

MINUTES
Fairfax County Electoral Board
December 13, 2018

The Fairfax County Electoral Board met on Thursday, December 13, 2018, in Conference Room 315/319 at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax. Chairman Stephen M. Hunt, Vice Chairman Bettina M. Lawton, Secretary Katherine K. Hanley, General Registrar Gary Scott, Assistant General Registrar Viki Kinsman, Election Manager Eric L. Spicer, Election Officer Manager Ravi Udeshi, Assistant to the General Registrar Patty Reilly, and Clerk to the Board Beth Dixon Methfessel were present. Bettina Poirier representing the Fairfax County Democratic Committee (FCDC); Keith Damon representing the Fairfax County Republican Committee (FCRC); Therese Martin, Lee Lipsey, Maggi Luca, and Rachael Hamlet representing the Fairfax League of Women Voters (LWV); and Donna Rostant, Chris Schäffer, and Stephen Spitz, members of FCDC; Casey Corcoran and Krista Corcoran, Fairfax County residents, also attended the Electoral Board meeting.

Mr. Hunt called the meeting to order at 4:02 p.m. and introduced himself, Vice Chairman Lawton and Secretary Hanley (Board). Mr. Hunt called for a motion to approve the December 13, 2018, meeting agenda. Ms. Hanley moved to approve the agenda, and by a vote of 3-0, the December 13, 2018, meeting agenda, was adopted.

Mr. Hunt called for a motion to appoint 100 election officers (EOs) (67 Democrats, 21 Independents, and 12 Republicans) for a term ending February 29, 2020. Ms. Hanley moved to adopt the election officer appointments as submitted, and the motion passed by a vote of 3:0.

Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meetings held on November 1, 2018, and November 7, 2018. The start date of the canvass was corrected from November 6, 2018, to November 7, 2018. By a vote of 3-0, the November 1, 2018, Minutes and the November 7, 2018, Minutes, as corrected, were adopted.

Mr. Scott presented the General Registrar's (GR) report dated December 11, 2018 (attached and made a part of this record.)

Absentee voting for the January 8, 2019, Special Election in VA Senate 33 began on November 26, 2018. Mr. Scott recognized IT Manager Travis Potter and Assistant Registrar Cheryl Jones for their efforts in meeting the 45-day requirement for mailing ballots. A new satellite location for the special election has been established at the Fortnightly Library in Herndon. It will be open on Saturday, January 5, 2019, the last Saturday before the special election. This location will also be used in future elections.

Logic and Accuracy testing for the special election has been completed. The mandatory briefing for the chief and assistant chief election officers will be held on January

2 and 3. The outreach team has contacted Chantilly High School and Herndon High School to schedule voter registration dates prior to the special election.

ES&S offered to purchase 14 county-owned Balotar machines, currently unused and stored at the warehouse. Because twenty DS200 machines were borrowed, free of charge, for the November 2018 election, the contract price being negotiated includes the purchase of additional DS200 machines. The budget submission for fiscal year(FY)2020 will include the purchase of 100 additional DS200 machines to cover growth and create a replacement reserve. Mr. Hunt asked if machine attrition is higher than anticipated. Mr. Scott responded that the rate is not unexpected given that the machines are now at the half-way point of their ten-year lifespan. Ms. Hanley commented that borrowing machines from ES&S should not be counted on in the future. Mr. Scott agreed, and explained that supplying machines in the event of a catastrophic event is part of the discussion with ES&S regarding continuity of operations discussion regarding the continuity of operations.

Under the Chairman's report, Mr. Hunt scouted out the Michael Frey Animal Shelter, the new location for #802 Cedar Lake precinct. He found the conference room and parking adequate for the 1,600 voters being relocated there. Mr. Hunt expressed his appreciation for the effort of staff in the preparation and conduct of the November 2018 election despite the historic 70% turnout. No major issues of any kind for Fairfax County were reported in the media.

There was no Vice Chairman's report.

Under the Secretary's report, Ms. Hanley reviewed the polling place changes approved by the Board of Supervisors on December 4, 2018. These changes include:

- 1) In Mason District, the name of the Ravenwood precinct polling location was changed from Stuart High School to Justice High School.
- 2) In Mount Vernon District, the street address for the Belvoir precinct polling location was changed from 6900 Newington Rd to 8201 Cinder Bed Rd. This change was necessary because access to the facility off of Newington Road has been permanently closed.
- 3) In Springfield District, the polling location for the Cedar Lake precinct was relocated from the VA Department of Transportation building where it had been co-located with Fair Oaks precinct to the Michael Frey Animal Shelter.
- 4) In Springfield District, the polling location for Centerpointe precinct was relocated from the Centerpointe Church at Fair Oaks to the Waterford at Fair Oaks. This move was necessary because the Centerpointe Church has been sold and will be demolished.

