

MINUTES
Fairfax County Electoral Board
January 14, 2016

The Fairfax County Electoral Board met on Thursday, January 14, 2016, at 5:00 p.m. in Conference Room 7 at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax. Chairman Stephen M. Hunt, Vice Chairman Seth T. Stark, Secretary Katherine K. Hanley, General Registrar Cameron G. Sasnett, Chief Operating Officer Robert Rathbun, Deputy Registrar Gary Scott, Election Manager Judy Flaig, Assistant Registrars Viki Kinsman and Cheryl Jones, Assistant County Attorney Erin Ward, Information Officer Lisa Connors and Clerk to the Board Beth Dixon Methfessel were present. James Lyle representing the Fairfax County Republican Committee (FCRC); Donna Rostant and John Farrell representing the Fairfax County Democratic Committee (FCDC); Olga Hernandez and Therese Martin representing the Fairfax League of Women Voters (LWV) also were in attendance. In addition, various Office of Elections (Office) staff members attended the Electoral Board meeting.

Mr. Hunt called the meeting to order at 5:00 p.m. and introduced himself, Vice Chairman Stark and Secretary Hanley (Board.) Mr. Hunt called for a motion to approve the January 14, 2015 meeting agenda. Ms. Hanley moved to adopt the agenda, with the addition that the first item be the approval of the minutes from the October 8, 2015, October 28, 2015, and November 4, 2015 Electoral Board meetings. By a vote of 3-0, the agenda, as amended, was adopted.

Mr. Hunt called for a motion to approve the Draft Minutes from the October 8, 2015, October 28, 2015, and November 4, 2015 Electoral Board meetings. Mr. Lyle commented that he was not present for the October 28, 2015 Board meeting. Ms. Hanley moved to approve, and by a vote of 3-0, the October 8, 2015 Minutes, the October 28, 2015 Minutes, as amended, and the November 4, 2015 Minutes were adopted.

Mr. Sasnett presented the General Registrar's report (see attached January 14, 2016 Registrar's Report.)

Under Upcoming Elections (Presidential Primary Elections) Preparations, each primary is being planned for a 45% turnout, however, more activity is anticipated for the Republican Primary due to the depth of the field (13 candidates), potential party crossover, significant media attention, and inclusion of Virginia in "Super Tuesday." Mr. Hunt asked if the Democratic Chief Election Officers would defer to the Republican Assistant Chiefs on Republican issues. Mr. Sasnett responded that he prefers for the Republican Assistant Chief to handle these situations, most of which will likely arise from the affiliation statement. Ms. Hanley explained that on Election Day when voters select to participate in the Republican Primary, they will first sign the affiliation statement at a table manned by Republican election officers before checking in at the electronic pollbooks (EPBs.) This will allow the Republican officers to resolve concerns and answer questions. It will also help keep lines from forming at the check-in tables. FCDC asked what would happen to the affiliation statements after the election. Ms. Flaig answered that they would be collected, sealed and delivered to the Circuit Court along with the other election materials. Mr. Farrell asked if the election officers' nametags would identify them by party. He

also asked if the authorized representatives' nametags would identify the candidate they represent. He pointed out that it might be helpful to the voter to know with whom they are dealing and minimize the opportunity for one party to accuse the other party of "depriving" their voters a ballot. Ms. Hanley responded that if any situation of this nature arises, she is confident it will be well handled by the Chief and/or the Assistant Chief. Mr. Hunt and Mr. Stark agreed and stressed that training should include the importance and the logistics of the Republican election officers supervising the affiliation statement process.

Equipment to be used for absenting voting was tested and sealed by warehouse staff on January 12 in preparation for the start of in-person absentee voting on Friday, January 15. Election officer training will begin January 20 and continue through February, as needed. While not required, 2 DS200s will be deployed to each precinct. One scanner will be designated for each primary, although both scanners will be capable of accepting either ballot. FCDC asked if one of the DS200s stops functioning, will the other DS200 be used or will a back-up scanner replace it. Ms. Flaig explained that rovers carry extra DS200s but voting will not stop to wait for a replacement. Mr. Hunt asked that the training include a reminder to check the numbers on both machine tapes to ensure all votes are counted when completing the Statement of Results.

