

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 3:08cv709

JEAN CUNNINGHAM, *et al.*,

Defendants.

**NOTICE OF RE-CERTIFICATION OF ELECTION RESULTS**

The Plaintiff-Intervenor, United States of America, and the Defendants, Jean Cunningham, Nancy Rodrigues, and Harold Pyon, being the members of the Virginia State Board of Elections, sued in their official capacity, the Virginia State Board of Elections, and the Commonwealth of Virginia, hereby jointly notify the Court that on November 23, 2009, the State Board of Elections re-certified the election results of the November 2008 general election after counting all ballots included in this Court's October 15, 2009 Final Order.

Exhibit 1, attached hereto, contains the re-certified election results.

JEAN CUNNINGHAM, *et al.*

By     /s/      
Counsel

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*Counsel for Jean Cunningham, Nancy Rodrigues, and Harold Pyon, being the members of the Virginia State Board of Elections sued in their official capacity; Virginia State Board of Elections; and the Commonwealth of Virginia, Defendants*

Agreed to:

THOMAS E. PEREZ  
ASSISTANT ATTORNEY GENERAL

NEIL H. MACBRIDE  
UNITED STATES ATTORNEY

/s/

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**CERTIFICATE OF SERVICE**

I certify that on November 25, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to:

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Rebecca J . Wertz, Deputy Chief  
Richard Dellheim  
Lema Bashir  
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## Virginia State Board of Elections

### 2008 Amended Vote Totals

Office	Ballot Name	Locality	Precinct	New Vote Total	Original Vote Total
Member House of Representatives	Tom S. P. Perriello	ALBEMARLE COUNTY	Central Absentee	4540	4539
President and Vice President	Barack Obama and Joe Biden	ALBEMARLE COUNTY	Central Absentee	4587	4586
United States Senate	Mark R. Warner	ALBEMARLE COUNTY	Central Absentee	5012	5011
Member City Council	Kenneth B. Frenier	COLONIAL HEIGHTS CITY	Central Absentee	651	650
Member City Council	Roland J. Fontaine	COLONIAL HEIGHTS CITY	Central Absentee	620	619
Member City Council	T. Gregory Kochuba	COLONIAL HEIGHTS CITY	Central Absentee	595	594
Member House of Representatives	J. Randy Forbes	COLONIAL HEIGHTS CITY	Central Absentee	1287	1285
Member School Board	Sandra B. Coleman	COLONIAL HEIGHTS CITY	Central Absentee	1113	1112
President and Vice President	John McCain and Sarah Palin	COLONIAL HEIGHTS CITY	Central Absentee	1219	1217
United States Senate	James S. "Jim" Gilmore III	COLONIAL HEIGHTS CITY	Central Absentee	861	860
United States Senate	Mark R. Warner	COLONIAL HEIGHTS CITY	Central Absentee	756	755
Member House of Representatives	Frank R. Wolf	FAUQUIER COUNTY	Central Absentee	1264	1263
President and Vice President	John McCain and Sarah Palin	FAUQUIER COUNTY	Central Absentee	992	991
United States Senate	James S. "Jim" Gilmore III	FAUQUIER COUNTY	Central Absentee	751	750
Member House of Representatives	Judy M. Feder	FREDERICK COUNTY	Central Absentee	891	890
President and Vice President	Barack Obama and Joe Biden	FREDERICK COUNTY	Central Absentee	1288	1287
United States Senate	Mark R. Warner	FREDERICK COUNTY	Central Absentee	1587	1586
Member House of Representatives	Bill S. Day, Jr.	GLOUCESTER COUNTY	Central Absentee	715	714
Member House of Representatives	Robert J. "Rob" Wittman	GLOUCESTER COUNTY	Central Absentee	1072	1071
President and Vice President	Barack Obama and Joe Biden	GLOUCESTER COUNTY	Central Absentee	887	886
President and Vice President	John McCain and Sarah Palin	GLOUCESTER COUNTY	Central Absentee	1068	1067
United States Senate	James S. "Jim" Gilmore III	GLOUCESTER COUNTY	Central Absentee	713	712
United States Senate	Mark R. Warner	GLOUCESTER COUNTY	Central Absentee	1150	1149
President and Vice President	Barack Obama and Joe Biden	JAMES CITY COUNTY	Central Absentee	3742	3741
President and Vice President	John McCain and Sarah Palin	NEWPORT NEWS CITY	Central Absentee	846	845
United States Senate	James S. "Jim" Gilmore III	NEWPORT NEWS CITY	Central Absentee	613	612
Member House of Representatives	Eric I. Cantor	PAGE COUNTY	Central Absentee	499	497
President and Vice President	John McCain and Sarah Palin	PAGE COUNTY	Central Absentee	463	461
United States Senate	James S. "Jim" Gilmore III	PAGE COUNTY	Central Absentee	339	337
Member House of Representatives	Bill S. Day, Jr.	PRINCE WILLIAM COUNTY	Central Absentee	2219	2218
Member House of Representatives	Gerald E. "Gerry" Connolly	PRINCE WILLIAM COUNTY	Central Absentee	12022	12020
Member House of Representatives	Keith S. Fimian	PRINCE WILLIAM COUNTY	Central Absentee	7241	7240
President and Vice President	Barack Obama and Joe Biden	PRINCE WILLIAM COUNTY	Central Absentee	2540	2539
President and Vice President	Barack Obama and Joe Biden	PRINCE WILLIAM COUNTY	Central Absentee	13047	2539
President and Vice President	John McCain and Sarah Palin	PRINCE WILLIAM COUNTY	Central Absentee	7706	7705
United States Senate	James S. "Jim" Gilmore III	PRINCE WILLIAM COUNTY	Central Absentee	6049	6048
United States Senate	Mark R. Warner	PRINCE WILLIAM COUNTY	Central Absentee	2566	2565
United States Senate	Mark R. Warner	PRINCE WILLIAM COUNTY	Central Absentee	13905	2565
Member House of Representatives	R. W. "Bob" Goodlatte	ROANOKE COUNTY	Central Absentee	2560	2559
President and Vice President	John McCain and Sarah Palin	ROANOKE COUNTY	Central Absentee	2263	2262
United States Senate	James S. "Jim" Gilmore III	ROANOKE COUNTY	Central Absentee	1509	1508
Member House of Representatives	Anita Hartke	SPOTSYLVANIA COUNTY	Central Absentee	343	342
Member House of Representatives	Bill S. Day, Jr.	SPOTSYLVANIA COUNTY	Central Absentee	2449	2448
Member House of Representatives	Eric I. Cantor	SPOTSYLVANIA COUNTY	Central Absentee	442	441
Member House of Representatives	Nathan D. Larson	SPOTSYLVANIA COUNTY	Central Absentee	67	66
Member House of Representatives	Robert J. "Rob" Wittman	SPOTSYLVANIA COUNTY	Central Absentee	2483	2479
President and Vice President	Barack Obama and Joe Biden	SPOTSYLVANIA COUNTY	Central Absentee	2915	401
President and Vice President	Barack Obama and Joe Biden	SPOTSYLVANIA COUNTY	Central Absentee	402	401

## Virginia State Board of Elections

### 2008 Amended Vote Totals

Office	Ballot Name	Locality	Precinct	New Vote Total	Original Vote Total
President and Vice President	John McCain and Sarah Palin	SPOTSYLVANIA COUNTY	Central Absentee	420	419
President and Vice President	John McCain and Sarah Palin	SPOTSYLVANIA COUNTY	Central Absentee	2363	419
United States Senate	James S. "Jim" Gilmore III	SPOTSYLVANIA COUNTY	Central Absentee	1751	1749
United States Senate	James S. "Jim" Gilmore III	SPOTSYLVANIA COUNTY	Central Absentee	313	1749
United States Senate	Mark R. Warner	SPOTSYLVANIA COUNTY	Central Absentee	3375	486
United States Senate	Mark R. Warner	SPOTSYLVANIA COUNTY	Central Absentee	484	486
Mayor	John D. Moss	VIRGINIA BEACH CITY	Central Absentee	3005	2991
Mayor	Meyera E. Oberndorf	VIRGINIA BEACH CITY	Central Absentee	10601	10584
Mayor	Scott W. Taylor	VIRGINIA BEACH CITY	Central Absentee	2598	2592
Mayor	W. D. "Will" Sessoms, Jr.	VIRGINIA BEACH CITY	Central Absentee	7399	7391
Member City Council - At Large	Georgia F. Allen	VIRGINIA BEACH CITY	Central Absentee	6428	6418
Member City Council - At Large	Keith Justin Strausbaugh	VIRGINIA BEACH CITY	Central Absentee	1844	1836
Member City Council - At Large	Leona M. "Lee" Shuler	VIRGINIA BEACH CITY	Central Absentee	1438	1432
Member City Council - At Large	Rosemary A. Wilson	VIRGINIA BEACH CITY	Central Absentee	8300	8292
Member City Council - Centerville	Robert M. "Bob" Dyer	VIRGINIA BEACH CITY	Central Absentee	14417	14388
Member City Council - Kempsville	Andrew R. Jackson	VIRGINIA BEACH CITY	Central Absentee	5320	5309
Member City Council - Kempsville	Harry E. Diezel	VIRGINIA BEACH CITY	Central Absentee	7382	7373
Member City Council - Kempsville	Jose P. "Joe" Flores III	VIRGINIA BEACH CITY	Central Absentee	3862	3852
Member City Council - Rose Hall	Glenn R. Davis, Jr.	VIRGINIA BEACH CITY	Central Absentee	8179	8168
Member City Council - Rose Hall	Reba S. McClanan	VIRGINIA BEACH CITY	Central Absentee	8727	8709
Member House of Representatives	Glenn C. Nye III	VIRGINIA BEACH CITY	Central Absentee	14023	13995
Member House of Representatives	Thelma D. Drake	VIRGINIA BEACH CITY	Central Absentee	10229	10191
Member School Board - At Large	Erika M. Walker-Cash	VIRGINIA BEACH CITY	Central Absentee	4577	4572
Member School Board - At Large	Gertrude H. "Bunny" Waugh	VIRGINIA BEACH CITY	Central Absentee	3099	3098
Member School Board - At Large	Mavel Z. Velasco	VIRGINIA BEACH CITY	Central Absentee	2334	2328
Member School Board - At Large	Patrick S. Salyer	VIRGINIA BEACH CITY	Central Absentee	5427	5415
Member School Board - At Large	Rita Sweet Bellitto	VIRGINIA BEACH CITY	Central Absentee	7411	7401
Member School Board - Centerville	Daniel D. "Dan" Edwards	VIRGINIA BEACH CITY	Central Absentee	11632	11613
Member School Board - Centerville	French Donald Mackes, Jr.	VIRGINIA BEACH CITY	Central Absentee	2644	2635
Member School Board - Kempsville	Sandra Smith-Jones	VIRGINIA BEACH CITY	Central Absentee	14400	14375
Member School Board - Princess Anne	William J. "Bill" Brunke IV	VIRGINIA BEACH CITY	Central Absentee	13835	13808
Member School Board - Rose Hall	Brent N. McKenzie	VIRGINIA BEACH CITY	Central Absentee	7458	7441
Member School Board - Rose Hall	Michael W. Stewart	VIRGINIA BEACH CITY	Central Absentee	6167	6160
President and Vice President	Barack Obama and Joe Biden	VIRGINIA BEACH CITY	Central Absentee	14945	14907
President and Vice President	Bob Barr and Wayne A. Root	VIRGINIA BEACH CITY	Central Absentee	56	55
President and Vice President	John McCain and Sarah Palin	VIRGINIA BEACH CITY	Central Absentee	11025	10986
United States Senate	Glenda Gail Parker	VIRGINIA BEACH CITY	Central Absentee	171	170
United States Senate	James S. "Jim" Gilmore III	VIRGINIA BEACH CITY	Central Absentee	7481	7450
United States Senate	Mark R. Warner	VIRGINIA BEACH CITY	Central Absentee	17021	16987