



Buckingham registrar charges \$200 'convenience fee' in FOIA feud with county official

'You have annoyed me for the last time'

BY: **GRAHAM MOOMAW** - MAY 5, 2023 1:23 PM



📷 Signs at a polling location in Buckingham County, Va., November 3, 2020. (Parker Michels-Boyce / For the Virginia Mercury)

The newly appointed interim leader of Buckingham County's election office recently derided a Democratic county supervisor's Freedom of Information Act requests as "nonsense" and "ridiculous" while tacking on what he called a \$200 "convenience fee" to a bill for public records.

Under state law, public officials are only allowed to charge for actual costs they incur for responding to FOIA requests, such as staff time spent searching for documents and the expense of printing hard copies.

"It's absolutely not allowed under FOIA to have some sort of extra fee that is unrelated to the actual cost," said Megan Rhyne, executive director of the Virginia Coalition for Open Government.

Late last month, Buckingham Supervisor Jordan Miles sent two FOIA requests to new General Registrar Luis Gutierrez, who was hired by Buckingham's Republican-controlled Electoral Board.

Buckingham's election office made national news a month ago when [NBC News published an article](#) revealing the county's entire election staff had quit after Republicans took control of the Electoral Board in January. The staffers who left pointed to baseless voter fraud claims as a significant factor in their decisions.

In a pair of far-reaching records requests, Miles sought a variety of documents from the registrar, including minutes and meeting notices of the Electoral Board, several months' worth of email correspondence among local election officials and information about the hiring process that led to Gutierrez getting the job in mid-April. He also requested records on absentee ballots from the 2022 election, an inquiry Miles says was part of his efforts to debunk claims circulated by local conservatives that a significant number of absentee votes cast in the county were invalid.

Gutierrez, who received a temporary appointment to fill the remainder of the previous registrar's term but could be reappointed to a new term when the current one ends June 30, made it clear to Miles that he didn't appreciate being sent FOIA requests just a few weeks into the job. In an email, he accused Miles of "trickery" and attempting to "knock me off balance."

At one point during email correspondence obtained by the Virginia Mercury, Miles cited [a rule in state law](#) that allows public bodies to require up-front deposits for any FOIA charges expected to exceed \$200.

In an emailed response to Miles on Monday, Gutierrez said that "from this point forward, every FOIA Request that you send me wil[l] exceed \$200.00 dollars."

"Until you earn back my respect, I will do no favors for you," Gutierrez wrote. "I don't even know why you, a Board Supervisor, have anything to do with, or interest in the goings-on of my office, and why you appear to be out to have my job, but I am getting a better and better idea why, every day that I am in this office."

Gutierrez, who runs voter registration and elections in the rural county of almost 17,000 people, noted that he was adding a \$200 "convenience fee" to an existing bill of \$575.09. He said he could "forget" the extra \$200 if Miles were to pay the \$575.09 by May 15.

"I hereby am notifying you and your pawns that my services will absolutely exceed \$200.00," Gutierrez wrote. "Secondly, since you are obviously a young man without any type of ethical business aptitude and respect for other individual's time spent on your trickery and mockery, you are free to come pick up these FOIA Requests at my office. I will not be mailing them because my time is valuable, and you have annoyed me for the last time. No more playing nice, Mr. Miles. I tried that, and look where it got me with you."

The bill Gutierrez sent Miles this week, which indicated the registrar had spent 14 hours responding to the requests, included a \$200 line item labeled "convenience fee." Gutierrez requested payment by May 10.

In Monday's email to Miles, Gutierrez said the supervisor "obviously cannot afford to pay me for my time gathering information that either you could have gotten yourself, or information I know nothing about."

"So, Mr. Miles, what is the meaning of your games and what pray tell is your desired outcome? To see me fail? To bury me in paperwork that takes up my time? And you, sir, are trying to get out of paying my fee for my time?" Gutierrez wrote. "I suggest that you

get a part-time job at WalMart, then, Mr. Miles, so that you can pay my fees.”

In an interview, Miles, a former editor of the Farmville Herald newspaper, said he was talking to legal counsel about the matter and his next step “could involve the courts.”

“I know the ins and outs of FOIA,” Miles said. “FOIA does not allow for a \$200 convenience fee.”

Reached by phone Thursday, Gutierrez said he had no comment.

Gutierrez wrote Miles a lengthy response to the FOIA requests but provided few of the records Miles requested, often indicating he did not have the requested records and didn’t know who did. He said he did not have a public notice for the Electoral Board meeting at which he was hired.

“Nor am I aware that the public must be notified of a meeting date,” Gutierrez wrote. “I thought the Electoral Board hires the registrar, and the public has no say in that decision? If this is not the case, please explain.”

