

MINUTES
Fairfax County Electoral Board
January 16, 2020

The Fairfax County Electoral Board (Board) met on Thursday, January 16, 2020, 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; School Board At-Large Member, the Honorable Abrar Omeish; General Registrar Gary Scott; Deputy Registrar Viki Kinsman, Election Manager Eric L. Spicer; Election Officer Manager Ravi Udeshi; Assistant Registrar Cheryl Jones; Special Assistant Pat Ferguson; 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); Christopher Schäffer representing the Fairfax County Democratic Committee (FCDC); Maggi Luca, Therese Martin, and Rachael Hamlet representing the League of Women Voters (LWV); Heba Mohammad, Ryan Suto, Helen Samhan, Reem Alamari, and Sami Alamari representing the Arabic American Institute (AAI); and Fairfax County resident Jean Thoensen also attended the meeting.

Mr. Hunt called the meeting to order at 5:00 p.m., introduced the Board, and asked all attendees to introduce themselves. Ms. Hanley moved to approve the agenda, and by a vote of 3-0, the January 16, 2020, meeting agenda, was adopted.

Mr. Hunt called for a motion to appoint 306 election officers (EOs) (204 Democrats, 65 Independents, and 37 Republicans) for a term ending February 29, 2021. The motion passed by a vote of 3:0, and 306 EOs (204 Democrats, 65 Independents, and 37 Republicans) were appointed for a term ending February 29, 2021. Ms. Hanley explained that the Department of Elections (ELECT) published an advisory on December 12, 2019, Party-Affiliated Officers of Election and Required Notice (attached and made a part of this record). The advisory instructed the localities that the election officer application could no longer “allow an individual to ‘self-designate’ a party to represent.” Ms. Hanley explained that for several years, all Fairfax County election officer applicants receive approval from the applicant’s preferred political party *before* (emphasis added) receiving Board appointment and an election day assignment. The wording on Fairfax County’s application, however, will be modified to mirror the wording on the state’s application (attached and made a part of this record).

Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meeting held on November 6, 2019. By a vote of 3-0, the November 6, 2019, Minutes were adopted.

Under the General Registrar’s report dated January 13, 2020, (attached and made a part of this record), Mr. Scott reported that Fairfax County reached its highest number of total registered voters at 750,260.

Mr. Scott and Commissioner Chris Piper, ELECT received a letter from Judicial Watch alleging that Fairfax County was not in compliance with the National Voter Registration Act

(NVRA) because the County is not performing mandated list maintenance. As a result, Judicial Watch claims that the County has more voters registered than are eligible. Mr. Scott explained that the methodology Judicial Watch used did not include inactive voters. The County Attorney sent a reply to Judicial Watch (attached and made a part of this record). Mr. Hunt requested a copy of the response. FCRC and FCDC also requested a copy of the response.

The initial absentee ballot mailing for the March 3, 2020, Democratic Party Presidential Primary Election (March 3 Primary) went out on Wednesday, January 15, 2020, two days ahead of the deadline. Once this first mailing went out, the Office of Elections (Office) opened for in-person absentee voting.

Although there are several Democratic Presidential candidates who have ended their campaign, they will remain on the March 3 Primary ballot because an official withdrawal was not received by ELECT prior to the printing of the ballots. If no official withdrawal is received by ELECT prior to March 3, then no notice indicating a candidate's withdrawal will be posted at the precincts.

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

Under the Secretary's Report, Ms. Hanley provided information on two polling place changes that will go before the Board of Supervisors for approval on March 24, 2020. Because Lorton Library will close for renovation in April 2020, the Lorton precinct currently using the library will temporarily co-locate with either Lorton Station precinct at Lorton Station Elementary School or Gunston precinct at Gunston Elementary School. The Nottoway precinct at Hunter House at Nottoway Park will permanently relocate to Marshall Road Elementary School. This relocation will provide greater accessibility for the Nottoway voters. A new polling location is also being considered for the Tysons precinct.

Ms. Hanley asked the Board to consider a permanent time to start the provisional ballot meeting, irrespective of the size of the election. Currently, the provisional ballot meeting begins at 9:00 a.m. for the town elections and primary elections, and 12:00 noon for the general election. The provisional ballot notice, printed in four languages, is provided to provisional voters based on these start times. A uniform start would eliminate the substantial resources required to change four language sets of provisional notices. The Board decided to fix 11:00 a.m. as the start time for each provisional ballot meeting, starting with the March 3 Primary.

Greater detail regarding legislation will be provided at the February Board meeting, however, Ms. Hanley indicated that early voting measures will likely pass. She also commented that a number of bills are being considered that extend the length of time for the Office to receive ballots postmarked on Election Day. The effect of this bill on a locality with a large central absentee precinct (CAP) like Fairfax County would essentially create two CAPS, possibly delaying the reporting of total results. FCRC asked how many absentee ballots were live processed in November 2019. Mr. Scott answered that approximately 47,000 absentee ballots were live processed in November 2019.

Under New Business, Mr. Spicer presented the Resource Allocation for the March 3 Primary. He reported that 2,100 EOs (7-10 per precinct) will be assigned. The ballot order will cover 45% of registered voters with 10% allocated for absentee and back-up. All the Chiefs and Assistant Chiefs will represent the Democratic Party. Ms. Hanley noted that a county-wide Republican primary for U.S. Senate in June would pose a challenge if more Republican election officers are not recruited. LWV asked if half-day shifts will be phased out. Ms. Hanley replied that this is being considered because EOs assigned to half-day shifts have a higher drop-out rate than full-day officers. When half-day officers drop out it also affects partisan balance.

Several new initiatives will be implemented for the March 3 Primary. The blue bins used to capture the voted ballots inside the DS200 will no longer be used. The voted ballots will be removed from the machines after the polls close, packed into boxes by the election officers, and then sealed and returned to the Fairfax County Courthouse. This will eliminate the traditional ballot bin recovery, save resources, and provide more storage space at the Courthouse. Ms. Hanley commented that packing and sealing the ballots on election night also provides greater Code compliance because there will no longer be the need to break the original election day seals during ballot bin recovery. She also mentioned this change eliminates the potential for ballot jams that occur at the onset of voting when the flaps of the bins are not opened. Mr. Hunt mentioned the potential difficulty of removing the voted ballots from the machines after the polls closed, as well as the amount of time it would take to orient the ballots for packing. Mr. Scott indicated that the March 3 Primary would be a test to determine how well the initiative works in practice.

All election media, to include both used and unused DS200s, back-up media, and the ExpressVote machines, will be returned to the Office on the night of the election. This change will improve the chain of custody for election media.

Finally, the results from the election media will be uploaded during the canvass as opposed to waiting for the return of the media from the Courthouse thirty days after the election. This change will provide an additional method for double-checking election results, given that the font and regular type of the numbers on the machine tapes are often difficult to read. Mr. Hunt asked if the staff designated to this task would affect the provisional ballot timeline. Mr. Scott responded that these are discreet functions, therefore, there will be no staff crossover between the teams performing these assignments.

Ms. Lawton moved to approve the Resource Allocation for the March 3 Primary. The motion passed by a vote of 3-0.

Ms. Hanley moved that the following Election Officer Assignment Policy be adopted to clarify the role and function of the Office in the selection and placement of EOs in the precincts. The policy will be posted to the Office's website and states:

“The Fairfax County Office of Elections assigns election officers at its discretion based on criteria including but not limited to the staffing needs for each election,

precinct requirements, language skills, geographic location, experience, and party affiliation.”

During discussion, FCRC asked if the reason behind the policy is due to concerns that the assignment process is flawed or not in compliance with the law. After Ms. Hanley remarked that the assignment process is in compliance with the law, she explained that the policy is designed to make EOs aware that several factors are considered when making assignments. It will also address various confusion and subsequent complaints that arise when EOs are not assigned for a particular election or cannot be assigned to a precinct where they traditionally serve. The motion passed by a vote of 3-0.

Ms. Hanley provided the absentee voting schedule for the March 3 Primary satellite locations. Mr. Scott explained that to avoid confusion, the schedule will be published to the Office website, however, no hours will be listed on the landing page. Each location, listed alphabetically, will have a separate link, and users will be instructed to click on the link for more information including directions. Mr. Hunt suggested employing a hover function to provide this information. Ms. Thoensen remarked that most mobile phones cannot use a hover function. Mr. Scott commented that he would follow up to verify if this customization could be utilized. Ms. Lawton moved to approve the satellite voting schedule, and the motion passed by a vote of 3-0.

Ms. Hanley moved that according to established policy, the Board authorize thirty (30) assistant registrars to serve in the satellite locations for a term commencing January 17, 2020, and expiring on March 1, 2020. The motion passed by a vote of 3-0.

There was no Old Business.

Under Public Comments, the following individuals addressed the Board to request provision of election materials in Arabic: Ryan Suto on behalf with the Arabic American Institute; Honorable Obrar Omeish, At-Large School Board Member; and Sami Alamiri and Helen Samhan, on behalf of the Arabic American Institute (AAI). The various speakers pointed out that over the past seventy years, immigration from Arabic-speaking countries has steadily risen. Fairfax County is home to a high number of Arabic residents with limited English proficiency. Ms. Omeish reported that after Spanish, Arabic is the second most spoken language at home by Fairfax County elementary students. Limited English diminishes motivation and enthusiasm to participate in the democratic process. Mr. Scott asked if there was a standard dialect for written Arabic, and AAI representatives responded affirmatively. Mr. Hunt asked staff to follow up on the request and at a future Board meeting, present a list of advantages and constraints to providing election materials in Arabic. Ms. Hanley agreed, pointing out that the results of the 2020 decennial census year may change Fairfax County’s current federal requirements for provision of election materials in languages other than English. She distributed a breakdown of the number of Arabic-speaking election officers and the six precincts to which they have been assigned for the March 3 Primary (attached and made a part of this record). She asked for assistance in recruiting EOs bilingual in Arabic, as well as identifying any additional precincts with a higher concentration of Arabic speakers. She also mentioned that a number of bilingual Arabic high school students serve as election pages

for the November elections. The Board thanked the speakers for their time, and their willingness to present the request and to assist the Office.

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). Without objection, and by a vote of 3-0, the Board entered into Closed Session at 6:33 p.m.

At 7:45 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 7:47 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

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