



Electoral Board

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**Report by the Lynchburg Electoral Board to the Virginia Department of Elections and the
Voters of Lynchburg Regarding Incidents At Precinct 4-1,
Located At Crosspoint Community Church, On Election Day November 2, 2021**

December 2, 2021

On Election Day, November 2, 2021, Lynchburg experienced four sets of disruptive experiences at Crosspoint Community Church, the polling place for Precinct 4-1. This report will discuss each in turn and describe how the Electoral Board will respond to them.

1. 6:00 A.M. Sample ballot handouts and voter greetings by party representatives beyond 40 feet from the polling place entrance

Context: Code of Virginia §24.2-604(A) provides in relevant part that:

During the times the polls are open and ballots are being counted, or within one hour of opening or after closing, it is unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote...

Code of Virginia §24.2-100 states that "'Entrance of polling place' or 'entrance to polling place' means an opening in the wall used for ingress to a structure."

Complaint: In a statement submitted on November 5 by the chairs of the 6th Congressional District Republican Committee and the Lynchburg Republican City Committee, City Council member Chris Faraldi has described a recurring disagreement that morning with an election



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official, whose name card Mr. Faraldi read as “Bob,” over the official’s directive that outside party representatives should stand on the far side of the church’s main parking lot because, he said, that was 40 feet from the curb of the back entrance of the church. Mr. Faraldi disputed the measurement from the curb by the back door because it was being used as an exit door, not an entrance door, and because the curb is not an entrance, and characterized the election official’s tone as “demeaning, argumentative, superciliously condescending, reprimanding, and borderline authoritative”. “disrespectful and distasteful”, and “snarky.”

The dispute was resolved according to Mr. Faraldi only when he complained to an Electoral Board member and the Republican City Committee chair. The election official returned and remeasured the 40’ line from the top of the back entrance stairs (“still 5 feet from the double door serving as an exit”), and stated “I apologize gentlemen, it seems levelheadedness wins the day.”

Election Officer Comments: Precinct Chief Ben Jones (there was no Bob working in 4-1 on November 2, and the other male election official present was Norvell Jones), in a statement submitted to the Electoral Board chair and Registrar on November 15, briefly described the incident as “a representative questioned my instructions to his coworker about setting up at the shed, the 40’ line. He had measured with this line and found 40’ at the middle of the parking lot. He measured from the glass doors not from the curb at the bottom of the steps to the door. With no authority to move him, I walked away.”

Electoral Board Findings And Planned Actions:

Finding: Measurement of the 40-foot line: The Code of Virginia as quoted above requires a 40’ protected zone from any entrance to any polling place. The Electoral Board believes that “any entrance” in the statute refers to any doorway permitting access to the polling place regardless of whether election officers designate one doorway as an entry and one as an exit and regardless of the presence of stairs inside or outside the outside doors and curbs outside the doors. **Action:** The Electoral Board will in the future provide materials and annual training on this definition to election officers, party officials, and the public.

Finding: Complaints about individual election officials: Election officials are responsible for the accurate, efficient, safe, statutorily-compliant, and respectful administration of the voting process in a manner that assures registered voters including problem-free setup and takedown of pollbook and voting materials and machines, safe ingress and egress, poll-book check-in of registered voters, issuance of ballots to registered voters, confidential recording of ballots, and transportation of all materials and equipment from the registrar’s office to the polling place and back. These responsibilities can become stressful when lines are long or disruptive events occur, but election officials should always display and communicate professionalism in all aspects of their work. **Action:** The Board will treat complaints about the language, tone, or behavior of any election official seriously and as a personnel matter to be examined and dealt with in appropriate and confidential settings for personnel matters.

2. 7:30 – 9:00 P.M.: Observer Viewing of the Precinct Election Results

Context: Code of Virginia § 24.2-604.4. Polling places; authorized representatives of party or candidate; prohibited activities provides in relevant part:

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

Code of Virginia § 24.2-655. Representatives of political parties and candidates to be present on request provides in relevant part:

Before proceeding to ascertain the vote, the officers of election shall determine whether no more than two representatives of each political party having candidates in the election and one representative of each independent candidate or primary candidate request to be present while the absentee ballots are cast, votes are counted, and returns are completed.

...

The representatives and bystanders lawfully present shall have an unobstructed view of the officers of election and their actions while the absentee ballots are cast, votes are counted, and returns are completed. The representatives and bystanders lawfully present are prohibited from interfering with the officers of election in any way.

Virginia Department of Elections' *Dos and Don'ts for Campaigners and Authorized Representatives* Section V, Subsection 3 provides:

The representatives and bystanders present cannot leave until the final results are ascertained and the chief officer of election has opened the doors and announced the results of the election, and may not communicate with any person outside the polling place by any means during counting and ascertainment. There are no exceptions to this rule.

Code of Virginia § 24.2-657. Determination of vote on voting systems provides in relevant part:

In the presence of all persons who may be present lawfully at the time, giving full view of the voting systems or printed return sheets, the officers of election shall determine and announce the results as shown by the counters or printed return sheets, including the votes recorded for each office on the write-in ballots, and shall also announce the vote on every question. The vote as registered shall be entered on the statement of results....

Complaint: A written statement by Haley Collins/Barker¹ submitted on November 5 by Eric Harrison, the Republican City Committee chair, states in part:

- After the polls closed the Chief would not allow me to see the totals printed on the tape from the ballot machine. When I approached the Co-Chief and Chief and asked to see the tape, they both kept their backs turned to me and faced the machine. I overheard the co-chief say "Just let her see the tape" two times, and the chief just shook his head. I let the Chief know that per my training I was supposed to see the tape, with his back still to me, he shook his head. I asked again, and he just said "No." I said that I really didn't want to have to call the attorneys, could he please just provide the tape? The Chief said, "Call whoever you want to call, you're not going to see the tape."

- The Co-Chief said that she would write the numbers down on a form for the poll watchers to copy. We told her that we appreciated that, but legally we were allowed to see the tape and per the training, we were supposed to get the numbers from the tape. The Co-Chief became extremely defensive, and asked me if I thought she was lying? I said, of course I didn't, and this is not personal, this is about the law being followed and how we were trained. The Co-Chief said that she was not going to discuss legalities with me. She often said that they had their set of rules and we had ours. Rebecca and I stressed that it's not a certain set of rules, it's a law that is to be followed.

- After speaking with the hotline, I let the Chief know the law says I can see and hear all that pertaining to the election, and that includes the tape. He just kept saying, no. I also told the Chief that I did not need to touch the tape, he could just lay it out for me, and I could take down the numbers quickly. He did not allow me to do that. I also told him that every other precinct let the poll watcher see the tape, etc. After I pressed him on it, he stood over me and said you're not going to see the damn tape. He then rolled up the tape and put it in his right pants pocket.

A statement by the other Republican authorized party representative present, Rebecca Riggins, submitted on November 9 by Melinda Wheeler, who is described as an authorized representative coordinator by former Republican party Electoral Board member Cham Light, stated as follows:

Around 7:20 pm, I approached the ballot box to read and record the number. After doing so, I was reprimanded and told by a poll worker that I was not allowed to/should not have approached the box without a poll worker escorting me.

When the Chief printed the tapes from the ballot box, the other poll watcher and I waited a couple of minutes and followed him to his table. The other poll watcher asked if we could see the tapes and record the numbers from them. The Chief told us, with some intensity, that we would not be allowed to see the tapes. We explained that during our training we were told that we would be allowed to see the tapes and that it was important for us to be able to report the numbers to our team.

¹ The complainant signed in as an authorized party representative on November 2 as "Haley Collins", but used "Haley Barker" in her submitted comments.

We remained calm and stated numerous times in different ways that the law says that we are allowed to see the tapes and record and report the numbers to our team. The Chief became more and more agitated and hostile over the issue. The other poll watcher then indicated that if he wasn't going to allow us to view the tapes, she would need to call our lawyer. He then said she could do whatever she wanted to do, but "you're not going to see the damn tapes!" Other poll workers were encouraging him to calm down and not to get involved with us over the issue. He then rolled the tapes up in a ball and shoved them into his right pants pocket and walked away to proceed with some of the other tasks he had to do.

The other poll watcher then called the contact number we were given in training and was told that the lawyer would call her back shortly.

When the lawyer called back, he confirmed that the law does state that we were supposed to be able to see the tapes. The Chief maintained that he didn't have to listen to our lawyer or anyone on our team – he was only accountable to the Registrar and the Board of Elections. We suggested that he call them for their counsel. I believe that the Assistant Chief also suggested that the Chief make that call. He did make that call and explained to the person that we were insisting on seeing the tapes. After several minutes, he said to the person on the other end of the phone, "So they are allowed to see the tapes but they cannot touch them? They can look but not touch anything?" A minute or so later, he hung up the phone and stated loudly and emphatically, "You're not going to see the tapes!" I may be wrong, but it sounded to me like the person on the other end of the phone had told him we could see the tapes, but he proceeded to hang up and tell us that he was told that we couldn't.

During the time that the Chief and the other poll watcher were on the phone calls, the Assistant Chief and other workers were proceeding with the tasks to pack up the items. The AC also said that I was not going to be allowed to see the tapes, but that she would show me the form that she was filling out, transferring the numbers from the tapes to to that form. When I said, "If you have the tapes there and are transferring the numbers, why can't I just look at them while you're working on the form? What's the difference?" She was becoming more agitated and said that we didn't have the right to see the tapes but that she could "allow it" if she wanted to, but she didn't want to. It was her choice. Several minutes later, she laid the form on a table and I was able to copy all of the numbers for each race.

At some point later, the other poll watcher asked why we could see the form but not the tapes. The AC stated that it was because we "didn't take an oath" like they had taken that morning, so we weren't going to see the tapes.

These complaints were echoed in a letter sent via email to the Electoral Board on November 5 by the chairs of the 6th Congressional District Republican Committee and the Lynchburg Republican City Committee, who added:

We called the Registrar and we asked that she instruct Mr. Jones to let our authorized representative see the tape. The reply was that in order to see the tape the representative would need to hold the tape and that was unacceptable and therefore Mr. Jones would be instructed not to let the representative see the tape. This explanation is unsatisfactory given what transpired elsewhere in the city.

Election Officer Comments: At the poll closing time of 7:00 pm on November 2, voters were still in line to vote at Crosspoint, and those in line at closing time are permitted by the Code of Virginia to vote. According to Precinct Chief Ben Jones, the final voter left the polling place at 7:30 pm, and the eight election officials present began the close-down process under the observation of two Republican Party observers. There was no Democratic observer inside the polling place at this time or at any time during the day.

Around 8:30 pm, as related by General Registrar Christine Gibbons, Mr. Jones called the Registrar's Office to discuss an incident that was occurring as he was ascertaining the results. An authorized representative, identified on the authorized representative sign-in sheet as Haley Collins, was demanding to see the numbers on the results tape, he said, and he wanted to know how to handle the situation. The General Registrar could hear the authorized representative in the background "yelling at the Chief repeating over and over, "I need to see the numbers". "

As described in a statement by Precinct Chief Ben Jones:

Three observers were asking for results, one was pacing back and forth. I took out a tape and started on the results form, an observer asked for one of those other tapes I had in my pocket. "I'm calling in the results in just a minute, you have to wait". I need a tape now; I was trained to get a tape". She calls someone and says I'm calling my lawyer and walks away. David [Electoral Board chair David Neumeyer] calls me back to get the count, she says out loud to someone on the phone, "he's calling the numbers out" at which time she should be copying them down. She is walking and talking, I ask to speak to her "lawyer". She is now asking to a friend loudly, asking them to come over and help her get to the car safely. One of the remaining observers said to Sharon "this has gone too far" and leaves. EO Clara takes a tape off the table to do the balance sheet, "how come she gets to take a tape, why can't I get one"? Sharon says "We are EO's doing the jobs we took an oath to do. Looks like your training wasn't too good.

Sharon [assistant precinct chief Sharon Jones] took the tapes, finished the results sheet calling out names and numbers then puts the sheet out for view. Haley asks for a tape again; Sharon asks why, here is the completed sheet. She says you may not have copied the numbers right. That didn't get her anywhere so she tells me she is a citizen and citizens can get one of the tapes. Another observer is buying into this and says she is a citizen also

Ms. Gibbons states that she read to Mr. Jones from the Virginia Department of Elections publication *Do's and Don'ts for Campaigners and Authorized Representatives* at page six , #4: "Representatives and bystanders present may witness the counting and ascertainment of results but may not touch or handle any ballot, voting machine, or official document." The registrar states that she could hear Mr. Jones repeating the information back to Ms. Collins and hear her "yelling and talking over him 'I need to see the numbers, I have a right to see the numbers.'"

Ms. Gibbons states that she then asked Mr. Jones "Has everyone in the precinct had a chance to view the tapes laid out on the table," he responded in the affirmative, and she then asked "have you called out the results both inside and outside the precinct?" He responded in the affirmative. Ms. Gibbons then asked, "have you completed your ascertainment of the results?" He replied in the affirmative. She informed Mr. Jones that he could tell the two authorized representatives that they are able to leave now that the results have been ascertained; she heard him tell Ms. Collins "who continued to berate and yell that she 'needed to see the numbers'".

Staff members of the Registrar's Office interviewed each of the officers of election who worked at Crosspoint on election day and received the following statements on what each heard:

- Sharon Jones, vice chief for the precinct, stated that she "told the representative and certainly offered the representative the result filled out on the proper form to see, but made it clear that the representatives could not have the tapes. The representative did not want to 'see' the tapes, she wanted to 'have' them." Ms. Jones has also stated several times to Electoral Board members after she read the election results out loud, she placed the summary of results and the machine-issued results tapes on a table to be examined by all; Haley remained on her lengthy phone call and did not look at them. Ms. Riggins did examine the summary of results and wrote down the results.
- Election officer Clara Jones' account was that "the chief nor assistant did not say that the representatives could not see the tapes, however, the chief and assistant did make it clear that the representatives were not allowed to hold the tapes.
- Election officer Desiree "Mickey" Ferguson stated that the party representative was adamant about possessing the tapes; that the chief and assistant did state the results verbally; that the assistant chief provided the statement of results for observation; but that the tapes were never offered for the representatives to actually hold. Mrs. Ferguson made mention that one representative stated "that is was her right as a citizen to have the tapes"
- Election officer Norvell Jones stated that he was aware of the situation inside. He said he was about five away from the argument. The poll watcher wanted to see the result tapes. Ben Jones put them [the results] down on the form, just like he was supposed to. Mr. Jones said that the chief showed her what she needed to see. She was upset that she was "not being allowed to see the tapes themselves not just the results." She then proceeded to make a phone call to her "supervisor" she was very vocal about how we were not being lawful in our process. Mr. Jones was very adamant about describing how Ben Jones was very professional in telling her by law what she was allowed to see and do. He never got upset, there was no reason for her behavior according to Mr. Jones.

- Officer of election Patsy Pennix stated that she was not fully aware of the incident. “Until I heard something about tapes. I was at the pollbooks, we were closing. I heard Mr. Jones say “step back from the table” I then heard the Republican say she wanted to see it. He restated. They went back and forth. I never heard Jones speak that loud and with authority before.”
- Officer of election Jennifer Hall stated that: Haley (the party representative) wanted to see the tapes and that Mr. Ben Jones told her that she was not allowed to; that Haley seemingly called someone to confirm the process before returning to ask for the tapes again; that Ben Jones yelled to Haley to “step away from the table”; that the majority of this situation occurred between Ben Jones and the representative
- Officer of election Cheryl Ptak did not provide any information about the results or tapes.

Electoral Board Findings And Planned Actions:

Findings: Seeing and holding the machine-generated tapes: there is disagreement between those present as to whether Haley Collins/Barker was seeking to hold the ballot-scanning machine results tapes or just look at them. To the extent that she was asking to see them, she and Rebecca Riggins were given the opportunity to examine them according to assistant precinct chief Sharon Jones when the results were announced and the statement of results and the tapes were placed out on a table for all to see and be signed, but Ms. Collins/Barker was unaware because she was on the phone and Ms. Riggins may have been unaware as well. If the party representatives were prevented from viewing the tapes at all times, they were improperly prevented from doing so. To the extent Ms. Collins/Barker was asking to hold the tapes, she was properly informed that she could not handle them.

Actions: The Electoral Board will add detail to its regular training events for election officers on the exact processes by which party observers should be allowed to view all aspects of the opening and closing of the polls but not be allowed to communicate with any person outside the polling place by any means during counting and ascertainment, and will present the same training to party leaders including those who coordinate volunteer observers, local nonprofit groups that monitor and seek to improve participation in elections, and interested members of the public on the proper processes by which the polls are opened and closed and the vote count ascertained and reported.

The Board will also request that the political parties require participation in such training by all proposed authorized representatives before they are given the letters of appointment that are required of party representatives.

3. 6:00 A.M. to 7:00 P.M.
4. 8:00 P.M. – 9:30 P.M.:

Disruptive and Intimidating Behavior by Party Representatives During and After Voting Hours, Including Summoning of Party Volunteers To Surround The Polling Place And Intimidate Those Inside

Context: Code of Virginia § 24.2-607. Prohibited conduct; intimidation of voters; disturbance of election; how prevented; penalties provides in relevant part:

B. No person shall conduct himself in a noisy or riotous manner at or about the polls so as to disturb the election or insult or abuse an officer of election. Any person authorized to make arrests may forthwith arrest a person engaging in such conduct and bring him before the officers of the election, and they, by their warrant, may commit him to the county or city jail, as the case may be, for a period not exceeding twenty-four hours; but they shall permit him to vote if he is so entitled.

During voting hours: Statements from the precinct chief and assistant chief, officers of election, and the registrar describe constant phone calls from inside the polling place, interruptions of the precinct workers, and raised voices by authorized Republican party representatives during voting hours. Election officer Clara Jones stated that that the representatives behaved in a manner that was harassing all day far before this took place; that the representatives tried to manipulate poll workers when the chief and assistant chief were not around; and that the representatives were on cellphones the entire time. An associate of Haley Collins/Barker attempted to video open pollbooks by holding an iPhone over her head. Ms. Collins/Barker insisted that the pollbooks were wrongfully on an internet network, when in fact the pollbooks are linked to each other but not to the internet. Authorized representatives repeatedly tried to move their chairs next to pollbooks so they could see personally-identifying information being entered by the election officers; Sharon Jones said she would move the chairs further away from the pollbooks only to see them moved back. Ms. Collins/Barker challenged a voter registration card as insufficient identification for a voter, holding a list of old ID requirements including photo IDs that had been superceded by new legislation approved by the General Assembly and the governor. Registrar Christine Gibbons, as related earlier in this report, overheard Ms. Collins/Barker yelling at precinct chief Ben Jones.

After voting hours: At some point in the (prohibited by the *Dos and Don'ts for Campaigners and Authorized Representatives*) phone conversations between the authorized representative, who was inside the polling place while the ascertainment was underway, and Republican personnel elsewhere, other Republican representatives were asked to gather outside the church.

Election officer Norvell Jones reported "I was the one to alert the chief, they were out there. We were out getting the cones. I came running in telling him there was a crowd outside. I went around to all the doors (3 doors). They were not originally at both doors, till they saw me walk to the other exit. Then the crowd followed around to meet me at the other doors. They shoved a camera in my face as I was trying to get back inside. He (protestor) was rambling about how I was going to be famous, wearing an orange suit for stealing an

election. There were about ten individuals that created a crowd.” Mr. Jones wanted me to know that he felt threatened. He stated “I didn’t know his intentions, He came out of nowhere screaming and hollering. The individual did not know the situation inside.”

Election officer Clara Jones stated ““Norvell went to lock the door and came back running, I immediately felt fearful as it occurred to me that they were chasing him!” Clara Jones added that the people certainly assembled in large groups outside by all entrances to the building, very close to the building; threats were made to Norvell that he would be thrown in jail; pictures were being taken of Norvell as he was trying to lock the doors; one authorized representative was “standing back, leaning against the wall, just watching it unfold”.

Election officer Desiree “Mickey” Ferguson stated that “Norvell came back running from gathering the signs and cones from outside, and was attempting to lock the door”. She helped him lock the door as he was “bewildered”. Mrs. Ferguson also stated that she could see cell phones being used for recording from the people outside. Mrs. Ferguson stated that the people were positioned in groups outside the building close to the entrances, and one authorized representative stood back seemingly smirking at the situation. Mrs. Ferguson mentioned that she heard one person say “we as citizens want to see the tapes”; another person stated “this will all be over after we see the tapes that are in his pocket”; someone stated “we can follow them to the registrar’s office”.

Election officer Patsy Pennix stated “I didn’t realize they were out there till Jones sent Norwell out to collect stuff outside. He ran out saying ‘he was going to be wearing an orange jumpsuit’ ‘we ruined an election’ We didn’t know why or how they were called. Till the republican poll watcher said she called coz she was “fearful” without any context. I don’t know why she became abrasive. I never have seen any poll watcher carry on so in my entire time as an election official. The Jones’ stopped responded to her. I think she became angry over that and that is why she called. She wasn’t professional at all. She was saying that one of the other poll watchers could see but she didn’t. She said “she had rights” “She was an American”. I am too, I didn’t know what that meant “no one threatened her. I became very fearful when Norwell came in. I have never seen him react like this. I was very fearful because they were at all entrances where voters come in & exit. Then for the police to escort me to my car, and they were all taking pictures. All over an unprofessional encounter.”

Election officer Jennifer Hall stated that she was unaware of and did not see or hear any of what took place outside or close to the exits; that Norvell Jones left to gather the signs and cones from outside and returned unsuccessful in a disturbed state and stating that he “was being recorded and they want to see the ballots or something”; that Norvell’s return inside was the only reason she became aware of the people outside; that everyone was calm inside.

Election officer Cheryl Ptak stated “We were closing. Norwell came in and said “they are all outside, they are blocking the doors.” I wasn’t fully aware of the situation at the time. I was sitting quietly waiting “eating a snack”. The police came in and then walk us to our cars. She stated she was not close enough to the situation to see or hear much of anything. When Ptak was asked again about where she was in the polling place she avoided the question multiple times. Ptak said we were waiting for the Chiefs to finish up closing. She stated we were completely packed and sealed. There was “no chaos, we all worked in order.” Mrs. Ptak said once they were alarmed to what happened outside, we waited for the Chief to handle it. She said that “we all took care of our equipment when the Police came (brought to the cars safely).”

Precinct chief Ben Jones stated “I asked an EO to go outside and bring the cones and signs in. Within a minute he came back saying he went outside and was mobbed buy all these people. They were taking pictures of him, questioning him about us cheating. Someone ran over and said. “How did you like cheating, how do you like orange, you’ll be in an orange jump suit, you’re going to jail” A guy said Haley called him because we wouldn’t comply with her request and a guy in there had the tapes in his pocket.

“Haley hears this going on, goes into the lobby and was seen heading for a door. Sharon hears her on the phone saying “I’ll be right there”. Sharon said don’t open the door. We go to the windows and there are people packed against every window and door yelling out accusations that we are cheating, we think 30 to 35 people are outside. An EO asks if she should call the police, we ask her to do so. We went to the windows and doors saying we called 911 and many turned around and left. An EO was in the precinct kitchen talking to Hailey asking what was she going to do, she was scared. She was overheard saying “you don’t have to worry about it, this is not for you” Who then was it for?

Four [police] officers came in the precinct with a sense of urgency, “you need to go now, we will take you out to get your truck loaded and leave. One EO later said she would have felt safer going out between Sharon and I. Outside these officers were standing in front of 20-25 individuals with phones out taking pictures and videos, we got loaded up and an officer walked up and asked if we were alright to go now? “Look around you, look behind us, no we’re not alright”. Two or three officers escorted us to the registrar’s officers [*sic*] for our safety. One of the officers stayed outside the office with us and said we were not being threatened. The officer said they get photographed all the time, we were on public property (a church?) and people can gather, they weren’t threatening.

Ben Jones in a November 10 memo he presented to the Electoral Board also called on the Board to do the following:

1. Establish a Rapid Response Plan that would get a board member or equivalent to a precinct ASAP in cases where the situation does not warrant a 911 call.
2. Plan the board’s physical response to a Breach of the Precinct which would include a 911 call and retreat of the staff.

3. Observers mask in the precinct, no exceptions, dismissal by the chief for non-compliance
4. Limit use of cell phones by observers
5. Require observers to wear name-tags for visual identification
6. Allow Chiefs to write up a report on observers who do not follow guidelines.
7. Have the parties create an "Observer Coordinator" to handle persistent and extreme problems

Registrar Chris Gibbons commented that someone outside the precinct called the Lynchburg Police Department and explained to LPD that an authorized representative inside was trying to see the tapes and was not being given access to the tapes. LPD replied, she said, that this was out of their jurisdiction. After the election officials cleaned up inside and were ready to leave one of the election officials called Lynchburg Police Department asking for an escort to their cars outside. The precinct had eight election officials; inside six of them felt hindered or harassed at some point in the day from the Authorized Representatives. At the end of the evening six of the eight felt that they were threatened with statements from those outside saying, "How do you like the color orange", "How do you like cheating". Lynchburg Police Department followed the Chief and Assistant Chief to the Registrar's Office while they dropped off the election materials.

Electoral Board Findings And Planned Actions:

Findings: The Electoral Board finds that:

1. the actions of authorized representative Haley Collins/Barker and those party volunteers and representatives who blocked the polling place doors as the poll closing finished, attempted to photograph and video the election officials, and called out to them that they were going to jail caused the election officers of Precinct 4-1 to feel personally threatened as they carried out their statutory duties;
2. the authorized representative Haley Collins/Barker did conduct herself in a noisy or riotous manner at or about the polls so as to disturb the election and insult or abuse an officer of election in violation of Code of Virginia § 24.2-607(B), including her badgering of the precinct chief to be handed or to see the machine results tapes and her summoning of a crowd to assemble outside the doors of the precinct; and
3. those party volunteers and representatives who blocked the polling place doors as the poll closing finished, attempted to photograph and video the election officials, and called out to them that they were going to jail also acted to disturb the election and abuse officers of election in violation of Code of Virginia § 24.2-607(B).

Actions:

Referrals: the Electoral Board will consult with the Lynchburg Commonwealth's Attorney on whether the actions of any of those interfering with the closing of the polling place rise to a Class 1 misdemeanor within Section 24.2-607.

Training: The Electoral Board will add detail to its regular training events for election officers on the party observers' obligation to not communicate with any person outside the polling place by any means during counting and ascertainment and how to respond to these observers who do violate that prohibition, and will present the same training to party leaders including those who coordinate volunteer observers, local nonprofit groups that monitor and seek to improve participation in elections, and interested members of the public. The Board will also present information on how and when the Electoral Board will intervene and when the Lynchburg Police Department will intervene.

The Board will also request that the parties require participation in such training by all proposed authorized representatives before they are given the letters of appointment that are required of party representatives.

Other: The Board will also respond in a regular business meeting to the seven requests listed by precinct chief Ben Jones in his memo of November 10.

Approved for submission to the Virginia Department of Elections and the voters of Lynchburg, Virginia this second day of December, 2021.



David Neumeyer, Chair



Carolyn Sherayko, Vice Chair



John Cobbs, Secretary

