

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

GEORGE HAWKINS

Plaintiff,

v.

GLENN YOUNGKIN, in this official
capacity as Governor of Virginia, and
KELLY GEE, in her official capacity
as Secretary of the Commonwealth
of Virginia

Defendants.

Civil Action No. 3:23-cv-00232

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

Plaintiff George Barry Hawkins, Jr. (“Plaintiff” or “Mr. Hawkins”) moves for summary judgment on his two First Amendment claims against Defendants Governor Glenn Youngkin and Secretary of the Commonwealth Kelly Gee’s (“Defendants”) arbitrary system of voting rights restoration.

Plaintiff respectfully moves this Court to enter judgment as a matter of law as to both Count One and Count Two. Plaintiff has established that Defendants’ arbitrary voting rights restoration system—by which Governor Youngkin exercises unfettered discretion to grant or deny voting rights restoration applications without any objective rules and criteria governing the process—violates the First Amendment. *City of Lakewood v. Plain Dealer Publishing Co.*, 486 U.S. 750 (1988); *Forsyth County v. Nationalist Movement*, 505 U.S. 123 (1992). Additionally, Plaintiff has established that the lack of reasonable, definite time limits by which Defendant Governor Youngkin must issue a decision on a voting rights restoration application also violates the First Amendment. *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 226 (1990); *Riley v. Nat’l Fed’n of the*

Blind of North Carolina, Inc., 487 U.S. 781, 802 (1988). Respectfully, for each of these independent reasons and claims, the Court should grant Plaintiff's motion for summary judgment as to Counts One and Two and issue a declaratory judgment that VA. CONST. art. II, § 1, VA. CONST. art. 5, § 12, and Va. Code Ann. § 24.2-101 violate the First Amendment to the U.S. Constitution.

To remedy these constitutional violations, Plaintiff respectfully requests that this Court permanently enjoin Defendants, as well as their respective agents, officers, employees, successors, and all persons acting in concert with them, from administering the voting rights restoration system in VA. CONST. art. II, § 1, VA. CONST. art. V, § 12, and Va. Code Ann. § 24.2-101 in an arbitrary manner, and order Defendants, as well as their respective agents, officers, employees, successors, and all persons acting in concert with them, to implement a new and non-arbitrary system of voting rights restoration governed by specific, objective rules and criteria and reasonable, definite time limits.

Finally, Plaintiffs request that this Court retain jurisdiction to enforce its judgment and grant such other relief as this Court deems just and proper.

Dated: February 14, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 14, 2024, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a “Notice of Electronic Filing” to the following CM/ECF participants:

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