

MINUTES
Fairfax County Electoral Board
February 18, 2022

The Fairfax County Electoral Board (Board) met on Friday, February 18, 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 Scott O. Konopasek; Election Manager Eric Spicer; and Clerk to the Electoral Board Beth Dixon Methfessel were present.

Election Officer Manager Ravi Udeshi; IT Manager Cord Whitehouse;; Assistant to the General Registrar Pat Ferguson; Jack Kiraly (Executive Director of the Fairfax County Democratic Committee - FCDC); Gregory Brandon (FCDC Central Communications); Christine Brim, Judy Flaig, and Jeff Shapiro (members of the Fairfax County Republican Committee (FCRC) Election Integrity Committee); Andrea Bayer (FCRC Providence District); Maggi Luca (League of Women Voters - LWV); Tom Hurt, David Hurren, and Jean Thoensen (Fairfax County residents) also attended the meeting in person.

The following individuals participated using the Zoom videoconferencing platform: Public Information Officer Brian Worthy; Management Analyst Kathleen Culbertson; Assistant Registrar Cheryl Jones; Supervisor of Voter Registration Bushra Ardan; Assistant Registrar for Voter Satellite Offices Helen Chaikovsky; Voting Systems Manager Tyrone Allen; IT Specialist George Panagakos; Supply Manager Kay Garrison; Nazila Arefi, Kurt Doehnert, Lisa Hogle, Elaine Homstad, Don Howell, Ben Jarratt, B. Gissell Jimenez, Gary Klinger, Bill Lewers, Kathryn Martin, Sandra Raedels, Todd Strelow, Sean Stewart, Cary Threat, Office of Elections (Office) staff and rovers; Maria Vorel (FCDC Precinct Operations); Carol Allen (member FCDC); Johnna Sachse (FCRC Election Integrity); Arina van Breda (LWV); and Sandra Bellinghoven, Bob Carney, Donald Craig, Phyllisa Goldenberg, Betty Hartmann, Maria Kane, Amy Jacobs, David Lopez, Bill MacLeod, Laurie Moore, Jill Mobley, George Pana, Catharine Trauernicht, Jean Thoensen, S. Trite, Debbie van Opstal, Daniel Williams, and Noah Winthrop (Fairfax County election officers and/or residents).

Mr. Henzel called the meeting to order at 3:00 p.m. and introduced the Board. He asked those present in the room and on Zoom to introduce themselves.

Ms. Hanley moved approval of the agenda. By a vote of 3-0, and with no objection, the February 18, 2022, meeting agenda was adopted.

Ms. Hanley moved approval of the Draft Minutes of the Board meeting held on January 18, 2022, and by a vote of 3-0, the Minutes of the Board meeting held on January 18, 2022, were adopted.

Mr. Henzel called for a motion to appoint 100 election officers (EO) (35 Democrats, 18 Independents, and 47 Republicans) for a term ending February 28, 2023. Ms. Hanley moved to approve the appointments, and the motion passed by a vote of 3-0.

Under the General Registrar's report (attached and made a part of this record), Mr. Konopasek updated the voter registration numbers as of February 17, 2022:

Active Voters:	743,490
Inactive Voters:	38,317
Total Voters:	781,807
Permanent Absentee Voters:	49,938 - Dem Ballot Requestors 28,394 Rep Ballot Requestors 2,532

The proposed redistricting changes have been submitted to the Board of Supervisors to authorize a public hearing on March 8, 2022. The proposal can be found online here: [Board of Supervisors Meeting Package – February 22, 2022 \(fairfaxcounty.gov\)](#)

To permit teleworking consistent with County policy, all merit employees were provisioned with computers to allow remote access to VERIS and the county network. Ms. Lawton asked about the cost of provisioning merit employees for telework. Mr. Konopasek responded that the cost was negligible due to the availability of laptop computers after their replacement at the satellite voter offices with Poll Pads. Mr. Konopasek added that Mr. Whitehouse has resolved most of the VERIS access issues from a remote location.

The Office has been exploring options for ballot on demand as a more cost-effective alternative to managing the large inventory of pre-printed paper ballots required for the voter satellite offices. Print Elect (ES&S) and KnowInk have presented their ballot on demand solutions to Fairfax County for consideration.

As the Department of Elections (ELECT) prepares to replace the state-wide voter registration and information system (VERIS), six functional-area user groups have been created to assist in the evaluation and implementation stages of the process. The Office congratulates Cheryl Jones (Absentee Voting) and Ravi Udeshi (Maintain Geographical Data) who were selected by ELECT to represent Fairfax County. Mr. Henzel asked if the new system would be operational for the November 2022 election. Mr. Konopasek responded that the system would probably not be fully functional until late 2023.

