

BUDGET PRESENTATION

BEFORE THE LEGISLATURE OF THE VIRGIN ISLANDS

COMMITTEE ON FINANCE

July 7, 2016



FISCAL YEAR 2017 BUDGET

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ELECTION SYSTEM OF THE VIRGIN ISLANDS

1 **INTRODUCTION**

2 Good Afternoon, The Honorable Chairman Clifford F. Graham,
3 distinguished members of the Committee on Finance, other members
4 of the 31st Legislature, members of the press, the viewing and listening
5 audience. It's an honor to appear before you today to present the
6 Elections System of the Virgin Islands (which encompasses the Office
7 of the Supervisor, St. Thomas – St. John District Board and the St.
8 Croix District Board Fiscal Year (FY) 2017 budget request and provide
9 an overview of our critical role in enhancing and increasing our
10 registered voters knowledge through education, outreach, voter's
11 feedback and suggestions.

12 I am Caroline Fawkes, Supervisor of Elections, present with me are St.
13 Croix District Chairwoman, Mrs. Lilliana Belardo de O'neale, Ms. Lisa
14 Harris Moorhead and other Board Member(s) to provide testimony on
15 Fiscal Year 2017 budget.

16 As the Territory's Elections agency, the Election System's mission
17 is: ***“To provide American citizens in the Virgin Islands with the***
18 ***mechanism to exercise their right to vote according to the United***
19 ***States Constitution. Our primary goal is to ensure a Fair,***
20 ***Accessible and Transparent Election process”.***

21 The Election System of the Virgin Islands was created through Act 936
22 on February 20, 1963 by the Legislature of the Virgin Islands. The
23 authority of the Elections System of the Virgin Islands is derived from
24 Title 18 of the Virgin Islands Code.

25 The Office of the Supervisor of Elections is charged with the day to day
26 administration of the Election System of the Virgin Islands. The areas
27 of concentration are: *voter registration, election management, candidate*
28 *nomination process, financial disclosure, voter information/education*
29 *and preparation for the execution of the Elections.*

30 First, I would like to acknowledge and thank the purpose driven,
31 passionate and committed staff of the Elections System, which
32 presently consists of fourteen employees. The Board of Elections is
33 composed of members representing all sectors of our community,
34 genuinely committed to the Virgin Islands. They may differ on their
35 opinions but all are passionate regarding what they believe is best for
36 the future of the Virgin Islands. The Board and the Office of the
37 Supervisor continue to work collaboratively to mitigate any problems
38 ensuring a smooth electoral process.

39 We are mandated to comply with numerous Federal Laws for every
40 Election:

41 **The Voting Rights Act of 1965**

42 The Voting Rights Act significantly widened the franchise and is
43 considered among the most far-reaching pieces of civil rights legislation
44 in U.S. history. On August 6, 2015, the United States celebrated the
45 fiftieth anniversary of the Voting Rights Act. The District Boards along
46 with the Office of the Supervisor will be embarking on an educational
47 campaign to educate, motivate and inspire our citizenry to take this
48 precious right seriously.

49 **The Voting Accessibility for the Elderly and Handicapped Act of**
50 **1984**

51 This Act promotes the fundamental right to vote by requiring "access
52 for elderly and handicapped individuals to registration facilities and
53 polling places for federal elections".

54 **The Americans with Disabilities Act of 1990 (ADA)**

55 This Act affords similar protections against discrimination to
56 Americans with disabilities as the Civil Rights Act of 1964; which made
57 discrimination based on race, religion, sex, national origin, and other
58 characteristics illegal. In addition, unlike the Civil Rights Act, the ADA
59 also requires covered employers to provide reasonable accommodations

60 to employees with disabilities, and imposes accessibility requirements
61 on public accommodations.

62 ADA disabilities include both mental and physical, medical conditions.
63 A condition does not need to be severe or permanent to be a disability.

64 **PROPOSED BUDGET**

65 It should be noted, with all the demands placed on the Elections System
66 of the Virgin Islands, the Budget for the Elections System has remained
67 at the same level as the past four fiscal years.

