

MINUTES
Fairfax County Electoral Board
April 12, 2023

The Fairfax County Electoral Board (Board) met on Wednesday, April 12, 2023, in Conference Room 315 at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax. Chairman Hon. Katherine K. Hanley; Vice Chairman Jeffrey K. Shapiro; Secretary Amb. (ret.) Christopher P. Henzel; General Registrar Eric L. Spicer; Deputy General Registrar Cheryl Jones; and Clerk to the Electoral Board Beth Dixon Methfessel were present.

IT Manager Cord Whitehouse; Election Manager Ravi Udeshi; Deputy Registrar for Voter Registration Bushra Ardalan; Deputy Registrar for Voter Satellite Offices Helen Chaikovsky; Deputy Registrar for Absentee Voting Sean Stewart; Supply Manager Kay Garrison; Training Specialist Alina Selnick-Escobar; Jean Thoensen and Todd Strelow (Office of Elections (Office) staff); Gregory Brandon (Fairfax County Democratic Committee (FCDC) Central Communications); Peggy Morrison (FCDC Voter Registration and Education); Maggi Luca (Fairfax, League of Women Voters (LWV)); Christine Brim and Andi Bayer (Fairfax County Republican Committee (FCRC) Election Integrity Task Force); Barbara Palmer-Tengs (member FCRC); and Jill Mobley (Fairfax County election officer and/or resident of Fairfax County) also attended the meeting in person.

The following individuals participated using the Zoom videoconferencing platform: IT Business Analysts George Panagakos and Khamthakone Betts; FOIA Coordinator Pat Ferguson; Office staff and/or rovers Steve Barch, Leonard Bumbaca, Lisa Hogle, B. Gissell Jimenez, Gary Klinger, Bill Lewers, Kathryn Martin, Abigale Peters, Sandy Raedels, Jerald Taylor, and Cary Threat; Dominic Thompson (FCDC Executive Director); Carol Allen (FCDC Election Law and Voter Protection); Maria Vorel (FCDC Precinct Operations); Deb Wake (VA LWV); Arina van Breda (Fairfax LWV); Stephen Spitz (member FCDC); Mark Beale, Sandra Bellinghoven, Karen Campblin, William Denk, Paul Flannigan, Phyllisa Goldenberg, Bettina Lawton, and Elizabeth Woodruff (Fairfax County election officers and/or residents of Fairfax County or neighboring jurisdictions).

Ms. Hanley called the meeting to order at 4:01 p.m. and introduced the Board. Mr. Henzel moved approval of the agenda, and the motion passed by a vote of 3-0. Mr. Henzel made a motion to adopt the Draft Minutes of the Board meeting held on March 26, 2023. By a vote of 3-0, the Minutes of the Board meeting held on March 26, 2023, were adopted.

Under the General Registrar’s (GR) report dated April 11, 2023 (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 April 10, 2023	Change from 3/13
Active registered voters	715,007	-29,219
Inactive registered voters	65,933	+30,239
TOTAL	780,940	+1,020

Registration Transactions	March/April 2023 (3/13 to 4/10)	Year-to-Date (1/1 to 4/10)
DMV online voter registration transactions	13,343	47,284
Web voter registration transactions	515	1,951
Third-party voter transactions	996	1,732
Other voter registration transactions	1,090	10,652
TOTAL	15,944	61,619

Voter Cancellations	March/April 2023 (3/13 to 4/10)	Year-to-Date (1/1 to 4/10)
Deceased	444	1,180
Out-of-state	913	5,598
Other	98	6,912
TOTAL	1,455	13,690

Mr. Spicer also provided the following table updating the results of the Department of Elections (ELECT) first of two 2023 National Change of Address (NCOA) confirmation mailings.

Actions Taken as of April 10, 2023	Quantity
Moved within Fairfax County - Address updated on voter list	365
Moved within Virginia – Voter information mailed to other jurisdictions	233
Incomplete – Reviewed by staff	136
Moved out of the state – Voters removed from the voter list	5,273
Undeliverable	14,305
TOTAL	20,312

Mr. Spicer explained that ELECT recently issued an advisory providing localities with a new death lookup process. General Registrars are now authorized to use an obituary posted in a newspaper distributed within the locality or the website of a licensed funeral home to help confirm that an individual is deceased. This is a departure from ELECT’s previous policy that obituaries could not be used to determine if an individual should be removed from the voter rolls. On April 3 staff began matching obituaries with undeliverable mail returned by relatives of deceased voters. To date, 150 deceased voters have been removed from the voter list.

Mr. Spicer noted that on April 6, 2023, the Attorney General issued a Certification of No Objection for all precinct and polling place changes approved by the Board of Supervisors

on March 7, 2023. These changes have been implemented in VERIS, and notifications will be sent to all affected voters.

