

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 Ardalani; 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 Ardan 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), pre-processing, 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 Morrisette 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 with results 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

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