

MINUTES
Fairfax County Electoral Board
March 6, 2024

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachments

Hon. Katherine K. Hanley, Chairman

Jeffrey K. Shapiro, Vice Chairman

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

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