

MINUTES
Fairfax County Electoral Board
January 9, 2019

The Fairfax County Electoral Board (Board) met on Wednesday, January 9, 2019, in Conference Room 315 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 Special Election, Member of Virginia Senate, District 33, held on January 8, 2019. Chairman Stephen M. Hunt, Vice Chairman Bettina M. Lawton, Secretary Katherine K. Hanley, General Registrar Gary D. Scott, Election Manager Eric Spicer, Machine Custodian Alexander Russell, and Clerk to the Board Beth Dixon Methfessel were present. Rovers and Office of Elections staff were also present to conduct the Canvass.

Mr. Hunt called the Canvass to order at 9:03 a.m. and introduced the Board. Mr. Hunt called for a motion to approve the January 9, 2019, meeting agenda. Ms. Hanley moved to approve the agenda, and by a vote of 3-0, the January 9, 2019, meeting agenda, was adopted.

The Board and the General Registrar then unsealed Room 319.1 and 317.2 containing the election materials. The provisional ballots were given to the General Registrar for research purposes. No authorized representatives from the political parties were present.

Mr. Spicer reviewed the County's emergency evacuation plan for the Canvass. The two Canvass teams were instructed to carefully review all the statement of results (SORs) for accuracy which will then be double-checked after the first Canvass team's examination. Any issues or problems regarding the election materials should be brought to the Board.

The Board began the provisional part of the Canvass as required by Va. Code § 24.2-653 to allow voters casting provisional ballots in the January 8, 2019, Special Election, Member of Virginia Senate, District 33 to present any information that might prove they are qualified, registered voters in the precinct where they cast their provisional ballot. John Farrell was the authorized representative for the Fairfax County Democratic Committee (FCDC). No voters appeared to defend their provisional ballot.

Under the General Registrar's Update, Mr. Scott reported that 65 DS200 scanners and 65 PollPads were purchased using DIT 104 funds. This purchase will expand the total number of voting machines and help build a reserve. Ms. Hanley asked if a discounted price was negotiated, and Mr. Scott responded that the total cost was reduced approximately \$14,000 by the sale of the unused Balotars.

Ms. Hanley mentioned that there is a space task force study with the Department of Procurement and Material Management (DPMM) to assess current and future storage requirements of all tenants of the warehouse. The Board plans to visit the warehouse during Logics and Accuracy (L&A) testing for the upcoming special election in VA House 86, and will extend an invitation to the County Executive to join them. Mr. Scott will also send the Board a letter enumerating the concerns discussed regarding the need for adequate, accessible, and secure infrastructure for voting equipment.

There was no Old Business.

Under New Business, Ms. Hanley explained that the current appointment term for election officers will expire on February 29, 2020, providing insufficient time to train an adequate number of election officers for the March 2020 Presidential Primary, as required by Va. Code 24.2-509.2. Mr. Udeshi distributed three options for rectifying this situation (attached and made a part of this record). After discussion, Ms. Lawton moved that to ensure Fairfax County will be able to comply with the training requirements set forth in Virginia Code § 24.2-115.2(A), and in accordance with Virginia Code § 24.2-115, the terms of office for all presently appointed Officers of Election will be extended through February 28, 2021. The motion passed by a vote of 3-0. Ms. Hanley pointed out that as a result of the motion, the mandatory training will no longer fall in the “even”, federal years, however, additional training will be required for election officers assigned for Presidential elections. Ms. Lawton suggested that the platform of the training utilize both on-line sessions supported by hands-on, or “labs”, to offer election officers a wider range of options.

At 10:45 a.m. the Canvass concluded for all 10 precincts, as well as the Central Absentee Precincts (CAP). Staff reported that there will be 7 provisional ballots, including one ID-only provisional ballot, to adjudicate.

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 candidate, as specified in §24.2-653(B). Without objection, and by a vote of 3-0, the Board entered into Closed Session at 11:12 p.m.

At 11:16 a.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 4 of the 4 Provisional Ballots entered on the Provisional Ballot Log #1 for the January 8, 2019, Special Election, Member of Virginia Senate, District 33 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 January 8, 2019, Special Election, Member of Virginia Senate, District 33. The motion passed by a vote of 3-0.

Mr. Hunt moved that 2 of the 2 Provisional Ballots entered as rejected on the Master Provisional Ballot Log #1 for the January 8, 2019, Special Election, Member of Virginia Senate, District 33 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 January 8, 2019, Special Election, Member of Virginia Senate, District 33. The motion passed by a vote of 3-0.

The Board recessed at 11:17 a.m. subject to the call of the chair and pending the receipt of a photo ID from the ID-only provisional voter.

At 5:07 the Board reconvened the provisional ballot meeting. The ID-only provisional voter provided an acceptable copy of photo identification.

Mr. Hunt moved that the 1 Provisional Ballot entered on the Provisional Ballot Log #2 for the January 8, 2019, Special Election, Member of Virginia Senate, District 33 be **qualified** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Log #2 shall be retained and incorporated into the Minutes of the Canvass for the January 8, 2019, Special Election, Member of Virginia Senate, District 33. The motion passed by a vote of 3-0.

The Electoral Board qualified and counted a total of 5 out of the 7 provisional ballots cast for the January 8, 2019, Special Election, Member of Virginia Senate, District 33.

The Board opened and scanned the qualified provisional ballots and completed the Statement of Results for the January 8, 2019, Special Election, Member of Virginia Senate, District 33. The Board then certified the election results by signing the abstracts. All paperwork will be submitted to the Department of Elections by 12:00 p.m. on Friday, January 11, 2019. Pursuant to Va. Code § 24.2-612, the official ballot, marked as VOID, will be sent with the abstracts. A second ballot, also marked VOID, will be retained with the archived election material in the Office of Elections.

Ms. Lawton made a motion that there being no further business, the Board conclude the January 9, 2019, Special Election, Member of Virginia Senate, District 33. By a vote of 3-0, and without objection, the Board adjourned at 5:38 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

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