Presentation on Mis-Assigned Voters

BOARD WORKING PAPERS
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Commissioner

An Overview of Mis-Assigned Voters

Background

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

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How did it happen?

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

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

Street Segment Overview

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

Jurisdiction Type: Current ▾

Precinct: 703 - HAMPTON ▾

Select Districts

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

Save | Clear | Cancel

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

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How did it happen?

Select Districts

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

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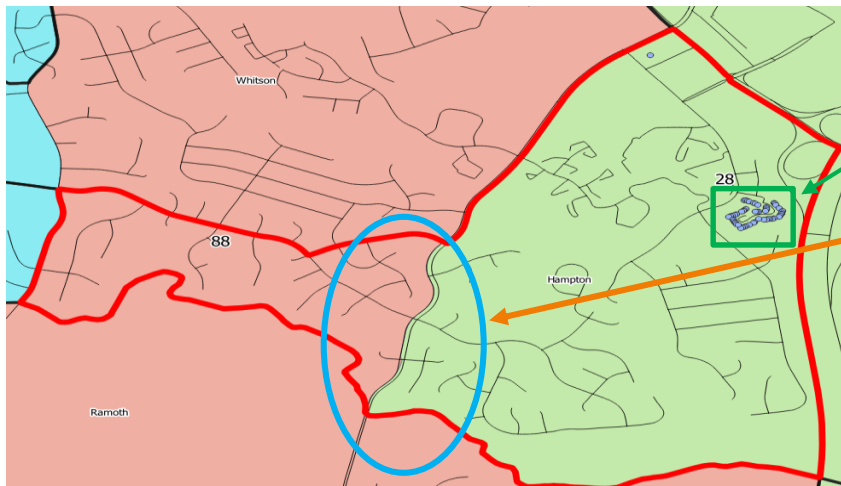
- The image to the left shows a map of the 703 - Hampton precinct. (Outlined in red)
- It also shows the address points for 100-810 Stafford Ct
- Note the split between the 28th and 88th house districts in the 703 precinct

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

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The Law

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

The Law

- § 24.2-302.2 (C) of the Code of Virginia states, "Parts of counties and cities listed…are defined by reference to the 2010 Census reports…***Precincts shall be interpreted to refer to those in existence on April 1, 2011***…***notwithstanding subsequent changes made by localities***." emphasis added

  – These are referred to as "census block data"
  – Changes to county lines or precincts after 2011 cannot be considered when determining voting precinct

ELECT's Process

- ELECT used GIS mapping software along with U.S. Census block data

- What is GIS?

  – A GIS or Geographic Information System integrates hardware, software and data for capturing, managing, analyzing, and displaying all forms of geographically referenced information or location information.

ELECT's Process

VERIS Addresses Misassigned Image (By Congressional District)
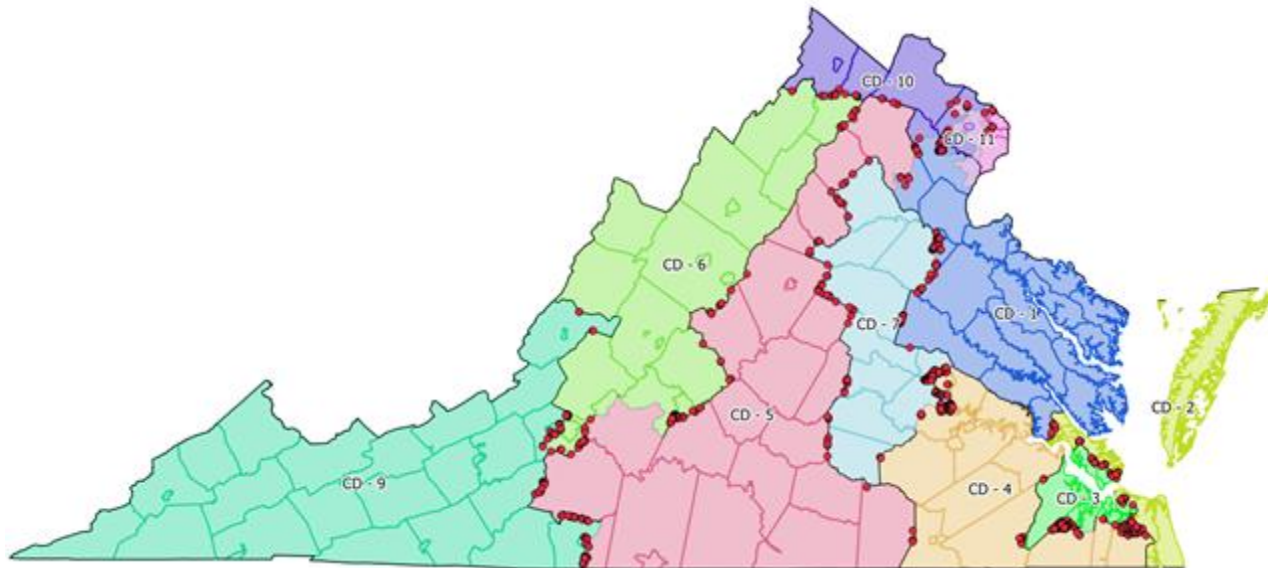
- ELECT identified potential mis-assigned voters and sent data to localities for verification

- Majority of findings were "edge cases"

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Issues Discovered

- Situations that may lead to issues with district lines:

  – Human error when using Geographic Information System (GIS) data (see 2017 28th and 88th HOD)

  – Historical disputes of county lines

  – Misunderstanding of the use of precinct descriptions as written in Va. Code

Issues Discovered

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

Issues Discovered

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

Issues Discovered

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

Challenges

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

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The Way Ahead

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