Fairfax VOTERS

Volume 72, Issue 10

Election Laws Position Update: Part 1

The League of Women Voters of Virginia Election Laws position has many elements that need updating because of changes that have taken place since 2011, when the current Election Laws position was adopted at Convention. The Election Laws Study Committee is addressing these elements in two reports in two consecutive years. Part 1 is too long to be printed in one issue of the Voter. The first half is in this edition; the second half will be published later. However, both halves of Part 1 can be found on our website. The list of endnotes will be published there, too.

Calendar

Note: Due to the Pandemic, all the events listed are subiect to change. Check our website www.lwv-fairfax.org for the most up-to-date information. Read the weekly E-League newsletter for event updates as well.

June 2020

- 5 LWVNCA Virtual Board Meeting
- 6 LWV-VA Virtual Council Meeting. See: https://bit.ly/2YxuAqK
- 8-11 LWVFA Virtual Unit Meetings
- 17 LWVFA Virtual Board Meeting
- 23 Federal Primary: Republican Primary Senate Statewide and Democratic Primary 11th Congressional District
- LWVUS Virtual Convention--June 25th to
 27th. Details to follow. See: https://bit.y/2Z2Hmh6
- 27 (Possible) LWVFA Voter Registration at Lucy Burns Museum, Workhouse Arts Center, Lorton, VA
- 30 End of the League Fiscal Year

July 2020

Note: No LWVFA Unit Meetings in July and August; Fairfax VOTER is not published in July and August

- 1 Start of LWVFA Fiscal Year; New membership year begins
- 22 LWVFA Virtual Board Meeting (Retreat delayed to the fall)

August 2020

- 3 Deadline for the September 2020 Fairfax Voter
- 7 LWVNCA Board Meeting, LWVUS Office
- 8 Potential LWVNCA Workshop
- 12 LWVFA Legacy Committee Meeting, LWVFA Conference Room, Annandale, 1 to 3 p.m.
- 19 LWVFA Board Meeting
- 26 Women's Equality Day: 100 Year Anniversary of the Certification of the 19th Amendment.
- 29 Fall Kick-Off and At-Large Briefing, Conference Rooms 2 and 3, Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA 22035, 8:45 a.m.-noon. At-Large Briefing begins at 12:15 p.m.

Inside This Issue

Presidents' Message	2
Above the Line Deductions	3
Program Director Notes	3
LWVFA Membership Report	3
Thank You for Historic Legislative Session	4
New Website Additions	4
Election Laws Position Update	EF-1
Spotlight on Voter Services	5
LWVFA Written Testimony on Fairfax Budget	6
LWVFA Donors and Supporters	6
Domestic Violence and COVID-19	7
Environmental Update	7
Unit Discussion Meetings	9



Presidents' Message



Hello Fellow Leaguers,

We hope everyone is doing well and staying safe. As this seemingly endless saga of Covid-19 continues, we are focusing on the upcoming elections. Along with LWV-VA we are keeping our eyes on the ball to ensure elections happen - safely, securely and with full voter participation.

As you all might be aware, Virginia has passed several laws enabling more voter participation. One example is the Redistricting Reform amendment which will appear on the November 2020 ballot. This amendment would accomplish many important acts, such as making election day a state holiday, legalizing same-day registration and voting (although that will not become effective until October 2022 to allow time for implementation), and enabling voting rights reforms featuring multiple new laws to protect Virginia voters.

We were very happy to see that so many of our members participated in the annual meeting "election" of our new slate. We had 61 votes via Survey Monkey. If you missed watching the annual meeting video, please go to our website to view it. It has a lot of information about what we were up to last year and what we are planning to do this year.

We are also very excited about a new opportunity for our League with which all our members can be involved. This is an opportunity to help fight election misinformation and disinformation. As you all know there is so much of it out there. We see it, hear it and read it every day on Social Media. Our Fairfax League has been singled out as a vital partner in this effort and everyone is encouraged to participate in this critical new project.

This anti-misinformation/disinformation project is the brainchild of the Mitre Corporation. Mitre has developed an election misinformation tracking and reporting system. Called SQUINT, the program will assist on both the state and local levels by combating deception and misinformation on social media. We can all help and become SQUINTers! For more information please reach out to Cindy Kalkwarf at cindy.kalkwarf@lwv-fairfax.org.

LWVFA is also excited about several new projects that are in the pipeline. We are working on Vote 411 for the upcoming election and our Voter education team will be putting together an updated brochure on the election cycle in Virginia. What we like to call The Know before you go!

Our HSVR team is very pleased to announce that, in spite of the lock-down and FCPS closing all schools, at least eight High Schools met the Governors' Challenge for Voter Registration and will be recognized by the State of Virginia. Kudos to our team!

As Socrates said, "The secret of change is to focus all of your energy, not on fighting the old, but on building the new."

And with that in mind, our monthly unit meetings will be held online this month via Free Conference Call. Please do make sure you all have the FCC app downloaded and ready to go. Virtual meetings are the new norm and we are sure all our members are using some online platform or the

Fairfax County 24-hr. Domestic & Sexual Violence Hotline: 703-360-7273; 711 TTY

LWVFA Fairfax VOTER 2019 - 2020

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Subscriptions to the *Fairfax VOTER* are available to non-Fairfax League members for \$15 per annum. Send your check to the above address and request a subscription.

Please e-mail address corrections to the office or call 703-658-9150. other to stay connected with friends and family. It is pretty interesting to see that some of us are more connected now than we were before, taking the time to see and talk to people with whom we were not really that regularly in touch. So many of our members who were unable to attend unit meetings before will now have the opportunity to do so. It will also enable us to attend some unit meetings other than our own. Looking forward to seeing a lot of you online!

Until then, stay safe and stay home.

Nancy and Anu

Above the Line \$300 Deduction

As we all adjust to a new way of life during the CO-VID-19 crisis, it is important to support your favorite charities so that they can continue to support the causes you care about. As part of the new CARES Act, all taxpayers who take the standard deduction can take an "above the line" charitable deduction up to \$300 beginning after December 31, 2019. Your donations must be made directly to a 501(c)(3) charity such as the LWV-FA Education Fund. The donation button can be found on our website. Please consult your legal counsel and/or professional tax advisor. - Diane Blackwell, Fund Development

Program Director Notes by Julie Jones

We are living in "unprecedented times" as we hear every day. As we celebrate 100 years of the League of Women Voters, our presence and leadership are as necessary as ever. Our June program will explore LWV-VA's Election Laws Positions and possible changes or additions.

