

Meeting Minutes of the Sussex County Electoral Board

November 4, 2020

CALL TO ORDER:

The meeting of the Sussex County Electoral Board was called to order at 9:07 a.m. at the Law Library on the second floor of the Sussex County Courthouse.

PURPOSE OF THE MEETING:

The purpose of the meeting was to canvass the votes of the November 3, 2020 General Election and to evaluate provisional ballots.

ROLL CALL:

Ronald Hicks, Electoral Board Chair
Glover Pegram, Electoral Board Vice Chair
Al Peschke, Electoral Board Secretary

It was determined a quorum was established and the meeting properly convened. Also present were:

William R. Jenkins, General Registrar of Sussex County
Vincent Robertson, Commonwealth Attorney
Otto Wachsmann, Sussex County voter

AGENDA:

- Secretary Peschke read minutes from the October 29, 2020, Electoral Board Meeting. A motion to approve the minutes as read was made by Mr. Peschke and seconded by Mr. Pegram. The motion was carried and the minutes were approved as read.
- Certification of Notice. Notice for this meeting was properly posted as required by law.

The floor was opened for new business.

- Mr. Jenkins reported that Mr. Hicks without permission and unaccompanied by a member of the opposing political party entered into the General Registrar's office early Sunday afternoon when it was unoccupied. Mr. Hicks responded he had received a call from a concerned citizen that a number of cars were in the parking lot of the General Registrar's office Sunday and in response he drove to the General Registrar's office to check it out. When he arrived, there was one red vehicle in the parking lot. Mr. Hicks said he approached the front doors and found them unlocked. He entered the office but did not find anyone there, and called the Sheriff's office. When a deputy arrived, they called Mr. Jenkins. Mr. Jenkins arrived and inspected the office and found nothing missing or compromised, as sensitive materials were in the safe. Mr. Jenkins was adamant the door was locked when he left it earlier that afternoon, and cited as witnesses the employees who had been working with him there all morning preparing for the Tuesday election and who left the building at the same time he did. The cars the concerned citizen saw belonged to Mr. Jenkins and his helpers. It was noted that the locks were never changed after the Board of Supervisors purchased the building for use by the General Registrar. Immediately after the

incident, Mr. Jenkins changed the locks so anyone with unauthorized keys to the building can no longer enter. No report was filed by the Sheriff's Department.

- At 9:19 a.m. Mr. Peschke moved to convene the Electoral Board to closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to discuss a personnel matter. Non-Board members were excused.
- Reconvening in Open Session. At 9:50 a.m. Mr. Peschke moved to return to open session. By roll call the Board certified that to each party's knowledge only public business matters lawfully exempted from open meeting requirements under Virginia law and identified in the motion convening the closed session were heard, discussed or considered. Any participant not so certifying was asked to so state and indicate why. No participant declined to certify. A vote of Yay or Nay was taken from each Electoral Board Member, as follows:

Mr. Hicks - Yay
Mr. Pegram - Yay
Mr. Peschke - Yay

- The following persons re-joined the meeting in open session.

William R. Jenkins, General Registrar of Sussex County
Otto Wachsmann, Sussex County Voter
Vincent Robertson, Commonwealth Attorney
Luanne Clark, Poll Chief

- *Citizen Comments:*

Luanne Clark, who has served Sussex County as Poll Chief for over 40 years, reported an incident that occurred at her Waverly precinct. As background, she disclosed that during each election Mr. Hicks visits the precinct as a member of the Electoral Board. Whenever he appears, it is very stressful to her and other poll workers. She said he always arrives with an attitude that they are doing something wrong, and he always appears to be looking for a reason to yell at the chiefs. She makes a point to greet him pleasantly but his response is unsmiling and negative. He demands to see the precinct's oath sheet, which she provides. In the incident yesterday he also demanded loudly in rude tones to know why the door connecting the Waverly and Blackwater precincts was not locked, saying it had been decided it would be locked. She responded it has never been locked and she knew nothing about such a decision, explaining the door is used when voters mistakenly arrive at her precinct who belong at Blackwater, or vice versa. Mr. Hicks then went into the Blackwater precinct and demanded to see the oath sheet there. On seeing it, he publicly reprimanded the poll chief for not having the name of the precinct at the top of the sheet and not printing "Chief of Election" under her name, even though those sorts of details just need to be in place before closing the precinct at the end of the day. He issued these reprimands in front of voters and other poll workers. She noted other Electoral Board members are civil and pleasant and in 40 years she has never had a problem with any other Electoral Board member. However, when she sees Mr. Hicks walk in the building, she immediately feels stress. She reported Mr. Hicks' behavior toward poll workers is demeaning and disrespectful, and every time she is confronted by him she feels belittled. Mr. Peschke apologized to Mrs. Clark on behalf of the Electoral Board. Mr. Hicks instructed the Secretary to look in the minutes from last week's meeting to confirm they state the door between precincts should be locked and then asked Mrs. Clark in a combative manner how much she is paid as chief. Mr. Pegram counseled Mr. Hicks that if he sees a problem at the precincts on election day, instead of reprimanding the officers of election he should bring it to the Electoral Board where opportunities for improvement can be

discussed. Mr. Peschke recommended the subject be closed and further discussion of the matter be conducted privately.

- In response to a question by Mr. Hicks, Mr. Jenkins explained that some poll chiefs are paid additional amounts over and above the standard pay for poll chiefs to compensate them for additional duties, such as training other poll chiefs, assisting in drawing the 40 foot chalk line, and delivering materials to the precincts.

- *Canvass:*
Canvassing of the votes of the November 3 election was conducted.
 - 1) The poll books, summary sheets, and voting machine tapes for each precinct were inspected and found to be in agreement.
 - 2) As a result of new election law:
 - a. absentee ballots will be accepted until noon Friday;
 - b. absentee ballots that voters placed in dropboxes at the precincts were received by the Registrar after close of polls and must still be processed;
 - c. for any absentee ballot received after close of polls that is found to be not properly formed, the voter casting the ballot will be contacted and given the opportunity to cure the defect before noon Friday.

Therefore, these absentee ballots cannot be processed until Friday and are not represented as "voted" on the poll books turned in from the precincts. These ballots will be cast on the Central Absentee Precinct (CAP) after being processed. The Electoral Board will canvass the CAP before Certification of Election on Friday.

Mr. Peschke commended Mr. Jenkins and the Sussex County poll workers for doing a phenomenal job organizing and executing a smoothly-run election while observing COVID-19 precautions and restrictions and recent and last-minute legislative changes in election laws.

ADJOURNMENT:

Mr. Pegram made a motion to adjourn, Mr. Hicks seconded, and the motion was unanimously carried. The meeting adjourned at 10:50 a.m.

NEXT MEETING: November 6, 2019, at 12:00 noon

Respectfully Submitted,



Al Peschke, Secretary
Sussex County Electoral Board