For satellite voting in the upcoming special election, Ms. Hanley moved that two Assistant Registrars be appointed for the term of the special election [February 28, 2019.] Ms. Kinsman added that the two appointees will be Russ Ugone and Joe Gofus. FCRC inquired if the two represented different political parties, and Ms. Kinsman replied affirmatively. The motion passed by a vote of 3-0.

Ms. Hanley distributed her December 4, 2018, presentation to the Board of Supervisors (BOS) entitled “Fairfax County Mid-Term Election, November 6, 2018, by the Numbers.” She informed the BOS that the Department of Elections (ELECT) informed Mr. Scott that no complaints were received about voting in Fairfax County where the turnout reached a historic 70%. As such, this success should be shared with the governing body, and she publically thanked the BOS for their support. She also addressed the possibility that the primary might be moved from June to September, and stated that it would be difficult to prepare the ballot in order to meet the 45-day mail-out requirement.

There was no Old Business.

Under New Business, Mr. Spicer presented the resource allocation for the January 8, 2019, Special Election. Six election officers with 2 DS200 and 2 ExpressVote machines will be assigned in each precinct. For the ten precincts involved, the ballot order will be based on a 40% turnout of the registered voters. The turnout was just below 30% in the 2015 special election held in this senate district. FCDC questioned whether a 50% ballot order would be more appropriate given the high turnout in the midterms. Ms. Hanley responded that absentee voting will be monitored closely, and if there is a marked increase then more ballots can be printed. FCRC asked about the ballot order in the Loudoun precincts, and Ms. Hanley answered that staff would follow up. Ms. Lawton agreed that Loudoun’s ballot order should be confirmed, and she pointed out that the inclement weather during the 2015 special election may have quelled voter turnout.

Ms. Hanley moved to adopt a Memorandum of Understanding (MOU) between the Department of Finance and the Electoral Board to clarify standards and processes governing the official county business travel of the General Registrar and Office of Elections staff. Mr. Hunt asked why staff would be included with the General Registrar in the MOU. Mr. Scott replied that it could be two separate documents but for convenience, only one document covering travel was created. Ms. Lawton offered an amendment to the MOU to include the General Registrar “*or his designee*” where appropriate. The motion was approved, as amended, by a vote of 3-0.

Under Public Comments, FCDC reported that comments from the state-wide Democratic call center regarding how Fairfax County conducted the November election were overwhelmingly positive. Issues were handled timely and without incident. FCDC did mention that a rover at one of the precincts advised the chief election officer not to offer a provisional. Ms. Hanley responded that the What Ifs section regarding the provisionals is being revised to provide easy-to-follow guidance. Additionally, FCDC informed the Board that some election officers were asking voters with a protected address to provide their residence address. Mr. Scott explained that protected voters are listed in the pollbook, a public document, by mailing address, and this is acceptable to provide in order to check-in to vote. Mr. Spicer will address both of these issues in future training.

FCRC echoed the comments of the FCDC regarding the efficient management of issues during the November election. Based on the number of incidents of “incivility” between voters that occurred outside of certain polling locations, FCRC asked to what

extent does the authority of the chief extend beyond the 40-ft prohibited area. Mr. Scott responded that this question was reviewed by the county attorney who confirmed that there is no authority of election officials beyond the 40-ft area prescribed by law. Ms. Lawton added that responding to confrontations between voters is very difficult to address because the clash usually ends quickly, and the instigators are gone before law enforcement arrives.

FCRC asked if the Chief's notes might be made available. The Board asked staff to consider the feasibility of providing redacted copies of the Chief's notes.

LWV asked if the number of provisional ballots cast in the November 2018 election was higher than anticipated. Mr. Scott replied that the number was not unexpected. Ms. Hanley added that the county-wide mailer sent to all registered voters prior to the November election has reduced the number of provisional ballots because of the comprehensive information it includes.

LWV also asked how many ID provisional ballots did not qualify because the voter did not provide an acceptable ID. Ms. Reilly replied that out of 181 ID provisional ballots cast, approximately 160 did not provide a copy of their photo ID. Ms. Hanley commented that if the election results are not close, provisional ID voters usually do not send in a copy of their photo ID.

LWV, working in collaboration with the Council of PTAs, Inspire U.S., and the Governor's High School Voter Registration Challenge, reported that approximately 5,000 high school students in Fairfax County have been registered to vote.

Chris Schäffer thanked the Board for providing a kit to accurately mark the 40-ft prohibited area in all precincts.

Mr. Hunt moved that the Board enter into a Closed Session for the purpose of discussing 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 5:07 p.m.

At 6:15 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

There being no further business, Ms. Lawton made a motion to adjourn. The motion carried, and without objection, the meeting was adjourned at 6:17 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

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