

MINUTES
Fairfax County Electoral Board
November 6, 2019

The Fairfax County Electoral Board (Board) met at 9:00 a.m. on Wednesday, November 6, 2019, 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 Election held on November 5, 2019. 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 500 provisional ballots to adjudicate, with 111 voters casting provisional ballots because they did not have an acceptable form of photo ID. The write-in percentages for the House of Delegates District (HOD) 67 and HOD 86 reached 10.73% and 10.49%, respectively, exceeding the 10% threshold required for write-in certification. Staff immediately began the process of completing the write-in certifications.

Mr. Spicer reviewed the County's emergency evacuation plan for the Canvass. Due to the close margin in the Springfield District Supervisor race, the Springfield precincts will be canvassed first along with the Central Absentee Precinct (CAP). All of the statement of results (SORs) for the precincts in the Springfield District 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 and brought to the immediate attention of Mr. Spicer. Any issues or problems regarding the Canvass should be brought to the Board.

At 9:00 a.m. in Conference Room 7, 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 5, 2019, General and Special Election, 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 9:13 a.m. The authorized representative for

the FCDC was John Farrell. The authorized representative for the FCRC was Keith Damon. **Six** voters presented information regarding their provisional ballots.

At 12:00 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 7, 2019.

Thursday, November 7, 2019
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.

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 9:13 a.m. The authorized representative for the FCDC was John Farrell. The authorized representative for the FCRC was Keith Damon. Neither representative was present for Closed Session. **Two** voters presented information regarding their provisional ballots.

At 9:40 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.

At 1:15 p.m. the Canvass concluded for all 243 precincts, as well as the Central Absentee Precinct (CAP). Staff reported that there will be **499** provisional ballots to adjudicate.

At 1:40 p.m. Mr. Hunt recessed the Canvass. The Provisional Ballot Meeting will reconvene at 1:30 p.m. on Friday, November 8, 2019.

Friday, November 8, 2019
Reconvened Provisional Ballot Meeting

At 1:37 p.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 5, 2019, General and Special Election, 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 John Farrell. The authorized representative for the FCRC was Judy Flaig.

At 2:14 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 **253** out of the 499 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 5, 2019, General and Special Elections. The motion passed by a vote of 3-0.

Mr. Hunt moved that **246** out of the 499 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 5, 2019, General and Special Elections. The motion passed by a vote of 3-0.

The Board approved a total of **253** provisional ballots on Friday, November 8, 2019.

Ms. Hanley commented that this is only the second time since her appointment to the Electoral Board that the acceptance rate for provisional ballots has exceeded 50%. She credited the staff for improved training of the election officers.

FCDC questioned whether or not ELECT provided written guidance on contacting provisional voters who failed to sign the provisional ballot envelope. If written guidance exists, FCDC requested a copy.

The Board then opened and scanned the qualified provisional ballots. The Board completed the Statement of Results including the write-in certifications for the 67 House District and the 86 House District for the November 5, 2019, General and Special Election.

The Board then certified the election results for the November 5, 2019, General and Special Election, and signed the abstracts. All paperwork was submitted to the Department of Elections at 6:40 p.m. on Friday, November 8, 2019.

Ms. Lawton moved that there being no further business, the Board conclude the November 5, 2019, General and Special Election. By a vote of 3-0, and without objection, the Board adjourned at 7:45 p.m.

Attachments

Stephen M. Hunt, Chairman

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary