

MINUTES
Fairfax County Electoral Board
February 20, 2020

The Fairfax County Electoral Board (Board) met on Thursday, February 20, 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; General Registrar Gary Scott; Deputy Registrar Viki Kinsman, Election Manager Eric L. Spicer; IT Director Travis Potter; Election Officer Manager Ravi Udeshi; Assistant Registrar Cheryl Jones; Special Assistant Pat Ferguson; Public Information Officer Brian Worthy; 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); and Maggi Luca, Deb Wake, and Rachael Hamlet representing the League of Women Voters (LWV).

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 February 20, 2020, meeting agenda, was adopted.

Mr. Hunt called for a motion to appoint 292 election officers (EOs) (164 Democrats, 74 Independents, and 54 Republicans) for a term ending February 29, 2021. The motion passed by a vote of 3:0.

Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meeting held on January 16, 2020. By a vote of 3-0, the January 16, 2020, Minutes were adopted. FCRC asked the Board to clarify the handling of election officer applications with respect to designating party affiliation. Ms. Hanley explained that the Department of Elections (ELECT) published an advisory instructing the localities that the election officer application could no longer allow an individual to 'self-designate' a party to represent. She stated that the Fairfax County election officer application mirrors the new state requirement and all Fairfax County election officer applicants receive approval from the applicant's preferred political party prior to receiving Board appointment.

Under the General Registrar's report dated February 18, 2020, (attached and made a part of this record), Mr. Scott reported that Fairfax County reached its highest number of total registered voters, as well as active registered voters at 727,846.

The Virginia Department of Elections (ELECT) responded to the letter received from Judicial Watch alleging that Fairfax County was not in compliance with the National Voter Registration Act (NVRA) for not performing mandated list maintenance (attached and made a part of this record).

Maricarmen Smith, the Office of Election's (Office) Human Resources staff, resigned her position on February 14, 2020, to accept a position at the Marine Corps Training Center in Quantico, Virginia. Molly Green, Election Officer Training Coordinator, also resigned her

position to accept a promotion with the Department of Human Resources. Her last day was January 6, 2020.

During the last week in January, the Office was unable to access on-line voter registration applications. This glitch did not affect citizen's ability to submit voter registrations. The problem was related to the link between the state servers and the Division of Motor Vehicles (DMV). The issue was resolved in time to process the submitted registration backlog before the voter registration deadline on February 10, 2020.

Mr. Scott reported a total of 900 in-person absentee voters for the March 3 Democratic Presidential Party Primary Election (March 3 Primary), a much lower than anticipated number. Mailed ballots, however, have increased 130% over the mail-out rate in 2016. In addition to the absentee ballot (AB) applications processed for the March 3 Primary, the office has processed 700 ballots for the May Town Election, June Party Primary, and the November General Election. There is no mechanism in VERIS to bypass AB applications. They must be processed in the order in which they were received in the portal.

For the March 3 Primary, thirteen satellites locations, including the Government Center, will be open two Saturdays, February 22 and February 29. Two satellite locations, Tysons Pimmit and Great Falls Library, will only be open on these Saturdays. Beginning February 24, the satellites will be open from 3 p.m. until 7 p.m. and the Government Center will offer absentee voting during normal business hours.

A detailed contingency plan for the March 3 Primary was prepared and distributed to more than 100 individuals in various agencies and departments that provide support for the election process. The plan includes an alternate plan for election officials to use.

A total of 2,100 EOs were assigned for the March 3 Primary with the following party affiliation: 1,433 Democratic EOs (including 486 Chief and Assistant Chief EOs), 311 Republican EOs, and 356 Independent EOs. Every effort possible was made to identify new or existing Democratic officers to serve in the March 3 Primary. All 185 assigned language officers have been successfully assessed by dual language speaking staff. Ms. Hanley added that a list of March 3 Primary EO assignments as of February 19, 2020, was sent to the political party committees last week.

Staff completed the Logic and Accuracy testing of voting equipment and supply cart preparation for all precincts, satellite, emergency, provisional and rover hand-carry backups for the March 3 Primary. They will test the voting equipment for the Central Absentee Precinct (CAP) the week before the election.

A total of twenty-two high schools participated in the 2019/2020 High School Voter Registration Program. Field registrars assisted with sixteen high schools and third-party groups visited six high schools. A total of 4,791 paper voter registration forms were accepted and processed by Office staff. These statistics do not account for those students who registered online. Students successfully registered will be able to participate in the March 3 Primary.

