

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

<b>DEMOCRATIC PARTY OF VA., ET AL.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
v.	)	<b>Civil Action No. 3:21-CV-756</b>
	)	
<b>ROBERT H. BRINK, ET AL.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MOTION TO DISMISS**

Defendants Robert H. Brink, John O’Bannon, and Jamilah D. LeCruise, in their official capacities as Chairman, Vice-Chairman, and Secretary of the Virginia State Board of Elections (SBE)<sup>1</sup>, and Christopher Piper, in his official capacity as Commissioner of the Virginia Department of Elections (ELECT), by counsel and pursuant to Fed. R. Civ. P. 12(b)(6), move the Court for entry of an order dismissing the Plaintiffs’ Complaint with prejudice. Plaintiffs rest their claims for relief on the grounds that (1) the requirement to provide a voter’s Social Security number on a voter registration form dissuaded an unnamed, unnumbered number of potential voters from registering to vote; and (2) the cure process provided to assist absentee voters who submit deficient ballots is insufficient. However, the Complaint contains no well-pled allegation that such dissuasion from registering to vote or hinderance in rectifying deficient absentee ballots actually occurred. Accordingly, Plaintiffs lack the necessary factual prerequisite for maintaining the current suit.

---

<sup>1</sup> The State Board of Elections consists of five members pursuant to Virginia Code § 24.2-102(A). Plaintiffs name only three of the five members in their Complaint.

In support of this motion, Defendants provide herewith a memorandum in support setting forth in detail the grounds in support of the requested relief.

Respectfully submitted,

ROBERT H. BRINK  
JOHN O'BANNON  
JAMILAH D. LECRUISE  
CHRISTOPHER E. PIPER

By:       /s/ Carol L. Lewis  
Counsel

Mark R. Herring  
Attorney General of Virginia

Erin B. Ashwell  
Chief Deputy Attorney General

Donald D. Anderson  
Deputy Attorney General

Heather Hays Lockerman (VSB #65535)\*  
Senior Assistant Attorney General

Carol L. Lewis (VSB #92362)\*  
Assistant Attorney General  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219  
804-692-0558 (telephone)  
804-692-1647 (facsimile)  
clewis@oag.state.va.us

\*Attorneys for Robert H. Brink, John O'Bannon, Jamilah D. LeCruise, and Christopher E. Piper, in their official capacities.

**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2022, I electronically filed a true and accurate copy of the foregoing with the Court's CM/ECF system, which will then send a notification of such filing to the parties.

/s/ Carol L. Lewis

Carol L. Lewis (VSB #92362)

Assistant Attorney General

Office of the Attorney General

202 North 9th Street

Richmond, Virginia 23219

804-692-0558 (telephone)

804-692-1647 (facsimile)

clewis@oag.state.va.us

\*Attorney for Robert H. Brink, John O'Bannon, Jamilah D. LeCruise, and Christopher E. Piper, in their official capacities

RETRIEVED FROM DEMOCRACYDOCKET.COM