



OFFICE OF THE ELECTORAL BOARD GENERAL REGISTRAR

City of Fairfax

November 3, 2015 Electoral Board Meeting Minutes



PRESENT:

Richard Herrington, Secretary; John Harold, Chairman; Dirk Brouwer, Vice Chairman; Brenda Cabrera, General Registrar; Nancy Tingen, Deputy Registrar and Dean Thomas "Tom" Ross, appointed to replace the Vice Chairman upon his departure.

CALL TO ORDER:

The Secretary called the meeting to order at 11:07AM. The Secretary stated he was concerned the majority of the Board desired to have a meeting on Election Day. The Secretary asked the Chairman to address the various agenda items the Chairman had requested be reviewed.

The Chairman stated a meeting was necessary because there was unfinished business which needed immediate attention; he stated that agenda items 2 and 4 were of most concern. He and the Vice-Chairman were expressing concern in two areas; that the Secretary was not providing or forwarding information to other Board members which he received from the Registrar or other entities and accomplishing tasks without allowing other Board members sufficient time to evaluate the actions. Specific examples cited; an email from ELECT that the Registrar sent to the Secretary which the Secretary did not forward to the other Board members; the preparation (packaging) of ballots for the election, and expedited construction of a new storage area for the City's voting equipment.

The Secretary apologized for his oversight concerning the email in question and did not in any way intend to keep information from the other Board members. The Secretary noted this was not, however, the first time the Secretary had failed to forward such communications; he agreed that a process needs to be established to insure there is no recurrence. The Registrar was asked to include all Board members on communications that are forwarded to the Secretary.

The preparation of ballots (packing of ballots for the precincts) had been discussed previously and agreed that the Board would meet to effect the preparation; the Secretary was available the day the Registrar's Office informed him ballots were awaiting packaging and effected the packaging of ballots for the precincts. It was only after the packaging had been accomplished that the other Board members were informed. The Secretary stated he was sure the Board had discussed the packaging, but he simply viewed the packaging as a task the Board needed to accomplish and he happened to be available to complete the task. While there was no violation of the Code, review of the Minutes of a previous Board meeting clearly states the task



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was to be accomplished by the "Board" not by just one member of the Board. The Secretary apologized for his overly focused attention on "task completion" and stated his desire to get things done masked his responsibility to consult and work closely with the other Board members.

Concerning the new storage area, the Secretary expressed surprise the other Board members had reservations about the new storage area. The Secretary stated since the other Board members had seen the area in which the storage area was to be constructed, he did not believe the last minute change in materials (from open cage to paneled walls) to reduce construction costs and installation time was not as important as expeditious completion of the task which he believed the other Board members had agreed he had taken responsibility to accomplish. The Secretary stated that on reflection, it would have been better to ensure the other Board members were made aware of the need to change the materials before any construction was started. Again, the Secretary apologized for allowing his focus on "task accomplishment" to drive his expeditious completion of tasks; he did not in any way mean to disregard or offend the other Board members. In the future, he would ensure all Board members are included in actions which are agreed to be "Board" activities.

The Secretary remained the Board members that email communications must be done in compliance with the Code. The example he gave; while it was perfectly proper to discuss the timing of a meeting and request agenda items, there could be no discussion of the agenda items. The Board will carefully follow the appropriate procedures. A copy of the latest FOIA guidance will be obtained from the Registrar and distributed to the Board members.

There was discussion concerning the historical process the Board used when the polls closed and the Chiefs of each precinct brought all election related materials to the Registrar's Office for safe keeping until the start of the Canvass the following day. The Board had on many occasions challenged the ELECT interpretation of the Code of Virginia and had continuously followed a methodology it strongly believes increases the ability to detect potential OE errors and better prepare for the Canvass. The Chairman and Vice Chairman stated they did not like the change in the methodology that the Registrar was proposing. The Secretary stated he was unaware that the Registrar was proposing any change to existing Board procedures, and even if the Registrar recommended a change, it would still be the Board that would decide what procedures/methodology would be followed.



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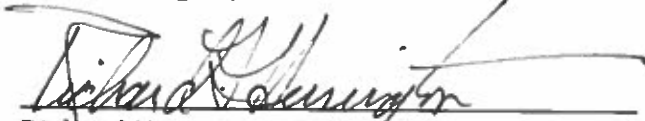


The Registrar, in researching the procedures associated with the conduct of the election now that paper ballots are to be used, highlighted procedures in the Code which she believed the Board should be made aware and follow. Specifically, the Registrar recommended that the Board closely follow the procedures as written in the Code because of concern the Board could potentially be challenged, not in integrity of the election, but because it could be perceived the Board was not adhering to the Code. It was explained to the Registrar that the City of Fairfax Board has a long history of disagreeing with ELECT about the intent of the guidance in the Code; the Board utilization of certain local procedures minimized discovery time of potential OE oversights or discrepancies.

The Registrar stated she understood and was making the Board aware that there was a potential of ELECT challenging Board procedures. The Vice Chairman indicated he understood the Registrar's concerns and believed a solution could be found. After further discussion, a motion was made by the Vice Chairman that SORs and selected tapes be imaged by the Chiefs at each precinct and the images be sent to the Board before the documents were sealed. The Secretary seconded the motion. After further discussion, the motion passed unanimously.

The Secretary reported the letter to the Attorney General was being put on Board letterhead and as soon as it was printed, would be signed and mailed.

The meeting adjourned at 12:19PM.



Richard Herrington, Secretary
City of Fairfax Electoral Board