

Arlington County Electoral Board Meeting Minutes Saturday, February 6, 2020

The Electoral Board of Arlington County met at 10:00 a.m. on February 6, 2021 virtually due to the ongoing pandemic. The meeting was called to order by Matthew Weinstein, Chairman, and present were Scott McGear, Secretary, Kimberly Phillip, Vice Chairman, Gretchen Reinemeyer, Director of Elections, and Eric Olsen, Deputy Director of Elections.

The meeting was called to order at 10:00 a.m. Matt moved that the minutes from the previous meeting be adopted. Scott seconded the motion, and the minutes were unanimously approved.

Matt next turned the meeting over to Gretchen to present on ranked-choice voting (RCV) implementation. Gretchen introduced McDermot Coutts, Director of Software Development from Unisyn Voting Solution, and Matt Erney from Election Services Online. The full presentation is attached to these minutes.

Following the presentation, the Electoral Board opened the meeting to public conversation. Scott began by stating that RCV did not seem practical to implement in 2021. Gretchen confirmed that implementation would be difficult since early voting for the June 8th Primaries begins on April 23, 2021. Matt asked for clarification if limiting the rankings to 3 limited the number of candidates that could appear on the ballot. Gretchen confirmed that limiting the number of rankings had no impact on how many candidates could appear on the ballot. Matt noted this was a chicken or the egg problem; the County Board needs to act but is unable to do so without having answers to decisions needed from the State Board of Election.

Matt Scoble asked if the VERIS upgrade was compatible with Ranked-Choice Voting results reporting. Gretchen indicated that the Department of Elections was starting the process to replace the statewide voter registration database known as VERIS. They are still drafting technical requirements, and she thought it was possible to include RCV in the upgraded system. Matt next asked if there were options to quickly replace myvaballot. Gretchen noted that there are none, but that this wasn't needed. Myvaballot is in the process of adding RCV as a feature. Arlington can work with the developer to add this option.

A question was posed on the limiting of rankings. McDermot indicated that rankings would be limited by the function of geometry to the size of the sheet of paper. Any changes to the limit would require additional certification. Gretchen asked McDermot to confirm that the system was currently certified by the Election Assistance Commission at the federal level. McDermot confirmed this.

Matt Weinstein asked how limiting the number of rankings impacted the requirement that the candidate who wins pass the 50% threshold. McDermot explained that the math will always result in a confirmed winner. Gretchen emphasized that the tabulation rules must be carefully considered when being drafted. Gretchen indicated that certification timeline is unlikely by this June's Primary and noted that the Office would not have time for a robust public outreach campaign.

Matt Scoble asked for clarification on the process of combining the hand tabulation with machine generated CVRs. Gretchen indicated that there are several solutions to overcome this challenge such as transcribing ballots, but under current law this is the only allowable solution.

She emphasized that other places do this, and there are well established procedures in place to do so accurately.

The office was asked to estimate voter outreach costs. Gretchen stated that she did not have an estimate and that the cost should be shared by the County Board and Office of Voter Registration and Elections.

Marsha Johnston asked if the County was considering final five primaries. Matt Weinstein indicated that this was not currently an option and that this change would require legislation.

Chris deRosa ask how this impacted the School Board nomination process. Matt Weinstein and Gretchen clarified that the school board endorsement process was run by the Arlington Democrats because the office is non-partisan. This prevents a County-run primary nomination process, and the current law did not allow RCV to be used for School Board races in the General Election.

Howard Solodky asked for clarification on how limiting rankings still resulted in a winner. McDermot emphasized that limiting rankings did not impact tabulation and that a robust education and outreach program was needed to explain how this works.

Howard asked if there was a plan to solve chicken and the egg problem and suggested that this presentation be shared with the County Board. Gretchen indicated that progress is being made, but that it was common for jurisdictions to be given a year or more to implement RCV. This was most recently done in New York City. Their resolution passed in 2019, and they implement their first election using RCV on Tuesday February 2, 2021.

Matt Weinstein asked if McDermot could elaborate on the software licensing agreement and how it prevented the Electoral Board from providing ballot layout services to third party organizations. Gretchen indicated that she is working on a solution and that more information would be provided later.

Matt Scoble asked if Unisyn's MVW tabulation supported single transferable vote (STV) and block preferential. McDermot indicated that STV was supported, but that he was not familiar with block preferential, so he could not speak to that.

Marsha asked if the early voting sites for the Primary had been finalized. Gretchen answered that they had not, but that they were working with the County Attorney to amend the ordinance.

