

# MINUTES

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

11 The first order of business was the drawing for ballot order for U. S. House of  
12 Representatives, District 11. Matt Abell, Election Services Lead, explained the process.  
13 Mr. Abell stated that in the event that one candidate does not make the ballot the  
14 candidate would be moved up in order. Mr. Abell stated that the Independent Green Party  
15 and the Green Party were being drawn for ballot consideration. Mr. Abell confirmed that  
16 this drawing was subsequent to the drawing conducted at a previous Board Meeting that  
17 placed the Republican Party in position one and the Democratic Party in position two.  
18 Vice-Chair Bowers drew the Independent Green Party for position three and Secretary  
19 Palmer drew the Green Party for the fourth position.

20 The next order of business was the Republican Party of Virginia's letter regarding  
21 the nomination of Edward Clark, presidential candidate for the Libertarian Party.  
22 Chairman Judd asked a clarifying question of the SBE staff about the name of Edward  
23 Clark. Chris Piper, Election Services Manager, presented the letter to the Board members.  
24 Mr. Piper stated that the name of Gary Johnson is presented by the Libertarian Party and  
25 that the name of Edward Clark was utilized as a placeholder. Mr. Piper stated that SBE  
26 staff reviewed the petitions presented by the Libertarian Party and that SBE was satisfied  
27 that the qualifying threshold of 10,000 signatures in total with 400 in each congressional  
28 district had been met. Mr. Piper explains to the Board members the process of verifying  
29 the signatures on the petitions and the notary requirements and the notary certificate. Mr.  
30 Piper presented the differences between material omissions and non-material omissions  
31 according to the Code of Virginia and regulations. Joshua Lief, Senior Assistant Attorney  
32 General and SBE Counsel, provided SBE Board members with an overview of the

33 candidate petition process and the recent changes that have occurred. Chairman Judd asks  
34 if there are any public comments. Christopher Nolen, Counsel for the Republican Party  
35 of Virginia (RPV), approached the podium. Mr. Nolen stated that RPV conducted a  
36 review of the petitions presented by the Libertarian Party. Mr. Nolen stated that in their  
37 review they found individuals who signed the petitions who were not registered to vote  
38 and/or provided invalid residential addresses. Mr. Nolen also stated that the RPV  
39 questions the notary certificate on many of the petitions. Mr. Nolen states that the RPV  
40 believes that the Libertarian Party had not met the ballot access threshold for the state of  
41 Virginia. Mr. Nolen thanked SBE Board members for their time. Chairman Judd asked if  
42 there are any additional public comments. Alisha Dern, Counsel for the Gary Johnson  
43 campaign, approached the podium. Ms. Dern stated that since statutory or regulatory  
44 provisions do not recognize third party reviews the issues that Mr. Nolen present should  
45 not forbid the Libertarian Party from gaining ballot access. Mr. Nolen approached the  
46 podium and stated that the RPV reviewed the petitions of Virgil Hamlin Goode. Mr.  
47 Nolen stated that he questioned the validity of some of the petitions. Mr. Nolen stated  
48 that he questioned whether the circulators of the petitions actually witnessed the  
49 signatures. Mr. Nolen requested a systematic review of the petitions. Mr. Nolen  
50 suggested that the Attorney General's Office investigate the petitions submitted by the  
51 campaign of Virgil Hamlin Goode. Chairman Judd stated that a Board decision would  
52 not be reached until hearing the next two agenda matters.

53 The next order of business was the Republican Party of Virginia letter regarding  
54 the presidential nomination petitions of Virgil Hamlin Goode, Constitution Party. Chris  
55 Piper, Election Services Manager, stated that SBE received a letter from the Republican  
56 Party of Virginia questioning the petitions of Virgil Goode. Mr. Piper stated that the  
57 challenges presented by the RPV were similar to the Libertarian Party complaint. Mr.  
58 Piper stated that the SBE staff reviewed the petitions and found that the procedures were  
59 followed and that the Constitution Party did meet the ballot access requirements.  
60 Chairman Judd inquired if there were any public comments. Chris Nolen, Counsel for the  
61 Republican Party of Virginia (RPV), approached the podium. Mr. Nolen stated that the  
62 RPV reviewed the petitions presented by the Constitution Party and that similar  
63 challenges were presented. Mr. Nolan stated that additionally there are some other  
64 circumstances that raise the question of the circulators being present while the petitions

65 were signed. Mr. Nolan stated that RPV is asking SBE to conduct a review of the  
66 petitions. Mr. Nolan stated that the RPV has completed an analysis and has submitted to  
67 the Board specific instances that raise the issue of the witnessing of petitions by the  
68 circulator. Mr. Nolan stated that there are instances where the same circulator has signed  
69 the petition, on the same day, in far reaching areas of the Commonwealth. Mr. Nolan  
70 stated that he is asking SBE to take a second look at the petitions presented by the  
71 Constitution Party. Chairman Judd inquired if there were any additional public  
72 comments. Mitch Turner, Chairman of the Constitution Party of Virginia, approached the  
73 podium. Mr. Turner stated that although the SBE Board members were going to decide  
74 on the issues presented today by the different parties together that they are not similar  
75 issues. Mr. Turner stated that all of the Constitution Party petitions have gone through  
76 two complete reviews. Mr. Turner stated that reviews Mr. Nolan referred to were the  
77 same reviews that the Constitution Party conducted independently. Mr. Turner stated that  
78 the Constitution Party had exceeded the number of signatures required to obtain ballot  
79 access. Mr. Turner stated that the RPV is presenting allegations of fraud which are  
80 different than the concern presented against the Libertarian Party. Mr. Turner stated that  
81 the “RPV has not presented evidence of fraud rather information”. Mr. Turner stated that  
82 the allegations presented by the RPV are unfounded and not a relevant issue. Mr. Turner  
83 stated that all petitions were gathered within the parameters of the law and granting the  
84 RPV request would violate the desires of all who signed the petitions. Mr. Turner stated  
85 that he encouraged an investigation to determine if fraud was committed as the  
86 Constitution Party will not tolerate such behavior. Chairman Judd inquired if there were  
87 any other comments. Congressman Vigil Goode approached the podium. Congressman  
88 Goode stated that he was at every location mentioned on the petitions. Congressman  
89 Goode provided travel plans for the numerous days that the RPV questioned regarding  
90 his ability to maneuver around the state and collect signatures. Congressman Goode  
91 stated that the allegations by the RPV are absurd. Congressman Goode stated that the  
92 material omissions questions regarding his petitions presented by the RPV were issues to  
93 be decided by the SBE according to the established procedures. Congressman Goode  
94 also stated that the RPV cited Pennsylvania law which does not pertain to the petitions  
95 submitted to the Virginia State Board of Elections. Congressman Goode reviewed each of  
96 the allegations presented by the RPV and stated that it is the responsibility of SBE to

97 validate the petitions and not the responsibility of the RPV. Congressman Goode thanked  
98 SBE Board members for their time. Chairman Judd inquired of Congressman Goode that  
99 “the reason you were able to collect so many signatures on single days was because the  
100 signatures were gathered at community events and festivals?” Congressman Goode stated  
101 that was a true statement and correct. Chairman Judd inquired if there were any  
102 additional public comments. Daniel Turner approached the podium. Mr. Turner stated  
103 that Congressman Goode asked him to help with the petition drive. Mr. Turner stated that  
104 he went on location on numerous occasions and that on one particular day he was in  
105 thirty different localities. Mr. Turner stated that the implication that two people cannot  
106 gather a large number of signatures in one day is shocking and insulting. Mr. Turner  
107 noted that he has been gathering signatures for many years and has experience in the  
108 process. Chairman Judd asked Mr. Turner to affirm that he was responsible along with  
109 Congressman Goode for gathering a large amount of signatures. Mr. Turner stated that  
110 Chairman Judd’s statement was correct and that he personally witnessed those signatures.  
111 Chairman Judd inquired if there were additional public comments. Gail Parker  
112 approached the podium. Ms. Parker stated that she assisted in collecting signatures for  
113 Congressman Goode and stated that she has eight years experience in gathering  
114 signatures and that it is possible to gather the amount of signatures the Goode campaign  
115 gathered in one day. Ms. Parker stated that she has gathered 284 signatures in one day  
116 and on one occasion gathered over 500 signatures in one hour at a community event.  
117 Chairman Judd asked Ms. Parker to affirm that she was responsible for gathering a large  
118 amount of signatures. Ms. Parker stated that Chairman Judd was correct and that she  
119 personally witnessed those signatures. Chairman Judd inquired if there were any other  
120 public comments. Vice-Chair Bowers asked for guidance from Mr. Lief. Joshua Lief,  
121 Senior Assistant Attorney General and SBE Counsel, stated that this is a unique situation.  
122 Mr. Lief stated that the Board is in the position of needing to make a decision as the  
123 complaint against the parties involved was made on the eve of ballot order drawings. Mr.  
124 Lief stated that the Code of Virginia does not provide for this type of third party review.  
125 Mr. Lief noted that the parties have a right to FOIA requests and can request that the SBE  
126 Board request an investigation by the Office of the Attorney General if voter fraud is  
127 suspected. Mr. Lief stated that the Board heard from three witnesses saying they  
128 witnessed the signatures on the petitions. Mr. Lief stated that the correct procedure would

129 be that if the Board suspected voter fraud that they should request an investigation by the  
130 Attorney General’s Office. Mr. Lief stated that the SBE staff went above the call of duty  
131 in accommodating the parties by double-checking the petition signatures. Chairman Judd  
132 inquired if there were any additional Board comments and there were none. Secretary  
133 Palmer moved to provide the information regarding the Constitution Party to the Office  
134 of the Attorney General and ask for an investigation. Vice-Chair Bowers seconded the  
135 motion and the Board unanimously approved the motion.

136 The next order of business was the drawing for ballot order for U.S. President and  
137 U.S. Vice-President. Matt Abell, Election Services Lead, explained the process. Mr.  
138 Abell stated that the drawings were for the Constitution Party, Libertarian Party and the  
139 Green Party. Vice-Chair Bowers drew the Constitution Party for the third position on the  
140 ballot. Chairman Judd drew the Libertarian Party for the fourth position on the ballot.  
141 Secretary Palmer drew the Green Party for the fifth position on the ballot.

142 Chairman Judd noted that the agenda item “Executive Session” was not required  
143 at this Board Meeting.

144 Chairman Judd asked if there was any other business to come before the Board for  
145 the Good of the Order and with there being none Vice-Chair Bowers made a motion to  
146 adjourn. Chairman Judd seconded the motion and the Board unanimously passed the  
147 motion. The Board shall reconvene on September 10, 2012 at 9:00 AM in the  
148 Washington Building, Room B27. Chairman Judd asked for any further public comments.  
149 There being none, the meeting was adjourned at approximately 10:10AM.

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156 Chair

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160 Vice-Chair

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Secretary