

County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County

Electoral Board

Chairman

ELECTORAL BOARD MEETING

Date: Monday, December 12, 2022

Conference Room 315

Time: 3:30 p.m.

Katherine K. Hanley Secretary

Bettina M. Lawton Vice Chairman

Amb. (ret.) Christopher Henzel

General Registrar/ Director of Elections

AGENDA

Location:

- Eric L. Spicer
- I. Call to Order, Welcome, and Introduction
- II. Adoption of the Agenda
- III. Approval of the Minutes
 - October 27, 2022
 - November 9, 2022
- IV. Appointment of Election Officers
- V. General Registrar's Report
- VI. Electoral Board Reports
- VII. New Business
 - Resource Allocation for the January 10, 2023, Special Election
- VIII. Public Comment
- IX. Adjourn

MINUTES Fairfax County Electoral Board October 27, 2022

The Fairfax County Electoral Board (Board) met on Thursday, October 27, 2022, in Conference Room 315 at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax. Chairman Amb. (ret.) Christopher P. Henzel; Vice Chairman Bettina M. Lawton; Secretary Katherine K. Hanley; General Registrar Eric L. Spicer; Deputy Registrar Cheryl Jones; and Clerk to the Electoral Board Beth Dixon Methfessel were present.

IT Manager Cord Whitehouse; Election Operations Manager Ravi Udeshi; Assistant Registrar for Voter Satellite Offices Helen Chaikovsky; Election Equipment and Logistics Manager Tyrone Allen; Voter Registration Supervisor Bushra Ardalan; Absentee Voting Manager Sean Stewart; Supply Manager Kay Garrison; Public Information Officer Brian Worthy; Office of Elections staff Logan Mongilutz; Christine Brim (Chairman, Fairfax County Election Integrity Task Force); Jack Kiraly (Executive Director, Fairfax County Democratic Committee (FCDC)); Gregory Brandon (FCDC Central Communications); Richard Weiss and Margaret (Peggy) Morrison (FCDC Voter Registration and Education); Maggi Luca (Fairfax, League of Women Voters – (Fairfax LWV)); Catherine Collins and Robert Maggi (Fairfax County election officers and/or residents of Fairfax County) also attended the meeting in person.

The following individuals participated using the Zoom videoconferencing platform: Assistant to the General Registrar Pat Ferguson; IT Business Analyst Khamthakone Betts; Office of Elections (Office) staff and/or rovers Nazila Arefi, Lisa Hogle, B. Gissell Jimenez, Kathryn Martin, Victoria Nguyen, Claudia Stallings, Jerald Taylor, Jean Thoensen and William Turley; Russ Ugone (Chairman, Falls Church City Electoral Board); Jeffrey Shapiro (Fairfax County Republican Committee (FCRC) Liaison to the Electoral Board); Andrea Bayer and Barbara Palmer-Tengs (members FCRC); Carol Allen (FCDC Election Law and Voter Protection); Maria Vorel (FCDC Precinct Operations); Richard Chew and Stephen Spitz (members FCDC); Arina van Breda (Fairfax LWV); Sandra Bellinghoven, William Denk, Audrey Dutton, Betty Hartmann, David Lopez, Debbie van Opstal, Harold Sinnett, and Fily Vilasanta (Fairfax County election officers and/or residents of Fairfax County or neighboring jurisdictions).

Mr. Henzel called the meeting to order at 4:03 p.m. and welcomed those attending in person and online. Mr. Henzel requested that those who wish to offer a public comment introduce themselves along with the organization, if any, that they represent. He asked that all comments be addressed to the Board.

Ms. Hanley moved approval of the agenda. By a vote of 3-0, and with no objection, the October 27, 2022, meeting agenda was adopted.

Ms. Hanley moved approval of the Draft Minutes of the Board meetings held on September 6, 2022, and September 27, 2022. By a vote of 3-0, the Minutes of the Board meeting held on September 6, 2022, and September 26, 2022, were adopted.

Ms. Hanley moved the appointment of 91 election officers (EO) (33 Democrats, 27 Independents, and 31 Republicans) for a term ending February 28, 2023. The motion passed by a vote of 3-0.

Under the General Registrar's (GR) report dated October 25, 2022 (attached and made a part of this record), Mr. Spicer updated the voter registration numbers since the last Electoral Board meeting:

Registered Voters	As of October 24, 2022	Change from 9/1
Active registered voters	735,521	+4,807
Inactive registered voters	45,812	-4,878
TOTAL	781,333	-71

On August 12, 2022, a Change of Address Update was mailed to 67,481 voters from the redistricting mailing for whom mail had been returned undeliverable but included a yellow Nixie label with updated address information. This included 38,019 voters with updated addresses outside of the state. The purpose of this mailing was to provide these individuals an opportunity to update their addresses if they moved within Fairfax County or to other jurisdictions in Virginia, or to give them the opportunity to be removed from the voter list if they moved out of state. The following table reflects the updated results of this mailing.

Actions Taken as of October 24, 2022	Quantity
Moved within Fairfax County - Address updated on voter list	3,506
Moved outside Fairfax County within Virginia – sent to other jurisdiction	1,728
Moved out of the state – Removed from the voter list	10,570
No Change	1,819
TOTAL	8,183

In late September the green sample ballot brochures were sent to all active registered voters in Fairfax County. This mailing included the current information on the voter's precinct, congressional district, and polling place, early voting locations as well as a sample ballot showing the contest(s) applicable to each voter.

Because ELECT did not include the town name and polling place for incorporated towns on the September redistricting notices, it sent a separate correction mailing to town voters. On October 20 these notices, sent to approximately 25,000 voters in Herndon, Clifton, and Vienna, inaccurately identified their polling place as a location in the City of Fairfax, and their precinct as "English." On October 24, the Office mailed a letter to voters in the towns of Herndon, Clifton, and Vienna, providing their correct polling place location, and directing their attention to the green sample ballot brochure mailed in late September that included the correct information. The Office's contact information (phone and email) and the URL for the citizen portal at the ELECT's website was provided to allow voters to look up their precinct and polling place. Information about this issue was also placed on the Office's website. Mr. Henzel clarified that ELECT sent out incorrect information to the voters who reside in the Towns of Clifton, Herndon, and Vienna after which Fairfax County took the initiative to send corrected information. Mr. Henzel confirmed that ELECT will reimburse Fairfax County for the cost of this mailing. Ms. Lawton reported that the Mayor of Herndon Sheila Olem has been keeping Herndon Town voters updated on how these corrections are being handled through the Herndon Town Facebook page as well as her own Facebook Page. Ms. Olem has received positive feedback regarding the way the Office has handled this incident.

