

MINUTES  
Fairfax County Electoral Board  
January 18, 2022

The Fairfax County Electoral Board (Board) met on Tuesday, January 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.

Management Analyst Kathleen Culbertson; DIT Architect Kim Satterthwaite; Election Officer Manager Ravi Udeshi; IT Manager Cord Whitehouse; Special Assistant Pat Ferguson; Supervisor of Voter Registration Bushra Ardalan; Office of Elections (Office) staff Abigale Peters; Bryan Graham, Chairman of the Fairfax County Democratic Committee (FCDC); Gregory Brandon (FCDC Central Communications); Deb Wake, League of Women Voters (LWV); Geoffrey Akey, Christine Brim, Johnna Sachse, and Harold Sinnot (members of the Fairfax County Republican Committee (FCRC) Election Integrity Committee); and Steve Barch (Fairfax County resident) also attended the meeting in person.

The following individuals participated using the Zoom videoconferencing platform: Assistant Registrars Cheryl Jones and Helen Chaikovsky; Human Resources (HR) Generalist Blanca Arciniega; Voting Systems Manager Tyrone Allen; Supply Manager Kay Garrison; Election Officer Assistant Coordinator Alina Selnick-Escobar; B. Gissell Jimenez, Kathryn Martin, Dan Per-Lee, and Sean Stewart, Office staff; Andrea Bayer (FCRC Providence District); Jack Kiraly (FCDC Executive Director); Chris Ambrose (Vice-Chair for Finance/Outreach, Mount Vernon District Democratic Committee); Stephen Spitz (FCDC Election Law and Voter Protection), Maria Vorel (FCDC Precinct Operations); Carol Allen and Sue Langley (members FCDC); Jeff Shapiro (FCRC Election Integrity); Arina van Breda and Maggi Luca, (LWV); and Sandra Bellinghoven, Maryann Laughton, Sue Swiatek, Catharine Trauernicht, Jean Thoensen, Debbie van Opstal, and Daniel Williams (Fairfax County residents).

Ms. Lawton called the meeting to order at 5:00 p.m. and introduced the Board. She 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 January 18, 2022, meeting agenda was adopted.

Ms. Lawton called for the reorganization of the Board. Ms. Hanley moved that Christopher Henzel be elected as Chairman. The motion passed by a vote of 3-0. Ms. Hanley moved that Bettina Lawton be reelected as Vice Chairman. The motion passed by a vote of 3-0. Ms. Lawton moved that Ms. Hanley be reelected as Secretary. The motion passed by a vote of 3-0.

Ms. Hanley moved approval of the Draft Minutes of the Board meeting held on December 20, 2021, and by a vote of 3-0, the Minutes of the Board meeting held on December 20, 2021, were adopted.

Under the General Registrar's report dated January 13, 2022, (attached and made a part of this record), Mr. Konopasek updated the voter registration numbers as of January 13, 2022:

Active Voters:	741,573
Inactive Voters:	38,619
Total Voters:	780,192
Permanent Absentee Voters:	49,799

The approved shapefile containing the boundaries for the new house, senate and congressional districts is being analyzed to determine the impact of the changes on existing precincts. With assistance from the County's GIS team, staff is preparing recommendations for precinct and polling place changes to accommodate the new boundaries [Virginia Code 24.2-307 requires each precinct to be wholly contained within a single congressional, state senate, delegate, and magisterial district]. A Public Hearing will be authorized by the Board of Supervisors in late March to adopt the changes by ordinance. After the ordinance is adopted, a Certification of No Objection (CNO) will be submitted to the Attorney General. Once the CNO is received, precinct changes can be made in VERIS and other election systems in preparation for the June Primary. Notices will be sent to all voters with redistricting changes no later than 2 weeks prior to the June Primary.

Ms. Lawton asked if the notices sent out to voters with precinct changes would be designed by the Department of Elections (ELECT) or the Office. Mr. Konopasek explained that Fairfax County publishes in multiple languages, so information provided by ELECT is routinely modified to accommodate all four languages. Ms. Lawton asked if adequate phone back-up will be available for voters with questions after they receive their notices. Mr. Konopasek replied that staff will be prepared to answer voter questions, however, most redistricting changes affected legislative representation and did not require re-assigning voters to a new polling place. Voters can also look up their polling place on the County's website.

Statistical summaries of 2021 voter registration activities are reported on an annual basis to the state and the Election Assistance Commission (EAC) as required by the National Voting Rights Act of 1993. These statistics will continue to be captured to provide a concise summary of the multitudinous transactions performed for an election and will supply the basis for tracking and comparing trends and changes. Ms. Hanley observed that the cause for many of the provisional ballots cast in the November 2021 election was "voter was in the wrong precinct." That was particularly true in Monument precinct located in the Government Center which also serves as an early voter satellite voting location where voters registered in any precinct can vote. She recommended additional public information to remind voters that on Election Day voters must vote in the precinct where they are registered.

Both the new IT Manager, Cord Whitehouse, and Fiscal Manager, Kathleen Culbertson, started January 10<sup>th</sup>.

Under the Chairman's report, Mr. Henzel thanked the Electoral Board, the General Registrar, and the Office for helping him transition into his new position on the Board.

There was no Vice Chairman's report.

Under the Secretary's report, Ms. Hanley requested that all FOIA requests and responses be forwarded to the Electoral Board. Mr. Henzel and Ms. Lawton concurred, asking Mr. Konopasek to forward all requests when received, as well as the response.

Under New Business, Ms. Hanley explained that the timeline for redistricting is compressed with the Public Hearing scheduled for late March to accommodate the timeline for the June Primary. She emphasized that the changes will only become official after the Board of Supervisors adopts them by ordinance.

Under Public Comments, Mr. Brandon asked if comments and suggestions from the parties about re-precincting changes would be considered. Mr. Konopasek suggested that since the analyzation of changes is underway, input should be emailed to the Office. It will be reviewed prior to making recommendations to the individual supervisors. Ms. Brim asked how many precincts will be created. Mr. Konopasek did not offer a specific number but added that the goal is to keep changes to a minimum. Ms. Hanley remarked that in Fairfax County forty-eight precincts were split with six precincts divided three ways. Although the law no longer supports split precincts, the healing of the splits does not necessarily result in the creation of a new polling location for voters.

Ms. Sachse asked Mr. Konopasek why the last four digits of the social security number (SSN) is not used to verify the eligibility of a voter requesting an absentee ballot when the SSN, a data element not readily found online, is a layer of security offering proof that "someone is who they say they are." Mr. Konopasek responded that while the law allows the registrar the discretion to determine the eligibility of the voter with an error or omission on the application [Va. Code 24.2-706], the current practice of verifying the eligibility of a voter requesting an absentee ballot will continue. Mr. Henzel summarized statements made in a previous meeting about the importance of processes that provide layers of security to "prevent a vulnerability to fraud." He posited that one of the layers of security is removed by not using the last four digits of the SSN as part of the process in verifying voter identity and eligibility. Mr. Konopasek pointed out that Va. Code applies different levels of security to issuing a ballot and to counting a ballot, and he remains confident that the process used by the Office is sound and supported by law. Mr. Shapiro objected to the conclusion that the practice used by the Office is provided for in statute. He suggested that because the Court did not rule on the merits of this question, the Chairman request a written opinion from Virginia's Attorney General. Ms. Hanley referenced guidance in the GR/EB Handbook regarding the omission of the last four digits of the SSN ["What if the voter forgets to include the last four digits of SSN? Answer: §24.2-706 requires the general registrar to determine if the omission prevents determining qualification to vote absentee]. She noted that based on this guidance, the absence of the last four digits of the SSN is not material. Ms. Hanley suggested that a clarification from ELECT on this portion of the Handbook would be helpful. Mr. Konopasek replied that

he would welcome any avenue available to resolve these ongoing questions. Mr. Henzel responded that the continued discussion of the process demonstrates its importance, and he will consider requesting an opinion from the Attorney General.

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 5:41 p.m.

At 6:07 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 6:08 p.m.

Attachments

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Christopher P. Henzel, Chairman

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Bettina M. Lawton, Vice Chairman

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Katherine K. Hanley, Secretary