

Electoral Board and Registrar Duties Memorandum

Summary

The Code of Virginia prescribes specific duties to electoral boards and registrars/directors of elections. The Code envisions electoral boards and registrars/director of elections using a collaborative process to run free and fair elections. Although the code prescribes many specific duties to electoral boards, as a practical matter, electoral boards delegate most of the day-to-day election administration operations to the professional staff, particularly the general registrar/director of elections. To that end, the purpose of this memorandum is for the Arlington County Electoral Board to delegate specific duties to the Arlington County Director of Elections and to identify duties that shall involve the collaborative participation of the Arlington Electoral Board.

Duties Delegated to the Director of Elections

In general, the duties outlined below are the responsibilities of the Arlington Electoral Board. In some cases, these duties are responsibilities specifically assigned to the Secretary of the Arlington Electoral Board, while other duties may be delegated to the Director of Elections. The Arlington Electoral Board remains legally responsible for any statutory responsibility delegated to the Director of Elections.

- Notify the Department of Elections “of any change in the membership or officers of the electoral board.”
- Provide any information requested by the Department of Elections as provided.
- Review all polling places after each election to determine that there will be polling places for the next election that meet the requirements of the Code of Virginia §§24.2-305-310. The Director of Elections shall notify and update the Arlington Electoral Board on the status of this duty as necessary.
- Assist the local governing body in complying with various state and federal acts designed to ensure the accessibility of all polling places to persons with disabilities.
- If an emergency makes a polling place unusable or inaccessible, provide an alternate polling place in consultation with the Arlington Electoral Board.
- Provide and have posted outside each polling place appropriate signs to direct people with disabilities and elderly persons to any special entrance designed for their use.
- Provide voting booths to each polling place, including at least one designed for voting paper ballots.
- Set additional hours for the voter registration office to be open in consultation with the Arlington Electoral Board.
- Ensure that all permanent registration sites comply with various state and federal acts designed to ensure the accessibility of all polling places to persons with disabilities, such as the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans with Disabilities Act.
- Post changes in hours and locations of official voter registration sites staffed with a government employee are subject to notice requirements.
- Notify candidates of any deficiencies in his declaration of candidacy or his petitions which can be corrected prior to the filing deadline. The Director of Elections shall notify the Arlington Electoral

Board when the Director of Elections exercises this duty.

- Post or publish any notice of a primary that is received from the Department of Elections or other appropriate authority.
- Notify the locality's treasurer or director of finance if any candidate is running unopposed in a primary, so that the candidate's filing fee may be returned.
- Order the printing of the number of ballots he determines are sufficient for the proper conduct of the election subject to the approval of the Arlington Electoral Board.
- Certify absentee ballot compliance with the deadline to the Department of Elections and report to SBE the number of ballots ordered. The Director of Elections shall provide an update to the Arlington County Electoral Board to notify the Arlington County Electoral Board that Arlington County is in compliance.
- Design and layout each ballot according to instructions titled "Ballot Standards and Verification Procedures" in consultation with the Arlington Electoral Board.
- Designate one person to be continuously present in the room in which the ballots are printed.
- Designate an EB member, or a registrar, or an employee, to receive the ballots after they are printed and [to] certify the number of ballots received. This certificate must be filed with other" election materials.
- Designate a person to affix the electoral board seal to each ballot and to sign a statement witnessing such. This statement must be filed with the board's minutes.
- Have the printed ballots sorted for each precinct with at least one electoral board member or designee of the board present.
- Designate a member, or a registrar, or an employee, to "deliver to an officer of election of each precinct the official ballots for that precinct and obtain a receipt for the package or packages."
- Keep all ballot containers to be used in the precincts.
- Furnish properly designed and printed ballots for use on all optical scan voting equipment.
- Employ a person or persons (called "custodians") to set up and test each voting machine before each election.
- "The final testing of the equipment prior to each election [must] be done in the presence of an electoral board member, a representative of the electoral board, or the general registrar." Again, if a board member is serving as custodian, another board member must be present.
- Notify appropriate local party chairs (or independent candidates for a city or town election if there are no party nominees on the ballot for any office) of the time and place that the voting equipment will be prepared and sealed and allow the persons notified to have one representative each to witness the preparation and sealing.
- Deliver the keys in sealed packages to designated officers of election in each precinct before the polls open.
- Designate times and places for "the exhibition of equipment containing sample ballots, showing the title of offices to be filled, and, so far as practicable, the names of the candidates to be voted for at the next election for the purpose of informing voters who request instruction on the use of equipment."
- Take all necessary steps to assure the security of all voting equipment hardware, software, and firmware.
- Ensure that the general registrar has the voting and counting equipment and all necessary furniture and materials at the polling place" before the polls open.

