

MINUTES
Fairfax County Electoral Board
October 21, 2024

The Fairfax County Electoral Board (Board) met on Monday, October 21, 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.

IT Manager Cord Whitehouse; Election Manager Ravi Udeshi; Deputy Registrar for Voter Registration Bushra Ardalan; Deputy Registrar for Absentee Voting Sean Stewart; Deputy Registrar for Voter Satellite Offices Florence Brown; Voting Equipment and Logistics Manager Tyrone Allen; Training and Operations Manager Sean Rogers; Election Officer Manager Gretchen Coleman; Supply Manager Kay Garrison; Ann Hines and Bill Turley (Office of Elections (Office) staff); Gregory Brandon (Fairfax County Democratic Committee (FCDC) Central Communications); Megan Challender (FCDC Election Law and Voter Protection); Richard Chew (Hunter Mill District Chair - FCDC); Donna Rostant (FCDC General Counsel); Debbie Linick (FCDC Franconia Magisterial District Chair); Katie Gorka (Chairman, Fairfax County Republican Committee (FCRC)); Christine Brim and Andi Bayer (FCRC Election Integrity Task Force); Patricia O'Brien, James Jacks, and Barbara Palmer-Tengs (members FCRC); Ron Ashby, John Bingham, Judy Clardy, Catherine Huh, Bill Lewers, Don Logan, and Beth Tudan (Fairfax County election officers, rovers, and/or residents of Fairfax County).

The following individuals participated using the Zoom videoconferencing platform: Public Information Officer Greg Licamele; Human Resources Manager Yoon Choi-Lee; Office staff Lisa Hogle, Jose Garzon, Sherry Kirk, Abigale Peters, Sandy Raedels, Todd Strelow, and Fily Vilasanta; Maria Vorel (FCDC Precinct Operations); Carol Allen, Stephen Spitz, and Adriana van Breda (members FCDC); Arina van Breda (Director, Voter Registration and Voter Information LWV - Fairfax); Maggi Luca (member – LWV); Steve Barch, John Barker, Mark Beale, William Denk, Phyllisa Goldenberg, Jose Garzon, Gary Klinger, David Kramer, Dr. Sarah Renee Langley, Mark Lenz, David Lopez, Sharon Wood, Elizabeth Woodruff (Fairfax County rovers and/or election officers and/or residents of Fairfax County or neighboring jurisdictions).

Ms. Hanley called the meeting to order at 8:00 a.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 September 16, 2024. Ms. Hanley asked for a correction on pg. 7, para. 4 to substitute the word “issues” for “claims.” By a vote of 3-0, the amended Minutes of the Board meeting held on September 16, 2024, were adopted.

Mr. Henzel made a motion to appoint 1112 election officers (EO) (505 Democrats, 220 Republicans, and 387 Unaffiliated) for a term ending February 28, 2025. The motion passed by a vote of 3-0.

Under the General Registrar’s (GR) report dated October 18, 2024 (attached and made a part of this record), Mr. Spicer presented the General Registrar’s report and updated the voter registration numbers since the last Electoral Board meeting:

Voter Registration

Registered Voters	As of 9/1	As of 9/30	Change from 9/1
Active Registered Voters	729,179	736,718	+7,539
Inactive Registered Voters	79,015	76,610	-2,405
Total	808,194	813,328	+5,134

Active Voter Registration Subtractions (Cancellations and Transfers Out)	9/1 – 9/30	Year-to-Date 2024 (1/1 to 9/30)
Deceased (multiple sources) ¹	452	4,035
Out-of-State (multiple sources) ²	226	4,777
Declared Non-Citizen (from ELECT)	254	464
Declared Mentally Incapacitated (from Court)	8	46
Felony Conviction (from ELECT)	17	136
Voter Request (paper form from voter)	121	405
Transfer Out to Another Jurisdiction in VA	3,966	17,780
Other Subtractions (administrative error, other)	15	64
Total Cancellations and Transfers	5,059	27,707

Active Voter Registration Additions	9/1 – 9/30	Year-to-Date 2024 (1/1 to 9/30)
New Voter Registrations (multiple sources)	7,295	36,330
Transfer In from Another Jurisdiction in VA	3,109	14,913
Other Additions (reactivated, reinstated, other)	2,194	8,077
Total	12,598	59,320

Voter Registration Transactions³ (includes transactions that result in additions, subtractions, and no change)	9/1 – 9/30	Year-to-Date 2024 (1/1 to 9/30)
Online DMV (from ELECT)	23,269	171,723
Online Citizen Portal (from ELECT)	17,805	43,637
Online Third-Party DMV Verified (from ELECT)	1,572	3,275
Va. Paper Form Third Party (delivered to the office)	826	4,573
Va. Paper Form In-Person (office walk-ins, new citizen ceremonies, at polling locations)	724	2,144
Va. Paper Form by Mail (delivered to the Office)	902	3,342
Federal Post Card Application (multiple sources)	2,449	5,650
National (EAC) Paper Form (delivered to the Office)	115	659
Same Day Registration (Office or voting locations)	0	1,301
Others (voter card, confirmation notice, update form)	271	2,653
Public Assistance, Disability Offices	1	10
Discretionary Agencies (BVS, NTIS, Social Security Administration)	711	5,248

¹ Deceased (multiple sources) includes: Bureau of Vital Statistics through ELECT, Report of Death information provided by relative, Death Certificate provided, and General Registrar Report of Death created based on an obituary

² Out-of-State (multiple sources) includes: DMV, State mail, NCOA, and other voter registration update forms

³ All categories include: new voter registrations, change of address, change of name, voter cancellations (including out-of-state), and duplicates (no change of data)

Mr. Henzel noted that there is a high percentage of registered voters in the above 18-year-old population. In addition, given the potential vulnerability to fraud of the Federal Post Card Applications (FCPA) process, he stated it would be prudent to monitor the number FCPAs received. Mr. Spicer confirmed that the number of FCPAs is in line with the 2020 General Election.

The fire damage at St. John's United Methodist Church that caused a temporary relocation of 527 Edsall's polling place for the June primaries has been repaired. Edsall voters will return to St. John's United Methodist Church for the November election. Hummer precinct has been consolidated with Woodburn precinct with its polling place at Woodburn Elementary school. With renovations now complete, the polling place at 426 Greenspring will be moved from Village Square to the Conference Center. A sign in four languages directing voters to their new polling place will be posted at the polling places no longer in use.

Sample ballot brochures were mailed September 27 to active voters. Of those, 19,892 voters submitted an address change notice (NCOA) with the post office. These voters were mailed the Office's address change confirmation form to complete and email or mail to the Office (addressed return envelope enclosed with the form). Registrations of voters who moved out of state and whose forms are received after the voter registration deadline ("close of books") will be cancelled after the election. The brochures that the Post Office could not deliver for any reason are being returned to the Office and are being processed in the same way as all other returned election mail. Ms. Hanley congratulated the Office on continuing to send out the sample ballot mailing with a return receipt requested. This process generates an address confirmation mailing when the returned sample ballot brochure includes a forwarding address. She commented that it is a more efficient way to keep the rolls fresh because the Office can follow up without waiting for the state's NCOA mailing. Mr. Spicer mentioned that Mr. Shapiro suggested that at the voter satellite offices, the sign for opting out of the permanent absentee list be placed more prominently. Mr. Spicer confirmed that this notice will now be posted closer to the check-in tables.

As of October 12, 101,462 absentee ballot applications for the November 2024 General and Special Elections were approved: 67,108 permanent applications, 7,671 applications from overseas and military voters, and 26,603 one-time applications. Ms. Ardalan confirmed that no absentee ballots are sent to inactive voters.

To date, almost 85,000 voters have cast ballots at one of the satellite voter offices or the Government Center, 40% more than in 2020. Ms. Hanley noted that while the cost of operating satellite offices increases every election and must be considered, early voting relieves Election Day lines in the large precincts, many that may need to be split after the General Election. The cost of splitting precincts is not insignificant. She added that finding suitable polling places is challenging, not only in Fairfax County but in larger jurisdictions in Virginia. Ms. Hanley recognized Florence Brown and Bill Turley for their exceptional effort overseeing the early voting locations. Mr. Henzel recognized that the movement away from Election Day voting in favor of early voting may result in the precincts becoming obsolete in the long run. He remarked that this may cause a loss in the security features that are built into the precincts where EOs often know their neighbors. He recommended keeping an eye on this trend. Mr. Spicer added that there is no cut in funding planned for Election Day.

Over 700 high school students, the largest number in the program's 24-year history, submitted applications for the popular Election Day Page Program. To receive an assignment, applicants were required to complete a training class and pass a quiz with a score of 100%. Beginning last week, 660 students accepted their assignment. New this year, the early voting satellite offices, including the Government Center, will also benefit from the assistance of student pages. Approximately 216 precincts (83%) will have at least one page for the upcoming election. Students who complete their assignment will receive 10 hours of service learning. Many students who participate are working to earn the Seal of Excellence in Civics Education.

Approximately 3,700 EOs have been assigned across all 264 precincts. In accordance with Electoral Board policy, all Chief EOs represent the Republican Party, and all Assistant

Chief EOs represent the Democratic Party. There are sufficient reserves to ensure that this remains the case through Election Day.

By Election Day, 100 in-person classroom training opportunities and five open houses for EOs serving in any given role in the precinct will have been conducted. The popular Closing Procedures workshop was added, focusing on how to streamline the closing of the precinct. Over 3,100 EOs are expected to have participated in an in-person training class, workshop, or open house, and online courses remain available on-demand at any time.

The Department of Election (ELECT) amended the dates for the Risk Limiting Audits:

- Senate: Wednesday, November 20. All jurisdictions will participate.
- House (if the 8th, 10th, or 11th congressional districts is selected): Thursday and Friday, November 21 and 22

Two Board members must be present for the RLAs. Training for the RLA is now available for Board members through Virginia Election and Registration Information System (VERIS).

Fily Vilasanta, who was hired in August 2020 as a temporary employee and currently works as a non-merit employee in the Absentee Mail Division, successfully competed for the Absentee Mail Voting Specialist, Administrative Assistant IV position, effective October 19, 2024.

Same day registration began on October 16, and to date, 283 SDR provisionals have been cast. The voter registration application must be completed correctly for the provisional ballot to count. Mr. Henzel asked the Office to keep track of the submission of Affirmation of Identity statements. Ms. Ardalan added that these statements are scanned into the voter's record in VERIS.

There were no Electoral Board reports.

Under New Business, Ms. Hanley moved to appoint Catherine Huh, William Lewers, and Donald Logar as Electoral Board Representatives. They will join Lawrence Danforth, Benjamin Jarratt III, and Frederick Knowles as designees of the Electoral Board representing the Republican Party. She also moved to appoint Ronald Ashby, John Bingham, and Elizabeth Tudan as Electoral Board representatives. They will join Kurt Doehnert, Phyllisa Goldenberg, and Patricia Houser as designees of the Electoral Board representing the Democratic Party. For example, at least one designee from each political party will be present during the L&A process until it is completed and will sign the machine certification forms. 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.

Under Public Comments, Ms. Linnock brought to the Board's attention three observations from the Franconia voter satellite office. First, the length of lines at the check-in is a result of having only two ballot printers. Adding additional printers would reduce wait times. Second, the challenges of the parking lot at the Franconia Governmental Center may be alleviated since the neighboring church and fire station will allow voters to use their lots. Signage informing voters of this option should be posted. Third, an outside poll worker was providing information that suggested those in line should already be registered to vote as well as produce a government-issued ID to check in. Ms. Linnock suggested the script be revised so as not to discourage voters from using the option of same day registration.

Ms. Gorka questioned the acceptance of the limited duration licenses as an acceptable form of ID for voting. Mr. Spicer explained that ELECT determines what IDs can be accepted. Mr. Henzel added that he hopes ELECT will use Systematic Alien Verification for Entitlements (SAVE) to document when an individual attains citizenship. Mr. Shapiro asked if ELECT would be providing guidance on how to distinguish between the driver privilege card and the limited duration licenses. Mr. Henzel also suggested that proving citizenship through affidavit is a greater vulnerability than confusing the driver's licenses. Mr. Spicer replied that ELECT will not be providing additional guidance. He added that he is unaware of any driver privilege card ever being presented for voting in Fairfax County.

Ms. O'Brien asked for clarification on how EOs should respond if these licenses are presented at check-in. Mr. Udeshi explained the three-step process for identifying driver privilege cards (attached and made a part of this record). The disposition depends on the voter's response. If the voter says it is a driver's license, then the ID is accepted. If the voter says it's a driver privilege card or they don't know what kind of license it is, the voter will be asked for another form of ID or to complete an ID Confirmation Statement. He added that staff will follow state law and the current guidance from ELECT when considering acceptable forms of ID.

Ms. Rostant asked the Board if they have taken any steps, collectively or individually, to stop the process enacted at the September meeting that may disenfranchise legitimate voters. Ms. Hanley responded that this is the first meeting since the procedure was passed, and no change has been voted on in the current meeting. Considering the temporary injunction, Ms. Rostant asked if any instructions from ELECT have been received to stop the removal of legitimate voters. Mr. Spicer responded that no additional instructions from ELECT have been received.

Ms. Bayer asked the Board if they were aware of a Memorandum of Agreement (MOA) between Virginia, ELECT, and Department of Homeland Security that the localities can establish their own use of SAVE for voter list maintenance and create an account that allows access to determine which individuals are registered to vote. She added that although this has been an authorized option since 2014, DMV failed to provide legal presence document numbers until 2023. Had the localities known and used SAVE, they would have noticed that they were not given the legal presence document numbers. Ms. Hanley asked Ms. Bayer to provide her comments in writing and to include the MOA.

Mr. Brandon thanked Mr. Stewart for his timely early voting reports. He would like to see more specific information relating to curing the returned absentee ballots. Ms. Hanley asked Mr. Brandon to submit his comments in writing.

Ms. Adriana van Breda congratulated the Office on a well-run early voting process. She commented that Poll Pad and printer communication breakdowns are causing delays. She asked what back-up plans are in place on Election Day to ensure that voting will not be disrupted. Mr. Whitehouse explained that a delay on the first day of early voting at the Government Center was caused by a blown power circuit. All Poll Pads maintained their Verizon cellular connection with the other locations. As a backup, a Mi-Fi is provided and should only be turned on if there is a nationwide outage with Verizon. Some locations mistakenly turned this device on which caused some of the initial miscommunication with the Poll Pads. This issue was cleared up on the first day of early voting and has not reoccurred.

Mr. Denk asked why the sample ballot mailer was mailed after the start of early voting. He pointed out that the bond referenda information was sent even later. Ms. Hanley explained that the mailer cannot be sent until the ballot has been approved, and the county is responsible for sending the information on the bond referenda. He asked Mr. Spicer to consider better coordination with the county regarding future mailings. Mr. Spicer confirmed for Mr. Denk that FOIA responses are not publicly posted.

Dr. Langley asked if someone could assist a voter who is confused when the type of ID they are presenting is not acceptable for voting. Mr. Spicer explained that assistance can be provided by an EO or an individual of the voter's choosing. The voter can also be offered an Affirmation of Identity to sign if they do not have an acceptable ID.

Mr. Kramer mentioned the difficulties with parking flow in relation to curbside voting at the McLean Governmental Center and suggested that a one-way flow including blocking off the reserved parking may alleviate some of the congestion.

Ms. Challender commented that even though in-person parent-teacher conferences are not to be held on Election Day, many schools are still scheduling them. She added that some elementary schools have posted non-legal No Parking signs. On Election Day, these signs should be removed so voters will have access to public on-street parking. Ms. Hanley responded that she brought this issue to the Chairman of the School Board, and her understanding was that teachers would work from home. Mr. Shapiro moved that the Chairman of the Electoral Board send a letter to the superintendent and the School Board, copying the Board of Supervisors, to ensure that the schools are not being used for other activities on Election Day. The motion passed by a vote of 3-0.

Ms. Challender commented that referring voters to the Commonwealth's Attorney for prosecution failing to check a box or relying on outdated DMV information on naturalized citizens is voter suppression. She noted that the individuals who made an error on the form were overwhelmingly 18-19-year-olds probably living with parents, the elderly, and English-language learners.

Ms. Hanley moved that the Board enter a closed session to consult with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such

consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, as permitted by Va. Code § 2.2-3711(7) to discuss the impact of two cases filed in the United States District Court, Eastern District, Case Numbers 1:24-cv-1778 and 1:24-cv-1807 ; and to consult with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, in particular issues relating to the implementation of and compliance with the Governor’s Executive Order No. 35, as permitted by Va. Code § 2.2-3711(8). The motion passed by a vote of 3-0, and the Board moved into Closed Session at 9:15 a.m.

At 9:55 a.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 to adjourn. The motion carried, and without objection, the meeting was adjourned at 9:56 a.m.

Attachments

Hon. Katherine K. Hanley, Chairman

Jeffrey K. Shapiro, Vice Chairman

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