

MINUTES
Fairfax County Electoral Board
September 15, 2020

The Fairfax County Electoral Board (Board) met on Tuesday, September 15, 2020, in Conference Rooms 4/5 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 Registrars Pat Ferguson and Cheryl Jones; Voting Equipment Manager Alexander Russell; Public Information Officer Brian Worthy; Supply Manager Kay Garrison; IT Manager George Panagakos; and Clerk to the Board Beth Dixon Methfessel were present. Steven Knotts, Chairman of the Fairfax County Republican Committee (FCRC); and Judy Flraig, member of the FCRC, also attended the meeting.

The following individuals participated through Zoom's videoconferencing service: Jack Kiraly, Executive Director of the Fairfax County Democratic Committee (FCDC); Kristin Cabral and Stephen Spitz, also representing the FCDC; Chris Ambrose, John Farrell, Donna Rostant, members of the FCDC; Beth Tudan, Executive Director of the League of Women Voters (LWV); Maggi Luca, Wayne Knight, Marion Stillson, 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 6:43 p.m. and introduced the Board. Ms. Hanley moved to approve the agenda, and by a vote of 3-0, the September 15, 2020, meeting agenda was adopted.

Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meetings held on August 24, 2020. Ms. Lawton moved approval, and by a vote of 3-0, the August 24, 2020, Minutes were adopted.

Ms. Hanley made a motion to appoint 1864 election officers (EOs) (1184 Democrats, 177 Independents, and 503 Republicans) for a term ending February 29, 2021. The motion passed by a vote of 3-0.

Under the General Registrar's report dated September 12, 2020, (attached and made a part of this record), Mr. Scott reported that the total registration now stands at 773,045. Approximately 150,000 absentee ballot applications have been received either on-line or by mail. Absentee ballot processing has been affected due to the slower than anticipated timeline in recruiting adequate staff.

A new mailing address was added to receive the returned absentee ballots. The old mailing address will be used to handle voter registration applications.

On September 2, the U.S. Court for the Eastern District of Virginia issued an order requiring the Department of Elections (ELECT) to provide a system which allows voters with a print disability to use a ballot marking tool with screen reader assistive technology to cast an

absentee ballot. ELECT has provided initial guidance which will require the Office to contact every voter who submitted an absentee ballot application and checked 7d indicating the need for assistance in completing the ballot due to a disability, blindness, or inability to read or write. This will apply to applications submitted since August 28. Approximately 60,000 applications have been reviewed and 200 individuals will be contacted and asked if the nature of their impairment is visual. This does not apply to individuals with an existing absentee ballot request on file. Additional guidance on implementation is expected no later than Friday, September 18.

The Office is experiencing numerous difficulties with the absentee mailing including sufficient staffing, printing delays due to the ongoing uncertainty of the timing of the final ballot, and issues with matching the mailing labels with the return labels. Due to the system's configuration, the first 48,000 applications processed were not printed with the intelligent barcode return label (Ballot Scout). Subsequent applications were not affected. ELECT attempted to print a batch of the return address labels with the barcode designed to match the mailing labels, however, when the labelling teams ran a comparison, the mailing labels and the return labels were not properly aligned. This has been brought to ELECT's attention, and they are working to fix this problem.

The General Assembly enacted legislation to provide drop-off boxes at all polling places and satellites for the return of absentee ballots issued by mail. The Office has purchased 300 light-weight ballot boxes (approximately 15 pounds) for the voter satellite offices and the polling places. As required by ELECT's guidance dated September 4, 2020 (attached and made a part of this record), the drop-off boxes will be located inside the polling place, but voters will not have to go into the room to access them. The boxes will be placed in the halls, foyers, or vestibules and will be monitored by an election officer or satellite staff member. Additional election officers and staff are being assigned to monitor the boxes. The drop-off boxes at the satellites will be emptied daily and secured at the end of the day. Accountability sheets including will be completed after ballots are retrieved from each of the drop-boxes located at the voter satellite offices and the Fairfax County Government Center (Government Center). Drop-off boxes at the satellites will be available only when the satellites are open. Instructions for the voter to ensure that all necessary information is provided will be posted as well as a work surface so voters can ensure their absentee ballots are completed properly. At the voter satellite offices, a secure ballot bag will be used to pick up curbside absentee ballots. Curbside pick-up of absentee ballots at the polling places is still being considered.

One secure, camera-monitored, 24-hour drop box will be located outside of the front of the Government Center. Only Office staff will have keyed access to this drop-off box. This secure drop-off box will be clearly and visibly marked as an "Official Ballot Drop Box" in all federally required languages. Concerns about this location being "unmanned" were addressed by Ms. Hanley who explained that the location is close to the building and will be under video surveillance at all times.

Ms. Flraig asked what measures will be taken to prevent a voter from dropping multiple ballots into the 24-hr drop-off box at the Government Center. Mr. Scott replied that other than the camera surveillance, there is no other specific security guidance from ELECT on this

possibility. Multiple questions were received inquiring if on Election Day, a curbside voter with a disability will be able to hand their completed ballot to an election official to cast the ballot in the drop-off box. Mr. Scott responded that no guidance has been issued from ELECT on this question. An additional question was asked about providing drop-off boxes at all libraries, police stations, and government centers. Mr. Hunt responded that to properly monitor the drop-off boxes according to ELECT's guidance, they will only be offered at the Government Center, voter satellite offices, and at the polling places on Election Day. Ms. Hanley added that the locations of the drop-off boxes will be included in the information provided in the county-wide mailer.

Under Election Administration, the original allocation of 4,000 EOs has been reduced to 3,800 due to space and social distancing requirements. Two EOs were added to provide drop-off box monitors. A Personal Protective Equipment (PPE) officer will be trained to help maintain social distancing, ensure that all election officers and poll watchers wear face covers or face shields, sanitize voting booths and other surfaces, and answer questions from voters relating to the COVID Response Plan (attached and made a part of this record).

Although 240,000 ballots have been received from the printer, there is a lawsuit pending by a potential candidate attempting to re-qualify for the ballot. A decision is expected within a few days; however, the Office will not delay mailing absentee ballots beyond Thursday, September 17.

Two polling places that re-located for the June Primaries will return to their original locations for the November election:

- 240 Colvin precinct will vote at The Capital Church
- 908 Hidden Meadow precinct will vote at Epiphany Episcopal Church

Polling places that will remain relocated for the November election under the emergency provisions of Va. Code § 24.2-310(D):

- 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 (used as the polling location for 803 Clifton in June)

One polling place will remain relocated for the November election due to ongoing renovations:

- 225 Hughes – from Hughes Middle School to South Lakes High School (with 224 South Lakes precinct)

One polling place will relocate due to the current polling place's permanent closure:

- 844 Centerpointe – from the Waterford at Fair Oaks to the Herrity Building Training Room

One polling place will relocate for the November election due to insufficient space to comply with social distancing for the election team, voting equipment, and voters. This polling place, however, is returning to its original location:

- 602 Bellevue – from Martha Washington Library to Belle View Elementary School (original polling place)

All voters affected by these changes will be mailed a notification no later than Friday, September 18.

Mr. Scott emphasized that the requirement [passed at the August 24, 2020, Board meeting] requiring all those working or volunteering at the voter satellite offices, including all outside observers, to wear face coverings will be enforced.

Under the Chairman's report, Mr. Hunt emphasized that every phase of the election will be "under a microscope." The landscape is further complicated by COVID-19 concerns and the challenges of the new early voting process requiring the transfer of an enormous number of ballots to various places. A high level of accountability, including but not limited to two-person integrity in handling the ballots, will ensure that no part of the administration of the election is called into question. If possible, a balance in party affiliation should be maintained for all activities involving the ballots (drop-off box pick-up, ballot set-up, labeling, etc.) When the election is over, Fairfax County should be prepared to affirm that every aspect of the election was conducted with intentional integrity.

Under the Secretary's report, Ms. Hanley thanked those individuals and groups requesting information on new legislation and on the specifics of how the early voting process will work. She has completed numerous Zoom sessions presenting this information and answering questions. She also expressed gratitude to the hundreds of election officers volunteering to prepare absentee ballots for mailing. She mentioned receipt of the FCDC's letter dated September 14, 2020 (attached and made a part of this record), requesting reasonable accommodation for voters to drop off their ballots curbside either in a drop-box or by handing their completed ballots to an election official for deposit into the drop-box. She asked that FCDC also forward this letter to State Board of Elections.

Under the Vice Chairman's report, Ms. Lawton has also been participating in Zoom sessions to answer voting-related questions.

Under New Business, Mr. Spicer summarized the Resource Allocation for the November election (attached and made a part of this record). Based on the high number of requests for mailed absentee ballots, the expectation is that in-person turn-out on Election Day 2020 will not exceed the turn-out from 2016, however, no precincts have been consolidated. Online training will be available for election officers serving as a PPE specialist or a Non-Routine Specialist. Mr. Spicer confirmed that these positions provide additional assistance and are not managerial; the Chief Election Officer will continue to make all final decisions.

Under Public Comments, Ms. Rostant asked if FCDC could review the instructions to voters that will be posted at the drop-boxes expressing concerns that voters may drop their ballots into the drop-boxes without being placed into the required B envelope. She also suggested that the signage at the secure drop-box located at the Government Center indicate that it is under 24-hr video surveillance. This may provide additional deterrence to potential tampering.

Ms. Thoensen asked for guidance regarding how to manage the lines at the polling places. Mr. Spicer responded that the PPE Specialist will be able to provide assistance with line management.

Mr. Ambrose asked if election results will be posted on Election Night or will results not be available until Friday after the deadline for the return of mailed-in absentee ballots. Ms. Hanley responded that guidance is forthcoming. Mr. Scott added that although thousands of ballots will still be eligible to be counted until noon on Friday after the election, VERIS is currently configured to show final results once 100% of the precincts report on election night.

LWV suggested that pictures of the steps in completing an absentee ballot be posted on the website to supplement the online video and instructions. LWV also asked if instructions would be provided on how to handle protest or unrest at the polling places. Ms. Hanley said that a comprehensive security meeting will be held in early October with police, fire and rescue, FCPS and county government security, and various directors of agencies with polling facilities to discuss, among other issues, security planning.

FCDC asked whether an election officer can take an absentee ballot from a *curbside* (emphasis added) voter at the voter satellite offices. Mr. Hunt responded that guidance from ELECT has not been issued on regarding this question. FCDC pointed out that assistant registrars are assigned to the voter satellite offices, therefore, the curbside voter should be able to “hand off” their ballot to this individual to cast in the drop-box.

Mr. Farrell asked for clarification in the training materials regarding the limits on the authority of the non-routine voter specialist in making decisions regarding provisional, inactive, or “marked as voted” voters. Mr. Spicer responded that the Chief’s instructional notebook, the Zoom information sessions, the training for the non-routine specialist, and the Chief’s briefings will emphasize that the non-routine specialist will only provide assistance, and not make final

decisions, regarding the non-routine voters. Mr. Farrell requested a copy of the training materials. Mr. Hunt asked that the parties be given an opportunity to participate in the Zoom information sessions.

Ms. Trauernicht asked how many more EO's are needed for the November election. Mr. Spicer responded that the goal is to reach 5000 available EO's, and currently, the Office has reached almost 4,500. In an effort to maintain partisan balance, he added that the portal will remain open for applications.

Ms. Stillson urged the Board to allow voters with disabilities to cast their absentee ballots curbside. She exhorted everyone to reach out to ELECT and request that guidance be issued allowing this exception for curbside voters.

Ms. Flaig asked if it would be possible to report each of the voter satellite office results separately from the mailed-in ballot results. She noted that not combining all 14 voter satellite office results with the Government Center may also allow for easier canvassing and provide more efficient election night reporting. Mr. Hunt answered that the controlling factor is VERIS' capability.

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). Without objection, and by a vote of 3-0, the Board entered into Closed Session at 7:16 p.m. Jim Faruki, Fairfax County resident, addressed the Board in Closed Session.

At 8:05 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. Hanley moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 8:06 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

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