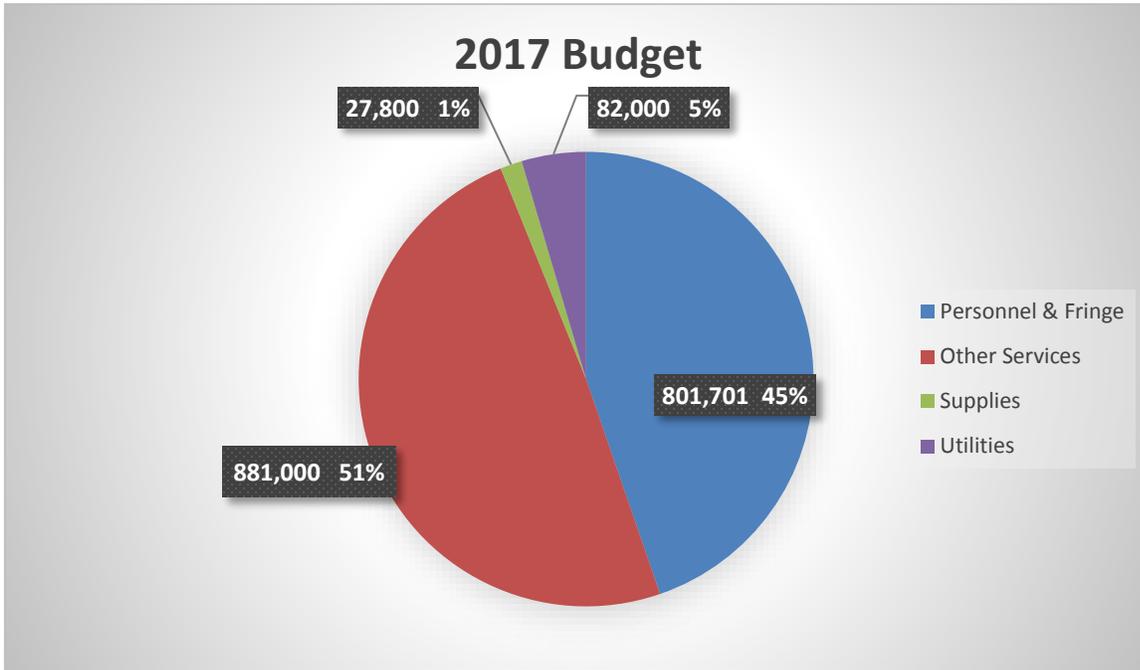
68 The Office of the Supervisor is requesting **\$2,157,501.00**. This funding
69 is necessary for the following reasons.

70 Capital Improvement in the amount of \$340,000.00 for the build-out of
71 a modern office building with adequate storage space. This will be
72 discussed in detail later in my Testimony. Funding needs to be
73 available in order to offer any letter of intent or make a commitment to
74 any landlord.

75 When you deduct the amount requested for Capital Improvements, our
76 requested budget will be closer to \$1,792,501.00. This is a
77 \$392,501.00 increase from fiscal year 2016.

78 An estimate of 45% of the budget is spent on Salaries and Fringe
79 Benefits, 51% on Other Services and Charges which includes

80 Professional Services, Rental of Land/Building, Communication &
81 Security to name a few, Supplies – 5% and Utilities – 1%.



82
83 This proposed budget will ensure the non-unionized employees will
84 obtain their long overdue step increases, estimated at \$185,000.00.
85 This amount does not include retro-pay.
86 We must follow the trend of obtaining new technology enhancements,
87 which includes upgrading the telephone systems, the internet
88 connectivity speed to meet demands, a new digital voter's ID card and
89 a streamlined voter's historical database for an estimated cost of
90 \$40,500.00. This budget includes payment for a prior year outstanding
91 invoice from the 2012 Election in the amount of \$58,878.45, to an off
92 island vendor.

93 The Elections System relies heavily on IT technical support and we
94 want to extend our Thank You to the Bureau of Information
95 Technology staff that has assisted the Elections System of the Virgin
96 Islands over the years, however our need to monitor and maintain the
97 computer systems and networks continues to demand more time and
98 resources. We are the point where we need to contract an IT person
99 for daily operations, because of the contractual requirement with
100 Election Systems and Software, the constant updates especially
101 during an election cycle. The IT Contractor will be able to install and
102 configure computer systems, diagnose hardware, software faults,
103 solve technical and applications problems, either over the phone or in
104 person, however they will be dedicated to us.

