

MINUTES  
Fairfax County Electoral Board  
November 8, 2023

The Fairfax County Electoral Board (Board) met on Wednesday, November 8, 2023, 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 and Special Elections held on November 7, 2023, and in Suite 251 and Suite 364 to transcribe the write-ins for contests that met the 10% threshold. Chairman Katherine K. Hanley, Vice Chairman Jeffrey K. Shapiro, Secretary Amb. (ret.) Christopher P. Henzel, Election 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.

Ms. Hanley called the Canvass to order at 10:04 a.m., introduced the Board, and welcomed the Canvass workers. She thanked everyone for a well-run, successful election.

Ms. Hanley moved to appoint Phyllisa Goldenberg and Lawrence “Larry” Danforth as Electoral Board representatives to substitute for Ben Jarratt or Bill Turley if they are not available for any days during the Canvass of the November 7, 2023, General and Special Elections. The motion passed by a vote of 3-0.

Ms. Hanley asked Mr. Udeshi to give instructions on conducting the Canvass. Mr. Udeshi explained to the eighteen assembled teams that they will verify that all required election documents have been returned, ensure the accurate completion of the statement of results (SOR) including verifying that all tapes are properly attached in the correct order and that they match the SOR and the ERM (Election Results Management-ElectionWare) reports. If any signatures or documents are missing, the Office will follow up. Corrections should be made in red. Additionally; the Office will review all remaining election materials to ensure completion and accuracy. Any issues or problems regarding the Canvass should be brought to the Board and any polling place concerns should be reported to the Clerk. The Chief’s Notes will be set aside for Board review.

Write-ins for three contests on the ballot exceeded the 10% threshold, specifically, Commonwealth’s Attorney, Town of Clifton Mayor, and Clifton Town Council. Twenty-four 2-person teams were assembled in Suite 251 and 364 to transcribe the write-ins for those contests. Because the write-in percentage of the ‘vote for not more than six’ Vienna Town Council contest was 9.41%, exceeding the number of votes garnered by the fifth-place finisher at 8.98%, and the sixth-place finisher at 8.94%, the Board asked the Mr. Udeshi to include this race in the transcription process to determine if a write-in candidate prevailed. The write-in teams will transcribe the names exactly as they appear on the ballot. The Board representatives will analyze the name variations and make recommendations to the Board. The Board will review the recommendations and make the final decisions on how to count the name variations.

Ms. Hanley 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 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 12:00 p.m. The doors were secured, and at 1:00 p.m. the conference room was re-opened, and the Canvass continued.

At 1:02 p.m. the Board concluded the Closed Session. Ms. Hanley 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. Ms. Hanley recessed the provisional ballot meeting subject to the call of the chair.

Throughout the day, the Board monitored the canvass operations in Suite 251 and Suite 364. This included inspecting and adjudicating signature variations for the write-in transcriptions.

Staff reported that there will be approximately **4100** provisional ballots to adjudicate.

At 5:30 p.m. the Electoral Board recessed the Canvass until 9:00 a.m. on Thursday, November 9, 2023.

Thursday, November 9, 2023  
Reconvened Canvass and Provisional Ballot Meeting

At 9:00 a.m. the Electoral Board reconvened the canvass in Suite 251. Write-in transcription continued in Suite 251 and 364.

An updated notice was emailed to the Electoral Board Notice List providing a tentative line for the completion of the canvass:

- 9:00 a.m., Thursday, November 9 – Completion of precinct canvass and write-in transcription, Conference Room 251, Suite 364
- 9:30 a.m., Thursday, November 9 - Hand count of ballots unable to be digitally scanned, Suite 339

- 10:00 a.m., Sunday, November 12 – Provisional ballot adjudication; write-in transcription for absentee by mail ballots, Election Day drop-box absentee ballots, and hand-counted ballots, Conference Rooms 315, 319
- 6:00 p.m., Monday, November 13 - Write-in transcription for absentee ballots received by 12:00 noon, Conference Rooms 315, 319
- 8:00 a.m., Tuesday, November 14 - CAP canvass, preparation of Write-in Certifications, completion of Abstracts, Conference Rooms 315, 319

The first phase of the precinct Canvass was completed at approximately 1:55 p.m. The write-in transcription was completed at 2:25 p.m.

The provisional voter log was completed and distributed to the political committees at 4:40 p.m.

Throughout the day, the Board monitored the canvass operations in Suite 251 and Suite 364. This included inspecting and adjudicating signature variations for the write-in transcription.

Ms. Hanley moved that the Board go into Closed Session pursuant to Virginia Code Sections 2.2-3711(A)(7) and (A)(8). Closed Session under part (A)(7) will be conducted for the purpose of consultation with the Electoral Board’s legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Board. Closed Session under part (A)(8) will be conducted for the purpose of consultation with the Electoral Board’s legal counsel regarding specific matters requiring the provision of legal advice by such counsel. The subject matter to be consulted upon is the hearing scheduled to take place in Fairfax Circuit Court on Monday, November 13, 2023.

Without objection, and by a vote of 3-0, the Board entered a Closed Session at 4:06 p.m.

At 4:50 p.m. the Board concluded the Closed Session. Chairman Hanley 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 Henzel then called the roll for the vote on the above statement:

Voting Yes: Chairman Hanley  
Vice Chairman Shapiro  
Secretary Henzel

At 4:55 p.m. the Electoral Board recessed the Canvass until 10:00 a.m. on Sunday, November 12, 2023.

Sunday, November 12, 2023  
Reconvened Canvass and Provisional Ballot Meeting

At approximately 10:45 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. There were no provisional voters.

Ms. Hanley 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 Fairfax County Republican Committee (FCRC) was Andrea Bayer; there was no authorized representative for the Fairfax County Democratic Committee (FCDC). The motion passed by a vote of 3-0, and the Board moved into Closed Session at 10:47 p.m.

The Board recessed at 11:38 a.m. and reconvened at 11:55 a.m.

At 12:40 p.m. the Board concluded the Closed Session. Ms. Hanley 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.

Ms. Hanley moved that **3872** out of the 4098 Provisional Ballots cast and entered as qualified on the Master Provisional Ballot Logs 1 and 2 be **accepted and counted** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Logs shall be retained and incorporated into the Minutes of the Canvass for the November 7, 2023, General and Special Elections. The motion passed by a vote of 3-0.

Ms. Hanley moved that the remaining **226** out of the 4098 Provisional Ballots entered as disqualified on the Master Provisional Ballot Logs 1A and 2A be **rejected** for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Logs shall be retained and incorporated into the Minutes of the Canvass for the November 7, 2023, General and Special Elections. The motion passed by a vote of 3-0.

Of the 4098 provisional ballots that were qualified, 2164 were SDR provisional ballots. Of the 4098 provisional ballots cast, 94% received a recommendation to be qualified and counted.

Mr. Udeshi reported that a total of 294 ID Confirmation Statements were submitted, 102 in the voter satellite offices, and 192 in the precincts on Election Day.

The 3872 qualified provisional ballots were extracted, and 3782 were scanned on the high-speed DS850, and 3 DS200 machines. The Board hand-counted 90 ballots that could not be scanned on the voting machines. The scanning was completed at 6:30 p.m., the results were uploaded into ERM, and a report was generated for the statement of results. Four teams transcribed the additional write-ins from the qualified provisional ballots.

Once the results from the provisional ballot adjudication were uploaded and verified in the ERM system, the Board completed the Statement of Results for the qualified provisional voters for the November 7, 2023, General and Special Elections.

Four 2-person teams completed the required transcriptions for the write-ins on the provisional ballots, absentee ballots from the Election Day drop boxes, the hand-counted ballots, and the ballots received by mail and postmarked no later than November 7, 2023,

The Canvass recessed at 9:07 p.m. and will reconvene on Monday, November 13, 2023, at 6:00 p.m.

Monday, November 13, 2023  
Reconvened Canvass and Provisional Ballot Meeting

The Electoral Board reconvened the canvass at 6:20 p.m. in Conference Room 315/319 to re-adjudicate 28 provisional ballots after guidance was received from the Department of Elections (ELECT) about SDR provisional voters who completed the non-SDR side of the provisional envelope.

Ms. Hanley 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). There were no authorized representatives for the political committees. The motion passed by a vote of 3-0, and the Board moved into Closed Session at 6:21 p.m.

At 6:51 p.m. the Board concluded the Closed Session. Ms. Hanley 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.

Ms. Hanley moved that the following 27 provisional ballot numbers 3903, 3904, 3905, 3906, 3907, 3908, 3910, 3912, 3913, 3916, 3918, 3919, 3920, 3921, 3922, 3926, 3927, 3928, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3945, and 3952 previously entered as disqualified on **Provisional Ballot Log 1A** and 1 Provisional Ballot number 4030 previously entered as disqualified on **Provisional Log 2A** for the General and Special Elections held on November 7, 2023, now be entered as **qualified** on **Provisional Ballot Log 2** for the General and Special Elections held on November 7, 2023. These ballots shall be accepted and counted for the reasons determined by a majority vote of the Electoral Board. The Provisional Ballot Logs shall be amended, retained, and incorporated into the Minutes of the General and Special Elections held on November 7, 2023.

The 28 additional qualified provisional ballots were extracted and scanned on a DS200 machine. The scanning was completed at 6:30 p.m., the results were uploaded into ERM, and a report was generated for the statement of results. Two 2-person teams transcribed the additional write-ins from the 28 qualified provisional ballots.

With the additional 28 provisional ballots, a total of 3,900 provisional ballots were qualified, and 2192 were SDR provisional ballots. Of the 4098 provisional ballots cast, 95% received a recommendation to be qualified and counted.

The Electoral Board continued its inspection and adjudication of signature variations for the for the write-in transcriptions.

Once the results from the additional provisional ballot adjudication were uploaded and verified in the ERM system, the Board completed an amended Statement of Results for the qualified provisional voters for the November 7, 2023, General and Special Elections.

The Canvass recessed at 9:07 p.m. and will reconvene on Tuesday, November 14, 2023, at 8:00 a.m.

Tuesday, November 14, 2023  
Reconvened Canvass

The Electoral Board reconvened the canvass at 8:17 a.m. in Conference Room 315/319. The CAP Canvass began at 8:18 a.m. At 9:03 a.m. the Canvass of the fifteen satellite voter offices plus the Fairfax County Government Center was completed. One 2-person team completed the remaining transcriptions for the write-ins on the ballots received by mail and postmarked no later than November 7, 2023.

The Electoral Board finished its inspection and adjudication of signature variations for the write-in transcriptions.

At 3:10 p.m. Mr. Henzel informed the Board that he was unable to complete the canvass due to a professional out-of-state obligation. The Board elected Mr. Shapiro as Acting Secretary. The State Board of Elections was informed that Mr. Henzel would be unable to finish the canvass and sign the abstracts. At 5:40 p.m. Ms. Hanley and Mr. Shapiro certified the results of the election and signed the Abstracts. At 7:16 p.m. the Abstracts, Election Certification Checklist, and Write-in Certifications for Commonwealth's Attorney, Town of Clifton Mayor, and Clifton Town Council, and a set of voided ballots were sent electronically for review to the Department of Elections. All printer oaths have been received and filed with the Electoral Board minutes and supporting documents.

Mr. Shapiro moved that there being no further business, the November 7, 2023, General and Special Elections be concluded. By a vote of 2-0, and without objection, Ms. Hanley and Mr. Shapiro adjourned at 6:55 p.m.

#### Attachments

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Hon. Katherine K. Hanley, Chairman

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Jeffrey K. Shapiro, Vice Chairman

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

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