On Wednesday, October 5, twelve days before the registration deadline, ELECT informed the Office that more than 11,789 Fairfax County voter registration applications completed at the DMV from May to September had not been transferred to the Virginia Election and Registration Information System (VERIS) for action. The backlog of applications populated the online hopper on October 7. Additional staff was scheduled to process these applications by the following Wednesday, October 12, five days before the "close of books." Mr. Spicer recognized the outstanding effort of Voter Registration Manager Bushra Ardalan and the voter registration team who met this challenge.

When the notices for these new registrants were processed by the Office's local printer, Mr. Spicer explained that a jam caused a misprint on approximately 1,200 of the mailings. The voter information on the front of the card did not match the back. The Office sent a letter to the voters explaining the situation, including a link to the Citizen's Portal, to ensure they have the correct information. The printer sent out corrected notices. Mr. Henzel asked if any voters called the Office, and Mr. Spicer responded that three calls have been received so far.

Over the past three months, the Office received advisories from ELECT concerning three batches of DMV non-citizen errors. In total the records of 145 voters in Fairfax County were corrected who had been canceled or who had received an affirmation of citizenship notice in error.

VERIS outages, severe slowdowns, hopper issues, and inability to produce accurate reports appear to be increasing in frequency. These issues have been communicated with staff at ELECT and with Commissioner Beals, however, the Office is planning backup procedures to conduct election operations if a VERIS outage occurs at a critical time. The diligent work by IT Manager Cord Whitehouse enabled the Office to work through these issues to ensure that election operations were not compromised.

On October 14, ELECT issued a technical advisory relating to acceptable voter identification documents. The revised "Voter Identification" chart provided with the October 14 Advisory stated that Virginia Driver privilege card (limited-duration license, permit, or special identification card) cannot be accepted as valid voter identification. However, Virginia Code § 24.2-643(A) permits a voter to present:

his valid Virginia driver's license, ... or any other identification issued by the Commonwealth...other than a driver privilege card issued under § 46.2-328.3 or an identification privilege card issued under § 46.2-345.3...

Comparing the statute to the technical advisory, § 46.2-328.3 addresses "driver privilege cards" while § 46.2-345.3 addresses "identification privilege cards." As a result, both "driver privilege cards" and "identification privilege cards" are not permissible as voter identification documents, consistent with the October 14 Advisory. A "limited-duration license" and "limited-duration permit," however, *are* (emphasis added) authorized under Va. Code § 46.2-328.1, and no statute bars or limits those documents from being used as voter IDs. Va. Code § 24.2-643(A)

requires the acceptance of a "valid Virginia driver's license" or "any other identification issued by the Commonwealth." Because the limited-duration licenses and driver permit cards are visually indistinguishable, a procedure to identify driver privilege cards will be implemented at the early voting sites and for Election Day (attached and made a part of this record).

The Office requested ELECT to provide clarifying guidance on what the advisory was referring to when it stated that a "limited-duration license" or permit was not acceptable, and/or provide the basis for its determination that licenses and permits issued under Va. Code § 46.2-328.1 were not valid voter identification documents. Mr. Henzel said he hopes ELECT will provide more guidance on this issue. Ms. Hanley suggested that a deadline of November 1 be set for hearing an answer from ELECT.

On Wednesday, October 5, the County terminated their contract with Konnech, the Michigan-based company that owns the PollChief election officer management software used by the Office since 2015. Fairfax County did not collect or store sensitive personal data such as social security numbers or banking information in PollChief. Furthermore, this software was not connected to the county's voting systems or the state voter registration system. Election officer data was backed up and Airtable software will be used for the current election. Ms. Hanley recognized the difficulty the staff faced in shutting down PollChief over a weekend. On behalf of the Board, she expressed gratitude to Election Operations Manager Ravi Udeshi for his leadership in accomplishing a seamless transition to a new system despite the difficult and time-sensitive circumstance.

Beginning on July 1, 2021, voters now have the option to be added to the permanent absentee list allowing them to receive a ballot for each election without submitting a new application. Currently, 55,829 voters are on the permanent absentee list.

Election officer oaths and electoral board appointments have been received for all individuals staffing early voting satellites, and supervisors represent the Republican and Democratic parties. For future elections, each voter satellite office will have a chief officer representing the Republican party (or party of the governor) and an assistant chief representing the Democratic (or other) party.

Mr. Spicer provided the following outline of the Central Absentee Precinct (CAP), preprocessing, and administrative functions associated with processing returned absentee ballots.

CAP:	 -Election Day operations as defined by state law -Staffed with EOs -Chief represents the Republican Party; Asst. Chief represents the Democratic Party
Admin. Functions:	-Administrative tasks including check-in and "curing" begin as soon as absentee mail ballots are received from voters -Staff performs all administrative functions
Pre-Processing:	-Opening the return envelopes, and extracting and scanning absentee by mail ballots
	-Legally required to begin no later than the Tuesday prior to the election. -Staffed with two EOs as required by state law, supplemented by staff

-Chief represents the Republican Party; Asst. Chief represents the Democratic Party

On October 11, the Board of Supervisors approved a carryover package that included the following funding for the Office:

- 1. \$5 million for the first portion of the funding required to replace the county's 8-yr old voting equipment in late 2023 or early 2025, and to purchase Poll Pads (electronic poll books) in early 2025.
- 2. \$335,700 for election officer pay raises that take effect with the November 2022 election. This is the first raise that election officers in Fairfax County have received in over 8 years, and will result in the following changes:
 - Election officers: \$175 to \$250
 - Assistant chief officers: \$225 to \$300
 - Chief officers: \$250 to \$350
- 3. \$300,000 for shelving, security, and infrastructure improvements at the new Morrissette warehouse.

Established by Virginia Code § 24.2-604.3, the Page Program for Fairfax County will assign 473 high school pages for the upcoming election. At least one page will serve in each of 208 precincts, and 145 precincts will have one or two pages. Students from twenty-three county high schools and four private high schools, as well as those being homeschooled are participating in the 2022 Page Program. Approximately 15% of the pages speak a second language. Describing a recent positive encounter involving a former Fairfax County high school page, Ms. Hanley thanked staff who assisted in standing up the program, commenting that the program is a "win-win" as students can observe the political process while providing the county a valuable volunteer service.

On October 20, an online security meeting for the election was held that included representatives from the county and town police departments, the county's IT department, county security staff, FCPS, and representatives from other departments that support election operations.

Mr. Spicer summarized the timeline for election night reporting. All satellite voting machines will be closed, and tapes run on election morning in the CAP (Room 251). Authorized representatives may observe the process. Results tapes will be secured until 7:00 p.m. The election media (thumb drives) from satellite voting machines will be uploaded in the Election Results Management (ERM) system after 7:00 p.m. In the precincts, Chiefs will enter election results on an administrative tablet after polls close rather than call them in. Beginning at 7:00 p.m., election results will be uploaded in ERM in this order: Early voting satellites, mailed absentee ballots, and then the precincts. Results will not be loaded on VERIS or posted to the Office website until staff double-checks the results and compares the results from the administrative tablets from the ERM upload process.

If it is necessary due to a machine or media (thumb drive) failure to re-scan ballots, this will be conducted at the precinct for Election Day location or in the CAP for satellites. Ballots will not be re-scanned if a results tape has been printed. In that case, the results will be manually entered from the tapes for that precinct or satellite in the ERM system. Authorized party

representatives may observe the process. At least two staff members will perform any manual entry of election results in the ERM system. Teams of two staff members will enter results in VERIS for satellites, mail ballots, and precincts. Results from hand counted ballots will be manually entered in the ERM system by at least two staff members. Authorized representatives may observe the process. If it is necessary to make any changes in VERIS after Election Day, two staff members will make the changes and the deputy registrar will maintain a report of any changes and provide that report to the Electoral Board and General Registrar.

Ms. Hanley commented that while she is confident that the results of the election in Fairfax County will be certified by the deadline on Tuesday, November 15, she solicited support for extending the extension of certification to the second Friday after the election. This will allow for more time to ensure accurate reporting. Mr. Henzel agreed because he remains concerned that same day registration coupled with no ID voting will continue to grow in subsequent elections. Extending the deadline will allow for the time to adjudicate the resulting higher number of provisional ballots.

A special election for the House of Delegates District 35 involving twenty precincts is scheduled for January 10, 2023. As required by state law, voting will occur using the precinct and district boundaries in place prior to redistricting. The precinct boundaries did not change for eighteen of the twenty precincts. Only Penderbrook precinct was divided into two precincts. Staff will work with ELECT to ensure that they can establish the election in VERIS so qualified voters are identified correctly, and the processes for the election, in-person and absentee voting, and reporting elections results are accomplished without issue.

In-person absentee voting for the special election will primarily take place at Government Center in the Office of Elections. Staff will be a Chief EO representing the Republican Party, an Assistant Chief EO representing the Democratic Party, and one additional EO. An additional absentee in-person voting location, the Providence Community Center will open for the two Saturdays before the Special Election, on December 31 and January 7.

The Electoral Board offered no objection to the absentee process proposed for the January 10, 2023, Special Election.

Under the Secretary's report, Ms. Hanley again recognized and applauded the incredible display of "can do" effort the Office displayed as they diligently worked through unexpected problems, such as the termination of the Konnech contract and the thousands of pieces of undeliverable mail received over the last six weeks.

Under the Vice Chairman's report, Ms. Lawton pointed out that unlike Clifton and Vienna, the Town of Herndon is holding their election in November. The swift action by the Office to address and correct the erroneous town precinct information mailer cannot be understated.

There was no Chairman's report.

Under New Business, Ms. Hanley explained that in recent meetings, certain authority over access to election material has been delegated to appropriate staff. This allows research and processing for provisional ballots to begin without the physical presence of the Electoral Board. To facilitate the set-up of the Canvass, Ms. Hanley moved to authorize the General Page 6 of 8 October 27, 2022

Registrar and any appropriate staff [that the Registrar designates] access to all election material returned from the precincts on election night. This authorization also includes election material from the Central Absentee Precinct. This access will commence on election night and continue for the duration of the Canvass. Mr. Henzel asked if "that the Registrar designates" be added after "appropriate staff." Ms. Hanley accepted this amendment to the motion. The motion passed by a vote of 3-0.

Under Public Comments, Mr. Henzel asked those wishing to offer a comment to identify themselves and the organization they represent, if any.

Mr. Brandon asked how a new citizen would update their driver privilege cards if the new citizen ceremony is close to Election Day. Mr. Spicer responded that an ID Confirmation Statement can be used if the new citizen does not have an acceptable ID.

Ms. Morrison asked when voters would be notified if their provisional ballot was counted. Ms. Jones responded that Fairfax County usually sends out a letter within one month. Ms. Jones confirmed that there is not a cure process for same-day registration provisional ballots. Ms. Hanley encouraged educating voters who now need same-day registration not to wait until Election Day but to go to one of the early voting locations.

Ms. Luca confirmed that the day to certify the election is Tuesday, November 15, 2022, at 11:59 p.m.

Ms. Bayer reported that the form to opt-out of the permanent absentee list was difficult to locate at some of the early voting locations. Ms. Chaikovsky assured the Board that the staff will again be reminded that an opt-out form for voters to remove themselves from the permanent absentee list is readily available. Mr. Shapiro commented that it should be as easy to remove oneself from the permanent absentee list as it is to be added to it. Mr. Henzel asked staff to keep track of those voters who think they are on the permanent absentee list in error.

Ms. van Breda asked how the Office responded to ELECT's Advisory that voters were erroneously misidentified as non-citizens in VERIS. Ms. Ardalan confirmed that the 145 Fairfax County voters misidentified as non-citizens were notified that their voter registration was removed in error, and all were restored to active status.

Mr. Shapiro asked how the provision in Va. Code 24.2-711 requiring the chief officer of election to keep a copy of the absentee voter applicant list in the polling place as a public record open for inspection is being carried out at the voter satellite offices. Mr. Spicer explained that on Election Day, the absentee voter list is provided in the sheriff's envelope that is delivered to the chief of each precinct. At the voter satellite offices, absentee status is tracked by the PollPads. Ms. Hanley noted that traditionally, voter satellite offices were considered extensions of the General Registrar's office. Only recently has ELECT provided clarification that the voter satellite offices should be operated as polling places. Ms. Hanley added that Va. Code probably does not address how the absentee voter list can be made available for public inspection at voter satellite offices.

There being no further business, Ms. Lawton moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 5:12 p.m.

Attachments

Amb. (ret.) Christopher P. Henzel, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

MINUTES Fairfax County Electoral Board November 9, 2022

The Fairfax County Electoral Board (Board) met on Wednesday, November 9, 2022, in Conference Room 251 at the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax to receive the election materials necessary to canvass the returns and ascertain the results of the General Election held on November 8, 2022. Chairman Amb. (ret.) Christopher P. Henzel, Vice Chairman Bettina M. Lawton, Secretary Katherine K. Hanley, Election Operations Manager Ravi Udeshi, and Clerk to the Board Beth Dixon Methfessel were present. In addition, rovers and Office of Elections (Office) staff were present to conduct the Canvass.

Mr. Henzel called the Canvass to order at 10:04 a.m., introduced the Board, and welcomed the Canvass workers, authorized party representatives, and observers. Mr. Henzel reviewed the agenda, and then asked Mr. Udeshi to give instructions on conducting the Canvass. Mr. Udeshi used a slide presentation to explain to the twelve assembled teams that the Canvass will be divided into two phases. In the first phase, the teams will verify, organize and reorder the machine tapes, compare the machine tapes to the ERM (Election Results Management-ElectionWare); reports for all precincts; verify the hand count reports; and confirm that the Chief Notes were completed. After the completion of this round, the administrative review phase will begin to check for accuracy, including required signatures, on the statement of results, the machine certification form, the ballot receipt form, the ballot worksheet, the hourly data worksheet, the compensation sheet, and the election officer oath form. Any issues or problems regarding the Canvass should also be brought to the Board. The Chief's Notes will be set aside for Board review.

At 12:00 p.m. in Conference Room 232, the Electoral Board convened the provisional part of the Canvass as required by Va. Code § 24.2-653 to allow voters casting provisional ballots in the November 8, 2022, General Election, to present any information that might prove they are qualified, registered voters in the precinct where they cast their provisional ballot.

Mr. Henzel moved that the Board enter a Closed Session for the purpose of considering whether each person who submitted a provisional vote at the election was qualified to do so. Other than appropriate staff and legal counsel of the Electoral Board, attendance at this meeting shall be permitted for the persons whose provisional votes are being considered with their legal counsel, if present, as well as one authorized representative of each political party or independent candidate, as specified in §24.2-653(B). While the Electoral Board is in Closed Session, Election Operations Manager Ravi Udeshi will supervise the Canvass. The motion passed by a vote of 3-0, and the Board moved into Closed Session at 12:02 p.m.

<u>Six</u> voters presented information regarding their provisional ballots. The authorized representative for the Fairfax County Republican Committee (FCRC) was Christine Brim; there was no authorized representative for the Fairfax County Democratic Committee (FCDC).

The Canvass teams recessed for lunch at 12:30 p.m. The doors were secured, and at 1:30 p.m. the conference room was re-opened, and the Canvass continued.

At 1:45 p.m. the Board concluded the Closed Session. Mr. Henzel moved that the Fairfax County Electoral Board certify that in the Closed Session just concluded, the only matters discussed were the qualifications of provisional voters, as permitted by Virginia Code § 24.2-653, and as identified in the motion to close the meeting pursuant to the Virginia Freedom of Information Act. The motion passed by a vote of 3-0. Mr. Henzel recessed the provisional ballot meeting subject to the call of the chair.

The first phase of the Canvass was completed at approximately 3:55 p.m.

At 3:57 p.m. the Canvass recessed. The Canvass will reconvene at 9:00 a.m. on Thursday, November 10, 2022.

Thursday, November 10, 2022 Reconvened Canvass and Provisional Ballot Meeting

At approximately 9:00 a.m., the Canvass reconvened in Conference Room 251.

The Canvass teams recessed for lunch at 12:00 p.m. The doors were secured, and at 1:00 p.m. the conference room was re-opened, and the Canvass continued.

At 4:25 p.m. the Canvass concluded for all 264 precincts, and the fifteen satellite voter offices plus the Fairfax County Government Center. Staff reported that there will be approximately 6500 provisional ballots to adjudicate.

The timeline for the remainder of the Canvass was discussed. Hand-counts for military and overseas emailed ballots as well as any absentee ballot that may have been damaged or was otherwise unable to be scanned will begin at 9:00 a.m. and continue throughout the day. Provisional ballot research will continue throughout the day, and adjudication was set for 1:00 p.m. on Sunday, November 13, 2022. The Canvass of the CAP will begin on Monday, November 14, 2022, at 2:00 p.m.

At 4:30 p.m. the Canvass recessed. The Canvass will reconvene at 1:00 p.m. on Sunday, November 13, 2022.

[The provisional voter log was completed at 8:30 p.m. and distributed to the political party committees.]

Friday, November 11, 2022 Reconvened Canvass and Provisional Ballot Meeting

A timeline for completion of the Canvass was emailed to the Electoral Board Notice list. The Canvass and Provisional Ballot Meeting will reconvene on Sunday, November 13, 2022, at 1:00 p.m. in Conference Rooms 315/319 of the Fairfax County Government Center. The Canvass of the CAP will be held on Monday, November 14, 2022, at 2:00 p.m. in Conference Rooms 315/319 of the Fairfax County Government Center.

