

State Board of Elections
Wednesday, February 18, 2026
FINAL Meeting Minutes

1 The State Board of Elections (“the Board”) meeting was held on Wednesday,
2 February 18, 2026 in Martha Brissette Conference Room of the Washington
3 Building in Richmond, Virginia. The meeting also offered public participation
4 through electronic communication so the remote public could view and hear the
5 meeting. In attendance: John O’Bannon, Chairman; Rosalyn R. Dance, Vice Chair;
6 Georgia Alvis-Long, Secretary; and Dr. Chris Stolle, member represented the State
7 Board of Elections (“the Board”). Steven Koski, Commissioner, represented the
8 Department of Elections (“ELECT”), and Ajay P. Saini represented the Office of
9 the Attorney General (“OAG”). Chairman O’Bannon called the meeting to order at
10 2:00 P.M.

11 The first item of business was the Approval of the Minutes from January
12 14th, 21st, 28th, 29th and 30th Board Meetings. Dr. Stolle moved *to approve the*
13 *minutes*. Vice Chair Dance seconded the motion and the motion passed
14 unanimously. A roll call vote was taken:

15 Chairman O’Bannon – Aye

16 Vice Chair Dance – Aye

17 Secretary Alvis-Long – Aye

18 Dr. Stolle – Aye

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19 Chairman O'Bannon opened the floor to public comment. Marianne McKay
20 addressed the Board and asked to have her statement put into the minutes. Her
21 statement appears as APPENDIX: A.

22 The next item on the agenda was the Commissioners Report, presented by
23 Commissioner Koski. The Commissioner informed the Board that local special
24 elections are being held on March 3rd for Fairfax County School Board, March
25 10th for Prince William County Board of Supervisors, April 14th for Charles City
26 County local referendum, and April 21st for the statewide Constitutional
27 Amendment referendum related to redistricting. Commissioner Koski advised the
28 Board that the referendum was ordered through legislation by the General
29 Assembly to occur on April 21st at a special election. The Commissioner stated
30 that under Virginia law, the General Assembly approves both ballot questions and
31 an official explanation on the ballot. ELECT is required to provide the ballot
32 question and the explanation to localities and post to the ELECT Website.

33 Commissioner Koski informed the Board that there is current pending
34 legislation that provides proposed maps that would take effect if the referendum
35 were successful. This legislation would also move the Primary Election from June
36 to August and adjust the filing timeline for Congressional candidates. The
37 Commissioner advised the Board that ELECT does not decide on this process and

38 will execute the law as provided by the General Assembly. Commissioner Koski
39 also informed the Board that on Friday, February 20th, he would be visiting with
40 General Registrars in the Southwest Region 4 for the Voter Registration
41 Association. The next item on the agenda was the Certification of the February 10,
42 2026 Special Election presented by John Cronin, Election and Registration
43 Services Supervisor. *This memo is in the Working Papers for the February 18,*
44 *2026 Meeting.* Vice Chair Dance stated after reviewing the Abstracts of Votes Cast
45 in the 2026 February 10 Special Elections, I move *that the Board certify the*
46 *statements to be correct and sign the statements and certificates of election.* Dr.
47 Stolle seconded the motion and the motion passed unanimously. A roll call vote
48 was taken:

49 Chairman O'Bannon – Aye

50 Vice Chair Dance – Aye

51 Secretary Alvis-Long – Aye

52 Dr. Stolle – Aye

53 At 2:19 P.M., Vice Chair Dance pursuant to Virginia Code Section 2.2-
54 3711(A)(7), I move *that the Board go into closed session for the purpose of*
55 *discussing pending threatened litigation. In accordance with Section 2.2-3712(F),*

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56 *Steven Koski, Commissioner of Elections, and Ajay P. Saini, Office of the Attorney*
57 *General, will attend the closed session because their presence will reasonably aid*
58 *the Board in its consideration of the subject of the meeting. Dr. Stolle seconded the*
59 *motion, and the motion passed unanimously. A roll call vote was taken:*

60 Chairman O'Bannon - Aye

61 Vice Chair Dance - Aye

62 Secretary Alvis-Long - Aye

63 Dr. Stolle - Aye

64 At 2:31 P.M., Dr. Stolle move *to reconvene the meeting in open session, and*
65 *take a roll call vote certifying that to the best of each member's knowledge (i) only*
66 *such public business matters lawfully exempted from open meeting requirements*
67 *under this chapter and (ii) only such public business matters as were identified in*
68 *the motion by which the closed meeting was convened were heard or discussed by*
69 *the State Board of Elections. Vice Chair seconded the motion and the motion*
70 *passed unanimously. A roll call vote was taken:*

71 Chairman O'Bannon - Aye

72 Vice Chair Dance - Aye

73 Secretary Alvis-Long - Aye

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74 Dr. Stolle – Aye

75 The meeting adjourned at 2:32 P.M.

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Chairman

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Vice Chair

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Secretary

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Board Member

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Board Member

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APPENDIX: A
Marianne McKay

PETITION FOR REMOVAL FROM OFFICE OF THE CHAIR AND SECRETARY
OF NORFOLK ELECTORAL BOARD

TO: The Esteemed Members of the Virginia State Board of Elections: Chairman O'Bannon, Vice-Chair Dance, Secretary Alvis-Long, Mr. Stolle, and Mr. Petersen
Ms. Susan Beals, Commissioner for the Virginia Department of Elections

DATE: December 9, 2025

I, Marianne McKay, Vice Chair of the Norfolk Electoral Board (NEB), hereby submit this petition pursuant to Virginia State Code § 24.2-233(1) seeking removal of NEB Chair Atoy Carrington and NEB Secretary H. Michael Ziegenfuss for neglect of a clear, ministerial duty of the office and incompetence in the performance of their duties of the office when that neglect of duty and competence in the performance of duties had a material adverse effect upon the conduct of the office.

Summary of Charges

1. Conducted a Closed-Session Meeting in Violation of the Virginia Freedom of Information Act.
 - a. Conducted a closed session meeting on November 27, 2024 to discuss reports of election irregularities which did not fall under the permissible FOIA exemptions of personnel or security matters. Violations of Virginia State Code §24.2-107, § 2.2-3700(B), § 2.2-3711(A)(1) and § 2.2-3711(A)(34).
 - b. Prevented the public and candidate access to information about gross irregularities and improprieties at the Chesterfield precinct that could have invalidated a City Council election.
2. Neglect of Duty to Ensure Parity in Precinct Assignments for the November 2024 and 2025 General Elections.
 - a. Refused to review the task of precinct assignments delegated by the NEB to the General Registrar for the November 2024 and 2025 General Elections. Violation of Virginia State Code § 24.2-109.
 - b. Failed to ensure, as practicable, opposite-party affiliation between chief and assistant chief officers. Violations of Virginia State Code § 24.2-115(A) and § 24.2-115(C).
3. Failure to Hold a NEB Meeting Upon the Request of a Board Member Before the November 2025 General Election. Violation of Virginia State Code § 24.2-107.
4. Failure to Conduct Provisional Ballot Meetings According to Virginia State Code for the November 2024 General Election, the June 2025 Primary, and the November 2025 General Election.
 - a. Refused to hold the state-mandated closed-session provisional ballot meetings the day after the election for the November 2024 General Election, June 2025 Democratic Primary, and November 2025 General Election. Violation of Virginia State Code § 24.2-653.01(A)(B).

- b. Delegated the entire review and determination of provisional ballots to the registrar's office, thereby abdicating the Board's statutory responsibility to examine provisional ballot envelopes and provisional ballot logs for the adjudication of provisional ballots cast. Violations of Virginia State Code §24.2-653.01, §24.2-653(A)(C), and § 24.2-653.1

Factual Allegations

1. Conducted a Closed Session Meeting in Violation of the Freedom of Information Act.
 - a. McKay requested a meeting to address reports from the authorized representatives Tamara Hanger and Catherine Nesmith that massive irregularities and improprieties occurred at the Chesterfield precinct.
 - b. The reports involved gross procedural failures in the casting of provisional ballots which were of public interest and directly impacted candidate Phillip Hawkins' right to contest his race as an invalid election. There were 600 Same Day Registration (SDR)/Provisional Ballots from the Chesterfield precinct alone and Hawkins only lost his race by 92 votes.
 - c. A NEB meeting was held on November 27, 2024, and Carrington and Ziegenfuss insisted on hearing the Authorized Representatives' reports in closed session even though the reports did not pertain to personnel or security issues, the only two FOIA exemptions allowed for electoral boards.
 - d. The NEB voted 2 to 1 with McKay dissenting to go into closed session to hear the reports, therefore depriving Hawkins and his attorney Amina Matheny-Willard from hearing that grounds existed for him to contest his Superward 7 City Council race.

See Exhibits 1-7 for documentation: copies emails and minutes of the NEB meetings.

2. Neglect of Duty to Ensure Parity in Precinct Assignments for the November 2024 and 2025 General Elections.
 - a. McKay provided detailed analyses and recommendations to improve opposite-party parity in precinct assignments for the 2024 and 2025 General Elections.
 - b. Carrington and Ziegenfuss refused to review the precinct assignments for parity. For the November 2024 General Election, McKay moved that the NEB go into closed session to review precinct assignments but Carrington and Ziegenfuss refused to second the motion thereby shutting down efforts to improve parity. For the November 2025 General Election, Carrington and Ziegenfuss refused to hold a NEB meeting to review and approve the precinct assignments.
 - c. Carrington and Ziegenfuss claimed the task of precinct assignments was delegated to the General Registrar Stephanie Iles and her staff while McKay argued, despite the NEB delegating the task to Iles and her staff, the Board still retains the responsibility of ensuring parity in precinct assignments where practicable.

- d. As a result of not reviewing the precinct assignments, only 12 of 49 precincts (24.5%) had opposite-party affiliation between chiefs and assistant chiefs in the November 2025 General Election. If the recommended changes had been adopted, 19 precincts (38.8%) could have achieved parity — a 63% improvement.

See Exhibits 8-13 for documentation: copies of emails and minutes of the NEB meeting.

3. Failure to Hold a NEB Meeting Upon the Request of a Board Member before the November 2025 General Election. Violation of Virginia State Code § 24.2-107.
 - a. McKay made six written requests between August 27 and October 15, 2025, for a NEB meeting to review precinct assignments.
 - b. Chair Carrington and Secretary Ziegenfuss ignored, refused, or dismissed these requests, with Secretary Ziegenfuss responding with unprofessional and dismissive remarks.
 - c. The requested meeting was never held, preventing the Board from fulfilling its oversight duties before the November 2025 election.

See Exhibit 13 for documentation of email exchanges.

4. Failure to Conduct Provisional Ballot Meetings in Accordance with Virginia State Code for the November 2024 General Election, the June 2025 Primary, and the November 2025 General Election.
 - a. The Board voted to release all provisional ballots cast and logs to the Registrar's office without the NEB first examining the provisional ballot envelopes for material information and verifying the envelopes were recorded on the provisional ballot logs.
 - b. The Board never convened the required closed-session provisional ballot meeting on the day after the election.
 - c. The Board merely ratified totals provided by the Registrar without reviewing a single provisional ballot envelope or provisional ballot log, making independent verification impossible.
 - d. Authorized representatives were denied access to observe the provisional ballot process.

See Appendix 1 for a detailed account of events in each election cycle demonstrating the efforts to persuade the NEB to correct the locality's customary way of conducting a provisional ballot meeting for a process consistent with the Virginia State Code.

See Exhibits 14 – 41 for Documentation: copies of emails and minutes of the NEB meeting.

Adverse Effects on the Electoral Process

1. Erosion of Public Trust: Conducting public business in secret and refusing to follow transparent procedures undermines election integrity and public confidence that a fair, safe, and secure election was conducted.

2. Deprivation of Candidate Rights: A candidate was denied information about massive irregularities and improprieties occurring on Election Day that were of a significant magnitude as to have changed the outcome of his race.
3. Statutory Non-Compliance: Persistent failure to follow Virginia Election Laws and the Virginia Department of Elections' General Registrar/Electoral Board Handbook and Guidance demonstrates a pattern of incompetence and neglect.
4. Abdication of Oversight Responsibility: By refusing to review precinct assignments and to process and adjudicate provisional ballots cast according to the Code, the Board abandoned its legal oversight role leaving critical election functions unchecked and the electoral process compromised.

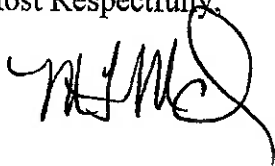
Conclusion and Request

The documented actions of Chair Atoy Carrington and Secretary Michael Ziegenfuss demonstrate a sustained pattern of neglect of duty, incompetence, and violations of the Virginia Code. Their conduct has materially impaired the proper functioning of the NEB and has damaged public confidence that lawful, fair, safe, and secure elections which are foundational to our democracy have occurred in the City of Norfolk.

Therefore, I petition the Virginia State Board of Elections to refer this matter to the Circuit Court of Norfolk for the removal of Chair Atoy Carrington and Secretary Michael Ziegenfuss from the Norfolk Electoral Board.

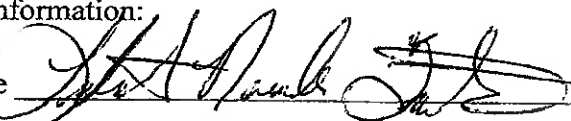
I attest that the facts contained in this petition are true and correct to the best of my knowledge, and I am prepared to appear before this most distinguished Public Body to answer any questions you may have on this matter before you.

Most Respectfully,



Marianne McKay
Vice Chair, Norfolk Electoral Board

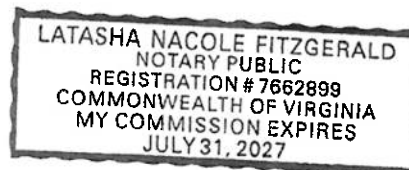
Notary Information:

Signature 

Date 12/10/25

Printed Name LATASHA NACOLE FITZGERALD

Date Notary Expires July 31, 2027



Appendix 1: Detailed Account of Each Election Regarding the Provisional Ballot Meetings

Factual Allegations Regarding the November 5, 2024 General Election:

1. On November 6, 2024, the NEB started the canvass, and after the vote was taken to release the provisional ballots for review and research by the Registrar's office, McKay informed Iles that McKay would like to see the provisional ballot logs and Carrington nor Ziegenfuss objected.
2. On November 7, 2025, McKay sent a follow up email informing Iles that McKay would like to know when and where the provisional review process will take place, so authorized representatives can coordinate coverage to observe the adjudication of the provisional ballots casted (Exhibit 14).
3. McKay received no response, so she sent another email on November 9, 2024 (Exhibit 15) and on November 10, 2024 (Exhibit 16).
4. Iles responded by email on November 10, 2024, stating that if the NEB reviews the provisional ballots, then they will have to review all provisional ballot logs (Exhibit 17).
5. McKay responded in an email on November 10, 2025, that the massive irregularities reported warranted conducting the provisional ballot meeting differently and specifically asked Carrington and Ziegenfuss to confirm that they will reconvene the next morning to begin the provisional ballot meeting (Exhibit 18).
6. Iles and McKay exchanged emails. McKay stated the NEB should be included in the review process and Iles claimed the NEB cannot assist in this process (Exhibit 19).
7. Carrington sent an email on November 11, 2025, and stated the provisional ballot meeting will be handled in the customary way. On November 13, 2024, McKay responded that to not change our way of adjudicating the provisional ballot process given the massive irregularities would be irresponsible and negligent in fulfilling our duties as electoral board members and complicit in facilitating an unlawful election (Exhibit 20).
8. The provisional ballot meeting was not conducted in a closed session as required by the Virginia State Code, nor did the NEB see one provisional ballot envelope or provisional ballot log. Iles only provided the NEB with totals of provisional ballots cast and recommendations for counting or not counting the ballots. The board voted 2 to 1 to accept and reject Iles' recommendations with McKay dissenting because the NEB could not verify what Iles reported. The minutes of the meeting document the NEB's vote and that the state-mandated closed session provisional ballot meeting was never held (Exhibit 21).
9. Jeannie Sylvia, an authorized representative, was denied receiving copies of redacted provisional ballot logs and from watching the scanning and tabulation of the provisional ballots by Ziegenfuss and Iles even though Sylvia provided an acceptable authorization letter (Exhibit 22) and a copy of the Virginia Department of Elections (ELECT) Official Guidance regarding access to provisional ballot logs (Exhibit 23).
10. Sylvia described Ziegenfuss and Carrington's attempt to prevent McKay from seeing the provisional ballot logs as "willful neglect of duty" on their part in Sylvia's formal HAVA complaint (Exhibit 24). Iles' email response to Sylvia's HAVA complaint verifies that the attached HAVA complaint was filed (Exhibit 25).
11. McKay filed a HAVA Complaint describing Carrington, Ziegenfuss, and Iles' actions during the provisional ballot meeting and canvass of CAP and certification of the election (Exhibit 26).

Factual Allegations Regarding the June 18, 2025 Democratic Primary:

1. McKay sent an email on June 11, 2025 to Iles, Carrington, and Ziegenfuss (Exhibit 27) recommending the NEB review the provisional ballots before releasing them to the Registrar's Office for entry into Veris.
2. Iles' email response was we will handle the process "as is customary" (Exhibit 28).
3. McKay sent an email June 11, 2025 reiterating the reasons for changing the way the NEB conducts a provisional ballot meeting by pointing out that the Virginia State Code § 24.2-653.01 requires the electoral board determine whether a provisional ballot is counted or not (Exhibit 29).
4. Carrington in an email dated June 12, 2025 stated the NEB will conduct the provisional ballot process in our customary way (Exhibit 30).
5. McKay sent one last appeal to Carrington and Ziegenfuss to review the provisional ballot envelopes and logs for each precinct. McKay cited the Virginia State Code and explained that the NEB can no longer claim we made an honest mistake, and failure to do so would be an abdication of the duties of our oath of office (Exhibit 31).
6. McKay asked Margaret Kelly, a Norfolk Deputy City Attorney, if she would research and provide guidance on whether the NEB and Registrar are conducting a provisional ballot consistent with Virginia State Code. McKay sent Kelly a follow up email with additional information relevant in providing guidance to the NEB in how the provisional ballot meeting is conducted (Exhibit 32).
7. The NEB minutes of the canvass on June 18th and 23rd, 2025 document that McKay did not vote to release the provisional ballots for preliminary research and review, and McKay was the dissenting vote in accepting the provisional ballots because the Board never saw a provisional ballot envelope nor a provisional ballot log (Exhibit 33).
8. The guidance request to Kelly regarding the provisional ballot meeting was transferred to the Deputy City Attorney Andrew Fox. Fox provided guidance to the NEB at the August 26, 2025 NEB meeting but was unable to answer the following two questions and agreed to do further research and analysis to provide an answer.
 - How can the electoral board perform the task of tracking the determination of all provisional ballots offered in a locality (as stated in the ELECT's GREB Handbook 13.5.4 on page 16) when the NEB is never given the opportunity to see a provisional ballot log or the provisional ballot envelopes?
 - How does the NEB determine the qualifications, one by one, of whether a voter is eligible to vote under Virginia law (as stated in the GREB Handbook 13.7 on page 20) without ever seeing the sealed green provisional ballot envelope containing the ballot?

The August 26, 2025 minutes did not summarize Fox's guidance nor reference that he agreed to do further research, so McKay sent an email to Ziegenfuss recommending changes to reflect Fox's guidance (Exhibit 34).

9. McKay sent Fox a follow-up email on September 2, 2025 to confirm that he would provide further guidance on the questions asked at the August 26, 2025 meeting and adding a question about the Registrar's role in the provisional ballot meeting (Exhibit 35).

10. McKay dissented in approving the August 26, 2025 minutes because the minutes were not amended to reflect the recommended changes (Exhibit 36). McKay sent an email to Fox and copied Iles, Carrington, and Iles which summarized the guidance Fox provided to the NEB at the August 26th meeting and asked him to provide any corrections if he thought the summary was incomplete or inaccurate (Exhibit 37). In the email McKay expressed disappointment that Fox appeared to have done little research and analysis to arrive at his conclusions, and that Fox did not answer the questions pertaining to how the electoral board can follow the guidelines set forth in the GREB Handbook without the electoral board ever seeing a provisional ballot envelope or a provisional ballot log.

Factual Allegations Regarding the November 5, 2025 General Election:

1. McKay sent an email on October 24 to Carrington, Ziegenfuss, and Iles informing them that McKay opposes the NEB continuing to conduct the provisional ballot meeting in the customary manner and the NEB's failure to discuss changes to our process for adjudicating the provisional ballots is willful disregard for or contrived ignorance in following the Virginia State Code (Exhibit 38).
2. McKay emailed Iles, Carrington, and Ziegenfuss (Exhibit 39) that ELECT in the *Dos and Don'ts for Campaigners and Authorized Representatives* identifies the provisional ballot meeting as a closed meeting" (Exhibit 40), and the NEB needs to begin our closed session provisional ballot meeting on November 5, 2025 to be in compliance.
3. The canvass began on November 5, 2025, but the NEB never went into the state-mandated provisional ballot meeting required to be held on the day after the election. Instead, the NEB voted 2 to 1 with McKay dissenting to release the provisional ballot envelopes and the provisional ballot logs to the Registrar's office for review and research. McKay sent an email on November 6, 2025 simply stating "We are in violation of the Virginia State Code § 24.2-653.1(A) (Exhibit 41).
4. The provisional ballot meeting was held on November 14, 2025, and despite Iles not presenting one provisional ballot envelope or a provisional ballot log for the NEB to review, the NEB voted 2 to 1 to adjudicate the totals recommended by Iles. McKay was the dissenting vote.



Marianne McKay <nebmckay@gmail.com>

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Marianne McKay <nebmckay@gmail.com>

Tue, Nov 19, 2024 at 10:53 AM

To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzm@gmail.com>

Good morning Chair Carrington and Secretary Ziegenfuss,

I am requesting a Board meeting ASAP because of irregularities and improprieties reported that have never occurred in previous elections since I have been on the Board, and because of my decision to want to withdraw my certification of the election because the Board never saw the Provisional Ballot Logs or Ballots. I have mentioned my concerns in emails to our Director of Elections and General Registrar Iles and always copied the two of you so you would be apprised of events and circumstances. I once again reiterated them verbally to both of you at the Registrar's office on Friday, November 15, 2024 when we met to review the provisional report and certify the election.

Clearly there were serious mistakes and problems, but what I am most concerned about is the appearance of attempts to cover them up or dismiss them. How the Board has handled the Canvass in the past cannot be the method going forward with future elections. For example, I was aware that Officers of Election/Asst Chiefs/Chiefs were called in to sign Provisional Ballot Envelopes and Provisional Ballot Log Sheets, but I wasn't aware that Officers were called back in to finish filling out the Provisional Ballot Logs until Ms. Iles mentioned it at our Canvass on Friday, November 15th. Following are just some of the questions that should be answered:

- Did our office document what precincts turned in Provisional Log sheets that night without all the Provisional Ballots listed on them.
- Was it documented who came in to complete those log sheets.
- Were Provisional Ballots that had to be signed later by an officer later documented in some way?
- Regarding the Provisional Ballots how many were not signed by an Election Officer and from what precincts were they from.
- As an electoral board member, I still have never seen the Provisional Log sheets; have any of you?
- I do not know how many provisional ballots came from each precinct; do you?
- How many Provisional Ballots were accepted or declined from each precinct and why?

In addition, to complicate the mess we have created, we have a local race that was so close a recount is being requested. The race is for the Superward 7 City Council Race, which contains the Chesterfield and Lambert's Point Precincts, the two precincts with the most college students. I am not personally familiar with what happened at Lambert's Point because I did not visit that precinct nor did I receive any complaints from there. If the candidates from the Superward 7 City Council Race become aware of what happened at Chesterfield it would seem to me they have legitimate grounds to question that a safe and secure election was conducted: it was reported that students were told not to seal their provisional ballot envelopes by election officer(s) and students were talking and asking each other who to vote for while filling out the ballots. Is this sufficient evidence to call into question that election and does it even legally warrant a candidate petitioning the court for either that race or that precinct having a new election; I don't know. What I am confident is that we as a Board need to be transparent at all levels as we seek to correct the errors and mistakes we made and not sweep it under the rug because the bottom-line is the Norfolk Electoral Board is responsible for conducting the elections in Norfolk.

Let me be perfectly clear, I am not trying to have a meeting by email, I am not asking for answers to the questions by email to the questions I have proposed, I am just providing the basis for my request to call an Electoral Board meeting ASAP to address these issues; of course I understand that we must provide three days public notice.

I mentioned in a previous email dated November 10, 2024 "Another Disturbing Report on Provisional Ballots at Chesterfield" that I would provide the Board with a copy of the HAVA complaints I received from the two Authorized Representatives from the Chesterfield precinct. I am including a copy of the document attached to Cathi's HAVA complaint; it is not notarized because she didn't make a copy of the document after it was notarized although she assured me it was the exact same document filed and would be willing to take it to a notary to confirm it is her statement. The other HAVA complaint filed by Tammy, who was out of town when I reached out to her to obtain a copy, will be given to me once she is back in town. The other attachment is the document I attached to my HAVA complaint regarding what I know and observed concerning the events and circumstances at the Chesterfield precinct.

Please let me know when an electoral board meeting will be called.

Thank you for your prompt attention to this matter.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

2 attachments



Catherine Nesmith's formal HAVA compliant filed .docx
28K



Observations at the Chesterfield Precinct.docx
33K



Exhibit 2

Marianne McKay <nebmckay@gmail.com>

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Atoy Carrington <atoycarringtoneb@gmail.com>

Tue, Nov 19, 2024 at 6:15 PM

To: Marianne McKay <nebmckay@gmail.com>, "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>

Cc: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Good evening Vice Chair McKay,

I consider it disturbing and bizarre that you are stating your desire to withdraw your certification from this past election. No one forced you to sign anything. That was clearly a choice that you made. If you didn't agree with how things were handled or were bothered by the process, then you shouldn't have signed it. At no time in my life did I ever sign anything that I didn't agree with. My signature, my choice. This is not Ebay where you can withdraw a bid within a few minutes of making it. This is another case of you demanding to have everything your way.

The last time we were all together, Mr. Ziegenfuss motioned to thank the Registrar and the staff for their hard work during this past election. I seconded the motion. You chose not to thank them. That was your right and your choice. I'm not complaining about that. I'm simply stating the obvious.

We live with the decisions that we make. I look forward to seeing you tomorrow at the Courthouse for the Risk Limiting Audit.

Have a pleasant evening.

Atoy B. Carrington, Chair

Norfolk Electoral Board

[Quoted text hidden]

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Exhibit 3

Marianne McKay <nebmckay@gmail.com>

Request for EB Meeting Concerning Issues with the Conduct of Our Election and Our Provisional Ballot Canvass

Marianne McKay <nebmckay@gmail.com>

Thu, Nov 21, 2024 at 10:13 AM

To: Atoy Carrington <atoycarrington@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzm@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington and Secretary Ziegenfuss.

The Board assisted in completing the required RLA on November 20, 2024 as required and we adjourned that meeting without scheduling another electoral board meeting despite my email request on November 19, 2024 for a meeting being held as soon as possible to address the concerns expressed in the email. I am requesting an EB meeting for a second time and I'm copying our Director of Elections and General Registrar Iles because she has always been included in our meetings and the Deputy Director of Elections and Deputy General Registrar Bencoach as she has attended most of our meetings and both of them have a wealth of knowledge, expertise, and experience to bring to the issue at hand.

I am very concerned that a candidate in the Superward 7 City Council race not only has a right to ask for a recount, but a candidate has the right to challenge the election.

As this is a time sensitive issue, a response to my specific request for a meeting is greatly appreciated.

[Quoted text hidden]

[Quoted text hidden]



Marianne McKay <nebmckay@gmail.com>

Board Meeting Request

Marianne McKay <nebmckay@gmail.com>

Fri, Nov 22, 2024 at 10:09 AM

To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington and Sec. Ziegenfuss,

I am requesting the Norfolk Electoral Board have a meeting. We normally meet on the first Tuesday of the month. I have no objection to that day or another day but I think the sooner the better.

I would like the following items to placed on the agenda:

1. Discussion of the complaints filed.
2. The reason the Provisional Logs for all precincts were never provided when they were requested by a Board member on Wednesday, November 6, 2024.
3. The details of how the Provisional Ballot Canvass was handled given the massive number of Provisional Ballots received on Election Day.
4. What changes the Board should make for future elections regarding the Provisional canvass, so that these issues and problems do not occur again.

Ms. Carrington and Mr. Ziegenfuss, I would appreciate your response to my request so as a Board we demonstrate our intent to pursue the transparency a public body requires in our efforts to ensure lawful and secure elections.

Thank you for your prompt attention to this matter.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Norfolk Electoral Board

Minutes of the November 27, 2024, Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice-Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Stephanie Iles (Director of Elections & General Registrar), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar), and Observers - Raymarie Rowzie, Charles McKay, Mark Snell-Cook, Trey Teich, Arthur Devine, Kristin Worrell, Tamara Hanger, Jeannie Sylvia, Paula Markham, Linda Asher, Gregory Bright, Catherine Nesmith, Amina Matheny-Willard, and Phillip Hawkins, Jr.

The Norfolk Electoral Board was called to order on Wednesday November 27, 2024, at 11:26 a.m. by Ms. Atoy Carrington in the Norfolk Office of Elections.

Ms. McKay moved to approve the minutes for October 2nd, November 6-15th canvass, and November 20, 2024 Electoral Board Meetings. Mr. Ziegenfuss seconded the motion. The Board unanimously approved the minutes.

Closed Session:

At 11:38 a.m., it was moved by Mr. Ziegenfuss and seconded by Ms. Carrington to go into a closed session pursuant to the Code of Virginia for discussion of personnel and incident review at a precinct. The motion was approved by a two to one vote of the Board with Ms. McKay dissenting.

Upon a motion made by Mr. Ziegenfuss and seconded by Ms. Carrington and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session.

Further, at 1:08 p.m., Mr. Ziegenfuss moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting on November 27, 2024, pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law.

The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Ms. Carrington seconded the adoption of the certification, and the Board unanimously voted to approve the certification.

McKay
dissented from
approving these
minutes be-
cause the
vote was 2 to 1

Such other business as may come before the Electoral Board:

Ms. McKay requested the Provisional votes cast for the November 5, 2024 General & Special Elections. Ms. Iles provided the numbers to the Board.

Ms. Iles provided a procedural overview of the upcoming City Council Superward 7 recount to be held on December 19-20th in the Norfolk Courthouse, Courtroom 6A. Ms. Matheny-Willard advised the recount is open to the public.

Mr. Ziegenfuss moved to adjourn the meeting, which Ms. Carrington seconded. The meeting was adjourned at 1:38 p.m. by a two to one vote of the Board with Ms. McKay dissenting.

Respectfully submitted,

H. Michael Ziegenfuss

Mr. Ziegenfuss, Secretary
November 27, 2024

Norfolk Electoral Board Minutes of the January 07, 2025 Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice-Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Stephanie Iles (Director of Elections & General Registrar), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar), and Observers - Catherine Nesmith, Dr. Frederick Rochte, Gisele Kasper, Paula Markam, and Raymarie Rowzie.

The Norfolk Electoral Board was called to order on Tuesday January 07, 2025, at 11:07 a.m. by Ms. Atoy Carrington in the Registrar's Conference Room in Norfolk City Hall.

Mr. Ziegenfuss motioned to approve the minutes from November 27, 2024. Ms. Carrington seconded. The minutes were approved on a vote of 2 to 1 vote with Ms. McKay dissenting.

Mr. Ziegenfuss motioned to approve the minutes from December 09, 2024. Ms. Carrington seconded. The Board unanimously approved the minutes.

Mr. Ziegenfuss motioned to approve the minutes from December 20, 2024. Ms. Carrington seconded. The Board unanimously approved the minutes.

Reorganization of the Electoral Board:

Mr. Ziegenfuss motioned to keep the members of the Board in their same positions for 2025. Ms. McKay motioned to amend the request to place Ms. McKay as Secretary and Mr. Ziegenfuss as Vice-Chair, with Ms. Carrington remaining as Chair. The amendment failed on a vote of 1 to 2 with Mr. Ziegenfuss and Ms. Carrington dissenting. The motion to keep the Board members in their same positions for 2025 passed 2 to 1 with Ms. McKay dissenting.

Such other business as may come before the Electoral Board:

The Board members and Registrar discussed the recount for City Council Superward 7 race.

The next meeting of the Norfolk Electoral Board was scheduled for Tuesday, February 04, 2025 at 11:00 a.m. in the Elections' Office Board Conference Room in Norfolk City Hall.

Ms. McKay moved to adjourn the meeting, which Mr. Ziegenfuss seconded. The meeting was adjourned at 12:04 p.m. by unanimous vote of the Board.

Respectfully submitted,

A handwritten signature in cursive script that reads "H. Michael Ziegenfuss".

Mr. Ziegenfuss, Secretary
January 07, 2025

Norfolk Electoral Board Minutes of the February 4, 2025 Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice-Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Stephanie Iles (Director of Elections & General Registrar), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar), and members of the public - Arthur Devine Jr., Dr. Frederick Rochte, Mark E. Snell-Cook, Scott Hancox, and Raymarie Rowzie.

The Norfolk Electoral Board was called to order on Tuesday February 4, 2025 at 11:04 a.m. by Ms. Atoy Carrington in the Norfolk Office of Elections.

Ms. McKay motioned to change the agenda order to move the closed session as the last agenda item to permit public testimony first. The motion was not seconded.

After discussion, a motion to approve the minutes from the January 7, 2025 meeting was made by Mr. Ziegenfuss and seconded by Ms. Atoy Carrington. The motion passed 2-1 with Ms. McKay abstaining.

Ms. Iles reported to the Board the 2025 NRVA cancellation list information effective January 30, 2025 and the state scheduled confirmation mailing timeline.

Ms. Iles advised the Board of pending election related legislation before the Virginia General Assembly this short session and confirmed today is Crossover Day.

Closed Session:

After some discussion, it was moved by Mr. Ziegenfuss at 11:45 a.m. and seconded by Ms. Carrington to go into closed session pursuant to the Code of Virginia for discussion of Elections Security. The motion was approved by a unanimous vote of the Board.

Upon a motion made by Mr. Ziegenfuss and seconded by Ms. McKay and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session. Further, at 11:55 a.m. Mr. Ziegenfuss moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting on February 4, 2025 pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law. The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Ms. McKay seconded the adoption of the certification, and the Board unanimously voted to approve the certification.

New Business:

Ms. McKay requested the names of Officers of Election who submitted feedback from the November 2024 Election. Ms. Iles advised some feedback provided is anonymous and Officer information is not required. Feedback is given to determine potential process improvements and availability to serve. Mr. Ziegenfuss advised that "feedback should be provided freely and not coerced." Discussion was held.

Ms. McKay questioned provisional ballot log completion for the November 2024 election. Ms. Iles advised of communication to Chief Officers and reviewed chain of custody procedures for provisional ballots and logs.

Ms. McKay requested to go on record that there was a "systematic failure on Election Day" at a precinct and with the provisional ballot process. Ms. Iles adamantly disagreed. The Chairwoman & Secretary of the Board concurred with Ms. Iles.

The next meeting of the Norfolk Electoral Board was set for Tuesday, March 4, 2025 at 11:00 a.m. in the Elections' Office Board Conference Room in Norfolk City Hall.

Public comment was given. Mr. Rochte requested the Board to review ableism. Mr. Devine inquired about his previous email with regards to training. Ms. Rowzie inquired on the complaint review process.

Mr. Ziegenfuss moved to adjourn the meeting, which was seconded by Ms. Carrington. The meeting was adjourned at 12:54 p.m. by a 2-1 vote with Ms. McKay dissenting.

Respectfully submitted,

H. Michael Ziegenfuss

Mr. Ziegenfuss, Secretary
February 4, 2025



Marianne McKay <nebmckay@gmail.com>

Agenda for Board Meeting Tuesday, September 24, 2024

1 message

Marianne McKay <nebmckay@gmail.com>

Fri, Sep 20, 2024 at 9:35 AM

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

Bcc: John Sitka <jsitka@liberty.edu>

Good morning Chair Carrington,

Please add the following two topics to our agenda: Review of Tentative Precinct Assignments for the November 2024 Presidential Election and Training for Election Officers.

I will follow up this email with a list of my concerns on the current Tentative Precinct Assignments that Ms Iles sent out Monday, September 16th, so that everyone can come prepared for a productive, solution-oriented discussion.

Ms. Iles, if you are able to forward the powerpoint slide presentation to us for the upcoming training that would be helpful, but the training topic can still be addressed without it, so there is no reason to stress if unable to accommodate the request.

Thanks for your support,

Marianne McKay, Vice Chair
Norfolk Electoral Board



Marianne McKay <nebmckay@gmail.com>

Report for EB Meeting: Review of Tentative Precinct Assignments for November 2024 Presidential Election

Marianne McKay <nebmckay@gmail.com>

Mon, Sep 23, 2024 at 3:46 PM

To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>

Cc: "H.MICHAEL ZIEGENFUSS" <nebmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Bcc: John Sitka <jsitka@liberty.edu>, Marianne McKay <marianneecramer1019@gmail.com>

Good afternoon Chair Carrington,

I am attaching the report I prepared of the Tentative Precinct Assignments for the November 2024 Presidential Election that Ms. Iles emailed the Board on Monday, September 16, 2024, so that the Board and Ms. Iles has an opportunity to review the report ahead of tomorrow's Electoral Board meeting.

I am also going to forward you an email which I sent to Ms. Iles on September 10, 2024 and cc: Mr. Ziegenfuss and Mr. Sitka, the Republican Party Chair. The email included my original suggestions for precinct assignments of the individuals on the Republican Party Chair's Nomination List. I am including this so you are aware that concern about following Virginia State Code in making precinct assignments has been an ongoing communication and work in progress between Ms. Iles, Mr. Ziegenfuss, and myself.

I am looking forward to us having a productive discussion and reaching a consensus that is satisfactory to everyone.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board



Precinct Assignment Response for EB Meeting.docx
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Review of Precinct Assignments

I am very supportive of the following planned assignments of individuals from the Republican Party Chair's Nomination List submitted by the Director of Elections and General Registrar (DE/GR).

