

1 The State Board of Elections (“the Board”) meeting was held by electronic
2 communication on Wednesday, March 31, 2021. In attendance: Robert Brink, Chairman,
3 John O’Bannon, Vice Chairman, and Jamilah LeCruise, Secretary, represented the State
4 Board of Elections (“the Board”). Christopher E. “Chris” Piper, Commissioner, represented
5 the Department of Elections (“ELECT”) and Carol Lewis represented the Office of the
6 Attorney General (“OAG”). Chairman Brink called the meeting to order at 1:00 P.M.

7 Chairman Brink informed the Board that on March 12, 2020, Governor Ralph S.
8 Northam declared that a state of emergency exists in the Commonwealth as the result of the
9 potential spread of COVID-19, a communicable disease presenting a threat to public health.
10 On March 30, 2020, the Governor issued an executive order requiring all individuals in
11 Virginia to remain at their place of residence, with certain enumerated exceptions.

12 This meeting was conducted consistent with the requirements for electronic meetings
13 by public bodies set forth in Items 4-0.01 of House Bills 29 and 30, as passed by the General
14 Assembly (“GA”) and signed by the Governor in April of this year. The purpose of the
15 meeting is to transact the statutorily required business of the Board. Chairman Brink stated
16 that the Board would receive public comments on agenda items prior to its action on that
17 item. An open public comment period would be offered prior to adjournment.

18 The first item of business was the approval of the minutes from the February 23, 2021
19 Board meeting, presented by Secretary LeCruise. Chairman Brink requested to include the
20 statement of Susan Swecker, the Chair of the Democratic Party of Virginia, provided at the
21 previous Board meeting. Secretary LeCruise *moved that the Board approve the minutes from*

22 *the February 23, 2021 Board meeting with the addendum.* Chairman Brink seconded the
23 motion and the motion passed unanimously. A roll call vote was taken:

24 Chairman Brink – Aye

25 Vice Chair O’Bannon – Aye

26 Secretary LeCruise – Aye

27 The next item of business was the Commissioner’s Report, presented by
28 Commissioner Piper. Commissioner Piper informed the Board that ELECT will began
29 receiving request for proposals to replace the 2007 Voter Registration Election Information
30 System (“VERIS”) on Friday, April 2, 2021. The Commissioner stated that ELECT will
31 update the Board as they process the proposals.

32 Commissioner Piper introduced the new employees to the Board, Ashley Coles,
33 Policy Analyst; Elizabeth “Libby” Johnson, List Maintenance Data Analyst; Larry D.
34 Arcangelo, QA Analyst; Jeff Bracewell, Director of Software Development; Amudha
35 Udayakumar newly promoted to the Information Security Engineer developer, and Rachel
36 Lawless, Confidential Policy Assistant. The Commissioner informed the Board that on April
37 10th, Karen Hoyt-Stewart will start her new position as the Voting Technology Program
38 Manager and Yolanda Andrews, as the Senior Office Administrator. Commissioner Piper
39 informed the Board that a new Training and Development Specialist will start on April 25th.
40 The Commissioner stated that ELECT will be increasing training with the General Registrars
41 and within the Department. Commissioner Piper stated that the General Registrar

42 Certification Program has been a great success and soon 133 general registrars will be
43 certified. The Commissioner stated that ELECT currently has several positions to be filled
44 including the Director of Operations role.

45 Commissioner Piper informed the Board that a special election was held Tuesday,
46 March 23, 2021 in the 38th district and another in Culpeper, VA on March 30, 2021. The
47 Commissioner stated that the localities had a successful election. Commissioner Piper
48 informed the Board that April 23rd starts the “45-day: early voting,” for the June 8th Primary
49 Election. The Commissioner advised the Board that ELECT will be providing additional
50 Personal Protective Equipment for those localities to safely conduct the primary.
51 Commissioner Piper stated that the June 8th Primary would carry out some of the changes
52 that were implemented in the budget provided by the 2020 General Assembly. This is
53 assuming that the budget is signed and passed as it is currently drafted.

54 The Commissioner stated that ELECT is working with the localities to ensure they
55 have the information they need to be prepared for the election. Commissioner Piper stated
56 that the bills passed in the 2020 General Assembly will go in effect on July 1, 2021. The
57 Commissioner stated that he was recently asked about redistricting in Virginia.
58 Commissioner Piper referred to his statement in the Richmond Times Dispatch. “The job of
59 Department of Elections is to administer Elections on the lines that are currently in the law.
60 Currently the lines in law have not changed since the previous Elections. ELECT is
61 preparing to administer the primaries for both House of Delegates and local elections on the

62 existing lines which is the existing law and we will continue to administer elections lines
63 until it's changed.”

64 The next item of business is the Delegation of Authority Va. Code §24.2-307
65 presented by Ashley Coles, ELECT Policy Analyst. Ms. Coles informed the Board that the
66 General Assembly passed Senate Bill 740 during the 2020 General Assembly session
67 amending Va. Code §24.2-307, with the goal of eliminating split precincts in 2021. She
68 advised the Board that due to the extensive administrative process and the potential volume
69 of the request, localities can apply to the Board for a waiver under certain circumstances.
70 *This report is in the Working Papers for the March 31, 2021 meeting.* Chairman Brink asked
71 Ms. Coles how many requests are likely to be sent to ELECT. Ms. Coles advised that there
72 would be a significant amount of requests, due to the number of split precincts in Virginia.
73 The request will be accepted starting in June.

74 Chairman Brink opened the floor to public comment. No public comment was given.
75 Secretary LeCruise *moved that the Board approve the proposed Amendment to the*
76 *Delegations of Authority 2019 relating to Va. Code §24.2-307.* Vice Chair O'Bannon
77 seconded the motion and the motion passed unanimously. A roll call vote was taken:

78 Chairman Brink – Aye

79 Vice Chair O'Bannon – Aye

80 Secretary LeCruise – Aye

81 The next item of business is the Certification of the Special Election for Virginia
82 Senate district presented by Paul Saunders, Elections Services Manager. Mr. Saunders stated
83 that 11 localities in the 38th district include Norton City, Radford City, Bland County,
84 Buchanan County Dickenson County Montgomery County, Pulaski County, Russell County,
85 Smyth County, Tazewell County, and Wise County. *This report is in the Working Papers for*
86 *the March 31, 2021 meeting.* Chairman Brink opened the floor to public comment. No public
87 comment was given. Vice Chair O'Bannon *moved that the Board certify the results as*
88 *presented and declare the winner T. Travis Hackworth.* Secretary LeCruise seconded the
89 motion and the motion passed unanimously. A roll call vote was taken:

90 Chairman Brink – Aye

91 Vice Chair O'Bannon – Aye

92 Secretary LeCruise – Aye

93 The next item of business on our agenda is Consideration of Candidate Filing
94 Extension of Va. Code §24.2-503 presented by David Nichols, Elections Services Director.
95 Mr. Nichols advised the Board that candidates who have failed to file either their Certificate
96 of Candidate Qualification or their Statement of Economic Interest on time with ELECT may
97 request an extension from the Board. The deadline for that filing was 5:00 o'clock p.m. on
98 March 25, 2021. Mr. Nichols informed the Board that two candidates have filed for an
99 extension with the department. *This report is in the Working Papers for the March 31, 2021*
100 *meeting.* Chairman Brink opened the floor to public comment. David Pala, representing 69th
101 House of Delegates candidate Mike Jones, Matt Rogers, candidate Mike Jones, and Luke

102 Priddy addressed the Board. The Chair asked if any members of the Board wished to make a
103 motion. Hearing none, the Chair moved to the next item on the agenda.

104 The next item of business was the Drawing for Candidate Ballot Order presented by
105 Paul Saunders, Elections Services Manager. *This report is in the Working Papers for the*
106 *March 31, 2021 meeting.* Mr. Saunders conducted the drawing of names. The ballot order for
107 Democrat Governor is as follows:

- 108 1. Terry R. McAuliffe
- 109 2. Jennifer L. McClellan
- 110 3. Jennifer Carroll Foy

111 The ballot order for Democrat Lieutenant Governor is as follows:

- 112 1. Hala Ayala
- 113 2. S “Sam” Rasoul
- 114 3. Andria P. McClellan
- 115 4. Elizabeth Guzman
- 116 5. Sean Perryman

117 The ballot order for Democrat Attorney General is as follows:

- 118 1. Jerrauld C. “Jay” Jones
- 119 2. Mark R. Herring

120 The ballot order for Republican House of Delegates 9th district is as follows:

- 121 1. Charles D. Poindexter

122 2. Wren M. Williams

123 The ballot order for Democrat House of Delegate 31st district is as follows:

124 1. Roderick Hall

125 2. Elizabeth Guzman

126 3. Kara Pitek

127 The ballot order for Democrat House of Delegates 45th district is as follows:

128 1. Mark H. Levine

129 2. Elizabeth Bennett-Parker

130 The ballot order for Democrat House of Delegates 68th districts is as follows:

131 1. Kyle R. Elliott

132 2. Dawn Marie Adams

133 The ballot order for Democrat House of Delegates 86th district is as follows:

134 1. Ibraheem Samirah

135 2. Irene Shin

136 Vice Chair O'Bannon *moved that the Board certify the determination by lot of the order*

137 *of candidates on the ballot for primary elections to be held on June 8, 2021.* Secretary

138 LeCruise seconded the motion and the motion passed unanimously. A roll call vote was

139 taken:

140 Chairman Brink – Aye

141 Vice Chair O'Bannon – Aye

142 Secretary LeCruise – Aye

143 The next item of business is the Risk Limiting Audit Report (“RLA”) presented by
144 Karen Hoyt-Stewart, Voting Technology Program Manager. Ms. Hoyt-Stewart informed the
145 Board that Virginia held its first statewide risk limiting audit and it was a great success. She
146 stated that ELECT is dedicated to ensuring a secure and accurate election. *This report is in the*
147 *Working Papers for the March 31, 2021 meeting.* Commissioner Piper expressed his
148 appreciation to Ms. Hoyt-Stewart, Rachel Lawless, Andrea Gaines, and Daniel Davenport for
149 gathering the information and putting the report together. Chairman Brink opened the floor to
150 public comment. No public comment was given.

151 The next item of business is staff recommendations on the Certification of Voting
152 Equipment and Electronic Pollbook presented by Karen Hoyt-Stewart, Voting Technology.
153 Ms. Hoyt Stewart informed the Board that Virginia has over 7,000 voting equipment units
154 supported by 4 voting system vendors and over 8000 electronic poll books supported by 5
155 vendors. She explained that the code of Virginia requires the voting systems to be in
156 compliance with the federal and state certification standards. Ms. Hoyt-Stewart advised the
157 Board that in 2020 the Voting Systems Certification Standards were reviewed, updated, and
158 approved by the Board. She stated that the current vendors for voting systems and electronic
159 pollbooks are in the certification process and is scheduled to be completed by the July 2021
160 deadline. *This report is in the Working Papers for the March 31, 2021 meeting.*

161 Chairman Brink asked Ms. Hoyt-Stewart if she could provide a 30,000-foot picture of
162 how ELECT guides the localities and let them know what is going to be required by them
163 with their budget and financial process. Ms. Hoyt-Stewart stated that the Vendors are
164 reaching out to the localities and providing them with budgetary estimates. Commissioner
165 Piper advised the Board that based on the approval set by the Board in 2020, ELECT has
166 upgraded all localities to the latest versions of voting equipment and electronic pollbooks.
167 Chairman Brink opened the floor to public comment. Dr. Clara Belle Wheeler addressed the
168 Board.

169

170 The next item of business is the appointment of a new member to the Advisory
171 Review Workgroup (“the Workgroup”) presented by Chairman Brink. The Chairman
172 informed that Board that he has recommended Tammy Johnson Beard, Henrico County.
173 Chairman Brink *moved to appoint Tammy Johnson Beard to the Workgroup*. Secretary
174 LeCruise seconded the motion and the motion passed unanimously. A roll call vote was
175 taken:

176 Chairman Brink – Aye

177 Vice Chair O’Bannon – Aye

178 Secretary LeCruise – Aye

179 Chairman Brink opened the floor to public comment. James Nachman, and Joyce
180 Smith, Richmond City Electoral Board Chairman and Vice Chairwoman asked to have their
181 statement put into the minutes. Their statement appears as Appendix: A. Elizabeth Butler,

182 Ames Russell, and Starlet Stevens of the Richmond City Republican Committee asked to
183 have their statement put into the minutes. Their statement appears as Appendix: B. Diana
184 Mitchell asked to have her statement put into the minutes. Her statement appears as
185 Appendix: C. Nancy Presley, Secretary Nottoway Electoral Board and Angela Stewart,
186 Director of Elections with the Nottoway County Electoral Board asked to have their
187 statements put into the minutes. Their statement appears as Appendix: D. Clara Belle
188 Wheeler, and Ned Jones addressed the Board.

189 At 3:22 P.M., Chairman Brink *moved that the Board go into closed session for the*
190 *purpose of discussing its legal authority with respect to oversight as to local electoral*
191 *boards, specifically the Richmond City electoral board and the Nottoway County electoral*
192 *board, as authorized by Section § 2.2-3711(A)(7) of the Virginia Code. Christopher Piper,*
193 *Commissioner of Elections, Daniel Persico, Chief Information Officer of the Department of*
194 *Elections, Franchelle Tyson, Administrative Program Specialist of the Department of*
195 *Elections, Ashley Coles, Policy Analyst with the Department of Elections, Taylor Melton, and*
196 *Keith Balmer, Registrar Liaisons with the Department of Elections and Carol Lewis of the*
197 *Office of the Attorney General will attend the closed session because their presence will*
198 *reasonably aid the Board in its consideration of the subject of the meeting.* Vice Chair
199 O'Bannon seconded the motion and the motion passed unanimously. A roll call vote was
200 taken:

201 Chairman Brink – Aye

202 Vice Chair O'Bannon – Aye

203 Secretary LeCruise – Aye

204 At 4:33 P.M., Chairman Brink *moved to reconvene in open session, and take a roll*
205 *call vote certifying that to the best of each member's knowledge (i) only such public business*
206 *matters lawfully exempted from open meeting requirements under this chapter and (ii) only*
207 *such public business matters as were identified in the motion by which the closed meeting*
208 *was concerned were heard, discussed, or considered.* Vice Chair O'Bannon seconded the
209 motion and the motion passed unanimously. A roll call vote was taken:

210 Chairman Brink – Aye

211 Vice Chair O'Bannon – Aye

212 Secretary LeCruise – Aye

213 Chairman Brink stated “Over the past several weeks, the Board has received
214 voluminous material alleging irregularities in the operations of two local electoral boards: the
215 City of Richmond and Nottoway County. The Board takes these allegations very seriously. If
216 any member of the public has any additional information they wish to provide on this matter,
217 they should do so by April 13 at info@elections.virginia.gov. The Board will meet on April
218 20 to determine the appropriate course of action going forward. In addition, I am asking the
219 Commissioner to convene a workgroup of Electoral Board stakeholders -- including the
220 leadership of the Virginia Electoral Boards Association, the state parties, and others -- to
221 determine what changes in training, selection and otherwise would foster greater cooperation
222 within local Electoral Boards, and to make recommendations to that end.”

State Board of Elections
FINAL Meeting minutes
Wednesday, March 31, 2021

223 Secretary LeCruise moved *to adjourn the meeting*. Vice Chair O'Bannon seconded
224 the motion and the motion passed unanimously. A roll call vote was taken:

225 Chairman Brink – Aye

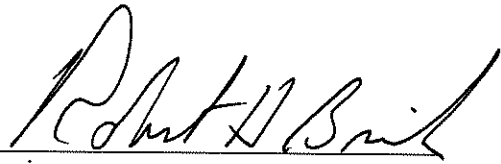
226 Vice Chair O'Bannon – Aye

227 Secretary LeCruise – Aye

228 The meeting adjourned at 4:33 P.M.

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230

231 
Chairman

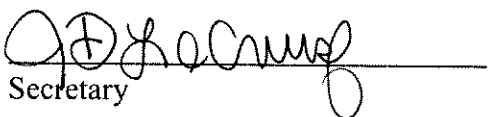
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Vice Chair

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Secretary

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APPENDIX: A

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James Nachman, Chairman and Joyce Smith, Vice Chairwoman of

241

Richmond City Electoral Board

242


JAMES M. NACHMAN
Attorney at Law

April 12, 2021

VIA EMAIL ONLY:

info@elections.virginia.gov

Virginia State Board of Elections
Attention: Franchelle Tyson
ELECT Administrative Program Specialist
The Washington Building-Capitol Square
1100 Bank Street, 1st Floor
Richmond, Virginia 23219

Re: Amended Response of James M. Nachman and Joyce K. Smith of the City of
Richmond Electoral Board to Republican Allegations of improper actions

Dear Ms. Tyson:

Please find attached the 7 page amended response of James M. Nachman, Chair and Joyce K. Smith, Vice-Chair of the City of Richmond Electoral Board to the Richmond City Republican Committee Chairman Hayden Fisher's complaint of alleged recent improper actions.

Should you have any questions, please feel free to contact me at 804-399-5555.

Sincerely,



James M. Nachman, Esquire
Chair, City of Richmond Electoral Board

**AMENDED RESPONSE OF JAMES M. NACHMAN, CHAIR AND JOYCE K. SMITH,
VICE-CHAIR OF THE CITY OF RICHMOND ELECTORAL BOARD TO THE
RICHMOND CITY REPUBLICAN COMMITTEE CHAIRMAN HAYDEN FISHER'S
COMPLAINT OF ALLEGED RECENT IMPROPER ACTIONS**

RETRIBUTION:

This one word sums up Hayden Fisher's letter, dated February 15, 2021, and his attached summary of alleged "improper actions." All of these stated allegations are untrue.

The time of this Complaint is suspect:

Most of the allegations stated in Mr. Fisher's complaint predated the removal of J. Kirk Showalter by the City of Richmond Electoral Board on February 1, 2021. Why didn't Mr. Fisher and the other complainants make their complaints in November 2020? Why did they wait to make their complaints until after J. Kirk Showalter was removed on February 1, 2021?

The allegations in Hayden Fisher's complaint are not only false, but are primarily based on unreliable double or triple hearsay.

None of these allegations, with the exception of C. Starlet Steven's illegal statements regarding a closed session of the City of Richmond Electoral Board are based on firsthand knowledge or observation.

C. Starlet Stevens, Secretary of the City of Richmond Electoral Board, has violated the closed session policy of the City of Richmond Electoral Board and violated Virginia Code sections 2.2-3711, 3712 regarding closed sessions.

Ms. Stevens has violated this above policy and the aforementioned statutes by specifically mentioning some of the confidential substance of the closed session involving the removal of J. Kirk Showalter as General Registrar of the City of Richmond on February 1, 2021. (See Fisher Complaint # 3). I will be careful not to make the same mistake that Ms. Stevens made and will not comment on the substance of what was a confidential personnel matter discussed in closed session. I do, however, want to state a few things about the nature of the meeting. I was not verbally aggressive or disrespectful towards Ms. Stevens. In fact, the opposite is true. Ms. Stevens was rude, obnoxious and disrespectful towards me as Chair, and towards Joyce K. Smith, as Vice Chair. Ms. Stevens did not respect the rules of the meeting and would not listen when she was ruled out of order. Ms. Stevens stated that, "she was not going to listen to me or Joyce Smith and she was going to say whatever she wanted to say, whenever she wanted to say it."

Ms. Stevens and J. Kirk Showalter's Attorney, Linda Woods were disruptive. I asked them to please stop. They persisted. They wanted to disrupt the closed session so that the Board could not go forward regarding the removal of Ms. Showalter. They screamed that Ms. Showalter was not being afforded due process and that the Board, could not go forward. The security and the

police that were present were aghast. They didn't know what to do? We had arranged for security and police to be there because we expected a contentious meeting.

In keeping with the guidelines outlined in Robert's Rules of Order, I called a recess to try to diffuse the situation. Security asked me if Ms. Joyce Smith and I wanted them removed. I sought legal counsel and called Tabrica C. Rentz with the City of Richmond's Attorney's Office. I had discussed this potential problem with her in the days leading up to the February 1, 2021 meeting. Ms. Rentz suggested a compromise. The compromise was that we would allow everyone to stay in the meeting, including Ms. Woods, Ms. Showalter's attorney, on the condition that everyone was allowed to talk uninterrupted. Ms. Rentz would be allowed to participate in the meeting via the telephone and would monitor the closed meeting. I offered this plan in the spirit of compromise. Everyone present at the closed meeting agreed to this suggested compromise. This is how the closed meeting was conducted from then on. Everyone was able to say whatever they wanted for as long as they wanted and they were not interrupted.

After the Board came out of closed session a vote was taken to remove Ms. Showalter as General Registrar for the City of Richmond. Again, Ms. Stevens and Ms. Woods were angry, rude, obnoxious and disrespectful. They called Ms. Smith and I names, said that we would be sorry, and said what goes around comes around. They promised to seek an injunction, to sue us and to bring the matter before the State Board of Elections.

Therefore, Mr. Fisher's complaint # 3 is false.

After the meeting ended, I left and went home. There was no meeting between me and Ms. Joyce K. Smith. It is my understanding that Ms. Smith stayed behind after the February 1, 2021 Board meeting, accompanied by security, to make sure Ms. Showalter turned over her keys and other credentials. According to Ms. Smith, Ms. Stevens and Ms. Woods' unruly behavior continued and they berated Ms. Smith and the security officials present.

Ms. Jerry Richardson, was Deputy General Registrar at this time and took over as acting Registrar, not interim Registrar, on February 1, 2021, because Ms. Showalter had been removed. Ms. Richardson's position as Acting Registrar was formalized at our Board meeting held on February 26, 2021 by an unanimous vote including the vote of Ms. C. Starlet Stevens.

Therefore, Mr. Fisher's complaint # 4 is false.

Joyce Smith and I did not violate Virginia Code Section 24.2-671.

There were eight chief election officers from eight precincts in the City of Richmond who did not report their election results on the evening of the election on November 3, 2020. (precincts 206, 510, 603, 606, 708, 814, 903, and 910).

We called the above Chief Election Officers and Assistant Chiefs and they did not reply.

Ms. J. Kirk Showalter was focused on reporting the results of the City of Richmond Mayor's race. A programming error had been made by her and the head of her technical staff. They could report the Mayor's race in aggregate, but could not report the results by council districts.

This was important in Richmond, because the winner had to take five out of the nine council districts in order to win the race. Tyler Links, with Print Elect, was helping Ms. Showalter solve this problem.

In the past, police officers helped us find chief election officers who didn't show up with their materials or communicate results on election night. They would on rare occasion help us find them so we could get the needed information. All of our police officers had been released.

After the polls closed, the Electoral Board members who had been visiting the precincts on Election Day came back to the Registrar's Office. The Board instituted a policy, where each Board member visited one third of the precincts in the City on Election Day and each Chief Election Officer on election night was supposed to bring in their election materials and check in with their respective Electoral Board member assigned to their precinct. This procedure was conducted on November 3, 2020.

Starlet Stevens checked in her precincts and at the conclusion of her check in, Ms. Steven's stated that she was tired and angry about everyone complaining about Kirk Showalter and left the registrar's office before midnight. Ms. Stevens left on November 3, 2020.

Ms. Smith and I stayed behind because there was more work to be done.

After midnight, on Wednesday, November 4, 2020, Ms. Smith and I went to Ms. Showalter and asked her advice about what we could do to get the election results from the aforementioned precincts (precincts 206, 510, 603, 606, 708, 814, 903, and 910). Ms. Showalter, Joyce Smith and I looked at Virginia Code section 24.2-671, and Ms. Showalter said, "it's the next day, the day after election, November 4, 2020, you are the Electoral Board, you can open up the envelopes and get the results."

Based on our reading of the statute and Ms. Showalter's advice, we proceeded accordingly. We called Starlet Stevens to inform her about how we were going to proceed and she did not answer her phone.

Ms. Smith and I at approximately 1:00 a.m. on November 4, 2021, the day after the election, opened up the # 2 envelopes containing the final voting tapes from the voting machines of the following precincts (precincts 206, 510, 603, 606, 708, 814, 903, and 910). These were the precincts where the Chief Election Officers did not call in their election results. Ms. Smith and I, opened up the envelopes, pulled the tapes out, looked at them, wrote down the results, put the tapes back in the envelopes, resealed the envelopes with new seals and signed our names to the new seals.

We did all of these described things in the presence of the then Deputy Registrar, Jerry Richardson, (now Acting Registrar), Adriene Davis, Executive Assistant to the City of Richmond Electoral Board and Cynthia Johnson of the General Registrar's staff.
There is no video evidence. There were no cameras operable at any time before or after election.

Therefore allegation # 1 of Mr. Fisher's complaint is false.

Ms. Smith and I did not open the # 2 envelope of Precinct 115 on November 4, 2020, or at any other time. Mr. Ames Russell was the Chief Election Officer of Precinct 115 in the City of Richmond. Both Ms. Smith and I spoke to Mr. Ames Russell separately and explained to him what I have previously described in this response. He refuses to believe our explanation despite the physical evidence and the witnesses that can attest to what occurred.

It has been stated that Ms. Smith and I removed Mr. Russell as Chief Election Officer in retaliation for him making a complaint to the State Board of Elections. This is not true.

I did not become aware of Mr. Russell's complaint or any of the other complaints outlined by Hayden Fisher until I was contacted by Jeremy Lazarus, with the Richmond Free Press on Friday, March 26, 2021. The City of Richmond Electoral Board voted to dismiss Mr. Russell at our Board meeting on March 11, 2021. I did not know of Mr. Russell's complaint on March 11, 2021. Also, the matter concerning Mr. Russell was discussed in a closed session of the Board. It would be inappropriate to discuss the reasons for Mr. Russell's dismissal, but I can state that Mr. Russell was not removed because he made a complaint to the State Board of Elections.

As was previously stated, Ms. C. Starlet Stevens went home on election night, November 3, 2020 before midnight. Ms. Smith and I stayed to complete the City of Richmond Electoral Board's business. Ms. Smith was at the registrar's office until approximately 3:00 a.m. on Wednesday, November 4, 2020 and I was there until approximately 3:45 a.m. In this last general election the canvass was not designed to start all at one time at 8:30 a.m. or 9:00 a.m. on November 4, 2020. Chief Election Officers were supposed to come in at appointed staggered times. The Board agreed that we all did not have to come in at the same time. Ms. Stevens said she would be in at around 9:00 a.m. On November 4, 2020, Ms. Smith informed me that she arrived at approximately 10:30 a.m. and was told that Ms. Stevens had arrived around 10:00 a.m. I arrived at approximately 11:00 a.m.

It is alleged as part of Mr. Fisher's complaint # 2, that I completed the canvass at my home on November 8, 2020, Nothing can be further from the truth. By the weekend of the Election (November 6-8, 2020) everyone on the City of Richmond Electoral Board was getting sick. Many people in the Registrar's Office were getting sick. We all went and took COVID-19 tests. We were all quarantined. I took my COVID test on Friday, November 6, 2020. The City of Richmond Registrar's Office was shut down because of the pandemic.

The canvass process in the City of Richmond is a multi faceted process: Basically, it proceeds in this order: Chief Election Officers bring in all of their envelopes, ballots, and materials on election night, November 3, 2020. Chief Election Officers come back the next day, November 4, 2020, and we make sure that their envelopes contain everything that they should (i.e. final voting tapes). There are a minimum of three sets of final voting tapes that are printed from each voting machine at every precinct. There are also three sets produced from the CAP (The Central Absentee Precinct). One set of tapes goes to the Clerk's Office at the City of Richmond Circuit Court by noon, the day after the election, on November 4, 2020. The second set of final voting tapes goes to the Registrar. The third set of tapes goes to the Electoral Board. The Registrar, along with her staff, produces a spreadsheet of the voting results from the Registrar's set of final

voting tapes. After a spreadsheet is produced, the Electoral Board checks the work of the Registrar's spreadsheet to check for errors using its set of final voting tapes.

The next step is for the Board to conduct a provisional ballot meeting to decide which provisional ballots to count so that they can be included in the final voting tally.

I consulted with Ms. Showalter about what we could do to move the vote count and certification process forward. Please remember, the Registrar's Office was closed, and all the Board members were sick and quarantined, including my wife Kelly, who also had to quarantine. Ms. Showalter suggested that she bring the Electoral Board's set of final voting tapes to my house and that she could swear my wife in as an Election Officer and that we could look at the tapes and see if her spreadsheet was correct. Ms. Showalter said she would inform the other Board members of this process and I called both Ms. Smith and Ms. Stevens and they stated that they were fine with proceeding in this manner.

Looking at the final voting tapes and checking the Registrar's spreadsheet doesn't complete the canvass, doesn't constitute a meeting, and does not violate Virginia Code Sections 24.2-671 and 24.2-107 as alleged.

I was willing and able to do this work as suggested by Ms. Showalter, even though I was sick and under quarantine. Ms. Stevens stated that, "she was so ill that it was an effort to talk on the phone or even to get out of my bed."

With the help of my wife, Kelly, we were able to catch a number of mistakes and were able to move the final vote count and certification process forward.

After we had made this review of the Registrar's spreadsheet, **we did not complete or finalize anything.** Both Board members C. Starlet Stevens and Joyce Smith were given an opportunity to view the Board's final voting tapes and to compare them with the drafts of the Registrar's spreadsheets.

Ms. C. Starlet Stevens stated to me that the Richmond Republican Committee, especially Ms. Elizabeth Bulter, were questioning her why she or some other Republican hadn't viewed the tapes. I offered to bring Ms. Stevens the tapes and a copy of the spreadsheets to her condo at the Mount Vernon which is blocks away from my office and my house. Ms. Stevens told me that she didn't need me to, that she was still feeling unwell.

The City of Richmond Electoral Board still needed to finalize the last part of the process of counting votes and conduct our provisional ballot meeting. At this juncture, the Registrar's Office was still shut down due to a second wave of COVID-19 infections.

Ms. Stevens and I were released from quarantine on Sunday, November 15, 2020, but now our Registrar, Kirk Showalter, was in quarantine. Ms. Joyce Smith, Vice Chair, was also still in quarantine.

We were able to hold our provisional ballot meeting on Tuesday, November 17, 2020 at 2:00 p.m. at Humphrey Caulder Community Center in their gym on Thompson Street in Richmond, Virginia. I talked to Ms. Stevens and she told me that the Richmond Republican Committee, especially Elizabeth Butler, was still questioning her about the tapes. We agreed that I would bring her the Electoral Board's set of final voting tapes and copies of the spreadsheets to the provisional ballot meeting. I told her she could take them home and look at them all she wanted to and I would come and get them and return them to the Registrar's Office.

I took all of the described materials to Ms. Stevens (the Board's set of final voting tapes and the spreadsheets) to the provisional ballot meeting at Humphrey Caulder gym on Tuesday, November 17, 2020 at 2:00 p.m.

Ms. Stevens made a random cursory review of the materials and stated that everything was in order. She stated that the Richmond Republican Committee's concerns, especially Ms. Butler's concerns were overblown. Ms. Stevens stated "the tapes don't lie." The provisional ballot meeting lasted thirteen hours. It didn't end until 3:00 a.m. on Wednesday, November 18, 2020. We were able to complete our work due to the fine work of Ms. Constance Hargrove, General Registrar of Chesterfield County and her staff who helped us through the process with Ms. Showalter helping us via telephone.

Again, at the conclusion of the provisional ballot meeting, I offered to take all the above described materials to Ms. Steven's car so she could take them home for further review. She declined. I took the materials back to my office, locked them up, and returned everything back to the registrar's office later that day on Wednesday, November 18, 2020, where they were received by the Deputy Registrar, Jerry Richardson, who had come out of quarantine and was the only person at the Registrar's Office, at that time.

Therefore, Mr. Fisher's complaint # 2 is false.

In conclusion, all of the allegations that are outlined in Mr. Hayden Fisher's complaint on behalf of the Richmond Republican Committee are unsubstantiated and are false.

These complaints are not credible and are based on double and triple hearsay. The timing of these complaints are suspect given the recent removal of J. Kirk Showalter as General Registrar for the City of Richmond on February 1, 2021. C. Starlet Stevens, Ames Russell, Elizabeth Butler, are all angry that Ms. Smith and I voted to remove Ms. Showalter and now they want to see us removed. **Retribution** is their operative mandate.

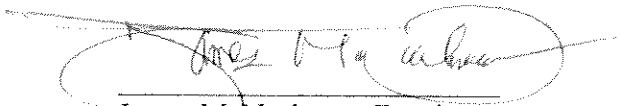
It is a sad commentary, that today it seems that some people will say and do anything to meet their political objectives. They don't care who they hurt. They are willing to smear peoples' reputations and impugn peoples' integrity.

Ms. Smith and I take our oaths as elected board members very seriously. We don't do improper or illegal things and we do not lie! I took this job as an Electoral Board member, as a public service in order to serve the City of Richmond and our Commonwealth. I know Ms. Smith did as well. I am an attorney, and have been a practicing active member of the Virginia State Bar for nearly 25 years, where I also took a similar oath to uphold the Constitution of the United States,

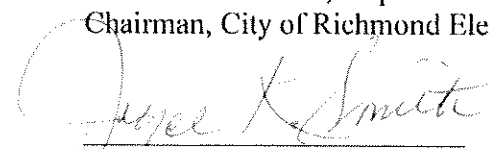
the Constitution of the Commonwealth of Virginia and the laws of the United States and the Commonwealth of Virginia. Ms. Smith and I have not broken our promise. We have done nothing illegal or improper. We did our job in an exemplary manner under very difficult circumstances.

Ms. Smith and I would like the opportunity to defend ourselves against these baseless allegations. We have many witnesses who are available to testify who have firsthand knowledge and who can corroborate that what we say is the truth. We would be happy to answer any questions the Board might have regarding these allegations.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James M. Nachman", written over a horizontal line.

James M. Nachman, Esquire
Chairman, City of Richmond Electoral Board

A handwritten signature in cursive script, appearing to read "Joyce K. Smith", written over a horizontal line.

Joyce K. Smith
Vice Chair, City of Richmond Electoral Board

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APPENDIX: B

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Elizabeth Butler, Ames Russell, and Starlet Stevens

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Richmond City Republican Committee

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Richmond City Republican Committee
Reagan Building, 25 East Main St, Richmond, VA 23219

April 12, 2021

Dear Virginia Board of Elections Members and Commissioner Piper,

Thank you for the opportunity to pull together all of the information we have about recent improper actions of certain members of the Richmond City electoral board. As I review the documentation presented here, I am struck by the persistent pattern of disregard for the Code of Virginia. The code provides instructions on what to do if a precinct's results haven't been reported on election night. It also provides a process to replace an electoral board member who is temporarily ill. Most importantly it spells out a process for the electoral board to meet regularly with all of its members and the public to conduct formal business. Unfortunately, certain members of the Richmond electoral board have proven that they can't be trusted to follow the Code of Virginia. I urge you on behalf of the citizens of Richmond to recommend the removal of Chairman Nachman and Vice-Chairman Joyce Smith.

Thank you in for your consideration of these serious matters.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Flsher", with a long, sweeping underline that extends to the right.

Hayden Flsher, Esq

Richmond City Republican Committee, Chairman

1. Electoral Board members James Nachman and Joyce Smith opened sealed returns of some precincts in the early morning hours of November 4th, without a proper meeting of the Electoral Board and without party observers. Joyce Smith subsequently lied about her participation. Code of Virginia 24.2-671

- a. The electoral board is required to meet at the Registrar's office before 5pm on the day after the election to ascertain the results of the election (Virginia Code 24.2-671)
- b. Every electoral board member must be notified if there is going to be a meeting of the electoral board. (Virginia Code 24.2-107) Starlet Stevens was not notified before the envelopes were opened.
- c. Each political party is entitled to have representatives present when the local electoral board meets to ascertain the results of the election (Virginia Code 24.2-671). The Republican party was not notified that the returns were being opened in the early morning hours of November 4th.
- d. Chairman Nachman testified on March 31, 2021 at the Board of Elections meeting that he and Joyce Smith opened the sealed envelopes of some of the precincts in the early morning hours of November 4th.
- e. Ames Russell, Chief Election officer of Richmond precinct 115, states:

Statement of Ames Russell: I am resident of the city of Richmond, Chief Election Officer of Precinct 115. I have served as an officer for over 8 years.

When we canvassed our Precincts results the morning after the election, we found signed seals broken, crucial machine print outs of results missing and another Precinct material among ours.

I later learned Electoral Board Members Mr. Nachman and Ms. Smith opened our sealed envelopes and removed our tapes in the middle of the night, in violation of the Code of Virginia.

Despite video evidence, Ms. Smith claimed:

"The Board didn't open those envelopes. We know NOT to do that. Kirk is using the board to cover herself. She does that to others as well to cover her mistakes."

I contacted Registrar Showalter with this information, and she said:

"contrary to Ms. Smith's assertions, it was she and Mr. Nachman who opened those envelopes. I was not present at the time nor were they opened at my direction."

Why did Mr. Nachman and Ms. Smith disregard Code, and why did Ms. Smith state the Board did not open envelopes when the Chairman claimed he did?

I feel this matter requires a thorough and impartial review to ensure the integrity of our electoral process and hold our officials accountable for their conduct.

- f. Statement of Robley Jones, employee of the Richmond registrar's office, who served as a Canvass officer during the Canvass of precinct 115's returns.

Dear Mr. Piper:

I recently became aware that the State Board of Elections is investigating election irregularities that may have occurred in Richmond City on the evening of November 3. I was one of the two canvas officers who attempted to canvass the report from Ames Russell's precinct, I believe it was 115, on the morning of November 4.

I have been a canvas officer for some years, and at that time, I was training Laticia Gaines, and the two of us were conducting the canvas. Chief Russell was accompanied by the assistant chief, Ann Pane.

Although we had reported to start the canvas at eight, the necessary number of Richmond Board members were not present, so we did not get underway until around nine. The packet from Mr. Russell's precinct was the first one presented to us.

I immediately noticed that the seal on the envelope containing the report was broken. I asked Ames if it had been broken when it was submitted. He said, "No." We noted this on the canvas form.

Then when we opened the envelope, I pulled out envelope #3. It was not from precinct 115. I cannot recall the number of the precinct that it came from. At that point, I called over Ms. Showalter. I informed her of the problem. She seemed surprised, and Johanna McKee and Kirk conferred with us. They took the envelope and told us to wait until the correct envelope #13 could be found. We waited for over a half hour.

Ames and his assistant, Ann Pane, were then told that they would be called back in when the missing envelope was found, and we were told to begin canvassing other precincts.

I have been a canvas officer for many years, and this is the first time I ever encountered an irregularity regarding the security of a precinct report.

When I learned that Mr. Russell was dismissed from his duties as chief, I was shocked. I have canvassed his precinct from time to time in the past, and he is an excellent chief, whose reports are accurate and meticulously organized.

If he was fired for voicing concern regarding the irregularities that occurred regarding his precinct report on November 4, he was wrongfully fired. Election officers should seek out the truth in such instances. Such a firing will have a chilling effect on reports of irregularities from local election officials, and I do not believe that is in the best interest of election integrity in our beloved Commonwealth.

Sincerely,

Robley Jones

g. Statement of Ann W. Pane, Assistant Chief, Precinct 115

On election night, I heard Chief Ames Russell call downtown to report our results at approximately 7:20pm. As is our practice, we each kept a copy of the results tapes just in case there was difficulty downtown.

During the canvass, on the morning of Nov. 4th, it was noted that our pollbook information did not match the SOR numbers. Chief Ames and I were both confused.

I asked to see the information from Robley, as I had packaged it, and had stapled the tapes in a particular spot in two different places on the form, and the materials he was handling had NO staples. It is then that we discovered the manila #13 Envelope in OUR #2 Envelope was NOT FROM OUR Precinct #115.... BUT WAS FROM Precinct #203!!!

This should have been impossible, as the envelopes are NOT to be opened once they are delivered to the registrar's office UNTIL canvas the next day.

Upon finding this out, we motioned for Kirk Showalter, Registrar, to come over to our table and asked her about it after explaining the situation. Her comments surprised us. To the best of my recollection I will recount what I remember her stating:

"She said that she was not surprised, that 'some' envelopes were opened the morning of the 4th at appx. 3:30-4:00am, because some of the precincts had not reported their results."

She was informed that our results had been CALLED IN, and there should have been NO reason to open our envelope 2.

IN ADDITION, why did whoever opened it RETURN THE WRONG Precinct 203 Envelope 13, in our Precinct #115 Envelope 2?

NOTE: the manila Envelopes 13 DID NOT contain any results tapes!!! But only tapes and summary of the Pollbooks and voters names and addresses.

"She replied that it was, after all, 3:30am and they had been there all day and were very tired, and she could see how this could have happened. That they were receiving a multitude of phone calls -every 15 minutes- from some candidates and they were trying to get the results totaled."

Kirk Showalter took the manila Envelope 13 and said she would check on it. We waited and waited. In about an hour Johanna McKee, came back to us with the Precinct #203 envelope, and informed us that they "could not find" the correct manila Envelope 13 for our Precinct #115, and that they did not know where it was, AND we should leave canvassing (not complete it) and leave the building.

h. Statement of Letitia Gaines, Chief Officer, Precinct 304

On November 4, 2020, was my first day of Canvassing for the City of Richmond. I was training with Chief officer Mr. Robley Jones. Our first precinct for the day was precinct 115, upon our checklist, we are asked to ask for how many workers, how many people

turned out for the precinct and etc. Upon, asking the questions, we noticed the answers that was given by Chief Ames Russell and assistant Chief Anne Pane of precinct 115 was incorrect of what they had in their envelope which was sealed and signed by Mr. Russell and Ms. Pane.

Mr. Russell and Ms. Pane, asked to see the envelope and tapes, in which everything that was in the envelope was not theirs and belong to precinct 203, and stated this is not our tapes or our workers. We do not know any of the workers and this is not our signatures on the tapes.

Mr. Jones and myself reported the problem to Johanna and it was escalated.

Along, with Mr. Russell and Ms. Pane, Mr. Jones and myself questioned how did precinct 203 tapes and information ended up in precinct 115 envelope. When, the envelope was signed and sealed when it was turned in the night of November 10, 2020 and was not to be open until the next day at canvassing.

Until today, we have not heard how 203 information was in 115 envelope.

With the climax across the United States concerning voting suppressions, this is a serious matter.

Also, with all of the training that was given by The Electoral Board and security around the Voter Registrar office this is very alarming.

i. Statement of Johanna McKee, Chief Officer, Central Absentee Precinct

On the evening of the Presidential Election after the polls closed Kirk Showalter and I were completing the Statement of Results for the Central Absentee Precinct 999, Jim Nachman approached Kirk Showalter to tell her that 6 precinct election results were missing. Kirk Showalter instructed Lisa Cosby to call the chiefs and she stated "they turned in their phones". I said that Adriene has all the phone numbers and contact info and Kirk said send the police to get the tapes. Lisa Cosby walked away with Jim Nachman.

Again, Jim Nachman approached Kirk Showalter and told her that the police were gone and Kirk Showalter asked who released them and Jim Nachman stated that they were going to go get the results from the #2envelope, Kirk Showalter stated to check the closing tapes that were turned in by the chiefs.

Later, Jerry Richardson spoke with Kirk Showalter that they got the election results from the #2envelopes.

j. Statement of Kirk Showalter regarding why the envelopes were opened:

Re: Personnel Matters from Board Meeting on March 11, 2021



jkds2010@verizon.net

Re: haydenfisher@mac.com

In: ctbohendson@pol.com; ames@hotsouthernhoney.com; jpvv13@pol.com; hndawoods@earthlink.net; dlcibetibentley@mpn.com

Reply Reply All Forward

March 11, 2021, 9:51 AM

I do, in fact know why they were ransacking the envelopes. My Voter Registration Services coordinator was supposed to be monitoring the results system to make sure that all the precincts reported on election night. She did not. I was tied up with Central Absentee because the Democrats were pushing hard to have everything that we'd received by that day counted that night (despite the state saying to stop at 11 PM). Shortly after midnight, I took a break and reviewed my emails. DIT had sent me one to remind me that the automatic upload from the City system stopped (as it always does) at midnight. They also alerted me to the fact that there were about six precincts for which no results were reported. I verified that they were correct, then sent word by (I believe it was my deputy) to the Board (who were downstairs receiving supplies) that the precincts were outstanding and that the Board needed to call the Chiefs for the results. If they couldn't contact the Chief, then they should send one of the police drivers to the Chiefs' homes to get the results. I made it clear that we could not leave until the results were posted.

The rest of the story is hearsay as reported to me by staff. (I was still upstairs, the entire time.) Apparently, no one downstairs collected the 4th extra voting machine tape when the Chiefs brought their supplies in. (we collect that extra tapes when the Chiefs return their supplies just for these situations) so the extra tapes weren't available to report the unofficial results. Someone had apparently released the police drivers before checking to make sure all the results were in, so going to the Chiefs' houses wasn't an option at that standpoint (which is SOP when the tapes aren't available). That left calling the Chiefs. Apparently there was a conversation about whether or not to call the Chiefs and one or more members of the Board decided not to do so due to the lateness. Apparently, one or more members of the Board decided to, instead, open the #2 envelope.

I speculate as to their "paranoia" about this situation. Envelopes sealed by the officers on Election Day may only be opened under certain circumstances (for security of the results). Most envelopes can only be opened with a court order and the majority of the election officers present. The #2, however, may be opened during canvass, but canvass doesn't start until the next day. Therefore, going into the #2 envelope before the canvass begins is questionable procedure at best. Case in point, whenever put the materials back in the envelopes after the results were done mixed up some of the contents, and we have the situation before us. You can check with Starlet, but I believe she was not present when all of this happened. It was just the two Democratic Board members. One of the Board members (Joyce Smith) later tried to tell Ames that I told them to do into the envelopes. Since I wasn't even present, that would have been impossible.

Kirk

k. As reported in the The Richmond Free Press, (State elections board investigating allegations involving city Electoral Board's handling of Nov. 3rd election)

"Mr. Nachman denied opening Mr. Russell's envelope during the search for precinct election results..."

Chairman Nachman also stated to the Board of Elections on March 31st that he never opened the envelopes of Precinct 115 or 203, which were involved in Ames Russell's claims. If that happens to be true, then there is a bigger problem where a third person was opening sealed envelopes also.

2. The Canvass on the morning of November 4th was not overseen by the Electoral Board, but by a single member.

- a. The electoral board is required to meet at the Registrar's office before 5pm on the day after the election to ascertain the results of the election (Virginia Code 24.2-671). The Richmond Electoral Board refers to this as the Canvass.
- b. "The Board shall open the returns delivered by the officers" (Virginia Code 24.2-671).
- c. Starlet Stevens was the only Electoral Board Member present when the Canvass began.
Statement of Starlet Stevens:

I arrived at the Voter Registration office on Wednesday, November 4, 2020 shortly before 8:00 a.m. for the canvass of the previous day's election.

When I arrived, I inquired if Vice Chair Joyce Smith or Chairman Jim Nachman had arrived and found out I was the only one there. As a general rule, Chairman Nachman is usually not in attendance the first thing on canvass day because he always says he has a court case. In the past, Joyce has always been present with me for the canvass to start. I went ahead and had the canvass start thinking Joyce maybe was caught in traffic, etc.

I tried several times throughout the course of the morning to call Joyce and the calls went into voice mail. I left messages but received no response. Joyce finally showed up at the office at approximately 12:00 p.m. and I told her that I was worried about her and asked if there was a problem. She said that she and Nachman had been at the office until 3:30 a.m. going into #2 envelopes looking for tapes. I was totally shocked to hear this as I thought both of them had left when I did the night before. At any rate, I told Joyce that at least two Board members were to be present at the canvass. Her response to me was that Nachman told her she did not need to be there. I told her that he was wrong, that the canvass always starts at 8:00 a.m. and no matter how late we were there on election night, we had to be there for the canvass to start.

Nachman showed up somewhere between 12:30 p.m. and 1:00 p.m. and I told him that I had been the only one there until around 12:00 when Joyce finally arrived. He told me that they had been there until 3:30 in the morning looking for missing tapes.

- d. Statement of Johanna McKee, Chief Officer, Central Absentee Precinct

On Wednesday November 4, 2020, Joyce Smith arrived late for canvass. She approached me to tell me " Jim and I did not leave until 3:30 am and he said I didn't need to be here."

3. The Canvass was continued at Chairman Nachman's home on the evening of November 8th. This should have been a proper meeting of the Electoral Board, a quorum was not present, and political parties were not given the opportunity to observe.

- a. "The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed seven calendar days from the date of the election. Written directions to the location of any room other than the clerk's and general registrar's offices where the board will meet shall be posted at the doors of the clerk's and general registrar's offices prior to the beginning of the meeting." (Virginia Code 24.2-671)
- b. "Two members shall constitute a quorum." (Virginia Code 24.2-107) Chairman Nachman was the only member present for the meeting on the evening of November 8th.
- c. Each political party is entitled to have representatives present when the local electoral board meets to ascertain the results of the election (Virginia Code 24.2-671). The Republican party was not notified that there was a meeting at Chairman Nachman's home on the evening of November 8th.
- d. Statement of Starlet Stevens:

"On Sunday evening, November 8, I received a call from Chairman Nachman. He said that he and his wife, Kelly were doing the canvass at their house on Stuart Av. He indicated that Registrar Showalter had sworn Kelly in and she was assisting him in reviewing the tapes and the SOR's from Tuesday's election.

I questioned why this was being done at his house and Jim indicated that our whole office was shut down due to COVID-19. No one was allowed in the building due to this. At this point in time, I did not discuss any further. I was so ill that it was an effort to talk on the phone or even to get out of my bed."

4. Jim Nachman was verbally aggressive and disrespectful towards board member Starlet Stevens during the Richmond Electoral Board meeting on 2/1/2021.

- a. Statement of Starlet Stevens describing events leading up to the closed session discussion of 2/1/2021:

"When we go into closed session, our Executive Assistant, Adriene Davis gives me a statement to read which states that the Board is going into closed session to discuss personnel matters. It also cites the Code of Virginia law that this relates to.

As I was ready to start reading said statement, Chairman Nachman stopped me and handed me a different statement to read. I asked why I was being asked to read something different and he gave me no answer. He said something to the effect of "just read it". I refused to do this without an explanation from him. He then removed the statement from me and handed it to Co-Chair, Joyce Smith who struggled to read it.

The recorder was turned off by Adriene and she along with staff members Jerry Ingram, Liz Wilson, Johanna McKee left the room.

At this point, Jim shouted across the room to Kirk's attorney, Linda Woods that she also must leave. Ms. Woods stated that she was there to represent Kirk and she would not leave.

I spoke up and said "Jim, Ms. Woods has a right to be here, let her stay." He yelled at me to "shut up, you stay out of this!" My response was, "I will not stay out of this, I have a duty to be here." I added that Kirk had a right to legal representation in this proceeding.

Jim again yelled loudly at me to "shut up" or he would make me leave the meeting. I said no way would I leave the meeting.

At this time, Jim got up and went into the hallway to make a phone call. He also at this time ordered the Security Officer to get the RPD officer and for them to remove Ms. Woods from the building. I spoke to the officers and asked them not to do this and added that Kirk had a right to have her lawyer there. I even added that if they were in a similar scenario, wouldn't they also want their attorney present? They agreed with me and Jim again yelled at the officers to get Ms. Woods out of the building.

Jim yelled at me to "shut up and stay out of this." I said "no way" and he said he would have me removed from the building also. My response was, "I would advise you against doing that ". During this, Jim was on the phone and it was my understanding that he was talking with Attorney Tabrika who is with the City of Richmond.

Jim again ordered the officers to remove Ms. Woods and if she refused, they were to arrest her. I said I was not going to allow this to happen. It was apparent to me that the officers really had no interest in going to the extremes that Jim was ordering.

I then suggested it would be a good idea for the Board to come out of closed session and go back into open session and take care of the last two items on the meeting agenda. I suggested we schedule another meeting to address the issue of whether or not to remove Kirk. Jim yelled "no way, this is going to get done tonight!"

b. Statement of Kirk Showalter regarding events that occurred at the City of Richmond Electoral Board meeting on February 1, 2021.

I have worked for various governmental agencies in the past 30 years. I have never - in all that time - witnessed the behavior exhibited by Mr. Jim Nachman, Chairman of the Electoral Board, in general and toward Ms. Stevens in particular. One of the items on the agenda was consideration of the removal of me from the appointed position of General Registrar. At no time prior to that meeting was I informed of

any specific cause for removal. (The General Registrar is not an at will employee; they can only be removed from office for failure to perform their duty according to law.) As such, believing that there was no event that occurred that met that standard, and believing that I was entitled to due process in the proceedings, I requested that my attorney remain during the closed session so that she could advise me, if necessary, during the course of any conversation that might ensue. Mr. Nachman vehemently and loudly objected to allowing my attorney to remain. When my attorney refused to leave, Mr. Nachman threatened to have her arrested. Ms. Stevens came to my defense and supported my request to have legal counsel present during the closed session. Mr. Nachman screamed at her and became verbally aggressive. While I do not remember the exact words that he said at that point (I was too shocked), the effect of the communication was such that it was clear that he did not wish to allow Ms. Stevens to have any input into the matter, completely disregarding her equal standing as a member of the Electoral Board. He also threatened to have her removed by the security staff that were present. It should be noted that I, the then General Registrar, had not arranged for the security staff to be present at the meeting. I can only conclude that the security staff were pre-arranged at the behest for either Mr. Nachman or Ms. Joyce Smith, Vice-Chairman, or both.

While the Freedom of Information Act precludes me from communicating exactly what was said during the closed session, I can say that Mr. Nachman's attempt to muzzle Ms. Stevens continued during the closed session. It was also obvious that he did not intend to allow for any sort of real due process to occur before the Board acted in open session to vote on the question of removing me from office. I will also add, that while Ms. Smith's behavior was not as loud or aggressive as Mr. Nachman's, it was clear that she fully supported and condoned his.

5. **After the public electoral board meeting on 2/1/2021, Acting Interim Registrar Jerry Richardson was named without a proper meeting of the Electoral Board because Starlet Stevens was not notified and neither was the public.**
 - a. Every electoral board member must be notified if there is going to be a meeting of the electoral board. (Virginia Code 24.2-107) Starlet Stevens was not notified before the meeting occurred to name Jerry Richardson as interim Registrar.
 - b. Notice shall be given to the public as required by 2.2-3707. No public notice was given for this impromptu meeting.

6. Ames Russell was fired as an election officer in retaliation for his whistleblower action mentioned in #1 above.

- a. On March 11, 2021, the Richmond Electoral Board voted to no longer allow Ames Russell to serve as an election officer. Starlet Stevens voted against removing Mr. Russell.
- b. Mr. Russell, a long standing and well-regarded election officer, was terminated without any acceptable due process. He was never directly questioned by either Chairman Nachman or Ms. Smith regarding this matter.

It appears that the sole reason for his removal is his complaint about the actions of the Electoral Board in the early morning hours of November 4, 2020.

As reported in the The Richmond Free Press, ([State elections board investigating allegations involving city Electoral Board's handling of Nov. 3rd election](#))

“Mr. Nachman... denied Mr. Russell was fired for filing the complaint”

“Ms. Smith said Mr. Russell was dismissed because he refused to accept her and Mr. Nachman’s statements that they had nothing to do with the premature opening of his envelope.”

- c. Also on March 11, 2021, the Richmond Electoral Board voted to no longer allow Linda Woods to serve as an election officer. It appears that the sole reason for Linda’s removal is her position as Kirk Showalter’s attorney at the previous Electoral Board meeting on 2/1/2021.

7. Jim Nachman was pressured by Senator Morrissey and Susan Schwecker of the Democratic Party of Virginia to fire the Richmond Registrar. He commits to follow the direction of Morrissey and the Democratic Party – when he should be discussing this matter with the Richmond Electoral Board and making an independent decision.

11/15

From: **Jim Nachman** nachmanlaw@msn.com
Subject: Re: Xerox Scan_11062020183158.pdf
Date: November 7, 2020 at 9:21 AM
To: Susan Schwecker susanswecker@me.com



I would be happy to talk to him and tell him the real facts if it would do any good. You already know what I know. The part about the RCDC requesting a meeting with me, Joyce or the Board is bogus. And as we have discussed earlier, would it have been wise to take her out in a year right before a major election? We would have had to start from scratch. Nobody ever said anything to me or Joyce about her reappointment. I am flabbergasted. Please let Joe that I have been working with the Party and am willing to follow your and the leadership's direction.
Jim Nachman
399-5555

Sent from my iPhone

On Nov 7, 2020 at 9:06 AM, Susan Schwecker <susanswecker@me.com> wrote:

You should not respond. Let me get with Andrew on this. I guess he mailed it bc I had not seen it.

> On Nov 7, 2020, at 8:58 AM, Jim Nachman <nachmanlaw@msn.com> wrote:

>

> WOW! Joe is misinformed!

> Jim Nachman

> 399-5555

>

>

>

> Sent from my iPhone

<Xerox Scan_11062020183158.pdf>

SENATE OF VIRGINIA

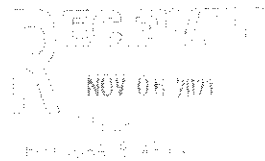
JOSEPH D. MORRISSEY
17th SENATORIAL DISTRICT
ALL OF THE CITY OF NORFOLK, AND
PERTAINING PART OF THE CITIES OF
DANA BOLE, AND PRINCE GEORGE COUNTIES
AND PART OF THE CITY OF RICHMOND
17th SENATORIAL DISTRICT
RICHMOND, VIRGINIA 23219
(804) 771-1666



COMMITTEE ASSIGNMENTS
AGRICULTURE, CONSERVATION AND NATURAL
RESOURCES
FINANCE
LOCAL GOVERNMENT
RELATIONS AND OTHER SERVICES

November 2, 2020

James Nachman, Chair
Richmond Electoral Board
2134 West Laburnum Avenue
Richmond, VA 23227



Dear Mr. Nachman,

As you know, on Monday, October 26, 2020, the Democratic Party of Virginia filed suit against Richmond Registrar, J. Kirk Showalter, regarding her failure to respond to a **Freedom of Information Act (FOIA)** request for a list of those voters with ballots that may contain errors. Notwithstanding Showalter's statutory duty to respond to a FOIA request in a timely fashion, it wasn't until 17 days later that Showalter responded by stating: "We don't have a list". Showalter's behavior is unacceptable.

I also note that the Democratic Party of Virginia had previously requested such error lists from approximately fifty (50) other localities... all without a hitch. Why is it that the Richmond Registrar's office continues to perform its job in such a miserable fashion?

Equally troubling was your response—as reported in the Richmond Times Dispatch—that "the City's Elections office did not intend to 'hide' any reference or 'stonewall' request for them". Indeed, the Richmond Registrar's office did just that. Why wait seventeen (17) days before saying "we don't have a list"? Why not do it immediately—simple stonewalling! You go on to say that the Richmond Registrar's office has an operation that is "tremendously ramped". I have no clue as to what that means. What it sounds like is that you are making excuses for an office that is performing in a wildly abysmal fashion.

Showalter has shown repeatedly that she is unfit to lead the Richmond Registrar's office. How many times has she been sued? How many hundreds of thousands of dollars in attorneys fee has she had to pay out? Earlier, this year the Richmond City Democratic Committee requested a hearing with your Board in order to present overwhelming evidence of ineptitude on the part of Showalter. You prevented that from happening by reappointing her without the requisite hearing. Your singular action—which prevented the Richmond City Democratic Party from

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November 2, 2020

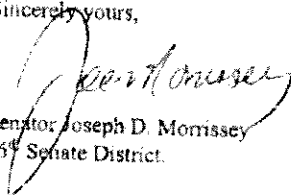
James Nachman, Chair, Richmond Electoral Board

presenting Showalter's defalcations over the last several years - was unprecedented and in violation of your responsibilities as a Chair of the Richmond Electoral Board.

I also note that you stated in the Richmond Times Dispatch that there is an unprecedented number of absentee ballots in Virginia and that "people are working really hard; they are under a lot of stress". Mr. Nachman, there are a lot of Registrar's Offices throughout the Commonwealth that are "under stress" and they are all "working very hard". However, unlike the Richmond Registrar, the other Registrar Offices are performing their job in stellar fashion. Mr. Nachman, you need to run a tighter ship and if you can't do your job, then you should resign.

Finally, stop covering up for Showalter's incompetence. It just underscores both the problems that we are having in the Richmond Registrar's office as well as your poor leadership of the Richmond Electoral Board.

Sincerely yours,



Senator Joseph D. Morrissey
16th Senate District.

cc: Jamie Nolan, Chairperson
16th Senate District Committee
1021 East Cary Street, Suite 1275
Richmond, Virginia 23219

Virginia State Board of Elections
1100 Bank St.
Richmond, VA 23219

Susan Swecker, Chair
Democratic Party of Virginia
919 E Main St #2050
Richmond, VA 23219

Joyce K. Smith, Vice Chairman
Richmond Electoral Board
2134 West Laburnum Avenue
Richmond, VA 23227

C. Starlet Stevens, Secretary
Richmond Electoral Board
2134 West Laburnum Avenue
Richmond, VA 23227

J. Kirk Showalter, Registrar
Richmond City Registrar's Office
2134 West Laburnum Avenue
Richmond, VA 23227

8. Richmond electoral board members, Jim Nachman and Joyce Smith, were plotting together to build a case against the Richmond Registrar and they anticipate they will be sued for discharging her. These discussions are inappropriate and should have involved the full board, not just two members.

From: **Jim Nachman** [mailto:nachmanj@richmondva.gov]
Subject: **Re: Removal of General Registrar**
Date: **December 3, 2020 at 3:47 PM**
To: **Joyce Smith** [mailto:js1@richmondva.gov]



I tried calling you yesterday in response yesterday to your text, but you did not answer. I do plan to call a meeting to address the concerns outlined in the letter received from Susan Swecker and Jamie Nolan. As you and I discussed last week, there is much to be done before we have a meeting. We must be ready and have all the facts, information, documentation, and witnesses if we are to make a case for Kirk Showalter's removal. I wanted to talk to a number of individuals including but not limited to Chris Piper, Bob Brink, Haskell Brown, Nancy Rodriguez, and other witnesses. I have consulted with Chairwoman Susan Swecker and told her that I thought we would need until January 2021 before we could be ready. Remember, we had better be prepared and be able to make a case against Kirk Showalter that will be able to pass judicial muster in the likely event that she sues us for discharging her. I would have thought you would have called me and discussed this with me before emailing me in this manner? Please call me! You know how to reach me. Thank you!
Jim Nachman
394-5555

Sent from my iPhone

On Dec 3, 2020, at 4:53 PM, Joyce Smith [mailto:js1@gmail.com] wrote:

Dear James Nachman, Chairperson
Richmond Electoral Board

I am following up on my request for a meeting in order to address the concerns of the citizens of Richmond, VA. I have the letters received from the Chairman of the State Democratic Committee, Ms. Swecker as well as the local Democratic Committee Chairperson Jamie Nolan regarding major concerns with our November 3, 2020 elections. We have also received concerns from State Senator Joseph Morrissey.

Of great concern to me is the accusation of impropriety at our polling places, specifically the concerns Ames Russel, Chief Officer for precinct 115 has raised in writing to you and I.
These matters are serious, and they cannot be ignored.

Upon review of Virginia State Code Section 24.2-1503, the Appointment and removal of the general registrar, it states that the Electoral Board shall remove from office, on notice, any general registrar or officer of election who fails to discharge the duties of his/her office according to law.

I have requested on numerous occasions as the Vice Chairperson of the Electoral Board, we convene to determine how we will move forward in the electoral processes of this City. I am now requesting in writing that we schedule an Electoral Board meeting, an emergency Electoral Board meeting if keeping with open meeting laws, to discuss this matter expeditiously.

Please advise as to when you will schedule the meeting.

Thank you for your support. It is a privilege.

Joyce Smith
Vice-Chairperson
Richmond Electoral Board

9. Fraudulent application to the Virginia Employment Commission for unemployment compensation by electoral board member Joyce Smith

- a. In her email to you dated 3/7/2021, Starlet Stevens reported that Richmond Electoral Board Vice -Chairman, Joyce Smith, filed false claims for unemployment compensation with the VEC on three different occasions during 2020.
- b. Kirk Showalter's letter to VEC:



Office of the General Registrar

City of Richmond
2134 West Laboratory Avenue, Richmond, Virginia 23227
P.O. Box 51977, Richmond, Virginia 23261-1937
(804) 646-5955
VoteRegistration@richmondva.gov

November 30, 2020

Virginia Employment Commission
6606 West Branch Street
P.O. Box 27897
Richmond, VA 23261

Re: VEC Employment History of Separation and Wage Information - Account # [REDACTED]

Dear Virginia Employment Commission:

We received the Virginia Employment Commission Employee Report of Separation and Wage Information forms to be completed for account number [REDACTED] for Joyce K. Smith. Please be advised that Ms. Smith is not a wage or salaried employee of the City of Richmond. She was, and continues to be, the vice-Chairman of the City of Richmond Electoral Board.

Under §24.2-122 of the Code of Virginia, Electoral Board members are not employees of the county or city in which they serve except as otherwise specifically provided by state law. However, their compensation for this is a flat annual fee. Per the attached letter, Ms. Smith's annual compensation is \$4,428. Because of this status, I was unable to answer most of the questions on the form's (enclosed).

Please be advised that Ms. Smith has not separated from this position. She continues to receive the flat paid bi-weekly payments.

Please call me at (804) 646-5950 or email me at VoteRegistration@richmondva.gov if you have any further questions.

Sincerely,

[REDACTED]

6. Ames Russell was fired as an election officer in retaliation for his whistleblower action mentioned in #1 above. a. On March 11, 2021, the Richmond Electoral Board voted to no longer allow Ames Russell to serve as an election officer. Starlet Stevens voted against removing Mr. Russell. b. Mr. Russell, a long standing and well-regarded election officer, was terminated without any acceptable due process. He was never directly questioned by either Chairman Nachman or Ms. Smith regarding this matter. It appears that the sole reason for his removal is his complaint about the actions of the Electoral Board in the early morning hours of November 4, 2020. As reported in the The Richmond Free Press, (State elections board investigating allegations involving city Electoral Board's handling of Nov. 3rd election) "Mr. Nachman... denied Mr. Russell was fired for filing the complaint" "Ms. Smith said Mr. Russell was dismissed because he refused to accept her and Mr. Nachman's statements that they had nothing to do with the premature opening of his envelope."

To this I add, neither Mr. Nachman nor Ms. Smith ever questioned me directly about my statement or theirs's. To state I "refused" to accept their statements is unfounded.

Beyond this, will current and future election officers be liable for dismissal by Electoral Board members because they don't agree with Board Members interpretation of events?

Thank you,
Ames

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APPENDIX: C

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Diana Mitchell

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Illegal Electoral Board Meeting February 26,2021

email: "ironik4bstone@yahoo.com Diana Wilkins-Mitchell"

Monday, March 22, 2021 at 8:40:06 AM Eastern Daylight Time

To: email: "jamilah.lecruise@elections.virginia.gov" , email: "robert.brink@elections.virginia.gov" , email: "john.obannon@elections.virginia.gov John OBannon" , email: "david.nichols@elections.virginia.gov David Nichols" , email: "christopher.piper@electins.virgina.gov" , email: "chris.piper@elections.virginia.gov" , email: "info@elections.virginia.gov" , email: "info@commonwealthva.com"

I strongly recommend you take the time to listen to this recording of a meeting that took place and was not sanctioned. In this recording of the illegal board meeting you can hear many irregular activities that clearly violate policy. The chair of the Democratic Committee in Nottoway is acting as secretary. He put the agenda together, typed it, opened files and proposed policy change. He is not a board member and should not have been part of any decision making concerning the electoral board. Public comment was rejected and the public was told they would be removed unless they complied. The two board members scoffed at the training offered to help navigate their responsibilities and openly acknowledged they had attended that training...the training is designed to prevent irregularities. Motions were made and executed without the third member of the board being present during a meeting that had not been announced with a three day minimum advertising, nor had it been publicly advertised as required. A personal discussion took place concerning the Registrar without her knowledge and not in closed session. We, the Concerned Citizens for Fair Election Practices have contacted you in order to protect our rights and those of our entire community. Please remember bipartisanship is mandatory for all those who participate as members of the Electoral board.

Attachments:

Illegal Electoral Board Meeting February 26,2021.m4a 6.9M

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APPENDIX: D

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Angela Stewart,

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Director of Elections, Nottoway County

Angela Stewart, Registrar

Issues with the Democrat members of the Nottoway Electoral Board:

1. Violate Code: Voting to approve two motions: first to require the Registrar to respond to all FOIA requests within 24 hours all without charging any costs and 2) that only "healthy" Officers of Election could work on election-day.
2. Conduct a meeting without proper notice, without the Republican member; although she had given notice of not being available during the day due to work hours and generally speaking holding those meetings during the mid-morning.
3. Failure to sign documents: Canvas, Receipt of notice of an Error Free Election and requesting assistance from the Registrar for Cyber Security.
4. On voting day: Traveling with the Democratic Chair to complain about one Officer of Election not wearing a mask. (Note: Person had medical evidence not to wear a mask). Mitigated by holding a mask over her face when out of her work station.
5. Violate Code: Interfere with Officers of Election and voters while claiming all her questions weren't answered. Claiming identification cards were thrown back at electors.
6. Calling an Officer of Election a "Karen." (A very negative name)
7. Based on the number of emails sent not dealing with meetings it appears to be a violation of the meeting/talking to part of the code.
8. Failure to follow Cyber Security directions from the Virginia Department of Elections.
9. Telling people that the Registrar works at the "pleasure of the Electoral Board."
10. Democratic Chair tells the Democratic board members not to sign anything provided by the Registrar.