



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Electoral Board

June 22, 2007

Robert R. Sparks, Jr.
Chairman

Thomas A. Reed
Vice Chairman

Margaret K. Luca
Secretary

General Registrar

Jackie C. Harris

Mr. Steven D. Briglia, Esq.
Office of the Town Attorney
127 Center Street, South
Vienna, VA 22180

Re: Town of Vienna Elections

Dear Mr. Briglia:

Thank you for your letter and inquiry. Like you, we also have received a number of questions concerning the Vienna Town Election and have researched some of the history. Hopefully, the following will answer your questions:

1. Regarding the procedure by which Election Officers are selected to work at the polls, the following procedure has been used for Vienna elections for at least the past 20 years, (per staff's institutional memory):
 - a. The Electoral Board (EB) annually appoints Election Officers during the first week of February, pursuant to Va. Code § 24.2-115.
 - b. In early March, following the annual appointment, the EB staff mails, faxes, or more recently e-mails, to the Vienna Town Clerk a list of approximately 80-90 names of those Election Officers who are residents of the Town.
 - c. The Town Clerk selects 14 Officers and 4-6 Alternates from the list to present to the Town Council for their approval. (These numbers have increased over the years as the population has increased.) It is our understanding that the Clerk also recommends a Chief and Assistant Chief Officer and attempts to select Officers so as to provide equitable representation to all of the geographic regions of the Town.
 - d. In late March or early April, following approval by the Town Council, the Clerk returns to the EB the list of Officers recommended by the Council.
 - e. The EB staff then contacts those Election Officers to confirm their availability and mails each Officer an assignment letter. If any of the Offices are unable to serve, staff will contact and assign an Alternate.

2. Regarding how and when such procedures came into operation, we really aren't sure. In reviewing the minutes of EB meetings since 1939, the earliest reference we found to the Town of Vienna recommending the "judges of

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election” was May 24, 1954. Interestingly, in the minutes of May 16, 1962, there is a reference to “recommendations received from the Town Councils” of Clifton and Vienna, and in the minutes of April 25, 1963, there was a reference to the Towns of Vienna and Herndon. There are several references to the Vienna Town Council and/or Town Clerk recommending Officers between 1963 and 1991. April 8, 1991 is the last time the minutes mention the Electoral Board approving “election officers recommended by the Town of Vienna.”

It should be noted that in recent years, with the exception of the annual appointment of Election Officers and the subsequent appointments of new Election Officers, the Electoral Board has delegated the responsibility for designating precinct Election Officers to the EB staff.

Also for your information, the process outlined in Item 1 is not used for the elections in the Towns of Clifton and Herndon.

3. Regarding complaints or inquiries, following are the written complaints and inquiries that came to our attention (details summarized):
 - a. A complaint from voter Stella Matalas to the Virginia State Board of Elections (SBE) alleging that [she was told to] “vote for three or the new people will get in.”
 - b. A complaint from voter Frank Ebersole alleging that [Election Officer] Rhoda Stevens expressed “her dislike for Dr. Stich (candidate Susan Stich’s husband) while serving on the pollbook table.”
 - c. A complaint from Mary McCullough stating that “while walking in[to] the polling place to vote in the town election a gentleman made unsolicited remarks to me after I politely refused to take a flyer distributed by a candidate worker.”
 - d. An e-mail inquiry and comments were received from Mimi C. Rohrbach, who self-identified as living outside the town limits but who worked as a campaign volunteer on May 1. Ms. Rohrbach had numerous comments and questions, including the following: complaints concerning R[h]oda Stevens’, questions about the Election Officer selection process and “who told R[h]oda Stevens to tell voters to vote for three” and questions concerning absentee voters.
 - e. A compilation of e-mailed reports, complaints and observations from several constituents to Deborah Brehony was forwarded to Jackie Harris [General Registrar], Maggi Luca [Secretary, EB] and Valarie Jones [Acting Secretary, SBE] commenting, among other things, on the conduct of an Election Officer who was standing too close to the booth to “see how people were voting” and who was instructing voters to “vote for three.”

- f. A letter from J. P. Brehony addressed to Councilman Michael Polycrones, copied to the Town Council, Clerk, EB Secretary, EB Chairman and Rosanna Bencoach, SBE, alleging “irregularities and improprieties” during the town election.

In addition to the aforementioned written complaints, the General Registrar and EB Secretary heard several oral complaints while visiting the Vienna Community Center polling place around noon on Election Day. Complaints from candidate supporters included comments concerning the conduct of Election Officer Rhoda Stevens who was reportedly “telling people to vote for three” and was allegedly standing so close to the machine that she could see the voters’ ballots. The Election Officers, on the other hand, complained that candidate supporters, an elected official and others came inside the polling place several times making demands and accusations which disrupted the polling place.

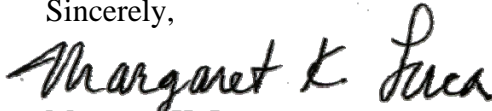
- 4. Following is a summary of the documented responses and actions to the complaints listed in Item 3 above:
 - a. Valarie Jones, Acting Secretary of SBE, wrote to Stella Matalas that she had determined that Ms. Matalas’ complaint was “outside the purview” of the SBE but will be referred to the Fairfax County EB.
 - b. The EB Secretary wrote to Frank Ebersole stating that the EB was in the process of reviewing all aspects of the May 1 election and election officer training methods and materials to ensure that “every election worker understands and complies with the law.”
 - c. The EB Secretary wrote to Mary McCullough stating that the incident she described occurred outside the polls and that generally the Chief Officer can not interfere in the activities outside the 40 foot line unless there is an obstruction hindering access to the polling place.
 - d. Election Manager Judy Flaig responded to Ms. Rohrbach by e-mail answering her election related inquires but declining to comment on the specific allegations concerning Rhoda Stevens.
 - e. Subsequent to her e-mail correspondence, Deborah Brehony requested to be added to the EB meeting agenda to convey her concerns to the Board. The EB granted her request and heard her concerns and questions at their June 13 meeting. The minutes of this meeting are not yet drafted.
 - f. We have no information concerning a response from Councilman Polycrones’ to Mr. Brehony’s letter.
 - g. As recorded in the minutes of the May 2 meeting of the EB, the Board discussed the Vienna election and the EB Secretary described her visit to the polling place. The Secretary reported that one of the election officers was giving “improper instructions” to voters and that the Chief Election Officer removed this election officer from operating the

machines and then later asked her to leave the polling place. The Secretary further reported that she spoke to Carol Orndorff, the Town Clerk, about the selection of election officers and told her that “the practice of the Town Council ratifying the slate of election officers is not right and will be changed.”

5. Regarding actions taken by State election authorities on or after May 1, with the exception of the SBE letter to Ms. Matalas, we are not aware of any action taken by the SBE concerning the conduct of Town Elections. With respect to actions by the County, the EB has discussed the Vienna Town Election at its May 2 and June 13 meetings. The EB staff is in the process of reviewing the town election personnel, training and procedures in response to the complaints and will present their findings and recommendations to the Board at a future meeting. Needless to say, we expect to make some changes before the 2008 town elections.

Please don't hesitate to contact me or Election Manager Judy Flaig if you have additional questions or would like copies of the referenced letters or documents.

Sincerely,



Margaret K. Luca
Secretary, Electoral Board

cc: Robert R. Sparks, Chairman
Thomas A. Reed, Vice Chairman
Jackie C. Harris, General Registrar
Michael Long, Senior Assistant County Attorney