- Barron Black [2005]: [REDACTED].
- Bayview [3502]: [REDACTED], [REDACTED], and [REDACTED].
- Calvary Revival [3143]: [REDACTED] and [REDACTED].
- Campostella [2768]: [REDACTED].
- Chesterfield [2962]: [REDACTED].
- Chrysler Museum [4423]: [REDACTED], [REDACTED], and [REDACTED].
- Coleman Place [1754]: [REDACTED] (is your suggestion).
- Crossroads [3195]: [REDACTED], [REDACTED], [REDACTED], and [REDACTED].
- East Ocean View [4228]: [REDACTED] and [REDACTED].
- Ghent Square [1700]: [REDACTED] and [REDACTED].
- Granby [4269]: [REDACTED] and [REDACTED].
- Ingleside [2340]: [REDACTED].
- Lake Taylor [2752]: [REDACTED].
- Lamberts Point [3761]: [REDACTED].
- Larchmont Library [1823]: [REDACTED] and [REDACTED].
- Larchmont School [2910]: [REDACTED].
- Larrymore [2556]: [REDACTED], [REDACTED], and [REDACTED].
- Lindenwood [1975]: [REDACTED] and [REDACTED].
- Little Creek: [REDACTED].
- Maury [2946]: [REDACTED], [REDACTED], and [REDACTED].
- Northside [2586]: [REDACTED].
- Norview [5136]: [REDACTED].
- Ocean View Golf [4345]: [REDACTED] and [REDACTED].
- Ocean View School [2055]: [REDACTED], [REDACTED], and [REDACTED].
- Park Place [2599]: [REDACTED].
- Pretlow [3432]: [REDACTED], [REDACTED], and [REDACTED].
- Second Presbyterian [3902]: [REDACTED] and [REDACTED].
- Sherwood [5136]: [REDACTED] and [REDACTED].
- Suburban Park [2355]: [REDACTED] and [REDACTED].
- Tarrallton [3158]: [REDACTED] and [REDACTED].
- Taylor Elementary School [3108]: [REDACTED] and [REDACTED].
- Third Presbyterian [3201]: [REDACTED], [REDACTED], and [REDACTED].
- Titustown [2477]: [REDACTED].
- Virginia Zoo [3142]: [REDACTED] and [REDACTED].
- Wesley [2892]: [REDACTED], [REDACTED], and [REDACTED].
- Willard [3765]: [REDACTED] and [REDACTED].
- Absentee: [REDACTED].

The number in the [] is the number of registered voters at that precinct from the Norfolk Department of Elections website (revised 8/1/2024).

The following individuals are on the Republican Party Chair's Nomination List (ReNL) and not currently on the Tentative Assignment List. They will be working for the first time and those with an * by their name will be on the Candidates for Appointment List presented at the September 24th Norfolk Electoral Board meeting. Next to their name is the recommended precinct assignment for the November 2024 Presidential Election.

- [REDACTED] * Ballentine
- [REDACTED] * Calvary Revival
- [REDACTED] * Campostella
- [REDACTED] * Chesterfield
- [REDACTED] * Chesterfield
- [REDACTED] * Chrysler Museum
- [REDACTED] * Ingleside
- [REDACTED] * Lafayette Winona
- [REDACTED] Lake Taylor High
- [REDACTED] * Lambert's Point
- [REDACTED] * Poplar Halls
- [REDACTED] * Poplar Halls
- [REDACTED] * Rosemont
- [REDACTED] Suburban Park

To ensure or create parity between the chief and asst chief it is recommended that the following asst chiefs should be designated as the Same Day Registration (SDR) asst chief, while the other asst chiefs at that precinct should designated the primary asst chief.

- Paula Thomas-Hopkins SDR at Bayview
- Monica Scott SDR at Broad Creek
- Stacy Stewart SDR at Chrysler Museum
- Zelda Williams SDR at Norview
- Tenisha or Teshia Brooks SDR at Ocean View Golf
- Veronica Salcedo SDR at Ocean View Golf
- Shirley Stith SDR at Pretlow
- Mary Thompson SDR at Rosemont
- Anthony Hill SDR at Sherwood

The following assignment changes are recommended so that our Board cannot be challenged legally with failing to follow Virginia State Code when practicable.

1. [REDACTED] should be moved from Barron Black which has an ReNL as chief and is a small precinct to Sherwood, which is one of the two largest precincts in Norfolk and has over 5,000 registered voters. As currently assigned both Barron Black and Sherwood have 2 ReNL. Moving [REDACTED] to Sherwood, which is her voting precinct, so that Barron Black has 1 ReNL and Sherwood has 3 ReNL is a more desirable distribution of ReNL given the size of the two precincts.
2. [REDACTED], who is not on the ReNL, is currently assigned to work as chief at Bayview where the primary asst chief, [REDACTED], is a long-term Democrat that has served at Bayview and her voting precinct; this arrangement doesn't satisfy the parity of different parties at the leadership level when it is practical. [REDACTED] could switched precincts with [REDACTED], who is on the ReNL and currently assigned to serve as chief at Little Creek.

3. [REDACTED], who has been serving as asst chief/chief at Broad Creek recently and where he has worked for the last 3 years and is the only ReNL at that polling place, should continue to serve there. Moving him from Broad Creek where there is parity between the chief and asst chief and a medium-large precinct to Lafayette-Winona, which is a small precinct is not the best distribution of limited ReNL particularly when there is an ReNL who is willing to work at Lafayette Winona.
4. Currently there are 3 ReNL at Granby, a very large precinct, and 2 ReNL at Second Presbyterian, a large precinct; by moving [REDACTED] from Granby to Second Presbyterian and [REDACTED] to Granby, which is her voting precinct, the Board would be assigning 3 ReNL at both precincts. Moving [REDACTED] from Pretlow, which is a medium-high precinct, to Granby is logical because leaving her at Pretlow where there are 4 ReNL is counterintuitive given its size.
5. Larchmont School, which is a medium-low size precinct, only has 1 ReNL assigned; however, if [REDACTED] is moved from Titustown back to Larchmont School, which is her voting precinct then there will be 2 ReNL at Larchmont School. To maintain 2 ReNL at Titustown, [REDACTED] who was assigned to Titustown for the last election could be left there. Currently [REDACTED] is assigned to Suburban Park which gives that precinct 3 ReNL; with the reassignments of [REDACTED] and [REDACTED] there will be two ReNL at all three precincts. This arrangement is a more equal distribution of ReNL for improving parity at those precincts.
6. Assigning [REDACTED] to Ocean View School, which is a small precinct and already has 3 ReNL is a poor distribution of our elections officers for improving parity when there is only 2 ReNL at Ocean View Golf, a very large precinct. [REDACTED] should be assigned to Ocean View Golf so there are 3 ReNL at both ocean view School and Ocean View Golf.
7. [REDACTED] being placed at Tarrallton as an SDR when the currently assigned chief and asst chief at that polling place are ReNL is a poor distribution of ReNL. [REDACTED] should be assigned to Rosemont as asst chief because currently there is no ReNL assigned there, and it would create parity at the leadership at Rosemont and Rosemont is a very large precinct.
8. [REDACTED], who has been a pollbook officer at Willard and has always worked there (3 years), and is her voting precinct, wants to remain there. Based on your current assignments [REDACTED] would be the 5 ReNL at Bayview; this is a poor distribution of ReNL when our city already has a shortage of ReNL. Keeping her at Willard would give that large precinct 3 ReNL which is a much better distribution of the limited ReNL.

Norfolk Electoral Board

Minutes of the September 24, 2024, Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice-Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Stephanie Iles (Director of Elections & General Registrar), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar), and Observers - Ms. Raymarie Rowzie, Mr. David Rowzie, Mr. Mark Snell-Cook, Dr. Frederick Rochte, Ms. Kristen Michelle Worrell, Ms. Rebecca Hryniewicz, Mr. Arthur Devine Jr., Mr. Trey Teich, Ms. Carol Lafauci, Ms. Paula Markham, Ms. Linda Asher and Ms. Titanya Gaynor.

The Norfolk Electoral Board was called to order on Tuesday, September 24, 2024, at 11:06 a.m. by Ms. Atoy Carrington in the Lobby of Norfolk City Hall.

Ms. McKay moved to approve the minutes of the September 3, 2024 Norfolk Electoral Board meeting as revised. Mr. Ziegenfuss seconded the motion. The Board unanimously approved the minutes.

Approval of Officers of Election:

Ms. Iles presented a list of seventy-five (75) potential Officers of Election for appointment. Mr. Ziegenfuss seconded Ms. McKay's motion to approve the list. The Board voted unanimously to approve those on the list as presented by Ms. Iles for a term ending on February 28, 2025.

Such other business as may come before the Electoral Board:

The Board members and Registrar discussed the appointment process of Officers of Election and communication improvements.

Ms. McKay moved to go into closed session to discuss personnel assignments for the upcoming election. This motion was not seconded and did not move forward.

The next meeting of the Norfolk Electoral Board was set for Wednesday November 06, 2024, for canvass of the Election in the Norfolk Courthouse, 150 St. Paul's Blvd., Courtroom 5C.

Mr. Ziegenfuss moved to adjourn the meeting, which was seconded by Ms. Carrington with Ms. McKay abstaining. The meeting was adjourned at 12:50 p.m.

Respectfully submitted,

Henry Michael Ziegenfuss

Mr. Ziegenfuss, Secretary

September 24, 2024

Exhibit 11

Whereas: The Norfolk Electoral Board has managed and delegated many of its duties to the General Registrar/Director of Elections. The Secretary of the Electoral Board moves that these duties be articulated and added to the GR/DE's job description. To wit, but not limited to the following:

- 1). Hiring, screening, and listing of candidates for officers of election for approval of the board for appointment;
- 2). Staffing, training and utilizing officers of election to maximize the proper execution of each election and all voters experience at each polling place;
- 3). Procuring services of technicians, equipment delivery, software and hardware voting equipment and ballots;
- 4). All testing of equipment and ballots;
- 5). Keeping the Electoral Board appraised of any developments concerning the above duties;

Shall be carried out by the GR/DE with general and not detailed oversight. This is to ensure the GR/DE has enough latitude to carry out these duties.

Exhibit 12



Marianne McKay <nebmckay@gmail.com>

Recommendations for Tentative Nomination List to Improve Chief-Assistant Chief Parity

Marianne McKay <nebmckay@gmail.com>

Mon, Sep 15, 2025 at 11:38 AM

To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>

Good Morning General Registrar Iles,

Thank you for providing the tentative appointment list.

For clarification:

- Is the tentative appointment list a mix of both OOE who have been offered an assignment and have confirmed they are able to work and OOE who have been offered an assignment but have not confirmed whether they will work?
- If the tentative assignment schedule is a mix would you please send a list of those officers on the list who have NOT confirmed they are able to serve.
- If a position was left blank as is the case with the assistant chief position for Eastside, Larchmont UMC, and Ruffner, would you please provide the reason.

I recommend the following changes, so the NEB will show that we are making genuine efforts to improve parity at least at the chief-assistant chief:

1. [REDACTED] should be moved from Tarrallton to serve as assistant chief at Azalea Gardens. There seems to be no logical reason for having the chief and both assistant chiefs at Tarrallton being Republicans from the City Party Chair's Nomination List (Nomination List) when there is not a Republican from the Nomination List at Azalea Gardens.
2. [REDACTED] should be moved to the position of assistant chief at Bayview. Heather Miller Tokarz is not on the Republican Nomination List submitted; in fact, the Party Chair John Sitka requested in an August 22, 2024 email to you titled "Nominations List for the Upcoming Election this November 2024" that she did not pass the vetting process for representing the Republican Party.
3. [REDACTED] who is on the Nomination List, has told your office he would like to be an assistant chief at his voting precinct which is Chesterfield. There is not one person from the Nomination List serving at that precinct.
4. [REDACTED] assistant chief at Crossroads, should be replaced by a Democrat. If he would rather stay at Crossroads, he could certainly be placed in a different position (Same Day Registration Specialist). He could also be offered the opportunity to be an assistant chief at Wesley or another precinct where a Republican is needed.
5. [REDACTED] should be moved from Pollbook Officer at Titustown to assistant chief at Granby where the chief is a Democrat for this election; I would also like to point out that Granby is his Voting Precinct and he has served as an assistant chief there before.
6. [REDACTED] who is assigned to work at Larchmont School as an OOE, should be moved to assistant chief. It seems to be the same scenario as at Tarrallton, a chief and two assistant chiefs of the same party. Although I recall you making a passionate argument to leave Linda Duncan as assistant chief at Tarrallton even though the chief is also a Republican on the Nomination List because he is practically deaf and she works with him exceptionally well given his disability. There does not appear to be a logical reason to ignore efforts for parity at the chief-precinct leave at that precinct.
7. [REDACTED] who is assigned at Northside as a pollbook officer should be moved to the assistant chief position at Northside.
8. [REDACTED] who was left off the tentative appointment list was not assigned and I recommend that she be placed at Second Presbyterian as the assistant chief.

9. [REDACTED] who is assigned as pollbook officer at Suburban Park, should be moved to assistant chief.
10. [REDACTED] who is assigned to Willard as an OOE should be moved to assistant chief.

Please note that all the suggestions above for assistant chief are on the Republican's City Party Chair Nomination List, and would improve chief-assistant chief parity at 10 precincts. that is a significant improvement given that we only have 48 precincts!

Also, I would appreciate it if you would send the Board an update of the tentative assignment list if you have one.

Your cooperation and support is greatly appreciated.

Marianne McKay, Vice Chair
Norfolk Electoral Board



Marianne McKay <nebmckay@gmail.com>

Request for September Meeting

4 messages

Marianne McKay <nebmckay@gmail.com>

Wed, Aug 27, 2025 at 8:16 AM

To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington and Secretary Ziegenfuss,

I requested an electoral board meeting for September but neither of you were willing to even look at your calendars to consider when one could be held even though you both were willing to take the time to schedule one for October. Ms. Carrington, you even suggested that we schedule our next meeting for November after the election at the courthouse (1:6:00) claiming that we don't usually have meetings during elections which is untrue; the NEB had two meetings in September 2024 (the 3rd and 24th) and then one on October 2nd, so two of those three meetings were during the election. And when I pointed out that it is in the Virginia State Code that any EB member can call for a meeting, Mr. Ziegenfuss, you asked the question, "Is it in the Code Book that we have to attend?"

I pointed out that we have an election coming up, and it is a gubernatorial election (our second largest election), and we have important election business to address. Our DE/GR Iles wasn't present at yesterday's meeting, and she has been delegated the task of precinct assignments and to date the Board has not received any information on tentative precinct assignments and it is less than 10 weeks away from the election. I assume that Ms. Iles was pretty sick or had a family emergency because she has never missed a meeting since I have been on the Board.

Since both of you were unwilling to schedule a meeting for September while we were all present at the EB meeting yesterday, I am calling for a meeting again in September. The Code, which I referenced in the meeting, is § 24.2-107 *The electoral board of each city and county shall meet during the first week in February of the year in which it is to appoint officers of election pursuant to § 24.2-115 and during the month of March each year at the time set by the board and at any other time on the call of any board member (italics for emphasis).* So that we can try to accommodate all board members and the General Registrar, would each of you please provide dates you are available, and I would suggest for the consideration of Ms. Iles that you focus on days before September 19th when early voting starts because the space in the Registrar's office where we have been conducting our meetings is the same space used for early voting.

Thanks for your cooperation.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Iles, Stephanie <Stephanie.iles@norfolk.gov>

Wed, Aug 27, 2025 at 10:16 AM

To: Marianne McKay <nebmckay@gmail.com>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning –

We appreciate Ms. Rosanna Bencoach facilitating yesterday's Electoral Board meeting as I was away with our Deputy Emergency Management Coordinator attending the Secure Virginia 2025: Virginia Election Preparedness Training Exercises conducted by the Virginia Department of Elections in Richmond.

We are currently working to staff polling places for Election Day and will forward a tentative list as soon as available. We will also forward the training class schedule when available.

Thank you for your patience.

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, August 27, 2025 8:16 AM

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

Subject: Request for September Meeting

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.

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com>

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

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmrz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Thu, Aug 28, 2025 at 10:11 AM

Good morning Chair Carrington and Secretary Ziegenfuss,

This is a reminder to email the dates you are available for a September meeting because we will need to provide a 3-day public notice. Besides being a violation of the Virginia State Code to not schedule a meeting when there is a call for an NEB meeting, I believe one would have a hard time justifying not holding one because if you go back and check the NEB minutes, you will find that the Board had an EB meeting every month since I came on the Board in January 2023, and we have a major election in less than 10 weeks and we have not even reviewed and approved precinct assignments our DE/GR has made.

Thanks.

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com>

Thu, Sep 18, 2025 at 10:14 AM

To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS"

<nebhzmz@gmail.com>

Cc: "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington and Secretary Ziegenfuss,

Neither of you responded to my email requests on August 27th and 28th for a NEB meeting. I am not sure if you forgot to respond or did not see it, so I am sending the request again.

Ms. Iles has submitted a tentative appointment schedule but the NEB has not yet approved the assignments which is our responsibility Virginia State Code §24.2-109(A). I have called for a meeting and asked for available dates. Since Ms. Iles said she would have an updated tentative schedule by October 1, 2025, I am fine with waiting until that day or October 2, 2025 to meet if you prefer. Please let me know your preference.

Thank you for your prompt attention to this matter.

Marianne mckay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]



Exhibit 13 (cont.)

Marianne McKay <nebmckay@gmail.com>

Neglect of Electoral Board Responsibilities

2 messages

Marianne McKay <nebmckay@gmail.com>

Fri, Sep 26, 2025 at 9:31 AM

To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>

Cc: "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Dear Chair Carrington and Secretary Ziegenfuss,

I have requested an electoral board meeting three times (August 27, 28, and September 17, 2025) and neither of you have responded. On September 15th, I sent an email making suggested changes to the tentative precinct assignments so that the NEB would be more consistent with the Virginia State Code §24.2-115 because the NEB is responsible for reviewing and approving the precinct assignments. I believe waiting until our next scheduled NEB meeting on October 7th continues to be a huge mistake especially since there are only 3 of 11 training classes scheduled after that meeting with the only assistant chief/chief training being the evening of October 7th.

So this is another request to reconsider having a meeting sooner.

Thank you for your prompt attention to this matter.

Marianne McKay, Vice Chair
Norfolk Electoral Board**Atoy Carrington** <atoycarringtoneb@gmail.com>

Mon, Sep 29, 2025 at 12:26 PM

To: Marianne McKay <nebmckay@gmail.com>

Cc: "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Ms. McKay,

The next Board meeting is in eight days. We will be just fine until then.

This Board authorized the Registrar to handle the precinct assignments, as you are already aware. You also know that assignments remain fluid until just a few days before the election. The Board has always received information promptly, and we certainly can expect the same this year.

I, for one, am grateful that we have a knowledgeable and competent staff within the Office of Elections that meets and exceeds all expectations. So please, try to stress less and trust the remarkable staff that we are blessed to have.

Respectfully,

Atoy B. Carrington, Chair
Norfolk Electoral Board



Marianne McKay <nebmckay@gmail.com>

Request for a Board Meeting

8 messages

Marianne McKay <nebmckay@gmail.com>

Fri, Oct 10, 2025 at 10:33 AM

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

Good morning Chair Carrington, Secretary Ziegenfuss,

I am calling for a NEB meeting pursuant to the Virginia Code § 24.2-107 as soon as possible to review the precinct assignments for the November 2025 General Election. The NEB delegating the task of precinct assignments to the Registrar and her staff does not alleviate the Board's oversight responsibility of ensuring parity as required by the Virginia State Code § 24.2-115.

Unfortunately because Ms. Iles failed to provide an updated tentative appointment list for the Board by October 1, 2025 (that was her suggested date). Furthermore, she waited until 15 minutes before the start of our October 6, 2025 Board meeting to email the tentative assignment list, so that board members are unable to prepare for the meeting by reviewing the changes and additional assignments.

Please let me know when you would like to meet so that the board can fulfill it's duties. Thank you for your prompt attention to this matter.

Marianne McKay, Vice Chair
Norfolk Electoral Board

Atoy Carrington <atoycarringtoneb@gmail.com>

Tue, Oct 14, 2025 at 1:32 PM

To: Marianne McKay <nebmckay@gmail.com>

Cc: "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Ms. McKay,

It won't be necessary for us to meet again prior to the Board's agreed upon date as discussed at our last meeting. The majority of the Board did not feel that another date was needed at the time that you brought it up at our previous meeting

Therefore, the Board will meet again on Election Day and again the following day when we begin our canvas.

Respectfully,

Atoy B Carrington, Chair
Norfolk Electoral Board

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com>

Wed, Oct 15, 2025 at 6:24 AM

To: Atoy Carrington <atoycarringtoneb@gmail.com>

Cc: "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Good morning Chair Carrington,

Thank you for responding so quickly to my request. Although you are mistaken when you stated, "The majority of the Board did not feel that another date was needed at the time that [McKay] brought it up at our previous meeting." For the record, I made the request for the meeting to review precinct assignments as an informal unofficial conversation after the meeting was adjourned. Please correct me if I am mistaken in assuming that you are maintaining your previously stated position that you are opposed to my call for a NEB meeting to review the precinct assignments before the upcoming November 2025 General Election.

10/23/25, 2:19 PM

Gmail - Request for a Board Meeting

Exhibit 13 (cont.)

Respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com>

Wed, Oct 15, 2025 at 7:36 AM

To: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Good morning Secretary Ziegenfuss,

I have not received a response from you regarding my call for a meeting in my October 10, 2025 email. You were copied on the two emails between Ms. Carrington and myself relating to my call for the Board meeting, so you are aware that my email request for the meeting is so that it is an official call. Your response would greatly be appreciated. I would like to remind you that two Board members make a quorum and therefore a meeting can be held even if Ms. Carrington does not attend.

The last time you had the opportunity to review the Registrar and her staff's tentative precinct assignments list was for the November 2024 Presidential Election when I made the motion, at your suggestion, to review precinct assignments at the September 24, 2024 NEB meeting. You and Ms. Carrington are both on the record as not seconding the motion thereby preventing the review of precinct assignments, which appears to be a neglect of the electoral board's duty pursuant to the Virginia State Code § 24.2-109(A). Your refusal to review the precinct assignments for a second election in a row begins a pattern of abdication of the duties of your oath of office. I did not included the June 2025 primary because a review of precinct assignments for parity was not requested because it was a Democratic Primary only and parity is not required pursuant to the Virginia State Code § 24.2-115(A)(B) which states if possible the election officers should be of the party holding the primary and chosen from a nomination list of the political parties, and the Democratic City Party Chair did not submit a Nomination List to serve as officers of elections.

I trust you will respond to my call for a meeting but understand that not responding is a response.

Respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

H.MICHAEL ZIEGENFUSS <nebhmz@gmail.com>

Wed, Oct 15, 2025 at 11:39 AM

To: Marianne McKay <nebmckay@gmail.com>

Cc: "Atoy B. Carrington Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, Stephanie Iles <Stephanie.iles@norfolk.gov>

Here's my response. I've never told you or anyone else that we would not meet with you or that you could not request a meeting of the NEB. You were told this at two meetings. If you are requesting a meeting, what day is it that you require this meeting to take place. You have not given me a date. Your purpose, for this meeting is kind of redundant since we've already been given the list of tentative people in the precinct they are to be at. I would remind you that we have given the assignment of officers of election to the registrar in her staff.

Thx Mike Ziegenfuss

On Oct 15, 2025, at 7:36 AM, Marianne McKay <nebmckay@gmail.com> wrote:

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com>

Wed, Oct 15, 2025 at 5:15 PM

To: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>

10/23/25, 2:19 PM

Gmail - Request for a Board Meeting

Exhibit 13 (cont.)

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Secretary Ziegenfuss,

I will meet with you on whatever day and time you suggest. Ms. Iles was delegated and prepared the tentative assignment list, and the last tentative assignment list given to the NEB for this upcoming election was emailed to us 15 minutes before our October 6, 2025 meeting, but the Board needs to approve the assignments because the Board is legally responsible for ensuring the Virginia State Code is followed. Changes to the tentative assignments can and have been made up to the last week before the election, if the majority of the Board decides changes are needed.

I hope this addresses your concerns.

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]

H.MICHAEL ZIEGENFUSS <nebmz@gmail.com>

Wed, Oct 15, 2025 at 5:59 PM

To: Marianne McKay <nebmckay@gmail.com>

Cc: "Atoy B. Carrington Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, Stephanie Iles <Stephanie.iles@norfolk.gov>

Whenever I want to meet is not a date, last time I checked. Maybe it's on your calendar.

I beg to differ on your interpretations of the code. There's no need to explain it to me. I neither want to talk to a brick wall nor expend the energy on your nonmaturations.

Thx

H. Michael Ziegenfuss

Secretary,
Norfolk Electoral Board

On Oct 15, 2025, at 5:15 PM, Marianne McKay <nebmckay@gmail.com> wrote:

[Quoted text hidden]

Marianne McKay <nebmckay@gmail.com>

Thu, Oct 16, 2025 at 8:50 AM

To: "H.MICHAEL ZIEGENFUSS" <nebmz@gmail.com>

Cc: "Atoy B. Carrington Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, Stephanie Iles <Stephanie.iles@norfolk.gov>

Good morning Secretary Ziegenfuss,

When has the NEB reviewed the tentative precinct assignment list for the November 2025 General Election? Do you believe it is the Board's responsibility to review and approve the tentative assignment list that our General Registrar Iles has prepared?

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]



Exhibit 14

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Marianne McKay <nebmckay@gmail.com>

Thu, Nov 7, 2024 at 2:52 PM

To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, Colin & Tammy <cmktrk@bellsouth.net>, Gisele Kasper <giselehomes@gmail.com>, "amyhardman70@gmail.com" <amyhardman70@gmail.com>, "rbradleyprice@gmail.com" <rbradleyprice@gmail.com>, John Sitka <jsitka@liberty.edu>

Bcc: lvn3kds@gmail.com, "cnesmith4870@gmail.com" <cnesmith4870@gmail.com>, Raymarie.Rowzie@gmail.com

Good afternoon Director of Election and General Registrar Iles,

I mentioned to you at the Canvass on Wednesday, November 6, 2024 that I would like for the Board to review the Provisional Ballot Log, but believe I should have said the Provisional Ballots for each precinct. In addition, I have received an email request from Colin Kelly and several other individuals who are interested in observing the Provisional Ballot Process (I have copied them on this email). They have indicated they are willing to take shifts to observe this process since it is my understanding that only one representative from a party can observe this process at a time and there are 1,000's of provisional ballots.

I received disturbing reports from two poll watchers at the Chesterfield precinct as to how Same Day Registrations (SDR) were handled for the NSU college students who came to vote in masses. I went out to the polling site and observe firsthand what they reported which did not appear to be consistent with Virginia Code. I definitely believe it is imperative for the Board to give priority to actually reviewing all the Provisional Ballots that came from that precinct to determine whether they are to be counted, particularly the ones completed before 3:45 PM when I arrived, recommended, and implemented a process whereby the election officers could assist the students with submitting Same Day Registration that was consistent with Virginia State Code. I do not know the numbers for SDR that ODU students submitted at the precincts where they voted, but I think this needs to be looked at more closely too.

The specific concern I witnessed upon my arrival at the Chesterfield precinct was that students were ushered in and quickly waved their voter identification, which wasn't looked at by the election officers, yet the students were handed a provisional envelope and ballot which they were instructed to fill out and turn back in. The name and information on the completed provisional envelopes were never compared with the name on the voter identification. After I arrived, I had an election officer hand students a provisional envelope with instructions to fill out the SDR side using their current Norfolk address, and then once they completed the envelop, they were instructed to take the envelope with their identification to the two officers to check their identification so they could receive their ballot to vote and then place in the envelope. Next the students were instructed to hand it to the officer by the exit door who would give them an "I voted" sticker. Once this procedure was established the processing of students was much smoother and orderly but more importantly followed the Virginia Code in qualifying the person to vote.

Please let me know when and where the provisional review process can begin to take place. I will make myself available any time for as long as needed to ensure that we get this completed within the time frame required by Virginia Code.

Thank you for your attention to this matter as this is a critical step in certifying our election results.

Marianne McKay, Vice Chair
Norfolk Electoral Board



Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Marianne McKay <nebmckay@gmail.com>

Sat, Nov 9, 2024 at 11:39 PM

To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS"

<nebhmrz@gmail.com>, Colin & Tammy <cmktrk@bellsouth.net>, Gisele Kasper <giselehomes@gmail.com>,

"amyhardman70@gmail.com" <amyhardman70@gmail.com>, "rbradleyprice@gmail.com" <rbradleyprice@gmail.com>, John Sitka <jsitka@liberty.edu>

Bcc: "cnesmith4870@gmail.com" <cnesmith4870@gmail.com>, lvn3kds@gmail.com, Raymarie.Rowzie@gmail.com

Good evening Director of Elections and General Registrar Iles,

I have received no response to my email. The allegations reported to me by the poll watchers and the activities I witnessed which I referenced in my email are very serious. Furthermore, I learned this morning (Saturday, November 9, 2024) that after I left the precinct the chief did not continue to follow the procedures I implemented and it is my understanding that the two poll watchers will be filing a HAVA complaint. I will be down Monday morning when the office opens to begin reviewing the provisional ballots and provisional ballot logs.

Ms. Carrington and Mr. Ziegenfuss you may want to come to the office at that time too.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]



Marianne McKay <nebmckay@gmail.com>

Another Disturbing Report on Provisional Ballots at Chesterfield

Marianne McKay <nebmckay@gmail.com>

Sun, Nov 10, 2024 at 8:04 AM

To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtonb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Director of Elections and General Registrar Iles,

I received a report that NSU students who came to vote at Chesterfield and voted by SDR were later told not to seal their provisional envelopes after I left that precinct from instructing and implementing a different process which included telling the officer that the students needed to seal their provisional ballot envelope once the students marked the ballot and placed it in the envelope. I do not know whether the Election Officers sealed the envelopes themselves before sending them back to the office that evening, but please be sure to reiterate to your staff that anyone handling the processing of Provisional Ballots that unsealed Provisional Ballots they come across must remain unsealed.

It is my understanding that the authorized representatives will file a formal HAVA complaint with what they observed and will provide me with a copy which I will share with you and the other members of the board immediately.

Sincerely,

Marianne McKay, Vice Chair



Exhibit 17

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

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

Sun, Nov 10, 2024 at 8:29 AM

To: Marianne McKay <nebmckay@gmail.com>

Cc: "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Atoy B. Carrington

(atoycarringtoneb@gmail.com)" <atoycarringtoneb@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Vice Chair McKay, et. al –

I did not respond to your email as we have been busy entering voting credit, processing post-election ballots, and reviewing provisional ballots as the Electoral Board is tentatively scheduled to meet on Friday, November 15th to conclude the canvass of the election. We are researching and reviewing thousands of Provisionals ballots cast during early voting and Election Day and processing Same Day Registration Applications as required by the state. We have deadlines to meet as required by the state for processing. We are hoping to have everything prepared for the Norfolk Electoral Board by Friday, to begin the Provisional canvass review.

If the Norfolk Electoral Board would like to, as a whole, review the Provisional Ballot Logs for the precincts from Election Day, then the Board can elect to do so.

Historically, the Norfolk Electoral Board has not reviewed the provisional ballot logs nor provisional ballot envelopes themselves as they want to ensure the sanctity and secrecy of the ballot being cast by the voter. The Norfolk Office of Elections reviews all provisional ballots cast to ensure the voter is eligible and in the correct precinct to cast the ballot. Then, the information is presented to the board to review for approval to count or not count the ballot. Facts are presented and the Board makes an informed decision based on the facts. They do not know who they are voting in favor of or against which protects the anonymity of the voter and the Board from influencing any decision.

While we understand your frustration, it is neither right nor proper to target a specific group of provisional ballots cast – that being those of college students, many of whom are first-time voters with some attending a HBCU. If the Norfolk Electoral Board chooses to review the provisional logs, then the Board will be looking at all of them. If that is the case, we will be unable to complete the canvass certification to the state on Friday as hoped and I will alert the Commissioner of Elections and State Board of Elections.

If you have specific concerns regarding anything that may have occurred on Election Day, you can present your findings at an Electoral Board meeting once we have concluded canvass. This is the protocol the Electoral Board has conducted as we typically schedule a Board meeting after the election to complete an overall review and assessment of the day's activities, what worked and areas where improvement might be needed. To share concerns in an email format with the Board members and outside parties, including your authorized observers that you staffed for this election, is both an attempt to create a meeting without proper notice, and disrespectful of the position of the other Board members in alerting third-parties, as the Board should not respond and will not until our post-election meeting.

Norfolk City Hall is closed tomorrow for the Veteran's Day holiday. Therefore, you will not be allowed in the building.

Please understand that my staff and I have been working tirelessly to complete all requirements by the state. We appreciate the patience and support of the Board as we continue to perform our duties.

We will confirm on Thursday, the time to meet on Friday to begin final canvass proceedings.

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 9, 2024 11:40 PM

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

Cc: Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H. MICHAEL ZIEGENFUSS <iebmz@gmail.com>; Colin & Tammy <cmktrk@bellsouth.net>; Gisele Kasper <giselehomes@gmail.com>; amyhardman70@gmail.com; rbradleyprice@gmail.com; John Sitka <jsitka@liberty.edu>

Subject: Re: Processing Provisional Ballots

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.

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Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Marianne McKay <nebmckay@gmail.com>

Sun, Nov 10, 2024 at 12:51 PM

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

Director of Elections and General Registrar Iles,

Thank you for responding and providing guidance. I will follow your lead and only copy those persons you deem relevant to be included in this email.

I realize that since I have been on the Board, the Board has handled the provisional ballots as you described, but since I have been on the Board, we have never had the massive number of provisional ballots on the scale that we had with this election nor have I heard or witnessed the Virginia Code not being followed at a polling site.

When I asked Wednesday, November 6th about seeing the provisional ballot logs, that request was specifically stated to be for all 48 precincts, and not for a few specific precincts. What I didn't realize is that I should have included the provisional ballots in that request too. Because of the massive increase of provisional ballots and irregularities in how they were handled at one of our polling sites, I would concur for the integrity of our election the Board should review every provisional ballot from every precinct. You are also correct that this will be a time consuming process and therefore it is more incumbent upon the board to resume its part in this process as soon as possible since we have time constraints set by the Virginia Code. Waiting until Friday to continue the provisional canvass would be an unwise management decision because the Board would be losing 3 days of work (Tuesday through Thursday). So to complete this process in as timely a manner as possible the Board should continue our part in the provisional canvass Tuesday, November 12th at 8:30 AM. I understand that all of the provisional ballots we received will not have been researched by Tuesday but the Board can begin reviewing the ones that have been researched.

Allow me to address the issue of the sanctity and secrecy of the voters' personal and private information and the secrecy of their vote. Each Board member should be given an unredacted copy of the provisional ballot log from each precinct and two redacted copies of the provisional ballot logs should be available for each Authorized Representative present (a Republican Representative will be present and I assume a Democrat Representative will be present also). The provisional envelopes are reviewed by the board to ensure all the material information is on the provisional ballot envelope ballot and any staff notes read. Then the Board makes a decision to either accept or reject and notes it on the log sheet. All ballots that are to be accepted are placed aside to be scanned later. The voter's address, birthdate and last 4 digits of their social security number never need to be stated.

So Ms. Carrington and Mr. Ziegenfuss we need to reconvene Tuesday morning to continue our canvass. Please confirm that you will be there Tuesday, November 12th at 8:30 AM. Thank you for your prompt attention to this matter.

Sincerely,

Marianne McKay, Vice Chair
Norfolk Electoral Board
[Quoted text hidden]



Exhibit 19

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

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

Sun, Nov 10, 2024 at 6:43 PM

To: Marianne McKay <nebmckay@gmail.com>

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

The Board finished the canvass of the Election Day precincts on Wednesday, November 6th at The Norfolk Courthouse. During that meeting we advised that due to the number of provisional ballots received we would need until Friday, November 15th to complete our research and review. We will contact the Board on Thursday to discuss the status of where we are.

We cannot meet prior as our processing will not be complete before then and as public notice is required before a Board meeting.

See you all on Friday.

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: Sunday, November 10, 2024 5:54:05 PM

[Quoted text hidden]

[Quoted text hidden]



Exhibit 19 (cont.)

Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

Marianne McKay <nebmckay@gmail.com>

Sun, Nov 10, 2024 at 8:40 PM

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

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

The review process should include the board as the decision lies with the Board and especially since I requested that the provisional ballot logs for all the precincts be reviewed by the Board and no one objected. Furthermore when the Board started canvass, the board remains in the canvass until the canvass is completed. Each day we meet during canvass is not considered a separate Board meeting that requires three days public notice as is reflected in the minutes of the previous canvasses.

We need to talk because the Board must see the provisional envelopes and the provisional logs for each precinct. I will be down there Tuesday morning for us to resolve this issue.

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]



Marianne McKay <nebmckay@gmail.com>

Processing Provisional Ballots

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

Sun, Nov 10, 2024 at 9:04 PM

To: Marianne McKay <nebmckay@gmail.com>

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Vice Chair McKay, et al -

The Norfolk Electoral Board considers the research and information presented directly from the Norfolk Office of Elections when reviewing provisional ballots cast. This is done before the votes to approve or deny provisional ballots.

We have not had a chance to review all provisional ballots as we are processing the required same day registration information for the state. NOTHING is available for review at this time. We, respectfully, request that you allow us to continue to perform our duties so we can prepare the information for the Board.

There is nothing you as a Board member can do to assist in this process as you do not have access to voter records, the statewide database, DMV, or felony historical records. As the custodians of these records, and as the Board has approved the release of these records to our office, we need time to fulfill our duties.

Therefore, we will see you and the Board members on Friday. We will contact the Board on Thursday to confirm time availability, once we have completed our review.

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:** Sunday, November 10, 2024 8:40:10 PM

[Quoted text hidden]

[Quoted text hidden]



Marianne McKay <nebmckay@gmail.com>

FIOA Email Meetings

Atoy Carrington <atoycarrington@gmail.com>

Mon, Nov 11, 2024 at 8:20 AM

To: Marianne McKay <nebmckay@gmail.com>

Cc: "H.MICHAEL ZIEGENFUSS" <nebhmz@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, John Sitka <jsitka@liberty.edu>

Ms. McKay, your numerous emails to Ms. Iles is a contact distraction from her duties which we can all agree are quite extensive at this time. Doing so is highly disrespectful as well as counterproductive. It is imperative that you refrain from further interruptions since your actions are now quite disturbing and highly questionable.

Provisional ballots have always been handled in this matter with no problems or questions whatsoever. Now suddenly you've become quite bent out of shape about it. That says more about you than the working process that hasn't failed us yet.

We will all meet again on Friday as previously discussed.

[Quoted text hidden]



Exhibit 20 (cont.)

Marianne McKay <nebmckay@gmail.com>

FIOA Email Meetings

Marianne McKay <nebmckay@gmail.com>

Wed, Nov 13, 2024 at 12:04 PM

To: Atoy Carrington <atoycarrington@gmail.com>

Cc: John Sitka <jsitka@liberty.edu>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good morning Chair Carrington,

The conduct of this past election has had many irregularities and reports of violations of Virginia Code in how this election has been conducted at some precincts in regard to voting by provisional ballots, and I have witnessed first hand these improprieties. Since I have been on the Board this has never occurred before and therefore should have a different response.

As the Board is responsible for overseeing the election, I am concerned with how the Office of Elections is handling mistakes and errors made at the precincts. I would like for our office to be above reproach in how the irregularities are being handled. I would like to know the process our office is following in dealing with the irregularities and if they are documenting the corrective steps taken. I believe failure for me to act given the circumstances of what I witnessed and what was reported would either make me complicit in facilitating an unlawful election or brushing what happened under the rug. Because of the given situation and importance of this issue, I intend to pursue my responsibilities as a board member with due diligence in a professional manner as I have always attempted to do.

As I have been mentioned in a previous email, a Board member cannot issue a directive to another Board member, if you feel that my behavior is out of line you may certainly bring it up at a Board meeting which is open to the public and audio recorded, or in the case of this election you have the option of filing a complaint with the Virginia Department of Elections.

Respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

Norfolk Electoral Board Minutes

Presidential & Local Elections Canvass, November 6-15, 2024

Present for Election Canvass Day One – November 6, 2024.

