

MINUTES
Fairfax County Electoral Board
May 2, 2018

The Fairfax County Electoral Board met on Wednesday, May 2, 2018, in Conference Room 319 at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax, to canvass the returns and ascertain the results of the May 1, 2018, Town Elections held in Clifton and Vienna. Chairman Stephen M. Hunt, Vice Chairman Bettina M. Lawton, Secretary Katherine K. Hanley, General Registrar Cameron Glenn Sasnett, Deputy General Registrar Gary Scott, Election Manager Eric L. Spicer, and Clerk to the Board Beth Dixon Methfessel were present. Brian McConville representing the Fairfax County Democratic Committee (FCDC); and Judy Helein and Maggi Luca representing the Fairfax League of Women Voters (LWV) also attended the meeting. Various Office of Elections (Office) staff members were also present to conduct the canvass.

Mr. Hunt called the meeting to order at 9:02 a.m. and introduced himself, new Board member Bettina Lawton, and Secretary Hanley (Board). Mr. Hunt called for a motion to approve the May 2, 2018, meeting agenda. Ms. Hanley moved to approve the agenda, and by a vote of 3-0, the May 2, 2018, agenda, was adopted.

The Board, along with several observers, unsealed the ballot room containing the election materials. Viki Kinsman, Tom Bjerke, and Alexander Russell canvassed the election results. There was one ID provisional ballot cast in the Town of Vienna election. No provisional ballots were cast in the Town of Clifton election. The total number of write-ins either exceeded the 5% threshold of total votes cast for the office or for the total number of votes cast for the candidate receiving the most votes in the following races: Mayor, Town of Clifton; Member, Town Council, Town of Clifton; and Member, Town Council, Town of Vienna. Write-in certifications will be required for these three contests.

Mr. Hunt moved to elect Bettina Lawton to replace Seth Stark as the Vice Chairman of the Electoral Board. The motion passed by a vote of 3-0.

Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meeting held on April 10, 2018. Ms. Hanley moved for approval, and by a vote of 3-0, the April 10, 2018, Minutes were adopted.

Mr. Hunt asked for a motion to appoint 77 election officers (48 Democrats, 2 Independents, and 27 Republicans) for a term ending February 29, 2020. Ms. Hanley moved to adopt the 77 election officer appointments as presented, and by a vote of 3-0, the Board appointed 77 individuals (48 Democrats, 2 Independents, and 27 Republicans) to serve as election officers for a term ending February 29, 2020.

Under the General Registrar's Update, the Department of Homeland Security's (DHS) new election task force met with representatives of the Office of Elections, the Fairfax County Department of Information Technology, and the Virginia Department of Elections (ELECT)

on April 23, 2018, to learn how Fairfax County administers elections in order to enhance their ability to assist other jurisdictions with their election logistics.

Because the Office required and received a third quarter FY18 adjustment to cover the remaining balance of the incurred cost of the August 2017 Special Election, as well as leave payouts for former employees, the County Executive has requested an internal audit of the agency. Mr. Sasnett indicated that he will keep the Board informed on the status of the audit, however, he will ask if the timing of the audit could be set after the conclusion of the 2018 June primaries. Mr. Spicer will assist in the review of budget projections for FY19.

The off-site training event that will also recognize the retirement of Deputy General Registrar Gary Scott has been moved from July 6 to June 29.

Logic and accuracy testing of the voting equipment for the 2018 June primaries is proceeding ahead of schedule. PollPad deployment is expected to be on time as well.

Mr. Sasnett reported that staffing the single-party, Republican primary in the 8th and 11th Congressional Districts (CD) (approximately 195 precincts), combined with a dual primary in the 10th CD, will exceed the availability of all *available* (emphasis added) Republican EOs. Ms. Lawton asked why an imbalance exists, and Mr. Sasnett responded that in Fairfax County the overall number of Republican EOs is approximately half that of Democratic EOs. Ms. Hanley addressed a concern she received that staff was not assigning all of the available Republican EOs. Mr. Spicer explained that in the 8th and 11th districts, every Chief EO is a Republican, and 50% of the Assistant Chief EOs are Republicans. The remaining available Republican EOs (approximately 21) are being held back to replace Republican EOs who cancel. Additionally, as an attempt to maintain party balance, only one bilingual EO will be assigned to each precinct, according to its greatest language need. Mr. Spicer also reported that staff held a productive meeting with representatives of the FCRC and FCDC to discuss specific assignment and training issues.

Mr. Sasnett asked the Board to consider a policy that in future elections, a minimum number of five EOs be assigned to each precinct. This will also provide a baseline for budgeting. During discussion, concerns were raised that if there are elections where 5 EOs are not needed, or where a half-day officer might suffice, or when cancellations reduce the total number of EOs below 5, it would violate the proposed policy. The Board agreed that as a rule of thumb, a minimum of 5 EOs per precinct will be the target, and this number will be accounted for in the budgeting process.

