

MINUTES
Fairfax County Electoral Board
February 29, 2024

The Fairfax County Electoral Board (Board) met on Thursday, February 29, 2024, 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 Director Cheryl Jones; and Clerk to the Electoral Board Beth Dixon Methfessel were present.

Public Information Officer Brian Worthy; IT Manager Cord Whitehouse; Election Manager Ravi Udeshi; Deputy Registrar for Voter Registration Bushra Ardan; Deputy Registrar for Voter Satellite Offices Florence Brown; Voting Equipment and Logistics Manager Tyrone Allen; Deputy Registrar for Absentee Voting Sean Stewart; Training and Operations Manager Sean Rogers; Election Officer Manager Gretchen Coleman; Financial Specialist Teresa Maza; Communications Manager Sarah Prowitt; Supply Manager Kay Garrison; Antemira Elliot, Ann Hines, Lisa Hogle, Sherry Kirk, and Jean Thoensen (Office of Elections (Office) staff and/or rovers); Arina van Breda (Director, Voter Registration and Voter Information League of Women Voters (LWV) - Fairfax); Maggi Luca (LWV – Fairfax); Christine Brim (Fairfax County Republican Committee (FCRC) Election Integrity Task Force); Pat O'Brien (member FCRC); Gregory Brandon (Fairfax County Democratic Committee (FCDC) Central Communications); Richard Chew (member FCDC); and Kathy Lewis (resident of Fairfax County).

The following individuals participated using the Zoom videoconferencing platform: Human Resources Manager Yoon Choi-Lee; FOIA Coordinator Pat Ferguson; Office staff and/or rovers Nazila Arefi, Kurt Doehnert, Gary Klinger, Alejandra Malanowski, Ann Palermo, Dan Per-Lee, Sany Raedels, Todd Strelow, Bill Turley, and Fily Vilasanta; Maria Vorel (FCDC Precinct Operations); Carol Allen and Stephen Spitz (members FCDC); Helen Chaikovsky, Phyllisa Goldenberg, Mark Beale, and Mark Lenz (Fairfax County election officers and/or residents of Fairfax County or neighboring jurisdictions).

Ms. Hanley called the meeting to order at 4:02 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 moved to adopt the Draft Minutes of the Board meeting held on January 18, 2024. By a vote of 3-0, the Minutes of the Board meeting held on January 18, 2024, were adopted.

Mr. Henzel made a motion to appoint 390 election officers (EO) (125 Democrats, 137 Republicans, and 128 Unaffiliated) for a term ending February 28, 2025. Mr. Henzel asked Mr. Spicer if the recruitment goals were met for the upcoming Presidential Party Primaries. Mr. Spicer confirmed that 2,050 EOs have been assigned and there is an adequate number of EOs in reserve to handle cancellations. The motion passed by a vote of 3-0.

Under the General Registrar’s (GR) report dated February 29, 2024 (attached and made a part of this record), Mr. Spicer updated the voter registration numbers since the last Electoral Board meeting:

Voter Registration

Registered Voters	As of February 26, 2024	Change from 1/16
Active registered voters	727,329	+3,498
Inactive registered voters	66,243	-703
TOTAL	793,572	+2,795

Registration Transactions	January 2024 (1/1 to 1/31)	Year-to-Date 2024 (1/1 to 1/31)
DMV online voter registration transactions	15,460	15,460
Web voter registration transactions	1,980	1,980
Third-party voter transactions	568	568
Other voter registration transactions	1,251	1,251
TOTAL	19,259	19,259

Voter Cancellations	January 2024 (1/1 to 1/31)	Year-to-Date 2024 (1/1 to 1/31)
Deceased	482	482
Out-of-state	260	260
Other	68	68
TOTAL	810	810

Breakdown of DMV Transactions	January 2024 (1/1 to 1/31)
Change of Address	2,444
New Registrant	2,996
Transferred In	1,183
Administrative Duplicate Match	4,299
Name and/or Address Change	242
Other (Includes voters who moved out of Fairfax County, moved out of the state, were reactivated, or identified themselves as non-citizens)	4,296
Total DMV Transactions	15,460

On December 5, 2023, the Board of Supervisors approved the permanent relocation of the polling place for Greenspring precinct to Village Square. Approval from the Attorney General's office was received on February 5, and the Office mailed a notice to voters in Greenspring precinct (this is the same location assigned temporarily for the last two elections).

The Office recently learned that in November 2023 the Fairfax County Park Authority changed the name of the Oak Marr Recreation Center, polling place for Island Pond (188 voters) precinct, to the Oakmont Recreation Center. After consulting with the county attorneys, this action does not require a notification to voters because the Park Authority initiated the name change. No action was taken by the Board of Supervisors. The name has been updated in VERIS and will be changed on all election documents.

As of February 26, 39,723 absentee ballot applications have been approved for the March 2024 Democratic Presidential Primary Election. This includes 38,131 permanent applications, 607 applications from overseas and military voters, and 985 one-time applications. As of February 26, 8,963 absentee ballot applications have been approved for the March 2024 Republican Presidential Primary Election. This includes 8,010 permanent applications, 233 applications from overseas and military voters, and 720 one-time applications. To receive a ballot for primary elections, a permanent absentee voter must indicate on their application that they would like to vote in primary elections and select a party.

As of February 26, 1,057 absentee mail ballots have been returned by the USPS as undeliverable. The receipt of an undeliverable ballot is noted in the voter's VERIS (Virginia Election Registration and Information System) record in, and the returned envelope is processed in the same way as other undeliverable mail.

The statutory requirement that removed the witness requirement on the "statement of absentee voter" on absentee ballot envelopes and replaced it with the last four digits of the voter's Social Security number and year of birth has added to the overall expense of absentee voting. To comply with the new law, a perforated security flap to protect the voter's sensitive information was added to the return absentee ballot envelope. This significantly increased the price of each envelope. Additionally, because the security flap needs to be removed to confirm the accuracy of the SSN and year of birth with the voter's record in VERIS prior to recording its receipt, the time required to process returned ballot envelopes has doubled. There was concern that the security flap would not arrive intact after going through the postal system, however, the Office can report that this has not been the case.

An additional 13 locations opened on Saturday, February 24. All locations will be open through Saturday, March 2.

Numerous in-person training classes have been offered for this election, including workshops for chiefs and SDR specialists, and equipment practice sessions for first-time EOs. In addition, open houses will provide optional opportunities for additional practice, including one for chiefs and assistant chiefs on Tuesday, February 27 and one for all EOs on Thursday, February 29. More than 850 EOs have attended in-person training for this election or are enrolled in an upcoming open house.

Sarah Prowitt, formerly employed as the Program Manager: Compliance, Outreach and Policy for DC Health, started on February 26 in the Communications Specialist III position. Sherry Kirk successfully competed for the Administrative Assistant V, Voter Services/SDR Assistant Manager position, effective February 10. Lisa Hogle successfully competed for the Management Analyst I, Candidate Services Manager position under the Voter Services/SDR Division, effective March 9.

The barcode inventory system will be replaced with one that utilizes an RFID tracking system. Initially planned for a March rollout, supply chain issues delayed the project start. With all equipment now delivered, the vendor has been onsite to observe the L&A process. The system is on track for a June rollout.

Under the Chairman's report, Ms. Hanley visited the EO Open House and commended staff for providing these extra training sessions. She remarked that Fairfax County EOs respond enthusiastically to additional opportunities to enhance their skills.

Under the Vice Chairman's report, Mr. Shapiro commented that "great things are happening in the Office." Staff proved themselves during the challenging November 2023 election, and he welcomed the new personnel. The activities organized to improve efficiency and transparency have created a great team and he commended the result, concluding that this is "an Office on its way up."

There was no Secretary's report.

Under New Business, Ms. Hanley introduced the draft of the EO Code of Conduct (attached and made a part of this record). Mr. Shapiro asked what prompted the creation of the document. Ms. Coleman responded that this effort consolidated the rules and policies for EO conduct into one central document to provide a clear set of expectations for what it entails to serve as an EO. Mr. Shapiro suggested adding introductory language explaining that the Office has concluded that these are the best practices for EOs to follow in order to create a good working atmosphere. Ms. Hanley suggested that the document remained unchanged but to incorporate Mr. Shapiro's suggestions into a cover memo to accompany the Code of Conduct. Mr. Henzel moved to adopt the Code of Conduct with the suggested addition of the cover memo. The motion passed by a vote of 3-0.

Under Public Comments, Ms. Hanley reminded the public that comments are limited to three minutes. The Board may provide the information; however, if more research is required, the Board may defer an answer. The Board may also request a written submission of the comment or inquiry.

There were no Public Comments.

Ms. Hanley moved that the Board go into Closed Session move that the Board enter into a Closed Session to discuss the award of a public contract involving the expenditure of public funds on voting equipment where the discussion of the terms or scope of such contracts if held in open session would adversely affect the bargaining position or negotiating strategy of the public body, as permitted by Va. Code § 2.2-3711(A)(29); and to discuss or consider the

investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, as permitted by Va. Code § 24.2-3711(A)(6). The motion passed 3-0, and the Board entered a Closed Session at 4:26 p.m.

At 5:13 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

Mr. Henzel moved that the recommendations of the General Registrar outlined in his February 29, 2024, memorandum to the Electoral Board (attached and made a part of this record) be accepted and to continue the procurement process for securing new voting equipment from ES&S and new electronic pollbooks from KNOWiNK. The motion passed by a vote of 3-0.

Mr. Shapiro moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 5:16 p.m.

Attachments

Hon. Katherine K. Hanley, Chairman

Jeffrey K. Shapiro, Vice Chairman

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

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MINUTES
Fairfax County Electoral Board
March 6, 2024

The Fairfax County Electoral Board (Board) met on Wednesday, March 6, 2024, in Conference Room 251 at the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, to receive the election materials necessary to canvass the returns and ascertain the results of the Democratic and Republican Party Presidential Primaries (Presidential Primaries). Chairman Katherine K. Hanley, Vice Chairman Jeffrey K. Shapiro, Secretary Amb. (ret.) Christopher P. Henzel, Election Manager Ravi Udeshi, and Clerk to the Board Beth Dixon Methfessel were present. In addition, rovers, and Office of Elections (Office) staff were present to conduct the Canvass.

Ms. Hanley called the Canvass to order at 10:02 a.m., introduced the Board, and welcomed the Canvass workers. She thanked everyone for a well-run, successful election. She asked that any issues encountered on election day be brought to the attention of the Board.

Ms. Hanley asked Mr. Udeshi to give instructions on conducting the Canvass. Mr. Udeshi explained to the eighteen assembled teams that the canvass procedures now include verification of signatures on the statement of results, the machine tapes, the machine certification, the election officer oath, the compensation sheet, the ballot receipt, the voter count worksheet, and the Chief's Notes. Even if no signatures are missing, a "missing signature" envelope should be completed for each precinct. Additionally, the teams must verify that all required election documents have been returned, ensure the accurate completion of the statement of results (SOR) including verifying that all tapes are properly attached in the correct order and that they match the SOR and the ERM (Election Results Management-ElectionWare) reports. Corrections should be made in red. Once these steps are completed, the election documents will be divided by staff to allow for efficient follow-up. Any issues or problems regarding the Canvass should be brought to the Board and any polling place concerns should be reported to the Clerk. The Chief's Notes will be set aside for Board review.

Mr. Henzel noted for the record that he and Mr. Spicer will be reviewing the requirements for a possible batch-comparison audit for the recent election. Ms. Hanley pointed out that the research should move expeditiously in the hopes that a decision might be reached by the conclusion of the canvass, which is expected to be Sunday, March 10. Mr. Spicer mentioned that two board members must be involved from start to finish. Mr. Shapiro asked if this would be a voluntary request to perform the batch-comparison audit. Mr. Henzel responded that he recommends the Board volunteer for this type of audit for this election. He added that there is some criticism of the risk-limiting audit by the Fairfax County Republican Committee (FCRC). The batch-comparison audit appears to provide more meaningful results. Mr. Shapiro asked if both types of audits could be completed in November. Mr. Henzel agreed that both could be undertaken depending on the time it would take for each audit. Ms. Hanley mentioned that undertaking an additional audit after November can be complicated by the possibility of special elections that can result from the outcome of the November election. Special elections are usually called in early January.