105 It's crucial to ensure the correct running and maintenance of the IT
106 systems within the Election Systems office, therefore, it's now become
107 a requirement for us to Contract an Information Technology specialist
108 at an estimated cost of \$50,000.00.

109 The next area which continues to increase is the legal fees with each
110 new court case. This fiscal year, we have expended over \$78,000.00 in
111 legal fees, with at least two cases pending. As Senators you are aware,
112 the Attorney General's office sent correspondence stating they will no

113 longer represent the Board of Elections. While this cost cannot be
114 forecasted, there should be monies in the budget for legal fees. Lastly,
115 additional funding is required for the newly acquired lease for the ADA
116 Complaint St. John Office, in the amount of \$26,615.52.

117 The St. Thomas/St. John and St. Croix District Boards 2017 Budget
118 requests is **\$125,598.00** each.

119 The Joint Board of Elections is the policy making body of the elections
120 system, however, there are two election districts within the Virgin
121 Islands: the district of St. Croix and the district of St. Thomas/St. John.
122 Each district has a separate board consisting of seven members who
123 are elected for a four year staggered term.

124 The St. Croix District Board of Election is comprised of Chairwoman
125 Lilliana Belardo De O'Neal, Vice-Chairwoman Barbara Jackson-
126 McIntosh, Secretary Glenn Webster, members Adelbert Bryan,
127 LisaHarris-Moorhead, Roland Moolenaar, and Raymond Williams. The
128 St. Thomas/St. John District Board of Elections is comprised of
129 Chairman Arturo Watlington, Jr., Esq., Vice-Chairwoman Lydia
130 Hendricks, Secretary Carla Joseph, members Lawrence Boschulte,
131 Diane Magras-Urena, Ivy Moses, and Alecia M. Wells.

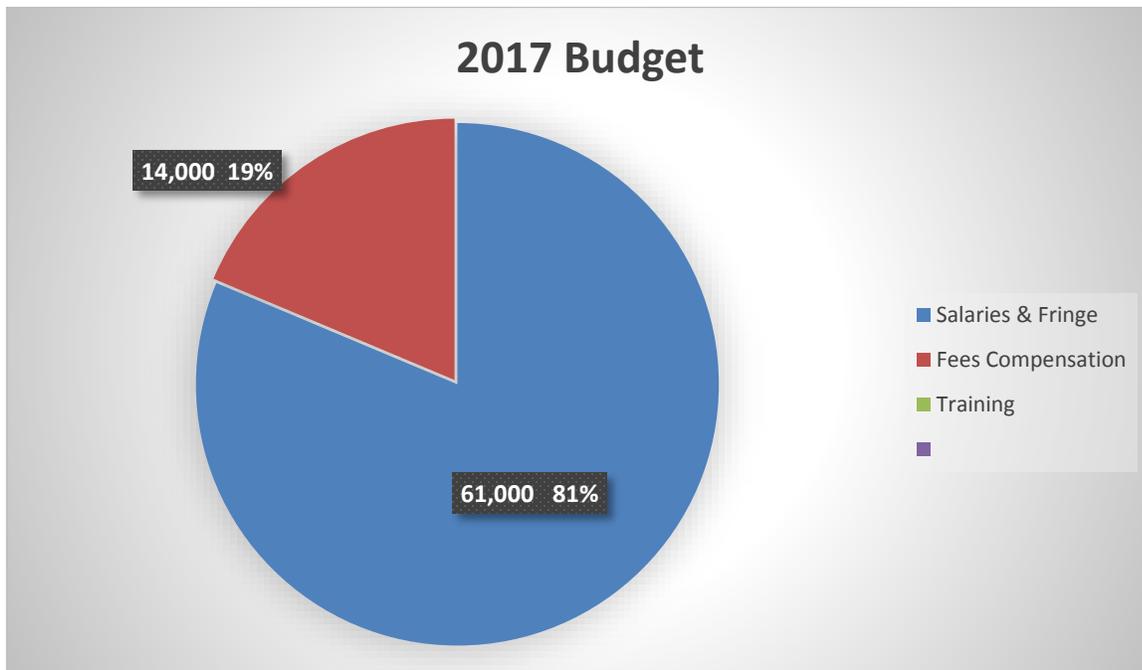
132 The boards of elections have jurisdiction over the following: the
133 registration of electors and the conduct of primaries and general
134 elections; performance of all functions with respect to party enrollment
135 of electors; the preservation, storage and maintenance of registers and
136 primary and general election equipment of all kinds; issuance of
137 certificates of appointment to election officers; investigation of election
138 frauds and irregularities; receive from election officers the returns of all
139 primaries and general elections, canvass and compute the returns, and
140 certify, no later than one week following the primary or general
141 elections, and forwarding of the results thereof to the supervisor of
142 elections. The board makes recommendations to the legislature
143 regarding amendments to election laws in conjunction with the
144 Supervisor of Elections.

