

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

<p>STACIA HALL, et al.,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>DISTRICT OF COLUMBIA BOARD OF ELECTIONS,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">No. 23-cv-1261</p>
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DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a) and 1446 and Fed. R. Civ. P. 81(c), Defendant District of Columbia Board of Elections (the District) removes *Hall v. District of Columbia Board of Elections*, No. 2023-CAB-001544, from the Superior Court for the District of Columbia to this Court. A party may remove a civil action brought in Superior Court if this Court would have original jurisdiction over the action. 28 U.S.C. §§ 1441(a), 1451(1). This Court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” *Id.* § 1331. Here, Plaintiffs’ Complaint alleges four federal constitutional claims. Def.’s Ex. A, Compl. ¶¶ 55–70. This action thus “aris[es] under the Constitution.” 28 U.S.C. § 1331. Venue is proper in this district because Plaintiffs challenge a District law enacted by the D.C. Council, so a “substantial part of the events or omissions giving rise to the claim occurred” in this district. *Id.* § 1391(b)(2). This notice of removal is timely because it is filed on May 4, 2023, and the District was served with the Complaint on April 5. *See id.* § 1446(b)(1) (notice of removal is timely if “filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading”). Copies of all process, pleadings, and orders served

on the District are attached. After this notice of removal is filed in this Court, the District will file the notice with the Clerk of the Court for the Superior Court and serve a copy on Plaintiffs.

Date: May 4, 2023.

Respectfully submitted,

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IN THE DISTRICT OF COLUMBIA SUPERIOR COURT

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Civil Action No. 2023-CAB-001544

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DICK A. HELLER
263 Kentucky Ave., SE
Washington, DC 20003,

NICOLLE S. A. LYON
5900 3rd St., NE
Washington, DC 20011.

Plaintiffs

v.

DISTRICT OF COLUMBIA BOARD OF
ELECTIONS
1015 Half St., SE
Suite 750
Washington, DC 20003

Defendant.

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COMPLAINT

The above-named Plaintiffs, STACIA HALL, RALPH CHITTAMS, SUZZANNE KELLER, KEN MCCLENTON, KIMBERLY EPPS, DICK A. HELLER, and NICOLLE S. A. LYON (collectively, “Plaintiffs”), by and through the undersigned counsel, bring this action against the District of Columbia Board of Elections (“Defendant”), and allege as follows:

NATURE OF ACTION

1. It follows from our national independence that United States citizens have a right to govern, and be governed by, themselves. The constitutional right to citizen self-government, moreover, has been recognized in repeated holdings of the Supreme Court of the United States. The fundamental right of citizens to vote has also been recognized, and protected against infringement, in multiple precedents of the Supreme Court.

2. Noncitizens do not have a fundamental right to vote in the United States. Nor does any noncitizen have a constitutional right to govern the United States.

3. In 2022, the D.C. Council passed D.C. Act 24-620, entitled the “Local Resident Voting Rights Amendment Act of 2022” (hereinafter the “D.C. Noncitizen Voting Act”). The D.C. Noncitizen Voting Act eliminates the prior citizenship requirement for voting in municipal elections, thus allowing noncitizens residing in D.C. to vote in those elections.

4. In combination with other laws, the D.C. Noncitizen Voting Act also permits noncitizen D.C. residents to be elected Mayor and to the D.C. Council, and to serve on the District of Columbia Board of Elections.

5. By necessary operation, the D.C. Noncitizen Voting Act dilutes the vote of every U.S. citizen voter in the District. Because it does so, the D.C. Noncitizen Voting Act is subject to review

under both the equal protection and the substantive due process components of the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

6. Whatever governmental interest may be asserted to justify this law in such a review, that interest cannot stand against the right of American citizens to self-government, a right that the D.C. Noncitizen Voting Act infringes by its necessary operation.

7. In addition, because it dilutes the votes of all U.S. citizen voters in D.C., and also because it allows noncitizens to hold public office in D.C., the D.C. Noncitizen Voting Act violates the constitutional right of citizens to govern, and be governed by, themselves, and should be struck down on that basis.

8. Plaintiffs accordingly bring this action against Defendant, the District of Columbia Board of Elections, under the Constitution, including the Due Process Clause of the Fifth Amendment. Plaintiffs request that this Court enjoin Defendant from implementing and enforcing the D.C. Noncitizen Voting Act.

JURISDICTION AND VENUE

9. This Court has jurisdiction under § 11-921(a)(6) of the District of Columbia Official Code.

10. This Court has the power to issue permanent or preliminary injunctions. *Ifill v. District of Columbia*, 665 A.2d 185, 187-88 (D.C. 1995); D.C. Super. Ct. R. Civ. P. 65.

11. This Court is authorized to grant declaratory relief under Rule 57 of the District of Columbia Superior Court Rules of Civil Procedure.

12. Venue is proper in the District of Columbia because Defendant, as an agency of the government, operates in the District of Columbia, because Plaintiffs all live in the District of Columbia, and because the events giving rise to this Complaint took place in the District of Columbia.

PARTIES

13. Plaintiff Stacia Hall is a U.S. citizen and resident of the District of Columbia. Ms. Hall is a registered voter in the District of Columbia. In 2022, Ms. Hall was the Republican candidate for Mayor of the District of Columbia.

14. Plaintiff Ralph Chittams is a U.S. citizen and resident of the District of Columbia. Mr. Chittams is a registered voter in the District of Columbia. In 2018, Mr. Chittams was the Republican candidate for an at-large seat on the District of Columbia Council.

15. Plaintiff Suzzanne Keller is a U.S. citizen and resident of the District of Columbia. Ms. Keller is a registered voter in the District of Columbia.

16. Plaintiff Ken McClenton is a U.S. citizen and resident of the District of Columbia. Mr. McClenton is a registered voter in the District of Columbia.

17. Plaintiff Kimberly Epps is a U.S. citizen and resident of the District of Columbia. Ms. Epps is a registered voter in the District of Columbia.

18. Plaintiff Richard Heller is a U.S. citizen and resident of the District of Columbia. Mr. Heller is a registered voter in the District of Columbia.

19. Plaintiff Nicolle S. A. Lyon is a U.S. citizen and resident of the District of Columbia. Ms. Lyon is a registered voter in the District of Columbia.

20. Defendant, the District of Columbia Board of Elections, is responsible for administering elections in the District of Columbia.

BACKGROUND

21. The U.S. Constitution provides for a national capital city over which Congress has ultimate legislative authority. U.S. Const. art. I, § 8, cl. 17.¹

¹ “To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become

22. In 1955, Congress enacted the D.C. Election Act “to regulate the election of delegates representing the District of Columbia in national political conventions.” (hereinafter, the “D.C. Election Act”) Pub. L. 84-376; 69 Stat. 699; title I, ch. 11, D.C. Code, 1951 ed. The D.C. Election Act defined a “qualified elector” in D.C. elections as “a citizen of the United States,” *id.* Sec. 2(2), and provided that “no person shall vote in any election in the District unless he is a qualified elector[.]” *Id.* Sec. 7(a).

23. Congress amended the D.C. Election Act in 1961, rewriting the qualification requirement: “A person shall be entitled to vote in an election in the District of Columbia only if he is a qualified elector[.]” Pub. L. 87-389; 75 Stat. 817. The amendment did not change the definition of qualified elector, thereby preserving the citizenship requirement.

24. In 1973, Congress passed the District of Columbia Home Rule Act (hereinafter “D.C. Home Rule Act” or “Home Rule Act”). Pub. L. 93-198; 87 Stat. 774; D.C. Official Code § 1-201.01 *et seq* (1974).

25. The Home Rule Act provides:

Subject to the retention by Congress of the ultimate legislative authority over the nation’s capital granted by article I, § 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; authorize the election of certain local officials by the registered qualified electors in the District of Columbia; grant to the inhabitants of the District of Columbia the powers of local self-government; modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, relieve Congress of the burden of legislating upon essentially local District matters.

the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful buildings.”

D.C. Home Rule Act Sec. 102, D.C. Official Code § 1-201.02(a). Nothing in the Home Rule Act changed the definition of “qualified elector.”

26. The D.C. Home Rule Act, however, did amend the D.C. Election Law, providing: “[n]otwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.” D.C. Home Rule Act Sec. 752, D.C. Official Code § 1-207.52.

27. On October 18, 2022, the D.C. Council passed the D.C. Noncitizen Voting Act (available online at <https://lims.dccouncil.gov/Legislation/B24-0300>). The D.C. Noncitizen Voting Act made amendments to the D.C. Election Law that enable noncitizens to vote in local elections and run for local office.

28. The D.C. Noncitizen Voting Act was transmitted to Mayor Bowser for signature on November 4, 2022, and was subsequently enacted, without her signature, on November 21, 2022.

29. The D.C. Home Rule Act requires that legislation passed by the Council be reviewed by Congress. D.C. Home Rule Act Sec. 602, D.C. Official Code § 1-206.02(10)(c). According to the Council’s Legislative Information Management System (“LIMS”), the D.C. Noncitizen Voting Act was transmitted to Congress on January 10, 2023. *See* District of Columbia Legislative Information Management System, <https://lims.dccouncil.gov/Legislation/B24-0300>.

30. The House of Representatives passed a resolution disapproving of the D.C. Noncitizen Voting Act on February 9, 2023. *See* H.J. Res. 24, <https://www.congress.gov/bill/118th-congress/house-joint-resolution/24/actions?s=3&r=3>. The Senate failed to pass a resolution of disapproval within the time prescribed by the D.C. Home Rule Act.

31. LIMS reflects that the D.C. Noncitizen Voting Act went into effect on February 23, 2023. *See* <https://lims.dccouncil.gov/Legislation/B24-0300>.

32. The D.C. Noncitizen Voting Act amended the definition of “qualified elector”:

[A] person who (A) [i]s at least 17 years of age and who will be 18 years of age on or before the next general election; (B) [i]s a citizen of the United States; *except, that this subparagraph shall not apply in a local election*; (C) [h]as maintained residence in the District for at least 30 days preceding the next election and does not claim voting residence or right to vote in *any state, territory, or country*; and (D) [r]epealed; (E) [h]as not been found by a court of law to be legally incompetent to vote.

D.C. Official Code § 1-1001.02(2) (emphasis added to reflect changes made by the D.C. Noncitizen Voting Act).

33. The D.C. Noncitizen Voting Act was intended to include illegal immigrants. The Committee Report reflects that, when first introduced, only lawful permanent residents were considered in the new definition of qualified elector. Council of the District of Columbia, Committee on the Judiciary and Public Safety, Committee Report on B24-300, the “Local Resident Voting Rights Amendment Act of 2021,” at 3, (Sep. 28, 2022), chrome-extension://efaidnbmninnibpcajpcgclcfndnkaj/https://lms.dccouncil.gov/downloads/LIMS/47374/Committee_Report/B24-0300-Committee_Report1.pdf. The committee removed “arbitrary immigration statuses” from consideration in voter eligibility. *Id.*

34. A primary motive for removing “arbitrary immigration statuses” (that is, those found in federal immigration law) from consideration, and for allowing noncitizens to vote, was to aid those whom Council members called “immigrants”—meaning, generally, persons of foreign birth living in this country, irrespective of such statuses—as a class, by giving many more of them the power of the ballot box. Council of the District of Columbia, Committee on the Judiciary and Public Safety, Committee Mark-Up of B24-300, the “Local Resident Voting Rights Amendment Act of 2021,” Statement of Council Member Allen, at 15:40, (Sep. 27, 2022), http://video.oct.dc.gov/VOD/DCC/2022_09/09_27_22_Judici.html (“Immigrants, whether

naturalized citizens, legal permanent residents, asylum seekers, DACA recipients, undocumented residents, or otherwise are valued members of our community. They are us. . . . Immigrants care deeply about issues affecting their communities and families like gun control, climate change, healthcare, affordable housing, quality schools, access to healthy food—issues that affect all residents and are directly influenced by our local government. Our noncitizen neighbors, many of whom have lived, worked, and raised a family in the District for decades deserve the opportunity to have a stake in their government and determine their own leaders just as we all do.”); *id.* at 18:40 (“The Committee Print is a strong statement in support of the fundamental principle that all people should have a say in the government that makes decisions affecting their lives. It’s in line with the District’s commitment to making our local government more accessible to those who aren’t traditionally represented rather than restricting it to those who already hold power.”); Council of the District of Columbia, Committee on the Judiciary and Public Safety, Public Hearing on B24-300, the “Local Resident Voting Rights Amendment Act of 2021, at 7:25 (July 7, 2022) Statement of Council Member Nadeau, http://video.oct.dc.gov/VOD/DCC/2022_07/07_07_22_Judici.html (“Every day elected officials are making decisions about affordable housing, education, human services and more. People who’ve made their permanent homes in the District should have a hand in who represents them in government. The District has long been a place that has welcomed immigrants into our community and it’s time to allow for their full participation in our institutions.”); *id.* at 10:40, Statement of Council Member Lewis-George (“Voting and civic engagement is part of how we demonstrate our investment in advancing our city’s collective interest and so we have a unique opportunity with this bill to engage our immigrant neighbors as valued voting members of our city.”). This intentional expansion of the voting power of foreign-

born persons automatically decreases the voting power of D.C. residents, including all Plaintiffs, who were born in the United States.

35. The D.C. Noncitizen Voting Act added the term “local election” to the defined terms, providing:

The term ‘local election’ means (A) an election for (i) Mayor; (ii) Chairman or member of the Council; (iii) Attorney General; (iv) Member of the State Board of Education; or (v) Advisory Neighborhood Commissioner; or (B) [a]n initiative, referendum, recall, or charter amendment measure on a District ballot.

D.C. Official Code § 1-1001.02(34).

36. The D.C. Election Law contains three other definitional terms related to voter eligibility and the eligibility to hold public office. It defines “duly registered voter” as “a registered voter who resides at the address listed on the Board’s records.” D.C. Official Code § 1-1001.02(19). It defines “registered qualified elector” as “a registered voter who resides at the address listed on the Board’s records.” D.C. Official Code § 1-1001.02(20). Finally, it defines “qualified registered elector” as “a registered voter who resides at the address listed on the Board’s records.” D.C. Official Code § 1-1001.02(21). A noncitizen voter fits all of these definitions.

37. The D.C. Council was established by the Home Rule Act. D.C. Home Rule Act Sec. 401, D.C. Official Code § 1-204.01(a). Members of the Council are “elected by the registered qualified electors of the District.” *Id.* Among the required qualifications for a resident wishing to serve on the Council is that the person “[i]s a qualified elector.” D.C. Official Code § 1-204.02. Because citizenship is not specifically enumerated as a qualification, a noncitizen is now a “qualified elector” for purposes of local elections, which include elections for D.C. Council, and therefore is eligible to serve on the Council.

38. The Office of the Mayor was established by the Home Rule Act. D.C. Home Rule Act Sec. 421, D.C. Official Code § 1-204.21(a). “[T]he Mayor shall be elected by the registered qualified electors of the District.” *Id.* Among the required qualifications for a resident wishing to serve as Mayor, is that the person “[i]s a qualified elector.” D.C. Official Code § 1-204.21(c)(1). Because citizenship is not specifically enumerated as a qualification for office, a noncitizen is now a “qualified elector” for purposes of local elections, which includes elections for Mayor, and therefore is eligible to serve as Mayor.

39. The D.C. Board of Elections was established by the Home Rule Act. D.C. Home Rule Act Sec. 491, D.C. Official Code § 1-1001.03(a). Board members are required to be “duly registered voter[s].” D.C. Official Code § 1-1001.04(a)(1). Because citizenship is not specifically enumerated as a qualification for office, a noncitizen is now a “duly registered voter” and is eligible to serve on the Board of Elections.

40. The D.C. Board of Elections is responsible for the implementation and enforcement of the D.C. Noncitizen Voting Act. Under D.C. law, the Board of Elections is required, among other things, “accurately [to] maintain . . . the official voter registration list for all elections in the District;” “actively locate, identify, and register qualified voters; conduct elections; provide for recording and counting votes;” “[p]ublish. . . the total number of qualified electors registered to vote;” “[o]perate polling places;” and “[c]ertify nominees and the results of elections[.]” D.C. Official Code §1-1001.05(a)(Perm.). The Board of Elections will be responsible for registering noncitizen voters and ensuring that they are not registered to vote in another city, state, or country.

41. Certain rights of U.S. citizens are considered fundamental despite not being explicitly enumerated in the Constitution. *See Ex parte Yarbrough*, 110 U.S. 651, 658 (1884) (explaining “the doctrine universally applied to all instruments of writing, that what is implied is as much a

part of the instrument as what is expressed. This principle, in its application to the Constitution of the United States, more than to almost any other writing, is a necessity, by reason of the inherent inability to put into words all derivative powers[.]”).

42. Accordingly, “[t]he Due Process Clause guarantees more than fair process, and the ‘liberty’ it protects includes more than absence of physical restraint. The Clause also provides heightened protection against government interference with certain fundamental rights and liberty interests.” *Washington v. Glucksberg*, 521 U.S. 702, 719-20 (1997) (citations omitted).

43. This substantive due process “specially protects those fundamental rights and liberties which are, objectively, deeply rooted in this Nation’s history and tradition, and implicit in the concept of ordered liberty, such that neither liberty nor justice would exist if they were sacrificed.” *Id.* (internal citations omitted).

44. Also required is “a careful description of the asserted fundamental liberty interest.” *Id.* Such description can be found in “[o]ur Nation’s history, legal traditions, and practices [which] provide[] the crucial guideposts for responsible decisionmaking, that direct and restrain our exposition of the Due Process Clause.” *Id.* (internal citations omitted).

45. The right to vote has long been recognized among these fundamental liberty interests. As explained by the Supreme Court in *Reynolds v. Sims*, “[u]ndeniably the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections. A consistent line of decisions by this Court in cases involving attempts to deny or restrict the right of suffrage as made this indelibly clear. It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, and to have their votes counted.” *Reynolds v. Sims*, 377 U.S. 533, 554 (1964).

46. Infringement on the right to vote can be through “a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” *Id.* at 555.

47. Claims of vote dilution caused by expansions of the franchise, such as those made by residents of a city challenging the expansion of the franchise to nonresident property owners, have been analyzed under the Equal Protection Clause of the Fourteenth Amendment, on the ground that they discriminate against an identifiable group by harming that group while benefitting another. *See, e.g., Brown v. Bd. of Comm’rs*, 722 F. Supp.380, 398 (E.D. Tenn. 1989) (striking down an expansion of the franchise to nonresidents of a city under the Equal Protection Clause).

48. While the Fourteenth Amendment is only applicable to the states, U.S. citizens living in the District of Columbia are still entitled to the equal protection of the laws under the Fifth Amendment Due Process Clause, which provides: “No person shall . . . be deprived of life, liberty, or property, without due process of law[.]” U.S. Const. amend. V.

49. “In *Bolling v. Sharpe*, 347 U.S. 497 (1954), the Court began in earnest to fold an ‘equal protection’ guarantee into the concept of ‘due process.’” *United States v. Vaello-Madero*, 142 S. Ct. 1539, 1544 (2022) (Thomas, J., concurring). *See also Washington v. Davis*, 426 U.S. 229, 239 (1976) (“It is also true that the Due Process Clause of the Fifth Amendment contains an equal protection component prohibiting the United States from invidiously discriminating between individuals or groups.”) (citation omitted); *Adams v. Clinton*, 90 F. Supp. 2d 35, 100 (D.D.C. 2000), *aff’d per curiam*, 531 U.S. 941 (2000) (“The Supreme Court has held that the principles embodied in this clause apply equally to the federal government, for the benefit of persons residing in the District of Columbia, by virtue of the due process clause of the Fifth Amendment.”).

50. Accordingly, equal protection analysis under the Fifth Amendment mirrors that applied to the states under the Fourteenth Amendment. *See, e.g., Weinberger v. Wiesenfeld*, 420 U.S. 636, 638 n.2 (1975) (explaining that “this Court’s approach to Fifth Amendment equal protection claims has always been precisely the same as to equal protection claims under the Fourteenth Amendment.”); *Buckley v. Valeo*, 424 U.S. 1, 93 (1976) (“Equal protection analysis in the Fifth Amendment area is the same as that under the Fourteenth Amendment”).

51. Discrimination based on national origin is also prohibited under the Due Process Clause of the Fifth Amendment. *Hirabayashi v. United States*, 320 U.S. 81, 100 (1943) (“Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.”). When there is conflict between the rights of U.S. citizens and the rights of the government, “the rights of a citizen may not be subordinated merely because of his father’s country of origin.” *Oyama v. California*, 332 U.S. 633, 647 (1948). Intentionally, and on its face, the D.C. Noncitizen Voting Act dilutes the votes of U.S.-born residents by allowing noncitizens (none or virtually none of whom were born in the United States) to vote in the District of Columbia.

52. Because the D.C. Noncitizen Voting Act is facially discriminatory against identifiable classes, no inquiry into its legislative purpose is needed. *Azam v. D.C. Taxicab Comm’n*, 43 F. Supp. 3d 38, 49 (D.D.C. 2014) (“Where the government’s action or policy is facially neutral, a plaintiff must plead and prove that the defendant acted with discriminatory purpose.”).

53. The Supreme Court has repeatedly recognized the constitutional right of citizen self-government. “The exclusion of noncitizens from basic governmental processes is not a deficiency in the democratic system but a *necessary consequence* of the community’s process of political self-definition.” *Cabell v. Chavez-Salido*, 454 U.S. 432, 439-440 (1982) (emphasis added).

American citizens comprise the body politic of the United States. *See id.* (“Self-government, whether direct or through representatives, begins by defining the scope of the community of the governed and thus of the governors as well: Noncitizens are by definition outside of this community.”); *Foley v. Connelie*, 435 U.S. 291, 295-96 (1978) (“The act of becoming a citizen is more than a ritual with no content beyond the fanfare of ceremony. A new citizen has become a member of a Nation, part of a people distinct from others. The individual, at that point, belongs to the polity and is entitled to participate in the processes of democratic decisionmaking. Accordingly, we have recognized a State’s historical power to exclude noncitizens from participation in its democratic political institutions as part of the sovereign’s *obligation* to preserve the basic conception of a political community.”) (internal citation omitted) (emphasis added); *id.* at 296 (“[A] democratic society is ruled by its people. Thus, it is clear that a State may deny noncitizens the right to vote, or to run for elective office, for these lie at the heart of our political institutions.”); *id.* (holding that such restrictions represent[] the choice, and *right*, of the people to be governed by their citizen peers.”) (emphasis added); *id.* at 297 (“[A]lthough we extend to noncitizens the right to education and public welfare, along with the ability to earn a livelihood and engage in licensed professions, the right to govern is reserved to citizens.”).

54. In review under the Fifth Amendment, no interest that may be asserted to justify the D.C. Noncitizen Voting Act can stand against the compelling governmental interest, recognized in these holdings, that U.S. citizens have in governing themselves.

CAUSES OF ACTION

I. Violation of Substantive Due Process.

55. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior paragraphs of this Complaint.

56. Substantive due process under the Fifth Amendment to the Constitution prohibits the government from infringing on the fundamental rights of U.S. citizens.

57. Diluting the votes of U.S. citizens by enfranchising noncitizens infringes on Plaintiffs' fundamental right to vote.

58. Plaintiffs suffer a constitutional injury because of the direct and proximate actions of Defendant.

II. Violation of the Equal Protection Component of the Fifth Amendment's Due Process Clause—Citizenship.

59. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior paragraphs of this Complaint.

60. The equal protection component of the Fifth Amendment's Due Process Clause prohibits the government from discriminating based on citizenship.

61. By enfranchising noncitizens in D.C. elections, and thus necessarily diluting the votes of U.S. citizens living in D.C., the D.C. Noncitizen Voting Act, on its face, unlawfully discriminates against U.S. citizens living in D.C., such as Plaintiffs, based on their citizenship.

62. Plaintiffs suffer a constitutional injury because of the direct and proximate actions of Defendants.

III. Violation of the Equal Protection Component of the Fifth Amendment's Due Process Clause—National Origin.

63. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior paragraphs of this Complaint.

64. The equal protection component of the Fifth Amendment's Due Process Clause prohibits the government from discriminating based on national origin.

65. By enfranchising noncitizens in D.C. elections, the D.C. Noncitizen Voting Act, both intentionally and on its face, dilutes the votes of native-born U.S. citizens living in D.C., and thus unlawfully discriminates against native-born U.S. citizens living in D.C., such as Plaintiffs, based on their national origin.

66. Plaintiffs suffer a constitutional injury because of the direct and proximate actions of Defendants.

IV. Violation of the Right to Citizen Self-Government.

67. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior paragraphs of this Complaint.

68. Each and every American citizen, including Plaintiffs, has a constitutional “right . . . to be governed by [his or her] citizen peers.” *Foley*, 435 U.S. at 296.

69. By enfranchising noncitizens, and also by allowing noncitizens to hold public office, the D.C. Noncitizen Voting Law allows noncitizens to govern citizens in D.C., and thus violates Plaintiffs’ constitutional right to citizen self-government.

70. Plaintiffs suffer a constitutional injury because of the direct and proximate actions of Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request:

1. A declaratory judgment that the D.C. Noncitizen Voting Act violates Plaintiffs’ rights under the Fifth Amendment to the U.S. Constitution and their constitutional right to citizen self-government;

2. A preliminary and permanent injunction prohibiting Defendant from spending funds to implement the D.C. Noncitizen Voting Act, from registering noncitizens to vote, and from counting votes cast by noncitizens;

3. A judgment awarding reasonable attorneys' fees, costs, disbursements, and other allowances of this proceeding; and

4. A judgment awarding Plaintiffs any other relief that this Court deems just, proper, and equitable.

Dated: March 14, 2023

Respectfully submitted,

/s/ Christopher J. Hajec

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Civil Actions

Case Summary

Case No. 2023-CAB-001544

Stacia Hall et. al. v. District of Columbia Board of
Elections§
§
§Location: **Civil Actions**
Judicial Officer: **Puig-Lugo, Hiram E**
Filed on: **03/14/2023**

Case Information

Case Type: General Civil
Subtype: Other - General Civil
Case Status: **03/14/2023 Open**

Assignment Information

Current Case Assignment

Case Number 2023-CAB-001544
Court Civil Actions
Date Assigned 03/14/2023
Judicial Officer Puig-Lugo, Hiram E

Party Information

Plaintiff

Chittams, Ralph SR
2936 M St SE
Washington, DC 20019**Epps, Kimberly**
116 T St NE
Apt 344
Washington, DC 20002**Hall, Stacia**
3726 Connecticut Ave NW
Apt 109
Washington, DC 20008**Heller, Dick A**
263 Kentucky Ave SE
Washington, DC 20003**Keller, Suzanne**
2331 Chester St SE
Washington, DC 20020

Lead Attorneys

Hajec, Christopher
Retained
202-833-8400(H)
Center for Individual Rights (CIR)
1100 Connecticut Ave NW, Suite 625
WASHINGTON, DC 20036**Hajec, Christopher**
Retained
202-833-8400(H)
Center for Individual Rights (CIR)
1100 Connecticut Ave NW, Suite 625
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1100 Connecticut Ave NW, Suite 625
WASHINGTON, DC 20036**Hajec, Christopher**
Retained
202-833-8400(H)
Center for Individual Rights (CIR)
1100 Connecticut Ave NW, Suite 625
WASHINGTON, DC 20036

Case Summary

Lyon, Nicolle S.A.
5900 3rd St NE
Washington, DC 20011

Case No. 2023-CAB-001544
Hajec, Christopher
Retained
202-833-8400(H)
Center for Individual Rights (CIR)
1100 Connecticut Ave NW, Suite 625
WASHINGTON, DC 20036

McClenton, Ken
1307 44th Pl SE
Washington, DC 20019

Hajec, Christopher
Retained
202-833-8400(H)
Center for Individual Rights (CIR)
1100 Connecticut Ave NW, Suite 625
WASHINGTON, DC 20036

Defendant District of Columbia Board of Elections
1015 Half St SE
Suite 750
Washington, DC 20003

Events and Orders of the Court

- 03/14/2023  **Complaint Filed**
Filed by: Plaintiff Chittams, Ralph SR;
Plaintiff Epps, Kimberly;
Plaintiff Hall, Stacia;
Plaintiff Heller, Dick A;
Plaintiff Keller, Suzzanne;
Plaintiff Lyon, Nicolle S.A.;
Plaintiff McClenton, Ken
- 03/16/2023  **Initial Order [Remote]** (Judicial Officer: Puig-Lugo, Hiram E)
- 04/11/2023  **Affidavit/Declaration of Service of Summons and Complaint**
Docketed On: 04/14/2023
Filed By: Plaintiff Chittams, Ralph SR;
Plaintiff Epps, Kimberly;
Plaintiff Hall, Stacia;
Plaintiff Heller, Dick A;
Plaintiff Keller, Suzzanne;
Plaintiff Lyon, Nicolle S.A.;
Plaintiff McClenton, Ken
Served On: Defendant District of Columbia Board of Elections
- 06/23/2023  **Remote Initial Scheduling Conference** (9:30 AM) (Judicial Officer: Puig-Lugo, Hiram E)

Financial Information

Plaintiff Hall, Stacia	
Total Financial Assessment	120.00
Total Payments and Credits	120.00
Balance Due as of 05/04/2023	0.00

AFFIDAVIT OF PROCESS SERVER

Superior Court of the District of Columbia
Civil Division

Stacia Hall, et al

Plaintiff(s),

VS.

District of Columbia Board of Elections

Defendant(s).

Attorney: Christopher J. Hajec

Immigration Reform Law Institute
22 Massachusetts Ave., NW, #335
Washington DC 20001



294759

Case Number: 2023-CAB-001544

Legal documents received by Same Day Process Service, Inc. on 04/05/2023 at 1:09 PM to be served upon Attorney General Brian Schwab at Office of the Attorney General for the District of Columbia, 400 6th St., NW, Washington, DC 20001

I, Michael Molash, swear and affirm that on April 05, 2023 at 2:04 PM, I did the following:

Served Attorney General Brian Schwab by delivering a conformed copy of the Letter dated March 23, 2023; Summons; Complaint to Tonia Robinson as Authorized Agent of Attorney General Brian Schwab at Office of the Attorney General for the District of Columbia, 400 6th St., NW, Washington, DC 20001.

Supplemental Data Appropriate to this Service: Ms. Robinson accepted service via electronic mail by her email address of: tonia.robinson@dc.gov as "in hand" delivery is not possible at this time.

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.

County of Charleston
State of South Carolina
Subscribed and sworn to before me
this 6th day of April, 2023
by Michael Molash
Kristin Roy Notary Public
KRISTIN ROY
My commission expires February 24, 2031

Michael Molash
Process Server
Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005
(202)-398-4200
info@samedayprocess.com

Internal Job
ID:294759



AFFIDAVIT OF PROCESS SERVER

Superior Court of the District of Columbia
Civil Division

Stacia Hall, et al

Plaintiff(s),

VS.

District of Columbia Board of Elections

Defendant(s).

Attorney: Christopher J. Hajec

Immigration Reform Law Institute
22 Massachusetts Ave., NW, #335
Washington DC 20001



294761

Case Number: 2023-CAB-001544

Legal documents received by Same Day Process Service, Inc. on 04/05/2023 at 1:12 PM to be served upon Mayor Muriel Bowser at Office of the Attorney General for the District of Columbia, 400 6th St., NW, Washington, DC 20001

I, Michael Molash, swear and affirm that on April 05, 2023 at 2:04 PM, I did the following:

Served Mayor Muriel Bowser by delivering a conformed copy of the Letter dated March 23, 2023; Summons; Complaint; to Tonia Robinson as Authorized Agent of Mayor Muriel Bowser at Office of the Attorney General for the District of Columbia, 400 6th St., NW , Washington, DC 20001.

Supplemental Data Appropriate to this Service: Ms. Robinson accepted service via electronic mail by her email address of: tonia.robinson@dc.gov as "in hand" delivery is not possible at this time.

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.

County of Charleston
State of South Carolina
Subscribed and sworn, to before me
this 6th day of April, 2023
by Michael Molash
Kristin Roy Notary Public
KRISTIN ROY
My commission expires February 24, 2031

Michael Molash
Process Server
Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005
(202)-398-4200
info@samedayprocess.com

Internal Job
ID:294761



AFFIDAVIT OF PROCESS SERVER

Superior Court of the District of Columbia
Civil Division

Stacia Hall, et al

Plaintiff(s),

VS.

District of Columbia Board of Elections

Defendant(s).

Attorney: Christopher J. Hajec

Immigration Reform Law Institute
22 Massachusetts Ave., NW, #335
Washington DC 20001



294758

Case Number: 2023-CAB-001544

Legal documents received by Same Day Process Service, Inc. on 04/05/2023 at 1:08 PM to be served upon District of Columbia Board of Elections at 1015 Half St., SE, #750, Washington, DC 20003

I, Lauren Craven, swear and affirm that on April 05, 2023 at 4:08 PM, I did the following:

Served District of Columbia Board of Elections by delivering a conformed copy of the Summons; Complaint; to Christine Pembroke as Senior Attorney & Authorized Agent of District of Columbia Board of Elections at 1015 Half St., SE, #750, Washington, DC 20003.

Description of Person Accepting Service:

Sex: Female Age: 50 Height: 5ft4in-5ft8in Weight: 131-160 lbs Skin Color: Caucasian Hair Color: Brown

Supplemental Data Appropriate to this Service:

I declare under penalty of perjury that the foregoing information contained in this affidavit is true and correct and that I am a professional process server over the age of 18 and have no interest in the above legal matter.

District of Columbia
Signed and sworn to (or affirmed) before me
on 4/5/23 by Lauren Craven
Date Name(s) of individual(s) making Statement

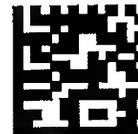
[Signature]
Signature of Notarial Officer

[Signature]
Title of Office

My commission expires: 3/14/2025

[Signature]
Lauren Craven
Process Server
Same Day Process Service, Inc.
1413 K St., NW, 7th Floor
Washington DC 20005
(202)-398-4200
info@samedayprocess.com

Internal Job
ID:294758





Superior Court of the District of Columbia
Civil - Civil Actions Branch
500 Indiana Ave NW, Room 5000, Washington DC 20001
(202) 879-1133 | www.dccourts.gov

Case Number: 2023-CAB-001544

Case Caption: Stacia Hall et. al. v. District of Columbia Board of Elections

INITIAL ORDER

Initial Hearing Date: Friday, 06/23/2023	Initial Hearing Time: 9:30 AM	Courtroom Location: Remote Courtroom 132
Please see attached instructions for remote participation.		
Your case is assigned to Associate Judge Hiram E Puig-Lugo.		

Pursuant to D.C. Code § 11-906 and District of Columbia Superior Court Rule of Civil Procedure ("Super. Ct. Civ. R.") 40-1, it is hereby ORDERED as follows:

- 1) This case is assigned to the judge and calendar designated above. All future filings in this case shall bear the calendar number and judge's name along with the case number in the caption.
- 2) Within 60 days of the filing of the complaint, plaintiff must file proof of service on each defendant of copies of the summons, the complaint, and this Initial Order. The court will dismiss the claims against any defendant for whom such proof of service has not been filed by this deadline, unless the court extended the time for service under Rule 4.
- 3) Within 21 days of service (unless otherwise provided in Rule 12), each defendant must respond to the complaint by filing an answer or other responsive pleading. The court may enter a default and a default judgment against any defendant who does not meet this deadline, unless the court extended the deadline under Rule 55(a).
- 4) At the time stated below, all counsel and unrepresented parties shall participate in a hearing to establish a schedule and discuss the possibilities of settlement. Counsel shall discuss with their clients before the hearing whether the clients are agreeable to binding or non-binding arbitration. This order is the only notice that parties and counsel will receive concerning this hearing.
- 5) If the date or time is inconvenient for any party or counsel, the Civil Actions Branch may continue the Conference once, with the consent of all parties, to either of the two succeeding days when the calendar is called. To reschedule the hearing, a party or lawyer may call the Branch at (202) 879-1133. Any such request must be made at least seven business days before the scheduled date. No other continuance will be granted except upon motion for good cause shown.
- 6) Parties are responsible for obtaining and complying with all requirements of the General Order for Civil cases, each judge's Supplement to the General Order and the General Mediation Order. Copies of these orders are available in the Courtroom and on the Court's website <http://www.dccourts.gov/>.

Chief Judge Anita M. Josey-Herring

To Join by Computer, Tablet, or Smartphone:

- 1) Copy and Paste or Type the link into a web browser and enter the Webex Meeting ID listed below.

Link: dccourts.webex.com/meet/ctb132

Meeting ID: 2343 119 3793

- 2) When you are ready, click "Join Meeting".
- 3) You will be placed in the lobby until the courtroom clerk gives you access to the hearing.

Or to Join by Phone:

- 1) Call 202-860-2110 (local) or 844-992-4726 (toll-free)
- 2) Enter the Webex Meeting ID listed above followed by "##"

Resources and Contact Information:

- 1) For best practices on how to participate in Webex Meetings, click here <https://www.webex.com/learn/best-practices.html>.
- 2) For technical issues or questions, call the Information Technology Division at 202-879-1928 and select option 2.
- 3) For case questions, call the Civil Actions Branch Clerk's Office at (202) 879-1133.

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ACCESSIBILITY AND LANGUAGE ACCESS

Persons with Disabilities:

If you have a disability as defined by the American Disabilities Act (ADA) and you require an accommodation, please call 202-879-1700 or email ADACoordinator@dcsc.gov . The D.C. Courts does not provide transportation service.

Interpreting and Translation Services:

The D.C. Courts offers free language access services to people having business with the court who are deaf or who are non-English speakers. Parties to a case may request free translations of court orders and other court documents. To ask for an interpreter or translation, please contact the Clerk’s Office listed for your case. For more information, visit <https://www.dccourts.gov/language-access>.

Servicios de interpretación y traducción:

Los Tribunales del Distrito de Columbia ofrecen servicios gratuitos de acceso al idioma a las personas sordas o que no hablan inglés que tienen asuntos que atender en el tribunal. Las partes de un caso pueden solicitar traducciones gratuitas de las órdenes judiciales y otros documentos del tribunal. Para solicitar un intérprete o una traducción, póngase en contacto con la Secretaría de su caso.

Para más información, visite <https://www.dccourts.gov/language-access>.

El acceso al idioma es importante para los Tribunales del Distrito de Columbia. Puede dar su opinión sobre los servicios de idiomas visitando <https://www.dccourts.gov/services/information-and-resources/interpreting-services#language-access>.

የቃልና የጽሑፍ ትርጓሜ አገልግሎቶች:

የዲ.ሲ ፍርድ ቤቶች መስማት ለተሳናቸውና የእንግሊዝኛ ቋንቋ ተናጋሪ ላልሆኑ በፍርድ ቤቱ ጉዳይ ላላቸው ሰዎች ነጻ የቋንቋ ተደራሽነት አገልግሎቶች ያቀርባል። ተከራካሪ ወገኖች የፍርድ ቤት ትእዛዞችና ሌሎች የፍርድ ቤት ሰነዶች በነጻ እንዲተረጎሙላቸው መጠየቅ ይችላሉ። የቃል ወይም የጽሑፍ ትርጓሜ ለመጠየቅ እባክዎን በመዝገብዎ የተዘረዘረውን የጸሀፊ ቢሮ (ክለርክ'ስ ኦፊስ) ያናግሩ። ለተጨማሪ መረጃ <https://www.dccourts.gov/language-access> ይጎብኙ።

የቋንቋ ተደራሽነት ለዲ.ሲ. ፍርድ ቤቶች አስፈላጊ ነው። የቋንቋ አገልግሎቶች በተመለከተ አስተያየትዎን <https://www.dccourts.gov/services/information-and-resources/interpreting-services#language-access> በመጎብኘት መስጠት ይችላሉ።

Tips for Attending Remote Hearings - Civil Division

Your court hearing may be held remotely. This means that you will participate by phone or by video conference instead of coming to the courthouse. Here are some tips on how to prepare.

How do I know if I have a remote hearing?

The Court will contact you to tell you that your hearing is remote. They may contact you by sending you an email, letter in the mail, or by calling you.



How do I take part in a remote hearing?

The Court will give you step-by-step instructions on how to take part in the remote hearing.

If you lose your written notice, call the Civil Actions Clerk's Office for instructions at:

 202-879-1133

Is there anything that I should do before the day of the hearing?

- Let the court know immediately if you cannot join a hearing because you do not have a phone or computer.

 Civil Actions Clerk's Office: 202-879-1133

- You may want to contact an attorney for legal help.
- You can also find the list of legal services providers at dccourts.gov/coronavirus by clicking on the link that says, "List of Legal Service Providers for Those Without an Attorney."
- Evidence: if you want the judge to review photos or documents, ask the judge how to submit your evidence.
- Witnesses: tell the judge if you want a witness to testify at your hearing.
- Accommodations & Language Access: let the court know if you need an interpreter or other accommodation for your hearing.

Tips for the Hearing



- Join the hearing a few minutes early!
- Charge your computer or phone and make sure you have enough minutes to join the call. Find a private and quiet space. If possible, be alone in a room during the hearing. Try to limit distractions as much as possible. If others are in the room with you, ask if they can be quiet during the hearing.
- Mute your microphone when you are not talking. Mute all sounds on your phone or computer.
- Say your name before you speak so the record is clear. Be prepared to identify your role in the hearing (e.g., observer, plaintiff, defendant, witness, etc.). 
- Speak slowly and clearly so everyone hears what you are saying.
- Pause before speaking in case there is a lag. Use a headset or headphones if you can. This will free up your hands and sound better.
- Try not to talk over anyone else. Only one person can speak at a time. If you talk while someone else is talking, the judge will not be able to hear you.
- Have all your documents for the hearing in front of you. Have a pen and paper to take notes.
- If you are not ready for your hearing or want to speak with an attorney, you can ask the judge to postpone your hearing for another date.
- If your sound or video freezes during the hearing, use the chat feature or call the Clerk's Office to let them know that you are having technical issues.

Special Tips for Video Hearings

[\(Click here for more information\)](#)



- Download the court's hearing software, WebEx, in advance and do a test run! The Court will provide you with a WebEx link in advance of the hearing.
- Set up the camera at eye level. If you are using your phone, prop it up so you can look at it without holding it.
- Look at the camera when you speak and avoid moving around on the video.
- Wear what you would normally wear to court.
- Sit in a well-lit room with no bright lights behind you.
- If possible, find a blank wall to sit in front of. Remember the judge will be able to see everything on your screen, so pick a location that is not distracting.

District of Columbia Courts

Tips for Using DC Courts Remote



The DC Courts have **remote hearing sites** available in various locations in the community to help persons who may not have computer devices or internet service at home to participate in scheduled remote hearings. The Courts are committed to enhancing access to justice for all.

There are six remote access sites throughout the community which will operate: **Monday – Friday, 8:30 am – 4:00 pm.**

The remote site locations are:

Remote Site - 1

Balance and Restorative Justice Center
1215 South Capitol Street, SW
Washington, DC 20003

Remote Site - 2

Balance and Restorative Justice Center
1110 V Street, SE
Washington, DC 20020

Remote Site - 3

Balance and Restorative Justice Center
118 Q Street, NE
Washington, DC 20002



Remote Site - 4

Balance and Restorative Justice Center
920 Rhode Island Avenue, NE
Washington, DC 20018

Remote Site - 5

Reeves Center
2000 14th Street, NW, 2nd Floor
Community Room
Washington, DC 20009

Remote Site - 6

Reeves Center
2000 14th Street, NW, Suite 300N
Office of the Tenant Advocate
Washington, DC 20009
*** No walk-ins at this location ***

If you want to use a remote site location for your hearing, call **202-879-1900** or email DCCourtsRemoteSites@dcsc.gov **at least 24 hours before your hearing to reserve a remote access computer station.** If you require special accommodations such as an interpreter for your hearing, please call **202-879-1900 at least 24 hours in advance of your hearing so the Courts can make arrangements.**

You should bring the following items when you come to your scheduled site location

1. Your **case number** and any **hyperlinks** provided by the Courts for your scheduled hearing.
2. Any documents you need for the hearing (evidence), including exhibits, receipts, photos, contracts, etc.
3. Materials for notetaking, including pen and paper.
4. A facial covering will be required for entry into the remote hearing location; if you do not have a facial covering one will be provided.

*Safety and security measures are in place at the remote sites.

Contact information to schedule your remote access computer station:

Call: **202-879-1900**

Email: DCCourtsRemoteSites@dcsc.gov

Tribunales del Distrito de Columbia

Consejos para usar los sitios de audiencia remota de los Tribunales de DC

Los Tribunales de DC disponen de **sitios de audiencia remota** en distintos centros de la comunidad para ayudar a que las personas que no tienen dispositivos informáticos o servicio de Internet en su casa puedan participar en audiencias remotas programadas. Los Tribunales honran el compromiso de mejorar el acceso de toda la población a la justicia.

En toda la comunidad hay seis sitios de acceso remoto que funcionarán de **lunes a viernes, de 8:30 am a 4:00 pm.**

Los centros de acceso remoto son:

<p>Sitio Remoto - 1 Balance and Restorative Justice Center 1215 South Capitol Street, SW Washington, DC 20003</p>
<p>Sitio Remoto - 2 Balance and Restorative Justice Center 1110 V Street, SE Washington, DC 20020</p>
<p>Sitio Remoto - 3 Balance and Restorative Justice Center 118 Q Street, NE Washington, DC 20002</p>



<p>Sitio Remoto - 4 Balance and Restorative Justice Center 920 Rhode Island Avenue, NE Washington, DC 20018</p>
<p>Sitio Remoto - 5 Reeves Center 2000 14th Street, NW, 2nd Floor Community Room Washington, DC 20009</p>
<p>Sitio Remoto - 6 Reeves Center 2000 14th Street, NW, Suite 300N Office of the Tenant Advocate Washington, DC 20009 <i>*No se puede entrar sin cita previa*</i></p>

Si desea usar un sitio remoto para su audiencia, llame al **202-879-1900** o envíe un mensaje de correo electrónico a DCCourtsRemoteSites@dcsc.gov **al menos 24 horas antes de la audiencia, para reservar una estación de computadora de acceso remoto.** Si necesita adaptaciones especiales, como un intérprete para la audiencia, llame al **202-879-1900 al menos 24 horas antes de la audiencia para que los Tribunales puedan hacer los arreglos necesarios.**

Cuando concurra al sitio programado debe llevar los siguientes artículos

1. Su **número de caso** y todos los **hipervínculos** que le hayan proporcionado los Tribunales para la audiencia programada.
2. Cualquier documento que necesite para la audiencia (prueba), incluidos documentos probatorios, recibos, fotos, contratos, etc.
3. Materiales para tomar nota, como papel y lápiz.
4. Para ingresar al sitio de la audiencia remota deberá llevar una mascarilla facial; si no tiene mascarilla facial, se le proporcionará una.

***Los sitios de acceso remoto cuentan con medidas de seguridad y protección.**

Información de contacto para programar su estación de computadora de acceso remoto:

Teléfono: **202-879-1900**

Correo electrónico: DCCourtsRemoteSites@dcsc.gov

Case Caption: Stacia Hall et. al. v. District of Columbia Board of Elections

To: Christopher Hajec

Case Number: 2023-CAB-001544

NOTICE OF REMOTE INITIAL SCHEDULING CONFERENCE

Your case is scheduled for a(n) Remote Initial Scheduling Conference on 06/23/2023 at 9:30 AM in **Remote Courtroom 132**.

The remote hearing will be held via Webex. To join the hearing, follow the below instructions.

To Join by Computer, Tablet, or Smartphone:

1) Copy and Paste or Type the link into a web browser and enter the Webex Meeting ID listed below.

Link: dcccourts.webex.com/meet/ctb132

Meeting ID: 2343 119 3793

2) Click "**Join Meeting**". You may be placed in the lobby until the courtroom clerk gives you access to the hearing.

OR To Join by Phone:

1) Call 202-860-2110 (local) or 844-992-4726 (toll-free)

Enter the Webex Meeting ID shown above followed by "##"

Resources and Contact Information:

- 1) For best practices on how to participate in Webex Meetings, click here www.webex.com/learn/best-practices.html.
- 2) For technical issues or questions, call the Information Technology Division at 202-879-1928 and select option 2.
- 3) For case questions, call the Civil Actions Branch at 202-879-1133.
- 4) To change your method of hearing participation, visit www.dcccourts.gov/hearing-information for instructions and forms.



Superior Court of the District of Columbia
Civil Division - Civil Actions Branch
500 Indiana Ave NW, Room 5000, Washington DC 20001
202-879-1133 | www.dcccourts.gov

First Class Mail
U. S. Postage Paid
Washington, D.C.
Permit No. 1726

Christopher Hajec
Center for Individual Rights CIR
1100 Connecticut Ave NW Suite 625
WASHINGTON DC 20036

You are named in a lawsuit filed in the Superior Court of the District of Columbia. If you cannot appear at the hearing, please contact the Clerk's Office immediately for more information. If Plaintiff does not participate, the case may be dismissed. If Defendant does not participate, default or judgment may be entered.

For case information, please contact the Civil Actions Branch Clerk's Office by phone at 202-879-1133 or by live chat at <https://www.dccourts.gov/services/civil-matters/requesting-over-10k>.

To access your case information online, please visit www.dccourts.gov/services/cases-online.

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CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

<p>I. (a) PLAINTIFFS Stacia Hall, Ralph Chittams, Suzzanne Keller, Ken McClenton, Kimberly Epps, Dick A. Heller, Nicolle S. A. Lyon</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Christopher J. Hajec, Gina M. D'Andrea; Immigration Law Reform Institute; 25 Massachusetts Ave NW, Suite 335, Washington, DC 20001; 202-232-5590, 202-464-3590</p>	<p>DEFENDANTS District of Columbia Board of Elections</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u> (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> <p>ATTORNEYS (IF KNOWN) Adam J. Tuetken, Pamela A. Disney; Office of the Attorney General for the District of Columbia; 400 6th Street NW, Suite 10100, Washington DC, 20001; 202-735-7474</p>
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<p>II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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<p><input checked="" type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil</p>			
<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 27 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> <p><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)</p>	<p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 462 Naturalization Application</p>	<p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA)</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input checked="" type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 42 U.S.C. 1983; constitutional challenges to the District of Columbia Local Resident Voting Rights Amendment Act of 2022

VII. REQUESTED IN COMPLAINT CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** Check YES only if demanded in complaint
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instruction) YES NO If yes, please complete related case form

DATE: 5/4/2023 **SIGNATURE OF ATTORNEY OF RECORD** /s/ Adam J. Tuetken

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.