The Alternate Emergency Operations Center (AEOC) has been reserved for the March Presidential Primary Elections. Mr. Stark inquired if Election Day operations would be held in this location. Ms. Hanley asked if the General Registrar and the IT Manager, as directed by the Board at the October 8, 2015 meeting, followed through to determine whether a "contiguous, integrated space" to conduct Election Day operations was located in the Government Center. Mr. Sasnett responded that the only unoccupied space large enough to accommodate all staff is the Conference Center and the cafeteria. However, utilizing the Conference Center would still require breaking up staff into smaller groups and the cafeteria does not provide the necessary and appropriate infrastructure to support Election Day operations. In conclusion, only the AEOC and the permanent office space in Suite 323 are suitable locations for staging Election Day operations. Ms. Hanley requested that this issue be added to the agenda for the next Board meeting. She asked Mr. Sasnett to provide a side-by-side layout of the two spaces, giving particular detail as to how staff is apportioned. The report should include data comparing the efficiency of responses to phone calls tracked by the CMS system from the 2013, 2014 and 2015 Election Day operations [2013 and 2014 held in the AEOC; 2015 held in Suite 323/315.] Because the complaints about using the AEOC include the fact that most of the registration staff remains in Suite 323 while staff assigned to the AEOC must relocate their resources should also be reflected in the recommendations. Mr. Stark commented that complaints regarding the noise level in the AEOC also need mitigating, perhaps with the use of headsets. Mr. Hunt commented that the purpose for using the AEOC is not for when the process goes smoothly but when it "goes badly." It allows Fairfax County to stay in front of events because essential personnel are proximate and available to respond as quickly as possible. Mr. Hunt added, however, that existing technology may overcome some of the logistical issues of dividing staff and as such, he would consider a hybrid plan incorporating both spaces.

Under Outreach Activity, third party voter registration training will be held at the Mount Vernon Governmental Center on April 28, June 22, and September 7. Voter registration and

photo ID opportunities will be held at the Sherwood Library, 10:00 am to 2:00 pm, on the first Saturday of each month through September.

Under Section 203 Compliance, the Republican affiliation statement has been translated into Spanish. Spanish and Korean voter registration applications have been updated and are ready for distribution. A third-party voter registration training will be conducted exclusively in Spanish. A date for this event is not yet set.

Under DIT “104 Fund” Procurement Projects, sixty additional DS200 machines have been purchased. Procurement is underway for Konnech Software’s PollChief web-based election officer management software. An election night results reporting software is being evaluated to allow for an improved presentation of local election results. As soon as practicable, Mr. Hunt asked to see the reporting software product.

Under Additional and Miscellaneous Items, Mr. Sasnett welcomed Brenda Pree, the new Election Officer and Training manager, and Kiran Sharma, the new Financial Specialist.

Under the Chairman’s report, Mr. Hunt attended the State Board of Elections (SBE) meeting on December 16, 2015 to encourage SBE to move forward on the process of certifications of EPBs. Mr. Sasnett announced that the Selection Advisory Committee (SAC) voted to select KNOWiNK as the vendor for Fairfax County’s new EPBs. The new EPBs will be deployed in 21 precincts for the March 1 Presidential Party Primary Elections to test the logistics and the infrastructure of the new system. Mr. Sasnett explained that some functionality was lost as a result of the contingencies affixed by SBE to the certification, specifically the prohibition on the transmission of “sensitive information” over remote servers not owned or leased directly by the Commonwealth of Virginia [i.e., commercial server systems like the Cloud.]. This restriction includes the Voter File, however, this data can be loaded and updated manually. Transmission of voter counts and other communication would not be affected. Mr. Hunt posed the question of whether this prohibition should apply to the local jurisdictions, but even with these restrictions, Mr. Hunt said the new EPBs are fast, intuitive and allow for faster interaction. Mr. Hunt would like this issue as well as when information becomes “sensitive” on the agenda at the annual Virginia Electoral Board Association’s (VEBA) meeting in April. LWV asked if the 21 precincts piloting the new EPBs would have a back-up plan. Ms. Flaig responded that the current EPBs and a paper pollbook will be provided as back-up. LWV also inquired if the ID reader would be functional on the EPBs and Mr. Sasnett responded that the ID reader would be activated.

There was no Vice Chairman’s report.

Under the Secretary’s report, Ms. Hanley informed the Board that the affiliation statement prompted three Chiefs and one Assistant Chief to withdraw from serving in the March Presidential Party Primaries. Fortunately, with the election still six weeks away, and recruitment and assignment efforts ongoing and slightly ahead of schedule, these losses will hopefully be recovered. After the January 6, 2016 meeting with the Facilities and Security teams for the Fairfax County Public Schools (FCPS), it is not likely schools will close on March 1. Repeated attempts were made during the meeting to dispel the FCPS perception that the March 1 Primary

fits within the parameters of any other primary that has been held while schools are in session. To this point, Ms. Hanley provided FCPS an inventory of the issues arising specifically from the voting locations inside the schools during the November 2015 election. FCPS responded that by January 12, 2016 it would provide to the Office a list of assigned rooms so staff (including rovers) can begin to assess the feasibility of the space to host a dual Presidential Primary election.

Ms. Hanley explained that a recent court decision, while denying injunctive relief requiring Republican voters to sign the affiliation statement, nevertheless provided the basis for issuing a provisional ballot to voters refusing to sign the affiliation statement. Commissioner Edgardo Cortés, Department of Elections (ELECT) reiterated this requirement (see attached Order in Civil Action No. 3:16cv13 and Official Elect Communication from Edgardo Cortés to EBLIST, dated January 14, 2016.) Ms. Hanley also explained that ELECT would issue further guidance on how to process provisional ballots cast for failure to sign the required affiliation statement.

Under Board Action Items, Ms. Hanley moved to authorize the pre-processing of absentee ballots for the March 1 Presidential Party Primaries on February 22, 24 and 26, 2016. The motion passed by a vote of 3-0.

Under Public Comments, FCDC asked about the signs contemplated by the Board to mark the accessible parking at the Government Center. Ms. Kinsman answered that signs have been placed near the front of the parking lots marking accessible parking. LWV inquired if the affiliation statements would be counted. Mr. Hunt responded that there are no plans to count the statements but the statements will be preserved within the chain of custody of all election materials. LWV also expressed concern that accurate information regarding the affiliation statement be disseminated as soon as possible to all of the election officers assigned for the March primary. The Board agreed with this suggestion. Mr. Sasnett added that an on-line module might be made available to provide more specific training for election officers serving in the March 1 Primary. LWV asked what standards were used to choose the precincts to pilot the new EPBs. Ms. Hanley explained that the criteria included proximity to the Government Center, diversity of location, a larger than average number of provisional ballots cast by voters who were found in the pollbook, long lines reported in November 2012 election, co-located precincts, and a variety of size. As a result, the numbers were not spread evenly across the magisterial districts.

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); and for the purpose of discussing the award of a public contract involving the expenditure of public funds on voting equipment where the discussion of the terms or scope of such contracts if held in open session would adversely affect the bargaining position or negotiating strategy of the public body, as permitted by Va. Code § 2.2-3711(A)(29). Without objection, and by a vote of 3-0, the Board entered into Closed Session at 6:25 p.m.

At 6:58 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 Stark
	Secretary Hanley

Under Board Action Item, Resource Allocation for March 1 Presidential Primary (see attached Resource Allocation for the March 1 Presidential Primary Elections dated January 11, 2016), Ms. Hanley expressed concern that three EPBs assigned to precincts with over 4000 active registered voters (ARV) was too low and moved to add an additional EPB. During discussion, Mr. Hunt asked Ms. Flaig if an adequate number of EPBs, including peripherals, was available to meet this augmentation. Ms. Flaig responded affirmatively and the motion passed by a vote of 3-0.

Mr. Farrell drew attention to the precincts with between 2500-3000 ARV and suggested that these polling locations be reevaluated as well. Ms. Hanley moved that the Resource Allocation for the March 1 Presidential Primary Election, as previously amended, be reviewed to compare the number of EPBs assigned in the November 2014 and 2015 elections with the number currently assigned for the March 1 Presidential Primary in those precincts with between 2500-3000 ARV. Turnout will also be examined to determine whether the allocations should be adjusted upward. The Resource Allocation will be revisited at the next Board meeting. The motion passed by a vote of 3-0. Feedback from the local committees will also be considered.

The next Electoral Board meeting will be held on Thursday, February 4, 2016 to appoint election officers for a two-year term beginning March 1, 2016 and ending February 28, 2018.

There being no further business, Ms. Hanley made a motion to adjourn. The motion carried, and without objection, the meeting was adjourned at 7:12 p.m.

Attachments

Stephen M. Hunt, Chairman

Seth T. Stark, Vice Chairman

Katherine K. Hanley, Secretary