

MINUTES  
Fairfax County Electoral Board  
February 25, 2016

The Fairfax County Electoral Board met on Thursday, February 25, 2016, at 5:00 p.m. in Conference Room 120 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, Deputy Registrar Gary Scott, Election Manager Judy Flaig, Information Officer Lisa Connors and Clerk to the Board Beth Dixon Methfessel were present. Keith Damon and James Lyle representing the Fairfax County Republican Committee (FCRC); Donna Rostant, John Farrell, and Stephen Spitz representing the Fairfax County Democratic Committee (FCDC) also were in attendance.

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 February 25, 2016 meeting agenda. Ms. Hanley moved to adopt the agenda, and by a vote of 3-0, the agenda was adopted.

Mr. Hunt called for a motion to approve the Draft Minutes from the February 4, 2016 Electoral Board meeting. Ms. Hanley moved for approval with two corrections. She asked that on page 3, "Secretary Kaufax" be changed to "School Board Chair Derenak-Kaufax" and "Katherine" Beck be changed to "Catherine" Beck. By a vote of 3-0, the February 4, 2016 Minutes, as corrected, were adopted.

Mr. Hunt asked for a motion to appoint 168 election officers (87 Democrats, 20 Independents, and 61 Republicans) for a term ending February 28, 2018. Ms. Hanley then moved to adopt, and by a vote of 3-0, the Board appointed 168 (87 Democrats, 20 Independents, and 61 Republicans) individuals to serve as election officers. Ms. Hanley thanked the local political committees for their diligence in turning around election officer approvals.

Mr. Sasnett presented the General Registrar's report (see attached February 25, 2016 Corrected Registrar's Report and Supplement.)

Under Upcoming Election (Presidential Primaries 2016) Preparation, all chief and assistant chief election officers have been assigned with eight stand-by alternates available. A copy of the election officer assignments will be forwarded to the local political committees on Friday, February 26, 2016. The last shift for pre-processing will be in the morning only on Friday, February 26, 2016. Logics and Accuracy testing of the DS850® High Speed Scanner was completed on Thursday, February 25, 2016. All carts, DS200s and ExpressVote® machines were delivered to the polling locations. The DS200 for #803 Clifton was damaged during delivery and was returned to the warehouse. It was repaired, retested successfully and subsequently delivered.

Fairfax County Public Schools will now be closed on March 1 for the Presidential Party Primaries.

The Office has received media requests from SkyNews, Turkish Radio and Television, Voice of America, and Korean Broadcasting System. Ms. Hanley thanked Lisa Connors and Judy Flaig for sending out a very “useful” set of media guidelines. Ms. Flaig added that these guidelines are included in the Chief/Assistant Chief Election Officer notebooks.

FCDC received a complaint from a college student that he requested an absentee ballot online but has not received it. He called the office to inquire and was told the request was not received. FCDC asked if the Office tracks the number of voters who call the Office because they have not received an absentee ballot. Mr. Hunt pointed out the possibility that voters may be requesting absentee ballots from some sites left over from last November’s election and these applications don’t “go anywhere.” During discussion, Mr. Sasnett explained that when an absentee ballot application is submitted through the state’s portal, it is handled much in the same way a paper application is processed. The problems arise because the applicant does not receive any acknowledgement, receipt or email confirmation that they have successfully submitted an absentee ballot application. Often times this leads the applicant to make multiple submissions. These anomalies also exist with the on-line voter registration portal. Additionally, after the deadline for voter registration passed, people attempted to simultaneously register to vote and request an absentee ballot application. The system does not inform them that the voter registration deadline has passed. Ms. Hanley also pointed out that after an absentee ballot application has been submitted, there is no instruction that the ballot will come by regular mail. These concerns will be compiled and submitted to the Department of Elections (ELECT.)

Under the Vice Chairman’s report, Mr. Stark thanked Secretary Hanley for her tireless yet successful effort in securing March 1, 2016 as a student/teacher holiday. He acknowledged the participation and support of the local political parties in this endeavor and thanked the School Board for their cooperation.

Under the Secretary’s report, Ms. Hanley reminded everyone that eight satellite locations plus the Government Center, will be open from 9:00 a.m. until 5:00 p.m. on Saturday, February 27, 2016 for in-person absentee voting.

Under the Chairman’s report, Mr. Hunt added his appreciation for Secretary Hanley’s dedication in her efforts to close schools on March 1, 2016. He also applauded the School Board’s decision to change from the 2-hr delayed opening to a full day closing for the Presidential primaries. Mr. Hunt highlighted Senate Bill (SB) 574 and House Bill (HB)1030 requiring the State Board of Elections (SBE) to develop “standardized training programs and materials” and offer an online training course on ELECT’s website. He pointed out the apparent differences in training requirements between large and small localities. Mr. Hunt contacted certain legislators to express his concern over passing these bills and the detrimental impact this legislation might have on Virginia’s jurisdictions with highly effective and successful training programs.

There were no Board Action items.

Under Old Business, FCDC asked if the Public Interest Legal Foundation (PILP) responded to Mr. Sasnett's response regarding clarification of their allegations that Fairfax County violated Section 8 of the National Voter Registration Act. Mr. Sasnett received the return receipt of the certified letter to PILP, but no additional answer. The political parties requested an update whenever a response from PILP is received. FCRC asked about the status of the authorization letter for the disAbility Law Center. Mr. Sasnett responded that Secretary Hanley provided a letter of authorization outlining the dos and don'ts for their polling place assessments on Election Day. A copy of the authorization letter will be provided to the political parties as well as an updated list of active voters by precinct.

There was no New Business.

Under Public Comments, FCDC confirmed that photo ID will be provided in all satellite locations on Saturday, February 27, 2016. When asked about how to respond to ballot "selfies", Ms. Flaig responded that the instruction provided to the Chiefs and Assistant Chiefs was to allow them as long as the voter taking the selfie does not violate Va. Code 24.2-604(D) [It shall be unlawful for any...voter, or any other person in the room, to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; or (v) otherwise impede the orderly conduct of the election.] Finally, FCDC suggested that the Electoral Board reinforce the Bipartisan Commission's recommendation and again request that no parent-teacher conferences be held on the day of a presidential election. The Board will place this issue on the April meeting agenda. FCRC asked if there would be a dedicated line for candidates or parties for the March 1 election. Mr. Sasnett responded that his direct phone number should be used. FCRC verified that authorization for pollwatchers for the provisional ballot meeting should be issued by one of the candidates. A concern was raised that the number of authorized observers might be hard to accommodate around the canvass tables. Mr. Hunt commented that more than likely only two to four candidate observers would probably attend, and only if the race is close. A sign will be posted in the polling locations listing the withdrawal of Lindsey Graham. Even though other candidates have suspended their campaigns, they have not submitted an official notification of withdrawal to SBE. A copy of this signage will be provided to the political parties.

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 6:10 p.m.

At 6:46 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

There being no further business, Ms. Hanley made a motion to adjourn. The motion carried, and without objection, the meeting was adjourned at 6:47 p.m.

Attachments

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Stephen M. Hunt, Chairman

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Seth T. Stark, Vice Chairman

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Katherine K. Hanley, Secretary