



# OFFICE OF THE ELECTORAL BOARD GENERAL REGISTRAR

City of Fairfax

October 15, 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 Ross, appointed to replace the Vice Chairman upon his departure.

## **CALL TO ORDER:**

The Secretary called the meeting to order at 1:13PM.

The General Registrar needed to attend to certain duties and the order of the agenda items was changed to afford the Registrar the opportunity to address certain items and then depart to attend to pressing office duties. The Secretary adjusted the order of items to be discussed.

## **ELECTION DAY PREPARATION**

Electoral Board members had asked that the Registrar address several areas of concern because of the change in equipment and the use of paper ballots. The Registrar addressed the following items:

- Ballot package preparation/distribution: Ballots per precinct packaged; Chiefs will have 100 ballots Monday evening; Board members will package and carry boxed ballots to precincts Tuesday morning.
- Precinct layout; three of six precincts had submitted diagrams with the remained arriving in the next few days.
- UPS devices were checked; they provided approximately 45 minutes of power without load. It is anticipated they can power the OVO/OVI for approximately 20 minutes.
- Spare OVO/OVI: Will be staged at the Registrar's Office for immediate dispatch on Election Day
- Officer of Election positions; the EDG contains appropriate guidance.
- OVI use: Voters will be encouraged to use the OVO for paper balloting. If a voter insists on using the OVI, they will be accommodated.
- Spoiled ballot procedure; The Chief and or the Procedural Specialist will process spoiled ballots. Chiefs will be encouraged to ensure all Officers are familiar with the process.
- Paper ballot jam; Corrective action is in the Election Day Guide (EDG) with appropriate documentation
- Signatures on tapes; the EDG has the appropriate guidance.
- Ballot box seal during/after election; numbered seals will be used.



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The GR indicated an individual had applied to serve as an Officer of Election. Ms. Lorena Patricia Tobar, who lives in McLean, Virginia has applied. The Registrar recommend she be approved. After discussion the Chairman moved that Ms. Tobar be approved as an Officer. The Vice Chairman seconded the motion and it was approved unanimously.

The Registrar indicated several marking stations were being made available by Arlington; the Registrar has arranged for six marking stations to be gifted to the City (no cost) and all that is needed is for the marking stations to be picked up. One or more members of the Board will pick up the stations on Monday, October 19, 2015.

**SCHEDULE FOR NEXT EVENTS:**

OE training will be conducted on the following days:

- City Hall, October 22; 2:00PM to 4:00PM and from 4:00PM to 6:00PM.
- City Hall, October 23; 10:00AM.
- Green Acres, October 24; 10:00AM.
- City Hall, October 31; 10:00AM.

The Vice Chairman asked the Registrar to ensure training for OEs scheduled for later in the month include a review of established safety procedures and protocols. There was discussion of a number of areas in which special attention would be given to ensure all OEs were comfortable with the safety procedures and protocols that are in place. The Secretary stated the Board should have a policy concerning voter/OE safety and will craft a draft policy for the Board to review.

The Board went into recess at 2:19PM.

The Board reconvened at 2:27PM.

**DEAN THOMAS "TOM" ROSS:**

Mr. Ross was appointed by the Circuit Court to replace the Vice Chairman, Mr. Brouwer, upon his departure from the Board. The Chairman recommended Mr. Ross be sworn in as an OE so Mr. Ross could have unfettered access to the precincts on Election Day to improve his understanding of election processes and procedures. Discussion followed. It was determined that swearing in Mr. Ross as an OE would not be necessary. §24.2-604. I. allows the Board to authorize the presence of neutral



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observers as it deems appropriate. As Mr. Ross will soon be serving as an Board member, his observation of any and all voting activities would be appropriate.

The Chairman moved that Mr. Ross be authorized, per §24.2-604 I. to be given a "Letter of Authorization" to allow him to observe voting activities in all City precincts. The motion was seconded by the Vice Chairman and approved unanimously.

### **APPROVAL OF THE SEPTEMBER 30 AND OCTOBER 9, 2015 ELECTORAL BOARD MEETING MINUTES:**

A motion was made by the Chairman to approve the Minutes of the October 9, 2015 as written. The Vice Chairman second the motion and it passed unanimously.