FCDC asked Mr. Scott if he was certain that all voter registration applications were processed after the resolution of the VERIS/DMV malfunction in January. Mr. Scott explained that the system was tested to ensure that all applications submitted on-line are captured. FCRC also asked who initiates the process for list maintenance. Mr. Scott answered that ELECT begins by sending out confirmation mailings every year in May. ELECT has only missed this deadline once in the past due to difficulties extracting the appropriate information from VERIS. The responses to the mailing come back to the localities. Fairfax County's return rate is approximately 75%, but this includes the confirmation notices that are returned as non-deliverable.

There was no Chairman's Report.

Under the Vice Chairman's Report, Ms. Lawton informed the Board that she was appointed for another three-year term on the Electoral Board. She took her oath on February 13, 2020. Mr. Hunt and Ms. Hanley congratulated her for her continued service on the Electoral Board.

Under the Secretary's Report, Ms. Hanley moved to approve a 12:00 noon start time for all provisional ballot meetings except for the town elections. She explained that most of the provisional notices distributed in the precincts to provisional voters indicate a noon start time, and to change it to 11:00 a.m. [approved at the Board meeting on January 16, 2020] would necessitate discarding resources already available in four languages. The Board voted 3-0 in favor of the motion.

Ms. Hanley moved to approve the relocation of the polling place of the Lorton Precinct in the Mount Vernon District from the Lorton Library to Lorton Station Elementary School. Lorton Library is closing on April 11, 2020, and it is expected that the polling place will move back to the library when it reopens in 2021. The motion passed by a vote of 3-0.

Ms. Hanley moved to approve the relocation of the polling place for the Nottoway precinct in the Providence District from Hunter House in Nottoway Park to the Marshall Road Elementary School. The school will provide a polling place with improved accessibility for voters. The motion passed by a vote of 3-0.

Both of these changes have been approved by the Board of Supervisors for a Public Hearing on March 24, 2020. This will allow the Office to notify voters affected by these changes in time for the June 9, 2020, Primaries.

Ms. Hanley summarized two additional potential changes in polling places. She will meet with the Fairfax County Department of Transportation on Monday, February 24 to discuss moving the polling place for Tysons precinct from the Providence Committee Meeting Room to the West*Park Transit Station. On February 19, 2020, she met with three of the board members of Skyline Square Condominiums to present a request to relocate the polling place of Skyline precinct from Three Skyline Place (sold and closing in April) to the lobby of

their building. She reported that they were receptive but have questions regarding accessibility requirements and liability issues.

Ms. Hanley explained that there will be thirteen Democratic candidates on the ballot for the March 3 Primary even though several of these candidates have suspended their campaigns. No official notice has been received by ELECT from any of these candidates, therefore, no signage specifying any withdrawn candidates will be posted at the precincts. She asked the FCDC to be prepared for calls from voters confused by the number of candidates on the ballot. LWV asked if votes cast for withdrawn candidates will be counted, and Mr. Scott indicated that all votes cast for candidates on the ballot will be counted.

Ms. Hanley reported that early, no-excuse absentee voting measures will likely pass. She also said that the bills to move the June primary to the third Tuesday passed in the House and the Senate. Ms. Lawton elaborated that the effect of this bill would remove the June primary from the school calendar where it conflicted with end-of-the-year activities. It addresses significant security concerns because voters are afforded unrestricted access to their polling locations. Other election-related bills include providing a postage-paid envelope in the absentee ballot mailings; creating a permanent absentee list; keeping the polls open until 8:00 p.m.; retraining election officials prior to special elections; requiring certain jurisdictions seek preclearance from the Attorney General prior to changing any voting practice that may disenfranchise two or more racial or ethnic groups; and requiring satellites voting locations to be approved by the governing body and ELECT.

On November 19, 2019, Chairman Bulova moved to reassign the Barbara Varon Selection Committee to the Electoral Board. The Board will now be responsible for helping the Selection Committee accomplish their objectives such as publicizing the submission process and adjusting the timing of the selection process.

There was no New or Old Business.

Under Public Comments, Ms. Lawton introduced, and the Board welcomed the new Executive Director for the FCDC, Jack Kiraly. Ms. Hanley asked him to meet with Ms. Kinsman to correct the times of some of the satellites on the FCDC website.

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 to discuss 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 5:47 p.m.

At 7:14 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 7:15 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

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