



OFFICE OF THE ELECTORAL BOARD GENERAL REGISTRAR

City of Fairfax

Electoral Board April 26, 2016 Meeting Minutes



1. Call to Order

The Secretary called the meeting to order at 10:11 a.m. Present at the meeting: Richard Herrington, Secretary; John Harold, Chairman; Dean Thomas Ross, Vice Chairman; Brenda Cabrera, General Registrar and Nancy Tingen, Deputy General Registrar.

2. Approval of EB Meeting Minutes of March 24, 2016

The Vice Chairman moved the minutes for the March 24, 2016 be approved as written. The motion was seconded by the Chairman and passed unanimously.

3. OE Training Update

The General Registrar briefed the Board on the status of OE training which included the number of classes and OEs that received the required training. During one training class an OE had expressed concern to the General Registrar about signing additional seals for use by the Chief OE on election evening because a seal or seals could be used without that OE knowing. The Board indicated this was a valid concern; Chiefs would be instructed to place unused seals in Envelope #8 at the end of the evening.

The General Registrar distributed a copy of an email received from an OE who made several recommendations to the General Registrar concerning the voting procedures the City uses. After discussion, the Secretary will respond to the email and thank the OE for the information.

The General Registrar presented several OE applications for Board approval. Three applicants, Stephen Lawrence Madey III, Theresa Mubiru, and Kouroush Shahriari appeared to meet necessary requirements. The Vice Chairman moved the three applicants be approved and the Chairman seconded the motion. The motion passed unanimously.

4. VEBA April 8-11, 2016

The Secretary provided an overview of the VEBA meeting which included brief comments on the various activities.

a. Of note:

- i. A presentation Saturday April 9, 2016 by a Electoral Board Member, Renee Andrews which included the comment that Envelope #2 was routinely opened election evening to check the SOR for completeness and accuracy. This statement caused considerable concern amongst the assembled group of Board members and Registrars as many indicated such action was prohibited before the start of the Canvass.
- ii. The State Board of Elections held a meeting Saturday April 9, 2016. At the meeting, questions concerning Envelope #2 were asked. The Secretary of the



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City of Fairfax Electoral Board specifically asked the State Board of Elections to provide an answer concerning actions related to Envelope #2; is it permissible to open Envelope #2 prior to the Canvass and if so, where could one find in the Code of Virginia language to support this action? The Secretary of the City of Fairfax stated it did not matter as to the position the State Board of Elections might take including both approving methods that now appear to be in use, but it was absolutely necessary the State Board take a position. Issuing qualifying language and suggestions such as, "...we don't think it's a good idea...", or "...it probably should not be opened...", or "...it might be appropriate..." would simply avoid the question.

There are many localities throughout the Commonwealth that appear to be following election evening practices which they believe are sanctioned by the State Board of Elections but may or may not be fully supported by the Code of Virginia. It is imperative that a definitive answer and guidance be issued by the State Board of Elections. The Secretary of the City of Fairfax was asked by the Secretary of the State Board of Elections to send an email to the State Board of Elections asking the specific question and an answer would be immediately forthcoming.

- iii. A presentation by Don Palmer, formerly with the Virginia State Board of Elections and now working for the Bipartisan Policy Center, studying elections. He discussed efforts to survey nationwide the length of time and lines for voters. He stated the 2016 elections would be used and recommended localities use a form to document the time voter spent in line and the length of lines. The General Registrar has investigated the impact of using the form and recommended that without objection, its use would be included in the instructions to the Chief Officer of Election at each precinct.
- iv. District Caucuses were held; the Northern Caucus met for about 90 minutes and discussed several items the most prominent being Envelope #2 and the dismal presentations given at the last annual ELECT sponsored training for Boards and Registrars. With the exception of two presentations at last year's training session the consensus of the Caucus was ELECT needed the assistance of a professional trainer to improve the quality of the training sessions.
- v. The VEBA Business Meeting was held the afternoon of April 9, 2016. Minutes of the March 8, 2015 meeting were made available to attendees. Comments overall focused on issues associated with Envelope 2, ELECT annual training, and a number of legislative actions which have varying impact on the Commonwealth.



