



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

BOARD MEETING

Wednesday, January 15, 2025
General Assembly Building
Senate Room C – 3rd floor
Richmond, VA
Video and Teleconference

Videoconference:

<https://covaconf.webex.com/covaconf/j.php?MTID=mff9ba99c5df44fcc0185a41d5139dceb>

Meeting password: DjCcPVhv852

Teleconference:

1-517-466-2023 US Toll

1-866-692-4530 US Toll-Free

Access Code: 2429 786 3145

1:00 P.M.



**STATE BOARD OF ELECTIONS
AGENDA**

DATE: Wednesday, January 15, 2025
LOCATION: General Assembly Building
201 N. Ninth St. Richmond, VA 23219
Senate Room C – 3rd Floor

TELECONFERENCE:
+1-517-466-2023 US Toll
+1-866-692-4530 US Toll Free
Access code: 2429 786 3145

VIDEO CONFERENCE:
<https://covaconf.webex.com/covaconf/j.php?MTID=mff9ba99c5df44fcc0185a41d5139dceb>
Password: DjCcPVhv852
TIME: 1:00 P.M.

I. CALL TO ORDER

John O'Bannon, Chairman

II. APPROVAL OF MINUTES
A. December 2, 2024

Georgia Alvis-Long, Secretary

III. PUBLIC COMMENT

IV. COMMISSIONER'S REPORT

Susan Beals
Commissioner

V. CERTIFICATION OF SPECIAL ELECTIONS
JANUARY 7, 2025

John Cronin
Election and Registration
Services Supervisor

VI. RISK LIMITING AUDIT REPORT

Claire Scott
ELECT Policy Analyst

VII. AMEND 1VAC20-20

Ashley Coles
ELECT Senior Policy Analyst

VIII. CAMPAIGN FINANCE REG

Steven Koski
ELECT Compliance Advisor

IX. GREB COMPLIANCE ISSUE

Steven Koski
ELECT Compliance Advisor

X. CLOSED SESSION

XI. ADJOURNMENT

NOTE: <https://townhall.virginia.gov/L/ViewMeeting.cfm?MeetingID=41102>

Re. Entrance to the General Assembly Building

All members of the public visiting the General Assembly Building may enter the building through the doors marked public entrance on the south side of the building (Broad Street Entrance). Visitors with special needs may use the wheelchair accessible entrance.

To ensure the safety of employees and visitors, all non-credentialed visitors are required to pass through a security screening and have their personal items screened by an x-ray machine prior to entry to the building. Please note that all packages and bags are subject to physical search.

All State employees must have on his/her state ID badge on at all times while in the building. Each employee will go through the x-ray machine and follow the Expect the Check rules.

Re. public comment

Public comment will first be heard from those persons participating in person as per the sign-up list. Next, we will hear from the persons who requested to speak via chat on the WebEx. Last, we will hear from persons who provided their name and phone number to FOIA@elections.virginia.gov.

Citizens **MUST** activate their camera, with their face fully visible, before they will be given the opportunity to participate in public comment. Face coverings, which are not worn for religious reasons, are prohibited.

Re. limitation on individual participation in public comment

Due to the large number of persons who may wish to speak, we encourage you to be as brief as possible, with a maximum of **THREE** minutes per person. We also ask that you be prepared to approach the podium or unmute yourself if you hear your name announced as the next participant.

Re. individual requests for additional information

Citizens seeking additional information related to matters on this agenda may submit questions to info@elections.virginia.gov

Re. How to Participate in Public Comment

If you are a member of the public and wish to participate, you must sign up in order to be recognized to speak. Please note the following:

If you are attending in person, please ensure your name is on the sign-up list at the front door.

If you are participating virtually using WebEx, sign up using the chat feature, located on the bottom right part of the WebEx application, to add your participant name.

If you are participating virtually using a phone and cannot access WebEx's chat feature, please send an email with your name and your phone number to FOIA@elections.virginia.gov. You will need to provide your first and last name and the phone number you've used to call in.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Approval of Minutes

BOARD WORKING PAPERS

1 The State Board of Elections (“the Board”) meeting was held on Monday, December 2,
2 2024 in Senate Room A of the General Assembly Building in Richmond, Virginia. The meeting
3 also offered public participation through electronic communication so the remote public could
4 view and hear the meeting. In attendance: John O’Bannon, Chairman; Rosalyn R. Dance, Vice
5 Chair; Georgia Alvis-Long, Secretary, Delegate Donald Merricks, member; and Matthew
6 Weinstein; member represented the State Board of Elections (“the Board”). Susan J. Beals,
7 Commissioner, represented the Department of Elections (“ELECT”), and Andrew Murphy
8 Dennis Polio represented the Office of the Attorney General (“OAG”). Chairman O’Bannon
9 called the meeting to order at 1:00 P.M.

10 The first item of business was the Approval of the Minutes from the November 18, 2024
11 meeting minutes, presented by Secretary Alvis-Long. Secretary Alvis-Long moved *to approve*
12 *the minutes from the November 18, 2024 Board Meeting*. Vice Chair Dance seconded the motion
13 and the motion passed unanimously. A roll call vote was taken:

14 Chairman O’Bannon – Aye

15 Vice Chair Dance – Aye

16 Secretary Alvis-Long – Aye

17 Delegate Merricks – Aye

18 Mr. Weinstein – Aye

19 Chairman O’Bannon opened the floor for public comment. There was no public
20 comment.

21 The second item of business was the Commissioner’s Report presented by Susan Beals.
22 Commissioner Beals expressed her appreciation to the General Registrars and Electoral Board
23 members that participated in the Risk Limiting Audits (“RLA”). The Commissioner stated that

24 during the November 18th meeting the Board randomly selected Congressional District 1 for the
25 statutorily required RLA. Commissioners Beals informed the Board that District 1 consist of
26 localities in Central and Eastern Virginia. The U.S. Senate statewide RLA used the ballot polling
27 method; 1,878 ballots were sampled across the Commonwealth and the U.S. House RLA used
28 the batch comparison method; 19 batches of ballots were selected resulting in a total of 137,627
29 ballots. The Commissioner advised the Board that there are two special elections on January 7th
30 for the 32nd Senate District in Loudoun County and 26th House of Delegates district in Loudoun
31 County.

32 The third item of business was the Certification of the November 5, 2024 General
33 Election presented by John Cronin, Election and Registration Services Supervisor. *This memo is*
34 *in the Working Papers for the December 2, 2024 meeting.* Vice Chair Dance stated after
35 reviewing the Abstracts of Votes Cast in the 2024 November General and Special Elections, I
36 *move that the Board certify the statements to be correct and sign the statements and certificates*
37 *of election.* Delegate Merricks seconded the motion and the motion passed unanimously. A roll
38 call vote was taken:

39 Chairman O'Bannon – Aye

40 Vice Chair Dance – Aye

41 Secretary Alvis-Long – Aye

42 Delegate Merricks – Aye

43 Mr. Weinstein – Aye

44 At 1:09 P.M., Delegate Merricks stated pursuant to Virginia Code Section 2.2-
45 3711(A)(7), I *move that the Board go into closed session for the purpose of discussing pending*
46 *threatened litigation. In accordance with Section 2.2-3712(F), Susan Beals, Commissioner of*

47 *Elections, Andrew Murphy and Dennis Polio of the Office of the Attorney General, and Steve*
48 *Koski, ELECT Compliance Advisor will attend the closed session because their presence will*
49 *reasonably aid the Board in its consideration of the subject of the meeting. Vice Chair Dance*
50 *seconded the motion and the motion passed unanimously. A roll call vote was taken:*

51 Chairman O'Bannon – Aye

52 Vice Chair Dance – Aye

53 Secretary Alvis-Long – Aye

54 Delegate Merricks – Aye

55 Mr. Weinstein – Aye

56 At 1:49 P.M., Vice Chair Dance moved *to reconvene the meeting in open session, and*
57 *take a roll call vote certifying that to the best of each member's knowledge (i) only such public*
58 *business matters lawfully exempted from open meeting requirements under this chapter and (ii)*
59 *only such public business matters as were identified in the motion by which the closed meeting*
60 *was convened were heard or discussed by the State Board of Elections. Delegate Merricks*
61 *seconded the motion and the motion passed unanimously. A roll call vote was taken:*

62 Chairman O'Bannon – Aye

63 Vice Chair Dance – Aye

64 Secretary Alvis-Long – Aye

65 Delegate Merricks – Aye

66 Mr. Weinstein – Aye

67 Mr. Weinstein stated, *I move pursuant to 24.2-669 of the code of Virginia, we authorize*
68 *the Office of the Attorney General of Virginia to be a representative for a period of one year from*
69 *December 2, 2024 for the purpose of inspecting Election materials to ensure the accuracy of the*

70 *returns or the purity of Elections in the Commonwealth of Virginia and each political party shall*
71 *be entitled to have a representative present during such inspection and the State Board of*
72 *Elections or its representative shall provide such parties reasonable advanced notice of the*
73 *inspection. Delegate Merricks seconded the motion and the motion passed unanimously. A roll*
74 *call vote was taken:*

75 Chairman O'Bannon – Aye

76 Vice Chair Dance – Aye

77 Secretary Alvis-Long – Aye

78 Delegate Merricks – Aye

79 Mr. Weinstein – Aye

80 The meeting adjourned at 1:51 P.M.

81 _____
82 Chairman

83 _____
84 _____
85 Vice Chairman

86 _____
87 _____
88 Secretary

89 _____
90 _____
91 Board Member

92 _____
93 _____
94 Board Member



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Public Comment

BOARD WORKING PAPERS



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Commissioner's Report

BOARD WORKING PAPERS
Susan Beals
Commissioner



COMMONWEALTH of VIRGINIA DEPARTMENT OF ELECTIONS

Susan J. Beals
Commissioner

MEMORANDUM

DATE: December 16, 2024
TO: Members of the State Board of Elections
FROM: Susan Beals, Commissioner of Elections
RE: Rockingham County Election Results Issue

Executive Summary:

On December 10th, 2024 Rockingham County provided the Department of Elections (ELECT) with revised vote totals for all of its contests and an explanation for the inaccurate vote totals previously submitted and certified by their local electoral board. These revisions to vote totals were made due to **2,653** mailed absentee votes being entered *twice* (in two different columns) by Rockingham officials into the state's election night reporting system: once in the mailed absentee column and then again in the post-election column. This inflated all candidates' votes in all contests on the ballot.

While Rockingham's results did not impact the winners of any contest on the ballot, including federal and local candidates, the issues slightly altered the winners' margins in their respective contests. ELECT has serious concerns regarding Rockingham officials' election administration errors related to entering results into the state's election night reporting system. In addition, the failure of Rockingham officials to adhere to requirements and deadlines for local election offices during the canvass period was not satisfactory. Therefore, ELECT recommends the State Board of Elections (SBE) takes action to address these issues and ensure they do not occur in the future.

Overview of Certification Process

Before election results are sent to the State Board of Elections for certification they undergo extensive checks at both the state and local level to ensure the accuracy of results.

Local Certification of Results

Initial returns based upon tapes printed from the ballot scanning machines are first documented by officers of election in the precincts on Statements of Results; these initial returns are used by the general registrar for reporting of results in the Election Night Reporting system, which provides election results to the general public. The ballot scanning machine tapes and Statements of Results are then reviewed by the local electoral board, with the assistance of the general registrar and their staff, to

ensure totals reported by ballot scanning machines match those recorded by officers of election. Once results are confirmed and the general registrar makes any necessary adjustments to the results reported in the Election Night Reporting system, the electoral board certifies the election by executing an Abstract of Votes, which is generated based upon the results entered by the general registrar. The executed Abstract is then sent to ELECT for a third and final check prior to state certification.

Abstract Validation Process at ELECT

The process of checking results at the state level relies on manual and automated comparisons of different entered data points. While reviewing results, ELECT compares votes cast, ballots cast, voter turnout, and voting credit to ensure the results provided from localities appear free of errors. If the overall results for a county are entered incorrectly compared to the results for an individual race, these checks catch it. If there is a difference between the different values that needs to be explained or corrected, these checks catch it. *Unfortunately, if a value is consistently misrepresented due to a consistent data entry mistake or a lack of understanding on how to enter the data, there is a possibility that the state's review will not identify it.* ELECT does not, and cannot, review every machine tape from all 133 localities and enter their numbers for them, and therefore relies on localities to complete state-offered training and ask for assistance if needed.

Analysis of Reporting Error

Upon being made aware of Rockingham County's inaccurately reported vote totals, ELECT immediately sought information from the general registrar to both confirm the proper vote totals and identify the origin of the error in reporting the vote totals. It was determined that Rockingham County incorrectly entered results into the Election Night Reporting system by duplicating the entry of 2,653 mailed absentee votes. With the error in the process identified, ELECT then undertook a review of Rockingham County's practices to determine why the error happened. It was discovered that Rockingham County officials did not make use of the state-provided training resources as evident by their consistent non-compliance with reporting requirements from Election Night throughout their canvass.

Election Night Reporting: State Training

The state's Election Night Reporting system was first used for the June 2023 primary and has been used in every election since then, including the November 2023 General Election, the 2024 Presidential Primary, the 2024 June Congressional Primary and the 2024 November General Election. ELECT provided extensive training to registrars and their staffs over the last two years on using the Election Night Reporting system, in the form of in-person events, online self-guided modules, staff-led webinars, written step-by-step reference guides and one-on-one sessions for those needing additional assistance. Rockingham County did not make use of the provided training resources.

Per a transcript for the Rockingham Registrar from ELECT's Learning Management System, Rockingham's registrar did not take several trainings offered this year for Election Night Reporting, including the 2024 Enhanced Results Training Materials course, the 2024 Election Night and Post-Election Processing course, or the 2024 Virginia Elections Workshop materials. The registrar also did not attend the 2024 Virginia Election Workshop (annual training) where this material was reviewed, the 2024 Virginia Election Administration Bulletin event where this material was reviewed, or any of the four Election Night Reporting breakout sessions that were held to focus on key issues related to reporting results.

Every registrar was encouraged to use the system in a testing environment and practice entering results prior to each election. Best practices and lessons learned for the Election Night Reporting system were also presented at the annual conference of Voter Registrars Association of Virginia during the summer of 2024.

Election Results Reporting: Non-Compliance Timeline

ELECTION NIGHT

On Election Night, Rockingham was contacted by ELECT staff more than *nine* times throughout the night after polls closed at 7 p.m. due to not having any results entered into the state election night reporting system. Despite reassurance each time that they were “working on it”, the locality only started entering results into the system at 10:48 p.m., when they began entering turnout, which is information that is not required on Election Night. Actual vote totals for their early and absentee by mail votes were not entered until 2 a.m. on Election Night, and Election Day precinct totals were entered between 2:18 a.m. and 3:35 a.m. the following day. After back and forth with ELECT on what information was required and how to enter it, ELECT’s last contact with Rockingham was at 4 a.m.

POST-ELECTION PERIOD

During the post-election period, general registrars have a series of deadlines that provide the public with a more granular breakdown of election results. This includes entering Same Day Registration numbers as well as breakdowns of absentee votes by-precinct into ELECT’s Election Night Reporting System. Rockingham failed to meet several of these key deadlines, while also providing incorrect data on their final abstract of votes. The locality struggled in these three key ways:

- Rockingham did not finish entering their Same Day Registration applications by the state’s deadline on the following Monday, Nov. 11, a week after Election Day.
- Rockingham was late in entering their early and absentee by mail results by precinct into the state’s election night reporting system, not starting entry until three days after it was required to be entered.
- Rockingham’s original abstract of votes had incorrect numbers and their write-in certifications were also completed incorrectly, when reviewed by ELECT staff.

POST STATE CERTIFICATION

Following state certification of election results, Rockingham discovered that they had reported their absentee by mail votes twice. The issue resulted from the Central Absentee Precinct team not clearing the scanner of mailed absentee ballots before scanning in post-election ballots, resulting in the reported data for the post-election category including both mailed absentee ballots and post-election ballots together. After working with ELECT staff to identify the cause of the reporting issue, Rockingham submitted updated abstracts on December 10.

Summary

It is important to note that the issues identified in Rockingham’s results did not impact the winners of any of the contests on the ballot, including federal and local candidates. Instead, the issues described

slightly altered the winner's margins in their respective contests. It is also important to note that none of the vote totals moved any contest margins within the 1% margin that could allow for a recount.

Recommendations

As Commissioner of Elections, I recommend the State Board of Elections take the following actions:

- The State Board of Elections ask members of the Rockingham Electoral Board and the General Registrar to appear before the Board at the January 15, 2025 meeting to discuss these election administration irregularities and their plan for preventing such issues in the future.
- The State Board of Elections require staff of the Rockingham Registrar's office complete all available state training on Election Night Reporting.
- The State Board of Elections will notify the National Archivist that vote totals for the offices of President and Vice President for the 2024 General Election in Virginia will be revised but will not change the allocation of Virginia's 13 electoral votes to Kamala Harris and Tim Walz.



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ELECTIONS

January 8, 2025

Lisa Gooden
Rockingham County General Registrar/Director of Elections

Robert Auchard, Chair
Becky Ruckman, Vice-Chair
Susan Threewitts, Secretary
Rockingham County Electoral Board

Dear Ms. Gooden and Electoral Board Members,

The Department of Elections will report to the State Board of Elections at its January 15, 2025 meeting on the election results reporting issues experienced in Rockingham County. As part of this report, the State Board is requesting the presence of a representative from the County at the meeting (in person or remotely) to provide information about these issues and the County's plans to ensure they are not repeated.

The details for attending the meeting are as follows:

Date: January 15, 2025
Time: 1:00 PM
Location: Virginia General Assembly Building
Senate Room C- 3rd Floor
201 N. Ninth St.
Richmond, VA 23219

Online: <https://covaconf.webex.com/covaconf/j.php?MTID=fff9ba99c5df44fcc0185a41d5139dceb>

Please feel free to contact my office with questions.

Sincerely,

A handwritten signature in cursive script that reads "Susan Beals".

Susan Beals
Commissioner



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Certification of Special Elections January 7, 2025

BOARD WORKING PAPERS
John Cronin
Election and Registration Services Supervisor



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice Chair Dance, Secretary Alvis-Long, Del. Merricks, and Mr. Weinstein
From: John W. Cronin, Elections and Registration Services Supervisor
Date: January 15, 2025
Re: Certification of Results for the January 7, 2025 Special Elections

Applicable Code Sections:

- Va. Code § 24.2-679
 - A. "... The Board shall... make statements of the whole number of votes given... The Board members shall certify the statements to be correct and sign the statements. The Board shall then determine those persons who received the greatest number of votes and have been duly elected to each office. The Board members shall endorse and subscribe on such statements a certificate of their determination."
 - B. "The State Board shall meet as soon as possible after it receives the returns for any special election held at a time other than the November general election to ascertain the results of the special election in the manner prescribed in subsection A."
- Va. Code § 24.2-680

"Subject to the requirements of § 24.2-948.2, the State Board shall without delay complete and transmit to each of the persons declared to be elected a certificate of his election, certified by it under its seal of office... The names of members elected to the General Assembly shall be certified by the State Board to the clerk of the House of Delegates or Senate, as appropriate."

Background:

- There are 11 localities in the 10th Virginia State Senate District: Amelia County, Appomattox County, Buckingham County, Cumberland County, Fluvanna County, Goochland County, Hanover County, Henrico County, Louisa County, Powhatan County, Prince Edward County
- There is one locality in the 32nd Virginia State Senate District: Loudoun County.
- There is one locality in the 26th Virginia House of Delegates District: Loudoun County
- Upon completion of the election, local general registrars (GRs) entered all relevant election data into the Election Night Reporting software and the Virginia Election and Registration System (VERIS).
- In accordance with Va. Code § 24.2-671, local Electoral Boards conducted provisional ballot meetings and canvasses to ascertain and certify election results for their localities.
- Upon completion of canvass, the GRs forwarded their locality's certified Abstracts of Votes (Abstracts) to the Department of Elections (ELECT).
- Upon receipt of the Abstracts and Write-Ins Certifications, to ensure accuracy and completion, ELECT staff:
 - Confirmed all required Abstracts were completed and submitted.

- Reviewed votes cast, ballots cast, and turnout comparison, using validation errors found by the Election Night Reporting software and others found by manual analysis, and asked localities to resolve and/or explain any issues identified.
- Ran Turnout vs. Voting Credit reports and asked localities to resolve and/or explain any issues identified.
- Compared the results listed in the Abstracts and Write-Ins Certifications to the results entered in Election Night Reporting software to ensure accuracy.

Suggested Motion:

“After reviewing the Abstracts of Votes Cast in the 2025 January Special Elections, I move that the Board certify the statements to be correct and sign the statements and certificates of election.”

Offices and Certificates certified by the State Board of Elections:

The 2025 January Special Elections included contests for:

- Two Virginia State Senate Districts
- One Virginia House of Delegates District

The results of these races must be endorsed and subscribed on a certified statement from the State Board of Elections. Va. Code § 24.2-679.

The Offices certified by the State Board of Elections (SBE Certifies office and signs Certificates of Election):

1. Member, Senate of Virginia, 10th District

John K. “Jack” Trammell

Luther H. Cifers, III – Winner

Elected by votes cast in:

Amelia County	Hanover County
Appomattox County	Henrico County
Buckingham County	Louisa County
Cumberland County	Powhatan County
Fluvanna County	Prince Edward County
Goochland County	

2. Member, Senate of Virginia, 32nd District

Kannan Srinivasan—Winner

Tumay D. Harding

Elected by votes cast in:

Loudoun County

3. Member, House of Delegates, 26th District

JJ Singh—Winner

Ram Venkatachalam

Elected by votes cast in:

Loudoun County

1100 Bank Street
Washington Building – First Floor
Richmond, VA 23219-3947
elections.virginia.gov

Toll Free: (800) 552-9745
TDD: (800) 260-3466
info@elections.virginia.gov



★ VIRGINIA ★
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Risk Limiting Audit Report

BOARD WORKING PAPERS
Rachel Lawless
Confidential Policy Analyst
Claire Scott
ELECT Policy Analyst



★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, Delegate Merricks, and Mr. Weinstein

From: Claire Scott, Policy Analyst

Date: January 15, 2025

Re: Results of the Risk-Limiting Audits for the 2024 November General Election and November 2024 Risk-Limiting Audit Report

Applicable Code Section:

§24.2-671.2 Risking Limiting Audits

Overview

Pursuant to §24.2-671.2(C) of the Code of Virginia, Risk-Limiting Audits (RLA) are performed by the local electoral boards and general registrars under the supervision of the Department of Elections (ELECT) and in accordance with the procedures prescribed by the State Board of Elections (SBE). During the Week of November 18, 2024, localities completed RLAs for two different contests, U.S. House of Representatives District 1 and the statewide U.S. Senate race. Both audits confirmed with over 90% confidence that the voting machines accurately reported the election results. Pursuant to §24.2-671.2(H), ELECT must submit a report to the SBE concerning the results and lessons learned from the RLAs performed. The report is attached to this memo.

Summary of Report

U.S. Senate Ballot Polling RLA

A statewide *ballot polling* RLA was performed for the U.S. Senate race, which began on Wednesday, November 20, 2024, at 10 AM. 125 localities out of 133 were selected to audit a random number of ballots. 1,878 ballots were sampled across the Commonwealth. The risk limit of 10%, set by the SBE, was successfully met in the first round of the RLA, confirming the voting machines accurately reported the outcome of the race.

U.S. Congressional District 1 Batch Comparison RLA

Following the U.S. Senate RLA, a *batch comparison* RLA was performed for the 1st U.S. Congressional District. The RLA began on Thursday, November 21, 2024, at 10 AM. 7 out of 18

localities audited 19 randomly selected batches of ballots, for a total of 137,627 ballots. The risk limit of 10%, set by the SBE, was successfully met in the first round of the RLA, confirming the voting machines accurately reported the outcome of the race.

Attachment:

- November 2024 Risk-Limiting Audit Report



★ VIRGINIA ★
STATE BOARD
of ELECTIONS



November 2024 Risk-Limiting Audit Report

January 15, 2025

VIRGINIA DEPARTMENT OF ELECTIONS

EXECUTIVE SUMMARY

Pursuant to §24.2-671.2 of the Code of Virginia, the Virginia Department of Elections is required to coordinate a pre-certification, post-election risk-limiting audit of ballot scanner machines in the Commonwealth.¹ The 2024 November General Election Risk-Limiting Audits (RLA) took place in the weeks following the general election for the United States Senate and United States House of Representatives. During the week of November 18, 2024, localities completed two RLAs: a ballot polling RLA for the U.S. Senate race and a batch comparison RLA for the U.S. 1st Congressional District (District 1) race under the supervision of the Virginia Department of Elections (ELECT). This was the first time that ELECT and the elections community performed two RLAs using two different methods at this scale. ELECT announced the successful completion of the audits on December 2, 2024, successfully meeting the risk limit with over 90% confidence that voting machines accurately reported election results.

In addition to facilitating the audit each year, §24.2-671.2 also requires ELECT to submit a report to the State Board of Elections (SBE) that details the results of the audit and provides an analysis of any detected discrepancies.² The following report gives a comprehensive overview of the risk-limiting audits conducted in the Commonwealth during the 2024 General Election cycle.

WHAT IS A RISK-LIMITING AUDIT?

A risk-limiting audit (RLA) is an audit conducted after an election and before the certification of the election results that provides strong statistical evidence that the declared winner of a contest received the most votes. By reviewing a statistically significant sample of ballots,³ RLAs provide a more cost-effective and efficient alternative to other forms of post-election audits by reducing the total number of reviewed paper ballots needed to confirm election results. In 2017, RLAs were codified into Virginia law as §24.2-671.1 and later recodified as §24.2-671.2 in 2022. Since the first statewide RLA in 2021, ELECT and the elections community have performed twelve RLAs, seven utilizing ballot polling and five utilizing batch comparison.⁴ Virginia and sixteen other states have passed legislation requiring or allowing for RLAs or pilot programs.⁵

RLA METHODS USED IN VIRGINIA

The SBE has approved two types of RLA methods: ballot polling and batch comparison for use in the Commonwealth. While ballot polling and batch comparison audits differ in their sampling methodology, both methods achieve the same intended purpose: to confirm that the voting machines reported the correct outcome.

A *ballot polling* RLA is similar to an exit poll. In this case, ballots are randomly selected, tabulated, and compared to the reported result.

A *batch comparison* RLA is similar to a traditional audit. Batches of ballots are randomly selected, counted, and compared to the reported results.

¹ Code of Virginia [§24.2-671.2\(C\)](#).

² Code of Virginia [§24.2-671.2\(H\)](#).

³ See Code of Virginia [§24.2-671.2\(A\)](#).

⁴ See ELECT, Election Security, [Risk-Limiting Audits](#).

⁵ See [RiskLimitingAudits.org](#).

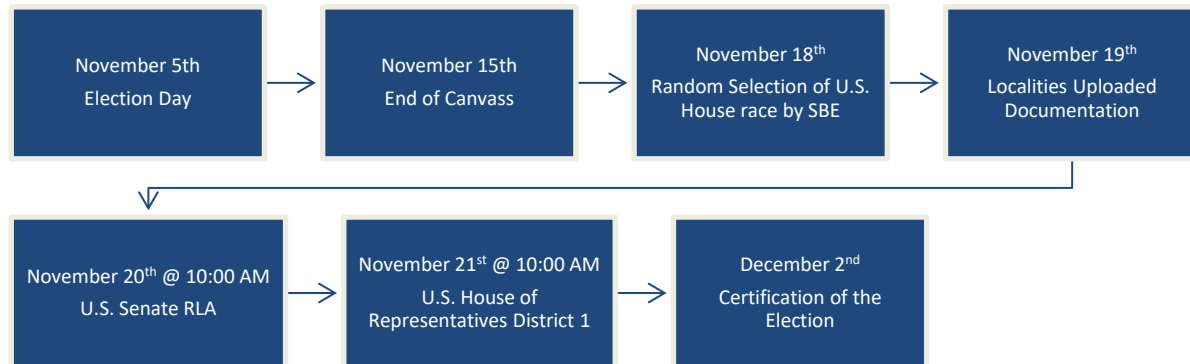
While the batch comparison method reviews more total ballots than the ballot polling method, both provide strong statistical evidence that the declared winner won their election.

HOW IT WORKS IN VIRGINIA

RLAs analyze a randomized sample of hand counted ballots and compare those results to the results reported. To conduct an RLA, a voting system must be in place that uses paper ballots. The ballots sampled must be hand counted, tallied, and entered into the auditing tool. A risk limit is set as a threshold of error and is the largest probability that the risk-limiting audit will fail to correct an election outcome that differs from the outcome that would be found by a full manual tabulation of the votes on all ballots cast in the contested race.⁶ For example, a 10% risk limit means that there is a 90% chance that the audit will correct an incorrect outcome. To date, all RLAs conducted in the Commonwealth have utilized a 10% risk limit set by the SBE. The auditing tool, then, performs the calculations necessary to determine if the pre-determined risk limit has been met.

ELECT uses an RLA software called Arlo, a ballot auditing tool created by VotingWorks, to help facilitate the RLA.⁷ The auditing tool randomizes the ballots sampled and performs all statistical calculations for the audit. Typically, if the margin of an election is wide, fewer ballots are needed to confirm the contest results; if the margin is narrow, more ballots will be audited. If the risk limit is not met, then a second round of the RLA will need to occur and may result in a full hand count of all ballots.

TIMELINE



RLAs must be conducted after the election but before certification by the SBE. Localities and ELECT staff had 7.5 business days to complete two RLAs, requiring the cooperation and coordination of multiple localities throughout the Commonwealth. During the SBE’s September 2024 meeting, the SBE chose to have the U.S. Senate RLA utilize the ballot polling method and

⁶ Code of Virginia [§24.2-671.2\(A\)](#).

⁷ VotingWorks, [Risk-Limiting Audits with Arlo](#).

the U.S. Congressional District RLA utilize the batch comparison method. The following is an overview of the timeline of the process after Election Day on November 5, 2024:

- The SBE met on Monday, November 18th following the end of the canvass on Friday, November 15th to select a contest for U.S. Congress to audit, draw the random seed numbers for sampling, and set the *risk limit* of the audit.
- On Tuesday, November 19th ELECT staff held meetings to allow for last-minute questions from localities; localities were also required to upload their RLA documents that day into Arlo.
- On Wednesday, November 20th, 93% of localities were required to retrieve certain ballots, chosen at random by Arlo.
- The following day, Thursday, November 21, seven out of eighteen District 1 localities performed their RLA with nineteen batches of ballots.
- The results of the RLA were announced on Monday, December 2nd when the SBE certified the results of the 2024 November General Election.

WHAT WAS THE RESULT OF THE RLAs?

U.S Senate Ballot Polling RLA

The U. S. Senate race underwent a risk-limiting audit utilizing the ballot polling method on November 20, 2024. The U.S. Senate had a margin of victory of 8.98% with a total of 4,523,576 ballots cast. Although all 133 localities were required to submit a ballot manifest, only 125 localities out of 133 were randomly selected to pull a total of 1,878 ballots, about .04% of the total ballots cast. Buena Vista City, Covington City, Emporia City, Highland County, Lee County, Mathews County, Norton City, and Poquoson City were not selected by Arlo, the RLA auditing tool, to hand count ballots although they did submit the required ballot manifest, fulfilling the participation requirement of §24.2-671.2(C)(4).⁸ Comparatively, during the last statewide RLA held in 2021, eleven localities were not chosen.⁹ The risk limit of 10%, set by the State Board of Elections, was successfully met in the first round of the RLA, confirming the outcome of the race.

U.S. House of Representatives District 1 Batch Comparison RLA

District 1 had a margin of victory of 12.78% with a total of 487,807 ballots cast. While every locality involved in the U.S. House of Representatives District 1 submitted a ballot manifest, 7 out of 18 localities audited 19 randomly selected batches of ballots. A total of 137,627 ballots were reviewed in a single day, about 28% of the total ballots cast. The localities selected for audit included Chesterfield County, Gloucester County, Henrico County, James City County, Lancaster County, Middlesex County, and Westmoreland County. Discrepancies were found

⁸ Code of Virginia [§24.2-671.2\(C\)\(4\)](#). See also ELECT, [2024 Risk-Limiting Audit Manual](#), Section 2.2.

⁹ ELECT, [March 2021 RLA Report](#), page 6.

within 14 of the audited batches, totaling 80 ballots or .0167% of all ballots cast in the District 1 election. None of the discrepancies were significant and would not have affected the outcome of the election. An example of a discrepancy is when a voter inadvertently rests their pen on multiple candidate bubbles on the ballot, causing marks and resulting in the ballot being read in the machine as an overvote. When reviewed by a human, the voter intent is clear, and the ballot can be counted for one candidate. The risk limit of 10%, set by the State Board of Elections, was successfully met in the first round of the RLA, confirming the outcome of the race.

LESSONS LEARNED

RLAs and the Post-Election Timeline

In 2024, a law was passed, Acts of Assembly Chapter 738, that extended the time for the electoral board to submit the ascertainment of the results of a general election to ELECT from seven days after the election to ten days after the election.¹⁰ Without additional changes in the timeline, the RLA had three fewer days to be performed, and localities had three fewer days to prepare for the RLA. Further, the period between the end of canvass and certification of the SBE is not only the time to perform the RLA but also the time when ELECT and localities are reviewing their abstracts of votes, a critical and likewise required step in the electoral process. The compression of this timeline put additional stress on local election administrators and resources that had already been exhausted after running at least three major elections in 2024, with 45 days of early voting before each of those elections. It was through the determination and diligence of the election community that the RLAs were completed successfully and before the Thanksgiving holiday. This was best illustrated during the District 1 RLA when several general registrars and their staff aided neighboring localities allowing the District 1 RLA to be completed faster than anticipated. Future considerations should be made to alleviate this timeline to account for the loss of extra time, although options are limited as state certification of election results can not be delayed further due to the timing of the Electoral College in Presidential years.

Batch Comparison at the Congressional District Level

In recent years, batch comparison audits have been conducted on local races, wholly contained within one jurisdiction, in Orange, Loudoun, and Arlington counties. However, the House of Representatives District 1 batch comparison RLA conducted following the 2024 General Election was the largest-scale batch comparison RLA ever conducted in the Commonwealth. The District 1 RLA required 137,627 ballots across seven localities. Before this, Loudoun County had the largest sampling in a batch comparison RLA with a full hand tally in 2023 with 62,303 ballots in a single district in a single locality, less than half of District 1's volume.¹¹ This was further complicated by also having to conduct an RLA using the ballot polling method earlier in the week. This meant that localities had to be organized and staffed to host two audits using two different methodologies in one week.

No locality in District 1 had yet performed a batch comparison method RLA. There was some confusion about the performance of and preparation for the batch comparison RLA, such as the

¹⁰ See 2024 Acts of Assembly [Chapter 738](#).

¹¹ ELECT, [November 2023 Risk-Limiting Audit Report](#), page 12.

documents required for the RLA, how the documents were to be formatted, and how to interpret marked ballots. However, through proper training and preparation, the RLA was finished within one day. The biggest issue was the batching of ballots, especially the size of the batches chosen by Arlo; this issue is discussed further below as it is an issue that affects both RLA methods.

Concerns were also expressed by local election administrators regarding the volume of ballots that had to be hand counted to complete the audit. Despite having a margin of 12.78%, 137,627 ballots had to be hand counted to complete the District 1 RLA, about 28% of all total ballots cast. Comparatively, the margin of the U.S. House race was 8.98% with only 1,878 ballots reviewed during the RLA, about .04% of all total ballots cast, utilizing the ballot polling method. Both audits proved the accuracy of the voting systems, but the U.S. House RLA required a great deal more manpower than the U.S. Senate RLA despite only having about a 4% difference in their margins of victory. While the U.S. Senate RLA was able to be completed within one day due to the massive amount of manpower that came to assist, future audits with closer margins could result in many more ballots being reviewed with the potential to escalate to a full hand tally or if additional rounds are required to complete the audit. Overall, the expansion of the batch comparison method was successful.

Arlo Improvements

Since 2019, ELECT and VotingWorks have worked together to improve Arlo by providing feedback. As this was the second statewide RLA since being statutorily required, ELECT had more feedback regarding not only the RLA process but also Arlo, the RLA software by VotingWorks. While most localities had positive or neutral experiences with Arlo, some localities found it hard to use or confusing to navigate. Additionally, localities have expressed interest in a sandbox version of Arlo to allow interaction with the software outside of an actual RLA. ELECT will continue to work with VotingWorks to improve locality experience in future RLAs.

Data Entry Quality Assurance

Accurate data entry is important to the RLA process as the data entered informs Arlo's processes. Some data entry errors occurred that were quickly addressed and rectified at both the state and local levels and could have been more easily corrected with more quality assurance steps by RLA administrators. For example, when the participants for the RLA were uploaded into Arlo, the RLA administrators did not notice that they had labeled Virginia Beach as "Virginia Beach City"; this caused a map in Arlo to suggest that Virginia Beach had no data when the general registrar had already uploaded their ballot manifest to Arlo. This caused some confusion and required some additional coordination with VotingWorks to correct the issue. Another example was when Henrico County made a typographical error in their ballot manifest, which was discovered during the RLA process. While the error did not affect the outcome of the RLA it was an error that could have been caught and corrected either at the state or local level with more data entry quality assurance steps. Going forward, ELECT will build more quality assurance steps into its procedures to mitigate such errors, which may include finding ways to include more time for preparation efforts before starting the RLA.

Batching of Ballots

As was discussed in the November 2023 RLA Report,¹² “Strategically storing ballots is key to an easier and smoother RLA process.” However, the inability of many localities to do so was presented during this year’s RLAs, especially in the District 1 RLA. Many localities had to go through batches of ballots that consisted of several thousand ballots. While it was only through the diligence of local election officials that the RLAs were completed in one day each, the effort could have been eased with the ability of localities to make smaller batches. The purchase of election management systems may assist with this; however, this is an additional cost that is charged by all vendors. Alternatively, allowing access to the memory cartridges or thumb drives of the voting systems may allow for some localities to manage their batches. ELECT will consider these options and explore others as well to assist in the making of smaller batches.

RLA Transition Logistics

Additional logistics were required to ensure a smooth transition from a ballot polling method RLA to a batch comparison RLA. This was the first time localities would have to transition between two RLA methods in one week. Some documentation was the same but required additional edits that were new to these localities, such as combining batches of ballots for a batch comparison RLA but separating batches for a ballot polling RLA. Another issue was how to store the ballots reviewed in the ballot polling RLA in preparation for the batch comparison RLA. It was recommended by VotingWorks that ballots used in the ballot polling RLA earlier in the week stay in the same batch for the purpose of the batch comparison RLA later in the week; previously, this was a decision at the discretion of the locality. Given the unique circumstances, ELECT shared VotingWorks’ recommendation with the elections community so that they would be prepared for both RLAs. For future RLAs, when multiple RLAs are required, it may be best for the SBE to choose only one method for both RLAs to reduce confusion and allow more focus on executing one process instead of two.

RLA Training

In preparation for the RLAs, ELECT began messaging and training early in 2024 to the elections community. ELECT provided multiple reminder advisories regarding the RLA throughout the year. The training division of ELECT made two online trainings for the RLA that were released in April. In July, the RLA was also given a priority presentation at the required annual state training for election officials, known as the Virginia Elections Workshop or VEW. Further, an Arlo demonstration was also provided in September to the elections community to provide more insight into the Arlo software itself. ELECT staff also provided three open table discussions in the days preceding the start of the RLA, a total of sixteen hours of open discussion on various topics related to the RLA. While most of the elections community engaged in most of these opportunities, some still struggled to understand the basic principles and procedures of the RLA. ELECT will continue to work with election officials to ensure the training provided is understandable to all election officials and is of the best quality ELECT can provide. Additionally, ELECT will provide more training to local electoral board members on their duties as it relates to RLAs.

¹² ELECT, [November 2023 RLA Report](#), page 4.

RLA and the Public

As RLAs will continue to be used in the Commonwealth, ELECT will provide more education as to an RLA's purpose and how it fits into the mission of having accurate, fair, open, and secure elections in the Commonwealth. Understanding how the RLA fits into the election security process will boost the public's confidence in not only the value of RLAs but also the election process as a whole. Such training should include a focus on explaining the differences between the two methods.

CONCLUSION

The audits of the U.S. Senate and the U.S. House of Representatives District 1 confirmed the election results were accurately reported. The results reflect the hard work of election administrators and further exemplify the integrity and validity of the 2024 General Election. RLAs are an important tool in reassuring the public that every vote counts and provide an excellent check on the democratic process. For more information about the RLA process please consult ELECT's RLA Manual.¹³ ELECT remains a leader nationally in the administration of risk-limiting audits and intends to build on this success in the years to come to ensure safe, secure, fair, and free elections in the Commonwealth.

¹³ ELECT, [2024 Risk Limiting Audit Manual](#).

i. 2024 November General Election RLA: Potential Races

Congressional District 1	Congressional District 2	Congressional District 3	Congressional District 4	Congressional District 5	Congressional District 6
<p>James City, York, Gloucester, New Kent, Westmoreland, King William, Northumberland, Lancaster, Middlesex, Essex, Richmond, Mathews, King & Queen Counties; Cities of Williamsburg and Poquoson</p> <p><i>Partial: Henrico, Chesterfield, and Hanover Counties</i></p>	<p>Accomack, Isle of Wight, Northampton Counties; City of Virginia Beach, Suffolk, and Franklin</p> <p><i>Partial: Southampton County; City of Chesapeake</i></p>	<p>Cities of Norfolk, Hampton, Newport News, Portsmouth</p> <p><i>Partial: City of Chesapeake</i></p>	<p>Prince George, Dinwiddie, Brunswick, Greensville, Sussex, Charles City, Surry Counties; Cities of Richmond, Petersburg, Hopewell, Colonial Heights, and Emporia</p> <p><i>Partial: Chesterfield, Henrico, and Southampton Counties</i></p>	<p>Pittsylvania, Campbell, Louisa, Halifax, Amherst, Mecklenburg, Powhatan, Fluvanna, Goochland, Prince Edward, Buckingham, Nottoway, Appomattox, Nelson, Amelia, Lunenburg, Charlotte, Cumberland Counties; Cities of Lynchburg, Charlottesville, and Danville</p> <p><i>Partial: Albemarle, Bedford, and Hanover Counties</i></p>	<p>Frederick, Rockingham, Augusta, Harrisonburg, Shenandoah, Warren, Botetourt, Page, Rockbridge, Alleghany, Clarke, Bath, Highland Counties; Cities of Roanoke, Harrisonburg, Winchester, Staunton, Salem, Waynesboro, Lexington, Buena Vista, and Covington</p> <p><i>Partial: Roanoke County</i></p>

Congressional District 7	Congressional District 8	Congressional District 9	Congressional District 10	Congressional District 11
<p>Stafford, Spotsylvania, Culpeper, Orange, Caroline, King George, Greene, Madison Counties; City of Fredericksburg</p> <p><i>Partial: Prince William and Albemarle Counties</i></p>	<p>Arlington County; Cities of Alexandria and Falls Church</p> <p><i>Partial: Fairfax County</i></p>	<p>Montgomery, Franklin, Washington, Henry, Tazewell, Wise, Pulaski, Smyth, Carroll, Wythe, Russell, Lee, Scott, Buchanan, Patrick, Giles, Floyd, Dickenson, Bland, Craig, Grayson Counties; Cities of Norton, Galax, Martinsville, Bristol, and Radford</p> <p><i>Partial: Bedford and Roanoke Counties</i></p>	<p>Loudon, Fauquier, Rappahannock Counties; Cities of Manassas and Manassas Park</p> <p><i>Partial: Prince William and Fairfax Counties</i></p>	<p>City of Fairfax</p> <p><i>Partial: Fairfax County</i></p>

ii. Arlo Results

Contest Name	Sample Size	Risk Limit Met?	P-Value	Audited Votes
U.S. Senate	1,878 Ballots	YES	.038621	Timothy M. Kaine: 983; Hung Cao: 863; Write-In: 4; Ballots not found (counted for loser): 1
U.S. House of Representatives 1st District	19 Batches 137,627 Ballots	YES	.090274	Leslie C. Mehta: 42,558; Robert J. Wittman: 46,559; Write-In: 133



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Amend IVAC 20-20

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Ashley Coles
ELECT Senior Policy Analyst



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Memorandum

To: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, Delegate Merricks, and Mr. Weinstein

From: Ashley Coles, Senior Policy Analyst

Date: January 15, 2025

Re: Amendments to 1VAC20-20; Encryption of Sensitive Personal Information

Suggested Motion

“I move that the State Board of Elections approve the proposed amendments to 1VAC20-20-20 and the associated Documents Incorporated by Reference for 1VAC20-20.”

Applicable Code Sections

§24.2-103 Powers and Duties of the State Board of Elections

Background

Federal and state laws require Virginia election administrators to maintain the security and confidentiality of personal voter information, including social security number and full date of birth. The current regulation provides a standard for encryption technology that state and local election officials may utilize as an alternative to redacting personal information from applications and other documents before transmitting them electronically.

Since the initial promulgation of 1VAC20-20-20 in 2011, the referenced encryption standards established by the National Institute of Technology (NIST) of the United States Department of Commerce have been updated. These updated standards provide four increasing, qualitative levels of security intended to cover a wide range of potential applications and environments.

Additionally, these updated standards significantly reduce regulatory requirements included in Chapter 20's Documents Incorporated by Reference (1VAC20-20) which allows ELECT to meet regulatory reduction initiatives established by the Office of Regulatory Management.

Recommendation

ELECT staff recommends the State Board of Elections approve the proposed amendments to 1VAC20-20-20 and the associated Documents Incorporated by Reference.

Attachments

Proposed amendments to 1VAC20-20

1VAC20-20-20. Electronic transmission of records containing sensitive personal information; encryption or redaction required.

State and local election staff shall use encryption technology meeting the Security Requirements for Cryptographic Modules, FIPS PUB 140-~~2~~, issued ~~May 25, 2001~~ March 22, 2019, with change notices through ~~December 3, 2002~~ May 1, 2019, of the National Institute of Standards and Technology (NIST) of the United States Department of Commerce (<http://csre.nist.gov/publications/fips/fips140-2/fips1402.pdf> <https://nvlpubs.nist.gov/nistpubs/FIPS/NIST.FIPS.140-3.pdf>) to transmit electronically any records containing sensitive personal information. Electronic transmission includes email or facsimile transmission. For purposes of this regulation, sensitive personal information means: (i) more than four digits of a social security number or other unique identifier other than voter identification number; (ii) day and month of birth; or (iii) the residence address of voters qualified for protection under § [24.2-418](#) of the Code of Virginia. If encryption is not used, then all sensitive personal information must be redacted from the record before the record is transmitted electronically. "Redact" means alteration or truncation of data so that no sensitive personal information is accessible.

DOCUMENTS INCORPORATED BY REFERENCE (1VAC20-20).

~~Security Requirements for Cryptographic Modules, FIPS PUB 140-2, issued May 25, 2001, including change notices through December 3, 2002, National Institute of Standards and Technology, U.S. Department of Commerce~~ Security Requirements for Cryptographic Modules, FIPS PUB 140-3, issued March 22, 2019, including change notices through May 1, 2019, National Institute of Standards and Technology, U.S. Department of Commerce

Virginia State Plan - 2012, Help America Vote Act of 2002, adopted March 2012, Virginia State Board of Elections

Help America Vote Act of 2002 Performance Goals, Virginia State Board of Elections, June 19, 2006 (Virginia State Board of Elections Policy 2006-004)

State Board of Election Minutes of December 2, 2004, as amended September 14, 2010



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Campaign Finance Reg

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Steve Koski
ELECT Compliance Advisor



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Memorandum

To: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, Delegate Merricks, and Mr. Weinstein

From: Steve Koski, Compliance Advisor

Date: January 15, 2025

Re: Print Media Disclosure Regulation Public Hearing

Suggested Motion

“Pursuant to the requirements of the Virginia Administrative Process Act, I move that the Board approve 1VAC-20-90-40 as presented for commencement to the final stage.”

Applicable Code Sections

§ 24.2-956.1. Requirements for print media advertisements sponsored by a person or political committee, other than a candidate campaign committee.

§ 2.2-4000 *et seq.* Administrative Process Act

Background

Previously, §24.2-956.1(5) of the Code of Virginia required that a disclosure statement on print media be displayed in a conspicuous manner with at least 7-point font size. Acts of Assembly Chapter 557 of 2020 amended this section to remove the specific font size requirement and simply require that the font size be proportionate to the size of the advertisement. Further, it directs the State Board to promulgate standards for complying with the requirements. This proposed regulatory action, 1VAC20-90-40, creates the required standards.

The proposed standards largely mirror the standards used at the federal level by the Federal Election Commission and includes the following requirements:

- Sufficient font size to be clearly readable by the recipient of the communication. For an advertisement 24x36 inches or smaller, twelve (12)-point font size is sufficient.
- The disclosure statement must be in a printed box apart from the other contents.
- The disclosure statement must have reasonable color contrast with the advertisement background. Black printed on a white background meets the requirement. Also met if contrast between disclosure and the advertisement’s background is no less than the contrast between the background and the largest text on the advertisement.

Previously, the Board adopted a short-term emergency version of this regulation to ensure an effective date of July 1. That regulation, which remains effective, contains the same language as is proposed in this permanent version. However, as stated at that time, the short-term version did not circumvent the full regulatory process, especially pertaining to public participation.

In furtherance of the required process, the Board held a public hearing on August 20, 2024, and the public was provided the opportunity to comment through September 13, 2024 on Virginia Regulatory Town Hall. No comment was received.

The Board now has the opportunity to make adjustments to the proposed language, if any, and proceed to the final stage of the regulatory process. ELECT has no suggested changes to the proposed language.

Attachments

1VAC20-90-40, as proposed.

1VAC20-90-40 Disclosure statement requirements; print media advertisements

A. The following standards apply to print media advertisements under § 24.2-956 and § 24.2-956.1 of the Code of Virginia.

B. Any disclosure statement required under either § 24.2-956 or § 24.2-956.1 of the Code of Virginia must be presented in a clear and conspicuous manner to give the reader notice of the candidate, candidate campaign committee, person, or political committee that paid for and, where required, that authorized the communication. A disclosure statement is not clear and conspicuous if it is difficult to read or if the placement is easily overlooked.

C. The disclosure statement must be of sufficient type size to be clearly readable by the recipient of the communication. A disclosure statement in twelve (12)-point type size satisfies the requirements of this paragraph when it is used for signs, posters, flyers, newspapers, magazines, or other printed materials that measure no more than twenty-four (24) inches by thirty-six (36) inches.

D. The disclosure statement must be contained in a printed box set apart from the other contents of the communication.

E. The disclosure statement must be printed with a reasonable degree of color contrast between the background and the disclosure statement. A disclosure statement satisfies the color contrast requirement of this paragraph if it is printed in black text on a white background or if the degree of color contrast between the background and the text of the disclosure statement is no less than the color contrast between the background and the largest text used in the communication.

F. The disclosure statement need not appear on the front or cover page of the communication as long as it appears within the communication, except on communications, such as billboards, that contain only a front face.

G. A communication that would require a disclosure statement, if distributed separately, that is included in a package of materials, must contain the required disclosure statement.



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GREB Compliance Issue

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Steve Koski

ELECT Compliance Advisor



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Memorandum

To: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, Delegate Merricks, and Mr. Weinstein

From: Steve Koski, Compliance Advisor

Date: January 15, 2025

Re: City of Norfolk Electoral Board Member Complaint

Suggested Actions

- (1) **Motion to Institute Removal Proceedings:** “Pursuant to § 24.2-103 of the Code of Virginia, I move that the State Board of Elections direct its legal representation to prepare a petition to the Norfolk Circuit Court for the removal of Marianne McKay from the City of Norfolk Electoral Board for failure to discharge her official duties under Virginia law.”
- (2) **Motion to Dismiss:** “I move that the State Board of Elections dismiss consideration of removal due to an insufficient basis to warrant State Board action pursuant to § 24.2-103 of the Code of Virginia.”
- (3) **Take under advisement and request written response from Vice Chair McKay within 14 days.** No motion required.

Applicable Code Sections

§ 24.2-103. Powers and duties in general; report.

Background

Several issues have been brought to the attention of the State Board and ELECT related to City of Norfolk Electoral Board Vice Chair Marianne McKay, including from her own statements about seeking to withdraw her certification of the election, complaints from the Electoral Board Chair regarding her conduct, a demand for her resignation from the local Republican Party Chair, and a statement outlining her conduct from the General Registrar. Attached to this memorandum you will find an overview of these issues with supporting documentation. The State Board must now determine whether the issues raised and supporting documents and testimony received warrant the instituting of removal proceedings.

Attachments

Summary of issues with statements and supporting documentation.

Marianne McKay, Vice Chair
City of Norfolk Electoral Board

A primary issue raised regarding Ms. McKay stems from her request on November 16, 2024, to withdraw her certification of the General Election. While there is not a process under Virginia law for rescinding a certification, this nonetheless raises concerns about Ms. McKay's possible intent in the future to refuse to certify an election in accordance with her ministerial duties under the law. The attached email (Exhibit 1) from Ms. McKay provides her rationale for seeking to rescind her certification.

ELECT also received complaints about Ms. McKay from the Chair of the Electoral Board, Atoy Carrington. Ms. Carrington wrote an email seeking the removal of Ms. McKay, which is attached as Exhibit 2 (please note that the attached emails referenced in Ms. Carrington's email (emails with the subject "Incidence Reports," "EB Job Description," and "Request for Evaluations) are included with the attached statement of the General Registrar, which is discussed below). In her request, Ms. Carrington alleged that Ms. McKay:

- Failed to share information with the Electoral Board regarding polling place incidents;
- Falsified information to the General Registrar related to officer of election feedback forms; and
- Shared information about officers of election that was discussed by the Electoral Board in closed session.

After the 2024 General Election, John Sitka, Norfolk Republican Party Chairman, sent Ms. McKay an email requesting her resignation from the Electoral Board to "prevent future embarrassment." The email is attached as Exhibit 3.

Due to the complaints received and concerns about Ms. McKay's own statements regarding her desire to rescind her certification, ELECT sent a request to General Registrar Stephanie Iles to provide any relevant information about the job performance of Ms. McKay. A statement from Ms. Iles is attached as Exhibit 4, along with supporting documentation. In her statement, Ms. Iles raised numerous concerns, though for purposes of consideration of removal pursuant to 24.2-103, the following allegations are most relevant:

- **Interference with the work of the chief and assistant chief officers in relation to the June 18, 2024 Primary Election.** It is alleged that Ms. McKay instructed the chiefs and assistant chiefs in precincts she oversaw to complete Statements of Results in a manner inconsistent with training approved and provided by the Electoral Board and General Registrar; they were directed by Ms. McKay to each complete the Statement of Results separately. This inconsistent manner of completing the Statements of Results led to confusion in the post-election period due to two different handwritings being present on the Statements of Results
- **Political activity.** It is alleged that Ms. McKay works with an the "Election Integrity Group" to provide training to authorized representatives and make staffing assignments for precincts within Norfolk. It is also alleged that she shares training information from the Norfolk Office of Elections as part of these activities. It is further alleged that some of the

training provided to the authorized representatives directed them to conduct unlawful activities within the polling location.

- **Delay of the adjudication of provisional ballots.** It is alleged that Ms. McKay “challenged” the 5,000+ provisional ballots that were cast on Election Day for the 2024 General Election. It is alleged that she refused to comply with the procedure set forth by the Electoral Board for reviewing provisional ballots and delayed the process.
- **Violation of Freedom of Information Act.** It is alleged that Ms. McKay has violated FOIA on numerous occasions by attempting to conduct Electoral Board business via email rather than at a public meeting. She has allegedly been warned about this practice by both members of the Electoral Board and the General Registrar.

Based upon these allegations, the following suggested questions may assist in providing the most complete information for the Board’s consideration:

Questions for Vice Chair McKay

1. If possible today, would you withdraw your certification of the November 2024 General Election in Norfolk?
2. If similar facts presented themselves at the next election, would you refuse to certify that election?
3. What do you view as a permissible basis to not certify an election as required by law?
4. Did you direct the chief and assistant chief officers of election to complete the Statements of Results in a manner inconsistent with training?
5. Can you explain why your activities related to training, staffing, and coordinating observers in Norfolk precincts are not contrary to your duty as an electoral board member to not engage in political activities?
6. What was your understanding about the established process by the Electoral Board for adjudicating provisional ballots?
 - a. Was it your intent to personally review every provisional ballot cast?
7. What is your response to the allegation that you continually attempted to conduct Electoral Board business via email in violation of FOIA?
8. As an individual member of the Electoral Board, do you view yourself as bound by decisions of the Electoral Board as a whole, including policies, procedures, and directives related to administering elections?

Questions for General Registrar Iles

1. Can you provide more details about the allegation of Ms. McKay directing officers of election to complete Statements of Results in a manner inconsistent with training and about the impact this had?
2. Can you provide more details about your allegations regarding Ms. McKay’s engagement in political activities?
 - a. Can you provide more detail about how this conflicts with her duty to not engage in political activities when carrying out her duties?
3. Can you provide more details about the alleged delay in the adjudication of provisional ballots related to Ms. McKay’s deviation from established policy?

- a. What impact did this have on the overall canvass process?
4. Can you provide more information about the alleged FOIA violations of Ms. McKay in carrying out Electoral Board business via email?

Questions for Chair Carrington

1. Can you provide more details about the polling place incident information that was allegedly withheld by Ms. McKay?
2. Can you provide more details about the alleged falsification of information to the General Registrar about officer of election feedback forms?
3. Without providing personal or prohibited information, can you provide more information about the circumstances surrounding the alleged disclosure of information from the closed session of the Electoral Board?
4. Can you provide more details about alleged violations of FOIA by Ms. McKay through use of email to conduct Board business?

EXHIBIT 1 – Email from McKay Re Certification

From: Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Sent: Saturday, November 16, 2024 4:59:01 PM
To: Beals, Susan (ELECT) <Susan.Beals@elections.virginia.gov>
Cc: Mainwaring, Victoria (ELECT) <Victoria.Mainwaring@elections.virginia.gov>; Henry Michael Ziegenfuss (NEBHMZ@gmail.com) <NEBHMZ@gmail.com>; Atoy B. Carrington (atoycarringtoneb@gmail.com) <atoycarringtoneb@gmail.com>; Bencoach, Rosanna <Rosanna.Bencoach@norfolk.gov>
Subject: Fw: Certification of the November 5, 2024 Election Results

Good afternoon Commissioner Beals -

Vice Chair Marianne McKay has submitted the below email requesting to withdraw her signature from the Abstracts certification of the November 5, 2024 General & Special Elections, that have already been submitted to the Virginia Department of Elections yesterday. Her accusations are not only baseless, but defamatory to the other Board members, my staff, and me. Her continued interference with the certification of the electoral process during this election and the previous June Republican Primary are not professional and becoming of a Board member.

Her actions are a refusal to perform her required duties under state code as an appointed Electoral Board member. Furthermore, the Republican Party Chair for the City of Norfolk has requested her immediate resignation.

Please review and advise.

Should the state require revised Abstracts from our Chairwoman and Secretary, we will be more than willing to accommodate.

Sincerely,

Stephanie L. Iles
CERA, VREO, & Virginia Certified General Registrar (2024)
Director of Elections & General Registrar
Norfolk Office of Elections
810 Union Street (City Hall Building)
Suite 100
Norfolk, VA 23510
Phone: 757-664-4353/Fax: 757-664-4685
Email: Stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>

Sent: Saturday, November 16, 2024 2:57 PM

To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>; Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com>

Subject: Certification of the November 5, 2024 Election Results

Good afternoon Director of Elections and General Registrar Iles,

Regarding the certification of the November 5, 2024 election Results, I want to go on record that I regret signing the certification. The board was never given the opportunity to see the Provisional Ballot Logs for each precinct even though I made the request the Wednesday after the election at the start of the Canvass. Furthermore, I nor any authorized representative were allowed to observe the processing of the provisional ballots; nor was the board allowed to review the individual provisional ballot envelopes to decide whether to accept or reject the ballot. Only feeble excuses were given such as we've never done it that way before, and authorized representatives are not allowed to see the voters' personal information (they could easily be arranged so as to not see the personal information). I made it clear the reason for the request was because of the massive and unprecedented number of provisional ballots and reports of irregularities and Code Violations in the provisional voting process that I also witnessed.

I mistakenly assumed that I had to go with what the majority of the Board decided, but it was a grave mistake on my part to not ask. Upon reflection the board did not take measures available to ensure the voting process was correct and therefore I hereby withdraw my certification. Please advise me if there are any other steps I need to take to withdraw my certification.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

EXHIBIT 2 – Email from Electoral Board Chair

----- Forwarded message -----

From: Atoy Carrington <atoycarrington@gmail.com>
Date: Tue, Aug 13, 2024 at 6:54 AM
Subject: Assistance in the Removal of Electoral Board Member
To: john.obannon@elections.virginia.gov <john.obannon@elections.virginia.gov>, JohnNunnally55@gmail.com <JohnNunnally55@gmail.com>, <Susan.Beals@elections.virginia.gov>

It is with great urgency that I contact you regarding the actions of the Vice-Chair of the Norfolk Electoral Board, Marianne McKay. Ms. McKay has been training individuals with Election Integrity to serve as Election Observers for this past Republican Senate primary election in June and the upcoming election in November 2024. The problem and conflict of interest that this creates are already evident.

During the election on Tuesday, June 18, 2024, an incident occurred at one of the polling locations, not on her assigned route. However, she was the Board Member contacted instead of H. Michael Ziegenfuss who was responsible for answering the call for that precinct location.

Immediately following the election, Ms. McKay committed to gaining access to the Incident Reports from all election precincts. I have included the associated email exchange with the subject title "Incidence Reports."

When we began examining the Incident Reports on Monday, June 24, 2024, I noticed an extremely vague comment (not a description) of an incident at one of the polling locations. Ms. McKay was completely aware of the situation but refused to state what occurred after being repeatedly asked. Before the election, Ms. McKay insisted on removing the previous Poll Chief from that location with one of her choosing. The Poll Chief on June 24th which Ms. McKay chose, was responsible for the vague incident reporting.

The Board met again on Tuesday, July 9, 2024, in the Boardroom at City Hall. I asked Ms. McKay again at this Board Meeting to explain what happened at that polling location. She continually came up with excuses as to why she couldn't.

As of this writing, almost two months after the election, Ms. McKay has been unwilling to provide the information. I finally received the audio recordings of our board meetings that she maintains for her purposes. Ms. McKay delayed sending the July 9, 2024, recording, where and when she admits to training the Election Integrity Observers. The audio recording of the meeting is also attached to this email. The pertinent part of the recording runs from 12:20-17:30.

While demanding data from Ms. Iles about feedback forms from the Officers of Election from this past June's election, Ms. McKay falsified information that she sent to the Registrar, Ms. Stephanie Iles, and fellow Board Members. This reflects her willingness to lie, deceive, and manipulate others to achieve her objectives. The email exchange reflecting this fact is also included under the subject "EB Job Description"

Ms. McKay has also shared information with others about Officers of Elections that we've discussed only in a closed session in our Board Room. The exchange reflecting her admittance of this is also a part of the "Request for Evaluations" email exchange.

A team player she is not. We have all attempted to work with Ms. McKay, but she refuses to work with us. She has a "my way or no way at all" attitude about most things.

With the November Presidential election rapidly approaching, should another incident of any kind occur coupled with her insistence to control the flow of information as she does now, I am extremely uncomfortable with and concerned with her being on the Norfolk Electoral Board, having witnessed exactly what she is capable of, and her continued willingness to mislead and manipulate others.

Mr. H. Michael Ziegenfuss, Secretary of the Board and Republican appointee is equally disturbed by Ms. McKay's actions. The Registrar, Stephanie Iles, and Deputy Registrar, Roseanna Bencoach, are troubled as well.

Regarding the seriousness of her actions, whether it's attempting to withhold pertinent details or share false data, I seek your assistance in removing Ms. McKay from the Electoral Board in Norfolk, so that a more forthright individual can take her place hopefully before the November 2024 election.

If you should require additional information to review, I will immediately provide it upon request.

[Meeting Recording.mp3](#)

Respectfully,

Atoy B. Carrington
Norfolk Electoral Board
Chairwoman
757.581.9845

EXHIBIT 3 – Email from Party Chair

From: Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Sent: Saturday, November 16, 2024 5:03:18 PM
To: Beals, Susan (ELECT) <Susan.Beals@elections.virginia.gov>
Subject: Fw: Marianne McKay Election Board

From: Sitka, John <jsitka@liberty.edu>
Sent: Saturday, November 16, 2024 3:33 PM
To: Marianne McKay <marianecramer1019@gmail.com>
Cc: Iles, Stephanie <Stephanie.Iles@norfolk.gov>; Mike Zigenfuss - Rep <Mike@2zig.com>; atoycarringtoneb@gmail.com <atoycarringtoneb@gmail.com>; Bencoach, Rosanna <Rosanna.Bencoach@norfolk.gov>; Ken Nunnenkamp <ken@virginia.gop>; Thelma Drake <tdrakeva@gmail.com>; msquird2@aol.com <msquird2@aol.com>; chris@virginia.gop <chris@virginia.gop>
Subject: Marianne McKay Election Board

Good afternoon Marianne

I appreciate your effort in promoting election integrity.

However, in light of recent events over the past several months that have caught the eye of the local press, the Mayor's Office, the City Council, the Commonwealth Attorney, the City Attorney, the 3rd District Republican Chairman, the Republican Party of Virginia, and the State Election Board, therefore I am asking you to tender your written resignation to the Electoral Board immediately.

Your resignation will prevent future embarrassment for you (as per VAC §24.2-234.1) and the city party. Additionally, I am reinstating Mike Zigenfuss to the Electoral Board. If you need to contact me, I will be out of town all next week.

John Sitka III Ed.D
Chairman of the Republican Party of Norfolk
6241 Sewells Point Road
Norfolk, Virginia 23513
Cell 757-692-2976 or 757-606-8829
Email: jsitka@liberty.edu

January 6, 2025

Dear esteemed Members of the Virginia State Board of Elections,

I am writing this letter to share concerns about inappropriate behavior and election interference exhibited by Norfolk Vice Chairwoman, Marianne T. McKay during the June 2024 Primary Elections and November 5, 2024 General & Special Elections (Presidential).

On June 18, 2024 there was a Republican Party Primary Election held in Norfolk. Due to the Juneteenth holiday, canvass of the election began on June 20th. The deadline to submit Same Day voter Registration information was close of business Friday, June 21st. Additionally, the deadline for Central Absentee Ballot receipt was noon on June 21st. Ms. McKay emailed me Friday morning requesting to review Incident reports from Election Day that were submitted from the precincts. These reports had not yet been reviewed by me, and our focus was to complete the Central Absentee Precinct post-election process and enter Same Day Registrations. I responded to Ms. McKay (See Emails 6.22-6.24.24). Ms. McKay chose to ignore my response and instead appeared in our office and requested to see the documents. She was asked to leave as I had required work to complete in accordance with state deadlines. After arguing for 20 minutes, Ms. McKay departed.

Soon after the election, I was contacted by several of the precinct Chiefs regarding Ms. McKay's behavior on Election Day. She spoke with Republican representatives and did not necessarily acknowledge the assigned Chief Officer(s) if there were not Republican. Addressing Officers of Election within the precinct and ignoring the Chief Officer undermines the position of the Chief Officer. Furthermore, she instructed the Chief & Assistance Chief Officer to each complete the Statement of Results separately – the Chief completing one and the Assistant Chief the other. This request was not previously discussed with the other members of the Electoral Board, nor the Registrar or Deputy Registrar. This is contrary to previous training Chief & Assistant Chief Officers have received. Ms. McKay took it upon herself to change our protocols and procedures on Election Day to those precincts she visited. During canvass of the election, comments were made by Ms. McKay regarding two different handwritings on the SORs. I was not sure what she was referring to at the time until I receive these notifications. To change our longstanding procedures on Election Day not only created confusion and consternation among our Chief and Assistant Chief Officers, but appeared as calculated on the part of Ms. McKay as this was only done at those precincts that she was assigned to visit (1/3 of the city) and without the express knowledge or consent of the fellow Board members or the Norfolk Registrar. Why would you not discuss this prior to Election Day? Why would you change our procedures? In a time where there are seeds of doubt sewn in our local and national elections, this action was tantamount to sabotage. I did voice these concerns with Ms. McKay and the other Board members at a post-election Board meeting.

Ms. McKay has worked with the Election Integrity Group to staff Authorized Observers (Pollwatchers) at polling places within Norfolk for both the June and November 2024 elections. She has conducted training in her home and made systematic staffing assignments for these individuals at specific precincts. She has shared training information from the Norfolk Office of

Elections with outside individuals. Some of the instructions provided to these Pollwatchers as evidenced in the attachment include requests to take photography in the polling place which is prohibited under code. We find her duty to serve as an Electoral Board member ethically compromised by her political activities on behalf of the Election Integrity group. We have received complaints about assigned Pollwatchers in attempts to create a chaotic voting environment.

Despite numerous emails back and forth between the Vice Chair and this office, just prior to the November 5, 2024 election, Ms. McKay texted and called Officers of Election regarding Virginia restricted operator licenses. This information had already been conveyed to Officers during training and was being reviewed by the Chief Officers with their staff at each polling place on Election Day. Ultimately, her actions confused Officers at some polling locations on Election Day resulting in complaints and additional Provisional Ballots being inappropriately offered to eligible Virginia citizens with restricted driver's licenses.

Ms. McKay challenged the over 5,000 Provisional ballots cast on Election Day, November 5, 2024. She wanted to review each individual provisional envelope and provisional log. Despite our procedures of researching all information for each provisional ballot cast to ensure the voter is eligible and in the correct precinct to present our findings before the Board for approval, she continued to delay the request to certify the Provisional votes. Norfolk is home to the world's largest naval base and two universities. This was the first Presidential election since same day registration went into effect. With colleges and universities being the target of political campaigns, alerts among military installations, and a naturalization ceremony held on election day in Norfolk, we were inundated with same day provisional ballots. Our office staff painstakingly completed all research and data entry to complete Provisional Ballot review before the Board. This is one of our many duties in ensuring free & fair elections in the City of Norfolk and the Commonwealth of Virginia and we have completed this task without question for years. For Ms. McKay to insinuate accusations of impropriety towards the Registrar and her staff was not only disrespectful, but libel, defamatory, and malicious. This was further evidenced by her refusal to vote on a commending resolution by the Board recognizing and thanking the Norfolk Office of Elections for their hard work.

Ms. McKay touts herself as wanting to allow "transparency" within elections. Yet, she has violated FOIA on several occasions by attempting to conduct Board business via email without a proper notice of a public meeting. She has been warned on more than one occasion by other members of the Board and the Registrar.

Ms. McKay manipulates the Virginia Code to her convenience. She has attempted, on more than one occasion, to dictate Officers of Election placement and duty assignment. Repeatedly citing, "party balance" as the reasoning, she continues to interfere. However, when confronted with her request to move the only assigned Republican affiliated Officer of Election at one precinct to another precinct where representation was present, Ms. McKay responded "Parity doesn't matter because it was a Republican only Primary." This comment was surprising as it is contrary to Virginia law.

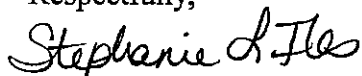
Ms. McKay has exhibited aggressive actions and a micromanaging mentality as a Board member. In fact, the Board voted on the duties assigned to the Registrar and staff at a Board meeting, to which she voted in opposition and chooses to continue to ignore. Despite, my continued requests to ask Ms. McKay to allow us to perform our duties, she continues to interfere, overstep and micromanage staff to which she has no supervisor authority. After I voiced my concerns on her micromanaging at our February 2024 Electoral Board meeting, things just became worse. I was mailed a letter from Ms. McKay to my home residence advising how I offended her with my comments followed by quotes of biblical verse. I do not know how she obtained my address as I have held protected status for years, and this created concern for me.

There has been discord amongst the Board members and elections staff since Ms. McKay began her term. Board meetings which should average 15-20 minutes in length are instead 2-4 hours long and mentally exhausting for those attending. She has questioned and conflicted the duties assigned to the Registrar and her staff versus Electoral Board duties (See attached).

During the first election she served as a Board member, she offended several members of our support staff with comments regarding her thoughts on gay people due to her "religious beliefs." She also offended Chairwoman Carrington with racial insults. If we were in the public sector, Ms. McKay would have been sued for discrimination violations, as well as, harassment, retaliation, and creating a hostile work environment. Ms. McKay has been counseled on numerous occasions by her fellow Board Members, me, and her peers. On November 16, 2024, the Chairman of the Norfolk Republican Party, John Sitka III, requested her resignation. She has ignored his request. Instead, she sent me an email requesting to remove her certification of the election abstracts for the November 2024 election.

For these reasons and more, I respectfully request the State Board of Elections proceed with the immediate removal process of Ms. Marianne T. McKay from the Norfolk Electoral Board. We would request the Norfolk Republican Party have time to select a suitable replacement to be appointed prior to the start of early voting for the June 2025 Primary Elections. Without taking immediate action, I fear our Gubernatorial and future elections are in jeopardy.

Respectfully,



Stephanie L. Iles
Director of Elections & General Registrar

Iles, Stephanie

From: Iles, Stephanie
Sent: Monday, June 24, 2024 10:54 AM
To: Henry Michael Ziegenfuss (NEBHMZ@gmail.com); Atoy B. Carrington (atoycarringtoneb@gmail.com); Marianne McKay
Subject: RE: Incidence Reports

Good morning Board members –

Per your request, the Incident Reports from the June 18, 2024 Republican Party Primary Election will be available for review by the Board at our continuation of canvass meeting tomorrow at 12PM.

We will need to complete review of Central Absentee Precinct and Provisional Ballots at this time to certify and sign the Abstracts.

Thank you.

Stephanie L. Iles
CERA, VREO, & Virginia Certified General Registrar (2022)
Director of Elections & General Registrar

Norfolk Office of Elections
810 Union Street (City Hall Building), Suite 100
Norfolk, VA 23510
Phone: 757-664-4353/Fax: 757-664-4685
Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>
Sent: Monday, June 24, 2024 7:48 AM
To: Atoy Carrington <atoycarringtoneb@gmail.com>
Cc: nebhmz@gmail.com; Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Subject: Re: Incidence Reports

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Good morning Mr Ziegenfuss,

I am very encouraged to know you would like to review the incident reports too and I think your suggestion that the Board review them together is a terrific idea! It sounds like Ms. Carrington is amenable to your proposal too, so everyone can definitely include me as being on board with us reviewing them together at this Tuesday's meeting.

Everyone have a wonderful day!

Thanks for your solution and support,

Marianne McKay, Vice Chair
Norfolk Electoral Board

On Sun, Jun 23, 2024 at 9:10 PM Atoy Carrington <atoycarringtoneb@gmail.com> wrote:

I agree with Mr Ziegenfuss. We should maintain our current schedule and meet collectively as a group in the Board Room on Tuesday, 12noon at City Hall.

On Sun, Jun 23, 2024, 4:24 PM H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com> wrote:

Dear fellow Board Members and DE/GR Ms.Iles:

Ms.McKay, I also would like to see the incident reports. I propose that we review them as a group during our upcoming meeting Tuesday. This will have a minimal impact on the staff. Also, we are going to have everyone's attention. If Ms. Carrington wishes to view them, they'll be available.

Vice Chair Ms. McKay, I share your frustration. You cannot expect our Registrar to be available on short notice all the time, for all we know Ms. Iles may be out of the office Monday afternoon. Maybe you already have an appointment with the Registrar. If not, I hope this proposal works for you and everyone. After all it's only one day later and before Certification.

Please consider this opportunity to work as a team. It might save you a trip downtown.

Truly Yours,
H. Michael Ziegenfuss
Norfolk Electoral Board

Begin forwarded message:

From: Marianne McKay <nebmckay@gmail.com>
Date: June 22, 2024 at 2:03:12 PM EDT
To: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>
Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>
Subject: Re: Incidence Reports

Director of Elections Iles,

I was disappointed and frustrated that I was unable to see the Incident Reports from the precincts yesterday. I am not interested in making this a performance issue. Overseeing elections is the responsibility of the electoral board, and I cannot do my job without seeing them. I will be down Monday afternoon (June 24th) to view them.

Thank you for your support.

Marianne McKay, Vice Chair
Norfolk Electoral Board

On Fri, Jun 21, 2024 at 11:22 AM Iles, Stephanie <Stephanie.Iles@norfolk.gov> wrote:

Good morning Vice Chair McKay -

Thank you for the email.

As stated yesterday, I would like the opportunity to review any Incident Reports from Election Day before they might be shared. We are currently working on Provisional votes, results reporting, and election data entry as we have required deadlines today as mandated by the state. We also have CAP post-election processing to complete this afternoon. Therefore, we are not available to share this information with you at this time. There is no need to come to the office this afternoon.

Thank you for your understanding.

Stephanie L. Iles
CERA, VREO, & Virginia Certified General Registrar (2022)
Director of Elections & General Registrar
Norfolk Office of Elections
810 Union Street (City Hall Building)
Suite 100
Norfolk, VA 23510
Phone: 757-664-4353/Fax: 757-664-4685
Email: Stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>

Sent: Friday, June 21, 2024 11:13:55 AM

To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>

Subject: Re: Incidence Reports

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

I assure you I will not interfere or disrupt your and the staff's work in any way at all. I will still be there at 1:30.

Thank you,
Marianne McKay, Vice Chair
Norfolk Electoral Board

On Fri, Jun 21, 2024 at 9:19 AM Iles, Stephanie <Stephanie.Iles@norfolk.gov> wrote:

Good morning Vice Chair McKay –

Thank you for the email.

We will be completing CAP post-election results this afternoon and completing required information for the state by this afternoon's deadline.

Therefore, we would prefer you to reschedule for another time that is convenient.

Thank you.

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2022)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>

Sent: Friday, June 21, 2024 7:42 AM

To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>

Cc: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebh mz@gmail.com>

Subject: Incidence Reports

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Good morning Director of Elections Iles and General Registrar,

As I mentioned yesterday at the conclusion of Canvass, I plan to review the incidence reports from all the precincts. I will be in the downtown area this afternoon and will stop by the Norfolk Office of Elections at 1:30 p.m. today to review them there.

Thank you for your support.



Marianne McKay, Vice Chair

Norfolk Electoral Board

Iles, Stephanie

Subject: FW: Request for Evaluations
Attachments: EB Job Description.docx

From: Marianne McKay <nebmckay@gmail.com>
Sent: Monday, July 29, 2024 11:30 AM
To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Cc: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebhzmz@gmail.com>
Subject: Re: Request for Evaluations

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Good morning Director of Elections and General Registrar Iles,

You are correct when you state the evaluation/feedback forms completed by the officers of election and chiefs are needed and used to review and improve training, where you are mistaken is stating that training and personnel decisions regarding officers of election and chiefs are outside the authority of the electoral board. The authority and the responsibilities of the Board are not limited to “appointing officers of election to serve; canvassing the election results; [and] appointing the general registrar and completing annual review.” I have attached a copy of the electoral board job description verbatim from the Virginia Department of Elections (ELECT) website, and as you know ELECT is the government agency established by the Virginia Code to administer the Virginia Election Laws by providing the necessary guidance and directives to Electoral Boards and Director of Elections/General Registrars. In the attachment, ELECT’s electoral board job description is in black. The items in red are the information a board member needs to fulfill one’s job responsibilities (please note I have only added the information needed for the responsibilities that are in dispute).

So, if I ask for information necessary to do my job and you have it, you should provide it. Your position that “going forward should the electoral board as a whole request the feedback forms” is inappropriate because the board members are each appointed individually, and each one is responsible for their actions in performing their job. The Norfolk Electoral Board cannot vote away an individual Board member’s authority, responsibilities, or the process the board member needs to do one’s job, in this case obtaining the information relevant to a decision that will come before the Board. The Board may vote on how to act on the information provided and any ensuing discussion at the Board meeting. For example, the Board may vote on whether to make specific changes to training, but the Board cannot vote to prevent a board member from obtaining the information to inform one’s vote on the issue. I mention there are limits on the Board’s jurisdiction to vote because our Board previously attempted a vote to prohibit me from recording our electoral board meetings. Furthermore, I would like to point out that my request for or access to the feedback/evaluations is not burdensome for you because the information I am asking is readily available and therefore doesn’t make any additional demands upon your time. Unless Ms. Carrington, Mr. Ziegenfuss, or you can cite the Virginia Code or guidance from ELECT that the Director of Elections/General Registrar has exclusive authority for training of officers of election and chiefs and staffing decisions of election officers and chiefs, then I expect my request for the feedback/evaluation forms to be made available to me this coming week. Your failure or refusal to do so would be unacceptable performance of your duties.

Thank you for your support.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Iles, Stephanie

From: Iles, Stephanie
Sent: Friday, October 11, 2024 12:38 PM
To: Marianne McKay
Cc: Atoy B. Carrington - Norfolk Electoral Board; H.MICHAEL ZIEGENFUSS; John Sitka; rich@richanderson.com; jwalczyk@gop.com
Subject: RE: Virginia Driver Privilege Card and Identification Privilege Card

Good afternoon Vice Chair McKay, et. al –

The Voter Identification List is included in the Pollbook Officer's Position Folder. Also, the Acceptable Forms of ID poster provided by the state is posted near the pollbook officer table to advise voters of acceptable forms of identification. Additionally, Chiefs and Assistant Chiefs are trained on voter identification.

Federal limits and Restricted Limits on a Virginia Driver's License are also applied for individuals with disabilities and/or prosthetics. The code you are referring to on the license is not just for non-citizens. Please also note that when you go to renew your driver's license, if you do not obtain the Real ID in Virginia, you will have Federal Limits restrictions on your license.

Our office attends naturalization ceremonies twice a month at the U.S. Federal Courthouse to register new citizens to vote. These individuals will have or obtain a Social Security Number and, most likely, a driver's license.

Yes, there are non-citizens who may obtain a driver's license in the United States. However, in order to register to vote in Virginia you MUST be a U.S. citizen. That is the first question on the Virginia Voter Registration Application. Persons who are listed on our voter rolls have to affirm they are a citizen. If an individual were to lie on their voter registration application about citizenship (or previous felony information) that would be considered a false statement and would be referred to the Commonwealth's Attorney for review and possible prosecution. Non-Citizens would not be able to garner citizenship if this were to occur and would be deported. We are not Immigration Services. We trust that those who have properly registered to vote with our office and appear on our voter rolls are citizens of the United States of America.

Thank you.

Stephanie L. Iles
CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections
810 Union Street (City Hall Building), Suite 100
Norfolk, VA 23510
Phone: 757-664-4353/Fax: 757-664-4685
Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>
Sent: Friday, October 11, 2024 8:08 AM
To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>
Cc: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebmz@gmail.com>; John Sitka <jsitka@liberty.edu>; rich@richanderson.com; jwalczyk@gop.com
Subject: Virginia Driver Privilege Card and Identification Privilege Card

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Good morning Director of Elections and General Registrar Iles,

After training class yesterday for pollbook officers I informed you that our pollbook officers need to be instructed in how to tell the difference between a Virginia Driver Privilege Card and a Virginia Driver's License because even though the two cards look exactly alike, the Privilege Driver Card is not an acceptable type of voter identification because it is only issued to non-citizens. You disagreed with me and informed me that any voter presenting a driver privilege card whose name is in the pollbook will be allowed to vote. I have included the link below for the Virginia Department of Elections website which lists all the forms of voter identification that are acceptable. You will notice the last item on the list states that a Virginia Driver's Privilege Card is not an acceptable form of voter identification.

[Voter-Identification-Chart---Revised-09.2024.pdf \(virginia.gov\)](#)

This is an election integrity issue, and our training must be corrected immediately to reflect what is and is not acceptable voter identification. For the remaining pollbook training class at 6 p.m. today, the Voter Identification List should be distributed to all attendees along with an explanation on the difference between the two forms of identification, which is that on the front side of the Driver Privilege Card there is the number "9" under restrictions and on the back side there is the phrase "limited duration." The pollbook officer should also be instructed to ask the voter for another form of identification when presented with the driver privilege card. Then for the upcoming chief and assistant chief training, they need to be instructed on the differences and informed to go over this with their pollbook officers on Election Day morning as four pollbook training classes have already been completed and didn't have the benefit or instruction on this topic. Also, the current Voter Identification List should also be included in the Pollbook Officers Election Day Folder.

I trust you will appreciate, as I do, the importance of this issue to election integrity. Thank you for your attention to this matter.

Marianne McKay, Vice Chair
Norfolk Electoral Board

cc:
Richard Anderson, Chairman
Virginia Republican Party

John Walczyk, Virginia State Director, Election Integrity,
Republican National Committee

John Sitka, Chairman
Norfolk Republican Party, Candidate for 3rd Congressional District

Iles, Stephanie

From: Marianne McKay <nebmckay@gmail.com>
Sent: Wednesday, October 16, 2024 4:04 PM
To: Iles, Stephanie
Cc: Atoy B. Carrington - Norfolk Electoral Board; H.MICHAEL ZIEGENFUSS; Bencoach, Rosanna
Subject: Re: Norfolk Electoral Board and Director of Elections and General Registrar Culpable of Facilitating an Unlawful Election

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Director of Elections and General Registrar Iles,

I noticed you said "the card you are referring (with those restrictions) also applies to other individuals - not just non-citizens," and you did not use the specific and accurate term of Virginia Driver's Privilege Card because if you did then your statement would not be sufficiently ambiguous. You have made your position clear and it is noted that you are determined to not instruct our chief and asst chief officers that a Driver's Privilege Card is not an unacceptable form of voter identification and how one differentiates a Driver's Privilege Card from a Virginia Driver License in the remaining three training classes. The result of your decision will result in our training being inadequate or insufficient, and that is very unfortunate.

Respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

On Wed, Oct 16, 2024 at 2:42 PM Iles, Stephanie <Stephanie.Iles@norfolk.gov> wrote:

Vice Chair McKay –

As previously stated, the Chiefs, Assistant Chiefs & Pollbook Officers will have the information.

The card you are referring (with those restrictions) also applies to other individuals – not just non-citizens. I have personally witnessed this.

If the person is registered to vote in Virginia, they should appear in the pollbook because they signed an Oath affirming their citizenship and that they meet all of the eligibility requirements to be a voter.

Other identification as listed on the acceptable forms of ID is permitted per the state.

These are the facts, and we are confident that our training is sufficient.

Any further discussion on this matter can be construed as a meeting that has not been given proper legal notice. Please refrain from doing so.

Sincerely,

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>

Sent: Wednesday, October 16, 2024 1:52 PM

To: Iles, Stephanie <Stephanie.Iles@norfolk.gov>

Cc: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebhzmz@gmail.com>; Bencoach, Rosanna <Rosanna.Bencoach@norfolk.gov>; John Sitka <jsitka@liberty.edu>

Subject: Re: Norfolk Electoral Board and Director of Elections and General Registrar Culpable of Facilitating an Unlawful Election

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Good afternoon Director of Elections and General Registrar Iles,

I did not say a restricted license; I specifically said a Virginia Driver Privilege Card (DPC) and the Virginia State Code and ELECT clearly state a DPC is not an acceptable form of voter identification.

Only a Virginia Driver Privilege Card has all three of the following:

1. Federal Limits Apply in the top right corner of the front of the card.
2. The numeral "9" under the word restrictions on the front of the card.
3. On the back of the card will state "limited duration" as the restriction.

These are the facts and are not in dispute. This is not an individual grievance; it has become a state-wide election issue. Our Board and your office should be in front of this issue and not leave us in a position to play catch up.

Respectfully,

Marianne McKay, Vice Chair

Norfolk Electoral Board

On Wed, Oct 16, 2024 at 12:15 PM Iles, Stephanie <Stephanie.Iles@norfolk.gov> wrote:

Good afternoon Vice Chair McKay –

We do include the information regarding the driver privilege card with the Chief's information and Pollbook Officer's position folder.

Please note: As previously stated, restricted driver's licenses do not only apply to non-citizens. They can apply to those with physical disabilities and/or prosthetics, those who may have had a previously alcohol related conviction, etc. You also do not have to show a driver's license to vote. You can show other forms of identification to include a voter card/notice or sign a statement of affirmation.

If an individual is in our Pollbook, he/she has signed their Voter Registration affirming they are in fact a U.S. Citizen. That is the first question on the application.

To air your grievances and share our training information with outside parties, while accusing us of conducting an unlawful election is not only outrageous, it is inappropriate and a security concern!

Stephanie L. Iles

CERA, VREO, & Virginia Certified General Registrar (2024)

Director of Elections & General Registrar

Norfolk Office of Elections

810 Union Street (City Hall Building), Suite 100

Norfolk, VA 23510

Phone: 757-664-4353/Fax: 757-664-4685

Email: stephanie.iles@norfolk.gov

From: Marianne McKay <nebmckay@gmail.com>

Sent: Wednesday, October 16, 2024 11:19 AM

To: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com>; Iles, Stephanie <Stephanie.Iles@norfolk.gov>; Bencoach, Rosanna <Rosanna.Bencoach@norfolk.gov>; John Sitka <jsitka@liberty.edu>

Subject: Norfolk Electoral Board and Director of Elections and General Registrar Culpable of Facilitating an Unlawful Election

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Good morning Chair Carrington and Secretary Ziegenfuss,

I sent out an email to both of you on Saturday, October 12, 2024 2 9:03 AM "Failure to Address Virginia Driver Privilege Card at Pollbook Training on 10/11/2024" where I stated that Ms. Iles failed to address in the Pollbook Officers' training the topic that Driver Privilege Cards are not an acceptable form of voter identification and that a registered voter is required to present an acceptable form of voter identification in order to vote. Furthermore, she has not indicated she will cover it in the Chiefs' and Asst Chiefs' Training on October 17th, 18th, and 19th as the first step to correct this inadequacy in the Pollbook Officer's Training. We must insist that this situation be corrected immediately or we will be culpable in facilitating an unlawful election.

I am going to reiterate the steps we must insist Ms. Iles takes to correct this issue. Ms. Iles must clearly point out in the upcoming chief and asst chief training that:

- A Virginia Driver Privilege Card and Virginia Identification Privilege Card are not acceptable forms of voter identification.

- Chiefs and asst chiefs are to be instructed and provided the handouts in their chief and asst chief handbooks on how to recognize a Virginia Driver License as actually being a Driver Privilege Card since they look exactly the same.
- Chiefs need to be instructed to go over this information with the pollbook officers at their polling site on Election Day morning because the pollbook officers have not been instructed on this subject matter
- When the chiefs come in on the Monday before Election Day to pick up their case and Chief's Monday Folder, they should be reminded to instruct their pollbook officers on the Driver Privilege Card.
- The Monday folder should contain handouts showing them what a Driver Privilege Card looks like.
- The Pollbook Officers' Position Folders they are given on Election Day should also contain the handouts on how to recognize a Virginia Driver Privilege Card.

I have included three attachments, which I did not include in the prior email, which clearly document the veracity of what I am stating, and that these attachments should be used in our training materials as mentioned above. We have no excuse for failing to fulfill our responsibilities.

Sincerely,

Marianne McKay, Vice Chair

Norfolk Electoral Board

Iles, Stephanie

From: Marianne McKay <nebmckay@gmail.com>
Sent: Saturday, November 16, 2024 2:57 PM
To: Iles, Stephanie; Atoy B. Carrington - Norfolk Electoral Board; H.MICHAEL ZIEGENFUSS
Subject: Certification of the November 5, 2024 Election Results

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Good afternoon Director of Elections and General Registrar Iles,

Regarding the certification of the November 5, 2024 election Results, I want to go on record that I regret signing the certification. The board was never given the opportunity to see the Provisional Ballot Logs for each precinct even though I made the request the Wednesday after the election at the start of the Canvass. Furthermore, I nor any authorized representative were allowed to observe the processing of the provisional ballots; nor was the board allowed to review the individual provisional ballot envelopes to decide whether to accept or reject the ballot. Only feeble excuses were given such as we've never done it that way before, and authorized representatives are not allowed to see the voters' personal information (they could easily be arranged so as to not see the personal information). I made it clear the reason for the request was because of the massive and unprecedented number of provisional ballots and reports of irregularities and Code Violations in the provisional voting process that I also witnessed.

I mistakenly assumed that I had to go with what the majority of the Board decided, but it was a grave mistake on my part to not ask. Upon reflection the board did not take measures available to ensure the voting process was correct and therefore I hereby withdraw my certification. Please advise me if there are any other steps I need to take to withdraw my certification.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

Iles, Stephanie

From: Sitka, John <jsitka@liberty.edu>
Sent: Sunday, November 17, 2024 2:46 PM
To: Marianne McKay; Raymarie Rowzie
Cc: Iles, Stephanie; Mike Zigenfuss - Rep; atoycarrington@gmail.com; Bencoach, Rosanna; Ken Nunnenkamp; Thelma Drake; msquard2@aol.com; chris@virginia.gop
Subject: RE: [External] Re: Fw: Marianne McKay Election Board

EXTERNAL EMAIL - This email was sent by a person from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Marianne

I had hoped that my request on its face was enough to ask you to please step down and resign. The information I received came from several sources.

Additionally, I have copies of emails from you, and the most recent email that states, "Regarding the certification of the November 5, 2024 election Results, I want to go on record that I regret signing the certification" is quite disturbing to me since the email was sent after the certification.

If you do not voluntarily step down, I will have to consider asking a judge to remove you.

John Sitka III Ed.D
Chairman of the Republican Party of Norfolk
6241 Sewells Point Road
Norfolk, Virginia 23513
Cell 757-692-2976 or 757-606-8829
Email: jsitka@liberty.edu

From: Marianne McKay <nebmckay@gmail.com>
Sent: Saturday, November 16, 2024 9:35 PM
To: Sitka, John <jsitka@liberty.edu>; Raymarie Rowzie <Raymarie.Rowzie@gmail.com>
Subject: [External] Re: Fw: Marianne McKay Election Board

[EXTERNAL EMAIL: Do not click any links or open attachments unless you know the sender and trust the content.]

For me to consider your request you will need to provide me the details for submitting my resignation as I am unaware of any event over the past several months that occurred external to the Norfolk Electoral Board particularly regarding the local press, the Mayor's Office, the City Council, the Commonwealth's Attorney, the 3rd District Republican Chairman, the Republican Party of Virginia, and the State Election Board.

Marianne McKay, Vice Chair
Norfolk Electoral Board

On Sat, Nov 16, 2024 at 5:02 PM Sitka, John <jsitka@liberty.edu> wrote:

Sent via the Samsung Galaxy S22 Ultra 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)

From: Sitka, John
Sent: Saturday, November 16, 2024 3:32:25 PM
To: Marianne McKay <mariannecramer1019@gmail.com>
Cc: Iles,
Subject: Marianne McKay Election Board

Good afternoon Marianne

I appreciate your effort in promoting election integrity.

However, in light of recent events over the past several months that have caught the eye of the local press, the Mayor's Office, the City Council, the Commonwealth Attorney, the City Attorney, the 3rd District Republican Chairman, the Republican Party of Virginia, and the State Election Board, therefore I am asking you to tender your written resignation to the Electoral Board immediately.

Your resignation will prevent future embarrassment for you (as per VAC §24.2-234.1) and the city party. Additionally, I am reinstating Mike Zigenfuss to the Electoral Board.

If you need to contact me, I will be out of town all next week.

John Sitka III Ed.D

Chairman of the Republican Party of Norfolk

6241 Sewells Point Road

Norfolk, Virginia 23513

Cell 757-692-2976 or 757-606-8829

Email: jsitka@liberty.edu

Iles, Stephanie

Subject: FW: Request for Evaluations
Attachments: Electoral-Board-Job-Description.pdf

From: Iles, Stephanie
Sent: Monday, July 29, 2024 12:00 PM
To: Marianne McKay <nebmckay@gmail.com>
Cc: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS <nebhzmz@gmail.com>
Subject: RE: Request for Evaluations

Good morning Vice-Chair McKay, et. al –

Thank you for the email.

We will agree to disagree.

As previously stated, we are happy to share the precinct evaluation information from Officers of Election at our next meeting in CLOSED SESSION. We will not be emailing feedback forms that fall under the category of personnel information. I AM NOT preventing access to the documents; however, I am protecting Officer of Election personnel information from being unduly shared with others. Threats to the performance of my duties are not appreciated.

The attachment that you included in your email is incorrect. Please see the current Electoral Board Job Description approved and provided by the state that posted in the Forms Warehouse.

The information that is on your attachment in **RED** has been added by someone and is NOT OFFICIAL from the state.

See you on August 13th.

Stephanie L. Iles
CERA, VREO, & Virginia Certified General Registrar (2024)
Director of Elections & General Registrar

Norfolk Office of Elections
810 Union Street (City Hall Building), Suite 100
Norfolk, VA 23510
Phone: 757-664-4353/Fax: 757-664-4685
Email: stephanie.iles@norfolk.gov



Results Tape Submission Guide

Thank you for watching polls close and for volunteering to protect the vote. This guide will demonstrate “best practices” for collecting and submitting images of precinct scanner/tabulator results tape(s) at your assigned polling location.

DOs: Follow the RNC Poll Observer Principles. Ensure you follow in-state guidance on laws governing polling locations, photography, and publicly accessible spaces.

DO NOTs: Please do not talk to media, leave behind materials, and **DO NOT TOUCH ANY EQUIPMENT OR ELECTION MATERIALS.**

Results Tape Directives:

1. After the close of polls and when ballot accounting has ended, take a photo of the results tape(s). There may be multiple tapes per location, one per scanner/tabulator.
 - Ensure officials have completed and signed the appropriate paperwork before attempting to take a photo of the tape.
 - The tape may be posted on an outward facing door or bulletin board before you are able to take the photo.
 - Allow poll workers to publicly post the tape prior to attempting to capture the photo.
 - If the tape is not required to be posted, ask for it to be displayed on a flat surface or for a copy to be printed/photocopied for you. This will not be feasible in all states, and officials may not be required or able to facilitate your request based on the request alone.
 - Do not touch or mark the tape.
 - Ensure the photo is clear and details (printed text and totals) are legible.
 - **Take one photo, per tape.**
 - There is one tape, per scanning device.
 - In one clear photo, include the top of the tape for each tape (capture the text block including county, precinct/location, protected count, public count, unit serial number/machine name/ID) and the presidential contest featuring totals for all candidates in the contest.
 - **DO NOT INCLUDE DOWN BALLOT RACES IN YOUR SUBMISSION. DO NOT SUBMIT MULTIPLE PHOTOGRAPHS OF THE TAPE.**

Results Tape Examples:

These two photos are example results tapes (pg. 2). Photo “1” is from an ES&S DS200 scanner, captured after the Logic and Accuracy test. Photo “2” is from a Dominion ImageCast Precinct scanner, captured after the close of polls in a runoff election.

Electoral Board Job Description

Summary:

The Electoral Board of each County and City in Virginia is made up of three members who serve three-year staggered terms. Two members are members of the political party of the most recently elected governor. The chair and secretary must represent different political parties unless the position is declined. Although the bipartisan board is appointed by the Circuit Court based upon local party recommendations, each member must carry out official duties in a nonpartisan manner. The authority for the administration of many aspects of elections for the locality remains with the Electoral Board, including oversight of the General Registrar/Director of Elections, and is responsible to the State Board of Elections for that administration. It appoints the General Registrar, who handles voter records. Generally, the work of the Electoral Board should be shared equally by all three members, although the Secretary has additional responsibilities.

I. Responsibilities:

A. Election administration includes:

1. Approval of voting equipment to be used, and development and approval of a security plan to keep all equipment and materials secure.
2. Ensure the creation, production and proper custody of ballots.
3. Ensure the proper conduct of Logic and Accuracy (L&A) test to be sure equipment is programmed correctly for each election.
4. Assist in conducting absentee voting when requested by the Director of Elections.
5. Appointment of officers of election and ensuring that training, assignment and review of precinct officers of election occurs.
6. Ensure coordination with other local government departments (e.g., police, sheriff, public works, IT, schools) to ensure smooth conduct of each election.
7. Assistance in procuring, packing and delivering supplies to polling places.
8. Ensure proper setup of polling places prior to each election.
9. Assistance in polling places and offices as needed on Election Day. Availability to respond to inquiries from media, voters and political parties
10. Conduct of post-election canvass to ascertain that all precinct results are accurate and complete.
11. Based on input from the General Registrar, determination of validity and counting of provisional ballots.
12. The Electoral Board's signatures on the certification of results following the canvass is the ultimate declaration of the truth, accuracy and dependability of the vote totals being submitted to the Commonwealth and is thus the foundation of the democratic process.

- B. The Electoral Board has additional responsibilities, including:
1. Appointment, removal and annual performance evaluation of General Registrar.
 2. Certification of candidates, when required.
 3. Conduct of meetings in accordance with the Freedom of Information Act (FOIA).
 4. Familiarity with federal and state laws that must be followed in conducting elections.
 5. Attendance at training programs provided by Virginia Department of Elections (ELECT).
 6. Together with the General Registrar, administration of the Office of Elections, including budgeting and dealing with local government officials, as needed.
 7. The Secretary of the Electoral Board has specific tasks and responsibilities according to the Code and must take and keep accurate minutes of all board meetings.

II. Electoral Board Activity Prohibitions:

- A. May not collect any fee as a notary during the time of such appointment.
- B. May not engage in political activities when performing official duties.
- C. May not solicit signatures for candidate petitions in a public building.

III. Qualifications:

The following qualification is required by law:

- Must be a qualified voter of the County or City, in good legal standing.

IV. Disqualifications:

- A. Must not be directly related to another Electoral Board member or General Registrar or to a candidate or holder of elected office.
- B. May not serve as chair of a political party, at local, district or state level, and may not hold elected office or offer to be a candidate for elected office
- C. May not be employed by or hold incompatible office under federal, state or local government (ELECT will provide a list of incompatible offices)

V. Additional desirable characteristics:

- A. Customer-service orientation in dealing with voters.
- B. Computer literacy, as much business is conducted via email.
- C. Ability to travel around the County or City.
- D. Public speaking ability to conduct training or address groups.
- E. Writing ability to write training materials, legislative positions, or analyses.
- F. Basic budgeting skills.
- G. Knowledge of basic legal concepts and judicial proceedings; willingness to become deeply familiar with United States Code Title 52 and Virginia Code Title 24.2 governing Elections and administrative regulations thereunder.
- H. Assertive manner when needed to enforce compliance with code or regulations.

Conditions:

Service on the Electoral Board is a year-round obligation. There is a general election every year in November and a primary election most years in June. In addition, there may be City or Town elections in May and special elections whenever called. From six to two weeks prior to each election, the board may need to be available a few times per week for a few hours. The week prior to and the week of the election, the board needs to be available most of the time, including 5am-10pm or later on Election Day. At other times the board may meet monthly and may attend training or networking meetings or conferences. Members may be asked to address local groups or attend meetings of interest.

Electoral Board Job Description

Summary:

The Electoral Board of each County and City in Virginia is made up of three members who serve three-year staggered terms. Two members are members of the political party of the most recently elected governor. The chair and secretary must represent different political parties unless the position is declined. Although the bipartisan board is appointed by the Circuit Court based upon local party recommendations, each member must carry out official duties in a nonpartisan manner. The authority for the administration of all aspects of elections for the locality remains with the Electoral Board (this allows for delegation of tasks but not the delegation of the responsibility and to fulfill this responsibility the board must have access to all information pertaining to the election), including oversight of the General Registrar/Director of Elections, and is responsible to the State Board of Elections for that administration. It employs and supervises the General Registrar, who handles voter records. Generally, the work of the Electoral Board should be shared equally by all three members, although the Secretary has additional responsibilities.

I. Responsibilities:

A. Election administration includes:

1. Approve and recommend polling places within the precincts established by the local government.
2. Approval of voting equipment to be used, and development and approval of a security plan to keep all equipment and materials secure.
3. Ensure the creation, production and proper custody of ballots.
4. Ensure the proper conduct of Logic and Accuracy (L&A) test to be sure equipment is programmed correctly for each election.
5. Assistance in conducting absentee voting.
6. Appointment of officers of election, and ensuring that training, assignment, and review of precinct officers of election occurs.

Fulfilling these responsibilities requires information on candidate's application and voter identification number; access or copies to all training handouts and materials distributed to officers of election including poll book officers, assistant chiefs, and chiefs; access or copies of PowerPoint slides used at in-person training; access to all online trainings offered by the Norfolk Dept of Elections; both training and election day evaluations/feedback forms completed by officers of election and chiefs; list of mistakes/errors made on chief's election day paperwork and in returning election materials; list of date officers of election, chiefs, and assistant chiefs completed training; precinct assignment list; party chair's nomination list; list of officers of election with precinct assignment, and party designation available upon request by party chair; and performance records (complaints, resolution or corrective, and compliments) of officers of election and chiefs.

7. Ensure coordination with other local government departments (e.g., police, sheriff, public works, IT, schools) to ensure smooth conduct of each election.
8. Assistance in procuring, packing and delivering supplies to polling places.
9. Ensure proper setup of polling places prior to each election.
10. Assistance in polling places and offices as needed on Election Day. Availability to

respond to inquiries from media, voters and political parties

11. Conduct of post-election canvass to ascertain that all precinct results are accurate and complete.
 12. Based on input from the General Registrar, determination of validity and counting of provisional ballots.
 13. The Electoral Board's signatures on the certification of results following the canvass is the ultimate declaration of the truth, accuracy and dependability of the vote totals being submitted to the Commonwealth and is thus the foundation of the democratic process.
- B. The Electoral Board has additional responsibilities, including:
1. Appointment, removal and annual performance evaluation of General Registrar.
 2. Certification of candidates, when required. .
 3. Conduct of meetings in accordance with the Freedom of Information Act (FOIA).
 4. Familiarity with federal and state laws that must be followed in conducting elections.
 5. Attendance at training programs provided by Virginia Department of Elections (ELECT).
 6. Together with the General Registrar, administration of the Office of Elections, including budgeting and dealing with local government officials, as needed.
 7. The Secretary of the Electoral Board has specific tasks and responsibilities according to the Code and must take and keep accurate minutes of all board meetings.

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The following qualification is required by law:

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- A. Must not be directly related to another Electoral Board member or General Registrar or to a candidate or holder of elected office.
- B. May not serve as chair of a political party, at local, district or state level, and may not hold elected office or offer to be a candidate for elected office
- C. May not be employed by or hold incompatible office under federal, state or local government (ELECT will provide a list of incompatible offices)

V. Additional desirable characteristics:

- A. Customer-service orientation in dealing with voters.
- B. Computer literacy, as much business is conducted via email.
- C. Ability to travel around the County or City.
- D. Public speaking ability to conduct training or address groups.
- E. Writing ability to write training materials, legislative positions, or analyses.
- F. Basic budgeting skills.
- G. Knowledge of basic legal concepts and judicial proceedings; willingness to become deeply familiar with United States Code Title 52 and Virginia Code Title 24.2

governing Elections and administrative regulations thereunder.
H. Assertive manner when needed to enforce compliance with code or regulations.

Conditions:

Service on the Electoral Board is in the nature of a part-time seasonal job. There is a general election every year in November and a primary election most years in June. In addition, there may be City or Town elections in May and special elections whenever called. From six to two weeks prior to each election, the board may need to be available a few times per week for a few hours. The week prior to and the week of the election, the board needs to be available most of the time, including 5am-10pm or later on Election Day. At other times the board may meet monthly and may attend training or networking meetings or conferences. Members may be asked to address local groups or attend meetings of interest.



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, Delegate Merricks, and Mr. Weinstein

From: Steve Koski, Compliance Advisor

Date: January 15, 2025

Re: City of Radford Electoral Board Issues

Suggested Actions

- (1) **Motion to Institute Removal Proceedings:** “Pursuant to § 24.2-103 of the Code of Virginia, I move that the State Board of Elections direct its legal representation to prepare a petition to the Radford City Circuit Court for the removal of Chris Quesenberry and Carol Colby from the City of Radford Electoral Board for failure to discharge their official duties under Virginia law.”
- (2) **Motion to Dismiss:** “I move that the State Board of Elections dismiss consideration of removal due to an insufficient basis to warrant State Board action pursuant to § 24.2-103 of the Code of Virginia.”
- (3) **Take under advisement and request written response within 14 days.** No motion required.

Applicable Code Sections

§ 24.2-103. Powers and duties in general; report.

Background

ELECT discovered potential procedural irregularities and improper conduct by the City of Radford Electoral Board in the adjudication of provisional ballots for the 2024 General Election. The Board members were Chair Ann Craig, Vice Chair Chris Quesenberry, and Secretary Carol Colby. The irregularities and improprieties include ordering the improper registration of voters, improperly marking SDR/provisional ballot envelopes, and improperly casting provisional votes. Attached to this memorandum you will find an overview of these issues with supporting documentation.

The State Board must now determine whether the issues raised and supporting documents and testimony received warrant the instituting of removal proceedings. It should be noted that Ms. Craig’s term on the Electoral Board has expired as of December 31, 2024, so she is no longer subject to potential removal.

Attachments

Summary of issues with statements and supporting documentation.

Ann Craig, Chair; Chris Quesenberry, Vice-Chair; and Carol Colby, Secretary
City of Radford Electoral Board

After the 2024 General Election, City of Radford General Registrar Lindsey Williams reached out to ELECT for guidance regarding the provisional ballot adjudication process. Upon receiving information about the methods used by the Electoral Board in that process, it became clear that improprieties had likely occurred, including the Electoral Board ordering the improper registration of same day registration (SDR) voters who were denied by the General Registrar and, further, improperly processing provisional ballots for ineligible voters.

ELECT then sent a request to Ms. Williams to provide a detailed account of the provisional ballot adjudication process in Radford; she provided the attached statement with supporting documentation. The events as described in Ms. Williams' statement suggest the following improper actions by the Electoral Board:

- Interfering with the registration function of the General Registrar by ordering the registration of SDR voters previously denied;
- Deviating from the requirements of the Code of Virginia and process developed by ELECT for SDR voters to approve provisional votes for ineligible voters;
- Marking incomplete voter registration applications/provisional ballot envelopes on behalf of SDR voters; and
- Opening provisional ballot envelopes and casting ballots for SDR voters who had not been registered in VERIS.

Attached to Ms. Williams statement is a statement from an observer of the provisional process, Gloria W. Boyd. The statement of Ms. Boyd appears to be consistent with the description of the events by Ms. Williams.

Additionally, attached to Ms. Williams statement is a signed statement from the Electoral Board members acknowledging the fact that they directed her to contact SDR voters with incomplete applications to correct the information and register the voters.

While Ms. Williams' statement also included Voter Denial Notifications and redacted copies of the SDR/provisional ballot envelopes for the impacted voters, those records are not being included with these materials in order to protect the privacy of the voters and because the records themselves are not immediately relevant for the Board's consideration. These records can be provided in the future if necessary, including if there is a factual dispute about whether any of the described actions occurred.

Based upon the description of events, the following questions may assist in providing the most complete information for the Board's consideration:

Questions for General Registrar Williams

1. Which Board member cited the Code provision allowing their actions?
2. Which Board member supported the assertion that their activity was permitted?
3. Did all Board members participate in completing the incomplete SDR/provisional envelopes?

4. Did the Board ever take a vote in directing you to register the previously denied SDR voters?

Questions for Electoral Board Members

1. Do you dispute any of the events as set forth in the statement of the General Registrar?
2. Upon what basis did you believe it was appropriate to order the General Registrar to register any of the SDR voters?
3. Did you personally mark the SDR/provisional envelopes for voters?
4. Did you personally cast (i.e., feed into the machine) ballots for voters who had not been registered?



December 5, 2024

Steve Koski
ELECT Legal & Compliance Advisor
Department of Elections
1100 Bank St.
Richmond, VA. 23219

Mr. Koski,

The following narrative is in response to your letter dated November 22, 2024.

On Wednesday, November 13, 2024 the Radford City Electoral Board (EB) held their Provisional Ballot Meeting beginning at 10 a.m. The City of Radford received over 500 Same Day Voter Registration (SDR) applications/provisional ballots on Election Day. The majority of the provisional ballots were SDR's.

As the Electoral Board began to consider the provisional ballots for the first precinct they began questioning why my office had denied some of the SDR applications. Most of the denial reasons were due to the voter not marking a complete SDR/voter registration application on the green provisional ballot envelope. Many voters did not answer the citizenship or felon questions on the application. Therefore, they were denied and not eligible voters on Election Day.

One EB member stated, "We owe it to these voters to ensure that their ballots are cast" and suggested that my office cure the SDR/Voter Registration Applications. I told her and the rest of the EB numerous times that we cannot cure provisional ballots and/or SDR's. She found a code section in her code book and stated it. I am unsure what code section this was. I was adamant and kept telling them that curing was not allowed with provisional ballots and/or SDR's. One other EB member sided with her and said that he was going to listen to the code. The other EB member did not say anything, nor was a vote taken.

Things were VERY fast paced and they did not give me time to find the code section that I needed. I began emailing ELECT at 10:46 a.m. asking for guidance and/or the code section. I spoke to a representative at ELECT at 11:42 a.m. and again at 1:19 p.m.

They began creating piles of SDR/provisional ballot envelopes that needed to be cured. They instructed myself and my staff to call the voters and ask if they were citizens and/or felons and then mark the voter registration application for the voter.



Myself and my staff did not mark any applications. We made the EB mark them. Then we registered the voter in VERIS, per their directive. I did not want to do this, but I felt threatened and did not want to seem insubordinate, as I feared a negative evaluation from the EB. I asked the EB sign a statement of what they were asking myself and my staff to do, since it violated Title 24.2 of the Code of Virginia.

When they broke for lunch I had to return to my office. I sent a staff member down to the meeting to represent me and help in marking the Provisional Ballot Log. This is when they began considering the New River Precinct. This precinct houses Radford University and was the precinct that received the most SDR applications/provisional ballots.

My office did have a laptop present to login to VERIS to check the status of absentee ballots that could have been "marked" in VERIS/returned and the voter cast a provisional ballot for reason "#4 Vote by mail – no ballot to surrender" on Election Day.

For the SDR applications that were denied due to missing information, the EB directed my staff member to look the voter up in VERIS to see if they were previously registered in another locality. If they were, they instructed her to look at their previous registration application for the other locality to see if they were indeed a citizen or if they had answered "no" to the felon question. Then one of the EB members marked the Voter Registration Application for the voter. In the beginning, they would bring the green provisional envelope down to our office to register the voter then they would cast the ballot. Then later on, we began receiving provisional envelopes that had already been opened and the ballot had already been taken out and cast before we registered the voter.

It was at this time that I discovered a voter that had already cast an absentee ballot in Halifax County and then the EB cast her provisional ballot in Radford that should not have counted, since her SDR application was originally denied. I called mentor General Registrar and explained what was happening. She advised me to call Commissioner Beals immediately and provided her cell phone number.

It was around 3:40 p.m. that I made contact with the Commissioner. She advised me to go in to the provisional meeting to stop them from casting any more ballots for voters who were not qualified to vote. I told them that I had spoken to Commissioner Beals and everything that I was communicating to them was under her directive. Things got heated and I was yelled at by an EB member, asking why I allowed them to do things the wrong way the whole day. I repeated myself again, that I kept telling them that SDR/provisional ballots cannot be cured.



The EB agreed to adjourn for the day and begin at 10 a.m. on Thursday, November 14th. Per the Commissioners directive, myself and my staff were able to determine that about 17 or 18 originally denied SDR applications/provisional ballots were cast.

Things went smooth on the second day and the Electoral Board listened to my recommendations when moving forward with the consideration of the rest of the provisional ballots.

As requested, I have attached pertinent documents, copies of the provisional envelopes that were marked on by the Electoral Board and the original denial letters that were generated in VERIS.

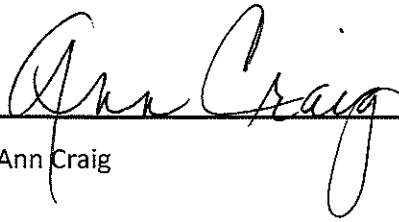
Respectfully,

Lindsey H. Williams
Director of Elections and General Registrar
City of Radford
619 2nd St. Room 143
Radford, VA. 24141

November 13, 2024

Per the Radford City Electoral Board, the General Registrar and her staff were directed to contact voters whose Same Day Registration (SDR) applications were denied and attempt to correct the information by marking the voter registration application for the voter. Then register the voter.

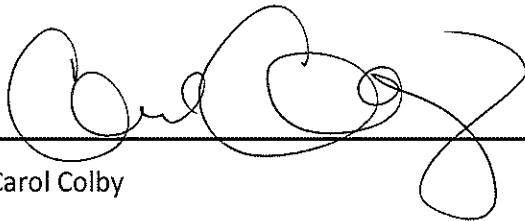
The SDR applications were completed by the voter on Election Day, November 5, 2024.



