

MINUTES OF FALLS CHURCH ELECTORAL BOARD MEETING

March 31, 2016

9:00 a.m., Dogwood Room, City Hall

Board Members Present: Linda Neighborgall and Renee Andrews

Board Member Absent: Bill Wanlund

Others Present: David Bjerke, General Registrar

1. **Call to Order:** Linda Neighborgall at 9:02 am.
2. **Moment of Silence:** A moment of silence was observed in memory of Martha Brissette, ELECT Policy Analyst, and her husband Henry, who died in a tragic accident earlier this week.
3. **Election of Officers:**
 - **Motion:** Linda moved, Renee seconded that Linda remain Chair, Bill remain Vice Chair, and Renee remain Secretary for the coming year.
Motion passed by unanimous vote.
4. **Public Comment:** None
5. **Approval of Minutes:** Minutes from the meetings of February 4 and of March 1-7 (election and canvass) were approved as presented.
6. **Electoral Board Items:** Renee brought printouts from the Youth Rep website and the student application. Dave will scan these documents to Bill. Linda and Renee discussed the possibility of having a Youth Representative under the CBC program. There are still several unanswered questions regarding the program. We will meet further next week to include Bill in the discussion. In the meantime, Renee will try to get more information regarding the details of the program. Linda synopsised concerns raised in today's discussion for attachment to these minutes and to bring all members up to speed on the state of discussions. Her synopsis is included as an addendum in these minutes. If we decide not to go with the program, Linda will be in touch with Pam Mahony, the 10th grade government teacher with whom we coordinate the Election Page program to see if there is another program we can design together that will benefit more students.
7. **General Registrar Items:** There was a brief discussion of the letters received by many voters from the Voter Participation Center, trying to get voters to update their registration information. Unfortunately, this group uses a mailing list that they purchase from other sources than election officials, so their information is often incorrect. For example, 2 people we know received letters at their current addresses saying that they were not registered to vote, and, in fact, both are actively registered at those addresses. GRs across

the state are concerned because this group is causing more voter confusion than they are clearing up. They did the same in 2012.

8. Announcements:

April 8-10, 2016: VEBA Annual Meeting at the Homestead (Linda, Renee and Dave will attend)

April 22, 2016: "Selecting a Vice President: Balancing Politics and Prudence", Bipartisan Policy Center

May 13 COG Election Officials meeting

9. Next Meeting: 9:00 Tuesday April 5, to conclude discussion of the possibility of having a CBC Youth Representative on the board

10. Adjournment: 9:37 am

Respectfully submitted by:

Renee Bergmann Andrews, Secretary

Addendum from Linda:

To the Electoral Board:

As promised, to bring us all up to speed for further discussion and resolution at our April 5 meeting when all are present, synopsized below (*and submitted for inclusion as an attachment to our 3/31 minutes*) are the primary concerns I raised at today's EB meeting re the CBC proposal to place a student representative on the EB. The EB has been a leader in this respect through operation of our student Election Page program, for which I have been the lead EB member, and through EB member participation in voter registration drives at GMHS. I am open to ideas to increase our leadership in this arena and have suggested a few that I hope we can pursue further.

I have given this particular proposal a great deal of thought. Although I share with the CBC -- or for that matter any of the many local civic organizations and interest groups -- the goal of engaging our young people more actively in community and civic affairs, it is my concern that this particular proposal, whether adopted outright or implemented as a pilot program, is not structured as an appropriate vehicle for advancing that goal. My concerns are both institutional and operational and concern also the scope of the proposed initiative.

Institutional Concerns: From an institutional standpoint, the EB is unlike the boards, committees and commissions, and civic groups that are creatures of our local government, uniquely locally focused and controlled and often affinity-based. The EB, its composition and operation, are the product of state law with responsibilities that implicate federal law as well. Our meetings are formal. They are open public meetings that anyone can attend and address the Board during the public comment portion of the agenda but cannot participate in beyond that. EB members serve pursuant to court appointments and with a

mission that is not within the control of the local jurisdiction. I think these distinctions are significant. (I note that the CBC list of boards and commissions excludes similar other legally and structurally complex groups like the BZA and Planning Commission, e.g.)

At a minimum, it seems to me that any determination to add a student EB rep should be: (1) clearly permissible and consistent with state law in establishing EBs; and (2) solely within the discretion and control of the EB and consistent with its legal responsibilities. In particular, any adaptations to EB structure and operation that we might appropriately consider must be consistent with our statutory charge to conduct fair and open elections, free from any partisan political or other taint or irregularity in the mechanics of the election process, according to the provisions spelled out in law.

For that reason alone, although I appreciate the initiative and community spirit animating the CBS Youth Initiative program, I don't think it appropriate for the EB to cede control over a process that could produce an official student rep to any one civic organization over others or over individual citizens who might legitimately want to nominate candidates. This is particularly a concern because the CBC is and has been quite active locally in favor of some election candidates over others. While I do not see where the Youth Initiative is in any way intended to be political, the genesis of the initiative is through one of many local civic organizations that is political in nature. Even assuming it would be legit to have a student rep to the EB, this should be the bailiwick of the EB, not civic groups or even local elected officials. Moreover, I have not found any authority in the Code for adding an official student rep.

Operational Concerns: If there is a student(s) out there who is interested in the workings of the EB, in theory there is nothing now that prevents his or her attending EB meetings. How would naming a student rep add anything to that? The obvious kink is that our meetings are held during the day when the GR and ELECT offices are also in business but when students typically are in school. In theory, we could change our meeting times to late afternoon to accommodate a school-age rep (although I wonder how late that would have to be to take into account sports and other after-school activities.) That would require after-hours work for the GR and would pose considerable disruption of the meeting schedule that presently works well to accommodate the availability of appointed EB members.

To the extent it is anticipated that, as an element of the educational component of a student rep's experience, the EB might be required to add an instructional element to our meetings, I see two concerns. First, it could blur the line between permitted and impermissible public participation in our meetings. Second, it would increase the length of our meetings and, if we were also to hold meetings in the late afternoon, infringe on personal, family and dinner time. The question becomes, how much of a compromise is warranted between the EB's interest in conducting our meetings efficiently and at convenient and workable times versus any interest in accommodating a student rep?

Alternative Approaches: I am very concerned about the limited scope of the Youth Initiative program as it relates to the EB and the importance of the voting franchise. Specifically, I have suggested several approaches that would build on our current outreach programs and the good idea behind the CBC Youth Initiative while systematically opening up our processes to more than just one student rep. Voting, unlike protecting our city tree canopy or planning for sidewalks and bike lanes or documenting and preserving elements of city history, is a universal interest. In my view, we would do better to consult directly

with the schools to find ways to expand our Election Page program in new directions that would reach many more or all students as they study government and civics.

I have suggested such ideas as holding an actual or mock EB hearing at GMHS for the students' benefit; engaging students by "appointing" a student electoral board and coaching them and their fellow students through the mechanics of conducting an election; developing a teaching module or lesson plan that would familiarize students with election law and regulation; or some combination of these approaches. There may be others for us to explore.