

Will Charlotte Count elections be affected by Youngkin's order?

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The June 18 primaries have ended, at least for the most part (<https://www.farmvilleherald.com/2024/06/bob-good-wont-concede-in-5th-asks-for-patience-from-the-people/>). But as the 5th District fight continues, it's time to take a look at a decision that could affect Charlotte County elections and those across the state. That would be Gov. Glenn Youngkin's Executive Order 31.

Youngkin issued an executive order last week, designed, he said, to strengthen voter rolls and ensure better data accuracy. Two state voter organizations, however, contend it's an effort by the Republican governor to undo a problem he created by pulling Virginia out of a nationwide system that did just that.

In announcing Executive Order 31, Youngkin said the action builds on his administration's improvements to list maintenance, including establishing one-to-one data-sharing agreements with seven states, conducting two National Change of Address mailings and streamlining the process for removing deceased voters through an audit of Virginia deceased records.

"I am issuing this executive order to ensure the accurate, transparent and reliable use of data among state agencies, aiming to achieve best-in-class voter list maintenance processes for the commonwealth," Youngkin said. "As we transition to a new statewide voter registration system, it is imperative that every state agency provides accurate and valid data. This executive order continues our improvements to list maintenance processes, providing a reliable election system for voters."

Concern over Executive Order 31

However, League of Women Voters of Virginia (LWV) and Common Cause Virginia believe there was no reason the state should have dropped out of the Election Registration and Information Center in May 2023. Instead, they contend Youngkin now is attempting to create a new version of his own at a bad time — the middle of a presidential election year. LWV Virginia President Joan Porte said the measures outlined by the order could be a useful effort.

“We think other stakeholders could be involved, primarily the general registrars, who are responsible for researching individuals and adding or removing them from the voter rolls,” Porte said. “However, there was no reason for Virginia to leave ERIC... This was and is a very effective and broader way of checking voter registration. Unfortunately, conspiracy theories took root and Virginia left this highly effective program.”

Lauren Coletta, senior advisor for Common Cause Virginia, said they were dismayed to see Virginia leave ERIC last May, especially since Virginia was a founding member.

“States leaving ERIC increase the potential for election fraud,” Coletta said. “The GOP and conservatives have for years demanded the kind of results ERIC has produced and states withdrawing from the compact undercut efforts to keep voter rolls clean and prevent illegal voting.”

She went on to note that Youngkin vetoed bills approved during the 2024 General Assembly session that would have returned Virginia to the ERIC compact.

Struggling with the voting rolls

Since the governor acted to remove the state from ERIC, Coletta said the Department of Elections has fumbled with the voting rolls, erroneously removing approximately 3400 individuals who had had their voting rights restored, and failing to process over 100,000 registrations from the DMV in a timely manner.

“In a sense, Gov. Youngkin is trying to re-invent ERIC, which is the gold standard for managing voting rolls, creating doubts and concerns about what the future processes will look like,” she said.

Porte said the League of Women Voters of Virginia has supported efforts to develop and maintain accurate voter lists, explaining that the state being in ERIC did just that.

“We also need to note that it is important not to disenfranchise eligible voters,” Porte said.

She said the working group meetings involved in acting on Executive Order 31 should be open to the public.

“The more clarity there is, the more the voting system will be trusted,” Porte said. “It is imperative that the public have trust in elections.”

Coletta believes Youngkin’s alternative to ERIC will likely be inherently flawed due to a lack of scale.

“Without cross-partisan buy-in from states across the country, it would not be effective at matching nearly as many records as ERIC can,” she said. “The motivation to leave ERIC is in part due to an ongoing wave of disinformation that is undermining confidence in our elections — perhaps intentionally.”

‘An important part’

Coletta argued ERIC is an important part of the nation’s systems of checks and balances.

“Without it, Virginia risks damaging public trust in our voter rolls and potential confidence in the results, which increases the risk of an election crisis,” she said.

Youngkin states in Executive Order 31 that the process for updating and maintaining the state’s voter registration system has seen many improvements over the last two years.

“The commonwealth has made unprecedented strides in improving the accuracy of its voter list through the audits of all list maintenance practices,” Youngkin said in the order.

He goes on to state in the order that the continued improvement of list maintenance is dependent on the quality and timeliness of interagency data provided to the Department of Elections.

Data sharing under Executive Order 31

Youngkin’s executive order directs the Department of Health, the Department of Motor Vehicles and Virginia State Police to update their data sharing agreements with the Department of Elections within the next 90 days.

Coletta agreed that having regularly updated data sharing agreements among government agencies that provide the data is definitely important.

“On the other hand, we don’t know what this directive means,” Coletta said. “The standard-setting process should be transparent. The public needs to know what the standards are and how they are developed.”

Porte contends it’s difficult to know what will come from this directive with such a short timeline.

“I hope that the agencies are able to meet the directive without disenfranchising any eligible voters.” Porte said. “It is a shame they are in this position on such a short timeline. If Gov. Youngkin hadn’t made the rash and ill-informed decision to leave ERIC, we would not be in this situation.”

The governor’s order also directs five state agencies and other stakeholders to create an interagency data review group to make recommendations as the state moves to a new voter registration system in mid-2025.

Data sharing between states

Youngkin directed the Department of Elections to provide and request voter registration information and lists of individuals who voted in primaries and elections with states bordering Virginia.

“The department shall use this information to identify duplicate registrations, voters who no longer reside in the commonwealth and other persons who are no longer entitled to be registered, to maintain the overall accuracy of the voter registration system,” Youngkin said in his order.

Porte said the law has already required Virginia to have data sharing agreements with all neighboring states for many years.

“Not all our neighboring states have cooperated and still don’t,” Porte said. “We lost data sharing with many states, including two of the bordering states with which Virginia has no current agreement, when we dropped out of ERIC.” She noted that Virginia now has agreements with two more states.

“What is most concerning is the nature of the agreements because we do not know the security standards of other states and the agreements do not impose security standards, as far as we know,” Porte said. “There should be transparency on this point.”

Removing deceased voters

The executive order states that one of the improvements already made is streamlining the process for the removal of deceased voters, using the national death record database and through conducting an audit of Virginia death records going back to 1960.

Both the League of Women Voters and Common Cause contend there has not been a significant issue with the use of deceased individual names to vote in the state.

“Voting fraud is rare in Virginia as it is across the country,” Coletta said. “Governors, secretaries of state, and election officials who are concerned about voter fraud should stay in ERIC to ensure voter rolls are accurate and up to date.”

She explained that the decision to leave this trusted tool and to create a new system out of whole cloth was a mistake.

“It costs states substantially more money to access the type of national data ERIC uses on an individual basis,” Coletta noted. “ERIC covers the costs of the subscription to the Social Security death data and the National Change of Address data, which for non-ERIC members could amount to several hundred thousand dollars more per year. Non-ERIC members have to spend more money to meet federal data handling requirements.”

Porte said it is distressing that the idea of “dead people voting” is something even in the lexicon as it is aimed at lessening Americans’ faith in what is a very safe voting system.

“There is no significant issue of use of the names of deceased voters,” Porte noted. “In rare, isolated instances, someone casts a ballot on behalf of a recently deceased loved one because they “know” how that person would have voted if he or she were still alive. This is a felony and people have been caught.”