



# OFFICE OF THE ELECTORAL BOARD GENERAL REGISTRAR

City of Fairfax

June 3, 2015 Electoral Board Meeting



The meeting was called to order by the Secretary at 10:04 in the Sisson House. Attendance: Rick Herrington, Secretary; John Harold, Chairman; Dirk Brouwer, Vice Chairman; and Kevin Linehan, General Registrar.

The Secretary opened the meeting with a discussion of several informational items of interest to the Board. The items included:

- Federal Voting Assistance Program (FVAP) Contact List – May 1, 2015. The General Registrar has provided updates to this list and explained the continual issue of the Virginia Department of Elections (ELECT) making changes that cause the Registrar's Office to submit corrections annually.
- Canvass of votes cast, post-election absentee ballots and procedures for delivering election records to the Fairfax County Circuit Court. This is normal guidance provided by ELECT for all elections; the Secretary reviewed the information to determine if there was anything specific as it related to optical scan voting equipment.
- Discrepancy in Statement of Results and Number of Optical Scan Ballots. This was guidance (contained in an email) that was given during the Attorney General Recount effort in December 2013. ELECT provided specific guidance that addressed the procedures to follow should there be discrepancies between results and optical scan results. A good document for reference in the future.
- Certifying candidates for November 3, 2015 General Election – SBE-511 form on ELECT's website. The Secretary noted the SBE-511 was for statewide candidates and apparently ELECT has received so many inquiries about the form that an email was sent to the widest possible distribution list to let everyone know the form was now posted on ELECT's website.

Approval of the Minutes of May 6, 2015 and May 15, 2015 Board meetings. A motion to approve the minutes as written for both meetings was made by the Chairman. The motion was seconded by the Vice Chairman and the motion was approved unanimously.

The Vice Chairman expressed concern that candidates for office could potentially be in default for failure to adhere to campaign finance filing deadlines and the Board may not become aware of the situation until after the General Registrar followed the established procedures for assessing a fine/penalty. The Board is concerned they would not be aware of such situations until after the fact and potentially would not



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be able to address such issues should they arise. The General Registrar noted existing election law procedures required the Registrar take action when defaults occurred, but also that in most cases, a candidate that was potentially in a position to default usually came to the Registrar's Office within 24 hours of a default and rectified the issue. The Registrar also noted that all pending actions in this area were available to the Board and could be found in the Electoral Board reading file which is always available to the Board.

After further discussion, a motion was made by the Vice Chairman for the Registrar notify the Secretary of the Board if a candidate is within 24 hours of default of any campaign finance report. The motion was seconded by the Chairman. Discussion of the motion followed, with the Registrar indicating the proposed action was an unnecessary burden on the General Registrar as the information was readily available to Board members. The motion was voted upon and unanimously approved.

The Registrar provided an update on the most recent information available concerning the UNISYN voting equipment;

- The City's Procurement Department has the UNISYN contract under review.
- July 21, 2015 is the acceptance testing date for the UNISYN equipment.
- UNISYN has provided equipment testing validation and specific information about the technical aspects of the equipment.

The Registrar suggested it may be premature to schedule training for the OEs at this time because UNISYN is still delivering information and has not yet provided the detailed training materials. The new General Registrar, Brenda Cabrera, who has extensive experience introducing optical scan equipment in Prince William County, may have some insightful input as to how to best schedule and conduct Officer of Election training and lead the effort to implement the use of the new voting equipment. Discussion followed and focused on ensuring the Board was kept advised of the materials being provided to the Registrar by UNISYN and the contract. Concerning the contract, the Board asked that it be kept aware of the progress of the contract through the City's Procurement Department and the specifics of the equipment purchased and the equipment/applications that the Board elected not to procure be provided by the Registrar in a summary form. The Registrar noted the specifics were buried in the details of the contract; copies of the contract and other related information would be forwarded to the Board. It was



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agreed the Board would continue the discussion of the UNISYN equipment at its next meeting.

### **GR Position Description (PD):**

The Board and Registrar discussed a proposed General Registrar/Director of Elections Position Description provided by the Chairman; the proposed Position Description has been revised by the Chairman based on previous Board meetings. The Chairman moved the proposed Position Description be approved as the official Position Description for the General Registrar/Director of Elections. The final document is attached. The Secretary seconded the motion. Discussion followed and all present agreed the proposed Position Description was acceptable to all concerned. The motion was approved unanimously. The Chairman will provide a copy to the head of the Personnel Department.

### **Electoral Board Closed Session:**

The Electoral Board went into Closed Session at 11:00AM. Upon a motion made by the Electoral Board Vice-Chairman, seconded by Electoral Board Chairman, and passed by a vote of the Electoral Board, the Electoral Board went into Closed Session pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia for the discussion of the performance and evaluation of the General Registrar.

A motion was made by the Chairman and seconded by the Secretary, and the motion passed by vote of the Electoral Board, Electoral Board reconvened in open session at 11:35AM. Upon a motion made by the Chairman, seconded by the Secretary, and passed upon affirmative roll call vote in open session, it was certified that (i) only public business matters lawfully exempted from open meeting requirements and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the Closed Session or meeting by the Electoral Board.

### **ROLL CALL VOTE:**

Chairman, Harold, "Yea."

Vice-Chairman, Brouwer, "Yea."

Secretary, Herrington, "Yea."

The new Registrar is working with Personnel to determine the specifics of the leave program which best fits the needs of the Registrar and City of Fairfax. The Chairman will follow-up on the matter.



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## **Agreement between the City of Fairfax and Electoral Board; Agreement between the General Registrar and City of Fairfax:**

The Chairman reported to the Board that the City Council had not yet responded to the latest proposed agreements. The Chairman will follow-up on the matter.

## **ELECT's Proposed Changes to the Voter Registration Form**

The proposed voter registration form being suggested by ELECT is cause for concern as it can be easily misinterpreted and could lead to unintended registration of individuals not qualified to vote or possibly deny the registration of qualified voters. The Chairman proposed several changes to bring clarity to the new (proposed) form. The consensus of the Board is the Chairman's suggested changes should be disseminated to select elected officials and ELECT.

The Registrar asked the Board to review the request of Stephen Bilowus to be an Officer of Election for the City of Fairfax. Stephen had worked until recently as the Assistant to the Deputy Registrar. A motion was made by Secretary to approve Stephen Bilowus as an Officer of Election; the motion was seconded by the Chairman and the motion was approved unanimously.

The Vice-Chairman announced that effective November 30, 2015 he will resign from his position on the Board; the press of important family matters will not allow him to continue past the end of November. The Secretary thanked the Vice-Chairman for his many contributions to the City's Board and the City's highly regarded excellence in providing a positive voting experience for the citizens of the City. The Chairman noted he has alerted the City's Democratic Committee to begin the search for a suitable replacement.

The meeting adjourned at 11:55am.

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Richard Herrington, Secretary  
City of Fairfax Electoral Board