Mr. Sasnett reported that the policy of the newly renovated Vienna Community Center does not allow signs to be posted on the walls or windows. Directional signage was placed on the floor, and this was seemed like an effective alternative. The Clifton EO team suggested that because voters rarely read or pay attention to it, signage should be reduced.

When Ms. Hanley visited the Vienna Community Center, the Chief EO asked her if the Board had sent in a “tester” to turn in an absentee ballot in order to ascertain if the correct

steps would be followed. Ms. Hanley explained that while the parties or the third-party advocacy groups might send testers, the Board does not authorize this practice.

Under the Chairman's report, Mr. Hunt welcomed Ms. Lawton to the Board.

Under the Vice Chairman's report, Ms. Lawton said she was pleased to be elected Vice Chairman, and looked forward to serving on the Board.

Under the Secretary's report, Ms. Hanley reported that the security plan was submitted to the Department of Elections by the due date of May 1, 2018. Ms. Hanley recognized Travis Potter and Alexander Russell for their diligent work to complete the security plan by the deadline.

Ms. Hanley explained that due to the unique requirements of the June primaries, staff should begin to make EO assignments without respect to party affiliation on Friday, May 25, 2018.

Ms. Hanley reminded the Board of the discussion at the April 10, 2018, Electoral Board meeting with respect to whether or not the failure to return the Request for Assistance form with the absentee ballot is considered a material omission. Currently, Virginia Code does not require the return of the Request for Assistance form. However, the Request for Assistance form specifies on its face that it must be signed and returned with the absentee ballot. To resolve this contradiction, she moved that, on behalf of the Board, she write a letter to Commissioner Chris Piper asking if the Request for Assistance form might be amended to delete the requirement to return it. The Board passed the motion by a vote of 3-0.

Ms. Hanley reported that when private facilities can no longer serve as a polling place, it is increasingly difficult to find alternate locations. Despite numerous scouting trips, including a meeting with Supervisor Storck's Chief of Staff, finding a suitable site for Belvoir precinct remains a challenge. The solution is complicated due to Belvoir's demographics with the military base in the middle, and the population clustered in the north and south of the precinct.

There was no Old Business.

Under New Business, Mr. Sasnett informed the Board that one of the Republican candidate for U.S. Senate is suing the Republican Party of Virginia. The candidate alleges that party and state officials unfairly kept him off the GOP primary ballot even though he collected the required number of signatures. He seeks to prevent the printing of the ballot without his name. Mr. Sasnett will keep the Board informed of the status of this lawsuit.

Under Public Comments, the FCDC inquired again as to the status of the research on localities holding municipal elections in November. Mr. Sasnett replied that a list has been compiled, and staff is working on survey questions.

Mr. Hunt moved that the Board enter into a Closed Session to discuss specific personnel matters, as permitted by Va. Code § 2.2-3711(A)(1). Without objection, and by a vote of 3-0, the Board entered into Closed Session at 10:08 a.m.

At 1:09 p.m. the Board concluded the Closed Session. Chairman Hunt read the following statement:

“In accordance with *Virginia Code* § 2.2-3712(D), I am asking the Secretary of the Electoral Board to conduct a roll call vote to certify that to the best of each member’s knowledge that (i) only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were conducted in the closed meeting and (ii) only such public business as was identified in the motion for the closed meeting, by which the closed meeting was convened, was heard, discussed or considered in the closed meeting of the Electoral Board. That roll call vote shall be recorded and included in the minutes of the Electoral Board.”

Secretary Hanley then called the roll for the vote on the above statement:

Voting Yes:	Chairman Hunt
	Vice Chairman Lawton
	Secretary Hanley

At 1:40 p.m., Mr. Hunt recessed the Canvass until 12:00 p.m. on Friday, May 4, 2018, or until the ID requirement of the provisional voter is met.

Friday, May 4, 2018
Reconvened Canvass and Provisional Ballot Meeting

At approximately 12:55 p.m., the Electoral Board reconvened the Canvass. No authorized representatives of the political parties were present.

Mr. Hunt moved that the 1 Provisional Ballot, cast in the Vienna Town Election, and entered as rejected on the Master Provisional Ballot Log, be **disqualified** for the reason determined by a majority vote of the Electoral Board. The Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass of the May 1, 2018, Town Elections held in Clifton and Vienna. The motion passed by a vote of 3-0

The Board then certified the election results for May 1, 2018, Town Elections held in Clifton and Vienna, and signed the abstracts and the write-in certifications. All paperwork will be submitted to ELECT by 5:00 p.m. on Tuesday, May 8, 2017.

Ms. Lawton made a motion that there being no further business, the Board conclude the May 1, 2018, Town Elections in Clifton and Vienna. By a vote of 3-0, and without objection, the Board adjourned at 1:06 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

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