

**VIRGINIA:**

**IN THE CIRCUIT COURT OF TAZEWELL COUNTY**

RYAN T. MCDOUGLE, )  
 Virginia State Senator and Legislative )  
 Commissioner for the Virginia )  
 Redistricting Commission; )  
 WILLIAM M. STANLEY JR., )  
 Virginia State Senator and Legislative )  
 Commissioner for the Virginia )  
 Redistricting Commission; )  
 TERRY KILGORE, )  
 Delegate to the Virginia House of Delegates; )  
 VIRGINIA TROST-THORNTON, )  
 Citizen Commissioner of the Virginia )  
 Redistricting Commission; )  
 CAMILLA SIMON, and )  
 FAYTHE SILVEIRA, )  
 )  
 Plaintiffs, )

Civil Action No.: CL25-1582

v. )  
 )  
 G. PAUL NARDO, in his official capacity as )  
 Clerk of the Virginia House of Delegates; )  
 SUSAN CLARKE SCHAAR, in her official )  
 capacity as Clerk of the Virginia Senate; )  
 TARA PERKINSON, in her official capacity )  
 as Chief Deputy Clerk of the Virginia Senate; )  
 And CHARITY D. HURST, in her official )  
 Capacity as Clerk of Court of the Tazewell )  
 Circuit Court, )  
 )  
 Defendants. )

**VERIFIED AMENDED COMPLAINT**  
**FOR INJUNCTIVE RELIEF AND DECLARATORY JUDGMENT**

Plaintiffs, Ryan McDougale and Bill Stanley, Virginia State Senators and members of the Virginia Redistricting Commission; Terry Kilgore, Delegate to the Virginia House of Delegates; Virginia Trost-Thornton, Citizen Commissioner of the Virginia Redistricting Commission; and Camilla Simon and Faythe Silveira, registered Virginia voters; by

Received and filed in Tazewell County,  
 Virginia Circuit Court Clerk's Office  
 Filed the \_\_\_\_\_ day of \_\_\_\_\_, 2025  
 Time \_\_\_\_\_  
 WESLEY \_\_\_\_\_  
 Clerk, Deputy Clerk

counsel, for their Amended Complaint for Injunctive Relief and Declaratory Judgment against the Defendants G. Paul Nardo, Clerk of the Virginia House of Delegates; Susan Clarke Schaar, Clerk of the Virginia Senate; Tara Perkinson, Chief Deputy Clerk of the Virginia Senate; and Charity D. Hurst, Clerk of the Tazewell Circuit Court allege and state as follows:

### **INTRODUCTION**

1. In 2020, Virginians sent a clear message to their elected officials that they were done with partisan redistricting. They ratified an amendment to the Virginia Constitution that created the Virginia Redistricting Commission, vesting it with authority over drawing congressional districts.

2. In response to redistricting efforts in other States, Virginia Democrats are doing everything in their power—and even things outside their power—to claw that redistricting authority away from the independent Commission. Four days before the November 2025 general election ended, they passed a proposed constitutional amendment that, if allowed to take effect, would permit them to redraw congressional districts for a partisan purpose—favoring Democrats in the 2026 federal elections, less than a year away. Their stated goal is to oust Republicans from representing Virginians in Congress, transforming the State from balanced bipartisan representation to a 10-to-1 Democratic Party advantage.

3. Virginians don't support the Democrats' last-minute ploy. But by breaking every procedural rule along the way, General Assembly members are trying to insulate themselves from political accountability. Many Virginians—including two Plaintiffs in this case—had already voted in Virginia's 2025 general election when the Democrats

introduced the proposed constitutional amendment. By adopting the proposed amendment at the eleventh hour, the General Assembly deprived Virginians of proper notice and procedure guaranteed under their Constitution.

4. The General Assembly's last-minute proposed constitutional amendment is unprecedented. And it's unconstitutional for at least two reasons.

5. First, the General Assembly violated a host of constitutional provisions that constrain the General Assembly's procedure when conducting business. They purported to pass the proposed amendment by reconvening a May 2024 special session concerning the state budget. That session ended long ago. It ended when the General Assembly convened its regular 2025 session, which terminated any ability to maintain a separate special session. At the latest, that special session ended when the General Assembly adopted the proposed budget and fulfilled the special session's limited purpose. The Virginia Constitution also constrains what subjects the General Assembly can consider during a special session, and during a reconvened session. By transforming a budgetary session into a constitutional-amendment session, the General Assembly further transgressed its constitutional authority. For these reasons, the proposed amendment is void, and the Court should enjoin the state officials responsible for effectuating the amendment.

6. Second, the late hour of the proposed amendment violated the Constitution's amendment procedures. The Constitution requires the General Assembly to adopt a proposed constitutional amendment twice before submitting it to the voters. And to give Virginians an opportunity to hold their elected officials accountable for their votes, the two passages must be separated by an intervening House election. Va. Const. art. XII, §1. State law further provides that state officials must give Virginians three months' notice

of the proposed amendment *before* that intervening election. Va. Code §30-13. Because the General Assembly introduced and adopted the proposed amendment while the 2025 general election was already underway, that election can't qualify as the intervening election under the Constitution and state law. For these reasons, the Court should require the state officials responsible for effectuating the amendment to comply with their constitutional duties to provide notice and procedure before the 2027 general election, after which the proposed amendment could take effect.

7. Plaintiffs seek injunctive and declaratory relief to remedy these constitutional violations.

#### **PARTIES**

8. Plaintiff Ryan T. McDougle is the Republican Minority Leader of the Virginia State Senate, Legislative Commissioner for the Virginia Redistricting Commission, and a Virginia voter who resides in an electoral district in Virginia. As Minority Leader of the Virginia State Senate, Senator McDougle is responsible for appointing two commissioners to the Virginia Redistricting Commission. Va. Const. art. II, §6-A(b)(1)(B). Plaintiff McDougle resides in Hanover County, Virginia.

