

MINUTES
Fairfax County Electoral Board
May 4, 2016

The Fairfax County Electoral Board met at 9:00 a.m. on Wednesday, May 4, 2016, in Conference Rooms 2 and 3 at the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, to receive the election materials necessary to canvass the returns and ascertain the results of the May 3, 2016 Elections held in the Towns of Clifton and Vienna. Chairman Stephen M. Hunt, Vice Chairman Seth T. Stark, Secretary Katherine K. Hanley, General Registrar Cameron Glenn Sasnett, Deputy Registrar Gary Scott, Election Manager Judy Flaig, Human Resource and Finance Manager Autumn Hawley, Information Officer Lisa Connors and Clerk to the Board Beth Dixon Methfessel were present. Maggi Luca representing the Fairfax League of Women Voters (LWV) and John Farrell, a member of the Fairfax County Democratic Committee (FCDC) also attended the meeting. In addition, Office of Elections (Office) staff was present to conduct the canvass.

Mr. Hunt called the canvass to order at 9:02 a.m. and introduced himself, Vice Chairman Stark, and Secretary Hanley (Board.) Mr. Hunt called for a motion to approve the May 4, 2016 meeting agenda. Ms. Hanley moved to adopt the agenda, and by a vote of 3-0, the agenda was adopted.

The Board unsealed the storage room containing the election materials. Ms. Flaig instructed the canvass to start with the Town of Clifton because of the high number of write-ins for Mayor and Town Council. Write-in certifications are expected for these two races and staff will compile these results. Ms. Flaig asked the canvass team to pull the ISync drives from the pollpads in order to collect data before delivering the remaining election material to the courthouse.

Mr. Hunt reported that no provisional ballots were cast in either the Clifton or the Vienna Town Election.

Mr. Sasnett presented the General Registrar's report (see attached May 4, 2016 Registrar's Report.)

Under 2016 May Town Elections Update, due to the renovation of the Vienna Community Center, the polling location for the Vienna Town Election was held at the Vienna Presbyterian Church. In Vienna, a coordination issue with the Poll Pad password did not delay the opening of the polling location. Additionally at Vienna, when attempting to obtain the results off of the scanner, the printer tape jammed. Once it was properly refed, the results were printed without further incidence.

Under Voter Registration Statistics, the number of total registered voters was corrected from '715,475' to '716,475.' Since the Governor's executive order restoring voting rights to approximately 206,000 qualified felons, 125 have submitted applications in Fairfax County. Over 2,000 voter registration applications have been received from the Voter Participation Center (VPC.) Of this number, approximately half did not require re-registration. To avoid confusing

voters, Mr. Sasnett extended an offer to assist VPC by reviewing the format of their registration information so it does not resemble official correspondence from Fairfax County.

Under Absentee Voting/Applications Statistics (for November 2016), part of the number of incomplete or denied applications resulted from students listing multiple school addresses on one form or submitting multiple applications at the same time. Mr. Hunt asked if the applicants were informed of these reasons, and Mr. Sasnett confirmed that the denial letters include the reason(s) for rejection.

Under Office of Election Training, 54 classes are scheduled with 1,038 registered. Ms. Hanley mentioned that on July 1, the law requiring voters to 'state' their name and address will change to "provide" their name and address. Additionally, the State Board, through the Department of Elections (ELECT), will be required to provide standardized training materials, including an on-line training course for election officers (EOs.) Because Fairfax County began training in May order to provide a sufficient number of trained EOs for the presidential election, Ms. Hanley expressed concern that the materials distributed by ELECT will not be available in time to incorporate into Fairfax County's training. Mr. Sasnett commented that the Deputy Commissioner of ELECT, Elizabeth Howard, sent out a memo dated February 28, 2016 (attached and made a part of this record) explaining that while the training materials provided by ELECT must be used, supplemental training is encouraged, especially with respect to the specific voting equipment used by each locality. When ELECT releases its requirements, Fairfax County will include it and make it available to those EOs who have already trained. A copy of this memo will be forwarded to the local political committees.

Under Outreach and Communications, all but one high school has responded to the Office's offer to conduct voter registration. Most of the registration drives were completed before the deadline for the March 1 Presidential Primary.

Under Fiscal/Budget Update, the Office has been pre-funded for the upcoming presidential election. A follow-up review of the Office by the Internal Audit Office noted that all outstanding items and recommendations have been completed/implemented.

Under Staffing/Hiring Updates, Mr. Sasnett introduced and the Board welcomed Autumn Hawley who will serve as the Human Resources and Finance Manager. Lisa Hogle was hired as the Absentee Coordinator, with a special focus on the online absentee application process.

Under Requested Action Items, Mr. Sasnett, upon staff recommendation, requested that the Board consider designating a precinct technical/procedural specialist to assist with in-precinct technology management, and/or primary or back-up provisional and election materials processing, especially in the largest precincts and/or those with higher curbside and provisional voters. This individual will receive additional specialized training in these areas. Recruiting could be targeted towards "tech savvy" individuals. Mr. Hunt asked if the compensation would be higher and Mr. Sasnett suggested \$200. Ms. Flaig concurred, adding that assistant chief's pay, currently \$200, should be increased to \$225. During discussion, Mr. Hunt asked if this recommendation would undermine the authority of the chief election officer. Mr. Sasnett responded that while the statutory responsibility of all decisions in the precinct is always vested in the chief election officer,

Va. Code § 24.2-653 does not require the chief election officer to specifically handle the administration of the provisional ballot process. A function of the specialist might also be to electronically transmit information regarding a provisional ballot to the Office soon after it has been cast. This would expedite and streamline the research process. Discussion also included resource allocation of election officers, including how the efficiency of the check-in process would be affected if one instead of two election officers were assigned to each electronic pollbook (EPB.) Mr. Farrell objected to the lack of notice given to the local parties regarding this discussion. He asked who the authorized representative would interact with regarding provisional voters. He queried how the partisan affiliation of this specialist would be determined. He questioned the timing of a proposal that “reorganizes the precinct” especially in a presidential year. Ms. Flaig added that during presidential elections, the Office has assigned a second assistant chief to the largest precincts. Mr. Farrell responded that FCDC raised an objection to this position as well on the basis of partisan affiliation and balance of election officers in the precincts. The Board suggested that prior to the June meeting, Mr. Sasnett arrange a meeting(s) with both political committees and any other interested parties to solicit their input regarding this new position, specifically on how each group prioritizes the needs in the precinct, the technical demands that might be satisfied without rover assistance, and how to appropriately maintain partisan balance.

Under Polling Place Changes, Amendment A, Ms. Hanley moved to authorize staff to proceed with coordinating with the Board of Supervisors to implement the recommended polling place and precinct changes, with the addition of the recommendation to change the name of #225 Terraset to #225 Hughes to match the name of the polling location at Hughes Middle School. The motion passed by a vote of 3-0.

Mr. Sasnett distributed the revised Communications Guidelines dated May 3, 2016 (attached and made a part of this record.)

Mr. Sasnett expressed concern that eligible felons may mistakenly think their voting rights will be automatically restored. This could impact the number of provisionals in November. Ms. Hanley commented that the Secretary of the Commonwealth’s website gives clear instructions that eligible felons must re-register in order to vote. If needed, Mr. Farrell volunteered to assist with re-registration outreach.

At 10:20 a.m. the Canvass concluded for the Town Elections held in Clifton and Vienna. No changes were made in the results, however, after the write-ins were counted in the Town Council race in Clifton, Regan McDonald won one of the five seats. Both the Mayor and Town Council races in the Town of Clifton posted write-ins greater than 5% of the total votes cast for these respective contests. Write-in certifications will be generated for these contests.

Under the Chairman’s report, Mr. Hunt noted that the Board attended the annual Virginia Electoral Board Association (VEBA) conference. A dialogue regarding selfies v videos was opened. It was noted that in Maryland’s April 26 primary, handheld electronics and recording devices could not be used inside voting centers and polling places. Mr. Sasnett added that a review of the regulation 1VAC20-60 clarifying the use of electronic devices in the polling locations was open for comment until April 25, 2016.

There was no Vice Chairman's report.

Under the Secretary's report, Ms. Hanley informed the Board that on April 21, 2016, she sent the final piece of information, Voter Check-ins by Hour for the March 1 Presidential Primary, requested under the February 26, 2016 VFOIA from the Fairfax County School Board (electronic copy retained and made a part of this record.) This data will be useful at the upcoming meeting in July with the Fairfax County School facility management staff. The Office will again recommend that parent-teacher conferences not be held on Election Day.

Ms. Hanley moved that the Board officially communicate the following with ELECT/State Board of Elections (SBE), 1) The implications of the Veteran's Day holiday weekend which begins on Friday, November 11. If a provisional ballot was cast due to lack of acceptable photo ID, will the statutory deadline for submission of a copy of acceptable photo ID be extended until Monday, November 14? Will the requirement to certify the election results be extended until Wednesday, November 16? Will the Division of Motor Vehicles (DMV), ELECT be available over the holiday weekend? 2) The impact of legislation requiring ELECT to provide training standards and materials, and the timing of the completion and delivery of such material to the localities; 3) Post office delivery issues affecting the delivery of absentee ballots; and 4) Clarification of the policy on selfies v videos in the precincts. The motion passed by a vote of 3-0. Mr. Farrell commented that if the Office is open for the weekend, security detail for the Government Center should be arranged.

Mr. Hunt called for a motion to approve the Draft Minutes from the February 25, 2016 and the March 2, 2016 Electoral Board meetings. Mr. Farrell pointed out that the discussion during the March 2, 2016 meeting regarding partisan imbalance of EOs resulted in part from individuals *declining to serve* and not *resigning*. The correction was accepted. Ms. Hanley moved to approve, and by a vote of 3-0, the February 25, 2016 Minutes and the March 2, 2016 Minutes, as corrected, were adopted.

Mr. Hunt asked for a motion to appoint 481 EOs (341 Democrats, 53 Independents, and 87 Republicans) for a term February 28, 2019. Ms. Hanley moved to adopt the 481 EO appointments as presented for a term ending February 28, 2019. By a vote of 3-0, the Board appointed appoint 481 (341 Democrats, 53 Independents, and 87 Republicans) individuals to serve as election officers. Ms. Hanley urged the local political committees to turn around the approvals as soon as possible as the lists will grow longer as the presidential election approaches. Mr. Farrell asked that the total number of Democratic, Independent, and Republican EOs be included into the General Registrar's report.

Under Old Business, Ms. Hanley stressed the importance of identifying all legislative changes going into effect on July 1, 2016, especially those that must be incorporated into the training of EOs.

There was no New Business.

Under Public Comments, Mr. Farrell requested a copy of current SBE guidance regarding lack of signature on a provisional ballot envelope (attached and made a copy of this record.) Mr.

Farrell asked about the status of the Public Interest Legal Foundation's (PILF) allegations that Fairfax County violated Section 8 of the National Voter Registration Act. Mr. Sasnett responded that after his response requesting clarification, PILF took no further action against Fairfax County. He added that the Virginia Voter's Alliance (VVA) sent an "identical" letter and he responded with the same request for clarification. No further communication from VVA was received.

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 protocols for maintaining the security of ballots or voting and counting equipment, or risk assessments of specific local electoral procedures, where discussion of such matters in open meeting would compromise the security of any election, as permitted by Va. Code § 24.2-3711(A)(19). Without objection, and by a vote of 3-0, the Board entered into Closed Session at 10:55 a.m.

At 12:54 a.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

Ms. Hanley moved that the organizational chart for the Office of Elections be approved in concept. The motion passed by a vote of 3-0.

The Board certified the election results for the May 3, 2016 Town Elections in Clifton and Vienna and signed the abstracts. The Board also signed write-in certifications for the Town of Clifton in the contests for Mayor and Town Council. The abstracts and the write-in certifications were scanned and emailed to the Department of Elections on Wednesday, May 4, 2016, at 3:24 p.m.

There being no further business, Ms. Hanley made a motion to adjourn. The motion carried, and without objection, the meeting was adjourned at 1:00 p.m.

Attachments

Stephen M. Hunt, Chairman

Seth T. Stark, Vice Chairman

Katherine K. Hanley, Secretary