



**OFFICE OF THE ELECTORAL BOARD &
GENERAL REGISTRAR
CITY OF FAIRFAX
MAY 6, 2015 ELECTORAL BOARD MEETING MINUTES**



Attendance: Rick Herrington, Secretary; John Harold, Chairman; Dirk Brouwer, Vice Chairman; Kevin Linehan, General Registrar; Nancy Tingen, Chief Deputy Registrar.

At 10:02am the Secretary called the meeting to order.

The Secretary provided an agenda to all attendees present. Discussion topics include: GR update on miscellaneous items and voting machine analysis, proposed amendments to minutes, General Registrar Position Description review, and the City attorney's rewrite of City Council/General Registrar agreement.

1. General Registrar's Update on Miscellaneous Items:

The Registrar reported that the City Council voted on the budget last week; the requested pay raise for election officers was approved but funds for requested travel and training was cut by 50%. This may impact the ability of the General Registrar and Electoral Board to attend non-mandatory association meetings (i.e. VEBA Annual Meeting). The Secretary, Chairman and Vice Chairman of the Board will attend the required Boot Camp conducted by the Department of Elections (ELECT) annual training this year.

All future legislative items that the Board would like the City to sponsor needs to be put in an official legislative package and be presented to Louise Armitage, the City point of contact for all legislation items.

The Registrar asked the Board if they officially appointed Brenda Cabrera as the next City of Fairfax General Registrar/Director of Elections. The Board responded that the City Personnel Department had made the official offer of the position to Ms. Cabrera. Mr. Linehan indicated the previous minutes omit who was offered the job. He recommended the Board make a motion to appoint Brenda Cabrera that includes term, salary grade and step, as well as list all other City benefits.

The Registrar informed the Board that minutes for several Board meetings were missing, specifically the minutes for meetings on April 28, 2015; April 24, 2015, April 23, 2015, April 21, 2015 and April 14, 2015. The Secretary asked the Registrar and staff to check their email to see if those meeting minutes were received.



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The Registrar suggested the Board review the Freedom of Information Act rules and regulations as it pertains to the conduct of meetings by public bodies as well as the recordation of those meetings. The Board agreed to review FOIA and reiterated that they have had no meetings and made no decisions via electronic communications.

2. General Registrar's Update on Voting Machine Vendors and Matrix:

The Registrar provided the Board with an analysis of all four vendors; a matrix had been developed for comparison purposes and was shared. Discussion followed of the various vendors offering equipment. There was general agreement the Hart and Dominion equipment offerings were not as attractive as the ES&S and Unisyn equipment. ES&S provided choices for a maintenance agreement (i.e. gold, silver and bronze). Dave Marney, an Chief Officer of Election for the City of Fairfax, provided his evaluation of the ES&S & Unisyn equipment. Mr. Marney is comfortable with either company. The Registrar's opinion is ES&S has slightly nicer features (i.e. bigger screens, wheels on the scanner transport case); however, all of Unisyn's equipment fits nicely inside the ballot box container.

Based on polling of other jurisdictions that use optical scanning machines, the Registrar believes a "good guess" as to the each voter takes when using the scanning equipment is about 20 seconds.

Should the population of the City increase in some precincts, it may be beneficial to use two scanners in selected precincts for high turnout elections (i.e. presidential). Additional scanners can be rented from ES&S and Unisyn should they be needed. ES&S does rent its equipment but has not yet provided rental costs.

The Registrar received a projection of possible development in the City and is happy to report the City does not anticipate a level of growth that would require additional scanners.

Unisyn equipment appears quite durable and engineered for high volume use. In the next 10 years the City will conduct 30 elections. The Registrar suggested the Board take into consideration the cost of those 30 elections. ES&S could have substantial



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cost savings with paper ballots. The Secretary suggested getting ballot price locked into the contract

for a fixed term. The Chairman indicated the present ES&S five year contract appears to allow fixing prices for printing paper ballots, but the minimum number of ballots to be printed for every election is 9,500 to a maximum of 25,000 at \$0.22 a ballot. The Chairman expressed dissatisfaction with being locked into a contract that would require the printing of a minimum of 9,500 ballots for all elections – a considerable waste of paper for low turnout elections.

The Registrar stated that if ES&S was selected, there would be the option of finding sources other than ES&S for ballot printing; for example, Benj Franklin can print paper ballots compatible with ES&S equipment. If Unisyn is selected, the City would be locked into a single source vendor for ballot printing.

The Secretary expressed his preference for ES&S equipment for the following reasons:

- a. It better replicates the DRE experience more than Unisyn. It may be an easier transition for City of Fairfax voters.
- b. ES&S packaging of equipment is better than Unisyn.

The Chairman stated a preference for the Unisyn equipment for a variety of reasons:

- a. The functionality of the Unisyn equipment - when there is an issue with a ballot, the equipment automatically returns the ballot to the voter and automatically prints an error report message using a thermal printer. ES&S equipment does not provide a printed error message but rather a screen presentation.
- b. The ease of use of the ADA ballot marking device; it appears to be better than ES&S.



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- c. The thermal paper roll & printer in the ADA ballot marking device is easy to use/maintain.
- d. Kimberlee (Unisyn) has a proven customer service reputation with the City of Fairfax.

The Vice Chairman expressed his preference for ES&S equipment for the following reasons:

- a. It replicates the DRE experience more than Unisyn because it provides voters with a summary screen of their votes.

The Registrar informed the Board he talked with other localities that have gone through the transition from touch screen technology to scanning technology. All localities indicated their voters did not experience any issues with transitioning equipment types.

All Board members would like to make a decision on the equipment, but needed additional time to study the equipment. Board members reviewed schedules and decided 5-7 days would be sufficient. The Board decided to make a decision at their next meeting. That meeting will take place on Friday, May 15, 2015 at 10:00am at the Sisson House.

The Secretary asked the Registrar to provide a few points of contact in other localities that use or will be using both types of equipment so that the Board can gather some additional feedback before making their decision.

The Registrar informed the Board that he has family in town and will be unavailable next week, but would make himself available on an as needed basis.

3. Minutes of the April 29, 2015 Electoral Board Meeting:

The Vice Chairman made a motion to amend the minutes of April 29, 2015 meeting. He moved to amend the minutes to change Stephen Bilowus's title to "Assistant



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Registrar” rather than Deputy Registrar. The Chairman seconded the motion. After a discussion the Board voted unanimously to approve the motion. The Minutes will be reprinted with the correction and Mr. Brouwer will sign.

The Chairman moved the Board approve the current Registrar’s term to end June 30, 2015 instead of July 7, 2015. The Secretary seconded the motion and the Board voted unanimously to approve the motion.

The Chairman moved the Board appoint Brenda Cabrera as the City of Fairfax General Registrar/Director of Elections effective July 1, 2015 for a term of 4 years. The Vice Chairman seconded the motion and the Board voted unanimously to approve the motion.

The Chairman moved the Board acknowledge that Brenda Cabrera shall be employed by the City of Fairfax at a grade 20, Step 7 with benefits consistent with City employment and leave to be negotiated with the Board.

The Vice Chairman seconded the motion. Discussion followed. When the question was called, the vote was: Secretary "Nay," Chairman “Aye,” and Vice Chairman “Nay.” The motion failed to pass.

The Chairman moved the Board contact the City Attorney and the Director of Personnel for purposes to investigate the possibility of including Brenda Cabrera into the City’s official leave program. The Vice Chairman seconded the motion and the Board voted unanimously to approve the motion.

The Chairman moved the Board acknowledge that Brenda Cabrera shall be employed by the City of Fairfax in the position of General Registrar/Director of Elections as a Grade 20, Step 7 with benefits consistent with City of Fairfax employment. The Vice Chairman seconded the motion and the Board voted unanimously to approve the motion.



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5. General Registrar/Director of Elections Position Description:

The Board discussed the proposed position description for the General Registrar. The Board indicated that some minor changes needed to be made to the proposed position description. The changes will be made and the proposed position description will be reviewed at the May 15th Electoral Board meeting.

The Chairman moved the Board accept that the current General Registrar, Kevin Linehan, be terminated as a City employee effective July 2, 2015. The Vice Chairman seconded the motion and the Board voted unanimously to approve the motion.

6. The City Agreement:

The Chairman will contact the City Attorney regarding the draft agreement between the City of Fairfax, the Electoral Board and General Registrar. The Board will review the draft agreement as modified by the City Attorney at the May 15th meeting. The Registrar suggested the following be made to the City agreement:

- a. That Section B4 include the words, "with reasonable notice."
- b. That Section B5 be clarified – who keeps the official "City Financial Procedures Manual?" This information should be included in this section.
- c. That the proposed document is convoluted; it appears to be a three party agreement and each party has a different interests. It would be more appropriate to have two separate agreements. The Chairman agreed that they should be two separate agreements; the Electoral Board and the City as it relates to the General Registrar; the City and the General Registrar as it relates to the General Registrar's staff.

The EB suggested minor edits be made to the General Registrar/Director of Elections position description. The Chairman will email the document to the Registrar's Office to make the edits discussed and the Registrar's Office will forward the edited final document to the Board.



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7. Electoral Board Policy on Electronic Meetings

The Board will review the draft policy on electronic meetings at the May 15th meeting.

The meeting adjourned at 1:44pm.

Respectfully submitted,

Richard Herrington, Secretary
City of Fairfax Electoral Board