Saturday, November 12, 2022 Reconvened Canvass and Provisional Ballot Meeting

A revision to the timeline for completion of the Canvass was emailed to the Electoral Board Notice list. The Canvass and Provisional Ballot Meeting will reconvene on Monday, November 14, 2022, at 8:00 a.m. in Conference Rooms 315/319 of the Fairfax County Government Center. The Canvass of the CAP will be held on Monday, November 14, 2022, at 4:00 p.m. in Conference Rooms 315/319 of the Fairfax County Government Center.

Monday, November 14, 2022 Reconvened Canvass and Provisional Ballot Meeting

At approximately 8:00 a.m. the Electoral Board reconvened the Canvass in Conference Room 315/319 as required by Va. Code § 24.2-653 to allow voters casting provisional ballots in the November 8, 2022, General Election to present any information that might prove they are qualified, registered voters in the precinct where they cast their provisional ballot. The authorized representative for the FCRC was Christine Brim; the authorized representative for Herndon Town Council candidate Cesar A. del Aguila was John Farrell; the authorized representative for the FCDC was Gregory Brandon. No provisional voters appeared in person.

Mr. Spicer reviewed the remaining tasks to complete the Canvass:

8:00 a.m. Adjudication of Provisional Ballots
10:00 a.m. Extraction of Qualified Provisional Ballots
11:00 a.m. Scanning of Qualified Provisional Ballots
2:00 p.m. Pack and Seal Counted Ballots
3:00 p.m. Prepare Provisional Statement of Results
4:00 p.m. CAP Canvass
6:00 p.m. Preparation and Signing of Abstracts

Mr. Spicer explained that in future elections, the provisional ballot log submitted from the precincts will be redacted and available to the parties and independent candidates the day following the election. The electronic file will be made available after the Electoral Board's provisional ballot adjudication meeting.

Ms. Hanley noted that the number of same-day registrations (SDRs) have shifted the timeline for the completion of the Canvass. Ms. Lawton stressed the need for an SDR election officer in the precincts who has been specifically trained to handle the process. This will relieve the Chief EOs of this critical but time-consuming task and allow them to focus on their other Election Day responsibilities.

Mr. Spicer reported that a total of 335 ID Confirmation Statements were submitted, 116 in the voter satellite offices, and 219 in the precincts on Election Day. Mr. Henzel asked staff to determine how many ID confirmation statements were submitted with an SDR.

At 8:18 a.m. Mr. Henzel moved that the Board enter a Closed Session for the purpose of considering whether each person who submitted a provisional vote at the election was qualified to do so. Other than appropriate staff and legal counsel of the Electoral Board, attendance at this meeting shall be permitted for the persons whose provisional votes are being considered with their legal counsel, if present, as well as one authorized representative of each political party or independent candidate, as specified in §24.2-653(B). The authorized representative for the FCRC was Christine Brim; the authorized representative for Herndon Town Council candidate Cesar A. del Aguila was John Farrell; the authorized representative for the FCDC was Gregory Brandon.

At 9:45 a.m. the Board recessed the Provisional Ballot meeting subject to the call of the chair to allow for additional research on the fifty-four (54) provisional ballots that the General Registrar recommended by disqualified for missing or mismatched information.

In Open Session at 11:05 a.m. Ms. Hanley moved that the Electoral Board enter a Closed Session consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel exempt from the public meeting requirements of the Virginia Freedom of Information Act, pursuant to Va. Code 2.2-3711(A)(1). The motion passed by a vote of 3-0.

At 12:15 p.m. the Board concluded the Closed Session for legal consultation. Chairman Henzel 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 Henzel Vice Chairman Lawton Secretary Hanley

The Board reconvened the Closed Session to continue adjudication of the provisional ballots. The authorized representative for the FCRC was Christine Brim; the authorized

representative for Herndon Town Council candidate Cesar A. del Aguila was John Farrell; there was no authorized representative for FCDC.

At 1:08 a.m. the Board concluded the Closed Session. Mr. Henzel moved that the Fairfax County Electoral Board certify that in the Closed Session just concluded, the only matters discussed were the qualifications of provisional voters, as permitted by Virginia Code § 24.2-653, and as identified in the motion to close the meeting pursuant to the Virginia Freedom of Information Act. The motion passed by a vote of 3-0.

Mr. Henzel moved that <u>5994</u> out of the 6560 Provisional Ballots cast and entered as qualified on the Master Provisional Ballot Log plus the <u>47</u> Provisional Ballots entered as qualified on Appendix 1 for a total of **6041** be accepted and counted for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Log and Appendix 1 shall be retained and incorporated into the Minutes of the Canvass for the November 8, 2022, General Election. The motion passed by a vote of 3-0.

Mr. Henzel moved that the remaining 519 out of the 6560 Provisional Ballots entered as disqualified on the Master Provisional Ballot Log be rejected for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the November 8, 2022, General Election. The motion passed by a vote of 3-0.

At 1:22 p.m. the Board recessed for lunch. At 2:30 p.m. the Board reconvened.

The 6041 qualified provisional ballots were extracted and scanned on the high-speed DS850. Once completed, the results were uploaded into ERM, and a report was generated for the statement of results.

The Canvass of the Central Absentee Precinct commenced at 8:40 p.m. and was completed at 9:30 p.m.

Once the results from the provisional adjudication and the CAP Canvass were uploaded and verified in the ERM system, the Board completed the Statement of Results for the qualified provisional voters for the November 8, 2022, General Election. The Board then certified the results of the election. The Board signed the Abstracts that were then sent electronically for review to the Department of Elections.

Ms. Lawton moved that there being no further business, the Board conclude the November 8, 2022, General Election. By a vote of 3-0, and without objection, the Board adjourned at 11:05 p.m.

Attachments

Amb. (ret.) Christopher P. Henzel, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary



County of Fairfax, Virginia

GENERAL REGISTRAR'S REPORT

DATE:	December 8, 2022
то:	Amb. (ret.) Christopher Henzel, Chairman of the Fairfax County Electoral Board Bettina M. Lawton, Vice Chairman of the Fairfax County Electoral Board Katherine K. Hanley, Secretary of the Fairfax County Electoral Board
FROM:	Eric L. Spicer, General Registrar and Director of the Office of Elections
CC:	Beth Dixon Methfessel, Clerk to the Electoral Board Office of Elections – All staff
SUBJECT:	General Registrar's Report for the December 12, 2022, Electoral Board meeting

Voter Registration

Registered Voters	As of November 30, 2022	Change from 10/24
Active registered voters	744,157	+8,632
Inactive registered voters	43,756	-2,056
TOTAL	787,913	+6,580
Registration Transaction	^s (10/24 to 11/30)	Year-to-Date (1/1 to 11/30)
DMV online voter registration transaction	s 37,928	189,477
Web voter registration transaction	s 9,310	32,501
Third-party voter transaction	s 215	4,179
Other voter registration transaction	s 1,980	29,370
ΤΟΤΑ	L 49,433	255,527
Voter Cancellation	s Sept. – Oct. 2022 (10/24 to 11/30)	Year-to-Date (1/1 to 11/30)
Deceased	d 469	4,297
Out-of-state	e 682	17,755
Othe	r 144	1,255
ΤΟΤΑ	L 1,295	23,307

Fairfax County Office of Elections

12000 Government Center Parkway, Suite 323, Fairfax, Virginia 22035 Phone: 703-222-0776 | Fax: 703-324-4706 | TTY: 711 | voting@fairfaxcounty.gov https://www.fairfaxcounty.gov/elections

Information on November 8, 2022, Election

The November 8, 2022, Election was very successful thanks to the hard work and dedication of staff throughout the office. We faced many external challenges and dealt with them all swiftly and effectively. We implemented new legislation including Same Day Registration that more than doubled the number of provisional ballots. We had very tight deadlines and our staff worked long hours to meet every deadline and certify the election results by November 15. We will provide more statistical information on the November 8, 2022, Election during the Board meeting.

Future Initiatives and Innovations

After carefully reviewing the November 2022 Election and our overall election functions, we have begun working on our plans for future initiatives and innovations including the following:

- **Communications Division:** We are reallocating positions to create a Communications Division to better manage our web-based content, external communications including mailings to voters, and to improve our overall communication efforts. We will continue working to improve our website, FAQs, and other information to educate the public and make election information more accessible.
- **Ballot on Demand System:** We plan to expand our Ballot on Demand System to provide a one-to-one system, so we have a separate ballot printer for each check-in station at inperson absentee satellite voting locations. This will enable us to eliminate the Ballot Officer position.
- Election Officers at Satellites: All satellite workers will be election officers for future elections, and we will do our best to have party balance at the satellites.
- Seals on Ballot Box Doors: In future elections, the ballot box doors on all voting machines at satellites will be sealed. This is not necessary at precincts because the voting machines are monitored by election offices and authorized representatives throughout the day.
- Improved Chain of Custody: We continue to consider ways to improve our chain of custody documentation and are investigating acquiring RFID or similar technology to help with this effort.
- **SDR/Provisional Expert:** We will train and provide precincts and satellites with an SDR/Provisional ballot expert election officer.
- Management of SDR Provisional Ballots: For future elections, we will maintain a connection between SDR Provisional Ballots and SDR Applications and Bushra Ardalan and her team will be responsible for managing all SDR provisional ballots.
- **Poll pad Update on Sunday:** We will update poll pads on the Sunday before the special election for chief officers to pick up on Monday. If the chief officer is unable to pick it up, we will deliver it to the precinct and secure it in the voting equipment cart on Monday. If this process is successful, we will implement it for future elections.
- **Timing of CAP Canvass:** For future elections, CAP Canvass will be conducted on the day after the mailing deadline to allow sufficient time for processing ballots that are received on the final day, completing related paperwork, and preparing materials.



Election Officer Management Software

We have successfully transitioned from our old Poll Chief election officer management system to a new Airtable-based solution for election officer management and are using this for upcoming elections. Mr. Udeshi and his staff have found the new software more beneficial in many ways and are continuing the process of building out new features, such as an enhanced election officer portal, to make it easier to communicate with and assign election officers.

January 10 Special Election (35th House of Delegates)

Resource Allocation

We ordered 22,800 ballots for polling places for the Special Election to provide enough ballots for 35 percent of the registered voters in the 20 precincts that are part of the Special Election. This is well above the turnout for similar elections in the past. We have allocated two DS200 voting machines and two accessible voting machines for each precinct as well as 3 to 4 poll pads. We will have 5 to 7 election officers at each location.

Absentee Mail Voting

As of December 7, we have received 5,392 absentee ballot applications for the January 10, 2023, 35th House of Delegates, Special Election. This includes 5,164 permanent applications, 163 overseas applications, and 65 one-time applications for the Special Election only. Beginning on July 1, 2021, voters could choose to be added to the permanent absentee list so they would receive a ballot for each election without submitting a new application. Currently, we have 56,629 voters on the permanent absentee list, countywide.

Additionally, we have received 811 voted absentee ballots for the Special Election. This represents 15 percent of our current absentee mail out, including 780 ballots returned by mail and 31 ballots returned by drop box.

In-Person Early Absentee Voting

In-person absentee early voting for the January 10, 2023, Special Election began November 23 at the Fairfax County Government Center at the front of our office in Suite 323. As of December 7, there were 40 voters, 5 ballots returned by drop box, 2 surrendered absentee ballots, and no curbside voters.

A second in-person absentee early voting location will be open for 2 Saturdays (December 31 and January 7) at the Providence Community Center from 9:00 a.m. to 5:00 p.m. The Government Center early voting location will also be open on those Saturdays.

As required by state law, the Government Center Satellite is staffed with three election officers including a Chief Officer representing the Republican Party and an Assistant Chief Officer representing the Democratic Party. The Providence Satellite will be staffed with six election officers including a Chief Officer representing the Republican Party and an Assistant Chief Officer representing the Republican Party and an Assistant Chief Officer representing the Democratic Party.

Logic and Accuracy Testing

We conducted the Logic and Accuracy Testing for the poll pads and voting equipment for the absentee satellites, including the Ballot on Demand System, on November 21 in Suite 251 at Government Center. We will conduct the Logic and Accuracy for precincts between December 15 and December 16, beginning at 9:00 a.m., at the Morrissette Operations Center. We will conduct the Logic and Accuracy Testing for the DS850 absentee mail ballot scanner at 9:00 a.m. on December 20 at Government Center.

We will test the following equipment for 20 polling places:

- 40 DS200's for assignments to the precincts
- 10 back-up DS200's
- 40 Express Votes
- 5 back-up EV's
- 2 DS850's

Poll pad Update and Deployment

We will update poll pads for the 20 precincts for the Special Election with final absentee information and test them in Suite 251 at Government Center on Sunday, January 8. Chief Officers will pick up their poll pads on Monday, January 9 or we will deliver the poll pads to their precinct and secure them in the voting equipment carts.

Morrissette Warehouse and New Voting Equipment Carts

We are still working on the transition to the new Morrissette Warehouse which has been slowed by supply chain disruptions. All voting equipment has been transferred to the Morrissette warehouse. We have received 95 of our new voting equipment carts and we are shipping out the old voting equipment carts as we receive the new carts. This will continue until the Spring of 2023.

Election Officer Assignments

We are currently in the process of assigning and confirming Chief Officers, Assistant Chief Officers, and regular election officers for the January 10, 2023, Special Election. Every polling place will have a Chief Officer representing the Republican Party and an Assistant Chief Officer representing the Democratic Party. We will have 5 to 7 election officers in each of the 20 precincts and, where possible, we are using the same election officers who served in these precincts in the November 2022 Election.

Election Officer Training

As usual, we will cover all legal and procedural updates in the Chiefs Briefing provided to all Chiefs and Assistant Chiefs one week before the election. We will also ensure one or more officers in each precinct are thoroughly trained on same day registration (SDR) procedures and can serve as an SDR specialist in each precinct; in a small election like this, that will generally be the Chief and/or Assistant Chief.



Key Dates for Special Election

Thursday, December 15	Logic and Accuracy Testing for Precincts
Tuesday, December 20	Logic and Accuracy Testing for Absentee Mail DS850
Friday, December 23	Half Day Holiday: Office Closes at 12:00 (Noon)
Monday, December 26	Holiday: Office Closed
Saturday, December 31	Absentee Voting: Govt. Center and Providence Community Center
Monday, January 2	Holiday: Office Closed
Tuesday, January 3	Begin Pre-Processing Absentee Mail Ballots
Saturday, January 7	Absentee Voting: Govt. Center and Providence Community Center
Sunday, January 8	Poll pad Update and Testing
Monday, January 9	Setup of Polling Places, Pickup/Distribution of Poll pads
Tuesday, January 10	Special Election
Wednesday, January 11	Canvass for Precincts and Satellites
Saturday, January 14	Provisional Ballot Adjudication and Process, CAP Canvass
Monday, January 16	Holiday
Tuesday, January 17	Certification of Election Results

Office Personnel

We hired Antemira Elliot as an Administrative Assistant V for financial functions, and she began working on November 7. We are in the process of hiring a Financial Specialist. We are also in the process of hiring an HR Generalist.

Alina Selnick-Escobar was promoted to the position of Election Training & Operations Coordinator. She previously led training efforts for election officers serving on election day; in her new and expanded role, she will now lead training efforts for all election officers, early voting staff, and voting equipment technicians

We are also in the process of reallocating positions to provide a Communications Division Chief who will be responsible for managing web-based content, external communications including mailings to voters, and improving our overall communication efforts.

FY 2024 Budget

In early November, we submitted our budget request for the FY 2024 Budget. Although we understand that this will be a very tight budget year, we have requested additional funding for critical election functions. The Department of Management and Budget and the county have been very responsive to our requests for additional funding, and we have done a better job of explaining our challenges and funding requirements.



FOIA

We received a total of 176 VFOIA as of December 7. This represents an increase of more than 1,200% from 2019. Clearly, there is much greater interest in the election process than there has been in prior years. The following is a summary of the recent increase in FOIA Requests:

- 2018 16 FOIA Requests
- 2019 14 FOIA Requests
- 2020 39 FOIA Requests
- 2021 147 FOIA Requests
- 2022 176 FOIA Requests as of December 7



January 10, 2023 Special Election - Precinct Resource Allocation

		Ballot	Nov 2022 In-Person	Active Reg	Ballot	% of Reg	Ballot		Ballot	Poll	Express	DS200	Election
DISTRICT	PCT PRECINCT	Style	Turnout %	Voters	Order %	Voters	Order	Ballot Packs		Pads	Votes	Scanners	Officers
2 - Hunter Mill	204 MADISON	-	35.6%	1,005	35%	352	400	2 x 200	1	3	2	2	5
2 - Hunter Mill	213 VIENNA #1	-	42.1%	4,293	35%	1,503	1,600	8 x 200	2	4	2	2	7
2 - Hunter Mill	214 VIENNA #2	-	41.0%	3,394	35%	1,188	1,200	6 x 200	1	4	2	2	6
2 - Hunter Mill	216 VIENNA #4	-	41.0%	1,652	35%	578	600	3 x 200	1	3	2	2	6
2 - Hunter Mill	218 VIENNA #6	-	38.8%	2,476	35%	867	1,000	5 x 200	1	4	2	2	6
7 - Providence	701 BLAKE	-	29.8%	4,876	35%	1,707	1,800	9 x 200	2	4	2	2	7
7 - Providence	704 FREEDOM HILL	-	37.2%	2,550	35%	893	1,000	5 x 200	1	4	2	2	6
7 - Providence	720 THOREAU	-	40.7%	3,028	35%	1,060	1,200	6 x 200	1	4	2	2	6
7 - Providence	726 MAGARITY	-	30.9%	4,427	35%	1,549	1,600	8 x 200	2	4	2	2	7
7 - Providence	727 OAKTON	-	38.5%	2,680	35%	938	1,000	5 x 200	1	4	2	2	6
7 - Providence	729 NOTTOWAY	-	27.4%	3,833	35%	1,342	1,400	7 x 200	2	4	2	2	6
7 - Providence	731 TYSONS	-	25.7%	4,614	35%	1,615	1,800	9 x 200	2	4	2	2	7
7 - Providence	732 OAK MARR	-	36.0%	3,957	35%	1,385	1,400	7 x 200	2	4	2	2	6
7 - Providence	733 KILMER	-	33.3%	4,639	35%	1,624	1,800	9 x 200	2	4	2	2	7
7 - Providence	734 HUNTERS BRANCH	-	26.5%	2,807	35%	982	1,000	5 x 200	1	4	2	2	6
7 - Providence	735 ROTONDA	-	39.6%	1,410	35%	494	600	3 x 200	1	3	2	2	6
8 - Springfield	802 CEDAR LAKE	-	29.2%	1,620	35%	567	600	3 x 200	1	3	2	2	5
8 - Springfield	844 CENTERPOINTE	-	22.9%	3,407	35%	1,192	1,200	6 x 200	1	4	2	2	7
8 - Springfield	856 PENDERBROOK	-	36.6%	3,847	35%	1,346	1,400	7 x 200	2	4	2	2	6
8 - Springfield	857 ISLAND POND	-	34.9%	179	35%	63	200	1 x 200	1	3	2	2	5
	20 TOTALS (HDD 35 only)		34%	60,694	35%	21,243	22,800	114 x 200	28	75	40	40	123

