

MINUTES  
Fairfax County Electoral Board  
January 12, 2017

The Fairfax County Electoral Board (Board) met on Thursday, January 12, 2017, at 5:00 p.m. in Conference Room 315 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 Glenn Sasnett, Deputy Registrar Gary Scott, Election Manager Judy Flaig, Public Information Officer Lisa Connors, Accountability and Standards Director Autumn Hawley, and Clerk to the Board Beth Dixon Methfessel were present. Keith Damon representing the Fairfax County Republican Committee (FCRC); Donna Rostant representing the Fairfax County Democratic Committee (FCDC); John Farrell, member of FCDC; Jim Lyle, Member of FCRC, Therese Martin and Olga Hernandez, representing the Fairfax League of Women Voters (LWV) also were in attendance. Jean Thoensen, Fairfax County resident, also attended the Electoral Board meeting. Various Office of Elections (Office) staff members also 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. Mr. Hunt called for a motion to approve the January 12, 2017 meeting agenda. Ms. Hanley moved to approve 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 November 9, 2016 Electoral Board meeting. Ms. Hanley moved for approval, and by a vote of 3-0, the November 9, 2016 Minutes were adopted.

Mr. Sasnett presented the General Registrar's report (see attached January 11, 2017 Registrar's Report and Attachments.)

Under Accountability and Standards, the Office is requesting 44 additional seasonal administrative positions to accommodate the staffing requirements for future satellite voting operations. Ms. Hanley asked if these were new positions that require authorization in the budget. Ms. Hawley explained that these were positions that were dually encumbered (one position holding two employees) for the November election and would not increase staff size. Ms. Hanley expressed concern that an increase in positions raises a red flag when the Board of Supervisors reviews the budget.

To eliminate the need for paper time sheets, the Office is reviewing a biometric time tracking system.

Under Technology and Innovations, an RFP (Request for Proposal) is being developed for an election night reporting system as well as for the voter registration-scanning project. The Board asked to review the RFPs prior to solicitation of proposals.

The Memorandum of Understanding (MOU) for the party's access to PollChief is complete and Mr. Sasnett plans to contact party chairs to set up training dates. The Board asked to review the final draft of the MOU.

Staff is working with KNOWiNK and VACO to provide additional security audit information of the PollPad system to Virginia Information Technologies Agency (VITA). The ongoing issue is to amend current VITA policy to allow connectivity to the PollPads in order to facilitate the flow of real-time information to and from the precincts on Election Day.

Under Election Administration, all voting equipment has been returned to its ready state. Election officer compensation including mileage for the November election was approximately \$642,000. This figure does not include the cost of staffing for the satellite voting locations.

Under Voter Registration, 9,240 online voter registrations transactions occurred since January 1, 2017. Ms. Hanley asked if this number included duplicates, and if so, how this might be corrected. Mr. Sasnett replied that the figure includes duplicates, and a VERIS (Virginia Election and Registration Information System) build is planned to automatically merge those registrations with 100% match of name, address, and social security. Ms. Hanley asked for the actual number of new registrations and Mr. Sasnett stated that new registrants year-to-date are 504. Ms. Hanley asked that the actual number be reflected in future reports. She also asked Mr. Sasnett to follow up on what action, if any, needs to be taken if the Department of Motor Vehicles is automatically registering customers initiating a transaction.

Under General Administrative, based on the results of the 2015 American Community Survey (ACS) (attached and made a part of this record), Fairfax County now falls under Section 203 of the Voting Rights Act for the Vietnamese language in addition to Spanish. Ms. Hanley noted that there are more Koreans than Vietnamese in the total population in Fairfax County. She commented that based on cultural and immigration narrative, Koreans may be less likely to indicate that they do not "speak English very well" than Vietnamese. She also remarked that there is a large numerical gap in the languages that fall below Spanish, Vietnamese and Korean. Based on these observations, the Board asked Mr. Sasnett to explore the options, logistics, and costs of adding the Korean language as well. Mr. Sasnett commented that based on the outcome of legislation under consideration in the General Assembly, a post-June implementation plan might be possible. Given the bills to rewrite election material before the General Assembly, the Department of Justice has indicated their approval of this timeline so the cost of two translations of election material will be avoided.

FCDC supported Ms. Hanley's observations and suggestions, pointing out that Fairfax County is looked upon as a "leader in the Commonwealth" in making voting "easier for people who are eligible to vote."

Mr. Sasnett reported that in November over 4000 people voted in three precincts, #618 Newington (4,061), #708 Marshall (4,021), and #721 Merrifield (4,703). As such, the Board of Supervisors will be notified as required by Va. Code Sec. 24.2-307. Options for addressing this issue are being explored. Ms. Flaig questioned if the Code might allow the number of

absentee voters to be considered since these voters did not vote in their home precinct. If it is permissible for the numbers to be adjusted downward to account for this, Newington and Marshall precincts may not need modification.

Mr. Sasnett reported that Legislation Day is Tuesday, January 17, 2017. Additionally, based on telephone and foot traffic, consideration is being given to changing the Office hours on Thursday from 7:00 p.m. to 6:30 p.m. Mr. Sasnett asked the Board to evaluate this proposal and offer feedback.

Mr. Hunt would like to discuss with Mr. Sasnett other electronic options for timekeeping. Mr. Hunt will provide a post-election review of PollPad to add a “warning” if a voter has not been fully checked in.

Under the Vice Chairman’s report, Mr. Stark informed the Board that he has accepted FCDC’s nomination to continue on the Board for another term. He thanked FCDC for the nomination.

There was no Chairman or Secretary’s report.

Under Old Business, based on the record of the approved November 9, 2016 minutes, FCRC responded to FCDC’s objection during the November 2016 provisional ballot process when the Board disqualified provisional ballots lacking the voter’s signature. FCRC supports the Board’s action in disqualifying these provisional ballots as appropriate based on statute and current guidance from the Department of Elections (ELECT).

Under New Business, as part of November 2016 - Lessons Learned, Ms. Hanley thanked Lisa Connors for providing a summary of the media outreach for the November election (attached and make a part of this record.) Ms. Hanley addressed the Board matter presented on December 6, 2016, by Mount Vernon Supervisor Dan Storck. The Board Matter stated, in part, that numerous constituents were confused as to the correct location and times that facilities were open for absentee voting. Because the Government Center began absentee voting on September 23 at 8:00 a.m., hundreds of voters presented themselves at 8:00 a.m. at the Mount Vernon Government Center assuming the dates and hours would be the same. Ms. Hanley responded that the Government Center is not a satellite voting location; rather it is the Office of the General Registrar. Furthermore, she explained that extending satellite voting dates and hours to match the Government Center would exponentially increase the cost of absentee voting. She did agree that targeted advertising to avoid confusion about satellite voting should be considered.

Some additional observations offered by Ms. Hanley included the following (Ms. Hanley’s Election 2016 Review is attached and made a part of this record):

- Now that Herndon holds their town election in November, reconsider how the ballots are stored after the election to make it easier to find them in the event of a recount;
- Review the number of Herndon Town ballots distributed to each of the satellite voting locations;

- Work with ELECT to fix Herndon Town voters information cards to remove the Herndon Community Center as their polling location for the Herndon Town Election;
- On Election Day, closing the polls is easier with the new voting system and most precincts “vote early”, so consider increasing the number of morning half-day election officers;
- Provide more signs that explain how to properly fill in the ballot ovals. Suggest pages could provide this information to voters as well;
- Provide more privacy booths and clipboards for larger elections;
- More training on how to update all PollPads on morning of Election Day. Travis Potter commented that a revision is being developed that will cross check the time stamp of each PollPad on election morning to ensure all devices have been properly uploaded with the most current voter file;
- Augment the training of tech ops personnel;
- Establish a process that segregates the voter registration applications of military voters who register on Election Day and cast a provisional ballot. Suggestions include placing them in the 1A Provisional Ballot envelope.

Additional feedback from the 2016 election included:

- The election officers appreciated access to set up the polling locations on the Monday before the election;
- Completing election officer training earlier in October allowed extra training to be offered;
- Voters praised the efficiency of the PollPads, however, training must emphasize that a driver’s license is not the only acceptable form of photo ID and the PollPads do not record information from the license nor do they take a picture of the driver’s license;
- Because over-all election officer assignments were completed earlier, no shows on Election Day were reduced;
- Outstanding inter-agency cooperation including security operations;
- Largest number of high school pages with 33% bi- or tri-lingual;
- Some voters commented that they could not see if the scanner correctly recorded and tallied their ballot choices. Still receiving comments that election officers are standing too close when voters scan their ballot.
- Some voters complained to ELECT that they were “intimidated” by individuals outside the polls violating the 40 ft restriction. Chiefs need to be reminded to monitor the 40 ft prohibited area for any type of solicitation.

Mr. Hunt’s November 2016 – Lessons Learned and observations included:

- Additional staffing in the morning may be helpful, but providing additional training on how to set up and run an efficient precinct and/or creating separate “set-up” instructions for certain tasks may be just as effective;
- Rolling out election officer training dates does encourage earlier sign-up, however, once these classes fill, provide a prominent reminder to check back for additional training classes. Mr. Sasnett commented that all training classes will now

be offered through PollChief. It may reduce confusion because it will automatically remove those classes that have reached capacity.

- Have the Registrar or an Electoral Board member emphasize some of the critical reminders or best practices at Chiefs' training such as handling absentee ballots in the precincts, alleviating lines with clipboards, proper updating of PollPads as well as what the PollPad can and cannot do; not removing the media from the DS200s until the machine has completed tabulating the results;
- Although Va. Code allows for only one election officer when providing a paper ballot for curbside voting, best practice should encourage two election officers to handle curbside voting;
- Follow up with KNOWiNK on the issue on adding the prompt "Are you sure the voter is checked in?" before exiting the check-in screen;
- Provide all of the election officers emails to the Chief Election Officer;
- At the pre-election, inter-agency meeting, ensure that agency roles are clearly defined;
- Follow-up on whether the Office can be added to the Fairfax County Public School security system for emergency notifications.

Mr. Stark's November 2016 – Lessons Learned and observations included:

- Real-time response vastly improved over the last five years, but emphasized that certain areas of communication still need improvement. He asked Mr. Sasnett to continue to focus on the need to further lessen response time, especially from the field.
- Overall, despite the challenges and unpredictability, the 2016 election, from the start of absentee voting through the canvass, ran exceptionally well. The recommendations of the Bipartisan Election Process Improvement Commission (BEPIC) to address the issues arising from the 2012 Presidential Election were implemented and followed, so that the November 2016 was "a major leap forward from the 2012 Presidential Election." He thanked staff, all of the participating county agencies, the local political committees, and advocacy groups for playing a role in its success.

LWV also praised the Board of Supervisors for providing the funding to follow BEPIC's recommendations, which included a new voting system and electronic pollbooks for all the precincts. As such, the largest jurisdiction in Virginia efficiently handled an 82.5 percent voter turn-out.

FCDC commended the absentee voting process for handling 122,000 voters prior to Election Day taking a 20% burden off of the precincts. FCDC observed that some precinct chiefs were worried that they might run out of ballots and made multiple requests for more. Mr. Hunt remarked that improving the timeliness of the delivery of these requests to the correct staff member should resolve this issue.

Ms. Thoensen asked the Board if they thought that future elections would no longer experience an "afternoon rush" of voters. The Board collectively answered that while each

election is different (weather, absentee turn-out, etc.), the trend for the past six years shows most Fairfax County voters prefer to vote in the morning.

FCRC offered the Board a list of concerns (attached and made a part of this record) and indicated that a formal letter will be forthcoming. Some of the concerns are as follows:

- In order to obtain partisan balance of election officers, election administration staff told FCRC that their election officers would receive priority placement in the remaining training classes, however, when these officers attempted to sign up, they were told by other election administration staff that the training classes were full and no more classes would be offered. This miscommunication created frustration and generated many complaints.
- The canvass showed that the PollPad and machine count numbers were off in many precincts. The Board responded that adding the “check-in” prompt should correct the reason for these discrepancies. FCRC requested a precinct-by-precinct accounting of the PollPad count versus the machine count.
- Acceptance of non-approved photo IDs.
- Confusing or inconsistent application of the procedure for allowing voters to provide name and address either orally or in writing.
- Consider using color-coded cards to indicate check-in status.
- Measures to ensure that provisional ballots are not accidentally cast on the precinct machines.
- Consistent use of Voter Assistance form.
- Fail-safe procedure to ensure that all PollPads are updated on election morning.
- Election officers casting ballots for [non curbside] voters.

