

MINUTES
Fairfax County Electoral Board
March 11, 2021

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

The following individuals participated through Zoom's video conferencing service: General Registrar Gary D. Scott; Election Manager Eric L. Spicer; Election Officer Manager Ravi Udeshi; Assistant Registrars Cheryl Jones, Pat Ferguson, and Helen Chaikovsky; IT Manager George Panagakos; Supply Manager Kay Garrison; Deputy Machine Custodian Tom Bjerke; Keith Damon representing the FCRC; Jack Kiraly, Executive Director of the Fairfax County Democratic Committee (FCDC); Kristin Cabral and Stephen Spitz also representing the FCDC; John Farrell, Donna Rostant, and Maria Vorel, members of the FCDC; Clay Percle, member of FCRC; Deb Wake, Maggi Luca, Arina van Breda, and Wayne Knight, members of the League of Women Voters (LWV); Andrea Bayer, James Glenn, John Kochka, Sarah Mayhew, Johnna Sachse, and Jean Thoensen, Fairfax County residents; and Kathryn Martin, Alina Selnick-Escobar, Linda Meza Jarquin, Sean Stewart, 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, during the discussion of motions under consideration, and for Public Comments.

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

Mr. Hunt asked for approval of the Draft Minutes of the Board meetings held on February 4, 2021, February 18, 2021, February 20, 2021, February 27, 2021, March 4, 2021, and March 6, 2021. Ms. Hanley moved approval, and by a vote of 3-0, the Minutes of the Board meetings held on February 4, 2021, February 18, 2021, February 20, 2021, February 27, 2021, March 4, 2021, and March 6, 2021, were adopted.

Mr. Hunt asked for a motion to appoint 130 election officers (79 Democrats, 11 Independents, and 40 Republicans) for a term ending on February 28, 2023. With thanks to the political committees for submitting timely approvals of their election officer applicants, by a vote of 3-0, the Board appointed 130 election officers (79 Democrats, 11 Independents, and 40 Republicans) for a term ending February 28, 2023.

Under the General Registrar's report dated March 10, 2021, (attached and made a part of this record), Mr. Scott explained that preparations for the June Primary are underway, however,

due to the ongoing Covid vaccination clinics operating out of the Government Center, rooms used in the past for early voting, ballot processing, mailout, storage for PPE and other supplies, etc. are not available. Building managers have indicated that the conference rooms used for Monument precinct will be cleared to accommodate the polling place for the June Primary. In-person early voting will be offered in the Office of Elections, Suite 323. Mr. Scott explained how the space in front of the office would be configured to allow for voting in the Town of Vienna election as well as the June Primary. Depending on demand, voter registration may be moved to Conference Room 319. Ms. Hanley recommended considering opening an additional voter satellite office in the center of the county depending on the number of candidates who file for the June Primary.

The proposed locations, dates, and hours for early voting in person are as follows:

- Fairfax County Government Center Suite 323 (45 days prior to Tuesday, June 8)
 - Open during the week, Friday April 23 to Friday, June 4, closed Memorial Day, Monday, May 31
 - Saturdays: April 24, May 1, May 29 and June 5, 9 am to 5 pm
 - Hours:
 - April 23 to May 28
 - Weekdays: 8 am to 4:30 pm
 - Saturdays: 9 am to 5 pm
 - May 29 to June 5
 - Weekdays: 8 am to 7 pm
 - Saturdays: 9 am to 5 pm
- Mt. Vernon Government Center and North County Government Center (45 days prior to Primary Day)
 - Open during the week Friday, April 23 to Friday, June 4, closed Memorial Day, Monday, May 31
 - Weekdays: April 23 to June 5, 2 pm to 7 pm
 - Saturdays: May 29 and June 5, 9 am to 5 pm
- 13 Satellites
 - Open Saturday, May 29 to Saturday, June 5, Closed Memorial Day, Monday, May 31
 - Hours: May 29 to June 5
 - Weekdays: 2 pm to 7 pm
 - Saturdays: 9 am to 5 pm

Burke Centre Library (Public hearing for final approval on March 23, 2021)
Centreville Regional Library
Franconia Government Center
Great Falls Library
Herndon Fortnightly Library
Laurel Hills Golf Course (SATURDAYS ONLY)
Mason Government Center
McLean Government Center

Providence Community Center
Sully Government Center
Thomas Jefferson Library
Tysons-Pimmit Library
West Springfield Government Center

The curbside voting process at the Government Center will be modified to allow for a more efficient voting experience. A large, four-sided tent with electricity will be set up to check-in curbside voters. This arrangement will include providing VERIS access. Curbside voters will cast their ballots directly into a ballot box that will be returned to the Government Center at set intervals. Ms. Lawton asked if this configuration will be the similar at the north and south county voter satellite offices. Mr. Scott responded that these locations would follow the same set-up utilized for the November 2020 election. The Government Center curbside modifications should be considered a pilot program.

Early voting begins in the Town of Vienna on March 19, 2021, with four candidates filing for three Town Council positions. Ballot order consists of 4,000 folded ballots and 4,000 flat ballots.

The number of active voters for the county declined by 20,000 voters. This drop is due to the Department of Elections' (ELECT) list maintenance based on the results of the confirmation mailing conducted in December.

The resource allocation for the June Primary has not been completed, but preliminary plans include 2 DS200 voting machines, 2 ExpressVote machines, 3-6 PollPads, and up to 9 election officers per precinct. Two election officers were added to allow for a PPE officer and a ballot drop-off box officer.

Although Governor Northam has not yet signed the current budget amendment bill authorizing absentee ballot drop-off boxes, plans include providing them for the upcoming elections. If no authorization is received, the drop-off boxes will not be used. It is anticipated that the permanent removal of the witness signature requirement and the provision to allow ballot curing will also be in place for the June Primary. ELECT announced that it will send instructions on how to handle town ballots submitted without witness signatures and those submitted with errors and/or omissions.

Ms. Hanley asked if the Commonwealth's Attorney's office responded to the December 2020 submission of individuals who potentially voted twice in the November elections. Mr. Scott replied that despite follow-up inquiries, no acknowledgment from the Commonwealth's Attorney's office has been received.

Ms. Lawton inquired if the office would be open for early voting until 7:00 p.m. on Thursdays. Mr. Scott replied that when the Government Center closed to the public in March 2020, office hours during the week ended at 4:30 p.m. As people return to work, consideration was given to extend the early voting hours for the satellites until 7:00 p.m.

Under Public Comments, FCRC asked if Republican election officers will be used for the June Primary. Mr. Scott responded that if any district holds a dual primary, then Republican election officers would also be used. If there is no Republican primary, according to statute, only Democratic election officers would be assigned. FCRC asked how many of the confirmation of address letters were mailed to Fairfax County. Mr. Scott reported that 33,000 letters were sent to Fairfax County. Mr. Kochka queried why ELECT waited until after the 2020 election to move 20,000 voters to inactive status. Mr. Hunt explained that by statute, list maintenance is restricted within a certain time period before an election. Mr. Scott added that the mailing itself is based on information provided by the Department of Motor Vehicles (DMV). With the closure of DMV customer service centers due to the pandemic, ELECT determined that collecting accurate information was compromised, so the decision was made to delay the confirmation mailing from July to December. Mr. Scott explained that deceased voters, convicted felons, and those adjudicated mentally incapacitated are removed monthly. National Voter Registration Act (NVRA) list maintenance is performed in odd-numbered years. Mr. Kochka also asked if curbside voting would continue to be offered. Ms. Hanley clarified that the law requires curbside voting for all elections to individuals 65 years of age and older as well as those with disabilities. It is available during the time period of early voting as well as on Election Day. For the November election, the law specifying that voters may return their own ballots to the office of the General Registrar or to a member of the Electoral Board was waived. For the November 2020 election, voters were permitted to cast their own plus an unspecified number of absentee ballots in the drop-off boxes. Mr. Kochka expressed concern over the lack of restrictions on the number of ballots an individual could return to the drop-off box. FCRC agreed, asserting that no limit on the number of absentee ballots an individual may cast in a drop-off box could potentially encourage ballot harvesting.

Mr. Spitz raised a concern over providing parking for early voters when the Government Center parking lots are being heavily utilized by people waiting to get Covid vaccinations. Ms. Hanley stated that large parts of the parking lots are not being used, and discussions are underway to determine how to provide adequate parking for both uses.

Ms. Thoensen asked if the procedure for curbside voting might be modified to set-up a DS200 so curbside voters might scan their own ballots. Allowing this change may contribute to increasing voter confidence in the electoral process. Mr. Hunt asked staff to consider this option, however, he noted that traditionally, curbside voting does not afford the opportunity for voters to see their ballot being cast.

Ms. Rostant offered for the record that no evidence of voter fraud was found to be associated with the use of ballot drop-off boxes.

There was no Chairman's or Vice Chairman's Report.

Under the Secretary's Report, Ms. Hanley acknowledged receipt of a letter dated February 5, 2021, from Janice Yohai with suggestions regarding absentee ballot instructions (attached and made a part of this record). FCRC requested a copy of the letter.

There was no New Business.

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 5:58 p.m.

At 6:15 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 moved to designate Tyrone Allen as the voting equipment manager. The motion passed by a vote of 3-0.

Ms. Hanley moved that Tom Bjerke and Dan Per-Lee be designated as deputy voting equipment managers. The motion passed by a vote of 3-0.

Ms. Hanley moved that Scott O. Konopasek be appointed as Fairfax County’s General Manager and Director of Elections for a term beginning on April 19, 2021. Mr. Konopasek has over 25 years of election management experience in both the public and private sectors, and most recently, he served as the Assistant Registrar of Voters in the Office of the Clerk-Recorder-Registrar for Contra Costa County, Calif., which has more than 700,000 registered voters. Previously, he worked as the Director of Elections for Salt Lake County, Utah, and as Registrar of Voters for the County of San Bernardino, Calif. He is a decorated veteran of the United States Army. He has experience in large jurisdictions with a diverse population like Fairfax County. Mr. Konopasek will receive an annual salary of \$150,000. The motion passed by a vote of 3-0.

There being no further business, Ms. Hanley moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 6:19 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary