

MINUTES
Fairfax County Electoral Board
September 6, 2022

The Fairfax County Electoral Board (Board) met on Tuesday, September 6, 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; Assistant Registrar for Voter Satellite Offices Helen Chaikovsky; Election Operations Manager Ravi Udeshi; Election Equipment and Logistics Manager Tyrone Allen; Voter Registration Supervisor Bushra Ardalan; Absentee Voting Manager Sean Stewart; Supply Manager Kay Garrison; Election Officer Assistant Coordinator Alina Selnick-Escobar; Office of Elections staff Nazila Arefi and Todd Strelow; Jeffrey Shapiro (Fairfax County Republican Committee (FCRC) Liaison to the Electoral Board); Christine Brim (Chairman, Fairfax County Election Integrity Task Force); Andrea Bayer, Judy Flaig and Barbara Palmer-Tengs (members FCRC); Jack Kiraly (Executive Director, Fairfax County Democratic Committee (FCDC)); Gregory Brandon (FCDC Central Communications); Richard Weiss (FCDC Voter Registration and Education); Maggi Luca (Fairfax, League of Women Voters – (Fairfax LWV)); Robert Maggi, Jill Mobley, Jean Thoensen, Cheryl Reidy, Sam Walker, and Regina Zinzer (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 Analysts George Panagakos and Khamthakone Betts; Office of Elections (Office) staff and/or rovers Therese Antonio, Steve Barch, Mark Beale, Florence Brown, Peter Chewning, Larry Danforth, Lulu Hicks, Lisa Hogle, Don Howell, Ben Jarratt, Gary Klinger, Bill Lewers, Kathryn Martin, Mike Martin, Jessica Pryor, Claudia Stallings, Jerald Taylor, and William Turley; Janice Yohai (FCDC Voter Registration and Education); Donna Rostant and Stephen Spitz (members FCDC); Deb Wake (President, LWV-VA); Arina van Breda (Fairfax LWV); Sandra Bellinghoven, William Denk, Betty Hartmann, John K. Keane, Jr., David Lopez, Peggy Morrison, Laurie Moore, Janos Nagy, and Kelly Price (Fairfax County election officers and/or residents of Fairfax County or neighboring jurisdictions).

Mr. Henzel called the meeting to order at 5:00 p.m., and the Board members introduced themselves. Mr. Henzel requested that those who wish to comment introduce themselves along with the organization, if any, that they represent.

Ms. Hanley moved approval of the agenda. By a vote of 3-0, and with no objection, the September 6, 2022, meeting agenda was adopted.

Ms. Hanley moved approval of the Draft Minutes of the Board meeting held on July 21, 2022. By a vote of 3-0, the Minutes of the Board meeting held on July 21, 2022, were adopted.

Ms. Hanley moved the appointment of 278 election officers (EO) (104 Democrats, 59 Independents, and 115 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 August 31, 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 August 31, 2022	Change from 7/18
Active registered voters	730,714	-21,011
Inactive registered voters	50,690	+13,340
TOTAL	781,404	-7,671

During the week of May 9, 2022, redistricting notices were sent to all voters in Fairfax County with information about the redistricting process. Over the next two months, more than 72,000 of those notices were returned by the USPS as undeliverable. The statewide voter registration system (VERIS) was updated for each voter to indicate election mail had been returned, and the envelope scanned into the voter’s record. Ms. Hanley pointed out that this election mail was not forwardable so was returned if it was undeliverable.

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 mailing asked voters to complete and return a form to update their information on the voter rolls. A signature was required to comply with statutory requirements. This was not a confirmation mailing because voters were not required to respond to this mailing, and no voters were moved to an “Inactive” status because of this mailing. A postage pre-paid return envelope was included.

Of the 11,000 responses received so far, 8,183 asked to change their address, to send their information to another jurisdiction, or to remove them from the voter list because they moved to another state. The following table summarizes the results of this mailing as of August 31, 2022.

Actions Taken as of August 31, 2022	Quantity
Moved within Fairfax County - Address updated on voter list	1,178
Moved outside Fairfax County within Virginia – sent to another jurisdiction	812
Moved out of the state – Removed from the voter list	5,595
No Change	598
TOTAL	8,183

The Department of Elections (ELECT) received funding for a second redistricting mailing that will be sent in September to all voters, active and inactive, in the localities that completed their redistricting process. This mailing will likely result in a large quantity of undeliverable mail which will be scanned and processed one piece at a time like the more than 72,000 pieces of undeliverable mail associated with the first redistricting mailing.

On or before September 23, 2022, sample ballot brochures will be sent to all active registered voters in Fairfax County. This mailing will include updated information on the voter's polling place and will also provide information on the voter satellite office locations as well as a sample ballot with the contests applicable to each voter.

Ms. Jones gave a Same Day Registration presentation (attached and made a part of this record) and available on the Office of Elections website [September 6, 2022 Electoral Board Meeting Documents - SDR Presentation \(fairfaxcounty.gov\)](#). All same-day registrants are required to vote at the time of registration, and the ballot must be provisional. It will be processed and voted on by the Electoral Board in the same manner as provisional ballots cast on Election Day. Ms. Hanley commented that all the same-day applications must be processed in VERIS before the provisional adjudication meeting. Mr. Henzel acknowledged this challenge and expressed concern about meeting the election certification deadline on Tuesday, November 15 with the Veteran's Day holiday on Friday, November 11. Ms. Jones commented that there will be a staff of eighty working in two shifts on the provisional ballots to meet the required November 15 deadline.

Mr. Henzel asked if a same-day registrant must provide evidence that they live at the address they state on their application. Ms. Jones answered that because they are also required to vote, they must complete the application and sign it as well as provide an acceptable identification. Mr. Henzel pointed at that a same-day registrant can also sign an Affirmation of Identity. Ms. Jones confirmed that an Affirmation of Identity is acceptable for same-day registrants. In August, certain key staff attended a same-day registration workshop given by the ELECT, and official guidelines and policies are expected in early October.

Mr. Henzel confirmed that for the adjudication meeting, the Board will receive a print-out of certain information regarding provisional ballots. Ms. Hanley added that the Board has access to the provisional ballot envelopes because they are retained in the office until the adjudication process is completed. Mr. Henzel confirmed that the provisional envelope would *not* (emphasis added) indicate if the voter signed an Affirmation of Identity. He asked if the provisional ballot logs would identify same-day registration provisional ballots. Mr. Henzel indicated that he would like to know the number of provisional ballots cast by same-day registrants as well as those who signed an Affirmation of Identity. Staff will follow up on information that can be captured regarding same-day registration provisional ballots.

Mr. Udeshi presented the Resource Allocation for the November 2022 election (attached and made a part of this record). Each precinct will receive ballots for at least 65% of its active registered voters. The ballot order will cover 75% of active registered voters for the precincts with the highest in-person turn-out one year ago, new precincts created because of redistricting, and all eight precincts in the 10th Congressional District. Each precinct will also receive 2 to 3 Poll Pads, 2 ExpressVote ballot marking devices, and 2 DS200 scanners. Between seven and eleven election officers will be assigned to serve in most precincts.

In accordance with the Code of Virginia and Electoral Board policy, more than 300 Republican Chief EOs and reserve Chief EOs have been assigned and confirmed for the November 2022 election. A Republican Chief EO will serve in all 264 precincts. If a Chief EO cancels, more than forty backups are ready to accept an assignment anywhere in the county. Ms. Selnick-Escobar added that while the prospective Chief EOs may have not served as a Chief EO, they have served as Assistant Chief EOs or have comparable EO experience. Ms. Hanley confirmed that an adequate number of backup Assistant Chief EOs are also available.

