

MINUTES
Fairfax County Electoral Board
October 30, 2023

The Fairfax County Electoral Board (Board) met on Monday, October 30, 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; General Registrar Eric L. Spicer; Deputy Director Cheryl Jones; and Clerk to the Electoral Board Beth Dixon Methfessel were present. Secretary Amb. (ret.) Christopher P. Henzel participated remotely.

IT Manager Cord Whitehouse; Election Manager Ravi Udeshi; Public Information Officer Brian Worthy; Deputy Registrar for Voter Registration Bushra Ardalan; Deputy Registrar for Voter Satellite Offices Florence Brown; Deputy Registrar for Absentee Voting Sean Stewart; Voting Equipment and Logistics Manager Tyrone Allen; Election Officer Manager Gretchen Coleman; Supply Manager Kay Garrison; Financial Specialist Teresa Maza; Mira Elliott, Ann Hines, and B. Gissell Jimenez (Office of Elections (Office) staff); Christine Brim (Fairfax County Republican Committee (FCRC) Election Integrity Task Force); Dominic Thompson (Executive Director, Fairfax County Democratic Committee (FCDC)); Carol Allen and Megan Challender (FCDC Election Law and Voter Protection); Gregory Brandon (Fairfax County Democratic Committee (FCDC) Central Communications); James Lee and Stephen Spitz (members FCDC); Pat O'Brien (member FCRC); Maggi Luca (League of Women Voters (LWV) – Fairfax) and Kyle Laker, and Kelly Price (residents of Fairfax County and/or neighboring jurisdictions).

The following individuals participated using the Zoom videoconferencing platform: Human Resources Manager Yoon Choi-Lee; FOIA Coordinator Pat Ferguson; IT Business Analyst George Panagakos; Office staff and/or rovers Mark Beale, Carrie Clark, Jeanne Faubell, Lisa Hogle, Alejandra Malanowski, Kathryn Martin, Matt Meads, Dan Per-Lee, Abigale Peters, Todd Strelow, Jerald Taylor, and Fily Vilasanta; Maria Vorel (FCDC Precinct Operations); Arina van Breda (Fairfax League of Women Voters (LVW)); Peggy Morrison (FCDC Voter Registration and Education); Barbara Palmer-Tengs (member FCRC); Helen Chaikovsky, Audrey Dutton, William Denk, Phyllisa Goldenberg, Amanda Griffith, and David Lopez, Fairfax County election officers and/or residents of Fairfax County or neighboring jurisdictions).

Ms. Hanley called the meeting to order at 4:30 p.m. and introduced the Board. Ms. Hanley asked Mr. Henzel to state for the record his location and why he was participating remotely. Mr. Henzel replied that he was on business and calling in from New York, New York. Ms. Hanley called for a motion that Mr. Henzel's voice can be adequately heard and that his remote participation comports with the Electoral Board's Remote Participation Policy. Mr. Shapiro so moved, and the motion passed 2-0.

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 27, 2023. By a vote of 3-0, the Minutes of the Board meeting held on September 27, 2023, were adopted.

Mr. Shapiro made a motion to appoint of 347 election officers (EO) (142 Democrats, 102 Republicans, and 103 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 29, 2023 (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 October 27, 2023	Change from 9/25
Active registered voters	717,440	+2,913
Inactive registered voters	69,580	-1,015
TOTAL	787,020	+1,898

Registration Transactions	September 2023 (9/1 to 10/1)	Year-to-Date (1/1 to 10/1)
DMV online voter registration transactions	16,947	137,565
Web voter registration transactions	2,673	10,257
Third-party voter transactions	382	3,196
Other voter registration transactions	1,592	18,242
TOTAL	21,594	169,260

Voter Cancellations	September 2023 (9/1 to 10/1)	Year-to-Date (1/1 to 10/1)
Deceased	478	3,271
Out-of-state	427	8,897
Other	77	7,249
TOTAL	982	19,417

Action Items from Previous Board Meeting

Breakdown of DMV Transactions	September (9/1 to 10/1)
Change of Address	3,480
New Registrant	2,662
Transferred In	1,551
Administrative Duplicate Match	4,212
Name and/or Address Change	545

Other (Includes voters who moved out of Fairfax County, moved out of the State, were reactivated, and identified themselves as non-citizens)	4,497
Total DMV Transactions	16,947

Mr. Shapiro asked Mr. Spicer to explain Administrative Duplicate Match. Ms. Ardalan was asked to answer, and she said that any voter registration application submitted online where no information has changed is processed as an Administrative Duplicate. No new voter registration postcard is generated. These transactions result in no change to the active voter numbers. Mr. Shapiro asked what happens if there is a minor discrepancy such as a missing middle initial. Ms. Ardalan responded that the system will process this application because something has changed. Transferred In covers those individuals who lived in another locality and moved into Fairfax County. New Registrants include those individuals with no previous voter registration in Virginia. If applications received by the Division of Motor Vehicles (DMV) are completed correctly, they are processed in a timely manner. Any incomplete application is denied, and a denial letter is mailed and emailed to the voter if an email is provided. Applications with an out of state address are denied. Voters registered in Fairfax County who submit a voter registration application with an out of state address are cancelled.

In June 2021, approximately 15,400 voters were notified that they would be converted from an annual absentee application to the newly created permanent absentee voter list. This by-mail notification was required by the legislation that implemented the permanent absentee list. Through 2022, approximately 800 permanent absentee voters opt-outs were received from the mailing. Additionally, opt out forms are available at polling locations and on the Office website, and are emailed or mailed to voters who contact the office requesting to be removed. After the November 2023 Election, another opt-out mailing will be sent to the approximately 60,000 voters on the current permanent absentee list in advance of the 2024 election cycle. Mr. Shapiro asked what action is taken if the opt-out mailing was returned undeliverable. Mr. Stewart responded that voters may not be removed from the rolls based on a mailing that was returned undeliverable. The undeliverable mailing will be scanned into the voter’s record which initiates the confirmation mailing process. The voter is flagged as ‘inactive’ and if no response to the confirmation mailing is received, the voter will be removed after two federal elections.

Mr. Spicer enumerated the list maintenance functions performed by the voter registration team, e.g., DMV registrations, license surrenders for out-of-state movers, voters who move to other localities, duplicate voters, felony convictions, non-citizens, and adjudicated mentally incapacitated. The Virginia Department of Elections (ELECT) now uses several sources of information to provide the localities information for the removal of deceased voters:

- Confirmation of death by deceased voter’s family or estate;
- Confirmation of death by registrar or deputy registrar who personally knows the deceased voter;
- Records from the State Registrar of Vital Records processed through the hopper;
- Records from local health officials;
- A death certificate; or

- An obituary posted in a newspaper or on a website of a licensed funeral home.

Mr. Henzel recalled that last year ELECT gave guidance against using the use of jury questionnaires with citizenship information. Mr. Henzel asked if this guidance is still in place, and Mr. Spicer responded that the guidance has not changed, and jury questionnaires cannot be used to determine citizenship.

ELECT receives a list of individuals convicted of felonies from the Virginia State Police (VSP) each month and sends this list to local General Registrars through VERIS as part of the voter registration hopper. Local voter registration offices remove these voters from the voter list and send cancellation letters by mail in accordance with state law. Recently, ELECT discovered that VSP included in its list voters who violated their probation, which is not cause for removal from the voter rolls. ELECT asked VSP to conduct a historical review, which revealed 3,400 such records statewide. As a result of this effort, ELECT sent these names to local General Registrars for reinstatement and on October 6, 2023, directed the Office to reinstate seven voters in Fairfax County out of the 32 voters that were removed on July 21. Probation violations have now been removed from the lists of felony convictions sent to ELECT by VSP. Between September 1 and October 28, ELECT directed the Office to cancel 38 voter registrations for felonies and reinstate 94 voters previously removed for felonies.

As of October 26, 69,433 absentee ballot applications were received for the November 2023 General Election. This includes 58,688 permanent applications, 1,821 applications from overseas and military voters, and 8,924 one-time applications. Mr. Henzel asked if the number of applications from overseas and military voters is trending normal. Mr. Stewart replied that it is a bit low, which is not unexpected in an election year featuring local races. Mr. Spicer added that the military and overseas voters are emailed their ballots but must return them by regular mail. Mr. Henzel expressed concern about the vulnerability of returning overseas and military ballots in comparison to other options for returning absentee ballots and requested the Office to continue to monitor the number of applications and the return of these types of ballots.

The General Assembly changed a statutory requirement for absentee by mail voting (Va. Code § 24.2-706) that replaced the witness signature on the “statement of absentee voter” with the last four digits of the voter’s Social Security number and year of birth. ELECT has recently noted statewide concerns being raised about who has access to potentially sensitive voter information because the Social Security number and year of birth are on the outside of the envelope. This is not a concern in Fairfax County because the Office proactively designed a new absentee ballot return envelope in collaboration with USPS and the Office’s third-party printer/mailer that protects a voter’s sensitive information. The new envelope design, however, has increased the amount of time needed to process each envelope in the Central Absentee Precinct (CAP). It now takes approximately three minutes to process each envelope. In addition, these changes have increased the number of mail absentee ballots that are sent through the curing process. Mr. Shapiro asked how discrepancies on the absentee ballot envelope are handled. Mr. Stewart responded that if the information on the absentee ballot envelope is not a perfect match with the voter’s record in VERIS (Virginia’s statewide voter registration system), the voter is notified, and if the discrepancy is not cured, the ballot is rejected.

On October 9, 2023, Erickson Senior Living confirmed that the renovation of Greenspring Conference Center, the usual polling place for Greenspring precinct, was not yet complete. These renovations began in the spring of 2023. At the time, and pursuant to its authority to temporarily relocate polling places at Va. Code § 24.2-310(D), the Electoral Board relocated the polling place to Village Square for the June 21, 2023, Primary Elections and, upon recent receipt of updated information about the status of the renovations, will also relocate the polling place for the November 7, 2023, General and Special Elections. Like the Greenspring Conference Center, Village Square is located inside the Greenspring precinct's boundary. A postcard was sent to voters the week of October 16 to inform them that voting will be held in the same building used for the June 21, 2023, Primary Elections. The relocation of the Greenspring polling place will foreseeably need to remain in place through at least next June's primary elections, therefore, on December 5, 2023, a public hearing will be held to permanently relocate the polling place for Greenspring precinct to Village Square.

In response to action by the Board of Supervisors, postcards were mailed to affected voters to inform them that Lee Highway and Lee Jackson Memorial Highway were changed to Rt. 29 and Rt. 50, respectively.

A total of 235 election officers were assigned to the voter satellite offices including a Republican Chief EO and a Democratic Assistant Chief EO for each location. Due to many cancellations, the Office greatly increased its efforts to recruit additional EOs to ensure party balance at the satellite offices. Ms. Hanley noted that the Virginia Code contemplates EO party balance, and for many years Fairfax County has been working to achieve it. Mr. Shapiro added that last weekend he brought attention to the lack of parity at the voter satellite offices and commended staff for the swift effort to correct the imbalance. He encouraged staff to continue to "manage to the requirement."

On Monday, October 30, an online briefing will be conducted for all Chiefs and Assistant Chiefs to cover critical information ahead of Election Day. They must either participate live or watch a recording within 48 hours. Numerous in-person training classes for this election are being offered, including workshops for Chiefs and Same Day Registration Specialists as well as equipment practice sessions for first-time and inexperienced officers. Open houses scheduled on October 28 and November 2 will provide optional opportunities for additional practice. More than 1,050 officers attended in-person training for this election or are enrolled in an upcoming open house.

Matthew Meads, a promotional hire from DIT, started as GIS Analyst II on October 21. Gissell Jimenez Cedeno was promoted to Absentee Mail Assistant Manager, effective November 4.

There was no Chairman's report.

Under the Vice Chairman's report, Mr. Shapiro emphasized his earlier comments that staff continue to focus on achieving party balance in EO assignments.

Under the Secretary's report, Mr. Henzel made the following statement, "At the August 7, 2023, meeting of this Electoral Board, I expressed concern that the activist group "Informing

Democracy” (or “ID”), which calls itself “non-partisan”, is in fact quite partisan, and that the Virginia Electoral Board Association (VEBA) was assisting it with distributing a questionnaire. Today I need to note that the “ID” group, in addition to displaying a partisan agenda, is also sloppy at best in its reporting. In a web publication dated October 12, “ID” included a listing of every electoral board member and general registrar in Virginia and labelled a number of them “anti-democracy” or “election subverters.” Of course, all the Board members so labelled are Republican-nominated members. This same October 12 web publication also purports to quote from, and cite, the minutes of this Electoral Board’s meeting of July 21, 2022. However, if one compares the excerpt in ID’s publication with our Board’s actual minutes, it is clear that the group distorted the minutes in order to fit their false narrative. Page 5 of our minutes, in the para beginning “Mr. Lopez asked...” show what was actually said. I encourage anyone who has concerns about ID’s inaccurate publication to look at the actual minutes on the Fairfax County Electoral Board’s website.”

Ms. Hanley moved that the Board go into Closed Session to consult with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted by Va. Code § 2.23711(8). Without objection, and by a vote of 3-0, the Board entered a Closed Session at 5:27 p.m.

At 5:55 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

Under Public Comments, Ms. Hanley reminded the public that comments are limited to three minutes. The Board may provide the information; however, an answer may be deferred if more research is required.

Megan Challender, Dominic Thompson, Kyle Laker, Maria Vorel, Maggi Luca, James Lee, and Arina van Breda addressed the Board regarding the recent disqualification of Franconia School Board candidate Marcia St. John-Cunning, urging the Electoral Board to clarify the process by providing clearer written and verbal instructions, in all four required languages, on how to cast a write-in vote. Concerns were raised regarding voter confusion at the early voting satellites on how to cast a vote for Ms. St. John-Cunning, especially those who voted her printed name on the ballot *and* [emphasis added] wrote her name on the write-in line. Given there is no

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process to cure those who voted for Ms. St. John-Cunning prior to her disqualification, concerns were expressed over the disenfranchisement of those who have already voted for her. Mr. Spicer confirmed that the ballot provides instructions on how to write-in a name on the ballot. Additionally, the voting machine, unless manually overridden, will reject an over-voted ballot [voting for more than one candidate in a single-vote contest.]

Greg Brandon asked how this disqualification will be accounted for in the procedures of the post-election canvass. Ms. Hanley answered that this case is still before the court. Mr. Shapiro added that the Board is not a party to the court case, but once settled, the Board will follow all ELECT and legal requirements.

Since mailout of military and overseas ballots occurred 45 days ago, Steve Spitz asked how these voters will be notified. Ms. Hanley confirmed that Mr. Spicer plans to notify absentee voters who have not returned their ballot that Ms. St.-John Cunningham has been disqualified.

Arina van Breda asked if any effort was made to notify those voters denied the ballot because they had been erroneously removed from the rolls because of probation violations. Ms. Ardan confirmed that postcards were sent to the seven individuals who were erroneously removed from the rolls that they had been reinstated.

Mr. Shapiro moved to adjourn. The motion carried, and without objection, the meeting was adjourned at 6:10 p.m.

Attachments

Hon. Katherine K. Hanley, Chairman

Jeffrey K. Shapiro, Vice Chairman

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

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