Judy Collins offered the final comment that survey research suggests that asking voters to rank every choice was not optimal.

Following the discussion on RCV, Matt asked for a legislation update. Gretchen noted that HB 1888 was the bill to watch. This will permanently authorize many of the temporary changes to the mail ballot process. These changes include drop boxes, contacting voters to correct their mail ballots, and the requirement to provide an online ballot marking service to print-disabled voters requesting to vote at home independently without assistance. This bill is moving forward, but Gretchen noted that it's implementation date might be July 1, 2021 which would mean many of these options would not be in place for the June 8 Primaries.

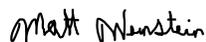
Matt asked about potential impacts from HB 1890. This bill is similar to the Voting Rights Act (VRA). Gretchen noted that she anticipated the impact would be minimal. Arlington was previously covered under the VRA as a jurisdiction that required pre-clearance from the Department of Justice (DOJ) prior to implementing changes to precincts. It adds a step to the process, but Arlington never had changes rejected. Matt noted that he previously worked in the section of the DOJ that cleared changes and he likely cleared changes to Virginia.

The final item on the agenda was the appointment of Officers of Election for a term of March 1, 2021 to February 28, 2022. Eric noted that there were more than 3000 Officers to appoint following a record year of applications. Matt moved that the list of Election Officer appointments be approved. The motion was unanimously approved.

Matt moved that the Board enter closed session as is allowed under § 2.2-3711(A)(1) to discuss personnel issues with Officers of Election. The motion was approved, and Matt, Scott, Kim, and Eric exited the public meeting to convene the closed session at 11:07 a.m.

The Board reconvened the public session at 11:15 a.m. Upon entering public session, the Board affirmed that the only items discussed during the closed session were exempt from FOIA law and that only items identified in the motion to close the meeting were discussed.

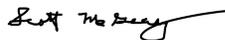
There being no further business to discuss, the meeting was adjourned at 11:20 a.m.



Matthew Weinstein, Chairman



Kimberly Phillip, Vice Chairman



W. Scott McGeary, Secretary

Ranked-Choice Voting Presentation

Slide 1



This is an overview focusing on implementation. There are some great resources that explain what RCV is and why localities adopt it. Today we're concerned with how we bring this to Virginia.

Slide 2

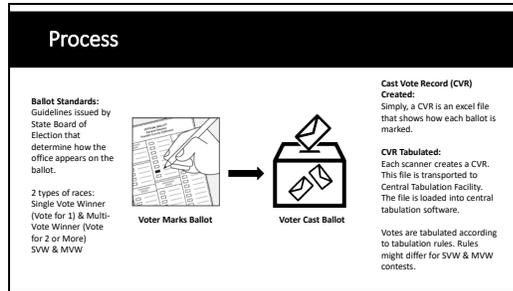
RCV

Ranked-Choice Voting or Instant Runoff Voting is a method of tabulation that allows voters to rank their preferred choices. If their first choice cannot win, their vote counts towards their next choice.

City Council			
Rank up to 3 candidates. Mark no more than 1 oval in each column.	First choice	Second choice	Third choice
	1st	2nd	3rd
Valarie Altman Orange Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
George Hovis Yellow Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Althea Sharp Purple Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mary Tawa Lime Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Joe Li Tan Party	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Phil Wilkie Independent	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

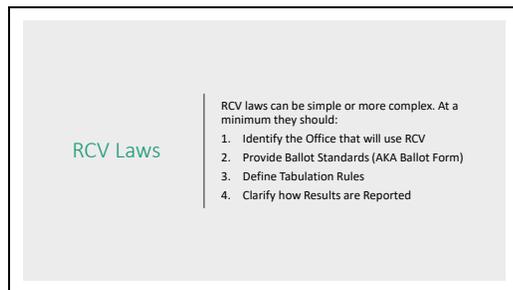
Before we can begin, let's go over some common terms. RCV, or IRV (Instant Runoff Voting) is a method to count voters. It allows voters to rank their choices. If their first choice cannot win, their vote can still count towards their second choice. This is what it looks like.

