, of all the felony convictions that occurred in the State during the prior one to two months. The report also contains a list of felons for whom a locality of residence is unknown. When the felony conviction printout is received at SBE, the printout is physically separated by locality and a copy of the unknown residence list is made for every locality. These reports are mailed to all 135 localities. Registrars then use the VVRS to determine if any of the individuals on that list match any registered voters in

their locality based upon the felon's reported social security number and name. Because the VVRS is not capable of performing a search by name across the whole registered voter list, all 135 registrars must use the lists for their localities and the unknown residence list to determine if convicted felons are registered to vote in their locality.

A registrar in a large locality stated that the current process for checking aliases and false social security numbers is very time consuming and yields few results. For example, using one monthly report, the office inquired on 1,916 names and 1,240 social security numbers. However, they found that 109 of those records had already been deleted and 44 were found to be in other localities. The staff of this registrar's office deleted only 63 of the 3,100 records they examined.

When a convicted felon is also determined to be a registered voter, the registrar is required to remove that individual from the active voter list. The registrar deletes the individual from the centralized database using the VVRS. At the registrar's office, the felon's voter application card is then physically transferred to a file containing other deletes for deaths, individuals adjudicated mentally incompetent, out of state cancellations and requests for removal and maintained for a period of four years.

Removal of Deceased Individuals Often Requires Additional Work. As part of the Virginia Department of Health, the Office of Vital Records and Health Statistics (OVRHS) is in charge of maintaining, for statistical purposes, a record of all Virginia residents who have died. Funeral directors, physicians, and medical examiners provide the local health departments with death certificates which include the decedent's personal information. The local health departments then check the certificates for completeness and pass the acceptable applications to OVRHS. The Office also receives death certificates from outside of the State and foreign countries.

These death certificates, of which there were more than 52,000 in fiscal year 1997, may arrive at OVRHS incomplete or late. In cases for which the information is incomplete, for instance missing a social security number, OVRHS will contact the signatory and try to resolve the missing information. However, not much can be done for death certificates that do not arrive in a timely manner, since OVRHS would not know that a person had died. Finally, this data must be entered into the OVRHS computer system. According to OVRHS staff, death records for FY 1997 were not finalized until August 1998.

Each month, OVRHS transmits to SBE a computer printout of all deceased individuals for whom they have a record. This report, which is arranged by locality, contains: the decedent's name, social security number, address, gender, age, date of death, place of death, and death certificate number. The list usually reflects those individuals who died four to six months prior to the date of the report. For example, the July 1998 report contains the names of individuals who had died in January 1998. SBE staff then take the list and physically separate the sheets of paper corresponding

to each registrar. The relevant portions are then mailed to the proper locality. In the interim, registrars in some of the smaller localities may have already used the obituaries to inform them if someone has died. However, obituaries are rarely, if ever, checked in larger localities.

Registrars then use their localities' portion of the master death list to inquire on the VVRS system if any of the names appearing in the report are registered voters in their locality. If so, the registrar deletes that person from the registered voter list. In addition, the deceased individual's voter registration card is pulled from the active voter cards by the registrar and kept with other deleted cards for four years.

Adjudication of Mentally-Incompetent Individuals Is Rare. According to §24.2-410 of the *Code of Virginia*, each circuit court clerk is required to provide the SBE with a monthly list of all persons declared mentally incompetent during the preceding month or a statement that no adjudications occurred during that month. SBE then passes that information along to the registrar in the proper locality. Registrars then use the VVRS to determine if the person adjudicated mentally incompetent is registered to vote in that locality. If so, the registrar is required to delete that record from the VVRS. Registrars also have stated that they occasionally receive these reports directly from the clerks of the courts. JLARC staff found very few instances in which someone was adjudicated mentally incompetent. However, during the study, JLARC staff obtained information indicating that not all circuit courts are transmitting these reports in a timely manner.

Change of Address Mailings Provide Useful Information. Section 24.2-428 of the *Code of Virginia* requires that the State Board of Elections conduct a voter registration file maintenance program at least annually to identify voters whose address may have changed. The procedure allows for a comparison of the registrant's mailing address contained on the VVRS, or residence address if a mailing address is not available, with the change of address information received by the United States Postal Service (USPS). This comparison is required to be handled through an outside vendor licensed by the USPS. Confirmation notices are then generated by SBE and mailed by the vendor to the registrants whose records do not match. In addition, registrars may request that confirmation notices be sent to certain registrants.

There are three possible results with a confirmation mailing. First, the confirmation notice may be signed and returned to the appropriate registrar. In this case, the registrar will update the information contained in the voter's personal file and reactivate the individual. The confirmation notice may be delivered to the address but not returned to the registrar. Registered voters who receive a confirmation notice have 30 days to respond, otherwise they are left inactive. Finally, the confirmation may also be returned to the registrar as undeliverable. The registrar will then leave the voter's status as inactive. In the latter two cases, the registrant will have two federal election cycles to update their information by notifying the proper registrar of their change of address or by voting. After that point, however, they will be deleted from the registration list. The first opportunity under NVRA to delete individuals from the registration list will occur following the November 1998 general election.

Weaknesses in the List Maintenance Process Require Correction

One way to assess the quality of the list maintenance process is to compare the registered voter list with the lists of individuals who are not eligible for registration. Article II, Section 1 of the *Constitution of Virginia* requires that:

No person who has been convicted of a felony shall be qualified to vote unless his civil rights have been restored by the Governor or other appropriate authority.

As part of this study, JLARC staff compared the State's voter registration list with the State's lists of convicted felons and deceased individuals. This analysis indicates that the voter registration list contains convicted felons who should have been removed under constitutional and statutory requirements. In addition, procedures established for capturing change of name and address information may not be adequate. JLARC staff also identified problems with the current verification program for deceased individuals.


Convicted Felons Remain on the Voter Registration Rolls. JLARC staff identified between 9,000 and 11,000 convicted felons on the State Police list who were registered as of July 5, 1998. The majority of these individuals were registered in localities with larger populations (Figure 6). This is a conservative estimate, because felons registered under aliases or with false social security numbers would not be included. In addition, JLARC staff also found that 1,739 convicted felons were credited with voting in the November 1997 general election. Although 11,000 convicted felons represents well below one percent of all registered voters in Virginia, it also indicates that the current maintenance verification process utilized by SBE and the general registrars may be flawed. In addition, a principal concern arising from the current list maintenance process is the veracity and completeness of data supplied to the Board of Elections. The number of convicted felons registered to vote in each of the State's localities is provided in Appendix D.

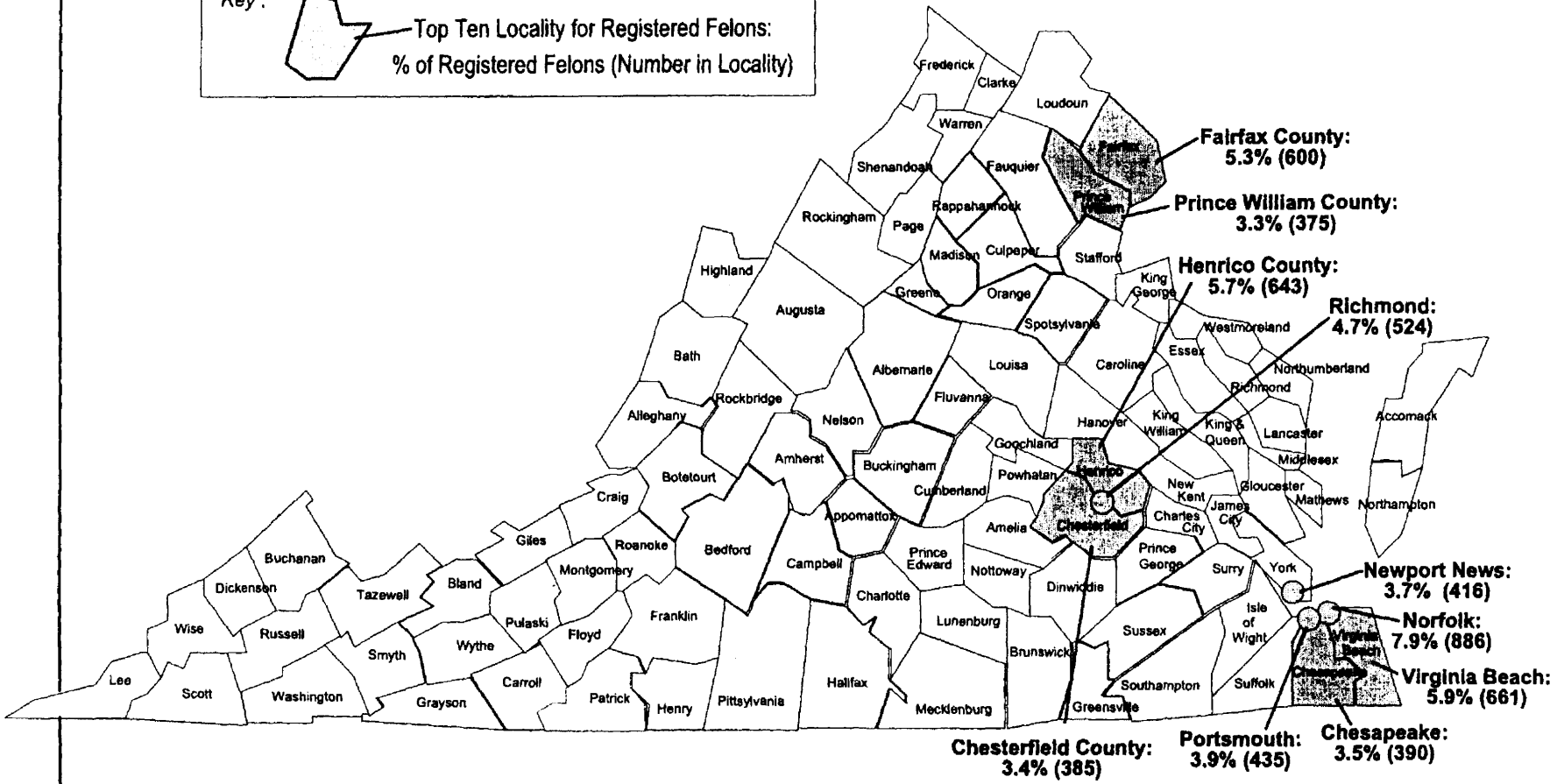
Several factors have been identified that increase the potential for felons to remain on the voter registration list. For example, the manual process by which felony conviction information is transmitted increases the period of time from conviction to deletion. If a voter registration applicant has been previously deleted from the system for a felony conviction, the VVRS will indicate that information to the registrar when an inquiry is performed. However, some of the larger localities with high volumes of applications do not have time to perform inquiries before adding the applicant to the system. Moreover, simply adding the name of a new registrant to the system will not provide any indication of whether there has been a prior felony conviction. Furthermore, while the VVRS contains records of deletions for felony convictions since 1990, SBE staff have indicated that registrars must first complete an inquiry on the VVRS to identify these records. Most registrars do not first inquire on the system when adding a new applicant.

Consequently an individual could have been previously deleted for a felony conviction, and then subsequently apply to register to vote without indicating that

Figure 6

Ten Localities with the Highest Percentage of Felons Registered to Vote As a Proportion of Registered Felons Statewide

Key :  Top Ten Locality for Registered Felons:
% of Registered Felons (Number in Locality)



Source: JLARC staff analysis of data from the State Board of Elections, Virginia State Police, and the Office of the Secretary of the Commonwealth.

they have been convicted of a felony. When the registrar adds the person to the registered voter list, the applicant's name would not appear, if the new registration date was more than four years later than the deletion, as having been previously deleted for a felony conviction and would become part of the voter registration list.

In addition, SBE has no procedure or policy in place for checking felony convictions that occurred outside of Virginia. Therefore, a registrar would have no way of knowing if someone who did not check the "felony box" on the voter registration application had previously been convicted of a felony in another state. Such a person would not be removed from the voter registration list in Virginia.

As a result of the factors identified above, SBE should consider an electronic linkage with the State Police that would permit SBE staff to centrally compare the convicted felon list with the centralized voter registration list. Records for which matches are found could then be forwarded from SBE to the appropriate registrar office for removal. This process would eliminate SBE's need to duplicate and mail the convicted felons lists to all the registrars. Likewise, the records match could be performed in a more timely fashion. Similarly, SBE should also compare its voter registration list to the historical database of all felony convictions handed down in Virginia maintained by the State Police. SBE should also work with the State Police to run the VVRS against the nationwide database of criminal records on at least an annual basis.

Recommendation (8). The General Assembly may wish to require that an electronic data linkage be established between the State Board of Elections and the Virginia State Police for the exchange of felony conviction information that is necessary to maintain the accuracy and integrity of the voter registration list. This electronic linkage should maintain an historical electronic file of all felony convictions that have occurred in Virginia. In addition, the State Board of Elections and the State Police should examine the feasibility of verifying voter registration applications against national sources of felony records.

Deletion of Deceased Individuals from Registered Voter List Is Problematic. The ability of registrars to remove decedents from the voter registration list is limited as a result of inaccurate name and social security number information contained on the list of deceased individuals obtained from VDH, and the untimeliness of the report's transmission. Using social security numbers, JLARC staff compared the list of more than 52,000 individuals recorded by VDH as deceased in FY 1997 (July 1, 1996 - June 30, 1997) with the registered voter list as of July 7, 1998. This analysis identified almost 1,500 records for which the social security number of a decedent listed by VDH matched a social security number of a registered voter.

Furthermore, the comparison produced more than 140 instances in which the social security number of a registered voter credited with voting in the November 1997 election also appeared on the list of deceased individuals. However, there were only two cases where both the social security and the name matched. The results of JLARC staff analysis are summarized in Table 7.

Table 7

**Number of Records Where Social Security Number
Listed for Decedent Matches Social Security Number
on Voter Registration List**

Registered Voters	1,480
Records where name is the same on both lists	1,096
Records where name is different	384
Credited with Voting in November 1997	144
Records where name is the same on both lists	2
Records where name is different	142

Source: JLARC staff analysis of data provided by VDH, Office of Vital Statistics and Health Records and State Board of Elections. Death records are for FY 1997. Registered voter records are as of July 5, 1998, and voting records are as of November 3, 1997.

Since the social security numbers associated with these more than 140 individuals were listed by VDH as having died between July 1, 1996 and June 30, 1997, they should not have been credited with voting in the November 4, 1997 election. Of the more than 140 social security numbers associated with individuals who voted, only two turned out to have the same names associated with them in the VDH list. Matches of the other social security numbers, produced different names from each list or names that would appear to have been spouses or some other relative of the decedent. This may occur as a result of data entry errors on the death certificates. These findings draw into question the accuracy of the social security numbers SBE receives from VDH as part of the morbidity reports.

Nevertheless, social security numbers remain the best information available for the removal of decedents. Registrars do appear to be removing deceased individuals from the registered voter list in a timely manner once the list is received by them. However, SBE needs to work closely with VDH to review records for which discrepancies have been detected, and also to enhance the timeliness of report transmission.

The process to produce a death certificate relies upon several different entities properly collecting and transmitting personal information on the deceased. Currently, the accuracy of this information relies on a family member, a funeral director, a medical examiner, staff at the local health department, and finally staff at the Virginia Department of Health to verify. Furthermore, the majority of the process is completed by hand and is not automated. As a result, the potential for error when collecting such information is greater than it should be. VDH staff have expressed concern with the accuracy of the information they receive.

The Department of Health attempts to verify the social security numbers and

other information they receive by providing it to the Social Security Administration (SSA). Even though SSA will provide VDH with corrections to erroneous data, VDH is unable to transmit this data to SBE before the original lists go to the registrars. SBE should also consider matching their voter registration list with the Social Security Administration's (SSA) files as a way to remove decedents. Furthermore, VDH produces a final version of the morbidity report, containing all the final edits. However, SBE does not request a copy as a means of verifying the names on the VVRS. VDH staff have stated that it is unlikely that new information will appear on the final list that did not already appear on the monthly submissions. SBE and VDH are currently working toward the development of an electronic linkage between the databases. However, data integrity limitations faced by VDH may limit the effectiveness of such a linkage.

Recommendation (9). The State Board of Elections should work with the Virginia Department of Health and the general registrars to resolve discrepancies between VDH and VVRS databases. The Board should use the VDH morbidity database to complete an electronic match of VVRS data on an annual basis.

Recommendation (10). The State Board of Elections should use the Social Security Master Death Record File on an annual basis in order to help ensure that decedents are removed from the voter registration rolls.

Maintenance of Voter Registration List Through NCOA Process Appears to Work Well. According to SBE staff, the National Change of Address Act (NCOA) appears to be the primary way in which registrars are verifying the accuracy of names and addresses on their registration rolls. In fact, after the first three NCOA mailings, the registrations of almost half of those receiving a confirmation notice were reactivated (Table 8).

However, some registrars told JLARC staff they have identified inaccuracies in the NCOA process. Consequently, registrars have stated that they would prefer to be able to use other sources in addition to the NCOA to identify registrants who have moved, and then to send a confirmation notice. One problem with NCOA that has been

Table 8

Reactivated Registrations After NCOA Mailing

Date of Run	Cards Sent	Re-activations
July 1996	279,355	152,069
June 1997	155,378	73,924
January 1998	119,648	53,198
June 1998	105,121	42,747

Source: JLARC staff analysis of NCOA statistics from State Board of Elections. The reactivation figures represent all reactivations after the mailing was sent. SBE is unable to determine reactivations specifically in response to NCOA.

identified by SBE staff is that a registered voter moving within the same locality will not be required to supply that registrar with a signed confirmation notice. SBE staff are concerned this person would never have to confirm or vote in an election and still be able to remain on the voter registration list. Therefore, the registrar will be unable to remove that person from the list.

Utilization of other reliable sources for confirmation purposes would aid registrars in updating their registration lists. As currently administered and interpreted, the SBE is authorized pursuant to §24.2-428 of the *Code of Virginia* to issue a confirmation notice based on information provided by the U.S. Postal Service (through NCOA) or based on "other reliable sources." However, while registrars may request that a confirmation notice be issued, they may only do so after having first mailed a change of address form to an old address, wait for the notice to be returned as undeliverable, and then request a confirmation notice from SBE. For example:

The Richmond City Registrar receives from the circuit court the original form returned by individuals who claimed to be unable or unwilling to serve on a jury. Usually, this form contains a pre-printed address of record, and also a blank for the individual's current address. If there is a discrepancy between those two addresses, the registrar mails a change of address form to the address of record and, if the form is returned by the Post Office, requests that SBE issue a confirmation notice.

In addition, registrars incur an added postage expense as a result of these mailings. However, according to the SBE voter outreach manager, she has "deemed" certain types of records used by the registrars as "reliable" sources, enabling a confirmation notice to be requested without first having mailed a change of address notice.

Recommendation (11). The State Board of Elections should develop a written policy statement concerning the types of documents and records that are deemed to constitute "reliable sources" for purposes of requests from registrars for issuance of a confirmation notice. The State Board of Elections should distribute that policy statement to each general registrar.

Recommendation (12). General registrars should examine the feasibility of utilizing alternative sources of information, such as returned jury notices, as part of their list maintenance activities.

III. Operations and Management of the State Board of Elections

The State Board of Elections is a small agency comprised mostly of staff in relatively low pay grades who, among other functions, are responsible for the operation of a fairly complex voter registration and election administration computer system. The SBE is also an agency that appears to have not yet fully recovered from the many changes that resulted from the implementation of the NVRA. Most importantly, however, the SBE is an agency that is confronted by several internal and external management challenges. These challenges include weak internal communications, poor employee morale, a lack of sufficient information technology expertise among its staff, and the loss of most of its institutional knowledge and memory following the recent retirement of the SBE's long-time deputy secretary. Externally, the relationship between SBE and one of its key stakeholders, the Commonwealth's 135 general registrars, has been allowed to deteriorate.

The SBE is structured along functional lines, and its organizational culture is based on the production and distribution of voter registration and election materials. However, the SBE needs to develop an additional component to its organizational culture — one that is based on providing coordination, consultation and technical support to the State's localities as part of the overall administration of the State election law. In order to do so, the SBE needs to better train and utilize existing staff, and to obtain additional types of staff with new skill sets, particularly in information technology, training, and communications/publications. SBE management needs to systematically examine the agency's internal operating practices and procedures to ensure that staff are efficiently and effectively utilized, that available technology is being used in a manner to improve staff productivity, and that its business practices promote timely and effective service to the agency's stakeholders.

This chapter examines a number of organizational, operational, and management issues currently confronting SBE. The chapter makes a number of recommendations for improving the management and performance of the SBE. Finally, the relationship between the SBE and the State's localities is also examined.

INADEQUATE MANAGEMENT HAS IMPAIRED SBE OPERATIONS

Beginning in 1997 and continuing well into 1998, SBE management was weakened due to frequent and often lengthy absences by the SBE Secretary and the former deputy secretary. These frequent absences lessened the ability of the SBE to carry out its statutory responsibilities, and resulted in insufficient attention on the part of top management to internal agency operations. In both cases, the absences appear to have been due to health-related problems. However, corrective actions that could have helped mitigate the effect on the agency, such as appointing an interim or acting deputy secretary, were not taken.

The SBE is currently confronted by several internal management challenges, which have not been adequately addressed to date. These include inadequate communication, a lack of employee cross-training, poor employee morale, a lack of sufficient information technology expertise among its staff, and the loss of most of its institutional knowledge and memory following the recent retirement of the long-time deputy secretary. Some SBE employees cited a lack of discipline within the agency, and attributed that situation to the laxness of agency management. Problems such as these are not necessarily unexpected given weaknesses on the part of top SBE management.

SBE management cited a lack of staff resources and insufficient office space as major problems affecting the agency's ability to properly and effectively carry out its responsibilities. Insufficient appropriations from the General Assembly were cited as a primary reason for the lack of staff resources. However, as is discussed in this section, SBE management has failed to fully utilize all of the resources and budgetary authority that have previously been provided. In addition, SBE management has not efficiently utilized all of the office space assigned to the agency.

Prolonged Absences Have Contributed to Ineffective Management

During approximately 12 months from September 1997 to September 1998, the SBE Secretary and the deputy secretary were both frequently absent from the office. Often, the absences were for extended periods of time. These frequent absences of the two top SBE management staff weakened the ability of the SBE to carry out its statutory responsibilities. The individual who occupied the deputy secretary position became ill during the summer of 1997, and was frequently out of the office on medical leave until her eventual retirement on September 1, 1998. This individual had worked for the agency for 24 years, and possessed a level of institutional knowledge that will be difficult to replace. However, this problem was compounded by the fact that no effort was made to fill the deputy secretary position on either an acting or interim basis. According to the SBE Secretary, during the prolonged absence of the deputy secretary, "a lot of things fell through the cracks, and the agency started to suffer." This was also noticed by the registrars. As one registrar said:

At this level of responsibility the State system should not jeopardize the workings of the entire Board because one employee is not present on a daily basis. An interim appointee should have been given decision power. Others at the State Board have assumed [the deputy secretary's] daily chores but many decisions that would have made our work easier have been neglected.

Following the formal retirement of the deputy secretary, a chief deputy was appointed for the SBE. At this point, the extent to which the chief deputy will perform the responsibilities of the former deputy secretary is not clear. The chief deputy position is discussed at more length later in this chapter.

During the study, most SBE employees told JLARC staff that the SBE Secretary was also rarely in the office. According to SBE staff, the Secretary was often out of the office for days at a time, and that if he did come in he frequently arrived late and left early. As one SBE employee said:

He is just not here. He will pop in for a couple of hours and then he is gone. There have been weeks when he hasn't come into the office at all. He actually came into the office less after the deputy secretary became ill.

Another SBE employee told JLARC staff that “[W]e have no management. We have no guidance.”

The SBE Secretary acknowledged his frequent absences to JLARC staff, and attributed them to health-related problems that first developed in January 1998. Apparently he did not share this information with his staff, as a number of rumors circulated concerning his job status during his absences. The SBE Secretary stated to JLARC staff that he kept up with what was going on in the office on an “hourly” basis. One SBE employee acknowledged that the Secretary would return messages, “but that is not good enough.” The SBE Secretary said that he believes his health is improving, and that his work attendance will return to where it should be.

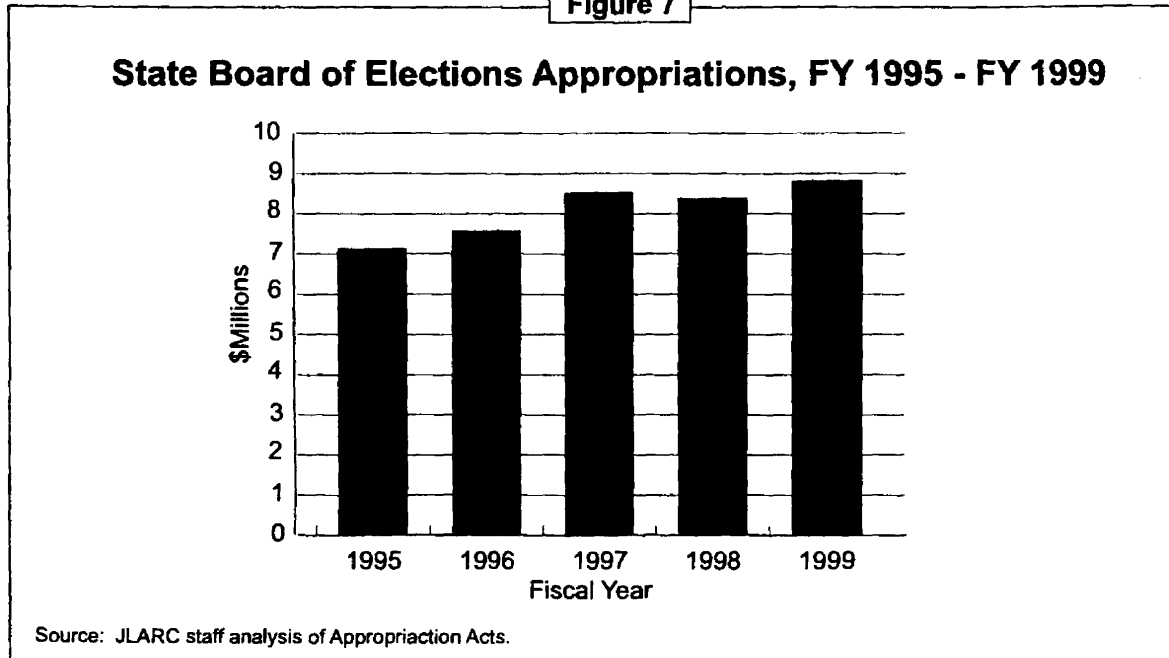
All Authorized and Funded Positions Have Not Been Established

The Appropriation Act for the 1998-2000 biennium provides SBE with authorization and full funding for 24 full-time staff positions for FY 1999 and FY 2000. The SBE has had authorization for 24 staff positions since FY 1996, following action by the 1995 General Assembly. Correspondingly, the amount of State funds appropriated to the SBE has increased substantially since FY 1995 (Figure 7). However, only 20 full-time positions have been established by SBE management. Furthermore, some established positions within SBE have been allowed to remain vacant for several years.