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- vi. The Banquet was well attended. The guest speaker was Dr. Bob Holsworth and his opening remarks cause considerable laughter – basically, everyone with a PhD in politics simply did not know what was going on this year! He provided insightful observations concerning both leading candidates for president and laced his presentation with humor.
 - vii. On the morning of April 10, 2016 the Legislative Report was given by Robin Lind. He discussed a number of bills, those that made it and those that did not; he also discussed the potential of the Governor vetoing some bills.
- b. Envelope #2 issue
- i. The Secretary and the General Registrar agreed to pursue the Envelope #2 issue. The General Registrar would investigate with ELECT.
 - ii. The Secretary and Vice Chairman agreed that any discussion of the Envelope #2 issue must wait until the full Board could meet in open session to discuss the matter and take whatever action was believed to be appropriate.
- c. VEBA Lessons Learned
- The Vice Chairman indicated attendance at the VEBA Annual Meeting was quite instructive, especially as he was able to learn how other localities operated, particularly the relationship or lack of relationship between the General Registrar and the Electoral Board in some localities.
5. Envelope #2 Discussion
- The Board discussed the information the Secretary brought back from the VEBA Annual Meeting. The Chairman indicated the information acquired at VEBA validated his believe that in the past ELECT had at some time, sanctioned opening Envelope #2 on the evening of the election to check the SOR for completeness and accuracy. Following discussion, the Board tasked the Secretary to draft a proposed email to the State Board of Elections to obtain clarification and guidance. The Board will review the proposed email the next time it meets and once approved, it will be sent to the State Board of Elections.



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6. Governor Action – Felons and Voting Rights

ELECT sent a communication to all localities expressing support of the Governor's executive action in restoring voting rights (amongst other rights) to convicted felons and indicated additional guidance would be forthcoming to assist General Registrars reintegrate felons into the voting rolls. The Board and General Registrar discussed the potential impact on the GR and the upcoming City election.

- a. Impact on General Registrar: The Registrar stated that based on the numbers she had seen, the probable impact would be slight and the staff should be able to handle the numbers. The only concern was the actions of third party organizations whose actions might cause undo delays in the process which ELECT was establishing.
- b. Impact on the Electoral Board: Board members discussed staying on top of any and all actions by ELECT so they would be able to address voter or organization questions about the impact on the City of Fairfax.

7. May 3, 2016 City Elections

- a. L&A testing was completed April 13, 2016 and all equipment to be used for the May 3, 2016 City and School Board elections was securely stored awaiting placement at the precincts on May 2, 2016.
- b. The Registrar reported all required OE training will be completed by April 30, 2016.
- c. One candidate for School Board sent an email to the General Registrar on April 23, 2016 indicating withdrawal from the race. The General Registrar provided the candidate with the proper guidance concerning the procedures that must be followed to conform to the Code of Virginia. Because the candidate's name is already on the prepared ballots, the Board and Registrar can only take action if the candidate properly completes the withdrawal process. Barring that action, the Board and General Registrar will take no action.
- d. Plan for Officers of Election and Electoral Board for May 2-3, 2016
 - i. The Board will meet with the Chief Office of Elections for each precinct on May 2, 2016 and provide the materials necessary for the proper conduct of operations within the precincts. Included shall be a guidance sheet which certain specific actions the Chief Office of Elections will need to perform to ensure all OEs are properly recognized and paid.
 - ii. There will be activity in some precincts the evening of May 2, 2016 to allow OEs "early set-up" of tables, chairs, foot traffic guidance, and signage. Actual voting equipment shall remain secured until the morning of May 3, 2016.
 - iii. The Board shall meet at Sisson House 4:30a.m. May 3, 2016 to effect ballot distribution to the precincts. A detailed plan was presented by the Secretary.



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8. Democrat Primary June 14, 2016

The primary was canceled as the 11th District had only one candidate; the incumbent will run unopposed.

9. Security Manual

Board members had been reviewing the updated/revised Security Plan.

- a. The Vice Chairman requested clarification on several items. After discussion, all the Vice Chairman's inquiries were answered and he thanked the other Board members for their efforts in reviewing and updating the Security Plan.
- b. The Chairman presented an edited copy of the Security Plan and asked that one minor change be made in the wording of a section. After discussion, the suggested change was appropriate and the consensus of the Board was that at the next Board meeting, the Security Plan could be officially approved.
- c. The Secretary took the action to ensure the updated Security Plan would be properly posted and prepared for official review. He reminded the Board that all members must review the Security Plan within three days of the election of May 3, 2016.

10. Status/Health and Wellness Fair Green Acres May 14, 2016

The Secretary reported that details concerning the event had not yet been received from Green Acres and will advise the Board and Registrar when information becomes available. The Secretary and the Vice Chairman will be available to demonstrate voting equipment and answer questions during the event.

11. Status/Delegation of Duties

The Registrar reported the delegation of duties document is in review.


12. Status/Risk Assessment

The Secretary reported the Risk Assessment document is in review.

13. Adjournment

The meeting adjourned at 12:04 p.m.

Respectfully Submitted,


Richard Herrington, Secretary
City of Fairfax Electoral Board

