

MINUTES
Fairfax County Electoral Board
November 9, 2016

The Fairfax County Electoral Board (Board) met at 9:00 a.m. on Wednesday, November 9, 2016, 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 November 8, 2016 General and Special 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. Also in attendance were representatives of both political parties and other visitors. In addition, rovers and Office of Elections staff were present to conduct the canvass.

Mr. Hunt called the canvass to order at 9:00 a.m. and introduced the Board. Mr. Hunt called for a motion to approve the November 9, 2016 meeting agenda. Ms. Hanley moved to approve the agenda and by a vote of 3-0, the agenda was adopted.

Mr. Hunt then welcomed the canvass workers. He thanked all the election officials for their outstanding effort in conducting an issue-free election despite the challenges. He noted that the issues from the 2012 Presidential election were largely overcome and voter feedback is overwhelmingly positive.

The Board and one representative from each political party then unsealed Conference Room 315 containing the election materials. The provisional ballots were given to the General Registrar for research purposes.

Ms. Flaig reviewed the County's emergency evacuation plan for the canvass. Due to the tight configuration, she asked that conversation inside the canvass room be kept to a minimum. Due to the closeness in the Herndon Town Council race, the Herndon Town precincts will be canvassed first along with the 11th Congressional District Central Absentee Precinct (CAP). Ms. Flaig asked that the ISync drives be carefully collected. All the statement of results (SORs) 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. Any issues or problems regarding the canvass should be brought to the Board. Staff reported that between 2000 and 2500 provisional ballots were cast.

Mr. Hunt called for a motion to approve the Draft Minutes from the Electoral Board meetings on October 25, 2016 and November 7, 2016. Ms. Hanley moved for approval, and by a vote of 3-0, the October 25, 2016 Minutes and the November 7, 2016 Minutes were adopted.

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 November 8, 2016 General and Special Elections, 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 FCDC was John Farrell; the authorized representative for the FCRC was Keith Damon. **Six** voters presented information regarding their provisional ballots.

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). While the Electoral Board is in Closed Session, 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.

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

Mr. Hunt recessed the provisional ballot meeting subject to the call of the Chair, as permitted by Virginia Code § 24.2-653.

The Board recessed for lunch at 1:30 p.m. and reconvened at 2:30 p.m.

At approximately 3:00 p.m. the Board reconvened the provisional ballot meeting to hear the testimony of one provisional voter.

The write-in percentage for the 11th District House of Representatives contest reached 12.38%, well exceeding the 5% threshold required for write-in certification. Staff will immediately begin the process of completing the write-in certification.

At 4:00 p.m. Mr. Hunt recessed the canvass. The doors to Conference Rooms 2 and 3, as well as Conference Room 315 and Room 319.1 in Suite 323 containing the provisional ballots and other election material, were locked and sealed by the Electoral Board until the canvass reconvenes at approximately 9:00 a.m. on Thursday, November 10, 2016.

Thursday, November 10, 2016
Reconvened Canvass and Provisional Ballot Meeting

At approximately 9:05 a.m., the Electoral Board unsealed Conference Rooms 2 and 3, as well as Conference Room 315 and Room 319.1. No authorized representatives of the political parties were present.

At 4:00 p.m. the Canvass concluded for all 243 precincts, as well as the Central Absentee Precincts (CAP) in the 8th, 10th, and 11th Congressional Districts. Staff reported that there will be approximately 2,150 provisional ballots to adjudicate. Approximately 130 voters cast provisional ballots because they did not have an acceptable form of photo ID. Staff sent 221 requests for additional research to the Division of Motor Vehicles. The schedule approved by the Board to hear provisional voters and to adjudicate provisional ballots will run as follows:

- Thursday, November 10 1pm-4pm
- Friday, November 11 1pm-4pm
- Saturday, November 12 Board not in session

- Sunday, November 13 2pm-4pm
- Monday, November 14 9am-12pm

At 4:00 p.m. Mr. Hunt recessed the canvass. The canvass will reconvene at approximately 1:00 p.m. on Friday, November 11, 2016.

Friday, November 11, 2016
Reconvened Canvass and Provisional Ballot Meeting

At 1:00 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 November 8, 2016 General and Special Elections, 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 FCDC was John Farrell; there was no authorized representative for the FCRC. **One** voter appeared to present additional information regarding her provisional ballot.

At 1:19 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, 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 **201** of the 203 Provisional Ballots entered on the Master Provisional Ballot Log, Group One, for the November 8, 2016 General and Special Elections 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 8, 2016 General and Special Elections. The motion passed by a vote of 3-0.

Mr. Hunt moved that **1** of the 2 Provisional Ballots entered as rejected on the Master Provisional Ballot Log, Group One, for the November 8, 2016 General and Special Elections be **disqualified** for the reasons determined by a majority vote of the Electoral Board. The other **1** provisional ballot (1505) was qualified and will be counted. The Provisional Ballot Log shall be retained and incorporated into the Minutes of the Canvass for the November 8, 2016 General and Special Elections. The motion passed by a vote of 3-0.

Ms. Hanley moved that two provisional ballots (1747, 2813) be removed from the Master Provisional Ballot Log, Group One, for additional research. The motion passed by a vote of 3-0.

Mr. Sasnett informed the Board that all of the provisional voters who did not sign the provisional ballot envelope would receive one telephone call informing them that they have until noon on Monday, November 14, 2016, to come to the Office of Elections and sign their envelope. The Board concurred with this decision.

The Board approved a total of 202 provisional ballots on Friday, November 11, 2016.

At 2:27 p.m. Mr. Hunt recessed the canvass. The canvass will reconvene at approximately 2:00 p.m. on Sunday, November 13, 2016.

Sunday, November 13, 2016
Reconvened Canvass and Provisional Ballot Meeting

At 2:00 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 November 8, 2016 General and Special Elections, 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 FCDC was John Farrell; there was no authorized representative for the FCRC. **One** voter appeared to present additional information regarding her 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 2:15 p.m.

At 2:54 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 **422** of the Provisional Ballots entered on the Master Provisional Ballot Log, Group Two, for the November 8, 2016 General and Special Elections 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 8, 2016 General and Special Elections. The motion passed by a vote of 3-0.

The Board approved a total of 422 provisional ballots on Sunday, November 13, 2016.

At 4:00 p.m. Mr. Hunt recessed the canvass. The canvass will reconvene at approximately 9:00 a.m. on Monday, November 14, 2016.

Monday, November 14, 2016
Reconvened Canvass and Provisional Ballot Meeting

At 9:00 a.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 November 8, 2016 General and Special Elections, 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 FCDC was John Farrell; there was no authorized representative for the FCRC. **Two** voters appeared to present additional information regarding their provisional ballots.

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 2:15 p.m.

At 3:29 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.

FCDC objected to the rejection of provisional ballots for lack of voter signature, stating that the voter should not be penalized for the failure of an election officer to ensure that all required information is provided on the provisional ballot envelope.

Mr. Sasnett explained to the Board that during the processing of the qualified provisional ballots in Group Two, provisional voter (PV) 2319's envelope contained a spoiled absentee ballot. Because PV 2319 surrendered and spoiled the absentee ballot and voted in precinct on Election Day, this provisional should be removed from Group Two. Ms. Hanley moved to strike PV 2319 from the Master Provisional Log. The motion passed by a vote of 3-0.

Mr. Hunt moved that 83 of the Provisional Ballots, plus the following 11 provisional ballots, 3084, 2043, 1501, 1490, 1467, 1469, 1461, 1767, 1087, 1016, and 3277 entered on the Master Provisional Ballot Log, Group Three, a total of **94** Provisional Ballots, for the November 8, 2016 General and Special Elections 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 8, 2016 General and Special Elections. The motion passed by a vote of 3-0.

Mr. Hunt moved that **1405** of the Provisional Ballots entered as rejected on the Master Provisional Ballot Log, Group Three, for the November 8, 2016 General and Special Elections, (which no longer includes 3084, 2043, 1501, 1490, 1467, 1469, 1461, 1767, 1087, 1016, and 3277), 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 for the November 8, 2016 General and Special Elections. The motion passed by a vote of 3-0.

The Board then opened and scanned the **717** qualified provisional ballots (268 from the 8th, 123 from the 10th, and 326 from the 11th). The Board then completed the Statement of Results.

At 3:36 p.m. Mr. Hunt recessed the canvass. The canvass will reconvene at approximately 12:00 p.m. on Tuesday, November 15, 2016.

Tuesday, November 15, 2016
Reconvened Canvass and Provisional Ballot Meeting

At 12:47 p.m. the Board reconvened the canvass. Mr. Stark, with the Board concurring, again praised staff for its preparation, attention to detail, organization and effort in conducting the election and the canvass during a challenging and unpredictable election cycle. Ms. Hanley noted that the exceptional cooperation with the Board of Supervisors, other county agencies, and the Fairfax County Public Schools contributed to the Office of Election's successful conduct of the November 8, 2017 election.

The Board then certified the election results for the November 8, 2016 General and Special Elections, and signed the abstracts. Write-in certification for the 11th Congressional District House of Representatives was also prepared and signed. All paperwork will be submitted to the Department of Elections no later than Tuesday, November 15, 2016 at 4:30 p.m.

Mr. Stark made a motion that there being no further business, the Board conclude the November 8, 2016 General and Special Elections. By a vote of 3-0, and without objection, the Board adjourned at 12:49 p.m. on Tuesday, November 15, 2016.

Attachments

Stephen M. Hunt, Chairman

Seth T. Stark, Vice Chairman

Katherine K. Hanley, Secretary