Mr. Spicer reported that HB 1948 as passed by the Senate and House removed the witness signature requirement on absentee ballot envelopes and replaced it with the last four digits of the voter's Social Security number and their full date of birth. It also allowed a voter to provide their assigned voter registration unique identifier in place of the last four digits of their Social Security number. On March 27, the governor amended the bill to only require the birth year instead of the full date of birth and to only permit individuals who do not have a social security number to use their unique identifier assigned when they registered to vote. (In Fairfax County, approximately sixty (60) voters do not have a Social Security number). The amended bill will be considered by the legislature when they reconvene on April 12.

Mr. Spicer stated that the Democratic Party primary election on June 20, 2023, will include county-wide races for Chairman of the Board of Supervisors, Sheriff, and Commonwealth's Attorney and contests in several districts for state Senate, House of Delegates, and Board of Supervisors. Mr. Spicer explained that although the deadline for candidate filing was April 6, 2023, on April 11, 2023, the State Board of Elections (SBE) voted to extend the deadline ten days for candidates to submit certain paperwork, specifically the Certificate of Candidate Qualification and the Statement of Economic Interest. As a result of the extended deadline for paperwork filing, the dates of Logistics and Accuracy (L&A) provided in the General Registrar's report (page 6) will be adjusted. Ms. Hanley added that this statutorily permitted extended deadline does not allow "new" candidates to file; it only gives additional time for the two specific items of paperwork that may have been mailed and postmarked by the deadline to be received. Ms. Hanley also commented that when so many different types of candidates are on the ballot, it is confusing for them to determine where their paperwork must be filed. Mr. Shapiro asked if the Office website posts instructions for candidate filing. Ms. Hanley responded that ELECT's website provides Candidate Bulletins for each office, however, she opined that the bulletins should provide clearer instructions.

Mr. Spicer reported that as of April 10, 38,360 absentee ballot applications for the June Democratic primary, including 37,265 permanent applications, 1,054 overseas applications, and 41 one-time applications have been received. Mr. Henzel asked if the overseas applications were mostly military. Ms. Jones explained that UOCAVA (Uniformed and Overseas Citizens Act) includes military and their eligible family members, as well as U.S. citizens residing outside the United States. All of these individuals will receive an emailed ballot.

Mr. Spicer stated that the early voting locations will be staffed with six to eight election officers, with the larger number during the final week. Because it is a Democratic primary, the chief and assistant chief officers will represent the Democratic Party; the election officers will be a mix of Democratic and unaffiliated officers. A small number of language officers, who are assigned without regard to party affiliation, may represent the Republican Party.

In person absentee/early voting will be offered in sixteen (16) locations:

Friday, May 5 through Saturday, June 17, excluding Sundays

Fairfax County Government Center	8:00 a.m. to 4:30 p.m. weekdays
	9:00 a.m. to 5:00 p.m. Saturday, June 10 and Saturday, June 17
Mount Vernon Governmental Center & North County Governmental Center	1:00 p.m. to 7:00 p.m. weekdays
	9:00 a.m. to 5:00p.m. Saturday, June 10 and Saturday, June 17

Saturday, June 10 through Saturday, June 17, excluding Sunday

Thirteen additional locations	1:00 p.m. to 7:00 p.m. on weekdays
	9:00 a.m. to 5:00 p.m. on the two Saturdays

Each check-in station at the early voting locations will be linked to its own ballot-on-demand printer, eliminating the need for a separate ballot officer. The Chief Officer will also have a ballot-on-demand printer for curbside and provisional voters. There will be no pre-printed paper ballots at the early voting locations.

Under the Resource Allocation for the June primary elections, Mr. Spicer explained that each precinct will receive ballots for a minimum of 30% of registered voters. Some precincts, such as those with higher turnout in past elections or new precincts with no historical turnout information, will receive ballots for a minimum of 35% of registered voters. Each precinct will receive three to four Poll Pads, two ExpressVote ballot marking devices, and two DS200 scanners. Precincts will be assigned five to seven election officers. Ms. Hanley explained that there will be fourteen contested races for the June primary, the highest number in thirty years. Springfield District has twelve precincts and Mount Vernon has one precinct that will have five contested races on the ballot. As such, the ballot order for these thirteen precincts will be 35%.

After more than five years of distinguished service as the Election Officer Manager and the Election Operations Manager, Ravi Udeshi was hired as Election Manager effective April 8, 2023. Alina Selnick-Escobar resigned as Election Officer Training and Operations Coordinator effective April 21 to pursue other opportunities. This position, as well as Election Officer Manager, will be advertised within the next several weeks.

Mr. Spicer updated the new guidance regarding the release of the Cast Vote Records (CVR). CVR represent the raw data for all votes on election flash drives that are electronically loaded into the election management system. Hand counted ballots can be manually entered into the election management system, but they will not be reflected as CVR. CVR are reflected in random order and cannot be directly linked to a voter. In response to the change, Fairfax County has released CVR for the 2020, 2021, and 2022 general elections in response to Virginia Freedom of Information Act (VFOIA) requests. The VFOIA requests have included information about the election management system, election results reporting, and cast vote records to explain the process and the relationship of cast vote records to election results. Mr. Henzel welcomed this development, and in the future, he asked if the CVR will reflect the actual votes cast. Mr. Spicer explained that UOCAVA ballots cannot be scanned electronically and must be hand-counted. These numbers will not be reflected in the CVR.

Mr. Spicer reported that on March 13, 2023, the Office informed ELECT that the turnout statistics posted in their official results for the November 2022 General Election and January 2023 Special Election appear to be incomplete because they did not account for all Same Day Registration (SDR) provisional ballots. ELECT deployed a VERIS fix on March 21, 2023, to “ensure SDR provisional counts are included on the Turnout Statistics page on the Election Night Reporting website.” ELECT clarified that the turnout statistics reporting fix will not, however, apply retroactively to previously posted election results. Mr. Shapiro asked if ELECT agreed that Fairfax County’s numbers were correct. Ms. Jones responded that Fairfax County’s website accurately incorporates the SDR provisionals. She explained that all SDR provisional information, as well as regular provisional information, was entered into VERIS. Unfortunately, VERIS did not include a query to pull the SDR provisional information into the total turnout numbers. Mr. Henzel asked if ELECT’s website explains the discrepancy. Ms. Jones answered that there is no disclaimer on ELECT’s website. Mr. Henzel expressed his disappointment that ELECT did not get this basic problem corrected, especially at a time with elevated interest in reinforcing the public’s confidence in elections. Mr. Henzel moved that the General Registrar contact ELECT and inform them that the Board requested a statement be added to ELECT’s website explaining the discrepancy between their turnout numbers and Fairfax County’s turnout numbers. Mr. Shapiro offered a friendly amendment that Fairfax County’s website also includes a disclaimer as to why the reported turnout differs from ELECT’s reported turnout. This amendment was accepted, and the motion passed by a vote of 3-0.

Under the Vice Chairman’s report, Mr. Shapiro reported that he reviewed the security camera coverage of the Government Center absentee ballot dropbox. While not revealing operational details, Mr. Shapiro was satisfied that the dropbox is adequately surveilled and complies with ELECT’s guidelines. Mr. Shapiro moved that the General Registrar ask the Facilities Management Department to trim obstructing branches to allow for greater coverage. The motion passed by a vote of 3-0. Mr. Shapiro expressed his appreciation to the Security Office for making time for the review and the explanation of the security footage.

Under the Secretary’s report, Mr. Henzel attended the Virginia Electoral Board Association’s (VEBA) annual meeting in March. He was not impressed by the way VEBA handled their internal governance. He said they attempted to postpone the election of their officers. He asked the Clerk to inform the Board of the amount of VEBA annual dues and to remind the Board several weeks before the annual payment is due.

Under the Chairman’s report, Ms. Hanley explained that she represents the ten largest jurisdictions on the VEBA Executive Board. In the discussion at the annual conference with the ‘Big Ten’, she explained that all have trouble certifying the November elections on the Tuesday after the election. All ten localities agreed that VEBA’s Executive Board should support 2024 legislation that extends the certification of the November election to the Friday following the Friday after the election. She also explained that at last year’s annual convention, the Covid pandemic caused VEBA to postpone the 2022 elections and extend the terms of the Executive Board.

Under Public Comments, Ms. Mobley asked a question about the contractor’s requirements for the voting equipment. Ms. Hanley replied that the Board will follow up. Ms. Brim asked if given Mr. Udeshi’s promotion, who will the point of contact be for training

questions about election officers. Mr. Udeshi asked that all questions be directed to him. Ms. Bayer asked if the election can be certified without counting UOCAVA ballots. Ms. Hanley responded that the deadline for UOCAVA ballots is the same as all postmarked absentee ballots which is noon on the Friday after the election. These ballots are counted and included in the results.

Ms. Hanley moved that the Board go into Closed Session, pursuant to Virginia Code Section 2.2-3711(A)(1) to discuss personnel matters, as permitted by Va. Code § 2.23711(A)(1), specifically, the annual review of the General Registrar as required by Va. Code § 24.2-109.1. Without objection, and by a vote of 3-0, the Board entered a Closed Session at 4:45 p.m.

At 4:57 p.m. the Board concluded the Closed Session. Chairman Hanley 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 Henzel then called the roll for the vote on the above statement:

Voting Yes:	Chairman Hanley
	Vice Chairman Shapiro
	Secretary Henzel

There being no further business, Mr. Henzel moved to adjourn. The motion was carried, and without objection, the meeting was adjourned at 4:58 p.m.

Attachments

Hon. Katherine K. Hanley, Chairman

Jeffrey K. Shapiro, Vice Chairman

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