9. Plaintiff William M. Stanley Jr. is a Virginia State Senator and Legislative Commissioner for the Virginia Redistricting Commission, and a Virginia voter who resides in an electoral district in Virginia. Plaintiff Stanley resides in Franklin County, Virginia.

10. Plaintiff Terry Kilgore is the Republican Minority Leader of the Virginia House of Delegates, Member of the Committee of Rules of the House of Delegates, a Virginia voter who resides in an electoral district in Virginia, and a candidate for re-election to the Virginia House of Delegates. As Minority Leader of the Virginia House of Delegates,

Delegate Kilgore is responsible for appointing two commissioners to the Virginia Redistricting Commission. Va. Const. art. II, §6-A(b)(1)(D). Plaintiff Kilgore resides in Scott County, Virginia.

11. Plaintiff Virginia Trost-Thornton is a Citizen Commissioner of the Virginia Redistricting Commission and Virginia registered voter who resides in an electoral district in Virginia. Plaintiff Trost-Thornton resides in Bedford County, Virginia.

12. Plaintiff Camilla Simon is a registered Virginia voter who resides in the County of Henrico. She is affiliated with the Democratic Party, having previously served as 3rd Vice Chair on the Executive Committee of the Henrico County Democratic Committee.

13. Rodney Willett currently represents the 58th House District, which includes Henrico County. He was reelected to another term in the 2025 general election.

14. Plaintiff Simon routinely votes in local, state, and federal elections in Virginia. In October 2025, she cast a mail ballot in the 2025 Virginia general election, including for the office of Delegate for Virginia's 58th House District. Plaintiff Simon received confirmation that the Virginia Department of Elections received her ballot on October 21.

15. Plaintiff Simon had never been informed of Delegate Willett's position on the proposed constitutional amendment, nor had she heard her delegate comment on the issue. She had no knowledge of his recorded vote on the proposed amendment prior to casting her vote for VA-58.

16. When Plaintiff Simon learned that Delegate Willett had introduced the proposed amendment in the House, it was the first she had heard of her Delegate's position.

She was shocked that he was the patron of such a controversial bill, and immediately wanted to change her vote for Delegate Willett in the 2025 general election.

17. Had Plaintiff Simon known about the proposed constitutional amendment introduced on October 27, 2025, she would have voted differently in the 2025 Virginia general election.

18. Faythe Silveira is a registered Virginia voter who resides in Rockingham County. She is a member of the Harrisonburg City Republican Committee, the Rockingham County Republican Committee, and the Republican Women of Harrisonburg and Rockingham County.

19. Plaintiff Silveira voted early on September 22, 2025, in the Virginia November 2025 general election before the General Assembly had introduced or passed the proposed constitutional amendment. Plaintiff Silveira was given no notice of the proposed amendment before casting her ballot in the 2025 general election.

20. Defendant G. Paul Nardo is the Clerk of the Virginia House of Delegates.

21. Defendant Nardo is sued in his official capacity as Clerk of the Virginia House of Delegates.

22. Defendant Susan Clarke Schaar is the Clerk of the Virginia Senate.

23. Defendant Schaar is sued in her official capacity as Clerk of the Virginia Senate.

24. Defendant Tara Perkinson is the Chief Deputy Clerk of the Virginia Senate.

25. Defendant Perkinson is sued in her official capacity as Chief Deputy Clerk of the Virginia Senate.

26. Defendant Charity D. Hurst is the Clerk of Court of the Tazewell Circuit Court.

27. Defendant Hurst is sued in her official capacity as Clerk of Court of the Tazewell Circuit Court.

### **JURISDICTION AND VENUE**

28. This Court has jurisdiction over the subject matter of this Complaint under Sections 8.01-184, 8.01-186, and 8.01-620 of the Virginia Code. These statutory sections permit this Court to issue declaratory judgments and grant injunctive relief to effectuate its declaratory judgments, and general jurisdiction to award injunctions “whether the judgment or proceeding enjoined be in or out of the circuit, or the party against whose proceedings the injunction be asked resides in or out of the circuit.”

29. Venue is proper in this Court under Va. Code §8.01-261(2) because this is an action against one or more officers in their official capacities who maintain an official office in the County of Tazewell, and under Va. Code §8.01-261(15)(c) because this is a proceeding to award an injunction for an act to be done in the County of Tazewell.

30. This complaint alleges a dispute over the rights, status, and legal relationship between the parties to this constitutional controversy stemming from the administrative action of the legislative clerks. Plaintiffs have a substantial present interest in the relief sought.

### **FACTUAL ALLEGATIONS**

31. When they assumed their duties as officers of the Commonwealth of Virginia, Plaintiffs McDougle, Stanley, Kilgore, and Trost-Thornton took the following oath:

“I will support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia, and that I will faithfully and impartially discharge all the duties incumbent upon me” according to “the best of my ability (so help me God).” Va. Const. art. II, §7.

32. Consistent with this oath, they file this action to support and defend the constitutional right and authority of Virginia’s Redistricting Commission to “establish[] districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly,” Va. Const. art. II, §6-A; the constitutional right and authority of Virginia’s governor to call special sessions of the General Assembly and determine the subjects of those sessions, *id.* art. IV, §6; *id.* art. V, §5; the constitutional right of voters and government officials to receive notice of proposed constitutional amendments before “the next general election of members of the House of Delegates,” *id.* art. XII, §1; and the constitutional right of every Virginia voter to “elections” that are “free,” *id.* art. I, §6.