According to the SBE Secretary, during the period from 1995 to 1998 he was told “informally” and via “back channels” that he should not create any additional staff positions, or fill any vacant positions, within the agency. The SBE Secretary said further that he did not really protest this decision, as he was “told by others in the administration that we didn't know yet how the NVRA was going to affect us.” However, this view is not consistent with those expressed in SBE budget requests and VVRS planning documents, which projected large impacts on the SBE as a result of the NVRA.

In practice, SBE has not experienced difficulty in obtaining exemptions to the State's executive branch hiring freeze. JLARC staff reviewed 23 requests submitted by SBE to the Secretary of Administration and the Department of Planning and Budget for exemptions from the executive branch hiring freeze imposed during the previous administration and continued by the current administration. All of the requests, which

Figure 7



were submitted from July 1995 through May 1998, were approved. Among the 23 requests, 12 were for either temporary or part-time staff positions. The remainder, with two exceptions, were to fill vacancies within existing full-time positions.

Comparison of Agency Requests to Appropriations. According to the SBE Secretary, the agency has not received the full amount of financial resources necessary to carry out its responsibilities. This opinion is not fully substantiated by a review of the agency's budget requests and subsequent appropriations. Table 9 summarizes SBE's budget requests, appropriations, budgeted expenditures, and actual expenditures for the past four fiscal years. While the agency's total budget request was greater than its appropriation in FY 1995, that was not the case in FY 1996, FY 1997, and FY 1998. The reason that the agency's appropriation was lower than its total budget request during the first year appears to be that the addendum request in support of NVRA administration was not fully funded. Table 9 also illustrates that the State Board of Elections had relatively large unexpended amounts within its budget during FY 1995 and FY 1996.

Lack of Information Technology Staffing. SBE does not have any internal staff who are primarily responsible for information technology operations, support, or planning. Rather, the agency relies almost completely on DIT. The SBE business manager, who is the agency's chief financial officer, also serves as SBE's information systems manager and data processing support coordinator. In this capacity, he manages the agency's local area network, coordinates the agency's efforts to implement electronic filing and Internet-access of campaign finance disclosure reports, and provides technical support to SBE staff. However, the business manager told JLARC staff that he typically does not involve himself with VVRS issues. That aspect of information tech-

Table 9

State Board of Elections Budget Requests, Appropriations, Budget Amounts, and Expenditures FY 1995 to FY 1998

	Governor's Budget Request	Appropriation	Budgeted Amount	Expended Amount	Unexpended Amount
FY95	\$7,270,517	\$7,126,535	\$7,598,122	\$7,242,555	\$355,567
FY96	\$6,773,115	\$7,565,557	\$7,787,154	\$7,503,919	\$283,235
FY97	\$7,996,398	\$8,520,690	\$8,856,205	\$8,849,792	\$6,413
FY98	\$8,355,422	\$8,387,742	\$8,386,759	\$8,382,712	\$4,047

Note: Budgeted amount based on appropriation plus any carry-over funds and/or other budget adjustments.
Source: JLARC staff analysis of State Board of Elections budgetary and financial records and Appropriation Acts.

nology management and support is the primary responsibility of the registration services division.

According to the SBE position description, the business manager is expected to spend 25 percent of his time on the following activities:

- manage the daily operations of the agency's information systems,
- establish procedures to ensure data integrity,
- create effective workable directory structures,
- implement effective security structure,
- load and configure personal computer and network applications,
- set-up and maintain network printing,
- manage the file server and update the operating system as required,
- respond to needs and questions of local area network users,
- identify problems and implement corrective actions,
- train qualified individuals to serve as assistant systems administrators, and
- oversee development and implementation of all electronic media.

The business manager acknowledged to JLARC staff that he is currently spending more than 25 percent of his time performing these tasks. He estimates that this aspect of his position requires 40 percent of his time. Other SBE staff estimate that the business manager is spending as much as 75 percent of his time on these tasks. Placing these many responsibilities on one person is not an ideal situation for SBE. Furthermore, it may be placing the agency at some risk of providing neither the financial nor the information systems and data processing aspects of the business manager's responsibilities with the full degree of attention that is necessary. This potential risk is increased due to the fact that, despite prior recommendations by DIT, the business manager has no back-up in his role as data processing coordinator. During the study, several SBE staff complained of problems and frustrations with their personal computers and the agency's local area network.

The fact that SBE's information systems manager and data processing coordinator is not responsible for VVRS operations has not served to promote effective, responsive service to the general registrars. The split has contributed to a situation in which SBE staff who are responsible for assisting registrars with use of the VVRS are unable to provide technical support to registrars who wish to access the VVRS using personal computers instead of dedicated terminals. Since staff in the SBE registration services division lack personal computer expertise, they have no choice but to refer registrars to data processing staff in their localities in order to obtain needed support.

Fairfax County replaced all of the personal computers in its general registrar's office with upgraded equipment in January 1997. However, the registrar told JLARC staff that his office is unable to use any of the new personal computers because his office can not determine how to access the VVRS using the personal computers and the Windows 95 operating system software. The registrar has decided that he wants his office to "piggyback" onto the TC/TIP telecommunications line used by the Fairfax County department of social services. This will reduce the amount of telecommunications expenses incurred by the registrar's office. The registrar has been unable to piggyback on the social services line to the Unisys mainframe at DIT.

The registrar said that "the localities are left totally on their own in this respect. The State does nothing for us. The State Board of Elections should be working with the Department of Information Technology." The registrar noted that, during the course of the JLARC study, SBE finally offered to steer his office in the right direction. The registrar has been given the name of a DIT employee who is supposed to know what to do to connect to the VVRS. However, the Fairfax County registrar told JLARC staff that the county's information technology staff, who had assisted him in the past, are now treating his office as less of a priority. The registrar believes this is because they have been given so much incorrect information in the past, by SBE and others, concerning the VVRS. The registrar has recently been told that two other registrars offices, Chesterfield and Virginia Beach, are connected to the VVRS via personal computers using Windows 95. He believes that that SBE should have been able to identify these offices to him a long time ago. In the meantime, the registrar's office is still unable to access the VVRS using Windows 95, and the upgraded personal computers continue to sit in storage in the Fairfax County government center.

Registrar Liaison Position Has Been Vacant for Several Years. SBE formerly had a Registrar's Liaison position within the registration services division. As originally conceived, this position was intended to perform a variety of communication, training, and audit functions. For example, the registrar liaison made site visits to each registrar's office in order to determine the extent to which there was statewide

uniformity of voter registration practices. During the site visits, the registrar liaison would audit voter registration records to ensure that files were kept in a proper manner. Another purpose of the site visits was to ensure that the registrars were up to date on statutory revisions and procedural changes. In addition, the registrar liaison would identify any problems that the registrar was having in understanding SBE rules and regulations, or problems that the registrar was having in working with SBE staff or the VVRS.

The Registrar Liaison position has been vacant since October 1995 and was abolished in October 1998. This vacancy has almost eliminated the ability of SBE to communicate with, train, and guide the general registrars as part of an overall effort to ensure that Virginia's election laws are administered in a uniform manner. In addition, as will be discussed later in this chapter, it has done nothing to improve an increasingly weak relationship between the SBE and the localities. SBE management have indicated that many of these duties would be provided through other positions.

Internal Communications and Employee Training Could Be Improved

Throughout the study, most SBE employees expressed dissatisfaction with both the adequacy of internal agency communications, and with the extent of cross-training within the agency. These concerns are inter-related and are a function of management shortcomings within the agency. Typically, SBE employees state that they know relatively little concerning the operations, functions, and responsibilities of agency divisions and units other than their own. While this type of situation may be somewhat understandable and not particularly detrimental in a large State agency, in a small agency such as SBE such a situation can be particularly harmful.

Many SBE staff want to learn more about other parts of the agency and are looking for management to provide the leadership necessary for that to occur. If employees in one agency unit were made familiar with the functions and operations of other units, they could potentially become trained to perform certain key functions of staff in the other units. This would help SBE to utilize its total staff resources more efficiently and effectively. A number of current and former SBE employees commented at length concerning the inadequacy of communications and training within the agency. Several employees noted that improved communications and training would enable better utilization of staff resources and improve morale:

There is no communication. We have people here with so much work to do - but you don't know what that work is so how can you help? The agency could use a few more people, but if each department knew what the other one did perhaps we could help each other. We have never had a staff meeting since I have been here. Better communication would improve morale.

* * *

Communications are consistently not good. Communication is on a need to know basis only - i.e. "[Y]ou shouldn't be concerned with that." You can't help someone if you don't know what they are doing, or if you try to help without knowing you are actually slowing the other person down. I think that we have enough people to function properly if everyone would do what they are supposed to do. In my opinion people aren't doing their jobs properly or are sitting around when they could be helping someone else. People aren't really cross trained in this agency. People don't know enough about other people's jobs. It would not be justified to add another person to the agency, if that person would only be busy for 2-3 months of the year.

* * *

Agency management staff does not work together as a group. One hand typically does not know what the other one is doing. There is a communications gap between the election services division and the other divisions. That is because of the election services division's reluctance to change.

Lack of Discipline within the Agency. Some SBE employees complained about a lack of discipline within the agency, and attributed that situation to the laxness of agency management:

The results are satisfactory, but they could be a lot better. Productivity could be better. People here are qualified to do things - they just don't do them. So why should I? A common attitude within the agency is "[I] am getting paid the same even if I don't do it, and no one is going to say anything to me." Management needs to hold themselves accountable first.

* * *

Morale is the pits. People are permitted to come and go as they please. They come in late and leave early. People here are not working eight hours a day, but are still getting paid for it. People here are wasting at least three hours a day. As a taxpayer that irritates me. About six people are a problem.

The SBE Secretary characterized the morale of the staff as "overwhelmed" and "probably a little confused." He also acknowledged that internal communications are not as good as they should be. The SBE Secretary said that at one point he had conducted staff meetings but discontinued them due to the fact that one staff member, who is no longer employed at SBE, was disruptive during the meetings. Following the appointment of the chief deputy in September 1998, SBE staff meetings resumed.

Utilization of Office Space Is Inefficient

The SBE is located in the Ninth Street Office Building in Richmond. Most SBE employees are located in office space on the first floor of the building, but four full-time employees and three part-time staff are located in additional space on the fifth floor. A lack of adequate office space was cited by SBE management as one of the major reasons that SBE has not established all 24 authorized staff positions. In an initial interview, the SBE business manager told JLARC staff that the agency does not have enough available office space to accommodate 24 full-time employees. However, the agency does have two more offices assigned to it on the fifth floor of the Ninth Street Office Building. In fact, one of those offices is currently being used for storage. The SBE Secretary told JLARC staff that the other SBE office on the fifth floor contains a photocopier belonging to the Department of Planning and Budget. The SBE business manager said that office had been used for activities related to the recent gubernatorial transition.

The SBE had been scheduled to move into the new Lottery Building that had been planned for construction at the corner of Ninth and Broad Streets in Richmond. However, that proposed construction project was canceled by the State. According to the SBE business manager, that was the only time during which the agency has had the potential to move into larger office space. However, the SBE Secretary told JLARC staff that "two or three years ago" he was presented with an opportunity to move the agency to another building in Richmond, which would have provided the agency with a greater amount of office space. This new office space would not necessarily have been on the first floor of the building. The SBE Secretary said that he declined the offer, as he wanted to remain across from the General Assembly Building on the first floor in order to ensure easy public access.

In the short term, SBE has some potential options for obtaining additional useable office space within the Ninth Street Office Building. According to the business manager, only about half of the space in the NVRA compilation center on the fifth floor is actively used. The unused portion of that space could potentially be converted into an office for an SBE employee. In addition, DPB has a training room on the fifth floor that SBE is hoping to utilize.

***Recommendation (13).* The Secretary of Administration and the State Board of Elections should develop a plan for the assignment of adequate office space for the Board's employees and operations. This plan should be presented to the Senate Finance Committee and the House Appropriations Committee prior to the 2000 General Assembly Session.**

Internal Work Processes Could Be Restructured to Promote Efficiency

According to some SBE employees and general registrars SBE has been somewhat slow or reluctant to examine its internal business processes and modify them

when appropriate. There are some SBE work processes for which better utilization of staff and office technology appear to offer the potential for improved service to the agency's customers. Improvements to these processes would require the attention of SBE management, and some would also require statutory revision.

Consolidation of Registered Voters List and Pollbook. At each polling place, the election officers maintain custody of the precinct's registered voters list and the pollbook. The registered voter list is an alphabetized listing of each registered voter residing in the precinct, and also contains the individual's address, social security number, date of birth, gender, and applicable election districts. When an individual comes to the polls to vote, the election officer ensures that he or she is listed on the registered voter list. If the individual is registered, a mark is placed next to the name in the registered voter list.

The pollbook, which is required by §24.2-611 of the *Code of Virginia*, is a duplicate of the registered voter list except that it does not contain an individual's social security number, and it provides a space for the election officer to manually record a sequential number for each registered voter who actually votes. Following the close of the polls, the election officer in charge of the pollbook signs a statement certifying the number of qualified registrants who voted. Following the election, all of the precinct poll books in a jurisdiction are sent to the circuit court clerk until the period for recounts or contests has expired, and then returned to the registrars.

Some registrars suggested to JLARC staff that the pollbook could be eliminated or, barring that, at least be consolidated with the registered voter list. The ostensible purpose of the pollbook is to serve as a check on entries made in the registered voter list by the election officer, and to serve as the source of information used to credit individuals with having voted. However, since an individual's active registration can no longer be canceled simply for failure to vote, some registrars believe production, use, and retention of a separate pollbook is an unnecessary waste of time and money. Moreover, given the provisions of §24.2-657 of the *Code of Virginia*, the ultimate usefulness of a separate pollbook as a double check on the number of voters is questionable. Section 24.2-657 of the *Code of Virginia* states that:

If, on all mechanical and direct recording electronic voting devices, the number of persons voting in the election, or the number of votes cast for any office or on any question, totals more than the number of names on the pollbooks of persons voting on the devices, then the figures recorded by the devices shall be accepted as correct.

According to one registrar from Northern Virginia, there are no momentous legal issues bound up in the poll book:

Currently, the pollbook serves as a check on the number of people who vote. When someone shows up at the polls, his name is checked in the registered voter list, and a sequential number is placed beside his name in the pollbook. Following the closing of the polls, if the

number of votes recorded on the voting machines is different from the number of voters recorded in the pollbook, it means that you either skipped a number in the pollbook, or used the same number twice, or the machine counted the number of voters incorrectly. Either way, there is no way to correct the discrepancy. Furthermore, voting credit will always be given to correct a discrepancy. Voting credit would never be taken away in order to correct a discrepancy.

Amendment of the pollbook requirement is not a new issue. Legislation was introduced during the 1997 Session, at the request of the registrars, to repeal the pollbook requirement. However, according to one registrar, the patron was persuaded by the SBE Secretary to withdraw the legislation on the grounds that it constituted too major a change in State election law. This registrar told JLARC staff that SBE asked to study the issue for a year. However, such a study has not been performed by SBE. For the pollbook and the voter registration list to be combined, current procedures governing the handling of the pollbook may need to be examined by the State Board of Elections. For example, the registrars may have to produce a copy of the pollbook before forwarding it to the circuit court clerk.

If the pollbook and registered voter list were consolidated, it is reasonable to expect that SBE and DIT could keep the VVRS open to registrars longer for voter application data entry purposes following the close of books. This additional data entry time would directly benefit the registrars. Currently, registrars have four days after the registration deadline to enter all of the information for new registrants into the VVRS. Information on additional individuals who applied to register by the deadline but whose names were not key entered into VVRS in time to appear on the registered voter list and pollbook must subsequently be handwritten onto both documents by the registrar, or put onto a supplemental list. In a large locality, this can require a significant amount of work. Elimination of a separate pollbook would also result in the need for one less election officer per precinct, as one is now required to be assigned to the poll book.

***Recommendation (14).* The General Assembly may wish to amend §24.2-611 of the Code of Virginia to authorize consolidation of the pollbook with the registered voters list. In order to consolidate the two documents, an additional column could be inserted into the registered voters list so that a sequential number can be attached to the name of each voter. The State Board of Elections should present to the General Assembly recommendations for modifications of the procedures for handling the pollbooks after the election.**

Production and Distribution of Voter Registration Cards. Following the approval of a new voter registration application, or a transfer, or other change to an existing registration, a new voter card is produced and printed off of the VVRS by SBE. The new cards are printed by VVRS as soon as possible after the registration transaction is completed, usually the next day. The voter cards are then mailed to the 108 registrars that do not have VVRS printers. The 27 registrars offices that have VVRS printers are responsible for printing their own voter cards.

One unfortunate consequence of the quick production of voting cards by VVRS is that there is no control against new cards being printed with incorrect information as a result of data entry errors by the registrar's office. During the data proofing process which occurs after voter cards have been printed, registrars identify incorrect information and make corrections in the VVRS. The updated card is automatically printed. This represents an inefficiency in the system, as the accuracy check is being made after the card is produced, rather than before. SBE produces an Errors and Valid Transactions (E&V) report for the registrars as a means of editing and checking the data accuracy of the day's registration transactions. Most, but not all, of the registrars interviewed by JLARC staff stated that they use the E&V report as a check on the accuracy of their transaction processing.

In order to improve the efficiency with which accurate voter registration cards are produced, several registrars suggested to JLARC staff that SBE and DIT should create some type of suspense file within the VVRS and allow the registrars a grace period following completion of the registration transaction on VVRS before the voter cards are actually printed. Under this approach, the cards would not be printed until the registration transaction records were checked using the E&V report. The registrar would review and approve or edit the previous day's transaction data contained in the suspense file. The suspense file would be used to update the VVRS database and the correct, accurate card would be printed the following day. Such an approach could help make the current process less labor-intensive, by allowing accuracy checks to be made prior to the transactions becoming permanent records, and prior to the card being printed.

A closely-related issue involves the manner in which voter registration cards are distributed to individuals. Currently, upon receipt of the package of voter cards from SBE, the registrar opens the package, proofs the cards for data accuracy, and then puts each card into individual envelopes and mails them to the registered voters. As one registrar told JLARC staff:

The way we send out voter cards is a waste. We print out the cards and stuff them into envelopes rather than print and distribute them using some sort of self-mailer from a central location. The State would need to invest in new technology for this to occur. This is even more of a waste for those localities which do not have VVRS printers. In those cases, the voter cards are printed in Richmond, put into envelopes, mailed to each locality, which then opens the envelope, detaches each individual card and puts it into new envelopes, whereupon they are mailed to individual voters. A lot of money is being wasted on postage under the current arrangement.

During the course of this study, SBE took a number of actions in order to provide itself with the potential capability to distribute voter cards and other voter registration materials from a central location. First, pursuant to provisions of the NVRA, SBE received authorization from the U.S. Postal Service effective August 5, 1998, to mail all NVRA-related documents, including voter cards, confirmation notices,

and denial letters, at a reduced rate of 8.5 cents per piece. This is compared to the rate of approximately 24 cents per piece that was being paid prior to that time for confirmation notices mailed in bulk from SBE, and 32 cents per piece for each voter registration card and denial letter mailed individually by registrars. On an individual basis, the Henrico County registrar had previously received authorization to use the reduced rate. Under the non-profit rate authorization provided to SBE, all other registrars offices are able to use the reduced rate as agents of the SBE. The SBE voter outreach manager believes the reduced rate will enable total postage expenses to be reduced by one-third.

The SBE voter outreach manager has identified a private vendor that is willing and able to pick up new voter cards on a set schedule, do all of the necessary sorting, apply the postage bar code, and actually do the mailing on a fully automated basis. This is the same vendor currently being used by the Henrico County registrar. According to the vendor, this service will cost a total of 10 cents per piece, which would include the 8.5 cent postage rate. This price would not include the stuffing of envelopes, which would continue to be performed by SBE staff.

The long range goal of SBE staff is to develop the necessary structure and process to mail out all voter registration cards on an automated basis from a single, central location by the year 2001, following the next redistricting. Since voter card postage expenses are currently paid by the registrars as opposed to the SBE, mailing from a central location at a reduced rate would result in increased SBE postage expenses, but an overall decrease in aggregate State and local postage expenses. According to the SBE voter outreach manager, a postage expense charge-back mechanism would need to be developed by SBE in order for this approach to operate in the most efficient manner. Some registrars have already expressed opposition to a centralized voter card mailing approach, on the grounds that they would in effect be relinquishing control that they currently have over the process. However, given the potential savings that can reasonably be expected to accrue from this approach, it is a concept that the SBE should continue to pursue.

Recommendation (15). The State Board of Elections should develop a management plan and systems to (a) verify and edit information to be contained on a voter registration card prior to the actual printing of the card, (b) mail all voter cards from a central location utilizing reduced postage rates as authorized by the National Voter Registration Act, and (c) assist all general registrars in applying for a reduced postage rate. This plan should be presented to the House Appropriations Committee, House Privileges and Elections Committee, Senate Finance Committee, and Senate Privileges and Elections Committee prior to the 2000 Session.

Candidate Certification Procedures. Each general registrar is required to send to SBE a copy of the candidate qualification form filed by each candidate for local office. Upon receipt, staff in the election services division verify in the VVRS that the individual is a registered voter and that the individual lives in the district he or she seeks to represent. Information on the qualification form is also double-checked because,

according to staff in the election services division, while the registrars are supposed to check the applications for accuracy and completeness they often do not. For example, each type of voting machine will only accept so many characters for the candidate's name. The candidate's name as it appears on the qualifying form must conform to these limitations. If the name is too long, SBE staff request that the registrar contact the candidate in order to make the necessary correction. According to the manager of the election services division, qualifying forms for more than one-third of the 1,500 candidates in the May 1998 local elections had not been properly reviewed by the registrars.

Upon reviewing each candidate application, the information from each application is key entered into a separate non-VVRS database. This database, maintained in a dBase application, contains the names of all individuals who have filed candidate qualifying applications. Qualified individuals are subsequently certified back to each locality as candidates for ballot preparation purposes and for public inspection. In order to prepare the list of certified candidates for each locality, data from the dBase file is cut and pasted into a WordPerfect file. This resulting document is also used as the candidate list made available for public inspection.

The system for processing candidate qualification statements is not integrated with the VVRS, which makes the preparation of candidate lists labor intensive and time consuming. The potential integration of this function within the VVRS is discussed in greater detail in Chapter IV. In the shorter term, however, some SBE staff believe that this agency function could be made much more efficient:

The candidate certification database maintained by ESD [election services division] is constructed and maintained in an inefficient manner. Instead of maintaining the database in dBase and then merging it into a WordPerfect document, the election services division staff are cutting and pasting. This wastes time. The five days that is spent preparing the word processing document could probably be reduced to three with better software and training.

* * *

This is a situation where the staff are not using all the capabilities of the system due to a lack of training. A substantial amount of time is spent on this function. The division has not been receptive to offers to design a template that would enable data to be transferred from the dBase file. Division staff claim that that they are too busy and they will work on the template after the busy period ends, which it never does. At least some of the overtime performed by staff in the election services division is not necessary.

The election services division manager said that for May 1998 local elections, her staff re-keyed the candidate data into WordPerfect, as opposed to even cutting and pasting. This was attributed to a lack of time to figure out how to cut and paste using

new word processing software. As a result, re-keying was considered to be the best and quickest approach.

Recommendation (16). The State Board of Elections should examine its procedures for preparing lists of certified candidates, with the objective of further automating the process to make the most efficient use of staff resources.

PROPOSED RESTRUCTURING OF THE STATE BOARD OF ELECTIONS

In order to enhance leadership and direction for the operations of the SBE, several types of organizational changes are needed to its management and staffing structure. This section presents a series of recommendations for improving the organizational structure of the SBE. These recommendations are based on two main principles. First, SBE's management structure needs to be strengthened in order to promote greater efficiency and effectiveness of agency operations. This includes reorganization of parts of the agency structure. Second, all 24 of the agency's authorized and funded positions should be established and filled.

Establish Executive Director of State Board of Elections

Currently, the SBE Secretary serves both as the agency head and as a member of the State Board of Elections. This is a fairly unique structure within State government, as State agency heads typically report and are accountable to policy or governing boards. In his capacity as agency head, the SBE Secretary is, in effect, at least partly accountable to himself as a member of the Board. In order to better ensure an appropriate level of accountability, and to enhance the leadership and guidance provided to agency operations, the agency head position should be reconstituted as the Executive Director of the State Board of Elections. This would be similar to structures currently used by State election agencies in Delaware, Maryland, Michigan, and Tennessee.

The executive director position should be a gubernatorial appointment, and should report directly to the three-member State Board of Elections. This would require the Governor to appoint a new third member of the SBE. As the agency head, the Executive Director should serve as the lead person in establishing agency goals, objectives, and strategic plans. Currently, that specific function is assigned to the SBE business manager. The Executive Director should report regularly to the Board concerning the status of all agency operations.

