# Virginia midterms could be early sign of whether GOP can match 'megawave' hype

Three Democrats elected in 2018 look to hold off Republican challengers

BY: GRAHAM MOOMAW - NOVEMBER 2, 2022 12:04 AM





Ocv. Glenn Youngkin greets supporters during a Fredericksburg-area campaign rally for Republican congressional candidate Yesli Vega. (Graham Moomaw/Virginia Mercury)

As he took the stage last month at a 90s nostalgia restaurant in central Virginia – next to a mural that said "It was all a dream" – Gov. Glenn Youngkin assured an enthusiastic Republican crowd his 2021 victory was no off-year fluke.

"Can you feel it?" Youngkin said. "It's happening again."

Youngkin told the veteran-heavy audience at Gourmeltz, a Fredericksburg-area sandwich shop that made headlines for defying COVID-19 mask mandates, that Virginia's sharp turn rightward was a preview of what could happen nationally in the midterm elections.

The governor gave one of his signature red vests to the event's co-star, Republican congressional candidate Yesli Vega, who told supporters no amount of "lies" or media bias can stop her from beating Democratic Rep. Abigail Spanberger and becoming the first Latina to represent Virginia in Congress.

"What's been predestined for us in heaven, no man or liberal can take from us," said Vega, a former police officer and daughter of Salvadoran immigrants who serves on the Prince

William Board of County Supervisors.

At a campaign stop in the clubhouse of Prince William's sprawling Potomac Shores development a week earlier, U.S. Sen. Tim Kaine described what a wild few years it's been since he was on the ballot with Spanberger during her first run for office in 2018.

Spanberger, a former CIA officer, famously flipped a Republican district that year by beating former GOP congressman and Tea Party favorite Dave Brat, who had shocked the political world himself by ousting former House Majority Leader Eric Cantor in a Republican primary. Then came two presidential impeachment trials, Kaine said, a pandemic that led to a million American deaths, and an attack on the U.S. Capitol "orchestrated by a commander in chief" that forced members of Congress to barricade themselves in as rioters breached the building.

"I got nerves about this election," Kaine told an overwhelmingly female crowd at a roundtable discussion on jobs and health care. "Because I think a lot's at stake for our country."

Asked in an interview what lessons she took from Virginia's 2021 election, Spanberger said "a lot of voters in Virginia just kind of thought, 'Oh look, we're a blue state.'"

"And we're not," she said. "But I've never represented a blue district. I've always run for Congress in, frankly ... a red district."



© Rep. Abigail Spanberger speaks to the media at an early voting stop in Prince William County (Graham Moomaw/Virginia Mercury)

With no U.S. Senate race or other statewide contest on the ballot, Virginia isn't as close to the center of the national political conversation as it was in 2021. Democrats control seven of the state's 11 seats in the U.S. House of Representatives, a majority they gained after flipping three GOP-held districts in 2018, when suburban voters revolted against former President Donald Trump.

This year, the overarching question is whether Republicans will regain none, some or all of that lost ground as the party looks to retake a majority in the U.S. House of Representatives and potentially flip the U.S. Senate.

Three Democratic women who ousted Republicans in suburban battlegrounds in 2018 are playing the most defense in Virginia this year, with money pouring into their districts from both sides.

Spanberger is trying to hold off Vega in the redrawn 7th District, which 2021's redistricting process shifted north from the Richmond suburbs to focus more on rural central Virginia, the Fredericksburg area and Prince William.

In the Virginia Beach-anchored 2nd District, Republican state Sen. Jen Kiggans, a nurse practitioner and former Navy helicopter pilot, is running against Democratic Rep. Elaine Luria, a former Navy commander.

In Northern Virginia's 10th District, Democratic Rep. Jennifer Wexton, a lawyer and former state senator, is being challenged by Republican Hung Cao, a retired Navy captain who came to America as a Vietnamese refugee.

Political analysts rate the 2nd and 7th Districts as virtual tossups, with Luria facing a slightly tougher challenge than Spanberger because of her swing district's stronger Republican tilt. The 10th is seen as more safely Democratic but potentially in play if the GOP has a surprisingly strong night.

Kyle Kondik, managing editor of Sabato's Crystal Ball at the University of Virginia's Center for Politics, said that with no statewide race on the ballot, Virginia's turnout picture is unclear. But if it's close to what happened in Virginia in 2021, he said, it could be another good year for the GOP.

