

**Rules and Call for the Arlington County Democrats  
2020 School Board Endorsement**  
**Including an unassembled Caucus to be held on Thursday, May 7,  
2020 (7 p.m. to 9 p.m.) at Drew Elementary School and Saturday,  
May 9, 2020 (11 a.m. to 7 p.m.) at Washington-Liberty High School**

*The Arlington County Democratic Committee (“ArlDems”) hereby authorizes the endorsement of up to two candidates for Arlington County School Board in the November 3, 2020 election, calls for an unassembled caucus of Arlington Democrats, and provides these Rules for the determination of the endorsement(s).*

**1. Candidate Filing Requirements:**

a. **Candidate filing format.** In order to be eligible for endorsement by the participants in the unassembled Caucus, candidates for Arlington County School Board who wish to seek the Democratic endorsement must file a letter of intent with the Chair of the Arlington County Democratic Committee (“Chair”), or his/her designated representative, after January 1, 2020, and before 7:30 p.m. on Monday, March 2, 2020. Each letter of intent (“Filing”) must include:

- 1) An affirmation that the candidate:
  - a) is legally eligible to run for Arlington County School Board;
  - b) is a Democrat;
  - c) is a resident of and registered to vote in Arlington County, Virginia;
  - d) does not intend to run against – or support, endorse or assist any candidate who is opposed to – a Democratic nominee or endorsee in the general election;
  - e) is not a member of any other political party;
  - f) has not participated and will not participate in the nomination or endorsement process of any other political party for the general election; and
  - g) has read, understood and agrees to abide by these Rules.
- 2) An original signature of the candidate making the affirmation;
- 3) Campaign contact information including a physical delivery address, postal mail address, e-mail address, and telephone number where the candidate or the candidate’s representative can be reached for purposes of formal notification; and,
- 4) The name format the candidate intends or expects to use on the general election ballot, which must comply with Virginia Department of Elections (“VDE”) rules for ballot name format (e.g., as found on the VDE Certificate of Candidate Qualification).

- b. **Mandatory fee.** A non-refundable fee of four hundred and thirty-two dollars and 16 cents (\$432.16) (two percent of the starting salary of a School Board member) made payable to the Arlington County Democratic Committee must accompany the letter of intent.
- c. **Deadline and means of filing.** Candidate Filings must be received by not later than 7:30 p.m. on Monday, March 2, 2020. A candidate whose Filing contains errors or omissions may supplement or amend the Filing any time before the deadline. Candidates may file through a designated agent, but such action in no way alters the responsibility of the candidate nor extends the deadline for receipt. The Chair or his/her designated representative must personally receive the Filing for it to be valid; the Chair will take reasonable steps to ensure that candidates or their agents can easily locate and transmit their Filings to the Chair or his/her designated representative. A candidate may request a receipt from the Chair confirming acceptance of a valid Filing.
- d. **Mandatory meeting and ballot order drawing.** Each candidate or a representative for each candidate must be present at ArlDems Headquarters at 7:30 p.m. on Monday, March 2, 2020 to draw lots for choice of ballot placement, select their placement, and participate in a candidate briefing. The Chair may deny party services to any candidate not present or represented for the briefing (until the candidate attends a subsequently scheduled briefing), and will allocate unclaimed ballot order slots to the candidate on March 2, 2020, as needed, determined by lot in random order.
- e. **Disqualification as a candidate.** Only those candidates who have properly filed by 7:30 p.m. on Monday, March 2, 2020, will be listed on the official ballot and be eligible for endorsement. The Chair must reject a Filing with material errors or omissions, however the Chair, in his or her sole and final discretion, may accept a promptly re-submitted and corrected Filing to supplement a substantially-completed Filing that was submitted prior to the deadline. At any time before 5:00 p.m. Monday, May 4, 2020, the Chair may rule ineligible for endorsement any candidate for making false or misleading statements on his or her Filing, or failing to honor or satisfy the fee detailed in Rule **1.b**. Such a determination becomes effective upon announcement by the Chair, who must take reasonable efforts to promptly notify the candidate and the public. The candidate may file an appeal to overrule the Chair to the ArlDems Steering Committee ("Steering Committee") as provided in Rule **7**. In the event a candidate is declared ineligible, the caucus process will proceed in accordance with the provisions of Rule **2.b**. for candidates who have withdrawn.
- f. **No contest.** In the event that fewer than three candidates have made a valid filing by the Monday, March 2, 2020, deadline, the Caucus will be canceled. In such an event, any candidates who have filed will be considered proposed for the ArlDems endorsement for School Board. At the May 6, 2020, ArlDems meeting, ArlDems will

vote to determine whether the proposed candidate(s) would effectively represent the principles of the Democratic Party. A separate motion for each filed candidate – to endorse the proposed candidate (without extraneous elements) – will automatically be considered in order, and not subject to amendment by less than a 2/3 vote of ArlDems; and a majority vote in favor of the motion to endorse each candidate will be necessary for that motion to endorse to pass. The failure of an endorsing motion to be made or to pass will result in the application of Rule **1.g.** as if that candidate had not filed. The Steering Committee may issue special rules for debate on the motion. Unless otherwise determined by the Steering Committee or a 2/3 vote of ArlDems, debate on each motion will be limited to a 3-minute statement by the proposed candidate, followed by no more than 10 minutes of debate, with no member holding the floor for more than 1 minute if other members are seeking recognition.

- g. **Insufficient candidates.** In the event that fewer than two candidates have made a valid filing, the Steering Committee will have the sole power to determine when and/or whether a motion to endorse a School Board candidate for each un-filed-for slot will be in order at a subsequent meeting of ArlDems. The Steering Committee may also issue special rules for debate of such motion.

## 2. **Ballots and Method of Voting**

**a. Ballot form.** A ballot will be prepared that lists the names of all qualified candidates in an order determined according to Rule **1.d.** Candidates' names will appear as they are intended or expected to appear on the General Election ballot in accordance with State regulations for such name-forms.

**b. Candidate withdrawal.** If a candidate wishes to withdraw from consideration by the Caucus participants, he or she must notify the Chair in writing by 5:00 p.m. on Tuesday, May 5, 2020. If enough candidates withdraw before 5:00 p.m. on Tuesday, May 5, 2020, such that there are fewer than three candidates remaining, the Caucus will be cancelled and the provisions of Rule **1.f.**, or **1.g.** will apply, except that the May 6, 2020 ArlDems meeting will be substituted for the April 1, 2020 ArlDems meeting. Names of candidates who withdraw prior to 5 p.m. on Wednesday, April 29, 2020, will not appear on the ballot. Otherwise, withdrawn candidates will remain on the ballot, but a list of those candidates who have withdrawn will be posted in a prominent place at the Caucus location and votes for those candidates will not be counted toward that candidate.

**c. Election method.** The instant-runoff (preference voting) method of election will be used to determine the endorsees. Each voter will indicate on his or her ballot a preference order for candidates (by, for example, using numerals such as "1, 2, 3, 4..."). Voters must indicate a first choice and may indicate preference order for some or all other candidates. When the votes are tallied, the election will be

conducted as if it were two single-seat elections (“stages”), conducted one immediately after the other, in which the candidate receiving the endorsement in the first stage will be treated as a withdrawn candidate in the second stage. The winning candidate in each stage must (except in the case of a tie) receive a majority of votes allocated during the final preference vote counting round in that stage, as described in Rule 5.

**d. Method of marking ballots.** Voters will be instructed on the ballot to indicate preference order using numerals. The failure of a ballot to mark a rank for all candidates under the instant-runoff system will not invalidate the ballot for purposes of counting it toward candidates whose preference order is clearly marked and capable of only one reasonable disposition in a given voting round. If only one candidate is selected on a ballot (for example, with a “/”), the ballot will be counted as if the selected candidate had been marked with a “1”. Ballots otherwise not marked in the prescribed manner need not be automatically disqualified – and may be counted in any stage or round of voting – if there is only one reasonable interpretation of the effect of the vote as applied to that stage and round of voting (for example, if the voter marks a ballot with a “1”, “2”, “3” and two “4”s, then the ballot may be counted so long as any of the first three indicated candidates remain active in that round of voting).

### **3. Caucus Officers, Officials, and Other Authorized Persons and Activities**

#### **a. Officers of the Caucus**

- 1) The Chair of the Arlington County Democratic Committee will serve as Chair of the Caucus.
- 2) The Secretary of the Arlington County Democratic Committee will serve as the Secretary of the Caucus.
- 3) The Sergeant-at-Arms of the Arlington County Democratic Committee will serve as the Sergeant-at-Arms of the Caucus.
- 4) The Parliamentarian of the Arlington County Democratic Committee will serve as the Parliamentarian of the Caucus.

**b. Director and subordinate officials.** The Chair, in consultation with the Sergeant-at-Arms, will appoint, and the Steering Committee will approve, a Caucus Director (“Director”) to manage the Caucus event. The Chair may also exercise all duties of the Director in the absence of the Director. The Director will appoint (and remove) all Caucus officials (other than the Caucus officers designated in Rule 3.a.), in consultation with the Chair, and may appoint substitutes for the Caucus officers if the individuals designated for those positions are not present and willing to serve.

- 1) A Deputy Director will be responsible for overseeing volunteer recruitment, outreach to the Young Democrats, and other duties as

needed.

- 2) A Disability Services Voting Manager and his or her assistants will be responsible for supervising the process of accepting disability services ballots from mobility- impaired voters.
  - 3) A Caucus Database Manager will be responsible for obtaining a registered voter list and for supervising the checking of all Caucus voters against that list.
  - 4) There will be as many additional Caucus officials as the Director deems necessary for the operation of the Caucus.
- c. Conduct of Caucus officials.** All Caucus officials must wear official Caucus credentials while performing their duties at the Caucus. No Caucus official may engage in partisan activity (i.e., activity supporting or opposing a particular candidate) while performing the duties of a Caucus official, or while wearing credentials as a Caucus official.
- d. Campaign poll watchers.** Each candidate (or campaign) may designate up to two (2) poll watchers. At any time, but with the permission of the Director or the Director's designee, a campaign may "swap out" an individual serving as a poll watcher for another such individual. Each poll watcher must wear credentials identifying him or herself as such. No person will be allowed to serve as a poll watcher and a Caucus official at the same time. No individual may engage in partisan activity while performing the duties of a poll watcher, or while wearing official credentials. No poll watcher may initiate a conversation with any participant (although he or she may assist a participant who requests it by directing the participant to a Caucus official) without the permission of the Director, nor may a poll watcher interfere with the privacy of individual voters casting ballots. Poll watchers may observe all aspects of the election (other than those of the Teller Committee), including the setting up of the Caucus site and the activities of the Expediting Committee.
- e. Media.** Representatives from the press and other media outlets must be issued credentials as observers before or upon entering the voting room and may be required to participate in a briefing in order to obtain credentials. Those issued credentials must not interfere with the voting process or the privacy of individual voters.
- f. Enforcement of good conduct.** The Director may request that the Sergeant-at-Arms eject any person from the Caucus whose behavior is disruptive to the good order, conduct, fairness, effectiveness, security and/or decorum of the Caucus. Such request will result in the immediate and automatic loss of whatever rights, privileges or actions to which the person and any affiliated organization might otherwise have thereafter been entitled (e.g., to apply for a ballot, cast a ballot, or observe the election). Readmission to the Caucus (if at

all) of the person or affiliated organization, and/or restoration of any lost right, privilege or entitled action will thereafter be at the discretion of the Director. For purposes of this Rule, “the Caucus” includes all parts of the facility and surrounding property in which the Caucus is conducted.

**g. Review of election operations.** Any and all decisions by any Caucus official (including those of the Director but excluding certifications by the Teller, Expediting, and Provisional Teller Committees) may be appealed to the Director, and then to the Chair. Except as otherwise provided in Rule 7, the decision of the Chair will be final.

**h. Neutrality.** The following individuals may not publicly endorse or support any candidate seeking the school board endorsement:

- 1) Party Chair
- 2) Party Deputy Chair
- 3) Caucus Director
- 4) Caucus Deputy Director
- 5) Caucus Disability Services Voting Manager
- 6) Caucus Database Manager
- 7) Head Teller
- 8) Tellers (other than campaign-designated)
- 9) The Chair may publicly oppose a candidate only in extraordinary circumstances where the Chair together with a 2/3 vote of the ArlDems Steering Committee determines that a candidate is not a Democrat or that a candidate’s behavior violates the tenets of the Arlington County Democratic Committee.

#### **4. Caucus Procedures**

**a. Ballot box preparation.** No more than one hour before the start of each day of the Caucus, the Director will, in the presence of the Chair and any candidate (or designated candidate representative) who wishes to observe, open a ballot box to ensure that it is empty and seal the box in a manner that makes it impractical to open without evidence of tampering. During the course of the Caucus, if a second or subsequent ballot box is required, it will be opened, inspected and then sealed using the same procedure, with notice to any candidate (or representative) who is present and may wish to observe.

**b. Commencement of the Caucus.** At 7:00 p.m. on Thursday, May 7, 2020, the Director will declare that the Caucus has begun; no participant may enter the Caucus area before that time. The vote will be held from 7:00 p.m. until the last person in line to vote at 9:00 p.m. has cast his or her ballot, at which time the Director will declare the caucus voting closed for that date.

**c. Sealing and storage of the ballot box.** After the last eligible person has voted on Thursday, May 7, 2020, the Director will, in the presence of the Chair and

any candidate (or designated candidate representative) who wishes to observe, seal the ballot box and secure it in a tamper-evident manner until the resumption of voting at 11:00 a.m. on Saturday, May 9, 2020. The Director will be responsible for ballot security during this interval and will store the sealed ballot box(es) in such a manner as to reasonably ensure that they will not be subject to tampering.

- d. **Resumption of the Caucus.** At 11:00 a.m. on Saturday, May 9, 2020, the Director will open the doors to the Caucus and declare that the Caucus has resumed. The vote will be held from 11:00 a.m. until the last person in line to vote at 7:00 p.m. has cast his or her ballot at which point the Director will declare the caucus voting closed
- e. **Records.** The Secretary will maintain a formal record of the proceedings, including the certifications indicated in Rules 5 and 6.
- f. **Limits on campaigning.** No campaigning or other partisan activities on behalf of or opposed to a Caucus candidate are permitted inside any Caucus building unless approved for all candidates by the Director and all campaigning and partisan activities are prohibited within forty (40) feet outside any entrance to any Caucus building. The use of any amplified audio system is not permitted within three hundred (300) feet of any Caucus building. No campaign or individual may unduly interfere with persons entering or departing any Caucus location.
- g. **Required declaration form.** At the door of the Caucus, the participants will receive the Democratic Party declaration form, which will require each participant's full name and address, and a location for the participant to sign the following pledge:

*I certify that I am a resident of and registered to vote in Arlington County, Virginia; I am a Democrat; I believe in the principles of the Democratic Party; and I do not intend to support, endorse or assist any candidate who is opposed to a Democratic nominee or endorsee in the ensuing election.*

No participant will be permitted to vote in the Caucus unless he or she completes the declaration form.

- h) **Use of information.** The list of voters who participate in the Caucus is the property of ArlDems, and ArlDems has the right to disclose to any person the fact that a person has participated in the Caucus. However, if a participant specifically asks to limit future communications unrelated to the ensuing election from ArlDems or its affiliates by mail, phone and/or e-mail, ArlDems will take reasonable steps to honor that request.
- i. **Review of declaration.** After each participant has completed and signed the

declaration form, he or she will submit the form to a Caucus official who will ensure that the form is completed in full and without alterations, including signature, after which a Caucus official will check the information against the registered voter list (“RVL”). A declaration form identified by a Caucus official as not having been completed accurately and in full, as not including a signature, or as containing any alteration(s) to the pledge, will be rejected, although the participant will be eligible to submit an unaltered or complete declaration form.

- j) **Monitoring participant validation.** The candidate poll watchers may observe, but not interfere with, the validation process. Any question regarding the eligibility of a participant should be taken immediately to the Caucus Database Manager or the Director. On Saturday, May 30, 2020, poll watchers (or other campaign representatives specifically approved by the Director) may have access to that day’s completed registration forms under terms and conditions set by the Director to avoid interference with registration and to provide equitable access to the data for all candidates.
- k) **Standards for participant verification.** A participant fulfilling the requirements of Rule 4.g. above is eligible to vote if he or she is validly registered as a voter in Arlington County at the time he or she seeks to participate in the Caucus. When a participant presents a properly completed declaration form, a caucus official will check the information from the form against the Caucus copy of the RVL to ascertain the participant’s voting eligibility. If a participant is not listed on the Caucus copy of the RVL, he or she may offer a certificate of voting eligibility issued by the Arlington Voter Registrar (i.e., a voter registration card or receipt) on or after April 1, 2016 or demonstrate his or her registration via the VDE website, in which case the participant will be eligible to vote in the ordinary fashion. DMV receipts will not constitute evidence of registration. A participant who is deemed eligible to participate in the Caucus by the Caucus official will be given a vote ticket and instructed to proceed toward the area where the ballots are located.
- l) **Provisional voting.** If a participant believes that he or she is registered to vote in Arlington, but cannot demonstrate registration via the foregoing methods, the Director will instruct a Caucus official to provide the participant with a ballot to cast provisionally. Provisional ballots must be marked and returned to the Director, who will seal the provisional ballot in an envelope, mark it as provisional, affix to the sealed envelope the participant’s declaration form, and hold the provisional ballot in the sealed envelope without casting it. ArIDems will seek to have the Arlington Registrar of Voters verify by Monday, May23, 2016 whether those individuals who cast provisional ballots were registered voters as of the above deadlines. Those verified as registered voters of Arlington County as of the time specified in this Rule will have their provisional ballot included in

the official count (also see Rule 6 below).

- m) **Distribution of ballots.** When a participant with a vote ticket arrives at the location where ballots are located, a pair of Caucus officials will hand the participant one official paper ballot in exchange for the vote ticket, with a procedure ensuring that only one ballot is given to each participant.
- n) **Marking and casting of ballots.** Caucus officials will direct each voter to the location where he or she may make his or her ballot selection, and may provide voting instructions as needed. Voters will mark their ballots in a setting that permits observation by Caucus officials, but also permits voter privacy and confidentiality of voter choice. Upon marking his or her ballot, each voter may fold the ballot and must place the ballot into the ballot box. A vote is not considered cast until it has been placed into the ballot box. If a voter spoils a ballot before casting it, the voter may request a replacement ballot; however, only the Director may exchange such a ballot for a fresh ballot.
- o) **Disability Services.** A participant with a physical disability may request the physical assistance of one or more Caucus officials to execute any of the tasks listed in this section (e.g., to read and/or mark any form and/or place a ballot in the ballot box) (“Disability Services Voting”). Disability Services Voting is permitted with the permission of either the Disability Services Voting Official or the Director if necessary to accommodate a disabled participant. When a designated Caucus official determines that a participant should be permitted to cast his or her vote through Disability Services Voting, a Caucus official must deliver a declaration form to the participant, transmit the complete declaration form for registration verification, obtain a ballot ticket (if the participant is eligible to vote), exchange the ballot ticket for a ballot, deliver the ballot to the participant, seal the marked ballot in an envelope to ensure voter privacy, and return the marked ballot to the Disability Services Voting Official or to the Director. Declaration forms for Disability Services Voting will be so marked and will be segregated from other pledge forms for purposes of reconciliation with the number of Disability Services Voting ballots when cast pursuant to Rule 4.q. The Disability Services Voting Official or the Director must place each completed Disability Services Voting ballot into a special receptacle designated for that purpose next to the ballot box and publicly announce his or her action in the presence of the person(s) watching the ballot box.
- p) **End of the Caucus.** Approximately five minutes before the appointed end time of each day, the Director or his designee will step outside the doors of the Caucus room and again outside the Caucus building to announce that the Caucus voting will end at the appointed time and at that time the doors to the Caucus will be closed. All persons in line at the entrance doors or in any designated line for Disability Services Voting at the appointed end time will be

allowed to vote. Any person not in line or in the voting room by the appointed time will not be allowed to vote.