We endeavor to provide interesting and thought provoking programs for our next League year, but your help is needed to lead or volunteer for a committee to provide the background information for discussion. Many topics were mentioned on the annual meeting survey: Affordable Housing, Trauma in Children, League Structure, Climate Change, Pandemic Response, Recycling, Fairfax County Budget, OneFairfax, Federal Deregulation Impacting Fairfax County, Voter Suppression, and more.

LWVFA's newly-elected Program Director, Jessica Storrs (At-Large@lwv-fairfax.org) will be planning programs with your help in doing research and article writing. Won't you join a committee to pursue a topic of your interest?

LWVFA MEMBERSHIP REPORT By Carol Bursik

IT IS TIME TO RENEW for the 2020-2021 membership year, which begins July 1, 2020. In April the LWVFA membership voted in favor of a dues increase; the new rates are \$75 for individual members and \$100 for house-hold members. Students and Life Members do not pay for membership. Members can renew at any time now, as we are accepting pre-paid memberships.

There are two easy ways to renew: 1) visit the LWVFA web site at <u>https://www.lwv-fairfax.org/join</u> and pay with a credit card through PayPal, or 2) fill out a membership form by downloading it from the web site or by photocopying the form on the back page of the Fairfax VOTER and sending it with a check to the LWVFA office on Hummer Road. We are willing to consider members' special financial circumstances for payment of fees; just let us know the amount you can afford. Members who pay electronically have the option of automatic online renewal, which is a convenient way to continue membership from year to year.

Since the last Fairfax VOTER we have added two members: Anna Blair (student) and Melanie Fedri (reinstated). We are sorry to report the passing of Lesley Bubenhofer, who was a member of the Fairfax Station unit. Total membership stands at 415 members.

Last year the Virginia State League, with the leadership of President Deb Wake, established a New Membership Task Force. The purpose of the task force is to help engage new members and transfer knowledge among our more seasoned members to newer ones. As part of a new statewide information exchange, LWV-VA has set up a private database for members to share their skill sets with one another. LWV-VA will use the database to facilitate program development, form committees, and encourage members to work together in defending democracy. Any member who would like to participate is invited to fill out the form at https://sites.google.com/view/lwv-va-membership/. By submitting information you are not obligated to join or participate in any activity, but you may be asked to join programs or committees based on the information you volunteer to provide.



Thank You for Virginia's Historic Legislative Session By Wendy Fox-Grage

In May, the League of Women Voters of the Fairfax Area formally thanked the Fairfax Delegation of the General Assembly for its historic legislative session. The League also honored its volunteers who have been members for 50+ years and advocated tirelessly for these reforms.

"The General Assembly adopted the League's highest priority issues, many of which the League has advocated for several decades," said Anu Sahai, LWV-Fairfax Co-President. "We thank our State legislators for keeping their promises to the electorate," added Sahai. They passed important new reforms on redistricting, women's rights, voting rights, and gun violence prevention:

- **Redistricting Reform**: The Constitutional amendment that was passed during the last legislative session will now go to voters on the November ballot. We thanked the General Assembly for adopting this reform in time for the new Congressional and General Assembly maps to be drawn based on the 2020 census numbers.
- Equal Rights Amendment: We are proud of our delegation for passing the ERA to guarantee equal legal rights for all American citizens regardless of gender, making Virginia the 38th state to pass the amendment.
- Voting Rights: The General Assembly took big steps toward guaranteeing voting rights for all citizens ages 18 and older. We thanked our legislators for supporting participation in elections by allowing for no-excuse absentee voting and automatic voting registration as well as making election day a holiday

and no longer requiring photo identification.

Gun Violence Prevention: We support the newlyenacted legislation that addresses gun violence including universal background checks, extreme-risk protection orders, child-access prevention laws, stronger protection orders, and State and local authority to regulate firearms in public spaces. We are proud of our legislators who stood strong during armed threats and protests.

The League commended our Fairfax delegation by acting on these human rights. However, our job is never done. During COVID-19, voter safety and election security are now human rights concerns — voters need to be able to exercise their right to vote in a safe environment, and their votes need to be secure. "The League is strongly encouraging people to vote at home by absentee ballot this November to ensure voters' and election workers' health and safety during COVID-19," urged Nancy Roodberg, LWV-Fairfax Co-President.

We owe a debt of gratitude to our 400+ Fairfax area members and especially to our long time, dedicated members. "Amazingly, 28 members have been volunteering for our Fairfax League for more than 50 years!" exclaimed Roodberg.

We thank the League of Women Voters of Virginia for its leadership as well as our members who volunteer countless hours to stand up for what they believe. Since the 1970s, our members have protested, written postcards and emails, and made hundreds of phone calls for ratification of the ERA. Since the 1980s, our League has advocated for redistricting reform for fair elections. Since the Sandy Hook tragedy, gun violence prevention has been of critical importance to us. Finally, voting rights have been a rallying cry for the past 71 years our League has been in Fairfax County.

New Website Additions

This coming election period will challenge us to give voters more opportunities to stay informed and involved. Because of our nonpartisan reputation, voters will look to us for guidance. In order to fund these efforts, more donation options have been added to the LWV-FA website. Please avail yourselves! They are listed under "DONATE" and "SUPPORT."

- Donations directly to the Education Fund and/or General Fund,
- Memorial and Tribute gifts,
- Donor Advised Funds (DAFs are charitable giving accounts), and
- IRA Required Minimum Distribution, RMDs. (A charitable donation made directly from your IRA to the LWV-FA Education Fund could count towards your RMDs and minimize your taxable income.)

Check with your financial planner and/or tax advisor as to which method works best for you. Questions - Development@lwv-fairfax.org

Election Laws Position Update Part 1

Election Laws Study Committee: Rona Ackerman (Editor), Pamela Berg, Janet Boyd, Allison Brown, Judy Collins, Virginia Cowles, Mary Crutchfield, Marianne Feeney, Shelley Gelbert, Lisa Koteen Gerchick, Evelyn Glazier, Sidney Johnson, Rebecca Lawson, Robin Marcato, Susan Mulnix, Jane Newell, Linda Rice, Anne Sterling, Anna Weber. *Steering Committee for Part 1*: Allison Brown, Lisa Koteen Gerchick, Sidney Johnson, Jane Newell.

The following is the first half of Part I of the study, for discussion in June. We will publish the second half at a later time, to allow members to give full consideration to the many important issues here. Endnotes are available online, along with the full study.

Introduction:

Although State League members are covered by National positions, the League of Women Voters of Virginia (LWV-VA) wants to articulate its own Election Laws positions more clearly to assure they fully cover advocacy on issues that may come up. LWV-VA members voted at Convention 2019 to review and update the following items in the LWV-VA Election Laws position:

- A. Include election processes, laws, and regulations (e.g., post-election audits) that ensure free and fair election results, transparency, security and accountability;
- B. Prepare amendment to State position to strengthen support for security, including physical security of voting equipment and ballots;
- C. Review the language supporting electronic voting
- D. Add a statement opposing requirement for photo ID at polls;
- E. Consider and explore the effectiveness and impact of ranked-choice voting;
- F. Address voter suppression.

This will be done in two parts—Part 1 (topics A-D) in 2020 and Part 2 (topics E-F) in 2021. At the 2020 National Convention, the League of Women Voters of the United States (LWVUS) will consider the proposal, "Concurrence on Voter Representation/Election Processes (Electoral Systems)."¹ If passed, its impact will be discussed in Part 2.

LWVUS publishes its position on elections in the Representative Government section of Impact on Issues, 2018-2020.² The League of Women Voters of Virginia (LWV-VA) publishes its position in the Election Laws section of Positioned for Action, 2019.³ In the discussion that follows, we have provided relevant excerpts from these positions. Fuller descriptions can be found in Appendix A or the source publications.

Part A: Include Election Processes, Laws, and Regulations (e.g. Post-Election Audits) That Ensure Free and Fair Election Results, Transparency, Security, and Accountability.

A1. A Concise Statement to the Point That Our Democratic System Depends on Voters' Faith in the Integrity of Election Processes and Election Outcomes.

Voters have a right to be confident in the integrity of the election process. Election integrity means that every step of the voting process is trustworthy; that individual votes are secure, confidential, and accurately counted; and that ultimate outcomes are free from any outside interference. Election systems, from voter registration through the whole sequence of voting activities and certification, are vulnerable to the extent that they rely on electronic means to operate, need protection for equipment and materials, and require well-trained personnel. The Senate Intelligence Committee reports on Russian attempts to interfere with our election processes show that concerns about the hackability of our systems are justified.⁴ Virginia was identified as one of the states on which hacking was attempted, but unsuccessfully.⁵

Study Committee Recommendation

The Study Committee recommends modifying the current Election Laws Position in Brief to include the addition of the wording in italics below.

Position in Brief: The League of Women Voters of Virginia believes that democratic government depends on the informed and active participation of its citizens; that voting is a right and responsibility; and that election laws, regulations and administrative procedures should be uniformly designed and applied, and adequately funded to facilitate and increase voter participation throughout Virginia.⁶ The League further believes that continuous monitoring and upgrading of security, to address both cyber- and physical threats to all components of the elections system and process, ensures that the citizens can trust the integrity and outcomes of elections.

A2. Adoption and Maintenance of Certification Standards and Recertification if Needed to Meet or Exceed Federally Set National Standards.

Background

The first Voluntary Voting System Standards were issued by the Federal Election Commission in 1990. The standards addressed factors of security, functionality, privacy, usability, and accessibility. After the passage of the Help America Vote Act (HAVA) in 2002, an independent testing authority was created to assess devices against an updated body of standards, the Voluntary Voting System Guidelines (VVSG) 1.0. In 2006, HAVA transferred certification authority to the Election Assistance Commission (EAC).7 During the next ten years, EAC made only minor changes to VVSG, releasing Version 1.1 in 2015.8 EAC and the National Institutes of Standards and Technology (NIST) have started working on VVSG 2.0,9 designed to separate the principles and guidelines for standards (requiring approval by EAC) from the detailed technical testing requirements. The intention is to allow the implementation of certification to be dynamic over time, to adopt recognized standards from external agencies, and to ensure that technical details are approved by technical experts rather than by political appointees.10

The EAC's Technical Guidelines Development Committee, with support from NIST, develops an initial set of recommendations for each VVSG iteration. Those recommendations must be approved by EAC after a public comment period. NIST recommends Voting System Test Laboratories (VSTLs) for accreditation by EAC. EAC certifies voting equipment that is in compliance with the guidelines.¹¹

VVSG 1.1, the current version, has requirements including functionality, usability and accessibility, hardware, software, telecommunications, security, quality assurance and configuration management. Cybersecurity-related requirements overlap several of these categories. The guidelines specify the collection of data to support post-election tabulation audits and include a review of source code for best programming practices. VVSG 2.0, approved in principle but lacking testing specifications, reorganizes the requirements into fifteen principles, of which five are related to security: auditability, ballot secrecy, access control, physical security, data protection, system integrity, and detection and monitoring. The last two introduce new requirements to address security risks. Other important updates strengthen criteria for encryption and authorization.^{12,13}

The greatest weaknesses of the current certification process are the inflexibility of the testing process and the unreasonable amount of time required to approve updates to the standards. These problems are compounded by a lack of continuity at the leadership level at the EAC. Considering that new cyberthreats appear every 24 hours, a federal certification standard that takes 10 years to update is unacceptable. A nimbler approach to implementation of testing may be possible under VVSG 2.0.

Current Status of Certification in Virginia

The voting systems in Virginia must meet requirements specified in the Code of Virginia. After receiving EAC certification, voting machine manufacturers (vendors) may apply for Virginia certification by submitting a Technical Data Package. A VSTL conducts testing according to Virginia standards. After certification, the Virginia Department of Elections (ELECT) requires that local election officers test all devices prior to accepting them for use. ELECT will supervise a test use of systems in an actual election prior to final certification.¹⁵

Virginia's standards build on federal standards by adding state-specific corporate, operational, and security standards.¹⁶ Periodic updates can leverage existing standards that have been adopted by other government agencies concerned with cybersecurity, as well as best practices in election security. Virginia requires that vendors report and take action on security or operational failures, or risk decertification. The standards also include numerous requirements for creating and securing an audit trail of device and manual activities. Such data are an essential component of post-election audits.¹⁷

Most certifications have been conducted under the 2015 Virginia standards, but a handful have been grandfathered after assessment by ELECT. It is expected that all devices will need to meet the September 2019 standards in the very near future.¹⁸ The new standards state that the State Board of Elections (SBE) "reserves the right to require recertification when new VVSG guidelines or changes to regulations and/or standards occur."¹⁹ Decertification can result from reported security or performance failures, the vendor's failure to meet certain corporate standards, or at the stated end of life for the hardware or software.²⁰

Virginia also defines standards for approval of electronic pollbooks (EPBs) placed in use after May 1, 2014. The SBE adopted new standards in December 2019. The proposed standards strengthen security for cloud connectivity of EPBs that would support their use in vote centers.²¹ These new standards put Virginia in the forefront of election security for EPBs; the federal government does not have such standards yet (see p. 11).

Current LWVUS and LWV-VA Positions

LWVUS: Leagues should also consult standards developed by the Election Assistance Commission (EAC) pertaining to voting systems when studying or improving their own voting systems.²²

LWV-VA: No position on standards for voting systems.

Study Committee Recommendation

The Study Committee recommends that the LWV-VA Election Laws position be modified to support standards and a robust certification process for election systems including:

- Updating certification standards regularly to keep pace with the state of knowledge of the cybersecurity landscape;
- Ensuring localities have sufficient resources, both expertise and financial, to manage updates to voting systems as certification standards evolve;
- Requiring standards for security practices of voting machine vendors, their personnel and consultants/ contractors;
- Mandating state certification for all components of election management systems;
- Recommending that the Commonwealth coordinate with other states in devising and implementing certification regimes.

A3. Management of In-Person Absentee Voting, Particularly in Light of New No-Excuse Absentee Voting Provision.

Except when specifically referencing the current Virginia law, which is termed no-excuse absentee voting (NEAV), this report will use the term early voting.

Background

The Brennan Center for Justice (Brennan Center) issued a report in 2013 that recommended that all states and local jurisdictions implement the following early voting policies to expand the benefits of early voting nationwide:

- Begin early in-person voting two weeks before Election Day;
- Provide weekend voting, including during the week-

end before Election Day;

- Set minimum daily hours for early voting and provide extended hours outside standard business hours;
- Allow use of both private and public facilities;
- Distribute early voting places fairly and equitably;
- Update poll books daily; and
- Educate the electorate about early voting.²³

The bipartisan Commission on Election Administration (precursor of the EAC) released a report in 2014 endorsing early voting.²⁴ While urging states to expand early voting, the Commission also cautioned states not to simultaneously expand early voting and excessively reduce the resources available for Election Day.²⁵ In 2014, early voting states, on average, provided 19 days for voting.²⁶ The report also summarizes the objections heard to early voting, including the different levels of information about the candidates, additional staffing by election officials and campaigns, lost and delayed mailed ballots, and greater risk of fraud.²⁷

The National Conference of State Legislatures has done extensive work on early voting processes, as 41 states have statutes allowing some form of no-excuse absentee voting.²⁸ Research by the Virginia Public Access Project indicates considerable and growing interest by Virginia voters in voting early.²⁹

LWV Fairfax Area released a statement in 2018 supporting no-excuse absentee voting for both mail and in-person, based on the following reasons:

- All voters should have equal access to the ballot.
- No voter should have to provide personal unrelated information to cast a ballot.
- Voters have experienced confusion about their eligibility to vote before Election Day.
- Voting absentee in person is as secure as voting on Election Day.
- Local Election Offices have had success in reducing long lines on Election Day by encouraging absentee voting.
- For voting absentee in person, eliminating the cumbersome process of completing the absentee application would save time as well as the expense of printing the form.
- Extra personnel are needed to explain the form and check it for completion before a voter can proceed to checking in.
- Eliminating the use of the application form would speed the voting process considerably.

The Fairfax Area League also indicated their belief that the costs would be a wash, with gradual decrease of voters on Election Day at the polls.³⁰

EF-4

Early Voting in Virginia

Effective for the November 2020 General Election, Virginia law now allows any registered voter to vote by absentee ballot in person or by mail beginning 45 days before election day, without any excuse. This changes the 2019 rule that would have allowed in-person-only voting, beginning on the second Saturday immediately preceding any election in which the voter is qualified to vote, without providing a reason or making prior application for an absentee ballot.³¹ The 45-day rule was passed by the 2020 General Assembly,³² and was signed by the Governor. The 2020 General Assembly, with the Governor's signature, also approved allowing voters to be added to a permanent list of absentee voters who will be sent an absentee ballot for mail-in voting.³³

The 2020 General Assembly changes in large part reflect the SBE-endorsed early voting recommendations included in an 2019 ELECT report.³⁴ This report, prepared before the 2020 Session, addresses various issues that were predicted to arise due to the more limited 2019 expanded absentee voting rule that only permitted no-excuse absentee voting for in-person voters. However, the new full 45-day early voting period that will go into effect in November 2020 has similar challenges, including the need to add voting centers, election security, and other enhancements. The following chart describes the various SBE-endorsed legislative proposals.

Bill Topic	Summary
Technical Changes	For special elections, absentee voting in person shall be available as soon after the deadline in the Code §24.2-701.1(a) as possible. ³⁵
	Absentee ballot applications may be completed either at the general registrar's office or at any of the additional locations for absentee voting. ³⁶
Voting Centers	Clarifies that any applicant who is in line to cast a ballot when a voting center closes shall be permitted to cast a ballot on that day.
	Shifts the ability to establish voting centers from county or city electoral boards to the governing body of each county and city, by ordinance.
	Establishes notice requirements for general registrars when voting centers are established or changed.
	Makes voting centers equivalent to the office of the general registrar for the purposes of complet- ing an absentee ballot application in person.
	Clarifies the requirements concerning distributing campaign materials during the absentee vot- ing period, with reference to Virginia Code § 24.2-604. (Prohibited activities at polls; notice of prohibited area; electioneering; presence of representative of parties or candidates; simulated elections; observers; news media; penalties). ³⁷
Timeframe Eligibility	Replaces excuse-based absentee voting with a full 45-day period of no-excuse absentee voting. ³⁸

ELECT is proposing to give local registrars flexibility in implementing the new early voting 45-day period. Christopher Piper, Commissioner of Elections in Virginia, is particularly sensitive about not imposing unfunded mandates on localities tasked to implement the new requirements; however, he believes ELECT can be helpful in providing voluntary standards and guidance (e.g., for pollbooks used by satellite or early voting centers).³⁹