**I. Virginia ratifies a constitutional amendment to end partisan redistricting.**

33. In 2020, the people of Virginia amended their Constitution to establish a redistricting commission, consisting of eight members of the General Assembly and eight citizens of the Commonwealth, to draw the congressional and state legislative districts that are voted on—but not changed by—the General Assembly. Va. Const. art. II, §6-A.

34. The Virginia Redistricting Commission must convene “every ten years” to “establish[] districts for the United States House of Representatives.” *Id.*

35. The Redistricting Commission must “submit to the General Assembly plans for districts for the United States House of Representatives” following “the receipt of census data” for the preceding decade. *Id.*

36. The year 2025 is not “ten years” after “2020.” *Id.*

37. The Virginia House of Delegates is not the Virginia Redistricting Commission.

38. Because 2030 is five years away, there is no census data for the decade from 2020 to 2030 upon which to redraw and reapportion Virginia's electoral districts.

39. The House of Delegates has no constitutional authority to propose a plan to redraw or reapportion districts for the United States House of Representatives.

40. The Redistricting Commission is the only entity with the constitutional authority to establish a proposed plan to redraw or reapportion districts for the United States House of Representatives.

**II. Democrats commandeer a 2024 special legislative session to ram through a partisan constitutional amendment after the 2025 election had already begun.**

41. On May 13, 2024, the Governor called a special session of the General Assembly, for the limited purpose of addressing the state's budget. *See Proclamation, OFF. OF GOV. OF VA. (Apr. 17, 2024)*, [perma.cc/U2DB-DKN7](https://perma.cc/U2DB-DKN7).

42. The Governor's purpose for calling the 2024 special session was completed in 2024 with adoption of the budget. Thereafter, there remained no further "special" circumstances that justified continuation of the special session.

43. Nevertheless, almost a year and a half later, House of Delegates Speaker Don Scott called delegates back to Richmond to purportedly reconvene the May 2024 special session that had been called by the Governor.

44. On October 23, 2025, Speaker Scott sent a letter to members of the House of Delegates that he was reconvening the Special Session that the Governor had commenced on May 13, 2024 "to consider matters properly before the ongoing session and any related business laid before the body."

45. The House of Delegates reconvened to propose a constitutional amendment to nullify Article II Section 6-A of the Virginia Constitution and strip the Virginia Redistricting Commission of its constitutional authority to establish proposed plans to redraw or reapportion districts for the United States House of Representatives.

46. In his letter to legislators, Speaker Scott purported to call the Virginia House of Delegates into a “Special Session” under the Virginia Governor’s call to a Special Session to adopt a budget in 2024.

47. But the House of Delegates did not consider a budget bill when it reconvened.

48. On October 27, 2025, Speaker Scott and other Democratic members of the Virginia General Assembly introduced House Joint Resolution 6006 with the stated intent to expand the “scope of business” that “may come before the 2024 Special Session I of the General Assembly of Virginia” allowing for a “joint resolution proposing an amendment to the Constitution of Virginia related to reapportionment or redistricting” to be “offered and considered during the 2024 Special Session I of the General Assembly.” *See* House Joint Resolution 6006, VA. HOUSE OF DELEGATES (Oct. 27, 2025), [perma.cc/D4NW-CDU8](https://perma.cc/D4NW-CDU8). Both chambers passed HJR 6066.

49. House Joint Resolution 6007 was introduced on October 28, 2025.

50. HJR 6007 purports to permit the General Assembly to “modify one or more congressional districts at any point following the adoption of a decennial reapportionment law,” if any other State “conducts a redistricting” of their “congressional districts ... for any other than (i) the completion of the state’s decennial redistricting in response to a federal census and reapportionment mandated by the Constitution of the United States and

established in federal law or (ii) as ordered by any state or federal court to remedy an unlawful or unconstitutional district map.”

51. HJR 6007 thus would divest the Virginia Redistricting Commission of its authority under Va. Const. art. II, §6-A, granting those powers instead to the General Assembly.

52. On October 29, the House of Delegates approved HJR 6007 in a 51–42 vote.

53. On October 31, the Senate approved HJR 6007 in a 21-16 vote.

54. The amendment will allow for the Virginia General Assembly—not the Virginia Redistricting Commission—to propose a plan to redraw Virginia’s electoral districts for the United States House of Representatives with no input or involvement from the Virginia Redistricting Commission.

55. The new constitutional amendment will allow for the redrawing of Virginia’s districts for the United States House of Representatives from 6 seats that are currently held by Democrats and 5 seats that are currently held by Republicans—to 10 seats that are held by Democrats and only 1 seat that is held by a Republican. Indeed, achieving that result is the partisan intent of the amendment.

### **III. The General Assembly’s special session violated numerous laws and constitutional provisions.**

56. Article IV, Section 6 and Article V, Section 5 of the Virginia Constitution empower only Virginia’s Governor to call a Special Session of the General Assembly.

57. The right and authority both to call a Special Session and to reconvene a special session belong exclusively to the Governor. No member of the General Assembly can exercise this function.

58. The bedrock principle of the separation-of-powers that undergirds Virginia's Constitution makes clear that no branch of state government may exercise any of the functions of another branch, unless expressly permitted by the Virginia Constitution. Va. Const. art. III, §1. This principle protects the independence and integrity of each branch, not only from direct infringement by the other branches, but also from any indirect or even remote influence from those branches. *Id.* It is designed to preserve the liberty of all the people "from oppression." *Id.*

59. The Governor can convene a special session in two circumstances.

60. First, "[t]he Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require." Va. Const. art. IV, §6. Article V, Section 5 of the Virginia Constitution similarly provides that "[t]he Governor shall ... convene the General Assembly ... when, in his opinion, the interest of the Commonwealth may require."