145 Nearly 81% of the District Boards budget is spent on Salaries & Fringe
146 benefits for the Administrative Assistants, which does not include
147 overtime. A salary of \$47,000.00 with fringe benefits of \$14,000.00
148 totals \$61,000.00. An automatic deduction of \$61,000.00 from
149 \$75,000.00 the balance is \$14,000.00. The remaining funds are used
150 for Board Members Stipends; this leaves little funds for training of the
151 Board Members. Therefore, the funding for much of the training

152 mandates for the Board Members have to be taken from the Office of
153 the Supervisor Budget, which is also underfunded.

154 During an election year the Board Members are mandated by VIC 18 to
155 conduct registrations and demonstrations along with other educational
156 outreach. An estimate of thirty (30) meetings, demonstrations and
157 canvassing of elections results are projected for the fiscal year 2017,
158 since it's an election year, it's estimated at a cost of \$15,570.00.

159 This example, clearly illustrates that a stagnant budget of \$75,000.00
160 for both District Board is unrealistic.



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164 **ADA COMPLAINT MODERN OFFICE BUILDING WITH ADEQUATE**
165 **STORAGE SPACE**

166 We are happy to report the St. Thomas and St. John Elections Offices
167 are in ADA Compliant office space and meet our current and future
168 needs. However, the St. Croix Office is not. At last year Budget
169 Hearing, I shared pictures of the Conference Room. The Elections
170 System of the Virgin Islands has outgrown the current office and
171 storage space in the St. Croix Office. Aside from the job scope itself,
172 one factor that significantly influences how employees feel about work
173 is the environment. A comfortable and spacious work environment
174 contributes positively to employee morale and productivity.

175 On St. Croix, our major deficiency is evident on Election Night as many
176 of you are aware, the space in our St. Croix office does not afford the
177 media and public to observe the tallying of election results. This creates
178 a major concern in relations to transparency. We presently rent two
179 50” TVs, borrow a tent from the Department of Agriculture, hire staff
180 members from the Bureau of Information Technology and our local
181 Channel 12 station provides the live feed to the outside of our office. In
182 2016, this is an archaic way of doing business and it is extremely
183 costly.

184 We continue to spend funds to upgrade our current facility to become
185 ADA compliant in areas such as repairing outdated air conditioning
186 systems, installing air conditioning in the 2,500 square foot storage
187 space, estimated cost \$6,500.00, repairing occasional roof leaks, along
188 with many other deficiencies, the funds we are presently expended can
189 be best utilized in obtaining an modern facility.

190 Because of these deficiencies, we are requesting an estimate of
191 \$365,000.00 of Capital Improvement funding in FY 2016 budget to
192 relocate the St. Croix Office. We have conducted a few site visits to
193 various buildings with the Department of Property & Procurement
194 Property Manager and Department of Public Works Engineer. The St.
195 Croix Board along with the Office of the Supervisor staff has agreed on
196 a building located in the La Reine area. This building is readily
197 available, accessible by public transportation, provide equipment
198 security and it meets our future needs. There are a few offices already
199 built out, ADA compliant entrances, exits and restrooms. This building
200 is what's consider – a turnkey facility. We are requesting the
201 Legislature's support in appropriating the funding necessary to lease
202 this modern, ADA complaint office building with the required square
203 footage necessary for current use and future growth. An estimate of

204 \$165,000.00 is needed for the office space build out. An estimate of
205 \$200,000.00 is proposed in this budget for possible leasing, office
206 furnishing, security systems and automation. The building is available
207 for leasing, if we receive positive feedback from this Legislature, we can
208 move forward with requesting bids for the buildout. Without funding
209 we are stuck. We will then be able to revise our funding request for the
210 minimal amount necessary to attain this facility with the Department
211 of Property & Procurement and Department of Public Work Engineers'
212 assistance. The proposed new building space, is a modern building
213 comprising of adequate office space, adequate storage space, a
214 tabulation room, media room, secure store room for the ballots and
215 sensitive equipment, conference room space with adequate seating for
216 the public, ADA accessible restrooms, video-teleconferencing
217 capabilities and office space for the District Board.