Ann Craig



Chris Quesenberry



Carol Colby

Lindsey Williams

From: Lindsey Williams
Sent: Monday, November 4, 2024 11:21 AM
To: Ann Craig (Ann.Craig@radfordva.gov); Carol Colby (Carol.Colby@radfordva.gov); Chris Quesenberry
Cc: Melissa Mayweather; Janet Parrish
Subject: Provisional Meeting

All,

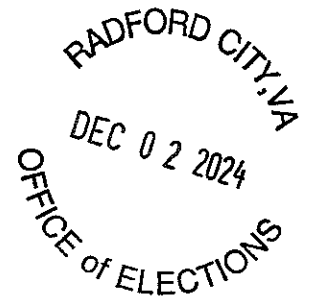
Please read pages 18-22 of this document in preparation for the Provisional Meeting next Wednesday. Also, we will likely have observers and voters attend, so we will use the J&D Courtroom for the meeting if we need more space.
https://www.elections.virginia.gov/media/grebhandbook/2024-updates/13_Provisional_Ballots_2024_FINAL.pdf

Lindsey



Lindsey H. Williams
Director of Elections & General Registrar
Radford City
619 2nd Street Room 143
Radford, Va. 24141
O: 540-267-3156
M: 540-235-2383
F: 540-633-0152
Lindsey.Williams@radfordva.gov

Observer Report from Vote Count in Radford City
November 13, 2024



- About 550 *provisionals ballots total*
- 400+ *day of election provisional ballots*
- 31 *provisional ballots denied by registrar's office*
- 17 *provisional ballots cured by the electoral board and cast in the machine*

I observed the electoral board counting and processing votes. The irregularities occurred during the provisional ballots from election day. There were over 400 provisional ballots submitted on election day. The registrar's office had denied 31 of those for incomplete information.

The electoral board wanted to try to cure those registrations themselves, but the registrar very adamantly told them they were not allowed to do that per instructions from her superiors, and those sealed envelopes should be returned to the registrar's office.

One board member pulled out a VA code book and cited text that she believed gave them authority to cure those denied ballots. A second board member agreed that they were trained using that book, and that is what they should follow. The registrar asked them to sign a document to substantiate that they were proceeding against her recommendation. The Electoral Board then cured 17 ballots and cast those previously denied ballots.

The registrar came and stopped the count when she realized that a provisional ballot had been cast here and in Halifax County. When she had tried to enter the information into the data system, the ballot was flagged. One board member shouted at the registrar saying why didn't you tell us. In fact, I witnessed the registrar warning them not to cure ballots.

When the meeting reconvened the next day, the remaining "denied" ballots were recorded as such with no objections from the board this time.

As it turned out, two school board candidates were only separated by 5 votes making those 17 denied ballots consequential.

Leonia W. Boyd
Gloria W. Boyd

Ann K. Craig
11 Hidden Valley Lane
Radford, Virginia 24141

November 25, 2024

Chief Judge
Circuit Court of the City of Radford
619 2nd St., Room 149
Radford, VA 24141

Re: End of Term Retirement

Dear Sir:

This letter is notice of my intent to retire at the conclusion of a single term of appointment to the City of Radford Electoral Board, effective December 31, 2024.

I am proud to have served on the Electoral Board during an unprecedented period of change, development, and growth of the office of the General Registrar as well as a tumultuous election environment nationally. I am truly thankful for all that I have learned and experienced during my appointment, providing a personal perspective forever altered.

Your consideration of my return to retirement is appreciated.

Sincerely yours,

A handwritten signature in black ink that reads "Ann K. Craig". The signature is written in a cursive style with a large, prominent "A" and "C".

Ann K. Craig

Cc: Honorable Ann Howard, Clerk
Lindsey Williams, General Registrar
John W. L. Craig II, Party Chair

**Written Testimony of City of Radford Electoral Board Members
Chris Quesenberry and Carol Colby**

January 13, 2024

This written testimony is being provided on behalf of the remaining two members of the City of Radford Electoral Board, Vice Chairman Chris Quesenberry and Secretary Carol Colby (Chairman Ann Craig having resigned effective December 31, 2024), as suggested by Steve Koski, Compliance Advisor for the Virginia State Board of Elections. We appreciate this opportunity. We would ask Mr. Koski to forward this testimony to Chairman O'Bannon, Vice Chairman Dance, Secretary Alvis-Long, and Board members Merricks and Weinstein for their consideration in advance of the Board's January meeting.

At the outset, we would like to assure the Board that we are now aware that we were wrong in believing that Same Day Registration applications could be cured, and therefore in asking our General Registrar to fix what we perceived to be administrative issues with the applications. We understand now that there is no curing process for the applications.

Indeed, we became aware of our error when our General Registrar informed us of it late in the afternoon on the first day of our provisional votes deliberations, after she returned from a phone consultation with Commissioner Susan Beals from the Virginia Department of Elections. From that point on, including on the second and final day of our provisional votes meeting, we acted in compliance with this information, as is borne out in both narrative statements previously submitted to this Board. Being aware of the proper procedures, we are committed to following them.

We apologize for our actions. They will not be repeated. And we respectfully request that the Board find that there is an insufficient basis to warrant Board action pursuant to § 24.2-103 of the Code of Virginia, and dismiss consideration of our removal.

We submit the following narrative in the hopes of explaining the confusion surrounding our actions, and assuring the Board that we acted in the earnest hope of complying with the sections of the Virginia Code and our Elections Handbook pertaining to provisional ballots.

On November 7, 2024, we three Electoral Board members received an email sent from the Southern District Director of the Virginia Electoral Board Association, Paul M. Kitchen, which he sent to a list of colleagues in VEBA's Southern District. Its subject line was "Missing officer of elections signature on the provisional envelope." He outlined a number of sources he consulted to determine whether to approve or reject provisional ballots when the SDR application was missing the signature of an officer of elections in the lower left corner.

One of the sources he consulted was the State Department of Elections online lesson on Same Day Registrations. Pages 13 and 15 of that lesson both answer the question whether provisional

ballots may be considered if the voter filled out the wrong side of an envelope. Both answers state that such ballots can be counted, as such a mistake is due to an administrative error. Mr. Kitchen also cited § 20-60-60 of the Virginia Code, which states that a General Registrar may contact a provisional voter to remind them that they may provide a copy of their identification by the Friday after an election. One of the email recipients stated that she had consulted a liaison when this issue arose in a previous election, and the liaison instructed her that the error was administrative and the ballot should not be rejected.

We board members also reviewed Chapter 13 of our Elections Handbook in advance of the provisional votes meeting, as well as § 24.2-653.01 and other provisions of the Virginia Code related to provisional voting. We knew that we faced a long few days in deciding on these 500+ ballots, and we strove to conduct our deliberations properly and efficiently.

Early on the first day of deliberations, we were shown SDR applications that had been marked “Do not count” by the deputy registrars and denied registration for what seemed to us to be minor oversights: failure to check the box ensuring U.S. citizenship, failure to check the box affirming that the applicant was not a felon, or failure to provide an apartment number in addition to a street address. We initially placed those envelopes in a pile to be dealt with once we had gone through the more straightforward applications.

At some point early on, the General Registrar presented us with an envelope whose only deficiency was the lack of a signature from the officer of election attesting that they had verified the voter’s ID. Like the applications described above for what we perceived to be minor oversights, one of her employees had checked the box “Do not count” in the lower right hand corner reserved for office/electoral board use. We explained to her that we had received guidance from the email described above leading us to understand that such an error is administrative, and that we had the authority to allow the vote to count.

After this, we felt that it was within our authority to allow follow-up on those of the SDR applications with what we felt to be administrative issues. We discussed with our GR whether her office could contact voters to fix such issues. To our recollection, she was initially reluctant but was not clear about it. After discussion, she agreed to have her deputy registrars register these voters if they provided the requested information.

Following a lunch break, at some point in the afternoon the General Registrar absented herself from the meeting room for an extended amount of time. Eventually, Secretary Colby went to the General Registrar’s office and found her on the phone (possibly with Commissioner Beals) seeking guidance. After that, the General Registrar sent a deputy registrar to the meeting room with a laptop to access information in VERIS.

Later in the day, the General Registrar returned to our meeting room with a form to sign stating, “Per the Radford City Electoral Board, the General Registrar and her staff were directed to contact voters whose Same Day Registration (SDR) applications were denied and attempt to

correct the information by marking the voter registration application for the voter. Then register the voter./The SDR applications were completed by the voter on Election Day, November 5, 2024.”

The General Registrar did not provide clear direction to us before her consultation with Commissioner Beals. If she had, we would have proceeded as instructed. We were committed to fulfilling our responsibilities, as we thought them to be at the time.

To reiterate, we understand now that we were wrong, and that SDR applications cannot be cured.


We believed that all four of us, the three electoral board members and the General Registrar, were acting together as a team to pursue the correct course of action during the morning session. Any action we took as a board was agreed upon by all three members of the board, and the General Registrar seemed to be satisfied enough with our discussion and decisions that she went along with them throughout the morning session. When she returned to the meeting room after consulting with Commissioner Beals and told us plainly that SDR applications cannot be cured, Vice Chairman Quesenberry expressed his frustration (shared but not verbalized by Secretary Colby) that she was telling us then, rather than at the outset of the meeting.

From that point on, no more provisional envelopes whose applications had been declined by the General Registrar’s staff were attempted to be cured, opened, or counted.

We would like to address an assertion made in the report from Gloria W. Boyd provided to your Board. She stated, “As it turned out, two school board candidates were only separated by 5 votes making those 17 denied ballots consequential.” In actuality, the candidate who won that race by only 4 or 5 votes was ahead by 27 votes at the beginning of the provisional votes meeting. The ballots that were erroneously allowed narrowed, but did not change, the result of the election.

We appreciate the opportunity to address this Board and explain our confusion on the first day of our provisional votes meeting. Knowing that we are remorseful, have learned from this experience, and are committed to not repeating our errors, we respectfully ask that you decline to initiate removal proceedings against us.


Chris Quesenberry, City of Radford Electoral Board Vice Chair


Carol Colby, City of Radford Electoral Board Secretary



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, Delegate Merricks, and Mr. Weinstein

From: Steve Koski, Compliance Advisor

Date: January 15, 2025

Re: ***REVISED*** - City of Waynesboro Electoral Board Issues

Suggested Actions

- (1) **Motion to Institute Removal Proceedings:** "Pursuant to § 24.2-103 of the Code of Virginia, I move that the State Board of Elections direct its legal representation to prepare a petition to the Waynesboro Circuit Court for the removal of Curtis Lilly from the City of Waynesboro Electoral Board for failure to discharge his official duties under Virginia law."
- (2) **Motion to Dismiss:** "I move that the State Board of Elections dismiss consideration of removal due to an insufficient basis to warrant State Board action pursuant to § 24.2-103 of the Code of Virginia."
- (3) **Take under advisement and request written response within 14 days.** No motion required.

Applicable Code Sections

§ 24.2-103. Powers and duties in general; report.

Background

ELECT received various reports about potential issues with two of the Electoral Board members for the City of Waynesboro in carrying out their duties: Chair Curtis Lilly and Vice Chair Scott Mares. ELECT requested a statement and any relevant supporting information from the General Registrar regarding her knowledge about alleged issues. Attached to this memorandum are an overview of the alleged issues and a statement with supporting documentation from the General Registrar. The State Board must now determine whether the issues raised and supporting documents and testimony received warrant the instituting of removal proceedings.

Please note that, since the term of Mr. Mares expired and he was not reappointed, he is not subject to removal. Only Mr. Lilly is subject to removal.

Attachments

Summary of issues with statements and supporting documentation.

Curtis Lilly, Chairman; and Scott Mares, Vice Chairman
City of Waynesboro Electoral Board

In discussions with City of Waynesboro General Registrar Lisa Jeffers throughout 2024, ELECT was informed of various instances of the failure to perform duties by the above-named members of the Electoral Board. ELECT requested a statement from Ms. Jeffers regarding the alleged instances of failure to perform duties. Ms. Jeffers provided the attached statement and supporting documentation. Of particular relevance to removal considerations under the Code of Virginia are the following assertions:

- **Improper unsealing of unused ballots.** It is alleged that the Electoral Board improperly unsealed unused ballots during the canvass, in contradiction to the established practice of gaining ELECT and court approval prior to unsealing such election materials.
- **Failure to appear at a publicly noticed meeting.** All members of the Electoral Board failed to attend a publicly noticed meeting in September of 2024, at which members of the public appeared. The Secretary announced in July that she would be on vacation at the time of the meeting and would possibly be unable to attend.
- **Unwillingness to meet to conduct necessary pre-election business.** The Secretary requested an additional meeting prior to the November General Election to conduct necessary business, but the Chairman and Vice Chairman were unwilling to meet. The necessary business included addressing logistical matters related to a polling place change from June to November and clarifying training for the election page program.
- **Unauthorized opening of voting system on Election Day.** When the General Registrar was responding to the report of a jam in a voting system at a precinct, she arrived to find the Vice Chair holding the machine keys of the chief officer of election. Further, he had opened several compartments on the top of the scanner. The General Registrar informed the chief that this was not consistent with acceptable procedures.
- **Objections to certification.** In signing the abstracts, the Chairman and Vice Chairman wrote beside their names “certified but objected to” and “certified but with objections.” Copies of the abstracts are attached to Ms. Jeffers’ statement.

Based upon the description of events by Ms. Jeffers, the following questions may assist in providing the most complete information for the Board’s consideration:

Questions for Electoral Board Members

1. Did you participate in the canvass of the March Presidential Primary Election when the unused envelopes were unsealed?
2. Were the unused envelopes sealed as part of a decision by the Electoral Board?
3. Can you provide an explanation for failing to appear at a publicly noticed meeting in September?
4. Can you explain the circumstances surrounding the refusal to meet, at the Secretary’s request, for a pre-election meeting?
5. For the Vice Chair, can you explain the situation described by the General Registrar in which you used the chief officer of election’s keys in order to access compartments of the voting system?

- a. Is it your understanding that this was authorized?
6. Can you explain the purpose of the “objection” included on your abstract signatures?
 - a. Was it your belief that this would have any effect on the certification?
 - b. Are there circumstances under which you believe you are justified in refusing to certify an election?

Questions for General Registrar

1. While you listed various instances of Electoral Board members not appearing at events such as L&A testing, were there any instances of non-attendance by members at a meeting or other event that led to either their duties or your duties being unfulfilled?
2. Has there ever been an instance where an Electoral Board member would have reason to open a voting system, based upon your knowledge of established practice and policies in Waynesboro and applicable law?



DIRECTOR OF ELECTIONS
501 W. Broad Street
Waynesboro, VA 22980

December 10th, 2024

Department of Elections
Susan Beals, Commissioner
Steve Koski,
ELECT Legal & Compliance Officer
1100 Bank Street, First Floor
Richmond, Virginia 23219

Dear Ms. Beals,

I am the Director of Elections/General Registrar for the City of Waynesboro, Virginia. I have been in this position since January 1st, 2009. Prior to serving the City of Waynesboro, I was the Assistant Registrar for the County of Nelson from April 1st, 1987 until March 31st, 1995. I was appointed the General Registrar for the County of Nelson on April 1st, 1995 until December 31st, 2008. I have a total of 37 years of experience in elections.

Thank you for this opportunity to respond on behalf of my office. I regret the circumstances. To be clear as well, any duties that are those of the Electoral Board and delegated to me, have never been reviewed with me nor written in the minutes of the Electoral Board.

As we all know a Presidential Election brings its own set of challenges and work load like no other election. The summer of 2024 is planning for the fall election. With every election, L & A testing (logic and accuracy) is always scheduled ahead of early voting and election day voting. Waynesboro City purchased the ES&S Voting Equipment in the summer of 2023. Our first election was that of November 2023. Our Election Officials had no issues with the voting equipment and the election went very smoothly. Anytime you implement anything new, you always prepare for the worst and hope for the best. My Election Officials exceeded my expectations, as they always do! I consider myself very fortunate in that respect.

As I previously stated, we preform L & A testing prior to each election. Logic & Accuracy testing is a perfect time to view a set of test deck ballots and the tapes from each machine after each test deck has been inserted into the machines. One can clearly compare the ballots to the tapes at this point to check for accuracy. 2024 saw 3 Elections; March Dual Presidential Primary, June Republican Primary and November General. L & A testing(March Election) was scheduled for January 9th, 2024 at 9:00AM in the Director of Elections Office. Board members and party chairs were notified by me, the Director of Elections, on December 21st, 2023. No Electoral Board members attended the L & A. The Democratic

Party Chair attended as well as a representative of the Republican Party, along with the Director of Elections and the vendor of the voting equipment. I also use Ballot on Demand in early voting which requires a certain number of ballots to be pre-printed by the Ballot on Demand printer and run through the voting equipment to verify accuracy.

On February 10th, 2024, the Secretary of the Electoral Board resigned. Prior to her resignation, I had several FOIA requests for the minutes of the Electoral Board. As you know, a FOIA request can be in writing or verbal. I emailed the Chairman and Vice-Chairman of the board requesting those minutes. The Chairman responded by asking who requested the minutes? I forwarded him the FOIA laws directly from the state FOIA site. He didn't seem to believe me when I told him a FOIA request could be made verbally or in writing. He asked me to send him all the FOIA requests and he would respond. This is not his duty according to the handbook. He also went to the Clerk of City Council to verify that I had sent him the correct information regarding FOIA requests. This has been a pattern for two years now.

During the Canvass of the March Presidential Primary Election, the board couldn't make out for one precinct on the ballot record report exactly how many un-used ballots were returned. One of the chiefs were called back and Box 6 Unused ballots was opened with no permission from ELECT or a Circuit Court order. This was not the first time such an instance occurred. November of 2023 there was a write-in campaign for Soil & Water Conservation Director and a write-in winner. Some of the write-ins seemed to cut off on the tape. It was pretty clear what the person wrote in. However, the Electoral Board opened each Envelope #7 and inserted each precincts thumb drive (USB data stick) back into a machine to view exactly what was written in. This was done without any permission from ELECT or a Circuit Court order.

June Republican Primary 2024, L & A testing was conducted on April 23rd, 2024 and I had two board members present: Curtis Lilly, Chair; Sharon Van Name, Secretary. Also, Forrest Jones attended representing the Republican Party.

During the July Electoral Board meeting, the Secretary of the Board announced she would be on vacation during the first part of September and would possibly be gone when the September Electoral Board meeting was to be held and L & A testing for the November Election. The Electoral Board had posted a meeting, on the city website, of the board to be held on Monday, September 9th, 2024 at 5:00pm in the conference room 106, in the Yancey Building located at 503 W. Main Street, Waynesboro, VA. I received a call at 5:15pm from public that showed up to the meeting and no board members were there. The meeting was never cancelled on the city website.

L & A testing was scheduled for September 17th, 2024 at 9:30am in the Director of Elections Office. The Electoral Board and party chair persons were notified on September 6th, 2024. Again, no electoral board members were present for the testing. The Chair of the Democratic Party attended as well as Forrest Jones, representative of the Republican Party, the Director of Elections and vendor. Ballot on Demand ballots were printed and tested as well as a full test deck from the vendor.

On Monday, October 7th, 2024, I learned of a lawsuit filed on Friday, October 4th, 2024 by the Chairman of the Electoral Board (Curtis Lilly) and the Vice-Chairman of the Electoral Board (Scott Mares) stating

they would not certify the November 5th, 2024 Presidential Election without having a hand count of the ballots. I was stunned to learn of this. This is also the date the Electoral Board scheduled their regular meeting at 5:00pm. I did not attend. Once early voting begins, we close at 5:00pm and we balance out at the end of every day with poll book counts, voting machine counts and ballots. 5:00pm meetings are not suitable for me to attend.

At this point, once the public learned of the lawsuit, I began to receive hate emails about the lawsuit. The public thought it was me, the Director of Elections that was suing the state. I have all of those emails as well as my response to each and I would copy the Electoral Board, the party chairs and the city manager. I would also give out the contact information for the Chairman, Curt Lilly and the Vice-Chairman, Scott Mares. This office also received many complaints via phone about the lawsuit. As well as voters voting in person. This took time to reassure the voters that their vote was safe, secure and would be certified. This created addition work/effort that was completely un-necessary.

The Secretary had requested an additional board meeting prior to the November Election to go over many loose ends. Neither the Chairman nor the Vice-Chairman were willing to meet. Such loose ends were: a polling place change from the June Primary Election to a new location for November. I had signs created to be posted at the old location alerting voters of the new location. Also, a sign for the new location as well. This should have been the duty of the board to do this. I took the signs to the former location and had them placed a week before the election. The Chief Officer of Election for the new polling place, took that sign. Another loose end: Election Pages. I knew the board had discussed using Election Pages. Fishburne Military School always supply the office with a group of cadets. I was in contact with Mr. Lacey at Fishburne. In previous years, the Secretary of the Electoral Board and the Director of Elections would go to Fishburne and train the pages on their duties. I was never informed by the Electoral Board of how many pages, where they were coming from and who had trained them. One of our chief Election Officials saw a Facebook post about the AP Government class at Waynesboro High School scheduling students to be Election Pages. I emailed the board once the Election Official alerted me to the post. The Chairman responded in saying he was in contact with the teacher of the AP Government class and that she would train the pages. I felt this was not the teacher's duty, it should have been the Electoral Board member to train. If I'm made aware of these things prior, I can schedule a time to train pages, as they should be. But this seems to be the method of operation once these two board members were appointed, no group effort to work together. Several Chief Officers of Election reached out to the AP Government teacher to get clarification and an understanding of what duties were expected of the Election Pages.

Election Day was busy and hectic. It's a Presidential Election and to be expected. At approximately 8:45am I received a call in the office that a paper/ballot jam was reported in Ward A. This precinct is very close to the office and I instructed the Chief that I would be there to fix it. Upon arriving, the Chief Officer, Election Officials and the voter were standing by the machine. I was shocked to see the Vice-Chairman standing at the side of the machine with the Chiefs set of voting machine keys in his hand and he had opened several compartments on the top of the scanner. None of which would have cleared a paper jam. I have a generic set with me to open the slot under the scanner, slide out the scanner and I asked if the voter was still there. She was. I instructed her to remove her ballot from the back of the scanner, slid the scanner back in place, asked her to re-insert her ballot and the machine worked

properly. I locked the scanner back in place and left. I did call back to the precinct to tell the Chief; the Electoral Board are not to touch anything...only observe and they should never have the voting machine keys. Waynesboro City does not employ a custodian for election day.

Canvass of the November 5th, 2024 Election began at 1:00pm on Wednesday, November 6th, 2024. The Provisional ballot meeting took up the entire afternoon. The board came back on Friday, November 8th, 2024 and reviewed all tapes, envelopes and materials from each precinct. One precinct did not complete the Statement of Results on the front page. Rather than call the precinct back in to complete it, the board did it. However, when they reviewed another precinct, a signature was missing from the SOR and that Chief had to come back in and sign. It was quite obvious to me this was done out of spite, calling this particular chief back.

Canvass was concluded on November 12th, 2024 with all post-election ballots cast and provisional ballots cast. Abstracts were printed by the Director of Elections and given to the board for signatures. Each member signed and concluded the canvass in the City Council Chambers. The Secretary read each candidate totals and affixed the Electoral Board Seal to each abstract.

The next day I discovered that when I went to upload the abstracts to the Department of ELECT, there was more beside the Chairman and Vice-Chairman's name...."certified but objected to" or "certified but with objections." I uploaded these to the Department. I received a call back several days later because of an error in Post-Election Ballots and Absentee By Mail ballots. In both cases, each of these had hand-counted ballots and over votes and under votes had not been accounted. I had to recreate a new spreadsheet to figure out where the mistakes were. Once that was complete, I printed new abstracts and reported it to the board. We conducted an RLA on Wednesday, November 20th, 2024 with one ballot to pull. Since ALL of the board was going to be here, they could re-sign the new abstracts. Only two board members were present for the RLA, the Chairman; Curt Lilly and Secretary; Sharon Van Name. The Vice-Chairman was absent. However, he stopped by the office at 12:50pm and signed the abstracts. Both again, the Chairman and Vice-Chairman signed..."certified but objected to".

On December 4th, 2024, the Chairman and Vice-Chairman have now filed a notice of appeal in the courts pertaining to the judge issuing a decision on their lawsuit. The judge ordered them to certify the election on Monday, November 3rd, 2024. The judge also stated they could resign their positions if they felt the machines and procedures were not to be trusted. Neither have resigned. The Vice-Chairman's term is ending on December 31st, 2024. It is my knowledge he will not be reappointed to the Electoral Board.

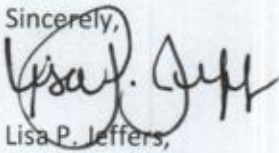
I am also attaching all communications to this letter as well as the Electoral Board Job Description, court case information and the abstracts from November 2024.

This has been a very difficult analysis to compile. However, I feel the Department of ELECT, the State Board of Elections, other Directors of Election, Electoral Board members and the electorate need to know the undue burden this lawsuit has caused and they continue to pursuit it. I feel this has been a complete mis-use of power by filing this suit in their official capacity as the Chairman and Vice-Chairman of the Electoral Board. I feel they have also tainted their own party for what? If you don't trust or

believe in the system in place, resign your position. If you don't understand the system, then please do your job and participate in the process. And if all else fails, please speak to a member of the General Assembly and have the process changed. That is where the laws are made, not in the courtroom. I would beg to ask the question; If a Director of Election/General Registrar filed a lawsuit stating they wouldn't allow Same Day Registration, Provisional Ballots or absentee voting, would they be allowed to remain in their position of Director of Election/General Registrar? I think we all the know the answer to that question.

Again, I appreciate the opportunity to respond. If you need any further information, I have plenty to provide if necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jeffers". The signature is written in a cursive style with a large initial "L".

Lisa P. Jeffers,
Director of Elections/General Registrar City of Waynesboro, VA

Attachments

Jeffers, Lisa P.

From: Jeffers, Lisa P.
Sent: Thursday, December 21, 2023 9:00 AM
To: 'Sharon Van Name'; Jacob Lipscomb
Cc: Curtis Lilly; scottmares; 'Elizabeth Bouldin-Clopton'; Elizabeth (eabc@newcommonera.com)
Subject: L & A Testing for March 5th, 2024 Dual Presidential Primary
Importance: High

Good Morning All:

All localities in Virginia will be having a dual Presidential Primary Election on March 5th, 2024. The State Board of Elections met yesterday to do the ballot drawing and order of candidates to be listed on each party ballot. Below is the listing and the order the candidates will appear on each separate ballot:

1. Democratic Primary Candidates In Ballot Order:

- a. Marianne Williamson
- b. Joseph R. Biden, Jr.
- c. Dean B. Phillips

2. Republican Primary Candidates In Ballot Order:

- a. Chris Christie
- b. Ryan L. Binkley
- c. Vivek Ramaswamy
- d. Donald J. Trump
- e. Ron D. DeSantis
- f. Nikki R. Haley

L & A testing will be held here in the office on January 9th, 2024 at 9:00AM. According to 24.2-633 each party is allowed on representative to observe the preparations of each voting machine. I do ask that you limit it to one per party due to space limitations within the office. The new office address is: 501 W Broad Street, Waynesboro.

Best wishes to each of you during this holiday season.

All the best,

*Lisa P. Jeffers, CPGR, VERO, CERA, Virginia, State Certified
Director of Elections/General Registrar
501 W. Broad Street
Waynesboro, Virginia 22980*

Jeffers, Lisa P.

From: Jeffers, Lisa P.
Sent: Friday, September 6, 2024 12:33 PM
To: Susan Dell; waynesborogopchair@gmail.com
Cc: Curtis Lilly; Van Name, Sharon E.; scottmares
Subject: Voting Machine Programming November 5th, 2024

Importance: High

Good Afternoon All:

Programming and testing (L & A) of all voting equipment to be used in the November 5th, 2024 General Election will be held on Tuesday, September 17th, 2024 at 9:30AM in the office of the Director of Elections Office. As per Code Section 24.2-633, you are entitled to be present or send a representative of your party to observe the programming and testing(L & A). As you also know, I have limited space available and respectfully request only one observer per party.

As always, if you have any questions, please feel free to reach out to my office.

All the best,

*Lisa P. Jeffers, CPGR, VERO, CERA, Virginia, State Certified
Director of Elections/General Registrar
501 W. Broad Street
Waynesboro, Virginia 22980
PH: 540-942-6620
FAX: 540-942-6501*



Electoral Board Job Description

Summary:

The Electoral Board of each County and City in Virginia is made up of three members who serve three-year staggered terms. Two members are members of the political party of the most recently elected governor. The chair and secretary must represent different political parties unless the position is declined. Although the bipartisan board is appointed by the Circuit Court based upon local party recommendations, each member must carry out official duties in a nonpartisan manner. The authority for the administration of many aspects of elections for the locality remains with the Electoral Board, including oversight of the General Registrar/Director of Elections, and is responsible to the State Board of Elections for that administration. It appoints the General Registrar, who handles voter records. Generally, the work of the Electoral Board should be shared equally by all three members, although the Secretary has additional responsibilities.

I. Responsibilities:

A. Election administration includes:

1. Approval of voting equipment to be used, and development and approval of a security plan to keep all equipment and materials secure.
2. Ensure the creation, production and proper custody of ballots.
3. Ensure the proper conduct of Logic and Accuracy (L&A) test to be sure equipment is programmed correctly for each election.
4. Assist in conducting absentee voting when requested by the Director of Elections.
5. Appointment of officers of election and ensuring that training, assignment and review of precinct officers of election occurs.
6. Ensure coordination with other local government departments (e.g., police, sheriff, public works, IT, schools) to ensure smooth conduct of each election.
7. Assistance in procuring, packing and delivering supplies to polling places.
8. Ensure proper setup of polling places prior to each election.
9. Assistance in polling places and offices as needed on Election Day. Availability to respond to inquiries from media, voters and political parties
10. Conduct of post-election canvass to ascertain that all precinct results are accurate and complete.
11. Based on input from the General Registrar, determination of validity and counting of provisional ballots.
12. The Electoral Board's signatures on the certification of results following the canvass is the ultimate declaration of the truth, accuracy and dependability of the vote totals being submitted to the Commonwealth and is thus the foundation of the democratic process.

- B. The Electoral Board has additional responsibilities, including:
1. Appointment, removal and annual performance evaluation of General Registrar.
 2. Certification of candidates, when required.
 3. Conduct of meetings in accordance with the Freedom of Information Act (FOIA).
 4. Familiarity with federal and state laws that must be followed in conducting elections.
 5. Attendance at training programs provided by Virginia Department of Elections (ELECT).
 6. Together with the General Registrar, administration of the Office of Elections, including budgeting and dealing with local government officials, as needed.
 7. The Secretary of the Electoral Board has specific tasks and responsibilities according to the Code and must take and keep accurate minutes of all board meetings.

II. Electoral Board Activity Prohibitions:

- A. May not collect any fee as a notary during the time of such appointment.
- B. May not engage in political activities when performing official duties.
- C. May not solicit signatures for candidate petitions in a public building.

III. Qualifications:

The following qualification is required by law:

- Must be a qualified voter of the County or City, in good legal standing.

IV. Disqualifications:

- A. Must not be directly related to another Electoral Board member or General Registrar or to a candidate or holder of elected office.
- B. May not serve as chair of a political party, at local, district or state level, and may not hold elected office or offer to be a candidate for elected office
- C. May not be employed by or hold incompatible office under federal, state or local government (ELECT will provide a list of incompatible offices)

V. Additional desirable characteristics:

- A. Customer-service orientation in dealing with voters.
- B. Computer literacy, as much business is conducted via email.
- C. Ability to travel around the County or City.
- D. Public speaking ability to conduct training or address groups.
- E. Writing ability to write training materials, legislative positions, or analyses.
- F. Basic budgeting skills.
- G. Knowledge of basic legal concepts and judicial proceedings; willingness to become deeply familiar with United States Code Title 52 and Virginia Code Title 24.2 governing Elections and administrative regulations thereunder.
- H. Assertive manner when needed to enforce compliance with code or regulations.

Conditions:

Service on the Electoral Board is a year-round obligation. There is a general election every year in November and a primary election most years in June. In addition, there may be City or Town elections in May and special elections whenever called. From six to two weeks prior to each election, the board may need to be available a few times per week for a few hours. The week prior to and the week of the election, the board needs to be available most of the time, including 5am-10pm or later on Election Day. At other times the board may meet monthly and may attend training or networking meetings or conferences. Members may be asked to address local groups or attend meetings of interest.

FILED IN THE CLERK'S OFFICE
OF THE CIRCUIT COURT OF THE
WAYNESBORO CIRCUIT COURT
DATE: 12/04/2024 @13:04:06

VIRGINIA:

IN THE CIRCUIT COURT FOR WAYNESBORO CITY

NICOLE BRIGGS, CLERK

TESTE: 
CLERK/DEPUTY CLERK

Jennifer Lewis et al.

Plaintiffs,

v.

Curtis G. Lilly II et al.

Defendants.

Case No.: CL-24-440

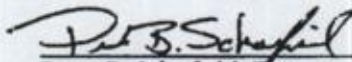
NOTICE OF APPEAL

PLEASE TAKE NOTE that Defendants Curtis G. Lilly and Scott Mares (hereinafter "Defendants") are appealing the Waynesboro City Circuit Court's Order granting Mandamus and Temporary Injunction on November 4, 2024. A copy of Form CC-1345 Notice of Appeal from Trial Court is attached to this Notice.

Respectfully submitted this 3rd day of December, *anno domini* 2024.



Thomas F. Ranieri, Esq.
Va. Bar No. 93150
RANIERI & ASSOCIATES, PLC
33 Cedarside Court
Front Royal, Virginia 22630
Tel: 540-551-2330
Email: ranieri@tra-lawfirm.com
Counsel for Defendants



Peter B. Schofield, Esq.
Va. Bar No. 99541
Lloyd Law Group, PLLC
15 Chester Street
Front Royal, Virginia 22630
Tel: 540-823-1110
Email: peter.s@lloydlawgroup.com
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on December 3, 2024, a true and correct copy of the forgoing was caused to be transmitted to the following counsel of record and/or interested parties.

Lyndsay A. Gorton
Keith J. Harrison
Jacob Harrison
Samuel H. Ruddy
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: 202-24-2500
Fax: 202-628-5116
Email: lgorton@crowell.com
kharrison@crowell.com
jharrison@crowell.com
sruddy@crowell.com
Counsel for Plaintiffs


Thomas F. Raniéri, Esq

NOTICE OF APPEAL FROM TRIAL COURT
VA CODE § 17.1-407, Rule 5A.6

VIRGINIA: IN THE CIRCUIT COURT OF Waynesboro City
COUNTY/CITY
Lewis et al. v. Curtis G. Lilly II and Scott Mares

NAME(S) OF PARTY(IES) PLAINTIFF, RESPONDENT OR OTHER
DESIGNATION IN TRIAL COURT

hereby appeals to the Court of Appeals of Virginia from the Mandamus and Temporary Injunction
FINAL JUDGMENT / APPEALABLE ORDER OR DECREE

of this court entered on 11/4/2024 in case no(s) CL24000440-00
DATE

Please check if:
 This is a termination of parental rights case (Va. Code §16.1-283, §16.1-277.01, §16.1-277.02 or §16.1-278.3).
A transcript will will not be filed.
A statement of facts, testimony, and other incidents of the case will will not be filed.
 [In criminal cases only:] Appellant requests the clerk of the circuit court to cause a transcript to be prepared of the following circuit court proceedings:

FILED IN THE CLERK'S OFFICE
OF THE CIRCUIT COURT OF THE
WAYNESBORO CIRCUIT COURT
DATE: 12/04/2024 @13:03:15

CERTIFICATE

The undersigned certifies as follows:
(1) The name(s) and address(es) of appellant(s) are:
Curtis G. Lilly II, 649 Walnut Avenue, Waynesboro, Virginia 22980
Scott Mares, 1169 Sherwood Avenue, Waynesboro, Virginia 22980

NICOLE BRIGGS, CLERK
TESTE: *[Signature]*
CLERK/DEPUTY CLERK

Appellant(s) is (are) not represented by counsel. The telephone number(s), facsimile number (if any) and e-mail address (if any) of appellant(s) are:

(2) The name(s), Virginia State Bar number(s), address(es), telephone number(s), facsimile number (if any), and e-mail address (if any) of counsel for appellant(s) is (are):
Thomas F. Ranieri, Esq, Va Bar No. 93150, Ranieri & Associates, PLC, 33 Cedarside Court, Front Royal, Virginia 22630, 540-551-2330, ranieri@tra-lawfirm.com; and, Peter Scofield, Va. Bar No. 99541, Lloyd Law Group, PLLC, 15 Chester Street, Front Royal, Virginia 22630, 540-823-1110, peter.s@lloydlg.com

(3) The name(s) and address(es) of appellee(s) is (are):
Jennifer Lewis, Ann Criser-Shedd, Christopher Graham, Andrea Jackson, and Gregory Fife. Addresses unknown.

Appellee(s) is (are) not represented by counsel. The telephone number(s), facsimile number (if any), and e-mail address (if any) of appellee(s) (are):

- (4) The name(s), Virginia State Bar number(s), address(es), telephone number(s), facsimile number (if any), and e-mail address (if any) of counsel for appellee(s) is (are):

Keith J. Harrison, Esq., Pro Hac Vice, Crowell & Moring, LLP, 1001 Pennsylvania Ave., NW, Washington DC, 20004, 202-, kharrison@crowell.com, and Lyndsay A. Gorton, Esq., Va. Bar No. 80409, Crowell & Moring, LLP, 1001 Pennsylvania Ave., NW, Washington, DC, 202-654-6713, lgorton@crowell.com.

- (5) The name(s), address(es) and telephone number(s) of the guardian *ad litem* for the child(ren) is (are):

N/a

- (6) [In civil cases only:] Counsel for appellant, or appellant if not represented by counsel, has ordered from the court reporter who reported the case the transcript for filing as required by Rule 5A:8(a).

- (7) [In criminal and termination of parental rights cases:] Counsel for appellant has been appointed privately retained.

- (8) A copy of this Notice of Appeal has been mailed, e-mailed or delivered to all opposing counsel, and/or to unrepresented parties, to the guardian *ad litem*, if applicable, and to the Clerk of the Court of Appeals.

- (9) [In criminal cases only:] A copy of this Notice of Appeal has been

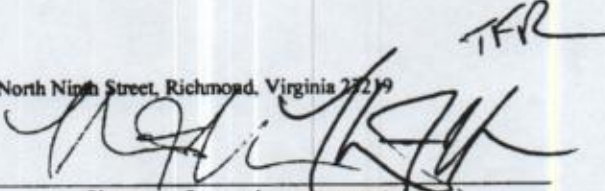
sent by e-mail to noticesofappeal@oag.state.va.us

OR, if the appellant does not have access to email,

mailed to Notices of Appeal, Office of the Attorney General, 202 North Ninth Street, Richmond, Virginia 23219

11/3/2024

Date


(Signature of counsel or unrepresented party)

NOTICE TO APPELLANT: The notice of appeal must be filed with the clerk of the trial court and a copy must be transmitted to the Clerk of the Court of Appeals of Virginia and, except as otherwise provided by law, must be accompanied by the \$50.00 filing fee required by Va. Code § 17.1-418. The fee is due at the time the Notice of Appeal is presented. The Clerk of the Court of Appeals of Virginia will file any notice of appeal that is not accompanied by such fee, but if the fee, or evidence that the appellant is entitled to be exempt from the payment of the fee, is not received by the clerk within 10 days, the notice of appeal will be dismissed.

ABSTRACT of VOTES

Cast in WAYNESBORO CITY, VIRGINIA
at the 2024 November General held on November 05, 2024 for,

President and Vice President

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Kamala D. Harris - Democratic	5240
Donald J. Trump - Republican	5882
Jill E. Stein - Green	33
Chase R. Oliver - Libertarian	69
Claudia De la Cruz - Independent	30
Cornel R. West - Independent	20
Total Write-In votes [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	45
Total Number of Overvotes for Office	5

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2024, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the President and Vice President.

Given under our hands this 12th day of November, 2024

[Signature] CONTINUED BUT OBJECTED TO, Chairman
[Signature] CERTIFIED BUT OBJECTED TO, Vice Chairman
[Signature], Secretary/Acting
_____, Secretary (Certified Copy)

ABSTRACT of VOTES

Cast in WAYNESBORO CITY, VIRGINIA
at the 2024 November General held on November 05, 2024 for,

Member, United States Senate

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Timothy M. Kaine - Democratic	5521
Hung Cao - Republican	5598
Total Write-In votes [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	16
Total Number of Overvotes for Office	2

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2024, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member, United States Senate.

Given under our hands this 12th day of November, 2024

[Signature] ~~CERTIFIED BUT OBJECTED TO~~, Chairman
[Signature] ~~CERTIFIED BUT OBJECTED TO~~, Vice Chairman
[Signature], Secretary/Acting
_____, Secretary (Certified Copy)

ABSTRACT of VOTES

Cast in WAYNESBORO CITY, VIRGINIA
at the 2024 November General held on November 05, 2024 for,

Member, House of Representatives (6th District)

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Ken L. Mitchell - Democratic	4846
Ben L. Cline - Republican	5954
Robert C. "Robby" Wells, Jr. - Independent	250
Total Write-In votes [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	12
Total Number of Overvotes for Office	2

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2024, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member, House of Representatives (6th District).

Given under our hands this 12th day of November, 2024

[Signature] ~~CERTIFIED~~ BUT OBJECTED TO, Chairman
[Signature] CERTIFIED BUT OBJECTED TO, Vice Chairman
[Signature], Secretary/Acting
_____, Secretary (Certified Copy)

ABSTRACT of VOTES

Cast in WAYNESBORO CITY, VIRGINIA
at the 2024 November General held on November 05, 2024 for,

Member City Council - At Large (Waynesboro City)

District: WAYNESBORO CITY

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Jeremy D. Sloat	5064
Robert W. "Bobby" Henderson	4605
Total Write-In votes [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	123
Total Number of Overvotes for Office	2

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2024, do hereby certify that the above is a true and correct Abstract of votes cast at said election for the Member City Council - At Large (Waynesboro City) and do, therefore, determine and declare the following person(s) has received the greatest number of votes cast for the Member City Council - At Large (Waynesboro City).

Jeremy D. Sloat

Given under our hands this 12th day of November, 2024

[Signature] CERTIFIED BUT OBJECTED TO, Chairman
[Signature] CERTIFIED BUT OBJECTED TO, Vice Chairman
[Signature] V. N., Secretary/Acting
_____, Secretary (Certified Copy)

ABSTRACT of VOTES

Cast in WAYNESBORO CITY, VIRGINIA
at the 2024 November General held on November 05, 2024 for,

Member School Board - At Large (Waynesboro City) District: WAYNESBORO CITY

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Nigel T. Stewart	8364
Total Write-In votes [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	200
Total Number of Overvotes for Office	1

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2024, do hereby certify that the above is a true and correct Abstract of votes cast at said election for the Member School Board - At Large (Waynesboro City) and do, therefore, determine and declare the following person(s) has received the greatest number of votes cast for the Member School Board - At Large (Waynesboro City).

Nigel T. Stewart

Given under our hands this 12th day of November, 2024

[Signature] ~~CERTIFIED BUT OBJECTED TO~~, Chairman
[Signature] ~~CERTIFIED BUT OBJECTED TO~~, Vice Chairman
[Signature], Secretary/Acting
_____, Secretary (Certified Copy)

ABSTRACT of VOTES

Cast in WAYNESBORO CITY, VIRGINIA
at the 2024 November General held on November 05, 2024 for,

Member City Council (Ward A) District: WARD A

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
David W. "Major Dave" Goetze	765
Lorie Jean Strother	994
Total Write-In votes [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	2
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2024, do hereby certify that the above is a true and correct Abstract of votes cast at said election for the Member City Council (Ward A) and do, therefore, determine and declare the following person(s) has received the greatest number of votes cast for the Member City Council (Ward A).

Lorie Jean Strother

Given under our hands this 12th day of November, 2024

[Signature] CERTIFIED BUT OBJECTED TO, Chairman
[Signature] CERTIFIED BUT OBJECTED TO, Vice Chairman
[Signature], Secretary/Acting
_____, Secretary (Certified Copy)

ABSTRACT of VOTES

Cast in WAYNESBORO CITY, VIRGINIA
at the 2024 November General held on November 05, 2024 for,

Member School Board (Ward A) District: WARD A

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Diana L. Williams	1476
Total Write-In votes [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	18
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2024, do hereby certify that the above is a true and correct Abstract of votes cast at said election for the Member School Board (Ward A) and do, therefore, determine and declare the following person(s) has received the greatest number of votes cast for the Member School Board (Ward A).

Diana L. Williams

Given under our hands this 12th day of November, 2024

~~Carla Miller~~ CONFIRMED BUT OBJECTED TO, Chairman
John Murawski CERTIFIED BUT OBJECTED TO, Vice Chairman
M. V. J., Secretary/Acting
_____, Secretary (Certified Copy)

ABSTRACT of VOTES

Cast in WAYNESBORO CITY, VIRGINIA
at the 2024 November General held on November 05, 2024 for,

Member School Board (Ward B) District: WARD B

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Erika B. Smith	2474
Total Write-In votes [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	44
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2024, do hereby certify that the above is a true and correct Abstract of votes cast at said election for the Member School Board (Ward B) and do, therefore, determine and declare the following person(s) has received the greatest number of votes cast for the Member School Board (Ward B).

Erika B. Smith

Given under our hands this 12th day of November, 2024

[Signature] CERTIFIED BUT OBJECTED TO, Chairman
[Signature] CERTIFIED BUT OBJECTED TO, Vice Chairman
[Signature], Secretary/Acting
_____, Secretary (Certified Copy)

ABSTRACT of REFERENDUM VOTES

Cast in WAYNESBORO CITY, VIRGINIA
at the 2024 November General held on November 05, 2024 for,

Proposed Constitutional Amendment

Should the Constitution of Virginia be amended so that the tax exemption that is currently available to the surviving spouses of soldiers killed in action is also available to the surviving spouses of soldiers who died in the line of duty?

QUESTION RESPONSE	TOTAL VOTES RECEIVED (IN FIGURES)
Total YES votes	10289
Total NO votes	571
Total Number of Overvotes for Question	2

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2024, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the proposed referendum.

Given under our hands this 12th day of November, 2024

[Signature] CERTIFIED BUT OBJECTED TO, Chairman

[Signature] CERTIFIED BUT OBJECTED TO, Vice Chairman

[Signature], Secretary/Acting

_____, Secretary (Certified Copy)



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Memorandum

To: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, Delegate Merricks, and Mr. Weinstein

From: Steve Koski, Compliance Advisor

Date: January 15, 2025

Re: City of Franklin General Registrar Petition for Removal

Suggested Actions

- (1) **Motion to Institute Removal Proceedings:** “Pursuant to § 24.2-103 of the Code of Virginia, I move that the State Board of Elections direct its legal representation to prepare a petition to the Franklin Circuit Court for the removal of General Registrar Jennifer Maynard for failure to discharge her official duties under Virginia law.”
- (2) **Motion to Dismiss:** “I move that the State Board of Elections dismiss consideration of removal due to an insufficient basis to warrant State Board action pursuant to § 24.2-103 of the Code of Virginia.”
- (3) **Take under advisement and request written response within 14 days.** No motion required.

Applicable Code Sections

§ 24.2-103. Powers and duties in general; report.

Background

ELECT received a petition from the City of Franklin Electoral Board requesting the initiating of removal proceedings for General Registrar Jennifer Maynard. The main basis for the request is neglect of duty caused by nonattendance. An overview of the issues related to the General Registrar’s performance is attached to this memorandum along with the petition from the Electoral Board.

The State Board must now determine whether the issues raised and supporting documents and testimony received warrant the instituting of removal proceedings.

Attachments

Summary of issues with statements and supporting documentation.

Jennifer Maynard
City of Franklin General Registrar

ELECT received the attached petition, dated October 3, 2024, from the City of Franklin Electoral Board to the State Board to institute removal proceedings pursuant to 24.2-103 for the General Registrar, Jennifer Maynard, due to neglect of duties. Initially, ELECT staff spoke with the Electoral Board and informed them that they had authority on their own to initiate removal proceedings under the Code of Virginia. After a period of consideration, the Electoral Board ultimately decided to renew its request to have the State Board proceed with consideration of removal.

While the petition submitted addresses an array of issues, the main problem with the performance of the General Registrar is the failure to report to work. As outlined in the petition, nonattendance led to a variety of missed deadlines and unmet obligations that are critical to the functioning of the office. It should be noted that Attachment 12 to the petition was redacted for privacy reasons to protect medical and personal information not necessary for the consideration of this matter.

The continued reports of nonattendance by the General Registrar became an issue of concern for ELECT heading into the 2024 General Election. Ultimately, ELECT found it necessary to take the unusual action of providing a staff member for limited service in Franklin City to assist with administering the election from October 31 through November 15. Had this staff member with the necessary experience not been available, there may have been significant issues with the administration of the election in Franklin City.

Based upon these concerns, the following questions of the General Registrar may assist in providing the most complete information for the Board's consideration:

1. Do you acknowledge that you have been absent from your position for a significant amount of time?
2. Do you acknowledge that there were deadlines missed, required tasks not addressed, and other functions of your office not carried out due to your absences?
3. Did you have plans in place to ensure work would be completed in your absence?
 - a. Do you have such plans in place now?
4. Can you provide assurances that attendance will not be an issue moving forward?



Jennifer Maynard
Director of Elections
General Registrar

Electoral Board Office
100 South Main Street
Franklin, Virginia 23851
(757) 562-8545

Racquel Jones
Deputy Registrar

October 03, 2024

Dr. John O'Bannon
Chairman, Virginia State Board of Elections
1100 Bank Street, First Floor
Richmond, VA 23219

Ms. Susan Beals
Commissioner, Virginia State Board of Elections
1100 Bank Street, First Floor
Richmond, VA 23219

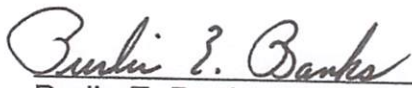
**RE: Petition to Remove City of Franklin Director of Elections, General Registrar
Jennifer L. Maynard**

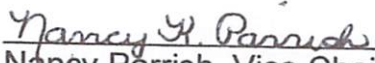
Dear Dr. O'Bannon and Commissioner Beals:

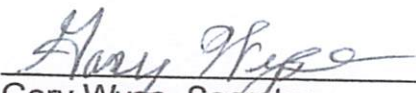
We write to formally request review and acceptance of the petition below to remove Ms. Jennifer L. Maynard, Director of Elections, General Registrar, for severe dereliction of duties Pursuant to 24.2-103E. Below is a list of reasons we believe the removal is necessary.

-Neglect of Duties

Sincerely,


Purlie E. Banks, Chairman


Nancy Parrish, Vice Chairman


Gary Wyse, Secretary



Jennifer Maynard
Director of Elections
General Registrar

Electoral Board Office
100 South Main Street
Franklin, Virginia 23851
(757) 562-8545

Racquel Jones
Deputy Registrar

Request to Remove
Page 1 Of 3

§24.2-234.1, Removal of members of local electoral boards and general registrars

- B. Any general registrar may be removed from office by the circuit court in whose jurisdiction he serves upon a petition signed by a majority of the members of the State Board as provided in § 24.2-103 or a majority of the members of his local electoral board as provided in § 24.2-109. The circuit court shall proceed with such removal in accordance with the provisions of § 24.2-235.

On April 12, 2024, May 01, 2024, and May 24, 2024, the City of Franklin Electoral Board discussed with the Director of Elections, General Registrar, complaints we had received from the Interim City Manager, several city council members, deputy registrar, and citizens of Franklin. The areas of concerns were:

- 1. Failure to report to the office to work.**
- 2. Failure to process invoices promptly for payment.**
- 3. Failure to return business telephone calls and emails promptly.**
- 4. Failure to dispose of unnecessary documents promptly.**
- 5. Failure to keep office areas neat.**
- 6. Failure to attend the City of Franklin Department Heads' meetings and other meetings where her presence was asked.**
- 7. Failure to show a professional attitude and respect for her work, her colleagues, and her office.**
- 8. Failure to remove her vehicle daily. Her vehicle remained on the premises for over a year without being moved.**

On April 12, 2024, the Electoral Board met. The Chairman asked the General Registrar if she had completed the "Certification Presidential Primary Reimbursement" form. She said that she had requested an extension. She further told the Electoral Board that we needed to complete the LESS by May 01, 2024. The Electoral Board scheduled the meeting for April 30, 2024. Upon reporting to the office on April 30th, the Electoral Board learned that the Director of Elections was not there, neither did she report to work on April 29, 2024. On May 02, 2024, we received an email (Attachment 1) saying she had a migraine, and she was going to lie back down, but she planned to report to work later.



Jennifer Maynard
Director of Elections
General Registrar

Electoral Board Office
100 South Main Street
Franklin, Virginia 23851
(757) 562-8545

Racquel Jones
Deputy Registrar

Request to Remove
Page 2 of 3

Upon receiving an email from ELECT in reference to deadlines that had to be completed by May 02, 2024, and May 03, 2024, the Chairman sent a reminder to the team on May 03, 2024. The Secretary went to the office and sent an email saying the General Registrar was not there (Attachment 2). The Chairman contacted the Secretary and told him that she was coming in to help the deputy registrar. Upon going into the office on May 03, 2024, the Chairman learned that the General Registrar did not come in on May 2nd and that the deputy registrar had not been shown how to do absentee ballots. The Chairman reached out to the Liaison person but was told that it was complicated and perhaps the General Registrar would get the absentee ballots out on Saturday, May 4th. The Secretary of the Board went where the General Registrar was staying and asked her to come to the office to aid in getting the absentee ballots out. She refused to come in. The General Registrar did not report to work on May 06, 2024, May 07, 2024, (Attachment 3) May 08, 2024, and May 10, 2024. On May 08, 2024, the Secretary of the Board gave her a verbal warning; (Attachment 4) and on May 10, 2024, she was given a written warning. (Attachment 5)

It was reported to the Electoral Board members that the General Registrar would often leave work early and not return. It was further said that she would allow her pre-teen daughter to open the office while she was outside smoking.

On May 29, 2024, two members of the Electoral Board met with the Interim City Manager and the Director of Human Resources. We were told that the General Registrar did not attend the budget meeting and that they had to contact her in reference to how much monies the Electoral Board was requesting for the Officers of Election. (The Chairman and Secretary had appeared before the council several times requesting more monies.) Prior to leaving, we were given an email from ELECT requesting help in completing the "2024 Certification Presidential Primary Reimbursement" form. (Attachment 6) The Electoral Board went to the office to request the General Registrar to complete the form, but we were told by the Deputy Registrar that she did not come in. On May 30, 2024, the Chairman went to the office and instructed the General Registrar to complete the form. She complied.

On June 06, 2024, the Director of Elections, General Registrar, did not come to work; therefore, the Electoral Board went to where she was staying and gave her the "Corrective Action Plan". (Attachment 7) Since being given the "Corrective Action Plan", she has not attended any meetings with the city staff. (Attachment 8) On July 10, 2024, the Director of Human Resources requested the General Registrar to establish a plan for the Deputy Registrar because she was working too many hours. (Attachment 9) The



Jennifer Maynard
Director of Elections
General Registrar

Electoral Board Office
100 South Main Street
Franklin, Virginia 23851
(757) 562-8545

Racquel Jones
Deputy Registrar

Request to Remove
Page 3 of 3

General Registrar never set up a plan. Between the deputy registrar and the Electoral Board, a plan was implemented. (Attachment 10)

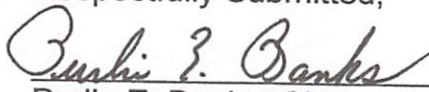
As part of the "Corrective Action Plan", we requested the General Registrar to complete her and the deputy registrar's timesheets and forward them to the Finance Department by the deadline for each pay period. On her timesheet, she was to put the exact hours she worked each day. She did not comply. (Attachment 11) The Electoral Board also informed her that any time taken off was to be approved.

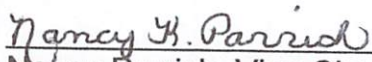
The Electoral Board met on July 31, 2024, to evaluate the Director of Elections, General Registrar's performance. She did not appear. Later we received a text saying she was sick and that she had tried to contact her doctor. She further said that she might go to the emergency room. On August 02, 2024, the Electoral Board met to review the "ADA Compliance Check List" and "Voting Security Plan". The Director of Elections, General Registrar, did not appear. Later we received a text from someone else saying she was in the emergency room at Obici. We did not hear from her again until we received the letter saying she was excused from work. (Attachment 12) Between July 31st and August 12th, no one was in the office except on Wednesdays.

There were several complaints from potential candidates saying the General Registrar refused to give them the paperwork to file for an office, did not put the date and time when the petitions came in, and did not give copies of their signed petitions.

Based on the information detailed in this letter, we, the City of Franklin Electoral Board respectfully request the removal of Jennifer L. Maynard, Director of Elections, General Registrar. We kindly ask the Virginia State Board of Elections to consider this petition as soon as possible.

Respectfully Submitted,


Purlie E. Banks, Chairman


Nancy Parrish, Vice Chairman


Gary Wyse, Secretary

Re: Urgent!! Deadlines from ELECT

From: Gary Wyse (gdub515@gmail.com)

To: purlie.banks@yahoo.com

Cc: jmaynard@franklinva.com; nancyparrish4@gmail.com; landnparrish@gmail.com

Date: Friday, May 3, 2024 at 10:52 AM EDT

I'm in the registrars office and Jen is not here. Her cell goes straight to voice-mail so don't know what's going on. What do you all think?

On Fri, May 3, 2024, 7:32 AM Purlie Banks <purlie.banks@yahoo.com> wrote:

Good morning. Team!. Per emails received from ELECT, we were supposed to submit the certification of L&A testing for equipment to be used during early voting and surveys for Early/Absentee Voting machines by May 2nd. AB Compliance Survey is due today after the office closes. Also, it is imperative that we complete the "Direct Delivery Order Form" by the close of business today to ensure we receive Voter Registration Application-VA-NVRA; Provisional Ballot envelopes - ELECT 653; etc on time. If you have any questions, please review the "Official Elect Advisory" dated April 30, 2024.

*** THE DEADLINE TO FILE FOR GR SALARY REIMBURSEMENT IS SUNDAY, MAY 05, 2024***

*** DEADLINE TO GET ALL ABSENTEE BALLOTS MAILED OUT IS SATURDAY, MAY 04, 2024***

If you need assistance, please let me know.

Purlie E. Banks
Chairman
City of Franklin
Electoral Board

AMACH 2

EMPLOYEE WARNING NOTICE

EMPLOYEE INFORMATION

EMPLOYEE NAME: Jen Maynard EMPLOYEE ID: _____
JOB TITLE: GENERAL REGISTRAR DATE: May 8, 2024
DEPARTMENT: _____

TYPE OF WARNING

VERBAL WARNING (TO FILE) SECOND WRITTEN WARNING
 FIRST WRITTEN WARNING FINAL WRITTEN WARNING

TYPE OF OFFENSE

TARDINESS/LEAVING EARLY
 VIOLATION OF COMPANY POLICIES
 UNAUTHORIZED ABSENCE
 UNSATISFACTORY PERFORMANCE
 WILLFUL DAMAGE TO COMPANY PROPERTY
OTHER: _____

CONDUCT
SAFETY
WORK QUALITY
RECEIVED
INSUBORDINATION
JUN 14 2024
CITY OF FRANKLIN
HR DEPARTMENT

VIOLATION DESCRIPTION

Discussions concerning Wednesday May 1, 2024.

1. Jen's failure to let the EB know when she was going to be unavailable at the office and why. _____
2. Failed to send out Officer of Election assignments prior to March Presidential Primary. _____
3. The willingness of the Board to help her, she just needed to ask. _____

ACTION TAKEN

WARNING PROBATION SUSPENSION
 DISCHARGE OTHER: _____

EMPLOYEE SIGNATURE

Jen L Maynard
DATE: 5-10-24

SUPERVISOR SIGNATURE

Lacy Hefner
DATE: 5/10/24

Attachment 4

EMPLOYEE WARNING NOTICE

EMPLOYEE INFORMATION

EMPLOYEE NAME: Jen Maynard EMPLOYEE ID: 0
JOB TITLE: General Registrar DATE: May 10, 2024
DEPARTMENT:

TYPE OF WARNING

VERBAL WARNING (TO FILE) SECOND WRITTEN WARNING
 FIRST WRITTEN WARNING FINAL WRITTEN WARNING

TYPE OF OFFENSE

TARDINESS/LEAVING EARLY CONDUCT
VIOLATION OF COMPANY POLICIES SAFETY
 UNAUTHORIZED ABSENCE WORK QUALITY
UNSATISFACTORY PERFORMANCE INSUBORDINATION
WILLFUL DAMAGE TO COMPANY PROPERTY
OTHER: _____

RECEIVED
JUN 14 2024
CITY OF FRANKLIN

VIOLATION DESCRIPTION

Discussion concerning Friday May 3, 2024.

- 1. Jen's failure to follow up when directly told by the Board to do something - specifically let the Board know when she was not going to be in the office.
- 2. She had to tell us the truth. We would not stand for her to continue lying.
- 3. It's a full-time job which requires full-time work at the office.
- 4. She has the ability to work from home, but we should be apprised of those situation and they cannot be all the time.

WARNING PROBATION SUSPENSION
DISCHARGE OTHER: _____

EMPLOYEE SIGNATURE

Jenifer L Maynard
DATE: 5/10/24

SUPERVISOR SIGNATURE

Larry Wynn
DATE: 5/10/24

Attachment 5

Darlene Burcham

From: Andrews, Yolanda (ELECT) <Yolanda.Andrews@elections.virginia.gov>
Sent: Wednesday, May 29, 2024 11:35 AM
To: Joe Ann Faulk
Cc: Darlene Burcham; Melisa Blythe; Jennifer Maynard; Rachel Trollinger; Hill, Kevin (ELECT)
Subject: FW: 2024 Certification Presidential Primary Reimbursement
Attachments: Signed reimbursement request letter.pdf; 2024 Certification Presidential Primary Reimbursement_v2.1 For Localities.xlsx

Good morning Joe Ann,

Attached is the 2024 Certification Presidential Primary reimbursement letter and application. This was sent to all localities on March 13, 2024 (per the forwarded email below) with a due date of return on or before April 12, 2024. I sent a reminder email to Jennifer on 4/8/2024. Jennifer replied on 4/12/2024 and asked for an extension of Monday, April 15th, which was granted but the completed application was never received. I reached back out to Jennifer via email and phone (left a message) on April 18th and to date, I have not received a response from Jennifer.

Since you submitted the 2024 GB-EB Reimbursement application for the City of Franklin, are you able to complete the attached 2024 Presidential Primary Reimbursement application that is attached and send to us?

If not, can you please direct me to who will be able to assist?

Your help in this matter is greatly appreciated.

Thank you.

Yolanda

Yolanda Andrews
Administrative Operations Assistant
Department of Elections
E: Yolanda.Andrews@elections.virginia.gov
P: (804)774-4696

Disclaimer: This message, including any attachments, may summarize laws, regulations and policies of the Virginia Department of Elections or the Commonwealth of Virginia. Furthermore, this message and any responses sent to this email address may be subject to public disclosure under FOIA. For more information, please call the Virginia Department of Elections at 1-800-552-9745 or visit <https://www.elections.virginia.gov/e-mail-disclaimer/index.html>

From: Andrews, Yolanda (ELECT)
Sent: Wednesday, March 13, 2024 11:56 AM
To: jmaynard@franklinva.com; rtrollinger@franklinva.com
Subject: 2024 Certification Presidential Primary Reimbursement

Attached is the 2024 Certification Presidential Primary reimbursement letter and application.

Please refer all questions to Fiscal@elections.virginia.gov as stated in the attached letter.

Thank you.

ATTACH 6



City of Franklin, Virginia Electoral Board

Purlie Banks, Chair; Nancy Parrish, Vice-Chair; Gary Wyse, Secretary

Emergency Services Building
100 South Main Street
Franklin, VA 23851

June 6, 2024

Ms. Jennifer Maynard,
General Registrar, City of Franklin
100 S. Main Street
Franklin, VA 23851

Copy: Ms. Darlene Burcham, Interim City Manager – City of Franklin
Ms. Camara Jacobs, Director, Human Resources – City of Franklin

RE: Corrective Action Plan

Dear Ms. Maynard:

You have not been performing your duties as the General Registrar for the City of Franklin. We met with you and discussed these problems on several occasions including April 12, May 1, May 9, and May 24, 2024. During these meetings, we discussed the following areas of concerns regarding your work performance:

- Failure to report to the office to work.
- Failure to process invoices in a timely manner for payment.
- Failure to return business phone calls and emails in a timely manner.
- Failure to dispose of unnecessary documents in a timely manner.
- Failure to keep office areas neat.
- Failure to attend the City Department Head meetings and other meetings where your presence is requested.
- Failure to exhibit a professional attitude and respect for your work, your colleagues, and your office.

To date, you have not asked for any help, nor do we see improvement in any of the areas identified above.

Since our initial meeting with you to discuss our concerns, others have come to us and expressed their concerns regarding your job performance. These people include the Interim City Manager; other members of the city staff; members of City Council; Officers of Election; and individual citizens of the city. We can no longer ignore the gravity of this situation. Your failure to perform the job for which you were hired is impacting the credibility of the City of Franklin and the integrity of its elections.

As a General Registrar, you have an obligation to ensure “election uniformity, legality, and purity” in the City of Franklin. As the City of Franklin Electoral Board, we must ensure that the voters of Franklin receive free and fair elections.

ATTACH 7

Jennifer Maynard – Corrective Action Plan – Page 2 of 3

One of the ways that we accomplish this obligation is by requiring the General Registrar to “carry out such other duties as prescribed by the electoral board.” See Virginia Code § 24.2-114 (18).

There are many ways in which the Office of the City of Franklin General Registrar fails to meet the minimum standards that are necessary to give the City of Franklin residents free and fair elections. We have brought these concerns to you but have seen no indication of any positive changes.

Specifically, you received a verbal warning on May 9, 2024, about the aspects of your job performance that impair the ability of the Office of the General Registrar to fulfill its obligations. On May 10, 2024, Gary Wyse, acting on behalf of the Electoral Board, gave you a written warning. You signed the document indicating that you received it. Despite the verbal and written warnings, the Electoral Board has seen no changes in your performance, attitude, and behavior that would indicate that you are attempting to remedy our concerns.

Due to the magnitude of these concerns, we are left with no alternative but to place you on a *Corrective Action Plan*. Outlined below are the guidelines you must meet. These are the minimum standards for the City of Franklin General Registrar and thus are *not* negotiable. They are required for you to fulfill your job responsibilities.

We will be monitoring these activities. You must meet *all* these goals for the full thirty days from date of this notice. If by the end of thirty days you fail to comply with any *one* of these ongoing expectations, we will immediately file a petition with the Circuit Court of Southampton County seeking your removal as the General Registrar on the basis that you *failed to discharge the duties of your office according to law*. See Virginia Code § 24.2-109(A); § 24.2-234.1.

Corrective Action Plan

**Jennifer Maynard
City of Franklin General Registrar**

As a result of documented failures to discharge the duties of her office, the undersigned members of the City of Franklin Electoral Board hereby impose the following conditions upon Jennifer Maynard, City of Franklin General Registrar. Full compliance with this Corrective Action Plan is required.


- Complete your time sheet and forward it to the Electoral Board and complete your employees’ time sheets and forward them to the Finance Department by the deadline for each pay period. Your time sheet must list the exact hours worked each day. Any leave must be approved by the Electoral Board in advance of the leave being taken. For any unexpected absences, such as those related to illness, you must notify the Interim (City) Manager and the Electoral Board members immediately.
- Your job requires that you be physically present in the office to serve the public.
- You are not permitted to work from your home. Your office hours are 8:30 am until 5:00 pm, Monday through Friday. You are required to work as many additional hours as necessary to fulfill your responsibilities.
- Process invoices so they can be paid before the due date. You must put the appropriate information on the invoices when they are received and forward them to the City of Franklin’s Finance Department immediately for payment.
- Respond to any business-related emails or phone messages received prior to 5:00 pm on one day by 5:00 pm of the next business day. It is unacceptable for you to ignore these messages!

Jennifer Maynard – Corrective Action Plan – Page 3 of 3

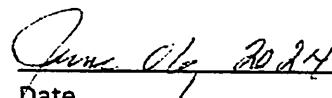
- Attend all City of Franklin Department Head meetings, unless excused by a member of the Electoral Board. You must also attend any additional meetings scheduled by the Interim City Manager for which you are notified in advance that your presence is required.
- Clean and organize the General Registrar’s office so that it is tidy and its appearance is befitting a professional government office serving the public. The area to be kept tidy includes space open to the public, your private office, and the storage area.
- Discard all files that may legally be disposed of. In doing so, you must follow the retention schedule for each document as required by the Commonwealth of Virginia or by federal law. In many cases, this will require logs describing the document to be destroyed, the date of the document, the number of pages of the document, and the date and method of destruction. There should be no boxes or stacks of papers stored on the floor.
- Delegate areas of responsibility to the deputy registrar so that she can assist you in getting the job done in a timely manner.
- The position of General Registrar is a professional job. We expect you to conduct yourself in a professional manner. This includes the following:
 - Your work attire must be professional. Work attire must be business or business casual. T-shirts, hoodies, sweatpants, flip flops, clothes with holes or tears are not professional attire.
 - The use of foul language is never acceptable. You must use appropriate and professional language while you are conducting your job responsibilities.
 - Child(ren) are not permitted to linger in the General Registrar’s office. It is not a substitute for childcare. If appropriate childcare cannot be found, you must take leave.
 - You must move your vehicle from City property daily. It shall not remain on the premises overnight.
 - You are allowed *reasonable* breaks. These breaks should not distract you from getting your job done. If you choose to smoke on your breaks, do not litter. Put the cigarette butts in an appropriate receptacle.

We will be monitoring you throughout the next thirty days to ensure you comply with this mandate.

I have read and understand the **Corrective Action Plan**. I further understand that my failure to comply with any of the above requirements will result in the Electoral Board’s filing a petition to remove me from my position as General Registrar. Such petition shall be filed with the Circuit Court of Southampton County and a copy of the petition will be sent by the Clerk to the Commonwealth’s Attorney.



Jennifer Maynard, General Registrar
City of Franklin, Virginia



Date



Purlie E. Banks, Chair



Nancy K. Parrish, Vice Chair



Gary H. Wyse, Secretary

Re: Today

From: Jennifer Maynard (jmaynard@franklinva.com)
To: purlie.banks@yahoo.com; dburcham@franklinva.com
Cc: landnparrish@gmail.com; gdub515@gmail.com
Date: Tuesday, July 23, 2024 at 09:22 AM EDT

I am not in the office. I can't answer that question at this time. Raquel will most likely quit but she'll be there.

Get Outlook for iOS<<https://aka.ms/o0ukef>>

From: Purlie Banks <purlye.banks@yahoo.com>
Sent: Tuesday, July 23, 2024 9:13:27 AM
To: Darlene Burcham <dburcham@franklinva.com>; Jennifer Maynard <jmaynard@franklinva.com>
Cc: Nancy Parrish <landnparrish@gmail.com>; Gary Wyse <gdub515@gmail.com>
Subject: Re: Today

Does this mean that you are not in the office? How long do you anticipate being gone and will it affect the coverage of the office?

Purlie E. Banks
Chairman

On Tuesday, July 23, 2024 at 08:05:24 AM EDT, Jennifer Maynard <jmaynard@franklinva.com> wrote:

Please excuse me from the meeting today. My mother isn't doing well & I'm trying to make arrangements to go & see her. If you believe in the power of prayer, please say one for her. Her name is Rebecca Moran. Thank you.

Jen

Get Outlook for iOS<<https://aka.ms/o0ukef>>

ATTACH 8

Respectfully,

Camara Jacobs, SHRM-CP

Director of Human Resources

Office: (757) 562-8507



City of Franklin [Career Opportunities](#)

From: Jennifer Maynard <jmaynard@franklinva.com>
Sent: Wednesday, July 10, 2024 9:06 AM
To: Camara Jacobs <cjacobs@franklinva.com>
Subject: Re: R. Jones

My daughter is sick. Can you email me?

Get [Outlook for iOS](#)

From: Camara Jacobs <cjacobs@franklinva.com>
Sent: Wednesday, July 10, 2024 8:57:44 AM
To: Jennifer Maynard <jmaynard@franklinva.com>
Subject: R. Jones

Good morning Jenn,

I hope this email finds you well. Please give me a call. I need to discuss Raquel hours with you.

ATTACH 9

Respectfully,

Camara Jacobs, SHRM-CP

Director of Human Resources

Office: (757) 562-8507



City of Franklin [Career Opportunities](#)

Respectfully,

Camara Jacobs, SHRM-CP
Director of Human Resources
Office: (757) 562-8507



City of Franklin [Career Opportunities](#)

From: Jennifer Maynard <jmaynard@franklinva.com>
Sent: Wednesday, July 10, 2024 9:30 AM
To: Camara Jacobs <cjacobs@franklinva.com>
Subject: Re: R. Jones

Doesn't the year start on July 1st?

Get [Outlook for iOS](#)

From: Camara Jacobs <cjacobs@franklinva.com>
Sent: Wednesday, July 10, 2024 9:24:36 AM
To: Jennifer Maynard <jmaynard@franklinva.com>
Subject: RE: R. Jones

Raquel is a part-time employee and she is working more than 29 hours per week. Some of her timesheets that are being submitted to Payroll shows that she is working 40 hours a week. She can only work up to 1500 hours per year and as of this last payroll she has already worked 994 hours this year. If she continues to work these number of hours per week she may not have enough hours to work for the upcoming election. What are you going to put in place to ensure she doesn't exceed her 1500 hours for the year?

Respectfully,

Camara Jacobs, SHRM-CP
Director of Human Resources
Office: (757) 562-8507



City of Franklin [Career Opportunities](#)

From: Camara Jacobs
Sent: Wednesday, July 10, 2024 11:30 AM
To: Jennifer Maynard <jmaynard@franklinva.com>
Subject: RE: R. Jones

Please keep me posted on the plan.

Respectfully,

Camara Jacobs, SHRM-CP
Director of Human Resources
Office: (757) 562-8507



City of Franklin [Career Opportunities](#)

From: Jennifer Maynard <jmaynard@franklinva.com>
Sent: Wednesday, July 10, 2024 9:45 AM
To: Camara Jacobs <cjacobs@franklinva.com>
Subject: Re: R. Jones

Ok. I'll work on a plan.

Get [Outlook for iOS](#)

From: Camara Jacobs <cjacobs@franklinva.com>
Sent: Wednesday, July 10, 2024 9:42:48 AM
To: Jennifer Maynard <jmaynard@franklinva.com>
Subject: RE: R. Jones

No. It's a calendar year January – December.

ATTACH 9

Re: Plan for Deputy Registrar

From: Jennifer Maynard (jmaynard@franklinva.com)
To: purlie.banks@yahoo.com
Cc: landnparrish@gmail.com; gdub515@gmail.com; rajones@franklinva.com
Date: Monday, August 5, 2024 at 11:19 AM EDT

Thank you for the information. I am waiting to hear back from my PCP. She was contacted at 7:30 this morning (she was out of the office last week). I will keep you posted.

In the interim, please mail my evaluation. No need for certified mail.

From: Purlie Banks <purlie.banks@yahoo.com>
Sent: Monday, August 5, 2024 10:42:15 AM
To: Jennifer Maynard <jmaynard@franklinva.com>
Cc: Nancy Parrish <landnparrish@gmail.com>; Gary Wyse <gdub515@gmail.com>
Subject: Plan for Deputy Registrar

Good morning, Ms. Maynard. It is with sincerity that I pray you are doing well.

On July 10, 2024, you received an email from the Director of Human Resources requesting you to contact her. You responded by saying, "your daughter is sick. Can you email me?" She sent you the following email: "Raquel is a part-time employee and she is working more than 29 hours per week. Some of her timesheets that are being submitted to Payroll shows that she is working 40 hours a week. She can only work up to 1500 hours per year and as of this last payroll she has already worked 994 hours this year. If she continues to work these number of hours per week she may not have enough hours to work for the upcoming election. What are you going to put in place to ensure she doesn't exceed her 1500 hours for the year?" At that time, you told her that you would "work out a plan".

On July 18, 2024, the Electoral Board met, and I asked you if you had come up with a plan. You responded, "I was going to talk to y'all about it". We discussed possibilities but nothing was decided.

On July 22, 2024, I sent an email to the Director of Human Resources questioning how the 1500 hours process work. She answered my question and asked if a plan would be available by August 02, 2024. I informed her that we were scheduled to meet with you on July 31, 2024; and if a plan had not been executed, we would devise one.

On July 23, 2024, I went to the office (you weren't there) to verify if Racquel knew about the 1500 hours and how many she had already worked. She informed me that she was aware of the 1500 hours, but she did not know the time frame involved. I informed her that, per the Director of Human Resources, it was from January to December. I also asked her about reducing the hours. She stated that she needed 28.5 hours in order to pay her bills.

On July 31, 2024, the Deputy Registrar reached out to the Electoral Board in reference to information she received from Walt Latham, Lynn Burgess and Vicki Mainwaring. I gave a copy of the email to the Director of Human Resources. On August 02, 2024, I spoke with the Interim City Manager and she stated that to a degree the information provided was correct; however, the budget has been approved and she is unwilling (at this time) to request city council give more money (which the city does not have) when the problem could have been and still could be avoided provided you came to work. I was totally in agreement with her.

We received another email from the Deputy Registrar on August 02, 2024, stating she had sent you a proposal plan for her hours and you did not respond. In her proposal sent to us, she is willing to work one day a week from 8:30 am to 5 o'clock pm, preferably on Wednesdays, until early voting started. The Electoral Board discussed her proposal and decided to accept it. I sent her an email this morning stating we accept her proposal and I would notify you and the Director of Human Resources.

I recognize that it is the responsibility of the General Registrar to establish the duties and operational hours for the

ATTACH 10

deputy registrar; however, in lieu of no response to the Director of Human Resources and the deputy registrar, it becomes necessary for the Electoral Board to step in to make the decision, as we are trying to maintain a harmonious relationship with the city.

Also, please let us know when you will be available to go over your evaluation. The Electoral Board completed our evaluation on July 31, 2024. If you are not available anytime this week, we will send you a copy via certified mail (and if necessary, via the sheriff department) and will send the original to the State Department of Elections.

Purlie E. Banks
Chairman
City of Franklin Electoral Board

CITY OF FRANKLIN
Condensed Attendance Approval Verification Listing

Pay Period: BIWEEKLY Date Range: 05/31/24 to 06/13/24 Range of Depts: 150-00 to 150-00

Employee	Att Code	Hours	Amount
MAYNA010 MAYNARD, JENNIFER L	REG	80.00	Regular
	150-00 Regular Pay	Used: 80.00	
		Total Base: 80.00	
		Total Non-Base: 0.00	
		Total Hours: 80.00	
Attendance Code Grand Totals:			
	REG	80.00	Regular
	Regular Pay	Used: 80.00	
		Total Base: 80.00	
		Total Non-Base: 0.00	
		Total Hours: 80.00	

Entries: 10

There are NO errors in this listing.

J. Maynard

Prepared By

Jennifer L Maynard

Department Head

Director

ATTACH 11

Pay Period: BIWEEKLY Date Range: 06/14/24 to 06/27/24 Range of Depts: 150-00 to 150-00

Employee	Att Code		Hours	Amount	
MAYNA010 MAYNARD, JENNIFER L		150-00	Active		
	HOL	Holiday	8.00	Holiday	
	REG	Regular Pay	<u>72.00</u>	Regular	
		Used:	80.00		
		Total Base:	80.00		
		Total Non-Base:	0.00		
		Total Hours:	80.00		
	Attendance Code Grand Totals:				
	HOL	Holiday	8.00	Holiday	
	REG	Regular Pay	<u>72.00</u>	Regular	
	Used:	80.00			
	Total Base:	80.00			
	Total Non-Base:	0.00			
	Total Hours:	80.00			

Entries: 10

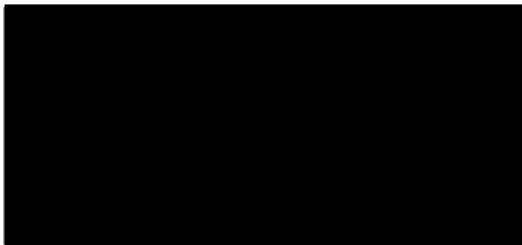
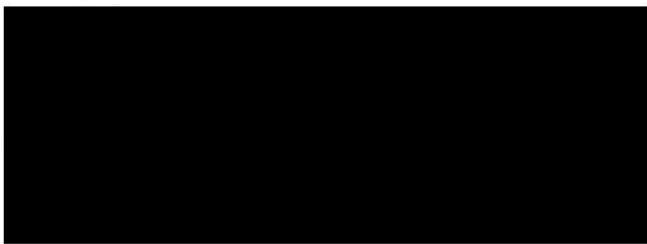
There are NO errors in this listing.

J Maynard
Prepared By

Jennifer L Maynard
Department Head

Director

ATTACH 11



Jennifer Leigh Maynard



EXCUSE FROM WORK

To Whom It May Concern:

Jennifer Leigh Maynard, date of birth [REDACTED] is currently under the care of [REDACTED]. For medical reasons, please excuse her from work starting July 31, 2024. [REDACTED]

Please have the patient contact our office if there are questions or concerns.

Sincerely,



ATTACH 12



Jennifer Maynard
Director of Elections
General Registrar

Electoral Board Office
100 South Main Street
Franklin, Virginia 23851
(757) 562-8545

Racquel Jones
Deputy Registrar

October 03, 2024

Dr. John O'Bannon
Chairman, Virginia State Board of Elections
1100 Bank Street, First Floor
Richmond, VA 23219

✓ **Ms. Susan Beals**
Commissioner, Virginia State Board of Elections
1100 Bank Street, First Floor
Richmond, VA 23219

**RE: Petition to Remove City of Franklin Director of Elections, General Registrar
Jennifer L. Maynard**

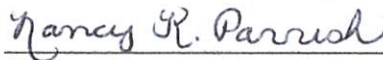
Dear Dr. O'Bannon and Commissioner Beals:

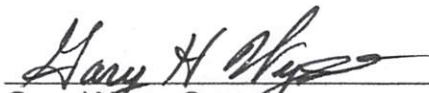
We write to formally request review and acceptance of the petition below to remove Ms. Jennifer L. Maynard, Director of Elections, General Registrar, for severe dereliction of duties Pursuant to § 24.2-103C, § 24.2-103E, § 24.2-109A, and § 24.2-114 18. Below is a list of reasons we believe the removal is necessary.

- Failure to Certify Position -§ 24-2-103C
- Failure to Give the Electoral Board Update from Physician
- Neglect of Duties- § 24.2-114 18

Sincerely,


Purlie E. Banks, Chairman


Nancy Parrish, Vice Chairman


Gary Wyse, Secretary

RECEIVED
JAN 13 2025
VA DEPT OF ELECTIONS



Jennifer Maynard
Director of Elections
General Registrar

Electoral Board Office
100 South Main Street
Franklin, Virginia 23851
(757) 562-8545

Racquel Jones
Deputy Registrar

Request to Remove
Page 1 Of 4

§24.2-234.1, Removal of members of local electoral boards and general registrars

- B. Any general registrar may be removed from office by the circuit court in whose jurisdiction he serves upon a petition signed by a majority of the members of the State Board as provided in § 24.2-103 or a majority of the members of his local electoral board as provided in § 24.2-109. The circuit court shall proceed with such removal in accordance with the provisions of § 24.2-235.

On April 12, 2024, May 01, 2024, and May 24, 2024, the City of Franklin Electoral Board discussed with the Director of Elections, General Registrar, complaints we had received from the Interim City Manager, several city council members, deputy registrar, and citizens of Franklin. The areas of concerns were:

- 1. Failure to report to the office to work. § 24.2-114 18**
- 2. Failure to process invoices promptly for payment. § 24.2-114 18**
- 3. Failure to return business telephone calls and emails promptly. § 24.2-114 18**
- 4. Failure to dispose of unnecessary documents promptly. § 24.2-114 18**
- 5. Failure to keep office areas neat. § 24.2-114 18**
- 6. Failure to attend the City of Franklin Department Heads' meetings and other meetings where her presence was asked. § 24.2-114 18**
- 7. Failure to show a professional attitude and respect for her work, her colleagues, and her office. § 24.2-114 18**
- 8. Failure to remove her vehicle daily. Her vehicle remained on the premises for over a year without being moved. § 24.2-114 18**

On April 12, 2024, the Electoral Board met. The Chairman asked the General Registrar if she had completed the "Certification Presidential Primary Reimbursement" form. She said that she had requested an extension. She further told the Electoral Board that we needed to complete the LESS by May 01, 2024. The Electoral Board scheduled the meeting for April 30, 2024. Upon reporting to the office on April 30th, the Electoral Board



Jennifer Maynard
Director of Elections
General Registrar

Electoral Board Office
100 South Main Street
Franklin, Virginia 23851
(757) 562-8545

Racquel Jones
Deputy Registrar

Request to Remove Page 2 of 4

learned that the Director of Elections was not there, neither did she report to work on April 29, 2024. On May 02, 2024, we received an email (Attachment 1) saying she had a migraine, and she was going to lie back down, but she planned to report to work later.

Upon receiving an email from ELECT in reference to deadlines that had to be completed by May 02, 2024, and May 03, 2024, the Chairman sent a reminder to the team on May 03, 2024. The Secretary went to the office and sent an email saying the General Registrar was not there (Attachment 2). The Chairman contacted the Secretary and told him that she was coming in to help the deputy registrar. Upon going into the office on May 03, 2024, the Chairman learned that the General Registrar did not come in on May 2nd and that the deputy registrar had not been shown how to do absentee ballots. The Chairman reached out to the Liaison person but was told that it was complicated and perhaps the General Registrar would get the absentee ballots out on Saturday, May 4th. The Secretary of the Board went where the General Registrar was staying and asked her to come to the office to aid in getting the absentee ballots out. She refused to come in. The General Registrar did not report to work on May 06, 2024, May 07, 2024, (Attachment 3) May 08, 2024, and May 10, 2024. On May 08, 2024, the Secretary of the Board gave her a verbal warning; (Attachment 4) and on May 10, 2024, she was given a written warning. (Attachment 5)

It was reported to the Electoral Board members that the General Registrar would often leave work early and not return. It was further said that she would allow her pre-teen daughter to open the office while she was outside smoking.

On May 29, 2024, two members of the Electoral Board met with the Interim City Manager and the Director of Human Resources. We were told that the General Registrar did not attend the budget meeting and that they had to contact her in reference to how much monies the Electoral Board was requesting for the Officers of Election. (The Chairman and Secretary had appeared before the council several times requesting more monies.) Prior to leaving, we were given an email from ELECT requesting help in completing the "2024 Certification Presidential Primary Reimbursement" form. (Attachment 6) The Electoral Board went to the office to request the General Registrar to complete the form, but we were told by the Deputy Registrar that she did not come in. On May 30, 2024, the Chairman went to the office and instructed the General Registrar to complete the form. She complied.

