

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

<p>NAACP Virginia State Conference,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p>v.</p> <p>John O’Bannon, in his official capacity as a member of the Virginia State Board of Elections, et al.,</p> <p style="padding-left: 40px;">Defendants.</p>	<p>)</p>	<p>Civil Action No. 1:25-cv-1937</p>
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ELECT DEFENDANTS’ MOTION TO DISMISS THE COMPLAINT

John O’Bannon, Rosalyn R. Dance, Georgia Alvis-Long, Chrisopher Stolle, and J. Chapman Petersen, in their official capacity as members of the Virginia State Board of Elections; and Susan Beals, in her official capacity as Virginia Commissioner of Elections (collectively, the ELECT Defendants), by and through undersigned counsel, hereby file their Motion to Dismiss (Motion) the Complaint filed by NAACP Virginia State Conference (Plaintiff).

The ELECT Defendants move to dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) and Federal Rule of Civil Procedure 12(b)(6). This Motion is based on the following Memorandum in Support and accompanying affidavit submitted herewith, the papers and pleadings on file, and any argument of counsel the Court may permit at the hearing of this matter.

Dated: January 12, 2026

RESPECTFULLY SUBMITTED,

By: /s/ Kevin M. Gallagher
Kevin M. Gallagher (VSB #87548)
Solicitor General

Jason S. Miyares
Attorney General

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on January 12, 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/ Kevin M. Gallagher
Counsel for the ELECT Defendants

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