

MINUTES
Fairfax County Electoral Board
June 3, 2021

The Fairfax County Electoral Board (Board) met on Thursday, June 3, 2021, in Conference Room 315/319 at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax. Vice Chairman Bettina M. Lawton; Secretary Katherine K. Hanley; General Registrar Scott O. Konopasek; and Election Manager Eric Spicer were present. Angela Boyer, Elizabeth Crist, Maury Eckel, Judy Flaig, David Lopez, Johnna Sachse, Jeffrey Shapiro, and Susan Swiatek, members of the Fairfax County Republican Committee (FCRC) Election Integrity Committee; and Jean Thoensen, Fairfax County resident, also attended the meeting in person.

The following individuals participated through Zoom's video conferencing service: Chairman Stephen M. Hunt; Clerk to the Board Beth Dixon Methfessel; Public Information Officer Brian Worthy; Election Officer Manager Ravi Udeshi; Assistant Registrars Cheryl Jones, Pat Ferguson, and Helen Chaikovsky; IT Manager George Panagakos; Supply Manager Kay Garrison; Voting Equipment Manager Tyrone Allen; Acting Supervisor of Voter Registration; Election Officer Assistant Coordinator Alina Selnick-Escobar; 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; Donna Rostant (General Counsel), Maria Vorel (Precinct Operations); and Janice Yohai (Voter Registration and Education), members of the FCDC; Sandra Bellinghoven, Christine Brim, Andrea Bayer, and Catharine Trauernicht, members of FCRC Election Integrity Committee; Deb Wake and Arina van Breda, members of the League of Women Voters (LWV); Peter Burke, Robert Carney, Maurice Eckel, John Gugliotti, and Patrick Volpe, Fairfax County residents; Kathryn Martin, Sean Stewart, and Jerald Taylor, Office of Elections (Office) staff.

Ms. Lawton called the meeting to order at 5:05 p.m. and introduced herself and Secretary Hanley. Mr. Hunt did not attend the meeting in person but joined by Zoom's video conferencing service.

Ms. Lawton instructed the Zoom participants that comments and questions will be taken during Public Comments and should be submitted through the "Chat" function.

Ms. Hanley moved approval of the agenda. By a vote of 2-0, and with no objection, the June 3, 2021, meeting agenda was adopted.

Ms. Lawton asked for approval of the Draft Minutes of the Board meetings held on April 22, 2021, and May 4, 2021. Ms. Hanley moved approval, and by a vote of 2-0, the Minutes of the Board meetings held on April 22, 2021, and May 4, 2021, were adopted.

Ms. Lawton asked for a motion to appoint 86 election officers (41 Democrats, 21 Independents, and 24 Republicans) for a term ending on February 28, 2023. Ms. Hanley moved approval, and by a vote of 2-0, the Board appointed 86 election officers (41 Democrats, 21 Independents, and 24 Republicans) for a term ending February 28, 2023.

Under the General Registrar's report dated June 3, 2021, (attached and made a part of this record), Mr. Konopasek informed the Board that Fairfax County does not have an active role in the VERIS replacement process now that it has moved into the scoring and evaluation phase. The Department of Elections (ELECT) plans to solicit the General Registrar community for feedback on customization after a vendor is selected. Ms. Hanley noted that the Request for Proposal (RFP) was reviewed by the previous general registrar, Gary Scott.

Based on updated guidance from the Virginia Department of Health, and as long as the polling place permits it, Fairfax County no longer will require an election officer who is fully vaccinated to wear a mask while working at the polls [masks must be worn in Fairfax County schools regardless of vaccination status]. Voters are not required to wear a face covering.

A mailing notification will be sent to approximately 14,000 voters informing them that if they do not opt-out by July 1, 2021, their annual absentee ballot request will become permanent (see attached ELECT advisory and draft of mailer). Mr. Konopasek explained the new law in Virginia changes the "annual absentee list" into a permanent absentee list. Voters can apply to be added to the permanent list and receive absentee ballots for all elections in which they are eligible to participate. The voter stays on the permanent list and can only be removed if certain conditions are met.

The ES&S contract will be extended for an additional year at a cost of \$1.3 million. For an additional \$300,000, ES&S will upgrade firmware and software in all voting machines, and replace the server and workstations running ElectionWare. All equipment will be repaired as needed. Ms. Sachse asked the reason for the upgrade of ES&S's software and if subcontractors are allowed to perform maintenance on the system. The current operating system of the voting equipment is Windows 7. ELECT is requiring an upgrade to the most current, certified version which now operates in a Windows 10 environment. Mr. Hunt commented that Windows 7 is no longer supported by ES&S, and without the upgrade, certain applications will not function properly. Mr. Konopasek added that the ES&S contract permits PrintElect to perform maintenance for ES&S.

Mr. Konopasek visited all 17 voter satellite offices and reported that to date, absentee voter traffic has been slow. He expects it to increase this weekend for the last Saturday of early voting. As of June 1, 2021, 17,676 ballots were mailed of which 7,592 voted ballots have been returned by mail, and 407 have been returned to the drop-off box. As of May 24, the permanent 24/7 drop-off box at the Fairfax County Government Center was operational. Fairfax County security monitors this drop-off box continuously. Mr. Shapiro queried how vandalism can be prevented at the Government Center's 24/7 drop-off box when the video surveillance feed is not constantly being reviewed. Mr. Konopasek responded that the 24/7 drop-off box is emptied three times a day to reduce the number of ballots that could be catastrophically destroyed. Research into whether or not the surveillance could be provided publicly is still ongoing.

Training has been completed for 1,860 election officers assigned for the June Primary election. All chief and assistant chief election officers will complete the mandated training for the June primary between May 30 and June 4. A Zoom Q&A will be offered on Friday, June 4, 2021, at 2:00 p.m.

The original election plan largely remains in place, with the following adjustments:

- 1) Election night reporting still requires the election teams to call in the results, however, the election media will be returned with the absentee ballots cast at the precinct drop-off boxes. The media will be uploaded into the election management software (ERM) and a report will be generated (see attached test report). This parallel process will compare the two methods for timeliness and accuracy.
- 2) The canvass will be reorganized into two steps. The first step involves comparing the results tapes with the statement of results. The ERM report generated on Election Day will be available as a back-up. The second step will involve verifying signatures, accurate completion of required documents such as compensation sheets, etc.

The proposed timeline is as follows:

- | | |
|--|-------------------------------------|
| 1) Wednesday, June 9 – Friday, June 11 | Precinct Canvass |
| 2) Friday, June 11 | Central Absentee Precinct Canvass |
| 3) Wednesday, June 9 – Monday, June 14 | Provisional Ballot Research |
| 4) Monday, June 14, 1:00 p.m. | Adjudication of Provisional Ballots |

Mr. Konopasek indicated that the adjudication process could begin as early as late Friday afternoon. Ms. Hanley explained that Monday is too late given the administrative functions that must be completed.

At approximately 5:30 p.m., Mr. Hunt joined the Electoral Board meeting by Zoom.

Ms. Lawton made the following motion:

In accordance with Section 2.2-3708.2(A)(2) of the Virginia Code and Section 5(a) of the Electoral Board's Policy to Permit Participation in Board Meetings by a Member from a Remote Location, Board Member Stephen Hunt has informed me he is unable to physically attend this meeting due to a personal matter and that he intends to attend the meeting remotely from a hotel's business center in Virginia Beach. I move that Board Member Stephen Hunt be permitted to remotely attend this meeting due to a personal matter, and that the Board confirm he has satisfied the requirements of Virginia law and Section 5(a) of the Electoral Board's Policy.

Ms. Hanley seconded, and the motion passed by a vote of 2-0. Ms. Lawton stated that the minutes shall record that the motion passed, and that Mr. Hunt is unable to physically attend this meeting due to a personal matter; that Mr. Hunt is permitted to attend the meeting remotely pursuant to Section 2.2-3708.2(A)(2) of the Virginia Code and Section 5(a) of this Electoral Board's Policy to Permit Participation in Board Meetings by a Member from a Remote Location; and that Mr. Hunt will be attending remotely from a hotel's business center in Virginia Beach.

Ms. Lawton asked if Mr. Hunt could hear the participants on the Zoom videoconference. Mr. Hunt confirmed that he could hear both Ms. Lawton and Ms. Hanley, as well as the other participants on the Zoom videoconference. Ms. Lawton confirmed that the Board, as well as

the other participants in the meeting, both in person and by Zoom videoconference, can both hear and speak to Chairman Hunt.

There were no Chairman's or Vice Chairman's reports.

Under the Secretary's report, the Board of Supervisors were notified of temporary relocations of polling places for the June Primary election as follows:

- **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)
- **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)

To comply with Va. Code § 24.2-307, it is anticipated that on June 8, 2021, the Board of Supervisors will authorize a public hearing on June 22, 2021, to divide and redraw Lorton, Lane, Baileys, Weyanoke, and Camelot precincts that are currently split by House of Delegate district lines. One split precinct, Lorton, cannot be redrawn because it would create a precinct with fewer than 100 voters. On June 22, 2021, the Board of Supervisors will request a waiver to administer Lorton as a split precinct. A summary of these proposed changes is attached and made a part of this record.