Mr. Sasnett summarized the status of some of the election-related legislation before the General Assembly (full report attached and made a part of this record.)

- HB 1594 would permit adding property/boundary lines to the criteria for creating precinct boundaries. VRAV (Voter Registrars of Virginia) supports this bill.
- SB 892 would extend from 7 days to 11 days the deadline for submitting an absentee ballot application. In Fairfax County, over the two days after the election, 1153 absentee ballots were returned, and as such, were ineligible to be counted. Ms. Hanley commented that it takes longer to deliver mail because some of the mail service centers have closed and mail is no longer processed on Sunday. Mr. Sasnett added that the United States Post Office currently guarantees a one-way, seven-day delivery window. VRAV (Voter Registrars of Virginia) supports this legislation.
- HJ 552 would allow the last 4 digits, instead of the full social security number, on voter registration applications. VRAV opposes this legislation.
- SB 864 would permit the chief judge, or his designee, to make electoral board appointments. VRAV currently opposes this legislation.
- SB 826 would permit nursing home photo IDs of nursing home residents as acceptable photo ID. VRAV approves this bill.

- Senator Vogel has offered to sponsor a bill to lower the threshold for requiring write-in certification.
- SB 1105 would trigger certain investigations by the General Registrar when “the number of registered voters...exceeds the population of persons age 18 years or older...or when the list of persons voting at an election...exceeds the number of persons registered to vote.” VRAV opposes this bill and the Board agreed to make the Board of Supervisors (BOS) aware of this legislation.

Mr. Sasnett congratulated Judy Flaig for 25 years of service and Gary Scott for 20 years of service. Mr. Sasnett expressed appreciation for Ms. Flaig’s and Mr. Scott’s dedication. On behalf of the Board, Mr. Stark congratulated them for reaching these milestones and thanked them for being “assets to the agency.”

Under Public Comment, FCRC commended the Office for conducting a well-run election. Appreciation was expressed for Ms. Flaig’s and Mr. Scott’s willingness to quickly turn around guidance on issues and concerns raised by the FCRC.

LWV congratulated Ms. Flaig and Mr. Scott for their years of service. LWV expressed gratitude for the timeliness and accuracy of the information provided by the Office, including the review of Facts for Voters 2017. LWV thanked the BOS for providing the funding to improve the election process and will continue to advocate for the Office during the upcoming budget meetings.

FCDC also applauded the work of the Office for the successful outcome of the election. Although FCDC “expected more problems”, those that did arise were addressed and resolved quickly with the cooperation of staff.

Mr. Farrell addressed an issue that arose in the 2016 Herndon Town Council race, as well as in the 2016 City Council race in the City of Fairfax. After ascertaining that the margin between candidate 6 and 7 in the Herndon Town Council race fell within the recount margin, the court decided that in order for a valid petition for recount to be filed by the 7<sup>th</sup> place candidate, all six of the successful candidates must also be a party to the recount. This decision was based largely on the inability of the software to isolate and recount only candidates 6 and 7. Mr. Farrell asked the Board if Mr. Sasnett might be directed to research the cost of creating a software patch to allow only certain candidates within a multi-candidate contest to be counted. The Board asked Mr. Sasnett to provide these numbers.

Mr. Farrell also observed at the North County satellite voting location that on the absentee ballot applications for Town of Herndon voters, the check-in officers wrote in the delegate district and the senatorial district at the bottom of the application but did not include the Herndon Town Election. As a result, when the application was brought to the ballot table, the ballot officer had no way of knowing a ballot including the Herndon Town Election should be given to the voter. The Board will work to correct this issue.

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 7:42 p.m.

At 8:13 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, Mr. Stark made a motion to adjourn. The motion carried, and without objection, the meeting was adjourned at 8:14 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