

MINUTES
Fairfax County Electoral Board
October 7, 2020

The Fairfax County Electoral Board (Board) met on Wednesday, October 7, 2020, in Executive Conference Room 232 at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax. Chairman Stephen M. Hunt; Vice Chairman Bettina Lawton; Secretary Katherine K. Hanley; General Registrar Gary Scott; Election Manager Eric L. Spicer; Election Officer Manager Ravi Udeshi; Assistant Registrar Pat Ferguson; Public Information Officer Brian Worthy; Supply Manager Kay Garrison; IT Manager George Panagakos; IT Specialists Wesley Fontaine and Logan Mongilutz; Central Absentee Precinct (CAP) staff Deborah Hasty; and Clerk to the Board Beth Dixon Methfessel were present. Judy Flaig, member of the Fairfax County Republican Committee (FCRC) also attended the meeting.

The following individuals participated through Zoom's videoconferencing service: Assistant Registrar Cheryl Jones; Bryan Graham, Chairman of the Fairfax County Democratic Committee (FCDC); Keith Damon representing the Fairfax County Republican Committee (FCRC); Alexandra Bratton and Irene Shine representing the Virginia Civic Engagement Table; Jack Kiraly, Executive Director of the FCDC; Kristin Cabral and Stephen Spitz, also representing the FCDC; Chris Ambrose, John Farrell, Donna Rostant, members of the FCDC; Richard Chew, Hunter Mill Democratic Chair; Beth Tudan, Executive Director of the League of Women Voters (LWV); Maggi Luca, Wayne Knight, and Deb Wake members of the LWV; Catharine Trauernicht, member of FCRC; and Jean Thoensen, Fairfax County resident.

Mr. Hunt called the meeting to order at 5:07 p.m. and introduced the Board. Ms. Hanley moved to approve the agenda, and by a vote of 3-0, the October 7, 2020, meeting agenda was adopted.

Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meetings held on September 15, 2020, and October 1, 2020. Ms. Hanley moved approval, and by a vote of 3-0, the September 15, 2020, and October 1, 2020, Minutes were adopted.

Ms. Hanley made a motion to appoint 1385 election officers (EOs) (731 Democrats, 469 Independents, and 185 Republicans) for a term ending February 29, 2021. The motion passed by a vote of 3-0.

Under the General Registrar's report dated October 7, 2020 (attached and made a part of this record), as of October 6, 220,000 ballots have been mailed. Of these, 15,000 have been returned via the drop-off boxes at the Government Center. Limitations due to COVID restrictions have impacted operations, as have the following two factors: 1) A significant number of voters who requested absentee ballots have shown up to vote in-person. It takes longer to process these voters, many of whom believed that they needed to "apply to vote early", and 2) There has been a heavy demand for curbside voting which also requires more time and effort. Initially, curbside voters had trouble reaching staff using the curbside assistance phone line. Procedures were reorganized to place staff outside to initiate contact, thus eliminating the call-in problem.

The Government Center will now be open for absentee voting on Saturday, October 10, from 9:00 a.m. until 5:00 p.m.

Preprocessing of ballots began on September 22 and over 32,000 returned ballots have been scanned. The first 30 drop-off boxes will be delivered Friday, October 9 for use in the voter satellite offices. Two drop-off boxes will be placed at each satellite instead of the one originally planned.

Mr. Hunt asked if coordinating curbside voting outside has lessened wait time. Mr. Scott responded that it still takes longer to check-in and process a curbside voter, however, a list is now created so curbside voters know their place in line. Ms. Hanley mentioned that this change allows for greater transparency.

LWV asked about the process to cure returned absentee ballots with missing information on the B envelope. Mr. Hunt answered that Office staff has been dedicated to contacting voters via phone or email to inform them of missing absentee ballot information. Mr. Scott added that the largest single issue is voters attempting to drop off just the ballot. Staff posted at the drop-off box now inform voters that the ballot must be sealed in the B envelope.

Under the Chairman's report, Mr. Hunt toured the pre-processing rooms and was impressed with the security which included multiple cross-checks to ensure that any duplicate ballots would not be processed. This information will be accurately reflected on the Poll Pads to preclude any voter from attempting to turn in a duplicate ballot and vote on the machines. He encouraged party leadership to take a tour and observe pre-processing to alleviate any questions or concerns. Mr. Hunt reported that he is responding to emails with questions regarding all aspects of the voting process. He expressed appreciation on the response time from the Office when he asks for information. He encouraged requests for information because it affords him the opportunity to review various situations and scenarios to ensure that the Office is reacting appropriately.

Under the Secretary's report, Ms. Hanley exhibited the sign that will be posted on the drop-off box (attached and made a part of this record). The sign provides instructions in English, Spanish, Vietnamese, and Korean. She reported that on October 1 a security planning meeting was held in the Fairfax County Board Auditorium. Over 40 people representing 15 county agencies attended to ensure cross-county coordination of security planning for the November election.

Ms. Hanley recognized the exceptional effort of Eric Spicer and Ravi Udeshi for conducting a successful Zoom Q&A for new election officers. On October 6, over 1000 people participated in this informative session where hundreds of questions were submitted and answered. A second session is planned for October 15.

Ms. Hanley pointed out that while the County has traditionally permitted party representatives to observe the pre-processing of absentee ballots, there is no statute that provides access to political observers for preprocessing under the Virginia Code. To allow admittance, Ms. Hanley moved that the number of observers from each political party be limited

to one person in each absentee pre-processing room. All observers must provide an authorization from one of the local political committees and wear a face covering at all times in the pre-processing rooms. During discussion, Ms. Rostant asked if a schedule for pre-processing has been publicized. Ms. Jones answered that absentee ballots are pre-processed in Conference Rooms 8 and 10, Fairfax County Government Center, Monday through Saturday from 8:30 a.m.-2:30 p.m. and from 3:00 p.m.-9:00 p.m. and on Sunday from 10:30 a.m.-4:30 p.m. These times may be adjusted depending on the number of returned absentee ballots. FCRC asked if two rooms will always be used, and Ms. Jones responded that two rooms will be utilized unless there is not enough available staff. The motion passed by a vote of 3-0.

Ms. Hanley also provided the description for the Non-Routine Specialists (attached and made a part of this record). She emphasized that the Non-Routine Specialist is not a manager and they do not supervise or direct Election Officers. They do not make any decisions concerning provisional voters, and they do not take the place of the Chief or Assistant Chief at any time or in any way. Mr. Farrell and FCRC will be forwarded a copy of this job description.

Ms. Hanley followed up on a change in guidance from the last meeting regarding who can return an absentee ballot to a drop-off box. ELECT has determined that a person may return another person's absentee ballot to a drop-off box (attached and made a part of this record). FCDC asked for clarification on how a voter with a disability will cast their absentee ballot in the drop-off box if they cannot or will not leave their vehicle. Mr. Scott responded that if the voter calls the curbside number posted outside, an election officer will come outside to retrieve the ballot to place in the drop-off box. Mr. Hunt explained that an absentee ballot can also be returned to the satellite/polling place and voided, allowing the voter to vote in a regular manner on the machines. LWV asked if there is a limit to the number of ballots that can be returned by a single individual. Ms. Hanley answered that in their guidance, ELECT did not specify a limit.

The Memorandum of Understanding for party use of PollChief will be updated and forwarded to each party's chairman for ratification.

There was no Vice Chairman's report.

There was no New Business.

Under Public Comments, FCRC complimented Ms. Jones on the procedures and personnel in place to carry out pre-processing.

Mr. Farrell suggested some edits to the job description of the Non-Routine Specialist to include "moved" and "inactive" along with provisional voters as individuals that should be assisted by the Chief Election Officer. Mr. Farrell stated that "for the second time in two years false complaints regarding campaign financial filings have been filed against Cesar de Aguila and other candidates for the Herndon Town Council." He alleged that a false name was used to make these complaints and the source may have been a Fairfax County officer of election. He asked what procedures are in place to prevent someone from filing a complaint under a false name and if the complaint did in fact originate from an election officer, would this matter be referred to the Commonwealth's Attorney. Mr. Scott responded that complaints are taken at

“face value” and no determination is made on whether the person’s name is factual. Mr. Hunt asked Mr. Farrell to forward his information for further possible action.

Mr. Graham asked for verification if any changes have been made to the prohibited area outside of the entrance to a polling place. Mr. Scott confirmed that the distance is still 40 feet.

Ms. Rostant asked if any additional guidance has been received on how election results would be reported. Mr. Hunt responded that results will be tallied until 11:00 p.m. on election night and that number will be reported. Counting and tabulation will then continue until the Friday after the election at noon when the final numbers will be posted.

FCDC asked for a copy of the guidance from ELECT regarding the number of ballots any individual can place in the drop-off box.

Ms. Thoensen asked for guidance on where to put the drop-off box in the polling places on Election Day. Ms. Hanley responded that every location will be a little bit different, but the drop-off boxes should be placed where people will not stand in line with regular voters to drop off absentee ballots. Mr. Spicer should be informed if any issue arises regarding drop-off box placement. Ms. Thoensen asked if the 6-ft social distancing should be enforced beyond the 40-ft prohibited area since this would only accommodate about 6 voters. Ms. Thoensen also asked if it would be possible to include the total number of absentee voters for each precinct on the absentee report sent in the Sheriff’s envelope. This information will give the election teams a better understanding of how many voters to expect on Election Day.

Ms. Trauernicht described an incident where someone witnessed a single individual emptying the secured drop-off box at the Government Center. This person did not place the ballots into a container. Mr. Scott responded that he was unaware of this situation. Mr. Hunt speculated that it could have been a representative from the tax department prior to access being restricted only to the Office of Elections. Currently, ballots are retrieved by two individuals from this location in the morning and after close of business. Ms. Trauernicht asked if the video surveillance is live-streamed. Mr. Scott explained that it is a closed-circuit camera and video is retained for 30 days. He is unsure if it is publicly available but will follow-up with security.

LWV asked if the drop-off boxes for the polling places will resemble the blue wooden drop-off box inside the lobby of the Government Center. Mr. Scott explained that the drop-off boxes for the precincts are made of corrugated plastic and hold twice the number of ballots. Mr. Scott also confirmed that absentee ballots can be dropped off at any drop-off box location on Election Day.

Ms. Luca asked if an absentee ballot would be rejected if the first and middle names were mixed up on the B envelope. Ms. Jones responded that this type of mistake would not disqualify the ballot.

Ms. Flaig asked how long the turnaround time for an absentee ballot is when the voter mails an application. She added that a voter mailed a request for an absentee ballot on

September 21 and still has not received a ballot. Ms. Hanley commented that it can take up to 11 days for local postal service. Mr. Scott asked for the name for follow-up.

Mr. Hunt moved that the Board enter into a Closed Session for the purpose of discussing specific personnel matters, as permitted by Va. Code § 2.2-3711(A)(1); and protocols for maintaining the security of ballots or voting and counting equipment, or risk assessments of specific local electoral procedures, where discussion of such matters in open meeting would compromise the security of any election, as permitted by Va. Code § 24.2-3711(A)(19). Without objection, and by a vote of 3-0, the Board entered into Closed Session at 6:22 p.m.

At 8:21 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

Ms. Hanley made a motion to designate Tom Bjerke as Machine Custodian replacing Alexander Russell. The motion passed by a vote of 3:0.

The next Electoral Board meeting will be held on Saturday, October 17 at 10:00 a.m.

There being no further business, Ms. Hanley moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 8:22 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

This page intentionally left blank.