

MINUTES

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2
3 The State Board of Elections Board Meeting was held on Tuesday, August 13,
4 2013. The meeting was held in the General Assembly Building, Room C, 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; Joshua Lief;
7 Senior Assistant Attorney General and SBE Counsel; Justin Riemer, Deputy Secretary;
8 Nikki Sheridan, Confidential Policy Advisor; Chris Piper, Election Services Manager;
9 Susan Lee, Election Uniformity Manager; Myron McClees, SBE Policy Analyst; Gary
10 Fox, Voting Technology Coordinator; and Matt Abell, Election Administration Lead.
11 Chairman Judd called the meeting to order at 9:00AM.

12 The first order of business was the approval of the SBE Board Minutes from the
13 May 22, 2013 and the June 25, 2013 Board Meetings. Chairman Judd stated that each set
14 of Board Meeting Minutes would be addressed separately. Chairman Judd asked if Board
15 Members had any additions or corrections to the May 22, 2013 Board Minutes. Vice
16 Chair Bowers noted she thought the Board had time to review the minutes and made
17 corrections that were reflected in these Minutes and she had no changes. Chairman Judd
18 noted for the record the changes desired to the Board Minutes draft document. Chairman
19 Judd and Secretary Palmer discussed a suggested change on page 14, line 430 regarding
20 “protected addresses” and “dumbing down the system.” Secretary Palmer asked if the
21 Chairman wanted to eliminate the sentence on protected addresses and Chairman Judd
22 noted that he did not want the sentence removed, that he wanted it corrected so that it did
23 not appear that he approved of dumbing it down. Vice Chair Bowers moved *that the*
24 *Board accept and approve the amended changes to the May 22, 2013 Minutes.* Secretary
25 Palmer seconded the motion and the Board unanimously approved the Minutes.
26 Chairman Judd asked if Board Members had any additions or corrections to the June 25,
27 2013 Board Minutes. Vice Chair Bowers moved *that the June 25, 2013 Minutes be*
28 *approved as submitted.* Secretary Palmer seconded the motion and the Board
29 unanimously approved the Minutes. Chairman Judd observed the difference between the
30 May 22 and June 25 Minutes is a nice new procedure that the Secretary, Rose Mansfield
31 and others put in place in getting the minutes processed in a timely manner in a form that
32 the Board is more familiar with and the June 25 minutes reflect that change.

33 The second order of business was the Secretary's Report delivered by Secretary
34 Palmer. Secretary Palmer stated that the online registration rollout occurred in mid-July,
35 and to date there had been over 1,800 voter registrations conducted online. Secretary
36 Palmer stated that SBE staff continues to improve and streamline the process. Secretary
37 Palmer stated that this system is an outstanding new access to voters and improves the
38 integrity of the voter rolls on the front end. Secretary Palmer noted the communication
39 between SBE and DMV is vital.

40 Secretary Palmer reported that he was a presenter at the National Association of
41 State Election Directors (NASED) meeting and spoke on topics related to the 2012
42 General Election that was similar to a presentation made to local registrars and electoral
43 board members at Annual Training. Secretary Palmer thanked the Chairman for coming
44 and noted it was a huge success. Secretary Palmer stated that the presentation was based
45 on surveys completed by the general registrars and SBE's own analysis that provided
46 excellent information to the Presidential Commission. Secretary Palmer got positive
47 feedback on the use of technology, improving the process of interacting with voters in the
48 registration phase and the updating of addresses. Secretary Palmer thanked the general
49 registrars for completing the survey. Secretary Palmer stated that SBE was presented an
50 award by Google and the PEW Foundation during the NASED conference. Secretary
51 Palmer recognized Matt Davis, IS Division Manager, and his team for their efforts and
52 stated that Virginia was recognized as one of the pioneers and leaders in the Voting
53 Information Project which provides polling place information online. Secretary Palmer
54 stated that over 25 million people utilized the Google website to look up their polling
55 location. Chairman Judd asked Mr. Davis to come to the podium to officially accept the
56 award and extended congratulations to his entire team.

57 Secretary Palmer stated that SBE is involved with the Crosscheck program based
58 on guidance from the Board. The PEW Foundation spoke to the Board about the ERIC
59 Project and SBE jumped into the project. ERIC now has nine members. ERIC maintains a
60 website, Virginia was a founding member, and has been receiving reports from the nine
61 states involved in the project. ERIC allows SBE to utilize DMV information as well as
62 the other states' voter registration lists to identify duplicate voters or those who have left
63 the state or have potentially double-voted. Secretary Palmer stated that SBE is also
64 involved in the Interstate Crosscheck, the interstate compact that compares voter

65 registration lists. Those lists are utilized to identify potential duplicates and those voters
66 who have relocated. Secretary Palmer concluded that without any federal solution out
67 there, the states are starting to work together to identify those who have moved to another
68 state.

69 Chairman Judd asked if there were additional details on some of the numbers that
70 have been matched, including up to 300,000 that was discussed. Secretary Palmer stated
71 that Pew just came out with some numbers that he can share in more detail at the next
72 meeting. Secretary Palmer noted that since Virginia has not participated in these types of
73 projects in the past we had fairly significant number of potential duplicates and that the
74 IS Division has been working on the data to make sure we get it right. The process will
75 be bifurcated and different depending on how good of a match there is. Secretary Palmer
76 stated that the process would be complete before the Commonwealth enters the
77 gubernatorial election cycle as a result of sharing information.

78 Vice Chair Bowers asked about the address verification in the ERIC project and if
79 there are similar parallels in the address verification process. For example, if someone in
80 one state has matching data for a person in Virginia, how does SBE handle verifying the
81 address as far as which record is current. Secretary Palmer replied that because we are
82 using voter registration and DMV data and you will be able to compare dates to
83 determine the latest update to the voter's address. Vice Chair Bowers asked if the
84 crosscheck is dated when the check occurs. Secretary Palmer replied "Yes". Vice Chair
85 Bowers asked at what point the voter is deemed inactive. Secretary Palmer stated that if
86 SBE receives information that someone has moved, the state or the locality would send a
87 mailing to the individual. If the voter does not respond within 30 days a secondary
88 mailing is sent and that mailing will state that if you do not respond you will be placed on
89 the inactive list, that you are still able to vote, but if you do not update your records for
90 two general election cycles you will be removed from the rolls. Vice Chair Bowers asked
91 if that mailing process would apply to Crosscheck. Sec. Palmer said "yes" but that there
92 are some instances where only one piece of mail would be sent. Secretary Palmer asked if
93 there were any other questions.

94 Chairman Judd asked for an update on the Bruce Tyler letter. Secretary Palmer
95 stated that it was his understanding that there was a meeting scheduled in July for the
96 Richmond Electoral Board Meeting and due to the amount of agenda items the report that

97 was to come from the general election was postponed until a later meeting. Secretary
98 Palmer stated that Mr. Tyler was able to address the electoral board, there was a motion
99 to ask SBE for an investigation, and it was reported that the motion did not get a second
100 and no request has been made for SBE to investigate. There will be a report made by the
101 Richmond City General Registrar at the August meeting. Secretary Palmer stated that
102 SBE has conducted an audit of the 2012 Election for long lines and voting equipment
103 issues. The Absentee Ballot Working Group can review these absentee voting issues that
104 were also addressed by Mr. Tyler. The working group is looking at various issues
105 including overseas and domestic absentee voting. SBE will send a survey to the electoral
106 community to help identify and what we can do to mitigate absentee ballot problems.
107 SBE is looking for ways to streamline the absentee ballot process, including going to
108 JCOTS for military and overseas voters. This was a challenging year with Hurricane
109 Sandy which just pushed the postal service which has some real problems and these
110 issues also came up on the federal level with the Presidential Commission. SBE will
111 continue to work with the postal service to find ways to reduce the time that it takes to get
112 a ballot from Point A to Point B. Secretary Palmer stated that if it cannot be done then we
113 will have to go to the General Assembly with a recommendation on starting the process
114 earlier if we are going to continue to use the mail. The deadlines are tight and there were
115 some real issues with the postal service. Secretary Palmer inquired if there were any
116 questions. Chairman Judd stated that Mr. Tyler's letter was helpful in outlining the
117 activities surrounding that election and there is no interest in changing the outcome of the
118 election, there is interest in what can we learn from what happened in that process to
119 prevent those types of things from happening again and that is what is most important.
120 Chairman Judd asked if there were any other questions and there were none.

121 The next order of business was the Legal Report delivered by Joshua Lief, SBE
122 Counsel. Mr. Lief reported that the investigation into the petition fraud in connection
123 with the 2012 Presidential Election, the two individuals involved plead guilty to multiple
124 felonies in Augusta County and were more recently indicted in Martinsville and Henry
125 County for additional felonies. The second update is from Harrisonburg, the case where
126 voter registration forms were dumped. That individual was acquitted as the judge
127 dismissed the charges at trial stating there was not sufficient intent. Mr. Lief stated that
128 he is continuing to work with SBE on the interstate crosscheck program and the *Fairfax*

129 *County Democratic Party* case against SBE and the General Registrar and Electoral
130 Board of Fairfax County. Mr. Lief reported that a new case has been filed which is not
131 against SBE, rather they have sued local election officials, the Attorney General and
132 Governor trying to invalidate the At-Large Election of the Norfolk Mayor.

133 The next order of business was the presentation of the resolution honoring the
134 work of Ann Loukx, retiring General Registrar of Accomack County. The Board
135 presented the resolution to Ms. Loukx and each Board Member extended their sincere
136 thanks for 29 years of service to the election community. Ms. Loukx thanked SBE for the
137 years of support and noted that she was looking forward to her retirement.

138 The next order of business was the presentation of the “Feather in Your Cap”
139 recognition award. Secretary Palmer asked Victoria Baldwin, Director of Training, to
140 come to the podium. Secretary Palmer presented Ms. Baldwin with the feather and stated
141 that she had earned this recognition because of the research she performs on the retiring
142 general registrars’ resolutions. SBE Board Members extended their gratitude to Ms.
143 Baldwin and stated how her efforts have made the ceremonial presentations of the
144 resolutions to the general registrars unique and rewarding to all.

145 The next order of business was to ascertain the results of the Special Election in
146 the 14th Senate District on August 6, 2013 pursuant to § 24.2-681 of the Code of
147 Virginia. Matt Abell, Election Administration Lead, explained the certification process
148 to the Board and SBE staff members. Mr. Abell stated that having examined the certified
149 abstracts of the votes given in the counties and cities of the seven jurisdictions the
150 member-elect is awarded a certificate. Mr. Abell stated that John A. Cosgrove, Jr.
151 received the greatest number of votes (2,254). Board Members completed the
152 certification process and Mr. Abell stated that Delegate Cosgrove, is now Senator-elect
153 Cosgrove, Chairman Judd declared the results of the August 6, 2013 Special Election
154 officially certified.

155 The next order of business was the Certification of Voting Equipment presented
156 by Gary Fox, Voting Technology Coordinator. Mr. Fox stated that the first order of
157 equipment business was to certify the ES&S Unity 3.4.0.1 voting system for use in the
158 Commonwealth of Virginia. Mr. Fox explained the particulars of the equipment to the
159 Board Members. Mr. Fox explained the product sheets and test reports were included in
160 the Board materials. Mr. Fox stated that SBE hired Jack Cobb to perform the testing and

161 it occurred between March 18 and 20 at SBE and all the systems passed certification. The
162 ES&S equipment was tested in Chesterfield County during the June 11, 2013 Democratic
163 Primary and was well received by staff and voters. Mr. Fox asked if there were any
164 questions. Chairman Judd asked if this was a digital scanner and Mr. Fox replied “Yes”.
165 Chairman Judd asked who used the DS850 and Mr. Fox replied that Chesterfield used the
166 850 and the DS200. Chairman Judd inquired if Fairfax County used the DS850 and Mr.
167 Fox replied “They did not”. Mr. Fox added that Fairfax County is in the process of
168 selecting equipment. Chairman Judd asked if there were any public comments and there
169 were none. Secretary Palmer moved that *the Board certify ES&S Unity 3.4.0.1 voting*
170 *system for use in elections in the Commonwealth of Virginia, pursuant to the State*
171 *Certification of Voting Systems Requirements and Procedures*. Vice Chair Bowers
172 seconded the motion and Chairman Judd inquired if there were any comments and there
173 were none. The Board unanimously carried the motion.

174 The next order of business was the Certification of the Voting Equipment,
175 Dominion Democracy Suite 4.14 Voting System presented by Gary Fox, Voting
176 Technology Coordinator. Mr. Fox stated that there were software changes that required
177 the product to go back through full certification. Mr. Fox explained the particulars of the
178 equipment to the Board Members. Mr. Fox stated that the voting system completed
179 certification through the Election Assistance Commission (EAC) on July 18, 2013. Mr.
180 Fox explained the product sheets and test reports were included in the Board materials.
181 The testing occurred between March 14 and 15 at SBE and all the systems passed
182 certification. The equipment was tested in Caroline County and Isle of Wight County
183 during the June 11, 2013 Democratic Primary and performed flawlessly. Mr. Fox asked if
184 there were any questions. Chairman Judd asked if this was also a digital scanner and Mr.
185 Fox replied “Yes”. Chairman Judd asked if there were any public comments and there
186 were none. Secretary Palmer moved that *the Board certify Dominion Voting’s*
187 *Democracy Suite 4.14 voting system for use in elections in the Commonwealth of*
188 *Virginia, pursuant to the State Certification of Voting Systems Requirements and*
189 *Procedures*. Vice Chair Bowers seconded the motion. Chairman Judd inquired if there
190 were any comments and there were none. The Board unanimously carried the motion.

191 Chairman Judd had a question of whether there was any thought to global price in
192 Virginia so that all localities would get the same price for voting equipment. Mr. Fox

193 responded that SBE was in the process of developing a proposal that would go out within
194 the next 30 days for the equipment vendor to take advantage of quantity discounts.

195 The next order of business was proposed amendments to the When a Ballot is
196 Cast Regulation presented by Myron McClees, SBE Policy Analyst. Mr. McClees stated
197 that this regulation was brought before the Board at the June 2013 Board Meeting and
198 concerns were raised as to whether the regulation was comprehensive enough including
199 whether undervotes should be considered. Mr. McClees stated that Senate Bill 1027 was
200 passed by the General Assembly and signed into law by the Governor. It included a
201 provision that allows an officer of election to cause a machine to accept an optical scan
202 ballot that was rejected due to an undervote or overvote. The action is directly counter to
203 the regulation currently enforced within the Commonwealth, 1 VAC20-60-40. Mr.
204 McClees explained different hypothetical scenarios of undervoting and overvoting to the
205 Board Members. Mr. McClees asked if there were any questions. Chairman Judd said that
206 he was puzzled why this was such a big deal and that he never witnessed someone putting
207 the ballot in the scanner and hightailing out of the polling place. Chairman Judd
208 acknowledged that this was the substance of the bill. Chairman Judd asked if there were
209 any questions and there were none. Chairman Judd moved that *the Board adopt the*
210 *proposed amendments to regulation 1VAC20-60-40, When Ballot Cast, to implement*
211 *recently enact legislation, SB1027.* Vice Chair Bowers seconded the motion and
212 Chairman Judd inquired if there were any comments. William Bell, Secretary of the Isle
213 of Wight Electoral Board, approach the podium. Mr. Bell asked for clarification on
214 training regarding this issue before Election Day arrives and described a scenario that
215 involved putting the ballots aside when equipment broke down. Mr. McClees stated that
216 the regulation being considered by the Board would not apply to the scenario described
217 by Mr. Bell. Mr. Bell noted that the scenario he described would happen more frequently
218 than what the regulation was addressing. Chairman Judd asked if there were any
219 questions and there were none. The Board unanimously carried the motion.

220 Chairman Judd opened the meeting to other business and public comments. Bruce
221 Tyler approached the podium. Mr. Tyler stated he was speaking in regards to the
222 Richmond City 2012 election. Mr. Tyler stated that his intent was to address future
223 elections not past elections. Mr. Tyler stated that this is about his concern that all
224 registered voters who wish to vote do not become disenfranchised voters. Mr. Tyler

225 outlined the events of the past year after a letter was sent to SBE on December 31, 2012
226 and thanked Secretary Palmer for the meeting that was conducted on June 12, 2013. Mr.
227 Tyler stated that he was led to believe he had no standing to go before the State Board
228 and was directed to approach the Richmond City Electoral Board about his concerns. Mr.
229 Tyler stated that he provided the Richmond City Electoral Board the report he prepared
230 regarding his election concerns. Mr. Tyler stated that in this meeting he had interpreted
231 that the Board was going to investigate the election. Mr. Tyler asked for an explanation
232 of what was going to be reviewed. Mr. Tyler asked: "Please explain to me what is going
233 to happen with regards to the absentee ballot issue that I have previously presented". Mr.
234 Tyler asked: "Are we investigating this now or are we waiting for the Richmond
235 Electoral Board to make a decision on what to do?" Chairman Judd answered: "I'm
236 interested in finding out what happened and why and then I am interested in seeing what
237 are we going to do to make sure it does not happen again". Chairman Judd stated that he
238 appreciated Mr. Tyler's phraseology of being interested in future elections. Vice Chair
239 Bowers stated that Mr. Tyler raised valuable points and that she agreed with the
240 Chairman's statement.

241 Secretary Palmer stated that during the June 2013 meeting with Mr. Tyler he
242 understood why Mr. Tyler may have thought that he was told that he had no standing to
243 ask the State Board to investigate but that was not in fact the case. Secretary Palmer
244 stated that Mr. Tyler has a right as a citizen to come before the Board and voice the
245 concerns that he had during the 2012 elections. The proper mechanism is to go before the
246 local electoral board since they have the responsibility for the local absentee ballot
247 procedures and the management of the local office. Secretary Palmer stated that the
248 electoral board will analyze the events and the General Registrar will provide a report to
249 SBE. SBE has an Absentee Ballot Working Group and SBE was looking at many of the
250 issues raised. Secretary Palmer stated that SBE was looking at the issues and the specific
251 facts really need to come from the General Registrar and Secretary Palmer was told the
252 General Registrar's Report would arrive in August, 2013 to the Richmond City Electoral
253 Board.

254 Mr. Tyler asked for clarification, "You are not investigating this; you are waiting
255 on the Richmond City General Registrar to investigate this?" Secretary Palmer clarified
256 that SBE does not have investigative powers on statutory issues except through a process

257 with the Attorney General's Office. Secretary Palmer stated that from his point of view
258 SBE was both investigating the particulars of Mr. Tyler's situation and SBE needed to
259 find ways to mitigate and provide recommendations to solve the problems. Mr. Tyler
260 asked if the results of the General Registrar's investigation will be brought to SBE.
261 Secretary Palmer replied that issue will be determined by the Richmond City Electoral
262 Board but that it will not stop SBE's audit of the issues.

263 Chairman Judd stated that Mr. Tyler wrote the Board a letter on December 31,
264 2012 and this is August 13, 2013, and that SBE continues to kick the tin can down the
265 road. The Board does not have investigative powers but, we do have the ability to ask by
266 motion to have the Secretary officially contact the Richmond City General Registrar and
267 ask them to answer these questions: "What happened, why did it happened, and what
268 remedies are going to be in place?" Chairman Judd stated that information could be
269 shared in a public meeting. Chairman Judd stated he understood that the Richmond City
270 General Registrar and her staff as well as the Electoral Board are working on finding out
271 some of those answers. Chairman Judd moved that *we direct the Secretary of SBE to ask*
272 *the General Registrar of Richmond to provide this Board with simple answers as to what*
273 *happened, why it happened, and what steps are being taken to resolve the issue.* Vice
274 Chair Bowers seconded the motion and Chairman Judd inquired if there were any
275 comments. Chairman Judd stated these findings can factor into the efforts of the
276 statewide working group. Vice Chair Bowers stated that she was wholeheartedly in
277 agreement with this and when the Board has issues brought to its attention, particularly in
278 a way that is thorough and transparent for the Board to have it to be a part of long lines or
279 other issues, that this was something totally separate and specific to one race. Vice Chair
280 Bowers said that the implications of what the Board decides on this race will have
281 implications on future cases and that she thought Mr. Tyler has a very valid point and that
282 it does fall within the Board's duty to find out what happened. Those answers will not
283 only answer "the who, the what, and the where," but also what are the future implications
284 if these matters come before the Board again. Chairman Judd asked if there were any
285 comments and there were none. The Board unanimously passed the motion.

286 Chairman Judd asked if there were any additional public business or comments.
287 Robin Lind, Secretary of the Goochland County Electoral Board, approached the podium.
288 Mr. Lind stated that his Electoral Board directed him to report to the SBE Board

289 Members that within 24 hours of the online registration system going live that we had
290 one individual register and that the General Registrar stated that the system worked
291 extremely well and we would like to compliment the members of SBE who implemented
292 the process.

293 Clara Belle Wheeler, Secretary of the Albemarle of the Electoral Board,
294 approached the podium. Ms. Wheeler thanked the Board and thanked the Board for
295 developing a proposal that would look at global pricing for voting equipment as it would
296 be beneficial to small localities such as Albemarle County.

297 Chairman Judd asked if there were any other comments. Vice Chair Bowers noted
298 that given the Attorney's General Office's role to serve as counsel to the SBE which is
299 the agency that administers Virginia's election laws, and now given the fact that he has
300 full investigatory powers to investigate without the Board's consent, has the Board
301 considered what potential conflicts might arise given the fact that he is now a
302 gubernatorial candidate? That is, what potential conflicts will exist if the SBE seeks
303 counsel from the AG's office on election matters, as this is the same office whose head is
304 running for Governor, play into future investigations or actions taken as it relates to the
305 gubernatorial race in which he is a candidate?

306 Vice Chair Bowers noted that given the Attorney General's Office role to serve as
307 counsel to SBE, which is the agency that administers Virginia election laws, and know
308 given the fact that he has full investigatory powers to investigate without the Boards
309 consent has the Board considered what potential conflicts might arise given the fact that
310 he is now a gubernatorial candidate. Vice Chair Bowers asked if we were prepared to
311 address the issue since we know that a gubernatorial race will have issues that will come
312 before this Board. Chairman Judd referred the questions to Mr. Lief, Senior Assistant
313 Attorney General and SBE Counsel. Mr. Lief stated that he provides counsel to the Board
314 day to day and will continue to serve in that capacity. Mr. Lief acknowledged the change
315 effective July 1 that allows his office to independently investigate matters. He would look
316 at issues the same as any manners involving an attorney, including a public attorney such
317 as a Commonwealth's Attorney, based on the facts as presented. Mr. Lief said he wanted
318 the Board's input and that if he has an issue and the Board wants to discuss hiring outside
319 counsel that is the Board's call. Mr. Lief said he has been directed by his superiors to call
320 balls and strikes and that if the Board has doubts that he would like it to be shared with

321 him. Mr. Lief stated he wanted the Board as a client to be confident that you are receiving
322 the best advice. Depending on the situation we will certainly look at how to best handle
323 issues on a case by case basis similar to how we handled things during the presidential
324 election. Vice Chair Bowers stated that she agreed and that the advice Mr. Lief has given
325 has been fair. For clarification what she is asking is that the Attorney General is a
326 candidate for office and how will that effect the decision-making process particularly to
327 this Board as he has the authority to file investigations and at what point could there be
328 potential for a conflict of interest. Vice Chair Bowers asked what role would the Attorney
329 General's office play if the Attorney General was the candidate affected by the
330 investigation or if he was the subject of the investigation himself. Mr. Lief replied that §
331 24.2-104 states the Attorney General's Office has the authority to fully investigate and
332 prosecute and take action necessary to enforce the laws. Mr. Lief acknowledged the
333 change in law but that it does not change the analysis for a conflict of interest. The law
334 provides that the Board can always ask a Commonwealth's Attorney office to investigate
335 and the Attorney General's Office could recuse itself from the investigation. Vice Chair
336 Bowers asked about the checks and balances of the process since before the Board had to
337 ask for the investigation. Mr. Lief responded that the Commonwealth's Attorney has had
338 that authority and continues to have that authority even though they run for reelection.
339 Mr. Lief state that Commonwealth's Attorneys have said they are not going to investigate
340 their own campaign and have referred the matter to another Commonwealth's Attorneys.
341 Mr. Lief said that if something comes up that is outside the norm that in the Board's
342 judgment the investigation should have outside eyes then he will raise it with his
343 superiors. Vice Chair Bowers responded that the superior is the candidate. Vice Chair
344 Bowers said in her opinion it is a conflict of interest to go to someone that is running for
345 office and ask them to investigate a related issue. Vice Bowers pointed to the importance
346 of the role of the Attorney General and the State Board in the election process. Mr. Lief
347 cited the Board working together as a team in the 2012 General Election regardless of the
348 political issues involved. Vice Chair Bowers stated that she appreciated Mr. Lief's
349 answers but that 2012 had nothing to do with her concerns or the future implications of
350 the conflict of having the Attorney General as a current candidate while still having the
351 full authority to investigate election matters and have representative counsel to the SBE.

352 Chairman Judd asked if there was any further discussion or comments and there
353 was none.

354 Chairman Judd then moved to close the meeting to discuss actual and probable
355 litigation matters and specific legal matters requiring the provision of legal advice by
356 legal counsel as authorized by § 2.2-3711(A) (7) of the Code of Virginia. Secretary
357 Palmer seconded the motion and the Board went into Executive Session at 10:40AM.

358 At 11:28AM Chairman Judd moved to reconvene in open session and a roll call
359 vote was taken as required by § 2.2-3712 (D) of the Code of Virginia, unanimously
360 certifying that during the closed meeting (i) only public business matters lawfully
361 exempted from open meeting requirements under this chapter, and (ii) only such public
362 business matters as were indentified in the motion by which the closed meeting was
363 convened were heard, were discussed or considered.

364 Chairman Judd asked if there were any other comments and with there being none
365 Secretary Palmer moved *to adjourn*. Vice Chair Bowers seconded the motion and the
366 Board approved the motion to adjourn. The meeting was adjourned at approximately
367 11:35PM.

368 The Board shall reconvene on August 23, 2013 at 10:00AM in the General
369 Assembly Building, Room D.

370 _____
371 Secretary

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374 _____
375 Chair

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378 _____
379 Vice-Chair

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