Recommendation (17). The General Assembly may wish to amend the §24.2-102 of the Code of Virginia to repeal the requirement for a State Board of Elections Secretary and to further amend the *Code of Virginia* to establish the position of Executive Director of the State Board of Elections.

The Role of Chief Deputy Should Be Clarified

The SBE does not currently have a written position description for the chief deputy. Consequently, it is unclear whether this position is intended to perform the same functions and execute the same responsibilities of the former deputy secretary. The former deputy secretary was responsible for coordinating the day-to-day operations of the agency and for working closely with the localities to ensure uniform procedures. According to the SBE position description, the range of responsibilities performed by the deputy secretary was extensive.

Unlike the chief deputy, the deputy secretary position was a classified State position. The classification title was "election board secretary special assistant." Originally, the SBE working title for the position was director of operations. However, the working title was subsequently changed to deputy secretary. Assuming that the chief deputy has the requisite managerial and administrative qualifications, there is no apparent reason why the chief deputy could not perform the range of responsibilities previously performed by the deputy secretary.

Based on the findings of this study, the chief deputy should focus on the following items in the near term:

- develop a plan for cross training agency employees to perform vital agency functions;
- update and revise as necessary employee position descriptions, and agency policies, many of which are considerably out-of-date;
- conduct staff meetings on a regular basis;
- ensure that publications for localities are updated as part of an overall SBE training function for registrars and electoral boards; and
- revise SBE performance measures to include a customer satisfaction level indicator.

The role of the chief deputy could also be defined in such a way as to relieve some of the burden currently placed on the SBE business manager. According to his position description, the business manager's responsibilities include:

- providing technical and professional guidance and assistance to division managers carrying out operational activities, and
- providing guidance in all agency activities necessary to ensure effective customer service.

These duties could be transferred to the chief deputy.

Recommendation (18). The State Board of Elections should prepare a written position description for the chief deputy position. The position description should clearly indicate the extent to which responsibilities previously performed by the deputy secretary will now be performed by the chief deputy.

The Registration Services Division Should Be Reorganized

The registration services division should be reorganized to incorporate the functions and staff of the voter outreach division. This should be done given that the requirements of the NVRA are an integral part of, and not distinct from, the State's overall voter registration structure and process. During this study, several staff in both divisions were not clear as to the origin or continued purpose of the current structure. As is the case elsewhere within SBE, some staff in these two divisions said that they were unfamiliar with the activities performed by the other division.

While the separation of these two divisions may have had valid justification in the past, it has outlived its usefulness in terms of providing the cohesive administration of voter registration. The SBE Secretary told JLARC staff that he questioned the current structure upon being appointed. According to the SBE Secretary, the registration services division is "VVRS-oriented", while the voter outreach division is "outreach-oriented." However, that distinction overlooks the fact that a key function of both divisions is to provide service and support to the registrars. Given that the VVRS is supposed to provide automated support to the entire voter registration process, the organizational structure of the SBE should likewise be designed to support the entire registration process in the most efficient manner possible. The reorganization of the registration services division would provide registrars with a single point of contact of matters pertaining to the administration of Virginia's voter registration statutes.

The registration services manager position, which currently has responsibility for the division, could be upgraded as part of the reorganization. In 1995, SBE obtained a hiring freeze exemption to establish a Director of Registration Services position as a grade 13. This position would have also been in charge of the voter outreach function. However, SBE subsequently decided not to fill the position. Currently, the registration services manager is a grade 10.

Support Services Division Should Be Established

The four SBE staff currently performing the agency's business management and administrative services functions should be placed into a support services division, reporting directly to the agency head. These positions perform functions designed to support the internal operations of the agency and currently work closely together as a matter of practice. Establishment of this division would reduce the number of reporting lines that currently exist within SBE.

The SBE business manager is the most logical candidate to serve as the manager of this new division. Among all of the individuals who would be placed into this division, the business manager is of the highest pay grade and has been employed by SBE the longest. The SBE could upgrade the business manager position, which is currently a grade 14, to support services manager, as part of the reorganization. Under such an approach, the individual currently serving as the business manager would continue to perform all of his current responsibilities, except for direct provision of information technology support, while also being responsible for the overall performance of the division.

The SBE should also examine the administrative staff specialist senior position, which has been given the working title of administrative services manager, as part of this reorganization. Several of the duties stated in the position description are not currently being performed by this position. This includes writing all legislative impact statements for the agency, and producing a quarterly agency newsletter for registrars and electoral board members. Based on JLARC staff interviews, the primary responsibilities of this position are human resources administration and procurement of supplies for internal agency use. This position also assists with some budget development activity.

Establish and Fill Authorized Positions

Additional staff, possessing new types of skills needed by SBE, should be hired by the agency. Expertise is needed in several areas, including information technology, training, communications, and publications. To provide for these needed areas of expertise, SBE should establish an information technology position, fill the registrar liaison position, and create additional staff positions in the election services and registration services divisions.

Establish an Information Technology Position. An information technology position, which should be located in the support services division, should be responsible for providing technical assistance, support, and training to agency staff concerning the local area network, personal computers, and software applications. In addition, this individual would serve as a resource, together with DIT, for local registrars. The position could provide the technical support necessary to help as registrars move toward the use of personal computers as a means of accessing the VVRS. In addition, this individual should be responsible for providing technical support for the electronic filing of campaign finance disclosure reports, which SBE will soon implement. This position should also be responsible for working with DIT or private consultants in order to apply information technology to implement agency initiatives, such as Internet access to campaign finance report information.

Staff from the Council on Information Management suggested to JLARC staff that SBE would benefit from having an internal staff position devoted exclusively to information technology. The SBE Secretary also told JLARC staff that he would like

for the agency to have such a position. Establishment of this position would relieve some of the burden of responsibilities currently assumed by the SBE business manager. However, the business manager could serve as the back-up to the information technology position.

Fill Registrar Liaison Position. The existing registrar liaison position should be filled by SBE. The agency should seek an individual with a strong background in communications and training and, preferably, knowledge of Virginia election law. This position should play a large role in updating the general registrar and electoral board handbooks and in developing plans and agendas for registrar and electoral board training seminars. The registrar liaison should make site visits to localities on a periodic basis. The position should be modified to also require interaction with the members of local electoral boards. The ultimate objective of this position should be to promote and ensure uniformity of voter registration and election administration policies and processes.

Develop Management Plan for Filling Four More Authorized Positions. During this study, JLARC staff obtained information concerning SBE management plans to make various staffing changes. To date, SBE has either not completely followed through on these plans or has not developed plans to a full enough extent. Proposals for staffing changes that have been identified to JLARC staff include:

- establish a full-time grade five office services specialist position for the voter outreach division in order to reduce the need for the use of temporary employees in the NVRA compilation center;
- establish one additional full-time position in the election services division to be responsible for ballot review and preparation, so as to better enable the ballot and voting equipment specialist to focus on the review and certification of new types of voting equipment; and
- regrade the vacant grade five quality control clerk in the registration services division and re-allocate the position elsewhere in the agency.

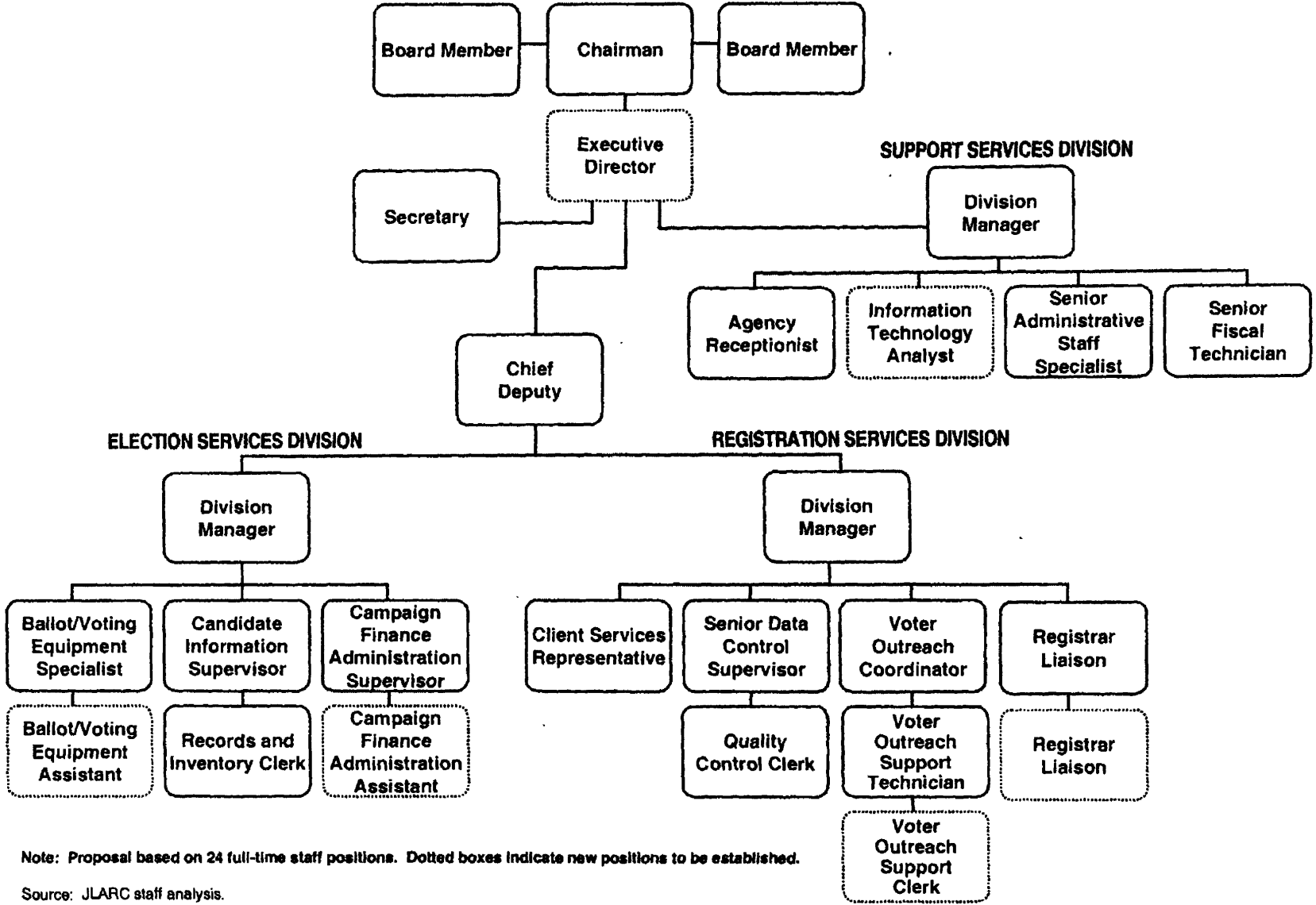
These are all logical ideas that SBE management should evaluate and make a decision about as soon as possible.

Figure 8 illustrates JLARC's staff proposal for restructuring the SBE. This proposal allocates two new positions to the election services division. One of the new positions allocated to the election services division is for the campaign finance report administration function. During the study, SBE management and staff stated that the agency lacked sufficient staff resources to perform a detailed review of disclosure report completeness, as required by §24.2-928 of the *Code of Virginia*. This additional position should help provide SBE with the additional resources needed.

The JLARC staff proposal also allocates two new positions to the registration services division. One of the new positions is for an additional registrar liaison. Given

Figure 8

Proposed State Board of Elections Organizational Chart



Note: Proposal based on 24 full-time staff positions. Dotted boxes indicate new positions to be established.

Source: JLARC staff analysis.

the large number of localities, an additional position would provide SBE with better capability to communicate with and train registrars and electoral board members in order to promote statewide uniformity.

A related staffing issue concerns the pay grades of SBE staff positions in relation to the stated responsibilities of each position. JLARC staff did not perform a detailed analysis concerning the adequacy of SBE pay grades. However, based on the observations of JLARC staff during the study, some of the position pay grades appear low, particularly in comparison to some other SBE positions. SBE needs to examine fully the appropriateness of its existing pay grades to ensure that positions are properly classified.

Recommendation (19). The State Board of Elections should develop a written management plan for the establishment of all full-time staff positions as authorized by the Appropriation Act. The plan should be based on the following: (a) establishment of an information technology staff position, (b) filling the registrar liaison position, (c) reorganization of the registration services division to include the voter outreach function, (d) establishment of a support services division, and (e) establishment of additional positions in order to provide a high level of customer service in an efficient and effective manner. The State Board of Elections should report its management plan to the House and the Senate Privileges and Elections Committees prior to the 1999 Session.

EXTERNAL RELATIONS WITH LOCALITIES ARE WEAK

Section 24.2-103 of the *Code of Virginia* requires SBE to “make rules and regulations and issue instructions and provide information to the registrars to promote the proper administration of election laws.” During this study, many registrars reported being dissatisfied with this aspect of SBE performance, particularly with respect to SBE’s performance in providing information, training, and technical support to localities. This is indicative of an overall inadequacy in the relationship between the State Board of Elections and the registrars. This section discusses key aspects of the relationship between SBE and the localities, including the provision of training and technical support, and certification of voting equipment for use by localities.

Amount and Quality of Information and Training Provided by SBE to Localities Has Been Inadequate

Within the past several years, there has been increasing demand on the part of registrars for accurate and timely information and technical support from the SBE. This has been due in large part to implementation of the NVRA, as well as statutory changes concerning campaign finance reporting requirements. However, the SBE has not responded to the increased demand in an effective manner. For example, from

FY 1995 through FY 1998, SBE spent almost none of its appropriation designated for election staff and officials training (Table 10).

Table 10

**State Board of Elections Utilization of Appropriations
for Election Staff and Officials Training**

<u>Fiscal Year</u>	<u>Appropriation</u>	<u>SBE Budgeted Amount</u>	<u>Expenditures</u>
1995	\$58,923	\$58,923	0
1996	\$58,923	\$58,923	0
1997	\$58,923	\$720	\$1,260
1998	\$58,923	\$58,923	0

Source: JLARC staff analysis of Appropriation Act and State Board of Elections Statements of Operating Plans and Expenditures.

JLARC staff surveyed all of the registrars concerning their opinion of the quality of information, training, support, and guidance provided by SBE. The survey results, summarized in Table 11, point to the need for corrective measures on the part of SBE management. The responses to all of the survey questions concerning the level of registrar satisfaction with SBE performance, as well as concerning registrars' opinions on other issues, are summarized in Appendix E.

SBE Training Seminars for Registrars and Electoral Boards Have Been Infrequent. The presentation of annual training seminars for registrars and electoral board members is not a specific statutory responsibility of the SBE. However, this is part of the agency's mission statement. In addition, as previously indicated, the General Assembly has appropriated funds for the performance of this type of function.

According to both registrars and SBE staff, until the early 1990's the SBE had sponsored and conducted annual training seminars in Richmond for the registrars and electoral board members. During these seminars, SBE staff would discuss topics such as recent changes to the election law, and how the registrars would need to modify their policies and procedures in order to comply with the new statutory provisions. In the early 1990's, these annual training sessions were essentially halted by SBE. For example, a training session scheduled for August 1994 was canceled at the last minute. According to SBE, they lacked the staff and resources necessary to continue this function.

Following the implementation of the NVRA in March 1996, SBE did not conduct any training sessions for registrars until September 1996. Despite the fact that SBE had received many complaints from registrars, this training session was held only after the Voter Registrars Association of Virginia (VRAV) had made all of the necessary logistical arrangements. No additional training seminars were held until August

Table 11

**General Registrar Survey Responses Concerning
Information, Training, Support, and Guidance
Provided by State Board of Elections**

Statement	Strongly Agree (%)	Agree (%)	Disagree (%)	Strongly Disagree (%)	No Opinion(%)
The SBE provides timely responses to my inquiries concerning interpretation and administration of Virginia election law	5	51	18	11	15
The SBE provides consistent responses to inquiries from general registrars concerning interpretation and administration of Virginia election law	2	27	34	12	24
The SBE provides adequate training to general registrars	1	11	49	34	5
The general registrars handbook is a valuable resource to me in the performance of my duties	17	27	21	33	2
The electoral board handbook is a valuable resource to me in the performance of my duties	18	64	14	2	2
The VVRS user's guide is a valuable resource to me in the performance of my duties	16	63	14	5	2
SBE policies and procedures provide me with an appropriate level of guidance in performing my responsibilities	3	35	39	16	7

Note: Percentages may not total to 100 due to rounding. 131 of 135 registrars responded to the JLARC survey.
Source: JLARC staff analysis of general registrar survey responses (July 1998).

1998. According to SBE staff, training for the State-designated voter registration agencies had originally been planned for August 1998, but the training was rescheduled as registrar training after several registrars complained.

In the absence of SBE-sponsored training seminars over the past several years, the VRAV and the Virginia Electoral Boards Association (VEBA) have begun to hold regional seminars for their members. JLARC staff attended one such VRAV seminar in May 1998, in Hampton. According to many registrars, these regional seminars are helpful, but also have shortcomings and are not an effective substitute for annual structured training by SBE. One of the primary shortcomings is a lack of consistent information presented from one region to the next.

General Registrar and Electoral Board Handbooks. As part of its effort to provide information, instructions, and guidance to localities, the SBE has traditionally maintained separate handbooks for registrars and electoral board members. However, over the course of the past several years, the registrars handbook in particular has been allowed to fall substantially out-of-date. SBE attributes this to a lack of adequate staff resources. Some sections of the registrar handbook have not been updated since 1987. Consequently, the handbook does not reflect any of the requirements of the NVRA. As previously indicated in Table 11, the registrars handbook is no longer considered a useful resource by the majority of registrars.

Prior efforts by the SBE to update the registrars handbook utilizing the assistance of registrars have been unsuccessful:

The former SBE deputy secretary told JLARC staff that she asked one of the registrars from Northern Virginia to provide ideas for updating the format of the handbook. A revised draft was apparently completed that included new guidelines for dealing with the NVRA. However, according to the former deputy secretary, the draft was prepared using a different word processing software than that used by SBE. Consequently, the deputy secretary had difficulty utilizing the draft.

Consequences of SBE's Failure to Provide Adequate Training. Training and an adequate flow of timely, accurate information to the localities provide the means by which SBE can effectively promote statewide uniformity in the interpretation and administration of election laws. There have been consequences to the inadequacy of SBE efforts in this area. For example, many registrars expressed concerns to JLARC staff about an increasing lack of uniformity with which election laws are being interpreted and administered in different parts of the State. One registrar from Southwest Virginia said "things are starting to frazzle and registrars are beginning to head in 135 different directions." Other registrars expressed similar concerns:

Prior to the NVRA, the State Board of Elections controlled everything the registrars did, including how they kept their files. However, when the NVRA was introduced, the State Board of Elections told the registrars to use their discretion. This caused a lot of frus-

tration because it was hard to make the leap from micro-management to independence. I now find it confusing to determine what the role of the State Board of Elections is supposed to be. Without more specific direction it is very hard to achieve uniformity across localities.

* * *

So many localities have two, some even three, new electoral board members that have never had any "formal" training from SBE. A common problem with electoral board members is that some do not take their jobs seriously. Even though they are provided a handbook, many never open the cover. Therefore, they do not have a clue what their responsibilities are.

The SBE has sometimes compounded this problem because it has occasionally had to retract advice and guidance that it had previously provided to registrars, when it was determined that the original guidance had been incorrect:

In May of 1998, based on advice received from the Office of the Attorney General, SBE staff informed the registrars that an applicant who failed to answer the citizenship question by checking either yes or no had to be denied, regardless of whether the application had been signed under oath attesting to the fact that the applicant was a citizen. This was completely opposite from guidance previously provided by SBE. In addition, the registrars were informed that they could no longer deny an application simply because the applicant had failed to date his signature. This was also the opposite of prior SBE guidance, and raises questions concerning whether applicants previously denied because they failed to date their signature had been processed in accordance with the law.

The current policy, as stated by SBE to the registrars, is to not deny simply for lack of a signature date and to deny if the citizenship box is not checked on the application.

Registrars Report Poor Service from SBE. The former SBE deputy secretary told JLARC staff that, due to its failure to provide training, SBE has "lost the respect of, and influence over, the registrars and the electoral boards." Many registrars told JLARC staff that they now call SBE only as a last resort in cases for which they can not obtain needed information from their own staffs or from other registrars. However, some registrars raised concerns about not receiving what they consider a satisfactory level of service from SBE staff:

Letters and faxes are ignored. Registrars and staff are subjected to rudeness and made to feel stupid when they call with legitimate inquiries. They often receive different answers to questions asked. The State Board of Elections is rude to candidates and party officials.

* * *

The service provided by SBE has slacked off since [the former deputy secretary] left. Everybody tries to avoid [name of SBE employee deleted]. [The employee's] approach is totally wrong. [The employee's] persona on the telephone is not positive. [The employee] gives us attitude. I have had to go over [the employee's] head to get the right answer.

A registrar from Southside Virginia noted that she meets periodically with registrars from surrounding localities to discuss common issues of concern. According to this registrar, during these sessions there is:

no fear of ridicule or harsh response as many have felt with SBE meetings. You feel intimidated or less likely to ask questions or interact - less is actually gained and knowledge is power.

The SBE and localities need to work together better as a team. Proper guidance and an adequate flow of accurate information are necessary for that to occur. A potential obstacle to teamwork is that the registrars and localities are not strictly accountable to the SBE, although there is a statutory provision that a registrar can be removed by the SBE for misconduct. This makes voluntary cooperative efforts and a collegial environment all the more important. During the study, registrars expressed many ideas for how the State and localities could work together more effectively. For example, the Salem registrar suggested that SBE prepare a training video for local officers of election. The SBE could work more closely with local registrars to incorporate such suggestions in revised training programs.

Recommendation (20). The State Board of Elections should develop a written management plan for expenditure of appropriations for training of election officials and staff. This plan should be reported to the House and Senate Privileges and Elections Committees prior to the 1999 Session.

Recommendation (21). The General Assembly may wish to amend §24.2-103 of the *Code of Virginia* to specify that the provision of annual training seminars for general registrars and electoral boards is the responsibility of the State Board of Elections.

SBE Not Reviewing New Types of Voting Equipment as Required by Statute

Sections 24.2-628 and 24.2-629 of the *Code of Virginia* require SBE to review and report on applications for the certification and use of voting equipment systems in Virginia. The SBE has not been performing this statutory responsibility since 1995 following a decision by SBE management. The last time SBE certified new types of voting equipment for use in Virginia was in January 1995, when two different versions of equipment using optical scan technology to read and count ballots were

approved. SBE attributes its failure to currently perform this statutory responsibility to a lack of staff resources to both perform the reviews, and to prepare the manuals for officers of election in those localities that would use any new types of equipment. However, given the agency's failure to establish and fill all its authorized positions, that does not appear to be adequate justification. SBE also cited the need to make certain revisions to its written procedures for reviewing and approving certification applications for new types of voting equipment. JLARC staff reviewed draft edits provided by the former SBE deputy secretary and found them to be minor in nature.

Types of Voting Equipment Currently Used in Virginia. Table 12 summarizes the types of voting equipment currently certified for use in Virginia, along with some of their advantages and disadvantages. Most localities still use mechanical equipment. In response to the JLARC survey, 84 percent of the registrars agreed or strongly agreed that the certification of new types of voting equipment is a valuable function that should continue to be performed by SBE. Forty-six percent of the registrars agreed or strongly agreed that the certification of new types of voting equipment would be beneficial to the administration of elections in their localities. Among survey respondents, only 12 percent disagreed while 42 percent expressed no opinion.

The moratorium imposed by SBE on the review of new types of voting equipment has harmed the relationship between SBE and those localities that would like

Table 12

Voting Equipment Used by Virginia Localities

Type of Equipment	Population Brackets						Total Using This Type
	0-25,000	25,001-50,000	50,001-100,000	100,001-150,000	150,001-200,000	200,000+	
None (Paper Ballots)	2	0	0	0	0	0	2
Mechanical with printer	27	15	5	0	0	1	48
Mechanical without printer	30	5	6	0	2	0	43
Direct Recording Electronic	4	0	2	0	1	1	8
Punchcard Reader	1	1	0	0	1	4	7
Optical Scan Reader	12	6	6	3	0	0	27

Note: Analysis based on equipment used in precinct polling places. Some localities which have established a central absentee voting precinct use a different type of equipment in those locations.

Source: JLARC staff analysis of State Board of Elections voting system documentation.

to adopt newer automated types of voting equipment. Several registrars told JLARC staff that they would like to purchase new, more technologically-advanced types of voting equipment, such as equipment that utilizes computer touch-screen technology. For example some registrars said:

Ultimately, I would like to move to computer-based touch screen voting, but I haven't seen anything I like yet. In the shorter term, the county would like to upgrade to the new version of the punchcard reader. The advantages of the new version include: a better printer, fewer internal components, a smaller unit so storage is less of a concern, ability to transmit election results via modem, and it is less expensive than our only current option of buying used equipment. In addition, the voter won't notice any difference.

* * *

I would like to purchase equipment which uses a computer touch screen, is small, and would automatically count and submit the results. Ideally, I would like to see a system which is interfaced with the voter registration information and can barcode the information for mailing purposes. I will soon have access to the county's geographic information system. I would like to have a voting system that could interact with the GIS.

The registrars are unable to make these purchases, however, because of the moratorium imposed by SBE.

SBE Failed to Follow its Own Procedures in Certifying Equipment. SBE's procedures for reviewing certification applications require that the proposed voting system undergo "qualification testing" as defined by the FEC in its *Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems*. The SBE procedures state that "[T]his Board will not consider an application for certification of any voting system that has not successfully completed this prescribed qualifications testing."

According to the FEC standards, qualification testing is the process by which a voting system is shown to comply with the requirements of its own design specification and with the requirements of the standards. The FEC standards distinguish qualification testing, which is to be performed by an "independent test authority," from certification testing performed by individual states with or without assistance from outside consultants. Certification test criteria are developed by the states, with the states' laws, election practices, and specific environment in mind. The National Association of State Election Directors (NASSED), working with the FEC and the National Institute of Standards and Technology, accepted responsibility for accrediting independent testing authorities (ITA) and coordinating voting system qualification tests. NASSED is in turn assisted by The Election Center, a private, non-profit organization located in Houston, Texas, in this effort.

The SBE failed to follow its own procedures in certifying the Accu-Vote system for use in Virginia in January 1995. This system, which utilizes optical scan technology to read and count paper ballots, had not undergone qualification testing by an ITA at the time it was approved by SBE. SBE did conduct a certification testing process with the assistance of an outside consultant. However, based on JLARC staff's review of SBE documentation, it appears that SBE staff were under the mistaken impression that this consultant was serving as their ITA. He was not, and had clearly stated to SBE in writing that he was not functioning as an ITA. This system has since been certified by an ITA, but not until 18 months after it was certified by SBE. This particular occurrence has upset other firms in the voting equipment industry, particularly those who have been unable to pursue business opportunities in Virginia due to the moratorium:

One firm in the voting equipment industry with an extensive manufacturing, sales, and distribution presence in Virginia alleged to JLARC staff that SBE did an end-run around its established certification procedures for the Accu-Vote system in response to another vendor's lobbying efforts. The vendor called the current situation in Virginia the worst he has ever encountered in terms of obtaining state certification. Typically, other states complete their certification review process within six to nine months of receiving an application.

Recommendation (22). The State Board of Elections should resume performance of its statutory responsibilities as prescribed by §§ 24.2-628 and 24.2-629 of the *Code of Virginia*. The State Board of Elections should develop a plan for developing the internal resources needed to perform these responsibilities in an efficient, effective, and consistent manner. That plan should be reported to the House and Senate Privileges and Elections Committees prior to the 1999 General Assembly Session.

SBE Should Coordinate "Bail-Out" from the Federal Voting Rights Act

The Fairfax City registrar identified another means, with potential statewide application, of somewhat reducing the time, effort, and expense involved with registering voters and administering elections. In October 1997, Fairfax City became the first jurisdiction in the United States to successfully utilize the "bail-out" provisions contained in the 1982 revisions to the federal Voting Rights Act. Consequently, Fairfax City no longer has to submit changes in its voter registration and election administration policies and practices (such as changing a polling place, establishing new precincts, or using a new type of voting equipment) to the U.S. Department of Justice for "pre-clearance."

The bail-out provisions contain criteria that are tied to a jurisdictions' actual record of compliance with the Voting Rights Act. The jurisdiction must satisfy prescribed criteria concerning the absence of discriminatory election-related activity,

and the presence of constructive efforts to make the registration and voting process as convenient and non-intimidating as possible.

The Fairfax City registrar estimates that the bail-out will save his jurisdiction \$1,000 for every action that no longer has to be pre-cleared. From 1980 through 1997, Fairfax City submitted 56 pre-clearance requests to DOJ, all of which were approved. From 1985 to 1995, more than 17,000 voting changes were submitted to DOJ by Virginia localities. Only 11 resulted in objections from DOJ. The registrar told JLARC staff that four political subdivisions in Virginia are ineligible to apply for a bail-out until 2000. Consequently the State as a whole will be unable to seek a bail-out until that time.

During the study, several other registrars expressed interest in taking advantage of the "bail-out" provisions and in having the SBE assume a leadership role in this effort. For example:

One registrar from Southwest Virginia told JLARC staff that a potential bail-out under the provisions of the Voting Rights Act is an area where the SBE can be doing more for localities. At a minimum, SBE could file the necessary reports with DOJ for the localities, since SBE already has the necessary information, such as changes to voting equipment and polling places. This registrar said that she has raised the bail-out issue before. However, her locality's attorney said that she should deal with the DOJ. The SBE told her that her locality's attorney should deal with DOJ.

It would be potentially beneficial for the SBE to assume a leadership role in terms of evaluating the feasibility, costs, and benefits of a pre-clearance "bail-out" application on behalf of all the State's localities.

Recommendation (23). The State Board of Elections should study the feasibility, advantages, and disadvantages of utilizing the "bail-out" provisions contained in the 1982 amendments to the federal Voting Rights Act. The State Board of Elections should present the results of its study to the House and Senate Privileges and Elections committees prior to the 2000 Session.

IV. Adequacy of the Virginia Voter Registration System

The Virginia Voter Registration System (VVRs) is a statewide computerized system that was implemented in 1970 by the State Board of Elections (SBE). The primary purpose of VVRs is to enable general registrars and the SBE to maintain a current and accurate record of each person registered to vote in Virginia, as required by the *Code of Virginia*. All general registrars have access to the system through VVRs terminals, with data entry functions decentralized to local registrars' offices. SBE staff are responsible for maintaining the system and responding to problems or questions concerning its use from general registrars. The VVRs also performs certain functions that support election processing and administration.

Certain aspects of the VVRs have raised questions about the continued viability and adequacy of the system to maintain an accurate, centralized record of registered voters. For example, costs associated with the VVRs have increased significantly over the last four fiscal years. Likewise, registrars have identified several functions that would be beneficial to them in performing their responsibilities that the current system does not provide. Finally, registrars must interact with the VVRs in new ways due to the NVRA, but the system is not designed to support these functions.

In recent years, recommendations have been made to develop and implement an entirely new VVRs. However none have been implemented. Studies performed by several State agencies in the mid-1990's suggested that SBE should seek to replace the VVRs with a new system taking advantage of modern computer technology. More recently, the Gartner Group recommended that all State agencies, except the Department of Social Services, be moved by 2002 from the Unisys mainframe, on which the VVRs resides, to other technologies such as client-server systems. That has made the need for a new system increasingly important because, as other agencies leave the Unisys mainframe, it will become more costly for SBE to remain. To that end, the 1998 General Assembly appropriated funds to SBE to perform another study of the VVRs.

Recent advancements in computer and telecommunications technology provide SBE with the opportunity to design a new VVRs that greatly enhances the ability of general registrars and SBE staff to perform their responsibilities. In addition, several new functions have been identified which would also assist in the voter registration process. However, development and implementation of such a system will require additional financial resources. Consequently, SBE should provide the relevant committees in the General Assembly with a cost estimate for a new computer system in time for the 1999 Session. This chapter examines the adequacy of the VVRs and evaluates potential approaches that could be taken to develop a new system.

REGISTRAR AND SBE INTERACTION WITH THE VIRGINIA VOTER REGISTRATION SYSTEM

Staff from the State Board of Elections and the general registrars both interact with the VVRS on a daily basis. However, as discussed in this section, they utilize the system to perform different functions. Registrar interaction on the system is mainly performed at the individual registrant or locality level, through entry and editing of voter information. Registrars access the system by way of a terminal with a dedicated line to the VVRS. On the other hand, State Board of Elections staff utilize the VVRS largely to verify the activities performed by the registrars and to serve as a conduit of information to them.

The VVRS provides registrars with ten subsystem functions for maintaining an accurate voter registration list and also performing other electoral functions. These subsystems can be grouped into two broad categories: registration and elections services. Within each subsystem are a series of computer "screens." The registrar uses these different screens to input, update, and delete registration and election information.

Current Structure of the VVRS

The VVRS resides on the Unisys mainframe at the Department of Information Technology (DIT) data center. It operates using the DMS 1100 operating system, with 120,000 lines of code programmed in COBOL. General registrars access the system from SBE-owned remote computer terminals and locality-owned personal computers located throughout the State. A telephone communications network provides a dedicated link between the general registrars' local offices and the Unisys host computer at DIT.

The VVRS contains approximately 250 computer programs which registrars and SBE staff use, to varying degrees, to enter and make changes to voter registration data. However, it appears that some registrars may not be using all of the VVRS computer programs simply because they do not know that they exist. The *VVRS User's Guide* does not contain a listing of VVRS computer programs or report functions, although it is supposed to. Exhibit 2 provides a sample list of the VVRS computer programs by major subsystem.

Current Use of the VVRS

All general registrars and assistant registrars have access to the VVRS, which they use to enter and make changes to voter registration data at the local level. After verifying the accuracy of data included on voter registration applications, general registrars key this data into the VVRS and registration files are automatically updated. General registrars also use the VVRS to transfer registrants among the localities, re-

Exhibit 2

List of Subsystem Computer Programs Available On Virginia Voter Registration System

Subsystem	Sample Computer Programs
Registration Records File Management - provides for updating of registrants records on the data base	Voter Add, Voter Reinstate, Voter Name Browse, Errors and Valid Transactions Report Print
Election Processing - provides the registrar with lists of voters who are qualified to participate in an upcoming election	Election Roster Build, Election Roster Extract, Alpha Roster Print, Pollbook Building
Voter/Registrant Purge - provides mechanism to purge registrants no longer eligible to vote	Purged Registrant Report, Create Histories Utility, Purge Deleted Voters, Batch Audit Report
Petition Verification - mechanism to determine sufficiency of petition filed in an election jurisdiction	Petition Verification, Petition Deletion, Petition Verification Listing
Client Services - produces listings and tapes of selected registrant information to persons or groups who are pre-authorized to receive them	One Time Client Extract, One Time Client Sort, Subscription Extract, Precinct Record Print
Street File - used to maintain the master street file for all localities that are streeted	Street File Add, Street File Voter Link, Street File Worksheet, Street File Listing
Statistical Reporting - produces figures relating to registration and maintenance activity of voters	Age/Gender Statistics, User Statistics Report
Election Results - produces city/county results sheets and a final elections results report	Election Control File Create, Tally Sheets Report, District Summary Sheets, District Election Results
Redistricting - provides for locality, precinct, or district code changes in a registrants' record when reapportionment is mandated	Voter Card Extract, Street File Add, Town Inquiry/Update
Absentee Voter Processing - allows localities to enter and update absentee ballot requests and generate lists of absentee voters for mailings	Absentee Ballot Update, Purge Absentee Ballot, Daily Report Extract, Final Absentee Ballot, Absentee Ballot Listing Splits

Source: SBE staff and Department of Information Technology status report list of computer programs, January 1996 and State Board of Elections VVRS project documents.

register voters who move within a locality, delete and re-instate registrants, and change other registration record information. The *Code of Virginia* directs that SBE require general registrars to delete the record of registered voters who: (1) are deceased, (2) are no longer qualified to vote due to a change in residence outside the state, (3) have been convicted of a felony, or (4) have been adjudicated mentally incompetent.

The SBE is responsible for monitoring the data entry function performed by general registrars. The primary mechanism that SBE uses to monitor this activity, as previously discussed in Chapter III, is the Errors and Valid transactions report. This report is a compilation of all the modifications that have been made to voter registration data in the VVRS for the day and is organized by locality. SBE staff review the report for errors and make handwritten corrections to the report as needed. These reports are then delivered by commercial courier to registrars' offices three times per week where they are reviewed and local staff make corrections to the data on the VVRS.

Currently SBE staff print, review, and ship the Errors and Valid transactions report to only those registrars' offices without a VVRS printer. Only 27 of the 135 registrars' offices have a VVRS printer. These 27 registrars' offices, which tend to be the larger localities, are responsible for printing their own Errors and Valid transactions report and making their own corrections to registration data previously key-entered.

VVRS IS NO LONGER ADEQUATE TO MEET THE NEEDS OF THE STATE OR LOCALITIES

As part of the 1988 update to the VVRS, the system was upgraded to process the personal information, such as social security number, name, and address, of approximately three million registered voters. However, largely as a result of NVRA, there are now more than 3.6 million registered voters on the system. This increase has created several problems for the system in terms of processing voter registration information.

As new registrants have been added to the system and the nature of the registrars' interaction with the system has changed, two situations have developed. First, utilization of the VVRS has become more costly due to increased processing time, given that the NVRA has necessitated that registrars interact more frequently with the system. Second, the system has not been able to adequately support the responsibilities of the registrars.

VVRS Is Costly to Operate and Does Not Adequately Perform All Necessary Functions

The VVRS is used to maintain the centralized list of more than 3.6 million registered active and inactive voters in the State. Costs associated with operating this system, primarily computer processing time, have been increasing over the last few years. There is some concern that as more registrants are added, the system may

require more processing time to perform its functions and as a result, costs will continue to increase. At the same time, the system has been less than adequate in performing certain registrar needs, including availability during critical periods in the election process. However, the majority of registrars have stated that the system is still operative a sufficient amount of time when necessary.

Costs to Operate the Mainframe System Have Been Increasing. Between FY 1995 and FY 1998, costs associated with the overall operation of the VVRS have increased by about 33 percent (Figure 9). These costs consist of activities mainly related to the actual functioning of the VVRS, and include telecommunications, design/development, and computer operating services, all of which are provided by DIT. Expenditures on these three items were consistently large and accounted for almost three-quarters of all SBE related expenditures on the VVRS. The four-year time period illustrated in Figure 9 reflects costs a full year before and two full years after implementation of the NVRA.

Expenditures for computer operating services performed by DIT for SBE have steadily grown. In fact, from FY 1995 through FY 1998, expenditures for the operating services of the system have increased by 96 percent to more than \$750,000 in FY 1998 (Figure 10). As stated previously, the VVRS currently operates from a mainframe computer system located at DIT. SBE is charged by DIT on the basis of CPU seconds, transactions, disk storage, and other resources used by the system. Operating costs are related to activities such as processing registrant information on the system, running programs for registrars, and printing reports for localities.

According to data compiled by SBE, registrars processed more than 715,000 applications in FY 1997. In FY 1998, they processed more than 616,000 applications, a

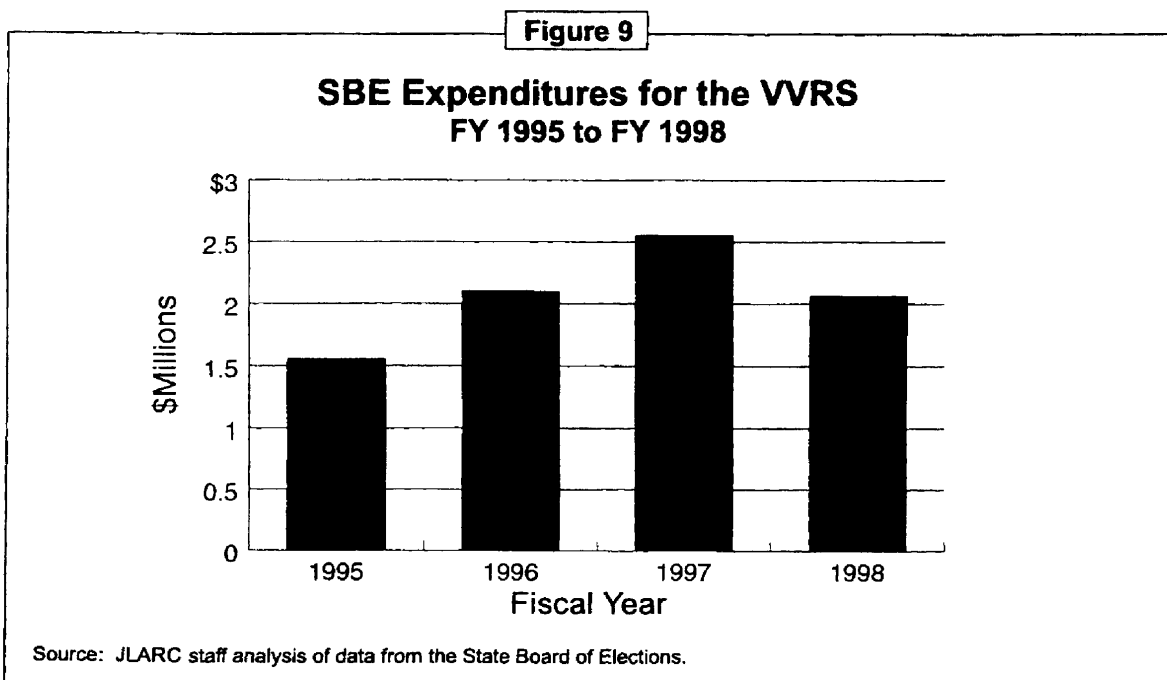
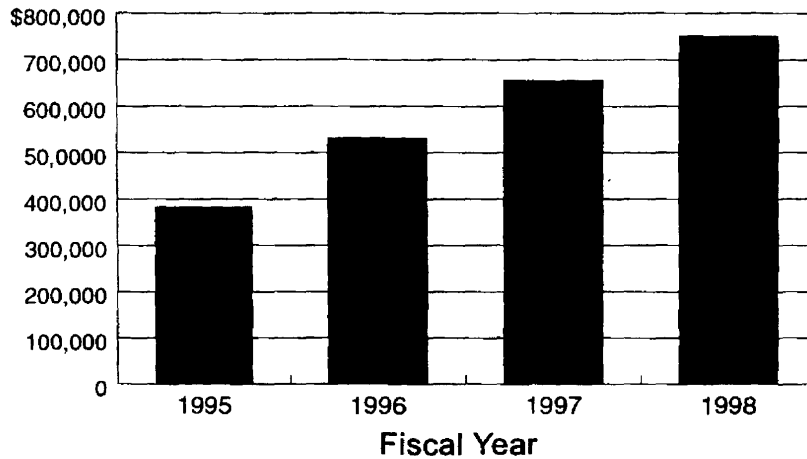


Figure 10

**SBE Expenditures for
Computer Operating Services Performed by DIT
FY 1995 to FY 1998**



Source: JLARC staff analysis of data from the State Board of Elections.

14 percent decrease from the previous year. However, the amount expended for computer operations increased by 15 percent, over the same time. Therefore, SBE spent about \$0.92 per applicant for system operations in FY 1997 and about \$1.22 per applicant, almost 33 percent more, in FY 1998. Furthermore, the actual unit rates DIT charges SBE for processing time was reduced during that period.

In the future, the resources required for processing registration and voter information are expected to increase. The DIT systems analyst who has been actively involved with the VVRS for the past 19 years told JLARC staff that as the number of registrants on the system climbs towards four million, a significant problem could develop with the system response time and the overall efficiency of the system. For example, in the future the system might require 24 hours to run a production report that now requires only 12 hours. As a result, SBE would be charged an extra 12 hours of processing time. Registrars would not be able to access the system during that period. Therefore, as more registrants continue to be added to the system, it will take longer to process their registration information, and subsequently cost SBE more.

Aside from the rising costs associated with the operating services, telecommunications costs have also required large expenditures on the part of SBE. Currently, the telecommunications network connects the terminals and printers in the registrars' offices to the mainframe at DIT using dedicated data transmission lines. Registrar updates or inquiries of the database are performed in real time on the system.

From FY 1995 through FY 1998, annual SBE expenditures on telecommunications services averaged more than \$480,000. This amount is equal to about six percent of SBE's average total expenditures during that time. However, it also constitutes

about 23 percent of the direct costs associated with the operation of the VVRS. Therefore, the costs to have the registrars and SBE connect to the mainframe and then utilize the mainframe to process registration information have constituted more than half of SBE's expenditures on the system and more than 12.5 percent on average of the agency's total expenditures since FY 1995 (Figure 11).

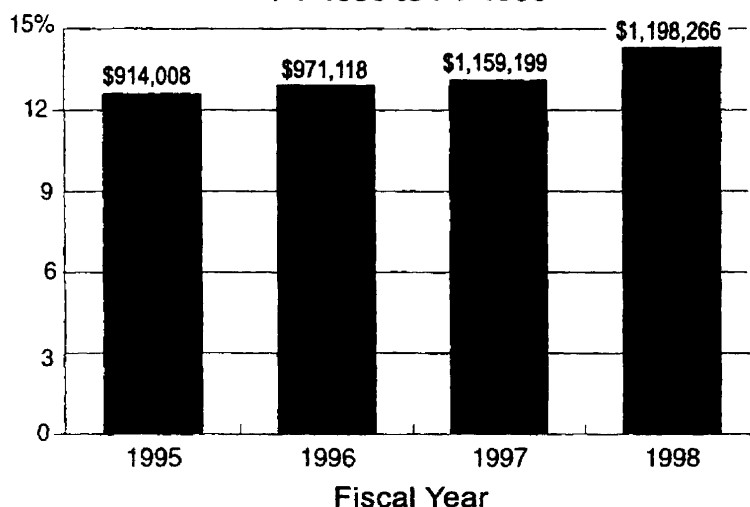
VVRS Does Not Adequately Perform All Functions. General registrars have identified several inadequacies of the VVRS that make their operations less efficient and more time consuming. For example, the ability of the registrars to search the entire system by any information other than social security number is limited. Also, the amount of time required by VVRS to process a voter registration transaction can be extensive.

Registrars have stated that the current system does not allow them to take full advantage of a centralized, statewide, voter registration system. For example, although the VVRS is a statewide listing of all registered voters, general registrars are unable to browse the whole system using only a person's name. Instead, in addition to the name, they must also know the locality in which that person lives to access the voter registration file.

Some registrars have stated that being able to browse by name on a statewide basis would allow them to identify more easily registrants for whom a change of address is involved and provide a more prompt response to a request for information. For example, if a registrar were to receive a change of address form which contained only the name and new address, that registrar would not be able to locate that person on the system. Instead, they would have to send a confirmation notice to the new address, a

Figure 11

**SBE Expenditures on Operating and Telecommunications Services
as a Percentage of All Expenditures
FY 1995 to FY 1998**



Source: JLARC staff analysis of data from the State Board of Elections.

step that requires additional time for the registrant to fill out the form and mail it back.

Registrars also cannot browse the registered voter list by entering only an address into the VVRS. Currently, the system will produce only the number of registered voters at that address. Some registrars said that this function would assist them in maintaining the accuracy of the voter list by providing them with another tool to verify the validity of the application. For example, such a search might indicate whether an address was in a residential or commercial area. Also, it would allow them to inquire as to whether other registered voters live at that address. In addition, it would permit the registrar to use information concerning the place of previous residence found on a change of address form to mail voter confirmation letters to other registered voters at that address.

In addition several registrars reported that, during important periods in the election process, the VVRS often requires excessive time to complete a transaction. Several registrars also reported that the system has a tendency to crash or stop functioning for extended periods. For example:

My system has the uncanny ability to go down on election day. Really essential information can be missed if the system is down. SBE doesn't call or fax the messages even though they know when we are down.

* * *

On a day to day basis, the system is sufficient; however, during peak data entry and election day, the system is slow and always manages to fail at a time where it is needed.

SBE and DIT staff associated with the VVRS have suggested to JLARC that the main reason for these problems is the volume of applications and other activities that the system must now handle. However, more than 80 percent of the registrars who responded to the JLARC survey indicated that the VVRS was operative and available to them and their staff a sufficient amount of time throughout the day.

NVRA Has Altered Registrar Interaction with the VVRS

As previously mentioned, NVRA implementation has changed the way registrars perform their duties, requiring them to rely on the VVRS more. For example, all duplicate applications are supposed to be entered into the system in order to provide reporting statistics for the federal government. Entering these applications, which averaged more than 4,300 per month during FY 1998, has slowed the processing time of the whole system even though they may provide no new information concerning the voter.

In addition, NVRA has added to the physical structure of the VVRS. Three new VVRS programs were added to two already existing reporting programs to collect

the information required by the federal government regarding NVRA applications. These functions allow SBE staff to compile statistics on the additions, deletions, and changes made to the State's registered voter list.

According to several sources who worked closely with the project, these additional VVRS programs were developed quickly without any long-term assessment. Since that time, several long term assessments have been completed and some of the programs have been redesigned. The additional activity resulting from use of these programs has increased usage of both the telecommunication network and the operating system, which in turn leads to greater costs for SBE. Previous studies of the VVRS have concluded that continued changes made to the system tend to decrease system performance and add additional levels to the current programs, making them difficult to document.

The increased use of the system has at least two consequences for general registrars and SBE staff. First, since registrars can no longer exercise a quality control function over most applications, they are forced to perform verification of incomplete or duplicate applications on the system. This increases the amount of time registrars have to spend using the VVRS, which prolongs the time necessary to complete a transaction. Second, the increased time required to perform these transactions results in increased costs for SBE.

In addition, increased registrar use of the VVRS also affects how other State agencies use the Unisys mainframe computer system. Currently, the VVRS and the Department of Social Services' ADAPT system both reside on the Unisys mainframe. Social Services officials have stated that as a result of the VVRS usage requirements on the mainframe, local social service agencies are effectively unable to use the ADAPT system after 1:00 p.m. each day during the month leading up to the voter registration deadline. This is because the mainframe is tied up performing requests from SBE staff and the general registrars. This situation is likely to worsen for DSS, since at the present time only about 60 percent of social services records have been converted to the ADAPT system. DSS is scheduled to complete 100 percent conversion in February 1999.

RECENT ATTEMPTS TO UPGRADE THE VVRS HAVE BEEN ABANDONED

Several State studies since 1994 have concluded that there is a need to redesign the VVRS to update its fundamental architecture, correct deficiencies, and enhance processing features. However, efforts to develop and implement a replacement system have thus far been unsuccessful. Implementation has not proceeded, mainly as a result of the State's initial resistance to the NVRA and also the high costs associated with a new system. The 1998 General Assembly directed the SBE to undertake a new study to determine the most appropriate means for replacing the VVRS.

The abandonment of these prior efforts has increased the urgency of the situation for SBE at the present time. As part of JLARC's 1997 review of information tech-

nology in State government, the Gartner Group recommended that additional funding should be appropriated to non-social services agencies to assist them in moving from the Unisys mainframe to another platform by the year 2002. This followed prior recommendations from the Council on Information Management that all non-social services agencies migrate off of the Unisys mainframe by the year 2000.

Previous Studies Recommended Developing a New VVRS

As mentioned earlier, the VVRS was implemented in 1970. Substantial modifications of the VVRS were made in 1972, 1976, 1981, and 1988. In 1988, the most significant change to the VVRS was made making it a real-time, on-line system, which included a transfer of the responsibility for voter registration data entry functions from the SBE to the general registrars. As a result, the SBE no longer key enters any voter registration data. While a number of modifications have been made to enhance VVRS capabilities since 1988, the fundamental system architecture appears to remain unchanged. Since the last major modifications in 1988, the passage of time and the pace of technological change have resulted in the VVRS becoming increasingly antiquated.

The SBE acknowledged in 1991 that there would be a need to re-design the VVRS at some point in the future, when the first of what would prove to be several studies was completed (Exhibit 3). The 1991 SBE five-year Information Management Plan (IMP), prepared by the Department of Information Technology, recommended that SBE conduct a needs assessment study for enhancements to or re-design of the VVRS during FY 1995. In 1994, the General Assembly directed SBE to conduct a study assessing the adequacy of the VVRS.

Significant study efforts in 1994 concluded that the VVRS should be fully re-designed. These studies identified two primary reasons for making changes to the system. First, recommendations for a re-design were based on the inability of the system to meet the demands placed on it by SBE and the registrars. Second, the studies highlighted the increasing costs that would be associated with the system if it were not updated. For example, according to the SBE report:

[SBE] does not believe that the current Unisys based system will meet the future needs of the Commonwealth in an efficient and cost effective manner.

The system's inability to meet workload demand was echoed in other studies. Studies performed by the Department of Information Technology, the Council on Management Information, and the State Board of Elections in 1994 all found that the VVRS was not efficiently handling the workload required of it.

In addition, the reports also expressed concern that this inefficiency would only become more significant in the future. For example, the DIT requirements analysis identified several limitations of the VVRS:

Exhibit 3

Efforts to Assess the Adequacy of the Virginia Voter Registration System Since 1991

Study or Re-Design Effort	Recommendations/Actions
SBE Information Management Plan prepared by DIT (1991)	During FY 1995 conduct a needs assessment study for enhancements to, or re-design of, the VVRS.
General Assembly directed SBE, DIT, and CIM to conduct a study assessing the adequacy of VVRS and submit results to Secretary of Administration (1994)	Study committee consisting of staff from SBE, DIT, and CIM met during early 1994, resulting in SBE VVRS II Requirements Analysis document.
SBE VVRS II Requirements Analysis (1994)	Three options for addressing VVRS system limitations include: (1) continue operating the current system without change, (2) implement requested enhancements and new requirements in the current technical environment, (3) develop VVRS II using new technology and development tools. Option three was recommended to provide localities with additional data capabilities, convert system to non-Unisys platform, and handle the increased volume of registrants anticipated from National Voter Registration Act.
SBE issued Request for Information for design, development, and implementation of VVRS II (1994)	Responses from four vendors received which were reviewed by staff from SBE and DIT. Cost estimates of VVRS II ranged from \$5 to \$8 million and required 18 to 26 months for development and implementation.
Draft report (from SBE) to Secretary of Administration regarding VVRS II (1994)	Recommends that a request for proposals be issued in January 1995 for the development and implementation of VVRS II based on requirements analysis.
Final report (from CIM) to Secretary of Administration regarding VVRS II (1994)	Recommended using Integrated - Computer Assisted Software Engineering (I-CASE) as the quickest and cleanest approach to developing VVRS II.
SBE Information Management Plan Supplement prepared by DIT (1995)	Recommends that a request for proposals be issued in January 1996 for the development and implementation of VVRS II based on requirements analysis. Project schedule estimates cutover to VVRS II in May 1999.
General Assembly appropriates funds to SBE for VVRS II study (1998)	\$150,000 appropriated to SBE for FY 1999 for a study to determine the best option for replacement of VVRS among four options: (1) re-designed, modern mainframe system, (2) stand-alone VVRS, (3) application using off-the-shelf software, and (4) vendor maintained system.

Source: JLARC staff analysis of project documents provided by the Department of Information Technology and the Council on Information Management.

While the system still continues to perform its primary functions, it lacks the flexibility required in today's electoral environment to easily accommodate changes in the statutory requirements which mandate new programs or information requirements by SBE. It lacks the responsiveness which is required to meet the steady increase of internal and external service demands particularly at the locality level. Lastly, it lacks the continuity in systems and information management architecture required to improve workflow, worker, productivity, communications, and information disbursement.

The CIM report concluded that the VVRS should be moved from the Unisys mainframe and reengineered using a computer language that would allow the system to accommodate technological advances.

CIM and SBE prepared widely differing cost estimates for their proposals. CIM estimated that by utilizing a software application known as I-CASE that would process the VVRS's COBOL lines into another format, costs would be \$1.4 million plus the costs to replace the system's obsolete hardware. After further study of the I-CASE system, CIM decided not to pursue this option. However, SBE stated that their funding requirements would be \$6 million dollars over three fiscal years to replace the VVRS with a redesigned system.

Concerns over the future changes to voter registration and how the system would handle them played a role in these recommendations. At the time, the system was operating with about 2.9 million active registrants. In addition, it was understood that with the implementation of the National Voter Registration Act in early 1996, the registration rolls would grow, but it was unknown by how much. However, the requirements analysis performed by DIT approximated that an additional one million voters might be added to the system and that the NVRA would "add more stress to an already overloaded and overworked VVRS."

Since 1994, other activities have also identified reasons for developing a new voter registration computer system. In 1995, DIT performed a follow-up report finding that:

If the VVRS is not redesigned, the cost to operate, maintain, and modify the current system will continue to escalate and the ability of the system to comply with federal and state mandates will be in question.

The DIT supplement report recommended that a redesign be initiated no later than July 1, 1996.

Two Factors Primarily Contributed to the Halting of Activity Concerning New VVRS

JLARC staff identified two factors that have contributed to the unsuccessful efforts to develop and implement a new centralized voter registration system. First, actions taken by the State to address the changes required by the new federal voter registration requirements supplanted any activity to develop a new VVRS. Second, the costs associated with the development and implementation of an entirely new system also impacted its advancement.

State's Decision Concerning NVRA Stalled Adoption of VVRS II. The State's decision to file suit to block the implementation of the NVRA in 1995, previously discussed in Chapter II, significantly affected progress that had been made towards a new centralized voter registration system in Virginia. As indicated earlier, substantial action had already been taken to develop a new system through 1994, including requesting and receiving vendor responses. However, when the State sued, these activities were put on hold. After a federal judge ruled in October 1995 that the State would have to implement the appropriate changes by March 1996, there was little time to continue work on a new system. Instead, changes to the VVRS focused simply on accommodating NVRA requirements.

Despite the agreed-upon need to move forward with a new system, no funding has ever been made available for SBE to issue a request for proposal (RFP) for this project. Both CIM and DIT staff reported that the passage of the NVRA somewhat preempted the full re-design effort, since modifications to the VVRS were needed immediately to comply with the NVRA. Staff did not believe that both could be accomplished simultaneously in the time available. However, NVRA provisions appear to be fully implemented at this time. Despite repeated requests by SBE for funding in order to issue an RFP for the VVRS II, these requests were never included in the Governor's budget.

Costs of a New Voter Registration System Were High. As previously mentioned, in 1994 SBE estimated that a new system would cost a total of \$6 million over three fiscal years. To begin the general and detailed design and development of the VVRS II project, the State Board requested \$2.7 million as part of a FY 1996 budget supplement. This first year total amounted to 45 percent of the anticipated costs for the new system. DIT acknowledged these costs in its 1995 Information Management Plan Supplement when it recommended that the system be redesigned.

In addition, proposals submitted to SBE by vendors indicated that the new system would be costly. As part of the Request for Information (RFI) sent out by SBE in 1994, four vendors returned bids on the development of a new voter registration computer system. These cost estimates ranged between \$3.5 million and \$8 million. Three of the four vendors submitted proposals for a client-server computer system, instead of a mainframe system.

Several SBE staff have commented that funding was an obstacle to acceptance of a proposal. The former SBE deputy secretary explained that the upgrade was never undertaken because SBE did not have the funding, although the agency had requested the necessary funding every year since 1994.

SBE and the General Registrars Are Currently Studying a Replacement System for the VVRS

The 1998 General Assembly did appropriate \$150,000 to SBE in FY 1999 for a study to determine the best option for replacement of the VVRS. Appropriation Act language further states that the study should consider, at a minimum, four identified options for replacement. These options include: (1) a re-designed, modern mainframe system, (2) a stand-alone VVRS, (3) development of a VVRS application using off-the-shelf software, or (4) a vendor-maintained system operating under license to the SBE. Members of the study committee include: the current SBE chief deputy, the SBE registration services manager, three general registrars, representatives from the Republican and Democratic parties, and a citizen representative. The committee has hired a former Secretary of the State Board of Elections as a consultant. The committee chairman has told JLARC staff that the committee hopes to finish its work and present its recommendations by December 1998.

DESIRABLE FEATURES FOR A NEW VOTER REGISTRATION SYSTEM

Computer technology has advanced greatly in the last few years, specifically with regard to personal computers (PC's) and database management software. In addition, several high-speed, high-capacity telecommunications networks are available in the State that would further assist general registrars and SBE staff in the voter registration process. Taking advantage of these changes could assist the registrars in the performance of their registration and election responsibilities.

The current methods used to delete convicted felons and deceased individuals from the voter registration list are cumbersome and lengthy, as discussed in Chapter II. These methods lead to situations in which individuals who should not be registered to vote can remain on the registered voter list. Electronic linkages between the VVRS and the other agencies which provide data for the voter registration process would allow for technology to play an increased role in maintaining the accuracy and integrity of the State's voter registration list.

During the course of this review, registrars suggested several additional VVRS functions that would improve their ability to perform voter registration activities. For example, electronic mail would enable registrars to communicate with SBE staff and other registrars. In addition, a new VVRS would allow registrars to more fully automate the candidate certification process.

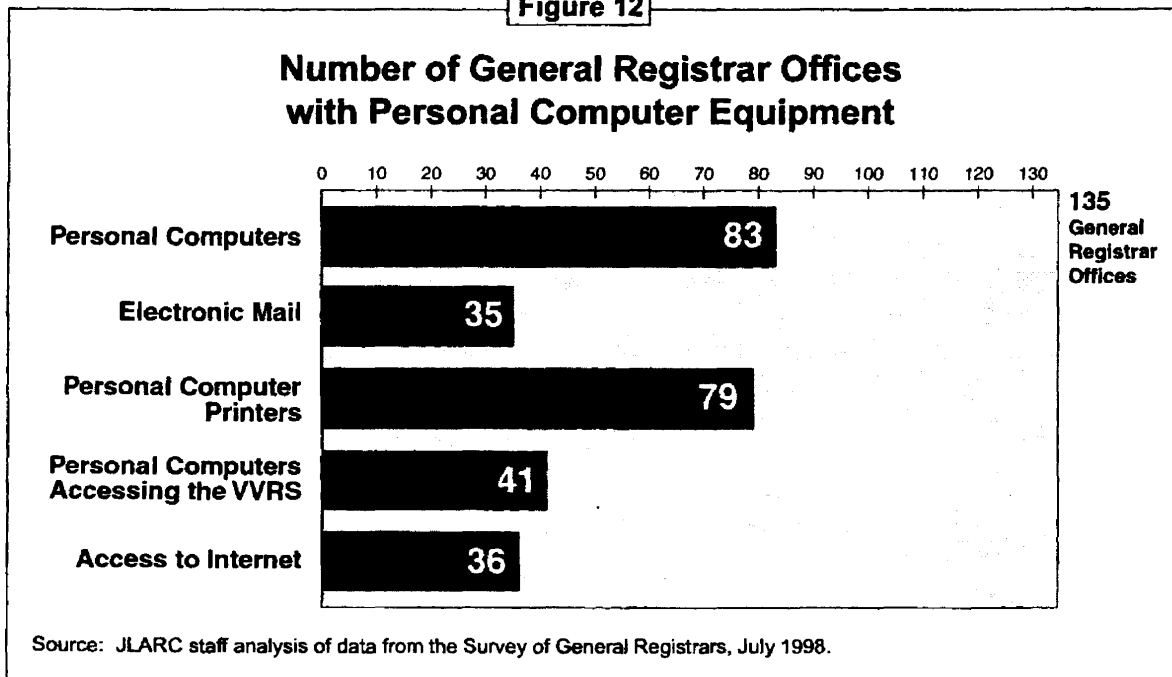
As a result of all these factors, SBE should perform a new requirements analysis as part of any redesign of the VVRS. However, any new analysis SBE performs should consider ways in which to capture future changes or additional beneficial functions in the voter registration process. The development of a new voter registration system will require additional funding and information technology staff for SBE. Therefore, SBE should also prepare for the General Assembly a cost analysis of any new VVRS.

System Should Take Advantage of New Computer Technology

Not all registrars currently operate PC-based computer systems to perform their required functions. As Figure 12 illustrates, although the majority of registrars responding to the JLARC survey have PC's, most still use older terminals to operate the VVRS. By updating to desktop personal computers with Windows-based applications, registrars could begin to use applications such as word processing and database management. This could improve the ability of the registrars to perform registration and election duties. For example, by operating a PC-based system registrars could develop an electronic linkage with other local agencies using geographic information systems.

Because the dedicated terminals currently in use can only perform one function, they are an inefficient use of the registrars' office space and make processing cumbersome. For example, registrars currently must use the VVRS to determine if an applicant has been convicted of a felony. If the applicant is a felon, the registrar must use another computer or word processor to create a letter of denial for that applicant. If the VVRS were accessed by personal computer, the registrar could use the same machine to process the denial letter, thereby eliminating extra work.

Figure 12



Registrars have also indicated to JLARC staff that their current ability to analyze and report registration information on their own locality is limited. For example, a registrar without a printer would currently need to have information processed on the VVRS, then printed and mailed by SBE. After receiving the information, the registrar would then have to input this data into another system for analytic purposes. However a PC-based system would allow for easier transmission of data between applications and much faster analysis. As part of previous studies, registrars have requested the ability to perform ad hoc reports and analysis. Allowing the general registrars to perform these analytic functions would eliminate the need for SBE to be involved with processing and mailing the data.

Furthermore, using a PC-based system would allow all registrars to use printers attached directly to their desktop personal computers. Availability of desktop printers would be beneficial in many ways. For example, registrars would be able to print registration material immediately, rather than having to wait for it to be sent to them. As a result, SBE would not have to print as many documents for the 108 registrars who currently lack printers. It would also eliminate the need for the additional direct telecommunications lines that now operate in the 27 localities with printers. As a result of these changes, cost savings could be realized.

SBE should not preclude itself from adopting future technological changes when developing a new voter registration system. For example, SBE should avoid entering into proprietary agreements that limit it from adding or editing other voter registration functions which would assist the registrars and SBE staff in carrying out their duties.

Recommendation (24). As a result of recent advances in personal computer systems and applications, the State Board of Elections should strongly consider the use of desktop personal computers as an essential part of any new computerized statewide voter registration system.

Recommendation (25). If the State Board of Elections implements a new statewide voter registration system that is based on the use of personal computers, it should also deploy desktop printers in each registrar's office.

Recommendation (26). The State Board of Elections should develop any new computerized Statewide voter registration system in an open environment that reduces the Board's dependence on any one single manufacturer or supplier and permits the consideration of several different platform options for the system.

Telecommunications Network Should Provide High-Speed Access

SBE and the registrars have complained about the inadequacy and cost of the current telecommunications link for VVRS. JLARC staff confirmed that the response time of the VVRS is a significant problem with the system. Currently, the VVRS primarily uses the same telecommunications lines that it has had since at least 1988, when the responsibility for voter registration data entry was transferred from SBE to the general registrars. These dedicated and State-owned lines are costly to maintain. However, other statewide telecommunications networks provide the potential for SBE to greatly improve the transmission speed and data capacity of the VVRS.

Currently, there are two high-speed, high capacity telecommunications networks which provide access to advanced digital communications services for State government and educational organizations. The first of these networks, known as NETWORK.VIRGINIA, is the result of a recent project led by Virginia Tech in association with Old Dominion University and the Virginia Community College System. Users of NETWORK.VIRGINIA include four year colleges and universities and several State agencies such as the Department of Health and the State Police. The other telecommunications network is the Commonwealth Telecommunications Network (CTN). CTN, which was developed and is maintained by DIT, currently is utilized by the legislative, executive, and judicial branches of State government. Any new system developed by SBE should use these high-speed networks.

Recommendation (27). The State Board of Elections should use either the NETWORK.VIRGINIA or the Commonwealth Telecommunications Network when developing any new computerized statewide voter registration system.

A New Voter Registration System Should Be Linked to Other State Agencies

As previously recommended in Chapter II, there should be an electronic linkage of the VVRS and the systems used by other State agencies which provide data to SBE. Electronic linkages with these agencies could help to reduce the workload of the registrars and better ensure the accuracy of the data in the system.

Department of Motor Vehicles. The Citizen Services System (CSS) maintained by DMV is an integrated database containing approximately six million driver and vehicle records. CSS resides on the State's IBM mainframe. The potential benefits of a linkage between CSS and the new voter registration system include improved quality control of voter registration applications and elimination of needless duplication of effort on the part of DMV and SBE. Given the important role played by DMV in the voter registration process, any new version of the VVRS should contain an electronic data linkage with DMV.

State Police and Department of Health Databases. SBE should, as an integral part of a new voter registration system, develop electronic linkages with the agencies required to provide it with data on felony convictions and deaths. As discussed in Chapter II, the current processes for removal of felons and decedents are performed manually and require a great deal of the registrars' time. The State Police and the Department of Health should transmit this data electronically to SBE rather than mailing printouts. If SBE were to receive this data electronically, a centralized match of records could be performed using the new system. The results from these matches could then be electronically transmitted to the correct registrar, who would only have to delete the individual rather than also having to perform a search. During the course of this study, SBE requested that DIT examine the feasibility of such a linkage.

An electronic linkage would produce a number of benefits for both SBE and the local registrars. First, the timeliness of voter removals would be enhanced because registrars would no longer have to wait for the delivery of printed reports. Second, the potential for user error would be reduced. Electronic matches would eliminate the possibility of a record not being properly identified by a registrar. Finally, an electronic linkage would reduce the amount of time registrars spend searching the system, thereby reducing costs for computer system operations.

In addition, SBE should create an historical felony conviction database accessible through the new system. Therefore, when registrars inquire about or add a registrant, the system would be able to determine not only if that person had been deleted as a felon, but also if they had been convicted of a felony prior to registering to vote. This resource would assist registrars and the SBE in maintaining an accurate voter registration list as mandated by the *Code of Virginia*.

U.S. Social Security Administration. SBE should pursue the electronic linkage of the State voter registration database to the Social Security Administration's database as a means of removing deceased individuals from the voter registration list. SBE staff have previously inquired about this possibility, but decided against it due to concerns about the costs and the uncertainty of whether such a linkage would be compatible with the current VVRS. Given the apparent weaknesses identified in this review, SBE should strongly consider including such a capability in its requirements for any new system. Such a comparison of VVRS and social security records should be conducted on an annual basis.

Recommendation (28). When developing any new computerized voter registration system, the State Board of Elections needs to ensure that the system will be able to transfer and receive data with those systems operated by the Department of Motor Vehicles, Virginia State Police, the Department of Health, and the U.S. Social Security Administration. The General Assembly may wish to consider amending the *Code of Virginia* to permit data exchanges necessary for administration of elections law.

A New System Should Include an Electronic Mail Component

Currently, the VVRS provides one-way communication from the SBE to the general registrars. The SBE uses the announcement function on the VVRS to inform registrars of changes in procedures or upcoming activities. However, the 108 registrars without printers are unable to print these messages directly from the VVRS. Instead, they must copy the messages by hand if they wish to retain them. Furthermore, SBE deletes such messages after a limited period of time. This raises the possibility that some part-time registrars may never see certain announcements. In addition, registrars cannot send messages back to SBE using the VVRS.

Any new system SBE develops should include an electronic mail function. This function should allow registrars to e-mail both SBE and other registrars. Several registrars stated they prefer to first call other registrars for help before contacting SBE. E-mail would allow registrars to contact one another more easily. In addition, an email system could reduce the number of calls to which SBE would need to respond.

Recommendation (29). The State Board of Elections should include an electronic mail software application that allows for unlimited communication between SBE and the registrars, and between the registrars, as an integral feature of any new computerized statewide voter registration system.

A Candidate Certification Component Should Be Included

As discussed in Chapter III, registrars and SBE staff are both involved in the certification of candidates for elected office. Aside from the verification of petition signatures, this function is not supported by the VVRS. The SBE election services manager told JLARC staff that the VVRS should be enhanced to enable greater automation of certified candidate list preparation. Ideally, any new system would enable a registrar, upon receipt of a candidate qualifying application, to enter the candidate's social security number and have the system indicate whether the individual meets all the criteria for candidacy.

Recommendation (30). The State Board of Elections should include a candidate certification program as an integral feature of any new computerized statewide voter registration system.

A New Requirements Analysis Should Be Performed

Significant changes in voter registration and computer technology require that SBE revisit the requirements analysis for a new VVRS. Significant advances in computer technology have occurred since the last requirements analysis was performed on the VVRS in 1994. Such advances include new database management applications, telecommunications networks, and faster data processing hardware. In addition, desk-

top personal computers have combined many of these functions to provide powerful computing applications at reasonable costs. As a result, SBE should contract with DIT or a private consultant to provide a revised requirements analysis for a new voter registration system.

Furthermore, SBE and the registrars have had two full years of experience working with the National Voter Registration Act. A new or revised requirements analysis should reflect the demands placed on registrars by the NVRA. For example, several registrars have stated that NVRA has greatly increased the number of denials they must send to applicants. However, the current system does not provide for registrars to input this data as a way to maintain records of previous denials. A new requirements analysis should take into account experiences such as these to help shape a new system which will fully meet the demands of the NVRA.

Recommendation (31). The State Board of Elections should perform an updated requirements analysis as part of developing any new computerized statewide voter registration system.

SBE Should Also Consider Future Voter Registration Needs

When developing a new computer system, SBE should not design the system so that it precludes the adoption of new voter registration technology in the future. Updates to the current VVRS system have made it less efficient and more costly to operate. Any new system should be able to easily adapt necessary technological changes as they become available. For example, SBE may want to consider the potential for using electronic signatures and Internet voting to automate current processes. Even though these technologies are not currently accepted practices, designing a new system that precludes their eventual inclusion is short-sighted. However, the security features of any new system involving advanced voting technology should also be considered by SBE.

Paperless Transactions Provide Potential for Greater Automation. Many registrars have stated that their jobs have become inefficient as a result of the paper they are required to handle. For instance, NVRA has required registrars to take action on applications they previously would not have. However, technology exists that would make it possible to eliminate much of the paper-based activities registrars currently perform.

Currently, electronic signatures are valid means of identification. The 1997 General Assembly enacted legislation allowing State agencies to receive electronic signatures based on criteria established by CIM. The 1998 General Assembly amended the earlier legislation by placing each respective State agency in charge of determining the veracity of such signatures. The Virginia Department of Transportation is currently planning to use electronic signatures on all its documents in the future and has established an electronic record management system to provide this function.

Several benefits of electronic signatures in the voter registration process have been identified. Utilization of an electronic signature would enable staff at DMV customer service centers to electronically transmit the entire voter registration application to either SBE or the registrar directly, conditional on the establishment of an electronic linkage between the two agencies. This transfer would reduce the potential for data entry error and eliminate the costs of mailing voter registration applications from DMV offices to SBE and then in turn to the registrars offices. Moreover, paperless transactions would allow registrars to keep registration documents indefinitely while reducing the actual physical space needed to store those documents.

A New System Should Support the Potential to Vote by Electronic Means.

Several other states have begun to experiment with the use of different electronic mediums for voting purposes. For example, Florida is planning to develop standards for Internet voting by the end of this year and to potentially issue a request for information (RFI) by next spring. In addition, the Federal Voting Assistance Program at the Department of Defense is looking at the use of electronic or digital signatures for Internet voting by military and overseas citizens.

In the future, the Internet might enable voters to cast their ballots from outside their voting precinct. Instead of paper voter cards, SBE could issue to voters cards with barcodes or other types of data archiving functions. Voters would then be able to walk into a voting machine anywhere in the State, access their electronic ballot using the card, and vote for the contested offices in their locality. The ballot machine might then send that voting information directly to SBE or to the appropriate registrar's office to be tabulated. SBE needs to be aware of this future potential option when it is designing any new system.

Recommendation (32). As part of an updated requirements analysis for a new computerized voter registration system, the State Board of Elections should also consider new technologies that may help to make the voter registration process more automated. In addition, the requirements analysis should identify possible uses of the Internet for voter registration activities. Finally, the State Board of Elections should require that any new system be designed and developed to take advantage of these new technologies.

Additional Financial and Staff Resources Will Be Necessary for SBE to Develop a New Centralized Voter Registration System

SBE and the general registrars are not currently prepared to develop an entirely new computer system to handle the voter registration process in Virginia, particularly one that is PC-based. Providing new equipment to the localities and central office will require additional funding. In addition, assistance from professional information management staff will be necessary to adequately develop, implement, test, and maintain a new computer system. Moreover, since a new computer system is likely to utilize entirely different processes, SBE staff and general registrars will likely need training on operating the new system.

Costs of Statewide Voter Registration Systems in Other States. JLARC staff obtained information from 14 other states to determine the costs of developing and maintaining other statewide systems. Table 13 illustrates the costs other states have faced in association with development of a new system. While these costs reflect other state computer systems at various stages of development, nevertheless, these figures indicate that development of a new system, whether it is a mainframe or distributed processing, will likely be expensive. Implementation of an entirely new computer system, as now appears appropriate for SBE, may require that the State supply all users with new equipment, thus resulting in higher initial costs.

Table 13

Comparison of Other Statewide Voter Registration Computer Systems

State	Type of System	Cost of Development	On-going Costs	Completion Date	Type of Change
Arkansas	Distributed Processing	\$2.5 million	\$190,000	Completed 1996	New
Connecticut	Central Mainframe	\$3.5 million	\$357,000	June 1999	New
Delaware	Central Mainframe	\$500,000	\$112,800	Completed 1990	New
Georgia	Central Mainframe	\$6.6 million	\$2 million	Completed 1995	New
Hawaii	Central Mainframe	NA	NA	Completed 1981	New
Kentucky	Central Mainframe	\$800,000	\$128,400	Completed 1995	Update
Michigan	Distributed Processing	\$7.6 million	\$1.2 million	Completed 1998	New
Minnesota	Central Mainframe	\$1.5 million	\$600,000	Completed 1988	New
North Carolina	Distributed Processing	\$5.5 million	\$1.9 million	January 1999	New
Oklahoma	Distributed Processing	\$5.5 million	\$372,000	Completed 1992	New
South Carolina	Central Mainframe	\$150,000	\$800,000	Completed 1992	Update

Source: JLARC staff survey of other states, June-July 1998.

Recommendation (33). The General Assembly may wish to consider directing the State Board of Elections to contract with the Department of Information Technology or a private consultant to provide information management assistance in the development, implementation, testing, and maintenance of any new computerized Statewide voter registration system.

Start-up Costs Would Require Additional Funding. The State will likely have to provide funding for the costs of all new equipment for a new computer system. If the State were to implement a PC-based distributed system, costs would include: a centralized server, desktop personal computers (PC's) for all the registrars offices, printers compatible with those PC's, the initial development of the new system, and implementation and training. This funding will likely also have to cover the costs of localities which have already purchased PC's and other equipment for voter registration activities. Currently, almost two-thirds of the general registrars' offices who responded to the JLARC survey are equipped with PC's. Roughly, 60 percent of those offices already have printers attached to those computers. However, only 26 percent have PC's through which they have access to the VVRS.

SBE Will Need Technical Staff to Develop a New Voter Registration System. As discussed earlier in this report, SBE currently has no dedicated information technology staff. The business manager and registration services staff provide some support for SBE systems, and DIT provides additional support for the maintenance of the VVRS. This current level of technical staffing will likely be inadequate to deploy and maintain a new system. The new system will have to be installed and tested at the central office as well as in all the general registrar offices. After installation, significant support will be required to maintain the system over the long term. Given its mission, SBE may want to hire, on a full-time basis, the staff needed for the new system. Therefore, SBE should consider contracting for development and maintenance of the system.

SBE Staff and General Registrars Will Need Training on the New System. SBE staff are primarily trained using the mainframe and are generally unfamiliar with the use of PC's. Expertise among SBE staff concerning PC technology will need to be developed prior to implementing a new system. Establishment of an information technology position, previously recommended in Chapter III, would aid in this effort.

In addition, all of the general registrars and their staffs would require extensive training on the new system and its functions. SBE appears to have insufficient staff or expertise to provide such training, so it will likely need to contract for training services. To ensure that registrars and SBE staff can properly use a new system, training should be an integral part of the system's implementation. The training should include the basics of PC use.

Recommendation (34). The development of any new computerized voter registration system by the State Board of Elections should include a plan and resources to provide necessary training on the operation of the system to its employees and to general registrars.

SBE Should Provide the General Assembly with a Cost Estimate for a New VVRS

In 1994, SBE received four vendor responses to its Request For Information concerning a new centralized voter registration computer system. The primary purpose of the RFI was to determine how much additional funding would be necessary to purchase a new VVRS. Utilizing the four responses, which ranged from \$4 million to \$8 million, SBE decided that a new system would require funding of \$6 million spread over three years. SBE then requested \$2.7 million, or 45 percent of the total cost, for FY 1996 to begin the development and implementation of the system. This funding has not been made available to SBE.

However, computer and networking technology has changed greatly since 1994 and it is likely that those estimates are no longer accurate. For example, new types of telecommunications linkages have been developed which provide better access at lower cost than dedicated lines. Furthermore, the price of desktop personal computers and software to run them has decreased. Also, the computing power and memory capacity available in these machines has increased substantially, making them much more powerful.

Thus, a revised estimate of the costs required for development and implementation of a new VVRS is necessary. Findings and recommendations from this report and those developed by the SBE study group should be considered in estimating the funding requirements for the system. In light of the increasing inefficiencies and costs associated with the VVRS identified by JLARC staff, it is critical for SBE to present a cost estimate for the new system to the relevant committees in time for consideration by the 1999 General Assembly.

Recommendation (35). The State Board of Elections should present a preliminary estimate of the funding required for a new voter registration system to the House Appropriations and Senate Finance Committees prior to the 1999 session.

Appendixes

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Appendix A

House Joint Resolution No. 51 1998 Session

Directing the Joint Legislative Audit and Review Commission to study the Virginia voter registration system and the operations of the State Board of Elections and the Commonwealth's voter registrars and their offices.

WHEREAS, in 1970, Virginia initiated its centralized voter registration system, strengthened the role of the State Board of Elections, and provided for a general registrar in each county and city; and

WHEREAS, the basic administrative structure of the registration and election system has not changed in nearly 30 years, but the demands on the system have grown in volume and complexity; and

WHEREAS, while the number of voters registered in 1970 was approximately 1.8 million, the number registered for the 1997 November election had doubled to approximately 3.6 million; and

WHEREAS, implementation of the National Voter Registration Act (NVRA) has changed the registration process from an in-person registration system in which most applicants appeared in person before a registrar; and

WHEREAS, the NVRA has introduced new alternatives to in-person registration, including registration by mail, registration at Division of Motor Vehicles offices ("motor-voter" registration), and registration at multiple state agencies, and these alternatives require new procedures and raise concerns about the efficiency and integrity of the system; and

WHEREAS, Virginia has embarked on a program to automate the collection and dissemination of campaign finance disclosure information; and

WHEREAS, the State Board and the Virginia Voter Registrars Association advocate the modernization of the system and its computer platform to improve the speed, coordination, and efficiency of their own operations and the coordination of their operations with other state agencies and the public; and

WHEREAS, efforts to modernize the system will require the procurement of new equipment, election materials and services; and

WHEREAS, there should be a thorough review of the operations of the system and of the operations, staffing, procurement practices, and compensation levels of the offices of the State Board and local registrars to assure the efficiency, integrity, and cost-effectiveness of the system; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the Virginia voter registration system and the relationship between the State Board of Elections and the Commonwealth's voter registrars and their offices.

All agencies of the Commonwealth shall provide assistance for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Appendix B

JLARC Comparison of Voter Registration List and Felony Convictions and Death Records

As part of JLARC's review of SBE, JLARC staff compared the voter registration list maintained by SBE with (1) the historical list of felony convictions maintained by the Virginia State Police and (2) the list of decedents compiled by the Virginia Department of Health (VDH). The purpose of this research activity was to determine if records from the registered voter list matched any records on either the list of individuals with felony convictions or the death records. As a result of this activity, over 11,200 matches between the records on the registered voter list and the list of felony convictions were found. In addition, almost 1,500 matches between the records on the voter registration list and the morbidity report were also identified.

JLARC COMPARISON OF REGISTERED VOTER LIST AND FELONY CONVICTION DATA

JLARC staff utilized two datasets to perform a comparison of registered voters and convicted felons. The State Board of Elections provided JLARC staff with a computer file containing the records of all 3,673,444 registered voters in the State of Virginia as of July 7, 1998. Each individual voter record included: social security number, first, middle, and last names, birth date, location of registration, and whether the person had voted in the November 1997 general election. In addition, JLARC staff received from the State Police a computer file containing information on 748,751 felony convictions that have occurred in the State between October 1945 and August 1998. These records contained: social security number, first and last names, middle initial, birth date, and date of conviction.

Staff from the Division of Legislative Automated Services (DLAS) merged the registered voter list and the felony conviction dataset using SAS, a statistical computer software package, to create one dataset. Records were placed in this new dataset if they contained identical information for social security number, last name, first name, middle initial, and birth date. Records not meeting these criteria were deleted. This merge produced 11,221 matching records. The JLARC staff then deleted all records for which the conviction date occurred after July 5, 1998 or two days before the registered voter list was delivered to JLARC staff. (If an individual was convicted on July 6, 1998, it would have been difficult for the registrars to learn of the conviction and also delete the individual from the VVRS by the time the registered voter list was prepared and sent to JLARC on July 7.)

The Office of the Secretary of the Commonwealth supplied the JLARC staff with a computer file list of 5,218 individuals who have had their voting rights restored by the Governor since 1958. These records included: social security number, first, middle, and last names, and when the individuals' voting rights were restored.

The JLARC staff then merged the dataset of registered voters and convicted felons with the computerized data file containing the information on individuals who have had their voting rights restored. The resulting dataset contained three types of records: (1) registered voters who have been convicted of a felony and have had their rights restored, (2) registered voters who have been convicted of a felony but have not had their voting rights restored, and (3) individuals whose rights have been restored but are not registered to vote. JLARC staff then deleted all the records of convicted felons who have had their voting rights restored. In addition, JLARC staff deleted all the records of those individuals who had their rights restored, but did not appear on the registered voter list. The remaining 11,221 records constitute convicted felons who were registered to vote but had not had their rights restored as of July 5, 1998.

Finally, using this dataset of almost 11,221 individuals, JLARC staff eliminated all records which contained a conviction date after September 30, 1997, or more than a month prior to the gubernatorial election of that year. In addition JLARC staff then identified all the records for which the individual had been credited with voting in the election. The 1,739 records in which convicted felons were credited with voting in the November 1997 general election but had not had their voting rights officially restored.

JLARC COMPARISON OF VOTER REGISTRATION LIST AND DEATH RECORDS FOR FY 1997

As part of its research activities, JLARC staff also compared the voter registration list with the death statistics compiled by VDH for FY 1997. The purpose of the comparison was to determine if any individuals who were reported as deceased still appeared on the voter registration list. The Department of Health provided JLARC staff with a computerized list of 52,875 records for all the deaths that occurred and were recorded in the State between July 1, 1996, and June 30, 1997. Included in these records were: social security number, first and last names, middle initial, and date of death. JLARC staff further analyzed any records identified as matches to determine if those individuals had been credited with voting in the November 1997 general election. These matches were performed using the social security numbers found in each dataset. (Social security numbers represent a primary source of identification for SBE and the general registrars.)

DLAS also merged these two datasets by social security number to form one dataset. When a match of social security numbers occurred, the first and last names and middle initial from each dataset were retained along with birth date, date of death, and whether the person voted in November 1997. This merged dataset contained only the records for which the social security numbers from both datasets were identical.

There are three potential results from performing a match based on social security number. First, a true match can occur, so that the name and personal information is the same for the social security number on both the registered voter list and the VDH report. Second, the name appearing on one list may be different on the other list even though the social security numbers are identical. In this case, the decedent may go

undetected and remain on the voter list. Finally, a social security number provided by VDH may produce no match on the VVRS. However, as a result of data inaccuracies from VDH, the registrar cannot totally conclude that the person is not registered.

Based on this comparison, it appears that 1,480 social security numbers associated with individuals who were listed as deceased between the dates of July 1, 1996, and June 30, 1997, were still registered to vote in the State as of July 5, 1998. In addition, 144 of those social security numbers had been credited with voting in November 1997. Of those voting, the names on the registered voter list and the VDH report matched in only two cases. Therefore, the matches of social security numbers appear to be the result of data errors, most probably on the VDH list.

Appendix C

Voter Registration and Election Turnout Statistics for Virginia Localities

Locality	Active registrants as percent of VAP	Total registrants as percent of VAP	Votes cast in 11/97 gubernatorial election as percent of total registrants	Votes cast in 11/97 gubernatorial election as percent of VAP	Votes cast in 11/97 gubernatorial election as percent of active registrants
Accomack	69.92	71.64	41.41	29.67	42.43
Albermarle	73.88	77.22	54.67	42.22	57.14
Alexandria	66.41	72.33	41.36	29.91	45.04
Alleghany	72.71	74.28	57.64	42.81	58.88
Amelia	78.69	80.71	52.46	42.34	53.81
Amherst	63.95	65.70	53.57	35.20	55.03
Appomattox	80.06	82.27	49.45	40.68	50.81
Arlington	67.33	70.53	47.65	33.61	49.92
Augusta	65.99	67.37	54.12	36.46	55.25
Bath	75.12	76.24	49.27	37.56	50.00
Bedford	75.32	77.79	52.81	41.08	54.54
Bedford City	62.98	65.82	48.71	32.06	50.90
Bland	68.18	70.67	47.04	33.24	48.75
Botetourt	76.86	79.01	56.93	44.98	58.53
Bristol	64.95	67.99	38.40	26.11	40.19
Brunswick	70.77	72.32	47.02	34.00	48.04
Buchanan	70.65	72.21	38.91	28.09	39.76
Buckingham	60.66	61.66	49.35	30.43	50.16
Buena Vista	57.86	59.70	49.72	29.68	51.30
Campbell	71.78	73.81	51.79	38.23	53.26
Caroline	67.61	69.44	49.40	34.30	50.74
Carroll	64.08	65.56	48.14	31.56	49.26
Charles City	75.17	76.65	51.82	39.72	52.84
Charlotte	73.13	74.53	51.67	38.51	52.66
Charlottesville	55.09	59.92	44.64	26.75	48.56
Chesapeake	68.20	71.81	45.52	32.69	47.93
Chesterfield	78.38	81.89	49.32	40.39	51.53
Clarke	61.93	63.63	51.38	32.70	52.79
Clifton Forge	64.78	68.28	55.97	38.22	59.00
Colonial Heights	73.80	76.71	59.68	45.78	62.03
Covington	63.25	65.87	50.81	33.47	52.92
Craig	80.87	82.29	63.92	52.60	65.04
Culpeper	64.04	67.02	49.46	33.15	51.76
Cumberland	82.08	83.81	50.96	42.71	52.03
Danville	59.63	62.54	46.75	29.24	49.03
Dickenson	81.36	83.60	45.19	37.78	46.44
Dinwiddie	67.26	69.51	49.24	34.23	50.89

Appendix C (continued)

Locality	Active registrants as percent of VAP	Total registrants as percent of VAP	Votes cast in 11/97 gubernatorial election as percent of total registrants	Votes cast in 11/97 gubernatorial election as percent of VAP	Votes cast in 11/97 gubernatorial election as percent of active registrants
Emporia	67.72	71.57	47.03	33.66	49.70
Essex	69.42	69.98	52.30	36.60	52.73
Fairfax	72.00	76.01	47.36	36.00	50.00
Fairfax City	69.09	73.21	53.11	38.88	56.28
Falls Church	78.13	81.94	62.98	51.60	66.05
Fauquier	71.26	73.40	51.09	37.50	52.62
Floyd	72.65	74.76	50.27	37.59	51.74
Fluvanna	74.33	76.49	53.87	41.20	55.43
Franklin	64.94	66.52	54.41	36.19	55.74
Franklin City	76.29	79.71	47.65	37.98	49.78
Frederick	67.37	70.43	51.72	36.43	54.07
Fredericksburg	49.52	52.59	46.19	24.29	49.05
Galax	60.87	62.76	44.26	27.78	45.63
Giles	73.87	76.59	47.08	36.06	48.82
Gloucester	69.10	70.78	50.81	35.97	52.05
Goochland	73.22	74.71	65.75	49.13	67.10
Grayson	72.77	74.41	48.52	36.10	49.61
Greene	66.61	68.80	49.65	34.16	51.28
Greensville	60.84	63.19	49.70	31.40	51.62
Halifax	64.35	65.76	49.35	32.45	50.43
Hampton	62.19	65.51	48.07	31.49	50.63
Hanover	79.39	80.27	58.62	47.06	59.27
Harrisonburg	44.97	47.74	47.10	22.49	50.00
Henrico	78.97	82.90	52.62	43.62	55.23
Henry	66.43	68.40	49.63	33.95	51.11
Highland	81.86	82.66	58.15	48.07	58.72
Hopewell	64.30	68.40	43.16	29.52	45.91
Isle of Wight	76.84	79.29	48.84	38.72	50.40
James City	84.63	87.65	56.14	49.21	58.14
King and Queen	78.71	79.50	54.21	43.10	54.76
King George	60.21	62.17	49.46	30.75	51.07
King William	74.68	76.75	54.01	41.45	55.50
Lancaster	75.57	76.69	58.07	44.53	58.92
Lee	73.78	76.52	53.64	41.05	55.64
Lexington	43.02	44.77	54.28	24.30	56.48
Loudon	81.08	84.66	46.05	38.98	48.08
Louisa	68.89	70.42	55.43	39.03	56.66

Appendix C (continued)

Locality	Active registrants as percent of VAP	Total registrants as percent of VAP	Votes cast in 11/97 gubernatorial election as percent of total registrants	Votes cast in 11/97 gubernatorial election as percent of VAP	Votes cast in 11/97 gubernatorial election as percent of active registrants
Lunenburg	77.74	79.16	57.85	45.80	58.91
Lynchburg	62.73	65.77	51.04	33.57	53.51
Madison	64.42	66.23	61.27	40.58	62.99
Manassas	64.60	69.23	42.72	29.57	45.78
Mannasas Park	57.95	61.08	34.17	20.87	36.01
Martinsville	65.70	69.22	55.19	38.20	58.14
Mathews	79.51	80.54	60.86	49.01	61.64
Mecklenburg	64.29	66.08	43.48	28.73	44.69
Middlesex	76.36	78.06	64.73	50.52	66.17
Montgomery	55.60	58.74	48.77	28.65	51.53
Nelson	73.12	74.68	54.96	41.05	56.13
New Kent	81.33	83.67	60.26	50.42	61.99
Newport News	63.16	67.39	44.49	29.98	47.47
Norfolk	55.26	59.20	40.62	24.05	43.52
Northampton	76.36	78.45	47.40	37.18	48.69
Northumberland	78.16	79.00	53.53	42.29	54.10
Norton	72.96	75.85	60.53	45.91	62.93
Nottoway	60.87	62.84	53.73	33.76	55.46
Orange	66.39	68.29	52.42	35.80	53.92
Page	61.60	63.56	46.25	29.40	47.72
Patrick	63.67	64.78	49.42	32.01	50.28
Petersburg	55.98	59.99	46.62	27.97	49.96
Pittsylvania	71.26	72.48	50.17	36.37	51.03
Poquoson	79.46	82.35	51.38	42.31	53.25
Portsmouth	69.20	73.25	47.24	34.61	50.01
Powhatan	70.32	71.80	53.69	38.55	54.82
Prince Edward	57.57	58.78	54.39	31.97	55.53
Prince George	64.18	67.03	49.23	33.00	51.42
Prince William	67.98	72.00	40.84	29.40	43.25
Pulaski	66.40	68.45	48.29	33.06	49.78
Radford	43.87	47.19	45.62	21.53	49.07
Rappahanock	73.88	76.08	54.36	41.35	55.97
Richmond	56.31	56.90	49.28	28.04	49.79
Richmond City	59.54	63.86	49.04	31.32	52.60
Roanoke	79.74	82.94	55.80	46.28	58.05
Roanoke City	62.28	65.88	48.94	32.24	51.77
Rockbridge	64.95	66.89	54.43	36.41	56.06

Appendix C (continued)

Locality	Active registrants as percent of VAP	Total registrants as percent of VAP	Votes cast in 11/97 gubernatorial election as percent of total registrants	Votes cast in 11/97 gubernatorial election as percent of VAP	Votes cast in 11/97 gubernatorial election as percent of active registrants
Rockingham	60.39	62.21	56.08	34.89	57.77
Russell	71.74	72.72	46.91	34.12	47.56
Salem	68.15	71.14	54.32	38.65	56.71
Scott	73.39	75.81	45.98	34.86	47.50
Shenandoah	66.77	69.16	54.54	37.72	56.49
Smyth	65.89	67.48	57.52	38.82	58.91
Southampton	63.46	65.26	51.82	33.82	53.29
Spotsylvania	75.00	77.17	44.88	34.64	46.18
Stafford	69.29	71.37	45.77	32.67	47.14
Staunton	55.43	59.13	52.49	31.04	55.99
Suffolk	72.69	75.44	47.99	36.21	49.81
Surry	86.83	88.52	53.00	46.92	54.04
Sussex	73.21	74.71	51.88	38.76	52.95
Tazewell	66.07	68.14	41.42	28.22	42.71
Virginia Beach	63.98	68.06	41.98	28.57	44.65
Warren	63.30	65.51	46.25	30.30	47.87
Washington	67.15	69.09	47.75	32.99	49.13
Waynesboro	61.47	64.26	53.41	34.32	55.83
Westmoreland	63.75	65.54	48.15	31.56	49.50
Williamsburg	43.83	47.82	48.56	23.22	52.99
Winchester	56.24	59.75	47.74	28.52	50.72
Wise	69.12	70.79	44.96	31.83	46.04
Wythe	67.38	69.89	49.99	34.93	51.85
York	72.34	75.29	52.12	39.24	54.24
<i>State Average</i>	<i>68.11</i>	<i>71.31</i>	<i>48.30</i>	<i>34.44</i>	<i>50.57</i>
<i>State Median</i>	<i>67.98</i>	<i>70.67</i>	<i>49.70</i>	<i>34.93</i>	<i>51.76</i>

Source: JLARC staff analysis of SBE, VEC, and Census Bureau voter registration, election turnout and population data.

Appendix D

**Listing of Number of Convicted Felons
Who Are Registered to Vote By Locality
(As of July 5, 1998)**

<u>Locality</u>	<u>Number of Convicted Felons Registered to Vote</u>	<u>Percentage of All Convicted Felons Registered to Vote</u>
Accomack	42	0.4
Albemarle	65	0.6
Alleghany	7	0.1
Amelia	13	0.1
Amherst	56	0.5
Appomattox	37	0.3
Arlington	177	1.6
Augusta	43	0.4
Bath	7	0.1
Bedford	79	0.7
Bland	2	0.0
Botetourt	37	0.3
Brunswick	44	0.4
Buchanan	34	0.3
Buckingham	33	0.3
Campbell	104	0.9
Caroline	50	0.4
Carroll	16	0.1
Charles City	22	0.2
Charlotte	18	0.2
Chesterfield	385	3.4
Clarke	9	0.1
Craig	9	0.1
Culpeper	70	0.6
Cumberland	41	0.4
Dickenson	14	0.1
Dinwiddie	48	0.4
Essex	15	0.1
Fairfax	600	5.3
Fauquier	50	0.4
Floyd	45	0.4
Fluvanna	34	0.3
Franklin	50	0.4
Frederick	42	0.4
Giles	18	0.2
Gloucester	22	0.2
Goochland	14	0.1

Appendix D (continued)

<u>Locality</u>	<u>Number of Convicted Felons Registered to Vote</u>	<u>Percentage of All Convicted Felons Registered to Vote</u>
Grayson	33	0.3
Greene	12	0.1
Greensville	33	0.3
Halifax	42	0.4
Hanover	92	0.8
Henrico	643	5.7
Henry	102	0.9
Highland	4	0.0
Isle of Wight	64	0.6
James City	65	0.6
King and Queen	14	0.1
King George	10	0.1
King William	23	0.2
Lancaster	12	0.1
Lee	36	0.3
Loudoun	99	0.9
Louisa	48	0.4
Lunenburg	27	0.2
Madison	14	0.1
Mathews	12	0.1
Mecklenburg	37	0.3
Middlesex	2	0.0
Montgomery	78	0.7
Nelson	31	0.3
New Kent	14	0.1
Northampton	13	0.1
Northumberland	13	0.1
Nottoway	28	0.2
Orange	29	0.3
Page	55	0.5
Patrick	9	0.1
Pittsylvania	87	0.8
Powhatan	43	0.4
Prince Edward	39	0.3
Prince George	64	0.6
Prince William	375	3.3
Pulaski	46	0.4
Rappahannock	6	0.1
Richmond	12	0.1
Roanoke	97	0.9
Rockbridge	28	0.2
Rockingham	44	0.4
Russell	42	0.4

Appendix D (continued)

<u>Locality</u>	<u>Number of Convicted Felons Registered to Vote</u>	<u>Percentage of All Convicted Felons Registered to Vote</u>
Scott	34	0.3
Shenandoah	32	0.3
Smyth	44	0.4
Southampton	35	0.3
Spotsylvania	79	0.7
Stafford	88	0.8
Surry	16	0.1
Sussex	20	0.2
Tazewell	64	0.6
Warren	46	0.4
Washington	42	0.4
Westmoreland	34	0.3
Wise	44	0.4
Wythe	47	0.4
York	45	0.4
Alexandria	264	2.3
Bedford City	11	0.1
Bristol	33	0.3
Buena Vista	9	0.1
Charlottesville	62	0.5
Chesapeake	390	3.5
Clifton Forge	10	0.1
Colonial Heights	32	0.3
Covington	5	0.0
Danville	114	1.0
Emporia	26	0.2
Fairfax City	25	0.2
Falls Church	2	0.0
Franklin	20	0.2
Fredericksburg	56	0.5
Galax	18	0.2
Hampton	245	2.2
Harrisonburg	36	0.3
Hopwell	84	0.7
Lexington	10	0.1
Lynchburg	151	1.3
Manassas	46	0.4
Manassas Park	12	0.1
Martinsville	45	0.4
Newport News	416	3.7
Norfolk	886	7.9
Norton	8	0.1
Petersburg	205	1.8

Appendix D (continued)

<u>Locality</u>	<u>Number of Convicted Felons Registered to Vote</u>	<u>Percentage of All Convicted Felons Registered to Vote</u>
Poquoson	8	0.1
Portsmouth	435	3.9
Radford	28	0.2
Richmond City	524	4.7
Roanoke City	342	3.0
Salem	39	0.3
Staunton	38	0.3
Suffolk	240	2.1
Virginia Beach	661	5.9
Waynesboro	32	0.3
Williamsburg	22	0.2
Winchester	34	0.3

Appendix E

General Registrar Survey Responses

N = 131

Statement	Strongly Agree (%)	Agree (%)	Disagree (%)	Strongly Disagree (%)	No Opinion (%)
The SBE provides timely responses to my inquiries concerning interpretation and administration of Virginia election law	5	51	18	11	15
The SBE provides consistent responses to inquiries from general registrars concerning interpretation and administration of Virginia election law	2	27	34	12	24
The SBE provides adequate training to general registrars	1	11	49	34	5
The general registrars handbook is a valuable resource to me in the performance of my duties	17	27	21	33	2
The electoral board handbook is a valuable resource to me in the performance of my duties	18	64	14	2	2
The VVRS user's guide is a valuable resource to me in the performance of my duties	16	63	14	5	2
SBE policies and procedures provide me with an appropriate level of guidance in performing my responsibilities	3	35	39	16	7
The SBE provides timely and adequate responses to my inquiries concerning use of the VVRS	11	74	11	2	2
I am aware of all the information and reports that I can obtain from the VVRS	2	35	42	11	10

Appendix E (continued)

Statement	Strongly Agree (%)	Agree (%)	Disagree (%)	Strongly Disagree (%)	No Opinion (%)
The VVRS is operative and available to me and my staff a sufficient amount of time throughout the day	17	66	12	2	2
The VVRS needs to be fully redesigned using new technology and development tools	61	26	1	0	12
The certification of new types of voting equipment by the SBE would be beneficial to the administration of elections in my locality	19	27	11	1	42
The certification of voting equipment by the SBE is a valuable function which should continue to be performed	31	53	2	1	13
The review of voting equipment procurement requests by the SBE is a valuable function which should continue to be performed	17	48	11	8	17
The SBE provides election forms and other materials to my locality in a timely manner	21	64	9	5	0
Election forms and materials prepared by the SBE are useful to the administration of elections in my locality	34	61	4	1	1
The process for the qualification and certification of candidates is adequate and does not require any modification	5	61	20	2	12
The process for the design and preparation of ballots is adequate and does not require any modification	7	62	12	2	18

Appendix E (continued)

Statement	Strongly Agree (%)	Agree (%)	Disagree (%)	Strongly Disagree (%)	No Opinion (%)
The process for the canvass, and certification of statewide election results is adequate and does not require any modification	8	51	15	1	26
I favor moving municipal elections from May to November	32	15	16	23	14

Note: Percentages may not total to 100 due to rounding.