61. Second, the Governor "shall convene a special session upon the application of two-thirds of the members elected to each house." Va. Const. art. IV, §6.

62. This specific power to convene a "special session" is a new feature of the 1971 Constitution. *Cf.* Va. Const. of 1902, art. V, §73.

63. When the General Assembly reconvened in a special session, it did so based neither on the Governor's proclamation or upon application of two-thirds of the members elected to each house.

64. When the General Assembly reconvened in a special session, it did so after it had already convened and adjourned its 2025 regular session, terminating any ability to continue an older special session.

65. The General Assembly violated the Constitution on Thursday, October 23, 2025, when it called delegates back to Richmond purporting to reconvene a Special Session to strip the Virginia Redistricting Commission of its constitutional authority.

66. The General Assembly also violated the Constitution on Monday, October 27, 2025, when it voted to approve a resolution purporting to expand the scope of matters to be treated at an existing special session called by Virginia's Governor to include a new constitutional amendment on the topic of redistricting.

67. Members of the General Assembly and Defendants currently intend to take up the proposed constitutional amendment in the 2026 regular session, in violation of the Constitution's amendment procedures.

68. House Democrats have already introduced their "first slate of legislation," which includes the proposed constitutional amendment. *Virginia House Democratic Caucus Announce First Bills and Legislation for 2026 Session*, VA. HOUSE DEMS (Nov. 17, 2025), [perma.cc/N3P7-2EGN](https://perma.cc/N3P7-2EGN). They've promised to take "the next step in Virginia's redistricting amendment." *Id.*

69. Delegate Rodney Willett has pre-filed the proposed constitutional amendment on redistricting. *House Joint Resolution 4*, VA. LEGIS. INFO. SERV. (Nov. 17, 2025), [perma.cc/6YMK-A3BF](https://perma.cc/6YMK-A3BF). It is set to be offered on January 14, 2026. *Id.*

70. Unless this Court enjoins Defendant Nardo, Defendant Nardo will violate the Constitution when he publishes the proposed constitutional amendment "for distribution from his office." Va. Code §30-13.

71. Unless this Court enjoins Defendant Hurst, Defendant Hurst will violate the Constitution when she posts a copy of the “proposed amendment[]” at “the front door of the courthouse” and makes a copy “available for public inspection.” Va. Code §30-13.

72. Unless this Court enjoins Defendants Nardo, Schaar, and Perkinson, they will violate the Constitution when they take steps to introduce and effectuate the proposed constitutional amendment in the General Assembly’s 2026 general session.

**IV. The General Assembly’s proposed constitutional amendment violated notice and procedure guaranteed by the Constitution and laws of Virginia.**

73. Meanwhile, voting was well under way for the 2025 general election when the proposed constitutional amendment was adopted by the General Assembly.

74. As required by state law, voting for the November 4, 2025 election began on September 19, 2025. *See* Va. Code §24.2-701.1(A).

75. Plaintiff Simon cast a mail ballot in the 2025 Virginia general election that the Virginia Department of Elections received on October 21.

76. Plaintiffs Simon and Silveira, along with hundreds of thousands of other Virginians, had already cast their ballots in the 2025 general elections when HJR 6007 was introduced in the General Assembly on October 27, 2025.

77. Plaintiff Simon tried to contact Delegate Willett to inform him that she opposed the proposed amendment and to request that he withdraw the resolution. She received no response to her phone or email messages. On October 31, 2025, she received Delegate Willett’s October 2025 newsletter explaining— after-the-fact—what he had done that week, admitting to “doing about a month’s worth of legislative work in a day.” At each turn, she was frustrated by the rushed process, the absence of debate, and the lack of transparency from her elected officials about the proposed amendment.

78. Plaintiff Simon contacted the Virginia Department of Elections to inquire whether she could cancel her ballot or change her vote. The Department informed her that her vote could not be changed or revoked.

79. By the time the General Assembly passed HJR 6007 on October 31, 2025, even more Virginians had voted in the 2025 general election.

80. Article XII, §1 of the Virginia Constitution requires that the General Assembly's votes on proposed constitutional amendments be broken up by an intervening general election.

81. Amendments must first "be proposed in the Senate or House of Delegates." Va. Const. art. XII, §1. If the amendment is "agreed to by a majority of the members elected to each of the two houses," it must "be entered on their journals," and "the name of each member and how he voted [must] be recorded." *Id.* The amendment must then be "referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates." *Id.*

82. The Virginia Code provides more specific instructions implementing Article XII, §1 of the Virginia Constitution.

83. After the House of Delegates passes a proposed constitutional amendment, "[t]he Clerk of the House of Delegates shall have published all proposed amendments to the Constitution for distribution from his office and to the clerk of the circuit court of each county and city two copies of the proposed amendments." Va. Code §30-13. One of the copies "shall be posted at the front door of the courthouse and the other shall be made available for public inspection." *Id.*

84. “Every clerk of the circuit court shall complete the posting required not later than three months prior to the next ensuing general election of members of the House of Delegates and shall certify such posting to the Clerk of the House of Delegates.” Va. Code §30-13.

85. The purpose of these requirements is to ensure that voters receive notice of the proposed amendment and an opportunity to hold their elected officials accountable at the ballot box in the “next general election.” Va. Const. art. XII, §1; *accord* Va. Code §30-13. These requirements also ensure that government officials receive proper notice of their duties related to the constitutional amendment process.

86. Proposing and passing a constitutional amendment when voting has already begun violates the text of these provisions and undermines their purpose.

87. The General Assembly’s rushed process deprived Virginians of proper notice of the proposed constitutional amendment.

88. Had Plaintiff Simon known about the proposed constitutional amendment introduced on October 27, 2025, she would have voted differently in the 2025 Virginia general election.

89. By introducing and passing the proposed amendment after Plaintiffs Simon and Silveira had already voted, the General Assembly deprived Plaintiffs of their constitutional right to notice of a proposed constitutional amendment before a general election.

90. Because voting in the 2025 general election was already underway when the General Assembly passed HJR 6007, the election that culminated on November 4, 2025, does not qualify as the “next general election of members of the House of Delegates”

for purposes of amending the constitution. Va. Const. art. XII, §1. Nor does it qualify as the “next ensuing general election of members of the House of Delegates” under Va. Code §30-13.

91. And even if the 2025 general election could qualify as the “next” election under those provisions, Defendant Hurst did not “complete the posting required not later than three months prior to” that election. Va. Code §30-13.

### **CLAIMS**

#### **Count 1 – Injunction against enforcing proposed amendment Va. Code §§8.01-186, -620**

92. Plaintiffs incorporate by reference all previous allegations.

93. It is well established that a court can order a clerk to comply with the law in performing his ministerial duties. *See Wolfe v. McCaull*, 76 Va. 876, 891 (Va. 1882) (issuing a writ of mandamus compelling the Clerk of the House of Delegates to comply with his “duty”); *Wise v. Bigger*, 79 Va. 269, 278 (Va. 1884) (reaffirming this principle); *State ex rel. Browning v. Blankenship*, 175 S.E.2d 172, 175 (W. Va. 1970) (ordering a legislative clerk to comply with his mandatory duty); *cf. Fouracre v. White*, 102 A. 186, 196 (Del. Super. Ct. 1917) (“the writ of prohibition can always issue to prevent the performance of a public act by a public body or tribunal, acting under color of law, that has in fact no legal existence”).

94. HJR 6007 is void because it is the product of an unlawful special session. Va. Const. art. IV, §6; Va. Const. art. V, §5.

95. If this Court concludes that HJR 6007 is void as the product of an unlawful legislative session, it should issue a permanent injunction prohibiting Defendant Nardo as the Clerk of the House of Delegates from publishing the proposed constitutional

amendment “for distribution from his office,” Va. Code §30-13, and from effectuating the introduction or passage of the proposed constitutional amendment in the General Assembly’s 2026 regular session.

96. If this Court concludes that HJR 6007 is void as the product of an unlawful legislative session, it should issue a permanent injunction prohibiting Defendant Schaar as the Clerk of the Virginia Senate from effectuating the introduction or passage of the proposed constitutional amendment in the General Assembly’s 2026 regular session.

97. If this Court concludes that HJR 6007 is void as the product of an unlawful legislative session, it should issue a permanent injunction prohibiting Defendant Perkinson as the Chief Deputy Clerk of the Virginia Senate from effectuating the introduction or passage of the proposed constitutional amendment in the General Assembly’s 2026 regular session.

98. If this Court concludes that HJR 6007 is void as the product of an unlawful legislative session, it should issue a permanent injunction prohibiting Defendant Hurst as Clerk of Court of the Tazewell Circuit Court from posting a copy of the “proposed amendment[]” at “the front door of the courthouse” and making a copy “available for public inspection.” Va. Code §30-13.

99. No adequate remedy exists at law to address ongoing constitutional violations by public officials acting in contravention of clear constitutional and statutory mandates.

100. The public interest strongly favors enforcement of constitutional and statutory requirements and ensuring that Virginia’s government officials perform their duties as mandated by the Virginia Constitution and Code.

**Count 2 – Injunction requiring notice of proposed amendment before the next  
general election**

**Va. Code §§8.01-186, -620; Va. Const. art. XII, §1; Va. Code §30-13**

101. Plaintiffs incorporate by reference all previous allegations.

102. In the alternative, even if HJR 6007 is not the product of an unlawful special session, it is ineffective because an intervening House election has not yet occurred. Va. Const. art. XII, §1.

103. HJR 6007 is also ineffective because of the Defendants' ongoing procedural violations in failing to publish and post the proposed amendment three months before the 2025 general election. Va. Code §30-13.

104. If this Court finds that HJR 6007 is ineffective, it should issue a permanent injunction requiring Defendant Nardo as the Clerk of the House of Delegates to publish the "proposed amendment[]" "for distribution from his office" no later than "three months prior to the next ensuing general election of members of the House of Delegates" in November 2027. Va. Code §30-13.

105. If this Court finds that HJR 6007 is ineffective, it should issue a permanent injunction requiring Defendant Hurst as Clerk of Court of the Tazewell Circuit Court to post a copy of the "proposed amendment[]" at "the front door of the courthouse" and make another copy "available for public inspection" no later than "three months prior to the next ensuing general election of members of the House of Delegates" in November 2027. Va. Code §30-13.

106. Posting the proposed amendment three months before the November 2027 election is a necessary condition for the proposed amendment to become effective. *See* Va. Const. art. XII, §1; Va. Code §30-13.

107. The ongoing failure to provide notice of the proposed constitutional amendment injures Plaintiffs by depriving them of notice and procedure guaranteed by the Constitution and laws of Virginia.

108. Plaintiffs can enforce these “procedural rights” guaranteed under law, which are designed to provide notice of state action before it takes effect. *Morgan v. Bd. of Supervisors*, 302 Va. 46, 66-67 (2023) (quoting *Summers v. Earth Island Inst.*, 555 U.S. 488, 496-97 (2009)).

109. No adequate remedy exists at law to address ongoing constitutional violations by public officials acting in contravention of clear constitutional and statutory mandates.

110. The public interest strongly favors enforcement of constitutional and statutory requirements and ensuring that Virginia’s government officials perform their duties as mandated by the Virginia Constitution and Code.

**Count 3 – Declaratory judgment that HJR 6007 is void because it arose from an unlawful special session**  
**Va. Code §8.01-184; Va. Const. art. IV, §6; Va. Const. art. V, §5**

111. Plaintiffs incorporate by reference all previous allegations.

112. This claim presents an actual and justiciable controversy and is appropriate for declaratory judgment under Va. Code §8.01-184.

113. “The Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require and shall convene a special session upon the application of two-thirds of the members elected to each house.” Va. Const. art. IV, §6; *see also id.* art. V, §5.

114. These provisions vest the power to convene a special session exclusively in the Governor. The Speaker of the House has no constitutional power to call a special

session, expand the scope of matters to be considered at an existing special session, or extend the length of an existing special session.

115. When Virginia ratified its 1971 Constitution, it was long understood that a special legislative session convened by the governor must be limited to the subjects of the governor's session call. *See Arrow Club, Inc. v. Neb. Liquor Control Comm'n*, 131 N.W.2d 134, 137 (Neb. 1964) ("It is well established that the legislature while in special session can transact no business except that for which it was called together."); *State ex rel. Conway v. Versluis*, 120 P.2d 410, 413 (Ariz. 1941) ("There can be no doubt that unless a law passed at a special session is germane to some subject within the call, the Legislature is without power to pass it."); *Com. ex rel. Schnader v. Liveright*, 161 A. 697, 703 (Pa. 1932) ("[T]he Legislature must confine itself to the matters submitted."); *State v. Woollen*, 161 S.W. 1006, 1014 (Tenn. 1913) ("[T]he Governor may confine the Legislature, called in special session, to such subjects of legislation as he may prescribe."). If a special session could be broadened indefinitely, it wouldn't be a "special" session at all.

116. When a bill does not fall within the range of subjects for which the Governor called the special session, it is outside the scope of that session—and invalid. So, for example, restrictions on alcohol cannot be passed during a special session called to raise revenue. *In re Opinions of the Justs.*, 166 So. 710, 712 (Ala. 1936). A law to change the speed limit is invalid when passed during a special session that the governor called to change the tax rate. *Jones v. State*, 107 S.E. 765, 766 (Ga. 1921). A special session called to provide relief for the poor cannot validly be used to increase salaries of state workers. *State ex rel. Bond v. Beightler*, 135 Ohio St. 361, 361–62 (Ohio 1939). And when the

governor calls a special session to propose additional regulatory measures, that cannot be used to enact new criminal offenses. *People v. Larkin*, 517 P.2d 389, 390 (Colo. 1973).

117. Article IV, Section 6 of the Virginia Constitution further limits the subject matter of reconvened sessions.

118. Article IV, Section 6 of the Virginia Constitution permits the General Assembly to “reconvene on the sixth Wednesday after adjournment of each regular or special session for the purpose of considering bills which may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills which may have been returned by the Governor with his objections.” And once the General Assembly has adjourned a special session, it can reconvene for only one more session “after adjournment” on “the sixth Wednesday after adjournment.” Va. Const. art. IV, §6.

119. “No other business shall be considered at a reconvened session.” *Id.*

120. The General Assembly adopted the budget bill on February 22, 2025. On February 22, 2025, the House of Delegates “adjourned” its special session at “12:32 p.m. to meet on Wednesday, April 2, 2025, at 12:32 p.m.” *Virginia House of Delegates House Minutes for Saturday, February 22, 2025*, perma.cc/9Q2Y-3937.

121. The Governor then reviewed the bill and sent it back to the General Assembly with recommendations and amendments.

122. When the General Assembly reconvened to consider the “recommendations” that were “returned by the Governor,” it could consider “[n]o other business.” Va. Const. art. IV, §6.

123. The General Assembly ultimately resolved all issues pertaining to the “completion of the 2024-2026 biennial budget and amendments to the 2022-2024 biennial budget” by April 2, 2025. That resolution terminated the special session.

124. Special sessions are also time limited.

125. Article IV, Section 6 of the Virginia Constitution prescribes maximum durations for the regular, annual sessions of the General Assembly. Regular sessions can be no longer than “sixty days” in even-numbered years, and no longer than “thirty days” in odd-numbered years. Va. Const. art. IV, §6. Regular sessions can be extended only by a two-thirds votes in each house, and only for periods not exceeding an additional thirty days.  
*Id.*

126. “When the Constitution fixes the period of permissible legislative activity, lawmaking sessions can be held at no other times, and for no longer periods of time than the Constitution of state provides.” *State ex rel. Cunningham v. Davis*, 166 So. 289, 297 (Fla. 1936).

127. The convening and later adjournment of the regular session extinguished any continuing authority to remain in special session. *Op. of the Justs.*, 152 So. 2d 427, 428-29 (Ala. 1963) (“The necessity for the special session, that is, the emergency convening of the legislature, having disappeared with the convening of the legislature in regular session, the special session should be considered as concluded upon the convening of the regular session.”); *Cunningham*, 166 So. at 298 (“[O]nce the Legislature becomes functus officio as to its lawmaking power under section 2 of article 3 of the Constitution and thereupon actually disperses as a legislative body adjourned sine die, it then possesses no power to reassemble as a Legislature in any sort of session....”).

128. The General Assembly’s “regular session” meets “once each year on the second Wednesday in January,” for a constitutionally limited number of days. *See id.* These limitations have deep roots in Virginia constitutional history and reflect a longstanding “distrust of legislators,” as well as a “fear of . . . more laws and more changes in the law.” A.E. Dick Howard, 1 *Commentaries on the Constitution of Virginia* 491, 493 (1974). Allowing the General Assembly to expand special sessions would nullify the Constitution’s strict limitations on regular sessions. It would give the General Assembly a roving commission to hold regular sessions any time it liked, under the pretense of holding “special sessions.”

129. The General Assembly met multiple times in special session in May, June, and July of 2024.

130. The General Assembly convened for its 2025 regular session beginning on January 8, 2025.

131. When the General Assembly convened for its 2025 regular session, it extinguished the authority to remain in special session.

132. On October 23, 2025, Speaker Scott issued a letter to members of the General Assembly purporting to reconvene the legislature to continue the 2024 special session. Though it had completed all budget-related tasks identified in the Governor’s special session call, the General Assembly members reconvened on October 27, 2025, to consider “an amendment to the Constitution of Virginia related to reapportionment or redistricting.”

133. When the House of Delegates approved HJR 6007 on October 29, 2025, and the Senate approved HJR 6007 on October 31, 2025, they were purporting to meet in a continuation of the May 2024 special session.

134. If the Speaker of the House could call a new special session under the guise of extending a prior special session, it would vitiate the constitutional decision to vest convening power in the Governor alone. And it would give the General Assembly a roving commission to hold regular sessions any time it liked, under the pretense of holding or extending already-completed “special sessions.”

135. “[W]hen a separation-of-powers violation occurs, any aggrieved party with standing may file a constitutional challenge.” *Collins v. Yellen*, 594 U.S. 220, 245 (2021); *see also Gray v. Virginia Sec’y of Trans.*, 276 Va. 93, 106-07 (2008) (the separation of powers clauses of the Virginia Constitution “are self-executing constitutional provisions and thereby waive the Commonwealth’s sovereign immunity”).

136. Plaintiffs’ legal rights and duties depend upon resolving whether HJR 6007 is a valid enactment of the General Assembly.

137. This dispute is ripe for consideration, and the Court’s resolution of the dispute will “afford relief from the uncertainty and insecurity attendant upon controversies over legal rights.” Va. Code §8.01-191; *see also id.* §8.01-184.

138. Accordingly, Plaintiffs request a declaratory judgment establishing that HJR 6007 is void because it is the product of an unlawful legislative process.

**Count 4 – Declaratory judgment that the 2025 general election is not the “next general election” after the General Assembly passed HJR 6007  
Va. Code §8.01-184; Va. Const. art. XII, §1; Va. Code §30-13**

139. Plaintiffs incorporate by reference all previous allegations.

140. This claim presents an actual and justiciable controversy and is appropriate for declaratory judgment under Va. Code §8.01-184.

141. Constitutional amendments must first “be proposed in the Senate or House of Delegates.” Va. Const. art. XII, §1. If the amendment is “agreed to by a majority of the members elected to each of the two houses,” it must “be entered on their journals,” and “the name of each member and how he voted [must] be recorded.” *Id.* The proposed amendment must then be “referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates.” *Id.*

142. The amendment process thus requires two different General Assemblies to vote in favor of adopting a proposed constitutional amendment. Those votes must be separated by an intervening “general election of members of the House of Delegates.” Va. Const. art. XII, §1.

143. If the proposed amendment passes two different General Assemblies separated by an intervening “general election,” then the General Assembly must “submit” the proposed amendment “to the voters qualified to vote in elections by the people, in such manner as it shall prescribe and not sooner than ninety days after final passage by the General Assembly.” Va. Const. art. XII, §1. “If a majority of those voting vote in favor of any amendment, it shall become part of the Constitution on the date prescribed by the General Assembly in submitting the amendment to the voters.” *Id.*

144. Section 30-13 of the Virginia Code likewise provides that, after the House of Delegates passes a proposed constitutional amendment, “[t]he Clerk of the House of Delegates shall have published all proposed amendments to the Constitution for distribution from his office and to the clerk of the circuit court of each county and city two

copies of the proposed amendments.” One of the copies “shall be posted at the front door of the courthouse and the other shall be made available for public inspection.” Va. Code §30-13.

145. “Every clerk of the circuit court shall complete the posting required not later than three months prior to the next ensuing general election of members of the House of Delegates and shall certify such posting to the Clerk of the House of Delegates.” Va. Code §30-13.

146. The “next ensuing general election of members of the House of Delegates” under Va. Code §30-13 refers to the same election as “the next general election of members of the House of Delegates” under Va. Const. art. XII, §1.

147. Article XII and Va. Code §30-13 require an intervening election to ensure that voters and government officials receive notice of the proposed amendment and an opportunity to hold their elected officials accountable at the ballot box in the “next general election.” Va. Const. art. XII, §1, *see, e.g., Fox v. Grayson*, 317 S.W.3d 1, 18-19 (Ky. 2010) (“Because the electorate has an inviolable right to be informed of all proposed constitutional amendments upon which it will pass judgment, §257 of our Kentucky Constitution provides, in relevant part, that ‘[b]efore an amendment shall be submitted to a vote, the Secretary of State shall cause such proposed amendment, and the time that the same is to be voted upon, to be published at least ninety days before the vote is to be taken thereon.’”); *Lincoln Party v. Gen. Assembly*, 682 A.2d 1326, 1332 n.6 (Pa. Commw. Ct. 1996) (“The reason for the publication of the initial approval of the General Assembly of the proposed Constitutional amendment three months before the general election is to permit the ‘electorate abundant opportunity to be advised of proposed amendments and to

let the public ascertain the attitude of the candidates for election to the General Assembly next afterwards chosen.””).

148. “[S]trict compliance with these mandatory provisions is required in order that all proposed constitutional amendments shall receive the deliberate consideration and careful scrutiny that they deserve.” *Coleman v. Pross*, 219 Va. 143, 154 (1978).

149. Virginia’s elections require 45 days of voting. Va. Code §24.2-701.1(A).

150. Voting for the November 4, 2025 election began on September 19, 2025.

151. House Joint Resolution 6007 was introduced on October 28, 2025. The Virginia House of Delegates approved HJR 6007 in a 51–42 vote on October 29. The Senate approved HJR 6007 in a 21-16 vote on October 31.

152. HJR 6007 was introduced in the General Assembly 39 days after voting in the November 4, 2025 election started, and was passed by both houses of the General Assembly 42 days after voting in the November 4, 2025 election started.

153. By the time the General Assembly passed HJR 6007 on October 31, hundreds of thousands of Virginians—including Plaintiffs Simon and Silveira—had already voted in the November 4, 2025 election.

154. The Clerk of the House of Delegates did not provide copies of the proposed amendment to the clerk of each circuit court three months before the election.

155. Because the General Assembly adopted HJR 6007 more than 40 days after the 2025 general election started, the circuit court clerks were unable to “complete the posting required not later than three months prior to the” 2025 general election. Va. Code §30-13.

156. Because voting in the general election started 42 days before the General Assembly passed HJR 6007 on October 31, the election that culminated on November 4, 2025, does not qualify as the “next general election of members of the House of Delegates” for purposes of amending the constitution. Va. Const. art. XII, §1. Nor does it qualify as the “next ensuing general election of members of the House of Delegates” under Section 30-13.

157. The General Assembly’s rushed process after voting in the 2025 election had begun deprived Virginians of notice and procedure guaranteed under Va. Const. art. XII, §1 and Va. Code §30-13. That deprivation directly prejudiced voters such as Plaintiff Simon, who would have voted differently but for those violations.

158. The “next general election of members of the House of Delegates” will occur in November 2027. Va. Const. art. XII, §1; *see also* Va. Code §30-13; *id.* §§24.2-101, 24.2-215 (timing of the general election).

159. Until the Clerk of the House of Delegates and the clerks of each circuit court comply with the requirements of Section 30-13, the proposed amendment remains a “proposed amendment” Va. Code §30-13. That is, the amendment cannot proceed to the next step in the amendment process until the clerks “complete the posting required.” *Id.*

160. The clerks of each circuit court thus have a continuing obligation to “complete the posting required not later than three months prior to the next ensuing general election” in 2027. Va. Code §30-13. Each clerk must then “certify such posting to the Clerk of the House of Delegates.” *Id.*

161. Plaintiffs and Defendants dispute when the “next general election of members of the House of Delegates” after HJR 6007’s passage will occur. Va. Const. art. XII, §1; *see also* Va. Code §30-13.

162. Plaintiffs’ legal rights and duties depend upon resolving when the “next general election” after HJR 6007’s passage will occur. Va. Const. art. XII, §1; *see also* Va. Code §30-13.

163. This dispute is ripe for consideration, and the Court's resolution of the dispute will “afford relief from the uncertainty and insecurity attendant upon controversies over legal rights.” Va. Code §8.01-191; *see also id.* §8.01-184.

164. Accordingly, Plaintiffs request a declaratory judgment establishing that the election culminating on November 4, 2025, does not qualify as the “next” general election of members of the House of Delegates after the passage of HJR 6007 under Va. Const. art. XII, §1 and Va. Code §30-13.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in favor of Plaintiffs and against Defendants and provide the following relief:

A. Declare that HJR 6007 violates Article IV Section 6 and Article V, Section 5 of the Constitution of Virginia and is null and void; and permanently enjoin Defendant Nardo from distributing from his office and Defendant Hurst from receiving and posting a copy of any purported redistricting amendment under HJR 6007 at the doors of the Tazewell Circuit Court—or otherwise making the purported amendment available for inspection at the courthouse;

B. In the alternative, declare that the 2025 general election is not the “next” “general election” under Va. Const. art. XII, §1 and Va. Code §30-13; and issue a permanent injunction requiring Defendant Hurst as Clerk of Court of the Tazewell Circuit Court to post a copy of the “proposed amendment[]” at “the front door of the courthouse” and make another copy “available for public inspection” no later than “three months prior to the next ensuing general election of members of the House of Delegates” in November 2027. Va. Code §30-13;

C. Award reasonable attorneys’ fees to Plaintiffs under Rule 3:25 of the Rules of the Supreme Court of Virginia;

D. Award all other relief that the Court deems just and necessary.

Respectfully submitted November 18, 2025



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**VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3**

I, Ryan T. McDougle, have reviewed the factual averments in the Verified Complaint and I can swear under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

*/s/ Ryan T. McDougle*

Ryan T. McDougle

**VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3**

I, Bill Stanley, have reviewed the factual averments in the Verified Complaint and I can swear under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

*/s/ Bill Stanley*

Bill Stanley

**VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3**

I, Terry Kilgore, have reviewed the factual averments in the Verified Complaint and I can swear under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

*/s/ Terry Kilgore*

Terry Kilgore

**VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3**

I, Virginia Trost-Thornton, have reviewed the factual averments in the Verified Complaint and I can swear under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

*/s/ Virginia Trost-Thornton*

Virginia Trost-Thornton

**VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3**

I, Camilla Simon, have reviewed the factual averments in the Verified Complaint and I can swear under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

*/s/ Camilla Simon*

Camilla Simon

**VERIFICATION PURSUANT TO VIRGINIA CODE SECTION 8.01-4.3**

I, Faythe Silveira, have reviewed the factual averments in the Verified Complaint and I can swear under penalty of perjury that those factual averments are true and correct to the best of my knowledge.

*/s/ Faythe Silveira*

Faythe Silveira