

MINUTES
Fairfax County Electoral Board
September 5, 2019

The Fairfax County Electoral Board (Board) met on Thursday, September 5, 2019, in Conference Room 315/319 at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax. Chairman Stephen M. Hunt; Vice Chairman Bettina M. Lawton; Secretary Katherine K. Hanley; General Registrar Gary Scott; Election Manager Eric L. Spicer; Election Officer Manager Ravi Udeshi; Assistant Registrars Patricia Ferguson and Holland Markwalter; Inventory and Supply Manager Kay Garrison; and Clerk to the Board Beth Dixon Methfessel were in attendance. Keith Damon representing the Fairfax County Republican Committee (FCRC); Kristin Cabral representing the Fairfax County Democratic Committee (FCDC); Therese Martin, Ronna Pazdral, and Rachael Hamlet representing the League of Women Voters (LWV); and Monique Anthis-Hunt and Jean Thoensen, Fairfax County residents, also attended the meeting.

Mr. Hunt called the meeting to order at 5:27 p.m. and introduced the Board. Ms. Hanley moved to approve the agenda, without the Closed Session. By a vote of 3-0, the September 5, 2019, meeting agenda as amended, was adopted.

Mr. Hunt called for a motion to appoint 258 election officers (EOs) (151 Democrats, 43 Independents, and 64 Republicans) for a term ending February 28, 2021. The motion passed by a vote of 3:0, and 258 EOs (151 Democrats, 43 Independents, and 64 Republicans) for a term ending February 28, 2021. Ms. Hanley commented that the number of Republican EOs is running below the number needed to provide partisan balance for the November election. Mr. Hunt inquired about follow-up, and Mr. Spicer responded that staff has made up to five attempts to contact Republican EOs who have not yet provided their availability for the November election. Mr. Damon said that he spoke with Mr. Udeshi regarding how PollChief might be enhanced to provide more useful information on EO status, including training and availability.

Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meeting held on August 27, 2019. A question was raised by FCRC regarding when the 2019 absentee voting calendar was publicized, and the Board responded that the schedule was approved a number of months ago in order to allow time to reserve the satellite locations. By a vote of 3-0, the August 27, 2019, Minutes were adopted.

Under the General Registrar's report (attached and made a part of this record), Mr. Scott explained that the total number of active registered voters dropped after processing the results from the confirmation mailings sent by the Department of Elections (ELECT) over the summer. Approximately 32,000 voters were moved to inactive status, and another 5,000 were dropped from the rolls because they moved out of Virginia.

High school voter registration is underway to ensure that eligible students will be registered for the March Presidential Primary Election. All election materials have been

translated into Spanish, Vietnamese, and Korean. Friday, September 6, 2019, 4:30 p.m. is the deadline for Republicans to provide a candidate for the Mount Vernon District Supervisor's race. The ballot artwork will be provided to ELECT for approval which should allow adequate time to print the ballots for the first mail-out on September 20, 2019. After September 6, no additional changes will be reflected on the ballot with the exception of the Providence District Supervisor's race.

Because the first design for the voting equipment cart by ES&S proved heavy, unwieldy, and unsafe, the process to acquire a new voting equipment cart is ongoing. Other vendors will be considered.

Ms. Hanley commented that the Logic and Accuracy testing schedule for the November election is available (attached and made a part of this record).

Mr. Hunt asked Ms. Methfessel if there is a process for transitioning student election pages to election officers. She responded that while there is no specific follow-up, several former pages have become EOs. Some have also been hired as interns and seasonal employees as well.

Under the Chairman's report, Mr. Hunt attended Loudoun County's Risk Limiting Audit (RLA) Pilot on August 26, 2019. The audit covered a small primary election held in Loudoun. Mr. Hunt explained that a sample of the ballots were chosen randomly and then audited to determine if that sample agreed with the results of the election. Mr. Hunt spoke with the team conducting the audit and concluded that they were focused more on the race and not the locality. If this is the scope of an RLA, then races encompassing more than one locality would require all of those localities, with their different voting systems and processes, to participate in the audit. With no definite plan for choosing the localities for an RLA, and the current focus of the RLA being the races involved, Mr. Hunt's concern is that Fairfax County could be drawn into RLAs every year because of its proximity to counties with which it shares multiple districts. Virginia Code 24.2-671.1(A), while it uses the term 'risk limiting audit', describes the audit's purpose as the "study [of] the accuracy of ballot scanner machines." Mr. Hunt would like clarification from the Department of Elections on this matter.

Mr. Hunt also asked Mr. Scott to investigate Splunk®, a cyber security software designed to monitor and identify anomalies in data.

There was no Vice Chairman's report.

Under the Secretary's report, Ms. Hanley asked if the Board would consider getting a microphone for their meetings. She explained that a number of visitors have told her that they could not hear all of the proceedings.

Under New Business, Mr. Spicer provided the Board the resource allocation for the November 5, 2019, General and Special Election (attached and made a part of this record). The projected ballot order will be at least 50% in every precinct. Some precincts will have 60%, and some will have 70% depending on past turn-out for this election and if there is a

contested magisterial race, as well as a contested Senate or House of Delegate race. In-person absentee turn-out will be closely monitored to determine if the ballot order should be increased. Assigned EOs will range from seven to eleven. Five additional privacy booths will be provided to every precinct.

The seven Providence precinct ballots and satellite ballots will be ordered after Friday, October 11, when the filing window for the Providence District Supervisor closes, the new ballot artwork is created, and approval is received from ELECT. This is expected to be sometime on Saturday, October 12. The absentee ballots will be delivered by Wednesday, October 16, and the precinct ballots on Thursday, October 17.

Mr. Hunt asked how confirmations are sent to election officers after they verify their availability. Mr. Udeshi explained that when an election officer confirms through PollChief, they receive an automatic confirmation email from PollChief. If they email the office directly or phone in their availability, they are confirmed by a direct email or by phone contact. Once assignments are sent out, the preferred and most efficient method for accepting it is through PollChief, however, staff can process acceptances as well.

After October 18, 2019, in order to competently staff the precincts, EO assignments will be made without regard to party affiliation. Ms. Hanley pointed out the alarming drop-out rate of assigned EOs in the week prior to the 2018 November election, as well as the 2019 Primary Election. This trend appears to be growing and poses a burden and a challenge due to the depletion of all back-up EOs. Virginia Code also limits the assignment of independent EOs per precinct to 1/3 of the total number of EOs assigned for that precinct.

Ms. Thoensen mentioned an open source software used with success by Los Angeles County that incorporated census data, their voter registration data, and their local EO management system to develop a model to identify reliable potential EOs. The Board expressed an interest in getting more information about this program and to determine if it could be adapted for Fairfax County.

LWV asked Mr. Spicer if half-day shifts would be available for the November election. Mr. Spicer responded that half-day shifts are not included in the resource allocation at this time due to the complications that arise when one of the half-day individuals does not show up. Additionally, those serving in half-day shifts are more likely to be no-shows. Mr. Scott did clarify that to achieve party balance, a Republican EO serving a half day would have priority over a full-day Democratic EO. Going forward, consideration may be made for a split shift on a case-by-case basis.

FCDC asked for a summation of how the absentee Providence District ballots cast between September 20, 2019, and October 11, 2019, would be handled. Mr. Scott answered that those who vote any of the seven Providence District ballot styles prior to the availability of the updated full ballot, if there is one, will receive in the mail or by email a replacement (partial) ballot for the Providence District Supervisor race only. No partial Providence District Supervisor ballot will be available in the precincts on Election Day. A flow chart of how to handle the Providence District ballots will be created for training staff and the Chief EOs

serving in the precincts in the Providence District. No Providence District absentee ballots will be scanned prior to Election Day; they will be counted in the Central Absentee Precinct on Election Day.

Ms. Hanley moved that according to established policy, the Board authorize twenty-seven (27) assistant registrars to serve in the satellite locations for a term commencing September 18, 2019, and expiring on November 5, 2019. The motion passed by a vote of 3-0.

There was no Old Business.

Under Public Comments, FCDC asked about the protocols regarding guns in polling locations. Mr. Hunt explained that Virginia is an open-carry, as well as a concealed carry with a permit state, and guns may be carried as such in public buildings. Guns are not permitted in schools or in the courthouse. Guns are not permitted on posted private property. FCDC asked if the EOs serving in schools would post a “No Guns” sign. Mr. Hunt responded that EOs do not post this type of sign because the law is clear that weapons are not permitted on any school property. FCDC submitted for consideration the Attorney General’s opinion regarding the assembly of armed private militias on public property as violating §18.2-174 of the Code of Virginia (attached and made a part of this record).

There being no further business, Ms. Lawton moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 6:42 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary