

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CARROLL BOSTON CORRELL, JR.,)	
on behalf of himself and others,)	
)	
v.)	Case No. 3:16-cv-00467
)	
MARK R. HERRING, et al.,)	
)	
Plaintiff,)	
)	
Defendants.)	

DECLARATION OF CYNTHIA E. HUDSON

Pursuant to 28 U.S.C. § 1746, I, Cynthia E. Hudson, declare as follows:

1. I am over the age of 18, competent to offer testimony, and have personal knowledge of the facts in this Declaration.

2. I am the Chief Deputy Attorney General of Virginia appointed by the Attorney General pursuant to Virginia Code § 2.2-501.

3. The Attorney General of Virginia does not have the same original, general prosecutorial authority as Virginia Commonwealth’s Attorneys. *See* Va. Code § 2.2-511. The Attorney General does have authority to prosecute in certain circumstances. One such circumstance is the Attorney General’s authority to do what is necessary and appropriate to enforce election laws and prosecute violations thereof. *See* Va. Code § 24.2-104(A).

4. Virginia Code § 24.2-545(D) is not itself a criminal statute, but Virginia Code § 24.2-1017 provides that “Any conduct made unlawful by this title, for which no punishment has been otherwise provided, shall be a Class 1 misdemeanor.”

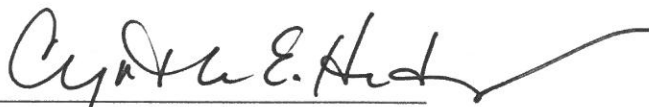
5. I am not aware of any instance in which the State Board of Elections, the Virginia Department of Elections, the Attorney General of Virginia, or any Commonwealth’s Attorney

has brought a criminal action to enforce Virginia Code § 24.2-545(D) against a political party or against any individual delegate to a political party's national convention.

6. Given that [i] the voting of Republican delegates will occur outside Virginia (at the 2016 Republican National Convention in Cleveland, Ohio), [ii] any "harm" that might occur related to how delegates vote would occur at the Convention in Cleveland, Ohio, and [iii] it is highly unlikely that such harm would be prosecuted by this Office as I believe that there would be serious difficulties in prosecuting a delegate to the Convention pursuant to Virginia Code §§ 24.2-545(D) & -1017 if the delegate does not vote for the candidate who received the most votes in the March 1, 2016 Republican presidential primary. I do not anticipate circumstances that would compel the expenditure of public resources of the Office of the Attorney General to prosecute Mr. Correll or any other Republican delegate for failure to comply with their party governing rules in voting or other conduct in their capacity as a delegate at the 2016 Republican National Convention in Ohio.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 7/6/16



Cynthia E. Hudson

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