

MINUTES
Fairfax County Electoral Board
May 1, 2023

The Fairfax County Electoral Board (Board) met on Monday, May 1, 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; Public Information Officer Brian Worthy; Deputy Registrar for Voter Registration Bushra Ardan; Deputy Registrar for Voter Satellite Offices Helen Chaikovsky; Deputy Registrar for Absentee Voting Sean Stewart; Voting Equipment and Logistics Manager Tyrone Allen; Supply Manager Kay Garrison; Financial Specialist Teresa Maza; Jean Thoensen, Gillie Cuda, and Elise Yang (Office of Elections (Office) staff); Gregory Brandon (Fairfax County Democratic Committee (FCDC) Central Communications); Christine Brim (Fairfax County Republican Committee (FCRC) Election Integrity Task Force); Barbara Palmer-Tengs (member FCRC); Tyler Lincks (Printelect) 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 Analyst Khamthakone Betts; Office staff and/or rovers Steve Barch, Lisa Hogle, B. Gissell Jimenez, Gary Klinger, Kathryn Martin, Abigale Peters, Sandy Raedels, Todd Strelow, and Jerald Taylor; Andi Bayer (FCRC Election Integrity Task Force); Peggy Morrison (FCDC Voter Registration and Education); Carol Allen (FCDC Election Law and Voter Protection); Maria Vorel (FCDC Precinct Operations); Deb Wake (VA League of Women Voters (LWV)); Arina van Breda and Maggi Luca (Fairfax LWV); Donna Rostant and Stephen Spitz (members FCDC); Mark Beale, Audrey Dutton, Alejandra Malanowski, and Elizabeth Woodruff (Fairfax County election officers and/or residents of Fairfax County or neighboring jurisdictions).

Ms. Hanley called the meeting to order at 4:00 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 April 12, 2023. Ms. Hanley asked for a friendly amendment that the last sentence on page 5 include the underlined and read as follows, “She also explained that last year at the 2022 annual convention, the Covid pandemic caused VEBA to postpone the 2022 elections and extend the terms of the Executive Board.” Mr. Henzel accepted the friendly amendment, and by a vote of 3-0, the Minutes of the Board meeting held on April 12, 2023, were adopted as amended.

Mr. Henzel moved appointment of 163 election officers (EO) (74 Democrats, 16 Republicans, and 73 Unaffiliated,) for a term ending February 28, 2025. Under discussion, Mr. Shapiro asked if 73 unaffiliated is a normal number. Mr. Udeshi explained that it is a higher number than usual because it reflects recruitment of election officers for the June primary and includes the appointment of office staff that did not appear on the two-year appointment list in February. Mr. Shapiro asked if the Office vets the unaffiliated, and Mr. Udeshi responded that

there is no vetting process for those who choose not to select a party affiliation. Mr. Henzel commented that unaffiliated EOs are less likely to receive an Election Day assignment. Ms. Hanley added that the total number of EOs assigned for each precinct may not be more than one third who do not represent a political party. Mr. Shapiro asked Mr. Udeshi how this would affect the assignment of EOs for the June primary elections. Mr. Udeshi responded that the target was to assign only Democratic EOs, however, this target may fall slightly short, and unaffiliated EOs will be used to fill the deficit. The motion passed by a vote of 3-0.

Under the General Registrar’s (GR) report dated May 1, 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 May 1, 2023	Change from 4/10
Active registered voters	715,101	+94
Inactive registered voters	64,684	-1,249
TOTAL	779,785	-1,155

Registration Transactions	April 2023 (4/11 to 4/30)	Year-to-Date (1/1 to 4/30)
DMV online voter registration transactions	9,421	56,705
Web voter registration transactions	436	2,387
Third-party voter transactions	388	2,120
Other voter registration transactions	2,550	13,202
TOTAL	12,795	74,414

Voter Cancellations	April 2023 (4/11 to 4/30)	Year-to-Date (1/1 to 4/30)
Deceased	2,323	3,503
Out-of-state	360	5,958
Other	42	6,954
TOTAL	2,725	16,415

Mr. Spicer explained that the Department of Elections (ELECT) recently examined its data sharing relationship with the Virginia Department of Health (VDH) and requested a review of all VDH death records going back to 1960. VDH discovered death records that had not been previously shared with ELECT. After additional data analysis by ELECT staff, 18,990 records of registered voters were identified including 1,669 deceased voters in Fairfax County. On April 19, 2023, ELECT sent the records for these deceased voters through VERIS to local registrars for processing. In Fairfax County, staff removed 1,669 deceased voters from the rolls. Mr. Spicer added that inactive voters have been removed from the permanent absentee list. Mr. Shapiro commended Mr. Spicer for identifying and removing these voters.

Mr. Spicer reported that on April 24, 2023, Erickson Senior Living (Erickson) informed the Office of Elections that the polling place located at the Greenspring Conference Center, 7430 Spring Village Drive (Hunter's Crossing) was under renovation and not available for use as the polling place for #426 Greenspring precinct for the primary elections on June 20, 2023. Erickson suggested a temporary relocation at 7410 Spring Village Drive (Village Square). Ms. Methfessel inspected the proposed location on April 25, 2023, and the facility met the statutory requirements for a polling place including ADA compliance. She recommended that the Board approve the relocation and approve an internal 40-ft prohibited area to allow distribution of campaign materials within the building if the electioneering is 40 feet from the entrance to the voting room.

Mr. Spicer provided the Board with a copy of the list of candidates who qualified for the June primary ballots (attached and made part of this record). Ms. Hanley corrected a remark from the April 12, 2023, Board meeting. She previously stated that there would be five races on every ballot, but there will be six contests on every ballot. Mr. Spicer noted that because of the ten-day extension in the filing deadline approved by ELECT, ballot information for the candidates and contests was not received until Tuesday, April 25. This delay pushed the Logic and Accuracy (L&A) testing schedule for the Poll Pads and early voting equipment to May 1-2. Mr. Henzel asked if the parties were notified of this change, and Mr. Spicer responded that the Democratic Party was informed of the revised L&A timeline.

Mr. Spicer stated that as requested by the Electoral Board at the April 12, 2023, Board meeting, staff sent a request to the Facilities Management Department (FMD) to trim the tree branches that are partially obstructing one of the two cameras that monitor the permanent drop box at the main Government Center complex. Staff will follow up with FMD to ensure that the tree branches are trimmed, and that the camera's view of the drop box is not obstructed.

Additionally, as requested by the Board at the April 12, 2023, Board meeting, Mr. Spicer contacted ELECT and requested that the provisional turnout statistics for November 2022 and January 2023 be corrected to include Same Day Registration (SDR) provisional ballots. ELECT responded that they were in the process of making those changes, however, as of April 28, no updates have been reflected on ELECT's website. As directed by the Board, the following notice was posted on the elections result page of the Office website:

Note on Election Results Page – Fairfax County Office of Elections

Note: The provisional voter turnout (ballots cast) figures in the November 8, 2022, general election and the January 10, 2023, special election are correct in the reports below. The Turnout Statistics charts on the Department of Elections website do not include the number of provisional ballots that were cast as part of same-day registration.

Mr. Henzel asked if ELECT was aware of the notice on the Fairfax County website, and Mr. Spicer responded that ELECT may be unaware of the notice but would inform them of its addition on Fairfax County's website.

Under the Chairman's report, Ms. Hanley explained that in the November 2022 election, the disAbility Law Center (DLCV) of Virginia cited five schools for non-compliant door

handles, specifically, that the doors could not be opened with a closed fist. Ms. Methfessel explained that these facilities would be inspected to ensure that the doors meet ADA requirements. Ms. Hanley added that the school division will be responsible for any corrective action. Ms. Hanley congratulated the satellite staff for addressing the complaints about the early voting flyer and designing one that is much less confusing and easier to follow (schedule attached and made a part of this record).

There was no Secretary's report or Vice Chairman's report.

Under New Business, Mr. Henzel moved that the polling place for #426 Greenspring precinct place be temporarily relocated from the Greenspring Conference Center, 7430 Spring Village Drive (Hunter's Crossing) to 7410 Spring Village Drive (Village Square). The motion passed by a vote of 3-0. Mr. Henzel also moved that the Board approve the establishment of an internal 40-foot prohibited area at the temporary relocation in Village Square. 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, an answer may be deferred if more research is required.

Ms. van Breda asked if the early voting flyer would be posted on the Office website. Ms. Jones responded that a link on the website to a pdf flyer would be provided within the next several days.

Ms. Bayer asked why deceased voters were not identified by ERIC (Electronic Registration Information Center). Ms. Hanley indicated that this inquiry requires additional follow-up.

Responding to Ms. Allen's question regarding how many federal elections must pass before an inactive voter is removed from the rolls, Ms. Hanley confirmed that two consecutive federal elections must occur before an inactive voter is removed.

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; and risk assessments of specific local electoral procedures, where discussion of such matters in open meeting would compromise the security of any election, as permitted by Va. Code § 24.2-3711(A)(19). Without objection, and by a vote of 3-0, the Board entered a Closed Session at 4:23 p.m.

At 5:57 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

Mr. Henzel moved that the 2023 security plan be approved and directed the General Registrar to submit it to ELECT. The motion passed by a vote of 3-0.

Mr. Henzel moved to appoint Eric Spicer to a four-year term as General Registrar and Director of Elections beginning July 1, 2023. Mr. Shapiro expressed his pleasure at having Mr. Spicer serve as registrar and remarked that he is well-deserving of the appointment. The motion passed by a vote of 3-0.

The Board set their next meeting for Wednesday, June 14, 2023, at 4:00 p.m.

There being no further business, Mr. Henzel moved to adjourn. The motion was carried, and without objection, the meeting was adjourned at 6:01 p.m.

Attachments

Hon. Katherine K. Hanley, Chairman

Jeffrey K. Shapiro, Vice Chairman

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

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