

MINUTES
Fairfax County Electoral Board
May 20, 2020

The Fairfax County Electoral Board (Board) met on Wednesday, May 20, 2020, in Conference Room 2/3 at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax, to receive the election materials necessary to canvass the returns and ascertain the results of the May 19, 2020, Town Elections in Clifton and Vienna. Chairman Stephen M. Hunt; Secretary Katherine K. Hanley; General Registrar Gary Scott; Election Manager Eric L. Spicer; Election Officer Manager Ravi Udeshi; Voting Systems Manager Alexander Russell; Supply Manager Kay Garrison; Deb Wake representing the League of Women Voters (LWV); and Clerk to the Board Beth Dixon Methfessel were present. The following participants attended remotely by telephone: Vice Chairman Bettina M. Lawton; Deputy Registrar Viki Kinsman; Jack Kiraly, Executive Director of FCDC; Kristin Cabral and Stephen Spitz, members of FCDC; Maggi Luca, member of LWV; and Jean Thoensen, Fairfax County resident.

Mr. Hunt called the meeting to order at 9:00 a.m. and introduced himself and Secretary Hanley. He welcomed and thanked the canvass workers for their service. Ms. Hanley moved to approve the agenda, and by a vote of 2-0, the May 20, 2020, meeting agenda, was adopted. Mr. Hunt pointed out that the agenda indicates that the Electoral Board will not begin the operational portion of the meeting until 9:30 a.m. At approximately 7:45 a.m. the Board unsealed Conference Room 315 containing the election materials. The provisional ballots were given to the General Registrar for research purposes.

Mr. Hunt made the following motion:

In accordance with Section 2.2-3708.2(A)(2) of the Virginia Code and Section 5(a) of the Electoral Board's Policy to Permit Participation in Board Meetings by a Member from a Remote Location, Board Member Bettina Lawton has informed me she is unable to physically attend this meeting due to a temporary medical condition, and that she intends to attend the meeting remotely. I move that Board Member Bettina Lawton be permitted to remotely attend this meeting due to a temporary medical condition, and that the Board confirm she has satisfied the requirements of Virginia law and Section 5(a) of the Electoral Board's Policy.

Ms. Hanley seconded, and the motion passed by a vote of 2-0. Mr. Hunt stated that the minutes shall record that the motion passed, and that Ms. Lawton is unable to physically attend this meeting due to a temporary medical condition; that Ms. Lawton is permitted to attend the meeting remotely pursuant to Section 2.2-3708.2(A)(2) of the Virginia Code and Section 5(a) of this Electoral Board's Policy to Permit Participation in Board Meetings by a Member from a Remote Location; and that Ms. Lawton will be attending remotely from her residence.

Ms. Hanley asked if Ms. Lawton could hear both the participants in the room and on the phone. Ms. Lawton confirmed that she could hear both Mr. Hunt and Ms. Hanley, as well as the

other participants on the phone and in the room. Ms. Hanley confirmed that the Board, as well as the other participants in the meeting, both in person and via telephone, can both hear and speak to Vice Chairman Lawton.

Mr. Spicer reviewed the County's emergency evacuation plan for the Canvass. Face masks and gloves should be worn by the Canvass workers. Any issues or problems regarding the Canvass are to be brought to the Board's attention.

The Electoral Board convened the provisional part of the canvass as required by Va. Code § 24.2-653 to allow voters casting provisional ballots in the May 19, 2020, Town Elections in Clifton and Vienna to present any information that might prove they are qualified, registered voters in the precinct where they cast their provisional ballot. There were no provisional voters and no authorized representatives present. Mr. Hunt recessed the provisional meeting subject to the call of the chair.

County Executive Bryan Hill visited the Canvass and briefly discussed the availability of personal protective equipment (PPE), specifically face coverings. Ms. Hanley asked the representatives of the political committees present to inquire if any of their members who are making cloth face coverings to consider donating a portion to protect election workers.

Under the Operational Items, Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meeting held on April 23, 2020. By a vote of 3-0, the April 23, 2020, Minutes were adopted.

Mr. Hunt called for a motion to appoint 408 election officers (EOs) (106 Democrats, 209 Independents, and 93 Republicans) for a term ending February 29, 2021. Ms. Hanley so moved, and the motion passed by a vote of 3:0. Ms. Hanley pointed out that Va. Code § 24.2-115 allows the use on non-affiliated chief and assistant chief election officers if the political parties are notified no later than 10 days prior to the election. Based on election officer availability and the current rate of cancellations, the Board directed the General Registrar to send this notice.

As discussed at the April 23, 2020, Electoral Board meeting, Ms. Hanley reported that the following precincts will relocate their polling place for the June Primary Elections only as provided by Virginia Code § 24.2-310(D). The sites chosen as the temporary polling place for these precincts will be school facilities. She moved approval of the following changes:

- *225 Hughes – from Hughes Middle School to South Lakes High School (with 224 South Lakes precinct)
- 302 Chesterbrook – from the Community Room at Vinson Hall to Chesterbrook Elementary School (with 305 El Nido precinct)
- 514 Crossroads – from Goodwin House Bailey's Crossroads to Glen Forest Elementary School (with 505 Glen Forest precinct)
- 609 Marlan – from Paul Spring Retirement Community to Hollin Meadows Elementary School (with 608 Kirkside precinct)
- 803 Clifton – from Clifton Presbyterian Church to Liberty Middle School (not currently a polling location)

*225 Hughes is being relocated due to an accelerated renovation schedule.

Ms. Lawton asked how voters would be informed of these changes and what actions would be taken on June 23 to instruct relocated voters. Ms. Hanley responded that a notice would be mailed to all affected voters. An additional election officer will be assigned to assist voters at facilities with newly, co-located polling places. Signage will be posted at the closed facility directing voters to their new, temporary polling location. The motion passed by a vote of 3:0. The Board of Supervisors will be notified of these emergency polling place relocations.

Ms. Hanley moved approval of the Resource Allocation for the June 23, 2020, Primary Elections (attached and made a part of this record). During discussion, Ms. Hanley pointed out that voters applied for absentee ballots in record numbers for the 2020 Town Elections. Many of these voters, however, came to their polling location yesterday. Some turned in their absentee ballot and voted on the machines in the polling place, but those who did not surrender their absentee ballot were issued a provisional ballot, resulting in the issuance of over thirty provisional ballots. Mr. Scott highlighted that absentee ballots accounted for 70% of the total ballots cast in the Town Elections.

More than 12,000 absentee ballots have already been mailed out for the June Primaries with the vast majority being the 11th Congressional District (CD) ballot; therefore, additional provisional ballot envelopes will be allocated to the precincts in the 11th CD. The Board concurred with the recommendation that an additional EO be assigned to the precincts in the 11th CD which is conducting a dual primary. The Board supported adding an additional EO to those facilities with newly, co-located polling places to minimize voter confusion. Mr. Spicer noted that the additional EO will also help with social distancing and sanitizing. Mr. Hunt questioned the provisioning of only one scanner per precinct and asked what would happen if it failed. Mr. Russell answered that the rovers will be carrying extra equipment and expressed confidence in the sufficiency of the machine allocation numbers. Mr. Scott pointed out that even with Logic and Accuracy (L&A) testing starting several weeks earlier, the Logistics Center curtailed its hours of operation due to the Covid health crisis. This factor, coupled with social distancing requirements and a 10-person limit at the Logistics Center, impeded the ability of staff to L&A test enough voting machines to allocate more than one machine per precinct. Ms. Lawton observed that if similar circumstances challenge the L&A process for the November election, L&A will need to start even earlier considering that more than one scanner must be allocated to most precincts. The motion passed by a vote of 3-0.

No in-person EO training will be offered. The on-line training platform has been launched and the feedback is overwhelmingly positive. To pass the course, each new EO must score at least 80% on the final test. On June 15, the online chief and assistant chief briefings will begin. Mr. Scott asked the Board for guidance on “being in line” at 7:00 p.m. for curbside voters. The suggestion was made that a curbside voter needs to call the number on the curbside sign before 7:00 p.m. to inform the chief or the assistant chief EO. Ms. Lawton pointed out that if there is a line of cars waiting to vote curbside, it may be difficult to read the number on the curbside sign if the voter is too far away. Mr. Spicer suggested that the EO who walks outside to announce that the polls will close at 7:00 p.m., remain outside to make sure that all curbside voters in line at 7:00 p.m. are able to vote.

Under the General Registrar's report dated May 16, 2020, (attached and made a part of this record), Mr. Scott informed the Board of a net gain of 45 voters since the last Board meeting. He explained that the drop-off is attributable to voter registration closing for the Town Elections prior to the last Board meeting on April 23, 2020. Also, because the Division of Motor Vehicles (DMV) Customer Service Centers closed in mid-March, voter registration application submissions have dropped off by 75%. The assumption is that people are being instructed to "register" at the DMV when in fact, DMV only forwards applications to the local registrar. This misconception will need to be addressed by the Department of Elections (ELECT) and the DMV. Ms. Hanley added that registration will only be open for a week before it closes again for the June Primaries. Voter registration numbers will probably not begin to go up until registration opens after the June Primaries.

All outreach activities continue to be suspended. A focus has been placed on improving non-English services on the Office of Election's website.

Looking forward to the November election, Mr. Scott explained that plans are tentative considering the ongoing health crisis. Preparations assumed that November would be a "normal" election, i.e., polling places, satellite locations, and by-mail voting. With no-excuse absentee voting going into effect on July 1, plans included a considerable, but manageable, increase in by-mail voting. With the possibility of a second wave of novel corona, in-person voting may dramatically tail off with a massive increase in by-mail voting. If 50% of the turnout votes absentee and of that number, 70% vote by-mail, this becomes extremely problematic, requiring a drastic shift in resources and staffing. Given these concerns, County administration has been proactive and has provided additional office and working space as well as approved the hiring of 70-100 additional part-time staff to support absentee ballot processing. Joe Mondoro, the County's Chief Financial Officer, was recognized and thanked for his efforts to secure this critical need for additional space for the Office of Elections. A request for more computers has been submitted to the Department of Information Technology (DIT). Staff has contacted ES&S, the voting machine vendor, to attempt to secure additional high-speed ballot scanning machines. This shift in the focus of the November election has already entailed a significant increase of staff resources and a substantial escalation in costs. Mr. Scott concluded that the option of an all-mail election is still an ongoing consideration of the General Assembly, however, the greatest concern is that it will be mandated with little or no time left to properly conduct it. Mr. Hunt stressed the need for undeniable security for the ballots. Mr. Scott responded that a ballot manager will be designated to ensure that at no point will ballots be left unsecured and unsupervised. He added that starting with the June Primaries, once mailed-in absentee ballots are preprocessed, they are boxed and transported to the Fairfax County Courthouse for custody and retention.

Mr. Scott also reported that the County is centralizing and prioritizing the distribution of PPE, however, the Office of Elections has been given one of the highest priorities. Nevertheless, there remains some concern that insufficient levels of some necessary items may be a problem for the June Primaries.

Ms. Lawton asked why the preliminary number of absentee voters by-mail in November is 50% when 70% of the turnout for the Town Elections voted absentee by-mail. FCDC echoed these concerns. Mr. Scott responded that 50% is a starting point, and the number of absentee voters by-mail for the June primaries will continue to inform pre-planning for the November election.

There were no Chairman's or Vice Chairman's Reports.

Under the Secretary's Report, Ms. Hanley reminded the Board that there will be no satellites for the June Primaries, and in-person absentee voting will only be offered on one Saturday, June 20, at the Government Center.

Ms. Hanley made a motion to approve the following fourteen (14) satellite voter offices to be submitted to the Board of Supervisors on June 9 2020, for approval and to authorize a Public Hearing on July 14, 2020 (map attached and made a part of this record):

- Centreville Regional Library
- Franconia Governmental Center
- Great Falls Library
- Herndon Fortnightly Library
- Laurel Hill Golf Club
- Mason Governmental Center
- McLean Governmental Center
- Mount Vernon Governmental Center
- North County Governmental Center
- Providence Community Center
- Sully Governmental Center
- Thomas Jefferson Library
- Tysons-Pimmit Regional Library
- West Springfield Governmental Center

The motion passed by a vote of 3-0.

There was no Old or New Business.

Under Public Comments, FCDC asked if drop boxes for absentee ballots would be provided at the newly established voter satellite offices. Mr. Scott answered that additional approval would be required for this to be implemented but this possibility is being explored. Jean Thoensen asked if plexiglass partitions would be considered as a way to protect election officers in the polling places. Mr. Hunt responded that the number required for 243 polling locations would be cost prohibitive. Ms. Hanley added that placing two tables together for voter check-in for the Vienna Town Elections afforded appropriate social distance. Mr. Udeshi, who served as an EO in Vienna, concurred with Ms. Hanley.

Mr. Hunt moved that the Board enter into a Closed Session for the purpose of considering whether each person who submitted a provisional vote at the election was qualified to do so. Other than appropriate staff and legal counsel of the Electoral Board, attendance at this meeting shall

be permitted for the persons whose provisional votes are being considered with their legal counsel, if present, as well as one authorized representative of each political party or independent candidate, as specified in §24.2-653(B). The motion passed by a vote of 3-0, and the Board moved into Closed Session at 11:28 a.m.

At 11:34 a.m. the Board concluded the Closed Session. Mr. Hunt moved that the Fairfax County Electoral Board certify that in the Closed Session just concluded, the only matters discussed were the qualifications of provisional voters, as permitted by Virginia Code § 24.2-653(B), and as identified in the motion to close the meeting pursuant to the Virginia Freedom of Information Act. The motion passed by a vote of 3-0.

Mr. Hunt moved that 27 out of the 34 Provisional Ballots entered as recommended on the Master Provisional Ballot Log be **qualified** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the May 19, 2020, Town Elections in Clifton and Vienna. The motion passed by a vote of 3-0.

Mr. Hunt moved that 7 out of the 34 Provisional Ballots entered as rejected on the Master Provisional Ballot Log be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass of the May 19, 2020, Town Elections in Clifton and Vienna. The motion passed by a vote of 3-0.

The Board then opened and scanned the qualified provisional ballots. The Board completed the Statement of Results and signed the Abstracts for the May 19, 2020, Town Elections in Clifton and Vienna. All paperwork was submitted to the Department of Elections on Wednesday, May 20, 2020.

There being no further business, Ms. Hanley moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 2:43 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