At 12:00 p.m. in Conference Room 232, the Electoral Board convened the provisional part of the canvass as required by Va. Code § 24.2-653(B) to allow voters casting provisional ballots in the March 5, 2024, Presidential Primaries, to present any information that might prove they are qualified, registered voters in the precinct where they cast their provisional ballot. There were no provisional voters. Ms. Hanley recessed the provisional ballot meeting subject to the call of the chair.

The Canvass teams recessed for lunch at 12:00 p.m. The doors were secured, and at 1:00 p.m. the conference room was re-opened, and the Canvass continued.

The provisional voter log was completed and distributed to the chairman of the local political committees at 2:00 p.m.

Staff reported that there will be approximately **1600** provisional ballots to adjudicate.

The Precinct Canvass was completed at approximately 4:00 p.m.

Mr. Shapiro moved that the Board advertise the following timeline for completion of the canvass. The motion passed by a vote of 3-0. An updated agenda was emailed to the Electoral Board Notice List.

- Wednesday, March 6 - Precinct Canvass completed 4:00 p.m.
- Saturday, March 9 – 10:00 a.m. to 2:00 p.m. Provisional Voter Hearings, Suite 323
- Sunday, March 10 – 11:00 a.m. Provisional Ballot Adjudication; CAP Canvass, Conference Rooms 315, 319
- Sunday, March 10 – Completion of Abstracts, Suite 323

At 4:25 p.m. the Electoral Board recessed the Canvass until 11:00 a.m. on Sunday, March 10, 2024, at 11:00 a.m.

Sunday, March 10, 2024
Reconvened Canvass and Provisional Ballot Meeting

The Electoral Board reconvened the canvass at 11:15 a.m. in Conference Room 315/319.

At approximately 10:45 a.m. the Electoral Board reconvened the Canvass in Conference Room 315/319 as required by Va. Code § 24.2-653 to allow voters casting provisional ballots in the March 5, 2024, Presidential Primaries to present any information that might prove they are qualified, registered voters in the precinct where they cast their provisional ballot. There were no provisional voters.

Ms. Hanley moved that the Board enter a Closed Session for the purpose of considering whether each person who submitted a provisional vote at the election was qualified to do so. Other than appropriate staff and legal counsel of the Electoral Board, attendance at this

meeting shall be permitted for the persons whose provisional votes are being considered with their legal counsel, if present, as well as one authorized representative of each candidate, as specified in §24.2-653(B). There was no authorized representative for the Fairfax County Democratic Committee (FCDC) or the Fairfax County Republican Committee (FCRC). The motion passed by a vote of 3-0, and the Board moved into Closed Session at 11:19 a.m.

At 12:06 p.m. the Board concluded the Closed Session. Ms. Hanley moved that the Fairfax County Electoral Board certify that in the Closed Session just concluded, the only matters discussed were the qualifications of provisional voters, as permitted by Virginia Code § 24.2-653, and as identified in the motion to close the meeting pursuant to the Virginia Freedom of Information Act. The motion passed by a vote of 3-0.

Ms. Hanley moved that **878** out of the **947** Provisional Ballots cast and entered as qualified on the Master Provisional Ballot Log for the March 5, 2024, Republican Party Presidential Primary Election be **accepted and counted** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Logs shall be retained and incorporated into the Minutes of the Canvass for the March 5, 2024, Republican Party Presidential Primary Election. The motion passed by a vote of 3-0. She further moved that the remaining **69** out of the 947 Provisional Ballots entered as disqualified on the Master Provisional Ballot Log for the March 5, 2024, Republican Party Presidential Primary Election be **rejected** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Logs shall be retained and incorporated into the Minutes of the Canvass for the March 5, 2024, Republican Party Presidential Primary Election. The motion passed by a vote of 3-0.

Ms. Hanley moved that **690** out of the **729** Provisional Ballots cast and entered as qualified on the Master Provisional Ballot Log for the March 5, 2024, Democratic Party Presidential Primary Election be **accepted and counted** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Logs shall be retained and incorporated into the Minutes of the Canvass for the March 5, 2024, Democratic Party Presidential Primary Election. The motion passed by a vote of 3-0. She further moved that the remaining **39** out of the 729 Provisional Ballots entered as disqualified on the Master Provisional Ballot Log for the March 5, 2024, Democratic Party Presidential Primary Election be **rejected** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Logs shall be retained and incorporated into the Minutes of the Canvass for the March 5, 2024, Democratic Party Presidential Primary Election. The motion passed by a vote of 3-0.

The CAP Canvass began at 12:12 p.m. At 12:50 p.m. the Canvass of the fifteen satellite voter offices plus the Fairfax County Government Center was completed.

Deputy Registrar for Absentee Voting Sean Stewart submitted a memorandum to the Electoral Board explaining an export anomaly that occurred while processing the thumb drives from the Central Absentee Precinct's DS850 (attached and made a part of this record).

Of the **1568** provisional ballots that were qualified, 577 were SDR provisional ballots cast for the Republican Party Presidential Primary Election, and 437 were SDR provisional ballots cast in the Democratic Party Presidential Primary Election. Of the 1676 provisional ballots cast, 94% received a recommendation to be qualified and counted.

Ms. Ardalan reported that a total of 138 ID Confirmation Statements were submitted, 114 in early/absentee voting, and 24 in the precincts.

The 1568 qualified provisional ballots were extracted and scanned on the high-speed DS850. One ballot envelope was empty, reducing the total number of qualified ballots to **1567**. The Board hand-counted 9 ballots for the Republican Primary and 8 for the Democratic Primary (total of 17) that could not be scanned on the voting machine. The scanning was completed at 6:30 p.m., the results were uploaded into ERM, and a report was generated for the statement of results.

After ballot extraction and scanning, it was discovered that several ballots included in the qualified Democratic Party Presidential Primary Election should have been labeled and scanned with the qualified ballots for the Republican Party Presidential Primary Election. Additionally, an empty envelope further reduced the number of qualified ballots in the Democratic Party Presidential Primary Election. Mr. Spicer explained the reasons for these changes in the attached memorandum to the Electoral Board (attached and made a part of this record).

Ms. Hanley moved that the provisional ballots entered as qualified on the Master Provisional Ballot Log for the Republican Party Presidential Primary Election that were accepted and counted be changed to **881** and additionally, the provisional ballots entered as qualified on the Master Provisional Ballot Log for the Democratic Party Presidential Primary Election that were accepted and counted be changed to **686**. She further moved that the 39 provisional ballots that were entered as rejected on the Master Provisional Ballot Log for the Democratic Party Presidential Primary Election be changed to **40**. To further explain the need for these revisions, she referenced the memorandum from Mr. Spicer. Mr. Shapiro added that the staff has been extraordinarily diligent, and the memorandum to re-adjudicate a small number of ballots for very good reasons reflects this thoroughness. The motion passed by a vote of 3-0.

Once the updated results from the provisional ballot adjudication were uploaded and verified in the ERM system, the Board completed the Statement of Results for the qualified provisional voters for the March 5, 2024, Presidential Party Primaries.

At 6:18 p.m. the Board certified the results of the election and signed the Abstracts. At 7:14 p.m. the Abstracts, Election Certification Checklist, and a set of voided ballots were sent electronically for review to the Department of Elections. All printer oaths have been received and filed with the Electoral Board minutes and supporting documents.

Mr. Henzel moved that there being no further business, the March 5, 2024, Presidential Party Primaries be concluded. By a vote of 3-0, and without objection, the Board adjourned at 6:53 p.m.

Attachments

Hon. Katherine K. Hanley, Chairman

Jeffrey K. Shapiro, Vice Chairman

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

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