Slide 3



For the voter, the experience doesn't change. Voters mark their ballots, and cast them. The changes occur on the front and back end. Before the voter gets their ballot, my Office must design their ballot. In Virginia, there are clear guidelines for how offices and instructions appear on the ballot. These are called Ballot Standards and are approved by the State Board of Elections. There are also 2 types of races that we see in Arlington; single-vote winner (SVW) and multi-vote winner (MVW). These are the votes for 1 or vote for 2 or more offices. On the back end, when a voter casts their ballot, they insert it into a scanner. The scanner records their ballot in something called a cast vote record (CVR). This is simply an excel file that shows how each ballot is counted. Each scanner creates one CVR listing all ballots. These CVR files would be centrally tabulated by our office according to tabulation rules. This process is articulated through series of laws and policies.

Slide 4



RCV laws can be simple or more complex. At a minimum they should contain 4 things.

1. Identify the Office that will use RCV
2. Provide Ballot Standards. This is also known as Ballot Form.
3. Define Tabulation Rules
4. Clarify how Results are Reported

Slide 5

Arlington's Current RCV Policy

§ 15.2-705
The board may provide, by ordinance, for the nomination or election of candidates by instant runoff voting pursuant to § 15.2-705.1.

§ 15.2-705.1
"Instant runoff voting" means a method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds such that in each round either a candidate or candidates are elected or the least-preferred candidate is defeated, (iii) voters' next-ranked candidates are transferred from elected or defeated candidates, and (iv) tabulation ends when the number of candidates elected equals the number of offices to be filled. "Instant runoff voting" is also known as "ranked choice voting."

"Ranking" means the ordinal number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking, and so on, consecutively, up to the number of candidates indicated on the ballot.

B. Elections to nominate candidates for and to elect members to the board of supervisors in a county operating under the county manager plan may be conducted by instant runoff voting pursuant to this section.

C. The State Board may promulgate regulations for the proper and efficient administration of elections determined by instant runoff voting, including (i) procedures for tabulating votes in rounds, (ii) procedures for determining winners in elections for offices to which only one candidate is being elected and for offices to which more than one candidate is being elected, and (iii) standards for ballots pursuant to § 24.2-613, notwithstanding the provisions of subsection E of that section.

D. The State Board may administer or prescribe standards for a voter outreach and public information program for use by any locality conducting instant runoff voting pursuant to this section.

Currently the law that allows Arlington to adopt RCV is contained in Virginia Code Section 15.2-705 & 15.2-705.1. This is the code section that specifies how County Board members under the County Manager Plan of Government elect their members. This law currently applies to Arlington only but a similar law will go into effect for all of Virginia in July of this year.

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RCV Laws

RCV laws can be simple or more complex.

1. Identify the Office that will use RCV
2. Provide Ballot Standards (AKA Ballot Form)
3. Define Tabulation Rules
4. Clarify how Results are Reported

So just to go back. RCV laws should do 4 things at a minimum. Currently, Arlington's law does one of these things.

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Blank Slate

Identify Steps

1. The (county) board may provide, by ordinance, for the nomination or election of candidates by instant runoff voting.
2. The State Board may promulgate regulations for the proper and efficient administration of elections determined by instant runoff voting, including
 - procedures for tabulating votes in rounds,
 - procedures for determining winners in elections for offices to which only one candidate is being elected and for offices to which more than one candidate is being elected, and (SW & MVW)
 - standards for ballots pursuant to § 24.2-613.

Not Mentioned: Certify Voting Equipment § 24.2-629

We basically have a blank slate. The law does identify some steps for implementation though.

To walk through the law,

- 'May' means this is optional.
- Ordinance establishes the method for adoption by the County Board
- Nomination or election means this ordinance can be drafted to apply to Primaries and/or General Elections.

Once the County Board adopts RCV, the State Board of Elections has the option to pass regulations for

tabulation votes in SVW & MVW scenarios and pass ballot standards. What's not mentioned in this code section, but is worth noting is that the SBE must certify all voting equipment used in Virginia.

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RCV Laws

RCV laws can be simple or more complex.

1. Identify the Office that will use RCV
2. Provide Ballot Standards (AKA Ballot Form)
3. Define Tabulation Rules
4. Clarify how Results are Reported

So going back. We have the first piece we need. We now need the next 3 pieces.