January 10	, 2023 Special Ele	ection - Precinct Resoເ	Irce Allocation
------------	--------------------	-------------------------	-----------------

DISTRICT	PCT PRECINCT	Ballot Style	Nov 2022 In-Person Turnout %	Active Reg Voters	Ballot Order %	% of Reg Voters	Ballot Order	Ballot Packs	Ballot Boxes	Poll Pads	Express Votes	DS200 Scanners	Election Officers
100s	29 1 - Braddock	-	38.1%	83,129	0%	0	0	0 x 200	0	0	0	0	0
200s	32 2 - Hunter Mill	-	38.4%	92,197	5%	4,487	4,800	24 x 200	6	18	10	10	30
300s	28 3 - Dranesville	-	35.6%	85,725	0%	0	0	0 x 200	0	0	0	0	0
400s	27 4 - Lee	-	34.7%	78,118	0%	0	0	0 x 200	0	0	0	0	0
500s	30 5 - Mason	-	34.0%	70,606	0%	0	0	0 x 200	0	0	0	0	0
600s	30 6 - Mount Vernon	-	34.2%	79,010	0%	0	0	0 x 200	0	0	0	0	0
700s	25 7 - Providence	-	33.3%	77,189	15%	13,587	14,600	73 x 200	17	43	22	22	70
800s	35 8 - Springfield	-	38.6%	90,359	4%	3,169	3,400	17 x 200	5	14	8	8	23
900s	28 9 - Sully	-	36.1%	87,844	0%	0	0	0 x 200	0	0	0	0	0
8th CD	82 8	-	34.4%	220,506	0%	0	0	0 x 200	0	0	0	0	0
10th CD	8 10	-	40.6%	15,272	0%	0	0	0 x 200	0	0	0	0	0
11th CD	174 11	-	36.5%	508,399	4%	21,243	22,800	114 x 200	28	75	40	40	123
ALL	264 <>	-	36.0%	744,177	3%	21,243	22,800	114 x 200	28	75	40	40	173

Nov 2022 In-Person Turnout

- Average: 36% (range: 18% to 55%)

Jan 2023 ballot order

- 35% for all precincts

Election officer targets

- 5 election officers for up to 2,000 active registered voters

- 6 election officers for up to 4,000 active registered voters

- 7 election officers for up to 5,500 active registered voters

NOTE: 1 extra election officer allocated in precincts with additional needs:

- High language needs (3 precincts)

November 8, 2022 General Election Post-Election Statistics

Overall	1415211511	
Active Registered Voters	738,416	
Ballots Cast & Turnout	407,013	55.1%
Election day	261,222	64%
Early voting at satellites	82,168	20%
Absentee by mail	57,582	14%
Provisional	6,041	1.5%

Election Day	1.5	
Precincts	264	
Co-located precincts	68	26%
Polling places	230	
FCPS facilities (schools)	167	73%
Public facilities (libraries, rec centers, etc.)	34	15%
Private facilities (churches, etc.)	29	13%
Rovers	29	
Route rovers	24	83%
Regional rovers	5	17%
Election officers	2,345	
Experienced officers	1,932	82%
First-time officers	413	18%
High school student pages	428	

Provisional & SDR						
Provisional ballots	6,560					
Accepted	6,041	92%				
Not accepted	519	8%				
Provisional ballot reasons						
Same day registration	3,913	60%				
Absentee ballot issued	2,356	36%				
Not on pollbook	229	3%				
Marked already voted	37	0.6%				
No ID	2	0.03%				
Other	23	0.4%				

Early voting		Ne . S
Ballots cast at 16 early voting satellites	82,168	
Fairfax County Government Center	19,789	24%
Mount Vernon Governmental Center	8,474	10%
North County Governmental Center	8,021	10%
Burke Centre Library	4,041	5%
Centreville Regional Library	2,781	3%
Franconia Governmental Center	4,497	5%
Great Falls Library	2,244	3%
Herndon Fortnightly Library	3,155	4%
Lorton Community Center	1,831	2%
Mason Governmental Center	4,462	5%
McLean Governmental Center	5,588	7%
Providence Community Center	3,707	5%
Sully Governmental Center	2,586	3%
Thomas Jefferson Library	2,361	3%
Tysons-Pimmit Regional Library	3,432	4%
West Springfield Governmental Center	5,199	6%

Absentee by Mail & Curing		
Absentee ballots issued	76,338	
Returned by mail	45,840	60%
Returned by drop box	12,346	16%
Undeliverable by USPS	1,764	2%
Surrendered at early voting satellite	1,669	2%
Surrendered at election day precinct	1,203	2%
Voted provisionally on election day	2,356	3%
Absentee ballots returned	58,186	76%
Scanned on machine	56,142	96%
Hand-counted	1,440	2%
Rejected/void	604	1%
Absentee envelopes requiring curing	1,169	2%
Cured	660	56%
Not cured	509	44%