

MINUTES
Fairfax County Electoral Board
November 9, 2022

The Fairfax County Electoral Board (Board) met on Wednesday, November 9, 2022, 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 General Election held on November 8, 2022. Chairman Amb. (ret.) Christopher P. Henzel, Vice Chairman Bettina M. Lawton, Secretary Katherine K. Hanley, Election Operations 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.

Mr. Henzel called the Canvass to order at 10:04 a.m., introduced the Board, and welcomed the Canvass workers, authorized party representatives, and observers. Mr. Henzel reviewed the agenda, and then asked Mr. Udeshi to give instructions on conducting the Canvass. Mr. Udeshi used a slide presentation to explain to the twelve assembled teams that the Canvass will be divided into two phases. In the first phase, the teams will verify, organize and reorder the machine tapes, compare the machine tapes to the ERM (Election Results Management-ElectionWare); reports for all precincts; verify the hand count reports; and confirm that the Chief Notes were completed. After the completion of this round, the administrative review phase will begin to check for accuracy, including required signatures, on the statement of results, the machine certification form, the ballot receipt form, the ballot worksheet, the hourly data worksheet, the compensation sheet, and the election officer oath form. Any issues or problems regarding the Canvass should also be brought to the Board. The Chief's Notes will be set aside for Board review.

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 to allow voters casting provisional ballots in the November 8, 2022, General Election, to present any information that might prove they are qualified, registered voters in the precinct where they cast their provisional ballot.

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(B). While the Electoral Board is in Closed Session, Election Operations Manager Ravi Udeshi will supervise the Canvass. The motion passed by a vote of 3-0, and the Board moved into Closed Session at 12:02 p.m.

Six voters presented information regarding their provisional ballots. The authorized representative for the Fairfax County Republican Committee (FCRC) was Christine Brim; there was no authorized representative for the Fairfax County Democratic Committee (FCDC).

The Canvass teams recessed for lunch at 12:30 p.m. The doors were secured, and at 1:30 p.m. the conference room was re-opened, and the Canvass continued.

At 1:45 p.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, 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 recessed the provisional ballot meeting subject to the call of the chair.

The first phase of the Canvass was completed at approximately 3:55 p.m.

At 3:57 p.m. the Canvass recessed. The Canvass will reconvene at 9:00 a.m. on Thursday, November 10, 2022.

Thursday, November 10, 2022
Reconvened Canvass and Provisional Ballot Meeting

At approximately 9:00 a.m., the Canvass reconvened in Conference Room 251.

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.

At 4:25 p.m. the Canvass concluded for all 264 precincts, and the fifteen satellite voter offices plus the Fairfax County Government Center.

The timeline for the remainder of the Canvass was discussed. Hand-counts for military and overseas emailed ballots as well as any absentee ballot that may have been damaged or was otherwise unable to be scanned will begin at 9:00 a.m. and continue throughout the day. Provisional ballot research will continue throughout the day, and adjudication was set for 1:00 p.m. on Sunday, November 13, 2022. The Canvass of the CAP will begin on Monday, November 14, 2022, at 2:00 p.m.

At 4:30 p.m. the Canvass recessed. The Canvass will reconvene at 1:00 p.m. on Sunday, November 13, 2022.

[The provisional voter log was completed at 8:30 p.m. and distributed to the political party committees.]

Friday, November 11, 2022
Reconvened Canvass and Provisional Ballot Meeting

A timeline for completion of the Canvass was emailed to the Electoral Board Notice list. The Canvass and Provisional Ballot Meeting will reconvene on Sunday, November 13, 2022, at 1:00 p.m. in Conference Rooms 315/319 of the Fairfax County Government Center.

The Canvass of the CAP will be held on Monday, November 14, 2022, at 2:00 p.m. in Conference Rooms 315/319 of the Fairfax County Government Center.

Saturday, November 12, 2022
Reconvened Canvass and Provisional Ballot Meeting

A revision to the timeline for completion of the Canvass was emailed to the Electoral Board Notice list. The Canvass and Provisional Ballot Meeting will reconvene on Monday, November 14, 2022, at 8:00 a.m. in Conference Rooms 315/319 of the Fairfax County Government Center. The Canvass of the CAP will be held on Monday, November 14, 2022, at 4:00 p.m. in Conference Rooms 315/319 of the Fairfax County Government Center.

Monday, November 14, 2022
Reconvened Canvass and Provisional Ballot Meeting

At approximately 8:00 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 November 8, 2022, General Election to present any information that might prove they are qualified, registered voters in the precinct where they cast their provisional ballot. The authorized representative for the FCRC was Christine Brim; the authorized representative for Herndon Town Council candidate Cesar A. del Aguila was John Farrell; the authorized representative for the FCDC was Gregory Brandon. No provisional voters appeared in person.

Of the 6560 provisional ballots cast, Mr. Spicer noted that over 90% will receive a recommendation to be qualified.

Mr. Spicer reviewed the remaining tasks to complete the Canvass:

- 8:00 a.m. Adjudication of Provisional Ballots
- 10:00 a.m. Extraction of Qualified Provisional Ballots
- 11:00 a.m. Scanning of Qualified Provisional Ballots
- 2:00 p.m. Pack and Seal Counted Ballots
- 3:00 p.m. Prepare Provisional Statement of Results
- 4:00 p.m. CAP Canvass
- 6:00 p.m. Preparation and Signing of Abstracts

Mr. Spicer explained that in future elections, the provisional ballot log submitted from the precincts will be redacted and available to the parties and independent candidates the day following the election. The electronic file will be made available after the Electoral Board's provisional ballot adjudication meeting.

Ms. Hanley noted that the number of same-day registrations (SDRs) have shifted the timeline for the completion of the Canvass. Ms. Lawton stressed the need for an SDR election officer in the precincts who has been specifically trained to handle the process. This will

relieve the Chief EOs of this critical but time-consuming task and allow them to focus on their other Election Day responsibilities.

Mr. Spicer reported that a total of 335 ID Confirmation Statements were submitted, 116 in the voter satellite offices, and 219 in the precincts on Election Day. Mr. Henzel asked staff to determine how many ID confirmation statements were submitted with an SDR.

At 8:18 a.m. 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(B). The authorized representative for the FCRC was Christine Brim; the authorized representative for Herndon Town Council candidate Cesar A. del Aguila was John Farrell; the authorized representative for the FCDC was Gregory Brandon.

At 9:45 a.m. the Board recessed the Provisional Ballot meeting subject to the call of the chair to allow for additional research on the fifty-four (54) provisional ballots that the General Registrar recommended by disqualified for missing or mismatched information.

In Open Session at 11:05 a.m. Ms. Hanley moved that the Electoral Board enter a Closed Session consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel exempt from the public meeting requirements of the Virginia Freedom of Information Act, pursuant to Va. Code § 2.2-3711(A)(1). The motion passed by a vote of 3-0.

At 12:15 p.m. the Board concluded the Closed Session for legal consultation. Chairman Henzel read the following statement:

“In accordance with *Virginia Code* § 2.2-3712(D), I am asking the Secretary of the Electoral Board to conduct a roll call vote to certify that to the best of each member’s knowledge that (i) only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were conducted in the closed meeting and (ii) only such public business as was identified in the motion for the closed meeting, by which the closed meeting was convened, was heard, discussed or considered in the closed meeting of the Electoral Board. That roll call vote shall be recorded and included in the minutes of the Electoral Board.”

Secretary Hanley then called the roll for the vote on the above statement:

Voting Yes:	Chairman Henzel
	Vice Chairman Lawton
	Secretary Hanley

The Board reconvened the Closed Session to continue adjudication of the provisional ballots. The authorized representative for the FCRC was Christine Brim; the authorized representative for Herndon Town Council candidate Cesar A. del Aguila was John Farrell; there was no authorized representative for FCDC.

At 1:08 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, 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 5994 out of the 6560 Provisional Ballots cast and entered as qualified on the Master Provisional Ballot Log plus the 47 Provisional Ballots entered as qualified on Appendix 1 for a total of **6041** be **accepted and counted** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Log and Appendix 1 shall be retained and incorporated into the Minutes of the Canvass for the November 8, 2022, General Election. The motion passed by a vote of 3-0.

Mr. Henzel moved that the remaining 519 out of the 6560 Provisional Ballots entered as disqualified on the Master Provisional Ballot Log 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 November 8, 2022, General Election. The motion passed by a vote of 3-0.

At 1:22 p.m. the Board recessed for lunch. At 2:30 p.m. the Board reconvened.

The 6041 qualified provisional ballots were extracted and scanned on the high-speed DS850. Once completed, the results were uploaded into ERM, and a report was generated for the statement of results.

The Canvass of the Central Absentee Precinct commenced at 8:40 p.m. and was completed at 9:30 p.m.

Once the results from the provisional adjudication and the CAP Canvass were uploaded and verified in the ERM system, the Board completed the Statement of Results for the qualified provisional voters for the November 8, 2022, General Election. The Board then certified the results of the election. The Board signed the Abstracts that were then sent electronically for review to the Department of Elections.

Ms. Lawton moved that there being no further business, the Board conclude the November 8, 2022, General Election. By a vote of 3-0, and without objection, the Board adjourned at 11:05 p.m.

Attachments

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

Bettina M. Lawton, Vice Chairman

Katherine K. Hanley, Secretary