

MINUTES  
Fairfax County Electoral Board  
December 3, 2020

The Fairfax County Electoral Board (Board) met on Thursday, December 3, 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; Public Information Officer Brian Worthy; and Clerk to the Board Beth Dixon Methfessel were present. Judy Flaig, member of Fairfax County Republican Committee (FCRC) also attended the meeting.

The following individuals participated through Zoom’s video conferencing service: General Registrar Gary Scott; Election Manager Eric L. Spicer; Election Officer Manager Ravi Udeshi; Assistant Registrars Cheryl Jones and Pat Ferguson; IT Manager George Panagakos; Supply Manager Kay Garrison; Keith Damon representing the FCRC; Bryan Graham, Chairman of the Fairfax County Democratic Committee (FCDC); Jack Kiraly, Executive Director of the FCDC; Kristin Cabral and Stephen Spitz also representing the FCDC; Chris Ambrose, Janice Yohai, John Farrell, and Donna Rostant, members of the FCDC; Deb Wake, Wayne Knight, Maggi Luca, and Arina van Breda, members of the League of Women Voters (LWV); Jean Thoensen, Fairfax County resident; and Kathryn Martin, Helen Chaikovsky, Alina Selnick Escobar, and Victoria Nguyen, Office of Elections (Office) staff.

Mr. Hunt called the meeting to order at 5:00 p.m. and introduced the Board. Ms. Lawton moved to approve the agenda, and by a vote of 3-0, the December 3, 2020, meeting agenda was adopted.

Mr. Hunt asked for approval of the Draft Minutes of the Electoral Board meetings held on October 17, 2020, October 28, 2020, and November 4, 2020. Ms. Lawton moved approval, and by a vote of 3-0, the Minutes of the Electoral Board meetings held on October 17, 2020, October 28, 2020, and November 4, 2020, were adopted.

Mr. Hunt instructed the Zoom participants to use the “raise hand” function to make a comment after the conclusion of the General Registrar’s report, or during the discussion of motions under consideration.

Under the General Registrar’s report (attached and made a part of this record), Mr. Scott provided the breakdown of the cost for the 2020 November elections.

Personnel costs	\$2,887,140.76
PPE related	\$246,479.34
Postage	\$294,969.27
Ballots	\$281,205.00
Printing	\$21,880.03
Mileage	\$15,864.36
Misc. supplies	\$311,838.84
Incidental expenses	<u>\$143,363.45</u>
	\$4,202,741.05

From the Department of Elections, \$431,000 in Coronavirus Aid, Relief, and Economic Security Act (CARES) funding was received to cover expenses related to the COVID health crisis. From the Center for Tech and Civic Life, a grant of \$1,431,950.00 was allocated to Fairfax County to offset any expenditures related to the election, however, this money may not be used to replace any budgeted funding.

The Office will submit a fiscal year 2022 budget of \$5.9 million, in anticipation that some of the measures implemented in 2020 will become permanent. Additional costs include the decennial redistricting, a possible August primary, and the required security update for the PollPads (electronic pollbooks). Operating hours for the voter satellite offices may be expanded. Two additional full-time positions are requested, including a deputy machine custodian.

Mr. Scott reported that last week in accordance with Va. Code § 24.2-1004, he referred to the Commonwealth's Attorney, 73 cases of individuals who potentially voted twice in the November elections. No reply has yet been received. FCRC asked what criteria was used to define "voted twice." Mr. Scott responded that the majority of the cases involved an individual requesting and returning a voted absentee ballot and subsequently attempting to vote in-person at one of the voter satellite offices or on Election Day. A smaller number of cases included a voter casting an absentee ballot in one of the drop-off boxes and then immediately attempting to vote in-person at a voter satellite office, or returning a voted absentee ballot and attempting to request another absentee ballot. Ms. Rostant inquired if the list of individuals submitted to the Commonwealth's Attorney is publicly available. Mr. Scott responded that his submission did not release the names, rather it was a general inquiry asking for a point of contact.

Mr. Scott indicated that a large number of Freedom of Information Act (FOIA) requests from individuals have been received by the Office as part of a larger campaign across the Commonwealth. The County Attorney's office is assisting with the responses. Ms. Rostant asked about the nature of these requests. Mr. Scott replied that there have been twelve identical requests for absentee voting information that is only available from the Department of Election (ELECT). Some of the requests seek information that is already publicly available.

The Office reached out to Fairfax County Public Schools in an effort to provide eligible seniors an opportunity to register to vote. A planning meeting has been scheduled for December 14, 2020.

Ms. Lawton asked Mr. Scott if the security upgrade to the PollPads would be required before the 2021 June Primaries. Mr. Scott responded that the new requirements go into effect on July 1, 2021, and would therefore not affect the June Primaries.

Under the Chairman's report, Mr. Hunt commended staff for the tremendous effort put forth to administer the November elections under extraordinary challenges. A process was developed and followed that not only delivered a secure election, but a transparent one. Observers were afforded the opportunity to witness the various components of the election to ensure that nothing occurred outside of the legal process.

Under the Vice Chairman's report, Ms. Lawton informed the Board that she visited the Logistics Center and reported that a rearrangement of the space is long overdue.

Under the Secretary's report, Ms. Hanley moved that to preempt conflict with other agencies, the Electoral Board send a letter to the Director of Department of Cable and Consumer Services outlining the room reservations in the Government Center that will be needed to accommodate all of the 2021 elections. The motion passed by a vote of 3-0.

There have been no nominations for the Barbara Varon Award. The Board of Supervisors is continuing to fill vacant positions on the nominating committee.

On December 1, 2020, Ms. Hanley presented "Final Comments on Election 2020 Numbers" to the Board of Supervisors (attached and made a part of this record). A link to the full discussion is available on the County website.

Ms. Hanley acknowledged the receipt of a letter from the LWV-Fairfax dated December 1, 2020 (attached and made a part of this record), outlining suggestions for improving the early voting process, especially in-person voting.

Under New Business, Ms. Hanley reminded the Board that the term for the election officers was extended an additional year from 2020 to 2021. She informed the parties that the list of approved election officers for the new 2021-2023 appointment term will be considered at the February meeting. All election officers will receive training prior to serving in their first election in the new appointment term.

Ms. Hanley observed that with the advent of no-excuse, or early voting, the election process in Virginia experienced dramatic changes expanding access to the ballot. She stressed, however, that this positive trend will be negatively impacted if the computer system replacing VERIS is not flexible enough to account for new requirements nor robust enough to perform all actions during the periods of high public demand. She emphasized the imperative need for the Commonwealth to increase its funding for local elections offices, especially to support the demand for larger physical spaces to conduct elections [pre-processing absentee ballots, storing ballots, voter satellite offices].

Under Legislative Requests for the 2021 General Assembly (attached and made a part of this record), Ms. Hanley made a motion that because a 45-day period of no-excuse voting is now available, and in anticipation that schools will at some point resume their regular calendar and as such, to minimize the possible security risk to students, and to avoid conflict with the activities scheduled during the last week of school, the Board reaffirm its position that the primary be moved from the second to the third Tuesday in June. The motion passed by a vote of 3-0.

Ms. Hanley explained that on July 1, 2020, the law prescribing the method of establishing voter satellite offices changed. These locations must now be set in ordinance by the local governing body. This requirement makes it impossible to establish additional locations after the election begins. Ms. Hanley moved that the ordinance requirement be removed, and that ELECT establish regulations for establishing and/or adding satellites. The motion passed by a vote of 3-0.

According to current statute, voting machines used during the early voting period at the voter satellite offices cannot be tabulated until 7:00 p.m. on Election Day. Given the strong trend toward early voting that is likely to increase in future elections, Ms. Hanley moved that Virginia Code be amended to permit the tabulation of these machines by 3 p.m. on Election Day, the same time that hand-counting begins. Mr. Hunt stated that as long as procedures are in place to ensure that preliminary results are not released until 7:00 p.m., he would support the motion. The motion passed by a vote of 3-0.

Ms. Hanley made a motion that because 85,000 voters used the drop-off box to cast their ballots for the November elections, demonstrating it to be a successful alternative for returning ballots, it should become a permanent option. Ms. Lawton added that 38% of the ballots were returned via a drop-off box. Mr. Hunt remarked that drop-off boxes were permitted in the November elections for certain reasons caused by the COVID pandemic, specifically, fear of in-person voting and concerns about the reliability of the United States Postal Service. Mr. Hunt also pointed out that no restriction was placed on the number of ballots an individual could return to a drop-off box, increasing the risk of ballot harvesting. Ms. Rostant supported the motion, commenting that for its inaugural run, the drop-off boxes were successful, with no identifiable problems. LWV also endorsed the measure for making drop-off boxes a permanent method for returning ballots. The motion passed by a vote of 2-1, with Mr. Hunt voting nay.

Under Public Comments, FCDC confirmed that redistricting is the reason the June primary may be moved to August. When inquiring about the specifics of approving election officers for the new 2021-2023 term, Ms. Hanley noted that the parties must complete its review no later than January 22, 2021. FCDC also commended and thanked the Office for its success in conducting the November elections.

Ms. Thoensen asked if satellite access will be expanded. Mr. Hunt responded that a discussion will be forthcoming.

While recognizing the challenges faced in conducting the November elections, FCDC will be submitting a written list of observations, specifically concerning the early voting process.

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 5:50 p.m.

At 7:38 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 7:39 p.m.

Attachments

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Stephen M. Hunt, Chairman

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Bettina M. Lawton, Vice Chairman

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Katherine K. Hanley, Secretary

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