Three hundred Apple iPads were purchased to use as administrative tablets at each satellite voting location and polling place. These devices will be locked down with remote management software that controls access, permissions, and content on the device. These tablets do not have the Poll Pad application installed nor is there any voter data on the device. Their primary purpose is for filling out web forms to improve the provisional process, report turnout during the day, and to provide an improved method for recording and reporting unofficial results.

For Election Day, the Poll Pads will be stored in the gray equipment cart and delivered to each polling place. I-Syncs will be prepared by the IT Team on Sunday, November 6, and delivered to the Chief EO in the Sheriff's envelopes on Monday, November 7. Chief EOs will be instructed to update the Poll Pads with the latest voter file in the evening during pre-election set up on Monday, November 7. If the update of the Poll Pads is not possible on Monday, the election team will update them at 5:00 a.m. on Election Day. Backup Poll Pads will be available.

Based on the successful results of the Ballot on Demand pilot at the in-person satellite voting locations in June, forty (40) Ballot on Demand systems/printers were purchased for use at all satellite voting locations and for emergency voting. This will provide at least two Ballot on Demand Printers at each satellite voting location. Ballot on Demand will not be used on Election Day.

The Voting Equipment team is in process of purchasing 300 new voting equipment carts. The new carts will each hold two DS200 voting machines that will be locked within the cart. Ms. Lawton confirmed with Mr. Allen that most of the polling places can accommodate the size specifications of the new carts with a few exceptions. These locations will continue to use the current gray carts.

The warehouse transition to the Morrisette Operation Center is complete with all materials and machines now transferred to the new facility.

Mr. Allen presented the Logic and Accuracy testing schedules for the Poll Pads, the voting equipment, and the Ballot on Demand system for the November 2022 election.

Two valued members of the Office of Elections team were recently promoted. Bushra Ardalan was promoted to Voter Services Manager, and Todd Strelow was promoted to serve as Tyrone Allen's full-time assistant.

When the Board of Supervisors approves the one-time funding in the October 11 carryover package, Fairfax County election officers will receive the first pay increase in almost ten years. The stipend for Chief EOs will be \$350, \$300 for Assistant Chiefs, and \$250 for

regular EOs. These increases are scheduled to go into effect for the November 2022 General Election.

Preparations are underway for the opening of sixteen in-person absentee satellite voting locations. Three locations (Government Center, Mount Vernon, and North County) will be open starting on Friday, September 23. An additional thirteen locations will open on Thursday, October 27. After October 27, all locations will be open for ten days in a row until Saturday, November 5.

Under the Secretary's report, Ms. Hanley recognized and thanked the staff who worked so diligently to process the tens of thousands of pieces of mail returned as undeliverable.

Ms. Hanley explained that it has been almost ten years since the private organizations that host a polling place have received an increase in the stipend offered for the use of their facilities. She moved that the stipend for precincts located in private facilities be increased from \$250 to \$350 if the current budget, after review, can accommodate the proposed increase. The motion passed by a vote of 3-0.

Ms. Hanley moved that the Provisional Ballot Envelope Access policy adopted on May 5, 2012, and amended and readopted by the Board on June 13, 2022, to permit the General Registrar access to the 1A, 1B, and any other provisional envelopes that may be added by ELECT, be expanded from "beginning on election night" to "beginning at the start of Same Day Voter Registration" and continuing for the duration of the provisional process. This motion also reconfirms that this delegation of custody from the Electoral Board to the General Registrar and authorized staff allows for provisional research to begin immediately and grants access to any provisional ballot envelopes as needed without the physical presence and supervision of the Electoral Board. The motion passed by a vote of 3-0.

Ms. Hanley explained that the mail that was returned from the most recent follow-up mailing included a form for the voters to sign confirming their move or change of address. The office has received about 120 responses from relatives of people who are deceased. Some included urgent notes asking that their loved one's registration be removed from the database. Unfortunately, the voter rolls cannot be cancelled based on this form because it requires the voter's signature. The office could and did cancel those few who sent a copy of the official death certificate. Since the office has contact information from these families, Ms. Hanley moved to ask ELECT, if, based on these responses, the office can contact by letter or phone, the person who returned the form, explain the law, and ask if they could send a copy of the official death certificate after which the registration would be cancelled. Ms. Lawton stressed the need for action to handle this sensitive issue. Mr. Henzel commented favorably on the attempts of the Mr. Spicer to do more to remove deceased voters, however, ELECT has issued guidance that certain actions by the General Registrar, such as reviewing local obituaries, are restricted. The motion passed by a vote of 3-0.

There was no Vice Chairman's report.

Under the Chairman's report, Mr. Henzel remarked that based on discussions from Electoral Board meetings as well as briefings with Mr. Spicer, there are "cracks in the state system for maintaining the voter rolls." He welcomed Mr. Spicer's initiatives to address some of these inefficiencies at the local level. He stated that more can be done at the state level with

some issues requiring legislation, but ELECT could do more, and for some reason, has not done so. He expressed concern about “unwise legislation,” specifically, the ability to vote without an identification by using the Affirmation of Identity, as well as no real capability to confirm the address an individual provides on the voter registration application. These two elements now intersect with same-day registration. Mr. Henzel stated that he hoped the November election will run smoothly, but at some future election, some political element may find the temptation to exploit these vulnerabilities too hard to resist.

Under New Business, the Board acknowledge without objection the Resource Allocation for the November 2022 election (attached and made a part of this record).

Ms. Hanley moved that the Electoral Board authorize forty-four (44) additional deputy registrar designated positions for the period September 23, 2022, through November 5, 2022. These positions will provide supervision at the fifteen (15) voter satellite offices and the extension of the Office of Elections at the Government Center. The motion passed by a vote of 3-0.

Ms. Hanley moved that Todd Strelow be appointed as the Deputy Machine Custodian and that Ben Jarratt and Dan Per-Lee be designated as Electoral Board representatives. The motion passed by a vote of 3-0.

Ms. Hanley explained that several years ago, the Electoral Board adopted one of the first policies in Virginia to allow remote participation by an Electoral Board member. She said that new legislation with respect to remote participation went into effect in 2022, and the Fairfax County Electoral Board should update their current policy to reflect the statutory changes. Ms. Hanley moved that, pursuant to Section 2.2-3708.2 of the Code of Virginia, the Electoral Board amend and readopt its *POLICY TO PERMIT PARTICIPATION IN BOARD MEETINGS BY A MEMBER FROM A REMOTE LOCATION* as reflected in the redline draft dated September 1, 2022, and distributed with the Board documents for this meeting. The motion passed by a vote of 3-0.

Ms. Hanley explained that the Covid pandemic and the subsequent state of emergency that ensued allowed most public bodies to conduct all-virtual meetings. She said that the Code of Virginia now permits all-virtual meetings under certain circumstances without a declared state of emergency. Although the Board did not hold any all-virtual meetings during the Covid state of emergency, the County Attorney’s office recommended that the Fairfax County Electoral Board adopt an all-virtual meeting policy. Ms. Hanley moved that, pursuant to Section 2.2-3708.3 of the Code of Virginia, the Electoral Board adopt a *POLICY TO PERMIT ALL-VIRTUAL PUBLIC MEETINGS* as reflected in the draft dated September 1, 2022, and distributed with the Board documents for this meeting. Mr. Henzel remarked that while he supports in-person meetings almost always, this policy would cover an exceptional situation. 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. He explained that the Board may or may not respond to the comments offered.

Ms. Bayer asked several questions to clarify the application of existing laws and qualifications to same-day registration, specifically for third-party registration. Mr. Spicer

replied that although same-day registration takes effect on October 1, the voter rolls are still open until October 17. The existing options to register will be offered until this date. On October 18, individuals may continue to register to vote (and vote a provisional ballot) in the Office of the General Registrar, and at any voter satellite office. Same-day registration will not be offered to voters prior to October 17 and will not be offered on Monday, November 7. Same-day registration will also be offered on Election Day. Mr. Henzel reiterated that formal policies for same-day registration are expected from ELECT.