Source: JLARC staff analysis of general registrar survey responses (July 1998).

Appendix F

Agency Responses

As part of an extensive data validation process, State agencies involved in a JLARC assessment effort are given the opportunity to comment on an exposure draft of the report. Appropriate technical corrections resulting from written comments have been made in this version of the report. Page references in the agency responses relate to an earlier exposure draft and may not correspond to page numbers in this version.

This appendix contains the following responses:

- the State Board of Elections
- the Virginia Department of State Police
- the Virginia Department of Health
- the General Registrar for the City of Radford
- joint response from the Secretary of Administration, the Secretary of Transportation, the Department of Motor Vehicles, and the State Board of Elections

NOV - 6 1998



COMMONWEALTH of VIRGINIA

State Board of Elections

Pina Brooks Swift
Chairman

M. Bruce Meadows
Secretary

George M. Hampton, Sr., D.A.E.
Vice Chairman

November 6, 1998

Audrey S. Piatt
Deputy Secretary

Mr. Philip A. Leone, Director
Joint Legislative Audit and Review Commission
Suite 1100, General Assembly Building
Richmond, Virginia 23219

Dear Mr. Leone:

On behalf of the State Board of Elections, I appreciate this opportunity to share some thoughts on the initial findings of the JLARC staff report looking into the operations of election administration in Virginia. The Board was supportive of this action and feels that given the extraordinary challenges that have been presented to election officials at all levels in Virginia a comprehensive examination of how we conduct our statutory responsibilities is both timely and well conceived.

Since the beginning of my term as Secretary, in February 1995, General Registrars, Electoral Boards, and SBE Staff have been faced with many challenges which have necessitated drastic change in many long-standing tenets of election policy and procedure. As anticipated, the frustration and confusion of drastic change is justifiably documented in this report by those in the election community and is something that this agency recognizes and admits has been a major concern.

Since 1995, this Board has been forced to deal with 1) the implementation of the National Voter Registration Act of 1993 (NVRA), commonly referred to as "Motor Voter", 2) the implementation of the Governor's Workforce Transition Act (WTA), 3) the increased public interest in campaign finance data, resulting subsequently in statutory requirements for the electronic filing of campaign reports, 4) the realization that state agencies must "do more, with less", 5) an increased emphasis on improved public service, and 6) the long-term illness and subsequent retirement of the agency's long-time Director of day to day operations, the former Deputy Secretary.

That is a significant amount for any size agency to deal with, but to an agency the size of SBE, it is an extraordinary challenge to handle.

Mr. Philip A. Leone
Page two
November 6, 1998

Certainly there has been frustration and morale problems associated with the imposition of the large federal mandate known as NVRA on so few dedicated state workers. The uncertainty and complexity of the NVRA has thrown the election community, nationwide, for a loop. It is something that my colleagues in other states and I are just now, 2 years later, beginning to understand and comprehend. Although we had general knowledge of the objectives of the federal legislation, we had no viable working knowledge of the details and required procedures. And we had a relatively short time to prepare our election processes and personnel in the implementation of this Act. Not in thirty years had Virginia voter registration policy been so altered. These procedures, with the admirable intent to increase voter registration, have created frustration, confusion, and concern among all election administrators and the general public in Virginia and around the country.

It is a fair statement to say that the NVRA stripped General Registrars of a lot of safeguards and assurances in correctly filling out of voter registration applications. The old days of having a registrant fill in their application in the presence of an election official assured the completeness and accuracy of the data, and further assured that the application of a qualified registrant was then safely entered into the voter rolls of the Commonwealth. These days are gone under the NVRA.

Mail-in applications, as well as applications administered by other governmental agencies are now the normal procedure. And as the number of individuals who have some responsibility for the voter registration process has grown, so has voter confusion, registrar workload, and everyone's frustration with the registration process.

We, quite frankly, did not know, nor did we have any way of knowing the complexity of this program and the difficult challenges that it would bring. The comments in this report that convey these frustrations are well founded and well taken. As Virginians get used to this procedure and become accustomed to it, there will be less of the confusion and problems experienced at the inauguration of this Act.

Shortly after taking office, which was a full year after most of my administration colleagues, I was directed to comply with the provisions of the Workforce Transition Act. Having recently arrived as Agency Head, and with the expectation of a lawsuit over NVRA, I was concerned that I hadn't sufficient opportunity to effectively gauge the impact on my small agency of three WTA retirements. I was convinced by administration officials to grant these early retirements, and was promised that a review of the consequences would be later conducted. In hindsight, I would have made a different decision, as much of our burden these past four years has been that loss of approximately 15% of our staff at the time.

Mr. Philip A. Leone
Page three
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Additionally, one of the more emotional and detrimental situations of the past two years that has effected the agency and those in election administration, has been the illness and subsequent retirement of the former Deputy Secretary. The indomitable spirit, forceful personality and dedication to fair and honest elections in Virginia that had guided and assisted eight Virginia Governors, and the past four Board Secretaries in the implementation of Virginia Election Law created a large vacuum of leadership and institutional knowledge. Her impact and presence will be missed for a long time to come.

There was a unofficial edict of a time in state government, which was "Do more, with less." Although no paper trail exists, possibly due to a shortcoming of personal management style, I was constantly inquiring about additional agency staffing. As the inevitability of NVRA and other additional mandates became apparent, I realized that it was no longer feasible or fair to expect the workload to be borne by the few staff that I had. Unfortunately, I was never able until this year to get the necessary support to hire more permanent staff to deal with the increased workload.

As mentioned before, the Board is in agreement that while Virginia enjoys a well-deserved reputation for fair and honest elections, there is much that can be done to alleviate the concerns and frustrations mentioned in this report. The current administration has been supportive of our efforts that have already been undertaken to address some of the major concerns of this report.

One of the major concerns of this, as well as previous Boards, has been the overall condition and effectiveness of the Virginia Voter Registration System (VVRS). Previous Secretaries have voiced concern, as have I, that this computer system is antiquated and in dire need of major repair, if not total replacement.

In the early 70's, Virginia led the nation in the establishment of a computerized state-wide voter registration system and was hailed as a pioneer on the national election administration circuit. Since then, we have upgraded our system on an "as needed" basis and have allowed other states and new computer technology to bypass us. With the advent of the NVRA, and the computer changes required for its implementation, many computer experts have warned of a possibly dangerous situation, if more is added to the system. Such is the "band-aid" approach we've been using the last several years.

The State Board, working closely with the Secretary of Administration, and pursuant to the Appropriations Act passed by the 1998 General Assembly, presently has a VVRS Study Committee in place which will be prepared to make suitable recommendations to the Governor and General Assembly in time for consideration during the 1999 session. The Committee consists of representatives of the Registrars Association, the SBE, the major political parties, and a citizen

Mr. Philip A. Leone
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representative. Many of the technological concerns raised in this study are already on the committee's agenda.

A comprehensive look at adequate staffing of the agency, which has been a long standing concern, is being addressed. We have three new employees hired since this September. The Governor appointed a new Deputy Secretary to the Board, which has helped greatly with the day to day management of the agency, long-range planning, staff meetings and improved communications, and the re-institution of training for registrars, electoral boards and campaign treasurers, among other things. In addition, the Governor has appointed a Special Assistant to the Secretary for Policy who will be working to update our various handbooks and address the problems we and this report have identified of the lack of uniformity in some of the election administration policies. A new administrative secretary has also been hired to fill a vacancy.

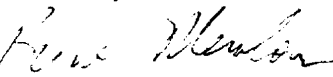
Additionally, the State Board has already reviewed a work plan to re-institute the certification of voting equipment process. And it is expected to vote to lift the 5 year old moratorium on certification of new voting equipment at its November meeting.

As I said before, all of us involved in the administration of election procedures in Virginia have been through a challenging and frustrating time. It is to the credit of the General Registrars and their staffs, the Electoral Boards and the general staff of the State Board of Elections, that this period, although challenging, produced no perception of election fraud or voter misconduct in the Commonwealth. We are extremely fortunate that we have a dedicated group of individuals that, despite the problems of the last few years, did their jobs to the best of their abilities and provided all Virginians with fair and honest elections.

This study brings up many possibilities for improving the process. This Board and agency are dedicated to making necessary changes and working with the General Assembly, the Administration and all officials concerned in election administration to guarantee the voters of Virginia that the election process provides fairness and integrity, and in the most efficient manner for its citizens.

Thank you for this opportunity to respond.

Sincerely,



M. Bruce Meadows
Secretary

NOV - 4 1998



COMMONWEALTH of VIRGINIA

Col. M. Wayne Huggins
Superintendent

DEPARTMENT OF STATE POLICE

P.O. BOX 27472, RICHMOND, VA. 23261-7472

(804) 674-2000

October 29, 1998

Mr. Philip A. Leone, Director
Joint Legislative Audit and Review Commission
Suite 1100
General Assembly Building, Capitol Square
Richmond, Virginia 23219

Dear Mr. Leone:

Thank you for your recent letter and the opportunity to review our portion of the exposure draft of your report, Review of the State Board of Elections.

Through the operation of the Central Criminal Records Exchange (CCRE), the Firearms Transaction Program (FTP), and other subprograms of the Criminal Justice Information Services (CJIS) Division, we have been aware of the issues regarding convicted felons and the State Board of Elections. Even though we agree that steps must be taken to insure that convicted felons should not appear on or remain on voter lists, we opine that recommendations (8) and (9) as written will not work toward resolving that issue.

Recommendation (8) suggests that the General Assembly amend the *Code of Virginia* to provide the State Board of Elections with direct access to the felony conviction database through the Virginia Criminal Information Network (VCIN). Based on the commentary leading up to this recommendation, I am concerned that your staff was not made fully aware of the connectivity and use issues regarding the VCIN system.

Firstly, VCIN is a telecommunications network developed for and dedicated to criminal justice agencies for criminal justice use¹. The VCIN system provides a telecommunications link between all law enforcement agencies within Virginia and a link to local, state, federal, and international law enforcement agencies throughout the United States of America and the world. In order for Virginia law enforcement agencies to connect to VCIN and retain that connectivity, they must comply with policies, regulations and laws governing access. These policies, regulations and laws mirror the federal policies, regulations and laws that Virginia must comply with in order to connect

¹ §52-12., et seq.

Mr. Philip A. Leone, Director
October 29, 1998
Page Two

to and retain connectivity to the Federal telecommunications system, the National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS).

Secondly is the issue of accessing criminal history record information and the security requirements imposed on those individuals authorized such access.

Recommendation (9) suggests that the *Code of Virginia* be amended to require the State Police to compare the federal NCIC database against the voter registration database. We are assuming that the State Board of Elections would provide to State Police a tape or disc containing the names of all Virginia registered voters for comparison against the NCIC database. Based on past experiences, we are doubtful that, even with a statutory change, the Federal Bureau of Investigation (FBI) would make a comparison run against the NCIC database to determine voter registration qualification. Further, since it is anticipated that the Virginia Voter registry contains hundreds of thousands of names, the State Police does not have the resources to perform such a task.

Additionally, Virginia will not only be required to enact state legislation requiring criminal history record checks be conducted to determine voter eligibility, but will also be required to ratify through legislation Title II of the "Crime Identification Technology Act of 1998" which includes the "National Crime Prevention and Privacy Compact" enacted on October 10, 1998.

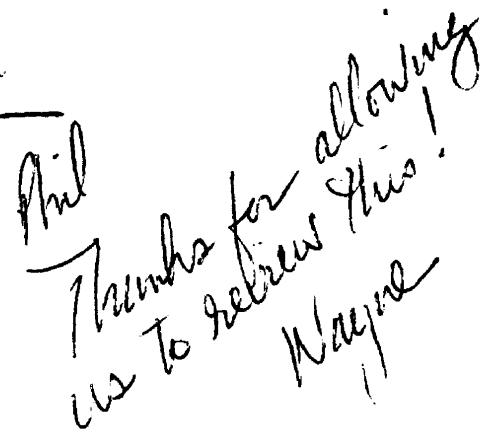
I feel it necessary that these issues be discussed further prior to submitting the report to the General Assembly. If you are in agreement, I ask that you or your designee contact Captain R. Lewis Vass, Commander, CJIS Division and Control Terminal Officer for the VCIN-NCIC-NLETS interface (674-2147)

Sincerely,


Superintendent

MWH/RLV/jlm

cc: The Honorable Gary K Aronhalt
Secretary of Public Safety
Captain R. Lewis Vass





NOV - 8

COMMONWEALTH of VIRGINIA

Department of Health

P O BOX 2448
RICHMOND, VA 23218

TDD 1-800-828-1120

October 30, 1998

Mr. Philip A. Leone, Director
Joint Legislative Audit and Review Commission
Suite 1100, General Assembly Building, Capital Square
Richmond, VA 23219

Dear Mr. Leone:

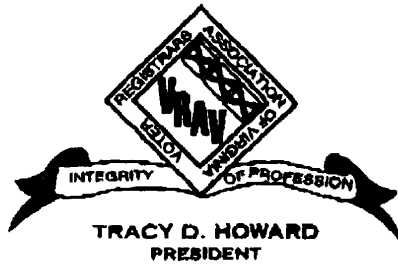
Thank you for the opportunity to review the draft of your report, Review of the State Board of Elections. I have reviewed the draft and have the following comments:

- The proper name of the unit within the Virginia Department of Health (VDH) which the report refers to should be "Office of Vital Records and Health Statistics (OVRHS)".
- The quality of the name and Social Security Number listed on the death certificate is dependant upon the accuracy of the data provided by the informant (usually a spouse or next of kin) to the funeral director. The funeral directors have limited means of verifying this data independently.
- An electronic death certificate program is under development at the national level. Once such an automated process has been successfully tested and becomes available VDH will move rapidly to adapt it for use in the Commonwealth.
- The technical staff within OVRHS continues to work with their counterparts at the State Board of Elections (SBE) to develop an automated process for transmitting the death data from OVRHS to SBE. Once accomplished, this should relieve some of the paper-handling burden on both staffs as well as shorten the distribution time.

I appreciate the opportunity to share my comments with you regarding this important review. Our goal is to provide high quality and timely data, and we look forward to working with all those involved to achieve our mutual objectives.

Sincerely,

William R. Nelson, M.D., M.P.H.
Acting State Health Commissioner



VOTER REGISTRARS ASSOCIATION OF VIRGINIA

29 1ST STREET • RADFORD, VA 24141-1540

November 4, 1998

Phillip A. Leone, Director
JLARC
Suite 1100, General Assembly Bldg.
Capitol Square
Richmond VA 23219

Dear Mr. Leone,

The opportunity to review the "Exposure Draft" of the Review of the State Board of Elections was greatly appreciated. I read the document thoroughly, while being mindful of the roles played by the agencies and elections officials involved. I have no personal knowledge of the employer / employee situation within the agency of the State Board of Elections and do not feel qualified to speak to that issue. However, I do have personal knowledge of the registrars of the Commonwealth.

While this JLARC report honestly and accurately focuses on the State Board of Elections and its recent difficulties, it should more thoroughly recount the important role of the General Registrar in maintaining the Commonwealth's electoral system during this difficult time. The 135 local registrars have had a tremendously difficult job maintaining an efficient and honest electoral system in the wake of the National Voter Registration Act, the retirement of the former Deputy Secretary and the breakdown in communications at the agency level. Even with these adversities and the limited resources available to them, the registrars of the Commonwealth have been able to maintain the unquestionable integrity of Virginia's elections. They have been able to maintain a relatively high level of accuracy of the voter roles and they have acted throughout this difficult period in a professional manner.

It is safe to say that the general registrars of Virginia have at one time or another suggested most of the 34 recommendations included in this report. Particularly those recommendations concerning the handling of applications at DMV and the updating of the VRS. I am pleased to say that many of the recommendations included in this JLARC report coincide with the opinions of many registrars, including my own.

- (1) The registrars have been "yelling" for improvements in training and the VRS for years.
- (1) The registrars and VRAV have expressed their desire for improved communications with the State Board of Elections and the DMV.
- (1) The registrars of the Commonwealth were the first to recognize that felons were registering to vote through DMV and outside sources and suggested a computer list comparison from the beginning of Motor Voter in Virginia.
- (1) The registrars support any improvement in communications with DMV and other state and Federal agencies which will provide information useful in maintaining accurate voter roles.
- (1) Our Statewide association is on record as supporting the integration of the pollbook with the Registered Voters List and has plans to support this legislation at the upcoming General Assembly session.

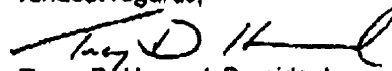
Even though I agree with the report as being factual I do have a few concerns;

- [] I was somewhat disappointed that this JLARC study did not support a substantial salary increase for the General Registrars. It was very disheartening to read that the 1991 JLARC study on registrars compensation was suggested in lieu of a re-examination of the salary issue. There have been many changes and increases in registrar responsibility in the last eight years and that report must be considered obsolete.
- [] I was very encouraged that in addition to the statutory duties of the general registrar those additional duties delegated by the local electoral boards were recognized. However it should also be recognized however that the general registrars who perform most of the Electoral Board's statutory duties as delegated duties, do so with no increase in compensation.
- [] It should also be recognized that most duties listed in the report under the heading of *Additional Responsibilities Listed in the Electoral Board Handbook* are routinely performed by many general registrars. Again with no additional compensation for the registrar and no decrease in compensation of the electoral board members.
- [] I would suggest an equitable arrangement be provided for in state law which would require an electoral board delegating any percentage of duties to the general registrar to transfer a comparable percentage of their salary to the registrar in compensation for the performance of those additional duties.

The Voter Registrars' Association of Virginia has worked toward improved communications, attempted to step in when state training ceased and has been the driving force behind sharing of information among the registrars. We have, with varying degrees of success, attempted to improve the electoral process in the General Assembly and through the State Board of Elections. While I cannot speak for the entire association in regards to this report, I can guarantee that our association will do everything possible to positively work with the State Board of Elections in developing and carrying out all necessary plans for the improvement of the agency, the Virginia registration process and the Commonwealth's Electoral System.

Again, thank you for the opportunity to comment on this report. I offer the services and experience of the VRAV to the Virginia General Assembly in the implementation of the necessary legislation towards the goal of improved services to the citizens of the Commonwealth.

Kindest regards,



Tracy D. Howard, President
Voter Registrars' Association of Virginia



COMMONWEALTH of VIRGINIA

Office of the Governor

James S. Gilmore, III
Governor

Shirley J. Ybarra
Secretary of Transportation

December 8, 1998

Mr. Philip A. Leone
Director
Joint Legislative Audit and Review Commission
General Assembly Building, Suite 1100
Richmond, Virginia 23219

Dear Mr. Leone:

This letter is intended to provide a response to the enumerated recommendations of the Joint Legislative Audit and Review Commission's (JLARC) November 9, 1998 Commission Draft on *Review of the State Board of Elections*.

We note, up front, that we not only agree with, but welcome the portion of the report related to the Virginia Voter Registration System (VVRS). This portion of the report was generally accurate and reflective of the high caliber report that JLARC staff are capable of providing. We agree that it is time to address the need for a new computerized statewide voter registration system.

We also note that we were disappointed after reading JLARC's exposure draft of the *Review of the State Board of Elections*, not with the general concepts behind the report, but with its tone. We agree that the National Voter Registration Act of 1993 (NVRA) was a dramatic change in the voter registration process in Virginia. We agree that there are still things that can be done to improve the process for the potential registrants, and we are working on this, yet this is not reflected in the report.

Government is always a work-in-progress. Gauging our progress, then, becomes a matter of perspective. While JLARC's report focuses on the shortcomings, it is only fair that we also examine our successes in implementing the NVRA.

- In just two years, the voter application process conducted through the Department of Motor Vehicles (DMV) has successfully added 521,083 voters to Virginia's voter registration rolls.

- As a result of NVRA, Virginians have 77 additional DMV locations¹, along with hundreds of public assistance and other state designated voter assistance locations at which they can apply to register to vote.
- For 1998, DMV has averaged 60% of all newly registered voters.
- DMV collected and forwarded to the State Board of Elections (SBE) 219,032 name/address changes.
- Virginia's implementation of the NVRA fully complies with the requirements specified in the federal legislation. DMV uses a single form for voter registration application and driver licensing transactions. The customer only enters information once in order to carry out both DMV and voter transactions.²
- DMV implemented its NVRA responsibilities with some additional funding appropriations, but with no help from the General Fund. In other words, DMV diverted resources from existing operations to accommodate NVRA implementation.

The report does not adequately recognize the significant improvements in relationships between DMV and SBE and the improvements we are working together on to streamline the process for the potential registrants. The report fails to recognize the improvements in management and operations at SBE over the past few months. The report omits the significant challenges that SBE has had to deal with over the past three years, largely due to the NVRA, but also due to long term inadequate funding and unfortunate timing of staff health-related problems.

Contrary to the analysts' perception of the NVRA implementation process, Virginia has made significant accomplishments in implementing a high quality voter registration program that fulfills not only the letter of the law but the spirit as well. Most notably, as of October 1998, implementation of NVRA has already added 1,094,632 voters to the Commonwealth's voter registration rolls. Looking beyond the procedural details that seem to have preoccupied the authors of this report, we can assure you that this Administration, and more specifically, SBE and DMV, stand ready to address the substantive issues identified that are facing the Commonwealth. SBE and DMV are working on substantive issues such as the development of an automated process to electronically transfer voter registration application information between SBE and other

¹72 Customer Service centers, three mobile customer service centers, and the Emporia and Pentagon Satellite offices. The agency also plans to place stand-alone voter registration forms at our 24 license agencies and a fourth mobile customer service unit that is on order will also accept voter registration applications.

² Section 42 USC 1973gg-3 mandates that the voter portion of the application cannot require any information that duplicates information required on the driver's license part of the form, other than a second signature or information necessary to prevent duplicate registrations.

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state agencies, and development of a new computerized statewide voter registration system.

For example, in attempts to improve the process and in consultation with SBE, DMV has revised the joint driver's license/voter registration application 11 times in a two-year period. Not only has significant staff time been spent by both SBE and DMV, but DMV has also absorbed additional costs. Prior to NVRA implementation, DMV printed the driver's license application form in-house at a cost of \$0.001 each. The joint application must be contracted out for printing at a cost of \$0.03 each, a significant increase in printing costs.

Can we improve the system? Yes, we are constantly working to improve the system and processes, as DMV's joint application revision #11 attests. Further, in another effort to improve the process, DMV has agreed to detail a full time DMV employee to SBE's offices to serve as a liaison between the two agencies, for at least the next year. This senior field manager with almost 25 years of DMV experience (and a former DMV employee of the year) will assist in coordinating joint efforts to improve the system. SBE is also setting up a number of committees made up of registrars, electoral board members and SBE staff to further improve a number of processes in the coming year.

Looking at Part II, Virginia Voter Registration and Process, there are several ways in which JLARC's report does not adequately reflect the total situation. The Commission Draft underscores some misperceptions held by general registrars and does nothing to clarify them.

For example, NVRA requires the Commonwealth to provide significant statistical reporting on an annual basis. Among the statistics that must be provided are the number of duplicate registrations. Registrars, it is clear in the Commission Draft, resent DMV for providing so many duplicate applications for voter registration. But federal law requires that the Commonwealth not only accept duplicate registrations, but enter them into the Virginia Voter Registration System (VVRS) and re-establish the new date of registration to reflect the date of submission of the duplicate registration. The JLARC report fails to address this federal requirement.

Additionally, federal statute, 42 USC 1973gg-3, as well as Virginia Code §24.2-411.1, prohibits DMV from recording whether a customer applied to register to vote or is already registered. Therefore, DMV is prohibited by law from tracking whether an individual is already a registered voter or has previously applied to vote. By ignoring this legal mandate, the JLARC report insinuates that DMV intends to increase workload for the registrars.

The JLARC analysis also fails to understand the reasons for duplicate applications. In fact, it is surprising that JLARC found that duplicates averaged as low as 13 percent. One out of every two customers who takes one of the driver's license exams will need to return to DMV because he or she failed one of the exams. Each time the applicant returns a new opportunity is presented to apply to register to vote, even if the applicant has already completed and submitted an application. And federal law makes it clear that if an applicant resubmits a voter registration application, it must be acted upon by the registrars. The Attorney General's office has advised that a signature on an application to register to vote expresses an intent to apply and the application must, therefore, be processed. In the spirit of the NVRA, DMV errs on the side of presuming that a customer intended to apply to register to vote.