- Provide for each precinct in which any voting or counting machines are used two sample ballots.”
- Direct the return of all materials from the precincts to the office of the general registrar instead of the Clerk of Circuit Court. These materials must be conveyed to the Clerk of the Circuit Court by noon on the day following the electoral board’s ascertainment of the results.
- Deliver “the certification of the results of the count together with all ballots and envelopes,” to the Clerk of Circuit Court.
- Complete abstracts of results for the Electoral Board to sign and certify for each office or question on any ballot in the locality.
- Deliver copies of these abstracts to the appropriate authorities, depending on the type of election held.
- Inform the Clerk of Circuit Court of any officer of election who has failed to return the election materials by the time of the board’s meeting to ascertain the results.
- Account for all used and unused paper ballots.
- Make certificates of election to all winners of local offices.
- Mark the date of receipt of any absentee ballot and deposit it in an appropriate container.
- Deliver one attested copy of the final absentee applicants list to the chief officer of election for each precinct on the day before the election.
- Deliver all absentee ballots received after the election to the Clerk of Circuit Court.
- Assist and advise the court on establishing procedures for a recount in consultation with the Arlington Electoral Board.
- Appoint all officers of election and designate the precinct in which each will serve subject to the approval of the Arlington Electoral Board.
- Designate a chief officer and assistant chief officer for each precinct subject to the approval of the Arlington Electoral Board.
- Certify to the Department of Elections each year before the November general election that (1) they have reviewed and updated their training plan to meet training standards, including changes in laws and instructions from the Department of Elections, and (2) any officers of election trained within the last year have been trained according to these standards.
- Certify to the Department of Elections that training of the officers of election has been conducted consistent with the training standards.
- Give an oath to each officer of election before the polls open.
- Prepare a list of the officers of election that must be available for inspection and posted in the general registrar’s office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary of the electoral board or the general registrar must promptly add the names of the appointees to the public list.”
- Determine the number and set the term for assistant registrars. The general registrar appoints all assistant registrars and establishes their duties in consultation with the Arlington Electoral Board.
- Development security plan to keep all equipment and materials secure.
- Ensure the creation, production and proper custody of ballots.
- Ensure the proper conduct of Logic and Accuracy (L&A) test to be sure equipment is programmed correctly for each election.
- Conduct absentee voting.

- Notify officers of election of appointment and ensure training, assignment and review of precinct officers of election occurs.
- Ensure coordination with other local government departments (e.g., police, sheriff, public works, IT, schools) to ensure smooth conduct of each election.
- Procure, pack and deliver supplies to polling places.
- Ensure proper setup of polling places prior to each election.

Duties Shared by the Arlington Electoral Board and the Director of Elections

While the Code of Virginia prescribes many duties to electoral boards and registrars/director of elections, many other duties must be successfully executed every election that are not contemplated in the law. The shared duties provided below represent the Arlington Electoral Board and Director of Election's shared desire to work collaboratively on a few key duties that will ensure the successful administration of elections.

- Conduct outreach to Arlington communities, political parties, and civic organizations.
- Identify voter education opportunities and develop programs to execute on those opportunities.
- Communicate with Arlington County leadership to advocate for the Arlington County Department of Voter Registration & Elections' priorities.
- Collaborate with Arlington County's communications staff on public relations materials related to the administration of an election.
- Keep each other informed of new laws, regulations, guidance, and directives issued by the Virginia General Assembly and the Virginia Department of Elections.

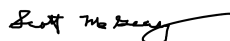
Agreed to on January 21, 2020.



Matthew Weinstein, Chair



Kimberly Phillip, Vice Chair



Scott McGeary, Secretary



Gretchen Reinemeyer, Director of Elections