Virginia’s FOIA law requires government bodies, including electoral boards, to publish notices showing when and where they will meet and what business will be taken up, with some exceptions for emergencies.

At another point in the correspondence, Gutierrez suggests he might send his own FOIA request to Miles. He ended up asking for copies of his office’s current budget and the budget from the year prior.

Miles shared some of the communications with both the Electoral Board and his colleagues on the Buckingham Board of Supervisors.

“In his role, it is unacceptable to talk to anyone like this, much less an elected official,” Miles said in an email to the two Electoral Board members who oversee Gutierrez’s work. (Following significant turnover on the board, one seat remains vacant.) The two members, Dr. Karen Cerwinski and Woody Hanes, did not immediately respond to requests for comment.

Under state law, electoral board members are selected by local judges from lists of nominees prepared by local political parties. Registrars are often hired or fired based on which political faction controls the board. Another law says the party that most recently won the governor’s mansion gets control of all 133 electoral boards. Because Republican Glenn Youngkin won in 2021, all of Virginia’s local electoral boards have switched to Republican majorities.

At other points in his emails with Miles, Gutierrez said he’s hoping to serve all citizens of Buckingham and build good relationships with those he’ll be working with.

“I am not a very public individual so I prefer to remain out of the spotlight of the media, as words often are ‘grossly misconstrued’ to read one thing but in reality, are quite the other,” Gutierrez wrote to Miles. “I am sure that you are aware of how the media has a tendency to do this! Lord, I miss Walter Kronkite and Ted Koppel!”

From: **Buckingham Elections** [REDACTED]
Date: Mon, May 1, 2023 at 10:25 AM
Subject: Re: FOIA Bill
To: Jordan Miles [REDACTED]

Mr. Miles:

You obviously cannot afford to pay me for my time gathering information that either you could have gotten yourself, or information I know nothing about. You sir, should not be writing checks that you cannot cover. And another piece of your trickery also showed up today in my email, saying that the business day window has closed. You sent this email to me at 8:55 PM on Friday April 28, 2023, I full well, I am quite certain based on your previous historical behavior, that this was deliberate, an orchestrated to knock me off balance, whilst I had no way of knowing you sent that email whilst I was gone for the weekend. Well, Mr. Miles...you failed. You all really do expect to fight us but also will accept us fighting back. We are fighting back. We already have been, and you don't even realize my worry, I have my situation and this office well under control.

You know full well that I completed your first FOIA request on Thursday the 27 of April, and your FOIA Request early Friday afternoon. So, Mr. Miles, what is the meaning of your games and what is your desired outcome? To see me fail? To bury me in paperwork that takes up my time? And you are trying to get out of paying my fee for my time? I suggest that you get a part-time job at Wall Street then, Mr. Miles, so that you can pay my fees. From this point forward whenever you send me one ridiculous FOIA Requests. In the words of, I don't know...that guy in Top Gun, when he was chewed out by Maverick, "Son, you've been writing checks that you can't cover." My bill will exceed \$200.00

From this point forward, my time spent on your, or any other of your pawns' requests of any kind especially with FOIA Requests. I hereby am notifying you and your pawns that my services will no longer exceed \$200.00. Secondly, since you are obviously a young man without any type of ethical business aptitude and respect for other individual's time spent on your trickery and mockery, you are free to pick up these FOIA Requests at my office. I will not be mailing them because my time is valuable and I have annoyed me for the last time. No more playing nice, Mr. Miles. I tried that, and look where I am with you. I will respectfully give you the information that you request despite the nonsense that you are doing and will continue to do so hopefully, for four more years after June 30. These requests were coming in on time and why you did not give me and my office the courtesy of picking them up in person, is a behavior that I cannot understand. In all my years in business, and in life, I have never dealt with someone like you.

My offer is this;



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Buckingham Electoral Board fires Republican registrar after less than a month in the job

Controversial election official terminated for allegedly misrepresenting job history

BY: **GRAHAM MOOMAW** - MAY 9, 2023 2:42 PM



📷 Minutes after being fired, former Buckingham County registrar spoke to attendees at an emergency meeting of the county's Electoral Board. (Graham Moomaw/Virginia Mercury)

DILLWYN – The Republican-appointed head of Buckingham County's election office was fired in dramatic fashion Tuesday morning, one day after several residents showed up at a public meeting to say the turmoil and dysfunction surrounding the office were a growing embarrassment for their community.

Interim registrar Luis Gutierrez, a self-described proud Republican who was hired April 11 after the county's entire election staff quit, tried to preempt the news of his own firing by being the first to leave a closed session and speak to a crowd gathered in a local

community center for an emergency meeting of the Buckingham Electoral Board.

“You can all stand up and rejoice and start clapping and just go have a party,” Gutierrez said. “Because I have been terminated.”

Gutierrez said he had been asked to resign but refused to do so because that would be “admitting some sort of guilt.” He also said he apologized if he had disappointed or offended any Buckingham residents.

Republican Electoral Board Chairwoman Karen Cerwinski, who oversaw the hiring and firing of Gutierrez, told him he was “out of order” and appeared to briefly confer with two law enforcement officers about getting them to intervene in the situation. Gutierrez eventually left of his own accord.



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Cerwinski said Gutierrez was terminated for “falsification” of his job application, but the firing comes after numerous residents reported unusual encounters with the man recently hired to run voter registration and elections in the rural central Virginia community of almost 17,000 people.

Buckingham County Supervisor Jordan Miles announced this week that he intends to file a lawsuit against Gutierrez over a Freedom of Information Act dispute in which Gutierrez attempted to charge him a \$200 “convenience fee” for public records and sent a scathing email suggesting Miles “get a part-time job at WalMart” to afford the FOIA fees.

Virginia’s FOIA law does not allow public officials to charge extra fees beyond the actual expense of finding records and making copies.

In his public speech Tuesday, Gutierrez, who is originally from Texas and had no prior experience working in elections, told attendees he had previously worked at Fork Union Military Academy, an all-boys boarding school in nearby Fluvanna County. But he said he was terminated last year because of “problems” he discovered at the institution, saying specifically that he believed random drug tests of students were not, in fact, random. The military academy did not immediately respond to a request for comment.

Gutierrez, who has also worked as a corrections officer, said Cerwinski was aware of his time at the military academy and “agreed” that he should leave it off his application for the Buckingham registrar job because it involved minors.

“It’s a he-said, she-said, isn’t it?” Cerwinski said when asked for a response to that claim. “I have no comment.”

Gutierrez later said he could not prove Cerwinski had instructed him to alter his job experience because it occurred in a one-on-one conversation.

Cerwinski said a deputy registrar will continue to keep the county’s election office running and “maintain integrity within the community.” The Electoral Board, which is missing one of its two Republican members after a series of resignations this year, will take up the process of hiring a new registrar at a future meeting.

‘A huge mess’

Gutierrez's firing came as a relief to some Buckingham residents who say they have watched the goings-on in their election office with growing alarm about what it might mean for democracy in their county.

Under Virginia law, the party that most recently won the governor's mansion gets an automatic majority on all 133 of Virginia's local electoral boards, which hire and fire registrars and oversee the work of local election officials. Because Gov. Glenn Youngkin won in 2021, all electoral boards flipped to Republican majorities this year after a long stretch of Democratic control. That shift appeared to set off [the feud in Buckingham that caused the entire election office to quit](#).

Maggie Snoddy, a local Democratic Party official, called the situation "a huge mess" and said the drama is more about basic professionalism than partisan politics.

"They're allowed two Republicans on the board. I have no issue with that. This is about good governance and right versus wrong," Snoddy said. "As much as they spout the law, wave the lawbook at all these meetings, they're clueless."

Kenda Hanuman, who described herself as an independent, said Gutierrez came in with a "new marshal in town" attitude that led to repeated clashes with people interacting with his office.

"He likes to dress up in cowboy clothes," Hanuman said. "He's stopped doing that since there's been a lot of spotlight on him."

In an interview after Tuesday's meeting, a suit-wearing Gutierrez expressed a sharply different view, saying "truly dangerous" Democrats were upset about losing control over local election machinery and had made him feel under siege from the moment he started the job.

"They have controlled this county. Even though the county votes red, they control it," Gutierrez said.

Gutierrez seemed particularly upset by an incident in which he claims a group of Democrats inappropriately gained access to election-related documents in his office. However, it's unclear if the records involved were public or confidential, and he said he had chosen not to pursue the matter further.

Explaining that he felt he didn't receive adequate FOIA training or legal resources from the county, Gutierrez said he believed the

Republicans who put him in the job folded under pressure he had been willing to withstand. During the closed session, Gutierrez said, he called Cerwinski “a coward.”

At Monday night’s Buckingham Board of Supervisor meeting, multiple Black women said they had applied for the county’s registrar job when it was open but received no acknowledgment their applications had been received.

“It seems like equity, political rights and social inclusion are at risk here in Buckingham County,” said Cheryl White, the president of the Buckingham branch of the NAACP.

Gutierrez said he thinks one of those women will get the job next.

“The Democrats are so good at what they do. They’re going to get their way no matter what. So let’s put a Black woman in there. And if they say no to her, then the Republicans are racist. That’s their plan,” Gutierrez said, adding that he’s never expected to get a job because he’s Hispanic.

At other points in the interview, Gutierrez stated most of the people “attacking” him are women and said one of his critics suggested to him the registrar job should always go to a woman.

“Our country is dying because our men have become weak,” he said. “The result of that weakness is what you saw in there.”

Gutierrez said he’s thinking of canceling his voter registration in the county because he’s not sure his ballot will be counted.

Miles, the Buckingham County supervisor feuding with Gutierrez over FOIA, said he plans to file a lawsuit Wednesday in response to his public records requests being “bungled beyond belief.” He said many in the county seem “pleased” by the Electoral Board’s move Tuesday and the opportunity to hire someone new.

“I think now is a time where the Electoral Board can get their third Republican member sworn in and they can get to work doing one of their largest tasks,” Miles said, referring to the board’s duty to hire a competent registrar.

At Monday’s county board meeting, several supervisors said they had nothing to do with the Electoral Board’s personnel decisions but hoped things would be set right with the county election office.

“I know it’s a lot of ruckus going on in the county right now,” said Supervisor Dennis Davis Jr. “We got Republicans on this board right now. I’m one. We got Democrats on this board. And we all get along fine. And all this bickering and arguing is not between us. And I hate that a few people are destroying our county with this mess.”



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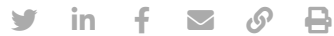


ELECTIONS AND VOTING

Buckingham GOP nominates recently fired registrar for seat on elections board

Local Republican official includes Luis Gutierrez and Tambra Riggs-Gutierrez on list of three nominees

BY: **GRAHAM MOOMAW** - MAY 19, 2023 4:55 PM



Minutes after being fired, former Buckingham County registrar spoke to attendees at an emergency meeting of the county's Electoral Board. (Graham Moomaw/Virginia Mercury)

The chairwoman of the Buckingham County Republican Committee nominated the county's [recently fired interim registrar](#) for a vacant Republican seat on the same election oversight board that terminated him last week for allegedly misrepresenting his job history.

The move is the latest surprising twist for a local election office thrown into dysfunction by right-wing conspiracy theories and suspicions about whether the election system can be trusted.

In [a letter](#) to Buckingham Circuit Court Judge Donald Blessing sent the day after former registrar Luis Gutierrez was fired in a bipartisan 2-0 vote, Buckingham GOP Chairwoman Ramona Christian nominated three people for the empty seat on the Buckingham Electoral Board. Two of those three were Gutierrez and his wife, Tambra Riggs-Gutierrez.

In the official nomination letter, which misspelled Gutierrez's first and last names, Christian listed his recent job history but mentioned nothing about his brief and controversial tenure running the county elections office.

"As the chair of the Republican party, I believe all three nominees will serve the citizens of Buckingham with dignity, fairness and respect," Christian wrote in a May 10 nomination letter the Virginia Mercury obtained through a Freedom of Information Act request to the county courthouse.

If Gutierrez's nomination were approved, it would mean he would be serving alongside the same two board members he just publicly clashed with over his firing.

The judge had not yet made an appointment for the empty seat as of Friday. Buckingham court records indicate the judge has set a hearing on the board appointment next Wednesday at 3 p.m.

Under state law, Virginia judges appoint members of local electoral boards from lists of nominees recommended by local political parties. The law also requires that the party that won the last gubernatorial election hold two of every board's three seats, meaning all local electoral boards now have Republican majorities due to Gov. Glenn Youngkin's 2021 victory.

Christian did not immediately respond to an emailed request for comment Friday.

The move suggests local Republicans are still split over the turbulence in Buckingham's election office, where the entire staff resigned earlier this year shortly after Republicans took a 2-1 majority on the Buckingham Electoral Board and the office was inundated with unfounded concerns about illegitimate votes being cast.

Gutierrez was hired to step into that void but immediately ran into trouble after several residents, some of them involved in Democratic politics, complained he was clearly unfit for the job. Gutierrez also [battled](#) a Democratic county supervisor over a pair of public records requests in which he attempted to charge Supervisor Jordan Miles a \$200 "convenience fee" for providing public documents and suggested Miles "get a part-time job at Walmart" to afford the FOIA fees.

In an emailed statement Friday, Miles called the GOP's decision to re-up Gutierrez for a new role overseeing county elections "absolutely asinine and abhorrent" and said it's clear the party is "seeking continued chaos."

"These three nominees clearly are not anywhere near qualified to serve," Miles said.

Republican Electoral Board member Karen Cerwinski, who oversaw Gutierrez's hiring in mid-April, also played a leading role in his firing on May 9. Cerwinski said the reason for the firing was that Gutierrez hadn't been forthcoming about the fact that he was fired last year from a job at Fork Union Military Academy, but Gutierrez claimed Cerwinski, a local chiropractor, had advised him not to mention that part of his resume while applying for the job.

"Dr. Cerwinski is not a real Republican and she's not very strong," Gutierrez said in an interview with the Mercury on the day he was fired after a closed session with Cerwinski and Democratic Electoral Board member Woody Hanes. "In fact I called her a coward in our meeting."

The local Republican Party's list of three nominees to serve alongside Cerwinski and Hanes also included Tambra Riggs, Gutierrez's wife. The nomination for her mostly lists her job background in academia and says she works as a full-time psychology lecturer at Longwood University.

The party's third nominee is Jose Antonio Breland, whom Christian described as a farrier, a term for someone who specializes in caring for horse hooves, who lives in Yogaville and is "very active in his church and community."

In his May 9 interview with the Mercury, Gutierrez described himself as a proud Republican and strongly criticized local Democrats whom he claimed had unfairly pushed him out of the job. He also said he believes former President Donald Trump's narrative that election fraud occurred in the 2020 presidential contest.

"It's not false. It's very clear to me that there was election fraud," Gutierrez said. "It's very clear to a lot of people a lot smarter than I am that have proven it. See, the Democrats somehow, they have selective hearing, selective reading, selective seeing. They only see what they want to see."

He went on to say he had "coined a new term" for Democrats, "the EIE network."

"Experts. In. Evil," Gutierrez said. "They're evil. They're sinister."

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[Handwritten signature]

Ramona D. Christian

Buckingham County Republican Committee

Chairwoman

The Honorable Judge Blessing
Buckingham County Courthouse
13061 W James Anderson Hwy
Buckingham, Virginia 23921

May 10, 2023,

Re: Electoral Board Appointment

To the Honorable Presiding Circuit Court Judge,

On behalf of the Buckingham Republican Committee, and in accordance with the Code of Virginia, I am formally submitting the following three candidates for appointment as the Republican representative on the Buckingham Electoral Board. All of the candidates are residents of Buckingham County and registered voters.

As the chair of the Republican Party, I believe all three nominees will serve the citizens of Buckingham with dignity, fairness and respect. I asked

Tambra Riggs:

Having lived in Northern Virginia for many years to raise her now young adult children, Tambra moved ten years ago to Central Virginia and was hired as an adjunct Professor of Psychology and taught a full-time load of courses at Germanna Community College in the Fredericksburg area and later Lord Fairfax Community College in Warrenton, Virginia. Several years ago, she moved to Buckingham County when she was hired (May 2018) for academic position at Longwood University in Farmville, Virginia. Currently a full-time Lecturer of Psychology, teaching five courses per semester. She is the only faculty member teaching Lifespan Development Psychology, she teaches two sections of Introduction to Psychology, and occasionally Abnormal Psychology courses

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BY GRAHAM MOOMAW
May 22, 2023

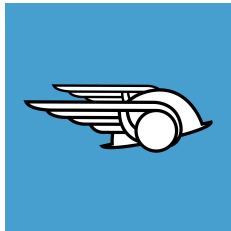


Buckingham Electoral Board fires Republican registrar after...

BY GRAHAM MOOMAW
May 9, 2023

A NEW LOOK AT THE OLD DOMINION

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ELECTIONS AND VOTING


GOVERNMENT + POLITICS

Buckingham GOP withdraws fired registrar's nomination for elections board

Local party official says she was unaware of order barring her nominees from election office

BY: **GRAHAM MOOMAW** - MAY 22, 2023 5:08 PM



 Voters at the Agricultural Service Center in Buckingham, Va., November 3, 2020. (Parker Michels-Boyce / For the Virginia Mercury)

The leader of the Buckingham County Republican Committee has withdrawn the county's recently fired interim registrar and his wife from the party's list of three nominees for a vacant Republican position on the local elections board, a move that prompted a local judge to postpone an upcoming hearing on the matter.

In an email to the judge sent Sunday, May 21 – two days after The Virginia Mercury [published a story](#) revealing the latest list of

nominees the local GOP had submitted for the Buckingham Electoral Board – Buckingham GOP Chairwoman Ramona Christian claimed she had been “unaware of most of the issues” swirling around former county registrar Luis Gutierrez when she sent her nomination letter on May 10, the day after Gutierrez was fired at a public meeting. Christian told Buckingham Circuit Court Judge Donald Blessing she was withdrawing Gutierrez’s nomination along with the nomination of his wife, Tambra Riggs-Gutierrez.

Christian acknowledged she was aware Gutierrez had been fired before she nominated him and his wife to the board that fired him and will soon pick his replacement. But Christian told the judge she recently learned the couple was legally prohibited from entering the county election office because a “protective order” had been taken out against them. Gutierrez disputed that characterization, saying it was a “no trespass order.”

The Buckingham Sheriff’s Office later confirmed Gutierrez was correct, explaining the order was obtained at the sheriff’s office, not a court, and only prevented the couple from going to the registrar’s office “without an appointment and escort from a deputy.”

Protective orders are a legal term of art that implies threatening behavior has occurred, while trespassing notices are a less serious step that simply restricts someone’s access to a building or property. It’s unclear why Christian referred to a “protective order” in her email to the judge.

Gutierrez, a Republican, had served as the county’s interim registrar for almost a month before he was fired by the Electoral Board on May 9 after an outcry from Buckingham citizens who interacted with him.

The local GOP’s decision to immediately nominate Gutierrez to a new election oversight job appeared to indicate the party was rallying around him. In addition to numerous residents saying he was temperamentally unsuitable for the job, Gutierrez had expressed support for former President Donald Trump’s unfounded claims the 2020 election was tainted by fraud and was sued by a Democratic supervisor just a few weeks into his tenure for [allegedly violating the state’s Freedom of Information Act](#). After the initial attempt to double down on Gutierrez remaining involved with the election office, Republicans now seem to be changing course.

Though the Buckingham saga is largely a local political feud, it spotlights the degree to which Virginia law gives often

hyperpartisan local party committees an important role in picking who oversees election offices that are meant to be nonpartisan. Last year, the Virginia State Board of Elections [sent a letter](#) to Republican and Democratic party officials and the court system asking all involved to do a better job of vetting picks for local Electoral Boards.

According to state law, political parties submit three nominees to fill seats on every three-person city and county electoral board, and local judges then make the final appointments from those nominees. It's unclear what would happen if a judge finds none of a party's three nominees acceptable, and the latest move in Buckingham appears to have avoided that potential outcome.

In the local GOP's emailed explanation, which the judge attached to an order postponing a hearing he had set for Wednesday, Christian said she withdrew the nominees after receiving new information from Republican Electoral Board Member Karen Cerwinski, a local chiropractor.

"I spoke with Dr. Cerwinski on Friday, May 19th, 2023 and she informed me that there was a protective order against Mr. and Mrs. Gutierrez to prevent them from entering the registrar's office," Christian wrote. "If I had been aware of any of these concerns, I would have never presented you with these names."

Maggie Snoddy, a local Democratic Party official who says Republicans have thrown the local election office into turmoil by driving the county's entire election staff to quit earlier this year, said she didn't believe Christian's claim that she wasn't aware of the full extent of the controversy surrounding Gutierrez.

"She was well aware of his behavior in that office," Snoddy said in a May 22 phone interview. "I don't believe that for one second. She's covering her tracks."

Buckingham election officials didn't respond on May 22 to the Mercury's requests for clarity on the nature of the order restricting Gutierrez's access to the office. The sheriff's office provided additional information on May 24.

Cerwinski, who voted to fire Gutierrez, was nominated to the Electoral Board by Christian in February to fill the remaining term of a prior Republican member who had resigned. In that nomination letter, Cerwinski, who oversaw Gutierrez's hiring in

mid-April before she moved to cut him loose this month, was described as the local party's "Election Integrity Officer."

The Electoral Board's other Republican member resigned just as Gutierrez was hired, creating the vacancy the local GOP and the court are now looking to fill.

Christian, who acknowledged she was "aware" Gutierrez had been fired just before she nominated him, also told the judge she had been spending much of her time over the last two weeks dealing with a recent death in the family.

She said she would work on submitting new names to the judge for consideration, but noted that could require her to first call a meeting of the local GOP committee.

In an order issued Monday morning, Blessing said the hearing on the issue would be postponed while the court waits to receive the local GOP's new nominations.

After receiving Christian's last list of nominees, Blessing issued an order adopting a more stringent policy for how political parties should make those nominations. The new rules prevent a local party chair from acting alone. The judge said the nominations must be on official party stationery signed by both the party's presiding officer and secretary and include documentation proving the recommendations were agreed upon at an official party meeting.

Christian did not immediately respond to requests for comment Monday.

In a phone call with the Mercury on Saturday, May 20, Gutierrez expressed frustration that information about the pending board nominations had been published, saying local Republicans had meant for the nominations to be a "strategic move" and "something to hit the Democrats by surprise."

"Surprise attack, that's what it was," Gutierrez said. "It was a surprise. ... We wanted to throw the Democrats off our trail for a little while."

Christian's official letter nominating Gutierrez made no mention of the fact that Gutierrez had recently served as the county's registrar and had been fired for allegedly misrepresenting his job history. Gutierrez has denied that allegation and insisted he was unfairly hounded out of a job by local Democrats upset about seeing someone new in charge.

“Before this got out, we had an opportunity perhaps to convince the judge of why we did this,” he said Saturday. “And maybe the judge doesn’t even know the s— I’ve been through.”

This story was updated after publication to include new information received from the Buckingham County Sheriff’s Office.



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A veteran Virginia politics reporter, Graham grew up in Hillsville and Lynchburg, graduating from James Madison University and earning a master’s degree in journalism from the University of Maryland. Before joining the Mercury in 2019, he spent six years at the Richmond Times-Dispatch, most of that time covering the governor’s office, the General Assembly and state politics. He also covered city hall and politics at The Daily Progress in Charlottesville.

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After Buckingham, more Virginia registrars find themselves on chopping block

Nottoway County Electoral Board plans job interviews instead of reappointing incumbent

BY: **GRAHAM MOOMAW** - JUNE 5, 2023 12:03 AM



 (From left) Nottoway Electoral Board members April Wright, Tom Reynolds and Sarah Allen presided over an at-times heated June 1 meeting about the registrar position. (Graham Moomaw/Virginia Mercury)

BURKEVILLE – In a sweltering community meeting room, William H. Clarke told his fellow Nottoway County residents calling people racist is a “dangerous thing” that shouldn’t be done lightly. But some of the pushback to Nottoway’s first Black registrar, he said, seems racist.

“If you get rid of this man, get rid of him on facts,” Clarke said, referring to Nottoway Registrar Rodney Reynolds, whose appointment as the rural county’s top election official isn’t being automatically renewed by the newly Republican controlled Nottoway Electoral Board.

Another speaker, Sue Yeatts, said she was concerned about errors with voter registration cards recently sent out to Nottoway residents and “rudeness” she said she’s seen from Reynolds. The ability to do the job well, she said, should be all that matters.

“I’m tired of the race card,” Yeatts said. “I’m done with it. I don’t want to hear it anymore.”

The Nottoway Electoral Board announced at a meeting Thursday night it would soon be interviewing five candidates for the job at an “undisclosed location,” but much of its discussion of the registrar job occurred during an hourlong closed session. After the meeting, held in a former elementary school building with noticeably broken air conditioning, board members wouldn’t specify if Reynolds would be one of the interviewees. But there was no vote or announcement indicating an official decision had been made to remove him from consideration entirely.

Nottoway, a rural Southside county of roughly 15,500 people about 60 miles southwest of Richmond, is the latest Virginia locality having a heated debate about who should run its elections. The recent turmoil in Buckingham County – where the [entire election staff quit](#) and a Republican-allied registrar hired to keep things running [was fired](#) after less than a month in the job – has been a cautionary tale for other electoral boards considering similar staff overhauls. Nevertheless, comparisons to Buckingham didn’t deter the Lynchburg Electoral Board from hiring a new registrar last week, [according to reporting by Cardinal News](#), after what a former Democratic board member called a “coordinated attack” against the former registrar who had held the job since 2018.

[Read more: [Buckingham Electoral Board fires Republican registrar after less than a month in the job](#)]

The increase in battles over local election administration is driven by several factors. After years in the minority, Republicans recently became entitled to majority control of all 133 of Virginia’s local electoral boards, a legally required result of Republican Gov. Glenn Youngkin’s victory in 2021. That’s happening just as registrars’ four-year terms are expiring this summer, an opportunity for the

reshaped boards to decide to keep their existing registrar or bring in someone new. Many of the local Republican activists who play a role in nominating people to serve on electoral boards have also grown increasingly distrustful of and antagonistic toward election administrators, a trend partly fueled by former President Donald Trump's false claims that rampant voter fraud cost him the 2020 election.

Though Republicans feel they are simply exercising the power state law grants them to oversee local election offices, some in the elections community are concerned departures of experienced registrars could bring more chaos to election offices that are supposed to function more like bland bureaucracies than partisan battlegrounds.

Republican electoral board members thinking of initiating a change in their local registrar's office recently got legal guidance on how they can and can't achieve that goal. In a [May 15 advisory opinion](#), Attorney General Jason Miyares said electoral boards have no legal obligation to reappoint incumbent registrars, but they cannot refuse to reappoint a registrar for political reasons alone. However, the line between the political and nonpolitical is often blurry, and Miyares noted the legality of registrar changes ultimately comes down to the facts of each case.

It remains to be seen whether Nottoway will also oust its registrar, but the issue is already stirring up the same type of division seen elsewhere.

Near the end of Thursday's Nottoway Electoral Board meeting, board Chairman Tom Reynolds, a Republican, pointed to an anonymous quote from a county resident published in a local newspaper warning there was "going to be trouble" if Rodney Reynolds didn't keep his job as registrar.

"I took that as a threat. And I will not be intimidated," said Tom Reynolds, who is not related to Rodney Reynolds.

Board member Sarah Allen, now the panel's lone Democrat, chimed in with her own anecdote about seemingly threatening behavior.

"No more white pickup trucks coming down my driveway please," she said.

Rodney Reynolds stayed out of the public debate over whether he was worth keeping, entering the meeting room only temporarily to

give the board a few updates on election-related business. After the meeting, he said he wasn't sure whether he would be one of the five people interviewing for his job, which he would like to keep.

"I know this job," he said.

Though the trend of registrars fighting for their jobs is largely being driven by a partisan shift this year from Democratic to Republican control of local electoral boards, the facts of each situation differ. In Nottoway, the Electoral Board is not looking to replace a longtime registrar. Reynolds was hired in 2021 when the Democratic-led Electoral Board chose to replace former registrar Angela Stewart, who had held the job for almost three decades. That vote was bipartisan, but local Republicans contend the Nottoway situation is about rectifying a situation caused by Democratic officials' past disregard for the norms of election administration.

The controversy in Nottoway predates Republicans taking a majority on the board earlier this year. A special prosecutor was [called in last year](#) to look into various allegations of wrongdoing by the board and election office, and the county's former registrar has filed a [federal lawsuit](#) claiming she was wrongfully fired.

[\[Read more: Special prosecutor trying to sort out elections drama in Nottoway County\]](#)

When the board was under Democratic control, former state elections Commissioner Chris Piper sent Nottoway officials a letter ordering board members to be re-trained on the duties of the office and the Freedom of Information Act due to the high volume of complaints the state was receiving about the way the election office and board meetings were being run. During the midterm elections last year, a [judge rejected an attempt](#) to keep some Nottoway polling places open after the normal closing time after concerns were raised that not all candidates had been notified of the move.

On Thursday, Nottoway County Democratic Committee Chairman Thomas Crews reminded the board the decision to hire Rodney Reynolds was bipartisan. The upcoming personnel decision, he said, should be similarly bipartisan in order for Nottoway residents to have confidence Republicans aren't orchestrating a "hostile takeover" of the election office.

"We do not want to see Nottoway County turned into Buckingham, but that is the dangerous road down which we could end up traveling," Crews said.

Diana-Lynn Wilkins-Mitchell, a Nottoway resident who has repeatedly asked the state to intervene in the county's elections drama, pointed to the recent attorney general opinion to assure the Electoral Board it has every right to make a change if it feels hiring a new registrar is in the best interest of the county.

"Somehow in all of the things going on, we have lost sight of one important fact," Wilkins-Mitchell said. "Which is that the code of Virginia dictates how we move forward in everything we do."

Under Virginia law, registrars are appointed to four-year terms on a timeline that puts them up for reappointment by July 1 of this year. The law says registrars "shall continue in office until a successor is appointed and qualifies."

The recent opinion from Miyares, issued in response to a request from Del. Kathy Byron, R-Bedford, said the law shouldn't be interpreted to mean registrars are entitled to a "lifetime appointment" when the General Assembly clearly envisioned four-year terms.

"The board may replace the registrar for a wide variety of reasons, including for example, underperformance, availability of a better candidate, or any other permitted reason," Miyares wrote. "A board, however, may not refuse to reappoint an incumbent based on prohibited grounds such as race or other legally protected status or political affiliation."

Any local process of hiring a new registrar, Miyares said, "must be objective and apolitical."

Last week, Buckingham moved a step toward normalcy when a local judge made an appointment to fill an empty Republican seat on the Buckingham Electoral Board. The local GOP previously nominated just-fired registrar Luis Gutierrez for the seat, but withdrew his nomination after the move was reported by the Virginia Mercury and set for a public court hearing.

As of June 1, the new Republican member of the Buckingham Electoral Board is Sandy Banks-Bertwell, a real estate agent who previously served on the board but had quit in April. In a nomination letter to the judge, Buckingham County Republican Committee Chairwoman Ramona Christian said Banks-Bertwell had resolved "out of state work issues" and could return to the board.

“The intense persecution from Jordan Miles left her little time to pursue her career as a real estate agent in Virginia and South Carolina,” Christian wrote, referring to Democratic Buckingham Supervisor Jordan Miles. “Sandy believes she is now in a better position to handle the pressures of the electoral board and her career.”

Asked for a response to the “persecution” claim, Miles said he’s had virtually no interaction with Banks-Bertwell outside of public records requests and speaking at formal board meetings. The board should get to work “hiring a competent, permanent registrar,” he said, instead of “peddling fairy tales.”

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