



**CALL TO DEMOCRATIC PARTY CAUCUS ON
OCTOBER 8, 2022**

VIRGINIA HOUSE DISTRICT 35

Date: September 20, 2022

1. **Call.** Pursuant to the Democratic Party Plan of Virginia (“the Party Plan”), the 35th House District Nominating Committee (“the Committee”) hereby calls an Unassembled Caucus for the sole purpose of choosing a Democratic nominee for the 35th House District (“the 35th District”).

2. **Caucus Rules, Forms, and Information.** Caucus rules will be posted, along with other pertinent forms and information about the nominating process, at the Fairfax County Democratic Committee website (www.fairfaxdemocrats.org/hd35) and its voting information site (fairfaxvotes.org/hd35). Any changes to the Caucus rules will be updated on these sites.

3. **General Participation Requirements.** Each participant in the Caucus must be a qualified voter in the 35th District at the time of their participation. No participant in the Caucus may intend to support any candidate who is opposed to the Democratic nominee in that Special Election.

4. **Voting Opportunities.** Participants in the Caucus may vote in person only:

- At the Fairfax County Democratic Committee Headquarters, 8500 Executive Park Ave, Suite 402, Fairfax, VA 22031:
 - Tuesday, October 4th from 10 am to 2 pm; and
 - Thursday, October 6th from 5 pm to 8 pm.
- On Saturday, October 8, 2022 at any of the following three (3) locations from 10 am until 4 pm:
 - Kilmer Center Cafeteria, 8102 Wolftrap Road, Vienna, VA 22182
 - Oakton Elementary School Cafeteria, 3000 Chain Bridge Rd, Oakton, VA 22124
 - Patrick Henry Library Meeting Room, 101 Maple Ave E, Vienna, VA 22180

(Note: Each voter may arrive at any point between the hours listed above, cast his or her ballot, and leave. Any voter in line at closing time each day will be permitted to vote.)

5. Candidate Requirements. Each candidate for nomination must meet all applicable requirements of state law, the Party Plan, and Caucus rules. Each candidate for nomination must submit:

- A completed Declaration of Candidacy form, bearing the original signature of the candidate;
- A non-refundable filing fee of \$1000, made payable to the Fairfax County Democratic Committee; and
- Twenty-Five (25) signatures from registered voters eligible to vote in the 35th District, notarized by collectors, using Petition for Qualified Voters form (“Petition”) [[Link for Petition Form](#)]

Declaration of Candidacy form, filing fee, and petition must be received at the Fairfax County Democratic Committee headquarters, no later than Friday, September 30, 2022 at 5:00 pm. All documents can be returned to 8500 Executive Park Ave, Suite 402, Fairfax, VA 22031. To make arrangements to deliver documents in person outside regular business hours, contact FCDC Chair Bryan Graham at chair@fairfaxdemocrats.org.

If only one qualified candidate files by the deadline, that person will be the nominee of the Democratic Party and the Caucus will be canceled. If no candidate files, the nominating committee will reconvene to determine the nomination process.

For questions about the Caucus, to request any accommodation necessary to ensure full participation, please contact Michelle Woody, HD35 Democratic Nominating Committee Chair, at any time at hd35@fairfaxdemocrats.org, or the FCDC Office at 703-573-6811.

Adopted September 20, 2022.

**DECLARATION OF CANDIDACY FOR DEMOCRATIC NOMINATION,
35th DISTRICT HOUSE DEMOCRATIC NOMINATING COMMITTEE**

I, _____, declare myself a candidate for the Democratic Nomination for election to the office of Member, Virginia House of Delegates, 35th District, in the Special Election to be held to fill a vacancy in the 35th House District on Tuesday, January 10, 2023. In making this declaration, I certify as follows:

- I will not support any candidate who is opposed to a Democratic nominee in the next ensuing general election;
- I am a Democrat;
- I am a registered voter in the district in which I am declaring my candidacy;
- I am a resident of Fairfax County;
- My permanent address is:

- My mailing address is (if different):

- My telephone numbers are:

(HOME) _____

(WORK) _____

(MOBILE) _____

- My email address is: _____

Signature _____ Date _____

Declaration and filing fee received by:

FCDC _____ Date & Time _____

Candidacy forms should be returned to the Fairfax County Democratic Committee headquarters office, to be received no later than 5:00 pm on Friday, September 30, 2022, at 8500 Executive Park Ave, Suite 402, Fairfax, VA 22031.

Authorized by the 35th House District Nominating Committee and Paid for by the Fairfax County Democratic Committee. Not Authorized by any Candidate.

**RULES FOR THE UNASSEMBLED CAUCUS
TO BE HELD OCTOBER 8, 2022,
TO DETERMINE THE DEMOCRATIC NOMINEE FOR THE
VIRGINIA 35th HOUSE DISTRICT**

1. The doors to the caucus rooms will open and the voter certification process will begin promptly at the published voting start time.
2. The doors to the caucus rooms will close promptly at the published voting end time. Persons standing in line to complete a certification form (see below) at the time the doors close will be allowed to complete their forms and participate in the caucus. Participants will have their voter registration verified at the Registration table prior to voting in the caucus.
3. Every person who participates in the caucus must complete a certification form and sign a statement saying that they are a registered voter, a Democrat, and that they do not intend to support a candidate opposed to the Democratic nominee in the next ensuing election.
4. The Chair of the 35th House District Nominating Committee or their designee shall act as the permanent Chair of the Caucus.
5. The caucus shall be conducted in accordance with the Virginia Democratic Party Plan and the Call to Caucus.
6. The permanent chair shall appoint the election chief of each location as well as other volunteers which serve to assess the credentials of participants and otherwise operate the caucus.
7. The permanent chair shall appoint a tellers committee. The members of the tellers committee shall count the ballots.
8. If there are two candidates for nomination, first-past-the-post (FPTP) plurality voting will be used to determine the nominee. If there are more than two candidates, instant-runoff voting (IRV, also known as “ranked-choice voting”) will be used to determine the nominee.
9. Ballots will be prepared listing the first name, middle initial, and last name of each candidate; the names will appear on the ballots in random order.
10. Depending on the method of voting:
 - For IRV: Caucus participants rank their preference of candidates using numerals (e.g., 1, 2, 3...). If participants place a mark beside or circle the name of a single candidate, this shall be interpreted as a first-choice vote for said candidate with no other choices made.
 - For FPTP: Caucus participants may vote for a candidate by placing a mark beside the appropriate name or by circling the name.
11. During the hours of the caucus, there shall be no campaigning inside restricted areas—caucus room(s), check-in area, other indoor areas within polling venues, and 15 feet outside the

entrance(s) to buildings containing each caucus room. Buttons or lapel stickers may be worn inside restricted areas, however, no candidate material may be distributed within restricted areas. Any material must be distributed outside the building beyond restricted areas.

12. No press or observers will be permitted in the rooms in which balloting takes place. ONE designated representative from each candidate's campaign may be allowed to observe all processes during the caucus, provided that they have a signed letter from the candidate designating that person as their Authorized Representative.

13. Unresolved tie votes will be decided by the drawing of lots.

14. Additional rules and process descriptions are listed in **Appendix A** – Detailed Rules and Processes. Visit fairfaxdemocrats.org to view Appendix A online.

Unassembled Caucus for HD35, October 8, 2022

Appendix A - Detailed Rules and Processes

Finalized September 28, 2022

Participant Eligibility

- People who are qualified to vote who reside within the boundary of HD35 (as it was defined on November 2, 2021) are eligible to participate in the caucus.
- VoteBuilder (a.k.a., “VAN”) will be used to verify registration status.
- If not confirmed by VAN, voters will be sent to the election chief to be given the opportunity to look themselves up on the SBE website to confirm registration.
- If the voter is not registered to vote in the District or cannot be confirmed to be so registered, and if the participant is eligible to register, the participant will be given the opportunity to submit a voter registration application on the official SBE form. If the form is completed and establishes the eligibility of the participant to register and vote in the District, the participant will be given a provisional ballot (to ensure no multiple voting). The participant will be given an official receipt for the voter registration application, and FCDC will promptly deliver all such applications to the Registrar.
- Any participants who cannot be confirmed as registered, regardless of willingness to complete a voter registration form, will be given an opportunity to cast a provisional ballot.
- Participants are not required to be members of a Democratic committee.
- Participants must vote in person.
- Absentee voting will only be in-person at the Fairfax County Democratic Committee headquarters during the times specified in the call.
- No proxy votes.
- Participants may come at any time during caucus hours, cast their vote, and leave immediately afterwards.
- Participants who are in line to check-in prior to the posted end time for the caucus on that day will be allowed to cast their vote.

COVID Safety Provisions

- Voters shall not be required to wear a mask to participate in the caucus.
- Masks and hand sanitizer will be made available in limited quantities within each caucus location for those who wish to use them.
- The volunteers operating each caucus location are encouraged, but not required, to wear masks.

Casting Votes

- As Participants enter the caucus room, they will be provided with the pledge/certification form and directed to tables designated for reading and completing the pledge.
- Participants will bring their completed pledge form to the check-in table.
 - If a participant brings someone with them to assist them with voting, they must fill out an assistance form prior to assisting the voter with their ballot.

- The volunteer will search for the caucus participant, by name, in the VAN.
 - If the participant is not found in the VAN whatsoever, they will be directed to the elections chief, either to further check their eligibility to vote (as detailed below) or to fill out a provisional ballot (see provisional ballots).
- When presented with a list of matching names from the VAN, the volunteer will use the address from the pledge form to confirm their identity and that the address is within the boundaries of HD35 (the address found in VAN is not required to be stated out loud by the volunteer). The volunteer will then:
 - tag them in the VAN as present;
 - write their VANID on the pledge form;
 - write the participant's precinct number on the ballot; and
 - provide the ballot to the participant and direct them to the private voting stations.
- In the event that a participant is found in the VAN, but the address provided does not match the address found in VAN, the volunteer will call over the elections chief, who may, at their discretion, take the participant to another table, where the elections chief can verify their identity in the VAN, and if confirmed, go to the Board of Elections website or call the county Board of Elections to verify that the participant is registered at the address they provided, and that the address is within HD35.
 - If the elections chief verifies that the participant is eligible to vote, the chief will:
 - confirm the participant's identity in the VAN
 - provide the participant with a regular ballot only if the voter can be tagged in VAN with the activist code
 - sign the pledge form with a notation that the participant's in-district registration was verified
 - fill in the VAN ID
 - tag the participant in VAN
 - write the participant's precinct number on the ballot, provide the ballot to the participant, and direct the participant to private voting stations.
 - If the elections chief cannot or will not confirm the participant's identity in the VAN or that the participant is eligible to vote according to the Board of Elections, the participant will be asked to complete a voter registration form.
 - Any voter who cannot be verified and tagged in VAN will be provided with instructions to complete their provisional ballot.
- Participants with regular ballots will:
 - take the ballot to a private voting station and complete their ballot
 - place their ballot in the regular ballot box, and can then leave the caucus
- Participants with provisional ballots will:
 - fill out the provisional ballot envelope (or envelope label) including the required contact information (phone or email address) and date of birth at the table designated for provisional ballots
 - take their provisional ballot to a voting station and complete their ballot
 - place their provisional ballot in a sealed envelope and return it to the election chief to be attached to the completed pledge, and can then leave the caucus

Candidates and Designated Observers

- The deadline to file for the HD35 nomination will be 5:00 PM (ET), September 30, 2022 by which time the following must submit:
 - Declaration of Candidacy for HD35 (specific form attached to the Call to Caucus)
 - A filing fee of \$1000.00 (checks payable to “Fairfax County Democratic Committee”)
 - 25 valid signatures from constituents living in HD35 [[Link for Petition Form](#)]
- There shall be no write-in candidates.
- The Nominating Chair will conduct a random drawing on the evening of Friday, September 30, 2022 at 5 pm to determine the order of their name on the ballot. Candidates and candidate observers may observe this drawing on Zoom by requesting the meeting link from hd35@fairfaxdemocrats.org.
- All campaigns should designate a single person (“designee”) to primarily represent the campaign for the duration of the caucus and counting. The designation must be submitted in writing and presented to the Caucus Chair. Candidates may also have a single observer inside each caucus location, with written designation as the campaign’s observer signed by the candidate.
- An electronic list of caucus participants who have the activist code applied within VAN will be made available to each candidate’s designee for the full duration of the caucus; the list will be updated at least every 15 minutes during scheduled caucus times.
- No campaigning, by candidates or their supporters, will be allowed inside the caucus area, and they will not be allowed to campaign within 15 feet of the entrance to the polling venue nor in any inside areas at a polling venue.
- At the conclusion of the caucus, as many as four designees for each campaign will be permitted to observe the counting.

Tallying and Verification

Our responsibility is to ensure that the vote is conducted in a fair manner. We also have a responsibility to limit the liability of the committees from a legal challenge by a candidate. Therefore, it is our obligation to assess, to the best of our ability, the intent of the participant.

- The tellers, the caucus committee, and each candidate’s designees will meet at Fairfax County Democratic Committee, 8500 Executive Park Ave, Ste. 402, Fairfax, VA 22031 to conduct the tally of ballots as soon as possible after the caucus locations have closed on Saturday, October 8th. No other individuals will be allowed to be present for the tallying of ballots.
- For each caucus venue and for each day of early voting, the elections chief will immediately after the last ballot has been cast:
 - Complete a certification of the number of completed certification forms (i.e., checked-in voters) and ballot box seal numbers.
 - Seal ballots in boxes (separating regular and provisional) and deliver them to the centralized location for tallying.
- Prior to unsealing the ballot boxes, each candidate’s designee will have an opportunity to verify that the ballot boxes have not been tampered with. Failure to provide such verification will not preclude the tallying of ballots.
- Tellers will begin by reviewing ballots for compliance with security measures.
- Tellers will count regular ballots immediately and confirm that the number matches the number

of participants marked in the VAN as having voted. Once confirmed, the tellers will begin tallying the regular ballots.

- A team of tellers, with the permanent chair or their designee, will review provisional ballots for those of verifiable qualified voters (i.e., those verified outside of VAN, and those completing voter registration forms at the caucus for addresses within the district).
 - If a verifiable qualified voter is not found in VAN to have voted and did not attempt to vote more than once in the caucus, their ballot will be counted separately at the same time as regular ballots.
 - Non-verifiable provisional ballots will be set aside for potential future consideration.
- If there are two candidates for nomination:
 - The guiding method for tallying votes and determining a winner will be first-past-the-post (FPTP) plurality voting.
 - The candidate receiving the most votes will be the nominee.
- If there are more than two candidates for nomination:
 - The guiding method for tallying votes and determining a winner will be instant-runoff voting (IRV).
 - The winning candidate must receive a majority of votes allocated during the final preference vote counting round.
 - The failure of a ballot to mark a rank for all candidates will not invalidate the ballot for purposes of counting it toward candidates whose preference order is clearly marked.
 - Ballot counting will be conducted in counting rounds.
 - For the first counting round, ballots will be divided into groups according to which candidate is indicated as the first choice.
 - Tellers will count the ballots for each candidate for that round. If no candidate has a majority (50% plus of the total, non-exhausted ballots), the candidate with the fewest votes in the round is eliminated and those ballots are redistributed to the next place candidates still viable (or to no candidates as appropriate). Rounds will continue as necessary until one candidate has a majority of non-exhausted ballots.
- When the tellers have concluded their tallying of regular ballots and provisional ballots from verifiable qualified voters, they will count the number of non-verifiable provisional ballots cast.
 - If the margin by which the candidate with the most votes is leading the candidate with the second most votes exceeds the number of non-verifiable provisional ballots, the tally of ballots will conclude.
 - If the number of non-verifiable provisional ballots matches or exceeds the margin by which the candidate with the most votes is leading the candidate with the second most votes, the non-verifiable provisional ballots will be counted subject to the Non-verifiable Provisional Ballot Verification Procedure below.

Non-verifiable Provisional Ballot Counting Procedures

- Non-verifiable provisional ballots are provisional ballots other than where the participant's registration could be verified outside of VAN or the participant completed a voter registration form at the caucus for an address within the district.
- If this counting procedure is required, the permanent caucus chair and the County Chair of the Fairfax County Democratic Committee will review each non-verifiable provisional ballot, if

necessary, and must unanimously agree that such a ballot is from a qualified voter to accept a non-verifiable provisional ballot for counting.

- Non-verifiable ballots which are not accepted will be considered invalidated.
- After review, tellers will count such accepted non-verifiable provisional ballots.
- Invalidated ballots will not count towards the tally.
- Once all provisional ballots have been verified and counted, or invalidated, the tally of ballots will conclude, unless a candidate's designee requests a recount, and has not yet requested a recount.

Recount Procedures

- Except in the case of a tie, there will be no automatic recounts.
- Each candidate's designee may request, at most, one (1) recount during the tally of ballots.
- If non-verified provisional ballots have not yet been counted and the post-recount margin of victory:
 - Is less than or equal to the number of non-verified provisional ballots, such ballots will be counted according to the Non-verified Provisional Ballot Verification Procedure.
 - Is greater than the number of non-verified provisional ballots, the tally of ballots will conclude.
- If non-verified provisional ballots have been counted, the tally of ballots will conclude.

Tie Procedures

- If the tally of ballots, including verified provisional ballots, results in a tie of the leaders, there will be an automatic recount.
 - If the recount also results in a tie, the nominee will be selected from among the candidates who are tied by lot.
 - If the recount results in one candidate having more votes than the other candidates, the candidate with the most valid votes will be declared the Democratic nominee for the HD35 Caucus.

Declaring a Nominee: Upon the conclusion of the tally of ballots, the candidate with the most votes will be declared the Democratic nominee for the HD35 Special Election, or if tied, the candidate selected by lot (see Tie Procedures).

- Should any candidate contest the results of the caucus, they may file an appeal with:

Virginia's 11th Congressional District Democratic Committee
8500 Executive Park Ave, Suite 402
Fairfax, VA 22031
info@11thdistrictdemocrats.org