Ms. Reidy, a Republican election officer for eleven years, objected to the receipt of an unsolicited December email from the FCRC regarding EO training and completion of a survey. She received two additional unsolicited emails unrelated to EO service from FCRC using her professional email address. She wrote to the Board in January and August to address these concerns but received no response. She spoke with Mr. Udeshi who assured her that the FCRC will not offer EO training. She expressed concern that if political parties begin to involve themselves in EO training, it compromises the integrity of the election officers who pledge to serve in a non-political manner. Mr. Henzel asked if Ms. Reidy wanted to continue to serve as a Republican EO. Ms. Reidy explained that while she prefers to be an Independent, she cannot serve as a Chief EO, and therefore has remained affiliated as a Republican. Mr. Henzel thanked her for her service and suggested she contact the FCRC if she prefers not to receive emails from them. Ms. Lawton appreciated her comments and added that the only legally required training is that offered by the Office of Elections. Ms. Reidy commented that the EO application form might be modified to ensure that only the information required by law is shared with the political parties and allow the EOs to opt-in to give permission for their contact information to be shared for any other purpose. Ms. Hanley welcomed the suggestion and asked staff to consider pursuing this modification on the application. Mr. Henzel commented that the strength of the current system is that at most stages of the electoral process, the parties can observe one another. He further stated that this is not effective if the parties do not know if an election officer is their representative and as such, must remain in touch with them. Ms. Lawton emphasized that on Election Days, election officers must conform to the County's training and also conduct themselves in a non-partisan manner.

Ms. Brim submitted a memo to the Electoral Board titled "Konnech Links to Chinese Software Engineers, Chinese Companies, and Chinese 'People's Congress'" (attached and make a part of this record). Given that Fairfax County utilizes Konnech's PollChief for their election officer and polling location management system, she requested a response from the Board. Mr. Henzel requested the staff to consider the memo carefully. Mr. Spicer commented that the memo will be reviewed given the concerns raised. He stated that at this time there is no evidence that the information in Fairfax County's PollChief was compromised. Additionally, based on recent guidance from ELECT permitting the copying of the statement of results and the possibly the machine tapes, Ms. Brim asked that volunteers be permitted to obtain this information as soon as possible.

Mr. Denk asked for an explanation regarding the jump in the number of out-of-state voter registration cancellations. Mr. Spicer responded that this was due to the response to the recent mailing from Fairfax County and to a lesser extent, ELECT's confirmation mailing. Mr. Denk asked if there was any response regarding his request for notional VERIS screen shots of training materials from the last Board meeting. Mr. Spicer said that he has not yet received a response from ELECT.

Ms. Yohai asked when the What Ifs will be updated. Mr. Udeshi responded that the current What Ifs are found in ELECT's Forms Warehouse.

Mr. Nagy asked what assurances can be given to ensure that the vote tallies will be valid and how can citizens verify the results. Mr. Henzel responded that the strength of the system is that at every stage of the election, representatives from both political parties are present. Ms. Hanley added that risk limiting audits are now required every year from randomly selected jurisdictions before the State Board of Elections (SBE) certifies the election.

Mr. Lopez asked for any response from ELECT regarding permission to use the jury questionnaires to update the voter rolls. Mr. Spicer responded that no response has been received. Mr. Henzel confirmed that at present no information from jury questionnaires is being used. Mr. Lopez agreed with Mr. Henzel's concern that no address verification is required when an individual registers to vote.

Mr. Keane responded that as a cyber security specialist, he recommends reviewing CISA's (Cybersecurity and Infrastructure Security Agency) active and aggressive program to ensure the integrity of elections. He stated that most of the claims that elections are flawed are incorrect.

There being no further business, Ms. Lawton moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 6:50 p.m.

Attachments

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

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary