

**Call and Rules for the Arlington County Democratic Committee 2023 School Board
Candidate Endorsement**

Including an Unassembled Caucus

**to be held on May 7, 2023 (10 a.m. to 6 p.m.) at Drew Elementary School, May 10, 2023
(7 p.m. to 9 p.m.) at Campbell Elementary School, and May 13, 2023 (10 a.m. to 6 p.m.)
at Washington-Liberty High School**

The Arlington County Democratic Committee (the “County Committee”) hereby authorizes the endorsement of a candidate for Arlington County School Board in the November 7, 2023 General Election, calls for an unassembled caucus of registered voters in Arlington who are Democrats (the “Caucus”), and provides these Rules for the determination of the endorsement.

I) 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 the Chair’s designated representative, after Jan 2, 2023, and before 7:00 p.m. on Wednesday, Feb 22, 2023.

Each letter of intent (“Filing”) must include:

1) An affirmation that the candidate:

- (i) is legally eligible to run for Arlington County School Board;
- (ii) is a Democrat and believes in the principles of the Democratic Party;
- (iii) is a resident of and registered to vote in Arlington County, Virginia;
- (iv) is not a member of any other political party;
- (v) has not participated and will not participate in the nomination or endorsement process of any other political party for the General Election; and
- (vi) 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.

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) **Form of letter of intent.** The form of the letter of intent that candidates must use will be available on the County Committee’s website (<https://arlingtondemocrats.org>) no later than Jan 2, 2023.

c) **Deadline and means of filing.** Candidate Filings must be received no later than 7:00 p.m. on Wednesday, Feb 22, 2023. 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 the Chair's 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 the Chair's 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 Arlington Democrats Headquarters (1235 S. Clark Street, Suite 207, Arlington, VA 22202) at 7:00 p.m. on Thursday, Feb 23, 2023 to draw lots for choice of ballot order placement, select their ballot order placement, and participate in a candidate briefing. The Chair may deny party services to any candidate not present or represented for the briefing (until any such candidate attends a subsequently scheduled briefing), and will allocate unclaimed ballot order slots to any such candidates on Thursday, Feb 23, 2023, as needed, determined by lot in random order.

e) **Disqualification as a candidate.** Only those candidates who have made a valid Filing by 7:00 p.m. on Wednesday, Feb 22, 2023, will be listed on the Caucus official ballot and be eligible for endorsement. The Chair must reject a Filing with material errors or omissions; however, the Chair shall 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. on Monday, Apr 3, 2023, the Chair may rule ineligible for endorsement any candidate for making false or misleading statements on such candidate's Filing. 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 County Committee Steering Committee (the "Steering Committee") as provided in Rule **VII**. In the event a candidate is declared ineligible, the caucus process will proceed in accordance with the provisions of Rule **II-b** for candidates who have withdrawn.

f) **No contest.** In the event that fewer than two candidates have made a valid Filing by the Wednesday, Feb 22, 2023, deadline, the Caucus will be canceled. In such an event, any candidate who has made a valid Filing will be considered proposed for the County Committee endorsement for School Board. At the Mar 1, 2023 County Committee monthly general meeting, the County Committee will vote to determine whether the proposed candidate would effectively represent the principles of the Democratic Party.

1) A separate motion for such validly filed candidate – to endorse such proposed candidate (without extraneous elements) – will automatically be considered in order, and not subject to amendment by less than a 2/3 vote of the voting County Committee members present at such general meeting; and

2) A majority of the voting County Committee members present at such general meeting voting in favor of the motion to endorse such validly filed 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 **I-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 the voting County Committee

members present, debate on each motion will be limited to a three-minute statement by such validly filed candidate, followed by no more than ten (10) minutes of debate, with no member holding the floor for more than one minute if other members are seeking recognition.

g) **Insufficient candidates.** In the event that no candidate has 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 the unfilled slot will be in order at a subsequent meeting of the County Committee. The Steering Committee may also issue special rules for debate of such motion.

II) Ballots and Method of Voting

a) **Ballot form.** A ballot will be prepared that lists the names of all qualified School Board candidates in an order determined according to Rule I-d. Candidates' names will appear as they are intended or expected to appear on the General Election ballot in accordance with VDE rules for ballot name format.

b) **Candidate withdrawal.** If a School Board candidate wishes to withdraw from consideration by the Caucus participants, such candidate must notify the Chair in writing by 5:00 p.m. on Monday, Apr 3, 2023. If enough candidates withdraw before 5:00 p.m. on Monday, Apr 3 2023, such that there are fewer than two (2) candidates remaining, the Caucus will be canceled and the provisions of Rule I-f, or I-g will apply, except that the May 3, 2023 County Committee monthly general meeting will be substituted for the Mar 1, 2023 County Committee monthly general meeting. Names of candidates who withdraw prior to 5:00 p.m. on Monday, Apr 3, 2023, 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 endorsee. Each voter will indicate on such voter's ballot a preference order for candidates (by, for example, using numerals such as "1, 2, 3, 4..."). Each voter must indicate a first choice and may indicate preference order for some or all other candidates. The winning candidate must receive a majority of votes allocated during the final preference vote counting round, as described in Rule V.

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 method 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 "3"), 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 round of voting – if there is only one reasonable interpretation of the effect of the vote as applied to that 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).

III) 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, shall appoint, with the approval of the Steering Committee, a Caucus Director (the "Director") to manage the Caucus event. The Chair may also exercise all duties of the Director in the absence of the Director. The Director shall appoint (and may remove) all Caucus officials (other than the Caucus officers designated in Rule **III-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) An Assistant Director shall be appointed and be responsible for volunteer recruitment and other duties as needed.
- 2) A Disability Services Voting Manager and assistants shall be appointed and be responsible for supervising the process of accepting disability services ballots from mobility-impaired voters.
- 3) A Caucus Database Manager shall be appointed and 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 School Board 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 the poll watcher 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 a poll watcher 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 press and media representatives who are 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 in the discretion of the Director. For purposes of this Rule, "the Caucus" includes all parts of the facility or facilities 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 VII, the decision of the Chair will be final.

h) **Neutrality.** The following officers and officials may not publicly endorse or support any candidate seeking the School Board endorsement:

- ACDC Chair
- ACDC Deputy Chair
- Sgt at Arms
- Parliamentarian
- Secretary
- Caucus Director
- Caucus Assistant Director
- Disability Services Voting Manager
- Caucus Database Manager
- Head Teller
- Tellers (other than campaign-designated)

The Chair may publicly oppose a candidate only in extraordinary circumstances where the Chair together with a 2/3 vote of the County Committee Steering Committee determines that a candidate is not a Democrat or that a candidate's behavior violates the principles of the Arlington County Democratic Committee.

IV) 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 tamper. 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 10:00 a.m. on Saturday, May 6, 2023, the Director will declare that the Caucus has begun; no participant may enter the Caucus area before that time. Voting will be held that day from 10:00 a.m. until the last person in line to vote at 6:00 p.m. has cast a ballot.

c) **Sealing and storage of the ballot box.** After the last eligible person has voted on Saturday, May 6, 2023, 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 7:00 p.m. on Wednesday, May 10, 2023. 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. The same process will be repeated (i) after the last eligible person has voted on Wednesday, May 10, 2023 and before voting resumes at 10:00 a.m. on Sunday, May 14, 2023.

d) **Resumption of the Caucus.** At 7:00 p.m. on Wednesday, May 10, 2023, the Director will open the doors to the Caucus and declare that the Caucus has resumed. Voting will be held that day from 7:00 p.m. until the last person in line to vote at 9:00 p.m. has cast a ballot. The Caucus will resume again at 10:00 a.m. on Sunday, May 14, 2023, and will be held until the last person in line to vote at 6:00 p.m. has cast a ballot.

e) **Records.** The Secretary will maintain a formal record of the proceedings, including the certifications described in Rules **V** and **VI**.

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, 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 (i) am a resident of and registered to vote in Arlington County, Virginia, (ii) am a Democrat, (iii) believe in the principles of the Democratic Party, and (iv) do not intend to support, endorse or assist any candidate who is opposed to a Democratic nominee or endorsee in the next ensuing election.

No participant will be permitted to vote in the Caucus unless the participant completes such declaration form; provided, however, that each candidate may be permitted to vote in the Caucus without signing a declaration form that contains the language set forth in clause (iv) in the immediately preceding sentence.

h) **Use of information.** The list of voters who participate in the Caucus is the property of the County Committee which has the right to disclose to any person the fact that such person has

participated in the Caucus. However, if a participant specifically asks to limit future communications unrelated to the ensuing election from the County Committee or its affiliates by mail, phone and/or e-mail, the County Committee will take reasonable steps to honor that request.

i) **Review of declaration.** After each participant has completed and signed the declaration form, such participant 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 School Board candidate poll watchers may observe, but not interfere with, the process of validating Caucus participants. Any question regarding the eligibility of a participant should be taken immediately to the Caucus Database Manager or the Director. Twenty-four (24) hours after completion of voting on each day of the Caucus, poll watchers (or other campaign representatives specifically approved by the Director) may have access to that day’s list of Caucus participants under terms and conditions set by the Director to provide equitable access to the data for all candidates.

k) **Standards for participant verification.** A participant fulfilling the requirements of Rule **IV-g** above is eligible to vote if such participant is validly registered as a voter in Arlington County at the time such participant 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, such participant may offer a certificate of voting eligibility issued by the Arlington County Registrar of Voters (i.e., a voter registration card or receipt) on or after April 1, 2023 or demonstrate such participant’s 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 such participant 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 each such 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. The County Committee will seek to have the Arlington County Registrar of Voters verify no later than Friday, May 19, 2023 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 vote count (also see Rule **VI** 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 such voter may make a 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 a 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 Caucus official determines that a participant should be permitted to cast a vote through Disability Services Voting, a Caucus official must deliver a declaration form to the participant, transmit the completed declaration form for registration verification, obtain a ballot (if the participant is eligible to vote), 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 declaration forms for purposes of reconciliation with the number of Disability Services Voting ballots when cast pursuant to Rule **IV-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 such action in the presence of the person(s) watching the ballot box.

p) **End of the Caucus.** Approximately five (5) minutes before the appointed end time of each day on which the Caucus is conducted, the Director or the Director’s 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) **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 health, 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.

s) **Democratic Party participation.** All persons present at the Caucus facility – aside from credentialed media and facility employees – must sign a pledge indicating that they (i) are a Democrat, (ii) believe in the principles of the Democratic Party, and (iii) do not intend to support, endorse or assist any candidate who is opposed to a Democratic nominee or endorsee in the next ensuing election; provided, however, that Caucus candidates need not sign a pledge containing the language set forth in clause (iii) of this sentence. Signing the participant's declaration form discussed in Rule **IV-g** fulfills this requirement, and the Director may issue an alternate declaration form for Caucus candidates and non-voting volunteers.

t) **Democratic organizations present.** The Director may rent tables and/or space located between the voting area and the exit of the facility in which the Caucus is conducted to Democratic-related organizations for a fee of **\$100**. Individuals staffing those tables must fulfill the pledge requirements of Rule **IV-s**. The Director may impose other reasonable limits on staffing and placement of such tables.

V) Determination of Endorsees: Counting of Votes, Announcement of Results.

a) **Ballot counting.** The counting of ballots may begin at any time after 10:00 a.m. on Sunday, May 14, 2023, the last day of voting, and need not wait until all ballots have been cast that day.

b) **Teller Committee.** The Director will appoint a Teller Committee to count the votes. The Teller Committee will be composed of a Head Teller and additional tellers to represent each campaign and to represent the Director. The counting of votes will be conducted by two (2) teams of Teller Committee members, with each team composed of one representative from each campaign and two (2) representatives of the Director. Tellers who are campaign representatives will be proposed by each campaign, but will be subject to approval by the Director. Tellers must fulfill the pledge requirements of Rule **IV-s**. 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 twelve (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. 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 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 the 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 **V** 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 **II-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 each 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 **V-4**, below.

4) *Counting.* The tellers will then be placed into teams, with each team consisting of two (2) representatives of the Director and one representative from each campaign. The Head Teller will give each team a stack of sorted ballots. Each team of tellers will stack the votes into piles of fifty (50) like votes for a given candidate (or ordered combination of candidates, as the case

may be), and bind each stack together. Both tellers representing the Director in each team will be responsible for ensuring that each stack contains fifty (50) votes for a particular candidate (or ordered combination), and each must sign a paper given to them by the Secretary so certifying and attach it to the stack. Any ballots that remain after the stacks of fifty (50) votes are counted and certified will be counted into a short stack, and both tellers representing the Director in each team 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 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) *Majority requirement*. If, during a round of vote counting, one candidate has received a majority of the active ballots, then the counting will be concluded and that candidate designated the Democratic endorsee for School Board. If no candidate receives a majority of active ballots in a round of voting, then one or more instant runoff voting rounds will occur using the preference voting system, except as described in Rule **VII-d** (tie in the first stage). 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.

8) *Elimination and redistribution rounds*. In the second and, if necessary, subsequent rounds, 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 and will not be an active ballot in any further round. If after any such subsequent round of counting, one candidate has a majority of active ballots, then the preference vote counting will be concluded and that candidate designated the Democratic endorsee for School Board. 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).

9) *Calculations and close cases.* For purposes of calculating achievement of a majority, only active ballots will be considered in accordance with Rule **V-f-7**. 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 **V-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 in any round. Ties will be resolved according to Rule **VI-d**.

10) *Certification of results.* Immediately upon the conclusion of all vote counting, the Secretary will ensure that each member of the Teller Committee certifies the tabulation for each round of vote 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 of 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 round of vote counting (i.e. which candidate is to be dropped in the following round, or whether a candidate has achieved a majority in a round) 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 (4) additional elected officers of the County Committee who are present at the Caucus at that time (or, if more than four (4) are present, four (4) 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, 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 School Board and Rule **V-h** will be applied accordingly.

h) **Determination of endorsee.** If, in any round of vote counting, the margin of victory (see Rule **V-f-7** regarding the relevant calculation) is greater than the number of questionable ballots (or after disposition of questionable ballots according to Rule **V-g**) plus the number of provisional ballots, then the candidate with the highest certified vote total will be declared the

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 **VI** below.

i) **Announcement of results.** Following the certification of the vote counting result, the Chair of the Caucus will announce the certified result to those assembled, and whether this has resulted in a Democratic endorsee. If so, the certified result will also be posted on the County Committee website in a timely manner.

j) **Preservation of ballots.** After the Chair has announced the certified result, all ballots (except provisional ballots) will be taken up, sealed, and held by the Chair or the Chair's 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 the Director's designee must retain any provisional ballots in a secure manner until their disposition under Rule **VI** 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 **VI** below.

VI) Disposition of Provisional Ballots, Ties

a) **Accreditation of provisional ballots.** On Friday, May 19, 2023, 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 of Voters 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 **IV-k**. Provisional ballots of such registered 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 County Committee 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 outcome of the Caucus, 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 **III-a** 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) such member 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 **V**. The Chair will declare that the candidate prevailing under the relevant part of Rule **V** as the Democratic endorsee for School Board, and the vote total will be adjusted by the accredited provisional votes. The Chair will then retain any provisional ballots (whether accredited or not) as described in Rule **V-j**.

d) **Breaking of ties.** In the event two (2) candidates are tied in a round of vote counting 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 (3) 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.

VII) 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 **III-g**. The appeals process in this Rule **VII** applies solely to ultimate disposition, i.e.: (1) declaration of candidate ineligibility under Rule **I-e**, or (2) declaration of the Democratic endorsee for School Board.

b) **Method of filing.** All notices of appeal specified in these rules must be filed in writing with the Chair or the Chair's 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 email addresses provided by each candidate under Rule **I-a-3**. The Chair must announce the filing and disposition of appeals in the same manner as election results specified in Rule **V-i**.

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

d) **Participation of campaigns.** Candidates and up to two (2) 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 the Chair's 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 **I-e**, the appeal must be submitted within twenty-four (24) hours after the Chair announces such a decision. The County Committee 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 on whether or not to uphold the appealed decision before 10:00 p.m. Wednesday, Apr 12, 2023, 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 **I-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 (which may be done by email) within twenty-four (24) hours after the Chair announces the name of the Caucus' choice for Democratic endorsee for School Board. 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 **VII-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 the County Committee a determination of the Steering Committee with respect to the outcome of the Caucus, and the County Committee's decision will be final. An appeal of a Steering Committee determination must be made in writing (which may be done by email) to the Chair and Secretary within thirty-six (36) hours after the Steering Committee's determination is made (including by lapse of the time limit specified in Rule **VII-f**). Appeals will be heard at the next regularly scheduled County Committee meeting, or at another time determined by the County Committee Chair, but no later than forty-eight (48) hours before the deadline for candidate filing in the general election. Candidates may, through the County Committee Chair, submit written materials to the County Committee, 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 the voting County Committee members present) – debate will be limited to one hour, including a presentation from each candidate limited to five (5) minutes, and other speakers limited to two (2) minutes each.

IX) 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 Arlington County Democratic Committee 2023 School Board Candidate Endorsement Caucus, 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 Arlington County Democratic Committee 2023 School Board Candidate Endorsement Caucus will be in effect when adopted by a majority vote of the voting members of the County Committee present at its April 5, 2023 monthly general meeting, pursuant to the Call for the Caucus, and may subsequently be amended only by a 2/3 vote of

the voting County Committee members present.