

MINUTES  
Fairfax County Electoral Board  
February 1, 2023

The Fairfax County Electoral Board (Board) met on Wednesday, February 1, 2023, in Conference Room 315 at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax. Chairman Hon. Katherine K. Hanley; Vice Chairman Jeffrey K. Shapiro; Secretary Amb. (ret.) Christopher P. Henzel; General Registrar Eric L. Spicer; Deputy General Registrar Cheryl Jones; and Clerk to the Electoral Board Beth Dixon Methfessel were present.

IT Manager Cord Whitehouse; Election Operations Manager Ravi Udeshi; Election Equipment and Logistics Manager Tyrone Allen; Voter Registration Supervisor Bushra Ardalan; Business Analyst George Panagakos; Supply Manager Kay Garrison; Financial Specialist Maria Teresa Maza; Training Specialist Alina Selnick-Escobar; Jean Thoensen (Office of Elections (Office) staff); Gregory Brandon (Fairfax County Democratic Committee (FCDC) Central Communications); Peggy Morrison (FCDC Voter Registration and Education); Maggi Luca (Fairfax, League of Women Voters (LWV)); Christine Brim and Andrea Bayer (Fairfax County Republican Committee (FCRC) Election Integrity Task Force) and Jill Mobley (Fairfax County election officer and/or resident of Fairfax County) also attended the meeting in person.

The following individuals participated using the Zoom videoconferencing platform: Human Resources Manager Yoon Choi-Lee; IT Business Analyst Khamthakone Betts; Deputy Registrar for Voter Satellite Offices Helen Chaikovsky; Office staff and/or rovers Steve Barch, Lisa Hogle, B. Gissell Jimenez, Kathryn Martin, Abigale Peters, Sandy Raedels, and Todd Strelow; Carol Allen (FCDC Election Law and Voter Protection); Maria Vorel (FCDC Precinct Operations); Stephen Spitz (member FCDC); Arina van Breda (Fairfax LWV); Sandra Bellinghoven, William Denk, Phyllisa Goldenberg, David Lopez, William Maggi, Laurie Moore, and Debbie van Opstal (Fairfax County election officers and/or residents of Fairfax County or neighboring jurisdictions).

Ms. Hanley called the meeting to order at 4:00 p.m. and introduced the Board. Mr. Henzel moved approval of the agenda, and the motion passed by a vote of 3-0. Mr. Henzel made a motion to adopt the Draft Minutes of the Board meetings held on January 3, 2023, and January 11, 2023. By a vote of 3-0, the Minutes of the Board meetings held on January 3, 2023, and January 11, 2023, were adopted.

Ms. Hanley asked for a motion to appoint 5,972 election officers (3,129 Democrats, 1,532 Republicans, and 1,311 Unaffiliated) for a two-year term beginning March 1, 2023, and ending February 28, 2025. Nomination lists were received from the FCRC and the FCDC. After reappointment, election officers must submit a new oath form as well as complete a new training class prior to serving in an election. Mr. Henzel moved to adopt the appointment list, and by a vote of 3-0, the Board appointed 5,972 election officers (3,129 Democrats, 1,532 Republicans, and 1,311 Unaffiliated) for a two-year term beginning March 1, 2023, and ending February 28, 2025. Mr. Shapiro commended staff as well as the political parties for the timely completion of the appointment list.

Under the General Registrar’s (GR) report dated January 30, 2023 (attached and made a part of this record), Mr. Spicer updated the voter registration numbers since the last Electoral Board meeting:

<b>Registered Voters</b>	<b>As of January 30, 2023</b>	<b>Change from 11/30</b>
Active registered voters	745,924	+1,767
Inactive registered voters	36,360	-7,396
<b>TOTAL</b>	<b>782,284</b>	<b>-5,629</b>

Mr. Spicer explained that pursuant to state law (§ 24.2-428) and the National Voter Registration Act (NVRA), the Virginia Department of Elections (ELECT) conducts an annual address match of Virginia’s voters against records in the United States Postal Service’s (USPS) National Change of Address (NCOA) registry. This process is part of ELECT’s membership in the Electronic Registration Information Center (ERIC). ELECT enters voters into the confirmation mailing process when a voter has moved, and the new address differs from the current Virginia registration address in the statewide voter database (VERIS). ELECT sends an annual confirmation mailing to these voters, but in 2023, ELECT will now initiate two confirmation mailings. The first confirmation mailing is scheduled to be sent to Fairfax County voters during the first week of February. Voters who do not respond to the notice within 30 days or whose confirmation mailing is returned as undeliverable are classified as “Inactive” on the voter’s registration record in VERIS. Inactive voters are removed automatically from VERIS if they fail to vote or update their Virginia voter registration address over a period of two federal general elections. This process can take between two to four years. Voters who have been designated as “Inactive” may still cast a ballot on Election Day, however, before casting a ballot, these voters must sign a statement declaring that they are duly registered in the precinct where they have presented themselves to vote.

Mr. Henzel commented that given how cumbersome the law has made the process of list maintenance, and how long it takes to remove an inactive voter, he was pleased that ELECT will send two confirmation mailings in 2023. He also noted that ELECT has outsourced the task of checking voter’s addresses to ERIC, a non-governmental organization. Mr. Shapiro asked about the relationship between the two confirmation mailings. Mr. Spicer explained that the confirmations would be two separate and different groups with the second one capturing those moving later in the 2023. Ms. Ardalan added that those voters who are part of the first mailing and do not respond will be flagged as “Inactive” and will not receive the second mailing.

Mr. Spicer reported that at the February 21, 2023, meeting of the Board of Supervisors, the Office of Elections will request a public hearing on March 21, 2023, to make the following changes:

1. Change name of 404 Franconia #1 precinct to 404 Edison #1
2. Change name of 432 Franconia #2 precinct to #432 Edison #2
3. Change name of 732 Oak Marr precinct to #732 Oaktree Crossing

4. Change name of 924 Spindle #1 precinct to #924 Spindle
5. Change name of 935 Spindle #2 precinct to 935 Robinson Mill

The following changes will also be considered and if adopted, will take effect upon receipt of a Certification on No-Objection from the Attorney General (expected no later than May 21, 2023):

6. Divide 731 Tysons precinct to create 738 Jones Branch precinct with its polling place established at Providence Committee Meeting Room
7. Move the polling place for 731 Tysons precinct to The Parc at Tysons
8. Move the polling place for 929 Difficult Run to the U.U. Congregation of Fairfax Church
9. Move the polling place for 935 Spindle #2 precinct to Bull Run Elementary School

Also on February 21, 2023, the Board of Supervisors will adopt a resolution to apply to the State Board of Elections for a waiver to administer Pioneer, Garfield, Penderbrook, and Burke # 2 precincts, as split precincts. Because a waiver only applies for elections held in the year the waiver was granted, the Board of Supervisors must confirm its decision to again seek a split precinct waiver for 2023.

No later than fifteen (15) days before the June 20, 2023, Primary Elections, notices will be mailed to all voters impacted by precinct and polling place changes as well as those voters affected by the Lee to Franconia District name change. Before the mailings are sent, Mr. Henzel asked to review the notifications.

While staff does track election-related bills, Mr. Spicer clarified that information will be provided to the County lobbyists on the potential impact a bill may have on the voting process. The Office does not, however, “takes a position” on proposed legislation unless it is administrative in nature.

Mr. Spicer explained that each political party determines the method for nominating their candidates. If an open, or direct, primary is chosen, it will be held on Tuesday, June 20, 2023. If both political parties select a primary, each party will have a distinct ballot, and the election results will be reported by party. Voters may vote in only one open primary. The general format of primary election ballots will follow that of the June 2022 primary election with the name of the party at the top of the ballot (sample ballots attached and made a part of this record). Mr. Spicer added that ballot creation in Fairfax County is not outsourced; Mr. Panagakos is responsible for overseeing the production and approval of the ballots.

**Offices on the ballot in Fairfax County in November 2023:**

- Member of the Senate of Virginia (Every district)
- Member of the Virginia House of Delegates (Every district)
- Commonwealth’s Attorney
- Clerk of the Circuit Court
- Sheriff
- Soil and Water Conservation District (Northern Virginia District – Three members)
- Chairman of the Board of Supervisors

Member of the Board of Supervisors (Every district)  
Member of the School Board (Every district)  
Member of the School Board (At Large – Three members)

Mr. Udeshi provided the following key dates:

**Tuesday, March 7, 2023** (105 days before election) – Deadline for parties to choose an open primary ([24.2-516](#))

**Thursday, April 6, 2023** (75 days before election) – Candidates must file with their respective political parties ([24.2-522](#))

**Tuesday, April 11, 2023** (70 days before election) – Parties must submit list of official candidates after verifying signatures ([24.2-527](#))

Ms. Hanley added that the Democratic Party will hold open primaries in June. The question remains whether each office eligible for a primary will have more than one candidate file to run for that office.

Mr. Spicer announced that Teresa Maza, the new Financial Specialist, began work on January 9. Yoon Choi-Lee, the new Human Resources (HR) Manager, started on January 23. Three additional positions will also be filled:

- HR Administrative Assistant
- FOIA Coordinator/Candidate Services Manager
- Communications Division Chief, whose responsibilities will include managing web-based content, voter information mailings, and overall communication activity.

Mr. Spicer reported that the FY2024 Office budget included requests for additional funding for critical services. Historically, the Office of Elections has been underfunded with substantial adjustments submitted each year during the third quarter of the fiscal year to continue to provide essential services. Mr. Spicer worked with staff in the Department of Management and Budget (DMB) during the past year to correct the annual budget. Mr. Shapiro commented that a renewed emphasis on the budget makes sense given the dramatic change in election law over the past several years that have placed an increased workload with additional inefficiencies on offices of election. He added that it is appropriate for Mr. Spicer to seek funding for state-issued mandates.

There was no Chairman's, Vice Chairman's, or Secretary's report.

There was no New Business.

Under Public Comments, Ms. Hanley reminded the public that comments are limited to three minutes. The Board may provide the information; however, an answer may be deferred if more research is required.

Mr. Brandon expressed some concern regarding the move of Difficult Run precinct to the U.U. Congregation of Fairfax. He observed that the entrance to the church building is rather narrow. Additionally, it will be a Sully District precinct voting in a Providence District polling place. Ms. Hanley explained that the current polling place for Difficult Run precinct could no longer support voting. In this area of Fairfax County, very few facilities are available that meet

the legal requirements for polling places. Co-located precincts from different magisterial districts generally work well especially when the facility can provide two independent voting rooms to help ensure that voters receive the correct ballot.

Ms. Morrison inquired if the Office was asked for the fiscal impact of HB1947, a bill that would eliminate the permanent voter absentee list, or HB1948, a bill that removes the witness requirement on the absentee ballot envelope and replaces it with the last four digits of the social security number or full date of birth. Mr. Shapiro commented that the Board has not been asked for a position on any legislation. Mr. Henzel remarked that he appreciates that the Office takes no position on these are the types of bills.

Ms. Bayer asked why Oak Marr precinct was being renamed to Oaktree Crossing. Ms. Hanley answered that the voters of Oak Marr precinct used to vote at Oak Marr Rec Center. To provide a larger and more accessible voting room, in March of 2021, the polling place for Oak Marr precinct was moved to Oakton Library. After redistricting, the newly created Island Pond precinct's polling place was established at Oak Marr Rec Center. The Island Pond election team reported that Oak Marr voters were still showing up to vote at Oak Marr Rec Center, so to mitigate confusion, the precinct name "Oak Marr" was retired.

Mr. Spitz asked Mr. Spicer about the plan for additional training for chief and assistant chief election officers on how to handle same-day registrations (SDR) and provisional ballots. Mr. Spicer explained that in future elections, an election officer will be assigned as an SDR specialist. This officer will have completed additional training in voter registration and provisional ballots. Mr. Udeshi added that a focus group was held with election officers who served in the January special election. The group reported that being able to draw on their experience from the November election, they felt more confident handling SDRs in this election. Mr. Udeshi commented that to reduce errors, ELECT is considering a provisional envelope that also includes voter registration information. Additionally, the reason codes for casting a provisional should be updated to reflect current law, e.g., 'no ID provisional' reason code no longer applicable since an affirmation of identity statement can be submitted. Ms. Hanley remarked that the SDR process will improve as election officers gain more experience. Mr. Henzel observed that the challenge election teams face is a result of adding new, complicated requirements to the voting process, and he agreed that training an SDR specialist will provide critical support.

Ms. Hanley moved that the Fairfax County Electoral Board go into Closed Session, pursuant to Virginia Code Section 2.2-3711(A)(8) for the purpose of conducting consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. The subject matter to be discussed and considered is the application of specific guidance from Virginia state administrative bodies, as applied to Virginia and federal elections laws, concerning certain Electoral Board and General Registrar procedures in administering elections. She also moved that the Board go into Closed Session to discuss specific personnel matters, as permitted by Va. Code § 2.2-3711(A)(1). Without objection, and by a vote of 3-0, the Board entered a Closed Session at 4:33 p.m.

At 6:20 p.m. the Board concluded the Closed Session. Chairman Hanley read the following statement:

“In accordance with *Virginia Code* § 2.2-3712(D), I am asking the Secretary of the Electoral Board to conduct a roll call vote to certify that to the best of each member’s knowledge that (i) only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were conducted in the closed meeting and (ii) only such public business as was identified in the motion for the closed meeting, by which the closed meeting was convened, was heard, discussed or considered in the closed meeting of the Electoral Board. That roll call vote shall be recorded and included in the minutes of the Electoral Board.”

Secretary Henzel then called the roll for the vote on the above statement:

Voting Yes:	Chairman Hanley
	Vice Chairman Shapiro
	Secretary Henzel

There being no further business, Mr. Henzel moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 6:22 p.m.

Attachments

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Hon. Katherine K. Hanley, Chairman

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Jeffrey K. Shapiro, Vice Chairman

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Amb. (ret.) Christopher P. Henzel, Secretary