



VOTER REGISTRATION AND ELECTIONS

City of Fairfax

August 19, 2020 Electoral Board Meeting Minutes



Brenda F. Cabrera
Director of Elections/General Registrar

Electoral Board
Secretary: Richard Herrington
Chairman: Curtis Chandler
Vice Chairman: Lorraine Koury

CALL TO ORDER

The Chairman called the meeting to order at 1:04 p.m.

PRESENT

Richard Herrington, Secretary; Curt Chandler, Chairman; Lorraine Koury, Vice Chairman and Brenda Cabrera, Director of Elections/General Registrar (DE/GR).

MEMBERS OF THE PUBLIC TO SPEAK

There were no members of the public present who wished to speak or observe the meeting.

APPROVAL OF MINUTES ELECTORAL BOARD MEETING JULY 16, 2020

The Chairman moved the approval of the minutes for the July 16, 2020 meeting and the Vice Chairman seconded the motion. When the question was called it passed unanimously.

APPOINTMENT OF OFFICERS OF ELECTION

The DE/GR stated there were 11 applications for appointment as officers of election (OE). After a review of the applications, the Chairman moved that the 11 applicants for appointment be approved. The Vice Chairman seconded the motion and when the question was called, the motion passed unanimously.

PROPOSED ELECTORAL BOARD POLICY 4 – POLICY FOR SECURITY OF VOTING EQUIPMENT

The Secretary provided an updated proposed Electoral Board policy which formalizes certain requirements contained in the Electoral Board’s “VOTING SYSTEMS SECURITY PROGRAM” dated April 21, 2020. This was in response to recommended changes made at the July 16, 2020 Electoral Board meeting. The Chairman moved that the updated policy be approved as updated and the Vice Chairman seconded the motion. When the question was called, the motion passed unanimously. The Secretary will provide copies to Board members and the DE/GR.

CENTER FOR VOTER INFORMATION ISSUE

The first week of August 2020 the Center for Voter Information (CVI) mailed over 430,000 absentee ballot applications to 430,000 voters in Fairfax County with a postage paid return envelope addressed to the City of Fairfax and mailed 9,000 of the same to City voters with a return postage paid envelope addressed to Fairfax County. The result was confusion, suspicion, and eroding of confidence in the Commonwealth’s election system.

The Office of Elections was overwhelmed with phone calls, emails and batches of mail delivered. The DE/GR provided a detailed explanation of the problem to the Mayor, City Manager and City Council. The second week of August the Office of Elections used all of its resources to answer the many phone calls and emails. Normal operations were disrupted for several days because of the volume of calls and emails. A Fairfax County courier was used to both send and receive the mis-addressed ballot applications to the correct locality and CVI provided assistance (one person) who sorted the mail and applications.



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The City has now received approximately 1,000 redirected absentee ballot applications for City voters; possibly 10% of CVI applications for an absentee ballot may be denied because they are incomplete. The Electoral Board commended the DE/GR for her handling of this unprecedented and totally avoidable situation. Third party organizations can be both a help and a hindrance to the voting process.

PLANS FOR NOVEMBER 3, 2020 GENERAL ELECTION

The Chairman opened a conversation related to preparation for the November 3, 2020 General Election. There were two main areas, regular precincts and the central absentee precinct.

1. **Regular Precincts:** For regular precincts, the Chairman stated he received many questions concerning the upcoming election from neighbors and friends and indicated some clarification might be necessary to ensure correct information is disseminated to the public. Several items were discussed:
 - Police officers – can they volunteer/serve as officers of election? Yes. Must be a qualified voter in the Commonwealth, a volunteer, and not in uniform.
 - Who can “accept” absentee ballots? Details of acceptance of absentee ballots was a topic at annual training for electoral board members; the issue is not yet resolved and ELECT will be providing guidance in the immediate future.
 - Who is allowed to observe testing of voting equipment and who can challenge voters at the polls? These questions are covered in the existing Code sections; The ED/DE stated the Chief Officers of Election are trained to address these matters.
 - Will “I VOTED” stickers be distributed at the precincts? A decision has not yet been made concerning the precincts. Individuals who request ballots by mail will be provided with an “I VOTED” sticker. The “I VOTED” contest has finished. The selected winner is one of the designs the Electoral Board chose.
 - Will City Hall still be used on November 3, 2020, a state holiday? Yes. Precinct 4 is located at City Hall and arrangements are being made now to continue the use of City Hall facilities located on the first floor.
 - Where will training for OEs be conducted? All training will be conducted at the Sherwood Center or online to facilitate social distancing. The DE/GR is developing the necessary training courses.
 - What results will be reported Election Day evening but before certification? There is no change to reporting processes; initial and unofficial results will be reported consistent with established law and ELECT guidance.
2. **Central Absentee Precinct (CAP):** The Chairman noted that CAP responsibility and functions do not normally gain significant attention but are a critical part of the voting process. Several matters were discussed:
 - Can parties have observers at CAP pre-processing sessions and what notice must the parties be given? Yes. The DE/GR has invited the parties to attend as specified in §1VAC 20-70-40, §24.2-709 and §24.2-712.
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- Does CAP treat 'inactive' voters differently than 'active' voters and how does a voter become 'inactive'? The CAP follows existing law, §24.2-428; an active voter who does not respond to a request for verification of address is placed in the inactive category. Should that voter attempt to vote, the inactive status is a flag for officers of election to get an updated address from the voter; it does not prevent the voter from voting.
- Does CAP generate Provisional Ballots? Yes. Provisional ballots can be created in accordance with existing law, §24.2-653.1.
- Can authorized CAP observers challenge voters and/or ballots? Yes, if the voter is present at the CAP. A voted absentee ballot properly signed by the voter, however, is not subject to challenge §24.2-651.
- What are the material and immaterial errors and omissions relative to absentee ballots? The DE/GR explained the detailed explanation contained in 1VAC20-70-20.

REVIEW/UPDATE OF THE CALENDAR

The DE/GR distributed an updated schedule (dated August 18, 2020) of activities necessary to support all aspects of the November 3, 2020.

GOVERNOR PROPOSED VOTER PROTECTIVE MEASURES

There was discussion of the several proposed measures the governor was presenting to the General Assembly, now in special session. It was the consensus of the DE/GR and Electoral Board that the proposals may or may not be approved and it will be necessary to await the outcome of the special session.

DATE FOR NEXT MEETING

It was agreed that the Electoral Board would meet again on Tuesday, September 29, 2020 at 1:00 p.m. The Chairman will ask the staff to advertise the meeting.

PERSONNEL MATTERS (CLOSED SESSION)

At 2:11 p.m. the Vice Chairman moved the City of Fairfax Electoral Board convene in closed session to discuss personnel matters pursuant to § 2.2-3711 (A) (1) of the Code of Virginia. The motion was seconded by Chairman. Discussion followed.

- The Secretary asked what personnel matter was to be discussed and the Vice Chairman stated it was an update with new information on the matter discussed in closed session at the July 16, 2020 meeting. The Secretary stated that matter on July 16, 2020 was resolved and there was no reason to address a closed Board matter, and the Vice Chairman's pursuit of the matter was not a personnel issue, but rather a personal issue that should be appropriately discussed in open session.
- The Vice Chairman reiterated her position that the matter was a personnel issue, not a personal issue, and as such it was appropriate for a closed session discussion.

When the question was called, the Chairman and Vice Chairman voted "Yea", the Secretary voted "Nay."

At 2:53 a.m., the Chairman moved the Electoral Board of the City of Fairfax certify that in closed session just concluded the only matters discussed were personnel issues, as identified in the motion to close the meeting pursuant to the Virginia Freedom of Information Act, and that the Chairman's motion be approved



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in open session. The Vice Chairman seconded the motion. When the question was called, the motion passed unanimously:

Roll Call Vote:

<u>Position</u>	<u>Name</u>	<u>Vote:</u>
Chairman	Curt Chandler	<u>Aye</u>
Vice Chairman	Lorraine Koury	<u>Aye</u>
Secretary	Richard L. Herrington	<u>Aye</u>

ADJOURNMENT

The meeting adjourned at 2:58 p.m.



Richard L. Herrington, Secretary
City of Fairfax Electoral Board