Atoy Carrington (Chair), Marianne McKay (Vice Chair), H. Michael Ziegenfuss (Secretary), Stephanie Iles (Director of Elections & General Registrar).

The Norfolk Electoral Board was called to order on Wednesday, November 6, 2024, at 10:00 a.m. in the Norfolk Courthouse, 150 St. Paul's Blvd., Courtroom 5C to canvass the November 5, 2024 General & Special Elections and to consider Provisional Ballots cast. Observers were present in the courtroom. One voter attended to provide information regarding a Provisional Ballot cast on Election Day.

Ms. McKay motioned to release the Provisional Ballots to the custody of Ms. Yetta Wilkins, Deputy IV, and the Norfolk Office of Elections to begin preliminary review and research for the Electoral Board. Mr. Ziegenfuss seconded the motion. The motion to release the Provisional Ballots to the Office of Elections was passed unanimously.

The Board began the canvass of the forty-eight (48) precincts that participated in the election.

After a brief lunch, the Board re-convened and completed the canvass of the remaining precincts.

Ms. McKay moved to recess the meeting until such time as the Director of Elections & General Registrar, Stephanie Iles, finished researching and reviewing the provisional ballots and the Central Absentee Precinct had completed their post-election process. The canvass will resume in the Norfolk Office of Elections, 810 Union Street (City Hall), Suite 100 on Friday, November 15th. The motion was seconded by Mr. Ziegenfuss and carried unanimously. The Board recessed at 1:37 p.m.

Present for Election Canvass Day Two – November 15, 2024

Atoy Carrington (Chair), Marianne McKay (Vice Chair), H. Michael Ziegenfuss (Secretary), Stephanie Iles (Director of Elections & General Registrar), and Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar). Observers: Jeannie Sylvia, Carlos Clanton (candidate) and his assistant.

The Board re-convened on Friday November 15, 2024, at 12:28 p.m. in the Norfolk Office of Elections to complete the canvass of the November 5, 2024, General & Special Elections.

Mr. Ziegenfuss moved that the Norfolk Electoral Board greatly appreciated the hard work the Registrar and her staff did for this Election. Ms. Carrington seconded, and the motion passed 2-1 with Ms. McKay abstaining.

The canvass of the Central Absentee Precinct results for Early Voting (CAP EV), Absentee by Mail (CAP AB), and Post-Election (CAP PE) were completed.

Ms. McKay questioned the Provisional canvass process. Ms. Iles reviewed how the process is completed and the Board's certification.

Ms. Iles presented the provisional ballot research and findings to the Norfolk Electoral Board. Seven hundred (700) Same Day Registration Provisional ballots were cast during the early voting period. Three-thousand eight-hundred and twenty-three (3,823) Provisional ballots were cast on Election Day, of which three-thousand six-hundred and sixteen (3,616) were Same Day Registration. After review, it was determined that of the 4,523 total Provisional Ballots cast:

- Twenty-five (25) ballots were cast in the wrong locality,
- One hundred and seventy-one (171) were cast in the wrong precinct
- Two-hundred and twenty (220) ballots were for individuals either not registered or ineligible

Ms. Iles recommended counting the four-thousand one-hundred and seven (4,107) remaining Provisional Ballots of which:

- One hundred ninety-three (193) were cast due to no absentee ballot being surrendered at the polling place by the voter when a ballot had been issued

Exhibit 21 (cont)

- Nine (9) ballots were inadvertently issued due to Pollworker error as the voter was correctly listed within the precinct and eligible to vote
- Three-thousand nine-hundred and five (3,905) Same Day Registration Ballots were for voters who were properly registered and in the correct precinct.

Mr. Ziegenfuss motioned that the board accept Ms. Iles' recommendations for the 4,107 Provisional Ballots to be counted. Ms. Carrington seconded, and the motion passed 2-1 with Ms. McKay rejecting.

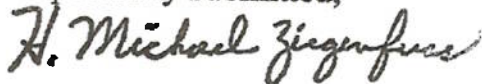
The elections staff removed the eligible ballots from the Provisional envelopes and scanned the results for tabulation. The Board reviewed the Provisional ballot totals.

Ms. Iles entered the results into the election night reporting system. The totals were announced for observers present. Abstracts were completed and signed by the Board. The Abstracts and Election Results Certification Checklist were submitted electronically to the Virginia Department of Elections.

The Board scheduled the next meeting for Wednesday, 20, 2024, at 10:00 a.m. for the Risk Limiting Audit (RLA) of the November 5, 2024 U.S. Senate Race to be held in the Norfolk Circuit Court Clerk's Conference Room located at 150 St. Paul's Blvd., 7th Floor.

Mr. Ziegenfuss motioned to adjourn the meeting & Ms. Carrington seconded. The meeting was adjourned by unanimous vote at 7:38 p.m.

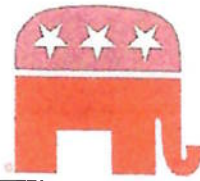
Respectfully submitted,



H. Michael Ziegenfuss, Secretary
November 15, 2024

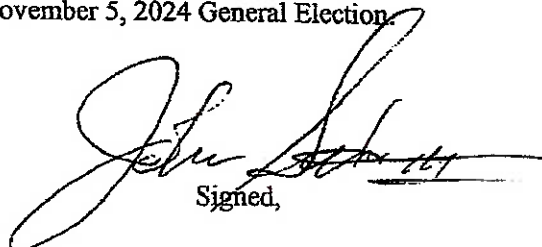
Norfolk City Republican Committee

John Sitka, *Chairman*



POLL WATCHER AUTHORIZATION FORM For the Absentee and Provisional ballot verification and counting from November 5, 2024 General Election.

Jeannie Sylvia is a duly registered voter in Virginia and is authorized to represent the
Republican Party of Norfolk as a Poll Watcher for the November 5, 2024 General Election.


Signed,

Applicable Code of Virginia, Virginia Election Laws: §24.2-604. §24.2-639. §24.2-655.

Excerpts:

§24.2-604.4. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election ... to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election ... to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station or three representatives ..., whichever number is larger...

... Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board or general registrar. ... Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct. ...

§24.2-639... Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the following...: one authorized representative of each political party or independent candidate in a general or special election ... if such representatives are available. ...

§24.2-655. Before proceeding to ascertain the vote, the officers of election shall determine whether no more than two representatives of each political party having candidates in the election ... request to be present while the absentee ballots are cast, votes are counted, and returns are completed. ... Such representatives shall be entitled to be present while the votes are counted and shall remain until the returns are completed. ... The representatives ... lawfully present shall have an unobstructed view of the officers of election and their actions while the absentee ballots are cast, votes are counted, and returns are completed. The representatives and bystanders lawfully present are prohibited from interfering with the officers of election in

Authorized by The Republican Party of Norfolk,



Exhibit 23

★ VIRGINIA ★
DEPARTMENT *of* ELECTIONS

OFFICIAL GUIDANCE

DATE: October 12, 2018

RE: Access to Provisional Ballot Logs

In response to requests from members of the Virginia Election Community, the Department is issuing supplemental guidance to ensure that your offices are equipped to handle any potential issues that may arise with requests for copies of provisional ballot logs.

A redacted provisional ballot log should be made available electronically or in paper form to authorized representatives of political parties or independent candidates. The redacted log may be provided as soon as the polls close, but should be provided no later than the start of the provisional ballot meeting.

During the provisional ballot meeting, an authorized representative may inspect the provisional ballot log and takes notes from the list, including the names, phone numbers, and addresses of individuals who voted provisionally. Separately, copies of a redacted provisional ballot log may be provided to authorized representatives during the meeting.

All confidential information on the provisional ballot log must be redacted prior to being released to any authorized representative. The confidential information that must be redacted includes:

- any part of the social security number;
- day and month of birth;
- the reason for issuing the provisional ballot; and
- whether the ballot was counted.

My name is Jeannie Sylvia. I arrived for the provisional ballot meeting on November 15, 2024, a few minutes before noon when the meeting was scheduled to begin. Also present at that meeting were the Director of Elections and General Registrar for the City of Norfolk (Stephanie Iles), three members of the Norfolk Electoral Board (Atoy Carrington, Chair; Marianne McKay, Vice Chair; and Mike Ziegenfuss, Secretary), another observer like me as well as a candidate for city council (Carlos Clanton), and one other woman whose name I did not catch but started with an "R." The meeting was called to order at or around 12:45 p.m.

Ms. Iles announced the numbers for early voting and absentee. Same-Day Registration (SDR) provisional ballots were announced next with 700 ballots cast by early voting and 3,204 cast on election day, for a total of 3,904 provisional ballots cast. She reported 201 cases where the absentee/early voter did not surrender their mailed ballot.

Ms. McKay asked about the provisional ballot logs that she had requested the previous week, after the election of November 5, 2024. Mr. Ziegenfuss, Ms. Carrington, and Ms. Iles all jumped in and talked over Ms. McKay. They all said that there was too much personal information on the SDR ballots and logs. Ms. Iles proceeded to state that she and her team does the research for the Electoral Board. Ms. Iles mentioned that she was tired and had worked endlessly to verify the SDR ballots. She stated that there were two universities and the naval base with way too many SDRs, even though they had tried to get out information to the universities and naval bases to register before the cutoff. I'm not sure the cutoff day, maybe November 2, 2024.

Ms. Iles said something about how some precinct Chiefs came in the day after election to sign the provisional logs because if they stayed at their precinct to finish, they would have been there all night. Ms. Iles reiterated that the information on the green sheet SDR contains personal information (e.g., SSNs, etc.) and that her team does a thorough process of validating them. Ms. McKay stated again that she did not understand why she could not see them as a member of the Electoral Board and that there had been some irregularities in at least one precinct. Ms. McKay tried to read the election language with respect to provisional ballots and immediately Mr. Ziegenfuss motioned to accept the Registrar's research. Ms. Carrington and Mr. Ziegenfuss said "Yay," and Ms. McKay said "Nay." By 1:32 p.m. the meeting was adjourned until the SDR ballots could be processed and certified.

Ms. McKay noted that Authorized Representatives had the right to request the redacted ballots. I then asked to see the redacted provisional logs as an Authorized Representative. Ms. Iles said that it would not be tonight that I received the logs and that it could take days for her to photocopy them. I said "No problem." Ms. Iles then asked if I had a letter from John Sitka. *I want to note that before I requested the redacted logs, I was never asked to provide my authorized letter.* I said, "Yes I have a letter." Mr. Ziegenfuss chimed in quickly and asked, "Is it an original?" I offered to show him the letter because I was not sure if it was an original since it was on colored paper. Mr. Ziegenfuss said to me in front of the board, "It shouldn't be that hard to figure out." This felt very condescending, especially because it was in front of everyone. That was when Ms.

McKay jumped in and said that it was Xeroxed. Then Ms. Carrington, Mr. Ziegenfuss, and Mr. Clanton stated that the letter needed to be an original. Ms. Iles did say we should or could call John Sitka to verify. Ms. Iles, and the other member whose name began with an "R" also looked at my letter and said I needed "code 24.2-653.01" on the letter.

After Ms. Iles had suggested calling John Sitka, Mr. Ziegenfuss *immediately* said, "He's [Sitka] not going to approve her [me] observing the process [of opening the SDR and feeding the ballot into the voting machine]. Ms. McKay called John Sitka who at first had said "Yes" and then changed his answer to "No." I saw Ms. McKay's hand give a thumbs-up signal while she was first on the phone with Mr. Sitka, but then she said, "He won't approve" after she hung up. It seemed like Mr. Ziegenfuss had texted Mr. Sitka to tell him to say no, but that's just my opinion, because Mr. Sitka's answer changed so quickly. Ms. Iles and her crew went behind closed doors without observers where I believe they started opening the green SDR's with provisional ballots.

It was a very awkward experience. Mr. Ziegenfuss and Ms. Carrington proceeded to have conversations, talking about burger places, Pendulum meats, where he gets his haircut, etc. They took no care to look at the logs or the provisional process. They both appeared uninterested with election integrity. Ms. McKay brought up again the irregularities that had been brought to her attention. For example, in one precinct, she reported that no one had asked for IDs and the students were all sitting at a table filling out their ballots and asking their friends, "Who are we voting for?". Ms. McKay also reported the chief was not requiring the SDRs to be sealed by the voter after completing their provisional ballot. Mr. Ziegenfuss said verbatim "We can't go back to ask about the ID being checked or not in Chesterfield" He said, "I know Alonzo [the Chief?] is pretty relaxed," or something to that effect. Ms. McKay brought out a green sheet SDR. All three Electoral Board members went through the "application", and Ms. McKay pointed out that there was a place on the SDR for the chief to timestamp and a place to check ID. It was as if Mr. Ziegenfuss and Ms. Carrington had just realized it was part of the application. Then Mr. Ziegenfuss and Ms. Carrington said that they were going to get some lunch and invited Ms. McKay to join if she wanted.

I do not know who is allowed to do the research on the SDR, but if Ms. McKay had the right to see the names and cover of SDR, or at least the right to get the provisional ballot log, they definitely were trying to gang up on her and dismiss her inquiries. Seems like willful neglect of duty on Ms. Carrington's and Mr. Ziegenfuss' part.

I would like to mention that I had never met Mr. Ziegenfuss or Ms. Carrington before Friday November 15, 2024. I met Ms. McKay at John Sitka's "thank you luncheon" at the Republican party of Norfolk on November 9, 2024. It was just a quick introduction since we sat close to each other but at different tables. I had never spoken to her before we had officially met right before the provisional ballot observing on November 15, 2024, where I was given the letter to be an observer of the provisional ballots.

I would also like to disclose that I started the process of becoming an Election Officer in May 2024. I returned the letter to Yvonne Wyatt on September 18, 2024 and attended the official training with Ms. Iles on October 5, 2024 at 2 p.m. Simultaneously, I had registered with True the Vote and attended a virtual training on the morning of October 5, 2024. I was a poll watcher at City Hall on October 8 and 9, 2024. I submitted my fees to become a member of the Norfolk Republican Party on October 9, 2024, and attended a planning meeting of the Republican party on October 12, 2024. Before that time, I had never met Mr. Ziegenfuss or Ms. McKay. In fact, I was shocked that Mr. Ziegenfuss was from my party because of the way he had treated Ms. McKay at the meeting on November 15th. Everyone, especially Ms. Carrington and Mr. Ziegenfuss, were hostile to her, and also hostile to me once I had requested the provisional logs.

I will also mention that at some point while Ms. McKay and I sat out in the Registrars "waiting room" on November 15th, sometime between 2:30-3:30 p.m., a lady who obviously worked for the Registrar's office came out to get Ms. Iles' laptop that she had left during the board meeting. Ms. McKay kindly asked if they were counting ballots or just opening the Provisionals. The lady smirked and said, "We are doing our job." She turned and walked back into the office.

I met John Sitka on October 12, 2024, and had even emailed with him a few days before that. There should have been zero reasons that he would not approve me to be an authorized observer. Election Integrity is very important to all of us. I left about 4:30 p.m. and the Provisionals had not yet been counted or certified.

Respectfully,

Jeannie Sylvia
233 W Princess Anne Road
Norfolk, VA 23517
(858) 829-4075



Marianne McKay <marianneecramer1019@gmail.com>

Fwd: Complaint Response

Jeannie Sylvia <jeanniesylvia@gmail.com>
To: Marianne McKay <marianneecramer1019@gmail.com>

Sat, Feb 1, 2025 at 9:50 AM

Stephanie's response to my HAVA complaint

From: VOTE <vote@norfolk.gov>
Date: January 29, 2025 at 5:19:23 PM EST
To: jeanniesylvia@gmail.com
Cc: "Pruett, Tanya (ELECT)" <Tanya.Pruett@elections.virginia.gov>, "Mainwaring, Victoria" <Victoria.Mainwaring@elections.virginia.gov>
Subject: Complaint Response

Good afternoon Ms. Sylvia –

We have been forwarded your complaint from the Virginia Department of Elections.

We appreciate your interest in serving as an Officer of Election and as an Authorized Observer during early voting for the November 5, 2024 General & Special Elections and at canvass on November 15, 2024.

Provisional ballots are reviewed by the Registrar and her staff to ensure the applicant is eligible and in the correct precinct to be properly registered. We enter each Same Day Registration Provisional Ballot into the state voter registration system (VERIS) and the state completes a report to look for duplicate registrations which are then reviewed by the local Registrar office. Our Electoral Board members do not have access to VERIS and would not be able to determine an individual's eligibility based on their name and address. The Norfolk Electoral Board has discussed and approved the process of the Registrar and her staff researching and reviewing Provisional ballots and presenting that information to the Board for final approval or denial. We complete the legwork and present the findings. The Board, then makes the decision. The Board does not know who they are voting on specifically, so that protects the privacy of the voter and anonymity so that Board decisions are not based on individuals they may know or not know. This process has been completed in the same manner for years.

The canvass of the election is a public meeting; however, Authorized Representatives should present documentation to the Registrar when attending on behalf of a Party or candidate. My sincerest apologies for not obtaining your letter at the start of the meeting as we just went right into the Provisional ballot review. Typically, when Party Representative(s) request a copy of the Provisional Log, they do so at the start of the Provisional Meeting (10AM the day following the election –

in court). That allows our staff time to take the Provisional Logs that were just released from the Circuit Court Clerk's custody back to our office to make copies with redaction of the voter's personal identifying information (PII) as required under law. When you requested these logs on November 15th, we did not have a redacted copy available, nor time to make copies as we were attempting to certify the Absentee and Provisional ballots cast and complete the abstract certification of votes to the state.

I cannot address the response of the Party Chair not permitting you to participate with the Provisional process; however, the envelopes were open by myself and my staff and scanned for tabulation. Some ballots were opened by two staff-members in the front offices, which were visible through the glass. The others were opened by three staff members and me in the scanning room for tabulation. This process was long given the large number of ballots cast and counted and as each ballot had to be unfolded and flattened before scanning. Once the ballots were scanned, tabulation was completed and present to the Electoral Board. This process took several hours. The number were entered into the state's election night reporting system and the abstracts were completed, signed, and submitted to the state.

We are sorry if you felt there was hostility during completion of canvass of the election. We can assure you that the review of Provisional ballots cast and all actions performed by my office in regards to this election were to ensure free and fair elections with the utmost integrity.

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: vote@norfolk.gov



* VIRGINIA *
DEPARTMENT of ELECTIONS

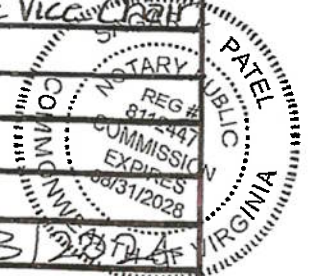
VIRGINIA VOTERS' ELECTION DAY COMPLAINT FORM

HOW TO FILE A COMPLAINT USING THE VOTER
GRIEVANCE PROCESS

VIRGINIA VOTERS' ELECTION DAY COMPLAINT FORM

Ask an Election Official to help you if you need assistance completing this form.
Please write legibly.