Registrars' Perspectives

Allison Robbins, Registrar, Wise County, and current president of the Voting Registrars Association of Virginia (VRAV), supports the full 45-day early voting period. VRAV does not have a position on early voting, but Ms. Robbins believes

that members are generally supportive.40

Gretchen Reinemeyer, Registrar, Arlington County, supports complete removal of an excuse requirement for both in-person and mailed ballots for the entire 45 days. She believes it could be implemented at no additional cost beyond what is required for the one-week, no-excuse absentee voting period under current law. She does not anticipate having to open the early voting centers more than two weeks prior to the election if a 45-day early voting period is established.⁴¹

Walt Latham, Registrar, York County, believes that the switch to no-excuse absentee voting can be done. However, he is concerned about budget impacts and not giving localities enough time to implement the changes. Mr. Latham believes that the localities are less well prepared to handle mailed ballots than in-person voting because of the necessity of deciding how to mass print and mail the ballots. He believes that Virginia should set standard rules on minimum levels of service for early in-person voting locations, in order to ensure equal access and uniformity of implementation.⁴²

Dianna Moorman, James City County Registrar, is concerned primarily about early voting by mail. Her office already struggles with the seven-day deadline. By law, they currently have three days to mail the ballot to the voter. The ballot then has to travel to the voter, the voter has to complete it, and then mail it back to the registrar's office, all within seven days. She would like some restrictions so voters are not able to request that ballots be mailed to them, for example, three days prior to an election, which simply is not possible due to logistics. Having no timeline at the end of the voting cycle will set up the registrar's office to fail.⁴³

Current LWVUS and LWV-VA Positions

*LWVUS: Since 2013, LWVUS has promoted five key proactive election reform priorities, one of which is the expansion of early voting.*⁴⁴

LWV-VA: Supports legislation to allow all registered voters to vote absentee without specifying a reason. Both choices–voting in person or by mail—should be offered.⁴⁵

Study Committee Recommendation

The Study committee recommends that the current LWV-VA CElection Laws position on absentee voting be modified to include:

- Adding the entire early voting period to the current position on no-excuse absentee voting, or early voting, for both in-person and by-mail voting;
- Supporting the use of satellite vote centers to fa-

cilitate voter participation and give local registrars flexibility in implementing early voting in their localities, including determinations of locations and operational hours;

• Recommending that the Commonwealth and localities work together to ensure sufficient funding, staff, space, security, and access to accommodate any increase in voter participation.

A4. Post-Election Audits

Background

First introduced in 2007,⁴⁶ risk-limiting audits (RLAs) are considered the gold standard of post-election audits.⁴⁷ To conduct an RLA, the election must be conducted using a voter-verified paper trail. An RLA provides strong statistical evidence that the outcome of an election is right and has a high probability of correcting an incorrect outcome.48 A random sampling of cast ballots is audited right after an election and before the election is certified, limiting the risk that the outcome was wrong. In a nutshell, election officials compare randomly selected sample batches of cast ballots to the machine counts generated during the election. The sample size is determined in part by the apparent margin of victory in the contest: the wider the margin, the smaller the sample has to be. If examination shows a result that matches perfectly or within a predetermined margin of error, the audit can stop, and the election results are certified. If the results do not correlate, the sample size must be increased. If the comparisons continue to indicate that the outcome was in error despite ever-larger samples, the audit could end in a full recount. The election cannot be certified until the RLA has ended. In this way, not only is the election audited in a cost-effective way to ensure that the result is accurate but, if the result is wrong, the audit corrects the error.49

Nationally, the interest in post-election audits, including risk-limiting audits, has grown.⁵⁰ In 2010, the EAC provided grants to "support research, development, documentation and dissemination of a range of procedures and processes for managing and conducting high-quality logic and accuracy testing and post-election audit activities. California, Colorado, and Ohio used the awarded grant money to conduct research on RLAs, and from 2008 until present, RLA pilots have been conducted in jurisdictions in California, Colorado, Indiana, Ohio, and Virginia."⁵¹

In 2019, Nevada enacted an election security law that includes phasing in risk-limiting audits; Georgia will pilot an RLA in 2021.⁵² Seven states have told the EAC that they will use 2018 Federal funds for post-election audits: Alabama, Colorado, Connecticut, Kansas, Minnesota, Mississippi, and Vermont (additional states will use the funds for audits, but did not specify post-election time periods).53

Organizations that advocate for election security have long promoted the application of RLAs.⁵⁴ In 2018, the National Academies of Sciences, Engineering, and Medicine (NAS) recommended that "States…mandate risk-limiting audits prior to the certification of election results…..Risk-limiting audits should be conducted for all federal and state election contests, and for local contests where feasible."⁵⁵ A strong consensus exists that post-election audits, preferably risklimiting audits, are needed to protect elections and assure voters of the accuracy of those elections.

Current Virginia Law and Audits

Virginia requires a post-election risk-limiting audit, but the law only assesses the accuracy of the ballot scanner machines. Although the statute uses the term "risk-limiting audit," it does not satisfy the criteria for a "real" risk-limiting audit. The Code of Virginia (§24.2-671.1. Audits of ballot scanner machines.) provides for audits of election machines in every locality once every five years, but only after certification of the election's results. It specifies that the audit cannot affect the outcome of an election. Thus, it fails to meet three criteria of a "real" risk-limiting audit: that the audit is of ballots cast, that it is conducted before the election is certified, and that it has the potential to affect the outcome.

ELECT conducted eight pilot audits in 33 participating election board localities in 2019.⁵⁶ When presenting its report to the SBE, ELECT indicated that these audits "allowed ELECT to develop a process on how to administer the RLA pilot properly." Additionally, ELECT reported that "the remaining 99 localities would be randomly selected to determine when the audit should be conducted" and the audits would continue "once the RLA consultant contract is renewed" as the "contractors would help train ELECT staff to assist localities in administering the audits."⁵⁷ ELECT's report provided five recommendations and findings:

- The RLA process is manageable.
- Ballot storage may need to be adjusted.
- Investing in counting scales may be worthwhile.
- Auditing large contests is most efficient.
- Current statute poses certain challenges.

With regard to the statute's challenges, ELECT's report stated that the required random selections of localities to audit will present challenges as such selections would necessitate that only local contests conducted wholly within a single city or county be used. This criterion may be difficult to meet for many, if not most contests in Virginia.⁵⁸

ELECT anticipates that the next steps are to conduct more

audits, see how best to execute RLAs across Virginia, and then ultimately to amend the law to institute post-election, pre-certification audits of election outcomes. There are still institutional, as well as statutory, barriers. Some general registrars do not necessarily understand how RLAs work and, understandably, confuse them with the existing law, which conflates machine audits with true RLAs. Registrars are taking a wait-and-see approach.⁵⁹

Current LWVUS and LWV-VA Positions

LWVUS: Supports voting systems that are secure, accurate, recountable, accessible, and transparent.⁶⁰ *LWVUS* supports only voting systems that are designed so that...the paper ballot/record is used for audits and recounts; [and] routine audits of the paper ballot/record in randomly selected precincts can be conducted in every election, and the results published by the jurisdiction.⁶¹ *LWV-VA:* Positions do not address audits.

Study Committee Recommendation

The Study Committee recommends that the LWV-VA Election Laws position be modified to support post-election audits including:

- Supporting a statutory requirement that risk-limiting audits be conducted in the Commonwealth after each election, which audits must be conducted in a transparent manner before the election is certified and with the potential to affect the outcome of the election.
- Supporting that ELECT conduct audits across jurisdictions if contests involve more than one jurisdiction

Endnotes are available online.

Discussion Questions

Section A2, and Section B2

1. Is the Virginia Department of Elections doing enough to secure the election system? What measures seem particularly effective? Where do you see room for improvement?

Section A3, and Section D

2. The General Assembly passed legislation providing for no-excuse absentee voting and providing for eliminating the requirement to provide a photo ID. Do you think it is now necessary for LWV-VA to state positions on no-excuse absentee voting or the photo ID?

Section A4

3. Is it essential that general registrars in all of the jurisdictions be trained and supported with funding and expertise to conduct risk-limiting audits (RLAs) before the election is certified, or is it sufficient for them to conduct audits after certification?

Spotlight on Voter Services

By Cindy Kalkwarf, Voter Services Chair

The Voter Services volunteer team focuses on registering people to vote, getting out the vote, providing educational and informational public services, and initiating outreach programs to groups of potential voters.

Due to the Covid-19 crisis and social distancing, we all need to think of creative ways to keep voters informed. The Virginia and Fairfax Leagues are developing voter-focused materials that you can help distribute. Keep an eye on your weekly E-League Fairfax News & Updates for more information.

The June Primary has been moved to June 23rd due to the pandemic. Voters are encouraged to vote absentee by mail. Refer to the Information for Voters below for key election-related dates.

Our Fairfax League is going to participate in a critical new project working to fight election misinformation in social media. As a member, you are invited to participate. Learn about this important initiative in the article below, *Calling all Social Media Enthusiasts*.

Information for Voters – June 23, 2020 Primary

Because of the current Covid-19 crisis, voters should strongly consider voting absentee by mail. Excuse-based voting will still be in effect for this election, but excuse 2A can be used for illness avoidance.

Breaking News: Officials will accept absentee ballots without a witness signature "for voters who believe they may not safely have a witness present while completing their ballot."

To vote in the June 23, 2020 County primary you must be registered by May 26, 2020.

Applications for an absentee ballot for mail-in must be received by the registrar by 5 pm on June 16, 2020. While you are at it, request your absentee ballot for the November 5th General Election, no excuse required.

Voters will need to designate if they want a Democratic or a Republican ballot.

- Democrats in the 11th Congressional District will choose a candidate for U.S. House of Representatives between Gerald E. "Gerry" Connolly and Zainab M. Mohsini. No primary is being held for the 8th and 10th Congressional Districts because Don Beyer (8th) and Jennifer Wexton (10th) are unopposed.
- Republicans will choose a candidate for U.S. Senate among Daniel Gade, Thomas Speciale and Alissa Baldwin.

Deadline to return your ballot to the Office of Elections is June 23rd by 7:00 p.m.

You can vote absentee in-person if you desire (not recommended due to pandemic). Last day to vote absentee inperson is June 20th by 7:00 p.m.

To register to vote and update your address go to: <u>https://</u><u>www.elections.virginia.gov/registration/.</u> Remember, you must update your registration if you have moved – even if you have moved across the hall. There is no special form to update your registration, you just do it via the link above.

To get an absentee ballot application mailed to you go to: <u>https://vote.elections.virginia.gov/VoterInformation</u>. For more voter information visit: <u>https://www.vote411.org/</u>

Calling all Social Media Enthusiasts: Now is your Opportunity to Help Fight Election Misinformation!

We are all aware of the tremendous amount of misinformation on social media, including election misinformation. For example, in a recent primary, there was a rumor on social media giving the wrong factual advice that anyone over 60 should not go to the polls due to the coronavirus. So how do we get control over this, and make sure our election officials can combat this dangerous disinformation? There's an app for that! Really.

Our Fairfax League is going to participate in a critical new project working to fight election misinformation in social media. As a member, you are invited to participate. In a nutshell, a major company (MITRE Corp) has developed an election misinformation tracking and reporting system called SQUINT to assist state and local elections officers with combating deception and misinformation on social media. Become a SQUINTer! Refer to your weekly E-League Fairfax News & Updates email for the link to our SQUINT webpage for more information about the program and also to sign up to volunteer. Questions? Contact Cindy Kalkwarf at cindy.kalkwarf@lwv-fairfax.org.

LWV-Fairfax Submits Written Testimony on the Fairfax County Budget during the Pandemic

By Wendy Fox-Grage

Our League submitted written testimony on April 28th in overall support of the updated FY 2021 budget but with a request to study cost savings related to Diversion First and the opioid initiatives before deferring funds.

The League thanked the Board of Supervisors and County staff for all of their hard work during this difficult time, and offered the following five statements.

1. *Budget Process*. The League supports the County's plan to revisit the budget throughout the fiscal year given the uncertainty of COVID-19 and the corresponding budget assumptions. We appreciate the County's approach toward fiscal responsibility and accountability as well as its efforts to maintain critical services.

2. *Elections*. We support the necessary funding adjustments for the Office of Elections, especially since it is a big election year. We appreciate the needed maintenance and upgrades of information technology for election activities.

3. *Deferred Expansions*. Although the League is saddened that this updated budget can not fund the County priorities that were in the prior advertised budget -- such as affordable housing, early childhood initiatives, and the expansion of library hours -- the League totally understands that the County must be fiscally responsible and does not have the tax revenue at this time for these expansions. The League appreciates the County's commitment to revisit funding these priorities after we come out of the crisis.

4. *OneFairfax*. The League asks the Board of Supervisors to adhere to the OneFairfax social and racial equity policy when making budget cuts, especially given the inequities of minorities' health with COVID-19.

5. *Diversion First and Opioids*. The League encourages the County to explore cost-saving opportunities with the expansion of Diversion First and opioid initiatives before deferring additional funds. For example, in the first two years of Diversion First, 778 people were diverted from potential arrest, which means the County helped more than one person per day find better options for treatment in the community rather than jail. We ask the County to examine these potential cost savings before making funding deferments.

We praised the Board of Supervisors and our County employees for their commitment to excellence for our community during this health and economic crisis.



LWVFA Donors and Supporters

The LWVFA Board extends an overwhelming thank you to the following individuals and organizations for their amazing support!

April 5 - May 7, 2020

Stephanie Abbott Carol Bursik Joseph Charley Susan Cowart Doris James Sidney & Dale Johnson Celeste Land Maggi Luca Nancy Roodberg Adarsh Trehan

In memory of Elaine Bronez Ann Montanari

Domestic Violence and COVID-19: What Do You Know? Why Should You Care? By Adarsh Trehan

How serious is domestic violence as a public health problem? In 2013, Dr. Margaret Chan, Director-General of the World Health Organization stated "...violence against women is a global health problem of epidemic proportions. We also see that the world's health systems can and must do more for women who experience violence." According to the online newspaper, *The Intercept*, "This 'shadow epidemic,' as U.N. experts are calling it, knows no borders." (April 13, 2020)

Now with the coronavirus pandemic superimposed on the domestic violence (DV) epidemic, DV is rising both in frequency and severity of injuries. The *Washington Post* article entitled, "Domestic Violence will increase during the coronavirus quarantines and stay-at-home orders, experts warn," (March 27, 2020) states what one would expect.

Why? People are working from home, which is not always a safe place. Victims are captive at home and cannot escape to their safe havens of work and school. There are financial stresses and worries of layoffs and actual unemployment for abusers and victims. Children need to be homeschooled by their parents (who also are often working from home), because schools and colleges are closed. The victims have also lost their physical connections to family and friends, who serve as their support systems. Abusers know that their victims are captive in their homes with them!

The *Virginia-Pilot* reports that "Phone calls to emergency hotlines have spiked in the State of Virginia as people stay home during the coronavirus epidemic... by 76% statewide in March, according to the Virginia Sexual and Domestic Violence Action Center." How about Fairfax County? "Between March 30 and April 4, 2020, the Fairfax County Police responded to 77 domestic violence calls. The average number of calls for help is approximately 200 a month. If the reported cases continue at 77 every five days, the increase in domestic disputes, with police intervention, is over 333 for the month. There are countless cases that go unreported." (cookcraig.com/the-hidden-danger-of-covid-19-domestic violence.html)

What is domestic violence? According to the National Domestic Violence Hotline, "Domestic violence (also called intimate partner violence (IPV), domestic abuse, or relationship abuse) is a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship." It is never the victim's fault.

What can you do, with physical and social distancing, if you suspect or find out from victims about their domestic violence issues? Please encourage the victims to call for help! They can call or text the Fairfax County Domestic and Sexual Violence Hotline: (703) 360-7273 at any time, day or night. They can also call and/or chat with someone at the National Domestic Violence Hotline (NDVH) at 1 (800) 779-7233. If it is not safe for them to talk for any reason at all, they can text LOVEIS to 22522 (NDVH). If they are in immediate danger, they should call 911. Also, you can call these resources to get help for them.

Environmental Update: COVID-19 Pandemic's Impact By Elizabeth Lonoff

You've seen satellite images of clearer skies above major metropolitan areas as economies around the world closed in succession. With us on COVID-19 lockdown, bears are returning to Yosemite and bee populations are rebuilding. While these developments show the resilience of the natural environment, the sudden reduction in carbon emissions only is a climate blip since land and ocean temperatures respond to levels of greenhouse gases in the air more than emissions rates. Post-pandemic, will people return to mass transit? Will global supply chains become more efficient?

The U.S. Energy Information Administration projects 2020 fossil fuel emissions to decline more than the 7.3% we saw in the year after the start of the 2008 recession. The drop in emissions is on the order needed year-after-year to meet the Paris Agreement's goal of limiting warming to 1.5°C above pre-industrial levels. The World Meteorological Organization's Global Climate report published in April confirmed that 2015-2019 was the warmest five-year period on record, with the global average temperature up 1.1°C.

The global economic slowdown also is delaying a net-zero carbon economy transition that scientists say is not happening soon enough to slow climate change. Instead of the expected record-setting year, planned wind and solar projects have been disrupted by layoffs, social distancing, and problems obtaining parts from overseas. Although the reopening rebound in emissions could be larger than the drop if cleaner energy isn't among the investments made to restart the U.S. economy, Bloomberg New Energy Finance projects that wind and utility-scale solar will be the cheapest power options nearly worldwide by 2030.

Research finds that climate change will hit harder, wider, and sooner. For example, the Atlantic hurricane season beginning this month is expected to be one of the worst on record, thanks in part to higher air temperatures leading to warmer oceans, which intensify tropical storms. The National Center for Atmospheric Research predicts that stronger climate-driven hurricanes could lash inland areas with winds up to five times stronger and with 45% more rainfall than historic storms. According to a study published in the journal Nature in April, at current emissions levels, habitat loss plus climate change's higher temperatures could cause a more abrupt collapse of many animal species than previously thought, starting in the next decade. A new McGill University study projects that the Arctic, warming more than twice as fast as the rest of the planet, will have an iceless summer by 2050. A May paper found a billion people will either be displaced or forced to endure insufferable heat for each additional 1°C rise in the global temperature. Read the Chesapeake Bay Foundation's special magazine issue about the connection between climate change and the health of the Chesapeake Bay at https://www.cbf.org/, released online due to COVID-19. A website video shows how to build a composter at home.

Innovation continues. A recent study used existing satellite data to measure methane loss from oil and gas operations. Findings published in the journal Science Advances point out that West Texas and Southeastern New Mexico fields wasted enough methane over 11 months during 2018-19 to supply 2 million U.S. households, twice the average rate found previously in other major U.S. oil and gas regions. With anthropogenic methane emissions causing >1/4 of today's warming, reducing methane from such operations is the fastest, most cost-effective way to slow the rate of warming, even during the transition to a cleanenergy economy. Scientists at the National Renewable Energy Laboratory fabricated a solar cell with an efficiency of nearly 50%. The Idaho National Laboratory is studying small, modular nuclear-fission reactors with simplified designs and advanced safety features for carbon-free electricity generation.

Government. The momentous General Assembly session earlier this year included stopping homeowners associations from banning solar panels for cosmetic reasons. Since they wouldn't meet the Clean Energy Act emission limits, Dominion Power is replacing 9 future natural-gas power plants with solar and wind. Also, a blanket exemption to the Freedom of Information Act for any claimed "trade secret" was defeated. This would have included the contents and amounts of chemicals used in hydraulic fracturing.

Solarize Fairfax County's 2020 bulk purchasing program offers negotiated discounted prices on superior equipment installed by three local solar contractors. Sign up at <u>https://solarize-nova.org/solarize-fairfax-county</u> to obtain further information since sessions about the economics of owning your own solar array have been postponed due to the pandemic. Property owners in the County also can take advantage of the 26% Federal tax credit and Fairfax County's Solar Energy Equipment Tax Exemption.

Volunteering. As reported in the October *Voter*, the Potomac Riverkeeper Network's water quality monitoring program lets the public know if it's safe to go in the water or if the *E. coli* bacteria level is too high. This citizenscience program is even more important this year since many government agencies have suspended water quality monitoring and environmental enforcement in response to the pandemic. Contact <u>potomacriverkeepernetwork.org</u> for video training and sampling instruction manuals to become a certified volunteer.

The Network also is working to filter pollutants out of the river with its 50 Million Mussels Project aiming to establish a healthy population by 2030. Underwater footage from April at https://www.youtube.com/watch?v=W9Wzf-<u>GQfWw</u> confirmed the success of the pilot project started at National Harbor in December. Watch for the public celebration's rescheduling to this fall, where you can build a basket to house more mussels.

Community Activities. Join Plant NoVa Natives's Sustainable Landscaping Solutions for Faith Communities videoconference on June 14th at 2:00-4:30 p.m. to discuss stewardship at places of worship. Register at <u>https://www.</u> plantnovanatives.org/faith-community-symposium.

The 2020 Sustainable Garden Tour is being held virtually this month. The Northern Virginia Soil and Water Conservation District (SWCD) partnered with the Fairfax Food Council Urban Agriculture Workgroup to feature frontyard gardens and edible landscapes. Local residents also share rain gardens, native plant landscaping, and backyard wildlife habitat. Visit <u>https://www.fairfaxcounty.gov/soil-water-conservation/sustainable-garden-tour</u> for more information.

Virginia SWCD is offering third graders the opportunity to earn the Soil Expert Patch and older students the Living in Your Watershed Patch while social distancing through June. Click on the patches at <u>https://vaswcd.org/scout-patch-program</u> to learn how to earn these special-edition patches while supplies last.

Unit Discussion Meetings

Topic: Election Law Position Update, Part I

Due to the Pandemic, June Unit Meetings will be virtual. The unit leaders will send the log in information to every unit member.

Saturday, June 6, 2020

10:15 a.m. At-Large Unit and Briefing

Contact: Julie, 703-476-8347 or David.julie.jones@verizon.net

Monday, June 8

1:30 p.m. Greenspring (GSP)

Contact: Edith, 703-644-3970, djaea2425@gmail.com or Gloria, 703-852-5113, gloriahaher@yahoo.com

Wednesday, June 10

9:30 a.m. McLean Day (McL)

Contact: Susan, 703-893-2229, sfcowart@aol.com or Peggy, 703-772-4939, peggyknight49@gmail.com

10 a.m. Mount Vernon Day (MVD)

Contact: Gail, 703-360-6561, omarichmond@gmail.com or Diana, 703-704-5325, jfdw1111@gmail.com

10 a.m. Fairfax Station (FXS)

Contact: Sherry, 703-730-8118, SZachry@verizon.net or Kathleen, 703-644-1555, kmpablo@cox.net

7:30 p.m. Reston Evening (RE)

Contact: Gail, 703-468-7398, gailvb12@yahoo.com

Thursday, June 11

9 a.m. Reston Day (RD) Contact:Barbara (703) 437-0795, bseandlte@earthlink. net

9:30 a.m. Springfield (SPF) Contact: Marge, 703-451-0589, mrunge@earthlink.net

11:30 a.m. Centreville-Chantilly (CCD) Contact: Susan, 703-391-0666, sadill@cox.net

1 p.m. Oakton/Vienna (OV) Contact: Mary, 703-932-3665, mmvalder@aol.com

7:45 p.m. Mount Vernon Evening (MVE)

Contact: Jane, 703-960-6820, jane@hilderwilliams.net or Susan, 703-587-4790, scash5002@email.vccs.edu

Enjoy Your Summer

See you in September!



The League of Women Voters[®] of the Fairfax Area (LWVFA) 4026-B Hummer Road, Annandale, VA 22003-2403 703-658-9150. Web address: www.lwv-fairfax.org

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The LWVFA *Fairfax VOTER*® June, 2020

Anu Sahai, Co-President Nancy Roodberg, Co-President Katherine Ingmanson, Editor

The League of Women Voters[®] is a nonpartisan political organization that encourages the public to play an informed and active role in government. At the local, state, regional and national levels the League works to influence public policy through education and advocacy. Any person at least 16 years old, male or female, may become a member.

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Dues year is July 1 – June 30

 Membership Dues: Individual \$75_____Household \$100 (2 persons; 1 Voter) ______Student (No fee) ______

 (A subsidy fund is available; check here ______ and include whatever amount you can afford.)

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OR Join online at https://www.lwv-fairfax.org/join

I am interested in becoming involved in (please indicate by circling the appropriate bullet(s)):

Providing organization support (graphic design, website development/maintenance, fundraising/grant writing)

Voter Services (e.g., voter registration drives, candidate forums, developing Voters' Guides)

Researching/writing about issues in which LWVFA has an interest (e.g., environment, firearms safety, mental health, schools, domestic violence, etc., or chairing an LWVFA study committee on voter turnout or human trafficking)

Representing the League in governmental fora (e.g., serving as LWVFA representative on Fairfax County citizens' committees and agencies, such as affordable housing, or Fairfax County Public Schools).

Other _