

MINUTES  
Fairfax County Electoral Board  
November 7, 2018

The Fairfax County Electoral Board (Board) met at 9:00 a.m. on Wednesday, November 7, 2018, in Conference Rooms 2 and 3 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 General and Special Elections held on November 6, 2018. Chairman Stephen M. Hunt, Vice Chairman Bettina M. Lawton, Secretary Katherine K. Hanley, General Registrar Gary D. Scott, Election Manager Eric Spicer, 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. Observers and party representatives were also in attendance.

Mr. Hunt called the Canvass to order at 9:00 a.m., introduced the Board, and welcomed the Canvass workers, authorized representatives, and observers. The Board then unsealed Conference Room 315 containing the election materials. The provisional ballots were given to the General Registrar for research purposes.

Staff reported that there will be approximately 1300 provisional ballots to adjudicate. Approximately 180 voters cast provisional ballots because they did not have an acceptable form of photo ID. The write-in percentage for the Mayor, Town of Herndon, contest reached 10.85%, exceeding the 10% threshold required for write-in certification. Staff will immediately begin the process of completing the write-in certification.

Mr. Spicer reviewed the County's emergency evacuation plan for the Canvass. Due to the closeness in the Herndon Town Council race, the Herndon Town precincts will be canvassed first along with the 10<sup>th</sup> Congressional District precincts, and the Central Absentee Precinct (CAP). Staff reported that 18 provisional ballots were cast in the Town of Herndon election. All of the statement of results (SORs) in the Town of Herndon will be double-checked after the first Canvass team's examination. Corrections to the SORs should be made in red and initialed by the Canvass team. Any issues or problems regarding the Canvass should be brought to the Board.

At 12:00 p.m. in Conference Room 8, the Electoral Board convened the provisional part of the canvass as required by Va. Code § 24.2-653 to allow voters casting provisional ballots in the November 6, 2018, General and Special Elections, to present any information that might prove they are qualified, registered voters in the precinct where they cast their provisional ballot.

Mr. Hunt moved that the Board enter into 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 political party or independent candidate, as specified in §24.2-653(B). The motion passed by a vote of 3-0 and the Board moved into Closed Session at 12:00 p.m. The authorized representative for

the FCDC was Brian McConville. The authorized representative for the FCRC was Keith Damon, however, he was not present during the Closed Session. **Two** voters presented information regarding their provisional ballots.

At 12:40 p.m. the Board concluded the Closed Session. Mr. Hunt 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.

The Canvass teams recessed for lunch at 12:00 p.m. Conference Rooms 2 and 3 were then locked. At 1:00 p.m. the conference rooms were reopened, and the Canvass resumed.

At 4:09 p.m. Mr. Hunt recessed the Canvass. The doors to Conference Rooms 2 and 3, as well as Conference Room 315 in Suite 323 containing the provisional ballots and other election material, were locked and sealed by the Electoral Board and the General Registrar until the Canvass reconvenes at approximately 9:00 a.m. on Thursday, November 8, 2018.

Thursday, November 8, 2018  
Reconvened Canvass and Provisional Ballot Meeting

At approximately 9:00 a.m., the Electoral Board unsealed Conference Rooms 2 and 3 and reconvened the Canvass. No authorized representatives of the political parties were present.

At 11:25 a.m. the Canvass concluded for all 243 precincts, as well as the Central Absentee Precincts (CAP) in the 8<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> Congressional Districts. Staff reported that there will be **1285** provisional ballots to adjudicate.

At 11:37 p.m. Mr. Hunt recessed the Canvass subject to the call of the chair. The Canvass will reconvene at 11:00 a.m. on Saturday, November 10, 2018.

Saturday, November 10, 2018  
Reconvened Canvass and Provisional Ballot Meeting

At 11:20 a.m., in Conference Room 315, the Electoral Board reconvened the provisional part of the canvass as required by Va. Code § 24.2-653 to allow voters casting provisional ballots in the November 6, 2018, General and Special Elections, to present any information that might prove they are qualified, registered voters in the precinct where they cast their provisional ballot.

Mr. Hunt moved that the Board enter into 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 political party or independent candidate, as specified in §24.2-653(B). The motion passed by a vote of 3-0 and the Board moved into Closed Session at 11:10 a.m. The authorized representative for the FCDC was Brian McConville, and the authorized representative for the FCRC was Keith Damon, however, he was not present.

At 12:22 p.m. the Board concluded the Closed Session. Mr. Hunt 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.

Mr. Hunt moved that 511 of the 511 Provisional Ballots entered as recommended on the Master Provisional Ballot Log be **qualified** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the November 6, 2018, General and Special Elections. The motion passed by a vote of 3-0.

Mr. Hunt moved that 774 of the 774 Provisional Ballots entered as rejected on the Master Provisional Ballot Log be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass of the November 6, 2018, General and Special Elections. The motion passed by a vote of 3-0.

The Board approved a total of **511** provisional ballots on Saturday, November 10, 2018.

The Board then opened and scanned the qualified provisional ballots (161 in the 8<sup>th</sup> CD; 96 in the 10<sup>th</sup> CD; 254 in the 11<sup>th</sup> CD). The Board then completed the Statement of Results for the General and Special Elections in the 8<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> Congressional Districts.

The Board then certified the election results for the November 6, 2018, General and Special Elections, and signed the abstracts. All paperwork was submitted to the Department of Elections at 5:13 p.m. on Saturday, November 10, 2018.

Ms. Lawton moved that there being no further business, the Board conclude the November 6, 2018, General and Special Elections. By a vote of 3-0, and without objection, the Board adjourned at 4:27 p.m.

Attachments

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Stephen M. Hunt, Chairman

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Bettina M. Lawton, Vice Chairman

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Katherine K. Hanley, Secretary