A request for a third quarter adjustment to the Office budget of an additional \$1.6 million has been submitted. This request will ensure that the June Primary election is adequately funded. Due to the cyclical nature of elections, new/unfunded mandates, and other considerations, the Office continues to face underfunding at the end of each fiscal year.

The following bills are being monitored with input provided through the County's Legislative Committee and the Voter Registrar's Association of Virginia's (VRAV) Legislative Committee:

- HB 39 - Absentee voting reduced to two weeks prior to election, no Sunday
- HB 439 - Explanations provided with absentee ballots mailed (referendums, etc.)
- HB 700 - Delay the Town of Vienna elections from May 2022 to November 2023
- SB 552 - Reenact excuse absentee voting, signature match and Notary requirement

- HB 55 - Jurisdictions to be notified of decedents weekly, instead of monthly
- HB 195 - Polling place waiver if needed
- SB 652 - Requiring the last 4 of the SSN on an absentee ballot (AB) application
- HB 927 - Reporting results by precinct
- SB 370 - Risk-limiting audit conducted prior to the election being certified by the state.
- HB 177 - Requiring a witness signature on an AB envelope or the voter's birth date and last four of the SSN, which must be verified against information on the voter's record
- HB 34 - Eliminates ballot drop-off boxes
- HB 46, HB 175 - Removes the permanent AB application list and repeals no voter ID
- SB 460, HB 956 - Absentee ballots must arrive by close of polls on Election Day to be counted

Mr. Konopasek highlighted SB 652, although not yet enrolled, which now requires the last 4 digits of the social security number (SSN) on the AB application.

Since January 15, 2022, six FOIA requests have been received and five responses sent, one response from a request prior to January 15, 2022. As directed by the Board, these requests and responses will be forwarded to the Board members.

The footprint layout and security considerations for the new warehouse space is under development. There remains a concern that the new space will not be adequate to meet future needs.

Under the Chairman's report, Mr. Henzel reaffirmed that the tradition of assigning Chief EOs based on the party of the governor will continue. The Assistant Chief EOs will be selected from the party with the second highest vote total in the preceding gubernatorial election.

There was no Vice Chairman's report.

Under the Secretary's report, Ms. Hanley presented Fairfax County's Re-precincting Plan (attached and made a part of this record) and thanked staff for their hard work to meet ELECT's March 21, 2022, deadline for completing all changes in VERIS. The proposed plan is based on the 2020 census and subsequent adoption of new Congressional, state Senate, and House of Delegates district lines. Additionally, to comply with Va. Code §24.2-307, "each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district." The guidelines used to develop the plan were to disrupt the fewest voters possible, ensure that precinct boundaries and polling places meet all legal requirements and provide adequate facilities to accommodate voters, and to minimize the number of extremely small or extremely large precincts. While applying these guidelines, no polling place can be located farther than 1 mile from the precinct boundaries. The proposed plan adds a net total of 17 additional precincts for a total of 264 precincts (previously 247 precincts) with 230 polling places. The plan keeps 96% of voters at their current polling place. Upon its adoption by the Board of Supervisors, the proposal will be submitted to the Attorney General of Virginia for approval and issuance of a Certification of No Objection. Mr. Konopasek reported that ELECT recently informed the localities that re-precincting can

begin in VERIS upon the adoption of the governing body's ordinance. After VERIS is updated, a notice of change in voter information will be mailed to all active voters.

During discussion, concern was expressed over the creation of precincts (Island Pond, Halley #2, Lynbrook #2) with a very small number of voters. Ms. Hanley explained that statute allows a waiver to administer a split precinct only if there are *less than* (emphasis added) 100 voters. A question was raised regarding the use of census block data in the creation of the proposed plan. Mr. Udeshi explained that census data was available, however, precinct boundary lines are required to follow physical landmarks (streets, utility easements, creeks) and occasionally, the census tracts do not align with physically observable boundaries, creating small anomalies in certain areas. These areas were addressed, and the outcome did not affect any voters.

There was no New Business.

Under Public Comments, Mr. Kiraly asked if a notice would be sent to voters with a change in electoral representation. Mr. Konopasek clarified that voters with no precinct or polling place changes but now have a new district number would also receive a notice of change in voter information.

Mr. Hurt asked when new election equipment and voting software would be acquired. Mr. Konopasek responded that there is no timeline for replacing the voting equipment. The process of certifying election systems is highly regulated, taking up to ten years to complete. The plan is to maintain the current equipment and wait until there are more modern, viable choices for a jurisdiction the size of Fairfax County.