"That's a world in which Luria loses. Spanberger is in big danger of losing," Kondik said. "And Wexton is probably really close."

Though Virginia is getting less attention than other bellwether states, Kondik said the early returns in the three competitive races could predict whether the country will see a Republican "megawave" (if all three districts flip) or mixed results more in line with typical midterms. If Democrats manage to hold all three Virginia seats, it would show Republicans may be falling flat in areas where they had high expectations.

The party that controls the White House almost always loses seats in the midterms, and numerous polls have pointed to growing GOP momentum in the late campaign season, with voters consistently rating economic concerns as a top issue. In some respects, Kondik said, that's "a return to the basic fundamentals."

"You've got an unpopular president in the White House," Kondik said. "There are problems out there that the opposition party has a fairly easy time pinning on Democrats."

# 'People are ready for change'

As Election Day approaches, the two parties are presenting starkly different visions of what the country's most pressing problems are, let alone how to fix them.

At Democratic events, reelecting the incumbent congresswomen is portrayed as a bulwark against an election-denying, abortion-banning Republican Party that offers no coherent governing vision and remains in thrall to a lawless former president.

At Republican events, ousting the nearest Democrat, regardless of their moderate branding, is pitched as the most direct way for voters to stop the pain of high inflation and restore common sense to a country awash in "woke" ideology that's upending schools and public safety.

Republican candidates are trying to tie Virginia's front-line Democrats to the economic policies pursued by House Speaker Nancy Pelosi and President Joe Biden, whose approval ratings have deteriorated in Virginia since his double-digit win in the state two years ago.

"Our gas bill last month was triple what it was when Trump was in," said Cheryl Gates, a Spotsylvania County resident and Vega supporter who owns a paving company with her husband, Chris. "Try filling some dump trucks. Try filling 'em in this economy."

Terry Barratt, a Prince William retiree on a fixed income who was working the Republican booth at an early voting site in the county, said a GOP Congress would "balance things."

"Inflation has taken its toll," Barratt said. "Every month I need to take more out of savings."

Speaking to reporters after her rally with Youngkin, Vega said that "Virginians want more money in their pocket," and higher taxes and more federal spending aren't making life less expensive for everyone "feeling the squeeze right now."

"People are ready for change," Vega said. "And we're going to give them that change."



LAKE RIDGE, VIRGINIA – OCTOBER 14: Republican Congressional candidate Yesli Vega speaks at a Hispanic Get Out the Vote Rally on October 14, 2022 in Lake Ridge, Virginia. Vega, a former law enforcement officer is running against incumbent Abigail Spanberger in the general election for Virginia's 7th Congressional District on November 8, 2022. (Photo by Anna Moneymaker / Getty Images)

Spanberger, who regularly spotlights provisions in the Democratic Inflation Reduction Act designed to lower prescription drug costs for seniors and make health insurance cheaper for families who buy plans through government-run exchanges, said she empathizes with people who are "feeling uneasy" about the country's direction.

"I recognize it every day," Spanberger said. "Because I'm actually trying to do something about it."

Spanberger said she wants to return to Congress so she can continue working to find solutions, and she gave a broad defense of the steps Democrats took to help the country through the pandemic and toward recovery.

"We would have never done these various pieces of legislation if things were normal," Spanberger said. "When you look at our recovery, compared to peer nations, while I don't like where we are yet, we are many many paces ahead ... because of the hard choices that we made."

### How to vote

The deadline to request an absentee ballot by mail has already passed, but in-person early voting continues through Saturday.

On Election Day, the polls are open from 6 a.m. to 7 p.m., and anyone in line when the polls close will still be allowed to cast a ballot.

Virginia is implementing same-day registration for the first time this year, meaning anyone who's not currently on the voter rolls can register in person and cast a ballot at the same time. However, those ballots are provisional, meaning they're set aside for further vetting and will only be counted if all the registration info checks out.

Voters can check their registration status, find their polling place and see what's on their ballot by visiting the online citizen portal from the Virginia Department of Elections.

## 'I'm not your candidate'

The Democratic incumbents have sought to portray their opponents as extreme and out of step with the swing districts they hope to represent, particularly on election conspiracies that helped fuel the Jan. 6 attack on the U.S. Capitol and abortion policy.

Ted Harris, a retired engineer from Prince William who attended a campaign event with Spanberger during early voting at a local Department of Motor Vehicles office, said the choice to vote against Republicans isn't a remotely close call.

"When they praise a fascist demagogue, what do you expect?" Harris said.

Luria, the only Democrat on the House's Jan. 6 committee who is facing a tough reelection bid this year, has made protecting democracy and fair elections a hallmark of her closing campaign message. In an ad reiterating arguments she made in a debate against Kiggans, Luria says flatly she's "not your candidate" if you believe the 2020 election was stolen, "support insurrectionists" or "attack the FBI and defend Donald Trump."

"If standing up for what's right means losing an election, so be it. If you're looking for someone who will just say anything, just to win, I'm not your candidate," Luria says in the video ad.

The Kiggans campaign riffed on that theme in a response posted to Twitter.

"If you're struggling under 8.5% inflation, she's not your candidate," Kiggans said. "If you're worried about crime in your neighborhoods, she's not your candidate. If you think Biden and Pelosi are wrecking the country, she's not your candidate!"

# 'There's a recording of her saying it'

The U.S. Supreme Court ruling this June that overturned the constitutional right to abortion seemed to give Democrats a potent issue to run on, reminding voters of the real-world consequences for women if anti-abortion lawmakers get power. However, its prominence as a decisive issue appears to have faded over time, with polls consistently showing independent voters are more concerned about the economy and inflation.

Kiggans, Vega and Cao have all said they're pro-life, but all three have tried to avoid talking about the topic at length by insisting abortion policy is now a state decision, not a federal one.

Vega has received particular scrutiny for her views on abortion after a recording surfaced of her saying there might be some "truth" to the idea women are less likely to get pregnant from

rape. Vega now insists her words were misconstrued, but Spanberger has called the comment "an affront to women who have been victims of sexual violence."

"There is a recording of her saying it," Spanberger said in a news release last month.

After state Sen. Amanda Chase, R-Chesterfield, recently announced she'll push for a strict abortion ban in Virginia next year, Democrats seized on the prospect of the state bill to argue the GOP will indeed pursue draconian abortion policies if given the chance.

At the Spanberger campaign stop in Prince William, Del. Candi Mundon King, D-Prince William, talked up the importance of electing more women to office, with a caveat.

"Women change things," Mundon King said. "But let me just say that not any old woman will do."

# 'A problem with parents'

Just as Democrats are highlighting state-level abortion legislation that could be coming, GOP candidates have sought to emphasize what they say is Democratic extremism on issues of transgender rights.

After Del. Elizabeth Guzman, D-Prince William, suggested in a TV interview that she would reintroduce a child abuse bill creating specific protections based on sexual orientation and gender identity, conservatives seized on comments she made that seemed to suggest the law could be used against parents who don't allow a child to change their gender identity.

Guzman insists that's not what her bill was intended to do, and numerous Democrats, including Wexton, have said they don't support it.

That hasn't stopped Republicans from drawing connections between Guzman and the Democrats they're targeting in the midterms.

"Jennifer Wexton has a problem with parents. And parents have a problem with Jennifer Wexton," the narrator says in a Cao ad on Guzman's proposal.

Wexton has sought to portray Cao as an extremist, running ads that reference his past comments calling global warming a "boogeyman" and saying he'd like to "punch Dr. Fauci in the face."

# A special election in the state Senate?

The narrowly divided Virginia General Assembly isn't up for election for another year, but a Kiggans victory would set off a new special election battle to fill her state Senate seat.

Democrats currently hold a 21-19 majority in the Senate, which they say is the only thing stopping Republicans from passing stricter abortion regulations. A state Senate vacancy in a competitive district would give Democrats an opportunity to grow that advantage and create more of a buffer against GOP legislation. A Republican win would simply maintain the status quo.

The timing of a special election could be a point of contention, because Republicans and Democrats are locked in a procedural disagreement over whether the legislature is or isn't in special session. That distinction matters, because if the General Assembly isn't in session, Youngkin would have the power to set the date of the election as opposed to Democratic Senate leaders.

In 2019, Kiggans won the state Senate seat by about 500 votes.



© Campaign signs outside the election office in Prince William County, a closely watched battleground in the midterm contests. (Graham Moomaw/Virginia Mercury)

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# Inside job? ABC embezzlement case points to leaks in hunt for rare bottles of bourbon

Two men face felony charges in alleged scheme to sell access to internal liquor data

BY: **GRAHAM MOOMAW** - JULY 13, 2022 6:37 PM



in











⚠ A display of Virginia-made liquors at a Richmond ABC store. (Ned Oliver/Virginia Mercury)

In the search for hard-to-find bottles of bourbon at Virginia ABC stores, some liquor enthusiasts have been worried about leaks of a more serious kind.

Employees of the government-run liquor monopoly would have access to highly valuable inside information about which products were going where, and the system could lead to some buyers getting tipped off early about stores that would be selling rare bottles of Blanton's, Buffalo Trace or other brands, many bourbon collectors complained.

In April, when ABC was announcing a new, randomized "drop" system, where only a few stores are selected to put out their supply of limited-availability bottles, one commenter on the agency's public Facebook page suggested someone had been trying to sell intel to bourbon buyers on where the best bottles would be.

"I had someone tell me that they have a back door in to the VABC computer system... when they had the Stagg release they knew how many bottles were going to be at what stores," another commenter wrote, adding a shrug emoji.

"Somewhat true but not entirely," another commenter replied. "Insider info."

The conspiracy theories apparently weren't wrong.

An ABC investigation led to four felony indictments against two men who were arrested last month and charged with computer trespass and embezzling ABC's inventory list.

One of the men charged, Edgar Smith Garcia, 28, of Manassas, was an ABC employee who was allegedly passing along internal agency information. His accused co-conspirator, Robert William Adams, 45, of Chesapeake, was allegedly selling that information to buyers he contacted through online bourbon hunting groups, according to David Stock, an assistant Henrico County prosecutor handling the case. Stock also serves as special counsel to the grand jury.

Court records show Adams and Garcia were both released on bond after their arrests. Attorneys for the two men did not respond to requests for comment Wednesday.

"In April, following a review of how these products are sold, we adjusted our distribution methods to provide all customers with the greatest opportunity to purchase limited supply products," ABC spokeswoman Dawn Eischen said in a statement Tuesday afternoon. "Based on complaints and our own observations ahead of the changes, we and other law enforcement entities conducted an investigation that resulted in charges against Robert Adams."

Eischen initially refused to say if Adams worked for the agency, citing an "ongoing criminal investigation." The agency's original written statement, made in response to the Mercury's inquiry about Adams, made no mention of Garcia.

ABC officials only acknowledged Wednesday that an ex-employee was also facing charges, after Stock told the Mercury the case involved two defendants, not one. Garcia was employed as a lead sales associate, officials said, from Feb. 2020 through March 25 of this year.

"We have identified a case where an employee violated ABC policy in the use of inventory information," said agency CEO Travis Hill. "And we are now working with the commonwealth's attorney to charge that individual criminally."

Privately-run liquor stores in other states have more flexibility in how to handle a mismatch between supply and demand. They can raise the prices of highly sought bottles, or set them aside for top customers. In Virginia, where all liquor stores are operated by the Virginia Alcoholic Beverage Control Authority, it's a more complicated task.

For the rarest bottles like Pappy Van Winkle, ABC holds occasional lotteries, where buyers are picked via random drawings. Until recently, other in-demand bottles were put on the shelves as soon as stores received them, a system that gave rise to online groups dedicated to tracking which stores were getting which bottles. Some of that could apparently be done with publicly available information on ABC's website, and third-party websites popped up aiming to make that info more accessible to bottle hunters. But in the quest for the best bourbon info, exclusive knowledge could be the difference-maker.

The randomized drop system ABC announced in April was pitched partially as a way to increase fairness and "limit opportunities for individuals or groups to line up outside stores for extended periods or seek information that gives them an unfair advantage."

The bourbon collecting craze, which hobbyists say took off during the pandemic, has also created a robust online shadow market, where bottles that go for \$50 to \$100 in an ABC store can fetch hundreds for "flippers" who have no interest in drinking them.

A Facebook account that went by the name "Rob JD" or "Rob Adams" wasn't particularly secretive about offering inside ABC information for a price, according to numerous screenshots of online exchanges shared with the Mercury, and at times bragged that ABC wouldn't catch on to what was happening. Stock confirmed that account was involved in the criminal case, and ABC officials said the investigation began due to complaints coming into the agency.

On ABC's Spirited Virginia Facebook page, several commenters have praised the new randomized bourbon system, saying it seems to be giving everyone a fairer shot. Others are skeptical that the leaks have been fully plugged, and some have complained about a new set of problems arising with the mad dashes to stores doing bottle drops.

"I'd rather see the long lines in the morning as opposed to what I saw at a store out here in Richmond," wrote one commenter. "Literally 7-8 cars speeding, swerving around the parking lot racing to get in the store. Somebody gonna get hurt out here."



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**DEMOCRACY TOOLKIT** 

# Va. Republicans won big under Democratic voting rules. They still want tougher laws.

BY: **GRAHAM MOOMAW** - JANUARY 21, 2022 12:04 AM











© GOP members of the House of Delegates are sworn in for the 2022 legislative session. (Ned Oliver/Virginia Mercury)

Virginia Republicans had a wildly successful election night in what had been a solid blue state in 2021, playing by Democratic voting rules the GOP spent two years arguing against.

If Gov. Glenn Youngkin's undisputed, high-turnout win meant Republicans might rethink their fears about the integrity of the state's election system, it's not showing in the dozens of bills GOP legislators have filed to undo laws Democrats passed to make voting easier.

Youngkin launched his gubernatorial bid last year with a focus on "election integrity," but election issues haven't featured prominently in his early speeches, executive actions and personnel decisions.

One of Youngkin's top election priorities, making photo IDs mandatory again for in-person voting, already went down in defeat this week in the Senate Privileges and Elections Committee.

As long as the Democrats who control that committee stay in their seats for future votes, said Sen. Creigh Deeds, D-Bath, "the same thing will happen" if and when the Republican-led House of Delegates sends over a wave of bills to reinstate voting restrictions Democrats scrapped.

"People are throwing red meat to their base," said Deeds, who chairs the Senate elections committee. "Democrats do it. Republicans do it. In this case, Republicans are doing it a lot more."

Republicans seemed to embrace early voting last year, telling supporters casting ballots early was the best way to ensure their vote would count.

"We did not change those rules. But we certainly tried to abide by them," said House Speaker Todd Gilbert, R-Shenandoah. "And had a lot more success than we would have ever imagined."

Several GOP bills filed this year would shorten the early voting window to just a few weeks prior to an election instead of 45 days. Another would once again require voters, in some circumstances, to give an excuse for why they should be allowed to vote absentee. Other bills aim to repeal the state's permanent absentee voting list, which lets people sign up to receive ballots via mail in every election instead of having to make a new request each time. There are multiple bills to ban ballot drop boxes, a new convenience adopted during the pandemic.

One of the Democrats' most significant changes, same-day voter registration, won't be implemented until later this year, meaning it'll fall to Youngkin's administration to execute the policy. A Republican bill to repeal same-day registration before it can take effect also already went down to defeat in the Senate elections committee.

Just because there's no evidence the new laws have been exploited yet, Gilbert said, doesn't mean Republicans will abandon efforts to tighten them going forward.

"In all of socialist Europe you have to have an ID to vote," Gilbert said. "So the fact that you don't in the Commonwealth of Virginia is absurd to me."



House Speaker Todd Gilbert address the chamber after being sworn in. (Ned Oliver/Virginia Mercury)

Sen. Mark Obenshain, R-Rockingham, pointed to opinion polls showing strong support for photo ID laws as he presented the bill in committee, support that crosses partisan and demographic lines.

"It's Republicans, Democrats, independents, Blacks, Whites," Obenshain said. "It is something that we can link arms and put back in the code of Virginia."

Democrats killed his bill in a 9-6 vote.

Virginia is an outlier in the national debate over voting rights, a state where Democrats successfully enacted sweeping voting-access measures only to see Republicans make a political comeback.

Last year, the GOP swept statewide contests after a decade-long losing streak and retook control of the House of Delegates. Virginia's new voting-access protections meant Democrats couldn't point to vote suppression or low turnout to explain Republicans' success. The outcome also sharply contradicts right-wing rhetoric, much of it fueled by ex-President Donald Trump's false claims about his loss in the 2020 presidential contest, claiming looser voting laws lead to fraud or stolen elections.

In a floor speech this week, Del. Marcia Price, D-Newport News, who in 2021 helped make Virginia the first southern state with its own version of the Voting Rights Act, said conservative complaints about the validity of election results seemed to quiet after a big election went their way. She said she sees a "deep chasm" between new Republican leaders' vows to govern for all Virginians and election bills that disproportionately impact "Black voters, older voters, younger voters and disabled voters."



Del. Cia Price, D-Newport News. (2020 Photo by Ned Oliver/Virginia Mercury)

"I don't just get to spout the words out that make people feel good, and then do the detrimental work to undermine their rights," Price said. "The gaslighting has got to stop."

In a report released this month, the Virginia Department of Elections said that, from an administrative standpoint, the 2021 elections were another "resounding success," proving elections can be both accessible and secure at a time when "all eyes were on Virginia." More than 3.2 million Virginians voted in the contest for governor, an increase of about 24 percent from the 2017 election won by former Gov. Ralph Northam.

The post-election report identified a few relatively minor problems like incorrect ballots being distributed to some voters, some localities not printing enough ballots and some voters being wrongly told they had to wear a mask to enter a polling place. But there were no major controversies, despite the extra scrutiny that came from a "spike in partisan poll watchers and public-records requests.

"Virginia welcomed these observers and these FOIA requests," the report says. "The Commonwealth's election administrators strive to conduct elections in the sunshine and

believe strongly that the best antidote to concerns about how elections are administered is simply to let those people in to see how the process works."

Despite the deep divide on voting rules, there are glimmers of bipartisan agreement on a plan to depoliticize the state Elections Department itself.

If approved, the legislation could mean Youngkin giving up his power to hand-pick the state's top election official, potentially appealing to Democrats worried about political interference and to Republicans who say they want to boost public confidence in the system.

That proposal is part of an omnibus election bill being backed by the Youngkin administration that encompasses several of the governor's policy priorities. The House version of the bill, sponsored by Del. Margaret Ransone, R-Westmoreland, the new chairwoman of the House Privileges and Elections Committee, would reinstate photo ID, tighten procedures for collecting absentee ballots from drop boxes, require audits of ballot scanner machines before election results are certified and direct election officials to clear dead people from the voter rolls on a weekly basis instead of once per month.

"The governor pledged to make Virginia's elections safer and more transparent and the governor is committed to fulfilling his promises," said Youngkin spokesperson Macaulay Porter.

The Youngkin-supported bill also aims to make the Department of Elections more independent by having the commissioner of elections report to an expanded Board of Elections instead of being a political appointee of the governor. Ransone's bill, which has not been taken up in the House, also calls for equal partisan representation on the elections board, a change from the current system that gives the governor's party a majority of the seats. That idea has run into resistance, with skeptics saying it would lead to dysfunction and deadlocked votes.

But a tweaked, standalone version of the proposal, one the Youngkin administration also supports, has already passed muster with Democrats on the Senate elections committee. That version, sponsored by Sen. Jill Vogel, R-Fauquier, would create a seven-person elections board, with the governor's party entitled to a four-seat majority. It would take six of the board's seven votes to hire or fire the elections commissioner.



Sen. Jill Vogel, R-Fauquier, speaks on the floor of the Virginia Senate. (2020 Photo by Ned Oliver/Virginia Mercury)

"This is something where there should be independence," Vogel said. "And the guidance that's provided ought to come from an independent agency."

Vogel said she cares less about the exact setup of the elections board as long as the agency it's working with, which deals with local election registrars in every Virginia city and county, isn't seen as a partisan actor.

The Virginia Electoral Board Association spoke in favor of the bill, as did Aliscia Andrews, Youngkin's deputy secretary of administration.

"We want to make sure that the commissioner of elections is brought on by a bipartisan process," Andrews said, just before the bill cleared the Senate committee on a 13-2 vote, with just two Democrats opposed.

Current Elections Commissioner Chris Piper, who appears to have some bipartisan support for remaining in his job despite being an appointee of Gov. Ralph Northam, told the committee that, after speaking with the Youngkin administration, he too supports the bill.

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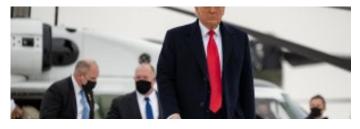
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