On the one hand, the JLARC report contends that DMV forces all customers to apply to register to vote, while on the other hand the report claims that DMV staff do not consistently offer customers the opportunity. The evidence within the JLARC report belies both contentions.³ The report acknowledges that the agency gives verbal instructions to all customers about applying to register to vote. A quick analysis of driver transactions shows that DMV personnel do not force customers to register to vote. In FY98, DMV conducted 2.5 million driver transactions. DMV submitted approximately half a million voter registration applications, demonstrating that only 20% of DMV customers elected to apply to register to vote.

Further, the JLARC report faults DMV for a lack of communication with individual registrars. For example, the JLARC report states, "Registrars believe that they have no control or influence concerning DMV activities that can significantly affect their workload." (p. ix). Because of the confusion that would result if each of 135 general registrars were to communicate with DMV's 77 field offices and headquarters, and vice-versa, SBE and DMV agreed to channel all communications through SBE and DMV headquarters staff. This practice streamlines communication by ensuring that both DMV personnel and the registrars have a single point of contact and that SBE and DMV headquarters always remain in the communications loop. This practice also ensures statewide uniformity, as directed by SBE's statutory authority.

³The evidence that JLARC offered consisted of two visits to each of six different sites in the Richmond metropolitan area. Considering that DMV offers 77 service outlets statewide and handles more than 12,000 driver transactions daily, this so-called survey can hardly be considered to provide reliable information. We disagree with the finding that the DMV staff routinely fails to offer customers the option to apply for voter registration since it was based on such limited observation, i.e. two visits to a DMV CSC.

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Efforts are currently underway to enhance communications between all three parties: DMV, SBE and the registrars. Moreover, efforts are currently underway to enhance communications to the general public. DMV and SBE have established links between their websites, and DMV has added voter registration information to the DMV website. DMV has also printed an insert for the driver's manual that explains the opportunity to apply for voter registration at DMV, and has added tent cards to its customer service counters reminding customers about voter registration opportunities at DMV. Additionally, DMV issued a news release about the opportunity to apply to register to vote at DMV which ran in at least ten newspapers across the state this fall.

Before closing our response to Part II, we also wish to respond to the point raised by JLARC during its presentation of November 9, 1998, in which it suggested that a joint driver's license/voter registration application was unnecessary. In a September 15, 1998, letter to Penelope Bonsall, Director of the Federal Election Commission (FEC), JLARC questioned the need for a combined form to collect both driver's license and voter registration information. Although, as Ms. Bonsall's staff noted, the NVRA does not specifically require a combined form, this simplistic answer to a simplistic question ignores several important facts. Thirty-nine states currently use a combined driver's license/voter registration application; the rest do not have to for one of two reasons. First, a combined form is not required in those states that are exempt from NVRA due to their election day registration. Second, a combined form is not required if the state's DMV uses a paperless driver's license registration. Additionally, Section 42 USC 1973gg-3 mandates that the voter portion of a DMV application cannot require any information that duplicates information required on the driver's license part of the form (other than a second signature or information necessary to prevent duplicate registrations).

Contrary to the presumption indicated by JLARC's letter to the FEC, the U.S. Department of Justice is the agency responsible for enforcement of the NVRA. The DMV joint application has received pre-clearance from the Voting Section of the Civil Rights Division of the Department of Justice. Unless the General Assembly wishes to contradict the directives of the enforcement agency, we respectfully suggest that a combined form is currently necessary in Virginia.

Addressing the issues raised in Part III, Operations and Management of the State Board of Elections, we will be much briefer in our response. Many of the points in the report are valid, but there is a suggestion by tone that the failures were intentional. As the report itself recognizes, however, the agency has had to contend with several handicaps: (1) the agency has been short staffed for a number of years; (2) the agency is, and has been, hampered in its hiring by the low pay grades characteristic of the agency; (3) the

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agency has been inadequately funded for many years; (4) the costs of DIT operations has escalated more dramatically than the increases in funding provided since onset of the NVRA; (5) NVRA placed a significant additional burden on the short-staffed, short-funded agency; and (6) tragically, the agency was hit with health burdens of two key staffers during the past two years. SBE has an excellent, dedicated staff who have performed much better than could have been expected during this difficult period. This report does not adequately credit them for what they have been able to accomplish.

Finally, we note that while some of the suggestions for changes in staffing and reorganization are very valid and underscore the direction SBE has been pursuing recently, some of the recommendations tend to be micro-management of agency staffing or procedure without sufficient knowledge of the total situation. The agency is aggressively attempting to deal with the problems noted, and we expect that in just a few months the results of this effort will be obvious to all.

Turning to the Recommendations made by JLARC in its Commission Draft we have the following responses.

Recommendation 1: DMV should take all necessary steps to ensure that DMV employees notify customers that they may also register to vote at DMV offices.

DMV response: We will continue to ensure that our employees inform customers that they can apply to register to vote when transacting business in our CSCs. We have already detailed our response to this recommendation elsewhere in this letter.

Recommendation 2: DMV should provide adequate managerial supervision of its CSCs and oversight in order to ensure that voter registration applications are properly completed before submitting applications to SBE.

DMV response: CSC managers, coordinators and employees are well trained in accepting voter registration applications. However, the agency will continue to provide training for new employees and refresher training for existing staff. The agency will continue to emphasize through quarterly question and answer sessions held by the Commissioner with field employees the importance of the voter registration application process. Much of the information required on the voter registration application form is highly sensitive. There could be nothing more chilling for a DMV customer than to be asked about his citizenship, felony convictions or mental competence. Both federal (42 USC 1973gg-3) and state law (§24.2-411.1) clearly establish that local registrars are responsible for assessing the eligibility of the applicant and to administer voter registration.

Recommendation 3: The General Assembly may wish to amend §24.2-411.1 of the Code of Virginia to require DMV to provide each applicant who does not decline to apply to register to vote the same degree of assistance in completing voter registration applications as it provides in completing its own forms.

Joint DMV/SBE response: The NVRA was intended to provide more widespread and convenient opportunities for citizens to register to vote. This was accomplished by allowing citizens the opportunity to apply to vote at the DMV and at a number of other public locations. The NVRA mandated that citizens who applied to register to vote at any location other than a DMV must be provided the same degree of assistance in completing voter registration forms as is provided by such agencies in completing their own forms. It very pointedly did not require DMV to provide this same level of assistance. While the legislative history does not specify the reason why there is a distinction, it is easy to speculate that Congress recognized that the amount of time citizens would be inconvenienced by such a level of assistance might be significant due to the volume of transactions at DMVs. Not only those who wished to register to vote would be inconvenienced. Neither federal code nor state statute specifically address the level of support DMV is to provide to its customers. However, the Conference Committee report on H.R. 2, National Voter Registration Act of 1998 (House of Representatives, 4/28/93), clearly spelled out why it was necessary to specify exactly the level of support to be provided at the designated voter registration (non-DMV) agencies (42 USC 1973gg-5). These agencies are defined in the act as offices providing public assistance, unemployment compensation and related services. The voter application process at a DMV, in contrast, is treated in a completely different section (42 USC 1973gg-3). Therefore, there was and is no intent in the federal law to treat a motor vehicle agency in the same manner as a designated voter registration agency.

Some of the suggestions in the Commission Draft ignore the realities confronting both agencies. The Commission Draft suggests that DMV staff should provide a significantly enhanced level of assistance to people who wish to apply to register to vote. This would require significant training for large numbers of front line DMV employees. Furthermore, even if DMV employees were able to answer voter registration questions, providing this information would slow processing for DMV transactions, impacting the level of service that this agency provides to all customers throughout the state.⁴ Mere numbers ignore, however, the additional human cost for

⁴Consider the following assumptions.

During FY98, DMV processed 2.6 million driver transactions. If DMV employees were responsible for reviewing voter registration applications for completeness, they would need to review the information on every driver's license transaction.

all those who come to DMV for driver and vehicle transactions, since under any consideration of enhanced assistance for voter registration the amount of time a person must be within a DMV location will increase.

For agencies that establish client/counselor relationships and who spend considerable time with each client it may be appropriate to question clients about sensitive topics. However, DMV measures the time we spend with our customers in minutes and seconds, not hours. This environment, which stresses handling the customer as expeditiously as possible, is not conducive to collecting sensitive personal information in either terms of the customer's comfort level or in terms of the agency's mission to quickly and efficiently process driver license transactions.

Even though not required by law, the JLARC report faults the agency for not providing additional support for non-English speaking customers. In going the extra mile to provide outstanding service, DMV makes a special effort to recruit bilingual employees for our Northern Virginia offices where we serve the highest numbers of non-English speaking customers. In some Northern Virginia offices we routinely have a bilingual employee at the information desk and we try to direct non-English speaking customers to a window staffed by a bilingual employee who speaks their language.

JLARC's suggestion for improving the process also ignores clear federal intent in the NVRA. Part of the success of NVRA rests on assuring the customer that DMV

Half of our customers (1.3 million) conducting a driver transaction would not need to do anything related to voter registration. However, DMV staff would spend approximately one minute reviewing each one of these applications, for a total of 21,373 man-hours.

On the other hand, one-half of our customers would want to complete a voter registration transaction, for example a first-time registration application, name or address change, in addition to the driver transaction.

Of this 50 percent, five percent (64,119) would fill out nothing on the form and would need the DMV employee's assistance for an estimated ten minutes, requiring a total of 10,686 man-hours. Eight-five percent (1.1 million) would have left off information, requiring approximately five minutes of an employee's time, for a total of 90,836 man-hours. And, ten percent (128,238) would have filled it out perfectly, requiring only one minute of DMV assistance for a total of 2,137 man-hours.

In sum, more than 125,000 DMV man-hours would be devoted to checking voter registration application forms for completeness. To maintain our existing average wait-time of 8.58 minutes, the agency would need to employ an additional 60 FTE. If we simply wanted to keep our wait-time less than 15 minutes, we would need to employ 30 additional FTE.

To maintain the existing 8.58-minute average wait-time, we would need to man an additional window for eight hours at each customer service center. To maintain an average wait time under 15 minutes, we would need to man an additional window for four hours at each CSC.

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is merely a pass-through agency, that his or her responses to the voter registration application have no impact on his or her eligibility for a driver's license transaction and are not recorded in DMV records as required by the federal statute. As noted in the response to Recommendation #2, much of the information required on the voter registration application form is highly sensitive.

DMV over the last four years has significantly cut the time citizens are spending at the DMV. It has managed to reduce the time from a statewide average in excess of 40 minutes, which in Northern Virginia was much higher, to less than 8 minutes. If DMV staff were required to provide the same amount of assistance to citizens in completing voter registration applications as it provides in completing its own forms internal estimates suggest that either the cost of DMV operations would significantly increase, or the amount of time citizens would spend at DMV will again dramatically increase. Neither of these seem desirable.

While none will suggest that the initial Motor Voter transition period has been as smooth as everyone might wish, it has been improving and both DMV and SBE are committed to further improvement. Additionally, plans are underway at DMV for telephone, mail and internet renewal, which can be expected to significantly reduce the number of incomplete voter registration applications.

The DMV and the SBE believe that even without passing such a legislative mandate the quality of the voter registration applications sent by DMV to the registrars will significantly improve over the next year as both agencies continue to work together to improve the process. For example, there are improved applications that are just starting to be used. Further, DMV will be introducing paperless DMV renewals and changes, and DMV and SBE are discussing how to implement electronic transfers which are going to cut out duplicate data entry by the registrars.

In summary, this recommendation not only goes significantly beyond the requirements of the NVRA, but would require significantly greater cost and/or inconvenience to all those who go to the DMV. This greater cost or inconvenience would be on a permanent basis, as it would be legislatively mandated.

Recommendation 4: The General Assembly may wish to amend §24.2-404.1 of the Code of Virginia to create a National Voter Registration Act Coordinating Committee.

Joint DMV/SBE response: Another mandated layer of statutory bureaucracy will not ensure a positive working partnership between the agencies responsible for implementing NVRA. Setting something like this in statute does not allow the

relevant agencies to most effectively determine, and modify as appropriate, the coordinating process as we move beyond the implementation phase. We believe that current efforts and future planned efforts will achieve the same goal, coordination of efficient and effective implementation of the NVRA, without the need for permanently mandated quarterly meetings. A clear understanding of the roles and relationships of the participating agencies, as well as a can-do attitude, will help develop an impressive partnership that serves the public.

The DMV and SBE are currently formally meeting on a monthly basis, although staff from each agency interact much more frequently. There are two registrars who attend these monthly meetings. Also, staff from DMV are being made available to interact with registrars. In December, the SBE is conducting training for staff of all other State designated voter registration agencies. Additionally, in 1999 several other efforts to improve communications and interaction among SBE, the registrars and State designated voter registration agencies are planned, such as a working committee with representatives from SBE, registrars, and the other voter registration agencies.

Recommendation 5: SBE and DIT should develop a plan for electronic linkage between SBE and DMV.

Joint DMV/SBE response: DMV and SBE both wish to establish an electronic link so that voter registration applications can be processed without duplicate data entry by registrars. Staff from DMV, SBE and DIT are currently meeting to determine the most cost-efficient way to develop such a linkage and the time frame for the implementation. We plan to explore whether the Council on Technology or perhaps VIPNet can take on development of this interface.

Recommendation 6: The General Assembly may wish to amend §46.2-2-8 of the Code of Virginia to explicitly allow the transfer of data between DMV, SBE and each of the registrars

Joint DMV/SBE response: This clarification would be welcome, and should address which data would be available to SBE and the registrars, since not all DMV data is needed for voter registration purposes.

Recommendation 7: SBE should work with DMV and the registrars to develop a common user agreement to enable registrars to access data maintained by DMV.

Joint DMV/SBE response: We recommend that DMV and SBE develop a standard template for a use agreement between DMV and individual registrars, enabling registrars to access information maintained by DMV. We recommend this

approach instead of a blanket use agreement with SBE. We are very much aware that members of the General Assembly hold citizen privacy as a top priority and that they expect DMV to take every precaution necessary to maintain this privacy. Because of the General Assembly's concern, DMV maintains separate and individual use agreements with each user office since this approach affords the most security. As SBE does not employ or directly supervise registrars or their staff, each registrar should vouch for the use and protection of privileged citizen information by their own office.

Recommendation 8: The General Assembly may wish to require electronic linkage between SBE and the Virginia State Police. The SBE and the State Police should examine the feasibility of verifying voter registration applications against national sources of felony records.

SBE response: SBE would welcome electronic linkage with the Virginia State Police to better assist SBE in maintaining the accuracy and integrity of the voter registration list. SBE had already planned to, and will, work with the State Police to achieve such a linkage in the upcoming months to both state and national information while keeping in mind the existing federal laws and regulations regarding access to criminal history records information.

Recommendation 9: The SBE should work with the Virginia Department of Health and the general registrars to resolve discrepancies between VDH and VVRS. SBE and VDH should do an annual electronic match.

SBE response: SBE is already working to electronically link with VDH. This should be implemented in the first half of calendar year 1999. This would be expected to provide a match more frequently than once a year.

Recommendation 10: The SBE should use the Social Security Master Death Record File on an annual basis.

SBE response: SBE is committed to improving its removal of ineligible voters from the list of registered voters. While SBE plans to use the Social Security Master Death Record File in the upcoming year, experience with this file in other states suggests that an annual match may not necessarily be cost effective.

Recommendation 11: The State Board should develop and distribute a written policy statement concerning the types of documents and records that are deemed to constitute "reliable sources"

SBE response: SBE will be revising its Handbook for General Registrars over the upcoming year. In the process we will address this concern.

Recommendation 12: General Registrars should examine the feasibility of using alternative sources of information for list maintenance.

SBE response: SBE plans to work with the registrars to improve list maintenance over the upcoming year.

Recommendation 13: The Secretary of Administration and SBE should develop a plan for adequate office space for SBE.

Joint Secretary of Administration/SBE response: Both the Secretary of Administration and the SBE are committed to planning and provision of adequate office space in the upcoming months. In addition, there has recently been a Department of General Services Space Utilization Study that also addresses that need and offers potential solutions.

Recommendation 14: The General Assembly may wish to amend §24.2-611 to authorize consolidation of the pollbook with the registered voters list.

SBE response: As the Whipple Commission recently found when considering this issue, there are a number of challenges that must be addressed in order to consolidate the pollbook with the registered voter list, including delays in SBE being able to produce the List of Those Who Voted. The SBE is committed to working with the registrars over the upcoming year to address improvements to the election day process, including this issue, and suggests that the SBE and registrars should present to the Privileges and Elections Committees any recommendations that would require changes to the *Code of Virginia* prior to the 2000 General Assembly Session.

Recommendation 15: The SBE should develop plans to (1) edit information prior to printing of the voter registration card; (2) use reduced postage rates to mail voter cards; and (3) assist registrars in applying for reduced postage rates.

SBE response: SBE is already considering the most cost effective and efficient way to edit information prior to the printing of the voter registration card, and plans to work with registrars to consider this and other improvements to the VVRS over the upcoming year. The SBE had already offered to assist registrars in applying for and using reduced postage rates prior to this report. We will continue to provide such assistance. SBE will work with registrars to determine whether mailing voter registration cards from a central location is best practices.

Recommendation 16: SBE should examine the automation of the procedures for preparing lists of certified candidates.

SBE response: SBE had planned to do so this upcoming year.

Recommendation 17: The General Assembly may wish to amend the Code of Virginia to change the structure of the SBE.

SBE response: This recommendation fails to take into account the original rationale for the unique structure of the SBE. The General Assembly wanted to insure that the SBE was run in a non-partisan manner, not subject to the partisan whims of any particular Administration. Establishing a gubernatorial appointed Board to which an executive director should report, which Board has the power to hire or fire, creates the possibility that an executive director might be tempted to put personal career ahead of the interest of the integrity of the electoral system if the Board were to put pressure on the executive director regarding operations of the SBE.

Recommendation 18: SBE should prepare a written position description for the Deputy Secretary position.

SBE response: There is, and has been, a written position description for the Deputy Secretary. This position is the same as that referred to as Chief Deputy. That position description has been updated in the past month to better reflect the current operations of SBE. In addition, staff is working over the next few months to update all position descriptions in the agency.

Recommendation 19: SBE should develop a written plan to establish all full-time staff positions authorized.

SBE response: SBE is currently working to draft position descriptions and fill all established full-time staff positions. While the JLARC report correctly identifies some of the deficiencies among the current staff, such as the lack of sufficient technical support, we respectfully suggest that the proposed staffing arrangements are not necessarily the best way to organize and provide a high level of customer service in an efficient and effective manner. Through restructure, reallocation and new hires we expect to provide the necessary skills and personnel to provide better technical support, provide better oversight and assistance in the area of campaign finance, provide better training and communications with the registrars, update all current handbooks and determine if others are necessary, improve list maintenance, improve process for registration and election day activities, and reestablish the voting equipment certification process over the next year.

Despite the low pay grades for SBE staff, which JLARC acknowledged, SBE does not currently have sufficient budget to fill all authorized positions. The Secretary of Administration and SBE are committed to finding the funding necessary to fill all authorized positions over the coming year.

Recommendation 20: SBE should develop a written plan for training of election officials and staff.

SBE response: While not set out in writing, plans are underway for significant training over the coming year, and plans will be made for regular training in a number of areas. The Voter Outreach Coordinator has already assumed responsibility for SBE external training. In December 1998, training will occur in five locations statewide for both (a) campaign treasurers, and (b) voter registration agency personnel. Currently, plans are underway for additional campaign treasurer training, electoral board training, and registrar training. The date has already been set for the electoral board training.

Recommendation 21: The General Assembly may wish to amend §24.2-103 of the Code of Virginia to specify that annual training of registrars and electoral boards is the responsibility of the SBE.

SBE response: SBE acknowledges that it has not always provided annual SBE funded training for registrars and electoral boards, and agrees that training is important. SBE respectfully suggests that the reason for those years in which SBE funded training was not provided was the lack of sufficient budgetary funds. While the SBE budget was increased over the past few years, the DIT related costs of the agency were increasing at an even faster pace, due in significant part to the NVRA. As a result, the additional income was not at all discretionary. There was inadequate funding for personnel hiring and for training and for everything because computer redesign, increased computer operations costs and increased telecommunications costs were eating up the budget. At this point, of the portion of the agency's budget that is not a pass-through to localities, approximately 3 million, over half the budget goes to DIT!! While SBE is working currently with DIT to determine how it can reduce DIT expenses, most of the costs are not easily reducible. Mandating annual training will require recognition by the General Assembly that it needs to increase annual funding of the agency to cover DIT related expenses sufficiently, as well as to fully fund the personnel necessary to do everything the General Assembly wants the agency to accomplish on an annual basis. Having said that, SBE hopes the General Assembly and the Governor will step up to the plate to provide the necessary funding, or to allow SBE to provide training by requiring reimbursement of costs by localities, as we agree that annual training is something the agency should provide.

Recommendation 23: SBE should study the feasibility of using the "bail-out" provisions of the Voting Rights Act.

SBE response: SBE thinks this is a good suggestion and will be delighted to study this issue and report its recommendations prior to the 2000 General Assembly Session.

Recommendation 24: SBE should consider the use of personal computers as an essential part of any new computerized statewide voter registration system.

Recommendation 25: SBE should also deploy desktop printers in each registrar's office.

SBE response to both recommendations: SBE, through the VVRS Study Committee which the General Assembly funded this year, has not only considered this, but is currently planning to recommend such. Moreover, due to DIT's NET99 initiative, SBE is hoping the General Assembly will provide emergency funding to allow deployment of personal computers and desktop printers, along with standard software and training, to all 135 general registrars' offices by March 1999.

Recommendation 26: SBE should develop any new computerized statewide voter registration system in an open environment that reduces SBE dependence on any single manufacturer, and consider several platform options.

SBE response: SBE, through the VVRS Study Committee which the General Assembly funded this year, agrees with this recommendation. SBE hopes the General Assembly will fund a technical committee and consultant to develop the system specifications to be published for procurement, including the database design.

Recommendation 27: SBE should use either NET.WORK.VIRGINIA or the Commonwealth Telecommunications Network when developing any new computerized statewide voter registration system.

SBE response: SBE currently uses the CTN. NET.WORK.VIRGINIA is now a part of the CTN and will be considered for any new computerized statewide voter registration system. Due to rapid advances in technology, SBE respectfully suggests it not be required to use CTN if there is alternative technology available that would be more cost efficient and effective. For example, cable modem or DSL phone technology may be a realistic alternative by the time any new computerized statewide voter registration system is developed. SBE will coordinate with the Secretary of Technology to determine the best alternative at the appropriate time.

Recommendation 28: SBE needs to ensure that any new computerized statewide voter registration system be able to electronically transfer data with other relevant state agencies' computer systems.

SBE response: SBE agrees that this is very important and plans to so ensure.

Recommendation 29: SBE should include e-mail capability in any new computerized statewide voter registration system.

SBE response: SBE, through the VVRS Study Committee which the General Assembly funded this year, has not only considered this, but is currently planning to recommend such. Moreover, due to DIT's NET99 initiative, SBE is hoping the General Assembly will provide emergency funding to allow deployment of personal computers and desktop printers, along with standard software and training, to all 135 general registrars' offices by March 1999. This would allow e-mail capability by March 1999.

Recommendation 30: SBE should include a computerized candidate certification program as an integrated feature of any new computerized statewide voter registration system.

SBE response: SBE agrees with this recommendation.

Recommendation 31: SBE should perform an updated requirements analysis as part of developing any new computerized statewide voter registration system. (NOTE: The JLARC Commission draft dated 11/9/98 has two recommendations designated as Recommendation 30. We have assumed this was a typographical error and have renumbered our response.)

SBE response: SBE, through the VVRS Study Committee which the General Assembly funded this year, set up a subcommittee which updated the requirements analysis for any new computerized statewide voter registration system. The subcommittee included two registrars and SBE staff and solicited and reviewed suggestions from all registrars and SBE staff.

Recommendation 32: SBE should consider new technologies, including possible uses of the internet, to further automate and improve the voter registration system in any updated requirements analysis for a new computerized statewide voter registration system.

SBE response: SBE agrees with this recommendation.

Recommendation 33: The General Assembly may wish to consider directing SBE to contract with DIT or a private consultant for assistance in the development, implementation, testing and maintenance of any new computerized statewide voter registration system.

SBE response: SBE agrees that it does not have the technical capabilities on staff to develop, implement, test and maintain a new computerized statewide voter registration system. It does not need to be directed to contract with DIT or a private

Mr. Philip A. Leone
December 8, 1998
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consultant for these services, so long as sufficient funding is provided for such a contract.

Recommendation 34: The development of any new computerized voter registration system by SBE should include a plan and resources to provide necessary training on the operation of the system to its employees and to general registrars.

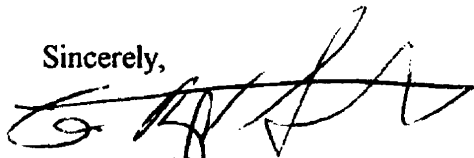
SBE response: SBE agrees with this recommendation.

Conclusion

In conclusion, DMV and SBE feel extremely positive about the implementation of the NVRA and believe that, whatever the past history between the agencies, both agencies are working together cooperatively, along with the general registrars, to improve the process efficiently and effectively with improved customer service. We look forward to maintaining an environment where all participants in NVRA implementation recognize the strain that this unfunded federal mandate places on state and local government. We hope that we can continue to see ourselves and each other as partners in a cooperative venture to provide outstanding service to the general public.

We are also greatly encouraged that SBE's need for improved technological support has now become apparent and welcome the opportunity to improve the efficiency and effectiveness of the entire voter registration system and electoral process through the use of technological improvements.

Sincerely,



G. Bryan Slater
Secretary of Administration

Sincerely,



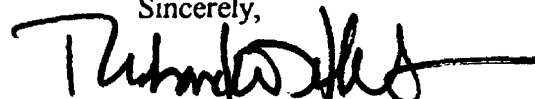
Shirley J. Ybarra
Secretary of Transportation

Sincerely,



M. Bruce Meadows
Secretary, State Board of Elections

Sincerely,



Richard D. Holcomb
Commissioner, DMV

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