

MINUTES
Fairfax County Electoral Board
June 22, 2022

The Fairfax County Electoral Board (Board) met on Wednesday, June 22, 2022, in Conference Rooms 2/3 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 Democratic Party Primary Election held in the 8th Congressional District on June 21, 2022. Chairman Amb. (ret.) Christopher P. Henzel, Vice Chairman Bettina M. Lawton, Secretary Katherine K. Hanley, General Registrar Eric Spicer, Election Officer Manager Ravi Udeshi, Election Equipment and Logistics Manager Tyrone Allen, 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. Gregory Brandon was the authorized representative for Don Beyer (Candidate, 8th Congressional District).

Mr. Henzel called the Canvass to order at 10:00 a.m., introduced the Board, and welcomed the Canvass workers. He thanked everyone for a well-run, successful primary election.

Mr. Udeshi explained that the Canvass will be divided into two phases. In the first phase, the teams will compare the machines tapes, the ERM reports, and the hand-count sheet for each precinct. The ERM report should be attached to the back of the SOR after review. All the materials will then be collected, and a second team will double-check them. After the completion of this round, the administrative review phase two will begin to account for missing signatures, machine tapes, documents, etc. Any corrections to the SORs should be made in red. Any issues or problems regarding the Canvass should be brought to the attention of the Board.

The first phase of the Canvass was completed at approximately 11:45 a.m. The Canvass teams recessed for lunch at 11:30 a.m. The doors were secured, and at 12:30 p.m. the conference rooms were re-opened, and the second phase of the Canvass began.

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 June 21, 2022, Democratic Party Primary Election, 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. Mr. Henzel recessed the provisional ballot meeting subject to the call of the chair.

At 2:30 p.m. the Canvass concluded for the 82 precincts in the 8th CD. Staff reported that there will be **102** provisional ballots to adjudicate. Mr. Henzel recessed the Canvass. The Canvass will reconvene at approximately 10:00 a.m. on Saturday, June 25, 2022.

Saturday, June 25, 2022
Reconvened Canvass and Provisional Ballot Meeting

At 10:10 a.m. in Conference Room 315, the Electoral Board reconvened the provisional part of the canvass as required by Va. Code § 24.2-653(B) to allow voters casting provisional ballots in the June 21, 2022, Democratic Party Primary Election, 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. Gregory Brandon was the representative for Don Beyer (Candidate, 8th Congressional District).

Mr. Spicer recognized the hard work of staff in the preparation for the June Primary and thanked them for their dedication.

Mr. Henzel 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 political party or independent candidate, as specified in §24.2-653.01. The motion passed by a vote of 3-0, and the Board moved into Closed Session at 10:12 a.m.

At 10:35 a.m. the Board concluded the Closed Session. Mr. Henzel 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 § 24.2-653.01, 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. Henzel moved that **86** out of the 102 Provisional Ballots entered as qualified on the Master Provisional Ballot Log for the June 21, 2022, Democratic Party Primary Election be **accepted and counted** 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 June 21, 2022, Democratic Party Primary Election. The motion passed by a vote of 3-0.

Mr. Henzel moved that **16** out of the 102 Provisional Ballots entered as disqualified on the Master Provisional Ballot Log for the June 21, 2022, Democratic Party Primary Election be **rejected** 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 June 21, 2022, Democratic Party Primary Election. The motion passed by a vote of 3-0.

The Canvass of the Central Absentee Precinct began at 10:35 a.m. and concluded at 11:00 a.m.

Mr. Spicer reported to the Board that approximately 60,000 redistricting mailers were returned to the Office as undeliverable. These voters will be flagged in VERIS to trigger a confirmation mailing, and staff expects to finish this process by July 1, 2022. ELECT usually sends the annual confirmation mailing in July, however, Mr. Spicer learned that ELECT

finalized the 2022 confirmation mailing last month. As a result, those voters whose redistricting mailers were returned as undeliverable will not be part of the 2022 list maintenance. Mr. Spicer requested that ELECT include these voters in a second confirmation mailing. If it is not possible for ELECT's printer to facilitate this request and meet the legal requirements to send confirmation mailing to voters by August 10 (90 days before the November election), Mr. Spicer recommended arranging with the Office's local printer to perform this scope of work. ELECT will be asked to generate and provide the standard letter and necessary address data.

Ms. Hanley moved that the Board support the request to ELECT to include the Fairfax County voters whose redistricting mailers were returned as undeliverable and were marked for confirmation mailing. If a negative response from ELECT is received, the General Registrar will pursue the cost and feasibility of the local printer performing the work. Ms. Lawton offered a friendly amendment that the request to ELECT to include voters whose redistricting mailers were returned as undeliverable in the 2022 confirmation mailing be a stand-alone motion. Ms. Hanley accepted the friendly amendment to separate the motion into two parts. The motion passed by a vote of 3-0.

Ms. Lawton moved that if ELECT declines to send a second mailing, the Board authorize the General Registrar to determine the cost of [Fairfax County] paying for the confirmation mailing, and if the budget allows, authorize the General Registrar to spend up to \$100,000 for the mailing. The motion passed by a vote of 3-0.

The Board completed the Statement of Results for the qualified provisional ballots in the 8th CD for the June 21, 2022, Democratic Party Primary Election.

The Board then certified the election results for the June 21, 2021, Democratic Party Primary Election, and signed the abstract. Once accepted by the Department of Elections, the abstract, the election results certification checklist, and a voided primary ballot will be mailed to the Department of Elections.

Ms. Lawton moved that there being no further business, the Board conclude the Canvass of the June 21, 2022, Democratic Party Primary Election. By a vote of 3-0, and without objection, the Board adjourned at 1:35 p.m.

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

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary

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