

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No. ....

(CLERK'S OFFICE USE ONLY)

Lynchburg

Circuit Court

City of Lynchburg

v./In re:

Steven Koski, et al

PLAINTIFF(S)

DEFENDANT(S)

I, the undersigned [ ] plaintiff [ ] defendant [ ] attorney for [ ] plaintiff [ ] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- [ ] Claim Impleading Third Party Defendant
[ ] Monetary Damages
[ ] No Monetary Damages
[ ] Counterclaim
[ ] Monetary Damages
[ ] No Monetary Damages
[ ] Cross Claim
[ ] Interpleader
[ ] Reinstatement (other than divorce or driving privileges)
[ ] Removal of Case to Federal Court

Business & Contract

- [ ] Attachment
[ ] Confessed Judgment
[ ] Contract Action
[ ] Contract Specific Performance
[ ] Detinue
[ ] Garnishment

Property

- [ ] Annexation
[ ] Condemnation
[ ] Ejectment
[ ] Encumber/Sell Real Estate
[ ] Enforce Vendor's Lien
[ ] Escheatment
[ ] Establish Boundaries
[ ] Landlord/Tenant
[ ] Unlawful Detainer
[ ] Mechanics Lien
[ ] Partition
[ ] Quiet Title
[ ] Termination of Mineral Rights

Tort

- [ ] Asbestos Litigation
[ ] Compromise Settlement
[ ] Intentional Tort
[ ] Medical Malpractice
[ ] Motor Vehicle Tort
[ ] Product Liability
[ ] Wrongful Death
[ ] Other General Tort Liability

ADMINISTRATIVE LAW

- [ ] Appeal/Judicial Review of Decision of (select one)
[ ] ABC Board
[ ] Board of Zoning
[ ] Compensation Board
[ ] DMV License Suspension
[ ] Employee Grievance Decision
[ ] Employment Commission
[ ] Local Government
[ ] Marine Resources Commission
[ ] School Board
[ ] Voter Registration
[ ] Other Administrative Appeal

DOMESTIC/FAMILY

- [ ] Adoption
[ ] Adoption - Foreign
[ ] Adult Protection
[ ] Annulment
[ ] Annulment - Counterclaim/Responsive Pleading
[ ] Child Abuse and Neglect - Unfounded Complaint
[ ] Civil Contempt
[ ] Divorce (select one)
[ ] Complaint - Contested\*
[ ] Complaint - Uncontested\*
[ ] Counterclaim/Responsive Pleading
[ ] Reinstatement - Custody/Visitation/Support/Equitable Distribution
[ ] Separate Maintenance
[ ] Separate Maintenance Counterclaim

WRITS

- [ ] Certiorari
[ ] Habeas Corpus
[ ] Mandamus
[ ] Prohibition
[ ] Quo Warranto

PROBATE/WILLS AND TRUSTS

- [ ] Accounting
[ ] Aid and Guidance
[ ] Appointment (select one)
[ ] Guardian/Conservator
[ ] Standby Guardian/Conservator
[ ] Custodian/Successor Custodian (UTMA)
[ ] Trust (select one)
[ ] Impress/Declare/Create
[ ] Reformation
[ ] Will (select one)
[ ] Construe
[ ] Contested

MISCELLANEOUS

- [ ] Amend Birth/Death Certificate
[ ] Appointment (select one)
[ ] Church Trustee
[ ] Conservator of Peace
[ ] Marriage Celebrant
[ ] Approval of Transfer of Structured Settlement
[ ] Bond Forfeiture Appeal
[X] Declaratory Judgment
[ ] Declare Death
[ ] Driving Privileges (select one)
[ ] Reinstatement pursuant to § 46.2-427
[ ] Restoration - Habitual Offender or 3rd Offense
[ ] Expungement
[ ] Firearms Rights - Restoration
[ ] Forfeiture of Property or Money
[ ] Freedom of Information
[ ] Injunction
[ ] Interdiction
[ ] Interrogatory
[ ] Judgment Lien-Bill to Enforce
[ ] Law Enforcement/Public Official Petition
[ ] Name Change
[ ] Referendum Elections
[ ] Sever Order
[ ] Taxes (select one)
[ ] Correct Erroneous State/Local
[ ] Delinquent
[ ] Vehicle Confiscation
[ ] Voting Rights - Restoration
[ ] Other (please specify)

[ ] Damages in the amount of \$ ..... are claimed.

2/25/2026

DATE

[Handwritten Signature]

[ ] PLAINTIFF [ ] DEFENDANT [X] ATTORNEY FOR [X] PLAINTIFF [ ] DEFENDANT

Timothy Anderson

PRINT NAME

2492 N Landing Rd 104

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

Virginia Beach VA 23456

timanderson@virginialawoffice.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

\*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF LYNCHBURG**

**CITY OF LYNCHBURG, VIRGINIA,**

a municipal corporation of the Commonwealth of Virginia,

Plaintiff,

v.

Civil Action No. \_\_\_\_\_

**STEVEN KOSKI**, in his official capacity as

Commissioner of Elections of the Commonwealth of Virginia;

**VIRGINIA STATE BOARD OF ELECTIONS;**

**VIRGINIA DEPARTMENT OF ELECTIONS,**

Defendants

- And -

**DAN PENSE,**

in his official capacity as General Registrar  
of the City of Lynchburg,

Necessary Party.

**COMPLAINT FOR DECLARATORY JUDGMENT**

**AND LIMITED TEMPORARY RELIEF**

Plaintiff, the City of Lynchburg (“City”), by counsel, pursuant to Virginia Code § 8.01-184 et seq., states as follows:

**I. INTRODUCTION**

1. This action seeks judicial clarification of the City’s and its General Registrar’s legal duties and obligations in administering the April 21, 2026 constitutional referendum in light of the February 19, 2026 Temporary Restraining Order entered by the Circuit Court of Tazewell County in Civil Action No. CL26-266 (“Tazewell TRO”).
2. The City does not seek to invalidate the referendum, relitigate the Tazewell proceedings, or enjoin the Commonwealth from conducting elections.

3. On February 19, 2026, the Circuit Court of Tazewell County entered a Temporary Restraining Order in Civil Action No. CL26-266 providing, in relevant part, that:

“All Defendants are Temporarily Restrained in their official capacities from administering, preparing for, taking any action to further the procedure of the referendum, or otherwise moving forward with causing an election to be held on the proposed constitutional amendment...”

The order is attached as Exhibit A

4. The City seeks a declaration resolving whether, given the Tazewell TRO and subsequent actions by the Virginia Department of Elections (“ELECT”), the City and its Registrar are legally required or permitted to proceed with specific statutory election preparation duties that must be performed within days.
5. The City faces imminent statutory deadlines and substantial fiscal obligations under Title 24.2 of the Code of Virginia.
6. Absent prompt judicial clarification, the City must either:
  - (a) Expend substantial public funds and undertake statutory election actions under legal uncertainty; or
  - (b) Refrain from action and risk violation of mandatory statutory deadlines.
7. This constitutes a present, actual, and justiciable controversy appropriate for declaratory relief under Virginia Code § 8.01-184.

## **II. JURISDICTION AND VENUE**

7. This Court has jurisdiction under Virginia Code § 8.01-184 because the City’s legal rights, duties, and fiscal obligations are directly affected by the interaction between the Tazewell TRO and Title 24.2 of the Code of Virginia.
8. The controversy is not hypothetical. Statutory preparation deadlines fall within days, and vendor lead times require immediate action.
9. Venue is proper in this Court because the City is located herein and the controversy concerns the administration of elections within this jurisdiction.

## **III. PARTIES**

10. Plaintiff City of Lynchburg is a municipal corporation of the Commonwealth of Virginia.

11. Pursuant to Virginia Code § 24.2-600, the City bears responsibility for funding the cost of conducting elections within its jurisdiction, including facilities, staffing, security, and operational expenditures.
12. Defendant Steven Koski is the Commissioner of Elections of the Commonwealth of Virginia and is sued in his official capacity.
13. Defendant Virginia State Board of Elections is the state entity responsible for supervision of election administration under Title 24.2.
14. Defendant Virginia Department of Elections provides ballot systems, voting equipment programming, voter registration systems (including VERIS), and statewide coordination necessary for local election administration.
15. Dan Pense, in his official capacity as General Registrar of the City of Lynchburg, is joined as a necessary party pursuant to Virginia Code § 8.01-184, as his statutory duties and legal obligations are directly implicated by the declaratory relief sought herein. The City seeks no affirmative relief against him.

#### **IV. FACTUAL ALLEGATIONS**

16. The General Assembly scheduled a constitutional referendum for April 21, 2026.
17. Early voting for the referendum is scheduled to begin March 6, 2026.
18. On February 19, 2026, the Tazewell County Circuit Court entered a Temporary Restraining Order restraining the Commissioner of Elections, the Virginia State Board of Elections, and the Virginia Department of Elections from “administering, preparing for, taking any action to further the procedure of the referendum, or otherwise moving forward with causing an election to be held on the proposed constitutional amendment.”
19. On February 20, 2026, ELECT issued an advisory instructing localities to pause issuing ballots for the April 21 special election.
20. On February 24, 2026, ELECT withdrew that advisory; however, operational limitations affecting referendum-related preparations remain.
21. The City’s General Registrar has sworn under oath that referendum-specific preparations remain frozen due to unavailability of required software and vendor programming services. Exhibit B and Exhibit C.
22. Logic and Accuracy testing previously scheduled was canceled.
23. Scanner and tabulator programming remains unavailable.

24. Virginia Code § 24.2-306(B) requires that notice of polling place changes be mailed to affected registered voters at least thirty (30) days before the election.
25. Approximately 5,000 registered voters must receive such notice.
26. To meet the March 22, 2026 mailing deadline, vendor processing must begin immediately due to a two-to-three-week lead time.
27. ELECT retains exclusive control over software necessary to generate such notices.
28. The City estimates total referendum-related expenditures between \$90,000 and \$120,000, with \$10,000 to \$15,000 in immediate preparatory costs.
29. The Registrar remains prepared to comply with all lawful directives once clarity is provided reconciling statutory deadlines and the Tazewell TRO.
30. The City faces imminent fiscal and statutory exposure that cannot be deferred until after appellate proceedings in unrelated litigation.

## **V. COUNT I – DECLARATORY JUDGMENT**

(Effect of Tazewell TRO on Local Administrative Duties)

30. The City incorporates the foregoing paragraphs.
31. The Tazewell TRO restrains state election officials from preparing for the referendum.
32. The Department of Elections controls systems and programming necessary for local compliance with Title 24.2.
33. A present controversy exists regarding whether, in light of the Tazewell TRO and ELECT's operational posture, the City and its General Registrar are legally required, permitted, or prohibited from proceeding with:
  - (a) Absentee ballot preparation;
  - (b) Voting equipment programming;
  - (c) Logic and Accuracy testing;
  - (d) Polling place change notifications;
  - (e) Expenditure of local funds for referendum-related preparation.
34. The City seeks a declaration clarifying its legal obligations under these circumstances.

## **VI. COUNT II – DECLARATORY JUDGMENT**

(Interaction Between Constitutional and Statutory Timing Requirements)

35. Article XII, Section 1 of the Constitution of Virginia provides that no constitutional amendment shall be submitted to voters sooner than ninety days after final legislative passage.
36. Title 24.2 establishes statutory deadlines for early voting and related election preparations.
37. A concrete legal question exists whether, if constitutional timing requirements conflict with statutory early voting timelines, the City must proceed under Title 24.2 or defer action pending judicial clarification.
38. The City seeks a declaration resolving this conflict solely for the purpose of determining its present administrative duties.

## **VII. COUNT III – DECLARATORY JUDGMENT**

(City Fiscal Obligations and Authority)

39. Pursuant to § 24.2-600, the City funds local election operations.
40. The City seeks a declaration whether it may lawfully pause or condition expenditure of municipal resources for referendum-specific preparations pending judicial clarification of its duties.

## **VIII. LIMITED TEMPORARY RELIEF**

41. The City incorporates the foregoing paragraphs.
42. The City does not seek to halt the referendum statewide.
43. The City seeks narrowly tailored temporary relief only if necessary to preserve the status quo and prevent the City and its officials from being compelled to act in a manner that may violate a court order or constitutional provision pending final declaratory judgment.
44. The City faces irreparable harm in the form of unrecoverable public expenditures and exposure to statutory noncompliance.
45. The balance of equities favors clarification before irreversible municipal action occurs.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff City of Lynchburg respectfully requests that this Court enter judgment in its favor and grant the following relief:

A. Declare whether and to what extent the Temporary Restraining Order entered by the Circuit Court of Tazewell County on February 19, 2026, in Civil Action No. CL26-266, directly affects or binds the City of Lynchburg and its General Registrar in their official capacities, including in light of the State Board of Elections' and Department of Elections' statutory roles under Title 24.2 of the Code of Virginia;

B. Declare whether the City of Lynchburg and its General Registrar are legally required to proceed with preparations for early voting, absentee ballot issuance, voting-machine programming, Logic and Accuracy testing, polling place change notifications, and other administrative actions for the April 21, 2026 referendum, in light of the Tazewell Temporary Restraining Order and the absence or limitation of statewide operational support;

C. Declare the City's and the General Registrar's duties and obligations under Article XII, Section 1 of the Constitution of Virginia, including the ninety-day waiting period for submission of constitutional amendments, and under Title 24.2 of the Code of Virginia, and specifically whether statutory deadlines governing early voting and election preparations must yield to constitutional timing requirements or to the effect of the Tazewell Temporary Restraining Order;

D. Declare whether the City of Lynchburg may lawfully withhold, pause, condition, or defer the use of City-owned facilities, municipal personnel, financial resources, or other municipal assets for referendum-related activities pending judicial clarification or resolution of the Tazewell Temporary Restraining Order;

E. Grant limited temporary injunctive relief, if necessary, narrowly tailored to preserve the status quo, and to prevent the City or its officials from taking actions that could violate the Tazewell Temporary Restraining Order or expose the City to legal liability, pending final declaratory judgment or resolution by the Supreme Court of Virginia;

F. Award costs and reasonable attorney's fees if available under applicable law<sup>1</sup>; and

G. Grant such other and further relief as the Court deems just and proper.

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<sup>1</sup> Counsel for the Plaintiff is handling this request pro bono – and this request is included per the Resolution of the City Council.

Respectfully submitted,  
CITY OF LYNCHBURG, VIRGINIA



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Counsel

Timothy Anderson

Anderson & Associates PC

2492 N. Landing Rd 104

Virginia Beach VA 23456

757-301-3636 Tel

757-301-3640 Fax

VSF 43803

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25 day of February, 2026, a true and accurate copy of the foregoing **Complaint for Declaratory Judgment and Limited Temporary Relief and Motion for Expedited Consideration** was served as follows:

**Via Electronic Mail (Courtesy Copy Only)**

Office of the Solicitor General  
SolicitorGeneral@oag.state.va.us

Civil Litigation Division  
CivilLitigation@oag.state.va.us

Respectfully submitted,  
CITY OF LYNCHBURG, VIRGINIA



---

Counsel

Timothy Anderson  
Anderson & Associates PC  
2492 N. Landing Rd 104  
Virginia Beach VA 23456  
757-301-3636 Tel  
757-301-3640 Fax  
VSB 43803

VIRGINIA:

IN THE CIRCUIT COURT OF TAZEWELL COUNTY

REPUBLICAN NATIONAL COMMITTEE, )  
NATIONAL REPUBLICAN )  
CONGRESSIONAL COMMITTEE, BEN )  
CLINE, U.S. Representative for Virginia's )  
Sixth Congressional District, and MORGAN )  
GRIFFITH, U.S. Representative for )  
Virginia's Ninth Congressional District, )

Plaintiffs, )

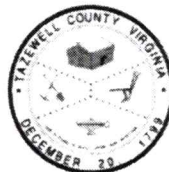
v. )

Civil Action No.: CL26-266

STEVEN KOSKI, in his official capacity as )  
Commissioner of the Virginia Department of )  
Elections, VIRGINIA DEPARTMENT OF )  
ELECTIONS, JOHN O'BANNON, in his )  
official capacity as Chairman of the Virginia )  
State Board of Elections, ROSALYN R. )  
DANCE, in her official capacity as )  
Vice-Chairman of the Virginia State Board of )  
Elections, GEORGIA ALVIS-LONG, in her )  
official capacity as Secretary of the Virginia )  
State Board of Elections, CHRISTOPHER P. )  
STOLLE, in his official capacity as Board )  
Member of the Virginia State Board of )  
Elections, J. CHAPMAN PETERSEN, in his )  
official capacity as Board Member of the )  
Virginia State Board of Elections, VIRGINIA )  
STATE BOARD OF ELECTIONS, BRIAN )  
EARLS, in his Official capacity as the General )  
Registrar for Tazewell County, IRMA )  
MITCHELL, in her Official capacity as )  
Chairman of the Tazewell County Electoral )  
Board, JANE SORENSEN, in her official )  
capacity as Vice Chairman of the Tazewell )  
County Electoral Board, and JAMES )  
MCDONALD, Secretary of the Tazewell )  
County Electoral Board, )

Defendants. )

**ORDER**



A TRUE COPY - TESTE  
CHARITY D. HURST, CLERK

BY: *Carolyn Moore* \_\_\_\_\_ DC  
Carolyn Moore, Deputy Clerk  
Electronic Certificate made  
pursuant to Sec. 17.1-258.3.2

On the 19<sup>th</sup> day of February, 2026 came the Plaintiffs, by and through Counsel, and came the Defendants, by and through Counsel, upon the filing of an Injunction and other requests, upon Notice of Emergency Motion for a Temporary Restraining Order, upon a Motion for an Emergency Restraining Order, upon the Notice of Constitutional Challenge and Memorandum of Law, and upon the Notice of Tender all of which were filed on 18<sup>th</sup> of February, 2026; and upon the same being discussed and argued by respective Counsel;

And further upon service being made upon The Virginia Department of Elections, the Virginia State Board of Elections, Georgia Alvis-Long, John O'Bannon, Rosalyn R. Dance, Steve Koski, and Christopher P. Stolle in their respective capacities and the returns of the same being filed with the Clerk of Court on the 18<sup>th</sup> of February, 2026;

WHEREAS, the Plaintiffs filed this cause of action on the 18<sup>th</sup> of February, 2026 and specifically, but not exclusively, prayed for emergency and immediate injunctive relief for the reasons stated in the Complaint and Memorandum of Law in addition to the other pleadings;

WHEREAS, the Plaintiffs filed a Notice the request for temporary injunctive relief on the 18<sup>th</sup> day of February, 2026;

WHEREAS, at 12:00 p.m. (noon), in the Circuit Court of Tazewell County, Virginia, the Plaintiffs were present by counsel and the Defendants were present by Counsel for the Attorney General of Virginia;

WHEREAS, the local parties of Tazewell County; to-wit: Brian Earls, Registrar, Irma Mitchell, Jane Sorensen, and James McDonald, Tazewell County Electoral Board members, were present in person, and by counsel;

WHEREAS, it appeared that no other parties or persons with interest were present or consented to the jurisdiction of the Court;

WHEREAS, the Court heard and considered arguments presented by Counsel for the Plaintiffs and Counsel for the Attorney General of Virginia as it related to the request for an Emergency Injunction;

WHEREAS, upon the review of the Complaint previously mentioned, the other pleadings in this matter; upon the consideration of the arguments presented; the Court FINDS as follows:

Having considered the Plaintiffs' Emergency Motion for Temporary Restraining Order and the briefing, record, oral argument at the February 19, 2026 hearing, and pertinent authorities, the Court finds that Plaintiffs are entitled to a temporary restraining order pending a hearing on Plaintiffs' Motion for Preliminary Injunction or other motions that may come before the Court after proper and timely notice to all parties herein.

Having previously found that House Joint Resolution 6007 is "VOID AB INITIO" and even if it "HAD been valid," no "NEXT ENSUING GENERAL ELECTION OF THE MEMBERS OF THE HOUSE OF DELEGATES" has occurred as required by Article XII, Section 1 of Virginia's Constitution, and that the amendment process violated Section 30-13 of the Virginia Code, *McDougle v. Nardo*, No. CL25-1582-00, 2026 WL 243908, \*\*2-4 (Va. Cir. Ct. Jan. 27, 2026), the Court finds that Plaintiffs have an extraordinarily high likelihood of success on the merits. Moreover, the Court finds that Plaintiffs are also likely to succeed on the merit of their claim that the referendum on the proposed amendment violates the timing requirement of Article XII, Section 1 because early voting is set for "sooner than 90 days after" the January passage of House Joint Resolution 4. The

Court also finds that Plaintiffs are likely to succeed on their claim that the ballot language as set by HB 1384 violates the Submission Clause of Article XII, Section 1 of Virginia's Constitution because it is misleading, in particular the "restore fairness" language because it would lead a voter to believe he or she were doing something unfair by voting against the proposed amendment.

The Court also finds that the equities weigh in favor of injunctive relief. The Court finds that Plaintiffs will be irreparably harmed absent injunctive relief because of the numerous violations of the constitutional amendment process and because Congressmen Cline and Griffith would be irreparably harmed by their districts changing at this juncture.

The Court finds that the equities of this case warrant temporary relief "for the limited purpose of preserving the status quo between the parties pending a hearing on a motion for a preliminary injunction," and that "adequate notice to opposing parties has been given by the movant." Va. Sup. Ct. R. 3:26(b).

In addition, the Court denies Defendants' procedural objections *in toto*. Transfer is not warranted in this case because venue is proper in this Court under Va. Code §8.01-261(2) and under Va. Code §8.01-261(15)(c), and because HB 1384's transfer-of-venue provision is an unconstitutional "special" law under Article IV, Section 14, and could not take effect in any event before July 1, 2026 because it is not a "general appropriation law" and is not "emergency" legislation enacted "by a vote of four-fifths of the members voting in each house." Va. Const., art. IV, section 13.

Further, staying this case, or dismissing this case, and the relief requested therein in favor of the appeal in the *McDougle* case pending at the Supreme Court of Virginia is unwarranted because this is a different case with different plaintiffs and different

defendants concerning a different statute (HB 1384) and a different issue (the propriety of the referendum) than are before the Court in the *McDougle* case.

The Court, therefore:

1. **DENIES** Commonwealth of Virginia Defendants' Motion/Objection to Transfer Venue;

2. **DENIES** Commonwealth of Virginia Defendants Motion to Stay pending appeal of *McDougle v. Nardo*.

3. **GRANTS** Plaintiffs' Emergency Motion for Temporary Restraining Order and **ORDERS** the following:

All Defendants are **TEMPORARILY RESTRAINED** in their official capacities from administering, preparing for, taking any action to further the procedure of the referendum, or otherwise moving forward with causing an election to be held on the proposed constitutional amendment contained in House Joint Resolution 6007, Gen. Assemb., Spec. Sess. (Va. 2025).

Brian Earls, Registrar, and the other named Electoral Board members are **TEMPORARILY RESTRAINED AND ENJOINED** in their official capacities, as defined in Title 24.2, Chapter 1, Article 3 of the Code of Virginia (1950), as amended, from administering, preparing for, taking any action to further the procedure of the referendum, or otherwise moving forward with causing an election to be held on the proposed constitutional amendment contained within House Joint Resolution 6007, Gen. Assmb., Spec. Sess. (Va. 2025). All other duties, functions, responsibilities, and obligations as it relates to other functions of the local Registrar

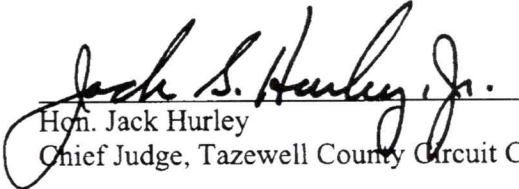
and local Electoral Board members shall neither be impacted nor prohibited by this Order.

This emergency injunction order shall be effective from February 19, 2026, the entry date of this Order, until March 18, 2026, at which time it shall stand dissolved unless prior thereto it shall have been enlarged, modified, or a further injunction shall have been granted by further Order of this Court; and,

The Clerk of the Circuit Court of Tazewell County, Virginia SHALL forward an attested copy of this Order to all counsel of record and to all Defendants in their respective capacities. Further, given that service of process has not been effectuated on all Defendants, specifically the local Registrar and the local Electoral Board Members, the Court SHALL also continue this matter on the Court's active docket until such time as proper returns of service on all Defendants are filed with the Court before scheduling any further hearing or proceeding on this matter.

4. **DENIES** Commonwealth Defendants' Motion to Stay the Temporary Restraining Order pending appeal.

ENTERED this 19th day of February, 2026.

  
Hon. Jack Hurley  
Chief Judge, Tazewell County Circuit Court

SEEN and OBJECTED TO: for the reasons set forth during oral argument on February 19, 2026.

A handwritten signature in black ink, appearing to read 'Pebbles L. Burgess', written over a horizontal line.

Pebbles L. Burgess\* (VSB No. 74817)

Jay Jones  
Attorney General of Virginia

Gretchen E. Nygaard  
Deputy Attorney General

Pebbles L. Burgess\* (VSB No. 74817)  
Senior Assistant Attorney General  
Office of the Virginia Attorney General  
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Abingdon, VA 24211  
Telephone: (276) 628-1786  
Facsimile: (276)-628-4375  
Email: pburgess@oag.state.va.us  
\*Counsel of Record for Defendant

COMMONWEALTH OF VIRGINIA  
CITY OF LYNCHBURG

I, Dan Pense, being first duly sworn, depose and state as follows:

1. I am the duly appointed and acting General Registrar for the City of Lynchburg, Virginia.
2. Since the issuance of the injunction by the Tazewell County Circuit Court on February 19, 2026 (referred to as "Tazewell 2"), the Department of Elections has provided insufficient guidance regarding the April 21, 2026 redistricting referendum and the injunction's impact on it. While an email issued today clarified the Department's position that the ruling in Tazewell only applied to the named defendants, it did not provide further guidance or direction on how to move forward with needed preparation tasks for the April 21, 2026 referendum.
3. Critical referendum-specific preparations remain frozen due to the unavailability of the software provided to the registrar by the Department of Election that are required by statute as part of the referendum.
4. Specifically, the office is unclear whether it can proceed with preparation for key statutory requirements, including generation of the absentee ballot printer materials (due February 25, 2026, for March 6 mailing), ballot printing and mailed absentee processing. These items plus other costs to the City for this election are estimated to cost between 90-120 thousand dollars, of which 10-15 thousand dollars are slated to be spent in that preparation.
5. Logic and Accuracy testing for 2/24 has been canceled, and scanner/tabulator programming is unavailable at this time likely due to vendor compliance with the injunction. The office needs to reschedule L&A testing prior to early voting by statute if the referendum ultimately goes forward as previously scheduled, but no advice from the Department of Elections has been provided.
6. The City has established a new polling place for one or more precincts. Virginia Code § 24.2-306(B) requires mailing notice of this change to all affected registered voters (approximately 5,000) at least 30 days before the election.
7. To meet the requirements of Virginia Code § 24.2-306(B) (see Paragraph 9), the mailed notice must be generated and sent by March 22nd, 2026. Vendor processing and mailing requires a lead time of approximately two to three weeks, meaning preparation must begin immediately to meet the March 22, 2026 deadline.
8. The Virginia Department of Elections (ELECT) has exclusive control over the required notice generation mentioned in Paragraphs 9 and 10. ELECT is currently under an operational freeze for referendum-related activities. This freeze stems from the recent Tazewell 2 ruling and the accompanying injunction. Under information and belief,

ELECT cannot or will not respond to requests regarding the required notice generation as it implicates referendum-related operations.

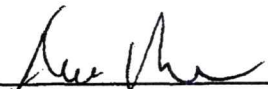
9. On February 20<sup>th</sup> the Department of Election issued the following advisory: "Please pause issuing any ballots for the April 21 special election until further notice."

10. The Virginia Department of Elections on February 24<sup>th</sup> issued an advisory reversing the advisory on February 20<sup>th</sup> as follows: "The request to pause sent on February 20 is withdrawn."

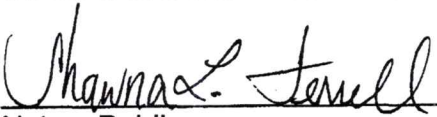
11. Since February 20<sup>th</sup> ELECT has been unresponsive to specific calls and requests for guidance or clarification on how to reconcile the injunction with these statutory notice obligations. No specific authorization or technical support has been provided to enable the polling place change notifications in VERIS or related systems.

12. The Registrar's office remains prepared to proceed with all required preparations, including the statutory mailing of polling place change notices, absentee ballot processing, and other referendum functions, once lawful direction is provided that reconciles the injunction, constitutional considerations, and statutory election timelines.

The foregoing statements are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Dan Pense  
General Registrar, City of Lynchburg

Sworn to and subscribed before me this 24<sup>th</sup> day of February, 2026.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires June 30, 2029

SHAWNA L. FERRELL  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #247825  
My Commission Expires 06.30.2029

EXHIBIT C  
AFFIDAVIT OF PATRICIA JONES

COMMONWEALTH OF VIRGINIA  
CITY OF LYNCHBURG

I, Patricia Jones, being first duly sworn, depose and state as follows:

1. I am the duly appointed and acting General Registrar for the City of Lynchburg, Virginia.
2. Since the issuance of the injunction by the Tazewell County Circuit Court on February 19, 2026 (referred to as "Tazewell 2"), the Department of Elections has provided insufficient guidance regarding the April 21, 2026 redistricting referendum and the injunction's impact on it. While an email issued today clarified the Department's position that the ruling in Tazewell only applied to the named defendants, it did not provide further guidance or direction on how to move forward with needed preparation tasks for the April 21, 2026 referendum.
3. Critical referendum-specific preparations remain frozen due to the unavailability of the software provided to the registrar by the Department of Election that are required by statute as part of the referendum.
4. Specifically, the office is unclear whether it can proceed with preparation for key statutory requirements, including generation of the absentee ballot printer materials (due February 25, 2026, for March 6 mailing), ballot printing and mailed absentee processing. These items plus other costs to the City for this election are estimated to cost between 90-120 thousand dollars, of which 10-15 thousand dollars are slated to be spent in that preparation.
5. Logic and Accuracy testing for 2/24 has been canceled, and scanner/tabulator programming is unavailable at this time likely due to vendor compliance with the injunction. The office needs to reschedule L&A testing prior to early voting by statute if the referendum ultimately goes forward as previously scheduled, but no advice from the Department of Elections has been provided.
6. The City has established a new polling place for one or more precincts. Virginia Code § 24.2-306(B) requires mailing notice of this change to all affected registered voters (approximately 5,000) at least 30 days before the election.
7. To meet the requirements of Virginia Code § 24.2-306(B) (see Paragraph 9), the mailed notice must be generated and sent by March 22nd, 2026. Vendor processing and mailing requires a lead time of approximately two to three weeks, meaning preparation must begin immediately to meet the March 22, 2026 deadline.
8. The Virginia Department of Elections (ELECT) has exclusive control over the required notice generation mentioned in Paragraphs 9 and 10. ELECT is currently under an operational freeze for referendum-related activities. This freeze stems from the recent Tazewell 2 ruling and the accompanying injunction. Under information and belief,

ELECT cannot or will not respond to requests regarding the required notice generation as it implicates referendum-related operations.

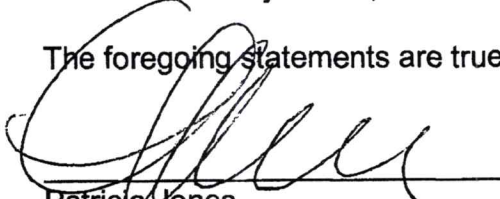
9. On February 20<sup>th</sup> the Department of Election issued the following advisory: "Please pause issuing any ballots for the April 21 special election until further notice."

10. The Virginia Department of Elections on February 24<sup>th</sup> issued an advisory reversing the advisory on February 20<sup>th</sup> as follows: "The request to pause sent on February 20 is withdrawn."

11. Since February 20<sup>th</sup> ELECT has been unresponsive to specific calls and requests for guidance or clarification on how to reconcile the injunction with these statutory notice obligations. No specific authorization or technical support has been provided to enable the polling place change notifications in VERIS or related systems.

12. The Registrar's office remains prepared to proceed with all required preparations, including the statutory mailing of polling place change notices, absentee ballot processing, and other referendum functions, once lawful direction is provided that reconciles the injunction, constitutional considerations, and statutory election timelines.

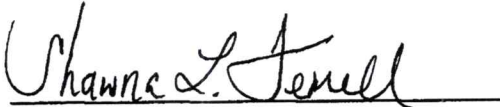
The foregoing statements are true and correct to the best of my knowledge and belief.



Patricia Jones

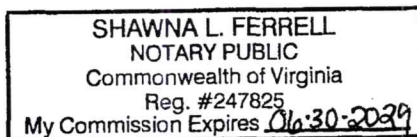
Incoming Registrar/Director of Elections, City of Lynchburg

Sworn to and subscribed before me this 24<sup>th</sup> day of February, 2026.



Notary Public

My Commission Expires: June 30, 2029



**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF LYNCHBURG**

**CITY OF LYNCHBURG, VIRGINIA,**

a municipal corporation of the Commonwealth of Virginia,

Plaintiff,

v.

Civil Action No. \_\_\_\_\_

**STEVEN KOSKI**, in his official capacity as

Commissioner of Elections of the Commonwealth of Virginia;

**VIRGINIA STATE BOARD OF ELECTIONS;**

**VIRGINIA DEPARTMENT OF ELECTIONS,**

Defendants.

**MOTION FOR EXPEDITED CONSIDERATION**

Plaintiff City of Lynchburg, by counsel, respectfully moves this Court for expedited consideration of its Complaint for Declaratory Judgment and Limited Temporary Relief and, in support thereof, states as follows:

1. This action seeks judicial clarification of the City's and its General Registrar's immediate legal duties in administering the April 21, 2026 constitutional referendum.
2. The City faces imminent statutory deadlines under Title 24.2 of the Code of Virginia, including:
  - (a) Preparation and programming of voting equipment;
  - (b) Logic and Accuracy testing;
  - (c) Absentee ballot preparation;
  - (d) Mailing of polling place change notices required by Virginia Code § 24.2-306(B), which must be sent no later than March 22, 2026.
3. Vendor processing and mailing lead times require action within days in order to comply with statutory mandates.
4. The City also faces immediate fiscal exposure, with estimated referendum-related costs between \$90,000 and \$120,000, including \$10,000 to \$15,000 in imminent expenditures.
5. The controversy arises from the February 19, 2026 Temporary Restraining Order entered by the Circuit Court of Tazewell County and the resulting operational posture of the Virginia Department of Elections.

6. Absent prompt judicial clarification, the City must either:
  - (a) Proceed with expenditures and statutory actions under legal uncertainty; or
  - (b) Delay action and risk violation of mandatory statutory deadlines.
7. The City does not seek to enjoin the statewide referendum. It seeks only clarification of its own legal duties and, if necessary, narrowly tailored temporary relief to preserve the status quo pending declaratory judgment.
8. Given the compressed election calendar and statutory deadlines, expedited consideration is necessary to prevent irreparable municipal harm and to ensure orderly election administration.

WHEREFORE, the City respectfully requests that this Court:

- Set an expedited briefing schedule;
- Schedule a hearing at the earliest practicable date;
- Grant such further relief as the Court deems appropriate.

Respectfully submitted,  
CITY OF LYNCHBURG, VIRGINIA



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Counsel

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Virginia Beach VA 23456  
757-301-3636 Tel  
757-301-3640 Fax  
VSB 43803

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF LYNCHBURG**

**CITY OF LYNCHBURG, VIRGINIA,**

a municipal corporation of the Commonwealth of Virginia,

Plaintiff,

v.

Civil Action No. \_\_\_\_\_

**STEVEN KOSKI**, in his official capacity as

Commissioner of Elections of the Commonwealth of Virginia;

**VIRGINIA STATE BOARD OF ELECTIONS;**

**VIRGINIA DEPARTMENT OF ELECTIONS,**

Defendants.

**MEMORANDUM IN SUPPORT OF**

**MOTION FOR EXPEDITED CONSIDERATION**

**I. INTRODUCTION**

This case presents a narrow but urgent question: what are the City's present legal duties under Title 24.2 of the Code of Virginia in light of the February 19, 2026 Temporary Restraining Order entered by the Circuit Court of Tazewell County?

The City does not seek to relitigate the merits of the referendum. It seeks only clarity regarding whether it must proceed with specific statutory preparation duties that require immediate action.

The election calendar does not pause while litigation proceeds elsewhere. Statutory deadlines are fixed. Vendor lead times are fixed. Fiscal obligations are real and imminent.

Expedited consideration is therefore necessary.

**II. LEGAL STANDARD**

Virginia courts possess inherent authority to manage their dockets and to expedite matters where circumstances require prompt adjudication.

Expedited relief is appropriate where:

- A controversy is immediate and concrete;
- Statutory deadlines are imminent;
- Delay would cause irreparable harm; and
- The relief sought is limited and narrowly tailored.

This case satisfies each factor.

### **III. IMMEDIATE STATUTORY DEADLINES**

The General Registrar must comply with mandatory statutory requirements, including:

- Virginia Code § 24.2-306(B), requiring polling place change notices be mailed at least 30 days before the election (March 22, 2026);
- Equipment programming and Logic & Accuracy testing prior to early voting;
- Absentee ballot preparation deadlines preceding March 6, 2026.

Vendor lead times require preparation to begin immediately.

Without judicial clarification, the City faces the risk of statutory noncompliance or unlawful expenditure.

### **IV. FISCAL EXPOSURE**

Under Virginia Code § 24.2-600, the City funds local election operations.

The City estimates total referendum-related costs between \$90,000 and \$120,000, with immediate preparatory expenditures between \$10,000 and \$15,000.

Public funds should not be expended under unresolved legal conflict where prompt judicial clarification is available.

### **V. NARROWNESS OF RELIEF REQUESTED**

The City does not seek to halt the referendum.

It seeks only:

- A declaration clarifying its legal duties; and

If necessary, limited temporary relief preserving the status quo pending such declaration.  
This limited posture supports expedited consideration.

## **VI. BALANCE OF EQUITIES**

Delay harms the City through:

Irrecoverable fiscal expenditure;

Exposure to statutory violation;

Administrative disruption.

Expedited consideration imposes minimal burden and promotes orderly election administration.

## **VII. CONCLUSION**

Given the imminent deadlines and concrete municipal exposure, the City respectfully requests that the Court enter an expedited scheduling order and set this matter for hearing at the earliest practicable date.

Respectfully submitted,  
CITY OF LYNCHBURG, VIRGINIA



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Counsel

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757-301-3640 Fax  
VSB 43803

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25 day of February, 2026, a true and accurate copy of the foregoing **Motion and Memorandum for Expedited Consideration** was served as follows:

**Via Electronic Mail (Courtesy Copy Only)**

Office of the Solicitor General  
SolicitorGeneral@oag.state.va.us

Civil Litigation Division  
CivilLitigation@oag.state.va.us

Respectfully submitted,  
CITY OF LYNCHBURG, VIRGINIA



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Counsel

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