

MINUTES  
Fairfax County Electoral Board  
October 31, 2019

The Fairfax County Electoral Board (Board) met on Thursday, October 31, 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 Registrar Cheryl Jones; Voting Equipment Manager Alexander Russell; Public Information Officer Brian Worthy; Clerk to the Board Beth Dixon Methfessel were in attendance. Keith Damon representing the Fairfax County Republican Committee (FCRC); Stephen Spitz representing the Fairfax County Democratic Committee (FCDC); Therese Martin and Deb Wake representing the League of Women Voters (LWV); Judy Flaig, member of FCRC; and Jean Thoensen, Fairfax County resident, also attended the meeting.

Mr. Hunt called the meeting to order at 5:06 p.m. and introduced the Board. Ms. Hanley moved to approve the agenda, and by a vote of 3-0, the October 31, 2019, meeting agenda, was adopted.

Mr. Hunt called for a motion to appoint 217 election officers (EOs) (119 Democrats, 45 Independents, and 53 Republicans) for a term ending February 28, 2021. The motion passed by a vote of 3:0, and 217 EOs (119 Democrats, 45 Independents, and 53 Republicans) were appointed for a term ending February 28, 2021.

Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meeting held on September 5, 2019. By a vote of 3-0, the September 5, 2019, Minutes were adopted.

Under the General Registrar's report (attached and made a part of this record), Mr. Scott informed the Board that all voter registration changes, absentee ballot requests, and pre-processing have been processed. The voter registration period ended without any VERIS system issues and no back-up of applications.

There were challenges with registration applications submitted through third party groups working on campus at George Mason University (GMU). Of the 1360 applications received, more than half were registrations for other localities. Approximately 500 applications were processed, but the remaining applications were incomplete, missing various information such as social security numbers, signature, or birthdates. Some of the incomplete applications, however, did not include a residential address, as required by the instructions on the registration form. Instead a private mailbox number (PMB) or the address of the postal facility on campus was provided. Up until 2016, this PMB was acceptable, however, according to GMU's mailroom director, on-campus PMBs are now available to anyone, including individuals not associated with the school. Further guidance was solicited from the Department of Elections (ELECT). ELECT confirmed that based on Virginia Code and the Virginia Administrative Code, a PMB is not acceptable as a residential address and for clarification, a

street address or description of where the applicant lives should be submitted in order to complete the registration process. This guidance was followed, and the deadline to provide the missing information was extended to Saturday, November 2, 2019, at 5 p.m. The GMU Office of Special Projects and their mail room also reached out to the student community informing them of the need to provide the additional information. A third-party group, however, objected to the failure to accept the non-residential address as proof of residence, and filed a lawsuit in U.S. District Court for the Eastern District of Virginia.

LWV related their participation in a 2009 task force established to address the complications of student voter registration on college campuses, the conclusion of which was the requirement to provide a *residence address* (emphasis added) on the registration application. LWV expressed confidence that the Office of Elections would make every effort to ensure that students at GMU are able to register to vote.

FCDC asked the Board what type of notice and when this notice was given to the GMU students that more than their street mailing address must be provided on the voter registration application. Mr. Scott responded that the voter registration application specifically asks for a residence address with the explanation “(May not be a P.O. Box).” Mr. Scott explained that providing a dormitory name is acceptable for a residence address. FCDC suggested that stating this on the registration form might be helpful. Ms. Hanley commented that because ELECT controls the design of the registration form, and this issue involves any locality with a university or college, a meeting with ELECT to discuss additional instructions on the form would be beneficial.

Absentee mail-in ballots as well as in-person absentee voting is running at a rate almost four times that of the last comparable election in 2015. On Saturday, October 26, at the Mason satellite, the supervisor did not maintain an accurate ballot count which resulted in running out of ballot style #10. The supervisor was replaced by the assistant supervisor.

Several ballot printing errors were made by the ballot printing vendor. The front of one of the ballot styles did not conform to the back, i.e. Hunter Mill on one side and Mount Vernon on the other. This issue was discovered during absentee mailing, and the problem was limited to a small batch of less than 100 ballots. Attempts to identify and contact voters mailed the mismatched ballot were made to determine if these voters received the incorrect ballot, and to offer a replacement ballot. As of October 29, six ballots were reissued.

After this error was detected, all ballot packets were inspected. The examination uncovered the same issue on two additional ballot styles, but none of these ballots had been used for absentee voting. All three ballot styles were reprinted, at no cost, before packing the materials for the precincts. Packets of four ballot styles were discovered with two different ballots bundled together. This problem was restricted to a small number of packets.

FCRC reported that at the McLean satellite yesterday, a ballot was found to have a mismatched front and back. Ms. Hanley commented that this was not reported and asked if it may have been a ballot that was rejected because it was cast in the wrong scanner. FCRC will follow-up on the particulars of situation. FCDC asked if the ballots will be checked front and

back before being offered to a voter. Mr. Scott responded that each ballot will be inspected, and Ms. Lawton confirmed that when she voted absentee in-person earlier that day, her ballot was examined front and back before it was issued to her. In all of the Chief's briefings, Mr. Spicer reaffirmed that all ballots would be checked before offering them to voters.

Judy Flaig asked the Board if the misprinted ballots returned marked would be hand-counted. The Board responded that these ballots must be hand-counted. She asked if the candidates and/or the party chairmen were notified of the misprint. FCRC stated that the Chairman of the FCRC had not informed him of this issue. The Board will notify the party chairmen if needed.

Since the resource allocation was approved on September 5, 2019, certain ballot styles have been re-ordered. Anticipating historic turn-out, each precinct will have ballots for between 60% and 80% of the total number of registered voters.

A total of 2,269.5 election officers (full-time equivalents), including approximately 60 backup officers have been assigned, including 486 chief and assistant chief officers. One hundred sixty-five language officers will be serving in various precincts on Election Day.

The work of Inventory and Supply Manager Kay Garrison and her team deserve special acknowledgement for accurately and efficiently preparing and packing the kits and election materials needed in the polling locations. Voting Equipment Manager Alexander Russell and his team also performed exceptionally well, considering the complications from the Providence ballot issue. All of the machine carts were prepared and delivered on schedule thanks to their diligent work.

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

Under the Secretary's report, Ms. Hanley asked the Board to approve the move of the polling location for 314 McLean precinct from the Lewinsville Presbyterian Church back to the newly renovated Lewinsville Senior Center. The Board unanimously approved this change.

Staff has received numerous complaints from non-county facilities when campaign signs are posted too early or are not removed on Election Day. She appealed to the political parties to inform their candidates to timely manage the set-up and take-down of their political signage. Failure to do so puts the county at risk of losing these non-county facilities and having no adequate or accessible location to replace them. Ms. Hanley also clarified that election workers are not responsible for restoring signage at the satellites that the wind blows down. If signs are removed or disappear, Fairfax County Department of Planning and Zoning (DPZ) or Fairfax County police should be contacted.

Ms. Hanley reported that the Board needs to choose a new Electoral Board representative to replace Susan Leader. Suggestions for replacements will be discussed at the canvass beginning on November 6, 2019.

Under New Business, the Office of Equity Programs and the Barbara Varon Award Committee appointed by the Board of Supervisors requested that the Office of Elections take over the management of the Barbara Varon award. This award is given annually to a Fairfax County resident whose dedication to improving the community through volunteer service honors the memory of Barbara Varon, former Chairman of the Fairfax County Electoral Board. Ms. Hanley moved that the Office of Elections take over the supervision of the Barbara Varon Award Committee. Ms. Lawton suggested that if the award solely reflected community service to improve elections, then it would make sense for the Office of Elections to manage the committee. Ms. Hanley accepted this proposal as a friendly amendment. This motion failed for lack of a second. After discussing the logistics about the administration of the award, Ms. Lawton moved that Mr. Scott obtain more information before accepting responsibility for managing this process. The motion passed by a vote of 2-0 with Ms. Hanley abstaining.

Under Old Business, as requested at the September 5, 2019, Electoral Board meeting, a flow chart of guidelines and information on how to handle the Providence District ballots was created for training staff and the Chief EOs serving in the precincts in the Providence District was distributed (attached and made a part of this record).

As requested at the September 5, 2019, Electoral Board meeting, a proposal to install a microphone in Conference Room 319 was solicited.

Under Public Comments, FCDC asked where the Central Absentee Precinct (CAP) would be located and how it would be organized. Mr. Scott answered that because the results will not be reported by congressional district, CAP will be in conference rooms 9 and 10 with eleven teams. The Providence district races will be hand-counted separately in conference rooms 4 and 5 beginning at 3:00 p.m. on Election Day, as permitted by Va. Code § 24.2-712.

Mr. Hunt moved that the Board enter into a closed session to discuss specific personnel matters, as permitted by Va. Code § 2.2-3711(A)(1); and consultation with legal counsel and briefings by staff members pertaining to probable litigation, pursuant to Virginia Code § 2.2-3711(A)(7). Without objection, and by a vote of 3-0, the Board entered into Closed Session at 6:40 p.m.

At 8:12 p.m. the Board concluded the Closed Session. Chairman Hunt 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 Hanley then called the roll for the vote on the above statement:

Voting Yes:            Chairman Hunt  
                              Vice Chairman Lawton  
                              Secretary Hanley

There being no further business, Ms. Lawton moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 8:13 p.m.

Attachments

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Stephen M. Hunt, Chairman

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Bettina M. Lawton, Vice Chairman

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Katherine K. Hanley, Secretary

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