

MINUTES
Fairfax County Electoral Board
January 11, 2021

The Fairfax County Electoral Board (Board) met on Monday, January 11, 2021, in Conference Room 315 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; and Clerk to the Board Beth Dixon Methfessel were present. Judy Flaig and Catharine Trauernicht, members of Fairfax County Republican Committee (FCRC) also attended the meeting in person.

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; Brian Worthy, Public Information Officer; Brenda Cabrera, Director of Elections for the City of Fairfax; 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, John Farrell, and Donna Rostant, members of the FCDC; Deb Wake, Maggi Luca, and Arina van Breda, members of the League of Women Voters (LWV); Andrea Bayer and Jean Thoensen, Fairfax County residents; Matthew Scoble; and Ron Alberto, Helen Chaikovsky, Kathryn Martin, Dan Per-Lee, and Jerald Taylor, Office of Elections (Office) staff.

Mr. Hunt called the meeting to order at 5:00 p.m. and introduced the Board. 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.

Ms. Hanley moved to approve the agenda, and by a vote of 3-0, the January 11, 2021, meeting agenda was adopted.

Mr. Hunt called for the reorganization of the Board. Ms. Hanley explained that reorganization of the Board is no longer in March because as of July 1, 2020, the appointment term for electoral boards now ends on December 31. Ms. Hanley moved that Stephen Hunt be reelected as Chairman. The motion passed by a vote of 3-0. Ms. Hanley moved that Bettina Lawton be reelected as Vice Chairman. The motion passed by a vote of 3-0. Ms. Lawton moved that Ms. Hanley be reelected as Secretary. The motion passed by a vote of 3-0.

Mr. Hunt asked for approval of the Draft Minutes of the Board meeting held on December 3, 2020. Ms. Hanley asked Mr. Scott for the status of the referral to the Commonwealth's Attorney of the 73 cases of individuals who potentially voted twice in the November elections. Mr. Scott reported that detectives are reviewing the information, and these individuals will be contacted and interviewed on a case-by-case basis. Ms. Hanley moved approval, and by a vote of 3-0, the Minutes of the Board meeting held on December 3, 2020, were adopted.

Under the General Registrar's report (attached and made a part of this record), Mr. Scott stated that the Department of Elections (ELECT) mailed address confirmation forms for 2020, and 32,824 notices were mailed to Fairfax County voters. List maintenance will be performed

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in February for those voters placed on inactive status in 2017 and 2018. It is anticipated that between 14,000-17,000 individuals will be removed from the registration rolls in Fairfax County in compliance with the National Voter Registration Act (NVRA).

Because the opening of schools remains a moving target, the Office is considering alternatives to the traditional classroom voter registration presentations. Due to the restrictive hours of the DMV, many students have been unable to obtain their driver's licenses. As a result, they do not have a DMV account required for on-line voter registration. Additionally, many students lack access to a reliable printer in order to complete and print the on-line registration form. The Office is looking into other options to get paper applications to eligible students. The goal is to try and register eligible seniors in time for the June primaries.

Despite reaching out to the assisted living facilities to determine the need for on-site voter registration, no response has yet been received.

No definitive redistricting timeline has been determined. To date, the earliest release date for census data is April 1, 2021. In order to mail notices to voters before absentee voting begins for an August primary (if called), all changes must be completed and entered in Virginia's Election and Registration Information System (VERIS) by the third week of June. Even if this timeline is successful, an August primary offers a very small window to create, approve, print, and mail ballots to approximately 50,000 voters with permanent absentee ballot requests. FCRC asked Mr. Scott how an individual becomes a permanent absentee voter. Mr. Scott explained that the 2020 General Assembly enacted legislation that will convert voters with a valid annual absentee request on July 1, 2021, to permanent absentee voters.

Mr. Scott discussed the January 4, 2021, memorandum from Helen Chaikovsky, Assistant Registrar for Voter Satellite Offices (attached and made a part of this record). Some of the recommendations in the preliminary plan for November include adding at least two new satellite voter offices, opening the existing 14 voter satellite offices on October 8, and expanding the hours at the Government Center from 8 a.m. until 7:00 p.m. for the 45-day early voting period. The challenges include staffing and the potential lack of qualified supervisors to manage each location. Ms. Lawton asked how many supervisors have declined to serve, and Ms. Chaikovsky responded that approximately ten (10) have decided not to continue in this capacity. Mr. Scott added that leasing space in a non-public building is also being considered. ELECT determined that the period of the lease, as specified in Va. Code § 24.2-701.2(B) is not germane, however, the County Attorney's Office is reviewing this statute for further clarification.

The Office is completing the election officer appointment list for the next two-year term. Approximately 800 individuals will not be reappointed due to lack of activity for the past four years.

Mr. Hunt asked if all Freedom of Information Act (FOIA) requests have been answered, and Mr. Scott confirmed that there are no outstanding FOIA requests.

There were no Chairman or Vice Chairman's reports.

Under the Secretary's report, Ms. Hanley announced that due to Gary Scott's impending retirement, the advertisement for a new General Registrar has been posted.

Approximately 11,000 (6,000 Democrats, 2,000 Republicans, 3,000 Independents) individuals are up for election officer reappointment. The local political committees must submit their approved lists by January 22, 2021.

Ms. Hanley shared some of the positive comments received by the seasonal staff from a survey regarding their pre-processing experience during the November election (attached and made a part of this record.) She extended gratitude to the Central Absentee Precinct pre-processing team for their diligence despite the difficulties presented by the COVID pandemic.

Regarding legislation, Ms. Hanley commented that the date of the primary is still unknown as is the status of temporary legislation passed in the special session for the November 2020 election. Bills under consideration in 2021 include drop-off boxes, witness signatures, pre-paid postage for absentee ballot return envelopes, and absentee ballot curing.

Ms. Hanley agreed that determining the efficacy of a lease in non-public buildings should be pursued and that the Office should request that the Department of Information and Technology (DIT) ascertain the cost of installing secure access to VERIS in these locations. She also emphasized the need to open more locations than the Government Center on the first day of absentee voting because voter demand will be strong for the entire 45-day early voting period. Ms. Hanley moved that for November 2021, in addition to the Fairfax County Government Center, two additional voter satellite offices, one in the northern part and the other in the southern part of the county, be opened to support voter demand for the 45-day early absentee voting period. During discussion, Ms. Lawton remarked that this will substantially relieve the pressure on the staff at the Government Center on the first day of early voting, and Fairfax County voters will understand and appreciate the expanded options. Ms. Hanley also stated that although standard and uniform hours are desirable, if modifications are required, this should not be a reason to reject adding additional early voting locations to support the Government Center. Mr. Hunt expressed concern about the cost of leasing non-public buildings. He commented that 2020 was a “unique data point,” and the motivation to vote, especially on the first few days of early voting, may not be sustainable. Absentee voting by mail is an ongoing option, and the United States Postal Service served the voters well in November. The numbers of ballots delivered prior to Friday after Election Day was relatively small. Additionally, he pointed out that early voting is a convenience, and the logistics are in place for 243 precincts with thousands of trained election officers to serve voters on Election Day. He pointed out that minimal lines were evident on Election Day. The motion passed by a vote of 2-1 with Mr. Hunt voting nay.

Ms. Lawton moved that the Board consider adding at least one Sunday to the early voting schedule to accommodate voters who work during the week and those with religious obligations on Saturday. She requested staff follow-up on this recommendation. The motion passed by a vote of 3-0.

Under Public Comments, FCRC asked if any research has been undertaken on the demands of the satellite staff in order to determine, in part, why a number of supervisors are not returning. Ms. Chaikovsky explained that there were a number of causes including retirement, acceptance of other positions in the Office, and personal reasons. She added that the increase in the number of satellite voter offices and the potential to move to split shifts will necessitate hiring additional supervisors. FCDC supported the decision to open two voter satellite offices

to support the Government Center for the entire 45-day early voting period, asserting that the demand for no excuse, early voting will not diminish, and Fairfax County must be prepared. FCDC requested that better outreach be developed to educate citizens about their options for early voting.

Additional public comments included the need to recognize that no-excuse, early voting is now the law and as such, an adequate number of accessible voter satellite offices must be provided to meet the demand for voters who choose not to vote in their precinct on Election Day; address the growing distrust of many voters in the electoral process, not by adding additional locations, but by choosing larger voter satellite offices and concentrating on expanding staffing and improved training; reaching out to election officers to expand the pool of available satellite staff; the standardization of curbside voting including improved and corrected signage; streamline the check-in process at the voter satellite locations by incorporating best practices from other jurisdictions; and consider locations for voter satellite offices on transit routes. Other comments included support for Mr. Hunt's position regarding the broad expansion of early voting options.

Written comments regarding Ms. Chaikovsky's memorandum concerning voter satellite office operations for 2021 were submitted by John Farrell and Chris Ambrose (attached and made a part of this record).

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 6:19 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:

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| 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

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

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