

MINUTES
Fairfax County Electoral Board
October 17, 2020

The Fairfax County Electoral Board (Board) met on Saturday, October 17, 2020, in Conference Room 315 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; Deputy Registrar Viki Kinsman; Election Manager Eric L. Spicer; Election Officer Manager Ravi Udeshi; Assistant Registrars Cheryl Jones and Pat Ferguson; Supply Manager Kay Garrison; IT Manager George Panagakos; and Clerk to the Board Beth Dixon Methfessel were present. James Bierman, Dranesville District Democratic Chair; Andrea Bayer, Providence District Republican Chair; Judy Flaig, member of the Fairfax County Republican Committee (FCRC); Maggi Luca, member LWV; Anne Worster, Harris Lateef, and Sujatha Hampton, members of the Fairfax County Democratic Committee (FCDC); and Susan Gerber and Heidi Meisenheimer, Fairfax County residents, also attended the meeting.

The following individuals participated through Polycom service: Bryan Graham, Chairman of the Fairfax County Democratic Committee (FCDC); Keith Damon representing the Fairfax County Republican Committee (FCRC); Jack Kiraly, Executive Director of the FCDC; Kristin Cabral also representing the FCDC; Nora Dell, John Farrell, Kelly Hebron, Donna Rostant, members of the FCDC; Richard Chew, Hunter Mill District Democratic Chair; Beth Tudan, Executive Director of the League of Women Voters (LWV); Wayne Knight, and Deb Wake members of the LWV; Catharine Trauernicht, member of FCRC. Other remote participants included Jennifer Adeli, Lisa Clouse, Eileen Curtis, Nora Dell, Luke Lévasseur, Jim Carla Post, Christine Ribbe, Jim Shredder, Debra Vanopstal, and Janice Yohai.

Mr. Hunt called the meeting to order at 10:00 a.m. and introduced the Board. Ms. Hanley moved to approve the agenda, and by a vote of 3-0, the October 17, 2020, meeting agenda was adopted.

Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meeting held on October 7, 2020. Ms. Hanley moved approval, and by a vote of 3-0, the October 7, 2020, Minutes were adopted.

Ms. Hanley made a motion to appoint 670 election officers (EOs) (425 Democrats, 160 Independents, and 85 Republicans) for a term ending February 28, 2021. The motion passed by a vote of 3-0. Ms. Hanley thanked the parties for keeping their applicant portals current. Mr. Hunt recognized all of the people who, despite the COVID pandemic, came forward to serve as election officers, as well as the tremendous effort of the staff in providing a comprehensive online training program. Ms. Hanley asked how many election officers have been assigned. Mr. Udeshi responded that 3,796 are assigned, with 140 reserve officers. This number is slightly under the target of 3,800.

Under the General Registrar's update, as of October 17, total voter registration stands at 781,283 with 755,249 active voters. To date, the Office of Elections (Office) has mailed out 248,621 absentee ballots and 82,204 ballots have been returned marked with 31,099 absentee

ballots returned via the drop-off box. In-person voters total 48,063. These figures represent approximately 45% of anticipated turn-out. Over 6,500 voters either surrendered their absentee ballot or attested they did not receive their ballot. Ms. Hanley pointed out that despite requesting an absentee ballot by mail, these voters changed their mind, choosing instead to stand in line at one of the voter satellite offices to surrender their absentee ballot and vote in-person. Mr. Scott added that the voters who surrender their ballot take 3-4 times as longer to process. Guidelines from the Department of Elections (ELECT) require that individuals who acknowledge receipt of their absentee ballot but do not bring it to surrender, must vote a provisional ballot. While not initially a large number, Mr. Scott mentioned that this percentage is increasing. Mr. Scott also explained that almost 10% of the daily absentee voters at the Government Center request curbside assistance. This process takes 20-25 minutes per voter. To provide more efficient service, the call-in number was replaced by staff stationed in the parking lot to check-in curbside voters. The number of parking places was expanded with assigned numbers to allow for better management of the curbside “line.” Mr. Hunt added that curbside staff is also able to accept and cast completed absentee ballots in the drop-off boxes.

Mr. Scott reported that completed absentee ballots were received by approximately 100 people who also attempted to vote absentee in-person. These individuals will be referred to the Commonwealth’s Attorney for investigation. Additionally, incidents of people giving unsolicited and misleading advice [Va. Code § 24.2-1016] at the voter satellite offices are also being forwarded to the Commonwealth’s Attorney. FCRC asked if these individuals were political party workers, and Mr. Scott responded that he is unaware of any party association.

Mr. Hunt asked Mr. Scott to outline the steps followed when a voter surrenders an absentee ballot at a voter satellite office. Mr. Scott explained that when an absentee ballot is surrendered, and the inner envelope containing the ballot (B Envelope) is unopened, the election official writes “VOID” on the B envelope and does not open the B envelope. If the B envelope is opened, the election official examines the contents to ensure that it contains the ballot, and then proceeds to mark the B envelope as “VOID.” The ballot is then cancelled in Virginia’s statewide election information system (VERIS), and the voter is then re-processed as “in-person” absentee. The voided B envelopes are placed into a numbered (#4) envelope, and on a weekly basis, the #4 Envelopes are returned to the Office. The #4 Envelopes are opened so the unmarked ballots can be removed and audited before they are boxed for delivery to the Fairfax County Circuit Court. On Election Day, a voter who surrenders an absentee ballot in order to vote at their precinct, marks their absentee ballot as “SPOILED.” Mr. Scott acknowledged that the processes are different, perhaps because the Va. Code is somewhat ambiguous as to the handling of absentee ballots surrendered at the precincts on Election Day.

Mr. Spicer reported that most of the election officers have completed the online “New Laws” training session. Online training for the PPE Specialist will begin next week. The Non-Routine Specialist online training is now available. The online Chief’s Briefings will begin the week prior to the election. Two Q&A Zoom sessions were provided for election officers, but the sessions were open to the public. A mock polling place will be set up in the cafeteria for Chiefs and Assistant Chiefs when they pick up their Election Day materials. Rovers are now contacting Chiefs and Assistant Chiefs to assist with the layout of their polling places.

Ms. Jones reported that 102,646 absentee ballots have been pre-processed. Staff has set aside 12,610 absentee ballots for further review by the CAP teams on Election Day in the Central Absentee Precinct (CAP). Two staff members are dedicated to contacting voters if their B Envelope requires “curing” [failure to complete required fields]. After pre-processing, the ballots are boxed and shipped to the Fairfax County Courthouse. Mr. Hunt clarified that the ballots are run through the machine, but no calculations are made until Election Day. Ms. Jones added that the tabulation function is locked and only two individuals possess the required administrative code to enable this function. LWV asked if voters are contacted if an issue is found with the ballot (ripped, stained, over-voted, stray marks). Ms. Jones responded that by law, the ballot has been cast, therefore, no option to cure is available. Ballots that will not scan are set aside for hand-counting on Election Day.

All precincts will be open with drop-off boxes available. The Board informed the Board of Supervisors on October 15, 2020, of the emergency polling places relocations for the November elections (letter attached and made a part of this record).

Two facilities that were made unavailable for the June Primaries have returned to their legally mandated polling place:

- 240 Colvin – The Capital Church
- 908 Hidden Meadow – Epiphany Episcopal Church

The following changes are in place for the November Elections:

- 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)
- 602 Belleview – from the Martha Washington Library to Belle View Elementary School (original polling place)
- 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 its polling place for the June Primaries)
- 844 Centerpointe – from the Waterford at Fair Oaks to the Herrity Building Training Room (Waterford at Fair Oaks closed permanently)

Under the Chairman’s report, Mr. Hunt posited that while “the system is designed to vote on Election Day,” he commended the magnitude of the preparation undertaken by the Office to conduct the November elections. He praised staff for a process that has been well-coordinated, incorporating and applying the lessons learned from the June Primaries including deployment and use of PPE, election officer recruitment, and on-line training. He pointed out that based on the high number of voters choosing to vote absentee by-mail for the June Primaries, preparation for the November elections adjusted for this contingency. With the opening of the voter satellite offices, however, a greater number of voters shifted to the in-person option. Following

comments expressing concern and frustration regarding the efficiency of the early voting process, Ms. Hanley added that the largest rooms are being used at the satellites, however, the length of the ballot, coupled with social distancing requirements and room capacities added to the wait time experienced at many locations. Mr. Scott remarked that over 25% of the people trained to work in the satellites ultimately declined to serve. He stated that the Office must also follow protocol that not only protects the voters, but the staff that serves them.

There was no Vice Chairman's report.

Under the Secretary's report, Ms. Hanley continued to address public concerns and explained that as of July 1, 2020, the voter satellite offices for general elections are now established by the public body [Fairfax County Board of Supervisors]. These locations must be approved and enacted within 60 days of the next preceding general election. No changes are permitted after this date. The Office began securing these locations in January 2020, submitted the 14 locations to the Board of Supervisors in June 2020 who set a public hearing for July 2020. On July 14, 2020, the Board of Supervisors established, by ordinance, the 14 voter satellite offices for the November elections. The Office posted the approved voter satellite offices well in advance of the 55-day notice required by Va. Code § 24.2-701.2. She highlighted that the most profound difference between the voter satellite offices and the precincts on Election Day is that voters are checked *directly* (emphasis added) into VERIS at the voter satellite offices. Because this process is different than checking a voter in to a precinct on Election Day, statute requires that the voter satellite offices be located in a public building owned or leased by the county or the state and provide ADA accessibility. Each location must also be approved by ELECT to accommodate a secure and dedicated line into VERIS. All election officials at the voter satellite offices, unlike Election Day officers, must undergo a successful background check.

Ms. Hanley also addressed the issues with Ballot Scout, Virginia's mandated ballot tracking system. She explained that it tracks ballots from post office to post office, therefore, will not inform voters when the ballots will arrive at either the designated mail-out address or when they are returned to the Fairfax County Government Center. It also will not be applicable for voters who return their ballots to a drop-off box.

Under New Business, the Board discussed the Memorandum of Understanding between the Office and the local political committees regarding the use of PollChief (attached and made a part of this record). Mr. Hunt asked to include the use of contact information by the parties for recruitment and retention. Ms. Lawton expressed reluctance to provide greater access into the Office's internal management system when the party portal was originally designed to provide personal information about applicants only for the purpose of approval or rejection as an election officer. She commented that the parties should be responsible for the management of the contact information for their approved election officers in their proprietary databases. She questioned the additional obligations it might place on the Office under the Freedom of Information Act even if a list was created for each party that expanded personal information. A copy of the current MOU will be forwarded to the parties.

The Board recessed at 12:12 p.m. and reconvened at 12:22 p.m.

Under Public Comments, numerous individuals shared concerns and suggestions to improve wait times for early voters. Comments included securing more space at the voter satellite offices, offering additional Saturdays, enlisting the police to assist with parking and traffic flow, offering a separate line for voters returning ballots to the drop-off boxes, increasing the number of staff and pollbooks to process voters more efficiently, putting the check-in form on the website so voters can pre-fill it, extending the satellite hours, and matching the satellite hours to the Fairfax County Government Center. Written comments submitted by Kelly Hebron, Chair of the Lee District Democrats; and Harris LaTeef, Nora Dell, Mark Tenney, Andrew Scalise, and Rebecca Thompson, members of the FCDC State and Local Affairs Committee, are attached and made a part of this record.

Mr. Hunt moved that the Board enter into a Closed Session at 4:30 p.m. 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, Mr. Hunt recessed the meeting at 1:07 p.m.

The Board reconvened at 4:30 p.m. for Closed Session.

At 5:48 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 notify Alexander Russell that he has been relieved of his duties as Voting Machine Custodian. The vote passed by a vote of 3-0.

There being no further business, Ms. Lawton moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 5:49 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary