

MINUTES

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3 The State Board of Elections Board meeting was held on Friday, January 13,
4 2012. The meeting was held in the State Capitol, House Room Two in Richmond,
5 Virginia. In attendance, representing the State Board of Elections (SBE) was Charles
6 Judd, Chair; Kimberly Bowers, Vice-Chair; Donald Palmer, Secretary; Justin Riemer,
7 Deputy Secretary; Joshua Lief, Senior Assistant Attorney General and SBE Counsel;
8 Martha Brissette, Policy Analyst; and Chris Piper, Election Services Manager. Chairman
9 Judd called the meeting to order at 4:00PM.

10 The first order of business was the Secretary's Report delivered by Secretary
11 Palmer. The Secretary's Report is an agenda item for each Board Meeting describing
12 recent developments at SBE. Secretary Palmer reported SBE is preparing for the March
13 2012 Presidential Primary. Secretary Palmer noted there has been litigation and a
14 resolution was reached today. Secretary Palmer stated SBE will continue to work with
15 the localities to ensure the absentee ballots are delivered in a timely manner. Secretary
16 Palmer stated SBE will continue with the surveys under the consent decree. Secretary
17 Palmer stated the General Assembly reconvened on January 10, 2012 and there are over
18 one hundred election-related bills. Secretary Palmer noted SBE is reviewing each piece
19 of legislation and adding comments.

20 Chairman Judd informed Board Members the Executive Session listed on the SBE
21 Agenda would not occur and instead Joshua Lief, SBE Counsel, would be presenting the
22 summary of the Federal District Court ruling in the *Perry* case that occurred prior to the
23 Board Meeting. Joshua Lief informed Board Members the court issued its order and
24 dissolved its prior orders to the Board directing that ballots not be printed or mailed.
25 Joshua Lief noted the Presidential Primary is back on schedule and there are no binding
26 orders related to SBE to take any action and the Board is to proceed. Joshua Lief noted
27 the appeals process is available to the plaintiffs.

28 The second order of business was the Ballot Standards and Verification
29 Procedures for the March 6, 2012 Revised Ballots presented by Matt Abell, Election
30 Services. Matt Abell explained if there is an appeal request to have ballot changed in the
31 future SBE would prefer to cease some of the procedural aspects of the Ballot

32 Verification Process. Mr. Abell noted currently the layout and format is approved. Mr.
33 Abell stated if by court order SBE staff was directed to change the ballot the desire would
34 be to have the vendors provide the revised ballot to SBE verses routing them through the
35 localities. Matt Abell noted the requested change would expedite the process. Matt Abell
36 stated this request was a onetime only request in preparation for a court order if SBE is
37 instructed to change the ballots for the 2012 Presidential Primary. Chairman Judd asked if
38 there were any comments about the proposal and after further discussion the Board
39 decided not to accept the motion as requested. Chairman Judd asked if there were any
40 comments from the audience and there were none.

41 The third order of business was the delegation to the Secretary to respond to
42 possible changes in the Republican Party of Virginia request to administer a
43 pledge/loyalty oath for its March 6, 2012 Presidential Preference Primary. Martha
44 Brissette, SBE Policy Analyst, explained SBE needed to be ready to adapt to possible
45 changes to assure compliance with the approaching statutory deadline for sending
46 absentee ballots. Martha Brissette stated the deadline for mailing Absentee Ballots was
47 January 21, 2012. Vice-Chair bowers moved the Board delegate to the Secretary of the
48 State Board of Elections authority to respond to the possible changes the Republican
49 Party of Virginia may request regarding the previously approved pledge for the March 6,
50 2012, presidential preference primary. Chairman Judd seconded the motion and then
51 asked if there were any public comments and with there being none the Board
52 unanimously passed the motion.

53 The next order of business was introduced by Chairman Judd under "Other
54 Business". Chairman Judd asked Joshua Lief to address the issue of irregularities
55 discussed in court on this date. Joshua Lief stated there were previous discussions and
56 evidence brought to the Attorney General's attention relating to the irregularities and
57 potential fraud in the petitions presented by Newt Gingrich. Joshua Lief noted this issue
58 would involve several jurisdictions and Commonwealth's Attorneys. Joshua Lief added
59 with the addition of court testimony the Attorney General's Office under § 24.2-104, with
60 a unanimous vote, could request an investigation regarding a potential violation of the
61 election laws. Joshua Lief noted under § 24.2-104 the Attorney General's Office would
62 report back to the State Board of Elections the findings of their investigation. Chairman

63 Judd asked if there were any questions and with there being none Chairman Judd moved
64 that the State Board of Elections ask the Attorney General's Office to investigate the
65 gathering of petition signatures leading up to the Presidential Primary to look for
66 irregularities and alleged unlawfulness. Vice-Chair Bowers second the motion and the
67 motion was unanimously passed.

68 Vice-Chair Bowers then made a motion to adjourn. Chairman Judd seconded the
69 motion and the Board unanimously approved the motion. The Board shall reconvene on
70 January 23, 2012 at 3:00 PM in the General Assembly Building.

71 Chairman Judd asked for any further public comments. There being none, the
72 meeting was adjourned at approximately 4:25PM.

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Chair

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Vice-Chair

Secretary