- q) **Accounting of Disability Services Votes.** After the last person has voted on each day, the Director will gather the Disability Services Voting Official, the candidate representatives, and the Caucus Database Manager to observe the casting of the Disability Services Voting ballots. The Disability Services Voting ballots will be counted and compared to the number of Disability Services Voting declaration forms, with any discrepancies noted. The Director will then place all the Disability Services Voting ballots (including envelopes) into the ballot box.
- r) **Release of participation information.** On Friday, May 8, 2020, for not less than a two-hour period, the declaration forms submitted by voters on Thursday, May 7, 2020, will be made available for inspection by any candidate representative. The Chair will determine the location and time slot for this inspection. As a substitute for this inspection, the Chair may choose to release to each candidate, no later than 4:00 p.m. Friday, May 8, 2020, the names of those who voted on Thursday, May 7, 2020, by sending such list to the email address provided by each candidate in his or her letter of intent.
- s) **Adjustment of procedures and methods.** The Director may, in consultation with the candidates/campaigns, make reasonable adjustments to the procedures in this Rule for reasons including public safety, force majeure, unavailability of necessary resources or facilities or other unforeseen events. Furthermore, the Chair may, in consultation with the Director, and with reasonable notice to the candidates, determine that unforeseen events preclude the safe and effective operation of the Caucus, and in such a case direct that the Caucus or any of its ancillary functions be re-convened at another suitable time and place. Any cancellation, postponement or rescheduling of the Caucus or ancillary functions will be done with prompt notification to the candidates, the Steering Committee, and the public, including notice of any revisions to any other dates, times and places in these Rules that the Chair determines to be necessitated by the rescheduling.
- t) **Democratic Party participation.** All persons present at the Caucus facility – aside from credentialed media and facility employees – must sign a pledge indicating that they are Democrats, believe in the principles of the Democratic Party, and do not intend to support, endorse or assist any candidate who is opposed to a Democratic nominee or endorsee in the ensuing election. Signing the participant’s declaration form discussed in Rule 4.g. fulfills this requirement, and the Director may issue an alternate form for non-voting volunteers.
- u) **Democratic organizations present.** The Director may rent tables and/or space located between the voting area and the exit of the Caucus to Democratic-related organizations for a fee of **\$100**. Individuals staffing those

tables must fulfill the pledge requirements of Rule 4.t. The Director may impose other reasonable limits on staffing/manning and placement of such tables.

## **5. Determination of Endorsees: Counting of Votes, Announcement of Results**

- a. Ballot preservation.** No ballots will be counted until all eligible voters have cast their votes on Saturday, May 9, 2020.
- b. Teller Committee.** The Director will appoint a Teller Committee to count the votes. The Teller Committee will comprise a Head Teller and an equal number of tellers to represent each campaign and to represent the Director. Tellers who are campaign representatives will be proposed by each campaign but subject to approval by the Director. Tellers must fulfill the pledge requirements of Rule 4.t. In the event an insufficient number of qualified tellers can be found to complete the Teller Committee, the Director may appoint replacements. If the Teller Committee exceeds 12 individuals, the Director may also appoint an Assistant Head Teller.
- c. Sequestration of tellers.** The Teller Committee will conduct its activities in a segregated area of the room in which voting occurred or in a separate room that meets criteria for confidentiality of vote counts until completed and certified yet with space for authorized observers. All members of the Teller Committee must agree to be sequestered in this area and not to communicate with the outside world from the time the first ballot box is unsealed until the time that the results are certified, and must surrender electronic communications devices during this period to the Sergeant-at- Arms. The Director will make suitable arrangements for escorting tellers incommunicado outside the sequestration area for reasons of acute personal need. The segregated area will be designed to allow other Caucus participants to generally observe the Teller Committee's activities without interfering with them.
- d. Ballot box delivery.** Prior to counting votes therein, each ballot box will be examined outside the segregated area by candidate representatives and the Director. The Director will then deliver each box to the Teller Committee and open it in their presence.
- e. No interference with tellers.** Any person eligible to participate in or observe the Caucus is also eligible to observe the Teller Committee from outside the segregated area. Only the Director, Assistant Director, Chair, Sergeant-at-Arms, and Secretary may communicate with tellers. Only these individuals and the Head Teller may enter or leave the segregated area unescorted.
- f. Conduct of Teller Committee.** The Teller Committee will count, record, and verify the results of the Caucus voting. At the conclusion of their activities, the Teller Committee must agree upon their tabulations and affix their signatures

upon the written certification of the results. All activities of the Teller Committee will occur under the direction of the Head Teller. After consultation with the campaign representatives and the Head Teller, the Director may approve modifications to the Teller Committee procedures in this Rule 5 if those modifications will, under the conditions then existing, improve the fairness, accuracy, and/or confidence in the result of balloting and do not violate Rule 2.c. The Director, through the Head Teller, may at any point in the counting process authorize tellers to place additional marks or fixtures on ballots in a manner that facilitates accuracy in their sorting – provided that the Director and Head Teller must make all reasonable efforts to ensure that any such authorized marks do not obscure, erase, confuse, or otherwise fail to clearly preserve any marks made by a voter (efforts to include, for example, using different colored ink and/or placing the marks in a special location on the margin of the ballots).

- 1) *Opening.* The Director will open the ballot boxes in the presence of the Teller Committee. At the commencement of the counting process, the Director will also announce the number of provisional ballots cast and retained by the Director.
- 2) *Collection.* The members of the Teller Committee will remove the ballots from the ballot box and place them in a central area. They will also remove any Disability Services Voting ballots from their envelopes and add them to the other ballots.
- 3) *Sorting.* The members of the Teller Committee will unfold the ballots and divide them according to which candidate, or no candidate, was selected first on the ballot. If the number of candidates and/or ballots makes it feasible, the Head Teller may direct the ballots be further sorted at this time according to the second or subsequent choice. If any ballot is unclear, any teller may ask at any time that it be set aside as a “questionable” ballot. The remaining ballots, once unfolded and sorted by candidate selected, will be redistributed for counting pursuant to the provisions of Rule 5.4 below.
- 4) *Counting.* The tellers will then be placed into pairs, with no pair containing two representatives from the same campaign. The Head Teller will give each pair a stack of sorted ballots. Each pair of tellers will stack the votes into piles of 50 like votes for a given candidate (or ordered combination of candidates, as the case may be), and bind each stack together. Both tellers in each pair will be responsible for ensuring that each stack contains 50 votes for a particular candidate (or ordered combination), and each must sign a paper given to them by the Secretary so certifying and

- affix it to the stack. Any ballots that remain after the stacks of 50 votes are counted and certified will be counted into a short stack, and both tellers in each pair will certify as to the number of votes in each such stack. The tellers must alert the Head Teller regarding any wrongly placed or questionable ballots. The resulting certified stacks of ballots will be gathered together by the Head Teller in a central place.
- 5) *Review.* When all ballots that can be have been placed into stacks, the Head Teller will then assemble the Teller Committee, which will determine how to allocate each of the questionable ballots that could affect the totals in the current round of counting (or, in the Head Teller's discretion, any other questionable ballots for which a unanimous allocation is likely). The Teller Committee may unanimously declare that such a ballot be allocated to one particular candidate in that round, or to no candidate. If the Teller Committee cannot agree unanimously, then the ballot must remain a "questionable" ballot and will be indicated as such for purposes of the Teller Committee's certified total for that round. A questionable ballot may be re-considered in a subsequent stage or round if it is marked in a manner that could lead to a different Teller Committee determination of its validity or effect in that round.
  - 6) *Tallying.* The Head Teller, in the presence of the Teller Committee, will then count aloud the stacks of votes and the number specified in any short stack for each candidate (or ordered combination of candidates, as the case may be), or no candidate, in turn. The Secretary will record these results, and the Head Teller will compute a total for each candidate. The Head Teller must then ensure that all tellers agree on the totals (and report the total number of questionable ballots, if any).
  - 7) *Determinations.* The counting process will be divided into two stages – one stage for each open School Board seat. These stages will be conducted as if each endorsement were a single-seat election, using an instant-runoff counting process as provided in this Rule. When the winner of the first endorsement is determined, the second stage will commence to determine the winner of the second endorsement. At the start of the second stage, all ballots are re-activated and then sorted, stacked and counted in the general manner of the first stage, but as if the winner of the first stage had withdrawn – i.e., any ballot that would in any round be counted toward the winner of the first stage seat will instead be allocated according to the next- highest preference indicated on that ballot.
  - 8) *Majority requirement.* If during either stage of counting, one candidate has received a majority of the active ballots, then the counting will be concluded for that stage and that candidate designated an endorsee. If

no candidate has yet received a majority of active ballots in a stage, then one or more instant runoff voting rounds will occur using the preference voting system, except as described in Rule **6.d** (ties). An active ballot is a ballot that has been allocated in that round to a candidate or remains a questionable ballot, and an inactive ballot is one that has been allocated in that round to no candidate.

- 9) *Elimination and redistribution rounds within each stage.* In the second and subsequent rounds for each stage, the candidate with the lowest number of votes in the previous round will be eliminated and ballots previously allocated to that candidate will be re-allocated to other candidates according to the next highest preference indicated on the ballot. Those ballots will be sorted, stacked and counted (as needed) in the manner described in this Rule. If a ballot does not indicate a next higher preference, it will be set aside for the remainder of the stage and will not be an active ballot in any further round in that stage. If after any round of counting, one candidate has a majority of active ballots, the preference vote counting for that stage will conclude. If no candidate has a majority, another round will commence (again eliminating the candidate with the fewest votes in the current round and re-allocating the ballots accordingly).
- 10) *Calculations and close cases.* For purposes of calculating achievement of a majority, only active ballots will be considered in accordance with Rule **5.f.8**. In the event that one or more questionable ballots could determine the identity of the lowest-placed candidate or could determine whether a candidate has a majority of active ballots, the Head Teller will notify the Director and Chair and the Chair will immediately convene the Expediting Committee (constituted as described under Rule **5.g**) to allocate the questionable ballot(s). If a provisional ballot would determine such an outcome, the Teller Committee will proceed as if the provisional ballot did not exist, but will report to the Chair how the provisional ballot(s) could have affected the outcome at any phase. Ties will be resolved according to Rule **6.d**.
- 11) *Certification of results.* Immediately upon the conclusion of all counting, the Secretary will ensure that each member of the Teller Committee certifies the tabulation for each stage and round of counting in writing (including noting without endorsement the number of any unresolved questionable ballots and/or determinations of the Expediting Committee); no announcement of the results will be made until all reasonable efforts at this certification have been undertaken. If there are provisional ballots that would affect the outcome of any round and those provisional ballots

are ultimately validated, they will be used to adjust the outcome at each round where they would affect the outcome. (If in the course of sorting or counting the ballots the Teller Committee incidentally assembles additional data about voter choices that are not outcome-determinative, the Head Teller will also provide that information to the Chair.)

- g. Disposition of questionable ballots.** If the dispositive determination of any stage or round of counting (i.e. which candidate is to be dropped in the following round, or whether a candidate has achieved a majority in a stage) could depend on the disposition of questionable ballots (i.e. ballots as to which any teller does not agree as to the disposition in that round) an Expediting Committee will immediately convene. The Expediting Committee will consist of the Chair and up to four additional elected officers of ArlDems who are present at the Caucus at that time (or, if more than four are present, four will be selected by lot). The Expediting Committee will review any questionable ballots, and will determine for each ballot by plurality vote whether to allocate the ballot to one particular candidate or to no candidate as to the relevant round of counting, with the Chair being permitted to cast an additional vote if needed to break a tie. If the Expediting Committee is convened to determine the outcome of a particular round, it will disband upon disposing of the ballots for that round, subject to reconstitution if needed at a later moment. If the Expediting Committee is convened for any purpose, the Teller Certification will note in the appropriate section that the matter was referred to the Expediting Committee, and the Chair will certify the Expediting Committee's determination. If the Expediting Committee allocated ballots to determine a majority for endorsement in one stage, and if the margin of victory is then larger than the number of provisional ballots cast, then the candidate with the highest vote total will be declared the Democratic endorsee for that seat and Rule **5.h** be applied accordingly.
- h. Determination of endorsee.** If in any round of counting at either stage, the margin of victory (see Rule **5.f.8** regarding the relevant calculation) is greater than the number of questionable ballots (or after disposition of questionable ballots according to Rule **5.g**) plus the number of provisional ballots, then the candidate with the highest certified vote total will be declared a Democratic endorsee for School Board. In such a case, uncounted questionable ballots will not be reported in the official total, but any accredited provisional ballots will be included in the official total after being counted as per Rule **6** below.
- i. Announcement of results.** Following the certification of the results for both stages of endorsement, the Chair of the Caucus will announce the certified result to those assembled, and whether this has resulted in a Democratic endorsee or endorsees. If so, results will also be posted on the ArlDems website

in a timely manner.

- j. Preservation of ballots.** After the Chair has announced the results, all ballots (except provisional ballots) will be taken up, sealed, and held by the Chair or his designee in a secure manner until the end of the appeals period or, if there is an appeal, until the conclusion of the appeal. The Director or his or her designee must retain any provisional ballots in a secure manner until their disposition under Rule 6, below.
- k. Provisional ballots.** If provisional ballots are cast during the Caucus, and the number of those provisional ballots could potentially alter the outcome of the Caucus (i.e. the identity of an endorsee) if added to the results certified by the Teller Committee (and, if applicable, by the Chair according to the Expediting Committee), the Chair will announce the results, but the declaration of a Democratic endorsee will not be made until the provisional ballots are verified and counted on the day specified in Rule 6.

## **6. Disposition of Provisional Ballots, Ties**

- a. Accreditation of provisional ballots.** On Monday, May 11, 2020, when the Arlington County Office of Voter Registration opens (or a suitable time that day as determined and announced to each campaign in advance by the Director), the Director will consult with the Arlington County Registrar or her designee to verify whether those who cast provisional ballots are on the registered voters list of Arlington, as of the time specified in Rule 4.k. Ballots of such voters will be considered accredited. At the request of any candidate, the results of accredited provisional ballots will be included in the final count recorded by the Secretary and reported on the ArlDems website. Reasonable efforts will be made to protect voter privacy (i.e., to avoid disclosing the selection(s) made by a particular identified voter). Unaccredited provisional ballots will not be opened or counted.
- b. Counting of provisional ballots.** In the event there are accredited provisional ballots of sufficient number to possibly determine the election, a Provisional Teller Committee will convene to count them, otherwise the Director or the Director's designee will count them. The Provisional Teller Committee will include the Chair, one representative from each campaign, and up to two other tellers appointed by the Director. Each candidate may designate one observer to review the count of any accredited provisional ballots. The Caucus Officers listed in Rule 5.e. may also observe such count. If the Provisional Teller Committee is in unanimous agreement on how to allocate the accredited provisional ballots, its members must all sign a certification to that effect. If they disagree, each member of the Provisional Teller Committee must indicate in writing to which specific candidate (or to no

candidate) he or she would allocate each accredited provisional ballot in each relevant round of tabulation, and a plurality vote of the members of the Provisional Teller Committee will determine the final allocation for each ballot in that round, with the Chair permitted to cast an additional vote to break any tie.

- c. Determination of outcome.** If an endorsee has not been declared due to the need to ascertain the validity and disposition of provisional ballots, following the review of those ballots, the results of accredited provisional ballots (if any) will be added to the vote total(s) arrived at per Rule 5. The Chair will declare that the candidate(s) prevailing under the relevant part of Rule 5 as the Democratic endorsee(s) for Arlington County School Board. If both endorsees have been previously been declared, the official vote total will be adjusted by the accredited provisional votes, and the ArlDems website adjusted accordingly. The Chair will then retain any provisional ballots (whether accredited or not) as described in Rule 5.j.
- d. Breaking of ties.** In the event two candidates are tied in a round for last place, the Chair will flip a coin to determine the candidate to be dropped for the next round (if one is needed). In the event three or more candidates in a round are tied for last place (even if they are also tied for first place), one candidate will be determined by drawing of lots by the Chair to be dropped for the next round. In the event only two candidates remain in the first stage of counting, with each having the same number of votes, each will receive an endorsement and the second stage of counting will be cancelled. In the event only two candidates remain active in the second stage of counting, with each having the same number of votes, the second endorsement will be determined by a coin flip by the Chair.

## 7. Appeals

- a. Scope of appeals.** Any person having concerns regarding the conduct of the Caucus should contact the Director and Chair for an expeditious informal resolution of the matter in accordance with Rule 3.g. The appeals process in this Rule 7 applies solely to ultimate disposition, i.e.:

  - 1) declaration of candidate ineligibility under Rule 1.e., or
  - 2) declaration of the endorsees.
- b. Method of filing.** All notices of appeal specified in these rules must be filed in writing with the Chair or his designee in the time period specified, and must bear the signature of a candidate. All filings and notices under this rule may be transmitted electronically via the e-mail addresses provided by each candidate under Rule 1.a.3. The Chair must announce the filing and disposition of appeals in the same manner as election results specified in Rule 5.i.

**c. Steering Committee meeting.** In general, the Steering Committee will hear appeals. If the Chair calls a special meeting of the Steering Committee for the purpose of resolving an appeal, he or she must give reasonable notice of the meeting to all candidates.

**d. Participation of campaigns.** Candidates and up to two additional representatives from each campaign may observe meetings of the Steering Committee when it is deliberating on an appeal. Candidates or their representatives may (through the Chair or his or her designee) submit materials in writing to the Steering Committee, will (on request) receive copies of and/or access to all materials submitted to the Steering Committee by other candidates, and may (with the permission of the Steering Committee) be heard by the Steering Committee and answer questions. The Steering Committee or the Chair may announce additional rules for such proceedings not inconsistent with these Caucus rules.

**e. Appeal schedule for disqualification.** For purposes of appealing the decision of the Chair under Rule 1.e., the appeal must be submitted within 24 hours after the Chair announces such a decision. The Steering Committee must hear the appeal no later than its next scheduled meeting, or within one week of the filing of the appeal, whichever is later – but if the Steering Committee does not vote to uphold the appealed decision before 10:00 p.m. Monday, May 4, 2020, the decision of the Chair will be deemed invalidated for failure to convene the Steering Committee. The decision of the Steering Committee on an appeal arising out of Rule 1.e. will be final.

**f. Appeal schedule for Caucus outcome.** For purposes of appealing the outcome of the Caucus vote, the appeal must be filed with the Chair and Secretary in writing (this may be done by e-mail) within 24 hours after the Chair announces the names of the Caucus' choice for endorsees. The Steering Committee must hear and dispose of the appeal no later than its next regularly scheduled meeting, or within one week of the filing of the appeal, whichever is later, or else the appeal will be considered granted (which outcome may be appealed pursuant to Rule 7.g.). The Steering Committee will have the option to organize a recount of the ballots prior to determining a disposition of the appeal. Any recount does not extend the time limits set by this Rule for disposition of the appeal.

**g. Final review.** A candidate may appeal to ArlDems a determination of the Steering Committee with respect to the outcome of the Caucus, and ArlDems' decision will be final. Appeals of the Steering Committee determination must be made in writing to the Chair and Secretary (and may be done by e-mail) within 36 hours after the Steering Committee's determination is made (including by lapse of the time limit specified in Rule 7.f.). Appeals will be heard at the next regularly

scheduled ArlDems meeting, or at another time determined by the ArlDems Chair, but no later than 48 hours before the deadline for candidate filing in the general election. Candidates may, through the ArlDems Chair, submit written materials to ArlDems, and receive copies of written materials submitted by other candidates. Special rules of debate for such an appeal may be determined by the Steering Committee and – unless otherwise determined by the Steering Committee (or amended by a 2/3 vote of ArlDems) – debate will be limited to one hour, including a presentation from each candidate limited to 5 minutes, and other speakers limited to 2 minutes per turn.

## **8. Rules of Order, Adoption**

- a. Applicable rules.** The rules contained in *Robert's Rules of Order, Newly Revised*, will govern the conduct of the unassembled Caucus, except where those rules are inconsistent with these Rules of the 2020 School Board Endorsement by the Arlington County Democratic Committee, the Bylaws of the Arlington County Democratic Committee, or the Virginia Democratic Party Plan, which govern the proceedings with increasing precedence, respectively.
- b. Adoption of rules.** These Rules of the 2020 School Board Endorsement by the Arlington County Democrats will be in effect when adopted by a majority vote of the voting members of ArlDems at its January 8, 2020, meeting, pursuant to the Call for the Caucus, and may subsequently be amended only by a 2/3 vote of ArlDems.