On June 06, 2024, the Director of Elections, General Registrar, did not come to work; therefore, the Electoral Board went to where she was staying and gave her the



Jennifer Maynard
Director of Elections
General Registrar

Electoral Board Office
100 South Main Street
Franklin, Virginia 23851
(757) 562-8545

Racquel Jones
Deputy Registrar

Request to Remove
Page 3 of 4

“Corrective Action Plan”. (Attachment 7) Since being given the “Corrective Action Plan”, she has not attended any meetings with the city staff. (Attachment 8) On July 10, 2024, the Director of Human Resources requested the General Registrar to establish a plan for the Deputy Registrar because she was working too many hours. (Attachment 9) The General Registrar never set up a plan. Between the deputy registrar and the Electoral Board, a plan was implemented. (Attachment 10)

As part of the “Corrective Action Plan”, we requested the General Registrar to complete her and the deputy registrar’s timesheets and forward them to the Finance Department by the deadline for each pay period. On her timesheet, she was to put the exact hours she worked each day. She did not comply. (Attachment 11) The Electoral Board also informed her that any time taken off was to be approved.

The Electoral Board met on July 31, 2024, to evaluate the Director of Elections, General Registrar’s performance. She did not appear. Later we received a text saying she was sick and that she had tried to contact her doctor. She further said that she might go to the emergency room. On August 02, 2024, the Electoral Board met to review the “ADA Compliance Check List” and “Voting Security Plan”. The Director of Elections, General Registrar, did not appear. Later we received a text from someone else saying she was in the emergency room at Obici. We did not hear from her again until we received the letter saying she was excused from work. (Attachment 12) Between July 31st and August 12th, no one was in the office except on Wednesdays.

There were several complaints from potential candidates saying the General Registrar refused to give them the paperwork to file for an office, did not put the date and time when the petitions came in, and did not give copies of their signed petitions.

On December 16, 2024, we received an email from the Department of Election Training (ELECT) stating that the Director of Elections/General Registrar’s certification expired in April 2024, and she has until April 2025 to complete this curriculum. Unfortunately, she has not yet begun and the deadline for three of the electives has already expired. (Attachment 13)

Based on the information detailed in this letter, we, the City of Franklin Electoral Board respectfully request the removal of Jennifer L. Maynard, Director of Elections, General Registrar. We kindly ask the Virginia State Board of Elections to consider this petition as soon as possible.



Jennifer Maynard
Director of Elections
General Registrar

Electoral Board Office
100 South Main Street
Franklin, Virginia 23851
(757) 562-8545

Racquel Jones
Deputy Registrar

Request to Remove
Page 4 of 4

Respectfully Submitted,

Purlie E. Banks
Purlie E. Banks, Chairman

Nancy H. Parrish
Nancy Parrish, Vice Chairman

Gary H. Wyse
Gary Wyse, Secretary

Migraine

From: Jennifer Maynard (jmaynard@franklinva.com)

To: purlie.banks@yahoo.com; landnparrish@gmail.com; gdub515@gmail.com

Date: Thursday, May 2, 2024 at 07:52 AM EDT

Good morning. I woke up with a terrible migraine behind my right eye. I took some meds & am going to lie back down. Raquel will be there & I plan to be later.

Get [Outlook for iOS](#)

ATAC: 1

Re: Urgent!! Deadlines from ELECT

From: Gary Wyse (gdub515@gmail.com)

To: purlie.banks@yahoo.com

Cc: jmaynard@franklinva.com; nancyparrish4@gmail.com; landnparrish@gmail.com

Date: Friday, May 3, 2024 at 10:52 AM EDT

I'm in the registrars office and Jen is not here. Her cell goes straight to voice-mail so don't know what's going on. What do you all think?

On Fri, May 3, 2024, 7:32 AM Purlie Banks <purlie.banks@yahoo.com> wrote:

Good morning. Team!. Per emails received from ELECT, we were supposed to submit the certification of L&A testing for equipment to be used during early voting and surveys for Early/Absentee Voting machines by May 2nd. AB Compliance Survey is due today after the office closes. Also, it is imperative that we complete the "Direct Delivery Order Form" by the close of business today to ensure we receive Voter Registration Application-VA-NVRA; Provisional Ballot envelopes - ELECT 653; etc on time. If you have any questions, please review the "Official Elect Advisory" dated April 30, 2024.

*** THE DEADLINE TO FILE FOR GR SALARY REIMBURSEMENT IS SUNDAY, MAY 05, 2024***

*** DEADLINE TO GET ALL ABSENTEE BALLOTS MAILED OUT IS SATURDAY, MAY 04, 2024***

If you need assistance, please let me know.

Purlie E. Banks
Chairman
City of Franklin
Electoral Board

Today

From: Jennifer Maynard (jmaynard@franklinva.com)

To: purlie.banks@yahoo.com; landnparrish@gmail.com; gdub515@gmail.com

Date: Tuesday, May 7, 2024 at 07:09 AM EDT

My daughter is sick again. I have a call in to her doctor. I'm not sure if I'll be in or not. It seems we keep passing the stomach virus back & forth. My apologies.

Get [Outlook for iOS](#)

ATTACH 3

EMPLOYEE WARNING NOTICE

EMPLOYEE INFORMATION

EMPLOYEE NAME: Jen Maynard EMPLOYEE ID: _____
JOB TITLE: GENERAL REGISTRAR DATE: May 8, 2024
DEPARTMENT: _____

TYPE OF WARNING

VERBAL WARNING (TO FILE) SECOND WRITTEN WARNING
FIRST WRITTEN WARNING FINAL WRITTEN WARNING

TYPE OF OFFENSE

TARDINESS/LEAVING EARLY
VIOLATION OF COMPANY POLICIES
 UNAUTHORIZED ABSENCE
 UNSATISFACTORY PERFORMANCE
WILLFUL DAMAGE TO COMPANY PROPERTY
OTHER: _____

CONDUCT
SAFETY
WORK QUALITY
RECEIVED
INSUBORDINATION
JUN 14 2024
CITY OF FRANKLIN
HR DEPARTMENT

VIOLATION DESCRIPTION

Discussions concerning Wednesday May 1, 2024.

1. Jen's failure to let the EB know when she was going to be unavailable at the office and why. _____
2. Failed to send out Officer of Election assignments prior to March Presidential Primary. _____
3. The willingness of the Board to help her, she just needed to ask. _____

ACTION TAKEN

WARNING PROBATION SUSPENSION
DISCHARGE OTHER: _____

EMPLOYEE SIGNATURE

Jennifer L Maynard
DATE: 5.10.24

SUPERVISOR SIGNATURE

Lacy Hise
DATE: 5/10/24

Attachment 4

EMPLOYEE WARNING NOTICE

EMPLOYEE INFORMATION

EMPLOYEE NAME: Jen Maynard EMPLOYEE ID: 10
JOB TITLE: General Registrar DATE: May 10, 2024
DEPARTMENT: _____

TYPE OF WARNING

- VERBAL WARNING (TO FILE)
- FIRST WRITTEN WARNING
- SECOND WRITTEN WARNING
- FINAL WRITTEN WARNING

TYPE OF OFFENSE

- TARDINESS/LEAVING EARLY
- VIOLATION OF COMPANY POLICIES
- UNAUTHORIZED ABSENSE
- UNSATISFACTORY PERFORMANCE
- WILLFUL DAMAGE TO COMPANY PROPERTY
- OTHER: _____
- CONDUCT SAFETY
- WORK QUALITY
- INSUBORDINATION

RECEIVED
JUN 14 2024
CITY OF FRANKLIN

VIOLATION DESCRIPTION

Discussion concerning Friday May 3, 2024.

- 1. Jen's failure to follow up when directly told by the Board to do something – specifically let the Board know when she was not going to be in the office.
- 2. She had to tell us the truth. We would not stand for her to continue lying.
- 3. It's a full-time job which requires full-time work at the office.
- 4. She has the ability to work from home, but we should be apprised of those situation and they cannot be all the time.

- WARNING
- DISCHARGE
- PROBATION
- OTHER: _____
- SUSPENSION

EMPLOYEE SIGNATURE

Jen L Maynard
DATE: 5.10.24

SUPERVISOR SIGNATURE

Larry Wye
DATE: 5/10/24

A Attachment 5

Darlene Burcham

From: Andrews, Yolanda (ELECT) <Yolanda.Andrews@elections.virginia.gov>
Sent: Wednesday, May 29, 2024 11:35 AM
To: Joe Ann Faulk
Cc: Darlene Burcham; Melisa Blythe; Jennifer Maynard; Rachel Trollinger; Hill, Kevin (ELE
Subject: FW: 2024 Certification Presidential Primary Reimbursement
Attachments: Signed reimbursement request letter.pdf; 2024 Certification Presidential Primary Reimbursement_v2.1 For Localities.xlsx

Good morning Joe Ann,

Attached is the 2024 Certification Presidential Primary reimbursement letter and application. This was sent to all localities on March 13, 2024 (per the forwarded email below) with a due date of return on or before April 12, 2024. I sent a reminder email to Jennifer on 4/8/2024. Jennifer replied on 4/12/2024 and asked for an extension of Monday April 15th, which was granted but the completed application was never received. I reached back out to Jennifer via email and phone (left a message) on April 18th and to date, I have not received a response from Jennifer.

Since you submitted the 2024 GB-EB Reimbursement application for the City of Franklin, are you able to complete the attached 2024 Presidential Primary Reimbursement application that is attached and send to us?

If not, can you please direct me to who will be able to assist?

Your help in this matter is greatly appreciated.

Thank you.

Yolanda

Yolanda Andrews
Administrative Operations Assistant
Department of Elections
E: Yolanda.Andrews@elections.virginia.gov
P: (804)774-4696

Disclaimer: This message, including any attachments, may summarize laws, regulations and policies of the Virginia Department of Elections or the Commonwealth of Virginia. Furthermore, this message and any responses sent to this email address may be subject to public disclosure under FOIA. For more information, please call the Virginia Department of Elections at 1-800-552-9745 or visit <https://www.elections.virginia.gov/e-mail-disclaimer/index.html>

From: Andrews, Yolanda (ELECT)
Sent: Wednesday, March 13, 2024 11:56 AM
To: jmaynard@franklinva.com; rtrollinger@franklinva.com
Subject: 2024 Certification Presidential Primary Reimbursement

Attached is the 2024 Certification Presidential Primary reimbursement letter and application.

Please refer all questions to Fiscal@elections.virginia.gov as stated in the attached letter.

Thank you.

ATTACH 1/2



City of Franklin, Virginia Electoral Board

Purlie Banks, Chair; Nancy Parrish, Vice-Chair; Gary Wyse, Secretary

Emergency Services Building
100 South Main Street
Franklin, VA 23851

June 6, 2024

Ms. Jennifer Maynard,
General Registrar, City of Franklin
100 S. Main Street
Franklin, VA 23851

Copy: Ms. Darlene Burcham, Interim City Manager – City of Franklin
Ms. Camara Jacobs, Director, Human Resources – City of Franklin

RE: **Corrective Action Plan**

Dear Ms. Maynard:

You have not been performing your duties as the General Registrar for the City of Franklin. We met with you and discussed these problems on several occasions including April 12, May 1, May 9, and May 24, 2024. During these meetings, we discussed the following areas of concerns regarding your work performance:

- Failure to report to the office to work.
- Failure to process invoices in a timely manner for payment.
- Failure to return business phone calls and emails in a timely manner.
- Failure to dispose of unnecessary documents in a timely manner.
- Failure to keep office areas neat.
- Failure to attend the City Department Head meetings and other meetings where your presence is requested.
- Failure to exhibit a professional attitude and respect for your work, your colleagues, and your office.

To date, you have not asked for any help, nor do we see improvement in any of the areas identified above.

Since our initial meeting with you to discuss our concerns, others have come to us and expressed their concerns regarding your job performance. These people include the Interim City Manager; other members of the city staff; members of City Council; Officers of Election; and individual citizens of the city. We can no longer ignore the gravity of this situation. Your failure to perform the job for which you were hired is impacting the credibility of the City of Franklin and the integrity of its elections.

As a General Registrar, you have an obligation to ensure "election uniformity, legality, and purity" in the City of Franklin. As the City of Franklin Electoral Board, we must ensure that the voters of Franklin receive free and fair elections.

Jennifer Maynard – Corrective Action Plan – Page 2 of 3

One of the ways that we accomplish this obligation is by requiring the General Registrar to “carry out such other duties as prescribed by the electoral board.” See Virginia Code § 24.2-114 (18).

There are many ways in which the Office of the City of Franklin General Registrar fails to meet the minimum standards that are necessary to give the City of Franklin residents free and fair elections. We have brought these concerns to you but have seen no indication of any positive changes.

Specifically, you received a verbal warning on May 9, 2024, about the aspects of your job performance that impair the ability of the Office of the General Registrar to fulfill its obligations. On May 10, 2024, Gary Wyse, acting on behalf of the Electoral Board, gave you a written warning. You signed the document indicating that you received it. Despite the verbal and written warnings, the Electoral Board has seen no changes in your performance, attitude, and behavior that would indicate that you are attempting to remedy our concerns.

Due to the magnitude of these concerns, we are left with no alternative but to place you on a *Corrective Action Plan*. Outlined below are the guidelines you must meet. These are the minimum standards for the City of Franklin General Registrar and thus are *not* negotiable. They are required for you to fulfill your job responsibilities.

We will be monitoring these activities. You must meet *all* these goals for the full thirty days from date of this notice. If by the end of thirty days you fail to comply with any *one* of these ongoing expectations, we will immediately file a petition with the Circuit Court of Southampton County seeking your removal as the General Registrar on the basis that you *failed to discharge the duties of your office according to law*. See Virginia Code § 24.2-109(A); § 24.2-234.1.

Corrective Action Plan

Jennifer Maynard
City of Franklin General Registrar

As a result of documented failures to discharge the duties of her office, the undersigned members of the City of Franklin Electoral Board hereby impose the following conditions upon Jennifer Maynard, City of Franklin General Registrar. Full compliance with this Corrective Action Plan is required.

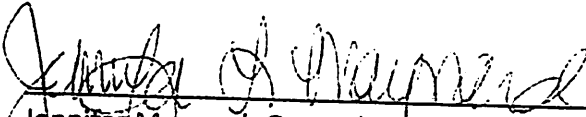
- Complete your time sheet and forward it to the Electoral Board and complete your employees' time sheets and forward them to the Finance Department by the deadline for each pay period. Your time sheet must list the exact hours worked each day. Any leave must be approved by the Electoral Board in advance of the leave being taken. For any unexpected absences, such as those related to illness, you must notify the Interim (City) Manager and the Electoral Board members immediately.
- Your job requires that you be physically present in the office to serve the public.
- You are not permitted to work from your home. Your office hours are 8:30 am until 5:00 pm, Monday through Friday. You are required to work as many additional hours as necessary to fulfill your responsibilities.
- Process invoices so they can be paid before the due date. You must put the appropriate information on the invoices when they are received and forward them to the City of Franklin's Finance Department immediately for payment.
- Respond to any business-related emails or phone messages received prior to 5:00 pm on one day by 5:00 pm of the next business day. It is unacceptable for you to ignore these messages!


Jennifer Maynard – Corrective Action Plan – Page 3 of 3

- Attend all City of Franklin Department Head meetings, unless excused by a member of the Electoral Board. You must also attend any additional meetings scheduled by the Interim City Manager for which you are notified in advance that your presence is required.
- Clean and organize the General Registrar's office so that it is tidy and its appearance is befitting a professional government office serving the public. The area to be kept tidy includes space open to the public, your private office, and the storage area.
- Discard all files that may legally be disposed of. In doing so, you must follow the retention schedule for each document as required by the Commonwealth of Virginia or by federal law. In many cases, this will require logs describing the document to be destroyed, the date of the document, the number of pages of the document, and the date and method of destruction. There should be no boxes or stacks of papers stored on the floor.
- Delegate areas of responsibility to the deputy registrar so that she can assist you in getting the job done in a timely manner.
- The position of General Registrar is a professional job. We expect you to conduct yourself in a professional manner. This includes the following:
 - Your work attire must be professional. Work attire must be business or business casual. T-shirts, hoodies, sweatpants, flip flops, clothes with holes or tears are not professional attire.
 - The use of foul language is never acceptable. You must use appropriate and professional language while you are conducting your job responsibilities.
 - Child(ren) are not permitted to linger in the General Registrar's office. It is not a substitute for childcare. If appropriate childcare cannot be found, you must take leave.
 - You must move your vehicle from City property daily. It shall not remain on the premises overnight.
 - You are allowed *reasonable* breaks. These breaks should not distract you from getting your job done. If you choose to smoke on your breaks, do not litter. Put the cigarette butts in an appropriate receptacle.

We will be monitoring you throughout the next thirty days to ensure you comply with this mandate.

I have read and understand the **Corrective Action Plan**. I further understand that my failure to comply with any of the above requirements will result in the Electoral Board's filing a petition to remove me from my position as General Registrar. Such petition shall be filed with the Circuit Court of Southampton County and a copy of the petition will be sent by the Clerk to the Commonwealth's Attorney.


Jennifer Maynard, General Registrar
City of Franklin, Virginia


Date


Purlie E. Banks, Chair


Nancy K. Parrish, Vice Chair


Gary H. Wyse, Secretary

Department Head Meeting

From: Jennifer Maynard (jmaynard@franklinva.com)

To: dburcham@franklinva.com

Cc: purlie.banks@yahoo.com; landnparrish@gmail.com; gdub515@gmail.com

Date: Wednesday, July 10, 2024 at 07:41 AM EDT

Please excuse me from today's meeting. My daughter is sick. My sincere apologies.

Best,
Jen

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ATTACH 8

Re: Today

From: Jennifer Maynard (jmaynard@franklinva.com)
To: purlie.banks@yahoo.com; dburcham@franklinva.com
Cc: landnparrish@gmail.com; gdub515@gmail.com
Date: Tuesday, July 23, 2024 at 09:22 AM EDT

I am not in the office. I can't answer that question at this time. Raquel will most likely quit but she'll be there.

Get Outlook for iOS<<https://aka.ms/o0ukef>>

From: Purlie Banks <purlie.banks@yahoo.com>
Sent: Tuesday, July 23, 2024 9:13:27 AM
To: Darlene Burcham <dburcham@franklinva.com>; Jennifer Maynard <jmaynard@franklinva.com>
Cc: Nancy Parrish <landnparrish@gmail.com>; Gary Wyse <gdub515@gmail.com>
Subject: Re: Today

Does this mean that you are not in the office? How long do you anticipate being gone and will it affect the coverage of the office?

Purlie E. Banks
Chairman

On Tuesday, July 23, 2024 at 08:05:24 AM EDT, Jennifer Maynard <jmaynard@franklinva.com> wrote:

Please excuse me from the meeting today. My mother isn't doing well & I'm trying to make arrangements to go & see her. If you believe in the power of prayer, please say one for her. Her name is Rebecca Moran. Thank you.

Jen

Get Outlook for iOS<<https://aka.ms/o0ukef>>

ATTACH 8

Respectfully,

Camara Jacobs, SHRM-CP

Director of Human Resources

Office: (757) 562-8507



City of Franklin [Career Opportunities](#)

From: Jennifer Maynard <jmaynard@franklinva.com>
Sent: Wednesday, July 10, 2024 9:06 AM
To: Camara Jacobs <cjacobs@franklinva.com>
Subject: Re: R. Jones

My daughter is sick. Can you email me?

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From: Camara Jacobs <cjacobs@franklinva.com>
Sent: Wednesday, July 10, 2024 8:57:44 AM
To: Jennifer Maynard <jmaynard@franklinva.com>
Subject: R. Jones

Good morning Jenn,

I hope this email finds you well. Please give me a call. I need to discuss Raquel hours with you.

Handwritten signature

Respectfully,

Camara Jacobs, SHRM-CP
Director of Human Resources
Office: (757) 562-8507



City of Franklin [Career Opportunities](#)

From: Jennifer Maynard <jmaynard@franklinva.com>
Sent: Wednesday, July 10, 2024 9:30 AM
To: Camara Jacobs <cjacobs@franklinva.com>
Subject: Re: R. Jones

Doesn't the year start on July 1st?

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From: Camara Jacobs <cjacobs@franklinva.com>
Sent: Wednesday, July 10, 2024 9:24:36 AM
To: Jennifer Maynard <jmaynard@franklinva.com>
Subject: RE: R. Jones

Raquel is a part-time employee and she is working more than 29 hours per week. Some of her timesheets that are being submitted to Payroll shows that she is working 40 hours a week. She can only work up to 1500 hours per year and as of this last payroll she has already worked 994 hours this year. If she continues to work these number of hours per week she may not have enough hours to work for the upcoming election. What are you going to put in place to ensure she doesn't exceed her 1500 hours for the year?

Respectfully,

Camara Jacobs, SHRM-CP
Director of Human Resources
Office: (757) 562-8507



City of Franklin [Career Opportunities](#)

From: Camara Jacobs
Sent: Wednesday, July 10, 2024 11:30 AM
To: Jennifer Maynard <jmaynard@franklinva.com>
Subject: RE: R. Jones

Please keep me posted on the plan.

Respectfully,

Camara Jacobs, SHRM-CP
Director of Human Resources
Office: (757) 562-8507



City of Franklin [Career Opportunities](#)

From: Jennifer Maynard <jmaynard@franklinva.com>
Sent: Wednesday, July 10, 2024 9:45 AM
To: Camara Jacobs <cjacobs@franklinva.com>
Subject: Re: R. Jones

Ok. I'll work on a plan.

Get [Outlook for iOS](#)

From: Camara Jacobs <cjacobs@franklinva.com>
Sent: Wednesday, July 10, 2024 9:42:48 AM
To: Jennifer Maynard <jmaynard@franklinva.com>
Subject: RE: R. Jones

No. It's a calendar year January – December.

August 9

Re: Plan for Deputy Registrar

From: Jennifer Maynard (jmaynard@franklinva.com)
To: purlie.banks@yahoo.com
Cc: landnparrish@gmail.com; gdub515@gmail.com; rajones@franklinva.com
Date: Monday, August 5, 2024 at 11:19 AM EDT

Thank you for the information. I am waiting to hear back from my PCP. She was contacted at 7:30 this morning (she was out of the office last week). I will keep you posted.

In the interim, please mail my evaluation. No need for certified mail.

From: Purlie Banks <purlie.banks@yahoo.com>
Sent: Monday, August 5, 2024 10:42:15 AM
To: Jennifer Maynard <jmaynard@franklinva.com>
Cc: Nancy Parrish <landnparrish@gmail.com>; Gary Wyse <gdub515@gmail.com>
Subject: Plan for Deputy Registrar

Good morning, Ms. Maynard. It is with sincerity that I pray you are doing well.

On July 10, 2024, you received an email from the Director of Human Resources requesting you to contact her. You responded by saying, "your daughter is sick. Can you email me?" She sent you the following email: "Raquel is a part-time employee and she is working more than 29 hours per week. Some of her timesheets that are being submitted to Payroll shows that she is working 40 hours a week. She can only work up to 1500 hours per year and as of this last payroll she has already worked 994 hours this year. If she continues to work these number of hours per week she may not have enough hours to work for the upcoming election. What are you going to put in place to ensure she doesn't exceed her 1500 hours for the year?" At that time, you told her that you would "work out a plan".

On July 18, 2024, the Electoral Board met, and I asked you if you had come up with a plan. You responded, "I was going to talk to y'all about it". We discussed possibilities but nothing was decided.

On July 22, 2024, I sent an email to the Director of Human Resources questioning how the 1500 hours process work. She answered my question and asked if a plan would be available by August 02, 2024. I informed her that we were scheduled to meet with you on July 31, 2024; and if a plan had not been executed, we would devise one.

On July 23, 2024, I went to the office (you weren't there) to verify if Raquel knew about the 1500 hours and how many she had already worked. She informed me that she was aware of the 1500 hours, but she did not know the time frame involved. I informed her that, per the Director of Human Resources, it was from January to December. I also asked her about reducing the hours. She stated that she needed 28.5 hours in order to pay her bills.

On July 31, 2024, the Deputy Registrar reached out to the Electoral Board in reference to information she received from Walt Latham, Lynn Burgess and Vicki Mainwaring. I gave a copy of the email to the Director of Human Resources. On August 02, 2024, I spoke with the Interim City Manager and she stated that to a degree the information provided was correct; however, the budget has been approved and she is unwilling (at this time) to request city council give more money (which the city does not have) when the problem could have been and still could be avoided provided you came to work. I was totally in agreement with her.

We received another email from the Deputy Registrar on August 02, 2024, stating she had sent you a proposal plan for her hours and you did not respond. In her proposal sent to us, she is willing to work one day a week from 8:30 am to 5 o'clock pm, preferably on Wednesdays, until early voting started. The Electoral Board discussed her proposal and decided to accept it. I sent her an email this morning stating we accept her proposal and I would notify you and the Director of Human Resources.

I recognize that it is the responsibility of the General Registrar to establish the duties and operational hours for the

deputy registrar; however, in lieu of no response to the Director of Human Resources and the deputy registrar, it becomes necessary for the Electoral Board to step in to make the decision, as we are trying to maintain a harmonious relationship with the city.

Also, please let us know when you will be available to go over your evaluation. The Electoral Board completed our evaluation on July 31, 2024. If you are not available anytime this week, we will send you a copy via certified mail (and if necessary, via the sheriff department) and will send the original to the State Department of Elections.

Purlie E. Banks
Chairman
City of Franklin Electoral Board

CITY OF FRANKLIN
Condensed Attendance Approval Verification Listing

Pay Period: BIWEEKLY Date Range: 05/31/24 to 06/13/24 Range of Depts: 150-00 to 150-00

Employee	Att Code	Hours	Amount
MAYNA010 MAYNARD, JENNIFER L	REG	80.00	Regular
	150-00 Regular Pay	Active	
		Used:	80.00
		Total Base:	80.00
		Total Non-Base:	0.00
		Total Hours:	80.00
Attendance Code Grand Totals:			
	REG	80.00	Regular
	Regular Pay	Used:	80.00
		Total Base:	80.00
		Total Non-Base:	0.00
		Total Hours:	80.00

Entries: 10

There are NO errors in this listing.

J. Maynard
Prepared By

Jennifer L Maynard
Department Head

Director

ATT: ACIT //

CITY OF FRANKLIN
Condensed Attendance Approval Verification Listing

Pay Period: BIWEEKLY Date Range: 06/14/24 to 06/27/24 Range of Depts: 150-00 to 150-00

Employee	Att Code		Hours	Amount
MAYNA010 MAYNARD, JENNIFER L		150-00	Active	
	HOL	Holiday	8.00	Holiday
	REG	Regular Pay	<u>72.00</u>	Regular
		Used:	80.00	
		Total Base:	80.00	
		Total Non-Base:	0.00	
		Total Hours:	80.00	
Attendance Code Grand Totals:				
	HOL	Holiday	8.00	Holiday
	REG	Regular Pay	<u>72.00</u>	Regular
		Used:	80.00	
		Total Base:	80.00	
		Total Non-Base:	0.00	
		Total Hours:	80.00	

Entries: 10

There are NO errors in this listing.

J. Maynard
Prepared By

Jennifer L Maynard
Department Head

Director

ATTACH 11



BON SECOURS MEDICAL GROUP

Mary R Babb, APRN - CNP
Bon Secours - Courtland Family Medicine
22708 Main Street
Courtland VA 23837
757-653-2007

8/12/2024

Jennifer Leigh Maynard
608 N High St
Franklin VA 23851-1424

EXCUSE FROM WORK

To Whom It May Concern:

Jennifer Leigh Maynard, date of birth 12/24/1976, is currently under the care of BON SECOURS - COURTLAND FAMILY MEDICINE. For medical reasons, please excuse her from work starting July 31, 2024. Her return to work date is contingent upon additional testing and follow up with the specialist.

Please have the patient contact our office if there are questions or concerns.

Sincerely,

Mary R Babb, APRN - CNP

ATTACH 12



Fwd: GR 2024 Certification Training for Jennifer Maynard

2 messages

Nancy Parrish <landnparrish@gmail.com>

Mon, Dec 16, 2024 at 8:39 AM

To: Purlie Banks <purlie.banks@yahoo.com>, Gary Wyse <gdub515@gmail.com>

FYI. I checked on Jen's certification per our last meeting (when we were with Ms. Oglesby). I just received a response which I am forwarding to you.

I will see y'all tomorrow morning at 10 at HCC. The saga continues....

Nancy

----- Forwarded message -----

From: **training (ELECT)** <training@elections.virginia.gov>

Date: Mon, Dec 16, 2024 at 8:29 AM

Subject: Re: GR 2024 Certification Training for Jennifer Maynard

To: Nancy Parrish <landnparrish@gmail.com>

Good morning Nancy,

The GR Certification course needs to be completed every 3 years and the GRs have a year to complete this. Jennifer last completed this course in April 2021. This means the certification expired April 2024 and she has until April 2025 to complete this curriculum. She has not yet begun.

In terms of electives, the electives for this year are:

- Virginia Election Administration Bulletin Webinar (January 2024/March 2024/June 2024/October 2024)
- Risk Limiting Audit course: Batch Comparison OR Ballot Polling (available in LMS beginning February 2024)
- Legislative Changes/Updates Online Live Webinar (Wednesday, July 24, 2024)
- Virginia Elections Workshop In-person Event (Thursday, July 18, 2024, in Richmond/Midlothian, VA)

GRs need to complete 3 electives to maintain certification. Jennifer has not completed any of these electives.

Please let us know if we can assist with anything else.

Thanks,
ELECT Training Team

From: Nancy Parrish <landnparrish@gmail.com>

Sent: Friday, December 13, 2024 12:17 PM

To: training (ELECT) <training@elections.virginia.gov>

Subject: GR 2024 Certification Training for Jennifer Maynard

ATTACH 13



★ VIRGINIA ★
STATE BOARD *of* ELECTIONS

Closed Session

BOARD WORKING PAPERS