

cognizable injury traceable to Defendants.

5. Plaintiff also lacks standing specifically as to the ELECT Defendants because they do not process, accept, or reject voter-registration applications. Local registrars—not ELECT—make those decisions.

6. Because Plaintiff cannot establish injury, traceability, or redressability, this Court lacks jurisdiction.

II. Sovereign Immunity Bars Plaintiff's Claims

7. The Commonwealth has not waived sovereign immunity, and Congress has not abrogated it for § 1983 claims.

8. The *Ex parte Young* exception does not apply because ELECT Defendants have no enforcement authority over the challenged conduct.

9. Plaintiff challenges registration denials, but ELECT Defendants do not review or reject applications and cannot compel local registrars to accept incomplete ones.

10. Plaintiff's requested relief is directed almost entirely at local registrars, confirming that ELECT Defendants lack the required "special relation" to enforcement.

11. General "ELECT guidance" does not create an enforcement connection; nonbinding advisories do not satisfy *Ex parte Young* exception.

12. Count III is additionally barred under Pennhurst because it seeks to compel state officials to comply with Plaintiff's interpretation of state-law voter-qualification requirements.

III. Plaintiff's Constitutional Claims Fail on the Merits

13. Under the *Anderson-Burdick* test, Plaintiff fails to allege any severe burden on voting rights.

14. Requiring applicants to provide precinct-specific residence information is a minimal,

nondiscriminatory burden necessary to determine voter eligibility and precinct assignment.

15. Virginia's same-day registration and provisional-ballot process eliminates any risk of disenfranchisement.

16. The Commonwealth has substantial interests in ensuring accurate precinct assignment, orderly election administration, and compliance with constitutional residency requirements.

17. Even if strict scrutiny applied, the residency-information requirement is narrowly tailored to a compelling state interest and is the least restrictive means of determining voter residence.

IV. Plaintiff's Materiality Claim Fails

18. Count III fails because § 10101(a)(2)(B) contains no private right of action; enforcement lies exclusively with the Attorney General.

19. Section 1983 cannot supply a cause of action because the Materiality Provision does not create an individual federal right.

20. Plaintiff's allegations are insufficient in any event. Residence information is plainly material to determining whether an applicant is qualified to vote under Virginia law.

21. Plaintiff identifies no individual denied the right to vote for an immaterial reason and no ELECT guidance requiring immaterial information such as dormitory room numbers.

22. When an applicant fails to provide precinct-level residence information, the application is incomplete under Virginia law, and registrars are not required to investigate missing information.

V. Plaintiff Fails to Meet the Standard for Injunctive Relief

23. Plaintiff cannot show irreparable harm because it identifies no member who was or is unable to vote.

24. Any alleged organizational harm is voluntary and not irreparable, and same-day

registration ensures that no eligible voter is prevented from voting.

25. The balance of equities and public interest weigh strongly against the sweeping relief Plaintiff seeks, including requiring registration without adequate residence information and mandating individualized outreach to all college students.

26. Such relief would undermine Virginia's constitutional residency requirements and impose substantial burdens on election administration.

CONCLUSION

27. For the foregoing reasons, the Court should dismiss the Amended Complaint in its entirety with prejudice.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dated: April 10, 2026

RESPECTFULLY SUBMITTED,

JOHN O'BANNON, in his official capacity as Chairman of the State Board of Elections; **ROSALYN R. DANCE**, in her official capacity as Vice-Chairman of the State Board of Elections; **GEORGIA ALVIS-LONG**, in her official capacity as Secretary of the State Board of Elections; **CHRISTOPHER STOLLE** and **J. CHAPMAN PETERSEN**, in their official capacities as members of the State Board of Elections; and **STEVE KOSKI**, in his official capacity as Virginia Commissioner of Elections

By: */s/ Triston Chase O'Savio* _____

Triston Chase O'Savio (VSB # 100111)
Assistant Solicitor General

Jay Jones
Attorney General

Tillman J. Breckenridge (VSB #84657)
Solicitor General

Triston Chase O'Savio (VSB #100111)
Assistant Solicitor General

Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219
(804) 786-2071 – Telephone
(804) 786-1991 – Facsimile
SolicitorGeneral@oag.state.va.us

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on April 10, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties of record.

/s/Triston Chase O'Savio
Triston Chase O'Savio
Counsel for the ELECT Defendants

RETRIEVED FROM DEMOCRACYDOCKET.COM