A motion was made by the Vice Chairman to amend the minutes of the September 30, 2015 Board meeting; that the language in the paragraph under the header "EB ROLE IN ADMINISTERING ELECTIONS" be changed to insert the word "duties" and delete the word "responsibilities" and that the words "it was required to" be deleted and the words "the Board may" be inserted. Discussion followed. The motion was seconded by the Chairman and approved unanimously.

### **EB/GR WORKGROUP:**

The Secretary presented a package of selected EB/GR Workgroup documents to the Board and expressed his concern that the EB/GR Workgroup had deviated from its designed purpose. Discussion followed. The overall concern of the Board is the EB/GR Working Group at ELECT is not producing the level of results anticipated in connection with its study of the duties and responsibilities of Electoral Boards and General Registrars. Of particular concern were study item (iii), examine the duties of General Registrar and Electoral Boards set out in the Code of Virginia and the Virginia Administrative Code; item (v), identify any duties generally undertaken by General Registrars but currently designated to the Electoral Boards; item (vii) analyze the impact on the workload of General Registrars and Board members caused by changes in the manner in which votes are cast on and preceding Election Day.

The EB/GR Workgroup recently produced a document titled "Electoral Board Job Description." The summary paragraph of the document states, "The authority for the administration of all aspects of elections for the locality remains with the Electoral Board, including oversight of the General Registrar/Director of Elections, and is



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responsible to the State Board of Elections for that administration. It employs and supervises the General Registrar, who handles voter records." Paragraph 1. A. titled, "Election administration includes:" contains a list of 13 items and paragraph 1. B titled, "The Electoral Board has additional responsibilities, including:" contains a list of seven (7) items.

The document contains the word "duties" in only two paragraphs; the summary paragraph where it states, "...each member must carry out official duties in a nonpartisan manner;" and in paragraph, "II. Electoral Board Activity Prohibitions: B. May not engage in political activities when performing official duties." Nowhere else is the word "duties" used and nowhere are the actual duties of the Electoral Board listed. Finally, the paragraph titled, "Conditions:" states the Electoral Board is in the nature of a part-time seasonal job.

The Executive Summary of the interim report of the EB/GR Workgroup was issued in July 2015. The summary states responsibility for absentee voting and campaign finance reporting have been shifted to Registrars and also has Electoral Boards and Registrars sharing the execution of duties related to Officers of Election, ballots, and polling places contained in the Code although within the Code responsibility is specifically assigned to Electoral Boards. The EB/GR Workgroup states it is working on recommendations to involve the Director of Elections in those duties while continuing oversight by Electoral Boards.

It is the opinion of the Board that the EB/GR Workgroup is moving towards reducing or eliminating duties and responsibilities now accepted as assigned to Electoral Boards. While this focus may well be intended to improve the conduct of elections in the Commonwealth, the EB/GR Workgroup is considering the recommendation of various changes to Virginia's election laws that will be presented to the General Assembly and which do not appear to include qualitative input from Electoral Boards and the various Circuit Courts responsible for appointing Electoral Board members.

The Board discussed options to pursue the issue and to obtain clarity in its understanding of the recent changes in election laws. Actions of the EBGR Working Group will be closely monitored.

The Chairman moved that the Secretary send a letter to the Attorney General of Virginia that asks for an opinion concerning recent changes in the code that impacts duties and responsibilities of Electoral Boards, courts, localities and governing



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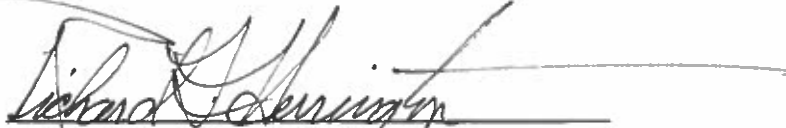
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bodies. The motion was seconded by the Vice Chairman. Discussion followed. When the question was called, the motion passed unanimously.

The EB adjourned at 3:14PM.



Richard Herrington, Secretary  
City of Fairfax Electoral Board