

MINUTES
Fairfax County Electoral Board
March 16, 2017

The Fairfax County Electoral Board (Board) met on Thursday, March 16, 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, Chief Information Officer Lisa Connors, IT Director Erica Newsome, 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); Therese Martin, Olga Hernandez, and Maggi Luca representing the Fairfax League of Women Voters (LWV); Jim Lyle, Member of FCRC, John Farrell, member of FCDC, and Jean Thoensen, Fairfax County resident, 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 March 16, 2017 meeting agenda. Ms. Hanley moved to approve the agenda, with the approval of the February 16, 2017 Minutes placed after the General Registrar's Report, and by a vote of 3-0, the agenda was adopted.

Mr. Hunt called for the reorganization of the Board. Mr. Stark moved that Stephen Hunt be reappointed as Chairman. The motion passed by a vote of 3-0. Ms. Hanley moved that Seth Stark be reappointed as Vice Chairman. The motion passed by a vote of 3-0. Mr. Stark moved that Katherine Hanley be appointed as Secretary. The motion passed by a vote of 3-0.

Mr. Hunt asked for a motion to appoint 151 election officers (112 Democrats, 0 Independents, and 39 Republicans) for a term ending February 28, 2018. Ms. Hanley moved to adopt and by a vote of 3-0, the Board appointed 151 (112 Democrats, 0 Independents, and 39 Republicans) individuals to serve as election officers for a term ending February 28, 2018. Ms. Hanley noted that this is the first appointment list generated by the new election officer management system, PollChief.

Mr. Sasnett presented the General Registrar's (GR) report (see attached March 15, 2017 GR Report).

Under Voter Registration Statistics, the format will now reflect three columns for statistics, Current/Year-to-Date (YTD), Previous GR Report, and Change, to better track the fluctuations in the numbers.

Under Accountability and Standards, Department of Human Resources approved keeping the temporary/seasonal positions dually encumbered for the next year.

Under Technology and Innovations, DataBank IMX Imaging and Information Solutions will be the vendor handling the scanning of alpha cards.

Under Election Administration, due to inclement weather, Logic and Accuracy (L&A) testing for the Vienna Town Election was pushed back one day to March 16 for the absentee machines. The precinct machines will be tested on March 22. Absentee voting for the Vienna Town Election begins on Friday, March 17. L&A for the June Primaries will begin April 24.

Preliminary estimates for resource allocation for the June Primaries include 4-7 officers, 2 DS200s, 2 ExpressVotes, and 3-6 PollPads per precinct. Ms. Hanley suggested that the 4 election officers per precinct may be too low for dual, county-wide primaries. A closer examination will be initiated after the initial resource allocation is completed. Mr. Sasnett also noted that only one scanner will be used to scan both the Republican and the Democratic ballots. The second scanner will be the back-up, however, both scanners will be put through L&A testing.

A February canvass of the voting machines by ES&S and PrintElect was conducted. Five machines were selected for further testing. The number of Spanish ballots used in each of the precincts was also counted. Ms. Hanley asked for a copy of the final report.

Under Voter Registration, approximately 11,000 inactive voters were cancelled as part of the biannual maintenance required by the NVRA (National Voting Rights Act).

A notice is planned to go out to Vienna voters informing them of the continued use of the Vienna Presbyterian Church for the May town election. A new version of the voter notice will be used. It is anticipated that the new, smaller format (postcard) will result in an annual savings for the Office of \$40-\$60,000.

Outreach staff is coordinating with third party groups to solicit input before finalizing the 203 compliance plan for Vietnamese. Recruitment outreach is now focusing on adding at least 100 Vietnamese election officers. Mr. Stark followed up with a question on the difficulty of finding Vietnamese translators to assist with translating election materials, including the Office webpage. Mr. Sasnett will request a written opinion from the Department of Justice clarifying if Google Translate can be used to translate a web page into a Section 203 language. Mr. Sasnett also reported that ELECT requested language assistance from Fairfax County in Mandarin Chinese, a language not covered by Section 203.

Under General Updates, staff continues to work on a solution to split the Merrifield precinct. The top two locations are the Red Cross Blood Donation Center (split precinct east to west along Lee Highway) and the other is the Gatehouse Administration Center (split precinct north to south along Gallows Road). All precinct and polling changes will be considered by the Board of Supervisors in July.

Hearings will continue through March 31 for those voters identified as non-citizens on 2013, 2014, and 2015 jury questionnaires. So far, 21 hearings have been conducted with all successfully affirming citizenship. Two interviews will be held on March 17. Eighteen voters

will be cancelled for either no response to the confirmation letter, the confirmation letter was returned as undeliverable, or the voters no longer reside in Virginia.

On March 6, the non-citizen hopper in the Virginia Election and Registration Information System (VERIS) was populated with 102 voters identified as non-citizens through the Division of Motor Vehicles (DMV). These DMV transactions occurred between June and September 2016. No transaction dates from October 2016 through March 2017 have been received. A general review of the data of the 102 records shows that most of these voters have resided in Fairfax County for decades and are active voters. All 102 voters were sent a Notice of Intent to Cancel (a copy is attached and made a part of this record). Twenty-eight of the 102 have responded and affirmed their citizenship.

Mr. Sasnett sent a series of email requests dated March 7 and March 10 (attached and made a part of this record) to Commissioner Cortés asking for, among other things, clarification regarding the source of information that was used by DMV or the Department of Elections (ELECT) to determine the citizenship of these voters, and why these records are just now being populated in the hopper. Mr. Cortés responded in part as follows, “As part of a post-election review and internal audit of our processes, we identified that the non-citizen files for July and August were not fully processed before the election. We completed the processing of those files last weekend, which is why the records appeared in your hopper.” FCDC asked if the GR would initiate an ongoing an investigation regarding these 102 voters. Mr. Hunt responded that there is no formal investigation planned by the Office outside of the clarification requested of Commissioner Cortés by Mr. Sasnett in the aforementioned emails.

After discussion, Ms. Hanley moved that the Electoral Board send a letter to Chairman Alcorn, State Board of Elections, posing the following questions:

1. Who conducted the post-election audit and is it complete or should we expect additional names from the audit for DMV records identified in September and October of 2016?
2. Is the interface with DMV for identifying and reporting non-citizens functioning properly?
What is causing the incorrect identification of individuals as non-citizens?
Will there be a technical review of the DMV software to determine if transactions have been generated by an external source other than the intended individual?
3. Can we expect notifications of DMV identified non-citizens on a more timely and regular basis?

The motion passed by a vote of 3-0. FCDC and FCDC requested the names of the 102 voters in question.

Mr. Hunt called for a motion to approve the Draft Minutes from the February 16, 2017 Electoral Board meeting. Ms. Hanley moved for approval, and by a vote of 3-0, the February 16, 2017 Minutes were adopted.

There was no Chairman's report.

Under the Vice Chairman's report, Mr. Stark reported that all three Board members and the General Registrar attended the annual Virginia Electoral Board Association (VEBA) meeting. Ms. Hanley served as a moderator for two panel discussions and Mr. Sasnett sat on one of the panels. The Board met with Commissioner Cortés and discussed at length a number of issues.

Under the Secretary's report, VEBA approached Ms. Hanley and asked her to chair a "large" jurisdiction committee (200,000+ registered voters). Ms. Hanley agreed to serve as chair of this committee.

Under Old Business, the suggestion from the last Board meeting to translate election materials into Korean at the same time as Vietnamese was discussed. Mr. Hunt asked for the additional cost to include Korean and Mr. Sasnett replied the "document translation" cost would be approximately \$500. Mr. Sasnett pointed out that including Korean recognizes that the threshold was almost met under the 2015 American Community Service (ACS) Survey. He also commented that the drop-off from Korean to the next language, Chinese, is significant. Additionally, "Chinese" includes all Chinese dialects including Cantonese, Mandarin, and Taiwanese. Ms. Hanley moved that due to the very small difference between Vietnamese and Korean in the results of the 2015 ACS Survey, that the Office include the Korean language as well.

During discussion, Mr. Hunt expressed concern about doing more than required under Section 203. FCDC agreed with the motion based on the minimal cost to broaden access to voting. FCRC brought up the high cost that will be incurred when all election materials are reprinted for Vietnamese. Since election materials often require reformatting or become worn out and must be reprinted, Mr. Sasnett responded that printing is always accounted for in the budget. LWV asked if the Office would be able to absorb the cost of implementation, whether it be one or both languages, under the current budget. Based on the requirement to provide Vietnamese and the additional minimal translation cost of \$500 to include Korean, the Board responded affirmatively. Without further comment, the motion passed by a vote of 3-0.

There was no New Business.

Under Public Comment, FCRC asked if any of the individuals reported as non-citizens through the jury questionnaires have a voting record. Mr. Hunt responded that most of these individuals do have a voting record. FCRC asked if any of these individuals have been reported to the Commonwealth's Attorney and Mr. Hunt answered that a determination will be made after the process is complete on March 31. Mr. Sasnett added that for the purpose of the hearings, voting history has no bearing on affirming citizenship. If, however, citizenship status cannot be determined or verified, these individuals will be reported to the Commonwealth's Attorney for further action. FCDC asked how long the 102 reported by the DMV as non-citizens in the VERIS hopper have to respond. Mr. Hunt replied that the notice gives 14 days to respond. Mr. Sasnett added that the Office allows 21 days to receive the response before

taking action. LWV asked if the jury questionnaire informs the respondents that their answers may impact their voter registration. The Board responded that the jury questionnaire does not refer to voter registration in any way. From the jury questionnaire batch, FCDC asked how the determination was made that a voter “no longer resides in Virginia.” Mr. Sasnett answered that the Office was either contacted by the voter or the current occupant at the address on record informed the Office that that individual in question no longer resides at that address.

The next Board meeting will be Thursday, April 20, 2017 at 4:00 p.m.

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 6:09 p.m.

At 7:34 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 7:35 p.m.

Attachments

Stephen M. Hunt, Chairman

Seth T. Stark, Vice Chairman

Katherine K. Hanley, Secretary

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