

MINUTES  
Fairfax County Electoral Board  
March 24, 2022

The Fairfax County Electoral Board (Board) met on Thursday, March 24, 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 L. Spicer; and Clerk to the Electoral Board Beth Dixon Methfessel were present.

IT Manager Cord Whitehouse; Assistant Registrar for Absentee Voting Cheryl Jones; Assistant Registrar for Voter Satellite Offices Helen Chaikovsky; Assistant to the General Registrar Pat Ferguson; Voting Systems Manager Tyrone Allen; Supervisor of Voter Registration Bushra Ardalan; Election Officer Training Supervisor Alina Selnick-Escobar; Jack Kiraly (Executive Director of the Fairfax County Democratic Committee - FCDC); Judy Flaig and Harold Sinnett, (members of the Fairfax County Republican Committee (FCRC) Election Integrity Committee); and Jason Buntin, Robert Maggi, and Jean Thoensen (Fairfax County election officers and/or residents) also attended the meeting in person.

The following individuals participated using the Zoom videoconferencing platform: Public Information Officer Brian Worthy; Election Officer Manager Ravi Udeshi; Management Analyst Kathleen Culbertson; IT Specialist George Panagakos; Supply Manager Kay Garrison; Steve Barch, Gilman Cuda, Lisa Hogle, B. Gissell Jimenez, Kathryn Martin, Mike Martin, Dan Per-Lee, Sean Stewart, Cary Threat, and Bill Warnock, Office of Elections (Office) staff and rovers; Andrea Bayer (FCRC Providence District); Christine Brim and Jeffrey Shapiro (FCRC Election Integrity Committee); Maria Vorel (FCDC Precinct Operations); Carol Allen (member FCDC); Arina van Breda and Maggi Luca (League of Women Voters - LWV); William Denk, Audrey Dutton, Phyllisa Goldenberg, Sidney Johnson, and Debbie van Opstal (Fairfax County election officers and/or residents).

Mr. Henzel called the meeting to order at 5:00 p.m. He asked those present in the room to introduce themselves. He instructed those attending by Zoom to provide their full name on the Zoom screen. During public comments, he requested that those recognized to offer a comment identify themselves and any organization they represent.

Ms. Hanley moved approval of the agenda. By a vote of 3-0, and with no objection, the March 24, 2022, meeting agenda was adopted.

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

Mr. Henzel called for a motion to appoint 43 election officers (EO) (12 Democrats, 13 Independents, and 18 Republicans) for a term ending February 28, 2023. Ms. Hanley moved to approve the appointment list. Mr. Henzel questioned if the political parties approved those seeking appointment, and Ms. Hanley confirmed. 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 March 22, 2022:

Active Voters:	745,095
Inactive Voters:	30,049
Total Voters:	783,144
Permanent Absentee Voters:	49,900 - Dem Ballot Requestors 34,018 Rep Ballot Requestors 5,497

The Board of Supervisors approved the proposed redistricting changes at the public hearing on March 8, 2022. The adopted changes can be found online here:

[Board of Supervisors Meeting Package – March 8, 2022 \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/board-supervisors/meeting-package-march-8-2022)

The required documentation was sent to the Attorney General (AG) for a Certification of No Objection on March 9, 2022.

Staff has analyzed the street segments in the affected precincts for input into the statewide registration system (VERIS). The tentative date for completion is April 1, 2022. Ms. Hanley reported that no acknowledgment has been received from the AG and asked if the changes in VERIS can be adopted before receiving certification. Mr. Henzel asked how late the AG’s response could be before it hampers the administration of the June primary. Ms. Lawton asked if there is a deadline by which the AG must respond. Mr. Konopasek responded that the AG has 60 days from the date the submission was sent to respond, or May 8. This date, however, is *after* (emphasis added) the day when absentee voting shall be made available [§ 24.2-701.1]. The Board asked to be kept up to date on any issue the impacts the timeline for the June primary.

Staff discussions are ongoing on potential reorganization and grouping of elections functions. A priority has been set to hire fiscal and HR staff to support the HR and Administration Managers to provide greater self-sufficiency within the Office and reduce reliance on other County agencies. These position descriptions are currently under review.

Ballot on demand, the ability to create an appropriate ballot for a voter at the time when they request it, will provide the capability at early voting sites to accommodate curbside voters and those who wish to hand-mark their ballot instead of using the ballot-marking device (ExpressVote). It is anticipated that this system would replace pre-printed ballot stock as a more cost-effective alternative to managing the large inventory of pre-printed paper ballots. Although two quotes have been received, the purchase of a ballot on demand system will be deferred to the next fiscal year. In the meantime, IT staff is developing and testing an internal “home-grown” ballot on demand solution for the June primary. The test and demonstration of the system for the Office is expected to be Wednesday, March 30.

Mr. Henzel asked how the home-grown ballot on demand system would control the number of ballots. He expressed concern that voters have confidence that no unauthorized ballots would be issued and introduced into the vote counts. Mr. Konopasek explained that ballot logs would track and account for how many of each ballot style are printed. The amount of the special paper stock used to print the ballots would be inventoried and compared to the ballot logs. The number of voters plus the number of ballots issued would be reconciled daily

and rechecked the following morning. Mr. Henzel asked if ballot on demand is widely used in Virginia. Mr. Konopasek responded that Fairfax County is one of the few localities without a ballot on demand option and instead uses the ExpressVote, a ballot-marking system, for early voting. Ms. Lawton asked if the home-grown system would be connected to the PollPad and automatically generate a ballot when the voter checks in. Mr. Konopasek explained that after checking in, the voter receives a ballot card with a unique barcode. The voter then submits this card at the ballot station. Instead of receiving a pre-printed ballot, the barcode would be scanned to queue up the correct pdf of the voter's ballot. The ballot would then be printed. The change is not in the process but in the way the paper ballot is provisioned.

The proposed schedule of locations, dates, and times for early voting will be presented to the Board at the April meeting. The variable controlling the proposed schedule is which congressional primaries will be held. Ms. Hanley asked what notification would be sent prior to the primary. She pointed out that every voter in Fairfax County will need to receive a notice because all the House of Delegates district numbers have changed. Mr. Konopasek responded that most localities plan to send the standard notification generated by VERIS, however, he recommended customizing the notification to provide additional educational information. He added that funds are available to send a sample ballot for the June primary. Ms. Hanley commented that Virginia does not register by party, and countywide sample ballot mailers are not created for primaries. Mr. Konopasek suggested providing new electoral representation in the notice. Ms. Hanley responded that this would create voter confusion because under the new district lines, some districts have two representatives, and some have none. She pointed out that the voter look-up on the state's website still shows the old districts. Ms. Lawton cautioned against allocating resources to a mailer that may be incorrect if the courts determine that a House of Delegates primary must be called. To avoid depending on a timeline like a court decision or the AG approval, Ms. Lawton recommended the mailer include only known information such as the voter's precinct, polling place name and address, and election district numbers.

The third quarter budget adjustment request of \$2 million has been approved by the County Executive and is pending Board of Supervisors' approval. Once received, the full amount will be available in mid-April.

Election officers have been notified of the upcoming June primary and are in the process of confirming their availability. Over 100 new election officers have completed the paperwork necessary to receive an assignment.

It is anticipated that the PollChief Asset Management (PAMS) is expected to be fully operational for the June primary. A footprint for the new warehouse facility has been developed, and preparation is underway to transition from the Logistics Center to the Morrissette Warehouse. The voting equipment will be returned to the new location after the June primary, and the transition should be completed over the summer months.

To accommodate the increased number precincts created by redistricting, a new election material collection depot will be added in the eastern part of the county at Marshall High School.

Ms. Hanley highlighted the status of legislation sent to conference including application requirements for the absentee ballot application; membership of the State Board of Elections; and appointment of the Commissioner of Elections. The governor recently called for a Special Session to begin on April 4 to address these and other issues. A bill signed by the governor will allow a waiver after July 1 for a polling place farther than one mile from the precinct boundaries. Additionally, SB 3 directs ELECT to create standards for reporting by precinct, but the absentee ballots will be sorted and processed in the CAP and not at the precinct of the voter who cast the absentee ballot.

Ms. Lawton asked Mr. Konopasek for a follow-up on the status of security from those attempting accessing VERIS from a remote location. Mr. Konopasek reported that there has been a reversal in the plan to access VERIS remotely. He explained that despite the state's approval and authorization of the Office IT's plan to connect to VERIS remotely, Fairfax County's chief information security officer has denied remote access. Mr. Henzel asked why the Office is working remotely when a mask mandate is no longer in effect at government buildings. Mr. Konopasek replied that although the pandemic has waned, County employees who have worked remotely over the past two years want to continue to do so. The reluctance of employees to return to work on site influenced the County to authorize telework up to three days a week if the full scope of work can be performed remotely. Current Office of Elections policy allows merit employees up to two days a week. Mr. Konopasek would like to provide equal opportunity of this benefit to all merit staff, however, those who primarily work in VERIS cannot be offered this option. Ms. Hanley explained that several years ago Fairfax County participated in a security task force, and the results of this study may explain the decision not to pursue remote connection to the state's voter registration system. Ms. Hanley asked Mr. Konopasek to circulate to the Board the specific reasons why County IT will not authorize remote VERIS access, and why the policy has not changed since the security task force study. Mr. Konopasek said a written request is being drafted to Fairfax County's Director of Technology asking for assistance to comply with the state's VERIS requirements and regulations and clarification for the County's continued denial of remote access to VERIS.

Mr. Henzel remarked that in the past the Office allowed the option for election officers to serve half day. The Office currently prefers to use only full day election officers. Mr. Henzel commented that election integrity is preserved when the same officers who open the polls also certify the election after the polls close, however, the PollChief website appears to still offer the half day option. Mr. Udeshi explained that the website instructs applicants that the Office is primarily looking for full day officers; full day officers will be given priority in assignment. If there is not an adequate number of full day officers, then half day officers will be used as needed. Mr. Denk commented that denying officers the option to serve a half day is discriminatory and violates the One Fairfax policy because it discourages senior citizens from applying. He opined that serving half day is "much more manageable" and ensures that alert, competent EOs are present throughout Election Day. Mr. Henzel asked that comments about half day officers be sent in writing for consideration. Ms. Hanley asked Mr. Udeshi to compile the advantages and disadvantages of using half day officers.

Under the Secretary's report, Ms. Hanley explained that in a primary involving only one political party, the election officers representing that political party shall serve as election officers, if possible. She recommended affirming the previous practice for the June 2022 primary by prioritizing the assignment of Democratic Chiefs, Assistant Chiefs, and regular

officers. If there are vacancies that cannot be filled by Democratic officers, Independent officers and then Republican officers will be used. Language officer positions require a specialized skill set and those individuals are assigned without respect to party affiliation where they are needed. The Board agreed and reaffirmed this practice.

Ms. Hanley reminded Mr. Konopasek that the security plan needs to be reviewed by the Electoral Board prior to May 1, 2022. She asked that the security plan be completed and available by the April 2022 Electoral Board meeting. Mr. Konopasek indicated that the plan was in the final stages of completion and would be available prior to the next meeting.

Under Vice Chairman's report, Ms. Lawton recommended bringing back the hands-on lab that allowed election officers to observe the set-up of a voting room and practice using the equipment. Mr. Konopasek confirmed that this recommendation is part of the training strategy.

Under the Chairman's report, Mr. Henzel attended the annual VEBA meeting, and the new Commissioner of Elections Susan Beals was introduced. In her address, she emphasized the importance of election integrity. Since she recently served on an electoral board, Mr. Henzel expressed confidence that she will understand the need for ELECT to provide clear and early guidance.

There was no New Business.

Under Public Comments, Ms. Thoensen asked if the new PollPads would operate the same way as they did for the November 2021 election. Mr. Konopasek explained that while there are operating upgrades, the functionality and navigation is the same application.

Mr. Sinnett asked if penetration testing is performed on the voting equipment. Mr. Konopasek explained that this type of testing is done in the certification process. The Office is a system user, and as such, staff performs testing that covers physical and process control.

Ms. Flaig commended Mr. Konopasek for expanding the information on the voter change notice. She objected to including the names of the incumbents as it would give them an unfair political advantage at taxpayer's expense. She added that her precinct has two delegates and no senator so she questioned how including accurate electoral representation could be provided.

Ms. Allen asked why full day officers are preferred over half day officers. Mr. Konopasek explained that half day officers double the number of officers that are recruited, trained, and managed to balance the shifts. There are instances when half day officers will be used, however, it is not an effective use of resources. Ms. Allen also asked if a direction will be taken based on the results of offering voters the choice between the ExpressVote (the ballot marking device) and the pre-printed ballot. Mr. Konopasek clarified that early voters preferred the ExpressVote, however, no steps have been taken to change how voting options are presented to voters on Election Day.

Ms. Vorel confirmed that the 45 days prior to the June primary will be May 6. The number of voter satellite offices is still under discussion; it is anticipated that only the

Government Center will be open on May 6, however, the schedule for early voting has not yet been set.

Mr. Denk questioned the process for turning in an absentee ballot when a voter decides to vote in person. He also commented on the lack of chain of custody verification when the election media is returned to the Government Center. Ms. Selnick-Escobar explained that the surrendered absentee ballot is voided and placed into an election envelope. These ballots are secured and returned to the courthouse. Mr. Konopasek added that two election officers from each precinct return the media along with the absentee ballots cast in the drop-box. As a courtesy, Mr. Denk suggested that as a courtesy it would be helpful to give the election officers a receipt to confirm the return of the media to the Electoral Board.

Mr. Maggi further added that when the two designated election officers return the media to the Government Center, no receipt or acknowledgment is given to them that the thumb drives have been received. Mr. Konopasek explained that there is an association with the media and the machine from which it was removed. When the media is returned, the serial number is verified to confirm that it was taken from the appropriate voting machine at the correct precinct. Once verified, the results from the media are uploaded into software that tracks all the machines and the corresponding media by serial number. As such, the software associates the memory sticks and thumb drives by machine and by precinct. Mr. Konopasek added that a better solution is available and has been used at least once in each election over the past year. When the media sticks were not readable for whatever reason, the actual ballots that the voters cast were available and were rescanned into a central DS200 machine. According to Mr. Konopasek, the paper ballot provides a permanent record, a redundancy so that the results are not dependent solely on the electronic media.

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).

Without objection, and by a vote of 3-0, the Board entered Closed Session at 6:21 p.m.

At 7:19 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

Ms. Hanley reported that Scott Konopasek notified the Board of his resignation effective March 25, 2022, therefore, she moved that the Board appoint Election Manager Eric Spicer as registrar on an interim basis. The motion passed by a vote of 3-0. The Board extended appreciation for Mr. Konopasek's service and wished him the best.

There being no further business, Ms. Hanley moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 7:22 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

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