Slide 9

What we Know:
Current Technical Requirements & Status

- Arlington's County Board race requires tabulation for both SVW & MVW races.
- Arlington uses 2 Ballot Layout & Tabulation Processes.
- **Unisyn OpenElect Voting System**
 - Partially Compliant:**
 - Up to 3 Rankings
 - Grid Layout
 - SVW Only (MVW in certification process)
 - Central Tabulation
- **MyVoteBallot**
 - Not Compliant:**
 - No Layout Options
 - Tabulated by Hand
 - No Cast Vote Record (CVR) created
 - Results are reported to SBE using State system
 - Not Compliant**

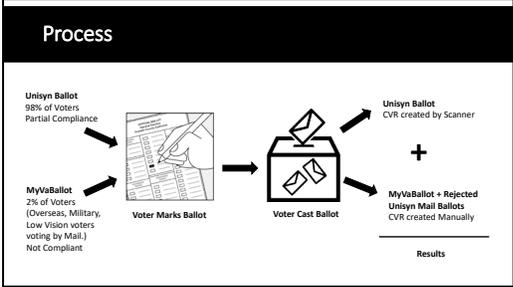
Based on the information we have right now, here is where my Office is in terms of ability to implement RCV. We know we have SVW & MVW scenarios.

Arlington uses 2 ballot layout and tabulation processes.

Most voters cast their ballot using our Unisyn OpenElect Voting System. This system is partially compliant. It allows up to 3 rankings, uses a grid layout (which is what I showed you earlier). It currently only allows SVW tabulation, but MVW is in the certification process.

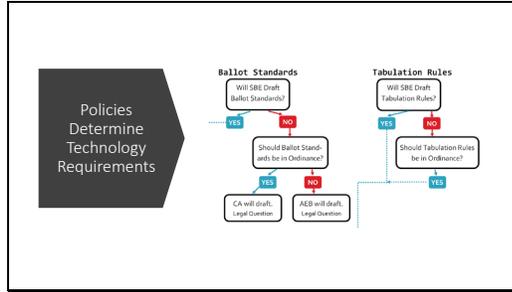
MyVaBallot is used by a very small subset of voters. This is an electronic ballot delivery service for Military & Overseas voters and voters with low vision that choose to vote by mail independently without assistance. These ballots must be counted by hand. They cannot be read by a scanner. This system is not compliant. I have spoken with them, and they do plan on adding the feature. Currently, we enter results into a system provided by the SBE. This system is not compliant.

Slide 10



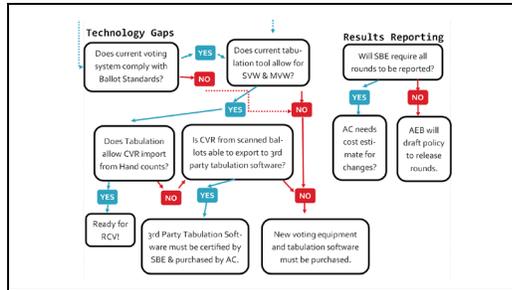
To add a visual to this; 98% of voters use a Unisyn ballot. 2% of voters cannot currently receive a ballot that shows an RCV office. Once the voter casts their ballot, the scanner will create a CVR for the Unisyn ballots. Ballots from myvaballot and mail ballots rejected by the scanner are hand counted. A CVR would be created manually. This is done in Minnesota, so there are well documented procedures on how to do this accurately. These 2 CVRs would be combined to generate results.

Slide 11



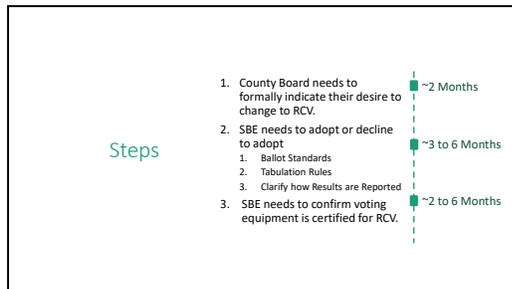
When we're talking about costs, we still have some big questions that do not have answers. Policy decisions will determine technology requirements. What will the Ballot Standards be? Tabulation Rules?

Slide 12



Answers to these questions will determine if our current technology remains compliant; if we need a new voting system, just new tabulation software, or if we're ready to go! We also don't know how the SBE will require us to report results. If they want every round reported, Arlington will be responsible for funding changes to their system. If they only want the final round reported, Arlington EB would draft policies and develop the tools to release results locally.

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So just to reiterate, the steps needed are for the County Board to formally indicate their desire to change to RCV. We then need SBE to decide if they will adopt the options available to them under 15.2-705.1. We also need them to authorize use of voting equipment.

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How much will
implementation
cost?

- Known Expenses
 - Voter Outreach
- Unknown Expenses
 - Voting Equipment
 - Changes State System

Once these things are in place, we can have a better understanding of costs associated.

We know there needs to be a robust voter education and outreach piece to this. That's a given. The unknown costs are voting equipment and changes to the State System.