218 **TRAINING & DEVELOPMENT**

219 Giving staff and voters an opportunity to look at the election and focus
220 on issues that are not often part of mainstream news will help broaden
221 their understanding of the political process and foster a greater
222 awareness of the role of democracy in shaping our everyday lives. In a
223 time when change is more rampant than ever before, it is necessary for

224 organizations to be kept abreast with the changes and train their
225 employees accordingly. For instance, technology is evolving so rapidly
226 that what organizations commonly used ten years ago is obsolete today.
227 A trained and focused organization has a clear roadmap for training
228 their employees to sustain and enhance the productivity of the
229 organization as a whole. Our goal is to mandate all employees attend
230 at least one training per year to interface and network with other
231 election entities.

232 A positive work environment is one component to improve efficiency
233 and instill positive attitudes among employees. Since most trainings
234 are conducted off island, this is an inherent cost, which increases
235 yearly.

236 **REGISTERED VOTERS**

237 The total numbers of registered electors by district are: St. Thomas-
238 21,820, St. John - 1,750 and St. Croix – 21,588 for a total of **45,158**
239 voters in the territory as of June 30, 2016.

240 We would like to take a few moments to explain the Express Vote voting
241 apparatus that the Joint Board of Elections, with a majority vote, after
242 careful consideration and utilizing their best judgement decided to
243 purchase in October 2015. The Express Vote is a Universal Voting

244 System that combines paper-based voting with touch screen
245 technology to create a break-through in voting solutions for early vote
246 centers and on Election Day in polling places. Election officials no
247 longer must guess the number of ballots to print. Instead, the Vote
248 Session Activator is printed with a barcode that determines the ballot
249 style to display on the touch screen. As a universal voting system,
250 Express Vote allows all voters, including those with special needs, to
251 cast their ballots privately and autonomously.

252 This machine is presently certified for use in twenty-one (21) states.
253 The Express Vote machine uses blank card stock that can be used for
254 any election, saving the territory and tax payers money in the process.

255 The Express Vote meets and exceeds the more rigorous 2005
256 Voluntary Voting Systems Guidelines and HAVA section 301
257 accessibility requirements providing the industry leading universal
258 voting system for all eligible voters without discrimination of voters
259 with disabilities. The Express Vote machines will be replacing the
260 outdated bulky Automarks voting machines. We currently have forty-
261 three (43) Automark machines and are purchasing fifty (50) Express
262 Vote machines as replacements. The quantity is determined by the
263 number of voters per polling place. The Express Vote machines will

264 be utilized in the 2016 General Election. Please be reminded, the
265 voter still has the option of utilizing the paper ballots. Again, we
266 would like to stress, we are keeping up with the technology afforded to
267 us. Arkansas, Tennessee, Virginia and Washington, D.C., utilized the
268 Express Vote machines for use the first time in the 2016 Presidential
269 Primary.

270 I would like to take this opportunity to share some background
271 information about Election System and Software, LLC. This company
272 is the world's largest elections-only company providing election
273 equipment and services for nearly 35 years. ES&S serves 42 states and
274 more than 2,400 of the 3,144 county level governments across the
275 United States.

276 As you are aware, the courts have decided that the Board of Elections
277 must conduct the primary elections. The General Election will be
278 conducted in November, which is during this budget cycle. I would like
279 to inform the Legislature, that Early Voting is a new mandate and
280 additional funding will be necessary to provide the services. We humbly
281 ask for least an additional \$30,000.00. We are diligently preparing for
282 the Primary Elections, August 6, 2016 with the limited funds that was
283 appropriated. We are presently on track with all timelines based on the

284 2016 Elections Calendar for Public Office Candidates. We are in the
285 process of vetting the Candidates for the Party Offices, which will be
286 completed by Friday, July 8, 2016. We continue to notify and inform
287 the public through press releases, advertisements and appearances on
288 local radio talk shows.

289 We are truly grateful to the Elections Staff. Today, things can be even
290 more challenging as it is no longer Election Day, but Election Month
291 given all the options available to voters and the new environment that
292 we as elections officials have to be prepared for.

293 **ACCOMPLISHMENTS**

294 We would now like to share some of our significant accomplishments
295 over the past fiscal year:

296 a. Both District Boards conducted over twenty voters' registration
297 and voting machine demonstrations. These drives were
298 conducted at places such as the Post Office, Hospitals,
299 Supermarkets, Community Organizations, the University of the
300 Virgin Islands and High Schools.

301 b. Both District Boards realigned voters with polling places closer to
302 their residential community.

- 303 c. The following non-complaint ADA polling places were closed. In
304 the St. Croix District – St. Gerard’s Hall and in the St. Thomas
305 District – E. Benjamin Oliver, Leonard Dober, Ulla Muller
306 Elementary Schools & Kirwin Terrace. St. John District – Guy
307 Benjamin Elementary school was closed by the Department of
308 Education.
- 309 d. Both District Boards have chartered on new grounds, trying to
310 utilize voting centers or other government buildings and move
311 away from the traditional schools for use on Election Day.
- 312 e. The Express Vote Voting Apparatus was demonstrated at the
313 Annual Agricultural Fair in St. Croix – February 2016.
- 314 f. Ms. Kevermay Douglas, MBA, STT-STJ Deputy Supervisor was
315 hired in November 2015. All Elections System positions are
316 currently filled.
- 317 g. The Video tele-conferencing System was purchased and is fully
318 operational. This reduces the cost of travel while allowing the
319 Joint Board of Elections and the Office of the Supervisor to
320 conduct frequent meetings and onsite training.
- 321 h. Relocated the St. John Elections office to an ADA Complaint
322 leased space, Enighed Pond area, at the St. John’s Marketplace,
323 3rd floor suite II in February 2016.

- 324 i. Eighty percent (80%) of the Elections Staff have completed the
325 Legendary Customer Service training conducted by the Ritz
326 Carlton Resort
- 327 j. Supervisor of Election completed the Contracting Officer
328 Representative Training in May, conducted by the Department of
329 Property & Procurement
- 330 k. Ms. Genevieve Whitaker, MPM, JD- STX Deputy Supervisor, is
331 enrolled in the Certified Public Manager's Program conducted by
332 the University of the Virgin Islands. Completion date September
333 2016
- 334 l. Many Board Members and Elections Staff members have attended
335 Elections Center and International Association of Clerks,
336 Recorders, Election Officials and Treasurer (IACREOT) training. A
337 few are working on their Elections Certification as Election
338 Officials. Many Elections Staff members participated in UVI
339 webinars, Department of Personnel training and other online
340 courses

341 **GOALS:**

- 342 a. Both District Boards are revisiting all polling places to ensure they
343 are ADA Compliant.

344 b. Plans are to conduct National Voters Registration Day, September
345 27, 2016 on St. Croix, St. Thomas and St. John. This will serve as a
346 community outreach program during the 2016 General Election cycle.

347 c. To utilize technology to accommodate new mechanisms for the
348 voting public to take the process to a new level of proficiency.

349 d. In years to come, continue working with the Department of
350 Education to ensure that the schools used for election purposes are
351 ADA compliant and meet the needs of all segments of the community.

352 In summary, the Election Systems of the Virgin Islands wants to assure
353 the community that our elections are fair, accessible and transparent,
354 since Elections are the mechanics of our democracy. Elections are how
355 each individual expresses his or her voice in selecting their leaders and
356 making decisions for their communities. Providing voters with free,
357 fair, open, and honest elections ensures voter trust in the process of
358 choosing our political leadership and the direction of our community's
359 future. Voters who have confidence in the elections process are more
360 likely to continue to be engaged and vote. We believe that if our current
361 strategy is maintained, we expect the Virgin Islands Elections System
362 to be on par with its counterparts in the other United States
363 Jurisdictions.

364 Mr. Chairman, we thank you, Members of the Committee on Finance
365 and other Members of the 31st Legislature for inviting us to present our
366 fiscal year 2017 budget. We are prepared to engage in further
367 discussions and answer any questions you may have.