

MINUTES

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2 The State Board of Elections Board Meeting was held on Thursday, October 10,
3 2013. The meeting was held in the 1100 Bank Street, Washington Building, Room B27,
4 in Richmond, Virginia. In attendance, representing the State Board of Elections (SBE)
5 was Charles Judd, Chair; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary;
6 Joshua Lief; Senior Assistant Attorney General & SBE Counsel; Justin Riemer, Deputy
7 Secretary; and Nikki Sheridan, Confidential Policy Advisor. Chairman Judd called the
8 meeting to order at 12:00p.m.

9 Chairman Judd stated that the purpose of this single agenda item special meeting
10 is to confer with SBE counsel in executive session with limited participation dealing with
11 the pending litigation from the *Democratic Party of Virginia v. State Board of Elections*.
12 Chairman Judd stated that the three Board Members are also listed as defendants. Vice
13 Chair Bowers stated that this meeting would be the first opportunity for Board Members
14 to discuss this litigation.

15 Chairman Judd then moved *to close the meeting to discuss actual and probable*
16 *litigation matters and specific legal matters requiring the provision of legal advice by*
17 *legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia*. Secretary
18 Palmer seconded the motion and the Board unanimously carried the motion. Chairman
19 Judd directed Joshua Lief; Senior Assistant Attorney General & SBE Counsel to remain
20 with the Board during the closed session. Vice Chair Bowers seconded the motion and
21 the Board unanimously approved the motion. The Board went into Executive Session at
22 10:10a.m.

23 At 1:35p.m. Chairman Judd *moved to reconvene in open session and a roll call*
24 *vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously*
25 *certifying that during the closed meeting (i) only public business matters lawfully*
26 *exempted from open meeting requirements under this chapter, and (ii) only such public*
27 *business matters as were identified in the motion by which the closed meeting was*
28 *concerned were heard, were discussed or considered*. Secretary Palmer seconded the
29 motion and the Board unanimously approved the motion. Rose Mansfield, SBE

30 Executive Assistant, performed the roll call and all Board Members were present.
31 Chairman Judd asked if there were any other public comments.

32 Markus Schmidt, Richmond Times-Dispatch Report, approached the podium. Mr.
33 Schmidt asked about the time line of the dispute and inquired about the next Board
34 action. Chairman Judd replied that legal counsel has indicated that several briefs will be
35 filed on October 15, 2013 and the hearing will be held on October 18, 2013. Mr. Schmidt
36 asked why the members of the Board are being sued individually. Joshua Lief; Senior
37 Assistant Attorney General & SBE Counsel stated that under the law when you sue an
38 agency it is also correct to sue the individual Board Members in their official capacity.
39 Mr. Schmidt asked about the 57,000 voters that are supposed to be removed off the roles
40 and what can be done by SBE to ensure that those removals are actually correct.
41 Chairman Judd replied: "that initially what I heard was there was an error rate of 17%
42 when in fact this percentage is a success rate because here is a list of a 1000 voters and of
43 those voters 170 individuals on that list were qualified to vote in Virginia." Chairman
44 Judd stated that this review is conducted by the general registrars at the local level.
45 Secretary Palmer explained that the way that success is achieved is that a matching
46 process does not occur solely based on; first name, last name, middle initial, date of birth
47 and last four of their social security number. Secretary Palmer stated that SBE also
48 provides voting history and registration information so that all the information is
49 provided to the general registrar for them to make the right decision and under our
50 constitution and code this activity is delegated to the general registrar to conduct in a
51 specific time frame. Mr. Schmidt asked if this will be resolved before the election and
52 will those voters be removed. Secretary Palmer stated that the process is continuing and
53 of those 57,000 voters that are registered in two states the general registrars will make
54 that decision.

55 Chairman Judd asked if there were any other comments and there were none.
56 Chairman Judd moved *to adjourn*. Vice Chair Bowers seconded the motion and the
57 Board approved the motion to adjourn. The meeting was adjourned at approximately
58 1:50p.m.

59 The Board shall reconvene on November 5, 2013 at 9:00a.m. in the Washington
60 Building, 1100 Bank Street, Richmond, Virginia, Room B27.

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Secretary

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Chair

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Vice-Chair

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