Mr. Hurren asked what action would be taken if any of the change in voter information notices are returned as undeliverable. Mr. Konopasek explained that this mailing will be sent return receipt requested which instructs the post office not to forward. Appropriate list maintenance will be taken with "returned as undeliverable" voter notices, specifically, the voter's information in VERIS will be flagged, generating a confirmation mailing. This mailing will be forwarded if a new address is on file with the post office. If no response is received from the voter, the record becomes inactive. If a response is received, the voter's information is updated accordingly.

Ms. Thoensen asked for an update on the procurement of the new Poll Pads. Mr. Konopasek replied that multiple contract issues with KnowInk and budget considerations now being resolved, delivery in April of 1000 new Poll Pads is expected in time for the June primary election. Sixty-five of the older Poll Pads will be retained for training. It is expected that the 1000 new machines will cover early voting and precinct needs, but if not, more can be ordered. There is still an option to repurpose early voting Poll Pads for use on Election Day. Ms. Brim asked if the ePulse network would be used for the June Primary election. Mr. Konopasek said the plan used in November will be the same for June; during early voting, the Poll Pads will sync in real-time, however, on Election Day, this syncing is prohibited. Mr. Hurt asked for a copy of the contract to acquire the Poll Pad system. Mr. Konopasek suggested submitting a FOIA request for this information.

Mr. Doehnert asked if the Board considered the pros and cons of continuing the practice of assigning Chief EOs based on the party of the governor. Mr. Henzel responded that when the party of the governor changed in 2013, the tradition was respected. Now that another change has occurred, it would be unnecessarily controversial to depart from this practice. Mr. Henzel opined that the strength of Virginia's electoral law is transparency and with both major parties, along with independents, present, it strengthens this tradition. Without objection from Ms. Lawton or Ms. Hanley, there is a consensus to continue with this practice.

Ms. Sachse asked about the status of updating the procedures for verifying the last 4 digits of the SSN on the AB application. She also asked what source is used to verify the information provided on the AB application. Mr. Konopasek responded that the source of verification is VERIS because it contains the information provided by the voter upon registration.

With respect to the procedures for verifying AB applications, Mr. Konopasek stated that if the law is enrolled and passes, it will be effective on July 1, 2022. Until that point in time, the current practice of verifying AB applications will continue as it conforms to existing law as it is understood and interpreted. Ms. Sachse responded that Mr. Konopasek incorrectly interpreted the law, and, in the interest of security of the voter rolls, she asked if the process could be changed immediately to validate the last four digits of the SSN on an AB application. Mr. Konopasek responded that since the law has not yet passed, it would be premature to change the process at this point. He noted that he lacked the authority and legal standing to act on the new law until it is effective. Ms. Sachse remarked that Mr. Konopasek has the authority to correct the process and interpret the law correctly and without ambiguity. Ms. Lawton suggested that Ms. Sachse is misinterpreting how the statutes are understood and as such, she and Mr. Konopasek will continue to disagree on these points in the law. At this point, Ms. Lawton stated that these arguments are premature since the bill has not finished the process of becoming law, and when it does, it will be implemented. Mr. Henzel commented that he agrees with Ms. Sachse's position. He remarked that while the discussion on this subject has been ongoing, it is not without relevance as AB applications are continuing to be adjudicated under the General Registrar's interpretation of the rules. He stated that his preference would be that the General Registrar take a different position, but once the law goes into effect, the interpretation will change. Mr. Shapiro asserted that the General Registrar does have the authority to change how he determines the validity of an AB application. He opined that the existing statute requires the last four digits of the SSN. No new law is being created, however, once [SB 652] is enrolled, not verifying this information becomes a "layer of security that is being left on the table for no good reason." Mr. Konopasek responded that the way the law is currently written justifies both positions, and a discussion on implementation will be planned after the bill is enrolled. Mr. Henzel concluded the discussion by stating the General Registrar used his discretion not to require verification of the last four digits of the SSN; the opposite decision would have favored the integrity and security of the election. The legislature resolved the issue in favor of the position he supports.

Mr. Lopez asked when the Chief EOs would be chosen for assignment for the June Primary election and when training would begin. Mr. Udeshi answered that assignments will begin no later than 2 months prior to the June Primary election. Although there is not a requirement for new training, and Chief and Assistant Chief EOs will be trained together. Ms.

Lawton clarified that if a Democratic Primary is held, the intent is that election officers will be Democrats; if a Republican Primary is called, then Republicans will be assigned.

Mr. Henzel moved that the Board enter a Closed Session for the purpose of discussing specific personnel matters, as permitted by Va. Code § 2.2-3711(A)(1); and consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, pursuant to Va. Code § 2.2-3711(A)(7).

Without objection, and by a vote of 3-0, the Board entered Closed Session at 4:31 p.m.

At 5:52 p.m. the Board concluded the Closed Session. 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

There being no further business, Ms. Hanley moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 5:53 p.m.

Attachments

Christopher P. Henzel, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary