

MINUTES
Fairfax County Electoral Board
March 2, 2016

The Fairfax County Electoral Board met at 9:00 a.m. on Wednesday, March 2, 2016, in Conference Rooms 2 and 3 at the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, for the purpose of reorganization and to receive the election materials necessary to canvass the returns and ascertain the results of the March 1, 2016 Presidential Party Primary Elections. Chairman Stephen M. Hunt, Vice Chairman Seth T. Stark, Secretary Katherine K. Hanley, General Registrar Cameron Glenn Sasnett, Election Manager Judy Flaig, and Clerk to the Board Beth Dixon Methfessel were present. In addition, Office of Elections staff was present to conduct the canvass.

Mr. Hunt called the canvass to order at 9:00 a.m. and introduced himself, Vice Chairman Stark, and Secretary Hanley (Board.) Mr. Hunt called for the reorganization of the Board. Ms. Hanley congratulated Mr. Hunt on his three-year reappointment to the Board and moved that he be appointed as Chairman. The motion passed by a vote of 3-0. Mr. Hunt moved that Katherine Hanley be appointed as Secretary. The motion passed by a vote of 3-0. Mr. Stark moved that Seth Stark be appointed as Vice Chairman. The motion passed by a vote of 3-0.

In the presence of security detail, the Board unsealed Conference Room 315 containing the election materials. The provisional ballots were given to the General Registrar for research purposes.

At 12:00 p.m. the Electoral Board began the provisional part of the canvass as required by Va. Code § 24.2-653 to allow voters casting provisional ballots in the March 1, 2016 Presidential Party Primary 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 candidate, as specified in §24.2-653(B). While the Electoral Board is in Closed Session or is in recess, Election Manager Judy Flaig will supervise the canvass. The motion passed by a vote of 3-0 and the Board moved into Closed Session at 12:01 p.m.

John Farrell representing the Bernie Sanders campaign was present during the Closed Session. Four voters, represented by legal counsel, presented information regarding their provisional ballot.

The canvass teams recessed for lunch at 12:00 noon. Conference Rooms 2 and 3 were then locked with a security detail posted. At 1:00 p.m. the conference rooms were reopened, and the canvass resumed.

At 1:02 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 to recess the provisional ballot meeting subject to the call of the Chair, as permitted by Virginia Code § 24.2-653.

The Board recessed for lunch and reconvened at 2:54 p.m.

Ms. Hanley informed the Board that she responded to a VFOIA request from the Fairfax County School Board (Request dated February 26, 2016 and Response dated March 1, 2016 attached and made a part of this record.) Given the historic turn-out for the primaries Mr. Hunt commended the School Board for closing schools. He said the Office of Elections and Electoral Board accurately predicted the record turn-out and as a result, voters were afforded full access to parking, larger voting rooms, etc.

Mr. Farrell requested a copy of the Provisional Ballot Log after it is compiled. He requested a 30 minutes “heads-up” notification on the adjudication meeting of the provisional ballots. He requested that, upon its completion, an electronic copy of the provisional ballot log be provided. The Board approved these requests. On behalf of the FCDC, he commented that the allocation of Democratic election officers to Republican election officers was out of balance in approximately 38 precincts. He asked for a higher degree of scrutiny earlier in the process of election officer assignments. Ms. Hanley responded that in at least 8 of the precincts, Democratic election officers declined to serve after February 11, the date the Board allowed the assignment of election officers without consideration of party affiliation. She also noted that prior to the rescission of the Republican affirmation statement, more Republican election officers were assigned to oversee this aspect of the process. The Board duly noted FCDC’s comments and will provide earlier oversight in the assignment process. Mr. Sasnett added that one of his highest priorities is securing technology that will help staff achieve partisan balance of election officers in the precincts.

At 4:00 p.m. Mr. Hunt recessed the canvass. The doors to Conference Rooms 2 and 3, as well as Room 319.1, were locked and sealed by the Electoral Board. Security will remain in place at both locations until the canvass reconvenes at approximately 9:00 a.m. on Thursday, March 3, 2016.

Thursday, March 3, 2016
Reconvened Canvass and Provisional Ballot Meeting

At approximately 9:07 a.m., the Electoral Board reconvened the canvass and provisional ballot meeting and unsealed the doors to Conference Rooms 2 and 3. John Farrell representing the Bernie Sanders campaign was present.

At 2:50 p.m. the Canvass concluded for all 242 precincts, as well as the Central Absentee Precincts (CAP) for the 8th, 10th, and 11th Congressional Districts. Staff reported that there will be approximately 600 provisional ballots. Twenty-three voters cast provisional ballots because they did not have an acceptable form of photo ID. At least 130 of these ballots will require Division of Motor Vehicle (DMV) research. To allow time for this response, the provisional ballot meeting will reconvene at approximately 1:00 p.m. on Saturday, March 5, 2016.

At 2:51 p.m. Mr. Hunt recessed the canvass.

Saturday, March 5, 2016
Reconvened Provisional Ballot Meeting

At 1:24 p.m. 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 March 1, 2016 Presidential Party Primaries, 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 convene in Closed Session pursuant to Virginia Code §24.2-653(B) 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 1:25 p.m.

John Farrell representing the Bernie Sanders campaign was present during the Closed Session. No voters appeared to present additional information regarding their provisional ballot.

At 2:19 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(B), 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. Farrell objected to the rejection of provisional ballots 1, 1335, and 1565 or any provisional ballot rejected due to lack of signature on the envelope when the voter cast the ballot for Reason B4 [I applied for an absentee ballot but do not have it with me for the following reason...] and the Office confirmed that no absentee ballot was cast by the voter. He acknowledged the email dated November 6, 2013 from the State Board of Elections (SBE) to all Virginia Electoral Board members and General Registrars requiring the rejection of provisional ballots without a signature on the provisional ballot envelope. He pointed out that after the date of this SBE guidance, the Fairfax County Electoral Board qualified and counted unsigned provisional ballots under the presumption that the election officers erred by not catching the omission of the signature on the envelope. Additionally, Mr. Farrell asked why the provisional log reflected only three provisional envelopes lacking a signature when earlier reports indicated that up to a dozen provisionals lacked the required signature. Mr. Sasnett explained that some of unsigned envelopes lacked the Chief Election officer's signature, not the voter's signature, and some unsigned

provisional envelopes were disqualified for another reason, such as failure to provide a copy of acceptable photo ID. Lastly, Mr. Farrell commented that the provisional ballot log should not combine the “Not Registered to Vote” provisionals with the “Not Registered to Vote in Precinct” provisionals and suggested that these two categories be tracked separately.

Mr. Hunt moved that the 18 Provisional Ballots cast in the 8th Congressional District as “Republican” and entered as accepted on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **qualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 55 Provisional Ballots cast in the 8th Congressional as “Republican” and entered as rejected on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 32 Provisional Ballots cast in the 8th Congressional District as “Democrat” and entered as accepted on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **qualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 119 Provisional Ballots cast in the 8th Congressional as “Democrat” and entered as rejected on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 15 Provisional Ballots cast in the 8th Congressional District but the Party was not designated on the Provisional envelope or the Provisional Log and entered as rejected on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 13 Provisional Ballots cast in the 10th Congressional District as “Republican” and entered as accepted on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **qualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 22 Provisional Ballots cast in the 10th Congressional District as “Republican” and entered as rejected on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 21 Provisional Ballots cast in the 10th Congressional District as “Democrat” and entered as accepted on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **qualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 24 Provisional Ballots cast in the 10th Congressional District as “Democrat” and entered as rejected on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 25 Provisional Ballots cast in the 11th Congressional District as “Republican” and entered as accepted on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **qualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 77 Provisional Ballots cast in the 11th Congressional as “Republican” and entered as rejected on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 39 Provisional Ballots cast in the 11th Congressional District as “Democrat” and entered as accepted on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **qualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 130 Provisional Ballots cast in the 11th Congressional District as “Democrat” and entered as rejected on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the

Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Hunt moved that the 12 Provisional Ballots cast in the 11th Congressional District but the Party was not designated on the Provisional envelope or the Provisional Log and entered as rejected on the Master Provisional Ballot Log for the March 1, 2016 Presidential Party Primaries be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The Master Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the March 1, 2016 Presidential Party Primaries. The motion passed by a vote of 3-0.

Mr. Sasnett noted that the provisional ballot logs used by the Electoral Board for qualifying provisional ballots did not include the party primary designation. Mr. Farrell requested a breakdown of the number of provisionals cast by Congressional District for each of the political parties, including the number cast where the party designation was “Unknown.”

The Board then opened the 56 qualified “Republican” provisional ballots and the 92 “Democrat” provisionals were opened, scanned and counted. The Board completed the Statement of Results, certified the election results for the March 1, 2016 Presidential Party Primaries and signed the abstracts. The abstracts were scanned and emailed to the Department of Elections at 6:15 p.m.

The Board again commended office staff for its preparation, attention to detail, organization and effort in conducting the election.

Mr. Stark made a motion that there being no further business, the Board conclude the March 1, 2016 Presidential Party Primaries. By a vote of 3-0, and without objection, the Board adjourned at 5:23 p.m. on Saturday, March 5, 2016.

Attachments

Stephen M. Hunt, Chairman

Seth T. Stark, Vice Chairman

Katherine K. Hanley, Secretary