



OFFICE OF THE ELECTORAL BOARD GENERAL REGISTRAR

City of Fairfax April 2, 2015 Emergency Electoral Board Meeting Minutes



The City of Fairfax Electoral Board met in emergency session on April 2, 2015 to discuss the unprecedented proposal by the Virginia Department of Elections (ELECT) to decertify WinVote equipment.

The Secretary called the meeting to order at 4:33pm in the Sisson House. Attendees: Richard Herrington, Secretary; John Harold, Chairman; Dirk Brouwer, Vice Chairman; Kevin Linehan, General Registrar; Nancy Tingen, Chief Deputy Registrar and Olga Hernandez, League of Women Voters representative.

The General Registrar and Deputy Registrar briefed the Board on ELECT's April 1, 2015 announcement (sent at 9:33pm) which indicated audits and reports, conducted under the auspices of ELECT and Pro V&V laboratory. These reports allege WinVote equipment is subject to physical and wireless vulnerabilities. ELECT has scheduled a public hearing to consider public comment on decertification of the WinVote system and the only new business on the agenda is a flawed interim report on voting equipment performance and a "hearing regarding certification status of WinVote System."

A robust discussion of the documents posted by ELECT on April 1, 2015 and the public meeting scheduled for April 14, 2015 followed. Key items discussed:

- A clear perception, if not fact: ELECT decided to decertify WinVote equipment and then directed the conduct of audits/reports.
- Localities that enjoy positive WinVote performance (the majority of localities) were excluded from the audits/reports.
- The manufacturer of the WinVote equipment was not contacted during the audit/report development.
- The audits/reports of WinVote problems provided by ELECT are significantly flawed; AccuVote-TSX equipment issues are used to indict WinVote equipment; reported issues with wireless access are not explained except that they are "possible."
- The selective use of subjective and qualitative data presented to support ELECT's pre-determined position is highly questionable. Inductive logic was used to support ELECT's pre-determined position to decertify WinVote equipment.
- The infringement on localities that repeatedly experience no substantive issue with WinVote equipment is unprecedented; the fiscal impact is significant as such action would be an unfunded mandate forced on localities.



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The Board, by consensus, agreed ELECT's proposal must be challenged. It was the opinion of the Board the move to decertify WinVote equipment is personality driven, not fact based driven.

The Secretary will craft a response to the ELECT action and socialize that proposed response with the Board and General Registrar prior to sending it to the State Board of Elections. The response shall be in two parts; a summary statement (email) and an attachment which addresses most but not all of the flaws in ELECT's reasoning. The draft will be available by 12:00pm on April 2, 2015.

The meeting adjourned at 5:40pm.

Richard Herrington, Secretary
City of Fairfax Electoral Board