

November 8, 2023

ATTENDANCE:

Members:

Anita White-Chair

David Law-Vice Chair

Arlene D. Burkhardt-Secretary

The Electoral Board meeting was called to order by Chair Anita White at 10:18 AM. A roll call of members present was read by Secretary Arlene as follows: Chair Anita-present, Vice Chair David-present, Secretary Arlene-present.

Chair Anita asked for the adoption of the agenda. Vice Chair David asked for the agenda to be amended to include the items submitted for the agenda via email to the chair on November 3, 2023. Those items included: no Board approval of a Parliamentarian; Creating future meeting notices/agendas per VA code 24.2-107; and Recommendation from the County Attorney to request monies from the Board of Supervisors to hire someone qualified to conduct an ADA compliance review for polling precincts. The agenda also needs to be amended to reflect the correct date for the next EB meeting, which will be November 13, 2023, at 2:00 PM for the processing of provisional and post-election absentee ballots. The Vice-Chair also requested a lunch break between the closed session for provisional ballots and the canvass. The agenda with amendments was approved.

Chair Anita asked Secretary Arlene to read the minutes from the previous two meetings. The minutes were not approved. Chair Anita said she would add her comments later. Vice Chair David told Chair Anita that after the minutes were approved by the board, she could not just add or change the minutes.

There were no public comments made at this meeting.

There was no report from any Electoral Board members at this time.

The General Registrar provided her report.

The unfinished business was tabled at this meeting.

At 10:38 AM, Chair Anita read Code 24.2-653 to go into a closed session for Provisional Ballots. The Board reconvened per code 2.2-3712. The only item discussed was provisional ballots. Roll call vote: Chair Anita-yes Vice Chair David-yes Secretary Arlene-yes. The canvass began immediately following the closed session.

During the canvass, items that need to be addressed at future training sessions for precinct chiefs and election officials are:

1. Provisional ballots-filling the form out correctly and making sure that an officer signs.

1. The provisional log needs to be filed in completely.
2. Envelope 2A and the contents.
3. Envelope #2 and the contents.
4. The check-in sheet should be used at the end of the night.
5. Chiefs need to have extra labels filed out to bring with them at the end of the night.
6. The new form-Goldenrod.
7. Suggestions that chiefs do the training in the future or partial training.
8. Summary reports not filed out.
9. Suggestion made about paperwork being completed by the chiefs here at the office.
10. SOR's being filed out correctly.
11. Signing the SOR's before the election officials should be signing them.
12. Oath of office not signed by several chiefs.

During the canvass, some precincts did not have zero tapes attached to their SORs. It was also noted that for precincts 605, 606, 702, 704, and 705 the result tapes indicated that the polls were opened on September 19, 2023, and closed on November 7th (and one indicated that the polls were opened on September 20, 2023, and closed on November 8, 2023, due to the date not being correctly set on the machine). After reviewing the necessary documentation, it was determined that the L&A testing for these machines was performed by Chair Anita, and she had not closed the polls after zeroing out the totals for the L&A test. When asked for an explanation, she said it was due to the fact she did not receive the same training that Vice Chair David and Secretary Arlene had. Vice Chair David told her if she did feel confident to do the testing on the machines, she should have said so and declined to perform the testing. Vice Chair David suggested that the Chair provide a written explanation for these findings to be included with the SORs for those precincts.

After working for several more hours, the Board recessed until November 13, 2023, at 2 PM to determine the validity of each provisional ballot and to continue the canvass.

On November 13, 2023, at 2:10 PM, the Board reconvened.

Upon review of the 65 provisional ballots submitted, 41 would be tabulated for inclusion in the election results.

Chair Anita did not have a written statement to explain the discrepancies for precincts that had polls opened on September 19 and 20, stating that she didn't feel it was necessary. Vice Chair David presented the Board with a statement explaining why some of the DS200s result tapes showed the polls opened on September 19 and 20 and no zero tapes were automatically provided by the machines for our review and signatures, the Chair failed to provide the necessary explanation. Chair Anita refused to sign the document stating that she did not have time to review it and that it was all lies. Vice Chair David and Secretary Arlene signed the document, and it was included in the number 2 envelopes for the appropriate precincts (605, 606, 702, 704, 705). A copy of the statement has also been attached to these minutes.

The Vice-Chair asked Chair Anita about requesting a parliamentarian without the consent of the board. Chair Anita replied that she did not need the approval of the board according to Robert's Rules of Order. The Vice-Chair requested to be provided with where in Robert's Rules that was stated, but the Chair was not able to provide that information.

Vice Chair David said that notice of the meetings shall be given to all board members either by the secretary or another board member. Vice Chair David made a motion to follow the code 24.2-107 that the notice of the meeting and setting of the agenda will be made by the Secretary. Vice Chair David called for the vote: Secretary Arlene-yes Vice chair David-yes Chair Anita-no. The motion carried.

Chair Anita stated that the next meeting would be held on December 12, 2023. Secretary Arlene stated that there was no need to have a meeting in December and that she would not be available on December 12, 2023. The Chair stated that she felt the Board needed to meet regularly, given the good money that the county is paying the Board members. GR Shani commented that we are having a primary on March 5, 2024, and that a meeting could be held (according to GR Shani) in January to discuss the upcoming election. Chair Anita made a motion to meet on January 9, 2024. A voice vote was taken; the motion was not carried out. Vice Chair David asked how Chair Anita could call for a meeting for next year when her term expires in December 2023, and she had not been reappointed to the Board as of yet. Vice Chair David asked several questions about her call for meetings and not providing an agenda to the Board members before the meeting, her recruitment of a parliamentary without even notifying the other Board members, the requests for information that she has not responded to (Executive powers of the Chair in Robert's Rules, accusations of meetings being called and held in her absence), and the statement that she refused to provide explaining the results from the canvass about the L&A testing she performed, as well as not signing the statement that was provided. Chair Anita said that the statement created to explain the discrepancies was all lies.

Secretary Arlene called for an adjournment. Vice Chair David-aye Secretary Arlene-aye  
Chair Anita-nay. The meeting adjourned at 10:39 PM.

Respectfully submitted:

Arlene "Tinker" Burkhardt/Secretary  
Pittsylvania County Electoral Board

REVISED DRAFT

Explanation of Result Tape Discrepancies

Polls Not Closed on September 19, 2023 -

The result tapes from the DS200 optical ballot scanners for the following precincts: #605 Whitmell, #606 Brosville, #702 Bachelor Hall, #704 Mt. Herman indicate that these polls were opened on September 19, 2023 and closed on November 7, 2023. The reason for this is when Electoral Board Chairman, Anita White, performed the Logic and Accuracy (L&A) testing on these machines, she did not close the polls before powering the machines down. The totals from the L&A testing had been cleared on all of these machines as part of the L&A testing process, therefore, the public counts were zero when ballot counting began on November 7, 2023 and the results of the ballots entered into the scanners during the election are accurate. Due to the fact that the polls were not closed on September 19, 2023, no zero tapes were automatically generated when the machine was turned on for use on November 7, 2023. Some of the precinct chiefs contacted the General Registrar's office to indicate that no zero tapes were produced and were instructed how to have the DS200 create zero tapes. Some of the precinct chiefs did not contact the General Registrar's office, and thus no zero tapes are provided with the Statement of Results.

Polls Not Closed on September 19, 2023 and Machine Date Inaccurate -

The result tapes from the DS200 optical ballot scanner from precinct #705 Mt. Cross indicates that the poll was opened on September 20, 2023 and closed on November 8, 2023 because when L&A testing was performed on this machine by Anita White, she did not close the poll before powering down the machine. Additional, she did not adjust the date set on the machine to reflect the correct date, which was September 19, 2023. The totals from the L&A testing had been cleared on this machine as part of the L&A testing process, therefore, the public count was zero when ballot counting began on November 7, 2023 and the results of the ballots entered into the scanner during the election of are accurate.

We, the Electoral Board of Pittsylvania County, Virginia, attest these statements to be true and accurate under penalty of law.

Anita refused to sign

Anita White, Electoral Board Chairman \_\_\_\_\_ Date: \_\_\_\_\_

Arlene Burkhardt, Electoral Board Secretary Arlene Burkhardt Date: 11/13/2023

David S. Law, Electoral Board Vice-chairman David S. Law Date: 11/13/2023