

MINUTES

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3 The State Board of Elections Board Meeting was held on Wednesday, October 5,
4 2011. 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; Joshua Lief,
7 Senior Assistant Attorney General and SBE Counsel; and Justin Riemer, Confidential
8 Policy Advisor. Chairman Judd called the session to order at 2:30PM.

9 Chairman Judd called for the meeting to go into Executive Session, to discuss
10 actual and probable litigation matters requiring the provision of legal advice by agency
11 counsel, and for consultation with legal counsel regarding specific legal matters requiring
12 the provision of legal advice by such counsel as provided by § 2.2-3711(A) (7) of the
13 Code of Virginia. Chairman Judd moved that the Board go into Executive Session, Vice-
14 Chair Bowers seconded the motion, and the motion was unanimously passed. The Board
15 went into Executive Session at 2:38PM.

16 After the Executive Session, Chairman Judd motioned to reconvene, as provided
17 by § 2.2-3712 (D) of the Code of Virginia, that the Board reconvene in open meeting and
18 shall take a roll call vote to be included in the minutes of, certifying that to the best of
19 each member's knowledge (i) only public business matters lawfully exempted from open
20 meeting requirements under this chapter and (ii) only such public business matters as
21 were identified in the motion by which the closed meeting was convened were heard,
22 discussed or considered in the meeting by the public body. Any member of the public
23 body who believes that there was a departure from the requirements of clauses (i) and (ii),
24 shall so state prior to the vote, indicating the substance of the departure that, in his
25 judgment, has taken place. Vice-Chair Bowers seconded the motion. The motion was
26 approved by the Board in a roll call vote. The Board opened the meeting to the public and
27 each Board Member certified by roll call vote that, to the best of each member's

28 knowledge, only lawfully exempt business matters in closed meeting were heard,
29 discussed, or considered.

30 Chairman Judd then entertained a motion pursuant to § 24.2-104, that with regard
31 to a campaign issue brought to the Board's attention, that the Attorney General or other
32 attorney designated by the Governor, exercise the authority granted by this section to
33 conduct an investigation, prosecute a violation, ensure the enforcement of the election
34 laws and to report the results of the investigation to the State Board. Secretary Palmer so
35 moved, Vice-Chair Bowers seconded the motion and the Board unanimously approved
36 the motion. Chairman Judd then noted for the record, that the vote was unanimous which
37 was required under the Code section.

38 Chairman Judd then asked if there was any other business to come before the
39 Board. With there being none, Chairman Judd moved for adjournment. Vice-Chair
40 seconded the motion. The meeting was adjourned at approximately 4:10PM. The Board
41 shall reconvene on October 18, 2011 at 3:00PM.

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Chair

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Vice-Chair

Secretary