

# MINUTES

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3 The State Board of Elections Board Meeting was held on Wednesday, October 24,  
4 2012. The meeting was held at 1100 Bank Street, Washington Building, Room B27 in  
5 Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was  
6 Charles Judd, Chair; Kimberly Bowers, Vice-Chair; Donald Palmer, Secretary; Joshua  
7 Lief, Senior Assistant Attorney General and SBE Counsel; Justin Riemer, Deputy  
8 Secretary; Nikki Sheridan, Confidential Policy Advisor; and Chris Piper, Election  
9 Services Manager. Chairman Judd called the special Board Meeting to order at 3:00PM.

10 Chairman Judd stated that the Board was called to adjourn under the provisions of  
11 section 2.2-3707(D) of the Code of Virginia. Chairman Judd stated that the Board would  
12 be addressing a single item agenda to consider a motion to request a statewide  
13 investigation by the Attorney General. Chairman Judd stated that this three member  
14 Board had yet to make any such request. Chairman Judd stated that an individual in  
15 Rockingham County destroyed some voter registration forms and has been criminally  
16 charged with the appropriate misdemeanor and felony charges. Chairman Judd stated that  
17 he believed that this was an isolated incident. Chairman Judd stated that he wanted to  
18 make sure that it was an isolated incident. Chairman Judd stated that the  
19 Commonwealth's Attorney in that jurisdiction had been investigating the case of Colin  
20 Small. Chairman Judd stated that the Attorney General had been asked to investigate this  
21 case and the Attorney General stated publically "his hands are tied". Chairman Judd  
22 stated that "we need to untie his hands". Chairman Judd stated that the actions taken  
23 during this meeting were not in any way intended to reflect negatively on the capabilities  
24 of the Commonwealth's Attorney in Rockingham County or the Sheriff. Chairman Judd  
25 stated that the purpose was to expand the investigation beyond the jurisdiction of  
26 Rockingham County should that be necessary. Chairman Judd stated that it is the duty of  
27 the State Board of Elections to make sure that no one is disenfranchised by the acts of  
28 others. Chairman Judd stated that SBE wants to ensure that the electoral process in  
29 Virginia is efficient, accessible, and accurate. Chairman Judd stated that he wanted to  
30 ensure that this Board used the resources available to make sure that there were no other  
31 voting irregularities involving third party registration activities. Chairman Judd moved  
32 that the Board request the Attorney General to conduct an investigation to determine

33 whether or not the incident in Rockingham County was repeated in other parts of the  
34 Commonwealth of Virginia. Vice-Chair Bowers seconded the motion and Chairman Judd  
35 asked if there were any questions. Vice-Chair Bowers stated that SBE and the Board  
36 members have prided themselves in being transparent and are a fairly run organization.  
37 Vice-Chair Bowers stated that this meeting would hopefully clear up any  
38 miscommunications. Vice-Chair Bowers confirmed that this was the first time that this  
39 three member Board had come together to discuss the matter at hand. Vice-Chair Bowers  
40 stated that she was not comfortable with this incident being labeled an isolated incident.  
41 Vice-Chair Bowers stated that she felt that the Board should take advantage of the  
42 resources available. Vice-Chair Bowers stated that this is not a partisan issue, rather that  
43 it was a Commonwealth of Virginia issue. Vice-Chair Bowers stated that she would like  
44 to know the instructions given to Colin Small from the organization that employed him.  
45 Vice-Chair Bowers stated that she fully supported this investigation and that it is the duty  
46 of the Board. Chairman Judd inquired if there was any further discussion. Secretary  
47 Palmer stated that from moment one SBE has been in contact with the general registrars,  
48 Commonwealth's Attorney, and the Sheriff of Rockingham County. Secretary Palmer  
49 stated that the Commonwealth's Attorney of Rockingham County moved rapidly and  
50 aggressively to investigate the allegations presented regarding Colin Small. Secretary  
51 Palmer stated that the proposed Board action is not a reflection of the work of the  
52 Rockingham County Commonwealth's Attorney and that he is very confident in the  
53 process. Secretary Palmer noted that the Code states that the Attorney General can assist  
54 the local commonwealth attorney with the investigation. Secretary Palmer stated that  
55 asking the Attorney General to assist in the investigation would best serve the citizens of  
56 the Commonwealth of Virginia. Chairman Judd inquired if there were any other  
57 comments from members of the Board. Vice-Chair Bowers asked for a clarification on  
58 the difference between "assist" and "investigate"? Vice-Chair Bowers stated that she was  
59 asking for a full investigation by the Attorney General's Office not to assist the  
60 Commonwealth's Attorney of Rockingham County. Chairman Judd stated that the  
61 motion is to request an investigation by the Attorney General. Secretary Palmer stated  
62 that he was reading the Code and deferred to Josh Lief. Joshua Lief, Senior Assistant  
63 Attorney General and SBE Counsel, identified that there are two clauses in the first  
64 paragraph of section 24.2-104 that pertain to requesting assistance from the

65 Commonwealth's Attorney Office to investigate. Chairman Judd inquired if there were  
66 any public comments or questions. Chairman Judd and Vice-Chair Bowers then  
67 answered questions from representatives of the news media. Chairman Judd asked if  
68 there were any other questions and there were none. Chairman Judd restated the motion  
69 was "to request the Attorney General to conduct an investigation to determine whether or  
70 not the incident in Rockingham County was repeated in other parts of the  
71 Commonwealth". Chairman Judd called for a voice affirmation of the motion and all  
72 Board Members stated "Yay" and Chairman Judd declared that the motion was carried.

73 Chairman Judd asked if there was any other business to come before the Board for  
74 the Good of the Order and with there being none Vice-Chair Bowers made a motion to  
75 adjourn. Chairman Judd seconded the motion and the Board unanimously approved the  
76 motion. The Board shall reconvene on November 6, 2012 at 8:00 AM in the Washington  
77 Building, Room B27. Chairman Judd asked for any further public comments. There being  
78 none, the meeting was adjourned at approximately 8:35AM.

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Chair

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Vice-Chair

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Secretary