Your Name (last, first, middle)			Today's Date	
McKay Marianne Tate			November 23, 2024	
Your Address (Number and Street)		City	State	Zip Code
4114 B Pretty Lake Avenue		Norfolk	VA	23518
Your Daytime telephone number			Email address (optional)	
757.604.3314				
Polling Place Name				
Norfolk Office of Elections				
Polling Place Address (Number and Street)		City	State	Zip Code
810 Union Street, City Hall Building, Suite 100		Norfolk	VA	23510
Name of Election Official or Volunteer if known				
Ms. Stephanie Iles, Ms Atoy Carrington, Mr Michael Ziegenfuss, Ms				
Date of Incident		Marianne McKay, and Ms Teannie Sylvia		
Friday, November 15, 2024				
Describe Your Complaint (attach additional pages if necessary) See attachment for details				
Authorized Representative refused opportunity to observe and not being provided an opportunity to see a redacted copy of the Provisional Ballot Logs from the precincts. The Vice Chair of the Norfolk Electoral Board was also denied				
Your Signature				
Notary's Signature (required for formal HAVA Title III complaints)			Date	
			11/23/2024	
Notary's Commission Expiration Date			8/31/2028	



OFFICE USE ONLY

Complaint Number:

Report of the Provisional Ballot Canvass on November 15, 2024

Location:

Norfolk Office of Elections
810 Union Street
City Hall Building, Suite 100
Norfolk, Virginia 23510

Individuals Present:

Stephanie Iles, Director of Elections and General Registrar
Rosanna Bencoach, Deputy Director of Elections and Deputy Registrar
Atoy Carrington, Chair of the Norfolk Electoral Board
Marianne McKay, Vice Chair of the Norfolk Electoral Board
Michael Ziegenfuss, Secretary of the Norfolk Electoral Board
Carlos J. Clanton, Candidate for Superward 7 City Council
Jeannie Sylvia, Republican Authorized Representative

About 11:45 AM I met Ms. Sylvia in the foyer of City Hall to give her the Norfolk Republican Party Chair's Authorization letter and the ELECT's guidance on authorized representatives being able to receive a redacted copy of the Provisional Ballot Logs.

The meeting, which was scheduled for 12 noon, was convened late because Ms. Iles was having difficulty getting internet access which was needed to conduct the Provisional Canvass Review.

Guests were acknowledged, but no authorization letters were requested at this time. Once the issue was resolved Ms. Carrington convened the meeting.

The following count figures were provided by Ms. Iles.

Total Provisional Ballots	4,518
Voters who did not have their Absentee Ballot to Surrender	201
Voted a Provisional Ballot due to Election Officer Error	9
Same Day Registration from Early Voting	700
Same Day Registration from Election Day	3,204
Same Day Registration (a specific type of Provisional ballot)	3,904
Provisional Ballots Counted	4,114
Provisional Ballots at the Wrong Precinct	164
Provisional Ballots at the Wrong Locality	41
Provisional Ballots cast for Other Reasons	199
Provisional Ballots Not Rejected	404

I brought up my request for the provisional log sheets from each of the precincts which I had requested on Wednesday, November 6, 2024. Mr. Ziegenfuss, Ms. Carrington, and Ms. Iles

dismissed my request as not being possible because of the massive number of provisional ballots. Ms. Iles to convey the magnitude of the number of provisional ballots received shared that some chiefs had to come in the next day to finish filling out the Provisional Ballot Log Sheets because if they stayed at the precinct to finish them, they would have been there all night. Ms. Iles also conveyed that there was personal information that needed to be protected. As we were discussing the provisional ballot process (reviewing, researching ballots, etc.), Mr. Ziegenfuss quickly interjected that he moves that the Board accepts the General Registrar's research and recommendations of the provisional ballots. The motion was seconded by Ms. Carrington. The vote passed two to one with my vote being the dissenting vote.

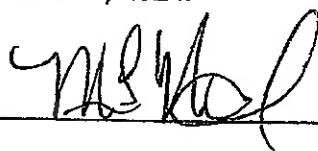
After the vote was taken, I still reiterated that I would like to see a copy of the Provisional Ballot Logs from the precincts and Ms. Iles stated the request must come from an authorized representative. I looked toward where Ms. Sylvia was sitting to let her know that she may request it. Ms. Sylvia then requested a redacted copy of the Provisional Ballot Logs, and Ms. Iles asked if she had an authorization letter, and she said she did and proceeded to hand it to Ms. Iles. Mr. Ziegenfuss immediately questioned Ms. Sylvia if it was a letter with an original signature and stated that he didn't believe Mr. John Sitka, the Republican Party Chair would have authorized the request (Note: Mr. Sitka was not present). Ms. Sylvia seemed a little taken back and responded to his question with what she knew, and Mr. Ziegenfuss responded in a rather belittling and condensing manner "that it [Mr. Ziegenfuss' question] shouldn't be a difficult question." Concerned about the awkwardness of the situation, I spoke up and let Mr. Ziegenfuss know that it was a copy of a signed authorization letter, which I knew because I was the one who had given it to Ms. Sylvia just before the meeting. Ms. Iles did comment that she would not be able to give Ms. Sylvia a copy of the Provisional Logs today, that it may take her a couple of days to give it to Ms. Sylvia because of the number of pages there are. Ms. Sylvia indicated that she understood and was fine with those conditions.

Ms. Sylvia also requested that she be able to view the opening and scanning of the Provisional Ballots to be counted, the ones Ms. Iles recommended the Board accept. Ms. Iles and Ms. Bencoach were looking over the authorization letter and eventually commented that it was unacceptable for accommodating Ms. Sylvia's request, but Ms. Iles said if Mr. Sitka, the Norfolk Republican Party Chair authorized her to observe the process then Ms. Sylvia would be permitted. I called Mr. Sitka and once I was on the phone with him, I explained that I needed him to authorize Ms. Sylvia to have his permission to observe the Provisional Ballot Count because the authorization letter given to her was not being accepted. He said he would, and I asked him to hold on while I waited to give Ms. Iles the phone. While waiting (less than a minute after Mr. Sitka told me yes) he abruptly changed his mind and said he "No, I'm (Mr. Sitka) not authorizing it, and he gave me no reason for his sudden change. I relayed to Ms. Sylvia that she was not allowed to observe the final processing of the provisional ballots.

While everyone waited, I once again brought up my concerns about what happened at the Chesterfield precinct concerning how the provisional ballot voting process was handled. I reiterated what was reported to me by the two poll watchers and what I witnessed when I got there. My comments did not arouse any concern from Mr. Ziegenfuss and Ms. Carrington. I

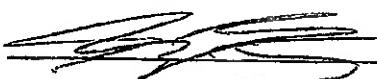
remember Mr. Ziegenfuss stating that the chief, Alonzo Bailey, was laid back and that Mr. Ziegenfuss doesn't really give much credence to Poll Watchers' reports. Ms. Sylvia left between 4:30 PM and 5:00 PM for a previous scheduled commitment. Sometime after Ms. Sylvia left, Ms. Iles came back and reported the results, and all the board members signed the papers certifying the election.

When the results were presented, I did not question the results or whether I was required to sign the election certification papers that evening. However, after the meeting was adjourned and I left the building and upon reflection, I began to have doubts as to whether I did the right thing. So, I slept on it and the next day I felt like I should send an email to Ms. Iles (copied Ms. Carrington and Mr. Ziegenfuss) stating reservations as to how I handled the certification. The email was labeled "Certification of the November 5, 2024, Election Results" and was sent at 2:56 PM on November 16, 2024.

Signature  Date 11/23/24

Printed Name Marianne T. McKay

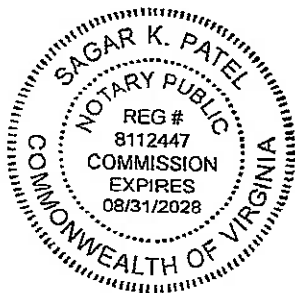
Notary Information

Signature  Date 11/23/2024

Printed Name Sagar K. Patel

Date Notary Expires 8/31/2028

Notary Seal





Marianne McKay <nebmckay@gmail.com>

Reminder - Canvass for June 17, 2025 Primary

Marianne McKay <nebmckay@gmail.com>

Wed, Jun 11, 2025 at 2:27 PM

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

Cc: "Atoy B. Carrington" <atoycarringtoneb@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>

Good afternoon Director of Elections and General Registrar Iles, Chair Carrington, and Secretary Ziegenfuss,

After what occurred at the November 2024 Presidential Election with the Provisional Ballots and Log Sheets and not wanting a repeat to happen again, I recommend we review the provisional ballot envelopes and provisional ballot logs first so they can be released to the Registrar's Office for entry into Veris. I assume there will not be that many provisional ballots, and conducting canvass this way will have the added benefit of working out any issues that may arise in preparation for the anticipated larger November 2025 General Election. Then we can proceed to the canvass of the 48 voting precincts. In preparation for the Provisional Ballot Canvass, I recommend Ms. Carrington and Mr. Ziegenfuss read Chapter 13 of the Virginia Department of Elections Handbook on the processing of Provisional Ballots.

Ms. Iles, since this will be the first time the Board has handled provisional ballots in this manner, since I have been on the Board, if you think the Board will need training first and we should start earlier than 10:00 a.m. on June 18th, then please let us know what you recommend as an appropriate time to start canvass.

Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]



Marianne McKay <nebmckay@gmail.com>

Reminder - Canvass for June 17, 2025 Primary

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

Wed, Jun 11, 2025 at 4:43 PM

To: Marianne McKay <nebmckay@gmail.com>

Cc: "Atoy B. Carrington" <atoycarringtoneb@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

Good afternoon –

We will begin canvass of the election at 10AM on Wednesday, June 18th in the Norfolk Circuit Court Clerk's Conference Room.

As is customary, the first order of business will be to request that the Provisional ballots be released from the Circuit Court Clerk to the Office of Elections.

We will then proceed with canvass of the fort-eight (48) precincts. Please note, we must complete canvass of the 48 precincts on Wednesday as the Courts are closed on Thursday for the Juneteenth holiday.

SDR Provisional ballot information must be entered into VERIS by COB, Friday, June 20th. Additionally, CAP will be completing post-election processing of absentee ballots at noon on Friday, June 20th. Should the Board wish to review the redacted Provisional Ballot logs once we have completed our analysis and entered the required SDR information into VERIS, we will be accommodate.

Thank you for your support.

Stephanie L. Iles

CER-1, 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, June 11, 2025 2:27 PM

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

Cc: Atoy B. Carrington <atoycarringtoneb@gmail.com>; Henry Michael Ziegenfuss (NEBHMZ@gmail.com)



Marianne McKay <nebmckay@gmail.com>

Reminder - Canvass for June 17, 2025 Primary

Marianne McKay <nebmckay@gmail.com>

Thu, Jun 12, 2025 at 3:11 PM

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

Cc: "Atoy B. Carrington" <atoycarrington@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>, "Bencoach, Rosanna" <Rosanna.Bencoach@norfolk.gov>

continue to next page for content of the email....

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Exhibit 29 (cont.)



Exhibit 30

Marianne McKay <nebmckay@gmail.com>

Reminder - Canvass for June 17, 2025 Primary

Atoy Carrington <atoycarringtoneb@gmail.com>

Thu, Jun 12, 2025 at 4:41 PM

To: Marianne McKay <nebmckay@gmail.com>

Cc: "Iles, Stephanie" <Stephanie.Iles@norfolk.gov>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>

The Board will do as we have done in the past. We will go over the tapes from the precincts at the courthouse first. This is the most important thing for us to do after Election Day. This will take all day Wednesday. The following day is a holiday and we will be unable to enter the courthouse. On Friday, as you are already aware, we must wait for the remaining ballots to come in the mail. Therefore, this office will be unable to go over provisionals the week of the election.

Provisionals will be addressed at a later date, as deemed necessary by all members of the Board.

Respectfully,

Atoy Carrington, Chair
Norfolk Electoral Board

[Quoted text hidden]



Marianne McKay <nebmckay@gmail.com>

Provisional Ballot Meeting and Completion of Canvass

1 message

Marianne McKay <nebmckay@gmail.com>

Sun, Jun 22, 2025 at 1:19 PM

To: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>

Dear Chair Carrington and Secretary Ziegenfuss,

I am advocating even admonishing the Norfolk Electoral Board to begin our Provisional Ballot Meeting at an earlier time than 11 a.m. on Monday, June 23, 2025, so that as a Board we can correct the way we have been conducting the Provisional Ballot Meeting. The reason is because the way the Board has conducted the Provisional Ballot Meeting since I have been on the Board is in violation of the Virginia State Code § 24.2-653.01(A), § 24.2-653.01(B), § 24.2-651.1, § 24.2-652, § 24.2-653.1, § 24.2-653.2.

- **Code § 24.2-653.01(A)** states "The electoral board shall meet on the day following the election and determine whether each person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote."
- **Code § 24.2-653.01(B)** declares the Provisional Ballot Meeting a closed session meeting when it states "Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board."
- **Codes § 24.2-651.1, § 24.2-652, § 24.2-653.1, § 24.2-653.2** all conclude with the statement, "The State Board of Elections (SBE) shall provide instructions to electoral boards for handling and counting of such provisional ballots."

I believe no one on the Board meant to be in violation of the Virginia State Code; we were just following the "customary" practice of the way the Norfolk Electoral Board had been doing it for years. You will recall that the board conducted the appointment of officers of election (OOE) in open sessions when it should have been done in closed sessions because it was a personnel issue, and immediately upon pointing out the mistake in February 2025 we corrected it and have since been faithful in conducting appointment of OOE in a closed session. We now need to correct our mistakes with the handling of provisional ballots beginning with this election. If we do not change our ways, then we cannot claim it was an honest mistake or oversight, and anyone on this Board who refuses to follow the Code going forward is abdicating their responsibility in this area and is subject to removal from office as set forth in Virginia State Code § 24.2-103(E), § 24.2-233, § 24.2-234.1, and § 24.2-235.

Furthermore, I have specifically left our Director of Elections and General Registrar Iles off this email because, despite my differences with Ms. Iles, I respect her knowledge, experience, and expertise and I will not allow her to be blamed for the Board's failure and neglect to fulfill its responsibilities. This Board has not delegated the task of adjudicating the provisional ballots. I have attached the motion the Board passed in April 2024 delegating specific tasks to the General Registrar and her staff and provisional ballots are not included. In addition, the SBE has specified how the Electoral Board's Provisional Ballot Meeting is to be conducted in chapter 13 (sections 6 and 7) of the Virginia Department of Elections Handbook for General Registrar/Director of Elections and Electoral Boards. Also, I referenced how the Board should be handling the provisional ballot meeting in the email I sent out on June 12, 2025 "Reminder - Canvass for June 17, 2025 Primary."

Obviously, Ms. Iles and her staff will have already completed their research on VERIS since the Board voted (2 to 0) on June 18, 2025, to release the provisional ballots to the registrar's office to begin the research. The good news is that there are only 127 provisional ballots and of those only 48 are Same Day Registration; so, reviewing and adjudicating them should not be a problem to complete before COB. If there is any concern that we might be cutting it too close to the deadline, then we should begin earlier than planned on Monday, June 23, 2025.



Exhibit 32

Marianne McKay <nebmckay@gmail.com>

Information from Virginia Department of Elections Handbook for General Registrars/Electoral Board Members

Marianne McKay <nebmckay@gmail.com>
To: "Kelly, Margaret" <Margaret.Kelly@norfolk.gov>

Wed, Jul 9, 2025 at 8:28 AM

Good morning Ms. Kelly,

I truly appreciate your work in providing legal guidance to the Norfolk Electoral Board and the General Registrar's office in how we conduct business so that we are confident we are following Virginia State Code. I thought the following information might be helpful to have in doing your legal research on what is required of the Provisional Ballot Meeting since Virginia State Code § 24.2-653.1 ends with the statement, "The electoral board shall process the ballot in accordance with the provisions of § 24.2-653.01 and the instructions of the State Board."

This is the link to the Virginia Department of Elections (ELECT) General Registrar/Electoral Board Handbook (GREB)
[Virginia Dept. of Elections: GREB Handbook](#)

Then click on [Chapter 13 Provisional Ballots \(rev. 8/24\)](#) for the instructions on processing provisional ballots. The following sections I think are particularly relevant to advising the Board on what Virginia State Code requires in adjudicating provisional ballots.

13.5.3 Precinct Provisional Ballot Log

The last sentence of the 4th paragraph on page 16 states, "This log will also be used in the days following the election by the electoral board to track the determination of all provisional ballots offered in the locality."

13.6.3 Who Must Attend

The last bullet point of this section on page 18 states, "The General Registrar [GR] must appear at the meeting with the pollbooks used at all precincts." This requirement is necessary so that the GR can provide the information to the Board to determine whether the voter's provisional ballot is to be accepted or rejected.

13.7 Determine The Qualifications Of All Provisional Voters Before Opening Any Individual Envelopes

On page 20 it states, "To protect voter privacy, the electoral board should determine the eligibility of all provisional voters before opening any of the provisional ballot envelopes."

- The electoral board should open, one precinct at a time, the #1A envelope (and, if used, the #1B envelope) marked 'provisional votes'. The local electoral board has the discretion to make a determination as to whether a voter is eligible under Virginia law. The local electoral board should proceed to determine the qualifications, one by one, without opening the green envelopes, of each person who cast a ballot in a green provisional envelope."

Also, I have attached the minutes for the Norfolk Electoral Board meeting on April 8, 2024 which contains the motion the board passed where specific tasks were delegated to the GR because the other board members say we delegated the processing of provisional ballots to the GR but that task was not included in the motion.

I'm looking forward to hearing the results of your research because I believe it will be helpful for the Board and GR in resolving genuine differences of opinions in how we proceed with the provisional ballot meeting for future elections that is consistent with the Virginia State Code.

Marianne McKay, Vice Chair
Norfolk Electoral Board

2 attachments

Board Minutes - April 8, 2024_202405071617498303.pdf
92K

Board Minutes - April 8, 2024_202405071617498303.pdf
92K

Norfolk Electoral Board Minutes of April 8, 2024 Board Meeting

Present:

Atoy Carrington (Chair), Marianne McKay (Vice-Chair), H. Michael Ziegenfuss (Secretary), Stephanie Iles (Director of Elections & General Registrar), Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar).

The Norfolk Electoral Board was called to order on Monday, April 8, 2024 at 2:20 p.m. by Ms. Carrington in the Elections Office Board Conference Room in Norfolk's City Hall.

Approval of Officers of Elections:

Ms. Iles presented a list of forty-One (41) potential Officers of Election for appointment. Ms. McKay motioned to approve the list which was seconded by Mr. Ziegenfuss. The Board voted unanimously to approve those on the list as presented by Ms. Iles for a term ending on February 28, 2025.

VEBA Conference Review:

The Board discussed the VEBA Conference held in March 2024. It was positive experience as it provided valuable information about serving as a Board Member.

Review of March 5, 2024 Presidential Primary Elections:

The Board reviewed the March 2024 Presidential Primary Elections and discussed voting preparations and parity staffing for future Elections.

Closed Session – Security Review & Personnel discussion:

At 2:48 p.m., it was moved by Ms. McKay and seconded by Mr. Ziegenfuss to go into a closed session pursuant to the Code of Virginia for a security review and personnel discussion. The motion was approved by unanimous voice voter of the Board.

Upon a motion made by Ms. McKay and seconded by Mr. Ziegenfuss and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session at 5:02 p.m.

Further, Ms. McKay moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting April 8, 2024, pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law.

The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Mr. Ziegenfuss seconded the adoption of the certification, and the Board unanimously voted to approve the certification.

Such Other Business That May Come Before the Board:

Mr. Ziegenfuss made a motion to formally continue delegating the duties of staffing elections to the Director of Elections & General Registrar, Ms. Stephanie Iles. Ms. Carrington seconded. The motion is as follows:

The Norfolk Electoral Board has managed and delegated many of its duties to the Director of Elections & General Registrar (DE/GR). The Secretary of the Electoral Board moves that these duties be articulated and added to the Director of Elections & General Registrar's job description. To wit, but not limited to the following:

1. Hiring, screening, and listing of candidates for officers of election for approval of the board for appointment;
2. Staffing, training, and utilizing officers of election to maximize the proper execution of each election and all voters experience at each polling place;
3. Procuring services of technicians, equipment delivery, software, and hardware voting equipment and ballots;
4. All testing of equipment and ballots;
5. Keeping the Electoral Board apprised of any developments concerning the above duties;

Shall be carried out by the DE/GR with general and not detailed oversight. This is to ensure the DE/GR has enough latitude to carry out these duties.

The motion passed 2 to 1, with Vice Chair Ms. McKay dissenting.

The Board scheduled the next meeting for Tuesday, May 7, 2024 2:00 p.m. at the Elections Office Board Conference Room in Norfolk's City Hall.

Ms. McKay moved to adjourn the meeting which Mr. Ziegenfuss seconded. The meeting was adjourned by unanimous decision at 5:27 p.m.

Respectfully submitted,

H. Michael Ziegenfuss

H. Michael Ziegenfuss, Secretary
April 8, 2024

Norfolk Electoral Board Minutes

Canvass of Democratic Party Primary Election - June 18-23, 2025

Present for Election Canvass Day One – June 18-23, 2025,

Atoy Carrington (Chairwoman), H. Michael Ziegenfuss (Secretary), Stephanie Iles (Director of Elections & General Registrar), Yetta Wilkins (Deputy IV) and Observers: Gerardo Castillo with Ghazala Hashmi campaign, Michael Khandelwal, and Mark Snell-Cook. Marianne McKay (Vice Chairwoman) arrived late at 10:14 a.m.

The Norfolk Electoral Board was called to order on Wednesday, June 18, 2025, at 10:07 a.m. in the Norfolk Circuit Court Clerk's Conference Room, 150 St. Paul's Blvd., 7th Floor to canvass the June 17, 2025 Democratic Party Primary Election and to consider Provisional Ballots cast. A quorum was present. Mr. Ziegenfuss motioned to approve the minutes of the May 6, 2025 Electoral Board meeting. Ms. Carrington seconded. The motion was carried 2 to 0, with Ms. McKay absent. Ms. Carrington motioned to release the Provisional Ballots in the custody of Ms. Yetta Wilkins and the Norfolk Office of Elections to begin preliminary research and review for the Electoral Board. Mr. Ziegenfuss seconded the motion. The motion to release the Provisional Ballots to the Office of Elections was carried 2 to 0, with Ms. McKay absent. Ms. Iles requested permission for staff to begin preparation of election materials for canvass review. The Board agreed. Ms. Carrington requested a recess until 1:00 p.m. Mr. Ziegenfuss seconded. The motion was carried 2 to 0, with Ms. McKay absent. Ms. McKay arrived late at 10:14 a.m. and was updated on the status of events. At 10:19 a.m. the Board recessed.

At 1:04 p.m. the Board reconvened. The Board completed the canvass of the forty-eight (48) precincts that participated in the election. The Board moved to recess the meeting until 11:00 a.m., Monday, June 23rd to allow for the Central Absentee Precinct post-election process and review completion of Provisional Ballots. The canvass will resume in the Norfolk Office of Elections, 810 Union Street (City Hall), Suite 100. The Board recessed at 3.56 p.m.

Present for Election Canvass Day Two – June 23, 2025

Atoy Carrington (Chairwoman), Marianne McKay (Vice Chairwoman), H. Michael Ziegenfuss (Secretary), Stephanie Iles (Director of Elections & General Registrar), Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar), a Deputy City Attorney, and Observer: Mark Snell-Cook.

The Board re-convened on Monday June 23, 2025, at 11:05 a.m. in the Norfolk Office of Elections to complete the canvass of the June 17, 2025 Democratic Party Primary Elections.

The canvass of the Central Absentee Precinct results for Early Voting (CAP EV), Absentee by Mail (CAP AB), and Post-Election (CAP PE) were completed. Ms. Iles presented the provisional ballot research and findings to the Norfolk Electoral Board.

Closed Session – Provisional Ballots:

At 11:50 a.m., Mr. Ziegenfuss motioned to go into closed session pursuant to the Code of Virginia for discussion of Provisional Ballots. Ms. Carrington seconded. A roll call vote was completed - Mr. Ziegenfuss - Aye, Ms. Carrington - Aye, and Ms. McKay - Aye. The motion was approved by a unanimous vote of the Board.

Upon a motion made by Mr. Ziegenfuss and seconded by Ms. McKay and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session. Further, at 11:55 a.m. Mr. Ziegenfuss moved to adopt the following certification:

“We certify that the Norfolk Electoral Board convened a closed meeting on June 23, 2025, pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law. The Norfolk Electoral Board further certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting.”

Ms. McKay seconded the adoption of the certification. A roll call vote was completed - Mr. Ziegenfuss - Aye, Ms. Carrington - Aye, and Ms. McKay - Aye. The Board unanimously voted to approve the certification. Ms. Iles presented the provisional ballot research and findings to the Norfolk Electoral Board.

After review, it was determined that of the 133 total Provisional Ballots cast:

- Two (2) ballots were cast in the wrong locality,
- Six (6) were cast in the wrong precinct
- Three (3) ballots were for individuals either not registered or ineligible

Ms. Iles recommended counting the (122) remaining Provisional Ballots of which:

- Sixty-five (65) were cast due to no absentee ballot being surrendered at the polling place by the voter when a ballot had been issued

- Fifty-six (56) were Same Day Registration Ballots (SDR) for voters who were properly registered and in the correct precinct. This includes 5 Early Voting SDR.
- One (1) ballot was inadvertently issued due to Pollworker error

Mr. Ziegenfuss motioned that the board accept Ms. Iles' recommendations for the 122 Provisional Ballots to be counted. Ms. Carrington seconded, and the motion passed 2-1 with Ms. McKay voting Nay.

The elections staff removed the eligible ballots from the Provisional envelopes and scanned the results for tabulation with Vice Chair McKay and the Deputy City Attorney observing. The Board reviewed the Provisional ballot totals.

Closed Session – Officers of Election:

Mr. Ziegenfuss motioned at 12:00 p.m. to go into closed session pursuant to the Code of Virginia for discussion of Personnel: Officers of Election. Ms. Carrington seconded. A roll call vote was completed - Mr. Ziegenfuss - Aye, Ms. Carrington - Aye, and Ms. McKay - Aye. The motion was approved by a unanimous vote of the Board.

Upon a motion made by Mr. Ziegenfuss, seconded by Ms. McKay, and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session. Further, at 12:15:00 p.m. Mr. Ziegenfuss moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting on June 23, 2025 pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law. The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting."

Ms. McKay seconded the adoption of the certification. A roll call vote was completed - Mr. Ziegenfuss - Aye, Ms. Carrington - Aye, and Ms. McKay - Aye. The Board unanimously voted to approve the certification.

Ms. McKay moved, and Mr. Ziegenfuss seconded, to adopt the Registrar's recommendation for Officers. All twenty-eight (28) Candidates for Officers of Election were approved.

Ms. Iles entered the Provisional results into the election night reporting system. Abstracts were completed and signed by the Board. The Abstracts and Election Results Certification Checklist were submitted electronically to the Virginia Department of Elections.

The Board scheduled the next meeting for Thursday, July 10, 2025, at 11:00 a.m. in the Norfolk Office of Elections, 810 Union Street (City Hall), Suite 100.

Ms. McKay motioned to adjourn the meeting & Mr. Ziegenfuss. The meeting was adjourned by unanimous vote at 1:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "H. Michael Ziegenfuss".

H. Michael Ziegenfuss, Secretary
June 28, 2025



Marianne McKay <nebmckay@gmail.com>

Draft Minutes

Marianne McKay <nebmckay@gmail.com>

Sun, Oct 5, 2025 at 5:23 PM

To: Atoy Carrington <atoycarringtoneb@gmail.com>

Cc: Mike Ziegenfuss <mike@2zig.com>, "Rosanna L. Bencoach" <Rosanna.Bencoach@norfolk.gov>, "Stephanie L. Iles" <vote@norfolk.gov>

Secretary Ziegenfuss,

I believe there was critical content left out of the NEB August 26, 2025 draft minutes you prepared, so I have attached an edited version of the minutes based on the audio recording of that meeting. What you had in your draft minutes is in black ink - nothing in your original draft minutes was omitted; however, recommended changes for either clarity or accuracy have been made. Wording has either been crossed out or added in red ink.

Sincerely,
Marianne McKay, Vice Chair
Norfolk Electoral Board

[Quoted text hidden]

 **Draft Board Minutes - 8.26.2025 with corrections.docx**
40K

Norfolk Electoral Board - Minutes of August 26, 2025, Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar) and members of the public – Mark E. Snell-Cook, Tony S. Olcott, Scott Hancox, Gregory Bright, Dr. Frederick L. Rochte, Catherine Severo, and a representative from the City Attorney's office were in attendance.

The Norfolk Electoral Board was called to order on Tuesday, August 26, 2025, at: 11:01 a.m. by Ms. Atoy Carrington in the Norfolk Office of Elections.

A motion to approve the minutes of July 10, 2025 Board meeting was made by Mr. Ziegenfuss and seconded by Ms. Carrington. Ms. McKay moved to amend the July 10, 2025 meeting minutes to include the following three statements:

1. The DE/GR agreed to have a survey for the upcoming election to assess voter's desire for evening hours during satellite voting.
2. Vice Chair requested the closed session be moved so that it is the final item agenda out of consideration for those attending the meeting, and Chair Carrington and Secretary Ziegenfuss refused.
3. Vice Chair McKay requested the city attorney review the NEBs customary practice for adjudicating provisional ballots cast to determine if the process is consistent with Virginia State Code.

The amended motion was not seconded. The original motion passed 2-1, with Ms. McKay dissenting.

The City Attorney's office provided an update and answered questions concerning closed sessions and the adjudication of provisional ballots.

Regarding closed sessions, the city attorney noted this is a gray area because it has not been litigated. However, he provided the following guidance for determining whether to invoke the personnel exemption when deciding whether to conduct a discussion in closed session:

- The purpose of the discussion. Is the primary purpose discussing the performance of the officer of election (OOE) or Registrar or is the mentioning of one's name or position a peripheral issue of another matter?

- The facts of the specific situation. If there is no unanimity among the Board in making this decision, then it is a discretionary exemption and is resolved by the majority vote of the Board.
- The consideration of the competing interests of the public vs. the private.
- Personnel exemption does not apply to members of the public body.

Regarding provisional ballot processing, the city attorney stated there is no court case interpretation on this. His guidance was the Registrar and her staff conduct the research and compile the documents and presents the information to the Board. The Board has no direct part in that process other than being presented with that information to make that determination. He also pointed out that the provisional ballot meeting is a limited access meeting not a closed session meeting.

The city attorney was unable to respond to the two questions listed below without further research and analysis and he agreed to do that and report back to the Board. The two questions he agreed to research are:

- How can the electoral board perform the task of tracking the determination of all provisional ballots offered in a locality (as stated in the ELECT's GREB Handbookbook 13.5.4 on page 16) when the NEB is never given the opportunity to see a provisional ballot log or the provisional ballot envelopes.
- How does the NEB determine the qualifications, one by one, of whether a voter is eligible to vote under Virginia law (as stated in the GREB Handbook 13.7 on page 20) without ever seeing the sealed green provisional ballot envelope containing the ballot?

Mr. Ziegenfuss motioned to schedule the next meeting of the Norfolk Electoral Board for Monday, October 6, 2025, at 11:00 a.m. Ms. Carrington seconded. Ms. McKay requested there be a meeting in September to address election training, staffing levels for each precinct, and review of tentative precinct assignments. Ms. McKay also pointed out that the Virginia State Code allows for any electoral board member to call for a meeting. The motion made by Mr. Ziegenfuss passed 2-1 with Ms. McKay dissenting.

~~The Board scheduled their support coverage of early voting satellite locations.~~ Ms. McKay moved to table the discussion of support coverage for satellite voting for the November 2025 General Election until the security camera video of the alleged dropbox incident from the November 2024 satellite voting can be viewed and Ms. Iles is present. The motion was not seconded. Ms. Carrington and Mr. Ziegenfuss agreed to let Ms. Carrington cover the first 7 days of the satellite voting and Mr. Ziegenfuss covers the last 3 days.

Ms. McKay moved to proceed with other business before the closed session. There was no second.

Closed Session

At 12:26 p.m., it was moved by Mr. Ziegenfuss and seconded by Ms. Carrington to go into closed session pursuant to the Code of Virginia for personnel – discussion of potential Officers of Election for appointment. The motion was approved by a unanimous vote of the Board.

Upon a motion made by Mr. Ziegenfuss and seconded by Ms. Carrington and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session. Furthermore, at 12:33 p.m. Mr. Ziegenfuss moved to adopt the following certification:

“We certify that the Norfolk Electoral Board convened a closed meeting on Tuesday August 26, 2025, pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law. The Norfolk Electoral Board further certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting.”

Ms. McKay seconded the adoption of the certification, and the Board voted by roll call to approve the certification. Ms. Carrington voted - Aye. Mr. Ziegenfuss voted - Aye. Ms. McKay voted - Aye.

Mr. Ziegenfuss moved to approve twenty (20) new Officers of election. Ms. McKay seconded, and the vote was unanimous.

Such Other business as may come before the Electoral Board:

Ms. McKay moved that a member of the Board can request information from the General Registrar without a Board vote. There was no second.

Ms. McKay moved to adopt a policy to make closed sessions the last agenda item. There was no second.

~~Ms. McKay moved to discuss training and staffing at a September Board meeting. There was no second. Ms. McKay indicated this would be a topic of discussion. Mr. Ziegenfuss confirmed that the Registrar has been open to staffing suggestions.~~

Mr. Ziegenfuss moved to receive a list of preliminary staffing of the polls at no later than our next meeting but sooner if possible. ~~or before our next Board meeting.~~ Ms. McKay attempted to amend the motion to a specific date specify a date in September. There was no second. Ms. Carrington seconded the original motion from Mr. Ziegenfuss which passed with a 2-1 vote. Ms. McKay was the dissenting vote.

Mr. Ziegenfuss moved to adjourn the meeting, which Ms. McKay seconded. The meeting was adjourned at 12:53 p.m. by a unanimous vote.

Respectfully submitted,

Mr. Ziegenfuss, Secretary
August 26, 2025

Exhibit 35



Marianne McKay <nebmckay@gmail.com>

Confirmation of follow up questions from August 26, 2025 of NEB Meeting

Marianne McKay <nebmckay@gmail.com>

Tue, Sep 2, 2025 at 9:34 AM

To: "Fox, Andrew" <andrew.fox@norfolk.gov>

Cc: "Heywood, Paige" <Paige.Heywood@norfolk.gov>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebmz@gmail.com>

Mr. Andrew Fox,

Thank you for providing guidance on August 26, 2025 regarding FOIA requirements for the NEB's closed session meetings (file #226233-MAK) and on conducting a provisional ballot meeting (file # 226083-ARF) including the adjudication process of Same Day Registration (SDR) and the other reasons for casting a provisional ballot.

I want to confirm that you will be getting back to the NEB with answers/guidance to the questions I listed in bold print below (file #226083-ARF). I have provided a link to the Virginia Department of Election's General Registrar/Electoral Board (GREB) Handbook below for your convenience along with the section and page number for my questions. you will notice the handout from ELECT's training that you referred to in the August 26th meeting was not included in the GREB Handbook as it is only a four page summary of the process of the provisional ballot meeting and the canvass while the GREB Handbook provides 50 pages of instructions (chapter 13 and 14).

This is the link to the Virginia Department of Elections (ELECT) General Registrar/Electoral Board Handbook (GREB)
[Virginia Dept. of Elections: GREB Handbook](#)

13.5.4 Precinct Provisional Ballot Log (page 16):

"This log will also be used in the days following the election by the electoral board to track the determination of all provisional ballots offered in the locality."

How can the electoral board perform this duty when the NEB is never given the opportunity to see a provisional ballot log or a provisional ballot envelope?

13.7 Determine The Qualifications Of All Provisional Voters Before Opening Any Individual Envelopes (page 20):

"To protect voter privacy, the electoral board should determine the eligibility of all provisional voters before opening any of the provisional ballot envelopes."

- The electoral board should open, one precinct at a time, the #1A envelope (and, if used, the #1B envelope) marked 'provisional votes'. The local electoral board has the discretion to make a determination as to whether a voter is eligible under Virginia law. The local electoral board should proceed to determine the qualifications, one by one, without opening the green envelopes, of each person who cast a ballot in a green provisional envelope." § 24.2-653.01(A)*

How does the NEB determine the qualification, one by one, without ever seeing the sealed green provisional ballot envelope containing the ballot?

I have included one more question on a topic that came up numerous times.

13.6.3 Who Must Attend (page 19):

"All members of the electoral board should be present for this meeting and the canvass of the election. In the event one member is unable to attend, two members constitute a quorum and may proceed to determine the qualifications of persons who cast provisional votes."

- The general registrar must appear at the meeting with the documentation necessary to confirm the eligibility of provisional voters."*

What is the specific documentation our general registrar needs to bring to the provisional ballot meeting so that the NEB may determine the qualifications of the persons who cast provisional ballots?

In addition to providing you with the GREB handbook (Rev 8/25), I am including the specific Virginia State Code pertaining to the electoral board's legal duties and responsibilities regarding the processing and adjudication of provisional ballots.

Virginia State Code § 24.2-653.01

A. *The electoral board shall meet on the day following the election and determine whether each person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally pursuant to § 24.2-653.3, the electoral board shall determine of which district the person is a qualified voter.*

If the board is unable to determine the validity of all provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension, the meeting shall stand adjourned, not to exceed 10 calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

B. The electoral board shall permit one authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination.

Notwithstanding the provisions of the Virginia Freedom of Information Act § 2.2-3700 et seq), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

Looking forward to your guidance in this matter and continued support.

Respectfully,
Marianne McKay, Vice Chair
Norfolk Electoral Board
nebmckay@gmail.com
757.604.3314

Norfolk Electoral Board - Minutes of October 6, 2025 Board Meeting

Present:

Ms. Atoy Carrington (Chairwoman), Ms. Marianne McKay (Vice Chairwoman), Mr. H. Michael Ziegenfuss (Secretary), Ms. Stephanie Iles (Director of Elections & General Registrar), Ms. Rosanna Bencoach (Deputy Director of Elections & Deputy Registrar) and members of the public – Mark E. Snell-Cook, Tony A. Olcott, Trey Teich, Catherine Severo (League of Women Voters), Arthur Devine, Jr., and a representative from the City Attorney's office were in attendance.

The Norfolk Electoral Board was called to order at 11:04 a.m. by Ms. Atoy Carrington in the City Council 10th Floor Conference Room.

A motion to approve the minutes of August 26, 2025, Board meeting was made by Mr. Ziegenfuss and seconded by Ms. Carrington. Discussion was held. The motion passed 2-1, with Ms. McKay dissenting.

The City Attorney's office provided an update and answered questions concerning FOIA and provisional ballot procedures.

Closed Session

At 12:08 p.m., it was moved by Mr. Ziegenfuss and seconded by Ms. Carrington to go into closed session pursuant to the Code of Virginia for personnel – discussion of potential Officers of Election for appointment. The motion was approved by the unanimous vote of the Board.

Upon a motion made by Mr. Ziegenfuss and seconded by Ms. Carrington and passed by unanimous vote of the Norfolk Electoral Board, the Electoral Board reconvened in open session. Furthermore, at 12:13 p.m. Mr. Ziegenfuss moved to adopt the following certification:

"We certify that the Norfolk Electoral Board convened a closed meeting on Monday, October 6, 2025, pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act and that Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law. The Norfolk Electoral Board further certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such

public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Board in the closed meeting.”

Ms. McKay seconded the adoption of the certification, and the Board voted by roll call to approve the certification. Ms. Carrington voted - Aye. Mr. Ziegenfuss voted - Aye. Ms. McKay voted - Aye.

Mr. Ziegenfuss moved to approve thirty-two (32) new Officers of election. Ms. McKay seconded, and the vote was unanimous.

Such Other business:

Ms. Iles requested the office be closed on Monday, October 13th for Columbus Day/National Indigenous Peoples’ Day along with state and Constitutional offices. Mr. Ziegenfuss motioned to give the Election staff off on Monday, October 13th. Ms. McKay seconded. The motion passed unanimously.

The Board will have their next meeting on Wednesday, November 5, 2025 in the Norfolk Circuit Court Clerk’s Conference Room to canvass the results of the election.

Mr. Ziegenfuss moved to adjourn the meeting, which Ms. McKay seconded. The meeting was adjourned at 12:30 p.m. by unanimous vote.

Respectfully submitted,

Mr. Ziegenfuss, Secretary
October 6, 2025

Exhibit 37



Marianne McKay <nebmckay@gmail.com>

Guidance Provided to the NEB and Office of Elections

1 message

Marianne McKay <nebmckay@gmail.com>

Fri, Oct 24, 2025 at 8:16 AM

To: "Fox, Andrew" <andrew.fox@norfolk.gov>, "Iles, Stephanie" <stephanie.iles@norfolk.gov>, "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>

Good morning Mr. Andrew Fox,

As always, I appreciate the support and guidance you give to the NEB by attending our meetings and providing guidance.

Since the NEB by majority voted to exclude a brief summary of your advice to the NEB in our August 26, 2025 NEB minutes, I have included it in this email, so that if the summary is incomplete or inaccurate in reflecting your professional judgment for the Board it may be corrected.

You noted whether a personnel exemption should be invoked to determine whether a topic should be considered in closed or open session is a gray area because it has not been litigated, but you offered the following criteria to consider:

1. The purpose of the discussion. Is the primary purpose discussing the performance of the officer of election or the Registrar or is the mentioning of one's name or position a peripheral issue of another matter?
2. The facts of the specific situation. If there is no unanimity among the Board in making this decision, then it is a discretionary exemption and is resolved by the majority vote of the Board.
3. The consideration of the competing interests of the public vs. the private.
4. The personnel exemption does not apply to members of the public body.

Regarding your guidance for provisional ballot processing, you noted that there is no court case interpretation on this, and then you provided the following guidance:

1. The registrar and her staff conduct the research and compile the documents and present the information to the Board.
2. The Board has no direct part in the process of researching and compiling the documents other than being presented with that information to make the determination.
3. The provisional ballot meeting is a limited access meeting not a closed session meeting.

You also agreed to conduct further research and analysis to answer the following two questions:

1. How can the electoral board perform the task of tracking the determination of all provisional ballots in a locality (as stated in ELECTs GREB Handbook 13.5.4 on page 16) when the NEB is never given the opportunity to see a provisional ballot log or the provisional ballot envelopes?
2. How does the NEB determine the qualifications, one by one, of whether a voter is eligible to vote under Virginia law (as stated in the GREB Handbook 13.7 on page 20) without ever seeing the sealed green provisional ballot envelope containing the ballot?

The answer you provided to the NEB at our October 6, 2025 meeting was surprising and disappointing. You stated the Virginia State Code is very broad and the GREB Handbook, while it has a whole chapter on Provisional Ballots, does not specify how the tracking of ballots using the provisional ballot logs and the electoral board determining the qualifications of voters, one by one, is to be done. However, you never answered the two questions on how it can be done without the NEB seeing the provisional ballot logs or the provisional ballot envelopes; you simply concluded that in your professional opinion you believe the way the Registrar and the NEB is processing the provisional ballots cast is consistent with Virginia State Code although you noted that other attorneys may disagree. The only evidence you presented and referenced was The Virginia Department of Elections (ELECT) Official Guidance RE: Access to

Provisional Ballot Logs. That Guidance dealt with requests for copies of the provisional ballot logs from authorized representatives of political parties or independent candidates, which was irrelevant because authorized representatives and the electoral boards have two totally different roles in the electoral process. The authorized representatives observe and can report their observations; whereas electoral boards are responsible for conducting and overseeing the elections in their locality, and each electoral board member must take an oath of office, and can face quasi-criminal proceedings for neglect and dereliction of duty for failure to fulfill their duty which can result in removal from office.

While I found your guidance lacking in analysis and research, I still appreciate your professionalism, the work you do for our city and the Norfolk Office of Elections.

Respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

Exhibit 38



Marianne McKay <nebmckay@gmail.com>

Provisional Ballot Meeting and Adjudication of the Provisional Ballots Cast

1 message

Marianne McKay <nebmckay@gmail.com>

Fri, Oct 24, 2025 at 11:13 AM

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

Good morning Director of Elections and General Registrar Iles, Chair Carrington, and Secretary Ziegenfuss,

I have stated both in emails and at our Norfolk Electoral Board meetings that I do not believe the way the Norfolk Office of Elections is handling the processing of provisional ballots is consistent with Virginia State Code. I was hoping that my request for guidance from the Norfolk City Attorney would help resolve the issue. While I appreciate his professionalism, his attendance and guidance at our NEB meetings, and his forthrightness in acknowledging that other attorneys may come to a different conclusion, I do not believe he came to the correct conclusion with NEB's process of adjudicating provisional ballots.

I have been and remain totally opposed to the way the NEB and the Office of Elections processes the provisional ballots because I do not believe we are following the Virginia State Code. I requested the NEB to go on record by taking a vote on this issue at our last NEB meeting on October 6, 2025. To Mr. Ziegenfuss' credit he was willing to take a vote, but Ms. Carrington persuaded him not to. Furthermore, I am not aware of any locality in the State of Virginia that handles provisional ballots cast in a manner where the Board does not see the provisional ballot logs and the provisional ballot envelopes as part of the adjudication process. The fact that Norfolk has customarily or traditionally handled it as currently practiced is an insufficient reason to continue if it is contrary to law. The fact that the NEB and General Registrar have not had a solution-oriented discussion on changes to our process of adjudicating provisional ballots so that the Board sees the provisional ballot envelopes and logs given that we received reports of irregularities and improprieties in the casting of provisional ballots on November 2024 Election Day which were never discussed in an open session by the NEB gives the appearance of a cover up. This is not a good look.

If we continue to conduct the provisional ballot meeting in the same way for the upcoming November 2025 General Election, it will be the third election in a row where I have brought my concerns to the NEB and the General Registrar to no avail and I believe those of you who continue to support our current customary practice will be acting in contrived ignorance. I have been very consistent and clear that I believe we are conducting the provisional ballot meeting against Virginia State Code, and therefore I am asking that we handle the provisional ballot meeting in a way that allows the Board to see both the provisional ballot logs and provisional ballot envelopes. If we need to have a meeting to decide how we are going to conduct the provisional ballot meeting, then I am willing to call for that meeting. Ms. Iles, if your office needs help making copies of the provisional ballot logs on election night or the very next day, or if there is any other way I can assist, I will make myself available, just let me know.

If the NEB does not see the provisional ballot logs and provisional ballot envelopes for the November 2025 General Election, I will contact the Virginia Electoral Board Association (VEBA) and the State Board of Elections (SBE).

I am asking that we change our practice for adjudicating provisional ballots, so that we are doing everything we can to ensure that Norfolk has a fair, safe, and secure election.

Sincerely,

**Marianne McKay, Vice Chair
Norfolk Electoral Board**



Marianne McKay <nebmckay@gmail.com>

The Provisional Ballot Meeting

1 message

Marianne McKay <nebmckay@gmail.com>

Mon, Nov 3, 2025 at 11:53 PM

To: "Iles, Stephanie" <stephanie.iles@norfolk.gov>

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, "Fox, Andrew" <andrew.fox@norfolk.gov>

Good evening Director of Elections and General Registrar Iles, Chair Carrington, and Secretary Ziegenfuss,

I know that Norfolk's City Attorney Andrew Fox stated that the provisional ballot meeting is not a closed meeting based on the research he did. Granted the Virginia State Code does not refer to it as a closed meeting but the Virginia Department of Elections' most recent version of the "Dos and Don'ts for Campaigners and Authorized Representatives handout (ELECT-604) states on page 8 "The provisional meeting is a closed meeting. Only certain entities are authorized to be present during the provisional meeting. Notwithstanding the provisions of Virginia's FOIA law (§ 2.2-3700 et, seq.), only the following are entitled to representation during the provisional meeting:" then it goes on to list the individuals. Clearly the phrase limited access meeting is the *type of closed meeting* the provisional ballot meeting is.

So I fully expect that we will hold our provisional ballot meeting on November 5, 2025 pursuant to the Virginia State Code § 24.2-653.01, the day after the General Election as should be stated on the provisional ballot notices our officers of election are giving out to all voters who cast a provisional ballot. The way we have been conducting our provisional ballot meeting is not consistent with code, and we must change our practices beginning with this election.

Marianne McKay, Vice Chair
Norfolk Electoral Board



★ VIRGINIA ★
DEPARTMENT of ELECTIONS

**Dos and Don'ts for Campaigners and
Authorized Representatives**

DEPARTMENT OF ELECTIONS
1100 Bank Street, 1st Floor
Richmond, VA 23219
elections.virginia.gov

Toll-free: (Voice) 800-552-9745
(TDD) 800-260-3466
804-864-8901
info@elections.virginia.gov

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I. CAMPAIGNERS (CAMPAIGN WORKERS AND CANDIDATES)

1. Campaigners must remain at least 40 feet away from any entrance to the building in which voting takes place. This 40-foot "campaign-free" zone is referred to as the "prohibited area." Restrictions which apply to the prohibited area also apply to any location voting takes place. If the Electoral Board allows campaigning within the building containing the polling place, all such activities must take place at least 40 feet from any entrance to the room where voting activities are being conducted. Code of Virginia, §§ 24.2-604 & 24.2-310 (E).
2. There is no limit to the number of campaigners allowed outside of the prohibited area. § 24.2-604.
3. Campaigners cannot hinder or delay a person from entering or leaving a polling place. § 24.2-604.
4. Loudspeakers cannot be used within 300 feet of any polling place. § 24.2-605.
5. Campaign materials, including sample ballots, may be distributed on the property on which voting is taking place and outside of the prohibited area. §§ 24.2-310(E), 24.2-604. Only the Electoral Board may approve exceptions in the limited circumstances described in § 24.2-310(E).
6. Campaign signs/posters may not be posted inside the prohibited area or any location where voting takes place. Whether signs/posters can be posted outside of the prohibited area may be subject to the management policies of the property, or local ordinance. For example, a private organization may be willing to have its building serve as a polling place, but does not allow placement of sign posts in its lawn.
7. **Sample Ballots:**
 - a. On sample ballots, any official authority statement of a local Electoral Board or the State Board of Elections should be deleted, and replaced with the publishing candidate's or group's authority statement (or "disclaimer"). § 24.2-622.
 - b. For federal offices, the disclaimer required by federal law must be used. For all other offices, the required identification on campaign material is specified in the Code of Virginia. For details, go to elections.virginia.gov.



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DEPARTMENT of ELECTIONS

**Dos and Don'ts for Campaigners and
Authorized Representatives**

3. The representatives and bystanders present cannot leave until the final results are ascertained and the chief officer of election has opened the doors and announced the results of the election, and may not communicate with any person outside the polling place by any means during the counting and ascertainment. There are no exceptions to this rule.
4. Representatives and bystanders present may witness the counting and ascertainment of results but may not touch or handle any ballot, voting machine or official document.
5. The representatives and bystanders present shall have an unobstructed view of the officers of election and their actions as the votes are counted and the returns are completed, and may make their own notes during the counting and ascertainment.

VI. **REPORTING ALLEGED ELECTION DAY PROBLEMS**

Any alleged voting discrepancies should be reported to the chief or assistant chief officer of election, the local Electoral Board and/or the Department of Elections at the time they occur. If complaints are received at the time they occur corrective action, if necessary, can be taken. If reports are not made until the election is completed there is little, if anything, that can be done to remedy the situation.

VII. **WHAT HAPPENS AFTER ELECTION DAY**

1. On election night, the local registrar's office will post unofficial results to the Department of Elections website (elections.virginia.gov). After Election Day, any corrections, additions or changes to these unofficial results (for example, when provisional ballot determinations are made) will be explained in the notes on the website.
2. The Electoral Board for the city or county will meet on the day after the election to canvass the results of the election (§§ 24.2-671 through 24.2-678) and to decide the validity of each provisional ballot offered (§ 24.2-653). Please note that while the canvassing meeting is an open meeting, there are restrictions on who may be present during the Electoral Board's meeting on provisional ballots. § 24.2-653

The Canvass:

3. The canvass is a public, open meeting of the Electoral Board. Anyone may attend.
4. In a general or special election, each political party with a nominee on the ballot and each independent candidate on the ballot; or in a primary, each primary candidate on the ballot shall be entitled to have representatives present when the local Electoral Board meets to ascertain the results of the election.
 - a. Each such party and candidate shall be entitled to have at least as many representatives present as there are teams of officials working to ascertain the results, and the room in which the local Electoral Board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results.
 - b. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way.
 - c. TIP: Authorization letters are not required for representatives at the canvass, but may be provided, at the option of the authorizing party chairman or independent/primary candidate.



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DEPARTMENT of ELECTIONS

**Dos and Don'ts for Campaigners and
Authorized Representatives**

The Provisional Ballot Determination Meeting:

5. The provisional meeting is a closed meeting. Only certain entities are authorized to be present during the provisional meeting. Notwithstanding the provisions of Virginia's FOIA law (§ 2.2-3700 et seq.), only the following are entitled to representation during the provisional meeting:
 - a. In all elections, the individual whose provisional vote is being considered and the individual's representative or legal counsel.
 - b. Appropriate staff and legal counsel for the Electoral Board may be present when the Electoral Board is conducting the provisional ballot determination meeting. § 24.2-653.01.
 - c. In a primary election, one representative of each primary candidate on the ballot in that election.
 - d. In a general or special election, one representative of each political party with a nominee on the ballot in that election and one representative of each independent candidate on the ballot in that election.
 - e. Representatives (except for the candidate or party chairman) shall present to the electoral board a written statement designating him to be a representative of the party or candidate signed by the chairman of the political party, independent candidate, or the primary candidate, if applicable. The letter should be signed by a county or city political party chairman if the authorized representative is representing a party. If the county or city chairman is unavailable to sign the letter can be signed by a district or state chairman of the political party. The statement must bear the original signature of the chair or candidate, as appropriate. A photocopied statement is acceptable. § 24.2-653(B)
6. Notwithstanding the provisions of Virginia's FOIA law (§ 2.2-3700 et seq.), only the following are entitled to representation during the provisional ballot meeting:
 - a. In all elections, the individual whose provisional vote is being considered and the individual's representative or legal counsel; and appropriate staff and legal counsel for the electoral board.
 - b. In a primary election, one representative of each primary candidate on the ballot in that election.
 - c. In a general or special election, one representative of each political party with a nominee on the ballot in that election and one representative of each independent candidate on the ballot in that election.
 - i. Representatives (except for the candidate or party chairman) shall present to the Electoral Board a written statement designating him to be a representative of the party or candidate signed by the chairman of the political party, independent candidate, or the primary candidate, if applicable. The letter should be signed by a county or city political party chairman if the authorized



Marianne McKay <nebmckay@gmail.com>

RE: The Provisional Ballot Meeting

Marianne McKay <nebmckay@gmail.com>

Thu, Nov 6, 2025 at 2:53 PM

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

Cc: "Atoy B. Carrington - Norfolk Electoral Board" <atoycarringtoneb@gmail.com>, "H.MICHAEL ZIEGENFUSS" <nebhzmz@gmail.com>, "Fox, Andrew" <andrew.fox@norfolk.gov>

Good afternoon Director of Elections and General Registrar Iles,

We are in violation of the Virginia State Code § 24.2-653.01(A).

Respectfully,

Marianne McKay, Vice Chair
Norfolk Electoral Board

On Tue, Nov 4, 2025 at 4:20 AM Iles, Stephanie <Stephanie.Iles@norfolk.gov> wrote:

Good morning –

The Provisional Ballot meeting is a limited access meeting as was stated by the Virginia Department of Elections during training this year and confirmed by the Norfolk City Attorney's Office.

We will conduct the Provisional Ballot meeting as we have done, which is consistent with the law.

Sincerely,

*Stephanie L. Iles**CERA, VREG, & 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:** Monday, November 3, 2025 11:54 PM**To:** Iles, Stephanie <Stephanie.Iles@norfolk.gov>**Cc:** Atoy B. Carrington - Norfolk Electoral Board <atoycarringtoneb@gmail.com>; H.MICHAEL ZIEGENFUSS



Marianne McKay <nebmckay@gmail.com>

Electoral Board Meeting Change

1 message

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

Wed, Nov 12, 2025 at 7:35 PM

To: "Atoy B. Carrington (atoycarrington@gmail.com)" <atoycarrington@gmail.com>, Marianne McKay <nebmckay@gmail.com>, "Henry Michael Ziegenfuss (NEBHMZ@gmail.com)" <NEBHMZ@gmail.com>

Good evening Board members –

We have been reviewing the Provisional Ballots cast on Election Day and will need to push our meeting to Friday, November 14th at 10AM.

Apologies for the delay, but we want to ensure due diligence in providing the accurate numbers and information to make your informed decision.

We will reconvene Friday to review the Central Absentee Precinct numbers followed by Provisional votes.

We have updated our website to reflect the change.

Thank you for your patience and support.

See you Friday morning.

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

Re: Provisional Ballots

From: Marianne McKay (mt.mckay@yahoo.com)

To: mike@2zig.com; cmktrk@bellsouth.net

Cc: polltixpam@gmail.com; jsitka@liberty.edu; rbradleyprice@gmail.com; bobwest2012@gmail.com; giselehomes@gmail.com; amyhardman70@gmail.com

Date: Thursday, November 7, 2024 at 08:36 AM EST

Hello Colin,

The Electoral Board yesterday, Wednesday, November 6th voted to release the provisional ballots to the Registrar's office for them to do the research the Electoral Board needs to decide whether a provisional ballot is accepted or rejected. I informed Ms. Iles, our General Registrar, that I would like see the provisional ballot log from all the precincts. I will send Ms. Iles a follow-up email to find out specifically about the time schedule and guidelines of observing the process. and I will copy each of you, so that you will also receive the answer.

Thank you for the time and effort you have to ensure election integrity.

Sincerely,

Marianne McKay

On Tuesday, November 5, 2024 at 04:25:18 PM EST, Colin & Tammy <cmktrk@bellsouth.net> wrote:

Mike and Marianne

Well over a hundred people showed up at CAP btw 10-4pm, most looking to "same day register"... I heard same thing at a few precincts.. (you probably already know this) so....this will result in a lot of PBs .

thus the GR office will be flooded with Provisional Ballots tonight/tomorrow

Is there a way I or others could observe the opening and review of PBs?

If so what day and time?

Thanks

Colin M. Kelly PE

Exhibit 44

GR - Provisional Ballots

From: Colin & Tammy (cmktrk@bellsouth.net)
To: stephanie.iles@norfolk.gov
Cc: nebhzmz@gmail.com; mt.mckay@yahoo.com
Date: Monday, November 11, 2024 at 04:36 PM EST

Ms. Iles

I would like to observe the Provisional Ballot resolution process.

I intend to be at the GR office by 9am tomorrow.

Thank you

Colin M. Kelly PE

Exhibit 44 cont.

Re: GR - Provisional Ballots

From: Colin & Tammy (cmktrk@bellsouth.net)

To: stephanie.iles@norfolk.gov

Cc: nebhmz@gmail.com; mt.mckay@yahoo.com

Date: Monday, November 11, 2024 at 04:56 PM EST

Ok

Thanks for the prompt reply

Colin M. Kelly PE

On Monday, November 11, 2024 at 04:39:09 PM EST, Iles, Stephanie <stephanie.iles@norfolk.gov> wrote:

Good evening –

Thank you for your email.

Provisional Ballots will be reviewed with the Electoral Board on Friday, November 15th.

Time is yet to be determined, but we can email on Thursday when we have an ETA. There is nothing to currently observe.

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

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Email: stephanie.iles@norfolk.gov