The Board of Supervisors will also hold a public hearing on June 22, 2021, to add the Gerry Hyland Government Center as a voter satellite office.

There was no New Business.

Under Public Comments, Ms. Lawton acknowledged the questions received by an email dated June 3, 2021, from Catherine Trauernicht (attached and made a part of this record). Mr. Konopasek explained that ES&S may have already provided documentation for the voting equipment upgrades to ELECT. These will be supplied upon request, and if feasible, will be posted on the Office's website. An undervote is recorded when no choice is made in a single-choice contest or if the number of choices a voter makes is less than the maximum number allowed in a specific contest. After the close of polls for the June primary, the memory sticks from the voting machines will be returned to the Government Center along with the absentee ballots cast in the drop-off boxes. Mr. Konopasek confirmed that two election officers representing different political parties will return the memory sticks and the absentee ballots. Ms. Trauernicht asked if an independently affiliated election officer could be assigned to return this material, and Mr. Konopasek confirmed that this would be acceptable.

Ms. Rostant asked Mr. Konopasek whom he nominated to participate in the next phase of the VERIS replacement process. Mr. Konopasek responded that he chose two staff members, Ravi Udeshi and Eric Spicer. Ms. Rostant asked if any documents were provided to the FCRC Voting Integrity Team during their scheduled visit, if the meeting to examine documents was

arranged in response to a Freedom of Information Act (FOIA) request, and if the request and response to examine the documents was set forth in writing. Mr. Konopasek replied that the request was received and clarified in writing, and after consulting with the county attorney, it was mutually agreed upon that an on-site inspection to review the post office's non-forwarding mailing labels would satisfy the request. Ms. Rostant mentioned that in the past both parties are afforded the same access and documentation, and she hopes this practice will continue in the future.

Ms. Vorel asked if the Gerry Hyland Government Center would replace the Laurel Hill Golf Club as a voter satellite office. Ms. Hanley responded that the Laurel Hill Golf Club would not be removed from the list of voter satellite offices even though its availability for the November election may be limited. Ms. Vorel expressed concern about the lack of public transit to the Laurel Hill Golf Club and suggested that if this location is used, a plan be developed to ensure some type of public transportation to this site.

Mr. Spitz asked what the plan would be for curbside voting for the June primary and if all voter satellite offices would follow the same process. Mr. Konopasek explained that serving curbside voters at a voter satellite office will be based on the constraints of each location. At most sites, the drop-off box is located outside of the building. He added that although staffing is in place at all locations to meet the needs of a large volume of curbside voters, the changing COVID situation has vastly lowered the demand from the levels experienced in 2020.

Ms. Yohai asked if a voter maintenance function was skipped in 2020. Mr. Konopasek explained that the state is responsible for the NCOA (National Change of Address) mailing. Although this usually occurs in July, in 2020, this list maintenance was performed in December. Ms. Yohai pointed out that as a result of the delay, the turnout number for 2020 might be distorted because it would be based on an inflated number of registered voters. Mr. Konopasek noted that many of these voters would likely have been removed through day-to-day, ongoing list maintenance derived from other sources, such as death notification, felony conviction, DMV change of address, or notification of registration in other states.

Mr. Shapiro asked how the system detects and prevents non-citizens who attempt to vote by mail. Mr. Konopasek answered that the voter registration application requires an individual, under penalty of perjury, to affirm citizenship. Without this affirmation, an individual cannot register to vote, and as such, cannot request an absentee ballot.

Ms. Brim asked how many absentee ballot applications were mailed for the June primary. Ms. Hanley replied that the Office does not mail absentee ballot applications. A voter initiates the process by requesting an absentee ballot and after the voter is qualified, the Office will send an absentee ballot. Because more research is required, Mr. Konopasek will respond to Ms. Brim's second, more detailed question at a later date. Ms. Jones reported that 17,676 ballots were mailed out for the June primary. Of these, 46 ballots were returned an undeliverable. Absentee ballot applications are not tracked due to a variety of reasons, such as ineligibility for the election requested, the submission of duplicate applications, etc.

Ms. Lawton 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 6:34 p.m.

At 6:46 p.m. the Board concluded the Closed Session. Vice Chairman Lawton 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 6:47 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary